

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Ross Moffatt – Team Leader

FROM Cosette Saville - Planner

DATE 02 June 2020





SUBJECT **Plan Change 17 to the Auckland Unitary Plan (AUP)
Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Make Plan Change 17: Improving consistency of provisions for the GIS Viewer Operative in full	
Chapter	Chapter I – Precincts and the AUP GIS Viewer
Section	<ul style="list-style-type: none"> - I211 Viaduct Harbour Precinct - I412 Flat Bush - I438 Takanini Precinct - I441 Whitford Precinct - I529 Orewa 1 - I539 Smales 2 - Hingaia 3 - GIS Viewer
Changes to text (shown in underline and strikethrough)	<p>Remove all plan change annotations.</p> <p>Update the text as per PC 17 Decision and appeal consent order:</p> <ul style="list-style-type: none"> - I211.4.1 Viaduct Harbour Precinct: Activity table <p>Please refer to Attachment 3.</p>
Changes to diagrams	<p>Remove all plan change annotations.</p> <p>Update the following maps as per PC 17 Decision and appeal consent order:</p> <ul style="list-style-type: none"> - I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts - I412.10.1. Flat Bush: Precinct plan 1 - Sub-precincts Boundary - I438.10.1. Takanini Precinct: Precinct plan 1 - I441.10.1. Whitford Precinct: Precinct plan 1 - I441.10.2. Whitford Precinct: Precinct plan 2 - vegetation management - I441.10.3 Whitford Precinct: Precinct plan 3 - coastal and scenic amenity - I441.10.4. Whitford Precinct: Precinct plan 4 - location of road corridor - I529.10.1 Orewa 1: Precinct plan 1 - I539.10.1. Smales 2: Precinct plan 1 - 6.33 Hingaia 3 - 10. Precinct Plans Figure 2 - Structure Plan <p>Please refer to Attachment 3.</p>
Changes to spatial data	<p>Remove all plan change annotations.</p> <p>Update the GIS Viewer as per PC 17 Decision and appeal consent order:</p>

	Please refer to Attachment 4 .
Attachments	Attachment 1 – PC 17 Decision Attachment 2 – Appeal Consent Order ENV-2019-AKL-000146 Attachment 3 – Updated Text Attachment 4 – Updated GIS Viewer

Prepared by: Cosette Saville Planner	Text prepared by: Sophia Coulter Planning Tech
Signature: 	Signature: 
Maps prepared by: Dean Thompson Senior Geospatial Analyst	Reviewed by: Cosette Saville Planner
Signature: 	Signature: 
Signed off by: Ross Moffatt Team Leader	
Signature: 	

Attachment 1 – PC 17 Decision

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



This decision is made pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991.

This Council-initiated Proposed Plan Change 17: Introducing amendments in the Viewer of the Auckland Unitary Plan (Operative in part) to address identified technical mapping anomalies only and to retain the current policy direction of the plan is approved, other than as set out below.

Plan modification number:	Plan Change 17 (PC17)
Type of Plan Change	Council initiated
Hearing commenced:	Thursday 9 May 2019, 9.30am
Hearing panel:	Rebecca Macky (Chairperson) Alan Watson Karyn Kurzeja
Appearances:	<p><u>For the Submitters:</u> Kiwi Rail – evidence tabled Transpower New Zealand Limited – evidence tabled Johanna Emeney, appearing for herself Auckland Airport - Greg Osborne, Consultant Planner - Emma Howie – Manager Statutory Planning Levante Ltd and Hingaia Holdings Ltd trading as Karaka Joint Venture - Stephen Havill, Consultant Planner Viaduct Harbour Holdings Limited appearing with Auckland Industrial Projects Limited - Anthony Blomfield, Consultant Planner - Angela Bull - Lawrence Flynn</p> <p><u>For Council:</u> Cosette Saville, Lead Report Author PC17 Sisira Jayasinghe, Planner Phill Reid, Manager, Planning Auckland-wide Rebecca Sanders, Principal Planner Matt Spiro, Principal Planner Waldo Randal, Senior Associate from DLA Piper Tanisha Hazelwood, Hearings Advisor</p>
Hearing adjourned	Thursday 9 May 2019 for site visits

Commissioners' site visits	Thursday 16 May 2019
Hearing Closed:	Thursday 16 May 2019

Amendments to the Auckland Unitary Plan provisions are attached as Appendix 1

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Rebecca Macky (Chair), Alan Watson and Karyn Kurzeja appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**the RMA or the Act**).
2. The Hearing Commissioners have been delegated full responsibility by Auckland Council's Regulatory Committee to consider all submissions and evidence and to determine the council's decisions on submissions on Plan Change 17. The Hearing Commissioners will not be making a recommendation to the council, but will be making a decision directly.
3. Plan Change 17 is a Council-initiated plan change.
4. As the Council was able to identify all of the persons directly affected by PC17,¹ the plan change was subject to limited notification on 29 November 2018 and at the close of the submission period on 31 January 2019 a total of 19 submissions had been received.
5. A summary of submissions was notified on 28 February 2019 for further submissions and at the closing date of 14 March 2019, a total of 2 further submissions were made on the plan change.

BACKGROUND

6. PC17 is one of a series of plan changes to address technical issues in the AUP. These plan changes follow on from *Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version*.
7. PC17 introduces amendments to the Viewer of the AUP to address identified technical mapping anomalies only. The current policy direction of the Auckland Unitary Plan (**AUP**) is retained.

Existing plan provisions

8. The decisions version of the proposed Auckland Unitary Plan (**PAUP Decision Version**) was notified in August 2016, with the AUP becoming operative in part on 15 November 2016.

¹ Paragraph 7.2 of the section 42A report

Proposed plan change provisions

9. The key objective of the proposed plan change is to address technical mapping anomalies in the Viewer of the AUP to ensure that:
 - the provisions of the AUP cascade vertically and horizontally;
 - the plan functions in the way it was intended; and
 - there is a high level of integration across the different chapters of the AUP.²
10. The proposed plan changes do not alter the outcomes of any of the objectives and policies of the AUP, nor do they make any amendments to the Regional Policy Statement in the AUP.

Immediate legal effect from the date of notification, 29 November 2018

11. Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect. Section 86B(1) states that “*a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified*”. Exceptions are provided for in section 86B(3).
12. One amendment fits within the exceptions in section 86B(3)(d) relating to the protection of historic heritage, and that is the provision amending the extent of the Sites and Places of Significance to Mana Whenua Overlay (037 Wiri Stonefields North) at 151 Wiri Station Road, Manurewa, 11 Pukaki Drive, Manurewa, and 220 Wiri Station Road, Manukau Central.

HEARING PROCESS

13. The hearing was held contemporaneously with the hearing on Plan Change 15.
14. Due to the limited number of submitters appearing at the hearing, the Commissioners did not require the pre-circulation of expert evidence. The Commissioners undertook site visits after the hearing, visiting sites relating to the submissions from Johanna Emeney and Viaduct Harbour Holdings Limited.
15. The hearing was closed after the Commissioners had satisfied themselves that they had all the information they required in order to make their decisions on PC15 and PC17.

Statutory context

16. As Commissioners, we must satisfy ourselves that the plan change has been prepared by Council “in the manner set out in Schedule 1” to the Act, including that any submission is ‘on point’ in terms of the plan change. If a submitter seeks

² Section 42A report, paragraph 4.11

changes to the proposed plan, then the submission should set out the specific amendments sought.

17. We must also be satisfied as to the council's jurisdiction to make changes to the plan arising from submissions.

The scope of Plan Change 17

18. The scope of PC17 is limited to addressing amendments in the Viewer of the AUP. These amendments relate to identified technical mapping anomalies only and are intended to retain the current policy direction of the plan.

19. The amendments proposed in PC17 are to:

- ensure the zoning of the site is consistent with surrounding sites;
- ensure the spatial application of zones and/or overlays has been applied correctly to the site, either wholly or partially;
- ensure that zone and precinct boundaries follow road or property boundaries;
- resolve identified inconsistencies in the mapping of controls and overlays; and
- resolve identified inconsistencies in the mapping of zones, overlays or precincts on certain sites within the Waitākere Ranges.³

Jurisdiction to make amendments arising from submissions

20. The right to lodge a submission in relation to a plan change using the 'standard process' (as here), is governed by the requirement to make that submission on the plan change.⁴

21. The Courts have developed a two-stage test to see whether a submission is on a plan change or not:⁵

- a. A submission must address the plan change itself, that is, it must address the alteration of the status quo brought about by that plan change; and

³ Section 42A report, paragraph 4.3

⁴ Clause 6(1) of Schedule 1 of the RMA

⁵ See *Clearwater Resort Ltd v Christchurch City Council* AP34/02, 14 March 2003, at [56] and *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290

- b. Whether there is a real risk that persons directly or potential directly affected by the additional changes proposed in the submission have been denied an effective response.⁶
22. In relation to the first test (the “dominant test”) the Court in *Motor Machinists* suggested asking the question: does the submission raise matters that should have been addressed in the section 32 RMA evaluation and report? If the answer is “yes” then the submission is unlikely be within scope.
23. Another question to be asked in relation to the first test is whether the management regime for a particular resource is altered by the plan change. If not, then a submission seeking a new management regime for that resource is unlikely to be within scope.⁷
24. In relation to the second test, the Court in the same case suggested that a “*submissional side wind*” which overrode the reasonable interests of people and communities would not be “*robust sustainable management*”⁸ and that given other options, a precautionary approach to the jurisdictional issue would be appropriate.
25. In considering whether a decision-making body has the jurisdiction to make a decision on matters raised in submissions, the Court has held that
- ... the paramount test is whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change .. this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.*⁹
26. In summary, we must consider the following jurisdictional issues:
- Whether each submission is on PC17; and
 - Whether any changes to the Unitary Plan are fairly or reasonably within the general scope of PC17 as notified, an original submission, or somewhere in between, bearing in mind whether affected persons may have been denied the right to be heard.

RELEVANT STATUTORY PROVISIONS CONSIDERED

27. The RMA sets out an extensive set of requirements which must be addressed when considering a plan change. These requirements are set out in the section 42A report and the section 32 assessment and we do not need to repeat these again in detail, noting that section 32 clarifies that analysis of efficiency and

⁶ Summarising the text of the section 42A report at paragraph 8.7

⁷ The two questions posed in relation to the first test are summarized in the section 42A report at paragraph 8.8

⁸ The Motor Machinists’ case, summarised at paragraph 8.9 of the section 42A report

⁹ See Countdown Properties (Northland) Limited v Dunedin City Council [1994] NZRMA 145 (HC) and ensuing cases. Summarised at paragraph 8.17 of the section 42A report.

effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

28. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and Council effectively represents this assessment.

PLANNING CONTEXT - STATUTORY AND POLICY FRAMEWORK

29. The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes:

Resource Management Act 1991 (RMA)

30. The Section 32 Evaluation Report set out the relevant provisions of the RMA that were considered relevant to PC17 and this material is not repeated here. Section 32AA of the RMA, which requires a further evaluation for any changes that are proposed to the notified Plan Change 17 since the Section 32 Evaluation Report was completed, has been complied with in the section 42A report and the evidence presented at the hearing.

National and regional planning context

31. The Section 32 report outlines the relevant national and regional planning documents that are relevant to Plan Change 17 and these are not repeated here. The Commissioners agree that Plan Change 17 is consistent with the relevant statutory requirements.

32. Having considered the evidence and relevant background documents, we are satisfied that PC17 has been developed in accordance with the relevant statutory and policy matters, and will clearly assist the Council in its effective administration of the Unitary Plan.

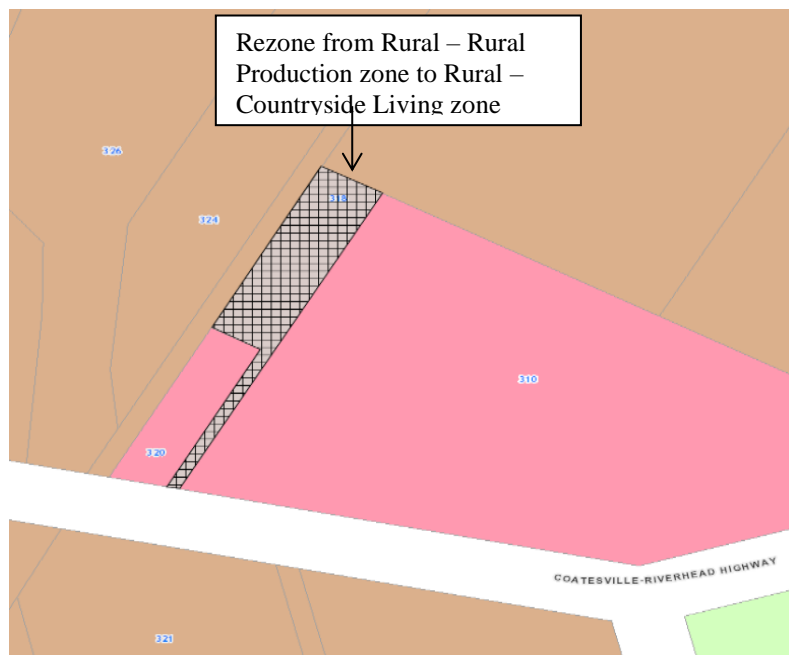
SUMMARY OF EVIDENCE

33. The Council planning officer's report was circulated prior to the hearing and taken as read. No expert evidence was pre-circulated. The hearing opened with the Council presenting a short power-point presentation describing the plan change.
34. As each submitter presented his or her evidence at the hearing, Council officers were asked for their response, and the submitter was then given the opportunity for any further comment.
35. The evidence tabled by submitters at the hearing is summarised below:

- a. **Transpower New Zealand Limited** by letter noted the recommendation that Transpower's submission points on PC17 be accepted, and formally withdrew its wish to be heard, instead, requesting that their letter be tabled at the hearing, in support of their position.
- b. **The New Zealand Defence Force** by letter noted that it made a neutral submission on PC17 and that it had no further comment to make on the reporting officer's recommendation to accept the submission, on the basis that the proposed changes did not result in a significant change to the zoning of the relevant properties.

36. The evidence presented by submitters at the hearing is summarised below:

37. **Johanna Emeney** – PC17 seeks to rezone Ms Emeney's property at 318 Coatesville-Riverhead Highway, Coatesville from the Rural – Rural Production zone to the Rural – Countryside Living zone; whereas Ms Emeney submits that a rezoning to the Business - Neighbourhood Centre Zone would be more appropriate.

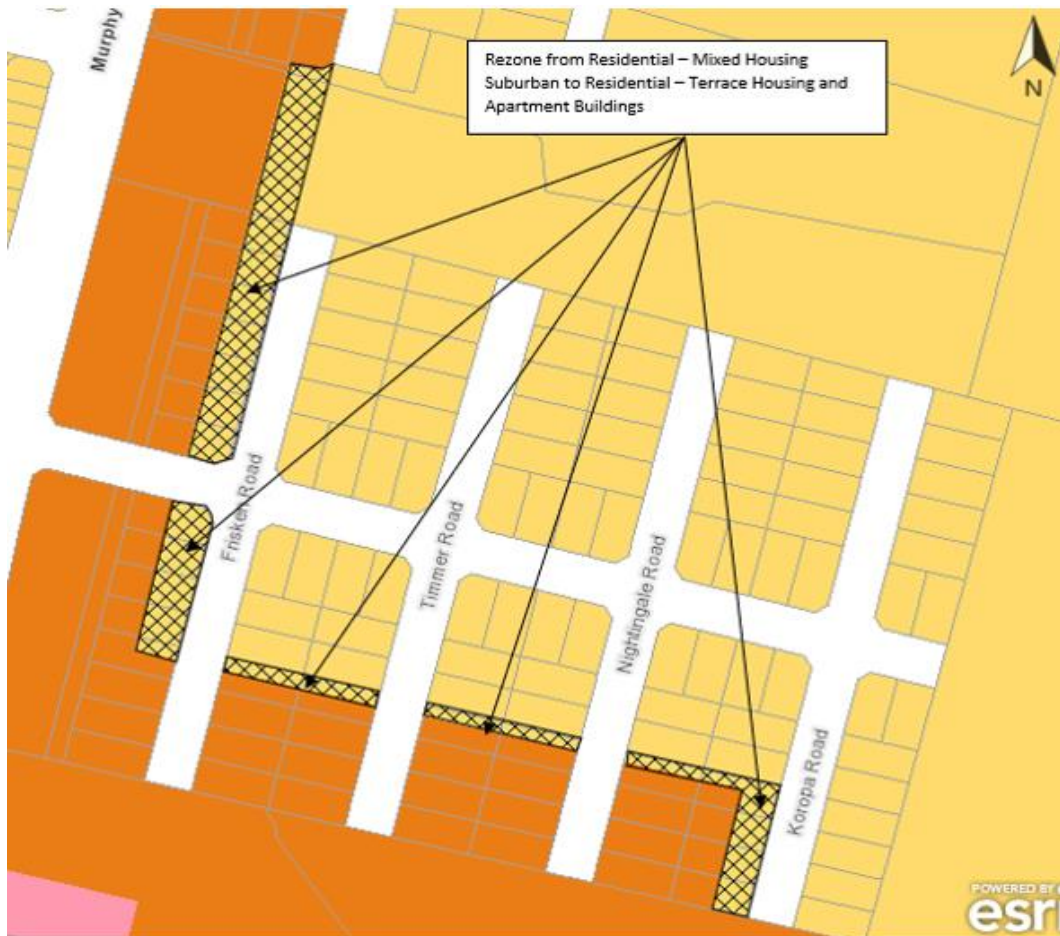


- 38. The Commissioners agree that the property is not suitable for its current zoning, as it contains an established residential dwelling and is not of appropriate size or location for rural production activities. The Council's position is that the most appropriate zoning is for countryside living, consistent with the adjoining properties of similar land use and site size on the northern and western sides of the site.
- 39. Apparently, the current zoning was the result of an oversight and was missed in a general change of zoning for those western properties from the Rural Production zone to the Rural – Countryside Living zone. We are advised that in the previous District Plan, the site was zoned General Rural, consistent with the properties to

the west. Thus, Council's position is that the current zoning is an anomaly, due to an oversight.

40. Be that as it may, we must now consider the proposed zoning options before us and have regard to the submitter's evidence presented to us, which included the following points:
- The front site, 320 Coatesville-Riverhead Highway is used for commercial purposes (a Barfoot & Thompson office). This includes half of the driveway to 318, which is common to both properties. A rezoning to Countryside Living would isolate this front property and create a further anomaly;
 - The site is not suitable for a Countryside Living zoning as it is only 1420m², compared with a minimum site in that zone of 2ha.
 - The site is suitable for a Neighbourhood Centre zone as the minimum site area in that zone is 200m² and the adjoining properties to the east and south are zoned Business - Neighbourhood Centre;
 - Rezoning the site to the Neighbourhood Centre zone would resolve reverse sensitivity issues.
41. However, the Commissioners were not satisfied that reverse sensitivity issues would necessary be resolved; rather, they would simply be transferred to the adjoining Countryside Living property at 324, which has a dwelling on it close to the dwelling at 318. If the site was to be rezoned Business – Neighbourhood Centre, the zone provisions typically enable buildings of up to three storeys in height. We also note these provisions enable offices up to 500m² GFA per site and retail up to 450m² GFA per tenancy as permitted activities in this zone.
42. We established through questioning that no commercial activity had ever been established on the portion of the property, despite the legacy zoning in 1980 for commercial use under the former Rodney District Plan. We do note however that the driveway entrance to the site is also used by Barfoot & Thompson, a commercial activity, to access their building and parking areas.
43. We find agreement with the Council that the land should be rezoned Countryside Living. While this rezoning does not reflect a 'tidy' natural boundary, it will correct a very obvious current zoning error in the Unitary Plan. We conclude that the Countryside Living zone is the most appropriate zoning for this land.
44. We record, as stated above, that we had the opportunity to carry out a site visit to this property and others in the immediate vicinity.
45. **Auckland International Airport Limited** - PC17 proposes to amend the zoning and sub-precincts that apply to 21 subdivided split-zone lots at Frisken Road, Flat Bush within the Flat Bush Precinct by rezoning the entirety of the affected lots from Residential – Mixed Housing Suburban to Residential – Terrace Housing and

Apartment Buildings and to extend the boundary of Flat Bush sub-precinct D to apply to the lots.



46. In his evidence, Mr Osborne explained that the affected lots are located within the Moderate Aircraft Noise Area (**MANA**), and will therefore be exposed to the adverse effects of aircraft noise. The development potential of the affected sites would be increased due to the Terrace Housing and Apartment Buildings zoning, which would in turn increase the potential for reverse sensitivity effects on the Airport's operations, by subjecting larger numbers of people to aircraft noise¹⁰
47. Therefore, the submitter sought to change the zoning of the properties with the split zone anomaly to Residential – Mixed Housing Suburban and to extend the boundary of sub-precinct A consequentially. Mr Osborne considered that this approach was more consistent with the objectives and policies of the Aircraft Noise Overlay and the Flat Bush Precinct, which seeks to protect the Airport from reverse sensitivity effects and to avoid, remedy or mitigate adverse effects of aircraft noise on residential activities.
48. Council's reporting planner agreed with Auckland Airport's submission to rezone the properties with the split-zone anomaly to Residential – Mixed Housing Suburban

¹⁰ Refer paragraph 4.4 of Mr Osborne's statement.

zone and to extend the boundary of sub-precinct A consequentially as these amendments are more appropriate than what was originally proposed in PC17.



_____ Insert New Sub-precinct boundary
 - - - - - Delete existing sub-precinct boundary

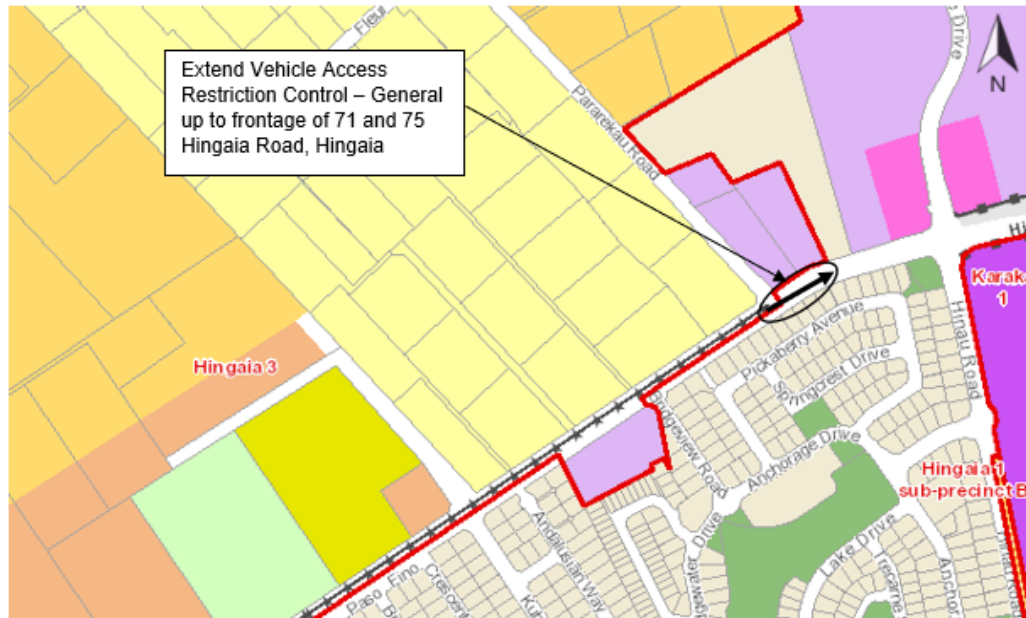
49. Furthermore, the requested zoning and boundary extension better meet the objectives and policies of D24 Aircraft Noise Overlay,¹¹ with Flat Bush Sub-precinct A being described as a “general sub-precinct” within I412 Flat Bush Precinct:

This Sub-precinct is generally located on the low-lying lands within 1.5 km of the Flat Bush Town Centre and Barry Curtis Park. It promotes higher residential densities than have been achieved in the past, and is characterised by a diverse range of housing types.

50. The Commissioners agree with the Reporting Planner and find that the amendments sought by Auckland Airport to rezone the properties with a split-zone anomaly to Residential – Mixed Housing Suburban zone in their entirety and to extend Flat-Bush sub-precinct A consequentially to the affected properties is the most appropriate outcome.

¹¹Refer Objective D24.2(2) and Policy D24.3(5)

51. This proposed amendment will correct the split-zoning error while avoiding reverse sensitivity effects on the Airport's operations as well as reducing the number of people exposed to the adverse effects of aircraft noise.
52. **Levante Ltd and Hingaia Holdings Ltd trading as Karaka Joint Venture – PC17** seeks to correct the mapping of the Building Frontage Control – Key Retail Frontage and to extend the Vehicle Access Restriction Control – General at the submitter's properties at 71 and 75 Hingaia Road, Hingaia.
53. The submitter agrees with the removal of the Building Frontage Control – Key Retail Frontage as this control should be applied only to properties zoned Business – Town Centre and Business – Metropolitan Centre, whereas the subject properties are included in the Business – Mixed Use zone and do not generate or experience the same level of pedestrian activity.
54. Thus it is proposed to remove the Building Frontage Control – Key Retail Frontage from the subject properties. The Commissioners agree with this.
55. It is also proposed to extend the Vehicle Access Restriction Control – General to apply to 71 and 75 Hingaia Road, on the basis that this would enable compatibility with the Hingaia 3 Special Housing Area (**SHA**) precinct provisions (as the control applies to 91-239 Hingaia Road) so this proposal is to enable consistency with other Hingaia 3 SHA Precinct properties.



56. The Reporting Planner suggests that the control would have minimal implications for the subject properties as development has already occurred and access to Hingaia Road constructed. Vehicle access restrictions already apply under section E27 Transport of the AUP, since Hingaia Road is identified as an arterial road in the GIS Viewer.

57. Stephen Havill, Consultant Planner for the submitter confirmed that both properties are developed and all the on-site activities are operating, with the adjoining Summerset Retirement Village sharing access on to Hingaia Road. Mr Havill also confirmed that while there was an internal connection between the sites at 71 and 75, the Pararekau Road access would be insufficient to cope with all of the traffic generated. It was essential to maintain the two access points.¹²
58. Mr Havill also endorsed the reporting planner's comment that the AUP has other controls over access onto arterial roads.¹³
59. The Commissioners agree with the submitter for the following reasons:
- a. The sites are fully developed and operating, with two access points, one onto Hingaia Road and the other onto Pararekau Road.
 - b. The Vehicle Access Restriction Control would have no implications for the existing crossings and it is not intended to provide any more crossings, which led the Commissioners to question why it is supported by the Council officers.
 - c. Other provisions in the AUP control access onto arterial roads under E27.6.4 Access, with broad matters of discretion and assessment criteria that apply to a range of circumstances that are relevant to this site; including a new vehicle crossing, a new activity being established on a site, a change of use, or a new building or additions that require a resource consent.
 - d. The principle of consistency with Hingaia 3 Special Housing Area precinct provisions is outweighed by the above considerations.
60. **Viaduct Harbour Holdings Limited (VHHL)** appearing with **Auckland Industrial Projects Limited (AIPL)** was represented by Anthony Blomfield, Consultant Planner; Angela Bull and Lawrence Flynn.
61. Commissioner Macky recused herself from deliberations regarding submissions from VHHL due to a personal conflict of interest.
62. PC17 seeks to correct the mapping of sub-precinct boundaries of the I211 Viaduct Harbour Precinct as the sub-precinct boundaries at 32 Market Place, Auckland Central do not align with or reflect the split land use of the site. The property at 32 Market Place is currently located in sub-precinct C of I211 in the City Centre zone. Sub-precinct C has been applied to the residential area within the precinct in recognition of the high-quality residential environment within this development. However, as the reporting planner points out, the main building at 32 Market Place is currently used for commercial purposes, and this activity makes the building more suitable for inclusion within Viaduct Harbour sub-precinct A.

¹² Refer paragraph 3 of Mr Havill's evidence

¹³ Refer E27.6.4 (E27 Transport)



63. As a result, PC17 recommends correcting this issue by realigning the I211 Viaduct Harbour sub-precinct boundaries to include the part of the site which is used for commercial activities within sub-precinct A to reflect the split land use of the site.
64. Mr Blomfield provided an outline of the uses within the site, advising that the subject site forms part of The Parc development complex, which comprises 11 properties, two of which are occupied by commercial buildings (the subject site and the property at 136 Customs Street West)¹⁴, and the remaining nine properties, which are occupied by residential apartment buildings.¹⁵ Mr Blomfield also advised that a proportion of each of the 11 properties is occupied by amenity landscaping, which is accessible to each of the other properties as a central communal shared space.¹⁶ Commissioners Watson and Kurzeja confirmed these land uses in a site visit to the property.
65. We note that the submitters are supportive of the proposed amendment but seek a further amendment: that the entirety of the property at 32 Market Place is included in Sub-precinct A. This is on the basis that the approach being adopted by Council, to include only part of the site in the sub-precinct, is inconsistent with the stated objective of PC17, being to
- “ensure that zone and precinct boundaries follow road or property boundaries.”¹⁷*
66. The submitters also advised that the rear portion of the site/building is also utilised for a parking and storage area, ancillary to the commercial office activities within that part of the building at the front of the site. In addition, that part of the site which is

¹⁴ The property at 136 Customs Street West is already included in sub-precinct A (commercial)

¹⁵ And which are all included in sub-precinct C (residential)

¹⁶ Refer paragraph 2.2 of Mr Blomfield’s statement

¹⁷ Refer paragraph 18.6 of section 42A report.

occupied by landscaping and a pool is used by the tenants of the building on the subject site, as well as the residents of the wider Parc complex.

67. On that basis, the submitters consider it is not only more appropriate to adjust the sub-precinct A boundary to reflect the boundary of the 32 Market Place site, on which the primary activity is offices, but also to include the whole of The Parc in that sub-precinct.
68. The Commissioners agree with the reporting planner that the commercial building at 32 Market Place is incorrectly located within sub-precinct C, which provides for residential use, and this error should be corrected to locate the commercial building within sub-precinct A. We note that this exact situation occurs on the same property, in the south-west corner of the site at 136 Customs Street West, Auckland Central in relation to Mastercard House. This commercial building is located within sub-precinct A.
69. We then turned our minds to whether the remaining portion of the property, containing the private gym and sauna facility and the landscaped areas comprising the swimming pool and spa pool should also be included within sub-precinct A, as sought by the submitters.
70. We also considered that the request by the submitters to extend sub-precinct A to include the entire site at 32 Market Place, as opposed to just the commercial buildings, does require consideration with respect to scope. We note that this was not a matter that the reporting planner turned her mind to. Based upon legal advice provided in the Section 42 report¹⁸ we find that the submission is not “on” the plan change, as, despite the fact that Mr Blomfield has addressed the alteration of the *status quo* brought about by that change, this submission has not considered that there is a real risk that persons who are potentially directly affected by the additional changes proposed in the submission will have been denied an effective response to this additional change.
71. This is paramount to the submitter’s request as we note from the Section 42A report¹⁹ that the rear portion of the site containing the private gym and sauna facility is jointly owned by all 11 properties within the Parc development and is available for use by all nine of the residential body corporates and the two commercial building tenants within the Parc complex. In addition, the private pool and the building at the rear portion of the site are ancillary to the residential apartments.
72. We agree with the reporting officer that these uses provide a service to the residential apartments and should remain within sub-precinct C, which enables residential uses. This better supports the objectives and policies of I211 of the Viaduct Harbour Precinct namely:

¹⁸ Refer to sections 8.6 – 8.9 of section 42A report

¹⁹ Refer paragraphs 18.9 and 18.10 of the section 42A report.

- Objective I211.2.(7) – maintaining the residential character and amenity for permanent residents;
- Policy I211.3(11) – avoiding activities that adversely affect the residential character and related amenity; and
- Policy I211.3(12) – provide for permanent residents in sub-precinct C.

73. We further agree with the reporting planner that in this case the mis-alignment of the sub-precinct boundary with the property boundary is the most appropriate outcome, given the clear division of the existing land uses. We therefore reject the submissions of VHHL and AIPL.

SUMMARY OF OTHER SUBMISSIONS RECEIVED

74. In this section of the decision we briefly review submissions opposing aspects of PC17 where submitters did not appear or present evidence at the hearing. In other words, we have simply accepted the planner’s recommendation in the Section 42A report for those submissions in support of the plan change:

- **Yan Chen and Hongyan Lu** – with reference to 390B Richardson Road, Mt Roskill, the submitter supported the plan change, seeking to change the property’s zoning to Residential – Mixed Housing Urban zone. The planner recommended that the submission be accepted and the Commissioners confirm that recommendation.
- **Logan and Suzanne Billing** supported PC17 in relation to 107 Maraetai School Road, to keep Maraetai land size to 700sq.m and above. The planner recommended that the submission be accepted and the Commissioners confirm that recommendation.
- **Geoffrey’s Trust and JH Smale Trust** supported the plan change regarding the 1539 Smales 2 Precinct, sub-precincts A and B and the proposed rezonings. The planner recommended that the submission be accepted and the Commissioners confirm that recommendation.
- **Padlie-Hall Family Trust et al** accepted the plan change plan and specially the application of the Subdivision Variation Control Overlay to 1 Maraetai Coast Road, Clevedon, to increase the minimum lot size to 700sq.m. The planner recommended that the submission be accepted and the Commissioners confirm that recommendation. However, that part of the submission seeking any further increase in the minimum lot size for any development was recommended to be rejected, and the Commissioners confirm that recommendation as well.
- **Onehunga Future Investment Limited** supported the plan change as it affected 63-65 Victoria Street, Onehunga as the proposed Residential –

Terrace Housing and Apartment Buildings zoning was appropriate. The planner recommended that the submission be accepted and the Commissioners confirm that recommendation.

75. In relation to the remaining submissions opposed to aspects of the plan change, where submitters did not appear or present evidence at the hearing, we have considered the grounds stated and have made our decisions as follows:
76. **Jianwei Zhu** – in relation to 5 Te Makuru Lane, Clevedon, the submitter sought a reserve between that property and 110 Maraetai School Road, Clevedon. The planner recommended that the submission be rejected and the Commissioners confirm that recommendation, given the explanation given in the section 42A report.
77. **Helen Jane Cussell and Geoffrey Andrew Cussell** sought remedies from Council on issues arising from an agreement about the Whitford Park Road corridor. The planner recommended that the submission be rejected on the grounds that the relief sought was out of scope and the Commissioners confirm that recommendation.
78. **Zhang Family Investment Limited** – in relation to Scott Point, Hobsonville, the submitter sought to rezone identified properties along the coast to Residential – Mixed Housing Suburban in their entirety. The planner recommended that the submission be rejected and the Commissioners confirm that recommendation on the grounds that the most appropriate zoning is Residential – Single House.
79. **Jean and Rachel van Polanen Petel** sought to remove the property at 134 Shaw Road, Oratia (Lot 8 DP 330946) from ‘the blue striped pattern’ (which is an appeal alert) and that it remain outside the SEA (Significant Ecological Area) overlay. The planner recommended that the submission be rejected on the grounds that the relief sought was out of scope (as neither the SEA overlay nor the Natural Stream Management overlay are affected by PC17) and the Commissioners confirm that recommendation.
80. **Ray Meldrum** opposed the change in 1529 Orewa 1 Precinct, sub-precinct B as it relates to Rewa Rewa Lane, Orewa as it “cannot be technically justified”. The planner recommended that the submission be rejected and the Commissioners confirm that recommendation on the grounds that the properties in Rewa Rewa Lane will not be subject to any direct change as a result of PC17.
81. **Virgil Roberts** objected to the plan change regarding 58 Tasman View Road, Bethells Beach. The planner recommended that the submission be rejected and the Commissioners confirm that recommendation on the grounds that the proposed zoning of Rural – Waitakere Ranges is consistent with adjacent properties.
82. **Heritage NZ** supported the amended scheduling of the extent of the Site and Places of Significance to Mana Whenua no.37 Wiri North Stonefields at 151 Wiri Station Road, Manurewa, but expressed concern at the lack of any cultural values assessment to support the amendment or confirmation of the amendment by the

relevant iwi. The planner recommended that this specific submission be rejected and the Commissioners confirm that recommendation on the grounds that a cultural values assessment is not required for this amendment, and that feedback from relevant mana whenua was sought.

PRINCIPAL ISSUES IN CONTENTION

83. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions, the following principal issues in contention have been identified:
- A number of submitters agree that the current zoning pattern relating to a particular property is incorrect and needs to be changed, however, they seek an alternative zone to what Council has recommended.
 - Objections to the addition of new controls proposed for particular properties.
 - Objections to proposed changes in precinct or sub-precinct boundaries to align with property boundaries.
 - Objection to rezoning lots affected by a split zone anomaly under the Aircraft Noise Overlay to Residential – Terrace Housing and Apartment Building, with a recommendation to rezone instead to Residential – Mixed Housing Suburban zone and to adjust sub-precinct boundaries accordingly.
 - Some submissions considered to be out of scope.
84. A number of submitters support the proposed changes in PC17.

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

85. Our findings on the principal issues in contention are found in the decision above where we consider the submissions and the evidence.

DECISION

86. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 17 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision.
87. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report, response to commissioners' memo and closing statement, except as identified above in relation to matters in contention.
88. The reasons for the decision are that Plan Change 17:
- a. will assist the Council in achieving the purpose of the RMA;

- b. is consistent with the Auckland Regional Policy Statement;
- c. is consistent with the provisions of Part 2 of the RMA;
- d. is supported by necessary evaluation in accordance with section 32; and
- e. will help with the effective implementation of the Auckland Unitary Plan.



Rebecca Macky

Chairperson

Date: 20 June 2019

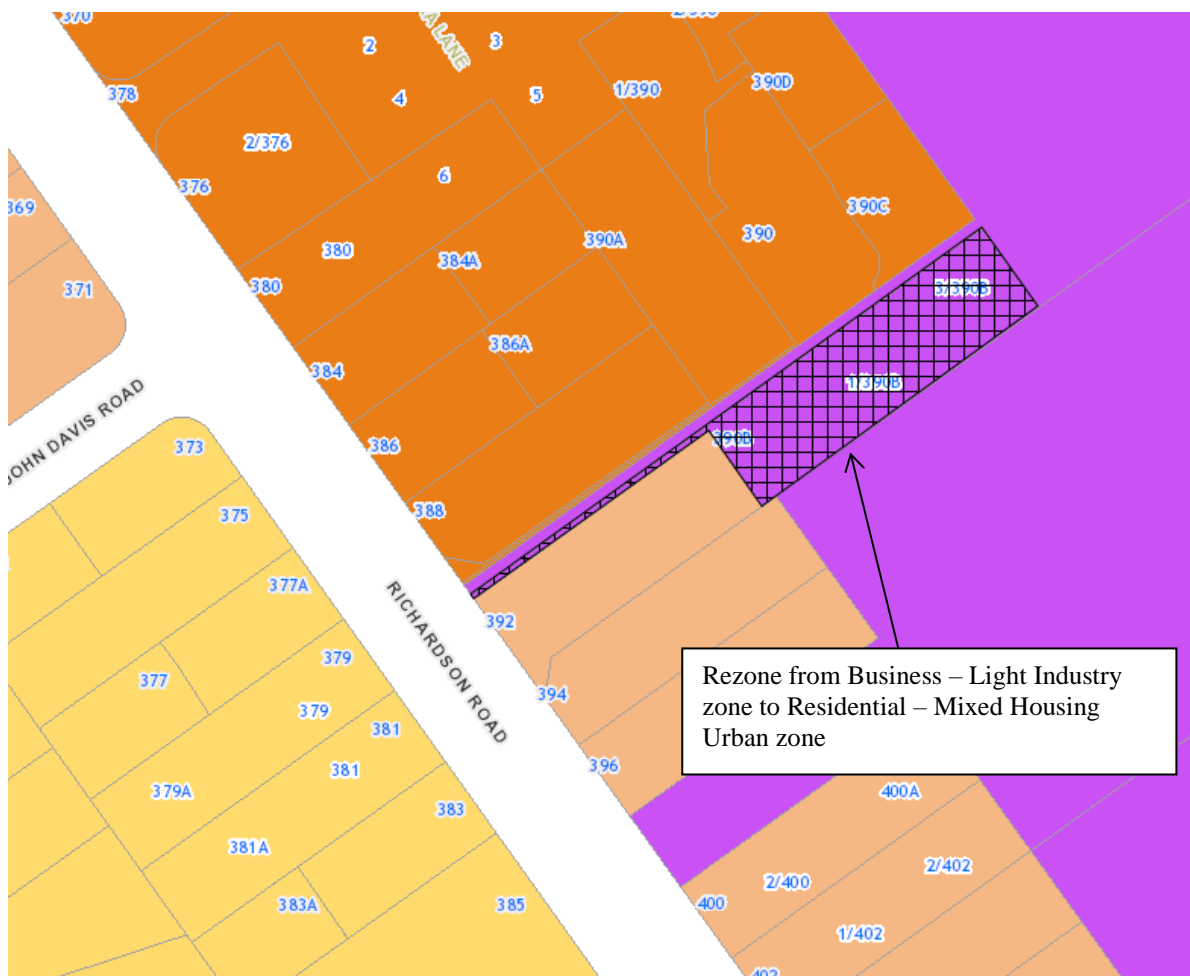
APPENDIX 1 – PLAN CHANGE 17 SHOWING AMENDMENTS



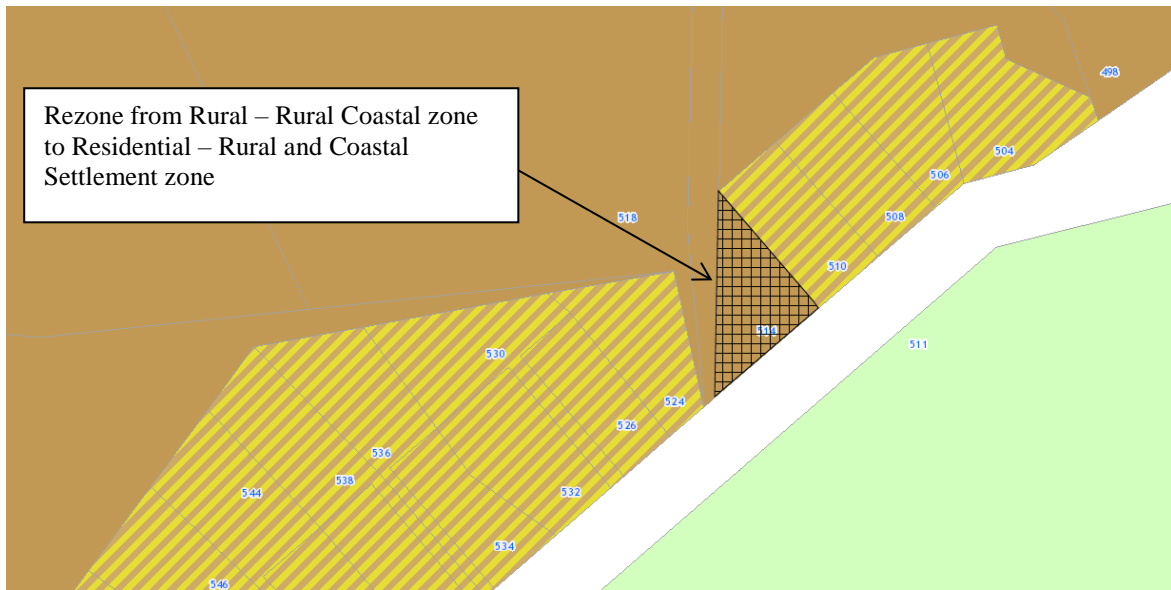
Attachment 6: Plan Change 17 – Improving consistency of provisions in the Viewer of the Auckland Unitary Plan (Operative in part)

Unitary Plan Zones

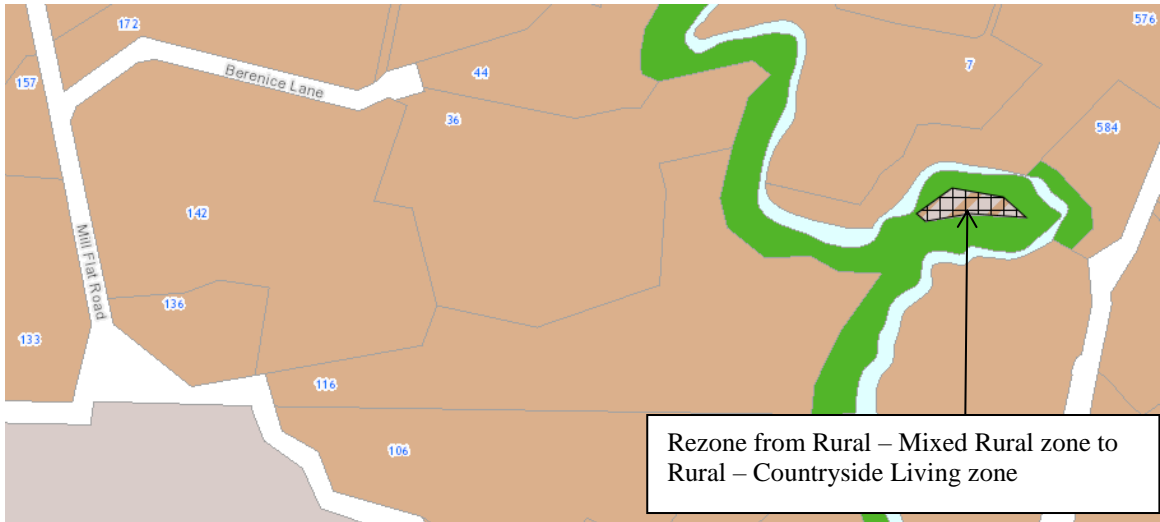
Map change:	1
Subject property:	390B Richardson Road, Mount Roskill
Legal Description:	1/3 SH Lot 3 DP 46135, Flat 5 DP 146558 1/3 SH Lot 3 DP 46135, Flat 4 DP 146558 1/3 SH Lot 3 DP 46135, Flat 3 DP 134801 Lot 3 DP 46135
Current zone:	Business – Light Industry zone
Proposed change:	Rezone 390B Richardson Road, Mount Roskill from Business – Light Industry zone to Residential – Mixed Housing Urban zone
Proposed zone:	Residential – Mixed Housing Urban zone



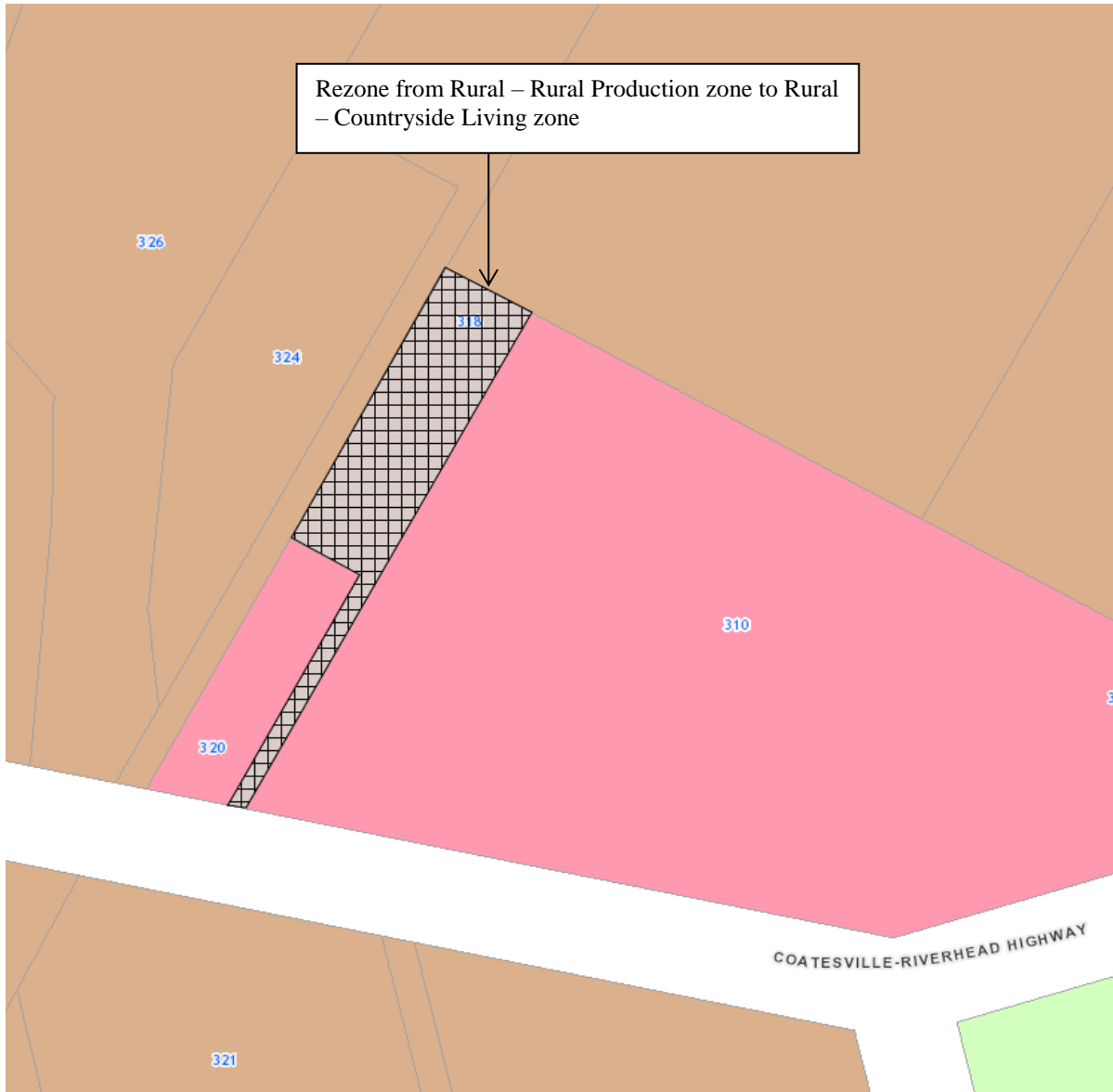
Map change:	2
Subject property:	514 Leigh Road, Whangateau
Legal Description:	Lot 1 DP 40695
Current zone:	Rural – Rural Coastal zone
<i>Proposed change:</i>	<i>Rezone 514 Leigh Road, Whangateau from Rural – Rural Coastal zone to Residential – Rural and Coastal Settlement zone</i>
Proposed zone:	Residential – Rural and Coastal Settlement zone



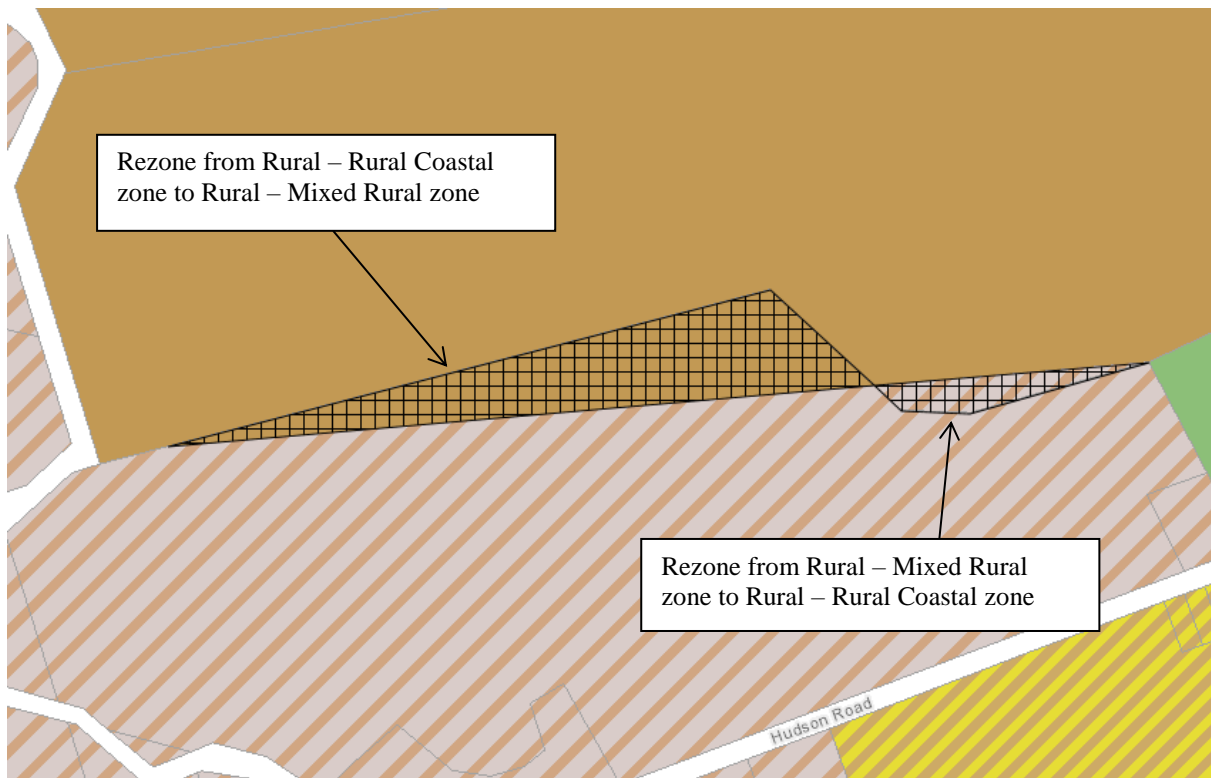
Map change:	3
Subject property:	116 Mill Flat Road, Riverhead
Legal Description:	Lot 6 DP 173336, Lot 7 DP 173336
Current zone:	Rural – Mixed Rural zone
Proposed change:	<i>Rezone 116 Mill Flat Road, Riverhead from Rural – Mixed Rural zone to Rural – Countryside Living zone</i>
Proposed zone:	Rural – Countryside Living zone



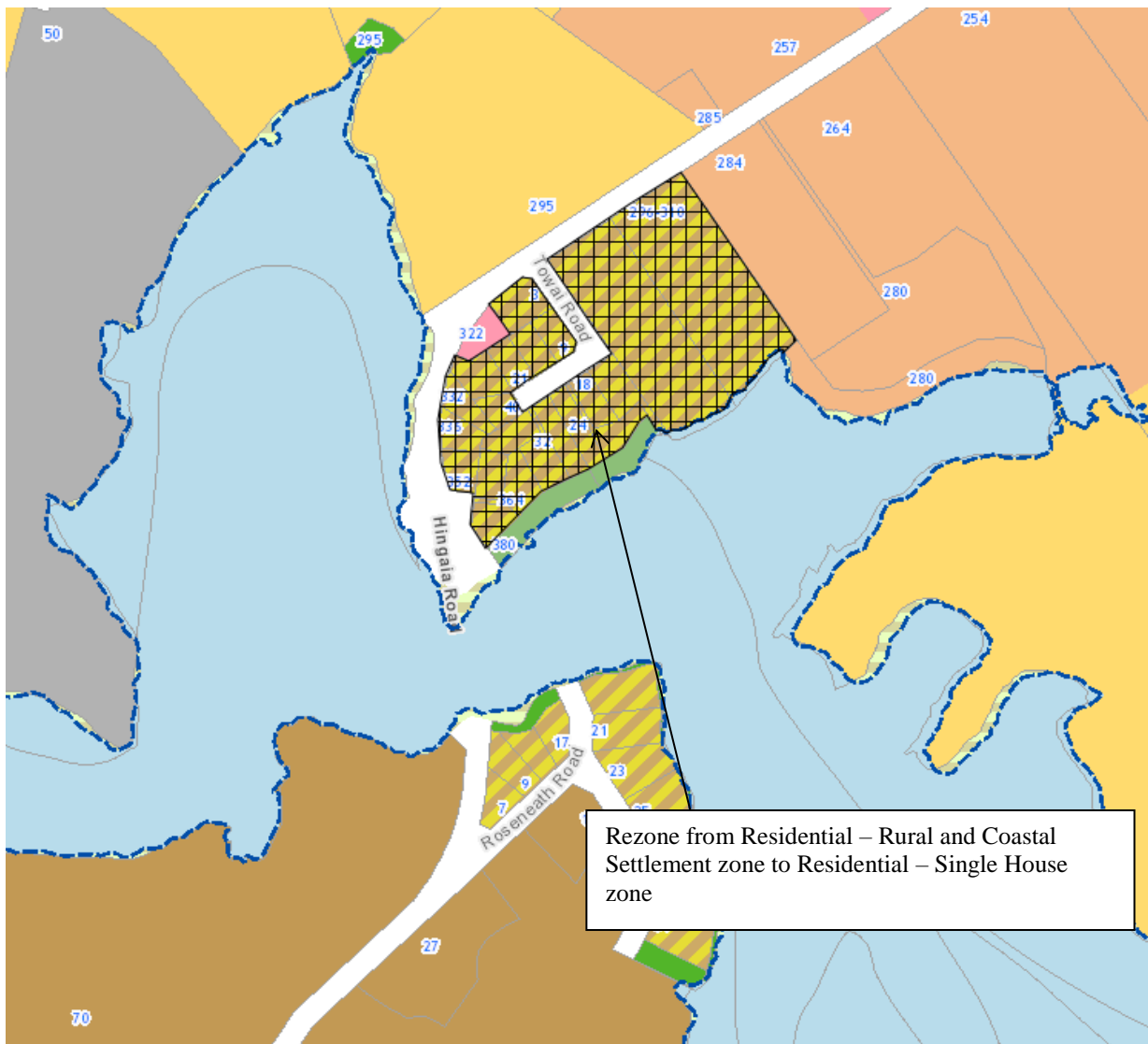
Map change:	4
Subject property:	318 Coatesville-Riverhead Highway, Coatesville
Legal Description:	Lot 2 DP 100291
Current zone:	Rural – Rural Production zone
Proposed change:	<i>Rezone 318 Coatesville-Riverhead Highway, Coatesville from Rural – Rural Production zone to Rural – Countryside Living zone</i>
Proposed zone:	Rural – Countryside Living zone



Map change:	5
Subject property:	Big Bay Road, Waiuku
Legal Description:	Lot 11 DP 336027, Lot 3 DP 25574, Lot 2 DP 427776
Current zone(s):	Rural – Rural Coastal zone and Rural – Mixed Rural zone
Proposed change:	<i>Rezone the north-western split zone section of Big Bay Road from Rural – Rural Coastal zone to Rural – Mixed Rural zone and rezone the south-eastern split zone section of Big Bay Road from Rural – Mixed Rural zone to Rural – Rural Coastal zone</i>
Proposed zone:	Rural – Rural Coastal zone and Rural – Mixed Rural zone



Map change:	6
Subject property:	Hingaia North See Table below.
Legal Description:	See Table below.
Current zone(s):	Residential – Rural and Coastal Settlement zone
Proposed change:	Rezone Hingaia North (properties identified in the black hatching below) from Residential – Rural and Coastal Settlement zone to Residential – Single House zone
Proposed zone:	Residential – Single House zone

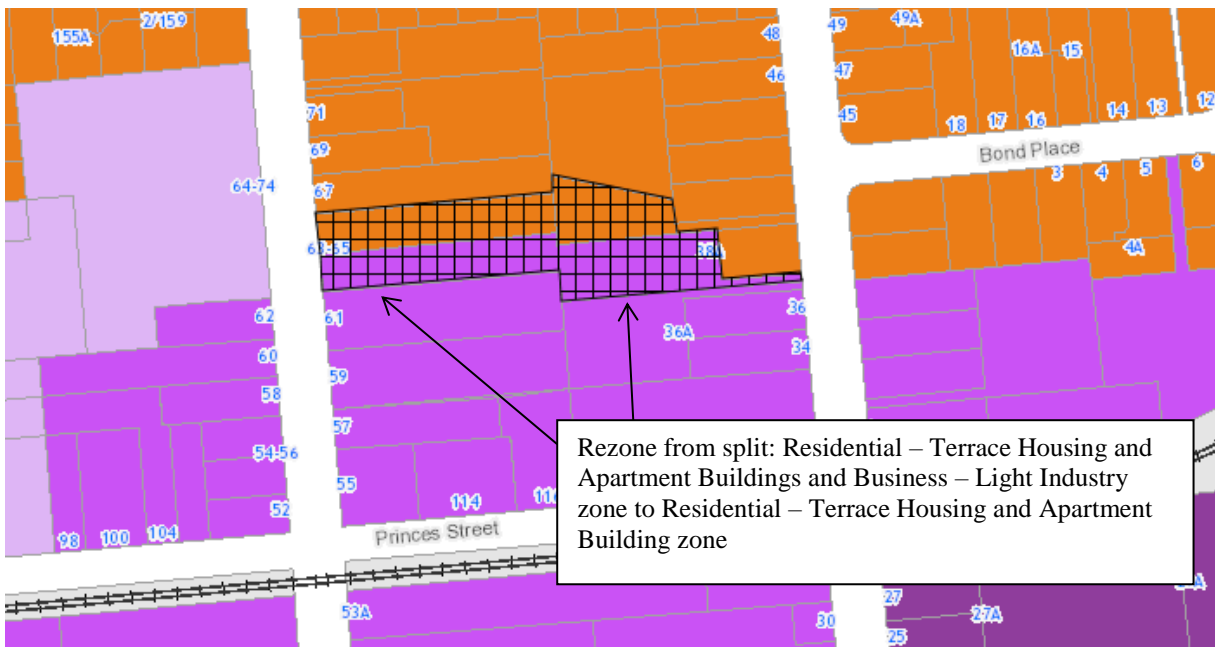


Affected sites:

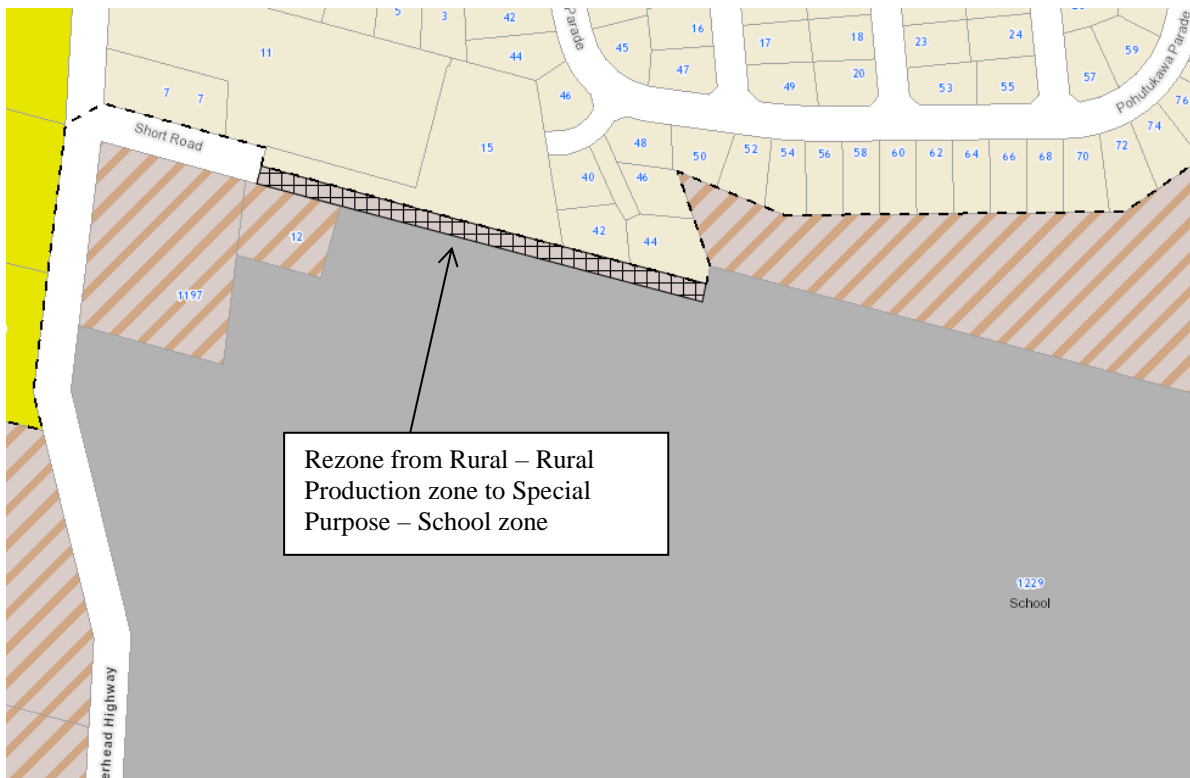
Subject properties	Legal Descriptions
296-310 Hingaia Road Hingaia	Lot 1 DP 8046, Lot 2 DP 8046

332 Hingaia Road Hingaia	Lot 4 DP 52149
336 Hingaia Road Hingaia	Lot 4 DP 44257
352 Hingaia Road Hingaia	Lot 5 DP 44257
358 Hingaia Road Hingaia	Lot 4 DP 45203
364 Hingaia Road Hingaia	Lot 5 DP 45203
370 Hingaia Road Hingaia	Lot 6 DP 45203
3 Towai Road, Hingaia	Lot 1 DP 44257
9 Towai Road, Hingaia	Lot 1 DP 43045
15 Towai Road, Hingaia	Lot 1 DP 57835
21 Towai Road, Hingaia	Lot 2 DP 57835
25 Towai Road, Hingaia	Lot 1 DP 77579
40 Towai Road, Hingaia	Lot 2 DP 77579
36 Towai Road, Hingaia	Lot 3 DP 45203
32 Towai Road, Hingaia	Lot 2 DP 45203
28 Towai Road, Hingaia	Lot 1 DP 45203
24 Towai Road, Hingaia	Lot 3 DP 60754
22 Towai Road, Hingaia	Lot 2 DP 60754
18 Towai Road, Hingaia	Lot 1 DP 60754
14 Towai Road, Hingaia	Lot 1 DP 40679

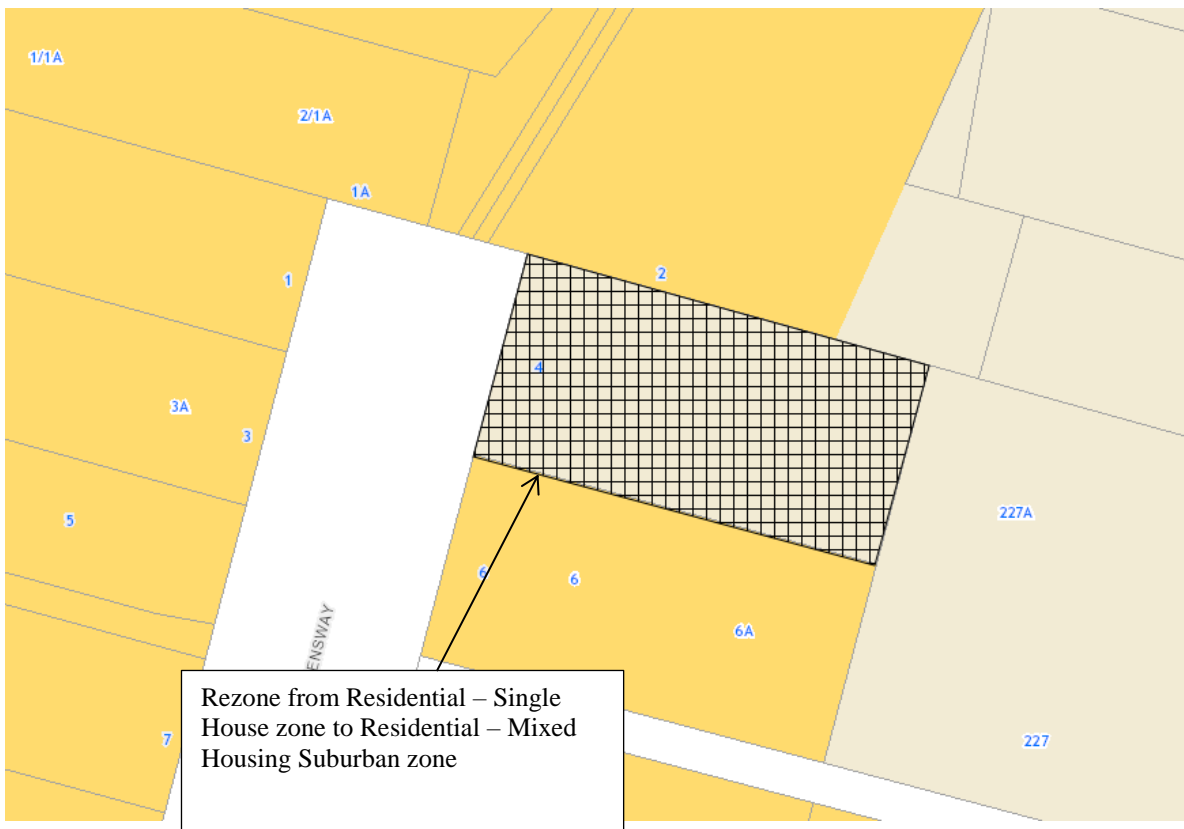
Map change:	7
Subject property:	63-65 Victoria Street, Onehunga 38A Alfred Street, Onehunga
Legal Description:	PT ALLOT 5 SEC 16 Village ONEHUNGA, PT ALLOT 5 SEC 16 Village ONEHUNGA
Current zone(s):	Residential – Terrace Housing and Apartment Building zone and Business – Light Industry zone
Proposed change:	<i>Rezone 63-65 Victoria Street and 38A Alfred Street Onehunga from a split of both Residential – Terrace Housing and Apartment Building zone and Business – Light Industry zone to Residential – Terrace Housing and Apartment Building zone</i>
Proposed zone:	Residential – Terrace Housing and Apartment Building zone



Map change:	8
Subject property:	1229 Coatesville-Riverhead Highway, Riverhead
Current zone(s):	Rural – Rural Production zone
Proposed change:	<i>Rezone a narrow section to the north of 1229 Coatesville-Riverhead Highway, Riverhead from Rural – Rural Production zone a to Special Purpose – School zone</i>
Proposed zone:	Special Purpose – School zone

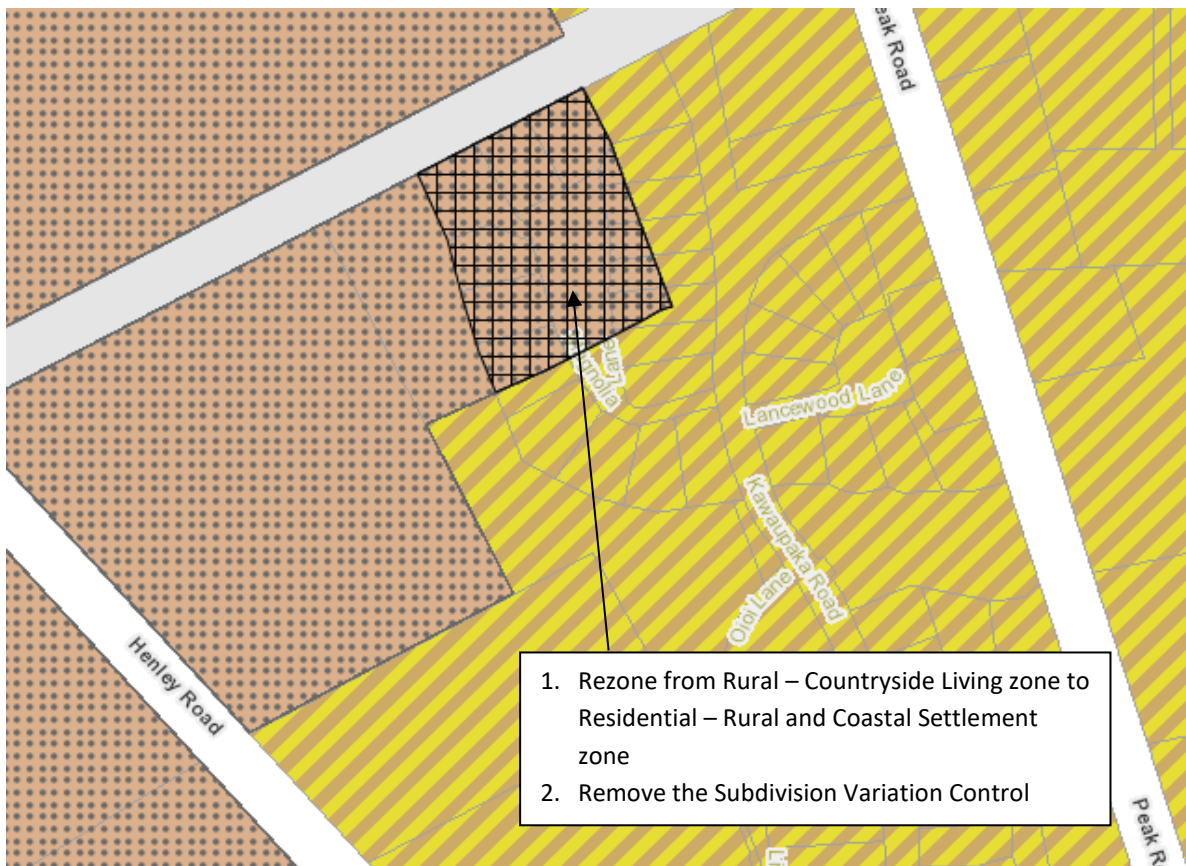


Map change:	9
Subject property:	4 Queensway, Three Kings
Legal Description:	Lot 24 DP 17070
Current zone:	Residential – Single House zone
<i>Proposed change:</i>	<i>Rezone 4 Queensway, Three Kings from Residential – Single House zone to Residential – Mixed Housing Suburban zone</i>
Proposed zone:	Residential – Mixed Housing Suburban zone



Unitary Plan Management Layers – Controls and zones

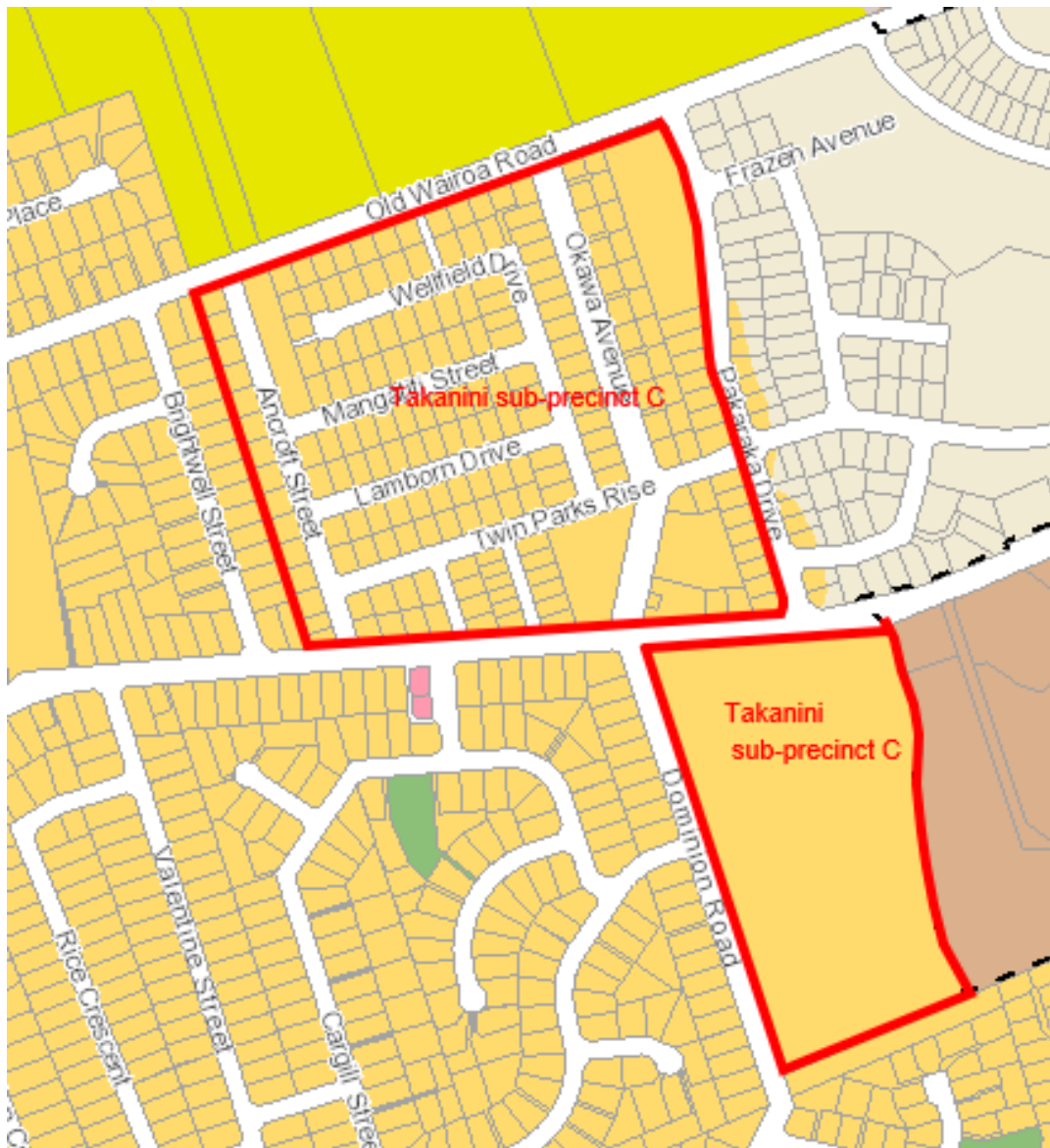
Map change:	10
Subject property:	4 Oioi Lane, Kaukapakapa 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Magnolia Lane, Kaukapakapa
Legal Description:	Lot 56 DP 449408 Lot 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, and 30 DP 449408
Current zone:	Rural – Countryside Living zone
Proposed change:	<i>Extend the Residential – Rural and Coastal Settlement zone to the properties that have a split zone or have been already subdivided within the area identified in black hatching below. Remove the Subdivision Variation Control which currently applies to the properties at 4, 6, 8, 10, 12, 14, 16, 17, 15, 13, 11 and 9 Magnolia Lane, as identified below.</i>
Proposed zone:	Residential – Rural and Coastal Settlement zone



Unitary Plan Management Layers – Precincts and zoning

Map change:	11
Subject property:	See Table below.
Legal Description:	See Table below.
Current zone/s:	Residential – Single House zone and Residential – Mixed Housing Suburban zone split zone
<i>Proposed change:</i>	<i>Rezone 15 properties currently subject to a split zoning to Residential – Single House zone in their entirety. Realign the eastern boundary of Takanini sub-precinct C and western boundary of Takanini sub-precinct D with the road boundary of Pakaraka Drive.</i>
Proposed zone:	Residential – Single House zone



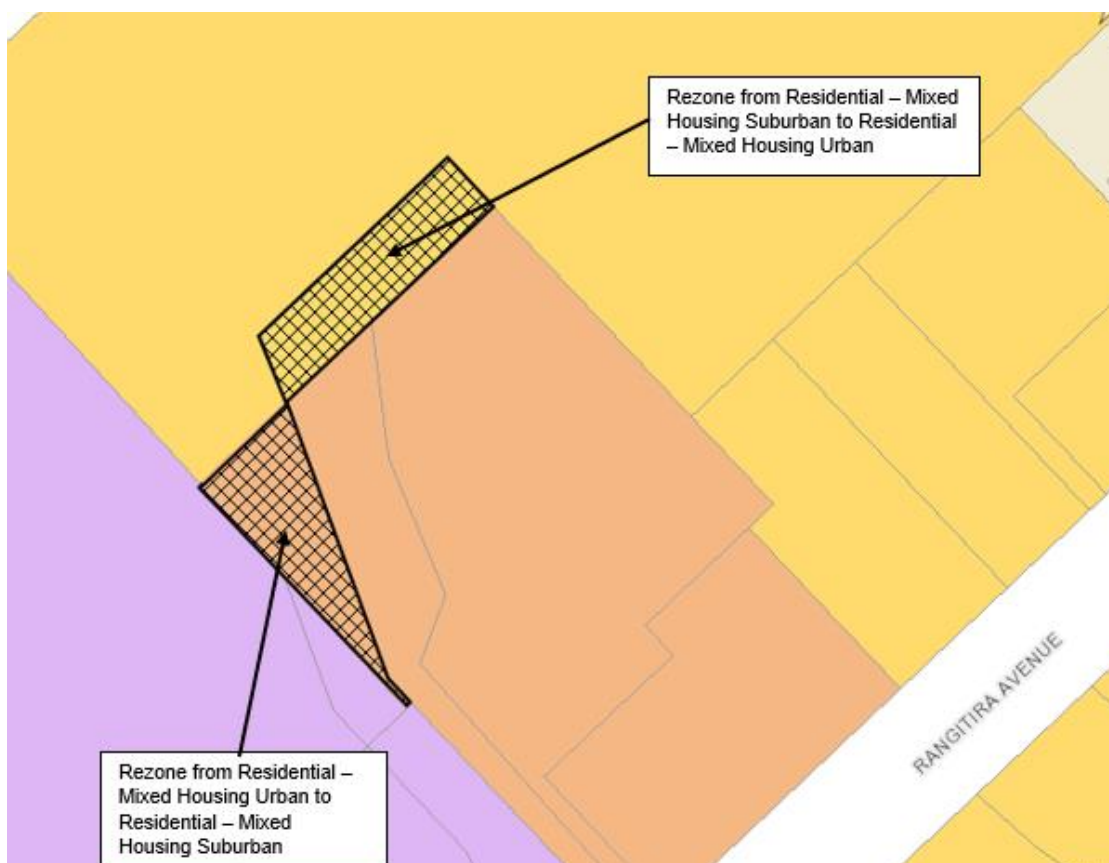


Affected sites:

Subject properties	Legal Descriptions
1 Pakaraka Drive, Ardmore	Lot 22 DP 504247
3 Pakaraka Drive, Ardmore	Lot 23 DP 504247
5 Pakaraka Drive, Ardmore	Lot 24 DP 504247
7 Pakaraka Drive, Ardmore	Lot 25 DP 504247
9 Pakaraka Drive, Ardmore	Lot 26 DP 504247
11 Pakaraka Drive, Ardmore	Lot 27 DP 504247
13 Pakaraka Drive, Ardmore	Lot 77 DP 516819
23 Pakaraka Drive Ardmore	Lot 33 DP 504247
15 Pakaraka Drive Ardmore	Lot 29 DP 504247
36 Twin Parks Rise Ardmore	Lot 28 DP 504247

21 Pakaraka Drive Ardmore	Lot 32 DP 504247
31 Pakaraka Drive Ardmore	Lot 37 DP 504247
29 Pakaraka Drive Ardmore	Lot 36 DP 504247
17 Pakaraka Drive Ardmore	Lot 30 DP 504247
27 Pakaraka Drive Ardmore	Lot 35 DP 504247
19 Pakaraka Drive Ardmore	Lot 31 DP 504247
25 Pakaraka Drive Ardmore	Lot 34 DP 504247
33 Pakaraka Drive Ardmore	Lot 700 DP 504247

Map change:	12
Subject property:	2D Northcote Road, Takapuna and 8 and 10 Rangitira Avenue, Takapuna
Legal Description:	Lot 1 DP 505164 Lot 3 DP 513260 Lot 4 DP 513260 Lot 2 DP 505164
Current zone/s:	Residential – Mixed Housing Suburban zone and Residential – Mixed Housing Urban zone split zone
Current precinct/s:	Smales 2 sub-precinct A and Smales 2 sub-precinct B
Proposed change:	<i>Rezone the southern part of the property at 2D Northcote Road which is currently zoned Residential – Mixed Housing Urban to Residential – Mixed Housing Suburban; and Rezone northern parts of the properties at 8 and 10 Rangitira Avenue which are currently zoned Residential – Mixed Housing Suburban to Residential – Mixed Housing Urban. Realign the southern boundary of the Smales 2 sub-precinct B with the boundaries of properties 2D Northcote Road, 8 Rangitira Avenue, and 10 Rangitira Avenue, Takapuna.</i>
Proposed zone:	Residential – Mixed Housing Suburban zone and Residential – Mixed Housing Urban zone

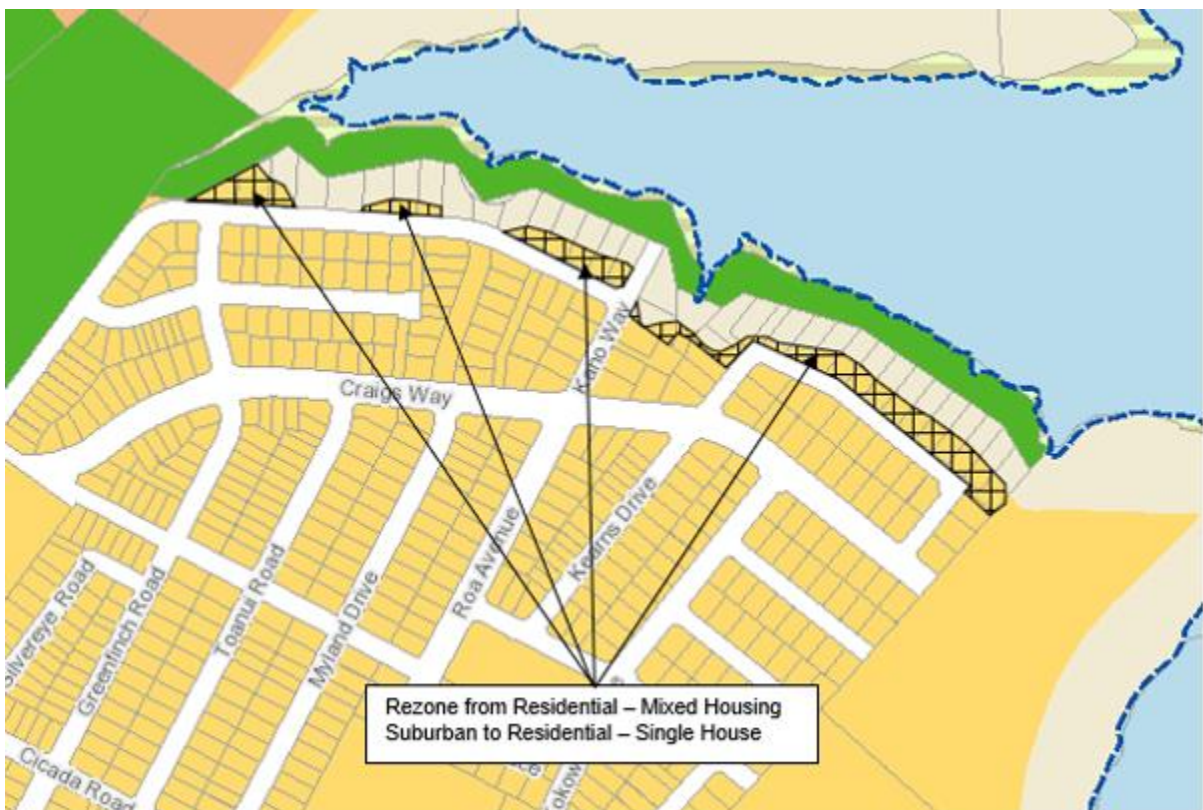




----- Delete existing sub-precinct B Boundary

_____ Insert new sub-precinct B Boundary

Map change:	13
Subject property:	See Table below.
Legal Description:	See Table below.
Current zone/s:	Residential – Single House zone and Residential – Mixed Housing Suburban zone split zone
<i>Proposed change:</i>	<i>Rezone the properties that are directly along the coast (identified in the above map) to Residential – Single House in their entirety.</i>
Proposed zone:	Residential – Single House zone

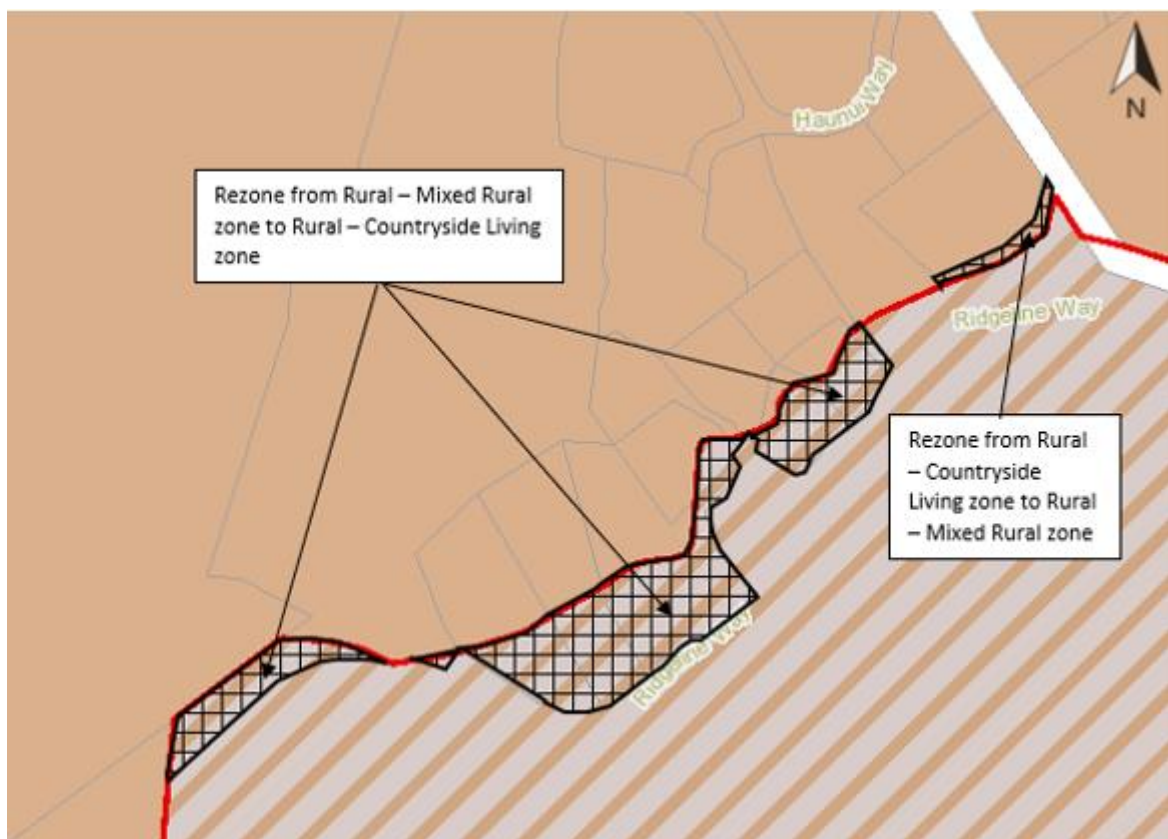


Affected sites:

Subject properties	Legal Descriptions
24 Tai Crescent Hobsonville	LOT 187 DP 508367
30 Tai Crescent Hobsonville	LOT 184 DP 508367
36 Tai Crescent Hobsonville	LOT 181 DP 508367
42 Tai Crescent Hobsonville	LOT 178 DP 508367
23 Scott Road Hobsonville	LOT 1 DP 63801
22 Tai Crescent Hobsonville	LOT 188 DP 508367
26 Tai Crescent Hobsonville	LOT 186 DP 508367
32 Tai Crescent Hobsonville	LOT 183 DP 508367
40 Tai Crescent Hobsonville	LOT 179 DP 508367

16 Tai Crescent Hobsonville	LOT 191 DP 508367
38 Tai Crescent Hobsonville	LOT 180 DP 508367
28 Tai Crescent Hobsonville	LOT 185 DP 508367
10 Tai Crescent Hobsonville	LOT 193 DP 508367
34 Tai Crescent Hobsonville	LOT 182 DP 508367
Roa Avenue Hobsonville	LOT 305 DP 505573
8 Tai Crescent Hobsonville	LOT 194 DP 508367
18 Tai Crescent Hobsonville	LOT 190 DP 508367
15 Kano Way Hobsonville	LOT 251 DP 505573
17 Kano Way Hobsonville	LOT 511 DP 509502
23 Kano Way Hobsonville	LOT 508 DP 509502
21 Kano Way Hobsonville	LOT 509 DP 509502
19 Kano Way Hobsonville	LOT 510 DP 509502
13 Kano Way Hobsonville	LOT 250 DP 505573
31 Kano Way Hobsonville	LOT 505 DP 509502
29 Kano Way Hobsonville	LOT 506 DP 509502
33 Kano Way Hobsonville	LOT 504 DP 509502
39 Kano Way Hobsonville	LOT 501 DP 509502
41 Kano Way Hobsonville 0618	LOT 500 DP 509502

Map change:	14
Subject property:	See Table below.
Legal Description:	See Table below.
Current zone/s:	Rural – Mixed Rural zone and Rural – Countryside Living zone with split zones
Proposed change:	<p><i>Rezone properties from Rural – Mixed Rural zone to Rural – Countryside Living and vice versa to remove split zones on properties.</i></p> <p><i>Realign the southern boundary of Whitford sub-precinct A, as well as the zone boundaries of Rural – Countryside Living zone and Rural – Mixed Rural zone so that the six properties created by subdivision are zoned Rural – Countryside Living.</i></p>
Proposed zone:	Rural – Mixed Rural zone and Rural – Countryside Living zone without split zones





----- Delete existing sub-precinct A Boundary

_____ Insert new sub-precinct A Boundary

Affected sites:

Subject properties	Legal Descriptions
500 Brookby Road Brookby	1/2 SH LOT 3 DP 146072, 1/3 SH LOT 5 DP 195884, LOT 3 DP 492683, 1/7 SH LOT 20 DP 480857
385 Whitford Park Road Whitford	LOT 1 DP 147984
21 ridgeline Way, Whitford	Lot 16 DP 480857
17 Ridgeline Way Whitford	Lot 14 DP 480857
19 Ridgeline Way Whitford	Lot 15 DP 480857
15 Ridgeline Way, Whitford	Lot 13 DP 480857
13 Ridgeline Way, Whitford	Lot 12 DP 487212
11 Ridgeline Way, Whitford	Lot 11 DP 480857
9 Ridgeline Way, Whitford	Lot 10 DP 480857
7 Ridgeline Way, Whitford	Lot 9 DP 480857
5 Ridgeline Way, Whitford	Lot 8 DP 480857

Map change:	15
Subject property:	See Table below.
Legal Description:	See Table below.
Current zone/s:	Residential – Mixed Housing Suburban zone
Proposed change:	<i>Extend the Residential - Mixed Housing Suburban zone to properties with a split zone and adjust the boundary between Flat Bush sub-precincts A, D and F to align with the revised zone boundaries as shown in the below maps.</i>
Proposed zone:	Residential – Terrace Housing and Apartment Buildings zone





Affected sites:

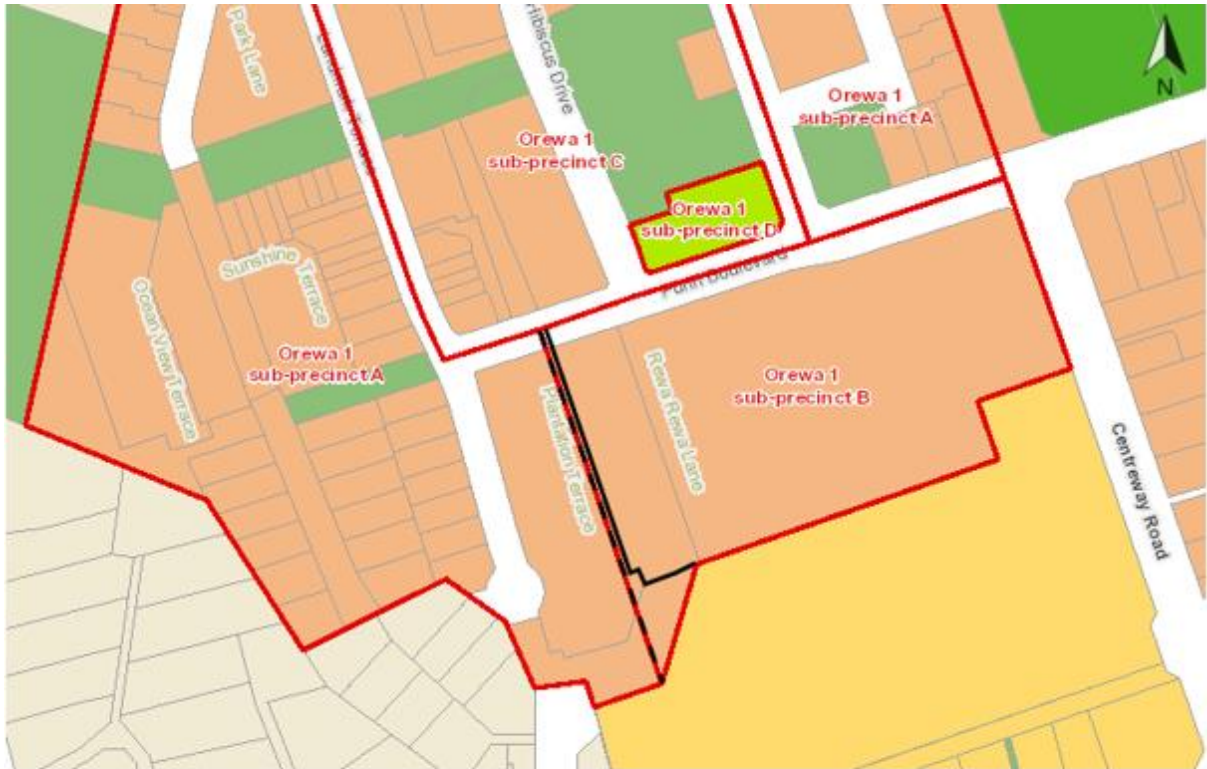
Subject properties	Legal Descriptions
21 Frisken Road, Flat Bush	Lot 88 DP 480979
22 Frisken Road, Flat Bush	Lot 80 DP 480979
24 Frisken Road, Flat Bush	Lot 81 DP 480979
26 Frisken Road, Flat Bush	Lot 82 DP 480979
28 Frisken Road, Flat Bush	Lot 83 DP 480979
30 Frisken Road, Flat Bush	Lot 84 DP 480979
32 Frisken Road, Flat Bush	Lot 11 DP 480979
34 Frisken Road, Flat Bush	Lot 12 DP 480979
36 Frisken Road, Flat Bush	Lot 13 DP 480979
38 Frisken Road, Flat Bush	Lot 14 DP 480979

40 Frisken Road, Flat Bush	Lot 15 DP 480979
42 Frisken Road, Flat Bush	Lot 16 DP 480979
44 Frisken Road, Flat Bush	Lot 17 DP 480979
56 Timmer Road, Flat Bush	Lot 104 DP 480979
57 Timmer Road, Flat Bush	Lot 97 DP 480979
21 Nightingale Road, Flat Bush	Lot 120 DP 502563
22 Nightingale Road, Flat Bush	Lot 113 DP 502563
16 Koropa Road, Flat Bush	Lot 132 DP 502563
18 Koropa Road, Flat Bush	Lot 131 DP 502563
20 Koropa Road, Flat Bush	Lot 130 DP 502563
22 Koropa Road, Flat Bush	Lot 129 DP 502563
225 Murphys Road, Flat Bush	Section 6 SO 472096

Map change:	16
Subject property:	122 – 168 Eaves Bush, Parade Orewa 146 – 192 Landmark Terrace, Orewa 88 Rewa Rewa Lane, Orewa 58 Landmark Terrace, Orewa
Legal Description:	Lot 3 DP 482621 Lot 2 DP 482621 Unit 44 DP 475470, AU 103 DP 475470 Unit 1 DP 475683
Proposed change:	<i>Realign Orewa sub-precinct boundaries with the property boundaries as shown below.</i>



- Insert New Sub-precinct boundary
- - - - Delete existing sub-precinct boundary



— Insert New Sub-precinct boundary

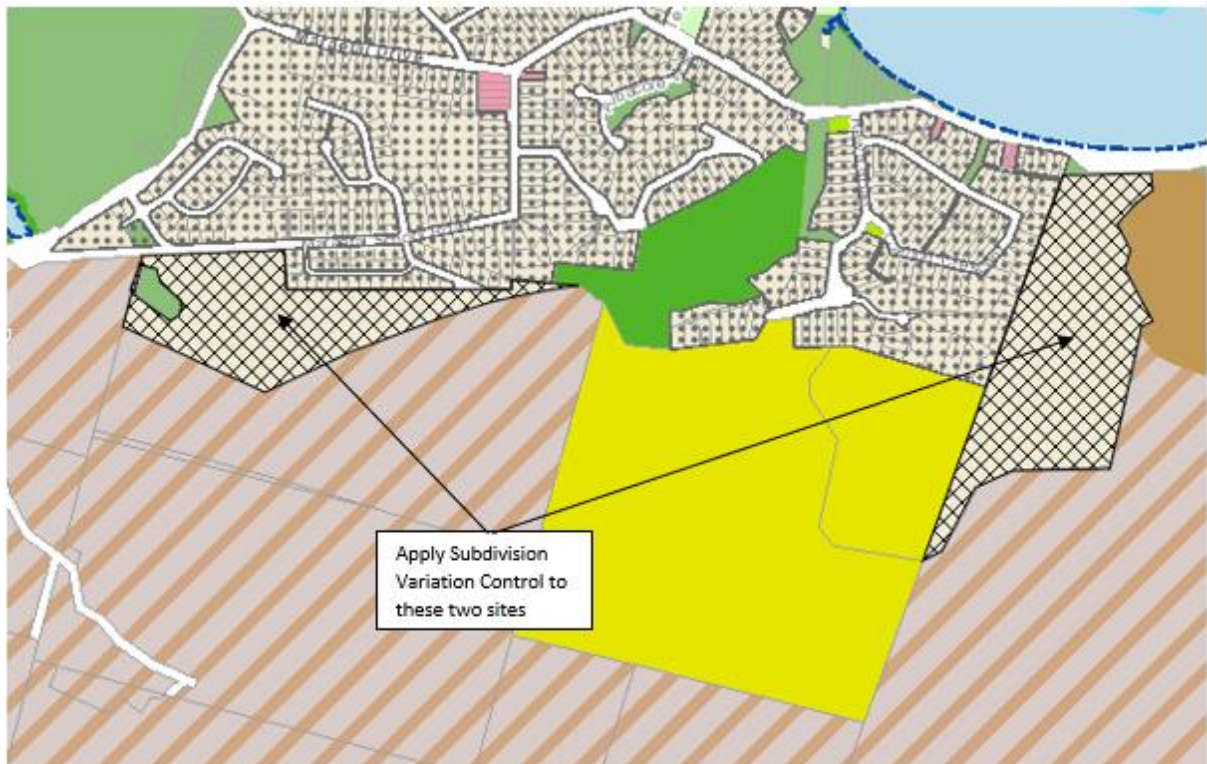
- - - Delete existing sub-precinct boundary

Map change:	17
Subject property:	32 Market Place, Auckland Central
Legal Description:	Lot 4 DP 317103
Proposed change:	<i>Realign the Viaduct Harbour sub-precinct C boundary, so that the part of 32 Market Place which is used for commercial activities (shown in black hatching) is in sub-precinct A, leaving the remaining part of the site within sub-precinct C.</i>



Unitary Plan Management Layers – Controls and Overlays

Map change:	18
Subject property:	110 Maraetai School Road, Maraetai (part of) 1 Maraetai Coast Road, Clevedon
Legal Description:	Lot 104 DP 472362 LOT 1 DP 517764
<i>Proposed change:</i>	<i>Extend the Subdivision Variation Control to cover 110 Maraetai School Road, Maraetai and 1 Maraetai Coast Road, Clevedon.</i>



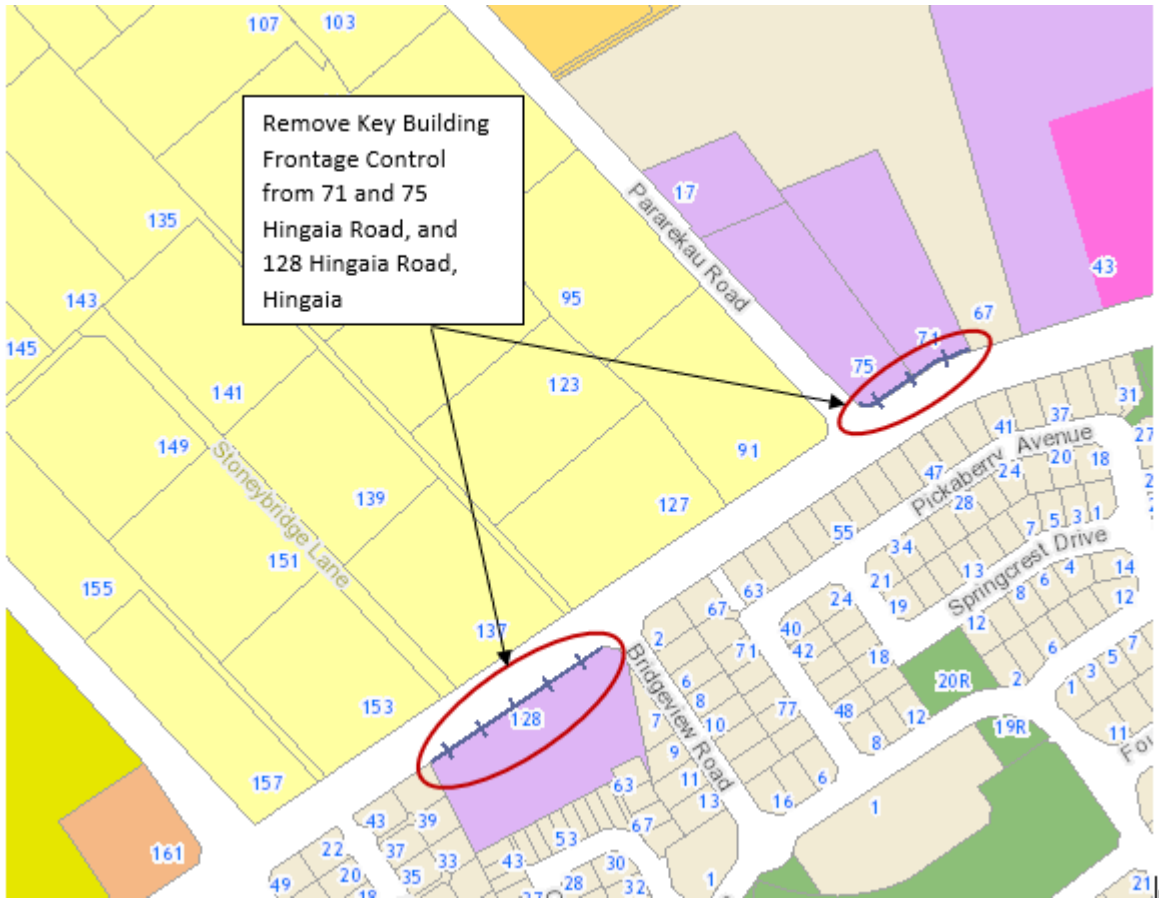
Map change:	19
Subject property:	8 St Marks Road, Remuera 10 St Marks Road, Remuera
Legal Description:	Lot 1 DP 23263 Lot 2 DP 23263 Lot 1 DP 51650
Proposed change:	<i>Remove the Vehicle Access Restriction from Mac Murray Road frontages of both properties (8 and 10 St Marks Road).</i>



Map change	20
Subject property:	621 Te Atatu Road, Te Atatu Peninsula 623 Te Atatu Road, Te Atatu Peninsula 8 Harbour View Road, Te Atatu Peninsula
Legal Description:	PT LOT 3 DP 22578 PT LOT 2 DP 22578 PT LOT 4 DP 22578, PT LOT 3 DP 22578, PT LOT 2 DP 22578, PT LOT 1 DP 22578, SEC 1 SO 383880, LOT 72 DP 50502, PT LOT 2 DP 38397, PT LOT 1 DP 38397, PT LOT 70 DEEDS WHAU 14
Proposed change:	<i>Remove the Building Frontage Control – Key Retail Frontage from the frontage of 621 and 623 Te Atatu Road and 8 Harbour View Road, Te Atatu Peninsula.</i>



Map change:	21
Subject property:	71, 75 and 128 Hingaia Road, Hingaia
Legal Description:	PT ALLOT 4 DP 11824 PT ALLOT 2 DP 424718 Lot 66 DP 479708
Proposed change:	<i>Remove the Building Frontage Control - Key Retail Frontage Building Control from the frontage of 128, 71 and 75 Hingaia Road, Hingaia.</i>



Map change:	22
Subject property:	3 Jana Place, Mount Roskill 11 White Swan Road, Mount Roskill 7 Jana Place, Mount Roskill 6 Jana Place Mount Roskill Auckland 1041
Legal Description:	LOT 2 DP 513208, 1/6 SH Lot 2 DP 141985 LOT 1 DP 513208, 1/3 SH Lot 2 DP 141985 Lot 64 DP 155755, 1/6 SH Lot 2 DP 141985 1/2 SH Lot 63 DP 155755, Flat 2 DP 164414, 1/12 SH Lot 2 DP 141985
Proposed change:	<i>Remove the National Grid Substation Corridor Overlay from areas shown in purple in the map below</i> <i>Apply the National Grid Substation Corridor Overlay to the area marked in red in the map below, joining remaining corridor strips to close the loop.</i>



NOTE: This change will have immediate legal effect

Map change:	23
Subject property:	151 Wiri Station Road Manurewa 11 Puaki Drive Manurewa 220 Wiri Station Road Manukau Central
Legal Description:	LOT 1 DP 516602 LOT 500 DP 516602 SEC B SO 68724
Proposed change:	<i>Amend the extent of the Sites and Places of Significance to Mana Whenua Overlay (037, Wiri North Stonefields) to more accurately reflect the extent of the feature</i>

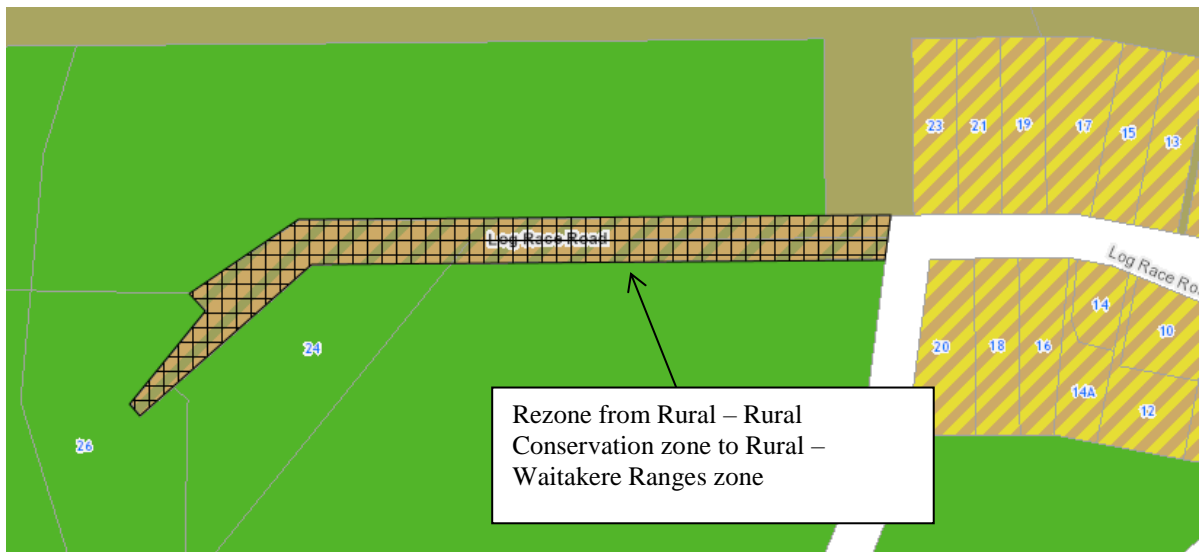


Unitary Plan Management Layers – Waitakere Ranges zones

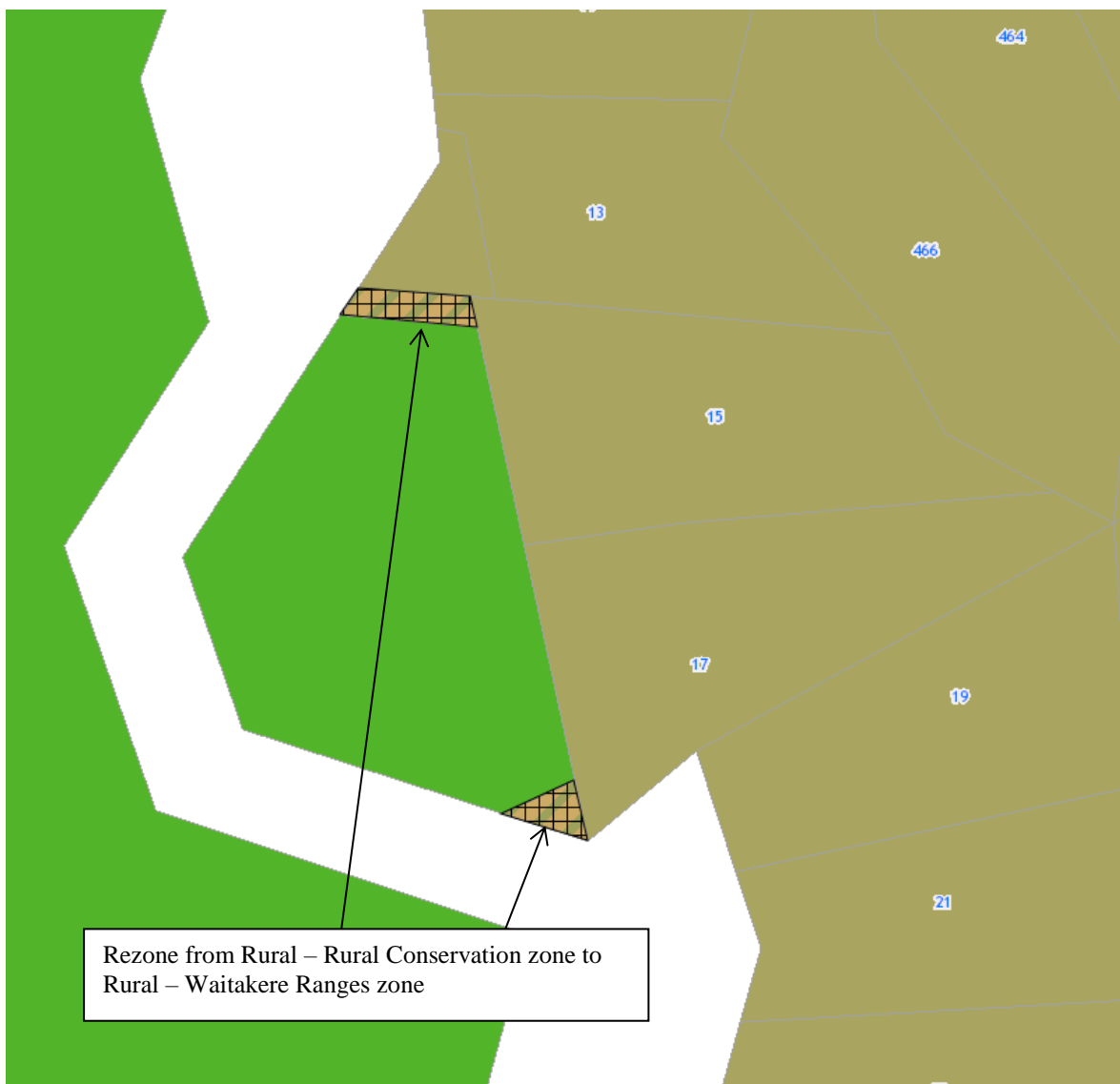
Map change:	24
Subject property:	13 Karekare Road, Karekare
Legal Description:	Lot 1 DP 64691
Current zone:	Rural – Rural Conservation zone
<i>Proposed change:</i>	<i>Rezone 13 Karekare Road, Karekare from Rural – Rural Conservation zone to Rural – Waitakere Ranges zone</i>
Proposed zone:	Rural – Waitakere Ranges zone



Map change:	25
Subject property:	Log Race Road, Piha
Legal Description:	Lot 1 DP 200568, Lot 2 DP 200568
Current zone:	Rural – Rural Conservation zone
<i>Proposed change:</i>	<i>Rezone Log Race Road, Piha from Rural – Rural Conservation zone to Rural – Waitakere Ranges zone</i>
Proposed zone:	Rural – Waitakere Ranges zone



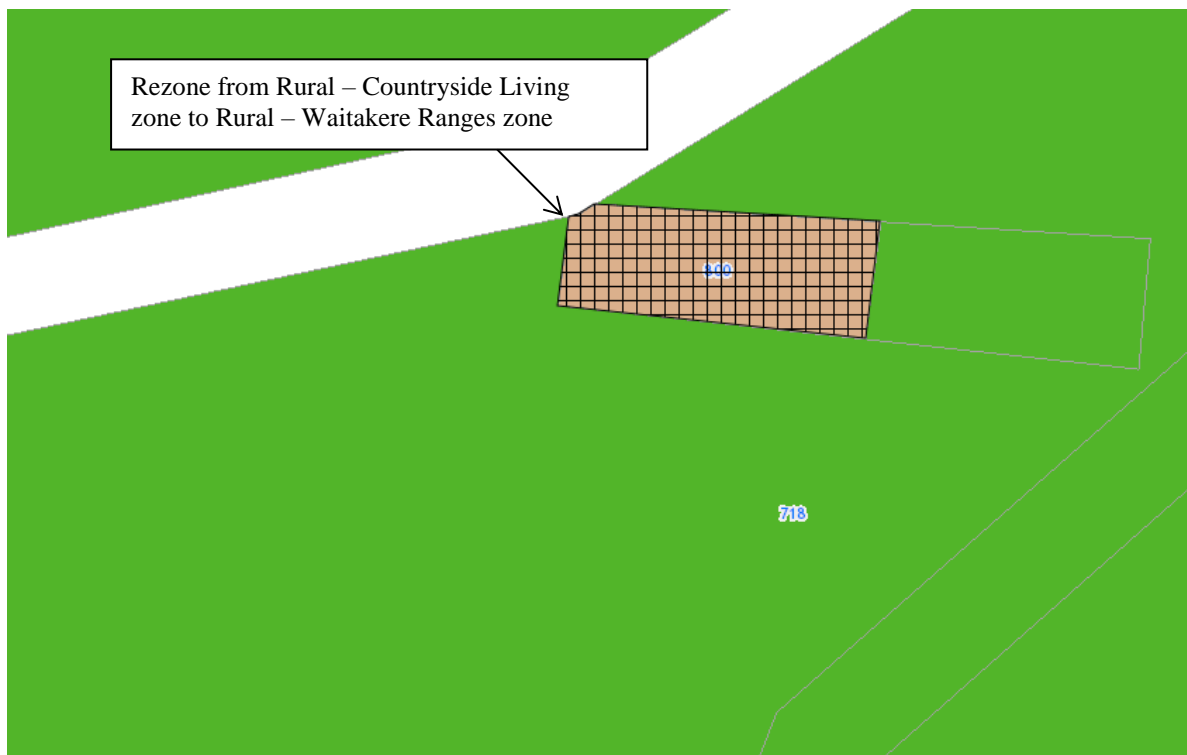
Map change:	26
Subject property:	15 Quinns Road, Waiatarua 17 Quinns Road, Waiatarua
Legal Description:	Lot 2 DP 55476, PT Lot 11 DP 51334 Lot 3 DP 55476, Lot 10 DP 51334
Current zone:	Rural – Rural Conservation zone
Proposed change:	<i>Rezone 15 Quinns Road and 17 Quinns Road, Waiatarua from Rural – Rural Conservation zone to Rural – Waitakere Ranges zone</i>
Proposed zone:	Rural – Waitakere Ranges zone



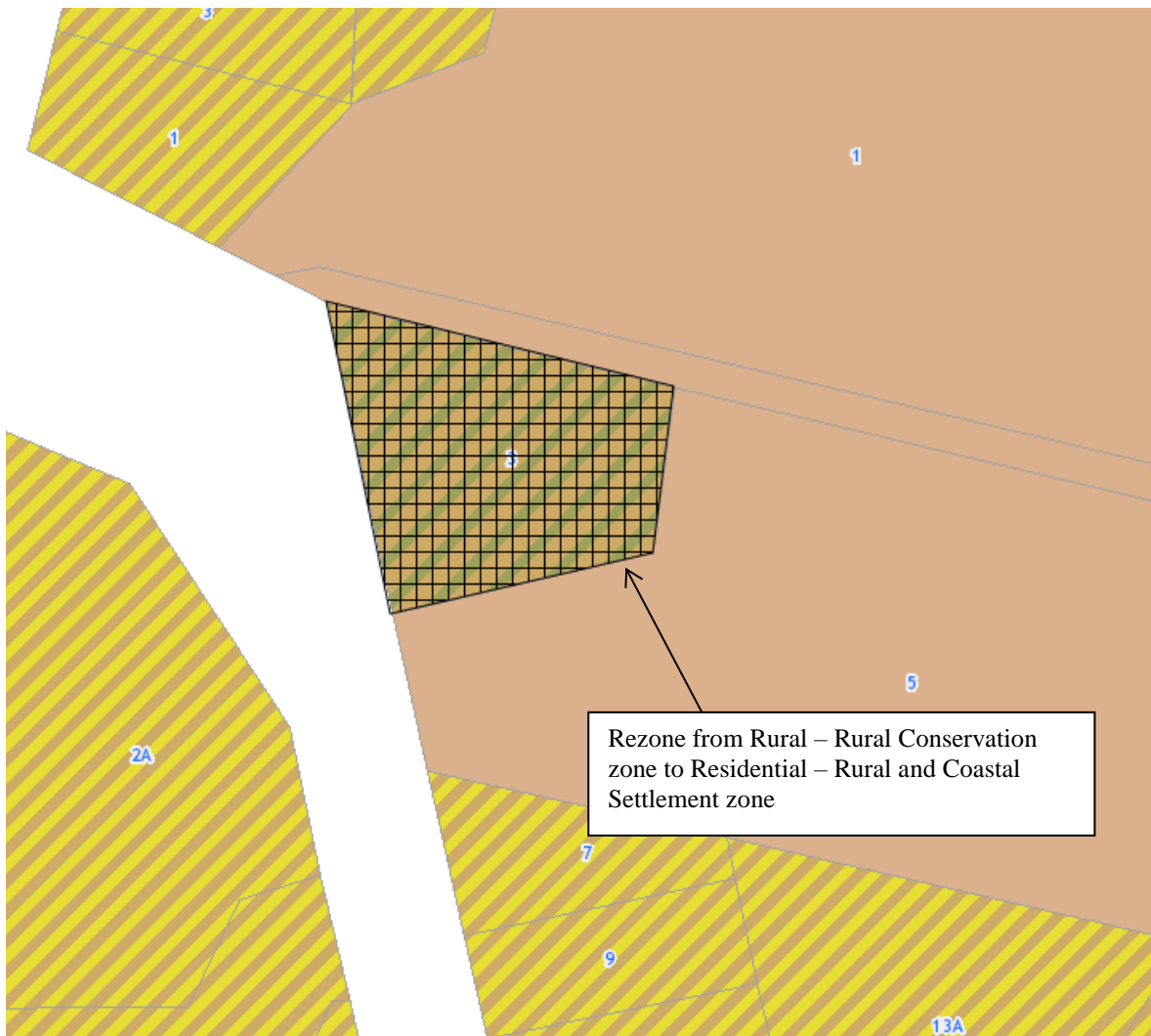
Map change:	27
Subject property:	Autumn Avenue, Glen Eden
Legal Description:	Lot 6 DP 109668, Lot 45 DP 210267
Current zone:	Rural – Countryside Living zone
Proposed change:	<i>Rezone Autumn Avenue, Glen Eden from Rural – Countryside Living zone to Rural – Waitakere Foothills zone</i>
Proposed zone:	Rural – Waitakere Foothills zone



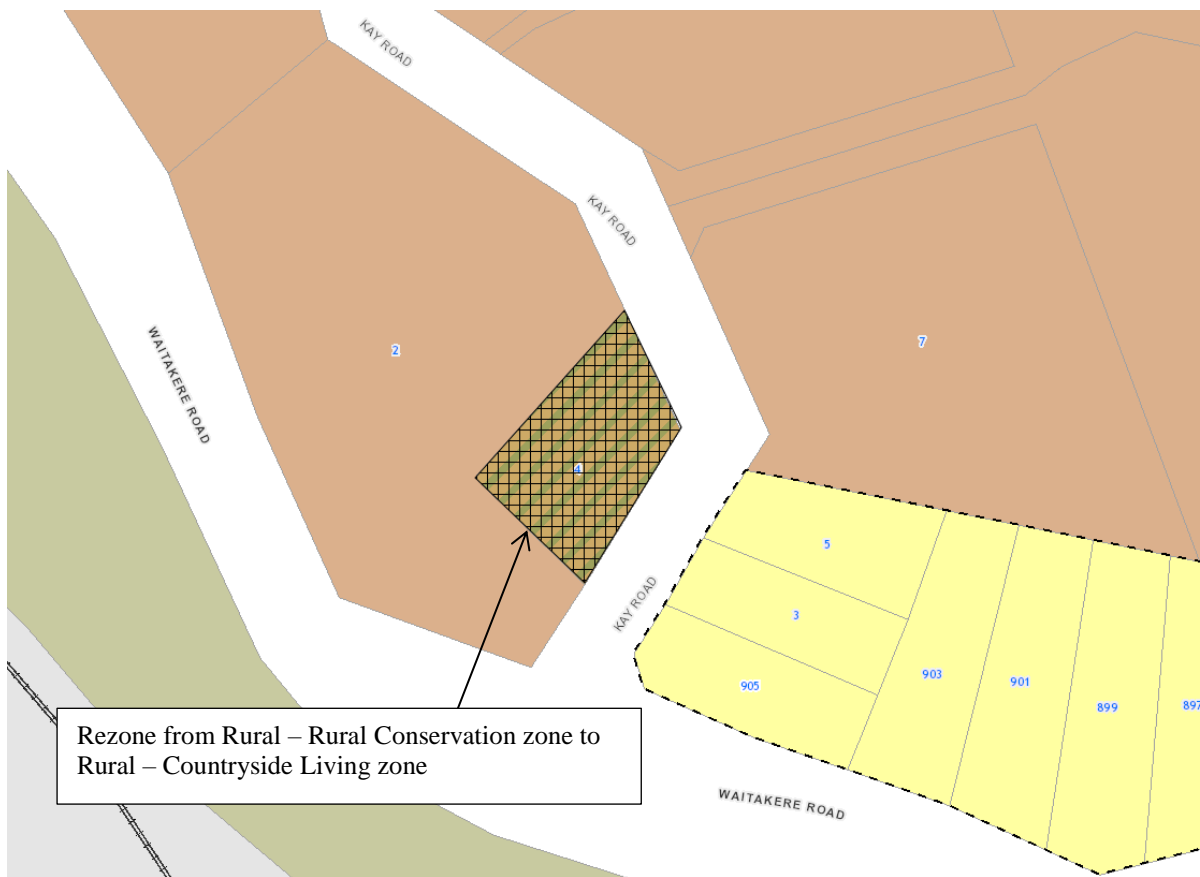
Map change:	28
Subject property:	800 Huia Road, Huia
Legal Description:	Lot 1 DP 31884
Current zone:	Rural – Countryside Living zone
<i>Proposed change:</i>	<i>Rezone 800 Huia Road, Huia from Rural – Countryside Living zone to Rural – Waitakere Ranges zone</i>
Proposed zone:	Rural – Waitakere Ranges zone



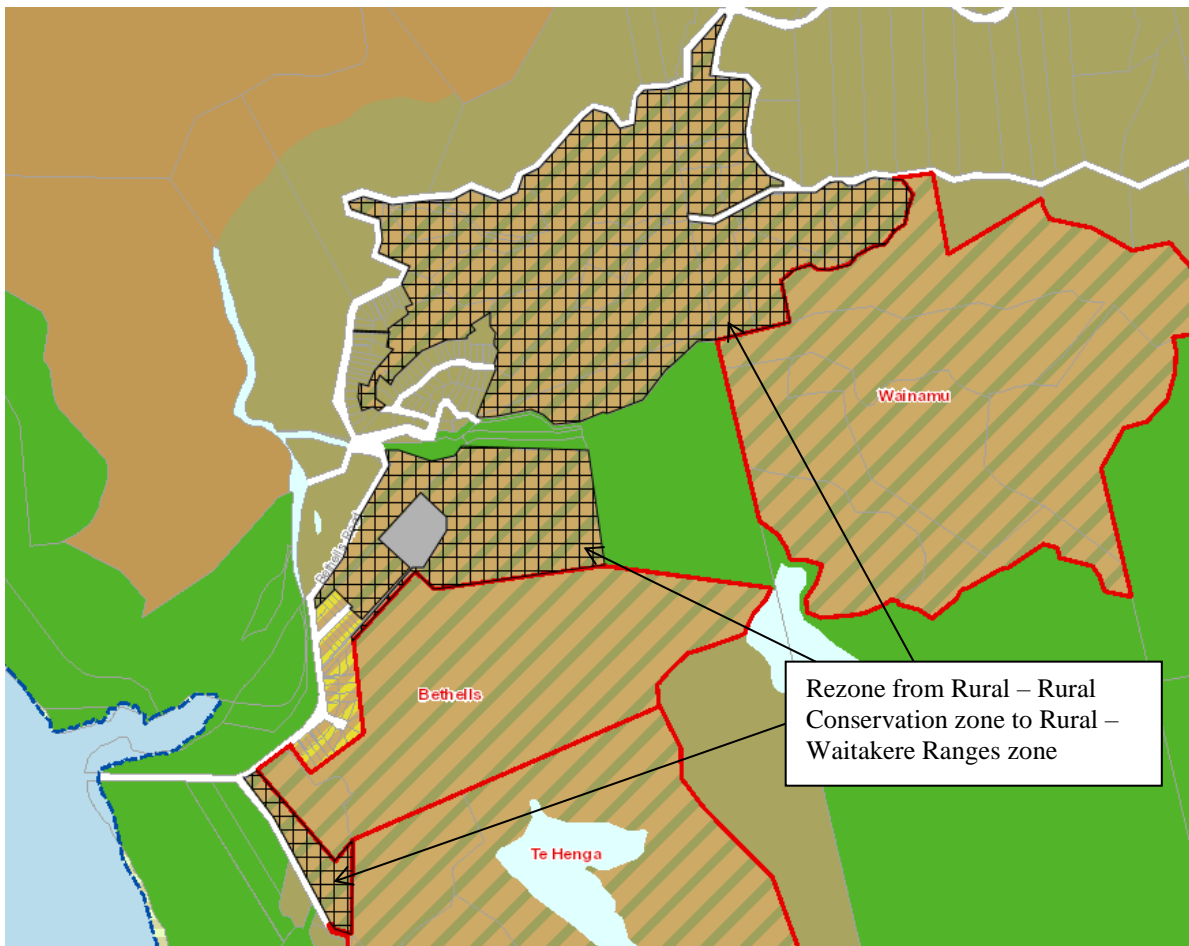
Map change:	29
Subject property:	3 McEntee Road, Waitakere
Legal Description:	Lot 1 DP44160
Current zone:	Rural – Rural Conservation zone
<i>Proposed change:</i>	<i>Rezone 3 McEntee Road, Waitakere from Rural – Rural Conservation zone to Residential – Rural and Coastal Settlement zone</i>
Proposed zone:	Residential – Rural and Coastal Settlement zone



Map change:	30
Subject property:	4 Kay Road, Swanson
Legal Description:	PT Lot 1 DP 55266
Current zone:	Rural – Rural Conservation zone
Proposed change:	<i>Rezone 4 Kay Road, Swanson from Rural – Rural Conservation zone to Rural – Countryside Living zone</i>
Proposed zone:	Rural – Countryside Living zone



Map change:	31
Subject property:	See Table below.
Legal Description:	See Table below.
Current zone:	Rural – Rural Conservation zone
<i>Proposed change:</i>	<i>Rezone the properties specified below from Rural – Rural Conservation zone to Rural – Waitakere Ranges zone.</i>
Proposed zone:	Rural – Waitakere Ranges



Affected sites:

Subject properties	Legal Descriptions
228 Bethells Road, Bethells	SEC 1 BLK I SO 47102, SEC 2 BLK I SO 47102, PT 1A ML 1902
17 Erangi Place Bethells	LOT 43 DP 72475
240 Bethells Road, Bethells	PT LOT 1 DP 52977
284-286 Bethells Road Bethells	LOT 4 DP 45364
36 Te Aute Ridge Road Bethells	LOT 4 DP 59176
2 Kokako Grove Bethells	PT LOT 5 DP 59176
40 Te Aute Ridge Road Bethells	LOT 6 DP 59176

10 Kokako Grove Bethells	LOT 7 DP 59176
18 Kokako Grove Bethells	LOT 10 DP 172677
9 Tasman View Road Bethells	PT LOT 3 DP 52977
7 Kokako Grove Bethells 9 Kokako Grove Bethells 5 Kokako Grove Bethells	LOT 12 DP 172677, LOT 11 DP 172677, LOT 7 DP 172677 LOT 12 DP 172677, LOT 11 DP 172677, LOT 8 DP 172677 LOT 12 DP 172677, LOT 11 DP 172677, LOT 6 DP 172677 LOT 1 DP 439729
12 Tasman View Road Bethells	LOT 1 DP 62899, LOT 1 DP 192609
18 Tasman View Road Bethells	LOT 1 DP 40072
160 Bethells Road Bethells 156 Bethells Road Bethells 156A Bethells Road Bethells 152 Bethells Road Bethells 150 Bethells Road Bethells 154 Bethells Road Bethells 46 Te Aute Ridge Road Bethells	LOT 11 DP 172677, LOT 13 DP 172677, LOT 2 DP 172677 LOT 11 DP 172677, LOT 13 DP 172677, LOT 1 DP 172677 LOT 11 DP 172677, LOT 13 DP 172677, LOT 4 DP 172677 LOT 11 DP 172677, LOT 13 DP 172677, LOT 5 DP 172677 LOT 11 DP 172677, LOT 13 DP 172677, LOT 3 DP 172677 LOT 2 DP 58776
44 Te Aute Ridge Road Bethells	LOT 1 DP 341728
44B Te Aute Ridge Road Bethells	LOT 3 DP 341728
44A Te Aute Ridge Road Bethells	LOT 2 DP 341728
58 Tasman View Road Bethells	LOT 1 DP 208433

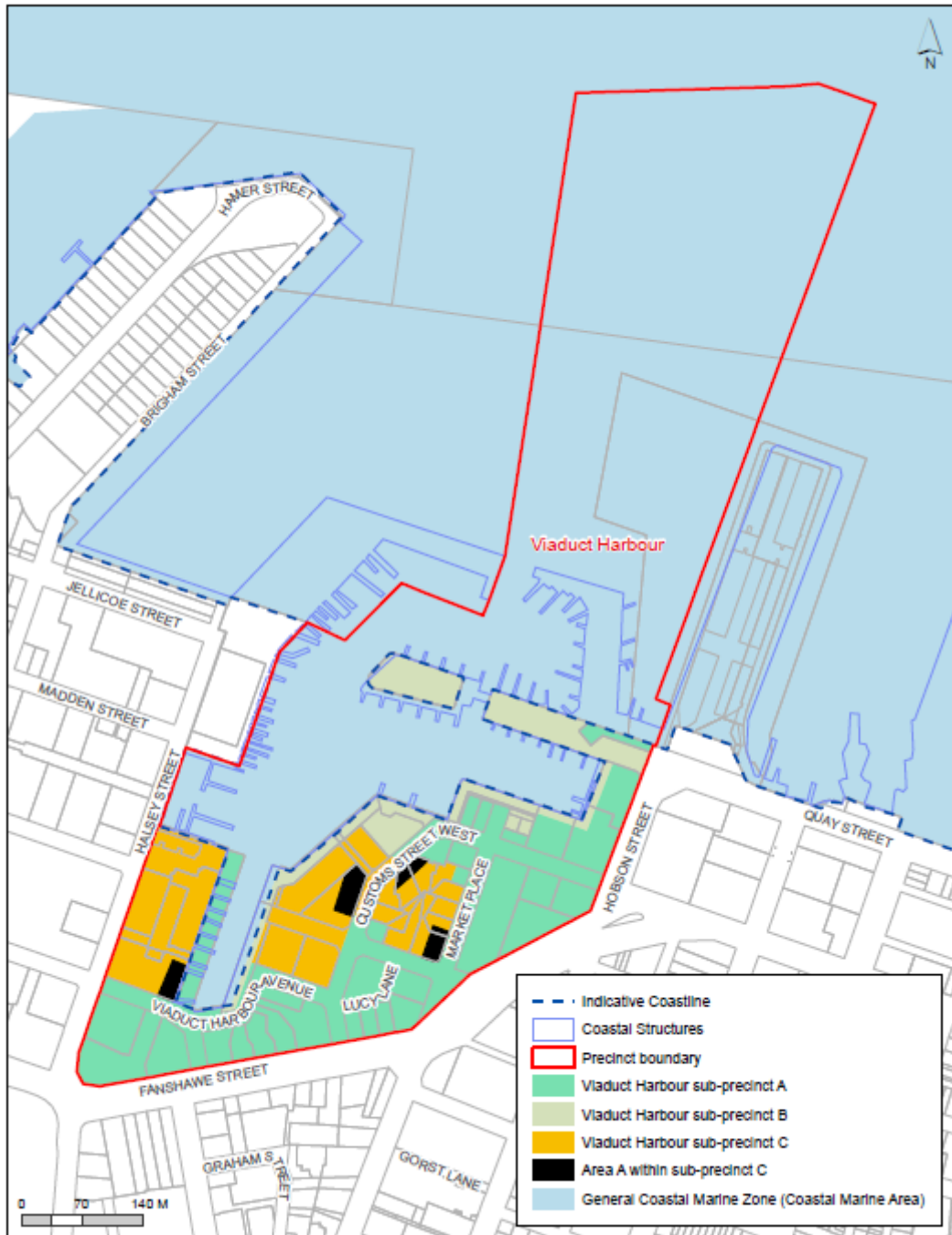
Chapter I Precincts: Consequential Changes

I211. Viaduct Harbour Precinct

...

I211.10. Precinct plans

Error! No text of specified style in document..10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts



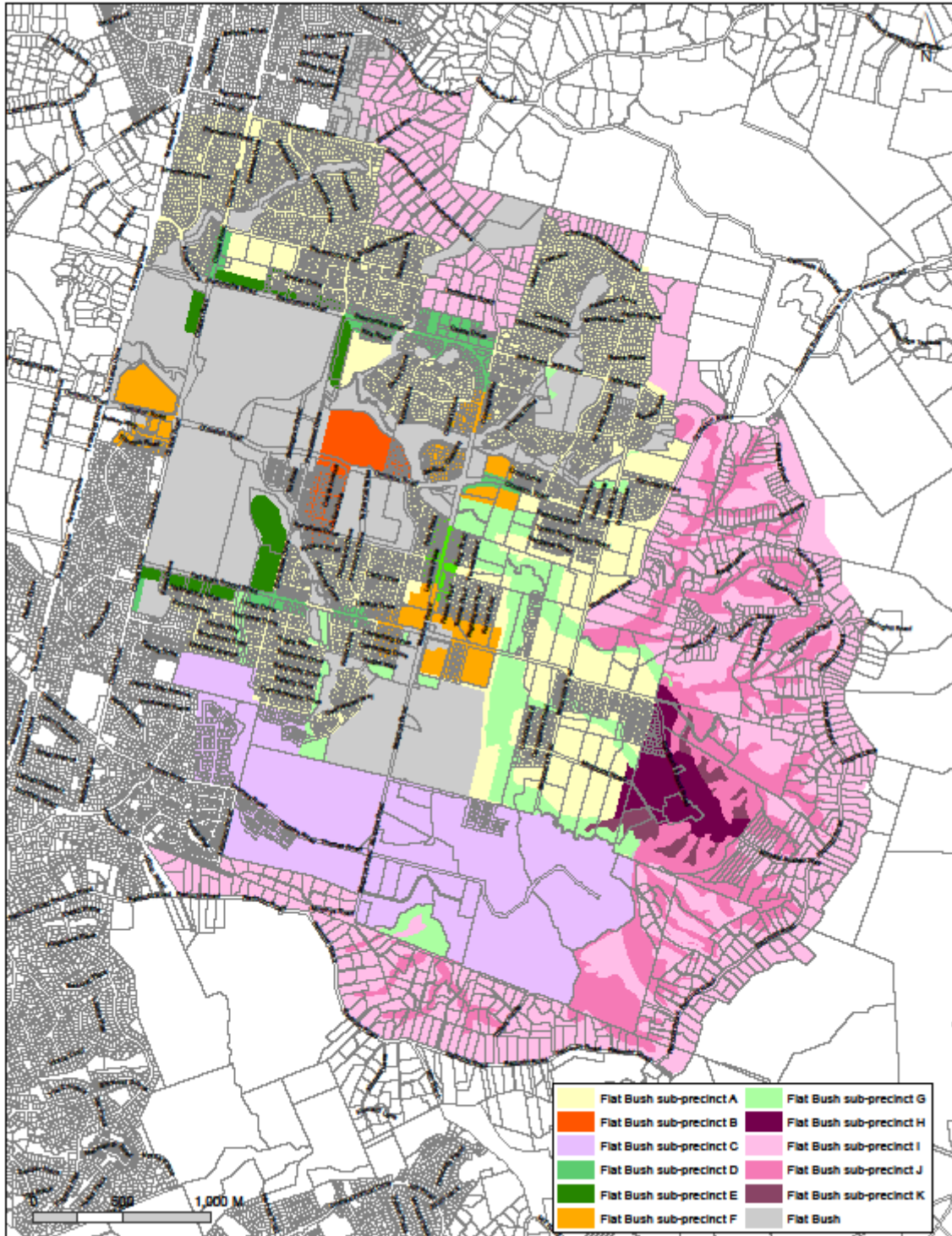
Note: Consequential change relates to Map Change 17 above.

I412. Flat Bush Precinct

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I412.10 Flat Bush Precinct Plans

I412.10.1. Flat Bush: Precinct plan 1 - Sub-precincts Boundary



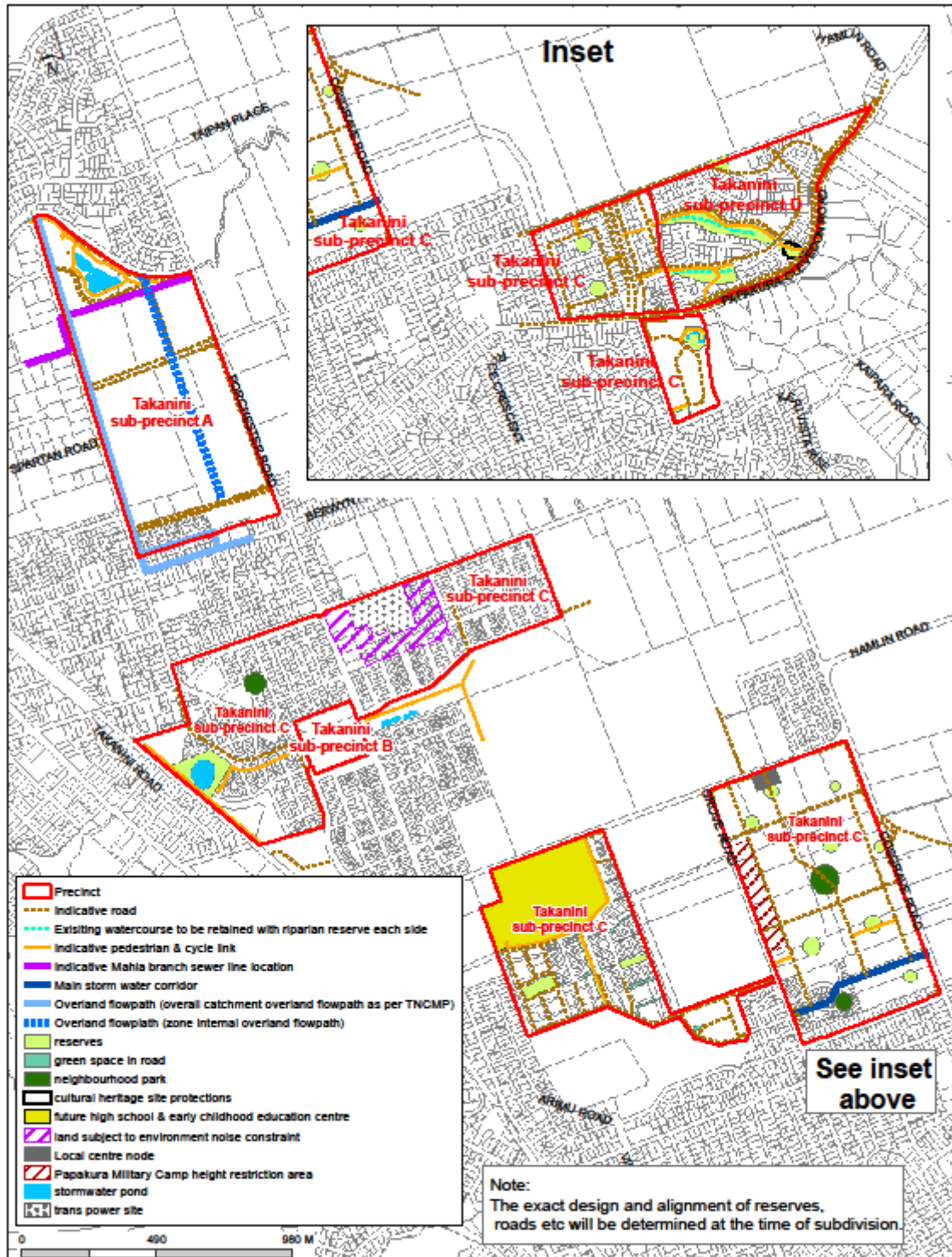
Note: Consequential change relates to Map Change 15 above.

I438. Takanini Precinct

...

I438.10. Precinct plans

I438.10.1. Takanini Precinct: Precinct plan 1



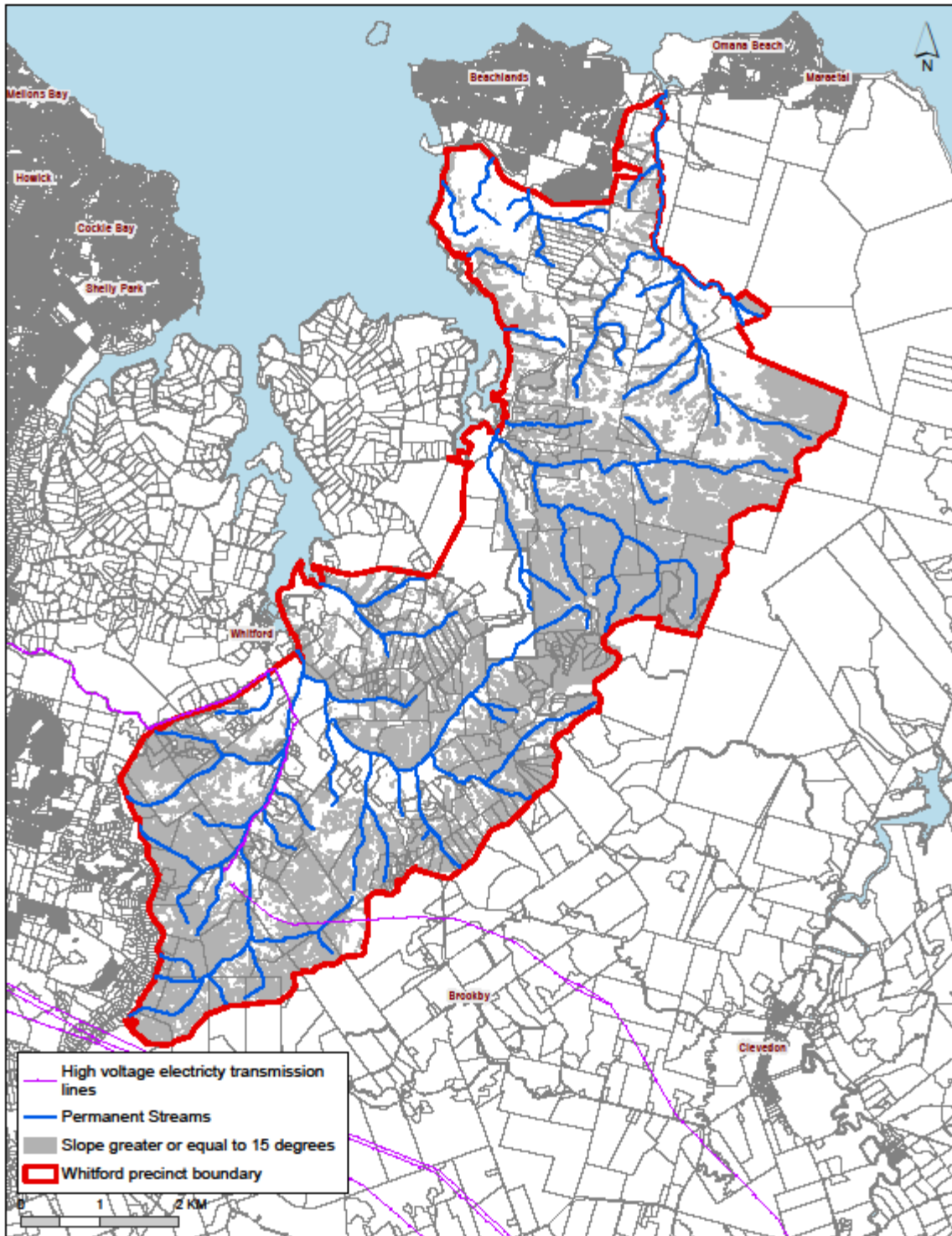
Note: Consequential change relates to Map Change 11 above.

I441. Whitford Precinct

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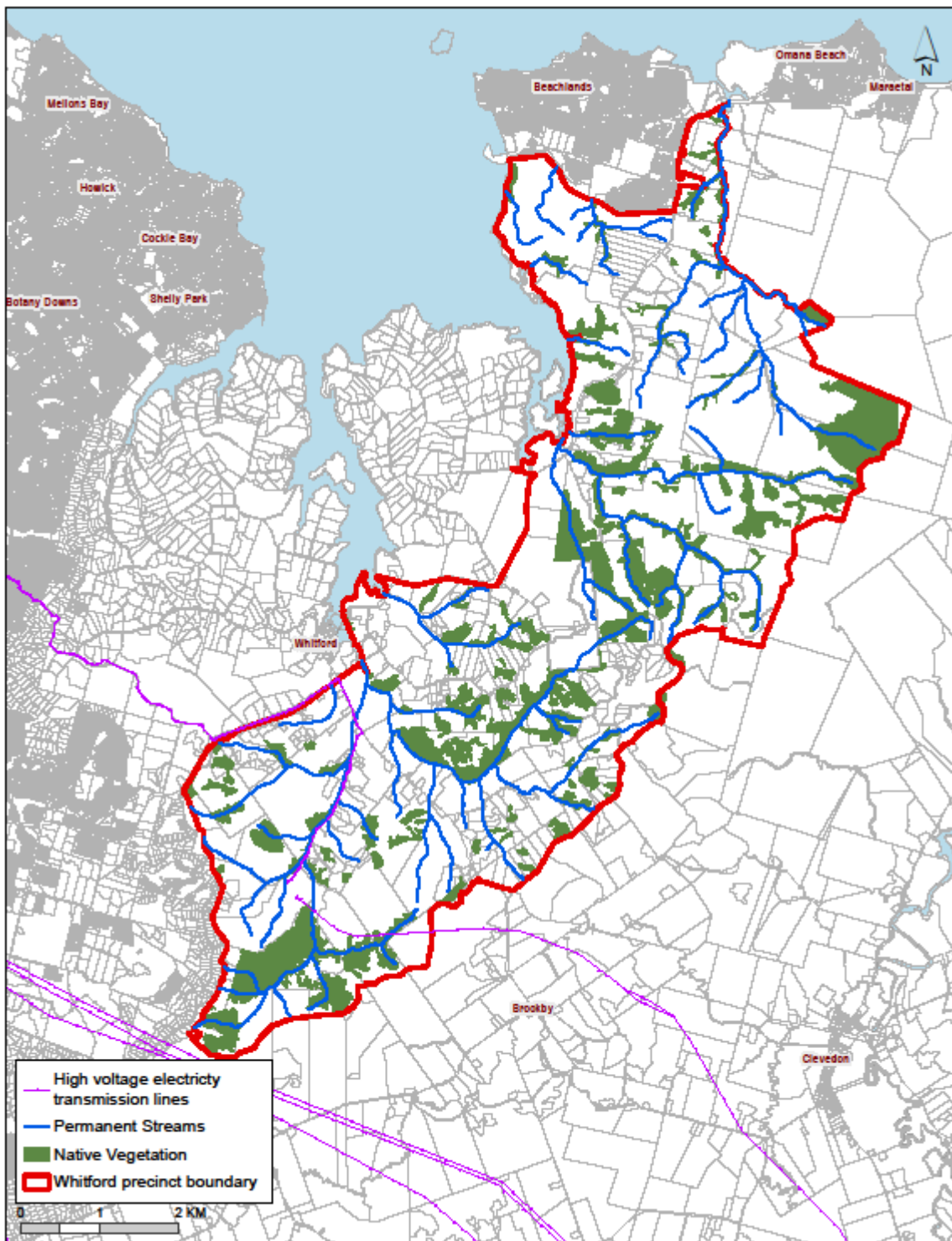
I441.10. Precinct plans

I441.10.1. Whitford Precinct: Precinct plan 1



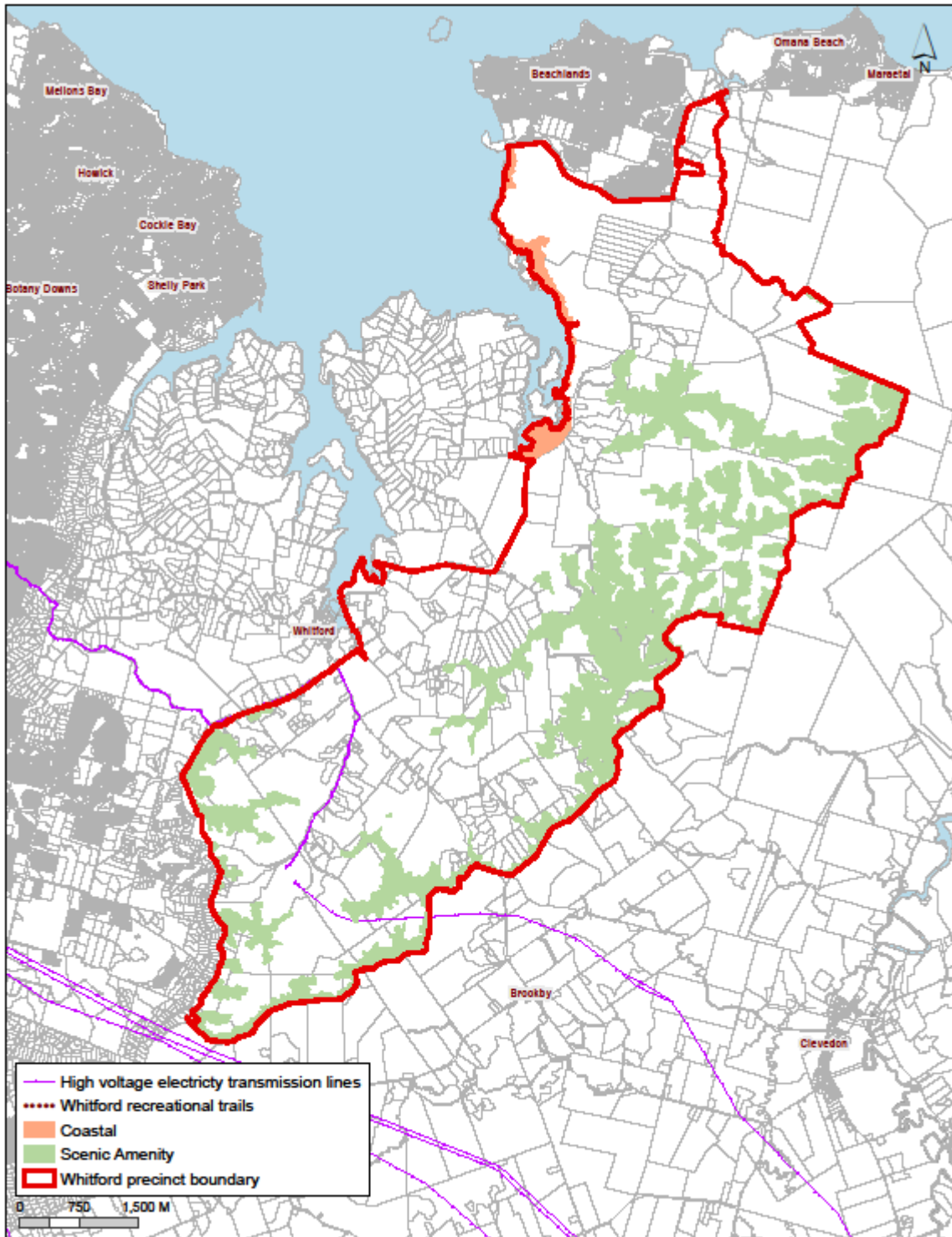
Note: Consequential change relates to Map Change 14 above.

I441.10.2. Whitford Precinct: Precinct plan 2 - vegetation management



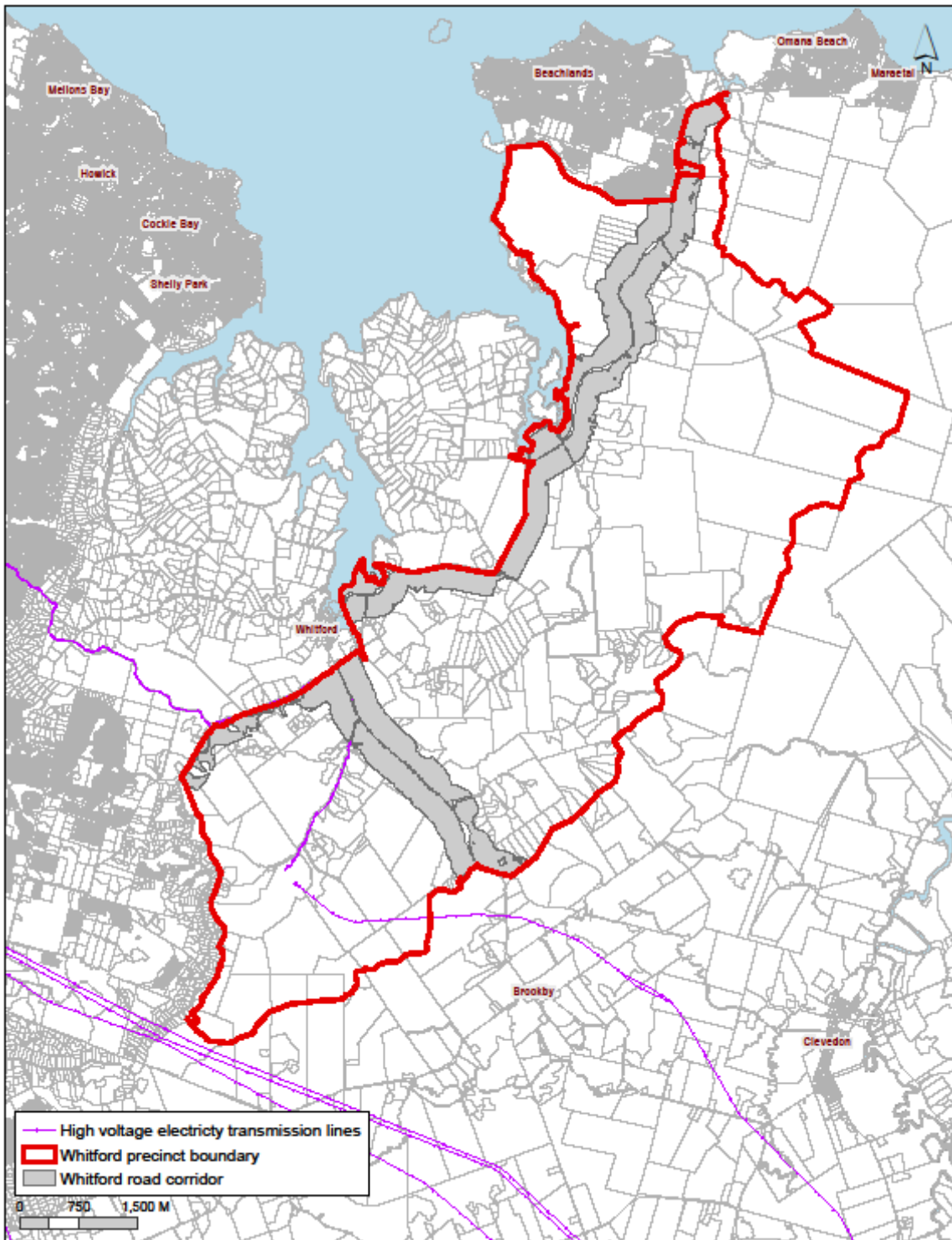
Note: Consequential change relates to Map Change 14 above.

I441.10.3 Whitford Precinct: Precinct plan 3 - coastal and scenic amenity



Note: Consequential change relates to Map Change 14 above.

I441.10.4. Whitford Precinct: Precinct plan 4 - location of road corridor



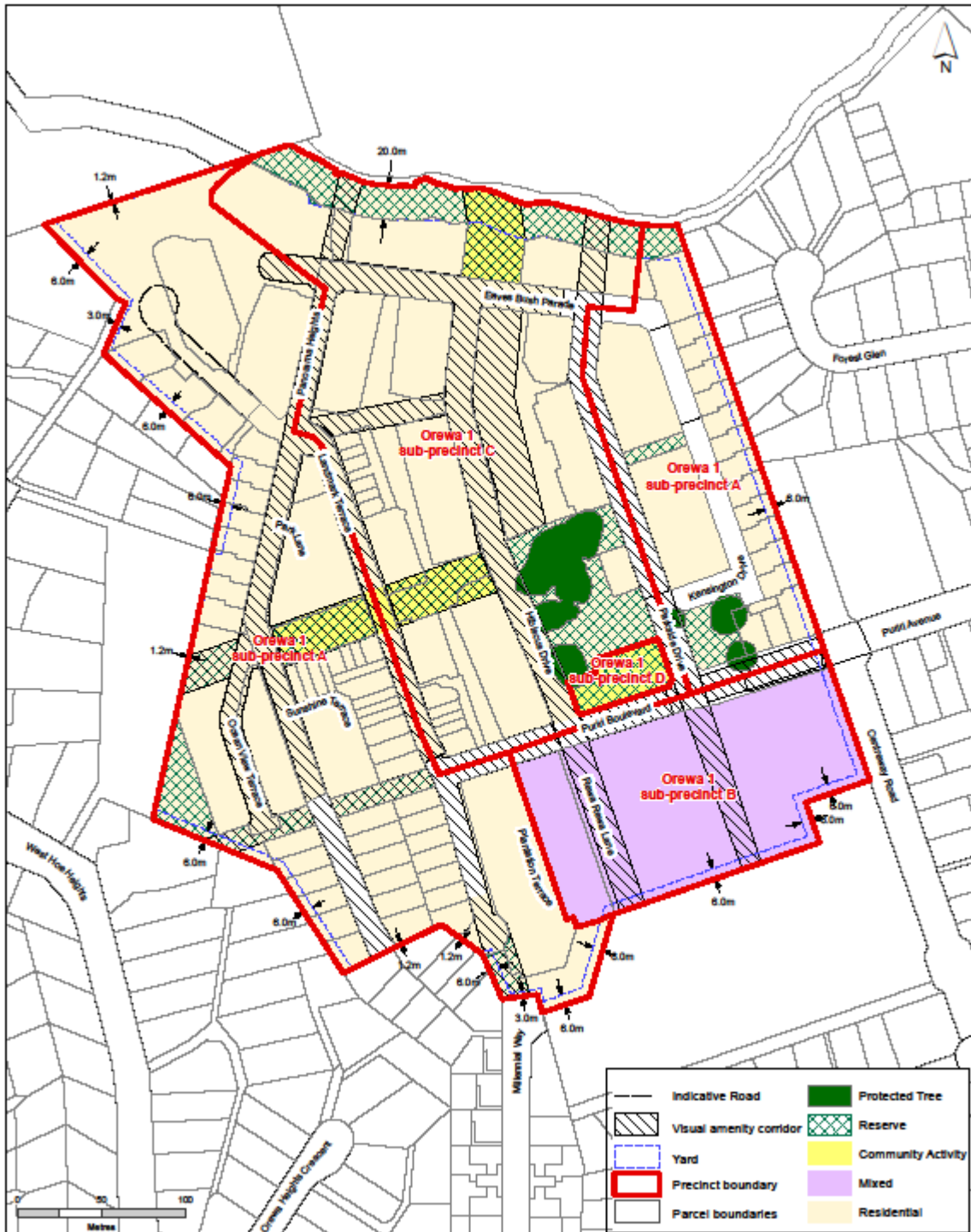
Note: Consequential change relates to Map Change 14 above.

I529. Orewa 1 Precinct

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I529.10. Precinct plans

I529.10.1 Orewa 1: Precinct plan 1



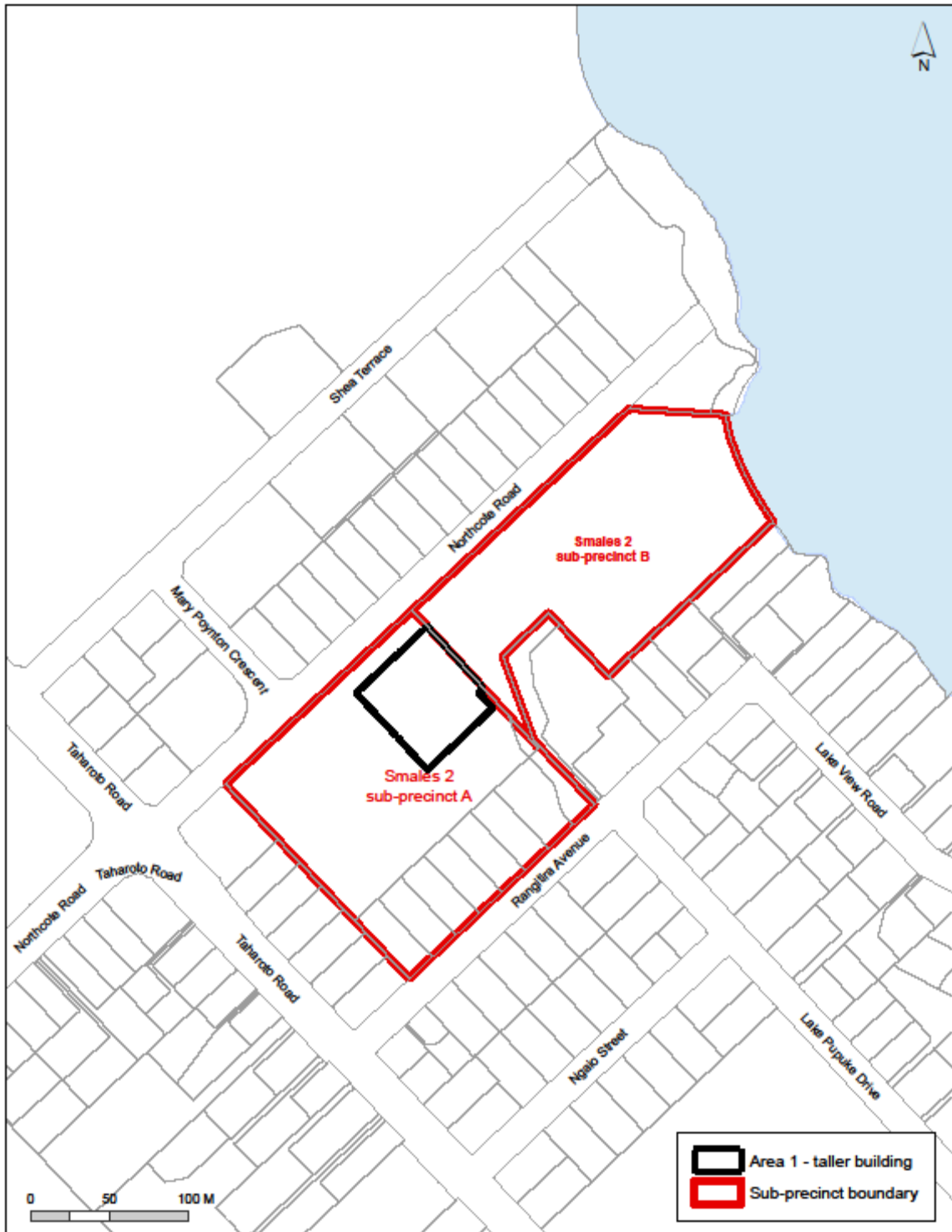
Note: Consequential change relates to Map Change 16 above.

I539. Smales 2 Precinct

...

I539.10. Precinct plans

I539.10.1. Smales 2: Precinct plan 1



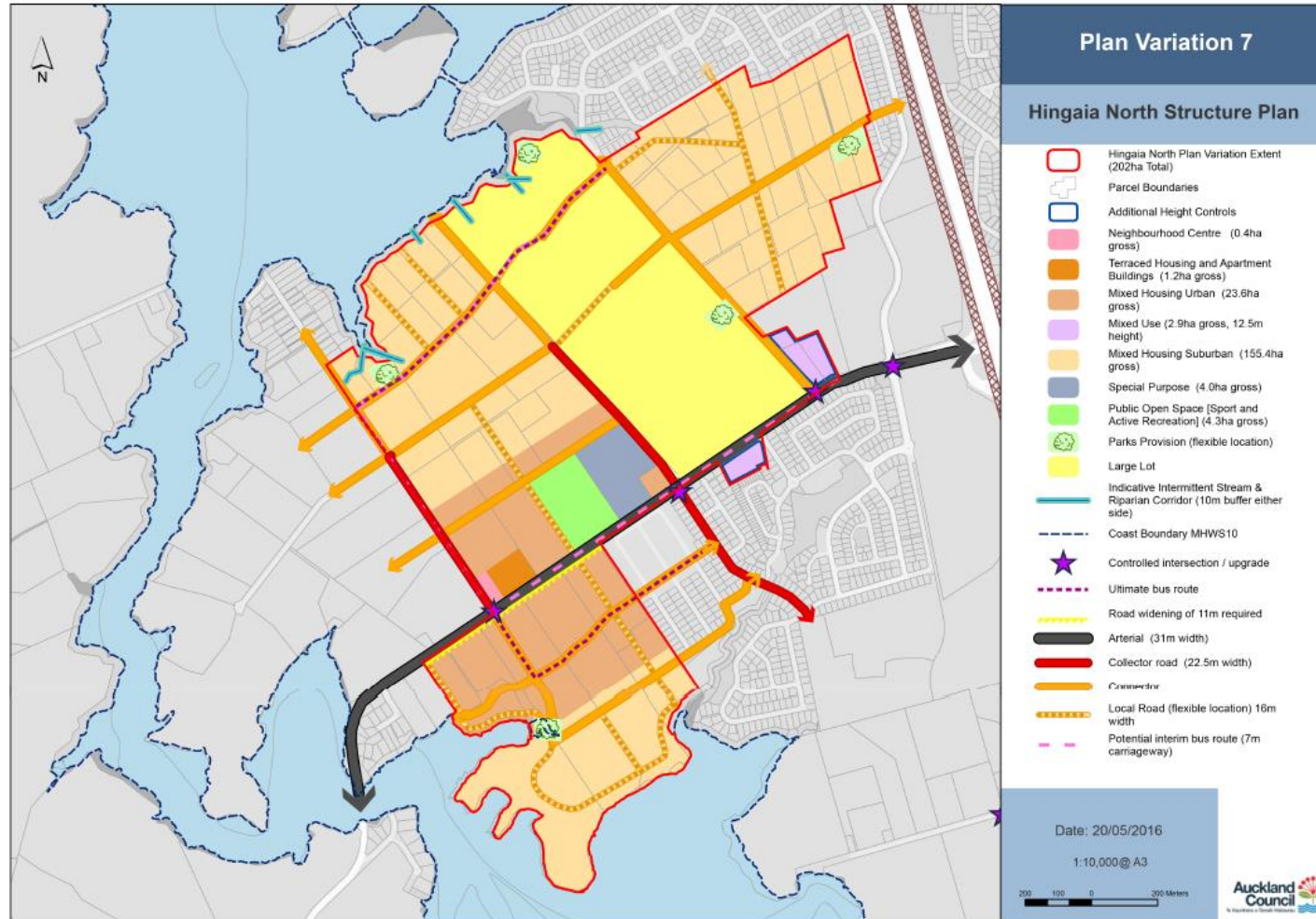
Note: Consequential change relates to Map Change 12 above.

6.33 Hingaia 3

...

10. Precinct Plans

Figure 2 - Structure Plan



Attachment 2 – Appeal Consent Order
ENV-2019-AKL-000146

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

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

AND of appeals under Clause 14 of the First Schedule to the Act against a decision of the Auckland Council on proposed Plan Change 17 to the Auckland Unitary Plan (Operative in Part)

BETWEEN VIADUCT HARBOUR HOLDINGS LIMITED
(ENV-2019-AKL-000146)

AND TOFINI AUCKLAND LIMITED (AS SUCCESSOR TO AUCKLAND INDUSTRIAL PROJECTS LIMITED)
(ENV-2019-AKL-000158)

Appellants

AND AUCKLAND COUNCIL
Respondent

Principal Environment Judge L J Newhook sitting alone under s 279 of the Act
IN CHAMBERS at Auckland

CONSENT ORDER

- [A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeals are allowed subject to the amendments set out in this order;
 - (2) the appeals are otherwise dismissed.
- [B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

- [1] Viaduct Harbour Holdings Limited (**VHHL**) and Tofini Auckland Limited (**Tofini**) appealed part of a decision by Auckland Council (**the Council**) on proposed Plan Change 17: Improving consistency of provisions for the GIS Viewer (**PC 17**) to the Auckland Unitary Plan (Operative in Part) (**Unitary Plan**).
- [2] VHHL's and Tofini's appeals both relate to the site at 32 Market Place, Auckland Central (**the Site**). The Site is zoned Business - City Centre in the Unitary Plan and is also within the I211 Viaduct Harbour Precinct. The I211 Viaduct Harbour Precinct is comprised of Sub-precincts A to C, which apply to different areas of public and privately-owned land within the Precinct.
- [3] In summary, Sub-precinct A applies to land which is characterised by commercial land uses, and Sub-precinct C applies to land which is characterised by residential land uses. Sub-precinct B applies to publicly accessible coastal land and is not relevant to VHHL's and Tofini's appeals.
- [4] Prior to the notification of PC 17 the Site was located wholly within Sub-precinct C.
- [5] The Council's decision on PC 17 realigned the 1211 Viaduct Harbour sub-precinct boundaries to include the part of the Site occupied by a five-level building within Sub-precinct A, with the balance of the site including the Recreational Facilities remaining within Sub-precinct C.
- [6] VHHL's and Tofini's appeals sought that the boundaries of Sub-precinct A and sub-precinct C be amended so that the entirety of the site is within Sub-precinct A.
- [7] The parties have now agreed that the appeals can be resolved. In accordance with the Council's decision, the I211 Viaduct Harbour sub-precinct boundaries will be realigned to include the part of the Site occupied by the five-level building within Sub-precinct A, with the balance of the site including the Recreational facilities remaining within Sub-precinct C. The parties have agreed to a consequential amendment to the I211.10.1 Viaduct Harbour:



Precinct Plan 1 by including a new permitted activity rule specific to the Site, as follows:

Swimming, exercising and leisure activities in the part of the site legally described as Lot 4 Deposited Plan 317103 within Sub-precinct C by occupants of the site undertaking office activities.

- [8] In making this order the Court has read and considered the appeals and the joint memorandum of the parties dated 4 March 2020.
- [9] The Parc Bodies Corporate (BC321391, BC321390, BC336460, BC321389, BC321393, BC323876, BC336459), the Lumina Body Corporate (BC383524), and the Vibe Body Corporate (BC38969) have given notice of their intention to become parties to the appeals under s 274 of the Act and have signed the memorandum of the parties seeking this order.
- [10] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297 of the Act. The Court understands for present purposes that:
- 10.1 All parties to the appeals have executed the memorandum requesting the order.
 - 10.2 All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including in particular Part 2.

Order

- [11] Therefore, the Court orders, by consent, that the I211.4.1 Activity Table for the I211 Viaduct Harbour Precinct in the Auckland Unitary Plan (Operative in Part) is amended to include a new permitted activity rule specific to the site at 32 Market Place as set out in **Appendix 1** to this consent order.
- [12] The appeals are otherwise dismissed.



[13] There is no order of costs.

DATED at Auckland this 20th day of March 2020



L J Newhook
Principal Environment Judge



Appendix 1

Amendments to the **I211.4.1 Activity table** (for the I211 Viaduct Harbour Precinct in the Auckland Unitary Plan (Operative in Part)) shown as underline:

Activity		CMA [rcp]	Land [dp]
Works in the coastal marine area			
(A1)	Maintenance or repair of existing seawalls, reclamations or drainage systems	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation#	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
Use and activities and associated occupation			
Residential			
(A7)	Dwellings and visitor accommodation within Sub-precinct C	NA	P
Commerce			
(A8)	Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities on the ground floor of an existing building within Area A of Sub-precinct C	NA	RD
(A9)	Office activities within Sub-precinct C	NA	D
<u>(A9A)</u>	<u>Swimming, exercising and leisure activities in the part of the site legally described as Lot 4 Deposited Plan 317103 within Sub-precinct C by occupants of the site undertaking office activities</u>	<u>NA</u>	<u>P</u>



(A10)	Maritime passenger operations, excluding freight movement and storage#	P*	P
(A11)	Parking accessory to marine and port activities, maritime passenger operations and events within Te Wero Island and the Eastern Viaduct in sub-precinct B	P*	NA
(A12)	Parking that is not accessory to marine and port activities and maritime passenger operations and events on coastal marine area structures	NC*	NA
(A13)	Short-term parking (non accessory) within sub-precinct B	NA	RD
(A14)	Aquaculture activities	Pr	NA
Industry			
(A15)	Permanent refuelling facilities for boats	RD	RD
(A16)	Marine and port activities except for permanent refuelling facilities for boats	P	P
(A17)	Industrial activities not specified as a permitted or restricted activity	D*	D
Community			
(A18)	Artworks, open air markets, kiosks, stalls, displays, tables and seating within Waitemata Plaza and Market Square, including those used in association with food and beverage activities located on adjacent sites	NA	P
(A19)	Marinas	P	P
(A20)	Marina berths	P	N/A
(A21)	Community facilities#	P	P
(A22)	Public amenities	P*	P
(A23)	Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC



Development			
(A24)	Marine and port facilities within sub-precinct A or B	NA	RD
(A25)	Marine and port facilities located outside of sub-precinct A and B	P*	P
(A26)	Marine and port accessory structures and services, excluding new pile moorings	P	P
(A27)	Wave attenuation devices	RD	RD
(A28)	Observation areas, viewing platforms and boardwalks	RD	RD
(A29)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A30)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A31)	Maimai	NC	NC
(A32)	A bridge across the Viaduct Harbour	RD	RD
(A33)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A34)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A35)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A36)	Development that does not comply with Standard I211.6.10(1)-(3) or I211.6.11(1)-(2)	NC	NC



Attachment 3 – Updated Text

I211. Viaduct Harbour Precinct

I211.1. Precinct description

The Viaduct Harbour precinct incorporates Viaduct Harbour and the land fronting the harbour (including Hobson Wharf), and the adjacent coastal marine area. The precinct is characterised by its enclosed water space, interesting water edge, proximity to the city core, and areas of low-rise character buildings. Refer to Viaduct Harbour Precinct plan 1 for the location and extent of the precinct. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 6.

The purpose of the Viaduct Harbour precinct is to provide for a scale of development and a range of uses which reflect and complement the Viaduct Harbour as a special place of character within the city centre. Building height, bulk and design controls are intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail, entertainment and community/cultural activities is encouraged along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest.

The open space network, identified as sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs. The width of space around the Basin perimeter is also sufficient for the coexistence of maritime-related activities, pedestrian promenades, open air cafe seating and similar activities.

The residential area, identified as Sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct.

The zoning in the Viaduct Harbour Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

I211.2. Objectives [rcp/dp]

- (1) An attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, community and cultural facilities and events.
- (2) Maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

- (4) An attractive place for business and investment is provided for marine and port activity, maritime passenger operations and commercial business activity which benefit from a high amenity waterfront location.
- (5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.
- (6) A mix of activities is encouraged including residential, business, tourism and events that create a vibrant environment.
- (7) Maintain the residential character and amenity in Sub-precinct C as an attractive place for permanent residents.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

I211.3. Policies [rcp/dp]

- (1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area.
- (2) Enable a diverse range of activities while:
 - (a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities; and
 - (b) maintaining and enhancing public access to the waters edge.
- (3) Provide for continued use of all berthage areas adjacent to public open spaces for commercial vessel activities and other marine and port activities and marina-activities.
- (4) Manage building height and bulk to:
 - (a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;
 - (b) complement and maintain the distinctive low-medium rise character established by development in Viaduct Harbour, including a sense of intimacy along streets and other public space frontages;
 - (c) complement the height enabled in the adjacent Downtown West, Central Wharves and Wynyard precincts; and
 - (d) provide a transition in height between the core city centre and the harbour.
- (5) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation, community and cultural activities and temporary activities.

- (6) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.
- (7) Encourage an integrated network of attractive streets and lanes to increase pedestrian and cycling permeability and accessibility through the precinct.
- (8) Enable and maintain a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- (9) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the water quality and ecology of the city centre coastal environment.
- (10) Limit the loss of significant public views from the city to the harbour and adjacent landscape features.
- (11) Maintain the residential character and amenity values in Sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.
- (12) Provide for permanent residents in Sub-precinct C to:
 - (a) maintain and enhance the character and vitality of the precinct; and
 - (b) promote the safety and amenity for pedestrians through passive surveillance.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

I211.4. Activity table

Table I211.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- Within sub-precinct B, activities marked # in the activity table are limited to the area of the Eastern Viaduct shown on Precinct plan 1.
- Those activities marked with * have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Viaduct Harbour Precinct unless otherwise specified in the activity table below.

- For parking on land refer to [E27 Transport](#), except where a more specific activity status applies in the table below.

Table I211.4.1. Activity table

Activity		CMA [rcp]	Land [dp]
Works in the coastal marine area			
(A1)	Maintenance or repair of existing seawalls, reclamations or drainage systems	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation#	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
Use and activities and associated occupation			
Residential			
(A7)	Dwellings and visitor accommodation within Sub-precinct C	NA	P
Commerce			
(A8)	Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities on the ground floor of an existing building within Area A of Sub-precinct C	NA	RD
(A9)	Office activities within Sub-precinct C	NA	D
(A9A)	Swimming, exercising and leisure activities in the Qart of the site legally described as Lot 4 Deposited Plan 317103 within Sub-Precinct C by occupants of the site undertaking office activities	NA	P
(A10)	Maritime passenger operations, excluding freight movement and storage#	P*	P
(A11)	Parking accessory to marine and port activities, maritime passenger operations and events within Te Wero Island and the Eastern Viaduct in sub-precinct B	P*	NA
(A12)	Parking that is not accessory to marine and port activities and maritime passenger operations and events on coastal marine area structures	NC*	NA
(A13)	Short-term parking (non accessory) within sub-precinct B	NA	RD
(A14)	Aquaculture activities	Pr	NA
Industry			

I211 Viaduct Harbour Precinct

(A15)	Permanent refuelling facilities for boats	RD	RD
(A16)	Marine and port activities except for permanent refuelling facilities for boats	P	P
(A17)	Industrial activities not specified as a permitted or restricted activity	D*	D
Community			
(A18)	Artworks, open air markets, kiosks, stalls, displays, tables and seating within Waitemata Plaza and Market Square, including those used in association with food and beverage activities located on adjacent sites	NA	P
(A19)	Marinas	P	P
(A20)	Marina berths	P	N/A
(A21)	Community facilities#	P	P
(A22)	Public amenities	P*	P
(A23)	Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC
Development			
(A24)	Marine and port facilities within sub-precinct A or B	NA	RD
(A25)	Marine and port facilities located outside of sub-precinct A and B	P*	P
(A26)	Marine and port accessory structures and services, excluding new pile moorings	P	P
(A27)	Wave attenuation devices	RD	RD
(A28)	Observation areas, viewing platforms and boardwalks	RD	RD
(A29)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A30)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A31)	Maimai	NC	NC
(A32)	A bridge across the Viaduct Harbour	RD	RD
(A33)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A34)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A35)	Coastal marine area structures or buildings not otherwise provided for	D	NA

(A36)	Development that does not comply with Standard I211.6.10(1)-(3) or I211.6.11(1)-(2)	NC	NC
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I211.5. Notification

- (1) Any application for resource consent for an activity listed in Table I211.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I211.6. Standards

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Viaduct Harbour Precinct and the standards in the Business – City Centre Zone apply to land in the Viaduct Harbour Precinct unless otherwise specified below

I211.6.1. Temporary activities Events

- (1) Temporary activities within the Viaduct Harbour precinct must comply with the general noise limit in [E25 Noise and Vibration](#). Temporary activities may exceed the general noise limit (deemed to be a noise event) no more than 15 times in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive).
- (2) The general noise levels in [E25 Noise and Vibration](#) may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.
- (3) For the purpose of this rule and except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct plan 1, are all separate venues.
- (4) For the 15 noise events, the maximum noise levels must not exceed:
 - (a) For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in I211.6.1(1) above (exclusive of one sound check of no more than one hour duration prior to each event):

82dB $L_{Aeq(15min)}$

90dB $L_{A1(15min)}$

76dB $L_{eq(15min)}$ at 63Hz 1/1 Octave Band

76dB $L_{eq(15min)}$ at 125Hz 1/1 Octave Band

(high noise event)

At all other times during the 15 noise events:

I211 Viaduct Harbour Precinct

72dB $L_{Aeq(15min)}$

80dB $L_{A1(15min)}$

76dB $L_{eq(15min)}$ at 63Hz 1/1 Octave Band

76dB $L_{eq(15min)}$ at 125Hz 1/1 Octave Band

(medium noise event)

- (5) Except as provided elsewhere in this rule, noise levels must be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of environmental sound and must be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise except that clause 6.3 must not be used.
- (6) Within Waitemata Plaza and Market Square as shown on Precinct plan 2 the following additional restrictions apply:
 - (a) there must be no high noise events;
 - (b) there must be no more than two noise events in any four week period;
 - (c) of the total 15 noise events there must be no more than six in any one calendar year and the general noise level in in [E25 Noise and Vibration](#) of the Auckland-wide rules must not be exceeded for a cumulative duration of more than three hours for any one noise event.
- (7) For the purpose of the restrictions in I211.6.1(6) above, Waitemata Plaza and Market Square are counted as a single venue.
- (8) Noise levels exceeding the standard in [E25 Noise and Vibration](#) of the Auckland-wide rules including sound checks, must start no earlier than 9am and must finish no later than 10:30 pm Sunday to Thursday inclusive, 11pm Friday and Saturday and 1am New Year's Day.
- (9) The noise limits applying to noise events must be met when measured as the incident level 1m from any adjacent building outside the venue that is occupied during the event.
- (10) Not less than four weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
 - (a) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 4 above;
 - (b) the person(s) and procedures for monitoring of compliance with noise levels; and
 - (c) the nominated alternative date in the event of postponement due to the weather.
- (11) The council will keep a record of all noise events held and provide this information upon reasonable request.

- (12) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

I211.6.2. Parking

- (1) There must be no parking on Hobson Wharf except for parking accessory to marine and port activities, including any short-term servicing requirements.
- (2) The number of parking spaces must not exceed the maximum rates specified in Table I211.6.2.1.

Table I211.6.2.1. Maximum parking rates

Activity/site		New development	
(T37)	Dwellings	Dwellings <75m ² GFA	0.7 per dwelling
(T38)		Dwellings ≥75 and < 90m ² GFA	1.4 per dwelling
(T39)		Dwellings ≥90m ² GFA	1.7 per dwelling
(T40)		Visitor spaces	0.2 per dwelling
(T41)	All other activities		1:150m ² GFA

I211.6.3. Public access

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Viaduct Harbour Precinct.

I211.6.4. Building height

Purpose: manage the height of buildings to achieve Policy I211.3(4) of the Viaduct Harbour precinct and respect the heritage values of specifically identified buildings.

- (1) Buildings must not exceed the heights specified on Precinct plan 3.
- (2) The height of buildings and structures on land will be measured in accordance with [H8.6.8](#) of the Business – City Centre Zone rules.
- (3) The height limit in Sub-precinct A and Sub-precinct C may be exceeded by no more than 2m for roofs, including any roof top projections, subject to the building complying with I211.6.5 below (site intensity).
- (4) Buildings must not exceed a height of 24m on the site legally described as LOT 1 DP 183125, except that buildings must be setback at least 3m from the northern and eastern facades of the former Auckland Harbour Board Workshops building, referenced as 01969 in Schedule 14.1 Schedule of Historic Heritage, above 16.5m, measured above mean street level.

I211.6.5. Site intensity

Purpose: manage the scale, form and intensity of development to maintain the character and amenity of the precinct.

- (1) Buildings must not exceed the floor area ratios shown on Precinct plan 4.

I211.6.6. Building coverage

Purpose: manage the scale of development within Waitemata Plaza and Market Square to maintain their open space character.

- (1) Buildings, temporary tents, marquees, air supported canopies, structures and tables and seating must not occupy more than 20 per cent in area of Waitemata Plaza or Market Square as shown on Precinct plan 2.

I211.6.7. Vehicle access restriction

Purpose: ensure safe and efficient access from and to Sturdee Street and Fanshawe Street.

- (1) Vehicular access from and to Sturdee Street and Fanshawe Street (except 7-9 Fanshawe Street, being the land in Certificate of Title 7B/1437), must be for left turn manoeuvres only, provided that nothing in this clause will limit the Council's powers in relation to roads under the Local Government Act 1974 and, in particular, its powers to construct median strips in roads where it considers that such works are necessary for traffic safety reasons.

I211.6.8. Special yard A

Purpose: ensure that buildings do not restrict public access along the water's edge.

- (1) Buildings must not locate within special yard A shown on Precinct plan 5.
- (2) The yard applies from average ground level of the land affected to a height of 3m.
- (3) The yard must have a minimum width of 7m.

I211.6.9. Special yard B

Purpose: maintain unobstructed pedestrian access between Customs Street West and the water's edge in Waitemata Plaza.

- (1) Buildings, tents, marquees, air supported canopies, tables, seating and structures must not be located within 10m of special yard B shown on Precinct plan 5.

I211.6.10. Public spaces and accessways

Purpose: manage public spaces and accessways to achieve Policies I211.3(2), (3), (7) and (8) of the Viaduct Harbour Precinct.

- (1) The pedestrian accessway on the southern side of the eastern viaduct shown on Precinct plan 5 must be not less than 10m wide.
- (2) All public accessways within sub-precinct B must be available to the public at all times except when written approval has been obtained from the council to temporarily restrict access for security, safety or operational needs associated with port activities or events or where restricted for operational or safety reasons specified in the conservation covenants applying to the area.
- (3) Buildings or structures must not locate within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

I211.6.11. Viewshafts

Purpose: manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour precinct.

- (1) Buildings or structures must not locate within those areas of land identified as landward viewshafts on Precinct plan 5. This standards does not apply to the following:
 - (a) verandahs;
 - (b) lawful temporary buildings or structures;
 - (c) road lighting and support structures;
 - (d) traffic and direction signs and road name signs;
 - (e) traffic control devices, traffic signals and support structures, cabinets and other equipment accessory to traffic signals;
 - (f) parking meters, pay and display kiosks and traffic cameras; or
 - (g) cycle facilities.
- (2) Buildings and structures must not locate within or over those parts of coastal marine area structures and waterspace identified as viewshafts coastal marine area and viewshaft horizontal plane 5m above existing wharf deck level on Precinct plan 4. This control does not apply to lawful temporary buildings or structures.

I211.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I211.8. Assessment – restricted discretionary activities

I211.8.1. Matters of discretion

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

- (1) declamation:
 - (a) construction or works methods, timing and hours of construction works;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) consent duration and monitoring; and
 - (g) effects on Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
 - (a) effects on coastal processes, ecological values, and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring;
- (3) wave attenuation devices:
 - (a) location and design of the wave attenuation device;
 - (b) effects on navigation, safety, and existing activities;
 - (c) effects on wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring;
- (4) marine and port facilities within sub-precinct A or B:
 - (a) The matters of discretion in [F2.23.1 of the Coastal - General Coastal Marine Zone](#) apply.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
 - (a) form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) effects on Mana Whenua values;
 - (e) construction or works methods, timing and hours of operation; and

- (f) effects on natural hazards, coastal processes, ecological values and water quality.
- (6) short-term parking (non-accessory) within Sub-precinct B:
 - (a) location, extent, design and materials used;
 - (b) effects on existing uses and activities; and
 - (c) amenity, effects on views and visual amenity;
- (7) observation areas, viewing platforms and boardwalks
 - (a) The matters of discretion in [F2.23.1\(1\) of the Coastal – General Coastal Marine Zone](#) rules apply.
- (8) a bridge across the Viaduct Harbour:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) amenity, effects on views and visual amenity; and
 - (g) consent duration and monitoring;
- (9) new buildings, and alterations and additions to buildings not otherwise provided for
 - (a) the matters of discretion in clause [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply; and
 - (b) effects on public access, navigation and safety.
- (10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
 - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) rules apply.
- (11) permanent refuelling facilities for boats:
 - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) apply;
- (12) infringing the building height standard:
 - (a) building scale, dominance and visual effects;

- (b) effects on current or planned future form and character; and
 - (c) pedestrian amenity and function;
- (13) infringing the site intensity standard:
- (a) building scale, dominance and visual effects;
 - (b) effects on current or planned future form and character; and
 - (c) effects on the transportation network including safety and efficiency;
- (14) infringing the building coverage standard:
- (a) building scale, dominance and visual effects; and
 - (b) public use amenity and function of the Waitemata Plaza;
- (15) infringing the vehicle access restriction standard:
- (a) effects on the transportation network (including safety and efficiency); and
 - (b) pedestrian amenity and function;
- (16) infringing the special yards A and B standard:
- (a) effects on public open space and pedestrian access.
- (17) activities on the ground floor within Area A of sub-precinct C:
- (a) effects on the residential character and amenity values; and
 - (b) noise, lighting and hours of operation.

I211.8.2. Assessment criteria

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

- (1) declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area;
 - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through

the management of silt, contaminated soils and groundwater, and other contaminants;

- (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space; and
 - (d) The extent to which declamation will affect Mana Whenua values;
- (2) maintenance dredging and capital works dredging:
- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
 - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
 - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;
 - (d) whether monitoring may be required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity;
- (3) wave attenuation devices:
- (a) whether the location and design of the wave attenuation device consider existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
 - (b) whether the location and design of the wave attenuation device consider the effects of wave hydraulics on other users of the coastal marine area;
 - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (4) marine and port facilities within sub-precinct A or B:
- (a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone rules apply;
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) whether reclamation, as far as practicable, mitigate adverse effects through their form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast;

- (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
 - (iv) the effects on coastal processes; and
 - (v) the effects on hydrology;
- (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
- (c) the extent to which the reclamation will affect Mana Whenua values; and
- (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (6) short-term parking (non-accessory) within sub-precinct B:
- (a) the extent to which the short-term parking is located and designed to:
 - (i) maintain safe public access to and along the edge of the coastal marine area and the perimeter of existing wharves;
 - (ii) avoid or mitigate and adverse amenity effects on public access areas and residents; and
 - (iii) avoid or mitigate effects on existing marine and port facilities;
- (7) observation areas, viewing platforms and boardwalks:
- (a) the assessment criteria in [F2.23.2\(1\)](#) and [F2.23.2\(17\)](#) for coastal marine area structures and buildings in the Coastal - General Coastal Marine Zone rules apply in addition to the criteria below; and
 - (b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages;
- (8) a bridge across the Viaduct Harbour:
- (a) whether the bridge contributes to a high quality maritime and urban environment and meet the following outcomes:
 - (i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour;
 - (ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precincts by:
 - providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;

- having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
- not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
- ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses;

(iii) the bridge is designed and operated to provide for:

- vessel access to and from the inner Viaduct Harbour without undue delay;
- navigation and berthage by the existing range of vessels in the inner Viaduct Harbour;
- any reduction in berthage area to be minimised as far as practicable;
- convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;
- appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
- a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;

(iv) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use sub-precinct) to accommodate marine and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;

(v) the bridge has a high quality design that:

- enhances the character of the Viaduct Harbour;
- is simple and elegant;
- is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
- has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage Overlay; and
- utilises high quality and low maintenance materials and detailing;

- (vi) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard Precinct and the city centre; and
 - (vii) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;
- (9) new buildings, and alterations and additions to buildings not otherwise provided for:
- (a) the assessment criteria in clause [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below; and
 - (b) the building should avoid or mitigate effects on public access, navigation and safety;
- (10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
- (a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and
 - (b) whether the new pile moorings avoid or mitigate effects on public access, navigation and safety;
- (11) permanent refuelling facilities for boats:
- (a) refer to the assessment criteria in [F2.23.2\(1\)](#) of the Coastal - General Coastal Marine Zone;
- (12) infringing the building height standard:
- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard; and
 - (b) where building height is exceeded, Policy I211.3(4) of the Viaduct Harbour Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered;
- (13) infringing the site intensity standard:
- (a) the extent to which development is of a scale and form appropriate to the setting;
 - (b) the extent to which the scale of the development is consistent with the current and future character of Viaduct Harbour as established through the objectives and policies for the Viaduct Harbour Precinct;
 - (c) whether adverse effects on the transportation network are avoided, minimised or mitigated; and
 - (d) whether development compromises marine and port activities;
- (14) infringing the building coverage standard:

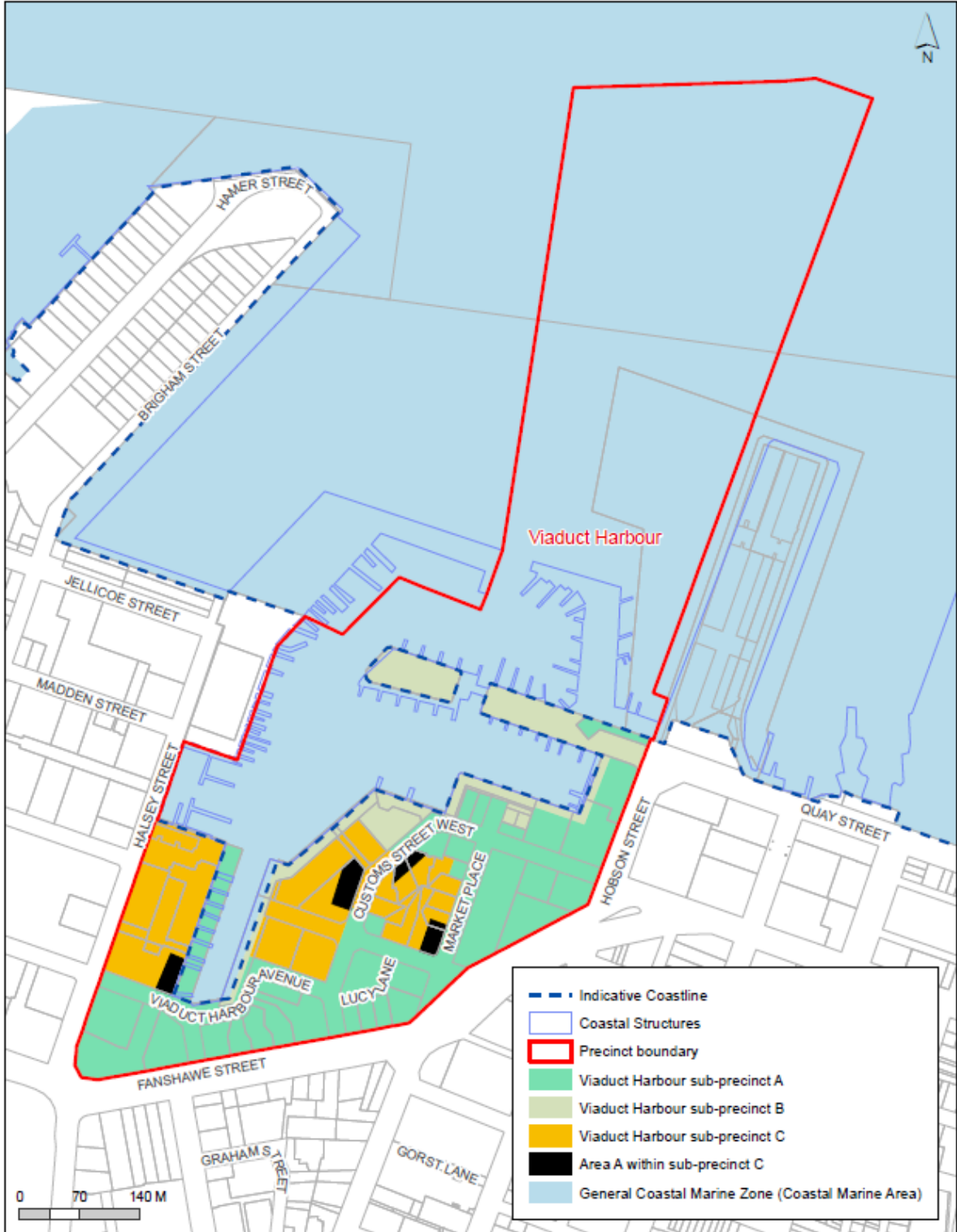
- (a) the extent to which the scale and form of development within Waitemata Plaza and Market Square maintains their open space character;
- (15) infringing the vehicle access restriction standard:
 - (a) whether access from and to Sturdee Street and Fanshawe Street is safe and efficient; and
 - (b) unobstructed operation of the transportation network should be safe and efficient;
- (16) infringing the Special Yards A and B standard:
 - (a) whether unobstructed public access to and along the water's edge is maintained;
- (17) activities on the ground floor within Area A of sub-precinct C:
 - (a) the extent to which activities are compatible with and do not detract from the residential character and amenity values of sub-precinct C; and
 - (b) whether activities generate noise levels that would adversely affect residential amenity. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise.

I211.9. Special information requirements

- (1) An application for marine and port facilities on land within the Viaduct Harbour area shown on Precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

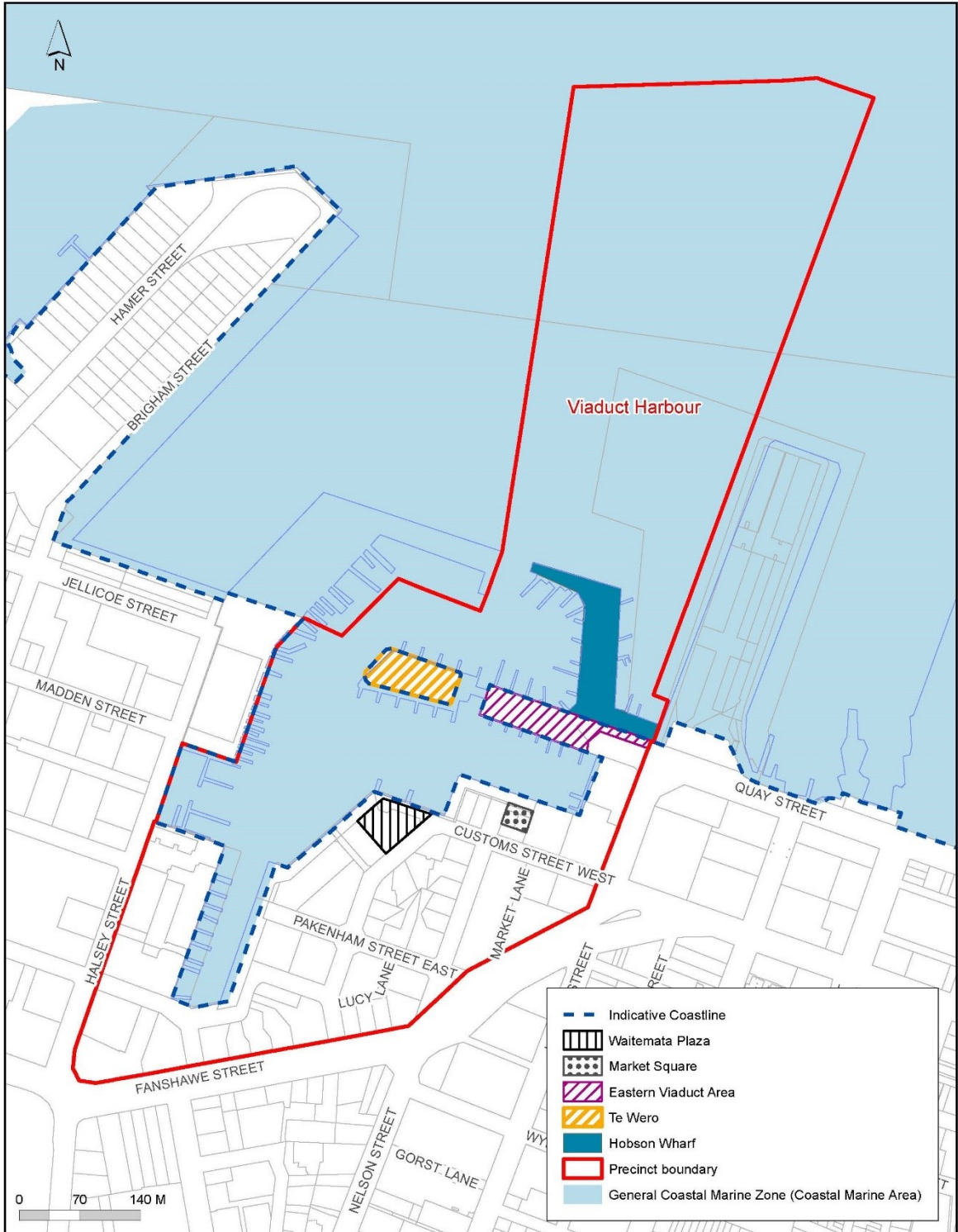
I211.10. Precinct plans

I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts

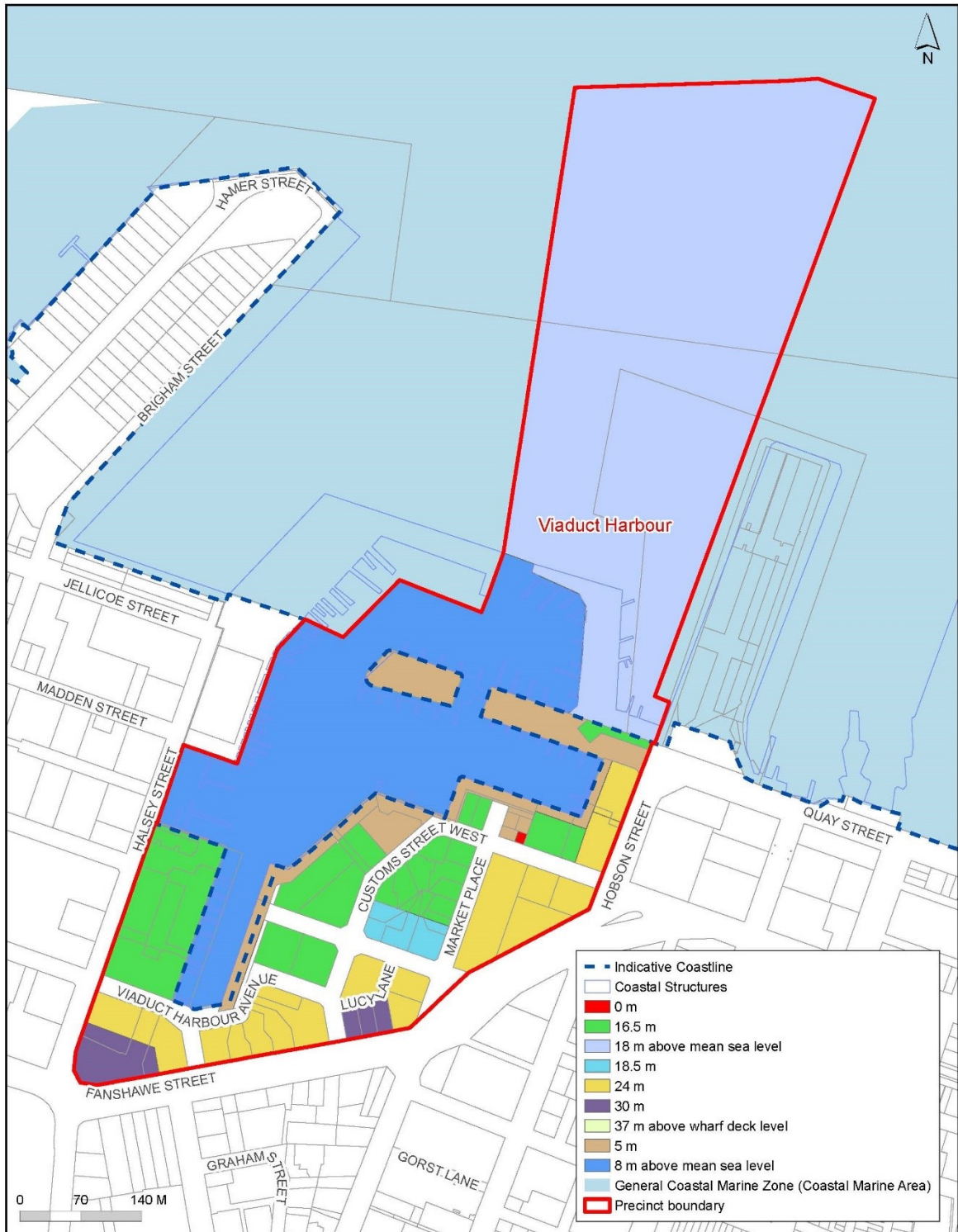


I211.10.2 Viaduct Harbour: Precinct plan 2 - Wharves and open spaces

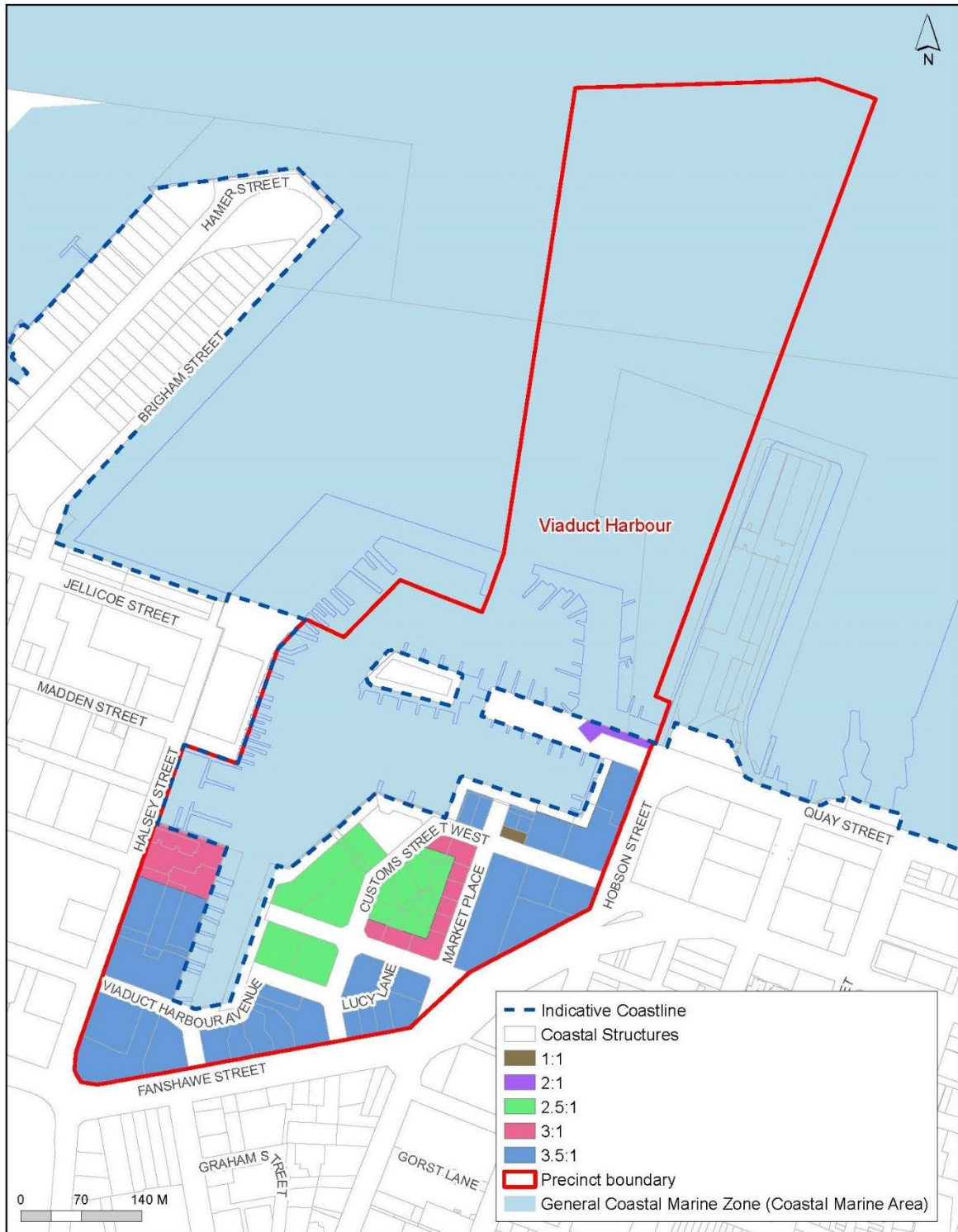
I211 Viaduct Harbour Precinct



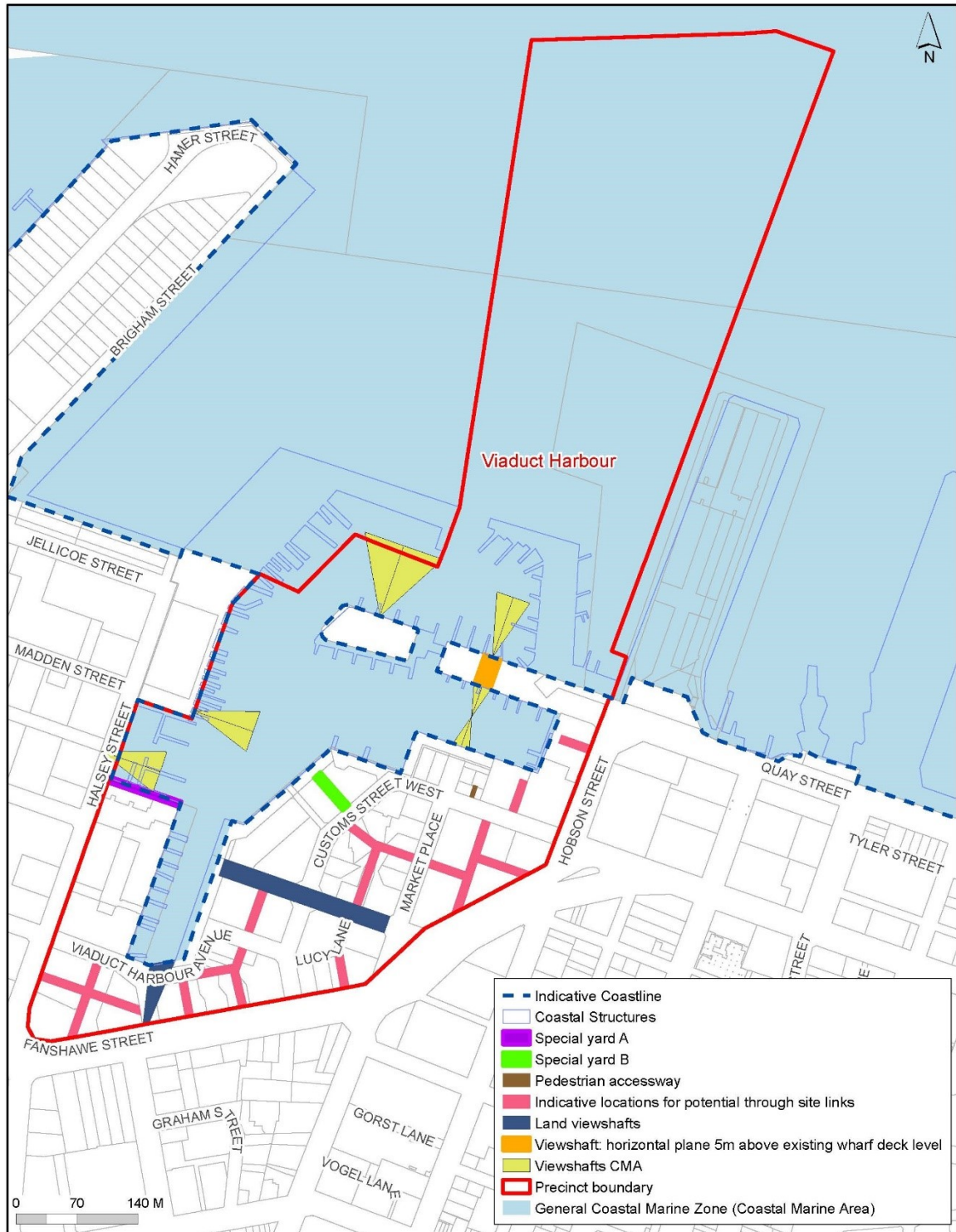
I211.10.3 Viaduct Harbour: Precinct plan 3 - Building height controls



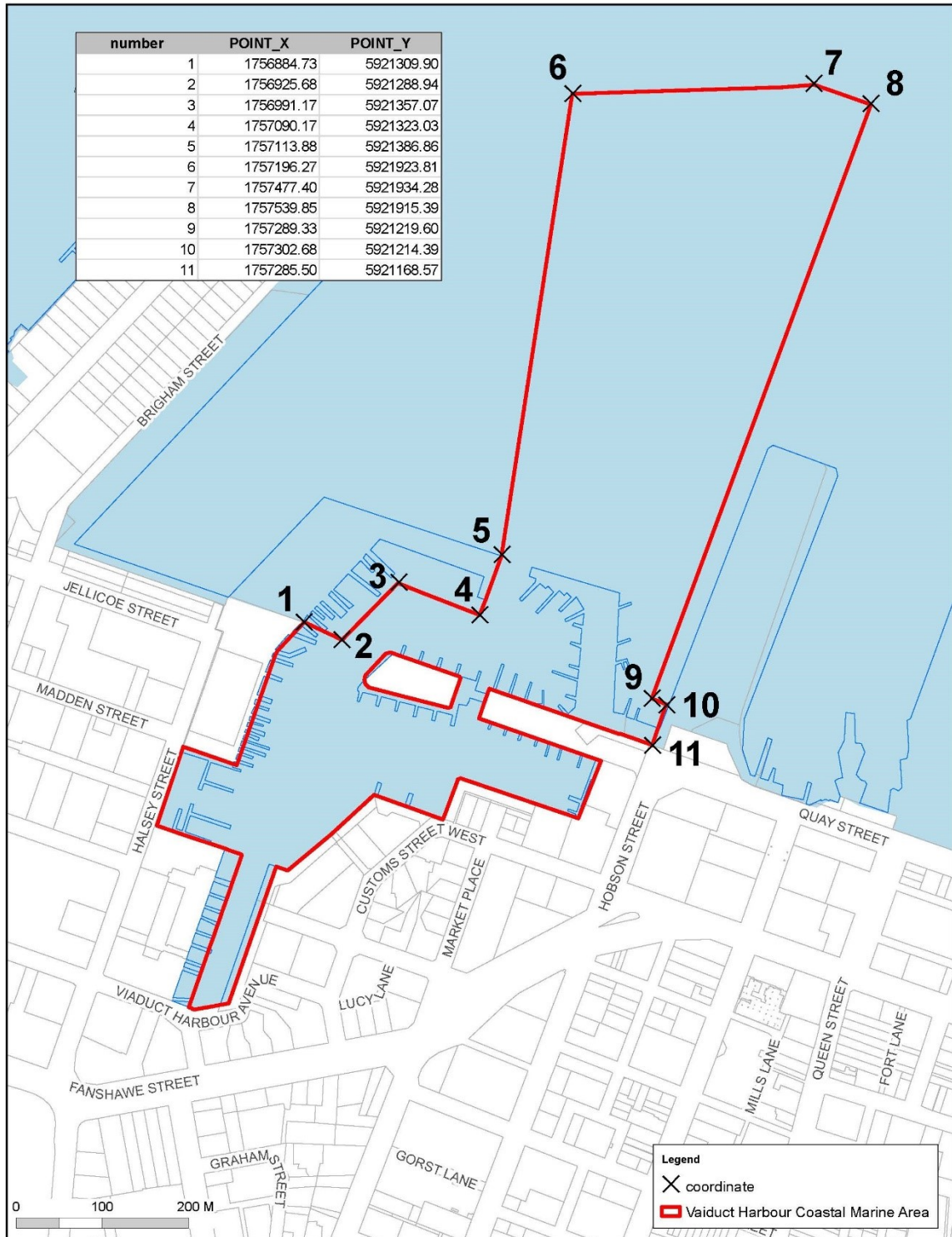
I211.10.4 Viaduct Harbour: Precinct plan 4 - Site intensity controls



I211.10.5 Viaduct Harbour: Precinct plan 5 - Pedestrian accessways and viewshafts

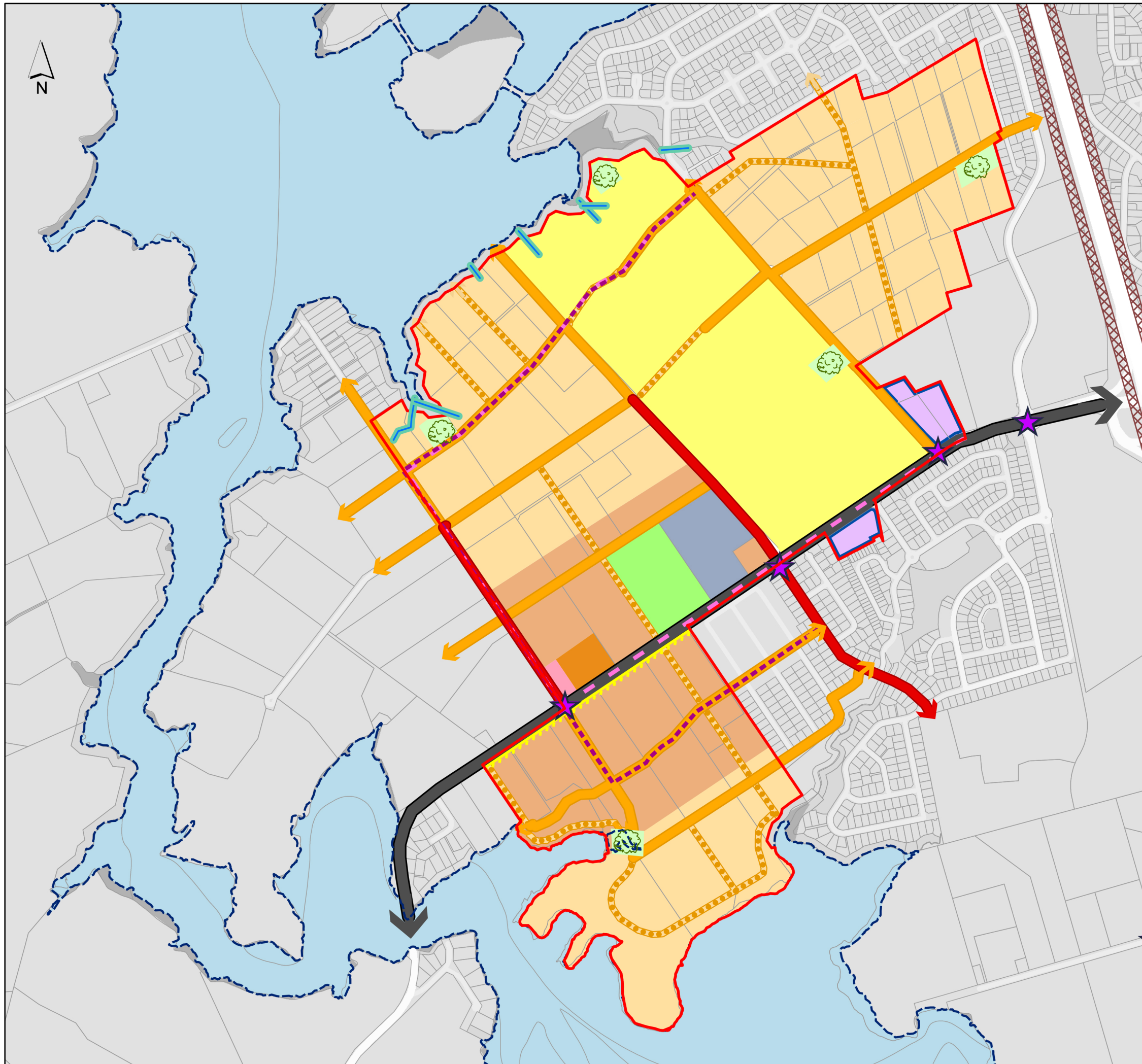


I211.10.6 Viaduct Harbour: Precinct plan 6 - Precinct boundary coordinates in the coastal marine area



Plan Variation 7

Hingaia North Structure Plan

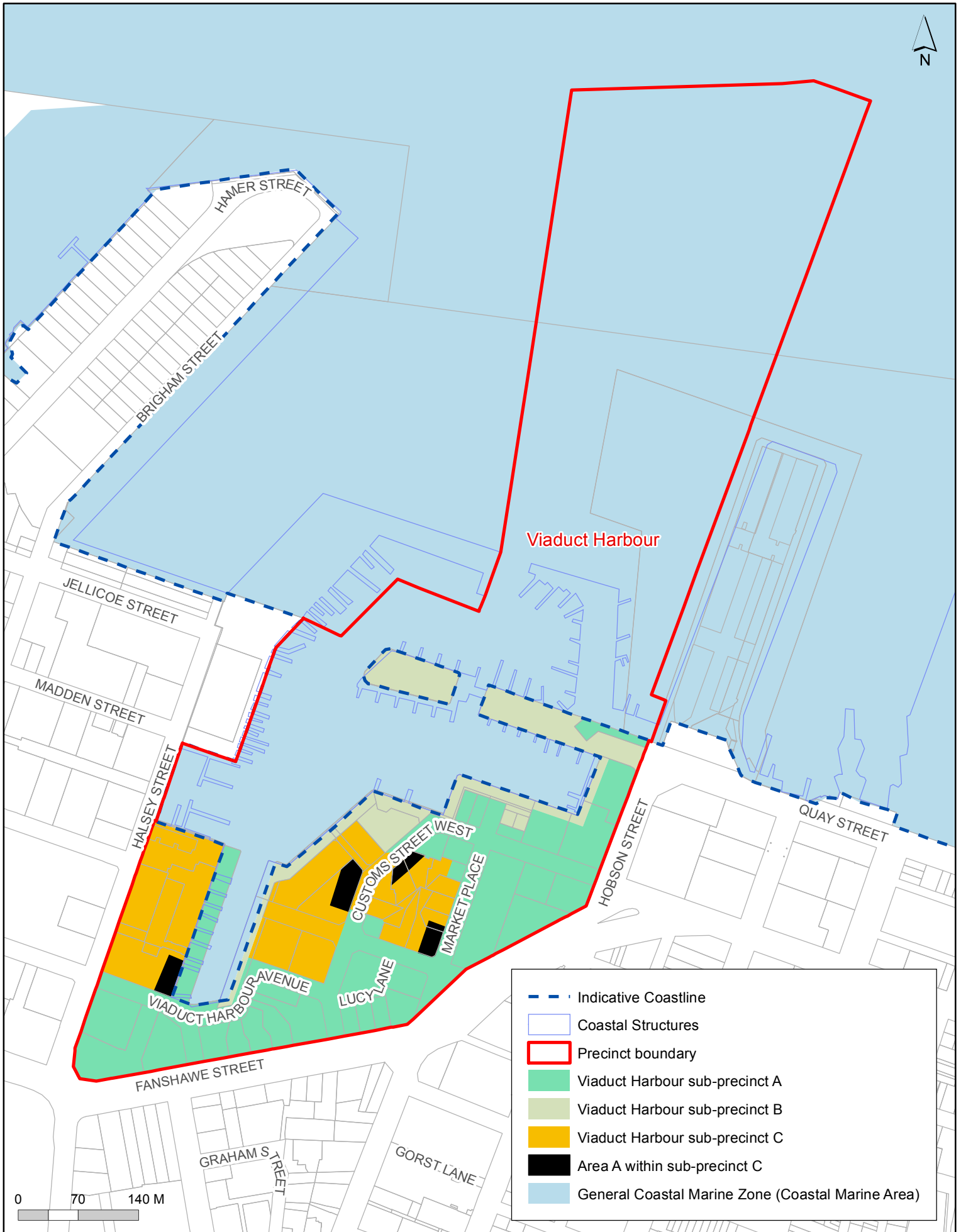


- Hingaia North Plan Variation Extent (202ha Total)
- Parcel Boundaries
- Additional Height Controls
- Neighbourhood Centre (0.4ha gross)
- Terraced Housing and Apartment Buildings (1.2ha gross)
- Mixed Housing Urban (23.6ha gross)
- Mixed Use (2.9ha gross, 12.5m height)
- Mixed Housing Suburban (155.4ha gross)
- Special Purpose (4.0ha gross)
- Public Open Space [Sport and Active Recreation] (4.3ha gross)
- Parks Provision (flexible location)
- Large Lot
- Indicative Intermittent Stream & Riparian Corridor (10m buffer either side)
- Coast Boundary MHWS10
- Controlled intersection / upgrade
- Ultimate bus route
- Road widening of 11m required
- Arterial (31m width)
- Collector road (22.5m width)
- Connector
- Local Road (flexible location) 16m width
- Potential interim bus route (7m carriageway)

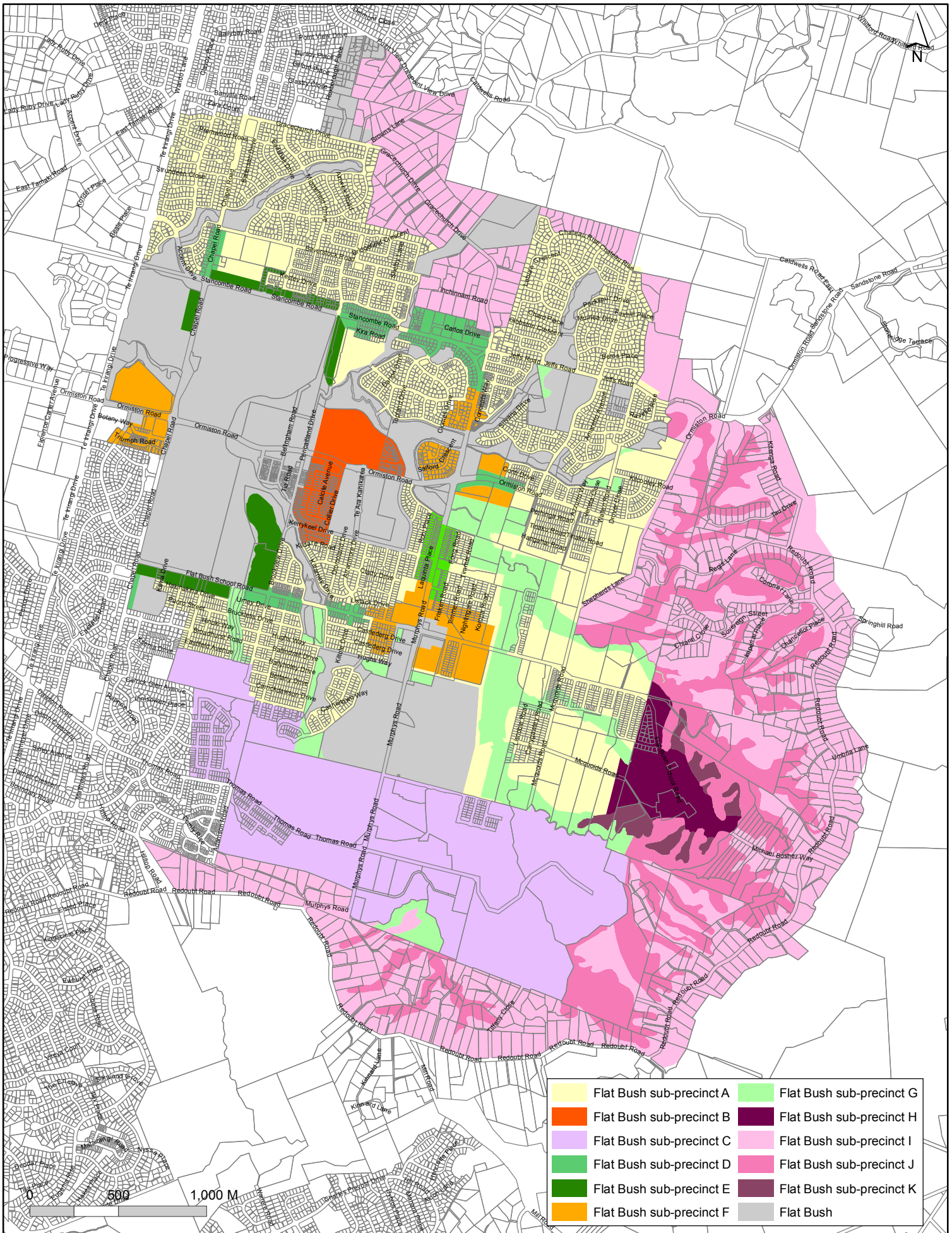
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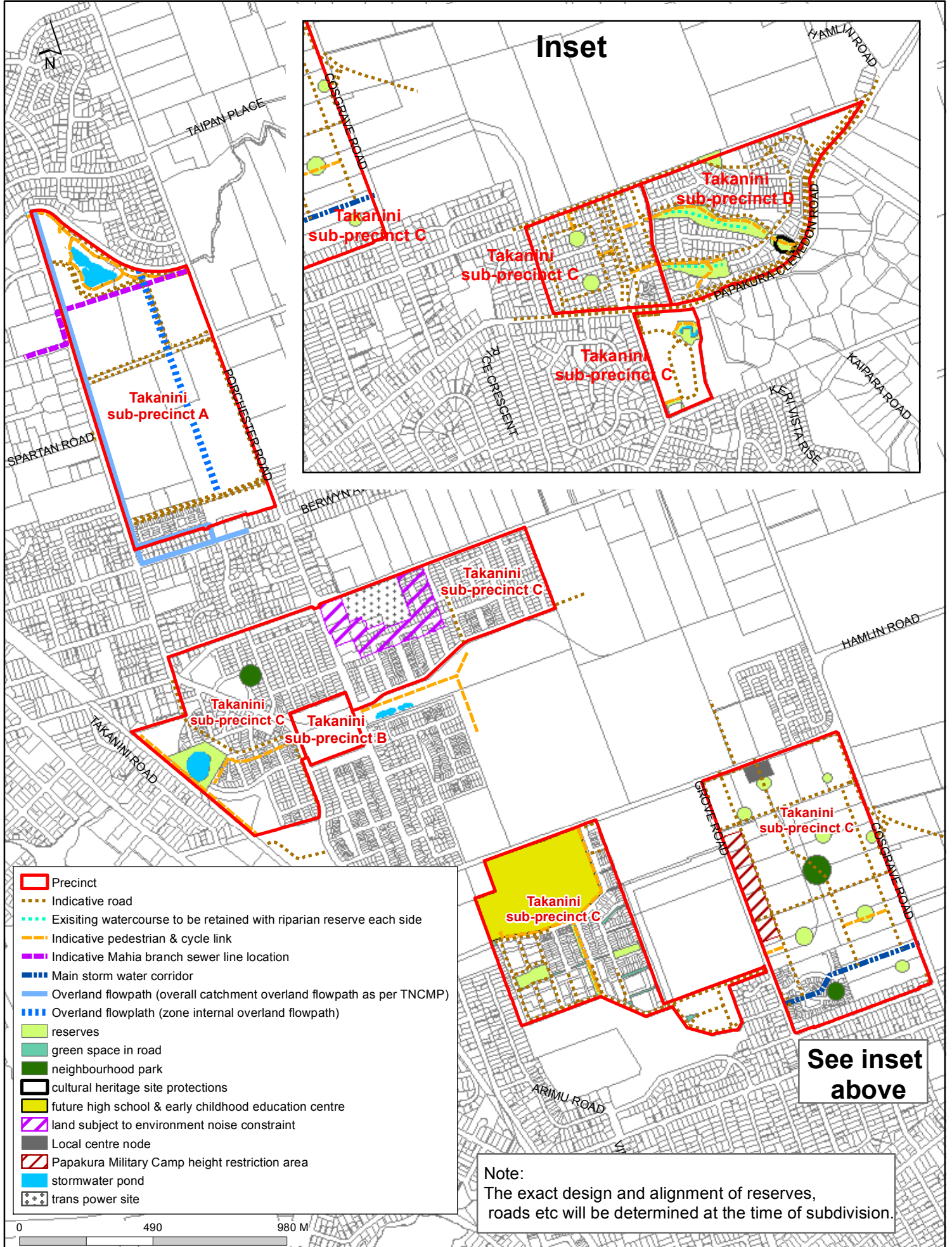
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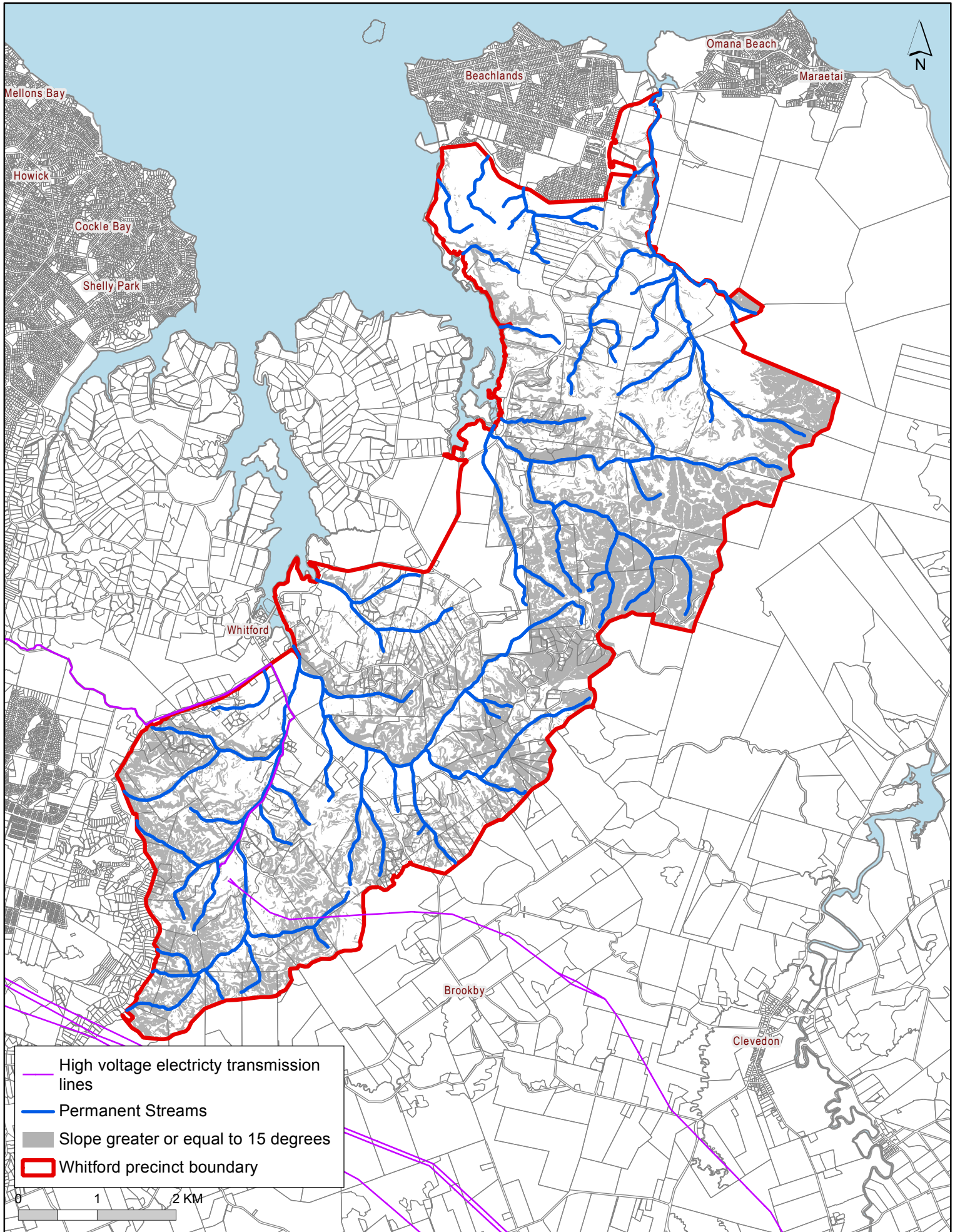


Viaduct Harbour precinct plan 1 : Precincts and Sub precincts

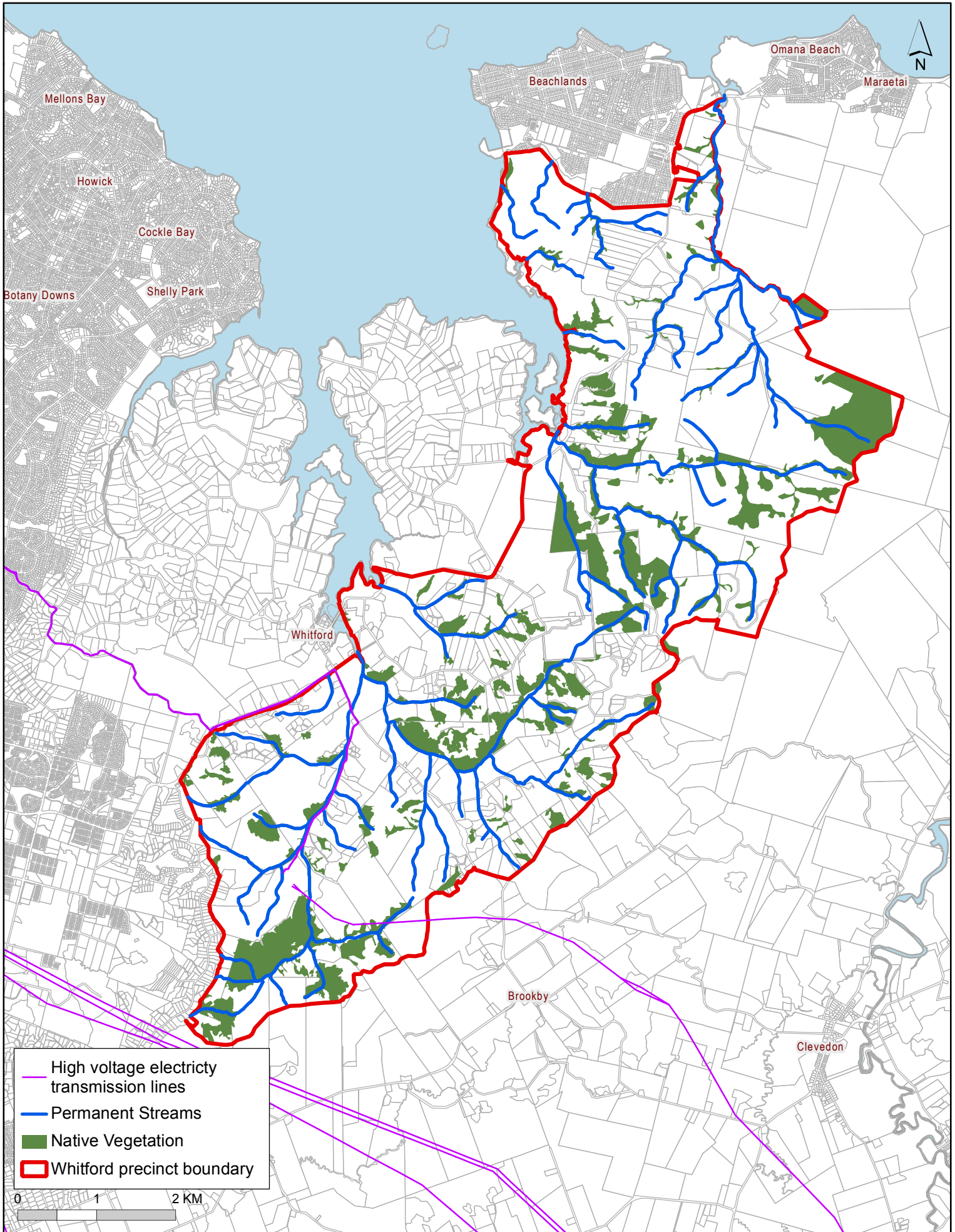


Flat Bush: Precinct plan 1 - Sub-precincts boundary

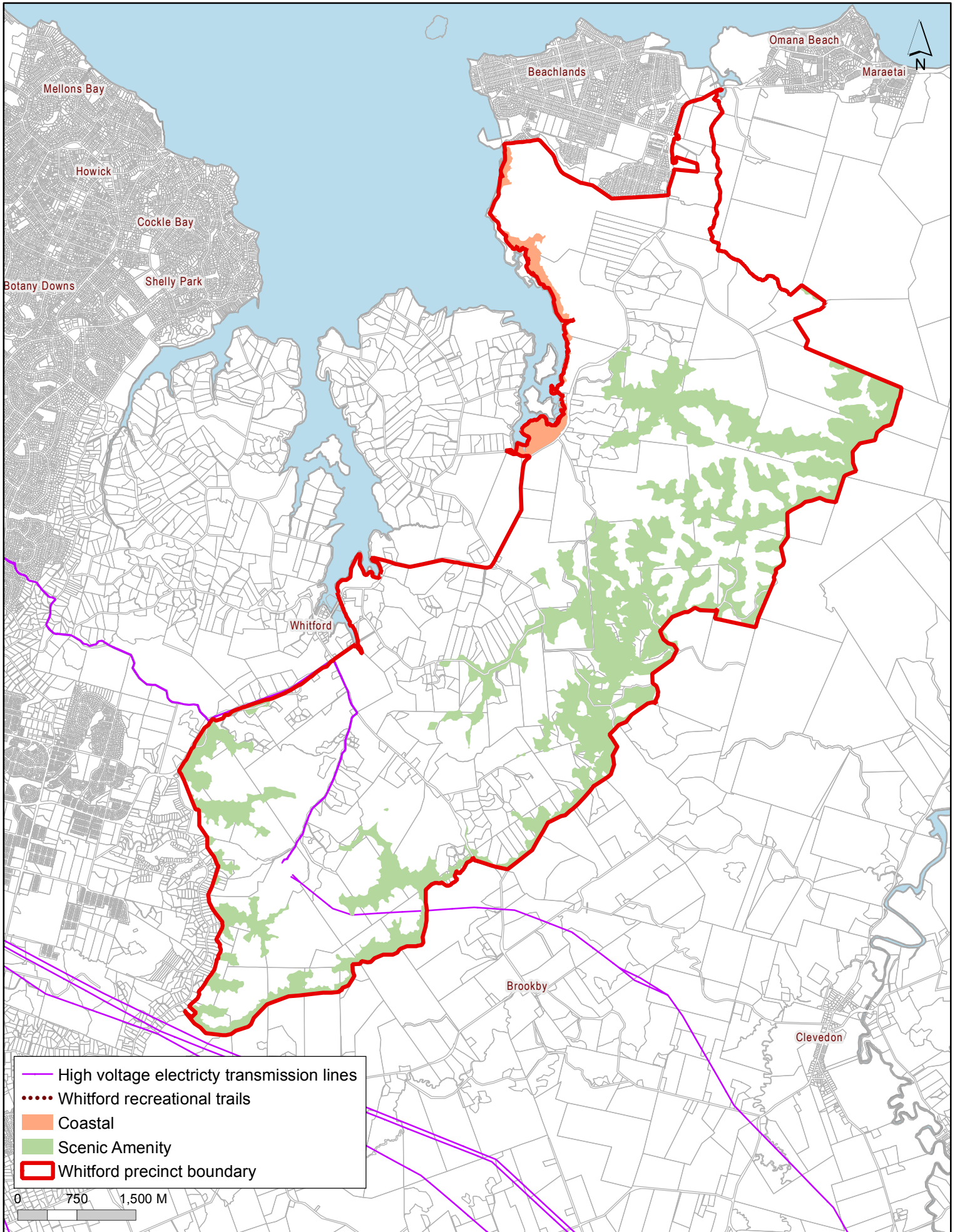






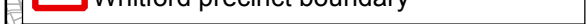


Whitford : Precinct plan 1



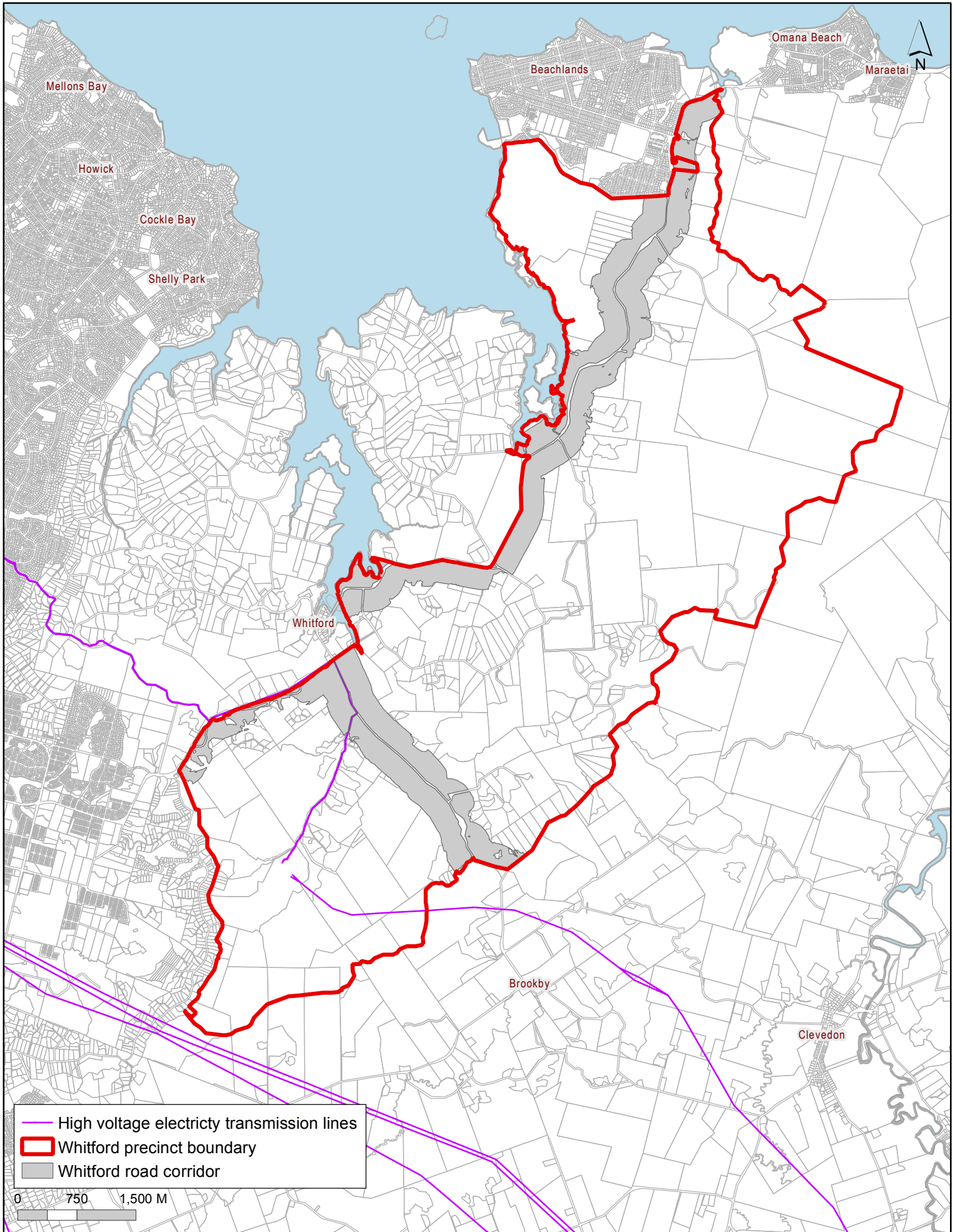
Whitford : Precinct plan 2






-  High voltage electricity transmission lines
-  Whitford recreational trails
-  Coastal
-  Scenic Amenity
-  Whitford precinct boundary

0 750 1,500 M

Whitford precinct plan 3

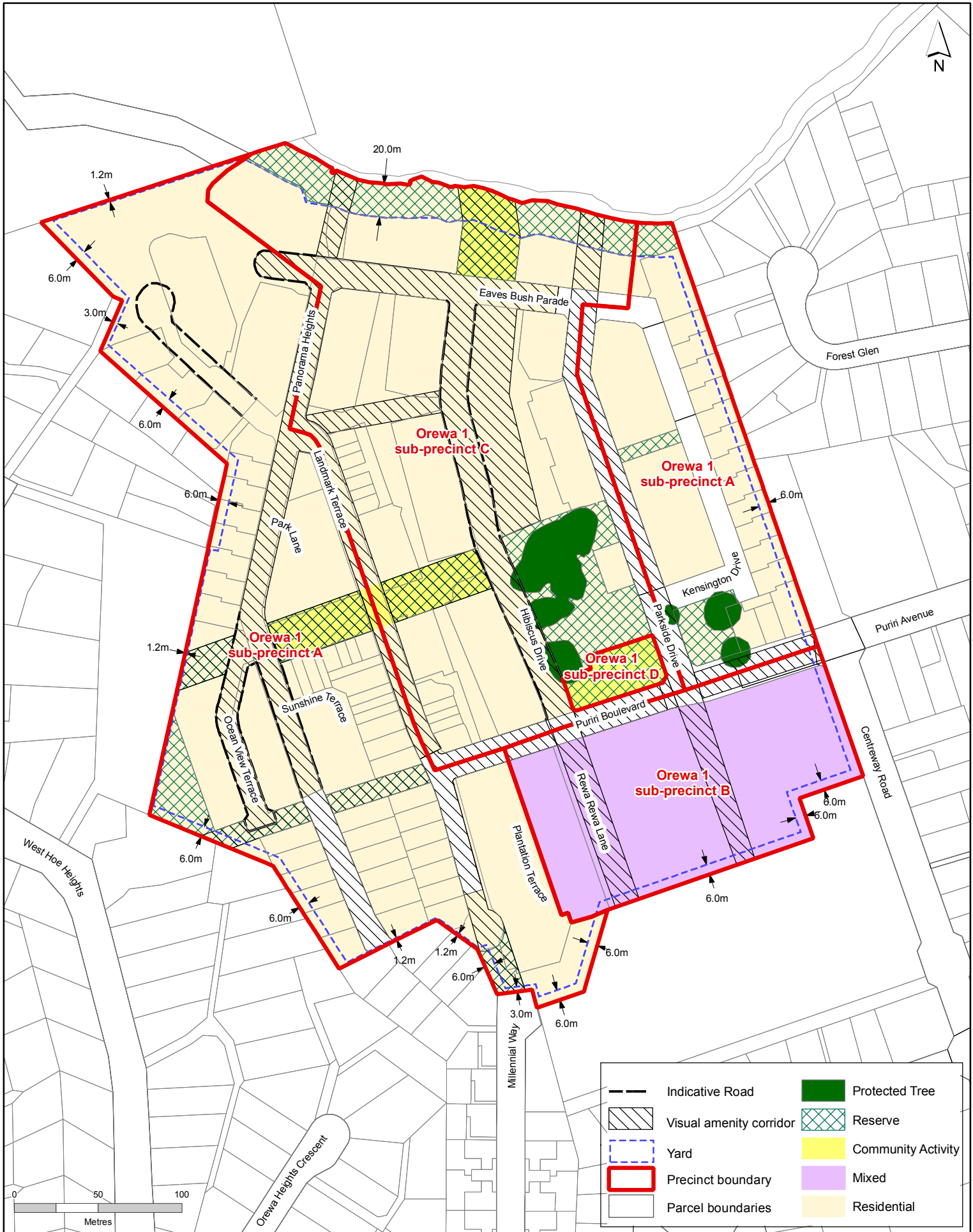


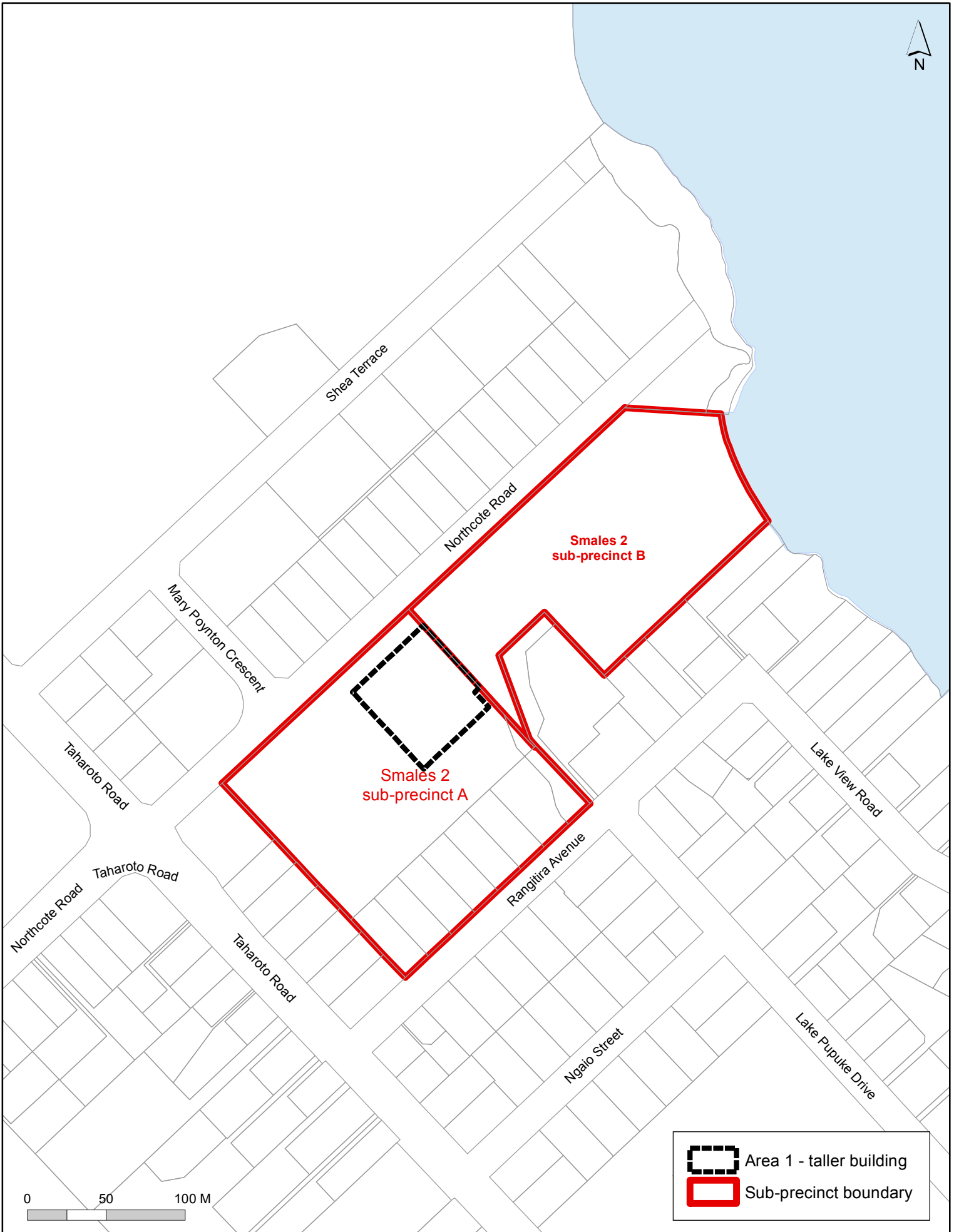
-  High voltage electricity transmission lines
-  Whitford precinct boundary
-  Whitford road corridor

0 750 1,500 M



Whitford precinct plan 4

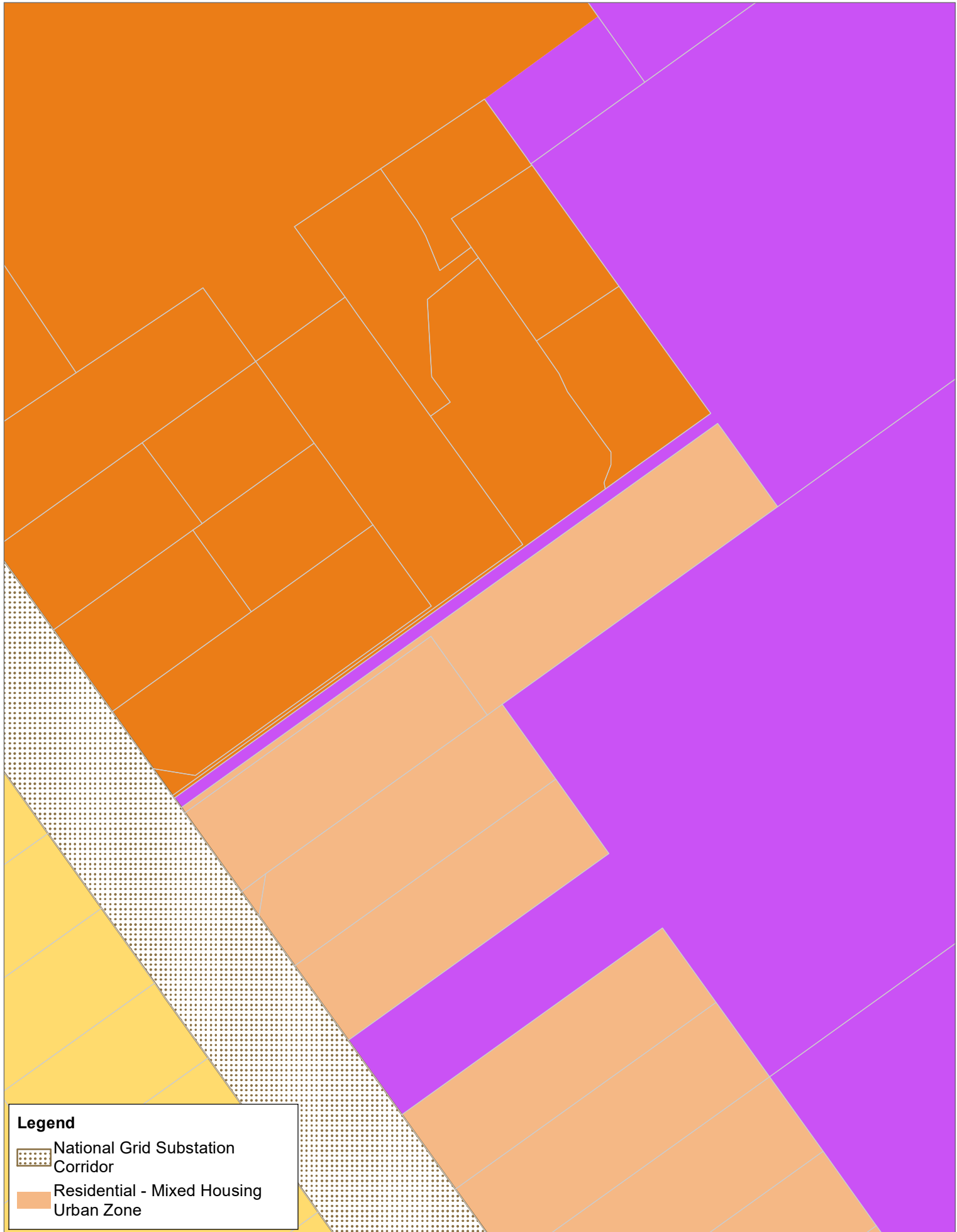






Smales 2 : Precinct plan 1


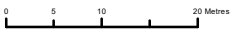


Attachment 4 – Updated GIS Viewer



Legend

-  National Grid Substation Corridor
-  Residential - Mixed Housing Urban Zone

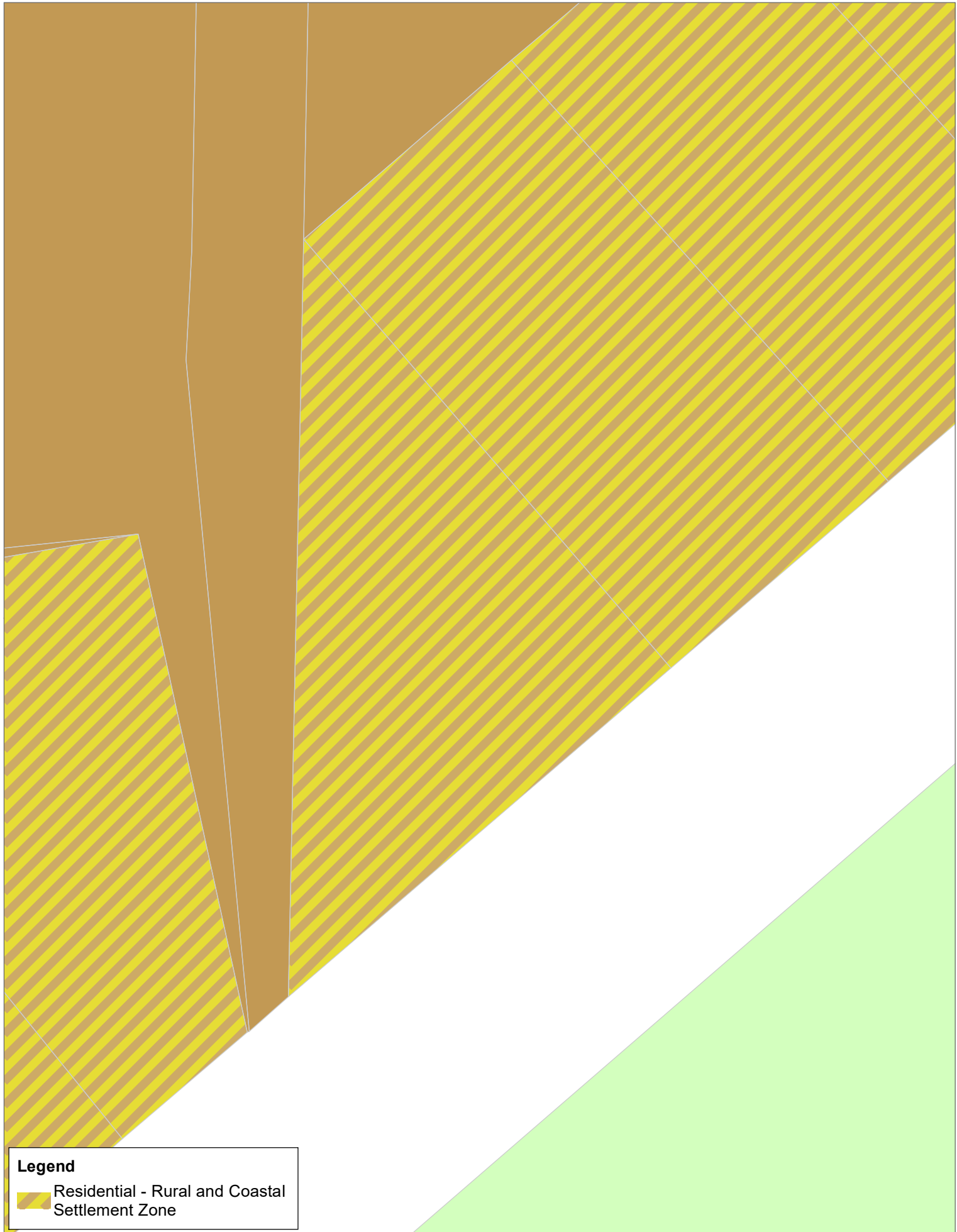
 N
 0 5 10 20 Metres
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 Date: 8/06/2020

Plan Change 17 - Check Maps

Change No: 1

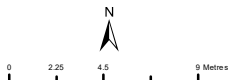


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Plans and Places



Legend

 Residential - Rural and Coastal Settlement Zone



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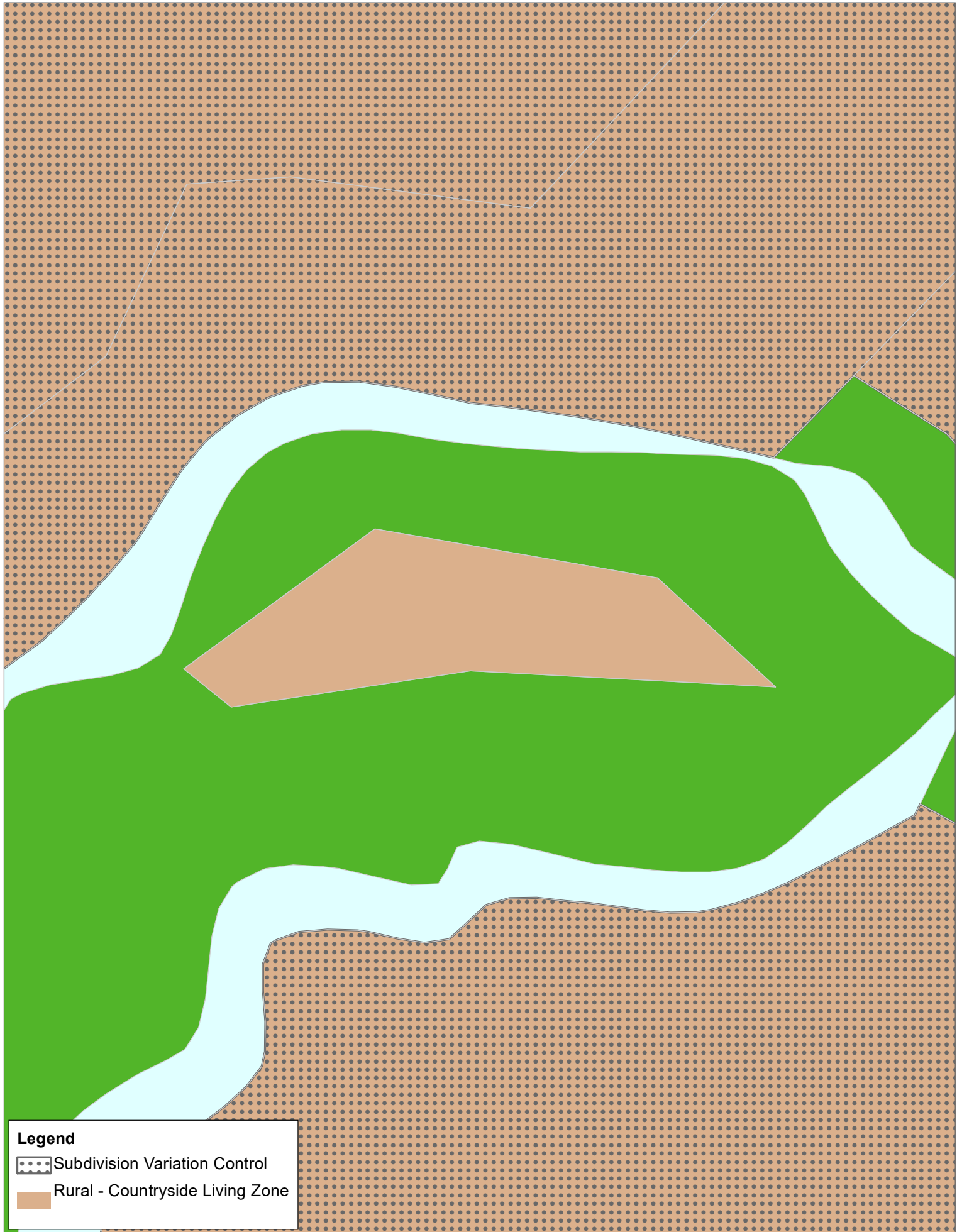
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Plan Change 17 - Check Maps



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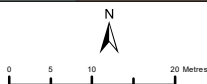


Plans and Places



Legend

-  Subdivision Variation Control
-  Rural - Countryside Living Zone



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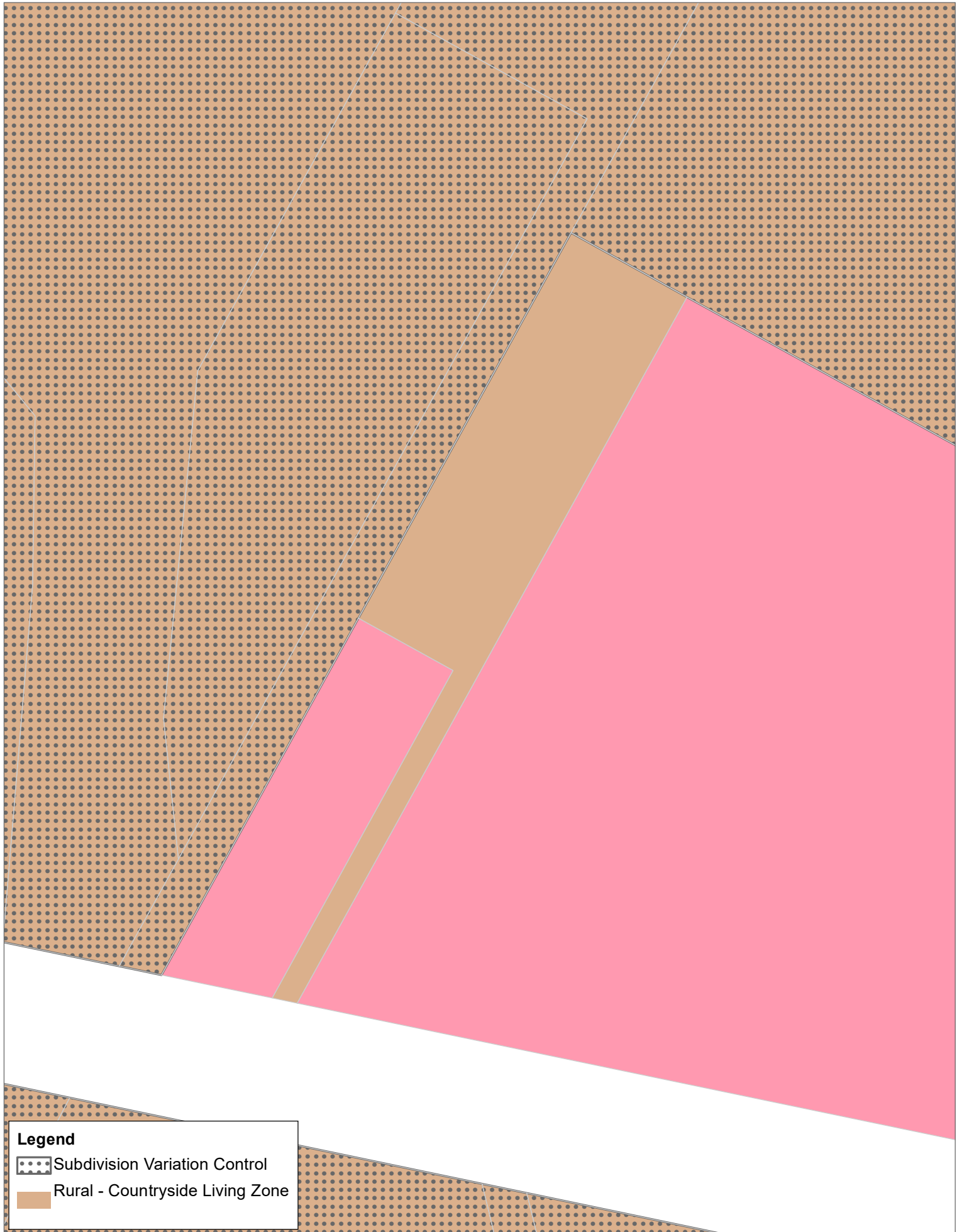
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Plan Change 17 - Check Maps

Change No: 3



Plans and Places



Legend

- Subdivision Variation Control
- Rural - Countryside Living Zone



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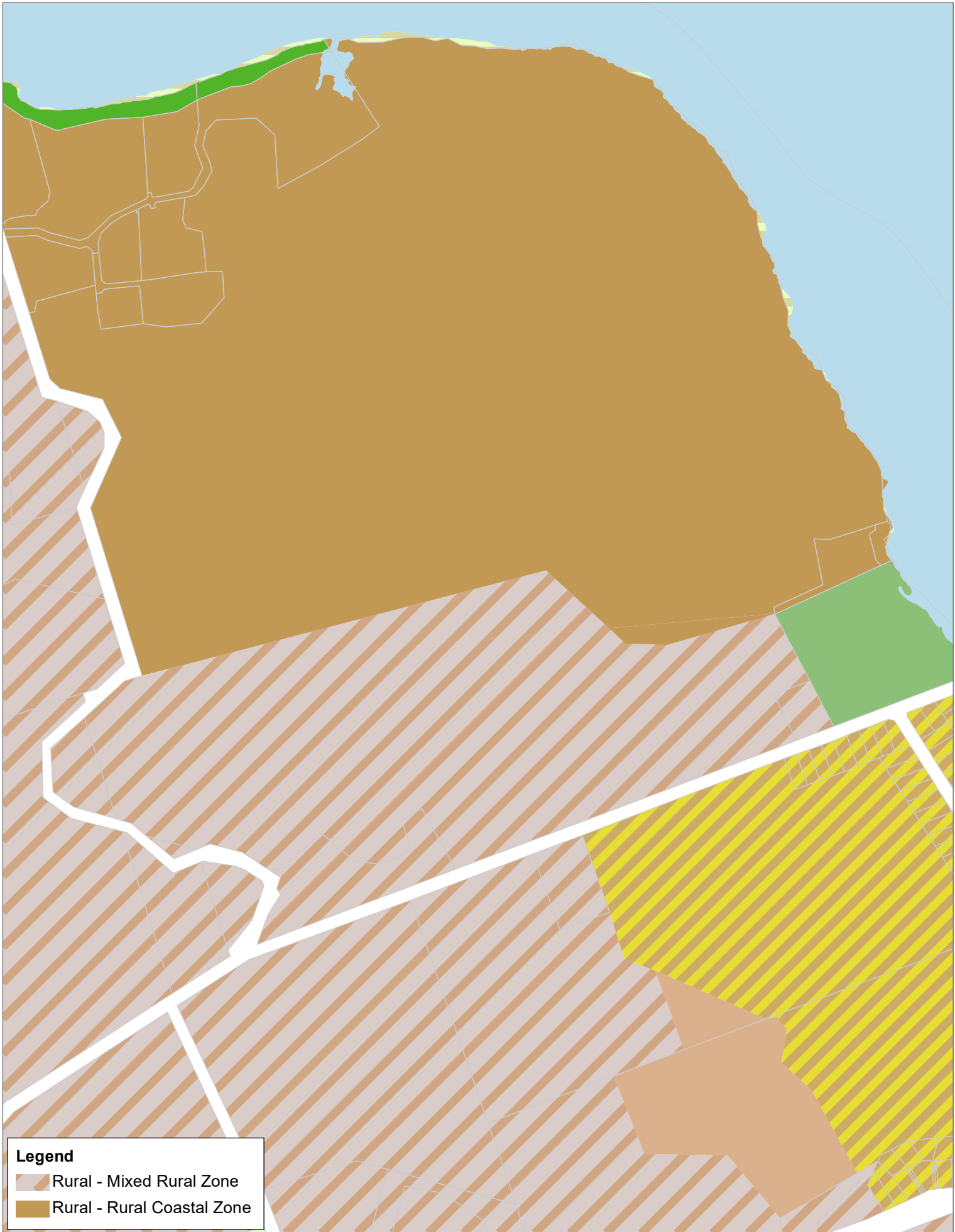
Date: 8/06/2020

Plan Change 17 - Check Maps



Change No: 4



Plans and Places



Legend

-  Rural - Mixed Rural Zone
-  Rural - Rural Coastal Zone



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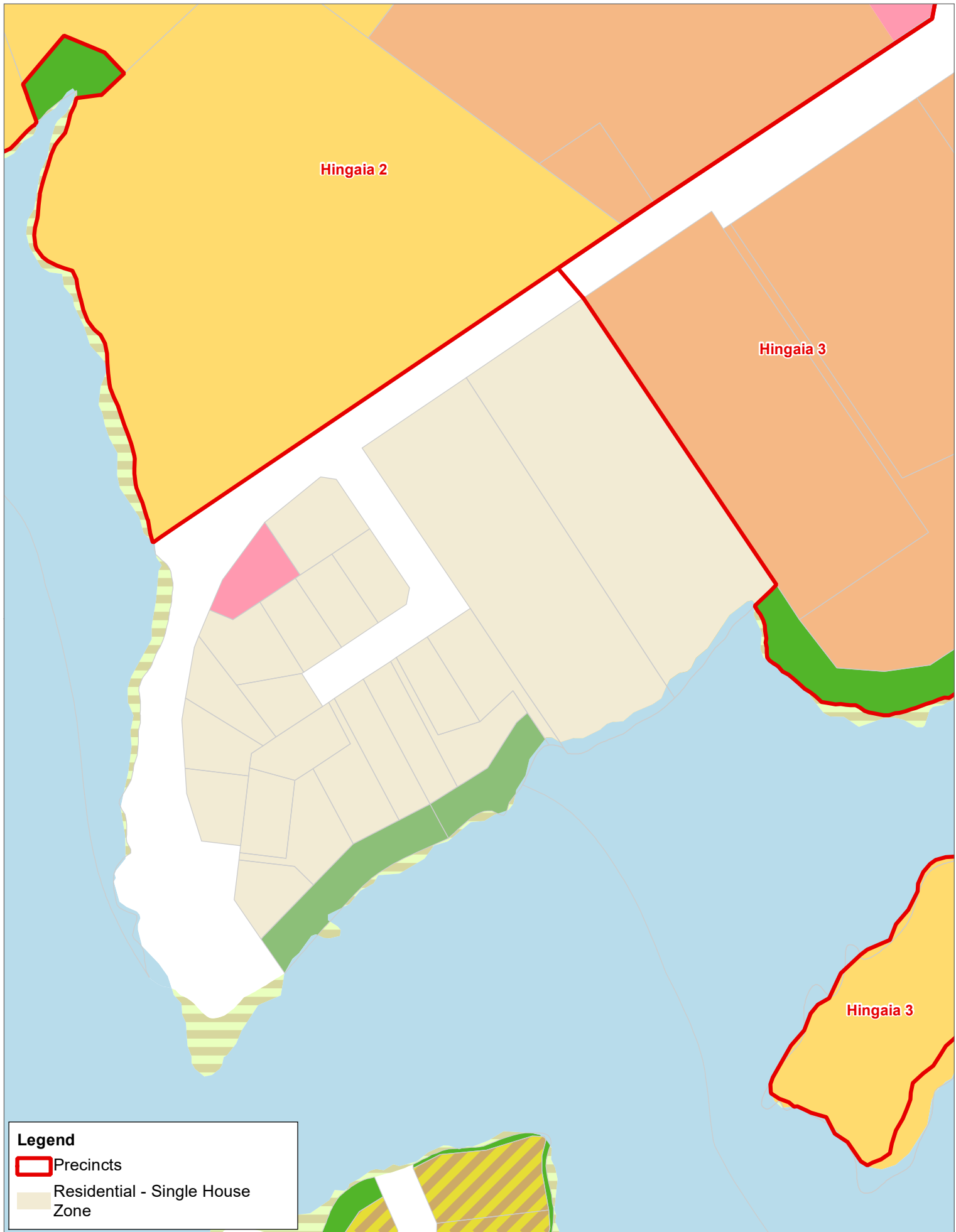
Date: 8/06/2020

Plan Change 17 - Check Maps

Change No: 5



Plans and Places





Hingaia 2

Hingaia 3

Hingaia 3

Legend

-  Precincts
-  Residential - Single House Zone

0 15 30 60 Metres

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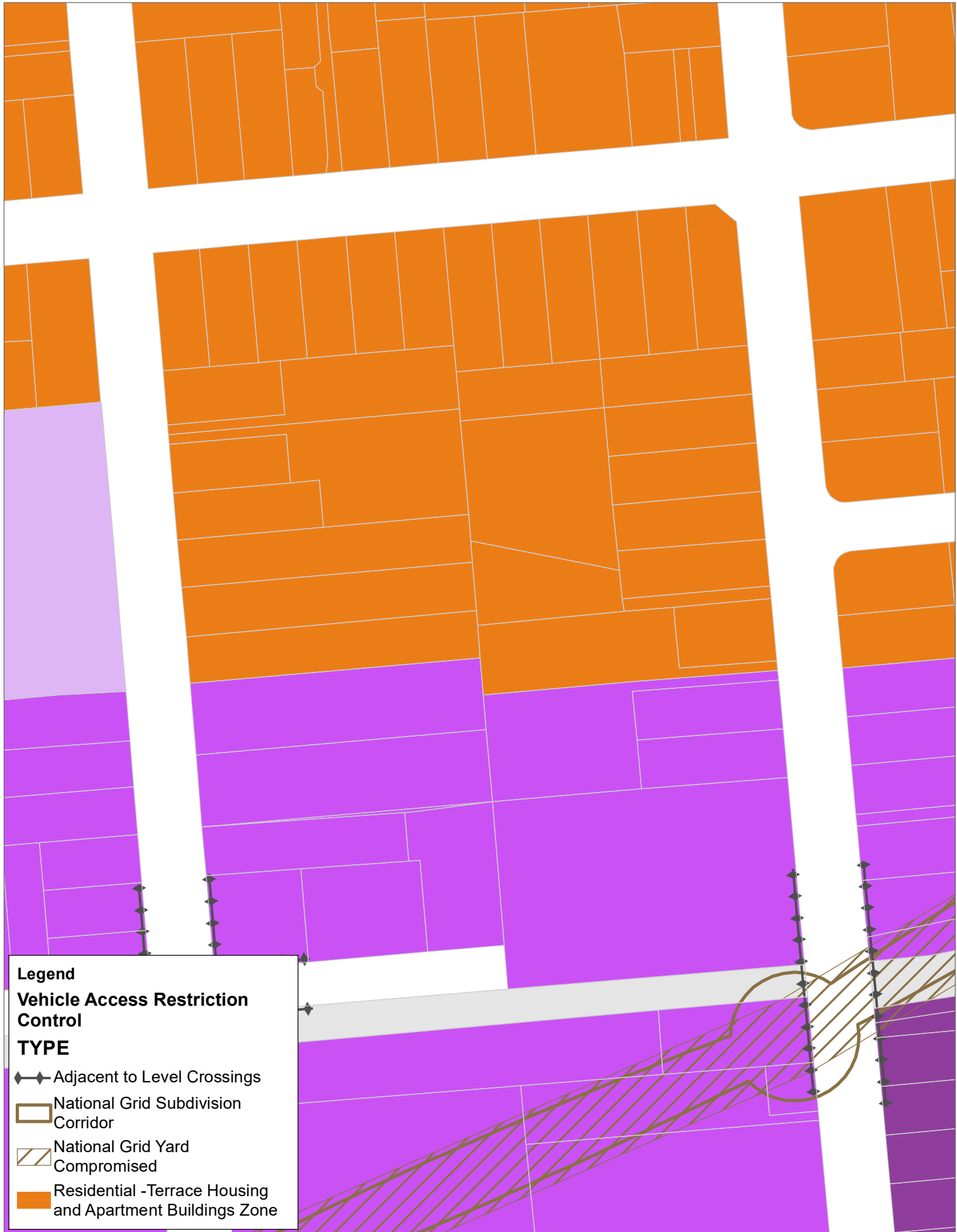
Plan Change 17 - Check Maps

Change No: 6

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Plans and Places



Legend
Vehicle Access Restriction Control
TYPE

- ◆◆ Adjacent to Level Crossings
- ▭ National Grid Subdivision Corridor
- ▨ National Grid Yard Compromised
- Residential -Terrace Housing and Apartment Buildings Zone



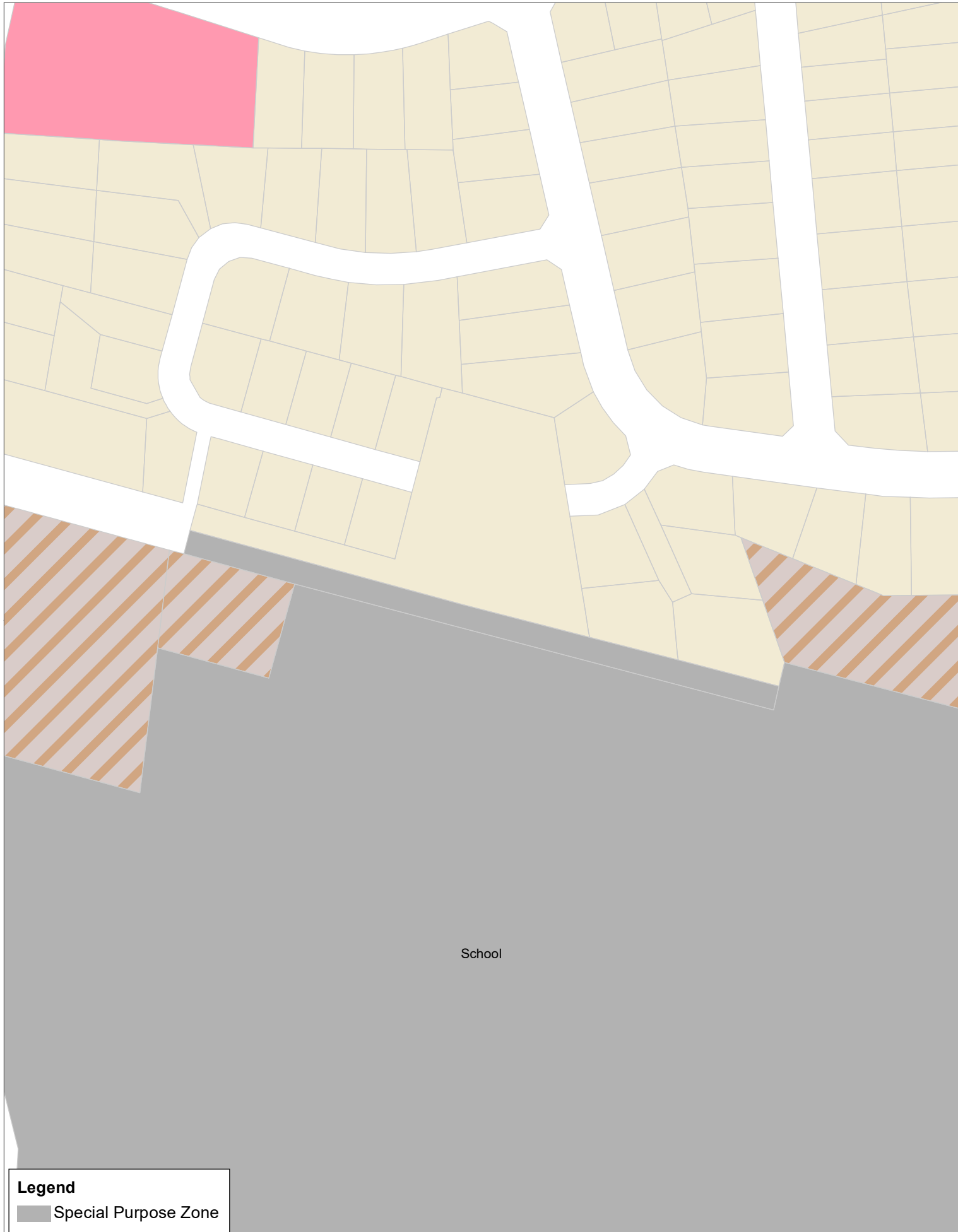
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Plan Change 17 - Check Maps

Change No: 7



Plans and Places



School

Legend
 Special Purpose Zone



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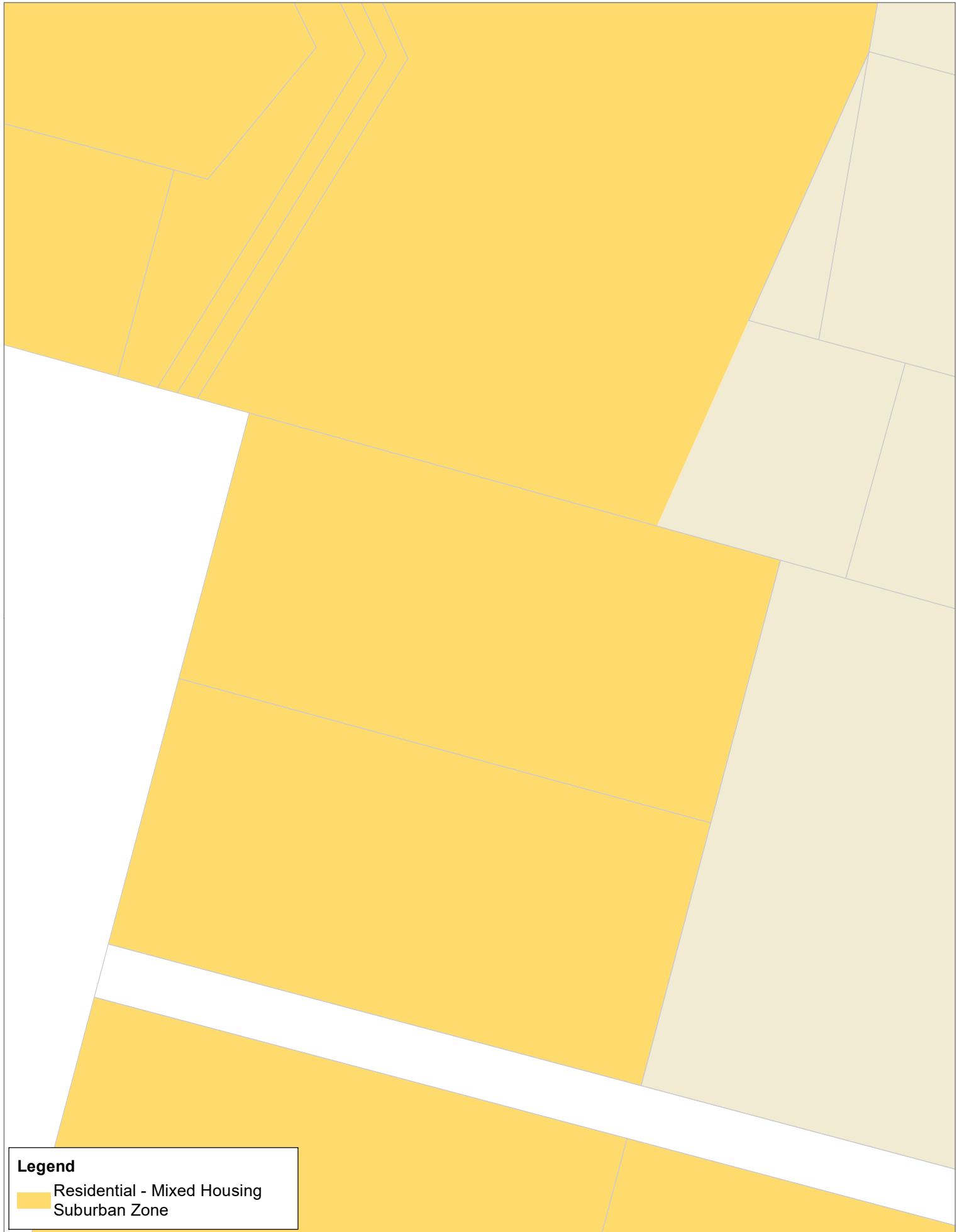
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Plan Change 17 - Check Maps

Change No: 8



Plans and Places



Legend

 Residential - Mixed Housing Suburban Zone



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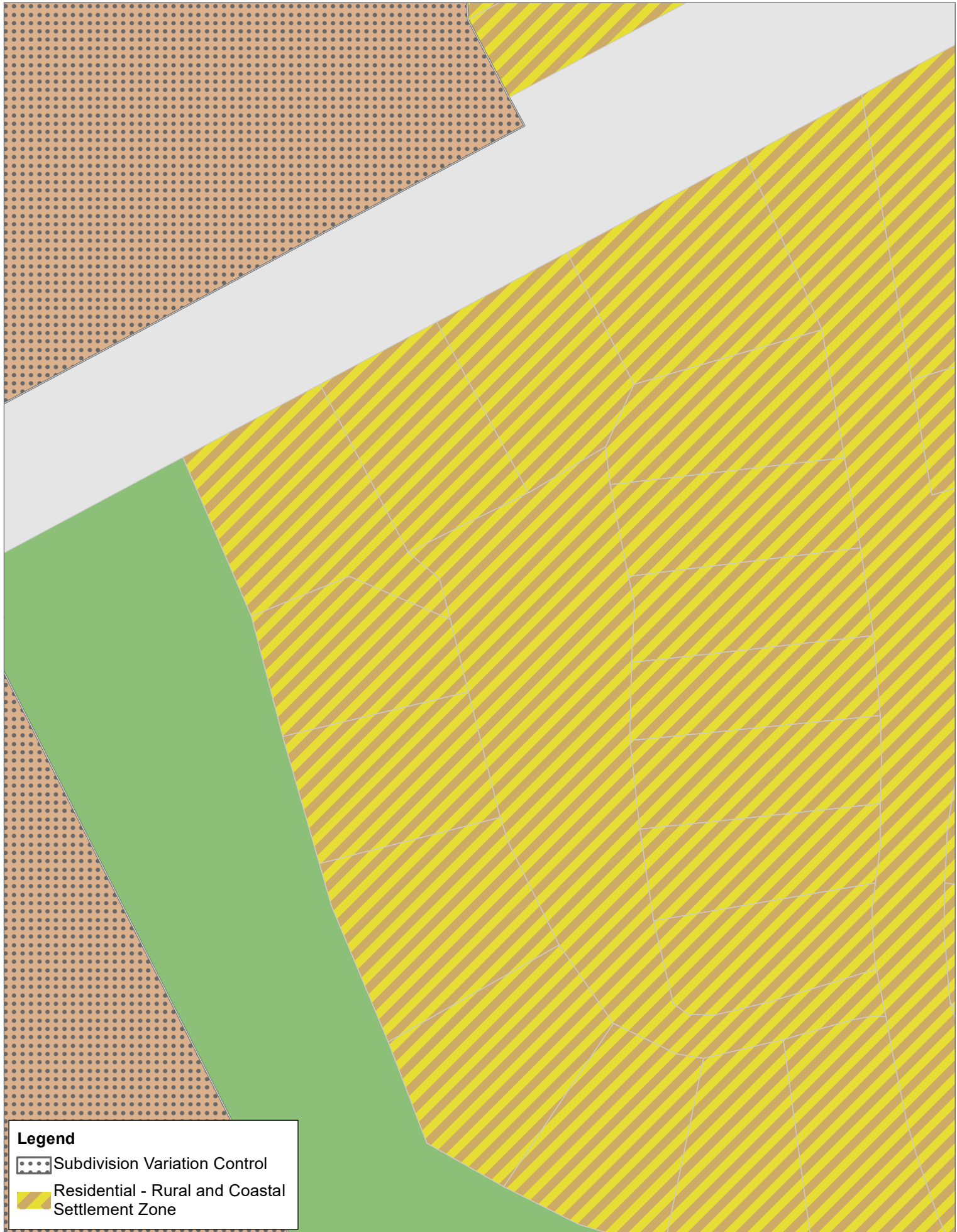
Date: 8/06/2020

Plan Change 17 - Check Maps



Change No: 9




Plans and Places



Legend

-  Subdivision Variation Control
-  Residential - Rural and Coastal Settlement Zone

N



0 5 10 20 Metres

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Change No: 10


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Plans and Places



Legend

-  Subdivision Variation Control
-  Precincts
-  Residential - Single House Zone



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Plan Change 17 - Check Maps

Change No: 11






Plans and Places

Smales 2 sub-precinct B

Smales 2 sub-precinct A

Legend

-  Precincts
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone



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Change No: 12





Plans and Places

Hobsonville Point sub-precinct E

Scott Point

Legend

-  Precincts
-  Residential - Single House Zone



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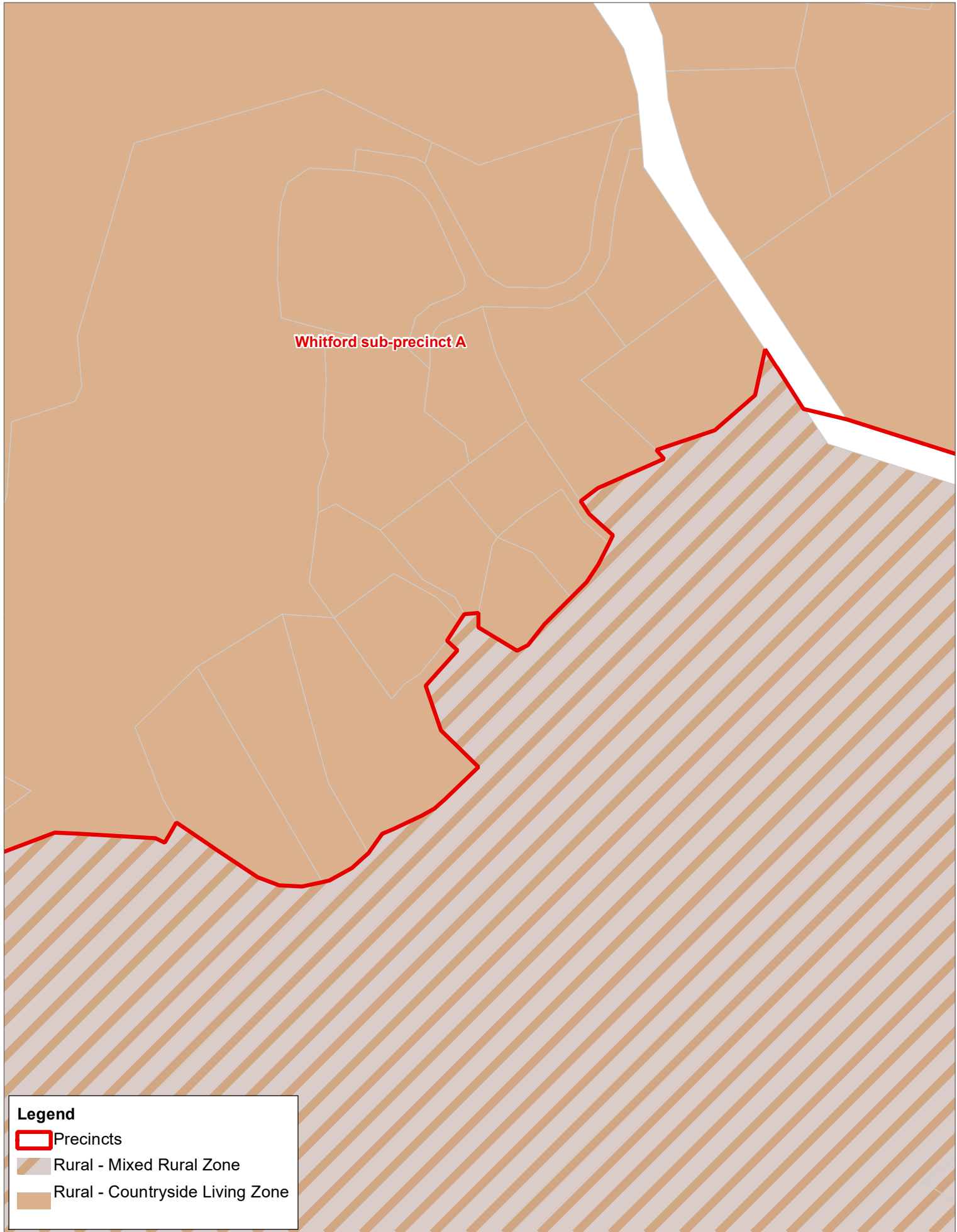
Date: 8/06/2020

Plan Change 17 - Check Maps

Change No: 13




Plans and Places




Whitford sub-precinct A

Legend

-  Precincts
-  Rural - Mixed Rural Zone
-  Rural - Countryside Living Zone

N



0 20 40 80 Metres

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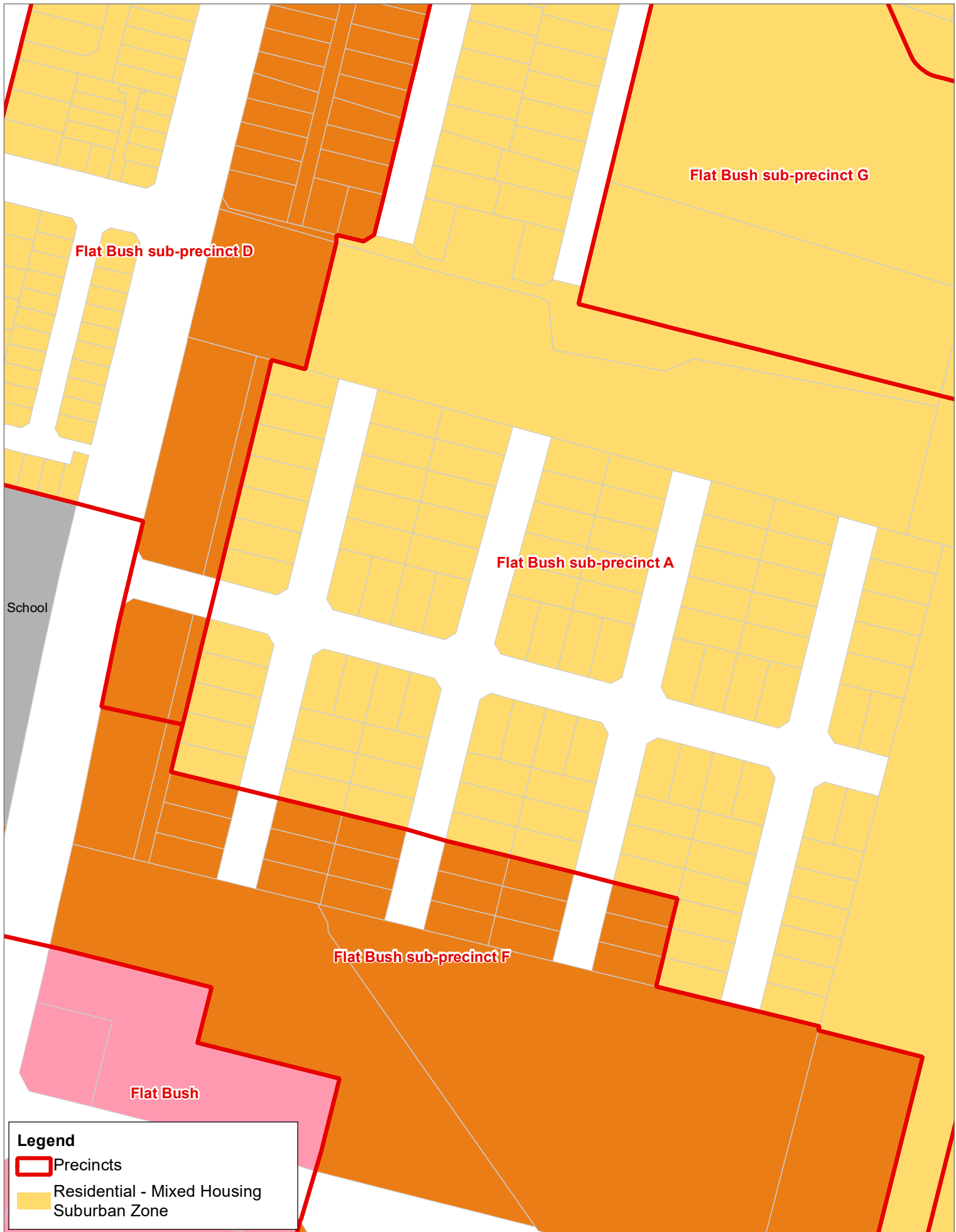
Plan Change 17 - Check Maps

Change No: 14

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Plan Change 17 - Check Maps

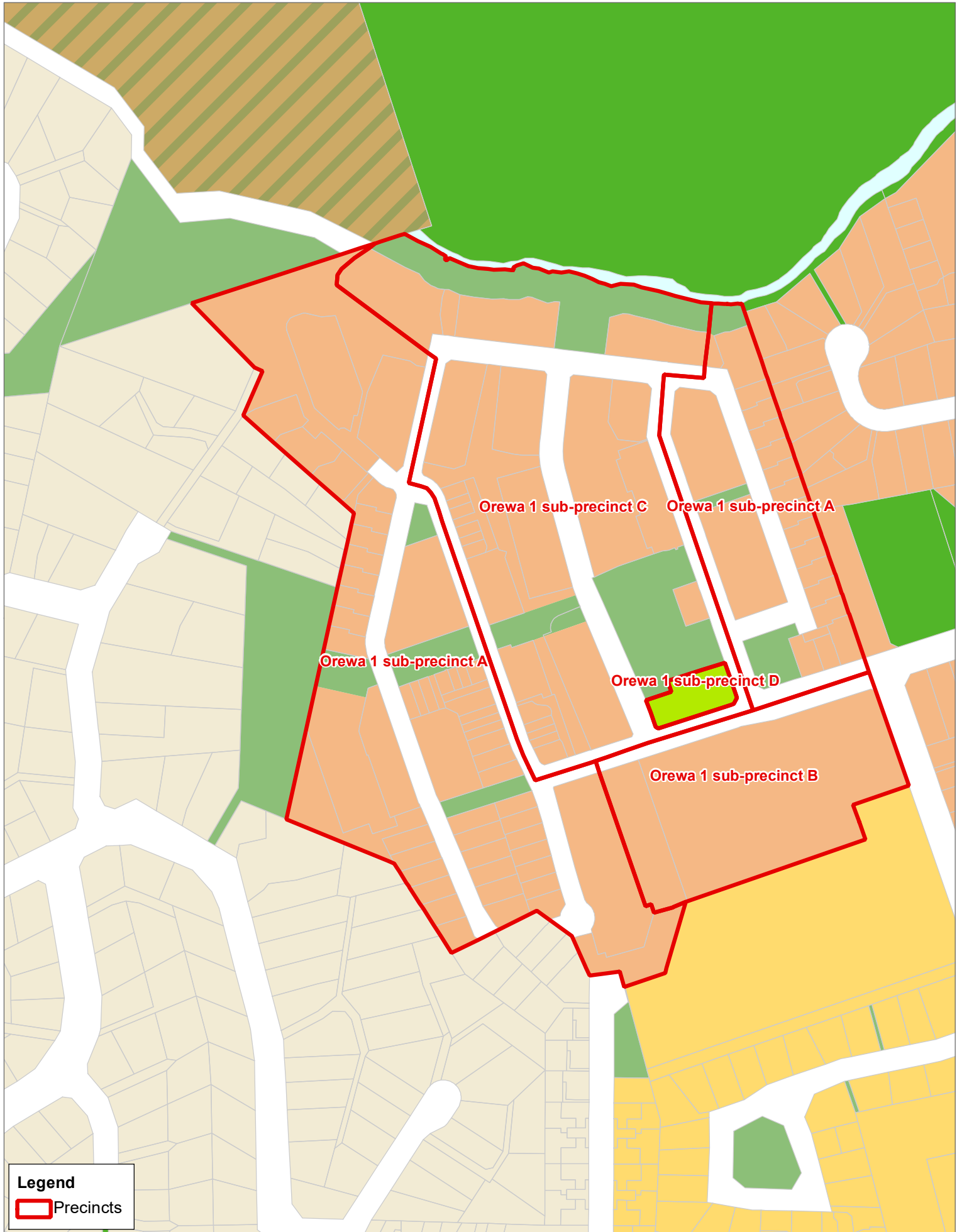
Change No: 15



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 Te Kaunihera o Tamaki Makaurau

Plans and Places



Legend
 Precincts



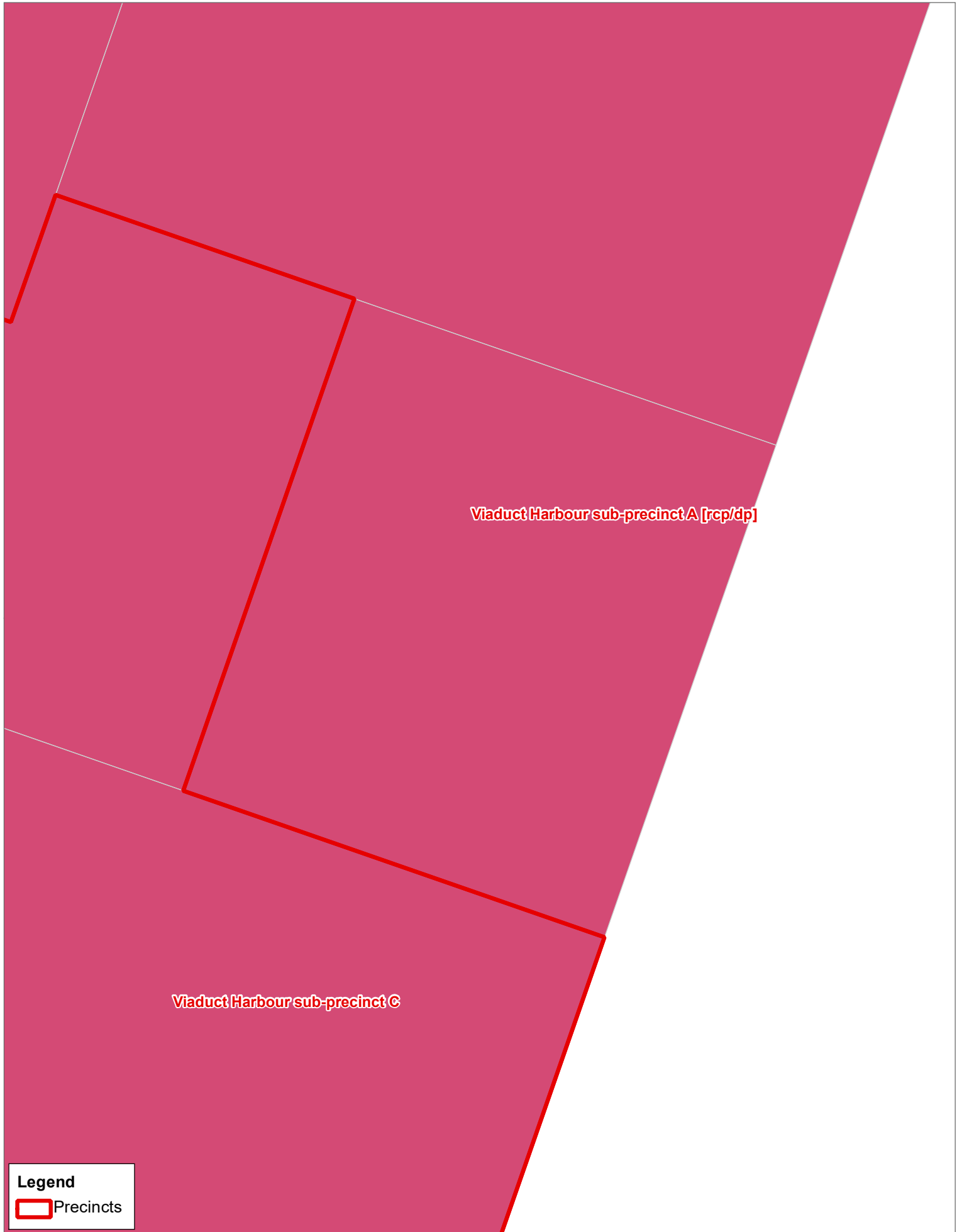
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Plan Change 17 - Check Maps

Change No: 16




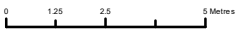
Plans and Places



Viaduct Harbour sub-precinct A [rcp/dp]

Viaduct Harbour sub-precinct C

Legend
 Precincts

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Change No: 17



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Plans and Places



Legend

-  Subdivision Variation Control
-  Precincts

0 120 240 480 Metres

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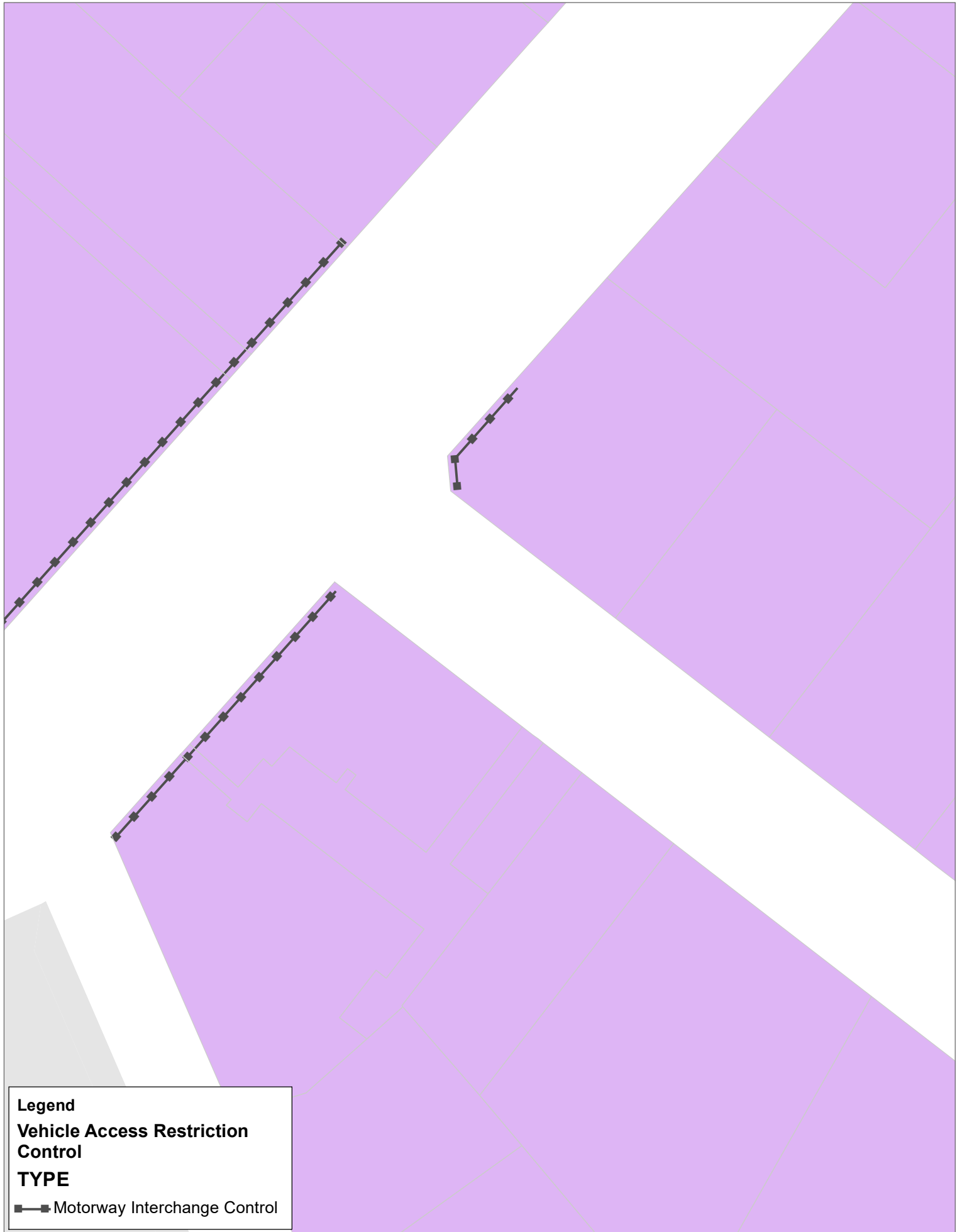
Plan Change 17 - Check Maps

Change No: 18

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Plans and Places



Legend
Vehicle Access Restriction
Control
TYPE

■—■ Motorway Interchange Control



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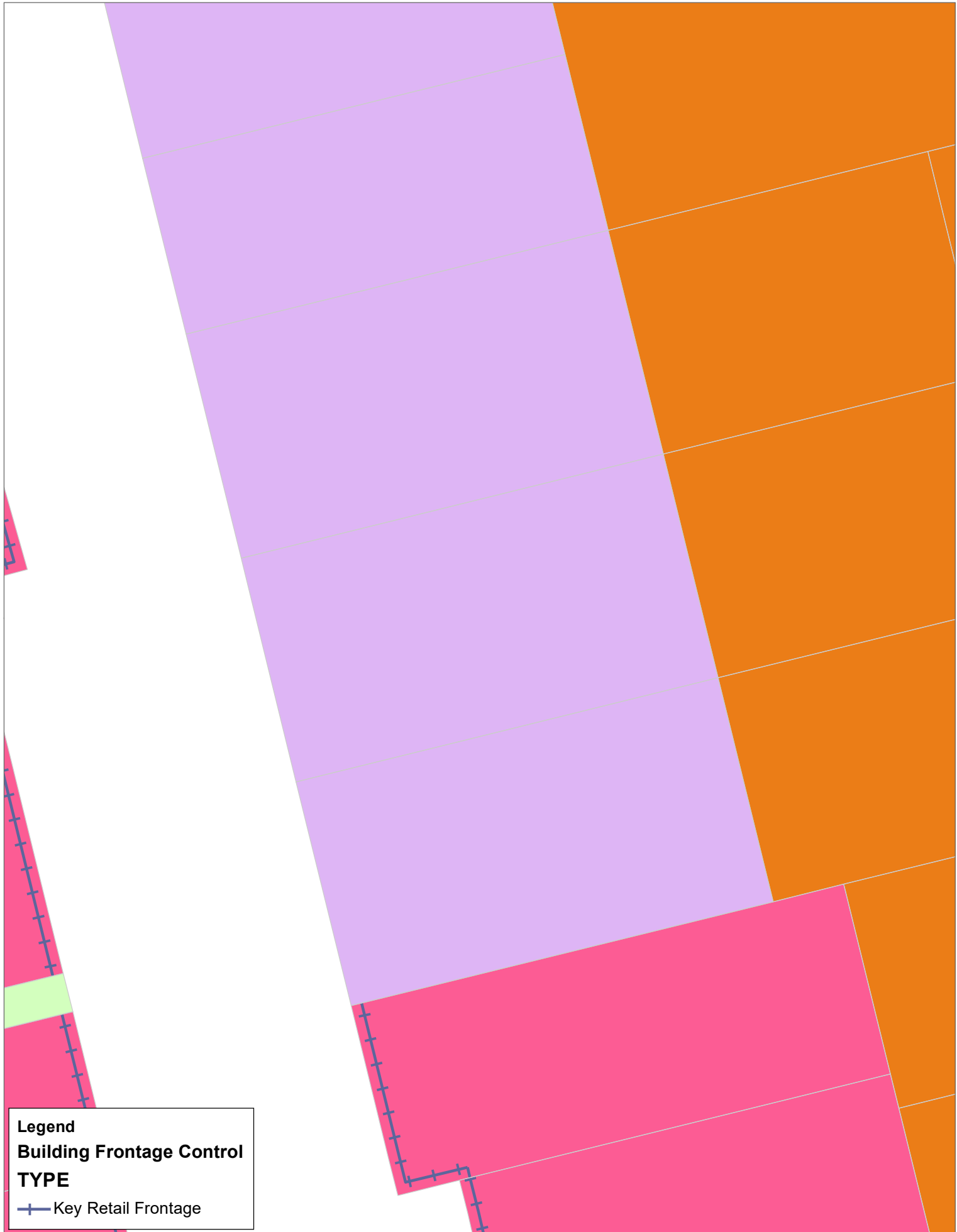
Date: 8/06/2020

Plan Change 17 - Check Maps

Change No: 19



Plans and Places



Legend
Building Frontage Control
TYPE
 + Key Retail Frontage

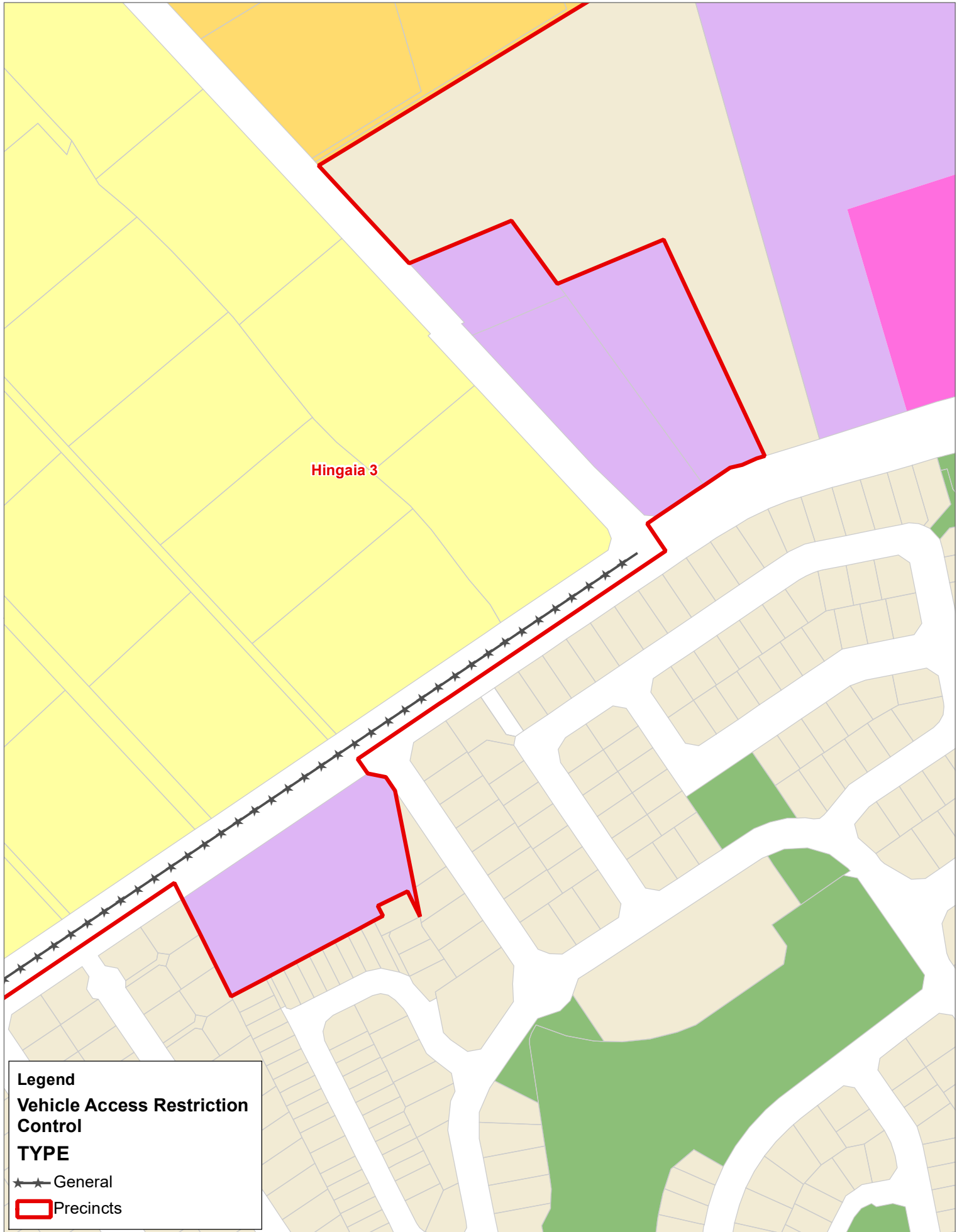


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Change No: 20



Plans and Places



Hingaia 3

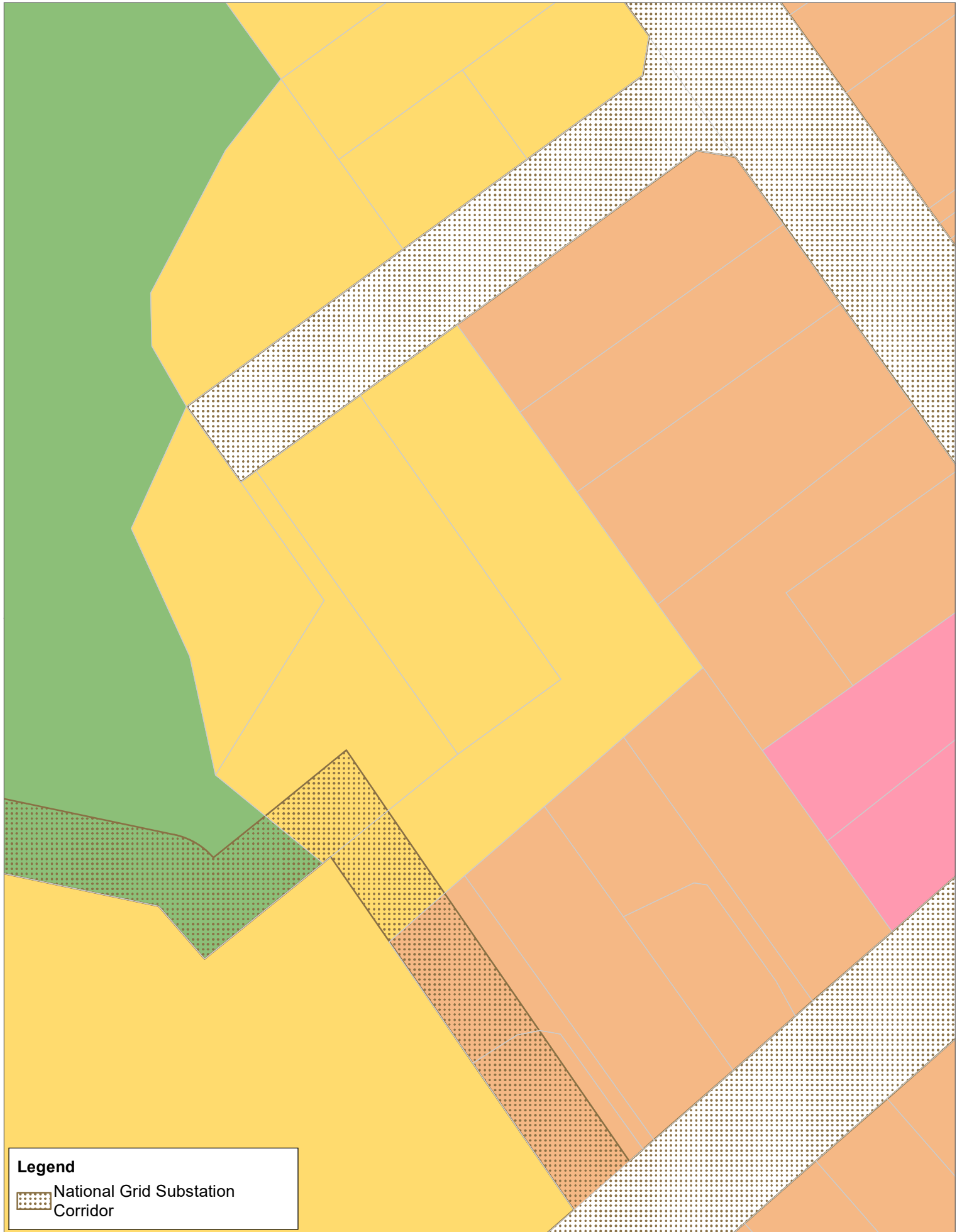
Legend
Vehicle Access Restriction Control
TYPE

- ★ General
- ▭ Precincts

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Plans and Places



Legend

 National Grid Substation Corridor



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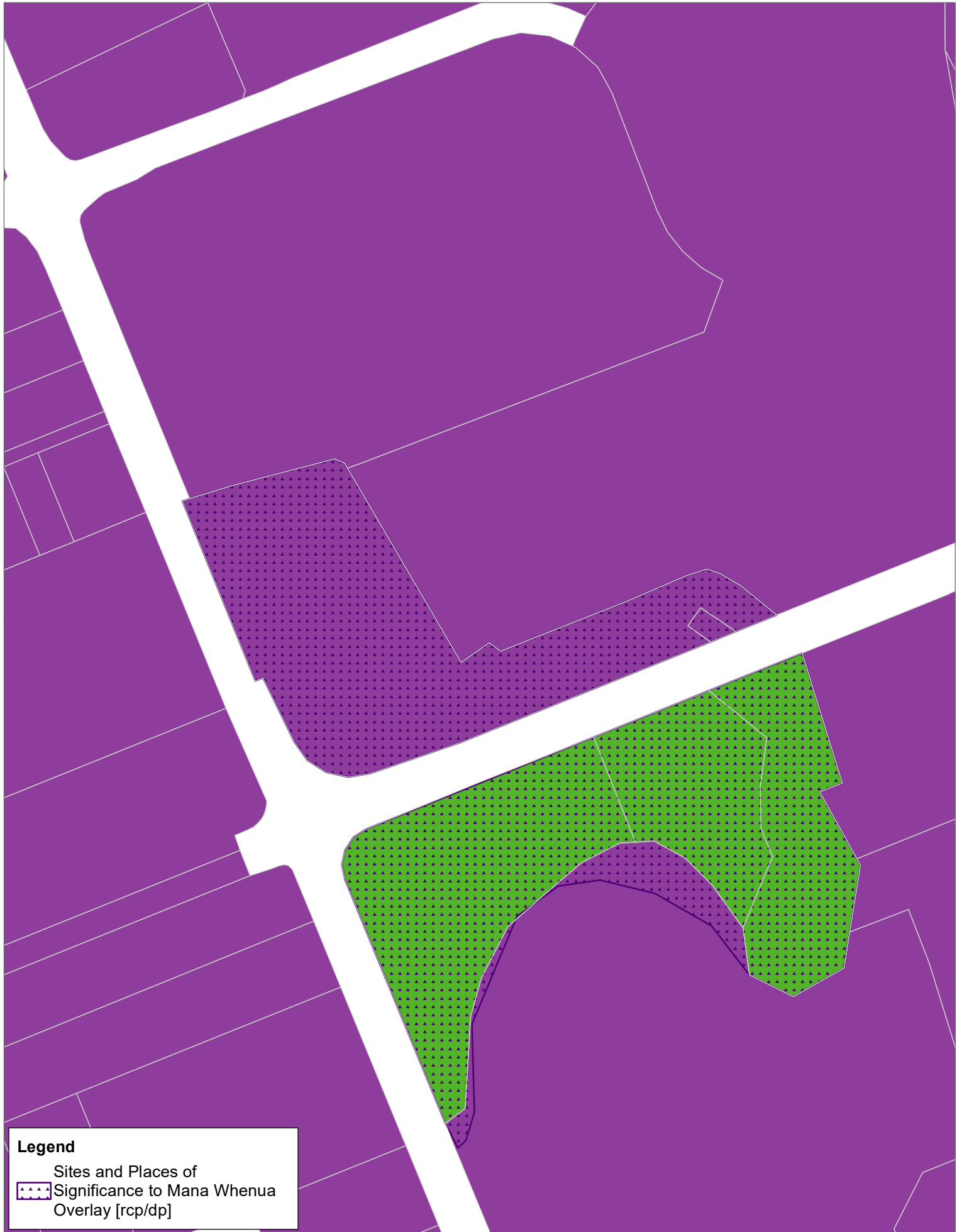
Date: 8/06/2020

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Change No: 22



Plans and Places



Legend

-  Sites and Places of Significance to Mana Whenua Overlay [rcp/dp]



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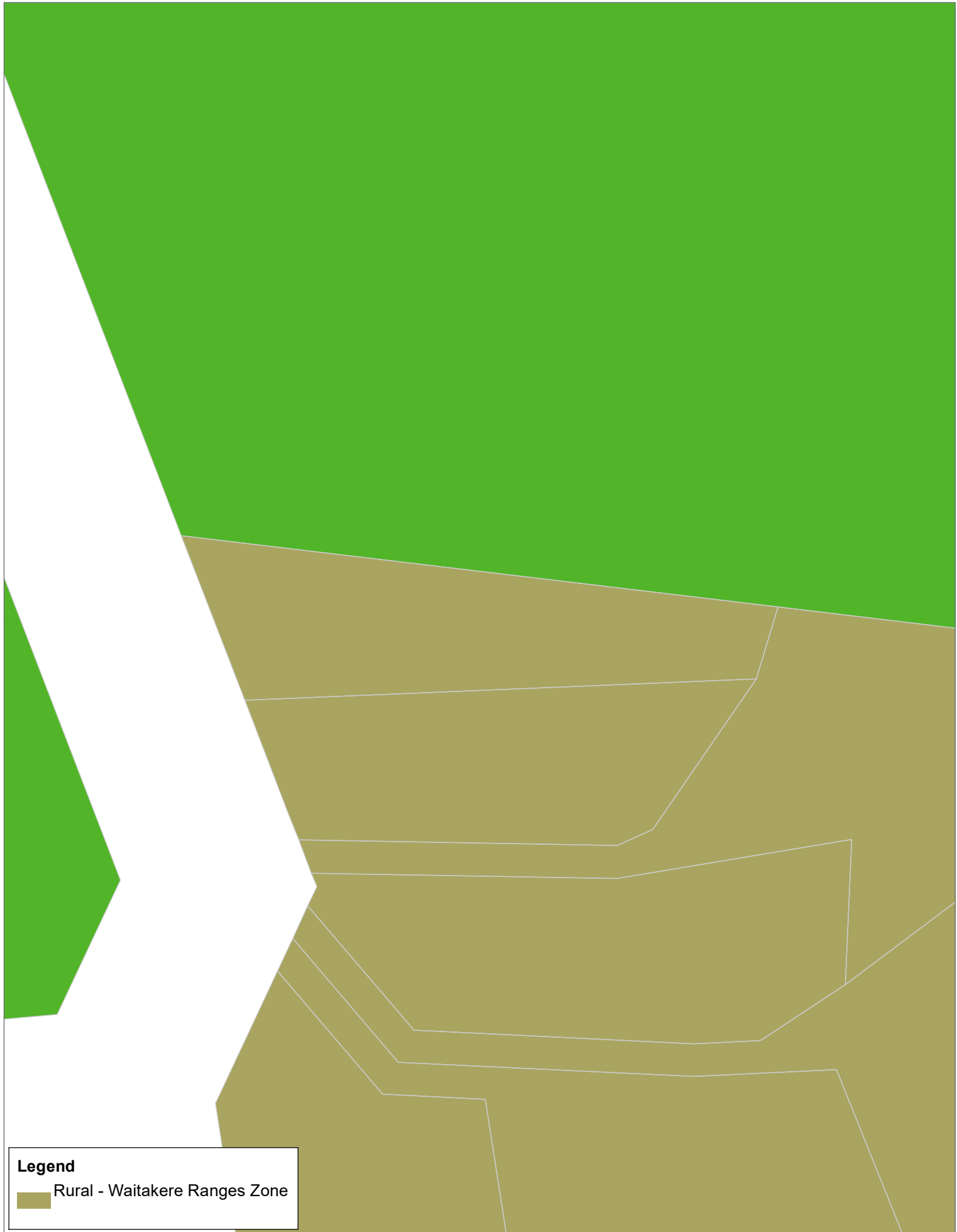
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Change No: 23



Plans and Places



Legend

 Rural - Waitakere Ranges Zone



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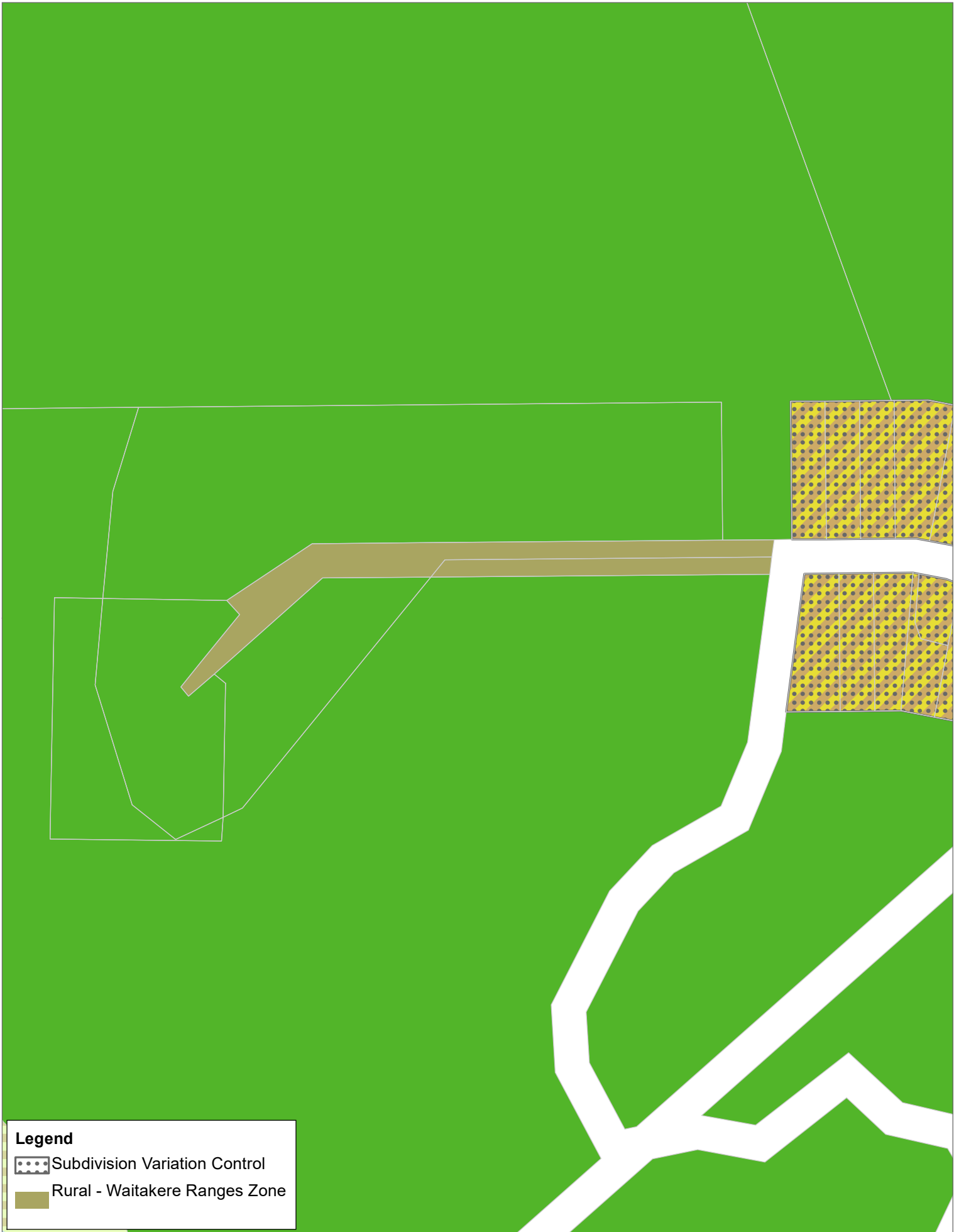
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Change No: 24

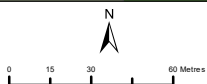


Plans and Places



Legend

-  Subdivision Variation Control
-  Rural - Waitakere Ranges Zone



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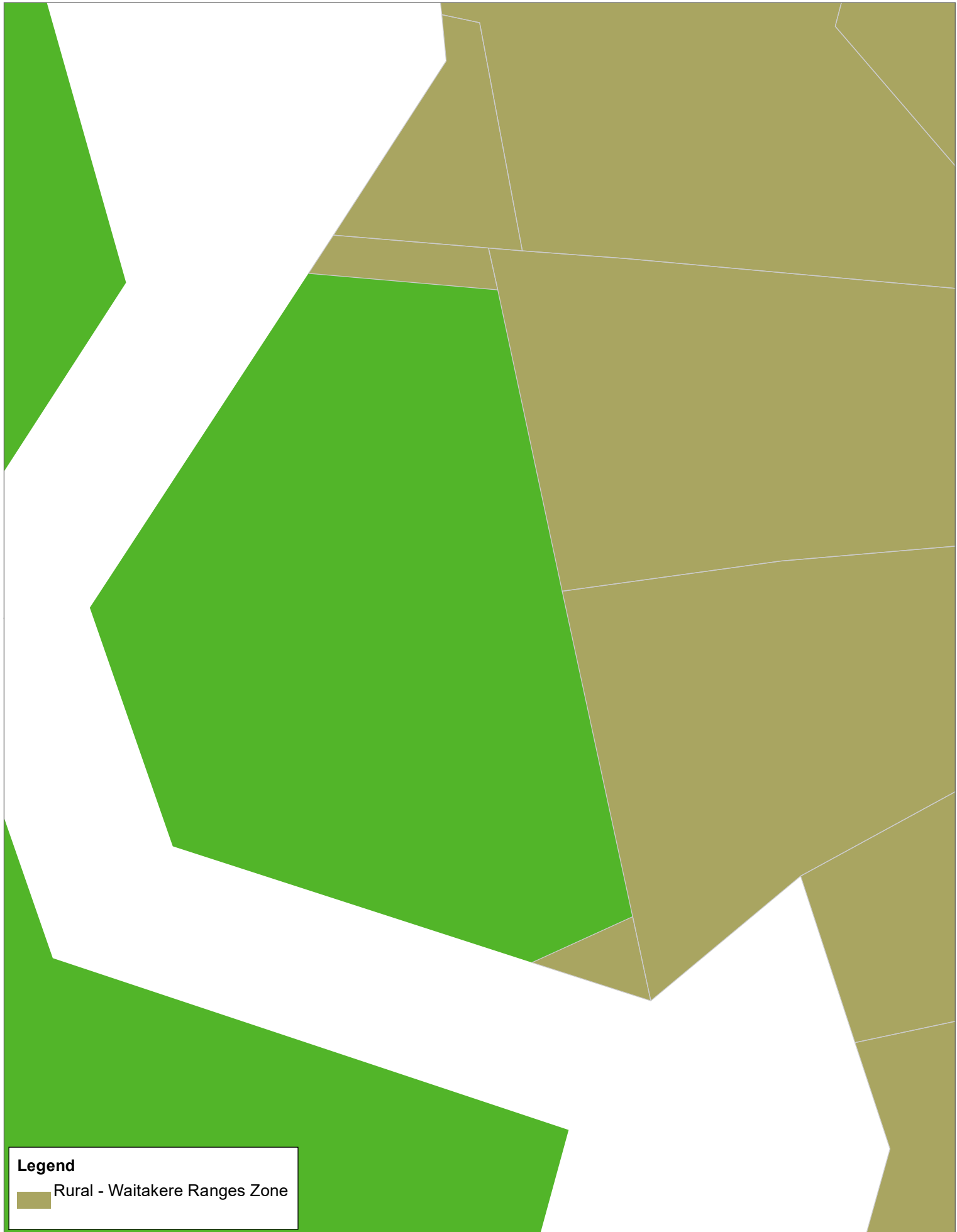
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Change No: 25



Plans and Places



Legend

 Rural - Waitakere Ranges Zone



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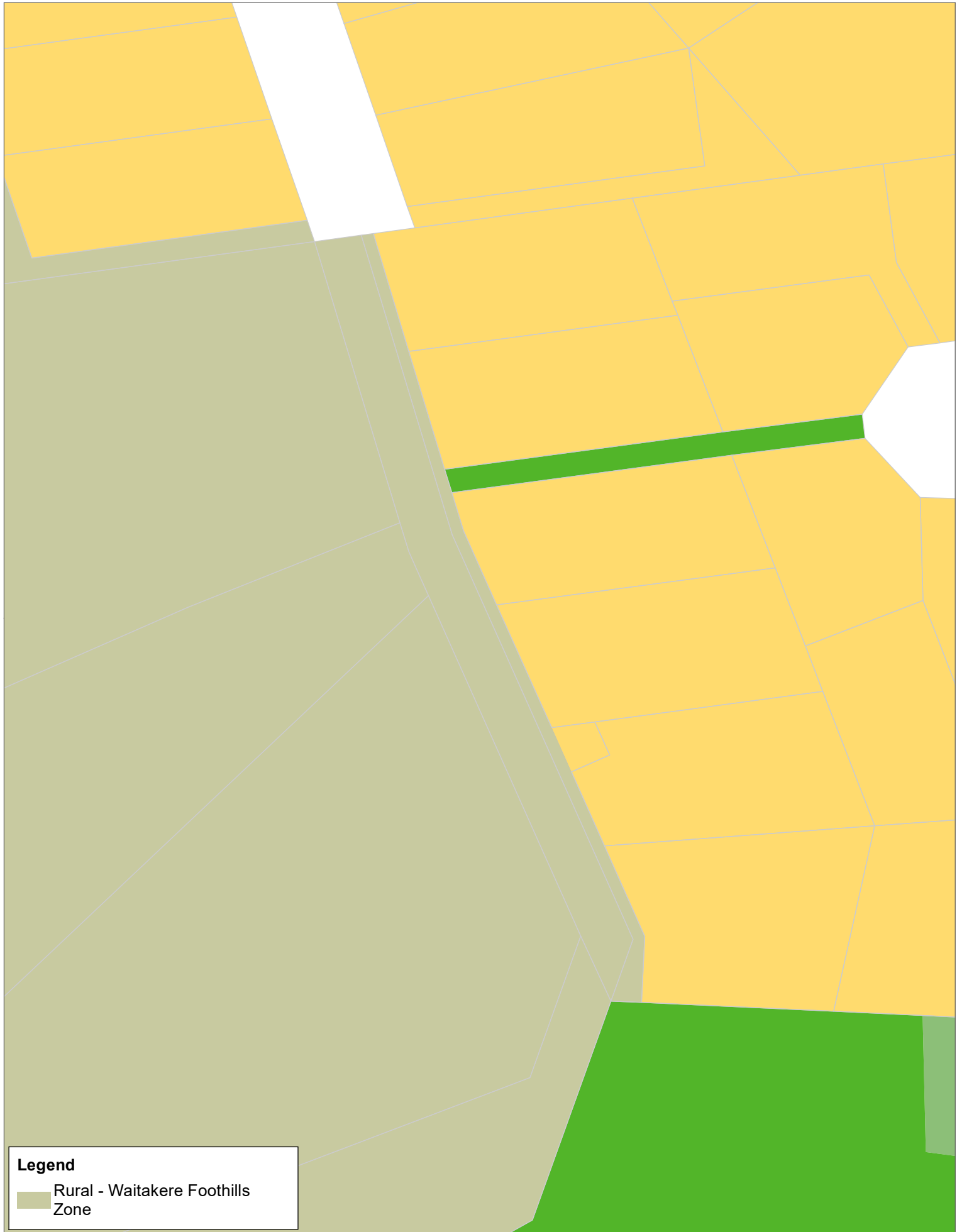
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Change No: 26





Plans and Places



Legend

 Rural - Waitakere Foothills Zone

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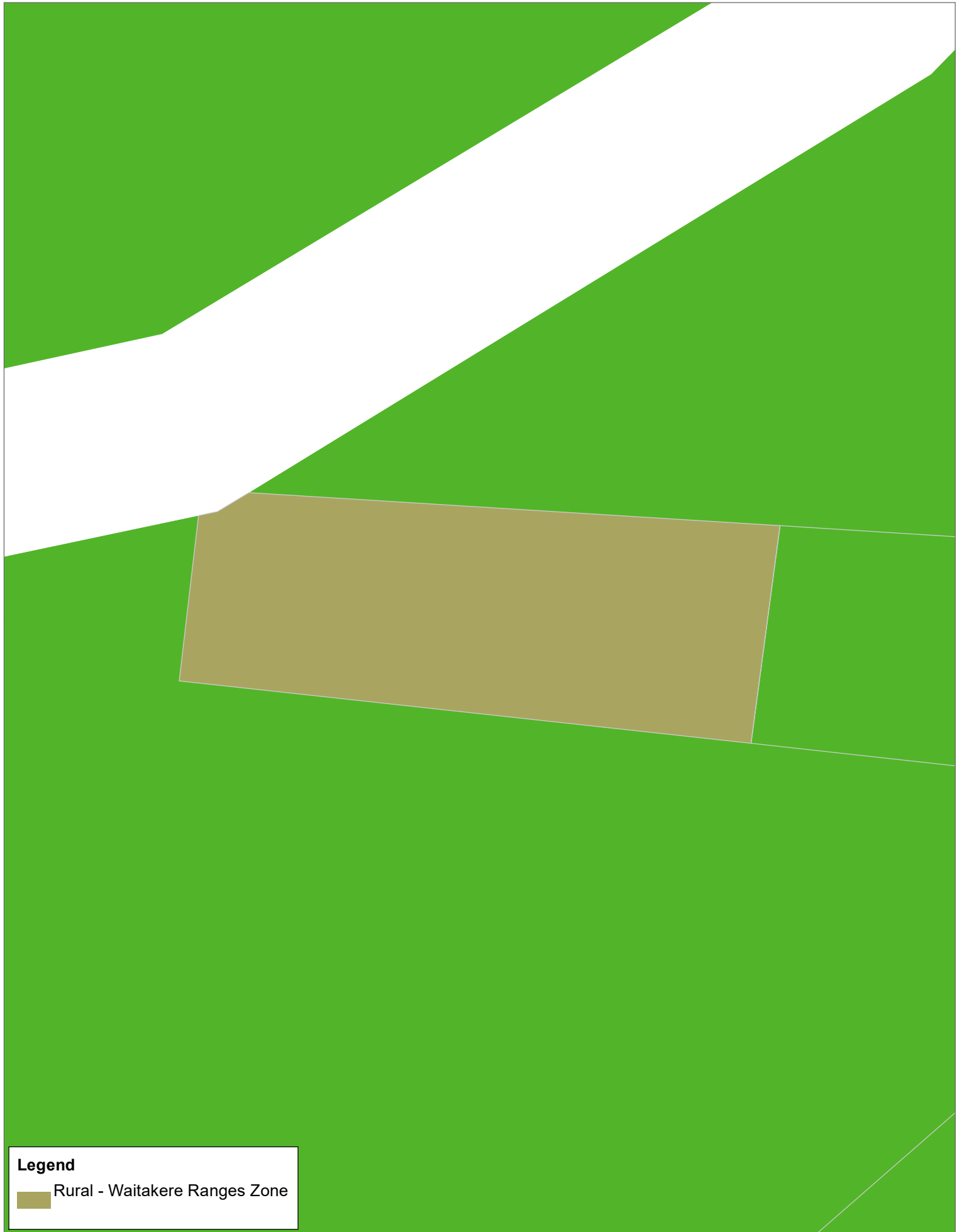
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Change No: 27


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Plans and Places



Legend

 Rural - Waitakere Ranges Zone



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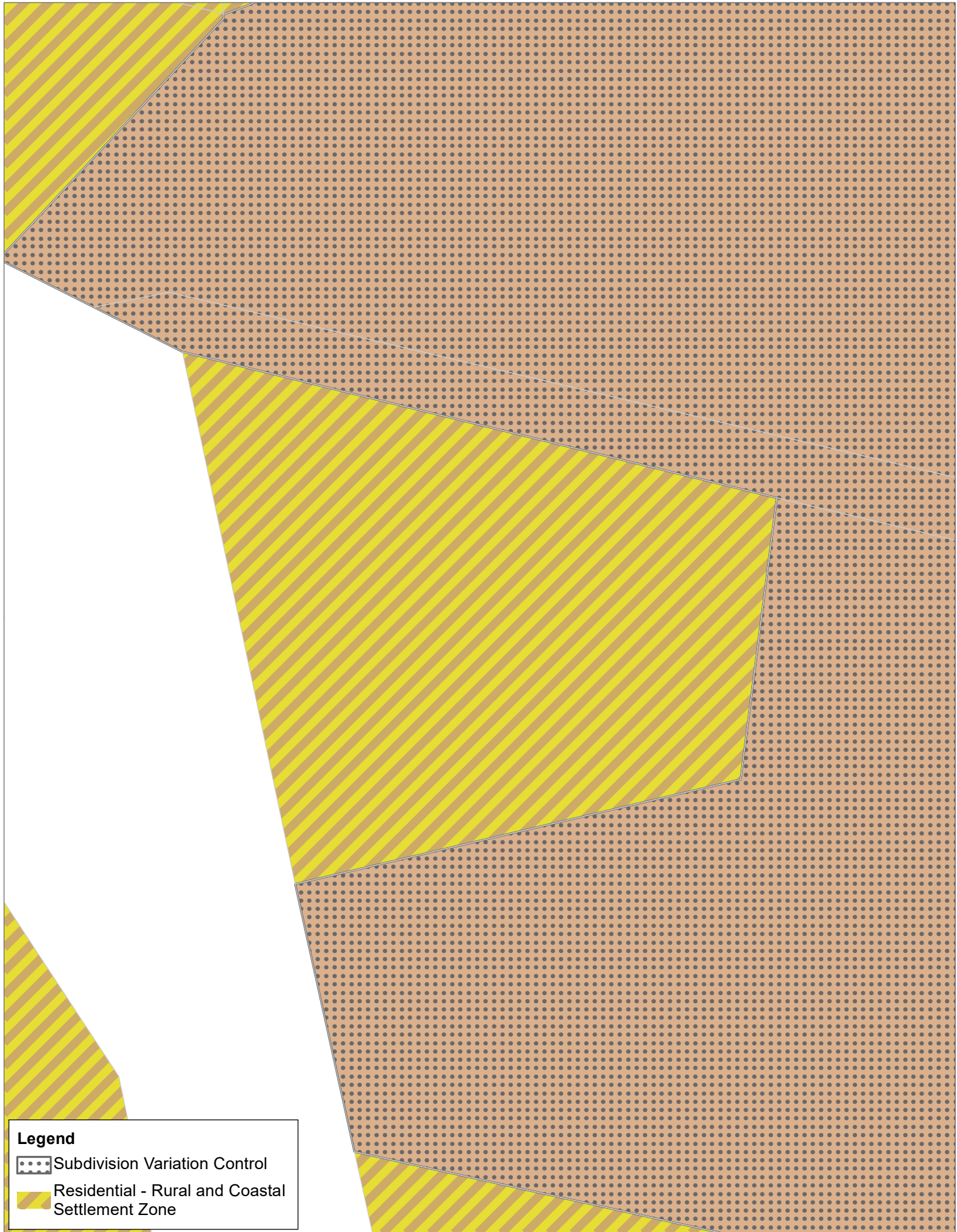
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Change No: 28



Plans and Places



Legend

-  Subdivision Variation Control
-  Residential - Rural and Coastal Settlement Zone



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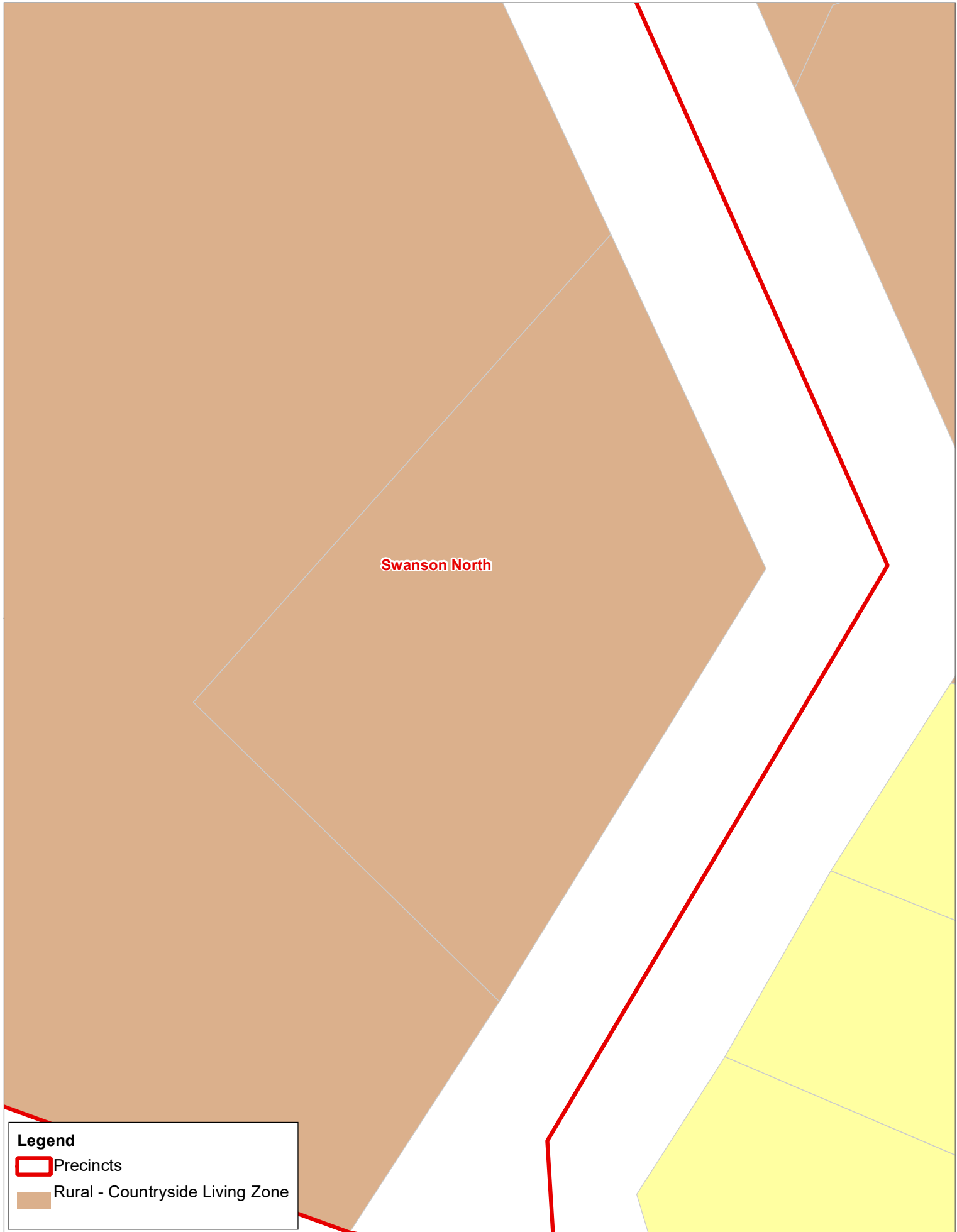
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Change No: 29





Plans and Places




Swanson North

Legend

-  Precincts
-  Rural - Countryside Living Zone

N



0 2.75 5.5 11 Metres

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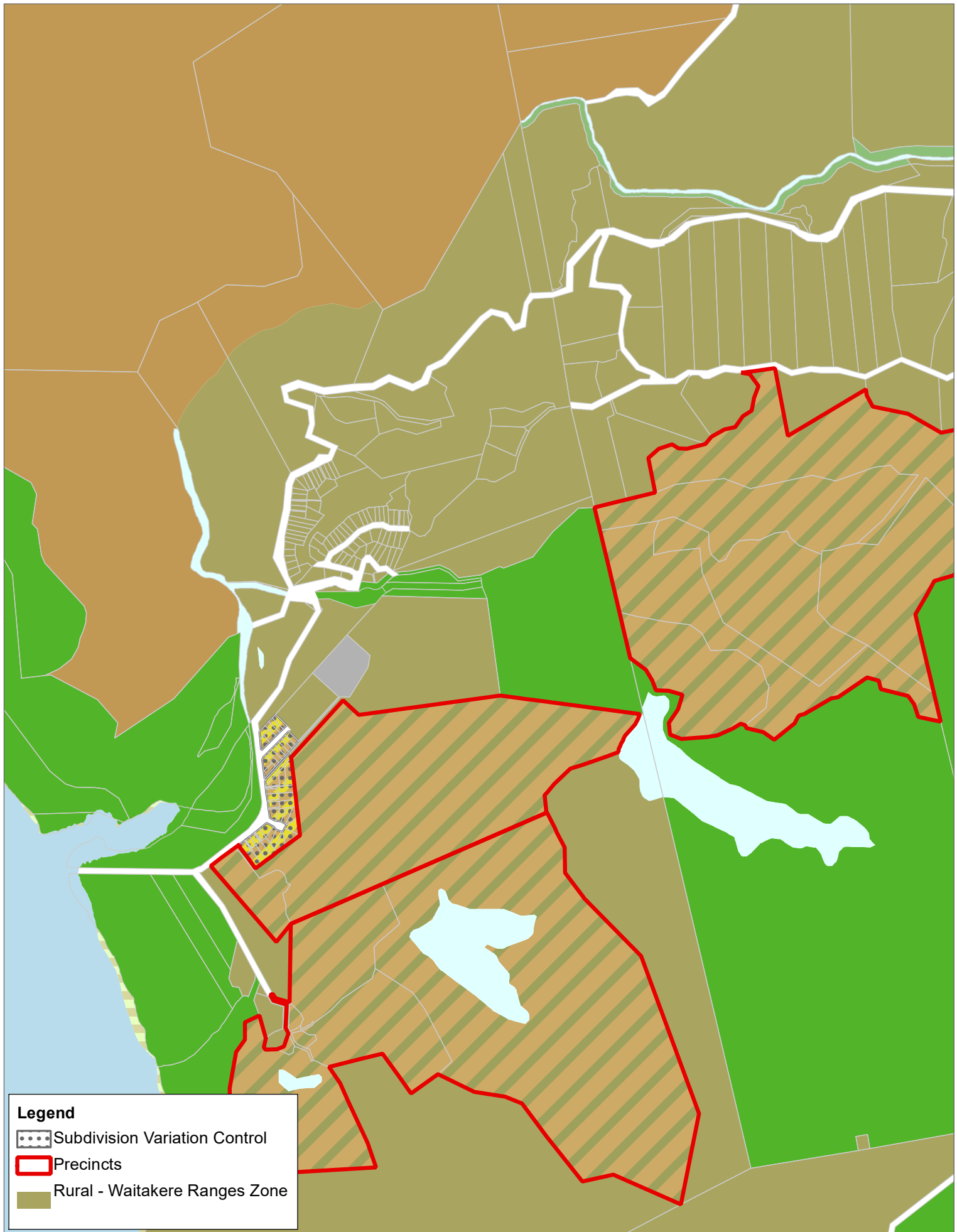
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Change No: 30




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Plans and Places



Legend

-  Subdivision Variation Control
-  Precincts
-  Rural - Waitakere Ranges Zone



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