

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Celia Davison, Manager, Planning Central/South, Plans and Places

**FROM** Katrina David, Senior Policy Planner, Planning Central/South, Plans and Places

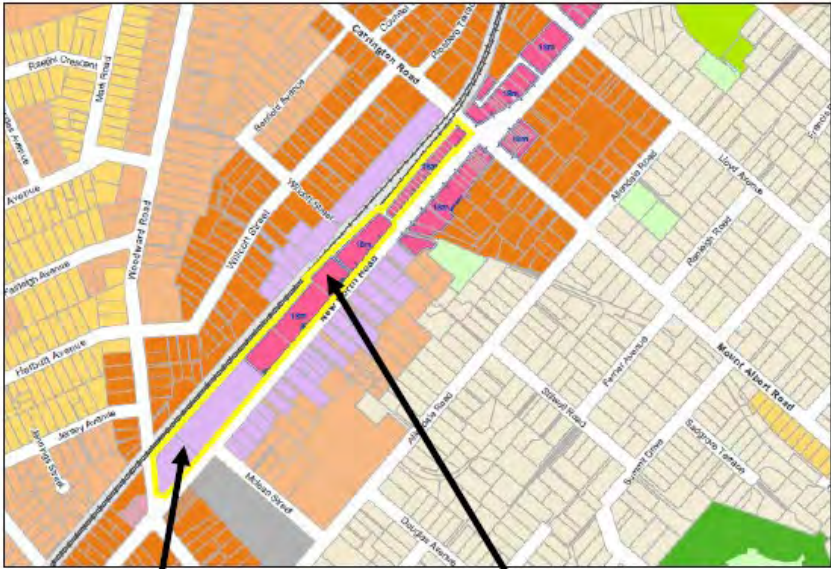
**DATE** 15 December 2022



**SUBJECT** **Plan Modification 63 to Chapters H10 and H13, and the GIS Viewer of the Auckland Unitary Plan(AUP) Operative in part (15 November 2016)**

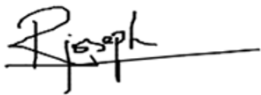

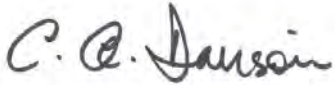


This memorandum requests an update to Auckland Unitary Plan Operative in part

| <b>Reason for update – Plan Change 63 made operative</b>      |  |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
|---|--|--|----------------------|--|------------------------------|----|---------------------------|-----|----|-----|-----|----|-----|-----|----|-----|------------|-----------|------------|-----|----|-----|------------------------------|----|---------------|----------------------------|----------------------|--|------------------------------|----|---------------------------|-----|----|-----|-----|----|-----|-----|----|-----|------------|-----------|------------|-----|----|-----|----------------|----|---------------|
| <b>Chapter</b>  | Chapter H10 Business – Town Centre Zone<br>Chapter H13 Business – Mixed Use Zone<br>AUP GIS Viewer   |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Section</b>  | Table H10.6. Standards<br>Table H13.6. Standards<br>AUP GIS Viewer Controls: Height Variation Control – Mount Albert   |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Designation only</b>                                       |  |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Designation #</b>  | N/A  |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Locations:</b>   | N/A  |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Lapse Date</b>   | N/A  |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Purpose</b>  | N/A  |  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <b>Changes to text (shown in underline and strikethrough)</b> | <p>Amend Table H10.6.1.1 as follows:</p> <p><b>Table H10.6.1.1 Total building height shown in the Height Variation Control on the planning maps</b></p> <table border="1"> <thead> <tr> <th>Occupiable building height</th> <th>Height for roof form</th> <th>Total building height shown on Height Variation Control on the planning maps</th> </tr> </thead> <tbody> <tr> <td>Same as on the planning maps</td> <td>NA</td> <td>Less than or equal to 11m</td> </tr> <tr> <td>11m</td> <td>2m</td> <td>13m</td> </tr> <tr> <td>16m</td> <td>2m</td> <td>18m</td> </tr> <tr> <td>19m</td> <td>2m</td> <td>21m</td> </tr> <tr> <td><u>22m</u></td> <td><u>2m</u></td> <td><u>24m</u></td> </tr> <tr> <td>25m</td> <td>2m</td> <td>27m</td> </tr> <tr> <td>Same as on the planning maps</td> <td>NA</td> <td>Exceeding 27m</td> </tr> </tbody> </table> <p>Amend Table H13.6.1.2 as follows:</p> <p><b>Table H13.6.1.2 Total building height shown in the Height Variation Control on the planning maps</b></p> <table border="1"> <thead> <tr> <th>Occupiable building height</th> <th>Height for roof form</th> <th>Total building height shown on Height Variation Control on the planning maps</th> </tr> </thead> <tbody> <tr> <td>Same as on the planning maps</td> <td>NA</td> <td>Less than or equal to 11m</td> </tr> <tr> <td>11m</td> <td>2m</td> <td>13m</td> </tr> <tr> <td>16m</td> <td>2m</td> <td>18m</td> </tr> <tr> <td>19m</td> <td>2m</td> <td>21m</td> </tr> <tr> <td><u>22m</u></td> <td><u>2m</u></td> <td><u>24m</u></td> </tr> <tr> <td>25m</td> <td>2m</td> <td>27m</td> </tr> <tr> <td>Same as on the</td> <td>NA</td> <td>Exceeding 27m</td> </tr> </tbody> </table> <p>See Attachment B.</p> | Occupiable building height   | Height for roof form | Total building height shown on Height Variation Control on the planning maps | Same as on the planning maps | NA | Less than or equal to 11m | 11m | 2m | 13m | 16m | 2m | 18m | 19m | 2m | 21m | <u>22m</u> | <u>2m</u> | <u>24m</u> | 25m | 2m | 27m | Same as on the planning maps | NA | Exceeding 27m | Occupiable building height | Height for roof form | Total building height shown on Height Variation Control on the planning maps | Same as on the planning maps | NA | Less than or equal to 11m | 11m | 2m | 13m | 16m | 2m | 18m | 19m | 2m | 21m | <u>22m</u> | <u>2m</u> | <u>24m</u> | 25m | 2m | 27m | Same as on the | NA | Exceeding 27m |
| Occupiable building height                                    | Height for roof form   | Total building height shown on Height Variation Control on the planning maps |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| Same as on the planning maps                                  | NA   | Less than or equal to 11m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 11m   | 2m   | 13m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 16m   | 2m   | 18m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 19m   | 2m   | 21m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <u>22m</u>  | <u>2m</u>  | <u>24m</u>   |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 25m   | 2m   | 27m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| Same as on the planning maps                                  | NA   | Exceeding 27m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| Occupiable building height                                    | Height for roof form   | Total building height shown on Height Variation Control on the planning maps |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| Same as on the planning maps                                  | NA   | Less than or equal to 11m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 11m   | 2m   | 13m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 16m   | 2m   | 18m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 19m   | 2m   | 21m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| <u>22m</u>  | <u>2m</u>  | <u>24m</u>   |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| 25m   | 2m   | 27m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |
| Same as on the  | NA   | Exceeding 27m  |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                              |    |               |                            |                      |  |                              |    |                           |     |    |     |     |    |     |     |    |     |            |           |            |     |    |     |                |    |               |

|                                |   |
|--------------------------------|---|
| <b>Changes to diagrams</b>     | NA  |
| <b>Changes to spatial data</b> | <p>Amend Height Variation Control in GIS Viewer:</p> <ul style="list-style-type: none"> <li>• Apply new Height Variation Control – Mount Albert, 24m to 955-975 New North Road</li> <li>• Amend Height Variation Control – Mount Albert from 18m to 24m at 911- 953 New North Road.</li> </ul> <p><b>Amendments to the Auckland Unitary Plan Viewer:</b></p>  <div data-bbox="507 1167 794 1352" style="border: 1px solid black; padding: 5px; margin: 10px;"> Apply Height Variation Control to the properties at 955-975 New North Road of 24m. </div> <div data-bbox="1062 1167 1350 1352" style="border: 1px solid black; padding: 5px; margin: 10px;"> Amend the Height Variation Control which applies to the properties at 911-953 New North Road from 18m to 24m. </div> <p>See Attachment C.</p> <p>Note PC64 rezones 955 New North Road from Business – Town Centre to Business – Mixed Use. This is covered in a separate Unitary Plan update request memorandum.</p> |
| <b>Attachments</b>             | Attachment A: Plan Change 63 Decision<br>Attachment B: Text changes to Chapters H10 and H13<br>Attachment C: Amendments to GIS Viewer   |

|   |  |
|---|--|
| <b>Prepared by:</b><br>Katrina David<br>Planner   | <b>Text Entered by:</b><br>Harry Barnes<br>Planning Technician   |
| <b>Signature:</b>  | <b>Signature:</b>  |

|  |   |
|--|---|
| <b>Maps prepared by:</b><br>Rachel Joseph<br>Geospatial Specialist                                     | <b>Reviewed by:</b><br>Craig Cairncross<br>Team Leader  |
| <b>Signature:</b><br> | <b>Signature:</b><br> |
| <b>Signed off by:</b><br>Celia Davison<br>Manager Planning – Central South                             |   |
| <b>Signature:</b><br> |   |

**Attachment A: Plan Change 63  
Decision**

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



## Proposal - in summary.

To increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m and apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m.

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

|                                     |   |
|-------------------------------------|---|
| <b>Private Plan Change number:</b>  | 63  |
| <b>Site address:</b>                | 911-975 New North Road  |
| <b>Applicant:</b>                   | Tram Lease Limited  |
| <b>Hearing:</b>                     | 23 and 24 May 2022  |
| <b>Hearing panel:</b>               | Dr Lee Beattie (Chairperson)<br>Ms Lisa Mein<br>Mr Mark Farnsworth  |
| <b>Parties and People involved:</b> | <p><u>Applicant</u><br/>Tram Lease Limited represented by:<br/>Mr Douglas Allan &amp; Ms Alex Devine, Legal Counsel<br/>Ms Angela Bull, Corporate<br/>Mr Andy Anderson, Architecture<br/>Ms Rachel de Lambert, Landscape<br/>Mr Cam Wallace, Urban Design<br/>Mr Todd Langwell Transport<br/>Mr Tim Heath, Economics; and<br/>Mr Karl Cook, Planning.</p> <p><u>Albert-Eden Local Board</u><br/>Mr Graeme Easte, Local Board Member</p> <p><u>Submitters:</u><br/>Auckland Transport represented by:<br/>Mr Kevin Wong-Toi, Corporate<br/>Mr Joe Phillips, Transport and Engineering; and<br/>Mr Trevor Mackie, Planning.</p> |

|  |  |
|--|--|
|  | <p><u>Tabled Statement</u></p> <p>KiwiRail NZ Limited</p> <p>Auckland Council (as regulator) represented by:<br/> Ms Clare Wall Shaw, Planner (section 42A report author)<br/> Ms Fiona Sprott, (Team Leader)<br/> Mr Mat Collins, Transport Engineer<br/> Ms Tracy Ogden-Cork, Urban Design (consultant)<br/> Mr Peter Kensington, Landscape Architect (consultant); and<br/> Mr Greg Akehurst, Economist (consultant).<br/> Mr Bevan Donovan, Hearings Advisor</p> |
|--|--|

## EXECUTIVE SUMMARY

We have set out at a 'high level' our key findings in the Executive Summary to provide 'context' when reading the substantive part of the decision. Other matters are also addressed that are not included in the Executive Summary.

- We have approved the Plan Change as proposed.
- The Plan Change will result in an increase of residential development capacity when compared with the existing heights enabled by the AUP: OP.
- We do not see the need for a Precinct Plan to achieve the purpose of the plan change.
- The Plan Change will give effect to the National Policy Statement on Urban Development (**NPS-UD**). It also gives effect to the Regional Policy Statement (**RPS**).
- Plan 63 Change to increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m and apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m will also better meet the social and economic needs of the community.

## INTRODUCTION

1. The private plan change request was made under Clause 21 of Schedule 1 to the RMA and was accepted by the Council, under clause 25(2)(b) of Schedule 1 to the RMA on 27 August 2020.
2. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared<sup>1</sup> in support of the proposed plan change for the purpose of considering the appropriateness of the proposed provisions.

---

<sup>1</sup> Private Plan Change Request New North Road Mt Albert – S32A Assessment Report – Shannon Fallon B&A Urban Environment, February 2021 2020 (**Plan Change Request**)

3. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Dr Lee Beattie (Chair), Lisa Mein and Mark Farnsworth appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).
4. The Commissioners have been delegated the authority by the Council to make a decision on Private Plan Change 63 (**PPC 63**) to the Auckland Council Unitary Plan Operative in Part (**AUP (OP)**). In making our decision we have considered:
  - The application and supporting information;
  - All of the submissions;
  - The section 32 and 32AA evaluations;
  - The Section 42A report prepared by Ms Clare Wall Shaw
  - Requestor’s legal submissions;
  - The evidence presented during the hearing of submissions; and
  - Responses to our questions and closing submissions.
5. The hearing of this plan change (PPC 63) was heard in conjunction with Private Plan Change 64. Separate decisions will be issued for each plan change.

### **SUMMARY OF PLAN CHANGE AS NOTIFIED**

6. The proposed Plan Change is described in detail in the Requestor’s Plan Change Request<sup>2</sup> and an overview is provided in the Council’s section 42A hearing report<sup>3</sup>. In summary – PC63 seeks to:
  - *“Increase the Height Variation Control that applies to 911- 953 New North Road from 18m to 24m (22m occupiable and additional 2m for roof form)*
  - *Apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m (22m occupiable and additional 2m for roof form); and*
  - *Consequential amendments are required to Table H10.6.1.1 and Table H13.6.1.2.”*
7. The Plan Change area is subject to the ‘Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay – A13, Mount Albert’. This overlay acts to protect views of Ōwairaka from an identified origin point in Te Atatu. The overlay restricts the height of buildings across the plan change area to be between approximately 20.5m and 27.5m.

---

<sup>2</sup> Plan Change Request at Section 5

<sup>3</sup> Section 42A at Section 1

8. The Plan Change Request notes<sup>4</sup>:

*“Any future development will need to comply with the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay – A13, Mount Albert height limits, meaning that in specific areas the proposed additional height will not be able to be realised across the entire Plan Change area without non-complying activity resource consent.”*

9. The Requestor’s Plan Change Request<sup>5</sup> sets out the purpose of the plan change, being:

*“... apply a 24m height limit to the properties at 911-975 New North Road, to increase the efficient and effective use of this highly accessible land within the Mount Albert town centre area whilst achieving a quality-built environment, maintaining the amenity values of the locality and avoiding intrusion into the identified viewshafts to Owairaka/Mt Albert. “*

10. The Requestor is the majority landowner of the Plan Change area and wishes to enable development on the site in a manner consistent with the 24m height limit, which this Plan Change request will permit.

## **THE SITE**

11. The Plan Change Request provided<sup>6</sup> a detailed description of the site<sup>7</sup>:

*“The Plan Change area is approximately 23,000m<sup>2</sup> and covers the south western blocks of the Mount Albert town centre located on the western edge of the Auckland Isthmus. The Plan Change area includes the properties at 911 -975 New North Road and is bounded by the railway line to the north-west and New North Road to the south-east. Tram Lease Ltd has large landholdings within the Plan Change area. A locality plan of the Plan Change area is included as **Figure 1** below:*

---

<sup>4</sup> Plan Change Request at [5.1.1]

<sup>5</sup> Plan Change Request at [5.3]

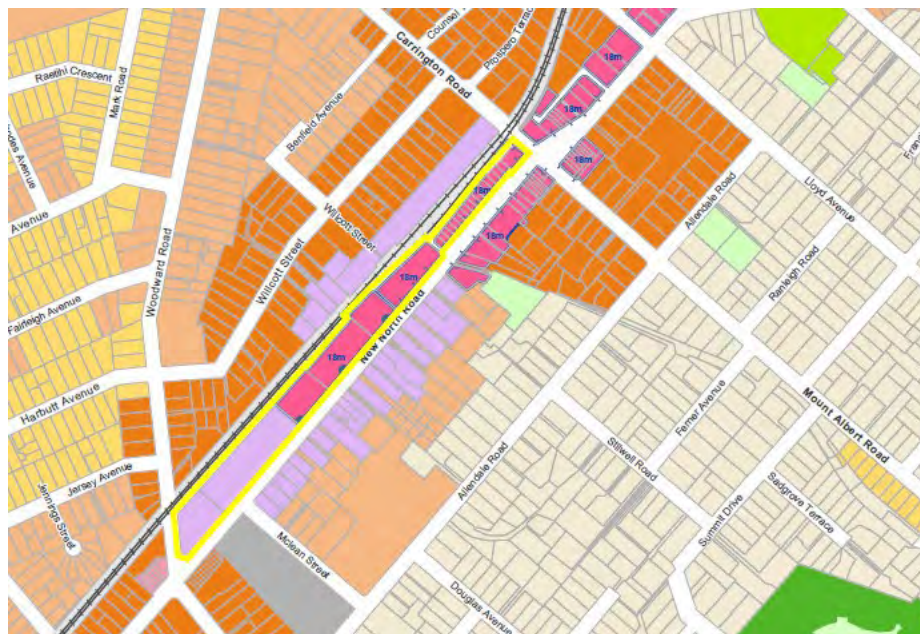
<sup>6</sup> Plan Change Request at [4.1]

<sup>7</sup> The Section 42A Report adopted the requestor’s site description





The Plan Change area is located within the Business – Town Centre and Business- Mixed Use zones see **Figure 2**. The land within the Business – Town Centre zone is subject to the Height Variation Control allowing the development of buildings up to 18m in height. The height limit of buildings within the Business- Mixed Use zone is 18m.



**Figure 2: Zoning**

*A Regionally Significant Volcanic Viewshaft and Height Sensitive Area Overlay – A13 Mount Albert Viewshaft – passes over the majority of the Site, except for the northern-most part of the Plan Change area by Mount Albert Road. The Viewshaft has a height above the Site of generally 24.5m-27.5m, decreasing to 21.5m at the Site’s southern end and 20.5m at its northern end.”*

*“Overall, the topography of the Plan Change area is relatively flat, dipping midway along its length by approximately 5m, and there are no known*

*heritage items/places, significant indigenous habitat or vegetation within the Plan Change area.”*

## **SURROUNDING AREA & LOCAL CONTEXT (ZONING)**

12. The Plan Change Request provides<sup>8</sup>: a detailed description of the surrounding areas and surrounding and local context.

*“The Mount Albert town centre is centred around the New North Road and Carrington Road intersection. The Plan Change area covers the south western portion of the Mount Albert town centre. The Mount Albert town Centre extends north of the Plan Change area across Mount Albert Road. It also extends to the east between Mount Albert Road and Ballast Lane. The built form within the Mount Albert town centre largely consists of finer grain strip retail.*

*The zoning pattern of the wider area spanning out from Mount Albert town centre is, very loosely, concentric. At its core is Town Centre zoning, surrounded by Mixed Use zoning. The Plan change area (refer to Figure 2 above) comprises both Town Centre and Mixed Use zoned land, however the majority of the Plan Change area is Town Centre zoned. From there, it transitions to Terrace Housing and Apartment Building (**THAB**) zoning, through to Mixed Housing Urban, Mixed Housing Suburban and Single House zoning.*

*To the north of the Mount Albert town centre, are large older residential dwellings many of which are zoned Terrace Housing and Apartment Building. The THAB zone also extends to the east of the Mount Albert town centre to Allendale Road. Beyond Allendale Road the Single House zone and Special Character Overlay applies to the large character homes which line the residential streets that surround Ōwairaka / Mount Albert.*

*Directly to the west of the Plan Change area is the railway line and the Mount Albert train station. Immediately beyond the railway line is a residential area consisting of terrace housing and single dwellings. It is noted that this area has been rezoned as Business – Mixed Use along the railway line and THAB zone along Willcott Street.*

*The surrounding Directly east to the southern portions of the Plan Change area the Business - Mixed Use zone has been applied. The area however, is currently characterised by single dwellings.”*

*“New North Road and Carrington Road are both arterial roads and are serviced by the Frequent Transit Network (FTN) with buses going to the CBD, across town to Penrose/Sylvia Park and Point Chevalier via Unitec. Mount Albert town centre is on the outer link route.”*

*“The Plan Change area is well served by amenities, with Gladstone Primary School, Elim Christian College, Mount Albert Grammar School and the Unitec Institute of Technology being in the wider area, along with the open space of Mount Albert / Owairaka Domain, Mount Albert Tennis Club, the*

---

<sup>8</sup> Plan Change Request at [4.2]

*Mount Albert Aquatic Centre, services within the town centre, Mount Albert train station, and Pak'n Save supermarket further south on New North Road."*

13. We agree with this description of the site and the local and wider environment and it is adopted by us for our decision.

## **NOTIFICATION PROCESS AND SUBMISSIONS**

14. PPC 63 was publicly notified for submissions on 22 July 2021; on the closing date, 19 August 2021, eighteen primary submissions had been received<sup>9</sup>. The submitters and their submissions are addressed in the tables in the section titled "Decisions" later in this decision.
15. A summary of submissions was publicly notified on 23 September 2021; on the closing date, being 7 October 2021 for further submissions; four further submissions were received<sup>10</sup>.
16. The Section 42A Report provided comprehensive tabulations<sup>11</sup> of the issues raised by the submitters, in their submissions and further submissions; and the relief sought. In summary, submissions addressed:
- Supporting PPC 63;
  - Opposing PPC 63;
  - Impingement on volcanic viewshaft;
  - Shading impacts ;
  - Building frontage control;
  - Loss of neighbourhood character;
  - Retaining existing height control;
  - Transport impacts;
  - Parking effects; and
  - Other General Matters.
17. We address the submitters' concerns in some detail below.

## **SECTION 42A –OFFICER'S RECOMMENDATION**

18. In preparing the section 42A Report Ms Wall Shaw was assisted by 'technical inputs'<sup>12</sup> from a number of experts namely:
- Mat Collins & Harry Shepherd – *Transportation Hearing Report*. March 2022, Flow Transportation Specialists.
  - Peter Kensington – Memo *Landscape & Visual Effects*. 22 April 2022, KOLC

---

<sup>9</sup> Section 42A Report at [10.1]

<sup>10</sup> Section 42A Report at [10.1]

<sup>11</sup> Section 42A Report Section 11

<sup>12</sup> Section 42A Appendix 5

- Tracy Ogden-Cork – *Urban Design Specialist Review*. 22 April 2022, Motu design.
  - Todd Elder – Memo *Volcanic View shaft*. 27 October 2020
19. Ms Wall Shaw’s Section 42A Report recommended approval of the Plan Change. She noted:
- “The Auckland Unitary Plan be amended by the requested changes to the Auckland Unitary Plan proposed by PPC 63, as modified by her recommendations set out in Appendix 9 to her report”.*
20. Ms Wall Shaw recommended<sup>13</sup> the following:
- Apply Height Variation Control to the properties at 955-975 New North Road of 24m; and
  - Amend the Height Variation Control which applies to the properties at 945A-953 New North Road from 18m to 24m.

#### **LOCAL BOARD COMMENTS**

21. The Section 42A Report provides<sup>14</sup> a summary of the Albert-Eden Local Board’s comments.
22. Mr Graeme Easte, Board Member, represented the Albert-Eden Local Board at the hearing. He noted the Board supported PPC 63 subject to the following<sup>15</sup>:
- The need for a civic square;
  - A Precinct Plan is established for the PC area;
  - The actual implementation of PPC 63 is modulated;
  - The need to avoid undue shading;
  - The building envelope should not intrude into the volcanic viewshaft;
  - Any actual development should be subject to the Urban Design Panel review process; and
  - limiting the number of vehicular entrances/exits and by spacing them well apart.
23. To the extent we are able, and in the context of submissions to PPC 63, we have had regard to the views of the Albert-Eden Board.

---

<sup>13</sup> Section 42A Appendix 9

<sup>14</sup> Section 42A Report at [9.2]

<sup>15</sup> Section 42A Report at Table 9

24. However, we note at this stage that we were advised by Ms Bull (Requestor’s corporate witness) the Council had acquired a long-term lease to provide for the delivery of a civic square at the northern entrance of train station as suggested by Mr Easte. We were therefore convinced that this aspect of the Local Board comments could be achieved without the need for a Precinct Plan to be established. With this, Ms Bull assured us that the provision of a ‘civic square’ was very much part of their (Requestor) thinking for the use of this space as well.

## THE HEARING

25. The hearing for PPC 63 commenced on Monday 23, May 2022 in the Council Chambers, Ground floor Auckland Town Hall. The hearing was adjourned on Tuesday 24, May 2022. The hearing was closed 14 June 2022 following the receipt of the requestor’s Closing Legal Statement.

## HEARING PROCESS

26. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the Section 42A Report<sup>16</sup>.
27. The Applicant in their section 32A Assessment<sup>17</sup> dated February 2021, provided an evaluation pursuant to section 32, and the additional information (*Clause 23*) requested by Auckland Council.
28. We do not need to repeat contents of the Applicant’s Plan Change Request and section 32 Assessment analysis in any detail, as we accept the appropriate requirements for the formulation of a plan change has been comprehensively addressed in the material before us.
29. We accept the section 32 Assessment analysis clarifies that analysis of efficiency and effectiveness of the plan change 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. Having considered the application and the evidence, we are satisfied that PPC 63 has been developed in accordance with the relevant statutory requirements.
30. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must also include a further evaluation, in accordance with section 32AA of the RMA, of any proposed changes to the Plan Change. We address these matters below, as well as setting out our reasons for accepting, accepting in part, or rejecting submissions.
31. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the

---

<sup>16</sup> Section 42A at section 7

<sup>17</sup> Plan Change Request at Section 10

scale and significance of the changes<sup>18</sup>. In our view this decision, which among other things, addresses the modifications we have made to the provisions of PPC 63, satisfies our section 32AA obligations.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

32. Mr Cook in Planning Evidence for the requestor opined that there was substantial agreement between his evidence<sup>19</sup> and Ms Wall Shaw's Section 42A Report analysis<sup>20</sup> of the relevant statutory framework and the applying planning provisions. Given the level of agreement we have not provided detailed analysis other than to note the relevant documents that were considered.
33. The following documents were considered:
- Resource Management Act 1991;
  - National Policy Statement on Urban Development 2020;
  - The Auckland Unitary Plan: - Regional Policy Statement;
    - District Provisions;
  - The Auckland Plan 2050;
  - Development Strategy;
  - Tūpuna Maunga Integrated Management Plan;
  - Albert-Eden Local Paths (greenways) Plan 2018; and
  - Albert-Eden Local Board Plan 2020.

### **Resource Management (Enabling Housing Supply and Other Matters) Act**

34. The Resource Management (Enabling Housing Supply and Other Matters) Act was given Royal assent on 20 December 2021 and came into force on 21 December 2021. The extent that the PPC 63 area will be impacted by MDRS will be addressed by the Council when it notifies its own plan change (or variations) to give effect to the NPS-UD (intensification planning instrument) and the Resource Management (Enabling Housing Supply and Other Matters) Act. We understand this plan change is scheduled to be publicly notified in August 2022 and any issues associated with this process will be addressed at this stage.
35. We note for completeness, that on this matter we sought advice from Mr Allan (through our questions) over how should address this matter in our consideration of the current PPC, given we did not want to pre-empt this process in any way. He advised that we

---

<sup>18</sup> RMA, section 32AA(1)(c)

<sup>19</sup> Mr Cook Evidence-in-chief at Section 8

<sup>20</sup> Section 42A Report at Section 7

should just consider the Plan Change in the 'normal' way and any issues related to the plan change to be publicly notified in August 2022 would be addressed thought that process based on the relevant evidence etc. There was no disagreement with this advice from any of the parties, including the Council officers (Ms Wall Shaw and Ms Spratt), a point we agree with and have considered this PPC in this fashion.

36. The section 42A Report provides a commentary<sup>21</sup> on the National Policy Statement on Urban Development (**NPS-UD**). The NPS-UD was gazetted on the 23 July 2020, and came into force on 20 August 2020. It applies to all local authorities that have all or part of an urban environment within their District. Auckland Council is listed as a "Tier 1" local authority.
37. In summary its purpose is to:
- Have well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
  - Provide sufficient development capacity to meet the different needs of people and communities.
38. Ms Wall Shaw's assessment of NPS-UD took into account the Environment Court decision - *Eden-Epsom Residential Protection Society Inc v Auckland Council [2021] NZEnvC 082*. She was of the view that PPC 63, as modified by her recommendations set out in Appendix 9 will:
- PPC 63 gives effect to Objective 3 (both the operative zoning and PPC 63 give effect to the NPS UD)<sup>22</sup>;
  - The operative provisions and PPC 63 will give effect to Policy 1(a) to (f)<sup>23</sup>.
  - It is difficult for PPC 63 to give effect to the requirement of Policy 6(a) and (b) with regard to development capacity and the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS UD because those planning documents have not yet been notified<sup>24</sup>.
  - PPC 63, gives effect to Policy 6(c) in so far as it gives effect to Objective 1 and gives effect to Policy 6(d) and 6(e) by providing for an increased level of intensification, by realising development capacity in an area with existing high levels of public transport accessibility and good access to active modes<sup>25</sup>.
  - PPC 63 will contribute to a well-functioning urban environment in the short-medium term and long term. The requestor's transport assessment finds that

---

<sup>21</sup> Section 42A Report at [70 - 83]

<sup>22</sup> Section 42A Report at [77]

<sup>23</sup> Section 42A Report at [78]

<sup>24</sup> Section 42A Report at [79]

<sup>25</sup> Section 42A Report at [80]



the plan change can be accommodated by the transport network without compromising its function, capacity, or safety<sup>26</sup>.

- Council's transport specialist finds that the long-term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn supports PPC 63. Further, the relevant objectives and policies of the Unitary Plan point to PPC 63 enabling the "right" type of intensification in the "right" location.<sup>27</sup>
- PPC 63 will give effect to the NPS-UD as required by s.75(3)(a) of the RMA.

## **FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE.**

39. The following section addresses our overall findings on PPC 63, having heard and considered all of the material and evidence before us.
40. We had expert evidence, before us; with both Auckland Transport and KiwiRail requesting specific changes. The requestor offered no changes nor have we adopted any of the requested changes.
41. We address the submissions received to PPC 63 and the relief sought in those submissions. In this respect, in accordance with Clause 10(2) of the RMA, we have grouped together those submissions under the headings that were used in the section 42A report for consistency. We have no changes resulting from the submissions.
42. With respect to further submissions, they can only support or oppose an initial submission. Our decisions, on the further submissions, reflect our decisions on those initial submissions having regard, of course, to any relevant new material provided in that further submission. For example, if a Further Submission supports a submission(s) that opposes the Plan Change and we have recommended that the initial submission(s) be rejected, then it follows that the Further Submission is also rejected.
43. As we have not adopted any of the changes arising from submissions and the evidence put before us, we have not been required to provide a further evaluation in accordance with section 32AA of the RMA.

### **Reasons for the Plan Change Proposal**

44. We accept the Requestor's rationale for seeking to change the AUP (OP) to apply a Height Variation Control of 24m over the plan change area.
45. For the reasons that follow, it is our view that PPC 63 introduces a regime that is more efficient and appropriate in terms of the section 32 and section 32AA of the RMA than those currently in the AUP (OP) and satisfies the Part 2 provisions of the

---

<sup>26</sup> Section 42A Report at [81]

<sup>27</sup> Section 42A at [81]



RMA. We address these matters below.

### **Does Plan Change 63 give effect to the NPS UD?**

46. Both Mr Cook and Ms Wall Shaw were of the view that PC gives effect to the NPS UD. The section 42A Report provides a commentary<sup>28</sup> on the National Policy Statement on Urban Development (**NPS-UD**). The NPS-UD was gazetted on the 23 July 2020, and came into force on 20 August 2020. It applies to all local authorities that have all or part of an urban environment within their District. Auckland Council is listed as a “Tier 1” local authority.
47. We agree with both Ms Wall Shaw’s and Mr Cook’s views on this matter and find that the PPC 63 would give effect to the NPS-UD. We note for completeness that Mr Allan was of a different view on how the NPS-UD should be applied in light of the Eden-Epsom Decision. However, as we have reached the outcome sought in his submission based on the views expressed Mr Cook’s and Ms Wall Shaw’s planning evidence, we do not see any value in exploring the differences on how NPS-UD should be applied in light of the Eden-Epsom Decision any the further.

### **Is there a need for a Precinct to be included in PPC63?**

48. Mr Mackie (planning witness for Auckland Transport) supports the additional height and intensification proposed by the plan change, of the block in its entirety. However, he is of the opinion that a precinct for the western part of Mount Albert is required in order to manage the effects of the greater height proposed within the proposed plan change and to provide integration of land use and transport.<sup>29</sup> As part of this he also sought the introduction of a parking control seeking to limit carparking spaces based on floor area.
49. While Mr Mackie, and AT’s other witnesses, make reference to a precinct, no presentation of either a suite of provisions or a s.32AA report were provided as part of his evidence. We are not persuaded that Mount Albert is significantly different to other suburban town centres located proximate to public transport connections such that it would require its own precinct. In this regard we agree with Ms Wall Shaw’s view that a precinct would add unnecessary complexity to the AUP (OP), be confusing to plan users and disproportionate to the likely increase in development and associated vehicle movements.<sup>30</sup> Nor do we see the need to limit or prevent the provision of car parking space in this area, opposed to any similar suburban town centres. In my view, these issues are better addressed, if required in any event via global plan change across the City as a whole, and not on a piece meal basis.
50. We were unconvinced by Mr Mackie’s evidence and find in favour of the requestor that PPC63 should be approved as notified and that the AUP (OP) be amended by the changes proposed by PC63, and not as suggested by Mr Mackie nor was there a need for a precinct plan.

---

<sup>28</sup> Section 42A Report at [70 - 83]

<sup>29</sup> Trevor Mackie, Summary Hearing Statement, pp 2-4

<sup>30</sup> Auckland Council final comments by Clare Wall Shaw, 24 May 2022, pp3

## Is there a need to protect the ‘Volcanic Viewshaft by specifying a height limit?’

50. Tūpuna Maunga Authority made a submission opposing the plan change, in particular the increase in the Height Variation Control where greater than the Regionally Significant Volcanic Viewshaft (RSVV) A13 to Ōwairaka (Mount Albert). The Authority expressed concern that establishing a zone height above the RSVV sets an expectation that this height is acceptable and can be realised across the entire plan change area, and that introducing a building height above the viewshaft.
51. As referenced in the application material<sup>31</sup>, much of the plan change area falls within the Regionally Significant Volcanic Viewshaft A13. As noted within the s.42A report, only the sites at 911, 913 and 915 New North Road fall outside of the viewshaft<sup>32</sup>. The Commissioners sought clarification at the hearing that the viewshaft excludes the properties at the corner of New North Road and Carrington Road, namely 911-915 New North Road and are satisfied that this is the case.
52. The requestor clearly acknowledged, within the application material<sup>33</sup>, that the proposed height limit does exceed the viewshaft in some instances. Mr Cook in his evidence<sup>34</sup> noted:
- The volcanic viewshaft to Ōwairaka/Mount Albert ranges in height across the Plan Change 63 land between 20.5m and 27.5m. It is supported by a strong and directive policy and rule framework in the AUP, including a requirement for a notified, non-complying activity resource consent for any infringement of the viewshaft”.*
53. Mr Cook observed:
- “In the seven years since the AUP was made operative there have been no applications for buildings seeking consent to rely on a zone height as grounds to infringe a viewshaft.”*
54. Both Mr Cook and Ms Wall Shaw addressed the potential impacts of PPC 63 on the viewshaft they both agreed that there the policies and objectives of the AUP (OP) (including the RPS) provided the strategic direction to: protect significant views to and between the maunga and to recognise their outstanding values<sup>35</sup>.
55. Ms Wall Shaw opined<sup>36</sup>:
- “The AUP (OP) clearly establishes that where the plane of a RSVV sits below the zone height or HVC, the RSVV is the limiting factor on the height of any future development and would trigger a resource consent for a non-complying activity”.*
56. We came to understand that the combination of the general rules in chapter C1.6 and C1.10 together with the Volcanic Viewshaft provisions within chapter D14 will apply;

---

<sup>31</sup> Plan Change Request at [4.1]

<sup>32</sup> Section 42A report at [8.5]

<sup>33</sup> Plan Change Request at [5.22]

<sup>34</sup> Mr Cook Evidence-in-chief at [1.2]

<sup>35</sup> Mr Cook Evidence-in-chief at [5.30]

<sup>36</sup> Section 42A Report at [175]

accordingly, we are satisfied that the Regionally Significant Volcanic Viewshaft provisions are sufficiently robust to ensure protection of the views to the maunga and their values would not be compromised by this PPC.

### **Shading and loss of sunlight and amenity effects**

57. As noted by the witnesses for the requestors and the representatives for the Council, the key point of difference between the proposed plan change request and the section 42A report is around the actual or potential amenity effects of shading to the south-eastern side of New North Road and the extent to which these effects should influence additional height in this location.
58. The shading studies, prepared by Jasmox,<sup>37</sup> are based on the massing models Jasmox prepared assuming the entire plan change area is built to the maximum height under both the operative zones and the requested height variation under PC63, taking into account the impact of the A13 Viewshaft. While based on floor-to-floor heights that are not fanciful, the commissioners note this is something of a 'worst-case' scenario as implies no breaks or built form modulation. As noted by Mr Wallace, all new development within the plan change area would be subject to a resource consent process as a restricted discretionary activity, which would likely result in modulation to building forms and roof lines, which would impact the degree of shadow cast.<sup>38</sup>
59. Ms Ogden-Cork opines that an increase in height from 18m to 24m, on the block from 911-945 New North Road, will have significant shading effects and adversely affect the quality of the streetscape and vibrancy of the Mount Albert town centre by not enabling enough sunlight at key times of the day and year, when, in her opinion, it is most required to support the quality of the public realm<sup>39</sup>. The Commissioners observe this opinion is not based on either detailed assessment nor any evidence of the impacts on public life and public realm as a result of reduction in sunlight onto the street.
60. Messrs Cook<sup>40</sup> and Wallace<sup>41</sup> both acknowledge that the additional height will introduce shading of the eastern side of New North Road earlier in the day, than would occur under the current height control, but that there is no expectation of access to sunlight in streets within the Business zones nor amenity controls at business zone to business zone interfaces. As presented to the Commissioners, the requestor and its witnesses accept that shading is a matter to be considered when assessing a proposed plan change under s.32. However, their position differs from the s.42A report citing changes to shading are an inevitable consequence of intensification of urban areas<sup>42</sup>.
61. As discussed above, while Auckland Council has yet to notify its Plan Change in response to the NPS-UD, the Commissioners are cognisant policy 3 requires district plans to enable building heights of at least 6 storeys within a walkable catchment of existing and planned rapid transit stops. Further to that Mr Mackie, on behalf of AT,

---

<sup>37</sup> Plan Change Request Appendix 4

<sup>38</sup> Mr Wallace, Evidence in Chief at section 9.23

<sup>39</sup> Section 42A report, Appendix 5, Memo by Ms Ogden-Cork, pp3, 22 April 2022

<sup>40</sup> Mr Cook, Evidence in Chief at [7.3]

<sup>41</sup> Mr Wallace, Evidence in Chief at [9.23]

<sup>42</sup> Applicant's Reply Legal Submissions at [2.3]

does not consider that afternoon shading across the road would be considered a 'qualifying matter' under policy 6 to limit building height mandated by policy 3 of the NPS-UD<sup>43</sup>. Both Messrs Wallace and Mackie are of the view that a building of up to 24m on the corner of New North Road and Carrington Road, which is at a major intersection within the town centre and directly adjoining the railway station would be a positive outcome, visually reinforcing the location as a 'marker' building.

62. The Commissioners are of a similar view that this location is well suited to intensification that would be enabled by the additional height proposed. The Commissioners are also of that view, noting the sites at the junction of New North Road and Carrington Road are not constrained by the A13 Volcanic Viewshaft, that it is appropriate to reinforce the corner location with a taller building. In this regard, we do not agree with the conclusion by Ms Ogden-Cork.
63. It is our view that the plan change as notified supports a compact urban form, in a location with good access to public and active transport options. Intensification within this location has the potential to support mode shift and the PPC gives effect to the NPS-UD.

#### **Mana Whenua**

64. The Applicant's Plan Change Request noted<sup>44</sup> that all Mana Whenua groups with a registered interest in the Plan Change area were notified.
65. Three iwi groups responded:
- Ngāti Whātua O Kaipara – defer to Ngāti Whātua Ōrākei;
  - Ngāti Whātua Ōrākei - requested further engagement however a site visit has not yet been arranged. Consultation ongoing is ongoing at time of lodgement.
  - Ngati Te Ata Waiohua - defer comment until application is formally submitted.
66. The s.42A Report notes<sup>45</sup> that Auckland iwi authorities were specifically notified of PPPC 63 in accordance with clause 5(4)(f) of Schedule 1 of the RMA on 23 September 2021. No submission was received from any mana whenua group except the Tūpuna Maunga Authority.
67. The Tūpuna Maunga Authority's concerns are addressed above.
68. As representatives of Tūpuna Maunga Authority's did not attend the hearings, we were unable to seek further clarification on the measures they proposed. Notwithstanding this we are satisfied, based on the information and evidence before us (as considered above), that PPC 63 would give effect to the RPS and Part 2 in relation to Mana Whenua interests and values.

---

<sup>43</sup> Mr Mackie, Summary of Evidence, pp11

<sup>44</sup> Plan Change Request at [8.1]

<sup>45</sup> Section 42A Report at [189]

## DECISIONS ON SUBMISSIONS

69. The following section addresses the submissions received and sets out our decision in relation to them. For efficiency reasons we have adopted the submission tables set out in the Council Officer's section 42A report.
70. We have set out our reasons above why we have approved PPC 63 and the amendments we have made to it so it satisfies the purpose of the RMA.

### **Submissions Supporting PPC 63**

| <b>Sub. No.</b> | <b>Name of Submitter</b> | <b>Summary of the Relief Sought by the Submitter</b>  | <b>Further Submissions</b>   | <b>Planner's Recommendations</b> |
|-----------------|--------------------------|---|--|----------------------------------|
| 9.1             | Vincent Heeringa         | Approve the plan change without amendments  | Opposed by FS02 Auckland Transport<br>Supported by FS03 Kāinga Ora | Accept                           |
| 15.1            | Kāinga Ora               | Amend the Height Variation Control to include all land zoned TCZ [Town Centre zone]   | Opposed by FS02 Auckland Transport                                 | Accept                           |
| 15.2            | Kāinga Ora               | Apply the Height Variation Control at 24m height limit for the MUZ [Mixed Use zone]   | No   | Accept                           |
| 15.3            | Kāinga Ora               | Review by council of overall building heights and spatial application of the HVC [Height Variation Control] across all the Business zoned land within the Mount Albert centre | No   | Accept                           |

### Decision on submissions

71. The support of these submissions is noted. On the basis we have approved the Plan Change we **accept** the supporting submissions.

## Submissions Opposing PPC 63

| Submission Number | Name of Submitter                            | Summary of the Relief Sought by the Submitter   | Further Submissions | Planner's Recommendations               |
|-------------------|--|---|---------------------|---|
| 1.1               | Ronald Tapply                                | Seeks wider public consultation to canvas impingement of volcanic viewshaft, shading and wind tunnel effects, dominance, removal of shops and no parking provisions | No                  | Reject                                  |
| 2.1               | David Ryan                                   | Require off street parking  | No                  | Reject                                  |
| 3.1               | Martyn Pratt                                 | Seeks unspecified amendment [inferred no increase in building height]   | No                  | Reject                                  |
| 4.1               | Trustees of the Pat & Cath Coll Family Trust | Require consideration of loss of sunlight and amenity on residents on eastern side of New North Road  | No                  | Reject, for the reason considered above |
| 4.2               | Trustees of the Pat & Cath Coll Family Trust | No other specific decision sought [concerned at loss of traditional heritage character of the area]   | No                  | Reject                                  |
| 5.1               | Plunkett Family Trust                        | No specific decision sought [seeking protection of views and volcanic viewshafts]   | No                  | Reject, for the reason considered above |
| 6.1               | Leon Lu                                      | Retain the 18m building height  | No                  | Reject                                  |
| 7.1               | Katrina Elliot                               | No other specific decision sought [seeking to prevent additional shading of 5   | No                  | Reject                                  |

|      |   |  |  |        |
|------|---|--|--|--------|
|      |   | Woodward Road, Mount Albert]   |  |        |
| 8.1  | W and R Property Holdings Limited         | No other specific decisions sought   | No   | Reject |
| 10.1 | Tūpuna Maunga o Tāmaki Makaurau Authority | Ensure the HVC [Height Variation Control] for this site does not intrude into the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka  | Opposed by FS03 Kāinga Ora                                   | Reject |
| 10.2 | Tūpuna Maunga o Tāmaki Makaurau Authority | Provide confirmation from a licensed cadastral surveyor of the precise R.L. of the floor of the viewshaft relative to the plan change area to establish the maximum building height to comply with the viewshaft A13 to Ōwairaka | Opposed by FS03 Kāinga Ora                                   | Reject |
| 11.1 | Lloyd Austin                              | Retain the existing building height for 911-975 New North Road, Mount Albert [18m]   | Supported by FS03 Kāinga Ora<br>Opposed by FS04 Lloyd Austin | Reject |
| 12.1 | Darryl Crocker                            | No other specific decision requested [concern with shading]  | No   | Reject |
| 13.1 | Auckland Transport                        | Provide a further transport assessment to confirm how the high-level transport and integration outcomes sought by Auckland Transport will be   | Supported by FS01 KiwiRail<br>Opposed by FS03 Kāinga Ora     | Reject |

|      |                    |   |                            |        |
|------|--------------------|---|----------------------------|--------|
|      |                    | given effect to. Include mechanisms (e.g. precinct provisions) to give effect to these outcomes   |                            |        |
| 13.2 | Auckland Transport | Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanism  | Opposed by FS03 Kāinga Ora | Reject |
| 13.3 | Auckland Transport | Provide a further assessment to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity. Identify any mitigation required and the delivery mechanism | Opposed by FS03 Kāinga Ora | Reject |
| 13.4 | Auckland Transport | Provide a further assessment based on appropriate assumptions that reflect travel patterns for the plan change area. Identify any mitigation required and the delivery mechanism  | Opposed by FS03 Kāinga Ora | Reject |
| 13.5 | Auckland Transport | Provide a further assessment of parking effects including effects on the use of public transport and on the   | Opposed by FS03 Kāinga Ora | Reject |



|      |                       |   |                            |        |
|------|-----------------------|---|----------------------------|--------|
|      |                       | transport network. Identify any mitigation required and the delivery mechanism  |                            |        |
| 13.6 | Auckland Transport    | Retain the existing pedestrian access to the train station [through 915-919 New North Road] and provide a further assessment of effects on this access and servicing facilities, including need for enhanced or additional access to the train station. Identify any mitigation required and the delivery mechanism | Opposed by FS03 Kāinga Ora | Reject |
| 14.1 | Derek Bing            | Retain the existing 18m maximum height limit  | No                         | Reject |
| 16.1 | Michael Reid          | No other specific decision sought. [concerned at shading and loss of maunga views]  | No                         | Reject |
| 17.1 | Lauren Mentjox        | No other specific decision sought [concerned at traffic congestion, emissions, lack of measures to increase walking, cycling and public transport use]  | No                         | Reject |
| 18.1 | Richard Harry Wilburn | Maintain building frontage control  | No                         | Reject |

### Decision on submission

72. We have comprehensively addressed these matters in the decision above. We are satisfied that, based on the evidence before us, the matters relating to Transport matters have been appropriately considered, including the need for a precinct plan. We are also satisfied issues associated A13 Volcanic Viewshaft have been appropriately considered.

### **SECTION 32AA EVALUATION**

73. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.<sup>46</sup> This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.<sup>47</sup>
74. As we have not made changes to PPC 63 as sought and a section 32AA analysis is not required.

### **PART 2 OF THE RMA**

75. Section 5(1) RMA provides that the purpose of the Act is to promote the sustainable management of natural and physical resources. We find that Part 2 of the RMA is met by PPC 63 for the reasons we have set out above and provide in summary below.
76. PPC 63 provides for the sustainable management of the PPC 63 land, in a manner that contributes to the region's ability to accommodate future growth in accordance with the Council's "quality compact city" goal.
77. We find that PPC 63 appropriately recognises and provides for the matters of national importance listed in section 6 RMA and has had particular regard to the other matters listed in section 7 RMA.
78. The Requestor notified iwi, and we have considered the concerns of the Tūpuna Maunga Authority's. We are satisfied that PPC 63 does not raise any issues in terms of section 8 RMA.

### **OVERALL DECISION**

79. That pursuant to Schedule 1, Clauses 10 and 29 of the Resource Management Act 1991, that Proposed Plan Change 63 to the Auckland Unitary Plan (Operative in Part) be **approved** as sought.
80. Submissions on the plan change are accepted, accepted in part or refused in accordance with this decision.

---

<sup>46</sup> RMA, section 32AA(1)(a)

<sup>47</sup> RMA, section 32AA(1)(c)

81. In addition to the reasons set out above, the overall reasons for the decision are that PPC 63:

- is supported by necessary evaluation in accordance with section 32 and s32AA;
- gives effect to the National Policy Statement on Urban Development;
- gives effect to the Auckland Regional Policy Statement; and
- satisfies Part 2 of the RMA.



Dr Lee Beattie - Chairperson

For Commissioners Lisa Mein, Mark Farnsworth MNZM and Dr Lee Beattie

3 August 2022

**Attachment B: Text changes to Chapters  
H10 and H13**

## H10. Business – Town Centre Zone

### H10.1. Zone description

The Business – Town Centre Zone applies to suburban centres throughout Auckland, the satellite centres of Warkworth and Pukekohe, and the rural towns of Helensville and Wellsford. The centres are typically located on main arterial roads, which provide good public transport access.

The zone provides for a wide range of activities including commercial, leisure, residential, tourist, cultural, community and civic services, providing a focus for commercial activities and growth.

Most centres are identified for growth and intensification. Expansion of these centres may be appropriate depending on strategic and local environmental considerations.

There is a range of possible building heights depending on the context. Provisions typically enable buildings of between four and eight storeys, although there may be special circumstances where other building heights are appropriate. The height opportunities within the centres will facilitate increased intensification, including office and residential activities at upper floors.

Some street frontages within the zone are subject to a Key Retail Frontage Control or General Commercial Frontage Control provisions. Key retail streets are a focus for pedestrian activity within the centre. General commercial streets play a supporting role. Development fronting these streets is expected to reinforce this function.

### H10.2. Objectives

*General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone*

- (1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.
- (2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.
- (3) Development positively contributes towards planned future form and quality, creating a sense of place.
- (4) Business activity is distributed in locations, and is of a scale and form, that:
  - (a) provides for the community's social and economic needs;
  - (b) improves community access to goods, services, community facilities and opportunities for social interaction; and
  - (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity.

[new text to be inserted]

- (5) A network of centres that provides:
- (a) a framework and context to the functioning of the urban area and its transport network, recognising:
    - (i) the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas; and
    - (ii) local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities.
  - (b) a clear framework within which public and private investment can be prioritised and made; and
  - (c) a basis for regeneration and intensification initiatives.

*Business Town Centre Zone objectives*

- (6) Town centres are the focus of commercial, community and civic activities for the surrounding area and which provide for residential intensification.
- (7) The scale and intensity of development in town centres is increased while ensuring development is in keeping with the planning and design outcomes identified in this Plan for the relevant centre.
- (8) Town centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas.
- (9) Key Retail Frontage streets are a focus for pedestrian activity, with General Commercial Frontage streets supporting this role.

PC 78 ([see Modifications](#))

[new text to be inserted]

### **H10.3. Policies**

*General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone*

- (1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.
- (2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.
- (3) Require development to be of a quality and design that positively contributes to:
  - (a) planning and design outcomes identified in this Plan for the relevant zone;

- (b) the visual quality and interest of streets and other public open spaces; and
  - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- (4) Encourage universal access for all development, particularly medium to large scale development.
  - (5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.
  - (6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.
  - (7) Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape.
  - (8) Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.
  - (9) Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.
  - (10) Discourage dwellings at ground floor in centre zones and enable dwellings above ground floor in centre zones.
  - (11) Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.
  - (12) Recognise the functional and operational requirements of activities and development.

[PC 78 \(see Modifications\)](#)

**[new text to be inserted]**

- (13) In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:

**[new text to be inserted]**

- (a) is an efficient use of land;
- (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;

PC 78 ([see Modifications](#))

- (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and
- (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.

**[new text to be inserted]**

- (14) In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.

*Business – Town Centre Zone policies*

- (15) Provide for town centres including new town centres of different scales and locations, that:
  - (a) service the surrounding community’s needs for a range of uses, such as commercial, leisure, tourist, cultural, community and civic activities; and
  - (b) support a range of transport modes including, public transport, pedestrian and cycle networks and the ability to change transport modes.
- (16) Enable significant growth and intensification in town centres, except for those centres where it would compromise the planning outcomes identified in this Plan for the relevant centre.
- (17) Manage development in town centres so that it contributes to the function and amenity of the centre.
- (18) Require those parts of buildings with frontages subject to the Key Retail Frontage Control to maximise street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.
- (19) Require those parts of buildings with frontages subject to the General Commercial Frontage Control to achieve street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.
- (20) Encourage the location of supermarkets and department stores within town centres by recognising:
  - (a) the positive contribution these activities make to centre viability and function;
  - (b) the functional and operational requirements of these activities; and
  - (c) where preferred built form outcomes are not achieved, the development needs to achieve a quality built environment by positively contributing to public open space, including the activation of streets.



(21) Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

(22) Restrict maximum impervious area within a riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.

#### H10.4. Activity table

Table H10.4.1 Activity table specifies the activity status of land use and development activities in the Business – Town Centre Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H10.4.1 Activity table**

| Activity       |  | Activity status |
|----------------|--|-----------------|
| <b>General</b> |  |                 |
| (A1)           | Activities not provided for  | NC              |
| <b>Use</b>     |  |                 |
| Accommodation  |  |                 |
| (A2)           | Dwellings  | P               |
| (A3)           | Conversion of a building or part of a building to dwellings, residential development, visitor accommodation or boarding houses | RD              |
| (A4)           | Integrated residential development   | P               |
| (A5)           | Supported residential care   | P               |
| (A6)           | Visitor accommodation and boarding houses  | P               |
| Commerce       |  |                 |
| (A7)           | Commercial services  | P               |
| (A8)           | Conference facilities  | D               |
| (A9)           | Drive-through restaurants  | RD              |
| (A10)          | Entertainment facilities   | P               |
| (A11)          | Entertainment facilities within 30m of a residential zone  | RD              |
| (A12)          | Cinemas  | P               |
| (A13)          | Offices  | P               |
| (A14)          | Retail   | P               |
| (A15)          | Service stations   | RD              |
| Community      |  |                 |
| (A16)          | Artworks   | P               |
| (A17)          | Care centres   | P               |
| (A18)          | Care centres within 30m of a residential zone  | RD              |
| (A19)          | Community facilities   | P               |

H10 Business – Town Centre Zone

| Activity           |  | Activity status |
|--------------------|--|-----------------|
| (A20)              | Education facilities   | P               |
| (A21)              | Emergency services   | RD              |
| (A22)              | Healthcare facilities  | P               |
| (A23)              | Hospitals  | D               |
| (A24)              | Justice facilities   | P               |
| (A25)              | Recreation facilities  | P               |
| (A26)              | Tertiary education facilities  | P               |
| <b>Industry</b>    |  |                 |
| (A27)              | Industrial activities  | NC              |
| (A28)              | Industrial laboratories  | P               |
| (A29)              | Light manufacturing and servicing  | P               |
| (A30)              | Repair and maintenance services  | P               |
| (A31)              | Storage and lock-up facilities   | D               |
| (A32)              | Waste management facilities  | NC              |
| (A33)              | Warehousing and storage  | P               |
| <b>Mana Whenua</b> |  |                 |
| (A34)              | Marae complex  | P               |
| <b>Development</b> |  |                 |
| (A35)              | New buildings  | RD              |
| (A36)              | Demolition of buildings  | P               |
| (A37)              | Alterations to building facades that are less than 25m <sup>2</sup>  | P               |
| (A38)              | Additions to buildings that are less than:<br>(a) 25 per cent of the existing gross floor area of the building; or<br>(b) 250m <sup>2</sup><br>whichever is the lesser | P               |
| (A39)              | Internal alterations to buildings  | P               |
| (A40)              | Additions and alterations to buildings not otherwise provided for  | RD              |

### H10.5. Notification

- (1) Any application for resource consent for an activity listed in Table H10.4.1 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\(4\)](#).

(3) Any application for resource consent for the following activity will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:

- (a) Development which does not comply with Standard H10.6.11 Minimum dwelling size.

## **H10.6. Standards**

All activities listed as permitted or restricted discretionary in Table H10.4.1 Activity table must comply with the following standards.

### **H10.6.0 Activities within 30m of a residential zone**

(1) The following activities are restricted discretionary activities where they are located within 30m of a residential zone and are listed as a permitted activity in the activity table:

- (a) bars and taverns;
- (b) drive-through restaurants;
- (c) outdoor eating areas accessory to restaurants;
- (d) entertainment facilities;
- (e) child care centres; and
- (f) animal breeding and boarding.

This standard only applies to those parts of the activities subject to the application that are within 30m of the residential zone.

#### **H10.6.1. Building height**

Purpose:

- manage the effects of building height;
- manage shadowing effects of building height on public open space, excluding streets;
- manage visual dominance effects;
- allow an occupiable height component to the height limit, and an additional height for roof forms that enables design flexibility, to provide variation and interest in building form when viewed from the street;
- enable greater height in areas identified for intensification; and
- provide for variations to the standard zone height through the Height Variation Control, to recognise the character and amenity of particular areas and provide a transition in building scale to lower density zones

PC 78 ([see Modifications](#))

- (1) Buildings must not exceed the height in metres as shown in Table H10.6.1.1 below for sites subject to the Height Variation Control on the planning maps.

PC 78 ([see Modifications](#))

[new text to be inserted]

- (2) Any part of a building greater than the occupiable building height is to be used only for roof form, roof terraces, plant and other mechanical and electrical equipment.

**Table H10.6.1.1 Total building height shown in the Height Variation Control on the planning maps**

| Occupiable building height   | Height for roof form | Total building height shown on Height Variation Control on the planning maps |
|------------------------------|----------------------|--|
| Same as on the planning maps | NA                   | Less than or equal to 11m  |
| 11m                          | 2m                   | 13m  |
| 16m                          | 2m                   | 18m  |
| 19m                          | 2m                   | 21m  |
| <u>22m</u>                   | <u>2m</u>            | <u>24m</u>   |
| 25m                          | 2m                   | 27m  |
| Same as on the planning maps | NA                   | Exceeding 27m  |

### H10.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

- (1) Buildings must not project beyond a recession plane that begins vertically above ground level along the zone boundary. The angle of the recession plane and the height above ground level from which it is measured is specified in Table H10.6.2.1 and Figure H10.6.2.1 or Figure H10.6.2.2 below.
- (2) Where the boundary forms part of an entrance strip, access site or pedestrian accessway, the standard applies from the farthest boundary of that entrance strip or access site. However, if an entrance strip, access site or pedestrian accessway is greater than 2.5m in width, the control will be measured from a parallel line 2.5m out from the site boundary.
- (3) Figure H10.6.2.3 will be used to define what is a north, south, east or west boundary, where this is referred to in Table H10.6.2.1. The recession plane

angle is calculated by orientating both site plan and Figure H10.6.2.3 to true north. Figure H10.6.2.3 is placed over the site plan with the outside of the circle touching the inside of the site boundary under consideration. At the point where Figure H10.6.2.3 touches the site boundary, the recession plane angle and height at which it begins, will be indicated by Table H10.6.2.1

**Table H10.6.2.1 Height in relation to boundary**

| Location  | Zoning of adjacent site   | Angle of recession plane (identified as x in Figure H10.6.2.1 or Figure H10.6.2.2) | Height above ground level which the recession plane will be measured from (identified as y in Figure H10.6.2.1 or Figure H10.6.2.2) |
|---|---|--|---|
| NA  | Residential – Single House Zone; or Residential – Mixed Housing Suburban Zone   | 45°  | 2.5m  |
|   | Residential – Mixed Housing Urban Zone  | 45°  | 3m  |
|   | Residential – Terrace Housing and Apartment Buildings Zone  | 60°  | 8m  |
|   | Special Purpose – Māori Purpose Zone; or Special Purpose School Zone  | 45°  | 6m  |
|   | Business – Mixed Use Zone; or Business – General Business Zone  | 60°  | 8m  |
|   | Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or Open Space – Community Zone | 45°  | 8.5m  |
| Buildings located on the southern boundary of the adjacent site | Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or Open Space –Community Zone  | 45°  | 16.5m   |

PC 78 (see [Modifications](#))

PC 78 (see [Modifications](#))

PC 78 (see [Modifications](#))

|                           |                           |                           |                           |
|---------------------------|---------------------------|---------------------------|---------------------------|
| [new text to be inserted] | [new text to be inserted] | [new text to be inserted] | [new text to be inserted] |
|---------------------------|---------------------------|---------------------------|---------------------------|

Figure H10.6.2.1 Height in relation to boundary

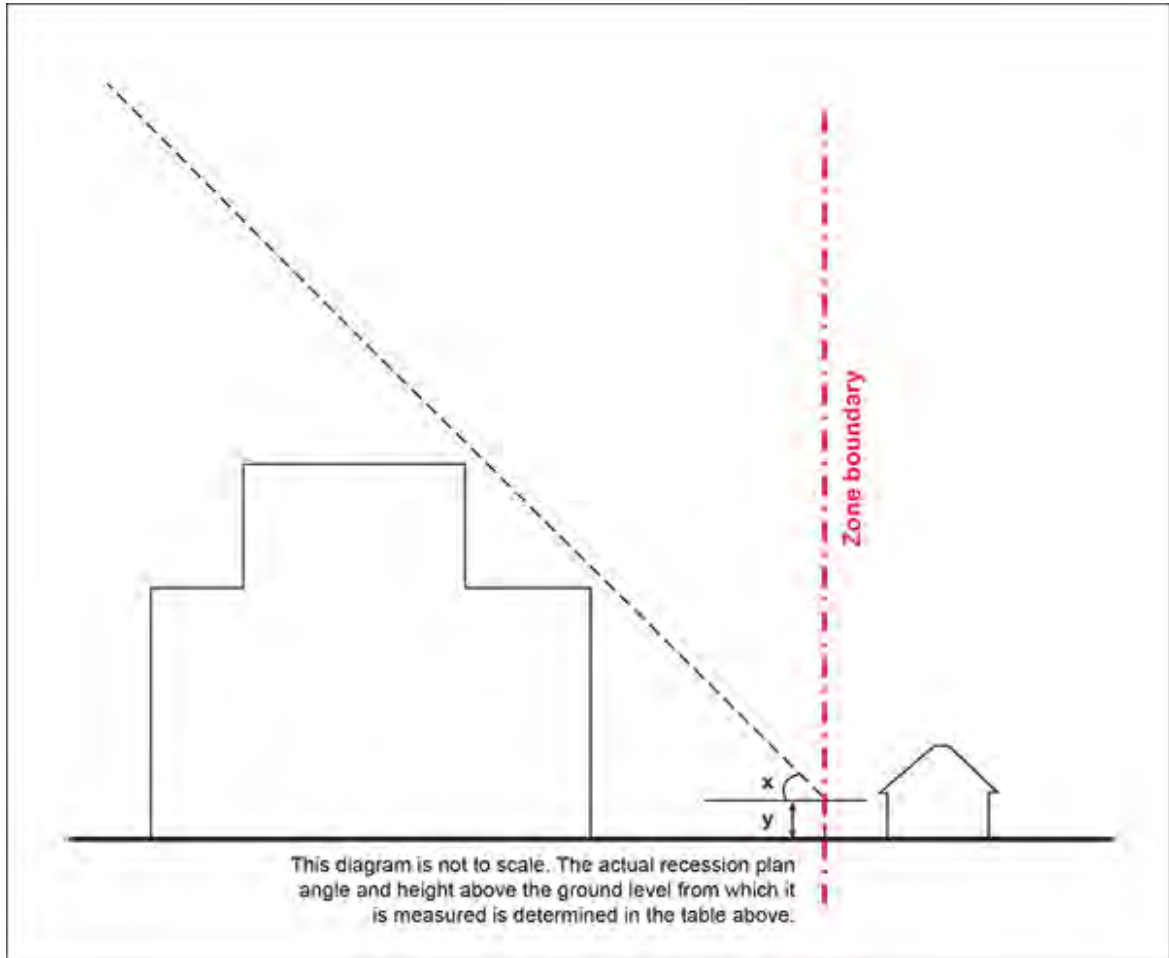
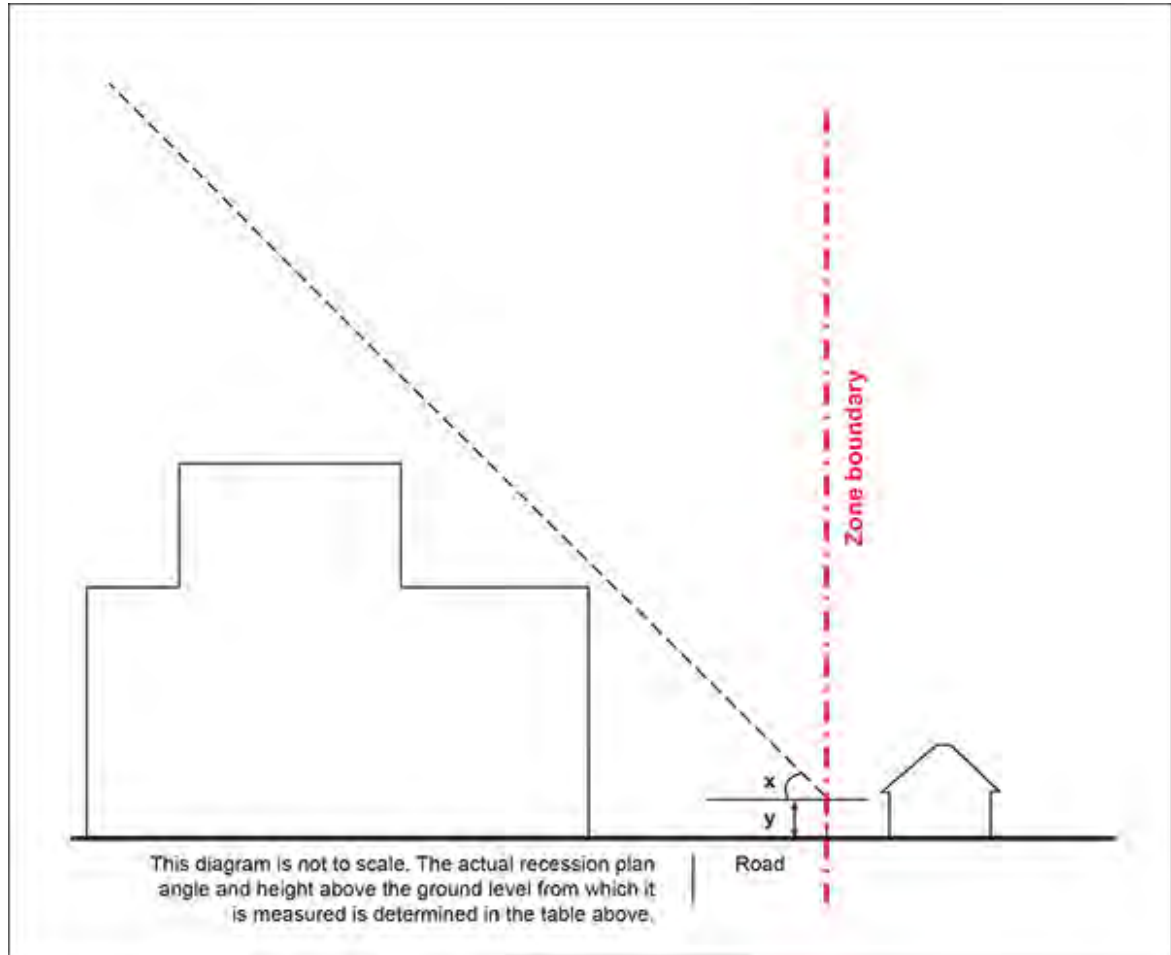
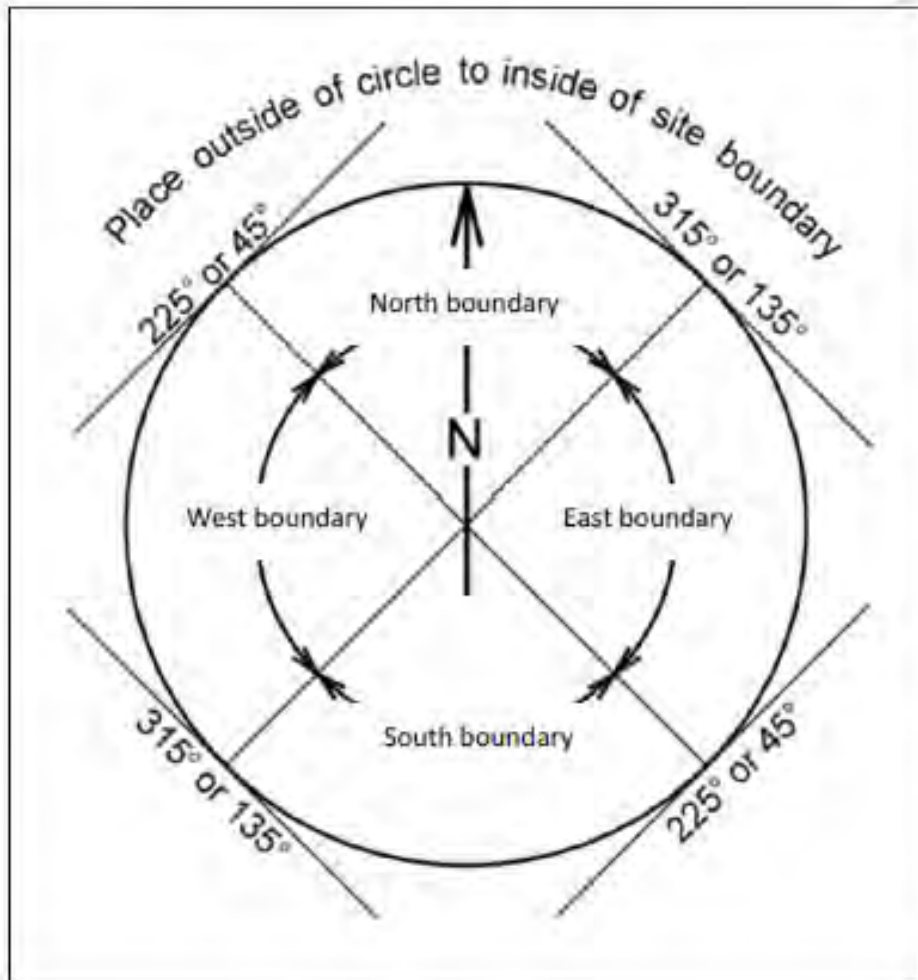


Figure H10.6.2.2 Height in relation to boundary opposite a road



**Figure H10.6.2.3 Recession plane indicator for sites adjacent to an open space zone**



### **H10.6.3. Building setback at upper floors**

Purpose:

- provide adequate daylight access to streets;
- manage visual dominance effects on streets;
- manage visual dominance, residential amenity and privacy effects on residential zones; and
- mitigate adverse wind effects.

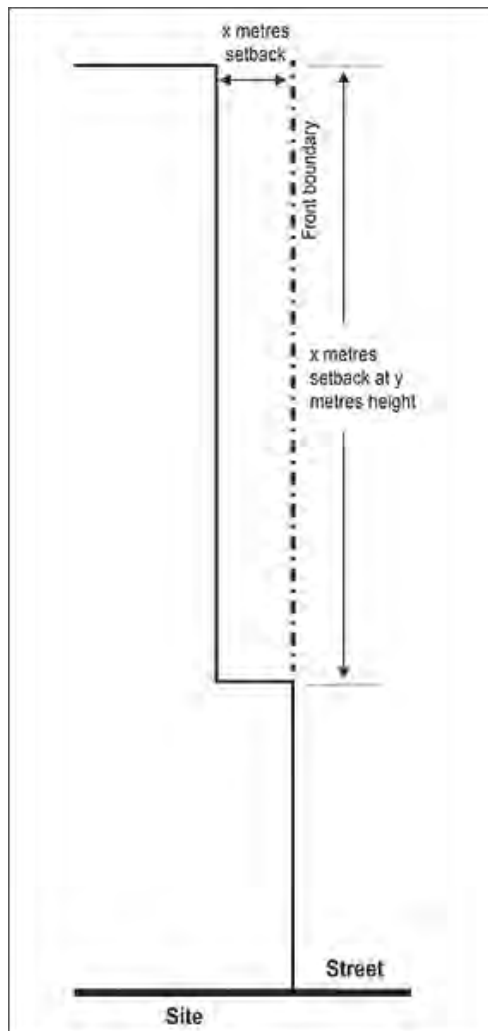
(1) A new building must be set back from the site frontage from the point where it exceeds the height listed in metres specified for the relevant zone in Table H10.6.3.1.



**Table H10.6.3.1 Building setback at upper floors**

| Opposite zone                    | Minimum setback (identified as x in Figure H10.6.3.1) | Height (identified as y in Figure H10.6.3.1) |
|----------------------------------|---|--|
| When opposite a residential zone | 6m  | 18m  |
| All other zones                  | 6m  | 27m  |

**Figure H10.6.3.1 Building setback at upper floors**



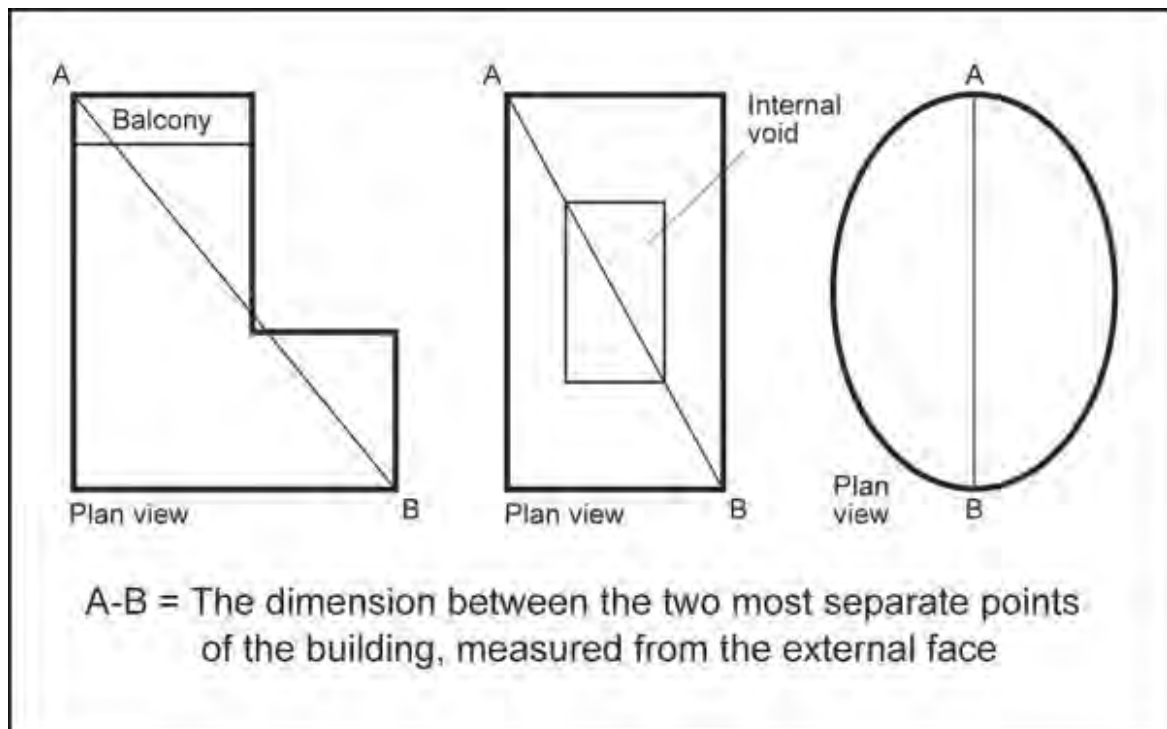
**H10.6.4. Maximum tower dimension and tower separation**

Purpose: ensure that high-rise buildings:

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

- (1) The maximum plan dimension of that part of the building above 27m must not exceed 55m.
- (2) The maximum plan dimension is the horizontal dimension between the exterior faces of the two most separate points of the building.
- (3) The part of a building above 27m must be located at least 6m from any side or rear boundary of the site.

**Figure H10.6.4.1 Maximum tower dimension plan view**



#### **H10.6.5. Residential at ground floor**

Purpose:

- protect the ground floor of buildings within centres for commercial use; and
- avoid locating activities that require privacy on the ground floor of buildings.

- (1) Dwellings including units within an integrated residential development must not locate on the ground floor of a building where the dwelling or unit has frontage to public open spaces including streets.

### H10.6.6. Yards

Purpose:

- provide a landscaped buffer between buildings and activities and adjoining residential zones and some special purpose zones, to mitigate adverse visual and nuisance effects; and
- ensure buildings are adequately setback from lakes, streams and the coastal edge to maintain water quality, amenity, provide protection from natural hazards, and potential access to the coast.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H10.6.6.1.

**Table H10.6.6.1 Yards**

| Yard                    | Minimum depth   |
|-------------------------|---|
| Rear                    | 3m where the rear boundary adjoins a residential zone or the Special Purpose – Māori Purpose Zone |
| Side                    | 3m where a side boundary adjoins a residential zone or the Special Purpose – Māori Purpose Zone   |
| Riparian                | 10m from the edge of all permanent and intermittent streams                                       |
| Lakeside yard           | 30m   |
| Coastal protection yard | 25m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>              |

Note 1

A side or rear yard, and/or landscaping within that yard, is only required along that part of the side or rear boundary adjoining a residential zone or the Special Purpose – Māori Purpose Zone.

(2) Side and rear yards must be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard for a depth of at least 3m.

### H10.6.7. Landscaping

Purpose:

- ensure landscaping provides a buffer and screening between car parking, loading, or service areas commercial activities and the street; and
- ensure landscaping is of sufficient quality as to make a positive contribution to the amenity of the street.

- (1) A landscape buffer of 2m in depth must be provided along the street frontage between the street and car parking, loading, or service areas which are visible from the street frontage. This rule excludes access points.
- (2) The required landscaping in Standard H10.6.7(1) above must comprise a mix of trees, shrubs or ground cover plants (including grass).

**H10.6.8. Maximum impervious area in the riparian yard**

Purpose: support the functioning of riparian yards and in-stream health.

- (1) The maximum impervious area within a riparian yard must not exceed 10 per cent of the riparian yard area.

**H10.6.9. Wind**

Purpose: mitigate the adverse wind effects generated by tall buildings.

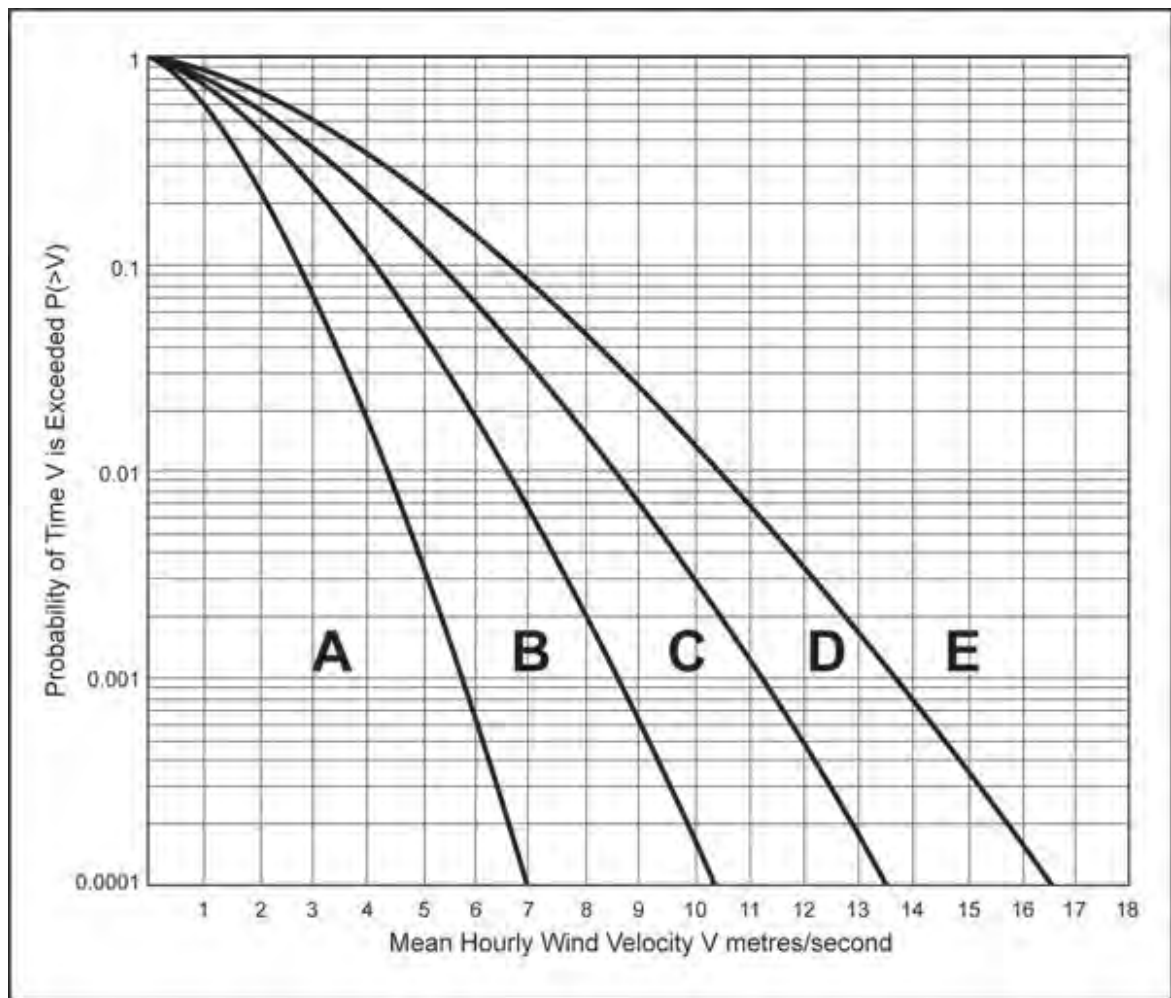
- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:
  - (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H10.6.9.1 and Figure H10.6.9.1 below;
  - (b) the average annual maximum peak 3-second gust to exceed the dangerous level of 25m/second; and
  - (c) an existing wind speed which exceeds the controls of Standard H10.6.9(1)(a) or Standard H10.6.9(1)(b) above to increase.
- (2) A report and certification from a suitably qualified and experienced person, showing that the building complies with Standard H10.6.9(1) above, will demonstrate compliance with this standard.
- (3) If the information in Standard H10.6.9(2) above is not provided, or if such information is provided but does not predict compliance with the rule, a further wind report including the results of a wind tunnel test or appropriate alternative test procedure is required to demonstrate compliance with this standard.

**Table H10.6.9.1 Categories**

| <b>Category</b> | <b>Description</b>  |
|-----------------|---|
| Category A      | Areas of pedestrian use or adjacent dwellings containing significant formal elements and features intended to encourage longer term recreational or relaxation use i.e. public open space and adjacent outdoor living space |
| Category B      | Areas of pedestrian use or adjacent dwellings containing minor elements and features intended to encourage short term recreation or relaxation, including adjacent private residential properties                           |
| Category C      | Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational  |

|            |  |
|------------|--|
|            | features, such as footpaths not covered in categories A or B above   |
| Category D | Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in categories A to C above  |
| Category E | Category E represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others, including residents in adjacent sites. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city |

**Figure H10.6.9.1 Wind environment control**



Derivation of the wind environment control graph:

The curves on the graph delineating the boundaries between the acceptable categories (A-D) and unacceptable (E) categories of wind performance are described by the Weibull expression:

$$P(>V) = e^{-(v/c)^k}$$

where  $V$  is a selected value on the horizontal axis, and  $P$  is the corresponding value of the vertical axis:

and where:

$P(>V)$  = Probability of a wind speed  $V$  being exceeded;

$e$  = The Napierian base 2.7182818285

$v$  = the velocity selected;

$k$  = the constant 1.5; and

$c$  = a variable dependent on the boundary being defined:

A/B,  $c = 1.548$

B/C,  $c = 2.322$

C/D,  $c = 3.017$

D/E,  $c = 3.715$

#### **H10.6.10. Outlook space**

Purpose:

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

(1) This standard applies to dwellings, units in an integrated residential development, visitor accommodation and boarding houses.

(2) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.

(3) The minimum dimensions for a required outlook space are as follows:

(a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

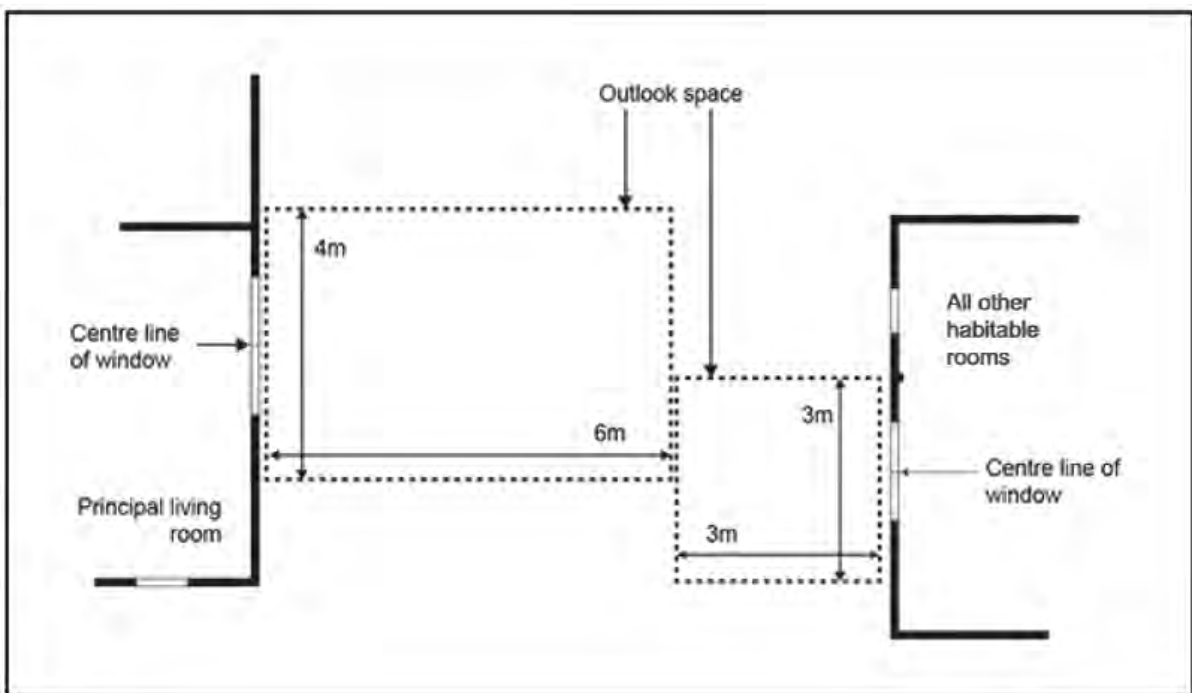
(b) all other habitable rooms of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

(4) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.

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

- (6) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- (7) Outlook spaces may be within the site, over a public street, or other public open space.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces may overlap where they are on the same wall plane.
- (10) Outlook spaces must:
  - (a) be clear and unobstructed by buildings;
  - (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H10.6.10(7) above; and
  - (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

**Figure H10.6.10.1 Required outlook space**



#### **H10.6.11 Minimum dwelling size**

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

- (1) Dwellings must have a minimum net internal floor area as follows:
  - (a) 30m<sup>2</sup> for studio dwellings.
  - (b) 45m<sup>2</sup> for one or more bedroom dwellings.

### **H10.7. Assessment – controlled activities**

There are no controlled activities in this zone.

### **H10.8. Assessment – restricted discretionary activities**

#### **H10.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) drive-through restaurants, activities within 30m of a residential zone, emergency services and service stations:
  - (a) the compatibility of:
    - (i) the effects of intensity and scale of the development arising from the numbers of people and/or vehicles using the site; and
    - (ii) the effects of the operation of the activity;  
on the existing and expected future amenity values of the surrounding area and any practicable mitigation measures that would be appropriate to manage those effects;
  - (b) the effects of the design and location of parking areas and vehicle access and servicing arrangements on visual amenity of the streetscape and on pedestrian safety;
  - (c) the effects of location, design and management of storage and servicing facilities on the amenity values of nearby residential properties including potential visual effects, adequacy of access for service vehicles (including waste collection) and any night time noise effects; and
  - (d) the assessment of the above matters having regard to the need to provide for the functional requirements of the activity;
- (2) new buildings and alterations and additions to buildings not otherwise provided for:
  - (a) the design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people. This includes:
    - (i) the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space;
    - (ii) the maintenance or enhancement of amenity for pedestrians using the public space or street;



- (iii) the provision of convenient and direct access between the street and building for people of all ages and abilities;
  - (iv) measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space; and
  - (v) the effectiveness of screening of car parking and service areas from the view of people using the public space;
- (b) the provision of floor to floor heights that will provide the flexibility of the space to be adaptable to a wide variety of use over time;
  - (c) the extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides in terms of:
    - (i) the attractiveness and pleasantness of the public space and the amenity for people using or passing through that space;
    - (ii) the degree of visibility that it provides between the public space and the building interior; and
    - (iii) the opportunities for passive surveillance of the street from the ground floor of buildings;
  - (d) the provision of verandahs to provide weather protection in areas used, or likely to be used, by significant numbers of pedestrians;
  - (e) the application of crime prevention through environmental design principles to the design and layout of buildings adjoining public spaces;
  - (f) the effects of creation of new roads and/or service lanes on the matters listed above;
  - (g) the positive effects that landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of the people using or passing through the public space;
  - (h) taking an integrated stormwater management approach; and
  - (i) all the above matters to be assessed having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate;
- (3) in addition to the matters for new buildings stated above the Council will restrict its discretion to the following matter in regard to:
- integrated retail developments; or
  - supermarkets, department stores and large format retail where the activity or integrated retail development exceeds 1000m<sup>2</sup> gross floor area per tenancy:
- (a) the manner in which these building/developments are integrated with the adjacent existing and planned future centre and zone activities and public

spaces and provide for the continuity of active public frontages and associated pedestrian amenity that is appropriate to those centres and zones having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate. This will include the effects of the design and location of parking areas, vehicle access and servicing arrangements on the visual amenity of the streetscape and on pedestrian safety;

(4) In addition to the matters for new buildings stated above the Council will restrict its discretion to the following matter in regard to:

- drive-through restaurants; or
- service stations:

(a) the effects of the location and design of:

- (i) buildings and associated equipment, parking and service areas;
- (ii) access for vehicles including service vehicles; and
- (iii) landscaping;

on the amenity of surrounding areas (particularly residential areas), on streetscapes and on pedestrian amenity and any methods by which those effects can be appropriately managed;

(5) conversion of a building or part of a building to dwellings, an integrated residential development, visitor accommodation and boarding houses:

(a) any matters that do not meet the standards set out for the activity in Standard H10.6.10 or Standard H10.6.11 having regard to the need to ensure a good standard of amenity within and between dwellings, visitor accommodation, boarding houses and retirement villages;

(6) buildings that do not comply with the standards:

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (d) the effects on the amenity of neighbouring sites;
- (e) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (f) the characteristics of the development;
- (g) any other matters specifically listed for the standard; and
- (h) where more than one standard will be infringed, the effects of all infringements.

### **H10.8.2. Assessment criteria**

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

- (1) drive-through restaurants, activities within 30m of a residential zone emergency services and service stations:
  - (a) for Matter H10.8.1(1)(a)(i) refer to Policy H10.3(3)(a), Policy H10.3(3)(b), Policy H10.3(3)(c), Policy H10.3(8); Policy H10.3(15)(a); Policy H10.3(17), Policy H10.3(18), Policy H10.3(19) and Policy H10.3(21);
  - (b) for Matter H10.8.1(1)(a)(ii) refer to Policy H10.3(3)(a), Policy H10.3(3)(b), Policy H10.3(3)(c), Policy H10.3(8); Policy H10.3(15)(a); Policy H10.3(17), Policy H10.3(18), Policy H10.3(19) and Policy H10.3(21);
  - (c) for Matter H10.8.1(1)(b) refer to Policy H10.3(3)(c), Policy H10.3(7), Policy H10.3(18) and Policy H10.3(19);
  - (d) for Matter H10.8.1(1)(c) refer to Policy H10.3(21); and
  - (e) for Matter H10.8.1(1)(d) refer to Policy H10.3(12);
- (2) new buildings and alterations and additions to buildings not otherwise provided for:
  - (a) for Matter H10.8.1(2)(a)(i) refer to Policy H10.3(3)(a), Policy H10.3(3)(b) and Policy H10.3(17);
  - (b) for Matter H10.8.1(2)(a)(ii) refer to Policy H10.3(3)(c), Policy H10.3(18) and Policy H10.3(19);
  - (c) for Matter H10.8.1(2)(a)(iii) refer to Policy H10.3(4);
  - (d) for Matter H10.8.1(2)(a)(iv) refer to Policy H10.3(3)(a);
  - (e) for Matter H10.8.1(2)(a)(v) refer to Policy H10.3(7);
  - (f) for Matter H10.8.1(2)(b) refer to Policy H10.3(6);
  - (g) for Matter H10.8.1(2)(c)(i) refer to Policy H10.3(3)(a) and Policy H10.3(3)(b);
  - (h) for Matter H10.8.1(2)(c)(ii) refer to Policy H10.3(3)(a) and Policy H10.3(3)(b);
  - (i) for Matter H10.8.1(2)(c)(iii) refer to Policy H10.3(3)(a) and Policy H10.3(3)(b);
  - (j) for Matter H10.8.1(2)(d) refer to Policy H10.3(3)(c);
  - (k) for Matter H10.8.1(2)(e) refer to Policy H10.3(3)(c);
  - (l) for Matter H10.8.1(2)(f) refer to Policy H10.3(3)(b);

(m) for Matter H10.8.1(2)(g) refer to Policy H10.3(3)(c);

(n) for Matter H10.8.1(2)(h) refer to Policy [E1.3\(10\)](#); and

(o) for Matter H10.8.1(2)(i) refer to Policy H10.3(12);

(3) in addition to the policies for new buildings stated above the Council will have regard to the following policies when considering new buildings for the following purposes:

- integrated retail developments; or
- supermarkets, department stores and large format retail where the activity or integrated retail development exceeds 1000m<sup>2</sup> gross floor area per tenancy:

(a) refer to Policy H10.3(1), Policy H10.3(5), Policy H10.3(16) and Policy H10.3(20);

(4) in addition to the policies for new buildings stated above the Council will have regard to the following policies when considering new buildings for the following purposes:

- Drive-through restaurants; or
- service stations:

(a) refer to Policy H10.3(3)(a), Policy H10.3(3)(b), Policy H10.3(3)(c), Policy H10.3(7), Policy H10.3(8), Policy H10.3(12), Policy H10.3(15)(a); Policy H10.3(17), Policy H10.3(18); Policy H10.3(19) and Policy H10.3(21);

(5) conversion of a building or part of a building to dwellings, retirement villages, visitor accommodation and boarding houses:

(a) refer to Policy H10.3(2);

(6) buildings that do not comply with the standards:

(a) height, height in relation to boundary, building setbacks at upper floors, maximum tower dimension and tower separation:

[PC 78 \(see Modifications\)](#)

(i) refer to Policy H10.3(3)(a), Policy H10.3(3)(b), Policy H10.3(8), Policy H10.3(13), Policy H10.3(14) and Policy H10.3(15);

(b) residential at ground floor:

(i) refer to Policy H10.3(10) and Policy H10.3(18);

(c) yards and landscaping:

(i) refer to Policy H10.3(3)(b), Policy H10.3(3)(c), Policy H10.3(7) and Policy H10.3(8);

(d) maximum impervious area in a riparian yard:

(i) refer to Policy H10.3(22);

(e) wind:

(i) refer to Policy H10.3(11);

(f) outlook space, minimum dwelling size:

(i) refer to Policy H10.3(2).

**H10.9. Special information requirements**

There are no special information requirements in this zone.

## H13. Business – Mixed Use Zone

### H13.1. Zone description

PC 78 ([see Modifications](#))

The Business – Mixed Use Zone is typically located around centres and along corridors served by public transport. It acts as a transition area, in terms of scale and activity, between residential areas and the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone. It also applies to areas where there is a need for a compatible mix of residential and employment activities.

The zone provides for residential activity as well as predominantly smaller scale commercial activity that does not cumulatively affect the function, role and amenity of centres. The zone does not specifically require a mix of uses on individual sites or within areas.

There is a range of possible building heights depending on the context. Provisions typically enable heights up to four storeys. Greater height may be enabled in areas close to the city centre, metropolitan centres and larger town centres.

Some street frontages within the zone are subject to a General Commercial Frontage Control.

New development within the zone requires resource consent in order to ensure that it is designed to a high standard which enhances the quality of streets within the area and public open spaces.

### H13.2. Objectives

*General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone*

- (1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.
- (2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.

PC 78 ([see Modifications](#))

- (3) Development positively contributes towards planned future form and quality, creating a sense of place.

- (4) Business activity is distributed in locations, and is of a scale and form, that:

- (a) provides for the community's social and economic needs;
- (b) improves community access to goods, services, community facilities and opportunities for social interaction; and
- (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity.

PC 78 ([see Modifications](#))

[new text to be inserted]

- (5) A network of centres that provides:
- (a) a framework and context to the functioning of the urban area and its transport network, recognising:
    - (i) the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas; and
    - (ii) local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities.
  - (b) a clear framework within which public and private investment can be prioritised and made; and
  - (c) a basis for regeneration and intensification initiatives.

*Business – Mixed Use Zone objectives*

- (6) Moderate to high intensity residential activities and employment opportunities are provided for, in areas in close proximity to, or which can support the City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and the public transport network.
- (7) Activities within the zone do not compromise the function, role and amenity of the City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone.
- (8) A mix of compatible residential and non-residential activities is encouraged.
- (9) Business – Mixed Use Zone zoned areas have a high level of amenity.

PC 78 ([see Modifications](#))

[new text to be inserted]

**H13.3. Policies**

*General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone*

- (1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.
- (2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.
- (3) Require development to be of a quality and design that positively contributes to:

- (a) planning and design outcomes identified in this Plan for the relevant zone;
  - (b) the visual quality and interest of streets and other public open spaces; and
  - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- (4) Encourage universal access for all development, particularly medium to large scale development.
  - (5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.
  - (6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.
  - (7) Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape.
  - (8) Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.
  - (9) Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.
  - (10) Discourage dwellings at ground floor in centre zones and enable dwellings above ground floor in centre zones.
  - (11) Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.
  - (12) Recognise the functional and operational requirements of activities and development.

PC 78 ([see Modifications](#))

[new text to be inserted]

- (13) In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:

[new text to be inserted]

- (a) is an efficient use of land;



- (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;
- (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and
- (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.

[new text to be inserted]

- (14) In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.
- (15) In areas surrounding the city centre, recognising their proximity and accessibility to the Business – City Centre Zone and Business – Metropolitan Centre Zone at Newmarket, provide opportunities for substantial office activities in the Business – Local Centre Zone and Business – Mixed Use Zone.

*Business – Mixed Use Zone policies*

- (16) Locate the Business – Mixed Use Zone in suitable locations within a close walk of the City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone or the public transport network.
- (17) Provide for a range of commercial activities that will not compromise the function, role and amenity of the City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone, beyond those effects ordinarily associated with trade effects on trade competitors.
- (18) Enable the development of intensive residential activities.
- (19) Require those parts of buildings with frontages subject to the General Commercial Frontage Control to achieve a reasonable level of street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.
- (20) Promote and manage development to a standard that:
  - (a) recognises the moderate scale, intensity and diversity of business, social and cultural activities provided in the zone;
  - (b) recognises the increases in residential densities provided in the zone; and
  - (c) avoids significant adverse effects on residents.

(21) Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

(22) Restrict maximum impervious area within a riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.

#### H13.4. Activity table

Table H13.4.1 Activity table specifies the activity status of land use and development activities in the Business – Mixed Use Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H13.4.1 Activity table**

| Activity       |  | Activity status |
|----------------|--|-----------------|
| <b>General</b> |  |                 |
| (A1)           | Activities not provided for  | NC              |
| <b>Use</b>     |  |                 |
| Accommodation  |  |                 |
| (A2)           | Dwellings  | P               |
| (A3)           | Conversion of a building or part of a building to dwellings, residential development, visitor accommodation or boarding houses | RD              |
| (A4)           | Integrated residential development   | P               |
| (A5)           | Supported residential care   | P               |
| (A6)           | Visitor accommodation and boarding houses  | P               |
| Commerce       |  |                 |
| (A7)           | Commercial services  | P               |
| (A8)           | Conference facilities  | D               |
| (A9)           | Department stores  | D               |
| (A10)          | Drive-through restaurants  | P               |
| (A11)          | Entertainment facilities   | P               |
| (A12)          | Cinemas  | NC              |
| (A13)          | Food and beverage  | P               |
| (A14)          | Garden centres   | D               |
| (A15)          | Marine retail  | D               |
| (A16)          | Motor vehicle sales  | D               |
| (A17)          | Offices within the Centre Fringe Office Control as shown on the planning maps  | P               |
| (A18)          | Offices up to 500m <sup>2</sup> gross floor area per site  | P               |
| (A19)          | Offices greater than 500m <sup>2</sup> gross floor area per site   | D               |
| (A20)          | Retail up to 200m <sup>2</sup> gross floor area per tenancy  | P               |
| (A21)          | Retail greater than 200m <sup>2</sup> gross floor area per tenancy   | D               |

H13 Business – Mixed Use Zone

| <b>Activity</b>    |  | <b>Activity status</b> |
|--------------------|--|------------------------|
| (A22)              | Service stations   | RD                     |
| (A23)              | Supermarkets up to 450m <sup>2</sup> gross floor area per tenancy  | P                      |
| (A24)              | Supermarkets exceeding 450m <sup>2</sup> and up to 2000m <sup>2</sup> gross floor area per tenancy   | RD                     |
| (A25)              | Supermarkets greater than 2000m <sup>2</sup> gross floor area per tenancy  | D                      |
| (A26)              | Trade suppliers  | D                      |
| <b>Community</b>   |  |                        |
| (A27)              | Artworks   | P                      |
| (A28)              | Care centres   | P                      |
| (A29)              | Community facilities   | P                      |
| (A30)              | Education facilities   | P                      |
| (A31)              | Emergency services   | RD                     |
| (A32)              | Healthcare facilities  | P                      |
| (A33)              | Hospitals  | D                      |
| (A34)              | Justice facilities   | D                      |
| (A35)              | Recreation facility  | P                      |
| (A36)              | Tertiary education facilities  | P                      |
| <b>Industry</b>    |  |                        |
| (A37)              | Industrial activities  | NC                     |
| (A38)              | Industrial laboratories  | P                      |
| (A39)              | Light manufacturing and servicing  | P                      |
| (A40)              | Repair and maintenance services  | P                      |
| (A41)              | Storage and lock-up facilities   | D                      |
| (A42)              | Waste management facilities  | NC                     |
| (A43)              | Warehousing and storage  | P                      |
| <b>Mana Whenua</b> |  |                        |
| (A44)              | Marae complex  | P                      |
| <b>Development</b> |  |                        |
| (A45)              | New buildings  | RD                     |
| (A46)              | Demolition of buildings  | P                      |
| (A47)              | Alterations to building facades that are less than 25m <sup>2</sup>  | P                      |
| (A48)              | Additions to buildings that are less than:<br>(a) 25 per cent of the existing gross floor area of the building; or<br>(b) 250m <sup>2</sup><br>whichever is the lesser | P                      |
| (A49)              | Internal alterations to buildings  | P                      |
| (A50)              | Additions and alterations to buildings not otherwise   | RD                     |

| Activity     | Activity status |
|--------------|-----------------|
| provided for |                 |

### H13.5. Notification

- (1) Any application for resource consent for an activity listed in Table H13.4.1 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\(4\)](#).
- (3) Any application for resource consent for the following activity will be considered without public or limited notification or the need to obtain the written approval of affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:
  - (a) Development which does not comply with Standard H13.6.10 Minimum dwelling size.

### H13.6. Standards

All permitted and restricted discretionary activities in Table H13.4.1 Activity table must comply with the following standards.

#### H13.6.0 Activities within 30m of a residential zone

- (1) The following activities are restricted discretionary activities where they are located within 30m of a residential zone and are listed as a permitted activity in the activity table:
  - (a) bars and taverns;
  - (b) drive-through restaurants;
  - (c) outdoor eating areas accessory to restaurants;
  - (d) entertainment facilities;
  - (e) child care centres; and
  - (f) animal breeding and boarding.

This standard only applies to those parts of the activities subject to the application that are within 30m of the residential zone.

#### H13.6.1. Building height

Purpose:

- manage the effects of building height;

- manage shadowing effects of building height on public open space, excluding streets;
- manage visual dominance effects;
- allow an occupiable height component to the height limit, and an additional height for roof forms that enables design flexibility, to provide variation and interest in building form when viewed from the street;

PC 78 (see Modifications)

- enable greater height in areas identified for intensification; and
- provide for variations to the standard zone height through the Height Variation Control, to recognise the character and amenity of particular areas and provide a transition in building scale to lower density zones.

(1) Buildings must not exceed the height in metres specified in Table H13.6.1.1 below, unless otherwise specified in the Height Variation Control on the planning maps.

**Table H13.6.1.1 Building height**

PC 78 (see Modifications)

| [new text to be inserted] | Occupiable building height | Height for roof form      | Total building height     |
|---------------------------|----------------------------|---------------------------|---------------------------|
| [new text to be inserted] | 16m                        | 2m                        | 18m                       |
| [new text to be inserted] | [new text to be inserted]  | [new text to be inserted] | [new text to be inserted] |

(2) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres, as shown in Table H13.6.1.2 below and for the site on the planning maps.

(3) Any part of a building greater than the occupiable building height is to be used only for roof form, roof terraces, plant and other mechanical and electrical equipment.

**Table H13.6.1.2 Total building height shown in the Height Variation Control on the planning maps**

| Occupiable building height   | Height for roof form | Total building height shown on Height Variation Control on the planning maps |
|------------------------------|----------------------|--|
| Same as on the planning maps | NA                   | Less than or equal to 11m  |
| 11m                          | 2m                   | 13m  |
| 16m                          | 2m                   | 18m  |
| 19m                          | 2m                   | 21m  |
| <u>22m</u>                   | <u>2m</u>            | <u>24m</u>   |
| 25m                          | 2m                   | 27m  |
| Same as on the               | NA                   | Exceeding 27m  |

|               |  |  |
|---------------|--|--|
| planning maps |  |  |
|---------------|--|--|

**H13.6.2. Height in relation to boundary**

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and to nearby sites;
- manage visual dominance effects on neighbouring zones where lower height limits apply.

- (1) Buildings must not project beyond a recession plane that begins vertically above ground level along the zone boundary. The angle of the recession plane and the height above ground level from which it is measured is specified in Table H13.6.2.1 and Figure H13.6.2.1 or Figure H13.6.2.2 below.
- (2) Where the boundary forms part of an entrance strip, access site or pedestrian access-way, the control applies from the farthest boundary of that entrance strip or access site. However, if an entrance strip, access site or pedestrian access-way is greater than 2.5m in width, the control will be measured from a parallel line 2.5m out from the site boundary.
- (3) Figure H13.6.2.3 will be used to define what is a north, south, east or west boundary, where this is referred to in Table H13.6.2.1 The recession plane angle is calculated by orientating both site plan and Figure H13.6.2.3 to true north. Figure H13.6.2.3 is placed over the site plan with the outside of the circle touching the inside of the site boundary under consideration. At the point where Figure H13.6.2.3 touches the site boundary, the recession plane angle and height at which it begins, will be indicated by Table H13.6.2.1

**Table H13.6.2.1 Height in relation to boundary**

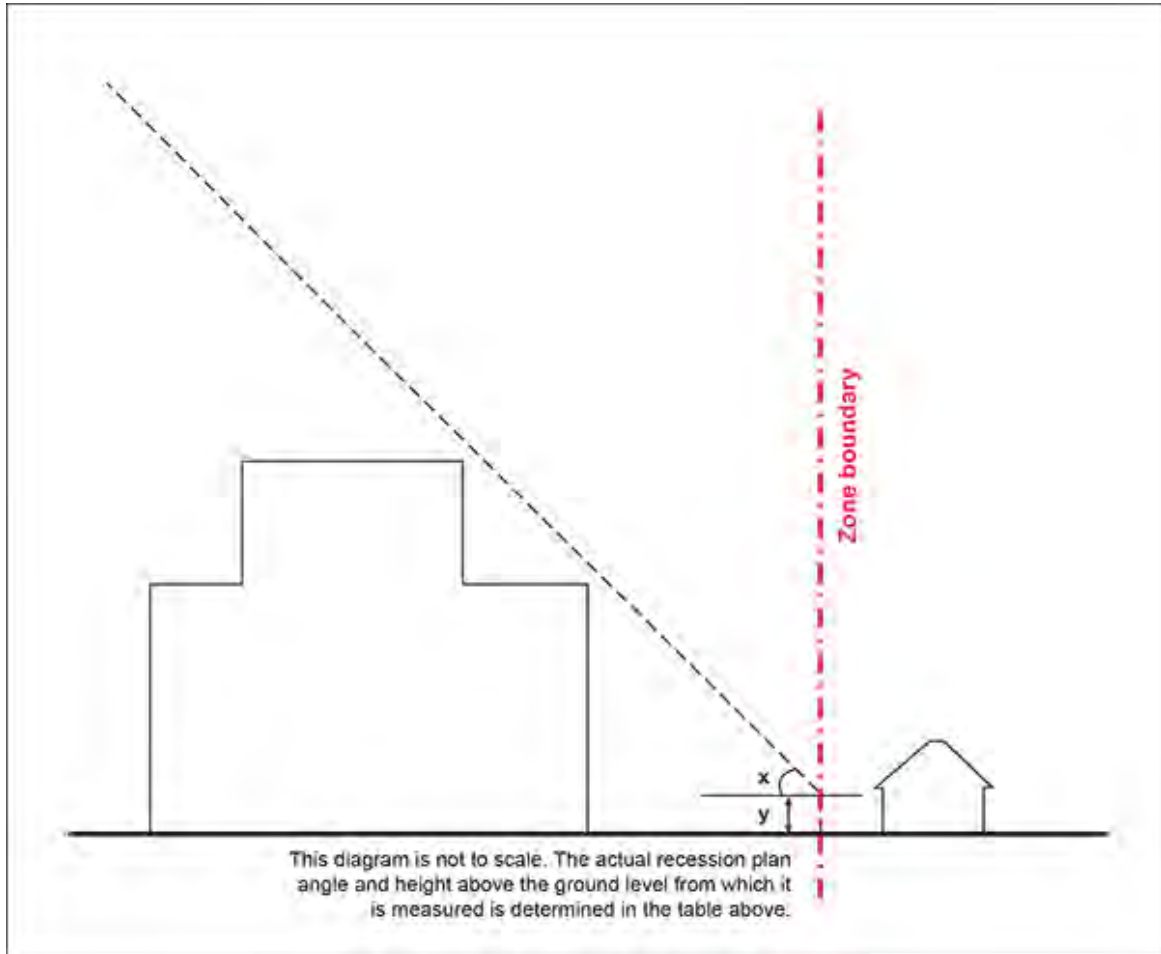
| Location | Zoning of adjacent site   | Angle of recession plane (identified as x in Figure H13.6.2.1 or Figure H13.6.2.2) | Height above ground level which the recession plane will be measured from (identified as y in Figure H13.6.2.1 or Figure H13.6.2.2) |
|----------|---|--|---|
| NA       | Residential – Single House Zone; or Residential – Mixed Housing Suburban Zone | 45°  | 2.5m  |
|          | Residential – Mixed Housing Urban Zone  | 45°  | 3m  |
|          | Residential – Terrace   | 60°  | 8m  |

PC 78 (see [Modifications](#))

H13 Business – Mixed Use Zone

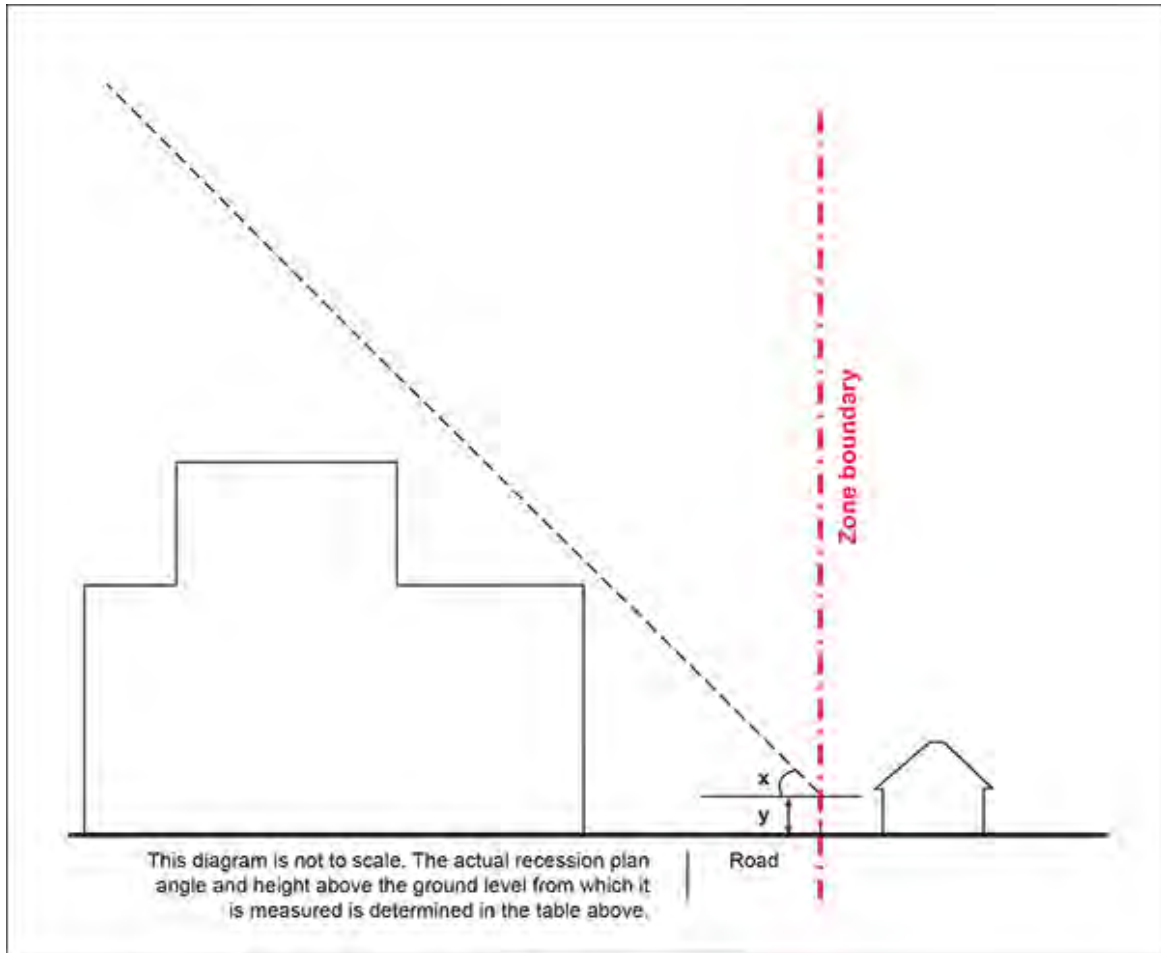
|   |   |                           |                           |
|---|---|---------------------------|---------------------------|
|   | Housing and Apartment Buildings Zone  |                           |                           |
|   | Special Purpose – Māori Purpose Zone; or Special Purpose School Zone  | 45°                       | 6m                        |
|   | Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space -Sport and Active Recreation Zone; Open Space – Civic Spaces Zone; or Open Space – Community Zone | 45°                       | 8.5m                      |
| PC 78 ( <a href="#">see Modifications</a> ) | Buildings located on the southern boundary of the adjacent site   | 45°                       | 16.5m                     |
| PC 78 ( <a href="#">see Modifications</a> ) | [new text to be inserted]   | [new text to be inserted] | [new text to be inserted] |

Figure H13.6.2.1 Height in relation to boundary

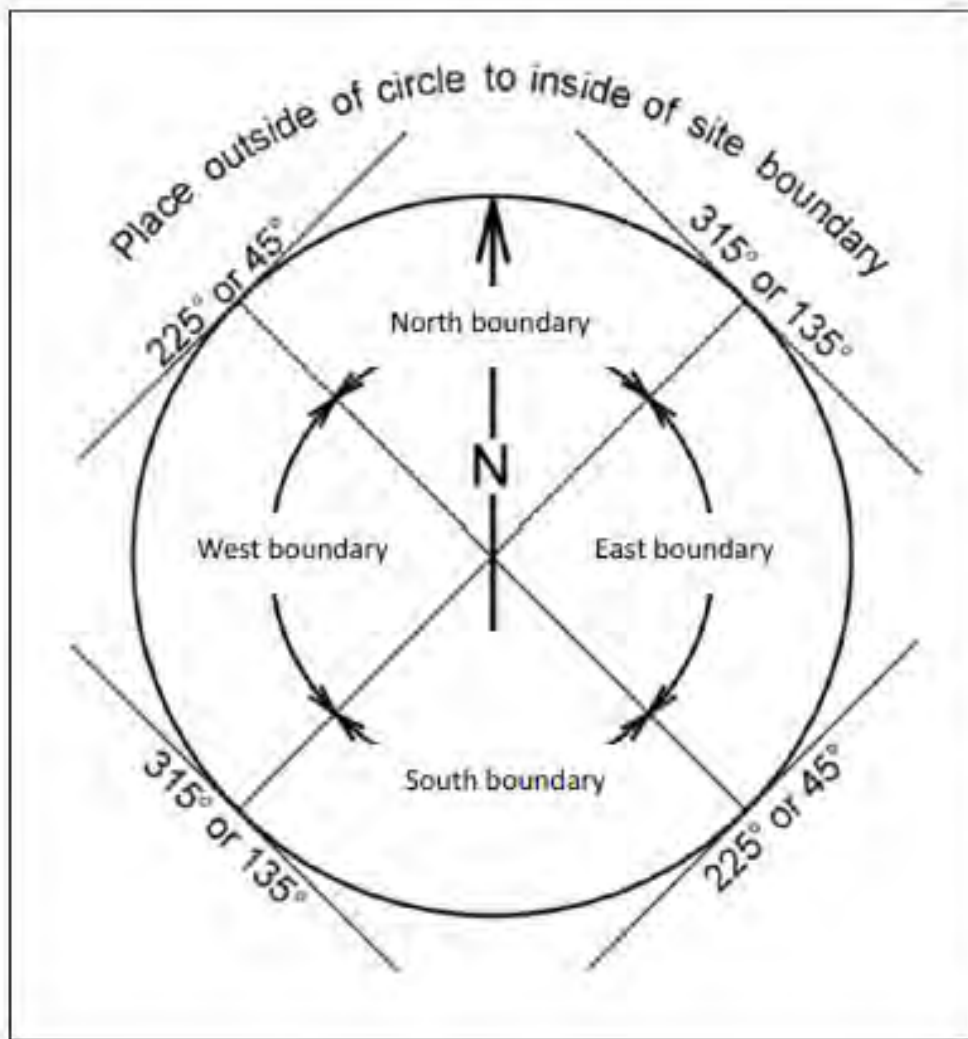




**Figure H13.6.2.2 Height in relation to boundary opposite a road**



**Figure H13.6.2.3 Recession plane indicator for sites adjacent to an open space zone**



### H13.6.3. Building setback at upper floors

Purpose:

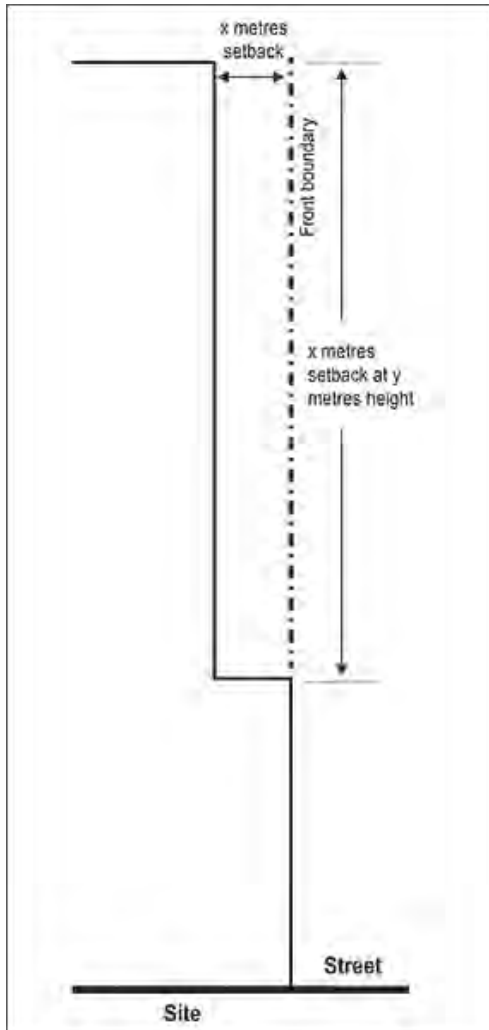
- provide adequate daylight access to streets;
- manage visual dominance effects on streets;
- manage visual dominance, residential amenity and privacy effects on residential zones; and
- mitigate adverse wind effects.

(1) A new building must be set back from the site frontage from the point where it exceeds the height listed in metres specified in Table H13.6.3.1.

**Table H13.6.3.1 Building setback at upper floors**

| Opposite zone |                                  | Minimum setback<br>(identified as x in<br>Figure H13.6.3.1) | Height<br>(identified as y in<br>Figure H13.6.3.1) |
|---------------|----------------------------------|---|--|
| (B1)          | When opposite a residential zone | 6m  | 18m  |
| (B2)          | All other zones                  | 6m  | 27m  |

**Figure H13.6.3.1 Building setback at upper floors**



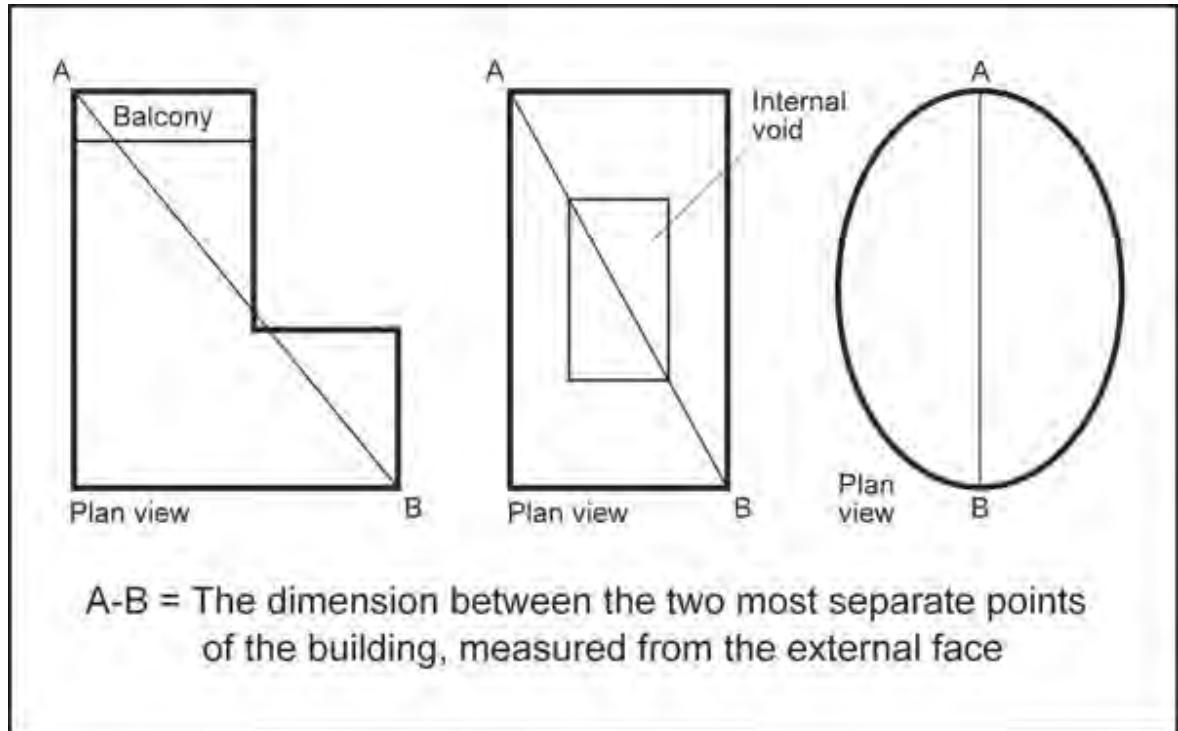
**H13.6.4. Maximum tower dimension and tower separation**

Purpose: ensure that high-rise buildings:

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

- mitigate adverse wind effects.
- (1) The maximum plan dimension of that part of the building above 27m must not exceed 55m.
  - (2) The maximum plan dimension is the horizontal dimension between the exterior faces of the two most separate points of the building.
  - (3) The part of a building above 27m must be located at least 6m from any side or rear boundary of the site.

**Figure H13.6.4.1 Maximum tower dimension plan view**



### H13.6.5. Yards

Purpose:

- provide a landscaped buffer between buildings and activities and adjoining residential zones and some special purpose zones, to mitigate adverse visual and nuisance effects; and
  - ensure buildings are adequately setback from lakes, streams and the coastal edge to maintain water quality, amenity, provide protection from natural hazards, and potential access to the coast.
- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H13.6.5.1 below.

**Table H13.6.5.1 Yards**

| Yard                    | Minimum depth   |
|-------------------------|---|
| Rear                    | 3m where the rear boundary adjoins a residential zone or the Special Purpose – Māori Purpose Zone |
| Side                    | 3m where a side boundary adjoins a Residential zone or the Special Purpose – Māori Purpose Zone   |
| Riparian                | 10m from the edge of all permanent and intermittent streams                                       |
| Lakeside yard           | 30m   |
| Coastal protection yard | 25m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>              |

Note 1

A side or rear yard, and/or landscaping within that yard, is only required along that part of the side or rear boundary adjoining a residential zone or the Special Purpose – Māori Purpose Zone.

- (2) Side and rear yards must be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard for a depth of at least 3m.

**H13.6.6. Landscaping**

Purpose:

- ensure landscaping provides a buffer and screening between car parking, loading, or service areas commercial activities and the street; and
- ensure landscaping is of sufficient quality as to make a positive contribution to the amenity of the street.

- (1) A landscape buffer of 2m in depth must be provided along the street frontage between the street and car parking, loading, or service areas which are visible from the street frontage. This rule excludes access points.
- (2) The required landscaping in Standard H13.6.6(1) above must comprise a mix of trees, shrubs or ground cover plants (including grass).

**H13.6.7. Maximum impervious area in the riparian yard**

Purpose: support the functioning of riparian yards and in-stream health.

- (1) The maximum impervious area within a riparian yard must not exceed 10 per cent of the riparian yard area.

**H13.6.8. Wind**

Purpose: mitigate the adverse wind effects generated by tall buildings.

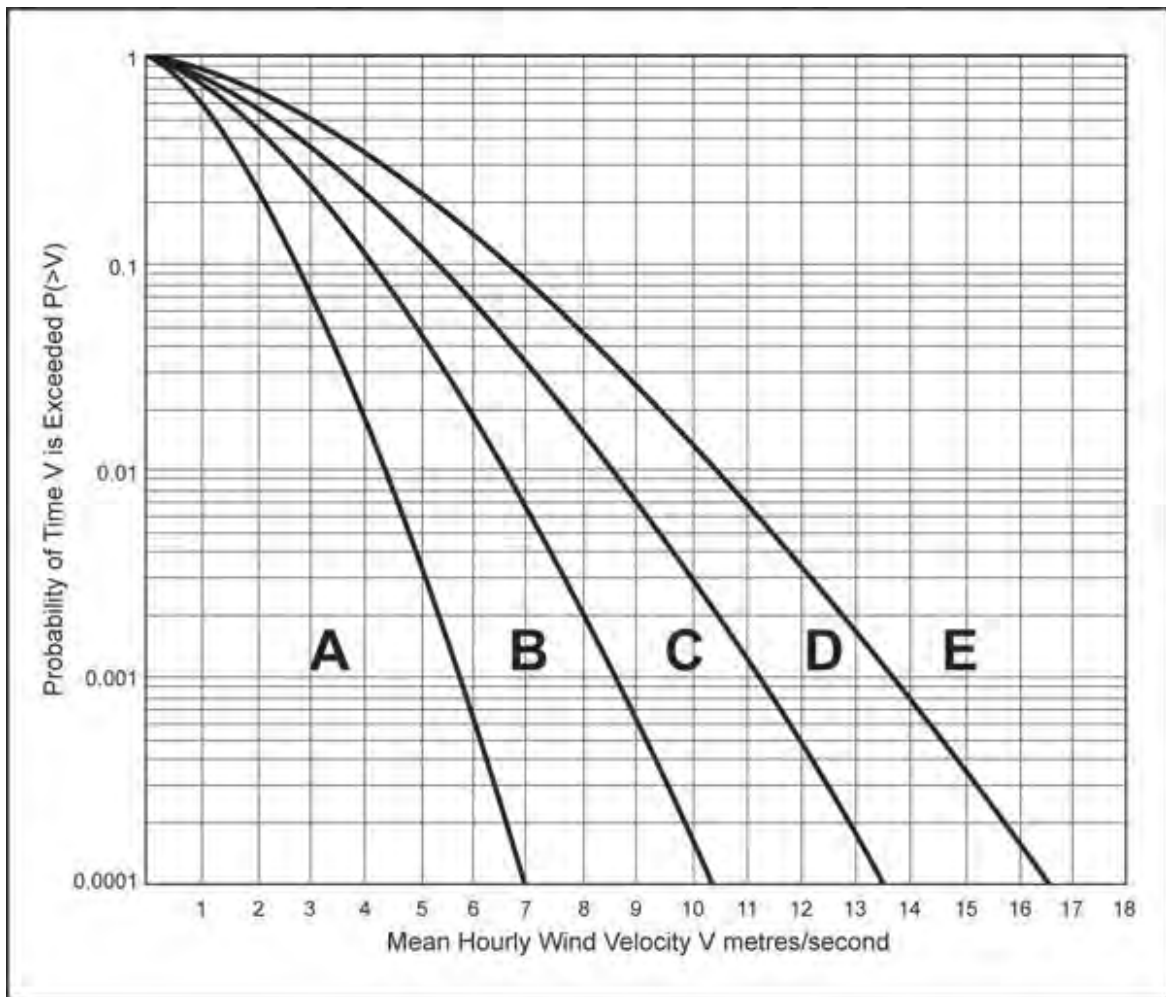
- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:

- a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H13.6.8.1 and Figure H13.6.8.1 below;
  - b) the average annual maximum peak 3-second gust to exceed the dangerous level of 25m/second; and
  - c) an existing wind speed which exceeds the controls of Standard H13.6.8(1)(a) or Standard H13.6.8(1)(b) above to increase.
- (2) A report and certification from a suitably qualified and experienced person, showing that the building complies with Standard H13.6.8(1) above, will demonstrate compliance with this standard.
- (3) If the information in Standard H13.6.8(2) above is not provided, or if such information is provided but does not predict compliance with the rule, a further wind report including the results of a wind tunnel test or appropriate alternative test procedure is required to demonstrate compliance with this standard.

**Table H13.6.8.1 Categories**

| <b>Category</b> | <b>Description</b>   |
|-----------------|--|
| Category A      | Areas of pedestrian use or adjacent dwellings containing significant formal elements and features intended to encourage longer term recreational or relaxation use i.e. public open space and adjacent outdoor living space  |
| Category B      | Areas of pedestrian use or adjacent dwellings containing minor elements and features intended to encourage short term recreation or relaxation, including adjacent private residential properties  |
| Category C      | Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths not covered in categories A or B above  |
| Category D      | Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in categories A - C above.  |
| Category E      | Category E represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others, including residents in adjacent sites. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city |

**Figure H13.6.8.1 Wind environment control**



Derivation of the wind environment control graph:

The curves on the graph delineating the boundaries between the acceptable categories (A-D) and unacceptable (E) categories of wind performance are described by the Weibull expression:

$$P(>V) = e^{-(v/c)^k}$$

where V is a selected value on the horizontal axis, and P is the corresponding value of the vertical axis:

and where:

$P(>V)$  = Probability of a wind speed V being exceeded;

e = The Napierian base 2.7182818285

v = the velocity selected;

k = the constant 1.5; and

c = a variable dependent on the boundary being defined:

A/B, c = 1.548

B/C, c = 2.322

C/D, c = 3.017

D/E, c = 3.715

### **H13.6.9. Outlook space**

Purpose:

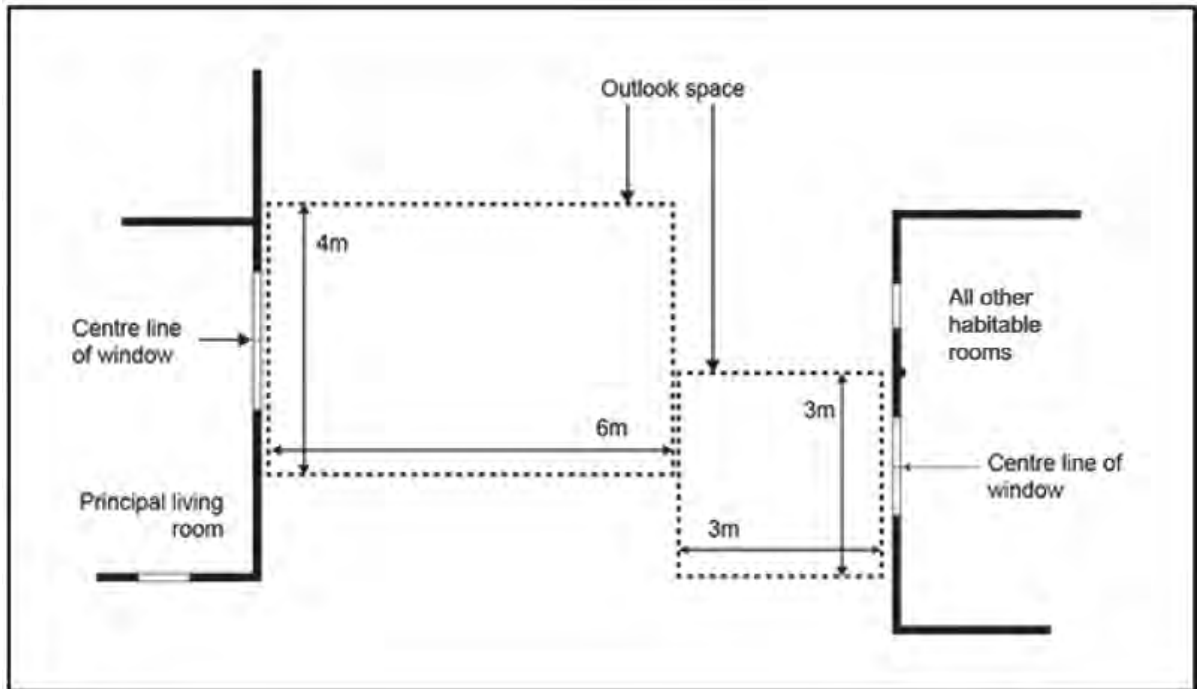
- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

- (1) This standard applies to dwellings, units in an integrated residential development, visitor accommodation and boarding houses.
- (2) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.
- (3) The minimum dimensions for a required outlook space are as follows:
  - (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and
  - (b) all other habitable rooms of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width.
- (4) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
- (5) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (6) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- (7) Outlook spaces may be within the site, over a public street, or other public open space.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces may overlap where they are on the same wall plane.
- (10) Outlook spaces must:
  - (a) be clear and unobstructed by buildings;



- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H13.6.9(7) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

**Figure H13.6.9.1 Required outlook space**



### **H13.6.10 Minimum dwelling size**

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

- (1) Dwellings must have a minimum net internal floor area as follows.
  - (a) 30m<sup>2</sup> for studio dwellings.
  - (b) 45m<sup>2</sup> for one or more bedroom dwellings.

### **H13.7. Assessment – controlled activities**

There are no controlled activities in this zone.

### **H13.8. Assessment – Restricted discretionary activities**

#### **H13.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) activities within 30m of a residential zone, emergency services and service stations:

- (a) the compatibility of:
    - (i) the effects of intensity and scale of the development arising from the numbers of people and/or vehicles using the site; and
    - (ii) the effects of the operation of the activity;  
on the existing and expected future amenity values of the surrounding area and any practicable mitigation measures that would be appropriate to manage those effects;
  - (b) the effects of the design and location of parking areas and vehicle access and servicing arrangements on visual amenity of the streetscape and on pedestrian safety;
  - (c) the effects of location, design and management of storage and servicing facilities on the amenity values of nearby residential properties including potential visual effects, adequacy of access for service vehicles (including waste collection) and any night time noise effects; and
  - (d) the assessment of the above matters having regard to the need to provide for the functional requirements of the activity;
- (2) supermarkets greater than 450m<sup>2</sup> and up to 2000m<sup>2</sup>:
- (a) the compatibility of the effects of intensity and scale of the development arising from the numbers of people and/or vehicles using the site, with the existing and expected future amenity values of the surrounding area and any practicable mitigation measures that would be appropriate to manage those effects;
  - (b) the effects of the design and location of parking areas and vehicle access and servicing arrangements on visual amenity of the streetscape and on pedestrian safety;
  - (c) the effects of the size, composition and characteristics of retail activities proposed on the existing and expected future function, role and amenity of other centre zones having regard to the need to enable convenient access of communities to commercial and community services while disregarding any effects ordinarily associated with trade effects on trade competitors; and
  - (d) the assessment of the above matters having regard to the need to provide for the functional requirements of the activity;
- (3) new buildings and alterations and additions to buildings not otherwise provided for:
- (a) the design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people. This includes:

- (i) the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space;
  - (ii) the maintenance or enhancement of amenity for pedestrians using the public space or street;
  - (iii) the provision of convenient and direct access between the street and building for people of all ages and abilities;
  - (iv) measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space; and
  - (v) the effectiveness of screening of car parking and service areas from the view of people using the public space;
- (b) the provision of floor to floor heights that will provide the flexibility of the space to be adaptable to a wide variety of use over time.
- (c) the extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides in terms of:
- (i) the attractiveness and pleasantness of the public space and the amenity for people using or passing through that space;
  - (ii) the degree of visibility that it provides between the public space and the building interior; and
  - (iii) the opportunities for passive surveillance of the street from the ground floor of buildings;
- (d) the provision of verandahs to provide weather protection in areas used, or likely to be used, by significant numbers of pedestrians;
- (e) the application of Crime Prevention through Environmental Design principles to the design and layout of buildings adjoining public spaces;
- (f) the effects of creation of new roads and/or service lanes on the matters listed above;
- (g) the positive effects that landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of the people using or passing through the public space;
- (h) taking an integrated stormwater management approach; and
- (i) all the above matters to be assessed having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate;
- (4) in addition to the matters for new buildings stated above the Council will restrict its discretion to the following matter in regard to:

- supermarkets, department stores and large format retail where the activity or integrated retail development exceeds 1000m<sup>2</sup> gross floor area per tenancy:
    - (a) the manner in which these building/developments are integrated with the adjacent existing and planned future centre and zone activities and public spaces and provide for the continuity of active public frontages and associated pedestrian amenity that is appropriate to those centres and zones having regard to the outcomes set out in this Plan and the functional requirements of the activities that the buildings are intended to accommodate. This will include the effects of the design and location of parking areas, vehicle access and servicing arrangements on the visual amenity of the streetscape and on pedestrian safety;
- (5) In addition to the matters for new buildings stated above the Council will restrict its discretion to the following matter in regard to:
- drive-through restaurants; or
  - service stations:
    - (a) the effects of the location and design of:
      - (i) buildings and associated equipment, parking and service areas;
      - (ii) access for vehicles including service vehicles; and
      - (iii) landscaping;on the amenity of surrounding areas (particularly residential areas), on streetscapes and on pedestrian amenity and any methods by which those effects can be appropriately managed;
- (6) conversion of a building or part of a building to dwellings, retirement villages, visitor accommodation and boarding houses:
- (a) any matters that do not meet the standards set out for the activity in Standard H13.6.9 or Standard H13.6.10 having regard to the need to ensure a good standard of amenity within and between dwellings, visitor accommodation, boarding houses and retirement villages;
- (7) buildings that do not comply with the standards:
- (a) any policy which is relevant to the standard;
  - (b) the purpose of the standard;
  - (c) the effects of the infringement of the standard;
  - (d) the effects on the amenity of neighbouring sites;
  - (e) the effects of any special or unusual characteristic of the site which is relevant to the standard;

- (f) the characteristics of the development;
- (g) any other matters specifically listed for the standard; and
- (h) where more than one standard will be infringed, the effects of all infringements.

### **H13.8.2. Assessment criteria**

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

- (1) activities within 30m of a residential zone, emergency services and service stations:
  - (a) for Matter H13.8.1(1)(a)(i) refer to Policy H13.3(3)(a), Policy H13.3(3)(b), Policy H13.3(3)(c), Policy H13.3(8) and Policy H13.3(21);
  - (b) for Matter H13.8.1(1)(a)(ii) refer to Policy H13.3(3)(a), Policy H13.3(3)(b), Policy H13.3(3)(c), Policy H13.3(8) and Policy H13.3(21);
  - (c) for Matter H13.8.1(1)(b) refer to Policy H13.3(3)(c) and Policy H13.3(7);
  - (d) for Matter H13.8.1(1)(c) refer to Policy H13.3(21); and
  - (e) for Matter H13.8.1(1)(d) refer to Policy H13.3(12);
- (2) supermarkets greater than 450m<sup>2</sup> and up to 2000m<sup>2</sup>:
  - (a) for Matter H13.8.1(2)(a) refer to Policy H13.3(3)(a), Policy H13.3(3)(b), Policy H13.3(3)(c) and Policy H13.3(8);
  - (b) for Matter H13.8.1(2)(b) refer to Policy H13.3(7);
  - (c) for Matter H13.8.1(2)(c) refer to Policy H13.3(1); and
  - (d) for Matter H13.8.1(2)(d) refer to Policy H13.3(12);
- (3) new buildings and alterations and additions to buildings not otherwise provided for:
  - (a) for Matter H13.8.1(3)(a)(i) refer to Policy H13.3(3)(a) and Policy H13.3(3)(b);
  - (b) for Matter H13.8.1(3)(a)(ii) refer to Policy H13.3(3)(c);
  - (c) for Matter H13.8.1(3)(a)(iii) refer to Policy H13.3(4);
  - (d) for Matter H13.8.1(3)(a)(iv) refer to Policy H13.3(3)(a);
  - (e) for Matter H13.8.1(3)(a)(v) refer to Policy H13.3(7);
  - (f) for Matter H13.8.1(3)(b) refer to Policy H13.3(6);

- (g) for Matter H13.8.1(3)(c)(i) refer to Policy H13.3(3)(a) and Policy H13.3(3)(b);
  - (h) for Matter H13.8.1(3)(c)(ii) refer to Policy H13.3(3)(a) and Policy H13.3(3)(b);
  - (i) for Matter H13.8.1(3)(c)(iii) refer to Policy H13.3(3)(a) and Policy H13.3(3)(b);
  - (j) for Matter H13.8.1(3)(d) refer to Policy H13.3(3)(c);
  - (k) for Matter H13.8.1(3)(e) refer to Policy H13.3(3)(c);
  - (l) for Matter H13.8.1(3)(f) refer to Policy H13.3(3)(b);
  - (m) for Matter H13.8.1(3)(g) refer to Policy H13.3(3)(c);
  - (n) for Matter H13.8.1(3)(h) refer to Policy [E1.3\(10\)](#);
  - (o) for Matter H13.8.1(3)(i) refer to Policy H13.3(3)(12);
- (4) in addition to the policies for new buildings stated above the Council will have regard to the following policies when considering new buildings for the following purposes:
- supermarkets, department stores and large format retail where the activity or integrated retail development exceeds 1000m<sup>2</sup> gross floor area per tenancy:
- (a) refer to Policy H13.3(1), Policy H13.3(5) and Policy H13.3(20);
- (5) in addition to the policies for new buildings stated above the Council will have regard to the following policies when considering new buildings for the following purposes:
- drive-through restaurants; or
  - service stations:
- (a) refer to Policy H13.3(3)(a), Policy H13.3(3)(b), Policy H13.3(3)(c), Policy H13.3(7), Policy H13.3(8), Policy H13.3(12) and Policy H13.3(21);
- (6) conversion of a building or part of a building to dwellings, retirement villages, visitor accommodation and boarding houses:
- (a) refer to Policy H13.3(2);
- (7) buildings that do not comply with the standards:
- (a) height, height in relation to boundary, building setbacks at upper floors, maximum tower dimension and tower separation:
- (i) refer to Policy H13.3(3)(a), Policy H13.3(3)(b), Policy H13.3(8), Policy H13.3(13), Policy H13.3(14) and Policy H13.3(21);

(b) yards and landscaping:

- (i) refer to Policy H13.3(3)(b), Policy H13.3(3)(c), Policy H13.3(7) and Policy H13.3(8);

(c) maximum impervious area in a riparian yard:

- (i) refer to Policy H13.3(22);

(d) wind:

- (i) refer to Policy H13.3(11);

(e) outlook space, minimum dwelling size:

- (i) refer to Policy H13.3(2).

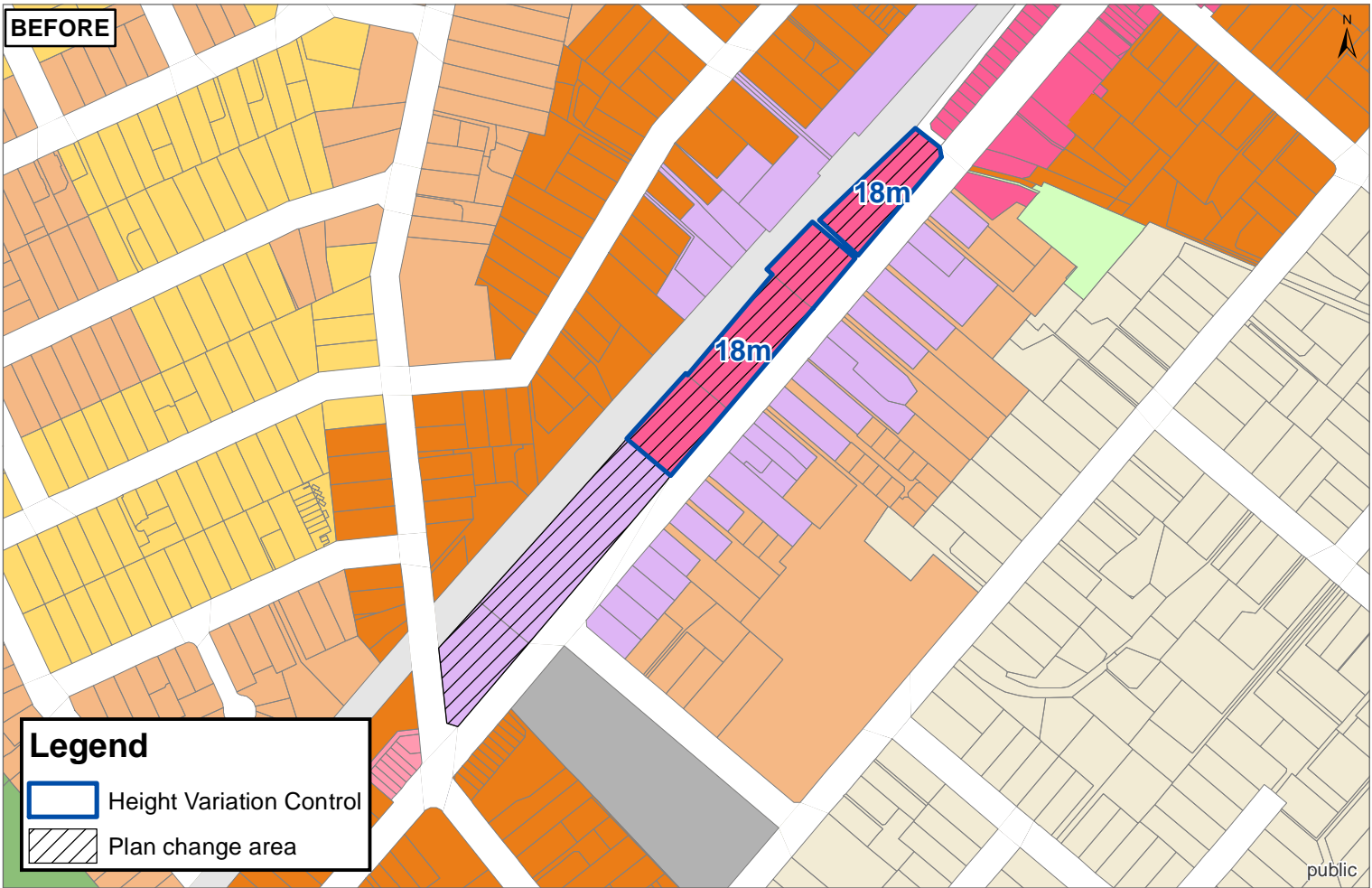
### **H13.9. Special information requirements**

There are no special information requirements in this zone.

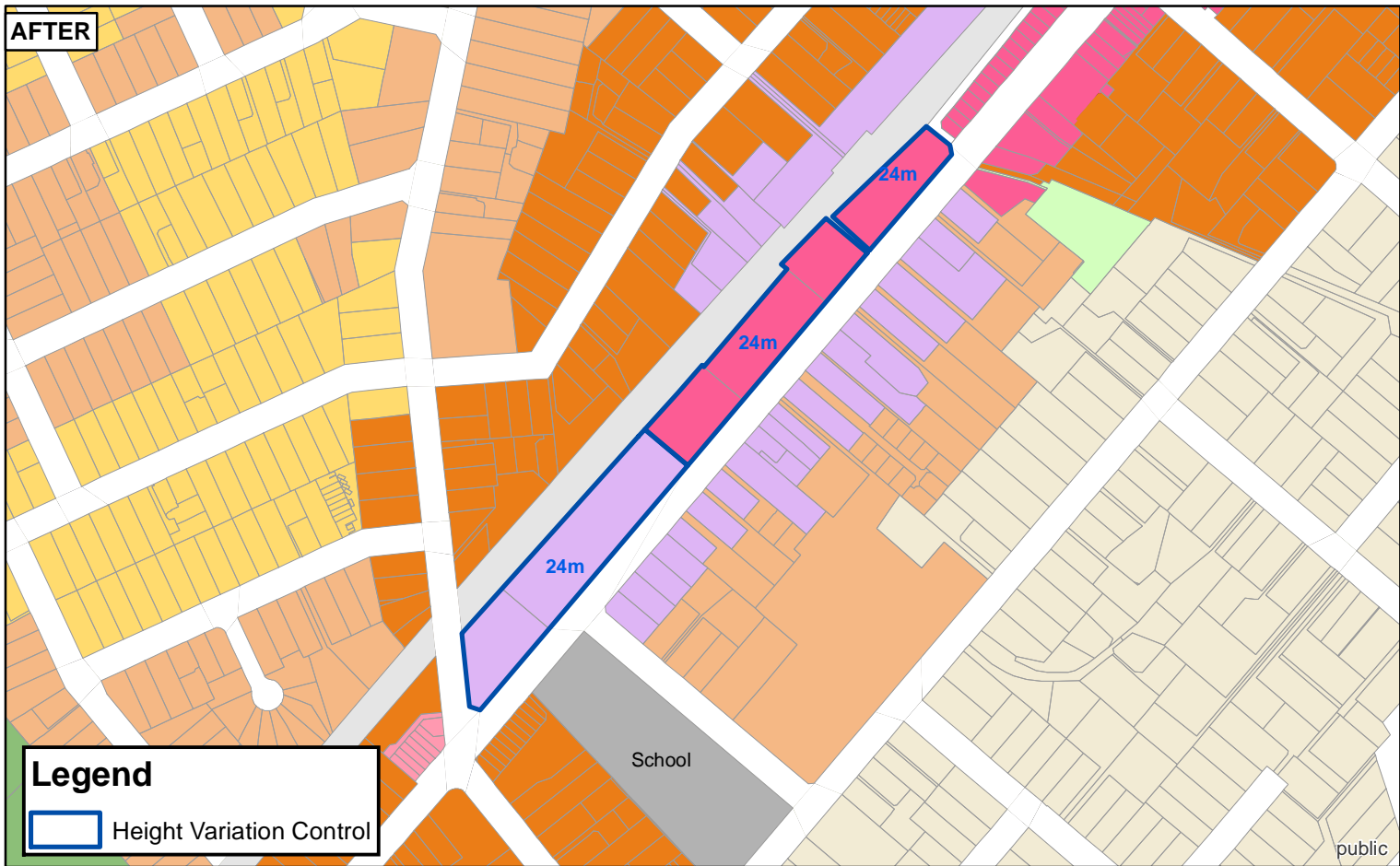
# Attachment C: Amendments to GIS Viewer



BEFORE



AFTER



0 37.5 75 150 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 18/01/2023

## Plan change 63 - Changes to Height Variation Control