

I hereby give notice that a hearing by commissioners will be held on:

Date: Monday 18, Tuesday 19, Wednesday 20,
Thursday 21 and Friday 22 November 2024
Time: 9.30am
Meeting room: Council Chamber
Venue: Ground floor, Auckland Town Hall
301/317 Queen Street, Auckland

PRIVATE PLAN CHANGE 94
HEARING REPORT VOLUME 1
WAIRAKA PRECINCT IN CARRINGTON ROAD,
MT ALBERT
MINISTRY OF HOUSING AND URBAN
DEVELOPMENT – HANNAH MCGREGOR

COMMISSIONERS

Chairperson Greg Hill (Chairperson)
Commissioners Gavin Lister
Councillor Chris Darby
Vicki Morrison-Shaw

Chayla Walker
KAITOHUTOHU WHAKAWĀTANGA
HEARINGS ADVISOR
Telephone: 09 890 2009 or 027 231 5937
Email: chayla.walker@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

**A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY
MINISTRY OF HOUSING AND URBAN DEVELOPMENT – HANNAH MCGREGOR**

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Reporting officer, Peter Reaburn, Planner

Reporting on proposed Private Plan Change 94 - Wairaka Precinct in Carrington Road, Mt Albert in summary, proposes the following:

- a) Parts of the current Special Purpose - Tertiary Education Zone no longer to be occupied by Unitec are proposed to be rezoned to the adjoining Business - Mixed Use Zone.
- b) A further strip of land is to be rezoned from Special Purpose -Tertiary Education to Residential - Mixed Housing Urban, adjoining existing land with that zoning in the southern part of the precinct.
- c) A revised precinct plan and revised precinct provisions are also proposed, with the principal change sought being to allow for greater height for residential buildings.
- d) The precinct is proposed to be renamed Te Auaunga Precinct.

APPLICANT: MINISTRY OF HOUSING AND URBAN DEVELOPMENT –
HANNAH MCGREGOR

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Page 1010	Brett Skeen for Waterview school
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Page 1019	Hai-Ling Khor
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Page 55	Tina Salehi
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Hearing Report for Proposed Private Plan Change 94: Wairaka Precinct to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to:	Hearing Commissioners
Hearing Dates:	18 – 22 November 2024
File No:	Hearing Report – Proposed Private Plan Change 94
File Reference	U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC094
Report Author	Peter Reaburn, Consultant Planner
Report Approver	Celia Davison
Report produced	4 October 2024

Summary of Proposed Plan Change 94: Wairaka Precinct

1. This private plan change relates to the existing 64.5ha Wairaka Precinct. The plan change request seeks to change zonings and amend the Wairaka Precinct provisions and precinct plans in the Auckland Unitary Plan Operative in Part (**AUP**). Key changes include rezoning land no longer required for Unitec as Business-Mixed Use (**B-MU**) Zone, increasing enabled building heights and reducing areas identified for open space. These changes, in combination, will increase residential yields from about 2,500 dwellings to 4,000 – 4,500 or more dwellings.

Plan subject to change	Auckland Unitary Plan (Operative in part), 2016
Number and name of change	Proposed Plan Change 94: Carrington Road Mount Albert to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Private Plan Change
Clause 25 decision outcome	Accept
Parts of the Auckland Unitary Plan affected by the proposed plan change	Planning Maps Chapter I Precincts
Clause 4A complete	The Applicant has advised that the plan change has been developed in collaboration with the three Rōpū, who together represent 13 iwi/hapū.
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	Publicly notified on 16 November 2023
Submissions received (excluding withdrawals)	229
Date summary of submissions notified	18 April 2024
Number of further submissions received (numbers)	15
Legal Effect at Notification	No
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> • Planning Methodology • Height and Built Form of Buildings • Adequacy of open space • Traffic and Parking • Heritage Buildings • Traffic, transport and parking • Provision for infrastructure, including social infrastructure • Trees

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10.4 Open Space **Error! Bookmark not defined.**

10.5 Transport **Error! Bookmark not defined.**

10.6 Historic Heritage / Archaeology	Error! Bookmark not defined.
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Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
AEE	The PC 94's Application Planning Report / Section 32 (s32)
AUP	Auckland Unitary Plan (Operative in Part)
B-MU	Business – Mixed Use (Zone)
Council	Auckland Council
IHP	Independent Hearing Panel
Heritage NZ	Heritage New Zealand Pouhere Taonga
ITA	Integrated Traffic Assessment
MDRS	Medium Density Residential Standards
MHU	Residential – Mixed Housing Zone
NES	National Environmental Standards
NPS-UD	National Policy Statement on Urban Development
NZCPS	New Zealand Coastal Policy Statement
Panel	The Panel of Independent Commissioners hearing PC94
PC75	Plan Change 75– Mason Clinic Plan Change
PC80	Plan Change 80 - RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters
PC94	Proposed Private Plan Change 94
RMA	Resource Management Act 1991
RPS	Regional Policy Statement (within the Auckland Unitary Plan)
SMP	Stormwater Management Plan
THAB	Residential – Terrace Housing and Apartment Building Zone

Attachments

Appendix 1	Proposed Private Plan Change 94: Wairaka Precinct Changes to the AUP (as notified)
Appendix 2	Further information requests and responses
Appendix 3	Submissions and Further Submissions
Appendix 4	Albert Eden Local Board Feedback
Appendix 5	Statutory Matters
Appendix 6	Specialist peer review reports
Appendix 7	Amendments provided by the Applicant in response to the Panel's Direction #2
Appendix 8	S42A Draft Recommended Amendments to PC94
Appendix 9	Draft Recommendations on Submissions
Appendix 10	Further Submissions

1 INTRODUCTION AND EXECUTIVE SUMMARY

1.1. Section 42A Report

1. This is a report to the Panel that has been appointed to hear and make a decision on a request for a Private Plan Change in Carrington Road, Mount Albert (**PC94**). Pursuant to s42A of the Resource Management Act 1991 (**RMA**), the report provides an assessment of the application, supported by a team of specialists appointed by Auckland Council (**the Council**). To clarify for any party that may be in doubt, the conclusions and interim recommendations in this report are not binding on the Panel. The Panel will consider all the information submitted in support of PC98, information in this report, and the information in submissions together with evidence presented at the hearing.

1.2. Report Author

2. This s42A report has been prepared at the request of the Council by Peter Reaburn. I am a consultant planner with a Bachelor of Regional Planning (Honours) degree from Massey University, which I obtained in 1980. I have 45 years planning and resource management experience, about 40 years of which has been principally in the Auckland region, including planning manager roles at territorial local authorities (Waitakere and Manukau) and as a consultant. Recent projects have included processing a number of private plan changes for the Council. I have been a full member of the New Zealand Planning Institute since 1982. I am accredited under the Ministry for the Environment Making Good Decisions programme as an Independent Commissioner, with Chair's endorsement and I am on the Council's Independent Commissioners Panel. I am also a member of the Resource Management Law Association and the Urban Design Forum.
3. While this is not an Environment Court proceeding I have read the code of conduct for expert witnesses contained in the Environment Court Practice Note (2023) and agree to comply with it. Except where I state that I am relying on the specified advice of another person, the opinions expressed in this report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
4. I was involved from the first stage of the application for this private plan change being made. I have visited the site on a number of occasions.
5. This report is informed by and, where stated, relies on the reviews and advice from the following experts on behalf of the Council and specialist Auckland Council officers. These assessments are attached in **Appendix 6** to this report.

Table 1: Specialist input to s42A report

Matter	Reviewing specialist
Urban Design	Alistair Ray
Landscape	Stephen Brown
Ecology	Jason Smith and Treff Barnett
Parks and Open Space	Roja Tafaraji and Rob Greenaway
Traffic and Transport	Andrew Temperley
Stormwater and Flooding	Gemma Chuah

Built Heritage	Carolyn O'Neil
Aboriculture	Christy Reynolds

1.3. The Plan Change in Summary

6. This is a private plan change application from the Ministry of Housing and Urban Development (**MHUD**) to rezone land and amend the Wairaka Precinct in the Auckland Unitary Plan Operative in Part (**AUP**).
7. Part 2 of the submitted AEE explains that the Crown owns 39.7 ha of the 64.5ha total in the precinct. While MHUD is the Applicant, the consolidation of Unitec activities and a government process will result in this land being released and subsequently developed by three Rōpū as part of a Treaty Settlement redress package under the Collective Redress Deed/Act. The Applicant is therefore not the ultimate developer of the site.
8. The three Rōpū represent 13 iwi / hapū parties, being:
 1. Waiohua-Tāmaki Rōpū
Ngāi Tai ki Tāmaki, Ngāti Te Ata, Ngāti Tamaoho, Te Ākitai Waiohua and Te Kawerau ā Maki
 2. Marutūāhu Rōpū
Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngāti Whanaunga, Te Patukirikiri; and
 3. Ngāti Whātua Rōpū
Ngāti Whātua Ōrākei, Te Rūnanga o Ngāti Whātua and Ngāti Whātua o Kaipara.
9. The AEE states that it is expected each of the Rōpū will continue to progress their own masterplan for their respective parts of the site and obtain resource consents to advance their development projects.
10. The existing Wairaka Precinct is contained by Carrington Road, the Northwestern Motorway, Te Auaunga /Oakley Creek and a series of side roads and properties in the Woodward Road corridor in the south. The plan change takes account of, but excludes, the 6ha Mason Clinic site which has been the subject of Plan Change 75 (PC75). Unitec has consolidated its campus into a core area of about 13.5ha in the southern part of the precinct. The existing 2.5ha Taylors Laundry site will remain leased to Taylors Laundry but in the medium term this sub-precinct will be developed for housing.
11. The proposed plan change map, precinct plan and provisions together with the plan change AEE and s32 evaluation are in **Appendix A**. The Applicant has provided a wide range of

supporting technical reports, all of which have been reviewed by a council team of staff and appointed consultants¹.

12. The following are key aspects of the plan change:
1. 10,093m² of land on the western boundary is rezoned from THAB to B-MU to avoid a split zoning within the one superlot.
 2. A small approximately 300m² block of Special Purpose: Healthcare Facility and Hospital Zone is rezoned B-MU.
 3. 9,898m² of land in the south is rezoned from Special Purpose: Tertiary Education Zone to Mixed Housing Urban.
 4. Sub-precinct B is reduced in size to align with the use of that sub-precinct.
 5. Identification of areas within the precinct where additional height can be accommodated. This is intended to enable the precinct to deliver a higher yield than might otherwise occur in the underlying zone, therefore contributing to the Council's growth strategy, as well as more variety in urban form.
 6. Amendments to Precinct Plan 1 that incorporate revised roading and shared path positions. Areas shown currently as Key open space (private) are reduced (note that one 0.9ha area has also been removed by PC75).
 7. Proposed amendments to the precinct provisions to promote Māori economic development as a key objective for the precinct.
 8. In areas where higher buildings are allowed, additional development controls around wind, separation of buildings, and the maximum dimension of floor plates.
 9. Additional design criteria, particularly relating to the higher buildings proposed to be enabled.
 10. Amendments to the precinct provisions to redistribute retail provision within the precinct (excluding Sub-Precinct A – the Mason Clinic) due to the redistribution of land from the Special Purpose: Tertiary Education Zone to zoning that enables housing development. The same overall retail cap is maintained.
 11. A proposal to rename the precinct **Te Auaunga Precinct** (Note: that name is used in the Application documentation).

¹ See <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanID=249>

13. In combination, the changes to zonings, height and lesser open space land enable residential dwelling capacity to increase from the current 2,500 residential units to 4,000 – 4,500, or more.
14. The revised zonings are depicted in Figure 1 below².

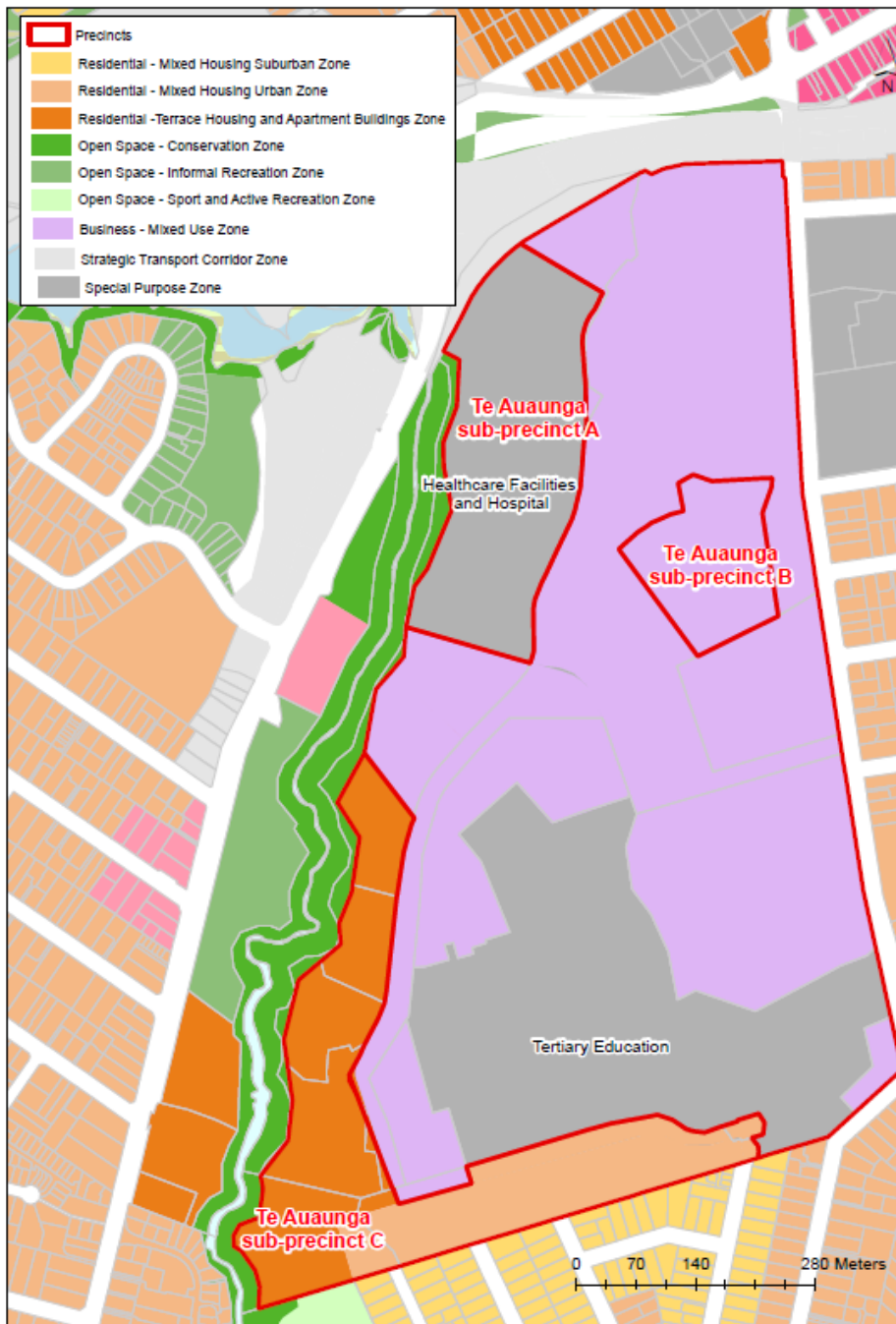


Figure 1 – Proposed rezoning

15. The revised precinct plan is shown in Figure 2 below.

² Note: this plan has been produced by Council’s GIS Department from the submitted Application Zone Change Plan (updated with PC 75 zoning)

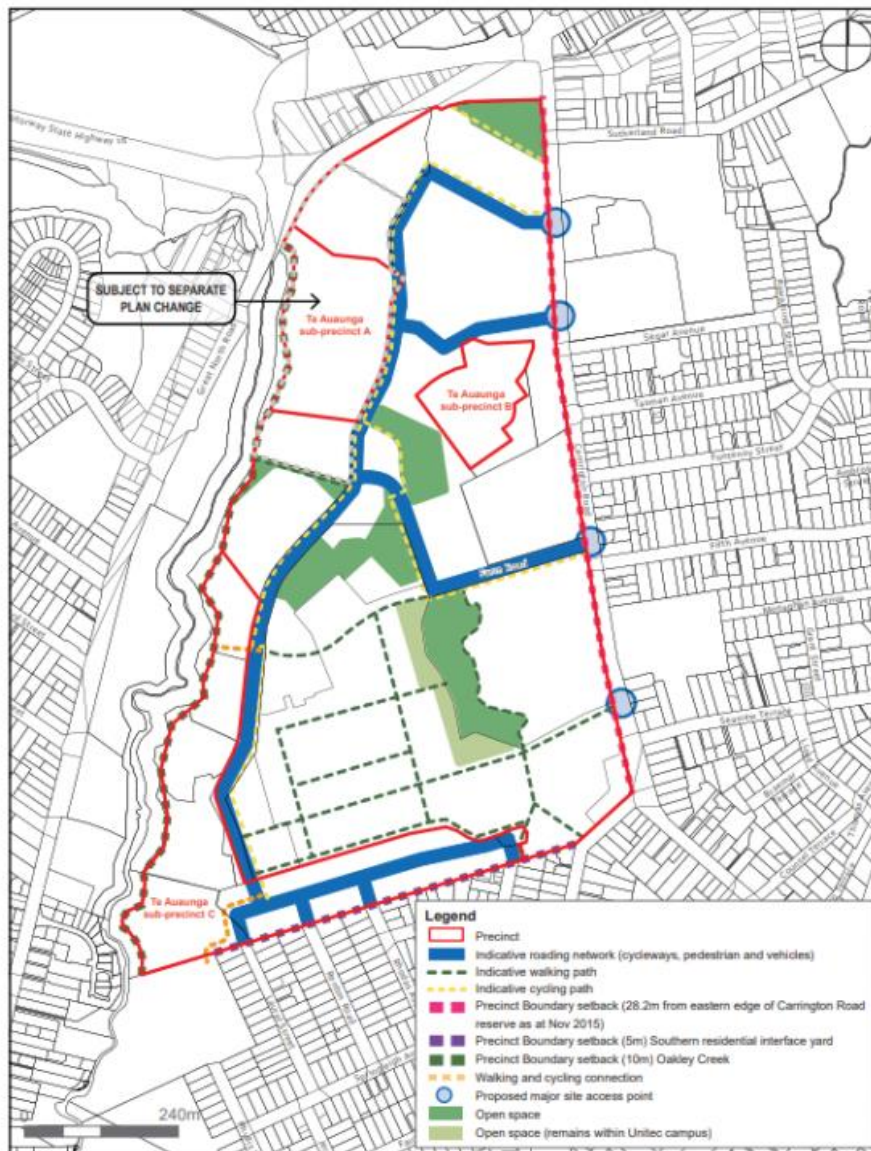


Figure 2 – Proposed Precinct Plan

16. The proposed building heights plan is shown in Figure 3 below.

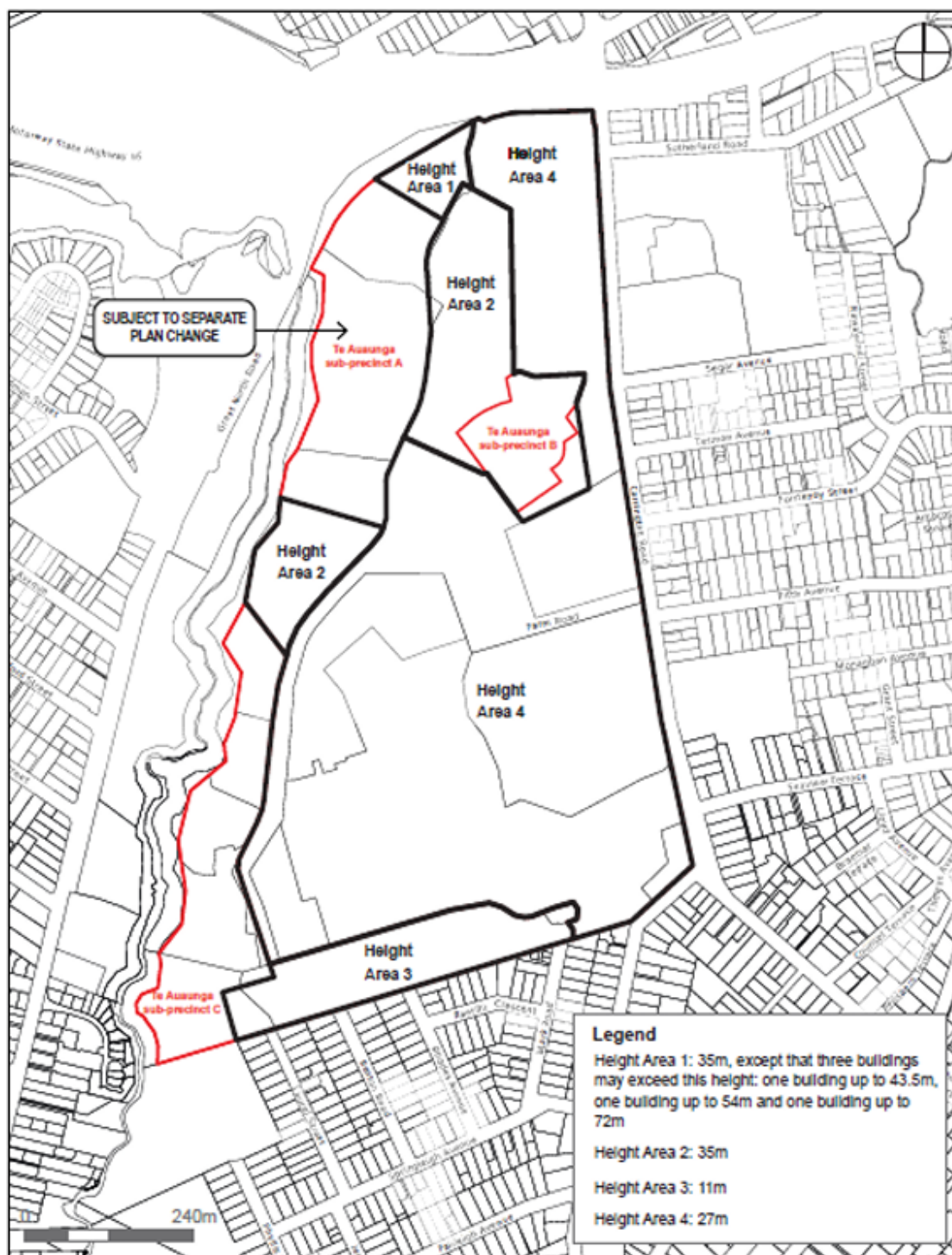


Figure 3 Proposed Heights Plan

17. The reason for the plan change is summarised in the AEE as follows³:

The core thrust of the Te Auaunga Precinct is to facilitate the development of an integrated community consistent with central and local government urban consolidation policies, including the National Policy Statement on Urban Development which promotes intensification in suitable locations in tier 1 urban environments and objective B2.2.1(1) and (2) of the operative Auckland Unitary Plan (AUP that promotes “A quality compact urban form....” And notes “Urban Growth is

³ AEE, 1.6

primarily accommodated within the urban area 2016...”. It will provide for growth, jobs, education, parks and associated facilities to the benefit of all residents living within the precinct as well as to the broader community.

1.4 Consultation

18. A summary of the consultation undertaken in preparing of PC94 is provided in Part 11 of the AEE. Parties recorded as having been consulted included Auckland Council, the Albert Eden Local Board, Auckland Transport, Watercare, Tangata whenua (it is stated that the plan change has been developed in collaboration with the three Rōpū, who together represent 13 iwi/hapū), Whai Rawa (the commercial subsidiary of Ngāti Whātua Ōrākei), Te Whatu Ora – Health New Zealand and Heritage New Zealand Pouhere Taonga.
19. The response to a Clause 23 request (P2) gave further information about consultation that included public drop in sessions, The Tree Council and Unitec’s Ngā Kaitiaki Committee.
20. I am aware that, subsequent to the lodging of submissions, the Applicant undertook further consultation, including with Auckland Transport and Watercare. I understand that some of the amendments made by the Applicant in the 20 September 2024 version of plan change provisions have arisen from that consultation. I expect further comment and clarification will occur in the evidence to be received.

1.5 Albert Eden Local Board

21. Following the close of submissions, Auckland Council Planning and Resource Consents staff sought the feedback from the Albert Eden Local Board (**Local Board**). The Local Board considered its feedback at the Board’s business meeting on 28 August 2024 and the feedback appears in **Appendix 3**. In brief, the matters raised by the Board include:
 - concerns about the inadequacy of provision for open space
 - opposition to increased height, including due to amenity effects and additional height not being necessary to meet strategic objectives
 - concerns about the need to ensure there are sufficient community, recreational and social facilities
 - concerns about pressure on schools
 - a concern that additional re-zoning to B-MU as proposed has the potential to result in adverse effects on the economic viability of the Point Chevalier and Mt Albert Business Town Centres
 - seeking better amenity outcomes including through the introduction of the daylight, private open space and landscape standards of the Residential – Terrace Housing and Apartment Zone
 - seeking a masterplan
 - seeking all developments be assessed by the Auckland Council Urban Design Panel
 - seeking no additional potential to connect the southern streets outside the Precinct to development within the Precinct
 - Seeking further protection of historic heritage buildings and structures

22. The Local Board feedback is addressed through the analysis undertaken under the relevant sub-headings in Section 8 of this report and also recommended changes to provisions in **Appendix 8**.

1.6 Plan Change Process to Date

23. The original plan change request was lodged on 22 December 2022. A Clause 23 request for further information was then made on 9 February 2023. Information was progressively been provided by the Applicant up to 27 October 2023.
24. The private plan change request was accepted under delegated authority by a senior Council officer pursuant to Clause 25(2)(b) of Schedule 1 of the RMA on 2 November 2023.
25. PC94: Wairaka Precinct was publicly notified on 16 November 2023, with the original submissions closing date of 14 December 2023 being extended to 2 February 2024. The further submissions period opened on 18 April 2024 and closed on 3 May 2024.
26. There were 231 submissions received, two of which were later withdrawn, leaving 229 submissions to be addressed. There was one late submission, accepted under Council officer delegated authority. 15 further submissions were received. Topic-based summaries of submissions appear in **Appendix 9** of this report. Full copies of the submissions and further submissions are in **Appendix 2**.
27. Direction #2 from the Panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal in response to submissions. The Applicant filed an email and a revised set of provisions on 20 September 2024. Amendments made by the Applicant are attached at **Appendix 7**. These are primarily to the text, although there are also minor changes to the zoning and precinct plans as discussed in Section 9 of this report.

1.6 Main Issues Raised and Interim Assessments and Recommendations made in this s42A report

28. The following is a summary of the main issues are addressed in this report.

1. Planning (Report Section 8.1)

- (a) I acknowledge the concerns raised in submissions and by Council specialists about the lack of a clear masterplan. I conclude that any measures considered necessary to ensure comprehensive planning for the precinct need to be accommodated within the precinct plans and provisions. I propose changes to policies that encourage a precinct-wide approach to planning for the precinct.
- (b) I am concerned about the method proposed in PC94 to amend the existing precinct rather than “start from scratch” with a new precinct or precincts. In my view what is proposed in PC94 confirms a quite different environment will be established to that originally envisaged for the Wairaka Precinct. The interim

recommendations attempt to work with the existing precinct, however the result in my opinion will be not be ideal.

- (c) While scope matters should not be overlooked, I do not consider that addressing important environmental matters should be constrained by PC94 proposing only limited areas in which the precinct provisions may change. In particular, I consider attention should be given to historic heritage and tree matters as the development that would be enabled by PPC94 is wide-ranging and intensive and has the potential to create adverse effects on these matters.
- (d) I support and recommend the zone changes as proposed in PC94.
- (e) I acknowledge concerns raised in submissions about the need to provide for education, social and community service and other activities. I conclude that there is not an adequate basis to do more than ensuring these activities are enabled by the provisions and encouraged in policies.

2. Height and Built Form of Buildings (Report Section 8.2)

- (f) Based on the analysis provided by the reviewing specialists I recommend changes to PC94 that include:
 - removing provision for towers in Height Area 1
 - modifying the frontage heights along Carrington Road
 - requiring a minimum ground floor height for buildings along Carrington Road
 - requiring a minimum separation for higher buildings
 - maintaining the current landscape standard
 - amending the proposed policies and criteria as they relate to building form
- (g) In my opinion the existing precinct provisions already meet NPS-UD and RPS directives. However, I acknowledge that providing for extra capacity in the precinct would not be inconsistent with wider strategies provided that effects can be adequately addressed. Subject to the changes above, I therefore recommend that the other additional heights proposed in PC94 be accepted.

3. Adequacy of open space (Report Section 8.3)

- (h) Based on the analysis provided by the reviewing specialists I conclude that there is inadequate provision for open space provided for by PC94. I acknowledge there are also uncertainties in the current precinct provisions. Further provision for neighbourhood parks is recommended. A provisional new open space standard is also recommended, together with other provisions that address the need for adequate, quality open space that is accessible to the public and usable.

- (i) The reviewing specialists have significant concerns about the open space areas proposed in PC94. They cannot be recommended in their current form without obtaining further confidence about the plans and / or potential to be developed in a way that provides, or assist towards providing, for the open space needs of the community.
- (j) Given that there are issues even with the current provisions, including how open space provisions are to be implemented, the option of refusing PC94 will mean those issues remain. The open space issues generally are acknowledged as being complex and the draft responses recommended may not be the only or best way to resolve them.

4. Traffic and Parking (Report Section 8.4)

- (k) While acknowledging concerns raised in submissions, based on the analysis provided by the reviewing specialist it is considered the management framework proposed, as amended by recent changes, is appropriate without further changes being necessary. This conclusion is subject to a further review of modelling information that was not available at the time this report was prepared, and evidence that is provided by submitters.

5. Heritage Buildings (Report Section 8.5)

- (l) Modifications to provisions are recommended to ensure appropriate attention is given to effects on the Oakley Hospital Main Building for development that is proposed nearby that scheduled site.
- (m) Some concerns raised in submissions about the need to identify further historic buildings in the precinct are supported by the reviewing specialist. It is recommended that four buildings be identified in the provisions and that substantial or total demolition of those buildings be a non-complying activity.

6. Provision for infrastructure (Report Section 8.6)

- (n) The Applicant has provided provision changes as a response to issue raised by Watercare in particular. Subject to any evidence that Watercare provides this may resolve issues in respect of water and wastewater infrastructure. Council's reviewing specialist for stormwater has not raised any concerns that have not already been addressed. Accordingly, no further recommendations are considered necessary in respect of infrastructure concerns.

7. Trees and Ecology (Report Section 8.7)

- (o) The Applicant did not provide an arboriculture assessment, apparently on the basis that no change was proposed to current provisions. Council's reviewing

specialist has confirmed that at least some changes to the provisions are required to take into account consents that have been granted to remove trees and to explain other trees that are currently identified but could not be found.

- (p) In response to concerns raised in submissions about the need to identify further trees in the precinct Council's reviewing specialist has recommended that 26 further trees be added to the current tree identification table, including 4 that have been assessed as being notable trees.
- (q) In respect of ecology matters have been raised in Council's terrestrial ecology review that require further information and analysis.

8. Precinct Name (Report Section 8.8)

- (q) The Applicant has proposed that the precinct name be changed from Wairaka to Te Auanga. That change has been opposed in submissions, including on cultural grounds. No firm recommendation is made on that issue as it is considered the Panel should hear further evidence on it from the Applicant and submitters. In the interim, and only for the reason that it is the status quo, the recommended provision retain the current Wairaka Precinct name.

1.7 Summary of Draft Recommendations

- 29. I do not support PC94 as notified. My draft recommendation is that PC94 be approved, subject however to significant modifications and further evidence I consider the Applicants need to provide, in particular in relation to the open space issue.
- 30. I propose amendments to the proposed precinct provisions and precinct plan in **Appendix 8**. The base document is the provisions as notified, however for ease of reading I have separately coloured provisions provided by the Applicants on 28 August 2024 in response to the Panel's Directions. The Applicant's version is included in **Appendix 7**.
- 31. The recommended amendments to the provisions made arise from the assessments carried out in this report, including via the input of other specialists in the reporting team. In summary, they include:
 - 1. Changes to the provisions proposed by the Applicants in response to concerns raised in submissions. These have mostly been agreed.
 - 2. Changes to provisions proposed by the Applicants as a result of the need to incorporate the Medium Density Residential Standards (**MDRS**). These have been modified so that they are more consistent with the protocols Council wishes to adopt to incorporate the MDRS.
 - 3. Changes proposed as a result of Council specialist reviews, as detailed in Section 8 of this report.

32. The recommendations are made on the basis of assessments that have been made to date. There are issues raised in this report that may or may not result in further changes being recommended. A further report will be provided, as necessary, subsequent to all evidence being exchanged and expert conferencing being held.

2 HEARINGS AND DECISION-MAKING CONSIDERATIONS

33. Clause 8B (read together with Clause 29) of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on its proposed private plan change. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under s34 of the RMA. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. The Panel will not be recommending a decision to the council but will be making the decision directly on PC98.
34. Private plan change requests can be made to a council under Clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as council-initiated plan changes.
35. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. PC94 mainly relates to district plan matters.
36. The statutory framework within which the Panel will consider the plan change is as outlined in **Appendix 5**. In brief, Section 32(1)(a) of the RMA requires an assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act and Section 74 provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2 and requires that a plan change must have particular regard to an evaluation prepared in accordance with Section 32. Section 32 requires an evaluation report examining the extent to which the objectives of the plan change are the most appropriate way to achieve the purpose of the Act and requires that report to examine whether the provisions are the most appropriate way of achieving the objectives. Section 32AA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.
37. The Applicant has prepared an assessment against Section 32⁴. I consider that assessment to be generally sound and appropriate. However, I do not go as far as adopting it, as there are issues that in my opinion require further attention. These matters are discussed through this report. This report forms part of council's ongoing obligations under section 32 and, as relevant, Section 32AA, to consider the appropriateness of the proposed provisions, and the benefits and costs of any policies, rules or other methods, as well as the consideration

⁴ AEE Part 10

of issues raised in submissions on PC94. In respect of Section 32AA, I note that the Applicants' most recent provision of amended provisions (20 September 2024) does not contain a specific s32AA analysis. I consider it would be helpful for the Panel for that to be included in the Applicant's evidence to come.

38. In accordance with s42A (1) of the RMA, this report considers the information provided by the Applicants and summarises and discusses submissions received on PC94. It makes draft recommendations on whether to accept, in full or in part; or reject; each submission. The report also identifies what amendments to the PC94 provisions are recommended, if any, to address matters raised in submissions. Finally, the report makes an interim recommendation on whether to approve, decline, or approve with modifications PC94.
39. This s42A report begins with a section providing the background and context to the plan change. Then, having regard to the framework outlined in **Appendix 5**, the report is structured to provide an analysis of:
- The information provided in the application, including the submitted supporting s32 and other assessments
 - Relevant National Planning Instruments (Policy Statements and Standards)
 - Relevant parts of the AUP Regional Policy Statement
 - Relevant parts of the AUP Regional Plan and District Plan
 - Other relevant planning instruments
 - Effects (including consideration of submissions)
 - Recommendations on submissions (detailed in **Appendix 9**)
 - Recommended Provisions (detailed in **Appendix 8**)
 - Alternatives and Methods
 - Risk of Not Acting
 - Draft Recommendations arising from the analysis undertaken to date (including as relevant to the assessment required by s32AA)

3 CONTEXT

3.1 Site and surrounding area

40. The existing Wairaka Precinct covers a 64.5ha block of land contained by Carrington Road, the North Western Motorway, Te Auaunga /Oakley Creek and a series of side roads and properties in the Woodward Road corridor in the south. The Pt Chevalier town centre lies a short distance to the north and the Mt Albert town centre a short distance to the south. Figure 4 below shows the site, with the current Wairaka Precinct boundaries overlaid.
41. In the period 1960s-1980s much of the subject land was purchased for polytechnic (now Unitec) purposes. The land can be characterised in two parts. The northern portion was purchased from the then Auckland Hospital Board and contains large institutional buildings. There has been little new construction in this area - Unitec operated out of existing buildings which are no longer required for tertiary education. Notably, this part of the site includes the former Oakley Hospital Building, which is a scheduled building - no change is proposed

to that scheduling. It also contains the Mason Clinic complex of buildings (sub-precinct A) and the Taylors Laundry site (sub-precinct B)..

42. The southern part of the precinct was farmland, which was developed with new Unitec buildings - the core campus now operates in that portion of the precinct. There are also some temporary buildings which are no longer required for tertiary education purposes and which have been sold to the Crown via MHUD.

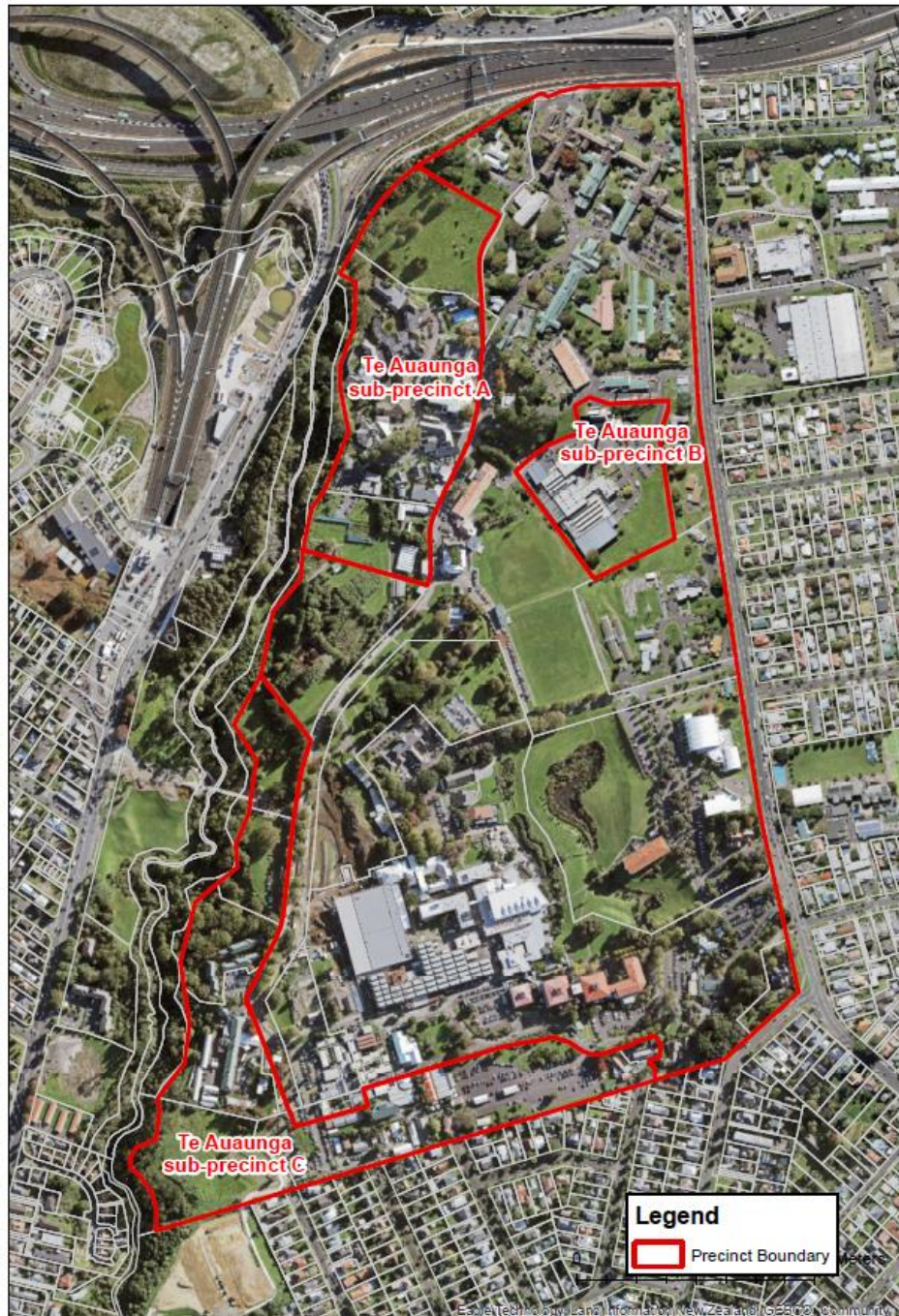


Figure 4 – Plan change area

3.2 Recent Background

43. The current Wairaka Precinct was re-examined quite closely through the PAUP process. Circumstances have since changed quite significantly with the consolidation of Unitec activities and a government process which will result in the subject land being released and subsequently developed by three Rōpū as part of a Treaty Settlement redress package under the Collective Redress Deed/Act. The three Rōpū represent 13 iwi / hapū parties, being:

- Waiohua-Tāmaki Rōpū - Ngāi Tai ki Tāmaki, Ngāti Te Ata, Ngāti Tamaoho, Te Ākitai Waiohua and Te Kawerau ā Maki
- Marutūāhu Rōpū - Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngāti Whanaunga, Te Patukirikiri; and
- Ngāti Whātua Rōpū - Ngāti Whātua Ōrākei, Te Rūnanga o Ngāti Whātua and Ngāti Whātua o Kaipara.

44. A number of consents have recently been issued, including:

Auckland Council Consents

- Wairaka stream daylighting – (completed)
- Te Auaunga stormwater outfall - (completed)
- Global contamination remediation – (to be utilised for all land disturbance works across the Project area).

Under the COVID-19 Recovery (Fast-track Consenting) Act 2020

- Backbone infrastructure works – (under construction)
- Carrington Megalot Subdivision - a series of seven megalots for subsequent development and other amenity lots.
- Wairaka Stage 1 Residential Development - bulk earthworks and infrastructure, a proposed 50 unit residential development, subdivision and other associated works.
- Maungārongo RC1 - two mixed-use buildings containing 381 apartments, retail and office premises with associated landscaping and parking on Carrington Road
- Maungārongo RC2 - four abutting mixed-use buildings containing 266 residential apartments, and retail premises on Carrington Road
- Maungārongo RC3 - five abutting mixed-use buildings containing 274 residential apartments, 4 office spaces, 3 retail premises
- Te Whenua Haa Ora five residential apartment buildings from 4 to 10-storeys with a total of 509 residential apartments

45. See a plan from the “Backbone” consent in Figure 5 below. This is the most visible of the consents currently as it is under construction on the site. Other Fast Track consents are referred to in more detail later in this report.



Figure 5 – Backbone Infrastructure

46. In addition to the above the Wairaka Precinct: Stormwater Management Plan (May 2021) (SMP) has been adopted by Healthy Waters into the Council's Region-wide Network Discharge Consent. The Wairaka Integrated Transport Assessment approved by the Council in March 2021 sets out how the Site should be served by transport infrastructure and services (noting that particular ITA was for lesser development than now proposed).
47. The Mason Clinic complex is at the back of the precinct and currently gains access and infrastructure through a series of easements. Ultimately many of these easements will be extinguished when the backbone road infrastructure work is completed and vested as public roads – the Mason Clinic will have legal road frontage and inground infrastructure to the gate.

3.3 Existing AUP Provisions

48. PC75 was proposed to effectively recognise the separation out of the Mason Clinic complex. A Consent Determination on PC75 was issued on 17 September 2024 and the plan change should be operative by the time the hearing on this plan change commences. This report is based on the AUP as amended by PC75.
49. The post PC75 zoning and precinct boundaries are shown on Figure 6 below. The southern part of the precinct is dominated by a Special Purpose – Tertiary Education Zone. There is also THAB zoning and MHU zoning around the western and southern parts of the precinct respectively. The northern part of the site (modified by PC 75) has a Special

Purpose – Healthcare Facility and Hospital zoning over the Mason Clinic with the balance being in a B-MU zone.

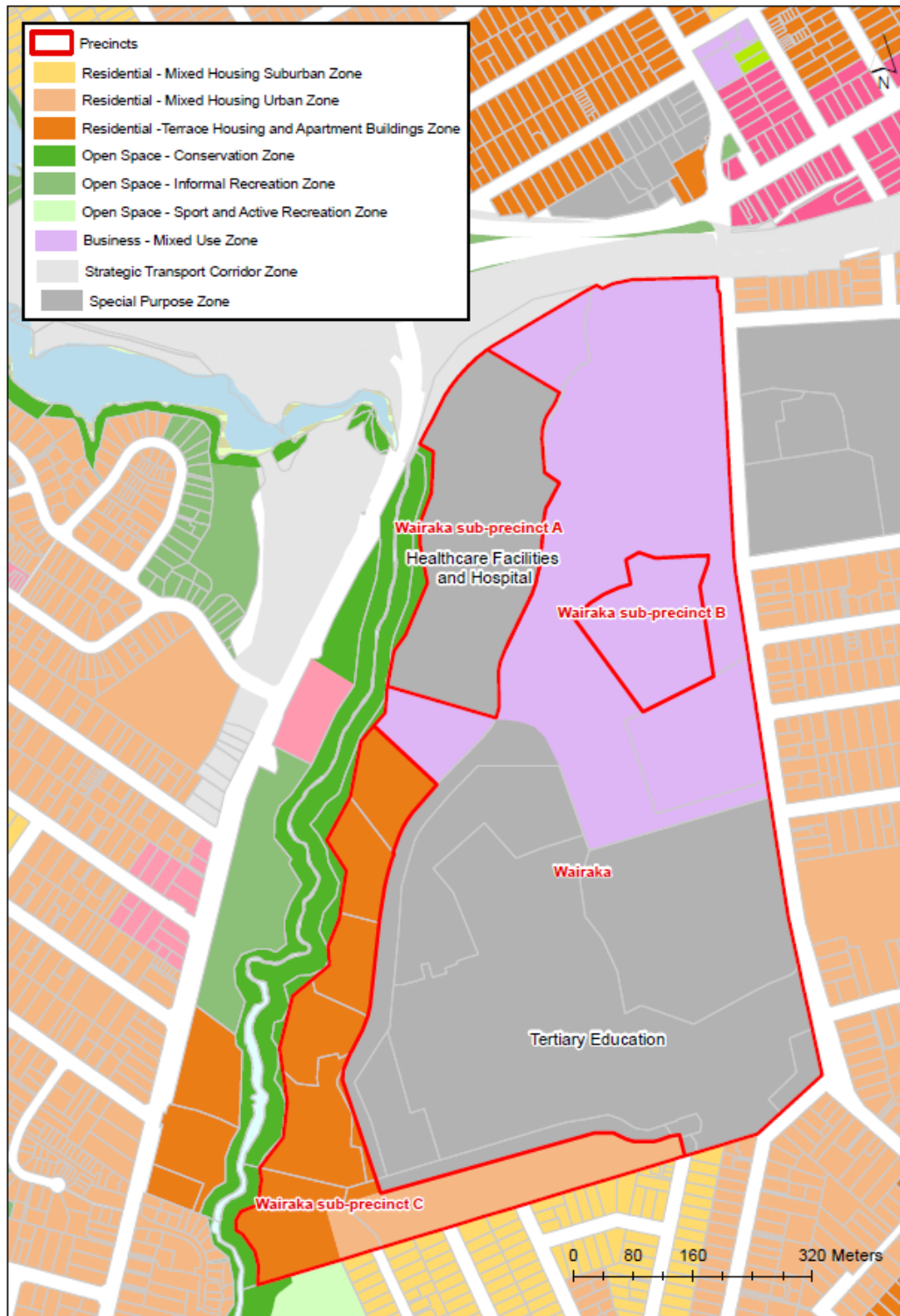


Figure 6 – Existing Zoning (Post - PC 75)

50. Figure 7 below depicts the post-PC 75 Wairaka Precinct Plan. The plan shows an indicative roading layout, an Indicative Neighbourhood Reserve (“N”), other indicative open space areas (darker green) and an indicative stormwater management area (light blue).

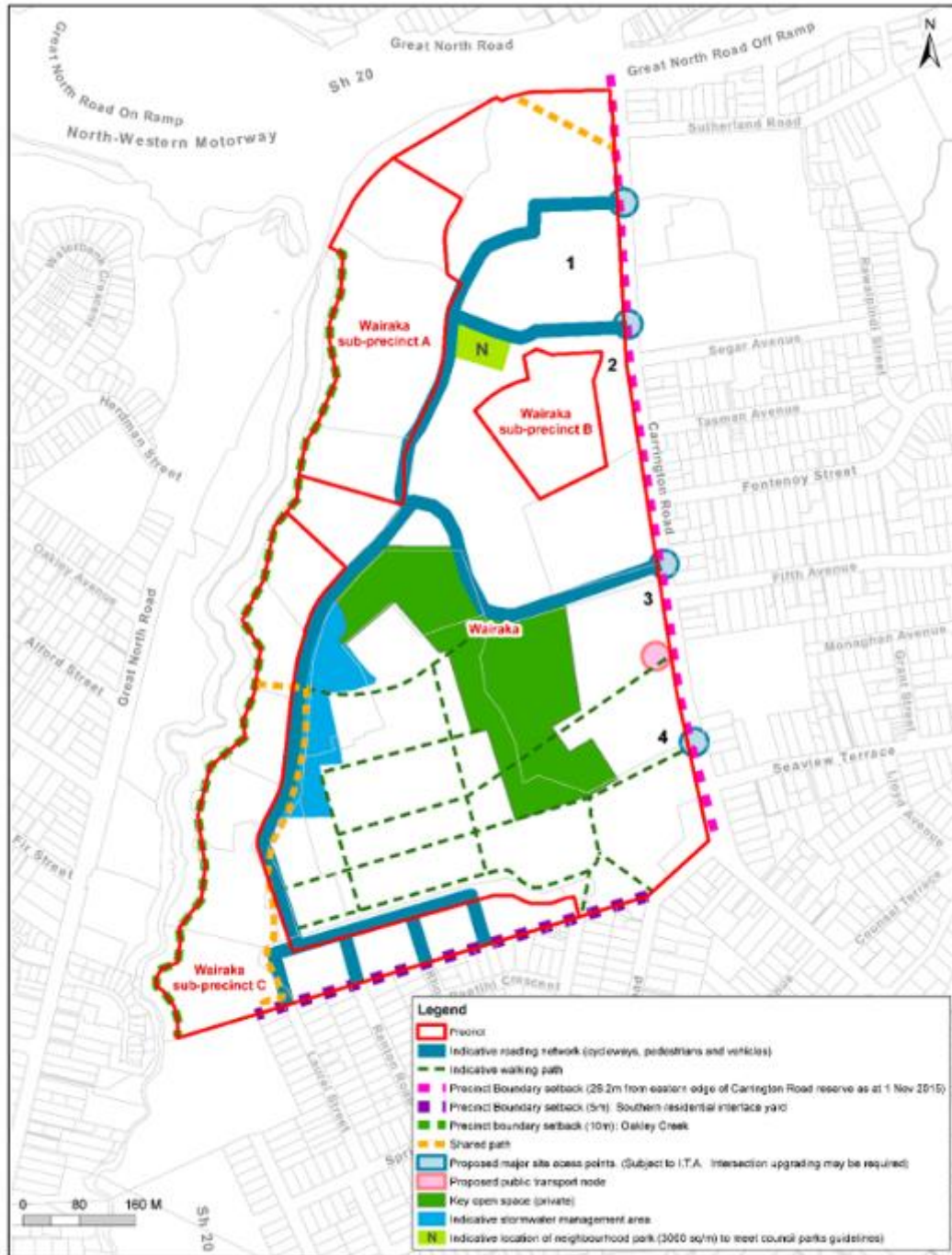


Figure 7 – Existing Precinct Plan (Post - PC75)

51. The “key open space (private)” has been removed from that Mason Clinic area as has a “shared path”. The consequence of these changes is discussed in Section 8 of this report.
52. The Precinct Provisions provide for land uses in accordance with the various zonings. Buildings along Carrington Road and adjoining the Open Space - Conservation Zone are limited to a height of 18m with the height allowance elsewhere generally being 27m (less in the MHU zone). The provisions also include caps on dwelling and retail floorspace and there are various other standards including for tree protection.

53. Figure 8⁵ shows the designations applying to the precinct. Auckland Transport Designation 1713 is a shared path that connects from the southern boundary northwards alongside the spine road and then crossing over the Te Auaunga pedestrian / cycling bridge to the suburb of Waterview. A second designation is the Waterview Tunnel at the south-western corner of the precinct. This applies underground only.

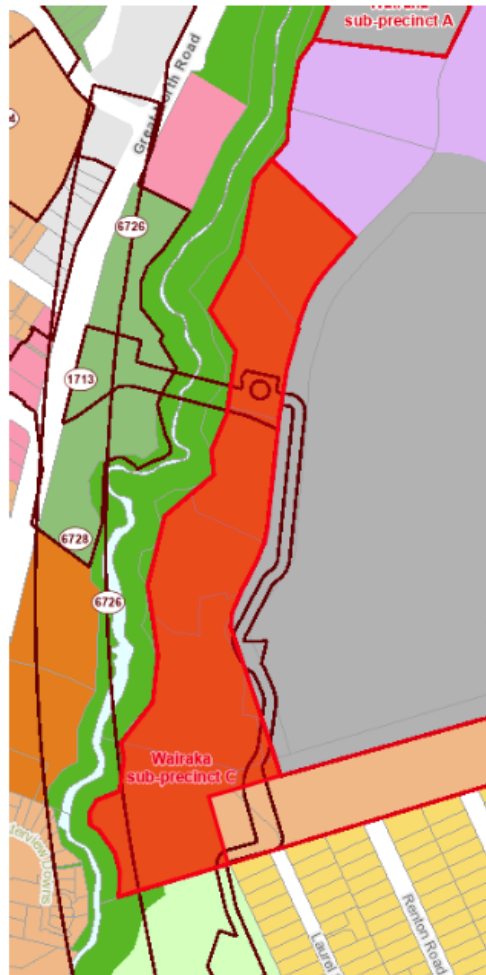


Figure 8 Designations

54. The AUP requires an 8m building line set back along Carrington Road to provide for the future widening of Carrington Road.
55. There is no change sought to designations or overlays as part of this plan change request.

4 NATIONAL PLANNING INSTRUMENTS

4.1 Legislation

Hauraki Gulf Marine Park Act

56. The purposes of the Hauraki Gulf Marine Park Act 2000 (HGMPA), as set out in Section 3, are to integrate the management of natural, historic and physical resources of the Hauraki

⁵ Taken from Diagram 8 in the AEE

Gulf, its islands and catchments; to establish the Hauraki Gulf Marine Park and Forum; establish objectives to manage the Hauraki Gulf, its islands, and catchments and to recognise the relationship tangata whenua. The plan change area is within the drainage catchment of the Hauraki Gulf. Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf, its islands and catchments, and emphasises the life-supporting capacity of the Hauraki Gulf and the capacity to provide for the social, economic, recreation and cultural wellbeing of people and communities. Section 8 sets out the objectives of the management of the Hauraki Gulf, its islands and catchments, including the protection, maintenance and, where appropriate, the enhancement of the life-supporting capacity, natural historic and physical resources, cultural and historic associations and the contribution of natural historic and physical resources to the social and economic wellbeing and to the recreation and enjoyment of the Hauraki Gulf.

57. The Applicant's AEE concludes that PC94 aligns with the HGMPA and I agree with that assessment⁶. In respect of the PC94 area the management of stormwater and discharges from the land can be appropriately managed at the time of development. This meets the requirement to protect, enhance and sustain the life supporting capacity of the environment and the natural and physical resources (soil, air, water and ecosystems) of the Hauraki Gulf in 8(a) and (b)). On the basis of the support given by mana whenua in the Application it can be assumed that the plan change does not alter the cultural and historic associations of Mana Whenua and local communities thereby giving effect to sections 8(c) and (d). Note that the NZCPS assessment in the Application and below is also relevant to a HGMPA assessment.

Resource Management (Enabling Housing Supply) Amendment Act 2021

58. The Resource Management (Enabling Housing Supply) Amendment Act came into law in December 2021. The Act requires the introduction of new standards – the MDRS. This is being done in Auckland through the current Plan Change 78 and associated Intensification Planning Instrument (IPI) plan change processes. However clause 25(4A) of Schedule 1 provides that the council must not accept or adopt a private plan change request that does not incorporate the MDRS as required by section 77G(1) of the RMA and, at least as an interim measure, the plan change does incorporate the MDRS.

4.2 National Policy Statements

59. Section 75(3) of the RMA requires that a district plan must *give effect to* any national policy statement and the NZCPS.

National Policy Statement on Urban Development

60. The NPSUD came into effect in July 2020. The 'intensification plan change' required under the NPSUD was notified by Auckland Council in August 2022. The application AEE considers the proposed plan change to be consistent with the NPSUD, including for the following reasons as stated in the AEE⁷:

⁶ AEE, Part 9.8

⁷ AEE, Part 9.4

1. In relation to Objective 2 (housing affordability):

AEE

This plan change meets this objective as it will provide for a variety of housing typologies which will include market affordable housing.

2. In relation to Objective 3 (locations for intensification):

AEE

- The site is ideally located in close proximity to the Point Chevalier and Mount Albert town centre zones.
- The site is well serviced by public transport both on Carrington Road itself but also rail at the Mount Albert station, and high frequency bus services on the Great North Road.
- There remains a strong demand for housing within the Auckland isthmus.

3. In relation to Objective 4 (changed environments and changed needs):

AEE

- This development and plan change will achieve a high amenity for the area. The Precinct Plan identifies core open space areas. The heritage building in the north and its extent of place contributes to this amenity.
- The development adjacent to the Te Auaunga walkway network and the Phyllis Reserve contributes further open space amenity adjacent to the precinct.

4. In relation to Objective 5 (Te Tiriti):

AEE

- This plan change is supported by the three Rōpū. While the intention is that each of the Rōpū will eventually obtain ownership and development control of a specific portion of the precinct, for the purpose of this plan change, all three Rōpū are collaborating with HUD to ensure the provisions are fit for each of their purposes. It involves a collaborative approach between iwi and the Crown.

5. In relation to Objective 6 (infrastructure, funding, strategic and responsive):

AEE

- This development is integrated with the necessary infrastructure funding.
- It benefits from the construction of the central interceptor wastewater network.
- The Crown, through infrastructure funding provision, has enabled Auckland Council and its CCO Auckland Transport to upgrade key transport infrastructure in Auckland including Carrington Road.
- The precinct is ideally suited in terms of public transport infrastructure, both existing and future, particularly rail and the existing bus network in the Great North Road corridor and future rapid transport bus facility in the north-west.
- The upgrade of the cycleway network, particularly the north-western cycleway is enabled.

6. In relation to Policy 1 (well-functioning environments)

AEE

- The zoning and precinct provisions provide a wide variety of different housing typologies.
- Māori economic development and cultural expression is a critical part of the objectives and policies of the plan.
- The land is well serviced in terms of public transport but also walking and cycling network.
- The development is based on alternative transport modes including high use of walking and cycling as a result of work from home opportunities.
- The precinct is well serviced in terms of open space, adjacent retail and public transport to support an urban form which in turn supports reduction in greenhouse gas emissions.
- There are no known natural hazards within the precinct. Overland flow paths are managed through the backbone resource consents.

7. In relation to Policy 8 (decisions responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments):

AEE

- It will result in increased capacity for housing within the western part of the isthmus.
- The location for further intensification in this precinct is contemplated by the existing AUP. The level of development is increased due to the additional residential land area added.

8. In relation to Policy 9 (Te Tiriti)

AEE

- The iwi authorities comprising the three rūpū have been heavily involved in the development of this plan change.
- The plan change promotes Māori economic development as a key objective and policy for the precinct.

61. I agree with reasons given in relation to alignment with the NPS-UD except in the areas of height and built form and open space. Those matters are discussed in detail, including via reference to the NPS-UD, in Sections 8.2 and 8.3 of this Report.

National Policy Statement for Freshwater Management 2020

62. The NPSFM is relevant to the Wairaka Stream and a wetland that exist in the plan change area. A major objective of this NPS is to ensure priority is given to the health and well-being of water bodies and freshwater ecosystems. The NPS is recognised in the AEE which concludes that the proposed stormwater management and stream/ riparian protection approach, along with the existing AUP provisions, will ensure that development enabled by the plan change appropriately gives effect to the NPS⁸. The plan change process will further examine the extent to which this NPS is relevant on the subject land, including in respect of wetlands.

⁸ AEE, Part 9.5

New Zealand Coastal Policy Statement 2010

63. A Clause 23 response from the Applicant⁹ acknowledges that, while the precinct is not on or adjoining the coast, it is in reasonable proximity and within the Oakley Creek catchment which drains into the Waitematā Harbour and, in particular, the Motumānawa/Pollen Island marine reserve. The response assesses PC94 against the relevant provisions of the NZCPS. Amongst other matters it refers to the precinct does not adjoin the coastal environment, and that there is no direct opportunity to enhance the landscape feature of the coastal environment. Existing walkway connections will be maintained. It also refers to the proposed stormwater management and stream/ riparian protection approach. These responses all align with assessments made in the specialist ecology reviews in **Appendix 6**.

4.3 National environmental standards or regulations

64. Under section 44A of the RMA, local authorities must observe national environmental standards (NES) in their district / region. No rule or provision may be duplicated or in conflict with a national environmental standard or regulation.
65. Relevant NESs are:
- NES for assessment and managing contaminants into soil to protect human health (NESCS)
 - NES for Freshwater (NESFM)
66. The NESCS has been considered as part of the preparation of a Contaminated Soils Management Plan that has previously been prepared for the precinct¹⁰.
67. In respect of the NESFM, the Applicant again refers to the refers to the proposed stormwater management and stream/ riparian protection approach¹¹. No issues have been raised in the specialist stormwater review in **Appendix 6**.

5 REGIONAL POLICY STATEMENT

68. Section 75(3)(c) of the RMA requires that a district plan must *give effect to any regional policy statement (RPS)*.
69. In addition, under section 74(2)(a)(i) regard shall be had to any proposed RPS. The Council notified PC80 to the RPS on 18 August 2022. PC80 was approved and the decision notified on 14 September 2023. It is currently subject to one appeal.
70. The Applicant's AEE provides an assessment against Chapter B2 of the RPS¹². Attachment 1.1 in the Application documents provides an additional assessment in response to Clause 23 requests in relation to RPS chapters B3 – Infrastructure, Transport and Energy; B4 - Natural heritage; B5 – Built heritage and character; B6 Mana Whenua;

⁹ Application Attachment 08.1

¹⁰ Application Attachment 13

¹¹ Application Attachment 08.1

¹² AEE, Part 9.6

B7 Natural Resources; B8 Coastal Environment and B10 Environmental Risk. The applicant's conclusion is that the plan change gives effect to the RPS.

71. I agree with the Applicant's assessments in relation to alignment with the RPS except in the areas of height and built form, open space, historic heritage and trees. Those matters are discussed in detail, including via reference to the RPS, in Sections 8.2, 8.3, 8.5 and 8.7 of this Report.

6 REGIONAL PLAN AND DISTRICT PLAN

72. The key regional plan and district provisions of the AUP are E1 Water Quality and integrated management, D13 Notable Trees Overlay, D14 Volcanic Viewshafts and Height Sensitive Areas Overlay, E3 Lakes, rivers and wetlands, E8 Stormwater – Discharge and diversion, E11 and E12 Land Disturbance, E26 Infrastructure, E27 Transport; E38 (urban subdivision); E30 Contaminated Land, E36 Natural hazards and flooding, H5 Residential - Mixed Housing Urban Zone, H6 Residential - Terrace Housing and Apartment Buildings Zone, H13 Business - Mixed Use Zone and H30 Special Purpose - Tertiary Education Zone.

73. The following is an extract from the AEE.

This precinct continues the primary approach to precincts within the AUP, i.e:

- (a) Regional policies and standards take precedence. The Te Auaunga Precinct does not change or override these regional provisions.
- (b) The Auckland-wide provisions apply in full. Again, the Te Auaunga Precinct does not override these provisions.
- (c) The zone provisions apply unless specifically exempted within the Te Auaunga Precinct. In this case, the significant majority of standard zone objectives, policies, activity standards and assessment criteria also apply within the precinct. These exceptions are set out at the beginning of the Activity Table, notification issues, standards and assessment criteria. These include:
 - precinct specific provisions relating to retail;
 - limits on industrial activity, warehousing and servicing in the B-MU zone as it applies within 150m of Carrington Road; and
 - substitute standards around height, height in relation to boundary, maximum tower dimension, yards and wind.

74. A decision on PC79 has recently been released. This will be relevant to how later resource consents are prepared however, as the precinct provisions cross-reference to other provisions in the AUP, no consequential amendments are required.

75. Overall, I consider there are no fundamental issues arising. The plan change provisions proposed do not conflict with the other AUP provisions and in tandem will generally appropriately manage future development of the PC94 land. I make further comment regarding how the precinct provisions relate to the zone provisions in Section 8.1 of this report.

7 ANY RELEVANT MANAGEMENT PLANS AND STRATEGIES PREPARED UNDER ANY OTHER ACT

76. Section 74(2)(b)(i) of the RMA requires a territorial authority must have regard to plans and strategies prepared under other Acts. The other plans and strategies relevant to PPC90 are discussed below.

7.1 The Auckland Plan 2050

77. The Auckland Plan and the Future Development Strategy 2023, promote, as a primary means to accommodate urban growth, the consolidation of growth within Auckland's urban area. Particular emphasis is placed on areas that are not subject to natural hazards, and where infrastructure can cope with growth.

7.2 Funding

78. The AEE records significant Crown infrastructure funding through the Infrastructure Acceleration Fund that has been made available to Auckland Council, through Auckland Transport, to bring forward works for the full widening of Carrington Road. Auckland Transport has committed to advance the project with design work and land acquisition being the first stage followed by construction. There is some uncertainty around the exact works start date, however this is not a funding issue.

79. The other infrastructure matter that is relevant is wastewater. There is a capacity constraint in the Ōrākei Main Sewer that the development proposes to connect to. Completion of the Central Interceptor and associated works will assist in improving overall wastewater capacity. However, a duplication of the Ōrākei Main Sewer would be required to unlock the full development potential of this site and the wider catchment upstream of the Wairaka Precinct. Investigations on this have commenced, with possible delivery by early 2030s. Watercare has advised it does not see this as a reason not to pursue the plan change – the issue is likely to be one of timing which can be addressed at the resource consent stage.

7.3 Auckland's Urban Ngahere (Forest) Strategy

80. The Urban Ngahere (Forest) Strategy sets out a number of social, environmental, economic and cultural strategies relating to the values of urban trees and vegetation. Pukekohe is identified in an area of low vegetation cover. The strategy states that, without properly recognising the value of trees and understanding the benefits they provide, urban growth is likely to occur at the expense of the urban ngahere. The Vision is that Aucklanders are proud of their urban ngahere, that Auckland has a healthy and diverse network of green infrastructure, that it is flourishing across the region and is celebrated, protected, and cared for by all.

81. PC94 does not propose or enable any development in a defined SEA. It also does not propose any changes to scheduled or identified trees although, as noted in Section 8.7 of this report, there have been changes already as a result of resource consents and clarification is sought on other matters. Section 8.7 also discusses to significant number of submissions that have been received relating to trees.

7.4 Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan

82. The Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan was adopted by council in 2020. It is a roadmap to a zero-emissions, resilient and healthier region. The core goals are:

- To reduce greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050
- To adapt to the impacts of climate change by ensuring we plan for the changes we face under our current emissions pathway

83. Carbon Dioxide emitted by road transport modes is identified as the primary greenhouse gas (GHG) impacting the Auckland Region. Carbon dioxide is a long-lived GHG, meaning it accumulates and has long-lasting implications for climate. The plan points out that integrating land use and transport planning is vital to reduce the need for private vehicle travel and to ensure housing and employment growth areas are connected to efficient, low carbon transport systems. The plan seeks a 12 per cent reduction in total private vehicle Vehicle Kilometres Travelled by 2030 against a 'business-as-usual' scenario through actions such as remote working and reduced trip lengths.

84. In my view PC94 is consistent with Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan. It is located in a central area of Auckland, between two town centres on a major bus route, and close to a train station.

7.5 Albert Eden Local Board Plans

85. The feedback from the Local Board (**Appendix 4**) provides relevant detail on:

- The Albert-Eden Local Board Plan 2023
- The Albert-Eden Open Space Network Plan (October 2018)
- The Albert-Eden Sport & Active Recreation Facility Plan (April 2021)

86. These plans have been assessed where appropriate in Section 8 of this report, including Section 8.3 in relation to the Board's concerns in relation to open space.

8. EFFECTS

87. This section of the report addresses effects. It is structured under the following headings:

- Planning
- Height and Built Form
- Open Space
- Transport
- Historic Heritage
- Infrastructure
- Trees
- Other Matters

88. Under each of these headings there are sub-headings containing a brief summary of what the application documents have in them¹³, followed by matters that have been raised through the Clause 23 process, the submissions and by Council specialists, and then this report's analysis and conclusions.

8.1 Planning

Issues

89. This part of the report addresses issues, including in submissions, that have been categorised as relating to “planning”. The issues covered include:

- Whether a masterplan is required;
- Whether the proposed objectives are appropriate;
- Proposed Zoning;
- Whether the method adopted, i.e. to amend the existing Wairaka Precinct provisions rather than conduct a fresh review of the precinct is appropriate;
- Yield from the provisions proposed
- Matters of “scope”;
- Ability of PC94 to require provision of activities.
- Economic Effects

Application

90. A s32 evaluation is given in Part 10 of the submitted AEE. In respect of objectives it is noted that there are two key changes to the objectives, the first being Māori cultural, social and economic interests (proposed Objective 12) and the second addressing increased height and a broader range of housing typologies (proposed Objective 13). Options are then considered and evaluated.

91. In respect of Objective 12, and the policies and other provisions proposed supporting that Objective, the AEE states:

This has the direct benefit of enabling the Rōpū to manage directly the natural and physical resources of the precinct. It will also create opportunities for economic and social development of the three Rōpū both in terms of the benefits it will bring the Rōpū from the development itself, as well as the opportunity to provide particular housing opportunities including papakāinga housing if desired.

92. In respect of Objective 13 the AEE states:

¹³ Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clauses 6 and 7 of Schedule 4 of the RMA.

The subject land is uniquely placed, because of its topography, to provide for additional height. This in turn will allow a broader range of housing typologies and increased density. The geography of the site, being effectively a west-facing bowl, that has a northern part significantly removed from the nearest residential neighbours by virtue of the State Highway minimal effect on the surrounding areas.

93. In respect of the other existing objectives in the precinct the AEE states:

Those objectives have been well tested under section 32 as part of their inclusion within the AUP. That analysis is not repeated here but it is still relevant to this plan change.

94. In respect of the proposed zoning and precinct changes the AEE states:

The two large blocks of rezoned land and the strip in the south are no longer held by Unitec. The Special Purpose: Tertiary Education Zone is a specialist zone, as the name identifies, for educational purposes. It does not enable an appropriate range of non-educational uses. It would be an underutilisation of a scarce resource being available development land in Auckland if this land was to be left in its current zoning, now that it is held by the Crown for housing purposes.

Similarly, the small triangle of Special Purpose: Healthcare Facility and Hospital Zone is within the design of the new spine road that is being built through the development. It is logical to rezone this land to the adjacent zoning.

The shrinking of sub-precinct B more accurately reflects the usage of the land.

95. In respect of the proposed rezoning to B-MU the AEE examines other zoning options, being retention of the existing zonings and rezoning to THAB. The AEE states the summary reasons for adopting the proposed rezoning are:

This zoning is consistent with the dominant zoning of the precinct.

The B-MU better enables a mix of different uses important to supporting a residential neighbourhood. While B-MU land within the precinct will be predominantly developed for residential, it does provide opportunities for local employment and for the services and community facilities necessary to support a residential neighbourhood.

The B-MU does retain some options for non-residential activities to collocate with Unitec. The controls setting industrial type uses within 150m of Carrington Road as a non-complying activity ensure that any industrial or service type uses are pushed away from residential properties.

96. Further reasons given for favouring a B-MU zoning over a THAB zoning are stated as being:

(i) The two large blocks of land proposed to be rezoned B-MU adjoin the substantial B-MU zoning within the existing precinct. Maintaining a consistency of zoning is appropriate and ensures integrated planning outcomes as similar controls and assessment provisions apply on similar blocks of land contributing to the cohesiveness of the precinct.

(ii) The land is also suitable for a range of office and low scale business activity. The B Block in particular already has general office and related activity that better reflect a B-MU zone activity than a THAB zoning. A THAB zoning would render a number of these activities non-complying and force them to rely on existing use rights.

(iii) The THAB zone does have the advantage over the B-MU zone in that certain core industrial activities are permitted under the B-MU zone but not provided for under the THAB zone.

For this reason, the plan change places a restriction on industrial, warehouse and storage activities and other associated industrial activity within 150m of the Carrington Road frontage. This will ensure that these activities are not located along Carrington Road, and – if any such activities are developed in the B-MU zone – will be closer to the Unitec core and its activity, to which they are likely to be complementary.

97. In respect of effects of the changes to zonings the AEE states:

The potential effects of the plan change proposal are clearly to shift a significant portion of the land from a future of tertiary education (which is now no longer required) to housing and related support services. There is therefore a change in the nature and form of activity on the land. The land is demonstrably suitable for housing:

- The precinct is a large block of land providing significant opportunity for residential and non-residential development. The topography is not a constraint on a logical efficient subdivision pattern.
- The land generally orientates to the west with the contour falling from Carrington Road down to Te Auaunga waterway. This provides good westerly outlook and the ability for apartments to align in a north/south direction with east and west outlook.
- The contour of the land provides a significant opportunity for good westerly outlook across the treed valley of Te Auaunga waterway and to the Waitakere Ranges. Other sites provide good orientation and outlook.
- There are no geotechnical, natural hazard, or land contamination constraints which would compromise residential development.

Consideration was given to the B-MU zone and the effects that some of the more industrial type uses could have on the adjacent residential properties.

Some of these activities may be desirable to Unitec and can become adjunct complementary uses, e.g. services supporting the trades school and Unitec programmes. These have been used historically enabled at Unitec and this option should be retained.

To manage the effects of these types of development, industrial activities within 150m of Carrington Road are made a non-complying activity. This pushes any of that type of activity away from adjacent residential neighbours.

The other effects of the development can be appropriately managed through the standard development controls within the plan.

There are no effects from the reduction to sub precinct B.

98. The number of dwellings that would be enabled by the changed zoning and provisions was the subject of a Clause 23 request. Modelling information was provided based on a number of assumptions. Based on the analysis the AEE states¹⁴:

Overall, this analysis develops a yield of a minimum of 4,000 dwellings. Depending on the mix of terrace to apartment product and the size of apartments, the yield varies. Based on the assumptions above, a realistic yield of 4,000 to 4,500 was identified. However, under different scenarios, a yield of approximately 6,000 dwellings can be achieved.

¹⁴ AEE, Part 8.2

99. Part 7 of the AEE covers matters “Out of Scope of this Plan Change Request”. They include:
- Sub-precinct A: The Mason Clinic (previously explained as subject to PC75)
 - Trees
 - Heritage Building schedule
 - The controls on road access from the south to the Unitec campus

Submissions

100. A large number of submissions seek provision of a masterplan, including some that seek a masterplan be provided prior to any resource consents for residential buildings being granted.
101. There are submissions that either oppose rezoning to B-MU or seek that there be more controls as a result of that zoning. This is also referred to in the feedback from the Local Board.
102. One submission, from Ngati Whatua Orakei Whai Rawa Limited (Submitter 105) seeks to rezone a small area of land identified to B-MU (and subsequent amendments to Precinct Plan 1) by removing the land from Sub-Precinct C and Precinct Plan 3 and including the land in Height Area 4) identifying an area of land that can accommodate additional height without adverse effect (see figure 9). That change has been made in the revised maps provided by the Applicant on 20 September 2024 (see **Appendix 7**).



Figure 9 – Area proposed to be amended (Submission 105.1)

103. A large number of submissions seek that the plan change provide schools and other educational facilities. Other submissions refer to inadequate provision for services and facilities such as medical, community and social support activities.
104. Some submissions question the s32 analysis and seek further information and / or analysis.
105. There are a number of submissions that support the plan change.

Specialist Report

106. Ms Susan Fairgray has prepared a review on economic matters (**Appendix 6**). Ms Fairgray’s recommendations are reproduced below:

1. I support the proposed height increases within the current and proposed Business Mixed Use Zone (BMUZ) areas to 35 metres in Height Area 1 and Height Area 2, and to 27 metres in Height Area 4. I do not support any requests to reduce the enabled heights in these areas to that enabled under the existing BMUZ provisions.
2. I consider that there may only be limited economic benefit from provision for the construction of the three taller high-rise buildings in Height Area 1. However, there is also no economic reason to oppose the provisions for their development.
3. I support the provisions for increased residential development opportunity within the precinct. In addition to the provisions on height (addressed above), I support the further BMUZ and Mixed Housing Urban Zone (MHUZ) expansions, and the application of Medium Density Residential Standards (MDRS) to the MHUZ (as requested in Submission 68). I do not support alternatively proposed low density residential development.
4. I support the proposed provisions for Retail (including food and beverage) activity within the precinct as included in the notified PPC. This includes their proposed thresholds on gross floor area (GFA), their application by location within the precinct, and their limits in relation to tenancy size and numbers. My support for the proposed provisions takes into account the Discretionary activity status of Commercial Services activities. I do not support any requests within submissions to reduce the provision for retail within the precinct.
5. I support the provision for a supermarket of up to 1,500m² GFA within the proposed retail thresholds. I do not support the request for provision for an additional supermarket in submission 206.
6. If a significantly higher dwelling yield is likely to eventuate within the precinct than the currently estimated 4,600 dwellings (based on the proposed provisions), then I recommend further economic assessment is undertaken to determine the appropriateness and adequacy of the retail provisions.

107. In relation to yield Ms Fairgray makes the following observations:

- 4.11 I have examined the dwelling development pattern (by typology and scale) suggested by the applicant that would produce around 4,600 dwellings within the precinct. While detailed quantitative estimates of yield are outside of my scope of assessment, I consider it provides a reasonable approximation of the likely long-term development patterns of the precinct under the proposed provisions (taking into account the timing and scale of market demand). The indicative yields assume that over half of the residentially-used land area would be developed as apartments (walk-up, midrise and higher density), which would account for over four-fifths of the dwellings. This is relatively high within the context of recent Auckland large scale developments, but is broadly in line with the central location and likely medium to long-term timing of the development.
- 4.12 I agree that the dwelling yields enabled by the PPC could theoretically be higher than the development pattern suggested by the applicant and am aware that the infrastructure limit provides for a yield of 6,000 dwellings. However, I consider that the precinct is unlikely to be developed at significantly higher densities than this indicative pattern under the existing proposed provisions. Significant increases in the indicative yield would require larger shares of the land area to be developed as apartments (rather than terraced dwellings), or increases to the height of walk-up or midrise apartment buildings (which I understand may be limited by location-specific planning height provisions). I consider that the market would be less likely to significantly increase the share of the precinct developed as apartments as it would be less aligned with overall patterns of housing demand and would forego a share of terraced housing development opportunity that is lower risk and more able to occur within a shorter time period.

4.13 I have considered the potential upper range population of 18,000 residents suggested in submission 124. In my view, this is unlikely to occur, even if the precinct were to develop at higher intensities close to the maximum density theoretically enabled under the proposed provisions. Based on my own examination of Auckland average household sizes by dwelling types, this would require the precinct to contain over 8,000 dwellings. As outlined above, I consider that the dwelling development pattern required to reach this yield is unlikely to be sustained by the market both in terms of the alignment with patterns of demand and feasibility and timing of dwelling supply. I instead consider that a population of around 10,000 to 11,000 residents is more likely to correspond to the dwelling development pattern indicated by the applicant.

108. Ms Fairgray does not consider any changes are required to the proposed provisions from an economic perspective.

Analysis

109. Objective 3 of the NPSUD is:

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

4.13.1.1 the area is in or near a centre zone or other area with many employment opportunities

4.13.1.2 the area is well-served by existing or planned public transport

4.13.1.3 there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 6: Local authority decisions on urban development that affect urban environments are:

4.13.1.3.1.1.1 integrated with infrastructure planning and funding decisions; and

4.13.1.3.1.1.2 strategic over the medium term and long term; and

4.13.1.3.1.1.3 responsive, particularly in relation to proposals that would supply significant development capacity.

110. Policy 8 of the NPS-UD is:

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning

urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents; or

(b) out-of-sequence with planned land release.

111. RPS Section B.2 addresses urban growth and form. Objectives in B.2.2.1 (in full) are:

(1) A quality compact urban form that enables all of the following:

(a) a higher-quality urban environment;

(b) greater productivity and economic growth;

(c) better use of existing infrastructure and efficient provision of new infrastructure;

(d) improved and more effective public transport;

(e) greater social and cultural vitality;

(f) better maintenance of rural character and rural productivity; and

(g) reduced adverse environmental effects.

- (2) Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).
- (3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.
- (4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.
- (5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.

112. RPS policies in B.2.2.2 that I regard as having particular relevance are:

- (3) Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.
- (4) Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.
- (5) Enable higher residential intensification:
 - (a) in and around centres;
 - (b) along identified corridors; and
 - (c) close to public transport, social facilities (including open space) and employment opportunities.
- (7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:
 - (a) support a quality compact urban form;
 - (b) provide for a range of housing types and employment choices for the area;
 - (c) integrate with the provision of infrastructure; and
 - (d) follow the structure plan guidelines as set out in Appendix 1
 - (e) enables the development and use of Mana Whenua's resources for their economic well-being.

Masterplanning

113. "Masterplanning" is most appropriately viewed from non-regulatory and regulatory perspectives.

114. From a non-regulatory perspective masterplans have significant advantages. In my experience they are commonly used as part of plan change request documentation to illustrate and give further detail on what proposed plan change provisions would enable as an ultimate development form. While, from a regulatory perspective, the masterplan cannot be completely relied upon it does often become a helpful example of describing what the plan change outcome may be.

115. No masterplan was submitted as part of the PC 94 documentation. This was the subject of a Clause 23 request for further information (UD9). The request noted that a "masterplan" is not simply an illustration. It was described in the Clause 23 request as being a complex document that should provide:

- A clear vision and design principles, against which all subsequent developments are assessed.
- A three-dimensional framework to guide the location of open space, uses, movement and buildings, including identifying development parcels in the form of words and plans / images.

- An implementation plan defining the delivery strategy and staging as well as the design quality control process – e.g. the use of design guides or design panels.

116. The Applicant’s response was that there was a clear vision for development of the precinct and that masterplanning had occurred over the past decade. Detail is given of the stages of masterplanning that were followed, including reference to the “Grimshaw Masterplan” that was produced and made publicly available in 2019¹⁵. It was noted that The Grimshaw plan has also informed the urban design analysis and assessment by Boffa Miskell of the plan change (who were closely involved in that master-planning process), and the detailed assessment criteria proposed to be included in the precinct as part of the plan change. The Clause 23 response then stated:

- (a) The key planning information is now reflected in the precinct provisions and Precinct plans themselves, as these are proposed to be amended through the plan change.
- (b) That is all that is required and appropriate for this plan change stage. This is not a resource consent. No buildings are approved as part of this plan change application. It is not appropriate to seek the level of detail that would apply to a resource consent. In our view the key planning parameters are included within the precinct, and specifically Precinct plan 1. That should be the focus of this process.
- (c) There is no need to update the Grimshaw masterplan to incorporate the next level of detail, or to otherwise incorporate additional detail into the provisions.
- (d) Following the plan change process, if approved, the Rōpū will each develop their portion of the land in accordance with the amended precinct provisions and Precinct plans. Each Rōpū will be responsible for their own further detailed master-planning, design, planning and assessment. The assessment criteria set up the framework and level of information that is required to advance development of the precinct.
- (e) There is no need, and in fact it is counter-productive, to include a further masterplan within the precinct provisions themselves, and there is no consistent precedent for this approach in the Auckland Unitary Plan (Operative in Part) (AUP). Factors that influence the scale and characteristics of the development inevitably change over time and the timeframe for the development of the precinct as a whole is long. Communities’ priorities, preferences and the approaches to the creation of communities evolve over time. Innovations such as the creation of car free living, higher rise living, remote working alongside access to private and public communal open space amenity, and true mixed use communities are evolving; fixed masterplans have the potential to limit innovation and should not be prescribed. The regulatory provisions therefore need to be sufficiently flexible to respond to change.
- (f) The established procedure used in the AUP for this is to set a series of objectives, policies, standards and assessment criteria which means that as individual development of key parts of the precinct proceed, they can be assessed against those provisions. The provisions enable development of the precinct in the knowledge of what the AUP is seeking but retain flexibility so individual developments can be assessed at the appropriate time.
- (g) This is the way the AUP operates across the city and has been applied in the preparation of this plan change. It is unreasonable and unnecessary to expect a further detailed masterplan(s) in contrast to the established approach under the AUP.

117. It is understandable, in my view, that submitters, and also Council’s own specialist reviewers, have raised the lack of an updated masterplan as a concern. The Grimshaw

¹⁵ <https://www.hud.govt.nz/our-work/carrington-residentialdevelopment/>.

Masterplan has been assessed by the specialists, however it does not fully represent what would be enabled by PC94 and is therefore of limited assistance.

118. Again from my experience, masterplans that are produced as part of plan change documentation are often prepared by the plan change applicant as the entity ultimately being the developer of the land. Where that is the case there can be more confidence in the masterplan that has been prepared. In this case, however, the Applicant is not the developer. I acknowledge that makes it more difficult for the Applicant to detail what outcomes there would be, beyond those enabled by the proposed precinct plan and precinct provisions. It appears that each Rōpū is developing its own masterplan.

119. It would be helpful for the Applicant, or perhaps the Rōpū themselves, to provide more detail to the Panel on their latest thinking in relation to development of the precinct. I would be surprised, for instance, if the major developments that have been approved via the fast track process have been developed with no thought being given to their wider context and the vision sought to be developed by each of the Rōpū and for the precinct as a whole.

120. From a regulatory perspective I agree with the Applicant's response that the focus needs to be on the key planning parameters are included within the precinct, and specifically Precinct Plan 1. In that respect I note that the issue of whether what were then referred to as framework plans was considered by the IHP in the AUP hearings. The following are extracts from a IHP report to Auckland Council¹⁶

The Panel is grateful for the detailed legal submissions and evidence it received on framework plans/consents. There was support for the Council's position from several submitters who submitted that framework consents would contribute to achieving the integrated management of natural and physical resources on larger sites and better co-ordinate development over time.

However, due to concerns about how these provisions would work in practice, the Panel recommends that such provisions not be included in the Unitary Plan as the framework plan/consent method is not the most appropriate way of achieving the objectives of the Unitary Plan.

As amended during the course of the declaration proceedings, the scope of framework consents appeared to reduce to the location of infrastructure, roads, open space and pedestrian linkages. These are typical land use activities associated with subdivision proposals and they, together with their effects and any proposed staging, can be considered as part of a subdivision application. The Panel is satisfied that the recommended provisions of the Unitary Plan in relation to subdivision enable that to be done¹⁷.

As a result the Panel does not support Framework Plan consents and recommends that they be removed from the general rules and from precinct provisions¹⁸.

121. I conclude that any measures considered necessary to ensure comprehensive planning for the precinct need to be accommodated within the precinct plans and provisions. I propose changes to policies that encourage a precinct-wide approach to planning for the precinct.

¹⁶ Report to Auckland Council - Overview of recommendations on the proposed Auckland Unitary Plan 22 July 2016

¹⁷ Page 84

¹⁸ Page 85

Proposed objectives

122. In principle, I support proposed Objective (12) as proposed:

(12) The restoration and enhancement of Māori capacity building and Māori cultural and economic development within the precinct is provided for, promoted and achieved.

123. I also support the policies that relate to this objective and the activity provision intended to be made for Papakāinga and Whare Manaaki. I consider these additional provisions to be consistent with the major role the Rōpū will now have in the future development of this precinct.

124. For the reasons given in the following section of this report I support, in part, an extra objective relating to height and other matters. However I recommend that the objective as proposed by the Applicant be amended so that it would read (after amendment):

(13) Provide for varied heights in appropriate parts of the precinct so as to provide housing choice, promote land efficiency, and benefit from the outlook from the precinct.

Proposed Zoning

122. I support the zoning changes that have been requested, and in that respect agree with the analysis made by the Applicant. The rezoning of Special Purpose land to B-MU Zone is logical given the contraction of Unitec activities to a defined area. In respect of concerns that have been raised in submissions about the B-MU Zone I note that some development that would otherwise be possible in that zone is constrained and / or managed through a range of alternative provisions by the precinct. The precinct provisions prevail over the zone provisions. Examples are the cap on retail activity, the restrictions on location of industrial activity, the requirement for a consent for all new buildings and the range of existing and proposed standards and criteria.

125. I also support the zoning change in the southern part of the precinct as sought by Submitter 105 (paragraph 102 above) which is a minor and sensible change.

Method Proposed

126. I am concerned about the method proposed in PC94 to amend the existing precinct rather than “start from scratch” with a new precinct or precincts. In my view what is proposed in PC94 confirms a quite different environment will be established to that originally envisaged for the Wairaka Precinct. Objective 1 in the precinct provisions refers to a high quality tertiary education institution (i.e. Unitec). That was sensible considering Unitec was the dominant activity when the precinct was devised. In that respect also, I note that the precinct was placed in the “Tertiary Education” category of IHP hearings on the AUP. With this plan change, Unitec will; only occupy just over 20% of the precinct. I accept that Objective 1 remains relevant and that there is no hierarchy in the objectives, however in my view the structure of the precinct would be quite different if it was developed from scratch.

127. An associated concern is the difficulty encountered in trying to work in a major change to existing precinct provisions. Existing structure and numbering needs to be retained and latest approaches to precinct structure cannot be used. As will be clear by viewing the recommended version in Appendix 8 the result will not be a particularly clear or easy to use set of provisions. This is not made any easier by the need to incorporate the MDRS.
128. While I am concerned about this issue I am not suggesting that this is a fundamental issue such that PC94 should not be pursued. I consider there are positive aspects to the way PC94 addresses some aspects of the provisions. For instance, I support the approach of requiring consent (and therefore assessment) of all new buildings and criteria are generally enhanced. What I regard as being further enhancements are recommended following the analysis that has been conducted by Council's team of specialists. Accordingly, an attempt has been made to work with the existing precinct, however I remain concerned that the result will not be ideal.
129. I note that I have some concerns about the way the matters of discretion and assessment criteria are approached. There seems to me to be assessment matters mixed in with matters of discretion. I have not been concerned enough to make what could be major changes, although have recommended an extra provision (a reference in the assessment criteria to the matters of discretion) that should ensure all relevant matters are addressed when an application is made.

Yield

130. There are uncertainties about ultimate yield. The extent to which that is an issue depends on the effects a greater yield, say than the approximately 4,500 dwellings that the modelling shows, depends on the effects that may arise. I note that Ms Fairgray considers that a population of around 10,000 to 11,000 residents is likely. Most assessments for this report have adopted a range up to 12,500 population which from an effects perspective is more conservative. Transport and water infrastructure matters are addressed in proposed provisions. A response to open space matters is recommended in Section 8.3 of this report. In my view other effects that may be of concern, for instance whether greater provision should be made for retail activity, can be monitored and reviewed as development is established and any changed expectations in terms of yield become clear.

Scope

131. In my opinion issues of scope are closely related to the points I have made above in respect of the method that has been chosen by the Applicant to amend the existing precinct rather than have a new precinct. I consider the appropriate approach is to recognise that there will be a major change in direction for this precinct, possibly, for instance, placing greater pressure on historic buildings and trees. In my view, achieving a good environmental outcome should not be constrained by issues of scope.

Ability of PC94 to require provision of activities

132. I acknowledge concerns raised in submissions about the need to provide for education, social and community service and other activities. This issue is associated with the masterplan issue discussed above. It would have been helpful, for instance, to have some

updated consideration about the possible location of school(s) in the precinct, noting that a possible location is shown in the Grimshaw masterplan. I note that the activities of concern to submitters are enabled in the precinct. Precinct rules cannot require activities to be established. I conclude that there is not an adequate basis to do more than ensuring these activities are enabled by the provisions and encouraged in policies.

133. I support the submission from the Ministry of Education that seeks reference be made to education facilities in Objective 3.

Section 32

134. Except where otherwise identified in this report I consider that the Applicant has appropriately addressed s32 requirements.

8.2 Height and Built Form

Issue

135. The assessed primary issue relates to the proposed increases in height – particularly Height Area 1 next to the Oakley Hospital Heritage Area and along Carrington Road. In respect of the greater potential for built form the primary matter relates to the area proposed to be rezoned from Special Purpose Tertiary Zone to B-MU Zone.

Current AUP Provisions

136. Figure 8 above depicts the current zonings.
137. Under the current Wairaka Precinct provisions dwellings in the Special Purpose - Tertiary Education Zone are permitted up to a maximum gross floor area of 7,500m². Student accommodation, boarding houses and visitor accommodation are also permitted, with no density limit. Permitted height is determined by the following table (I334.6.4.):

Building location	Maximum height (m)
Less than 20m from a boundary with Carrington Road (as at 1 November 2015) or the Open Space: Conservation Zone (excluding the Residential – Mixed Housing Urban and Residential – Terrace Housing and Apartment Buildings zones)	18m
Greater than or equal to 20m from a boundary with Carrington Road (as at 1 November 2015) or Open Space: Conservation Zone (excluding the Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings and Special Purpose – Healthcare Facility and Hospital zones)	27m
Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings and Special Purpose – Healthcare Facility and Hospital zones	Specified zone height applies
Buildings within the Residential – Mixed Housing Urban Zone and within 10m of the southern precinct boundary	8m

138. Buildings that exceed the above heights are a Discretionary Activity.

139. Other relevant standards that currently apply are in the underlying operative zone provisions. These are summarised in the table below (note: full detail is not given - this table is intended to provide a general indication of operative provisions only).

Standard	Mixed Use Zone	Special Purpose Tertiary Zone	Mixed Housing Urban (MHU) Zone (see note)	Terraced Housing and Apartment Buildings (THAB) Zone (see note)
Height	See table above	See table above	11m+roof height allowance 1m	16m
Height to Boundary	Only applies if adjoins a residential, open space or specified other zone – e.g. if located on southern side of an Open Space Conservation Zone 16.5m + 45°	Adjoining zone standard applies	3m+45° (higher allowance within 20m of frontage)	Varies – does not apply where adjoins a business zone or open space zone exceeding 2,000m ² , otherwise ranging from 6m+60° or 2.5m+45° where adjoins a lower intensity zone
Building setback at upper floors	Where opposite a residential zone, 6m above 18m	N/A	N/A	N/A
Maximum tower dimension and separation	maximum plan dimension of that part of the building above 27m must not exceed 55m / part of a building above 27m must be located at least 6m from any side or rear boundary of the site.	N/A	N/A	N/A
Yards (front/side/rear)	0m/3m/3m (3m applies only where adjoining a residential zone otherwise 0m)	3m/3m/3m (adjoining residential or open space zones otherwise 0m)	2.5m / 1m /1m	1.5m/1m/1m
Maximum impervious area	10% (riparian yard only)	N/A	60%	70%
Building coverage	N/A	50%	45%	50%
Landscaped area	landscape buffer of 2m along the street frontage between the street and car parking, loading, or service areas	N/A	35%	30%
Outlook Space	6mx4m Living / dining room, 3mx3m principal bedroom	N/A	6mx4m Living room, 3mx3m principal bedroom	6mx4m Living room, 3mx3m principal bedroom
Daylight	N/A	N/A	Minimum separation of buildings depending on building height	Minimum separation of buildings depending on building height

Outdoor Living Space	N/A	N/A	20m ² ground floor, 5m ² balconies with minimum dimensions	20m ² ground floor, 5m ² balconies with minimum dimensions
Wind	Standards apply to a new building exceeding 25m in height	N/A	N/A	N/A

Current Consents

140. There have been four fast track consents for residential development within the precinct. See the plan in Figure 10 for the location of these consents.



Figure 10 Fast-Track Consent Locations

141. The following is a summary of the consents¹⁹.

1. Maungārongo Resource Consent 1 (RC1) extends for a length of 160m along the Carrington Road frontage north of Gate 3. It contains two 7 storey buildings (up to about 25m in height) along Carrington Road and a further two 9 storey buildings (up to about 34m in height) behind those buildings. RC1 will contain 381 apartments and also includes retail and office premises.
2. Maungārongo Resource Consent 2 (RC2) extends for a length of 120m along the Carrington Road frontage south of Gate 1. Along Carrington Road it contains two 6 storey buildings with a 7th storey set back from the frontage (up to about 26m in height), one of 9 storeys (about 30.5m in height) and one of 10 storeys (about 36m in height). RC2 will contain 266 apartments and also includes retail premises.
3. Maungārongo Resource Consent 3 (RC3). It is located immediately adjacent to RC2. There are five buildings of 6, 8, 9 and (two) 10 storeys. Buildings extended up to about 36m in height. In total the development contains 274 apartments and also includes retail and office premises.
4. Te Whenua Haa Ora is located mid-way along the western boundary of the precinct. It contains five residential apartment buildings from 4 to 10 storeys and up to slightly over 35m in height, with a total of 509 residential apartments.

The Application

142. Primary purposes of the requested plan change are to change zonings and to increase heights.
143. The zoning changes are shown in Figure 1 above. The principal change is from Special Purpose Tertiary Education zoning to B-MU zoning. A relatively small area of THAB zoning is also proposed as B-MU and a small part of Special Purpose Healthcare Facility and Hospital zoning is also proposed to be placed in a B-MU zoning.
144. In terms of residential (accommodation) activity no changes are proposed to the activity table, or the activity tables cross-referenced by the precinct provisions. Additional provision is intended to be made as a permitted activity for papakāinga, whare manaaki with other changes that would strongly discourage identified non-residential buildings along Carrington Road.
145. In respect of height, four height areas are proposed as shown on Figure 11 below. These replace the current height provisions (see the existing / proposed comparison given in the Analysis below).

¹⁹ Further detail can be accessed on the EPA website at <https://www.epa.govt.nz/fast-track-consenting/fast-track-projects/>

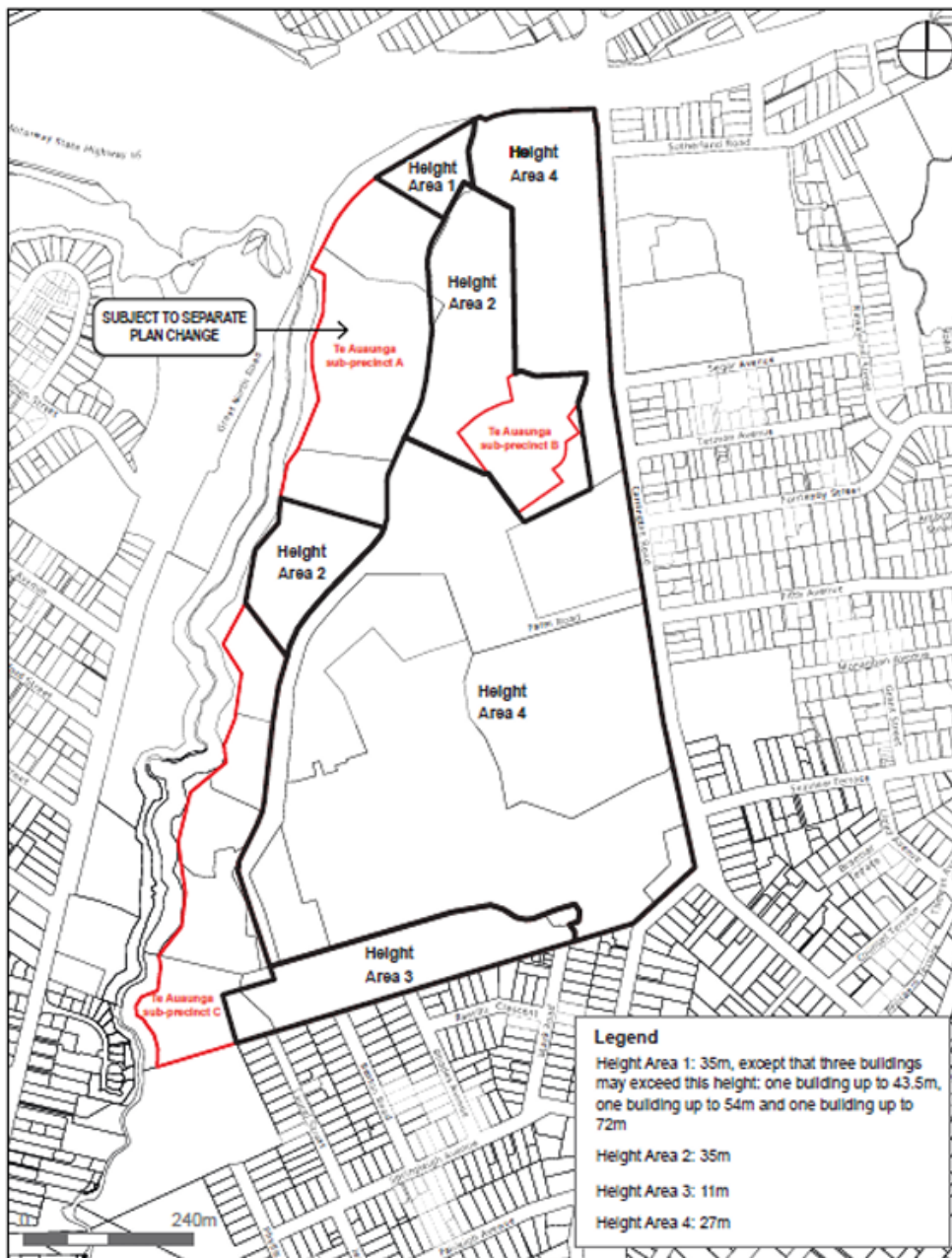


Figure 11 Height Areas Plan

146. A new activity category provides for departures from these heights as a Restricted Discretionary Activity. A discrete category, also as a Restricted Discretionary Activity, would apply to buildings within Height Area 1 between 35m and 72m. Matters of discretion and assessment criteria are proposed.
147. Part 10 of the AEE gives a s32 evaluation of the changes in heights, including the consideration of options. As part of this evaluation the AEE states:

This precinct is unique in its location within the isthmus and its appropriateness for higher densities, and its availability, particularly because of the under-utilisation of the land and recent reconfiguration of the Unitec campus.

When these items are considered against the unique topography of the precinct, including the contour which creates a lower level in the central portion of the precinct with a 12m drop from Carrington Road level, and in the north-west corner where the configuration of the motorway, its flyovers and interchange that remove this portion of the site from other adjacent residential

properties, means this precinct is well located to accommodate additional density reflected through increased height beyond the current standard 27m precinct control.

148. In relation to the standards to be applied to buildings it is proposed to delete the following precinct provision (see I334.6):

The standards applicable to the overlays, zones and Auckland-wide provisions apply in this precinct.

149. This provision is modified to read:

Unless specified in Standard I334.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Tables I334.4.1 to I334.4.3 above.

150. The Applicant proposes that specified B-MU Zone standards will not apply. These include a range of activities within 30m of a Residential Zone under H13.6.0, H13.6.1 Building Height, H13.6.2 Height in Relation to Boundary, H13.6.3 Building setback at upper floors, H13.6.4 Maximum tower dimension and tower separation, H13.6.5 Yards, H13.6.6 Landscaping and H13.6.8 Wind. Maximum tower dimension and wind standards are however adapted as new precinct provisions.

151. The Applicant proposes to add the following policies to the existing Built Form and Character policies:

(14A) Provide for taller buildings in the north western part of the precinct in this landmark location with enhanced outlook across the Waitemata Harbour and Waitakere Ranges, but in a location removed from residential neighbourhoods outside the precinct.

(14AA) Require proposals for new high rise buildings adjacent to the former Oakley Hospital scheduled historic heritage building to provide sympathetic contemporary and high quality design which enhances the precinct's built form.

(14B) Provide for additional height in the central and northern parts of the precinct, recognising the topographical and locational characteristics of this part of the precinct, and the ability to provide greater housing choice, increase land efficiency, benefit from the significant views and outlook from the precinct, and leverage the proximity and amenity of Te Auaunga.

152. New buildings are covered by a new consent category, requiring Restricted Discretionary Activity consent. Matters of discretion relevant to buildings include those relating to ground contours, building form and character, and safety (including passive surveillance), landscape and discrete matters relating to the Carrington Road frontage. Assessment matters refer back to relevant precinct policies.

153. In respect of height and building form matters the Application is supported by an Urban Design Report and a Landscape and Visual Impact Assessment, both from Boffa Miskell. The Landscape and Visual Impact Assessment contains a detailed assessment of a number of viewpoints, including those responding to Clause 23 requests.

154. In respect of the southern boundary the Urban Design Assessment acknowledges three storey buildings would be possible within 10m of the boundary where two storeys are possible currently. However, considering the required 5m landscaped yard, the mandated changes to permit three dwellings of up to three storeys now being permitted on these neighbouring properties the visual dominance and privacy effects of three storey houses on the precinct 5m closer to the southern boundary are considered to be very low. It is also

noted that the shadow diagrams show no discernible increase in shadow over residential properties to the south²⁰.

155. In respect of Height Area 4, most of this area remains unchanged from the operative provisions, at 27m in height. However that area would extend over the 20m width back from Carrington Road where there is currently an 18m height restriction. In respect of the proposed increase in height along Carrington Road the Urban Design Assessment contains the following summary statements.²¹

- The 27m height proposed by the Te Auaunga Plan Change along the precinct's frontage would result in potentially seven to eight storey buildings (as opposed to the five storey buildings currently enabled) on the precinct to Carrington Road. This, together with greater building intensity enabled south of Farm Road due to the change from Special Purpose – Tertiary Education to MU zoning, would result in built form of a greater urban character. It is considered the increased height and more intense building forms can be comfortably accommodated across the width of the road to potential similar height buildings on the Special Purpose – Healthcare Facility and Hospital zone (Carrington Clinical Centre) site and proposed THAB zoned sites within an identified WC (enabling six storey buildings) opposite.
- The proposed 27m height is notably taller than the 11m maximum height (12m with qualifying roof form) that applies to MHU zoned properties between Segar Avenue and Fifth Avenue, not proposed to be up-zoned by PC78. The potential for visual dominance effects in this area is reduced by the width of Carrington Road (which, when including the required MHU zone front yard, is approximately 30m) and considered to be appropriately addressed by bespoke assessment criteria that manage the form and appearance of the frontages of new buildings to Carrington Road.
- 35m high buildings in proposed Height Area 2 and the three proposed taller landmark buildings enabled in Height Area 1 are likely to be largely screened from view from the residentially zoned parts of Carrington Road south of Segar Avenue behind street frontage buildings on the precinct. To the extent that they may be visible, they would be seen as taller background elements that are part of the wider urban landscape and would have negligible visual dominance effects on the properties.
- Any potential privacy or sunlight access effects on residentially zoned properties opposite are considered to be low.

156. In respect of Height Area 2 (35m) the Urban Design Assessment concludes:

- The 35m high massing in Height Area 2 can be comfortably accommodated in the wider landscape in a manner that does not appear out of scale or dominant.

157. In respect of Height Area 1 (35m and three towers of up to 43.5m, 54m and 72m) the Urban Design Assessment states that the reason for locating towers in this location is that they can perform a landmark function, including for the following reasons²²:

- This area adjoins the meeting points of SH16 and SH20 and so is at the junction of two important pieces of transport infrastructure.
- It is at a gateway location into the city from the west and south-west.

²⁰ Boffa Miskell Urban Design Assessment, Page 29 - 30

²¹ Boffa Miskell Urban Design Assessment, Page 29

²² Boffa Miskell Urban Design Assessment, Page 32

- It is on higher ground visible in the termination of view when travelling east along the SH16 causeway.

158. As noted in Section 8.1 of this report, in respect of yield, the Clause 23 response P1 outlined the modelling that was utilised. The assessment is based on a “average development scenario” and is stated as not reflecting the intentions or plans of any of the site developers. Rather, it extrapolates its results from a series of assumptions about potential yield based on land area, the existing and proposed zoning and height areas, typologies and urban form. The model takes into account the longer term development of the Taylor’s Laundry site but does not include the remaining UNITEC area, Mason Clinic or open space areas as shown on the proposed precinct plan. The model concludes with a total of 4618 dwellings.

159. The Urban Design Assessment is that the controls proposed in the plan change will avoid an overly bulky appearance. The controls outlined include:

1. A 50m maximum floorplate dimension for the 43.5m and 54m building and a 42m maximum floorplate dimension for the 72m building, applying from 8.5m above the ground level of the buildings, enabling a low height podium structure, while achieving a tower.
2. A 14m building to building setback.
3. Specific matters for discretion, which also link back to policies.

160. The Urban Design Assessment summarises its assessment on Height Area 1 in the following statement²³:

- The three proposed taller buildings in Height Area 1, at the north-western corner of the precinct, will be visually prominent within the wider area. This is considered to be both an appropriate and desirable response to the gateway and landscape qualities of this part of the precinct as a western entry point into the city. A combination of provisions, including policies, development standards, matters of discretion and assessment criteria, will ensure the form, massing and appearance of the buildings is of a high quality design commensurate with their visibility.

161. In respect of visual effects on the surrounding area the Landscape Assessment concludes as follows²⁴:

In summary in respect of visual effects, as illustrated through the series of eleven visual simulation viewpoints which capture a representative range of publicly accessible viewpoints, potential adverse visual effects resulting from the altered height profile of development enabled through the plan change including defined areas of increased 35m height development (Height Area 2) and three potential taller towers at 72, 54 and 43.5m (Height Area 1) are assessed to generate between **very low** to, in one case, **moderate** adverse visual effects.

The greatest adverse visual effects are associated with proximate views of the three potential residential tower buildings in the north-western corner of the site. This part of the site is within the walkable catchment of the Point Chevalier town centre and sits within the open space context generated by the North Western and Waterview interchange motorway context. This location and context separates this small cluster of taller development from the closest established suburban residential neighbours and affords such buildings open views north and

²³ Boffa Miskell Urban Design Assessment, Page 34

²⁴ Boffa Miskell Landscape and Visual Impact Assessment, Page 31

west toward the Waitākere ranges and Upper Waitematā Harbour as well as views east along the motorway corridor to the central city skyline.

The nature of change that will be experienced across the precinct is commensurate with the scale of the former Unitec brownfield site but also consistent with the nature and scale of urban intensification that can be anticipated citywide as a result of the operative provisions of the AUP and that resulting from PC78.

The Te Auaunga Precinct provisions incorporate a range of assessment criteria for all future buildings, which will be assessed as restricted discretionary activities, to ensure development exhibits good urban design qualities and will contribute to the character and amenity of the existing and new urban neighbourhoods of the locality.

The masterplan scale of the site will enable considered development and the related assessment criteria – specifically in respect of the Carrington Road frontage, set out at I334.8.1(1A)(i) matters of discretion in respect of restricted discretionary activities – that will require individual resource consents to address the potential amenity effects of buildings interfacing with the public realm of the street to achieve good amenity outcomes. In the context of this further planning environment the 27m height enabled by the PPC fronting the wider strategic road corridor of Carrington Road is considered appropriate.

Submissions

162. Council specialists Alistair Ray (urban design), Stephen Brown (landscape) and Susan Fairgray (economic) refer to height and building form submissions in their reviews and I rely on their detailed analysis. Carolyn O’Neill (heritage) also addresses height matters – see the Heritage and Archaeology Section 8.5 of this report.
163. A number of submitters seek clarity on the effects of increased height, whether this will also allow for greater open space available to the community, or if it will just increase yield.
164. Submitter 25 (Open Space for Future Aucklanders Incorporated (the Society)) raises a number of submission points that generally cover issues raised in other submissions. The relief sought includes:
 - Increase and permanently maintain the no build setbacks along Carrington Road and increase the width of the building setback along the boundary of the precinct with Carrington Road.
 - Reduce height limits throughout the precinct (including 2, 3 4 and 5) and increase distances between buildings to maintain outlooks within the precinct and through the precinct. Delete Height Area 1 in its entirety or reduce the number and height of tall buildings.
 - Restrict site coverage to provide greater landscaped areas and space between buildings.
 - Avoid the adverse effect of dominance of buildings on open space.
 - Ensure adequate separation of buildings, to avoid adverse effects on public open space, including on the public realm of road reserves, within and adjoining the Precinct.
 - Provide for a gradation of building heights with lower building heights along Carrington Road and taller building heights in the topographically lower parts of the

Precinct, so that buildings better integrate with the environment and minimise the adverse effects on surrounding communities.

- Reduce or retain the existing height limit along Carrington Road and also increase the width of height limited area.

165. Submitter 112 (Ockham) seeks higher heights in the currently proposed Height 4 area north of the Gate 3 entrance to the precinct.

Specialist Reviews

Urban Design

166. Mr Alistair Ray provides an analysis of height and building form from an urban design perspective.
167. Mr Ray supports the proposed for re-zoning from Special Purpose: Tertiary Education to B-MU and the other minor zoning changes on the basis these areas are no longer held or required by Unitec for educational purposes and are not likely to be in the future. He considers it makes sense to re-zone these areas to allow for intensive residential development commensurate with the location adjacent to other non-educational zones.
168. In respect of density Mr Ray acknowledges the existing Wairaka Precinct provisions that allow a significant amount of intensification while also providing for a certain level of open space provision. He notes that the Grimshaw masterplan provides an illustration of the intended building form and character of the new precinct which is a series of apartment buildings sitting in high-quality landscaped spaces that are either private, communal or public open spaces providing for a range of outdoor amenity. However, in the absence of requirements within the proposed precinct plan to provide high levels of open space per individual building proposal, then he is concerned that the increased yield afforded by the requested changes in building height is not matched by sufficient open space provision. This is a matter addressed in the open space, Section 8.3, of this report.
169. In respect of buildings along Carrington Road Mr Ray notes, with examples, that a 27m height limit would allow for 8 levels of residential development which in the Auckland context is quite high for a street that is not in the city centre, metropolitan or town centre. He observes the zoning on the eastern side varies. For approximately one third of the length of the Carrington Road opposite the precinct, the site faces Special Purpose Healthcare and Hospital zone with a height limit of 26m. The proposed 27m is therefore very similar. A further one third faces a proposed THAB Zone with a proposed height limit of 21m. This would result in a difference in height of 6m between the opposite sides of the street which Mr Ray considers to be acceptable. The approximate remaining third faces a MHU zone with a height limit of just 11m (+1m roof zone) which Mr Ray notes is a quite a significant difference and is likely to look incongruous and unbalanced in the street scene.
170. Considering the strategic location of the site, on an important public transport corridor linking the centres of Pt Chevalier and Mt Albert and the proposed width of the corridor, Mr Ray supports an increase in building height along Carrington Road subject to one suggested amendment. In reference to the B-MU Zone standard requiring that buildings must be set back 6m above 18m when facing residential zones Mr Ray recommends a middle ground of a 6m setback above 21m.

171. Also in respect of Carrington Road buildings, Mr Ray considers, notwithstanding there is a cap on the amount of retail provided across the precinct, the frontage facing Carrington Road is the ideal location for other non-residential uses such as small commercial uses, medical / health or other supporting services. In order to provide flexibility for the establishment of such uses he recommends an addition to the planning controls that ensures that ground floors facing Carrington Road have a floor-to-floor ceiling height of at least 4m.
172. In respect of the tower buildings in Height Area 1, while of the opinion that taller building elements may be acceptable on this site generally, Mr Ray does not consider the rationale behind Height Area 1 location has not been well made. He considers it appears that the only reason is that it is next to a motorway interchange and therefore the impact on adjacent residents is relatively low. He considers that the wider impact on the legibility of the urban environment is important in making successful cities and that a cluster of taller buildings in a location which makes no strategic urban planning sense could undermine the legibility of the urban environment. He considers the site does not form part of the Point Chevalier town centre and, even it was closer, the town centres across Auckland are typically zoned for buildings between 4-8 storeys. The proposed height at 72m would allow a building approximately 22 storeys in height.
173. Mr Ray is also concerned about the 55m building dimension proposed for towers in Height Area 1. He does not consider this to be appropriate for buildings of the proposed height (well above what is envisaged in the B-MU Zone) and suggests a smaller dimension is necessary (or strict criteria). Mr Ray would prefer a dimension of 40m for any towers in this location, if towers are to be allowed.
174. Mr Ray supports the 27m height proposed for the balance of Height Area 4 and the 35m proposed for Height Area 2 given the strategic location of the site and the fact that the area proposed for this increased height will have no direct impact on existing residents given the distance from nearby houses. However he considers that attention should be given to the separation of buildings where designs involve significant numbers of facing habitable rooms. In that respect he refers to and supports the Grimshaw masterplan that illustrates buildings 18m apart. He considers that should be a standard in the precinct.
175. Also in reference to the Grimshaw masterplan, Mr Ray observes that plan does not show buildings immediately adjacent to the neighbourhood park (the Central Open Space area). However he notes that the provisions proposed could allow for buildings up to 35m immediately to the north and east of the neighbourhood park which in his view would cause undue shading and building dominance to the point that the neighbourhood park would be severely compromised. He considers improved assessment criteria would be required to address this issue.
176. With the addition of the further provision matters referred to above Mr Ray is otherwise broadly supportive of the assessment criteria as proposed.

Landscape

177. Mr Stephen Brown provides an analysis of height and building form from a landscape perspective.
178. Mr Brown is concerned about the height of buildings (27m) proposed for the Carrington Road frontage. Referring to examples, he considers that development to a 27m height

would be more redolent of that expected near a City Centre or Metropolitan Centre than a Town Centre. He considers a lower height at the street frontage is required. He generally supports the recommendation made by Mr Ray, except that he considers the 27m height should not apply for a distance of 20m back from the Carrington Road frontage.

179. Mr Brown does not support the tower building heights in Height Area 1. In summary, he expresses the following concerns:
1. The cluster of three tall buildings within Height Area 1 would often read as stand-alone elements that have very little sense of connection to the lower built forms of the Oakley Hospital Building, Pt Chevalier's town centre, or those generally anticipated across the Precinct.
 2. The grouping would appear incongruous to motorists and cyclists approaching Pt Chevalier from the west – down the North-western Motorway and cycleway from the west.
 3. The scale and form of buildings are more aligned with a City Centre or Metropolitan Centre location and would have the potential to appear incongruous and at odds with the built form of both Pt Chevalier and the Wairaka Precinct.
 4. Although not within Maunga Viewshaft A13, the cluster of buildings would compete with Mt Albert in views from the North-western Motorway as it approaches Pt Chevalier.
 5. The buildings would have the potential to be incongruous and visually disruptive in relation to the historic Oakley Hospital Building.
180. In respect of Point 5 above Mr Brown notes that a greater degree of sympathy and 'breathing space' might be possible with one "true" tower that offers a visual counterpoint to the hospital building or alternatively a grouping of less high buildings that anchor the western end of the hospital building in a more complementary fashion.
181. Mr Brown is comfortable with the 27m height proposed for the balance of Height Area 4, the 35m proposed for Height Area 2 and the 11m proposed in Height Area 3. He is also comfortable with a 35m height for Height Area 1.
182. In respect of criteria Mr Brown acknowledges the provisions that are proposed, however is concerned that there are no provisions that specifically address the potential effects of over-height development within the Precinct on neighbouring properties and streets outside it – including Carrington Road – or the wider urban landscape of Pt Chevalier.

Economic

183. Ms Fairgray concludes that most of the economic benefit from PC94 in relation to housing supply is likely to occur through a combination of increased heights of up to 27 metres to 35 metres within the proposed BMUZ area and the spatial expansion of the BMUZ. She

considers that there is likely to be limited basis for significant further net economic benefits (or costs to the community) of dwelling supply for development above this height²⁵.

Analysis

Statutory Framework

184. The NPSUD sets out a number of relevant provisions when considering matters of building height and form. These include:

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-served by existing or planned public transport
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- ..
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different
 - (ii) enable Māori to express their cultural traditions and norms; and households; and
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones

²⁵ Ms Fairgray Economic Review, Paragraph 3.18 and Section 5

- (iii) the edge of metropolitan centre zones; and
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

185. Relevant RPS policies include:

Policy B2.3.2.

- (1) Manage the form and design of subdivision, use and development so that it does all of the following:
 - (a) supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage;
 - (b) contributes to the safety of the site, street and neighbourhood;
 - (c) develops street networks and block patterns that provide good access and enable a range of travel options;
 - (d) achieves a high level of amenity and safety for pedestrians and cyclists;
 - (e) meets the functional, and operational needs of the intended use; and
 - (f) allows for change and enables innovative design and adaptive re-use.
- (2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:
 - (a) providing access for people of all ages and abilities;
 - (b) enabling walking, cycling and public transport and minimising vehicle movements; and
 - (c) minimising the adverse effects of discharges of contaminants from land use activities (including transport effects) and subdivision.
- (3) Enable a range of built forms to support choice and meet the needs of Auckland's diverse population.
- (4) Balance the main functions of streets as places for people and as routes for the movement of vehicles.
- (5) Mitigate the adverse environmental effects of subdivision, use and development through appropriate design including energy and water efficiency and waste minimisation.

Fast Track Consents

186. I consider it is appropriate to view the fast track consents as part of the existing environment. The consents have only recently been granted. They represent the type of physical development that is intended by PC94 to be enabled.

Zoning

187. Primary purposes of the requested plan change are to change zonings and increase heights.
188. I support the change in zoning from Special Purpose: Tertiary Education Zone on the basis that the current Special Purpose Zone is no longer necessary or appropriate given the consolidation of the UNITEC campus. As discussed in Section 8.1 of this report I accept that the change to B-MU Zone is the most appropriate.
189. An outcome of this zoning change is that greater provision in the area proposed to be rezoned to B-MU is enabled for, in particular, residential activity. A building coverage limit would no longer apply, however I do not see any issue arising from that, noting that all development requires a consent and will be subject to assessment under the policies and criteria that apply.
190. While not a zoning matter, I note that the proposed reduction in open space identification on the precinct plan also increases the area available for development.
191. I note that the Clause 23 response relating to yield within the precinct states that no account has been taken of Unitec - this is a specialist tertiary education institute. It is not clear, therefore, why the following (permitted) activity categories are retained:
- A1 Dwellings in the Special Purpose - Tertiary Education Zone up to a maximum gross floor area of 7,500m²
 - A2 Student accommodation, boarding houses and visitor accommodation in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities
192. In view of the proposal to substantially reduce the Special Purpose - Tertiary Education Zone so that it is consolidated to tertiary education activities I have shown these activity categories as being deleted in the draft recommended provisions in Appendix 8. The Applicant may wish to provide further explanation as to why they should remain, but if they do, it appears in the least that the maximum gross floor area figure in A1 above would need to be substantially reduced.
193. The height changes proposed as compared with the operative precinct provisions, are summarised as follows²⁶:

²⁶ Note that the existing THAB Zone along the western margin (sub-precinct C) and the Mason Clinic site (sub-precinct A) are not part of the height plan.

Height Area 1 - operative height of 27m to proposed height of 35m plus three buildings of heights 43.5m, 54m and 72m

Height Area 2 - operative height of 27m to proposed height of 35m

Height Area 3 – operative height of 11m apart a 10m wide strip alongside the southern boundary which is a height of 8m to proposed height of 11m across all of Height Area 3 (i.e. including the 10m wide strip alongside the southern boundary)

Height Area 4 - operative height of 27m apart a 20m wide strip alongside Carrington Road which is a height of 18m to proposed height of 27m across all of Height Area 4 (i.e. including the 20m wide strip alongside Carrington Road)

194. I agree with Mr Ray and Mr Brown that the proposals for Height Areas 2 and 3 are appropriate. I do not consider the change in Height Area 2 to be necessary to satisfy the wider planning framework I have outlined above, noting that the relevant Policy 3(d) of the NPS-UD is already more than satisfied with the existing precinct provisions. However I acknowledge that, given the location there are acceptable effects from the height that is enabled. I also note that is the location of the recently approved Te Whenua Haa Ora development.
195. I do not consider that evidence has established there is a need or acceptable effects to extend Height Area 2 as sought by Submitter 112. Mr Brown comments on the potnetail for adverse effects in his review.
196. In respect of development effects on the Oakely Hospital Main Building heritage site I consider extra attention needs to be given in the provisions to ensure the heritage site is recognised during the resource consent assessment process. I propose further provisions in the draft recommendations in Appendix 8.
197. There is no issue with the part of Height Area 4 more than 20m away from the Carrington Road frontage, noting the 27m height proposed there is unchanged from the operative height provision.

Carrington Road Frontage

198. There is an issue relating to the 20m depth back from Carrington Road. Mr Ray considers a change is acceptable, subject to a 6m building setback above 21m. Mr Brown agrees with the 21m at the site frontage but would prefer to see the 27m height set back by 20m.
199. From a planning perspective I do not consider a change is necessary, for instance to meet Policy 3(d) of the NPSUD or the relevant RPS provisions. I acknowledge that the change will provide for greater dwelling capacity, however I consider the issue is more about the effects of the change than any strategic need for it.
200. There is clearly a difference in views between the Applicant's experts and those of the Council specialists, particularly Mr Brown, in respect of the effects of development arising from the change from 18m to 27 m for the 20m depth back from Carrington Road. The is represented by the significant difference in effects assessments given for VS10 and VS11. It appears that major points of difference relate to:

1. The degree to which the width and “busy-ness” of the redeveloped Carrington Road will diminish the effects of disparate building heights across the road – an in particular the area on the eastern side zoned MHU.
2. The degree to which permitted heights at various points along the opposite side of Carrington Road are relevant.
3. The degree to which the consented RC1, RC2 and RC3 developments, which enable heights over the existing standard heights, will result in a different landscape / character expectation along the Carrington Road frontage.
4. The ability of the proposed assessment criteria and policies to ensure that built development does not result in an inappropriate development height and form along Carrington Road and recognises effects on properties opposite on Carrington Road.

201. As shown on Figure 1 the zoning opposite the precinct in Carrington Road is currently Special Purpose Healthcare Facility and Hospital for about one third of the length and MHU for the other two-thirds. Of the latter about half (i.e. one third of the total) is proposed to be rezoned THAB in PC78, however I do not suggest that much weight can be placed on that proposal given that the PC78 process is not significantly advanced.

202. I also consider it is relevant from a planning perspective to have regard to consented development and how that has influenced the environment. The locations of the RC1, RC2 and RC3 developments are shown on Figure 12 below (from the Applicant’s CI 23 urban design response). This illustrates that consented developments occupy a significant part of the Carrington Road frontage



Figure 12 Location of Consented Developments

203. I acknowledge that Mr Brown has taken this into account in his assessment and that it is his view that there is a tipping point that needs to be considered. I support the 21m height proposed by Mr Ray along Carrington Road, with a 6m set back to then allowing a 27m height. This is still higher than has been consented for RC1 (lower than RC2), however will still likely result in a six storey form at the frontage, with up to 8 stories behind.
204. I also support the standard that Mr Ray suggests, requiring a 4m floor height for buildings at the ground level facing Carrington Road.
205. These amendments are incorporated into in the recommended provisions in Appendix 8.

Height Area 1

206. As above, from a planning perspective I do not consider the towers component of Height Area 1 to be necessary to give effect to the NPSUD or the relevant RPS provisions. However in this case I consider, as well as effects, there is more of a strategic concern relating to that component of the proposal. I agree with Mr Ray (and Mr Brown) that this location for towers makes no strategic urban planning sense. The site is separated from the Point Chevalier town centre and would not be a height envisaged even if it was in the town centre. The concept does not fit with the height of buildings that would be anticipated in this location.
207. If the reasoning for towers in this location is to solely to create a landmark I consider that does need to be considered alongside other landmarks already existing in the area. Mr Brown raises a concern about the towers competing with views to Mt Albert from the North-western Motorway as it approaches Pt Chevalier. An overlay objective in D14.2. is that:
- (1) The regionally significant views to and between Auckland's maunga are protected.
208. The adopted method in the AUP is to manage buildings within a viewshaft. I would not ordinarily consider views of a maunga to be given much weight where buildings were outside a viewshaft. In this case, as shown on Figure 13, the A13 viewshaft to Mt Albert is some distance to the south. However Mt Albert is still a natural landmark and I note Mr Brown's opinion that, for towers of a height considerably higher than is envisaged, consideration of other landmarks is a relevant consideration.

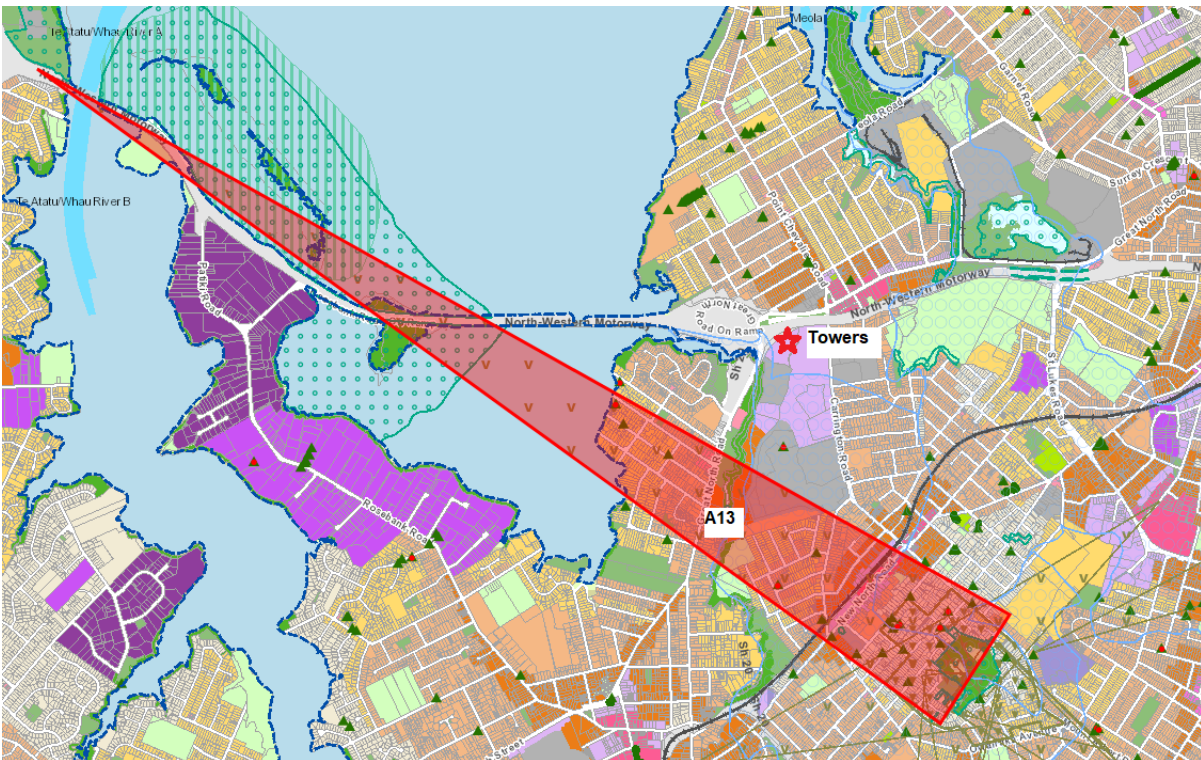


Figure 13 Volcanic (Maunga) Viewshaft A13

209. I accordingly recommend that the tower components of Height Area 1 not be allowed. That area should be incorporated in Height Area 2, i.e. a 35m height.
210. Notwithstanding the above I recognise that, apart from the concerns identified, towers may have acceptable effects in this location. This is primarily due to the isolation of the site from neighbouring properties. Also, as noted in Section 8.5 of this report, it is seen as being possible to allow towers in a suitably managed manner to recognise the heritage values of the Oakley Hospital site. Further provisions are proposed in the recommended provisions in Appendix 8 that would apply regardless of whether towers are enabled in Height Area 1.
211. However, if towers are to be enabled, I note the opinions expressed by Mr Ray, Mr Brown and Ms O'Neill that the bulk of building that would be enabled by the currently proposed provisions is not appropriate. Mr Ray is particularly concerned about the tower dimension. It is considered a standard requiring a 40m dimension for all towers should be imposed, together with enhanced policies and criteria. Should the Panel decide that the towers are appropriate an appendix to the recommended provisions in Appendix 8 outlines provisions that are considered to be a minimum to manage building form in this area.

Building Separation and Shading of Open Space

212. I support Mr Ray's concern that buildings exceeding 27m in height should have a separation standard of 18m, where facing walls both contain habitable rooms.
213. I have discussed shading of the Central open Space with the open space, urban design and landscape specialists. We have considered whether a standard should be imposed requiring a minimum number of hours of sunlight access to the open space. There are similar standards applying in residential zones. However, as all buildings will require consent it is considered that the following proposed additional matter of discretion will allow sufficient consideration of issues of shading (as amended):

I334.8.1(1A)(j) shading:

the degree to which the location and design of buildings ensures a reasonable level of sunlight access (measured at the Equinox) to dwellings and open space areas; taking into consideration site and building orientation, and the planned built-character of the precinct.

214. Provisions relating to the above are incorporated into the recommended provisions in **Appendix 8**.

8.3 Open Space

Issues

215. The Precinct is estimated to have an ultimate population of up to 12,600 residents. That is the population of a medium-sized New Zealand town. As a comparison in the Auckland region, Orewa has about the same population as would be enabled here. The 2022 estimated of population for Hobsonville Point is less than 9,000 people. The population enabled by PC94 will clearly need to have access to an adequate amount and quality of open space for their social wellbeing.
216. In simple terms what is proposed in the plan change request is less identified open space than is identified on the current precinct plan for a lesser enabled population. It is also substantially less open space than would be provided through comparative metrics.
217. Acknowledging that open space is not all about quantum, the quality of open space, connections to open space and the interface of open space with adjoining enabled development are all issues raised by Council specialists, including in response to submissions. Many issues raised by submitters are supported in the specialist reviews.
218. Numerically, the largest category of submissions received on PC94 relates to the open space issue. Insufficient provision made for open space dominates the concerns raised, with significant mention made of the need to retain the Manu Whenua Sanctuary Gardens as well as identifying the function of open space areas (including stormwater functions), ensuring open space areas are developed in a quality manner and that existing areas of high amenity, including the presence of trees, are retained.

Current AUP

219. There is no open space zoning in the current precinct area and no publicly owned open space.
220. The current Wairaka Precinct Plan depicts “Key open space (private)” areas shown in dark green colour in Figure 14 below. Circled in brown is a Key open space (private) area which has been removed by PC75 (Mason Clinic).
221. One light green area with an “N” is also shown which is “Indicative location of neighbourhood park (3000 sq/m) to meet council parks guidelines”. Blue areas are “Indicative stormwater management area”. The green dotted lines are “Indicative walking path” and the orange dotted lines are “Shared Path”.



Figure 14 Current Wairaka Precinct Plan

222. The following are selected extracts relating to open space from the current precinct provisions.

I334.1 Precinct Description

.....
 There are also particular attributes of the Wairaka Precinct, which contribute to the amenity of the precinct and the surrounding area and are to be retained through the development of the precinct. These include the following:

- The significant ecological area of Oakley Creek;
- An open space network linking areas within the Wairaka Precinct and providing amenity to neighbouring housing and business areas;
- A network of pedestrian and cycleway linkages that integrate with the area network;
- Retention of the open space stormwater management area which services Wairaka and adjacent areas, and the amenity of the associated wetland;
- The stream and the landscape amenity this affords, and
- The Historic Heritage overlay of the former Oakley Hospital and identified trees on site.

The implementation of the Precinct plan requires a series of works. These focus on the open space and roading network giving access from the east to the important Oakley Creek public open space, and the walking and cycling connections linking east to west Waterview and areas further west to

Point Chevalier/Mount Albert, and north to south Mount Albert to Point Chevalier. This precinct plan also provides key linkages on the western regional cycle network.

....

I334.2 Objectives

- (7) Open spaces, cycling and pedestrian linkages from the precinct to the wider area and neighbouring suburbs, including linkages between activities and open space, are provided for and enhanced.

I334.3 Policies

- (4) Promote comprehensive planning by enabling integrated development in accordance with the precinct plan that provides for any of the following:

....

- (i) Identification and protection of significant landscape features, the adaptation of the scheduled historic buildings, identified trees and open space network;
- (j) Public road and open space access to the Oakley Creek reserve;

Open Space

- (15) Provide for public open space, including a neighbourhood park in the northern portion of the precinct.
- (16) Provide public connections to Oakley Creek from Carrington Road through public roads and open space, giving quality public access to this ecological area.

Pedestrian and cycle access, street quality and safety

- (17) Require development to maintain and provide a varied and integrated network of pedestrian and cycle linkages, open space and plazas within the precinct.
- (28) Encourage built form, activities, public open spaces and infrastructure to be planned and designed on a comprehensive land area basis, rather than on an individual site basis.

(Activity) Tables I334.4.1 and I334.4.3 (does not apply to sub-precinct B (Taylors Laundry site))

(A31) (A42)	Any development not otherwise listed in Table I334.4.1 that is generally in accordance with the precinct plan	RD
(A32) (A43)	Any development not otherwise listed in Table I334.4.1 that is not generally in accordance with the precinct plan	D

I334.1. Assessment – restricted discretionary activities

I334.8.1 Matters of discretion

- (4) Any development not otherwise listed in Tables I334.4.1 and I334.4.3 that is generally in accordance with the precinct plan:

....

- (c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents through the provision of:
 - (i) open spaces which are prominent and accessible by pedestrians;
 - (ii) the number and size of open spaces in proportion to the future intensity of the precinct and surrounding area; and
 - (iii) effective and safe pedestrian and/or cycle linkages;
 - (a) The location, physical extent and design of open space;

I334.8.2. Assessment criteria

- (a) Building interface with any public places;
- (i) the extent to which buildings have clearly defined public fronts that address the street and public open spaces to positively contribute to those public spaces and pedestrian safety;
 - (ii) the extent to which pedestrian entrances are located on the street frontage and be clearly identifiable and conveniently accessible from the street;
 - (iii) the extent to which buildings provide legible entrances and exits to covered plazas, open spaces and pedestrian linkages;
 - (iv) the extent to which separate pedestrian entrances are provided for residential uses within mixed use buildings;
 - (v) the extent to which activities that engage and activate streets and public open spaces are provided at ground and first floor levels;
 - (vi) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;
 - (vii) the extent to which building heights and form are designed to allow a reasonable level of natural light into existing and planned communal open spaces within the precinct, appropriate to their intended use and whether they may require building form to be modified to the north of such spaces;
 - (viii) the extent to which buildings are designed to support high quality open spaces and where appropriate provide views to the wider landscape and/or surrounding streets, to enhance the legibility, accessibility and character of the campuses; and
 - (ix) the extent to which through-site links and covered plazas integrate with the existing or planned public realm and pedestrian network and whether they are:
 - publicly accessible and attractive; and
 - designed to provide a high level of pedestrian safety.
- (b) Safety:
- (i) whether new and upgraded buildings and public open spaces are designed in accordance with crime safety principles. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within the campuses will be considered as if they are public open spaces;
 - (ii) the extent to which open spaces, plazas, foyers, lanes and pedestrian linkages have multiple entrances and exits rather than a single way in and out of such places and spaces; and
- (4) Any development not otherwise listed in Tables I334.4.1 and I334.4.3 that is generally in accordance with the precinct plan:
- (c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents through the provision of and pedestrian and/or cycle connections:
- (i) The extent to which the design demonstrates the staging of wider network improvements to public open space, including covered plaza, open spaces, pedestrian walkways and cycleway linkages including:
 - the layout and design of open space and connections with neighbouring streets and open spaces;

- integration with cultural landmarks, scheduled buildings, scheduled trees and historic heritage in and adjacent to the precinct; and
- (d) the extent to which the location, physical extent and design of open space meets the demand of future occupants of the site and is of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area.

I334.9. Special information requirements

An application for development that is or is not generally in accordance with the precinct plan must include the following:

- (1) Plans showing:
- (a) the overall context of the subject land area relative to existing buildings, public open space and transport connections and any approved buildings and approved framework plans generally;
 - (b) where changes are intended, the relationship of site contours to existing and proposed streets, lanes, any public open space shown;
 - (c) building footprints, profiles and height relative to existing and proposed streets, lanes and any existing or proposed public open space;
 - (d) the location and layout of public open space areas (within the control of the landowner or leaseholder), including the general location of soft and hard landscaping areas, such as pocket parks, plazas, pedestrian linkages, walkways, covered plazas and linking spaces that complement the existing public open space network;

223. PC75 introduces some additional wording to the precinct description, including the following:

The open space network for the precinct is provided for by way of a combination of identified areas, and indicative areas, including walking paths and shared paths (shown on Precinct plan 1) and future areas and walkways/shared paths which are to be identified and developed as a component of the future urban intensification envisaged.

224. An additional policy has also been introduced, being:

(15A) Provide open space in accordance with Precinct Plan 1 plus at least an additional 0.9ha key open space (private) within the precinct.

225. In respect of Policy 15A this has only recently been the subject of a Consent Determination of the Environment Court²⁷. A previous wording of this policy had been appealed by MHUD. The Consent Determination followed a draft consent order by the parties to the appeal. The revised policy wording expressly referenced a replacement of the mapped area of open space lost by PC75, i.e. 0.9ha.

226. Council's GIS department has calculated the site areas of the pre-PC75 precinct plan Key open space (private) and neighbourhood park areas – see Figure 15. Note that the southern area has been split into two to roughly allow a comparison with the Knoll and Southern Open Space areas proposed in PC94.

²⁷ ENV-2023-AKL-000200 17 September 2024



Figure 15 Current Wairaka Precinct Plan Open Space Areas

The Application

227. The proposed Precinct Plan 1 is repeated in Figure 16 below.

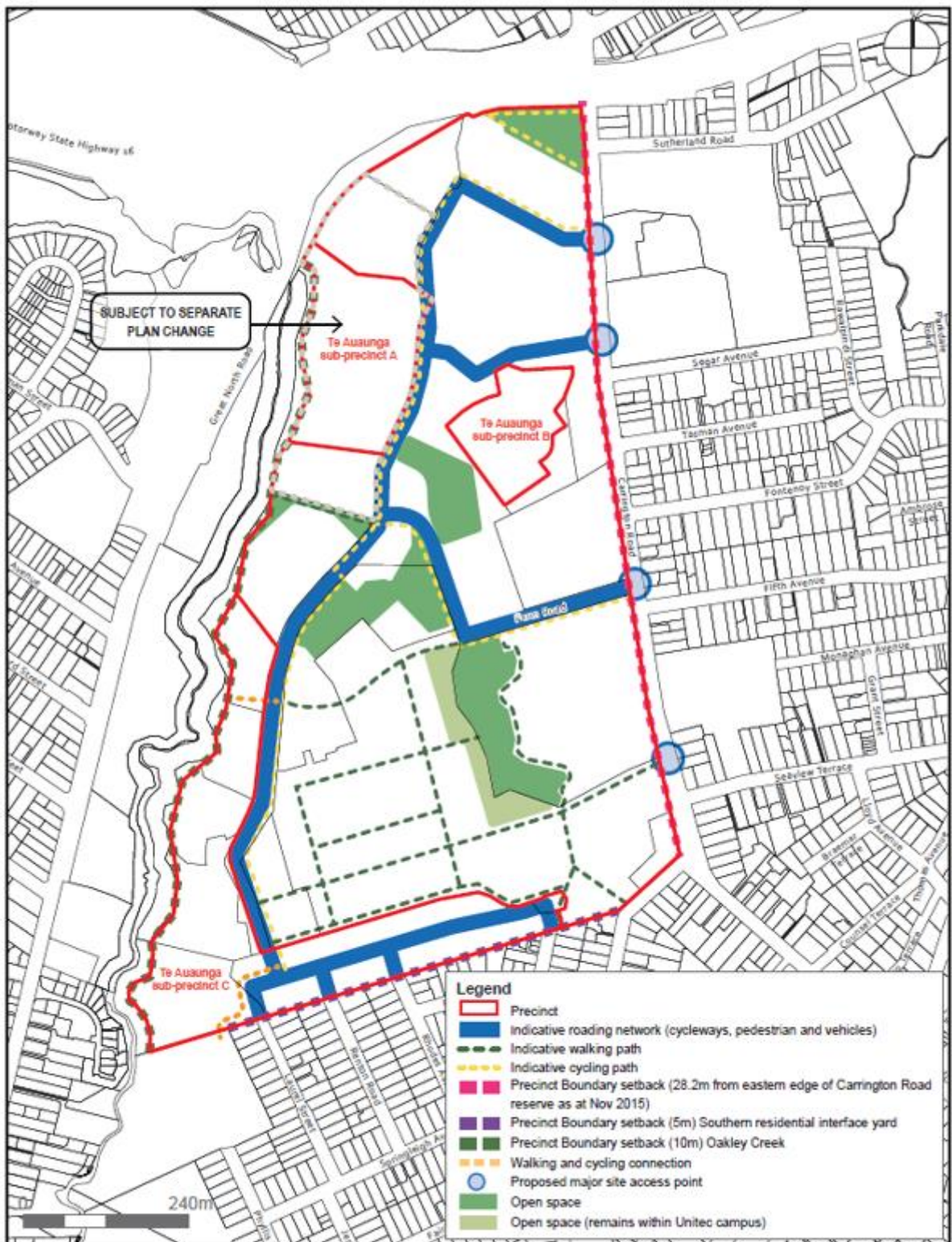


Figure 16 Proposed Precinct Plan

228. In respect of open space the current Key open space (private) areas have become, simply, "Open space", with an area to remain in the Unitec campus separately identified. The PC75 Key private open space (private) is no longer shown, nor the current neighbourhood reserve. Other areas, including the Knoll and Southern Open Space, have been reduced in size. A Central Open Space area, an access to Te Auanga Creek and an area north of the Oakley Hospital have been added. These changes are explained in more detail in the Analysis below.

229. The application documentation supporting open space matters was substantially revised and expanded following the Clause 23 further information process. Section 4.5 of the submitted AEE, relating to open space, is repeated below:

Precinct Plan 1 (forming part of the plan change and shown in Diagram 6) identifies the different open spaces within the Precinct Plan.

One of the larger private open space areas identified on the current Precinct Plan is now part of the Mason Clinic site. Te Whatu Ora provide for open space within their compound for their patients and staff. Given the nature of this hospital, public access to this land is not appropriate. Consequently, this plan change removes the open space from the Mason Clinic site and relocates it to more appropriate locations, central and north in the precinct.

The plan change acknowledges the potential for significant open space in the north in the foregrounds to the Former Oakley Hospital Building. This is the site surrounds for Building and forms part of its 'extent of place'. It is a high amenity area and in a good strategic location for public access, connecting both to the north-western cycleway and into the Point Chevalier township over the motorway bridge. It is a logical and appropriate place for long term open space to be provided.

The other key open space proposed is in the centre of the precinct, in a flat location easily accessed by most areas of the future development, and inter-connected with the open spaces further south and Te Auaunga/ Oakley Creek to the west.

There is also open space complementing the stormwater management area (artificial wetlands) in the south and the surrounding land. This area provides amenity space as well as open space areas around the margins.

The land adjacent to Unitec's Building 48 has a significant area of treed open space. This is also identified through Precinct Plan 1, as part of the network of central open space that is interconnected both north and south-east from this location.

The final aspect of the open space network is the linkage between the Spine Road and the Te Auaunga / Oakley Creek walkway network. This is on the southern boundary of the Mason Clinic land.

195. Attachment 5 Open Space Assessment of the application documents assesses each area of proposed open space against Council policies, including:

- (a) Parks and Open Space Acquisition Policy (2013).
- (b) Open Space Provision Policy (2016).
- (c) Albert-Eden Sport and Recreation Facility Plan (2021).

196. The following are extracts from the Open Space Assessment:

- 2.3 The Te Auaunga Precinct provides for 5.1641ha of public open space land distributed in the northern, central and southern portions of the precinct. It provides an integrated network of open space to serve the new community that will establish over time within the Te Auaunga precinct area as well as the adjacent residential area.
- 2.4 The Te Auaunga Precinct also provides an extensive walkway and cycleway network which provides walking and cycling connections between the open space areas and to / from the wider urban area.
- 2.5 The existing Wairaka precinct provides for a 3,611m² neighbourhood park to service ~ 2,500+ dwellings envisaged within the Wairaka Precinct. The existing provisions also show 7.13ha of "private open space". This includes approximately 1.2 ha of Unitec land. This is unchanged through this plan change.
- 2.6 This plan change seeks to establish approximately 4.5ha of public open space (subject to the Council agreeing to accept the vesting of this land in accordance with the process set out in the Councils Development Contribution Policy and Open Space Acquisition Policy)

plus an additional ~0.6ha of land contiguous with public open space which is intended to vest as a stormwater asset.

2.7 The open space provision proposed represents a ratio of approximately 1ha per 1,000 dwellings.

2.8 The provision of public open space for the intended population is appropriate to service the needs of the new community. The range of open space areas is intentionally diverse, i.e. to provide for recreational choice for the differing needs of the community. The proposed open space areas have the potential to provide for formal playgrounds for different age groups, informal play areas, passive and informal active recreation (kick-a-ball), picnicking and the like, as well as amenity planting, and access to an extensive public walkway network.

....

2.14 Precinct plan 1 as proposed through the plan change provides for a total of 6.1ha of land (including the Unitec land) being set aside for open space, and stormwater management. This represents 10.5% of the residential land of the precinct (i.e., excluding the Mason Clinic but including Unitec). This calculation excludes land required for the finer grained local road / cycle / pedestrian network, infrastructure, and any communal publicly accessible and / or private open space that will be provided as part of the further residential development of the superlots. The existing Precinct plan identifies both public and intended private open space. This plan change proposal identifies only intended public open space (subject to Council accepting it).

.....

3.64 HUD does not support the provision dedicated formal sportsfields at this location and they are not proposed in the plan change request. The provision of sportsfields needs to be resolved in terms of a regional network. To embed sportsfields in this location would have poor planning, urban design and community outcomes. Dedicated sportsfields, for obvious reasons, need to be restricted in terms of casual use by the community so that they are available for organised sports. They are also often access restricted outside these hours, to provide for grounds maintenance or protection and for safety reasons.

.....

4.39 In the north-western block where the three high rise buildings are provided, the planning concept and urban design approach here is for towers rather than large spread-out building platforms. This creates private space around these buildings. While the distribution of communal open space is a matter to be worked through as part of individual development applications, there is obviously, through this development and all development, a reasonable prospect that there would be some communal private open space provided.

.....

Acquisition

6.9 All intended public open space addressed above is proposed to vest in the Council, but obviously subject to Council accepting the public open space, and associated agreements with Council on the terms of the vesting and normal land value considerations.

6.10 HUD considers there needs to be an agreement with the Council in the form of an Infrastructure Funding Agreement (IFA) or equivalent to address the acquisition of open space in accordance with the policies discussed above. That is explained below. An IFA would be c part of a separate process in the usual way, i.e. outside this plan change process, and therefore while certain assumptions have been made in this application the outcomes are not able to be committed by the applicant unilaterally. However, changes to the plan to address any negotiated outcomes are at the applicant's risk.

197. The provisions referred to above from the current precinct have remained largely unchanged apart from precinct name changes, etc. There has been some restructuring of provisions.

Submissions

198. I adopt the detailed analysis of the relief sought in submissions as given in Mr Rob Greenaway's specialist open space review (**Appendix 6**). In general the submissions seek more open space and more detail about how open space is to be developed, including within the context of the wider site.
199. Submissions, and also in the feedback from the Albert Eden Local Board, seek a range of relief including maintaining the current areas of open space, retaining Policy 15A, identifying new areas of open space and provisions that require open space provision associated with the establishment of new development.

Specialist Reviews

199. Specialist reviews have been prepared by Mr Rob Greenaway who is an independent parks and recreation expert and Dr Roja Tafaraji who is a Council Senior Parks Planner. Mr Greenaway's review focusses on open space metrics and the range of open space needs of communities and Dr Tafaraji focuses on the quality of open space areas to be provided, including against Council parks policy. Open space matters are also referred to by Mr Stephen Brown (landscape) and Mr Alistair Ray (urban design).

Rob Greenaway

200. Mr Greenaway conducts an analysis of the provision made for open space utilising a number of comparisons of the open space metrics and provisions, including in relation to the adjoining Waterview suburb which he calculates has access to open space (not including Oakley Creek) at 32m² per capita.
201. The following is an extract from Mr Greenaway's review.
36. Khalil (2014)²⁸ summarises various national and international 'indices' for open space provision on per capita bases:²⁹
- United Nations - 30 m² per capita
 - European Union standards - 26 m² per capita
 - The USA Public Health Bureau and Ministry of Housing - 18 m² per capita
 - World Health Organization standards - 9 m² per capita
37. There is little commonality here, and as with the WHO standard, and without substantial review, I doubt the unvarnished relevance of these indices, although - at the high end - they point to levels of service not far removed from that of Waterview.
202. Mr Greenaway calculates the PC94 provision of open space (excluding consideration of the Oakley Creek reserve) at 3.6m² per capita (based on a Wairaka population of 12,600). He goes on to say:
51. My opinion is that the quantum of open space provision per capita in itself is not a meaningful metric in isolation – although it provides a basis of comparison. Rather, the question is what is the capacity of the proposed open space in the Precinct to meet the new community's wellbeing needs? In support, the WHO reports that the quality of open space can be more important in

²⁸ Khalil, Ragab. (2014). Quantitative evaluation of distribution and accessibility of urban green spaces -Case study: City of Jeddah. *International Journal of Geomatics and Geosciences*. 4. 526-535

²⁹ I cannot find any reference to the WHO figure of 10-15m² referenced in the submission of Berys Spratt (#175).

supporting mental health outcomes than their quantity. This is, of course, underpinned by the spaces being accessible, correctly sized and developed to accommodate the expected use.

....

57. In summary, there is no 'bright line' test for the quantum of necessary open space provision in this case – although by my measure PPC94 is offering substantially less open space for recreation than the operative Precinct Plan 1 (4.8 versus 6.6 ha) for a substantially greater population (proposed up to 4,500 dwellings versus the 2,500 currently provided for), and in my opinion, in a poorer dissected format. I would expect that the very high residential density proposed by PPC94 would require an intense analysis of the new community's open space requirements. I respond further in this report, largely in my summary, to the issue of whether there is capacity to meet the wellbeing needs of the future proposed population, relying on the main submission topics.

203. In his conclusions Mr Greenaway states³⁰:

A larger open space provision will far better serve the wellbeing of the new Wairaka community, and reduce impacts on existing neighbouring suburbs. I recommend that the figure of 20 m² per household as described in the Local Government Act 2002 (s203 (1)) and the *Auckland Council Contribution Policy 2022 Variation A* (s63) is the preferred starting point for a provision metric (my paragraph **Error! Reference source not found.**). Provision below this level should be justified by exceptional open space design.

204. Mr Greenaway defers to Dr Tafaraji in most matters relating to the quality of each proposed open space area. However he does raise a concern about the Central Park area. He notes³¹:

The shadow diagrams for winter show a limited portion of the Central Open Space that will be suitable (**Error! Reference source not found.**). The Applicant's OS 4 response indicates that the Central Open Space will be "a large area of open space suitable for informal active recreation, such as kick-a-ball areas, playgrounds, barbeque areas, seating.... Play area: This open space has the most potential for informal active recreation including contemporary play amenities for a range of ages. It is a large flat area of land eminently suitable for informal active recreation activity."³² However, I consider that such utility may be only for several hours per day in winter, forcing residents to use facilities further away in neighbouring communities.

205. In his conclusions Mr Greenaway states³³:

I recommend that PPC94 only be approved once the functions of the Applicant's proposed open spaces are clarified, and the quantum of provision is justified based on its ability to provide a high quality open space network for a high density population. In my opinion, a larger and better connected area of open space is needed and will provide greater flexibility for development and will reduce shading effects if additional building height is permitted.

Roja Tafaraji

206. Dr Tafaraji assesses the open space provision in PC94 against a number of documents including (amongst others) the RMA, NPSUD, AUP RPS, Council's Open Space Provision Policy (2016) (**OSPP**), Parks and Open Space Strategic Action Plan (2013) and Parks and

³⁰ Mr Greenaway Review, paragraph 72.

³¹ Mr Greenaway Review, paragraph 68.

³² Responses to Auckland Council RMA cl 23 Requests | OS4, paragraphs 13 and 17.

³³ Mr Greenaway Review, paragraph 72.

Open Space Acquisition Policy (2013) and the Albert-Eden Open Space Network Plan. She notes that the OSPP sets out provision targets for different types of open space (recreational and social) across the region and is intended to give effect to the council's Parks and Open Spaces Strategic Action Plan which is referenced in Appendix 1 of the AUP.

207. Dr Tafaroji's conclusion is:

5.1 I do not support the Applicant's approach to provision of open space within the precinct as in my view it does not meet the needs of the community as per required by Auckland Plan and other directing documents and guidelines. I reach this view on the basis of the following:

- Regarding the proposed quantum of open space, the Applicant does not appear to take the considerable increase in the population into account resulting from proposed rezoning of the precinct. Indeed, PPC94 provides for less open space in total compared to what is required by the operative Precinct plan (5.1ha proposed by PPC94 versus 7.1ha required in operative precinct plan).
- Regarding the proposed outcome from open space perspective, the Applicant heavily relies on the acquisition of open space to be owned by Council. This is despite the fact that the discussion around any acquisition and subsequent public ownership does not belong to the process of a plan change, and that a plan change must envisage an outcome achievable for the community independently of other processes.

208. In respect of sports facilities Dr Tafaroji states:

3.23 According to the Albert-Eden Sport & Active Recreation Facility Plan Summary Report (2021), the Albert-Eden Local Board area is already under pressure in provision of Sportsfields and sporting facilities. The undergoing Unitec site redevelopments and potential future developments implementing the intensification on the site, enabled by this plan change, would result in more people living in an area without considering their needs to be met.

209. Dr Tafaroji assesses each proposed area of open space. In summary her assessment of each area is:

1. Northern Open Space

While this area is not ideally shaped, is constrained by the provisions associated with the heritage overlay and is encumbered by buildings it does provide for some quality open space functions and borders the Northwestern Cycleway on its northern boundary. It could be considered as a Neighbourhood Reserve. Needs to be better connected to the balance of the precinct.

2. Central Open Space

While not ideally shaped this area is in the centre of the precinct and meets the majority of the criteria considered for Council's investment in the open space network. Can be considered as a Neighbourhood Reserve. It should have some park edge road provision (ideally) to the west to connect visually with other assets.

3. Te Auanga Access

Is supported as a road to reserve accessway but might be best to vest as Local Purpose (accessway) Reserve.

4. Knoll Open Space

Not considered a functionable open space for recreational purposes due to the steep contour of the site (very limited flat area of approximately 0.2ha with a gradient of at least 6%), being heavily vegetated by established and notable trees on the site, and the poor shape of the site which does not provide for 30mx30m kickable area.

5. Southern Open Space

Considering the size and the flooding on the site, the southern open space does not meet the provision/acquisition policy to be considered for recreational purposes.

210. In consultation with Council's Open Space Acquisition team Dr Tafaroji agrees that one more open space as a neighbourhood park is required in order to create green network across the precinct and the wider area. This park, of about 5,000m², would be located between the two proposed Northern Open Space and Central Open Space areas *within* Lot 6 of the approved mega lot subdivision.
211. In respect of shading Dr Tafaroji refers to the Shadow Study prepared by Boffa Miskell and is concerned that, the development enabled by PC94 would create a concerning level of overshadowing on the open spaces particularly within the centre of the precinct during Winter Solstice period³⁴.
212. Dr Tafaroji seeks a number of changes to the provisions to ensure an integrated approach providing for the open space provision and its network required by the precinct plan.

Alistair Ray

213. Mr Ray expresses a general concern in his urban design review about a lack of clarity regarding the intended design vision and built form character, the design process and how a successful new urban community will be delivered over time. He refers to the (Grimshaw) masterplan document being referenced in the application as informing the proposed precinct plan, however notes it is unclear how the outcomes described in this document are linked to the planning provisions. He gives as an example the masterplan describing a built outcome that is generous in open space provision including a site coverage in the illustrative scenario of just less than 50% of the developable area (i.e. excluding the open space and road areas). He goes on to say:
- 23..... But there is nothing in the planning provisions either as standards or matters of assessment that relate to site coverage. If a proposal is submitted that otherwise meets the planning standards but has a much higher building coverage and large areas of surface parking, I am unsure whether the provisions as written will be strong enough to resist such an approach, even though the proposal is counter to the intended outcomes.
214. In respect of shading issues and the proposed Central Park Mr Ray states:

³⁴ Dr Tafaroji Review, paragraph 3.43

74. However, the planning provisions, without being tied to the masterplan, technically allow for a much denser built form. In particular, if allowed as proposed, it would allow for 35m tall buildings (up to 10 residential storeys) surrounding the proposed (public) open space including the proposed neighbourhood park. Buildings rising up 35m immediately to the north and east of this neighbourhood park would cause undue shading and building dominance to the point that I would consider the neighbourhood park severely compromised.

215. Mr Ray also considers it is unclear whether the open space shown on Precinct Plan 1 is completely sufficient to serve the intended population or whether there is an expectation on individual developments to provide additional private / communal open space³⁵. He goes on to state:

32.... but if a series of buildings are proposed with no or little additional supporting open space (whether private, communal or available for public use) then I would be concerned that insufficient open space is being provided for such a potentially large community.

Stephen Brown

216. Mr Brown discusses open space in some depth in his landscape review, summarising his “very real concerns” about:

- The quantum of open space now proposed;
- Its configuration;
- The uncertain functionality and appeal of the open spaces proposed;
- The lack of integration between the proposed open spaces and locations / spaces of importance to the local community already;
- The potential for significant overshadowing and visual over-dominance effects in relation to Precinct’s more central open spaces; and
- The absence of a masterplan or similar blueprint to demonstrate how the proposed built forms, street network and open space would be integrated – perhaps similar to pages 54-97 of the Grimshaw ‘Reference Masterplan and Strategic Framework’ of 2019, which is now completely outdated.

Analysis

Statutory Framework

217. NPSUD provisions I regard as being particularly relevant to the open space issue include:

Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

.....

(c) have good accessibility for all people between housing, jobs, community

³⁵ Mr Ray’s Review, paragraph 30.

services, natural spaces, and open spaces, including by way of public or active transport; and ...

218. The RPS has a dedicated section on open space and recreation facilities - B2.7. Relevant Objectives and Policies are:

B2.7.1. Objectives

- (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.
- (2) Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced.
- (3) Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated.

B2.7.2. Policies

- (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.
- (2) Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.
- (3) Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities.
- (4) Provide open spaces and recreation facilities in areas where there is an existing or anticipated deficiency.
- (5) Enable the development and use of existing and new major recreation facilities.
- (6) Encourage major recreation facilities in locations that are convenient and accessible to people and communities by a range of transportation modes.
- (7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities.
- (8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities.

219. Auckland Wide Rules Part E38 relates to urban subdivision. A relevant policy is:

Recreation and Amenity Spaces

- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
 - (a) providing open spaces which are prominent and accessible by pedestrians;
 - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
 - (c) providing for pedestrian and/or cycle linkages.

Existing Precinct

220. While I acknowledge the Wairaka Precinct was subject to comprehensive evaluation when through the PAUP process in 2015 / 2016 my assessment is that, in respect of open space matters, there remain unknowns and uncertainties in respect of how the provisions are to be interpreted.
221. The current precinct contains a combination of one indicated Neighbourhood Park and a series of Key Open Space (private) areas. The Neighbourhood Park notation is clear and consistent with many other precincts. It indicates an area that the Council has expressly indicated a future intention in acquiring as a vested public reserve.
222. The unknowns include how the precinct plan Key open space (private) areas were assessed in relation to how they were intended to serve the student and residential population enabled in the precinct. For instance, I have been unable to locate any metric relating the open space to population.
223. There also appears to have always been a difference in views on this matter between Auckland Council and Unitec. Through the PAUP process Auckland Council focussed on the area (the Neighbourhood Reserve) it saw as being all that was necessary for public open space purposes. Unitec had a wider view of what should be taken into account. In respect of the Key open space (private) areas the following are extracts from the planning evidence given to the then IHP at the PAUP hearings on behalf of Unitec:

(Referring to the Knoll / Southern Open Space area):

2.15 The stormwater function comprises only 0.5ha of this 6.2ha block. Because of this stormwater function within the key open space area, the Council treats the remaining 5.7ha area as a stormwater area, rather than as open space.

2.16 The reality is the significant majority of this land is the natural spring and natural stream of the Wairaka Stream, the significant treed area of the arboretum and usable open space. It is an area of high amenity and is suitable for informal recreation. Its future use is confirmed by its inclusion on the Precinct Plan. Development that is not in accordance with the Precinct Plan is a discretionary activity under Activity Table 1.

(Referring to the northern area associated with Oakley Hospital):

2.20 Unitec offered to identify this as open space in the Precinct Plan. However, the Council's view is that the land is currently protected and appropriately dealt with under the Unitary Plan's heritage overlay provisions. As the area is identified as the site surrounds for a Category A historic heritage place, a fully discretionary resource consent would be required to establish any building or structure in that area.

(Summary in relation to open space)

2.23 The cumulative effect of the treatment of the land identified above is to provide an extensive area of open space within the Wairaka Precinct, which will be open to the public³⁶.

224. The Council evidence to the PAUP hearings focussed on the proposed provision for a Neighbourhood Park. The following is an extract from the planning evidence:

³⁶ Statement of Rebuttal Evidence of John Robert Duthie on behalf of Unitec (Planning) topic 080 - Rezoning and Precincts (General) - Wairaka Precinct 26 January 2016

9.6 I have consulted with Council's Principal Policy Analyst, Parks and Recreation Policy, Ms Shyrel Burt. Ms Burt has advised me that annotating the indicative location of the neighbourhood park on the Precinct plan is appropriate and supports this from a public open space perspective. However, showing other possible open spaces is not appropriate at this time.

9.7 An assessment of the Precinct plan against the Council's Open Space Guideline provisions indicates that the key requirement for the Precinct is the provision of a Neighbourhood Park. The site meets all the other key guidelines due to the presence of Phyllis Reserve, Oakley Creek and Chamberlain Park. From Council's perspective there is no need to identify any additional public open space.³⁷

225. Council's opening legal submissions for Topic 080 for precincts (general) did however state:

Additionally, aside from the key requirement of a Neighbourhood Park, the site meets all key guidelines of the Council's Open Space Guideline provisions due to its surrounding natural areas. The residents are entitled to seek more open space and Unitec are entitled to provide additional private open space, but the Council only seeks compliance with its own Open Space Guidelines.

226. It appears at that stage Council was not interested in any of the indicated Key Open Space (private) areas being "public", which I interpret as being vested, open space. The planning evidence made it clear that these other areas were seen as serving, at most, an amenity function. The following is an extract from the Council planner's rebuttal evidence:

14.74 Other key open spaces shown on the precinct plan will provide for amenity within the site or be for stormwater management purposes, but are indicative only³⁸.

227. Council's Closing Remarks on open space at the IHP hearings are repeated below³⁹:

4.1 At the hearing, MARA continued its requests for more public open space within the Precinct, including a second neighbourhood park in the southern part of the site, the triangular open space in front of the heritage building and the elevated woodland facing Woodward Road.

4.2 The Council opposes identifying any of these three areas as public open space, with the associated assumption that the Council will purchase or otherwise compensate Unitec for those pieces of land. In particular:

(a) A second neighbourhood park is not necessary as Phyllis Reserve provides access to suitable public open space for the southern parts of the precinct and so meets the Council's Open Space Guidelines;

(b) The courtyard area is protected through the Heritage Extent of Place control and that provides more than adequate protection for the open space characteristic of that site; and

(c) The woodland area has only limited ecological value (it is not a Significant Ecological Area for example) and very little recreational value so it would be inefficient for the Council to use public funds to purchase such land.

228. The IHP recorded the following in their relevant recommendation report:

³⁷ Statement of rebuttal evidence of Stephen van Kampen on behalf of Auckland Council Wairaka Precinct – Planning 26 January 2016

³⁸ Evidence Report on Submissions Stephen van Kampen on behalf of Auckland Council Wairaka Precinct 3 December 2015

³⁹ Closing Remarks and Points of Clarification on behalf of Auckland Council in relation to Topic 080 Rezoning and Precincts (General) Wairaka Precinct 31 March 2016

The provision of open space within the precinct was another issue raised by parties. The Panel agrees with Council's position on this matter set out in its closing statement. The provision of open space in the precinct is considered adequate for future needs and is supported by criteria to consider any proposed variances from what is provided in the precinct plan⁴⁰.

229. My assessment is that this left open an uncertainty in relation to how open space, and particularly Key open space (private), was to be treated under the precinct provisions. This was a matter commented on in the following extract from the PC75 decision:

The precise nature and purpose of the open space in question remains unclear. We are unsure whether the use of the word "private" in the description refers to the land being privately owned (but available for public use) or whether it had a more literal meaning and was not available to the public. We appreciated the assistance provided to us from the Requestor and Council officers to clarify this. Ultimately, we are drawn to the former because the operative Precinct plan identifies a relatively large area of land in that way, but in the end have reached a view that we need not determine that matter.⁴¹

230. Also of interest is how the component of Key open space (private) has been considered in applications for residential development that have been approved in the precinct. The most recent of those is the 2 September 2024 fast track legislation consent for Te Whenua Haa Ora, a development of 509 dwellings in 5 apartment buildings in the location of the Sanctuary Gardens⁴². That site is immediately opposite (on a currently private road) the Knoll Key open space (private) area⁴³.

231. In total, there have been 1,430 dwellings consented in fast track consents. This is over half the assessed potential for the whole precinct under the current precinct provisions. No open space as shown on the current precinct plan has been secured under those consents.

232. Amongst the comments provided on the application to the Expert Panel Dr Tafaroji made the following observation⁴⁴:

According to the (still) operative Wairaka Precinct Plan (Figure 4), there are two open spaces in the vicinity of the subject site, one to the north and one to the east of the subject site, both of which are noted to be 'key open space (private)'. None of these open spaces have been acquired and owned by Auckland Council yet, and as noted by the Precinct plan, are indicated to be private open spaces. While these open spaces would not contribute to the open space network plan, they would still shape part of the green network, and would also benefit the community if they provide for public access.

233. While the Wairaka Precinct more generally identifies substantial Key open space (private) areas the precinct provisions do not link those areas with proposed developments. There appears to have been no detailed assessment in this application of open space requirements for Te Whenua Haa Ora for what may be around 1,400 people accommodated

⁴⁰ Independent Hearings Panel Report to Auckland Council Hearing topics 016, 017 Changes to the Rural Urban Boundary; 080, 081 Rezoning and precincts Annexure 2 Precincts Central July 2016, Page 74

⁴¹ Council Decision on PC75, paragraph 53

⁴² <https://www.epa.govt.nz/fast-track-consenting/listed-projects/te-whenua-haa-ora/>

⁴³ It also adjoins, on its northern side, the proposed Te Auanga Access open space area.

⁴⁴ <https://www.epa.govt.nz/fast-track-consenting/listed-projects/te-whenua-haa-ora/comments-from-invited-parties/>

in the development. There was no formal connection established to the immediately adjacent Knoll Key open space (private) area.

234. The Expert Panel in their decision stated the following:

109. The Council's comments included an analysis from its Parks department which made reference to matters of open space provision beyond the Site and scope of the application, in the context of the Wairaka Precinct more generally. These are not matters the Panel has any proper capacity to take further⁴⁵.

235. To summarise, in my view, in the absence of public acquisition, there is no certainty as to how areas of private open space on the current precinct plan will be formally secured and managed. My conclusion from the above is that, while the current Precinct Plan 1 and precinct provisions for Key open space (private) should not be ignored, they cannot be relied on to determine the amount of publicly accessible open space to be provided to service development as it occurs. That is not an express requirement of the provisions.

236. It follows that the quantum and quality of open space deserves fresh attention, and this PC94 process allows the opportunity for that to happen.

237. The new Policy 15A sought to maintain the status quo in respect of the quantum of open space. I have outlined there are questions, at least about the workability of the status quo. In any case PC94 changes the status quo by providing for significant extra dwellings / population and the whole question of provision of open space needs to be revisited. In that respect I note the following from the Consent Determination on PC75:

[12] The Council considers there is jurisdiction for nature and quantum of open space in the Wairaka Precinct to be considered in the context of Ministry of Housing and Urban Development proposed Plan Change 94 (Private): Wairaka Precinct.

Open Space Areas Assessment

238. Figure 15 above shows public and private open space site areas calculated from the pre-PC75 precinct plan.

239. The approved mega-lot subdivision consent contains lots that reflect the revised intentions on the proposed PC94 precinct plan for open space areas. The mega-lot plans, with relevant lots marked, are in Figure 17 below. I note that the site areas cannot be picked up at the scale of the plans recorded below, however they do appear in the comparison table below.

The lot references are:

1. Northern Open Space (Oakley Hospital)
2. Central Open Space
3. Te Auaunga access
4. Knoll Open Space
5. Southern Open Space

⁴⁵ <https://www.epa.govt.nz/fast-track-consenting/listed-projects/te-whenua-haa-ora/the-decision/>

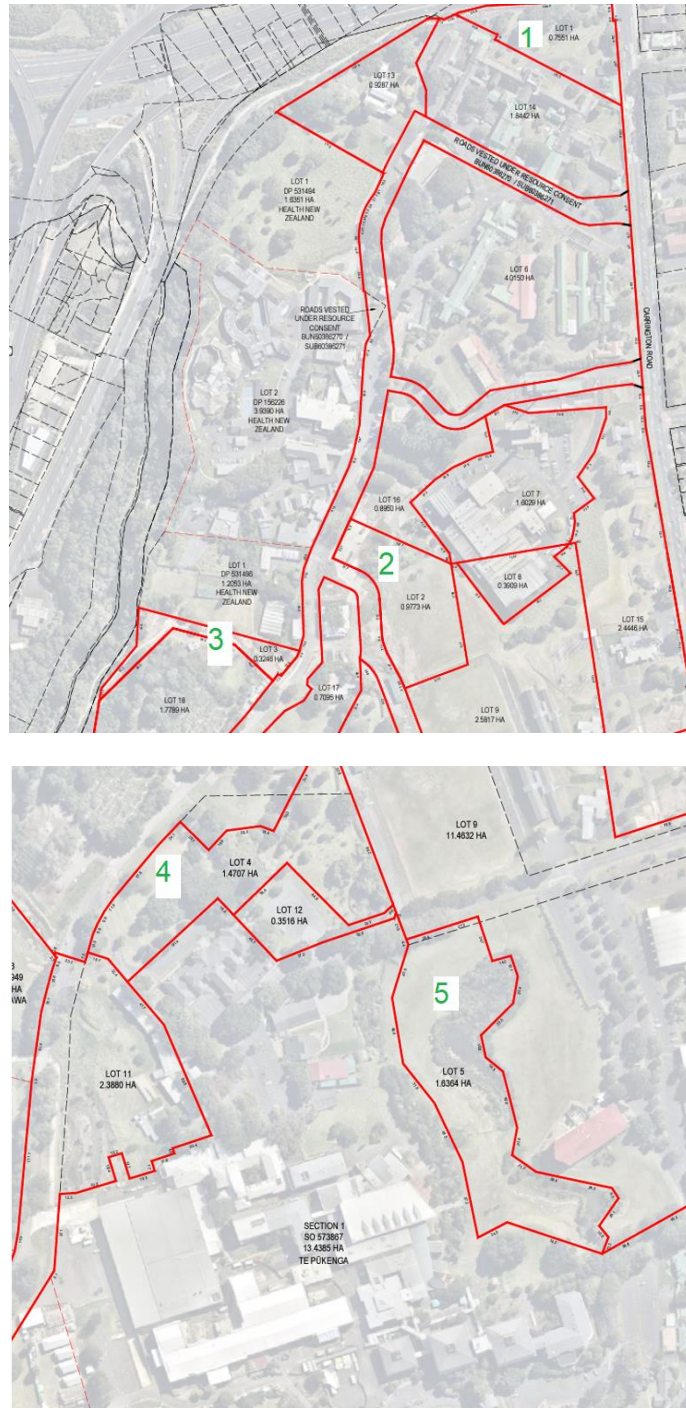


Figure 17 Mega-lot Subdivision

240. It is noted that Lot 5 does not include a 1.02ha area⁴⁶ of Key open space (private) land that is shown on the current precinct plan but is now to be allocated to the “balance” Unitec site. It is however shown on the revised PC94 precinct plan.
241. I have copied Table 4 from Mr Greenaway’s Specialist Review below. This table gives an analysis of existing and proposed areas of open space, noting that the Mason Clinic Area is referred to in Policy 15A, introduced by PC75, as being replaced elsewhere in the precinct. I also note that it does not include 0.6ha for stormwater reserve which is part of

⁴⁶ This figure has been scaled by Council’s GIS Department from the submitted PC94 Precinct Plan 1

the areas identified on both the current and proposed precinct plan identified open space areas.

Table 4: Refined summary of proposed total open space provision (ha)		
	PPC94	Operative Plan
Northern Open Space (Oakley Hospital)	0.7551	0.7551
Northern Neighbourhood Reserve	0	0.3611
PC75 Policy 15A	0	0.9
Central Open Space	0.9773	0
Te Auaunga access	0.3246	0
The Knoll Open Space	1.4707	2.0157
Southern Open Space (exc 1.02 ha Unitec)	1.0340	2.5774
Stormwater	0	0
Totals	4.5617	6.5893
Rounding	4.6	6.6

Suitability of Open Space shown on the Precinct Plan

- 242. Dr Tafaraji raises a number of concerns about the open space areas shown on the revised PC94 Precinct Plan. Mr Greenaway agrees with her views.
- 243. As noted above, UNITEC sought that an Oakley Hospital open space area be identified at the PAUP stage. However Council declined to consider that identification give the area was part of the Oakley Hospital extent of place overlay. The overlay is shown on Figure 18 below. It encompasses all of the area proposed as the Northern Open Space.



Figure 18 Oakley Main Hospital Building Heritage Area of Place

244. AUP Table D17.4.1 Activity table provides that new buildings or structures are a Discretionary activity. That may well limit further development of this area for open space purposes. It is possible that the Carrington Road, eastern, side of that area may provide some potential without affecting existing heritage qualities, however that requires further analysis which may be forthcoming in the Applicant's evidence. Pending that further information I tentatively agree that this area could be retained on the Precinct Plan on the basis that it provides amenity and a connection across the northern part of the site. I do however consider that it needs to have a better-defined link with the balance of the precinct.
245. With regard to the proposed Te Auanga Access I note that it is agreed this can be an important link. However, acknowledging that this is an area of associated amenity, it is essentially an accessway and not what I consider as an area of open space, which can be identified on the precinct plan simply as a pedestrian link. It can ultimately have the same dimension as shown on the mega lot subdivision plan but would logically be vested as a local purpose access reserve or similar and not as open space.
246. I do not propose any other changes to the open space areas shown on Precinct Plan 1. However it is important that I note this is subject to the introduction of the open space standard I refer to below.

Mahi Whenua Sanctuary Gardens

247. A large number of submissions seek recognition and identification of the Mahi Whenua Sanctuary Gardens. Mr Greenaway comments on this matter in his review⁴⁷. He considers the Mahi Whenua Sanctuary Gardens are an excellent example of the type of amenity that could be provided. From that perspective the concerns raised in submissions are supported.
248. As noted above the Te Whenua Haa Ora development of 509 dwellings in 5 apartment buildings has recently been consented in this location. The Mahi Whenua Sanctuary Gardens is not identified on the current precinct plan as open space and, as the fast track consent has enabled the area to be developed for apartment buildings, this is a matter that may not be able to be pursued. If it was not for the fast-track consent it may have been recommended that this area be shown as open space.
249. Mr Greenaway supports the community gardens concept as one that could be shown on a masterplan in a suitable alternative location in the precinct. The open space areas proposed in the request do not have the landforms suitable for this purpose (requiring level, sunny and well-drained areas, and preferably naturally fertile). This would therefore need to be identified in another suitable location.

The Open Space Quantum Issue

250. Mr Greenaway analyses the current total provision of open space to be 2.6ha per 1,000 dwellings, i.e. around 26m² per dwelling – based on the table above and 2,500 dwellings⁴⁸.

⁴⁷ Mr Greenaway Review, paragraphs 58 - 63

⁴⁸ Mr Greenaway Review, paragraph 42

251. On the assumption that all of the open space as shown on the PC94 precinct plan is available (the 4.6ha figure in the table above), and assuming 4,500 dwellings, the ratio reduces to just over 10m² per dwelling⁴⁹. This would increase only to 11.5m² per dwelling with the extra 5,000m² neighbourhood reserve being sought by the Council. Noting the concerns expressed by Dr Tafaraji about the suitability of much of the open space identified on the proposed precinct plan, the ratio becomes substantially less if the calculation is reduced to only that involving the neighbourhood reserves that Council has indicated it wishes to have shown on the precinct plan. These are the Northern Open Space and Central Open Space areas plus the extra 5,000m² neighbourhood reserve being sought by the Council (total area 2.23ha).
252. The Applicant appears to be of the view that what is being provided by PC94 will meet the future open space needs of this community. However, even if, the Applicant provides more detail and certainty about the quality and quantity of open space to be provided I am still not confident that this amount is enough, after considering the submissions received and the specialist reporting on the proposed plan change. I do not consider the current proposal will represent a well-functioning urban environment or satisfy the RPS provisions I have quoted.
253. Mr Greenaway recommends that a figure of 20 m² per household as a starting point for a provision metric and that any provision below this level should be justified by exceptional open space design. He also expects the open space network to be publicly accessible⁵⁰.
254. Notwithstanding what the ratio is, the method to be adopted in the precinct provisions to secure open space is most important. As discussed, this is an issue with the current provisions. I do consider more certainty on the amount, location and type of open space needs to be clearly articulated in the precinct provisions.
255. What I propose is a new standard along the following lines:
- Open space must be provided at the ratio of 20m² of open space for every dwelling in the precinct.
- (1) The open space may comprise.
- (a) Open space within a Neighbourhood Park or other open space area as shown on Precinct Plan 1 that has not been previously allocated in accordance with this standard;
- (b) Approved additional areas of publicly accessible open space required to ensure that standard is met.
- (2) The open space must be secured by a suitable legal mechanism at the stage of development and / or subdivision.
- (3) The calculation of open space at the ratio of 20m² of open space for every dwelling must include all dwellings in the precinct.

⁴⁹ Mr Greenaway Review, paragraph 46

⁵⁰ Mr Greenaway Review, Summary paragraph 72.a

256. A running total of open space allocation would need to be kept. That can be done by way of a Special Information Requirement along the following lines:

Open Space

As part of land use applications for development including dwellings within the precinct, information must be provided confirming the quantum and location of open space at a ratio of 20m² per dwelling for all dwellings located in the Precinct, existing and proposed.

257. It is important to point out that, as the standard refers to the 20m² per dwelling being able to be part satisfied by the open space areas shown on the precinct plan it must first be shown that those areas are suitable. Both Dr Tafaraji and Mr Greenaway have indicated reservations as to whether the open space areas as proposed can offer sufficient quality. In my view the Panel needs to be satisfied about the acceptability of these areas, including their potential to contribute to the standard outlined above.
258. In any case I have made one recommendation for change – that the Te Auanga Access open space be deleted and replaced with a pedestrian link notation.
259. I agree with Dr Tafaraji that policy references to open space need to be tightened up. Taking into account Dr Tafaraji's recommendations I propose the following amendments:

Add to Objective 10

(10) An integrated urban environment is created, which:

(ba) Ensures a range of high quality, well located and connected, and suitably sized, publicly accessible open spaces able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the Precinct.

Policies

(15) ~~Provide for a range of public open space, including a neighbourhood park in the northern portion of the precinct~~ Ensure provision of publicly accessible areas of open space, including identified neighbourhood parks, other identified areas of open space and, where required to ensure that the standard is met, approved additional areas of publicly accessible open space, that together provide a range of high quality, well located and connected, and suitably sized, open spaces able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the Precinct.

260. I agree (with the Applicant) that the current Policy 15A should be deleted.
261. I do not expect that the above will necessarily be the final wording of the provisions. At this stage I have regarded it as being most important to introduce the concept of what could be a solution to the open space issue that has been identified. After considering the evidence to come from the Applicant and submitters, and also attendance at expert conferencing, I expect to be in a position to make a more firm recommendation in the s42A Addendum Report.

Shading

262. Shading is addressed above in Section 8.2 Height and Built Form of this report.

8.4 Transport

Issues

263. Substantial work and planning has already been carried out in respect of traffic matters, including a proposed substantial upgrading of Carrington Road and an approved “backbone” street pattern within the precinct which is currently in the process of construction.
264. The primary traffic matters to be considered relate to turning movements at key intersection ‘gates’ on Carrington Road, which are to be improved as part of the proposed upgrade works, the potential for on-street parking, an associated issue of Traffic Demand Management, and some minor improvements that are considered necessary to the proposed precinct plan.
265. Other issues have been raised in submissions such as potential traffic movements on streets to the south of the precinct, however it considered they are appropriately addressed in precinct provisions that are carried through in PC94.
266. It is noted that Auckland Transport (**AT**) is, in principle, in support of PC94. It appears, subject to confirmation from further modelling, the results of which are imminent, that the issues raised in AT’s submission can be resolved.

Current AUP

267. The current Precinct Plan 1⁵¹ is in Figure 19 and copied again below.

This plan incorporates changes from PC75



Figure 19 Current Precinct Plan

268. The plan depicts an indicative roading network with proposed access points along Carrington Road (in blue), indicative walking paths (dotted green) and shared paths (dotted orange). A proposed public transport node is shown in a pink circle between Gates 3 and 4.
269. The Precinct Description, objectives and policies, matters of discretion and assessment criteria outline how the transport provisions in the precinct should be implemented, and the outcomes expected. Key outcomes include supporting the provision of passenger transport services, upgraded and connected road, pedestrian and cycle networks, managing vehicular movements through the connections to the south of the site and managing parking.
270. The Special information requirements (I334.9) include a requirement for an Integrated Transport Assessment (ITA) for any southern road connection (public or private) and the first stages of development and then for all further development in excess of 2,500m² gross floor area in the B-MU Zone or greater than 1,000m² gross floor area in the residential zones.

271. The Activity Table manages connections to streets to the south of the precinct by providing for extensions of Laurel Street, Renton Road or Rhodes Avenue as a permitted activity provided that a cul de sac is maintained (A27). This becomes a controlled activity for private, non-gated roads provided they are to remain a cul de sac (A28). A public road connection is a restricted discretionary activity (A29), subject to matters of discretion and assessment criteria that include consideration of (I334.8.2):

(3)(a)(i) the extent to which traffic management measures on roads which connect to the south of the Precinct are designed to avoid the southern connection becoming the primary entrance for tertiary education uses or becoming a faster alternative to Carrington Road for non-local traffic

272. Direct vehicle connection between Laurel Street, Renton Road or Rhodes Avenue and the Special Purpose – Tertiary Education Zone is a non-complying activity (A30).

Application

273. In the proposed Precinct Plan 1 the indicative roading network is changed to align with the realignment of roads approved under the fast track backbone consent, and currently under construction. At the southern end of the precinct the network has been extended to Mark Road with an original, easternmost, spur road (not connecting to any other road) being removed. Also in accordance with the backbone consent, walking and cycling connections have been extended to run the full length of the spine (western) road with connections back from that road to Carrington Road at Intersections A and C.

274. The changes proposed to the existing precinct provisions are generally minor. The requirement for an ITA is amended so that the ITA submitted with the plan change needs to be reviewed when 3,000 dwellings are established with a new ITA required when a threshold of 4,000 dwellings is reached.

275. Mark Road is included as one of the southern roads having access provision into the precinct. There are amendments to the activity table categories A27, A29 and A30 detailing the streets to the south to which the activity categories relate and corresponding changes, including to Assessment Criterion I334.8.2 (3)(a)(i).

276. The submitted ITA from Stantec covers existing transport environment and context, road safety, proposed development and staging, future car parking provisions, future transport environment (including provisions for sustainable modes of travel, transport connectivity and example road cross-sections), assessment of traffic effects (including trip generation and traffic modelling) and integration with transport policy. The ITA confirms the following recommendations and conclusions⁵²:

- That the Precinct will comply with the Precinct objectives, policies and rules as set out in the Unitary Plan.

⁵² Repeated from Mr Temperley's Specialist Review

- That the future precinct will support good practice in sustainable development and encourage use of sustainable modes of travel.
- While traffic modelling confirms added congestion on the adjoining transport network, proposed upgrades and capacity increases on Carrington Road will significantly reduce external impacts.
- Further longer-term development in the Precinct beyond that proposed under PC94 is likely to require further strategic change, such as significant public transport improvements along the State Highway 16 corridor and other nearby arterial roads, as well as a stronger focus on reducing car parking rates per dwelling.

Submissions

277. I adopt the detailed analysis of submissions as given in Mr Andrew Temperley's specialist transport review (**Appendix 6**). The issues raised by submitters that he identifies are:

1. AT concerns, including:
 - a Residents only Parking zone should not be funded and implemented by AT
 - concerns over forecast congestion on adjoining road network and previous discrepancies between the applicant's traffic model and AT's modelling for the Carrington Road upgrade.
 - Amendments to the ITA to reflect agreements on Carrington Road intersection upgrades
 - Amendments to I334.1 Wairaka Precinct Chapter
2. Traffic effects / congestion (12 Submitters)
3. Inadequate parking provisions (12 Submitters)
4. Safety (2 Submitters)
5. Adverse traffic effects on roads to the south of the precinct (25 submitters)
6. Impact on local roads during construction phase (6 Submitters)
7. Inadequate public transport provisions (3 Submitters)
8. Inadequate cycle and pedestrian provisions [6 Submitters]
9. Request for clarity over the nature and timing of upgrades to Carrington Road and implications arising (6 Submitters)
10. How resident's parking will be enforced (3 Submitters)

Specialist Review

278. A specialist review has been prepared by Mr Temperley (**see Appendix 6**).

279. Mr Temperley states that the most critical transport project is AT's proposed upgrade of Carrington Road, on the basis that connectivity of the PPC area to the adjoining transport network is reliant on connections to Carrington Road. With the proposed Carrington Road upgrade Mr Temperley is satisfied that the adjoining road network can perform at an adequate level of service. Mr Temperley's views are, however, subject to completion of a full joint transport modelling expert statement which is being drafted by transport experts on behalf of the Applicant and AT.
280. Mr Temperley refers to the backbone works that in his view will benefit the PC94 area by offering improved connections between Carrington Road and the Precinct, for both vehicular traffic and active mode users.
281. In respect of public transport Mr Temperley refers to the bus corridor along Carrington Road, and also the Great North Road corridor. Noting that there will be no bus route within the precinct itself in his opinion the walking distances to nearest bus stops from the PC94 area are acceptable. He also considers Mount Albert train station would be within an acceptable walking distance to and from most destinations within the PC94 area.
282. In respect of active modes, while the undulating contour of parts of the precinct are a constraint, Mr Temperley notes that pedestrian and cycle paths are incorporated alongside all roads within the upgraded precinct road network, and that the precinct includes a network of walking paths and shared paths that are separate from the precinct roads. He considers that infrastructure provisions for active mode users in the immediate area will be "fit for purpose".
283. In respect of access to roads to the south Mr Temperley supports the proposed retaining of existing precinct provisions that control or manage through traffic and student traffic movements connecting to the roads in the south. He accepts the changes proposed in respect of Mark Road are acceptable.
284. In response to the indicated low intended provision for parking within the precinct Mr Temperley refers to potential parking and associated traffic pressures in neighbouring residential streets. He notes that the implementation of resident parking schemes in neighbouring residential streets has not been supported by AT and is not considered an appropriate tool to manage parking demand in the area, as most existing dwellings in neighbouring residential streets already have off-street parking. He considers it is important that a parking strategy is integrated effectively with other travel demand management tools, such as travel planning initiatives and provisions and incentives for sustainable modes of travel. In that respect the submitted ITA refers to car sharing, bike hire and E-scooter sharing, unbundled car parking and Travel Demand Management (TDM) through residential body corporates or equivalent. Mr Temperley considers these measures are appropriate to reduce vehicular traffic pressures on the adjoining transport network.
285. Mr Temperley gives a detailed response to the issues raised in submissions. In brief, his conclusions are:
1. Mr Temperley supports the provisions AT seeks and that have been incorporated in the Applicant's 20 September 2024 amendments to provisions.

2. Traffic effects / congestion / Inadequate parking provisions/ Adverse traffic effects on roads to the south of the precinct. Mr Temperley's review is:
 - PC94 is substantially reliant on and efficient connections to Carrington Road for access to the wider transport network.
 - the ability of Carrington Road and the adjoining transport network to function with adequate levels of service with development enabled by PC94 in place relies on the successful implementation of travel demand management (TDM) measures, as proposed by the applicant.
 - no new through traffic routes are to be provided between the precinct and residential roads to the south, including Laurel Street, Renton Road, Rhodes Avenue and Mark Road.
 - There is a risk of new parking pressures on residential roads adjacent to the precinct, as a result of parking pressures from employees and students accessing the precinct during the daytime. Mr Temperley supports provision as are proposed to require assessment of parking demand on adjacent streets and consider the provision of a parking management plan if appropriate.

3. Safety. Mr Temperley's review is:
 - As there are to be no new vehicle connections provided to the south of the precinct, there should be no new adverse safety effects arising from new through traffic on these roads.
 - In the case of Gladstone Primary School, Mr Temperley expects the Carrington Road upgrade to mitigate against safety risk associated with the PPC, through measures such as formalised pedestrian crossing points and additional traffic signals, resulting in 'platooned' traffic movements.

4. Impact on local roads during construction phase. Mr Temperley's review is that he expects works to be accompanied by a Construction Traffic Management Plan, to mitigate against any potential adverse effects on adjoining local roads during the construction phase, which could include safety matters, construction traffic movements, additional parking pressures or effects on active mode users.

5. Inadequate public transport provisions / Inadequate cycle and pedestrian provisions. Mr Temperley's review is, as noted above, the provision made is acceptable.

6. Request for clarity over the nature and timing of upgrades to Carrington Road and implications arising. Mr Temperley notes that 2026 has been clarified as the start date for construction works. While appropriate 'trigger points' had been identified between AT and the Applicant for the delivery of key elements of upgrade works commensurate with the phasing of development, Mr Temperley is awaiting confirmation of updates to this work through the recent joint transport modelling work.

7. How resident's parking will be enforced. Mr Temperley considers there is generally good availability of off-street parking for residents. In the event that resident parking or other new parking controls are implemented in the future, implementation, funding and

enforcement of any new parking control regimes would be subject to confirmations from AT.

286. Mr Temperley does not recommend any changes to the provisions.
287. Dr Tafaraji has raised a concern about north-south shared path connections through to the proposed Northern Park (Oakley Heritage) area. At present the proposed network does not directly connect to that northern area, instead running east-west to Intersection A.

Analysis

288. I defer to and adopt the comprehensive analysis undertaken by Mr Temperley, noting that he has not made any recommendation for changes to the provisions. To mitigate potential adverse effects associated with these issues, Mr Temperley reaffirms the importance of adopting a strategic approach towards Travel Demand Management measures that have been proposed by the Applicant. In addition, some minor improvements are considered necessary to the proposed precinct plan.
289. I support the provisions changes relevant to transport matters made in response to the AT submission, in the Applicant's 20 September 2024 version.
290. I have taken particular note of the changes proposed to the activity table in (A27), (A29) and (A30). The Applicant's view⁵³ is that the effect of these changes clarify the existing provisions and this is considered to be an out of scope matter. I disagree. There are changes proposed, including specifically identifying Mark Road and providing an indicative road connection to that road. I consider these changes provide a greater potential for Mark Road to be used as an access point to the precinct. This is a concern raised in submissions, however Mr Temperley's review does not raise an issue on that matter. In any case I consider it is necessary, in respect of (A29), to define what the "western road" is. This can be done by a notation on Precinct Plan 1.
291. I consider that the Applicant should provide comment on the potential for a dedicated pedestrian connection to this northern park within the area shown marked orange in Figure 20 below.

⁵³ AEE, Section 7



Figure 20 Recommended Additional Shared Path Connection

292. I agree with Dr Tafaroji that the north-south shared path on Precinct Plan 1 should extend up to connect, if not to the North-Western cycle path, at least the Northern Park.

8.5 Historic Heritage and Archaeology

Issue

293. The assessed primary issues are those in relation to Built Heritage and relate to the effects of greater building height on heritage values – specifically the Oakley Hospital Main Building, and whether it is appropriate to identify further heritage buildings in the precinct provisions.

Current AUP Provisions

294. There is one identified (scheduled) historic heritage place in the precinct, being the Oakley Hospital Main Building. This place has an “Extent of Place” identified (see Figure 18).
295. Existing precinct provisions include the following:

Objectives I334.2

- (6) Identified heritage values are retained through the adaptation of the scheduled buildings and retention of identified trees, together with the management of the historic heritage, and Māori sites of significance on Oakley Creek land, and the contribution they make to the precinct's character and landscape, are recognised, protected and enhanced in the precinct.

Policies I334.3

- (11) Encourage the retention and adaption of the heritage and character buildings, and elements identified within the precinct.

Application

296. The Application documents include a Heritage Impact Assessment, an Assessment of Effects on Historic Heritage (Oakley Hospital Main Building), an Archaeological Assessment and an Additional Assessment arising from Clause 23 requests for further information.
297. Part 7.2 of the AEE states that:

There is one heritage building within the precinct, being the Former Oakley Hospital Building. There is no change sought to the heritage schedule proposed as part of this plan change. The building will remain a Category A building with particularly identified primary features. The building is also on the Heritage New Zealand Heritage List as a Historic Place Category 1 building.

298. The proposed provisions seek changes to Objective (6) and Policy (5) above so that the reference to ‘buildings’ is singularised. This appears to be on the basis that there is only one “identified” building. No additional scheduling or identification of heritage buildings is proposed. However the following comment is made in the AEE:

The Rōpū are also interested in adaptive reuse of the Pumphouse building. Retail in this building, e.g. food and beverage, would provide a key opportunity to enable the long-term conservation of the building through adaptive reuse. New proposed policy 30A encourages adaptive reuse of buildings exhibiting heritage qualities and identifies retail as a suitable use⁵⁴.

299. The possibility of further identification of heritage structures was raised in a Clause 23 request and the Applicant provided the following response⁵⁵.

- 5 in accordance with the resource consent BUN60386270 conditions, the Pumphouse (B33) will be protected by way of covenant. This protection includes the original Pumphouse but excludes the modern annex.
- 6 The Precinct plan could identify the Pumphouse as being subject to a separate covenant if the Council so requests. However, that is not the practice elsewhere in the AUP, and therefore is not proposed.
- 7 The third protected heritage element within the precinct is the stone wall along the southern boundary. This is an archaeological feature protected by covenant with Heritage New Zealand Pouhere Taonga, and also – as with the other archaeological features within the precinct – under the Heritage New Zealand Pouhere Taonga Act 2014. Neither of these features are currently specifically identified and scheduled within the AUP.
- 8 The Precinct plan could identify the stone wall as being subject to a separate covenant, if the Council so requests. However, that is not the practice elsewhere in the AUP, and therefore is not proposed.
- 9 Neither the Pumphouse nor the stone wall warrant protection beyond the standard controls within the Heritage New Zealand Pouhere Taonga Act 2014 or the AUP.
- 10 For completeness, I record that there are no protected or identified heritage buildings within the Unitec campus area. This plan change makes no alteration to that situation, nor would it be appropriate to do so. While the precinct needs to be advanced as one integrated development, effectively the Unitec property is out of scope in terms of any changes promoted as part of this plan change request.
- 11 No changes are proposed to the Precinct plan.
- 12 No other buildings structures, or features are proposed to be protected as part of this plan change request.

⁵⁴ AEE, Page 38

⁵⁵ Applicant response to Additional Information Request Heritage/Archaeology

300. The submitted assessments comprehensively address the effects of height of adjoining buildings on the Oakley Hospital site⁵⁶. The summary given in the AEE is:

This analysis demonstrates that the effects of height can be successfully managed with the new proposed height limits (as in fact it can be successfully managed with the option of lower height limit). The difference is that the higher height limit supports a greater land efficiency and provides for increased housing in a location within Auckland eminently suitable for intensive housing development and ideally located in terms of access to the city centre, employment and public transport.

301. In response to the Clause 23 the Applicant proposed introducing a new policy addressing new high-rise buildings adjacent to the scheduled former Oakley Hospital Main Building to provide sympathetic contemporary and high quality design. (Policy 14AA).

302. The Archaeology Assessment provided was related to the fast track backbone works project and did not identify any major adverse effects. A Clause 23 request questioned whether that assessment was relevant to the whole Precinct. A request was also made regarding the stone wall along the southern boundary. The Applicant response was:

The GFC archaeological assessment provides a precinct wide assessment of the Heritage NZ and AC databases and the known history of the precinct. The more detailed inspection relates to the backbone consent. It is not practical, necessary or appropriate to do a full precinct survey over approximately 64ha; particularly given the area is already development-enabled and given the ability to require an assessment as part of future development applications.

303. In respect of the stone wall along the southern boundary the Application notes that this feature (NZAA R11/2979) is protected by a heritage covenant between Heritage New Zealand – Pouhere Taonga and Ngāti Whātua Ōrākei Whai Rawa and that no change to the covenant is proposed through the plan change.

Submissions

304. Council's specialist built heritage reviewer Ms Carolyn O'Neil has analysed submissions and I adopt her detailed summary. There are a number of submissions supporting continued recognition of the scheduled Oakley Hospital Main Building and its extent of place. Other submissions seek general heritage recognition of the site and further protection of buildings on the site, including Buildings 6 (No. 2 Auxiliary building), 28 (Farm building/Stables and Mitchell Stout Building), 54, and 55 (Medical Superintendent's Residence/Penman House). There is a general concern about the proposed increased heights across the precinct for reasons relating to built heritage, including a specific concern about the potential for significant adverse effects on the historic heritage values of the scheduled Oakley Hospital Main Building.

305. There are general submissions referring to archaeology that seek additional information regarding accidental archaeological discovery. Reference is also made to mitigation of stone walls and effects on lava caves / land formations.

Specialist Review

306. Ms O'Neil's built heritage review addresses the main issues raised by the Application and the submissions. The main issues identified are effects of increased height on the historic heritage values of the Oakley Hospital Main Building and the protection/management of

⁵⁶ See the summary on Pages 101 – 103 of the AEE

other historic buildings within the precinct's historic landscape. Comment is also made on provisions.

307. In respect of effects of increased height on the Oakley Hospital Main Building Ms O'Neil acknowledges the 27m height enabled within large parts of the precinct already provides for a marked change to the precinct's environment and how the Oakley Hospital Main Building would be experienced in that environment. She identifies the greater potential for effects arising from, in particular, the 43.5m, 54m, and 72m tower heights proposed for Height Area 1 and the cumulative effects that would also arise from Height Areas 2 and 4. Noting the Applicant's expressed focus on creating a new "landmark" through the introduction of tall buildings in Height Area 1, combined with limited provisions to manage their relationship with the Oakley Hospital Main Building and overall heritage effects, Ms O'Neil considers there is potential to undermine these heritage values by distracting from the scheduled building's streetscape presence and by diminishing its landmark qualities. Referring to the Applicant's visual simulations VS6, VS7 and VS8 Ms O'Neil considers the height and massing of development, particularly in Height Area 1, would result in a marked change to the setting of the scheduled building, even when compared to the heights currently enabled in the AUP. This change would be even greater when experienced within the Extent of Place (also known as the EOP) of the Oakley Hospital Main Building.
308. Ms O'Neil goes on to state the following opinion:
30. In my opinion, greater height *per se* may not necessarily be a problem from a built heritage perspective. I accept that the large footprint, strong horizontal alignment, and monumental frontage of the Oakley Hospital Main Building contribute to an architectural quality and strength of presence that may maintain its prominence in the foreground of taller development, particularly if greater permeability could be achieved at the front and side of its EOP. However, given the outstanding significance of the Oakley Hospital Main Building, I remain concerned that the plan provisions continue to place insufficient emphasis on the scheduled building and lack adequate direction to manage historic heritage values.
309. In order to address the concerns raised, Ms O'Neil suggests a number of changes to the provisions, including policies and assessment criteria, that generally seek to ensure a positive relationship with the Oakley Hospital Main Building and identified historic buildings.
310. In relation to the wider precinct Ms O'Neil acknowledges the proposed new Policy I334.3(30A) which is to encourage the adaptive re-use of the existing buildings with historic value for retail and other activities. However she considers it is unclear what buildings are being referred to. She notes the document 'A Reference Masterplan & Strategic Framework', which recognises the value of integrating other buildings into the development of the precinct and recommends investigating the retention and repurposing of existing buildings. In the document's analysis of existing built fabric and heritage, it also identifies some of the buildings that could be considered:
- (i) Building 55 (Penman House) as a "heritage structure";
 - (ii) Building 06 (No. 2 Auxiliary Building), Building 28 (Farm building/Stables), Building 54, and Building 76 (No. 3 Auxiliary Building) for consideration for adaptive reuse; and
 - (iii) Building 48 (No. 1 Auxiliary Building) for potential reuse.
311. In Ms O'Neil's opinion, at least some of the existing historic buildings in the precinct would meet the threshold for scheduling as historic heritage places in the AUP. She considers the most notable surviving examples to be:

1. No.1 Auxiliary Building (former) (Building 48)
2. Pumphouse (Building 33)
3. Medical Superintendent's Residence / Penman House (Building 55)
4. Farm building/Stables (Building 28)

312. Ms O'Neil supports the clearer identification and protection of these four historic buildings in the precinct through the plan. A number of provisions are suggested, including by managing these buildings as 'identified historic buildings' through the precinct plan, in much the same way as the current precinct provisions relating identified (rather than scheduled) trees. This would require the inclusion in the precinct plan of an identification table and location plan alongside rules associated with the demolition of the buildings.
313. In respect of archaeology Clause 23 requests were made by a Council specialist, and satisfactorily answered. No issues have been identified in submissions that have warranted any further review.

Analysis

Statutory Framework

314. Chapter B5 in the RPS contains provisions relating to the identification and management of Auckland's distinctive historic heritage and special character values. Policy B5.2.2 policies (1) – (5) set out criteria and thresholds of significance for the identification and evaluation of places with historic heritage value. Other relevant Objectives and policies include⁵⁷:

Objectives (B5.2.1)

- (1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.
- (2) Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.

Policies (B5.2.2)

- (7) Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect.
- (8) Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.

315. Part B2.3 of the RPS, relating to maintaining and enhancing a quality built environment, is also relevant. This includes Policy B2.3.2(1) which refers to managing the form and design of subdivision, use and development so that development:

⁵⁷ There are some wording changes proposed in PC 80 (still subject to appeal), however these do not change the general thrust of the provisions quoted.

- (a) supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage.

316. Part B2.4 of the RPS relates to residential growth. Policy B2.4.2(5) refers to avoiding intensification in areas:

- (a) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character...where such intensification is inconsistent with the protection of the scheduled natural or physical resources or with the avoidance or mitigation of the natural hazard risks.

All archaeological sites, whether recorded or not, are protected by the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 and may not be destroyed, damaged or modified without an authority issued by Heritage New Zealand Pouhere Taonga (HNZPT). An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act as including (amongst other matters) any place in New Zealand, including any building or structure (or part of a building or structure), that was associated with human activity that occurred before 1900.

Effects on Oakley Hospital Main Building

317. I note that Ms O'Neil does not rule out the possibility of the heights of buildings as proposed, including in Height Area 1 provided that there is adequate recognition when those buildings are designed of the proximity to and effects on the Oakley Hospital Main Building and its Extent of Place.

318. As discussed in this report's discrete section on Building Heights effects on heritage are not the only issue to be addressed – there are also urban design and landscape concerns. A response to the urban design concerns in particular may also go towards addressing potential heritage concerns, particularly with the other strengthened provisions along the lines Ms O'Neil suggests.

Further Recognition of Heritage

319. Ms O'Neil generally supports submissions that seek further recognition of some heritage buildings. I agree that is appropriate, noting however, as Ms O'Neil does, that there is already significant enabled change even under the current precinct provisions.

320. Those existing provisions identify (schedule) only one building – the Oakley Hospital Main Building. I am aware of the approach taken by the Applicant, that no changes are proposed to any existing scheduling. There may therefore be an argument of scope if further buildings are to be identified. On the basis of Ms O'Neil's opinion I consider this is an appropriate opportunity to further recognise heritage buildings on the site that meet the AUP criteria for scheduling. I accept that scheduling may not be appropriate or possible at this time, however identification, in a similar way as the precinct provisions already have for trees, is supported. Objective I334.2(6) and Policy I334.3(11) would remain as references to "buildings" on the basis of further buildings being identified. These are No.1 Auxiliary Building (former) (Building 48), Pumphouse (Building 33), Medical Superintendent's Residence / Penman House (Building 55) and Farm building/Stables (Building 28).

321. If there is an issue of scope I consider that should be worked through after considering any evidence / submissions from the Applicant and submitter parties. In the meantime I have tentatively proposed provisions in Appendix 8.

Archaeology

322. As noted, no specialist issues have been raised in relation to archaeology. It is noted that accidental discovery can be addressed through the existing AUP provisions under the Accidental Discovery Rule set out in chapters E11 and E12 (the earthworks chapters). The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 referred to above are also relevant.
323. If further evidence is provided from submitters that identifies any particular site / issue that can be addressed in the s42A Addendum.

8.6 Infrastructure

Application

324. An infrastructure report is provided in Attachment 6 of the Application documents (from MPS). Part 8.3 of the AEE summarises the analysis in respect of stormwater, wastewater and water supply.
325. In respect of stormwater the AEE states that:
- .. the agreed stormwater approach has been to adopt a treatment train process to progressively treat the water. This includes appropriate roofing material, catchpits, swales, raingardens and wetlands. The objective is to move the water relatively quickly into the Te Auaunga / Oakley Creek so that the peak flows have exited this part of the catchment before the peak flows from the upper portions of the catchment reach this part of the stream system.
326. In respect of wastewater the AEE states that:
- Development of the precinct will be integrated with the Central Interceptor project. Prior to the Central Interceptor coming on stream, the MPS analysis and subsequent discussions with Watercare Services Limited (Watercare) identified that approximately 1,050 dwellings can be constructed based on the existing network capacity. Watercare has subsequently revised this to 750 DUEs but with some additional capacity also available as existing buildings are demolished or removed.
 - However, once the Central Interceptor is operational, then there are few limits on wastewater connection. Certainly a higher development yield of approximately 6,000 dwellings will be readily serviceable once the Central Interceptor is operational.
327. In respect of potable water the AEE states that:

The existing potable water network does need upgrading in order to service the development enabled by this plan change. The trunk-lines to the Carrington Road corridor and the Sutherland Bulk Supply Point also both require upgrading to service approximately 4,000 dwellings. This is addressed within the MPS assessment.

Submissions

328. There are a number of submissions that raise general concerns about infrastructure capacity. Some submissions also refer to the effects from climate change and on flooding.

329. I note that some submissions that refer to “infrastructure” appear to relate to social infrastructure or roading. Where identified as the principal matter raised those submissions are addressed in Sections 8.1 and 8.4 of this report respectively. However it is recognised that there may be some cross-over between topics.
330. Watercare’s submission raises the importance of understanding the ultimate development yield, as this is a key input for Watercare’s planning process to ensure the bulk wastewater and water supply network upgrades planned by Watercare can accommodate the maximum yield enabled by the Plan Change. It is noted that the effects of development in excess of 4,000 dwellings has not been assessed and therefore will trigger the requirement for an updated bulk wastewater capacity assessment and potentially additional upgrades to the bulk wastewater infrastructure. Watercare seeks amendments (as set out in Attachment 1) to the Precinct provisions to:
- require a bulk water supply and wastewater infrastructure capacity assessment where development beyond the previously modelled yield of 4000 DUEs is proposed.
 - ensure a schedule is provided with a resource consent application which confirms the total number of additional DUEs within the Te Auaunga Precinct.
 - (provide) associated matters of discretion and assessment criteria to support the Restricted Discretionary Activity status.
 - Inclusion of new objective and policies to support the Restricted Discretionary Activity status.

Specialist Reviews

331. Reliance has been placed on Watercare’s analysis in respect of wastewater and potable water.
332. Ms Gemma Chuah has provided a review memorandum on behalf of Healthy Waters (**Appendix 6**). Ms Chuan advises that an approved Stormwater management plan is in place across the Wairaka Precinct which addresses the management of stormwater, flooding and overland flow paths in relation to development of the precinct. Ms Chuah concludes that there are not likely to be any adverse effects in relation to stormwater or flooding arising from the plan change. Specific details of stormwater management in relation to development within the plan change area will need to be addressed through resource consent and engineering plan approval processes.

Analysis

333. The Applicant provided revised provisions on 20 September 2024 (**Appendix 7**). Those provisions include responses to Watercare’s submission and have been incorporated into the recommended version of provisions (**Appendix 8**). It is not known at this point whether Watercare accepts those amendments as satisfying its concerns. As necessary, this can be revisited in the s42A Addendum report once evidence is received.
334. Ms Chuah has confirmed that no issues arise in respect of stormwater or flooding.

8.7 Trees and Ecology

Application

335. There was no arboriculture report submitted with the application. The AEE simply notes that no changes are proposed to the precinct's tree provisions⁵⁸.
336. An ecology assessment from Morphum Environmental was lodged with the application. The assessment provides information of ecological values existing on the site. Reference is made to the Wairaka Stream and its margins, notable and identified trees and tree groves around the site – notably in the south-eastern corner, avifauna, herpetofauna and bats. In respect of vegetation in particular the assessment is that the onsite vegetation is considered to be of low ecological value. The assessment states that PC94 would have minimal impact on ecology relative to what is enabled currently. The proposed reduction in relation to open space is also considered to be a negligible effect on ecological values.

Submissions

337. A large number of submissions received raise concerns about trees. Main issues raised are assessed in the specialist review carried out by Mr Christy Reynolds (Appendix 6). confirmed. Mr Reynolds notes that most submissions request more trees to be protected and highlight areas where tree protection should occur. One submission, from Ngati Whatua Orakei Wai Rawa Limited (#105) seeks that three currently identified trees previously removed under a granted resource consent be removed from Precinct Plan 2.
338. Submissions on ecology raise general concerns in relation to natural resource protection and a specific concern about lichen on rock outcrops. Concerns are also expressed in submissions about development in proximity to identified Significant Ecological Areas (SEAs).

Specialist Reviews

339. Mr Reynolds' aboricultural review raises a concern that no consideration to/of trees, whether protected under the Wairaka Precinct Plan, listed within the Notable tree schedule or trees present on site that are significant enough to warrant consideration, has occurred by the Applicant. He is also concerned from his own site survey that there appears to have been removal of a number of protected trees, not all of which appear to have a resource consent for removal.
340. In Mr Reynold's view a further four trees assessed on site are significant enough to be included in the schedule of Notable Trees. An additional twenty-one trees are proposed to be added to the existing tree identification schedule in the precinct provisions.

⁵⁸ AEE, Part 7.1

341. Mr Chris Wedding has reviewed terrestrial ecology. He identifies an area of 'mature mixed canopy' forest that in his view should be protected as part of the Plan Change. He also considers there should be recognition and protection of the lichen biodiversity.
342. Ms Treff Barnett has reviewed freshwater ecology. Ms Barnett raises a concern that there is no provision to plant the riparian yards of the Wairaka Stream.

Analysis

343. As discussed in Section 8.1 of this report I acknowledge the Applicant's view as stated in the AEE that tree matters are out of scope. However, as noted in that section, I consider that regard does need to be given to trees considering PC94 is a substantial revision of the precinct that includes zoning changes and changes to the identification of open space. It is also a major issue raised in submissions. Accordingly, I support in principle Mr Reynolds' recommendations for additional trees to be added to the tree identification table in the plan change. That is incorporated into the provisions in **Appendix 8**.
344. The 'mature mixed canopy' forest is not currently the subject of a SEA identification and the rock outcrops with lichen biodiversity are also not identified. I do not consider it appropriate at this stage to, as Mr Wedding suggests, protect these areas by open space zoning as that is not an established technique used in the AUP, at least where an SEA is not identified. That could however be a possibility for further open space that is otherwise required to meet the recommended open space standard.
345. In its Clause 23 response on these matters the Applicant's consultant did not identify any area worthy of protection, including that no rock outcrops were identified.
346. In light of the review conducted by Mr Wedding and matters raised in submissions I consider further analysis should be provided by the Applicant in evidence or at the hearing. This should include an assessment of the area marked with the blue line in Figure 21 below against the AUP criteria for identifying an SEA⁵⁹.

⁵⁹ This is part of a plan provided with the Applicant's Clause 23 response E1-E9.



Figure 20 – South-eastern corner of precinct

347. Pending further review of evidence a recommendation will be made in the s42A Addendum Report. That may be that the above area should be identified as an SEA.
348. I recommend the following further assessment matter relating to consideration of planting or riparian margins (**Appendix 8**):

development is designed to recognise and contribute to the values of the stream, including planting of riparian margins.

8.8 Precinct Name

349. The AEE states that the plan change seeks to rename the precinct to “Te Auaunga” following a request from the Rōpū for a name change for the precinct⁶⁰. The precinct is termed Te Auaunga throughout the application documents. It is also proposed that Oakley Creek / Reserve be re-termed Auaunga, although in that respect the term Oakley / Auaunga is often used.

⁶⁰ AEE, Part 1.11

350. There are submissions both supporting and opposing a name change. A comprehensive submission from Ngati Awa, Te Tawera Hapu (#32) opposes a name change. A further comprehensive submission from Te Kawerau a Maki & Te Wai O Raka Development GP Limited (#66) seeks that the name be Wai O Raka.
351. I acknowledge that the Rōpū seek a name change for the precinct but on the basis of the submissions received I consider the Panel should receive more information or evidence prior to approving a change. Accordingly, I currently make no recommendation on that matter. In the meantime the recommended provisions in **Appendix 8** retain the status quo, i.e. Wairaka Precinct. In respect of Oakley Creek I consider there is merit in the submissions that raise the concern this is an accepted name that extends beyond the precinct. I recommend that the name Te Auaunga Waterway / Oakley Creek be used.

8.9 Provisions (other)

352. There are a number of provision amendments sought in provisions that raise matters including requests for changes to provisions not otherwise covered in the topics discussed above.
353. As I have discussed in Section 8.1 of this report I do not consider constraints should be imposed on changes to provisions where the specialist advice seeks those changes. Notable examples are trees and historic heritage buildings. However, where there are existing precinct provisions that have not been raised in the specialist reviews as requiring change I consider the existing precinct provisions should be maintained. I do not support changes to the existing precinct provisions. This is particularly the case where changes have been sought to provisions that do not align with consistent practice in the AUP. I have reviewed the provision changes sought in submissions under this topic and do not consider further changes are necessary or appropriate.
354. That said, a large number of provision changes have been recommended in this report and **Appendix 8**. Should there be additional matters raised in written evidence from submitters further advice and, if considered appropriate, recommendations will be provided in the s42A addendum report.

8.10 Other Matters

355. I give the following brief analysis in respect of topics referred to in submissions that are relevant and not otherwise covered in the topics discussed above::
- (1) Air quality matters are addressed through obligations business activities must follow under Chapter E33 of the AUP. There is no evidence that the activities conducted on the Taylor's Laundry site are creating an air quality issue (Submission 25.20);
 - (2) In respect of concerns about safety and crime, to the extent possible that is addressed in proposed criteria. This includes a required assessment of Crime Prevention Through Environmental Design (CPTED) principles in new building design and (noting the extra policy (16A) proposed) for open space.

(3) In respect of Māori values, objectives and tikanga practices I consider it appropriate that any further provisions to those already proposed can only be included in consultation with mana whenua (Submission 57.10)

9. PROVISIONS

356. Reference has been made in Section 8 of this AEE to most of the amendments to provisions that appear in **Appendix 8**. Further explanation is given in comments boxes within Appendix 8, including by way of reference to the part of this report that is relevant.
357. In summary, the recommended amendments to the provisions made arise from the assessments carried out in this report, including via the input of other specialists in the reporting team. These are summarised in the Executive Summary above.

10. SUBMISSIONS

358. Submissions have been addressed in Section 8 of this report. In that respect, particularly given the number of submission points it is noted that the analysis is themes based rather than as a response to each individual submission point. The tables in **Appendix 9** give a recommendation on each submission point.

The tables are based on the same topics discussed in Section 8 of this report, i.e.

1. Planning
2. Height and Built Form
3. Open Space
4. Transport
5. Historic Heritage and Archaeology
6. Infrastructure
7. Trees and Ecology
8. Precinct Name
9. Provisions
10. Other Matters

329. As necessary and appropriate further analysis will be given of detail provided by submitters in evidence, in the later s42A Addendum Report
330. Further submissions have generally not been directly addressed – recommendations are made in accordance with the recommendation on the primary submission. Appendix 10 contains a table of further submissions received which is referenced against the primary submission point number.
331. The Albert Eden Local Board's comprehensive feedback appears in **Appendix 4**. While not a submission, and therefore not specifically recorded in the tables in Appendix 9, the Local Board's feedback has been considered alongside submissions in the analysis given in Sections 8 and 9 above. Where the changes recommended to provisions have arisen from the Local Board feedback this is acknowledged in the comments boxes in Appendix 8.

11. ALTERNATIVES AND METHODS

223. I have reviewed the alternatives and methods analysis in the s32 document and consider it to be sound.
224. The recommendations made in **Appendix 8** include some amendments to one objective. The overall intent of the objectives remains as notified and as assessed in the application documents.
225. In general I consider the other precinct provisions are the most appropriate methods to achieve the objectives, subject to the changes discussed in this report and incorporated in **Appendix 8**.

12. RISK OF NOT ACTING

226. The AEE states:

The risk of (not rezoning land) is significant in that the land will remain unutilised and moribund. That has a cost to the community and a knock-on effect of needing to provide for growth elsewhere within the Auckland region to address demand⁶¹.

The risk in terms of under-utilisation of land is the potential loss of opportunity to maximise the efficient use of the land⁶².

227. In principle I agree with that assessment, subject however to the reservations expressed in this report and the recommendations that are made.



13. CONCLUSION AND RECOMMENDATIONS

228. On the basis of specialist advice I have received I have raised areas in which I consider the Applicant needs to provide more evidence. Foremost of those is whether the identified areas of open space can be shown to have the quality that addresses the concerns that have been raised, specifically by Dr Tafaroji and Mr Greenaway. Further information is also required in relation to ecology matters. Subject to the Panel being satisfied on those matters I recommend that PC98 be approved, subject to the modifications in **Appendix 8**.
229. I note that my recommendations will be confirmed or may be further modified once I have reviewed applicant and submitter evidence.

⁶¹ AEE, Page 95

⁶² AEE, Page 105

14. SIGNATORIES

	Name and title of signatories
Author	 Peter Reaburn Consultant Planner
Reviewer / Approver	Celia Davison 

APPENDIX 1

Proposed Private Plan Change 94: Wairaka Precinct Changes to the AUP (as notified)

This Appendix has not been attached to this report and is [Available here](#) under Application Material Volume 1 – Attachments 1 and 2

APPENDIX 2

Further information requests and responses

This Appendix has not been attached to this report and is [Available here](#) under Application Material Volume 3

