

# Memo

Date 03 March 2025

To: Warren MacLennan – Manager of Planning: North, West and Islands  
 From: Sophia Coulter – Planning Technician





Subject: **Plan Modification: Clause 20A error correction to Auckland Unitary Plan (Operative in Part 2016) or Hauraki Gulf Islands District Plan (Operative 2018)**

I seek your approval to correct an error pursuant to clause 20A, schedule 1, Resource Management Act 1991:

*A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.*

You have delegated authority, as a tier four manager, to make a decision to correct an error under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

<b>Provision in AUP or HGI District Plan</b>	I538 Smales 1 Precinct Table I538.4.1 Activity table Smales 1 Precinct
<b>Subject site and legal description (if applicable)</b>	N/A
<b>Nature of error</b>	<p>A minor change is required to correct the text under <b>Table I538.4.1 Activity table Smales 1 Precinct</b> to the Operative in Part version.</p> <p><b>Discussion</b>          A numbering error was detected in Chapter I, during the process of making I538 Operative. The table numbers (A1), (A2) and (A3) were “deleted” from the decision version and these deleted numbers should have been carried through to the operative document.</p> <p>The number as it stands is not consistent with the rest of the chapter and does not read correctly.</p>
<b>Effect of change</b>	<p>This change is minor in nature. The amendment does not change the application or intent of the provisions.</p> <p>There is no effect nor impact upon either the environment or persons.</p>
<b>Changes required to be made (text and/or in-text diagrams)</b>	<p>Amend I538 Smales 1 Precinct in Chapter I – Precincts.</p> <p>See Attachment 1 &amp; 2.</p>
<b>Changes required to be made (AUP or HGI maps)</b>	N/A
<b>Attachments</b>	<p>Attachment 1: Corrections to text I538 Smales 1 Precinct (strikethrough/underlining)</p> <p>Attachment 2: Corrected text for I538 Smales 1 Precinct</p>

<p><b>Maps prepared by:</b> N/A Geospatial Specialist</p>	<p><b>Text Entered by:</b> Sophia Coulter Planning Technician</p>
<p><b>Signature:</b></p>	<p><b>Signature:</b> </p>
<p><b>Prepared by:</b> Sophia Coulter Planning Technician</p>	<p><b>Reviewed by:</b> Peter Vari Team Leader – North, West &amp; Islands</p>
<p><b>Signature:</b> </p>	<p><b>Signature:</b> </p>
<p><b>Decision:</b> I agree to correct the error under clause 20A, schedule 1, RMA 1991 using my delegated authority</p> <p>Warren MacLennan Manager Planning – North, West and Islands Date:</p>	
<p><b>Signature:</b> </p>	

**Attachment 1: Corrections to text I538 Smales 1 Precinct  
(strikethrough/underlining)**

I538 Smales 1 Precinct

...

**Table I538.4.1 Activity table Smales 1 Precinct**

Activity		Activity status
<u>[Deleted]</u>		
(A1)	<u>[Deleted]</u>	
(A2)	<u>[Deleted]</u>	
(A3)	<u>[Deleted]</u>	
<b>Accommodation</b>		
(A4)	Dwellings	P
(A5)	...	

**Attachment 2: Corrected text for I538 Smales 1 Precinct**

## **I538. Smales 1 Precinct**

### **I538.1. Precinct description**

The zoning of land within the Smales 1 Precinct is the Business - Business Park Zone.

The precinct is located on a 10.8 hectare site at the corner of Taharoto and Northcote roads, and is adjacent to State Highway 1, the Northern Busway, and Smales Farm Station.

Initial development within the precinct was in the nature of a business park, as provided for in the North Shore District Plan and the Auckland Unitary Plan. Most forms of residential development were not explicitly provided for and were non-complying activities. However, the characteristics of the site and its context make it a very suitable location for a high-density, public transport focused, mixed-used node, with an emphasis on both office and residential uses. These characteristics include:

- the large size and remaining development capacity of the precinct;
- the precinct's position beside a high capacity, high frequency public transport corridor in the form of the Northern Busway, and high capacity bus services that link to it by way of Smales Farm Station; and
- that adjacent uses are primarily institutional and otherwise less-sensitive to the adverse effects of the form and scale of development enabled by the precinct provisions.

Accordingly, the precinct provisions provide for a diversity of uses, including residential and employment activities, in addition to supporting non-residential activities, including retail, at a level to address demand from workers, residents, and visitors to the precinct. The provisions also encourage intensive development and the efficient use of land by providing for tall buildings to be developed. A high standard of building design and pedestrian amenity is ensured by the application of appropriate policies, standards and assessment criteria.

An overarching goal of the precinct is to support a reduction in dependence on vehicles in favour of public transport, walking, cycling and other active modes. The use of public transport is specifically encouraged by ensuring high quality primary pedestrian linkages are provided through the precinct to access the bus station, and by imposing limits on the number of car parking spaces for non-residential activities.

Integrated traffic modelling has been carried out to determine the ability of the surrounding road network to accommodate the levels of traffic expected to be generated by both development enabled by the precinct and that which is forecast to be generated by the North Shore Hospital site. This is because extensive development of the North Shore Hospital site (including new access arrangements) is planned to be implemented during the same timeframe as development at the precinct. The modelling has taken account of anticipated traffic generated from the combined future development. This modelling confirms that the road network can accommodate the levels of traffic expected to be generated, without necessitating an assessment of the transportation effects on the surrounding road network for new development that is otherwise permitted.

The site offers a unique opportunity to promote a quality compact urban form based on characteristics that do not usually occur together in one location. The use of a Business - Business Park zone and the Smales 1 Precinct overlay together recognize that the site has:

- an existing and (foreseeably) future employment role anchored around high-density, office-based employment of the sort enabled in the Business - Business Park zone;
- characteristics that lend it to a variety of compatible uses and activities that are similar to that normally enabled in the Business - Mixed Use zone;
- a capability to accommodate residential development at a scale and of a form that is similar to that normally enabled in the Business - Metropolitan Centre zone; and
- the likely future catchment size and relationship with Milford and Northcote Town Centres, and Takapuna Metropolitan Centre, that justifies the function of a Business - Local Centre zone.

The underlying Business - Business Park zone remains in recognition of the substantial existing Business Park activities occurring on the site, and that these should continue to be maintained. The precinct sits on top of the zone in recognition that the two methods together seek to manage a transition over time away from a Business Park mono-culture to a mixed use environment that provides for both high-density residential and employment activities.

### **I538.2. Objectives**

- (1) The Smales 1 Precinct is a vibrant, intensively and efficiently developed mixed-use precinct which:
  - (a) is an attractive place to live, work and visit;
  - (b) takes advantage of its close proximity to the adjoining frequent and reliable transit bus station;
  - (c) responds positively to its immediate surrounds and its wider built and landscape setting; and
  - (d) has a strong sense of place.
- (2) The Smales 1 Precinct is a mixed use and passenger-transport based node successfully integrating intensive, high amenity residential developments with business park activities and an appropriate range and scale of accessory uses and developments to support its workers, residents and visitors.
- (3) The Smales 1 Precinct develops and functions in a way which promotes:
  - (a) travel mode shifts to rapid and frequent public transport services, and connecting stations and services, and active modes;
  - (b) reduced car trip generation rates and car parking ratios over time particularly compared to the surrounding area;
  - (c) a high quality public realm containing a central plaza gathering place; and

- (d) a well-connected and legible network of primary and secondary pedestrian linkages connecting the precinct with its immediate surrounds and providing a good standard of amenity and accessibility throughout the precinct.
- (4) The Smales 1 Precinct manages significant adverse effects on the:
- (a) safe and efficient operation of the transport network of the locality;
  - (b) amenity of neighbouring zones and sites;
  - (c) function and amenity of Business – Metropolitan or Town Centre zones.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

### **I538.3. Policies**

- (1) Require any development in the precinct which causes the cumulative total gross floor area of business activity to exceed 162,000m<sup>2</sup> or the cumulative total number of dwellings to exceed 1,380 to demonstrate that significant adverse effects on the amenity of neighbouring zones will be avoided and that the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone will not be significantly adversely affected.
- (1A) Enable the development of intensive residential activities within the precinct and require these to be designed to provide privacy and outlook, with good access to daylight and sunlight.
- (1B) Require the development of intensive residential activities within the precinct to be designed, constructed and maintained to provide the occupants of noise sensitive spaces with a reasonable level of internal acoustic amenity, thereby managing any potential reverse sensitivity effects.
- (1C) Recognise that the precinct has an on-going role as a location for business park office activities, the need to integrate the range of uses enabled by the precinct with this function, and to manage any adverse amenity effects from the potential conversion of buildings used for office activities to other uses.
- (2) Provide for accessory activities to meet the immediate needs of office workers, residents and visitors to the precinct while limiting the extent of those uses and activities to manage potential adverse effects on the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone.
- (2A) Enable the establishment of tall buildings within the precinct to maximise the opportunity for intensification and the efficient use of the land that:
  - a) takes maximum advantage of the frequent, high capacity and reliable public transport services available within close proximity to the precinct; and
  - b) avoids significant adverse effects on adjoining land and on properties outside the precinct, and on the wider built and landscape setting of the city; and
  - c) contributes positively to a visually interesting skyline including through the

management of building locations and heights for the wider built and landscape setting of the city.

- (2B) Require the establishment of a central pedestrian plaza at the heart of the precinct that provides a vibrant people-focused space which supports the evolving mixed-use community.
- (2C) Require high-amenity, safe and convenient primary pedestrian linkages to be provided that connect the central pedestrian plaza with the bus station and the precinct's Northcote Road, Taharoto Road, and Shakespeare Road frontages.
- (2D) Recognise the role of secondary linkages to provide quality walkable connections to integrate all buildings and spaces within the precinct with the primary pedestrian linkages.
- (2E) At each stage of development, require consideration of how primary pedestrian linkages and landscaped open spaces, provided or maintained with each new building, are integrated with adjacent linkages, open space and the bus station to ensure an appropriate level of amenity for residents, workers and visitors to the precinct, whilst preserving flexibility of options for future stages.
- (2F) Require buildings and uses on or near primary pedestrian linkages to contribute positively to the vitality and amenity afforded to users of those linkages, particularly in the vicinity of the rapid transit bus station and the central plaza.
- (2H) Discourage high car trip generating uses - such as service stations, large supermarkets or drive through restaurants – and only allow the activity where it:
  - a) is necessary to support a near capacity level of office and residential development that already exists in the precinct;
  - b) can be well integrated with other retail and commercial uses;
  - c) will not detract from a high quality transit-oriented urban environment;
  - d) will not generate significant adverse traffic effects within or adjacent to the precinct.
- (3) Require development over 162,000m<sup>2</sup> gross floor area of business activity or 1380 dwellings in the precinct to demonstrate that the activity will not significantly adversely affect the safe and efficient operation of the transport network, or that such effects will be mitigated.
- (4) Require any development over 125,000m<sup>2</sup> gross floor area of business activity or 855 dwellings in the precinct to assess the effectiveness of the travel demand management measures and the specific transport management changes required to achieve the precinct mode share targets.
- (5) For any development over 105,000m<sup>2</sup> gross floor area of business activity or 285



dwellings in the precinct, require progress towards the achievement of reduced private car trips and a shift to other travel modes to be monitored and reported at key stages in the development of the precinct.

- (6) Limit the supply of on-site parking serving non-residential activities over time to recognise the accessibility of the precinct to frequent and reliable public transport services and active modes, while supporting the planned growth of non-residential activities with an appropriate supply of parking on the site in the short term to encourage that growth.
- (7A) Enable sufficient retail, commercial service and entertainment activities within the precinct to meet the needs of residents, workers and visitors.
- (7B) Encourage the provision of retail, commercial service and entertainment activities to locate at or very close to the central pedestrian plaza so as to contribute to it being a vibrant, well-activated and lively heart within the precinct.

The overlay, Auckland-wide and underlying zone policies apply in this precinct in addition to those specified above, except that:

- (a) clauses (b) and (c) of policy H15.3(18) do not apply; and
- (b) Policy E27.3(2) Integrated transport assessment does not apply to non-residential development up to 162,000 m<sup>2</sup> gross floor area, and residential development up to 1,380 dwellings.

#### **I538.4. Activity table**

The provisions in any relevant overlays, zone and the Auckland-wide provisions apply in this precinct unless otherwise specified below.

Table I538.4.1 specifies the activity status of land use activities in the Smales 1 Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I538.4.1 Activity table Smales 1 Precinct**

<b>Activity</b>		<b>Activity status</b>
<b>[Deleted]</b>		
(A1)	[Deleted]	
(A2)	[Deleted]	
(A3)	[Deleted]	
<b>Accommodation</b>		
(A4)	Dwellings	P
(A5)	Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses	RD
(A6)	Integrated residential development	P
(A7)	Supported residential care	P
(A8)	Visitor accommodation and boarding houses	P
(A9)	Each residential development where the cumulative number of dwellings in the precinct will be greater than 285.	C
(A10)	Each residential development where the cumulative number of dwellings in the precinct will be greater than 855.	RD
<b>Commerce</b>		
(A11)	Conference facilities	P
(A12)	Entertainment facilities	D
(A13)	Retail	P
(A14)	Department store, trade supplier, motor vehicle sales	D
(A15)	Service stations	NC
(A16)	A single supermarket up to 2,000m <sup>2</sup> gross floor area	P
(A17)	A single supermarket greater than 2,000m <sup>2</sup> gross floor area	D
(A18)	Drive-through restaurants	D
<b>Community</b>		
(A20)	Community facilities	P
(A21)	Education facilities	P
(A22)	Tertiary education facilities	P
<b>Non-residential activities</b>		
(A23)	Infringing any of clauses (1), (2) or (3) of Standard I538.6.1	D

(A24)	Exceeding the limits in Standard I538.6.2(1)	RD
(A25)	Each non-residential development where the cumulative floor area in the precinct will be greater than 105,000 m <sup>2</sup> gross floor area.	C
(A26)	Each non-residential development where the cumulative floor area in the precinct will be greater than 125,000 m <sup>2</sup> gross floor area.	RD
<b>Development</b>		
(A27)	New buildings	RD
(A28)	Temporary structures that are in place for less than 21 days.	P
(A29)	Central pedestrian plaza	C
(A30)	New and redeveloped primary pedestrian linkages (as depicted in Precinct Plan 2 Structuring Elements).	C
(A31)	Any new vehicle access or change in the direction of vehicle movements at an existing vehicle access off Shakespeare Road relative to the accesses shown on Precinct Plan 2 Structuring Elements.	D
(A32)	Activities exceeding the standards at I538.6 except where otherwise specified in this table.	RD

### **I538.5. Notification**

- (A1) An application for resource consent for a controlled activity listed in Table I538.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (1) Any application for resource consent for a restricted discretionary, discretionary or non-complying activity listed in Table I538.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **I538.6. Standards**

The standards applicable to the underlying zone, overlays and Auckland-wide provisions apply in this precinct, except the following:

- Standard E27.6.1 Trip generation does not apply to non-residential development up to 162,000m<sup>2</sup> gross floor area and does not apply to residential development up to 1,380 dwellings;

- Standard E27.6.2(5) (Parking);
- Standard H15.6.1 Building height;
- Standard H15.6.3 Yards; and
- Standard H15.6.7 Outlook space.

All activities in the Smales 1 Precinct must comply with the following standards.

### **I538.6.1. Gross floor area (GFA)**

Purpose: to create thresholds beyond which new evaluations of the scale, uses and effects of development must occur addressing potential negative impacts on the transport network and or on the function and amenity of centres.

- (1) The maximum gross floor area in the precinct for non-residential activities regardless of activity status is 162,000m<sup>2</sup> subject to (2) below:
- (2) The total gross floor area within the precinct that is occupied by the activities listed below, regardless of activity status, must not exceed 2,000m<sup>2</sup> plus a cumulative gross floor area of 500m<sup>2</sup> for every 10,000m<sup>2</sup> of gross floor area of development up to 162,000m<sup>2</sup> and 250m<sup>2</sup> for every 10,000m<sup>2</sup> over 162,000m<sup>2</sup> gross floor area:
  - (a) Retail
  - (b) Commercial services
  - (c) Entertainment.
- (3) The activities identified in (2) may occur ahead of the identified thresholds up to a maximum of 10,000m<sup>2</sup> retail, commercial services or entertainment GFA, if they are located to have their primary pedestrian entrances at or within 75m of the central pedestrian plaza.

### **I538.6.2. Parking**

Purpose: to

- manage the effects of parking for non-residential development on trip generation as the precinct develops
  - encourage a reduction in the ratio of parking spaces to floor area as the precinct develops
  - ensure that land and resources are used efficiently within the precinct.
- (1) The number of parking spaces accessory to non-residential activities must not exceed:
    - (a) 1936 car parking spaces for the first 44,770m<sup>2</sup> gross floor area;
    - (b) for any development up to 105,000m<sup>2</sup> gross floor area up to a maximum of 3,639 spaces; and
    - (c) for any development in excess of 105,000m<sup>2</sup> gross floor area up to a maximum of 4,585 spaces.

(2) No maximum parking requirements apply to residential activity.

### **I538.6.3. Trip generation**

Purpose: the trip generation effects of development within the precinct are subject to the following thresholds:

- up to 105,000m<sup>2</sup> gross floor area of non-residential activities or 285 dwellings the effects are considered acceptable.
  - up to 125,000m<sup>2</sup> gross floor area of non-residential activities or 855 dwellings the effects are considered manageable.
  - up to 162,000m<sup>2</sup> gross floor area of non-residential activities or 1,380 dwellings an assessment of the effects is required against the matters of discretion in I538.8.1(6) and the assessment criteria in I538.8.2(6).
- (1) For development over 162,000m<sup>2</sup> gross floor area of non-residential activities or 1,380 dwellings, an integrated transportation assessment (ITA) will be required as set out in Chapter E27.
- (2) Non-residential development up to 162,000 m<sup>2</sup> gross floor area, and residential development up to 1,380 dwellings, will not be subject to the following:
- (a) Policy E27.3(2) Integrated transport assessment; and
  - (b) Standard E27.6.1 Trip generation.

### **I538.6.4. Building height**

Purpose: to

- manage the effects of building height;
  - allow reasonable sunlight and daylight access to publicly accessible open space excluding streets and nearby sites;
  - enable efficient use of land by enabling tall buildings in appropriate locations within the precinct; and
  - contribute to a visually interesting and varied skyline appearance when viewed from distant viewpoints, including by limiting the number of buildings with heights above RL98.1 (RL in terms of NZVD2016).
- (1) Buildings must not exceed RL48.2m in height (RL = Reduced Level in terms of NZVD2016):

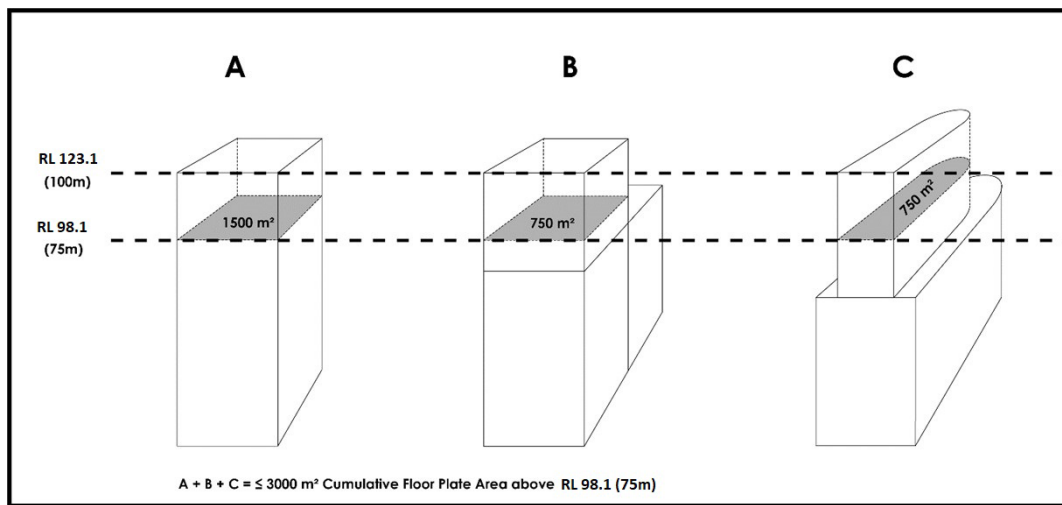
**Table I538.6.4.1 Building height**

<b>Height Area as identified on I538.10.1 Precinct Plan 1- Maximum height</b>	<b>RL</b>	<b>Equivalent height above average ground level at Taharoto Road frontage</b>

1	50.1	27m
2	123.1	100m

- (2) Notwithstanding I538.6.4(1) the cumulative floor area of the largest floor plate in each building in Height Area 2 above a height of RL98.1 (75m above average ground level at the Taharoto Road frontage) must not exceed 3,000m<sup>2</sup>. For clarity, this standard does not constrain the total gross floor area of buildings above RL98.1. Refer to Figure I538.6.4.1 Calculation of the cumulative area of floorplates for an example of the calculation of the cumulative area of floorplates.

**Figure I538.6.4.1 Calculation of the cumulative area of floorplates**

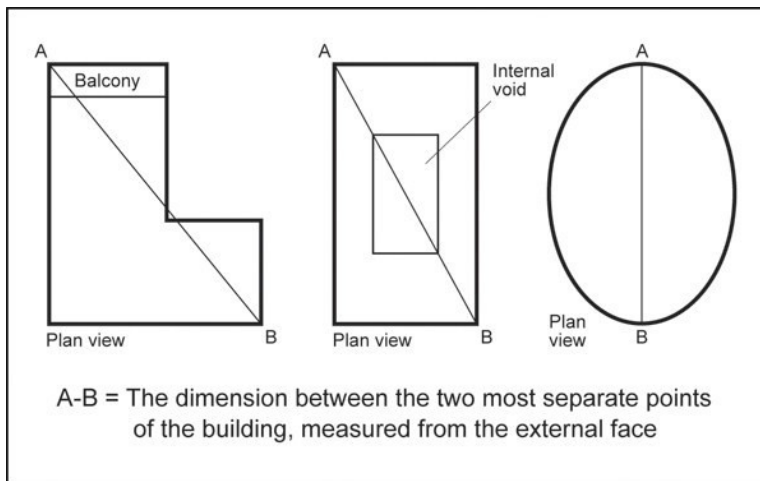


### I538.6.5. Maximum tower dimension and building separation

Purpose: to ensure that tall buildings

- are not overly bulky in appearance and manage significant visual dominance effects;
  - allow adequate sunlight and daylight access to adjoining buildings and land;
  - provide adequate sunlight and outlook around and between buildings; and
  - mitigate adverse wind effects; and
  - contribute to a visually interesting and varied skyline appearance when viewed from distant viewpoints, including by limiting the dimension and cumulative floor area of buildings above RL98.1.
- (1) The maximum plan view dimension of that part of a building above RL50.1 must not exceed 55m.
  - (2) The maximum plan view dimension of that part of a building above RL98.1 must not exceed 35m.
  - (3) The maximum plan view dimension is the horizontal dimension between the exterior faces of the two most separate points of the building, depicted as A to B in Figure I538.6.5.1 Maximum tower dimension plan view below.
  - (4) Above a height of RL50.1, a minimum distance of 20m must be provided between buildings.

**Figure I538.6.5.1 Maximum tower dimension plan view**



### **I538.6.6. Outlook space**

Purpose: to

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, including their outdoor living space, on the same or adjacent building sites;
  - encourage the placement of habitable room windows to maximise both passive surveillance of any open space designed to accommodate public use, and privacy, and to manage overlooking of neighbouring building sites.
- (1) H9 Business – Metropolitan Centre Zone, Standard H9.6.10 applies; and
  - (2) The outlook space must be clear and unobstructed by buildings.

### **I538.6.7. Minimum dwelling size**

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

- (1) H9 Business – Metropolitan Centre Zone, Standard H9.6.11 applies.

### **I538.6.7A Residential at ground floor**

Purpose: to discourage the location of activities that require privacy and which do not contribute to activation on the ground floor of buildings on primary pedestrian linkages.

- (1) Dwellings, including units within an integrated residential development, must not locate on the ground floor of a building where the dwelling or unit has frontage to the edge of a primary pedestrian linkage.

### **I538.6.8. Central Pedestrian Plaza**

Purpose: to ensure that a high amenity central gathering place is developed at a timely stage to function as the heart of the precinct.

- (1) No later than the completion of 125,000m<sup>2</sup> GFA of development in the precinct, a pedestrian plaza shall be provided approximately at the intersection of the primary pedestrian linkages shown on I538.10.2 Precinct Plan 2 Structuring elements.
- (2) The central pedestrian plaza shall have a minimum area of 1,000m<sup>2</sup>.
- (3) Notwithstanding the definition of landscaped area in Chapter J Definitions, any part of the central pedestrian plaza that is not part of the internal vehicular network shall be included in the calculation of landscaped area for the precinct.

### **I538.6.9 Primary pedestrian linkages**

Purpose: to ensure that legible, high quality linkages are in place at a timely stage in development of the precinct.

- (1) No later than the completion of 125,000m<sup>2</sup> GFA of development in the precinct, the primary pedestrian linkages shown on I538.10.2 Precinct Plan 2 Structuring elements shall be provided.

### **I538.6.10 Noise levels between residential units and for noise sensitive spaces**

Purpose: to ensure within the precinct an acceptable level of acoustic amenity for activities sensitive to noise.

- (1) Noise levels between units in the precinct shall comply with E25.6.9 (adopting the limits prescribed for the Business Mixed Use Zone).
- (2) Noise sensitive spaces within the precinct shall be designed and / or insulated to comply with E25.6.10, adopting the internal noise levels for the Business Mixed Use Zone. For the purpose of applying E25.6.10(2), the external noise level shall be the maximum noise levels permitted in the Business Park Zone.
- (2A) New buildings or alterations to existing buildings containing noise sensitive activities within 100 metres of the nearest carriageway edge line of State Highway 1 ("State Highway Buffer Area") must be designed, constructed and maintained to achieve an indoor design noise level from road-traffic of 40 dB LAeq(24h).
- (3) The relevant assessment criteria in E25.8 shall apply to any activity that does not comply with I538.6.10. The assessment criteria shall be applied as if the precinct was located in the Business - Mixed Use Zone.

Note: The relevant provisions of E25 for the Business - Business Park zone apply in the precinct unless otherwise specified above.

## **I538.7. Assessment – controlled activities**

### **I538.7.1. Matters of control**

For activities and development that are controlled activities in the precinct, the council will reserve its control to the following matters in addition to the matters specified for the relevant controlled activities in the Business – Business Park zone and the Auckland-wide provisions:

- (1) The central pedestrian plaza:



- (a) design.
- (2) New and redeveloped primary pedestrian linkages:
  - (a) design.
- (3) Each development where either the cumulative floor area of non-residential development will be greater than 105,000 m<sup>2</sup> gross floor area (A25) or the cumulative number of dwellings will be greater than 285 (A9):
  - (a) the management of parking;
  - (b) active modes facilities - the nature and location of facilities throughout the precinct that support active modes of travel;
  - (c) precinct-wide travel demand management initiatives and
  - (d) in granting resource consent for any development which results in the cumulative development exceeding 105,000m<sup>2</sup> GFA of non-residential development or 285 dwellings, if the mode share for single occupancy cars is greater than the values set out in I538.8.2(6), the council may impose a condition requiring a travel demand management plan that encourages the use of travel modes other than single occupancy vehicles for accessing the precinct to be prepared in consultation with Auckland Transport and major tenants within the precinct and includes Auckland Transport responses.

### **I538.7.2. Assessment criteria**

For activities and development that are controlled activities in the precinct, the council will consider the relevant assessment criteria below in addition to the criteria specified for the relevant controlled activities in the Business – Business Park zone and the Auckland-wide rules:

- (1) The central pedestrian plaza:
 

The extent to which the central pedestrian plaza:

  - (a) provides a central gathering place and public space heart to the precinct;
  - (b) achieves a strong sense of edge definition to the public space through building and other elements (e.g. walls, screens, changes in level, vegetation) acknowledging that temporary design solutions may be used as interim measures where adjacent development has not occurred;
  - (c) creates a positive interface and closely integrates with the adjoining primary pedestrian linkages;
  - (d) receives adequate sun during the winter between the hours of 11am and 2pm;
  - (e) is appropriately sheltered from the prevailing south-westerly wind;

- (f) provides comfortable places to sit and spend time in;
  - (g) is primarily hard-surfaced to provide for pedestrian movement, people gathering and events; and
  - (h) provides lighting to support a safe night-time environment.
- (2) New and redeveloped primary pedestrian linkages:
- The extent to which primary pedestrian linkages:
- (a) are consistent with I538.10.2 Precinct Plan 2 Structuring elements;
  - (b) achieve legible, accessible, safe and high quality walking routes between the street entrances, bus station and central pedestrian plaza that are also supportive of people using other active travel modes - bicycles, scooters and other micro-mobility choices;
  - (c) achieve edge definition through building and other elements (e.g. walls, screens, changes in level, vegetation) acknowledging that temporary design solutions may be used as interim measures where adjacent development has not occurred;
  - (d) achieve a high-quality interface with adjoining activity, including through weather protection at building entrances, recognising the importance of this interface to the overall quality of the pedestrian environment;
  - (e) provide lighting to support a safe night-time environment; and
  - (f) create a positive interface and closely integrated with the central pedestrian plaza.
- (3) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 105,000 m<sup>2</sup> gross floor area (A26) or the cumulative number of dwellings will be greater 285 (A10):
- (a) the management of parking – the extent to which all parking within the precinct is being effectively managed to reduce the demand for single occupancy car trips;
  - (b) active modes facilities - the nature and location of facilities throughout the precinct that support active modes of travel – the extent of provision in all existing and proposed buildings for active modes of travel and end of trip facilities; and
  - (c) precinct-wide travel demand management initiatives – including biennial travel mode questionnaire surveys of all precinct workers and residents for comparison with the values set out in I538.8.2(6, as well as travel demand management initiatives that have been established and administered to determine if they are consistent with the objectives and policies of the precinct, connectivity with any new or upgraded public transport and pedestrian/active mode facilities on the adjacent transport networks, and new facilities for active mode travelers that are

being established.

## **I538.8. Assessment – restricted discretionary activities**

### **I538.8.1. Matters of discretion**

For activities and development that are restricted discretionary activities in the precinct, the council will restrict its discretion to the following matters in addition to the matters specified for the relevant restricted discretionary activities in the Business – Business Park zone and the Auckland-wide provisions:

- (1) Activities exceeding the limits in Standard I538.6.2 (Parking):
  - (a) E27 Transport, Rule E27.8.1(5) (a), (b) and (c) applies.
- (2) Activities exceeding the limits in Standard I538.6.4 (Height):
  - (a) the effects of the infringement on the amenity of neighbouring sites;
  - (b) the effects of the infringement on amenity within the precinct;
  - (c) the location of the building site in relation to its suitability for high buildings; and
  - (d) the contextual relationship of the building with adjacent buildings and the wider landscape.
- (3) Activities exceeding the limit in clause (2) of Standard I538.6.5 (Maximum tower dimension and building separation):
  - (a) The effects of the infringement on the amenity of neighbouring sites; and
  - (b) The effects of the infringement on the wider landscape.
- (4) Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses:
  - (a) H9 Business – Metropolitan Centre zone, Rule H9.8.1(5) applies; and
  - (b) effects of the integration of office activities with other activities within the precinct.
- (5) New buildings, and additions and alterations not otherwise provided for:
  - (a) consistency with I538.10.2 Precinct Plan 2 Structuring elements;
  - (b) building design and appearance;
  - (c) the design of ground floor residential activity;
  - (d) the provision and design of landscaped open space;

- (e) pedestrian amenity, safety and access; and
  - (f) the design and appearance of tall buildings.
- (6) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 125,000m<sup>2</sup> gross floor area (A26) or the cumulative number of dwellings will be greater than 855 (A10):
- (a) mode share;
  - (b) travel management;
  - (c) transport infrastructure and parking provisions; and
  - (d) in granting resource consent for the first development which results in the cumulative development in the precinct exceeding 125,000m<sup>2</sup> GFA of non-residential development or 855 dwellings, if the mode share for single occupancy car travel is greater than the values set out in I538.8.2(6)(a), the council may impose a condition requiring a travel demand management plan that encourages the use of travel modes other than single occupancy vehicles for accessing the precinct to be prepared in consultation with Auckland Transport and major tenants within the precinct.

#### **I538.8.2. Assessment criteria**

For activities and development that are restricted discretionary activities in the precinct, the council will consider the relevant assessment criteria below in addition to the criteria specified for the relevant restricted discretionary activities in the Business – Business Park zone and the Auckland-wide rules:

- (1) Activities exceeding the limits in Standard I538.6.2 (Parking):
  - (a) E27 Transport, Rule E27.8.2(4)(b) to (h) applies.
- (2) Activities exceeding the limits in Standard I538.6.4 (Height):
  - (a) the extent to which the amenity of neighbouring sites including those outside the precinct is adversely affected;
  - (b) the extent to which the precinct can accommodate higher buildings without generating significant adverse effects on the wider environment;
  - (c) the extent to which the height of a new building is appropriate in the context of the height of buildings on adjacent land and within the wider landscape setting of the city;
  - (d) for buildings in Height Area 1, in addition to (a), (b) and (c) above, those criteria listed in I538.8.2(5)(f).
- (3) Activities exceeding the limit in clause (2) of Standard I538.6.5 (Maximum tower dimension and building separation):

- (a) the extent to which the amenity of neighbouring sites including those outside the precinct is adversely affected; and
  - (b) the extent to which building footprint, mass and visual scale is managed above RL98.4, including through appearing obviously smaller than below RL98.4, in order to avoid significant adverse effects on the wider environment, in particular, the skyline of the precinct, as seen within the broader urban area.
- (4) Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses:
- (a) H9 Business – Metropolitan Centre zone, Rule H9.8.2(5) applies; and
  - (b) effects of the integration of office activities with other activities within the precinct:  
the extent to which:
    - (i) the conversion ensures that existing and proposed activities are well integrated and that adverse effects on amenity are avoided or mitigated.
- (5) New buildings, and additions and alterations not otherwise provided for:
- (a) consistency with I538.10.2 Precinct Plan 2 Structuring elements:  
the extent to which development is generally consistent with the structuring elements identified on I538.10.2 Precinct Plan 2 Structuring elements. Note: Primary pedestrian linkages need not be linear.
  - (b) building design and appearance:  
the extent to which:
    - (i) building design is of high quality, expressing a clear and coherent design concept that responds to its surrounding context and utilises a palette of durable materials to express the building form;
    - (ii) features such as façade modulation and articulation, and/or the use of materials and finishes, are used to manage visual amenity effects of building bulk and scale, and to create visual interest;
    - (iii) the roof profile is part of the overall building form and rooftop plant and equipment is integrated into the building design; and
    - (iv) the ground floor areas of buildings on primary pedestrian linkages are adaptable to a range of uses.
  - (c) ground floor residential activity:  
where ground floor residential activity adjoins a publicly accessible area, the extent to which the design of the public/private interface:

- (i) addresses the privacy of occupiers of dwellings;
  - (ii) provides appropriate levels of passive surveillance of the adjoining area of public access; and
  - (iii) maintains the visual and pedestrian amenity of the adjoining area of public access.
- (d) landscaped open space:
- the extent to which:
- (i) landscaped open space is provided or maintained with each stage of development; and
  - (ii) the design of hard and soft landscaping integrates with and appropriately enhances the design and configuration of buildings and the amenity of publicly accessible areas for the various users of the precinct.
- (e) pedestrian amenity, safety and access:
- the extent to which:
- (i) the design of a building contributes to pedestrian vitality and interest where it fronts an area of significant pedestrian activity, in particular adjoining primary pedestrian linkages and the central pedestrian plaza;
  - (ii) building entrances are easily identifiable and accessible, and provide pedestrian shelter;
  - (iii) separate pedestrian entrances are provided for residential activity that are clearly located and legible for public access and provide a sense of address for residents and visitors;
  - (iv) the design of development has regard to pedestrian amenity and personal safety; and
  - (v) parking, loading and service areas are located and screened (as necessary) to maintain pedestrian amenity.
- (f) buildings within Height Area 2 extending above RL50.1:
- the extent to which:
- (i) the building maintains the visual amenity of the overall development on the site as viewed from residential zones and public places outside the precinct;
  - (ii) the building makes a positive contribution to the collective skyline of the precinct, including architectural expression to the rooftops and upper levels

of tall buildings;

- (iii) the building responds and relates appropriately to the scale and form of neighbouring buildings within the precinct;
- (v) adverse off-site and off-precinct effects of tall buildings, in particular:
  - wind, shadowing, dominance and privacy effects; and
  - significant visual effects, including cumulative effects, on the wider landscape setting of the city

are avoided or suitably mitigated;

(6) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 125,000m<sup>2</sup> gross floor area (A26) or the cumulative number of dwellings will be greater than 855 (A10):

- (a) mode share – assessment of the actual mode share of travel associated with non-residential and residential activities at the precinct in the morning and afternoon peak hour, against the following mode shares:
  - (i) non-residential: single occupancy car travel 60%; all other travel 40%;and
  - (ii) residential: single occupancy car travel 45%; all other travel 55%.
- (b) demonstrate the success or otherwise of Travel Demand Management measures implemented within the precinct, including demonstrating these are consistent with the objectives and policies of the precinct, including:
  - (i) site travel demand management plans corresponding to the scale and significance of the activity;
  - (ii) physical infrastructure to be established or currently established on the site to support alternatives to single occupancy car use, such as covered facilities for cyclists, scooters, showering, lockers and changing facilities, plus carpool, shared vehicles and shared parking areas; and
  - (iii) operational and management measures to be established or currently implemented on the site to encourage reduced vehicle trips including car share schemes, management to incentivise lower vehicle use, public transport incentives, flexi-time, remote working, and staggered working hours;
- (c) reporting on any new or upgraded public transport and pedestrian / active modes connections on the transport network adjacent to the precinct; and
- (d) where criterion I538.8.2.(6)(a) is not met, the council shall have regard to whether the overall non-residential activity could meet that criterion where,

either:

- (i) the parking proposed in the application for non-residential activity gross floor area results in a reduction in the overall parking ratio for non-residential activity consistent with achieving the requirements in standard I538.6.2(1); or
- (ii) information is provided in the application to demonstrate how the parking provision for later intended buildings will be delivered to achieve the requirements in standard I538.6.2(1).

### **I538.9. Special information requirements**

Special information is required in respect of the following applications, as set out below:

- (1) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 105,000 m<sup>2</sup> gross floor area (A25) or the cumulative number of dwellings will be greater than 285 (A9):
  - (a) All the information necessary for council to be able to gain a comprehensive understanding of the matters which are listed for assessment.
  - (b) An 'integration' plan indicating the positioning of all existing and intended buildings relative to 'structuring elements' and how the balance of the precinct is to be developed to achieve or promote the objectives and policies of the precinct and thereby how the proposal fits with the developed and consented urban structure and form. To avoid doubt, this plan is not to be the subject of any approval from the council but is to inform any other travel-related conditions that might be appropriate and to understand such things as the developing movement pattern throughout the precinct and the location of noise-emitting and noise-sensitive activities.
  - (c) An assessment including a biennial travel mode questionnaire survey of travel patterns of workers and residents prepared by a suitably qualified and experienced person addressing the following:
    - (i) Mode share  
  
Details of the actual mode share of travel associated with non-residential and residential activity in the precinct in the morning and afternoon peak hour.
- (2) The application for resource consent under rules I538.4.1 (A25), (A9), (A26) and (A10) shall provide evidence of consultation on the mode share assessment with Auckland Transport and the New Zealand Transport Agency and their responses to that consultation.
- (3) The formation of a new primary pedestrian linkage and or the central pedestrian plaza at any time or stage in the development of the precinct.
  - (a) As for I538.9(1)(a) and (b).



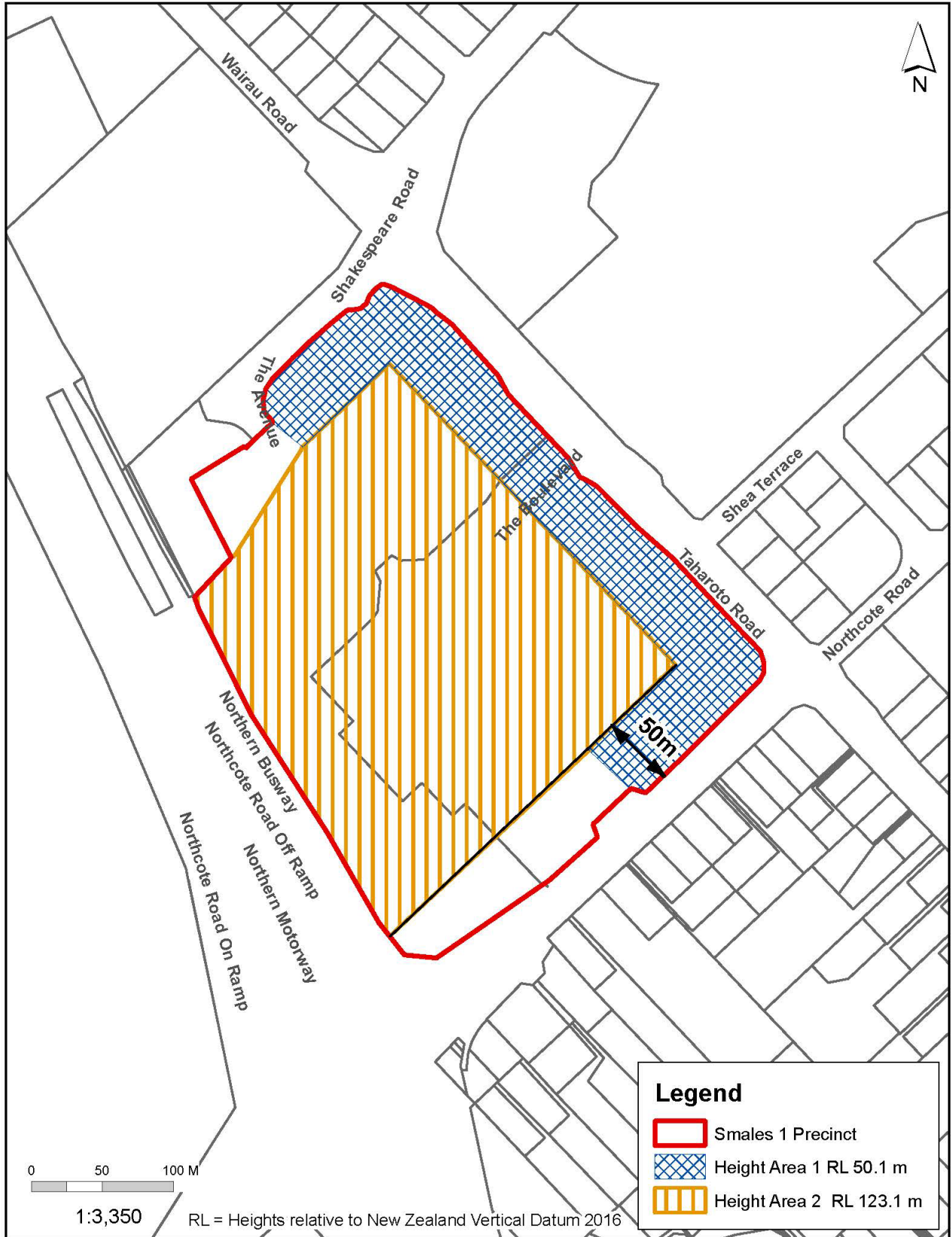
- (4) Where Standard I538.6.10 (2A) applies, a design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the council demonstrating noise compliance prior to the construction or alteration of any building containing a noise sensitive activity in or partly in the State Highway Buffer Area.
- (5) Each application for resource consent under rule I538.6.1(3) for the gross floor area (GFA) of premises occupied by retail, commercial services or entertainment activities ahead of the thresholds in rule I538.6.1(2) shall include a diagram to scale showing:
  - (a) An indicative concept of the proposed central pedestrian plaza as depicted on I538.10.2 Precinct Plan 2 Structuring Elements, including the identification of any portions of the plaza that may have been formed to date; and
  - (b) The location, floor areas and primary pedestrian entrances of all existing activities that are enabled by and are subject to standard I538.6.1(2) – total GFA of retail, commercial services and entertainment activities; and
  - (c) The location, floor areas and primary pedestrian entrances of all proposed new activities that are proposed under standard I538.6.1(3) – GFA of retail, commercial services and entertainment activities ahead of the thresholds of I538.6.1(2); and
  - (d) A table of floor areas specifying all existing and proposed developments (residential and non-residential) that give rise to the allowances for retail, commercial services and entertainment under standard I538.6.1 Gross floor area (GFA) and specifying also the commensurate retail, commercial services and entertainment floor areas the developments enable (existing and proposed) and identifying also those activities and their floor areas that have primary pedestrian entrances ‘at or within 75m of the central pedestrian plaza’.

## **I538.10. Precinct plans**

I538.10.1 Smales 1 Precinct: Precinct Plan 1 – Maximum Height

I538.10.2 Smales 1 Precinct: Precinct Plan 2 – Structuring Elements.

I538.10.1 Smales 1 Precinct: Precinct Plan 1 – Maximum Height



1538.10.2 Smales 1 Precinct: Precinct Plan 2 – Structuring Elements

