I hereby give notice that an ordinary meeting of the Auckland Development Committee will be held on:

Date: Tuesday, 11 March 2014  
Time: 9.30am  
Meeting Room: Reception Lounge  
Venue: Auckland Town Hall  
301-305 Queen Street  
Auckland

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Auckland Development Committee  
OPEN AGENDA

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MEMBERSHIP

Chairperson: Penny Hulse  
Deputy Chairperson: Chris Darby  
Members:
  - Cr Anae Arthur Anae
  - Cr Cameron Brewer
  - Mayor Len Brown, JP
  - Cr Dr Cathy Casey
  - Cr Bill Cashmore
  - Cr Ross Clow
  - Cr Linda Cooper, JP
  - Cr Alf Filipaina
  - Cr Hon Chris Fletcher, QSO
  - Cr Denise Krum
  - Cr Mike Lee
  - Member Liane Ngamane

(Quorum 11 members)

---

Tam White  
Democracy Advisor  
6 March 2014

Contact Telephone: 09 307 7253  
Email: tam.white@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
TERMS OF REFERENCE

Responsibilities

This committee will lead the implementation of the Auckland Plan, including the integration of economic, social, environmental and cultural objectives for Auckland for the next 30 years. It will guide the physical development and growth of Auckland through a focus on land use planning, housing and the appropriate provision of infrastructure and strategic projects associated with these activities. Key responsibilities include:

- Unitary Plan
- Plan changes to operative plans
- Designation of Special Housing Areas
- Housing policy and projects including Papakainga housing
- Spatial Plans including Area Plans
- City centre development (incl reporting of CBD advisory board) and city transformation projects
- Tamaki regeneration projects
- Built Heritage
- Urban design

Powers

(i) All powers necessary to perform the committee’s responsibilities.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (see Governing Body responsibilities)
(b) where the committee’s responsibility is explicitly limited to making a recommendation only

(ii) Approval of a submission to an external body

(iii) Powers belonging to another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

(iv) Power to establish subcommittees.
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**PLAN CHANGES**

| 13   | Procedural Motion to Exclude the Public | 165  |
| C1   | Council Position on Kingseat Village Growth | 165  |
| C2   | Wilsher Village - Request for Proposal - Commercial and in confidence | 165  |
1 **Apologies**

At the close of the agenda no apologies had been received.

2 **Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 **Confirmation of Minutes**

That the Auckland Development Committee:

a) confirm the ordinary minutes of its meeting, held on Thursday, 13 February 2014, as a true and correct record.

4 **Petitions**

At the close of the agenda no requests to present petitions had been received.

5 **Public Input**

Standing Order 3.21 provides for Public Input. Applications to speak must be made to the Committee Secretary, in writing, no later than two (2) working days prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of thirty (30) minutes is allocated to the period for public input with five (5) minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

6 **Local Board Input**

Standing Order 3.22 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give two (2) days notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.
7 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting."

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

(i) That item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

8 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.
Purpose
1. To update the Auckland Development Committee on progress of the Housing Action Plan.
2. To outline areas of focus over the next six to nine months.
3. To outline potential next stages of the Housing Action Plan (stage 2).

Executive Summary
4. The Housing Action Plan (Stage 1) adopted by council in December 2012 has 12 priority areas and 32 actions (with an additional four sub-actions). This report updates the Committee on progress against these.

   Progress against the existing 32 actions identified in the Housing Action Plan

5. To date there has been significant progress on the actions with six being completed, 24 substantially underway and the remaining five having been commenced. The report provides detail on the progress and status of these actions.

   Priority areas over next 6 – 9 months

6. Over the next 6 – 9 months there is a focus on 6 key areas and this report provides a summary of these.

   Proposal in respect of Stage 2

7. There have been a number of developments over the past year that have contributed to decisions on stage one of the Housing Action Plan and the potential Stage 2 work programme, notably the Auckland Housing Accord and new housing legislation.

8. The Housing Project Office (HPO) was established to integrate within one office housing policy and the establishment of special housing areas, together with consenting and approvals for qualifying developments within SHAs.

9. It is proposed that in light of these developments, a review be undertaken on whether to proceed with additional work originally envisaged as part of stage two of the Housing Action Plan, and that this be reported back to the Auckland Development Committee in June 2014.

Recommendation/s
That the Auckland Development Committee:

a) endorse the future priorities set down in the report in respect of stage one.

b) review stage two of the Housing Action Plan in light of progress on stage one and the development of the Auckland Housing Accord including the establishment of the HPO, and a further report on whether to proceed with additional work be submitted to the Auckland Development Committee by June 2014.

c) circulate this report to all local boards and the Independent Maori Statutory Board (IMSB) for their information.
Background

10. Directive 11.1 of the Auckland Plan states that Auckland Council will “Develop and deliver on a multi-sector Housing Strategic Action Plan to achieve the required increase in housing supply, including options to increase affordable housing for first home buyers”.

11. The purpose of the Housing Strategic Action Plan was to have a multi-sector commitment to improve the delivery of quality of affordable housing. Given the scale and complexity of housing issues, it was agreed that the HSAP be carried out in two stages:

   i. Stage 1 focused on Directive 11.5 of the Auckland Plan, which committed council to working with others to urgently investigate and use the whole range of possible housing development vehicles, policy and regulatory tools, that would increase the supply of affordable housing in Auckland.

   ii. Stage 1 also focused on improving the quality of existing stock, particularly in the area of retrofitting as stated in Directive 11.4 “Encourage and incentivise retrofitting of existing housing stock. (The second part of the directive to “require new housing to be sited and design to meet best practice urban design and sustainable housing principles” was included in the development of the Unitary Plan.)

   iii. The Housing Action Plan adopted by Council in December 2012 is the outcome of Stage 1. The Housing Action Plan (Stage 1) has 12 priority areas and 32 actions. This report updates the Committee on progress against these.

   iv. Stage 2 was to focus on other critical housing issues, and the contribution of other sectors, in which Council can act as facilitator and catalyst to bring parties together. Stage 2 was deferred to allow progress to be made against Stage 1 of the Housing Action Plan.

12. Following the adoption of the Housing Action Plan there have been a number of developments in the housing area. The council entered into a Housing Accord with central government, the Housing Accords and Special Housing Areas Act (HASHA) was promulgated and the Housing Project Office was established.

Discussion

13. This report provides an update on:

   1. Progress against the existing 32 actions identified in the Housing Action Plan
   2. Priority areas over next 6 – 9 months
   3. Proposal in respect of Stage 2

Progress Against Actions

14. There were 12 Priority Areas within the Housing Action Plan which were translated into 11 workstreams. Within these workstreams there were 32 actions (and an additional four sub-actions).

The status of these actions is as follows:

Completed - six have been completed – these being:

- Action 4 – Amendment of ACPL SOI to ensure that the mandate, targets and accountability for delivery of housing outcomes are in place.

- Action 10 - Investigate ways rating policy could be changed or improved to incentivise development of undeveloped land in existing urban areas and greenfields.

- Action 11 - Investigate if unregulated investment is a driver of the Auckland housing market and assess whether this contributes to suggested property speculation or land banking and what useful and practicable regulatory options could be applied

- Action 16 - Investigate the opportunity to capture part of the windfall gain made by landowners resulting from the public decision to re-zone land to urban or to substantially up-zone land in order to fund infrastructure or affordable housing.
• Action 17 - Test an inclusionary zoning regulation, for informal feedback as an addendum to the draft Unitary Plan in March 2013.
• Action 22 - Maintain a minimum of 95 percent building consents issued within a statutory timeframe and 95 percent of code of compliance within the statutory time frames when residential building activity increases. This is being achieved.

15. Substantially Underway - 24 are substantially underway – these being:
   • Actions 1, 2, 3 4a, 4b, 4c, 5, 6, 9, 12, 13, 14, 15  19, 20, 21, 23, 24, 25, 26, 27, 28, 29 and 30

16. Commenced - five have commenced - these being:
   • Actions 7, 8, 18, 31 and 32

17. Detail on the progress, the current status and outcomes of these various actions are detailed within Attachment A.

Priority Areas over next six to nine months

18. Over the next six to nine months the following key priority areas will be focussed upon:
   • Priority Area 1 – Workstream 1 - Driving Housing Opportunities on Council Land – Action 4b Place Management
   • Priority Area 1 – Workstream 2 – Coordinating Opportunities for Housing for the Elderly– Action 5 - Property Portfolio Review and Social Housing (for Older Persons)
   • Priority Area 4 – Workstream 4 - Financing Infrastructure
   • Priority Area 8 – Workstream 8 - Improving the Quality of Existing and New Housing
   • Priority Area 9 – Workstream 9 - Māori Housing and Papakainga
   • Priority Area 10 – Workstream 10 - Housing for Pacific Peoples

Priority Area 1 – Workstream 1 - Driving Housing Opportunities on Council Land – Action 4b Place Management

19. The Place Management Housing Study is due to be awarded to a consultant/consortium in early March 2014.

20. The scope of the project is split into two parts:

1) Site Specific:
   a) The preparation of a concept plan for a specific council-owned vacant site in Manukau at 13 Barrowcliffe Place following a financial and non-financial feasibility assessment of the ability to deliver a mixed tenure/mixed income development on this site.
   b) An assessment of the options, feasibility, costs and benefits of implementing a place management organisation compared to utilising any other management models or adopting a ‘no management’ option.
   c) Advice and recommendations on a development pathway (including potential partnership options) should council seek to develop the site, a decision in part which will be based upon the advice provided by this study (the outcome of 1.a and 1.b above).

2) Assessment Model
   a) The development of a financial and non-financial feasibility model which can be used by council for the analysis of other council (or non-council) owned sites / projects to determine their viability for mixed tenure/ mixed income developments.
   b) This study is scheduled to be completed by end of June 2014 and will be used to inform place based development opportunities.
21. The Property Portfolio Review is undertaking a strategic review of the service property portfolio to enable decision-making that supports the objectives of the Property Strategy and delivery of the Auckland Plan. Included in this assessment is a strategic review of the social housing portfolio.

22. Auckland Council is yet to develop policy for social housing to clarify the existing and future role of council, set priorities for social housing and streamline the management of the rental unit assets. This policy development is due to start in 2014 and will cover purpose, provision, eligibility and rental. The recommendations of this review will inform the LTP process and the Social Housing Asset Management Plans.

23. Key dates for this review are:
   - Complete review of optimisation recommendations - 7 March 2014
   - Draft report circulated internally – 10 March 2014
   - Draft report submitted to Portfolio Review Steering Group (PRSG) meeting - 3 April 2014

24. The HPO is part of this review in relation to the applicability of Special Housing Areas and the implication for this action within the Housing Action Plan.

Priority Area 4 – Workstream 4 - Financing Infrastructure – Action 15 – Cost of Growth Study

25. The study’s main objective is to provide research-based support to the strategic delivery and implementation of Auckland Plan and related housing strategies and initiatives. It is envisaged that the Cost of Growth (CoG) analysis will provide practical input to the decision-making process including but not limited to integrating infrastructure planning and prioritisation, land supply management, and financial policy development.

26. Expected outcomes include an improved focus on efficient use of public resources and correct financial policy pricing signals for the delivery of Auckland’s future urban growth.

27. This study is well underway and the consultants, The CIE and ARUP, are expected to have completed the analysis in May 2014.

Priority Area 8 – Workstream 8 - Improving the Quality of Existing and New Housing

28. Significant progress is being made to trial a landlord WOF scheme. A draft WOF method has now been developed and is being field tested in Auckland, Tauranga, Wellington, Christchurch and Dunedin. Assessments have now begun on the 25 rental properties in Auckland participating in the trial.

29. Key milestones over the next few months are:
   - Quarter 1 – complete 25 property assessments
   - Quarter 2 - Report back on results of field testing
   - Quarter 3 - Scope larger pilot study to test potential scheme
   - Quarter 4 - Begin pilot study

Priority Area 9 – Workstream 9 - Maori Housing and Papakāinga

30. Good progress has been made in getting Priority 9 – papakāinga and housing for Māori underway.

31. A stocktake of existing and potential papakāinga has been completed and an initial hui held with iwi organisations (both mana whenua and mataawaka) interested in housing development. A Tāmaki Māori Housing Forum is being set up under the umbrella of the national peak body for Māori housing – Te Matapihi He Tirohanga mo te Iwi.
32. The following initiatives are proposed over the next year:

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<th>Q3</th>
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<tr>
<td>Tamaki Māori Housing Hui held</td>
<td>Second Tamaki Māori Housing Hui held</td>
<td>Development Contributions Subsidy Fund for papakāinga/Māori housing established</td>
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<td>Develop papakāinga/Māori housing project plan</td>
<td>Council represented at National Māori Housing Conference - May</td>
<td>Input into Long-term Plan process</td>
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<td>Identify any papakāinga/Māori housing SHAs for inclusion in Tranche 3</td>
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Priority Area 10 - Housing for Pacific Peoples

33. Council alongside other external partners and 60 ‘families’ over the next three years will produce and deliver a Pacific Co-designed Financial Wellness Program to prepare Pacific people for home ownership. The initial stages of this work involve:

- Stage 1 - scoping has already taken place.
- Stage 2 - February to April 2014 will identify and select participants and three will be taken through to Stage 3
- Stage 3 - co-design and start in May 2014 with completion by January 2015

34. Part of this process will look at partnerships to deliver housing including the possibility of a Pacific housing provider.

Proposal in Respect of Stage 2

35. While Stage 1 was focused on council’s role in housing, Stage 2 was envisaged to focus upon the contribution of other sectors, in which council could act as facilitator and catalyst to bring parties together.

36. There are a number of developments over the past year that have impacted upon the Stage 1 and potential Stage 2 work programme.

37. The Auckland Housing Accord and recent HASHA legislation has set the direction for further initiatives to improve housing affordability in Auckland. The outcome has meant that the Housing Project Office (HPO) was established to facilitate the identification of Special Housing Areas (SHAs), and to fast track the implementation of approvals and consenting for qualifying developments.

38. This has impacted on most areas of the Housing Action Plan. For example, priority area 7 on regulatory processes covers innovation. This area of work will be expanded in practice as the HPO is delivering in a new regulatory environment. The HPO takes a whole of council approach, with dedicated staff from councils CCOs, Auckland Transport and Watercare Services Limited and council asset managers e.g. stormwater. Emphasis is on having one council-wide portal through the HPO for qualifying development consents and SHA approvals and plan variations. Co-ordination of infrastructure delivery (at the same time; in the same place) is a key component of the “one-stop shop” HPO portal.

39. Similarly priority 6 on inclusionary zoning has expanded to include some interim affordability requirements in the Special Housing Areas governed by HASHA legislation.

40. The Government and council are also working together through the monthly Joint Officials Housing Working Group Meetings.

41. Equally, council is working closely with the private sector on a number of issues from infrastructure to affordability in both the HPO as well as in other parts of council.
42. Effectively Stage 2 as originally envisioned is already occurring and therefore the need for a Stage 2 of the Housing Action Plan based on the roles of other sectors is not as relevant. In addition there is already a large body of work that needs to be carried out to complete Stage 1.

43. It is therefore recommended that the HPO review the future scope of the Housing Action Plan Stage 2 in relation to current progress, future priorities and provide a further recommendation to the committee by the end of June 2014.

Consideration

Significance of Decision

44. The recommendations in this report do not trigger the Significance Policy

Local Board Views

45. The Local Board Chairs’ and members’ views have been sought during the drafting of the Housing Action Plan – Stage 1 via workshops. Individual boards have been engaged further where specific actions affect their local board areas e.g. when sites were selected for the Place Management Study

Māori Impact Statement

46. Affordable housing is identified as an issue of significance for the Independent Māori Statutory Board, Te Waka Angamua – Māori Strategy and Relations department, has been consulted on in the drafting of the Housing Strategic Action Plan – Stage 1. Affordable and quality housing is crucial for Māori well-being and realising their aspirations. Appropriate solutions need to be found for both mana whenua and mataawaka.

47. In undertaking the workstreams and actions within the Housing Action Plan, the HPO has been working with TWA, IMSB, iwi, mana whenua, urban Māori trusts, mataawaka organisations, council, central government and others to identify opportunities for papakāinga and other types of housing and social infrastructure for Māori.

Consultation

48. As this project is about implementing the Auckland Plan, no specific public consultation is planned. There was engagement with relevant external agencies, iwi, mana whenua, mataawaka, business, property and community stakeholders. The public is consulted on specific regulatory policy mechanisms through the Unitary Plan process, including the March 2013 Addendum to the Draft Unitary Plan.

Financial and Resourcing Implications

49. The implementation of the Housing Action Plan will be delivered within existing staff resources and approved budgets. It is also noted that the Ministry of Business, Innovation & Employment (MBIE) are co-funding the Cost of Growth Study.

Legal and Legislative Implications

50. There are no legal or legislative implications arising from this report. However, the HSAP will support council’s requirement to address cultural, economic, environmental and social well-being across council activities as required by the Local Government Act 2002; and ensure that activities improve the well-being of communities as directed in the Local Government (Auckland Council) Act 2009.

Implementation Issues

51. The Housing Action Plan is an action identified in the Auckland Plan and this report to confirm its scope allows progress to be made.
## Attachments

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<td>A</td>
<td>Attachment A - Summary of Actions Progress</td>
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## Signatories

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<tr>
<th>Authors</th>
<th>Allan McGregor - Manager SHA Masterplanning</th>
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<tr>
<td>Authorisers</td>
<td>Ree Anderson - Project Director for Housing</td>
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<tr>
<td></td>
<td>Dean Kimpton - Chief Operating Officer</td>
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<td>Roger Blakeley - Chief Planning Officer</td>
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### Attachment 1 - Summary of Actions Progress

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<th>Workstreams</th>
<th>Actions</th>
<th>Key Milestones</th>
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| Workstream 1 - Coordinating opportunities for housing developments on Council land | **Action 1** - Increase the ability of Auckland Council Property Limited (ACPL) to work / partner with others to promote housing on Council owned land

ACPL is responsible for achieving development project outcomes for Council as well as improving the supply of housing, especially in the more affordable segment of the market. These projects involve property owned by Council and include partners from the private sector and not for profit third sectors. Significant progress has been made on these projects over the year. The projects have a component of residential development which has been a priority for ACPL to facilitate.

**Action 2** - Investigate options for speeding up the process for property rationalisation.

Work streams from throughout the Council family are received by ACPL though its priorities remain in locating properties within its portfolio which are suitable for housing. ACPL have a system of development review in place which it implements upon receiving new batches of non-service stock. Prior and post the internal EoI process the properties go to various teams within the company and those responsible meet on a monthly basis at the Value Added Working Group whereby the opportunities are discussed.

Diligence in stakeholder engagement is applied and particular attention is applied to elements that typically take the most time. A clear record of input is maintained from relevant Local Boards, i.e., Council Departments and CCC’s. All properties recommended to Council have gone through the property rationalisation / clearance process and have clear record of input from relevant stakeholders.

ACPL plans to employ additional personnel specific to the review process. Upon this person commencing other Council Departments and Organisations will be able to provide written briefs and instructions to ACPL specifying particular requirements.

**Action 3** - Allow ACPL to calculate the financial viability of a housing project using the actual cost of borrowing

ACPL have provided high level feasibility work to the CEO of Auckland Council. Authorisation to borrow has been provided at 3%. ACPL is not presently looking to become a hands-on developer as there are willing private sector participants in the market.

**Action 4** - Amend the ACPL SOI to ensure that the mandate, targets and accountability for delivery of housing outcomes are in place.

a) ACPL to undertake five housing development projects with an affordable housing component over three years which would encompass CHC involvement

Projects: Wilsher Village, Trent Street, Cambridge Terrace, Hobsonville, Avondale Racecourse

b) Explore at least one project with a place management component

Projects: Wilsher Village, Barrowcliffe Place

A Place Management Study has been scoped on an ACPL site in Manukau (Barrowcliffe Place). The study will produce site specific outputs - a concept plan for the development, an assessment of the options, feasibility, costs and benefits of implementing a place management organisation against other models, and advice and recommendations on a development pathway (including potential partnership options) should Council seek to
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<td>develop the site. In addition a financial and non-financial feasibility model will be produced that can be used on other Council (or non-Council) owned sites / projects to determine their viability for mixed tenure / mixed income developments. The results of this study are expected by 30th June 2014. A partnership, and joint funding for the project, has been agreed with ACPL and the Tameki Redevelopment Company (TRC) and there is the potential that the scope of the project will be extended to a further TRC site. Depending upon the results of this study it is intended that the Manukau site will be potentially developed in the 2014/15 year. It is intended to report back the outcomes of this study in July 2014. c) Enter into three joint ventures with third parties including CHOIs and Maori or Pacific housing providers. Executed Projects: Trent Street, Cambridge Terrace. Planned Projects; Avondale, Piki Thompson – now deferred due to zoning constraints. \textbf{Furthermore}, the SOI establishes that least one Council owned site will be identified for exploration of possible joint development with Housing New Zealand where it has adjoining land. Work on two sites at Racecourse Parade Avondale and 95 George Street Avondale is being done presently. \textbf{Action 6} - Enable ACPL to carry out strategic acquisitions using the Strategic Development Fund where appropriate. The business case for use of the Strategic Development Fund for a housing project at Godley Road has been approved by ACPL Board and Auckland Council. Further cases are being prepared on utilising the fund for projects in Avondale and Pukekohe. \textbf{Action 7} - Investigate the opportunities for Council to play a greater role in the delivery of urban transformation outcomes through property, partnerships and special delivery vehicles. ACPL’s performance measure is that the milestones in the project plan agreed with Council or the ACPL Board, as appropriate, are completed. Projects are tracking positively against milestones and at this stage it is anticipated all milestones will be met. The key milestones are: \textbf{Ornston Town Centre Milestones} • Lodgement of Resource Consent for Stage 1 Block C lot October 2013 • Settlement Stage 1 – March 2014 \textbf{Papatoetoe Milestones} • Sale of 91 Cambridge Terrace • MCU for development of Tavern Lane • Refurbishment of retail block • Demolition of Roller skating building – completed. \textbf{New Lynn – Car Park} • Building handover to Auckland Transport</td>
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## Workstreams

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<tr>
<td><strong>Action 8</strong> - Facilitate partnerships on Council-owned sites with the potential to create exemplar housing developments</td>
<td>Progress on this Action is tracking well with the following achievements. 12 Place shaping opportunities have been identified and are at different stages of assessment. Of the 12 identified:</td>
<td>Initial stages</td>
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<td>• 3 opportunities are to be progressed</td>
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<td></td>
<td>• 3 opportunities will not be progressed</td>
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<td></td>
<td>• 1 opportunity will progress if site is available for purchase</td>
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<td>• 1 opportunity will be further assessed on financial feasibility</td>
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<td>• 2 opportunities will progress to expression of interest.</td>
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<td>• 2 opportunities have been identified to be assessed.</td>
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<td><strong>Workstream 2 - Coordinating opportunities for housing for the elderly</strong></td>
<td><strong>Action 2</strong> - Investigate options for speeding up the process for property rationalisation. Refer to Workstream 1 - Action 2 for the update.</td>
<td>Stage 1 and 2 completed</td>
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<td><strong>Action 9</strong> - Use existing Council-owned housing stock to help grow the Community Housing Sector</td>
<td>In progress</td>
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<td>Initial meetings with Auckland Community Housing Providers Network Inc held to further plan and implement this action</td>
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<td><strong>Action 5</strong> - Enable redevelopment projects on existing Council Housing for the Elderly (HFE) sites while maintaining at least the existing number of units for older people in the Council property portfolio.</td>
<td>In progress</td>
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<td>Auckland Council and ACLP have worked closely on the Wilshere Village redevelopment project as a pilot to gauge current market response to redevelopment. Property Portfolio Review underway to assess redevelopment options.</td>
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<td><strong>Workstream 3 - Coordination of analysis of financial tools</strong></td>
<td><strong>Action 10</strong> - Investigate ways rating policy could be changed or improved to incentivise development of undeveloped land in existing urban areas and greenfields.</td>
<td>Completed</td>
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<td>This investigation was completed in July 2013 and a report was submitted to the Auckland Plan Committee held on 18 September 2013. The report concluded that:</td>
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<td>1. applying an additional rate targeted on undeveloped land and/or underdeveloped land could encourage owners to develop the land sooner and more intensively</td>
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<td>2. the level of a targeted rate would need to be high enough to raise the holding costs of land to influence ratepayers to develop sooner. A large increase in rates could cause cash flow problems for some land owners who were asset rich but income poor</td>
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### Action 11
Investigate if unregulated investment is a driver of the Auckland Housing Market and assess whether this contributes to suggested property speculation or land banking and what useful and practicable regulatory options could be applied.

This investigation was completed in August 2013 and the results were presented to the Housing Oversight Group on 3 Sept 2013 in a slide show and a memo. The study noted that:

1. **there is no reliable detailed data on house sales to overseas buyers to assess the impact of overseas investment on the Auckland housing market.** The BNZ-REINZ Residential Housing Market Survey attempted to gather this type of information from real estate agents only during February-June 2013. The survey did not provide sufficient data to reach firm conclusions.

2. **the survey data showed that New Zealand buyers account for 90% of all house sales in Auckland. 19.3% of sales are to local investors and 3.7% to overseas investors. Other overseas buyers account for 6.3%. The additional demand generated by overseas buyers adds pressure on the prices of the houses for which they are bidding.**

3. **the collection of detailed data required for an in-depth assessment of the impact of overseas buyers would be costly and time consuming.**

4. **REINZ is not keen to probe further into the residential status of house buyers**

5. **since overseas investment in housing comes under government policy on overseas investment, it is best that the cost of research related to this policy be funded by the government.**

### Outcome
Reliable data on overseas investments in housing is not available. Central government has the powers to introduce policy changes and resources needed to collect such data from real estate agents or other relevant parties.

### Action 12
Investigate how Council could act as a guarantor for a pilot housing bond to facilitate start up loans for first home buyers/providers of secure affordable rental/leased accommodation administered by CHO schemes.

Community Housing Providers indicated interest in a housing bond product during a discussion with philanthropic trusts on December 10th facilitated by TSJ and CDAC. Specifically the Tamaki Collective’s Waimahia Inlet development has provided the necessary impetus for such a scheme and NZHF is already in a position to make use of it. Similarly philanthropic trusts expressed interest in understanding more...
about the housing bond proposal at the same discussion. TSI and CDAC, with support from the HPO, have committed to organising a follow up workshop with philanthropic trusts to scope a housing bond.

Representatives from various departments across Council - CDAC, TSI, HPO and Treasury have met to discuss an approach to an investigation on a housing bond and the potential for council to act as Guarantor. An options paper has been developed by Community Housing Auckland. This options paper discusses:

- details around shared equity models
- modelling of the amounts for a fund (and corresponding numbers of households that a fund could assist)
- business case for LTP funding
- governance model
- cash flow risk and repayment risk
- extent to which it creates an incentive for delivery of retained housing

The options paper will also be available for the follow up workshop with philanthropic trusts in March/April 2014.

**Action 16 -** Investigate the opportunity to capture part of the windfall gain made by landowners resulting from the public decision to re-zone land to urban or to substantially up-zone land in order to fund infrastructure or affordable housing.

1. This investigation was completed in July 2013 and a report was submitted to the Auckland Plan Committee meeting held on 25 July 2013

2. The report concluded that:
   - a value capture rate (VCR) is unlikely to increase land supply or accelerate development
   - there is a risk that it could increase house prices as land owners pass on the cost
   - the potential revenue from a VCR does not compare well with existing development contribution revenue for funding growth or rates revenue over the next 30 years
   - it is administratively difficult to determine the land value change attributable to the rezoning for each property and it is likely to result in legal challenges
   - some other countries have a capital gains tax that applies to all changes in land value. Only a few countries have applied a VCR to rezoned land. Most of these abandoned it because it is hard to assess value change attributable to the rezoning, legal challenges and strong political opposition
   - new legislation is required before a VCR could be introduced in Auckland.

**Outcome:**

The Auckland Plan Committee decided not to proceed with introducing a value capture rate.

**Workstream 4 - Co-ordinating all work on Development Contributions**

**Action 13 -** Investigate a pilot on a per square metre / per square hectare basis. Research is currently being undertaken. Early findings suggest that apportioning contributions charges based on the relative size of residential dwelling has strong merit.

**Key Milestones**

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<tr>
<th>Workstreams</th>
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<td>Summary of findings - Population growth drives infrastructure demand. Research links increased dwelling size with higher occupancy levels. International approaches indicate it is both possible and appropriate to charge contributions on a dwelling size related basis. An early draft of future policy options (for LTP consideration) is scheduled for work over February and March 2014. A draft report will be presented to the Oversight Group for input in April prior to recommendations going in front of Governing Body.</td>
<td>In progress</td>
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<td><strong>Action 14</strong> - Expand the postponement of development contributions through a payment deferral facility. Deferral agreements are now being tracked and reported on a quarterly basis to the Oversight Group. Next reporting due is late February (next meeting). To date we have received 10 official requests for the postponement (deferral) of DCCs from developments associated with Housing New Zealand land. Awareness of this facility has been raised with social housing providers and we expect to be increasingly approach about this once planned development gets off the ground. Most other current deferral agreements are signed with larger/medium sized private developers.</td>
<td>In progress</td>
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<td><strong>Action 15</strong> - Undertake more thorough empirical research showing the cost of servicing different types of development and assessing the impacts of location on that cost. The Cost of Growth Study commenced in September and was scheduled to be finalised before the end of 2013. Delay in the information gathering stage means that a new information gathering deadline has been agreed for the end of March 2014. Final draft report will be presented in late April / Early May 2014. Main reason for delay in information gathering is that historic (pre amalgamation) information has proven difficult to practically gather over a couple of weeks’ time. Action 13 findings are expected to complement Action 15 work related to the impact on cost of growth for different types and locations of development. The total package of Action 13 and 15 will give us a good picture of the three main components of what drives individual dwelling demand for new growth related infrastructure (i) number of occupants of dwellings, (ii) location of dwellings and (iii) type of dwellings (density).</td>
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<td>Workstream 5 - Inclusionary Zoning</td>
<td><strong>Action 17</strong> - Test an inclusionary zoning regulation, for informal feedback as an addendum to the draft Unitary Plan in March 2013. The topic of inclusionary Zoning (relating affordable housing) was included in the Addendum to the Draft Auckland Unitary Plan and public feedback was sought during the consultation period March – May 2013. Analysis was undertaken by the University of Auckland’s Property department to understand the impact of a range of percentages of inclusionary zoning in Greenfield and Brownfield settings. This analysis informed the development of a set of policies, objectives and rules on retained affordable housing in the Proposed Auckland Unitary Plan.</td>
<td>Completed – UI process</td>
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<td>Workstream 6 - Needs Assessment</td>
<td><strong>Action 18</strong> - Prepare an updated Auckland housing market needs assessment taking into consideration the diverse submarkets. Initial plans to undertake a comprehensive Auckland housing market needs assessment have been put on hold until Census data on future population trends is available. This is now expected to be available in early 2015. However RIMU is undertaking two research projects during the current financial year that will contribute to Council’s knowledge base on housing supply and demand. The first project is on vacant land zoned for housing within the built up area of Auckland. The second project is on the role of small scale housing developers in Auckland.</td>
<td>Initial stages</td>
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In addition RIMU is considering two new research projects for the forthcoming financial year: the motivations and drivers of private sector housing investors (landlords) in Auckland; and satisfaction of private sector housing tenants.

Both projects would be designed in consultation with the Housing Office and other end users and would provide feedback on issues such as the housing warrant and tenancy agreements.

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| Workstream 7 - Regulatory Processes | **Action 19** - Key Account Managers/Senior Leads approach implemented  
The Building Consents team have implemented a key account manager approach which responds to customer needs. Larger or more complex projects as well as key clients have senior staff allocated to lead the projects through the consenting process.  
**Action 20** - Develop pilot for “one deposit” consents for multiple housing typologies and small houses on small lots at Hobsonville and explore whether this has more universal application.  
An initial proposal to meet affordability goals for housing at Hobsonville by reducing consenting costs and timeframes through a “one deposit” consent for multiple housing typologies was investigated but did not progress. This is because the build partners at Hobsonville have been able to deliver homes to meet the affordability criteria while still doing site-specific designs rather than standard typologies. In addition, efforts to streamline regulatory processes and reduce the associated costs, are being achieved through Actions 19 (key account managers) and 21 (building consent pre-approval for generic housing types).  
**Action 21** - Expand the pilot for building consent pre-approval of generic housing types.  
The pilot to pre-approve standard dwellings has now been successfully completed by the Building Consents team. A key finding of the pilot was that the new approach produced a significant increase in documentation quality from the Group Home Builders involved. As a result the pilot is being expanded to include Papakura, Pukekohe, Central and West areas. There will be two Group Home Builders who are pre-approved in each area.  
*In addition a proposal to expand the pilot to terrace housing is being considered in February by the Building Consent Management Team.*  
**Action 22** - Maintain a minimum of 95% building consents issued within a statutory timeframe and 95% of consents of compliance within the statutory time frames when residential building activity increases.  
Since June 2013 more than 95% of building consents (BCs) have been issued within the statutory timeframe each month. The average across the calendar year was 96.6%, up from 95.2% in 2012. Similarly more than 95% of Code Compliance Certificates (CCCs) have been issued within the statutory timeframe each month. The average across the calendar year was 93.3%.  
The processing time for both BCs and CCCs is closely monitored and review processes are now in place to help ensure Council continues to meet the 95% target as residential building activity increases.  
**Action 23** - Undertake retrofit assessment of Council owned stock. Stock that will not be redeveloped  
This action is being progressed in alignment with Action 24. A small number of council owned housing stock will be assessed as part of the Field Test underway through Action 24. If the methodology is found to be appropriate it can be used and
### Workstreams

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- Action 24 - Council facilitate a trial landlord WOF scheme through a combined Auckland Council, Beacon Pathway and CMDHB partnership.

> Throughout February the council’s Housing Project Office (HPO) is undertaking a field test of the housing “Warrant of Fitness” method. The field test is seen as an important step in determining an appropriate minimum performance level for Auckland’s rental housing and envisages 25 properties being assessed, primarily in South and West Auckland. The HPO is currently looking for landlords that may be interested in participating. Participants will receive a free home assessment from the council’s resident housing expert and Eco Design Advisor, Eion Scott. In some instances landlords may also qualify for assistance in insulating their rental home.

- Action 25 - Undertake a Social Return on Investment evaluation of council’s current Retrofit Your Home Programme (RYH) to analyse how well the programme is delivering to the Auckland Plan targets for improving housing quality and environmental performance particularly in order to achieve increased take up in rental accommodation.

> SROI has completed the stakeholder engagement phase, and most of the economic analysis is near to completion. The final report will be compiled during February, and peer reviewed in March, with an aim to report a final SROI to committee in April.

- Action 26 - Continue to investigate the use of a minimum Homesiar rating for all new housing at an affordable cost and include a whole of life cost benefit analysis.

> The Proposed Auckland Unitary Plan was notified under the RMA on the 30th September 2013, containing requirements for some new homes to be designed and constructed to meet Homesiar 5 star. The public have the opportunity to submit on the Homesiar provisions. Submission close on the 28th February 2014 and then will be considered through the hearing process by the independent hearing panel.

> A cost benefit analysis to support the inclusion of Homesiar in the Unitary Plan was completed in 2013. This analysis found that there are sound social, environmental and economic benefits to be gained over the life of the home. In particular a study of the construction costs on a typical Auckland house found that there was only a minor impact on upfront affordability (around 1 - 2%) and that it could deliver $421-$769 savings per year as well as significant value uplift. Further testing and refinement of the cost benefit is currently underway and will be complete by March. In addition it is anticipated that further analysis may be needed through the Proposed Auckland Unitary Plan hearing process.
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<tr>
<td><strong>Workstream 9 - Housing for Maori</strong></td>
<td>Action 27 - Continue to support the development of the Maori Land Programme which identifies papakainga as a priority. Action 28 - Support enhancing the capacity of Maori housing providers through opportunities for development partnerships on Maorion-owned and other land. A stocktake is underway to identify the location, extent and physical constraints affecting existing papakāinga and Māori purpose-zoned land across Auckland based on sources of information currently available to Council (e.g. legacy documentation, Auckland Plan and Unitary Plan iwi engagement). This will include an analysis of infrastructure issues as well as identifying Māori organisations actively interested in development. A hui on Tamaki Mekaurau Māori Housing will be held on the 13th of February, Te Whānaa Angamua are supporting the iwi engagement process for the hui, it will be co-hosted by Te Matapíhi He Tirohanga mo Te Iwi Trust (the peak body for Māori community housing providers) and supported by Auckland Council. The primary objective of the hui is to canvass the development of the Tamaki Māori Housing Forum. One of the objectives of the hui is to identify opportunities to develop existing and new papakainga via the SHA process or alternative means. This may provide input into the Tranche 3 SHA identification process.</td>
<td>In progress</td>
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<td><strong>Workstream 10 - Housing for Pacific Peoples</strong></td>
<td>Action 29 - Pursue partnerships to deliver provide culturally appropriate, quality, affordable and secure housing for Pacific peoples. Action 30 - Continue to work with COMET and community-based education providers to deliver programmes to prepare Pacific peoples for homeownership and affordable housing provision generally. Priority 10 focuses on Pacific Housing with action 29; encouraging the pursuit of partnerships to provide ‘culturally appropriate’, quality, affordable and secure housing and action 30; to deliver programs to prepare Pacific people for homeownership. Pacific people in general are more likely to experience long-term problem indebtedness and have high debt-to-asset ratios. Pacific families have financial obligations influenced by cultural, church, family pride, and a tradition of sending remittances to families back to their home islands. These needs are additional to the everyday financial expenses and place considerable strain on family budgets already under extreme pressure. Co-design is a high-engagement design technique that involves bringing people into...</td>
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<td>the design process; both the people who will be eventual users of the new service, and the people who will be delivering it. A 3 year long co-designed financial wellness project will go a long way towards reducing a legacy of failed programmes that create expectations and leave communities feeling exploited and unheard. Council alongside other external partners and sixty 'families' over the next 3 years will produce and deliver a Pacific Co-designed Financial Wellness Program to prepare Pacific people for homeownership. The Project entails 6 stages of development, the diagram and table attached highlights the key performance indicators and expectations within each of stages and where the project progress currently lies.</td>
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<td>Workstream 11 - Legislation</td>
<td><strong>Action 31</strong> - Explore the necessary changes required to current legislation and policy structure that balances tenants' and landlords' rights and obligations that will enable long term secure rental sector to develop.</td>
<td><strong>Initial Stages</strong></td>
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<td><strong>Action 32</strong> - Explore improvements to legislation that covers common property</td>
<td><strong>Initial Stages</strong></td>
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<td>A review of current legislation was completed earlier in mid 2013. Further resource has been brought into the Housing Project Office to enable these Actions to progress. A detailed project scope and associated work programme will be developed in February/March to deliver these Actions.</td>
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Purpose
1. This report seeks final approval of the Auckland Development Committee to make Proposed Plan Change 260 – Orakei Point operative, following the resolution of appeals

Executive Summary
2. Plan Change 260 is a plan change initiated by the former Auckland City Council to enable the comprehensive mixed use development of the Orakei Point peninsula. It seeks to rezone 5.9ha of land at Orakei Point to a combination of 1.2ha of Open Space 2, and 4.7ha of site-specific Mixed Use zone.
3. The Plan Change was publicly notified on 18 January 2010, and following a hearing on submissions received, the council's decision to approve the plan change with conditions was issued on 8 April 2011.
4. Four appeals were received, as well as section 274 party notices. All appeals have been resolved. One appeal was resolved by way of a consent order, while the remaining three appeals were subject to an Environment Court hearing. The decision of the Court was to approve the plan change subject to certain amendments, which resolved the appeals.
5. The Committee can now approve the Plan Change to be made operative and take full legal effect.

Recommendation/s
That the Auckland Development Committee:

a) approve Plan Change 260 – Orakei Point to the Auckland Council District Plan (Auckland City Isthmus section) in accordance with Clause 17 of the First Schedule to the Resource Management Act 1991.

b) authorise the Manager Planning Central and Islands to complete the statutory processes under Clause 20 of the First Schedule of the Resource Management Act 1991 to make Plan Change 260 operative in the District Plan.

Discussion
6. Proposed Plan Change 260 sought to rezone 5.9ha of land at Orakei Point to a combination of 1.2ha of Open Space 2, and 4.7ha of site-specific Mixed Use zone.

7. The plan change originated from the development of a master plan for Orakei Point involving key stakeholders and the community. The plan change and supporting technical reports were prepared, and presented to the former Auckland City Council for adoption and notification as a plan change.

8. The overall intention of the plan change is that a development lid be placed over the railway corridor at Orakei Point, and the covered area be utilised for roads, plazas, commercial and residential use with open space and walkways around the periphery. Key features of the notified plan change were:

- provision of up to 84,000m² gross floor area of mixed use development, comprising 64,000m² of residential (about 700 apartments), a maximum of 10,000m² each for retail and office activities, and a maximum of 1,750 parking spaces
maximum building heights, public open space areas, and special tree protection areas
assessment criteria particularly focused on high quality urban design, connections with public transport, open space and sustainability
a comprehensive package of development controls to limit the overall height and bulk of the built form to within defined envelopes, and to ensure specific features on the Master Plan are achieved
a staging table to secure certain public amenities and infrastructure prior to development of each precinct
four overlay plans applying development controls i.e. maximum heights, site intensity and staging, veranda cover, and traffic and pedestrian links, to the land.

9. The Proposed Plan Change was publicly notified by the former Auckland City Council on 18 January 2010. A total of 470 submissions and 8 further submissions were received.

10. The Council approved the Plan Change, with a number of key amendments, summarised below:
- a requirement that within 60 days of the plan change becoming operative, the developer must have control or ownership over the land and the airspace above the railway such that the plan change can be implemented, otherwise the land reverts to its existing zoning
- new rules to address the noise effects of rail activities on residential accommodation
- a modest reduction in total gross floor area (from 84,000m² to 80,000m²), and a requirement for a minimum of 5,000m² for each of retail and office activities to be provided
- deletion of the provision exempting subdivision in the Orakei Point Mixed Use Zone from the requirements for esplanade reserve in the District Plan.

11. Orakei Point Trust, KiwiRail, Ports of Auckland, and Kings Plant Barn lodged appeals against specific aspects of the decision.

12. The appeal by Kings Plant Barn was resolved through consent order of the Environment Court on 3 October 2012. The consent order provided for the exclusions of outdoor areas associated with garden centres from the definition of gross floor area, and the outdoor area of a garden centre for the display and sale of products from the screening of outdoor areas rule.

13. The appeal by Orakei Point Trust sought greater flexibility in the staging of development, and opposed the removal of the exemption from the esplanade reserve requirement in the District Plan. Orakei Point Trust subsequently withdrew its appeal relating to the removal of the exemption.

14. The appeals by KiwiRail and Ports of Auckland related to concerns about the impact of freight trains upon future residents i.e. noise, vibration, and reverse sensitivity.

15. The resolution of the appeals by consent order and decision of the Environment Court has resulted in a number of changes to the council’s decision including:
- a revised masterplan, with smaller buildings, a secondary road network added to the main link road, larger shared spaces and plazas, and increased veranda cover along key pedestrian connections
- amended order of staging of the development precincts, bring forward a new railway station building and plaza in the first stage of development. These changes do not trigger the need for additional traffic and road improvements
- a requirement to vest an esplanade reserve with a minimum depth of 20m in Council
- reverse sensitivity covenants, and new internal noise standards for buildings to mitigate the adverse effects of rail noise
- greater protection for trees within the special tree protection areas by way of resource consent for works which will result in removal of more than 5% of the canopy of any tree, or the removal of three or more trees, or the significant adverse effects on three or more trees.

Consideration

Local Board Views
16. On 2 April 2014, a report will be brought to the Auckland Development Committee to provide an overview of the Orakei Bay Village development proposal and possible implications for Auckland Council. As part of the development of this report, a briefing has been arranged to enable officers to seek Orakei Local Board views on the proposed development and to discuss the Local Board’s ongoing involvement in the implementation of Plan Change 260.

Maori Impact Statement
17. The following iwi groups were notified of Plan Change 260 in accordance with the First Schedule of the Resource Management Act 1991 – Ngati Paoa Whanau Trust, Ngati Whatua o Orakei Maori Trust Board, Ngai Tai Ki Tamaki Tribal Trust, and Ngati Maru Runanga.
18. No submissions were received from these iwi groups on the plan change. Iwi will be notified of the plan change becoming operative.

General
19. Making the plan change operative is the last phase of the RMA process for the Plan Change.

Implementation Issues
20. The recommendation to approve and make Plan Change 260 operative is consistent with council’s policies and strategies, and does not trigger the significance policy.
21. Pursuant to Clause 17 of the First Schedule of the RMA, the council can now approve the plan change as operative under Clause 20 of the First Schedule of the RMA.
22. There are no significant implementation issues. There will be administrative tasks to update the District Plan.

Attachments

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<td>A</td>
<td>Plan Change 260 - Orakei Point for approval</td>
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Signatories

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<tr>
<th>Authors</th>
<th>David Wong - Principal Planner - Planning Central Islands</th>
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<tr>
<td>Authorisers</td>
<td>Penny Pirrit - Regional &amp; Local Planning Manager</td>
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<td>Roger Blakeley - Chief Planning Officer</td>
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BEFORE THE ENVIRONMENT COURT

Decision No. [2013] NZEnvC 220

IN THE MATTER of an appeal under clause 14 of schedule 1 of the Resource Management Act 1991 (the Act)

BETWEEN

NEW ZEALAND RAILWAYS CORPORATION (TRADING AS KIWIRAIL) (ENV-2011-AKL-000077)

PORTS OF AUCKLAND LIMITED (ENV-2011-AKL-000078)

ORAKEI POINT TRUST (ENV-2011-AKL-000131)

Appellants

AND

AUCKLAND COUNCIL

Respondent

Hearing: On the papers

Court: Environment Judge JA Smith

Environment Commissioner R M Dunlop

Commissioner J R Mills

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FINAL DECISION OF THE ENVIRONMENT COURT REGARDING PLAN CHANGE 260

A. Plan Change 260 is approved as set out in Annexure A.

B. No order for costs is sought or made.
REASONS FOR DECISION

[1] In its interim decision [2013] NZEnvC 188 the Court approved proposed plan change 260 (PPC 260) generally, subject to certain amendments. The Respondent was directed to make these amendments in consultation with all parties and to provide the Court with a final version of the PPC 260 for endorsement.

[2] On 3 September 2013 the Respondent filed an amended version of PPC 260 which included the changes required by the abovementioned interim decision, as well as changes made by a consent order issued in October 2012 which settled Kings Plant Barn’s appeal on the matter.

[3] The changes made are as follows:

[a] Development Control 8.8.11.16(iv): staging and provision of public facilities, infrastructure, traffic and road improvements.

[b] Overlay Plans 1-4: addition of a notation to denote the full extent of the Plan Change area including the ‘Pinot Site’.

[c] Development Control 8.8.11.3: Site intensity

[d] Development Control 8.8.11.14: Screening

[4] All parties to the proceedings have agreed to the amendments made to the plan change subsequent to the interim decision and the Court is satisfied that these changes reflect the findings of the interim decision

[5] Therefore the Court amends PPC 260 as set out in annexure A.

SIGNED at AUCKLAND this 8 day of Sept. 2013

IA Smith
Environment Judge
Proposed Plan Change 260 - Orakei Point
These are the amendments that the Panel recommended if the plan change was adopted

Additions shown as underlined and deletions in strikethrough.

Part A: Amendment to planning map no. 1 sheet no. C11 and C12
The land shown to be rezoned from Residential 7a to Open Space 2
The land shown to be rezoned from Residential 7a to Mixed Use: Orakei Point
The land shown to be rezoned from Special Purpose 3 to Open Space 2
The land shown to be rezoned from Business 4 to Mixed Use: Orakei Point
The land shown to be rezoned from Business 4 to Open Space 2
The land shown to be rezoned from Mixed Use to Mixed Use: Orakei Point
The land shown to be rezoned from Mixed Use to Open Space 2

The land at podium level shown to be zoned Mixed Use: Orakei Point*

Word: Hobson Ward
Scale: 1:3,000

*Special Purpose 3 Zone beneath the Mixed Use Zone: Orakei Point (up to a maximum height of 7 metres only, once the podium is built.)
Part B: Amendment to planning map no. 2 sheet no. C11 and C12

The land shown to be shown as Additional Development Control C12-07
**Part C: Amendment to Appendix A to the Planning Maps**

Insert the following entry:

<table>
<thead>
<tr>
<th>Map Ref</th>
<th>Cat</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;C1:2.07</td>
<td>B</td>
<td>Land subject to Mixed Use Zone: Orakei Point (refer to Part 6, clause 8.6.11 Mixed Use Zone: Orakei Point)</td>
</tr>
</tbody>
</table>
Part D: Amendments to the District Plan Text

When the provisions of Proposed Plan Change 260 will apply.

The provisions of Proposed Plan Change 260 – Orakei Point will only apply once the following clause is met:

The current operative zoning under the operative Auckland City District Plan Isthmus Section 1999 shall remain in force, unless within 60 days or earlier from the Plan Change 260 – Orakei Point becoming “operative” (pursuant to Clause 20 of Schedule 1- Preparation, change, and review of policy statements and plans of the Resource Management Act ‘1991) a development entity such as the owner of 228 Orakei Road (Lot 1 DP 112855) or a related company (as defined in the Companies Act 1993) owns or has control of the following:

- The land contained within the following schedule below, and
- KwikRail’s land and air space above the existing railway line within the Plan Change area.

<table>
<thead>
<tr>
<th>Freehold Title</th>
<th>Leasehold Title</th>
<th>Site Address</th>
<th>Lot(s) Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobson Views Ltd [see Note 1]</td>
<td>ORC Ltd</td>
<td>228 Orakei Road</td>
<td>Lot 1 DP 112855</td>
</tr>
<tr>
<td>Ngati Whatua o Orakei</td>
<td>ORC Ltd</td>
<td>234 Orakei Road</td>
<td>Lot 6 DP 112856</td>
</tr>
<tr>
<td>Ngati Whatua o Orakei</td>
<td>ORC Ltd</td>
<td>234a Orakei Road</td>
<td>Lot 2 DP 112856</td>
</tr>
<tr>
<td>Ngati Whatua o Orakei</td>
<td>Remusra Views Ltd</td>
<td>246 Orakei Road</td>
<td>Part Lot 5 DP 112856</td>
</tr>
<tr>
<td>Ngati Whatua o Orakei</td>
<td>Remusra Views Ltd</td>
<td>250, 252, 254, 256, 258, 260, 262, 264 and 266 Orakei Road</td>
<td>Lots 1 – 9 DP 384654</td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>234 Orakei Road</td>
<td>Lot 1 DP 75536</td>
<td></td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>231 Orakei Road</td>
<td>Lot 1 DP 131613</td>
<td></td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>240 Orakei Road</td>
<td>Lot 4 DP 112866</td>
<td></td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>242 Orakei Road</td>
<td>Lot 2 DP 90630 (see Note 2)</td>
<td></td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>242A Orakei Road</td>
<td>Lot 3 DP 90630 (see Note 2)</td>
<td></td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>244 Orakei Road</td>
<td>Lot 1 DP 90630 (see Note 2)</td>
<td></td>
</tr>
<tr>
<td>Tram Lease Ltd [see Note 3]</td>
<td>236 Orakei Road</td>
<td>Lot 3 DP 112856</td>
<td></td>
</tr>
</tbody>
</table>

Once this clause has been met the provisions of the Mixed Use Zone: Orakei Point and Open Space Zone shown on planning maps C11 and C12 will apply.
KiwiRail's land includes an area (approx. 1917m²) beside the existing railway line.

It is noted for clarity purposes that the leases held by O F and M J Hayward over 234 Orakei Road (Lot 1 DP 75535) and 234a Orakei Road (Lot 6 DP 112965) are not included in this clause as the Auckland Council owns the freehold to 234 Orakei Road and Orakei Point Trustees (or a related company) holds the perpetual leasehold interest over 234a Orakei Road.

Amend the Auckland City District Plan: Isthmus Section (Operative 1999) as follows:

1. Insert section 8.6.11 “Mixed Use Zone: Orakei Point” with the following text and figure:

8.6.11 MIXED USE ZONE: ORAKEI POINT

8.6.11.1 OBJECTIVES AND POLICIES

In addition to the objectives and policies of Clause 8.3 and 8.6.10.1 the objectives and policies for this zone are:

a) Objective

To enable the comprehensive development of Orakei Point as an exemplar transit oriented community that is fully integrated with public transport and that promotes and supports its function.

Policies

- By applying a mixed use zone tailored to Orakei Point, which provides for its development in a comprehensive manner.
- By providing for a diverse and compatible mix of residential, business and leisure activities, at suitably high densities to support patronage of public transport and to enliven and support the use of public spaces and local businesses.
- By ensuring that the development of Orakei Point is undertaken in a manner that provides for future growth and improvements to public transport, and actively promotes its use through the construction of a new covered rail station that is easily accessible, safe, and supported by appropriate ancillary activities.
- By requiring the development of infrastructure and public places to be staged and programmed in a manner which supports and complements the built development of Orakei Point.
- By encouraging modes of transport other than private motor vehicle by providing connections to public transport and imposing limits on parking provided ancillary to development.
b) Objective

To ensure that the planning and development of Orakei Point is undertaken in a comprehensive manner, giving rise to quality design outcomes which create an overall sense of place, with a character that is distinctive and relevant to its setting.

Policies:

- By adopting a zoning regime which specifies development precincts, roads and open space areas and the activity and the development controls which apply to each;
- By requiring new development to be undertaken in a manner generally consistent with an overall master plan for Orakei Point to ensure individual development is properly integrated with the whole and to provide certainty as to the outcomes for the site;
- By providing for building form and scale that is appropriate to their location within clearly defined development precincts;
- By ensuring that the provision of public facilities and infrastructure are staged and programmed appropriately;
- By requiring new development and public places to meet urban design criteria, to also be assessed by an independent design review panel, and to comply with development controls that require an appropriate interface between buildings public spaces and Orakei Point's coastal setting.

c) Objective

To create high quality public open spaces both within Orakei Point and around its seaward perimeter which offer a diverse range of leisure opportunities.

Policies:

- By providing for a wide range of public spaces, including green spaces for passive recreation around the perimeter of Orakei Point, new urban plazas and a street network with a strong pedestrian focus.
- By providing for a new public open space on the southern side of Orakei Road to maintain the green edge of the Orakei Basin; which together with landscaping and setback requirements on development to the immediate north, will give effect to a predominantly green corridor along Orakei Road.
- By concentrating public plazas on the northern seaward side of Orakei Point to both maximise public views and amenity, and provide for sheltered and enclosed public spaces.
d) Objective

To adopt the principles of sustainability in new development at Orakei Point.

- By maximising development in a location in immediate proximity to a public transport node and fully integrating with that transport node.
- By orientating development and open spaces northward, thereby maximising opportunities for solar access.
- By encouraging buildings to be adaptable to other suitable activities over time.
- By requiring new development to be assessed against urban design criteria relating to sustainability.

e) Objective

To avoid or mitigate adverse effects from the current and anticipated future operation of the North Island Main Trunk railway line for passenger services and freight, and from the road network.

Policies

- By ensuring that the design and construction of buildings and services provides for a minimum level of acoustic amenity for the occupants of buildings.
- By ensuring that the design and construction of buildings and services provides for building isolation to avoid or mitigate vibration effects, and measures to manage diesel fumes associated with the current and future operation of the railway line.

Definition

- Building isolation is a technique for isolating building components to prevent or minimise ground borne vibration (for example from a sub-surface railway) from transferring from the ground into the occupied parts of the building.

8.8.11.2 ZONE STRATEGY

The Mixed Use Zone: Orakei Point, in conjunction with the Open Space 2 Zone, is applied to the Orakei Peninsula to enable the development of a comprehensively planned and vibrant transit-oriented community with a diverse and compatible mix of residential, business and leisure activities that are fully integrated with public transport opportunities.

The zone follows a comprehensive master plan exercise undertaken throughout 2006 and 2008 by the major land owners and leaseholders at Orakei Point. The master plan (see figure 8.6.11.2 Orakei Point Master Plan) seeks to maximise the opportunities offered by the site while respecting the sensitivities of its coastal location and geological and heritage values. The Mixed Use Zone: Orakei Point establishes a planning framework to give effect to the master plan.
The Orakei Peninsula offers an unprecedented opportunity for intensification around a transport corridor in accordance with Auckland's regional and district growth objectives. The Orakei Peninsula is a 'brown fields' site that is extremely well suited to intensification delivered in a comprehensively master planned manner. The site has high amenity values being essentially surrounded by water. The site is one station from the Britomart rail terminal in the central city and on the axis of road and rail. It is a peninsula, with the ability for reasonably dense development without direct dominance, shading and character effects on adjacent existing communities. The rail line is also used by freight trains and this usage is expected to increase significantly in the future. It is likely that these trains will continue to be hauled by diesel locomotives and a large proportion of the movement will take place at night and during the weekend. Adverse effects from both passenger and freight trains will have to be addressed as development takes place.

The zone and master plan from which it is derived, respond to the sensitivities of the location, its coastal position, and the national significance of the Orakei Basin volcanic feature. The site offers an opportunity for development to celebrate these aspects through coastal access and interpretation and to respect the coastal edge and geological features through building setbacks, a network of open spaces around the perimeter of the peninsula and direct linkages to the water.

Master planning offers the opportunity to overcome the obstacles created by fractured ownership. It allows the opportunity to create a fully accessible public waterfront around the perimeter of the site and significant new areas of open space. Master planning also offers the opportunity to create a new community integrated with a public transport node (rail, road, cycleways and footpaths and walking tracks) with development funding new public works and amenities.

The master plan tackles the key challenge of the site, being physically divided by a rail corridor. The two separate parts of the site created by the severing effect of the rail corridor are linked in the master plan to create a podium level. This upper level podium allows for public access around and across the site and 'caps' the rail lines, while allowing for the future electrification. The public plazas on the podium create the opportunity to form a heart of the new community centred on the rail access.

The podium also mitigates the noise and visual impact of above-ground rail. It allows for parking levels underneath and establishes the platform on which buildings, a new road and public spaces can be built.

The Orakei train station lies at the heart of the Orakei Point master plan. With electrification of the suburban rail services planned, frequency of the train service will increase significantly. This rail line connects southeast to Sylvia Park, a principal centre, giving future residents exceptional rail access to both the Auckland CBD and Sylvia Park and beyond.

A new loop road is introduced to reinforce the public nature of the Orakei Point development and will have two intersections to Orakei Road. This new street and
particularly the inner 'lee plaza' will be fringed by active uses such as boutique local
destination shops and cafes and restaurants. Access directly to the train station below
will be provided down through a building which will feature prominently on the lee plaza.
The lee plaza becomes the public core of the development and the hub of the
community.

A 'waterfront plaza' will be established at a lower level on the northern seaward face of
the development area. The waterfront plaza can be accessed both internally through
buildings and externally via a series of steps down from lee plaza. The waterfront plaza
is designed to be fringed on its southern and western sides by cafes and restaurants and
will open on its northern side to the sea. A large part of the waterfront plaza will extend
over the coastal marine area.

The perimeter of the peninsula will be largely encircled with new and existing open space
zoned land. This land, together with new boardwalks over the water and through the
adjoining mangroves will allow the public to walk around the perimeter of the peninsula,

Activities and structures located below the mean high water springs Mark (MHWs) in the
coastal marine area fall within the jurisdiction of the Auckland Regional Council and will
require resource consents under the Auckland Regional Plan: Coastal.

The master plan fringes Orakei Road with green space. Specifically, no new development
is proposed to the south of Orakei Road, which will be within the Open Space 2 Zone. A
slowed-sides carpark building will be constructed on the northern side of Orakei Road,
between it and the remainder of development within the Mixed Use Zone: Orakei Point.
The slope will be landscaped to reinforce the predominantly green corridor effect along
Orakei Road, and to partially screen the development to the north.

Orakei Road will be widened eastwards, but will otherwise maintain its current alignment.
The widening overcomes existing vertical and horizontal alignment safety issues with the
current roadway.

A balanced mix of land uses is proposed, with the primary focus on residential but
supported by commercial activities including office, as well as local retail and services.
Such a mixture will mean that Orakei Point has more than a dormitory role, creating a
destination in its own right. This will be achieved by the inclusion of shops and
restaurants to activate public places, and by commercial activity such as offices.

The creation of additional public open space on the peninsula, together with the creation
of a green corridor along Orakei Road, has concentrated density and building height at
the core and northern parts of the peninsula. This arrangement of bulk and massing also
reduces the potential effects of taller buildings on the coastal edge of the peninsula, and
avoids direct impacts on places of geological and archaeological significance. The core
and northern edges of the site is also the most heavily modified landform, being both
significantly excavated and reclamed when the rail corridor was constructed.
Appropriate height has been determined with reference to the landform and the wider
visual and physical catchment.
Some 80,000m² of gross floor area is provided for, equating to approximately 700 apartments. This includes a maximum of 10,000m² for both retail and office activities.

A certain level of density is required to support the transit-oriented objectives of the proposal, to create a new community with a critical mass of population, and to provide a development potential that will be able to fund the new public and private infrastructure and be commercially sustainable.

Development of the peninsula will be undertaken in stages. The requirements to provide public infrastructure and facilities are staged according to the development of precinct areas. These include the covered rail station, plazas, internal roads and the Orakei Road intersection upgrades. These features within a particular stage are required to be established prior to the development of each future stage.
Expected Outcomes

That Orakei Point will be developed in a comprehensive manner over time to establish a new community which has:

- A vibrant mix of resident, worker and visitors able to utilise and appreciate all of the attributes of the site.
- A mix of built development and open spaces which fully respond to the unique location and landscape attributes of the peninsula.
- Buildings and public spaces which exhibit quality design and principles of sustainability.
- Public spaces and linkages between which are open and available to all, and which maximise the peninsula’s waterfront location.
- A population density sufficient to enable the provision of a vibrant mixed-use community and which supports public transport nodes.
- Public transport at its core, making this travel mode very attractive for Orakei Point’s residents and visitors.
- A covered railway station, linked and integrated with the Orakei Point development above and accessible to the wider community.
- Sufficient development potential to ensure financial feasibility of the infrastructure provided.
- Roads and other infrastructure to fully serve development and ensure it does not adversely impact on the surrounding community.
- An improved Orakei Road, including traffic improvements and the creation of a green corridor.
- Many and varied opportunities to access and enjoy the waterfront.
- Accessible public open space that supports a variety of community activities, that is used at different times of the day and night and is activated by adjacent commercial and residential activity.
- Recreational connections to the adjacent community through good walking, cycling and water based access (kayak and small boat access).
- Development that will respond to the coastal setting of Orakei Point.
- Buildings and services designed to avoid or mitigate adverse effects associated with the operation of the railway line and road network.
Insert section 9.7.6 "Mixed Use Zone: Orakei Point Activities" and the following text and figures:

### 9.7.6 MIXED USE ZONE: ORAKEI POINT ACTIVITIES

For the purpose of the table:

- **P** = Permitted Activity
- **C** = Controlled Activity
- **D** = Discretionary Activity

Those activities marked * are restricted controlled activities (refer Clause 4.3.2.5 RESTRICTED CONTROLLED ACTIVITIES for public notification and service requirements).

Those activities marked with a * are restricted discretionary activities (refer Clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES for public notification and service requirements).

Reference should also be made to rule 8.3.11.6 Frontage Height and Activity Control, which limits certain activities on the ground floor frontages of identified sites within the Mixed Use Zone: Orakei Point.

<table>
<thead>
<tr>
<th>Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings</td>
<td>D*</td>
</tr>
<tr>
<td>• Construction and/or relocation of new buildings and new accessory buildings within the Special Tree Protection Area defined in Rule 8.7.6.3.2(c) and identified on the Mixed Use Zone: Orakei Point Overlay Plan 4.¹</td>
<td>D*</td>
</tr>
<tr>
<td>• Construction of public open space, public accessways and plazas, and accessory buildings (excluding roads)</td>
<td>D*</td>
</tr>
<tr>
<td>• Ancillary activities for any of the allowed activities listed in this table</td>
<td>P</td>
</tr>
</tbody>
</table>

¹ This rule will have legal effect from the date of notification under Section 86B(3)(b) of the Resource Management Act 1991.
<table>
<thead>
<tr>
<th>Item</th>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car parking ancillary to permitted, restricted discretionary or discretionary activities</td>
<td>P</td>
</tr>
<tr>
<td>Car parking exceeding a total of 1750 spaces but not exceeding 1960 spaces in the Mixed Use Zone: Orakei Point</td>
<td>D*</td>
</tr>
<tr>
<td>Commercial car parking (excluding car parking provided ancillary to permitted or restricted discretionary activities) not exceeding 400 spaces, prior to the completion of development within precinct 5 (for the avoidance of doubt, after the completion of development within precinct 5, commercial car parking shall be a non-complying activity)</td>
<td>D*</td>
</tr>
<tr>
<td>Care centre</td>
<td>P</td>
</tr>
<tr>
<td>Community welfare facility</td>
<td>P</td>
</tr>
<tr>
<td>Education facility</td>
<td>P</td>
</tr>
<tr>
<td>Entertainment facility with a maximum floor area less than 500m²</td>
<td>P</td>
</tr>
<tr>
<td>Entertainment facility with a maximum floor area between 500m² and 2000m²</td>
<td>P</td>
</tr>
<tr>
<td>Earthworks as defined in Part 13 (refer to Clause 4A.2 for criteria and to Annexure 14 for silt and sediment control methods)</td>
<td>C*</td>
</tr>
<tr>
<td>Garden Centre, including an ancillary café up to 20% of the gross floor area, and/or up to 6% of the outdoor area</td>
<td>P</td>
</tr>
<tr>
<td>Healthcare services</td>
<td>P</td>
</tr>
<tr>
<td>Home occupations</td>
<td>P</td>
</tr>
<tr>
<td>Ancillary activities and structures associated with rail and public transport above the podium, including entrances to the rail station, ticketing facilities, information displays, kiosks, public toilets, lifts and stairs, ventilation structures and services, including bus shelters and signs</td>
<td>P</td>
</tr>
<tr>
<td>Motor vehicle service premises contained within a building</td>
<td>D</td>
</tr>
</tbody>
</table>

Attachment A
<table>
<thead>
<tr>
<th>Feature</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices, provided that:</td>
<td>P</td>
</tr>
<tr>
<td>a) the total cumulative gross floor area of offices does not exceed</td>
<td>P</td>
</tr>
<tr>
<td>10,000m²</td>
<td></td>
</tr>
<tr>
<td>b) a minimum floor area of 5,000m² be provided</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor eating areas operating between 7am and 11pm on any day</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor eating areas operating outside the hours of 7am and 11pm on</td>
<td>C*</td>
</tr>
<tr>
<td>any day</td>
<td></td>
</tr>
<tr>
<td>Overpassing connecting buildings within the Mixed Use Zone: Orakei</td>
<td>D*</td>
</tr>
<tr>
<td>Point</td>
<td></td>
</tr>
<tr>
<td>Park and Rice parking up to a maximum of 200 spaces</td>
<td>P</td>
</tr>
<tr>
<td>Place of assembly with a maximum floor area less than 500m²</td>
<td>P</td>
</tr>
<tr>
<td>Place of assembly with a maximum floor area between 500m² and 2000m²</td>
<td>D</td>
</tr>
<tr>
<td>Premises for cultural activity and/or display</td>
<td>P</td>
</tr>
<tr>
<td>Public artwork</td>
<td>P</td>
</tr>
<tr>
<td>Public toilets</td>
<td>P</td>
</tr>
<tr>
<td>Roads, including new roads and road widening</td>
<td>P</td>
</tr>
<tr>
<td>Residential units</td>
<td>P</td>
</tr>
<tr>
<td>Restaurants, cafes and other eating places</td>
<td>P</td>
</tr>
</tbody>
</table>
## Approval of Plan Change 260 - Orakei Point to the Auckland Council District Plan (Auckland City Isthmus Section) - Page 46

### Auckland Development Committee
11 March 2014

#### Attachment A

**Item 10**

<table>
<thead>
<tr>
<th>Description</th>
<th>Approval Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail premises provided that:</td>
<td>P</td>
</tr>
<tr>
<td>a) the gross floor area of any individual tenancy (including ancillary on-site warehousing and storage) does not exceed 500m²;</td>
<td></td>
</tr>
<tr>
<td>b) a single large floor plate retail tenancy (including ancillary on-site warehousing and storage) not exceeding 2000 m² shall also be permitted; and</td>
<td></td>
</tr>
<tr>
<td>c) the total cumulative gross floor area of retail premises in a) and b) does not exceed 10,000 m²</td>
<td></td>
</tr>
<tr>
<td>d) a minimum floor area of 5,000 m² be provided</td>
<td></td>
</tr>
<tr>
<td>Signs, structures and information boards associated with public access to and around the coastal marine area.</td>
<td>P</td>
</tr>
<tr>
<td>Taverns with a maximum floor area of 500m²</td>
<td>P</td>
</tr>
<tr>
<td>Taverns with a maximum floor area greater than 500m²</td>
<td>D</td>
</tr>
<tr>
<td>Tourist complexes</td>
<td>P</td>
</tr>
<tr>
<td>Use of artificial lighting on a site, producing on luminance in excess of 150 lux, measured at any point on the site containing the light source in a horizontal or vertical plane at ground level</td>
<td>D</td>
</tr>
<tr>
<td>Use of buildings for any activity listed in this table as permitted where the site is located within 30m either side of the land designated for railway purposes (Planning Map reference B10-05), and the site is subject to a restrictive non-complaint encumbrance ** in favour of New Zealand Railways Corporation and Ports of Auckland Limited.</td>
<td>P</td>
</tr>
<tr>
<td>Use of buildings for any activity listed in this table as permitted where the site is located within 30m either side of the land designated for railway purposes (Planning Map reference B10-05), and the site is not subject to a restrictive non-complaint encumbrance ** in favour of New Zealand Railways Corporation and Ports of Auckland Limited.</td>
<td>D* (Restricted discretionary)</td>
</tr>
<tr>
<td>Visitor accommodation</td>
<td>P</td>
</tr>
<tr>
<td>Warehousing and storage ancillary to a permitted activity</td>
<td>P</td>
</tr>
<tr>
<td>Workrooms</td>
<td>P</td>
</tr>
</tbody>
</table>

*For the purposes of the Mixed Use Zone: Orakei Point and this rule a "restrictive non-complaint encumbrance" is defined as a restrictive encumbrance in the form and*
Incorporating the matters set out in Annexure 17: Restrictive Non-complaint Encumbrance for the Mixed Use Zone: Orakei Point registered on the Title to the property or a binding agreement of encumbrance, in favour of New Zealand Railways Corporation and Ports of Auckland Limited, by the landowner (and binding successors in title) not to complain as to the effects generated by the lawful operation of the North Island Main Trunk railway. This does not require the encumbrancer to forego any right to lodge submissions in resource consent applications or plan changes in relation to the operation of the railway line (although an individual restrictive non-complaints encumbrance may do so). Details of the existence of encumbrance documents may be obtained from New Zealand Railways Corporation, ports of Auckland Limited, their solicitors, or in the case of registered encumbrance by searching the Title to the property.

8.7.8.1 PERMITTED ACTIVITIES

Permitted activities in the Mixed Use Zone: Orakei Point are those whose generated effects are generally not expected to have any adverse impact on the environment if they comply with the relevant development controls. The activities permitted in the Mixed Use Zone: Orakei Point will enable a compatible and sustainable mix of residential and non-residential uses to develop in a manner that enables the development of a mixed-use, transit-oriented community.

8.7.8.2 CONTROLLED ACTIVITIES

Outdoor eating areas operating outside the hours of 7am and 11pm on any day provided for as controlled activities shall be assessed against the criteria for outdoor eating areas set out in 8.7.2.1.

Earthworks as defined in Part 13 provided for as controlled activities shall be assessed against the criteria set out in 4A.2.

8.7.8.3 DISCRETIONARY ACTIVITIES

The discretionary activities scheduled below are those which may be consented to or refused by the Council in accordance with the criteria set out in Clause 8.7.8.3.2 and may be subject to conditions to avoid, mitigate or reduce the prospect of significant adverse effects.

An application for discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 4 and the following annotated matters.
## DISCRETIONARY ACTIVITIES

<table>
<thead>
<tr>
<th>DISCRETIONARY ACTIVITIES</th>
<th>PARTICULAR MATTERS TO BE ADDRESSED</th>
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<td>Construction and/or relocation of new buildings and new accessory buildings</td>
<td>a b c e i h j k m</td>
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<tr>
<td>including external additions to existing buildings, and accessory buildings</td>
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<tr>
<td>Entertainment facility with a maximum floor area between 500m² and 2000m²</td>
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<td>Excavation as defined in Part 13 (refer also to Clause 4A.2.B for criteria and to Annexure 14 for silt and sediment control methods)</td>
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<tr>
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<td>Taverns with a maximum floor area greater than 500m²</td>
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<td>Use of artificial lighting on a site, producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source in a horizontal or vertical plane at ground level (refer also to assessment criteria at 6.7.7.3.2 (c))</td>
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### 8.7.8.3.1 PARTICULAR MATTERS TO BE ADDRESSED

The particular matters to be addressed (referred to as a – n in the above table) shall be the same as those set out in clause 6.7.7.3.1.

### 8.7.8.3.2 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES

(a) Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings.

Any proposal must meet the following criteria -
Orakei Point Master Plan

The extent to which the new building is generally consistent with the Orakei Point master plan at Figure 8.6.11.2. In particular:

- The extent to which the building responds to the proportions, structural modules, and solid-void relationships of existing and proposed public spaces, streets and open spaces, and any existing or consented buildings or building forms otherwise shown on the master plan;
- Materials used on new development should be responsive to materials used on neighbouring existing and proposed public spaces, streets and open spaces, and any existing or consented buildings or building forms otherwise shown on the master plan;
- The height of the proposed building relative to its neighbours so as to ensure variation in roof height and roof form;
- Where they occur on the subject site, the extent to which public places and public access linkages shown on the master plan are provided for, and methods to ensure public access to and over such public places and public access linkages is maintained at all times, excluding any areas set aside for outdoor dining (such methods may include the registration of legal instruments on the land title(s));
- The extent to which the proposed finished levels across the subject site will allow for public access linkages through and around the site and between adjacent sites, where these are envisaged by the master plan;
- Methods to legally secure public access at all times to the public places and the linkages referred to in the above criteria, including in the interim period before the master plan is completed, and including prior to the vesting of public roads (such methods may include the registration of legal instruments on the land title(s));
- Methods to secure access to other properties within the Mixed Use Zone: Orakei Point;
- The extent to which regard has been had to site amenity and safety considerations in the interim period prior to the master plan is completed (including for example temporary site fencing and/or amenity planting);
- Whether safe public pedestrian and service access is maintained to the Orakei train station and methods to ensure that this access is maintained from public places at all times the rail service is operating (such methods may include the registration of legal instruments on the land title(s)).

Applicants will be expected to submit the following information with a resource consent for a new building:

- Drawings showing the location and design of the proposed building relative to existing and proposed public spaces, streets and open spaces, and any approved buildings;
- Where changes are intended, the relationship of site contours to existing and proposed streets, any adjacent coastal environment or public open space;
- The location and layout of open space areas (within the control of the landowner or lessor/holder);
- The location of public and private linkages to, through and around the site;
- The location of vehicle access, parking areas and loading areas;
- Cross sections showing the relationship of the building to adjoining public open space and streets;
Building elevations and profiles viewed from locations within and outside of Orakei Point showing the building relative to its neighbours, including any approved buildings and allowable building envelopes on as yet undeveloped sites;

Demonstration of the individual building’s compliance with the cumulative activity, building gross floor area, parking, traffic generation threshold and mix of residential units controls of the Mixed Use Zone: Orakei Point, including the totals of both existing and conserved development within the zone;

An urban design and universal access statement;

A description of legal instruments that will be entered into to secure and maintain appropriate public access across the site in accordance with the requirements of the master plan.

ii) General Design Principles

- Building design should be of a high quality, showing variety and responsiveness to the local context in a way that contributes to the identity of Orakei Point at every scale, including the appearance from viewing points external to Orakei Point itself, including from public viewpoints on Tamaki Drive, Ngapipi Road, Kopa Road, Lucern Road and Shore Road;

- Building facades should be articulated to create shadows, and have a varied roofline. Buildings shall use exterior materials with a coefficient of reflectivity of less than 55%;
• Buildings should address and align to the street boundary of an identified building platform to a height appropriate to define and enclose the street and define the edge of public places. Minor modulation and variance of the frontage layout, such as recessed pedestrian entrances and windows, is acceptable to avoid architectural monotony provided that the overall continuity of the frontage is not compromised;

• Where buildings have backs, they should not be oriented to streets, public plazas, or the foreshore open space zoned land. The backs of buildings should be orientated towards the backs of other buildings on the site wherever practical;

• The rhythm and scale of architectural features, fenestration, finishes and colour should harmonise with and complement the streetscape and public places, particularly where this would assist or strengthen the overall effect of the building frontage;

• Sound building design precedents should be introduced to provide visual cues to the building’s overall scale and size and to avoid flat planes or blank façades devoid of modulation, relief or surface detail where visible from streets and public open spaces;

• Where large sites enable the development of an extensive street building frontage, that frontage should be visibly broken up through building separation and/or variation in building height, form and/or design to avoid monotonous building façades as viewed from streets and public open spaces and external viewing points;

• Primary entrances to buildings should be located along the main street elevation;

• Where possible, windows should be designed to look directly onto the street and to adjoining public open spaces.

iii) Frontages to Streets and Plazas

• Building frontages at street level and at the lee and waterfront plaza level must contribute to pedestrian vitality, interest and public safety. This includes a variety of architectural detail and maximising doors, window openings and balconies fronting streets and plazas;

• Ground floor spaces facing the street and plaza should have windows and doors which look directly onto the street and plaza, with glazing to comprise a major portion of the ground floor façade;

• Building entrances should be visible and easily identifiable from the street and plaza and directly accessible from street and plaza level;

• Fences and walls may be erected between areas of public and private open space, however the design of such fences and walls shall be integrated with landscaping and a landscaped/lap formed edge may be more appropriate than solid fences or wall;

• Where possible passenger drop off points should be close to entrances.

iv) Frontages to Green Open Spaces and Reserves.

• Building frontages alongside open space land must contribute to vitality, interest and public safety. This includes a variety of architectural detail and maximising window openings and balconies fronting onto the public open spaces;

• The floor level of buildings fronting open space zoned land may be above ground level to provide privacy to the occupants or to allow for the fall of the terrain. However any foundation walls should have a modulated form or be landscaped to avoid the appearance of stark retaining walls or undercroft openings.
To avoid privatizing adjoining publicly accessible open space the boundary between public, semi-public and private open space should be clearly defined by either one or a combination of fencing or planting along the boundary of the private open space.

Fencing and planting should be designed and located in such a way to be sufficiently transparent or of low enough height to ensure there are clear views of the open space in accordance with the safety guidelines in Annexure 1B.

v) Building Middle Levels
- Building facades at middle levels should provide richness, interest and depth. This includes architectural detail and balconies fronting streets, plazas and public open spaces. Blank walls are strongly discouraged on such frontages.

vi) Building Upper Levels
- Large expanses of blank walls must be avoided at upper levels on street, plaza and public open space frontages. Servicing elements should not be placed on these facades unless appropriately integrated into the facade design;
- Architectural design which differentiates upper building levels from lower and ground levels is encouraged.

vii) Integration into Water Landscape
- The overall form of buildings as seen from a distance should be cognisant of the original landform and the existing silhouette of trees on the peninsula;
- The overall form of buildings should complement the natural rise and fall of the land and existing trees on the peninsula;
- Buildings seen from a distance should be varied and intricate in their rooflines and the patterns of light and shade resulting from balconies and other articulation of their facades.

viii) Rooftops
- Long flat roof profiles should be avoided, while roof profiles which are varied are encouraged;
- Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes the integration of plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design so that they are not visible from beyond Orakei Point.

ix) Designing for Landmark Buildings (in particular Building H)
- The extent to which landmark building’s overall form and the articulation of its façade announces its unique position on the street or plaza and/or its public function;
- The extent to which the landmark building articulation or façade treatment is used to express its unique position on the street or plaza, including reduced setbacks and feature elements such as awnings and parapets;
- The top of the landmark building should be designed to distinguish it from adjacent buildings;
x) Materials
- The use of durable, high quality, inert and easily maintained materials on the exterior of buildings is encouraged;
- Side or rear walls should be used as an opportunity to introduce creative architectural solutions that provide interest in the façade including modulation, relief or surface detailing.

xi) Activity Relationship to Public Open Space
- Internal space at all levels within the building should be designed to maximise outlook for occupants onto streets and public open spaces;
- Activities which engage and activate streets, through site links and public open space at ground level are encouraged;
- Parking areas that are located within buildings and are visible from streets or public open spaces are strongly discouraged. It is required that building space with active uses will be provided between car parking areas within buildings and street and public open space frontages (this criterion shall not apply to the northern (lane-side) face of the Orakei Road Carpark Building);
- Ventilation and fumes from parking structures or other uses should not be exhausted into the adjacent pedestrian environment at podium level.

xii) Adaptable Buildings
- Buildings should be designed to be highly adaptable to a variety of uses. For example, open structural frames and more than minimum floor-to-floor heights should be considered.

xiii) Accessways, Links and Vehicle Access
- Buildings should be designed to provide strong architectural cues to accessways and through-site links, with clear and legible entrances, to enhance the visible sense of pedestrian access to the area;
- Access to the development should be clearly defined and identifiable to both vehicles and pedestrians as they approach the site and emerging from public transport/ail station, with a particular focus on wayfinding methods to increase the legibility of the railway station.
- The design of vehicle ingress and egress to sites should be primarily considered from the perspective of pedestrians and cyclists, particularly in terms of visibility and the use of paving materials;
- Frontages should be designed as far as possible to avoid multiple service and access interruptions to frontage continuity;
- Where possible vehicle access points should be located away from the main road frontage to minimise vehicle crossing and accessways;
- A temporary vehicular access to development in precinct 04 directly from Orakei Road shall be acceptable, subject to the appropriate design, turning restrictions and position of the access drive and footpath crossing, where development within precinct 04 occurs prior to the establishment of the link road. A condition may be imposed on the resource consent requiring the closure of this temporary access upon the completion of construction of an alternative access to precinct 04 directly from the link road.
- Access points should be designed to be compatible with the visual appearance of the building(s).
Where possible integration of access for vehicular uses (cars, truck and buses) should be used to minimise the crossing of pedestrian paths;

Access ways should be designed to safely accommodate emergency services and other large vehicles;

Where alternative vehicle access is available, the creation of new vehicle crossings across frontages within the Frontage Height and Activity Control is discouraged;

Buildings and car parking areas should be designed to provide for disabled access, including to extent to which they comply with NZS 4121:2001 Design for access and mobility: buildings and associated facilities.

xiv) Car parking

The extent to which car parking, driveways and circulation is integrated into the overall site and building design;

Car parking areas should be located underground or within buildings, other than on-street public car parking;

Car parking should be designed to minimise conflict between non-residential, residential and pedestrian traffic.

xv) Crime Prevention

New development, including car parking, should be designed in accordance with Safety Guidelines in Annexure 16.

xvi) Accommodation

Accommodation should have natural through ventilation, and where there are external windows on more than one wall by window openings facing different directions. Notwithstanding any requirements to achieve internal acoustic amenity, ventilation provided solely by mechanical means is not appropriate;

Internal design of every accommodation unit within a development should maximise outlook, as distinct from views;

A mixture of apartment types shall be provided within each building;

Plans submitted for consideration by Council as part of a resource consent application, must include a scaled floor plan showing the living arrangement and configuration within each residential or accommodation unit, including scaled furniture.

xvii) Site Amenity

Screening and/or landscaping will be required of all parking, loading and servicing areas within buildings that are visible from streets or public open spaces;

Site services such as mechanical, electrical and communications equipment shall generally be concealed from streets or public open spaces;

Service areas should be located in areas where they do not detract from the developments visual appeal;

Rubbish storage and recycling facilities should be located away from habitable spaces and screened from public places.
Sustainability

- The extent to which buildings are designed to be sustainable through the use of durable low maintenance materials, inert exterior cladding, maximising solar access and natural ventilation and the incorporation of mechanical and electrical systems that achieve energy efficiency;
- The extent to which living spaces within buildings are oriented toward the north to allow for provision of good natural light;
- On-site landscaping should generally consist of indigenous vegetation;
- The extent to which measures will be adopted to remove endemic lizards from works footprint prior to works commencing and relocate lizards (ideally to open space on the southern side of Orakei Road);
- On-site stormwater conservation measures should be incorporated where appropriate including rainwater harvesting devices, green roofs, site landscaping, rain gardens and wetland treatment systems and stormwater planter boxes (subject to soil contamination considerations);
- Separate infrastructure reports should be submitted with resource consent applications assessing infrastructure effects from proposed developments;
- Adequate storage space must be provided for rubbish and recyclable material, in a location which is clearly visible within the site and easily accessible to occupants and collection vehicles;
- Building and demolition should be undertaken in such a way that maximises the use of waste materials for reuse and recycling.

Passive Solar Design

- The extent to which buildings are insulated beyond the minimum standard to keep buildings warm in winter, cooler in summer, and reduce long term maintenance costs;
- The extent to which buildings are constructed using materials that have a high thermal mass such as bricks, concrete and stone to increase energy efficiency;
- The extent to which buildings utilise external shades and overhangs, and internal blinds, louvres and curtains to maximise solar access in winter and minimise it in summer;
- The extent to which lighting controls enable occupants to minimise energy use.

Active Solar Design

- The extent to which active solar technologies are incorporated into new development;
- Where solar water heaters are used, they shall be incorporated into the design of buildings with consideration of their visual impact.

Balconies over roads

- Generally balconies over roads will only be considered appropriate where the balcony projects no more than 1.5 metres over the road, is no wider than 4 metres and is at least 7 metres above the surface of the road or footpath below.

Overpasses

- Overpasses are only considered appropriate between the Orakei Road Carpark Building and the adjoining buildings on the opposite side of the lane;
Overpasses may be roofed and enclosed, but shall be done so using transparent materials, to maintain visual lightness.

Generally overpasses over roads will only be considered appropriate where the overpass is no wider than 3 metres and is at least 7 metres above the surface of the road or footpath below.

Orakei Road Carpark Building

- The sloping face of the Orakei Road Carpark Building shall be landscaped in a manner that provides a terraced profile or have a modulated form so as to create a natural hill profile characteristic of volcanic forms within Auckland, with particular reference to the tuff ring form of Orakei Basin;
- The face and roof of the building shall be landscaped and shall have sufficient soil depth and drainage to ensure proper plant growth;
- A fence or some other form of appropriate barrier shall be erected at the top and sides of the slope for safety;
- Planting may either be low grasses and forbs, or trees, but should generally consist of indigenous vegetation;
- The carpark building and adjoining building shall be sufficiently separated by both an access lane and light well so as to achieve daylight access into a motor court;
- A detailed landscape plan showing compliance with the above criteria shall be provided with the application for the approval of the Council. The landscape plan shall provide details on drainage, soil depth and watering, together with a maintenance plan;
- That prior to the 'green hill' covering the Orakei Point Carparking area being designed and constructed, that an appropriately qualified landscape architect be engaged to confirm that planting on the slope can sustain a vegetative cover, including moderate sized trees, over the long term.

Figure 8.7.8.3.2 Diagram showing an example of how the Orakei Road Carpark Building form and landscape contour might achieve the above criteria

Travel Demand Management Plan
The extent to which a travel plan submitted with a proposal uses tools and targets to encourage people to travel by alternative modes of transport other than by private car, including public transport, walking and cycling and ride sharing. The travel plan shall include the following:
- Information on existing vehicle, public transport, cycle and pedestrian infrastructure;
- Details on the initial implementation and continued development of the travel plan;
- Methods to achieve and monitor the objectives of the travel plan;
- A description of facilities to encourage alternative means of transport such as staff showers and bicycle racks. The ratios for bicycle parking and for private development set out in the ARTA Guidance Note for Cycle Parking Facilities 2007 shall be used as guide for the provision of cycle parking.

xxiv) Construction Management

- The extent to which appropriate measures can be implemented during construction to avoid, remedy or mitigate any adverse effects associated with construction, including effects on:
  - The coastal marine area through stormwater and sediment control measures;
  - The safety and flow of pedestrian and vehicular traffic through appropriate location and management of construction site access locations, provision for off loading of materials and receipt of waste materials and off-street parking for workers;
  - Amenity and safety through appropriate construction site fencing or screening and location of workers facilities;
  - The road network through measures to avoid and/or clean up debris including wheel washing facilities and procedures to clean up debris;
  - Access to the railway station, other sites and public areas.

- This criterion may be satisfied with consent conditions requiring the provision of a construction management plan, addressing at a minimum the above matters.

xxvi) Traffic impact on Roads and Intersections

- The actual or potential traffic effects of the development on the safety and flow of the road network, having particular regard to the impact of the traffic generated by the development on Orakei Road and its intersections. Where the traffic and road improvements set out in rule 8.8.11.16 have been met, then this criterion shall be deemed to be satisfied and no assessment of the actual or potential traffic effects of the development shall be required.

xxvii) Fencing

- Any fencing abutting public open space shall be highly transparent with recessive powder coated finish. Any fencing should also incorporate landscape initiatives to improve the visual appearance at the interface to open space, as well as to deter tagging.

- Deter access to the railway portal, such as at the northern end of Building G.

xxvii) Reverse Sensitivity Effects associated with the operation of the railway line and roads
- Buildings to be occupied by residential units, visitor accommodation or other sensitive activities:
  - Where located in accordance with the Orakei Point Master Plan shall be appropriately designed to avoid or mitigate reverse sensitivity effects of noise, vibration and fumes associated with the current and future operation of the railway line, and noise effects from traffic.
  - Where located otherwise than in accordance with the Orakei Point Master Plan, shall be appropriately located and designed to avoid or mitigate reverse sensitivity effects of noise, vibration and fumes associated with the current and future operation of the railway line, and noise effects from traffic.
  - In relation to residential units, in addressing these effects the design of such buildings should have particular regard to the location of bedrooms and other habitable rooms, the type and thickness of glass, and the presence or otherwise of opening windows or doors to the exterior.
  - A description of the proposed design methodology for avoiding or mitigating adverse effects from noise, vibration and fumes associated with the current and future operation of the railway line shall accompany any resource consent application.
(b) Construction of public open space, accessways and plazas, and accessory buildings

i) Crakei Point Master Plan

The extent to which the location and design of the public open space, accessways and plaza is generally consistent with the Crakei Point Master Plan at Figure 9.6.11.2. In particular:

- Whether public access linkages, bus stops, at-grade carparking, drop-off points; pedestrian spaces, footpaths, roads; linkages to coastal boardwalks and other connections shown on the master plan are provided for;
- The extent to which the proposed finished levels across the subject land area will allow for public access linkages through and around the site, where these are envisaged by the master plan;
- Methods to legally secure such linkages, including in the interim period before the master plan is fully given effect to;
- Methods to secure access to other properties within the zone;
- The extent to which regard has been had to site amenity and safety considerations in the interim period before the master plan is fully given effect to;
- Whether safe public pedestrian and service access is maintained to the Crakei rail station and methods to secure such access.

ii) Public Open Spaces, Public Accessways and Streets

- The extent to which public open spaces (including parks, plazas and linkages) and streets are designed to comply with the Safety Guidelines at Annexure 16; including the guidelines on informal surveillance, clear visibility of building entrances and public spaces, lighting, clear definition of space, entrapment spots;
- Buildings and car parking areas should be designed to provide for disabled access, including to extent to which they comply with NZS 4121:2001 Design for access and mobility: buildings and associated facilities.
- Public open spaces, accessways and streets, including parks and plazas shall be open and accessible to the public from a public place at all times, except where required to be closed for operational, safety or security reasons;
- Methods to legally secure public access at all times to the public places and the linkages referred to in the above criteria, including in the interim period before the master plan is completed and including prior to the vesting of public roads (such methods may include the registration of legal instruments on the land title(s));
- Public open spaces accessways and streets, including parks and plazas should be designed to attract people and have high quality and appropriate landscaping. The design of public open spaces should be integrated across the peninsula as a whole and should integrate with the design of buildings. To achieve this, the following factors are important:
  - The public open space should be designed with a sense of order and proportion and have regard to the human scale;
  - Public open spaces should be orientated and designed to provide pedestrians with adequate access to sunlight. In particular, public spaces should be designed to maximise sunlight access between 10am and 2pm on the shortest day;
Where part of the public open space is proposed to be within or under a building, its design should demonstrate to the satisfaction of the Council that there is adequate access to daylight and/or sunlight provided for the amenity of people using the area and for the maintenance of plant health and growth there is adequate soil depth, drainage and watering to maintain plant health and growth and that the plant species within or under the building are suitable for such locations; Shade and shelter should be provided for pedestrians where possible, in conjunction with colonnades or verandas on adjoining buildings; Seating and landscaping should be in pleasant, clearly visible, convenient and safe locations. Landscaping should comprise low shrubs and plants or tall open trees and shrubs which do not visually obscure the seating from public viewing; Robust, durable surfaces and materials shall be used;

Soft and hard landscaping shall follow a consistent palette of materials and colours throughout Orakei Point, themed to give a distinctive sense of place, with reference to the cultural, geological and ecological values of the peninsula and its surrounds;

Provision shall be made for large specimen trees in tree pits within the plaza area;

Adequate provision shall be made for access and use of the public space by the disabled, including visually impaired;

Vegetation species are encouraged that promote habitats and bird feeding;

A detailed landscape plan showing compliance with the above criteria shall be provided with the application for the approval of the Council.

In order to encourage public use of public open space and to provide surveillance at night the following factors should be addressed:

A lighting strategy should be submitted with the application for resource consent for construction of public open space, accessways and plazas;

Provision should be made for activities to locate within the amenity areas or spill out into them from adjacent private space;

Buildings adjoining the public open space should be designed to provide for, or facilitate the establishment of, those activities which attract people, especially at night. For example upper level residential accommodation with windows or balconies overlooking the public open space would be appropriate, as would adjoining cafes, restaurants or small shops.

(c) Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings within the Special Tree Protection Area identified on the Mixed Use Zone: Orakei Point Overlay Plan 4.2

This rule applies to those trees existing as at 18 January 2010 located within the Special Tree Protection Area identified by hatching on the Orakei Point Aerial Photograph Plan 5. The Special Tree Protection Area identified on Orakei Point Overlay Plan 4 and Orakei Point Aerial Photograph Plan 5 extends to the outer dripline of those existing trees as at the date of any application for consent under this

2 Rules 6.7.8.3.2 (c) (i) and (ii) will have legal effect from the date of notification under Section 86 B(3)(b) of the Resource Management Act 1991.
rule. In the event of any inconsistency, the extent of the Special Tree Protection Area as defined in this rule takes precedence over the extent of the Special Tree Protection Area as shown on Overlay Plan 4 and Aerial Photograph Plan 5.

(h)(i) Trees and parts of trees within the Special Tree Protection Area shall be retained except where:

- The tree or a part of the tree is structurally unsound; or
- Removal of the tree or part of the tree would beneficial to the health and growth of existing, more appropriate trees on the site, taking into account the size, appearance, health and conditions of those existing trees; or
- The removal of the tree or part of the tree is necessary to provide for an access drive contained within Precinct 1 (including a temporary-access drive to Precinct 4) or other public road shown on the Orakei Point Master Plan at Figure 8.6.11.2;

(h)(ii) Building and vehicle access within the Special Tree Protection Area shall be assessed against the following criteria:

- Whether the work is necessary to give effect to and generally accords with the Orakei Point Master Plan at Figure 8.6.11.2;
- Whether an assessment has been prepared by a suitably qualified arborist competent in the development assessment process. That assessment shall accompany the resource consent application for building development. It shall include a comprehensive assessment of the proposal and provide a written assessment report. The report shall identify the potentially affected trees and all proposed building works within the Special Tree Protection Area. This assessment shall be based on best practice methods and shall be within the guidelines as set out in "Trees and Development: A Technical Guide to Preservation of Trees During Land Development", (Champaign IL: International Society of Arboricultural, Matheny, N., & Clark J.R., (1998)). The assessment shall include the following:
  - An assessment of any modifications proposed to the tree crown and/or branches on the health of the tree;
  - The extent of injury to tree roots and potential effects on the health of the tree;
  - The effects of any earthworks on the tree;
  - The effects of changes to hydrology, soil science, and ground levels on the tree;
  - The effects of buildings on daylight to the tree canopy;
  - Measures to avoid clearing native trees and shrubs that are known habitats during the breeding season for indigenous forest birds (October to February inclusive);
  - Specifications to minimise impacts and protect trees, both during the construction process and ongoing.
- The extent to which new building work incorporates measures to comply with the recommendations of the above arboricultural assessment. These measures shall be detailed in a Tree Protection Plan, designed by a suitably qualified arborist, as specified in the 'Schedule - Tree Protection Plan' below.
The vehicle access within Precinct 0 shall be designed to achieve its required function of providing vehicle access from Craik Road to the upper levels within Precinct 0, as shown in Figure 8.6.11.2, while minimising adverse impacts on any tree.

Schedule – Tree Protection Plan

A works arborist who is familiar with development shall develop a detailed Tree Protection Plan (TPP) and assist in the design stages to provide a design that will avoid or minimise adverse affects on the protected trees. The TPP will be submitted to the Council for review and approval. The TPP will specifically include:

- Pouring schedule including all pruning maintenance.
- Details on proposed irrigation system including timing and monitoring.
- Arboricultural monitoring including timing, frequency and memories.
- Specific controls for works under tree crowns and in close proximity.

Site Specific Tree Protection

1. A supervising works arborist shall be appointed by the consent applicant/holder to monitor and supervise the site and ensure the conditions of consent are complied with.

2. The supervising arborist shall be independent and not involved in undertaking the physical works.

3. The supervising works arborist will provide brief written confirmation statements at the following times which will be forwarded to the Council monitoring officer:

   3.1 The irrigation system has been commissioned and correct monitoring is in place.

   3.2 Pre-commencement meeting and implementation of protection fencing.

   3.3 The works arborist will clearly identify all approved pruning and supervise the pruning. A memo will be supplied at the completion of the pruning.

   3.4 Preliminary excavations and inspection adjacent to retained trees to ascertain appropriate protection methods are utilised and roots are pruned correctly.

   3.5 Monthly update of weekly inspections.

   3.6 Final report documenting compliance and any issues of non-compliance along with any remedial works required.
Tree Protection

4. Hazard fencing will be placed around the edges of trees as specified by the supervising arborist.

5. Preliminary excavations and exploratory inspections will be undertaken adjacent to the trees to determine root activity and ensure roots are pruned correctly.

6. An arborist shall supervise the works within rootzones of trees.

7. If roots are uncovered during works, roots shall be covered with Geotextile fabric and the ground and surface rocks shall be kept moist.

8. All roots exposed during excavations that require removal will be cleanly cut back to the excavation surface using a handsaw or secateurs in accordance with modern arboricultural practices.

9. When concrete is to be poured in excavations, all exposed roots shall be covered with polythene to prevent any contaminants contacting the exposed roots.

10. No machinery shall be stored or operated within the root zone of any protected tree unless it is supported on an existing concrete or asphalt surface.

11. No materials, spoil, fill, soil or equipment will be stored or temporarily placed within the root zone of any protected tree unless it is approved by the works arborist and is on an existing hard surface.

12. People or machinery shall not use the area of the root zone of any protected tree on the site for temporary or permanent access unless specifically mentioned in the consent application and conditions of consent.

13. The tree protection work will be completed prior to the main construction starting to ensure the tree protection methods are in place before multiple contractors are on site.

14. All site excess will be formed away from the street trees. All services including drainage will be located outside the root zone of the protected trees unless specifically mentioned in the arboricultural report.

15. Pruning will be carried out in accordance with ANSI A300 Pruning Standards and be approved by the supervising arborist.

(d) Car parking exceeding a total of 1750 spaces but not exceeding 1950 spaces in the Mixed Use Zone: Orakei Point

(i) The parking in addition to 1750 car parking spaces does not adversely impact on the safety and flow of traffic on the road network.

(ii) The extent to which parking in addition to 1750 car parking spaces will provide for the traffic and parking demands of the development in the event that the required public transport improvements have not occurred. The threshold for sufficient provision of
public transport improvements shall be determined with regard to the following thresholds:
• A train headway of at least 10 minutes in each direction during weekday commuter peak travel periods (i.e. train services to Orakei Station shall be at least at 10 minute intervals); and
• Bus connections to Orakei Station at least at 30 minute intervals.

(ii) The use of the parking and staging of the parking. In this regard, parking in addition to the 1750 limit shall only be considered acceptable where:
• It occurs after disestablishment of the 200 park and ride spaces within the zone; and
• It is only used ancillary to other activities within the zone.

(e) Commercial car parking (excluding car parking provided ancillary to permitted or restricted discretionary activities) not exceeding 400 spaces, prior to the completion of development within precinct 5

(i) Commercial car parking shall only be considered acceptable as a temporary use of unallocated spaces within a parking building and prior to the completion of development within precinct 5.

(ii) The hours of operation of the commercial car parking. In particular, regard shall be had to the operating hours and pricing incentives for associated traffic movements to avoid peak traffic flows.

(f) Restricted Discretionary Activities (permitted activities within 30m of the railway designation where there is no encumbrance in place)

Any permitted activity within a building inside an area bounded by lines 30m either side of the land designated for railway purposes within the site on which the building is located is not subject to a restrictive non-compliance encumbrance in favour of New Zealand Railways Corporation and Ports of Auckland Limited.

(i) The extent to which the activity is sensitive to any adverse effects from the surrounding environment, including the effects of noise, vibration and fumes associated with the current and future operation of the railway line, and noise effects from traffic.

(ii) Whether the building to be occupied by the activity has been located and designed to avoid or mitigate reverse sensitivity effects and any adverse effects described in (i) above.
Insert section 8.8.11 "Development Controls for Mixed Use Zone: Orakei Point" and the following text and figures:

8.8.11 DEVELOPMENT CONTROLS FOR MIXED USE ZONE: ORAKEI POINT

1. Height

a) Building Height

i) No building within an identified building platform shall exceed the maximum number of floors above the podium shown on the Mixed Use Zone: Orakei Point Overlay Plan 1, provided that the overall height of the building (including roofs and roof top projections) shall not exceed the maximum height (above datum) in meters also specified for that building platform (refer to figure 8.8.11.1).

ii) For the purposes of i) above, the 'maximum number of floors' shall be measured in each case as being above a nominal podium level of RL 12.5, with the podium level storrey counting as the first floor.

iii) No buildings within that area identified as 'podium level' on Mixed Use Zone: Orakei Point Overlay Plan 1 shall exceed the height above datum shown on the Plan for that section of the podium, provided that this height limit shall not apply to the following buildings and structures located on or over the podium level:

   ① Overpasses connecting the Orakei Road Carpark Building with the building shown as "F" on the master plan at 6.6.14.2 on the opposite side of the lane, which meet the criteria in 8.7.8.3.3;
   ② Balconies over roads and plazas which meet the criteria in 8.7.8.3.2;
   ③ Seating, bus shelters, pedestrian shelter structures, balustrades, light poles, signs or public artwork on roads or plazas;
   ④ Buildings and structures associated with temporary activities permitted under 4A.1.

iv) For the purpose of this rule "Overpasses" are defined as upper level pedestrian connections between two buildings within the Mixed Use Zone: Orakei Point over streets or public plazas.

v) The "RL" shown on the Mixed Use Zone: Orakei Point Overlay Plan 1 shall be Auckland Datum 1946 (mean sea level).

b) Floor to Floor Height within Buildings

i) The minimum floor to floor height for shall be 4 metres for the ground level of a building, provided that no minimum floor to floor height shall
apply to the ground or basement levels of buildings within precinct 14 on the Mixed Use Zone: Orakei Point Overlay Plan 2, where these floors contain residential or car parking.

ii) The minimum floor to floor height for all other levels within a building shall be 3 metres. The minimum floor to floor heights shall not apply to carparking levels or to levels below the podium.

iii) Refer to rule 6.8.11.8 for the minimum floor to ceiling heights which apply to residential units.

iv) The maximum floor to ceiling height limit on all levels within a building shall be 4.5 metres, except that the maximum floor to ceiling height limit shall not apply to:

- ground levels;
- other building levels used for entrance lobbies, circulation or foyers or as public entry and access to the covered railway station;
- carparking levels;
- levels used for the rail station, lines and ancillary activities.
- Levels incorporating mezzanine floors;

c) Roof Top Control

Rooftop projections including lift towers, machinery rooms and plant which exceed the height of all parts of a parapet surrounding a roof on which the projections are located, shall be enclosed in a structure or structures designed as an integral part of the roof of the building.
Figure 8.8.11.1 Orakei Point Height Controls

Explanations:

Buildings are limited to the building platforms shown on the overlay plans to ensure development is consistent with the Orakei Point master plan. Building platforms are positioned to concentrate development on the inner and northern part of Orakei Point, thereby generally avoiding its Orakei Road and Orakei Basin edge and ensuring the greatest intensity of development closest to the railway station. Building platforms also provide for buildings to define and enclose public streets and open spaces.

Appropriate building heights have been determined with reference to the landform of the wider visual and physical catchment. Maximum building heights have been determined for each of the building platforms, with reference to the landscape sensitivities of Orakei Point and master plan. A range of building heights are specified to allow variation in the roof profile of the overall development and to have building heights at a scale appropriate to other buildings and adjoining roads and public open spaces. This is achieved by a combination of a maximum number of floors and a maximum RL, the later being...
set higher than the former to provide for and encourages pitched and varied roof forms rather than flat roofs.

Maximum heights of RL 12.5, RL 16 and RL 14.5 are applied to the plaza podium levels, representing the top of the plaza and road level. The maximum height of RL 16 is applied to one portion of the podium to allow the road to slope up from the general podium level of RL 12.5 to meet Orakei Road at grade. A maximum height of RL 5.5 is applied to the lower podium levels.

Minimum floor to floor heights have been applied to residential and commercial buildings to allow buildings to be adaptable to alternative uses and provide amenity for occupants.

Maximum floor to floor heights have been applied to ensure that buildings adhere to the scale allowed by the specified floor limits. Lobbies, foyers and public space within buildings have been excluded from the maximums to encourage such spaces to have generous volumes. The rail corridor has also been excluded from the maximum height limit in recognition of its functional need.

2. Orakei Road Recession Plan and Building Landscaping

Buildings within the building platform identified on the Mixed Use Zone: Orakei Point Overlay Plan 1 as being subject to the Orakei Road Recession Plan and Building Landscaping Control shall comply with the following:

i) No part of the building shall project through a plane starting at the level of Orakei Road, measured at the boundary of the site, and rising at 45 degrees to its baseline parallel with the street boundary of the site;

ii) The face of the building to Orakei Road shall be landscaped and shall have sufficient soil depth and drainage to ensure proper plant growth;

iii) The building and landscaping shall either be a terraced profile or have a modulated form so as to create a natural hill profile, to generally screen the bulk of buildings behind when viewed from Orakei Road level and shall not be a literal regression of the 45 degree angle;

iv) No part of the building shall exceed an overall height of RL 30 above Auckland Datum 1946 (mean sea level);

v) The upper most edge and sides of the sloping or terraced building face to Orakei Road shall be fenced in a manner that satisfies the requirements of the Building Act 2004 and any subsequent amendments.

Explanation:

The Orakei Road Recession Plan and Building Landscaping control is applied to the esplanade buildings adjoining Orakei Road. The control ensures that the
3. Site Intensity

The maximum gross floor area (GFA) within each precinct shall not exceed the following:

<table>
<thead>
<tr>
<th>Precinct Area</th>
<th>Maximum Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct Area 0</td>
<td>1645,000m²</td>
</tr>
<tr>
<td>Precinct Area 1</td>
<td>1826,000m²</td>
</tr>
<tr>
<td>Precinct Area 2</td>
<td>924,000m²</td>
</tr>
<tr>
<td>Precinct Area 3</td>
<td>1344,000m²</td>
</tr>
<tr>
<td>Precinct Area 4</td>
<td>98,000m²</td>
</tr>
<tr>
<td>Precinct Area 5</td>
<td>15,000m²</td>
</tr>
<tr>
<td>Total GFA</td>
<td>8084,000m²</td>
</tr>
</tbody>
</table>

For the purpose of this rule ‘Precinct Areas’ are as shown on the Mixed Use Zone: Orakei Point Overlay Plan 2.

The maximum GFA within each precinct shall be calculated as the combined total GFA of both existing and consented buildings within each of the identified building platforms. For the purpose of this rule ‘consented buildings’ means buildings for which resource consent has been granted, but not given effect to. Resource consents which have expired or lapsed, or which have been surrendered shall not be used in the calculation of maximum GFA.

In addition to the matters excluded in the definition of GFA, the following shall also be excluded from the calculation of gross floor area:

- All outdoor balcony or deck space, whether enclosed or not;
- Floor area used for carparking, including associated access ramps, stairs, lifts and plant, where that floor area is;
- For Precinct Area 01, below RL 18 (measured above Auckland Datum 1946 (mean sea level)); or
- For Precinct Areas 1-5, below the podium levels shown on Mixed Use Zone: Orakei Point Overlay Plan 12; or
Approval of Plan Change 260 - Orakei Point to the Auckland Council District Plan (Auckland City Isthmus Section)

Attachment A

Item 10

Auckland Development Committee
11 March 2014

Contained within the Orakei Road car-parking building(s) within the building platform shown on Mixed Use Zone: Orakei Point Overlay Plan 1 as being subject to the Orakei Road Recession Plane and Building Landscaping Control.

Outdoor areas associated with garden centres.

Explanation:

The site intensity control limits the amount of gross floor area achievable within each of the precinct areas. Maximum gross floor areas have been established to allow the development of appropriate densities of development (in terms of apartment numbers and commercial floor area) to create a vibrant transit oriented community which supports patronage of public transport, within the constraints imposed by the building platforms and height limits. Maximum gross floor areas are identified on a precinct basis. The development of individual building areas within each precinct will need to be assessed at the time of resource consent application with reference to the quantum of gross floor area already taken up within the precinct, by both existing and consented development. Overall, the gross floor areas provided for within the Mixed Use Zone: Orakei Point zone equates to a floor area ratio of approximately 1.8:1 of the entire area of the zone.

4. Verandah/Colonnade Requirement

For buildings within building platforms identified as subject to a Verandah/Colonnade Control on the Mixed Use Zone: Orakei Point Overlay Plan 43, a verandah/colonnade shall be provided which must comply with the following:

ii) The verandah/colonnade shall provide continuous pedestrian cover within the site along the entire building platform frontage identified as subject to a colonnade requirement.

iii) The verandah/colonnade shall have a minimum height of 3.4 metres above the footpath immediately below;

iv) Any colonnade shall have a minimum unobstructed horizontal width of 2 metres.

v) Any verandah shall comply with relevant District Plan or Council bylaws relating to verandahs.

Explanation:
A verandah/colonnade is required along the western side of the loop road to provide for pedestrian cover between Orakei Road and the lee plaza and railway station entrance. A verandah/colonnade is also required around the southern edge of the lee plaza to provide pedestrian cover to and around the plaza and to enhance the pedestrian amenity of the plaza.

5. Pedestrian Links

Pedestrian links connecting the road, plazas and open space land shall be provided generally at the locations shown on the Mixed Use Zone: Orakei Point Overlay Plan 26. Such pedestrian links shall comply with the following:

The pedestrian link shall:

i) have a minimum width of 2 metres;

ii) create a direct and logical pedestrian link through the site between public road, plaza and open space land;

iii) be open to the sky or be covered with glazing, except for a pedestrian link beneath the rail line;

iv) comply with the Safety Guidelines in Annexure 18 of this Plan.

Explanations:

Pedestrian links are required in the locations specified to provide for mid-block linkages between roads, plazas and public open space and to allow permeability through the site and development.

6. Frontage Height and Activity Control

Any building shown on Mixed Use Zone: Orakei Point Overlay Plan 4 as subject to a Frontage Height and Activities Control shall comply with the following:

i) The façade of the building shall generally abut the building platform boundary identified as being subject to the frontage height control;

ii) The number of floors along that building platform boundary shall be no less than the maximum number of floors specified on Overlay Plan 1, except on the building platform subject to the Orakei Road Recession Plan and Building Landscaping Control where this sub clause ii) shall not apply;

iii) For the purpose of this rule ‘frontage’ means the external wall of a building which occupies the length of the road boundary and which rises from that boundary to a height no less than the minimum specified, but
excludes vehicle entrances, loading bays, pedestrian entrances and lobbies, window and balcony recesses and similar architectural modulations;

Activities occupying the ground floor frontage of a building on a site identified on Mixed Use Zone: Orakei Point Overlay Plan 4 shall be limited to the following:

- Entertainment facilities.
- Garden centres.
- Restaurants, cafes and other eating places.
- Retail premises.
- Taverns.
- Community welfare facilities.
- Healthcare providers.
- Offices.
- Premises for cultural activities and/or natural displays including Māori cultural activities.

Except that such activities shall occupy not less than 80% of the length and not less than 10m of the depth of the ground floor road frontage of an identified site. Up to 20% of the length of the frontage of identified sites may be occupied by building entrances, services entrances, vehicle access and service functions.

Explanation:

The frontage height and activities control is applied to certain building frontages to ensure that new buildings appropriately address and define roads and plazas through specified minimum number of floors appropriate to the scale and character of the streets and plazas they adjoin, while excluding certain building elements to provide for flexibility in design and avoiding potential visual monotony of regimented frontage forms.

On such identified frontages, ground floor activities are limited to entertainment, garden centres, restaurants, cafes and other eating places, retail and taverns to activate the road and plaza.

7. Noise
(a) **External Sound Insulation**

Buildings within the Mixed Use Zone: Orakei Point shall be designed and constructed to ensure the following internal noise limits shall not be exceeded:

<table>
<thead>
<tr>
<th>Receiving Environment</th>
<th>L_{max} 1 hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Bedroom</td>
<td>35 dB</td>
</tr>
<tr>
<td>Residential - Habitable Rooms</td>
<td>40 dB</td>
</tr>
<tr>
<td>Commercial - Offices</td>
<td>40 dB</td>
</tr>
<tr>
<td>Conference &amp; Daycare</td>
<td>40 dB</td>
</tr>
<tr>
<td>Commercial - Retail</td>
<td>45 dB</td>
</tr>
</tbody>
</table>

Sound insulation calculations shall be based on external noise levels derived from 3D acoustic modelling software (Soundplan or Predictor) and:

(i) a train sound power level of L\text{eq} 127 dBA as a point source travelling at 40 km/hr, and 4 trains per hour, and using the spectrum table:

<table>
<thead>
<tr>
<th>Octave Band Centre Frequency (Hz)</th>
<th>63</th>
<th>125</th>
<th>250</th>
<th>500</th>
<th>1k</th>
<th>2k</th>
<th>4k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sound Power Level (dB)</td>
<td>133</td>
<td>131</td>
<td>127</td>
<td>123</td>
<td>123</td>
<td>119</td>
<td>114</td>
</tr>
</tbody>
</table>

(ii) road traffic noise at the façade to be calculated with 3D modelling software and the current traffic flow rates on Orakei Road between 10.00 pm and 11.00 pm.

For the avoidance of doubt, sound from a moving point source propagates in the same manner as line source and can be modelled as such in the 3D modelling software.
At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces will be adequately ventilated or air conditioned. Adequately ventilated or air conditioned shall be determined by a suitably qualified mechanical engineer to achieve reasonable internal temperatures during all but the extreme summer conditions and at least to the requirements of Clause G4 of the Building Regulations 1992.

No residential accommodation shall be located closer than 80 m to any exposed rail track unless a report from a suitably qualified acoustic consultant demonstrates that the external criterion of $L_{A_{eq,10}} 60$ dB can be achieved within any primary outdoor living area using the source levels detailed in (i) above.

(b) Noise Emission

The noise level arising from any activity within the Mixed Use Zone: Orakei Point shall not exceed the following levels:

(i) At the façade of any habitable space within the Mixed Use Zone: Orakei Point:

<table>
<thead>
<tr>
<th>Time</th>
<th>Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.00 am to 10.00 pm</td>
<td>$L_{A_{eq}} 60$ dB</td>
</tr>
<tr>
<td>10.00 pm to 7.00 pm</td>
<td>$L_{A_{eq}} 55$ dB, $L_{A_{eq,10}} 60$ dB, $L_{A_{eq,50}} 55$ dB, $L_{A_{max}} 75$ dB</td>
</tr>
</tbody>
</table>

(ii) Within the boundary of any residentially zoned property (outside the Mixed Use Zone):

<table>
<thead>
<tr>
<th>Time</th>
<th>Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.00 am to 10.00 pm</td>
<td>$L_{A_{eq}} 50$ dB</td>
</tr>
<tr>
<td>10.00 pm to 7.00 pm</td>
<td>$L_{A_{eq}} 40$ dB, $L_{A_{max}} 75$ dB</td>
</tr>
</tbody>
</table>

(iii) Noise levels shall be measured and assessed in accordance with the requirements of NZS6601:2008 Acoustics – Measurement of Environmental Sound and NZS6602:2008 Acoustics – Environmental Noise.
Explanation:

The purpose of this control is to provide a minimum level of internal acoustic amenity for occupants of buildings from the external noise sources generated by activities with the Mixed Use Zone: Orakei Point (including the transport network) and to provide a maximum level of noise that activities other than residential activities can generate.

A general noise control is also applied to the Mixed Use Zone: Orakei Point avoid excessive noise occurring for a continuous period or such a duration so as to be damaging to public health or have an adverse effect on the amenity of the receiving environment.

3. Standards for Residential Units

Residential units shall comply with the following standards:

a) Minimum Gross Floor Area

<table>
<thead>
<tr>
<th>Residential Unit</th>
<th>Minimum Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>45m²</td>
</tr>
<tr>
<td>One bedroom plus study</td>
<td>55m²</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>70m²</td>
</tr>
<tr>
<td>Three bedrooms or more</td>
<td>90m²</td>
</tr>
</tbody>
</table>

Minimum balcony sizes of at least 8m² shall be in addition to the above minimum gross floor area requirements. All balconies shall be internalised (i.e. not projecting) for improved privacy, flexibility of use and protection from windy aspects.

b) Floor to Ceiling Height

i) The minimum floor to ceiling height for habitable rooms (including servicing) shall be 2.4 metres except for multi-level or split-level apartments and mezzanine levels. In such cases at least 50% of the apartment floor area must comply with the minimum 2.4 metre floor to ceiling height requirements.

ii) Kitchens, bathrooms, hallways, toilets, lobbies, laundries and service areas: 2.3 metre minimum floor to ceiling height.
c) Minimum Widths of Common Circulation Corridors
   i) The minimum width of common area corridors shall be 1.5 metres.
   ii) The minimum width of a corridor/lobby space immediately adjacent to the lift shall be 2.7 metres, measured at 90 degrees to the lift doors, for the full combined width of the lift doors.

d) Minimum Daylight Standards
   i) Residential units shall be designed to achieve the following minimum daylight standards:
      - Living rooms and living/dining areas – a total clear glazed area of exterior wall no less than 20% of the floor area of that space.
      - Bedrooms – shall have a total clear glazed area of exterior wall no less than 20% of the floor area of that space.
      - Entrance halls, kitchens, kitchen/dining rooms, bathrooms, toilets, and laundries – may rely on borrowed or artificial light however where such building elements contain a window placed in an exterior wall parallel to a site boundary, other than the street boundary, then that window/wall shall be set back from the boundary by a minimum of 1 metre.

Explanation:

Minimum unit standards are imposed within the Mixed Use Zone: Orakei Point to ensure that each unit has an adequate level of amenity for the occupants. Such amenity includes the provision of minimum areas for apartments, floor to ceiling heights, widths of corridors and daylight standards. These standards are designed to ensure that apartments at Orakei Point are a desirable place to live.

9. Mix of Residential Units
   The combined number of one bedroom, one bedroom plus study and two bedroom units within the Mixed Use Zone: Orakei Point shall not exceed 60% of the total number of residential units in the zone.

   No more than 10% of units within the Mixed Use Zone: Orakei Point shall be one bedroom. No more than 15% of units within the Mixed Use Zone: Orakei Point shall be one bedroom plus study. No single building shall comprise entirely one bedroom units.

   The total number of residential units in the zone shall be calculated as the combined total of units in both existing and consented buildings. For the purpose of this rule 'consented buildings' means buildings for which resource consent has been granted, but not given effect to. Resource consents which have expired or
lapsed, or which have been surrendered shall not be used in the calculation of residential units.

Explanation:

A mix of unit sizes is required to ensure that the housing stock within the Mixed Use Zone: Orakei Point can provide for a variety of household types. The mix of unit sizes ensures that no one apartment size dominates and will provide for a wide demographic mix of occupants, including families, through setting minimums on the number of one bedroom apartments allowed. No provision is made for smaller studio units in the zone under the gross floor area requirements for residential units.

10. Private Open Space

All residential units shall have an outdoor living area no less than 8m².

This outdoor living area shall have convenient access from a living room, and may consist of either an exclusive area at ground level, a balcony (including a recessed or semi-enclosed balcony or part of the balcony) or a roof top space exclusively available to that residential unit. An outdoor living area shall comprise one continuous area rather than comprise the cumulative total of smaller areas.

Explanation:

Outdoor living areas are required to ensure that each unit has an adequate level of amenity for the occupants in the form of usable private open space.

11. Visual Privacy

Where the habitable room windows of a dwelling or a guestroom within a visitor accommodation or tourist facility are less than 6 metres away, and have direct views of the habitable room windows of other residential units or a guestroom within a visitor accommodation or tourist facility within the same or adjacent sites, they shall:

i) be offset a minimum of 1m (horizontally or vertically) from the edge of one window to the edge of the other; or

ii) have sill heights of 1.6m above floor level; or

iii) have fixed obscure glazing in any part of the window below 1.6m above floor level; or
iv) be on the ground floor level and separated by a suitable screening device, including landscaping, of 1.6m minimum height.

Explanation:

This rule provides a balance between allowing the windows of upper storeys of new developments to have reasonable daylight and outlook while limiting intrusive overlooking of habitable rooms of units on adjoining sites.

12. Residential Outlook Space

An outlook space shall be provided from each face of the building containing windows to principal living areas or bedrooms of any residential unit. Where windows to a principal living area or bedroom are provided from two or more faces of a building, outlook space shall be provided to the face with the greatest window area of outlook.

For the purpose of this rule, “principal living area” means the main communal living space within an accommodation unit for entertainment, recreation and relaxation.

The minimum dimensions for outlook space for principal living areas and for bedrooms shall be 6m, measured perpendicular to the exterior face of the building.

The outlook space may be over:

i) the site on which the building is located;

ii) legal road;

iii) public open space;

iv) another site; or

v) An area otherwise shown on Overlay Plan 1 as being podium or open space and not a building platform above the podium levels.

Provided that in the event of iv):

- the outlook space shall be secured in perpetuity for the benefit of the building by a legal instrument to be put in place prior to the commencement of construction;

- written approval of the owner of the adjoining site for the outlook space shall be provided when the application for resource consent is lodged;
more than one building may share an outlook space.

Balconies that have direct access from the principal living area or bedroom and are recessed within the exterior face of the building may be included in the calculation of outlook space to a maximum depth of 3m.

Explanation:

The purpose of this control is to safeguard outlook, daylight, sunlight and privacy for occupants of residential buildings. It is noted this is not a view protection control.

13. Vibration

Occupied buildings within the Mixed Use Zone: Orakei Point shall be designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard N58176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.

<table>
<thead>
<tr>
<th>Receiving Environment</th>
<th>Maximum Weighted Velocity, $V_{w,95}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Accommodation</td>
<td>0.3 mm/s</td>
</tr>
<tr>
<td>Commercial/Retail Areas</td>
<td>0.6 mm/s</td>
</tr>
</tbody>
</table>

14. Screening

Rule 8.8.10.11 "Screening" shall apply.

Except that rule 8.8.10.11 does not apply to the outdoor yard area of a garden centre used for the display, presence and sale of plants, pots, garden ornaments and outdoor furniture for sale.

Explanation:

The purpose of this control is to ensure that unsightly outdoor storage, refuse disposal and parking areas are adequately screened to adjoining open space zoned land.
15. Parking

Part 12 shall apply with the exception that in place of the parking standards in 12.6.1.1 the following shall apply:

i) Where a site is located within the Mixed Use Zone: Orakei Point, the maximum number of parking spaces shall not exceed the following:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Maximum Permitted Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>One space per residential unit up to one bedroom (including one bedroom units plus study). Two spaces per residential unit two bedrooms or more.</td>
</tr>
<tr>
<td>Offices</td>
<td>One space per 60m² of gross floor area.</td>
</tr>
<tr>
<td>Retail</td>
<td>One space per 40m² of gross floor area.</td>
</tr>
<tr>
<td>Garden Centre, including an ancillary café that incorporates up to 20% of the gross floor area, and/or up to 5% of the outdoor area</td>
<td>Garden Centre: one space per 10m² of gross floor area plus one space per 100m² of outdoor area. Café: one space for every 4 café seats.</td>
</tr>
<tr>
<td>All other activities</td>
<td>One space per 60m² of gross floor area.</td>
</tr>
</tbody>
</table>

ii) The overall parking spaces within the Mixed Use Zone: Orakei Point shall be no more than 1750 spaces.

iii) That a minimum parking threshold of 75% of the maximum parking requirement shall apply.

iv) The overall parking spaces in the zone shall be calculated as the combined total of spaces in both existing and consented buildings. For the purpose of this rule "consented buildings" means buildings for which resource consent has been granted, but not given effect to. Resource consents which have expired or lapsed, or which have been surrendered shall not be used in the calculation of parking spaces.
Parking may either be provided on the same site as the activity to which it relates, or on another site within the Mixed Use Zone: Orakei Point.

There are no minimum parking requirements within the Mixed Use Zone: Orakei Point.

Podium level public on-street car parking is not subject to the maximum permitted parking limitations or total overall in parts i) and ii) of this rule.

Park and Ride parking up to a maximum of 200 spaces is not subject to the maximum permitted parking limitations or total overall in parts i) and ii) of this rule.

Rule 12.8.1.2 “Loading Standards” shall apply, except that loading requirements for individual buildings may be waived where a common loading space or spaces are provided available and accessible to all buildings and activities within a particular precinct identified on Overlay Plan 2. No off-street loading shall be required for buildings and activities within precinct 5.

**Explanation:**

The Mixed Use Zone: Orakei Point restricts the amount of parking which may be provided in recognition of the access limitations of Orakei Road and carrying capacity of the surrounding road network. There are no minimum parking requirements to allow the flexibility to provide as little parking as necessary to meet the requirements of a development. This recognises that the site is extremely well connected by public transport and acts as an incentive to developers to consider reducing parking in line with the other transport options that are available to Orakei Point.

16. Staging and Provision of Public Facilities, Infrastructure, Traffic and Road Improvements

The following table sets out the public facilities and infrastructure work and traffic and road improvements required to be established as a prerequisite to development of each precinct identified on Mixed Use Zone: Orakei Point Overlay Plan 2.
<table>
<thead>
<tr>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct</td>
<td>Staging Requirements</td>
<td>Public Facilities and Infrastructure</td>
<td>Traffic and Road Improvements</td>
</tr>
<tr>
<td>Precinct 0</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>No building or development shall be undertaken within the precinct until the Public Facilities and Infrastructure set out in Column II of this table have been established.</td>
<td>Vesting in Council of an unallocated reserve with a minimum depth of 93 metres along the foreshore adjacently Precinct 0 so that the reserve can provide continuous public access along its full length.</td>
<td>Reserve of any alternative access onto Orakei Road (so that the only access onto Orakei Road is as shown on the master plan at figure 9.0.11.2).</td>
</tr>
<tr>
<td>Precinct 1</td>
<td>No building or development above the northern level shall be undertaken within the precinct until the Public Facilities and Infrastructure set out in Column II of this table have been established.</td>
<td>1. Vesting of Orakei Road site frontage to Council for road widening, as shown on Overlay Plan 1; and</td>
<td>1. Improvements to the alignment along Orakei Road, where feasible; and</td>
</tr>
<tr>
<td></td>
<td>Note: this does not preclude the establishment of the southern level and associated access below the southern level nor the establishment of the roads, plaque and another public place above the southern level prior to the Public Facilities and Infrastructure set out in Column II being established.</td>
<td>2. Vesting to Council of the Opunake Space 2 zone land at the northern end of the site at 246 Orakei Road (headland park), and</td>
<td>2. The provision of footpaths along the western side of Orakei Road, between 246 Orakei and the Whau Rd (roundabout); and</td>
</tr>
<tr>
<td></td>
<td>No building or development within the precinct shall be occupied until the traffic and road improvements set out in Column IV have been completed.</td>
<td>3. Vesting in Council of an unallocated reserve with a minimum depth of 50 metres along the foreshore adjoining Precinct 0 so that the reserve can provide a continuous public access along its full length.</td>
<td>3. The provision of on or off road facilities for cyclists along Orakei Road; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. The signalisation of the intersection of the southern access to the site with Orakei Road, generally is the position shown on the master plan at figure 9.0.11.2.</td>
</tr>
<tr>
<td>Precedent 2</td>
<td>No building or development above the podium level shall be undertaken within the precinct until the Public Facilities and Infrastructure set out in Column II of this table have been established. Note: This does not preclude the establishment of the site-specific facilities and infrastructure set out in Column III. The building or development within the precinct shall be occupied until the traffic and road improvements set out in Column IV have been completed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-3 above; and</td>
<td>4. Completion of that part of the podium level within Precedent 3 at and around the Auckland Isthmus Plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The establishment of Link Road, (as detailed in the Auckland City Plan) on the Auckland Isthmus Plan.</td>
<td>5. The establishment of the railway entrance building.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. The establishment of the Auckland Isthmus Plan.</td>
<td>6. The provision of a second northbound lane on Orakei Road, from south of the southern site access, including access to Orakei Road, the land identified as &quot;Road Widening&quot; on Overlays Plan 1; and the intersection of the southern site exit to Auckland Road, generally in the position shown on the master plan at figure 6.6.11.2.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Precedent 3</th>
<th>No building or development shall be undertaken within the precinct until the Public Facilities and Infrastructure set out in Column II of this table have been established. No building or development within the precinct shall be occupied until the traffic and road improvements set out in Column IV have been completed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3 above; and</td>
<td>4. Completion of that part of the podium level within Precedent 3 and 5. The establishment of the Link Road and the Auckland Isthmus Plan.</td>
</tr>
<tr>
<td>4. The establishment of the Link Road and the Auckland Isthmus Plan.</td>
<td>5. The establishment of the railway entrance building and 6. The provision of a second northbound lane on Orakei Road, where feasible; and 7. The provision of a flush junction at and around the Auckland Isthmus Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Precedent 4</th>
<th>No building or development shall be undertaken within the precinct until the Public Facilities and Infrastructure set out in Column II of this table have been established. No building or development within the precinct shall be occupied until the traffic and road improvements set out in Column IV have been completed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-87 above; and</td>
<td>766. Vesseling of Council at the Open Space 2 zone land on the northern edge of the site at 229 Orakei Road and 357 Orakei Road to the railway entrance building.</td>
</tr>
<tr>
<td>766. Vesseling of Council at the Open Space 2 zone land on the northern edge of the site at 229 Orakei Road and 357 Orakei Road to the railway entrance building.</td>
<td>8. The establishment of the railway entrance building and 9. The establishment of the railway entrance building and 10. The establishment of the Auckland Isthmus Plan and 11. Public indoor and outdoor linking bus stops and waterfont plaza.</td>
</tr>
</tbody>
</table>

| 9.0 above. |
Attachment A

Item 10

Auckland Development Committee
11 March 2014

Approval of Plan Change 260 - Orakei Point to the Auckland Council District Plan (Auckland City Isthmus Section)

Precinct 5

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.78</td>
<td>Above and</td>
</tr>
<tr>
<td>3.21</td>
<td>Completion of the part of the ground level within precinct 4 and</td>
</tr>
<tr>
<td>9.10</td>
<td>Establishment of waterfront plaza 1 and</td>
</tr>
<tr>
<td>9.11</td>
<td>Public floor and outdoor linkage between lessee plaza and waterfront plaza.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.21</td>
<td>Above and</td>
</tr>
<tr>
<td>10</td>
<td>Varying the Council in fee simple as a local purpose reserve. The landscaped corridor shown in Figure 8.7.6.2. Diagram approximately 10 metres wide running parallel to and adjoining the southern side of Orakei Road between the two vehicle entrances shown on the master plan at Figure 8.6.11.2, excluding the part of that corridor which also comprises part of the railway corridor.</td>
</tr>
</tbody>
</table>

ii) For the purposes of the above table, 'the link road', 'lessee plaza' and 'waterfront plaza' shall be as shown on the Orakei Point Master Plan at Figure 8.6.11.2.

Note: The construction of lessee and waterfront places, the linkages between the plazas and the railway station entrance buildings are required to satisfy assessment criteria as a restricted discretionary activity set out in 8.7.6.3.2 b), including the requirements to legally establish safe public access to these public places and facilities as referenced in the criteria.

iii) Throughout the development of every precinct, public pedestrian and service access to the Orakei Railway station shall be maintained and vehicle access from Orakei Road to the Kings Plant Barn property at 233 Orakei Road (Lot 3 DP 112856) shall be maintained.

iv) For the avoidance of doubt, the sequencing of development of each precinct stage need not necessarily follow the order of precinct numbering 1-5, provided that the public facilities and infrastructure work in Column III and the Traffic and Road Improvements in Column IV in respect of the earlier precinct or precincts are established as a prerequisite to the development of the later precincts, pre-requisites are met in the manner shown in the table above.

v) An application for resource consent for development within any of the precincts shall provide details of how the public facilities and infrastructure set out in Column III have been provided.

vi) Where any of the required public facilities and infrastructure set out in Column III have not been established at the time of resource consent for the development, then resource consent for a restricted discretionary activity will be required for the new building. The application for resource consent is required to be accompanied by an explanation of the methods by which the public facilities and infrastructure will be established, prior
to occupation of the building, including a timetable for their establishment. Such methods may include conditions of resource consent or bonding to secure the public facilities and infrastructure. The resource consent will be assessed against the extent to which these methods and timetable are appropriate to ensure the public facilities and infrastructure will be established, prior to occupation of the building.

vii) More than 1 precinct may be constructed simultaneously provided the completion of relevant public facilities and infrastructure under this rule is bonded to the satisfaction of the Council by way of bank bond or bank guaranteed bond.

Explanation:

The provision of public facilities and infrastructure and traffic and road improvements is tied to the development of precincts to ensure they are provided commensurate with the requirements of the development and to ensure the full public benefit outcomes of the Orakei Point Master Plan are achieved. The success of Orakei Point depends on the staged and coordinated provision of the covered rail, roads, piazzas, linkages and infrastructure and roading upgrades.

17. Network Utility Services

The Mixed Use Zone: Orakei Point development controls shall not apply to network utility services provided for as permitted and restricted controlled activities in rule 4A.4.0.

Explanation:

The development controls of the Mixed Use Zone: Orakei Point are intended to apply to building development only and not to the height, position and size of network utilities such as traffic signs, telephone booths, bus shelters and other infrastructure in roads and piazzas.

18. Orakei Point Coastal Yard

The Orakei Point Coastal Yard applies to land within a line 20 metres from mean high water springs in the position shown on Mixed Use Zone: Orakei Point Overlay Plan 1. The yard shall be measured in a horizontal plane in a landward direction from the mean high water springs. The following rules shall apply to this yard:

i) No building shall be constructed within the Orakei Point Coastal Yard, except that this control shall not limit the following approved as part of a resource consent:
paths and driveways and associated retaining, foundations, surfaces and structures in general accordance with the Orakei Point Master Plan.

ii) No person shall cut, damage, alter, injure, destroy or partially destroy:
   - any indigenous tree or vegetation;
   - any exotic tree greater than 6 metres in height or 600mm in girth (measured at 500mm above ground level).

The Council may grant an application for a restricted discretionary activity resource consent to remove or pollard such vegetation or trees, or any substantial part thereof if it is satisfied that such consent is justified in the circumstances which include dangerous, diseased or damaged conditions, compliance with and statutory or legal obligation or hardship, or any other cogent reason. Consent will not be granted where an improvement in view is sought unless the Council is satisfied that the natural character of the coastal environment, the ecological amenity of the site and the health of the tree will not be affected.

For the avoidance of doubt, no other yard or building in relation to boundary control shall apply within the Mixed Use Zone: Orakei Point.

Explanation:

The Orakei Point Coastal Yard is applied at the boundary of open space 1 zone land on the northern side of Orakei Point. The control is intended to ensure that buildings are appropriately set back from this coastal edge, thereby avoiding effects on its landscape and ecological values.

In other places within the Mixed Use Zone: Orakei Point the position of buildings in relation to other buildings, roads and open space are controlled by the height and recession plane rules within the identified building platforms rather than yard controls. Buildings are generally encouraged to abut adjoining open space rather than be set back in order that they appropriately address and define such open space to maximise opportunities for outlook and surveillance.
Figure 8.8.11(a) Overlay Plan 1

Advice Note:
Orakei Road currently varies from RL 10.5 - 10. Orakei Road for the purpose of the podium level is assumed at RL 12 - 12.5.

Final maximum building heights are subject to the completion of a survey plan at detailed design stage to determine the accurate RL levels of Orakei Road (the podium level).

Plan Change 260 includes Mixed Use Zone and Open Space 2

LEGEND
- Boundary of Mixed Use Zone: Orakei Point
- Maximum Height (above Auckland Datum 1948 (mean sea level)) in Metres
- Maximum number of storeys above Podium Level
- Equates to 4 levels above highest point of site
- Building Platform
- Subject to Orakei Road Realignment Plans and Building Landscaping Control
- Open Space 2
- Podium Level
- Road Widening
- Orakei Coastal Yard
- Indicative building platforms

MIXED USE ZONE: ORAKEI POINT OVERLAY PLAN 1
MAXIMUM HEIGHTS
Figure 8.3.11(b) Overlay Plan 2

MIXED USE ZONE: ORAKEI POINT OVERLAY PLAN 2
SITE INTENSITY & STRENGTH

LEGEND
- Boundary of Mixed Use Zone
  - Orakei Point
  - Building Platform
  - Precinct Area
  - Open Space 2

SCALE 1:1000
0 10 20 30 40 50 100 METRES

Advisory Note:
Plan Change 360 Includes Mixed Use Zone and Open Space 2
Figure 8.8.11(c) Overlay Plan 3

Legend:
- Boundary of Mixed Use Zone:
- Orakei Point
- Verandah / Colonial Sides
- Open Space 2

MIXED USE ZONE: ORAKEI POINT OVERLAY PLAN 3
VERANDAHS / COLONIAL SIDES
Figure 8.8.11(c) Overlay Plan 4

Advice Note:
Plan Change 260 includes Mixed Use Zone and Open Space 2

LEGEND
- Boundary of Mixed Use Zone: Orakei Point
- Indicative location of pedestrian link
- Frontages subject to Height and Activities Control
- Indicative location of vehicle entrance
- Location of access to Railway Station
- Special Tree Protection Area
- Open Space 2

MIXED USE ZONE: ORAKEI POINT OVERLAY PLAN 4
TRAFFIC & PEDESTRIAN UNITS AND ACTIVE FRONTAGES
REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING PARTS

<table>
<thead>
<tr>
<th>Parts 4</th>
<th>Refer Clause 4.5 Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Refer Clause 4.6 Artificial Lighting</td>
</tr>
<tr>
<td>Part 4A</td>
<td>General Rules</td>
</tr>
<tr>
<td>Part 4B</td>
<td>Financial Contributions</td>
</tr>
<tr>
<td>Part 5B</td>
<td>Coastal</td>
</tr>
<tr>
<td>Part 5C</td>
<td>Heritage</td>
</tr>
<tr>
<td>Part 5D</td>
<td>Natural Hazards</td>
</tr>
<tr>
<td>Part 5E</td>
<td>Hazardous Facilities</td>
</tr>
<tr>
<td>Part 11</td>
<td>Subdivision</td>
</tr>
<tr>
<td>Part 12</td>
<td>Transportation</td>
</tr>
<tr>
<td>Part 13</td>
<td>Interpretation and Definitions</td>
</tr>
</tbody>
</table>
Consequential Amendments

4. Insert the following after 4.3.2.6 Restricted Discretionary Activities after the words "Except as provided for by Section 94(C) of the Act, the following discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons. The Council will restrict the exercise of its discretion for those matters specified in the Plan for each particular activity":

- "Any activity identified as a restricted discretionary activity in the Mixed Use Zone: Orakei Point" in accordance with section 95B(2) of the Act, in the Mixed Use Zone: Orakei Point;
  
With the exception of the restricted discretionary activities specified below, notice of an application for approval of any restricted discretionary activity does not need to be served on any person or party.
  
This rule exempting activities from notification does not apply to any building, excavation or related works within the Special Tree Protection Area which requires consent under rule 8.7.8.3.2(c) if such building, excavation or related works will, in the Council's opinion, result in:
  
(a) removal of more than 5% of the canopy of any tree located within the Special Tree Protection Area; or
  
(b) removal of three or more trees located within the Special Tree Protection Area; or
  
(c) significant adverse effects on three or more trees located within the Special Tree Protection Area caused by any physical works or activities within the Special Tree Protection Area.

For a restricted discretionary activity requiring assessment against the criteria specified in clause 8.7.8.3.2(a)(xxvii) and 8.7.8.3.2(t), New Zealand Rail Corporation and Ports of Auckland Limited are deemed to be affected persons and notice shall be served on those organisations unless they have given written approval to the proposal.

In accordance with section 95B(2) of the Act, in the Mixed Use Zone: Orakei Point, for an application for a Discretionary activity resource consent required by Rule 4.3.1.2B Development Control Modification due to an infringement of Rule 8.8.11.7(a) and/or Rule 8.8.11.13, New Zealand Rail Corporation and Ports of Auckland Limited are deemed to be affected persons and notice shall be served on those organisations unless they have given written approval to the proposal.
Attachment A

5. Amend rule 5B.7 Rules: Coastal Management Area as follows:

i) Amend rule 5B.7 by adding the following text at the end of the first paragraph:

"The Coastal Management Area shall also not apply to land within the Mixed Use Zone: Orakei Point".

ii) Amend rule 5B.7.1 Buildings and Structures by adding the following text at the end of the first paragraph:

"and except where they are located within the Mixed Use Zone: Orakei Point"

iii) Amend rule 5B.7.2A General Provisions (Coastal Protection Yard) as follows (shown as underlined text):

There shall be a Coastal Protection Yard imposed on all:

- business zoned land and Mixed Use zoned land within 20 metres of MHWST mark; and
- other land (excluding roads) within 10 metres of MHWST mark

Except for the Mixed Use Zone: Orakei Point, where no Coastal Protection Yard shall apply (note: the Coastal Protection Yard applies to the Open Space zoned land adjoining the Mixed Use Zone: Orakei Point).

iv) Amend rule 5B.7.3 Earthworks by adding the following paragraph after the final paragraph above "Explanation":

"Rule 5B.7.3 shall not apply to earthworks on land zoned Mixed Use Zone: Orakei Point"

6. Amend rule 5C.7.4A.3 Rules: Geological Features as follows:

i) Amend rule 5C.7.4A.3 Rules: Geological Features "B. Alterations and Destruction of Scheduled Features" as follows (shown as strikeout and underlined text):

"An application for the excavation, damage, alteration, reconstruction or destruction of any scheduled geological feature will be considered as a discretionary activity, except for such applications on land zoned Mixed Use Zone: Orakei Point, which will be considered as a restricted discretionary activity. Such an applications will be assessed against the following:"

Amendments 6 (i) and (ii), relating to rule 5C.7.4A.3 will have legal effect from the date of notification under Section 86 B(3)(d) of the Resource Management Act 1991.
ii) Amend rule 5C.7.4A.3 Rules; Geological Features “B. Alterations and Destruction of Scheduled Features” by adding the following text after the final bullet point:

"Additional Criteria for the Mixed Use Zone: Orakei Point

- Whether the proposed modification is necessary to give effect to the objectives and policies of the Mixed Use Zone: Orakei Point and the Orakei Point Master Plan.

- The extent to which the geological sites have been or will be recorded in accordance with good geological documentation practices.

- Whether an opportunity has been provided to geological researchers to visit the geological site”.

8.7. Amend rule 5E.7.4.2 Discretionary Activities (Contaminated Sites) by adding the following text:

"An application to redevelop or use a contaminated site on land zoned Mixed Use Zone: Orakei Point will be considered as a restricted discretionary activity”.

8.8. Amend rule 11.5 Subdivision Activity Rules as follows:

i) Amend rule 11.5.2 Subdivision Activity Rules by adding the following text:

"These activities marked * are restricted discretionary activities and applications may be considered without need for notification, (refer Clause 4.3.2.3 Restricted Discretionary activities)”.

ii) Amend the table in rule 11.5.2.2 Residential and Business Zones (and the Mixed Use Zone) by adding the following to the table:

<table>
<thead>
<tr>
<th>All subdivisions in the Mixed Use Zone: Orakei Point, including the adjacent Open Space 2 zoned land, where the boundaries of the subdivision accord with the boundaries of the precincts identified on Overlay Plan 2.</th>
<th>D*</th>
</tr>
</thead>
<tbody>
<tr>
<td>All subdivisions in the Mixed Use Zone: Orakei Point, including the adjacent Open Space 2 zoned land, where the boundaries of the subdivision do not accord with the</td>
<td>D</td>
</tr>
</tbody>
</table>
iii) Amend 11.5.5.2 Discretionary Activities by adding the following text

11.5.5.2.1 Additional Assessment Criteria for subdivisions in the Mixed Use Zone: Orakei Point, including the adjacent Open Space 2 zoned land

In addition to the above assessment criteria conditions, the following assessment criteria will apply:

- The extent to which the subdivision provides for the establishment of roads, public open spaces, building platforms and precincts consistent with the overlay plans for the Mixed Use Zone: Orakei Point.

- Whether adequate provision has been made, including through the granting or reserving of easements, to satisfy the open space and public access objectives and policies of the Mixed Use Zone: Orakei Point including to secure public access and use of public places and linkages consistent with the criteria set out in 8.7.3.2.

- The extent to which the staging of subdivision is consistent public facilities and infrastructure work required to fulfil the objectives and policies of the Mixed Use Zone: Orakei Point, including the requirements of rule 8.0.11.17*

- The extent to which the Link Road is designed to accommodate commercial passenger vehicles.
Annexure 17 - Restrictive Non-complaint Encumbrance Instrument covenant for the Mixed Use Zone: Orakei Point

"Template"

Encumbrance Instrument
(Section 101 Land Transfer Act 1952)

<table>
<thead>
<tr>
<th>Affected Instrument Identifier and type (if applicable)</th>
<th>Allot</th>
<th>Area/Description of part or stratum</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Annexure Schedule</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Encumbrancer</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached Annexure Schedule</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Encumbrancee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Her Majesty the Queen for Rail Purposes acting by and through New Zealand Railways Corporation, KiwiRail Holdings Limited and Ports of Auckland Limited</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estate or interest to be encumbered</th>
<th>Insert e.g. Fee simple, Leasehold in Lease No. etc</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached Annexure Schedule</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Encumbrance Memorandum Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of security</th>
<th>State whether sum of money, annuity or rentcharge and amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent Charge of $1.00 per annum</td>
<td></td>
</tr>
</tbody>
</table>

Encumbrance

The Encumbrancer encumbers for the benefit of the Encumbrancee the land in the above computer register(s) with the above sum of money, annuity or rentcharge, to be raised and paid in accordance with the terms set out in the Annexure Schedule and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule for the better securing to the Encumbrancee the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this Encumbrance.
Terms

1. Length of term: 999 years

2. Payment date(s): 1st of June annually

3. Event(s) in which the sum, annuity or rent charge becomes payable: The annual rent charge is the sum of $1.00 and is to be paid on 1st of June each year if demanded by that date. If during the period preceding 1 June [ ] and each successive 12 month period thereafter, the Encumbrancer has complied with the covenants set out in this Encumbrance and the Annexure Schedule then the rent charge payable in respect of that 12 month period shall be deemed to have been paid. If any amount should become payable under this Encumbrance, the Encumbrancee shall as soon as reasonably practicable notify any other registered mortgagee of the Land.

4. Event(s) in which the sum, annuity or rent charge ceases to be payable: The annual rent charge and the covenants on the part of the Encumbrancer are to continue to apply for the term of this Encumbrance or until such time as the Encumbrancee or the then owner of the Railway Land agrees in writing.

Covenants and conditions

In Consideration of the Encumbrancee paying to the Encumbrancer $1 dollar including GST (receipt of which is acknowledged), the Encumbrancee and the Encumbrancer covenant as follows:

ANNEXURE SCHEDULE

1. INTRODUCTION

1.1 The Encumbrancer is the registered proprietor of estates in freehold and / or leasehold in the Development Land at Orakei Point Peninsula.

1.2 Her Majesty the Queen for Rail Purposes acting by and through New Zealand Railways Corporation is the registered proprietor of the Railway Land which is designated for railway purposes. KiwiRail owns and both KiwiRail and POAL are entitled to use, the Railway Infrastructure on the Railway Land.

1.3 The Development Land is proposed for comprehensive development which includes the rezoning of 5.9ha of Land which includes 4.7ha being rezoned to a site-specific mixed use zone and 1.2 ha being rezoned to Open Space 2 zone, authorised via Plan Change 260.

1.4 KiwiRail is a provider of freight and passenger train services on the railway corridor which operates as the North Island Main Trunk Line, Part of the North Island Main Trunk Line and the Orakei Railway Station fall within the area subject to the Plan Change.

1.5 POAL is the owner and operator of seaport facilities, including the Port of Auckland and the newly developed inland port at Wiri. All freight trains going to or leaving the...
Port passes through the Orakei Railway Station on the North Island Main Trunk Line. The majority of freight is moved between 9am to 11am and during the night, with no current freight movements by rail between 6-9am and 3-6pm, which is the peak time for commuter trains.

1.6 The North Island Main Trunk Line is of strategic importance and provides the primary freight link between the Port of Auckland, the inland port at Wiri, the rail freight distribution centre at Southdown, and the lower North Island. The rail corridor is therefore a regionally and nationally significant item of infrastructure. Over the next decade there is a projected substantial increase in the volume of cargo that is to be moved by rail.

1.7 The North Island Main Trunk Line also provides access for rail passenger services operated by Veolia Transport to the Auckland CBD. The Railway Operations are likely to result in effects including noise, vibration, fumes and odour, which may have consequences beyond the boundaries of the Railway Land, including on the Development Land.

1.8 Plan Change 260 allows, subject to obtaining resource consent (if required), new residential and commercial activities to be established on the Development Land above and adjacent to the North Island Main Trunk Line which are potentially sensitive to uses occurring (and lawfully able to occur now or in the future) on the Railway Land. The location of these new activities therefore creates the prospect of adverse effects for future residents or occupiers of the Development Land which need to be appropriately avoided, remedied or mitigated under the Resource Management Act 1991.

2. DEFINITIONS

2.1 "Building Isolation" means the technique for isolating building components to prevent or minimise ground borne vibration (for example from a sub-surface railway) from transferring from the ground into the occupied parts of the building.

2.2 "Development Land" means the land described in column 2 in the Third Schedule and shall include any leasehold estate or stratum estate derived from the Development Land.

2.3 "KiwiRail" means KiwiRail Holdings Limited, its subsidiary KiwiRail Limited and all successors, entities and permitted assigns and where the context requires, its agents, employees, contractors, and other invitees.

2.4 "The Encumbrancee" means the Encumbrancee or any one of them and includes an Encumbrancee's successors and assigns.

2.5 "The Encumbrancer" means the Encumbrancer and its successors in title to the Development Land (or any part thereof).

2.6 "Plan Change" means Plan Change 260 to the Auckland City District Plan – Isthmus Section.

2.7 "POAL" means Ports of Auckland Limited and all its successor entities and permitted assigns and where the context requires, its agents, employees, contractors and other invitees.
2.8 "Railway Land" means the land more particularly described in column 2 in the Fourth Schedule;

2.9 "Railway Infrastructure" means all infrastructure on the Railway Land necessary to allow commuter and freight trains to operate, and includes the railway station, trench, station platform, tracks, sleepers signalling and rail communication equipment, platform canopies, stairs, signage, lift, ticketing facilities, administration offices, all other related passenger or freight transport facilities and all relevant utilities.

2.10 "Railway Operations" means all customary commercial activities, works, uses and occupation carried out on the Railway Land associated with the provision of passenger and freight railway services at any time in accordance with prevailing practices and trends for the time being, and in accordance with all relevant statutes, regulations, consents and designations, whether involving the use of light or heavy machinery, equipment, vehicles, or otherwise, including (without limitation):

(a) the embarking and disembarking of passengers, crew, visitors, contractors or other persons from any train;

(b) transporting cargo, passengers, crew or other persons to or from any train or vehicle;

(c) repairing, replacing, altering, maintaining or undertaking improvements to the Railway Infrastructure on the Railway Land;

(d) demolition, construction or earthworks associated with the Railway Infrastructure on the Railway Land; and

(e) the movement of trains through the Railway Land;

(f) the provision of power and telecommunications facilities or the like under or along the Railway Land.

(g) activities ancillary to or associated with any of the above conducted on the Railway Land now or in the future.

2.11 "The Port" means the Port of Auckland and Inland ports.

3. ENCUMBRANCE

3.1 The Encumbrancer for itself while registered proprietor and its successors in title, lessees and/or invitees to the Development Land or any part of or interest in the Development Land hereby covenants, acknowledges and agrees with the Encumpee as a positive covenant that the Encumbrancer will henceforth and at all times hereafter observe and perform all the stipulations and restrictions contained in the First Schedule.
FIRST SCHEDULE

1. The Encumbrancer acknowledges that the Development Land is in close proximity to the Railway Land upon which KiwiRail and POAL undertake Railway Operations on a 24 hour basis, and that Railway Operations necessarily involve noise, vibration, tunes/odour, which local residents may find disturbing and inconvenient.

2. The Encumbrancer acknowledges that KiwiRail and POAL are entitled to carry out Railway Operations on the Railway Land.

3. The Encumbrancer hereby agrees that it shall not:

3.1 make or lodge; nor

3.2 be party to, procure, assist or support; nor

3.3 finance or contribute to the cost of,

any submission, application or proceeding (under the Resource Management Act 1991 or otherwise) with the Auckland Council or any other territorial or other authority having jurisdiction, designer or intended to or having the effect of limiting KiwiRail’s or POAL’s lawful conduct of the Railway Operations on the Railway Land.

For the avoidance of doubt, this clause does not preclude complaints, submissions, applications or proceedings by the Encumbrancer regarding any matters unrelated to the conduct of the Railway Operations on the Railway Land (including, by way of example, complaints regarding the quality of the construction of any dwelling) and nor does this clause require the Encumbrancer to forego any right to lodge submissions on resource consent applications or plan changes in relation to the Railway Land.

4. The Encumbrancer hereby agrees that it shall include a provision in all new leases, licences, contracts or other written documents enabling the use or occupation of the Development Land in the same form as clause 3 above, to bind all third party lessees, licensees or occupiers.

5. The Encumbrancer hereby agrees that in the event that any person who enters into a lease, licence, contract or other written document for the use or occupation of the Development Land in accordance with Clause 4 above makes, lodges, is a party to, procures, assists or supports any submission, application or proceeding (under the Resource Management Act 1991 or otherwise) with the Auckland Council or any other territorial or other authority having jurisdiction, designed or intended to or having the effect of limiting KiwiRail’s and POAL’s conducting of Railway Operations from the Railway Land and KiwiRail and POAL request the Encumbrancer to take reasonable steps to enforce the provision in Clause 3, that the Encumbrancer will do so.

6. KiwiRail and POAL hereby agree that it shall conduct the Railway Operations lawfully in accordance with the provisions of any relevant plan (including any designation therein) and/or of any resource consent granted to it, and/or any existing use rights, in relation to Railway Operations, from time to time.

7. The Encumbrancer hereby covenants that it will ensure that any buildings on the Development Land meet the external sound insulation acoustic and vibration standards of the Plan Change specified in the Second Schedule.
8. The Encumbrancer covenants that if required by POAL and KiwiRail it will register a
like encumbrance on all fee simple, leasehold or stratum estates derived from the
Development Land.

9. The Encumbrancer consents to the deposit or registration of any survey plan which
has the effect of vesting all or any part of the Development Land as road or reserve
including any esplanade reserve or strip in any local or territorial authority or the
Crown and agrees that the covenants in this encumbrance instrument shall cease to
apply to the land vested as road or reserve.

10. If the Encumbrancer elects and/or the consent of all or any of the Encumbrancers is
required to deposit or register a survey plan for the vesting of part of the Development
Land as road or reserve, then the Encumbrance will in a timely manner:

(a) execute any required consent or easement/covenant/encumbrance surrender
documents; and/or

(b) use reasonable endeavours to provide all required consents from the
Encumbrancers,
as are necessary to deposit or register the survey plan. The Encumbrancer will meet
the Encumbrance’s costs associated with the above.

11. If any provision of this instrument is judged invalid, unlawful or unenforceable for any
reason whatsoever by a Court of competent jurisdiction, such invalidity,
enforceability or illegality will not affect the operation, construction or interpretation
of any other provision of this instrument to the intent that the invalid, unenforceable or
illegal provision will be treated for all purposes as severed from this Instrument.

SECOND SCHEDULE

Form of External Sound Insulation and Vibration Requirements

External Sound Insulation and Vibration

Buildings within the Mixed Use Zones: Orakei Point shall be designed and constructed to
ensure the following internal noise limits shall not be exceeded:

<table>
<thead>
<tr>
<th>Receiving Environment</th>
<th>LAeq, 1 hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential – Bedroom</td>
<td>35 dB</td>
</tr>
<tr>
<td>Residential – Habitable Rooms</td>
<td>40 dB</td>
</tr>
<tr>
<td>Commercial – Offices</td>
<td>40 dB</td>
</tr>
<tr>
<td>Conference &amp; Daycare</td>
<td>40 dB</td>
</tr>
<tr>
<td>Commercial – Retail</td>
<td>45 dB</td>
</tr>
</tbody>
</table>
Sound insulation calculation shall be based on external noise levels derived from 3D acoustic modelling software (Soundplan or Predictor) and:

(i) A train sound power level of LWA 127 dB as a point source travelling at 40km/hr, and 4 trains per hour, and using the spectrum table below:

<table>
<thead>
<tr>
<th>Octave Band Centre Frequency (Hz)</th>
<th>83</th>
<th>125</th>
<th>250</th>
<th>500</th>
<th>1k</th>
<th>2k</th>
<th>4k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sound Power Level (dB)</td>
<td>133</td>
<td>131</td>
<td>127</td>
<td>123</td>
<td>123</td>
<td>119</td>
<td>114</td>
</tr>
</tbody>
</table>

For the avoidance of doubt, sound from a moving point source propagates in the same manner as a line source and can be modelled as such in the 3D modelling software.

(ii) Road traffic noise at the facade to be calculated with 3D modelling software and the current traffic flow rates on Orakei Road between 10.00 pm and 11.00 pm.

At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces will be adequately ventilated or air conditioned. Adequately ventilated or air conditioned shall be determined by a suitably qualified mechanical engineer to achieve reasonable internal temperatures during all but extreme summer conditions and at least to the requirements of Clause 34 of the Building Regulations 1992.

No residential accommodation shall be located closer than 60m to any exposed rail track unless a report from a suitably qualified acoustic consultant demonstrates that the external noise criterion of L_{AEq},thr 60 dB can be achieved within any primary outdoor living area using the sound levels detailed in (i) above.

The design and construction of buildings and services should also provide for Building Isolation to avoid vibration effects associated with the current and future operation of the railway line.

Occupied buildings within the Mixed Use Zone: Orakei Point shall be designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 3178: 2nd edition September 2006 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.

Receiving Environment  | Maximum Weighted Velocity, Vw.95
Residential Accommodation | 0.3 mm/s
Commercial/Retail Areas | 0.6 mm/s
### THIRD SCHEDULE

**Development Land**

<table>
<thead>
<tr>
<th>Registered Proprietor - Column 1</th>
<th>Computer Register - Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### FOURTH SCHEDULE

**Railway Land**

<table>
<thead>
<tr>
<th>Registered Proprietors - Column 1</th>
<th>Computer Register - Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Her Majesty the Queen for rail purposes</td>
<td>Pt Allot 196 Sec 16 Suburbs of Auckland as contained in Proclamation 5602 Gazette 1923 p.2339 (North Auckland)</td>
</tr>
<tr>
<td>Her Majesty the Queen for rail purposes</td>
<td>Pt Allot 196 Sec 16 Suburbs of Auckland as contained in Proclamation 5602 Gazette 1923 p.2339 (North Auckland)</td>
</tr>
<tr>
<td>Her Majesty the Queen for rail purposes</td>
<td>Pt Allot 197 Sec 16 Suburbs of Auckland as contained in Proclamation 6602 Gazette 1923 p.2539 (North Auckland)</td>
</tr>
<tr>
<td>Her Majesty the Queen for rail purposes</td>
<td>Pt Allot 196 Sec 16 Suburbs of Auckland as contained in Proclamation 6602 Gazette 1923 p.2539 (North Auckland)</td>
</tr>
<tr>
<td>Her Majesty the Queen for rail purposes</td>
<td>Pt Allot 237A Sec 16 Suburbs of Auckland as contained in Proclamation 6802 Gazette 1923 p.2539 (North Auckland)</td>
</tr>
<tr>
<td>Auckland Council</td>
<td>Pt Closed Road Survey Office Plan 64527 in connection with a road NZ Gazette 1902 p.2191 (North Auckland)</td>
</tr>
<tr>
<td>Her Majesty the Queen for rail purposes</td>
<td>Pt Closed Road Survey Office Plan 21169/2 Railway Purposes NZ Gazette 1923 p.1633</td>
</tr>
</tbody>
</table>
Any other land subject to Plan Change 260 and in its general vicinity, which may be used by KiwiRail/POAL from time to time for Railway Operations and/or zoned or included in management areas or set aside for Railway Operations in the Auckland Council's district plan and/or other planning instruments applicable to the Auckland region from time to time.

Modification of statutory provisions

Continued in Annexure Schedule(s), if required
Approval of Plan Change 64 Matakana Village to the Auckland Council District Plan (Rodney Section) 2011

File No.: CP2014/01662

Purpose
1. To recommend that Plan Change 64 Matakana Village to the Auckland Council District Plan (Rodney Section) 2011 (District Plan), is approved and made operative.

Executive Summary
2. Plan Change 64 Matakana Village to the Auckland Council District Plan (Rodney Section) 2011 has been progressed through public notification, submissions and further submissions and a hearing. The decision on Plan Change 64 was released on 20 June 2013 and three appeals were lodged. All appeals have now been withdrawn.

3. Final approval of Plan Change 64 by the Council is now required under Clause 17 of the First Schedule of the Resource Management Act 1991, to enable the plan change to become operative.

Recommendation/s
That the Auckland Development Committee:

a) approve Plan Change 64 Matakana Village to the Auckland Council District Plan (Rodney Section) 2011, pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, as attached in Attachment A.

b) authorise the Manager Planning North/West to complete the statutory processes under Clause 20 of the First Schedule of the Resource Management Act 1991 to make Plan Change 64 Matakana Village operative in the Auckland Council District Plan (Rodney Section) 2011.

Discussion
4. Plan Change 64 aims to implement the Matakana Village Sustainable Development Plan (adopted 2006) by introducing the Matakana Village Overlay Area, which sets out new objectives, policies and rules specific to Matakana. The new provisions affect the residential, business and countryside living zones, and aim to protect and enhance the small rural village character. The plan change also makes some minor zone changes and introduces two new scheduled activities (Scheduled Activity 348 and 351).

5. Scheduled Activity 348 places restrictions on the erection of buildings, earthworks and subdivision in flood prone areas. Scheduled Activity 351 affects sites on Leigh Road, by restricting the location of buildings and landscapes, and limiting the minimum site size to 1,000m².

6. Three appeals were received on the decision, and 10 section 274 parties joined the appeals. Court assisted mediation was held on 22 October 2013, and private discussions with the appellants and s274 parties also took place. Appeals were made by the following parties:
   - Blue Star Holdings Trust
   - Brick Bay Investment Trust and Others
   - Matakana School Board of Trustees
7. The appeal by Blue Star Holdings Trust sought clarification on the location of the easement for an access strip affecting 1335 Leigh Road shown on Appendix 9K of the plan change. Council officers explained that the location of the easement reflected the access strip identified in a recent Consent Order which related to this property. The appellant was satisfied with the response and withdrew its appeal.

8. The appeal by Brick Bay Investment Trust and Others, and Matakana School Board of Trustees sought to rezone and area of land behind Matakana Primary School, from Countryside Living Town to residential, and to amend the planning provisions to allow for a carpark to establish next to the school, and to rezone an area of land for public open space. The main issues raised during Court assisted mediation and private negotiations related to wastewater constraints and impacts on the wider traffic network due to the significant number of dwellings that would result from the appellants request to rezone land from Countryside Living to residential. The appeals were withdrawn after the Court assisted mediation held on 22 October 2013.

Consideration

Local Board Views

9. The Rodney Local Board was consulted prior to Plan Change 64 being publicly notified. The local board was in support of the plan change and no issues were raised.

Maori Impact Statement

10. Plan Change 64 has arisen out of the Matakana Village Sustainable Development Plan process which involved extensive consultation. Iwi were consulted throughout the development of the Matakana Village Sustainable Development Plan, which included various meetings with iwi (Ngati Manuhiri and Ngati Whatua Nga Rima O Kaipara) and involvement in the submission, further submissions and hearing process. The plan change has now been through the required consultation process in accordance with the First Schedule of the Resource Management Act 1991, including full notification of affected landowners and iwi. Iwi involved in the public notification process included:

- Ngati Manuhiri
- Ngati Whatua Nga Rima O Kaipara
- Te Uri O Hau

11. No concerns or issues were raised by the above iwi.

General

12. The recommendation to make Plan Change 64 Matakana Village operative is consistent with the Council's policies and strategies, and does not trigger the significance policy.

Implementation Issues

13. There will be some administrative costs associated with making Plan Change 64 operative and consequential upgrading of the District Plan. These costs are provided for in the Regional and Local Planning departmental budget.
## Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Plan Change 64 - Matakana Village</td>
<td>111</td>
</tr>
</tbody>
</table>

## Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Wendy Robertshaw - Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Penny Pirrit - Regional &amp; Local Planning Manager</td>
</tr>
<tr>
<td></td>
<td>Roger Blakeley - Chief Planning Officer</td>
</tr>
</tbody>
</table>
DECISIONS VERSION

1.1 Schedule of Amendments: Chapter 7 – Rural

(1) Insert the following activities into Activity Table 1 contained within Rule 7.9.2:

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>General Rural Zone</th>
<th>Countryside Living Rural Zone (excluding the Okura Policy Area)</th>
<th>Countryside Living Town Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>FARMSTAY OR HOMESTAY accommodation for not more than 15 persons inclusive of owner, family and staff within the Matakana Village Overlay Area</td>
<td>N/A</td>
<td>N/A</td>
<td>P</td>
</tr>
<tr>
<td>VISITOR ACCOMMODATION for a maximum of 15 guests within the Matakana Village Overlay Area</td>
<td>N/A</td>
<td>N/A</td>
<td>RD</td>
</tr>
</tbody>
</table>

(2) Amend Rule 7.10.4 Maximum Site Coverage as follows:

The maximum building coverage of a site in any Zone (excluding sites in the Matakana Village Overlay Area. Refer to Rule 7.10.8.1 Maximum Site Coverage for sites in the Matakana Overlay Area)

(i) For sites in less than 4,000m² – 35% of the net site area
(ii) For sites 4,000m² or greater – 1400m² plus 15% of the net site area in excess of 4,000m².
(iii) For sites of 6000m² or greater – 2000m² plus 10% of the net site area in excess of 8000m².

(3) Insert the following Restricted Discretionary Assessment Criteria for Visitor Accommodation for a maximum of 15 guests within the Matakana Village Overlay Area:

<table>
<thead>
<tr>
<th>Rule 7.12.20 Visitor Accommodation</th>
<th>Visitor Accommodation within the Matakana Village Overlay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 7.12.20.1 Matters for Discretion</td>
<td>Matters for Discretion</td>
</tr>
</tbody>
</table>

The Council will restrict its discretion to the following matters:

(a) Location, architectural style and design of the built form, scale, density and external appearance of buildings and structures.
(b) Amenity values.
### Rule 7.12.20.2

#### Assessment Criteria

<table>
<thead>
<tr>
<th>Character and Scale</th>
<th>Assessment Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Whether the accommodation units are in keeping with the surrounding Matakana character in terms of nature, scale intensity, design and external appearance. Whether the location of the proposed accommodation units will enable the site to retain the feeling of openness and the sense of rural character that currently exists.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sensitivity of development</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) Whether the proposed accommodation units will be of the same or similar exterior finish and style, including materials and colour to maintain a consistent visual appearance on the site. In addition (notwithstanding future potential improvements from landscaping), whether the buildings are clustered, of a scale and located such that the buildings are sensitive to the rural landscape and are visually unobtrusive.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amenity Values</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) Whether the proposed accommodation units will generate adverse effects on the amenity values of the surrounding rural area, including effects on noise, glare, vibration, lighting, odour, visual impact, inadequate disposal of effluent/water, additional traffic on roads, loss of privacy on neighbouring sites and effects on the surrounding landscape.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Density</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv) Whether the additional accommodation will create the impression of higher than usual density in an area, taking into account the proposed location of the accommodation units, any site or topographical constraints, landscaping and tree planting, and related facilities such as service areas.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cumulative effects</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(v) Whether the proposed accommodation units are clustered so that buildings remain close to one another, and are not widely dispersed over the site, leading to separate entrances, driveways, and visual effects; and whether the building layout discourages the subdivision of the land on which the proposed accommodation unit is to be located.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Access and traffic</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(vi) Whether the proposed activity will not, when considered in conjunction with other buildings for living, driveways and service areas both on and off the site, have adverse effects on the character and landscape of the surrounding area.</td>
<td></td>
</tr>
</tbody>
</table>

| (vii) Whether the proposed accommodation units are accessed by the same vehicle crossing and driveway in order to minimise the appearance of urban scale activity; and whether the design and location of access point(s) will result in traffic hazards for road users. In addition, whether any internal roads and access are adequate for the intended level of patronage and whether they are designed to be visually unobtrusive. |
(viii) Whether the method and design of water supply, sewage disposal, and site drainage are appropriate to ensure that the proposed activity does not result in adverse effects on the environment (including the surrounding land and waters).

(4) Insert a new Rule 7.10.8 Matakana Village Overlay Area as follows:

<table>
<thead>
<tr>
<th>Rule 7.10.8 Matakana Village Overlay Area</th>
<th>Additional controls in the Matakana Village Overlay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 7.10.8.1 Maximum Site Coverage</td>
<td>Maximum Site Coverage</td>
</tr>
<tr>
<td></td>
<td>The maximum building coverage of a site shall be 500m².</td>
</tr>
<tr>
<td></td>
<td><strong>Explanation and Reasons</strong></td>
</tr>
<tr>
<td></td>
<td>A maximum building coverage of 500m² in the Matakana Village Overlay Area is considered appropriate to ensure sufficient land is available for landscaping and to mitigate the potential effects of stormwater runoff from this area and ensure that there is an integrated approach to stormwater management. It also ensures that amenity values and rural character are retained by retaining a high proportion of open space compared to buildings.</td>
</tr>
<tr>
<td>Rule 7.10.8.2 Impervious Surfaces</td>
<td>Impervious Surfaces</td>
</tr>
<tr>
<td></td>
<td>No more than 15% of the net site area of any site (post subdivision and, not including roads or reserves) may be covered in an impervious surface.</td>
</tr>
<tr>
<td></td>
<td><strong>Explanation and Reasons</strong></td>
</tr>
<tr>
<td></td>
<td>This rule has been imposed in order to ensure sufficient land is available for landscaping and to mitigate the potential effects of stormwater runoff from this area and ensure that there is an integrated approach to stormwater management.</td>
</tr>
<tr>
<td>7.10.8.3 Finishing of Accessways</td>
<td>Finishing of Accessways</td>
</tr>
<tr>
<td></td>
<td>Any concrete accessways shall be formed and finished using coloured (pigmented) concrete or landscaping shall be undertaken along both sides of the entire accessway. This landscaping shall form a dense visual screen capable of reaching a minimum height of 1 metre for the first 4 metres from the road boundary, and 1.5 metres there after.</td>
</tr>
<tr>
<td></td>
<td><strong>Explanation and Reasons</strong></td>
</tr>
<tr>
<td></td>
<td>This rule has been imposed in order to minimise the effect of Countryside Living Town development on the landscape features and natural environment which contribute to the character of the Matakana Village.</td>
</tr>
</tbody>
</table>
(5) Re-number Rule 7.10.6 as Rule 7.10.9.

(6) Amend Rule 7.12.1 as follows:

<table>
<thead>
<tr>
<th>Rule 7.12.1</th>
<th>Activities in Activity Tables 1 and 2 that Do Not Comply with Development Controls and Performance Standards in Rules 7.10.1 Maximum Height; 7.10.2 Maximum Height In Relation to Boundary; 7.10.3 Minimum Yards; and 7.10.4 Maximum Site Coverage; and 7.10.6 Additional Controls in the Matakana Village Overlay Area</th>
</tr>
</thead>
</table>

(7) Insert the following Matter for Discretion into Rule 7.12.1.1

(g) Location and Extent of Impervious Surfaces within the Matakana Village Overlay Area

(h) Design, finishing and landscaping associated with accessways within the Matakana Village Overlay Area

(i) Accessways in the Matakana Village Overlay Area

(8) Insert the following Assessment Criteria into Rule 7.12.1.2

<table>
<thead>
<tr>
<th>Matakana Village Overlay Area</th>
<th>l) Whether the additional coverage will adversely affect the stormwater drainage system, flooding and overland flow paths.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>m) Whether the amount of stormwater produced from the site is similar to a complying situation through the use of mitigation and reduction measures.</td>
</tr>
<tr>
<td></td>
<td>n) Whether the adverse effects of stormwater generation are avoided, remedied or mitigated.</td>
</tr>
<tr>
<td></td>
<td>o) Whether treatment of stormwater is provided on site to remove adverse effects on receiving waters.</td>
</tr>
<tr>
<td></td>
<td>p) Whether any potential adverse visual effects of the proposed accessway, to and within the site, are mitigated by the proposed location of the access, any tree planting near the access, or by the finishing/formation of the access such as pigmentation (colouring) of concrete.</td>
</tr>
<tr>
<td></td>
<td>q) Whether the site access is located and designed to ensure safe access and exit from the site, and does not adversely affect the safety and efficiency of the frontage road, or create conflict with adjoining site access.</td>
</tr>
<tr>
<td></td>
<td>r) Whether street trees are planted in the road berm in a location which does not adversely affect the safety and visibility of the road.</td>
</tr>
</tbody>
</table>
(9) Undertake consequential amendments to the numbering on the contents page for Chapter 7 – Rural.

### 1.2 Schedule of Amendments: Chapter 8 - Residential

(1) Amend the description relating to the activity table within Rule 8.9.2 by inserting the following:

\[
\text{NA} = \text{Not Applicable}
\]

(2) Insert and amend the following activities into the Activity Table contained within Rule 8.9.2 (additions underlined and in italics):

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>BOARDING HOUSES accommodating not more than 15 persons inclusive of owner, family and staff on sites within the Matakana Village Overlay Area</td>
<td>NA</td>
<td>P</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>HOMESTAY, accommodating not more than 15 persons inclusive of owner family and staff on sites within the Matakana Village Overlay Area</td>
<td>NA</td>
<td>P</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>INTEGRATED RESIDENTIAL DEVELOPMENT</td>
<td>RD</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>(a) at a standard of not less than 275m² SITE area per household unit on SITES meeting the standards in Rule 8.8.3.1; and (b) where the development complies with Development Controls in Rule 8.10.1 to 8.10.5 and 8.10.7 [Amendment 58]</td>
<td>RD</td>
<td>RD</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
<td>NC</td>
</tr>
<tr>
<td>except on SITES within the defined area at Omaha, north of Broadlands Drive, shown on Planning Maps 48 and 48 and on sites within the Township Policy Area and in the Matakana Village Overlay Area. [Amendment 60]</td>
<td>NA</td>
<td>RD</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
Overlay Area which are within 200 metres of a Retail Service Zone:
(a) At a standard of not less than 450m² site area per HOUSEHOLD UNIT on SITES meeting the standards in Rule 8.9.3.1, and
(b) Where the development complies with Development Controls in Rule 6.10.1 to 6.10.5 and 6.10.7;

| Rule 8.10.1.1 | Maximum Building Height | Maximum Building Height
| All Zones | (Note this rule shall apply to all sites) [Amendment 58] |
| All Zones | | |
| The maximum height of any building in all Residential Zones shall be 9 metres, excepting in the Landscape Protection Residential Zones where the maximum height shall be 7 metres. |
| Explanation and Reasons |
| This Rule is intended to limit the effects of buildings on neighbours and to ensure a relatively low rise residential environment. |

| Rule 8.10.1.2 | Helensville Historic Residential Precinct |
| Helensville Historic Residential Precinct | |
| The maximum height in the Helensville Historic Residential Precinct shall be 5 metres. |
| Explanation and Reasons |
| This Rule is intended to preserve the character of the Precinct by preventing new development from dominating the largely single-storied 19th and early 20th century houses which give the precinct much of its character. |

| Rule 8.10.1.3 | Matakana Village Overlay Area |
| Matakana Village Overlay Area | |
| The maximum height of any building shall be 8 metres except for buildings with a roof pitch of 25° or more where the maximum height... |
shall be 8m plus an additional non habitable roof space of 1m (total 9 metres).

Explanation and Reasons
This Rule is intended to limit the effects of buildings on neighbours while ensuring a relatively low rise residential environment consistent with the character of Matakana Village.

The rule also seeks to provide for buildings with attractively designed roof lines/profiles rather than using as much habitable space as possible within the maximum height.

(4) Insert the following rule after Rule 8.10.5.3:

Rule 8.10.5.4
Matakana Village Overlay Area

Front Yards in the Matakana Village Overlay Area

The minimum front yard setback shall be 5m or the average setback of the existing principal buildings on the two adjoining sites facing the same street whichever is the lesser. Where an adjoining site is vacant or is occupied by a non residential building the setback shall be 5m.

Where a site is located on the corner of two streets the following minimum front yard setback shall apply:

(i) For the primary street frontage: 5m or the setback of the existing principal building on the adjoining site facing the same street whichever is the lesser.

(ii) For the other street: 3m

For the purposes of this rule, the primary street frontage is deemed to be:

A street classified as a strategic route, regional arterial, district arterial or collector road in Appendix 21C of Chapter 21 whichever is the highest classification in the road hierarchy. Where the site fronts two local streets, the primary street is that frontage which has the shortest axis.

Explanation and Reasons
Yards or building setbacks allow for open space between buildings for site access, building maintenance, privacy, noise reduction and the like. They also provide a degree of separation between buildings on adjoining sites to ensure reasonable standards of daylight and sunlight admission, and privacy in addition, front yards function to:

(a) Provide a separation between households and road traffic noise and dust;

(b) Provide a setback in case of later road realignment or improvements;
(c) Provide separation from the road to retain amenity value; and
(d) Permit manoeuvring of vehicles within the site rather than on roads.

(5) Undertake consequential amendments to the numbering of Rule 8.10.5 and necessary cross referencing.

(6) Insert a new Rule 8.10.6.4 Matakana Village Overlay Area as follows:

<table>
<thead>
<tr>
<th>Rule 8.10.6.4 Additional Development Controls in the Matakana Village Overlay Area</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Rule 8.10.6.4.1 Impervious Surfaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Surfaces</td>
</tr>
<tr>
<td>No more than 50% of the net site area of any site (post subdivision and, not including roads or reserves) may be covered in an impervious surface.</td>
</tr>
<tr>
<td>Explanation and Reasons</td>
</tr>
<tr>
<td>This rule has been imposed in order to ensure sufficient land is available for landscaping and to mitigate the potential effects of stormwater runoff from this area and ensure that there is an integrated approach to stormwater management.</td>
</tr>
<tr>
<td>Provision is made as a restricted discretionary activity for the maximum impervious surfaces to be increased to up to 60% on any sites, but the effects of the increase must be mitigated back to 50% by various mitigation measures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rule 8.10.6.4.2 Vehicle Crossings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Crossings</td>
</tr>
<tr>
<td>No more than one vehicle crossing onto the road from each site shall be provided and that crossing shall not exceed 3 metres in width at the site boundary.</td>
</tr>
<tr>
<td>Note: This rule takes precedence over any alternative rule contained within Chapter 21 – Transportation and Access.</td>
</tr>
<tr>
<td>Explanation and Reasons</td>
</tr>
<tr>
<td>Vehicle crossing widths should be designed to maximise the potential for on street car parking and respect the character of the streetscape by minimising the visual dominance of driveways and crossings.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rule 8.10.6.4.3 Structures in the Front Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures in the Front Yard and/or on any yard adjoining an area of open space zone or reserve</td>
</tr>
</tbody>
</table>
Fences, walls or screens (excluding hedges and soft landscaping) located within the front yard and/or on any yard adjoining an open space zone or reserve:
(i) shall not exceed a height of 1.2m and
(ii) shall be at least 25 percent visually permeable.

Explanation and Reasons
High impermeable front fences, walls or screens conceal the façade of buildings and create a dominant feature when viewed from the road. Therefore, this rule has been imposed to ensure that structures located within the front yard complement and enhance the character and amenity of Matakana Village.

Rule 8.10.6.4.4
Landscaping

At least one tree capable of reaching a minimum of 5 metres, shall be planted in the front yard setback area. The tree shall be at least 2 metres at the time of planting or if already planted they shall have reached this height prior to any Building or Resource Consent application.

Explanation and Reasons
This rule has been imposed to ensure that adequate planting is provided to ensure buildings are softened when viewed from the street or other significant public viewing areas. The planting of native tree species is preferred.

Rule 8.10.6.4.5
Secluded Private Open Space

A dwelling shall provide a minimum area of 40m² of private open space to the side or rear of the building and this shall include an area of 25m² of secluded private open space which has a minimum dimension of 5 metres by 5 metres and has convenient access from a living room, dining room or kitchen.

The area of secluded private open space shall not be shaded by buildings on the same site between the hours of 10am and 2pm throughout the year. Information illustrating compliance with this rule, through shading diagrams calculated at the Winter Solstice, should be included with all building consent applications.

The southern boundary of the secluded private open space shall be setback from any wall to the north by at least (2 metres + 0.9h), where "h" is the height of the wall. See diagram below.

Diagram 1 – Solar Access to Private Open Space
Explaination and Reasons
The purpose of this control is to ensure that dwellings have adequate secluded private open space for the reasonable recreation and service needs of residents. It is also designed to facilitate solar access to private open space by requiring a minimum setback from any wall that is on the north side of the secluded private open space area.

Rule 8.10.6.4.5
Overlooking

A habitable room window, balcony, terrace, deck or patio shall be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views shall be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.8 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio shall be either:
(a) Offset a minimum of 1.5 metres from the edge of one window to the edge of the other;
(b) Have sill heights of at least 1.7 metres above floor level;
(c) Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level or
(d) Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this rule.

Screens used to obscure a view shall be:
(a) Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels;
(b) Permanent, fixed and durable; and
(c) Designed and coloured to blend in with the development.

This rule does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram 2 - Overlooking

Explanation and Reasons
The purpose of this control is to limit views into the secluded private open space and habitable room windows of any existing adjacent dwelling.

(7) Amend Rule 8.12.1.2 Activities Not Complying with Rule 8.10.1 Maximum Building Height by inserting the following circumstance

<table>
<thead>
<tr>
<th>Rule 8.12.1.2</th>
<th>Circumstance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Where the site is located in the Res H Zone</td>
<td></td>
</tr>
<tr>
<td>(b) Where the site is located in the Helensville Residential Precinct</td>
<td></td>
</tr>
<tr>
<td>(c) Where the site is located in the Matakana Village Overlay Area</td>
<td></td>
</tr>
</tbody>
</table>

(8) Amend the assessment criteria set out in 8.12.1.2.3(b) Additional Open Space and insert an additional assessment criteria relating to the Matakana Village Overlay Area as follows:

<table>
<thead>
<tr>
<th>8.12.1.2.3 Assessment Criteria</th>
<th>Assessment Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>when considering an application the Council will have regard to the following criteria:</td>
<td></td>
</tr>
<tr>
<td>Additional Open Space</td>
<td>(b) Whether significant additional open space will be provided around buildings to compensate for the added height (sites in the Res H Zone and the Matakana Village Overlay Area only)</td>
</tr>
<tr>
<td>Matakana Village Overlay Area</td>
<td>(e) Whether the height and scale of the building is consistent with the pattern of building heights on adjacent properties and the streetscape generally.</td>
</tr>
</tbody>
</table>
Amend 8.12.1 by inserting a new Restricted Discretionary Assessment Criteria for activities not meeting Rule 8.10.6.4 Matakana Village Overlay Area.

<table>
<thead>
<tr>
<th>Rule 8.12.1.8</th>
<th>Activities Not Complying with Rule 8.10.6.4 Additional Development Controls in the Matakana Village Overlay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matakana Village Overlay Area</td>
<td></td>
</tr>
</tbody>
</table>

**Rule 8.12.1.8.1 Circumstance**

- In all cases.

**Rule 8.12.1.8.2 Matters for Discretion**

The Council will restrict its discretion to the following matters:

- Impervious Surfaces.
- Vehicle Crossings.
- Front Yard Structures.
- Landscaping.
- Secluded Private Open Space.
- Location, design and scale of buildings and structures.

**Rule 8.12.1.8.3 Assessment Criteria**

When considering an application the Council will have regard to the following criteria.

**Impervious Surfaces**

- Whether the additional impervious surfaces will adversely affect the stormwater drainage system, flooding and overland flow paths.
- Whether the amount of stormwater produced from the site is similar to a complying situation through the use of mitigation and reduction measures.
- Whether the adverse effects of stormwater generation are avoided, remedied or mitigated.
- Whether treatment of stormwater is provided on site to remove adverse effects on receiving waters.

**Vehicle Crossings**

- Whether vehicle crossings provide adequate access while minimising their visual dominance and maximizing the opportunity for on street parking.
Front Yard Structures
(f) Whether low fencing, landscaping and permeable fencing is proposed to complement and enhance the character of Matakana Village.

Landscaping
(g) Whether a sufficient landscaped area is available to provide secluded private open space in addition to the planting of a canopy tree that will contribute to the character streetscape and surrounding area.

Secluded Private Open Space
(h) Whether adequate secluded private open space is provided for reasonable recreation and service needs of residents.

(i) Whether key living rooms and secluded private open space are designed and oriented to maximise solar access.

Overlooking
(j) Whether adequate measures have been taken to mitigate potential overlooking of any secluded private open space or habitable room window on an adjoinging property.

(10) Insert the following Rule 8.15.6 Subdivision in the Matakana Village Overlay Area into the subdivision provisions in residential zones:

<table>
<thead>
<tr>
<th>Rule 8.15.6 Additional Rules for Subdivision in the Matakana Village Overlay Area</th>
<th>Additional Rules for Subdivision in the Matakana Village Overlay Area</th>
</tr>
</thead>
</table>

Additional Rules for Subdivision in the Matakana Village Overlay Area

In addition to all other rules set out in Rule 8.15, the following additional rules shall apply to the Matakana Village Overlay Area:

**Rule 8.15.6.1 Solar Orientation**

Solar Orientation

The subdivision of land within the Matakana Village Overlay Area shall create sites where, unless constrained by topography or other site conditions, at least 70% of the site has appropriate solar access. Sites shall achieve appropriate solar access by ensuring that:

(b) the long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south; and

(c) dimensions of sites are adequate to protect solar access to the site, taking into account likely dwelling size and the relationship of each site to the street.

**Explanation and Reasons**

Solar orientation is important in achieving energy efficiency. This rule ensures that sites are positioned so that the maximum amount of solar access is received.

**Rule 8.15.6.2 Cul-de-sacs**

Cul-de-sacs
The subdivision shall not result in the creation of cul-de-sacs longer than 120 metres in length.

**Explanation and Reasons**
A connected street pattern is encouraged to provide for permeability, legibility and a village character.

### Rule 8.15.6.3
**Street Trees**

Street trees shall be planted in the road berm, at a minimum of 1 metre frontage, and shall be part of a comprehensive landscape plan. They shall be of good health and planted and maintained in accordance with good horticultural practice. They shall be at a grade of PB150 or greater and have a minimum in-ground height of 2.0 metres at the time of planting. The tree species shall be selected that are appropriate for the soils, microclimate and the street environment, be capable of reaching a minimum height of 4 metres after 5 years and co-ordinated as to species along individual streets.

This planting shall be undertaken before the issue of Section 224(c).

**Explanation and Reasons**
The purpose of this control is to ensure that street trees are provided which provide a high level of residential amenity.

It is also important that the trees planted are of a species that when mature do not obscure informal surveillance of the street from within the residential properties fronting onto the street.

11. Undertake consequential amendments to the numbering of Rule 8.15.6.

12. Insert the following new matters for discretion and assessment criteria specific to the Matakana Village Overlay Area:

<table>
<thead>
<tr>
<th>Rule 8.16.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Subdivision in the Matakana Village Overlay Area</td>
</tr>
</tbody>
</table>

In addition to the Matters for Discretion and Assessment Criteria set out in Rule 8.16.1 Residential Subdivision in All Zones, the following shall apply to the Matakana Village Overlay Area.

**Matters for Discretion**
The Council will restrict its discretion to the following matters:

(a) Solar Access
(b) Street Trees

c) Street Network

8.16.2.2 Assessment Criteria

Solar Access

Assessment Criteria

(a) Whether in the Matakana Village Overlay Area the subdivision creates sites that are orientated to maximise solar access in the design of building and any useable outdoor open space areas.

Street Trees

(b) Whether in the Matakana Village Overlay Area street trees are planted in the berm between the footpath and the kerb, and whether the trees are of a species and that when mature do not obscure informal surveillance of the street from within the residential properties fronting onto the street.

c) Whether in the Matakana Village Overlay Area tree species are robust, capable of surviving the street environment and provide a high level of residential amenity.

Street Network

d) Whether streets in the street network are well connected including linkages of proposed streets to existing streets and future streets.

(13) Undertake consequential amendments to the numbering of Rule 8.15.6.

1.3 Schedule of Amendments: Chapter 9 - Business

(1) Amend the last paragraph of Rule 9.1.1 Description of Business Activities as follows:

There are also smaller centres on the Hibiscus Coast at Red Beach, Brightside Road, Hillary, Manly and Gulf Harbour. Other smaller centres in the west and north of the District include Snells Beach [see Special 20 (Matarangi East Seaside Village Centre) Zone], Matakana, Leigh, Wainamu, Dairy Flat, Riverhead and Coatesville.

(2) Renumber the second Objective 9.8.1.1.3 which reads "see also the Objectives in section 9.3” to 9.8.1.1.5.

(3) Insert the following additional objectives for the Retail Service Zone as follows:

Objective 9.8.1.1.4 To discourage the development of large format bulk retail activities within the Matakana Village Overlay Areas in order to protect the low scale informal character of Matakana village.

Objective 9.8.1.1.5 To encourage high quality buildings and signage that complements and enhances streetscape, the Matakana village character and pedestrian amenity in the Matakana Village Overlay Area.

(4) Insert additional policies for the Retail Service Zone as follows:

Policy 9.8.1.2.11 Within the Matakana Village Overlay Area the floor area of retail development should be in keeping with the small size of typical retail shops within the village.
Explaination and Reasons
This policy seeks to achieve Objective 9.8.1.1.4.

Matakana functions as a small local service and tourism centre, consisting of low rise small scale building. Over recent years Matakana has built on its heritage as a market town for the sale of locally grown food produce, crafts and artworks. Large format buildings have the potential to adversely impact on the small rural town character. This type of development is not appropriate for Matakana, and is more suited to nearby Warkworth which services a much large catchment.

Policy 9.8.1.2.12
The architectural style of buildings should create a 'rural' or historic character rather than a modern commercial appearance with a hard urban edge.

Explaination and Reasons
This policy seeks to achieve Objective 9.8.1.1.5.

Historically Matakana consisted of low rise small scale buildings constructed in local materials and had a distinctive 'small country town' character. Recently Matakana has built on its heritage as a market town for the sale of locally grown food produce, crafts and artworks. The appearance of buildings is important in providing high amenity values and future development should be given careful consideration. There is potential for this character to be progressively eroded by new development that has a more urban or suburban style that is out of character with the built form that has evolved in Matakana. This policy ensures that new development is of a high quality that maintains and enhances the rural village character of Matakana.

(5) Amend the Retail Service Zone Description in Rule 9.8.1.3, second paragraph, as follows:

... within the Zone specific Pedestrian Town Centre Areas have been identified in Orewa, Silverdale, Helensville, Warkworth, Matakana and Wellsford, to which specific Rules apply relating to building frontages, to ensure that a pedestrian friendly environment is maintained.

(6) Renumber Policy 9.8.2.2.3 to Policy 9.2.2.4

(7) Insert new Objective as 9.8.2.1.3 for the Mixed Business Zone as follows:

Objective 9.8.2.1.3 To ensure that development in the Matakana Village Overlay Area is appropriate to and blends in with the surrounding streetscape in relation to building height, scale, bulk, materials and finishes.

(8) Undertake consequential re-numbering of Policy 9.8.2.2.3 to Policy 9.8.2.2.4

(9) Insert an additional policy 9.8.2.2.3 for the Mixed Business Zone as follows:

Policy 9.8.2.2.3 New buildings in the Matakana Village Overlay Area shall achieve a high quality architectural design that represents a rural village character rather than that of an urban commercial environment.

Explaination and Reasons
This policy seeks to achieve Objective 9.8.2.1.3. Matakana fulfills the function of a small local service centre, with primary...
As the town has grown, new service industries have developed including timber and building supplies, concrete supplies and vehicle and machinery servicing. These activities manifest in large buildings, typically sheds which have the potential to adversely affect the character of the village.

Whilst these light industrial activities are important in servicing the local catchments needs, it is important that buildings reflect that of a rural town and not one of an urban commercial environment.

(10) Undertake the following amendments to the Activity Table 1 contained within Rule 9.9.2:

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>Retail Service</th>
<th>Mixed Business</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Permitted Activity in this Table, except in the Matakana Village Overlay Area.</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Permitted Activity in the Matakana Village Overlay Area.</td>
<td>RD</td>
<td>RD</td>
<td>NA</td>
</tr>
<tr>
<td>DRIVE-THROUGH ACTIVITIES except on SITES located within 50 metres of a RESIDENTIAL or RURAL ZONE and except in the Warkworth Town Centre Policy Areas (see Activity Table 2) and the Matakana Village Overlay Area.</td>
<td>RD</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>DRIVE-THROUGH ACTIVITIES on SITES located within 50 metres of a RESIDENTIAL or RURAL ZONE except in the Warkworth Town Centre Policy Areas (see Activity Table 2) and the Matakana Village Overlay Area.</td>
<td>RD</td>
<td>RD</td>
<td>RD</td>
</tr>
<tr>
<td>DRIVE-THROUGH ACTIVITIES on SITES located within the Matakana Village Overlay Area.</td>
<td>NC</td>
<td>NC</td>
<td>NA</td>
</tr>
<tr>
<td>HOSPITALS except in the Warkworth Town Centre Policy Areas (see Activity Table 2) and the Matakana Village Overlay Area.</td>
<td>P</td>
<td>D</td>
<td>NC</td>
</tr>
<tr>
<td>SHOPS with a GROSS FLOOR AREA of</td>
<td>P</td>
<td>P</td>
<td>NC</td>
</tr>
<tr>
<td>600m² or less except SHOPS for the sale of Builders', Tradesmen's, Engineers', Farmers' and Handymen's Supplies, or Motor Vehicle and Machinery Parts and Tools or SHOPS with OUTDOOR DISPLAY or storage areas in the Retail Service Zone and except in the Warkworth Town Centre Policy Areas (see Activity Table 2) and the Matakana Village Overlay Area.</td>
<td>P</td>
<td>RD</td>
<td>NC</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SHOPS with a GROSS FLOOR AREA greater than 600m² except SHOPS for the sale of Builders', Tradesmen's, Engineers', Farmers' and Handymen's Supplies, or Motor Vehicle and Machinery Parts and Tools or SHOPS with OUTDOOR DISPLAY or storage areas in the Retail Service Zone and except in the Warkworth Town Centre Policy Areas (see Activity Table 2) and the Matakana Village Overlay Area.</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>SHOPS for the sale of any goods manufactured on the SITE provided that the retail sales area does not exceed 25% of the GROSS FLOOR AREA set aside for manufacturing, or 250m², which ever is the lesser except in the Warkworth Town Centre Policy Areas (see Activity Table 2) and the Matakana Village Overlay Area.</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>SHOPS in the Matakana Village Overlay Area with a GROSS FLOOR AREA of 200m² or less except SHOPS for the sale of Builders', Tradesmen's, Engineers', Farmers' and Handymen's Supplies, or Motor Vehicle and Machinery Parts and Tools or SHOPS with OUTDOOR DISPLAY or storage areas in the Retail Service Zone</td>
<td>P</td>
<td>NC</td>
<td>NA</td>
</tr>
<tr>
<td>SHOPS in the Matakana Village Overlay Area with a GROSS FLOOR AREA between 201 - 350m² except SHOPS for the sale of Builders', Tradesmen's,</td>
<td>RD</td>
<td>NC</td>
<td>NA</td>
</tr>
<tr>
<td>Engineers’, Farmers’ and Hancymen’s Supplies, or Motor Vehicle and Machinery Parts and Tools or SHOPS with OUTDOOR DISPLAY or storage areas in the Retail Service Zone</td>
<td>NC</td>
<td>NC</td>
<td>NA</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>SHOPS in the Matakana Village Overlay Area with a GROSS FLOOR AREA greater than 350m² except SHOPS for the sale of Builders’, Tradesmen’s, Engineers’, Farmers’ and Handyman’s Supplies, or Motor Vehicle and Machinery Parts and Tools</td>
<td>D</td>
<td>P</td>
<td>NA</td>
</tr>
<tr>
<td>SHOPS in the Matakana Village Overlay Area for the sale of Builders’, Tradesmen’s, Engineers’, Farmers’ and Handyman’s Supplies, or Motor Vehicle and Machinery Parts and Tools except SHOPS with OUTDOOR DISPLAY or storage areas in the Retail Service Zone</td>
<td>D</td>
<td>P</td>
<td>NA</td>
</tr>
</tbody>
</table>

(11) Insert the following Restricted Discretionary Assessment Criteria for Shops in the Matakana Village Overlay Area with a gross floor area between 201m² to 350m²:

**Rule 9.12.15**

<table>
<thead>
<tr>
<th>Shops within the Matakana Village Overlay Area</th>
<th>Shops In the Matakana Village Overlay Area with a Gross Floor Area between 201m² - 350m²</th>
</tr>
</thead>
</table>

**Rule 9.12.15.1 Matters for Discretion**

- Matters for Discretion

  The Council will restrict its discretion to the following matters:
  
  (a) Scale of the activity.
  
  (b) Site layout.
  
  (c) Traffic and pedestrian movement.

**Rule 9.12.15.2 Assessment Criteria**

- Assessment Criteria

  When considering an application the Council will have regard to the following criteria:
| Town centres as community focal points | (a) Whether the scale of the activity will have an adverse effect on the ability of Retail Service Zoned land within Matakana to continue to function as a village (scale). |
| Amenity values of town centres | (b) Whether the activity will result in a loss of amenity values in the Retail Service Zone within Matakana. |
| Entry, exit and parking | (c) Whether entry and exit points to the site and parking areas will enable the safe and efficient movement of people and vehicles. |
| Transport network | (d) Whether the traffic generated will adversely affect the safe and efficient operation of the Transport network. |

**Explanation and Reasons**
Large scale retail business activity which draws large numbers of customers from far beyond the local trade catchment can have an adverse effect on the ability of village centres to continue to act as community focal points. They can also have an adverse effect on the amenity values of the town centres by reducing their vitality. It is therefore necessary to manage the effects on existing centres by limiting the scale of retail activity within the village centre. The activities could also have adverse effects on the road network from the additional traffic generated by the large scale retail activity.

(12) Insert the following Assessment Criteria into Rule 9.13.1:

| Matakana Village Overlay Area | aa) Whether in the Matakana Village Overlay Area the activity will have an adverse effect on the ability of the Retail Service area within the Matakana Village Overlay Area to act as a community focal point. |
| | bb) Whether in the Matakana Village Overlay Area the activity will result in a loss of amenity values within the Retail Service area within the Matakana Village Overlay Area by reducing its vitality. |

(13) Amend Rule 9.10.1 Height as follows:

<table>
<thead>
<tr>
<th>Rule 9.10.1</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td></td>
</tr>
<tr>
<td>The maximum height of any building shall be:</td>
<td></td>
</tr>
<tr>
<td>(a) Retail Service Zone except in the 10.5 m Matakana Village Overlay Area</td>
<td></td>
</tr>
<tr>
<td>(b) Buildings or parts of buildings which are 9m located in the Retail Service Zone within the Matakana Village Overlay Area</td>
<td></td>
</tr>
<tr>
<td>(c) Mixed Business Zone except those 12.0 m buildings or parts of buildings within the</td>
<td></td>
</tr>
</tbody>
</table>
Matakan Village Overlay Area which are within 40 metres of Matakan Valley Road
(c) Industrial Zone 12.0 m
(e) Buildings or parts of buildings which are
located in the Mixed Business Zone within
the Matakan Village Overlay Area and
which are within 40 metres of Matakan
Valley Road

The maximum height shall be determined using the rolling height
method as defined in Chapter 3 – Definitions.

(14) Amend Rule 9.10.2 Height to Boundary to read (additions to Rule 9.10.2 are in bold):

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal
distance between that part of the building and any site boundary adjoining a Residential,
Rural or Open Space zone, except for buildings on 1335 Leigh Road where there shall
be no height to boundary requirement.

(15) Amend Rule 9.10.3 Yards, to include reference to 1335 Leigh Road (additions to Rule
9.10.3 are in bold):

(a) The following minimum front yards shall apply:

(i) Retail Service Nil – except where the front of a site or part of a site at street
level is occupied by a carpark or carparking building in which case the yard shall be a minimum of 2m; except further that
For the site at 1335 Leigh Road the front yard setback from
Leigh Road shall be 6 metres, and the minimum front yard
setback from Matakan Wharf Road shall be 6 metres.

(ii) …

(iii) …

(b) Where any Business Zone adjoins a Residential, Rural or Open Space zone or
Reserve the following minimum side and rear yards shall apply to that common
boundary:

(i) Retail Service 3.0m except for the site at 1335 Leigh Road where the
side yard shall be 1.2m.

(16) Amend Rule 9.10.6 Appearance of Sites by inserting the following:

(e) Within the Matakan Village Overlay Area all roof top units, lift over-runs, infrastructure
services, communication devices and other technical attachments should be concealed
and/or treated as part of the overall design of the building.

(17) Amend Rule 9.10.7.1 Pedestrian Town Centre Areas to include Matakan as follows:

Buildings in the Pedestrian Town Centre areas shown in the Planning Maps in Orewa,
Matakan, Silverdale, Helensville, Warkworth and Wellsford shall comply with the following
rules:

(18) Amend Rule 9.12.1 as follows:

| Activities Not Complying with Specified Development Controls | | |
| --- | --- | |
| Any Permitted or Restricted Discretionary Activity in Activity Table 9.9.2 that Does Not Comply with Development Controls in Rules 9.10.1 Height, 9.10.2 Height in Relation to Boundary, 9.10.3 Yards, and 9.10.6 Flood Prone Areas and 9.10.7.4 Impervious Surfaces within the Matakan Village Overlay Area | | |

22
(19) Insert Restricted Discretionary Assessment Criteria as Rule 9.12.1.4 for an infringement of Rule 9.10.7.4 Impervious Surfaces within the Matakana Village Overlay Area as follows:

<table>
<thead>
<tr>
<th>Rule 9.12.1.4</th>
<th>Impervious Surfaces within the Matakana Village Overlay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Any Permitted or Restricted Discretionary Activity that Does Not Comply with Rule 9.10.7.4 Impervious Surfaces within the Matakana Village Overlay Area</td>
</tr>
</tbody>
</table>

Where Rule 9.10.7.4 Impervious Surfaces is not met, Restricted Activity status applies only where the circumstances specified in the Rule below are met. In all other cases non-compliance with Rule 9.10.7.4 Impervious Surfaces are deemed to be a Non-complying Activity.

**Rule 9.12.1.4.1 Circumstances**

<table>
<thead>
<tr>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious surfaces not exceeding 90% of net site area.</td>
</tr>
</tbody>
</table>

**Rule 9.12.1.4.2 Matters for Discretion**

<table>
<thead>
<tr>
<th>Matters for Discretion</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council will restrict its discretion to the following matters:</td>
</tr>
<tr>
<td>(a) The nature and extent of stormwater generated from a site.</td>
</tr>
<tr>
<td>(b) Any treatment and control measures</td>
</tr>
</tbody>
</table>

**Rule 9.12.1.4.3 Assessment Criteria**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>When considering an application the Council will have regard to the following criteria:</td>
</tr>
<tr>
<td>(e) Whether the amount of stormwater produced from the site is similar to a complying situation through the use of mitigation and reduction measures.</td>
</tr>
<tr>
<td>(b) Whether the adverse effects of stormwater generation are avoided, remedied or mitigated.</td>
</tr>
<tr>
<td>(c) The degree to which proposed stormwater mitigation and reduction measures are best practice in terms of long-term maintenance and operation risk and costs.</td>
</tr>
<tr>
<td>(d) Whether landscaping is provided to mitigate any adverse effects</td>
</tr>
</tbody>
</table>

**Explanation and Reasons**

The flexibility provided for is consistent with the intended stormwater management for the area in the absence of an Integrated Catchment Management Plan for the Matakana area. However, while an increase in impervious surfaces is primarily an issue in respect of stormwater, it does
also affect the ability of a site to meet its landscaping requirements.

(20) Undertake consequential amendments to the numbering on the contents page for Chapter 9 - Business.

(21) Insert the following additional restricted discretionary activity assessment criteria specific to the Matakana Village Overlay Area:

<table>
<thead>
<tr>
<th>Rule 9.12.6 Buildings in the Matakana Village Overlay Area</th>
<th>The Erection, Addition to or Alteration of Buildings and Accessory Buildings for any Permitted Activity within the Matakana Village Overlay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 9.12.6.1 Matters for Discretion</td>
<td>Matters for Discretion</td>
</tr>
<tr>
<td>9.12.6.2 Assessment Criteria</td>
<td>Assessment Criteria</td>
</tr>
<tr>
<td>Architectural Style</td>
<td>When considering an application the Council will have regard to the following criteria:</td>
</tr>
<tr>
<td>(a) Whether a building reflects the ‘rural’ or historic character of a small country town in New Zealand rather than modern commercial buildings with a hard urban edge that might typically be found in a newly developing commercial area.</td>
<td></td>
</tr>
<tr>
<td>(b) Whether the building maintains or enhances its relationship to adjoining buildings, particularly where the material and architectural details of existing buildings are consistent with the existing character in Matakana Village.</td>
<td></td>
</tr>
<tr>
<td>(c) Whether buildings have a high quality visually interesting architecture, with buildings that are well articulated and have a lightweight image rather than an appearance of mass, weight and bulk.</td>
<td></td>
</tr>
<tr>
<td>Building Form</td>
<td>(d) Whether the architectural style and design of buildings is consistent with the principles and elements in the design guidelines set out in Appendix SJ.</td>
</tr>
<tr>
<td>Matakana Style &amp; Character</td>
<td></td>
</tr>
<tr>
<td>Colours and Materials</td>
<td>(c) Whether the building materials enhance the rural and existing character of the village and avoid the use of concrete slab construction.</td>
</tr>
</tbody>
</table>
Rule 9.12.7
Buildings in 40 metre setback area

Buildings: Construction, addition to or external alteration of buildings on sites which adjoin or are within 40 metres of Matakana Valley Road

Rule 9.12.7.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

(a) Building scale, siting, design and external appearance
(b) Architectural style and character of buildings
(c) Colour and materials of buildings
(d) Streetscape
(e) Landscaping

9.12.7.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Other Criteria

The assessment criteria in Rule 9.12.6 shall apply.

Style & Appearance

Whether buildings and landscaping enhance and/or complement development in the Village.

Streetscape

Ensure that buildings and landscaping will maintain and enhance the visual character of Matakana Valley Road.

Landscaping

Whether landscaping is provided that complements the village character and enhances the visual amenity of the built environment.

Explanation and Reasons

Due to the location of this area of land fronting Matakana Valley Road and also opposite the Retail Service zone, it is necessary to ensure that any adverse visual effects on the village character and amenity are avoided, remedied and/or mitigated.

(22) Undertake consequential amendments to the numbering of Rule 9.12.6.

(23) Insert the following new assessment criteria into Chapter 9 – Business, Rule 9.13 – Discretionary Activities Assessment Criteria:

(za) Whether the architectural style and design of buildings is consistent with the design guidelines set out in Appendix 9J.

(24) Insert new Appendix 9J Matakana Commercial Guidelines to Chapter 9 – Business as set out in Annexure B.

(25) Insert new Appendix 6K Easement for Access Strip – P1 Allot 5 PSH of Matakana to Chapter 9 – Business as set out in Annexure C.
### 1.4 Schedule of Amendments: Chapter 14 – Scheduled Activities

1. Amend Rule 14.8.3 Activity Table by inserting the following restricted activity in to the Restricted Activity Table

<table>
<thead>
<tr>
<th>ACTIVITY NUMBER</th>
<th>MAP REFERENCE</th>
<th>LOCATION AND LEGAL DESCRIPTION</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>345</td>
<td></td>
<td>Lot 2 DP 64811, Lot 3 DP 176084, Lot 1 DP 102733, Pt Allot 3 Pah Of Matakana, Lot 1 &amp; 3 DP 358914, Lot 3 &amp; 4 DP 314364, Allot 139 Pah of Matakana SO 42443, Lot 2 DP 66577, Lot 1 DP 176924, Lot 1 &amp; 2 Deposited Plan 412666, Pt lot 1 DP 169734, Lot 1 &amp; 3 DP 144716, Pt Allot 7 Pah Of Matakana SO3068, Lot 4 &amp; 5 DP 102733, Lot 3 DP 300095, Lot 2 DP 406104, Lot 3 DP 53818, Lot 3 DP 151794.</td>
<td>8, 51 and 15</td>
</tr>
</tbody>
</table>

**Activities/Buildings**

(i) The following activities shall be Discretionary activities where they are proposed in the that portion of the sites subject to the Matakana Village Overlay Area and identified as "Flooding Constraint Area" within Appendix 14AJ:

(a) Buildings: The erection, addition to or external alteration to and/or relocation of buildings.

(b) Earthworks

**Assessment Criteria**

The following additional assessment criteria shall apply to any resource consent for buildings and earthworks required under rule (i) above:

(a) Whether the erection of any building(s) or the undertaking of any earthworks will result in flooding on the site or elsewhere.

(b) Whether the erection of any building(s) or the undertaking of any earthworks will adversely affect overland flow paths or other stormwater runoff patterns which exacerbate flooding.

(c) Whether alternative engineering and building solutions can minimise earthworks and flooding during the development phase.
### Subdivision

The following additional assessment criteria shall be considered when assessing any subdivision application:

- The Assessment Criteria for buildings and earthworks stated above in restricted activity 346.
- Whether subdivision and subsequent development has had regard to any relevant adopted Catchment Management Plan and/or Discharge Consent, and whether the development is hydrologically neutral.

1. Insert a new Appendix – ‘Appendix 14AJ Matakana Village Flooding Constraint Area’ as set out in Annexure A.

2. Amend Rule 14.8.3 Activity Table by inserting the following restricted activity in to the Restricted Activity Table:

<table>
<thead>
<tr>
<th>ACTIVITY NUMBER</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>351</td>
<td>MAP REFERENCE</td>
</tr>
<tr>
<td></td>
<td>LOCATION AND LEGAL DESCRIPTION</td>
</tr>
<tr>
<td></td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>1318 Leigh Road, Matakana, being Lot 1 DP 54408; 1326 Leigh Road, Matakana, being Pt Allotment 15 PSH of Matakana, 1334 Leigh Road, Matakana, being Allot 143 PSH of Matakana, 1327 Leigh Road being Pt Allotment 15 PSH of Matakana and Allot 142 PSH of Metakana</td>
</tr>
</tbody>
</table>

<p>| RESTRICTIONS ON THE ACTIVITY/SITE |</p>
<table>
<thead>
<tr>
<th>Activities/Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. No buildings shall be located within 10 metres of Leigh Road. This rule takes precedence over any conflicting...</td>
</tr>
</tbody>
</table>
rule contained within Chapter 8.

II. Sites with frontage to Leigh Road shall provide a 5 metre wide landscaping strip along the front boundary capable of reaching a minimum height of 3 metres except for that area required for vehicle and pedestrian access.

III. Integrated Residential Developments shall be a Prohibited Activity.

Subdivision

I. Sites shall have a minimum area of 1000 m² capable of containing a square for building purposes measuring 15 metres x 15 metres.

II. The side and rear yards of sites created that adjoin land zoned General Rural shall be planted to provide a visual screen. The planting buffer shall be a minimum width of 3 metres and shall be comprised of evergreen trees capable of reaching a height of at least 6 metres spaced at no more than 7 metres apart. Evergreen shrubs or other evergreen vegetation capable of reaching a minimum height of 2 metres shall be planted between the larger trees at spacing capable of achieving a dense visual screen.

This planting shall be undertaken before the issue of Section 224(c).

(4) Update the numbering on the contents page for Chapter 14.

1.5 Schedule of Amendments: Chapter 16 – General Rules

(1) Amend Rule 16.16.1 as follows:

<table>
<thead>
<tr>
<th>Rule 16.16.1</th>
<th>Activity Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 16.16.1.1</td>
<td>Activities</td>
</tr>
<tr>
<td>(a) All signs in any zone shall comply with the Performance Standards in Rule 16.16.2.1.</td>
<td></td>
</tr>
<tr>
<td>(b) All signs in Rural Zones shall comply with the Performance Standards in Rule 16.16.2.2.</td>
<td></td>
</tr>
<tr>
<td>(c) All signs in Residential Zones shall comply with the Performance Standards in Rule 16.16.2.3.</td>
<td></td>
</tr>
<tr>
<td>(d) All signs in Business Zones, other than sites within the Matakana Village Overlay Area, shall comply with the Performance Standards in</td>
<td></td>
</tr>
</tbody>
</table>
Rule 16.16.2.4.

(e) All signs in Open Space Zones shall comply with the Performance Standards in Rule 16.16.2.5.

(f) All signs within Business Zones in the Matakana Village Overlay shall comply with the Performance Standards in Rule 16.16.2.6.

(g) Any sign in any zone which does not comply with the Performance Standards for signs in Rule 16.16.2 is a Restricted Discretionary Activity.

(h) All Restricted Discretionary Activities shall be assessed against those matters over which classification is retained, set out in Rule 16.16.3.

(i) For any sign proposed on an item included within Appendix 17B or in the area where proposed structures and additions to structures require resource consent identified within Appendix 17B, this signage shall require resource consent as a Restricted Discretionary Activity and be assessed against the assessment criteria at Rule 17.12.1.1 of the Plan. [Amendment 26]

(j) Any sign erected by, or on behalf of The New Zealand Transport Agency (NZTA), for the purpose of ensuring the safe and efficient operation of the State highway network and located within the boundaries of any State highway designation, is exempt from all controls within Rule 16.16 of the Plan.

(k) Signs approved by, and located on land administered by, the Department of Conservation in all Open Space Zones, and the Islands General Zone shall be permitted, where this signage is displayed in fulfilment of the Departments functions under the Conservation Act 1987.

(2) Amend Rule 16.16.2.4 as follows:

| Rule 16.16.2.4 | Business Zones (except those within the Matakana Village Overlay Area – refer to Rule 16.16.2.6) and Special 20 (Mahurangi East Seaside Village Centre) Zone |
(3) Insert the following as Rule 16.16.2.6:

<table>
<thead>
<tr>
<th>Rule 16.16.2.6</th>
<th>Signs in Business Zones in the Matakana Village Overlay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Provisions</td>
<td></td>
</tr>
<tr>
<td>(a) Signs shall comply with Rule 16.16.2.1.</td>
<td></td>
</tr>
<tr>
<td>(b) A sign shall relate to a lawful activity undertaken on, or service provided from that site.</td>
<td></td>
</tr>
<tr>
<td>Freestanding Signs</td>
<td></td>
</tr>
<tr>
<td>(a) Each site may have a single free standing sign which shall relate to all premises on the site. There may only be one freestanding sign at the front property boundary adjacent to the road frontage.</td>
<td></td>
</tr>
<tr>
<td>(b) The freestanding sign shall:</td>
<td></td>
</tr>
<tr>
<td>(i) Have a maximum height of 3.5m; and</td>
<td></td>
</tr>
<tr>
<td>(ii) Have a maximum area of 7m².</td>
<td></td>
</tr>
<tr>
<td>(c) Other than the freestanding sign permitted in (a) above, no other freestanding signs shall be permitted in the Business Zones within the Matakana Village Overlay Area.</td>
<td></td>
</tr>
<tr>
<td>Signs on Building Facade</td>
<td></td>
</tr>
<tr>
<td>(a) Signs on a building facade shall be such that no more than 25% of the area of the building façade shall be occupied by lettering, logos, or other graphic symbols (the area is defined by an imaginary best-fit box enclosing the lettering, logos or other graphic symbols).</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation and Reasons**

Signs are useful tools for providing information, and for advertising a service or goods. They can also have adverse effects on public access, safety, amenity values, and the character of the District. These rules acknowledge the need for signs, but place controls to avoid, remedy or mitigate the actual and potential effects of such signs in the Matakana Village.
1.6 Schedule of Amendments: Planning Maps

(1) Amend the planning maps 8, 15 and 51 as follows:

(i) Apply an overlay titled ‘Matakanui Village Overlay Area’ to the area subject to the Matakanui Village Sustainable Development Plan as shown on the Planning Maps as set out in Annexure A.

(ii) Undertake various rezonings as shown on the Planning Maps as set out in Annexure A.

(iii) Apply indicative reserves and indicative roads as shown on the Planning Maps set out in Annexure A.

(iv) Apply Restricted Activity 348 to Lot 3 DP 176084, Lot 2 DP 64811, Lot 1 DP 102733, Pt Allot PSH Of Matakanui, Lot 1 & 3 DP 356914, Lot 3 & 4 DP 314264, Allot 139 Psh of Matakanui SO 42443, Lot 2 DP 86577, Lot 1 DP 176084, Lot 1 & 2 Deposited Plan 412666, Pt lot 1 DP 169734, Lot 1 & 3 DP 144718, Pt Allot 7Psh Of Matakanui SO3068, Lot 4 & 5 DP 102733, Lot 3 DP 390995, Lot 2 DP 406104, lot 3 DP 53818, Lot 3 DP 151794, as shown on the Planning Maps as set out in Annexure A (maps to be provided at date of meeting).

(v) Apply Restricted Activity 351 to 1318 Leigh Road, Matakanui, being Lot 1 DP 54408; 1320 Leigh Road, Matakanui, being Pt Allotment 15 PSH of Matakanui, 1334 Leigh Road, Matakanui, being Allot 143 PSH of Matakanui, 1327 Leigh Road being Pt Allotment 15 PSH of Matakanui and Allot 142 PSH of Matakanui as shown on the Planning Maps set out in Annexure A.

(vi) Amend Planning Map 51 by removing Small Business Centres Policy Area B.

(vii) Amend Planning Map 51 by rezoning 1335 Leigh Road from Residential Medium Intensity zone to Retail Service zone (Pedestrian Town Centre).
ANNEXURE A
Approval of Plan Change 64 Matakana Village to the Auckland Council District Plan (Rodney Section) 2011
APPENDIX 9J

MATAKANA COMMERCIAL – URBAN DESIGN GUIDELINES

1.0 INTRODUCTION

The following urban design guidelines are to be utilised by landowners, planners and other persons involved in development at early stages of development and also by Resource Consents Processing Planners when assessing applications for development.

These guidelines have been produced to ensure that new development within Matakana is sensitive to the existing or preferred future character of Matakana Village. The guidelines relate to the Retail Service Zone and Mixed Business Zone and provide guidance on the siting, design, scale and appearance of commercial buildings within Matakana.

2.0 CHARACTER

The character of existing development within Matakana Village is reflected in an eclectic range of building types and architectural styles. However, buildings in the village include a number of distinguishing features and unifying characteristics, which includes:

• A cohesive and distinctly identifiable commercial centre/village heart
• View lines to the north which converge into a rural backdrop
• A low rise ‘human’ scale building character of one to two storeys
• Buildings that have an informal or rural country village feel at the streetscape level
• A significant number of timber buildings which are clad in natural material or timber weatherboards with iron roofing and timber joinery and doors
• Some common built form elements such as canopies or awnings, post supported verandahs and first floor balconies and balustrades
• A number of old and historic buildings (mostly houses or former houses constructed in timber weatherboards with iron roofing) which provide a basis for identifying past built form elements

These features provide a basis for establishing the existing character of the village as well as developing a preferred character for future development in the face of likely change.

3.0 RETAIL SERVICE ZONE

New development within the Retail Service Zone at Matakana should preserve the understated low scale character of buildings, many of which have a rural and historic country village feel.

The following design elements are deemed to contribute to this built character:

• Architectural style and appearance
• Built form
• Materials and colours
• Streetscape, public spaces and landscaping
• Advertising signage
3.1 Architectural Style and Appearance

Architecture that reflects the ‘rural’ or historic character of a small country town in New Zealand rather than modern commercial buildings with a hard urban edge that might typically be found in a newly developing commercial area.

Architectural style that has an elegance reflected in its simplicity and lack of adornments.

High quality visually interesting architecture, with buildings that are well articulated and have a lightweight image rather than an appearance of mass, weight and bulk. Buildings that have a ‘boxy’ appearance and blank unarticulated walls are strongly discouraged.

Articulated side walls where they are visible to the street or public viewing areas. Examples include the use of glazing, recesses, material variation and wrapping balcony features around corners.

The use of pitched roofs, preferably gables or pyramid roofflues rather than flat roofs and parapet walls is recommended.

Buildings that have a fine grained scale and appearance, emphasising horizontal and vertical divisions between floors and making use of balustrades, post and rail verandahs, roof forms, building recesses and arrangement of windows to create interest and articulation.
Buildings that maintain or enhance their relationship to adjoining buildings, particularly where the materials and architectural details of existing buildings are consistent with the character or preferred character identified for the Matakana Village Heart Policy Area.

3.1 Built Form

Building heights that are scaled and setback at first floor level (if appropriate) to maximise sunlight penetration to pedestrian areas.

Roof planting and building services such as air conditioning units that are concealed or located to the rear of the building.

A non continuous building mass to achieve varied streetscape forms with occasional setbacks along the streetscape to act as suntraps and activity areas.

Roof elements on buildings visible from the adjacent street that have a pitch between 25 to 30 degrees.

Post supported verandahs and decks that provide shelter and character, but not necessarily a continuity of verandahs to allow for a diversity of facades and sunlight penetration to pedestrian areas depending on the location or orientation of the site.

3.2 Materials and Colours

Buildings that use weatherboards and other natural materials and finishes with timber joinery and iron roofing rather than concrete slab construction and modern reflective window frames and doors.
Pale or muted colours as opposed to strong or bold colour schemes. Colour palettes and finishes will take their cues from the existing urban or natural environment.

3.3 Streetscape, Public Places & Landscaping

Buildings that establish an active and vibrant frontage to the street.

Where appropriate, the provision of seating and outdoor dining areas within the front setback (especially for restaurants and cafes).

Planting (where possible or appropriate) to create a landscaped character to the street, soften the urban appearance of the development and improve pedestrian ambiance.

Car parking areas are softened through the use of landscaping and planting to minimise the visual impact of car parks.

Buildings that maximise opportunities to provide solar access to pedestrian areas and community resting or gathering places.
3.4 Advertising & Signage

Advertising signage should be understated, subtle and complementary to the preferred architectural style and appearance of buildings within Matakana. The following design elements are deemed to achieve this outcome:

- integral part of design theme of the building;
- intended for business identification rather than product advertising;
- proportional to the size of the building;
- confined to the front of the building;
- not internally illuminated; and
- avoids the use of visually dominant or eye catching corporate colours.
RETAIL SERVICE EXAMPLE

- Traditional concepts are encouraged.
- Buildings have a human scale appropriate to small town settings.
- Street spaces can be used for outdoor dining.
- Shopfronts provide a rhythm to the street edge.
- Signs should be carefully integrated into the overall design approach.
- More contemporary solution but which still has basic elements to provide a balanced frontage.
- Traditional Shopfront with easy access, provides a richness to the street appeal.
4.0 MIXED BUSINESS ZONE

New service businesses and light industrial development in the Mixed Business zone in Matakania should protect the low rise scale and visual character of the village particularly where it interfaces with Matakania Valley Road. Future development should also protect the amenity and environmental quality of adjacent non-industrial uses.

The following design elements are deemed to contribute to this built form character:

- building form and siting
- interface with other zones
- landscape treatment
- parking and access leading and service areas
- outdoor storage
- fencing
- advertising

4.1 Building Form & Siting

Building frontages that are orientated to front the street and more ‘people’ intensive uses such as the office component positioned to the front of the building.

Building colours that are subdued or recessive as opposed to bright, reflective eye catching colours.

Buildings along Matakania Valley Road should have frontages to an internal access road will achieve a high quality design that complements development in the Village Heart and will not detract from visual character of Matakania Valley Road when entering and leaving the village from the west.

High quality visually interesting architecture, with buildings that are well articulated and have a lightweight image rather than an appearance of mass, weight and bulk. Buildings that have a ‘boxy’ appearance and blank unarticulated walls are strongly discouraged.
Building with sides facing the street that are designed to provide articulated human scale articulation form rather than smooth blank walls with little or no articulation.

Corner buildings with facades that address both streets and include clear strong architectural features that emphasis the corner (e.g. glazing, recesses, material and colour variation).

Buildings that are designed to:
- project human scale
- provide interest in elevations with detail and articulation that will avoid the appearance of mass, weight and bulk
- identify and emphasis the main entrance
- make use of glazing, architectural features and a variety of materials and finishes to provide for articulation of walls which are visible from streets
- have a lightweight, disaggregated appearance where visible from all roads
- allow for signage to be integrated within the structure

Buildings that have storage and utility areas integrated into the overall design.

Antennae, communication attachments and building services that are designed and located on the building so as not to detract from its appearance or be visible for pedestrians in the street.

Rooftop planting, lift over-runs, service entries, communication devices and other technical attachments that are concealed and/or treated as part of the overall design.

Exterior components of plumbing heating, cooling and ventilation systems that are integrated into the architecture and not visible from the street.

4.2 Interface with Other Zones

Development within the Mixed Business zone adjacent to another zone should provide an appropriate
building scale and be designed to minimise any adverse visual and/or noise impacts and protect the amenity and environmental quality of non industrial zones and land uses. The following design elements are deemed appropriate to achieve this outcome:

- Development of land abutting another zone that has a minimum 3m wide landscaped amenity buffer to Matakana Valley Road and Matakana Village residential areas.
- Development that will not have an adverse impact on solar access and daylight and will not have an overbearing scale impact where adjacent to any residential property.
- Buildings that are considered to minimise noise transfer through the use of sound attenuation barriers or masonry, brick and similar noise attenuating materials.
- Car parks, accessways, loading areas and outdoor storage areas that are located and screened to minimise impacts on the visual and acoustic amenity of adjoining residential properties.
- Lighting that is designed to prevent over-splili into adjacent properties where this may cause annoyance or detrimental impact.

4.3 Landscape Treatment

Development within the Mixed Business zone in Matakana should respect the overall landscape character of the surrounding area having an emphasis on environmental values, particularly the adjacent Matakana River environs. This will be achieved by integrating the built form and landscape into a coherent environment, providing planting to reinforce site components such as entry points and circulation routes and to enhance the visual amenity of the built environment.

- Landscape works should be designed with buildings and works to create an integrated development (not simply ‘screen’ it).
- Landscaping of large multi-building developments shall be designed to unify the overall development.
- A landscaped strip in the front setback areas should be provided for in order to ‘frame’ the building rather than screen it. This will also contribute to creating a human scale by reducing the apparent bulk or mass of the building when viewed from the street.
- Landscaped planting should be designed to survive microclimatic conditions.
4.4 Parking and Site Access

Parking spaces should not be visually prominent or detract from the amenity of the streetscape. They should be softened through the use of landscaping and planting to minimise their visual impact. They should also seek to minimise pedestrian/vehicle conflicts and limit the reliance on on-street carparking spaces.

Carparking areas should be designed to minimise the visual impact on the street and adjacent properties by having a minimum setback of 3.0m from the front boundary and setback of 1.5m from other boundaries.

Site access points shall be located to provide for safe vehicle movements and minimise conflicts with through-traffic, intersections and pedestrian routes.

Carparking spaces should be designed to minimise the number and width of crossovers per site frontage and avoid the removal of on-street carparking spaces.

Passenger vehicle parking and access should be designed to enable vehicles to enter and exit the site in forward motion.

4.5 Loading and Service Areas

Loading areas should be safe and efficient while minimising adverse visual impacts and conflicts with the streetscape and the vehicle and pedestrian function of the street.

They should be designed to allow all loading and servicing to be contained within the site and without disruption to traffic flows on the surrounding road network. And should be designed to accommodate the largest vehicle likely to use the facility.

In larger scale developments, loading and service areas and associated manoeuvring and circulation areas.

4.6 Outdoor Storage Areas

Goods and materials should be stored indoors unless this is impracticable or unsafe. Any outdoor
storage should be designed so as not to be visible from roads or publicly accessible areas, for instance to the rear of buildings, outside designated front and side setback areas and outside landscaped buffer areas.

Storage of hazardous materials should be carefully located to avoid potential conflict with other on-site or adjoining land uses.

Refuse storage areas should be:

- Large enough to contain all refuse generated on site between refuse collections;
- Located to provide clear and convenient access for refuse collection vehicles, and a convenient depository for refuse generated on site;
- Screened from view from roads or publicly accessible areas.

4.7 Fencing

Fencing visible from the street should:

- blend with the building design detail
- not be over bearing in scale
- complement the existing or proposed landscape

Screen fencing should be designed to:

- complement the streetscape; and
- be an effective height to achieve the screening desired.

Boundary fencing should be unobtrusive and visually recessive.

Where possible, fences on street frontages should be set back in line with the front side wall of the building.

Security fencing not on a street frontage should be:

- unobtrusive, such as black or olive green PVC coated wire and matching painted gates, posts and strainer wires and assemblies;
- not reliant on vegetation growth for its effectiveness;
- integrated with landscaping to reduce its visibility.
4.8 Advertising Signage

Signage should be predominantly integrated for business identification rather than product advertising.

Primary corporation identification signage should be fixed to the front face of the building and should avoid the use of side walls.

Signage should be proportional to the size of the building, should not obscure architectural features and supporting structures or be visually dominant.

Freestanding signs along the front boundary should be avoided as such internally illuminated signs, freestanding pole signs, above veranda signs and visually dominant or eye catching corporate colours.

For multiple occupancy buildings or sites:

- Grouped signage should be displayed at entry with signs of uniform shape and composition, but allowing for individual corporate identity to be presented; and
- Individual company signage should be placed consistently on separate buildings.
Attachment A

Item 11

Approval of Plan Change 64 Matakana Village to the Auckland Council District Plan (Rodney Section) 2011

Page 163
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Auckland Development Committee:

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Council Position on Kingseat Village Growth

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
<td>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains a recommended process that could undermine Auckland Council's mediation discussions. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the report contains a recommended process that could undermine Auckland Council's mediation discussions.</td>
<td>s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
</tr>
</tbody>
</table>

C2 Wilsher Village - Request for Proposal - Commercial and in confidence

<table>
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<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
<td>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. In particular, the report contains commercially sensitive information concerning the Request for Proposal process.</td>
<td>s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
</tr>
</tbody>
</table>