

**IN THE MATTER**

of submissions by Orakei Bay Village Limited  
and other parties to Orakei Point Precinct

**AND**

**IN THE MATTER**

of the Proposed Auckland Unitary Plan

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**STATEMENT OF EVIDENCE OF JOHN DUTHIE ON BEHALF OF ORAKEI  
BAY VILLAGE LIMITED (PLANNING)**

**TOPIC 081 - REZONING AND PRECINCTS (GEOGRAPHICAL AREAS) –  
ORAKEI POINT**

**5 FEBRUARY 2016**

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## 1. INTRODUCTION

- 1.1 Orakei Point is the peninsula of land located between Hobson Bay and Orakei Basin. I consider Orakei Point to be a strategic location for intensive development given its proximity to the city, its separation from surrounding suburbs and the fact that it is served by both buses and rail.
- 1.2 Auckland Council and Orakei Bay Village Limited (**OBVL**) have long held aspirations for a transit orientated development (**TOD**) to occur at Orakei Point.
- 1.3 These aspirations cumulated in the approval of Plan Change 260 to the Operative Auckland District Plan: Isthmus Section (**Isthmus District Plan**) in September 2013.
- 1.4 Plan Change 260 enabled a mixed use development of up to 80,000m<sup>2</sup> of GFA. The plan change was premised on OBVL securing the park and ride site and building over the rail corridor to create a podium on which the buildings would sit with parking and a covered rail station below.
- 1.5 The Plan Change 260 provisions were for the most part “rolled over” into the Unitary Plan provisions.
- 1.6 However, for variety of reasons, OBVL has not been able to secure the park and ride site and building over the rail corridor is no longer considered to be a viable option.
- 1.7 From a planning perspective, the net outcome of this situation is that both the Isthmus District Plan and the Proposed Auckland Unitary Plan (**Unitary Plan**) provide for a layout and form of development at Orakei Point which cannot be reasonably given effect to.
- 1.8 One response to this situation would be to delete the Orakei Point provisions altogether. In my view, this is not the most appropriate course of action as the principle of TOD at Orakei Point is still sound along with a number of other elements within Plan Change 260 / Unitary

Plan provisions. In this regard, I consider that the following provisions should be retained:

- Recognition of the public transport connections to and through Orakei Point, including the enhanced cycleway connections;
- The provision for intensive residential development to reinforce the station and public transport connections;
- The provision for integrated mixed use development so as to provide appropriate employment and retail servicing opportunities for local residents;
- The requirements to ensure that the built development is of an appropriate scale and form and is of a high quality;
- Protection of key environmental parameters, particularly protection of the northern coastline and the remnant vegetation on the cliff-line and adjoining the development;
- Triggers to ensure that the necessary improvements to the transport environment occur;
- The same reverse sensitivity provisions relating to the rail network, particularly the freight component.

1.9 However, I am of the view that the changed circumstances between OBVL and Auckland Council and an inability to build over the rail corridor means that the layout and form of development provided for needs to be adjusted. The adjustments sought are summarised below:

- A revised Precinct Plan 1 which sets out the basic parameters for future development including vehicle and pedestrian connections, buildings heights, the location of active uses on the Orakei Road frontage, tree protection areas and coastal yards.
- The objectives and policies are modified so that they do no refer to a layout of development that can no longer be achieved;

- The precinct boundaries are modified so as to include all land owned by OBVL and the open space to the north;
- Frameworks plans are incorporated as a mechanism for ensuring that development proceeds in a co-ordinated and comprehensive manner;
- The land use controls are removed as they are largely covered by the Auckland Wide rules, the underlying zone provisions or are no longer relevant;
- The development controls relating to height, site intensity, verandahs, frontage height, activities, staging and yards have been modified so that they are not contingent on the masterplan rolled over from Plan Change 260.

1.20 Changes to the precinct have also been made so as to give effect to the guidance of the Independent Hearings Panel in relation to precincts. Examples of these changes include the use of the development controls in the THAB zone for dwelling size and mix, outlook and screening.

1.21 Overall, I consider the combination of the Framework Plan process and the restricted discretionary consent process for new buildings will ensure that a comprehensive TOD development occurs at Orakei Point and that the development has a high standard of built form befitting of its coastal location.

## **2. QUALIFICATIONS**

2.1 My full name is John Duthie. I am currently a director at Tattico Limited, a position I have held for five years.

2.2 My qualifications and experience have been set out in previous statements of evidence on other hearing topics that have been put forward to the Hearings Panel.

### **Code of conduct**

2.3 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with

the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearing Panel. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **3. SCOPE**

- 3.1 The scope of this evidence relates to the provisions of the Orakei Point Precinct as contained in Chapter K.2.18.
- 3.2 These provisions contain an activity table, notification provisions, land use controls, development controls, assessment criteria, special information requests and 5 Precinct Plans.
- 3.3 My evidence also addresses the boundary of the Orakei Point Precinct.

### **4. STRATEGIC LOCATION**

- 4.1 Orakei Point is a strategic location – one ideally suited to a TOD development. The peninsula is part of the former tuff ring of the Orakei Basin volcano. It demarcates Hobson Bay from Purewa Creek and Orakei Basin. The location of the site is shown on the aerial photograph below:

**Figure 1: Aerial photograph**



- 4.2 Orakei Point is strategically located on the rail network being the first station on the eastern line from Britomart. This gives it an 8 minute journey time to the city with trains at 10 minute intervals in peak periods.
- 4.3 Its relative isolation from the adjacent suburbs of Remuera, Meadowbank and Orakei means that this peninsula is well suited for the intensive form of development that underpins the growth strategy for Auckland, namely focusing residential and mixed use development on and around public transport corridors and town centres.
- 4.4 This growth and the integration with rail can be managed in such a way as to still preserve the important environmental characteristics of the Orakei Point.

## **5. THE SITE**

- 5.1 Orakei Point is bisected in a north-south direction by Orakei Road and an east-west direction by the rail line. The peninsula is approximately 7.3ha in size of which approximately 1.6 ha is zoned coastal transition and open space, 1.8ha for roading and the rail corridor and 3.9ha for development.
- 5.2 East of Orakei Road is open space zoned land used for recreational purposes including an events centre. The rail line itself, land to the south and part of the land immediately to the north was quarried in the early 1900s to form the Hobson Bay and Purewa Creek railway embankments. This highly modified land has been developed for industrial and retail purposes and for use as a park and ride. To the north is the original topography of Orakei Point which is now vacant but was formerly used for residential development.
- 5.3 The site is shown on the aerial photograph and map below.

**Figure 2: Aerial photograph**



- 5.4 Orakei Point presents significant opportunity for a TOD not only because of the intrinsic location on the rail line and its environmental qualities, but because of land ownership. Essentially, the developable land outside the rail corridor is under the ownership/control of OBVL and the Council (except for a small portion on the Orakei Road frontage which is the subject of a long term lease by a private individual). I used the term control because parts of the land area is Ngati Whatua owned land with OBVL holding leasehold interests.

## **6. BACKGROUND**

### **Ownership and Leasehold Arrangements at Orakei Point**

- 6.1 The ownership and leasehold arrangements at Orakei Point are complicated but are explained in diagrammatic form in Figure 3 below.
- 6.2 The key point is that Orakei Bay Village Limited hold the freehold title or lease hold interest to most of the land south west of the rail line. The Council and Ngati Whatua holds the freehold title to land to the north east of the rail line, with OBVL having a leasehold interest in the Ngati Whatua land.



**Figure 3: Ownership/Leasehold at Orakei Point****Plan Change 260 Process**

- 6.3 In January 2010, the then Auckland City Council notified PC 260. This plan change was based around a proposal by Redwood Group to redevelop the brownfields site at Orakei Point for a mixed use, transit-orientated development focussed on the existing rail station.
- 6.4 In essence, the Plan Change enabled up to 80,000m<sup>2</sup> of development (approximately 700 apartments and up to 10,000m<sup>2</sup> of retail and 10,000m<sup>2</sup> of office) by rezoning the northern part of Orakei Peninsula from Business 4, Special Purpose 3, Mixed Use and Residential 7a to a new zone called Mixed Use Zone: Orakei Point and also to the Open Space 2 zone.
- 6.5 After the submission and hearing process, the then Auckland City Council approved Plan Change 260 in April 2011. The decision was subsequently appealed to the Environment Court.
- 6.6 Prior to the Environment Court hearing, Redwood Group's landholding and leasehold titles at Orakei Point were conveyed to Orakei Point



Limited. A revised masterplan for the development was developed, albeit retaining the principle of mixed use, transit orientated development.

- 6.7 In September 2013 an amended version of PC 260, was lodged with the Environment Court and was subsequently approved.
- 6.8 Despite being approved by the Environment Court, the plan change has not yet been made operative in the normal fashion. This is because the Environment Court decision requires Orakei Bay Village Limited (being a related company to the owner of 228 Orakei Road) to own or control all the land set out in a schedule on page 4 of the Environment Court decision within 60 days of the plan change becoming operative. As Orakei Bay Village Limited does not yet own or control such land it is not prudent to make the plan change operative.
- 6.9 Notwithstanding the above, the legal advice obtained by Auckland Council, when processing resource consents for Orakei Point, is that plan change has “full effect” irrespective of the fact has not been made operative.

## **7. CHANGED CIRCUMSTANCES AND TOD**

- 7.1 When Plan Change 260 was formulated, considered by the Environment Court and effectively “rolled over” into the Unitary Plan, the expectation and hope was that OBVL would be able to secure both the Council park and ride site and be able to build over the rail corridor. For various reasons this is now not achievable.
- 7.2 In addition to these fundamental issues, there were also concerns about the ability to accommodate the volume of buses required within a development that was intended to have the fine grained feel of “an urban village”.
- 7.3 Concerns were also raised by the Urban Design Panel in relation to the quantum of retail provided, the potential oversupply of carparking and limiting vehicles to one main street and the remainder of streets being pedestrian orientated.

7.4 Essentially, the change of circumstances leaves three choices from a planning perspective:

- (a) Delete the Orakei Point precinct altogether and simply rely on the underlying Mixed Use zone provisions. If this was to occur, the primary impact would be that the height of development would be reduced. Additionally, there would no longer be objectives and policies relating to a TOD or the “Orakei specific” provisions such as the reverse sensitivity controls for the rail corridor or the tree protection rules.
- (b) Confirm the provisions in the notified Unitary Plan. This is possible, however the reality is that this is an exercise to set the Unitary Plan approach for Auckland for the next 10-20 years. It is clear that some of the specific elements of the notified Orakei precinct plan are not implementable and will not proceed. In my view, it is a missed opportunity to not use this statutory process to put in place the most appropriate, efficient and effective provisions for enabling development at Orakei Point.
- (c) The third approach is to modify the precinct plan to the extent necessary to give effect to an appropriate TOD planning future. This is the option I favour. In my view, the change in circumstance makes no difference to the desirability and practicability of undertaking a TOD development at Orakei Point. In this regard, I note that the land at Orakei Point still meets the following generalised criteria for a TOD development<sup>1</sup>:
  - Development will be medium to higher density and located close to public transport – this is evidenced by the higher scale and intensity of development provided for in the precinct as compared to that in the underlying Mixed Use zone. The proximity of the development to Orakei Rail Station and the frequent bus network operating on Orakei Road is undeniable.

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<sup>1</sup> Parsons Brinckerhoff Presentation on applying transit-orientated development in Auckland 2012.

- There will be a mix of uses – the activity table in the Mixed Use zone that is applied in the revised Orakei Point Precinct provides for a range of uses;
- Compact, pedestrian orientated development – I consider that the nature of Orakei Point means that development must be inherently compact and the limited roads entering the site promotes pedestrian orientated areas;
- Active and defined centre – the active uses promoted for the Orakei Road frontage will provide a central focus for the development;
- Limited, managed parking – this will be achieved through the use of the parking provisions contained within the Auckland Wide rules.
- Public Leadership – by promoting plan change 260 as a public plan change Auckland Council has already supported transit orientated development on the site.

7.2 For the reasons I have outlined above, and in terms of the decision of the Environment Court, I am strongly of the view that Orakei Point remains ideally suited for a TOD.

7.3 The TOD form of development and growth nodes, such as Orakei Point, also accords with Auckland's growth strategy. In this regard, I consider that TOD development at Orakei Point is consistent with the following objectives and policies from the Unitary Plan for Enabling Quality Urban Growth<sup>2</sup>:

## Objectives

2. Urban growth is contained within the RUB primarily focussed within the metropolitan area 2010.
3. Land within and adjacent to centres, within close proximity to the rapid and frequent public transport routes service network, and or urban facilities, is the primary focus for residential intensification with a lesser degree of intensification in surrounding neighbourhoods.

## Policies

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<sup>2</sup> Closing Statement Feb 2015

1. Concentrate urban activities within the metropolitan area 2010, the RUB, the satellite towns, rural and coastal towns and serviced villages, avoiding urbanisation outside these areas.
2. Enable higher residential densities and the efficient use of land in neighbourhoods:
  - a. within and around centres and within moderate walking distances from the city, metropolitan, town and local centres; or
  - b. in areas close to that are within moderate walking distances to the rapid and frequent service network public transport routes and facilities; or
  - c. in close proximity to large urban facilities including existing or proposed large public open spaces, community facilities, education facilities, tertiary education facilities, and healthcare facilities; and  
provided that they:
    - d.i. are adequately serviced by existing physical infrastructure or where infrastructure can be efficiently upgraded to support growth
    - ii. manage reverse sensitivity effects on significant infrastructure and industrial activities.
3. Provide for and encourage residential intensification within centres while ensuring that:
  - a. there is a broad mix of activities within centres
  - b. residential activities do not compromise the ability for mixed use developments, or commercial activities to locate and expand in centres
  - c. development uses land efficiently
4. Encourage comprehensive planned redevelopment of large sites and areas in the metropolitan area for business and residential uses to achieve well planned quality communities and coordinate provision of adequate significant infrastructure.
5. Enable a wider range of housing choices and densities in neighbourhoods across the urban area to meet the needs of the growing and diverse population.

## 8. CHANGES REQUESTED

- 8.1 Notwithstanding, retaining the principle of TOD at Orakei Point, I am recommending changes to the precinct for two reasons.
- 8.2 The first reason relates to the changes brought about following the guidelines from the Panel and the principle that the precinct should be much more focussed and succinct and not repeat matters which are appropriately dealt with in the underlying zone or the Auckland-wide Rules. The importance of such changes was also highlighted in discussions with Council officers.
- 8.3 The second reason relates to the changed circumstances and the issues raised in relation to buses and by the Urban Design Panel.
- 8.4 The detail of both the above changes are discussed in section 19-21 below.
- 8.5 Overall I consider that the changes are reasonable and do not undermine or negate the principle of a TOD.

- 8.6 Overall, I consider that the above changes are reasonable and do not undermine or negate the key drivers of a TOD.

### **Tracked Changes Version**

- 8.7 I attach as Appendix A, a marked up copy of the provisions as I propose them. These provisions are the same as those appearing in the evidence of Mr Matthew Spiro on behalf of Auckland Council except that I have made the following additional changes (marked in green):

- (a) Having discussed matters with a representative of Ports of Auckland and KiwiRail, I realise there were some provisions relating to the reverse sensitivity of the rail line that should have been but were not carried over. The attached provisions are my recommendation to the Panel.
- (b) Changes have been made in response the evidence or Mr Matt Spiro on behalf of Council and reflect the evidence of Mr Don McKenzie on behalf of OBVL.
- (c) Minor amendments to correct wording.

## **9. ZONING**

- 9.1 OBVL supports the proposed zoning of Orakei Point within the Unitary Plan. This is a combination of Mixed Use, Open Space and Coastal Transition zone and Strategic Transport Corridor.
- 9.2 There are no proposed changes to the zoning.

## **10. OVERLAYS**

- 10.1 The following overlays apply at Orakei Point:
- The Pre-1944 Building Demolition Control;
  - The Significant Ecological Areas overlay SEA M2-51a Marine 2;

- The Coastal Inundation 1m and 2m sea level rise overlays;
- Outstanding Natural Features overlay ID 143;
- High Land Transport Route Noise.

10.2 As a result of the OBVL submission and discussions with Auckland Council officers, the Council position is that the Pre-1944 overlay should be removed from Orakei Point. This position is supported by OBVL.

10.3 In respect of the ONF overlay, the Council position is that the overlay should be removed from the south western part of the site but retained on the upper, northern portion of the site.

10.4 OBVL supports the removal of the overlay from the south western part of the site but has provided evidence in opposition to the overlay on the northern portion of Orakei Point.

## 11. PRECINCT BOUNDARIES

11.1 OBVL supports the approach of the inclusion of the Orakei Point Precinct in the Unitary Plan. The precinct is shown in Figure 4 below:

**Figure 4: Orakei Point Precinct Boundary**



### **South Western Boundary**

11.2 Notwithstanding the general support for the precinct, I consider that the precinct boundary should be adjusted so that it also includes the Mixed Use zoned land which traverses the south western coastal edge of Orakei Point. This is logical on many fronts:

- (a) It would mean that all OBVL land is located within the precinct rather than having a small strip excluded;
- (b) From a planning perspective it would mean that all development on Mixed Use zoned land will be assessed against the same provisions and will therefore result in an integrated form of development. Under the current boundaries, development outside the precinct would be assessed under the Mixed Use zone rules whereas development inside the precinct would be assessed under the Orakei Point Precinct Provisions and the underlying Mixed Use zone rules;
- (c) As the Hobson Bay cycleway is now located on the north western side of the railway embankment, Auckland Council do not wish to buy this land for access to the cycleway (particularly as such an access would encourage the public to cross the rail lines to access the cycleway). This is a change from the Plan Change 260 scenario when the cycleway was to be on the south western side of the embankment.

Auckland Council's position has been confirmed in a letter to the OBVL which attached the Auckland Council Design Principles. These principles stated:

*“AC does not wish to purchase the land back as open space. Perhaps an amendment to the plan change could be sought by EQ allowing the land to be divided and sold off individually by EQ”.*



A full copy of the above principles can be supplied if the Panel requests.

### **North Western Boundary**

11.3 The other change to the boundary of the precinct which I consider appropriate is the inclusion of the Open Space zoned land in the northern portion of Orakei Point. I consider that this change is necessary for two reasons:

- (a) It will mean that the boundary of the precinct is consistent with the description of the precinct as notified (which states that the Public Space Informal Recreation zone is an underlying zone).
- (b) It will mean that the use and development of this land will be assessed against not only against the Open Space zone provisions but also the objectives and policies in the precinct which relate to public access around the coast. This change is further discussed in relation to the changes requested to the objectives and policies in section 14 below.

## **12. SUB-PRECINCTS**

12.1 I also propose to delete the sub-precincts. This is for two reasons. First the rationale for their earlier identification has now gone, this is explained in 12.2-12.5 below. Secondly the guidelines from the Panel indicate that general terms the precincts should be simplified and sub-precincts advanced only where required for explicit planning outcomes.

12.2 In terms of the rationale for the sub-precincts it has always been recognised that a TOD the size of Orakei Point would need to be staged. When the proposition was to build a podium on top of which would sit buildings, a public open space in the form of a plaza and new access to the Station, the Council's had a concern that the commercial aspects of the development would be built first and the expensive public amenities would be built last or perhaps not at all.

- 12.3 Consequently through plan change 260 hearing, OBVL committed to incorporating the public amenities into the early stages of the mixed use development.
- 12.4 Essentially this led to the identification of a series of sub-precincts and when development occurred within a sub-precinct this triggered the requirement for particular public amenities to be established.
- 12.5 Now that development is not going to occur over the rail line there is no need for public amenities, such as a new station entrance. Equally with the reduction in the amount of retail there is limited need for public spaces such as a plaza. Therefore there is no need for the sub-precincts and the associated triggers.
- 12.6 The sub-precincts were also linked to upgrades to the roading system. These linkages have now been associated to developable floor space rather than being related to specific sub-precinct locations.
- 12.7 Consequently, the desired planning outcomes of the TOD can be achieved through the precinct policies, rules and assessment criteria. The sub-precincts are not required.

### **13. PRECINCT DESCRIPTION**

- 13.1 The precinct description in the notified Unitary Plan included a sentence around the use of the rail line by freight trains. This sentence was accidentally removed as part of the simplification of the provisions. In response to discussions with Ports of Auckland Limited and KiwiRail, I propose to add the following sentence back into the precinct:

*“The rail line is also used by freight trains and this useage 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 portion of movements 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.”*

#### **14. OBJECTIVES AND POLICIES**

- 14.1 There are four reasons for changes to the objectives and policies.
- 14.2 The first deletes references to the sub-precincts, updates cross-referencing to the new precinct plan and removes references to development which will no longer happen e.g. a new covered rail station.
- 14.3 The second is rewording the provisions relating to open space so that they no longer refer to the open spaces within the development and also along the south western coastal edge that were planned for under Plan Change 260. Rather, I consider that the objectives and policies should refer to the public open space which is located on the northern portion of the Orakei Point and should emphasise the importance of integration of this public space with the future mixed use development.
- 14.4 The third change to the objectives and policies is to strengthen the policies relating to cycling and particularly with the Council to soon implement the Hobson Bay cycleway.
- 14.5 The fourth change relates to emphasising how the Orakei Road frontage will be the focal point for active uses.
- 14.6 In my view these changes do not undermine the outcomes sought for the precinct but rather make adjustments to ensure that development is achievable.

#### **15. ACTIVITY TABLE**

- 15.1 In line with the guidance to simplify precincts, the activity table within the Orakei Point Precinct has been removed and a new table added in relation to Framework Plans.

##### **Mixed Use zone activity table**

- 15.2 Reliance on the activity table in the underlying Mixed Use zone is appropriate as the Mixed Use zone activity table provides for a broad range of activities including residential, local retailing and some office and commercial support service activities.

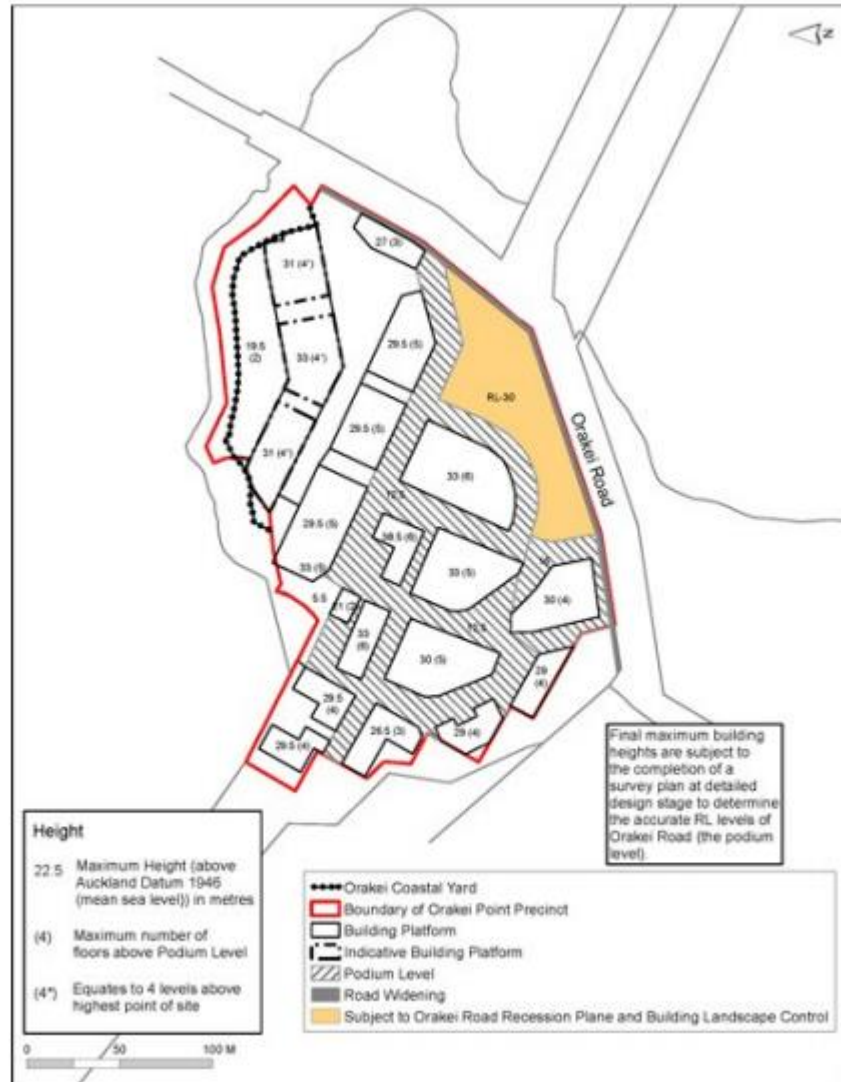
15.3 The Mixed Use activity table includes the same restricted discretionary activity status for new buildings and additions and alterations to buildings as Plan Change 260 and the Orakei Point Precinct. The matters of discretion include:

- Consistency with the approved or proposed framework plan
- Building design and external appearance
- Safety
- Landscaping
- Design of parking, access and servicing;
- Design and layout of dwellings, retirement villages, visitor accommodation and boarding houses
- Water sensitive design
- Landscape and visual character

#### **Framework Plans**

15.4 The inclusion of provisions relating to framework plans is a response to the changed circumstances between Auckland Council and OBVL.

15.5 In particular, the changed circumstance means that Precinct Plan 1 is no longer appropriate as the 6 buildings shown above the rail corridor can no longer be built and the scale and form of the other buildings needs to change to reflect the absence of those buildings and the fact that there can no longer be a podium spanning the width of the of the lower portion of Orakei Point. Precinct Pan 1 is shown in Figure 5 below.

**Figure 5: Precinct Plan 1**

- 15.6 The removal of Precinct Plan 1 raises the question of how best to ensure that development within Orakei Point will occur in an integrated and comprehensive manner.
- 15.7 In my opinion, framework plans are the most logical mechanism to use as on one hand they ensure that development occurs in a manner which is comprehensive and integrated and on the other hand they have the ability to be amended and updated over time.
- 15.8 I also consider that the framework plan mechanism is broad enough in its scope to replace the masterplan that was contained in Precinct Plan

1 and even more so, when combined with the restricted discretionary consent process for new buildings as well. In this regard, I note that the matters of discretion for a framework plan include:

- the location, physical extent and design of the transport network streets and pedestrian connections;
- the location, physical extent and design of open space;
- the location and capacity of infrastructure servicing and in particular, significant infrastructure;
- integration of development with neighbouring areas including integration of the transport network with the transport network of the wider area;
- staging of development and the associated resource consent lapse period;
- staging and funding of infrastructure and services;
- Physical extent and design of streets and accessways;
- Pedestrian connections through the site, to the rail station and the bus stop;
- Landscaping;
- Visual effects on the coastal environment.

15.9 The ability to amend framework plans is important as Orakei Point will be developed over an extended period in time and inevitably the passage of time leads to changes in the nature and form of development sought. Essentially, the use of a framework plan instead of a masterplan will ensure that we do not end up in predicament similar to that which currently exists.

15.10 The evidence of Mr Matthew Spiro on behalf of Auckland Council puts forward the view that development without a framework plan should be a non-complying activity. He identifies that such a status will provide the “incentive” for a framework plan to be undertaken.

I agree with his view and have made the necessary adjustments to the provisions contained in Appendix A.

## 16. NOTIFICATION

- 16.1 The notification provisions within the precinct have been modified so as to include provision for framework plans, and new buildings, additions, alterations and subdivision on sites subject to a framework plan to be processed without the need for public notification (limited notification may occur).
- 16.2 The provisions relating to the notification of the New Zealand Rail Corporation and Ports of Auckland Limited have been retained but as identified in 8.3(a) above, I have made a further modification to ensure that all relevant clause numbers are included in the provision.
- 16.3 The provisions relating to the special tree protection area have been retained. More specifically, altering, removal or works within the dripline of trees in the special tree protection area are subject to the normal tests of notification (except where the works are provided for in 5.9a-e).

## 17. LAND USE CONTROLS

- 17.1 The land use rules in the underlying zones apply in the Orakei Point Precinct.
- 17.2 The following table summarises the land use controls that I propose to remove from the precinct, along with the reasoning behind their removal.

Land Use Control	Reason for Removing Control
<b>3.1 Parking</b>  Limits parking in precinct to 1950 or 2150 if 200 park and ride spaces are disestablished.	This provision is not required as the Auckland Wide Rules H.1.2.3 have been applied.



Land Use Control	Reason for Removing Control
<p><b>3.2 Commercial Parking</b></p> <p>Commercial parking in sub-precinct F must not exceed 400 spaces and can only be undertaken prior to the completion of development and only on the southern side of the rail corridor.</p>	<p>The Auckland Wide Rules H.1.2.1 require a discretionary activity consent for commercial parking in the Mixed Use zone.</p>
<p><b>3.3 Garden Centres</b></p> <p>Garden centres, including an ancillary cafe must only occupy up to 20% of the GFA or 5% of the outdoor area.</p>	<p>Garden centres require a discretionary activity consent under the Mixed Use zone so a floor area limit is not required. Furthermore, the 20% limit is considered to be a drafting error and it is more likely that the 20% limit was meant to apply to the area of the café inside the Garden Centre).</p>
<p><b>3.4 Offices</b></p> <p>Offices must have a total cumulative GFA between 5000m<sup>2</sup> and 10,000m<sup>2</sup>.</p>	<p>The removal of the opportunity to develop over the rail tunnel and thereby create through roads reduces the viability of offices to this extent, albeit that the opportunity still exists if it is found to be viable.</p>
<p><b>3.5 Food and Beverage</b></p> <p>Food and beverage must not operate between 11:00pm and 7:00am.</p>	<p>Noise from activities will addressed through the Auckland Wide Rules contained in H.6.2.1.1 – Noise from activities within zones.</p>
<p><b>3.6 Park and Ride Parking</b></p> <p>Park and Ride must provide a maximum of 200 spaces.</p>	<p>This provision is no longer relevant due to the changed circumstances. In particular, it is at Auckland Transports discretion as to the amount of carparking to be provided.</p>
<p><b>3.7 Retail Premises</b></p> <p>The GFA of an individual tenancy must not exceed 500m<sup>2</sup>.</p> <p>A single large floor plate tenancy must not exceed 2000m<sup>2</sup></p> <p>The cumulative GFA of retail must not exceed 10,000m<sup>2</sup> and a minimum GFA of 5000m<sup>2</sup> must be provided.</p>	<p>These provisions are not required as the Mixed Use zone rules (closing statement version) limit the size of retail as follows:</p> <ul style="list-style-type: none"> <li>• Retail up to 200m<sup>2</sup> per site is permitted.</li> <li>• Retail greater than 200m<sup>2</sup> per site is discretionary.</li> </ul> <p>As was the case with offices, establishing this level of retail on the site is not viable under the changed circumstances.</p>

Land Use Control	Reason for Removing Control
	Notwithstanding, the activity control will ensure that active uses such as retail are located on the Orakei Road frontage.
<b>3.8 Taverns</b>  Taverns must have a maximum GFA of 500m <sup>2</sup>	This control is not required because retail (including taverns) is limited to 200m <sup>2</sup> per site as a permitted activity and 450m <sup>2</sup> as a discretionary activity.
<b>3.9 Artificial Lighting</b>  Artificial lighting may (sic) be used on a site producing on luminance in excess of 150lux, measured at any point on the site containing the light source in horizontal or vertical plain at ground level.	This matter is addressed in Auckland Wide Rules H.6.1.

- 17.3 It is proposed to retain the land use control relating to the use of buildings within 30m of land either side of the rail. This provision has simply been rolled over from Plan Change 260.

## 18. DEVELOPMENT CONTROLS

### Development controls to be retained

- 18.1 I propose to retain the development controls relating to Noise (4.7) and Vibration (4.14). These provisions were rolled over in their entirety from Plan Change 260 and were set up to deal with the reverse sensitivity issues associated with residential development adjoining the rail line which is used by increasing volumes of trains (including increased night time use by freight trains).
- 18.2 These provisions mean that Orakei Point will have the most sophisticated noise/vibration controls relating to rail movement.

- 18.2 The intent of these provisions is that development at Orakei Point will demonstrate that intensive residential development can successfully locate adjoining a major rail line, including lines that carry freight.

### **Development controls to be modified**

- 18.3 As identified above, the changed circumstances between Auckland Council and OBVL means that the layout and form of development needs to be amended. To achieve this the following development controls need to be modified.

(a) 4.1 Height

The building height control that was rolled over from Plan Change 260 was linked to the particular building platforms identified on Precinct Plan 1 (shown in Figure 5 above). With the removal of these platforms from the precinct plan, it is also necessary to revise the how the building height control works.

The revised building height control is based on the same or similar heights as from Plan Change 260 but they are now shown in a “band” rather than being linked to particular platforms. The principal of the highest buildings being located in the middle of the site has been retained.

As the evidence of Mr Garth Falconer, on behalf of OBVL identifies, this approach will mean that the overall form of the buildings, as seen from a distance should be cognisant of the original landform.

(b) 4.2 Orakei Road recession plane and building landscaping

One of the key provisions of Plan Change 260 was to create a “green” building on the Orakei Road frontage. This was essentially a carpark building which tiered up from Orakei Road and was hidden by landscaping.

The approach was adopted for two interrelated reasons. The first was that the urban design philosophy was internalise the site and focus development around the new public spaces, the

rail station and the bus routes located in the central, seaward end of the site. The second reason was to screen the development, primarily the 6 highest buildings which were located in the centre of the site atop the rail corridor.

The changed circumstances means that the retail focus of the development has now moved to Orakei Road and therefore it is no longer relevant to hide this frontage, rather it needs to be active and inviting.

Additionally, the rail corridor will now be free of development and therefore there is no longer sufficient justification to require such an extensive landscaping structure.

The end result is that there is still a green frontage to the building but the building is also able to front Orakei Road and activate the street edge.

(c) 4.3 Site Intensity

Plan Change 260 and the notified Unitary Plan provisions provided for a total GFA of 80,000m<sup>2</sup> of development within the precinct. This has been retained.

What has been modified is that the maximum GFA's per precinct have been removed (as there are now no precincts) and a new 50,000m<sup>2</sup> limit has been applied to all development to the south of the mid-point of the railway line.

The 50,000m<sup>2</sup> figure has been applied by reallocating the 20,000m<sup>2</sup> of development that was to be located on the rail corridor to the land either side (5000m<sup>2</sup> to the north and 15,000m<sup>2</sup> to the south).

The split has been determined relative to the size of developable land on either side i.e. exclusive of the tree protection area. This is shown on the figure below:



This does mean that more development can occur on the OBVL land than under the Plan Change. However, it is considered that this can be achieved by utilising area that was previously allocated to the wide street network required for the buses and by building GFA in place of the carparking structures that were located below the podium.

Overall, I consider that the framework plan mechanism will be the ultimate determinate of the GFA in the Precinct but that the 50,000m<sup>2</sup> GFA is an appropriate parameter to work within.

(d) 4.4 Verandah/Colonnade requirement

The Precinct Plans contemplated buildings with colonnades and verandahs in certain parts of the site, particularly on key streets, retail areas and around the public spaces.

As it is no longer proposed to identify building platforms or construct the same amount of retail, I do not consider that this development control is necessary except that it should be applied to buildings on the Orakei Road street frontage so as to provide amenity for bus passengers and people using the retail activities.

(e) 4.6 Frontage Height and Activity Control

The first part of this control ensured that the frontage of buildings abutted the building platform boundary shown on Precinct Plan 1 and that the number of floors within the building be no less than that specified.

As was the case in (d) above, the removal of the building platforms from the masterplan means that this part of the control will no longer be effective or necessary

The second part of this control related to ensuring that only active uses occupied the ground floor of buildings in certain areas of the precinct. This part of the control is retained as it relates to the Orakei Road frontage as it will work alongside the “green building effect” and the verandah control to create an inviting street edge to the development which will connect and integrate with the buses and the rail station.

(f) 4.17 Staging

The staging requirement in Plan Change 260 and in the notified version of the Unitary Plan is a complicated control which linked development in a precinct/sub-precinct with the provision of certain infrastructure, public facilities and traffic and road improvements. As identified previously these requirements were largely put in place to ensure that OBVL did not construct the commercial elements of the development and leave the “public good” elements to the end or not at all. They also ensured that podium was constructed in an appropriate sequence.

In the evidence of Ms Weeber, the question is raised as to whether deleting the staging control does away with the key public good elements of Orakei Point.

In my view, this is clearly not the case. In particular I note that:

- (i) The expansion to the northern open space along the coastal headland of Purewa Creek is retained.

- (ii) The new headland park is retained;
- (iii) The Hobson Bay cycleway is retained and adjusted to meet the new alignment which Auckland Transport desires.
- (iv) The special tree protection areas are retained;
- (v) The south western coastal yard is retained notwithstanding that the Council no longer wants pedestrian access along this area;
- (vi) The key Orakei Road bus stop is provided for which includes widening of the road to facilitate this, active edges at the street front where bus patrons wait/disembark, verandah cover over this area, residential above to assist in CPTED reasons;
- (vii) The park n ride is retained in the same location shown on the precinct plan;
- (viii) The direct walkway linkages through the site are provided to the train station access;
- (ix) Traffic signalisation of the main entrance way to Orakei Point is provided for;
- (x) Three pocket parks have been identified within the revised Precinct Plan. We recognise that Council does not take pocket parks into public ownership. Nevertheless these remain important public amenities.

This does not include the high public amenity that sits immediately outside the precinct boundary which is the open space around Orakei Point and Orakei Basin.

There are only two elements of public facility which are lost. These are:

- (i) Lee Plaza and the associated building entrance to the station. With the decision not to build above the rail, effectively the bus stop decision has moved to Orakei



Road. With the amenity provision for bus patrons at this bus stop described above;

- (ii) Waterfront Plaza which is a public area on what will no remain Council land on the Hobson Bay foreshore. It will obviously be a Council decision as to whether or not they build this plaza.

In my view the key public elements of the original masterplan have been retained apart from the issue of not building above the rail line.

The staging requirements in relation to Traffic and Road improvements have been retained in a modified form and are commented on in detail in the evidence of Mr Don McKenzie.

(g) 4.19 Coastal Yard

I propose to retain the provisions of the northern coastal yard which applies to the northern portion of the Orakei Precinct.

I also propose to introduce a new yard on the south western edge of Orakei Point. This yard precludes buildings within 10m of high water springs and is for the purposes of visual amenity.

I do not consider that a wider yard is necessary as this yard is not for the purpose of wider public access but rather is to enable landscaping which will assist in the integration of buildings with the coastal environment.

**Development controls to be deleted**

- 18.4 the controls relating to dwelling size and mix, private open space and visual privacy, outlook and screening have been deleted on the basis that these matters are now covered in the provisions of the underlying Mixed Use zone.
- 18.6 The controls relating to pedestrian links and network utility services will be addressed through the framework plan process and the noise

provisions (for activities on the site) will be addressed through the Auckland Wide Rules.

#### **Development controls to be added**

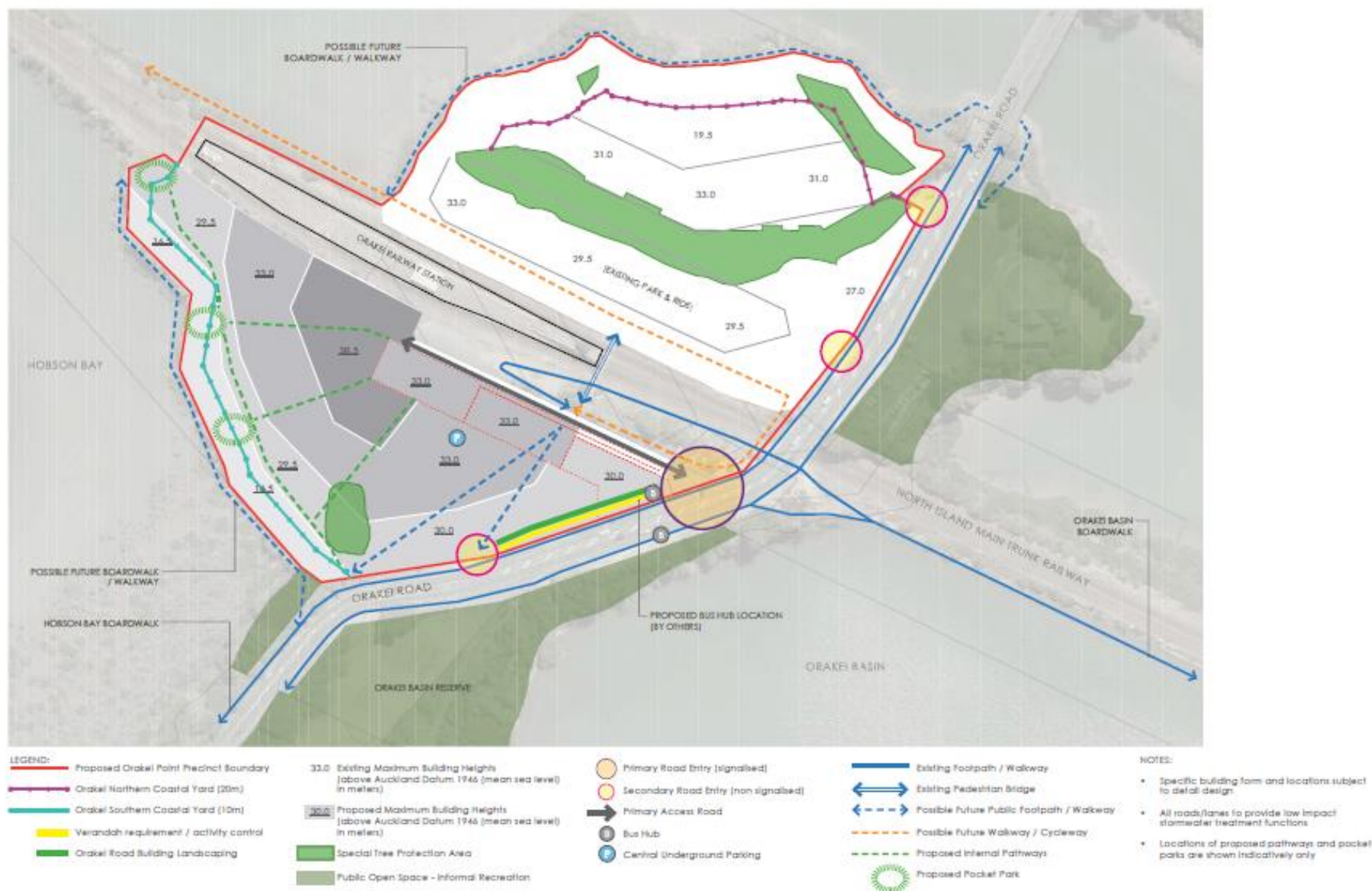
- 18.7 The Orakei Point Precinct provisions as notified did not include a development control relating to the special tree protection areas. This has been included and a schedule of trees added.
- 18.8 I agree with Mr Matt Spiro that the information requirements in relation to trees should be amended to include the two additional points in relation to an arboricultural plan.

#### **19.0 ASSESSMENT CRITERIA**

- 19.1 The assessment criteria have been modified so as to include provisions relating to framework plans and also to provide a balance between retaining the Orakei Point specific provisions and reliance on the more up to date criteria in the Terrace Housing and Apartment Buildings zone.

#### **20.0 PRECINCT PLANS**

- 20.1 The precinct plans which were contained in the notified version have been deleted and replaced with the revised Precinct Plan below. This precinct plan identifies the key elements set out in 18.3(f) above.



## **21 PRECINCT AMENDMENTS**

- 21.1 Following discussions with the Council officers, a number of deletions have been made in the precinct provisions so as this precinct is consistent with the approach generally taken on precincts across Auckland.
- 21.2 OBVL has done this for Unitary Plan consistency rather than because there is a difficulty with the provisions.
- 2.13 Were the Council, Panel or any party to have any concerns about these changes, OBVL would be happy to retain them as notified.
- 21.4 The provisions which we propose to be deleted or modified because they are no longer applicable or appropriate are:
- Precinct plans 2-5
  - Land use controls relating to 3.4 offices and 3.7 retail;
  - Development controls relating to 4.1 Height, 4.2 Orakei Road recession plane, 4.3 Site Intensity, 4.4 Verandah and Colonades, 4.6 Frontage Height and Activity Control and Staging.

## **22.0 CONCLUSION**

- 22.1 Orakei Point is a strategic location; one which will deliver high quality TOD development and which will assist in contributing to the Council's growth management objectives.
- 22.2 The precinct plan retains the planning principles and most of the controls included in Plan Change 260.
- 22.3 While there is a change in the land ownership circumstances from that envisaged in PC 260; nevertheless this is a situation where the two property owners who have development potential are OBVL and the

Council. There is still the opportunity and compulsion for integrated planning of this important area.

- 22.4 The TOD provisions provide an additional control regime which does provide additional height to that normally contained within the Mixed Use zone. It also provides a series of controls which take account of unique environmental circumstances at Orakei Point and provides for appropriate reverse sensitivity controls associated with the rail network.
- 22.5 The framework plan and detailed assessment criteria will ensure quality development which meets the Council's urban design objectives.

John Duthie

**10 November 2016**

Red – Additions sought

~~Black strikethrough~~ – original text deleted

Black – original text retained

Green – Additions addressed in evidence

## 2.18 Ōrākei Point

The objectives and policies of the underlying Mixed Use, Public Open Space – Informal Recreation, ~~Coastal Transition~~ and Strategic Transport Corridor zones apply in the following precinct ~~and sub-precincts~~ unless otherwise specified. Refer to planning maps for the location and extent of the precinct ~~and sub-precincts~~.

### Precinct description

The Orakei Point precinct applies to the peninsula of land on located along Orakei Road ~~adjoining the Coastal Marine Area (CMA) between Orakei Basin and Hobson Bay~~. The precinct is bisected by the North Island Main Trunk Railway. The rail line is also used by freight trains and this useage 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 portion of movements 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 underlying zoning is primarily Mixed Use. ~~In addition, the the Land zoned Public Open Space – Informal Recreation adjoining the CMA in the northern and western parts of the precinct, and the land within the railway designation is zoned Strategic Transport Corridor (adjoining the railway line). the coastal edge in the northern portion of the precinct is zoned Public Open Space – Informal Recreation and there are two small strips of Coastal Transition zoned land.~~

The purpose of the precinct is to enable a comprehensively planned, transit oriented community. ~~The precinct provides for a mix of apartments, terraces, retirement living and some retail and office activity. These activities will connect into Orakei Rail Station, the existing Park n Ride and a future bus hub to be located alongside Orakei Road. with development undertaken generally in accordance with a Master Precinct Plan, and the staged provision of public facilities and infrastructure. The Master Plan is shown on precinct plan 5.~~

Additional development controls are imposed ~~to reflect the specific natural features and characteristics of Orakei Point. These include under the Precinct relating to height, noise and vibration, a coastal yard and tree protection controls. by precinct plans 2-5, and the Special Tree Protection control Area which is shown on precinct plans 4 and 5. The precinct is divided into sub-precincts A to F for the purposes of the different development controls that apply in these areas. Precinct plans 1-5 seek to maximise the opportunities offered by the precinct, while respecting the sensitivities of its coastal location and geological and heritage values.~~

~~Under precinct plan 5, the railway Corridor is capped by a podium, reducing noise and allowing development and public access across the precinct. Precinct plan 5 also includes public plazas, a new Orakei Train Station, and a new loop road to re-enforce the public nature of the development. The Precinct plan 5 provides for a 80,000 of GFA, equating to approximately 700 mix of apartments, terraces and a maximum of 10,000m<sup>2</sup> for both some retail and office activities.~~

### Objectives

The objectives are as listed in the Mixed Use zone, Public Open Space zone, ~~Coastal Transition~~ and Strategic Transport Corridor zone in addition to those specified below:

1. Orakei Point is comprehensively developed as a mixed-use precinct, which integrates well with the public transport network.
2. ~~High quality public open spaces both within Orakei Point and around the northern perimeter of Orakei Point its seaward perimeter are created is provided.~~
3. Principles of sustainability are adopted in the development.
4. Adverse effects from the current and anticipated future operation of the North Island Main Trunk Railway Line are avoided and mitigated.

## Policies

The policies are as listed in the Mixed Use zone, Public Open Space zone, ~~Coastal Transition~~ and Strategic Transport Corridor zone, in addition to those specified below:

## Transit Orientated Community

1. ~~Promote future growth and improvements to public transport through the construction of a transit orientated development supporting the Orakei transport hub. new covered railway station.~~
2. ~~Require staging of infrastructure and public places in a manner that compliments built development.~~
3. Enable other modes of transport other than private motor vehicle by providing connections to public transport, and limiting parking.
4. "Active" uses such as retail and food and beverage are primarily located adjoining Orakei Road so as to provide a positive street frontage and to integrate with public transport.

## Development is undertaken in a comprehensive manner

5. ~~Promote development that is generally consistent with the precinct plan 1.5.~~
6. Require new development ~~and public places~~ to achieve an appropriate interface between buildings, public spaces and Orakei Point's coastal setting.
7. Promote high urban design standards.
8. Encourage the use of framework plans to achieve an integrated and comprehensive form of development.

## High quality public open space

9. ~~Provide connections to the Hobson Bay cycleway so it can effectively and safely traverse Orakei point. a wide range of public spaces, including green spaces for passive recreation around the perimeter of Orakei Point, urban plazas and a street network with a strong pedestrian focus.~~
10. ~~Future proof for a walkway along the southern coast of Orakei point, should such a walkway be required. Provide a green corridor along Orakei Road and Orakei Basin by creating new public space and requiring landscaping and setback requirements.~~
11. ~~Create a series of laneways giving shared access to apartments within Orakei Point that meet CPTED requirements. Provide public plazas on the northern seaward side of Orakei Point maximising public views and amenity.~~
12. Identify and enable the use and development of public open space in the northern portion of the precinct.

## Sustainability in new development

13. Integrate development with public transport.

14. Orientate development and open spaces northwards to maximise solar access.
15. Design buildings to be adaptable to other suitable activities over time.

#### Adverse effects from the North Island Main Trunk Line are avoided or mitigated

16. Require a minimum level of acoustic amenity for occupiers of buildings through the design and construction of buildings and services.
17. Avoid and mitigate vibration effects, and diesel fumes associated with current and future operation of the railway line through the design and construction of buildings.

## CHAPTER K – Precinct rules

### Ōrākei Point

The activities, controls and assessment criteria in the Mixed Use, Open Space Informal Recreation, Coastal Transition and Strategic Transport Corridor zones and Auckland-wide rules apply to the Orakei Point precinct unless otherwise specified below.

Refer to planning maps for the location and extent of the precinct.

#### 1. Activity table

~~The activities in the Strategic Transport Corridor and Public Open Space zones apply in the Orakei Point precinct, unless otherwise specified in the activity table below.~~

~~The following table specifies the activity status of activities in the Mixed Use zone in the Orakei Point precinct.~~

Activity	Activity Status
<del>Accommodation</del>	
<del>Dwellings</del>	<del>P</del>
<del>Home occupations</del>	<del>P</del>
<del>Commercial</del>	
<del>Commercial parking in sub-precinct F</del>	<del>RD</del>
<del>Entertainment facilities up to 500m<sup>2</sup> GFA</del>	<del>P</del>
<del>Entertainment facilities between 500m<sup>2</sup> and 2000m<sup>2</sup> GFA</del>	<del>D</del>
<del>Food and beverage</del>	<del>P</del>



<del>Garden centres up to 3000m<sup>2</sup> GFA</del>	<del>P</del>
<del>Offices up to xxx gfa.</del>	<del>P</del>
<del>Parking up to 1750 spaces</del>	<del>P</del>
<del>Parking between 1750 and 1950 spaces</del>	<del>RD</del>
<del>Retail</del>	<del>P</del>
<del>Taverns up to 500m<sup>2</sup> GFA</del>	<del>P</del>
<del>Visitor accommodation</del>	<del>P</del>
<del><b>Community</b></del>	
<del>Community facilities up to 500m<sup>2</sup> GFA</del>	<del>P</del>
<del>Community facilities between 500m<sup>2</sup> and 2000m<sup>2</sup> GFA</del>	<del>RD</del>
<del>Park and ride up to 200 spaces</del>	<del>D</del>
<del>Road network</del>	<del>P</del>
<del>Signs, structures and information boards associated with public pedestrian and cycling access in and around the CMS</del>	<del>P</del>
<del>Transport equipment</del>	<del>P</del>
<del><b>General</b></del>	
<del>Artificial lighting</del>	<del>NA</del>
<del>Use of buildings complying with clause 3.10 below</del>	<del>P</del>
<del>Use of buildings not complying with clause 3.10 below</del>	<del>RD</del>
<del>Construction of public open space, public accessways, overpasses and plazas, and accessory buildings (excluding roads)</del>	<del>RD</del>
<del>Construction of road network</del>	<del>P</del>
<del>Earthworks</del>	<del>C</del>

- The activities in the Mixed Use, Open Space Informal Recreation, Coastal Transition and Strategic Transport Corridor zones apply in the Orakei Point precinct in addition to those specified below.

<u>Activity</u>	<u>Activity</u>
-----------------	-----------------

	<u>Status</u>
<b><u>Framework plans</u></b>	
<u>A framework plan, amendments to an approved framework plan, or a replacement framework plan complying with clause 3.1 below</u>	<u>RD</u>
<u>A framework plan, amendments to an approved framework plan or a replacement framework plan not complying with clause 3.1 below</u>	<u>NC</u>
<u>Buildings and alterations or additions on sites that are not subject of an approved framework plan</u>	<u>NC</u>
<u>Buildings and alterations or additions on sites that are the subject of an approved framework plan or the subject to a concurrent framework plan</u>	<u>RD</u>
<b><u>Subdivision</u></b>	
<u>Subdivision on sites that are the subject of an approved framework plan</u>	<u>RD</u>
<u>Subdivision on sites that are not the subject of an approved framework plan</u>	<u>NC</u>
<u>Subdivision with a concurrent application for a framework plan</u>	<u>RD</u>

## **2. Notification**

~~The council will limited notify to New Zealand Rail Corporation and Ports of Auckland Limited applications for resource consent under clauses 3.10 and 5.1.4 and infringements of clause 5.1.2.4.~~

~~2.Applications for resource consent under the following rules are subject to the normal tests for notification under the relevant sections of the RMA:~~

~~a.Any application for buildings, excavation or related works within the special tree protection areas which requires consent under clause 5.1.1.6 and will result in:~~

~~i.removal of more than 5 per cent of the canopy of any tree located within the special tree protection area or~~

~~ii.removal of three or more trees located within the special tree protection area or~~

~~iii.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~~

1. The council will consider restricted discretionary activity resource consent applications for framework plans (including amendments to an approved framework plan or a replacement framework plan) without the need for public notification, however limited notification may be undertaken, including notice being given to any owner of land within the precinct who has not provided their written approval.

2. The council will consider restricted discretionary activity resource consent applications for new buildings, and alterations and additions to buildings, on sites that are the subject of a framework plan or a concurrent application for a framework plan, except for alterations and additions provided for as a restricted discretionary activity, without the need for public notification. However limited notification may be undertaken, including notice being given to any owner of land within the precinct who has not provided their written approval.
3. The council will consider restricted discretionary activity resource consent applications for subdivision on sites that are the subject of an approved framework plan or a concurrent application for a framework plan, without the need for public notification. However limited notification may be undertaken, including notice being given to any owner of land within the precinct who has not provided their written approval.
4. The council will limited notify to New Zealand Rail Corporation and Ports of Auckland Limited applications for resource consent under clauses 4.1(use of building), 5.6 (noise), and 5.7(vibration) below, and consents which trigger assessment under clause 6.1.6, 6.1.8, 6.2.6 and 6.2.8 (relating to buildings and development within 30m of land used for railway purposes).
5. Applications to alter remove or undertake works in the dripline of any tree within the special tree protection area will be subject to the normal tests of notification under the relevant sections of the RMA, except where provided for in 5.9a-e.

### 3. Framework plans

Purpose: provide a sound framework for an integrated, well-designed and high-quality environment in the precinct.

1. A resource consent application for a framework plan, amendments to an approved framework plan or a replacement framework plan must:
  - a. Apply to the whole precinct, the whole sub-precinct or to a land area greater than 1.8ha.
  - b. apply only to land that the applicant is the land owner or leaseholder of, or to sites in multiple ownership where the landowners make a joint application
  - c. comply with the provisions applying to framework plans specified in clause 2.6 and 2.7.3 of the general provisions
  - d. seek consent for the following land uses:
    - i. the design and location of building platform(s)
    - ii. the design and location of roads
    - iii. public open space
    - iv. provision of infrastructure
    - v. earthworks.

## 34. Land use controls

~~1. The land use controls applying in the Orakei Point precinct are in the Mixed Use zone unless specified below.~~

- ~~1. The land use controls in the Mixed Use, Open Space Informal Recreation, Coastal Transition and Strategic Transport Corridor zones apply in the Orakei Point precinct in addition to the control specified below:~~

### 3.1 Parking

~~1. Parking within the precinct must not exceed 1950 spaces unless parking for the 200 park and ride spaces has been disestablished.~~

~~2. Where parking for the 200 park and ride spaces has been disestablished parking within the precinct must not exceed 2150 spaces.~~

~~3. Parking that does not comply with 3.1.1 and/or 3.1.2 above is a non-complying activity.~~

### 3.2 Commercial parking within sub-precinct F

~~1. Commercial parking within sub-precinct F must not exceed 400 spaces and can only be undertaken on the southern side of the railway corridor and only prior to the completion of development on this land sub-precinct F (this excludes parking provided ancillary to a permitted or restricted discretionary activity).~~

~~2. Commercial parking not meeting 3.2.1 above is a non-complying activity.~~

### 3.3 Garden centres

~~1. Garden centres, including an ancillary café must only occupy up to 20 per cent of the GFA, and/or up to 5 per cent of the outdoor area.~~

~~2. Garden centres not complying with clause 3.3.1 above are a discretionary activity.~~

### 3.4 Offices

~~1. Offices must have a total cumulative GFA of between 5,000m<sup>2</sup> and 10,000m<sup>2</sup>.~~

~~2. Offices not complying with clause 3.4.1 above are a discretionary activity.~~

### 3.5 Food and beverage

~~1. Food and beverage must not operate between 11.00pm and 7.00am.~~

~~2. Non-compliance with 3.5.1 is a controlled activity.~~

### 3.6 Park and ride parking

~~1. Park and Ride must provide a maximum of 200 spaces.~~

~~2. Park and Ride parking exceeding 200 spaces is a discretionary activity.~~

### 3.7 Retail premises

~~1. The GFA of any individual tenancy (including ancillary on-site warehousing and storage) must not exceed 500m<sup>2</sup>.~~

~~2. A single large floor plate retail tenancy (including ancillary onsite warehouse and storage) must not exceed 2,000m<sup>2</sup>.~~

~~3. The total cumulative GFA of retail premises in clauses 3.7.1 and 3.7.2 above must not exceed 10,000m<sup>2</sup>.~~

~~4. A minimum GFA of 5,000m<sup>2</sup> must be provided.~~

~~5. Retail premises that do not comply with any of these controls for retail premises are a discretionary activity.~~

### **3.8 Taverns**

~~1.~~

~~Taverns must have a maximum GFA of 500m<sup>2</sup>.~~

### **3.9 Artificial lighting**

~~9. Artificial lighting may be used on a site producing on luminance in excess of 150lux, measured at any point on the site containing the light source in a horizontal or vertical plane at ground level.~~

~~10. Lighting that does not comply with 3.9.1 above is a non-complying activity.~~

### **3.10 4.1 Use of buildings**

1. Use of buildings for any activity listed as permitted in the activity table where located 30m either side of the land designated for railway purposes must be subject to a restrictive non-complaints encumbrance in favour of New Zealand Railways Corporation and the Ports of Auckland, in accordance with ~~3.10.2~~ 4.1.2 below.

2. For the purposes of the Orakei Point precinct and this rule a "restrictive non-complaints encumbrance" is a restrictive encumbrance 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.

3. The requirement in ~~3.10.2~~ 4.1.2 does not require the encumbrance 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.

4. The use of buildings that does not comply with these controls is a restricted discretionary activity.

### **4.5 Development controls**

~~1. The development controls in the Mixed Use zone apply in the Orakei Point precinct unless otherwise specified below.~~

The development controls in the Open Space Informal Recreation, Coastal Transition and Strategic Transport Corridor zones apply in the Orakei Point precinct unless otherwise specified below.

The development controls in the Mixed Use zone do not apply in the Orakei Point precinct.

#### **4.1 5.1 Height**

##### **Building height**

~~1. Buildings within an identified building platform must not exceed the maximum number of floors above the podium shown on Precinct Plan 1, provided that the overall height of the building (including roofs and roof top projections) must not exceed the maximum height (above datum) in meters also specified for that building platform shown~~

~~2. For the purposes of the control above, the 'maximum height number of floors' must be is measured in each case as being above datum a nominal podium level of RL12.5 with the podium level storey counting as the first floor.~~

~~3. Buildings within that area identified as 'podium level' on Precinct Plan 1 must not exceed the height above datum shown on the Plan for that section of the podium, provided that this height limit must not apply to the following buildings and structures located on or over the podium level:~~

~~a. Balconies over roads and plazas which meet the criteria in 5.2.1(a) and (c)~~

~~b. Seating, bus shelters, pedestrian shelter structures, balustrades, light poles, signs or public artwork on roads or plazas~~

~~c. Buildings and structures associated with temporary permitted activities~~

~~4. The "RL" shown on Precinct Plan 1 must be Auckland Datum 1946 (mean sea level).~~

### **Floor to floor height within buildings**

~~1. The minimum floor to floor height within buildings must be 4m for the ground level of a building, provided that no minimum floor to floor height will apply to the ground or basement levels of buildings within sub-precinct A, where those floors contain residential or parking.~~

~~2. The minimum floor to floor height for all other levels within a building must be 3m. The minimum floor to floor heights does not apply to parking levels or to levels below the podium.~~

~~3. Refer to rule 4.8(b) or the minimum floor to ceiling heights which apply to residential units.~~

~~4. The maximum floor to ceiling height limit on all levels within a building must be 4.5m, except that the maximum floor to ceiling height limit does not apply to:~~

~~a. ground levels~~

~~b. other building levels used for entrance lobbies, circulation or foyers or as public entry and access to the covered railway station~~

~~c. parking levels~~

~~d. levels used for the rail station, lines and ancillary activities~~

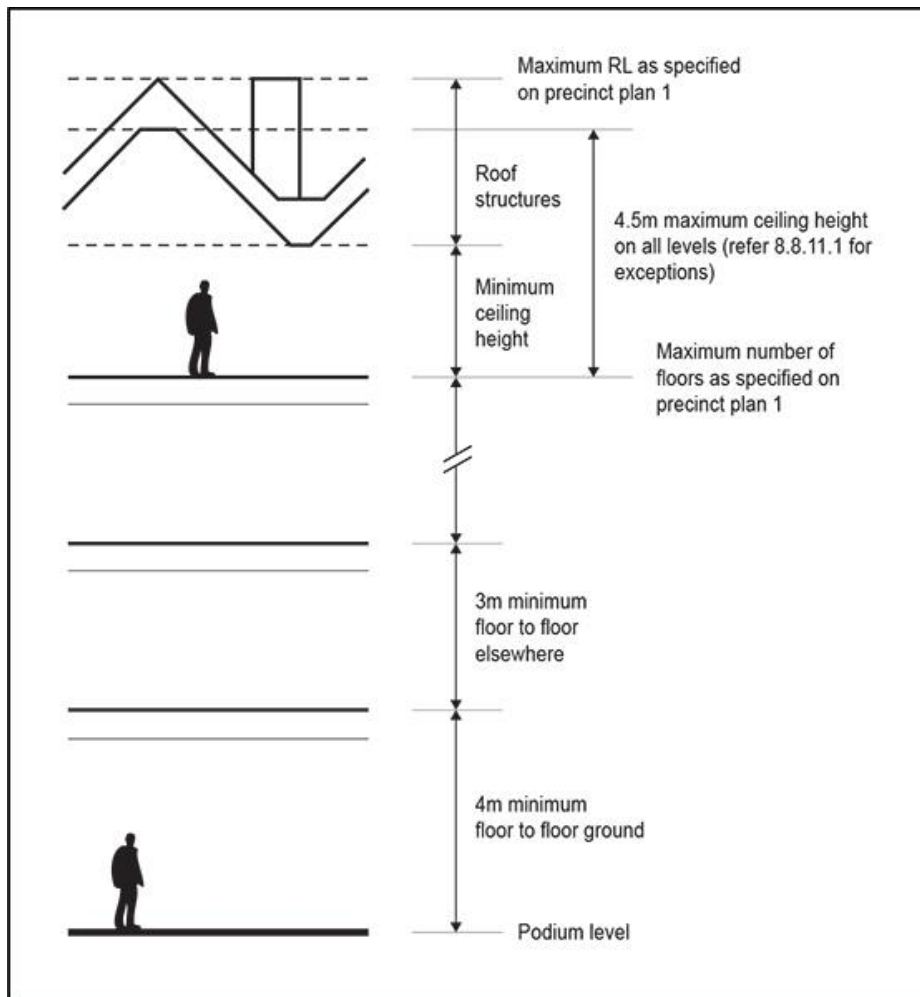
~~e. levels incorporating mezzanine floors~~

1. The overall height of a building (including roofs and roof top projections) must not exceed the maximum height (above datum) in meters shown on the Precinct Plan, prior to the approval of a framework plan.

### **Roof top control**

4.2. 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, must be enclosed in a structure or structures designed as an integral part of the roof of the building.

**Figure 1: Orakei Point height controls**



**Explanation:**

~~Buildings are limited to the building platforms shown on the precinct plans to ensure development is consistent with precinct plan 5. 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~~  
The building height control has been prepared to ensuring the greatest intensity of development is located in the central portion of the precinct, closest to the railway station . ~~Building platforms also provide for buildings to define and enclose public streets open spaces.~~

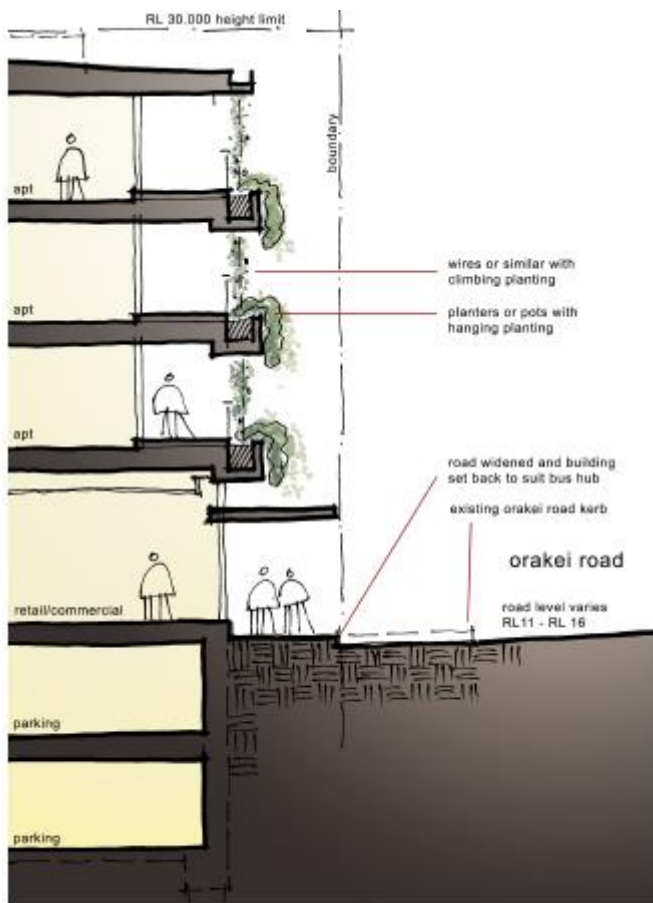
Appropriate building heights have been determined with reference to the landform of the wider visual and physical catchment. ~~Maximum building heights have been determined for each of the building platforms, with reference to the landscape sensitivities of Orakei Point and precinct plan 5. A range of building heights are specified to ensure 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~~ The maximum RL's, the later being set higher than the former to are intended to provide for and encourage pitched and varied roof forms rather than flat roofs however flat roofs are appropriate where they are to be used as a roof garden/deck.

~~Maximum heights of RL12.5, 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 RL16 is applies to one portion of the podium to allow the~~

road to slope up from the general podium level of RL12.5 to meet Orakei Road at grade. A maximum height of RL5.5 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.

## 4.2 5.2 Orakei Road recession plane and building landscaping

1. Buildings located within the area identified as “building landscaping” on the Precinct Plan shall be landscaped and/or designed so as to create a “green wall effect”. A diagram illustrating a “green wall effect” is set out below.



Proposed Plan Change 260 Orakei Road Building Landscape Example  
(Prepared by Leuschke Group Architects 08.10.15)

Buildings within the building platforms identified on Precinct Plan 1 as being subject to the Orakei Road recession plane and building landscaping control must comply with the following:

a. No part of the building must 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.

b. The face of the building to Orakei Road must be landscaped and or developed in such a way as to create a “green wall effect”, and must have sufficient measures soil depth and drainage to ensure proper plant growth.

c. The building and landscaping must 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 must not be a literal regression of the 45° angle.



d.No part of the building must exceed an overall height of RL 30 above Auckland Datum 1946 (mean sea level).

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

Explanation:

The Orakei Road Recession Plane and Building Landscaping control is applied to the buildings adjoining Orakei Road. The control ensures that the buildings maintain a green face to Orakei Road and are set back from the road so as to maintain its open character.

### 4.3 5.3 Site intensity

1. The total GFA within the precinct must not exceed 80,000m<sup>2</sup>.

2. The total GFA to the south of the mid-point of the railway line must not exceed 50,000m<sup>2</sup> GFA.

1. The maximum GFA within each sub-precinct must not exceed the following:

<del>Sub-precinct area</del>	<del>Maximum</del> <del>Minimum</del> GFA
<del>Sub-precinct A</del>	<del>16,000m<sup>2</sup></del>
<del>Sub-precinct B</del>	<del>18,000m<sup>2</sup></del>
<del>Sub-precinct C</del>	<del>9,000m<sup>2</sup></del>
<del>Sub-precinct D</del>	<del>13,000m<sup>2</sup></del>
<del>Sub-precinct E</del>	<del>9,000m<sup>2</sup></del>
<del>Sub-precinct A</del>	<del>15,000m<sup>2</sup></del>
<del>Total GFA</del>	<del>80,000m<sup>2</sup></del>

2.The maximum GFA within each sub-precinct must 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 must not be used in the calculation of maximum GFA.

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

a.All outdoor balcony or deck space, whether enclosed or not

b.Floor area used for parking, including associated access ramps, stairs, lifts and plant, where that floor area is:

i.for sub-precinct A, below RL 12.5 18 (measured above Auckland Datum 1946 (mean sea level)) or

ii.For sub-precincts B — F, below the podium levels shown on Precinct Plan 1 or

iii.Contained within a the Orakei Road building(s) within the building platform shown on Precinct Plan 1 as being subject to the Orakei Road Recession Plane and Building Landscaping Control.

iv.Outdoor areas associated with garden centres.

Explanation:

The site intensity control limits the amount of GFA achievable within each of the sub-precinct areas. Maximum GFA's 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 GFA's are identified on a sub-precinct basis. The development of individual building areas within each sub-precinct will need to be assessed at the time of resource consent application with reference to the quantum of GFA already taken up within the sub-precinct, by both existing and consented development. Overall, the GFA's provided for within the precinct equates to a floor area ratio of approximately 1.8:1 of the entire area of the precinct.

#### **4.4.5.4 Verandah/Colonnade requirement**

1. Buildings located within the area subject to the "verandah requirement/activity control" identified on Precinct Plan 1 shall provide a 3m verandah for the full width of the frontage of the building along Orakei Road.

~~For buildings within building platforms identified as subject to a verandah / colonnade control on Precinct Plan 2 a verandah / colonnade must be provided which must comply with the following:~~

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

~~b. The verandah/colonnade must have a minimum height of 3.4m above the footpath immediately below.~~

~~c. Any colonnade must have a minimum unobstructed horizontal width of 2m.~~

~~d. Any verandah must comply with relevant District Plan or Council bylaws relating to verandahs.~~

Explanation:

A verandah/colonnade is required along Orakei Road so as to provide amenity for people using the footpath and the bus hub. ~~to 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.~~

#### **4.5 Pedestrian links**

~~1. Pedestrian links connecting the road, plazas and open space land cycleway must be provided generally at the locations shown on the Precinct Plan 3. Such pedestrian links must comply with the following:~~

~~The pedestrian link must:~~

~~a. have a minimum width of 2m~~

~~b. Create a direct and logical pedestrian link through the site between public road, plaza and open space land cycleway.~~

~~c. Be open to the sky or be covered with glazing, except for a pedestrian link beneath the rail line~~

~~d. Comply with relevant CPTED principles.~~

Explanation:-

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

#### **4.6.5.5 Frontage height and aActivity control**

~~1. Any building shown on Precinct Plan 3 as subject to a frontage height and activities control must comply with the following:~~

~~a. The façade of the building must generally abut the building platform boundary identified as being subject to the frontage height control.~~

~~b. The number of floors along that building platform boundary must be no less than the maximum number of floors specified on Precinct Plan 1, except on the building platform subject to the Orakei Road Recession Plane and Building Landscaping Control where the control in 4.6(1)(b) must not apply.~~

c. 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.

2. Only the following activities may occupy ~~Activities occupying the ground floor frontage of a building located in the area subject to the "verandah requirement/activity control" on a site identified on the Precinct Plan 3 must are~~ be limited to the following:

a. entertainment facilities

~~b. garden centres~~

c. food and beverage

d. retail

e. taverns

f. community facilities

g. offices

h. showrooms

3. ~~Except that s~~Such activities must occupy not less than 80 per cent of the length and not less than 10m of the depth of the ground floor road frontage of an identified site. Up to 20per cent 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~~ Activity control is intended to ensure that buildings and the activities within enable an "active street frontage" which is attractive and interesting to users and passersby. ~~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 plaza 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.

#### 4.75.6 Noise

1. Buildings within the Orakei Point precinct must be designed and constructed to ensure the following internal noise limits will not be exceeded:

Receiving environment	L <sub>Aeq</sub> , 1 hour
Residential – bedroom	35 dB
Residential – habitable rooms	40 dB
Commercial – offices	40 dB
Conference <u>facilities</u> and <u>day-e</u> Care <u>centres</u> <u>facilities</u>	40 dB
Commercial – retail	45 dB

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

a. a train sound power level of LWA127 dB as a point source travelling at 40 km/hr, and 4 trains per hour, and using the spectrum table

	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1k	2k	4k
Sound Power Level (dB)	133	131	127	123	123	119	114

b.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

3.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.

4.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 must 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.

5.Residential accommodation must not be located closer than 80m to any exposed rail line unless a report from a suitably qualified acoustic consultant demonstrates that the external criterion of LAeq,1hr 60 dB can be achieved within any primary outdoor living area using the source levels detailed in clause 2(a) above.

#### 4.8 Noise emission

~~1.The noise level arising from any activity within the Orakei Point precinct must not exceed the following levels;~~

~~a.At the façade of any habitable space within the Orakei Point precinct:~~

<del>Time</del>	<del>Noise level</del>
<del>7.00 am to 10.00 pm</del>	<del>L<sub>A10</sub> 60 dB</del>
<del>10.00 pm to 7.00 pm</del>	<del>L<sub>A10</sub> 55 dB</del> <del>L<sub>63</sub> _____ Hz _____ 10 60 dB</del> <del>L<sub>125Hz</sub> 10 _____ 55 dB</del> <del>L<sub>Amax</sub> 75 dB</del>

~~b.Within the boundary of any residentially zoned property (outside the Orakei Point precinct):~~

<del>Time</del>	<del>Noise level</del>
<del>7.00 am to 10.00 pm</del>	<del>L<sub>A10</sub> 50 dB</del>
<del>10.00 pm to 7.00</del>	<del>L<sub>A10</sub> 40 dB</del> <del>L<sub>Amax</sub> 75 dB</del>

~~c.Noise levels must be measured and assessed in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 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 Orakei Point precinct (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 Orakei Point precinct to 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.~~

#### 4.9 Standards for residential units

~~Residential units must comply with the following standards:~~

#### 4. Minimum GFA

Residential unit	Minimum GFA
One bedroom	45m <sup>2</sup>
One bedroom plus study	55m <sup>2</sup>
Two bedrooms	70m <sup>2</sup>
Three bedrooms or more	90m <sup>2</sup>

Minimum balcony sizes of at least 8m<sup>2</sup> must be in addition to the above minimum GFA requirements. All balconies must be internalised (i.e. not projecting) for improved privacy, flexibility of use and protection from windy aspects.

#### 2. Floor to Ceiling Height

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

b. Kitchens, bathrooms, hallways, toilets, lobbies, laundries and service areas: 2.3m minimum floor to ceiling height.

#### 3. Minimum widths of common circulation corridors

a. The minimum width of common area corridors must be 1.5m.

b. The minimum width of a corridor/lobby space immediately adjacent to the lift must be 2.7m, measured at 90° to the lift doors, for the full combined width of the lift doors.

#### 4. Minimum Daylight Standards

a. Residential units must be designed to achieve the following minimum daylight standards:

i. Living rooms and living/dining areas — must have a total clear glazed area of exterior wall no less than 20 per cent of the floor area of that space.

ii. Bedrooms — must have a total clear glazed area of exterior wall no less than 20 per cent of the floor area of that space.

iii. 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 must be set back from the boundary by a minimum of 1m.

#### Explanation:

Minimum unit standards are imposed within the Orakei Point precinct 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.

#### 4.10 Mix of residential units

1. The combined number of one bedroom, one bedroom plus study and two bedroom units within the Orakei Point precinct must not exceed 80 per cent of the total number of residential units in the precinct.

2. No more than 10 per cent of units within the precinct must be one bedroom. No more than 15% of units within the Orakei Point precinct must be one bedroom plus study. No single building must comprise entirely one bedroom units.

3. The total number of residential units in the precinct must 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 must 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 Orakei Point precinct 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 precinct under the GFA requirements for residential units.~~

**4.11 Private open space**

~~1.All residential units must have an outdoor living area no less than 8m<sup>2</sup>.~~

~~2.This outdoor living area must 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 must 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 useable private open space.~~

**4.12 Visual privacy**

~~1.Where the habitable room windows of a dwelling or a guestroom within visitor accommodation are less than 6m away, and have direct views of the habitable room windows of other residential units or a guestroom within a tourist facility within the same or adjacent sites, they must:~~

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

~~b.have sill heights of 1.6m above floor level or~~

~~c.have fixed obscure glazing in any part of the window below 1.6m above floor level or~~

~~d.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.~~

**4.13 Residential outlook space**

~~1.An outlook space must 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 must be provided to the face with the greatest window area of outlook.~~

~~2.For the purpose of this rule, "principal living area" means the main communal living space within an accommodation unit for entertainment, recreation and relaxation.~~

~~3.The minimum dimensions for outlook space for principal living areas and for bedrooms must be 6m, measured perpendicular to the exterior face of the building. The outlook space may be over:~~

~~a.the site on which the building is located~~

~~b.legal road~~

~~c.public open space~~

~~d.another site~~

~~e.A shared space. An area otherwise shown on Precinct Plan 1 as being podium or open space and not a building platform above the podium levels~~

~~Provided that in the event of clause 3(d):~~

i. ~~the outlook space must 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~~

ii. ~~written approval of the owner of the adjoining site for the outlook space must be provided when the application for resource consent is lodged~~

iii. ~~more than one building may share an outlook space~~

4. ~~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.~~

#### 4.14 ~~5.7~~ Vibration

1. Occupied buildings within the Orakei Point precinct must be designed and constructed to ensure the following levels of vibration from trains will not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 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.

Receiving Environment	Maximum Weighted Velocity, $V_{w, 95}$
Residential Accommodation	0.3 mm/s
Commercial/Retail Areas	0.6 mm/s

#### 4.15 Screening

1. ~~Where any outdoor storage, refuse disposal area, service or parking area adjoins or directly faces land that is open space or residentially zoned, a solid wall screen must be erected, to the following heights which is densely planted behind with vegetation and shrubs that will screen the areas during the year.~~

a. ~~Front boundary: 1.2m~~

b. ~~Side and rear boundaries: 1.8m~~

c. ~~Except that this control does not apply to the outdoor area of a garden centre used for the display and sale of plants, pots, garden ornaments and outdoor furniture.~~

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.~~

#### 4.16 Parking

1. The Auckland Wide infrastructure rules relating to traffic must apply with the exception that in place of the parking standards in Table 3 of the Auckland Wide infrastructure rules the following must apply:

a. Where a site is located within the Orakei Point precinct, the maximum number of parking spaces must not exceed the following:

Activity	Maximum permitted parking
Residential	<del>One space per residential unit up to one bedroom (including one bedroom units plus study).</del> - Two spaces per residential unit two bedrooms

	or more.
Offices	One space per 60m <sup>2</sup> of GFA
Retail	One space per 40m <sup>2</sup> of GFA
Garden Centre, including an ancillary café that incorporates up to 20 per cent of the GFA, and/or up to 5 per cent of the outdoor area	Garden Centre: one space per 40m <sup>2</sup> of GFA plus one space per 100m <sup>2</sup> of outdoor area. Café: one space for every 4 café seats.
All other activities	One space per 60m <sup>2</sup> of GFA

b. The overall parking spaces within the Orakei Point precinct must be no more than 1750 spaces.

c. That a minimum parking threshold of 75 per cent of the maximum parking requirement must apply.

d. The overall parking spaces in the precinct must 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 must not be used in the calculation of parking spaces.

e. Parking may either be provided on the same site as the activity to which it relates, or on another site within the Orakei Point precinct.

f. There are no minimum parking requirements within the Orakei Point precinct.

g. Podium level public On-street parking is not subject to the maximum permitted parking limitations or total overall in clauses (a) and (b) in this rule.

h. Park and Ride parking up to a maximum of 200 spaces is not subject to the maximum permitted parking limitations or total overall in clauses (a) and (b) in this rule.

i. The loading standards set out in Table 7 of the Auckland Wide infrastructure rules must 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 sub-precinct. No off-street loading is required for buildings and activities within sub-precinct F.

#### Explanation:

The Orakei Point precinct 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 light of the other transport options that are available to Orakei Point.

### 4.17 5.8 Staging and provision of public facilities, infrastructure, traffic and road improvements

1. The following table sets out the public facilities and infrastructure work and traffic and road improvements required to be established as a requirement pre-requisite to development of each sub-the precinct.

Level of development	Staging requirements
499 or less car parks on any <u>one</u> side of the railway line	No external traffic mitigation required



500 or more car parks on any <u>one</u> side of the railway line	Installation of traffic signals at the main site access on whichever side exceeds 500 car parks (or signalisation of the main site accesses on both sides if/once both exceed 500 car parks each)	2. <del>The staging requirements must be constructed concurrently</del>
1,001 or more total car parks combined on <u>both</u> sides of the railway line	Provision of on-road or off-road cycle facilities along the Orakei Road site frontage	
1,501 or more total car parks combined on <u>both</u> sides of the railway line	Upgrading of the Kapa / Orakei / Ngapiapi intersection from a roundabout to traffic signals, with a single right turn lane from Ngapiapi Road to Orakei Road and two exit lanes on Kapa Road; plus  the provision of a second northbound lane on Orakei Road from south of the southern site access through to the Kapa Road traffic signals;	

<del>I</del>	<del>II</del>	<del>III</del>	<del>IV</del>
<del>Sub-precinct</del>	<del>Staging requirements</del>	<del>Public facilities and infrastructure</del>	<del>Traffic and road improvements</del>
<del>Sub-precinct A</del>	<del>No building or development must be undertaken within the sub-precinct until the public facilities and infrastructure set out in column III of this table have been established.</del>  <del>No building or development within the sub-precinct must be occupied until the traffic and road improvements set out in column IV have been completed.</del>	<del>Vesting in the council of an esplanade reserve with a minimum depth of 20 metres along the foreshore adjoining sub-precinct A so that the reserve can provide continuous public access along its full length.</del>	<del>Closure of any alternative access onto Orakei Road (so that the only access onto Orakei Road is as shown on Precinct Plan 5).</del>
<del>Sub-precinct B</del>	<del>No building or development above the podium level must be undertaken within the sub-precinct until the public facilities and infrastructure set out in column III of this table have been established.</del> <del>Note: this does not preclude the establishment of the parking levels and associated access below the podium level</del>	<del>a.Vesting of Orakei Road site frontage to the council for road widening, as shown on Precinct Plan 5 and</del> <del>b.Vesting to the council of the Open Space zoned land at the northern end of the site at 246 Orakei Road (headland park) and</del> <del>c.Vesting in the council of an esplanade reserve with a minimum</del>	<del>a.Improvements to the alignment along Orakei Road, where feasible and</del> <del>b.The provision of footpaths along the western side of Orakei Road, between 228 Orakei and the Shore Rd roundabout) and</del> <del>c.The provision of on or off road facilities for cyclists along Orakei Road and</del> <del>d.The signalisation of the intersection of the southern</del>

	<p>nor the establishment of the roads, plazas and another public places above the podium level prior to the public facilities and infrastructure set out in column III being established.</p> <p>No building or development within the sub-precinct must be occupied until the traffic and road improvements set out in column IV have been completed.</p>	<p>depth of 20 metres along the foreshore adjoining sub-precinct A so that the reserve can provide continuous public access along its full length.</p>	<p>access to the site with Orakei Road, generally in the position shown on the Precinct Plan 5.</p>
Sub-precinct C	<p>No building or development must be undertaken within the sub-precinct until the public facilities and infrastructure set out in column III of this table have been established.</p> <p>No building or development within the sub-precinct must be occupied until the traffic and road improvements set out in column IV have been completed.</p>	<p>A - C above and</p> <p>d.completion of that part of the podium level within sub-precinct B and</p> <p>e.the establishment of lee plaza* and</p> <p>f.completion of the railway entrance building*</p> <p>-</p>	<p>A - D above and</p> <p>e.Upgrading of the Kepa/Orakei/Ngapipi intersection from a roundabout to traffic signals, with a single right turn from Ngapipi Road to Orakei Road, but with two exit lanes on Kepa Road (to allow two right turn lanes from Orakei Road) and</p> <p>f.The provision of a second northbound lane on Orakei Road, from south of the southern site access, including vesting in the council the land identified as "Road Widening" on Precinct plan 1 and</p> <p>g.The signalisation of the intersection of the northern access to the site with Orakei Road, generally in the position shown on Precinct Plan 5.</p> <p>-</p>
Sub-precinct D	<p>No building or development must be undertaken within the sub-precinct until the public facilities and infrastructure set out in column III of this table have been established.</p> <p>No building or development within the</p>	<p>A - F above and</p> <p>g.The establishment and vesting of the Link Road as a public road in strata within sub-precincts B and C, including signalised intersections with Orakei Road</p>	<p>A - G above and:</p> <p>h.The provision of a flush median along Orakei Road, where feasible and</p> <p>i.Further upgrading of the Orakei/Kepa/Ngapipi Road intersection, with two exit lanes to Ngapipi Road, plus widening of the approach from Kepa Road</p>

	precinct must be occupied until the traffic and road improvements set out in column IV have been completed.		
Sub-precinct E	<p>No building or development must be undertaken within the sub-precinct until the public facilities and infrastructure set out in column III of this table have been established.</p> <p>No building or development within the sub-precinct must be occupied until the traffic and road improvements set out in column IV have been completed.</p>	<p>A - G above and</p> <p>h.Vesting to the council of the Open Space zoned land on the western edge of the sites at 228 Orakei Road and 236 Orakei Road to the railway land.</p>	<p>1-9 above.</p>
Sub-precinct F	<p>No building or development must be undertaken within the sub-precinct until the public facilities and infrastructure set out in column III of this table have been established.</p> <p>No building or development within the sub-precinct must be occupied until the traffic and road improvements, and local purpose reserve vesting, set out in column IV have been completed.</p>	<p>A - H above and</p> <p>i.Completion of that part of the podium level within sub-precinct E and</p> <p>j.Establishment of waterfront plaza* and</p> <p>k.Public indoor and outdoor linkage between lee plaza and waterfront plaza*.</p>	<p>A - I above; and</p> <p>j.Vesting in the council, in fee simple as a local purpose reserve, the landscaped corridor shown in Precinct Plan 5 approximately 10m wide running parallel to and adjoining the northern side of Orakei Road between the two vehicle entrances shown on Precinct Plan 5, excluding the part of that corridor which also comprises part of the railway corridor.</p>

2.For the purposes of the above table, 'the link road', 'lee plaza' and 'waterfront plaza' must be as shown on Precinct Plan 5.

\* Note: The construction of lee and waterfront plazas, the linkages between the plazas and the railway station entrance building are required to satisfy assessment criteria as a restricted discretionary activity set out in clause 5.2, including the requirements to legally establish safe public access to these public places and facilities as referenced in the criteria.

3.Throughout the development of every sub-precinct, public pedestrian and service access to the Orakei Railway station must be maintained and vehicle access from Orakei Road to the Kings Plant Barn property at 236 Orakei Road (Lot 3 DP 112856) must be maintained.

4.The sequencing of development of each sub-precinct need not follow the order of sub-precinct numbering B-E, 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 sub-precinct or sub-precincts are established as a prerequisite to the development of the later sub-precinct.

5.An application for resource consent for development within any of the sub-precincts must provide details of how the public facilities and infrastructure set out in column III have been provided.

~~6. 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.~~

~~7. More than 1 sub-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 sub-precincts to ensure they are provided commensurate with the requirements of the development and to ensure the full public benefit outcomes of Precinct Plan 5 are achieved. The success of Orakei Point depends on the staged and coordinated provision of the covered rail, roads, plazas, linkages and infrastructure and roading upgrades.~~

#### **4.18 Network utility services**

~~1. The Orakei Point precinct development controls must not apply to network utility services provided for as permitted and restricted controlled activities in the Activity Table.~~

Explanation:

~~The development controls of the Orakei Point precinct 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 plazas.~~

#### **4.15.9 Orakei Point coastal yard**

1. The Orakei Point **northern** coastal yard applies to land within a line 20m from mean high water springs in the position shown on Precinct Plan 4. ~~The yard must be measured in a horizontal plane in a landward direction from the mean high water springs. The following rules must apply to this yard:~~

**A2. Within the Orakei Point northern coastal yard** No building must be constructed ~~within the Orakei Point coastal yard, except that this control shall not limit the following approved as part of a resource consent:~~

~~i. paths and driveways and associated retaining, foundations, surfaces and structures in general accordance with Precinct Plan 5.~~

**B3. Within the Orakei Point northern coastal yard** No person must cut, damage, alter, injure, destroy or partially destroy:

i. any indigenous tree or vegetation;

ii. any exotic tree greater than 6m in height or 600mm in girth (measured at 500mm aboveground level).

~~2.4~~ The council may grant an application for 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.

**5. The Orakei Point southern coastal yard applies to land within 10m of high water springs (as shown on the Precinct Plan).**

6. Within the Orakei Point southern coastal yard no building shall be constructed.

3.7. For the avoidance of doubt, no other yard or building in relation to boundary control will apply within the Orakei Point precinct.

Explanation:

The Orakei Point **Northern** Coastal Yard is applied at the boundary of Open Space 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. **This northern coastal yard provides for public access.**

The Orakei Point Southern Coastal Yard has a lesser setback as there is no need to provide for public access along this portion of the precinct.

~~In other places within the Orakei Point precinct 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.~~

#### **4.9 Special Tree Protection Area**

1. Trees identified on the Precinct plan as trees subject to the tree protection rule, and described and identified in Table 1 and Table 2 below must not be altered, removed or have works undertaken within the dripline.

Exceptions to this control are the following:

- a. Trimming of the canopy, excluding the roots, of any tree which does not damage its health. Such works will be limited to no more than 5 per cent of live growth removal of each tree in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained;
- b. The removal of up to a total of three trees existing at 18 January 2010;
- c. The removal of any tree or part of a tree that is dead or that is suffering from an untreatable disease which has caused a significant decline in its health, evidence must be produced if required. Where any element of uncertainty exists as to the likely fate of the tree, the benefit of doubt will be given to the tree's survival by not removing it until such time as its irreversible decline is obvious. Before removing any affected tree, consultation with the council's arborist is strongly advised.
- d. Emergency tree works. In such circumstances the person undertaking the work must notify the council in writing within seven days of the work commencing as to the reason for the work.
- e. The actions of any statutory authority in carrying out of work authorised by statute. In such circumstances the authority concerned must notify the council in writing no later than seven days prior to the work commencing as to the reason for the work.

2. Works that are not provided for the exceptions in a:-e. above are a restricted discretionary activity if they relate to the altering the tree or works within the dripline and discretionary if they relate to tree removal.

#### **Table 1 – Northern tree protection area**

Tree #	N° trees	Botanical name	Common name	Height (m)	No. stems at 1.4m	Aggregate girth at 1.4m (mm)	CSR (m)	Form	Structure	Health	Age class
1	1	<i>Metrosideros excelsa</i>	Pohutukawa	14	4	2500	4.5	Fair	Fair	Fair	Mature
2	1	<i>Metrosideros excelsa</i>	Pohutukawa	16	4	2500	3	Fair	Fair	Fair	Mature
3	1	<i>Metrosideros excelsa</i>	Pohutukawa	12	3	2000	4	Fair	Fair	Fair	Mature
4	1	<i>Metrosideros excelsa</i>	Pohutukawa	12	> 3	2000	4	Fair	Fair	Fair	Mature
5	1	<i>Metrosideros excelsa</i>	Pohutukawa	16	0	3000	4.5	Fair	Fair	Fair	Mature
6	1	<i>Metrosideros excelsa</i>	Pohutukawa	15	6	3000	3.5	Fair	Fair	Fair	Mature
7	1	<i>Metrosideros excelsa</i>	Pohutukawa	15	> 3	1000	2	Fair	Fair	Fair	Mature
8	1	<i>Metrosideros excelsa</i>	Pohutukawa	16	> 3	2000	3.5	Fair	Fair	Fair	Mature
9	1	<i>Metrosideros excelsa</i>	Pohutukawa	16	> 3	2000	3.5	Fair	Fair	Fair	Mature
10	1	<i>Metrosideros excelsa</i>	Pohutukawa	18	> 3	3000	5	Fair	Fair	Fair	Mature
11	1	<i>Metrosideros excelsa</i>	Pohutukawa	18	> 3	3000	5	Fair	Fair	Fair	Mature
12	1	<i>Metrosideros excelsa</i>	Pohutukawa	20	> 3	3000	5	Fair	Fair	Fair	Mature
13	1	<i>Metrosideros excelsa</i>	Pohutukawa	20	> 3	3000	5	Fair	Fair	Fair	Mature
14	1	<i>Metrosideros excelsa</i>	Pohutukawa	12	> 3	1200	4	Fair	Fair	Fair	Mature

15	1	<i>Metrosideros excelsa</i>	Pohutukawa	14	0	800	2	Fair	Fair	Fair	Mature
16	1	<i>Metrosideros excelsa</i>	Pohutukawa	14	2	1400	2.5	Poor	Hazardous	Poor	Mature
17	1	<i>Metrosideros excelsa</i>	Pohutukawa	12	3	1200	3.5	Fair	Fair	Fair	Mature
18	1	<i>Metrosideros excelsa</i>	Pohutukawa	12	> 3	1000	3.5	Fair	Fair	Fair	Mature
19	1	<i>Metrosideros excelsa</i>	Pohutukawa	10	3	2200	3.5	Fair	Fair	Fair	Mature
20	1	<i>Metrosideros excelsa</i>	Pohutukawa	10	3	2200	3.5	Fair	Fair	Fair	Mature

Table 2

Tree #	N° trees	Botanical name	Common name	Height (m)	No. stems at 1.4m	Aggregate girth at 1.4m (mm)	CSR (m)	Form	Structure	Health	Age class
28	1	<i>Metrosideros excelsa</i>	Pohutukawa	10	5	4000	5	Fair	Fair	Fair	Mature
29	1	<i>Metrosideros excelsa</i>	Pohutukawa	10	9	4000	5	Fair	Fair	Fair	Mature
30	1	<i>Metrosideros excelsa</i>	Pohutukawa	10	3	3000	4	Fair	Fair	Fair	Mature

### 5.10 Dwellings, retirement villages, visitor accommodation and boarding houses

#### 1. Dwellings must comply with the following controls specified in the Terrace Housing and Apartment Buildings zone:

- i. outlook space for buildings up to 24m. For buildings over 24m in height, dwellings must comply with the City Centre zone outlook space rule.
- ii. outdoor living space
- iii. daylight to dwellings
- iv. minimum dwelling size
- v. minimum dimension of principal living rooms and principal bedrooms
- vi. servicing and waste
- vii. storage
- viii. separation between buildings on the same site
- ix. dwelling mix
- x. universal access

## 6. Assessment - Restricted discretionary

### 6.1 Matters of discretion

For development that is a restricted discretionary activity in the Orakei Point precinct, the council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary activities in the underlying zone.

1. A framework plan, amendments to a framework plan and a replacement framework plan
  - a. The matters of discretion in clause 2.6.2 of the general provisions apply.
  - b. physical extent and design of streets and accessways;



- c. pedestrian connections through the site, to the rail station and the bus stop;
  - d. landscaping;
  - e. visual effects on the coastal environment.
- 2. Buildings, and alterations and additions to buildings on sites that are the subject of an approved framework plan;
  - a. The matters of discretion in 6.1.5 for new buildings and/or alterations and additions to buildings apply.
  - b. Consistency with the approved or proposed framework plan.
  - c. The matters of discretion in clause 2.6.2 of the general provisions apply.
- 3. Buildings, and alterations and additions to buildings, on sites that are the subject of a concurrent application for a framework plan, except for alterations and additions provided for as a restricted discretionary activity
  - a. The matters of discretion in 6.1.5 for new buildings and/or alterations and additions to buildings apply.
  - b. Consistency with the approved or proposed framework plan.
  - c. The matters of discretion in clause 2.6.2 of the general provisions apply.
- 4. Subdivision on sites that are the subject of an approved framework plan or a concurrent application for a framework plan
  - a. The matters of discretion in of the relevant underlying zone rules as contained in H5 subdivision rules.
  - b. Consistency with the approved or proposed framework plan.
  - c. The matters of discretion in clause 2.6.2 of the general provisions apply.
- 5. New buildings, and alterations and additions to buildings
  - a. Building design and external appearance
  - b. Safety
  - c. Landscaping
  - d. Design of parking, access and servicing
  - e. Design and layout of dwellings, retirement villages, visitor accommodation and boarding houses
  - f. Water sensitive design
  - g. Landscape and visual character.

6. 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 and the site is not subject to a restrictive non-complaint encumbrance in favour of New Zealand Railways Corporation and Ports of Auckland Limited.
  - a. Restrictive Non-complaint Encumbrance for the Orakei Point precinct
  - b. Reverse sensitivity effects associated with the operation of the rail line and roads
  - c. Fencing
7. Works within the Special Tree Protection Area
  - a. Ecology
  - b. Visual amenity
  - c. Coastal character
8. Reverse sensitivity effects associated with the operation of the rail line and roads
  - a. Reverse sensitivity effects
  - b. Building design
  - c. Design methodology

~~The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the precinct:~~

~~1. Buildings~~

~~a. Building design and external appearance~~

~~b. Public safety~~

~~c. Creating a positive frontage~~

~~d. Designing for landmark buildings (in particular Building H)~~

~~e. Activity relationship to public open spaces~~

~~f. Centre vitality~~

~~g. Design of parking, access and servicing~~

~~h. Accommodation~~

~~i. Site amenity~~

j.Sustainability

k.Orakei Road parking building

l.Travel Demand Management Plan

m.Construction management

n.Traffic impact on roads and intersections

o.Fencing

p.Reverse sensitivity effects associated with the operation of the rail line and roads

2.Additions and alterations to existing buildings

a.Building design and external appearance

b.Public safety

c.Creating a positive frontage

d.Activity relationship to public open spaces

e.Centre vitality

f.Design of parking, access and servicing

g.Accommodation

h.Site amenity

i.Sustainability

j.Travel Demand Management Plan

k.Construction management

l.Traffic impact on roads and intersections

m.Fencing

n.Reverse sensitivity effects associated with the operation of the rail line and roads

3.Community facilities between 500m<sup>2</sup> and 2,000m<sup>2</sup> GFA

a.Building design and external appearance

b.Public safety

c.Creating a positive frontage

d.Activity relationship to public open spaces

e.Centre vitality

f.Design of parking, access and servicing

g.Accommodation

h.Site amenity

i.Sustainability

j.Travel Demand Management Plan

k.Construction management

l.Traffic impact on roads and intersections

m.Fencing

n.Reverse sensitivity effects associated with the operation of the rail line and roads

~~4. 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 and the site is not subject to a restrictive non-complaint encumbrance in favour of New Zealand Railways Corporation and Ports of Auckland Limited.~~

~~a. Restrictive Non-complaint Encumbrance for the Orakei Point precinct~~

~~b. Reverse sensitivity effects associated with the operation of the rail line and roads~~

~~c. Fencing~~

~~5. Buildings within the Special Tree Protection Area~~

~~a. In addition to the matters of discretion listed in 5.1.1 above, buildings within the Special Tree Protection Area will be subject to:~~

~~i. Existing tree protection~~

~~ii. Tree protection plan~~

~~iii. Site specific tree protection~~

~~iv. General tree protection~~

~~6. Construction of public open space, public accessways, overpasses and plazas, and accessory buildings (excluding roads)~~

~~a. Building design and external appearance~~

~~b. Public safety~~

~~c. Creating a positive frontage~~

~~d. Designing for landmark buildings (in particular Building H)~~

~~e. Activity relationship to public open spaces~~

~~f. Centre vitality~~

~~g. Design of parking, access and servicing~~

~~h. Accommodation~~

~~i. Site amenity~~

~~j. Sustainability~~

~~k. Travel Demand Management Plan~~

~~l. Construction management~~

~~m. Fencing~~

~~n. Reverse sensitivity effects associated with the operation of the rail line and roads~~

~~o. Precinct Plan 3~~

~~p. Public open spaces, public accessways and streets~~

~~7. Commercial parking in sub-precinct F~~

~~a. Design of parking, access and servicing~~

~~b. Large commercial parking~~

~~c. Orakei Road parking building~~

~~d. Site Amenity~~

~~e. Sustainability~~

~~f. Travel Demand Management plan~~

~~g. Construction Management~~

~~8. Parking between 1750 and 1950 spaces~~

~~a. Design of parking, access and servicing~~

~~b. Large commercial parking~~

~~c. Orakei Road parking building~~

~~d. Site Amenity~~

~~e. Sustainability~~

~~f. Travel Demand Management plan~~

~~g. Construction Management~~

## **6.2 Assessment criteria**

For the development that is a restricted discretionary activity in the Unitary Plan precinct, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the underlying zone.

6. A framework plan, amendments to a framework plan and a replacement framework plan
  - a. The assessment criteria in clause 2.6.3 of the general provisions apply.
  - b. Accessways through the site shall provide direct pedestrian connections to the rail overbridge and the bus hub;
  - c. Accessways shall be designed to slow speeds and accommodate landscaping;
  - d. Landscaping on the site shall compliment the coastal location and the existing protected trees;
  - e. The layout and spacing of buildings shall have regard to the coastal location and shall accommodate “pocket parks” on the coastal edge;
  - f. The scale of buildings should achieve a balance between complimenting the coastal location and providing for a transit orientated residential development.
7. Buildings, and alterations and additions to buildings on sites that are the subject of an approved framework plan;
  - a. The assessment criteria in of the Mixed Use zone rules for new buildings and/or alterations and additions to buildings apply along with those set out in 5. Below.
  - b. The new buildings or alterations and additions to buildings are consistent with the elements of the framework plan, including the location of the transport network, open spaces and infrastructure.
  - c. The assessment criteria in clause 2.6.3 of the general provisions apply.
8. Buildings, and alterations and additions to buildings, on sites that are the subject of a concurrent application for a framework plan, except for alterations and additions

provided for as a restricted discretionary activity

- a. The assessment criteria in of the Mixed Use zone rules for new buildings and/or alterations and additions to buildings apply in addition to those set out in 5. Below.
- b. The new buildings or alterations and additions to buildings are consistent with the elements of the framework plan, including the location of the transport network, open spaces and infrastructure.
- c. The assessment criteria in clause 2.6.3 of the general provisions apply.

9. Subdivision on sites that are the subject of an approved framework plan or a concurrent application for a framework plan

- a. The matters of discretion in the Mixed Use zone rules and clause the relevant subdivision rules in H5.
- b. Consistency with the approved or proposed framework plan.
- c. The assessment criteria in clause 2.6.3 of the general provisions apply.

5. Buildings, and alterations and additions

- a. Principal pedestrian entrances (for both commercial and residential activities) should face the street, be clearly identifiable, conveniently located and be accessed (where practicable) at grade from street level. Where the entrance is unable to face the street it should be visually obvious and conveniently accessible from the street.
- b. Areas of glazing should face public open spaces including streets to achieve interaction between users of the building and of the public open spaces.
- c. Dwellings at ground floor in the Mixed Use zone should positively contribute to public open spaces including streets while achieving privacy for occupiers of the dwelling, in particular by:
  - landscaping or front fencing should be low enough to allow passive surveillance of the street from inside the dwelling
  - The ground floor level of buildings should be no more than 1.5m above the footpath level.
- d. Buildings, including alterations and additions, should positively contribute to the visual quality of the environment, having regard to the planning and design outcomes identified in the Unitary Plan for the relevant zone. Emphasis on visual quality should be prioritised on those parts of the building closest to public open spaces including streets.
- e. Buildings should be designed to:
  - avoid large unrelieved facades visible from public open spaces including streets (except service lanes). Where large areas of blank wall are unavoidable (such as along a façade that is built to the side boundary), they should include modulation, architectural detailing or surface relief.

- visually break up their mass into distinct elements, including through the use of horizontal and vertical facade modulation, articulation, recesses and variation in roof form. The use of landscaping and colour variation should complement the above but should not be a substitute
  - integrate building elements, including balconies, signage, plant, exhaust and intake units, into the façade and/or roof design.
- f. Where a building with multiple storeys adjoins the site frontage, its façade should be of a height that defines and encloses the street.
  - g. On the ground floor frontage of buildings, roller doors, security gates or grilles should minimise effects on pedestrian amenity and be designed as a part of the architecture of the building, such as by being located inside the building and/or being substantially transparent.
  - h. 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 development.
  - i. The height of the proposed building should be relative to its neighbours so as to ensure variation in roof height and roof form.
  - j. 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, Kepa Road, Lucerne Road and Shore Road.
  - k. Building facades should be articulated to create shadows, and have a varied roofline. Buildings must use exterior materials with a coefficient of reflectivity of less than 55 per cent.
  - l. 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 facades devoid of modulation, relief or surface detail where visible from streets and public open space.
  - m. Architectural design which differentiates upper building levels from lower and ground levels is encouraged.
  - n. 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.
  - o. The overall form of buildings should complement the natural rise and fall of the land and existing trees on the peninsula.
  - p. 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.
  - q. Long flat roof profiles should be avoided (except where providing for a roof deck/garden), while roof profiles which are varied are encouraged.

- r. 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.
  - s. The use of durable, high quality, inert and easily maintained materials on the exterior of buildings should be encouraged.
  - t. 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.
  - u. Buildings should 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.
  - v. Living spaces within buildings are oriented toward the north to allow for provision of good natural light.
  - l x. On-site landscaping should generally consist of indigenous vegetation.
6. 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 and the site is not subject to a restrictive non-complaint encumbrance in favour of New Zealand Railways Corporation and Ports of Auckland Limited.
- a. The activity should not be 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; ~~and~~
  - b. The building to be occupied by the activity should be located and designed to avoid or mitigate reverse sensitivity effects and any adverse effects described in clause 46.2.6(a) above.
7. Special Tree Protection Area
- a. The tree or a part of the tree is structurally unsound or
  - b. Removal of the tree or part of the tree would be 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
  - c. The removal of the tree or part of the tree is necessary to provide access within the precinct.



- d. Any endemic lizards located within the area will either be protected or relocated to an appropriate area
- e. The inclusion of arboricultural measures to manage the effects of the works on the trees including:

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

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

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

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

ii. The supervising arborist must be independent and not involved in undertaking the physical works.

iii. The supervising works arborist must provide brief written confirmation statements at the following times which will be forwarded to the relevant council monitoring officer:

- The irrigation system has been commissioned and correct monitoring is in place.
- Pre-commencement meeting and implementation of protection fencing.
- The arborist will clearly identify all approved pruning and supervise the pruning. A memo will be supplied at the completion of the pruning.
- Preliminary excavations and inspection adjacent to retained trees to ascertain appropriate protection methods are utilised and roots are pruned correctly.
- Monthly update of weekly inspections.
- Final report documenting compliance and any issues of non-compliance along with any remedial works required.

~~In addition to other relevant assessment criteria in the Unitary Plan, the council will consider the relevant assessment criteria below.~~

#### ~~1. Buildings~~

##### ~~Building design and external appearance~~

~~a. New buildings should generally be consistent with Precinct Plan 5. In particular:~~

~~i. Buildings should respond 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 Precinct Plan 5.~~

~~ii. 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 Precinct Plan 5.~~

~~iii. The height of the proposed building should be relative to its neighbours so as to ensure variation in roof height and roof form.~~

~~iv. 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, Kepa Road, Lucerne Road and Shore Road.~~

~~v. Building facades should be articulated to create shadows, and have a varied roofline. Buildings must use exterior materials with a coefficient of reflectivity of less than 55 per cent.~~

~~vi. 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 facades devoid of modulation, relief or surface detail where visible from streets and public open space.~~

~~vii. Architectural design which differentiates upper building levels from lower and ground levels is encouraged.~~

~~viii. 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.~~

~~ix. The overall form of buildings should complement the natural rise and fall of the land and existing trees on the peninsula.~~

~~x. 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.~~

~~xi. Long flat roof profiles should be avoided (except where providing for a roof deck/garden), while roof profiles which are varied are encouraged.~~

~~xii. 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.~~

~~xiii. The use of durable, high quality, inert and easily maintained materials on the exterior of buildings should be encouraged.~~

~~xiv. 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.~~

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

#### **b. Public safety**

~~i. Consideration should be given to site amenity and safety considerations in the interim period prior to the precinct plan 5 being completed (including for example temporary site fencing and/or amenity planting).~~

~~ii. Safe public pedestrian and service access should be maintained to the Orakei rail 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)).~~

~~iii. New development, including parking, should be designed in accordance with principles of CPTED.~~

#### **c. Creating a positive frontage**

~~i. 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.~~

ii. ~~Ground floor spaces facing the street and laneways 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.~~

iii. ~~Building entrances should be visible and easily identifiable from the street and laneway plaza and directly accessible from street and laneway plaza level.~~

iv. ~~Fences and walls may be erected between areas of public and private open space, however the design of such fences and walls must be integrated with landscaping and a landscaped/land formed edge may be more appropriate than solid fences or wall.~~

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

vi. ~~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.~~

vii. ~~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.~~

viii. ~~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.~~

ix. ~~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.~~

x. ~~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.~~

xi. ~~Where large sites enable the development of an extensive street building frontage, that frontage should be visually 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 space and external viewing points.~~

xii. ~~Primary entrances to buildings should be located along the main street elevation and laneways.~~

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

xiv. ~~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.~~

xv. ~~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 façade design.~~

#### ~~d. Designing for landmark buildings (in particular Building H)~~

i. ~~Landmark building's overall form and the articulation of its façade should announce its unique position on the street or plaza and/or its public function.~~

ii. ~~Landmark building articulation or façade treatment should be used to express its unique position on the street or plaza, including reduced setbacks and feature elements such as awnings and parapets.~~

iii. ~~The top of the landmark building should be designed to distinguish it from adjacent buildings.~~

#### ~~e. Activity relationship to public open spaces~~

i. ~~Internal space at all levels within the building should be designed to maximise outlook for occupants onto streets and public open spaces.~~

ii. ~~Activities which engage and activate streets, through site links and public open space at ground level are encouraged.~~

~~iii. 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 parking areas within buildings and street and public open space frontages ventilation and fumes from parking structures or other uses should not be exhausted into the adjacent pedestrian environment at podium level.~~

~~iv. To avoid privatising 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.~~

~~v. 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 principles of CPTED.~~

~~f. Centre vitality~~

~~i. 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.~~

~~g. Design of parking, access and servicing~~

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

~~ii. Parking areas should be located underground or within buildings, other than on-street public parking;~~

~~iii. Parking should be designed to minimise conflict between non-residential, residential and pedestrian traffic.~~

~~iv. Where they occur on the subject site, public places and public access linkages shown on Precinct Plan 5 should be provided for, and methods to ensure public access to and over such public places and public access linkages should be 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));~~

~~v. The proposed finished levels across the subject site should allow for public access linkages through and around the site and between adjacent sites, where these are envisaged by Precinct Plan 5.~~

~~vi. Methods to legally secure public access at all times to the public places and the linkages referred to in the above criteria should be provided, including in the interim period before Precinct Plan 5 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)).~~

~~vii. Methods to secure access to other properties within the Orakei Point precinct should be provided.~~

~~viii. 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.~~

~~ix. 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/rail station, with a particular focus on wayfinding methods to increase the legibility of the rail station.~~

~~x. 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.~~

~~xi. Frontages should be designed as far as possible to avoid multiple service and access interruptions to frontage continuity.~~

~~xii. Where possible vehicle access points should be located away from the main road frontage to minimise vehicle crossing and accessways;~~

~~xiii. A temporary vehicular access to development in sub-precinct A directly from Orakei Road must be acceptable, subject to the appropriate design, turning restrictions and position of the access drive and footpath crossing, where development within sub-precinct A 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 sub-precinct A directly from the link road.~~

~~xiv. Access points should be designed to be compatible with the visual appearance of the building(s).~~

~~xv. Where possible integration of access for vehicular uses (cars, truck and buses) should be used to minimise the crossing of pedestrian paths.~~

~~xvi. Accessways should be designed to safely accommodate emergency services and other large vehicles.~~

~~xvii. Where alternative vehicle access is available, the creation of new vehicle crossings across frontages within the frontage height and activity control is discouraged.~~

~~xviii. Buildings and 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.~~

~~xix. 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 parking areas within buildings and street and public open space frontages ventilation and fumes from parking structures or other uses should not be exhausted into the adjacent pedestrian environment at podium level.~~

#### ~~h. Accommodation~~

~~i. 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.~~

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

~~iii. A mixture of apartment types should be provided within each building.~~

~~iv. Plans submitted for consideration by the 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.~~

#### ~~i. Site Amenity~~

~~i. 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.~~

~~ii. Site services such as mechanical, electrical and communications equipment must generally be concealed from streets or public open spaces.~~

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

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

#### ~~j. Sustainability~~

~~i. 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.~~

~~ii. The extent to which living spaces within buildings are oriented toward the north to allow for provision of good natural light.~~

~~iii. On-site landscaping should generally consist of indigenous vegetation.~~

~~iv. 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).~~

~~v. 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).~~

~~vi. Separate infrastructure reports should be submitted with resource consent applications assessing infrastructure effects from proposed developments.~~

~~vii. 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.~~

~~viii. Building and demolition should be undertaken in such a way that maximises the use of waste materials for reuse and recycling.~~

~~ix. 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;~~

~~x. 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;~~

~~xi. 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;~~

~~xii. The extent to which lighting controls enable occupants to minimise energy use.~~

~~xiii. The extent to which active solar technologies are incorporated into new development;~~

~~xiv. Where solar water heaters are used, they must be incorporated into the design of buildings with consideration of their visual impact.~~

~~k. Orakei Road parking building Buildings with a “green wall effect”~~

~~i. The Orakei Road façade of these buildings should incorporate “green walls” so as to give the appearance of a substantially green front elevation.~~

~~The sloping face of the Orakei Road parking building should 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.~~

~~ii. The face and roof of the building should be landscaped and must have sufficient soil depth and drainage to ensure proper plant growth.~~

~~iii. A fence or some other form of appropriate barrier should be erected at the top and sides of the slope for safety.~~

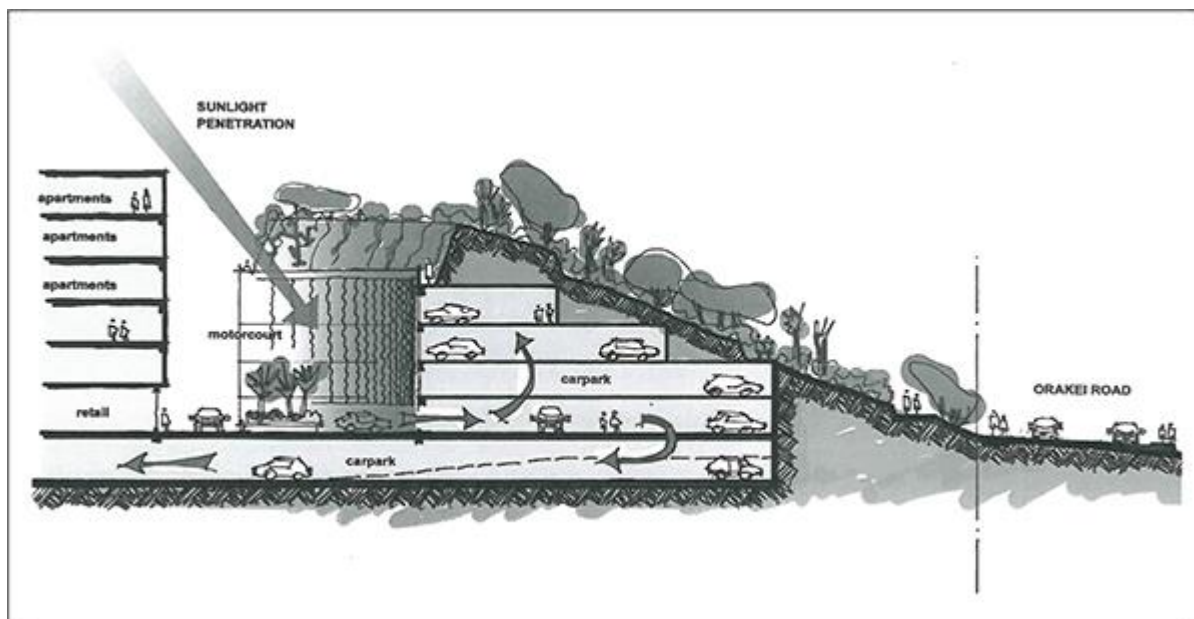
~~iv. Planting may either be low grasses and flaxes or trees, but should generally consist of indigenous vegetation,~~

~~v. The park building and adjoining building should be sufficiently separated by both an access lane and light well so as to achieve daylight access into a motor court;~~

~~vi. A detailed landscape plan showing compliance with the above criteria should be provided with the application for the approval of the council. The landscape plan should provide details on drainage, soil depth and watering, together with a maintenance plan.~~

~~vii. That prior to the ‘green hill’ covering the Orakei Point parking 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 2: Diagram showing an example of how the Orakei Road parking building form and landscape contour might achieve the above criteria**



#### **i. Travel Demand Management Plan**

i. Any travel plan submitted with a proposal should use 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 should 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 for private development set out in the ARTA Guidance Note for Cycle Parking Facilities 2007 must be used as guide for the provision of cycle parking.

#### **m. Construction management**

i. Appropriate measures should 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

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

#### **n. Traffic impact on roads and intersections**

i. 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 have been met, then this criterion must be deemed to be satisfied and no assessment of the actual or potential traffic effects of the development is required.

#### **o. Fencing**

~~i. Any fencing abutting public open space must 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.~~

~~ii. Deter access to the railway portal.~~

#### 6.2.8. Reverse sensitivity effects associated with the operation of the rail line and roads

~~i. Buildings to be occupied by residential units, visitor accommodation or other sensitive activities:~~

~~• Where located in accordance with the Precinct Plan , must 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.~~

~~• Reverse sensitivity>Where located otherwise than in accordance with the Precinct Plan 5, must 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.~~

~~ii. 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.~~

~~iii. 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 rail line must accompany any resource consent application.~~

#### ~~2. Additions and alterations to existing buildings~~

##### ~~a. Building design and external appearance~~

~~Refer to the assessment criteria in 5.2.1(a) above.~~

##### ~~b. Public safety~~

~~Refer to the assessment criteria in 5.2.1(b) above.~~

##### ~~c. Creating a positive frontage~~

~~Refer to the assessment criteria in 5.2.1(c) above.~~

##### ~~d. Activity relationship to public open spaces~~

~~Refer to the assessment criteria in 5.2.1(e) above.~~

##### ~~e. Centre vitality~~

~~Refer to the assessment criteria in 5.2.1(f) above.~~

##### ~~f. Design of parking, access and servicing~~

~~Refer to the assessment criteria in 5.2.1(g) above.~~

##### ~~g. Accommodation~~

~~Refer to the assessment criteria in 5.2.1(h) above.~~

##### ~~h. Site amenity~~

~~Refer to the assessment criteria in 5.2.1(i) above.~~

##### ~~i. Sustainability~~

~~Refer to the assessment criteria in 5.2.1(j) above.~~

##### ~~j. Travel Demand Management Plan~~

~~Refer to the assessment criteria in 5.2.1(l) above.~~

##### ~~k. Construction management~~

~~Refer to the assessment criteria in 5.2.1(m) above.~~

##### ~~l. Traffic impact on roads and intersections~~

~~Refer to the assessment criteria in 5.2.1(n) above.~~

##### ~~m. Fencing~~

~~Refer to the assessment criteria in 5.2.1(o) above.~~

##### ~~n. Reverse sensitivity effects associated with the operation of the rail line and roads~~



~~Refer to the assessment criteria in 5.2.1(p) above.~~

~~3.Community facilities between 500m<sup>2</sup> and 2,000m<sup>2</sup> GFA~~

~~a.Building design and external appearance~~

~~Refer to the assessment criteria in 5.2.1(a) above.~~

~~b.Public safety~~

~~Refer to the assessment criteria in 5.2.1(b) above.~~

~~c.Creating a positive frontage~~

~~Refer to the assessment criteria in 5.2.1(c) above.~~

~~d.Activity relationship to public open spaces~~

~~Refer to the assessment criteria in 5.2.1(e) above.~~

~~e.Centre vitality~~

~~Refer to the assessment criteria in 5.2.1(f) above.~~

~~f.Design of parking, access and servicing~~

~~Refer to the assessment criteria in 5.2.1(g) above.~~

~~g.Accommodation~~

~~Refer to the assessment criteria in 5.2.1(h) above.~~

~~h.Site amenity~~

~~Refer to the assessment criteria in 5.2.1(i) above.~~

~~i.Sustainability~~

~~Refer to the assessment criteria in 5.2.1(j) above.~~

~~j.Travel Demand Management Plan~~

~~Refer to the assessment criteria in 5.2.1(l) above.~~

~~k.Construction management~~

~~Refer to the assessment criteria in 5.2.1(m) above.~~

~~l.Traffic impact on roads and intersections~~

~~Refer to the assessment criteria in 5.2.1(n) above.~~

~~m.Fencing~~

~~Refer to the assessment criteria in 5.2.1(o) above.~~

~~n.Reverse sensitivity effects associated with the operation of the rail line and roads~~

~~Refer to the assessment criteria in 5.2.1(p) above.~~

~~4.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 and the site is not subject to a restrictive non-complaint encumbrance in favour of New Zealand Railways Corporation and Ports of Auckland Limited.~~

~~a.Restrictive Non-complaint Encumbrance for the Orakei Point precinct~~

~~i.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-complaint encumbrance in favour of New Zealand Railways Corporation and Ports of Auckland Limited.~~

~~•The activity should not be 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.~~

~~•The building to be occupied by the activity should be located and designed to avoid or mitigate reverse sensitivity effects and any adverse effects described in clause 4(a) above.~~

~~b.Reverse sensitivity effects associated with the operation of the rail line and roads~~

~~Refer to the assessment criteria in 5.2.1(p) above.~~

~~c.Fencing~~

~~Refer to the assessment criteria in 5.2.1(o) above.~~

## ~~5.Buildings within the Special Tree Protection Area~~

### ~~a.Existing tree protection~~

~~i.This rule applies to those trees existing as at 18 January 2010 located within the special tree protection area identified by hatching on Precinct Plan 4. The special tree protection area identified on Precinct Plans 3 and 4 extends to the outer dripline of those existing trees as at the date of any application for consent under this 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 Precinct Plans 3 and 4.~~

~~ii.Trees and parts of trees within the special tree protection area must 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 be 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 the access drive contained within sub-precinct A or other public road shown on Precinct Plan 5 the precinct.~~

~~iii.Building and vehicle access within the Special Tree Protection Area must be assessed against the following criteria:~~

~~•The work should be necessary to give effect to and generally accords with Precinct Plan 5.~~

~~•An assessment should have been prepared by a suitably qualified arborist competent in the development assessment process.~~

~~• Any endemic lizards located within the area will either be protected or relocated to an appropriate area~~

~~• The inclusion of arboricultural measures to manage the effects of the works on the trees including:~~

~~The new building work should incorporate measures to comply with the recommendations of the above arboricultural assessment. Those measures should be detailed in a Tree Protection Plan, designed by a suitably qualified arborist, as specified in the information requirements.~~

~~•The vehicle access within sub-precinct A should be designed to achieve its required function of providing vehicle access from Orakei Road to the upper levels within sub-precinct A, as shown in Precinct Plan 5, while minimising adverse impacts on any tree.~~

### ~~b.Tree protection plan~~

~~i.An arborist who is familiar with development must develop a detailed Tree Protection Plan (TPP) and assist in the design stages to provide a design that will avoid or minimise adverse effects on the protected trees. The TPP must be submitted to the council for review and approval. The TPP must specifically include:~~

~~•Pruning schedule including all pruning maintenance~~

~~•Details on proposed irrigation system including timing and monitoring~~

~~•Arboricultural monitoring including timing, frequency and memos~~

~~•Specific controls for works under tree crowns and in close proximity~~

### ~~c.Site specific tree protection~~

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

~~ii.The supervising arborist must be independent and not involved in undertaking the physical works.~~

~~iii. The supervising works arborist must provide brief written confirmation statements at the following times which will be forwarded to the relevant council monitoring officer:~~

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

~~• Pre-commencement meeting and implementation of protection fencing.~~

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

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

~~• Monthly update of weekly inspections.~~

~~• Final report documenting compliance and any issues of non-compliance along with any remedial works required.~~

~~d. General tree protection~~

~~i. Details of hazard fencing will be placed around the edges of trees as specified by the supervising arborist.~~

~~ii. Details of how preliminary excavations and exploratory inspections will be undertaken adjacent to the trees to determine root activity and ensure roots are pruned correctly.~~

~~iii. An arborist must supervise the works within root zones of trees.~~

~~iv. If roots are uncovered during works, roots must be covered with Geotextile fabric and the ground and surface roots must be kept moist.~~

~~v. 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.~~

~~vi. Details of when concrete is to be poured in excavations all exposed roots must be covered with polythene to prevent any contaminants contacting the exposed roots.~~

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

~~viii. 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.~~

~~ix. People or machinery must 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.~~

~~x. 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.~~

~~xi. All site access 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.~~

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

~~6. Construction of public open space, public accessways, overpasses and plazas, and accessory buildings (excluding roads)~~

~~a. Building design and external appearance~~

~~Refer to the assessment criteria in 5.2.1(a) above.~~

~~b. Public safety~~

~~Refer to the assessment criteria in 5.2.1(b) above.~~

~~c. Creating a positive frontage~~

~~Refer to the assessment criteria in 5.2.1(c) above.~~

~~d. Activity relationship to public open spaces~~

Refer to the assessment criteria in 5.2.1(e) above.  
e. Centre vitality

Refer to the assessment criteria in 5.2.1(f) above.  
f. Design of parking, access and servicing

Refer to the assessment criteria in 5.2.1(g) above.  
g. Accommodation

Refer to the assessment criteria in 5.2.1(h) above.  
h. Site amenity

Refer to the assessment criteria in 5.2.1(i) above.  
i. Sustainability

Refer to the assessment criteria in 5.2.1(j) above.  
j. Travel Demand Management Plan

Refer to the assessment criteria in 5.2.1(l) above.  
k. Construction management

Refer to the assessment criteria in 5.2.1(m) above.  
l. Traffic impact on roads and intersections

Refer to the assessment criteria in 5.2.1(n) above.  
m. Fencing

Refer to the assessment criteria in 5.2.1(o) above.  
n. Reverse sensitivity effects associated with the operation of the rail line and roads

Refer to the assessment criteria in 5.2.1(p) above.  
o. Precinct Plan 5

The extent to which the location and design of the public open space, accessways and plaza is generally consistent with precinct plan 5. In particular:

i. Public access linkages, bus stops, at-grade parking, drop-off points, pedestrian spaces, footpaths, roads; linkages to coastal boardwalks and other connections shown on the precinct plan 5 should be provided for.

ii. The proposed finished levels across the subject land area should allow for public access linkages through and around the site, where these are envisaged by the precinct plan 5.

iii. Methods to legally secure such linkages, including in the interim period before the Precinct Plan 5 is fully given effect to should be provided.

iv. Methods to secure access to other properties within the precinct should be provided.

v. Consideration should be given to site amenity and safety considerations in the interim period before the Precinct Plan 5 is fully given effect to.

vi. Safe public pedestrian and service access should be maintained to the Orakei rail station and methods to secure such access.

p. Public open spaces, public accessways and streets

i. 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.

ii. Buildings and 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.

iii. Public open spaces, accessways and streets, including parks and plazas should 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.

iv. ~~Methods to legally secure public access at all times to the public places and the linkages referred to in the above criteria should be provided, including in the interim period before the Precinct Plan 5 is given effect to and including prior to the vesting of public roads (such methods may include the registration of legal instruments on the land title(s)).~~

v. ~~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 should be used.~~

~~•Soft and hard landscaping should 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 should be made for large specimen trees in tree pits within the plaza area.~~

~~•Adequate provision should 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 must be provided with the application for the approval of the council.~~

vi. ~~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.~~

## 7. Commercial car parking in sub-precinct F

### a. Design of parking, access and servicing

~~Refer to the assessment criteria in 5.2.1(g) above.~~

### b. Large commercial parking

~~i. The parking in addition to 1750 parking spaces should not adversely impact on the safety and flow of traffic on the road network.~~

~~ii. The parking, in addition to 1750 parking spaces should 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 must 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 must be at least at 10 minute intervals)~~

~~• Bus connections to Orakei Station at least at 30 minute intervals~~

~~iii. The use of the parking and staging of the parking. In this regard, parking in addition to the 1750 limit must only be considered acceptable where:~~

~~• It occurs after disestablishment of the 200 park and ride spaces within the precinct and~~

~~• It is only used ancillary to other activities within the precinct.~~

~~iv. Commercial parking should only be considered acceptable as a temporary use of unallocated spaces within a parking building and prior to the completion of development within sub-precinct F.~~

~~v. The hours of operation of the commercial parking. In particular, regard should be given to the operating hours and pricing incentives for associated traffic movements to avoid peak traffic flows.~~

~~e. Orakei Road parking building~~

~~Refer to the assessment criteria in 5.2.1(k) above.~~

~~d. Site Amenity~~

~~Refer to the assessment criteria in 5.2.1(i) above.~~

~~e. Sustainability~~

~~Refer to the assessment criteria in 5.2.1(j) above.~~

~~f. Travel Demand Management plan~~

~~Refer to the assessment criteria in 5.2.1(l) above.~~

~~g. Construction Management~~

~~Refer to the assessment criteria in 5.2.1(m) above.~~

~~8. Parking between 1750 and 1950 spaces~~

~~a. Design of parking, access and servicing~~

~~Refer to the assessment criteria in 5.2.1(g) above.~~

~~b. Large commercial parking~~

~~Refer to the assessment criteria in 5.2.1(b) above.~~

~~e. Orakei Road parking building~~

~~Refer to the assessment criteria in 5.2.1(k) above.~~

~~d. Site Amenity~~

~~Refer to the assessment criteria in 5.2.1(i) above.~~

~~e. Sustainability~~

~~Refer to the assessment criteria in 5.2.1(j) above.~~

~~f. Travel Demand Management plan~~

~~Refer to the assessment criteria in 5.2.1(l) above.~~

~~g. Construction Management~~

~~Refer to the assessment criteria in 5.2.1(m) above.~~

## 6. Special information requirements

1. An application for a framework plan, amendments to an approved framework plan or a

replacement framework plan must comply with the special information requirements for framework plans in clause 2.7.3 of the general provisions, and provide the following information:

- a. A visual/landscape assessment of the impact of the scale and footprint of buildings.

4.2. An application for a new building must be accompanied by the following:

- a. 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
- b. Where changes are intended, the relationship of site contours to existing and proposed streets, any adjacent coastal environment or public open space
- c. The location and layout of ~~open-space~~ landscaped areas (within the control of the landowner or leaseholder)
- d. The location of public and private linkages to, through and around the site
- e. The location of vehicle access, parking areas and loading areas
- f. Cross sections showing the relationship of the building to adjoining public open space and streets
- g. 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
- h. Demonstration of the individual building's compliance with the cumulative activity, building GFA, parking, traffic generation threshold and mix of residential units controls, including the totals of both existing and consented development within the precinct
- i. An urban design and universal access statement
- ~~j. 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 Precinct Plan 5.~~

2. An application for 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 must be accompanied by an arboricultural assessment, and a tree protection plan.

3. The arboricultural assessment must identify the potentially affected trees and all proposed building works within the Special Tree Protection Area. This assessment must be based on best practice methods and must 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 must include the following:

- a. An assessment of any modifications proposed to the tree crown and/or branches on the health of the tree
- b. The extent of injury to tree roots and potential effects on the health of the tree
- c. The effects of any earthworks on the tree
- d. The effects of changes to hydrology, soil science, and ground levels on the tree
- e. The effects of buildings on daylight to the tree canopy
- f. Measures to avoid clearing native trees and shrubs that are known habitats during the breeding season for indigenous forest birds (October to February inclusive)
- g. Specifications to minimise impacts and protect trees, both during the construction process and ongoing

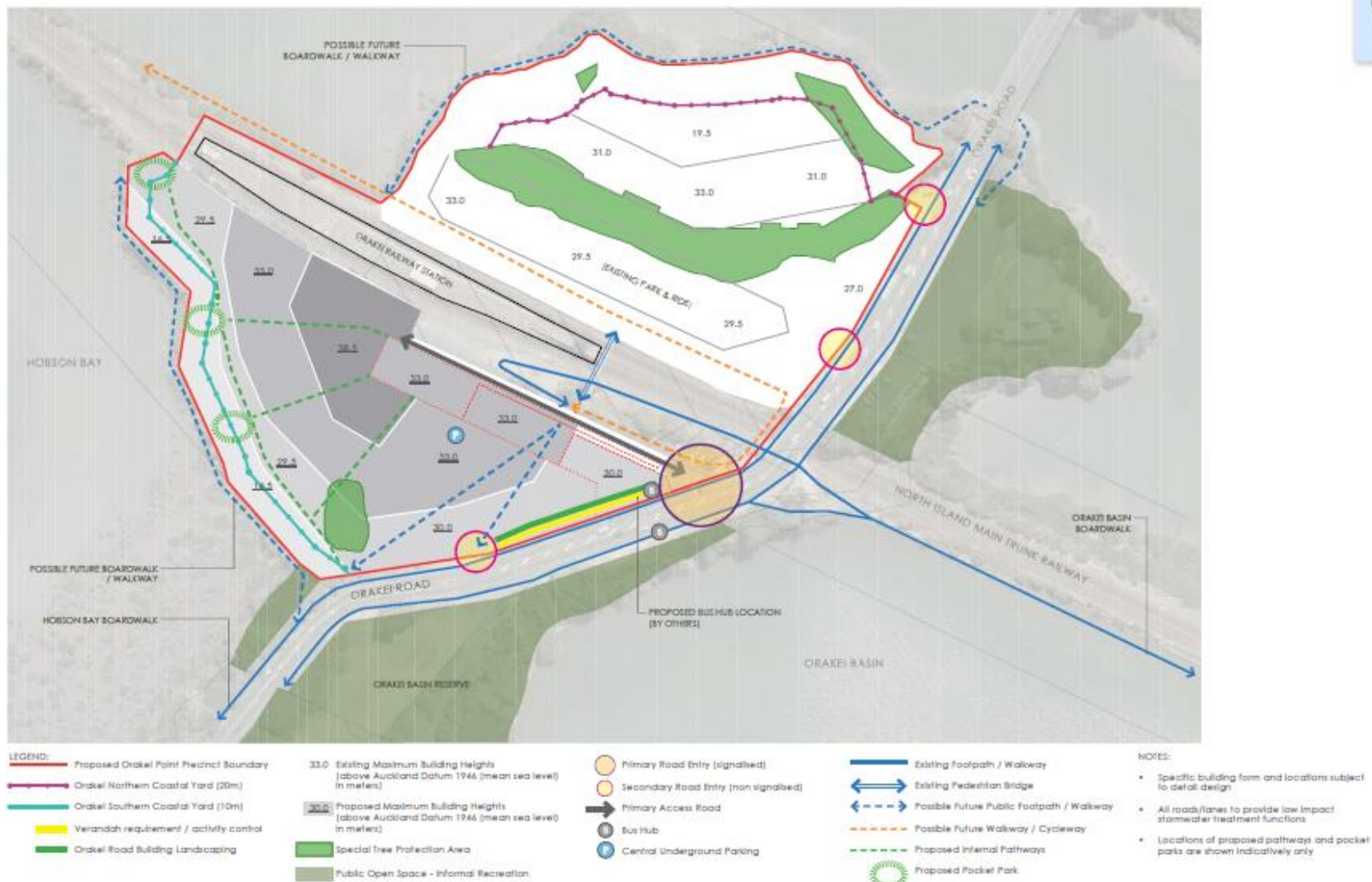
An application for works in the special tree protection area must provide the following information:

- a. The supervising works arborist must provide brief written confirmation statements at the following times which will be forwarded to the relevant council monitoring officer:
  - The irrigation system has been commissioned and correct monitoring is in place.
  - Pre-commencement meeting and implementation of protection fencing.
  - The arborist will clearly identify all approved pruning and supervise the pruning. A memo will be supplied at the completion of the pruning.
  - Preliminary excavations and inspection adjacent to retained trees to ascertain appropriate protection methods are utilised and roots are pruned correctly.
  - Monthly update of weekly inspections.
  - Final report documenting compliance and any issues of non-compliance along with any remedial works required.
- b. Details of hazard fencing will be placed around the edges of trees as specified by the supervising arborist.
- c. Details of how preliminary excavations and exploratory inspections will be undertaken adjacent to the trees to determine root activity and ensure roots are pruned correctly.
- d. An arborist must supervise the works within root zones of trees.
- e. If roots are uncovered during works, roots must be covered with Geotextile fabric and the ground and surface roots must be kept moist.
- f. 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.
- g. Details of when concrete is to be poured in excavations all exposed roots must be covered with polythene to prevent any contaminants contacting the exposed roots.
- h. No machinery is to be stored or operated within the root zone of any protected tree unless it is supported on an existing concrete or asphalt surface.
- i. 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.
- j. People or machinery must 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.
- k. 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.

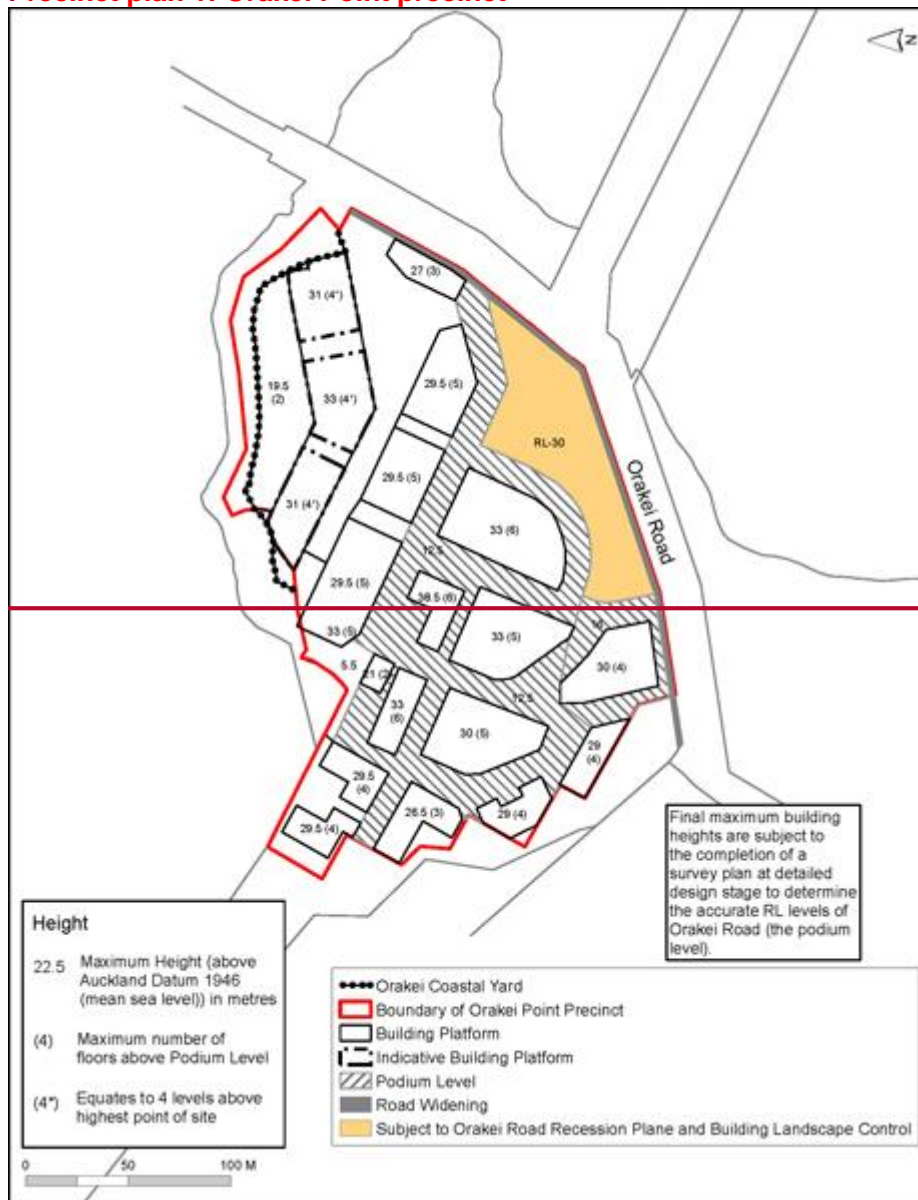


- l. All site access will be formed away from the street trees. All services including drainage will be located outside the root zone of the protected trees unless specifically mentioned in the arboricultural report.
- m. Pruning will be carried out in accordance with ANSI A300 Pruning Standards and be approved by the supervising arborist.

## 7. Precinct plans



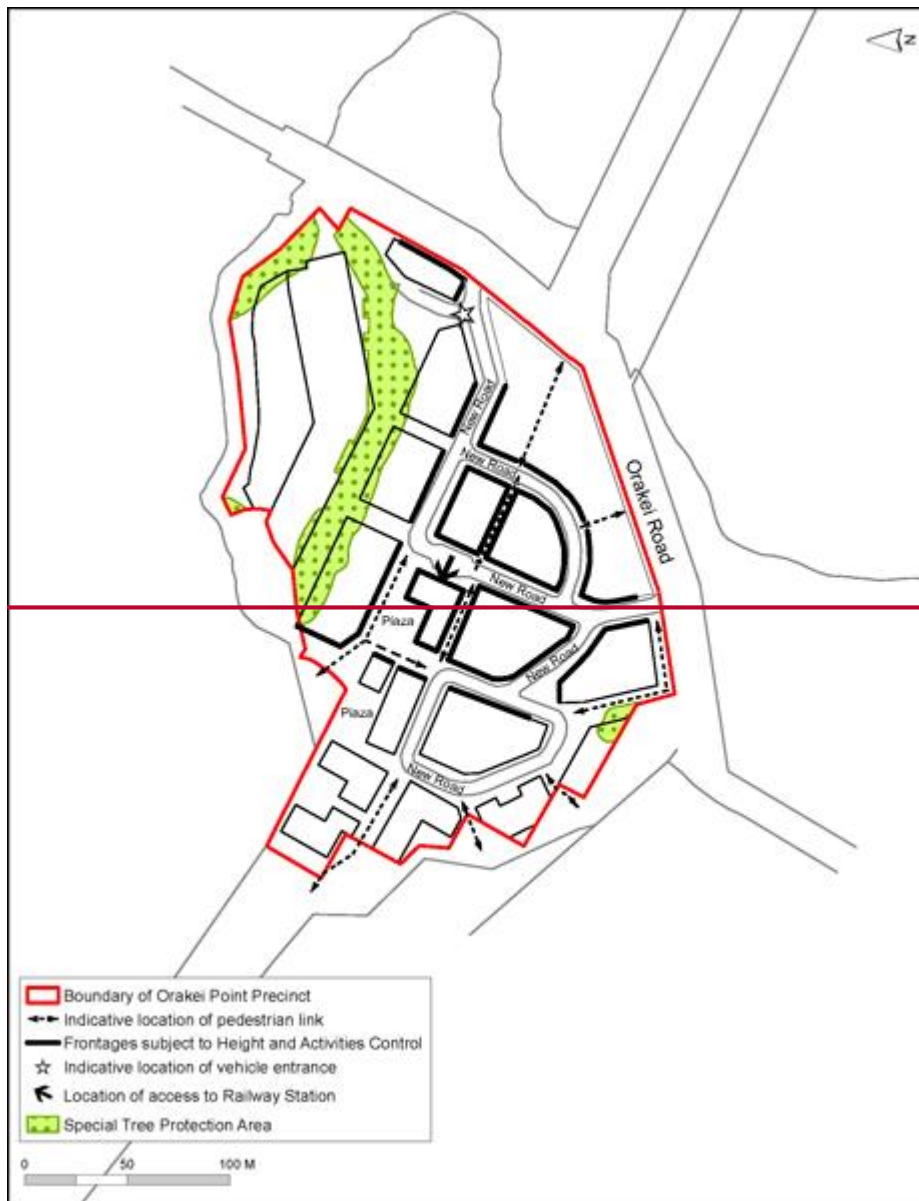
## Precinct plan 1: Orakei Point precinct



## Precinct plan 2: Orakei Point precinct verandah controls



**Precinct plan 3: Orakei Point**



**Precinct plan 4: Orakei Point precinct**





**Precinct plan 5: Orakei Point precinct**





# **Orakei Point Precinct Section 32 and 32AA Assessment**

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## 1.0 INTRODUCTION

- 1.1 This report outlines the amendments sought by Orakei Bay Village Limited (**OBVL**) to the Orakei Point precinct contained in the Proposed Auckland Unitary Plan (Unitary Plan). The report also undertakes an analysis of the provisions in terms of s32AA of the Resource Management Act 1991 (**the Act**).
- 1.2 Changed circumstances between OBVL, Auckland Transport and Auckland Council mean that it is no longer possible to build the original master plan for a Transit Oriented Development (**TOD**) at Orakei Point. Consequently, amendments are sought so as to enable a form and layout of development which can be given effect to. The amendments sought are set out in detail in sections 4-12 but are also summarised below:
- (a) The concept of building over the rail corridor is deleted as it is no longer commercially viable;
  - (b) The concept of the land exchange for the Council's carpark for reserve land on the south western coastal edge of Orakei Point is not an option as Council no longer wishes to own this land;
  - (c) Active edges are required on Orakei Road and changes to the internal street system are necessary as a consequence of the decision not to bring buses off Orakei Road to the rail station at the seaward end of the TOD. Rather it is proposed to keep them on the main road for time efficiency reasons;
  - (d) The location of the cycleway is moved to the northern side of the railway embankment (from the southern side) as the result of an Auckland Transport decision;
  - (e) The result of the above elements is that the controls around staging and the necessary public works set out in the original precinct provisions, are significantly modified;
  - (f) Changes to the landscaping treatment on Orakei Road are required to achieve the balance between active edges along Orakei Road now facing key public transport hub, and retaining "green buildings" fronting key elements of Orakei Road.

- (g) There is a consequential change to the location of the building envelopes. Under this proposal flexibility is sought in the building envelope location as is consistent with other precinct overlay plans;
  - (h) Simplification of the precinct provisions in line with the Council's overall approach and request to simplify precinct provisions generally.
- 1.3 Notwithstanding the above changes, there are no changes sought to the underlying Mixed Use zoning and the core principles of the TOD at Orakei Point are retained, namely:
- (a) a comprehensive TOD focused around the train station;
  - (b) a significant residential focus with the opportunity for some retail and office development;
  - (c) additional development potential and height allowance given the unique isolated location of Orakei Point.
  - (d) careful urban design controls to ensure quality development;
  - (e) particular noise attenuation controls associated with the rail line.
- 1.4 The section 32AA analysis confirms that the above amendments are the most appropriate, efficient and effective means of achieving the objectives and policies of the precinct.

## **2.0 NOTIFIED UNITARY PLAN PROVISIONS**

- 2.1 There is a particular history to the Orakei Point precinct overlay and changes in the Council's position which have necessitated the modifications requested by OBVL.
- 2.2 Prior to the amalgamation and formation of Auckland Council, OBVL (and its predecessor company) negotiated a master plan and plan change for Orakei Point which would deliver a TOD and the form of development that the then Auckland City Council supported for Orakei Point.
- 2.3 The particular relevant elements of that master plan were:
- It was a transit oriented comprehensive development for the entire Orakei Point.

- OBVL would need to purchase key land holdings to enable them to control development on Orakei Point and deliver the project.
- Essentially a podium platform would be built at Orakei Road level above the station.
- Buses would be brought direct to the station entrance and a major plaza and entrance to the train station directly above the station platforms created.
- A significant open space network would be developed around the entire Orakei Point connecting into the cycleway network.
- The development would be staged in a manner such that the train station upgrade was developed early in the process.
- Additional height was created given the isolated nature of Orakei Point and its suitability for intensive TOD development.
- OBVL would purchase the Council owned land being the carpark, retain a park and ride facility if required by the Council, and build in the airspace above this area.

2.4 OBVL purchased the necessary land holdings as either freehold or leasehold title. The only land holdings not currently in the ownership/control of OBVL to necessitate the master plan is the Auckland Council owned carpark and the airspace above the rail station.

2.5 Auckland City Council and OBVL reached full agreement on the plan change (known as Plan Change 260 to the Operative Isthmus District Plan for Auckland City Council). This went to a hearing before the Environment Court where one submitter sought changes to the plan change. This Environment Court appeal was heard in the term of Auckland Council. OBVL and Auckland Council presented a unified position to the Environment Court. The Environment Court found fully in favour of Plan Change 260 as suggested by Auckland Council and OBVL.

2.6 Essentially Plan Change 260 was carried forward into the Unitary Plan as a precinct overlay for Orakei Point.

2.7 Following amalgamation and the formation of the Auckland Transport CCO, Auckland Council and Auckland Transport have reviewed their position on Orakei Point.

2.8 This review has over time made it clear that for various reasons:

- (a) Buildings over the rail corridor is no longer commercially viable because of unknown operational costs;

- (b) Auckland Transport wishes to operate a park and ride and retain ownership of their carpark;
  - (c) Auckland Parks Department do not want to own the western parkland;
  - (d) Auckland Transport prefer to leave the buses on Orakei Road rather than bring them off Orakei Road into the site. This is to retain time efficiency for the bus routes.
  - (e) Auckland Transport have changed the location of the cycleway. The cycleway enters from the east on the southern side of the rail line but exits to the west on the northern side of the rail line. This is a changed position as previously the cycleway was to remain on the southern side.
- 2.9 In addition, KiwiRail have indicated that the airspace above the TOD would now be subject to the right of first refusal (RFR) provisions under the Treaty settlement mechanisms of the government. Previously this was not to be the case as the legislation did not exist. Auckland Council have declined to buy this land from KiwiRail even though the majority of the land was ultimately for public use. Essentially, the public use is the essential connections which brought passengers and buses from Orakei Road to the train station.
- 2.10 The net result of this is that the Council's preference is not to proceed with the master plan approved under Plan Change 260 and set out in the Unitary Plan.
- 2.11 As a result of Auckland Council's stand, OBVL would like to get an agreement to a modified precinct overlay for Orakei Point; one which retains the key principle of the TOD and quality development, but closer meets the current requirements of the Council and OBVL.
- 2.12 The provisions set out in this report will achieve a high quality TOD for Orakei Point and meet the key parameters that the Council and Auckland Transport are seeking.

### **3.0 LAND OWNERSHIP**

- 3.1 Diagram 1 illustrates the land ownership of Orakei Point. In particular it distinguishes the land either owned or controlled by OBVL through a perpetual lease. Finally it identifies land which OBVL owns the freehold but is subject to a leasehold interest expiring in 2030. This is a single site, the leasehold interest of which is held by Mr Hayward.

- 3.2 Other land at Orakei Point is owned by Auckland Council and KiwiRail. These land holdings are also shown on Diagram 1.
- 3.3 The critical point about the amended precinct provisions proposed for Orakei Point is that they enable the key land owners to develop their land consistent with and contributing to the overall TOD objectives for the precinct. This varies from the existing precinct overlay which effectively required the agreement of OBVL, Auckland Council and KiwiRail to the specific development proposal to achieve the TOD outcomes.

**Diagram 1: Land ownership**

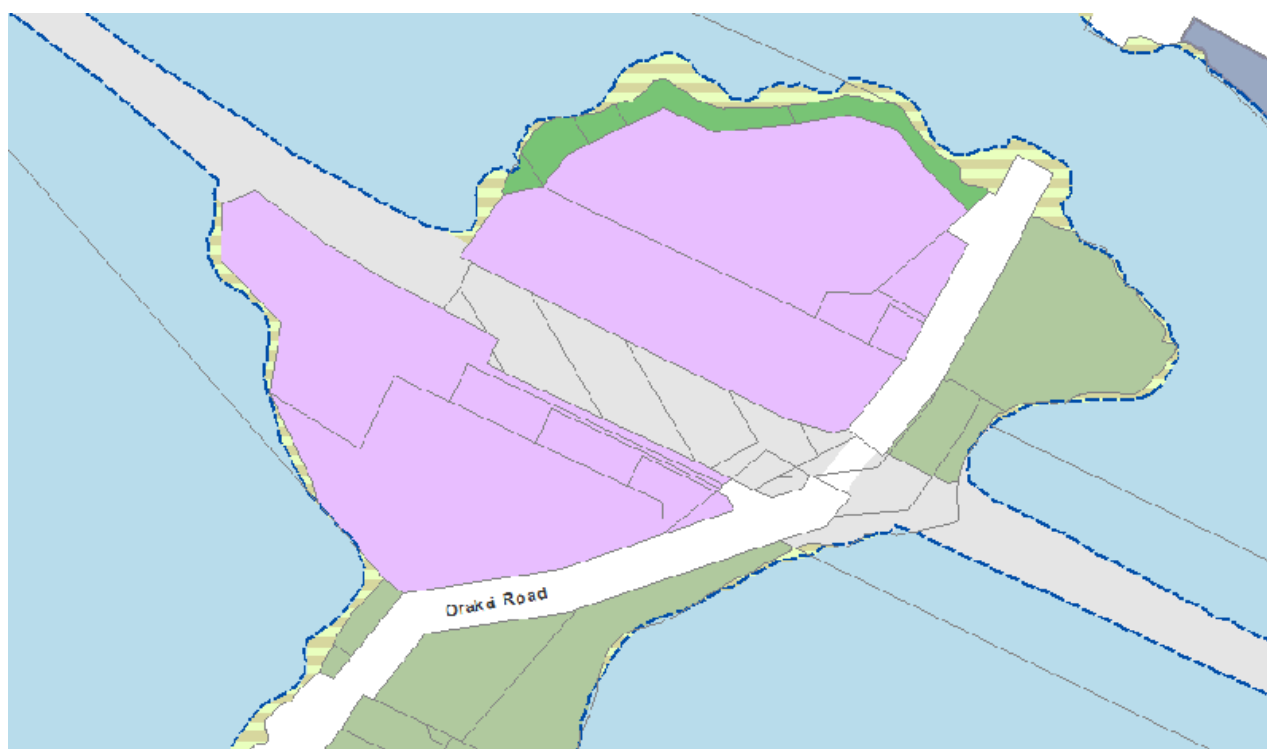


## 4.0 UNITARY PLAN PLANNING MAPS

### 4.1 Zoning

- 4.1.1 Diagram 2 shows the proposed zoning within the Unitary Plan. This essentially zones the OBVL land Mixed Use. Public Open Space – Informal Recreation is located around the northern perimeter of the precinct.
- 4.1.2 OBVL supports this zoning.

**Diagram 2: Zoning**



## **4.2 Precincts**

- 4.2.1 Orakei Point is subject to a precinct overlay with a series of sub-precincts. The sub-precincts are based around the original master plan.
- 4.2.2 Under the revised proposal, Orakei Point would continue as a precinct overlay but the sub-precincts would not apply.
- 4.2.3 Essentially the sub-precincts related to the staging of development. It was designed to ensure that the essential covered platform for the train station and direct access for buses and public to the plaza above the platform and then connections by escalators and lifts to the platform, were built early in the development process.
- 4.2.4 Now that the ability to cover the rail corridor has gone and the fact that buses will no longer be entering the site means that the necessity for this staging is gone and hence the necessity for the sub-precincts has gone.
- 4.2.5 Removing the sub-precincts will also significantly assist one of the Auckland Council and Independent Hearing Panel objectives of simplifying the precinct overlays.



4.2.6 An alternate of retaining the sub-precincts but aligning them to the large land ownership parcels, was considered. However this is not necessary to achieve the planning outcomes sought for the TOD.

4.2.7 There is a critical staging element for some roading infrastructure. This can be addressed through a development control.

#### **4.3 Infrastructure**

4.3.1 Orakei Point is subject to a number of infrastructure overlays.

4.3.2 The rail corridor is subject to designation 6302 for the North Island main trunk.

4.3.3 The Council carpark land and access from Orakei Road is subject to the eastern corridor designation 1620. This was originally the designation for the eastern motorway. This designation effects only land owned by Auckland Council.

4.3.4 Adjacent to the two designations is a “high land transport route” classification. The key issue for this is noise.

4.3.5 Special noise controls are included within the notified precinct controls. These relate particularly to the noise generated by freight trains. OBVL accepts the special noise controls. No change is being requested to these controls for habitable rooms within the apartments. OBVL is considering putting in fully enclosed glazed balconies to enable residents to have some indoor/outdoor space, with the option of closing the glazing on the balconies for noise attenuation reasons.

#### **4.4 Natural heritage**

4.4.1 The Orakei Basin and the tuff cone around Orakei Basin is subject to an “outstanding natural feature” classification.

4.4.2 The Council position in evidence is that the ONF classification on the lower, southern portion of the site should be removed but the classification on the upper, northern portion should be retained. OBVL has lodged evidence in opposition to the retention of the upper, northern ONF.

#### **4.5 Historic heritage**

4.5.1 Orakei Point is subject to the pre-1944 demolition rule.

4.5.2 OBVL lodged a submission in opposition to these provisions and have subsequently had discussions with Council officers. The Council position is that this overlay should be removed and this is supported by OBVL.

4.5.3 The site at 246 Orakei Road is also subject to a “sites of significance to mana whenua” classification. OBVL accepts this.

#### **4.6 Natural resources**

4.6.1 A small portion of the land on the western side of Orakei Point on the 234 Orakei Road land is subject to a coastal inundation classification.

#### **4.7 Precinct Boundaries**

4.7.1 The south western precinct boundary is amended so that it includes the Mixed Use zoned land which traverses the south western coastal edge of Orakei Point. This will mean that all OBVL land is located within the precinct.

4.7.2 It also means that all Mixed Use zoned land at Orakei Point will be assessed against the same provisions rather than a strip being assessed against the Mixed Use zone only and all other Mixed Use zoned land being assessed against the Orakei Point Precinct and the underlying Mixed Use zone. The intent of this is to enable integrated development.

4.7.3 This change is also necessary as Auckland Council have made the decision that they do not wish to own the strip of land.

### **5.0 OBJECTIVES AND POLICIES**

5.1 Attachment A to the evidence of Mr John Duthie is a marked up version of the objectives and policies for Orakei Point.

5.2 The precinct description and the objectives and policies have been amended for four reasons. The first deletes references to the sub-precincts, updates cross-referencing to the new precinct plan and removes references to development which will no longer happen e.g. a new covered rail station. There is also an amendment to include framework plans as a mechanism for achieving comprehensive development (this is further discussed in Section 6 below).

5.3 The second reason is the rewording the provisions relating to open space so that they no longer refer to the open spaces within the development and also along the south western coastal edge

that were planned for under Plan Change 260. Rather, the objectives and policies have been amended to refer to the public open space which is located on the northern portion of the Orakei Point.

- 5.4 The third change to the objectives and policies is to strengthen the policies relating to cycling and particularly with the Council to soon implement the Hobson Bay cycleway.
- 5.5 The fourth change relates to emphasising how the Orakei Road frontage will be the focal point for active uses.
- 5.6 The above changes are not considered to undermine the outcomes sought for the precinct but rather make adjustments to ensure that development is achievable.

## **6.0 PRECINCT RULES: ACTIVITY, LANDUSE AND NOTIFICATION**

### **6.1 Activity Table**

- 6.1.1 In line with the guidance to simplify precincts, the activity table within the Orakei Point Precinct has been removed so that the underlying Mixed Use zone activity table applies. A new table has been added in relation to Framework Plans as this mechanism was not proposed as part of the notified provisions.
- 6.1.2 Reliance on the activity table in the underlying Mixed Use zone is appropriate as the Mixed Use zone activity table provides for a broad range of activities including residential, local retailing and some office and commercial support service activities.
- 6.1.3 The Mixed Use zone activity table includes the same restricted discretionary activity status for new buildings and additions and alterations to buildings as Plan Change 260 and the Orakei Point Precinct. The matters of discretion include:
  - Consistency with the approved or proposed framework plan
  - Building design and external appearance
  - Safety
  - Landscaping
  - Design of parking, access and servicing;



6.1.5 The removal of Precinct Plan 1 raises the question of how best to ensure that development within Orakei Point will occur in an integrated and comprehensive manner.

6.1.6 Framework plans are the most logical mechanism to use as on one hand they ensure that development occurs in a manner which is comprehensive and integrated and on the other hand they have the ability to be amended and updated over time.

6.1.7 The framework plan mechanism is broad enough in its scope to replace the masterplan that was contained in Precinct Plan 1 and even more so, when combined with the restricted discretionary consent process for new buildings as well. The matters of discretion for a framework plan include:

- the location, physical extent and design of the transport network streets and pedestrian connections;
- the location, physical extent and design of open space;
- the location and capacity of infrastructure servicing and in particular, significant infrastructure;
- integration of development with neighbouring areas including integration of the transport network with the transport network of the wider area;
- staging of development and the associated resource consent lapse period;
- staging and funding of infrastructure and services;
- Physical extent and design of streets and accessways;
- Pedestrian connections through the site, to the rail station and the bus stop;
- Landscaping;
- Visual effects on the coastal environment.

6.1.8 The ability to amend framework plans is important as Orakei Point will be developed over an extended period in time and inevitably the passage of time leads to changes in the nature and form of development sought. Essentially, the use of a framework plan instead of a masterplan will ensure that the current issues do not arise again.

- 6.1.9 Buildings and development without an approved framework plan is a non-complying activity.

## 6.2 Notification

- 6.2.1 The notification provisions within the precinct have been modified so as to include provision for framework plans, and new buildings, additions, alterations and subdivision on sites subject to a framework plan to be processed without the need for public notification (limited notification may occur).
- 6.2.2 The provisions relating to the notification of the New Zealand Rail Corporation and Ports of Auckland Limited have been retained.
- 6.2.3 The provisions relating to the special tree protection area have been retained. More specifically, altering, removal or works within the dripline of trees in the special tree protection area are subject to the normal tests of notification (except where the works are provided for in 5.9a-e).

## 6.3 Land use controls

- 6.3.1 The land use controls within the precinct are proposed to be removed for the reasons set out in the table below.
- 6.3.2 It is proposed to retain the land use control relating to the use of buildings within 30m of land either side of the rail. This provision has simply been rolled over from Plan Change 260.

Land Use Control	Reason for Removing Control
<b>3.1 Parking</b>  Limits parking in precinct to 1950 or 2150 if 200 park and ride spaces are disestablished.	This provision is not required as the Auckland Wide Rules H.1.2.3 have been applied.
<b>3.2 Commercial Parking</b>  Commercial parking in sub-precinct F must not exceed 400 spaces and can only be undertaken prior to the completion of development and only on the southern side of the rail corridor.	The Auckland Wide Rules H.1.2.1 require a discretionary activity consent for commercial parking in the Mixed Use zone.
<b>3.3 Garden Centres</b>  Garden centres, including an ancillary cafe must only occupy up to 20% of the GFA or 5% of the outdoor area.	Garden centres require a discretionary activity consent under the Mixed Use zone so a floor area limit is not required. Furthermore, the 20% limit is considered to be a drafting error and it is more likely that the 20% limit was meant to apply to the area of the café inside the Garden Centre).
<b>3.4 Offices</b>  Offices must have a total cumulative GFA between 5000m <sup>2</sup> and 10,000m <sup>2</sup> .	The removal of the opportunity to develop over the rail tunnel and thereby create through roads reduces the viability of offices to this extent, albeit that the opportunity still exists if it is found to be viable.
<b>3.5 Food and Beverage</b>  Food and beverage must not operate between 11:00pm and 7:00am.	Noise from activities will addressed through the Auckland Wide Rules contained in H.6.2.1.1 – Noise from activities within zones.
<b>3.6 Park and Ride Parking</b>  Park and Ride must provide a maximum of 200 spaces.	This provision is no longer relevant due to the changed circumstances. In particular, it is at Auckland Transports discretion as to the amount of carparking to be provided.

Land Use Control	Reason for Removing Control
<p><b>3.7 Retail Premises</b></p> <p>The GFA of an individual tenancy must not exceed 500m<sup>2</sup>.</p> <p>A single large floor plate tenancy must not exceed 2000m<sup>2</sup></p> <p>The cumulative GFA of retail must not exceed 10,000m<sup>2</sup> and a minimum GFA of 5000m<sup>2</sup> must be provided.</p>	<p>These provisions are not required as the Mixed Use zone rules (closing statement version) limit the size of retail as follows:</p> <ul style="list-style-type: none"> <li>• Retail up to 200m<sup>2</sup> per site is permitted.</li> <li>• Retail greater than 200m<sup>2</sup> per site is discretionary.</li> </ul> <p>As was the case with offices, establishing this level of retail on the site is not viable under the changed circumstances.</p> <p>Notwithstanding, the activity control will ensure that active uses such as retail are located on the Orakei Road frontage.</p>
<p><b>3.8 Taverns</b></p> <p>Taverns must have a maximum GFA of 500m<sup>2</sup></p>	<p>This control is not required because retail (including taverns) is limited to 200m<sup>2</sup> per site as a permitted activity and 450m<sup>2</sup> as a discretionary activity.</p>
<p><b>3.9 Artificial Lighting</b></p> <p>Artificial lighting may (sic) be used on a site producing on luminance in excess of 150lux, measured at any point on the site containing the light source in horizontal or vertical plain at ground level.</p>	<p>This matter is addressed in Auckland Wide Rules H.6.1.</p>

## 7.0 PRECINCT RULES: DEVELOPMENT CONTROLS

7.1 Attachment A to the evidence of John Duthie is a marked up version of the requested precinct overlay for Orakei Point.

### 7.2 Height

9.2.1 The current precinct rules control height through both a 'maximum storey' control and a 'maximum height' control above an RL datum of Orakei Road. It focuses height in the centre of the Orakei peninsula block and steps it up from the Orakei Basin and Hobson Bay areas to a maximum of 38.5m in the centre of the Orakei Point area.

9.2.2 The height is allocated to specific building platforms. This proposal:



- (a) retains the philosophy of stepping height up from Orakei Basin and Hobson Bay;
- (b) retains the same basic maximum heights in the same or similar location within Orakei Point;
- (c) adopts the approach agreed through mediation for the business development controls of doing away with the “storey” control and relying simply on a maximum height control;
- (d) retains the principle of measuring height above RL12.5 which is essentially Orakei Road level.

9.2.3 No change is sought in the maximum height controls on 246 Orakei Road; other than the consequential change following the mediated provisions to the Mixed Use zone to measure height is a physical dimension rather than in storeys.

9.2.4 Height on 234 Orakei Road steps up from 29.5m around Hobson Bay and 30m on Orakei Road to 38.5m in the centre of the block.

9.2.5 The rooftop control is retained.

9.2.5 These height controls are set out in the revised Precinct Plan 1 below.

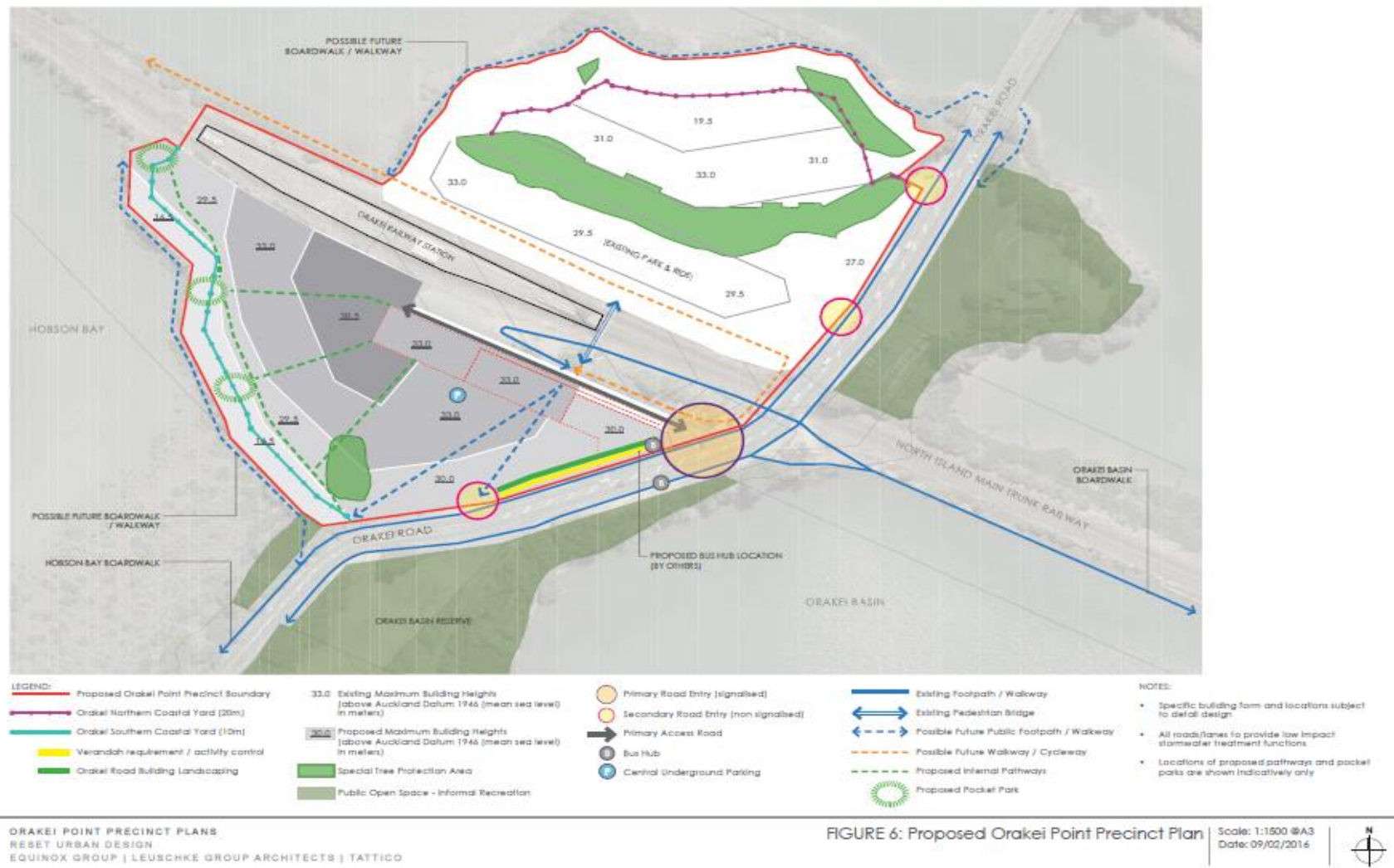


Diagram 4: Revised Precinct Plan

#### **9.4 Orakei Road building landscaping**

- 9.4.1 The control on Orakei Road building landscaping is retained but the recession plane is deleted.
- 9.4.2 The recession plane saw an angled setback from Orakei Road with a cascading landscape form on the building. This was under a scenario where buses and the public would come to the centre of Orakei Point above the station. This centre was the new 'front door' to Orakei Point – the centre of activity. Essentially Orakei Road became a through road which the development treated as its rear, with the focus and front door being at the station itself.
- 9.4.3 Now that the Council seeks to retain buses and the transport interchange for buses on Orakei Road itself, Orakei Road becomes the front door. It is critical that buildings are constructed to this frontage to both create active edges along Orakei Road and for development to overlook the transport hub for CPTED safety reasons.
- 9.4.4 Consequently the recession setback is not appropriate given the change function of Orakei Road.
- 9.4.5 Part of the reason for the landscape form of the building was to reduce the visual impact of Orakei Point development from Lucerne Road.
- 9.4.6 To ensure these principles are achieved, the principle of green buildings is retained. Modern buildings with green walls and other treatment achieve that same or similar landscape profile. A balance can be achieved between addressing the street, offering good quality CPTED principles to the public transport bus hub, and still retaining a soft landscape appearance when viewed from the distance of Lucerne Road.
- 9.4.7 The controls are recast to achieve this balance.

#### **9.5 Site intensity**

- 9.5.1 Plan Change 260 and the notified Unitary Plan provisions provided for a total GFA of 80,000m<sup>2</sup> of development within the precinct. This has been retained.

- 9.5.2 What has been modified is that the maximum GFA's per precinct have been removed (as there are now no precincts) and a new 50,000m<sup>2</sup> limit has been applied to all development to the south of the mid-point of the railway line.
- 9.5.3 The 50,000m<sup>2</sup> figure has been applied by reallocating the 20,000m<sup>2</sup> of development that was to be located on the rail corridor to the land either side (5000m<sup>2</sup> to the north and 15,000m<sup>2</sup> to the south).
- 9.5.4 The split has been determined relative to the size of developable land on either side i.e. exclusive of the tree protection area. This is shown on the figure below:



- 9.5.5 This does mean that more development can occur on the OBVL land than under the Plan Change. However, it is considered that this can be achieved by utilising area that was previously allocated to the wide street network required for the buses and by building GFA in place of the carparking structures that were located below the podium.
- 9.5.6 Overall, the framework plan mechanism will be the ultimate determinate of the GFA in the Precinct, however, 50,000m<sup>2</sup> GFA is an appropriate parameter to work within.

## 9.6 Veranda/Colonnades

- 9.6.1 The original master plan envisaged verandas and colonnades giving people access from Orakei Road into the retail centre and plaza above the station, and from what were to be new bus hubs within the Orakei Point land to the station.

9.6.2 Auckland Transport is now proposing a fundamentally different way of providing access. Access is now on Orakei Road. Presumably Auckland Transport will effect pedestrian links to the station on its own land.

9.6.3 Auckland Transport will address weather protection for passengers moving between the buses and the station. The controls are removed from the precinct overlay.

## 9.8 **Frontage height and activity control**

9.8.1 This control was intended to keep active edges around the internal plazas above the station. With the deletion of the podium above the station and the consequential deletion of the plaza, this control is no longer relevant or required.

## 9.9 **Staging**

9.9.1 The Orakei Point precinct plan as proposed had a detailed staging programme based on the construction of key assets as part of Orakei Point. These included:

- construction of the podium above the station;
- creation of the plazas at the entranceway to the station;
- building the internal roads to bring buses into the station itself;
- creation of the parkland on the western side of Orakei Point;
- road widening on Orakei Road to accommodate the increased traffic, particularly from commercial activities.

9.9.2 With the decision of the Council not to build above the rail station and not to develop the parkland on the western side, these staging diagrams are not necessary.

9.9.3 The transport requirements for the new Orakei Point are significantly simplified. This is because:

- (a) Buses will remain on Orakei Road. Consequently there is no need for the new “D” road at podium level or the two sets of traffic lights to enable buses servicing the rail station to enter and exit Orakei Point.
- (b) The significant retail and employment centre is not proceeding. There will be local convenience retail only.

- (c) Auckland Council has already completed upgrade of the Orakei rail bridge and the walkway from the rail bridge to Shore Road.
- (d) The residential traffic generation in peak hours is limited. The whole philosophy of the TOD is that a significant portion of commuter travel will be by train into the city. The new timetable offers a ten minute service from Orakei Station in peak hours. It also connects directly to Manukau and by transfer at Britomart to Newmarket.
- (e) The intensity of development on the site is reduced below the 80,000m<sup>2</sup> maximum gross floor area allowed under the precinct plan (this rule excludes 246 Orakei Rd). The new proposal is for 50,000 (approximately 500 apartments) on Equinox land.

9.9.4 Mr Don McKenzie has provided a revised set of traffic staging requirements:

<i>Level of Development Car Parks (assuming a predominantly residential development, not counting the existing park &amp; ride spaces as of 2016)</i>	<i>Staging Requirements</i>
<i>499 or less car parks on any <u>one</u> side of the railway line</i>	<i>No external traffic mitigation required</i>
<i>500 or more car parks on any <u>one</u> side of the railway line</i>	<i>Installation of traffic signals at the main site access on whichever side exceeds 500 car parks (or signalisation of the main site accesses on both sides if/once both exceed 500 car parks each)</i>
<i>1,001 or more total car parks combined on <u>both</u> sides of the railway line</i>	<i>Provision of on-road or off-road cycle facilities along the Orakei Road site frontage</i>
<i>1,501 or more total car parks combined on <u>both</u> sides of the railway line</i>	<i>Upgrading of the <u>Kepa / Orakei / Ngapipi</u> intersection from a roundabout to traffic signals, with a single right turn lane from <u>Ngapipi Road</u> to <u>Orakei Road</u> and two exit lanes on <u>Kepa Road</u>; plus the provision of a second northbound lane on Orakei Road from south of the southern site access through to the <u>Kepa Road</u> traffic signals;</i>

9.9.5 Overall, the combination of the revised staging requirements along with the assessment required under the Auckland Wide provisions means that the amended precinct provisions provide for adequate assessment of the traffic related effects of development at Orakei Point.

#### 9.10 Other development controls

- 9.10.1 The controls relating to dwelling size and mix, private open space and visual privacy, outlook and screening have been deleted on the basis that these matters are now covered in the provisions of the underlying Mixed Use zone.
- 9.10.2 The controls relating to pedestrian links and network utility services will be addressed through the framework plan process and the noise provisions (for activities on the site) will be addressed through the Auckland Wide Rules.

## **10.0 ASSESSMENT CRITERIA**

- 10.1 The changes to the assessment criteria are shown in a marked up version in Appendix A to Mr Duthie's evidence.
- 10.2 These changes are only the consequential changes that arise from either:
  - (a) the deletion of certain activities from the activity table; or
  - (b) development controls from the precinct; or
  - (c) consequential changes to the master plan;
  - (e) utilisation of the assessment criteria in other parts of the Unitary Plan.

## **11.0 PRECINCT PLANS**

- 11.1 The five precinct plans forming part of the Proposed Unitary Plan are replaced with the precinct plans set out in Diagram 4 above.
- 11.2 The key changes are to:
  - (a) Align the precinct boundary on the western side of Orakei Point to reflect the title boundary of OBVL. This reflects the fact that the Council does not want ownership and control of the formerly proposed parkland along this Hobson Bay foreshore. The precinct has also been amended to include the open space land in the northern portion of the precinct.
  - (b) The building platforms at Orakei Point are simplified and made more generic recognising the need for ongoing flexibility in the design and development of the area.

- (c) The veranda/colonnade control and height and active frontage control are deleted for the reasons set out in section 9 above.
- (d) The height diagram is put in place to reflect the current principles of the height control for Orakei Point.

11.3 In terms of the precinct plan, certain key controls remain on the plan and in particular:

- the Orakei coastal yard;
- the special tree protection area;
- the location of vehicle entrance;
- key pedestrian links.

This includes the introduction of the new important Hobson Bay cycleway control.

11.4 These controls are set out in Attachment A to Mr Duthie's evidence.

## **12.0 INFRASTRUCTURE**

12.1 The detailed analysis done on Plan Change 260 demonstrated that the 80,000m<sup>2</sup> development at Orakei Point could be fully serviced by infrastructure.

12.2 The development enabled by the amended provisions can equally be serviced. The decrease in intensity of use only improves the situation.

### Stormwater

12.2.1 The OBVL land at Orakei Point is fully self-contained in terms of stormwater. No stormwater will enter the public drainage system.

12.2.2 A dual stormwater system is created. All impermeable surfaces other than roads and laneways are drained directly to the harbour. This is largely building platforms.

12.2.3 All development will be constructed of inert building material in accordance with the standards of the Unitary Plan. Consequently the stormwater coming off the roofs of buildings will have minimal contaminants and for all intents and purposes is "clean" water.

12.2.4 The vast majority of parking associated with the development will be within basements or buildings. Contaminants entering the stormwater system from parking areas will be limited.



- 12.2.5 A second stormwater system will pick up laneways and any roads. These will go through rain gardens and/or swales to give treatment prior to entering a secondary wetland system and then Hobson Bay.
- 12.2.6 This will ensure appropriate stormwater treatment.
- 12.2.7 These requirements are set out in the assessment criteria for resource consents.
- 12.2.8 The most significant potential contaminant issue is from the park and ride and rail line. However these properties are outside the control of OBVL. They also represent a current situation. The development of the OBVL land will have no effect on the current situation with the rail corridor and park and ride.

#### Wastewater

- 12.2.9 Orakei Point is serviced by an existing wastewater line which connects from Meadowbank into the Hobson Bay trunk wastewater line (Orakei interceptor).
- 12.2.10 There is capacity in this line for some development. However, once at full development, a new wastewater line will connect up Ngapipi Road to the Orakei interceptor, or alternative arrangements agreed with Watercare.
- 12.2.11 Any new pump station that may be required will meet the conditions of the Greater Auckland Network Discharge Consent held by Watercare.
- 12.2.12 Appropriate criteria are included within the assessment criteria for resource consents.

#### Potable water

- 12.2.13 Orakei Point is adequately serviced by a terminating potable waterline that comes in from Shore Road.
- 12.2.14 Watercare has a strong preference for dual line servicing neighbourhoods so that in the case of a failure on one line, water can be supplied from an alternate direction.
- 12.2.15 If there is to be this built-in redundancy, then the additional potable water line would have to come from Meadowbank across the Orakei Basin cycleway.
- 12.2.16 These matters are all technically resolvable. Whether a single line should be deemed acceptable, or a second line with built-in redundancy is developed; is to be worked through on the detailed resource consents. It will all depend on the scale and intensity of development.

12.2.17 Appropriate assessment criteria are included within the precinct provisions.

Power and telecommunications

12.2.18 Discussions with Vector, Chorus and Spark as part of the original development identified that Orakei Point could be adequately serviced with electricity, telecommunications and broadband. There are no changes to this position as part of the modifications proposed to the Orakei Point master plan.

## **13.0 SECTION 32 and 32AA OF THE RMA**

13.1 A Section 32 evaluation was undertaken as part of the Plan Change 260 process. This evaluation would have undertaken a full assessment of the merits of a TOD development at Orakei Point. Given that the principal of a TOD development is retained there is no need to focus this assessment on the overall objectives of the Orakei Point provisions.

13.2 Rather, this assessment focusses on the amendments proposed by OBVL. This has been done in two ways. The first it to look assess the merits of the retaining the Orakei Point precinct per se, the second is to assess the amended provisions against the notified objectives and policies.

	As Notified- Orakei Point Precinct Provisions	Revised OBVL proposal	Remove Precinct
<b>Appropriateness</b>	<p>Elements of the notified precinct provisions that were assessed as being appropriate in the Plan Change 260 process have been retained. These include:</p> <ul style="list-style-type: none"> <li>Recognition of the public transport connections to and through Orakei Point, including the enhanced cycleway connections;</li> <li>The provision for intensive residential development to reinforce the station and public transport connections;</li> <li>The provision for integrated mixed use development so as to provide appropriate employment and retail servicing opportunities for local residents;</li> <li>The requirements to ensure that the built development is of an appropriate scale and form and is of a high quality;</li> <li>Protection of key environmental parameters, particularly protection of the northern coastline and the remnant vegetation on the cliff-line and adjoining the development;</li> <li>Triggers to ensure that the necessary improvements to the transport environment occur;</li> <li>The same reverse sensitivity provisions relating to the rail network, particularly the freight component.</li> </ul> <p>However, elements relating to the form and layout of development are no longer relevant as it is now not possible to build over the rail tunnel, create the podium or have buses going into the site. Particular elements that are not appropriate include:</p> <ul style="list-style-type: none"> <li>Out of date wording in the objective and policies;</li> <li>The precinct plans (1-5) and precinct boundaries;</li> <li>The land use controls that are covered by the Auckland Wide rules or a no longer relevant e.g. levels of office and retail;</li> <li>Development controls relating to particular building platforms e.g. height and verandah/colonades;</li> <li>Staging requirements that cannot be given effect to e.g. south western open space;</li> <li>Elements of the traffic staging requirements that do not reflect the amended intensity of the development.</li> </ul>	<p>Elements of the notified precinct provisions that were assessed as being appropriate in the Plan Change 260 process have been retained. These include:</p> <ul style="list-style-type: none"> <li>Recognition of the public transport connections to and through Orakei Point, including the enhanced cycleway connections;</li> <li>The provision for intensive residential development to reinforce the station and public transport connections;</li> <li>The provision for integrated mixed use development so as to provide appropriate employment and retail servicing opportunities for local residents;</li> <li>The requirements to ensure that the built development is of an appropriate scale and form and is of a high quality;</li> <li>Protection of key environmental parameters, particularly protection of the northern coastline and the remnant vegetation on the cliff-line and adjoining the development;</li> <li>Triggers to ensure that the necessary improvements to the transport environment occur;</li> <li>The same reverse sensitivity provisions relating to the rail network, particularly the freight component.</li> </ul> <p>However, a number of other provisions have been adjusted as set out in the preceding report. These adjustments are appropriate on the basis that they retain the principle of a TOD but yet provide for a form and layout of development which is relevant and can be given effect to.</p>	<p>The underlying Mixed Use zone is appropriate for the site in terms of the mix of uses provided for.</p> <p>The development controls are also appropriate as they provide an up to date set of controls in relation to building form, design and standards in relation to residential development e.g. outlook controls.</p> <p>However, these provisions are not appropriate in that they do not provide for sufficient height of development in a location that is removed from neighbours and adjoining a rail station/bus hub,</p>
<b>Effectiveness and Efficiency</b>	<p>These provisions would not be effective as they provide for a layout and form of development that cannot be achieved.</p> <p>In particular, at least 6 buildings that were on the masterplan can no longer be built as they were over the rail tunnel. The remainder of the buildings needs to be adjusted or repositioned to take account of the lack of a podium and the different roading network.</p>	<p>The revised OBVL proposal will be effective at achieving the objectives of the precinct as they simply alter the form and layout of the development but do not undermine the principle of creating a TOD at Orakei Point.</p> <p>They will also be effective because they include provision for a framework plan which will ensure that proposed development achieves the outcomes of the precinct in a co-ordinated manner.</p>	<p>The provisions of the mixed use zone would be effective and efficient on a general level as they relate to activities and buildings generally.</p> <p>However they would not be effective at addressing the Orakei specific issues such as the coastal location, the effects on the rail corridor or the specific traffic issues.</p>

	As Notified- Orakei Point Precinct Provisions	Revised OBVL proposal	Remove Precinct
Costs	<p>Retaining the staging provisions is particularly ineffectual as they do not let development start in another precinct until the requirements of the preceding precinct have been met.</p> <p>Overall, the retention of these provisions on the OBVL land will preclude development and thereby result in the inefficient use of land.</p>	The provisions will be efficient as the framework plan process will enable the form and layout of development to be established but will also enable changes to occur over time.	There is also no provision for framework plans so it is unlikely that such provisions would be efficient or effective in ensuring that an integrated form of development is achieved.
	<p>Not being able to develop the OBVL land will result in significant costs to OBVL.</p> <p>It will also result in a significant cost in terms of not providing for growth adjoining one of the few locations in Auckland with bus and rail transport and in a coastal location.</p>	They were not notified as part of the Unitary Plan and therefore do not have the visibility of the notified provisions. However, the submitters to the notified plan and the landowners are all aware of the changes.	<p>There would be significant costs associated with the reduced development potential for OBVL.</p> <p>There would also be a cost in terms of the lessor level of development not giving full effect to the growth strategy.</p>
Benefits	<p>Retaining the precinct as notified means that the Environment Court decision is rolled over in full.</p> <p>There can be no concern from a submitter perspective about the extent of the changes made.</p>	<p>It is always a significant benefit to have provisions that can be given effect to as opposed to provisions that cannot.</p> <p>The benefits of these provisions is that it will enable a level of development which will make a significant contribution to the housing supply in Auckland and it will be in a location actively sought by that growth strategy i.e. next to public transport.</p>	It is clean and simple. The Mixed Use provisions are well established provisions in the former Auckland Council area and as such are well understood.

Provisions	Efficiency and Effectiveness	Costs and Benefits
Precinct Description	As compared to the notified description the amendments remove the elements that can no longer be achieved. This is effective as it provides an accurate description of the intent of the precinct.	Retention of the wording relating to the rail corridor is a benefit as this was seen as an important element in the plan change process.
Objectives	<p>The only amendment relates to the open space provided in the northern portion of the precinct.</p> <p>It is efficient and effective to retain the objectives as much as possible as these were deemed appropriate in the Plan Change 260 hearing.</p>	There are no costs to clarifying that the open space is to be limited to the northern portion of the precinct as Council has confirmed that they do not want to own the south western coastal edge, so presumably it is not required from a public use perspective.
Policies	<p>It is effective and efficient to update the policies to reflect that the will not be a new covered rail station and to accurately define the type of open space to be provided. To not do this would create a public perception of facilities that will not eventuate.</p> <p>The new policy relating to framework plans is efficient and effective as this is a mechanism that has been developed explicitly to ensure that development on a site such as this is integrated and comprehensive.</p> <p>The explicit reference to the Hobson Bay cycleway is appropriate as this project is in its final stages of planning.</p>	<p>There are benefits to having policies that accurately reflect the type of and process for development, particularly in terms of accurately communicating to the public the nature and form of development that will take place on the site.</p> <p>The benefit of retaining a number of the policies in an unchanged form is that policies have already be determined as being the most appropriate as part of the plan change 260 process.</p> <p>The costs of amending these policies is that they were not notified for submissions.</p>
Activity table	<p>It is effective and efficient to utilise the activity table in the Mixed Use zone as it makes the provisions easier to understand. This activity table will also be effective in providing for a mixed use development as sought by the objectives and policies of the precinct.</p> <p>The inclusion of provision for a framework plan is effective and efficient as this mechanism has been developed explicitly to ensure that development on a site such as this is integrated and comprehensive, as sought by the objective and policies.</p>	<p>The cost of providing for development to occur through framework plans is that the landowner will have to undergo additional consent processes and costs.</p> <p>The benefit of using the Mixed Use zone provisions is that these provisions will represent the most up to date and therefore effective set of mixed use provisions (bearing in mind that the Plan Change 260 provisions were first formulated nine years ago).</p>
Notification	The notification provisions have been amended to include framework plans. The non-notified restricted discretionary process is an effective and efficient tool for assessing proposals for framework plans.	The cost of this provision is that framework plans would not be able to be notified to the general public.

Provisions	Efficiency and Effectiveness	Costs and Benefits
<b>Land Use Controls</b>	<p>The land use control have been removed in the revised proposal. This is considered to be effective and efficient as the outcomes sought by the majority of these provisions will be achieved through the Auckland Wide rules.</p> <p>The removal of the controls in relation to the amount of retail and office is efficient and effective as it will allow for allow for additional residential development without precluding office and retail from the site.</p>	<p>The cost of removing the office and retail controls is that there will no longer be such a significant amount of these activities on the site. However, this is also seen as a benefit as the Unitary Plan seeks that the majority of these activities are located in a Local Centre e.g. Eastridge.</p>
<b>Development Controls</b>	<p>The amendments to the development controls are effective and efficient as these controls have not been adjusted so that they are no longer contingent on a particular layout of development and therefore can actually be given effect to. An example of this is the height control which provides for broadly the same heights and in the same locations as the notified version but in a way that is not linked to a particular building platform.</p> <p>Equally so, the site intensity control does not provide for additional development on the site but rather redistributes it.</p> <p>Overall, the changes to the development controls including the activity, green building and verandah controls still achieve the high quality mixed use development sought by the notified provisions but in a less structured manner. This balance is seen as both effective and efficient.</p>	<p>The cost of the revised provisions is that there is less certainty as to the final form of the development. However, this cannot be less certain than applying the notified provisions as such a development will simply not occur.</p> <p>The benefit of the notified provisions is that these provisions were the subject of the Environment Court hearing.</p>
<b>Precinct Plans</b>	<p>The revised precinct plan and the associated provision for framework plans are effective and efficient mechanisms for enabling development on the site whilst ensuring that such development pays due regard to its context and is carried out in a comprehensive and integrated manner.</p> <p>Framework plans are also efficient as they provide for changes over time. Framwork plans are a much faster process than having to change the Unitary Plan.</p> <p>The existing precinct plans are not effective and efficient as they provide for a form and layout of development that cannot be achieved.</p>	<p>The revised precinct plan and the associated provision for framework plans does not provide as much certainty as the existing master plan and precinct plans. This is seen as a cost.</p> <p>There is also a cost to retaining the existing masterplan and precinct plan as these provisions will preclude or make development on the site very difficult. Therefore, they will not achieve the objectives and policies relating to a comprehensive mixed use development. This has a cost to the landowner and to wider Auckland in terms of the in efficient use of land and the loss of potential housing in a prime location.</p> <p>The revised precinct plan has the benefit of protecting and identifying the key elements of Orakei Point e.g. special tree protection areas and in this way is aligned to and gives effect to the policies of the precinct.</p>