

BEFORE THE ENVIRONMENT COURT

Decision No. [2016] NZEnvC 032

IN THE MATTER of the Resource Management Act 1991
AND of appeals pursuant to clause 14 of the First
Schedule to the Act
BETWEEN SOUTH EPSOM PLANNING GROUP
INCORPORATED AND THREE KINGS
UNITED GROUP INCORPORATED
(ENV-2016-AKL-01)
NGATI TE ATA WAIOHUA AND NGATI
TAMAOHO TRUST
(ENV-2015-AKL -158)
Appellants
AND AUCKLAND COUNCIL
Respondent
AND FLETCHER RESIDENTIAL LIMITED
Applicant

Court: Environment Judge JA Smith
Environment Judge BP Dwyer
Environment Commissioner ACE Leijnen
Environment Commissioner WR Howie

On the papers

Parties: R Enright for South Epsom Planning Group and Three Kings
United Group (and agency appearance for Ms M Bilsland and Ms A
Houghton)
Ms JC Campbell and Ms A Linterman for Auckland Council
Mr W Loutit, Ms K Stubbing and Ms J Donnelly for Fletcher
Residential Limited (Fletchers)
Ms C Kirman and Ms A Devine for Minister for the Environment
and Housing New Zealand Corporation (s 274 party)
Mr G Smith and Ms L Vink for Auckland Volcanic Cones Society
(s 274 party)
Ms M Batistich and Mr L Kearns for Auckland Transport
(s 274 party)



Date of Decision: 3 March 2017

Date of Issue: 03 MAR 2017

DECISION OF THE ENVIRONMENT COURT

- A: The Court concludes that it has sufficient information from the evidence at the original hearing, the Court decision, and the joint witness statements, to finalise its decision without a further hearing.
- B: Plan Change 372 as annexed hereto and marked B, subject to the amendments identified in this decision being incorporated within the change, can be finalised.
- (a) The Auckland Council will circulate to the other parties new wording and maps as amended in accordance with this decision for inclusion within the Plan within a period of **20 working days**;
- (b) The parties then have **10 further working days** to make any comments to the Council in relation to them;
- (c) If there is a difference between the parties, the Council is to summarise the same and to include them in a memorandum to this Court within **10 working days** of receipt of comments;
- (d) The Court will then decide whether it can proceed to issue a final version of PC372 at that point. In addition to any tracked change copy that the Council may wish to produce (and this is not mandatory) a clean version of the wording and plans should be produced for endorsement by the Court if appropriate.
- C: This does not appear to be a suitable case for costs. In the event any application or costs is to be made such application is to be filed within 20 working days; any reply 10 working days after that and any final reply, if any, 5 working days thereafter.



REASONS

Introduction

[1] By decision [2016] NZEnvC 140, dated 29 July 2016 (the Decision), this Court issued an interim decision in relation to PC372. Decision Part A and B concluded that PC372 was the most appropriate way to achieve the purposes of the Act, and issued an interim decision to enable the parties to discuss and refine PC372. In Part C the Court indicated particular areas for the parties to address in relation to PC372.

[2] In Part D of the Decision the Court noted that it had not made a final conclusion as to the adequacy of the provisions, and gave directions for the parties to file memoranda in respect of the provisions.

Subsequent progress

[3] Following the Decision the parties filed memoranda with the Court identifying particular matters on which they agreed and disagreed. The memoranda established that there was a fair measure of agreement, although there were matters of detail, particularly relating to the items identified by the Court in Part C, where there was some measure of difference.

[4] On 26 September 2016 a further conference with counsel was held, attended by Environment Judges Dwyer and Smith. As a consequence of that, further directions were made and these are annexed to this decision and marked **A**. As is noted there, the Court adopted the option that it would require a report after the High Court callover on 14 October and would manage the process in the meantime to ensure that matters moved forward. The judges also concluded that there were very limited matters upon which any further evidence would be required, the key issue being buildings surrounding the lava lake on Grahame Breed Drive. Even then, there appeared to be a basis upon which further discussions might reduce issues. An example of this was paragraphs [12] and [13] which noted:

[12] Given the clear decisions of the Court in respect of most matters, the one area in which there was little technical evidence, and which was not conclusively resolved was the relationship with the buildings adjacent to the public area at the top of the lava lake (the dog pound). The parties did not suggest any other major issues that the Court would need to resolve and which might involve new detailed evidence.



[13] The parties may be able to agree on issues surrounding the lava lake and Grahame Breed Drive exposures. This is a matter that could be explored by the parties.

[5] Subsequently, the Court resolved that it should direct the planning witnesses to caucus to see if issues of agreement and issues remaining to be resolved could be identified. The Court subsequently made directions to that end, with a caucus statement and report required by 30 November.

Outcome of reports

[6] Surprisingly, there has been a significant measure of agreement reached at caucusing. The parties have produced a version of PC372 containing the agreed terms. There are, however, a number of matters within this version of PC372 which the parties have still not fully agreed on, or which do not accord fully with the Decision. A joint witness statement provided to the Court by the parties noted:

The document as attached to this joint witness statement, with further modifications agreed at the conference shown in green text (or as instruction). Where amendments are agreed by all parties these are recorded in the attached provisions. Where there are areas of disagreement between the experts, these are recorded in the general statement. Subject to the exceptions noted in the JWS, the provisions in attachment 1 are agreed by all the experts. The specific issues identified by the Court as needing to be addressed prior to the finalisation of the form of PC372 are discussed in turn below.

[7] This document is attached as **B** and forms the basis of the Court's further evaluation.

The High Court

[8] The High Court has proceeded to consider, and now issue, a decision in respect of certain scope and jurisdictional matters relevant to the PAUP. It is clear that the matters relating to the 3 Kings quarry were not the subject of direct decision in that case, and we have neither considered, nor have we received any submissions, on the impact of that decision in respect of the various appeals and applications in the High Court and/or Environment Court. Suffice to say, for current purposes, we are satisfied that the Court should resolve PC372. It would be hoped that this may form a basis for further discussions between the parties in respect of any relevant PAUP provisions, but we recognise that these are different processes under different statutory regimes.



The scope of the issues at large

[9] As we have already noted, the Court's concern was to finalise PC372. That is largely a planning function and a matter of appropriate draughtsmanship. There are several issues on which technical matters did arise, such as the potential for flooding and effects on view shafts, but these were not matters on which the experts, in the end, reached any separate conclusions. The Court's perspective is that, if there is any matter which requires further evaluation, there may be conclusions on that matter either within the Decision or within the evidence already produced to the Court or the joint witness statements, which enable us to reach a firm conclusion as to the wording of PC372.

[10] We have concluded that the appropriate course is for us to examine the various matters identified in the Decision to see which, if any, are still at large, and if so, whether or not further evidence is required to reach a conclusion.

[11] It was suggested in the covering memorandum that there may be a need for the Court to hear about the latest Urban Planning National Policy Statement, issued subsequent to the Decision. In the event that a further hearing was required, we agree that this may be necessary. However, if all evidence required to resolve this appeal is already before the Court, then the hearing has concluded, and issues which have arisen after the hearing has concluded would not be examined by us.

[12] We note in particular that the Court reserved its position in respect to a final determination as to the adequacy of the provisions proposed for PC372. That is clearly a discussion about the wording and mapping of PC372, given the provisions (now the basis of annexure B) handed to the Court at the conclusion of Fletcher's case. Again, we have concluded that our role is to determine whether or not we can finalise PC372 on the basis of the evidence we have already received, the Decision and the agreed position of the joint witness statement. If we can do so, it is not necessary for us to reconvene the hearing or consider the changes that have occurred since that time.

[13] There is some logic to this approach given that the AUP is in fact a subsequent process to change PC372 under the Plan, and may result in different provisions applying. If it was necessary for the Court to revisit PC372 with every change to the AUP, it would mean that the Court could not conclude its task until after the AUP was finalised, by which time its role would become redundant in any event. We have



concluded that the appropriate course of action is to conclude whether we are able to reach a final decision on the basis of the evidence already prepared, our decision, and the joint witness statement, and if we are able to do so we can conclude our role under the Resource Management Act. Any final provisions applying to this area would, of course, be subject to the provisions included in the AUP – which is itself the subject of appeals to the High Court and Environment Court, together with applications for review.

PC372 Objectives

[14] The joint witness statement agrees on an amendment to Objective 2 (paragraph [55] of the interim decision). The parties are agreed that the text has been amended to reflect that suggested by the Court. Accordingly, this matter is resolved and there is no remaining dispute. Accordingly there is no need for us to hear further evidence on this matter. We have reviewed the wording of Objective 2 and are satisfied that it reflects the intent of the Court in its decision.

The integration and connectivity issues

[15] The planning witnesses have agreed that there should be a finished ground height rule and related diagram, and these have been included as amendments to PC372.

[16] There has been some amendment to the RL levels to reflect not only the Court's comments in relation to ground height levels, but those that were originally contained within PC372 and its amendments. Important from the Court's perspective, is the adoption of a minimum RL for ground level where buildings are constructed in the RIU of 64m RL, with a minimum bench height at the lower terrace interface area (the area between the sports field and the town centre) of 67 metres. The playing fields adjacent to that would be 63m RL minimum.

[17] To address concerns about finished ground heights, the parties have agreed that a 1 metre tolerance should be allowed outside the lower terrace interface area, but a 0.5 metre tolerance for the lower terrace. In practical terms this could mean a maximum height differential between the playing field and the lower terrace of 62m to 67.5m (5.5m) or 66.5m to 77m (10.5m) between the lower bench and Grahame Breed Drive.

[18] It is important that the Court adopts a practical approach to the resolution of



issues to do with ground height and finished height. The intent of the Decision was to provide connectivity and integration between the lower area and the town centre area. The provisions that are now proposed acknowledge that the difference between the lower terrace interface area and the town centre is approximately 10 metres. It acknowledges that, as with all built form, there can be variations and some tolerance needs to be adopted. We are satisfied that this was implicit in the Decision and the desire to have workable provisions included within PC372 that reflected that decision.

[19] The wording of Part (F), rule 3(a) has been amended, but we are not satisfied that this wording reflects a workable and practical approach where a minimum level is required. Based on the Decision and the evidence, it is our conclusion that the ground contour levels best able to create a practical interface between the lower terrace and Grahame Breed Drive require a minimum ground level of RL 63m for the sports fields, RL 67m for the lower terrace and 64m RL for the RIU.

[20] The diagrams that have been supplied to us provide different levels which allow an increase in the extent of interface differential. By reference to the rules, tolerance levels become relevant also. The Court concludes that, in practical terms, although there could be some tolerance between the playing field and the lower terrace, and between the lower terrace and Grahame Breed Drive, the maximum differences in each case should be 4m and 10m.

[21] Based on the clear design evidence given to us, we conclude that 10m is at the upper limit of the appropriate separation of the lower terrace and the Grahame Breed Drive/plaza area. The lift of 4m from the playing fields to the lower terrace can be tolerated, provided there is access from each end at the natural ground level, and the potential for stairs to connect the playing fields with the lower terrace. However, we conclude that the upper limit of difference is 4m; otherwise the change would create a barrier. It is also important that there be a transitional area with stairs or other connection points between the lower playing fields and the lower terrace (rather than, say, a retaining wall).

[22] On the basis of the evidence we were given at the hearing, we have concluded that we should fix a minimum ground level for the playing fields of 63m RL, with no further tolerance. This will mean that the playing fields can be higher than RL 63m, but not lower. In respect of the area known as the lower terrace, we have concluded that we should fix that level at 67m RL so there is no tolerance either higher or lower as it



relates to the interface between the lower terrace and Grahame Breed Drive along the length of the plaza. In respect of the lower terrace, this is an approximate mid-point, and will need to be more definitely shown on the relevant diagrams. We have assumed that that fixed level of 67m RL should be at the position adjacent to the stairs alongside the plaza level and the viewing point within the plaza level itself. We have also concluded that there should be a fixed point at the top of the stairs and within the plaza level of 77m, to ensure that the critical relationships are maintained.

[23] We have concluded that, with the fixing of those levels, the slightly lower level of the playing fields (which we had suggested should be 64m RL) can be tolerated because of the fixed position of the central terrace. Although this gives a maximum lift slightly over the 9m suggested in evidence by Ms McCredie, there was a little flexibility around that figure as we understood it. We are aware that the key dimensions would mean that Grahame Breed Drive itself would terminate at around 68m, next to the western recreation reserve. For many pedestrians walking along Grahame Breed Drive, the level change would be in the order of 9m. We keep in mind that the RIU itself is intended to be a minimum of 64m RL (but allowing for 1m tolerance). Again, our conclusion is that there should be a fixed minimum height for the RIU of 64m RL, but that the site can be higher than that figure if desired. This leads us onto the question of the finished heights of buildings.

Finished heights of buildings

[24] We understand that the maps still show building heights based on an assumed RL level for ground plus various metres above that level. We have concluded that the building envelope should give a maximum RL level which the buildings may attain. There are some tolerances provided for in the rules, about which there was no particular dispute (ie lift structures and the like such as antenna). Those exceptions may continue to apply, but otherwise a fixed maximum RL level for building heights should be provided for.

[25] The consequence is that, if the ground level of a building is above the minimum level, there may be some restricting effect on the number of floors achieved in the building. We were told that something in the order of 3m was necessary for each floor, so we consider it is unlikely that the use of this control would result in a very different outcome to that proposed by Fletchers. It also avoids the potential for confusion in the various measurements used in different maps within PC372. This will mean, for



example in respect of the apartments included in the plaza, that there would be a fixed floor height for the plaza (77m RL) and a minimum level of 67m RL for the lower terrace, with a maximum RL height of 101.5m for the buildings in this location.

Building form and height

[26] The experts have reached agreement as to heights within the various areas. Rather than defining them by buildings, they have agreed that it is more appropriate they be identified by general areas of buildings heights as shown in diagram F08-85(b) (which should be renumbered (c)). There are several areas in which height has been increased, including for building A05 (to 97.5m RL). Mr Lawrence in fact suggested increased heights in respect of other buildings (A02, A05, A07 and A11) with the deletion of building A04. The preference of Mr Duthie, Mr van Camp, Mr Keating and Ms Linzey was to retain building A04 and the building heights currently shown on F08-85(b). Given our conclusion that building A04 should generally be retained, we consider that the heights proposed by the witnesses are appropriate for the circumstances of PC372, and that these, again, do not require any further evidence to this Court to finalise the diagram F08-85(b).

[27] The relationship of the diagrams F08-85(b) and (c) (as they should now be numbered) and the rules pertaining to height are vitally important to certainty of outcome. We find Rule F 3, as presented to the Court, confusing, too complex, and not clearly expressed in relation to the diagrams which underpin it. (We suggest some drafting amendments in our conclusion.)

[28] There are two methods of height measurement employed in PC372 as follows:

- (a) Height measured above finished ground level (as set out in diagram F08-85(b)). This method is issued for Open Space 2 zoned land and the RIU.
- (b) A maximum reduced level measurement (RL) using the same datum as in diagram F08-85(b). In this case the height is a fixed level irrespective of the ground level beneath. This method has been employed around the quarry edges where steep faces are encountered and thus measurement above ground level is impracticable. This method, therefore, will apply to the cascade apartment typology anticipated by the plan change.



[29] Two issues arise with the way in which the PC372 method for height control has been drafted in the document provided to the Court:

- (a) Diagram F08-85(c) (pertaining to permissible height and as it should now be numbered), references some RL maximums as $RLx + ym$. There is no practical reason to do so as an RL is a fixed figure, so this method of representation has no purpose.
- (b) The reference to diagram F08-85(b) is vital to the determination of permissible height in the Open Space 2 and RIU areas. It sets the expected ground levels from which the permissible height has been derived. Should the developer choose to raise the ground level significantly above the minimum set in the diagram, the permissible building height will also increase.

[30] We are satisfied that the various protected sight lines enshrined in the concept plan, and the layout and north/south orientation of the roading grid, together with the expected height above ground level at about the 64m RL in this area, will ensure appropriate integration of development within the overall site context.

[31] In the Decision we set out the visual context of the development site, and particularly Te Tātua a Riukiuta, and the foreground setting afforded around the maunga's eastern edge by the proposed Open Space 2 zone around the edge of the RIU. We have been persuaded that on the basis of the permissible height limit in the RIU, views to the maunga from origin "d" (Dog Pound area) will be preserved. Thus the consistent approach of a 100m RL contour termination point for the sightlines is acceptable.

[32] However, having accepted that arrangement, we are reliant on the building heights which have been nominated for the RIU being certain. Unfortunately, by using the method for determination of that height (based on finished ground level), there is no certainty that the heights as described to us will be the final outcome. For this reason we conclude that the method employed for the RIU should be certain and enforceable, as with the other development sites. We therefore conclude that the RIU maximum permitted building heights should be described as an RL. These will convert (based on the latest version of diagram F08-85(c)) as follows:



Existing referenced limit	Appropriate limit
Ground level + 11.5	75.5 RL
Ground level + 14.5	78.5 RL
Ground level + 16	80.0 RL

[33] We have concluded that this approach still provides a significant amount of flexibility in the final building design and floor heights, provided the critical levels are met. It also provides certainty of the relationship of the potential building envelope compared with the nearby town centre and for the purpose of calculating impacts on views.

[34] Again, we consider that this is a matter addressed in both the evidence of the parties and in the Decision, and accordingly our conclusion is one we can properly reach on the information before us.

Flooding issues

[35] Mr Seyb (hydrological engineer) provided further commentary for the purposes of the joint witness statement. Unfortunately, his statements were not clear to the Court and seemed to suggest that he supported a minimum ground height of 62m RL rather than 63m RL.

[36] There was some debate among the members of the Court as to the consequence of that, and whether or not Mr Seyb's evidence concluded that the maximum flooding depth in a 1:100 year event at 63m RL was 0.55m on the playing fields and somewhat less on the roads within the RIU. This was on the assumption that there was no drainage occurring due to blockage or some other factors. If this was his position, it represented a proper and realistic worst case scenario.

[37] We had earlier concluded the depth of water in one of these flooding events, at 59m RL for the playing fields, to be unacceptable. Given that the ground itself provides some capacity for water retention, we had assumed that an extra depth of 4m (minimum ground level of 63m RL) would have still provided storage capacity to reduce surface flooding to acceptable levels (around 0.5m). There was concern by the Court members as to whether or not this was clearly stated by Mr Seyb in his report in the joint witness statement. Given that the Court has accepted 63m RL as a minimum level for the sports fields, there is arguably potential for surface flooding to be close to the



height of building platform in the RIU of 64m RL, especially when a freeboard of 0.5m is taken into account. The Court is concerned at creating built areas which are not passable in extreme events, and where the surface flooding may be above the ground level adjacent to the actual building structure.

[38] Ultimately, we have concluded that s 106 of the RMA specifically deals with this issue, and that at the time of an individual subdivision the applicant would have to satisfy the Council that the ground heights on which the buildings are constructed are at an appropriate level to provide for the safety of persons who may live in buildings upon it. As we are agreed that the actual height of the floor level for the buildings would be above any potential flood level in any event, we consider that the issues of flood modelling and appropriate design for the residential subdivision are matters that can be properly be addressed at consent level when particular subdivision for the RIU is envisaged.

[39] To this end, we consider that there should be an addition to the rules to require such modelling to prove that the land level is above any predicted 1:100 year event plus freeboard. With such a provision, we are satisfied that this issue can be adequately addressed, given the uncertainty surrounding Mr Seyb's most recent statements, compared with the evidence that was given before the Environment Court.

The lava lake feature and the stairway

[40] These were two inter-related issues raised in the Decision that were the subject of submissions and the joint witness statement. In relation to the lava lake feature, there was a suggestion in the Decision that it may be possible to have direct access to the floor of the quarry (or at least the lower terrace) from the area above the lower level (the Dog Pound Area). The joint statement indicates that a stairway is not appropriate and may, in fact, impact upon the lava lake feature in two ways:

- (a) by compromising it further with the works required to create the access; and
- (b) by making the feature itself less clear and distinctive from other views.

[41] We accept that position. It is clear from the Decision that this was no more than a possibility. What appears to have been adopted in relation to the lava lake feature is that there be a reserve (Dog Pound Area) with reasonable access (it appears to be in the order of 15-20m) from Grahame Breed Drive and widening out to something in the



order of a 50m frontage along the top of the feature, overlooking the lower area and RIU.

[42] There is some significance to this proposal. Although the Dog Pound Reserve would have apartments both to the east on Mt Eden Road and to the west looking towards the plaza, there would be clear and expansive views, not only from the front edge of the lava lake feature towards the remaining King/Te Tātua a Riukiuta, but also partial and longer views through the Dog Pound Reserve, from the entryway and probably from the playing fields on the opposite side of Grahame Breed Drive. This adds a vital and expansive view shaft connecting the various elements of 3 Kings from Grahame Breed Drive, the playing fields adjacent to Mt Eden Road, the Dog Pound Area and various elements of the town centre, the RIU and the King itself. It is now proposed that that view shaft be along a set width and set height at the front of the reserve, and terminate at the 120 contour of the King.

[43] We accept that, from various positions within the Dog Pound Area, viewers would be able to see the Western Reserve, the lower playing fields, the RIU and many of the apartment buildings around the rim of the quarry. Based upon the information that is now supplied, and considering our earlier discussion on this matter, we have reached the conclusion this would become a critical view, and likely the most expansive view shaft within the 3 Kings development. Although the Dog Pound Reserve itself would be small, its visual linking of both the areas over the lower reserve and playing fields, and the playing fields on Mt Eden Road, would serve a vital role. We anticipate that it might become a popular pocket park for people using the town centre, and also a very important viewing point for many members of the public and residents.

[44] Access to Grahame Breed Drive, Mt Eden Road, and the town centre are all readily available on foot from the Dog Pound Reserve. Pedestrian visitors will be able to approach the lower area via the stairway anticipated nearby, via the plaza area and lifts, or by walking along Grahame Breed Drive towards the Western Reserve, and thus onto the lower level and playing fields or RIU as necessary. In our view, this strengthens connectivity by providing an important visual link between the various elements that have been described in the decision and in the urban designers' and planners' evidence.

[45] It is proposed that there be an apartment building to the immediate west of the Dog Pound Area. The position of the external access/stairway (to the west of that



apartment building) will need to be set out plainly in the documents, but we anticipate that it will be adjacent to the plaza area.

[46] In this regard, Mr Lawrence seeks extra width to be provided for the accessway on the eastern side of the plaza beyond the 15 metres shown in the plans. He prefers a fully wheelchair accessible connection in that area. We consider that the evidence in this regard is already before the Court. It is clear that, with the higher lower terrace height of some 67m RL (minimum), the height difference between that and the town centre area adjacent to the plaza is no greater than 10 metres. There is a wheelchair-accessible gradient along Grahame Breed Drive on the footpath to be provided along that area. In addition, a lift is intended for lower level access from the Lower Terrace to the Plaza.

[47] We have concluded that an attempt to provide an appropriate gradient (say for wheelchairs) for the accessway alongside the plaza would create not only technical difficulties, but be less desirable for such users than using the Grahame Breed footpath or the plaza lift to access the lower area. We conclude these options are more acceptable, rather than compromising the plaza and adjacent buildings by extra width for an accessible walkway.

[48] Given that the experts agree that part (f) Rule 21 is an appropriate method to ensure the implementation of public facilities and open space, we consider that concept plan F08-85(a) showing stairs, lifts and walkways as amended by the joint witness statement is an appropriate resolution to this issue. Accordingly we do not require the provision of extra width for a walkable gradient accessway without steps between the sports field and Grahame Breed Drive.

Open Space 2

[49] Another issue addressed by various parties was the status of the land adjacent to the maunga. The Court had suggested this might be Open Space 1. Various reasons were advanced by the parties why this would not be appropriate, and there appears to be agreement that it should be now included as Open Space 2. We acknowledge that Open Space 2 zoning does allow for some work such as footpaths and walkways to be provided. Given that the provisions now proposed address the scale of the Whare Manaaki proposed, our concerns in relation to its zoning as Open Space 2 have subsided somewhat. Accordingly, we are minded to accede to the Open



Space 2 agreement on the basis that the Whare Manaaki provisions are now clear, and that the intent is that there would not be any significant built structures (beyond the Whare Manaaki) within the Open Space 2 area adjacent to the maunga.

Recognition and protection of volcanic features

[50] We have already discussed the importance of the view from the Dog Pound area. The provisions are unclear as to whether it is 50m of frontage for the reserve at the top of the lava feature which is protected, with a further 10m on either side at the 74m level. That is the assumption we have proceeded on although the lack of clarity gives us concern.

[51] It is our intention that the frontage on the reserve where the lava feature faces the quarry would be at least 50m wide, and that there would be 10m of bench at the 74m contour protected on either side, ie a total of around 70m at the 74m RL contour. Mr Duthie for Fletchers proposes that 40 metres (in other plans 50m is used) is protected by open space around the Dog Pound Area lava face towards the floor, and a further 10 metres is protected at the 74m RL contour to provide context for that area.

[52] This would effectively give some context to the lava feature while still allowing the apartments to be constructed near to the Dog Pound Area on either side. To the extent that Mr Lawrence suggests that there should be no building built to the west of the Reserve, we do not accept that proposition.

[53] Although outside the open space area, it would be protected otherwise through the provisions of PC372. Part (f) Rule 17 is intended to achieve that outcome. It is acknowledged by the experts that this protects *part* of the feature, given that it may be more extensive than is currently exposed. Whether or not there is a dispute as to the extent of the feature, we are satisfied that the protection of this length of the face, with the extra 10 metres (based on the 50m frontage) at 74m RL, provides an adequate recognition of this feature and is also an important connection between the floor of the quarry and the lava lake feature on Grahame Breed Drive.

[54] The Decision did not intend to finalise the way in which PC372 provided for these features. We do not consider that further evidence will assist us in concluding the appropriate amount of open space that should be provided in this vicinity and the appropriate protection mechanisms.



[55] In the end, these issues are ones of reasonableness. We recognise that the experts have turned their minds directly to this, although they have not reached any final conclusions. The tensions between this open space and the area immediately to the west (building A04) were clearly before the Court at the time of the original hearing and in the arguments presented at that time. We do note that the Court specifically included the plans showing building A04, and did not, in its Decision, suggest that this building needed to be removed. Accordingly, we conclude that the lava lake feature would be adequately protected by the Dog Pound Reserve between Grahame Breed Drive and the existing face (to a length of 50m), with the Bench feature at 74m protected for 10m each side (70m in total). The Grahame Breed Drive is adequately protected by including it as Open Space.

The sight lines issue

[56] There is some convergence between the issues relating to building A04, Grahame Breed Drive and sight lines. The Court suggested a 100m RL contour represented the more dominant Big King view. The Court noted (at paragraph [131]) that there was no evidence as to how the 120m contour was selected, and that it was likely to make little difference to most view points. The issue is really one of potential intrusion into view shafts.

[57] The Court noted at [135]:

Our view is that it is not unreasonable to try and ensure that there is a visual connection from each of those viewpoints to the RL100 contour of Big King. We acknowledge that this may need to be moved slightly to limit impacts, and accordingly the parties would need to consider whether the full context of Big King at the RL100 contour could be included.

[58] The Court also noted importantly for current purposes:

[136] ...In that regard the buildings having the least impact upon view shafts towards the maunga, given the viewing points that would be available, will be those at A02 and A04, and A05 and A07, where further height might be available.

[59] The experts are agreed that a 100m contour would have an impact on certain buildings (A01, A02 and A09) and possibly the southern corner of the SHA (already constructed). The experts agreed that the 120m contour is appropriate for sight lines. They sought to address the view issue by providing for the width of the open space



along the front edge of the lava lake. Mr Lawrence does not disagree with using the 120m contour. As we have already discussed, he would seek a wider width than the 50m proposed along the front edge of the lava lake, to essentially include the area of building A04.

[60] We have concluded that the Decision is clear that it does not intend that the provision of sight line 'd' from the lava lake area (Dog Pound Area) would lead to the deletion of building A04. It is now proposed to add 10 metre extra width to the 74m contour, which we anticipate might lead to some minor attenuation of building A04, at least on the front edge.

[61] Given our retention of the proposed width of the accessway next to the plaza, there is no reason why building A04 could not be constructed as shown in attachment B, with the 50 metre sight line along the front edge of the Dog Pound Area and with retained views to the maunga. We cannot agree with Mr Lawrence that the intent was to protect all of the lava lake formation wherever that may occur. The question is, again, one of workability and reasonableness. In the circumstances, the protection of the exposed face, together with protection of a further 10 metres to the 74m contour, means that a good and visible segment of the lava lake will remain visible.

[62] We have already set out the benefits of the Dog Pound Area, which includes ease of public accessibility, connection, and the potential as a primary public viewing point towards the maunga. We consider that it will constitute an area with high visual amenity. As such, we believe it meets the purpose of the sight lines, and also provides valuable open space where it is likely to be utilised.

[63] In the end we have concluded that the Court will accept a 120 sight line contour on Big King for the following reasons:

- (i) There are particular view shafts protected both from the plaza area, the Dog Pound Area and other positions, which will mean that there are glimpses of the Big King not only from those view shafts, but from other positions around the edge of the former quarry.
- (ii) The availability of multiple views from the Dog Pound Area, Grahame Breed Drive through the Reserve, the stairway and the plaza, give the prospect of wider views than the 120m contour in any event.



- (iii) We acknowledged in the Decision that there would be difficulties in achieving a 100m contour on the northern side of the maunga given the existence of the Kennards building.
- (iv) Other provisions of the PAUP (not in dispute at this hearing) potentially mean that construction by Housing Corporation of new buildings near the maunga may impact upon views of the 100m RL contour of Big King. Controls over view shafts in respect of PC372 are not intended to, and do not affect other provisions of the AUP which may permit activities that may impact those view shafts.
- (v) Given that we have imposed a maximum height limit (subject only to certain limited intrusions), we can be relatively satisfied that there are likely to be multiple positions around the edge of the quarry where other views of the Big King below 120m RL contour may be obtained. As we have already discussed, we consider key views into this area from the plaza and the Dog Pound Area, both at around the 77m RL contour, are likely to give relatively expansive views into the Big King reserve without the necessity of controlling it precisely on a 100m RL contour.
- (vi) We would have been minded to maintain the 100m RL contour level was it not for the agreement of the relevant experts that the 120m RL contour is appropriate in this case. Given that agreement, the other controls in place are sufficient to satisfy us that there will be a protection of views towards the maunga (and other features within the quarry). We keep in mind that there is now the protection of features such as the lava lake and the Western Reserve exposure.

Access roads

[64] There have been issues about the way in which access roads are shown in the PAUP, and we understand the wording of PC372 does not zone roads separately. Provided that the wording of the provisions made it clear that there will be access roads from the RIU area, sports fields and reserve, and which enable two exits at least from the quarry (one to the north to Mt Eden Road and the other via Grahame Breed Drive to the south) we are satisfied with the concept plan arrangement.

[65] However, the question of the layout of the RIU was again raised in the



documents lodged. Although we do not need to specify the exact placement of roads, we do consider that a north-south grid orientation is the appropriate orientation, and require that the final provisions of PC372 make it clear that roads will be orientated on a north-south grid orientation. It is important that these roads ensure that the view shaft alignments are maintained, particularly those from Mt Eden Road.

The NPS on Urban Growth

[66] The parties addressed the question of the National Policy Statement on Urban Growth. Our position in this regard is relatively simple as we discussed earlier. We take the view that the hearing has concluded, and unless a further hearing is required for the purposes of finalising the provisions of PC372, the NPS is not relevant for our determination. Overall, we consider its relevance would be marginal in any event, given that the intensity of development here is not inconsistent with the level anticipated in the NPS.

Delivery of the sports fields

[67] The parties are agreed that Part (F), rule 21 provides assurance that the sports fields will be provided. We have read the wording proposed, and conclude that as it is currently worded that sports field will be appropriately delivered.

Conclusion

[68] We have concluded that, with these various amendments to the plans and the wording, PC372 can be finalised. It is necessary for the Council to now prepare amended wording and plans, amending attachments A and B which it considers appropriate for inclusion within PC372 as a result of this further decision. The amended documents to be circulated to the other parties (including Fletchers) for finalisation.

[69] One of the difficulties the Court has had is that the plans are not consistent as between them, and are often not on a scale that makes them readable. We consider that the plans should be at least A3 in size.

[70] We have highlighted some drafting issues as we have addressed the various concerns we have with the finalising of the plan change. We set out our requirements for addressing some of those particular matters here.



(a) Diagrams

The diagrams should be clearly headed. The diagram F08-85(b) description should be amended to read "Finished Ground Level (Contour Plan) shown as Reduced Levels (RL) referenced from Auckland Datum". This is the intended purpose of the diagram and is the datum to which the levels are referenced. There will, therefore, be no question as to what is expected. Diagram F08-85(c) description should be amended to read "Building Height (Maximum Height)".

Diagram F08-85(b) requires deletion of the RL contour line shown around the sports field and the insertion of the words Sports Fields 63 in the area of the sports fields. Further, the number 67 is to be nominated for the reduced level of the Lower Terrace Interface Area.

The legend to Diagram F08-85(c) requires clarification to set out from which origin the permissible height is to be measured. The following amendment is required:

Legend:
Buildings in the Open Space 2 zone to be measured above finished ground level in accordance with the district plan provisions for that zone
Buildings measures as maximum Reduced Levels (RL) referenced to Auckland datum

Diagram F08-85(c) also requires amendment to record the height limits nominated for the land on the south side of Grahame Breed Drive as either the RL as a total figure (eg $RL77 + 16 = RL93$ so the height in the diagram should read 93 and the $RL 77 + 24.5$ should read as 101.0).

If this is not the intent, and the reason for the manner in which these two heights have been expressed is that they should be measured from existing ground level, then they will need to be included in the key to the diagram as such (ie along with the Open Space 2 zoned area), and the reference to RL removed and respective heights of 16m and 24.5m employed accordingly.

(b) Height rule text

- (i) There should be a rule which sets the maximum differentiation between the ground level of the lower terrace and the plaza level as 10m.



- (ii) The conflation of the rules around height and ground levels (section F of the plan change) needs to be removed, such that Rule 3 deals with Ground Levels and Rule 4 Height. The rules can then be simplified to reference to the diagrams along the lines as follows:

3. Finished Ground Levels

Finished ground levels (RL) in the concept plan area shall achieve a minimum height as shown on the Contour Plan Diagram F08-85(b). Ground levels shall be measured in terms of Auckland Datum.

4. Maximum Building height:

(a) The maximum permitted building height is as shown on Diagram F08-85(b).

- (iii) The remainder of the building height rule can then be deleted up to the rules concerning *cascading apartment building setback at upper levels*. These rules need to be clarified, as they are not well drafted and thus unclear. It is also not clear what a cascading apartment is, so we suggest a cross reference to the assessment criteria which provides a useful description. We suggest for example:

(b) Cascading Apartments:¹ Building setback at upper levels:

Any cascading apartment building shall comply with the floor level and setback controls outlined below:

- (i) For Mt Eden Road frontage cascading apartments, the upper floors shall be set back at least 4m on the western side of the building. This setback shall be no more than 1 floor level above or less than 1 floor level below Mt Eden Road level, or anywhere in between.
- (ii) For Grahame Breed Drive frontage the upper floors shall be setback at least 4m on the northern side of the building. This setback shall be no more than 1 floor above or less than 1 floor level below Grahame Breed Drive level, or anywhere in between;
- (iii) For all cascading apartments, the top storey shall be setback 2m from the building façade which faces the street. This shall be measured from either the ground or first level of the building at the respective street frontage. Where the building adjoins two streets, this rule shall apply to the primary street only.

¹For a description of this building typology see Assessment Criteria Residential 8b zone at H.3



- (iv) The height modification rule can then be separately numbered and

amended as follows:

5. Height modification:

- (i) Any development which exceeds the height controls by up to two metres is a discretionary activity;
- (ii) Any development which exceeds the height control by more than two metres is a non-complying activity.

Note: The height control above replaces the height control in the Residential 8 zone in its entirety.

[71] Accordingly, from the change produced to this Court as annexure **B**, we direct that:

- (a) The Council will circulate new wording and maps to the other parties in accordance with the provisions in this decision for inclusion within the plan within a period of **20 working days**.
- (b) The parties then have **10 further working days** to make any comments to the Council in relation to them.
- (c) If there are differences between the parties, the Council is to summarise the same and to include them in a memorandum to this Court within **10 working days** of receipt of comments.
- (d) The Court will then decide whether it can proceed to issue a final version of PC372 at that point. In addition to any tracked change copy that the Council may wish to produce (and this is not mandatory), a clean version of the wording and plans should be produced for endorsement by the Court if appropriate.

For the court:



JA Smith
Environment Judge

Annexures

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
 AND of an appeal under section 120 of the Act
 BETWEEN SOUTH EPSOM PLANNING GROUP
 INCORPORATED AND THREE KINGS
 UNITED GROUP INCORPORATED

(ENV-2016-AKL-000001)

NGATI TE ATA WAIOHUA AND NGATI
TAMAOHO TRUST

(ENV-2015-AKL-000158)

Appellants

AND AUCKLAND COUNCIL

Respondent

AND FLETCHER RESIDENTIAL LIMITED

Applicant

Date: 26 September 2016

Court: Environment Judge BP Dwyer
Environment Judge JA Smith (Presiding)

Appearances W Loutit for Fletcher Residential Limited (Fletchers)
 R Enright for South Epsom Planning Group Incorporated and Three
 Kings United Group Incorporated (and agency appearance for Ms M
 Bilsland and Ms A Houghton and Auckland Volcanic Cones Society
 I Cowper for Auckland Council
 C Kirman for Minister for the Environment and Housing New Zealand
 Corporation
 M Batistich for Auckland Transport



**DIRECTIONS OF THE ENVIRONMENT COURT FOLLOWING HEARING
CONFERENCE HELD ON 26 SEPTEMBER 2016**

Introduction

[1] Several parties had sought a conference on this matter to review the responses of the parties in terms of the decision of the Court on this matter [2016] NZEnvC 140 in particular paragraph [220].

[2] It was also timely to conduct a further judicial conference given the time for filing appeals to the Environment Court and the High Court in respect of the PAUP process has now expired. In total there are over 100 appeals and the decision of the Council in relation to the Fletcher's Quarry at Three Kings has been subject to an appeal both to the Environment Court and to the High Court.

Process Options

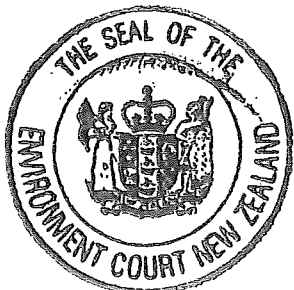
[3] Our initial (briefly considered) view is that the provisions of Clauses 8D and 29 of Schedule 1 to the Resource Management Act provide that once an appeal hearing has commenced in relation to a private plan change, it cannot be withdrawn. That also appears to be the position adopted by majority of parties before the Court.

[4] On the face of it this would indicate that the Court will be required to reach a conclusion in respect to the plan change in due course.

[5] Nevertheless, Mr Loutit acknowledged that there were three key possibilities in respect of the present status of the appeal. Being, one, to finalise the decision, two, to adjourn the process and await the outcome of the PAUP process or three, that the Court requires a report after the High Court call over on the 14th of October 2016 and manages a process in the meantime to ensure that matters move forward.

Option Adopted

[6] In the end all parties with the exception of the Minister accepted the third option as being the most appropriate. The concern for the Minister was the cost of further work



on this appeal where it may not be necessary. From the Court's perspective the difficulty is knowing whether such costs may be necessary in due course.

[7] In the event that the matter proceeds through the High Court process and the residential groups are successful, this may mean that the plan change comes to the Court again and the parties have to restart work some considerable time after they have stopped.

[8] We are also concerned at the possibilities of timing for hearing in the event that the matter does proceed in our Court. We have concluded that notwithstanding the Minister's reservations some intervention should be undertaken at least until the position before the High Court is clearer.

Scope of the Issues

[9] The Court expressed a view that there appears to be very limited matters upon which would it need to consider further evidence. On reflection this appears to relate largely to the issues surrounding buildings and the lava lake on Grahame Breed Drive.

[10] The Court notes that of the two overall designs finally proposed by Fletchers, that supported by Ms McCredie (whose evidence was preferred in many respects - see paragraph [84]) adopted a north south road orientation shown as Option 19K in Fletcher's closing. This would give a north south orientation for roading and would also assist in setting the view shaft and other parameters.

[11] It is also the Court's view that this plan option and the Court decision had established the floor levels for the Quarry. The plinth rises at the southern end of the playing fields to form the basis for the apartments facing Grahame Breed Drive.

[12] Given the clear decisions of the Court in respect of most matters the one area in which there was little technical evidence and which was not conclusively resolved was the relationship with the buildings adjacent to the public area at the top of the lava lake (the dog pound). The parties did not suggest any other major issues that the Court would need to resolve and which might involve new detailed evidence.

[13] The parties may be able to agree on the issues surrounding the lava lake and Grahame Breed Drive exposures. This is a matter that could be explored by the parties.



[14] The Court concluded that it should require the Auckland Council to provide a report after the initial call over in the High Court on 14th October to keep it apprised of progress in respect to the substantive appeals on PAUP

[15] In the meantime the Court saw advantage in directing the planners to caucus with a Court Commissioner's assistance to see if issues of agreement and issues remaining to be resolved could be identified.

[16] It also appears that the Applicant could undertake some further work to ascertain the proposed floor yield (or apartment yield) or number of residential units to satisfy their concerns and those of the Minster's as to the ability of the amended design to provide the desired number of housing units

[17] It is likely that all of this information could properly inform any eventual design whether under PC372 or under PAUP. On this basis we determined that caucusing should to take place (with Commissioner assistance) with a report back to the Court by the 30th of November.

Directions

[18] The directions are as follows:

Auckland Council is to provide a report on the following dates:

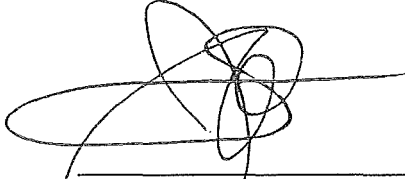
- (a) On **October 21 2016** advising the outcome of the High Court proceedings and when a hearing might be expected in that matter.
- (b) A caucus statement and report by **November 30 2016** reporting the outcome of caucusing.

As a result of those reports the Court will make any further directions or convene a further Pre-Hearing Conference as is necessary.



[19] This matter is reserved for any party to seek further or other directions on 7 days notice to the Registrar.

For the Court:



JA Smith
Environment Judge



PROPOSED AMENDMENTS PPC372

Changes from Fletcher 13 June 2016 version shown as new and ~~deleted~~.

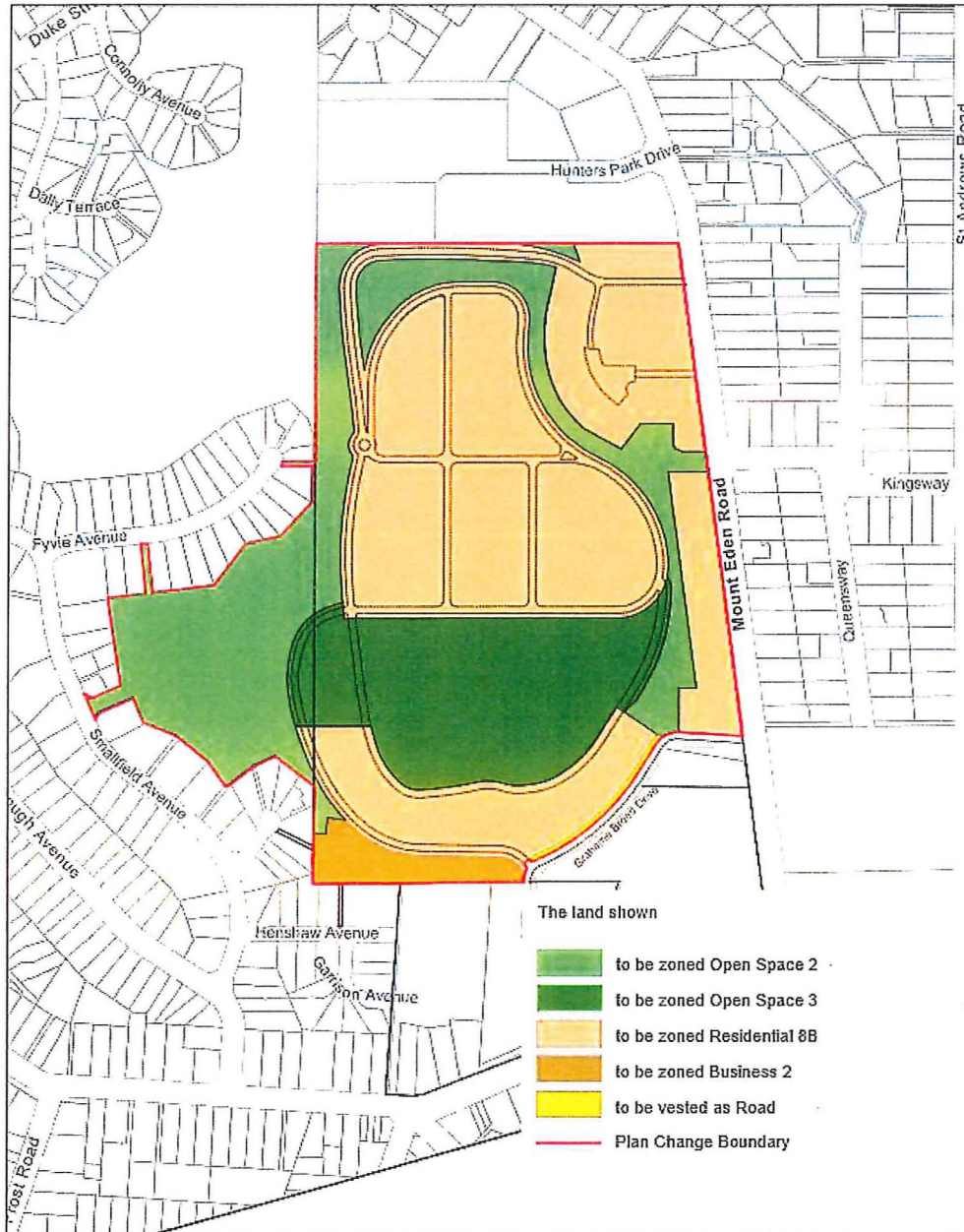
23 June 2016 — based on Masterplan 21F and 19K

29 November 2016

- Black text reflects text agreed at the original planning expert conferencing and placed before the Environment Court at the beginning of the hearing
 - Red text reflects the text placed before the Environment Court in the closing statements for Fletcher
- Blue text is the wording suggested by Mr Duthie prior to conferencing in response to the Court's interim decision.
- Green text are changes agreed after the planning expert conferencing on 18 and 22 November 2016

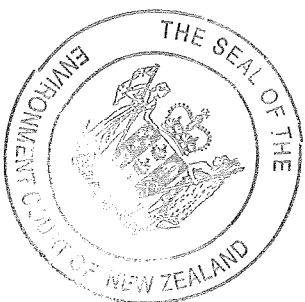
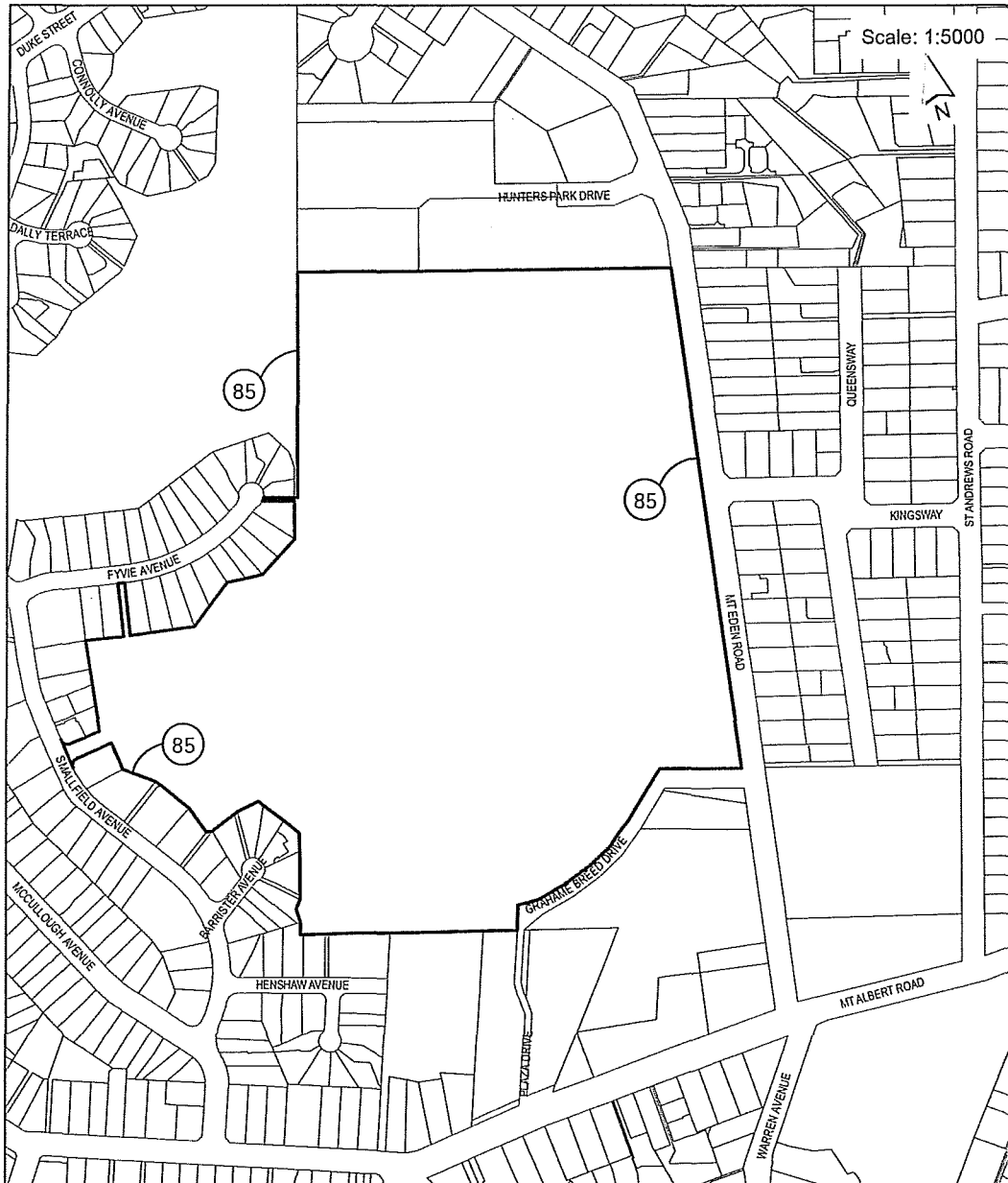


Part A: Amendments to Planning Maps No. 1 (Zones)



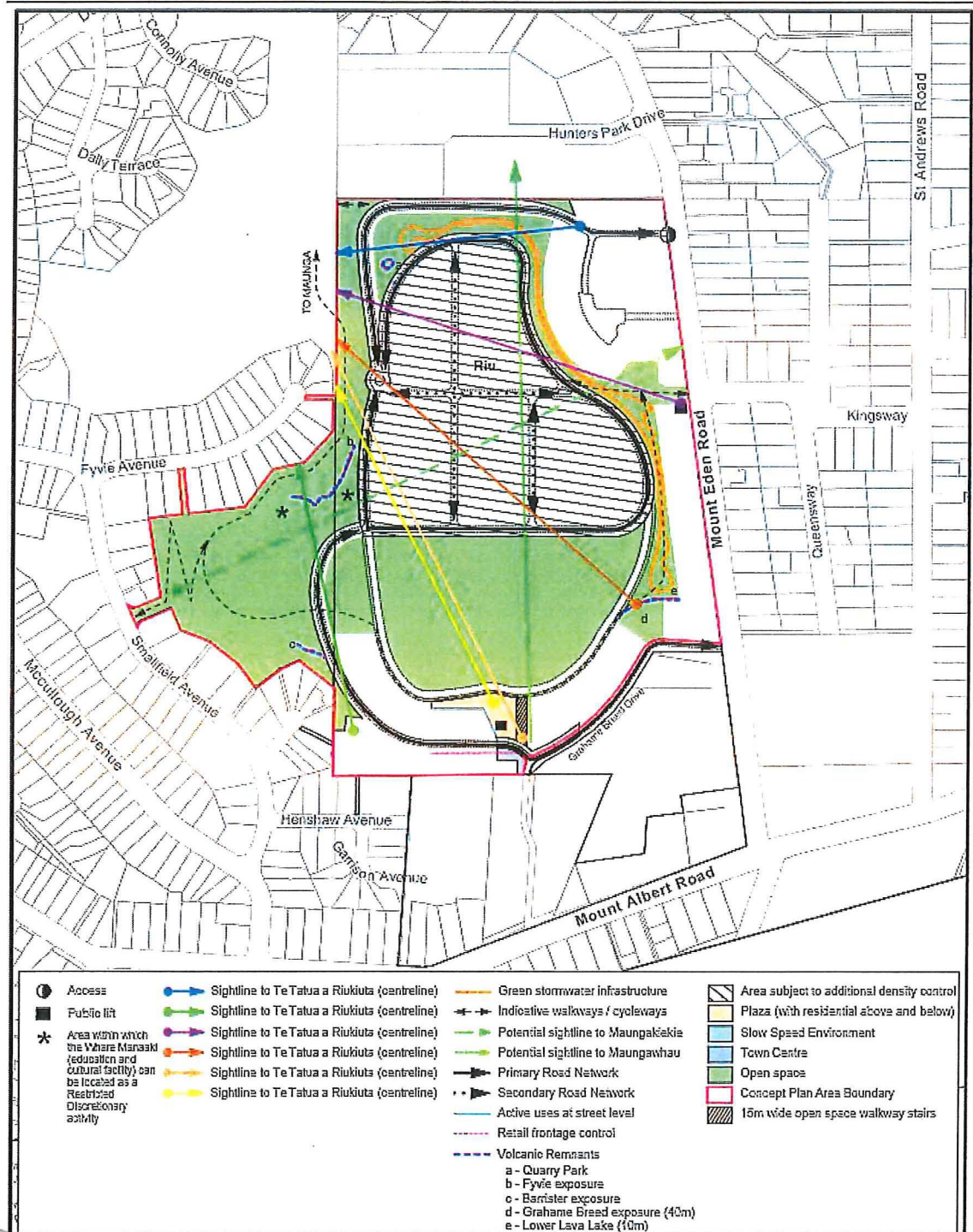
Part B: Amendments to Planning Maps No. 2 (Additional Limitations) F07, F08, G07, G08

The land shown  to be identified as F08-85 Concept Plan - Three Kings



Part C: Insert the following in Appendix A to the Planning Maps

Diagram F08-85(a): Concept Plan – Three Kings



Part D: Amendment to Appendix B to the Planning Maps

Insert the following diagrams and text into an appropriate location of Appendix B to the Planning Maps:

F08-85(a): Concept Plan - Three Kings

A. Introduction

1. This Concept Plan provides for the development of a vibrant, sustainable urban village on the former Winstone Aggregates and Mt Roskill Borough Council quarries and the adjacent land at Three Kings. The total land parcel within the Concept Plan is 21.6ha, of which 15.2ha is owned by Fletcher Concrete and Infrastructure Limited and the remainder by the Crown.
2. The purpose of the Concept Plan is to enable the integrated redevelopment of key sites within the Three Kings area in a way that will ensure high quality outcomes that support a compact city. It recognizes the cultural and landscape values of Te Tātua a Riukiuta and will promote legacy developments that support the viability of this emerging centre and integrate the Town Centre, residential, open space and community facilities.
3. The proposed urban village is the result of an extensive Master Planning process. This Concept Plan has been prepared in order to ensure that development proceeds in accordance with the planning parameters established through the Master Planning process.
4. The overall development will offer residents a unique lifestyle choice; residential living on the doorstep of an existing town centre, connected to high quality recreational facilities and other amenities on a major public transport route. The expected outcomes of the Concept Plan are set out below:
 - (i) High amenity residential areas that will provide an anticipated 1,200 to 1,500 additional homes to Auckland. There will be a number of housing typologies, including apartments, cascading apartments, and terrace housing. In terms of this plan change, cascading apartments refers to those apartment buildings which are built above and cascade over the rock faces. Parking is subsumed within the building alongside the rock face with apartments sleeving the exterior of the carparking.
 - (ii) An open space network comprised of 2 high quality/high use sports fields and a broader network of walkways and cycleways. The western area could still accommodate a junior sportsfield if required to do so in the future. This network will provide for both active and passive recreation and also achieve important connections between the residential development and the town centre and the broader community.
 - (iii) Key remnant features of the original volcanic land form are identified in the Concept Plan and retained.
 - (iv) Sightlines to Te Tātua a Riukiuta (Big King). In addition, the nature of development will offer distant views of Maungawhau (Mt Eden) and all of Maungakiekie (One Tree Hill) from two vantage points.
 - (v) On-site management of all stormwater through the use of a series of green stormwater infrastructure such as (but not limited to) rain gardens, tree pits, swales, wetlands and soakage.



- (vi) Reinforcement of public transport by providing direct connections from the new residential development to the major transport corridor of Mt Eden Road.
 - (vii) Assist in achieving higher functionality of the emerging Three Kings town centre by integrating the residential development with the centre.
 - (viii) A high quality of urban design to ensure that the overall development provides an attractive and functional environment.
5. Diagram F08-85(a) below illustrates the broad development patterns within the Concept Plan. In particular, the residential, open space and business areas are shown along with the transport network (comprised of the primary road network, the primary and secondary access points, bus connections and the walkways and cycleways). The sightlines to the volcanic cones are also shown.

B. Overview

The planning provisions that apply within this Concept Plan are summarised below:

1. The objectives and policies relating to the Concept Plan are set out in Section C below.
2. The residential areas within the Concept Plan are zoned Residential 8b and are therefore subject to the provisions of Part 7 – Residential except where identified in Sections D-G below.
3. The open space areas are zoned either Open Space 2 (Informal Recreation) or Open Space 3 (Organised Recreation) and are therefore subject to the provisions of Part 9 – Open Space except where identified in Sections D-G below.
4. The area of land immediately adjoining the Three Kings town centre is zoned Business 2 (Town Centre) and is therefore subject to the provisions of Part 8 - Business.
5. The land on the north western side of the Concept Plan is subject to the provisions of E05-29 View Protection – Volcanic Cones Affected Areas. The Concept Plan contains a site specific rule which establishes the relative level (RL) from which the height will apply. This is the natural ground level prior to quarrying.
6. In addition to the above provisions, the Concept Plan includes particular rules in order to ensure that development is appropriate to the characteristics of the site and also reflects the master plan that has been prepared. The particular rules are contained in Sections D-G below.
7. Future roads that are yet to be created and vested, are zoned consistent with the zoning of the adjacent land.



C. Concept Plan Objectives and Policies

The following objectives and policies are in addition to the objectives and policies of the Residential 8b zone:

Objective 1:

To enable higher density residential development which integrates with the Town Centre, surrounding open spaces and community facilities and which supports the vitality of the adjoining town centre.

Policies:

- 1.1 By providing for a density of development which results in an efficient use of land and which makes a **significant-important** contribution to accommodating growth within the region.
- 1.2 By using **applications for** Planned Unit Development(s) to ensure that development is integrated and provides the required open spaces and infrastructure.
- 1.3 By ensuring that the finished contours of the land supports intensive residential redevelopment and achieves integration between the redeveloped Concept Plan area and surrounding land uses.
- 1.4 By locating apartments and other higher density residential along the Mt Eden Road frontage and in the southern portion of the Concept Plan so as to provide easy access to public transport and the activities located within the Town Centre.
- 1.5 By enabling a range of housing types in order to create a variety of built form and diversity at the scales of the site, street and block, including terrace housing and apartments.
- 1.6 By ensuring that the built form of development interacts positively with and improves the quality and safety of streets, public areas and open spaces.
- 1.7 By enabling the provision of quality open spaces which:
 - a. Include provision for active (including sports fields) and passive recreation
 - b. Create quality linkages and connections (including walkways and cycleways) between the Town Centre, Te Tātua a Riukiuta and the surrounding area.
 - c. Are designed to reinforce ecological values and linkages.
 - d. Are designed and located to create a coherent network.
- 1.8 By ensuring Grahame Breed Drive is developed in a manner that will enable integration between the redeveloped Concept Plan area and the Town Centre.
- 1.9 By providing for the works and activities necessary to facilitate the network of walkways, cycleways and connections and to ensure a high level of safety, access, amenity and public enjoyment in the open space areas.
- 1.10 By enabling high levels of walkability and pedestrian amenity with reduced reliance on private vehicles and greater use of alternative modes of transport such as walking, cycling and public transport.



- 1.11 By enabling the optimization of open space location and configuration through zoning and/or land exchange.
- 1.12 By ensuring that the layout and design of roads and connections is legible and permeable and includes the following:
 - An east/west route through to Mt Eden Road
 - A north south route that connects to the Town Centre
 - A high quality street environment that promotes walking and cycling via direct, safe and well-designed pedestrian and cycle provision.
- 1.13 By allowing an increase in permitted building height ~~and number of storeys~~ along Graeme Breed Drive as shown on the Concept Plan F08-85(a) where it has been demonstrated that the increased building form will be beneficial in terms of supporting and creating an attractive transition to the town centre.
- 1.14 By creating a plaza which is integrated with the town centre and which provides outlook over the sports fields, sightlines to Te Tātua a Riukiuta, and active uses at street level.
- 1.15 By ~~providing a high quality shared space on the~~ designing the section of Grahame Breed Dr extension between the plaza and town centre, ~~designed~~ as a slow speed environment shared space with equal priority given to vehicle and pedestrian movement.
- 1.16 By ensuring a high quality development when viewed from Te Tātua a Riukiuta in terms of building modulation, appearance, design and landscape treatment.

Objective 2:

To ensure that redevelopment within the concept plan ~~respects~~ recognises and provides for the volcanic landscape of Te Tātua a Riukiuta, the cultural heritage of the area and the history of the quarry lands.

Policies:

- 2.1. By ensuring the landscape of Te Tātua a Riukiuta is central to the design of redevelopment.
- 2.2. By protecting locally significant views through the location of roads and open space.
- 2.3. By protecting Te Tātua a Riukiuta through the creation of an Open Space buffer and appropriate native planting.
- 2.4. By ensuring that the design and form of the redevelopment integrates reference to and celebrates the following:



- The cultural heritage of the area
- The history of the quarry site
- The character of the wider area
- The original volcanic form of the land and in particular the remnant features identified on Concept Plan F08-85(a).

2.5. By promoting the principles of Te Aranga in the urban renewal of the area.

Objective 3:

To enable the infrastructure and site works that are necessary to support development within the Concept Plan and to ensure that such infrastructure is effective, robust, sustainable in the long term and meets sound environmental practice.

Policies:

- 3.1 By providing for stormwater quality treatment through the introduction of a treatment train system using source control (in the form of inert roofing and building materials) swales and rain gardens prior to controlled access to the aquifer.
- 3.2 By taking a conservative approach to mitigating health and safety risks posed by a 100 year ARI rainfall event, in particular the provision of freeboard such that all of the rainfall volume from a 100 year ARI event can be accommodated below habitable floors on the site; and a robust soakage system is installed using conservative assumptions about the amount of soakage available.
- 3.3 By ensuring that the stormwater management system is well maintained with appropriate legal mechanisms obligating owners of private devices (including body corporates) to maintain them and providing access for maintenance by Council in the event this does not occur (easements in gross). The stormwater management system must include the use of sediment treatment systems (including rain gardens and tree pits) to protect soakage.
- 3.4 By putting in place methods to manage water quality, including controls on roofing materials.
- 3.5 By ensuring any contaminated land and/or other hazards are made safe and suitable for urban renewal in accordance with the Concept Plan.
- 3.6 By providing for rehabilitation and filling of the former Quarry areas and ensuring that appropriate compaction standards for residential and open space areas are met.
- 3.7 By providing transport network infrastructure which provides walking, cycling and roading networks which connect to the town centre, residential communities, key public open spaces and public transport.

"The following policy is in addition to the objectives and policies of the Open Space 2 zone:

- By providing for a Whare Manaaki as defined in and identified on the Concept Plan to enable mana whenua to exercise kaitiakitanga over Te Tātua a Riukiuta, the Concept Plan area, and surrounding area."



D. Activities

1. Activity Table Residential 8b

In addition to the activities provided for in the Residential 8b zone the following applies. Where an activity status is different in this Concept Plan to that in clause 7.7.5, then the provisions of this Concept Plan take precedence.

Activity	Status
Construction and/or relocation of residential units or any new building (including accessory building)	C*
Alterations and additions to residential units built after September 2013	C*
Residential units within the area identified as "Plaza with active uses at Grahame Breed Drive level with residential above and below" on Concept Plan F08-85(a)	D
Development that does not comply with the density control in 3 below	D
Applications for planned unit development [^]	RD*
Earthworks and/or filling associated with a development which has been granted a resource consent (including subdivision consent)	P
Earthworks (to any level) as part of a planned unit development	RD*
Earthworks associated with the creation of open space	RD*
Earthworks associated with the creation of roading and other infrastructure	P
Land contouring and <u>site</u> preparation within the Concept Plan area #	RD*
Educational and cultural facilities up to 1000m² and located in the position shown on the Concept Plan F08-85(a)	RD*
Retail, restaurants, cafés and other eating places with a gross floor area under 250m² provided that the total gross floor area does not exceed a total of 1000-200m² gross floor area (except for as set out below)	RD*
Retail, restaurants, cafes and other eating places with a gross floor area under 250m ² within the area identified as Plaza (with residential above and below) shown on Concept Plan F08-85(a),"	P
Subdivision for the purpose of: <ul style="list-style-type: none"> • Subdivision of different areas within the Concept Plan • Subdivision for the creation of superlots Which are consistent with the concept plan shown in F08-85(a)	RD*
Subdivision for the purpose of creating lots for infrastructure, including roading	C*
Subdivision of land to create residential development sites consistent with an approved planned unit development or the provisions of Part 44	RDC*
Any roading related or in-ground infrastructure works or works on land that is consistent with the concept plan shown in F08-85(a) or is part of an approved 'Planned Unit Development'.	P
Any infrastructure works or works not provided for as a permitted activity	RD*
Any activity, development or subdivision not otherwise provided for in the Residential 8b zone or in this Concept Plan	D



* Controlled or restricted discretionary activities may be considered without the need for notification.

For the purposes of this Concept Plan “land contouring and preparation” means the process to prepare the land for future alternate land uses and includes:

- Operations, works and extraction to modify rock faces and to re-contour land as shown on the concept plan necessary to ensure it is suitable for future uses.
- The extraction, processing and removal of rock, earth or other material as part of the process of finalising ground levels and rock faces and contours to give effect to the concept plan.
- Fill operations including earthworks, compaction and storage of material.
- Necessary temporary and permanent drainage, stormwater and roading services to enable rehabilitation.
- Protection of future soakage areas from sedimentation during earthworks.
- Establishment of such roading and services suitable for future long term uses.

^ In this Concept Plan, applications for a planned unit development consent must:

(a) Comprise land forming:

- (i) the entire Concept Plan area, or
- (ii) a minimum area of 2 hectares.

(b) Seek land use and subdivision consent for the following activities:

- (i) Subdivision
- (ii) Roads
- (iii) Infrastructure for stormwater, water and wastewater
- (iv) Public open space.

The permitted activities identified in the above tables are allowed without resource consent where they comply in all respects with the relevant development controls.

The controlled and restricted discretionary activities in the above tables must comply with the density control set out in (3) below, the subdivision controls set out in (E) below and will be assessed against the criteria in (H) below.

2. Activity Table Open Space 2 and Open Space 3

In addition to the activities provided for in the Open Space 2 and Open Space 3 zones the following applies. Where an activity status is different in this Concept Plan to that in clause 9.7.1, then the provisions of this concept plan take precedence.

Activity	Status
Land contouring and site preparation within the Concept Plan area#	RD*
Subdivision for the purpose of: <ul style="list-style-type: none"> • Creating lots for infrastructure, including roading • Subdivision aligning with zone boundaries Which are consistent with the concept plan shown in F08-85(a)	RD*
Any infrastructure works or works on land that is consistent with the concept plan shown in F08-85(a)	P
<u>Educational and cultural facilities up to 1000m²-A Whare Manaaki up to 450m²</u> and located in the position shown on the Concept Plan F08-	RD*



85(a) <u>+</u>	
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* Controlled or restricted discretionary activities may be considered without the need for notification.

For the purposes of this Concept Plan "Land contouring and site preparation" means the process to prepare the land for future alternate land uses and includes:

- Operations, works and extraction to modify rock faces and to re-contour land to ensure it is suitable for future open space uses as shown on the Concept Plan
- The extraction, processing and removal of rock, earth or other material as part of the process of finalising ground levels and rock faces and contours to give effect to the concept plan.
- Fill operations including earthworks, compaction and storage of material.
- Necessary temporary and permanent drainage, stormwater and roading services to enable rehabilitation.
- Protection of future soakage areas from sedimentation during earthworks.
- Establishment of such roading and services suitable for future open space uses.

+ Whare Manaaki: For the purpose of this Concept Plan Whare Manaaki means a meeting, educational, and/or cultural facility for the purpose of ~~m~~Mana ~~w~~Whenua to exercise kaitiakitanga on Te Tatua a Riukiutia and adjacent lands. It could include meeting and dining facilities, kitchen, plant propagation area(s) for planting and vegetation management, a facility to house implements and equipment associated with revegetation and track works; and associated storage facilities.



3. Density

a) Maximum density

The construction and/or relocation of residential dwellings and planned unit developments must not exceed 1500 dwellings within the Concept Plan area.

b) Maximum density of the Riu

~~Maximums of individual precincts also apply as follows:~~

- The maximum density in the 'Area subject to additional density control' shown on Concept Plan F08-85(a) is 400 dwellings.

c) Minimum density

The development shall achieve a minimum density of 900 units within the Concept Plan area.

Any application for a Planned Unit Development shall demonstrate that development can achieve an average density in the Riu of 20 units per hectare, and outside the Riu of 200 units per hectare. This shall be calculated on the land area of the Residential 8b zoned land within the Planned Unit Development, but excludes any part of the concept plan area approved for residential development prior to 30 June 2016.

Where no Planned Unit Development has been applied for, this rule shall be applied to the subdivision of land to create vacant sites.

d) Development exceeding maximum density

Development in excess of (a) or (b) or not complying with (c) this is a discretionary activity

E. Subdivision

1. The subdivision controls in Part 11 apply in the Concept Plan area unless otherwise specified below.
2. Subdivision and redevelopment shall take place in accordance with a planned unit development for each site. ~~Subdivision not in accordance with a planned unit development is deemed to be a Discretionary Activity.~~



F. Development Controls

1. The development controls set out in the Residential 8b zone (Clause 7.8.2) apply except for the following:

- 7.8.2.2 Minimum size for a PUD
- 7.8.2.3 Maximum Height
- 7.8.2.4 Height in Relation to Boundary
- 7.8.2.7 Maximum Building Coverage and Impermeable Surface
- 7.8.2.8 Minimum Stormwater Permeable Surface
- 7.8.2.9 Yards
- 7.8.2.10A Private Open Space Residential Units which have their principle living area at first floor level or above (note units with principal living at ground floor are subject to the standard control).
- 7.8.2.17 Integrated Housing Developments Communal Open Space
- 7.8.2.5 Daylight

New development controls shall apply as follows in the Concept Plan area:

- Te Tātua a Riukiuta Sightlines
- Parking Standards

The controls set out below apply in place of the above. For the purpose of these controls the Concept Plan Area is defined as all that land contained within the Concept Plan (Residential 8b and Open Space 2 and Open Space 3) being 21.6ha.

~~2. Minimum Size for a Planned Unit Development~~

~~Where the activity is a Planned Unit Development, the minimum land area shall be two hectares.~~

3. Height

(a) Finished Ground Heights

- (i) Finished ground levels in the concept plan area shall achieve a height as shown on the contour plan on Diagram F08-85(b) plus or minus a metre, except on that part of the Concept Plan area shown as "the lower terrace interface". In the lower terrace interface area the contour plan shall be achieved plus or minus half a metre (0.5m). Contour levels are measured in terms of Auckland Datum. (plus or minus 1m).

(b) Maximum Building height: Riu

- (i) The maximum building height is as shown on Diagram F08-85(b). It is stated as a maximum height (as defined in Part 13) above the final finished ground level.

(c) Maximum Building height: Outside the Riu



- (i) The maximum building height above deemed ground is as shown on Diagram F08-85(b). It is stated as a maximum height (as defined in Part 13 but excluding lift overruns up to 2.5m high where such overruns do not cumulatively occupy more than 10% of the area of the roof to the storey immediately below such structures) above the identified RL.
- (ii) For the purpose of this control, ground level shall be deemed to be the RL level shown on Diagram F08-85(b) Building Height.
- (d) Maximum Building height: Height Sensitive Area
 - (i) For the purpose of determining ground level in the Height Sensitive Area referred to in Rule 5C.7.6.5 ground level shall be deemed to be the RL level shown on Diagram F08-85(b) Building Height or where no such RL is shown it is the height above the existing ground level.
 - (ii) The minimum finished ground level for residential development sites on land zoned Residential 8b (excluding roads) in the "area subject to additional density control" shown on the concept plan shall be RL 60-64.
- (e) Cascading apartments: Building setback at upper levels

Any cascading apartment building shall comply with the setback controls outlined below:

 - (i) For Mt Eden Road fronting cascading apartments, the upper floors shall be setback at least 4m on the western side of the building. This setback shall be no more than 1 level above or less than 1 level below Mt Eden Road level, or anywhere in between start either at 1 level above or 1 level below Mt Eden Road level.
 - (ii) For Grahame Breed Drive fronting cascading apartments, the upper floors shall be setback at least 4m on the northern side of the building. This setback shall be no more than 1 level above or less than 1 level below Grahame Breed Drive level, or anywhere in between start either at 1 level above or 1 level below Grahame Breed Drive level.
 - (iii) For cascading apartments, the top storey shall be setback 2m from the building façade which faces the street. This shall be measured from either the ground or first level of the building on that frontage which adjoins the street or where it adjoins two street, the primary street only.
- (f) Height modification
 - (i) Any development which exceeds the height control in (b), (c) or (d) above by up to two metres is a discretionary activity.
 - (ii) Any development which exceeds the height control in (b), (c) or (d) above by two metres or more is a non-complying activity.

The Height control above replaces the Height control in the Residential 8 zone in its entirety.



Explanation:

The effect of this control for the cascading apartments which front Mt Eden Road and Graeme Breed Drive, is to measure height from Mt Eden Road level and Graeme Breed Drive level. The height is typically 4 storeys above Mt Eden Road/Graeme Breed Drive.

The form of the cascading apartments means that habitable floor space is constructed below Mt Eden Road down to the Riu. But for the purposes of the height control, the maximum height measure is calculated from Mt Eden Road level and not from the finished level of the Riu.



Diagram F08-85(b): Finished Ground Heights (Contour Plan)

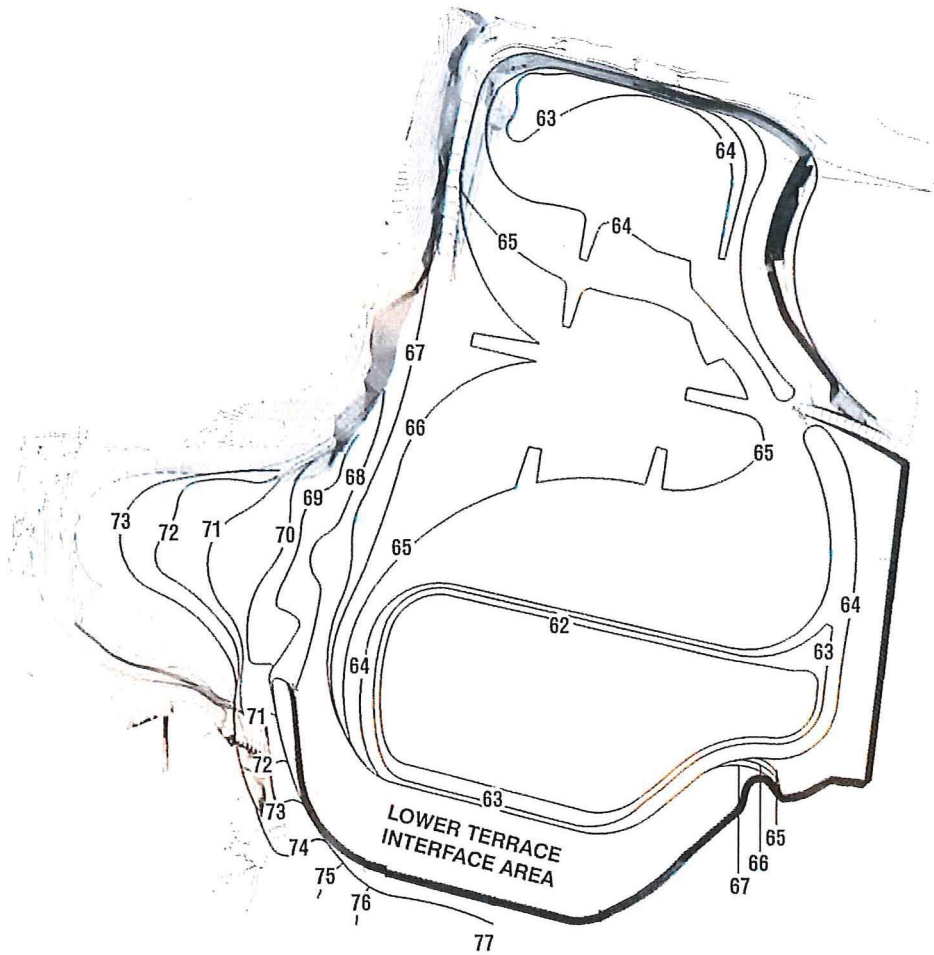
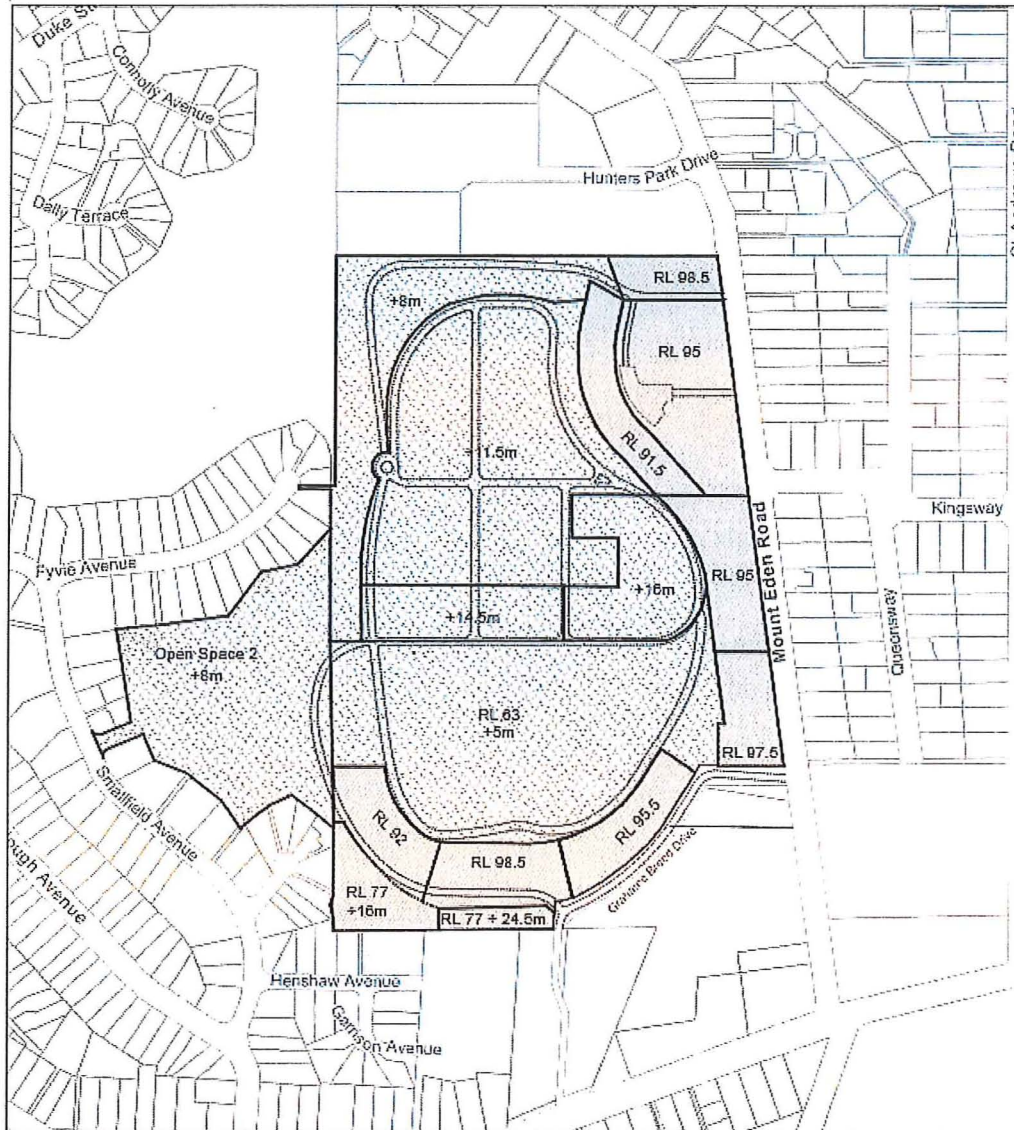

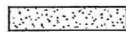


Diagram F08-85(b): Building Height (Maximum Height)



LEGEND

-  Buildings measured as maximum RL.
-  Buildings measured at height above ground level as defined by contour plan.

4. Impervious area, Building Coverage and Landscaping: Approved Planned Unit Development
 - (i) The following control applies to the net lot area of an approved Planned Unit Development.



Max impervious area	Max building coverage	Minimum landscaping
70%	65% for buildings of four or more storeys. 70% for buildings 1-3 storeys	30%

- (ii) Increased maximum impervious area and reduced minimum required landscaping area may be achieved through Open Space Areas in alternative parts of the 21.6 ha Concept Plan Area provided they are to an equivalent area as set out above.
- (iii) The above percentages are applied once a stormwater management plan has been approved which demonstrates that the development can meet the requirements of clause 7.8.2.8b.
- (iv) This control does not apply to the cascading apartments. Cascading apartments are assessed as controlled activity under Part H 1.2 Assessment Criteria for Cascading Apartments.

5. Height in Relation to Boundary

- (i) Rule 7.8.2.4 shall only apply to the external boundary of the Concept Plan Area where that land abuts or faces land zoned Residential or Open Space.
- (ii) For the avoidance of doubt this control shall not apply to the internal boundaries within the site, including land to boundaries zoned Residential 8b, Open Space 2, Open Space 3 or Business 2.

6. Minimum stormwater permeable area: Concept Plan Area

- The minimum stormwater permeable area is 50% of all land forming part of the Concept Plan Area.

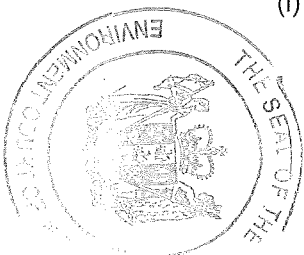
7. Yards

- (i) Front yard – 2m excluding basement space below the RL of the adjacent street level
- (ii) In addition to the above, a 3m minimum yard shall only be provided along the external boundaries of the Concept Plan where it abuts or faces land zoned Residential or Open Space. Provided that balconies 3 metres or more above ground level, may protrude into the yard for distances no greater than 1 metre.
- (iii) For the avoidance of doubt clause (ii) shall not apply to the internal boundaries within the site including street frontages and land adjoining land zoned Open Space.

8. Private Open Space

7.8.2.10 Private Open Space shall apply except:

- (i) that any development which has a balcony with an area of 8m² and a minimum width of 2 metres which has convenient access from the living room shall be deemed to meet the requirements of this clause.



- (ii) The minimum exclusive area for residential units and housing developments for the elderly and disabled shall be 18m.

10. Daylight

For the purposes of control 7.8.2.5 Daylight, "principle habitable room" is deemed to mean the primary living room within a dwelling.

11. Communal Open Space

~~The provisions of Clause 7.8.2.17 shall not apply.~~

Any cascading apartment building, shall provide a minimum of 80m² of communal open space per building. At least 60% of such communal open space is to be exterior to the building. Additional common areas may be created within the building and can adjoin communal open space. Exterior open space can include areas beneath pergolas and other shade structures.

Communal open space may be located at ground level, on a terrace or roof deck provided that:

- The communal open space is accessible to all units within the cascading apartment building;
- The communal open space is screened from the principal living room of all units;

12. Special Height Limit: Volcanic Cones

For the purposes of determining whether the volcanic sight lines special height limits are exceeded under Rule 5C.7.6.5, ground level on the western terrace shall be deemed to be RL 78 and RL 82 as shown in Diagram F08-85(b) and height for the purpose of Rule 5C.7.6.5 shall be measured from the identified RL using the rolling height method.

13. Te Tātua a Riukiuta Sightlines

No building shall protrude into the Te Tātua Riukiuta sightlines shown on Diagram F08-85(c).

Any building which intrudes into these sightlines shall be considered a **discretionary non-complying** activity.

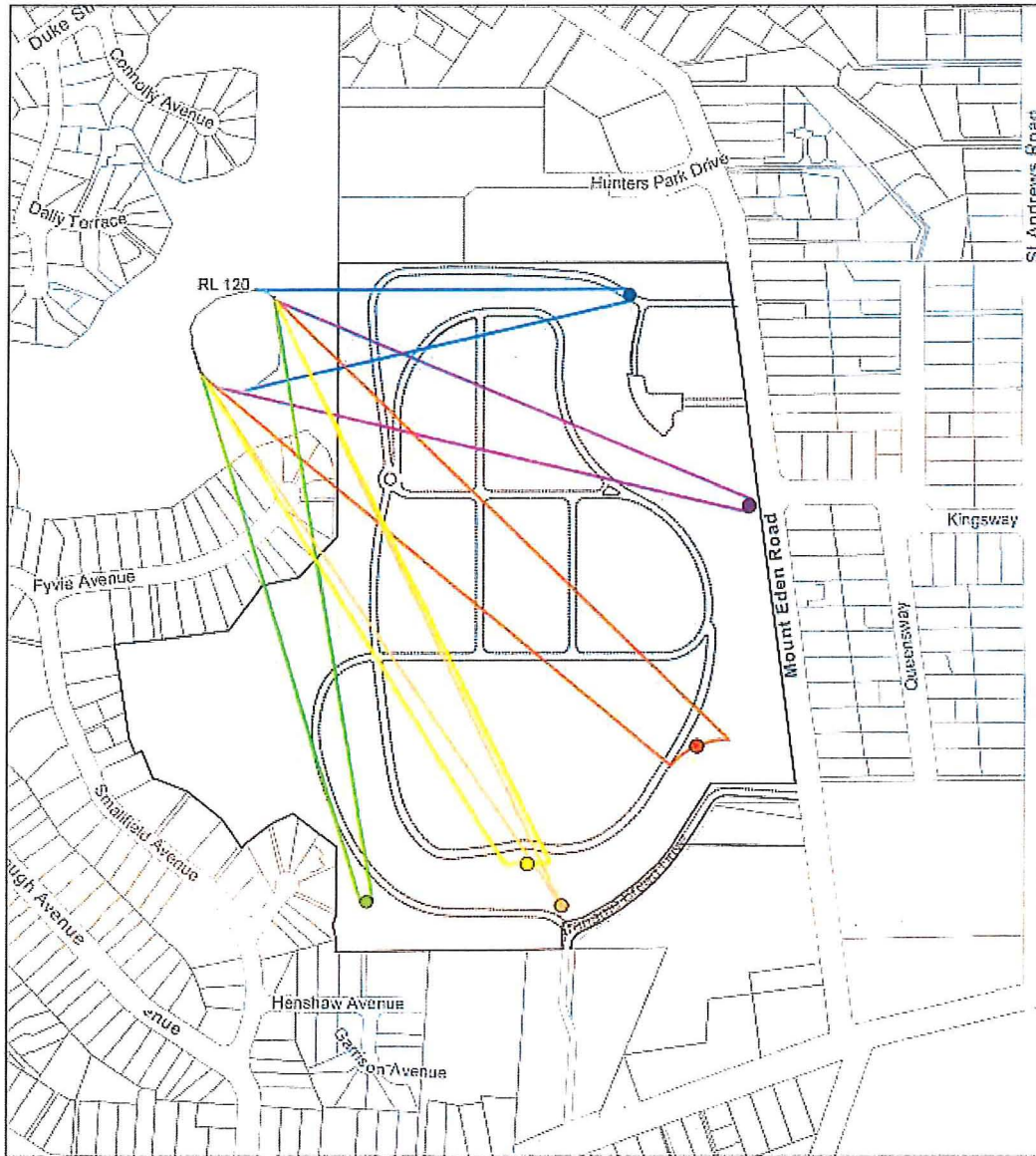
The origin point for each sightline shall be measured from 1.5m above ground level or the Plaza (whichever is relevant). The viewpoint on the maunga shall be RL120.

Explanation:

The sightlines of Te Tātua a Riukiuta are designed to complement the volcanic cones special height limits. These sightlines provide local views from various selected locations within the Concept Plan area. Some views are extensive of the entire maunga others are to provide views of the core portion of the maunga. The overall effect of this control is to ensure that maunga has a significant visual presence.



Diagram F08-85(c): Te Tātua a Riukiuta Sightlines



14. Roading Related and In-ground Infrastructure

- a) The primary roads shall be located in general accordance with the location shown on the Concept Plan F08-85(a). The detailed location of indicative roads is subject to assessment criteria in Section H
- b) Any roading related works (being works within the road reserve and/or works within a proposed road to be vested) as a permitted activity shall satisfy the Auckland transport standards for roading or such other standard as approved by Auckland Transport



- c) Any in ground infrastructure shall comply with the controls of Part 4A as if the roading identified on the Concept Plan was vested as road.
- d) Roading adjacent to the Town Centre and plaza shall provide frontage to the Business 2 zone and plaza area wherever practicable.
- e) The roading shown on Concept Plan F08-85(a) as a ~~shared-space-slow speed environment~~, shall be formed so as to create a high amenity ~~shared-space~~ area providing slow speed vehicle access, cycleways and pedestrian movements through the plaza and to the residential areas to the north.

15. Minimum Apartment Size

Dwellings must have a minimum net internal floor area as follows:

- a) 40m² for studio dwellings
- b) 45m² for one or more bedroom dwellings.

Provided that:

- a) for any apartment building with 20 or more apartments, the average apartment size shall be a minimum net internal floor area of 55m² per apartment; and
- b) up to 30 garage loft units with a minimum net internal floor area of 30m² may be constructed in the "area subject to additional density control" as shown on Diagram F08-85(a).

Up to 5% of dwellings within the Precinct may have a minimum net internal floor area of 30m².

16. Parking Standards

- (a) Carparking with the Concept Plan area shall be provided in accordance with the following rates:

Studio / 1 bedroom car parking	Maximum 1 per dwelling
2 bedrooms or more car parking	Maximum 2 per dwelling
Visitor car parking	0.2 per dwelling
Residents cycle parking	1 per dwelling without a dedicated garage
Visitor cycle parking	1 per 20 dwellings within a single building

- (b) Any apartment buildings with frontage to Mt Eden Road or Grahame Breed Drive shall not have any vehicular access from the riu.

17. Remnant volcanic features

- (a) No earthworks or "land contouring and site preparation" shall occur on the remnant volcanic features shown in Diagram F08-85(a) being features on Grahame Breed Drive Extension adjacent to Barrister Avenue, connecting Grahame Breed Drive



Extension to the walkway adjacent to Fyvie Avenue, and in the north-western corner of the Concept Plan area, except that this rule shall not preclude works:

- (i) necessary only for the purpose of making safe any aspect of the exposed rock faces;
 - (ii) including excavation of piles necessary to form an elevated boardwalk connecting Grahame Breed Drive Extension and the whare manaaki, to the pathway adjacent to Fyvie Avenue and accessing Te Tatua a Riukiuta;
 - (iii) in the north-western corner of the site as necessary to implement the stormwater management wetland and associated boardwalk provided these works do not impact the identified remnant volcanic features labelled (a) exposed by rock aspects in these areas; and
 - (iv) associated with the removal of any weeds or other earth or vegetation to better display the rock formation.
 - (v) Necessary to undertake rehabilitation due to contamination (if required).
- (b) No building shall be located on that part of the remnant volcanic features labelled (d) on Concept Plan F08-85(a). Works under the "land contouring and site preparation" control shall be confined to those necessary for
- stability purposes;
 - to provide the final contour shown on the Concept Plan;
 - public pathways to the face to enable people to appreciate the geological form of this area;
 - works associated with the removal of any weeds or other earth or vegetation to better display the rock formation.
- (c) No building shall be erected below RL74 (excluding in-ground piling and foundations) on the remnant volcanic feature labelled (e) on Concept Plan F08-85(a). Works under the "land contouring and site preparation" control below RL74 shall be confined to those necessary for
- stability purposes;
 - to provide the final contour shown on the Concept Plan;
 - public pathways to the face to enable people to appreciate the geological form of this area;
 - works associated with the removal of any weeds or other earth or vegetation to better display the rock formation.
- (d) Any development which does not comply with this rule is a non-complying activity.

18. Noise and vibration

The development and activity shall comply with:

- (a) the noise standards for the Residential 8B zone and Open Space 2 and 3 zones respectively;



- (b) the construction noise standards of Part 4 (4A.1.D) construction work within the Concept Plan area; and
- (c) the German Industrial Standard for construction vibration DIN 4150-3 (1999) as set out below:

the noise and vibration controls of clause 8.8.2.2 (noise Business 7) and clause 8.8.2.7 (noise and vibration arising from blasting) are for any activity undertaken as part of any rock removal activity undertaken as part of "land contouring and site preparation" provided that the measurement of the noise control shall be measured at all residential zone boundaries outside the Concept Plan area.

Type of Structure	Vibration Thresholds for Structural Damage, PPV (mm/s)				
	Short-Term			Long-Term	
	At Foundation			Uppermost Floor	Uppermost Floor
	0 to 10 Hz	10 to 50 Hz	50 to 100 Hz	All Frequencies	All Frequencies
Commercial /industrial	20	20 to 40	40 to 50	40	10
Residential	5	5 to 15	15 to 20	15	5

Source:

<http://www.aucklandcity.govt.nz/council/documents/district/updates/t377/pm377app6vibrationexcavationassess.pdf>

For the purposes of the (c) above:

- (i) The required measurements shall be taken at residential and business zoned land outside the precinct;
- (ii) Blasting events are limited to 3 per day (note: a blasting event includes multiple charges)
- (iii) Blasting events are limited to the hours between 8am and 5pm Monday to Saturday.

19. Stormwater soakage and storage facilities shall be designed as follows:

- a) The combined soakage and storage system for the overall catchment draining to the development must be sized to cater for the 100 year rainfall event while meeting habitable floor flood freeboard standards.
- b) A separate soakage and storage system is required for each area that makes up a planned unit development application and this must be sized to cater for the 10 year rainfall event.
- c) Flow from one storage or soakage zone to another is allowed provided that the overall level of service for the 100 year rainfall event is always achieved.
- d) Stormwater treatment is required for all sub-catchments containing roads, vehicle hardstanding or areas likely to contribute high sediment loadings to the soakage and storage system.



- e) Erosion and sediment control measures are required to manage the runoff from earthworks areas that may affect long term soakage zones during the earthworks and construction phases of the development.

Refer also the assessment criteria 9 referring to stormwater.

20. Fencing

The maximum height of any fence fronting a road or public open space shall be 1.2m.

This shall not preclude fencing necessary to meet any health and safety requirements.

21. Staging and provision of public facilities and infrastructure

The following table sets out the public facilities and infrastructure improvements required to be established as part of the relevant stage of development shown on diagram F08-85(e) staging diagram.

<u>Stage</u>	<u>Staging requirements</u>	<u>Public facilities and infrastructure</u>
<u>1.</u>	<u>No residential building within Stage 1 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the "public facilities and infrastructure" for Stage 1 set out in column 3 are provided</u>	<u>Completion of the internal roading within Stage 1.</u>
<u>2.</u>	<u>No residential building within Stage 2 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the public works and infrastructure for Stage 2 set out in column 3 are provided.</u>	<ul style="list-style-type: none"> • <u>Development and construction of one sports field is completed along with the immediately surrounding open space land and associated parking</u> • <u>Grahame Breed Drive Extension down to the sports field and the road adjoining the sportsfield is completed and vested in the Council.</u> • <u>The slow speed environment area traffic shared zone at the southern end of Grahame Breed Drive Extension as shown on Diagram F08-85(a) is completed and vested in the Council.</u> • <u>Stormwater management works in accordance with Concept Plan F08-85(d) and wastewater works contained within Stage 2 as it relates to any building completed under Stage 2 shall be progressively vested in offered to the Council for vesting.</u>



<u>Stage</u>	<u>Staging requirements</u>	<u>Public facilities and infrastructure</u>
3.	<ul style="list-style-type: none"> No residential building within Stage 3 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the public works and infrastructure for Stage 3 set out in column 3 are provided. (The requirements for the Plaza building are set out separately) No commercial or residential occupation of the plaza building shall be permitted and no 224C certificate under the Resource Management Act shall be issued until the public facilities and infrastructure set out in column 3 are provided. 	<ul style="list-style-type: none"> Development and construction of the second sportsfield is completed along with the immediately surrounding open space land and associated parking and both sports fields are vested in the Council If Te Puna o Taonga o Tamaki Makaurau Trust elects to locate the whare manaaki on private land, that land of a size and location consistent with the concept plan shall vest in the Trust. The stairs and ramp connecting the Grahame Breed Drive and plaza to the sports field area shall be completed and vested in the Council. The volcanic remnant on Grahame Breed Drive is retained as per the provisions within this concept plan area; Stormwater management works in accordance with Concept Plan F08-85(d) contained within Stage 3, are completed and vested in offered to the Council for vesting. The upgrade of Grahame Breed Drive and road formed. <p><u>Additional requirements for the plaza building when it is constructed</u></p> <ul style="list-style-type: none"> If the Plaza building is built first, then all the general public facilities and infrastructure requirements for stage 3 apply The public plaza is formed and developed and easements in favour of the Council giving public access to the plaza are granted to the Council. The public lift generally identified on Concept Plan F08-85(a) forming part of the plaza shall be constructed and either vested in the Council.



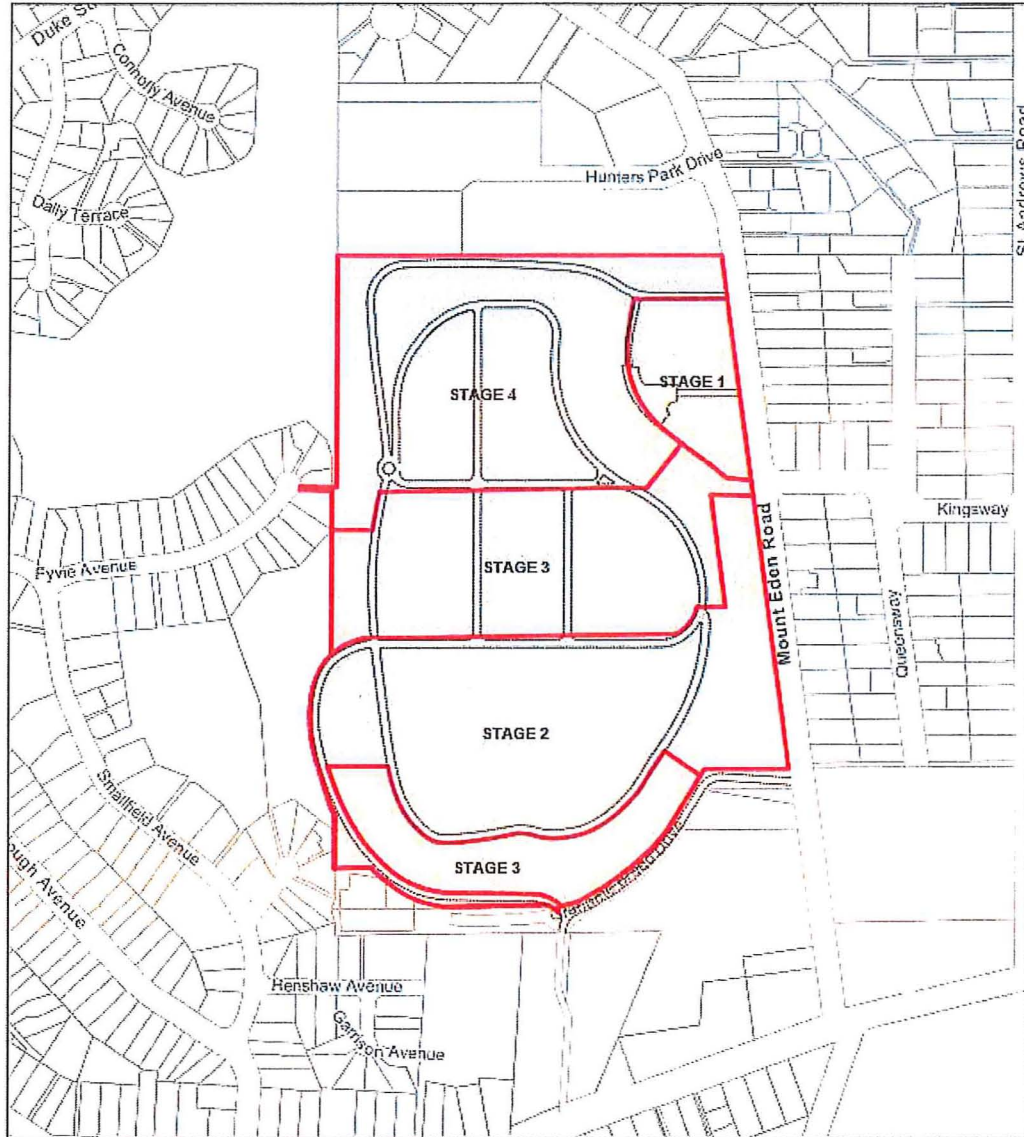
<u>Stage</u>	<u>Staging requirements</u>	<u>Public facilities and infrastructure</u>
4.	<p><u>No residential building within Stage 4 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the public works and infrastructure for Stage 4 set out in column 3 are provided.</u></p>	<ul style="list-style-type: none"> • <u>The open space land west of Bush Road is planted in native plants and if the offered land is formally accepted, vested in Te Puna o Taonga o Tamaki Makaurau Trust.</u> • <u>Stormwater management works in accordance with Concept Plan F08-85(d) contained within Stage 4, are completed and vested in offered to the Council for vesting.</u> • <u>The boardwalk and implementation of the Te Aranga principles applying to the "wetland" adjacent to Stage 4, is formed and vested in the Council or such other mechanism as agreed by the Council.</u> • <u>The internal road layout within stage 4 is implemented and vested in the Council.</u> • <u>The public lift and stairs generally identified on Concept Plan F08-85(a) forming part of the access to the Mt Eden Rd bus stop adjacent to Kingsway Ave shall be constructed and either vested in the Council.</u>

Provided that:

- (a) Development may proceed concurrently for different stages as long as the requirements for the respective stages are complied with;
- (b) There is no requirement to progress the stages in the numbered sequence as long as the requirements for the respective stages are complied with;
- (c) The Plaza building may proceed at any time provided that if it does not proceed within 7 years of the plan change being made operative, the associated public stairs, and either the final or an interim public lift shall be provided.



F08-85(e) Staging Diagram



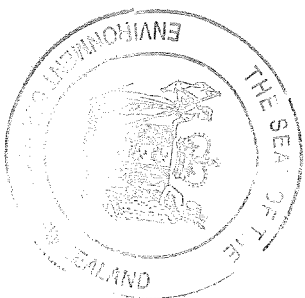
G. Matters for Discretion

For the additional controlled and restricted discretionary activities in the Residential 8b and Open Space zones set out in D1 and D2 of this Concept Plan, the Council will restrict its discretion to the following matters as specified for the relevant activity below:

Residential 8b Zone															
	Stormwater	Wastewater	Transport	Urban Design	Landscaping	Te Aranga	Earthworks	Buildings	Reverse Sensitivity of Units	Consistency with PUD	Consistency with Concept Plan	Rehabilitation	<u>Geotechnical</u>	<u>Sustainability</u>	<u>Staging</u>
Land contouring and site preparation	*						*				*	*	*		
Planned Unit Development	*	*	*	*	*	*	*				*		*		*
New Residential building (<u>including any residential/ business / plaza /community / cascading apartment building</u>)				*	*			*	*		*		*	*	*
Additions and Alterations				*	*			*	*						*
Earthworks	*						*						*		
<u>Education and Cultural Facilities</u>			*	*	*	*		*							
Subdivision associated with (i) <u>Planned Unit Development</u> (ii) <u>Super-Lots</u>										* *	* *		*		*

Open Space 2 and 3 Zones															
	Stormwater	Wastewater	Transport	Urban Design	Landscaping	Te Aranga	Earthworks	Buildings	Reverse Sensitivity	Consistency with PUD	Consistency with Concept Plan	Rehabilitation	<u>Geotechnical</u>		
Land contouring and site preparation	*						*				*	*	*		
Subdivision	*	*		*	*	*	*			*	*		*		
<u>Education and Cultural Facilities</u> <u>Whare Manaaki</u>			*	*	*	*		*							





H. Assessment Criteria: Residential 8b Zone

The assessment criteria for activities/development within the Concept Plan that require resource consent, are set out below. The assessment criteria relevant to each activity/development are identified in the tables set out in G Matters of Discretion above.

1. New Buildings

All new buildings shall be assessed against:

- (i) Concept plan criteria for buildings set out in 2
- (ii) The additional criteria relating to cascading apartments set out in 3
- (iii) The specific criteria of the 'Residential Design Guide in Residential zones in the Strategic Growth Management Areas' (refer Appendix 10) set out in 4 below. The development control rules set out in Appendix 10 do not apply.

2. Buildings

The degree to which:

- (i) The building(s) ensure that the design, appearance and impact of all buildings and structures will be compatible in terms of the Concept Plan and zoning, including elements of height, architectural treatment of building facade and overall scale with the natural and physical landscape.
- (ii) The building(s) complies with the development controls of the Concept Plan
- (iii) The building(s) is designed in a manner which creates a positive interface with open space, roads and other elements of the public realm.
- (iv) The proposed building utilises "low contaminant" yielding roofing materials
- (v) Views of the rock face between the major buildings are retained in order to acknowledge the quarrying origins of the site.
- (vi) The proposed non-residential activity will have adverse effects on the amenity values of:
 - other activities on the site and
 - the surrounding neighbourhood(This will include consideration of the scale and operation of the proposal, numbers of people involved in the proposed activity, the traffic generated and the hours of the activity).
- (vii) The development is landscaped and designed to minimise its impact on the site and abutting or facing residential or open space land.
- (viii) Access to sunlight and daylight is appropriate
- (ix) Facilities are created to enable people to enjoy the open space.
- (x) The site is geotechnically appropriate for the proposed structure.
- (xi) The proposed building(s) are located so as to enable the views identified on F08-85(a) Concept Plan across public roads and open space, between buildings and above buildings in the Riu.
- (xii) Any building located on the "active use at street level" area shown on Concept Plan F08-85(a) provides a quality publicly accessible plaza integrated to the town centre. The northern face of the plaza building shall provide outlook to Te Tātua a Riukiuta.
- (xiii) The delivery of the public lift access shown on Diagram Concept Plan F08-85(a).
- (xiv) The buildings address criteria of the "Three Kings Residential Design Guide" (Refer to Part F).
- (xv) **The degree to which** apartment buildings take into account the quality of the communal open space, the specific needs of the development and the



context of the particular development, including the proximity to public open space and community facilities.

- (xvi) Terrace housing within the Riu is modulated. This may include façade articulation, and a variety of roof forms and colour to enhance visual amenity when viewed from Te Tatua a Riukiuta.
- (xvii) The western face of buildings and rear courtyards located in the riu and which are adjacent to Bush Road and the maunga, minimise visual impacts when viewed from Te Tatua a Riukiuta. This may include articulation of building facades, includes glazing to habitable rooms, screening of any service or plant areas, treatment of any parking areas to minimise visual impact, and planting of embankment areas.

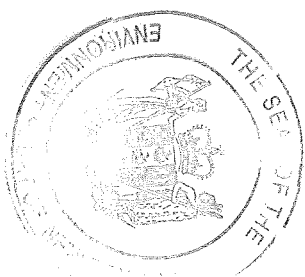
For the purposes of this criteria assessment, low contaminant load roofing is treated, sealed or painted roofing material, except that untreated, sealed or painted architectural features or roofing or spouting material of up to 25m² can be incorporated within the site.

3. Cascading Apartments

The cascading apartment typology is designed to respond to the unique topography of the site. The apartment design makes use of the height difference on the quarry slope to accommodate on-site carparking, whilst providing activated residential frontages to both the high and low streets.

The extent to which:

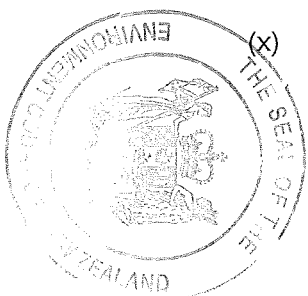
- (i) Residential Frontages
Activated residential frontages (such as balconies, terraces or other habitable spaces) address public spaces, including ground level dwellings being setback from the street frontage to accommodate front yards and outdoor living spaces.
- (ii) Solar Amenity
 - Residential units are designed to take advantage of northerly, or east/westerly aspects to optimise daylight access to internal spaces.
 - Units with solely south-facing aspect are minimised.
 - Cascading apartments located against Grahame Breed Drive on the southern portion of the site are designed with apartments that orientate north as much as possible.
 - Cascading apartments along Mt Eden Road should maximise east and west orientations.
- (iii) Natural Ventilation
Habitable spaces are designed with direct access to fresh air and to assist in providing thermal comfort to occupants. Where possible, corner apartments or units with double-frontages should be encouraged. These apartment types take advantage of natural breezes to allow the building to respond more appropriately to the local climate.
- (iv) Overshadowing Impacts
Overshadowing impacts onto adjoining dwellings and open spaces are minimised through the placement of these apartments. These apartment buildings are not placed to the north of other low rise dwellings to prevent overshadowing onto private open spaces.



- (v) Traffic & Carparking
- On-site carparking is provided in the form of sleeved carparking levels built against the quarry slope.
 - Carparks are sleeved by residential units facing the street.
 - Carparks are accessed from Mt Eden Road or Grahame Breed Drive.
 - Apartment buildings against Mt Eden Road have primary carpark access off Mt Eden Road because this is the most direct path of access for vehicles arriving at the development.
- (vi) Heights and Setbacks
- Appropriate (2-3m) setbacks are provided from both the high (Mt Eden Road and Grahame Breed Drive) and low streets (streets in the Riu).
 - The upper portion (Level 6-9) of the cascading apartment are set further back from the podium (Level 1-5) to reduce the bulk of the building when viewed from the low side.
 - Additional setback on the top levels of some of these apartments to present a recessive element on the topmost storey to reduce the overall bulk.
- (vii) Building Coverage
- The plan contemplates significant additional building coverage for cascading apartments beyond the 65% and 70% contemplated for other typologies. The following criteria ensure appropriate amenity, and recognises the benefit of encapsulating parking within the building structure behind sleeved apartments.
- Building coverage is appropriate given:
- The objectives of the zone relating to enabling higher density residential development.
 - The overall open space within the concept plan area.
 - The extent of landscaping adjacent to the specific development.
 - The benefits of creating parking incorporated within the building and not seen from public spaces, recognising that this significantly increases building coverage.
- (viii) Building Frontage
- Activated residential frontages are presented onto all facades against public spaces including public roads. This can be achieved by having habitable spaces or outdoor terraces onto streets, laneways and parks.
 - Excessively long building frontages are avoided to allow 'gaps' in the built form that would afford views through Grahame Breed Drive and Mt Eden Road frontages and to break down the linearity of the podium wall and the buildings above when viewed from the maunga. These gaps are located in line with the proposed key sightlines to maximise opportunities of views towards the maunga.
- (ix) Housing Mix
- Each apartment building contains a mixture of unit sizes depending on the local housing market demand and demography. This would encourage the opportunity for a diverse range of residents and family types that would occupy the proposed development.

(x) Safety and Visual Privacy

- Ground level apartments have front yards that orientate onto adjacent streets and laneways to provide passive surveillance to these spaces.



- Visual privacy to units within the development as well as adjoining dwellings is considered in the façade design of these apartment buildings.
- A degree of user control of any screening elements is enabled to suit a variety of lifestyles and user preferences.

(xi) Roof top and balcony areas

The roof and balcony areas have been designed to minimise visual impact when viewed from Te Tatua a Riukiuta. This may include:

- Plant and roof top service machinery being enclosed within appropriately designed plant rooms which integrate into the design of the building.
- The design, appearance and colour of the tops of buildings and balcony areas, recognises that the roof tops and balconies will remain prominent when viewed from Te Tatua a Riukiuta.
- The design of terraces and plaza areas contributes to the articulation of the building and landscape opportunities.

(xii) Communal open space

Communal open space is screened from the immediately adjoining principal living room of any dwelling on the same level as the communal open space.

4. Residential Design Guide Criteria

The extent to which developments address the following criteria from the “Residential Design Guide for Developments in Residential Zones in the Strategic Growth Management Areas” (Refer Appendix 10).

Element 1 Neighbourhood Character: Criteria C4-C11 (refer Appendix 10).

Element 2 Site Layout: Criteria C1-C3 and C7 – C10 (refer Appendix 10).

Element 3 Density: Criteria C1- C3 (refer Appendix 10).

Element 4 Energy Efficiency: Criteria C1-C5 (refer Appendix 10).

Element 5 Building Envelop: Criteria C1, C3, C5, C7, C12 (refer Appendix 10).

Element 6 Visual Privacy: Criteria C1-C3 (refer Appendix 10).

Element 7 Acoustic Privacy: Criteria C1-C3 (refer Appendix 10).

Element 8 Landscaping: Criteria C1, C3-C7 (refer Appendix 10).

Element 9 Driveways & Carparking: Criteria C1, C3-C7 (refer Appendix 10).

Element 10 Private Open Space: Criteria C1, C2, C3, C5, C6 (refer Appendix 10).

Element 11 Site Facilities: Criteria C1-C8 (refer Appendix 10).

Crime Prevention through Environmental Design

- Whether the main entrances and exits of buildings are clearly visible from the street.
- Whether potential concealment and entrapment areas (where people can hide) are avoided, or illuminated if they are unable to be removed.
- Whether buildings are designed to overlook public spaces and streets to provide passive surveillance of these areas.
- Whether the site layout, buildings, fences, landscaping and other features clearly define territory and ownership of all public, semi-private, and private space (e.g. dwellings and private open space) to discourage illegitimate entry and use of these spaces
- Whether appropriate lighting is provided to all pedestrian paths between public and shared areas, parking areas and building entrances.
- Whether site access and car parking are clearly defined, appropriately lit, and visible.



- (g) Whether landscaping, fencing and other structures present a security risk by screening doors, windows and pedestrian routes.
- (h) Whether individual buildings are clearly identifiable by visitors and emergency vehicles.

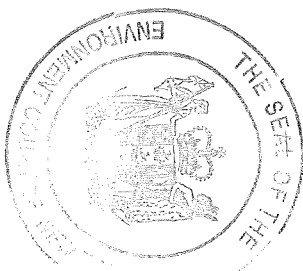
Where these criteria conflict with the criteria in 1.1 and 1.2 above, the criteria in 1.1 and 1.2 prevail.

For the avoidance of doubt, the Development Controls in Appendix 10 do not apply.

5. Urban Design and Landscape

The extent to which the proposal provides for the following elements where appropriate:

- (i) An integrated comprehensive development of land which provides for quality residential development that integrates with the Maunga, Town Centre, Open Space network and the surrounding residential area.
- (ii) Consistency with the Concept Plan in F08-85(a).
- (iii) Connections from the Riu (valley floor) to the Town Centre, including footpaths, stairs and lifts.
- (iv) A plaza which integrates with the Town Centre including stairs and a public lift. The plaza shall provide direct and legible connections between the Town Centre, plaza, and residential areas to the north; unobstructed views of the maunga; and appropriately located active edges.
- (v) A series of sightlines from key public places as generally shown on F08-85(a) Concept Plan. These sightlines are across roads and open space linkages and above development within the Riu.
- (vi) Quality pedestrian walkways and cycleways throughout the concept plan area and connecting public transport routes, Mt Eden Road and residential areas to the west and north. Quality is assessed in terms of the extent of connected walkways as well as their functionality and attractiveness as a walkway.
- (vii) Bush landscaping and fencing at the toe of remnant quarry faces within the redevelopment areas.
- (viii) The planting of native vegetation on the slope adjoining the eastern side of Te Tātua a Riukiuta to enhance the cultural and visual amenity of the Maunga.
- (ix) Landscaping and sculptural elements in line with the Te Aranga principles below.
- (x) A network of connections through the Concept Plan area which makes the area accessible to residents and visitors through walkways, cycleways and public lifts.
- (xi) The location of high intensity housing along the public transport corridor of Mt Eden Road and near the Town Centre.
- (xii) To create a mix of high intensity terrace housing and apartment typologies with the larger apartment buildings focussed on the western and southern parts of the Concept Plan area.
- (xiii) The use of innovative housing typologies such as the "cascading apartments" which provide for a housing form which responds to the specific circumstances of the site and provides quality development.
- (xiv) Measures to successfully integrate the different relative level from the Town Centre and Mt Eden Road to the sports fields and lower levels of the development. Integration will be achieved through a series of measures including visual and physical connections. Physical connections will include the road network, public lift and staircase as shown on Concept Plan F08 85(a)



walkways and cycleways and public open space. These connections are more particularly shown on F08-85(a).

- (xv) Landscaping treatment adjacent to residential areas outside the Concept Plan area, achieving a balance between appropriate screening and shading, particularly where adjoining properties are to the south.
- (xvi) Planting and species on steep slopes are appropriate in terms of slope stability.
- (xvii) Active edges that front the **shared-space slow speed environment area** shown on the Concept plan F08- 85(a).

6. Te Aranga

The extent to which the proposal provides for the successful application of the principles of Te Aranga as embodied within the Concept Plan, including:

- (i) Bush landscaping of the boundary to the Te Tātua a Riukiuta to successfully create an interface between the Maunga and the adjacent residential community.
- (ii) The development of green stormwater infrastructure planted with suitable native vegetation to serve as a functional stormwater management system which has high amenity.
- (iii) The use of culturally appropriate public art to celebrate the history and cultural dimensions of the area.
- (iv) The use of stone walls and other landscape, landscape features including water features forms that reflect early Maori occupation of the area.
- (v) The use of native planting specific to the area.
- (vi) The acknowledgement of the four Maunga that were previously quarried through signage, landscaping and other appropriate forms.
- (vii) The use of cultural narrative and names to celebrate the history and culture of the site and its people.

7. Plaza and Active uses at street level

For the area identified on Concept Plan F08-85(a), the extent to which the proposal provides for the provision of active uses at street level. Including:

- (i) the location of retail, restaurants, cafes and other eating places within the defined street level floor space;
- (ii) the integration of these activities with the street and public spaces including outdoor seating and dining areas;
- (iii) the degree to which the activities provide visibility into the business activity and give a sense of connection with the street;
- (iv) the creation of outdoor dining and plaza areas which enable outlook of the street, public spaces and views;
- (v) the extent to which lobby and other access spaces to the upper and lower floors within buildings has been successfully integrated with retail and food and beverage activities;
- (vi) the degree to which access to parking is managed so as to prevent parking spaces being visible from street level and only the required access to parking decks below street level provided;
- (vii) the provision of loading facilities on street so as to minimise the non-retail activity at street level.
- (viii) the provision of a staircase from the plaza level to the Riu, which is within the 15m open space identified on the Concept Plan and the degree to which the



open space creates a high level of public amenity (e.g. through design, artworks, seating or other features).

For the purposes of this assessment control, active uses at street level include:

- dairies,
- retail,
- restaurants, cafes and other eating places,
- lobby access to the upper and lower floors of buildings
- public through site links,
- outdoor dining, eating and viewing area(s) publicly accessible plazas.

8. Land contouring and site preparation

Any development proceeding under "land contouring and site preparation" which involves the removal of rock and which does not have a resource consent, shall comply with the noise and vibration standards referenced in Rule 18 of this Concept Plan.

The extent to which:

- (i) Noise, lighting and hours of quarry operation comply with the existing hours of operation and noise and vibration control as approved for the site through previous quarrying or filling resource consents (where they apply).
- (ii) Any matters of reverse sensitivity recognise the finite life of quarrying operations.
- (iii) Any adverse visual amenity effects are mitigated through the use of screening and landscaping.
- (iv) The bund along Mt Eden Road is removed at a time when redevelopment-final contouring of that part of the land is ready to proceed.
- (v) Any buildings associated with the quarry are designed to enable removal on completion of quarrying activity.
- (vi) Quarry slopes and batters during construction and in finished state, local stability treatments for cut slopes, engineering filling criteria and foundation criteria for structure design have been adequately addressed.
- (vii) The treatment of the toe of remnant quarry faces provides for of landscaping, use and public access.
- (viii) Permitted infrastructure provided as part of the rehabilitation should meet the criteria outlined in 9. Stormwater and 10. Wastewater below.
- (ix) Rehabilitation facilitates bush landscaping of the boundary to the Te Tātua a Riukiuta successfully creates an interface between the Maunga and the adjacent residential community.
- (x) filling and sediment control measures will prevent adverse effects on the soakage capacity of the site.

9. Stormwater

The extent to which:

- (i) The proposal provides for the effective management of stormwater, including groundwater levels, overland flow paths, design and implementation of a treatment train, soakage capacity and monitoring and maintenance requirements.



- (ii) The development gives effect to the stormwater management concept plan shown in F08-85(d) or such other management concept that will achieve a similar or better water quality outcome.
- (iii) The proposal mitigates flooding effects on people and property by ensuring adequate, flood storage, soakage capacity and freeboard is provided. The habitable floor levels; must be 750mm above the 1% AEP flood level in catchment B, or 500mm above the 1% AEP flood levels in catchment C. The 1% AEP flood level shall be set based on the assumption that no soakage occurs from the sports field soakage areas in a 100yr ARI storm.
- (iv) The proposal includes an effective monitoring and maintenance programme which addresses sediment loads, treatment required for the protection of long term soakage capacity and the monitoring and maintenance required to maintain soakage capacity.
- (v) Development provides for on-site management of all stormwater through the use of a series of green stormwater infrastructure such as (but not limited to) rain gardens, tree pits, swales, wetlands and soakage.
- (vi) Stormwater treatment is provided for high contaminant load generating activities, such as uncovered car parking, roads with 5,000 Vehicle Movements Per Day (VMPD) and high contaminant generating building materials such as exposed zinc or copper roofing.
- (vii) The proposal is in accordance with the overall stormwater management concept plan set out in F08-85(d).
- (viii) The ongoing maintenance of private stormwater devices has been provided for and the appropriateness of mechanisms to ensure monitoring and maintenance occurs to prevent soakage inlets from blocking (e.g. body corporate agreements, easements).
- (ix) A long term operations and maintenance plan is provided.

10. Wastewater

The extent to which the proposal provides for the effective development and management of the wastewater network including:

- (i) Provision for a minimum of eight hours holding capacity at any pump station.
- (ii) Diversion of stormwater from the existing public wastewater network to provide additional capacity for wastewater.
- (iii) The location and design of the pump station and connections to the wastewater network.
- (iv) Sufficient capacity for the wastewater network to receive flows from the development.
- (v) For any pump station emergency overflow area; its location, size, screening, public access, information, management, maintenance and clean-up protocols.



11. Transport

The extent to which:

- (i) The expected traffic generated by the activity has an effect on the safe and efficient functioning of the surrounding road network.
- (ii) The road layout provides for local traffic and traffic using the site, but discourages use of the network as a bypass from Mt Albert Road to Mt Eden Road.
- (iii) Entry and exit points to the site are designed to suitably accommodate all pedestrians, cyclists, and traffic movements, and in doing so, limit as much as possible disruption to traffic flows on the adjoining road network.
- (iv) The proposal includes adequate pedestrian connections to public transport nodes and cycleways and walkways to the Town Centre, Te Tātua a Riukiuta, Mt Eden Road and residential areas to the west and north.
- (v) Any building fronting Mt Eden Road has a single, direct access from Mt Eden Road
- (vi) The location of activity on a major public transport route, and traffic demand management measures, enable a reduced level of required on-site parking.
- (vii) Any carparking associated with the cascading apartment typology is provided within buildings below Mt Eden Road / Grahame Breed Drive street level and is screened from other parts of the site.
- (viii) The proposal includes the creation of two new roads serving the site; the primary access to Grahame Breed Drive with a second access at the northern end of the site.
- (ix) The proposal includes appropriate traffic management and safe pedestrian access at the intersection of Mt Eden Road and Grahame Breed Drive
- (x) The proposed road design and cross sections are appropriate to the function of the road in terms of the network, and provide for appropriate amenity. In assessing any resource consent regard will be had to the cross section of the road with different cross sections applying to primary access roads, roads which service residential lots and laneways.
- (xi) The provision of public lifts within the locations shown on the Concept Plan F08 85(a).
- (xii) The ~~shared space~~ slow speed environment area identified on Concept Plan F08-85(a) provides for a high amenity, pedestrian and cycle friendly environment characterised by low vehicle speeds.

12. Sustainability

The extent to which buildings achieve sustainable practices, namely;

- (i) Consistency with New Zealand Green Building Council Homestar Tool (2013) or certification under the Living Building Challenge (2013);
- (ii) Satisfying the energy efficiency criteria in C1-C5 of Appendix 10;
- (iii) Optimisation of energy efficiency through targeted insulation of buildings, including individual heat pumps for heating and cooling within individual units;
- (iv) Use of energy efficient lighting where appropriate;
- (vi) Use of natural ventilation in appropriate apartments;
- (vii) Surface water management is designed to be sensitive to the aquifer whilst utilising the water resource to improve the biodiversity within the site.



- (viii) Treatment and discharge is via a mix of green stormwater infrastructure such as (but not limited to) rain gardens, tree pits, swales, wetlands and soakage before water makes its way into the aquifer;
- (ix) All dwellings are fitted with low water use sanitary ware to minimise waste water discharges.
- (x) Use of building materials to target:
 - Large apartment buildings utilising energy efficient structures and facades.
 - Lightweight buildings employing renewable timber structures
 - Apartment buildings incorporating appropriate noise attenuation within designs
 - Minimal use of formaldehyde based wood products
 - Use of low VOC paint systems
 - Use of the insitu scoria to minimise imported rock products for infrastructure and landscaping needs.
- (xi) Use of technology to enhance sustainability of dwellings including:
 - broadband infrastructure to all habitable rooms;
 - Individually controlled heating and cooling to each unit;
 - integrated security systems with entry control to each unit;
 - Energy use monitor installed as standard in each unit.
- (xii) Achieving high re-use and recycling of demolition building materials including on site sorting of recyclable material where practicable.

Sustainability practices within the concept plan area are also assessed under the criteria relating to urban design and landscaping, Te Aranga principles, stormwater, wastewater and transport.

13. Reverse Sensitivity of Units Facing Sportsfields

- (i) The extent to which buildings achieve appropriate noise attenuation measures.

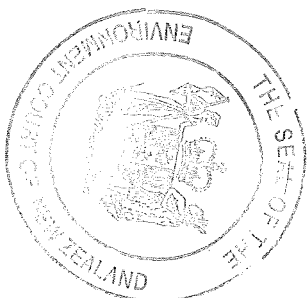
14. Geotechnical matters

The extent to which:

- (i) Trimming of former quarry faces, in combination with other geotechnical measures, provides appropriate stability.
- (ii) Suitable building platforms are created and redevelopment facilitated.
- (iii) New batter slopes, both cut and fill, provide appropriate stability.
- (iv) Engineered fill provides long term performance suitable for the zoned use.

15. Earthworks

- (i) Refer to Rule 4A.2.B.



I. Assessment Criteria: Open Space Zoned Land

For activities/development that are zoned open space and are controlled or restricted discretionary activities in the Concept Plan area, the assessment criteria set out in clauses 9.7.1.2 and 9.7.1.4 (criteria for controlled activities and discretionary activities) shall apply with the exception of the following criteria set out below:

1. Land contouring and site preparation within the Concept Plan Area

The assessment criteria set out in H8 above shall apply.

J. Special Information Requirements

An application for a Planned Unit Development must be accompanied by the following supporting documents. These are in addition to what would otherwise be required for a planned unit development:

- (i) Outline of any particular infrastructure requirements that are unique to the Concept Plan area including the detailed assessment of stormwater, flooding, wastewater and transport.
- (ii) Cultural assessment and integration of the development to Te Tātua a Riukiuta.
- (iii) Geotechnical assessment to include details of cut slope assessments during construction, development of specific local stability treatments for cut slopes, engineering filling criteria, and foundation criteria for structure design.
- (iv) Landscape assessment and proposals to integrate aspects with the volcanic landscape.
- (v) Contamination assessment if not previously provided. This assessment shall be at Preliminary Site Investigation (PSI) level. However if the PSA demonstrates a probable presence of contaminated material then a detailed site investigation report is required.
- (vi) Where residential units adjoin or overlook open space, a detailed CPTED analysis shall be provided.
- (vii) For development of land adjacent to the external boundaries of the Concept Plan F08-85(a), a context assessment demonstrating how the development interfaces with surrounding land uses.



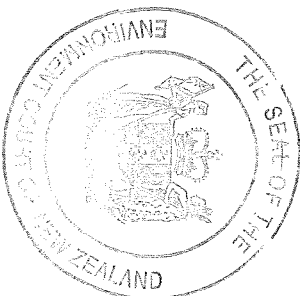
Part E: Amendments to Text: Part 7 – Residential

1. Add the following underlined words below the final paragraph in clause 7.6.8.2 Strategy for the Residential 8 zone:

“Discrete sections of Residential 8 zoned land may be subject to a concept plan, a growth area structure plan or another similar mechanism identified in the planning maps. These plans may set additional or modified planning provisions in the form of objectives and policies, activities, rules, development controls and the like.”

2. Amend the description in the strategy section of height in the Residential 8b zone “multi-unit development in this zone can reach 3-4 storeys high, or greater heights as specified in a concept plan, consistent with existing Town Centre commercial buildings”.
3. Amend 7.7.5.2B Density by adding the words “or such density limits specified in an approved Concept Plan outlined in the appendix to the planning maps” below the table.
4. Add the following underlined words to the introductory clause in 7.8.2 Development Controls for the Residential 8a, 8b and 8c zones:

“The following shall be the development controls for permitted activities in the Residential 8a, 8b and 8c zones, except where development controls are set out within a concept plan, growth area structure plan or other similar mechanism applying to particular sites zoned Residential 8”



Max impervious area	Max building coverage	Minimum landscaping
70%	65% for buildings of four or more storeys. 70% for buildings 1-3 storeys	30%

- (ii) Increased maximum impervious area and reduced minimum required landscaping area may be achieved through Open Space Areas in alternative parts of the 21.6 ha Concept Plan Area provided they are to an equivalent area as set out above.
- (iii) The above percentages are applied once a stormwater management plan has been approved which demonstrates that the development can meet the requirements of clause 7.8.2.8b.
- (iv) This control does not apply to the cascading apartments. Cascading apartments are assessed as controlled activity under Part H 1.2 Assessment Criteria for Cascading Apartments.

9. Height in Relation to Boundary

- (i) Rule 7.8.2.4 shall only apply to the external boundary of the Concept Plan Area where that land abuts or faces land zoned Residential or Open Space.
- (ii) For the avoidance of doubt this control shall not apply to the internal boundaries within the site, including land to boundaries zoned Residential 8b, Open Space 2, Open Space 3 or Business 2.

10. Minimum stormwater permeable area: Concept Plan Area

- The minimum stormwater permeable area is 50% of all land forming part of the Concept Plan Area.

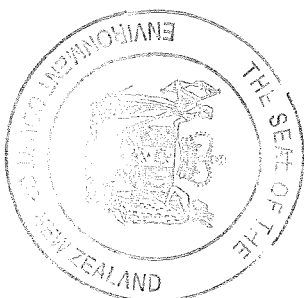
11. Yards

- (i) Front yard – 2m excluding basement space below the RL of the adjacent street level
- (ii) In addition to the above, a 3m minimum yard shall only be provided along the external boundaries of the Concept Plan where it abuts or faces land zoned Residential or Open Space. Provided that balconies 3 metres or more above ground level, may protrude into the yard for distances no greater than 1 metre.
- (iii) For the avoidance of doubt clause (ii) shall not apply to the internal boundaries within the site including street frontages and land adjoining land zoned Open Space.

12. Private Open Space

7.8.2.10 Private Open Space shall apply except:

- (i) that any development which has a balcony with an area of 8m² and a minimum width of 2 metres which has convenient access from the living room shall be deemed to meet the requirements of this clause.



- (ii) The minimum exclusive area for residential units and housing developments for the elderly and disabled shall be 18m.

10. Daylight

For the purposes of control 7.8.2.5 Daylight, "principle habitable room" is deemed to mean the primary living room within a dwelling.

11. Communal Open Space

~~The provisions of Clause 7.8.2.17 shall not apply.~~

Any cascading apartment building, shall provide a minimum of 80m² of communal open space per building. At least 60% of such communal open space is to be exterior to the building. Additional common areas may be created within the building and can adjoin communal open space. Exterior open space can include areas beneath pergolas and other shade structures.

Communal open space may be located at ground level, on a terrace or roof deck provided that:

- The communal open space is accessible to all units within the cascading apartment building;
- The communal open space is screened from the principal living room of all units;

12. Special Height Limit: Volcanic Cones

For the purposes of determining whether the volcanic sight lines special height limits are exceeded under Rule 5C.7.6.5, ground level on the western terrace shall be deemed to be RL 78 and RL 82 as shown in Diagram F08-85(b) and height for the purpose of Rule 5C.7.6.5 shall be measured from the identified RL using the rolling height method.

13. Te Tātua a Riukiuta Sightlines

No building shall protrude into the Te Tātua Riukiuta sightlines shown on Diagram F08-85(c).

Any building which intrudes into these sightlines shall be considered a **discretionary non-complying** activity.

The origin point for each sightline shall be measured from 1.5m above ground level or the Plaza (whichever is relevant). The viewpoint on the maunga shall be RL120.

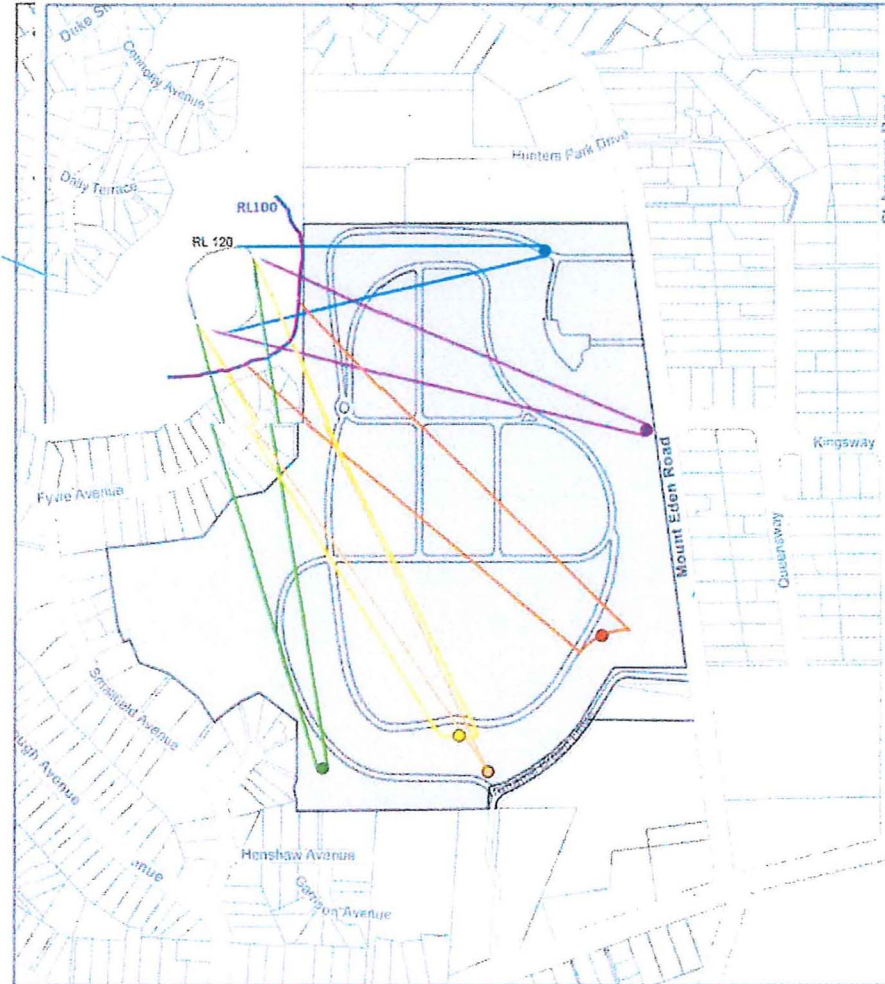
Explanation:

The sightlines of Te Tātua a Riukiuta are designed to complement the volcanic cones special height limits. These sightlines provide local views from various selected locations within the Concept Plan area. Some views are extensive of the entire maunga others are to provide views of the core portion of the maunga. The overall effect of this control is to ensure that maunga has a significant visual presence.



Diagram F08-85(e d): Te Tātua a Riukiuta Sightlines

Comment [LA11]: Correction to diagram to insert RL100m contour of cone and the sight line from the dog pound / area "d" on concept plan - this view shaft terminating at this lower contour as required by the Court



14. Rooding Related and In-ground Infrastructure

- a) The primary roads shall be located in general accordance with the location shown on the Concept Plan F08-85(a). The detailed location of indicative roads is subject to assessment criteria in Section H
- b) Any rooding related works (being works within the road reserve and/or works within a proposed road to be vested) as a permitted activity shall satisfy the Auckland transport standards for rooding or such other standard as approved by Auckland Transport



- c) Any in ground infrastructure shall comply with the controls of Part 4A as if the roading identified on the Concept Plan was vested as road.
- d) Roading adjacent to the Town Centre and plaza shall provide frontage to the Business 2 zone and plaza area wherever practicable.
- e) The roading shown on Concept Plan F08-85(a) as a ~~shared-space slow speed environment~~, shall be formed so as to create a high amenity ~~shared-space~~ area providing slow speed vehicle access, cycleways and pedestrian movements through the plaza and to the residential areas to the north.

15. Minimum Apartment Size

Dwellings must have a minimum net internal floor area as follows:

- a) 40m² for studio dwellings
- b) 45m² for one or more bedroom dwellings.

Provided that:

- a) for any apartment building with 20 or more apartments, the average apartment size shall be a minimum net internal floor area of 55m² per apartment; and
- b) up to 30 garage loft units with a minimum net internal floor area of 30m² may be constructed in the "area subject to additional density control" as shown on Diagram F08-85(a).

~~Up to 5% of dwellings within the Precinct may have a minimum net internal floor area of 30m².~~

16. Parking Standards

- (a) Carparking with the Concept Plan area shall be provided in accordance with the following rates:

Studio / 1 bedroom car parking	Maximum 1 per dwelling
2 bedrooms or more car parking	Maximum 2 per dwelling
Visitor car parking	0.2 per dwelling
Residents cycle parking	1 per dwelling without a dedicated garage
Visitor cycle parking	1 per 20 dwellings within a single building

- (b) Any apartment buildings with frontage to Mt Eden Road or Grahame Breed Drive shall not have any vehicular access from the riu.

17. Remnant volcanic features

- (a) No earthworks or "land contouring and site preparation" shall occur on the remnant volcanic features shown in Diagram F08-85(a) being features on Grahame Breed Drive Extension adjacent to Barrister Avenue, connecting Grahame Breed Drive



Extension to the walkway adjacent to Fyvie Avenue, and in the north-western corner of the Concept Plan area, except that this rule shall not preclude works:

- (i) necessary only for the purpose of making safe any aspect of the exposed rock faces;
 - (ii) including excavation of piles necessary to form an elevated boardwalk connecting Grahame Breed Drive Extension and the whare manaaki, to the pathway adjacent to Fyvie Avenue and accessing Te Tatua a Riukiuta;
 - (iii) in the north-western corner of the site as necessary to implement the stormwater management wetland and associated boardwalk provided these works do not impact the identified remnant volcanic features labelled (a) exposed by rock aspects in these areas; and
 - (iv) associated with the removal of any weeds or other earth or vegetation to better display the rock formation.
 - (v) Necessary to undertake rehabilitation due to contamination (if required).
- (b) No building shall be located on that part of the remnant volcanic features labelled (d) on Concept Plan F08-85(a). Works under the "land contouring and site preparation" control shall be confined to those necessary for
- stability purposes;
 - to provide the final contour shown on the Concept Plan;
 - public pathways to the face to enable people to appreciate the geological form of this area;
 - works associated with the removal of any weeds or other earth or vegetation to better display the rock formation.
- (c) No building shall be erected below RL74 (excluding in-ground piling and foundations) on the remnant volcanic feature labelled (e) on Concept Plan F08-85(a). Works under the "land contouring and site preparation" control below RL74 shall be confined to those necessary for
- stability purposes;
 - to provide the final contour shown on the Concept Plan;
 - public pathways to the face to enable people to appreciate the geological form of this area;
 - works associated with the removal of any weeds or other earth or vegetation to better display the rock formation.
- (d) Any development which does not comply with this rule is a non-complying activity.

18. Noise and vibration

The development and activity shall comply with:

- (a) the noise standards for the Residential 8B zone and Open Space 2 and 3 zones respectively;



- (b) the construction noise standards of Part 4 (4A.1.D) construction work within the Concept Plan area; and
- (c) the German Industrial Standard for construction vibration DIN 4150-3 (1999) as set out below:

the noise and vibration controls of clause 8.8.2.2 (noise Business 7) and clause 8.8.2.7 (noise and vibration arising from blasting) are for any activity undertaken as part of any rock removal activity undertaken as part of "land contouring and site preparation" provided that the measurement of the noise control shall be measured at all residential zone boundaries outside the Concept Plan area.

Type of Structure	Vibration Thresholds for Structural Damage, PPV (mm/s)				
	Short-Term				Long-Term
	At Foundation			Uppermost Floor	Uppermost Floor
	0 to 10 Hz	10 to 50 Hz	50 to 100 Hz	All Frequencies	All Frequencies
Commercial /Industrial	20	20 to 40	40 to 50	40	10
Residential	5	5 to 15	15 to 20	15	5

Source:

<http://www.aucklandcity.govt.nz/council/documents/district/updates/t377/pm377app6vibrationexcavationassess.pdf>

For the purposes of the (c) above:

- (i) The required measurements shall be taken at residential and business zoned land outside the precinct;
- (ii) Blasting events are limited to 3 per day (note: a blasting event includes multiple charges)
- (iii) Blasting events are limited to the hours between 8am and 5pm Monday to Saturday.

19. Stormwater soakage and storage facilities shall be designed as follows:

- a) The combined soakage and storage system for the overall catchment draining to the development must be sized to cater for the 100 year rainfall event while meeting habitable floor flood freeboard standards.
- b) A separate soakage and storage system is required for each area that makes up a planned unit development application and this must be sized to cater for the 10 year rainfall event.
- c) Flow from one storage or soakage zone to another is allowed provided that the overall level of service for the 100 year rainfall event is always achieved.
- d) Stormwater treatment is required for all sub-catchments containing roads, vehicle hardstanding or areas likely to contribute high sediment loadings to the soakage and storage system.



- e) Erosion and sediment control measures are required to manage the runoff from earthworks areas that may affect long term soakage zones during the earthworks and construction phases of the development.

Refer also the assessment criteria 9 referring to stormwater.

20. Fencing

The maximum height of any fence fronting a road or public open space shall be 1.2m.

This shall not preclude fencing necessary to meet any health and safety requirements.

21. Staging and provision of public facilities and infrastructure

The following table sets out the public facilities and infrastructure improvements required to be established as part of the relevant stage of development shown on diagram F08-85(e) staging diagram.

<u>Stage</u>	<u>Staging requirements</u>	<u>Public facilities and infrastructure</u>
<u>1.</u>	<u>No residential building within Stage 1 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the "public facilities and infrastructure" for Stage 1 set out in column 3 are provided</u>	<u>Completion of the internal roading within Stage 1.</u>
<u>2.</u>	<u>No residential building within Stage 2 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the public works and infrastructure for Stage 2 set out in column 3 are provided.</u>	<ul style="list-style-type: none"> • <u>Development and construction of one sports field is completed along with the immediately surrounding open space land and associated parking</u> • <u>Grahame Breed Drive Extension down to the sports field and the road adjoining the sportsfield is completed and vested in the Council.</u> • <u>The slow speed environment area traffic shared zone at the southern end of Grahame Breed Drive Extension as shown on Diagram F08-85(a) is completed and vested in the Council.</u> • <u>Stormwater management works in accordance with Concept Plan F08-85(d) and wastewater works contained within Stage 2 as it relates to any building completed under Stage 2 shall be progressively vested in-offered to the Council for vesting.</u>



Stage	Staging requirements	Public facilities and infrastructure
3.	<ul style="list-style-type: none"> No residential building within Stage 3 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the public works and infrastructure for Stage 3 set out in column 3 are provided. (The requirements for the Plaza building are set out separately) No commercial or residential occupation of the plaza building shall be permitted and no 224C certificate under the Resource Management Act shall be issued until the public facilities and infrastructure set out in column 3 are provided. 	<ul style="list-style-type: none"> Development and construction of the second sportsfield is completed along with the immediately surrounding open space land and associated parking and both sports fields are vested in the Council If Te Puna o Taonga o Tamaki Makaurau Trust elects to locate the whare manaaki on private land, that land of a size and location consistent with the concept plan shall vest in the Trust. The stairs and ramp connecting the Grahame Breed Drive and plaza to the sports field area shall be completed and vested in the Council. The volcanic remnant on Grahame Breed Drive is retained as per the provisions within this concept plan area. Stormwater management works in accordance with Concept Plan F08-85(d) contained within Stage 3, are completed and vested in-offered to the Council for vesting. The upgrade of Grahame Breed Drive and road formed. <p>Additional requirements for the plaza building when it is constructed</p> <ul style="list-style-type: none"> If the Plaza building is built first, then all the general public facilities and infrastructure requirements for stage 3 apply The public plaza is formed and developed and easements in favour of the Council giving public access to the plaza are granted to the Council. The public lift generally identified on Concept Plan F08-85(a) forming part of the plaza shall be constructed and either vested in the Council.



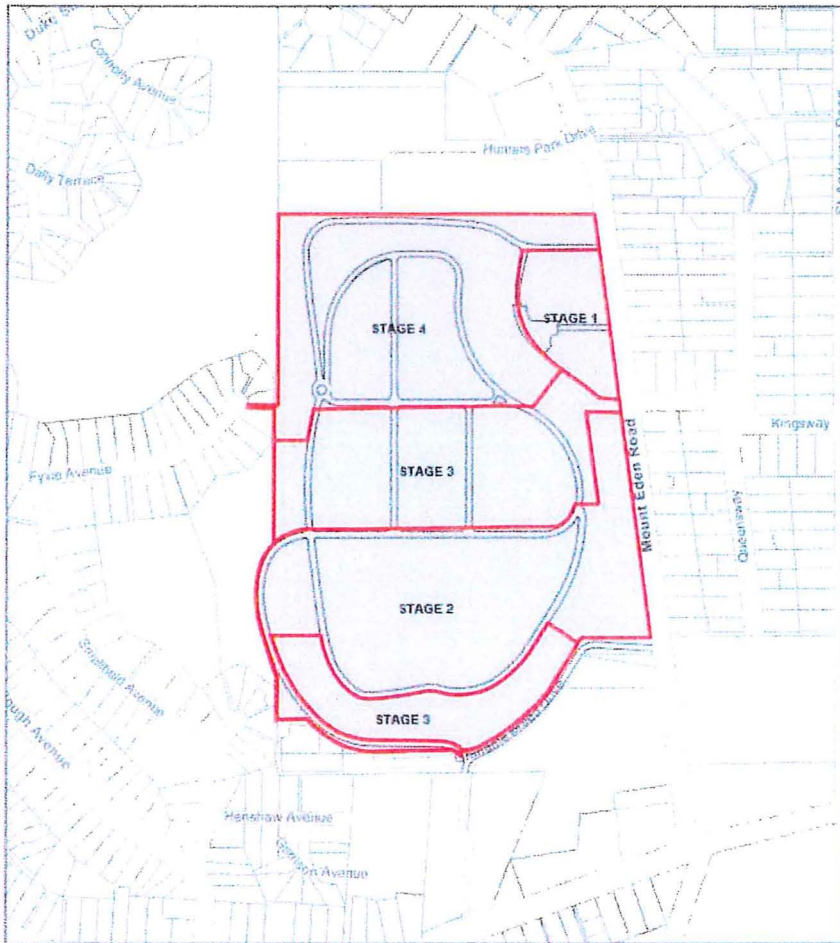
Stage	Staging requirements	Public facilities and infrastructure
4.	<p><u>No residential building within Stage 4 shall be occupied and no section 224C certificate under the Resource Management Act shall be issued until the public works and infrastructure for Stage 4 set out in column 3 are provided.</u></p>	<ul style="list-style-type: none"> • <u>The open space land west of Bush Road is planted in native plants and if the offered land is formally accepted, vested in Te Puna o Taonga o Tamaki Makaurau Trust.</u> • <u>Stormwater management works in accordance with Concept Plan F08-85(d) contained within Stage 4, are completed and vested in offered to the Council for vesting.</u> • <u>The boardwalk and implementation of the Te Aranga principles applying to the "wetland" adjacent to Stage 4, is formed and vested in the Council or such other mechanism as agreed by the Council.</u> • <u>The internal road layout within stage 4 is implemented and vested in the Council.</u> • <u>The public lift and stairs generally identified on Concept Plan F08-85(a) forming part of the access to the Mt Eden Rd bus stop adjacent to Kingsway Ave shall be constructed and either vested in the Council.</u>

Provided that:

- (a) Development may proceed concurrently for different stages as long as the requirements for the respective stages are complied with;
- (b) There is no requirement to progress the stages in the numbered sequence as long as the requirements for the respective stages are complied with;
- (c) The Plaza building may proceed at any time provided that if it does not proceed within 7 years of the plan change being made operative, the associated public stairs, and either the final or an interim public lift shall be provided.



F08-85(e) Staging Diagram



G. Matters for Discretion

For the additional controlled and restricted discretionary activities in the Residential 8b and Open Space zones set out in D1 and D2 of this Concept Plan, the Council will restrict its discretion to the following matters as specified for the relevant activity below:

Residential 8b Zone															
	Stormwater	Wastewater	Transport	Urban Design	Landscaping	Te Aranga	Earthworks	Buildings	Reverse Sensitivity of units	Consistency with PUD	Consistency with Concept Plan	Rehabilitation	<u>Geotechnical</u>	<u>Sustainability</u>	<u>Staging</u>
Land contouring and site preparation	*						*			*	*		I *		
Planned Unit Development	*	*	*	*	*	*	*	*		*			I *		*
New Residential building <u>(including any residential/ business / plaza /community / cascading apartment building)</u>				*	*			*	*	*			I *	I *	I *
Additions and Alterations				*	*			*	*						*
Earthworks	*						*						I *		
<u>Education and Cultural Facilities</u>			*	*	I *	I *		I *					I *		
Subdivision associated with (i) <u>Planned Unit Development</u> (ii) <u>Super Lots</u>									*	*			I *		*

Open Space 2 and 3 Zones													
	Stormwater	Wastewater	Transport	Urban Design	Landscaping	Te Aranga	Earthworks	Buildings	Reverse Sensitivity	Consistency with PUD	Consistency with Concept Plan	Rehabilitation	<u>Geotechnical</u>
Land contouring and site preparation	*						*				*	*	I *
Subdivision	*	*		*	*	*	*			*	*		I *
<u>Education and Cultural Facilities</u> <u>Whare Manaaki</u>			*	*	*	*		*					





H. Assessment Criteria: Residential 8b Zone

The assessment criteria for activities/development within the Concept Plan that require resource consent, are set out below. The assessment criteria relevant to each activity/development are identified in the tables set out in G Matters of Discretion above.

1. New Buildings

All new buildings shall be assessed against:

- (i) Concept plan criteria for buildings set out in 2
- (ii) The additional criteria relating to cascading apartments set out in 3
- (iii) The specific criteria of the 'Residential Design Guide in Residential zones in the Strategic Growth Management Areas' (refer Appendix 10) set out in 4 below. The development control rules set out in Appendix 10 do not apply.

2. Buildings

The degree to which:

- (i) The building(s) ensure that the design, appearance and impact of all buildings and structures will be compatible in terms of the Concept Plan and zoning, including elements of height, architectural treatment of building facade and overall scale with the natural and physical landscape.
- (ii) The building(s) complies with the development controls of the Concept Plan
- (iii) The building(s) is designed in a manner which creates a positive interface with open space, roads and other elements of the public realm.
- (iv) The proposed building utilises "low contaminant" yielding roofing materials
- (v) Views of the rock face between the major buildings are retained in order to acknowledge the quarrying origins of the site.
- (vi) The proposed non-residential activity will have adverse effects on the amenity values of:
 - other activities on the site and
 - the surrounding neighbourhood(This will include consideration of the scale and operation of the proposal, numbers of people involved in the proposed activity, the traffic generated and the hours of the activity).
- (vii) The development is landscaped and designed to minimise its impact on the site and abutting or facing residential or open space land.
- (viii) Access to sunlight and daylight is appropriate
- (ix) Facilities are created to enable people to enjoy the open space.
- (x) The site is geotechnically appropriate for the proposed structure.
- (xi) The proposed building(s) are located so as to enable the views identified on F08-85(a) Concept Plan across public roads and open space, between buildings and above buildings in the Riu.
- (xii) Any building located on the "active use at street level" area shown on Concept Plan F08-85(a) provides a quality publicly accessible plaza integrated to the town centre. The northern face of the plaza building shall provide outlook to Te Tātua a Riukiuta.
- (xiii) The delivery of the public lift access shown on Diagram Concept Plan F08-85(a).
- (xiv) The buildings address criteria of the "Three Kings Residential Design Guide" (Refer to Part F).
- (xv) ~~The degree to which~~ apartment buildings take into account the quality of the communal open space, the specific needs of the development and the



- context of the particular development, including the proximity to public open space and community facilities.
- (xvi) Terrace housing within the Riu is modulated. This may include façade articulation, and a variety of roof forms and colour to enhance visual amenity when viewed from Te Tatua a Riukiuta.
 - (xvii) The western face of buildings and rear courtyards located in the riu and which are adjacent to Bush Road and the maunga, minimise visual impacts when viewed from Te Tatua a Riukiuta. This may include articulation of building facades, includes glazing to habitable rooms, screening of any service or plant areas, treatment of any parking areas to minimise visual impact, and planting of embankment areas.

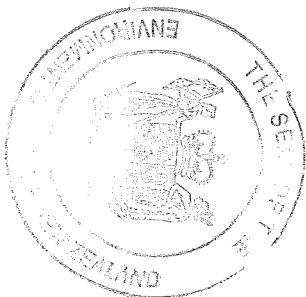
For the purposes of this criteria assessment, low contaminant load roofing is treated, sealed or painted roofing material, except that untreated, sealed or painted architectural features or roofing or spouting material of up to 25m² can be incorporated within the site.

3. Cascading Apartments

The cascading apartment typology is designed to respond to the unique topography of the site. The apartment design makes use of the height difference on the quarry slope to accommodate on-site carparking, whilst providing activated residential frontages to both the high and low streets.

The extent to which:

- (i) Residential Frontages
Activated residential frontages (such as balconies, terraces or other habitable spaces) address public spaces, including ground level dwellings being setback from the street frontage to accommodate front yards and outdoor living spaces.
- (ii) Solar Amenity
 - Residential units are designed to take advantage of northerly, or east/westerly aspects to optimise daylight access to internal spaces.
 - Units with solely south-facing aspect are minimised.
 - Cascading apartments located against Grahame Breed Drive on the southern portion of the site are designed with apartments that orientate north as much as possible.
 - Cascading apartments along Mt Eden Road should maximise east and west orientations.
- (iii) Natural Ventilation
Habitable spaces are designed with direct access to fresh air and to assist in providing thermal comfort to occupants. Where possible, corner apartments or units with double-frontages should be encouraged. These apartment types take advantage of natural breezes to allow the building to respond more appropriately to the local climate.
- (iv) Overshadowing Impacts
Overshadowing impacts onto adjoining dwellings and open spaces are minimised through the placement of these apartments. These apartment buildings are not placed to the north of other low rise dwellings to prevent overshadowing onto private open spaces.



(v) Traffic & Carparking

- On-site carparking is provided in the form of sleeved carparking levels built against the quarry slope.
- Carparks are sleeved by residential units facing the street.
- Carparks are accessed from Mt Eden Road or Grahame Breed Drive.
- Apartment buildings against Mt Eden Road have primary carpark access off Mt Eden Road because this is the most direct path of access for vehicles arriving at the development.

(vi) Heights and Setbacks

- Appropriate (2-3m) setbacks are provided from both the high (Mt Eden Road and Grahame Breed Drive) and low streets (streets in the Riu).
- The upper portion (Level 6-9) of the cascading apartment are set further back from the podium (Level 1-5) to reduce the bulk of the building when viewed from the low side.
- Additional setback on the top levels of some of these apartments to present a recessive element on the topmost storey to reduce the overall bulk.

(vii) Building Coverage

The plan contemplates significant additional building coverage for cascading apartments beyond the 65% and 70% contemplated for other typologies. The following criteria ensure appropriate amenity, and recognises the benefit of encapsulating parking within the building structure behind sleeved apartments.

Building coverage is appropriate given:

- The objectives of the zone relating to enabling higher density residential development.
- The overall open space within the concept plan area.
- The extent of landscaping adjacent to the specific development.
- The benefits of creating parking incorporated within the building and not seen from public spaces, recognising that this significantly increases building coverage.

(viii) Building Frontage

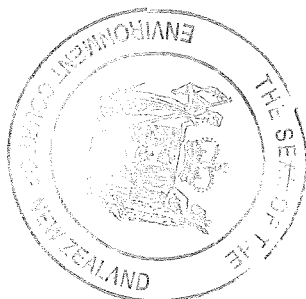
- Activated residential frontages are presented onto all facades against public spaces including public roads. This can be achieved by having habitable spaces or outdoor terraces onto streets, laneways and parks.
- Excessively long building frontages are avoided to allow 'gaps' in the built form that would afford views through Grahame Breed Drive and Mt Eden Road frontages and to break down the linearity of the podium wall and the buildings above when viewed from the maunga. These gaps are located in line with the proposed key sightlines to maximise opportunities of views towards the maunga.

(ix) Housing Mix

Each apartment building contains a mixture of unit sizes depending on the local housing market demand and demography. This would encourage the opportunity for a diverse range of residents and family types that would occupy the proposed development.

(x) Safety and Visual Privacy

- Ground level apartments have front yards that orientate onto adjacent streets and laneways to provide passive surveillance to these spaces.



- Visual privacy to units within the development as well as adjoining dwellings is considered in the façade design of these apartment buildings.
 - A degree of user control of any screening elements is enabled to suit a variety of lifestyles and user preferences.
- (xi) Roof top and balcony areas
The roof and balcony areas have been designed to minimise visual impact when viewed from Te Tatua a Riukiuta. This may include:
- Plant and roof top service machinery being enclosed within appropriately designed plant rooms which integrate into the design of the building.
 - The design, appearance and colour of the tops of buildings and balcony areas, recognises that the roof tops and balconies will remain prominent when viewed from Te Tatua a Riukiuta.
 - The design of terraces and plaza areas contributes to the articulation of the building and landscape opportunities.
- (xii) Communal open space
Communal open space is screened from the immediately adjoining principal living room of any dwelling on the same level as the communal open space.

4. Residential Design Guide Criteria

The extent to which developments address the following criteria from the "Residential Design Guide for Developments in Residential Zones in the Strategic Growth Management Areas" (Refer Appendix 10).

- Element 1 Neighbourhood Character: Criteria C4-C11 (refer Appendix 10).
- Element 2 Site Layout: Criteria C1-C3 and C7 – C10 (refer Appendix 10).
- Element 3 Density: Criteria C1- C3 (refer Appendix 10).
- Element 4 Energy Efficiency: Criteria C1-C5 (refer Appendix 10).
- Element 5 Building Envelop: Criteria C1, C3, C5, C7, C12 (refer Appendix 10).
- Element 6 Visual Privacy: Criteria C1-C3 (refer Appendix 10).
- Element 7 Acoustic Privacy: Criteria C1-C3 (refer Appendix 10).
- Element 8 Landscaping: Criteria C1, C3-C7 (refer Appendix 10).
- Element 9 Driveways & Carparking: Criteria C1, C3-C7 (refer Appendix 10).
- Element 10 Private Open Space: Criteria C1, C2, C3, C5, C6 (refer Appendix 10).
- Element 11 Site Facilities: Criteria C1-C8 (refer Appendix 10).

Crime Prevention through Environmental Design

- (a) Whether the main entrances and exits of buildings are clearly visible from the street.
- (b) Whether potential concealment and entrapment areas (where people can hide) are avoided, or illuminated if they are unable to be removed.
- (c) Whether buildings are designed to overlook public spaces and streets to provide passive surveillance of these areas.
- (d) Whether the site layout, buildings, fences, landscaping and other features clearly define territory and ownership of all public, semi-private, and private space (e.g. dwellings and private open space) to discourage illegitimate entry and use of these spaces
- (e) Whether appropriate lighting is provided to all pedestrian paths between public and shared areas, parking areas and building entrances.
- (f) Whether site access and car parking are clearly defined, appropriately lit, and visible.



- (g) Whether landscaping, fencing and other structures present a security risk by screening doors, windows and pedestrian routes.
- (h) Whether individual buildings are clearly identifiable by visitors and emergency vehicles.

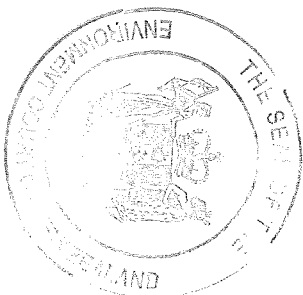
Where these criteria conflict with the criteria in 1.1 and 1.2 above, the criteria in 1.1 and 1.2 prevail.

For the avoidance of doubt, the Development Controls in Appendix 10 do not apply.

5. Urban Design and Landscape

The extent to which the proposal provides for the following elements where appropriate:

- (i) An integrated comprehensive development of land which provides for quality residential development that integrates with the Maunga, Town Centre, Open Space network and the surrounding residential area.
- (ii) Consistency with the Concept Plan in F08-85(a).
- (iii) Connections from the Riu (valley floor) to the Town Centre, including footpaths, stairs and lifts.
- (iv) A plaza which integrates with the Town Centre including stairs and a public lift. The plaza shall provide direct and legible connections between the Town Centre, plaza, and residential areas to the north; unobstructed views of the maunga; and appropriately located active edges.
- (v) A series of sightlines from key public places as generally shown on F08-85(a) Concept Plan. These sightlines are across roads and open space linkages and above development within the Riu.
- (vi) Quality pedestrian walkways and cycleways throughout the concept plan area and connecting public transport routes, Mt Eden Road and residential areas to the west and north. Quality is assessed in terms of the extent of connected walkways as well as their functionality and attractiveness as a walkway.
- (vii) Bush landscaping and fencing at the toe of remnant quarry faces within the redevelopment areas.
- (viii) The planting of native vegetation on the slope adjoining the eastern side of Te Tātua a Riukiuta to enhance the cultural and visual amenity of the Maunga.
- (ix) Landscaping and sculptural elements in line with the Te Aranga principles below.
- (x) A network of connections through the Concept Plan area which makes the area accessible to residents and visitors through walkways, cycleways and public lifts.
- (xi) The location of high intensity housing along the public transport corridor of Mt Eden Road and near the Town Centre.
- (xii) To create a mix of high intensity terrace housing and apartment typologies with the larger apartment buildings focussed on the western and southern parts of the Concept Plan area.
- (xiii) The use of innovative housing typologies such as the "cascading apartments" which provide for a housing form which responds to the specific circumstances of the site and provides quality development.
- (xiv) Measures to successfully integrate the different relative level from the Town Centre and Mt Eden Road to the sports fields and lower levels of the development. Integration will be achieved through a series of measures including visual and physical connections. Physical connections will include the road network, public lift and staircase as shown on Concept Plan F08 85(a)



- walkways and cycleways and public open space. These connections are more particularly shown on F08-85(a).
- (xv) Landscaping treatment adjacent to residential areas outside the Concept Plan area, achieving a balance between appropriate screening and shading, particularly where adjoining properties are to the south.
 - (xvi) Planting and species on steep slopes are appropriate in terms of slope stability.
 - (xvii) Active edges that front the ~~shared-space-slow speed environment area~~ shown on the Concept plan F08- 85(a).

6. Te Aranga

The extent to which the proposal provides for the successful application of the principles of Te Aranga as embodied within the Concept Plan, including:

- (i) Bush landscaping of the boundary to the Te Tātua a Riukiuta to successfully create an interface between the Maunga and the adjacent residential community.
- (ii) The development of green stormwater infrastructure planted with suitable native vegetation to serve as a functional stormwater management system which has high amenity.
- (iii) The use of culturally appropriate public art to celebrate the history and cultural dimensions of the area.
- (iv) The use of stone walls and other landscape, landscape features including water features forms that reflect early Maori occupation of the area.
- (v) The use of native planting specific to the area.
- (vi) The acknowledgement of the four Maunga that were previously quarried through signage, landscaping and other appropriate forms.
- (vii) The use of cultural narrative and names to celebrate the history and culture of the site and its people.

7. Plaza and Active uses at street level

For the area identified on Concept Plan F08-85(a), the extent to which the proposal provides for the provision of active uses at street level. Including:

- (i) the location of retail, restaurants, cafes and other eating places within the defined street level floor space;
- (ii) the integration of these activities with the street and public spaces including outdoor seating and dining areas;
- (iii) the degree to which the activities provide visibility into the business activity and give a sense of connection with the street;
- (iv) the creation of outdoor dining and plaza areas which enable outlook of the street, public spaces and views;
- (v) the extent to which lobby and other access spaces to the upper and lower floors within buildings has been successfully integrated with retail and food and beverage activities;
- (vi) the degree to which access to parking is managed so as to prevent parking spaces being visible from street level and only the required access to parking decks below street level provided;
- (vii) the provision of loading facilities on street so as to minimise the non-retail activity at street level.
- (viii) the provision of a staircase from the plaza level to the Riu, which is within the 15m open space identified on the Concept Plan and the degree to which the



open space creates a high level of public amenity (e.g. through design, artworks, seating or other features).

For the purposes of this assessment control, active uses at street level include:

- dairies,
- retail,
- restaurants, cafes and other eating places,
- lobby access to the upper and lower floors of buildings
- public through site links,
- outdoor dining, eating and viewing area(s) publicly accessible plazas.

8. Land contouring and site preparation

Any development proceeding under "land contouring and site preparation" which involves the removal of rock and which does not have a resource consent, shall comply with the noise and vibration standards referenced in Rule 18 of this Concept Plan.

The extent to which:

- (i) Noise, lighting and hours of quarry operation comply with the existing hours of operation and noise and vibration control as approved for the site through previous quarrying or filling resource consents (where they apply).
- (ii) Any matters of reverse sensitivity recognise the finite life of quarrying operations.
- (iii) Any adverse visual amenity effects are mitigated through the use of screening and landscaping.
- (iv) The bund along Mt Eden Road is removed at a time when redevelopment-final contouring of that part of the land is ready to proceed.
- (v) Any buildings associated with the quarry are designed to enable removal on completion of quarrying activity.
- (vi) Quarry slopes and batters during construction and in finished state, local stability treatments for cut slopes, engineering filling criteria and foundation criteria for structure design have been adequately addressed.
- (vii) The treatment of the toe of remnant quarry faces provides for landscaping, use and public access.
- (viii) Permitted infrastructure provided as part of the rehabilitation should meet the criteria outlined in 9. Stormwater and 10. Wastewater below.
- (ix) Rehabilitation facilitates bush landscaping of the boundary to the Te Tātua a Riukiuta successfully creates an interface between the Maunga and the adjacent residential community.
- (x) filling and sediment control measures will prevent adverse effects on the soakage capacity of the site.

9. Stormwater

The extent to which:

- (i) The proposal provides for the effective management of stormwater, including groundwater levels, overland flow paths, design and implementation of a treatment train, soakage capacity and monitoring and maintenance requirements.



- (ii) The development gives effect to the stormwater management concept plan shown in F08-85(d) or such other management concept that will achieve a similar or better water quality outcome.
- (iii) The proposal mitigates flooding effects on people and property by ensuring adequate, flood storage, soakage capacity and freeboard is provided. The habitable floor levels; must be 750mm above the 1% AEP flood level in catchment B, or 500mm above the 1% AEP flood levels-in catchment C. The 1% AEP flood level shall be set based on the assumption that no soakage occurs from the sports field soakage areas in a 100yr ARI storm.
- (iv) The proposal includes an effective monitoring and maintenance programme which addresses sediment loads, treatment required for the protection of long term soakage capacity and the monitoring and maintenance required to maintain soakage capacity.
- (v) Development provides for on-site management of all stormwater through the use of a series of green stormwater infrastructure such as (but not limited to) rain gardens, tree pits, swales, wetlands and soakage.
- (vi) Stormwater treatment is provided for high contaminant load generating activities, such as uncovered car parking, roads with 5,000 Vehicle Movements Per Day (VMPD) and high contaminant generating building materials such as exposed zinc or copper roofing.
- (vii) The proposal is in accordance with the overall stormwater management concept plan set out in F08-85(d).
- (viii) The ongoing maintenance of private stormwater devices has been provided for and the appropriateness of mechanisms to ensure monitoring and maintenance occurs to prevent soakage inlets from blocking (e.g. body corporate agreements, easements).
- (ix) A long term operations and maintenance plan is provided.

10. Wastewater

The extent to which the proposal provides for the effective development and management of the wastewater network including:

- (i) Provision for a minimum of eight hours holding capacity at any pump station.
- (ii) Diversion of stormwater from the existing public wastewater network to provide additional capacity for wastewater.
- (iii) The location and design of the pump station and connections to the wastewater network.
- (iv) Sufficient capacity for the wastewater network to receive flows from the development.
- (v) For any pump station emergency overflow area; its location, size, screening, public access, information, management, maintenance and clean-up protocols.



11. Transport

The extent to which:

- (i) The expected traffic generated by the activity has an effect on the safe and efficient functioning of the surrounding road network.
- (ii) The road layout provides for local traffic and traffic using the site, but discourages use of the network as a bypass from Mt Albert Road to Mt Eden Road.
- (iii) Entry and exit points to the site are designed to suitably accommodate all pedestrians, cyclists, and traffic movements, and in doing so, limit as much as possible disruption to traffic flows on the adjoining road network.
- (iv) The proposal includes adequate pedestrian connections to public transport nodes and cycleways and walkways to the Town Centre, Te Tātua a Riukiuta, Mt Eden Road and residential areas to the west and north.
- (v) Any building fronting Mt Eden Road has a single, direct access from Mt Eden Road
- (vi) The location of activity on a major public transport route, and traffic demand management measures, enable a reduced level of required on-site parking.
- (vii) Any carparking associated with the cascading apartment typology is provided within buildings below Mt Eden Road / Grahame Breed Drive street level and is screened from other parts of the site.
- (viii) The proposal includes the creation of two new roads serving the site; the primary access to Grahame Breed Drive with a second access at the northern end of the site.
- (ix) The proposal includes appropriate traffic management and safe pedestrian access at the intersection of Mt Eden Road and Grahame Breed Drive
- (x) The proposed road design and cross sections are appropriate to the function of the road in terms of the network, and provide for appropriate amenity. In assessing any resource consent regard will be had to the cross section of the road with different cross sections applying to primary access roads, roads which service residential lots and laneways.
- (xi) The provision of public lifts within the locations shown on the Concept Plan F08-85(a).
- (xii) The ~~shared space~~ **slow speed environment area** identified on Concept Plan F08-85(a) provides for a high amenity, pedestrian and cycle friendly environment characterised by low vehicle speeds.

12. Sustainability

The extent to which buildings achieve sustainable practices, namely;

- (i) Consistency with New Zealand Green Building Council Homestar Tool (2013) or certification under the Living Building Challenge (2013);
- (ii) Satisfying the energy efficiency criteria in C1-C5 of Appendix 10;
- (iii) Optimisation of energy efficiency through targeted insulation of buildings, including individual heat pumps for heating and cooling within individual units;
- (iv) Use of energy efficient lighting where appropriate;
- (v) Use of natural ventilation in appropriate apartments;
- (vii) Surface water management is designed to be sensitive to the aquifer whilst utilising the water resource to improve the biodiversity within the site.



- (viii) Treatment and discharge is via a mix of green stormwater infrastructure such as (but not limited to) rain gardens, tree pits, swales, wetlands and soakage before water makes its way into the aquifer;
- (ix) All dwellings are fitted with low water use sanitary ware to minimise waste water discharges.
- (x) Use of building materials to target:
 - Large apartment buildings utilising energy efficient structures and facades.
 - Lightweight buildings employing renewable timber structures
 - Apartment buildings incorporating appropriate noise attenuation within designs
 - Minimal use of formaldehyde based wood products
 - Use of low VOC paint systems
 - Use of the insitu scoria to minimise imported rock products for infrastructure and landscaping needs.
- (xi) Use of technology to enhance sustainability of dwellings including:
 - broadband infrastructure to all habitable rooms;
 - Individually controlled heating and cooling to each unit;
 - integrated security systems with entry control to each unit;
 - Energy use monitor installed as standard in each unit.
- (xii) Achieving high re-use and recycling of demolition building materials including on site sorting of recyclable material where practicable.

Sustainability practices within the concept plan area are also assessed under the criteria relating to urban design and landscaping, Te Aranga principles, stormwater, wastewater and transport.

13. Reverse Sensitivity of Units Facing Sportsfields

- (i) The extent to which buildings achieve appropriate noise attenuation measures.

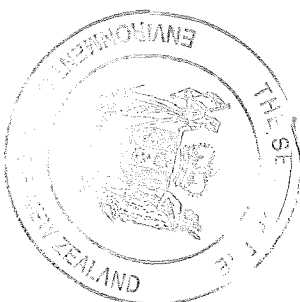
14. Geotechnical matters

The extent to which:

- (i) Trimming of former quarry faces, in combination with other geotechnical measures, provides appropriate stability.
- (ii) Suitable building platforms are created and redevelopment facilitated.
- (iii) New batter slopes, both cut and fill, provide appropriate stability.
- (iv) Engineered fill provides long term performance suitable for the zoned use.

15. Earthworks

- (i) Refer to Rule 4A.2.B.



I. Assessment Criteria: Open Space Zoned Land

For activities/development that are zoned open space and are controlled or restricted discretionary activities in the Concept Plan area, the assessment criteria set out in clauses 9.7.1.2 and 9.7.1.4 (criteria for controlled activities and discretionary activities) shall apply with the exception of the following criteria set out below:

1. Land contouring and site preparation within the Concept Plan Area

The assessment criteria set out in H8 above shall apply.

J. Special Information Requirements

An application for a Planned Unit Development must be accompanied by the following supporting documents. These are in addition to what would otherwise be required for a planned unit development:

- (i) Outline of any particular infrastructure requirements that are unique to the Concept Plan area including the detailed assessment of stormwater, flooding, wastewater and transport.
- (ii) Cultural assessment and integration of the development to Te Tātua a Riukiuta.
- (iii) Geotechnical assessment to include details of cut slope assessments during construction, development of specific local stability treatments for cut slopes, engineering filling criteria, and foundation criteria for structure design.
- (iv) Landscape assessment and proposals to integrate aspects with the volcanic landscape.
- (v) Contamination assessment if not previously provided. This assessment shall be at Preliminary Site Investigation (PSI) level. However if the PSA demonstrates a probable presence of contaminated material then a detailed site investigation report is required.
- (vi) Where residential units adjoin or overlook open space, a detailed CPTED analysis shall be provided.
- (vii) For development of land adjacent to the external boundaries of the Concept Plan F08-85(a), a context assessment demonstrating how the development interfaces with surrounding land uses.



Part E: Amendments to Text: Part 7 – Residential

1. Add the following underlined words below the final paragraph in clause 7.6.8.2 Strategy for the Residential 8 zone:

"Discrete sections of Residential 8 zoned land may be subject to a concept plan, a growth area structure plan or another similar mechanism identified in the planning maps. These plans may set additional or modified planning provisions in the form of objectives and policies, activities, rules, development controls and the like."

2. Amend the description in the strategy section of height in the Residential 8b zone "multi-unit development in this zone can reach 3-4 storeys high, or greater heights as specified in a concept plan, consistent with existing Town Centre commercial buildings".
3. Amend 7.7.5.2B Density by adding the words "or such density limits specified in an approved Concept Plan outlined in the appendix to the planning maps" below the table.
4. Add the following underlined words to the introductory clause in 7.8.2 Development Controls for the Residential 8a, 8b and 8c zones:

"The following shall be the development controls for permitted activities in the Residential 8a, 8b and 8c zones, except where development controls are set out within a concept plan, growth area structure plan or other similar mechanism applying to particular sites zoned Residential 8"

