

24 June 2021

PLANNING MEMORANDUM

Proposed Fast-track consent under the Covid 19 Recovery (Fast Track consenting) Act 2020

6-10 The Strand, 21 Hurstmere Road, 31 Hurstmere Road, and 33-45 Hurstmere Road, Takapuna

Civix Ltd is a Planning, Surveying and Engineering company assisting HnD Holding Limited with a proposed mixed-use development in Takapuna, comprising of the above addresses. The site is located in the *Business - Metropolitan Centre Zone* ("MCZ") and *Takapuna 1 sub-precinct A* ("the precinct") under the Auckland Unitary Plan Operative in part ("AUP"). The proposal is sought to be processed under the fast-tracked process under the Covid-19 Recovery (Fast Track Consenting) Act 2020 (C19FTCA). As such, the following sets out a summary of the application details and regulatory framework.

The development as currently proposed, including the development intent where detailed technical investigations have yet to be finalised, is described within this *Planning Memorandum*, which includes assessment at Sections 4, 5 and 6. The assessments demonstrate that the proposal aligns with the relevant objectives and policies of the AUP and that any adverse effects on the environment associated with this proposal are likely to be less than minor, noting that further detailed assessment is required as part of the full application.

In particular, the integration of new public spaces as part of the design, as well as the high-quality built form, landscaping and urban design outcomes across the site, have been developed and refined by a number of industry experts, as evidenced by the letters of support provided in **Appendices E – J and Q - ZA**. The proposal is one of the first large-scale redevelopments to be undertaken within the Takapuna Metropolitan Centre since the AUP provisions became operative, and seeks to optimize and enhance a currently underutilised site to provide approximately 300 residential dwellings and a range of other supporting commercial activities. Furthermore, the activities sought are specifically provided for within the MCZ, and therefore, the relevant assessments instead relate to the proposed built form outcomes, and operational effects at both site preparation stage and during the on-going use. As this memorandum demonstrates, the development is in keeping with the planned outcomes for the MCZ and the precinct, will not have significant adverse effects beyond that permitted by the plan and the proposal is therefore entirely acceptable from a planning perspective.

It is proposed that the Minister for the Environment refer this project to an Expert Consenting Panel for detailed consideration, with the complete Assessment of Effects report and all other comprehensive documentation to be included at that next stage of the *Fast Track* process.

1.0 Location and Site Description

The application area is wholly located within the MCZ. There are several AUP notations relevant to the sites, as set out in the table below.

District Plan:	Auckland Unitary Plan – Operative in Part (updated 11 June 2021)
Appeals:	-
Modification:	Plan Changes, Plan Change 29 - Notable Trees, Notable Trees Overlay, Proposed, 15/08/2019
Zoning:	Business – Metropolitan Centre Zone
Precinct:	Takapuna 1 Sub-precinct A
Overlays:	Natural Heritage: Notable Trees Overlay - 1398, Norfolk Island Pine
Controls:	<ul style="list-style-type: none">Building Frontage Control – Key Retail Frontage



	<ul style="list-style-type: none"> • Building Frontage Control – General Commercial Frontage • Macroinvertebrate Community Index – Urban
Designations:	Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

The location and AUP zones of the application sites are illustrated below in Figure 1.

Figure 1: Site Location and Zone (indicative boundaries shown in yellow)



Each of the parcels comprising of the subject site are described below:

Site Address:	6-10 The Strand, Takapuna 0622	21 Hurstmere Road, Takapuna 0622	31 Hurstmere Road, Takapuna 0622	33-45 Hurstmere Road, Takapuna 0622
Legal Description(s):	Lot 12 DP 4872, Pt Lot 15 DP 4872, Lot 13 DP 4872, Lot 14 DP 4872, Pt Lot 16 DP 4872, Pt Lot 16 DP 4872	Lot 1 DP 208645	Pt Lot 4 DP 4872	Pt Lot 4 DP 4872, Lot 5 DP 4872, Pt Lot 4 DP 4872
Site Area: <i>As per the Record of Title (note: some titles list the area as "more or less")</i>	5,405m ²	2,375m ²	189m ²	2,263m ²

The site generally slopes down from Hurstmere Road toward the north-eastern corner of No. 6-10 The Strand, which adjoins Channel View Road. Overland flow paths originate within the site generally following the alignment of the stormwater systems as shown below in **Figure 2** showing the services, contours and other features.

Figure 2: Existing Site Features (indicative boundaries shown in yellow)



2.0 Proposal

The proposal is for a mixed-use development accommodating a range of uses, including retail, food and beverage, recreation facilities, commercial services and residential apartments, however a number of other commercial or community based activities could be undertaken in future, given the wide range of uses permitted in the MCZ.

The development seeks to establish a new building across the sites at No. 6-10 The Strand, 21 Hurstmere Road and 31 Hurstmere Road, with a combined form at basement and ground floor level, rising to five separate towers at the upper levels. The existing ASB building, located on the site at No. 33-45 Hurstmere Road, is not proposed to be redeveloped, with the built form and uses to remain unchanged. However, at ground level, this site provides important connections for the proposed public laneways and therefore remains part of the development site.

The design of the development, including refinements undertaken during the architectural process, have been further detailed within **Appendix F – Architectural Design Statement**, with the overall intent noted as follows:

“The objective is to develop the site with a high quality mixed-use residential development containing premium and serviced apartments, penthouse apartments, street front and ground level retail and hospitality offerings, associated vehicle parking and services, and public realm development that will contribute to the development of Takapuna’s urban centre, and complement the beachside environment.”

Vehicle access is to be obtained via the existing access point to The Strand, closing the existing access from Channel View Road. Multiple pedestrian links are provided through the site, from Channel View Road, The Strand and Hurstmere Road, including a public plaza linking all three roads, as well as a connection through Hurstmere Green which adjoins the north-western corner of the site and is zoned *Open Space – Civic Spaces Zone*, as shown above in **Figure 1**.

The development will be serviced via private rubbish collection as outlined in the memo by ‘Green Gorilla’ at **Appendix X**. Other servicing matters have been noted in the civil engineering memo by ‘Civix’ at **Appendix ZA**.

3.0 Reasons for Consent

The proposal will require resource consent for the reasons set out in the attached table (refer to **Attachment – Reasons for Consent Table**, below), in accordance with the concept plans provided by ‘Moller Architects’ in **Appendix E**, and other technical detail provided in **Appendices I – J and Q – ZA**.

None of the activities requiring consent have a prohibited activity status. In particular, the land use activities proposed are noted as having a permitted activity status under Table H9.4.1, including dwellings, visitor accommodation (which includes serviced apartments), commercial services, entertainment facilities, offices and retail (including food and beverage) at any scale. Furthermore, the construction of new buildings, which is the primary trigger for Resource Consent under the MCZ and Takapuna 1 Precinct provisions, is afforded a Restricted Discretionary activity status in each instance under Rule H9.4.1(A33) and Rule I540(A1). In fact, Table H9.4.1 Activity table contains no prohibited activities and neither do the Takapuna 1 Precinct provisions.

The rules and standards of Chapter D13 which relates to the notable tree located on the site are also afforded a Restricted Discretionary activity status where triggered, and there are no prohibited activities listed within table D13.4.1.

Furthermore, there are no rules or standards within *Chapter E Auckland Wide* pertaining to the proposed site preparation works, infrastructure servicing, environmental risk, or on-going operation which would require the development to be considered a prohibited activity under the AUP. Rather, these Auckland-Wide rules applicable to the development have a **Restricted Discretionary activity** status, aside from the provisions of Chapter E30 where a **Discretionary activity** status may be triggered, dependent on the outcomes of the DSI. This confirms that all activities sought are enabled and generally provided for by the plan. In addition, chapters E7, E11, E12, E16, E17, E24, E25, E26, E27, E30 and E36 have no prohibited activities listed in the relevant activity table.

There are also other policy documents outside of the AUP which may be applicable to the development (as identified in section 6.0 below), with the relevance of these to be clarified as the application documentation is advanced, to enable an accurate assessment against all relevant requirements.

In particular, the proposal may require consent under the NESCS due to potential contamination of the site, with a Detailed Site Investigation report (‘DSI’) underway to confirm the applicable activity status. Importantly, the most restrictive activity status employed by the NESCS is a discretionary activity, with section 11 of the regulations



providing a 'catch-all' for activities which do not meet the other standards specified for permitted, controlled or restricted discretionary activities. As such, regardless of the findings of the DSI, the proposal will be, at most, a discretionary activity as there are no non-complying or prohibited activities specified in the NESCS.

4.0 Assessment of Effects

At a broad level, the proposal is consistent with the precinct provisions and underlying MCZ zone intention which enables new buildings that provide for a range of permitted activities. Furthermore, the proposed built form and scale is consistent with this intention, as discussed in relation to the specific AUP directives under section 5.0 below.

While the proposal cannot achieve full compliance with the standards for the Takapuna 1 Precinct and MCZ (where applicable) as detailed in section 3.0 above, the development has taken a more high-level view of the site within its specific context, and noting its unusual characteristics such as shape, topography and existing easements and other legal requirements, to inform the design. It was found that there are a number of opportunities to achieve a high-quality design which better responds to its surrounds and ensures a functional layout internally, as set out within the *Architectural Design Statement* (refer **Appendix F**), and as informed by on-going Urban Design input.

Therefore, the proposal moves away from a strictly compliant built form, but ensures that the intent of each of the development standards is achieved, in particular the management of building height and bulk towards the coast and the provision of pedestrian linkages through the site are achieved. The management of height in particular are being tested in terms of its landscape visual effects (refer **Appendix I**) and potential shading (refer **Appendix H**), in order to confirm that adverse effects on the surrounding environment are avoided or otherwise mitigated. A full presentation of these findings, and the associated specialist assessments, will be provided as part of the detailed application.

In terms of the potential adverse effects resultant from infringements to Overlay or Auckland-Wide provisions of the AUP, the following is noted:

- An arboricultural report has been provided as part of this application (refer **Appendix V**) to confirm the works required within close proximity to the notable tree, and how this will be managed.
- Further arboricultural assessment will also be provided if it is found that any tree within the road reserve or open space zoned land requires works within close proximity, or works including trimming or removal.
- Erosion and sediment control measures will be provided with a full *Infrastructure Report* and provided to the MfE for the next stage of the Fast-Track process in order to confirm how the proposed earthworks will be managed;
- Proposed stormwater mitigation measures will also be detailed in the *Infrastructure Report* to address the extent of impervious area required for the driveway and building coverage;
- An assessment of potential flood hazards will also be provided in the *Infrastructure Report* and confirmation that vulnerable activities have been located outside of OLFP will be provided as part of this assessment.
- A groundwater assessment and proposed implementation and management measures during works and on completion will be detailed within a full *Geotechnical Investigation Report*.
- An investigation of the potential contamination of existing soil within the site will be undertaken as part of a *Detailed Site Investigation* report, which will provide recommendations for remediation prior to the site development works commencing.
- Technical details of proposed signage and lighting will be included as part of the *Architectural Plans* and *Landscape Plans*, to confirm the location and design, as well supporting electrical or transport comments within specialist reports as required.
- An assessment of potential noise, vibration and wind will be provided as part of the environmental assessments to confirm the extent of outputs expected, and recommend ways to manage or mitigate of such effects as required.
- An assessment of the proposed parking, loading, access and traffic generation associated with the development will be provided as part of a full *Transport Impact Assessment*.



Finally, it is noted a unit title subdivision scheme plan will be provided as part of the next stage of the process in order to confirm the proposed boundaries for the unit title subdivision.

5.0 Objectives and Policies assessment – Zone and Precinct Provisions

The proposed development accords with the objectives and policies for the Business – Metropolitan Centre zone and the Takapuna 1 Precinct as follows:

H9. Business – Metropolitan Centre Zone	Comment
H9.2. Objectives	
<i>General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone</i>	
(1) <i>A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.</i>	This objective is achieved by providing a range of activities within the proposed development, which is located within an established Metropolitan Centre, in turn contributing to the attractiveness of the environment and promoting ongoing investment.
(2) <i>Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.</i>	As conveyed in the application material, the proposed development has been well considered in terms of its design form and scale, and is of a high-quality. The various commercial activities provided for at street level will also activate the site and create a strong sense of place within the locality. This in turn will contribute to the vitality of Takapuna Centre, as a focal point for the community. As such, the proposed development can achieve the outcomes sought by policies (2) and (3).
(3) <i>Development positively contributes towards planned future form and quality, creating a sense of place.</i>	
(4) <i>Business activity is distributed in locations, and is of a scale and form, that:</i> (a) <i>provides for the community's social and economic needs;</i> (b) <i>improves community access to goods, services, community facilities and opportunities for social interaction; and</i> (c) <i>manages adverse effects on the environment, including effects on infrastructure and residential amenity.</i>	The location of the site means that it is appropriate for facilitating a mixed-use development, and the scale and nature of uses proposed in this instance provides access to goods and services for the end users. The various public spaces provided through the site also enable social interaction and community connections. The potential adverse effects on the environment will be further assessed as part of the detailed application, and will be managed appropriately, including where they relate to infrastructure and residential amenity. As such, this objective is achieved.
(5) <i>A network of centres that provides:</i> (a) <i>a framework and context to the functioning of the urban area and its transport network, recognising:</i> (i) <i>the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas; and</i> (ii) <i>local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities.</i> (b) <i>a clear framework within which public and private investment can be prioritised and made; and</i> (c) <i>a basis for regeneration and intensification initiatives.</i>	The proposed development reinforces the network of centres established under the AUP, noting that it is of a form, scale and intensity reflective of the MCZ, which is described in section H9.1 as being: "second only to the city centre in overall scale and intensity and act as focal points for community interaction and commercial growth and development and contain hubs serving high frequency transport." Therefore, a development of this nature is appropriate within the statutory context, and reflects this objective.
<i>Business – Metropolitan Centre Zone objectives</i>	
(6) <i>Metropolitan centres are reinforced and developed for</i>	The proposed mixed-use development includes all of the

<i>commercial, community and civic activities and provide for residential intensification.</i>	identified activities, with commercial activity at ground level fronting public streets and laneways, with these spaces enabling community interaction, and enhances the adjoining civic space at Hurstmere Green. As such, this Objective is achieved.
<i>(7) Metropolitan centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas.</i>	The proposal will transform a currently underutilized site, which contains primarily office space and some small-scale retail space, into a vibrant, higher density, mixed use site, which enables residents to work, live and interact, as well as facilitating visitors from the wider community. As such, this Objective is achieved.
<i>(8) Key Retail Frontage streets are a focus for pedestrian activity, with identified General Commercial Frontage streets supporting this role.</i>	The site includes active frontages along The Strand and Hurstmere Road, which are identified as Key Retail and General Commercial Frontages respectively. The build form will follow the road boundary, aside from where the existing notable tree sits alongside The Strand frontage, and to accommodate the existing vehicle access point. As such, the design and layout of buildings will ensure the existing roads, as well as the public laneways proposed internally, will be a focus for pedestrian activity, and will achieve a high level of amenity, activation and safety. As such, this Objective is achieved.
H9.3. Policies	
<i>General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone</i>	
<i>(1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.</i>	Refer to comments under Objectives (1) and (5) above. Given that the relevant objectives are met, this policy directive is also achieved.
<i>(2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.</i>	In addition to the comments provided under Objective (7) above, the development can mitigate internal amenity effects for proposed residential units given the site layout and placement of dwellings in apartment typologies, which are elevated above ground level. Furthermore, the non-residential uses proposed will primarily involve commercial services, offices or retail, all of which would not produce dust, odor or other discharges that may affect residential amenity. These aspects of the development will be further assessed as part of the detailed application, and will be managed appropriately. As such, this policy can be met.
<i>(3) Require development to be of a quality and design that positively contributes to:</i> <i>(a) planning and design outcomes identified in this Plan for the relevant zone;</i> <i>(b) the visual quality and interest of streets and other public open spaces; and</i> <i>(c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.</i>	Refer to comments under Objectives (2) and (3) above. Given that the relevant objectives are met, this policy directive is also achieved.
<i>(4) Encourage universal access for all development, particularly medium to large scale development.</i>	Universal access is provided to the development, in accordance with this policy.
<i>(5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.</i>	Refer to comments under Objectives (2) and (3) above. Given that the relevant objectives are met, this policy directive is also achieved.
<i>(6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.</i>	The internal design of ground floor tenancies will be further developed as part of the detailed application, with the intention being that a range of retail activities, offices or commercial services could be accommodated within each. As such, they will be adaptable in terms of accommodating the intended uses, while at the same time the small format of these tenancies discourages larger commercial or more industrial activities which

	would not be appropriate within the setting. Therefore, this balance between adaptability and encouragement of complimentary activities, is considered to be a good outcome, and in line with this policy directive.
(7) <i>Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape.</i>	There is no at grade parking proposed as part of the development, and instead it will be located wholly within basement levels of the buildings.
(8) <i>Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.</i>	While the subject sites do not directly adjoin any residential or special purpose zones as listed, there is a cluster of properties within the <i>Residential – Mixed Housing Suburban Zone</i> , located to the south-east, at the opposite side of the roadway and reserves. That part of the development which sits closest to this area has been treated in a sensitive manner, with the built form stepped back from the frontage, and softened by planting and a pedestrian plaza, which will likely assist with mitigating any potential adverse effects on these parties. A full assessment of effects on the environment will be undertaken as part of the detailed application. As such, this policy directive can be achieved.
(9) <i>Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.</i>	No industrial activities or other uses which require discharges, are proposed as part of this development. As such, this policy can be met.
(10) <i>Discourage dwellings at ground floor in centre zones and enable dwellings above ground floor in centre zones.</i>	The proposal includes some dwellings at ground floor level, however the sloping topography of the site and the floor levels proposed will ensure these units remain elevated above street level, to avoid conflict with the public interface or other non-residential uses. As such, the intent of this policy will be achieved.
(11) <i>Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.</i>	Each of these aspects is currently being investigated as part of the detailed design stage, and the potential adverse effects on the environment will be further assessed as part of the full application package. In general, design aspects can be amended and managed to ensure the resultant wind, glare and shading effects are appropriately avoided, remedied or mitigated to achieve the outcomes sought by this policy.
(12) <i>Recognise the functional and operational requirements of activities and development.</i>	All functional and operational aspects of the development will be presented for consideration as part of the application package.
(13) <i>In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:</i> (a) <i>is an efficient use of land;</i> (b) <i>supports public transport, community infrastructure and contributes to centre vitality and vibrancy;</i> (c) <i>considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and</i> (d) <i>is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.</i>	The subject site sits within the <i>Takapuna 1 Sub-Precinct A</i> , which does not enable greater building height than that provided by the MCZ. Instead, the building height is managed more specifically within the Takapuna area. It is considered that the discussions on building height are therefore more relevant to the context of the precinct provisions, as provided below.
(14) <i>In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building</i>	

height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity	
Business – Metropolitan Centre Zone policies	
(15) Enable significant growth and intensification in metropolitan centres	In addition to the comments provided under Objectives (1) to (3) above, it is considered that the proposal represents an intensification of the site which accords with the desired outcomes of the MCZ, and will contribute to the functionality and amenity of the Takapuna Centre. As such, these policies can be met.
(16) Manage development in metropolitan centres so that it contributes to the function and amenity of the centre.	
(17) Encourage a wide range, and a high concentration, of commercial, leisure, tourist, cultural and community activities and civic services in metropolitan centres.	In addition to the comments provided under Objective (6) above, it is noted that the proposed development seeks to facilitate a range of commercial uses which will activate the streetscape and internal laneways which include new public spaces and enhance the existing public reserves and civic spaces which adjoin the site.
(18) Require those parts of buildings with frontages subject to the Key Retail Frontage Control to maximise street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.	Refer to comments under Objective (8) above. Given that the relevant objectives are met, this policy directive is also achieved.
(19) Require those parts of buildings with frontages subject to the General Commercial Frontage Control to achieve a reasonable level of street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.	
(20) Encourage developments to support a range of transport modes serving metropolitan centres and the ability to change transport modes.	The proposed development includes vehicle parking and loading, as well as bicycle parking and numerous pedestrian connections, to enable and encourage a range of transport modes. The location of the site is also within close proximity to frequent bus routes, which enable wider travel including to the CBD. As such, this policy is achieved.
(21) Encourage the location of supermarkets and department stores within metropolitan centres by recognising: (a) the positive contribution these activities make to centre viability and function; (b) the functional and operational requirements of these activities; and (c) where preferred built form outcomes are not achieved, the development needs to achieve a quality built environment by positively contributing to public open space, including the activation of streets.	This policy is not applicable to the development proposal.
(22) Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.	Refer to comments under Policy (8) above.
(23) Restrict maximum impervious area within a riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.	This policy is not applicable to the subject site.

I540. Takapuna 1 Precinct	Comment
540.2. Objective	
(1) The coastal setting is respected while providing	The location and orientation of the site has informed the overall



<p><i>opportunities for growth and the development of a quality built environment.</i></p>	<p>layout and massing of the buildings proposed, with a strong connection to the coastal viewpoints maintained and enhanced, particularly in relation to the public realm connections through the site, and in relation to the adjoining public reserves. At the same time, the development potential of the site is realized through increased density and provision of residential dwellings, while maintaining active commercial uses at street level. The quality of the proposed built environment is evidenced by support from a number of technical design specialists, including architectural, landscape and urban design inputs included as Appendices E-H, I, X. Therefore, the proposal can achieve the overarching objective of the Takapuna 1 Precinct.</p>
<p>540.3. Policies</p>	
<p>(1) <i>Avoid development that visually dominates or overshadows the beachfront area and esplanade reserve by imposing building height controls and specific design assessment criteria.</i></p>	<p>The proposed buildings include varied façades and architectural features which add visual interest and break up the overall bulk, thereby avoiding visual dominance. Visual simulations of the development as seen from the beachfront area and esplanade reserve have been included in the Landscape Memorandum proposed by 'Boffa Miskell' (refer Appendix X). While the development represents a change to that visible from these vantage points, the overall scale and form is compatible with the surrounding development character, and the overall intent of the precinct. As such, it could be anticipated within the context of the Takapuna Metropolitan Centre. Furthermore, shading diagrams have been prepared by 'Moller Architects' as part of the architectural set (refer Appendix H), confirming that the extent of shading generated by the proposed scheme avoids unreasonable overshadowing, and full sunlight access will be maintained to all surrounding open space and residential zoned sites for more than half of the daylight hours, at all times of the year.</p>
<p>(2) <i>Require a graduation of building heights, including a stepped building height approach between Hurstmere Road and the beachfront, to maintain the beach front environment whilst enabling tall development in less sensitive areas.</i></p>	<p>The location of the site within Sub-Precinct A means that it is subject to a lower built height than other sites within the Takapuna 1 Precinct, and therefore will inherently result in a graduated height from the beachfront. Within the development, the built height has been designed to step back from the road frontages, while additional height is enabled at the centre of each tower to minimise the visible bulk.</p> <p>Overall, the proposed development can achieve the outcomes sought by policies (1) and (2).</p>
<p>(3) <i>Encourage development to provide pedestrian linkages to and through the precinct that integrates with the public realm and are attractive and safe.</i></p>	<p>Multiple pedestrian linkages are provided through the site, and each is provided with high-quality landscape treatments and features, as conveyed in the Landscape Design Response proposed by 'Boffa Miskell' (refer Appendix I). As a result, these environments are attractive and will encourage use. The multiple routes through the site, as well as the relationship with proposed uses fronting these laneways, will ensure activation and passive surveillance which in turn increase the safety of these spaces.</p> <p>Overall, the proposed development will achieve this policy of the precinct by providing an integrated, attractive and safe public pedestrian linkage through the site.</p>



6.0 Other Planning Documents

The following higher-order planning documents are identified as being potentially applicable to the proposed development:

National Policy Statement on Urban Development

The NPSUD took effect on 20 July 2020 and replaces the National Policy Statement on Urban Capacity 2016. The NPSUD sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991 and seeks the provision of sufficient development capacity to meet the different needs of people and communities.

It contributes to the Urban Growth Agenda (UGA) which aims to remove barriers to the supply of land and infrastructure to make room for cities to grow up and out. The NPSUD does this by addressing constraints in our planning system to ensure growth is enabled and well-functioning urban environments are supported.

The MFE website on the NPSUD states that it contains objectives and policies that Councils must give effect to in their resource management decisions.

In this regard, there are several objectives and policies in support of intensification satisfying certain criteria such as:

- Provision of a variety of homes in terms of price, location, and different households.
- Enabling Māori to express their cultural traditions and norms.
- Proximity to urban centres or rapid transport.
- Supporting reductions in greenhouse gas emissions.
- Responding to the effects of climate change.

The overall intent of the NPSUD is clear in that where intensification is practical, Councils are required to be responsive to such proposals – particularly in relation to proposals that would supply significant development capacity.

The proposed design aligns these higher level directives by significantly increasing residential density (by providing around 300 dwellings, where none are currently supplied on the sites) and establishing other supporting uses that will serve residents and the surrounding community, in a manner that provides a high-level of amenity for future users. Furthermore, the activities proposed are provided for within the MCZ and the scale, built form and design generally accord with the outcomes sought by the zone and specific precinct provisions (refer to Objective and Policy assessment in Section 5.0 above), noting that further detailed assessment is required as part of the application.

The proposal therefore aligns strongly with the outcomes anticipated under the NPSUD.

National Policy Statement for Fresh Water Management 2020.

This sets out the objectives and policies for freshwater management, including:

- Recognition of Te Mana o te Wai in freshwater management.
- Reflection of tangata whenua values and interests in decision making.
- Improving degraded water bodies using bottom lines as defined in the NPS.
- Safeguarding and enhancing the life-supporting capacity of water and associated ecosystems, including threatened ecosystems.



- Work towards targets for fish abundance, diversity and passage.
- An integrated approach to management of land and freshwater and coastal water.

The site does not include any natural streams or wetlands and as such, the proposal does not compromise any outcomes anticipated in the NPSFWM.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

It is proposed to complete a detailed site investigation in order to determine if there are any contaminants in the soil to levels requiring remediation, and if this is the case there will be an associated remediation action plan implemented prior to construction.

This is standard practice, and the methods to be followed to remediate and validate any contaminated soil will respond to the outcomes anticipated under the NESCS.

7.0 Summary

The proposal is for a mixed-use development in the Business – Metropolitan Centre Zone and Takapuna 1 sub-precinct A which requires consent as a discretionary activity.

From a planning perspective, the consent is supportable as:

- All proposed uses are provided for as permitted activities under Table H9.4.1 of the AUP;
- The proposed built form and density of the development reflects the anticipated character of the area, and is compatible within the existing context in the short-term;
- The anticipated infringements to the development standards of the precinct and the MCZ remain consistent with the intent of each provision, and have been developed and refined by architectural, landscape and urban design specialists; and
- Infringements to Auckland-Wide (regional plan) provisions in the AUP will be sufficiently addressed via mitigation detailed in future reporting.

Overall, subject to detailed design and resolution of specialist inputs, the consent is supportable.

Kind regards,



Jessica Esquilant
Senior Planner

Civix Limited – Planning, Engineering and Surveying

s 9(2)(a)



Attachment – Reasons for Consent Table

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan: Chapter D13 Notable Trees Overlay	D13.4.1(A9)	Potential works within the protected root zone of a notable tree required for the removal of existing concrete and reforming of pedestrian laneway and/or service connections.	Restricted Discretionary Activity	Norfolk Island Pine Tree – southern corner of Part Lot 15 DP 4872
	D13.6.2	The above tree works may be unable to meet the permitted activity standards for works within the root zone. Further design detail is needed to confirm.	Restricted Discretionary Activity	Norfolk Island Pine Tree – southern corner of Part Lot 15 DP 4872
Auckland Unitary Plan: Chapter E7 Taking, using, damming and diversion of water and drilling	E7.4.1(A28)	The initial geotechnical investigation undertaken by ENGEO (refer Appendix Q), has indicated that the proposed basement levels are expected to extend below the groundwater table on site.	Restricted Discretionary Activity	Across the site
	E7.6.1.6 and; E7.6.1.10	The above works will be unable to meet the permitted activity standards for groundwater diversion, which relates to temporary diversions only. Permanent diversion is required.	Restricted Discretionary Activity	Across the site
Auckland Unitary Plan: Chapter E11 Land disturbance - Regional	E11.4.1(A3)	The area of land disturbance does not exceed 10,000m ² , has a slope less than 10 degrees, and the site sits outside the <i>Sediment Control Protection Area</i> .	Permitted Activity	Across the site
	E11.6	If required, consent will be sought for non-compliances to the standards, however at this stage it is generally anticipated that these can be met, noting they primarily relate to matters of implementation which are proposed to be controlled by standard construction conditions of consent.	Restricted Discretionary Activity	Across the site
Auckland Unitary Plan: Chapter E12 Land disturbance - District	E12.4.1(A6) and; E12.4.1(A10)	Land Disturbance across the site will exceed 2,500m ² and 2,500m ³	Restricted Discretionary Activity	Across the site
	E12.6	The permitted activity standards can be met, as they primarily relate to matters of implementation which are proposed to be controlled by standard construction conditions of consent.	Permitted Activity	Across the site

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan: Chapter E16 Trees in open space zones	E16.4.1(A5) – (A10)	A number of trees in road reserves or the open space zone may need to be trimmed or removed to facilitate construction, or otherwise require works within the protected rootzone. While there are no obvious instances where this would be needed, it could be required for other site works, such as service connections or footpath changes.	Permitted Activity or; Restricted Discretionary Activity	Around the edges of the site.
Auckland Unitary Plan: Chapter E17 Trees in roads	E17.4.1(A5) – (A12)			
Auckland Unitary Plan: Chapter E23 Signs	E23.4.2(A53)	The proposal will include comprehensive development signage associated with the commercial business on lower floors	Restricted Discretionary Activity	The design and location of signage across the site will be confirmed as part of the detailed design package.
Auckland Unitary Plan: Chapter E24 Lighting	E24.4.1(A1)	All lighting activities that comply with the associated standards, are permitted	Permitted Activity	The design and location of external lighting across the site will be confirmed as part of the detailed design package.
	E24.6.1	If required, consent will be sought for non-compliances to the standards, however at this stage it is generally anticipated that these can be met via design outcomes.	Permitted Activity	
Auckland Unitary Plan: Chapter E25 Noise and vibration	E25.4.1(A2)	The initial acoustic investigation undertaken by SLR (refer Appendix U), has indicated that the proposal may result in infringements to the noise and vibration amenity controls for short term periods (eg: the construction period).	Restricted Discretionary Activity	The predicted noise and vibration levels at specific receivers will be determined as part of the detailed assessments.
	E25.6			
Auckland Unitary Plan: Chapter E26 Infrastructure	E26.2.3.1(A1) – (A9) and; E26.2.3.1(A49), (A51), (A52), (A56), (A58)	All infrastructure and servicing activities that may be undertaken as part of the development, where they comply with the associated standards, are permitted within the zone and within roads.	Permitted Activity	The design and location of infrastructure connections across the site will be confirmed as part of the detailed design package.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan: Chapter E27 Transport	E27.4.1(A2)	All parking, loading and access activities are permitted, aside from where they cannot comply with the associated standards. While there are no infringements to standard predicted at this stage, this will be confirmed as part of the detailed design package.	Restricted Discretionary Activity	Across the site.
	E27.4.1(A6)	The proposal seeks to utilise the existing vehicle crossing to No. 6-10 The Strand with minor upgrades and alignment adjustments as required. This frontage is identified as a <i>Key Retail Frontage</i> , and therefore a vehicle access restriction applies under E27.6.4(1)(b).	Restricted Discretionary Activity	The existing vehicle crossing to The Strand at the south-western corner of No. 6-10
	E27.4.1(A3)	The proposed activities are anticipated to exceed the trip generation thresholds, given that over 100 dwellings are proposed.	Restricted Discretionary Activity	Across the site.
	E27.6.1			
	E27.6.2 – E27.6.4	The design and location of parking, loading and access to the site will be confirmed as part of the detailed design package. If required, consent will be sought for non-compliances to the standards, however at this stage it is generally anticipated that these can be met via design outcomes.	Permitted Activity	Across the site.
Auckland Unitary Plan: Chapter E30 Contaminated land	E30.4.1(A1) – (A7)	The initial site investigation undertaken by ENGEO (refer Appendix R), has indicated lead in the top soil of the site, and it is unclear whether this would extent beneath the existing buildings. The outcome of further reporting and assessment will determine which contaminated land activity is applicable, with most discharges to land being permitted, including where elevated levels of contaminants are present, provided that the associated standards can be met.	Permitted Activity or; Controlled Activity or; Discretionary Activity	Across the site.
Auckland Unitary Plan: Chapter E36 Natural hazards and flooding	E36.4.1(A41) and; E36.4.1(A42)	The Auckland Council Geomaps indicate an overland flow path (OLFP) through the site, however the specific location and extent will need to be determined as part of the detailed assessments.	Restricted Discretionary Activity	Along the south-eastern boundary of No. 6-10 The Strand

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan: Chapter E38 Subdivision	E38.4.1(A4)	The proposal may seek to undertake a Unit Title subdivision in relation to the establishment of the residential and commercial units.	Controlled Activity	Across the site.
	E38.6 and; E38.7	If required, consent will be sought for non-compliances to the standards, however at this stage it is generally anticipated that these can be met.	Restricted Discretionary Activity	Across the site.
Auckland Unitary Plan: Chapter H9 Business – Metropolitan centre Zone (Note: rules H9.6.1 and H9.6.10 do not apply to the development, as these standards are instead controlled by the precinct requirements below).	H9.4.1(A2), (A6), (A7), (A10), (A12) and; (A13).	Dwellings, Visitor accommodation (which includes serviced apartments), commercial services, entertainment facilities, offices and retail (including food and beverage) are permitted within the zone, at any scale and may form part of this development.	Permitted Activity	These activities will be established in the proposed buildings at No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.
	H9.4.1(A33)	The development seeks to construct new buildings, as outlined in the architectural plans (refer Appendix E).	Restricted Discretionary Activity	New buildings are proposed across No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.
	H9.4.1(A34)	The development seeks to demolish some of the existing buildings.	Controlled Activity	Existing buildings at No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road will be removed.
	H9.4.1 (A36) and; H9.4.1 (A37)	Potential internal and external additions and alterations to existing buildings. The extent of such changes has not been determined yet, but would be minor as the intent is to retain the existing building, but also ensure that it integrates with the proposal.	Permitted Activity	No. 33-45 Hurstmere Road
	H9.6.0(1)(c)	The south-eastern corner of No. 6-10 The Strand sits within 30m of a residential zone, and this corner of the site includes an outdoor plaza which could be used to facilitate outdoor seating from the adjoining retail unit.	Restricted Discretionary Activity	South-eastern corner of No. 6-10 The Strand, within 30m of the Residential – Mixed Housing Suburban Zone.
	H9.6.2	That part of the proposed building at No. 6-10 The Strand which sits within 30m of a residential zone is subject to a height in relation to boundary recession plane. Compliance with this standard will be confirmed as part of the detailed design drawings.	Permitted Activity or; Restricted Discretionary Activity	South-eastern corner of No. 6-10 The Strand, within 30m of the Residential – Mixed Housing Suburban Zone.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	H9.6.3, and; H9.6.4.	The proposed buildings will sit below 32.5m in height, and therefore can comply with these standards.	Permitted Activity	N/A
	H9.6.5	The proposal includes some dwellings at ground floor level which have frontage to public open spaces or street.	Restricted Discretionary Activity	No. 6-10 The Strand
	H9.6.6, and; H9.6.7.	The yard and landscaping standards are not applicable to the development, as it does not have an interface with any of the listed zones or features, and there is no carparking, loading or service areas fronting the street.	Permitted Activity	N/A
	H9.6.9	Wind modelling is being undertaken to confirm compliance with the standards, or identify areas of infringements, as part of the detailed application.	Permitted Activity or; Restricted Discretionary Activity	New buildings exceeding 25m in height are proposed across No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road, and therefore trigger the wind requirements.
	H9.6.11	All proposed dwellings will be designed to exceed the minimum dwelling size	Permitted Activity	New buildings accommodating dwellings are proposed across No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.
Auckland Unitary Plan: Chapter I540 Takapuna 1 Precinct	I540(A1)	All buildings within the precinct require consent.	Restricted Discretionary Activity	New buildings are proposed across No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.
	I540.6.1 and; I540.6.2	The proposed buildings will exceed the maximum height, and the frontage and building setbacks, specified for sub-precinct A.	Restricted Discretionary Activity	No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	I540.6.3, I540.6.4 and; I540.6.6	These standards are not applicable to sub-precinct A	N/A	N/A
	I540.6.5(3)	The proposal seeks to establish a through-site link, however the alignment differs from that shown on the precinct plan.	Restricted Discretionary Activity	No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.
	I540.6.7	Compliance with the outlook space standards as they apply to each dwelling will be confirmed as part of the detailed design drawings.	Permitted Activity or; Restricted Discretionary Activity	New buildings accommodating dwellings are proposed across No. 6-10 The Strand, and No. 21 and No. 31 Hurstmere Road.
Auckland Unitary Plan: Chapter K Designations	Minister of Defence – Designation 4311	Designation 4311 protects the airspace above much of the North Shore to avoid obstructions into the approach and departure paths associated with Whenuapai Airfield. In relation to the subject site, these paths sit approx. 250m above the existing ground level, and therefore will not be breached by the proposed buildings.	Permitted Activity	Across the site.
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	Regulation 9(3) or; Regulation 10(2)	The initial site investigation undertaken by ENGEO (refer Appendix R), has indicated lead in the top soil of the site, and it is unclear whether this would extent beneath the existing buildings. If so, soil disturbance required to facilitate the development may exceed the volumes for permitted activities set out under Part 8(3)(c) and (d) of the NES. As such, consent will be required under regulation 9 or regulation 10 (dependant on further soil sampling).	Controlled Activity or; Restricted Discretionary Activity	Across the site.