

**NGĀTI WHĀTUA ŌRĀKEI WHAI RAWA LIMITED
AND GENERUS LIVING GROUP LIMITED**

**SUBSTANTIVE APPLICATION FOR
THE POINT MISSION BAY**

TO

**CONSTRUCT AND OPERATE A COMPREHENSIVE
RETIREMENT VILLAGE
(INTEGRATED RESIDENTIAL DEVELOPMENT)**

ON THE SITE AT

**217 KUPE STREET, 106 RUKUTAI STREET, 95 AOTEA STREET,
RUKUTAI STREET RECREATION RESERVE, AND AOTEA
STREET RECREATION RESERVE,
ORAKEI, AUCKLAND**

PREPARED BY

BENTLEY & Co
Resource Management Consultants

NOVEMBER 2025

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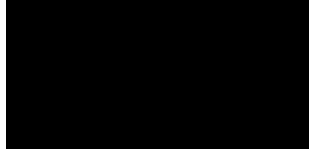
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Signature:

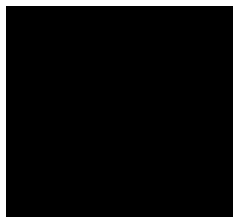
**Ngāti Whātua Ōrākei Whai Rawa Limited
and Generus Living Group Limited**

by its authorised agents Bentley & Co. Limited:

Prepared by:



**Matthew Round
Resource Management Planner**



.....
**Craig McGarr
Director
Resource Management Planner**

Date: 17th November 2025

Address for Service of Applicants:

Greenwood Roche
C/- Francelle Lupis
PO Box 106006
Auckland 1143

Email:

Phone:

Address for Fees/Charges for the application:

Generus Living Group Limited
C/- [REDACTED]
PO Box 3861
Christchurch 8140

Email: richardm@generus.co.nz

Phone: 021 658 881

1 APPLICATION STRUCTURE

1.1 The application has been structured as follows:

- Section 2 Lists key details for the Applicants and Address for Service.
- Section 3 Lists key details regarding the Site.
- Section 4 Lists relevant Unitary Plan information in regard to the Site (including relevant diagrams).
- Section 5 Introduces the Project and AEE.
- Section 6 Provides relevant information required under the Fast-track Approvals Act 2024.
- Section 7 Provides a summary of the joint Applicants for the Project.
- Section 8 Identifies and describes the adjacent landowners and occupiers.
- Section 9 Provides a summary of the Records of Title.
- Section 10 Provides a description of the Site and surrounding environment.
- Section 11 Provides a summary of a separate reserve revocation application being progressed in respect of two public walkways.
- Section 12 Provides an overview of the Unitary Plan framework and provisions applicable to the Site.
- Section 13 Provides a detailed description of the Project.
- Section 14 Provides a summary of the conditions of consent proposed by the Applicants as part of the application.
- Section 15 Provides an overview of the relevant statutory provisions and a summary of the overall activity status.
- Section 16 Provides a summary of consultation undertaken.
- Section 17 Provides an assessment of the Project relative to the purpose of the Fast-track Approvals Act 2024 and relevant parts of the Resource Management Act 1991.
- Section 18 Provides an assessment of environmental effects of the Project.
- Section 19 Provides an assessment against the relevant planning framework.
- Section 20 Provides an assessment of Treaty Settlements.
- Section 21 Provides a conclusion.

2 APPLICATION DETAILS

2.1 The following sets out the details for the Applicants and their Agent:

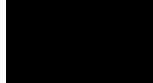
Applicants

Organisation name: Ngāti Whātua Ōrākei Whai Rawa Limited
Genusus Living Group Limited

Contact name:



Phone:



Email address:



Postal Address: Refer to Agent's address below.

Agent acting on behalf of the Applicants

Organisation name: Greenwood Roche

Contact name: Francelle Lupis

Phone:



Email address:



Postal Address: PO Box 106006, Auckland 1143

3 SITE DETAILS

3.1 The following sets out the key details for the Site (comprising the addresses below).

Site Addresses:	217 Kupe Street, Orakei 106 Rukutai Street 95 Aotea Street Rukutai Street Local Purpose (accessway) Reserve Aotea Steet Local Purpose (accessway) Reserve
Legal Descriptions:	SEC 3 SO 63269, Lot 1 DP 92924, Lot 2 DP 92924, Lot 3 DP 92925 (217 Kupe Street) Lot 264 DP 37687 (106 Rukutai Street) Lot 366A DP 47488 (95 Aotea Street) Lot 6 DP 92924 (Rukutai Street accessway) Lot 7 DP 92925 (Aotea Street accessway)
Record of Title:	557119, NA99C/193, NA99C/194, NA99C/195 (217 Kupe Street) NA22C/1052 (106 Rukutai Street) NA43A/1137 (95 Aotea Street) 1211845 (Rukutai Street Recreation Reserve) 1212543 (Aotea Steet Recreation Reserve)
Site Area:	22,469m ² (217 Kupe Street) 913m ² (106 Rukutai Street) 660m ² (96 Aotea Street) 120m ² (Rukutai Street Recreation Reserve) 179m ² (Aotea Steet Recreation Reserve) <u>Total Area: 24,341m²</u>

3.2 A summary of the Records of Titles for the Site is provided in **Section 9** of this report.

4 UNITARY PLAN DETAILS

- 4.1 The following sets out the key Unitary Plan details for the Site¹.
- 4.2 A full summary of the relevant Unitary Plan information in relation to the Site and the surrounding environment is provided in **Section 10**.

217 Kupe Street, Orakei

Zoning:	Residential – Terrace Housing and Apartment Buildings Residential – Mixed Housing Suburban
Precinct:	Orakei 1 Precinct
Controls:	Macroinvertebrate Community Index - Urban
Site Constraints:	Overland Flow Paths (refer Figure 4)
Modifications:	Plan Change 120 – Notified 3 rd November 2025.

106 Rukutai Street, Orakei

Zoning:	Residential – Mixed Housing Suburban
Controls:	Macroinvertebrate Community Index - Urban
Site Constraints:	Overland Flow Paths (refer Figure 4)
Modifications:	Plan Change 120 – Notified 3 rd November 2025.

95 Aotea Street, Orakei

Zoning:	Residential – Mixed Housing Suburban
Controls:	Macroinvertebrate Community Index - Urban
Site Constraints:	Overland Flow Paths (refer Figure 4)
Modifications:	Plan Change 120 – Notified 3 rd November 2025.

¹ As displayed on Auckland Council's GeoMaps.

Rukutai Street Local Purpose (accessway) Reserve

Zoning:	Special Purpose – Māori Purpose
Precinct:	Orakei 1
Controls:	Macroinvertebrate Community Index - Urban
Site Constraints:	Overland Flow Paths (refer Figure 4)
Modifications:	Plan Change 120 – Notified 3 rd November 2025.

Aotea Steet Local Purpose (accessway) Reserve

Zoning:	Open Space – Informal Recreation
Precinct:	Orakei 1
Controls:	Macroinvertebrate Community Index - Urban
Site Constraints:	Overland Flow Paths (refer Figure 4)
Modifications:	Plan Change 120 – Notified 3 rd November 2025.

4.3 The following figures are provided to explain the context of the Site:

Figure 1: Aerial locality plan.

Figure 2: Unitary Plan zone locality plan (Operative).

Figure 3: Precinct plan.

Figure 4: Catchments and hydrology plan.

Figure 5: Natural hazards – landslide susceptibility plan.

AERIAL LOCALITY PLAN

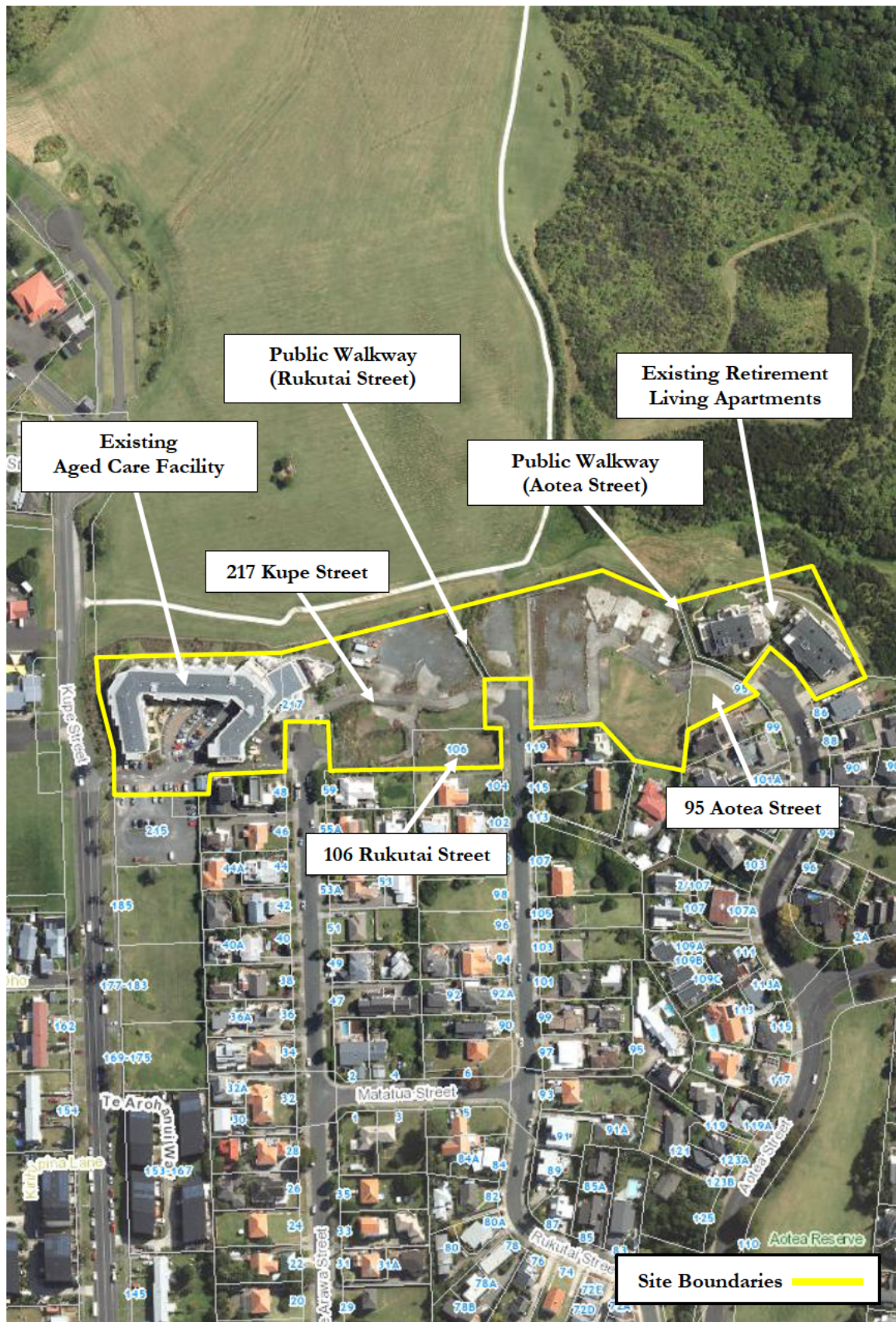


Figure 1: Aerial locality diagram of Site and surrounds (Source: Auckland Council GeoMaps).

UNITARY PLAN ZONE LOCALITY PLAN (OPERATIVE)

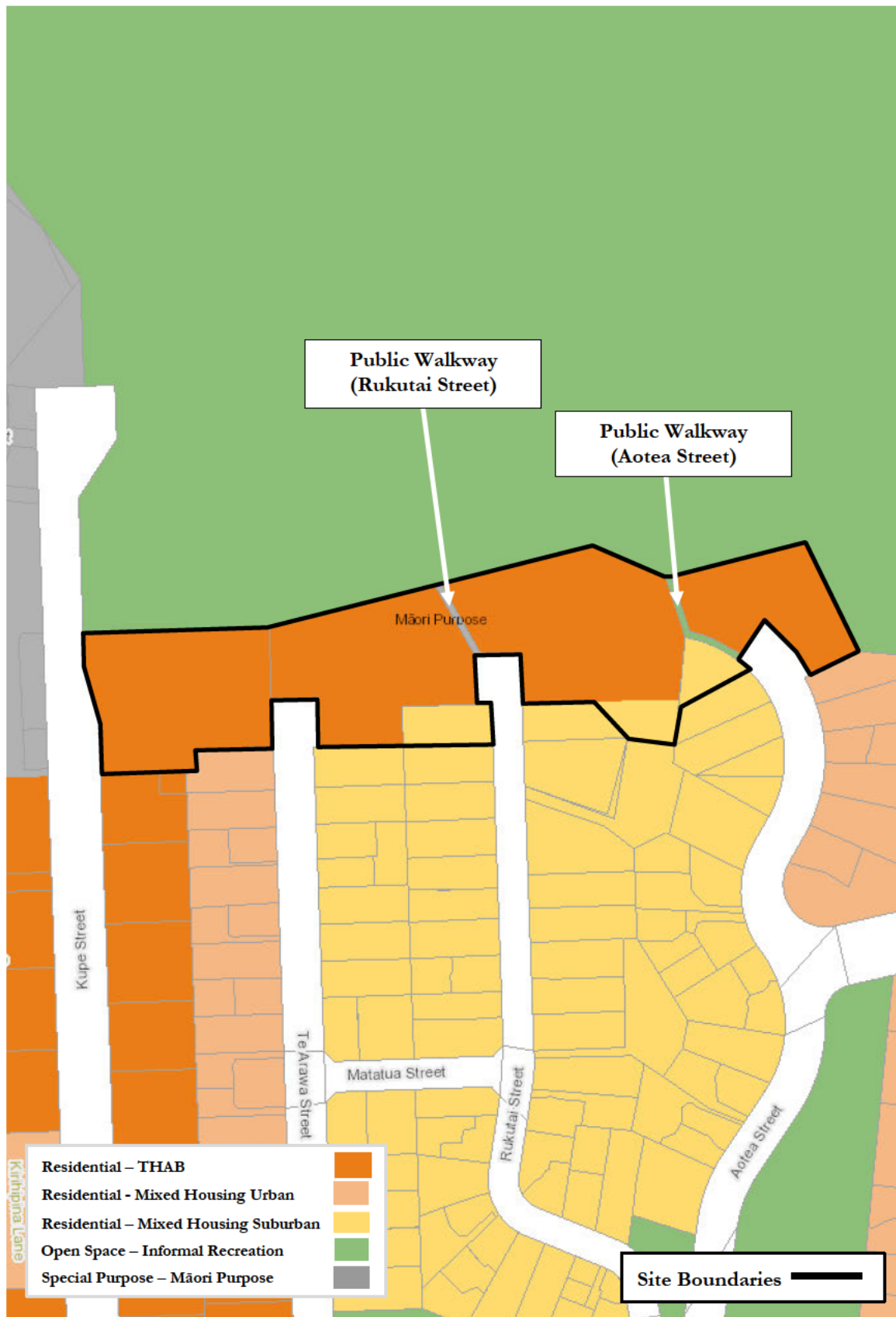


Figure 2: Operative cone locality diagram of Site and surrounds (Source: Auckland Council GeoMaps).

PRECINCT PLAN

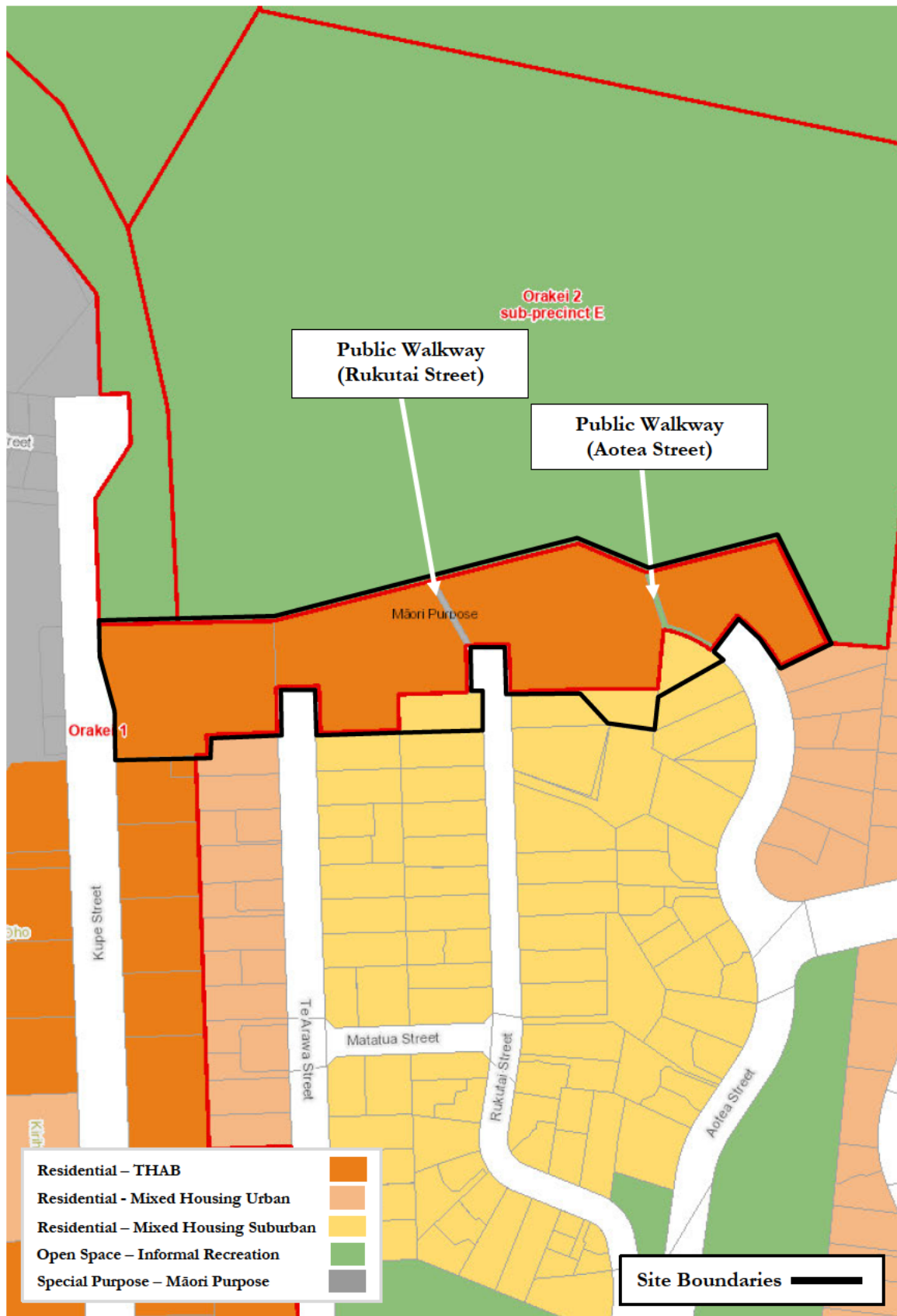


Figure 3: Extent of precincts for the Site and surrounds (Source: Auckland Council GeoMaps).

CATCHMENTS AND HYDROLOGY PLAN

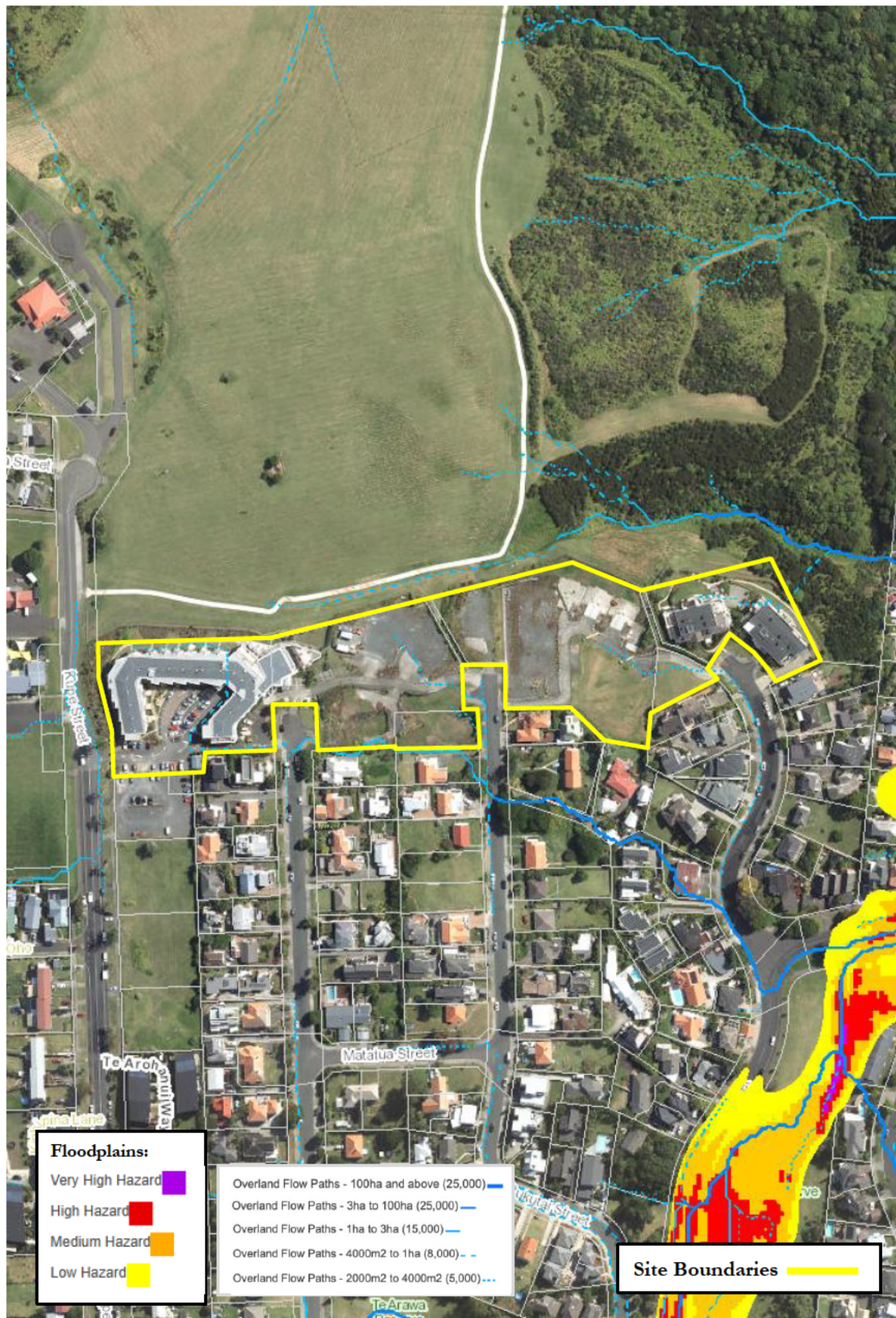


Figure 4: Diagram of flooding and overland flow (Source: Auckland Council GeoMaps).

NATURAL HAZARDS – LANDSLIDE SUSCEPTIBILITY PLAN

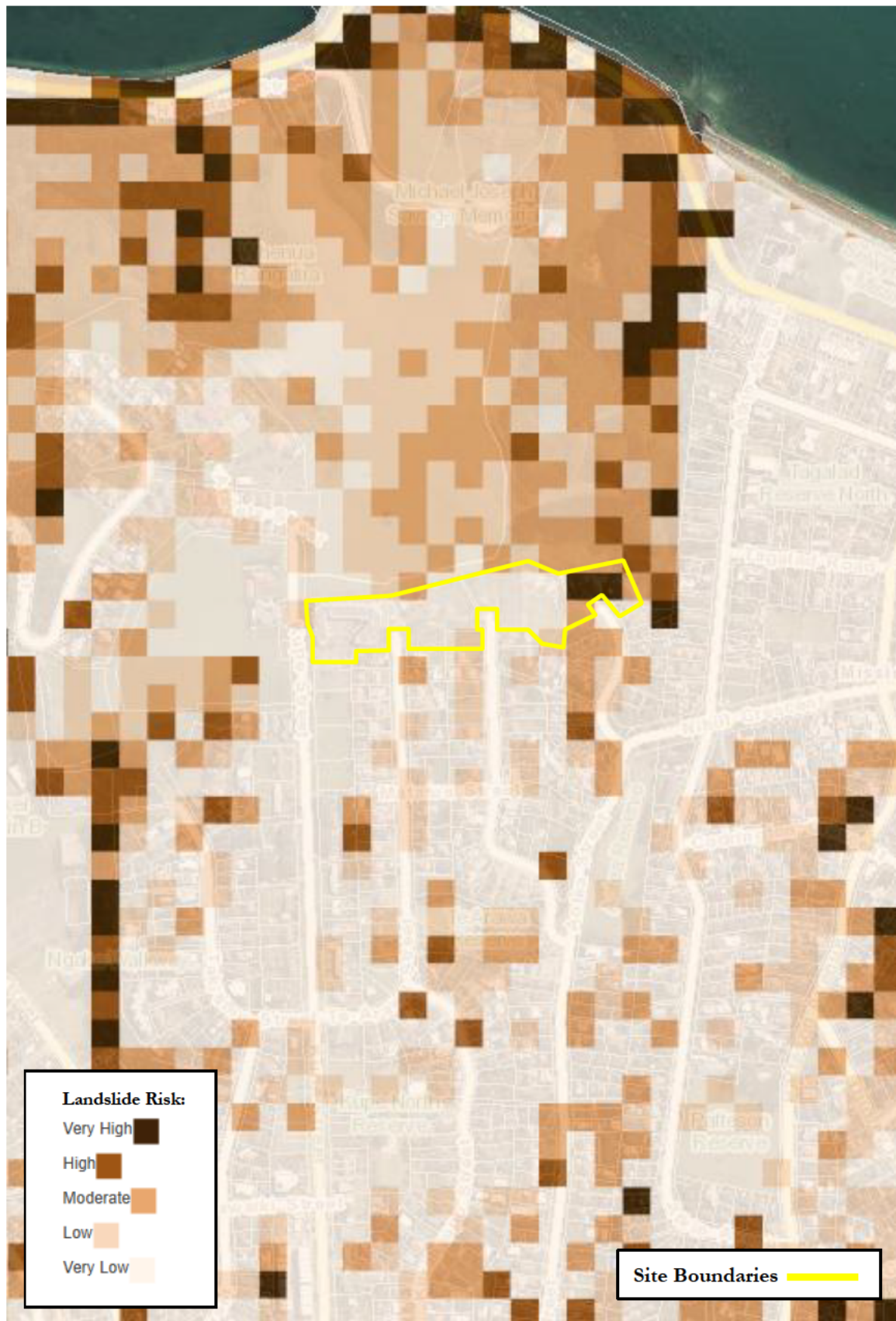


Figure 5: Diagram of landslide susceptibility (Source: Auckland Council GeoMaps).

5 INTRODUCTION

- 5.1 Ngāti Whātua Ōrākei Whai Rawa Limited and Genus Living Group Limited jointly seek (as the **Applicants**) all necessary resource consents under the Fast Track Approvals Act 2024 (**FTAA**) for the comprehensive development of a retirement village (Integrated Residential Development²) on the land generally located at the northern end of Kupe Street, Te Arawa Street, Rukutai Street and Aotea Street, Orakei (the **Site**).
- 5.2 ‘The Point – Mission Bay’ is a Referred Project under the FTAA³ and, as such, this application is being made to the Expert Panel (**Panel**) via the Environmental Protection Authority (**EPA**). A summary of the Applicants is provided in **Section 7** of this report, and a detailed description of the Project is provided in **Section 13**.
- 5.3 In summary, the Project includes the following:
- (a) Five interconnected buildings of between 5-8 storeys, inclusive of a 1-3 level podium, accommodating approximately 256 retirement units.
 - (b) The retention and integration of the existing 3-storey aged care facility with 94 care units (Eastcliffe Retirement Village) located within the western portion of the Site.
 - (c) Demolition of the existing Eastcliffe Retirement Village apartment blocks (24 units) within the eastern portion of the Site (at the appropriate stage of construction).
 - (d) Associated staff and administrative functions, and a variety of communal/common amenity facilities for residents and their visitors.
 - (e) Soft and hard landscaping across the village.
 - (f) The construction of two public pedestrian walkways through the Site (to relocate two existing walkways that are located through the Site – discussed below) to provide access to Takaparawhau from Te Arawa Street and Aotea Street.
 - (g) A combination of at grade and basement parking.
- 5.4 The refurbishment of the existing aged care facility within the western portion of the Site was included as part of the scope of the referral for the Project, however this is no longer sought by the Applicants under the substantive application process and will be progressed

² Defined in the Unitary Plan as “*A residential development on sites greater than 2,000m² which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village*”.

³ FTAA-2503-1030.

via the RMA consenting pathway in due course. The Project continues to include the integration of the existing aged care facility as part of the overall village.

- 5.5 The construction of the Project will be undertaken in a staged manner over approximately 9-10 years and is considered to be a landmark development that will provide a large number of high-quality apartment typology retirement units and associated amenities. The Project will contribute towards meeting the needs of quality housing for the elderly population for the district (Ōrākei / Mission Bay) and for the Auckland Region.
- 5.6 The Project includes two new public pedestrian walkways through the Site (secured by way of easement) to provide public access from the cul-de-sac heads of Te Arawa Street and Aotea Street to the open space Takaparawhau / Michael Joseph Savage Memorial Park located to the north of the Site. The new public walkways are proposed to replace two existing public walkways through the Site which are currently vested under the Reserves Act 1977, and for which an application has been made for their revocation. A summary of the reserve revocation and its status is provided in **Section 11**.
- 5.7 This substantive application and Assessment of Environmental Effects (**AEE**) has been prepared and is provided in accordance with the relevant requirements of the FTAA, including ss 42, 43 and 44 and Schedule 5 of the FTAA, as set out in **Section 6** below.
- 5.8 The Project has been assessed to be consistent with the purpose of the FTAA, given it will deliver significant regional benefits. The relevant legal considerations for the Project are set out in the Legal Considerations Memorandum prepared by Greenwood Roche, appended as **Attachment 1**.
- 5.9 The following describes the application for resource consent in detail and considers the Project against the relevant provisions of the following documents in the context of the surrounding environment, and the reasonably foreseeable future environment:
- Auckland Unitary Plan (**Unitary Plan**).
 - Auckland Council Proposed Plan Change 120 (**PC120**) to the Unitary Plan.
 - Resource Management Act 1991 (**RMA**).
 - FTAA.

- 5.10 While the majority of the activities proposed require resource consent as a Restricted Discretionary or Discretionary Activity, as Integrated Residential Development is not an activity provided for on that part of the Site zoned Informal Recreation (the existing Aotea Street public walkway), the application overall is a Non-Complying Activity.
- 5.11 The following report includes an assessment of the objectives and policies that are relevant to the Project, and the actual and potential environmental effects of the Project. The assessment considers the relevant matters of discretion applicable to those aspects of the Project that require resource consent as a Restricted Discretionary Activity (as guidance for the assessment) and addresses other relevant statutory provisions.
- 5.12 This assessment is to be read in conjunction with the appended documents.

Statement of Experience

Craig McGarr

- 5.13 My full name is Craig Irving McGarr. I am a planner and resource management consultant with Bentley & Co Limited, an independent planning consultancy based in Auckland. I am a Director and have been with the company since 1994. Prior to joining Bentley & Co Limited, I held the position of senior planner with Auckland Council.
- 5.14 I graduated from the University of Auckland in 1989 and hold the qualification of a Bachelor of Planning, and have practiced as a Planner since that time. I am registered as a full member of the New Zealand Planning Institute (NZPI).
- 5.15 I have extensive experience with the planning framework relevant to the current application and specifically for the development of facilities and accommodation options for the elderly, including those who require care generally. This has included the consenting of a wide range of comprehensive retirement village developments and a variety of boutique elderly accommodation facilities at a variety of scales and intensities, relative to their context, for a range of clients across New Zealand, including:
- (a) Generus Living Group Limited (The Foundation Parnell).
 - (b) Summerset (Auckland, Napier, Cambridge).
 - (c) The BeGroup (Auckland and Whangārei).
 - (d) Oceania Group (New Zealand) Limited (Auckland, Upper Hutt, Nelson, Christchurch, Manukau, North Shore, Picton, Tauranga).

(e) Metlifecare Limited (Auckland, Waitākere, North Shore, Richmond, Tauranga, and Christchurch).

(f) Christian Healthcare Trust (CHT) (Waitākere, Manukau, Pukekohe, Tauranga).

(g) Selwyn Foundation (Auckland and Waikato).

5.16 I have also provided advice to these clients (and others) and the retirement village sector generally concerning the way in which such activities are appropriately provided for in district plans across the country.

Matthew Round

5.17 My full name is Matthew James Round. I am a planner and resource management consultant at Bentley & Co, where I have been employed at for 9 years.

5.18 I hold the qualifications of Bachelor of Urban Planning (Hons) from Auckland University, obtained in 2016. I am an Intermediate Member of NZPI.

5.19 I have extensive experience with the planning framework relevant to the current application, including the development of facilities and accommodation options for the elderly, including those who require care generally. These include:

(a) Generus Living Group Limited (The Foundation Parnell).

(b) Oceania Group (New Zealand) Limited (Franklin, Meadowbank, Milford, Manurewa, Hamilton, Blenheim, Nelson).

(c) Summerset (Parnell and Half Moon Bay).

(d) CHT (Karaka and Morrinsville).

(e) Bloom Living (Henderson).

5.20 I have also provided advice to these clients (and others) and the retirement village sector generally concerning the way in which such activities are appropriately provided for in district plans across the country.

Summary and Code of Conduct

5.21 Together, we are very familiar with the nature and typology of care facilities, accommodation for aged care, and retirement village activities across the spectrum of such facilities, and how such facilities operate and can be designed to ‘fit’ readily within a variety of residential neighbourhoods. Related to this, we are also very familiar with the

nature of the population demographic that these facilities serve and accommodate, together with the range of ancillary facilities and amenities they incorporate to service the requirements of the elderly residents.

- 5.22 We confirm that, in our capacity as authors of this AEE that supports this Fast-Track Application, we have read and abided by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses contained in the Practice Note 2023.

6 RELEVANT INFORMATION

Identification of existing resource consent for same activity (s 30)

- 6.1 With reference to Schedule 5, Clause 5(1)(l), in accordance with the requirements of s 30 of the FTAA, Auckland Council provided written notice on 11th November 2025 confirming (refer **Attachment 2**) that there are no existing resource consents within the Project area to which ss 124C(1)(c) or 165ZI of the RMA would apply.
- 6.2 In accordance with the requirements of s 30(6) of the FTAA, the substantive application has been lodged within 3 months of the date of this notice.

EPA decides whether substantive application is complete and within scope (s 46)

- 6.3 In accordance with Schedule 5, Clause 5(1)(c) of the FTAA, the following confirms the application meets the requirements set out in section 46(2) of the FTAA (which requires the substantive application to comply with sections 42, 43 and 44 of the FTAA).
- 6.4 The Project is a Referred Project under the Fast-track Approvals Act 2024 (**FTAA**). A copy of the Referral Notice of Decision is appended as **Attachment 3**.
- 6.5 The FTAA sets out the framework under which a resource consent application is to be assessed by the Panel, together with the information that is required to be provided in a substantive application. The Applicants have completed the "checklist" of information (refer **Attachment 4**) that forms part of the application form to demonstrate where the information required to be provided under ss 43 and 44 of the FTAA is provided.

Authorised person may lodge substantive application for approvals (s 42)

- 6.6 Pursuant to s 42(1), the application is for a joint application between Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited (**Generus**).

- 6.7 The Applicants are the ‘authorised person’ and seek all necessary approvals for the Project under s 42(4)(a) of the FTAA, which includes all resource consents that would otherwise be applied for under the RMA.

Information requirements (s 43)

- 6.8 A substantive application must be lodged in accordance with s 43 of the FTAA. With reference to the checklist of information appended as **Attachment 4**, the following information is provided in respect of this section of the FTAA.

Form and manner approved by the EPA (s 43(1)(a))

- 6.9 The prescribed form for the substantive application has been completed online.

Explain how the project to which the application relates is consistent with the purpose of this Act (s 43(1)(b)(i))

- 6.10 An explanation of how the Project to which this application relates is consistent with the purpose of the FTAA is provided in **Section 17** of this report.

Projects referred under s 21(1)(a) (s 43(1)(b)(ii))

- 6.11 The substantive application does not relate to a “staged” application. All stages of the construction of the Project are included in this single application.

Demonstrate that the project does not involve any ineligible activities (s 43(1)(c))

- 6.12 The substantive application does not involve any of the ineligible activities set out in s 5(1) of the FTAA, such that the activity does not occur within or on:

- (a) identified Māori land that has not been agreed to in writing by the owners of the land or been subject to a determination under s 23 of the FTAA (s 5(1)(a)).
- (b) a customary marine title area (s 5(1)(b)).
- (c) a protected customary rights area (s 5(1)(c)).
- (d) Māori customary land or land set apart as a Māori reservation as defined in s 4 of Te Ture Whenua Māori Act 1993 (s 5(1)(d)).
- (e) an aquiculture settlement area (s 5(1)(e)).
- (f) land that is listed in Schedule 4 of the FTAA (s 5(1)(h)).
- (g) a national reserve held under the Reserves Act 1977 (s 5(1)(i)).

- (h) a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority or managed by someone other than the Department of Conservation or a local authority (s 5(1)(j) and (k)).

6.13 In respect of s5(1)(a) above, the Site includes the identified Māori land parcels listed in **Table 1** and shown in **Figure 6**. A full description of the Site is provided in **Section 10**.

Address	Legal Description	Freehold Title	Registered Owner
217 Kupe Street	Section 3 SO 63269	557119	Ngāti Whātua Ōrākei Trustee Limited
	Lot 1 DP 92924	NA99C/193	Ngāti Whātua Ōrākei Trustee Limited
	Lot 2 DP 92924	NA99C/194	Ngāti Whātua Ōrākei Trustee Limited
	Lot 3 DP 92925	NA99C/195	Ngāti Whātua Ōrākei Trustee Limited

Table 1: List of Māori Freehold land within the Site.

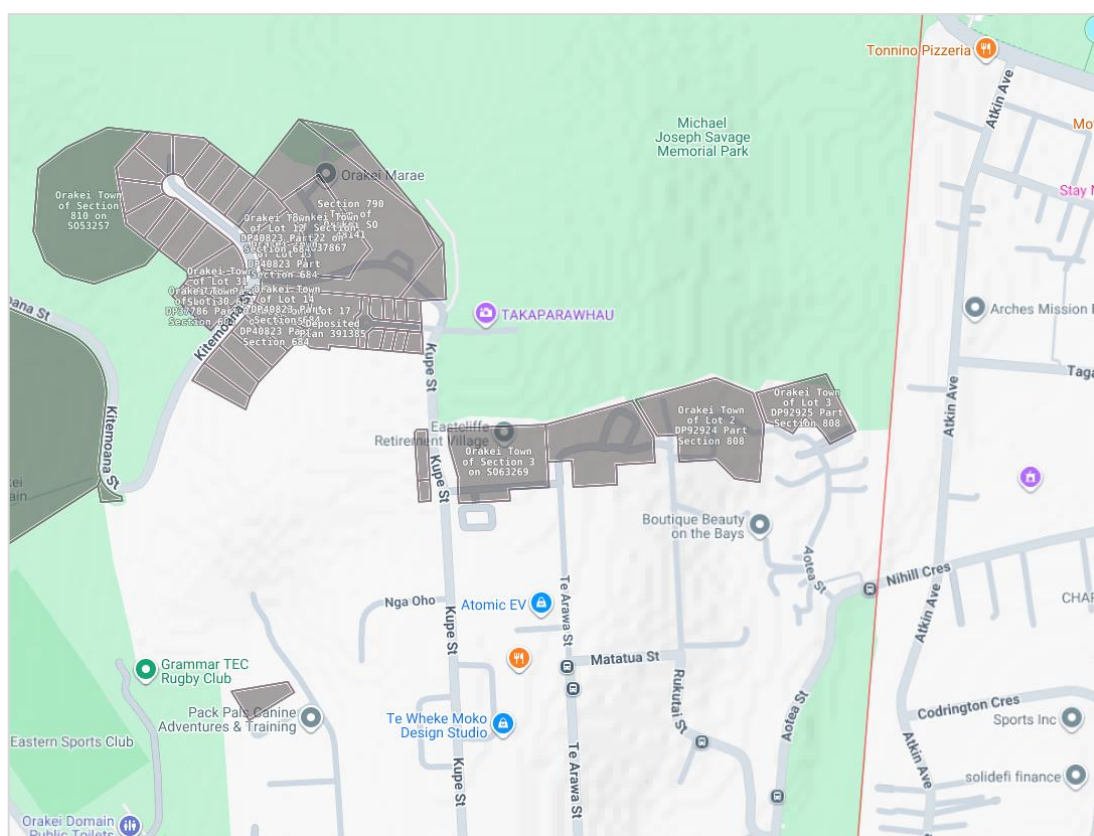


Figure 6: Plan of Māori Freehold land in relation to the Site (Source: Te Kooti Whenua Māori).

- 6.14 Ngāti Whātua Ōrākei has agreed to and is jointly applying with Generus to enable, the proposed integrated residential development (retirement village) activity on the land. A written statement prepared by Ngāti Whātua Ōrākei confirming the agreement with Generus in respect of the Project is appended as **Attachment 5**.
- 6.15 Further to the above, the Project is not an ineligible activity in respect of the following:
- (a) The Project does not require an access arrangement under s 61 or 61B of the Crown Minerals Act 1991 (s 5(1)(f)).
 - (b) The project is not prevented under s 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991 (s 5(1)(g)).
 - (c) The project is not a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (s 5(1)(l)(i)).
 - (d) The project does not involve a type of discharge described by s 15B of the Resource Management Act 1991 that is prohibited (s 5(1)(l)(ii)).
 - (e) The project is not prohibited by s 15C of the RMA (s 5(1)(l)(iii)).
 - (f) The project does not involve a decommissioning-related activity (s 5(1)(m)).
 - (g) The project is not an offshore renewable energy project (s 5(1)(n)).

Applications lodged by more than one authorised person (s 43(1)(d))

- 6.16 Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited (as the joint Applicants) lodged the referral application and are specified as the persons who are authorised to lodge a substantive application for this Project.
- 6.17 All approvals sought for the Project are proposed to be held jointly by the Applicants.

Comply with any requirements for the application included in the notice given under s 27(3)(b)(ii) (s 43(1)(e)(i))

- 6.18 The Notice of Decisions for the Referral specified the following information as being required to be submitted with the substantive application.
- (a) an Integrated Traffic Assessment that includes information that would typically be provided under normal processes and additionally:
 - (i) consideration of access to public transport and pedestrian amenity, including provision of footpaths and safe access to nearby bus stops.
 - (ii) consideration of pavement impact from heavy traffic associated with earthworks and construction.
 - (iii) consideration of stormwater and road flooding.

- 6.19 The application material provides the information required by the Notice of Decisions within the Integrated Transportation Assessment prepared by Flow (**Attachment 6**) and the Infrastructure Assessment prepared by CLC (**Attachment 7**).

Comply with the requirements listed in subsection (3) that apply to the approvals sought (s 43(1)(e)(ii))

- 6.20 The information requirements referred to in s 43(1)(e)(ii) of the FTAA are those set out for an approval described in s 42(4)(a) – “*a resource consent that would otherwise be applied for under the Resource Management Act 1991*”, being clauses 5 to 8 of Schedule 5.

- 6.21 The information required by s 43(1)(e)(ii) of the FTAA (relating to clauses 5 to 8 of Schedule 5) is set out in the application checklist appended as **Attachment 4**.

Application for a determination (s 43(1)(f))

- 6.22 An application has not been made under s 39 of the FTAA for a determination under ss 23 or 24 as the Project does not include an ineligible activity.

Activity that is the subject of a determination (s 43(1)(g))

- 6.23 The Project is not for an activity that is the subject of an application for a determination under s 23 of the FTAA.

Activity that is the subject of a determination (s 43(1)(h))

- 6.24 The application does not relate to a ‘priority project’.

Deadline specified under s 28(3)(d) (s 43(1)(i))

- 6.25 A deadline has been specified by the Minister in the Referral Notice of Decision (**Attachment 3**) pursuant to s 28(3)(d)(i) of the FTAA.

- 6.26 The substantive application is required to be lodged within two years of the date on the Referral Notice of Decision, with the deadline being 17th June 2027.

Payment of any fee, charge or levy (s 43(1)(j))

- 6.27 The Applicants will pay the fee and levy for a substantive application prescribed under the Fast-track Approvals (Cost Recovery) Regulations 2025.

Information must be specified in sufficient detail (s 44)

- 6.28 In accordance with s 44, the information provided in this application is considered to be in sufficient detail to satisfy the purpose for which it is required.

7 THE APPLICANTS

7.1 Ngāti Whātua Ōrākei has entered into an agreement with Generus to comprehensively develop the Site for an Integrated Residential Development (retirement village) activity, comprising a combination of accommodation offerings.

7.2 A written statement prepared by Ngāti Whātua Ōrākei confirming this agreement is appended (**Attachment 5**). In entering into this agreement together, the joint Applicants have worked together (and with architects Warren and Mahoney) to arrive at a design, layout and architecture for the Project that responds to Ngāti Whātua Ōrākei's Cultural Acknowledgement Principles and the Essential Design Requirements⁴, including:

- (a) promoting cultural sense of place, a location that promotes and supports interaction and engagement between tribal members and a community environment unique to Ngāti Whātua Ōrākei; and
- (b) having a design which promotes connection to significant Ngāti Whātua Ōrākei landmarks, cultural features and heritage connections.

7.3 The following explains the respective parties of the joint Applicants:

Ngāti Whātua Ōrākei

7.4 Ngāti Whātua Ōrākei are the tangata whenua of Tāmaki - central Auckland and the Upper Waitematā. As the Tāmaki section of the wider Ngāti Whātua confederation, its hapū are Te Taoū ki Tāmaki, Ngā Oho tuarua, and Te Uringutu. Ngāti Whātua Ōrākei ancestor Tuperiri established and strengthened Ngāti Whātua Ōrākei's mana from his pā at Maungakiekie, with his descendants maintaining kāinga across northern Manukau and Waitematā. As uri of Tuperiri, Ngāti Whātua Ōrākei uphold the mantle of Te Kahu Tōpuni and the duty to protect, uplift, and guide our people. Ngāti Whātua Ōrākei's story speaks of resilience, renewal, and a deep connection to whenua, moana, and whānau.

7.5 The collective affairs of Ngāti Whātua Ōrākei are looked after by the Ngāti Whātua Ōrākei Trust and its subsidiaries (the Ngāti Whātua Ōrākei Group). The Ngāti Whātua Ōrākei Group safeguard and grow the commercial assets of its people, and advance the cultural, social, and economic aspirations of its people.

⁴ Set out on Sheets 6 - 8 of the Architectural Design Report (**Attachment 18**).

- 7.6 With reference to the Written Statement (**Attachment 5**), Ngāti Whātua Ōrākei are tangata whenua of the Site and are Ahi kā, and are the only relevant iwi authority, hapu, and Treaty settlement entity for the purposes of this substantive application.

Generus

- 7.7 Generus is a New Zealand owned company that is known for creating superior retirement living environments for its residents.
- 7.8 Over the last 15 years, Generus has built a strong reputation for building and managing outstanding retirement villages of impeccable quality in premium locations.
- 7.9 Generus has villages in Auckland (Ranfurly Village and The Foundation in Parnell), Christchurch (Holly Lea Village and Russley Village), and Mount Maunganui (Pacific Lakes Village and Pacific Coast Village).
- 7.10 Generus will be responsible for the development and management of the construction of the Project and the subsequent operation of all components of the village.
- 7.11 Generus directly oversees all its construction projects, resulting in a high degree of control over the quality and the careful management of the construction process.

8 LANDOWNERS AND OCCUPIERS

- 8.1 In accordance with Clause 5(1)(d) of Schedule 5 of the FTAA, the following explains:

the full name and address of—

- (i) each owner of the site and of land adjacent to the site; and*
- (ii) each occupier of the site and of land adjacent to the site who, after reasonable inquiry, is able to be identified by the consent applicant.*

Site Owner and Occupiers

- 8.2 Except for the two existing pedestrian walkways (reserve land parcels) to be relocated, the Site is either directly, or ultimately, owned by Ngāti Whātua Ōrākei Trustee Limited.
- 8.3 Ngāti Whātua Ōrākei Trustee Limited owns the land and its related entity, Eastcliffe Orakei Retirement Care Limited Partnership, and all the buildings within the Site and holds licence to occupy agreements with the residents living within the existing aged care facility and the two retirement living apartment blocks in Aotea Street. A letter prepared by Generus confirming the agreements is appended as **Attachment 8**.

- 8.4 Ngāti Whātua Ōrākei Trustee Limited is the holding company of the joint applicant Ngāti Whātua Ōrākei Whai Rawa Limited.
- 8.5 An agreement has been entered into between Ngāti Whātua Ōrākei Trustee Limited and Auckland Council for the land associated with the two existing pedestrian walkways to be transferred into the ownership of the Ngāti Whātua Ōrākei Trust. The agreement for the land transfer is conditional on the approval of the reserve revocation application that has been sought separately, as summarised in **Section 11**.
- 8.6 There are no landowner or leaseholder constraints affecting the ability of the Applicants to undertake the works required for the Project.

Adjacent Site Owner and Occupiers

- 8.7 As set out in Clause 5(1)(d)(ii) of Schedule 5 of the FTAA, the names and addresses of adjacent landowners are required to be provided as part of a consent application, together with the names of occupiers who can be identified after "reasonable enquiry".
- 8.8 The adjacent land has been identified and is shown in **Figure 7**:



Figure 7: Map showing the Site and land adjacent to the Site with parcels numbered.

- 8.9 The Applicants have identified the names and addresses of all adjacent landowners (that are not owned / operated by Ngāti Whātua Ōrākei – being No.s 9-12) on **Figure 7**.
- 8.10 Where the Applicants have been able to identify that the occupier of the property is not the owner, the occupier has also been identified (where possible).
- 8.11 A map and list of the owners and occupiers is provided in **Attachment 9**. Efforts to obtain these details included a letter drop to all adjacent properties on 1st September 2025,

being approximately 10 weeks prior to the lodgement of this application. This is a reasonable timeframe for responses to be received prior to lodgement.

- 8.12 At the time of lodgement, a total of 9 responses has been received from owners . No responses have been received from occupiers of the properties that letters were sent to. Any further responses received will be provided to the Panel.
- 8.13 Where no response has been received in respect of the letters sent by the Applicants from an adjoining landowner or occupier, owner details have been sourced for these properties using Toitū Te Whenua, Land Information New Zealand (**LINZ**).
- 8.14 The information sourced from LINZ concerning the owners of the respective adjoining properties aligns with those responses received, noting that in some instances, some of the properties have been identified as having more than one owner.

9 RECORDS OF TITLE

- 9.1 A copy of the Records of Titles for the Site and relevant interests is appended as **Attachment 10**. A summary of the relevant interests is appended as **Attachment 11**.
- 9.2 **Table 2** sets out the legal descriptions and record of title details for the Site⁵, with **Figure 8** showing the location and extent of the individual lots that comprise the Site:

Address	Legal Description	Freehold Title	Leasehold Title	Refer to Figure 8
217 Kupe Street	Section 3 SO 63269	557119	441696	Blue
	Lot 1 DP 92924	NA99C/193	51399	Green
	Lot 2 DP 92924	NA99C/194	51399	Yellow
	Lot 3 DP 92925	NA99C/195	51399	Orange
95 Aotea Street	Lot 366A DP 47488	NA43A/1137	N/A	Brown
106 Rukutai Street	Lot 264 DP 37687	NA22C/1052	51399	Red
Rukutai Street Recreation Reserve	Lot 6 DP 92924	1211845	N/A	Pink Line
Aotea Street Recreation Reserve	Lot 7 DP 92925	1212543	N/A	Black Line

⁵ Which summarises information provided in Attachment 9 (Site and Adjacent Land Details).



Figure 8: Lots that comprise the Site.

- 9.3 The status of the reserve parcels currently owned by Auckland Council and the status of reserve revocation process for these parcels is set out in **Section 11** of this application.

10 SITE CONTEXT

Overview

- 10.1 This section of the report is provided in accordance with Schedule 5, clause 5(1)(b) to (d) of the FTAA and provides a description and map of the Site at which the Project is to occur, including the name and address of owners and occupiers.
- 10.2 A detailed description of the Site and the surrounding environment is provided in the Urban Design and Landscape Effects Assessment prepared by Boffa Miskell appended as **Attachment 12**, as summarised in the following sections.
- 10.3 With reference to **Figure 9**, the Site comprises the following:
- 217 Kupe Street.
 - 95 Aotea Street.
 - 106 Rukutai Street.
 - Rukutai Street Local Purpose (accessway) Reserve.
 - Aotea Street Local Purpose (accessway) Reserve.
- 10.4 In accordance with clause 5(1)(b), a map of the Site is appended as **Attachment 13**. The Site is not located within or adjacent to that described in clause 5(1)(b)(i)-(iii).



Figure 9: Aerial diagram of the Site.

Site Description

- 10.5 The Site is a large property, approximately 390m in length (east-west) and 80-100m wide (north-south), comprising an area of 24,341m², and generally located at the northern end of Kupe Street and the heads of Te Arawa Street, Rukutai Street and Aotea Street. The Site is located approximately 600m to the south-west of Mission Bay beach. The Site comprises multiple parcels of land within various zones, as discussed in **Section 12**.
- 10.6 The Site forms part of a wider landholding identified for hapu reservation (land held for the purposes of a marae, church, urupa and related hapu amenities) and land identified for development for papakāinga and other commercial and non-commercial activities under the Ngāti Whātua Ōrākei Claims Settlement Act 2012 (**Settlement Act**).
- 10.7 Existing development on the Site includes a three-storey aged care facility with accessory at-grade parking and landscaping within the western portion of the Site. The aged care facility accommodates 94 units, together with administrative and common amenities for residents (including a pool, library, common areas, and fitness facility) (**Figure 10**).
- 10.8 Two apartment typology blocks ranging 3-4 storeys are located within the eastern portion of the Site and accommodate 24 independent retirement units (**Figure 11**).



Figure 10: View of the existing aged care facility (eastern end) from the Takaparawhau walkway.



Figure 11: View of the two existing apartment blocks at the end of Aotea Street (facing east).

- 10.9 The Site is occupied by Eastcliffe Retirement Village (the extent which remains on the Site), which was progressively constructed from 2000. The village included a combination of townhouse and apartment typology accommodation across multiple buildings within the central and eastern portions of the Site, with the ‘Main Building’ (aged care facility) at the western end of the Site. The historical layout of the Site is shown in **Figure 12**:



Figure 12: 2017 satellite aerial image (Source: Auckland Council GIS).

- 10.10 Site investigations undertaken in July 2017 determined that the buildings east of the aged care facility building did not comply with the NZ Building Code requirements for structure, fire, external moisture or durability. Due to the extent, volume, and seriousness of the defects to these buildings, coupled with the complexity and the high likelihood for escalated costs, remediation of the buildings was determined not to be feasible. With the exception of the aged care facility and the two apartment typology buildings that remain on the Site, the balance of the buildings having been demolished down to slab level.
- 10.11 The topography of the Site is such that it sits on the eastern side of a ridge and falls in an easterly direction. The existing three-storey care facility occupies the flatter part of the Site at the top of the ridge, with the balance of the Site falling from west to east at a gradient of less than 5-10 degrees (over approximately 26m from RL43 in the west to RL17 in the east). Several 30–40-degree slopes with retained benches are located near the centre of the Site where former terraced units were located and have since been demolished.

- 10.12 Existing vegetation on the Site is limited as a result of past demolition activities, with the exception of landscaping that has been retained (and continues to be maintained) around the existing care facility and Aotea Street apartment blocks and adjoining the two public pedestrian walkways through the Site. Such existing landscaping includes a range of shrubs, hedging, trees and other amenity planting. The Site's boundaries are fenced (and landscaped in some locations). The northern boundary adjoining Takaparawhau is fenced with a visually permeable metal railing fence and low height planting.
- 10.13 The Site includes two existing public pedestrian walkways that provide access from Rukutai Street and Aotea Street to Takaparawhau open space land to the north of the Site. These are subject to a revocation process discussed in **Section 11**. The location of the existing and proposed walkways is shown in **Figure 13**.



Figure 13: Existing public walkways connecting to Takaparawhau (Source: Flow).

- 10.14 Vehicle access to the Site is provided from Kupe Street, Te Arawa Street, Rukutai Street and Aotea Street. Descriptions of the roads and existing vehicle crossings that service the Site are included within Section 3.3 of the Integrated Transportation Assessment (**ITA**) prepared by Flow (**Attachment 6**). The existing vehicle crossings include:
- 1) Kupe Street, serving the existing aged care facility (4.0 m wide).
 - 2) Te Arawa Street, serving the existing aged care facility y (5.5 m wide).
 - 3) Te Arawa Street, serving a staff parking area and a back-of-house loading area of the existing aged care facility (6.0 m wide).
 - 4) Rukutai Street, serving vacant land (5.5 m wide).
 - 5) Rukutai Street, serving vacant land (4.0 m wide).
 - 6) Rukutai Street, serving vacant land (4.5 m wide).
 - 7) Aotea Street, serving vacant land (5.3 m wide).
 - 8) Aotea Street, serving existing retirement units (5.0 m wide).

10.15 The location of the existing vehicle crossings servicing the Site is shown in **Figure 14**:



Figure 14: Plan showing existing vehicle crossings for the Site (Source: Flow).

10.16 The Site benefits from well-established transportation infrastructure and is well serviced by public transport, with bus route 783 servicing the immediate neighbourhood and providing routes on an hourly basis to Mission Bay, St Heliers and Eastridge Shopping Centre, while also providing access to transfers including the Tamaki Link (which provides access between Britomart and Glen Innes). Further details on public transport access, including bus stop locations, is provided in Section 4.2 of the ITA.

10.17 The Site also has a good level of accessibility for pedestrians with footpaths on both sides of the streets adjoining the Site.

Surrounding Environment Description

10.18 The Site in relation to the surrounding environment is shown in **Figure 15**. The Site is located within close proximity to a variety of amenities / services, including:

- (a) Open space (informal recreation) land to the north of the Site (Takaparahau).
- (b) Mission Bay Town Centre, approximately 350m to the north-east of the Site, which features local shops, restaurants, cafes and the Mission Bay Beach.
- (c) Several schools, including Kohimarama School, Ōrākei School and St Joseph's School.
- (d) Ōrākei Domain, including Okahu Bay Beach, approximately 430m to the west.
- (e) Auckland CBD, approximately 8 km to the west of the Site.

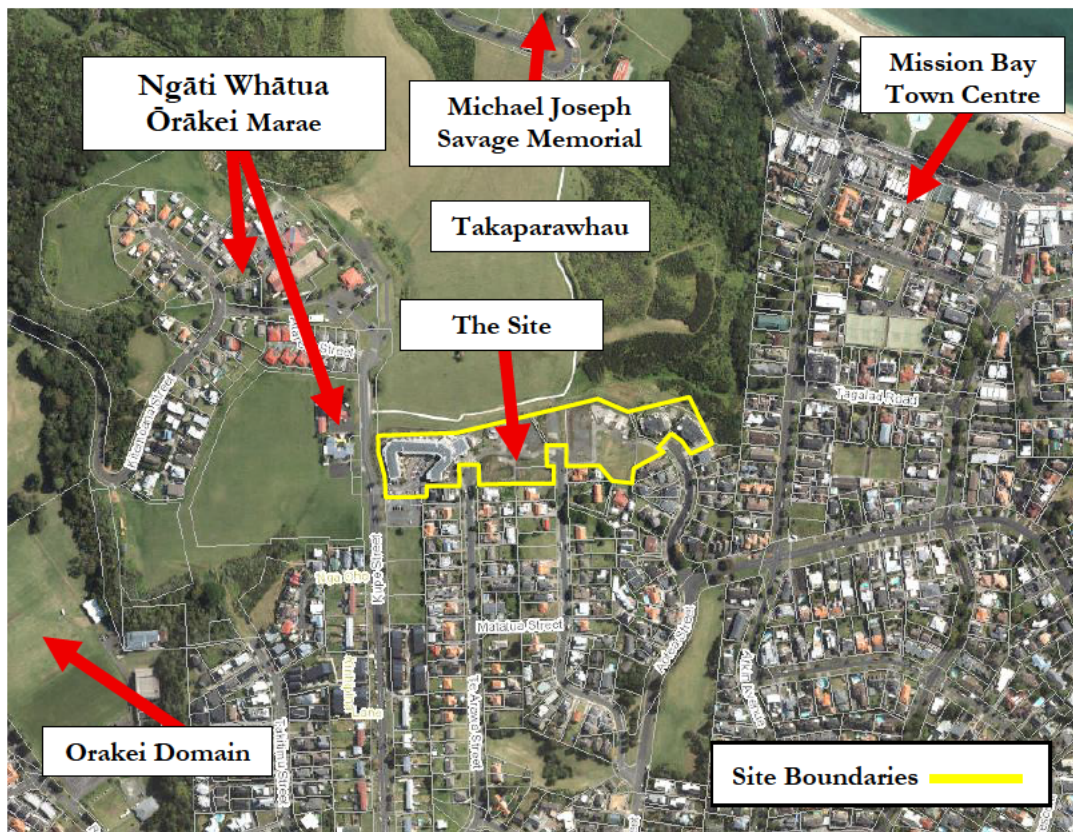


Figure 15: Map showing the Site in relation to the surrounding environment.

- 10.19 A formed public pedestrian walkway is located within Takaparawhau in close proximity to the Site, which starts from Kupe Street and runs roughly parallel with approximately half of the northern boundary of the Site, and then diverts in a northerly direction (roughly in line with the alignment of Rukutai Street) and runs up to the turn-around head of Hapimana Street and the Michael Joseph Savage Memorial.
- 10.20 Takaparawhau and the Michael Joseph Savage Memorial provide significant open space and visual amenity to the Site, and recreational open space for the public. Takaparawhau is the ancestral land of Ngāti Whātua Ōrākei (as tangata whenua) and accommodates the Ōrākei Marae, as well as papakāinga and kaumātua housing to the north-west within Kitemoana Street (a private road), which is accessed via Kupe Street and Tamaki Drive.
- 10.21 Immediately to the west of the Site (on the opposite side of Kupe Street) is offices for kaimahi within the Ngāti Whātua Ōrākei Group and the Te Puna Reo Okahukura early childhood centre, each of which have their own at-grade carpark accessed from Kupe Street. Beyond these buildings (and carparking) is expansive open space land that extends towards the marae's kaumatua housing and Orakei domain.

10.22 The north-eastern and eastern boundaries of the Site interface with a portion of Takaparawhau that has been subject to progressive reforestation efforts by tangata whenua (**Figure 16**). In this location, the land falls away in an easterly direction, towards Atkin Ave. Off-trail pedestrian walkways are located within Takaparawhau through this area that meet up with the formal pathway described above, and provide for connections to Atkin Avenue to the north-east of the Site, and beyond that to Mission Bay.



Figure 16: Satellite imagery comparison between 2008 and 2024-2025 (Source: GeoMaps).

- 10.23 With the exception of an at-grade carpark located to the south of the existing aged care facility at 215 Kupe Street, the southern boundary of the Site adjoins residential housing, with ten dwellings directly adjoining the Site. These properties are accessed variously from the three cul-de-sac heads on Te Arawa (numbers 48, 2/48 and 59), Rukutai (numbers 104, 119 A and 119B and a rear lot 1/113) and Aotea Street (numbers 97, 3/99 and 86).
- 10.24 The wider neighbourhood includes Mission Bay and Ōrākei, both of which are long established residential suburbs of predominantly one to two storey detached and attached housing, which are interspersed with larger scaled built elements. As with many suburbs in Auckland, these areas are undergoing urban intensification (and are proposed to be upzoned by Plan Change 120 – as discussed in **Section 12**), with an increasing range of multi-unit and apartment buildings having been built in recent years, including larger scaled re-development on elevated land along the ridgelines.

11 RESERVE REVOCATION

- 11.1 To enable the Project, it is necessary to revoke the reserve classification of the two parcels of reserve land which traverse the Site and are used as public pedestrian walkways. These are local purpose accessway reserves currently vested with Auckland Council.
- 11.2 The Applicants submitted an application for the Revocation of Reserve Land on 15th December 2024 with Auckland Council to revoke the reserve land between Aotea Street and Takaparawhau (Lot 7 DP 92925 Aotea Street), and between Rukutai Street and Takaparawhau (Lot 6 DP 92924 Rukutai Street).
- 11.3 The Auckland Council Governing Body resolved to proceed with the reserve revocation of the two public walkways on 25th September 2025. At the time of the writing of this report, an application by Auckland Council is currently with the Minister of Conservation to make the final decision on the revocation.
- 11.4 Two new pedestrian walkways are proposed to be created through the Site as part of the Project. These are proposed to be located within the parcels contained in freehold records of title NA99C/193 (in respect of the Te Arawa Street walkway) and NA99C/195 (in respect of the Aotea Street walkway). As part of the agreement with Council, the new public walkways will be constructed prior to the closure of the existing walkways.
- 11.5 The location of the existing and proposed walkways is shown in **Figure 17**:

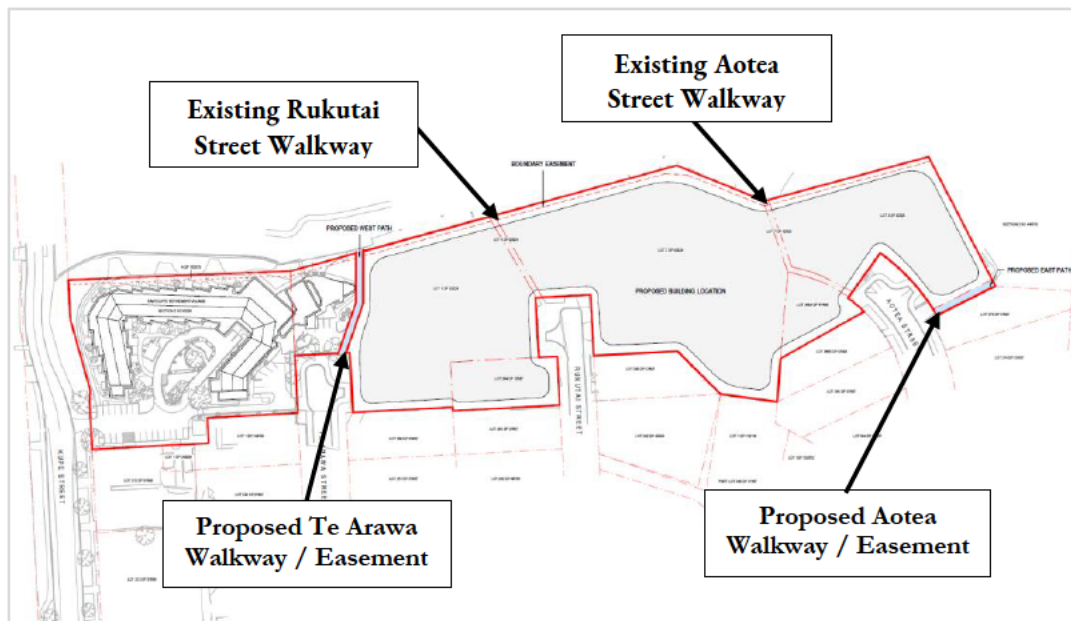


Figure 17: Existing and proposed pedestrian walkways.

- 11.6 Both land parcels proposed to be occupied by the pedestrian walkways as part of the Project are Māori freehold land for the purposes of Te Ture Whenua Māori Act 1993 (**TTWMA**) and fall within the definition of hapū land - development land under the Settlement Act 2012.
- 11.7 Under section 63(1)(a) of the Settlement Act, Ngāti Whātua Ōrākei may grant an easement to any person (including Council), over any part of the hapū land. There are no restrictions in the Te Ture Whenua Māori Act 1993 which would prevent Ngāti Whātua Ōrākei from granting these easements over the Site.
- 11.8 As part of the agreement with Council for the revocation, the Applicants will implement the changes to the alignment of the public walkways, and also proposed to upgrade connections to the existing formed path on Takaparawhau (western connection from Te Arawa Street) and the upgrading of the off-trail walkway connecting to Atkin Avenue (eastern connection from Aotea Street). The Applicants will also undertake the ongoing maintenance of the public pedestrian walkways.
- 11.9 Following the revocation of the reserve status of the land, it is the understanding of the Applicants that Council will rezone the land to which reserve status no longer applies. For the purposes of this application and that described in **Section 12**, the zoning of the reserve land is treated as unchanged and assessed against the provisions of the live zones.

12 UNITARY PLAN FRAMEWORK

Zoning

- 12.1 The operative zoning of the Site and the surrounding area is identified on **Figure 18**.
- 12.2 The majority of the Site is zoned Residential – Terrace Housing and Apartment Buildings (**THAB**) Zone under the Auckland Unitary Plan (**Unitary Plan**), with the balance of the Site including small portions of the following zones:
- Residential – Mixed Housing Suburban (**Mixed Housing Suburban or MHS**)
 - Special Purpose – Māori Purpose (**Māori Purpose**)
 - Open Space – Informal Recreation (**Informal Recreation**)
- 12.3 The Māori Purpose and Informal Recreation zoned land corresponds to the two pedestrian walkways that traverse the Site between Rukutai Street and Aotea Street and Takaparawhau / Michael Joseph Savage Memorial Park to the north of the Site.

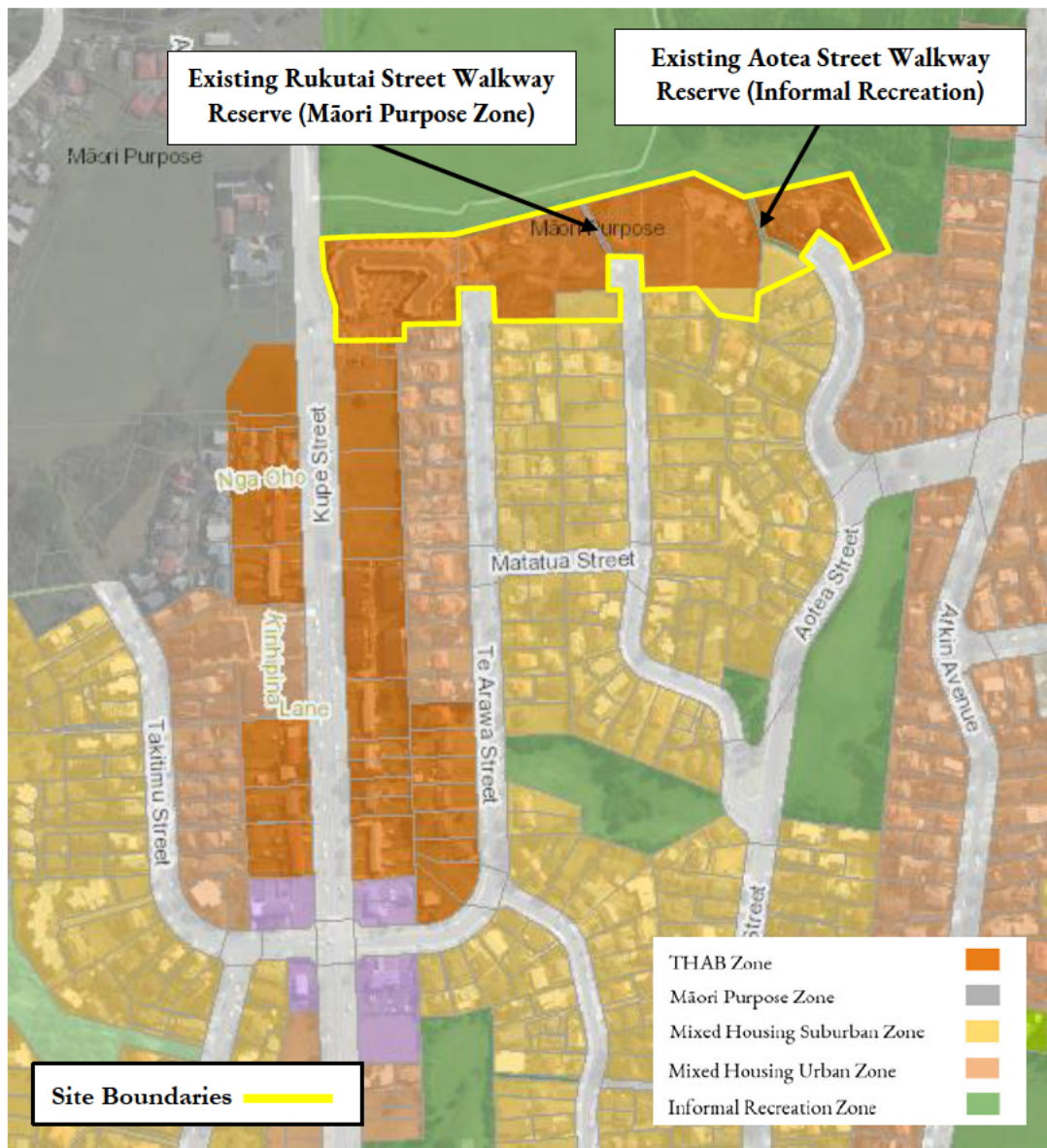


Figure 18: Zoning of the Site and surrounds (Source: Auckland Council GIS Viewer).

- 12.4 To the south of the Site's southern boundaries, the THAB zone extends along the majority of properties that have a frontage to either side of Kupe Street. The THAB zone also applies to the western side of the southern portion of Te Arawa Street, with the balance of the western side of Te Arawa Street being zoned Mixed Housing Urban.
- 12.5 The eastern side of Aotea Street and the western side of Atkin Ave are zoned Mixed Housing Urban. The balance of properties in the locality (between Te Arawa Street and Atkin Ave) are zoned MHS. At the southern end of Rukutai Street are three parcels of public open space land zoned Informal Recreation.

- 12.6 At the intersection of Kupe Street / Te Arawa Street / Takitimu Street (approximately 360m south of the western portion of the Site), where land adjoins the four sides of the intersecting roads, is a combination of vacant (undeveloped land) and residentially occupied properties that are zoned Business – Mixed Use.

THAB Zone

- 12.7 The THAB zone is described in the Unitary Plan as being a high-intensity zone that provides for the greatest density, height and scale of development of all the residential zones, and in doing so, the zone provisions acknowledge that such a form of development will, over time, result in a change from a suburban to urban built character with a resultant high degree of visual change. The zone provides for urban residential living in the form of terrace housing and apartments⁶.
- 12.8 The purpose of the THAB zone is stated as being “*to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.*”⁷
- 12.9 The THAB Zone requires resource consent as a Restricted Discretionary Activity for all 'new buildings' and some activities (such as Integrated Residential Developments). Such a consent process is to enable the design and layout of development to be assessed, recognising that the need to achieve a quality design is increasingly important as the scale of development increases⁸. Such a resource consent process is required in order to:
- *achieve the planned urban built character of the zone;*
 - *achieve attractive and safe streets and public open spaces;*
 - *manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and*
 - *achieve high quality on-site living environments*⁹.

⁶ Unitary Plan H6.1

⁷ Unitary Plan H6.1

⁸ Unitary Plan H6.1

⁹ Unitary Plan H6.1

12.10 In relation to the Project, the THAB Zone provides for 'Integrated Residential Development' (which includes retirement villages) as a listed Restricted Discretionary Activity. Activity Table H6.4.1 of the THAB zone specifies that an Integrated Residential Development is to be designed to comply with the following standards¹⁰:

- Standard H6.6.5 Building height.
- Standard H6.6.6 Height in relation to boundary.
- Standard H6.6.7 Alternative height in relation to boundary.
- Standard H6.6.8 Height in relation to boundary adjoining lower density zones.
- Standard H6.6.9 Yards.

12.11 With respect to above Standards, the following applies to new development in the THAB zone (in relation to the Site and adjoining properties):

- The permitted height standard provides for building heights of 16m.
- The following height in relation to boundary controls apply:
 - 3m + 45-degrees along side and rear boundaries that adjoin the THAB zone or Mixed Housing Urban zone.
 - 2.5m + 45-degrees along side and rear boundaries adjoining the MHS zone.

No HIRB control applies to the Open Space land to the north of the Site.

- Yard setbacks of 1.5m (Front Yard) and 1.0 (Side and Rear Yards).

12.12 The THAB zone also enables other accommodation activities, including 'dwellings', 'supported residential care', 'visitor accommodation' and 'boarding houses', which are provided for as a Permitted Activity (up to 10 people).

12.13 The zone also provides for a small range of non-residential activities to provide residents with convenient access to these activities and services, while maintaining the urban residential character of these areas. Such activities anticipated include:

- Dairies up to 100m² GFA per site (Restricted Discretionary Activity).
- Restaurants and cafes up to GFA per site (Restricted Discretionary Activity).
- Service stations on arterial roads (Discretionary Activity).

¹⁰ Where compliance is not achieved with a standard, resource consent is required as a Restricted Discretionary Activity, with reference to Rule C1.9 of the Unitary Plan.

- Care centres up to 10 peoples per site excluding staff (Permitted Activity), and where more than 10 people per site (Restricted Discretionary Activity).
- Education and tertiary facilities (Discretionary Activity).
- Emergency services adjoining an arterial road (Discretionary Activity).
- Healthcare facilities up to 200m² GFA per site (Restricted Discretionary Activity), and where more than 200m² GFA per site (Discretionary Activity).
- Veterinary clinics (Discretionary Activity).

12.14 The objectives and policies of the THAB zone that are relevant to the Project are summarised in the s 104 assessment contained in **Section 19**.

MHS Zone

12.15 The MHS zone is described in the Unitary Plan as being the most widespread residential zone in Auckland, covering many established suburbs and some greenfield areas¹¹. Much of the existing development in the zone (across Auckland) is characterised by 1-2 storey, mainly stand-alone buildings, set back from site boundaries with landscaped gardens.

12.16 Development within the MHS zone is generally anticipated to be two storeys, with a variety of detached and attached housing in a variety of types and sizes to provide for housing choice, including through the provision of 'Integrated Residential Development' activities to enable the more efficient use of land on larger sites. In this regard, while two-storey residential development is typical in the zone, further development in the zone is not limited to such a form (or activity).

12.17 In addition to the application of the Mixed Housing Suburban zone to land developed with predominantly two storey forms of development, the Mixed Housing Suburban zone has also been applied to land that is occupied and developed with more substantive built forms and intensive activity. In this regard, such a zoning has been applied to land containing public schools and larger scale Integrated Residential Developments, including retirement villages. This variety of activity, building scale, and intensity demonstrates that while the zone does accommodate areas with a suburban built form, it is also applied to land that does, and can readily accommodate development of a greater scale and intensity.

¹¹ Unitary Plan H4.1.

Māori Purpose Zone

- 12.18 The purpose of the zone is to provide for the social and cultural needs of Mana Whenua and mataawaka and promote the establishment of marae and papakāinga with supporting economic development to ensure thriving and self-sustaining Māori communities¹².
- 12.19 Sites with a Māori Purpose zoning are those which have existing or proposed marae development or other Māori cultural institutions, such as marae, and papakāinga-style development in specific areas of Auckland, on general or Māori land¹³.
- 12.20 The Māori Purpose zone enables a range of activities, including dwellings for papakāinga, marae and associated facilities, customary use, and cultural and commercial activities, with building heights of 8-10m anticipated.
- 12.21 The Māori Purpose zoning of the Site relates to the Rukutai Street pedestrian walkway. The zone does not provide for Integrated Residential Development. However, as the zone is encompassed within the Orakei 1 Precinct (discussed further below), the activity (retirement village) is (in the Precinct provisions) a Restricted Discretionary Activity.

Open Space – Informal Recreation Zone

- 12.22 The Informal Recreation zone applies to open spaces that range in size from small local parks to large regional parks. These areas are used for a variety of outdoor informal recreation activities and community uses, such as walking, running, cycling, relaxing and socialising, picnics, playing and enjoying the environment¹⁴.
- 12.23 The zone description states that the zone is generally characterised by few buildings and structures, with limited development in these areas maintaining the open space character and amenity values and enabling opportunities for a range of informal recreation activities. Buildings and structures are limited to those that support the enjoyment of the open space for informal recreation and small-scale community buildings and structures¹⁵.
- 12.24 The Informal Recreation zoning of the Site relates to the Rukutai Street public pedestrian walkway. The zone does not provide for Integrated Residential Development, and the activity is therefore classified as a Non-Complying Activity¹⁶.

¹² Unitary Plan H27.1

¹³ Unitary Plan H27.1

¹⁴ Unitary Plan H7.5.1

¹⁵ Unitary Plan H7.5.1

¹⁶ Unitary Plan H7.9.1(A1).

Ōrākei 1 Precinct

12.25 Those parts of the Site zoned THAB and the two pedestrian walkways (zoned Māori Purpose and Informal Recreation) are located within the Ōrākei 1 Precinct (**Figure 19**).

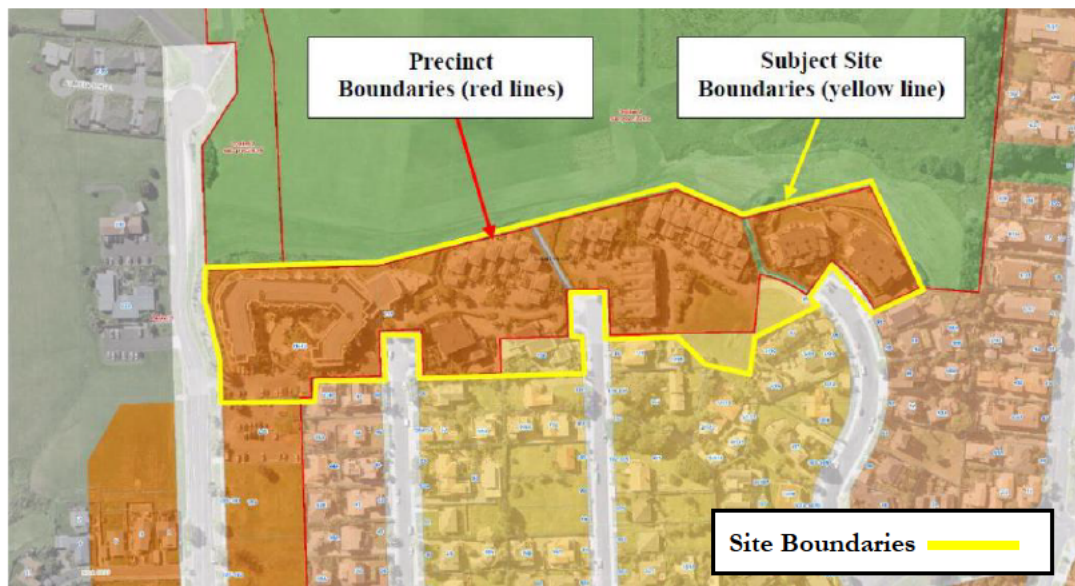


Figure 19: Extent of Ōrākei 1 Precinct relative to the Site (Source: Unitary Plan Maps).

12.26 The purpose of the Ōrākei 1 Precinct is to:

- enable development and land management which reflect the principles of the Ngāti Whātua Ōrākei Iwi Management Plan 2012.
- provide for a range of activities that support and enhance development for papakāinga and other commercial and non-commercial activities; and
- provide additional rules and assessment criteria to manage the effects of development¹⁷.

12.27 The wider extent of the Ōrākei 1 Precinct that the Site is located within includes land identified as hapū reservation (land held for the purposes of a marae, church, urupa and related hapū amenities) and land identified for development for papakāinga and other commercial and non-commercial activities under the Settlement Act (**Figure 20**).

¹⁷ Unitary Plan I326.1



Figure 20: Full extent of Ōrākei 1 Precinct shaded in red (Source: Unitary Plan Maps).

- 12.28 The Ōrākei 1 Precinct is adjacent to and integrated with the Ōrākei 2 Precinct to the north, which encompasses the Whenua Rangatira area which was set aside by the Ōrākei Act 1991 and the Settlement Act for the use and benefit of the members of the hapū and citizens of the City of Auckland.
- 12.29 The Ōrākei 2 Precinct is managed and controlled by the Ngāti Whātua Ōrākei Reserves Board, which comprises Auckland Council and Ngāti Whātua Ōrākei representatives, as a recreation reserve, with a reserves management plan prepared under the processes established by the Reserves Act 1977.
- 12.30 The purpose of the Ōrākei 2 Precinct is to integrate the Whenua Rangatira Reserve Management Plan with the Unitary Plan provisions to ensure that the development or use of the Whenua Rangatira provides for the sustained wellbeing of tangata whenua, while providing the land for the common use and benefit of the members of the hapū.

12.31 The Ōrākei 1 Precinct provisions are supportive of the outcomes enabled by the underlying majority THAB (and Māori Purpose) zoning of the Site, including optimising the use and development of the finite land resource efficiently and in a comprehensive manner, which provides for the establishment of an integrated built form across the land area contained within the Ōrākei 1 Precinct (inclusive of the Open Space zone that applies to one of the pedestrian walkways that traverse the Site). The Precinct also seeks to:

- create a gateway entry to the community and a sense of awareness of entering a special residential environment;
- reinforce and reference local historic reference points and the wider cultural landscape;
- provide diversity in building forms and ownership models to accommodate a wide range of hapū and residents, including intergenerational whanau living opportunities and shared outdoor space;
- avoid monotonous built form when viewed from public open space and sites within the residential zones outside of the Precinct by ensuring a variation in building height and variations in building footprints and form; and
- complement adjacent public open space by orienting buildings to enhance passive surveillance and locating parking and servicing areas remote from public open space boundaries¹⁸.

12.32 An assessment of the Project in respect of Ngāti Whātua Ōrākei Iwi Management Plan 2012 is provided in **Section 19** of this report.

Overlays, Controls and Designations

12.33 As set out in **Section 4** (Unitary Plan Details) of this report, there are no parts of the Site that are subject to an Overlay or Designation on the Unitary Plan Maps.

12.34 A ‘Macroinvertebrate Community Index – Urban’ Control applies to the Site. This relates to objectives and policies for the management of freshwater and sediment quality, the maintenance and improvement of the mauri of freshwater, the management of stormwater and wastewater networks to protect public health and safety, and to prevent

¹⁸ Unitary Plan I326.3(3)

or minimise adverse effects of contaminants on freshwater and coastal water quality. These matters are addressed in **Section 19** of this report.

- 12.35 The 'Macroinvertebrate Community Index – Urban' Control does not contain any particular standards to be complied with.

Proposed Plan Changes

- 12.36 Plan Change 120 (**PC120**) was publicly notified on 3rd November 2025 to respond to the government requirements to enable more opportunities for housing and development.
- 12.37 PC120 aims to achieve this by rezoning land in many parts of Auckland to enable increases in building heights, with changes focused on locations close to the city centre and other commercial centres, train and bus stations, and along a number of main bus routes.
- 12.38 PC120 seeks to manage natural hazards across the region, urban and rural subdivision and amend regional and district plan rules that will provide for housing intensification particularly along major transport routes, corridors and around centres.
- 12.39 In respect of the Site, PC120 retains the current zoning for those parts of the Site currently zoned THAB, and proposes to upzone all land currently zoned Mixed Housing Suburban to Mixed Housing Urban. No changes are proposed by PC120 to the zoning of the two public walkways through the Site (zoned Māori Purpose and Informal Recreation).
- 12.40 The proposed zoning for the Site and surrounding area is shown in **Figure 21**.
- 12.41 No changes are proposed by PC120 to the extent of the Ōrākei 1 Precinct.



Figure 21: Proposed zoning of the Site and surrounds under PC120 (Source: PC120 GIS Viewer).

12.42 PC120 proposes that the permitted height of the THAB zone is 22m (compared with the operative height of 16m), which is a 6m height increase to this zone. The plan change also includes proposed changes to the Height in Relation to Boundary standards, as follows:

- (a) Replacing the 'Alternative' Height in Relation to Boundary standard of 8m plus 60 degrees that applies to buildings within 20m of a site frontage, with a new standard enabling a 20m + 60-degree recession plane for buildings located within 21.5m of a site frontage, and beyond 21.5m of a site frontage, a 8m + 60-degree recession plane¹⁹;
- (b) Increasing the Height in Relation to Boundary recession plane that applies to a boundary that adjoins a Residential – Mixed Housing Urban zone from 3m plus 45 degrees, to the recession plane shown in **Figure 22**:

¹⁹ Noting that the HIRB standard does not apply to existing or proposed internal boundaries.

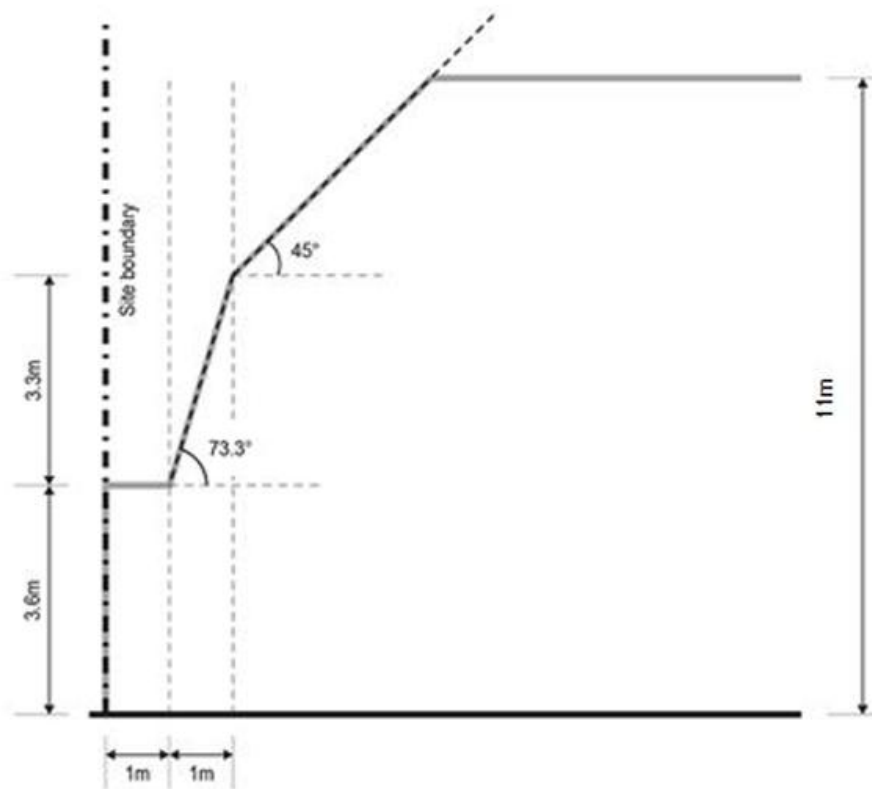


Figure 22: Proposed HIRB between THAB and MHU zoned sites (Source: PC120).

Natural Hazards

- 12.43 PC120 also proposes to update the provisions of Chapter E36 of the Unitary Plan. These changes have immediate legal effect, pursuant to s 86B(3)(f) of the RMA. Relevant to the Site, the proposed E36 provisions address flood and landslide hazards.
- 12.44 In respect of flooding, overland flow paths are proposed to be included in a new definition of “flood hazard area”, and activities within such flood hazard areas are subject to proposed rules that relate to the sensitivity of the proposed land use to the hazard. In respect of the Site, the Infrastructure Assessment (**Attachment 7**) confirms that the flood hazards are a “low flood hazard area”, and is addressed in that report.
- 12.45 In respect of landslide hazards, the proposed provisions require an assessment of landslide hazard risk, which is to be undertaken in accordance with a new Appendix 24 to the Unitary Plan. The landslide risk for the Site (as identified on the Council’s GeoMaps is shown in **Figure 5**. Tonkin & Taylor have carried out this assessment as part of their Geotechnical Assessment, and have confirmed that the landslide hazard is “low”.
- 12.46 The effects of natural hazards are addressed in **Section 18**.

Catchments and Hydrology

12.47 As shown in **Figures 4** and **23**, the Site is identified on the Auckland Council GIS as being subject to the following Catchment and Hydrology hazards:

- Overland Flow Paths – 10,000m² (1ha) to 30,000m² (3ha).
- Overland Flow Paths – 4,000m² to 10,000m² (1ha).
- Overland Flow Paths – 2,000m² to 4,000m².

12.48 With reference to the definition of 'Overland Flow Path' in Chapter J of the Unitary Plan (below), for the purposes of assessing the Project against the provisions contained within Chapter E36 (Natural Hazards and Flooding) of the Unitary Plan, these standards only apply where an overland flow path has an upstream catchment greater than 4ha.

12.49 Therefore, with regards to those overland flow paths identified on the Site on Council's GIS as having an upstream catchment of less than 4,000m² (shown as thin light blue dotted lines), the provisions of Chapter E36 do not apply.

12.50 A description of the overland flow paths and their implications to the Project is provided in the Infrastructure Report (**Attachment 7**) and discussed in **Section 13**.

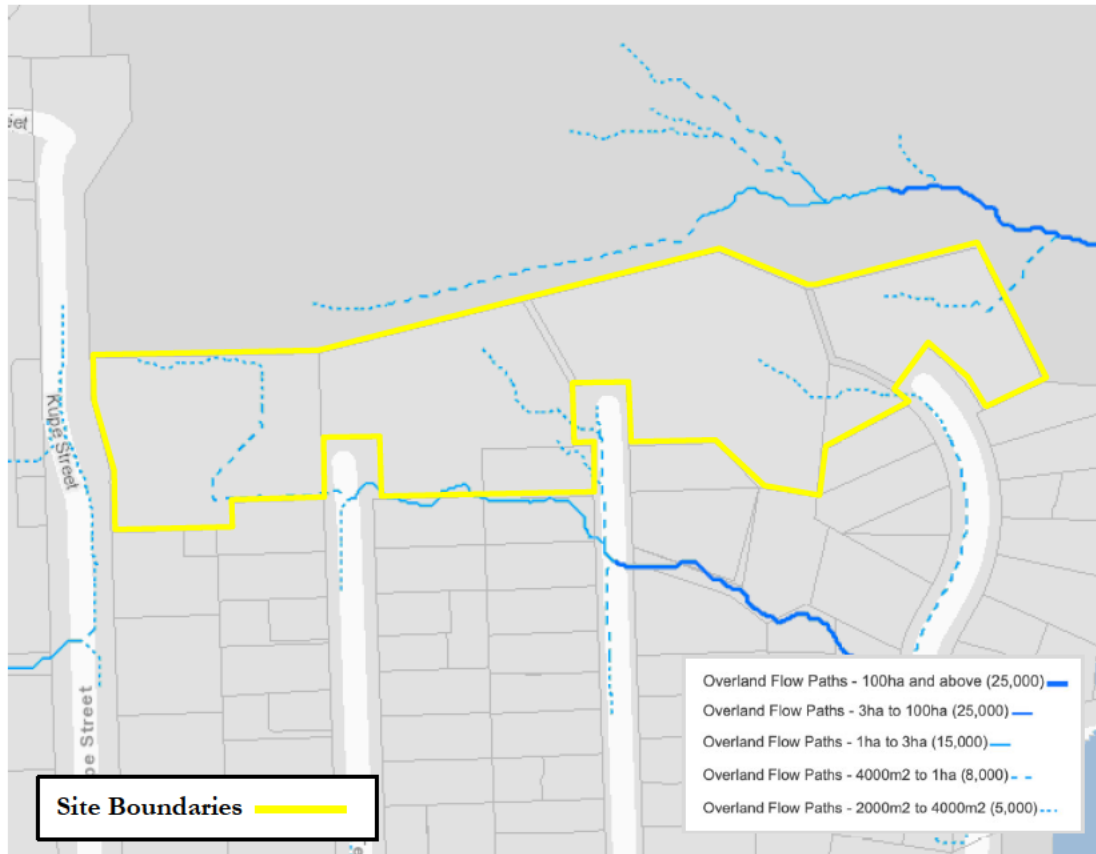


Figure 23: Extent of overland flow in relation to the Site and surrounds (Source: GeoMaps).

Other Matters

Contamination Status

- 12.51 The Contamination Preliminary and Detailed Site Investigation prepared by Tonkin & Taylor (**Attachment 14**) confirms that the results of soil testing undertaken on the Site complies with the Permitted Activity soil acceptance criteria under the Unitary Plan and the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**) high-density residential criteria.

Archaeology / Heritage Sites

- 12.52 With reference to the Archaeological Memorandum (**Attachment 15**)²⁰, there are no recorded archaeological or heritage sites on or in the immediate vicinity of the Site.

13 THE PROJECT

- 13.1 This section provides a description of the proposed activity (the Project) in accordance with Clause 5(1)(a) of Schedule 5 of the FTAA.

Purpose of the Project

- 13.2 The purpose of the Project is to construct a new comprehensive retirement village (The Point Mission Bay). The Project responds to the growing need for retirement accommodation, relative to the changing and aging regional (and national) population.
- 13.3 The Project is a partnership between Generus and Ngāti Whātua Ōrākei that will provide for the development of Ngāti Whātua Ōrākei's land in a comprehensive and efficient manner that will provide high quality retirement living in the neighbourhood.
- 13.4 With reference to the Economic Impact Assessment prepared by Insight Economics (**Attachment 16**), Auckland residents aged 75 and over will increase by more than 132,000 over the 30 years to 2053, ultimately comprising just under 10% of the region's population. The most rapid growth is projected among those aged 85 and over, with a compound annual growth rate (**CAGR**) of 3.0%, as shown in **Table 3**.

²⁰ Submitted as part of the Referral application.

Table 3: Auckland Region Official Medium Population Projections by Age Group					
Year	Under 15	15 - 74	75 - 84	85 +	Total
2023	329,620	1,346,490	76,050	26,540	1,778,700
2028	325,560	1,438,760	93,510	33,960	1,891,790
2033	326,650	1,518,880	111,430	44,800	2,001,760
2038	335,670	1,581,570	133,060	56,740	2,107,040
2043	344,900	1,642,820	149,830	70,310	2,207,860
2048	353,020	1,703,360	159,790	86,690	2,302,860
2053	361,340	1,776,480	170,430	64,560	2,372,810
30-year Change	31,720	429,990	94,380	38,020	594,110
30-yr % change	10%	32%	124%	143%	33%
CAGR	0.3%	0.9%	2.7%	3.0%	1.0%

- 13.5 As the population ages, demand for high-quality, age-appropriate housing will continue to intensify, particularly in desirable urban locations like Mission Bay and Ōrākei. Insight's assessment indicates it is expected that New Zealand will need an additional 932 retirement units per year over the next 25 years to meet projected demand by 2048. The Project represents a tangible contribution toward meeting that need through the provision of quality retirement living, catering for the growing and aging population.

Overview of the Project

- 13.6 The Project is for the comprehensive development of a retirement village on the land generally located at the northern end of Kupe Street, Te Arawa Street, Rukutai Street and Aotea Street, Auckland (the Site) (**Figure 24**). The Project comprises the following:
- (a) Five interconnected buildings of between 5-8 storeys, inclusive of a 1-3 level podium, accommodating approximately 256 retirement units.
 - (b) The retention and integration of the existing 3-storey aged care facility with 94 care units (Eastcliffe Retirement Village) located within the western portion of the Site.
 - (c) Demolition of the existing Eastcliffe Retirement Village apartment blocks (24 units) within the eastern portion of the Site (at the appropriate stage of construction).
 - (d) Associated staff and administrative functions, and a variety of communal/common amenity facilities for residents and their visitors.
 - (e) Soft and hard landscaping across the village.
 - (f) The construction of two public pedestrian walkways through the Site (to relocate two existing walkways that are located through the Site – discussed below) to provide access to Takaparawhau from Te Arawa Street and Aotea Street.
 - (g) A combination of at grade and basement parking.



Figure 24: Site extent (Source: Auckland Council GIS Viewer)

- 13.7 The layout, form, and design of the Project is detailed within the following:
- (a) Architectural Drawings (Warren and Mahoney) – **Attachment 17**.
 - (b) Architectural Design Report (Warren and Mahoney) – **Attachment 18**.
 - (c) Landscape Concept Plans (Boffa Miskell) – **Attachment 19**.
- 13.8 The relationship of the Project with the surrounding landscape and visual setting is described in the Urban Design, Landscape and Visual Effects Assessment prepared by Boffa Miskell (**Attachment 12**), and the Urban Design and Landscape Peer-review prepared by R.A Skidmore (**Attachment 21**).
- 13.9 The Project also includes the following:
- (a) Erecting site security fencing and hoardings as appropriate to the perimeter of the construction area, including temporary identification signage.
 - (b) Bulk earthworks to provide for suitable basement levels and building platforms, and to accommodate the proposed in-ground infrastructure. The estimated earthworks area is 17,589m² and volume is 20,460m³, comprising a cut volume of 25,150m³ and a fill volume of 4,690m³.
 - (c) The redevelopment of network utilities (private and public) within the Site to connect to existing utilities within Takapararua to the north-east of the Site²¹).
 - (d) Construction of the buildings (and other associated construction activities).

²¹ These works are permitted under the Unitary Plan's Auckland-wide Infrastructure chapter.

- (e) The implementation of hard and soft landscaping, including provision for public walkways through the Site via the cul-de-sac heads of Te Arawa and Aotea Street.
- 13.10 Construction of the Project will be undertaken in staged manner over approximately 9-10 years. Further details on the intended staging are provided further below.
- 13.11 As set out in **Section 11**, the two new public pedestrian walkways proposed through the Site from Te Arawa Street and Aotea Street will replace the two existing public walkways currently located through the Site, and will be constructed prior to the closure of the existing walkways. Further details of these walkways are discussed below.
- 13.12 The Project has been informed by consultation with Council's specialists (Urban Design, Landscape / Visual, Traffic, Infrastructure / Development Engineering), Auckland Transport, Healthy Waters and Watercare Services Ltd. Details of the consultation undertaken by the Applicants are provided in **Section 16**.
- 13.13 The Project has sought to avoid adverse effects as far as practicable. Where adverse effects cannot be avoided, measures are proposed to remedy or mitigate these effects.
- 13.14 The Project includes a set of Proposed Conditions of Consent to manage and mitigate the effects of the Project (refer **Section 14**). The Applicants have consulted with Council in respect of the proposed conditions prior to lodgement (refer **Sections 14** and **16**).

Site Layout and Building Design

- 13.15 The Site will comprise five new buildings ranging between 5-8 storeys relative to their placement and contour, and the integration of these with the existing 3-storey care facility in the western portion of the Site. The proposed layout is shown in **Figure 25** and on the Architectural Drawings (**Attachment 17**). The rationale for the design, massing, and layout for the Site is explained in the Architectural Design Report (**Attachment 18**).

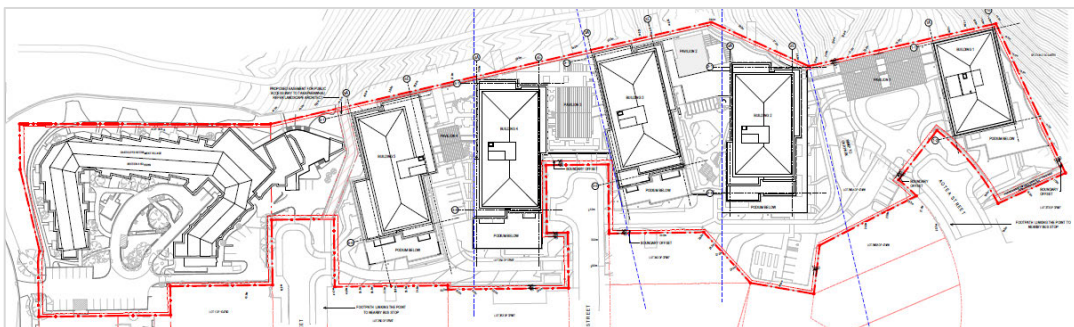


Figure 25: Proposed Site layout (Source: Drawing RC03-01 – Architectural Drawings).

- 13.16 As discussed in the Architectural Design Report (Sheets 6-8), the proposed design of the buildings reflects multiple workshops held between Generus and Ngāti Whātua Ōrākei (as the joint Applicants) with Warren and Mahoney Architects²², Moller Architects, Boffa Miskell, and R.A Skidmore Urban Design. The design process has been guided by a cultural narrative developed in collaboration with tangata whenua, which in turn has been reflected through an agreed design framework and principles for the massing, form and treatment of the buildings that responds to the cultural narrative.
- 13.17 The footprint, scale, and form of the buildings have also been informed by the size and shape of the Site, and by the Site's topography and wider landscape. The proposed buildings step relative to contour and are positioned in a (roughly) north-south alignment to optimise solar access, aspect, and outlook for the units and amenities they contain. The layout and design also respond directly to the Site's relationship with neighbouring properties and the expansive open space land to the north (Takaparawhau).
- 13.18 The primary 'entrance' to the village is proposed to occur from the cul-de-sac head of Aotea Street via a two-way vehicle crossing (with a separated pedestrian pathway) that provides access to a single-storey porte-cochere with a pickup / drop-off turnaround area that will serve as the main entry and an 'arrival' point for visitors. Access to basement carparking levels is also proposed from the main Aotea Street entrance, which services a secondary internal road that runs west through to Rukutai Street. The layout of the primary entrance and internal access arrangement in this part of the Site is shown in **Figure 26** and on the 3D artist impression included as **Figure 27**.



Figure 26: Layout of primary entrance off Aotea Street (Source: Sheet 56 – Landscape Plans).

²² As the architectural advisor of Ngāti Whātua Ōrākei Whai Rawa Limited.



Figure 27: Artist impression of porte-cochere area (Source: Sheet 60 – Attachment 18).

13.19 **Figures 28 and 29** illustrates the building footprints and their form stepping away from the southern boundaries in response to their interface with neighbouring sites, with the orientation of the units primarily facing east-west or north towards Takaparawhau (for those units located at the northern ends of the buildings). In this regard, the layout and stepped form of the buildings have been designed to comply with the height in relation to boundary standards (shown in light blue on **Figure 26**), relative to neighbouring sites.

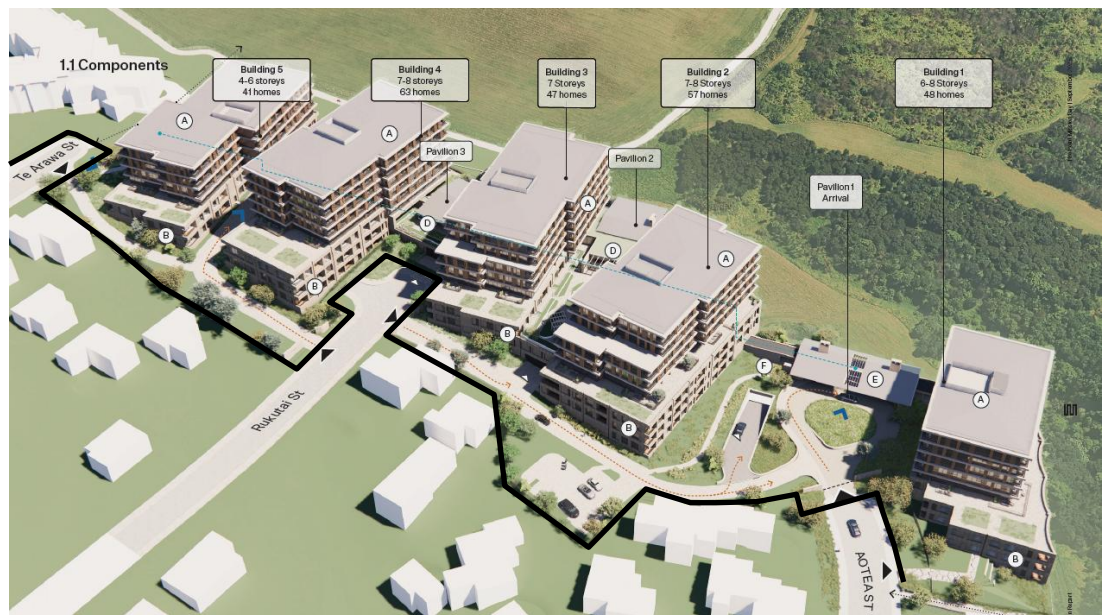


Figure 28: Layout of primary entrance off Aotea Street (Source: Sheet 56 – Landscape Plans).

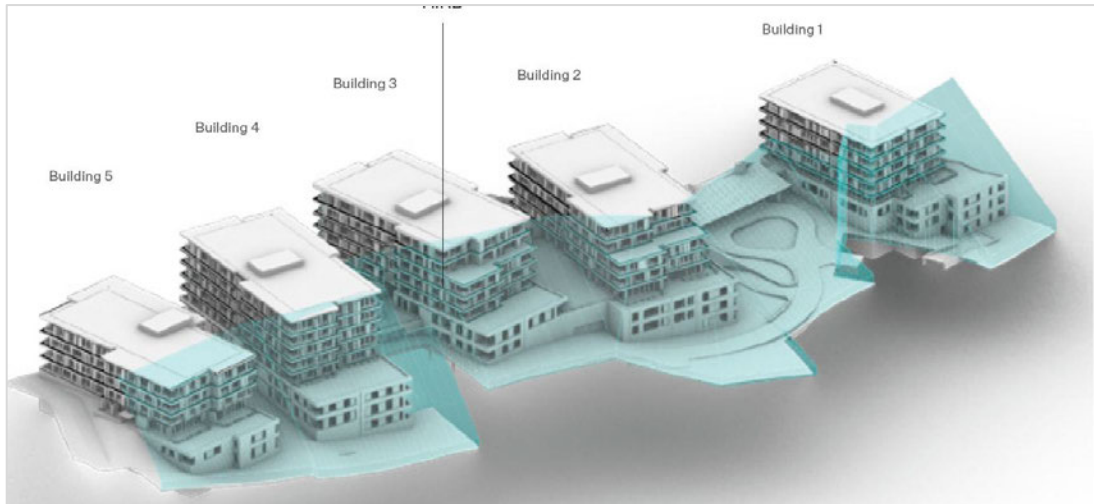


Figure 29: View looking north-east showing HIRB compliance (Source: Sheet 34 – ADR).

- 13.20 The relationship of the proposed buildings relative to the neighbouring dwellings on adjoining land is illustrated on the Section diagrams (Drawings RC30-01 – RC31-51) of the Architectural Drawings (**Attachment 17**) and within the series of visual simulations of the buildings ('before and after' scenarios) that are contained within Appendix 1 (Graphic Supplement) of the UD-LVEA (**Attachment 12**).
- 13.21 With reference to **Figure 30**, each of the buildings sit above a podium that provide a landscaped 'roofscape' and level 'ground plane' (between Buildings 2-5), with a series of intervening resident community hubs. In addition to the main pavilion at the entrance to the village (between Buildings 1-2), other smaller pavilion buildings are located on this podium between Buildings 2-3, 3-4 and 4-5, which will accommodate common amenities for residents, including landscaped spaces, restaurants, cafes and lounges.

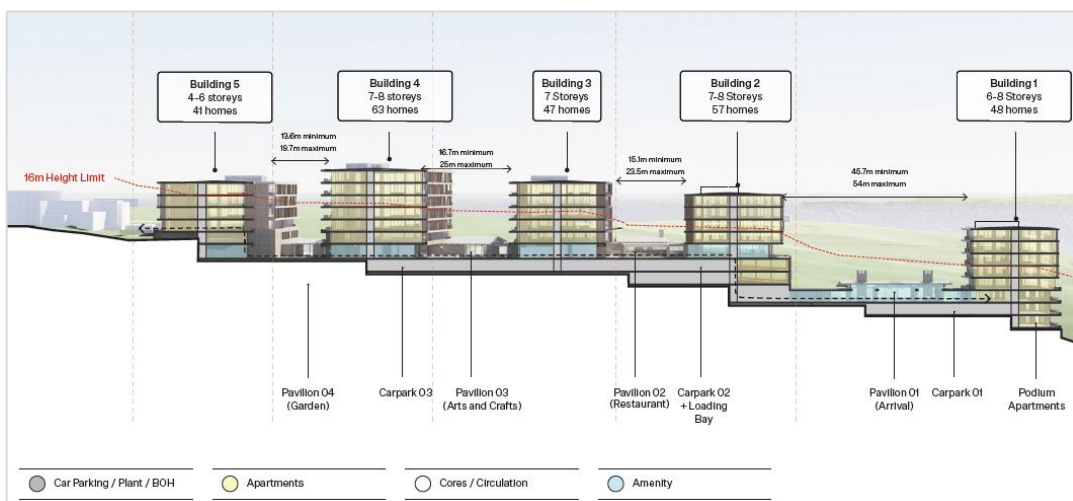


Figure 30: Section of the proposed buildings facing north relative to Site topography.

- 13.22 The height of the proposed buildings relative to the topography of the Site and existing aged care facility, and spacing between buildings, is also illustrated in **Figure 30**.
- 13.23 The heights of the proposed buildings relative to the 8m MHS zone and 16m THAB zone height planes are shown in green on **Figures 31 and 32** (Sheet 34 of the Architectural Design Report – **Attachment 18**. The maximum height proposed for the Project relates to Building 1 at the eastern portion of the Site (where the topography of Site it at its lowest point), with a maximum height of approximately 29.7m proposed.



Figure 31: View towards the Site the from the north (Source: Sheet 34 of Attachment 18).

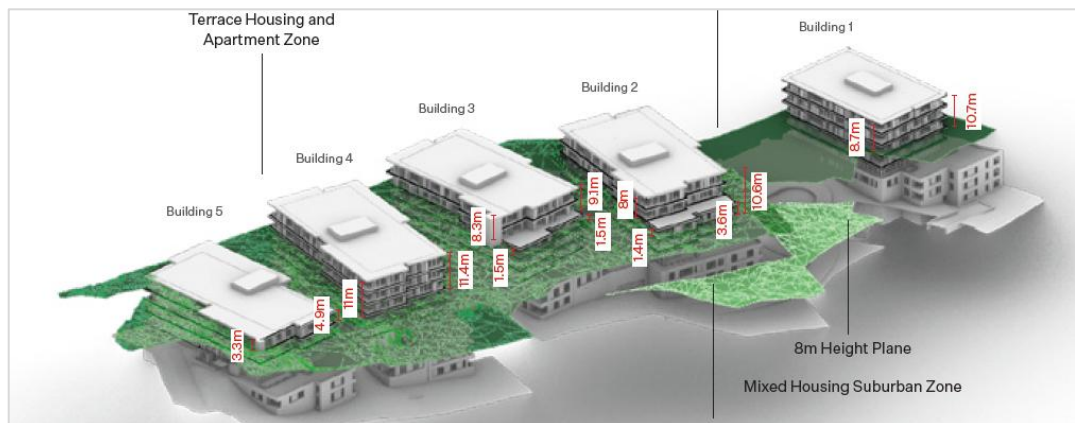


Figure 32: View towards the Site the from the south (Source: Sheet 34 of Attachment 18).

- 13.24 The façade materiality is explained in the Architectural Design Report (Sheets 53-54) and shown in **Figures 33 and 34**, with the materials selected addressing and reinforcing the various components in these figures. The brick podium facades (blue and green) signify the ‘heavier’ base elements, with the upper building facades and podiums comprising light coloured stone cladding and timber materials for the ‘lighter’ elements.



Figure 33: View facing south-west shown podium levels (Source: Sheet 54 – ADR).

- 13.25 With the exception of building height, the Project has been designed to comply with all THAB and MHS zone standards that are applicable to an ‘Integrated Residential Development’²³, which includes height in relation to boundary and yard setback controls.
- 13.26 With reference to the Site Coverage Plan (Sheet 67 of the Landscape Plans – **Attachment 19**), the Project includes a total impervious surface area²⁴ of approximately 17,223m² (70.76% of the Site area), a building coverage of 13,508m² (55.49%), a total landscaped area of 5,771m² (23.71% of the Site area). These figures exclude 1,347m² (5.53%) of permeable paving and the landscaped podium areas (which equates to 2,501m²)²⁵.

²³ With the exception of where buildings span across internal zone boundaries.

²⁴ Inclusive of the building footprint.

²⁵ Which is excluded from the definitions of impervious area and landscaped area.



Figure 34: Façade materiality expression of the buildings: Source: Architectural Design Report).

Village Occupancy

- 13.27 Each of the apartment typology retirement units will be able to be occupied by a maximum of two residents²⁶ (with the average occupancy rate per unit for Generus' villages being approximately 1.2 persons), and one person within each of the care units in the existing care facility activity that is to be retained and integrated with the village.
- 13.28 The Project includes 256 new apartment typology units and 94 care units within the existing care facility (to be retained), and is therefore anticipated to have a maximum occupancy of approximately 606²⁷ residents (noting approximately 401 residents²⁸ will be more commonly in residence (based on average occupancy rates). This is an increase of up to 464 residents when accounting for residents currently living within the existing aged care facility and the two Aotea Street apartment blocks²⁹.
- 13.29 The number of full-time equivalent (**FTE**) staff required to service the retirement village (excluding staff associated with the operation of the existing care facility to be retained) is anticipated to be ■ FTE staff. This includes a combination of healthcare professionals, management, administrative, and maintenance staff.

²⁶ Exceptions to this can be made under special circumstances.

²⁷ 256 retirement units x 2 people = 512 people + 94 care units x 1 people = 606 residents.

²⁸ 256 retirement units x 1.2 people = 307.2 people + 94 people within the care facility = 401 residents.

²⁹ Which accommodate a total of 24 units (with up to 2 people per unit).

Landscaping

- 13.30 As detailed in the Landscape Concept Plans (**Attachment 19**), the design and layout of the proposed buildings, podium level, pedestrian walkways, and at-grade parking areas, are to be complemented with a wide variety of soft and hard landscaping elements.
- 13.31 The comprehensive landscaping scheme includes the judicious placement of a mixture of specimen trees, mixed shrubs, hedges, and planted groundcover, to complement the appearance of the proposed buildings and intervening spaces around the buildings.
- 13.32 With reference to the detail contained within the Landscape Concept Plans, the landscape design is inclusive of the following key areas within the village:
- (a) The Village Heart (Sheets 29-34).
 - (b) Sensory and Wellness (Sheets 35-40).
 - (c) The Gardens (Sheets 41-46).
 - (d) Productive Garden (Sheets 47-48).
 - (e) Boundary Interfaces (Sheets 50 - 54).
- 13.33 The podium level of the buildings acts as a raised ground plane, providing level access between the buildings, and multiple opportunities for usable landscaped amenity spaces for residents. These are complemented by pavilions that are proposed on the podium level between the buildings that have been integrated into the landscape design. Examples of landscaped intervening spaces between buildings is shown in **Figures 35** and **36**.



Figure 35: Landscaping at podium level between Buildings 3-4 (Sheet 39 – Landscape Plans).



Figure 36: Landscaping at podium level between Buildings 3-4 (Sheet 39 – Landscape Plans).

- 13.34 The two new public walkways proposed through the Site (by way of easement) are shown on cross-sections on Sheets 51 and 52 of the Landscape Concept Plans.
- 13.35 The proposed Te Arawa Street pedestrian accessway extends between Building 5 and the existing care facility building. The accessway will be 4m wide and comprises a concrete pathway that is 2.4m wide, with 0.8m of low planting on each side.
- 13.36 The proposed Aotea Street pedestrian accessway extends along the eastern boundary of the Site and will be 3 metres wide. The accessway will include a 1.8m wide concrete pathway with 0.6m width low planting on each side.
- 13.37 Public pedestrian access is proposed to be enabled during daylight hours within the Site via the internal accessway through the southern part of the village that connects Te Arawa Street to Rukutai Street³⁰.
- 13.38 Entrance walls and visually permeable gates are proposed at each access point. The walls will be low-height, which defines the village entrance while still allowing for passive surveillance. The gates will remain open during the day and will be closed ‘after dark’ (refer Condition 69 of the Proposed Conditions of Consent – **Attachment 23**).
- 13.39 A draft Landscape Management Plan has been prepared (**Attachment 20**) to ensure that landscaping proposed is adequately maintained post construction to:

³⁰ Refer Condition 69 of the Proposed Conditions of Consent (**Attachment 23**).

- (a) Support the establishment and long-term health of the landscape planting.
 - (b) Provide for the effective management of pests and weeds.
 - (c) Maintain safety, functionality, and durability of landscape assets.
- 13.40 A final version of the Landscape Management Plan will be submitted to Council for certification (refer Condition 28 of the Proposed Conditions of Consent).
- 13.41 Overall, the landscaping will contribute to providing for a high level of amenity for residents and visitors, and (where visible) to neighbours and the public outside of the Site.

Lighting

- 13.42 Lighting is included as a component of the proposed landscaping concept to illuminate the pedestrian pathways, at-grade parking areas, and provide for feature illumination.
- 13.43 Conceptual details of the proposed lighting are provided on Sheet 63 of the Landscape Plans (**Attachment 19**), which indicates lighting will comprise a combination of bollard lights, in-ground lighting, wall-mounted lights, and lamp post area lighting.
- 13.44 Specific details of the typology and location of lighting for these areas will be confirmed prior to the building consent stage. An assessment of the conceptual lighting strategy has been undertaken by Mesh (**Attachment 22**³¹), confirming that the lighting will comply with the relevant permitted lighting standards of the Unitary Plan.
- 13.45 A condition of consent requiring final lighting details to be provided to Council for certification is proposed (refer to Proposed Conditions of Consent - **Attachment 23**).

Construction Staging

- 13.46 The construction of the retirement village is planned to be undertaken in a staged manner (over five key stages) over a period of approximately 9-10 years.
- 13.47 Indicative detail of the staging is provided in **Table 4**, with the timing and scope of the staging to be confirmed as part of the Construction Management Plan for the Project³².

³¹ External Lighting Assessment.

³² Required by Condition 18 of the Proposed Conditions of Consent - **Attachment 23**.

Table 4: Indicative Construction Staging		
Stage	Indicative Scope of Works	Estimated Completion
Enabling Works	<ul style="list-style-type: none"> • Site establishment • Underground services/infrastructure install 	██████
Stage 1	<ul style="list-style-type: none"> • Construction of basement and podium level for Building 2 and 3 • Construction of Building 2 • Construction of restaurant 	██████
Stage 2	<ul style="list-style-type: none"> • Construction of basement and podium for Building 3 • Construction of Building 3 • Demolition of Aotea Street Apartment blocks • Construction of Basement to Building 1 and Entry Pavilion (finished at podium level) • Construction of restaurant on podium between Buildings 3 and 4 	██████
Stage 3	<ul style="list-style-type: none"> • Construction of Building 1 	██████
Stage 4	<ul style="list-style-type: none"> • Construction of Building 4 and basement • Construction of remaining L2 basement • Amenity space on podium 	██████
Stage 5	<ul style="list-style-type: none"> • Construction of Building 5 	██████

13.48 The application includes a number of draft construction related management plans that detail the various management measures to be implemented to manage construction effects associated with the Project to an acceptable level. These include the following:

- (a) Construction Management Plan.
- (b) Earthworks Management Plan (**Attachment 27**).
- (c) Chemical Treatment Management Plan (Appendix B of **Attachment 27**).
- (d) Construction Noise and Vibration Management Plan (**Attachment 30**).
- (e) Construction Traffic Management Plan (**Attachment 24**).
- (f) Groundwater Settlement Monitoring and Contingency Plan (Appendix E of the Geotechnical Assessment - **Attachment 28**).

- 13.49 The range of conditions of consent proposed by the Applicants (refer **Attachment 23**) set out the requirements for the certification, amendment and compliance with the above management plans, as well as conditions to manage specific construction activities. Further details on the Proposed Conditions of Consent are set out in **Section 15**.
- 13.50 The Applicants intend to implement the documentation to facilitate construction upon receipt of the resource consent, to align with the programme outlined above.

Site Access, Parking and Traffic

- 13.51 The transport related aspects of the Project are detailed in the Integrated Transport Assessment prepared by Flow Transport Specialists, appended as **Attachment 6**.
- 13.52 A summary of the proposed pedestrian, vehicle access, parking, and traffic generation characteristics of the Project is provided below.

Pedestrian Access Arrangements

- 13.53 Pedestrian access to the retirement village is to be provided from Te Arawa Street, Rukutai Street, and Aotea Street, with the existing pedestrian access arrangements to the existing aged care facility from Kupe Street and Te Arawa Street retained.
- 13.54 The proposed vehicle and pedestrian links within the Site are shown in **Figure 37**:

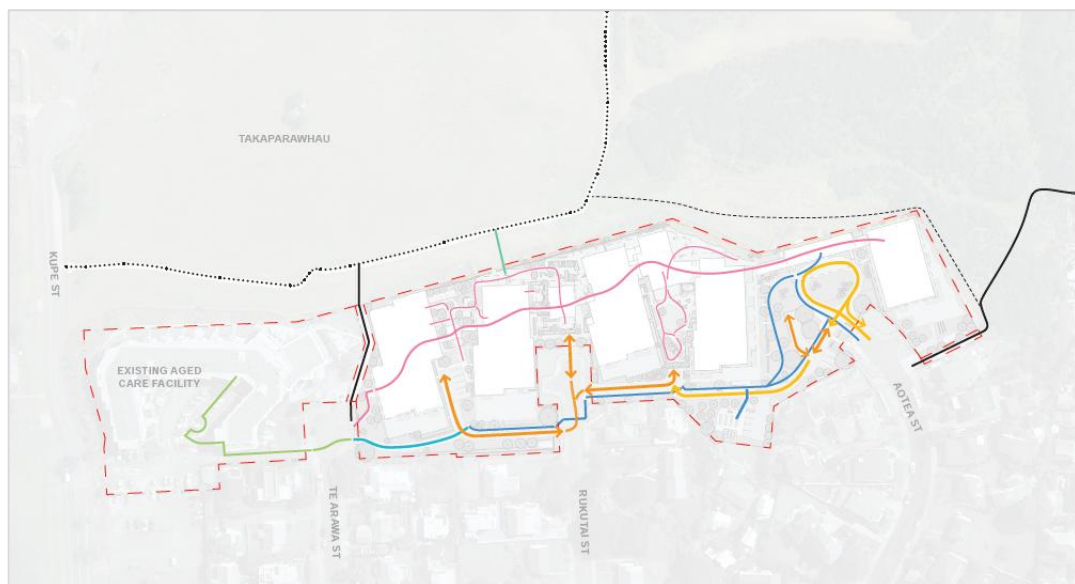


Figure 37: Pedestrian and vehicular circulation (Source: Sheet 23 – Landscape Plans).

Vehicle Access Arrangements

- 13.55 Vehicular and pedestrian access to the Project is from Kupe, Te Arawa, Rukutai and Aotea Streets, with the ‘front door’ to the proposed village to be from Aotea Street.
- 13.56 Vehicle access is proposed via all 4 road frontages from 8 vehicle crossings, of which 3 are existing (serving the existing aged care facility). 5 new vehicle crossings are proposed (to replace 5 existing vehicle crossings either by widening or an amended location).
- 13.57 The new vehicle access arrangements proposed for the Site include:

Aotea Street

- 1) 9.1m wide vehicle crossing on the northern side of the road, providing access to the main entrance to the village and entry to the basement below Buildings 1 and 2.
- 2) 3.0m wide vehicle crossing on the eastern side of the road, providing access to a loading bay located to the south of Building 1.

Rukutai Street Vehicle Crossings

- 3) 5.5m wide vehicle crossing located on the eastern side of the road, providing access to the east-west internal accessway between Rukutai Street and Aotea Street.
 - 4) 5.5m wide vehicle crossing located on the northern side of the road, providing access to the basement parking spaces and loading bay beneath Building 2.
 - 5) 3.5m wide vehicle crossing on the eastern side of the road, providing access to 5 at-grade visitor parking spaces located between Buildings 4-5.
- 13.58 The existing vehicle crossings serving Kupe Street and Te Arawa Street will be retained.
- 13.59 A detailed summary of all vehicle crossings and access arrangements are set out in Section 6.1 of the Transport Assessment. With the exception of Aotea Street (discussed below), these have been designed to comply with all relevant requirements of the Unitary Plan.
- 13.60 The main vehicle entrance via Aotea Street is proposed to have a width of 9.1m³³ to enable a ‘split’ two-way access and a central island with a keypad/swipe card/intercom (**Figure 38**) for access during evening hours when the entrance gates are closed.

³³ Which exceeds the maximum width of 6.0m.



Figure 38: Aotea Street main entrance access arrangements (Source: Sheet 56 – Landscape Plans).

13.61 To ensure the safe and efficient operation of the vehicle crossings, marked parking restrictions (in the form of painted yellow lines) within the cul-de-sac heads are proposed. The proposed road markings are shown in Appendix D of **Attachment 6**³⁴.

Parking Arrangements

13.62 As set out in Section 6.5 of the Transportation Assessment, 274 parking spaces are proposed across the Site, with these predominantly being located below ground within basement levels. A breakdown of the proposed parking is provided below:

- (a) 116 parking spaces in the basement under Building 3 and 4.
- (b) 70 parking spaces in the basement under Building 2 and 3.
- (c) 74 parking spaces in the basement under Building 1.
- (d) 5 at-grade residents parking spaces between Building 4 and 5.
- (e) 8 at-grade visitor parking spaces serving Buildings 1 to 5.

13.63 Apart from accessible parking, there are no minimum or maximum parking requirements under the Unitary Plan for retirement villages in residential zones. The Project is required to provide 6 accessible spaces, which are proposed to be located throughout the basement carparking levels and 1 at-grade space outside Building 2.

³⁴ These have been discussed and confirmed with Auckland Council / AT as part of pre-app discussions.

- 13.64 All proposed parking spaces have been designed to comply with the minimum dimensions and gradient requirements of the Unitary Plan.
- 13.65 With the exception of one resident parking space located in the basement under Building 3 and 4 that has less than the minimum manoeuvring dimension³⁵, compliant manoeuvring space has been provided for the manoeuvring of all vehicles within the Site in accordance with the requirements of the Unitary Plan. Vehicle tracking diagrams have been prepared by Flow to confirm compliance (refer Appendix C of **Attachment 6**).
- 13.66 A convex mirror is proposed at the ramp serving the two levels of basement parking to ensure there is sufficient visibility for vehicles.
- 13.67 Bicycle parking (comprising 10 visitor spaces and 3 long-stay secure spaces) is proposed to be located in the basement car park under Buildings 3 and 4³⁶.

Servicing and Loading Arrangements

- 13.68 The proposed servicing and loading arrangements are set out in Section 6.7 of the Transportation Assessment. In accordance with the requirements of the Unitary Plan, two formalised on-site loading spaces are proposed to service the village.
- 13.69 The proposed loading arrangements for the village include:
- (a) 1 loading space within Level B1 of the basement under Building 2 (adjacent to the rubbish room), which will be primarily used by waste collection and delivery vehicles. The loading space will be accessed via the basement entrance via Aotea Street.
 - (b) 1 loading bay provided at-grade adjacent to the southern end of Building 1, which will be used for certain deliveries and by moving trucks for resident move-ins. The loading space will be accessed via the main entrance to the village via Aotea Street and require vehicles to reverse into the loading bay.
- 13.70 A pickup and drop-off area is proposed outside the port-cochere accessed by the main entrance via Aotea Street. As discussed in Section 6.7 of the Transportation Assessment, the layout of the Site also provides for several informal loading opportunities to fully cater for the servicing and loading requirements of the retirement village.

³⁵ Refer Section 6.5.3.1 of the Transportation Assessment.

³⁶ This complies with the bicycle parking requirements for the number of units and staff (FTE) anticipated.

- 13.71 The basement level where the Level B1 loading bay is located is proposed to have a vertical clearance of 2.7m, which does not meet the Unitary Plan's minimum requirement of 3.8m. The Transport Assessment confirms that relative to the nature of vehicles that will use this basement ramp / loading area, this arrangement will operate satisfactorily.
- 13.72 Details of waste management arrangements for the Site are provided further below.

Traffic Generation

- 13.73 As explained in Section 7 of the Transportation Assessment, the traffic generation rates for a retirement village are much lower than that of typical residential land uses.
- 13.74 Once fully occupied, the retirement village is expected (on average) to generate 46 vehicle trips during the AM and PM peak periods, representing an increase of approximately 31 vph during peak periods (noting 12vph are currently generated by the existing care facility and 3vph generated by the two Aotea Street apartment blocks (to be demolished)).
- 13.75 Vehicle trips associated with service vehicles are not expected to be frequent and include:
- 1 to 2 rubbish collection truck movements per week.
 - 1 to 2 delivery vehicles per week.
 - Ad-hoc trucks are associated with residents moving in and out of apartments.
- 13.76 The distribution of the vehicle trips is expected to occur as follows:
- (a) Kupe Street: 12 vph generated by the existing aged care facility (with these trips already occurring on the road network) to be integrated with the new village.
- (b) Rukutai Street and Aotea Street: 31 vph distributed equally between these streets. Rukutai Street will provide access to approximately 70 % of the proposed basement parking, and Aotea Street will provide access to the porte-cochere (the main entrance) and to approximately 30 % of the proposed basement parking.
- (c) Te Arawa Street: No increase is expected in vehicle trips, as no vehicle access is proposed to be provided to the new buildings from this road, and the parking spaces serving the existing aged care facility in this location are unchanged.

Construction Traffic and Access

- 13.77 Construction vehicle access to the Site is proposed to occur via the three cul-de-sac heads of Te Arawa Street, Rukutai Street and Aotea Street (relative to staging across the Site).
- 13.78 A draft Construction Traffic Management Plan (**CTMP**) has been prepared to manage vehicle movements within the surrounding streets, and to ensure that sufficient space is made available on the Site to accommodate construction related vehicles.
- 13.79 In summary, the draft CTMP (appended as **Attachment 24**) addresses:
- (a) Proposed construction routes and access to the Site.
 - (b) The amount of construction traffic expected to be generated during the excavation stage, which is expected to generate the highest amount of heavy vehicle movements.
 - (c) Contractor parking provision during construction.
 - (d) Temporary on-street parking removals to facilitate sufficient manoeuvring for heavy construction vehicles within the surrounding road network.
 - (e) Pedestrian access.
 - (f) Principles of temporary traffic management.
 - (g) Proposed communication protocols.
 - (h) Contractor obligations for preparing the final CTMP.
- 13.80 Construction routes have been identified between the SH16/SH1 onramp and offramp interchange at Grafton Gully (via Kepa Road, Tamaki Drive and The Strand) and the Site, and between SH1 Green Lane East interchange (via Kepa Road, Orakei Road and Ascot Avenue) and the Site, to avoid narrow local roads as much as possible.
- 13.81 Road pavement monitoring is proposed for a section of the heavy vehicle routes during the construction period. The requirements for the monitoring and procedures for undertaking any repairs to damage will be detailed in the final CTMP.
- 13.82 The Applicants will finalise and submit a final CTMP to Council for certification ahead of the construction works commencing on the Site (refer to Condition 25 of the Proposed Conditions of Consent appended as **Attachment 23**).

Infrastructure

- 13.83 The infrastructure and services related aspects of the Project are detailed in the Infrastructure Assessment prepared by CCL (**Attachment 7**).
- 13.84 A summary of the existing and proposed arrangements for stormwater, wastewater, potable water / fire suppression, and telecommunications is provided below.
- 13.85 No changes are proposed in respect of the current servicing arrangements for the existing care facility within the western portion of the Site.

Stormwater

- 13.86 The Site is traversed by a combination of public and private stormwater lines.
- 13.87 The extent of the public network is shown in Section 3.1 (Figure 3) of the Infrastructure Assessment, with this figure also identifying the continuation of these existing public lines within Takaparawhau and the adjacent road network.
- 13.88 The proposed building layout and basement carpark depths necessitate the majority of the existing private and public stormwater networks that traverse the Site to be diverted. It is therefore proposed redevelop the private and public stormwater network within the Site, and maintain connections to the public network within Takaparawhau.
- 13.89 With reference to **Figure 39** and set out in Section 3.2 of the Infrastructure Assessment:
- (a) Primary stormwater flows will be managed by constructing new stormwater utility within the Site, which will connect to the existing public drainage system within Takaparawhau (referred to as Networks 1 and 2³⁷).
 - (b) Two public catchpits within the cul-de-sac head of Rukutai Street (which currently drain eastward through the Site) will be redirected via a proposed public stormwater extension southward to existing Network 3.

³⁷ Refer Section 3.1 of the Infrastructure Assessment for an explanation of the networks.

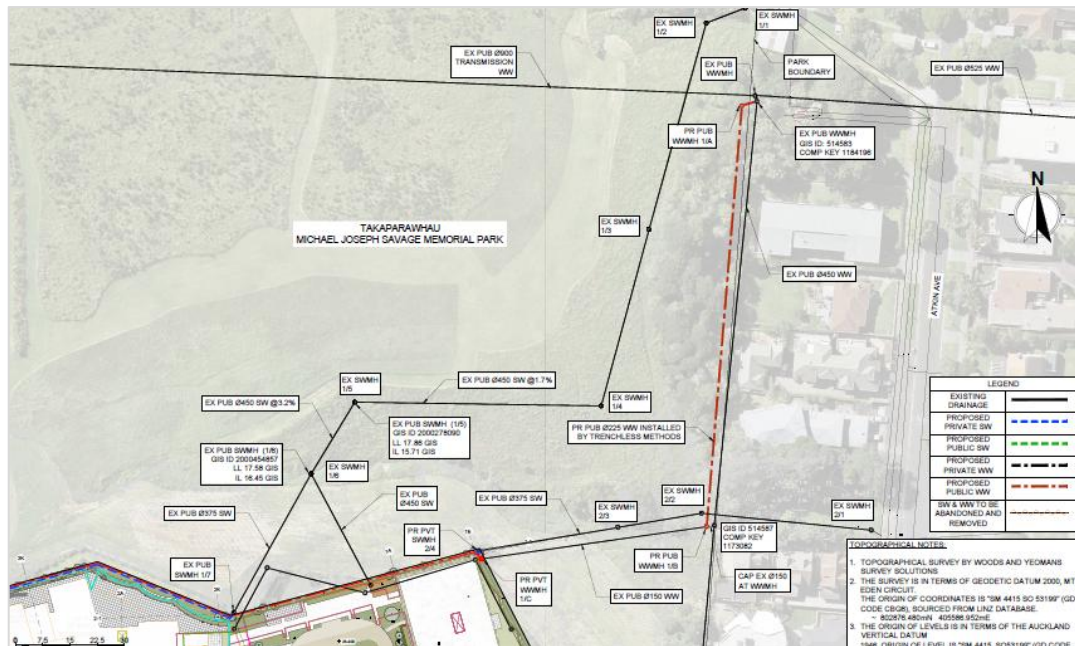


Figure 39: Proposed stormwater drainage layout (Source: Drawing RC-933).

- 13.90 The above stormwater arrangements have been agreed in principle with Healthy Waters. Land Owner Approval (**LOA**) will be sought to connect the new stormwater pipe within the Site to the public utilities within Takapararawhau (and the road network as necessary), following the granting of consent, inclusive of appropriate Engineering Plan Approvals.
- 13.91 To ensure there are no adverse effects on the downstream stormwater network, it is proposed to attenuate post-development runoff to pre-development volumes up to and including a 1 in 10-year and 1 in 100-year storm events. To achieve this, a retention/detention volume of 112m³ is proposed to be provided (with 87m³ required for peak flow mitigation) in the form of five 22,500L underground detention tanks with orifice-controlled outlets to provide peak flow attenuation.
- 13.92 To treat stormwater from at-grade vehicle parking, manoeuvring areas, and accessways in accordance with the requirements under Chapter E9 of the Unitary Plan for 'high contaminant generating carparks', a proprietary Stormwater 360 Stormfilter Device is proposed in accordance with GD01 (refer Drawings C933-C934).
- 13.93 Runoff from the driveway and carpark areas will be captured and conveyed to the Stormfilter device by a combination of catchpits and pipes and surface water control, such as kerb and dish channels. Treated water discharging from the device will be piped to the Site's private network before discharge to the public network (Network 1).

Wastewater

- 13.94 The Project is anticipated to generate a wastewater discharge of 1.2 l/s, with a peak dry weather flow of 3.56 l/s and peak wet weather flow of 6.19 l/s.
- 13.95 As with stormwater, the Site is traversed by a combination of private and public wastewater lines. The extent of the public network is shown in Section 4.1 (Figure 5) of the Infrastructure Assessment, with this also identifying the continuation of these existing public lines within Takaparawhau, adjacent sites, and the road network.
- 13.96 The proposed building layout and basements necessitates the relocation of the majority of the existing private and public wastewater networks within the Site. It is therefore proposed to relocate the existing public wastewater line and connect this to the existing network inside the Site (proximate to the north-east boundary). Provision is made for a 'by-pass' waste water line along the eastern side of Takaparawhau (shown as a red dashed line in **Figure 39**), adjacent to the existing wastewater line in this location.
- 13.97 These arrangements are consistent with feedback received from Watercare. LOA will be sought to undertake the public wastewater works within Takaparawhau following the granting of consent, inclusive of appropriate Engineering Plan Approvals.

Potable Water

- 13.98 The Project is anticipated to generate a daily potable water demand of 1.33 l/s, with a peak demand design flow of 2.67 l/s.
- 13.99 Water supply to the Site (and fire supply – discussed below) is proposed to be provided by the installation of a private water network extending from the existing public 150mm diameter water network within the eastern berm of Kupe Street. An upgrade of the existing 100mm diameter water main (to a 150mm diameter pipe) within Ngake Street is proposed to enable sufficient capacity within the Kupe Street network. These arrangements are consistent with feedback received from Watercare.

Fire Suppression

- 13.100 The Project will comply with the Fire Service Firefighting Water Supply Code of Practice (SNZ PAS 4509:2008). The Code of Practice requires at least one fire hydrant within 135m and at a pressure of at least 25l/s (a second hydrant may be used to achieve this).
- 13.101 Existing fire hydrants are located in front of the Site at Kupe Street and the within the turning heads of Te Arawa Street, Rukutai Street and Aotea Street.

- 13.102 Fire supply will be provided via the water supply to the Site that is proposed to be provided by the installation of a private water network extending from the existing public 150mm diameter water network within the eastern berm of Kupe Street (to be enabled through the upgrade of the existing 100mm diameter pipe in Ngake Street). A 60m³ on-site storage tank with diesel booster pump is proposed to support the fire sprinkler system.
- 13.103 A combined fire suppression supply and water meter with backflow prevention device is proposed within the Kupe Street berm in accordance with Watercare standards.
- 13.104 The detailed design of the fire-fighting requirements of the retirement village will be undertaken by a suitable fire engineer and in consultation with the New Zealand Fire Service as part of the detailed design stage of the Project.

Gas

- 13.105 The northern portion of the Site is traversed by a Vector gas line, with this continuing within Takaparawhau to the east of the Site. The proposed building layout and basements necessitate the realignment of this gas line, which will be reconnected to at the eastern boundary to the existing gas line within Takaparawhau to the east of the Site.
- 13.106 LOA will be sought to undertake gas line connection works within Takaparawhau following the granting of consent, inclusive of appropriate Engineering Plan Approvals.

Power and Telecommunications

- 13.107 Existing power and telecommunication infrastructure located proximate to the Site will be extended (and modified as necessary to service the proposed development).

Waste Management

- 13.108 The proposed waste arrangements for the village are detailed within the Draft Waste Management Plan prepared by Rubbish Direct (**Attachment 25**).
- 13.109 Rubbish and recycling from the buildings will be collected from various locations within the Site and stored within three refuse areas, with a total storage area of 45m² provided.
- 13.110 A dedicated refuse management area is proposed on Level B1 of the Building 2 basement. Waste will be collected on a regular basis by private contractors.
- 13.111 A final version of the Waste Management Plan will be submitted to Council for certification (refer Condition 27 of the Proposed Conditions of Consent).

Natural Hazard Risk

13.112 A Flood Risk Assessment has been prepared by CLC (**Attachment 26**) in respect of the Project to assess the implications of a 1% AEP flood event relative to the presence of overland flows within and adjacent to the Site, and the consequent effect on the suitability of the proposed activity any resultant downstream effect.

13.113 The Project will maintain function of the overland flow paths by conveying stormwater runoff safely through the Site and to the receiving environment and will not reduce the capacity of the overland flow path, or cause nuisance or damage to property or the environment. Further assessment in respect of overland flow is provided in Section 18.

Land Disturbance

13.114 As explained in the Infrastructure Assessment (**Attachment 7**), to facilitate construction of the Project, the following earthworks are proposed:

Table 5	
Earthworks Type	Area and Volume
Area	17,589m ²
Cut	25,150m ³
Fill	4,690m ³
Balance (Cut)	20,460m ³

13.115 The 'Bulk Earthworks Plans' appended as Appendix F to the Infrastructure Assessment provides further detail on the cut / fill works proposed.

13.116 Earthworks will be staged (over a number of years) in relation to the construction of drainage/services and basements (which will occur sequentially across the Site). Earthworks during Stages 1 to 5 predominantly relate to 'cut' for the basement levels.

13.117 The PSI-DSI prepared by Tonkin & Taylor (**Attachment 14**) confirms that the Site does not include contaminated soils that exceed background levels.

Erosion and Sediment Control

13.118 An Erosion and Sediment Control Plan (**ESCP**) will be implemented during the works, which will include best practice sediment, erosion, and dust control measures. The ESCP will be maintained during earthworks in accordance with Council's GD05.

13.119 A draft Earthworks Management Plan has been prepared (**Attachment 27**), which sets out the proposed measures to manage the effects of the earthworks. These include:

- (a) Stabilised construction entrance.
- (b) Wheel wash for construction vehicles.
- (c) Silt fences and silt socks.
- (d) Contour drains.
- (e) Clean water diversion channels and bunds.
- (f) Dirty water diversion channels and bunds.
- (g) Mobile filtration device (Laminar Clarifier).
- (h) Catchpit inlet protections.
- (i) Hydroseeding and mulching.
- (j) Dust control (e.g. water spraying).

13.120 Draft Erosion and Sediment Control Drawings are included in Appendix F of the Infrastructure Assessment which shows the proposed measures for each Stage.

13.121 A draft Chemical Treatment Plan is included as Appendix B of the Earthworks Management Plan in respect of the treatment of temporary sediment ponds.

13.122 Works will be undertaken in accordance with these measures and the Proposed Conditions of Consent contained in **Attachment 23**. These proposed measures are sufficient and appropriate relative to the scope of the works.

13.123 A finalised Earthworks Management Plan and Chemical Treatment Plan will be provided to Council for certification to manage the earthworks activities to be undertaken (refer Conditions 19 and 21 of the Proposed Conditions of Consent (**Attachment 23**)).

Geotechnical Matters

Ground Conditions

13.124 The Geotechnical Assessment prepared by Tonkin & Taylor (**Attachment 28**) confirms the Site is suitable (from a geotechnical perspective) to accommodate the Project, and that the Project is not affected by, nor does it affect, neighbouring land in respect of natural hazards (landslide susceptibility).

- 13.125 The buildings and basements have been designed in accordance with Tonkin & Taylor's recommendations in respect of the geology of the Site, and final details of the foundations for the building will be developed during detailed design.
- 13.126 At this preliminary design stage, shallow raft foundations and bored reinforced concrete piles have been identified as suitable foundation options for the Project.
- 13.127 Temporary retaining walls will be required to provide temporary retention of the basement excavations where these are undertaken near the Site's boundaries proximate to neighbouring dwellings or services. For other areas of the basement, both temporary battered slopes and temporary retaining walls will be utilised to retain excavations.

Groundwater

- 13.128 The Geotechnical Assessment confirms perched groundwater has been determined to range in depth between approximately 2.0m – 4.5m below ground level, with the proposed basement excavation extending to depth of 1.5m-5m below this.
- 13.129 Relative to the depth of groundwater levels present within the Site and the levels of the proposed basement levels, permanent groundwater dewatering will be necessary (following the construction period). Permanent drainage systems are proposed as part of the Project to provide ongoing groundwater level management for the basements.
- 13.130 Temporary dewatering and diversion of groundwater will be required on a temporary basis during the construction period to maintain drained excavation areas. This will be managed by the Groundwater and Settlement Monitoring Contingency Plan (**GSMCP**), a draft of which has been prepared by Tonkin & Taylor (Appendix E of the Geotechnical Assessment) and sets out the monitoring requirements of the excavation works and surroundings to monitor ground settlement and assess effects on ground and structures adjacent to the Site leading up to and during construction.
- 13.131 A final version of the GSMCP will be prepared and submitted to Council for certification prior to works commencing (refer Condition 77 of **Attachment 23**).

Noise and Vibration

13.132 The Acoustic Assessment prepared by Styles Group (**Attachment 29**) details the construction noise and vibration, and operational noise for the Project.

Construction Matters

13.133 Construction will occur generally between 7.30am–6.00pm Monday to Saturday (when a 70 dB construction noise limit is provided for), with no noisy works to be undertaken on Sundays or Public Holidays. These limits are intended to mirror the Unitary Plan noise standards, and are not intended to prevent contractors undertaking low noise generating works outside of these hours, as otherwise permitted by the Unitary Plan.

13.134 Styles Group has undertaken an assessment of predicted construction noise and vibration, which confirms that the permitted construction noise and vibration limits are expected to be exceeded at some receivers during certain construction activities, including:

Construction Noise

- Noise levels above 70 dB L_{Aeq} (ranging 71 dB to 79 dB L_{Aeq}) at 48, 2/48, and 59 Te Arawa Street, 104, 119, and 119B Rukutai Street, and 86 and 97-99 Aotea Street.
- Noise levels above 85 dB L_{Amax} (ranging 86 dB to 94 dB L_{Amax}) at 48, 2/48, and 59 Te Arawa Street, 104, 119, and 119B Rukutai Street, and 86 and 97-99 Aotea Street.

Construction Vibration

- Vibration levels of between 2-5 mm/s PPV at the dwellings located at 59, 104, 119A, and 119B Rukutai Street, and 97-99 Aotea Street.

13.135 The exceedances relate to the following types of construction activities, which will occur at certain setback distances from receivers over the likely durations, which are detailed in the Acoustic Assessment:

- (a) Concrete breaking (of existing foundation slabs and palisade wall).
- (b) Drilling of foundations with a Continuous Flight Auger (CFA) rig.
- (c) Drilling for retaining walls at the southern boundary with a 12-t excavator.
- (d) Bored piling for temporary shoring.
- (e) Sheet piling (for temporary shoring during Stages 2 and 4).
- (f) Earthworks activities using a 20-t excavator.
- (g) Compaction of accessways with a 10-t roller.

13.136 A draft Construction Noise and Vibration Management Plan (**CNVMP**) has been prepared by Styles Group (**Attachment 30**), which details the measures that are to be adopted to ensure noisy works are undertaken in an appropriate manner relative to the Project's specified noise and vibration limits, the time of day, their duration, and the best practicable option.

13.137 The CNVMP will be finalised by the appointed contractor and submitted to Council for certification prior to works commencing. A condition to this effect is proposed (Condition 24 in the Proposed Conditions of Consent appended as **Attachment 23**).

Operational Noise Matters

13.138 Retirement villages (being a residential activity) inherently do not generate operational noise inconsistent with that envisaged in a typical urban environment.

13.139 The primary sources of operational noise from retirement villages can be attributed to vehicles entering and exiting the basement and driving along internal accessways (predominantly via Aotea Street), mechanical plant equipment, and other outdoor variable refrigerant flow (VRF) units for heating, ventilation, and air conditioning.

13.140 With reference to the Operational Noise Assessment (Section 5 of the Acoustic Assessment), operational noise sources will be designed and / or managed to comply with the Unitary Plan's daytime and night-time limits at all neighbouring properties.

13.141 All mechanical services and other proprietary plant required to service the building will be designed and installed to achieve the relevant Unitary Plan noise limits (refer Condition 58 of the Proposed Conditions of Consent (**Attachment 23**)), which is considered suitable to manage the effects of operational noise generated by mechanical plant).

Signage

13.142 Permanent signage includes the identification naming of the retirement village at the main entrance (Aotea Street) and other primary vehicle crossings. The signage will be of a size and nature that is appropriate and commensurate to the scale of the Project.

13.143 Indicative 'look and feel' signage for the village is shown on the artistic renders included on Sheets 53, 60, 63, and 66 of the Architectural Design Report.

13.144 Specific details of other signage within the Site are yet to be confirmed, and a condition of consent requiring signage details to be provided to Council for certification is proposed as part of the finalised architectural drawings (Condition 29 of **Attachment 23**).

14 PROPOSED CONDITIONS OF CONSENT

14.1 Schedule 5, clause 5(1)(k) of the FTAA requires that an application provides a set of proposed conditions proposed by the Applicants for the resource consent.

14.2 Section 83 of the FTAA requires conditions to be no more onerous than necessary:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

14.3 With reference to Section 4.26 of the Legal Considerations Memorandum (**Attachment 1**), the Proposed Conditions of Consent have been developed following detailed specialist assessments, and with input and engagement of the technical experts involved in the Project. In summary, the conditions proposed by the Applicants:

- (a) appropriately manage effects, including providing mitigation to prevent or reduce adverse effects during and after construction;
- (b) provide for suitable monitoring; and
- (c) provide for mitigation measures (including the requirement for the preparation and / or finalisation of management plans, and their certification) to help prevent or reduce the actual or potential effect of the activity.

14.4 Overall, the Proposed Conditions of Consent appended as **Attachment 23** will ensure potential adverse effects of the Project are appropriately avoided, remedied or mitigated, are no more onerous than is considered necessary, and are robust and comprehensive in addressing the relevant adverse effects of the Project.

14.5 The Proposed Conditions of Consent have been consulted on with Auckland Council prior to the lodgement of the application, and the proposed conditions submitted with the application reflect the feedback that has been received. From the Applicants' perspective, all outstanding matters have been resolved between the Applicants and the Council in respect of the Proposed Conditions of Consent.

15 REASONS FOR CONSENT

- 15.1 This section is provided in accordance with Schedule 5, clause 5(1)(f) of the FTAA and provides a description of the resource consents required for the Project.
- 15.2 A review of the Project has also been undertaken against the provisions of the Unitary Plan (including those changes that are proposed by Plan Change 120 that have immediate legal effect) and is included within the Rule Compliance Assessment appended as **Attachment 31**, which sets out the reasons for which resource consent is required.
- 15.3 All necessary consents are sought in relation to the Project.
- 15.4 Overall, resource consent is required as a **Non-Complying Activity**.
- 15.5 In accordance with Schedule 5, clause 5(5), a summary of the relevant permitted activities is included in **Table 6** below.

Lapse period

- 15.6 A lapse period of five years is sought in relation to the resource consents that are required in relation to the Project.

Duration of permits

- 15.7 The maximum consent duration of 35 years is sought in relation to the water permit required for the ongoing diversion of groundwater.

Permitted activities

- 15.8 Schedule 5, clause 5(5)(a) requires that if a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under s 87A(1) of the RMA).
- 15.9 With reference to the Rule Compliance Assessment (**Attachment 31**) (which sets out the Project's compliance against the relevant standards), a summary of the permitted activities relied on for this Project is provided in **Table 6**.

Table 6	
Permitted Project Elements	Comments
H6.4.1(A30) - Demolition of buildings	Relating to the demolition of the two existing Aotea Street apartment blocks.
E9.4.1(A4) - Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m ² and up to 5,000m ²	Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m ² and up to 5,000m ² that comply with the permitted standards.
E11.4.1(A3) – Earthworks up to 2,500m ² where the land has a slope equal to or greater than 10 degrees.	There will be less than 2,500m ² of earthworks on slopes equal to or greater than 10 degrees.
E24.4.1 – Lighting activities that comply with all the relevant permitted activity standards.	The External Lighting Assessment (Attachment 22) confirms the lighting concept plan (Sheet 63 of the Landscape Concept Plans in Attachment 19) will comply.
E26.2.3.1(A3)(A22)(A49) – Service connections, underground electricity lines, underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater, including accessory earthworks (E26.5.3.1(A94)).	Relating to underground pipes proposed within Takaparawhau (Open Space – Informal Recreation zone).

Any other activities

- 15.10 Schedule 5, clause 5(1)(e) requires that an application include a description of any other activities that are part of the Project to which the consent application relates.
- 15.11 Other activities associated with the Project include the reserve revocation of the two existing walkways, which is discussed in **Section 11** (and therefore not repeated here).
- 15.12 There are no ‘other activities’ that are part of the Project to which the consent relates.

Any other approvals

- 15.13 Schedule 5, clause 5(1)(f) requires that an application include a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the Project to which the consent application relates.

- 15.14 Land Owner Approval (**LOA**) will be sought for public utilities within Takaparawhau and the road network as necessary, following the granting of consent. Engineering Plan Approval will also be required in respect of these works.
- 15.15 There are no other resource consents, notices of requirements or alterations to designations required for the Project to which this substantive application relates.

16 CONSULTATION AND ENGAGEMENT

- 16.1 The following sets out a summary of the consultation and engagement with mana whenua and Auckland Council that has been undertaken by the Applicants.

Mana Whenua

- 16.2 With reference to the Written Statement prepared by Ngāti Whātua Ōrākei (**Attachment 5**), Ngāti Whātua Ōrākei are Ahi kā and the only relevant iwi authority, hapu and Treaty Settlement entity for the purpose of the application. No other mana whenua groups have been engaged with as part of the application.
- 16.3 Ngāti Whātua Ōrākei (as a joint applicant to the Project) have collaborated with Generus in the design of the Project and agreed to the Project.

Auckland Council

- 16.4 Consultation with Auckland Council has occurred through a series of Pre-application meetings facilitated by Council's Premium Consents Team, which has included consultation with the following Council Owned Organisations (**CCOs**):
- Auckland Transport
 - Watercare Services Limited
- 16.5 Direct communications have also occurred on an ongoing basis with Council staff (including Healthy Waters) and other CCOs to discuss the iterative scope of the Project, and seek input in respect of key matters, including landscape/visual, urban design, planning, transportation (and constructed related matters), and civils/services.
- 16.6 Specific meetings were held with Council on the following dates in respect of the Project:
- July 7th, 2025, to introduce the Project from a design, landscape, visual and urban design perspective, and agree visual simulation locations.

- August 26th 2025, to discuss the Project and progression of architecture, materiality, and the approach to landscaping and the interface with neighbouring properties, the effects of shading, and of initial visual simulation material produced at the time.
- September 19th 2025, to discuss Transport (operational/ construction) and Civils/ Infrastructure (including service upgrades within Takaparawhau) matters.
- 23rd October 2025, with Auckland Council and Healthy Waters to discuss comments / queries received on the draft Infrastructure Assessment (as discussed further below).

16.7 During consultation with Auckland Council, it was agreed that draft versions of the following reports were to be provided to Council and the CCOs prior to lodgement of the application for review and feedback:

- (a) Integrated Transportation Assessment.
- (b) Draft Construction Traffic Management Plan.
- (c) Infrastructure Assessment.
- (d) Geotechnical Assessment.

16.8 The above reports were provided to Council for feedback prior to lodgement on the basis that it was agreed that these were the key ‘technical’ assessments for review.

16.9 The feedback received from the Council during this process has been addressed and has informed the finalisation of these reports and the development of the design of the Project. The feedback received and addressed has included:

- (a) Feedback received on the draft Integrated Transportation Assessment and Construction Traffic Management Plan, concerning:
 - (i) Basement gradients and vertical clearances.
 - (ii) The width of the main entrance vehicle crossing, and the operational need for a central island (for swipe card / pin code access).
 - (iii) Making provision for a pram-crossing on the south-western corner of the intersection of Aotea Street and Nihill Crescent, to improve pedestrian access to the existing bus stops on Nihil Crescent for residents of the village.
 - (iv) The detail for road pavement condition surveys to be provided in respect of construction activities.

- (v) Refinement of vehicle tracking diagrams.
 - (vi) Provision of a Parking Management Plan (and for this to be the subject of a condition of consent) to manage contractor parking arrangements.
- (b) Feedback received from the Council Development Engineer, Healthy Waters and Watercare on the draft Infrastructure Assessment, including:
- (i) The provision of a Stormwater Management Plan³⁸.
 - (ii) Clarifications concerning the alignment / layout of services (and related works).
 - (iii) Responding to identified capacity issues for wastewater disposal, including options for utility upgrades to service the Project.
 - (iv) Confirmation of the fire supply and on-site tank / pump systems for sprinkler requirements.
 - (v) The provision of an assessment in respect of the effects of natural hazards, including the provision of a Hazard Risk Assessment.
 - (vi) Clarifications of erosion, dust and sediment control measures proposed.
- (c) Feedback received from the Council Development Engineer on the draft Geotechnical Assessment, including:
- (i) Confirmation that the draft GSMCP that has been prepared is sufficient, with a finalised version to be submitted to Council for certification as a condition of consent.
 - (ii) The provision of further detail concerning filling (and associated specifications).
 - (iii) Addressing inconsistencies between the draft geotechnical and civil engineering reports.
- 16.10 From the Applicants' perspective, there are no outstanding matters / issues with the Project that have not been resolved between the Applicants and the Council in respect of the feedback received.
- 16.11 As set out in **Paragraph 14.5**, a draft set of the Proposed Conditions of Consent was provided to Council prior to lodgement of the application for review and feedback.

³⁸ As a Local Government Act matter (as opposed to an RMA matter).

Feedback received from the Council on the proposed conditions has been incorporated, as now reflected in the Proposed Conditions of Consent (**Attachment 23**).

17 STATUTORY FRAMEWORK

- 17.1 The statutory framework for determining the application is set out in the Legal Considerations Memorandum prepared by Greenwood Roche (**Attachment 1**).
- 17.2 When considering a consent application and setting conditions, Schedule 5, clause 17(1) specifies that the Panel must take the following into account:
- (a) the purpose of the FTAA;
 - (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the RMA that direct decision making on an application for a resource consent (excluding section 104D); and
 - (c) the relevant provisions of other legislation that directs decision making under the RMA.
- 17.3 Schedule 5, clause 17(1) of the FTAA specifies that the Panel is to give the greatest weight to the purpose of the FTAA when considering a consent application.
- 17.4 In respect of the above, Schedule 5, clause 17(2)(a) of the FTAA provides that a reference to Part 2 of the RMA must be read as a reference to sections 5, 6, and 7 of the RMA.
- 17.5 Notwithstanding that the application requires resource consent overall as a Non-Complying Activity, Section 104D of the RMA (being the ‘gateway test’ for such activities) does not apply to a decision on a substantive application under the FTCAA and therefore does not need to demonstrate ‘passing’ the gateway tests under the RMA.
- 17.6 The following provides an assessment the matters set out in clause 17(1) above.

Purpose of the FTAA

- 17.7 The purpose of the FTAA is set out in s 3 as follows:

3 Purpose

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

- 17.8 The Project is consistent with the purpose of the FTAA. The Project is demonstrated to have significant regional benefits in respect of employment, economic development, and

housing provision, while promoting the sustainable management of natural and physical resources. The anticipated economic benefits of the Project are assessed in **Section 18**.

17.9 In summary, and with reference to Section 4.3 of the Legal Considerations Memorandum (**Attachment 1**), the Project is consistent with the purpose of the FTAA as it will:

- (a) Increase the supply of housing in Auckland through:
 - (i) Providing much-needed high-quality retirement and aged care housing by delivering 256 new retirement living units³⁹ and retaining 94 units within the existing care facility, which together, are expected to accommodate approximately 401 residents⁴⁰ (and up to a maximum of approximately 606 residents⁴¹).
 - (ii) More than doubling the Site's residential capacity while retaining the original land use activity on the Site (being the former Eastcliffe Village). The result is a significant uplift in land use efficiency by enabling a finite, centrally located site to accommodate a substantially greater number of residents.
- (b) Deliver estimated economic benefits of \$ [REDACTED] into the economy, of which 90% is expected to remain within the region.
- (c) Provide employment over the construction period for [REDACTED] people employed full-time for approximately 9-10 years generating \$ [REDACTED] in wages and salaries.
- (d) Provide ongoing fulltime employment once constructed for [REDACTED] people employed full-time (excluding the existing care facility) generating \$ [REDACTED] in wages and salaries annually.
- (e) Contribute to a more efficient provision of healthcare services including continuity of care. By centralising a population with similar healthcare needs and offering onsite health and support services, the Project will support a more efficient delivery of community-based healthcare.
- (f) Contribute to a well-functioning urban environment. The Site has excellent access to a range of services within a readily accessible catchment, and good access and proximity to public transport. As outlined above, the Project will contribute to

³⁹ That will replace 24 retirement units within the two existing Aotea Street apartment blocks.

⁴⁰ 256 retirement units x 1.2 people = 307.2 people + 94 people within the care facility.

⁴¹ 256 retirement units x 2 people = 512 people + 94 care units x 1 people = 606 residents.

meeting the housing needs of the retirement-aged community, enable Ngāti Whatua Ōrākei in particular to express its values and norms, and be resilient to the effects of climate change.

- (g) Deliver social benefits for the retirement aged community people by providing a sense of community and security to the residents through communal outdoor and indoor areas which enable socialisation in comfortable settings.

- 17.10 Overall, the Project represents a substantial investment in the Ōrākei and Mission Bay economy through both the construction of the retirement village and its on-going operation, which will generate a number of employment opportunities.
- 17.11 The processing of the Project through the FTAA also offers a number of advantages over the RMA processes, particularly in respect of public and limited notification being precluded under the Act. Within the current operative planning framework, there is a high risk that the Project would be subject to either a limited or publicly notified process, were an application to be progressed via the RMA pathway.
- 17.12 The standard two-stage RMA process would create a much longer consenting timeframe for the Project (as a result of public notification followed by a resource consent hearing) and the risk of further delay from a subsequent Environment Court appeal would be likely avoided under the FTAA. Appropriately for the Project, appeals under the FTAA process are limited to points of law, and are restricted to those who provided comments, the relevant local authority, the Attorney-General and the applicant. The FTAA process will therefore provide greater certainty of the timing of the granting of the consent when compared to a standard RMA process.
- 17.13 The use of the fast-track process is estimated to result in a timing saving of approximately two years. A delayed timeframe under the standard RMA process would likely exacerbate delays and lead to significant impacts on how quickly the Project can be progressed from the time that the consent is approved through to construction.

Part 2 of the RMA

- 17.14 Schedule 5, Clause 5(1)(g) requires that an application provide an assessment of the Project against sections 5, 6, and 7 of the RMA.

17.15 Clause 17(2)(a) provides that for the purpose of applying any provisions in clause 17(1), a reference to the RMA to Part 2 of that Act must be read as a reference to ss 5, 6 and 7 of that Act. The relevant provisions of the RMA are set out below for completeness:

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights:
- (h) the management of significant risks from natural hazards.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

17.16 With reference to the above, the following assessment is provided.

Section 5 – RMA (Purpose)

17.17 Section 5 in Part 2 of the RMA identifies the purpose as being the sustainable management of natural and physical resources. The substantive application is considered to be consistent with this purpose for the reasons set out below:

- (a) The Project promotes the sustainable management of the natural and physical resources because:
 - (i) The development of the Site will be at an intensity which optimises the physical land resource in a way which enables the people accommodated, and the community, to provide for their social, economic, and cultural wellbeing, and to provide for their health and safety.
 - (ii) The Project (and the scale and form of the buildings) has been designed (together with the Proposed Conditions of Consent) to appropriately avoid, remedy, and mitigate the potential adverse effects on the environment.
 - (iii) The Project includes stormwater management that will reduce pressure on infrastructure capacity and improve discharge quality to the network.

- (b) The Project (including the Proposed Conditions of Consent – **Attachment 23**) will not affect the life-supporting capacity of air, water, soil, or ecosystems.
- (c) The Project will have a positive effect on the amenity values of both the immediate and surrounding area, and will enhance the quality of the environment.
- (d) Granting the resource consent will enable the Applicants to provide a valuable resource to the local and regional community, and contribute towards supplying the fast-increasing demand for elderly housing choice (with 256 new units proposed⁴² on the Site, in addition to the 94 care units to be retained).
- (e) The Project will not adversely affect any watercourses, and suitable sediment control measures are proposed (as conditions of consent) to be implemented during construction to prevent discharges beyond the boundaries of the Site.
- (f) The Project contributes to enabling tangata whenua to provide for the cultural wellbeing of their people and community.

Section 6 – RMA (Matters of National Importance)

17.18 With reference to the matters of national importance, and the assessment undertaken in **Section 18** of this report, the following comments are made:

- (a) the Project will not adversely affect the natural character of the Site or surrounding environment (section 6(a));
- (b) the Site is not identified as containing any “outstanding” natural features or landscapes (section 6(b));
- (c) the Site is not identified as containing any “significant” indigenous vegetation and significant habitats of indigenous fauna (section 6(c));
- (d) the Project does not seek to alter the extent to which the public can access coastal marine area, lakes, and rivers: (section 6(d));
- (e) the Project will not adversely affect any identified ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e) and (g));

⁴² That will replace 24 retirement units within the two existing Aotea Street apartment blocks.

- (f) the Project will protect identified historic heritage from inappropriate subdivision, use, and development on the basis that there are no historic heritage items within the vicinity of the Project that may be affected by it (section 6(f)); and
- (g) the Project is not subject to any significant risks from natural hazards that require particular management (Section 6(h)).

Section 7 – RMA (Other Matters)

- 17.19 The Project has had particular regard to the matters in s 7 of the RMA.
- 17.20 With reference to ss 7(a) and (aa), the Project has been developed having regard to kaitiakitanga and the ethic of stewardship, and represents the efficient use, development and management of natural and physical resources (s 7(b)).
- 17.21 Regarding s 7(c) and (f), the assessment contained in **Section 19** sets out the reasons how the Project maintains and enhances amenity values and the quality of the environment.
- 17.22 The Project will not have adverse effects on the intrinsic values of ecosystems (s 7(d)).
- 17.23 The Project will not be adversely affected by the effects of climate change (s 7(i)).

Part 2 Conclusion

- 17.24 Overall, and for the reasons stated above, the Project is fully in accordance with the purpose and principles of the RMA, as stated in ss 5 to 7.

Part 6 of the RMA (Resource Consents)

- 17.25 With reference to clause 17(1) of Schedule 5 (which refers to Part 6 of the RMA), the Panel is required to assess the Project under s 104.
- 17.26 Sections 108 and 108AA of the RMA also apply when setting conditions of resource consent for this Project. Clause 17(6) provides that for the purposes of clause 17(1), these RMA provisions must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a Panel.
- 17.27 With reference to Paragraph 3.6(d) and the Legal Considerations Memorandum (**Attachment 1**), no assessment is required under s 104D of the RMA despite the Project requiring resource consent overall as a Non-Complying Activity.
- 17.28 With regards to the above, the following assessment under s104 is provided.

Section 104(1) RMA

17.29 Section 104(1) of the RMA sets out the matters the Panel must, subject to Part 2 and section 77M, have regard to. It provides that when considering an application for resource consent, the consent authority must, subject to Part 2 and section 77M, have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provision of –
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

17.30 When forming an opinion for the purposes of subsection (1)(a) of s104, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits the activity with that effect.⁴³ A summary of the permitted activities relevant to the Project are set out in **Table 6** of **Section 15**.

17.31 The actual and potential effects of the Project on the environment are assessed in **Section 18** to be appropriately managed, and to result in positive regional economic effects.

17.32 An assessment of the Project against the matters contained in s 104(1)(b) is undertaken within **Section 19**, where it is concluded that the Project is consistent with (and not contrary to) the documents referred to in clause 5(1)(h) of Schedule 5 of the FTAA.

17.33 With reference to s 104(1)(c), consideration has been given to any other matter the Panel may consider relevant and reasonably necessary to determine the application.

⁴³ Section 104(2) of the RMA.

- 17.34 The Auckland Future Development Strategy 2023-2053 (**FDS**)⁴⁴ is the city's 30-year plan for managing urban growth by integrating land use and infrastructure planning, and is of particular relevance to the consideration of the Project.
- 17.35 The Project is consistent with the outcomes of the FDS as:
- (a) The Project aligns with the FDS's emphasis on focusing growth on sites that are within the existing urban footprint, optimising use of land already zoned and serviced for higher-density residential development (noting the Site's zoning as THAB).
 - (b) By intensifying an established urban site, the development supports a compact, efficient urban form, consistent with the FDS's direction to accommodate most future housing growth through redevelopment and infill within existing urban areas.
 - (c) The comprehensive retirement village development will diversify housing supply, providing a form of residential development that responds to Auckland's growing ageing population—a key demographic identified in the FDS.
 - (d) The integration of the existing care facility as part of the proposed village development promotes ageing in place and aligns with the FDS's objective of creating complete, inclusive neighbourhoods with a range of housing and care options.
 - (e) The Site's location within an urban, serviced area ensures efficient use of existing infrastructure networks, reducing the need for new greenfield investment and aligning with the FDS's infrastructure efficiency and cost-effectiveness outcomes.
 - (f) The mixed typologies, shared amenities, and community-scale facilities proposed will contribute to a well-functioning urban environment that supports social interaction, walkability, and proximity to existing transport and community services.
 - (g) The Project will contribute to the FDS's climate change and emissions reduction goals by enabling higher residential density in a central location, supporting public transport use and reducing dependence on private vehicles.
 - (h) Although the Project exceeds the permitted height standard, the overall scale and intensity remain consistent with the FDS's intent to enable greater height and density where it delivers high-quality urban outcomes and efficient use of serviced land.

⁴⁴ Which replaced the Auckland Plan 2050.

Section 104(3)(c) RMA

17.36 Section 104(3)(c) of the RMA provides that resource consent must not be granted contrary to:⁴⁵

- (a) ss 107, 107A, or 217;
- (b) an Order in Council in force under s 152;
- (c) any regulations;
- (d) wāhi tapu conditions included in a customary marine title order or agreement;
- (e) s 55(2) of the MACAA.

17.37 The Project is not subject to any of the other matters that s 104(3)(c) of the RMA is concerned with.

Parts 8-10 of the RMA

17.38 Parts 8 to 10 of the RMA relate to the following:

- Designations and heritage orders (Part 8).
- Water conservation orders (Part 9).
- Freshwater farm plans (Part 9A).
- Effect of nitrogenous fertiliser on freshwater quality and ecosystems (Part 9B)
- Subdivision and reclamations (Part 10).

17.39 There are no Part 8-10 matters relevant to the Project.

The relevant provisions of any other legislation that directs decision making under the RMA

17.40 There is no other legislation relevant to the consideration of the Project under the RMA.

⁴⁵ Section 104(3)(c) of the RMA.

18 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

18.1 In accordance with Schedule 5, clauses 5(4)(a) and(b), an assessment of the Project's effects on the environment must be provided and include the information required by Schedule 5, clause 6, and covers the matters specified in clause 7.

18.2 For the purposes of this assessment, the approach to assessing the effects of the Project is set out in Section 3 of the Legal Considerations Memorandum (**Attachment 1**).

18.3 Having regard to the assessment requirements of Schedule 5, clauses 6 and 7, an assessment of the Project's effects is provided under the following headings:

(a) Effects on neighbourhood character, residential amenity and the surrounding residential area in respect of the following:

- (i) Site layout and access.
- (ii) Building design, bulk, scale and appearance.
- (iii) Visual dominance, privacy, overlooking, and shading.
- (iv) Crime Prevention Through Environmental Design
- (v) Internal residential amenity.
- (vi) Wind (in respect of the proposed public walkways)
- (vii) Operational noise, lighting and hours of operation.
- (viii) Parking and access, and traffic generation.
- (ix) Comprehensive development signage.

(b) Temporary construction effects (duration, earthworks, traffic, noise and vibration).

(c) Geotechnical matters (including groundwater).

(d) Servicing and Infrastructure Effects

(e) Natural Hazards.

(f) Economic effects.

(g) Cultural effects.

(h) Ecological effects.

18.4 With regards to the above, the following assessment has also had regard to the relevant matters of discretion contained within the following sections of the Unitary Plan as, despite being a Non-Complying Activity overall, these matters inform the consideration of the effects of the Project, having regard to the outcomes envisaged by the Unitary Plan:

- I326 – Ōrākei 1 Precinct
- H4.8.1 – Mixed Housing Suburban zone.
- H6.8.1 – Terrace Housing and Apartment Buildings zone.
- E7.8.1 – Taking, using, damming and diversion of water (groundwater).
- E11.8.1 and E12.8.1 – Land disturbance (Regional and District).
- E23.8.1 – Signs.
- E25.8.1 – Noise and vibration.
- E27.8.1 – Transport.
- E40.8.1 – Temporary Activities.

Positive Effects

18.5 An assessment of the effects needs to encompass the positive effects of the Project. In addition to the economic benefits of the Project (discussed in **Paragraphs 18.140 – 18.147**), positive effects of the Project are summarised below as including the following:

- (a) The Project is a positive contribution to a well-functioning urban environment. The Project is considered to achieve a positive interface with the surrounding urban / mixed-use environment, maintaining the amenity of surrounding properties, and ensuring a private and secure environment for future village residents.
- (b) The buildings have been designed to become a long-term built component of the local community, and will provide residents and their families opportunities to be an integral part of the community, and contribute to their social and physical wellbeing.
- (c) The Project will supply high-quality retirement living accommodation within a secure village environment, which will contribute to the provision of high-quality elderly care housing in a location that is suitable for accommodating a greater intensity of activity.
- (d) The Project will ‘free-up’ other existing housing and residential sites that are currently occupied by residents who move into the village, positively contributing to the availability of land and buildings for intensification within the urban environment.
- (e) The proposed retirement village will provide a 24/7 residential activity, which in turn improves safety and security in the local neighbourhood streets, and adjoining open space (Takaparawhau), with the presence of activity, and passive surveillance.

- (f) The Project will maintain and enhance pedestrian / cycle access to Takaparawhau, together with improved Crime Prevention Through Environmental Design (**CPTED**) outcomes.
- (g) The Project will have the following social benefits:
 - (i) Elderly people are more vulnerable to fraud and other various forms of "elder abuse", which can often be unnoticed or unreported to the wider community. A retirement village environment will provide a sense of security and the opportunity to be involved with support networks.
 - (ii) A retirement village environment is conducive to feeling part of a community, rather than elderly residents being isolated within their individual homes.
 - (iii) The communal outdoor and indoor areas which will enable residents and their visitors to socialise in a comfortable setting, as well as providing spaces within which social events and activities can be provided to encourage residents to be active and outgoing.
 - (iv) Other measures to provide a safer community and sense of security are extra sensory lighting, CCTV, and well-lit pathways which are provided in accordance with of CPTED standards.
- (h) This Project provides an inclusive environment that is designed so that people remain connected to their communities and have different living options to meet their needs as they change over time.
- (i) The Project will increase the social resilience of its residents, as in the event of a natural disaster, residents will be looked after by the staff of the village, who would likely otherwise be vulnerable to such events if they were living on their own.
- (j) The Project includes the provision of on-site amenities, services, and recreation opportunities, along with communal transport opportunities for residents, and the provision for cycle parking for staff, and therefore will reduce the need for vehicle use (and the associated carbon emissions) compared with more standard residential development.
- (k) The Project will generate fewer daily traffic movements compared with a more 'standard' (apartment style) residential development, and with such movements typically occurring outside peak commuter periods.

- (l) Employment / job creation over the construction period and village operation will support the economy, with construction estimated to sustain ■■■ FTE jobs over the 9-10 year construction period, and ■■■ FTE jobs for village operations.
- (m) As part of the development of the Project, any required private infrastructure, and upgrades to public infrastructure, will be funded by the Applicants, including drainage.
- (n) The Project would also be cost effective in relation to Council and public services, as the provision of on-site amenities reduces pressure on these services within the local community.
- (o) Significant development contributions will be paid by the Applicants to Council, which will support local growth infrastructure and public community services.

18.6 The Project will also deliver significant benefits for Māori, including⁴⁶:

- (a) Enabling of facilities and services within the existing care facility to be available for kaumatua who may live in kaumatua housing that is proposed to be developed in the future on the site to the south of the existing care facility on Kupe Street.
- (b) Tangata whenua will be provided opportunities for employment and contracting within the village.
- (c) Incorporation of a cultural narrative that builds upon the architectural design language and masterplan strategies that is consistent with Ngāti Whātua Ōrākei's Cultural Acknowledgement Principles and the Essential Design Requirements.
- (d) The partnership between the Applicants contributes to the promotion of community, social and employment facilities which enhance the economic and social wellbeing of tangata whenua and contributes regionally to the re-establishment of tangata whenua on their whenua tupuna within an integrated and sustainable community environment.

18.7 Overall, the Project will have significant positive effects.

⁴⁶ With reference to Paragraph 4.4 of the Legal Considerations Memorandum (**Attachment 1**).

Effects on neighbourhood character, residential amenity and the surrounding residential area in respect of the following:

Site Layout and Access

- 18.8 The layout and design of the buildings, together with the pedestrian and vehicular access arrangements for the Site, the communal outdoor amenity areas, and site-wide landscaping, has been developed as an integrated scheme that incorporates the existing care facility, to provide a high standard of on-site amenity for the residents, visitors, and staff on-site, while also providing an attractive streetscape where the Site has interfaces with Te Arawa Street, Rukutai Street and Aotea Street, and maintaining public access to Takaparawhau from Te Arawa Street and Aotea Street through the provision of two new (wider) public walkways through the Site that will improve upon what exists today.
- 18.9 The layout of the Site optimises the available area within the Site (relative to its shape and topography), and the access arrangements positively address the respective streetscape (where the Site has frontages) and provide a legible and quality 'front door' from the main entrance off Aotea Street. The Site layout addresses streetscape amenity, with the combination of frontage landscaping proposed, and the arrangement of the built form (including setback, scale, and articulation) of the buildings maintaining outlook through the Site to the north, rather than closing off such vistas.
- 18.10 Relative to the relationship of the proposed buildings with neighbouring properties, the orientation and placement of the buildings on the Site, and their setbacks and stepping from the common boundary interfaces, achieve a high density urban built character, while maintaining daylight access, and a reasonable standard of privacy, while minimising visual dominance effects. Such a layout maintains privacy and an appropriate level of sunlight for the amenity of neighbouring residents, consistent with the form of scale of development otherwise envisaged at the THAB zone interface.
- 18.11 The layout of the Site and building arrangement will provide for quality retirement accommodation in terms of outlook, sunlight access, and the provision of outdoor living spaces for residents in the form of a variety of communal outdoor spaces (predominantly at podium level). In addition to these outdoor spaces, each independent living unit is provided with either a ground-level patio or upper-level balcony. All outdoor amenity spaces and pedestrian pathways are provided with appropriate widths and gradients to ensure good on-site connectivity relative to the mobility of residents.

- 18.12 The design and layout of the Site includes suitable, convenient, and direct access around the village and to the street environment, for residents, visitors and staff. The arrangement of internal accessways and communal outdoor spaces interspersed throughout the village is scaled and proportional to the users (residents and their visitors) with a range of walking opportunities and amenity spaces provided within the Site, including outdoor courtyards, gardens, restaurants/cafes, seating areas, and landscaped resting places.
- 18.13 The external lighting scheme for the Site (refer Sheet 63 of the Landscape Concept Plans – **Attachment 19**) predominantly comprises of low level lighting for safety and way-finding purposes, which is appropriate in the context of a retirement village within a residential environment.
- 18.14 Overall, the proposed Site layout will provide a high-quality environment and level of amenity, both internal and external to the buildings, for residents, staff, and members of the public who walk through the Site using the publicly accessible walkways. A high level of pedestrian connection will be provided for residents between the various components of the village, while maintaining public access to Takaparawhau through the Site.

Building Design, Form, Scale and Appearance

- 18.15 The UD-LVEA (**Attachment 12**) comprehensively assesses the design, form, scale and appearance of the buildings in the context of the Site and the surrounding environment, and is supported by the Urban design and Landscape Peer-Review Assessment (**Attachment 21**) and Design Report prepared by Moller Architects (**Attachment 32**). The following further assessment is provided in respect of these matters.
- 18.16 The location, form, scale and appearance of the buildings, including their positioning and orientation on the Site, have been informed by the Site's characteristics (landform and aspect), and the nature of the activity they are to accommodate. The buildings have been positioned on a north / south axis to optimise aspect and outlook, and will be physically and operationally linked (at ground / podium level) for functional connectivity.
- 18.17 The design of the buildings, including the materials, roofscape, and colour palette, is an appropriate and contemporary response to the existing and future urban neighbourhood, with this existing context comprising a mix of residential activities and expansive open space zoned land to the north of the Site. The elevational treatment of the various building forms, including their relationship and setbacks from the Site's boundaries, has been

carefully considered to ensure that the overall scale and built form of the retirement village will contribute to achieving a suitable and desirable urban built character.

- 18.18 The placement and proportions of the glazing to solid elements, and the choice of materiality and colour palette, contribute to the creation of a visually interesting built form, when viewed from the wider environment. The design ensures that the overall scale and built form of the combination of buildings provide an appropriate and desirable appearance when viewed from the streetscape environments to the south of the Site and in the context of the expansive open space zoned land to the north of the Site.
- 18.19 The design and appearance of the buildings is enhanced by the comprehensive and site-wide landscaping proposed commensurate with the intensity of the activity, which is suitable to its context and the typology of the proposed built form, together with contributing positively to the character of the urban character of the Precinct and predominantly THAB zoning of the Site. The choice of planting, in terms of species, location and scale, has been carefully considered by specialist landscape designers to complement the built form and the Site's boundary interfaces with neighbours to the south / south-east, as well as the open space interface with Takaparawhau.
- 18.20 The visual simulations (appended to the UD-LVEA) show the buildings in the wider context, including the overall building form and the modulation of the height of the buildings in the context of the Site's relationship with the surrounding landform, landscape character, and the existing and evolving urban context (including the existing and enabled built forms), together with the relationship of the buildings with the form and nature of the expansive Takaparawhau open space land to the north of the Site. In this regard, the UD-LVEA makes the following assessment⁴⁷:
- (a) *The scale of the Proposal means that it will have a level of prominence in the landscape. The full scale of the Proposal will be most readily experienced from the open, headland environment of Takaparawhau with the Proposal adjoining much of the southern boundary of the open space east of Kupe Street.*
 - (b) *The large scale of Takaparawhau with its combination of grassland open space and indigenous forest restoration is readily able to accommodate the scale of the Proposal with the building's solid base defining the length of its boundary and the series of five*

⁴⁷ UD-LVEA, Page 23.

upper level buildings turned 180 degrees, lightening the overall bulk of the development and punctuating the skyline with shifting viewshafts between.

- (c) Whilst introducing a significant change to the currently largely vacant site, the Proposal will strongly backdrop Takaparawhau with an urban village that overlooks and contributes a quality, unified built backdrop commensurate with the scale of the open space reserve. The Proposal will capitalise on the significant open space amenity of Takaparawhau and support its character as a large urban parkland occupying a prominent headland of the Isthmus' eastern bays.*
- (d) The building's solid base and series of lighter, layered upper level forms relate conceptually to the headland location, anchored to the landscape and filtering to the sky, and responds positively to the landscape context.*
- (e) The buildings' colour and materiality ties the development into the landscape and the presence of adjacent buildings in closer proximity including along the western side of Kupe Street makes the Proposal an inconsequential addition to the landscape.*

18.21 Overall, the Project represents an efficient use of Site, while providing a high-quality design and built form (with a mixture of materials, height variation, building modulation, and architectural design elements and treatments) that will appear cohesive with its surroundings. While the Project will result in a visual change to the Site when viewed from nearby properties, the level of change is appropriate to the planned urban neighbourhood character, and the context of the Site.

18.22 The Unitary Plan anticipates and provides for a greater scale and form of development to occur on larger sites and in an appropriate context, with 'Integrated Residential Developments) provided for specifically as a Restricted Discretionary Activity in the THAB and MHS zone. The Project has been developed to respond to the Site's context, with a design, scale and form of development that will integrate positively with the existing and anticipated future urban neighbourhood character. The Project represents an efficient use of the Site relative to its size, shape, and topography.

18.23 With the exception of the building height, the Project complies with all relevant standards of the THAB and MHS zones that apply to Integrated Residential Development:

- Height in relation to boundary (H4.6.5 and H6.6.6).
- Height in relation to boundary adjoining lower intensity zones (H6.6.8).
- Yards (H4.6.7 and H6.6.9).

18.24 With larger scale built form and intensity anticipated by the Site's zoning, the development will result in a change to the character and appearance of the neighbourhood, where taller and more intense forms of development are envisaged on larger sites zoned THAB or MHS. The Site and its context have capacity to accommodate the form and scale of the proposed built form, with the effects suitably managed by building setbacks, landscaping, and quality design.

Visual Dominance, Privacy, Overlooking and Shading

18.25 The design, form, and scale of the buildings, relative to their placement and orientation, will not visually dominate, overlook, or unreasonably shade neighbouring properties, the streetscape, or the Takaparawhau open space land. Rather, such a form of development can assimilate with the expansive nature and prominence of the Takaparawhau open space land, and the surrounding urban-built character.

18.26 When viewed from the wider public realm, the scale and form of the Project will not be viewed as an incongruous element in the landscaping or visual catchment. The form, scale and proportions of the built elements, including the progressive stepping of the buildings away from neighbouring properties, will integrate with the landscaping proposed and the site contour, and will not be an obtrusive or a dominant element.

18.27 While of a greater height and massing than what currently exists in the environment, the proposed built form is not uncharacteristic in the wider urban context, where taller and more intense forms of development occur and are envisaged on large sites in the THAB and MHS zones, given their unique capacity to accommodate such built form, and where the effects of the scale of larger and taller buildings can be suitably managed by building setbacks, the stepping of the built form away from neighbouring boundaries, and through articulation, materiality and quality design, and being positioned to maintain a reasonable level of sunlight access, privacy and residential amenity to neighbouring properties.

18.28 With regards to the above, and with reference to the visual simulations undertaken, the UD-LVEA makes the following conclusions:

(a) The Proposal will be experienced in the urban environment in both proximate views, in respect of people living in the immediate residential neighbourhood to the south and east and people using Takaparawhau, and more distant middle ground views from parts of the street network and residential properties particularly those located along ridgelines and/or with open views across the Mission Bay valley towards the Proposal.

- (b) *The design of the Proposal has been carefully considered in respect of its immediate interface to the open space of Takaparawhau to the north and its established and evolving residential neighbourhood to the south. There are no infringements to the HiRB standard in respect of residential neighbours, with the building setbacks and stepped height of the development ensuring compliance.*
- (c) *The north-south alignment of the buildings above the podium base, the building separation, and width of the building elements create openness, light, solar access and views/aspect through the Site, ameliorating potential adverse effects in respect of the scale of the development relative to the neighbourhood and neighbouring properties.*
- (d) *Building bulk and massing has been placed on the Site in a manner which will maintain reasonable privacy and sunlight access to neighbouring residential properties to the south and minimise potential visual dominance effects on them, such that overall potential adverse effects on those properties are very low.*
- (e) *The Proposal will introduce large-scale, high intensity residential buildings onto the Site. This housing form is anticipated by the Site's predominant THAB zoning and is an effective and appropriate use of its location adjoining a major open space asset and close to a town centre. While a significant change to the existing environment, the distribution and placement of building bulk and form on the Site positively assists in integrating the Proposal into the neighbourhood.*
- (f) *The physical location of the Site on the eastern side of the ridge, with the three storied care facility building located on the flat top of the ridge and the Site falling away some 26m (RL43 west / RL17 east) to the east means the Proposal sits at or below the established (and 16m permitted) profile of built development along the Kupe Street ridgeline and is not prominent in views from the west, including along the Coates Avenue / Paritai Drive ridgeline or in the valley along Reihana Street where Okahu Domain enables open views up to the ridgeline.*
- (g) *The Proposal is also not in view when rounding the headland into Okahu Bay on Tāmaki Drive. It is also the case that views from this western catchment will look across to an increasingly built Kepa Road ridgeline skyline as development enabled under the THAB zoned ridgeline corridor establishes over time.*

18.29 A shading study undertaken by Warren and Mahoney (Drawings RC80-01-RC80-04 of **Attachment 17**) demonstrates the shading effects for the Summer and Winter Solstice

(from 9 am to 5 pm), and for the Autumn and Spring Equinox (from 9am – 5pm). These studies illustrate the differences between shadows cast by the proposed heights of the buildings and buildings that otherwise comply with the THAB zone's 16m height limit. The UD-LVEA makes the following conclusions in respect of shading:

- (a) A range of techniques have been used to manage potential visual dominance, privacy and shading effects of the Proposal on neighbouring properties. These include the north-south orientation of podium-top buildings, creating generous gaps between these upper floors of the development above a podium that is well below the THAB zone's 16m height standard. Building upper floors are also stepped back from the southern boundary, with the Proposal being within the HiRB recession plane that applies from that boundary.*
- (b) These techniques and the general orientation of apartments away from the southern boundary, in addition to proposed specimen tree planting within setbacks, are effective in minimising potential visual dominance effects received by properties to the south and maintaining reasonable levels of privacy.*
- (c) The shading diagrams show that for most times of the year, the Proposal will not cast shadow on neighbouring properties. Shadow will be cast on some properties during the winter solstice, but generally no more than would result from a building that could be accommodated within a bulk and location standard compliant envelope.*
- (d) The shading diagrams also show that the generous gaps between buildings results in times when there is greater solar access to the adjacent properties to the south than would result from a fully height compliant development.*
- (e) On the basis of the above assessment, potential visual dominance, privacy and shading effects on neighbouring properties are considered to be very low.*

18.30 With regards to the above, the effects of shadowing and visual dominance of the buildings is appropriately managed through their placement and the proposed design, which provides for variation and interest when viewed from the wider context, including the open space land to the north, and the neighbouring streets, in a way which will be appropriate in the context of the Site, and the form of development provided for within the evolving urban neighbourhood.

18.31 Overall, the footprint and orientation of the buildings, and their height relative to neighbouring properties, does not generate adverse effects of visual dominance, privacy,

overlooking or shading, and while visually different, will not appear incongruous within the wider context of the surrounding environment. The building setbacks, layout, separation, orientation, and landscaping assimilate the Project into the environment.

Crime Prevention Through Environmental Design

- 18.32 With reference to the CPTED assessment (**Attachment 33**), the Project incorporates CPTED principles, and will improve both the actual and perceived safety of the Site and immediate surrounding environment compared to the current environment, which is relatively isolated, poorly overlooked, and experiences low levels of activity.
- 18.33 The building arrangement (and activity) provides outlook and associated passive surveillance of the Site, the streetscape environments, and the expansive Takaparawhau open space land to the north, contributing to safety and crime prevention. The nature of the proposed activity (Integrated Residential Development), being residential in nature, provides a 24/7 interface with the adjacent public realm. Takaparawhau will therefore benefit from the overlooking of residents of the retirement village, contributing to its activation and enhancing security and passive surveillance of this space.
- 18.34 The design and layout of the buildings within the Site and its connections with the road frontages to the south, and open space land to the north, provides clear movement routes, sightlines for surveillance, and overlooking. Overall, the Project reflects a positive outcome in respect of surveillance, activity, and wayfinding, that will contribute towards providing a safe environment for residents, staff, and the public.

Internal Residential Amenity

- 18.35 The layout, orientation and scale of the proposed buildings will provide for quality retirement accommodation in terms of outlook, sunlight access, outdoor amenity (private and shared), together with a range of amenities and services provided within the village.
- 18.36 The buildings have been developed to respond to the Site's context, with a scale and form that will integrate positively with the existing and anticipated neighbourhood character. The Project represents an efficient use of the Site relative to its large size, shape, and reflects a residential outcome that is appropriate relative to the context of the Site and its zoning.
- 18.37 The design of the buildings provides for high quality retirement accommodation, enhanced by a comprehensive landscaping scheme, which is suitable to its context, and will contribute positively to the character of the Site and the surrounding environment.

- 18.38 Each retirement unit will be provided with adequate open space and outlook space (in accordance with Unitary Plan requirements) and access to sunlight and daylight.
- 18.39 Overall, the Project will provide for a high quality of amenity for the residents and visitors of the retirement village.

Wind Effects (Public Realm)

- 18.40 The Pedestrian Wind Study appended as **Attachment 34** provides an assessment of wind effects in respect of the public realm (including the proposed walkways), having regard to the Unitary Plan's Wind standards, which relate to pedestrian safety and comfort.
- 18.41 The RDWI report includes a description of a wind tunnel microclimate testing and the iterative design process that was undertaken inclusive of landscape elements which are recommended and adopted in the Landscape Concept Plans (**Attachment 19**).
- 18.42 The proposed design includes the targeted strategies to address wind effects on the public realm. With the inclusion of these measures, wind conditions within the public realm are predicted to be safe and comfortable for users.

Operational Noise, Lighting and Hours of Operation Effects

Operational Noise

- 18.43 Operational noise effects of the Project are assessed in Section 5.0 of the Acoustic Assessment appended as **Attachment 29**.
- 18.44 As a residential activity, any noise generated from the retirement village activity will be generally consistent with that of a typical similarly scaled residential (apartment) activity.
- 18.45 The Acoustic Assessment confirms that primary sources of operational noise associated with the retirement village can be attributed to the following:
- (a) Vehicle movements associated with staff, visitors, and service vehicles.
 - (b) Residents and the use of recreation and amenity areas.
 - (c) Noise from external mechanical plant including air conditioning, car parking ventilation, power transformers, and kitchen and refrigeration plant.
- 18.46 Noise generated from vehicles (relative to anticipated trip generation) is predicted to comply with the daytime and nighttime limits at all receiving neighbouring properties. This includes noise from delivery and service vehicles (including rubbish trucks).

- 18.47 All mechanical services and other proprietary plant required to service the buildings within the retirement village will be designed, located and installed by suitably qualified experts to achieve the relevant permitted Unitary Plan noise standards.
- 18.48 Condition 58 of the Proposed Conditions of Consent (**Attachment 23**) requires the design and installation of all mechanical services to be overseen by a suitably qualified acoustic expert, and for these services to achieve noise levels generated being at least 10 dB lower than the night-time permitted noise limits (i.e. a limit of 30 dB L_{Aeq} at any neighbouring residential property), to ensure cumulative noise generated by all sources complies with the standards.
- 18.49 The location of the village's recreation and amenity areas are located on the northern side of the Site where there are no residential receivers. These areas include a gym, library, billiards room, garden room, cinema, and a café, bar and restaurant, with the use of these spaces predicted to comply with the permitted noise standards.
- 18.50 With regards to the above, the Project will have no adverse operational noise effects, and will not result in the unreasonable emission of operational noise.

Lighting

- 18.51 External lighting proposed (refer Lighting Strategy Plan⁴⁸) for the retirement village has been designed to reflect a residential environment, predominantly comprising of low-level lighting for the purposes of way finding and illuminating shared amenity areas.
- 18.52 The concept lighting scheme has been assessed in the External Lighting Assessment (**Attachment 22**) which confirms that lighting will / can be designed in accordance with best practice and comply with Standard E25.6 of the Unitary Plan.

Hours of Operation

- 18.53 The retirement village will operate in a manner consistent with a residential activity, with no defined operational hours. Staff working at the village will have rostered shifts, with this activity being indiscernible from the wider residential activity occurring on the Site.

⁴⁸ Sheet 63 of Landscape Concept Plans (**Attachment 19**).

Summary

- 18.54 Overall, having regard to the above assessment, these operational matters will not adversely affect the neighbourhood character, residential amenity, or safety, or the surrounding area.

Parking, Loading, Access and Traffic Generation Effects

- 18.55 Effects related to matters concerning parking, loading, access, and traffic generation have been addressed in the Integrated Transportation Assessment (**Attachment 6**).

Parking Arrangements

- 18.56 The Project includes provision for 274 parking spaces, which Flow's assessment confirms is "*more than sufficient to accommodate the parking demand associated with the proposed development*"⁴⁹ based on anticipated parking demand for the retirement village activity (inclusive of staff, residents and visitors to the village).
- 18.57 Relative to the requirements for accessible parking spaces under PC79, a minimum of 6 (of the 274) accessible parking spaces will be provided within the Site. The Project also meets the Unitary Plan requirements for the provision of bicycle parking within the Site.
- 18.58 The layout of all parking areas has been designed to comply with the minimum standards of the Unitary Plan. With the exception of one parking space in the basement levels under Buildings 3-4, all parking spaces meet the required manoeuvring dimensions.
- 18.59 The single parking space that does not meet the required manoeuvring dimensions has been assessed by Flow to have the ability to be readily accessed without conflict with other vehicle movements occurring within the basement.
- 18.60 Vehicle tracking diagrams appended to the Transportation Assessment confirm that all other parking spaces proposed have sufficient manoeuvring.

Loading Arrangements

- 18.61 The two dedicated loading and servicing areas proposed are in accordance with the number of loading spaces required by the Unitary Plan.

⁴⁹ Transportation Assessment, Section 6.5.1.

- 18.62 The infringements relating to the gradient of the loading bay off Aotea Street and the vertical height clearance of the level that accommodates the basement loading bay has been assessed by Flow to be suitable relative to the village's practical loading requirements.
- 18.63 The draft Waste Management Plan (**Attachment 25**) confirms that the proposed vertical clearance for the basement can be serviced by a private waste collection vehicle, and is suitable relative to the function of the loading bay (and vehicles) that it services.
- 18.64 In addition, the layout of the Site has been assessed to be suitable for informal loading to occur as and when required to accommodate other loading (such as furniture trucks).

Access Arrangements

- 18.65 Flow has assessed the access arrangements proposed for the Project and confirmed (with reference to the vehicle tracking diagrams appended to the Transportation Assessment) that these are sufficiently sized and are appropriate relative to the nature of the activity occurring within the Site, and will not implicate pedestrian (and traffic) amenity or safety.
- 18.66 The accessways will be designed to ensure a low-speed environment is provided for, with speed management in the form of varying surface treatments proposed.
- 18.67 With the exception of Building 2, all buildings can be accessed by emergency service vehicles. Fire truck access for Building 2 is provided via Aotea Street and using the internal vehicle accessway, with the exiting manoeuvre provided via the Rukutai Street crossing. Overall, the design of the Proposal provides appropriately for emergency vehicle access.
- 18.68 The NSAAT markings proposed within the cul-de-sac heads (refer Appendix D of the Transportation Assessment) will ensure that safe and efficient access can be provided to the Site, while providing for improved manoeuvring for vehicles in the road reserve.
- 18.69 The Flow assessment confirms that the Project provides excellent pedestrian access within the Site, to the local road network, and to the Takaparawhau open space land.

Traffic Generation

- 18.70 With reference to Section 7 of Flow's assessment, the anticipated volume of traffic to be generated by the retirement village can be readily accommodated and will have negligible traffic effects on the operation and safety of the surrounding road network.
- 18.71 Taking into account existing vehicle trips generated by the existing aged care facility and two Aotea Street apartment blocks, the Project represents a net increase of approximately

31 vph during the AM and PM peak hour periods. The increase in vehicle trips will be distributed between Rukutai Street and Aotea Street, noting:

- Rukutai Street provides access to approximately 70 % of the basement parking.
- Aotea Street provides access to the main entrance and porte-cochere (and associated visitor movements,) and approximately 30 % of the proposed basement parking.
- Service vehicle trips will be split between the crossings relative to their purpose.

18.72 Such volumes are typical for a village of this scale, noting that the traffic generation rates for retirement villages are much lower than comparable land uses (i.e. typical residential apartment developments) that could potentially be developed on the Site, and ‘peak hour’ traffic generation for villages is typically outside usual commuter peak hours.

Summary

18.73 Overall, the design and layout of the proposed parking, loading, and access arrangements for Site will not adversely affect the neighbourhood character, amenity or safety of the surrounding area, or the safe and efficient operation of the road network.

Comprehensive Development Signage

18.74 Permanent signage proposed for the retirement village will be limited to identifying and naming the retirement village at the Site’s entrances and buildings within the village.

18.75 The scale and location of such signage is appropriate to its context and will appear as a well-integrated element of the site-wide development.

18.76 The proposed permanent signage will not contribute to any visual clutter, and will not appear as a dominant or incongruous element in the urban environment.

18.77 Any temporary signage erected during the construction period (e.g. site hoardings) will be of a scale and proportion that is typical (and expected) for a construction project of this scale and nature, to provide relevant information concerning the construction activity occurring and general interest; and will not generate traffic or pedestrian safety effects.

18.78 The duration of any temporary signage erected during the construction period will be limited to the timeframe of the corresponding construction activity, and will be remote from any similar signage, with no cumulative effects generated.

Temporary Construction Effects

18.79 As with any development of this scale and nature, there will be a range of construction effects to be managed during the construction phase. These include:

- (a) Construction hours and duration.
- (b) Dust and sediment effects.
- (c) Construction noise and vibration.
- (d) Construction related traffic generation.
- (e) Parking for construction staff and contractors.
- (f) Pedestrian safety and access.

18.80 The above matters are assessed in the respective sections below, and are confirmed to be appropriate relative to the overall scope, scale and nature of the works associated with the Project, having regard the context of the Site's location in an urban environment.

18.81 Any assessment of construction activities needs to be undertaken in light of the Environment Court's findings that construction effects are an inevitable consequence of development occurring (in Auckland) and are invariably capable of being managed through conditions of consent⁵⁰.

18.82 In respect of construction traffic and noise effects specifically, the Court has held⁵¹:

[70] ... The interruptions with transportation in Auckland are evident and commonplace. There is no doubt that this intensification creates disruption to residential populations ...

[71] ... These outcomes are ones that are anticipated under the AUP and must be seen as a consequence of the intensification of development in the city.

[72] We conclude that the appropriate course must be the imposition of conditions to minimise such effects.

[73] Accordingly, notwithstanding that we acknowledge that Mrs Ngata will experience inconvenience as a result of the construction, it is clear that construction of some form is inevitable on this Site and conclude the effect can be appropriately managed by conditions of consent and management plans.

⁵⁰ *Summerset Villages (St Johns) Limited v Auckland Council* [2019] NZEnvC 173.

⁵¹ *Summerset Villages (St Johns) Limited v Auckland Council* [2019] NZEnvC 173, at [70] – [73].

18.83 While a range of enabling works / activities are proposed which exceed the permitted standards of the Unitary Plan (earthworks, construction noise/vibration), this is not unusual for construction of a development of this scale and nature on a large site. The effects of these temporary effects from construction activities have carefully been considered and addressed in the technical assessments submitted with the application, and reflected in the Proposed Condition of Consent.

Construction Hours and Duration

18.84 With reference to the construction staging set out in **Section 13**, the Project is to be undertaken over approximately 9-10 years, and therefore exceed the 24-month period provided for as a Permitted Activity by the Unitary Plan for construction activities.

18.85 Construction hours are proposed by the conditions of consent to be limited to 'standard' hours, being 7:30am and 6:00pm, Monday to Saturday. No construction works or heavy vehicle movements are to be undertaken on Sundays or public holidays.

18.86 The construction effects these construction hours and related activity will be managed through relevant management plans that are required to be finalised and certified by Council prior to works commencing on the Site, consistent with the expectations for urban development envisaged by the Unitary Plan.

18.87 The management plans relevant to the above include:

- Construction Management Plan
- Construction Traffic Management Plan
- Construction Noise and Vibration Management Plan
- Earthworks Management Plan

Land Disturbance

18.88 Land disturbance is an essential prerequisite for the development of urban land⁵². Construction related effects from the proposed land disturbance works are addressed in Section 7 of Infrastructure Assessment appended as **Attachment 7**.

18.89 The effects of earthworks (relative to the matters of discretion and assessment criteria of the Unitary Plan relating to land disturbance) relate to:

⁵² Unitary Plan, E12.1 Background.

- (a) the degree to which compliance is achieved with the applicable standards;
- (b) the extent to which the earthworks will generate adverse noise, vibration, dust, odour, lighting, and traffic effects;
- (c) the stability of land and buildings;
- (d) overland flow paths and flooding;
- (e) effects archaeological values; and
- (f) whether suitable erosion and sediment control measures will be in place.

18.90 The measures proposed to manage the effects of the land disturbance works are detailed in the draft Earthworks Management Plan appended as **Attachment 27** (and with reference to the draft Chemical Treatment Management Plan appended to the EMP).

18.91 The earthworks will be managed to comply with the relevant Unitary Plan standards for undertaking such works, in accordance with best practice. Furthermore:

- (a) The potential instability of neighbouring land and / or buildings adjacent to earthwork cut areas within the Site will be suitably monitored.
- (b) The proposed excavation will not result in any changes to flood hazards.
- (c) No archaeological values are anticipated to be affected by the proposed earthworks.
- (d) The earthworks will be for a limited duration (relative to staging of the works).
- (e) Measures will be implemented to control and monitor the effects associated with sediment transfer and water quality (as discussed below).

18.92 Suitable measures will be adopted to ensure earthworks to create cuts associated with the basement levels will be supported by temporary inground retaining.

18.93 At a minimum, all excavation works will achieve the standards contained in Council's GD05 Erosion and Sediment Control Guidelines, with appropriate erosion and sediment controls implemented prior to excavation commencing), and maintained throughout the earthworks, including the implementation of a final Erosion and Sediment Control Plan (**ESCP**), which will be submitted to Council for certification.

18.94 The final ESCP will detail the construction methodology and the erosion and sediment controls that will be installed prior to excavation commencing (and maintained throughout the duration of these works) to control dust and sediment effects, and will

include those measures recommended in the Infrastructure Assessment (including the draft ESCP included within the engineering plans appended to this assessment).

- 18.95 Overall, with the measures proposed, the actual or potential effects of the general land disturbance activities will be appropriately managed.

Construction Traffic

- 18.96 Construction related traffic effects from the proposed works are addressed in the Transportation Assessment appended as **Attachment 6**.

- 18.97 The measures proposed to manage construction traffic related effects are detailed in the draft CTMP (**Attachment 24**), including measures to address:

- (a) Construction routes and access to the Site.
- (b) Construction traffic expected to be generated (relative to staging)
- (c) Parking provision during construction for contractors.
- (d) Temporary on-street parking removals to facilitate heavy construction vehicle access.
- (e) The maintenance of pedestrian access.
- (f) Principles of temporary traffic management.
- (g) Proposed communication protocols.
- (h) Contractor obligations for preparing the final CTMP.

- 18.98 The removal of on-street carparking along the route for heavy construction vehicles will be temporary and limited to that required to enable necessary manoeuvrability, with residents suitably advised of the extent and duration of any temporary limitations.

- 18.99 Truck manoeuvring will be contained within the Site, with trucks entering and exiting in a forward direction. Vehicle movements will principally involve the removal and delivery of earthworked material, the delivery of building supplies and equipment, concrete pours, various trade vehicles, and the removal of waste materials / skip bins.

- 18.100 Construction vehicle movements (and any temporary traffic management measures implemented during the construction period) will be managed (consistent with typical construction activities) by way of a finalised version of the CTMP, which will be submitted to Council for certification (as required Condition 25 of **Attachment 23** proposed by the Applicants), and reflect the measures outlined in the draft CTMP.

- 18.101 The Site has good access to the road network and the implementation of the measures set out in the draft CTMP will ensure that the surrounding road network operates safely for all road users, the detail of which will be prepared closer to the construction period, and will be consistent with Auckland Council's standard requirements.
- 18.102 Pedestrian access along all roads will remain available during the construction of the Project, and managed relative to vehicle movements. Pedestrian access through the Site (along the two new public pedestrian walkways⁵³) will be separated from any construction areas occurring within the Site during these works.
- 18.103 Overall, having regard to the nature of the works, and taking into account the procedures that will be put in place through the approved CTMP and conditions of consent, the traffic effects generated during construction of the Project will be suitably managed.

Construction Noise and Vibration

- 18.104 Noise and vibration effects from the construction works associated with the Project are assessed in Section 4.11 of the Acoustic Assessment (**Attachment 29**).

Construction Noise Predictions

- 18.105 As discussed in Section 13, the construction works are predicted to exceed the permitted noise limits contained within Chapter 25 of the Unitary Plan by up to:
- (a) 3 dB during concrete breaking (of existing foundation slabs and palisade wall).
 - (b) 7 dB during drilling of foundations with a Continuous Flight Auger (CFA) rig.
 - (c) 5 dB during drilling for retaining walls at the southern boundary with a 12-t excavator.
 - (d) 9 dB during bored piling for temporary shoring.
 - (e) 5 dB for sheet piling (for temporary shoring during Stages 2 and 4).
 - (f) 8 dB during earthworks activities using a 20-t excavator.
 - (g) 5 dB during compaction of accessways with a 10-t roller.
- 18.106 Table 4 of the Acoustic Assessment sets out which neighbouring receivers expected to receive these noise levels (above the permitted noise limits) and the relevant stage of works during which this will occur. With reference to the Acoustic Assessment, the exceedances will occur over a short period for each receiver identified in Table 4 (of their assessment), while the relevant activity is undertaken. These periods of noise will be intermittent and

⁵³ Which will be constructed prior to the closure of the existing walkways, and construction of the village.

will only occur over short periods during the different stages of the nine-year construction project.

18.107 Further to the above, the following comments are made:

- (a) Noise levels generated by other construction activities will range from 55-70 dB L_{Aeq} and will comply with the AUP permitted construction noise limits.
- (b) Noise levels will be variable over the day, and periods of high noise will be interspersed with quieter periods.
- (c) There will also be periods when little or no noise is generated e.g. when works are occurring within the new buildings.

Construction Vibration Predictions

18.108 As set out in Section 4.7 of the Acoustic Assessment, construction vibration is predicted to comply with the Unitary Plan's permitted vibration limits for avoiding building damage, however, is predicted to exceed the permitted construction vibration amenity limit of 2mm/s PPV (with up to 5mm/s PPV predicted) when vibratory compaction with a 10-t roller is required to construct the proposed accessway along the southern boundary.

18.109 The neighbouring receivers predicted to experience the vibration exceedances include 59, 104, 119, and 119B Rukutai Street, and 97-99 Aotea Street. The infringements will be intermittent over a period of 2-3 days for each receiver as the works progress. All other construction activities will comply with 2 mm/s PPV at any neighbouring occupied building, due to the attenuation of vibration by distance.

Management and Mitigation Measures

18.110 A Draft CNVMP has been prepared (**Attachment 30**), which details the measures proposed to be adopted to manage works in a way which will ensure these are undertaken in an appropriate manner relative to the time of day, their expected duration, and the best practicable option available, and which (relative to duration, frequency and timing), are not unreasonable.

18.111 Any exceedances will be brief and intermittent, and are proposed by the CNVMP to be managed through the following measures:

- (a) General noise mitigation, including the following key measures:

- (i) All workers will be familiar with the provisions of this CNVMP and made aware of the potential impacts of noise on neighbours.
 - (ii) Noisy plant and stationary equipment will be positioned on the Site as far from the residential boundaries as practicable.
 - (iii) Plant that is no larger than necessary will be used to complete the works.
 - (iv) Machinery and plant will be switched off when not used (and not left idling).
 - (v) Equipment generating excess or unnecessary noise will be stopped (where safe) and reported to the Site Manager.
- (b) General vibration mitigation, including the following key measures:
- (i) Static rollers will be used instead of vibratory rollers where practicable.
 - (ii) Vibratory compaction for construction of the accessways along the southern boundaries will be undertaken using a roller no larger than 10-t. Vibratory compaction will be undertaken making passes parallel to the Site boundary. The operator will be instructed to avoid changing direction or stopping outside occupied dwellings (wherever possible).
 - (iii) Sheet piling will only be used for temporary shoring along the northern boundaries of Stages 2 and 4. Other methods will be used for other temporary shoring.
 - (iv) Casing will not be driven during bored piling works.
 - (v) Operators of excavators and heavy vehicles will be instructed to drive slowly (fast movement across an uneven site can generate high vibration levels).
 - (vi) The lightest plant practicable and available will be used for the works.
 - (vii) Wheeled plant will be selected over tracked plant where practicable.
 - (viii) Equipment generating excessive or unnecessary vibration will be stopped (where safe) and reported to the Site Manager.
 - (ix) Workers will be informed of the need to minimise perceptible vibration at the nearest dwellings, and the mitigation measures available to achieve this.
- (c) Occupiers of all buildings within 50m of the Site's boundaries (refer **Figure 40**) will be notified in writing at least 10 days prior to the earthworks activities commencing.

- (d) Acoustically effective fencing / barriers at least 2.4m high will be erected in key locations along the southern boundary (refer **Figure 38**).
- (e) Additional localised acoustic barriers will be used where any construction plant must be operated within the unmitigated compliance distances⁵⁴.
- (f) Specific noise mitigation set out in Section 11.3 of the Acoustic Assessment will be implemented during hydraulic breaking, dewatering, sheet piling and bored piling.
- (g) Minimum separation distances shall be adhered to at all times to ensure that the Project noise and vibration limits are being achieved at all times.
- (h) Noise and vibration monitoring, to ensure compliance with the noise and vibration limits proposed is being achieved.



Figure 40: Extent of acoustic barriers and receivers within 50m (Source: Draft CNVMP).

18.112 Section 6.0 of the Acoustic Assessment recommends a number of proposed conditions (which are reflected in the Proposed Conditions of Consent - **Attachment 23**) to manage the effects of construction noise and vibration, consistent with the above.

Summary

18.113 Overall, having regard to the temporary nature of the works, the extent and duration of the respective exceedances, and taking into account the management procedures that will be put in place through the CNVMP, the noise and vibration generated during construction activities of the Project will not result in the unreasonable emission of construction noise or vibration.

⁵⁴ Refer Table 4 of the Acoustic Assessment.

Geotechnical Effects

18.114 The geotechnical characteristics and suitability of the Site for the Project have been assessed in the Geotechnical Assessment appended as **Attachment 28**.

Land Stability

18.115 In respect of land stability matters, the geotechnical assessment finds:

- (a) The underlying stratum of the Site is generally suitable for the proposed buildings (including basement levels that span beneath the buildings).
- (b) Ground movements due to excavations and groundwater drawdown have been calculated, and effects upon nearby buildings are predicted to be negligible.
- (c) The building foundations can be designed using standard typologies, including a combination of shallow raft bearing foundations (reinforced concrete slab) and bored reinforced concrete piles for concentrated building loads.

18.116 The Proposed Conditions of Consent (**Attachment 23**) require:

- (a) The design and construction of the basement levels to be in accordance with the specifications contained in the Geotechnical Assessment.
- (b) Verification to be provided in writing to Council from a suitably qualified person within two weeks after the completion of the basement construction to confirm all works have been undertaken in accordance with the specifications.
- (c) All excavation, dewatering systems, retaining structures, basements and works associated with the diversion or taking of groundwater, must be designed, constructed and maintained so as to avoid damage to land, buildings, structures and services on the Site and adjacent properties.
- (d) Contingency actions to be implemented should damage occur to buildings, structures or services caused by the Project.

18.117 Overall, the Site is suitable for the Project, and the earthworks and building works can be appropriately designed and undertaken to manage geotechnical effects.

Groundwater Effects

- 18.118 With reference to Section 3.3 of the Geotechnical Assessment, the basement excavation will extend to depths of 1.5 m to 5.0 m below the perched groundwater level (with the perched groundwater table is located at approximately 2.0 m to 4.5 m depth).
- 18.119 The temporary dewatering of groundwater required during bulk excavation works, and permanent dewatering required following the construction of the basements (by way of basement drainage for intercepted groundwater) has been assessed (in respect of groundwater drawdown), with estimated settlement across all potentially affected adjacent structures being less than 5mm (during basement excavation). This is below generally accepted limits for buildings and services. On this basis, no building condition survey is considered to be required for works associated with the basement excavation.
- 18.120 A draft GSMCP has been prepared⁵⁵ setting out the monitoring requirements of the excavation works and surroundings to monitor ground settlement and assess effects on ground and structures adjacent to the Site leading up to and during construction.
- 18.121 A final GSMCP generally consistent with the draft GSMCP will be prepared and submitted to Council for certification (refer Condition 77 of **Attachment 23**). The results of the monitoring will inform any contingency and mitigating measures action should it be necessary. With these measures in place, effects will be suitably managed.

Servicing and Infrastructure Effects

- 18.122 The Project has been assessed by CLC from an infrastructure engineering perspective in the Infrastructure Assessment appended as **Attachment 7**, summarised below.

Stormwater

- 18.123 CLC's assessment confirms that the Project can be connected to the existing reticulated stormwater networks referred to in their assessments, and the networks will have sufficient capacity to accommodate stormwater flows from the development.
- 18.124 The Project provides 112m³ of stormwater attenuation to achieve pre-development levels up to and including 1 in 10 year and 1 in 100 year storm events in the form of five 22,500L underground detention tanks with orifice-controlled outlet.

⁵⁵ Appended to the Geotechnical Assessment as Appendix E.

18.125 Stormwater treatment for at-grade vehicle parking and associated accessway areas will be achieved through the proposed Stormwater 360 Stormfilter Device. Final details for stormwater treatment will be submitted as part of the Engineering Plan Approval.

18.126 The maintenance of the treatment devices will be undertaken in accordance with the manufacturer's instructions to ensure they are kept in good working order.

Wastewater

18.127 The Project will increase the peak dry and wet weather wastewater flows by 3.56 l/s and 6.19 l/s respectively. New wastewater pipes within the Site are to be connected to the existing public system within Takaparawhau, and a new 'bypass' line will be installed. CLCs assessment confirms that the increased flows from the building can be adequately serviced by the reticulated wastewater network.

Potable Water

18.128 The Project is estimated to have an average demand design flow of 1.33 l/s and a peak demand design flow of 2.67 l/s. Potable water will be supplied by the existing 150mm public watermain located within the eastern side of Kupe Street, with upgrades proposed to the existing 100mm diameter water pipe in Ngake Street to enable this to occur.

Fire Suppression

18.129 There are adequate firefighting hydrants in the vicinity of the Site, such that the Project will comply with the New Zealand Fire Service Firefighting Water Supply Code of Practice (SNZ PAS 4509:2008) in respect of access to fire-fighting services.

18.130 The Project includes a combined fire suppression supply and water meter with backflow prevention device within the Kupe Street berm in accordance with Watercare standard detail WS25, and the provision of 60m³ of on-site storage, with a diesel booster pump (the details of which will be confirmed as part of the building consent stage).

18.131 The layout of the proposed village has been developed to accommodate standard firefighting appliances, with access available to all buildings (except for Building 2) directly from the road frontage. Access for fire appliances to Building 2 is provided via Aotea Street and along the southern internal accessway, and exiting via Rukutai Street.

Gas

18.132 CLC's assessment confirms the existing Vector gas line within the Site can be realigned and connected to the existing gas line within Takaparawhau (at the boundary of the Site).

Power and Utilities

- 18.133 Existing power and telecommunication infrastructure located proximate to the Site will be extended (and modified as necessary to service the proposed buildings).

Waste Management

- 18.134 The Site and basement layout, vehicle accessways, and servicing area, have been designed to accommodate suitable trucks for waste collection and loading activities.
- 18.135 The draft Waste Management Plan (**Attachment 25**) demonstrates how the collection of waste will be undertaken for the buildings within the village.

Natural Hazards

Flooding

- 18.136 With reference to **Figures 4** and **23**, the Council's GeoMaps identifies minor overland flow paths within the Site. No floodplains are identified within the Site.
- 18.137 In response to PC120, the Hazard Risk Assessment (**Attachment 26**) confirms that the proposed development is suitable from a flood risk (overland flow) perspective. The development is located within an area of Low Flood Hazard, where flood depths and velocities are below the thresholds that present risk to people, property, or access.
- 18.138 The post-development changes to catchment hydrology have been fully assessed by CLC in the Flood Risk Assessment and are shown to have no adverse downstream impact, with minor reductions in flow to the south and only marginal increases (≤ 10 mm) to the north. The hydrological changes resulting from the Project remain within acceptable tolerances and do not create or exacerbate flood risk on any other properties.

Landslide Risk

- 18.139 The Geotechnical Assessment Report addresses the landslide risk relative to the land within and proximate to the Site, in accordance with the proposed provisions of PC120. The assessment confirms that the Site is classified as a "low landslide hazard risk". The establishment of new buildings and structures that are associated with a low landslide hazard risk area are permitted (under PC120). Correspondingly, the risk to the proposal (and to the surrounding area) is considered to be acceptable.
- 18.140 Overall, the Project will not have adverse effects in respect of natural hazards.

Economic Effects

18.141 The economic effects of the Project are assessed in the Economic Impact Assessment prepared by Insight Economics (**Attachment 16**).

During Construction

18.142 The construction of the Project will deliver approximately \$ [REDACTED] into the economy (of which 90% is expected to remain within the region), and approximately [REDACTED] FTE years over the 9–10-year construction period (representing [REDACTED] people employed full-time over the construction period). Employment during the construction period is expected to generate more than \$ [REDACTED] in wages and salaries.

18.143 With regards to the above, the following regional impacts are expected:

- (a) A one-time boost in GDP of approximately \$ [REDACTED].
- (b) Full-time employment for [REDACTED] people ([REDACTED] FTE years).
- (c) Additional household incomes of over \$ [REDACTED] through wages and salaries.

During Operation

18.144 Approximately [REDACTED] FTE staff will be required to operate the retirement village (in addition to those staff required to operate the existing care facility), including

- (a) Management staff.
- (b) Activities coordinators.
- (c) Receptionists.
- (d) Nursers and care givers.
- (e) Housekeepers / cleaners.
- (f) Café / kitchen / restaurant staff.
- (g) Property assistants / care takers / gardeners.

18.145 Ongoing employment is expected to generate \$ [REDACTED] in annual wages and salaries and approximately \$ [REDACTED] in annual GDP.

18.146 As set out in **Section 13** of this report, and with reference to the assessment by Insight Economics, there is a growing demand for retirement accommodation in Auckland. An additional 932 retirement units will be needed per year over the next 25 years to service

the projected demand by 2048. The Project will contribute some 256 new units to the market and this growing demand for high-quality and age-appropriate housing.

18.147 The contribution of retirement village accommodation delivered by the Project will have flow-on benefits in terms of freeing up housing stock within the community (as residents move from their current accommodation into retirement villages), and managing housing affordability by delivering accommodation units within a compact form (which also has efficiencies in terms of the cost of infrastructural servicing).

18.148 Overall, and with regards to Insight Economics assessment, the Project will result in significant economic benefits to the Auckland region.

Cultural Effects

18.149 The Project has the potential to generate effects in respect of the cultural sense of place, and the way in which the form, design and scale of the Project responds to and integrates with the landscape, including Takaparawhau Whenua Rangatira. The diversion/take of groundwater also has the potential to adversely affect the mauri of water.

18.150 The Project provides for the optimal development of the land and has been developed collaboratively with tangata whenua, in a way which responds to and reflects tangata whenua values and, through the partnership with Generus, will contribute to the social and economic development of tangata whenua.

Ecological Effects

18.151 There are no features within the Site that are identified as having particular ecological value (such as 'Significant Ecological Areas', 'Notable Trees', streams, or wetlands).

18.152 The effects of the land disturbance works, in terms of the potential ecological effects of silt and sediment runoff, groundwater dewatering/diversion, have been addressed in **Paragraphs 18.88-18.95** and **18.114-121** in regards to earthworks and geotechnical / groundwater matters. Overall, the Project will not result in adverse ecological effects.

Schedule 5 – Clause 6

18.153 In respect of the information required to be provided to address the specific matters listed in Schedule 5, clauses 6, the following comments are made:

Assessment of any risks to the environment that are likely to rise from the use of hazardous installations (clause 6(1)(b) of Schedule 5)

18.154 The Project does not involve the use of a hazardous installation.

A description of the discharge of any contaminant (clause 6(1)(c) of Schedule 5)

18.155 The Project does not involve the discharge of any contaminant, noting that:

- (a) The PSI/DSI prepared (**Attachment 14**) confirms the Site does not contain soils that are considered to be ‘contaminated’ under the Unitary Plan and / or NES-CS.
- (b) The Infrastructure Assessment (**Attachment 7**) confirms stormwater runoff within the Site will be treated prior to being discharged to the network.
- (c) An Earthworks Management Plan will be implemented to ensure that all stormwater runoff from the Site is managed and controlled so that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, or channels.
- (d) The Proposed Conditions of Consent (**Attachment 23**) include:
 - (i) Accidental Discovery Protocols, which include steps to be taken in the event that contaminated soil is discovered during the works.
 - (ii) General earthworks management and erosion and sediment control measures.

A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects of the activity (clause 6(1)(d) of Schedule 5)

18.156 The Project incorporates mitigation measures to assist in preventing or reducing the actual or potential effects of the activity, as set out in the Proposed Conditions of Consent appended as **Attachment 23**. With reference to these conditions, the Project includes the following draft management plans for certification by Council:

- (a) Earthworks Management Plan (Condition 19).
- (b) Chemical Treatment Management Plan (Condition 21).
- (c) Construction Noise and Vibration Management Plan (Condition 24).
- (d) Construction Traffic Management Plan (Condition 25).
- (e) Waste Management Plan (Condition 27).
- (f) Landscape Management Plan (Condition 28).
- (g) Groundwater Settlement and Monitoring Contingency Plan (Condition 77).

18.157 The Project is also proposed to be subject to a condition that requires an overarching Construction Management Plan, which will coordinate the above and the overall integration and management of compliance with the consent conditions generally.

18.158 The Project also includes the following conditions of consent:

- (a) Erosion and sediment controls (Conditions 34-35, 41 and 49).
- (b) Accidental Discovery Protocols (Conditions 39-40).
- (c) General earthworks management measures (Conditions 41-48).
- (d) Construction hours and noise / vibration limits (Conditions 51-57).
- (e) Stormwater management measures (Conditions 64-66).
- (f) Settlement and groundwater monitoring (Conditions 74-87).

18.159 Overall, through the management plans and measures proposed as part of the conditions of consent, potential adverse effects of the Project will be managed to an acceptable level.

Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapu that have been consulted in relation to the proposal (clause 6(1)(e) of Schedule 5)

18.160 The following persons, groups and/or entities are considered to be affected by the Project:

- (a) Local Authority: Auckland Council, inclusive of Council Controlled Organisations: Auckland Transport and Watercare Services Limited.
- (b) Iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements: Ngāti Whātua Ōrākei.
- (c) Other relevant iwi authorities: Not Applicable - Ngāti Whātua Ōrākei are the only relevant iwi authority affected by the Project.
- (d) Relevant Treaty settlement entities: Ngāti Whātua Ōrākei.
- (e) Relevant protected customary rights groups and customary marine title groups: Not Applicable.
- (f) Ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou: Not Applicable.
- (g) Relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011: Not Applicable.

(h) Adjacent landowners (refer **Attachment 9**).

18.161 A summary of consultation undertaken is provided in **Section 16** of this report.

If iwi or hapu have elected not to respond when consulted on the proposal, any reasons that they have specified for that decision (clause 6(1)(f) of Schedule 5)

18.162 Not Applicable – Ngāti Whātua Ōrākei (who are a joint applicant) have confirmed that they are the only relevant iwi for the Project.

If the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved (clause 6(1)(g) of Schedule 5)

18.163 While the scale and significance of the effects of the activities proposed are not predicted to be adverse, monitoring is proposed for the following aspects of the Project to manage effects arising from construction activities:

- (a) Groundwater.
- (b) Construction noise and vibration.
- (c) Erosion and sediment control.

Groundwater

18.164 A GSMCP is proposed as part of the Project, with a draft version of the management plan included as Appendix E of the Geotechnical Assessment (**Attachment 28**).

18.165 The purpose of the GSMCP is to set out the practices and procedures to be adopted to ensure compliance is achieved with the consent conditions, and in respect of:

- (a) Monitoring of the excavation works and surroundings will be undertaken to assess effects on ground settlement and structures/services adjacent to the Site.
- (b) Establishing a set of project controls to monitor ground settlement, and to address potential geotechnical effects related to the Project works.
- (c) Provide contingency and mitigation measures that may be applied should monitoring results indicate ground settlement are approaching or likely to exceed alert and alarm limits established as part of the management plan.

18.166 Condition 77 of the Proposed Conditions of Consent require the draft GSMCP to be finalised and submitted to Council for certification prior to bulk excavation works commencing.

18.167 Overall, the GSMCP and proposed conditions will ensure that appropriate monitoring is undertaken in respect of potential effects arising from the bulk earthworks.

Construction noise and vibration

18.168 A CNVMP is proposed as part of the Project, with a draft version of the management plan included as **Attachment 30**.

18.169 The purpose of the CNVMP is to:

- (a) Set out the procedures to identify and adopt the best practicable options for minimising adverse construction noise and vibration effects; and
- (b) Define the procedures to be followed to ensure that the project construction noise and vibration standards are being met.

18.170 The practices and procedures set out in the CNVMP include the monitoring of noise and vibration to ensure compliance is achieved with the Project noise / vibration limits.

18.171 Condition 24 of the Proposed Conditions of Consent (**Attachment 23**) require the draft CNVMP to be finalised and submitted to Council for certification prior to excavation works commencing.

18.172 Overall, the CNVMP and proposed conditions will ensure that appropriate monitoring is undertaken in respect of potential effects arising from construction noise and vibration.

Erosion and sediment control

18.173 An Earthworks Management Plan (**EMP**) is proposed as part of the Project, with a draft version of the management plan included as **Attachment 27**.

18.174 The purpose of the EMP is to outline suitable erosion and sediment control measures during all earthworks to ensure that all stormwater runoff from the Site is managed and controlled so that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, or channels.

18.175 The practices and procedures set out in the CNVMP include the monitoring of earthworks and sediment control measures to ensure the above is achieved.

18.176 Condition 19 of the Proposed Conditions of Consent require the draft EMP to be finalised and submitted to Council for certification prior to bulk excavation works commencing.

18.177 Overall, the EMP and proposed conditions will ensure that appropriate monitoring is undertaken in respect of potential effects arising from the earthworks.

An assessment of any effects of the activity on the exercise of a protected customary right (clause 6(1)(h) of Schedule 5)

18.178 The activity will not affect the exercise of a protected customary right.

A consent application need not include any additional information specified in a relevant policy statement or plan that would be required in an assessment of environmental effects under clause 6(2) or 7(2) of Schedule 4 of the RMA (clause 6(2) of Schedule 5)

18.179 The Unitary Plan includes special information requirements that are directly relevant to this substantive application, including:

- Chapter E11 (Land Disturbance – Regional) – Section E11.9
- Chapter E27 (Transport) – Section E27.9
- Chapter E36 (Natural Hazards and Flooding) – Section E36.9⁵⁶

18.180 The information required by the above has been addressed in the application material.

18.181 No other information or assessment is required to be provided in the assessment of environmental effects by a policy statement or plan relevant to the consideration of this substantive application.

Schedule 5 – Clause 7

18.182 In respect of the information required to be provided to address the specific matters listed in Schedule 5, clauses 7, the following comments are made

Any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects (clause 7(a) of Schedule 5)

18.183 Refer preceding assessment in **Section 18**, which addresses the following:

- (a) Effects on neighbourhood character, residential amenity, and the surrounding residential area in respect of the following – **Paragraphs 18.8 – 18.78.**
 - (i) Site layout and access.
 - (ii) Building design, bulk, scale and appearance.
 - (iii) Visual dominance, privacy, overlooking, and shading.

⁵⁶ Including as proposed to be amended by PC120.

- (iv) Crime Prevention Through Environmental Design.
- (v) Internal residential amenity.
- (vi) Wind (in respect of the proposed public walkways).
- (vii) Operational noise, lighting and hours of operation.
- (viii) Parking and access, and traffic generation.
- (ix) Comprehensive development signage.
- (b) Temporary Construction Effects - **Paragraphs 18.79 – 18.113.**
- (c) Geotechnical Effects – **Paragraphs 18.114 – 18.121.**
- (d) Servicing and Infrastructure Effects – **Paragraphs 18.122 – 18.135.**
- (e) Natural Hazards Effects - **Paragraphs 18.136 – 18.140**
- (f) Economic Effects – **Paragraphs 18.141 – 18.148.**
- (g) Cultural Effects - **Paragraphs 18.149 – 18.150.**
- (h) Ecological Effects – **Paragraphs 18.151 – 18.152.**

Any physical effect on the locality, including landscape and visual effects (clause 7(b) of Schedule 5)

18.184 Refer preceding assessment in **Section 18**, which addresses the following:

- Landscape Effects – **Paragraphs 18.15 – 18.24.**
- Visual Effects - **Paragraphs 18.25 – 18.31.**
- Wind Effects - **Paragraphs 18.40 – 18.42.**

Any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity (clause 7(c) of Schedule 5)

18.185 The Project is not predicted to have any adverse effects on ecosystems.

Any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations (clause 7(d) of Schedule 5)

18.186 The Site is an urban site which borders Takaparawhau Whenua Rangatira and Ngāti Whātua Ōrākei land to the north and west. The design and layout of the Project has been developed in association with tangata whenua, with specific regard to the natural and physical resource of this adjacent land and the context and relationship of the Site to this

natural and physical resource (including its historical and cultural value). The Project positively relates to this context, as set out in **Paragraphs 18.8 to 18.42**.

Any discharge of contaminants into the environment and options for the treatment and disposal of contaminants (clause 7(e) of Schedule 5)

18.187 Refer **Paragraphs 18.123 – 18.126 and 18.155 of Section 18**.

Any unreasonable emission of noise (clause 7(f) of Schedule 5)

18.188 Refer preceding assessment in **Section 18**, which addresses the following:

- Operational noise effects - **Paragraphs 18.43 – 18.50**
- Construction noise effects - **Paragraphs 18.105 – 18.109 and 18.110 – 18.113**.

Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations (clause 7(g) of Schedule 5)

18.189 Refer **Paragraphs 18.136 – 18.140 of Section 18** in respect of natural hazards.

18.190 The Project does not include any hazardous installations.

19 PLANNING FRAMEWORK

19.1 This section of the application is provided in accordance with Schedule 5, clause 5(1)(h), which requires an assessment be provided against the following documents:

- (a) A national environmental standard.
- (b) Other regulations made under the Resource Management Act 1991.
- (c) A national policy statement made under the Resource Management Act 1991.
- (d) A New Zealand coastal policy statement.
- (e) A regional policy statement or proposed regional policy statement.
- (f) A plan or proposed plan.
- (g) A planning document recognised by a relevant iwi authority and lodged with a local authority.

19.2 The Project has been considered against the above documents in the following sections of this report.

A national environmental standard (clause 5(2)(a) of Schedule 5)

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

- 19.3 The PSI-DSI appended as **Attachment 14** confirms that the Site does not contain soils considered to be ‘contaminated’, with regards to the provisions of the NES-CS.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020

- 19.4 The NES-FW came into effect on 3 September 2020 and regulates certain activities that pose risks to freshwater and freshwater ecosystems.
- 19.5 The relevant standards of the NES-FW relate to the management of effects on the passage of fish in rivers, and the protection of natural inland wetlands from drainage and loss of extent. The Proposal does not include the in-filling of any streams, and will not affect natural inland wetlands (noting that the discharge to the Northern Watercourse will be managed to maintain pre-development volumes and flows).
- 19.6 No other standards of the NES-FW are implicated by the Project and therefore the Project is consistent with the NES-FW (with no consents required).

Summary

- 19.7 With regards to the above, there are no National Environmental Standards relevant to the consideration of this application for resource consent.

Other regulations made under the Resource Management Act 1991 (clause 5(2)(b) of Schedule 5)

- 19.8 There are no other regulations made under the RMA that are relevant to the consideration of the Project.

A national policy statement made under the Resource Management Act 1991 (clause 5(2)(c) of Schedule 5)

National Policy Statement for Urban Development (Updated May 2022)

- 19.9 The 2022 update to the National Policy Statement on Urban Development (**NPS-UD**) contains eight objectives and 11 policies.

19.10 The NPS-UD applies to planning decisions by any local authority that affect an urban environment, and directs decision makers to give effect to the objectives and policies of the NPS-UD, which relevant to this Project, includes the following:

- **Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
- **Objective 3:** Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:
 - (a) the area is in or near a centre zone or other area with many employment opportunities
 - (b) the area is well-served by existing or planned public transport
 - (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment
- **Objective 4:** New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- **Objective 6:** Local authority decisions on urban development that affect urban environments are:
 - (a) integrated with infrastructure planning and funding decisions; and
 - (b) strategic over the medium term and long term; and
 - (c) responsive, particularly in relation to proposals that would supply significant development capacity.
- **Objective 8:** New Zealand's urban environments:
 - (a) support reductions in greenhouse gas emissions; and
 - (b) are resilient to the current and future effects of climate change.
- **Policy 1:** Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
 - (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
 - (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; [...]

- **Policy 2:** Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.
- **Policy 6:** When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:
 - (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
 - (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
 - (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1).
 - (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity.
 - (e) the likely current and future effects of climate change.
- **Policy 8:** Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:
 - (a) unanticipated by RMA planning documents; or
 - (b) out-of-sequence with planned land release.

19.11 The aim of the NPS-UD is to ensure that planning decisions enable the sufficient supply of housing that is needed to meet demand, and improve the general affordability of housing around the country, and in particular to:

- enable intensification in urban environments that:
 - are in or near a centre zone.
 - are well served by public transport.
 - have a high demand for accommodation; and
- enable a variety of accommodation typologies that:
 - meet the needs of different households.
 - have good accessibility to open space, transport, community services, etc.

- 19.12 The NPS-UD specifically requires planning decisions to recognise that intensification may both adversely impact people's amenity values and improve the amenity values of other people, communities, and future generations.
- 19.13 Overall, the NPS-UD supports urban intensification to meet housing demand and enable all people and communities to be able to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- 19.14 The Project relates to the construction and operation of five new buildings (ranging 5-8 storeys in height) and the retention (and integration) of the existing 3-storey care facility on a brownfields site, which is appropriately zoned under the Unitary Plan for urban intensification, for the purposes of a comprehensive retirement village development that can accommodate up to 606 residents⁵⁷ (with the Project representing an increase in up to 464 residents when taking into account those who currently live on the Site in the existing care facility and Aotea Street apartments) in a manner that represents an efficient use of the Site, and which will contribute to an increase in the provision of housing capacity, intensity, variety and choice for the elderly, as well as the wider neighbourhood (as existing houses/properties are vacated by residents who seek to move into the village).
- 19.15 The Project, being an Integrated Residential Development activity (retirement village), is an appropriate and anticipated use of the land (reinforced by its activity status under the Unitary Plan). Such an activity and intensity of development will also enhance and support the social and economic well-being of the community, building upon the outcomes envisaged by the Unitary Plan zoning and Precinct provisions.
- 19.16 As an Integrated Residential Development, inclusive of independent living and care options (in the existing care facility), the Project will enable a variety of homes that:
- meet the needs, in terms of type, price, and location, of different households with the variety of typologies proposed;
 - through the arrangement with tangata whenua, include the opportunity for Māori to express their cultural traditions and norms;
 - have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The

⁵⁷ 256 retirement units x 2 people + 94 care units x 1 people.

location of the Site is readily accessible, and the operation of the activity will include transport options for residents to access local facilities and services;

- support reductions in greenhouse gas emissions, compared with the Site being developed with an intensive standard residential land use/development; and
- are resilient to the likely current and future effects of climate change, relative to the Site's elevation.

19.17 The Site has excellent access to a range of services within a readily accessible catchment, and good access and proximity to public transport, and will therefore contribute to a well-functioning urban environment by providing housing options that meet the needs of communities, within a location that is accessible to community services, open spaces, and public transport, and of a form that supports reductions in greenhouse gas emissions.

19.18 The Project will generate fewer daily traffic movements than the level of traffic that would otherwise be generated should a 'standard' (apartment type) residential apartment development be constructed on the Site, with the added benefit that traffic movements associated with a retirement village activity also typically occur outside of the peak commuter periods. The traffic generated can be readily sustained by the local transportation and roading environment, with access and connectivity for the full spectrum of travel modes.

19.19 The scale of the Project, while being a change to the currently prevailing built characteristic, has been carefully designed in respect of its relationship with neighbours, and the interface of the Site to adjoining properties and the wider context (including Takaparawhau), recognising that change is not, of itself, an adverse effect. While of a greater scale than that currently provided for in the respective zones that apply to the Site, the Project will integrate with (and contribute to) the established urban neighbourhood and the future planned character.

19.20 The development opportunities on the Site (and within the Auckland's urban areas generally) are proposed to further increase under PC120 in response to the NPS-UD, which reinforces this intended outcome, and forecasts a corresponding change to the characteristics of the current neighbourhood. In respect of the Site and surrounding environment, PC120 proposes to increase the height limit of the THAB zone from 16m to 22m, and to rezone a large proportion of neighbouring land (to the south) from Mixed Housing Suburban to Mixed Housing Urban.

19.21 Overall, the Project is entirely consistent with the outcomes promoted by the NPS-UD.

National Policy Statement for Freshwater Management 2020 (NPS-FM 2020)

19.22 The NPS-FM 2020 came into effect on 3 September 2020 and sets out the objectives and policies for freshwater management under the RMA.

19.23 The NPS-FM 2020 (amended February 2023) provides local authorities with an updated direction on managing freshwater in a way that gives effect to Te Mana o te Wai, including new requirements for improving (and avoiding degradation of) the quality of streams.

19.24 The Site does not contain any streams or rivers (nor is it located in close proximity to a stream or river), and does not involve any activity relevant to the NPS-FM.

A New Zealand coastal policy statement (clause 5(2)(d) of Schedule 5)

New Zealand Coastal Policy Statement 2010

19.25 The NZCPS sets out a number of objectives and policies for achieving the purpose of the RMA in relation to the coastal environment of New Zealand.

19.26 As discussed above, the Site is not located within close vicinity to, or involve an activity which affects, a coastal environment. The discharge of stormwater from the Site will occur via the public reticulated network, and Auckland Council holds a Network Discharge Consent which authorises the discharge of stormwater from this network to the receiving environment, including the coastal environment.

19.27 Overall, the Project is consistent with the NZCPS.

Hauraki Gulf Marine Park Act 2000

19.28 The Hauraki Gulf Marine Park Act (HGMPA) must be treated as a New Zealand Coastal Policy Statement issued under the RMA.⁵⁸

19.29 The HGMPA integrates the management of the Hauraki Gulf's islands and catchments across land and sea so that the effects of urban and rural land use are given proper attention, and its life supporting capacity is protected.

⁵⁸ Section 10; HGMPA.

- 19.30 The HGMPA also promotes the conservation and sustainable management of the natural, historic and physical resources of the Haruaki Gulf for the benefit of and enjoyment of the people and communities of the Haruaki Gulf and New Zealand.
- 19.31 Having regard to the preceding analysis, the Project is consistent with the HGMPA.

A regional policy statement or proposed regional policy statement (clause 5(2)(e) of Schedule 5)

- 19.32 Chapter B of the Unitary Plan sets out the strategic framework for the identified resource management issues of significance to the Auckland Region, and resultant priorities and outcomes sought by the Unitary Plan.
- 19.33 The Regional Policy Statement (**RPS**) contains provisions related to environmental protection, urban growth and form, infrastructure, transport and energy, natural resources, environmental risk, and mana whenua, together with a suite of objectives, policies and methods directed towards achieving sustainable and integrated management of major natural and physical resources in the Region. These include issues of regional significance (B1.4.(1)), which need to be considered collectively.
- 19.34 With regards to the RPS, the objectives and policies that are considered to be relevant to the Project relate to the following, and addressed below:
- (1) urban growth and form.
 - (2) infrastructure, transport and energy.
 - (5) issues of significance to Mana Whenua.

Chapter B2 - Tāhuhu whakaruruhau ā-taone - Urban growth and form

- 19.35 In respect of urban growth and form (relative to the Project), Chapter B2 identifies that:

B2.1 - Issues

Growth needs to be provided for in a way that does all of the following:

- (1A) contributes to well-functioning urban environments;
- (1B) improves resilience to the effects of climate change;
- (1) enhances the quality of life for individuals and communities;
- (2) supports integrated planning of land use, infrastructure and development;
- (3) optimises the efficient use of the existing urban area;
- (4) encourages the efficient use of existing social facilities and provides for new social facilities;

- (5) enables provision and use of infrastructure in a way that is efficient, effective and timely;
- (6) maintains and enhances the quality of the environment, both natural and built;
- (7) maintains opportunities for rural production; and
- (8) enables Mana Whenua to participate and their culture and values to be recognised and provided for.

19.36 Related to this, the strategic premise of the Unitary Plan provisions is focussed on providing for Auckland's growing population in a manner that ensures a quality of life and the sustainable management of natural and physical resources, with the integrated planning of land use, infrastructure, and development. This is to be achieved by balancing the demand for housing (inclusive of a variety of accommodation options) with the provision of necessary physical and social infrastructure, while ensuring that appropriate consideration is also given to the characteristics of value to the community.

19.37 The Unitary Plan promotes compact development and intensification in appropriate locations to make efficient use of land and infrastructure resources (as opposed to continuous outward urban expansion). The quality compact model that the Unitary Plan adopts encourages growth and intensification in neighbourhoods where it can be sustained, while recognising matters such as character, identity and heritage.

19.38 Such an approach seeks to manage and provide for growth and intensification in a way which optimises the efficient use of Auckland's existing urban areas, and in doing so provides and promotes housing choice. These outcomes are contained in Chapter B2, in particular, the objectives and policies for 'Urban growth and form' (B2.2), 'A quality built environment' (B2.3), and 'Residential growth' (B2.4).

19.39 These overarching growth and intensification objectives and policies are concerned with managing Auckland's urban areas over the next 30 years, with a primary focus of providing housing choice and affordability, and residential growth and intensification to contribute to a well-functioning urban environment (to meet the varied needs and lifestyles of Auckland's diverse, growing and aging population) on land suitable for urbanisation where it can be sustained, including encouraging (rather than precluding) intensification within established and developing neighbourhoods, where it can be demonstrated that the design response to the neighbourhood context (including future

context) can address and integrate with the appreciable qualities and physical characteristics of both the Site and surrounding area.

19.40 The Project is of an intensity and scale that responds to, is consistent with, and will promote the Unitary Plan's objectives, in a way that will maintain and enhance the amenity values of the area with a quality built outcome and environment which enhances opportunities for people's well-being by ensuring the buildings respond appropriately to the existing and future built (urban) and natural (open space) environment.

19.41 The suitability of the form, scale, and layout of the Project has been carefully considered and assessed from a landscape and urban design perspective in the UD-LVEA, relative to its immediate interface to the open space of Takaparawhau to the north and the established and evolving residential neighbourhood to the south, including how it will be viewed as part of the wider urban catchment. The conclusion of that assessment is that:

- The Proposal will contribute to the built form of the urban catchment to the east of the Kapa Road ridge in Mission Bay. Development of a larger scale built form along the enclosing ridgelines, as well as along the Waitematā Harbour's foreshore, are already characteristic of the locality. The Proposal will contribute an additional development of scale but will not be out of character with the established and evolving pattern of more intensive urban development.
- The Proposal will form part of the urban backdrop to a part of the Waitematā Harbour but is well set back from the coastline and is not incongruous with the established and continually evolving built character of the landward urban backdrop.
- The Proposal will introduce large-scale, high intensity residential buildings onto the Site, which is a housing form and typology that is anticipated by the Site's predominant THAB zoning, and is an effective and appropriate use of its location adjoining a large open space (Takaparawhau) and a Site located close to a town centre.
- The Proposal has key structuring elements that will achieve attractive and safe interfaces to streets to the south of the Site and to Takaparawhau to the north.
- The Proposal will provide a level of amenity well in excess of the Unitary Plan outcomes expected for residential development on the Site.

19.42 These conclusions are supported by the peer-review undertaken by R A Skidmore (**Attachment 21**), who agrees with the analysis of landscape character and visual effects

of the Boffa Miskell report, noting that in terms of potential effects of the form, scale and massing of buildings on the immediately surrounding environment the Site configuration and overall development responds positively to its surrounding context.

- 19.43 From an urban design perspective, the peer review considers that while of a larger scale, including increased verticality in relation to the surrounding pattern of development, the Site can accommodate the scale and form of development proposed in a manner that contributes positively to the evolving character of the wider urban environment, and that the Project has been designed to acknowledge and respond to the broad open space character of the adjacent Takaparawhau and the cultural values of this environment.
- 19.44 The need for Auckland city to be more compact means that innovation is imperative to enable compactness to be achieved, while providing for and maintaining an appropriate neighbourhood amenity, commensurate with the needs and requirements of the community. The Site represents a rare opportunity within this urban environment to accommodate a reasonably intensive, comprehensively designed, quality retirement village with a suitable form and scale that will meaningfully contribute to supplying the demand for housing to meet Auckland's growing elderly population.
- 19.45 Overall, the form of the Project and the nature of the activity contribute to a well-functioning urban environment, with an intensity of activity that enables people and the community to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Chapter B3: Infrastructure, transport and energy

- 19.46 The RPS identifies⁵⁹ that realising Auckland's full economic potential while maintaining the quality of life for its inhabitants will need to address:
- (1) efficiency in developing, operating, maintaining and upgrading infrastructure.
 - (2) integrating the provision of infrastructure with urban growth.
 - (3) potential effects of incompatible land use close to infrastructure.
 - (4) traffic management.
 - (5) security of energy supply; and
 - (6) resilience of infrastructure, including fuel and electricity supplies, to natural hazards.

⁵⁹ Unitary Plan B3.1

- 19.47 With regards to the above, development, especially that associated with growth in greenfield areas (which the Project is not), must be integrated and coordinated with the provision of infrastructure and the extension of networks. The Site is sufficiently serviced, and the development will make provision for the coordinated integration with existing utility infrastructure.
- 19.48 There is a focus on integrating land use and transport to achieve a compact urban form, including being focused on centres and transport nodes, which can also help promote energy efficiency and reduce dependence on non-renewable energy sources.
- 19.49 The Project responds appropriately to the zoning attributes of the Site (predominantly THAB zoned) which are encouraging of urban intensification / compact urban form, and is well located for service by the transport network and proximity to services.

Chapter B6: Mana Whenua

- 19.50 The RPS identifies⁶⁰ that the development of Māori Land and Treaty Settlement Land needs to be enabled to ensure that these lands and associated resources contribute to lifting Māori social, cultural and economic wellbeing significantly.
- 19.51 The corresponding objectives and policies seek to ensure:
- That the development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that: cultural redress is intended to meet the cultural interests of Mana Whenua; and commercial redress is intended to contribute to the social and economic development of Mana Whenua.
 - Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision making.
- 19.52 The Project is inherently consistent with these outcomes, providing for the optimal development of the land collaboratively with tangata whenua, and in a way which will reflect their values and, through the partnership with Generus, will contribute to the promotion of community, social and employment opportunities which will enhance the economic and social wellbeing of tangata whenua on their whenua tupuna within an integrated and sustainable community environment.

⁶⁰ Unitary Plan B6.1

A plan or proposed plan (clause 5(2)(f) of Schedule 5)

Unitary Plan

19.53 The following provides an assessment of the Project in relation to the relevant objectives and policies of the Unitary Plan. Those relevant to the Project are:

- Chapter I326 – Ōrākei 1 Precinct
- Chapter H4 – Mixed Housing Suburban Zone
- Chapter H6 – Terrace Housing and Apartment Building Zone
- Chapter H7 – Open Space - Informal Recreation Zone
- Chapter H27 – Special Purpose - Māori Purpose
- Chapter E7 – Taking, damming and diversion of water⁶¹
- Chapter E9 – Stormwater Quality (High contaminant generating car parks)⁶²
- Chapter E11 and E12 – Land Disturbance (Regional and District)
- Chapter E23 – Signs
- Chapter E25 – Noise and Vibration
- E27 – Transport
- E40 – Temporary Activities

19.54 The relevant objectives and policies of these chapters are assessed below:

Chapter I326 – Ōrākei 1 Precinct

19.55 The objectives of the Precinct seek:

- *The re-establishment of Ngāti Whātua Ōrākei on their Whenua Tupuna (ancestral land) within an integrated and sustainable community environment which reflects Ngāti Whātua Ōrākei Mātauranga (Objective I326.2(1)).*
- *Ngāti Whātua Ōrākei is meaningfully involved in the management and decision-making processes relating to their ancestral land (Objective I326.2(2)).*

19.56 The relevant corresponding policies of the Precinct seek to:

⁶¹ Which references the objectives and policies of Chapters E1 and E2.

⁶² Which references the objectives and policies of Chapter E1.

- *Promote a cultural sense of place, a location that promotes and supports interaction and engagement between tribal members and a community environment unique to Ngāti Whātua Ōrākei in Tamaki Makaurau (Policy I326.3(1)).*
- *Encourage design which promote connection to significant Ngāti Whātua Ōrākei landmarks, cultural features and heritage connections (Policy I326.3(2)).*
- *Manage the building footprint, profile and height of buildings [...] to establish an integrated built form across the land area, while also (Policy I326.3(3)):*
 - (a) creating a gateway entry to the community and a sense of awareness of entering a special residential environment.*
 - (b) reinforcing and referencing local historic reference points and the wider cultural landscape.*
 - (c) providing diversity in building forms and ownership models to accommodate a wide range of hapu and residents, including intergenerational whanau living opportunities and shared outdoor space.*
 - (d) avoiding monotonous built form when viewed from public open space and sites within the residential zones outside of the precinct by ensuring a variation in building height and variations in building footprints and form; and*
 - (e) complementing adjacent public open space by orientating buildings to enhance passive surveillance, and locating parking and servicing areas remote from public open space boundaries.*
- *Recognise and promote development and design solutions that protect or enhance natural, cultural and heritage values of ancestral land (Policy I326.3(4)).*
- *Encourage [...] a form and layout of development that enables the following sustainability initiatives (Policy I326.3(5)):*
 - (a) native planting and restoration of natural waterways.*
 - (b) community gardens, including mahinga kai;*
 - (c) low impact stormwater design, including the use of the Whenua Rangatira to achieve stormwater neutrality where practicable; and*
 - (d) using the existing contour where possible and minimising large areas of cut and fill.*

- *Promote and provide for Ngāti Whātua Ōrākei Mātauranga in design and development (Policy I326.3(6)).*
- *Promote the establishment of community, social and employment facilities which enhance the economic and social wellbeing of Ngāti Whātua Ōrākei people and the wider community (Policy I326.3(7)).*
- *Maximum the opportunity to utilise the finite papakāinga land resource efficiently to house current and future generations of Ngāti Whātua Ōrākei people, while avoiding or mitigating adverse effects on the environment (Policy I326.3(8)).*
- *Require development to maintain or enhance ecosystems and surrounding natural habitats, including the Whenua Rangatira (Policy I326.3(9)).*

19.57 Having regard to the above objectives and policies, the preceding analysis confirms that the Project will be consistent with the outcomes envisaged by the objectives and policies for the Ōrākei 1 Precinct. Furthermore, the following comments are made:

- The Project relates to the comprehensive development of the Site in an integrated manner, which is envisaged and encouraged by provisions.
- As a joint applicant, Ngāti Whātua Ōrākei has been integrally involved in the management and decision-making processes for their ancestral land.
- The Project includes the provision of two new public walkways to Takaparawhau and will maintain connections to significant tangata whenua landmarks, cultural features and heritage connections.
- The design and layout of the buildings is consistent with the design outcomes sought by Policy I326.3(3)) and sustainability initiatives by Policy I326.3(5).
- The proposed retirement village activity will provided for community, social and employment facilities which enhance the economic and social wellbeing of tangata whenua and the wider community.

19.58 Overall, the Project is consistent with the objectives and policies of Chapter I326.

Chapter H4 – Mixed Housing Suburban Zone

19.59 The objectives for the MHS zone seek that “*housing capacity, intensity and choice is increased*” (Objective H4.2(1)); “*development is in keeping with the neighbourhood’s planned suburban built character of predominately two storey buildings, in a variety of*

forms” (Objective H4.2(2)), and that “*development provides quality on-site residential amenity for residents and adjoining sites and the street*” (Objective H4.2(3)).

19.60 The relevant associated policies for the zone seek to achieve these objectives by:

- *enabling a variety of housing types, including integrated residential development such as retirement villages* (Policy H4.3(1)).
- *achieving the planned suburban built character of predominantly two storey buildings, in a variety of forms by* (Policy H4.3(2)):
 - *limiting the height, bulk and form of development.*
 - *managing the design and appearance of multiple-unit residential development; and*
 - *requiring sufficient building setbacks and landscaped areas.*
- *encouraging development to achieve attractive and safe streets and open spaces by* (Policy H4.3(3)):
 - *providing for passive surveillance*
 - *optimising front yard landscaping*
 - *minimising visual dominance of garage doors.*
- *restricting the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated* (Policy H4.3.2(7)); and
- *enabling more efficient use of larger sites by providing for integrated residential development* (Policy H4.3.2(8)).

19.61 Having regard to the above objectives and policies, the preceding analysis confirms that the Project will be consistent with the outcomes envisaged by the objectives and policies for the MHS Zone. Furthermore, the following comments are made:

- The zone specifically anticipates and enables integrated residential development (which by definition includes retirement villages).
- The Project does not detract from the neighbourhood character and residential amenity values.

- The Project is well set back from the Site's interface with neighbouring properties.
- The spatial arrangement and scale of the built form of the proposed buildings achieves the efficient use of the large site.
- The design and location of the buildings maintains the appreciable and expected visual amenity, privacy and access to daylight and sunlight for neighbouring properties, and avoids adversely affecting privacy and outlook.
- The Project includes useable and accessible outdoor living spaces that will provide for the day to day needs of residents, with good aspect and orientation.
- Stormwater run-off is managed to avoid adverse effects on water quality and network capacity.

19.62 Overall, relative to the form, scale, location and design of the proposal within the MHS zone, the Project is consistent with the objectives and policies of Chapter H4.

Chapter H6 – Terrace Housing and Apartment Building Zone

19.63 The THAB zone is intended to enable the highest intensity of development of all residential zones in Auckland, enabling a greater intensity than that previously provided for (relative to previous development patterns). The zone provides for intensification in locations that are (or will be over time) supported by a range of services and amenities. The zone is predominantly located around metropolitan, town and local centre zones and the public transport network, with the overarching purpose of the zone being to make the efficient use of land and infrastructure, and increase the capacity of housing⁶³.

19.64 Relative to the Site's location, this zoning has been applied to correspond to the Ōrākei 1 Precinct, to facilitate development that will maximise the opportunity to utilise the finite land resource efficiently and enhance the economic and social wellbeing of tangata whenua, and the wider community, while avoiding or mitigating adverse effects on the environment. Relative to the Site's specific context (Precinct), the objectives seek that:

- *Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport (Objective H6.2(1)).*

⁶³ Unitary Plan, H6.1

- *Development is in keeping with the areas planned urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms* (Objective H6.2(2)).
- *Development provides quality on-site residential amenity for residents and the street* (Objective H6.2(3)).

19.65 The policies seek to achieve the above objectives by:

- *Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages* (Policy H6.3(1)).
- *Require the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly 5-7 storey buildings in identified areas, in a variety of forms* (Policy H6.3(2)).
- *Encourage development to achieve attractive and safe streets and public open spaces including by: (a) providing for passive surveillance; (b) optimizing front yard landscaping [...]* (Policy H6.3(3)).
- *Manage the height and bulk of development to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments* (Policy H6.3(5)).
- *Require accommodation to be designed to meet the day-to-day needs of residents by: (a) providing privacy and outlook; and (b) providing access to daylight and sunlight, and providing the amenities necessary for those residents* (Policy H6.3(6)).
- *Encourage accommodation to have useable and accessible outdoor living space* (Policy H6.3(7)).
- *Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated* (Policy H6.3(8)).

19.66 Having regard to the above objectives and policies and their integration with the Ōrākei 1 Precinct outcomes, the preceding analysis confirms that the Project will be consistent with their intent. Furthermore, the following comments are made:

- The Project will assist in providing further housing within the wider neighbourhood, with the provision of 256 new units (in addition to the 94 units within the existing aged care facility), therefore increasing the capacity and choice of housing.
- The form of development and its layout and design attributes are in keeping with the planned urban built character of the THAB zone, which provides for the greatest density, height and scale of development of all the residential zones, and recognises that such a form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.
- The placement, orientation and height of the buildings on the Site (relative to adjoining residential properties) maintains suitable daylight access; a reasonable standard of privacy; and minimises visual dominance effects upon adjoining sites through setbacks and the stepping of the buildings to achieve HIRB compliance.
- The Project will provide an attractive streetscape environment at each of the road frontages, and encourage safe streets and public open spaces by way of passive surveillance, and through the public walkway connections through the Site.
- The design and layout of the buildings provide all units with a reasonable level of privacy for residents, and outlook that is appropriate to the position and aspect of the units; access to daylight and sunlight, and access to amenities.
- The Site layout has been arranged, and the buildings have been designed, to provide quality on-site residential amenity for residents. Furthermore, the buildings provide a reasonable level of privacy for residents, while maintaining an outlook appropriate to the position and aspect of each of the separate units.
- The layout of the Site and internal arrangement has been designed to provide sufficient daylight. Each unit will be provided direct access to a generously sized balconies, together with a variety of communal outdoor landscaping arrangements.
- The 'Landscape Concept Plans' (**Attachment 19**) illustrates the proposed landscaping and boundary treatment arrangements for the Site, which will enhance the amenity values of the Project and immediate surrounding environment.

19.67 Overall, the Project is consistent with the objectives and policies of Chapter H6.

Chapter H7 – Open Space - Informal Recreation Zone

19.68 The Informal Recreation zoning of the Site relates to the existing public accessway that extends between the Aotea Street cul-de-sac head and Takaparawhau.

19.69 The objectives of the zone are contained in H7.2 and H7.5.2, and seek to:

- *Recreational needs are met through the provision of a range of quality open space areas that provide for both passive and active activities (Objective H7.2(1)).*
- *The adverse effects of use and development of open space areas on residents, communities and the environment are avoided, remedied or mitigated (Objective H7.2(2)).*
- *The open and spacious character, amenity values and any historic, Mana Whenua, and natural values of the zone are maintained (Objective H7.5.2(1)).*
- *Informal recreation activities are the predominant use of the zone (Objective H7.5.2(2)).*
- *Buildings and exclusive-use activities are limited to maintain public use and open space for informal recreation (Objective H7.5.2(3)).*

19.70 The associated policies are contained in H7.3 and H7.5.3, and seek to:

- *Enable the construction operation, maintenance, repair and minor upgrading of infrastructure located on open spaces (Policy H7.3(4)).*
- *Provide for a variety of informal recreation activities, including small-scale community uses and accessory activities (Policy H7.5.3(1)).*
- *Maintain or enhance the natural character values of open spaces by retaining significant vegetation (where appropriate and practical) and through weed removal, new planting and landscaping (Policy H7.5.3(2)).*
- *Limit buildings, structures and activities to those necessary to enhance people's ability to use and enjoy the open space for informal recreation (Policy H7.5.3(4)).*
- *Locate and design buildings and structures to: (Policy H7.5.3(5)).*
 - (a) *complement the open and spacious character, function and amenity values of the zone.*
 - (b) *maintain public accessibility and minimise areas for exclusive use; and*
 - (c) *protect any natural or historic heritage values.*
- *Manage the intensity of activities to minimise adverse effects such as noise, glare and traffic on the amenity values of the surrounding area (Policy H7.5.3(7)).*

19.71 The extent to which the above provisions are relevant to the Project is limited, noting that the zoning applies to the public walkway land off Aotea Street for which the reserve classification has been sought to be revoked (as discussed in **Section 11**).

19.72 Having regard to the above objectives and policies, while the Project is not directly ‘consistent’ with the outcomes of the open space zoning, the Project will maintain access to Takaparawhau through the provision of two replacement walkways within the Site, and therefore enable continued public access to this open space area. The proposed buildings will complement the relocated walkways, and the open and spacious character, function and amenity values of the adjacent expansive Takaparawhau open space land.

Chapter H27 - Special Purpose - Māori Purpose

19.73 The Māori Purpose zoning of the Site relates to the existing public accessway that extends between the Rukutai Street cul-de-sac head and Takaparawhau.

19.74 The objectives of the Māori Purpose zone seek to:

- *Recognise the continued occupation by Māori over many centuries and the holistic nature of traditional Māori village settlement* (Objective H27.2(1)).
- *The unique social and cultural needs of Auckland’s Māori communities are met in both rural and urban settings [...]* (Objective H27.2(2)).
- *Areas are sustainably developed and used in accordance with mātauranga and tikanga Māori* (Objective H27.2(3)).
- *The quality of the local environment, including the amenity values of adjoining properties, the natural environment and local landscape values, is protected* (Objective H27.2(4)).
- *Opportunities [are provided] to establish supporting economic activities of an appropriate scale are provided* (Objective H27.2(5)).
- *Quality living environments [are provided] for whanau, hapū and all other future residents are provided* (Objective H27.2(6)).

19.75 The relevant policies of the Māori Purpose Zone seek to:

- *Enable development on land zoned for Māori purposes across Auckland, including in coastal areas and outside the Rural Urban Boundary* (Policy H27.3(1)).

- *Enable a range of activities including dwellings for papakāinga, marae and associated facilities, customary use, and cultural and commercial activities on land zoned for Māori purposes (Policy H27.3(3)).*
- *Mitigate any adverse effects on adjoining properties associated with activities within the Special Purpose - Māori Purpose Zone in relation to (Policy H27.3(4)):*
 - (a) access to sunlight and daylight.*
 - (b) privacy.*
 - (c) the acoustic environment; and*
 - (d) traffic and parking.*
- *Manage the effects of development, including character, intensity and range of activities, having regard to the capacity of the site to (Policy H27.3(7)):*
 - (a) accommodate the development, based on an assessment of physical constraints.*
 - (b) be sustainably serviced, utilising reticulated or alternative forms of infrastructure; and*
 - (c) avoid, remedy and mitigate any adverse effects on adjoining sites while recognising the purpose of the Special Purpose – Māori Purpose Zone is to facilitate activities that may be of a character, scale, intensity or range that is not provided for in the surrounding area.*
- *Enable the integration of mātauranga and tikanga in design and layout of development within the Special Purpose – Māori Purpose Zone (Policy H27.3(8)).*
- *Require the built form and layout of medium density residential development (four or more dwellings on a site) to (Policy H27.3(9)):*
 - (a) complement the character and amenity of surrounding sites; and*
 - (b) incorporate appropriate mātauranga and tikanga.*

19.76 The extent to which the above provisions are relevant to the Project is limited, noting that the zoning applies to the public walkway land off Rukutai Street for which the reserve classification has been sought to be revoked (as discussed in **Section 11**).

19.77 Having regard to the above objectives and policies, the preceding analysis confirms that the Project will be consistent with the outcomes envisaged by the objectives and policies

for the Māori Purpose zone, noting it being subject to the Ōrākei 1 Precinct provisions. The layout and design of the retirement village have been developed with Ngāti Whātua Ōrākei as a joint applicant to the Project, and integrates this land into the overall Project. Overall, the Project is not inconsistent with the objectives and policies for Chapter H27.

Chapter E1 and E8 - Water quality and integrated management

19.78 The objectives of Chapter E1 (and Chapter E8) are concerned with:

- *Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas* (Objective E1.2(1)).
- *The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua* (Objective E1.2(2)).
- *Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality* (Objective E1.2(3)).

19.79 The corresponding policies seek to minimise or mitigate new adverse effects of stormwater runoff (Policy E1.3(9)) through the consideration and adoption of an integrated stormwater management approach (Policy E1.2(13)). Overall, they intend to ensure that:

- adverse effects of stormwater diversions and discharges are avoided, minimised or mitigated (Policy E1.3(11)).
- stormwater quality will be achieved on-site (Policy E1.3(13); and
- the best practicable option to minimise the adverse effects of stormwater discharges is adopted (Policy E1.3(14)).

19.80 With regards to the above objectives and policies, the following comments are made:

- The Project does not result in any discharges to freshwater environments.
- Stormwater runoff from impervious surface areas within the Site will be captured by detention / retention tanks and discharged to the reticulated network.
- On-site stormwater treatment devices are proposed for at-grade vehicular areas to remove contaminants prior to stormwater being discharged to the reticulated network.
- Suitable erosion and sediment control measures (relative to that required for the scope of the works) are proposed to be implemented during the construction of the Project to manage the discharge of sediment from the Site.

19.81 Overall, the Project is consistent with the objectives and policies of Chapter E1.

Chapter E2 - Taking, damming and diversion of water

19.82 The relevant objectives are concerned with managing water resources to meet current and future water needs for social, cultural, and economic purposes (Objective E2.2(2)).

19.83 The relevant policies are concerned with avoiding, remedying and mitigating adverse effects to people and communities (Policy E2.3(23)(a), and not causing or exacerbating flooding (Policy E2.3(23)(b)).

19.84 Where a diversion or take of groundwater is proposed (temporary or permanent), appropriate monitoring of groundwater levels and pressures, including the movement of ground, buildings and other structures, is to be undertaken where appropriate and where appropriate, mitigation is to be incorporated into the proposal (Policy E2.3(23)(c-d)).

19.85 The Project is consistent with the outcomes that the objectives and policies are concerned with. The Geotechnical Assessment (**Attachment 28**) confirms that groundwater diversion and dewatering is required during construction, and groundwater take is required on a permanent basis in respect of ongoing basement drainage systems.

19.86 Monitoring is proposed to occur through the implementation of a GSMCP, a draft of which has been prepared and submitted with the application (Appendix E of the Geotechnical Assessment). The Proposed Conditions of Consent require the finalisation and certification of this management plan (refer Condition 77 of **Attachment 23**).

19.87 The Proposed Conditions of Consent also include specific conditions in respect of the monitoring of groundwater levels and any settlement or movement that occurs, along with associated alert and alarm levels, and actions to be taken should the levels be exceeded. The conditions also include requirements for visual inspections and service condition surveys, ground surface deformation monitoring, and contingency actions.

19.88 Overall, the Project is consistent with the objectives and policies of Chapter E2.

Chapter E7 - Taking, damming and diversion of water

19.89 The objectives and policies for Chapter E7 are located within Chapter E1 'Water quality and integrated management' and Chapter E2 'Water quantity, allocation and use'.

19.90 Those of the objectives and policies relevant to the Project are addressed in Paragraphs 19.78 – 19.81 (Chapter E1) and Paragraphs 19.82 – 19.88 (Chapter E2).

Chapter E9 - Stormwater Quality (High contaminant generating car parks)

- 19.91 The objectives and policies for Chapter E9 are located within Chapter E1 ‘Water quality and integrated management’, which are addressed in **Paragraphs 19.78 – 19.81**.

Chapters E11 and E12 – Land disturbance (Regional and District)

- 19.92 The relevant objectives that relate to land disturbance seek to provide for works to occur while protecting the safety of people and avoiding, remedying and mitigating adverse effects on the environment (Objectives E11.2(1) and E12.2(1)), minimising sediment runoff (Objective E11.2(2)) and achieving soil conservation (Objective E11.2(3)).
- 19.93 Policy E11.3(1) and E12.3(1) seek to give effect to the above objectives by avoiding where appropriate, and otherwise mitigate or remedy adverse effects on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character. Further to this, Policy E11.3(2) seeks to manage land disturbance to:
- (a) *retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity.*
 - (b) *manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge.*
 - (c) *avoid, remedy or mitigate adverse construction noise (where applicable), vibration, odour, dust, lighting and traffic effects.*
 - (d) *avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material.*
 - (e) *maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.*
- 19.94 The policies enable land disturbance for a range of activities to provide for social, economic and cultural well-being (Policies E11.3(4) and E12.3(3)), while managing the impact on any Mana Whenua cultural heritage discovered during the works (Policies E11.3(3) and E12.3(4)); ensuring land disturbance is undertaken in a manner that recognises environmental constraints and opportunities (Policies E11.3(5) and E12.3(5)), and ensuring the stability and safety of surrounding land, buildings and structures (Policies E11.3(6) and E12.3(6)).

19.95 With regards to the above objectives and policies, the following comments are made:

- Measures will be implemented to ensure that the proposed earthworks will not result in adverse effects being generated beyond the boundaries of the Site.
- The earthworks will be managed through the implementation of the Earthworks Management Plan and Erosion and Sediment Control Plan, with these documents being commensurate with the extent of works and the context of environment.
- All earthworks will be undertaken in accordance with Council's GD05 guidelines.
- The earthworks are not anticipated to disturb or uncover any subsurface archaeological features, however, accidental discovery protocols are proposed as a condition of consent to be in place during the works, should it occur.
- The effects of the Project in respect of noise, vibration, dust, and traffic effects have been assessed and determined to be appropriate subject to the Proposed Conditions of Consent and the adoption of the management plans submitted with the application.

19.96 Overall, with the proposed management plans and conditions of consent proposed by the Applicants (included as **Attachment 23**), the Project is consistent with the objectives and policies for land disturbance under Chapter E11 and Chapter E12.

Chapter E23 – Signs

19.97 The objectives seek that appropriate “*comprehensive development signage contributes to the social and economic well-being of communities through identifying places, providing information including for convenience and safety purposes, and advertising goods and services*” (Objective E23.2(1)), and such signage is “*managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity values of buildings and the surrounding environment*” (Objective E23.2(2)).

19.98 The corresponding policies seek to:

- *Require comprehensive development signage to meet the relevant standards (e.g. building height) that apply in the zone in which they are located* (Policy E23.3(1)).
- *Require the placement, location and size of comprehensive development signage on buildings to not significantly detract from the profile or appearance of a building, or cover any significant architectural features on the façade* (Policy E23.3(2)).

- *Enable comprehensive development signs while avoiding clutter or dominating the building or environment by the size, number and location of signs (Policy E23.3(3)).*
- *Require traffic and pedestrian safety standards to apply to comprehensive development signage, particularly to the wording, lighting and location of signs, and changeable message, illuminated, flashing or revolving signs (Policy E23.3(4)).*
- *Manage the effects of comprehensive development signage to maintain the values of scheduled historic heritage places and visual amenity values (Policy E23.3(5)).*

19.99 With regard to the permanent identification signage proposed:

- the signage will contribute to the social and economic well-being of people by providing identification / site naming information.
- the signage will be designed and located to relate positively to the built form and landscape elements; and
- the signage will be discreet and avoid creating clutter or dominating the building or the surrounding environment.

19.100 Any proposed temporary signage during the construction period (such as hoardings) will be typical for a construction project of this scale and nature. The Proposed Conditions of Consent will ensure its placement and scale will not adversely affect pedestrian or traffic safety. Overall, the Project is consistent with the objectives and policies of Chapter E23.

Chapter E25 – Noise and vibration

19.101 The relevant objectives seek that “*people are protected from unreasonable levels of noise and vibration*” (Objective E25.2(1)), including “*the amenity values of residential zones [...] particularly at night*” (Objective E25.2(2)). These objectives are to be achieved by the following policies which seek to:

- *Minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites (Policy E25.3(2)).*
- *Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones (Policy E25.3(3)).*
- *Use area or activity specific rules where the particular functional or operational needs of the area or activity make such rules appropriate (Policy E25.3(4)).*

19.102 In respect of the potential noise and vibration effects that will be generated by the construction activities, the Unitary Plan enables construction activities “*that cannot meet noise and vibration standards where the duration, frequency and timing are controlled to manage adverse effects*” (Objective E25.2(4)). This is to be achieved by avoiding, remedying or mitigating the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to (Policy E25.3(10)):

(a) the sensitivity of the receiving environment; and

(b) the proposed duration and hours of operation of the activity; and

(c) the practicability of complying with permitted noise and vibration standards.

19.103 Relative to the nature of predicted exceedances to the noise and vibration standards, the approach taken in respect of managing the works is consistent with the outcomes envisaged by the objectives and policies, such that the effects will be minimised as best as practically possible and managed appropriately through the implementation of a certified CNVMP.

19.104 A draft CNVMP has been prepared and submitted as part of this application (**Attachment 30**), and a final version will be submitted to Council for certification.

19.105 The Project will comply with the relevant operational noise standards, with mechanical plant to be designed and certified in this manner as part of the proposed conditions.

19.106 Overall, the Project is consistent with the objectives and policies of Chapter E25.

Chapter E27 – Transport

19.107 The relevant objectives seek that land uses and all forms of transport are integrated to realise the benefits of an integrated transport network and for traffic generation to be managed (Objective E27.2(1)). The Policies seek that the manner in which parking, loading and access is provided is safe and efficient, and is commensurate with the character, scale and intensity of activity provided for by the zone (Objective E27.2(4)).

19.108 The relevant policies require the use and development of land to appropriately manage adverse effects on the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or undertaking improvements to the local transport network (Policy E27.3(1)), and requiring major proposals for

discretionary activities to prepare an integrated transport assessment including provision for pedestrians, cyclists, public transport users, freight and motorists (Policy E27.3(2)).

19.109 Further to the above, other relevant policies seek to:

- Manage the number, location, and type of parking and loading spaces provided for an activity, including bicycle parking, to support the safe, efficient and effective operation of the transport network, while recognising the functional and operational requirements of activities, the efficient use of land, and the trip characteristics of different activities (Policy E27.3(3)).
- *Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision* (Policy E27.3(9)).
- *Require access to loading facilities to support activities and minimise disruption on the adjacent transport network* (Policy E27.3(15)).
- *Require vehicle crossings and associated access ways to be designed and located to provide for safe, effective and efficient movement to and from sites, and to minimise conflicts between vehicles, pedestrians, and cyclists* (Policy E27.3(20)).

19.110 With regards to the above objectives and policies, the following comments are made:

- The proposed vehicle access arrangements to the Site will provide for the safe, effective and efficient movement to and from the Site, and minimise the potential for conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.
- The Project will provide safe and efficient parking for staff, residents and visitors, and suitable loading arrangements are proposed for the Site.
- The effects of the expected traffic generation and access arrangements will be appropriate in respect of the capacity, function, or safety of the surrounding road network, and readily accommodated by the road network.

19.111 Overall, the Project is consistent with objectives and policies of Chapter E27.

Chapter E36 – Natural Hazards

19.112 The relevant objectives for natural hazards and flooding seek to enable subdivision, use and development inside urban areas where the risks of adverse effects from natural hazards to people, buildings, and infrastructure are not increased overall (E36.2(2)).

19.113 Furthermore, the function and conveyance of floodplains and overland flow paths are to be safely maintained (Objective E36.2(5)). Furthermore, “*where appropriate, natural features and buffers are used in preference to hard protection structures to manage hazards*” (Objective 36.2(6)). The relevant policies seek to:

- Assess proposals to use or develop land subject to natural hazards in respect of the specific matters set out in E36.3(3)(a-k) (Policy E36.3(3)).
- Control any use or development so that it does not result in an increase in risk (and where practicable reduces risk) associated with (Policy E36.3(4)) in respect of:
 - *accelerating or exacerbating the natural hazard and/or its potential impacts;*
 - *exposing vulnerable activities to the adverse effects of natural hazards;*
 - *creating a risk to human life; and*
 - *increasing the natural hazard risk to neighbouring properties or infrastructure.*
- *Maintain the function of overland flow paths to ensure that stormwater runoff from the site can occur safely to the receiving environment* (Policy E36.3(29)).
- *Require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment* (Policy E36.3(30)).

19.114 With regards to the above objectives and policies, and the Flood Risk Assessment (**Attachment 26**), the following comments are made:

- The Project will not change the exit points of the overland flow paths.
- Overland flow will be realigned so that it is safely conveyed through the Site.
- The Project will not result in an increase in natural hazard risk.
- The function and capacity of the overland flow paths will be maintained.

19.115 Overall, the Project is consistent with objectives and policies of Chapter E36.

Chapter E40 – Temporary Activities

19.116 The relevant objectives seek that temporary (construction) activities are managed to minimise adverse effects on amenity values, communities, the natural environment and the use and enjoyment of public space managed and mitigated (Objectives E40.2(2)-(3)).

19.117 The relevant policies of the chapter seek to:

- *Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring (Policy E40.3(1)):*
 - *noise associated with the activity meets the specified standards.*
 - *activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise.*
 - *any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.*
- *Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated (Policy E40.3(7)).*

19.118 Construction of the Project will be staged over approximately 9–10 years and managed through a suite of management plans, including:

- Construction Management Plan.
- Construction Traffic Management Plan.
- Earthworks Management Plan.
- Construction Noise and Vibration Management Plan.
- Groundwater Settlement Monitoring and Contingency Plan.

19.119 These plans collectively establish detailed measures to avoid, remedy, or mitigate potential adverse effects on amenity values, the surrounding community, and the natural environment throughout all stages of construction. Communication protocols included in the management plans will ensure neighbours are kept informed of the works and provide a mechanism for dialogue.

19.120 The Project also includes a suite of management measures required as part of the conditions of consent proposed by the Applicants, which will ensure adverse effects are minimised and suitably managed, and construction-related noise, vibration, and traffic effects are appropriately controlled to protect nearby sensitive receivers.

19.121 Public access to Takaparawhau will be maintained throughout the construction period.

19.122 Overall, the Project is consistent with objectives and policies of Chapter E40.

Proposed Plan Change 120

19.123 As discussed at **Section 12**, PC120 seeks to amend the Unitary Plan to implement the requirements of the RMA in respect of the intensification of Auckland, and to amend the provisions relating to natural hazards.

19.124 Relevant to the Project, PC120 seeks to amend the objectives and policies of the THAB zone, the Mixed Housing Urban zone, and Chapter E36 Natural Hazards. These are addressed below.

Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone

19.125 The amendments proposed by PC120 to the objectives and policies THAB zone seek to reinforce the function of the THAB zone as enabling of intensification to achieve a quality built environment. Relative to the Site's specific context, the objectives seek that (with amendments proposed by PC120 shown in underline and strikethrough):

- *Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport (Objective H6.2(1))*
- *Development achieves a quality built environment in a variety of forms while ~~is being~~ in keeping with the area's planned urban built character of multi-unit residential development, with building heights enabled in accordance with an area's: strategic importance including proximity to a centre and the role and function of that centre; accessibility including access to the rapid transit network; concentration of amenities; and, residential demand. Building heights in the zone are aligned with these features and are predominantly five, six or seven storey buildings: (a) six storey buildings [and other heights as specified by the Height Variation Control] (Objective H6.2(2))*
- *Development provides quality built environments on site for residents, for residents on adjoining sites and to the street that are attractive, healthy and safe and meet the functional and operational needs of residents and emergency responders, recognising that with increased building height and intensities of development differing levels of character and amenity of areas will develop in the respective areas over time. ~~On site residential amenity for residents and adjoining sites and the street.~~ (Objective H6.2(3))*
- *Development contributes to a built environment that is resilient to the effects of climate change with areas of deep soil and canopy tree planting, and landscape treatment that comprises natural grass, shrubs and trees that reduce urban heat island effects (Objective H6.2(5))*

- Development addresses the functional and operational requirements of the water supply, wastewater and stormwater networks to avoid adverse effects on the function and capacity of those networks (Objective H6.2(6))
- Development addresses the functional and operational requirements of the local transport network for pedestrians, passenger transport, road users and cyclists (Objective H6.2(7))
- Development does not adversely affect the values of adjoining water bodies including riparian, lakeside and coastal protection areas; nor increases natural hazard risks (Objective H6.2(8))

19.126 The policies seek to achieve these objectives by:

- Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages (Policy H6.3(1))
- Require the height, bulk, form and appearance of multi-unit residential development and the provision of setbacks and landscaped areas to achieve a quality built environment high density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms. with a high-density urban built character differentiated by building height in identified areas by:
 - (a) building and site design which locates development with bulk and mass towards the street and provides for setbacks, outlook spaces, outdoor living spaces and landscaped areas;
 - (b) for developments more than six storeys:
 - (i) encourage well-designed, human scale podiums with slender towers above with adequate separation between buildings; and
 - (ii) at the edge of walkable catchments set buildings back from boundaries where adjacent to lower intensity residential zones; and
 - (c) on all sites encourage well-designed buildings, create human scaled street-edges which complement the area's streetscape and skyline and maintain adequate sunlight and daylight access. (Policy H6.3(2))
- Enable building height of at least six storeys in the zone unless a qualifying matter applies that reduces height (Policy H6.3(3A))
- Recognise the functional and operational requirements of activities and development, including functional access for emergency responders (Policy H6.3(10))
- Require development to achieve a built form that contributes to quality built environment outcomes by: (Policy H6.3(A9))

- (a) maintaining privacy, outlook, daylight and sunlight access and reducing overheating to provide for the health and safety of residents on-site;
 - (b) providing for residents' safety and privacy while enabling passive surveillance on the street and for vehicle access and primary pedestrian access;
 - (c) managing visual dominance effects to adjoining sites;
 - (d) maintaining a good level of privacy, and sunlight and daylight access for adjoining sites;
 - (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - (f) minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil area that enable the growth of canopy trees;
 - (h) requiring adequate landscaped areas that comprise natural grass, plants or trees to provide for quality living environments and create vegetated urban streetscape character;
 - (i) requiring outdoor living spaces that are functional in size, have access to sunlight, and are directly and conveniently accessible;
 - (j) designing practical and sufficient space for residential waste management;
 - (k) designing practical, functional and sufficient space for internal storage and living areas; and
 - (l) designing attractive buildings when viewed from public open spaces and the street.
- Encourage development of four or more dwellings per site and non-residential activities to provide a safe and convenient local transport network for pedestrians, passenger transport, road users including cyclists. (Policy H6.3(B9))
 - Restrict development in high hazard areas, and manage development in medium or low hazard areas to ensure natural hazard risk is tolerable or acceptable. (Policy H6.3(D9))
 - Require development to remedy or mitigate adverse effects which may compromise the function and capacity of the water supply, wastewater and stormwater networks. (Policy H6.3(11))

19.127 The objectives and policies for the THAB zone, as proposed by PC120, remain fundamentally consistent with the operative provisions for the zone, and correspondingly the Project will be consistent with these provisions as amended.

19.128 In respect of new policies (B9), (D9) and (11) that are proposed by PC120:

- (a) The Project will contribute to the safety and convenience of the local transport network.
- (b) The risk and effects of natural hazards have been assessed in the Infrastructure and Geotechnical reports to be at an appropriate level and to be suitably managed.
- (c) The Project will be serviced by adequate infrastructure.

Chapter H5 Residential – Mixed Housing Urban

19.129 Under PC120, the Mixed Housing Urban zone, which is proposed to apply to the current Mixed Housing Suburban zoned parcels of the Site and the neighbouring land to the south (also currently zoned Mixed Housing Suburban) will replace the Mixed Housing Suburban zone as being the most widespread residential zone covering most of urban Auckland. The objectives for the Mixed Housing Urban zone are:

- *Land in close proximity to Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport. (Objective H5.2(1))*
- *Development is in keeping with the neighbourhood's planned urban built medium density residential character of predominantly three-storey buildings, in a variety of forms and surrounded by open space. (Objective H5.2(2))*
- *Development provides quality built environments on site for residents, for residents on adjoining sites and to the street that are attractive, healthy and safe and meet the functional and operational needs of residents and emergency responders (Objective H5.2(3))*
- *Development contributes to a built environment that is resilient to the effects of climate change with areas of deep soil and canopy tree planting, and landscape treatment that comprises natural grass, shrubs and trees that reduce urban heat island effects. (Objective H5.2(5))*
- *Development addresses the functional and operational requirements of the water supply, wastewater and stormwater networks to avoid adverse effects on the function and capacity of those networks. (Objective H5.2(6))*

- *Development addresses the functional and operational requirements of the local transport network for pedestrians, passenger transport, road users and cyclists.*
(Objective H5.2(7))
- *Development does not adversely affect the values of adjoining water bodies including riparian, lakeside and coastal protection areas; nor increases natural hazard risks.*
(Objective H5.2(8))

19.130 The objectives are sought to be implemented by the following proposed policies:

- *Enable a variety of medium density housing types, including low-rise apartments and integrated residential development such as retirement villages.* (Policy H5.3(1))
- *Require the height, bulk, form and appearance of development and the provision of sufficient setbacks and landscaped areas to achieve an urban built character of predominantly three storeys, in a variety of forms.* (Policy H5.3(2))
- *Require development to achieve a built form that contributes to quality built environment outcomes by:* (Policy H5.3(3A))
 - (a) *maintaining privacy, outlook, daylight and sunlight access and reducing overheating to provide for the health and safety of residents on-site;*
 - (b) *providing for residents' safety and privacy while enabling passive surveillance on the street, private vehicle access and pedestrian access;*
 - (c) *minimising visual dominance effects to adjoining sites;*
 - (d) *maintaining a good level of privacy, and sunlight and daylight access for adjoining sites;*
 - (e) *minimising visual dominance effects of carparking and garage doors to streets and private accessways;*
 - (f) *minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;*
 - (g) *requiring development to reduce the urban heat island effects of development and respond to climate change, by providing a deep soil area that enable the growth of canopy trees;*

- (h) *requiring adequate landscaped areas that comprise natural grass, plants or trees to provide for quality living environments and create vegetated urban streetscape character;*
- (i) *requiring outdoor living spaces that are functional in size, have access to sunlight, and are directly and conveniently accessible.*
- (j) *designing practical and sufficient space for residential waste management;*
- (k) *designing practical, functional and sufficient space for internal storage and living areas;*
- (l) *designing attractive buildings when viewed from public open spaces and the street.*
- *Encourage development of four or more dwellings per site and non-residential activities to contribute to a safe and convenient local transport network for pedestrians, passenger transport, road users including cyclists. (Policy H5.3(3B))*
- *Restrict development in high hazard areas, and manage development in medium or low hazard areas to ensure natural hazard risk is tolerable or acceptable. (Policy H5.3(3D))*
- *Enable more efficient use of larger sites by providing for integrated residential development. (Policy H5.3(9))*
- *Require development to remedy or mitigate adverse effects which may compromise the function and capacity of the water supply, wastewater and stormwater networks. (Policy H5.3(11))*

19.131 Relative to the ‘operative’ Mixed Housing Suburban zone, the proposed Mixed Housing Urban zoning seeks to further enable intensification of land, and provide for integrated residential development in a manner that achieves quality built environments. For the same reasons set out in the assessment of the provisions of the operative Mixed Housing Suburban zone, the Project will be consistent with the objectives and policies of the Mixed Housing Urban zone, as proposed by PC120.

Chapter E36 Natural Hazards and flooding

19.132 Relevant to the Project, PC120 proposes to amend the objectives of Chapter E36 as follows (with the amendments that are proposed by PC120 shown in underline and strikethrough):

- The risk from natural hazards to people, property, infrastructure and the environment resulting from existing use and development across the region is reduced over time to a tolerable or acceptable level (Objective E36.2(3A)).
- New subdivision, use and development avoids significant risk and only occurs when the risk from natural hazards to people, property, infrastructure and the environment is assessed as being tolerable or acceptable (Objective E36.2(3B))
- Subdivision, use and development is managed in a way that avoids creating or exacerbating natural hazard risks on other properties, infrastructure and the environment (Objective E36.2(3C)).
- Subdivision, use and development including redevelopment, is managed to safely maintain the flood storage and the conveyance functions of floodplains and overland flow paths are maintained, and enhanced where practicable, and the creation of new flood prone areas are avoided (Objective E36.2(5))
- All natural hazard risk assessments and management measures take into account the potential long term effects of climate change. (Objective E36.2(7))
- A precautionary approach is adopted where information is uncertain or incomplete (Objective E36.2(8))

19.133 The policies that seek to implement these objectives, as proposed by PC120, seek to:

- Identify risk from natural hazards associated with subdivision, use and development by differentiating risk into the following three classifications: (Policy E36.3(1A))
 - (a) significant
 - (b) potentially tolerable
 - (c) acceptable
- Manage risk from coastal erosion, coastal inundation and flooding associated with subdivision, use and development by: (Policy E36.3(1B))
 - (a) identifying land that may be exposed to these hazards and requiring site-specific assessment to determine the extent and nature of the hazard(s) on site; and
 - (b) using the hazard, the location of the activity, and the sensitivity of the activity to natural hazards to determine the default level of risk, as per Tables E36.3.1B.1 and E36.3.1B.2; and
 - (c) requiring a risk assessment to determine the level of risk applying management approaches proportionate to that level of risk.
- Manage risk from landslides associated with subdivision, use and development by: (Policy E36.3(1C))

- (a) identifying land that may be susceptible to landslides; and
- (b) requiring a landslide risk assessment to be undertaken in accordance with Appendix 24 Landslide hazard risk assessment methodology, using the level of susceptibility, the underlying zone, the location and type of the activity and the sensitivity of the activity to natural hazards as determinants for the type of assessment and the level of risk; and
- (c) applying management approaches proportionate to the level of risk.
- Consider all of the following, as part of a Where a resource consent is necessary, require proposals to subdivide, use or develop land that is subject to natural hazards to prepare a risk assessment of proposals to subdivide, use or develop land that is subject to natural hazards that considers all of the following, taking into account the potential effects of climate change and adopting a precautionary approach where information is uncertain or incomplete: (Policy E36.3(3))
 - (a) ~~[Deleted] the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent:~~
 - (aa) the type, frequency, range and scale of the natural hazard(s), including:
 - (i) where there may be coinciding, compounding and/or cascading hazards;
 - (ii) whether the hazard risks will be temporary or permanent;
 - (iii) whether natural hazard events of lower intensity and higher frequency than the 1 per cent AEP event will impact the property and proposed activity.
 - (b) ~~[Deleted] the type of activity being undertaken and its vulnerability to natural hazard events;~~
 - (c) the consequences of a natural hazard event in relation to the proposed activity;
 - (d) ~~[Deleted] the potential effects on public safety and other property;~~
 - (e) ~~[Deleted] any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;~~
 - (f) ~~[Deleted] whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;~~

- (g) *[Deleted] the ability to use non structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;*
- (h) *[Deleted] the design and construction of buildings and structures to mitigate the effects of natural hazards;*
- (i) *[Deleted] the effect of structures used to mitigate hazards on landscape values and public access;*
- (j) *[Deleted] site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and*
- (k) *[Deleted] the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change.*
- (l) existing and proposed mitigation measures;
- (m) residual risk; and
- (n) any relevant management plan, strategy or hazard risk assessment relating to the area.
- Require all of the following matters to be considered when assessing consequences of natural hazards as part of a risk assessment: (Policy E36.3(4A))
 - (a) accelerating or exacerbating the natural hazard and/or its potential impacts;
 - (b) creating natural hazard risks that previously were not present at the location;
 - (c) the type of activity being undertaken and its sensitivity to natural hazard events;
 - (d) creating or increasing the natural hazard risk(s) to people and communities, including long-term impacts from more frequent hazard events;
 - (e) creating or increasing the natural hazard risk(s) to other properties, infrastructure and the environment; and
 - (f) cultural impacts, including consequences for Māori land, Treaty Settlement Land, marae, urupā, mana whenua cultural heritage and values.
- Require all of the following matters to be considered as part of a risk assessment of existing and future mitigation measures and residual risk: (Policy E36.3(4B))
 - (a) whether any building, structure or activity located on land subject to natural hazards can be relocated within the site or removed;

- (b) whether the use, design and construction of buildings and structures can mitigate risks associated with natural hazards;
 - (c) the extent to which methods for long term maintenance of areas affected by natural hazards, such as easements, are provided;
 - (d) the ability for site layout and management to limit exposure of people and property to natural hazards, including safe egress during a natural hazard event;
 - (e) the effect of structures to mitigate hazards on landscape values and public access;
 - (f) the robustness of the mitigation measures, their enforceability and the ability to carry out repairs and maintenance;
 - (g) the potential consequences of events that exceed the design parameters of mitigation measures;
 - (h) the potential effects resulting from failure of structural and nature-based mitigation measures over a 100-year timeframe;
 - (i) the impacts of the mitigation on other people, properties, infrastructure and the environment;
 - (j) whether natural hazard risks can be reduced for Māori Land, Treaty Settlement Land, marae, urupā, mana whenua cultural heritage and values;
 - (k) the use of conditions of consent, including the duration of consent, to monitor changes in risk and to limit the exposure of people and property to natural hazards; and
 - (l) the extent to which it is practicable to mitigate residual risk where infrastructure has a functional or operational need to locate in a natural hazard area
- Ensure all development, including fencing, storage of materials and goods, and earthworks, in flood hazard areas in the 1 per cent annual exceedance probability (AEP) floodplain does not create or exacerbate flood risk on other sites increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site (Policy E36.3(21))
 - Require the storage and containment of hazardous substances in floodplains flood hazard areas so that the integrity of the storage method will not be compromised in a flood event (Policy E36.3(22))
 - ~~Construct~~ Manage accessways, including private roads and public roads to be vested, and parking areas in flood hazard areas so that safe egress is provided where possible,

and flood hazard risks are ~~not increased~~ reduced to as low as reasonably practicable.
(Policy E36.3(26))

- Maintain the function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment by ensuring that any modifications do not result in a reduction in the capacity of the overland flow path and do not cause nuisance or damage to property or the environment. (Policy E36.3(29))
- Manage new subdivision, use and development in existing urbanised areas that gives rise to potentially tolerable flood hazard risk in accordance with Table E36.3.1B.1 so that risk is maintained at a tolerable level by: (Policy E36.3(30E))
 - (a) providing appropriate safe refuge and safe egress for activities sensitive to natural hazards [A] unless it can be demonstrated that safe egress is not necessary to manage risk to life; and
 - (b) providing appropriate safe refuge and/or safe egress for activities potentially sensitive to natural hazards; and
 - (c) minimising all other risks to as low as reasonably practicable.
- Enable subdivision, use and development in low (acceptable) landslide hazard risk areas where these activities do not involve buildings or structures that exacerbate landslide hazard risk beyond the site in accordance with Appendix 24 Landslide hazard risk assessment methodology. (Policy E36.3(33B))

19.134 In this instance, the Project has been assessed with reference to the assessments undertaken by CLC and Tonkin & Taylor (**Attachments 7 and 29**) (in accordance with the requirements of PC120) to be acceptable relative to the risks of flooding and landslide hazards. The Project is consistent with the intended outcomes of these proposed provisions.

A planning document recognised by a relevant iwi authority and lodged with a local authority (clause 5(2)(g) of Schedule 5)

19.135 Schedule 5, Clause 5(1)(h) requires that an application includes an assessment of the Project against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority (Clause 5(2)(g)). Such an assessment is required by Clause 5(3) to include an assessment of the activity against the following:

- (a) any relevant objectives, policies or rules in the documents listed; and
- (b) any requirement, condition, or permission in any rules in any of those documents;
and

(c) any other requirements in any of those documents.

19.136 The Project is a joint application between Ngāti Whātua Ōrākei and Generus, on land owned by Ngāti Whātua Ōrākei. Ngāti Whātua Ōrākei are the only relevant iwi authority, hapū, and Treaty settlement entity for the purpose of the substantive application for the Project.⁶⁴ This section therefore provides an assessment of the Project against the Ngāti Whātua Ōrākei Iwi Management Plan only; as no other Iwi Management Plans are relevant to the Site and Project.

19.137 The Site sits within the Ōrākei 1 Precinct which enables development and land management which reflect the principles of the Ngāti Whātua Ōrākei Iwi Management Plan 2012.⁶⁵ The Ngāti Whātua Ōrākei Iwi Management Plan 2012 has since been replaced with Te Pou o te Kāhu Pōkere: Iwi Management Plan for Ngāti Whātua Ōrākei 2018 (**Iwi Management Plan 2018**).

19.138 The Iwi Management Plan 2018 is a wero, a challenge, to work together to better understand the views, perspectives and priorities of tangata whenua in relation to resource management matters. It is a recognised iwi planning document for the purposes of the Resource Management Act 1991. It constitutes the resource management plan for Ngāti Whātua Ōrākei and provides a statement of Ngāti Whātua Ōrākei interests and values as they apply in resource management matters, with a focus purely on land use and Resource Management Act matters.⁶⁶

19.139 The Iwi Management Plan 2018 includes 45 ‘Desired Outcomes’ for development in Ōrākei.

19.140 The following Desired Outcomes are considered to be relevant to the Project from an implementation perspective (how the policy is actually implemented on the ground), for the reasons set out below:

Climate change desired outcomes

8: City-level urban design should fully integrate land use with mass transit and low carbon transport networks:

⁶⁴ As confirmed in **Attachment 5**: Ngāti Whātua Ōrākei Written Statement.

⁶⁵ Unitary Plan, I326.1 Precinct Description.

⁶⁶ Te Pou o te Kāhu Pōkere: Iwi Management Plan for Ngāti Whātua Ōrākei 2018, Purpose, page 10.

19.141 The Site is well located to public transport facilities that connect to Auckland’s city centre, key recreational and retail areas. Overall, the Site has adequate accessibility to the existing public transport network with frequent bus routes within walking distance which are safely connected to the Site.

19.142 The form of development and intensity of activity supports the compact city design objectives which underpin the Auckland Unitary Plan.

9. Development should incorporate energy-efficient design:

19.143 The design principles guiding the façade development include climate responsiveness (reducing solar gain and wind impacts).

10. Development should incorporate native trees and other vegetation:

19.144 The landscape design includes tree and amenity planting. The landscaping for the Site integrates with the adjoining grassed, open area of Takaparawhau which transitions into revegetation planting. The landscaping approach within the Site and at the Site boundary features predominantly native species that could have naturally occurred on the Site and will “enhance biodiversity, strengthen local identity and complement surrounding revegetation efforts”. The landscaping is inclusive of roof top (podium level) gardens, and the Site landscaping includes provision for kai (food) plants to support the residents.

Terrestrial biodiversity desired outcomes

13 – 17: Incorporation of green design, native species, pest control and maintenance programmes:

19.145 The Project includes the incorporation of green design and native species as shown on the landscape plans, which can be locally sourced.

19.146 Additionally, the Proposed Conditions of Consent require compliance with the Landscape Plan and Landscape Management Plan (with a draft of this having been prepared and appended as **Attachment 20**), including support for the long-term health of landscape planting and the effective management of pests and weeds.

Waste management desired outcomes

20: Requirement for site waste management plans for major projects:

19.147 The application includes a draft Waste Management Plan (**Attachment 25**), which confirms the building (and Site generally) can be adequately serviced.

Stormwater desired outcomes

22 – 23: Management of surface water runoff.

19.148 The Project includes Proposed Conditions of Consent for stormwater management, utilises sustainable (low impact) design practices for the management of surface water runoff, and avoids the discharge of untreated surface water.

Cultural heritage desired outcomes

31 – 34: Regarding maintenance and enhancement of sites of significance:

19.149 While not a registered Site, the Site sits adjacent to Takaparawhau; being the ancestral land of Ngāti Whātua Ōrākei, accommodating Ōrākei Marae and the Iwi’s Whai Māia social arm, alongside kaumātua kāinga, Okahukura, and healthcare services, all directly to the north west of the Site.

19.150 The Project will strongly backdrop Takaparawhau, with an “urban village that overlooks and contributes a quality, unified built backdrop commensurate with the scale of the open space reserve”. The Project incorporates a “cohesive design narrative that responds to the Site’s headland, coastal and cultural context”.

19.151 The proposed land use and design supports, promotes, protects, maintains and enhances cultural heritage values of the neighbouring sites and the wider landscapes.

Cultural landscape desired outcomes

36 – 42: Regarding the enhancement of cultural landscapes:

19.152 The conceptual narrative – He mātārae kua tauria e te kapua – Clouds only settle upon lofty headlands was gifted to the Project by Joe Pihema. Conceptually, the Proposal responds to this narrative with “*the grounded base of the building podium holding to the solid headland and providing the unified ‘ground’ plane focus for gathering and human interaction within the village. The building facades respond by having a solid base,*

grounded in landscape and upper levels having depth and shadow with fine layering to evoke the concept of clouds”⁶⁷.

19.153 The Project will maintain two public pathways to continue to provide public pedestrian access between the residential area to the south and Takaparawhau whilst enabling the comprehensive redevelopment of the Site with good, uninterrupted internal access for residents. These walkways will be held by Ngāti Whātua Ōrākei for the benefit of the public to access Takaparawhau.

19.154 The landscape design supports the vision of a ‘native korowai’ of indigenous trees and shrubs encircling the development. Species selection is informed by Ko te Pūkākī and includes several taonga species values for their cultural and ecological significance.

Accidental Discoveries desired outcomes

43 – 44: Accidental discovery protocols and cultural awareness training:

19.155 While the Site is not within 50m of a site of significance, the Project includes Accidental Discovery Protocols in the Proposed Conditions of Consent (Conditions 39-40), and cultural awareness training will be inherent to the Project with tangata whenua’s involvement in the development of their land with Generus.

Summary

19.156 In summary, the Project aligns with the directions and desired outcomes set out in the Iwi Management Plan 2018.

19.157 The design, layout and architecture of the Project respond to the Iwi Management Plan 2018. The Project provides for the optimal development of the Site collaboratively with tangata whenua in a way that appropriately responds to and integrates with the policy direction and outcomes of the Iwi Management Plan 2018.

⁶⁷ UD-LVEA, Page 16.

20 TREATY SETTLEMENTS AND RECOGNISING CUSTOMARY RIGHTS

Treaty Settlements

Schedule 5, Clause 5(1)(i) requires that an application includes information about any Treaty Settlements that apply in the area covered by the consent application.

- 20.1 An assessment of Treaty Settlements required by Clause 5(1)(i) must include:
- (a) identification of the relevant provisions in those Treaty settlements; and
 - (b) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.
- 20.2 The section 18 report prepared by the Ministry for the Environment for the referral application for the Project identified the following Treaty settlements that relate to land, species of plants or animals, or other resources within the Project area:⁶⁸
- (a) Ngāti Whātua Ōrākei Claims Settlement Act 2014⁶⁹ (referred to in this AEE as the Settlement Act).
 - (b) Te Kawerau ā Maki Claims Settlement Act 2015.
 - (c) Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.
 - (d) Ngāi Tai ki Tāmaki Claims Settlement Act 2018.
 - (e) Ngāti Tamaoho Claims Settlement Act 2018.
 - (f) Te Patukirikiri deed of settlement (signed October 2018).
 - (g) Te Ākitai Waiohū deed of settlement (signed November 2021).
 - (h) Ngāti Paoa deed of settlement (signed March 2021), Ngāti Paoa Claims Settlement Bill currently before the House.
- 20.3 The s 18 report identified the following relevant principles and provisions of these Treaty settlements:

Crown acknowledgements and apologies

The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the

⁶⁸ Section 18 Report – Application FTAA-2503-1030 The Point Mission Bay, pages 5 – 6.

⁶⁹ The s18 report incorrectly references the date of the Settlement Act as as 2014, and should instead be 2012.

Treaty of Waitangi, to restore honour, and begin the process of healing. Of particular relevance to this referral application, the Crown acknowledged that historical land alienation had diminished the ability of Ngāti Whātua Ōrākei to exercise mana whenua.

As part of its apologies to Ngāti Whātua Ōrākei, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Kawerau ā Maki, Te Ākitai Waiohua, Te Patukirikiri, and Ngāti Paoa, the Crown stated that it looked forward to building a new relationship with these groups based on co operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.

Land transferred in settlement

Apart from two small Council-held reserve parcels (pedestrian walkways), all of the land within the proposed project area was vested in the Ngāti Whātua Ōrākei Trust as ‘development land’, as part of the settlement of their historical claims. The land was initially vested through the Ōrākei Act 1991, which was repealed and replaced by the Ngāti Whātua Ōrākei Claims Settlement Act 2014⁷⁰. Under section 63(3) of the Ngāti Whātua Ōrākei Claims Settlement Act 2014, the Ngāti Whātua Ōrākei Trust may:

- (a) use the development land (of which the project land forms part) for housing or other non-commercial purposes; or*
- (b) subdivide the development land for housing purposes; or*
- (c) lease the development land for commercial purposes—*
 - (i) as if the land were General land within the meaning of section 4 of Te Ture Whenua Māori Act 1993; and 1Under the Orakei Act 1991; and*
 - (ii) on the terms it thinks fit.*

The proposed project area is within the wider Ngāti Whātua Ōrākei whenua rangatira. Ōrākei Marae is adjacent to the site, in addition to other land returned under the settlement for papakāinga and other non-commercial and commercial purposes.

The project area is also adjacent to the Whenua Rangatira Recreation Reserve. Under the settlement, this land was set apart as a Māori reservation and to be treated as it were a recreation reserve under the Reserves Act 1977, for the use and benefit of members of the

⁷⁰ The s18 report incorrectly references the date of the Settlement Act as 2014, and should instead be 2012.

hapū and the citizens of Auckland City. The reserve is controlled and managed by the Ngāti Whātua Ōrākei Reserves Board, which comprises equal numbers of representatives of Ngāti Whātua Ōrākei and Auckland Council, and the Board is responsible for preparing a reserves management plan.

20.4 As recorded in the Written Statement appended to this Application, Ngāti Whātua Ōrākei are the only relevant iwi authority, hapū, and Treaty settlement entity for the purpose of the substantive application for the Project. The Settlement Act is therefore the only relevant Treaty settlement for the purposes of the application.

20.5 The Applicants otherwise agree that the s18 report provides an accurate summary⁷¹ of the relevant provisions in the Settlement Act that apply to the area covered by the consent application and redress provided by that Settlement Act that affect natural and physical resources relevant to the project or project area.

20.6 In summary, the Settlement Act:

- (a) Is of direct relevance to the proposed use of the Site. The Settlement Act is significant in recognising past injustices, restoring mana whenua, and providing economic and cultural redress to Ngāti Whātua Ōrākei. It establishes a legal foundation for the ongoing partnership with the Crown while preserving their rights and interests in Auckland.
- (b) Enables the Ngāti Whātua Ōrākei Trust to use the development land for housing or other commercial purposes as proposed in the application for the Project.

Customary Rights

20.7 Schedule 5, Clause 5(1)(j) requires that an application includes information about any customary rights that apply in the area covered by the consent application.

20.8 With regards to the above, the following comments are made:

- The Site is not located within or adjacent to a customary marine title area.
- The Site is not located within or adjacent to a protected customary rights area.
- There are no planning documents by a customary marine title group recognised under MACAA relevant to the consideration of the Project.

⁷¹ Noting the correction in referencing the Settlement Act as being dated 2012 (instead of 2014).

21 CONCLUSION

21.1 The Project relates to the comprehensive development of a retirement village on the Site, being a large parcel of land generally located at the northern end of Kupe Street, Te Arawa Street, Rukutai Street and Aotea Street, in Ōrākei, Auckland.

21.2 The Project includes all required enabling works, parking, access and loading, site-wide landscaping and signage, and associated infrastructure. LOA will be sought to connect to the public utilities within Takaparawhau and the road network as necessary, following the granting of consent, inclusive of appropriate Engineering Plan Approvals. With reference to the preceding assessment, the following comments are made:

- The Project will achieve the purpose of the FTAA by facilitating the delivery of a development project with significant regional benefits through increasing the supply of housing for the elderly, and through job creation and supporting the social and cultural wellbeing of the community.
- The Project is consistent with the relevant provisions of the Unitary Plan.
- The Project is consistent with Part 2 of the RMA and the NPS-UD, and represents an efficient and effective use of the land that meets the foreseeable needs of future generations, with substantial long term social and economic benefits in a manner that will avoid, remedy or mitigate the adverse effects on the environment. The purpose of the RMA is therefore achieved.
- The Project will provide a valuable physical resource that will enable the community to provide for its social wellbeing by providing housing choice and contributing to the overall supply of housing in Ōrākei, Mission Bay and other nearby suburbs.
- The Project is of a high-quality design that includes a range of quality materials, which is of a scale and form which can be accommodated by the Site's context.
- With appropriate mitigation measures in place through the conditions of consent proposed by the Applicants, the environmental effects of the construction of the Project and the activity and associated built form and Site layout, will be acceptable.
- There are no relevant provisions of any other legislation that direct decision making under the RMA.

21.3 Overall, the Project satisfies the matters that the Panel is required to assess and therefore the application can be granted consent under the FTAA subject to conditions.