

Memo

To: Francelle Lupis
Greenwood Roche

From: Craig McGarr

Date: 12 March 2026

Project No: 24022

Re: The Point: Mission Bay
Panel Minute 2: Planning Response

Statement of Position

1. In accordance with Minute 1 of the Expert Panel for The Point Mission Bay [FTAA-2511-1133], a project overview conference was held with the Expert Panel on 27 February 2026 to familiarise the Expert Panel with:
 - (a) the content of the application for approvals;
 - (b) the content and structure of proposed conditions;
 - (c) the key points of evidence (technical reports, assessments and other information) provided in support of the application;
 - (d) relevant legal tests and legal issues in contention; and
 - (e) other relevant matters.

2. During the conference matters of clarification were raised by the Expert Panel. The Expert Panel subsequently issued Minute 3 requesting clarification regarding the Applicants' assessment of the visual and landscape effects of the Proposal, including how the landscape and planning assessment of the Proposal had been assessed under the Terrace Housing and Apartment Buildings zone (THAB) provisions of the Auckland Unitary Plan (Operative in Part) (AUP(OP)), relative to how consideration had been given to intensification of the

surrounding environment (either which has been occurring to date, or which might occur in the future) in the landscape visual, urban design and planning assessments.

3. The Panel requested that this be provided in the form of a supplementary statement which clearly explains how, and to what extent, the following matters have informed the assessment(s):
 - (a) The pattern of intensification that has occurred recently in the area.
 - (b) Intensification of the surrounding area currently enabled by permitted activities.
 - (c) Intensification of the surrounding area enabled as restricted discretionary activities.
 - (d) Proposed intensification identified in Plan Change 120 (PC120).
4. The following provides the planning response, with appropriate reference to the relevant objectives and policies of the THAB zone that applies to the majority of the site.
5. I have structured the response as follows:
 - (a) Contextual clarification on the approach to the planning assessment in terms of 'anticipated intensification'.
 - (b) With respect to 3(a), (b) and (c) above, confirmation that the assessment of effects undertaken in respect of the application has been undertaken on the basis of the existing environment, including the extent to which it has been modified by implemented and consented developments giving effect to the intensification that is enabled under the operative planning framework, and that no reliance has been placed on intensification of the surrounding area as enabled by permitted or restricted discretionary activities.
 - (c) With respect to 3(d) above, confirmation that no reliance has been placed on the provisions of PC120 to the AUP(OP).
 - (d) Further commentary/interpretation in respect of the THAB zone provisions, and in particular the policies referred to in the zone's assessment criteria for the consideration of

an infringement to the maximum height standard (as a restricted discretionary activity), being:

- (1) Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages.*
- (2) 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 five, six or seven storey buildings in identified areas, in a variety of forms.*
- (4) In identified locations adjacent to centres, enable greater building height through the application of the Height Variation Control where the additional development potential enabled:
 - (a) provides an appropriate transition in building scale from the adjoining higher density business zone to neighbouring lower intensity residential zones, and;*
 - (b) supports public transport, social infrastructure and the vitality of the adjoining centre**
- (5) 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.*

6. These matters are addressed under the following headings:

Anticipated Intensification within the THAB zone

7. The Substantive Application for The Point Mission Bay sets out the planning framework applicable to the subject site, and the context.¹ This includes an explanation of the respective zone and precinct provisions that the site is subject to, noting that these are derived from the higher order Regional Policy Statement (RPS), and in response to the city's 30-year plan² for managing urban growth by integrating land use and infrastructure planning.

¹ Refer Substantive Application, Assessment of Environmental Effects, Section 12: Unitary Plan framework

² Auckland Future Development Strategy 2023-2053 (FDS), which replaced the Auckland Plan 2050

8. At the macro level, urban growth and intensification is encouraged on sites that are within the existing urban footprint, to provide for the optimisation of land already zoned and serviced for higher-density residential development, to support a compact, efficient urban form, consistent with the Future Development Strategy's direction to accommodate most future housing growth through redevelopment and infill within existing urban areas. The overarching growth and intensification objectives and policies of the RPS are concerned with managing Auckland's urban areas over the next 30 years, with a primary focus on providing housing choice and affordability, and residential growth and intensification to contribute to a well-functioning urban environment.³ The policy intent is 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 intensification within established and developing neighbourhoods, where it can be demonstrated that the design response to the neighbourhood context (including the future context) can address and integrate with the appreciable qualities and physical characteristics of both a particular site and the surrounding area.
9. The response to this at the district level is to identify and zone land where intensification can be sustained, with the greatest scale, form and density envisaged (in residential zones) being in the THAB zone. The THAB zone provides for the greatest density, height and scale of development of all the residential zones.⁴ The THAB zone envisages that the current 'form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.'⁵
10. Therefore, notwithstanding that the THAB zone requires all new buildings to obtain resource consent as a restricted discretionary activity, the level of intensification and scale of development that the zone provides for via its zone description, objectives, policies and development standards can be reasonably anticipated as an outcome for sites subject to THAB zoning. Consent is required for new buildings (and for retirement village activities) simply to provide a mechanism to *enable the design and layout of the development to be assessed; recognising*

³ Refer AUP(OP) B2 Urban growth and form

⁴ AUP(OP) H6.1 THAB Zone Description

⁵ *ibid*

*that the need to achieve a quality design is increasingly important as the scale of development increases.*⁶

11. Notably, activities that are classified as a restricted discretionary activity in the AUP(OP) are those that ‘are generally anticipated in the existing environment and the range of potential adverse effects is able to be identified in the Plan, so that the restriction on the Council’s discretion is appropriate.’⁷
12. Therefore, it is my opinion that, subject to these design qualifications, both the retirement village activity, and the massing and intensity provided by the underlying zone standards, can be conceived of as reasonably expected outcomes when assessing new development proposals in the THAB zone.

Basis of the Existing Environment

13. With respect to the assessment of effects of the Proposal on the surrounding environment, this assessment was undertaken in the Substantive Application on the basis of the existing environment, including the extent to which it has been modified by implemented and consented developments giving effect to planned intensification enabled under the operative planning framework.
14. Although forming part of the existing environment in a strict sense, no particular consideration or reliance has been made in respect of the future form, scale or intensity of development which is enabled as a permitted activity within the Mixed Housing Suburban and Mixed Housing Urban zones applying to the neighbouring land.
15. The assessment of effects undertaken in the Substantive Application also does not rely on the intensification of neighbouring land enabled as a restricted discretionary activity, either in the form of development or activities provided for in the Mixed Housing Suburban, Mixed Housing Urban, or THAB zones applying to the neighbouring land.

⁶ ibid

⁷ AUP(OP) Introduction A1.7.3

Reliance on PC120

16. Paragraph 19.20 of the Substantive Application states:⁸ *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.*
17. While this commentary was included for completeness due to the recent notification of PC120, no reliance was placed on such an outcome in the planning assessment (nor in the Urban Design and Landscape Visual Effects Assessment on which the planning assessment references) of the suitability of the form and scale of the proposed built form/massing.

THAB Policies (relative to height)

18. In considering an application for a restricted discretionary activity for an infringement to the height standard, the matters of discretion refer to:⁹
- (a) any policy which is relevant to the standard;*
 - (b) the purpose of the standard;*
 - (c) the effects of the infringement of the standard;*
 - (d) the effects on the urban built character of the zone;*
 - (e) the effects on the amenity of neighbouring sites;*
 - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;*
 - (g) the characteristics of the development;*
 - (h) any other matters specifically listed for the standard; and*

⁸ Refer Substantive Application, Assessment of Environmental Effects, Section 19: Planning framework

⁹ AUP(OP) H6.8.1(4)

(i) where more than one standard will be infringed, the effects of all infringements.

19. The corresponding assessment criteria for the consideration of such an application refer to Policies H6.3(1), (2), (4), and (5). These are set out above. In response to how these policies are to be interpreted relative to a proposal to infringe the height standard, I provide the following further commentary.

(1) Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages

20. An infringement to the height standard is consistent with this policy where high density development is proposed, including that which is of an integrated nature – that provides for 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. In this regard, such an outcome would make more efficient use of land and infrastructure, increase the capacity of housing, and ensure that residents have convenient access to a range of facilities and services (including recreation, public open space, transport).

(2) 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 five, six or seven storey buildings in identified areas, in a variety of forms.

21. This policy encourages/directs development to achieve intensification consistent with the height standard that is applied to various parts of the THAB zone, as a base outcome, and to achieve a high density urban characteristic. In this regard, five storeys corresponds to the 16m height standard (which applies to the zone generally), and where six or seven storeys is ‘identified’, this corresponds to those parts of the zone where such a height is provided for by way of the Height Variation Control.

22. This language aligns with that used in the purpose of the standard, which is to ‘*manage the height of buildings to provide for terrace housing and apartments and achieve an urban built character of predominantly five storeys or six or seven storeys in identified locations adjacent to*

*centres.*¹⁰ The reference in the policy (and the purpose) to the ‘predominance’ of the number of storeys to achieve an urban built character relates to the predominance within the overall zone (or the Height Variation Control area that is identified), rather than within a particular site. Such a terminology envisages a variety of forms that are both smaller and larger than the base/standard height, as opposed to uniformity, and does not suggest that height should be repressed/constrained to these storeys, or require that these storeys be achieved.

23. Similarly, these heights are not maximums. The ‘requirement’ to achieve a predominance of the heights identified does not, in my opinion, mean that a lower intensity is actively discouraged. Rather, such a terminology envisages a variety of high density urban outcomes including with a combination of lesser and greater heights, acknowledging that for a range of reasons, not every site in the zone can achieve such heights. For example, the height opportunity on smaller (narrow) sites may be constrained by other amenity standards, concerning daylight access, privacy, and visual dominance effects (such as height in relation to boundary). Equally for other sites within the zone, such as the subject site, the opportunity exists to achieve greater height while maintaining such amenity outcomes for neighbouring sites. This opportunity is enabled by the restricted discretionary activity status to infringe the permitted height, allowing a careful consideration of a proposal’s design and response to context (with the range of potential adverse effects identified in the AUP(OP), so that the restriction on the Council’s discretion is appropriate), and notably with no ‘upper limit’ beyond which a more stringent activity status is applied.

(4) In identified locations adjacent to centres, enable greater building height through the application of the Height Variation Control where the additional development potential enabled:

- (a) provides an appropriate transition in building scale from the adjoining higher density business zone to neighbouring lower intensity residential zones, and;*
- (b) supports public transport, social infrastructure and the vitality of the adjoining centre.*

¹⁰ AUP(OP) H6.6.5

24. The purpose of this policy is to provide guidance as to where the opportunity may exist for additional development potential to be obtained through a plan change which applies a Height Variation Control to existing THAB zoned land adjacent business zoned land.

(5) 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.

25. This policy identifies the effects of height that are to be managed (when combined with the location of building mass/bulk), and assessed for new building development, noting that the purpose of the height standard in the THAB zone does not include what effects are to be managed by the standard unlike the other residential zones which state:

to manage the height of buildings to:

- *achieve the planned suburban/urban built character of predominantly x storeys;*
- *minimise visual dominance effects;*
- *maintain a reasonable standard of residential amenity for adjoining sites; and*
- *provide some flexibility to enable variety in roof forms.*

26. Rather, this THAB policy is concerned with the effects of height *to adjoining sites and developments*, rather than height being managed to achieve a 'planned character' of a particular storey height, which is addressed by Policy (2).