

## PART 14.1 - RESIDENTIAL PRECINCTS

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### Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is  
subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.







## RESIDENTIAL PRECINCTS

### 14.1.1 INTRODUCTION

Traditionally a number of people have chosen to live in the Central Area and in earlier years much of its periphery was residential in nature. Since that time the residential population declined until recently, with the conversion of office and warehousing buildings to apartments and the construction of purpose-built apartments and other residential buildings.

Residential enclaves have been established in parts of the Central Area and new ones are developing as part of the general increase in residential activity in the Central Area. The challenge for the future is to provide for quality residential accommodation with higher levels of residential amenity than in other parts of the Central Area. This will be achieved by the development of Residential Precincts, which include existing residential enclaves, and other areas which are predominantly residential, but are characterised by the mixed use activities which have developed in these specific areas.

### 14.1.2 RESOURCE MANAGEMENT ISSUES

- a) The maintenance of a strong residential population base in the Central Area.
- b) The enhancement of living environments where people can enjoy a higher degree of amenity than may be generally available within other parts of the Central Area.

### 14.1.3. RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

#### 14.1.3.1 OBJECTIVE

*To provide for and encourage the establishment of residential neighbourhoods within which the range of activities and the development controls reflect the level of amenity appropriate to attract and retain a significant resident population.*

#### Policies

- a) By identifying Residential Precincts in areas where there are existing significant concentrations of residential accommodation and where there are positive attributes for attracting and maintaining a resident population.
- b) By limiting the type and scale of activities in identified Residential Precincts to those supportive of and compatible with residential accommodation.
- c) By providing for a standard of amenity, which is appropriate to foster a sense of residential neighbourhood with the constraints imposed by being located within a large city centre.
- d) By providing for a range of activities which reinforce the Precinct's cohesiveness and function as a residential enclave.

#### Methods

- i) Through applying activity controls, which strengthen the Precinct's purpose as a residential node.
- ii) Through applying rules to require lower noise levels within the Residential Precincts than in the rest of the Central Area.
- iii) Through undertaking and maintaining public works that enhance residential neighbourhoods.

### 14.1.4 RESOURCE MANAGEMENT STRATEGY

The establishment of a permanent residential population is an important component in maintaining the vitality and interest of the Inner City and to achieve this end, the Plan permits the establishment of residential accommodation throughout most of the Central Area. However, although the general strategy of the Plan is to provide for a wide range of activities to enable reuse of buildings over time, in the case of Residential Precincts the Council considers that the range of activities should be restricted to those which are compatible with residential accommodation, thus ensuring the amenity in these areas is not undermined.

Noise levels in the Central Area are not always compatible with residential activity. One of the purposes of the Residential Precincts therefore is to provide a choice of location for those people seeking a quieter residential environment. The Residential Precincts are not accorded the same degree of protection in terms of noise that is applied to suburban residential locations, but have a higher



level of amenity in terms of permitted activities and noise emissions than the remainder of the Central Area.

The location and extent of the identified precincts applies to areas where there are clearly definable enclaves of existing residential accommodation, where there is a strong sense of residential amenity imparted by streetscape, aspect, topography and outlook or where there are locational benefits. The Residential Precincts are identified on Planning Overlay Map 1 as follows:

- Myers Park / Greys Avenue
- Whitaker Place
- Eden Crescent / Emily Place
- Day Street
- Lower Federal Street/St Patrick's Square

The Residential Precincts are identified as either Area 1 or Area 2. Residential Precinct Area 1 is applied to areas within the Greys Avenue, Day Street, Whitaker Place and Eden Crescent/Emily Place Residential Precincts. These areas have either a strong residential heritage, for example the Courtville Flats on Parliament Street, or have been established around more recent residential developments such as the Day Street apartments. However, their common attribute is a strong sense of residential character and amenity. The Precinct provisions support the current form of development in these areas by limiting the range of other activities to protect the dominant residential character.

Residential Precinct Area 2 is applied to the Residential Precincts identified at Lower Federal Street/St Patrick's Square, Lower Hobson Street/Nelson Street and Upper Hobson Street/Nelson Street. A slightly wider range of activities is provided for in these areas reflecting the existing wider range of activities. However a similar level of residential amenity is encouraged in both Residential Precinct Area 1 and 2 through the assessment criteria for non-residential activities and through the development controls which, in combination, aim to provide a higher degree of amenity protection than other parts of the Central Area.

### 14.1.5 ANTICIPATED ENVIRONMENTAL RESULTS

It is expected that the application of specific Residential Precincts will lead to the development and enhancement of areas within the Central Area where residents will be able to enjoy a higher degree of amenity than is possible elsewhere in the Central Area. This is a long-term aim as existing activities that may adversely affect residential

living will be able to continue operating in accordance with the provisions of the Resource Management Act 1991.

### 14.1.6 RULES - ACTIVITIES

Except where stated in this Plan, activities allowed in the Residential Precincts are specified on the following table. In addition, the activities in Rules 5.5.3, 5.5.4 and 5.5.5 apply.

Activities	Residential Precinct Area 1	Residential Precinct Area 2
Accommodation	P	P
Community care facilities	RC	RC
Demolition of buildings or creation of vacant space, except on sites identified on the Character Overlay in Appendix 13	RC	RC
Demolition or removal of any building, or part of a building, on a site identified on the Character Overlay in Appendix 13, except for the demolition of internal walls, partitions and fixtures and internal and external redecoration, maintenance or repair	RD	RD
Education (occupying a gross floor area not exceeding 100m <sup>2</sup> on any one site)	P	P
All other education activities	NC	RC
Entertainment and gathering	NC	RC
Food & Beverage	RC	RC
Offices	NC	P
Retail (located at ground or first floor level)	P	P
Retail (other than located at ground or first floor level occupying a gross floor area not exceeding 1,000m <sup>2</sup> on any one site)	RD	RD



Activities	Residential Precinct Area 1	Residential Precinct Area 2
Retail (other than located at ground or first floor level occupying a gross floor area exceeding 1,000m <sup>2</sup> on any one site)	D	D
Services	P	P

P = Permitted

RC = Restricted Controlled

RD = Restricted Discretionary

D = Discretionary

NC = Noncomplying Activity

**Note:** Any site may contain more than one primary activity category.

#### 14.1.6.1

In addition to the Activities provided for in Part 5 the following activities shall apply to the area outside the 1864 Newman Hall site surrounds depicted on Diagram 10 (refer to Appendix 1, Schedule A(1)):

Activity	Consent Required
i) The erection of any new building; and ii) The external alteration or addition to any existing building (other than a heritage building scheduled under Part 10 of the Plan), excluding minor cosmetic alterations or repairs which do not change the design and appearance of the existing building and signs and billboards regulated by the Auckland City Council Bylaws or its successor.	Restricted Discretionary

Note: Scheduled Heritage Building Newman Hall

Alterations or additions to Newman Hall listed on the Heritage Schedule is subject to the obtaining of any necessary resource consents under [Part 10 - Heritage](#). Consultation with, or consent from the NZHPT may also be required.

### 14.1.7 ASSESSMENT CRITERIA

#### 14.1.7.1 Assessment Criteria for Restricted Controlled Activities

An application for a restricted controlled activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 15 and the following matters:

##### a) Pedestrian safety and convenience

The proposal must address pedestrian safety and convenience both within the site and in terms of the relationship to the road network.

##### b) Site Amenity

A high standard of visual amenity is required on the site. Proposals should provide a quality frontage to the street so as maintain and improve the pedestrian environment on the footpath. Where the entire site is not covered in buildings, landscaping in addition to that required in the development controls (refer to Part 6) for the site will be required to screen open areas such as car parking and loading areas.

##### c) Noise

The achievement of a lower noise environment in Residential Precincts is of prime importance. Any proposal must demonstrate that it will comply with the noise standards for the Residential Precincts and also that associated activities, such as the arrival and leaving of patrons, will not cause undue disturbance to residents within the Precincts. In order to avoid or mitigate the noise of these activities the Council may place conditions upon the hours of operation and the extent of enclosure or other design features of any proposed establishment.

#### 14.1.7.2 Consent Conditions

In granting consent to an application for a restricted controlled activity the Council may impose conditions relating to the following:

- The relationship of activities and structures to the street and other pedestrian places.
- The standard of amenity required on the site including the provision of a landscape plan.
- The requirement that the consent holder lodge a bond with the Council to ensure landscaping or other work is carried out and maintained.
- The noise levels generated by activities and measures to avoid, remedy or mitigate the noise effects.



- e) The extent of enclosure of activities and their associated structures that may generate noise or allow noise to be transmitted from within buildings to the open air. The condition may impose additional noise insulation.
- f) The hours of operation.
- g) The number of people to be accommodated.

**Explanation:**

*Residential Precincts may benefit from the presence of other activities, however any benefit may be lost if these activities detract from the environmental amenity.*

**14.1.7.3 Assessment Criteria for Restricted Discretionary and Discretionary Activities**

An application for a restricted discretionary and discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 15, the criteria under clause 14.1.7.1. and the following matters:

**a) Activity Interfaces**

Of particular concern in the Residential Precincts is the protection and maintenance of the amenity values of accommodation along the different activity interfaces. Consideration will be given to:

- i) the ability of a site to internalise effects of an activity.
- ii) the cumulative effect of clustering activities other than accommodation, which may generate traffic, noise, etc, not in keeping with the residential area.
- iii) the provision of adequate visual and aural privacy through the provision of landscaping / buffer areas and sound insulation.

**Explanation**

*The Residential Precincts are seeking to provide for a range of activities which contribute to the vitality of the city centre while protecting the amenity within the Residential Precincts. It is important that the effects of non-residential activities do not adversely impact on the residential amenity of the Precincts.*

**b) Safety**

The proposal should be designed in accordance with the "Guidelines for Design Against Crime in the Central Area".

**Explanation**

*To further reinforce the amenity of the Residential Precincts, it is important to ensure that pedestrian safety is taken into consideration in the design and construction of new buildings.*

**c) Traffic generation**

Any more than minor adverse effect on the capacity of the adjacent roading network caused by expected traffic generation of a proposal, may require mitigation by upgrading the road or intersection design. To enable this, financial contributions may be required as a condition of consent. Assessments under this criterion will give weight to the function of the network to provide access to adjoining properties as well as its function to provide capacity of through-traffic movements.

**Explanation**

*The traffic capacity in the Central Area roading system is limited. Any activity generating or attracting large numbers of cars will be assessed on the ability of the roading network to accommodate the traffic generated. In addition any activity should not adversely affect the general or pedestrian amenity or overload service infrastructure.*

**14.1.7.4 Consent Conditions**

In granting consent to an application for a restricted discretionary activity the Council may impose conditions relating to the following:

- a) The requirement that the consent holder provide buffer areas and / or landscaping.
- b) The relationship between non-residential activities and accommodation activities
- c) The design of the site to internalise the effects of the non-residential activity.
- d) The requirement that the consent holder pay a financial contribution to avoid, remedy or mitigate the effects of traffic generation.

**14.1.7.5 Assessment criteria for Specific Activities**

- i) Assessment criteria and rule explanations for the demolition of buildings or creation of vacant space are set out in Clause 5.6.1.1. Conditions may be imposed in accordance with Clause 5.6.1.2.
- ii) Assessment criteria and rule explanations for the demolition or removal of any building, or part of a building, on a site identified on the Character Overlay in Appendix 13 are set out in Clause 5.6.3.1(g).



**14.1.7.6 Additional assessment criteria for retail activity that is identified in clause 14.1.6 as a discretionary activity (excluding restricted discretionary activity).**

- (i) Any development proposal containing retail activity will be assessed to determine the extent of its effects on the character and viability of the existing concentrated retail areas within the Queen Street Valley and along the Karangahape Road ridge (and other centres such as Parnell, Newmarket and Ponsonby beyond the Central Area) having regard to the matters contained in clause 5.2.4 of the Plan.
- (ii) The effects on the street life, vitality and viability of existing concentrated retail areas. Particular regard is to be given to the activity control for frontages within the Queen Street Valley and Karangahape Road Precincts and to whether the proposal would be likely to result in more than minor decline in the vitality and continuity of retail frontages at street level and, if so, whether alternative activities could realistically be expected to maintain street level activity.
- (iii) The effect on the infrastructure supporting the existing concentrated retail areas and the impact of the proposal on the efficiency, safety and operational aspects of the local and wider street network.
- (iv) The effect on private and public transport patterns. In particular the extent to which the proposal will result in increased traffic flows and congestion on the street network in the Central Area and whether the proposal encourages the use of the public transportation network.
- (v) How the proposal gives effect to the resource management strategy and the objectives and policies of the Strategic Management Area of the Plan.

**Explanation**

*Retail activities typically attract a high number of vehicles and their grouping can place significant stress on the road network. This should be avoided: any retail activity or accumulation of retail activity located outside the Queen Street Valley and Karangahape Road Precincts should not dilute the concentration of retail activity within them.*

**14.1.7.7 Additional assessment criteria for the area outside the 1864 Merchant House (Newman Hall) site surrounds depicted on Diagram 10 (Appendix 1, Schedule A(1))**

In addition to the development controls and assessment criteria contained in Parts 5 and 6, the Council will consider the following specific criteria:

- a) Any new development must not adversely affect the heritage values or physical fabric of the scheduled

building and any proposal should respect the values for which Newman Hall was scheduled. In particular, new development should not obscure views from the street (the front and side elevations) of the scheduled item.

- b) New development should be designed so that it does not visually dominate Newman Hall.
- c) New development should be designed with specific regard to the scale, mass and detail of Newman hall to successfully integrate it into a coherent whole.
- d) A development in the order of 10,000m<sup>2</sup> gross floor area is considered to be consistent with the criteria listed in 14.1.7.7(a)-(c).

**14.1.8 RULES – DEVELOPMENT CONTROLS**

All development within the Precincts is subject to the development controls contained in Part 6 of the Plan, except as specified by the following rules.

An application to modify the following development controls may be considered under Clause 15.3.1.2(b) as a restricted discretionary activity.

**14.1.8.1 SPECIAL AMENITY YARD – MYERS PARK**

No building is permitted at or above ground level within the yard shown on Figure 14.1.1.

**Explanation**

*The yard covers that part of the affected site, which extends into Myers Park beyond the rear boundaries of adjoining sites. The purpose of the yard is to avoid the visual intrusion and shade from buildings onto Myers Park.*

**14.1.8.2 SPECIAL AMENITY YARD – HOPETOUN STREET**

- a) The yard shown in Figure 14.1.2 below shall apply from mean street level to the land affected to a height of 4m.
- b) At least 50% of the yard shall be landscaped with plants and shrubs. A landscape plan shall be submitted no later than at the time of lodgement of application for building consent for the approval of the Council. The landscape plan shall demonstrate that:





Figure 14.1.1

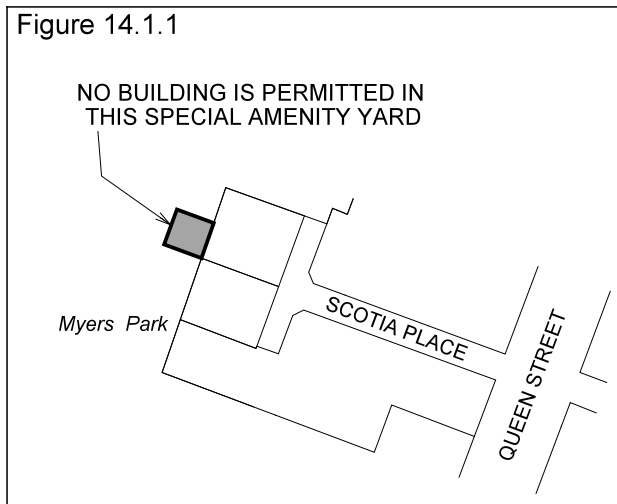
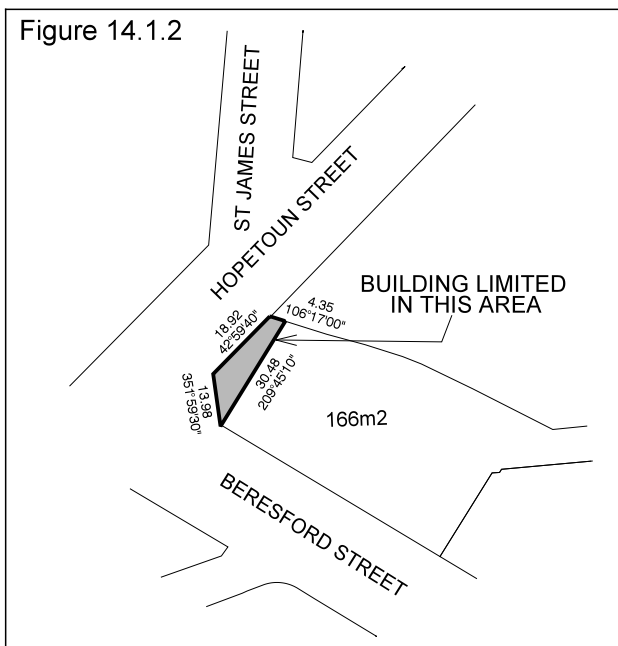


Figure 14.1.2



- i) there is adequate access to daylight and/or sunlight for the maintenance of plant health and growth; and
- ii) there is adequate provision for soil depth, drainage and watering to maintain plant health and growth.
- c) Any building on the yard requires application for resource consent. The application will be assessed as a controlled activity using criteria for the design and appearance of the building, which should emphasise the visual importance of the site at a gateway to the Central Area.
- d) Advertising hoardings and/or commercial signage are not permitted within the amenity yard. This prohibition does not apply to the naming of the building for identification, providing this is integral to the building design and is affixed to the building.

- e) For the purpose of calculation of the permissible floor area ratio of any development on the site to which this amenity yard applies, the landscaped area of the yard shall be deemed to be a 'landscaped amenity area' and qualify for bonus floor area.

#### Explanation

*The purpose of the amenity yard is to ensure that any development on the land recognises that visual importance of the site as a gateway to the Central Area and to ensure the achievement of high levels of amenity.*

### 14.1.9 RULES – NOISE

- a) The A-weighted  $L_{10}$  noise level, the  $L_{10}$  noise level at 63Hz and 125 Hz respectively and the maximum noise level ( $L_{max}$ ) arising from any activity in the Central Area measured one metre from the façade of an occupied building within a Residential Precinct or Victoria Quarter shall not exceed the following levels:

7.00am to 10pm	$L_{10}$ 65dBA
10.00pm to 7.00am	$L_{10}$ 55dBA $L_{10}$ 65dB @ 63Hz $L_{10}$ 60dB @ 125Hz $L_{max}$ 75dBA

- b) The noise levels shall be measured in accordance with the requirements of NZS6801:1991 "Measurement of Sound" and during the day time shall be assessed in accordance with NZS6802:1992 "Assessment of Environmental Sound". At night time noise shall be assessed in accordance with NZS6802:1992 "Assessment of Environmental Sound" except Clause 4.4 shall not be used. The noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979) Sound Level Meters, Type 1.
- c) In situations where common building elements such as floors and walls are shared by two units under different ownership, the noise level arising from any activity measured in an adjacent unit\* within a Residential Precinct which is under different ownership from the noise source shall not exceed the following levels:

7.00am to 10pm	$L_{10}$ 50dBA
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10.00pm to 7.00am	$L_{10}45\text{dBA}$ $L_{10}55\text{dB @ }63\text{Hz}$ $L_{10}50\text{dB @ }125\text{Hz}$ $L_{\text{max}}65\text{dBA}$
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Noise measurements shall be taken in the affected adjacent unit while all windows, doors and other openings between the units are closed.

\* Adjacent unit means any habitable space (as defined by the NZ Building Code) or tenancy, or office or building which has a different owner than that of where the noise source is located. It does not include any bathroom, water closet, laundry, pantry, walk-in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, or other space of a specialised nature occupied neither frequently nor for extended periods.

Note: Noise arising from construction or blasting activities shall be controlled by the general noise rules in Part 7 of the Plan.

### Explanation

*While rules for the Residential Precincts will determine their noise environment, it is also necessary to protect those areas from noise generated elsewhere. These rules are aimed at addressing noise levels on the boundary between the Residential Precincts and the rest of the Central Area.*

*The purpose of the Residential Precincts is to provide a choice of location for those people seeking a quieter residential environment. The noise levels specified for the Residential Precinct are designed to assist in achieving this purpose.*

