

## PART 10 - SPECIAL PURPOSE ACTIVITY

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## PART 10 - SPECIAL PURPOSE ACTIVITY

### 10.1 CONTENT AND STRUCTURE

The Plan recognises that:

- While promoting the sustainable management of the district's natural and physical resources, the Plan must take into account the social and cultural interests of people and communities. The well-being, health and safety of people can be promoted by encouraging the provision of facilities, services and infrastructure for the community;
- Throughout the Isthmus, significant public investment exists in the form of large scale, often land extensive facilities which provide necessary community services and functions. Such community assets include the district's railway and motorway corridors which provide important transportation links and the district's health and educational institutions which provide important health and education services;
- Small to medium scale community uses can often be accommodated within the framework of the standard activity zones. Such activities may also be large-scale, land extensive, complex or of particular community value. These facilities therefore require special measures to permit their maintenance, management and development in a way that avoids or mitigates adverse effects on the environment;
- In accordance with Te Tiriti o Waitangi (the Treaty of Waitangi), the Resource Management Act 1991 and the Orakei Act 1991, the Ngati Whatua o Orakei should be able to utilise in the context of resource management, their ancestral land at Orakei in a manner that realises their needs.
- There is a need to apply special measures to the hapu land of the Ngati Whatua o Orakei, a recognised and widely appreciated resource to which special legislation with resource management implications applies.
- The sustainable management of certain privately owned and strategically important sites within the Isthmus can be promoted by the provision of suitable transportation links. As most private landowners do not have the ability to designate land for transportation link purposes it is appropriate to provide a mechanism by which such links can be implemented.

This Part is presented as follows -

- **Resource Management Issues**

This outlines the significant resource management issues concerning special purpose activity within the district.

- **Resource Management Objectives and Policies**

This outlines how this Part deals with the identified special purpose activity issues.

- **Resource Management Strategy**

This outlines the strategy for managing activities and development within the special purpose activity zones, and explains the reasons for the management approach, together with the anticipated results.

- **Implementation**

This outlines and gives an explanation of the methods adopted to meet the objectives, policies and strategy for the special purpose activity zones.

- **Zones**

This outlines the five special purpose activity zones adopted by the Plan and explains their application.

- **Activities**

This specifies the rules required to implement the policies by regulating or allowing certain activities to give effect to the special purpose activity resource management policies.

- **Development Controls**

This specifies the range of development control rules adopted to ensure that the actual or potential effects of activities within the special purpose activity zones do not adversely effect the environment

### 10.2 RESOURCE MANAGEMENT ISSUES

The availability of a range of community oriented facilities and infrastructure is of fundamental importance to the City's welfare and the overall quality of life. The Plan must create a resource management approach which will provide for a range of such facilities while having regard to the maintenance and enhancement of environmental quality. In this regard the Plan must address the following issues:

- The need to secure and maintain through special measures the sustainable management of certain community facilities and infrastructure, that are land extensive and represent significant public and private investment in terms of scale of development and multiplicity of activities;



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- The need to provide a process which admits of change to and development of these community assets while securing the maintenance of environmental quality;
- The need to adopt provisions which seek to maintain and utilise rail lines and roading within the City, that offer potential for use not only for the transportation of people and vehicles but also for new transportation modes and for the distribution of utility services;
- The need to apply special measures to the hapu land of the Ngati Whatua o Orakei, a recognised and widely appreciated resource to which special legislation with resource management implications applies.
- The need to provide for transportation links to allow for the efficient and sustainable management of privately owned and strategically important land in the City.

### 10.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

#### 10.3.1 OBJECTIVE

*To provide for large-scale community facilities and infrastructure while ensuring the sustainable management of the natural and physical resources committed to them.*

##### Policies

- By applying a special purpose activity zoning to identified community facilities and infrastructure.
- By establishing acceptable levels of development and activity that is compatible with the surrounding environment.
- By ensuring appropriate public consultation with regard to future use of the land, in those cases where the community service provided by the facility or infrastructure ceases or is reduced.
- By providing for utility services in zones.

#### 10.3.2 OBJECTIVE

*To provide for Ngati Whatua o Orakei to use their whenua tupuna (ancestral land) in a manner which:*

- *is consistent with the principles of Te Tiriti o Waitangi (the Treaty of Waitangi), and with the provisions of the Resource Management Act 1991 and the Orakei Act 1991; and*
- *will achieve sustainable management of the land in keeping with the social, economic and cultural well-*

*being and health and safety of present and future generations of the hapu.*

- *The management of the Whenua Rangatira is to reflect the spiritual, social and cultural heart of Ngati Whatua o Orakei (Marae/Urupa/Papakainga) and to promote the Whenua Rangatira as a taonga to be treasured by all peoples living in, and visiting Tamaki Makarau.*

##### Policies

- By applying special purpose activity zoning to the Papakainga to accommodate the physical, social, cultural, economic and spiritual needs of Ngati Whatua o Orakei, while the Whenua Rangatira is to provide for “the common use and benefit of the members of the Hapu and the citizens of the City of Auckland as provided by the Orakei Act 1991 and the Reserves Act 1977.
- By establishing a framework within which the effective resource management of the land can be achieved.

#### 10.3.3 OBJECTIVE

*To provide for transportation links which allow for the sustainable management of privately owned and strategically important land.*

##### Policies

- By applying a special purpose activity overlay zoning to identified sites the development of which for access purposes will promote the sustainable management of other privately owned and strategically important land in the immediate vicinity.
- By providing a mechanism through which owners of strategically important sites may seek a special purpose activity overlay zoning on adjacent or nearby land for the purposes of access.

#### 10.3.4 OBJECTIVE

*To provide for the efficient use and development of sites which have a dual function for education and religious purposes, while ensuring that any adverse effects are avoided or mitigated.*

##### Policies

- By providing for places of assembly where sites have a dual use for educational and religious purposes.
- By adopting controls which seek to protect the privacy and amenity of surrounding residentially zoned sites.
- By permitting parking to be shared between site activities where peak use does not coincide.



## 10.4 RESOURCE MANAGEMENT STRATEGY

### 10.4.1 COMMUNITY FACILITIES AND INFRASTRUCTURE

The Plan recognises the need to provide for a wide range of community facilities and infrastructure. Generally the location and spatial needs of community facilities are addressed through the provisions of the Plan, which provide for small to medium scale community facilities in the business, residential and open space zones. Large, land-extensive facilities and specific smaller sites which cater for a multiplicity of activities related to their dominant function (eg healthcare, education) are provided for in the special purpose zones.

It is important to the community well-being that existing valued community resources are sustained. To achieve this, these special purpose zones apply to the district's larger, land-extensive community facilities and specific smaller sites in a way which secures their future use and development, while ensuring environmental quality. Some of these sites are subject to designations by way of requirement, and the special purpose activity zoning is regarded as an appropriate complementary provision in these cases.

### 10.4.2 CHANGE AND DEVELOPMENT

It is a function of the zones to provide a reasonable degree of flexibility for activities, in tune with the recognised community value of the resource. However, commensurate with this flexibility are measures which limit the bulk and intensity of development to appropriate levels and which avoid or mitigate adverse effects on the environment. Of particular concern in the Special Purpose 1 and 2 zones is the impact, both existing and future, that these community facilities have on surrounding areas as a result of the number of people who visit or work in them. Many facilities in these zones currently have inadequate on-site parking, which results in overspill parking onto adjacent residential roads. The attendant noise problems and traffic congestion outside the site boundaries of these facilities cause concern. Activities within these facilities, depending on their scale, the number of people they cater for and their hours of operation, also have the potential to create inappropriate noise and to have a visually disruptive impact. The provisions of the Special Purpose 1 and 2 zones, while acknowledging these existing situations, require that further development of these sites addresses these particular concerns in a manner which avoids disruption and

congestion on adjacent roads, and which protects the surrounding environment.

It is accepted that current circumstances are such that the operation of the recognised primary purpose of a site zoned for special purpose activity may cease. Often such sites are strategically located and any proposal to re-use the site for other purposes has the potential to impact substantially on the surrounding environment. Accordingly, where a change to the primary purposes of such a site is contemplated, the Plan requires that a request for a Plan Change be made.

### 10.4.3 TRANSPORTATION MODES

The Plan recognises the importance to the community of the existing rail lines and strategic roads. A special purpose zone has been applied to permit the continued use of these facilities for rail and roading purposes, and to protect the valuable linkage across the district that these facilities provide, for the relaying of essential services.

Provision has not been made for other permanent activities and development to occur on these valuable resources, because of the significance these routes hold for alternative transportation modes in the future.

The Plan also recognises the importance of access links to strategically significant sites. Such links can encourage or ensure the sustainable management of those sites. A special purpose overlay zone has been developed and will be applied to certain selected sites for that purpose. There is also a mechanism provided by which the owners of sites may seek to promote the sustainable management of their land through the application of such zoning to nearby sites.

### 10.4.4 HAPU LAND OF THE NGATI WHATUA O ORAKEI

Special provision is made in the Plan for approximately 66 hectares of land at Orakei. This land is to the ancestral land of the Ngati Whatua o Orakei. This provision is in the form of a zone in two parts applying to the Papakainga land (village) and the Whenua Rangatira (noble or chiefly land). Account is taken in this zoning of the principles of Te Tiriti o Waitangi. (Treaty of Waitangi), Part II of the Resource Management Act 1991 and the priority established by the Orakei Act 1991 in respect to the use of the land.

### 10.4.5 EXPECTED OUTCOME

Implementing the strategy outlined in Clauses 10.4.1 to 10.4.4 should result in sites, that are particularly regarded by the public for their community value, being secured for the future. The Plan also ensures that any potential adverse effects of such activities on the environment are avoided or mitigated. The sustainable management of scarce physical



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resources such as the district's rail lines and significant roads and providing for the Ngati Whatua o Orakei to re-establish on their ancestral lands are the anticipated results of the implementation of the strategies.

The strategy will also enable consideration to be given to the provision of transportation links serving strategically important sites in the interests of the sustainable management of that land.

### 10.5 IMPLEMENTATION

#### 10.5.1 ZONING

The Plan adopts five special purpose zones. Their make up and application varies according to the particular nature of the valued community assets they are designed to secure. The zones are:

**Special Purpose 1 Zone** - applies to large scale hospitals, healthcare complexes and in some instances, housing for the elderly with associated care facilities;

**Special Purpose 2 Zone** - applies to primary, intermediate, secondary and tertiary educational and other specialised research facilities;

**Special Purpose 3 Zone** - applies to significant transport infrastructure on the Isthmus;

**Special Purpose 4a Zone** - applies to the hapu land comprising the Papakainga of the Ngati Whatua o Orakei as defined by the Orakei Act 1991.

**Special Purpose 4b zone** - applies to the hapu land of Ngati Whatua o Orakei comprising the Whenua Rangatira as defined by the Orakei Act 1991.

**Special Purpose 5 Overlay Zone** - applies to selected transportation links to strategically important sites in the interests of ensuring the sustainable management of that land.

##### 10.5.1.1 REQUEST FOR A SPECIAL PURPOSE 1 OR 2 ZONE

A Special Purpose 1 or 2 zoning may be applied to new facilities or developments after the Plan Change procedures are successfully completed. Where a Special Purpose 1 zone is requested, or where an educational or research facility requiring a Special Purpose 2 zoning is envisaged, any request for a Plan Change must be accompanied by a Concept Plan. In assessing such a request the Council will consider the Concept Plan against the objectives and policies for the zone, and the following matters -

a) The proposed location of the site is appropriate. In particular:

- (i) the site should be readily accessible from the major roading network, so as not to encourage heavy traffic volumes in access roads (particularly residential roads);
  - (ii) consideration will be given to the impact of the development on adjacent sites.
- b) The proposed site is suitable. In particular:
- (i) the site should be of sufficient size to enable
    - the establishment of the facility, together with associated areas of parking, open space and landscaping.
    - the separation of the facility from adjacent land uses (particularly residential activities) by the inclusion of suitable buffer yards or screening;
  - (ii) the site shape and land topography should be suitable for the intended development;
  - (iii) the site must be capable of sustaining the infrastructure servicing needs (eg drainage, roading) of the development. Where the existing infrastructure cannot sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs.
- c) The proposed development is suitable. In particular:
- (i) the applicant will need to demonstrate that the effects of the development on the environment have been assessed in terms of [PART 12 - TRANSPORTATION](#) of the Plan;
  - (ii) the activities to be nominated within the facility should be consistent with the primary aim of the zone and should demonstrably provide a community benefit;
  - (iii) the facility should (in general terms) comply with the controls for the zone and [PART 12 - TRANSPORTATION](#) unless it is not appropriate to do so because of inherent site characteristics, particular site development considerations, unusual environmental matters, and extraordinary vehicle or pedestrian movements;
  - (iv) parking and loading areas must be landscaped to improve the visual appearance of the site;
  - (v) suitable screening must be provided to prevent floodlighting or vehicle lights shining directly on adjacent sites;
  - (vi) no reverse manoeuvring of vehicles on to the road will be permitted;
  - (vii) servicing activities and goods service areas should be adequate for the size of the development, and must be separate, where possible, from pedestrian and parking areas;



- (viii) the appearance of buildings will be controlled in order to ensure that a high standard of visual design is obtained, particularly on the external faces of the complex, and in its relationship to surrounding buildings and adjacent facilities;
- (ix) activities within the facility will be subject to noise controls to ensure that an acceptable level of noise is maintained at the residential zone interface;
- (x) activities within the facility may be subject to conditions relating to water discharges, air pollution and emissions to prevent, or reduce to an acceptable level, any detrimental effect the facility may have on the environment.
- (xi) the applicant will need to demonstrate that the development has been designed to satisfy the safety assessment criteria listed in Clause 6.2.10.5.

### 10.5.1.2 REQUEST FOR REZONING FROM SPECIAL PURPOSE 3 ZONE

Provision is made for rezoning land from Special Purpose 3 zone under limited circumstances. It is recognised that over time land may become surplus to transport requirements and not required for future transportation corridors/facilities. Under these circumstances the requiring authority may approach the Council to have the designation for the activity removed.

The requiring authority may at the same time request the initiation of a Plan Change to rezone the land. The Plan Change procedures will allow appropriate consideration of whether the land is suitable for other types of transportation, network utility or communication use, or whether an alternative zoning is preferred. Generally where a rezoning is recommended, the new zone will be the same as the zoning of adjacent land.

### 10.5.1.3 REQUEST FOR A SPECIAL PURPOSE 5 OVERLAY ZONE

A Special Purpose 5 zoning is an overlay zone which may be applied to new sites after the Plan Change procedures are successfully completed. Any request for addition of a Special Purpose 5 overlay zone will be assessed in terms of the general requirements of the RMA and the following matters:

- Whether the site provides new or improved access to an adjacent or nearby site of strategic importance, the sustainable management of which will rely upon or benefit from the application of Special Purpose 5 zoning to the land subject to the Plan Change.
- The site shape, location within the roading network and land topography which shall be suitable for the intended development.

- The potential adverse effects on surrounding sites.

## 10.5.2 ACTIVITIES

In the special purpose zones activities have been selected to meet the zonal intent of the particular zone. For example, in the Special Purpose 1 zone those activities normally found in a large hospital facility or healthcare complex are permitted activities, while in the Special Purpose 3 zone and Special Purpose 5 Overlay Zone transportation and utility service activities are permitted. The Special Purpose 2 zone provides a degree of flexibility in the range of activities permitted, reflecting the multi-purpose community nature of the education and research facilities in the zone. In the Special Purpose 4a zone (Papakainga), activities of special importance to the Ngati Whatua are allowed as permitted activities. In the Special Purpose 4b zone (Whenua Rangatira) recreational and cultural activities of the hapu are provided for in conjunction with activities providing for the recreational needs of the citizens of the City of Auckland.

In all the zones, however, the Plan aims to ensure that the effects of any activity do not adversely impact on the environment. Therefore limitations are placed on activities in the form of either development controls or a resource consent, in order to ensure that such effect is avoided, or mitigated.

The use of artificial lighting on special purpose zoned land can have a significant adverse effect if indiscriminate light spill and glare impacts on adjoining sites. In general the use of artificial lighting is controlled by the methods outlined in Clause 4.6 [Artificial Lighting](#) of the Plan. However where the illuminance of the artificial lighting exceeds 150 lux at ground level, additional control and assessment is considered necessary in order to ensure that any adverse effect is avoided, reduced or mitigated. Therefore the use of artificial lighting on special purpose zoned land, which produces an illuminance over 150 lux at ground level is a discretionary activity in the special purpose zones

## 10.5.3 DEVELOPMENT CONTROLS

The application of development controls differs between the special purpose zones and reflects the objectives and policies each zone is designed to achieve. The technique of Concept Plans is adopted for all development and activities in the Special Purpose 1 zone, and for some educational or research facilities in the Special Purpose 2 zone. This technique allows for maximum flexibility within a site, reflecting the complexity and arrangement of activities, but ensures that beyond the site the environment is maintained and protected from any adverse effect the facility's activities may generate. A similar technique has been adopted for the Special Purpose 4a and 4b zones that is in line with the two broad land use



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categories established by the Orakei Act (Papakainga and Whenua Rangatira).

A modification to one or more of the development controls in certain circumstances is provided for in Clause 4.3.1.2B

### 10.6 THE ZONES

#### 10.6.1 SPECIAL PURPOSE 1 ZONE (HEALTH)

##### 10.6.1.1 OBJECTIVES AND POLICIES

###### (a) Objective

*To provide for the use and development of large-scale hospitals, healthcare complexes and, in some instances, housing for the elderly with associated care facilities.*

###### Policies

- By applying a special purpose zoning which facilitates the orderly and integrated use and development of large-scale hospital sites and healthcare complexes while providing flexibility in development controls.
- By providing for an appropriate range of activities and support services, in keeping with these sites function and operation as major medical facilities.

###### (b) Objective

*To ensure that hospital, housing for the elderly and healthcare activities do not have an adverse effect on the environment or the amenity of an area.*

###### Policies

- By requiring acceptable noise levels at the zonal interface.
- By requiring that any new facility provides adequate on-site parking and ensures appropriate measures are taken, so that the capacity and safety of the adjacent road network is not detrimentally affected.
- By requiring the production of a Concept Plan which identifies the specific development controls to be used, to prevent or reduce any effect the proposal may have on the environment, or the amenity of adjacent sites.

##### 10.6.1.2 ZONE STRATEGY

The Special Purpose 1 zone is applied to large-scale hospitals and healthcare complexes and, in some instances, housing for the elderly on the Isthmus, which provide a wide range of health and residential care services. The zone aims to

provide flexibility for the continued use and development of these sites so that the community asset provided by the hospital or complex can be managed in a sustainable manner. To achieve this, each site or particular facility within the zone is subject to its own Concept Plan. The Concept Plan will determine the particular planning elements of the site in a manner which provides both flexibility within the site and certainty that beyond the site any adverse effects on the environment and on the amenity of adjacent sites are avoided, reduced or mitigated. The Concept Plan will not only indicate the particular development controls for the site, but also the range of healthcare activities and related functions which are considered appropriate for the particular facility. These may include medical education and training facilities, servicing activities, retail activities for the day to day needs of staff and patients, and staff accommodation. Depending on their potential impact, some activities may be subject to particular controls or conditions.

##### 10.6.1.3 EXPECTED OUTCOMES

The zone provides flexibility in the use and development of the Isthmus' larger hospitals and healthcare complexes and housing for the elderly with associated care facilities, which are particularly valuable to the community, while ensuring that proper consideration of the effects of such developments occurs.

#### 10.6.2 SPECIAL PURPOSE 2 ZONE (EDUCATION)

##### 10.6.2.1 OBJECTIVES AND POLICIES

###### (a) Objective

*To provide for educational facilities and specialised research facilities, while ensuring that any adverse effects are avoided or mitigated.*

###### Policies

- By applying a zone which:
  - (a) facilitates the orderly and integrated use of large sites and specific smaller sites by educational and research facilities, while providing flexibility in development control;
  - (b) facilitates the establishment, maintenance and development of secondary education facilities;
- By providing for a range of ancillary activities associated with educational and research activities.
- By adopting controls which limit activity and development to an intensity, compatible with the surrounding environment.
- By adopting controls which seek to protect the privacy and amenity of surrounding residentially zoned sites.



- By adopting parking, traffic controls and procedures, which seek to avoid congestion and parking problems.

#### (b) Objective

*To encourage the sustainable management of the Isthmus' existing educational facilities.*

#### Policy

- By encouraging, where appropriate, the multiple community use of educational facilities, playing fields and buildings.

#### 10.6.2.2 ZONE STRATEGY

The Special Purpose 2 zone is applied to the Isthmus' primary, intermediate, secondary and tertiary educational facilities and specialised research facilities. The zone recognises the primary community value of these facilities as places of education and research. It also recognises that these facilities have additional community value, particularly with regard to the opportunities they present, as a location for a range of community uses not necessarily associated with their primary educational or research function.

So as to encourage the sustainable management of the Isthmus' educational and research facilities, a range of activities which may provide a benefit to the wider community are provided for in the zone. Retail sales ancillary to the normal operation of an educational or research facility are also permitted. However, the use of these facilities for education or research purposes remains one of the primary aims of the zone as does the need to avoid or mitigate any adverse effects on the environment. Therefore other activities in the zone may be limited as to scale, or operational practices, and may, depending on their specific characteristics, be subject to a resource consent or particular development controls.

In addition, the larger educational and research facilities present such a range and complexity of use that the Plan requires the production of Concept Plans for individual sites, which permit on-site flexibility but address any adverse effects on adjacent sites or the environment.

#### 10.6.2.3 EXPECTED OUTCOMES

The Special Purpose 2 zone is expected to encourage better community use of the valuable resources contained in the Isthmus' educational and research facilities. At the same time, any actual or potential adverse effects which may result from this use, particularly noise, parking and traffic problems, should be managed in a way which avoids or minimises conflict with the environment.

### 10.6.3 SPECIAL PURPOSE 3 ZONE (TRANSPORT CORRIDOR)

#### 10.6.3.1 OBJECTIVE AND POLICY

##### Objective

*To preserve the existing railway rights of way and certain strategic roads for the purpose of maintaining transport corridors throughout the Isthmus.*

##### Policy

- By applying suitable zoning which allows an appropriate range of transportation functions and provides for network utility services.

#### 10.6.3.2 ZONE STRATEGY

The Plan applies the Special Purpose 3 zone to all existing railway rights of way and to particular strategic roads. The land to which the zone is applied is a valuable transport and communications resource. Within the zone the continued use of the land for railway and roading purposes is permitted. In addition alternative transportation modes and the conveying of services such as power, gas, water and communication lines are also permitted. The zone restricts other activities and development to ensure that the land to which the zone is applied is not used for inappropriate activities.

#### 10.6.3.3 EXPECTED OUTCOMES

Application of the Special Purpose 3 zone is expected to result in the protection of the Isthmus' significant transportation corridors for continued use as transport modes and for alternative use as a conveyor of utility services. In the event that a particular transport corridor is no longer required for its current use, the zoning will allow appropriate consideration of the impact of any alternative use.

### 10.6.4 SPECIAL PURPOSE 4 ZONE (ORAKEI)

#### 10.6.4A SPECIAL PURPOSE 4A ZONE (PAPAKAINGA, ORAKEI)

##### 10.6.4A.1 OBJECTIVES AND POLICIES

##### (a) Objective

*To facilitate the re-establishment of Ngati Whatua o Orakei on their Whenua Tupuna (ancestral land) and provide for their particular lifestyle needs at Orakei.*



**Policies**

- By adopting the broad pattern of land use as defined by the Orakei Act 1991 as the basis for the rules applying to the Orakei hapu land.
- By accommodating within the rules a range of activities that are consistent with Papakainga living or village life.
- By providing sufficient flexibility within the rules to enable the Ngati Whatua o Orakei to meet their needs while affording protection to the amenities of neighbouring sites.

**(b) Objective**

*To recognise the distinct nature of the Papakainga land, its special qualities and outstanding assets and ability to provide for a self-sufficient and self-reliant village environment providing for the wellbeing of the hapu.*

**Policies**

- By providing a concept plan
- By creating rules and performances standards in the Reserve Management Plan which recognise the importance of ecological and economic sustainability and traditional Maori values.

**(c) Objective**

*To recognise and make provision for the inter-relationship between the Papakainga and the Whenua Rangatira.*

**Policies**

- By primarily allowing development on the Whenua Rangatira to be controlled by way of the Reserve Management Plan.
- By adopting sufficiently flexible zoning so that a reserve management plan can be produced which:
  - adopts a pattern of land use based on and integrated with, the needs of the Papakainga
  - creates zones, rules and performance criteria which facilitate and are consistent with Papakainga living and village life and meets the social, cultural, spiritual needs of Ngati Whatua o Orakei.
- By providing a mechanism by which appropriate activities can be established on the Whenua Rangatira that support and service the Papakainga.
- By identifying areas of the Whenua Rangatira where activities, ancillary buildings and structures and carparking areas can be located.
- By providing development controls that ensure that the amenities of the Whenua Rangatira and

neighbouring sites are protected from any adverse impacts generated by activities located on the Papakainga.

**(d) Objective**

*To recognise the importance of individual trees and groups of trees for their cultural significance, landscape, visual amenity, historical and botanical values.*

**Policies**

- By identifying trees worthy of protection and including them in the Plan in the Schedule of Notable Trees.
- By reassessing the most appropriate means of tree protection on completion of the Reserve Management Plan for the Whenua Rangatira.

**(e) Objective**

*To make provision for areas of spiritual, cultural, traditional and archaeological significance.*

**Policies**

- By reassessing the most appropriate means of protecting areas of spiritual, cultural, traditional and archaeological significance on completion of the Reserve Management Plan for the Whenua Rangatira.
- By scheduling archaeological and traditional sites in the Plan until such time as the Ngati Whatua o Orakei Trust Board has determined the most appropriate ways of protecting such sites.

**10.6.4B SPECIAL PURPOSE 4B ZONE (WHENUA RANGATIRA)**

**10.6.4B.1 OBJECTIVES AND POLICIES**

**(a) Objective**

*To ensure the cultural and spiritual sustainability of the Ngati Whatua o Orakei hapu while providing benefits for the public of Auckland.*

**Policies**

- By demonstrating the significance of the Whenua Rangatira to Auckland's future cultural development and image.
- By recognising the constraints imposed and the activities envisaged by the Orakei Act on the use of the Whenua Rangatira.
- By ensuring that any developments on the Whenua Rangatira are complementary to the Marae, Urupa and Papakainga.



**(b) Objective**

*To ensure the sustainability of the cultural and physical resources of the Whenua Rangatira.*

**Policies**

- By regulating the availability of land for physical development, given the legislative constraints of the Reserves Act 1977.
- By ensuring the financial ability to resource the enhancement and protection of environmentally sensitive physical elements in the landscape.
- By safeguarding the environmental qualities and amenities of the land through the use of a concept plan and specific activity areas.
- By the provision of employment and skill enhancement where possible for the Ngati Whatua o Orakei hapu.

**(c) Objective**

*To provide for wider community needs.*

**Policies**

- To provide for a compatibility of recreational provisions, as generally outlined in the open space provisions of the District Plan.
- To provide the ability to incorporate the cultural identity planned for the Whenua Rangatira as an integral part of Auckland's cultural development.

**(d) Objective**

*To ensure accountability in the management of the Whenua Rangatira.*

**Policies**

- By the ability to stage development to enable immediate needs to be addressed, while supporting long term development plans.
- To provide for accountability mechanisms for the allocation of public funds, in a manner which also recognises cultural traditions.
- By the preparation of a Business Plan for the Ngati Whatua o Orakei Reserves Board which outlines the priorities for the Whenua Rangatira and the overall management structure for proposed developments.
- Outlining the relation of the Ngati Whatua o Orakei Reserves Board as a component of the Business Plans for the Ngati Whatua o Orakei Trust Board and the Auckland City Council.

**(e) Objective**

*To ensure that the Ngati Whatua o Orakei Board fulfils its statutory obligations.*

**Policies**

- By ensuring the Whenua Rangatira Reserve Management Plan is aligned with the Resource Management Act 1991, the Orakei Act 1991 and the Reserves Act 1977 and is integrated with the District Plan.
- By defining procedures and decision-making processes, which have the support of Ngati Whatua o Orakei and the Auckland City Council.

**(f) Objective**

*To ensure that any development shall be harmonious and consistent with the principles of the Reserves Management Plan.*

**Policies**

- By integrating the policy intent of the District Plan with the Reserves Management Plan for the Whenua Rangatira.
- By providing a control regime by way of district plan rules and consent guidelines which enable the concept plan to be attained and integrated with the Papakainga and surrounding area.

**10.6.4.1 THE ZONE STRATEGY**

The Special Purpose 4a and 4b zonings have been developed to provide an appropriate mechanism to enable the Ngati Whatua o Orakei Trust Board to utilise their Papakainga land, and to allow the Ngati Whatua o Orakei Reserves Board to manage the Whenua Rangatira land.

The Orakei Act 1991 apportioned the Orakei Block into two discrete areas. The zoning is therefore also divided into two; the Special Purpose 4a zone which applies a mixed use zoning to the Papakainga area and the Special Purpose 4b zone which applies an open space zoning to the Whenua Rangatira area.

The Papakainga includes the land identified as hapu reservation (land held for the purposes of a marae, church, Urupa and related hapu amenities) and land identified for development for housing and Papakainga activities.

The Whenua Rangatira is land set aside by the Orakei Act 1991 for the use and benefit of the members of the hapu and the citizens of the City of Auckland. The Orakei Act 1991 directs that the Whenua Rangatira is managed and controlled by the Ngati Whatua o Orakei Reserves Board as a recreation reserve, with a Reserves Management Plan prepared under the process established by the Reserves Act 1977.

The zones contain areas for both public and private benefit. The Papakainga land can be seen as an area for the benefit of Ngati Whatua o Orakei, and the Whenua Rangatira as an area for both public and hapu use.

All of the land covered by the zones is owned by the Ngati Whatua o Orakei Trust Board. The provisions of the zones



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seek to address the interrelationship between the Papakainga and the Whenua Rangatira.

Since Papakainga living is a village lifestyle, the zone seeks to provide a means by which the whole area can be seen as a communal resource, providing for the physical, social, cultural, economic and spiritual needs of Ngati Whatua o Orakei. The provision on the Papakainga for housing, health care, educational facilities and the learning of work skills are therefore accompanied by a range of activities on the Whenua Rangatira to provide for opportunities such as the economic, cultural and employment needs of Ngati Whatua o Orakei as a means to facilitate Papakainga living.

Since the Whenua Rangatira is held as a recreation reserve under the Reserves Act 1997, the Ngati Whatua o Orakei Reserves Board in cooperation with the Auckland City Council has sought to unify this control with that also required by the Resource Management Act 1991.

This has resulted in the development of a methodology to advance this whereby the District Plan control for the land is essentially mirrored by the Reserves Management Plan and this fulfils the two-fold purpose of:

- Setting the pattern and direction of ongoing management of the Whenua Rangatira and;
- Establishing standards by which any potential effects of any development can be regulated through District Plan rules.

### 10.6.4.2 EXPECTED OUTCOMES

#### 10.6.4.2.1 SPECIAL PURPOSE 4A AND 4B ZONINGS

The Papakainga and Whenua Rangatira lands have been defined by the provisions of the Orakei Act 1991 and represent the Whenua Tupuna of the Ngati Whatua o Orakei. The Ngati Whatua o Orakei have a spiritual, historical, cultural, social and economic relationship with this land. Their significance cannot be replaced by the purchase of land elsewhere. Together these areas are the tribal foothold or turangawaewae for Ngati Whatua o Orakei. Provisions contained in this zone ensures scope for their continued occupation of this land in a manner which is in keeping with their particular cultural needs, while at the same time, ensuring that any effects generated by activities located within the zones do not adversely impact both between the areas or the amenities of neighbouring sites.

The zoning's provide the opportunity to plan the land in a comprehensive manner using a concept plan approach that is unique to this land, setting and cultural circumstances. It provides greater scope for appropriate development than is possible using standard development controls. At the same time the statutory processes of both the Resource Management Act and the Reserves Act give the public an opportunity to comment on the general provisions, and any future development proposals which could have more than

minor effects on lands outside of the Papakainga and Whenua Rangatira.

For the Whenua Rangatira, the Reserves Management Plan is integrated with the District Plan controls and this is a method of ensuring that any development on the land is optimal, provides for the sustained well being of Ngati Whatua o Orakei while providing the land for the common use and benefit of the members of the hapu and the citizens of the City of Auckland. With delegation of the administrations powers of the zoning controls to the Ngati Whatua o Orakei Reserves Board pursuant to Section 33 of the Resource Management Act 1991. The zoning provisions should have the outcome of increasing the Mana and authority of the Ngati Whatua o Orakei hapu, thereby giving effect to the principles of the Treaty of Waitangi.

### 10.6.5 SPECIAL PURPOSE 5 OVERLAY ZONE (TRANSPORTATION LINK)

#### 10.6.5.1 OBJECTIVE AND POLICY

##### Objective

*To enable the provision of transportation links to privately owned sites of strategic importance to the City for the purposes of promoting or ensuring the sustainable management of those sites.*

##### Policy

- By applying a suitable overlay zoning which allows an appropriate range of transportation activities and provides for network utility services in addition to the activities provided for on the site under the existing zone.

#### 10.6.5.2 ZONE STRATEGY

The Plan applies a Special Purpose 5 overlay zone to land which offers the opportunity for significantly beneficial transportation links to be provided to sites of strategic importance, in an effort to ensure the sustainable management of that land. The land to which the zone is applied is a valuable transportation resource. Within the zone the use of the land for transportation and service purposes is permitted in addition to the activities provided for on the site under the existing zone.

#### 10.6.5.3 EXPECTED OUTCOMES

Application of the Special Purpose 5 overlay zone is expected to result in better management of strategically important privately owned sites on the Isthmus.



## 10.7 RULES : ACTIVITIES

### 10.7.1 SPECIAL PURPOSE 1 ZONE

#### 10.7.1.1 PERMITTED ACTIVITIES

The following shall be permitted activities in the Special Purpose 1 zone where they are nominated in an approved Concept Plan (see Appendices to the Planning Maps). The Concept Plan identifies the dominant activity of the site. The protection and maintenance of the dominant activity is required of all development on the site and of all applications for resource consent.

- Healthcare services
- Hospital
- Ambulance facilities
- Carparking areas and/or buildings
- Care centres
- Helicopter facilities associated with a hospital
- Residential accommodation associated with the primary use of the site

Additional permitted and controlled activities are nominated on approved Concept Plans.

#### 10.7.1.2 CONTROLLED ACTIVITIES

Any activity nominated as a controlled activity on a Concept Plan will be assessed against the following criteria:

- the objectives, policies and strategy of the Special Purpose 1 zone;
- the proposed activity shall demonstrate that it is
  - in accordance with the zone's intent
  - in keeping with the Concept Plan which applies to the site
  - incidental to the dominant activity of the site in terms of scale and intensity;
- the criteria of 10.7.2.5(d);
- design and external appearance of buildings and structures.
- The proposed activity shall demonstrate that it has been designed to satisfy the safety assessment criteria listed in Clause 6.2.10.5.

Buildings and structures may be required to be of a similar or complementary design and appearance to existing buildings and structures on the site.

Conditions may be imposed on a particular proposal in relation to the above matters.

#### 10.7.1.3 DISCRETIONARY ACTIVITIES

Once the zone is in place an activity which is not included in the Concept Plan but which complies with development controls for the site, is deemed to be a discretionary activity. On individual Concept Plans particular activities have also been nominated as discretionary activities.

Where a permitted activity seeks to modify one or more of the development controls for the site it shall be considered under Clause 4.3.1.2B **DEVELOPMENT CONTROL MODIFICATION** as a discretionary activity.

#### Criteria for the Assessment of Discretionary Activities

An application for a 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 4. The activity will be assessed against the following criteria:

- The objectives, policies and strategy of the Special Purpose 1 zone;
- The proposed activity shall demonstrate that it is
  - in accordance with the zone's intent
  - in keeping with the Concept Plan which applies to the site
  - incidental to the dominant activity of the site in terms of scale and intensity;
- The assessment of environmental effects referred to above;
- The extent to which the development has been designed to satisfy the safety assessment criteria listed in clause 6.2.10.5.

and against the additional following matters.

#### Parking and Access

- i) Any new activity must demonstrate, to the satisfaction of the Council, that any additional traffic generated by it, to the subject site, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provision shall be made so as to ensure no adverse parking or access effects occur.
- ii) No reverse manoeuvring of vehicles on to the road will be permitted.
- iii) Any new parking and loading areas shall be landscaped to improve the visual appearance of the site.
- iv) Suitable screening must be provided to prevent floodlighting or vehicle lights directly shining on adjacent sites.



### Amenity Considerations

- i) New activities within the development may be subject to particular noise controls to ensure that an acceptable level of noise is maintained at the residential zone interface.
- ii) New activities may be subject to conditions relating to water discharges and air pollution and emissions to prevent, or reduce to an acceptable level, any detrimental effect the activity may have on the environment.
- iii) Compatibility of the design, appearance and impact of the building or structure, in terms of relative height, architectural treatment of building facade and overall scale, with the natural and physical landscape, the character of the site and development in the neighbourhood.
- iv) Landscaping shall form an integral part of the development with provision, if appropriate, for the visual screening of service buildings and any affected residential zone boundaries.

Conditions may be imposed on applications in relation to the above matters.

Where it is considered by the Council that the proposed activity is of a scale or intensity such that it will substantially alter the primary use of the site detailed in the Concept Plan (eg the dominant activity is altered) then the application may be declined.

### Explanation

*The range of permitted activities is adopted to facilitate the use and development of the Special Purpose 1 zone in accordance with the zone's intent.*

*Discretionary activities are those which may generate adverse effects in particular locations. In order to assess the individual activity a resource consent application is required.*

## 10.7.2 SPECIAL PURPOSE 2 ZONE

### 10.7.2.1 SITES SUBJECT TO A CONCEPT PLAN

For large-scale education facilities including universities and technical institutions and large-scale research facilities, the following shall be permitted activities in the Special Purpose 2 zone where they are nominated in an approved Concept Plan. (See Appendices to the Planning Maps). The Concept Plan identifies the dominant activity of the site. The protection and maintenance of the dominant activity is required of all development on the site and of all applications for resource consent.

- Buildings used for recreational purposes
- Carparking areas and/or buildings

- Care centres
- Community use of school facilities
- Community welfare facilities
- Educational facilities
- Healthcare services
- Laboratories and research facilities
- Places of assembly
- Premises for cultural activity or natural display
- Residential accommodation associated with primary use of the site
- Restaurants, cafes and other eating places
- Retail premises for the sale of goods and services to staff and students
- Organised sports and recreation, and associated grounds and playing fields

Additional permitted and controlled activities are nominated on approved Concept Plans.

### 10.7.2.2 CONTROLLED ACTIVITIES

Any activity nominated as a controlled activity on a Concept Plan will be assessed against the following criteria:

- the objectives, policies and strategy of the Special Purpose 2 zone;
- the proposed activity shall demonstrate that it is
  - in accordance with the zone's intent
  - in keeping with the Concept Plan which applies to the site
  - incidental to the dominant activity of the site in terms of scale and intensity;
- the criteria of 10.7.2.5 (a-e).
- The proposed activity shall demonstrate that it has been designed to satisfy the safety assessment criteria listed in Clause 6.2.10.5.

Conditions may be imposed on a particular matter in relation to the above matters.

### 10.7.2.3 DISCRETIONARY ACTIVITIES

Once the zone is in place an activity which is not included in the Concept Plan but which complies with development controls for the site, is deemed to be a discretionary activity. On individual Concept Plans particular activities have also been nominated as discretionary activities. Where a permitted activity seeks to modify one or more of the development controls for the site it shall be considered under Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION as a discretionary activity. This does not apply to non-compliance with Clause 10.8.1.10 in relation to



community use of school facilities at Diocesan School for Girls or Auckland Grammar School because such non-compliances are assessed as restricted discretionary activities pursuant to those schools' Concept Plans.

**Criteria for the Assessment of Discretionary Activities**

An application for a 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 4. The activity will be assessed against the following criteria:

- The objectives, policies and strategy of the Special Purpose 2 zone;
- The proposed activity shall demonstrate that it is
  - in accordance with the zone's intent
  - in keeping with the Concept Plan which applies to the site
  - incidental to the dominant activity of the site in terms of scale and intensity;
- The assessment of environmental effects referred to above;
- The proposed activity shall demonstrate that it has been designed to satisfy the safety assessment criteria listed in Clause 6.2.10.5.

and against the additional following matters.

**Parking and Access**

- i) Any new activity must demonstrate, to the satisfaction of the Council, that any additional traffic generated by it, to the subject site, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provision shall be made so as to ensure no adverse parking or access effects occur.
- ii) No reverse manoeuvring of vehicles on to the road will be permitted.
- iii) Any new parking and loading areas shall be landscaped to improve the visual appearance of the site.
- iv) Suitable screening must be provided to prevent floodlighting or vehicle lights directly shining on adjacent sites.

**Amenity Considerations**

- i) New activities within the development may be subject to particular noise controls to ensure that an acceptable level of noise is maintained at the residential zone interface.
- ii) New activities may be subject to conditions relating to water discharges and air pollution and emissions to prevent, or reduce to an acceptable level, any detrimental effect the activity may have on the environment.

iii) Compatibility of the design, appearance and impact of the building or structure, in terms of relative height, architectural treatment of building facade and overall scale, with the natural and physical landscape, the character of the site and development in the neighbourhood. Multiple use of existing buildings is favoured.

iv) Landscaping shall form an integral part of the development with provision, if appropriate, for the visual screening of service buildings and any affected residential zone boundaries.

Where it is considered by the Council that the proposed activity is of a scale or intensity such that it will substantially alter the primary use of the site detailed in the Concept Plan, (eg the dominant activity is altered) then the application may be declined.

Conditions may be imposed on applications in relation to the above matters.

**Explanation**

*The range of permitted activities is adopted to facilitate the use and development of the Special Purpose 2 zone in accordance with the zone's intent.*

*Discretionary activities are those which may generate adverse effects in particular locations. In order to assess the individual activity a resource consent application is required.*

**10.7.2.4 SITES NOT SUBJECT TO A CONCEPT PLAN**

For all research and education facilities not requiring a Concept Plan the following table specifies the activities allowed in the zone.

For the purpose of the table:

- P = Permitted Activity**
- C = Controlled Activity**
- D = Discretionary Activity**

	ACTIVITY
Buildings used for recreational purposes	D
Carparking areas and/or buildings	C
Care centres	P
Community welfare facilities	P
Community use of school facilities	P
Educational facilities	P



	ACTIVITY
Use of artificial lighting on a site, producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level	D
Healthcare services	D
Laboratories and research facilities	C
Places of assembly	D
Premises for cultural activity or natural display	C
Residential accommodation associated with the primary use of the site	C
Organised sports and recreation, and associated grounds and playing fields	P

The permitted activities listed in Clause 10.7.2.4 Sites not Subject to a Concept Plan are allowed without a resource consent where they comply in all aspects with relevant development controls and any other relevant rules in this Plan.

**General Explanation for Permitted Activities**

*Permitted activities in the Special Purpose 2 zone reflect the intent of the zone to maintain and secure valued community educational resources. Non-educational or research activities, nominated as permitted are those whose environmental effects are not expected to generate any detrimental impact either on the main educational or research purpose of the site or on the environment. Activities which provide a community benefit, but which do or may attract or cater for large numbers of people to a site are not included as permitted activities. Assessment through the resource consent process is required.*

*Activities such as after school care, preschool centres, night classes, school sports activities (indoor or outdoor), school sports days, parent-teacher meetings, fundraising activities such as plays, fairs and choirs are included within the definition of educational facilities. Construction of buildings such as school halls and buildings used for recreational purposes where these are to be used solely in conjunction with core school activities are a permitted activity. Provision has been made for a number of activities which provide a benefit to the school or the wider community, but which are not directly associated with their primary education function. These activities do or may attract or cater for large numbers of people to a site. The permitted activity rules which apply to these activities recognise that there are potential effects from such activities which need to be avoided, remedied, or mitigated. Assessment through the*

*resource consent process is required for activities which do not meet the permitted activity development controls.*

**10.7.2.5 GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR CONTROLLED ACTIVITIES**

All controlled activities must comply with the development controls for the zone (refer to Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION for the modifications to one or more of the development control rules). In addition, conditions may be imposed on particular proposals in relation to the following matters -

**(a) Design and External Appearance of Buildings and Structures**

- Buildings and structures may be required to be of a similar or complementary design and appearance to existing buildings and structures on the site.

**(b) Site Layout**

The following may be required:

- Specific requirements for site layout of buildings, parking, and vehicle circulation areas to suit individual proposals may be required. In particular to ensure that the effects of the proposal are internalised on the site, and do not impact on the adjoining roadway or adjacent sites;
- Provision of landscaping, screening and/or separation distances where the site is adjacent to residential zoned land, so as to provide an appropriate level of visual and acoustic privacy.

**(c) The Location and Design of Vehicular and Pedestrian Access**

(i) Vehicle access to and from the site must be:

- sufficiently remote from intersections and corners to ensure adequate sight distances and to prevent congestion caused by the movement of vehicles to and from the site and located, where practicable, away from residential zoned sites so as to protect the aural privacy of those sites.

(ii) Pedestrian access to and from the site must be:

- sufficiently separated from the vehicle access to ensure the safety of the pedestrians - this may be through segregated access, use of different paving and signage.

**(d) Carparking**

The following may be required:

- Additional parking is to be provided where it is considered in the view of the Council that the specific nature of the proposed activity is likely to generate a need for parking beyond the requirements of the



parking provisions of [PART 12 - TRANSPORTATION](#);

- On-site parking areas are to be located remote from residential zone boundaries or where this is impracticable, adequate screening provided in the form of fencing or landscaping, in order to prevent adverse aural or visual impacts on the residential zoned sites;
- The internal circulation of the parking areas designed to the satisfaction of the Council so that particular requirements of individual proposals for safe and efficient vehicle circulation on site are attended to.

**(e) Minor Adverse Effect on the Environment**

- Conditions may be imposed to ensure that no minor adverse effect on the environment occurs as a result of an activity. In particular noise arising from the congregation of people, and their vehicles must be controlled. To that end, particular hours of operation may be imposed, maximum noise levels set and certain operational practices required.

**(f) Safety**

The following may be required:

- Specific requirements for site layout, design of buildings, landscaping and lighting may be required to address the personal safety of people and communities. This is dependent on the scale and location of the development proposed. Refer to the safety assessment criteria under Clause 6.2.10.5.

**10.7.2.6 CRITERIA FOR ASSESSING APPLICATIONS FOR DISCRETIONARY ACTIVITIES**

An application for discretionary activity consent shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 4 and the following criteria:

The criteria of Clause [10.7.2.3 Discretionary Activities](#) and -

**A. Buildings used for recreational purposes and places of assembly**

- The number of people the activity will cater for; the hours of operation and the number of vehicles attracted to the site by the activity.
- The location of the activity on the site. In general the use of existing buildings or structures is preferred particularly where these are located away from residential zoned sites.
- The proposed activity shall demonstrate that it has been designed to satisfy the safety assessment criteria listed in Clause 6.2.10.5.

Conditions of consent may be imposed on any one of the above matters so as to control any adverse effect on the environment.

**B. Use of artificial lighting on a site(s) producing an illuminance in excess of 150 lux at ground level**

Any application will be assessed against the following criteria:

- Applicants shall demonstrate that there will be no significant adverse effects including light spill and glare on the visual privacy of adjoining land. The use of measures such as screening, dense planting or buffer/separation areas may be required where these may lessen any impact;
- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and illuminance is appropriate to the size of the subject site and to the general light levels of surrounding areas;
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daytime hours the Council may impose conditions on noise levels and hours of operation so as to protect adjoining sites from unreasonable noise;
- Artificial lighting masts or poles will generally be required to comply with zonal height limits. Modifications to the height controls may (in terms of Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION) be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instance conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings;
- Applicants shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

**C. Healthcare Services**

- The new activity shall be incidental to the dominant activity of the site in terms of scale and intensity.
- The new activity shall not adversely affect the dominant activity.

**Explanation**

*The Plan encourages multiple community use of the sites zoned Special Purpose 2 in order to achieve the best use of the facilities on them. As a general rule the Plan encourages the use of existing building stock. Where the facilities are used for community purposes by other organisations, it is expected that those activities will be conducted in a neighbourly fashion. In particular activities operating at*



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night-time must have regard to the aural and visual privacy of adjacent sites.

### 10.7.3 SPECIAL PURPOSE 3 ZONE

#### 10.7.3.1 ACTIVITIES IN THE SPECIAL PURPOSE 3 ZONE

For the purpose of the table:

**P = Permitted Activity**

**C = Controlled Activity**

	ACTIVITY
Any facility designed primarily for the movement of people and/or goods	P
Any activity of a temporary nature being a permitted activity in the Open Space 2 or 3 zones, or in the zoning of the adjacent sites	C
The distribution or transmission by pipe line of natural or manufactured gas at a gauge pressure up to but not exceeding 2000 kilopascals, or petroleum or geothermal energy	P
Electric lines for the transmission, or distribution of electricity at a voltage up to and including 110kV with a total capacity up to and including 100 MVA	P
Telecommunication lines	P
The transmission and distribution of water, whether treated or untreated, for supply including irrigation	P
Stormwater drainage and sewerage reticulation systems, including culverts	P
The provision of lighting together with support structures, fittings, cables and pipes	P
Network utility services not otherwise provided for above	C
Accessory buildings and structures for any of the foregoing permitted activities	C

#### Permitted Activities

The permitted activities listed in Clause [10.7.3.1 Activities in the Special Purpose 3 Zone](#) are allowed without a resource consent where they comply in all respects with the relevant development controls and other relevant rules in this Plan.

#### Explanation

The activities permitted in the Special Purpose 3 zone are those that are involved in the role of the land as a conveyor of people, goods and utilities. Activities which may prevent or inhibit this role are not provided for in the zone.

The design requirements for buildings and structures required to facilitate the provision of communication services, may result in concrete or steel masts upon which antennas are mounted. Accompanying the masts may be equipment such as radio equipment, batteries, computers, and air conditioning units. To provide an adequate and safe service, these masts may need to achieve heights that exceed the maximum limits of adjacent zones. The visual impact of such masts will require individual assessment.

Activities which offer a useful interim use of land zoned Special Activity 3 may be consented to as controlled activities. In general such activities will be those which require little building development and which will not impose restrictions on the use of the land for its transportation purpose. In order that such activities do not adversely impact on the amenity of adjacent sites, they will be restricted to those which are permitted activities in the Open Space 2 zone or to those which are permitted activities in the dominant zoning of the adjacent sites.

#### 10.7.3.2 CRITERIA FOR CONTROLLED ACTIVITIES

In addition to the criteria set out in Section 104 of the Act, controlled activities will be assessed against the following criteria.

- Effect on the health and safety of people.
- In the case of a proposed activity which includes the erection of overhead wires, the effect on the visual environment and the amenity values of the area.
- Any proposed building or structure must be so located so as not to impede or prevent the use of the land within the zone for transportation or communication purposes.
- The scale and external appearance of any building and structure shall generally be required to be compatible with buildings in adjacent zones unless the very nature and purpose of the building or structure makes this inappropriate. The applicant must demonstrate that the building is of a temporary nature, and can be removed if required.
- Appropriate buffer areas may be required between the proposed development and any adjacent residential zones so as to protect aural and visual privacy.
- Any telecommunication or radio frequency located within the zone shall be operated in such a manner so as not to adversely affect the health, safety and well-being of any person. See also Part 28 of the Auckland City Consolidated Bylaw "Radio Frequency Fields".



- Where the activity within the proposed building or structure will or may generate traffic to the zone, adequate parking shall be provided.

In granting any consent to a controlled activity the Council may impose conditions of consent on the following matters:

- The location of the building or structure;
- The scale and external appearance of the building or structure;
- The duration of time for which consent is given to a temporary activity;
- The location, design, and number of parking spaces required;
- The provision of buffer areas, hours of operation and/or the imposition of noise controls, on residential zone interfaces.

**10.7.4 SPECIAL PURPOSE 4A AND 4B ZONES**

Refer to the Concept Plan B12-05, Appendix B to the Planning maps.

**10.7.5 SPECIAL PURPOSE 5 OVERLAY ZONE**

**10.7.5.1 ACTIVITIES IN THE SPECIAL PURPOSE 5 OVERLAY ZONE**

The following activities may be carried out in the Special Purpose 5 overlay zone in addition to the activities provided for on the site under the existing zoning.

For the purpose of the table:

**P = Permitted activity**

**D\*\*= Restricted discretionary**

- Those activities marked \*\* are restricted discretionary activities and applications may be considered without need for notification. (Refer Clause 4.3.2.6 Restricted Discretionary Activities)

	ACTIVITY
Pedestrian and cycle pathways	P
Vehicle access from Waipuna Road and Lynton Road to the Sylvia Park Centre Business 8 zoned land after a total of 75,000m <sup>2</sup> gross floor area has been developed within the area covered by Concept Plan G14-15 and vehicle access has been provided to Mt Wellington Highway in accordance with Diagram G14-15(3). (Refer Concept Plan G14-15 in Appendix B to the Planning Maps).	D**
Underground telecommunication lines	P
Underground electric lines for the transmission or distribution of electricity at a voltage up to and including 110kV with a total capacity up to and including 100MVA	P
The transmission and distribution of water, whether treated or untreated, for supply including irrigation	P
Stormwater drainage and sewerage reticulation systems, including culverts	P
The provision of lighting together with support structures, fittings, cables and pipes	P

**PERMITTED ACTIVITIES**

The permitted activities listed in Clause 10.7.5.1 are allowed without a resource consent where they comply in all respects with the relevant development controls and other relevant rules in this Plan.

**Explanation**

*The additional activities permitted in the Special Purpose 5 overlay zone are those that are involved in the role of the land as a conveyor or people, goods and utilities. Activities which may prevent or inhibit this role are not provided for in the zone. Activities which involve the development of roading or other transport facilities are a discretionary activity to ensure that potential effects on the environment can be diminished.*

**10.7.5.2 CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

Applications for this activity will be assessed in terms of:

- Ensuring that the design and construction of the facility takes account of and implements measures by which the impact of noise on neighbouring properties can be mitigated and minimised.
- Ensuring that the design and construction of the facility takes account of and implements measures by which the



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visual impact of the facility on neighbouring properties can be mitigated and minimised.

- Ensuring that the facility incorporates a design and layout which ensures compatibility with neighbouring roading or other transport networks and systems.
- Ensuring that the proposal minimises the potential for the safety and wellbeing of pedestrians and users of the facility to be compromised.

For the Special Purpose 5 zoning applying between Waipuna Road and the Business 8 zoning at Sylvia Park, the following additional criteria apply:

- Ensuring that it is appropriate or necessary for vehicle access between Waipuna Road and Sylvia Park Centre to be provided in conjunction with the development of the centre.
- Ensuring that other alternative accesses providing a northern link into Sylvia Park Centre have been considered and found impracticable.
- Ensuring that the owners and managers of the Sylvia Park Business Centre have promoted and facilitated public transport as a convenient and attractive means of accessing the centre and thereby reduced the demand for car-based access to the Centre. Promotion of public transport will include provision of timetable information, and signposting within the centre. It may also include the provision of a home delivery service for goods purchased by shoppers at the centre.

### 10.8 RULES: DEVELOPMENT CONTROLS

**Note:** An application to modify one or more of the development control rules may be considered under Clause [4.3.1.2B DEVELOPMENT CONTROL MODIFICATION](#) as a discretionary activity. Where the criteria for Clause [4.3.2.1B](#) are not met, an application for a non-complying activity will be required - refer to Clauses [4.2.1.4 Non-Complying Activities](#) and [4.3.1.3 Non-Complying Activities Assessment](#). This does not apply to non-compliance with Clause 10.8.1.10 in relation to community use of school facilities at Diocesan School for Girls or Auckland Grammar School because such non-compliances are assessed as restricted discretionary activities pursuant to those schools' Concept Plans.

### 10.8.1 ALL SITES SUBJECT TO CONCEPT PLANS IN THE SPECIAL PURPOSE 1 AND 2 ZONES

Development in the zones shall comply with the particular development controls specified in the relevant Concept Plan (refer Appendices to the Planning Maps). Where no particular development controls are so specified, the following shall be the controls for permitted activities in the zones.

#### 10.8.1.1 BUILDING LOCATION

All buildings shall be contained within the building platform as specified by the relevant Concept Plan.

##### Explanation

*An important principle of the zone is to allow flexibility, within a site, over where buildings may locate. The building platform for a proposal is defined in conjunction with the Council. The building platform may or may not meet the basic development controls for the zone, but inclusion of its location in the Concept Plan provides the necessary information to the public so that they can be aware of the limits to the built form of the site. In the interests of both public awareness and of orderly development, all buildings on the site should be contained within the defined building platform.*

#### 10.8.1.2 HEIGHT

##### A. Maximum Height

The maximum height shall be that specified on the Concept Plan, except that in the absence of a specified height, the maximum height shall be 10 metres.

##### B. Special Height Limits

The special height limits in Clause [5C.7.6 VIEWS](#) shall apply where relevant.

##### Explanation

*Of all the factors contributing to the quality and characteristics of an area building height can have some of the most dramatic effects on visual amenity. Buildings which overlie their surroundings can overshadow and visually dominate other buildings, private property, public open space and the road.*

*In the Special Purpose 1 and 2 zones there are existing buildings which exceed the standard height for the zone. These are indicated in the Concept Plan for the site. Where any new buildings are proposed their maximum heights are also indicated so that the public can thus be certain of the maximum height of a development by reference to the Concept Plan.*



Where no maximum height is indicated by the Concept Plan it is considered that certainty should be maintained by the imposition of a basic height limit through the zone controls. The height chosen reflects a medium level of development and is considered appropriate having regard to the likely residential nature of adjacent sites. Where a higher limit is required the Concept Plan should be used to indicate this.

**10.8.1.3 BUILDING IN RELATION TO BOUNDARY**

Where a site zoned Special Purpose 1 or 2 adjoins land zoned:

- i) Residential 1 or 3a zones, Clause 7.8.1.3(a) shall apply on the common boundary;
- ii) Residential 2, 3b, 4, 5 or 6 zones, Clause 7.8.1.3(b) shall apply on the common boundary;
- iii) Residential 7a, 7b, 7c zones, Clause 7.8.1.3(c) shall apply on the common boundary;
- iv) Open space, no part of any building shall exceed a height equal to 2m plus the shortest horizontal distance between that part of the building and the common boundary.

**Explanation**

At the interface between the special purpose zones and the residential and open space zones it is considered necessary to ensure that any residential zoned site is guaranteed the same level of access to daylight as it would achieve, if it adjoined a residential zoned site, and to ensure a reasonable standard of daylight admission to any open space zoned land. Controlling the height of buildings in the zone, in relation to their distance from common boundaries with residential and open space zoned sites also prevents the visual dominance of buildings at site boundaries and reduces any adverse impact occurring from inappropriate building bulk being located in close proximity to residential and open space zoned land.

**10.8.1.4 NOISE**

The L10 noise level and maximum level (Lmax) arising from any activity measured at or within the boundary of any residential zoned site shall not exceed the following limits:

Monday to Saturday	7.00am-10.00pm	L10 50 dBA
Sunday & Public Holidays	9.00am-6.00pm	
At all other times	L10 40 dBA Lmax 75 dBA, or background (L95) plus 30 dBA, whichever is the lower	

Measurement and assessment shall be in accordance with the requirements of the NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental

Sound". 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.

These levels shall not apply to the noise from normal school recreation activities occurring between 8.00am to 6.00pm.

**Explanation**

Excessive noise occurring for a continuous period or duration can be damaging to public health and can have an adverse effect on the amenity of the receiving environment.

In the past, the close proximity of non-residential zones to residential zoned sites has resulted in complaints about unreasonable or excessive noise levels. These complaints often relate to the operation of machinery (eg air conditioning units with extraction fans not properly located or insulated) or to the entry or exiting of people from sites, (particularly at night). Controlling people generated noise is difficult as it is often spontaneous and intermittent. However, controlling the location of parking areas and the hours of operation of activities that attract large numbers of people to sites may effectively control such noise.

**10.8.1.5 ACTIVITY BUFFERS**

**General Explanation**

Activities in special purpose zones that abut residential or open space zones must ensure that they limit adverse effects of their operation to their site. Activities must not adversely affect:

- The amenity of adjacent homes or open spaces;
- The health and safety of people on adjacent sites;
- The safety of road users.

Activities can create dust, noise, litter and glare. The Council may impose conditions to ensure that these do not affect neighbouring properties. These conditions may include screening, landscaping, and yards on site boundaries.

**A. Yards**

- i) 3m front yard and 8m side and rear yards will be required when the site abuts or faces residential and open space zoned land.
- ii) Where a front yard is required a minimum of 50% of the area of the front yard shall be landscaped and maintained in such a manner as to create and preserve a good standard of visual amenity.
- iii) Where a rear or side yard is required this should be landscaped and maintained in such a manner as to create and preserve a good standard of visual amenity. The requirement for satisfactory landscaping will be deemed to be met by the provision of a 3m wide strip of landscaping abutting the length of the required yard's boundary.



**Explanation**

*Imposing a separation of activities by distance is designed to avoid, remedy or mitigate any perceived adverse effects that a facility operating in a special purpose zone may have on residential and open space zoned land. Physical separation is the easiest method to ensure the distancing of residences and public places from potential and actual impacts associated with such activities. Such effects may include dust, dirt, litter, lights, signs, unsightly buildings or activities, parking areas, service areas, etc.*

*Landscaping of separation distances assists in reducing the hard-edged impact of paved surfaces, used for parking or storage. Landscaping is important to maintain visual amenity in a residential neighbourhood, not only when viewed from adjacent sites but when viewed from the road.*

**B. Screening**

Where any outdoor storage, refuse disposal area, service or parking area adjoins or directly faces the road or land that is open space or residentially zoned, such areas should be screened from:

- i) The residential or open space zoned land by a solid wall not less than 1.8m in height constructed of concrete, brick, stone, timber or such other material as approved;
- ii) The public road by a solid wall not less than 1m in height, and densely planted with vegetation and shrubs that will screen the areas during all seasons of the year.

**Explanation**

*Imposing a screening control on common boundaries between special purpose zoned sites and sites zoned open space or residential, and on road frontages can lessen the amount of noise, dust, glare and litter spread from the generating site. It can also reduce the visual impact of unsightly areas of storage and parking and establish a sense of privacy for adjacent properties.*

*The screening required by the control for road boundaries will result in enhancement of the visual impact of the site as seen from the road.*

**10.8.1.6 ODOUR**

The Council recognises its responsibilities to deal with odour problems and will be guided by any national or regional standards or rules relating to odour and will at the appropriate time consider promoting variations to the Plan and introduction of district rules to deal with odours.

Pending the adoption of District Plan rules the Council will control odours using the provisions of Sections 17 and 104(1)(c) of the Act.

**10.8.1.7 REFUSE DISPOSAL**

Refer to Bylaw - Part 22.

**Explanation**

*Nuisance aspects relating to refuse disposal are largely associated with public health. As such the Bylaws are best able to control this aspect of activity.*

**10.8.1.8 LIGHTING**

Clause deleted by Council Decision

**10.8.1.9 PARKING AND ACCESS**

Refer [PART 12 - TRANSPORTATION](#).

**10.8.1.10 ADDITIONAL CONTROLS FOR COMMUNITY USE OF SCHOOL FACILITIES**

- (a) The activity can take place outside of normal school hours only, but not before 8am or after 10pm from Monday to Saturday and not before 9am or after 6pm on Sundays and public holidays. Persons participating in any activity that finishes at 10pm (Monday to Saturday) or 6pm (Sundays and public holidays) must vacate the school grounds no later than 30 minutes after the finish of the activity.
- (b) All signs must comply with the signs bylaw.
- (c) All artificial lighting must comply with Part 13 of the Auckland City Consolidated Bylaw.
- (d) The duration of the activity shall not exceed 12 hours per day.
- (e) Any school which allows its facilities to be used for community use must provide written advice to the groups and individuals responsible for the community use activities setting out their obligation to comply with the council's requirements including hours of operation, signs and lighting bylaws, parking standards, and noise controls.

**Normal school hours** means the hours during which students receive instruction on the education curriculum from teachers, as well as morning and afternoon breaks and lunch breaks that occur between those hours.



REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING PARTS OF THE PLAN:

- Part 4** Refer Clause 4.5 Signs  
Refer Clause 4.6 Artificial Lighting
- Part 4A** General Rules
- Part 5A** Natural Resources
- Part 5B** Coastal
- Part 5C** Heritage
- Part 5D** Natural Hazards
- Part 5E** Hazardous Facilities
- Part 11** Subdivision
- Part 13** Interpretations and Definitions

## 10.8.2 SITES NOT SUBJECT TO A CONCEPT PLAN IN THE SPECIAL PURPOSE 2 ZONE

### 10.8.2.1 HEIGHT

#### A. Maximum Height

Within 20m of a residential zone boundary - 10m.  
Elsewhere - 12.5m.

#### B. Special Height Limits

The special height limits in Clause 5C.7.6 VIEWS shall apply where relevant.

#### Explanation

*The maximum height limit imposed is designed to ensure that the scale and intensity of development in the zone is compatible with surrounding residential areas so as to avoid the effects of over shadowing and over dominance.*

### 10.8.2.2 BUILDING IN RELATION TO BOUNDARY

Where a Special Purpose 2 zone site adjoins land zoned:

- i) Residential 1 or 3a, Clause 7.8.1.3(a) shall apply on the common boundary;
- ii) Residential 2, 3b, 4, 5, or 6, Clause 7.8.1.3(b) shall apply on the common boundary;
- iii) Residential 7a, 7b and 7c, Clause 7.8.1.3(c) shall apply on the common boundary;
- iv) Open space, no part of any building may exceed a height equal to 2m plus the shortest horizontal distance between that part of the building and the common boundary.

#### Explanation

Refer Clause 10.8.1.3 BUILDING IN RELATION TO BOUNDARY.

### 10.8.2.3 MAXIMUM BUILDING COVERAGE

All sites 35% of net site area.

#### Explanation

*Controlling building coverage will limit intensity and scale of development both on a site and cumulatively throughout a neighbourhood, by avoiding the overcrowded appearance which may result from overlay intensive development. It can also help to create an open feeling in an area which can contribute to its amenity value.*

*Building coverage controls also work in conjunction with the minimum landscaped permeable surface control to ensure that an area of permeable surface remains on a site. This may mitigate some of the negative effects on the environment which can result from overloading of the stormwater system as development occurs and runoff increases.*

### 10.8.2.4 MINIMUM LANDSCAPED PERMEABLE SURFACE

Not less than 30% of net site area shall be landscaped to the satisfaction of the Council.

#### Explanation

*This control is intended to compliment the building coverage control. While coverage limits the amount of building which can take place on a site, landscaped and paving areas provide open space.*

*Driveways, paths, covered or closed jointed decks and other paved areas contribute to stormwater runoff to the same extent as buildings. Increasing the amount of soft surface ensures the retention of a portion of the site that is permeable. This may have the effect of slowing down surface water runoff.*

*In addition, application of the landscape control can contribute to the amenity values of an area. Open space can contribute to the spaciousness and pleasantness of an area and can also provide space for planting.*

### 10.8.2.5 ACTIVITY BUFFERS

#### Explanation

Refer Clause 10.8.1.5 ACTIVITY BUFFERS.

#### A. Yards

- i) 3m front yard and 8m side and rear yards will be required when the site abuts or faces residential and open space zoned land.
- ii) Where a front yard is required a minimum of 50% of the area of the front yard shall be landscaped and maintained in such a manner as to create and preserve a good standard of visual amenity.
- iii) Where a side or rear yard is required, a 3m wide, landscaping strip adjoining the length of the required yards boundary shall be provided and maintained in



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such a manner as to create and preserve a good standard of visual amenity.

**Explanation**

Refer Clause [10.8.1.5A YARDS](#)

**B. Screening**

Where any outdoor storage, refuse disposal area, service or parking area adjoins or directly faces the road or land that is open space or residentially zoned, such areas should be screened from:

- i) The residential or open space land by a solid wall not less than 1.8m in height constructed of concrete, brick, stone, timber or such other material as approved;
- ii) The public road by a solid wall not less than 1m in height, and densely planted with vegetation and shrubs that will screen the area during all seasons of the year.

**Explanation**

Refer Clause [10.8.1.5B SCREENING](#)

**10.8.2.6 NOISE CONTROL AT THE RESIDENTIAL ZONE INTERFACE**

The L10 noise level and maximum level (Lmax) arising from any activity measured at or within the boundary of any residential zone site shall not exceed the following limits:

Monday to Saturday	7.00am - 10.00pm	L10 50 dBA
Sunday & Public Holidays	9.00am - 6.00pm	
At all other times	L10 40dBA Lmax 75 dBA, or background (L95) plus 30 dBA, whichever is the lower	

Measurement and assessment shall be in accordance with the requirements of the NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound". 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.

These levels shall not apply to the noise from normal school recreation activities occurring between 8.00am to 6.00pm.

**Explanation**

Refer Clause [10.8.1.4 NOISE](#)

**10.8.2.7 ODOUR**

The Council recognises its responsibilities to deal with odour problems and will be guided by any national or regional standards or rules relating to odour and will at the appropriate

time consider promoting variations to the Plan and introduction of district rules to deal with odours. Pending the adoption of District Plan rules the Council will control odours using the provisions of Sections 17 and 104(1)(c) of the Act 1991.

**10.8.2.8 LIGHTING**

Clause deleted by Council Decision

**10.8.2.9 REFUSE DISPOSAL**

Refer Bylaw.

**Explanation**

Refer Clause [10.8.1.7 REFUSE DISPOSAL](#)

**10.8.2.10 PARKING AND ACCESS**

Refer [PART 12 - TRANSPORTATION](#).

**10.8.2.11 ADDITIONAL CONTROLS FOR COMMUNITY USE OF SCHOOL FACILITIES**

- (a) The activity can take place outside of normal school hours only, but not before 8am or after 10pm from Monday to Saturday and not before 9am or after 6pm on Sundays and public holidays. Persons participating in any activity that finishes at 10pm (Monday to Saturday) or 6pm (Sundays and public holidays) must vacate the school grounds no later than 30 minutes after the finish of the activity.
- (b) All signs must comply with the signs bylaw.
- (c) All artificial lighting must comply with Part 13 of the Auckland City Consolidated Bylaw.
- (d) The duration of the activity shall not exceed 12 hours per day.
- (e) Any school which allows its facilities to be used for community use must provide written advice to the groups and individuals responsible for the community use activities setting out their obligation to comply with the council's requirements including hours of operation, signs and lighting bylaws, parking standards, and noise controls.

**Normal school hours** means the hours during which students receive instruction on the education curriculum from teachers, as well as morning and afternoon breaks and lunch breaks that occur between those hours.

**REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING PARTS OF THE PLAN:**

- Part 4** Refer Clause 4.5 Signs  
Refer Clause 4.6 Artificial Lighting
- Part 4A** General Rules
- Part 5A** Natural Resources
- Part 5B** Coastal



- Part 5C Heritage
- Part 5D Natural Hazards
- Part 5E Hazardous Facilities
- Part 11 Subdivision
- Part 13 Interpretations and Definitions

**10.8.3 SPECIAL PURPOSE 4 ZONE**

Refer Concept Plan - Appendices to the Planning Maps.

