

# **NORTH SHORE CITY DISTRICT PLAN**

## **PROPOSED PLAN CHANGE 32**

*Albany Structure Plan  
Review of Area A and B Zones*

## **NOTIFICATION MATERIAL**

**Enclosed:**

- Plan Change 32
- Section 32
- Public Notice





**NORTH SHORE CITY  
DISTRICT PLAN**

**PROPOSED PLAN CHANGE 32**

**Albany Structure Plan – Area A: Environmental Protection and Area  
B: Large Lot Residential Zones**



**Public notification: 15 May 2008**

**Close of submissions: 20 June 2008**

**This is a Council-initiated plan change**

**EXPLANATORY NOTE** – this does not form part of the proposed plan change

This Plan Change seeks to retain and enhance the environmental qualities which distinguish the northern parts of the Albany Structure Plan land from the balance of the area by strengthening the objectives and policies for the Area A: Environmental Protection and Area B: Large Lot Residential zones. At the same time, the Plan Change enables a more efficient use to be made of the land by reducing the minimum lot sizes for subdivision, in particular those areas, which do not contain significant natural features such as bush areas or stream systems.

The key changes proposed by the plan change include;

a) Changes to the Policy Framework

Changes are proposed to ensure that the vision for the area is clearly articulated in the objectives and policies; the objectives and policies are sufficiently robust to withstand applications for subdivision and development activities that challenge the vision; and new objectives and policies are included that are specific to the area, rather than general to the entire structure plan area as is currently the case.

The changes include altering the objectives, policies and rules to:

- Ensure appropriate provision is made for stormwater and wastewater management.
- Require a stable building platform and access route, requiring only minimal land disturbance and/or modification, including the removal of native vegetation shall be provided for each site.
- Clarify that the low and low-moderate density form of development provides a transition from the higher intensity development close to the Albany Centre, to the more natural patterns and themes of the Albany hills and the rural land north of the city boundary.
- Define the characteristics and features of the land within Area A and B.
- Encourage shared accessways and the formation of new roads in favour of multiple accessways.
- Delay further development if an existing road is unable to satisfactorily accommodate the resultant increase or change in traffic volumes and movements.

b) Changes to the Zone Boundaries

Changes are proposed to ensure that current zoning anomalies are addressed; and the zoning remains appropriate to the amended objectives, policies and rules.

The zone boundaries between Areas A and B are rationalised to ensure that the zoning approach appropriately recognises the characteristics of the land and allocated subdivision rights accordingly and where possible and appropriate, the boundary between zones follows cadastral (or property) boundaries, rather than topographical or physical features as at present.

c) Changes to the Subdivision Standards

Changes are proposed to appropriately recognise the physical and environmental variations within the area; and the potential for limited further subdivision (and resultant development) in terms of the vision applicable to the land. The proposed new minimum lot sizes are:

**Area A:** Minimum net site area – 4000sqm (reduced from 1ha)

**Area B:** Minimum net site area – 2000 sqm (reduced from 4000 sqm)

In addition, it is proposed to change the status of minor household units from permitted to discretionary in both zones.

## Proposed Change 32: Review of Albany Structure Plan Area A: Environmental Protection and Area B: Large Lot Residential Zones

### Notes:

~~Strikethrough~~ denotes text to be deleted as a result of this plan change.

Underlining denotes new text to be added as a result of this plan change.

In some places unaltered text is shown to place the changes in context.

## Proposed Changes to Section 9: Subdivision and Development

### 9.4.10.11 Area A: Environmental Protection Area/Mixed Environmental

#### 9.4.10.11.1 Albany Structure Plans: Environmental Protection Area

##### a) Site Area Requirements

Minimum Net Area: All Sites - ~~1ha~~ 4,000m<sup>2</sup>

~~Except that on Part Allotment 307 Paremoremo Parish Waitemata SD (9 Lonely Track Road, Albany), Pt. Lot 2 (1008 East Coast Road), Lot 2 DP 105981 (63 Fairview Ave, Albany), Lot 3 DP 105981 (63A Fairview Ave, Albany), Pt. Lot 1 DP 105981 (81 Fairview Ave, Albany) and Lot 2 DP 130461 (129 Fairview Ave, Albany) the provisions contained in Rule 9.4.10.11.2 Greenhithe Structure Plans shall apply.~~

~~The Council may permit a site of less than 1ha in the following circumstances:~~

~~A minimum net site area of 4000m<sup>2</sup> may be created where all the following criteria are met:~~

- ~~• The total number of lots in a subdivision shall be determined by the total area of the site as it existed at the time of notification of the Structure Plans zone, or as shown on an approved Plan of Subdivision prior to that date, and shall not exceed an average of 1 site per a hectare over the total land area of the parent site~~
- ~~• The proposed sites and access are confined to land largely clear of native vegetation, that is containing not more than 1000m<sup>2</sup> of native vegetation, clear of any building platform and access~~
- ~~• The proposed sites shall be located in close proximity to a formed legal road~~
- ~~• The proposed sites shall contain a building area complying in all respects with the provisions of Rule 9.4.7.7. The building platform required by that Rule shall be identified on the Plan of Subdivision.~~

~~The only exception to the above minimum site area requirements is with respect to Lot 3 DP 108987 and Lot 4 DP 108987, where in each case the land zoned Area A: Environmental Protection shall be considered to be complying in terms of the minimum site area requirements of this section, notwithstanding that the site area of a proposed lot may be less than 1ha or 4000m<sup>2</sup>.~~

### **Explanation and Reasons**

*The minimum net site area of ~~1 hectare~~ 4,000m<sup>2</sup> has been selected to allow for rural residential living but at a sufficiently low density as to protect the natural and physical environment, particularly in respect of:*

- Reducing the amount of sedimentation generated at development stage*
- Reducing the amount of impervious area and achieving hydrological neutrality*

- Protecting existing areas of significant native vegetation and Significant Landscape Features
- Preserving the character of the landscape, and in particular, the character of the Lucas Creek escarpment
- Protecting the sensitive receiving environment of the Lucas Creek
- Providing for a transition from urban development to the rural zones north of the North Shore City boundary.

~~The opportunity is provided for more intensive development in areas clear of native vegetation and where access can easily be obtained to a legal road without the need for long accessways.~~

#### **9.4.10.12 Area B: Large Lot Residential**

##### **9.4.10.12.1 Albany Structure Plans**

###### **a) Site Area Requirements**

Minimum Area: All Sites - ~~4000m<sup>2</sup>~~ 2000m<sup>2</sup>

###### ***Explanation and Reasons***

A minimum net site area of ~~4000m<sup>2</sup>~~ 2000m<sup>2</sup> has been selected to allow for rural-residential development, but at a sufficiently low density as to protect the natural and physical environment, particularly in respect of:

- Reducing the amount of sedimentation generated at development stage
- Reducing the amount of impervious area
- Providing for a site large enough to allow ~~unsewered residential development~~ for full on-site stormwater mitigation and for, where relevant, on site wastewater disposal
- Retaining the overall character of the landscape, particularly the low density character of the Lonely Track ridgeline and to the west of the Motorway, the integrity of the Lucas Creek escarpment
- Providing for a transition from urban development to rural development north of the North Shore City boundary
- Protecting significant and sometimes steep stream corridors, including remnant stream course vegetation and feeder channels.

##### **9.4.10.16 Shape Factor**

Each site shall be able to wholly contain a square of 12m by 12m clear of any required building line setback for road widening purposes, foreshore yard, lakeside yard, right of way easement, or the Eady's Bush Protection Line, or riparian margins as identified by Rule 8.4.2.2, or Significant Landscape Features as identified at the time of subdivision and/or development.

## **Proposed Changes to Section 17: Urban Expansion, Appendix 17A: Structure Plans: Issues Relevant to Particular Areas**

### **Albany**

- Maintain a rural residential character in Areas A and B
- A site for a primary school
- Relationship of activities and development to the proposed motorway design
- Protection of water quality in the Upper Waitemata Harbour
- Upgrading of existing roads
- Retention of natural and physical landscape features
- Protection of Significant Landscape Features

### **Greenhithe/Schnapper Rock**

- A site for a community focal point
- Provision of linkages for existing township
- Provision of a sewer main for Schnapper Rock
- A site for a primary school in Greenhithe
- A site for a secondary school in Schnapper Rock
- Playing fields to serve the local area
- Protection of the quality of water in the Upper Waitemata Harbour
- Protection of the natural margins of Lucas Creek
- Upgrading of existing roads, in particular the upgrading and realignment of Kyle Road.

### **Okura/Long Bay**

- Provision of a water and sewer main
- A site for a primary school in Okura
- The location of a community focal point (shops and community facilities) in Long Bay/Okura
- Provision of a coastal walkway linking Long Bay Regional Park and the Weiti escarpment
- The provision of playing fields to serve the local area
- Linkages to existing schools and facilities in the area, including the Regional Park
- Upgrading of existing roads
- Protection of rural views from the Regional Park by strategic extensions of the Park.

## **Proposed Changes to Section 17A, Albany and Greenhithe Structure Plans**

### **17A.1 Introduction**

#### **17A.1.1 Albany Structure Plans:**

The Albany Structure Plans deal with land within the Albany Basin zoned Residential Expansion on Planning Maps 7, 12 and 13. This land is identified in Section 17.4 and Section 17.5 of the Plan as requiring, prior to urbanisation, the preparation and incorporation of Structure Plans into the District Plan (refer to Plan Maps 6, 7, 12 and 13).

The land involved is largely greenfield land and lies on the edge of residential suburbs adjacent to North Shore City's northern boundary with Rodney District. It lies within the broader area of the Albany basin, at the head of Lucas Creek, which drains to the upper Waitemata Harbour. To the east lie the largely developed, seaside suburbs of East Coast Bays; to the south, the rapidly developing business and residential areas in the vicinity of Rosedale Road; to the west, Albany Village, the planned developing Albany sub-regional centre and the developing campus of Massey University; and to the north, rural land within Rodney District.

The land comprises an area of approximately 400 hectares. Of this, the Albany North- East area (north of Oteha Valley Road) comprises approximately 170 hectares, the Albany North-West area (west of the proposed extension to the Northern Motorway) 130 hectares, and the Albany South area (south of Oteha Valley Road) 100 hectares.

#### **17A.1.2 Greenhithe Structure Plans:**

The Greenhithe Structure Plans deal with land on the western edge of the city zoned Residential Expansion on Planning Maps 18, 19 and 23. This land is identified in Section 17.4 and Section 17.5 of the Plan as requiring, prior to urbanisation, the preparation and incorporation of Structure Plans into the District Plan.

The land is largely greenfield land and drains into Lucas Creek and thence into the Upper Waitemata Harbour. It is bounded to the east by the residential suburb of Glenfield and one of the major industrial estates of the Albany Basin. It is relatively close to the developing Massey University campus and the planned sub-regional centre of Albany.

The land consists of approximately 440 hectares. Greenhithe North comprises some 120 hectares and Greenhithe South 320 hectares.

#### **17A.1.3 General:**

The Urban Expansion Issues set out in Section 17.2 have been addressed in the structure plan process. In conformity with the requirements of Section 17.4, the Albany Structure Plan: Land Analysis Background Report, April 1995, has been prepared and is available for inspection at Council offices. The report provides a comprehensive analysis of the physical, environmental, landscape and cultural characteristics of the area. The data is summarised and coordinated into a major constraints map, which identifies land within the 100-year flood plain, areas of regenerating native bush, land with significant geotechnical constraints and slopes over 15°. Also included is an opportunities map, which identifies stream and bush habitats, and strategic connections. Both of these maps have a landscape zones overlay, which indicates the more sensitive landscape areas and those with the greatest landscape attributes. The Land Analysis Report has been used as the basis for a broad programme of public consultation, undertaken as part of the process of preparing the Structure Plans, and for preparing objectives and policies to guide the management of urbanisation. The level of detail provided in the surveys which form the basis of the report is considered to be, in the main, sufficient for the purpose of preparing the Structure Plans.

The objectives and policies set out below provide for the development of this area in a comprehensive manner. The objectives, policies and explanations provide a development concept for the area. They form the basis for the Structure Plans, and the zoning provisions relating to subdivision and development.

## **17A.2 Albany and Greenhithe Structure Plans:**

### **Objectives and Policies**

#### **17A.2.1 Sedimentation and Water Quality**

##### **17A.2.1.1 Objective**

1. To minimise the adverse effects of urbanisation on water courses and receiving environments.

2. To protect the values of the natural environment of Area A: Environmental Protection and Area B: Large Lot Residential zones of the Albany Structure Plan, including protecting the water quality and associated ecological values and the particular sensitivities of the Lucas Creek, its headlands and the upper Waitemata Harbour.

##### **17A.2.1.2 Policies**

###### **17A.2.1.2.1 General:**

1. By ensuring that the potential for sediment generation during development is minimised by limiting the intensity of development on steeper land and land close to sensitive water bodies, protecting natural water courses and valley systems, and keeping natural vegetation cover on steeper slopes, esplanades and other reserve areas.

2. By ensuring that the extent of earthworks proposed as part of any subdivision application is assessed on the basis of slope, length of slope, soil type, vegetative cover, proximity to watercourses and erosion control measures proposed within any sub-catchment, and restricted where necessary.

3. By ensuring that in the case of lots on steeper land the location of building platforms and vehicular access is selected to minimise earthworks.

###### **17A.2.1.2.2 Albany Structure Plans:**

1. By ensuring that satisfactory means within subcatchments of achieving long-term water quality in adjacent waterways, are developed before subdivision is approved.

###### **17A.2.1.2.2.1 Areas A and B:**

1. The quality of water in the Lucas Creek catchment shall be maintained through improved stormwater techniques.

2. Unmodified tributaries to the Lucas Creek shall be retained in their natural state and riparian vegetation should be maintained and enhanced.

3. All development, including buildings, accessways, roads and other facilities including infrastructure, shall incorporate principles of Low Impact Design and adopt on-site stormwater mitigation techniques that manage both stormwater quantity and quality and which keep post development conditions as close as practical to greenfield conditions. Sites shall not rely on communal off site stormwater management facilities such as wetlands or treatment ponds.

4. Mitigation of the effects of increased impervious surfaces shall address the quantity of run-off (peak flow rates and average run-off volumes for a range of rainfall events) as well as quality of run-off through the removal of suspended sediments.

5. Development is to utilise appropriate technologies and materials for wastewater infrastructure to restrict stormwater inflow and infiltration into the system in order to minimise wastewater overflow events and contamination of the Lucas Creek and upper Waitemata receiving environments.

6. To minimise risks to Lucas Creek from excessive sediment generation from earthworks and impervious areas, large-scale earthworks shall be confined to Areas C and D.

7. Large-scale earthworks, where there are identified geotechnical issues and important landform and ecological constraints, shall be avoided and development is to be limited to low densities in Area A and low-medium densities in Area B.

8. The scale and location of site works associated with subdivision and development should ensure that adverse effects on watercourses, Significant Landscape Features, areas of ecological value and neighbouring properties arising from changes to landform, vegetation modification and/or clearance and from the generation of sediments are avoided.

9. Siteworks and earthworks should be managed so as to minimise risks associated with sediment generation, including the risks associated with multiple earthworking areas in the catchment at the same time.

#### **17A.2.1.2.3 Greenhithe Structure Plans:**

1. By ensuring that satisfactory means within subcatchments of achieving long-term water quality in adjacent waterways, without environmental damage, are developed before subdivision is approved.

#### **17A.2.1.3 Methods**

Policy 1 (General, Albany, Greenhithe) will be implemented by the Structure Plans, rules and education.

Policy 2 (General) and Policies 1-9 (Albany Areas A and B) will be implemented by rules.

Policy 3 will be implemented by rules and education.

#### **17A.2.1.4 Explanation and Reasons**

##### **17A.2.1.4.1 General:**

*The Lucas Creek (stream) is 16.3 kilometres long with a contributing catchment of some 600 hectares. The stream flows approximately northeast to southwest and discharges into the low energy Lucas Creek (estuary), along with streams from eight other stormwater catchments. The Lucas Creek southwest of the Albany Expressway to the Waitemata Harbour provides the best example of the muddy, mangrove lined inlets of the inner Waitemata Harbour. The Albany Structure Plan area north of Oteha Valley Road feeds directly into the Lucas Creek just northeast of the Albany Expressway.*

*The District Plan identifies the adverse effects of sediment run-off in areas being earthworked as a significant issue in the city. There is evidence to show considerable sedimentation of Lucas Creek and the upper Waitemata Harbour has already occurred. The above objective and policies are designed to respond to the obligation imposed by the Resource Management Act 1991 (RMA) to minimise adverse effects.*

*The respective functions of North Shore City Council and Auckland Regional Council under the RMA, in terms of the discharge of sediment and contaminants into receiving waters, are set out in Section 9 of this Plan.*

*The potential for large quantities of sediment to be generated during the earthworks phase of development has been confirmed by surveys both in New Zealand and overseas. A generally accepted approach to predicting soil loss during earthworks is to calculate it on the basis of rainfall, soil type, slope length and steepness, vegetative cover and erosion control factors. In the case of Albany and Greenhithe the land generally comprises Waitemata clays, which are relatively impervious. There is little flat land within the area.*

*While Albany South contains mainly gentle slopes and there are few areas of steeper slopes (over 15°), Albany North-East, and North-West, in particular, contain a series of ridges and gullies with extensive areas of slopes over 15°. In Greenhithe North and South, there are areas of gentle slopes as well as areas of ridges and gullies with extensive slopes over 15°. A standard intensity of residential development on some of this land would require extensive recontouring. While the Auckland Regional Council requires sediment control systems to be put in place during the period of any significant earthworking, the Council acknowledges that such systems may well only retain approximately 50-70% of sediment generated.*

#### **17A.2.1.4.2 Albany Structure Plans:**

*For these reasons the above policies pursue a precautionary approach which involves a strongly differentiated pattern of zoning designed to respond to the physical characteristics of the land.*

*In Areas C and D The extent of earthworks permitted at subdivision will be limited by the requirement to retain stream valleys in their natural state and to protect water quality, landscape features and areas of regenerating bush. Within this overall constraint, roads should be located so that the need for earthworks is minimised, consistent with other objectives for the structure plan area. Moreover, areas of steeper to moderate slopes should generally receive little, if any, earthworking, while areas of lesser slopes, which are zoned for moderate to higher intensities of residential development, may need more earthworking to ensure full utilisation of the land. It is accepted that earthworks will be required for road formation and access to properties, in accordance with the Council's engineering standards, and for remedying instability in areas of moderate to higher intensity development. However, the retention of natural vegetation on steeper slopes and valley systems will significantly assist in minimising sedimentation effects on Lucas Creek.*

*Any subdivision application will be required to indicate the extent and nature of any earthworks proposed, and will be assessed on the basis of policy 2 (General) and Policies 1-9 (Area A and B) as above, to ensure that water courses are protected from adverse, short-term sedimentation effects. The Lucas Creek Catchment Management Plan specifies the long-term stormwater control measures required, including the ponding areas indicated on the Structure Plans, and these or equivalent measures will be required to be implemented.*

*To supplement this, other factors need to be followed through at a finer level of detail. These include the need to retain as much vegetation as possible during the process of earthworking and development, whether the vegetation comprises areas of trees or grassed areas.*

*Over the last five years, the grassed or bush areas within the catchment have been significantly reduced as large areas are developed for commercial and residential use. The remaining bush and open space areas are to be retained, and the protection of existing environmental features is a significant role of Areas A and B within the catchment.*

*An effective impervious area standard of 10% throughout the catchment is required to ensure good stream health, with a more significant decline in stream health being experienced where the effective impervious area is between 10% and 15%. In the Lucas Creek catchment the effective impervious area will be less than 15%. Having regard to development across the catchment, and to the particular sensitivities and importance of the receiving environment, the approach adopted in Areas A and B is to require the management of all areas of impervious surface, and to also require stormwater management of roads and accessways. Onsite*

stormwater mitigation is important for protecting stream health and is more effective than catchment based facilities. On a catchment basis, it will assist in protecting the remaining and important stream tributaries and in enhancing water quality and natural amenity of the Lucas Creek.

In Areas A and B large scale earthworks are to be avoided. Earthworks required for development (including building, access and roading) shall be avoided in areas of geotechnical sensitivities, or where slopes exceed 15 degrees, notwithstanding that there might be an engineering solution to such limitations. Earthworks on other land within these areas shall otherwise be minimised, in order to both avoid sedimentation and to ensure that the character and contour of the land is maintained. Vegetation should be retained within these areas, both for amenity and character reasons and to ensure achievement of stormwater and sedimentation outcomes.

Stormwater inflow-and-infiltration is a major cause of wastewater overflows resulting in contamination of stream and marine receiving environments and posing a risk to public health. Accordingly, appropriate modern techniques and materials need to be used in the construction of the wastewater network to minimise stormwater ingress.

#### **17A.2.1.4.3 Greenhithe Structure Plans:**

For these reasons the above policies pursue a precautionary approach which involves a strongly differentiated pattern of zoning, designed to respond to the physical characteristics of the land. The extent of earthworks permitted at subdivision will be limited by the requirement to retain stream valleys in their natural state, to protect water quality, landscape features which have at least local significance, and areas of regenerating bush. Within this overall constraint, roads should be located so that the need for earthworks is minimised, consistent with other objectives for the structure plan area. However, it is accepted that some earthworking will be necessary during the process of subdivision. In areas of steeper to moderate slopes, earthworking should be minimised. In areas of lesser slopes where surface erosion is much less of a problem, and which are mostly zoned for moderate to higher intensities of residential development, more earthworking may be required to ensure full utilisation of the land. In general, it is acknowledged that earthworks will be required for road formation and access to properties, in accordance with the Council's engineering standards and for remedying instability in areas of moderate to higher intensity development. However, the retention of natural vegetation on steeper slopes and valley systems will significantly assist in minimising sedimentation effects on Lucas Creek.

Catchment Management Plans for the structure plan areas specify the minimum longterm stormwater control and water quality measures required. Ponding areas and riparian strips indicated in the catchment management plans have been shown on the structure plan map to ensure that these matters will be addressed at subdivision stage.

However, these catchment management plans are at a draft stage only. Until such time as they are adopted by North Shore City Council and approved by the Auckland Regional Council, with the issue of comprehensive discharge consents to North Shore City Council, discharge permit applications will be required to indicate how the sedimentation and water quality objective can be met within each application site.

#### **17A.2.2 Landscape Protection**

##### **17A.2.2.1 Objective**

1. To maintain significant landscape features of the area for their intrinsic and landscape character value and as a basis for enhancing the identity and future residential amenity of the area.

2. To protect and preserve the integrity and values of Significant Landscape Features in Areas A and B from the effects of the subdivision of land and use and development of natural resources.

#### **17A.2.2.2 Policies**

##### **17A.2.2.2.1 General:**

1. By retaining and enhancing significant native fauna and flora within the area.
2. By retaining significant ridgelines, stream valleys and native bush as the structuring framework for development.
3. By ensuring that the cumulative effects of development do not result in the degradation of landscape features as a consequence of extensive recontouring.

##### **17A.2.2.2.2 Albany Structure Plans:**

1. By ensuring that the visual impacts of motorway and arterial routes through the area are mitigated.
2. By ensuring that the roading pattern conserves landscape values, by minimising the need for extensive recontouring and earthworks, and where appropriate, taking advantage of landscape opportunities.

##### **17A.2.2.2.2.1 Areas A and B**

1. To protect the scale and vertical relief, the physical extent, continuity and cohesion of vegetation cover and the lack of development of the extensively vegetated escarpment rising up from Lucas Creek, and to ensure that it continues to form a natural backdrop to the visually contrasting urban and rural residential development.

2. To retain the key characteristics of the slopes above the Lucas Creek escarpment, which include isolated stands of exotic trees, extensive areas of indigenous planting in the gullies, and amenity trees and shrubs.

3. To maintain the visual and landscape integrity and significance of the prominent Lonely Track Road ridgeline.

4. Significant Landscape Features as identified at the time of subdivision and/or development shall be protected and preserved in perpetuity.

5. Large lot developments with limited impervious cover shall be required to facilitate the retention of existing landforms and landscapes in their current state.

6. To require a low and low-moderate density form of development to provide a transition from the higher intensity development close to the Albany centre, to the more natural patterns and themes of the Albany hills and the rural land north of the city boundary.

7. A stable building platform and access route, requiring only minimal land disturbance and/or modification, including the removal of native vegetation shall be provided for each site. To achieve this, sites may need to be larger than the minimum site area especially where they contain Significant Landscape Features.

##### **17A.2.2.2.3 Greenhithe Structure Plans:**

1. By ensuring that the visual and acoustic impacts of arterial routes through the area are mitigated.
2. By ensuring that the roading pattern conserves landscape values, by minimising the need for extensive recontouring and earthworks, and where appropriate, taking advantage of landscape opportunities.
3. By ensuring that development occurs in a manner which avoids further clearance and damage to native vegetation, particularly high quality regenerating bush.

##### **17A.2.2.3 Methods**

Policy 1 (General, Albany, Greenhithe) will be implemented by the Structure Plans, rules

and requirements for reserve contribution in the District Plan.

Policies 2 and 3 (General, Albany and Greenhithe) will be implemented by Structure Plans and rules.

Policies 1-7 (Albany – Areas A and B) will be implemented by Structure Plans and rules.

#### **17A.2.2.4 Explanation and Reasons**

##### **17A.2.2.4.1 Albany Structure Plans:**

*The landscape analysis carried out on the area identified a clear division into two distinct sub-areas either side of Oteha Valley Road and the upper reaches of Lucas Creek and Stream. The southern area is characterised by relatively open slopes, located between the existing urban fringe along East Coast Road and the alignment of the future extension to the Northern Motorway.*

*The northern area remains a mixture of pastoral lots and small holdings, interspersed with remnant native forest and scrub. This area contains a number of significant landscape elements including: the vegetated escarpment and alluvial flat of Lucas Creek; the more strongly segmented landscape, with a series of north-south oriented gully systems filled with manuka, pines and some native canopy species; the convex form of lower slopes with contrasting ridges, especially the Lonely Track ridgeline, which provide a platform for views towards the Auckland isthmus and Rangitoto; and a more diverse landscape of scrub and gully vegetation in the vicinity of Gills Road. Existing development along Lonely Track Road has partially compromised the landscape potential of that ridgeline. Other development is scattered, with some concentration along Fairview Avenue.*

*If the significant landscape elements are to be protected from the effects of urbanisation, so that they can contribute to the identity and amenity of the new suburbs, then the Lucas Creek escarpment, the gully systems and the steeper western parts of the area need to be protected.*

*A further landscape analysis carried out in 2000 identified 9 landscape units within Areas A and B that are of particular significance. This information has not been incorporated into the District Plan due to the changes that have occurred in the catchment since the study was undertaken. It will however be used as a guide to indicate when an assessment of the landscape and ecological effects of subdivision and/or development is required. Significant Landscape Features may then be required to be protected and preserved in perpetuity from the adverse effects of subdivision and subsequent development by both the larger lot size and, upon subdivision, by requiring permanent protection. This could be achieved by way of covenant in perpetuity being registered against the titles of all affected lots to be created through the subdivision or consent notice under Section 221 of the RMA 1991 being registered against the title in order to secure compliance with the conditions of consent.*

*On a broader basis, there is opportunity to respond to the inherent character of different parts of the area and to the nature of surrounding development by permitting significant residential consolidation in Albany South and varied densities in the north. This will provide a transition from land close to the Albany Centre, to the more natural patterns and themes of the Albany hills and the rural land north of the city boundary.*

*At the subdivision stage more detailed landscape assessments may be required to identify local landscape attributes prior to subdivision occurring. This will assist in determining where roads and reserves are best located and the extent to which more subtle landscape elements should be retained, helping to provide a sense of local identity and interest.*

*The development of the Northern Motorway across the Albany Structure Plan area has the potential to have significant adverse acoustic effects on the area. ~~It is essential that Transit New Zealand undertakes appropriate mitigation measures along the route.~~ Transit New Zealand has undertaken some noise mitigation and further mitigation maybe required at the time of subdivision and/or development.*

### **17A.2.3 Residential Development**

#### **17A.2.3.1 Objective**

1. To enable the land to be developed for residential purposes having regard to the environmental capacity of the land.
2. To pursue a precautionary approach which involves a differentiated pattern of zoning designed to distinguish the low and low/moderate densities in Areas A and B from higher densities in Areas C and D and based on the need to protect the natural and physical characteristics of the land and to maintain amenity values.

#### **17A.2.3.2 Policies**

##### **17A.2.3.2.1 Albany Structure Plans:**

1. By using the environmental constraints and opportunities identified as being inherent in the land as the basis for determining the type and intensity of development in different parts of the area.
2. By enabling areas without significant environmental constraints the Areas C and D Sub-zones, to be developed for higher intensity residential development.
3. By requiring that the provision of infrastructure for individual subdivisions is planned in a manner which takes account of the servicing and roading of the locality.

##### **17A.2.3.2.1.1 Areas A and B:**

1. By defining subdivision opportunities based on the natural and physical characteristics of Areas A and B and irrespective of an ability to provide infrastructure services to the land.
2. Subdivision should create a settlement pattern that respects and maintains the landscape elements of the area, including the protection of the landscape values associated with the steeper, vegetated land of the upper part of the catchment. The density of development should remain low to reflect the environmental and landscape conditions present, and development should be confined to already cleared areas where little further earthworks or modification of the landform is required.
3. To maintain the character, aesthetic value and integrity of Area A by allowing a low density of subdivision and thereby protecting:
  - a. The spacious and non-urban character, notably the contrast it offers to subzones C and D and its proximity to and relationship with rural zoned land to the west and north;
  - b. The dominance of the vegetated valley system and stream corridors traversing the slopes down towards the Lucas Creek and which provide strong topographic relief and form important ecological corridors within the wider valley;
  - c. The subservience of housing to the more natural characteristics of the area, such that housing is visually unobtrusive and continues to be restricted to an extent by the steeper terrain.
4. To maintain the character, aesthetic value and integrity of Area B by allowing a low-moderate density of subdivision. The character, aesthetic value and integrity of Area B is described below:
  - a. To the west of the Motorway, the landscape characteristic is more gently undulating grassed slopes with stands of exotic trees including pines and eucalypt and a greater degree of built development, buffered from the Albany Town Centre by the Lucas Creek escarpment. The area also includes the east facing grassed slope which overlooks the motorway, is more visually exposed than other land in the area and which provides visual relief from the intensively developed retirement complex on the eastern side. Dwellings along Lonely Track Road are typically located towards the

road on the more elevated and flatter land in a fairly linear fashion and surrounded by grass and planting.

- b. To the east of the Motorway, the landscape characteristic is a more uniform terrain, undulating down in a series of minor gullies from Lonely Track Road towards Oteha Valley Road. Vegetation is less extensive but importantly provides visual relief from the rapidly encroaching residential development and is largely associated with significant and sometimes steep stream corridors, including remnant stream course vegetation and feeder channels. Many of the dwellings along Lonely Track Road are typically located towards the road on the more elevated and flatter land in a fairly linear fashion interspersed by exotic and indigenous tree planting.

5. To maintain the transitional function that the Area A and B land plays between the Albany Centre and the rural land north of the City boundary.

#### **17A.2.3.2 Greenhithe Structure Plans:**

1. By using the environmental constraints and opportunities identified as being inherent in the land as the basis for determining the type and intensity of development in different parts of the area.
2. By enabling areas without significant environmental constraints, to be developed for higher intensity residential development.
3. By ensuring that the pattern of development is integrated with the servicing and roading of parts of the area.

#### **17A.2.3.3 Methods**

##### **17A.2.3.3.1 Albany Structure Plans:**

Policy 1 and Policies 1-4 (Albany – Areas A and B) will be implemented by the Structure Plans and rules.

Policy 2 will be implemented by rules, by financial contributions set in the District Plan and by Council works through service provision in the Annual Plan.

Policy 3 will be implemented by the Structure Plans and rules.

##### **17A.2.3.3.2 Greenhithe Structure Plans:**

Policy 1 will be implemented by the Structure Plans and rules.

Policy 2 will be implemented by rules, by financial contributions set in the District Plan and by Council works through service provision in the Annual Plan.

Policy 3 will be implemented by the Structure Plans, rules and education including promotional initiatives.

#### **17A.2.3.4 Explanation and Reasons**

##### **17A.2.3.4.1 Albany Structure Plans:**

*The Albany Structure Plans area has a number of strategic advantages. It lies close to the developing employment base of the Albany basin, and on the proposed extension to the Northern Motorway, adjacent to the future developing Albany Centre and to the expanding Albany campus of Massey University. It is an area with easy access to the East Coast Bays. Despite this there is also a need to promote the maintenance and enhancement of certain natural resources and amenity values from the potential effects associated with physical development, including urban intensification.*

##### **17A.2.3.4.2 Greenhithe Structure Plans:**

*The Greenhithe Structure Plans area lies adjacent to the western boundary of the city. It has a number of locational advantages in terms of urbanisation. It lies close to the developing employment base of the Albany basin, particularly the North Harbour Industrial Estate. It is*

relatively close to the future Albany Centre and to the expanding Albany campus of Massey University. Many parts of the area have good development potential, having extensive views across Lucas Creek to the north-west and west, and lying well to the sun.

#### **17A.2.3.4.3 General:**

*For a city approaching the limits of land able to be developed without severe environmental and servicing implications, the potential to maximise the household capacity is compelling. Against this must be balanced the environmental constraints of the area, with its undulating to steep topography and drainage to a waterway already suffering from the effects of sedimentation. Planning on the basis of a wide variation in densities is the appropriate response to these factors.*

*Some aspects of conventional suburban development, when assessed against the principle of sustainable management, are found to be deficient. It fails to make efficient use of the land resource without the need for later infilling, fails to encourage use of public transport, walking and cycling as against use of the private car, and often lacks an integration and sense of identity. Providing an opportunity for more intensive development on areas best suited to development, allows for the housing potential of areas to be fully utilised at the outset, enables a choice in housing forms and assists the viability of public transport. To assist in identifying possible interest in higher density housing, the Council commissioned a survey entitled 'Preference and Demand for Higher Intensity Housing on the North Shore' 1996. The survey indicated a significant level of preference for higher density housing in the city, with a small part of that preference being identified for the Albany and Greenhithe areas.*

*Because the areas are large, the Albany Structure Plans being approximately 400 hectares, and the Greenhithe Structure Plan areas 440 hectares, there is scope to have parts of the area available for a range of moderate to higher intensities. This gives the opportunity to respond to an immediate demand for moderate sized lots but allows some potential for clustered higher intensity development to meet other sectors of the market in the medium term. However where land has physical characteristics that afford it a lower development potential, urban intensification to a moderate to high intensity has the potential to cause adverse effects on the environment. Such effects include increased stormwater runoff into vulnerable waterways, effects on amenity values, damage to natural and cultural heritage, incompatibility of activities between adjoining properties and between adjacent zones, and increased traffic congestion. The weighting given to intensity of development and to protection of the environment needs to be determined having regard to the particular circumstances.*

*In Areas A and B of the Albany Structure Plan lot layout and building design are integral components of the strategy to protect the natural environment. Priority is given to retaining and enhancing valued natural and physical features through a less intensive level of development than is permitted in other parts of the Albany Structure Plan. Care has been taken to ensure the integrity of the Lonely Track Road ridgeline at the interface between North Shore City and Rodney District. That ridgeline forms an important visual and vegetated buffer below which rural-residential development sites (with the exception of development within some Area C zoned land on Gills Road). Further, in order to maintain the character of the area, development must not compromise the existing natural characteristics prevailing and Significant Landscape Features – including the valley and stream corridors and associated vegetation patterns, the Lucas Creek escarpment and extensive belt of lowland forest and the physical and visual separation from built development afforded by those natural features. Accordingly, in Area A and B subdivision standards have been determined having regard to the need to maintain a low (Area A) – moderate (Area B) density of development, and further subdivision is not envisaged.*

#### **17A.2.4 Design and Mobility**

##### **17A.2.4.1 Objective**

To achieve a form and standard of design which will promote community safety and wellbeing, and choices for residents in respect of mobility.

#### **17A.2.4.2 Policies**

##### **17A.2.4.2.1 Albany Structure Plans:**

1. By planning for a roading pattern which facilitates the servicing of ~~the a~~ Areas C and D by public transport with good linkage to the North Shore busway.
2. By ensuring that areas identified as subject to general geotechnical constraints are subject to more detailed investigations.

##### **17A.2.4.2.1.1 Areas A and B**

1. Appropriate stormwater management feature such as raingardens, swales and pervious paving are to be incorporated into the design of accessways and roads so that stormwater generated from the road surfaces is managed within the road reserve.

2. Development, including building platforms, accessways, roads and other facilities including infrastructure shall be located so as to maintain the character and landscape features of Areas A and B, and shall avoid a location within Significant Landscape Features. In cases where development can only be achieved by encroaching partially or wholly into Significant Landscape Features, then sites will need to be larger than the minimum site area to ensure provision of a building platform, access route and on-site infrastructure without such encroachment.

3. Any private accessways serving more than 10 lots shall be upgraded to the requisite standards of the District Plan and shall be vested as public road before any additional development rights can be realised.

4. Any road upgrading required to mitigate the adverse effects of additional traffic volumes shall be completed before any additional development rights can be realised.

##### **5. Private access should:**

- i. Utilise existing accessways where feasible and practicable.
- ii. Be located as close as practical to a formed legal road or served by an existing formed vehicle access.
- iii. Avoid Significant Landscape Features identified at the time of subdivision and/or development.
- iv. Be designed to follow the existing landform and to cause little or no land disturbance.
- v. Be designed in a way that it incorporates low impact stormwater mitigation techniques such as swales, filter strips and dual strip driveways.
- vi. Be designed to not accentuate stormwater runoff, erosion or increase the potential for land stability, and to mitigate against the direct discharge of stormwater to the street.

##### **17A.2.4.2.2 Greenhithe Structure Plans:**

1. By ensuring the roading pattern facilitates the servicing of the area by public transport with good linkage to the North Shore busway.
2. By ensuring that activities do not locate in areas identified as subject to general geotechnical constraints, unless it can be determined that the activity can occur without unacceptable geotechnical risk.

##### **17A.2.4.2.3 General:**

1. By identifying traffic routes for which the traffic function is paramount, and for which a range of restrictions relating to access to residential lots will be required, in contrast to residential streets, whose major function is providing access to residential lots.

2. By enhancing the viability of public transport through the opportunity for higher density housing and mixed activity nodes on more accessible land within residential areas.
3. By discouraging the movement of through traffic from outside the area on all residential streets, while achieving a high degree of connectivity and access to community facilities for internal traffic.
4. By requiring that the residential street network, as a whole is designed to achieve low traffic volumes and speeds so that pedestrians and cyclists may enjoy safe and convenient movement through the area.
5. By ensuring that pedestrian and cycle linkages are provided primarily on the road network, supported by additional recreational linkages based on destinations' analysis, recreational opportunities and ensuring maximum exposure to public view for personal safety reasons.
6. By avoiding the potential for residential units to locate on land defined as being within any 100- year flood plain.
7. By requiring that the authority responsible for the construction of the Northern Motorway and State Highway 18 mitigate the effects of motorway noise.

#### **17A.2.4.3 Methods**

Policy 1 (Albany) & 1 (General) will be implemented by the Structure Plans.

Policies 2, 3, (Albany) and 1, 2, 3 (Greenhithe) will be implemented by the Structure Plans, and by education, including information on Council's Hazards Register.

Policies 2, 3, 4, 6 & 7 (General) and Policies 1-5 (Albany – Areas A and B) will be implemented by the Structure Plans, rules and the Urban Design Code.

Policy 5 (General) will be implemented by the Structure Plan's reserve/open space zoning and the Council's Stormwater and Flood Protection Manual.

#### **17A.2.4.4 Explanation and Reasons**

##### **17A.2.4.4.1 General:**

*While there are many factors which contribute to the frequency and quality of public transport services, it is clear that our current low to moderate suburban densities are not generally supportive of public transport. The recurring pattern of moderate intensity development, poorly served by public transport systems with decreasing patronage, is placing demands on the roading network which are becoming increasingly difficult to respond to. This problem is intensified in the city with the peak period congestion of the Northern Motorway and the Harbour Bridge. Overseas research indicates that to be public transport-supportive, residential densities need to be quite high and that those densities need to be close to public transport stops, since the maximum distance which will encourage residents to walk to public transport stops is 400 metres. The Auckland Regional Council Passenger Transport Supportive Land Use Guidelines, suggests 250 metre intervals between bus stops, and that standard will be used in the area. The clustering of higher intensities of development around community focal points likely to be well served by public transport routes has the potential to reduce dependence on the private car for commuting and local trips.*

*Residential streets serve a variety of functions relating to mobility, service location, and social and activity space. There is a strong element of conflict between the motor vehicle as a street user and other street users. In the conventional suburb primacy has been given to the motor vehicle to the detriment of the pedestrian and the cyclist. In the interests of the safety, economy, amenity and convenience of all street users, and the community generally, a better compromise needs to be found in the design of the roading network. Fundamental to this approach is the distinction between traffic routes, whose function is to carry through traffic, and residential streets, whose function is to provide access to the lots which front them. This distinction is the basis on which provisions within the Urban Design Code for the design of the roading network have been prepared.*

*It is recognised that the relationship of the Structure Plan areas to the surrounding road network requires that some of the roads within the area will have to serve a through-traffic function. Where traffic levels are likely to exceed 3000 vehicles per day, various restrictions to frontage access to adjacent lots will be imposed for traffic and amenity reasons. In the case of*

traffic routes anticipated to clearly exceed 3000 vehicles per day, some restrictions on vehicular access may be required in the form of access to an adjoining street, amalgamated accessways or restrictions on the ability to reverse off the site or other traffic management measures. Where traffic levels are likely to be closer to 3000, provision for on-site manoeuvring will be required so that reversing on to the roadway is avoided. In contrast, residential streets will be required to be designed in a manner which restricts both the volume of traffic and the speed of traffic. On these streets the potential for through traffic, with origin and destination outside the area, will be required to be strongly discouraged within each of the Structure Plan areas. The design speeds set are based on a balance between safety and convenience.

Within this framework, the resulting residential streets are considered to be suitable for safe use by pedestrians and cyclists, and therefore to largely satisfy the need for pedestrian/cycle networks. There may, however, be a need for some short pedestrian and cycle-only linkages, additional to the residential streets network, for improved access to identified destinations or for recreational routes, particularly through the gully systems. Where possible these pathways should be located for maximum visibility. Routes adjacent to the rear and side boundaries of private property will be discouraged in the interests of security and safety.

For safety reasons it is not desirable to locate residential properties within the 100-year flood plain. This area is identified on the Structure Plans for reserve or open space. For similar reasons, sites within the Structure Plans, which have been identified as being subject to geotechnical constraints, will require more detailed geotechnical investigation prior to development.

#### **17A.2.4.4.2 Albany Structure Plans:**

~~The proposed alignment of the extension to the Northern Motorway is a high noise route. will result in significant noise impacts on adjacent areas unless mitigation measures are adopted. The Structure Plans identify buffer areas where the alignment runs through areas intended for moderate to higher intensities of development. Transit New Zealand has indicated its intention to mound and fence, where this would reduce effects. Section 10 of the District Plan places some of the responsibility on developers by requiring dwellings adjacent to high noise routes to be insulated for this purpose.~~

The Structure Plan provides an opportunity to indicate the preferred location of key routes through the area. However, all land may not be able to be subdivided immediately, until access is provided to adjacent land. It is the Council's responsibility to ensure that, on subdivision, all lots have provision made for vehicular access and that is achieved by conditions on subdivision consents. Roading, lot layout and building design are all integral components of residential areas. Multiple lots should have adequate access to and be properly served by the road network. While shared access is encouraged, to prevent a multitude of 'urbanised' driveways, there is a practical limitation to the number of houses served by each accessway.

Land in Areas A and B has the greatest instability and steepest slopes and contains large areas of vegetation, including some Significant Landscape Features. There is a need to maintain the natural landscape and ecological values of the land and to protect the Significant Landscape Features. This will assist in achieving hydrological neutrality for stormwater purposes and in maintaining amenity values.

#### **17A.2.4.4.3 Greenhithe Structure Plans:**

~~The proposed alignment of the extension of State Highway 18 has will resulted in significant noise impacts on adjacent areas, unless mitigation measures are adopted. Transit New Zealand has adopted mitigation measures indicated its intention to reduce these effects, using the Assessment of Environmental Effects prepared for the highway as the basis for determining the final width of land required to be purchased by Transit New Zealand and incorporated in the State Highway's road reserve. The width of the land will vary to reflect this requirement, as well as to accommodate visual and any other effects. Section 10 of the~~

*District Plan may also places some of the responsibility for noise mitigation with developers by requiring dwellings adjacent to high noise routes to be insulated for this purpose.*

*Some of the adverse effects of living in urban areas which are frequently mentioned by residents relate to fears for personal safety and worry about the security of properties, both of which can be considered to be part of amenity values in relation to the environment. The Structure Plan zone rules and assessment criteria requires dwellings to be designed in a way which enables visibility of front doors from external viewpoints and discourages the location of public pedestrian and cycle-only pathways along rear and side yards and, in the case of the Greenhithe Structure Plans, restricts the height of front fencing to ensure visibility to and from the street.*

#### **17A.2.5.4.1 Greenhithe Structure Plans:**

*Many developers do carry out street planting to improve streetscapes. A landscape plan will be necessary with all subdivision applications which include key routes, and the planting may be computed as part of reserve contribution liability on subdivision.*

#### **17A.2.5.4.2 Albany Structure Plans:**

*A comprehensive plan of the road reserve for existing and/or proposed roads should be prepared on subdivision, showing the design of the road reserve and the location of services and landscaping features to ensure an optimum relationship between the various elements which are located in the road reserve. In particular, the plan should ensure that there is sufficient berm space for trees and that such trees do not disrupt network utility operations or compromise traffic safety. It is expected that where practicable Network Utility Operators will liaise with one another and the Council to ensure utilities are installed and landscaping undertaken in accordance with NZS 4404:1981 - Code of Practice for Urban Land Subdivision.*

### **17A.3 Zoning Framework**

#### **17A.3.1 Structure Plans Zone**

##### **17A.3.1.1 Objective**

To ensure that the development of the Structure Plans area occurs in an integrated and sustainable manner, which takes account of the environmental constraints of the land, but maximises residential development potential in areas where there are few constraints.

##### **17A.3.1.2 Policies**

1. By using the environmental surveys carried out on the area to differentiate between five intensities of residential development and an associated range of activities and rules within an overall Structure Plans zone.
2. By distinguishing between low to moderate density development, where the size of lots is relatively effective in mitigating adverse effects on amenity, and higher density development, where residential amenity needs to be more comprehensively protected and enhanced.
3. By providing for areas of mixed use development which are highly accessible within each residential area where business and community activities may locate.
4. By recognising that some non-residential activities which serve the needs of the local community may locate outside Mixed Use Overlay Areas, provided that effects on residential amenity and on the operation of mixed use areas as the focus of integrated development are not significant.

##### **17A.3.1.3 Methods**

Policies 1 and 2 will be implemented by the Structure Plans and rules.  
Policy 3 and 4 will be implemented by rules.

#### **17A.3.1.4 Explanation and Reasons**

*The Structure Plans zone will apply to all the residential areas within the Albany and Greenhithe Residential Expansion zones. The development concept underlying the zone is explained in Section 17A.2. Within the zone, different density areas, will be applied. The manner in which the different areas are provided for has some similarity to other residential zonings in this Plan and, where possible, reference is made to other zone rules, rather than repeating them for this zone.*

*The Structure Plans also indicate an open space network for the area. Where this land is intended as reserve land in public ownership, an appropriate Recreation zoning will eventually be adopted for the land. ~~In the case of community focal points, a central area of Business Local 1 zoning will be necessary to accommodate commercial activities.~~*

*In the case of subdivision, the area requirements for lots are tailored to suit the sustainable management objectives for the zone. Where there are opportunities for higher intensity development, and it is important that those opportunities are capitalised on, lot size is dependent on the intensity of development. Conversely, where there are natural and physical constraints to land development, a low and/or moderate density is appropriate. The design of the roading network throughout the area is controlled to achieve a variety of resource efficiency, safety and convenience objectives.*

*The range of activities provided within the zone varies from most restrictive in areas of lowest density to most permissive in highest density areas, where a wide range of different types of residential development and associated services is provided for. A number of activities have been given Discretionary status only. This is the case in the Large Lot Residential Area (Area B) in Albany, mainly because the ability of the site to accommodate on-site sewage disposal will need to be assessed. The rules for low to moderate density development are similar to those in many of the residential zones in the Plan. In the case of higher density development, additional rules have been applied to achieve a high standard of environmental amenity.*

#### **17A.3.1.6 Expected Environmental Results for All Objectives and Policies**

Full implementation of the Albany and Greenhithe Structure Plans

Means of Measuring

1. Five-yearly assessments of environmental effects (AEE) to measure:
  - Water quality in the Lucas and Te Wharau Creeks
  - Retention of main landscape elements as identified in the Albany and Greenhithe Structure Plans
  - Maintenance of a distinction in terms of character and amenity between Area A and B and other parts of the Albany Structure Plan area and the protection of Significant Landscape features in the Albany Structure Plan.
  - Mitigation of adverse visual effects of the motorway and arterial routes
  - Viability of ecological corridors in terms of species abundance and diversity, and extent of linkage.
2. Five-yearly land use surveys to measure:
  - Uptake of the high density option in the Albany and Greenhithe Structure Plans area
  - Conformity with the range of residential densities provided in the Albany and Greenhithe Structure Plans
  - Location of passenger transport facilities
  - Location of community facilities and services.
3. Five-yearly assessments of the roading network to measure:
  - Street connectivity and ease of access to community facilities
  - Accident levels in residential streets
  - Level of pedestrian and cycle linkages.

4. Five-yearly assessments of Statistics New Zealand journey to work data to measure:
  - Use of public transport by residents in the Albany and Greenhithe Structure Plans area
  - Development of the roading pattern to facilitate public transport provision.
5. Five-yearly residents' surveys to measure:
  - Residents' satisfaction with design, security, privacy and open space in new residential developments
  - Level of pedestrian orientation of community focal points
  - Means of travelling within the Structure Plans area.
6. Biennial noise surveys to measure:
  - The level of noise from the Northern Motorway, and from State Highway 18 received by the residents.
7. Annual assessments of subdivision consents to measure:
  - The degree of coordination of infrastructure provision for individual subdivisions with servicing and roading for the parent Structure Plan
  - Compliance with the restriction on development of land within flood plains and areas with other geotechnical constraints
  - Compliance with landscaping requirements for arterial and collector routes, and mixed use areas
  - Conformity with reserve requirements as identified in the Albany and Greenhithe Structure Plans.
8. Annual assessments of Annual Plan commitments to measure:
  - Enhancement of reserves through planting of appropriate native species.
9. Annual assessments of building consent applications to measure the rate of development of different densities of housing.
10. Annual assessments:
  - Biological inventory of the Lucas and Te Wharau Creeks.

#### **17A.4 Rules: Structure Plans Zone Activities**

##### **17A.4.1 Determination of Activity Status**

Table 17A.1 specifies the Permitted, Controlled, Limited Discretionary or Discretionary activities for the Structure Plans zone. **The activity status of any activity may be changed by Rules in the General Sections of the Plan.**

For the purpose of the table:

P = Permitted activity

C = Controlled activity

LD = Limited Discretionary activity

D = Discretionary activity

| Table 17A.1 Structure Plans Zone Activities       |                                                                                                                              |                                  |                                 |                               |                                          |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------|-------------------------------|------------------------------------------|
| Activities                                        | Albany Structure Plans:<br>Area A:<br>Environmental Protection<br>Greenhithe Structure Plans:<br>Area A: Mixed Environmental | Area B:<br>Large Lot Residential | Area C:<br>Standard Residential | Area D:<br>Varied Residential | Mixed Use Overlay Area<br><b>HOUSING</b> |
| Minor Residential Units in Albany Structure Plans | P D                                                                                                                          | D                                | P D                             | P D                           |                                          |

## 17A.5 Rules: Structure Plans Controls

### 17A.5.1 Development Controls

#### 17A.5.1.1 Compliance

All Permitted, Controlled and Limited Discretionary activities in the Structure Plan zones shall comply with the controls listed below.

#### 17A.5.1.7 Maximum Building Coverage

**a) Area A: Environmental Protection in Albany Structure Plans:** 20% (Subject to Rule 17A.5.1.8)

**Area A: Mixed Environmental in Greenhithe Structure Plans:**

For lots 1499m<sup>2</sup> - 500m<sup>2</sup>: 35%

For lots 3999m<sup>2</sup> - 1500m<sup>2</sup>: 20%

For lots 4000m<sup>2</sup> or greater: 20%

**b) Area B: Large Lot Residential:** 20% (Subject to Rule 17A.5.1.8)

**c) Area C: Standard Residential:** 35%

**d) Area D: Varied Residential:**

i) Sites containing residential unit(s) with a site area of 500m<sup>2</sup> or more per unit: 35%

ii) Sites containing residential unit(s) with a site area of 499m<sup>2</sup> or less per unit: -

**e) Mixed Use Overlay Area:** 50%

#### 17A.5.1.7.1 Control Flexibility

By means of a Limited Discretionary activity application, up to an additional 5% coverage.

#### 17A.5.1.7.2 Explanation and Reasons

*The maximum building coverage controls ensure, in areas of larger lots, that the intensity of development is restricted. This provides opportunities for landscaping, the retention of trees, the provision of open space and reduced stormwater runoff.*

*In the higher density areas the need to achieve a more intensive form of development overrides the need for ensuring a set proportion of open site area.*

#### **17A.5.1.8 Minimum Permeable Area**

**a) Area A: Environmental Protection in Albany Structure Plans:** - 500m<sup>2</sup> or 15% of the site, whichever is greater, provided that the provisions related to the mitigation, on-site, of the stormwater generated from these impervious areas set out in Rule 17B.6.1.10(2) can be complied with as if the land was in the Stream Protection A area, and in terms of both water quality and quantity.

**Area A: Mixed Environmental in Greenhithe Structure Plans:**

For lots 1499m<sup>2</sup> - 500m<sup>2</sup>: 30%

For lots 3999m<sup>2</sup> - 1500m<sup>2</sup>: 30%

For lots 4000m<sup>2</sup> or greater: -

**b) Area B: Large Lot Residential:** ~~Rule 16.6.1.11 shall apply.~~ Rule 17A.5.1.8 shall apply

**c) Area C: Standard Residential:** Rule 16.6.1.11 shall apply.

**d) Area D: Varied Residential:**

i) Sites containing residential unit(s) with a site area of 500 m<sup>2</sup> or more per unit:  
Rule 16.6.1.11 shall apply.

ii) Sites containing residential unit(s) with a site area of 499m<sup>2</sup> or less per unit:  
Standard 17A.5.3.7 shall apply.

**e) Mixed Use Overlay Area: -**

#### **17A.5.1.8.1 Control Flexibility**

Unrestricted by means of a Limited Discretionary activity application.

#### **17A.5.1.8.2 Explanation and Reasons**

The maximum impervious area controls are intended to provide opportunities for on-site absorption of stormwater runoff from impervious surfaces such as roofs, paved areas and other hard surfaces and to enhance the visual amenity of the area. Impervious surfaces reduce the ability of the site to absorb rainwater. This can cause an increased volume of stormwater which can damage sensitive streams, and increase the potential for pollutants to be transported into streams and waterways. Relatively small increases in impervious surfaces (between 5 and 15%) can significantly affect stream health.

Land within Areas A and B feeds into the Lucas Creek, a highly sensitive receiving environment that should, along with remaining natural-state headwaters, remain as a natural watercourse. An emphasis in these areas is placed on on-site stormwater mitigation techniques as being the main form of mitigation, necessary to protect stream water quality and ecological health. Measures such as raintanks, pervious paving, revegetation and raingardens can allow for reasonable levels of impervious surfaces on site while maintaining good stream health. The stormwater management objective for these areas is to achieve hydrological neutrality, which recognises the location of land within the steeper more sensitive environment and the sensitivity of the receiving environment.

#### **17A.5.2.3 Outdoor Living Spaces**

**a) Area A: Environmental Protection in Albany Structure Plans: -**

**Area A: Mixed Environmental in Greenhithe Structure Plans: -**

**b) Area B: Large Lot Residential: -**

**c) Area C: Standard Residential:**

Each residential and where applicable ~~or~~ minor residential unit shall be provided with an outdoor living space which:

- i) is not less than 80m<sup>2</sup>, or for a minor residential unit is not less than 40m<sup>2</sup> in area; and
- ii) contains no dimension less than 4 metres; and
- iii) is able to contain a circle with a 6 metre diameter within which the maximum gradient shall not exceed 1:5; and
- iv) has no part of it located due south of any part of the unit to which it relates
- v) is conveniently accessible from the dwelling's principal living room
- vi) where a unit does not have its living room at ground level, it shall have:
  - convenient access to the outdoor living space; and
  - a balcony having a minimum area of 10m<sup>2</sup>, with no dimension less than 1.8 metres, such balcony to adjoin and have direct access from the living room of the unit for which it is provided. The living court may be reduced in size in direct ratio to the size of the balcony, by a maximum of 10m<sup>2</sup>.

**d) Area D: Varied Residential:**

- i) Sites containing residential unit(s) with a site area of 500m<sup>2</sup> or more per unit: Rule 17A.5.2.3(c) shall apply.
- ii) Sites containing residential unit(s) with a site area of 499m<sup>2</sup> or less per unit: Refer 17A.5.3.2.

**e) Mixed Use Overlay Area:**

- i) Developments comprising:
  - residential units at a density of 1 unit/499m<sup>2</sup> or less
  - a mixed development containing residential unit(s): 17A.5.3.2 shall apply
- ii) All other development: 17A.5.2.3(c) shall apply.

**17A.5.2.3.1 Control Flexibility**

Unrestricted in nature or extent by means of a Limited Discretionary activity application.

**17A.6 Assessment Criteria**

**17A.6.1 Assessment Criteria for Controlled and Discretionary Activities**

**17A.6.1.1 Controlled Activities**

All Controlled activities must comply with the relevant rules of the Plan. In addition, the Council may impose conditions in respect of the following:

- i) Matters specified in Sections 108 and 220 of the RMA.
- ii) Within ~~Area B~~, Area C and Area D, but excluding sites containing residential unit(s) with a site area of 499m<sup>2</sup> or less per unit:
  - any relevant criteria specified in Section 16.7.2 and Section 16.7.3.
- iii) For any sites with a density of 1 unit/499 m<sup>2</sup> or less (area per unit) in Area D:
  - criteria specified in Section 16.7.3.6 and Section 17A.6.4.
- iv) Within Area A and B:
  - any relevant criteria specified in Section 18.7.
- v) Within Mixed Use Overlay Area:
  - For any development for residential units at a density of 1 unit/499 m<sup>2</sup> or less (area per unit):
    - criteria specified in Section 16.7.3.6 and Section 17A.6.4.
  - For any activity or development falling within the Business category of Table 17A.1:
    - criteria specified in Section 15.7.1.1 and Section 15.7.1.6.
  - For any activity or development falling within the Services and Facilities category in Table 17A.1:
    - criteria specified in Section 16.7.2 and Section 16.7.3.

### 17A.6.1.2 Discretionary Activities

Without restricting the exercise of its discretion to grant or refuse consent or impose conditions, the Council will have regard to the following when considering any application under Sections 104 and 104B of the RMA:

- i) Within Area C and Area D, but excluding any sites containing residential unit(s) with a site area of 499m<sup>2</sup> or less per unit:
  - assessment criteria specified in Section 16.7.2. and Section 16.7.3.
- ii) For any sites containing residential unit(s) with a site area of 499 m<sup>2</sup> or less per unit:
  - assessment criteria specified in Section 16.7.3.6 and Section 17A.6.4.
- iii) Within Area A and B:
  - In respect of any relevant criteria specified in Section 18.7.
- ~~iv) Within Area B:~~
  - ~~- assessment criteria specified in Section 16.7.2, Section 16.7.3 and Section 17A.6.1.~~

### 17A.6.1.3 Infrastructure

#### 17A.6.1.3.1 Albany Structure Plans:

The design and layout of any subdivision should ensure that the site is capable of achieving full stormwater mitigation on site. The following principles should apply to the selection and design of on-site stormwater techniques:

- (i) The natural drainage patterns of the site should be retained wherever possible.
- (ii) There should be no direct piping of stormwater discharges to streams.
- (iii) Modifications to natural watercourses should be avoided.
- (iv) No stormwater works should be undertaken on steep or unstable slopes.
- (v) Runoff from the street should be discharged into the primary stormwater system and not to the street.
- (vi) Runoff from residential driveways and parking areas should, where practicable, enter the primary stormwater system via a sump to trap silt and floatable debris.
- (vii) Development should involve a combination of:
  - a. Water reuse with 'dual purpose' rainwater tanks. These tanks and their associated plumbing should be designed for stormwater peak flow attenuation and rainwater reuse by the dwelling. In general, tank sizes should comply with the sizes set out below:

| <u>Roof area (Square metres)</u> | <u>Rain Tank Size</u>              |
|----------------------------------|------------------------------------|
| <u>Up to 100 sqm</u>             | <u>4,500 litres</u>                |
| <u>Over 100 – 250 sqm</u>        | <u>8,500 litres</u>                |
| <u>Over 250 – 350 sqm</u>        | <u>13,500 litres</u>               |
| <u>Over 350 sqm</u>              | <u>Specific design is required</u> |

- b. One or more of the following methods to mitigate stormwater generated by other hard surfaces (e.g. driveways, paths, patios, decks)
  - Revegetation planting
  - Swales and depression landscaping
  - Dispersion into vegetative filters
  - Dispersal trenches
- (viii) Appropriate ongoing maintenance and management systems should be arranged.

The Council must be satisfied that adequate provision has been made for the disposal of sewage ~~and stormwater~~, having regard to the size of the site and its ability to accommodate on-site sewage disposal sufficient for the proposed level of occupation.

A covenant capable of registration under the Land Transfer Act 1952 and approved by Council should be registered against the title of every site with on-site wastewater treatment systems to ensure the efficient future functioning and ongoing maintenance of the system and requiring the property owner to enter into a programmed maintenance contract to Council's satisfaction.

**17A.6.1.3.2 Greenhithe Structure Plans:**

The Council must be satisfied that adequate provision has been made for the installation and operation of utility services, including sewage, stormwater and electricity, having regard to the size of the site and its ability to accommodate on-site utility services sufficient for the proposed level of occupation.

## **Proposed Changes to North Shore City District Plan Zoning Maps**

Alter the District Plan Maps (Maps 6, 7, 12 & 13) in accordance with the attached map

## **Proposed Changes to Neighbourhood Unit Plans in Appendix 17A**

Add the following note to:

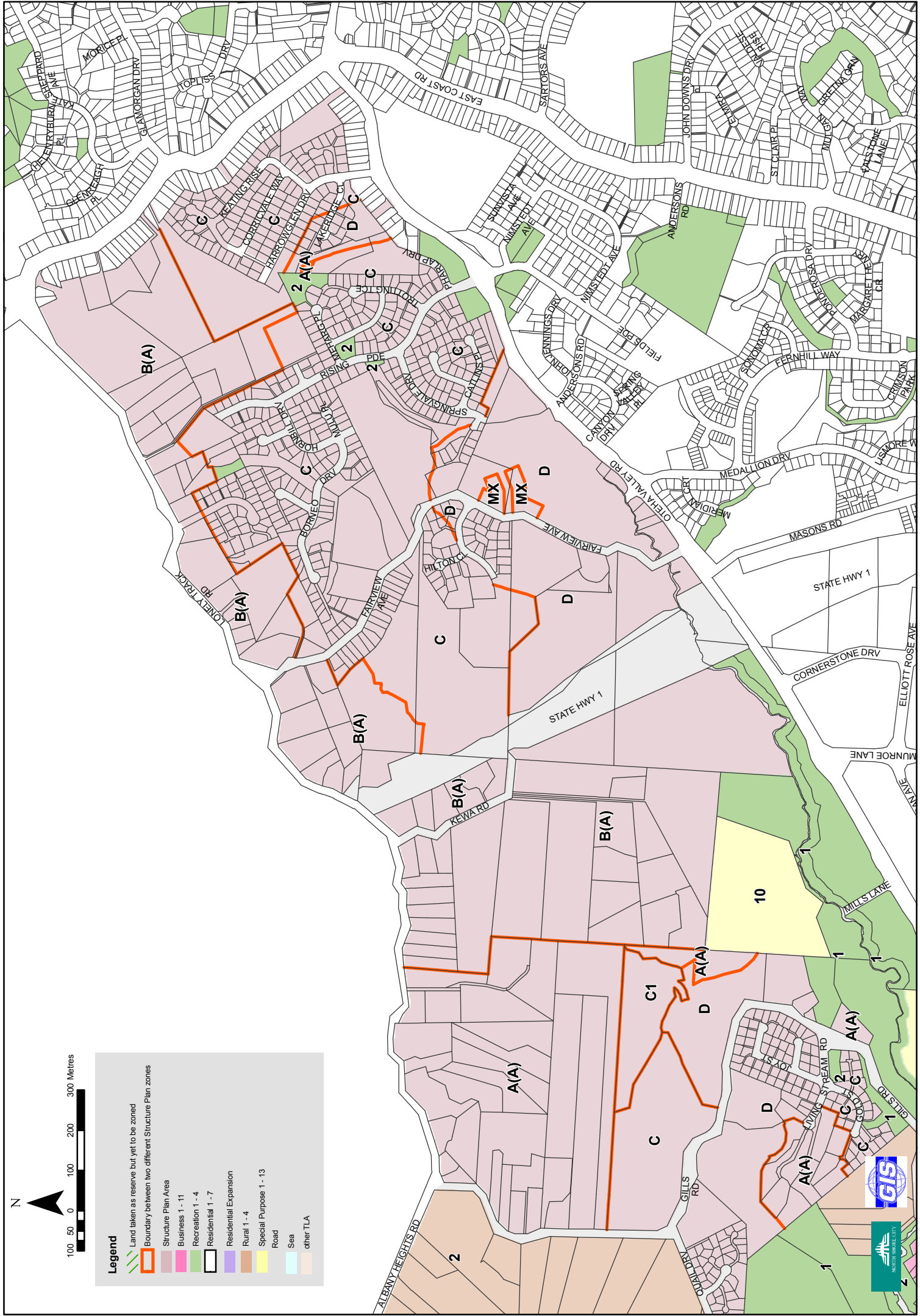
Appendix 17A/B Neighbourhood Unit Plan Area C, Albany; and

Appendix 17A/D Neighbourhood Unit Plan Area F, Albany

### **Note:**

**“The zone boundaries for the Area A and B zones have changed. Refer to the Planning Maps”.**





**Legend**

- Land taken as reserve but yet to be zoned
- Boundary between two different Structure Plan zones
- Structure Plan Area
- Business 1 - 11
- Recreation 1 - 4
- Residential 1 - 7
- Residential Expansion
- Rural 1 - 4
- Special Purpose 1 - 13
- Road
- Sea
- other TLA



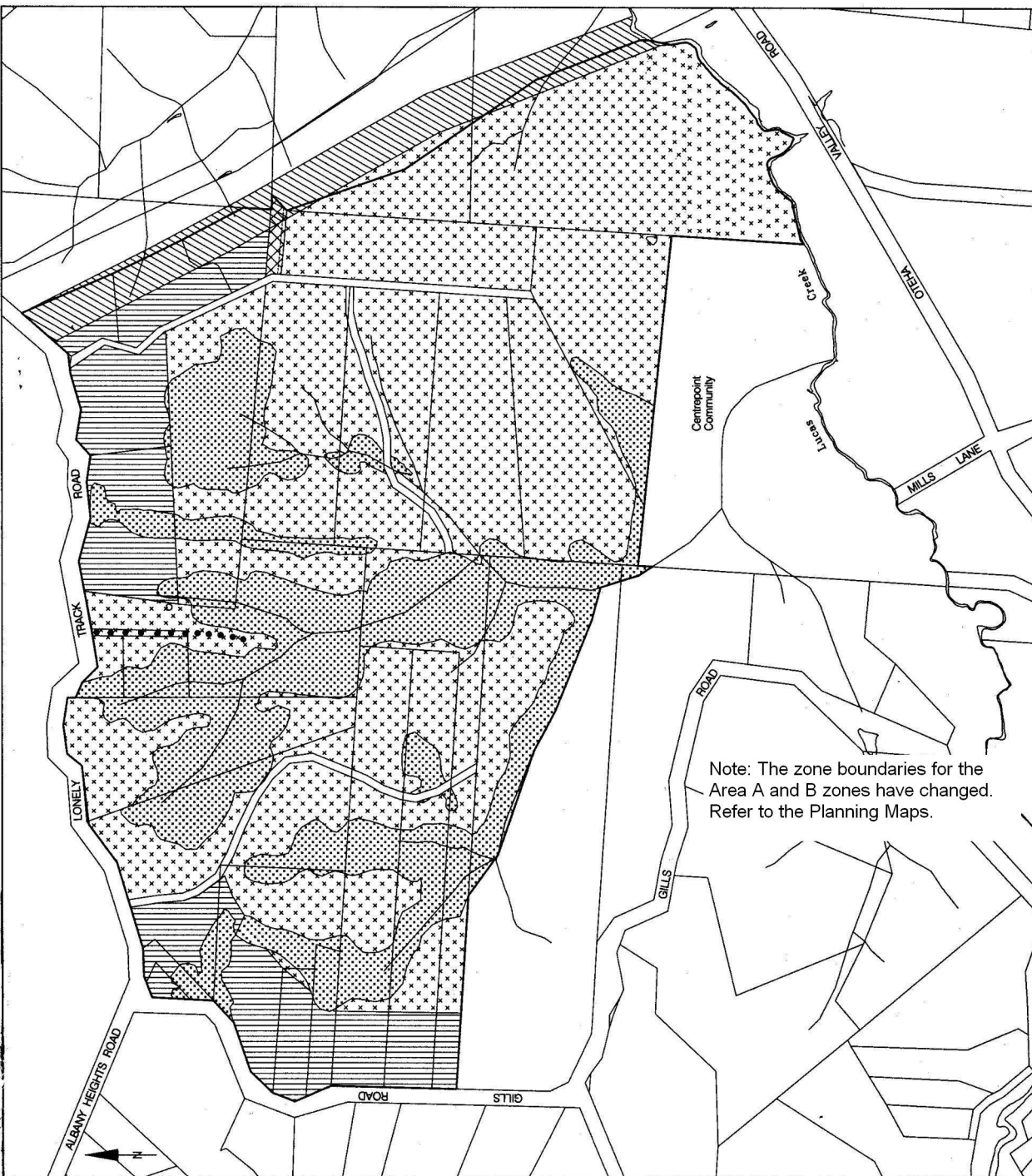


# NEIGHBOURHOOD UNIT PLAN AREA C

## LEGEND

- NEIGHBOURHOOD UNIT BOUNDARY
- REGENERATING BUSH TO BE PROTECTED BY PRIVATE COVENANT ON SUBDIVISION
- AREA A: LARGE LOT RESIDENTIAL
- ENVIRONMENTAL PROTECTION
- PROPOSED RESERVE
- ROAD TO BE CLOSED
- INDICATIVE MOTORWAY BUFFER STRIP: WIDTH 50m FROM EDGE OF CARRIAGEWAY
- PRIVATE ACCESSWAYS
- KEY ROUTE
- LOCAL STREETS
- LOCATION OF PREFERRED ACCESS TO RESIDUAL MOTORWAY LAND.

## ALBANY STRUCTURE PLANS





# NEIGHBOURHOOD UNIT PLAN AREA F

## LEGEND



NEIGHBOURHOOD  
UNIT BOUNDARY



AREA A: ENVIRONMENTAL  
PROTECTION



AREA B: LARGE LOT  
RESIDENTIAL



AREA C: STANDARD  
RESIDENTIAL



AREA D: VARIED  
RESIDENTIAL



AREA SUBJECT TO  
RESTRICTIVE COVENANT



RESERVES / OPEN SPACE  
LINKAGES



LOCAL STREET



ACCESS STREETS



STORMWATER PONDS  
(location indicative)



WALKWAY

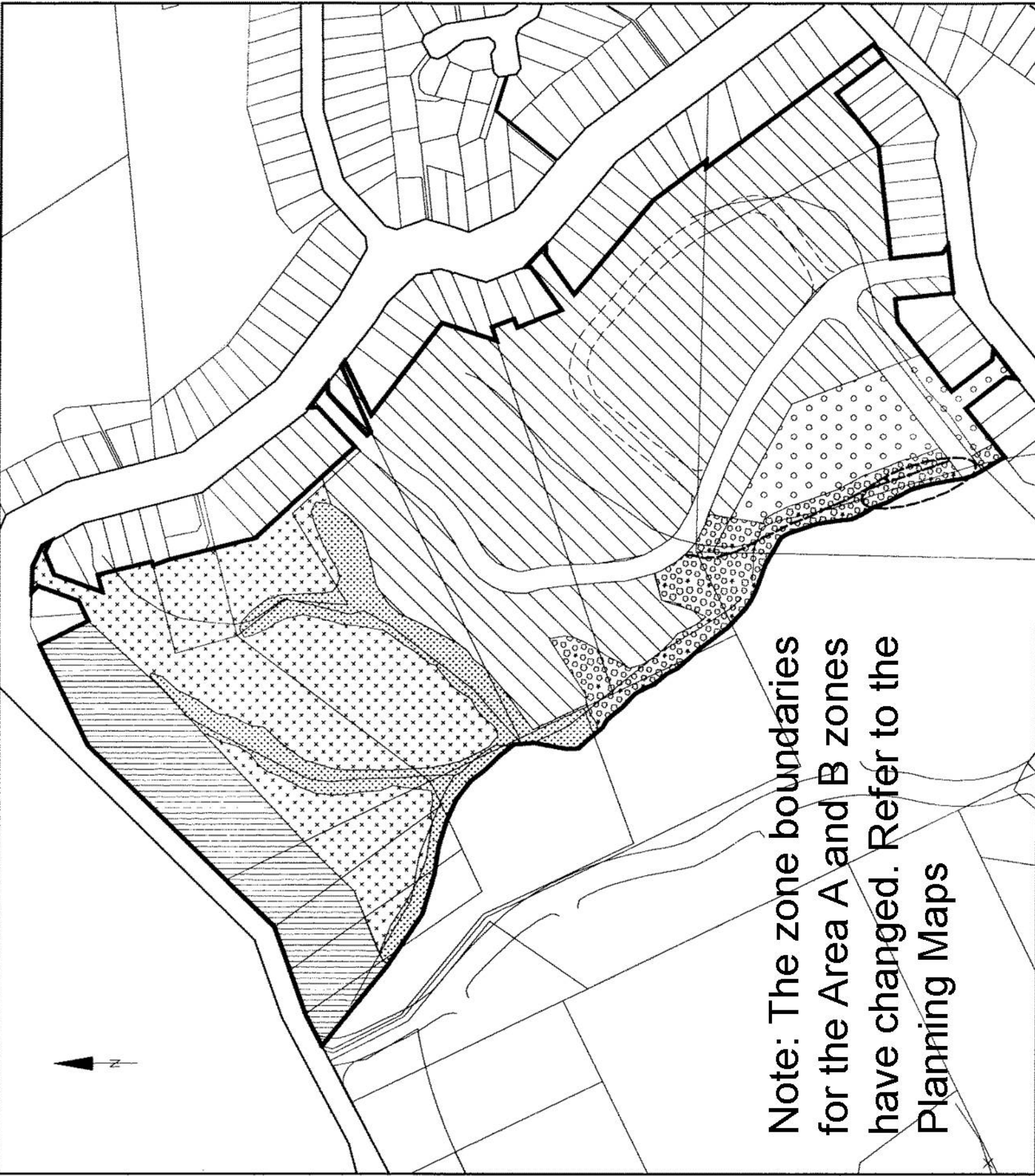
## NOTES:

RESERVE:  
Width of reserve to the stream  
shall be sufficient to develop an  
all weather pedestrian path alongside  
this stream and planting / screening  
between the path and  
adjacent properties.  
ACCESS STREETS:  
Alignment is indicative only and  
may be modified at the  
stage of subdivision.

## ALBANY STRUCTURE PLANS



**Note: The zone boundaries  
for the Area A and B zones  
have changed. Refer to the  
Planning Maps**





# PROPOSED PLAN CHANGE X

## REVIEW OF AREAS A AND B OF THE ALBANY STRUCTURE PLAN:

### Section 32 Analysis

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- 8.0 CONCLUSION

Attachment 1:

PARTICULARLY SIGNIFICANT LANDSCAPE FEATURES

1. Unit 45 – The Upper Lucas Creek Escarpment and Creek
2. Unit 55 – Forest East of Gills Road
3. Unit 56 – Forest East of Gills Road
4. Unit 61 – East of Fairview Avenue
5. Unit 62 – South of Lonely Track Road
6. Unit 63 – East of Fairview Avenue below Lonely Track Road
7. Unit 64 – East of Fairview Avenue
8. Unit 65 – Below Lonely Track Road and West of East Coast Road

## LIST OF FIGURES AND TABLES

| <u>Figure</u> | <u>Page</u>                                                    |
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| 1             | Annotated District Plan Map Identifying Existing Areas A and B |

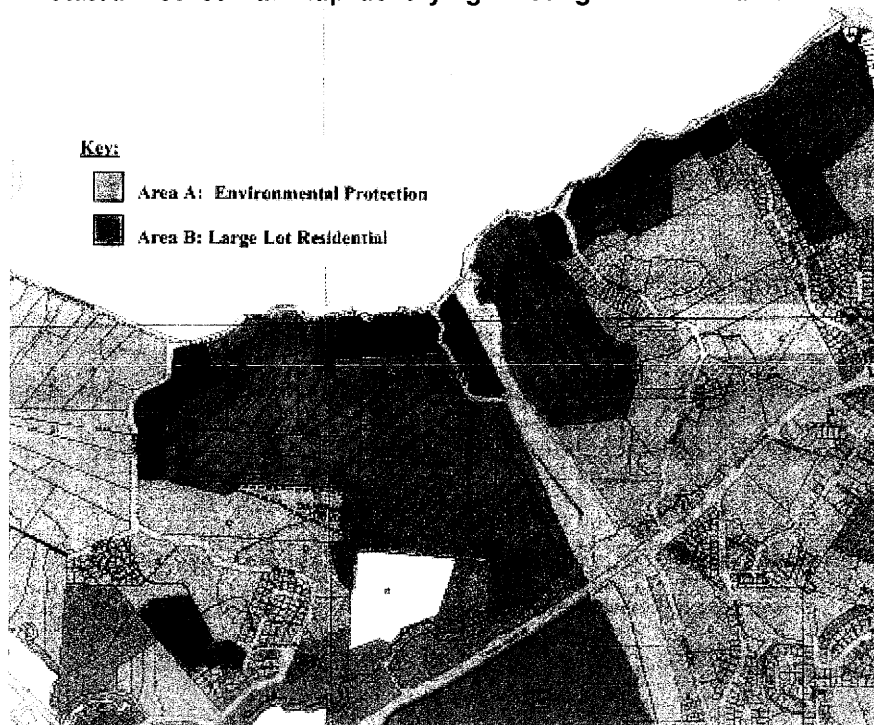
## 1.0 INTRODUCTION

### 1.1 Scope and Purpose

Proposed Plan Change X (“the Plan Change”) is a Council initiated proposal following a review of the existing planning provisions applying to Areas A and B of the Albany Structure Plan. It develops the conclusions of an earlier report identifying that changes are required to the current policy and regulatory provisions controlling subdivision and development within these areas.

The extent of the directly affected land is defined in Figure 1 below.

**Figure 1: Annotated District Plan Map Identifying Existing Areas A and B:**



**Source: Adapted from the District Plan Zoning Maps**

The Plan Change comprises three distinct, but interrelated, parts:

**(a) Changes to the Policy Framework**

Changes are proposed to ensure that:

- The vision is clearly articulated in the objectives and policies;
- The objectives and policies are sufficiently robust to withstand applications for subdivision (and other) activities that challenge the vision; and
- New objectives and policies are included that are specific to the area subject of and/or within this Review.

**(b) Changes to the Zone Boundaries**

Changes are proposed to ensure that:

- Current zoning anomalies are addressed; and
- The zoning remains appropriate to the amended objectives, policies and rules.

**(c) Changes to the Subdivision Standards**

Changes are proposed to appropriately recognise:

- The physical and environmental variations within the area; and
- The potential for limited further subdivision (and resultant development) in terms of the vision applicable to the land.

The changes to the Policy Framework and to the subdivision standards are discussed in Section 6.0 of this Report. In map form, the changes to the zone boundaries are defined in Figure 2 below.

**Figure 2: Proposed Zoning For The Affected Area:**

**Source: North Shore City Council**

## 2.0 THE PROPOSED PLAN CHANGE

### 2.1 Background

The Albany Structure Plan determines the future residential development potential of some 400 hectares of land within the Albany basin. Preparation and incorporation of the Structure Plan into the District Plan was a prerequisite to land subdivision and development occurring. The Structure Plan was notified in 1996, and it was incorporated into North Shore City Council's proposed District Plan 2002.

The Structure Plan process was used to determine future residential capacity based upon a number of environmental constraints, including the physical, environmental, landscape and cultural characteristics of the area. This 'constraints mapping' identified varying opportunities for residential development and the area was divided into five sub-zones according to the intensity of development that the land could sustain. The four predominant subzones are Areas A, B, C and D, with the fifth being a relatively small subzone, the Mixed Use Area.

The Area A and B zones generally apply to the steeper bush-clad land in the Albany Structure Plan Area, along the Lonely Track Road Ridgeline and in and around the stream valleys south of the ridgeline. Area A is zoned for environmental protection purposes, with a 1 ha average subdivision standard. Area B is zoned for large lot residential subdivision purposes, where the subdivision standard is 4,000m<sup>2</sup>.

Areas C and D generally occupy the lower parts of the structure plan area and are the main urban residential areas, with a general minimum subdivision standard of 500m<sup>2</sup>, with provision to create smaller sites on larger lots. The more limited Mixed Use Area overlays Area D and provides bonus provisions affording

additional building development rights and higher density housing, business activities and community facilities in return for enhanced street amenity and a wider road reserve.

At the time the Structure Plan was prepared, the Albany land area to the north of Oteha Valley Road was largely greenfield. Since then, however, rapid development of Areas C and D for conventional urban residential purposes has occurred as part of the wider Albany development and there is continued pressure for further development within both Areas A and B. Both of these areas have been subject to non-complying resource consents<sup>1</sup>, part of Area A is subject to a private plan change<sup>2</sup> and some administrative difficulties have arisen as a result of the zone boundaries being drawn along topographical boundaries rather than property boundaries. Such processes have identified that the minimum lot sizes applicable within these zones can, by reference to the current District Plan objectives and policies, be difficult to justify and defend, particularly on land that does not contain any significant landscape features (especially regenerating native bush), where the slope of the land is not overly steep and where conventional sized lots border Area A. To address this situation, a review of the suitability or otherwise of the Area A and Area B zonings was initiated by the Council.

That Review has been undertaken in three parts.

**Part 1** reviewed the vision for the area as presented in the District Plan and determined whether that vision remains appropriate or whether changes are required.

The critical conclusions of this part of the review of the vision were that:

---

<sup>1</sup> 69 Lonely Track Road, 81 and 103 Fairview Road

<sup>2</sup> Kewa Road

1. A number of significant changes have occurred both within the review area and within the immediately surrounding environs. In particular, large tracts of land between Oteha Valley Road and the Lonely Track Road ridgeline have now been intensively developed to standard residential densities. This has occurred primarily within Area C but has also occurred on land in Areas A and B. This has changed the context in which the further development potential of Areas A and B needs to be considered.
2. There appears to be a general consensus amongst landowners that some further development should be allowed within Areas A and B, but that wholesale changes are not appropriate.
3. The vision for the area remains appropriate, however it is not expressed in the District Plan in a sufficiently robust manner to withstand challenges via the resource consent process.
4. Further residential development within Areas A and B would be both consistent with the regional planning direction and the vision as expressed in the District Plan, subject to ensuring that streams are protected, earthworks are minimized, vegetation is protected and the general character of the area is maintained.
5. Some zone boundaries need to be redefined to ensure that the integrity of the two zones is maintained.

**Part 2** involved an assessment of the capacity of existing and proposed infrastructure services to provide for any increased development potential.

The critical conclusions of the infrastructure investigation were that:

1. The engineering constraints within the Review area do not, of themselves, justify preventing further development, although they do support controlling it, including in respect of timing. However if some further development is to occur, specific objectives and policies need

to be introduced into the District Plan to ensure that the existing infrastructure constraints are appropriately recognised and can be comprehensively addressed.

2. Until such a time as a reticulated water supply is made available, site-specific tank supply is an acceptable solution for Areas A and B.
3. For wastewater, wider capacity issues within the general Albany area are not a major concern, although local connections into Trunk Sewer 27 (which runs along Oteha Valley Road) will need to be assessed on a case-by-case basis.
4. The significance and sensitivity of the Lucas Creek catchment and its headwaters needs to be specifically recognised, the thresholds for development clearly stated and the package of tools available to achieve the required mitigation identified in the District Plan.
5. In a wider sense, some increase in development throughout the Review area is unlikely to have a major impact on the function of the roading network, which will be much more significantly influenced by traffic generated from further development at Long Bay, at the Albany Centre and in the lower parts of the catchment. As such, in any particular case, it will be up to an applicant to establish that sufficient capacity exists to accommodate a specific development and/or to propose an acceptable solution. Notwithstanding this, where road improvements are required, these should *precede* development.

**Part 3** identified, in a broad sense, the options for change to the current objectives, policies and rules relating to the minimum net area and density and the boundary between zones.

The key recommendations were that:

1. The policy framework should be amended so that it is robust and specific enough to achieve the vision and to withstand applications

for subdivision (and other) activities that challenge the vision. There is a need to develop a specific set of objectives and policies, over and above what is already in the Plan, that relate to the land subject to this review.

2. Some zones needs to be redefined and some zone boundaries should be rationalised to maintain the integrity of the zoning.
3. The rules should be amended to recognise the different environments west and east of the Motorway, to recognise the different physical characteristics of Areas A and B, and in a manner that allows further development to occur without compromising the vision (but recognizing the changes which have occurred in the wider catchment).

As a result of the review, a policy decision was made by the Council to promulgate a Plan change to the planning provisions that apply within Areas A and B. This Section 32 analysis supports that Plan Change.

### 3.0 LEGISLATIVE FRAMEWORK

#### 3.1 STATUTORY REQUIREMENTS – RESOURCE MANAGEMENT ACT 1991

The Council must ensure that prior to adopting an objective, policy, rule or other method in the district plan, that the proposed provisions meet the requirements of the Resource Management Act 1991 (the Act) through an assessment of matters outlined in Section 32 of the Act.

In achieving the purpose of the Act, the Council must carry out an evaluation under Section 32 before notifying a plan change or variation and prepare a report, which is publicly available from the date of notification. This report will therefore address the relevant matters set out in Section 32.

In terms of other relevant sections of the Act the Council functions are set out in Section 31. The Council's functions include *"the control of any actual or potential effects of the use, development or protection of land"*. In exercising its function, Section 72 of the Act states:

*"The purpose of the preparation, implementation and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act."*

The following provisions of Section 76 are also relevant:

- "(1) A territorial authority may, for the purpose of –*
- (a) Carrying out its functions under this Act; and*
  - (b) Achieving the objectives and policies of the plan" –*

Include (rules in a district plan) ...

*“(3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.”*

The relevant parts of Section 32 are stated below and an assessment follows in this Report.

32. *Consideration of alternatives, benefits, and costs*

(1) *In achieving the purpose of the Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under Section 48, or a regulation is made, an evaluation must be carried out by –*

...

(c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or ...*

(2) *A further evaluation must also be made by –*

(a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*

(3) *An evaluation must examine –*

(a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

(b) *whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

...

- (4) *For the purpose of the examinations referred to in subsections (3) and (3A), an evaluation must take into account –*
- (a) *the benefits and costs of policies, rules, or other methods; and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Case law has established that a Plan Change is to be evaluated by the considerations listed in the decision “*Eldamos Investments v Gisborne District Council*”<sup>3</sup>. In applying the Eldamos criteria to the proposed provisions the following must be taken into consideration:

1. Would the proposed provision be the most appropriate way to achieve the objectives of the plan?
2. Would the proposed rule assist the territorial authority to carry out its functions in order to achieve the purpose of the Act?
3. Would the Rule be in accordance with the provisions of Part 2?
4. Would the rule achieve the objectives and policies of the Plan?

---

<sup>3</sup> W047/05 Environment Court, Wellington, Judge Sheppard; JD Rowan; JR Mills; 22/05/2005.

## **4. AUCKLAND REGIONAL PLANNING DOCUMENTS**

### **4.1 THE AUCKLAND REGIONAL POLICY STATEMENT**

The Auckland Regional Policy Statement (“ARPS”) provides an overview of the resource management issues facing the Region and includes policies and methods (but not rules) to achieve the integrated management of the natural and physical resources of Auckland Region. The ARPS was made operative on 31 August 1999.

Chapter 2 of the ARPS sets out the strategic direction for the Auckland Region and contains a set of strategic objectives and policies designed to provide a direction and consistent framework for the integrated management (use, development and protection) of the region’s natural and physical resources. The strategic direction for the Auckland region is one of containment of urban development within defined limits and of accommodating future growth within and around high-density centres and corridors linked by an effective public transport system. Containing urban development within defined MUL is the key response to the Auckland Region’s sustained growth, and the ARC seeks to manage the consequential effects on natural and physical resources in this way for at least the next 30 years.

The ARPS defines, in its Appendix D, the ‘metropolitan urban limits’ of Auckland as follows:

*Means the boundary between the urban area and the rural area. The urban area includes both the existing built up area and those areas committed for future urban expansion in conformity with the objectives and policies expressed in the Regional Development chapter of the RPS. The metropolitan urban limits are delineated on*

*map Series 1, Sheets 1-20. Also see definitions of Urban area and Rural lands / area.*

The definitions of 'Urban Area' and of 'Rural Lands / Area', reinforce the concept that urban areas are located either within the MUL or within the urban zones of rural or coastal settlements.

The land subject of this review is located within the Metropolitan Urban Limits.

Chapters 3 – 17 of the ARPS are also relevant to the achievement of integrated management across the region. The provisions of these chapters identify that regional development should occur in a manner which:

- Protects the intrinsic values of the Region's natural resource base, including significant natural features and landscapes, areas of significant indigenous vegetation and habitat, and the protection of these from inappropriate subdivision, use and development;
- Encourages the efficient use of natural and physical resources, including urban land, infrastructure networks (in particular transportation) and energy resources;
- Recognises and protects features or qualities which are significant in terms of natural or cultural heritage, the quality and sensitivity of the landscape and the effects of more intensive subdivision;
- Preserves the natural character of the coastal environment and appropriately addresses effects on the coast; and
- Appropriately addresses the effects of land intensification on the quality of natural water bodies (with particular reference to stormwater and wastewater disposal) and natural hazards (in particular land instability and flood risk).

The ARPS envisages that the significant re-development of existing urban areas will occur through the Structure Planning process (or other similar mechanism), a process which is already in place in this instance.

The ARPS recognises that urban intensification has the potential to cause adverse effects on the environment and that metropolitan Auckland consists of a highly diverse range of environments, including land having physical characteristics that afford it a lower development potential. In terms of integrated management, the ARPS seeks to promote the maintenance and enhancement of certain natural resources and amenity values from the potential effects associated with physical development, including urban intensification. Such effects include increased stormwater runoff into Auckland's vulnerable waterways, effects on amenity values, damage to natural and cultural heritage, incompatibility of activities between adjoining properties and between adjacent zones, and increased traffic congestion. The weighting given to intensity of development and to protection of the environment needs to be determined having regard to the particular circumstances. That is exactly what this Plan Change seeks to address.

## **4.2 THE AUCKLAND REGIONAL GROWTH STRATEGY**

An amendment to the Local Government Act 1974 established the Regional Growth Forum and Infrastructure Auckland. The Growth Forum developed the Auckland Regional Growth Strategy ("ARGS") as a means of identifying how growth could be accommodated in a manner that best meets the interests of the regional community.

The key features of the growth concept as expressed in the ARGS are that growth will be managed through intensification, including through development of identified high density urban nodes, with most growth being contained within the existing metropolitan area, and provision for managed urban expansion into identified future urban areas (greenfield growth) and selected rural towns. With its

emphasis on intensification in parts of the urban area, the growth concept anticipates that other parts will be of a less intense urban form.

Whereas the growth concept was previously a non-statutory document identifying one outcome of the regional growth concept, it is now identified as being fundamental to the way in which development within the Auckland region occurs. Accordingly, the growth concept embodied in the ARGS now forms the statutory basis, pursuant to the Local Government (Auckland) Amendment Act LG(A)AA, of Plan Change 6 to the ARPS and of various plan changes to each of the region's district plans, including Plan Change 12 to the North Shore City District Plan (Plan Change 12 is discussed in Section 5.0 of this Report).

#### **4.2.1 THE LG(A)AA AND PLAN CHANGE 6 (ARC)**

The Local Government (Auckland) Amendment Act ("LG(A)AA") was passed in order to strengthen integrated management in the Auckland region, and the requirement to manage growth, as reflected in the ARGS. As a requirement of the LG(A)AA, in 2005 amendments to the ARPS and to each of the territorial authorities' district plans were proposed specifically to provide for integrated land transport and land use provisions that are consistent with the ARGS. The ARC's proposed Plan Change 6 was notified on 31 March 2005. Decisions were released in August 2007, and some provisions will be subject to appeal.

The decisions reinforce the existing policy direction of the ARC; in particular they seek to retain the MUL in the ARPS as a key policy tool supporting the growth concept in the Auckland region and retain the emphasis on high-density centres and corridors as a key mechanism for implementing the growth concept. While the decisions confirm that low density development within much of the Auckland region urban area is contributing to transport congestion, decreasing air and water quality, and threatening the amenity and liveability of urban areas, they accept that only parts of the region are suited to high density development, while other parts will

remain at a low density. Accordingly, the key emphasis of Plan Change 6 is to promote compact mixed use environments that support residential and employment opportunities and which facilitate well located and designed higher density areas to support passenger transport and alternative modes of transport to private vehicle usage in certain locations. This is not the sole intent of the Plan Change however, and it recognises that there is a need to achieve dual objectives of protection of valued areas and the achievement of projected growth. Accordingly Plan Change 6 also recognises that significant landscapes, highly valued landscapes and sensitive catchments need protection in planning documents. Additional provisions have been included to ensure that these are protected and to clarify that the growth concept seeks to limit or avoid growth in such areas.

The Plan Change does not compromise the growth concept. The 184ha site of the Albany Town Centre lies to the south of the Lucas Creek escarpment and is bounded to the east by the Northern Motorway (SH1), to the south and west by the Albany Expressway (SH17) and to the north by Oteha Valley Road. It has been identified in planning instruments since 1979 as the site for the Albany Centre, and at no time has it included the land area subject to this Plan Change. A recent Environment Court decision on the development of the Albany Town Centre<sup>4</sup> has confirmed its suitability as a high-density centre, the key features of which are as follows:

- A central area of public land containing stormwater ponds and to be developed as a Civic Park;
- A commercial (retailing, office, entertainment, and residential apartments above ground floor level) centre to the south; and
- A mix of activities to the north, including extensive areas of high density residential, high density office developments and a more limited extent of retail, food service, entertainment and car-orientated commercial activities.

---

<sup>4</sup> Decision No A042/2007

Resource consent applications for high-density residential development in the northern sector of the Albany Town Centre are anticipated, with two having been processed to date, as follows:

- On November 2006 NSCC granted resource consent to an application to develop (inter alia and as Stage 1 of larger development) part of a 2.0ha lease area into 146 residential apartments at 25 Don McKinnon Drive, Albany [various blocks one being 7 storeys];
- On 25 July 2007 NSCC considered a resource consent application to develop (inter alia and in two stages) a 1.5966ha site into 503 residential apartments at 80 Don McKinnon Drive, Albany [building comprising a six to 10 level podium and two tower blocks of 23 and 28 levels above the podium].

Accordingly, the development of the Albany Centre will achieve the urban intensification objective in the Growth Concept, while the low intensity residential development proposed in this Plan Change will achieve the objective of limiting or avoiding growth within significant landscapes, highly valued landscapes and sensitive catchments.

### **4.3 THE REGIONAL PLANS**

The operative Auckland Regional Plan: Coastal (ARP:C), the proposed Auckland Regional Plan: Air, Land and Water (PARP:ALW) and the operative Auckland Regional Plan: Sediment Control (ARP:SC) are relevant.

#### **4.3.1 The Coastal Plan**

The land discharges to the Lucas Creek, an estuarine system that has a diverse benthic zone ecosystem. The Lucas Creek has been subjected to sediment degradation through changes to the land use over time. The Lucas Creek

discharges to the upper Waitemata Harbour approximately 4km from the site. The ARP:C identifies the Lucas Creek southwest of the Albany Expressway (SH17) to the upper Waitemata Harbour area<sup>5</sup> as Coastal Protection Area 2: (CPA #57) and describes it as:

*...“the best example of the muddy, mangrove lined inlets of the inner Waitemata Harbour. The diversity and productivity of the flora and fauna is generally large with extensive beds of shellfish and abundances of birds and fish. Gradations between the marine environment and either natural freshwater or natural terrestrial systems are a major characteristic of the ramifying arms of the system. These arms are also important as pathways for migration by native freshwater fish.*

*The saline vegetation is an important habitat for threatened secretive coastal fringe birds, particularly where it abuts terrestrial vegetation, which provides roosts and potential next sites for birds.”*

Certain Coastal Protection Areas have also been identified as Areas of Significant Conservation Value, and this includes CPA 57 which is part of the Upper Waitemata Harbour (ASCV 30<sup>6</sup>).

The Plan provides for the protection of areas given Coastal Protection Area 2 and/or ASCV status by protecting the values identified in these areas. The Coastal Plan largely relates to the Coastal Marine Area and the Coastal Environment. It identifies, as issue 5.2.3:

*“Inappropriate subdivision, use and development which occurs above Mean High Water Springs can have adverse effects on the natural features and ecosystems which occur below MHWS. The protection of the values of*

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<sup>5</sup> Refer to Sheets 27 and 28 of the Maps and to Schedule 3 ARP:C: CPA 57 and within ASCV 30

<sup>6</sup> Refer to Schedule 4

*these features and ecosystems and the continued operation of ecological and physical processes requires a joint management approach.”*

The proposed Plan Change introduces an increased emphasis on sustainability of the natural features of Areas A and B including limitations on earthworks, protection of Particularly Significant Landscape Features and appropriate stormwater controls. It accords with the overall intent and provisions of the Regional Plan: Coastal insofar as it seeks to protect the values of the Lucas Creek and Upper Waitemata Harbour.

#### **4.3.2 The Air, Land and Water Plan**

The Air, Land and Water Plan (the “ALW Plan”) looks at the issues relating to the sustainable and integrated management of natural resources, and provides for the preservation and protection of natural values, for the use and development of natural resources, and for the recognition of matters of significance to tangata whenua.

The following significant issues relating to water are addressed in the Proposed Plan:

- Water quality and quantity in rivers, streams and lakes;
- The water quality and quantity in aquifers;
- Effects on receiving environments.

The following significant issues relating to land management are addressed in the Proposed Plan:

- Urban sustainability;
- Erosion and potential sediment discharge;
- Soil conservation and soil health.

The provisions of the ALW Plan are central to the new directions of this Plan Change. The proposed amendments, with their increased emphasis on the maintenance of water quality in the Lucas Creek, on the protection of the Lucas Creek escarpment, on the retention of the natural contour of the land and their limitations on the extent of earthworks and vegetation modification, accord with the intent and provisions of the ALW Plan.

#### **4.3.3 The Sediment Control Plan**

This Plan addresses the issue of sediment discharge and defines the mechanisms the ARC has chosen for avoiding, remedying or mitigating any adverse effects on the environment due to sediment discharge from bare surfaces.

The relationship and significance of Areas A and B to the sustainable management of the Oteha Catchment is one of the key factors governing the directions taken in this Plan Change. The amendments reinforce the need to avoid, remedy or mitigate any adverse effects of sediment discharge into the system.

#### **4.4 Summary Comment**

The land area subject of this review lies within the MUL, is close to a major commercial centre, the employment base of the Albany basin and to the Albany campus of Massey University. It is also in close proximity to the Motorway and lies within an easy distance of the East Coast beaches. In this regard the land is identified as suited to urban development, rather than rural development, albeit it at a density that the land is capable of supporting. Subject to ensuring that there is continued environmental protection for the natural and physical features of the resource base, notably the Lucas Creek headlands and catchment, and to ensuring adequate provision for infrastructure, more intensive development of the area would be consistent with the regional planning approach.

Having said that, it is important that urban development only occurs on the southern side of Lonely Track Road. At present, residential development on the northern side of Lonely Track Road is sporadic and relatively unobtrusive, and Lonely Track Road itself provides a significant physical demarcation of the MUL thereby helping to distinguish between the two, rural and urban, environments. Some consideration should be given as to how future upgrading of this road is managed so as to reduce the expectation of residential type development further to the north, in the neighbouring Rodney District and outside of the MUL.

## **5.0 DISTRICT PLANNING RELATED PROVISIONS**

The land area subject of this Plan Change lies within the City's urban limits. The North Shore City District Plan ("the Plan") recognises that some parts may have a potential for further subdivision and development, albeit at levels well below those applying throughout the major part of the City's urban areas. The Plan recognises the low intensity character of these areas and the dominance of the natural and physical environment along the City's northern limits and, through a range of methods, seeks to protect these from continued, inappropriate urban growth and expansion.

Table 6.1 of Plan Change 12 [proposed as a result of the LG(A)AA (and currently subject to appeal)] includes a schedule of town centres required in accordance with the growth concept embodied within the ARPS. It includes the town centre at Albany earlier discussed in Section 4.2.1 of this Report. Again, the land subject of this Plan Change is outside of the Albany Town Centre and is not identified as suited to high, or even moderate, density development.

Some provisions in Plan Changes 6 [Long Bay Structure Plan – Stage 2, currently under appeal]; 22 - Addressing the Effects of Stormwater Runoff on Stream Health] and 23 - Addressing the Effects of Development on Stream Health and Riparian Margins are also relevant.

### **5.1 Strategic Policies**

The strategic policies in Sections 6.2 – 6.4 of the Plan are relevant to this assessment.

#### **Section 6.2: Urban Growth and Development**

This introductory section identifies the effects of continued growth and change on, amongst other matters, the City's natural environment. The identified issues include:

- The effects of urban spread on the Auckland countryside along the northern boundary of the City;
- Damage to natural habitat and ecological values from development;
- The loss of vegetation including mature trees; and
- The degraded condition of many urban streams.

Proposed Plan Change 23 seeks to add a new issue to Section 6.2 as follows:

- Encroachment on or into streams and rivers including their riparian margins.

These issues are particularly relevant to the area of the Albany Structure Plan to the north of Oteha Valley Road.

### Section 6.3: Goals for North Shore

The first goal relates to the natural environment and describes North Shore City as a city that protects its natural habitat and ecological values and retains its significant landscape features.

The second goal relates to the built environment and describes North Shore City as a city which adequately services its built form in a way that ensures the protection of its highly valued natural environment and provides a wide variety of housing forms which, among other matters, reflects local character.

Plan Change 12 proposes to amend this second goal by adding a further sentence as follows:

*A compact and contained City with a quality built environment, focused around town and village centres that supports goals for the natural environment, for ease of movement, community wellbeing and economic growth.*

#### Section 6.4: Urban Growth Strategy

The rate of urban growth within the City and the nature and location of development to accommodate that growth are key issues facing the North Shore. Many positive effects can result from urban growth such as greater vitality within commercial centres, an increased range and improved quality of commercial shopping and social facilities, a greater range of employment opportunities, improved efficiency of public transport, increased recreational and entertainment facilities and choices and a greater range of housing choices. However, without careful management, urban growth could cause major adverse effects including the following:

- Harm to the amenity values of residential neighbourhoods;
- Damage to valued natural environments and habitats;
- Increased traffic congestion, vehicle emissions, and use of non-renewable fuel resources;
- A loss of features of heritage value; and
- Harm to significant landscapes and associated features.

Plan Change 12 proposes to amend Policy 2 to read as follows:

*Urban expansion will be contained within the metropolitan urban limits in the Albany, Greenhithe and Long Bay areas and will proceed in a way and at a rate that matches transport and infrastructure planning and provision. Some locations within these areas may be selected for more intensive forms of residential and business development as sub-regional and town centres, but the cumulative adverse effects of urbanization on the local natural*

*environment including native bush, streams, waterways and ecosystems will be minimised.*

#### Summary Comment:

Sections 6.2 - 6.4 promote sustainable urban growth that, as a concept, seeks to avoid, remedy and mitigate adverse effects. A primary objective of this Plan Change is to effectively manage growth and change while ensuring the protection and enhancement of a high quality natural environment, the protection of significant landscapes and associated features and the maintenance of amenity values.

## **5.2 Natural Environment Policies**

Various policies in Sections 8.2 – 8.4 and 9.3.1 of the Plan and various provisions in proposed Plan Changes 6, 22 and 23 are relevant to this assessment.

### Section 8.2: Natural Environment Issues

This section raises such issues as:

- How to effectively restore, rehabilitate and enhance areas of the natural environment;
- How to protect outstanding natural features and landscapes from inappropriate subdivision use and development;
- How to retain areas of native bush - where they possess ecological and landscape values;
- How to avoid potential adverse effects on amenity values, landscape values, ecological values and habitat values caused by the removal or damage to tree cover in the urban area.

Plan Change 23 proposes a number of changes to Section 8.2 to incorporate descriptions of riparian margin function and to identify the issue of the effect of urban development on streams.

#### Section 8.3.2: Ecosystems

This policy seeks to protect and enhance significant habitats of native fauna and flora and to maintain biodiversity for their intrinsic educational and recreational values.

#### Section 8.3.3: Landscape, Landforms, Geological Features and Views

Section 8.3.3 seeks to recognise and protect those areas that make a significant contribution to the landscape character, sense of identity or geological history of the City. This is to be achieved through policies which identify outstanding features or groups of features which collectively contribute to a significant character or feature, or areas of environmental sensitivity and applying to special protected zones.

#### Section 8.3.4. Tree Management

Section 8.3.4 seeks to promote amenity values in both the urban and rural areas of the City by maintaining and enhancing the tree cover. It also seeks to retain trees that contribute to the amenity, landscape and ecological values in the urban area. This is to be achieved through policies that, among other matters, protect areas of native bush that contribute significantly to the landscape and protect areas that are important for their ecological values.

#### Section 8.3.5 Stormwater Catchment Management

This Section of the Plan generally seeks to protect and enhance the natural character and ecological amenity and recreational value of rivers, streams and other natural bodies of water. This is to be achieved through policies which maintain and enhance native vegetative buffers adjacent to waterways to avoid or mitigate the effects of surface erosion, stormwater contamination, bank erosion and increased surface water temperature, and by enhancing the margins of waterways in terms of their natural ecological amenity and public access values. It also seeks to adopt a comprehensive approach to river and stream system management and avoid, remedy or mitigate stormwater contaminants and sediment discharge from land-based activities.

Plan Change 22 proposes some amendments to Section 8.3.5 requiring various degrees of on-site stormwater management. This follows from the identification of a new issue, in Section 8.2 as follows:

- *How to manage changes to the ecological, amenity and landscape values associated with streams in the City.*

Plan Change 22 introduces an overlay map across the City (excluding in the Long Bay Structure Plan area) dividing it into five Stormwater Management Areas according to stream qualities and values, and introduces various regulatory provisions limiting the maximum impervious areas allowable on a site and identifying the level of mitigation required according to the Stormwater Management Area. The Area subject of this Plan Change is located within Stormwater Management Area 2 ("SM2"). SM2 is an 'enhancement area' applying to the upper catchments or middle catchments of the highest quality streams where ecological values are declining but amenity values are high, and/or where there is a potential to restore and upgrade streams. Further runoff in this area has the potential to degrade the qualities present. The management approach in SM2 is to require stormwater runoff from impervious surfaces exceeding 15% of the site area to be entirely managed on-site through a combination of techniques.

Plan Change 23 also proposes some amendments to this Section (and to the associated policies in Section 8.4.2) to better provide for the protection of streams and riparian margins.

Plan Change 6 applies only to land within the Long Bay Structure Plan area. There are three levels of stormwater management based on the existing stream environment and zoning of each lot. For the large lot residential areas (Long Bay 1A and 1B zones) the maximum impervious area of the site is 500m<sup>2</sup> or 15% of the site (whichever is greater) and full management of runoff flow rates, volumes, time of concentration and base flows is required (100% management of impervious surface areas). These requirements recognise the particular natural and physical resources of the Long Bay area.

#### Section 9.3.1 Protection of the Environment

This Section seeks to avoid, remedy or mitigate the adverse effects of subdivision and development on the environment including physical environment, biota, amenity values and landscape. This is to be achieved through policies which:

- Retain significant landscape features, vegetation and wildlife habitats as they provide amenity value and diversity in the landscape and habitat;
- By ensuring that new subdivision and development recognises existing natural features and landscapes and that the form of development reflects the character and environmental qualities of the location.
- By ensuring that new subdivision and development recognises and is compatible with the character and amenity values of existing development.

The Explanation and Reasons to this Section acknowledge that past development practice in the City has resulted in a loss of significant natural landforms and vegetation and has caused a number of environmental problems at the local level. The Section states that *“The Council is concerned to ensure that the design of*

*subdivision and subsequent development takes account of any natural or physical constraints.”*

### Summary Comment

The Plan Change is consistent with the provisions relating to the natural environment as it identifies and protects significant natural landscape areas and responds to the different sensitivities of Areas A and B.

With regards to stormwater, the grassed or bush areas within the Albany catchment have been significantly reduced as large areas are developed for commercial and residential use. The remaining bush and open space areas are to be retained, and the protection of existing environmental features is a significant role of Areas A and B within the catchment.

An effective impervious area standard of 10% throughout the catchment is required to ensure good stream health, with a more significant decline in stream health being experienced where the effective impervious area is between 10% and 15%. In the Lucas Creek catchment the effective impervious area will be more than 15%. Having regard to development across the catchment, and to the particular sensitivities and importance of the receiving environment, the Long Bay approach is to be adopted in Areas A and B. Full on-site stormwater mitigation will be required and impervious areas will be limited to 15% of the site or 500m<sup>2</sup> (whichever is greater). This approach appropriately recognises the high amenity and landscape values of the land subject to this Plan Change and will assist in protecting the remaining and important stream tributaries and in enhancing the water quality and natural amenity of the Lucas Creek.

### **5.3 Subdivision and Development Policies**

Various policies in Section 9 of the Plan are relevant to this assessment.

## Section 9: Subdivision and Development

This Section of the Plan identifies the following issues relating to the subdivision of land in the City. The issues are addressed through related objectives and policies:

- Loss of vegetation (both native and exotic) resulting in the loss of habitat, amenity values and diversity in the urban landscape;
- Increased soil/sediment runoff and changes in hydrology associated with vegetation and earthworks with consequential adverse effects on amenity values and terrestrial and aquatic ecosystems;
- Alteration of landform due to re-contouring, infilling and realignment of water course (including channelisation) resulting in loss of landscape amenity value and diversity in the urban environment and loss of aquatic habitat.

The subdivision standards for the A and B Albany Structure Plan Area explain that the minimum site area of 1 ha and 4,000 sq.m. within these areas, have been selected to allow for residential development at sufficiently low densities so as to protect the natural and physical environment. Reference is made in particular to the need to:

- Reduce the amount of sedimentation generated at development stage;
- Provide for sites large enough for unsewered residential development;
- Retain the overall character of the landscape and in respect of Area B, particularly the low-density character of the Lonely Track ridgeline;
- Protect existing areas of significant native vegetation; and
- Provide for a transition from urban development to the rural zones of the North Shore City boundary.

## Summary Comment

The Plan Change identifies that the loss of vegetation, increased sediment runoff and alteration of landform that would inevitably arise from conventional urban subdivision will generate significant adverse effects on the Areas A and B of the Albany Structure Plan. Importantly, the Plan Change doesn't deviate from the original intention of the provisions but rather seeks to ensure that the specific issues, including those raised in the explanation and reasons, are comprehensively addressed in the objective and policy provisions against which resource consent applications can be assessed.

#### **5.4 Section 17.A: Albany and Greenhithe Structure Plans**

This Section is particularly relevant as it deals specifically with the land subject of this Plan Change.

The objectives identify the need to:

- Minimise the adverse effects of urbanisation on watercourses and receiving environments; and
- Maintain significant landscape features of the area for their intrinsic value and as a basis for enhancing the identity and future residential amenity of the area.

These objectives are carried through into policies that seek to:

- Ensure that the potential sediment generation is minimised by limiting the intensity of development on steeper land and land close to sensitive water bodies, protecting natural watercourses and valley systems, and keeping natural vegetation cover on steeper slopes.
- Ensure that in the case of lots on steeper land the location of building platforms and vehicular access is selected to minimise earthworks;

- Retain significant ridgelines, stream valleys and native bush with the structure in place for development;
- Ensure that the cumulative effects of development do not result in the degradation of landscape features as a consequence of extensive recontouring.

The Explanation and Reasons refer to the differentiated approach to zoning in these areas.

The northern area of the Albany Structure Plan is defined as “*a mixture of pastoral lots and smallholdings, interspersed with remnant native bush and scrub*”. The Plan identifies this area as containing a number of significant landscape elements including:

- The vegetative escarpment and alluvial flat of Lucas Creek;
- The more strongly segmented landscape with a series of north-south oriented gully systems filled with manuka, pines and some native canopy species;
- The convex form of lower slopes with contrasting ridges especially the Lonely Track ridgeline which provides a platform for views towards the Auckland isthmus and Rangitoto; and
- A more diverse landscape of scrub and gully vegetation in the vicinity of Gulls Road. The Plan recognises that existing development along Lonely Track Road has partially compromised the landscape potential of that ridgeline and that other development is scattered, with some concentration along Fairview Avenue.

The Explanation and Reasons recognise that the development of the Northern Motorway across the Albany Structure Plan has the potential to have significant acoustic effects across the area.

### Summary Comment

As evidenced by the above provisions, it is apparent that the current Plan provides a sound basis for retaining and strengthening those provisions of the Plan which relate to the natural environment. This Plan Change seeks to achieve this through amendments that further define and prioritise the natural features and values that underlie Areas A and B of the Albany Structure Plan area.

Importantly, the Plan Change seeks to ensure that the specific issues, including those raised in the explanation and reasons, are comprehensively addressed in the objective and policy provisions against which resource consent applications can be assessed. Such amendments refine, and are entirely consistent with, the existing provisions of the District Plan.

## 6.0 ASSESSMENT

### 6.1 Is the Plan Change the most appropriate way to achieve the purpose of the Act?

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Part 2 of the RMA defines its purpose and principles through Sections 5, (purpose) and sections 6, 7 and 8 (which are the principles to give guidance as to the way in which the purpose is to be achieved). The existing Plan provisions are intended to achieve sustainable management, however they have proven insufficiently robust to withstand challenges through non-complying resource consent applications. In a broad sense, the Plan Change seeks to reinforce the existing approach and to rectify these deficiencies, such that the purpose of the RMA can be achieved.

#### Section 5.0

Section 5 sets out the purpose of the Act as being the promotion of sustainable management of natural and physical resources. Section 5(2) defines sustainable management as meaning:

*“... managing the use, development and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –*

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

- c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 5 is intended to be enabling within the context of achieving other outcomes, namely the matters identified in (a) – (c) above. The proposed Plan Change satisfies a dual role in providing for an increase in subdivision opportunities while also providing a more comprehensive framework for the protection of the natural environment, and so avoiding, remedying or mitigating adverse effects on the surrounding environment. The Plan Change also responds to a desire by landowners within the area for some additional development rights, while still protecting the particularly environmental features of the land. As such it will enable people and communities to provide for their social, economic and cultural well-being and for their health and safety without compromising the matters identified in (a), (b) or (c).

#### Section 6.0

None of the matters outlined in Section 6 of the Act (matters of national importance) are relevant to consideration of the proposed Plan Change.

#### Section 7.0

Section 7 of the Act requires all persons exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources to have particular regard to a number of matters including (of relevance):

- b) The efficient use and development of natural and physical resources;*
- c) The maintenance and enhancement of amenity values;*
- d) Intrinsic values of ecosystems;*

- f) *Maintenance and enhancement of the quality of the environment*

Application of the Plan Change provisions to the land is seen as achieving the above requirements of Section 7 of the RMA, most notably in respect of:

**(b) Efficient use and development of natural and physical resources.**

Some further development of the land is appropriate in terms of the area's location within the MUL. However recognising the natural qualities and characteristics present, further development to a conventional urban scale is not appropriate. This is confirmed in an assessment of the visual and landscape implications of the Plan Change carried out by LA4<sup>7</sup>. One of the conclusions of that assessment is that:

*"The Plan Change addresses changes that have occurred within the Albany Structure Plan area since its inception including rapid redevelopment of the area and increased demand for future development. It also acknowledges differences in the landscape character of the sub-zones and proposes intensity levels appropriate to the areas underlying characteristics. The Plan Change recognises the environmental qualities and characteristics of the area through allowing increased development to occur while ensuring that the significant landscape features and elements are protected and enhanced."*

**Maintenance and enhancement of amenity values.** The RMA defines amenity values as meaning *"those natural or physical qualities and characteristics of an area that contributes to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes"*. One of the conclusions of the assessment of the visual and landscape implications of the Plan Change carried out by LA4, is that:

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<sup>7</sup> Reference

*“Development of the intensity proposed in the Plan Change could be accommodated within Oteha valley without adversely affecting the character, aesthetic value and integrity of the landscape as a whole provided that controls are imposed on the retention and enhancement of the existing stream systems, bush areas and ridgelines; restrictions on earthworks; and controls on the number of accessways.”*

Subdivision meeting the requisite standards is a discretionary activity, the determination of which must be assessed in accordance with the revised objective and policy provisions. Those objective and policy provisions are ‘effects-based’ and have been drafted to address (inter alia) the potential concerns raised above.

**(d) Intrinsic values of ecosystems.** The Plan Change proposes to introduce specific controls that are designed to protect characteristic and/or significant landscape features, including having regard to their intrinsic value.

**(f) Maintenance and enhancement of the quality of the environment.** One of the conclusions of the assessment of the visual and landscape implications of the Plan Change carried out by LA4, is that:

*“The valley and stream corridors with their associated vegetation form important natural features throughout the Albany Structure Plan area providing topographic relief, reinforcing the underlying topography and providing visual contrast and relief from the adjacent rural-residential and residential development. They are also of important ecological value providing physical continuity and connectivity of the stream system and a critical linkage role in the wider area.”*

The Plan Change proposes to introduce additional provisions pertaining to such matters as earthworks and vegetation clearance, which are designed to protect sensitive natural environments including the Lucas

Creek and Upper Waitemata Harbour. The Plan Change also proposes to introduce specific controls that are designed to protect identified significant landscape features, including having regard to their endemic / natural values.

### Section 8.0

Section 8.0 requires all persons exercising functions under the RMA to take into account the principles of the Treaty of Waitangi. This particular Plan Change seeks to modify various provisions to give proper effect to the intent of the Albany Structure Plan and related Plan provisions. It is not expected to raise specific concerns to Maori, except insofar as they have an on-going interest and involvement in the management of resources throughout the City.

### Summary Comment

Public consultation has confirmed people's general appreciation of the attributes of Areas A and B and their desire to see these qualities and characteristics protected while at the same time achieving an efficient use and development of their land. The Plan Change has sought to strike an appropriate balance between an intensified pattern of land subdivision and development on the one hand and protection of the character and amenity values of this part of the City on the other. Overall, it is concluded that the Plan Change is in accordance with the purpose and principles of the Act.

## **6.2 The Extent To Which Each Objective Is The Most Appropriate Way To Achieve The Purpose of the Act (Section 32(3)(a))**

New objectives are proposed in the Sedimentation and Water Quality, Landscape Protection and Residential Development Sections. Each objective is necessary to address issues facing the Council in this area, including:

- Avoiding a more intensive pattern of development that fails to recognise the nature, qualities and characteristics of this particular environment; and
- Continued assessment of non-complying resource consents against inadequate plan provisions.

A conscious decision to protect the environment underlies the Plan Change, and while limited additional development rights are conferred, each (existing and new) objective is necessary to recognise and retain the quality and characteristics of these landscapes and to appropriately differentiate between the approach taken to Areas A and B and the approach taken to Areas C and D. Failure to include these objectives would mean that the existing situation, where non-complying resource consents allowing more intensive subdivision to occur are being granted, could continue. That situation will continue to put the natural environment at risk, and so fail to appropriately avoid, remedy or mitigate adverse effects on the environment. It will also fail to meet the aspirations of both the landowners and the broader community.

Accordingly, and recognising that the intent of the existing provisions of the Plan is not being challenged, it is considered that the inclusion of the new objectives is the most appropriate way of achieving the purpose of the Act.

### **6.3 Benefits, Costs and Appropriateness of Policies**

Having established that the proposed change is in general accordance with the purpose of the Act, the assessment to follow is designed to establish that, having regard to their efficiency and effectiveness, the policies are the most appropriate for achieving the objective/s, having regard to their efficiency and effectiveness.

“Efficiency” can be described as the degree to which a policy represents value for money, is easily understood, is easily administered and is likely to achieve a policy objective reasonably quickly.

'Effectiveness' can be described as doing the right thing in terms of the purposes and principles of the RMA and achieving the environmental results that have been identified as desirable.

### **6.3.1 Policy Grouping: Sedimentation and Water Quality**

Policy provisions specific to Areas A and B are proposed as follows:

#### **17A.2.1.2.2.1 Areas A and B:**

1. The quality of water in the Lucas Creek catchment shall be maintained through improved stormwater techniques.
2. Unmodified tributaries to the Lucas Creek shall be retained in their natural state and riparian vegetation should be maintained and enhanced.
3. All development, including buildings, accessways, roads, and other facilities including infrastructure, shall incorporate principles of Low Impact Design and adopt on-site stormwater mitigation techniques that manage both stormwater quantity and quality and which keep post development conditions as close as practical to greenfield conditions. Sites shall not rely on communal off site stormwater management facilities such as wetlands or treatment ponds.
4. Mitigation of the effects of increased impervious surfaces shall address the quantity of run-off (peak flow rates and average run-off volumes for a range of rainfall events) as well as quality of run-off through the removal of suspended sediments.
5. Development is to utilise appropriate technologies and materials for wastewater infrastructure to restrict stormwater inflow and infiltration into the system in order to minimise wastewater overflow events and contamination of the Lucas Creek and upper Waitemata receiving environments.
6. To minimise risks to Lucas Creek from excessive sediment generation from earthworks and impervious areas, large-scale earthworks shall be confined to Areas C and D.
7. Large-scale earthworks, where there are identified geotechnical issues and important landform and ecological constraints, shall be avoided and development is to be limited to low densities in Area A and low-medium densities in Area B.
8. The scale and location of site works associated with subdivision and development should ensure that adverse effects on watercourses, Particularly Significant Landscape Features, areas of ecological value and neighbouring properties arising from changes to landform, vegetation modification and/or clearance and from the generation of sediments are avoided.
9. Siteworks and earthworks should be managed so as to minimise risks associated with sediment generation, including the risks associated with multiple earthworking areas in the catchment at the same time.

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| <b>Benefits:</b> The above policies seek to ensure that appropriate provision is made for |
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stormwater and wastewater management and that the nature and extent of earthworks are limited. This reflects the deliberate approach taken in the Plan Change to protect the particular environmental characteristics and features that are present within Areas A and B. There is a wider benefit to the community, insofar as the area is highly visible from a wide catchment area and provides a visual contrast to the intensive development occurring throughout much of the wider Albany urban area. The importance of the quality and characteristics of the Lucas Creek is appropriately recognised and the environment associated with the Lucas Creek escarpment is protected.

**Costs:** Costs associated with the implementation of these policies will be incurred by the landowner / developer. Resource consent applications will require careful analysis against the policy provisions of the District Plan.

**Efficiency and Effectiveness for Achieving the Objective:** The policies support the protection of the values of the natural environment of Areas A and B and so achieve the objectives. The policies are clear and robust enough to properly guide the preparation and assessment of resource consents. Stormwater management has featured significantly in the most recent Structure Plan (Long Bay) and the appropriate part of the intended approach laid down in that Structure Plan can be adopted here.

### 6.3.2 Policy Grouping: Significant Landscape Features

Policy provisions specific to Areas A and B are proposed as follows:

#### 17A.2.2.2.1 Areas A and B

1. To protect the scale and vertical relief, the physical extent, continuity and cohesion of vegetation cover and the lack of development of the extensively vegetated escarpment rising up from Lucas Creek, and to ensure that it continues to form a natural backdrop to the visually contrasting urban and rural residential development.
2. To retain the key characteristics of the slopes above the Lucas Creek escarpment, which include isolated stands of exotic trees, extensive areas of indigenous planting in the gullies, and amenity trees and shrubs.

3. To maintain the visual and landscape integrity and significance of the prominent Lonely Track Road ridgeline.
4. Particularly Significant Landscape Features as identified in the Planning Maps and Regenerating Bush as identified in Neighbourhood Unit Plan Area C shall, at the time of subdivision, be protected and preserved in perpetuity.
5. Large lot developments with limited impervious cover shall be required to facilitate the retention of existing landforms and landscapes in their current state.
6. To require a low and low-moderate density form of development to provide a transition from the higher intensity development close to the Albany Centre, to the more natural patterns and themes of the Albany hills and the rural land north of the city boundary.
7. A stable building platform and access route, requiring only minimal land disturbance and/or modification, including the removal of native vegetation shall be provided for each site. To achieve this, sites may need to be larger than the minimum site area especially where they contain Particularly Significant Landscape Features.

**Benefits:** In a broad sense, the policies define the intrinsic value and landscape character and how these will be managed. The Particularly Significant Landscape Features are identified in the Plan Change and will be protected and preserved.

**Costs:** Owners of land containing a Particularly Significant Landscape Feature or other natural constraints to development will incur additional costs both in respect of protection via covenants. Additional costs will also be incurred where lot sizes have to be increased beyond the minimum in order to protect the natural features present on the site from the resultant development.

**Efficiency and Effectiveness for Achieving the Objective:** The existing policy provisions are quite general, with those specific to the Albany Structure Plan referring only to the visual impact of the motorway (now developed) and to roading patterns. The new policies appropriately complement the existing objective and will provide more targeted assistance during the preparation of consideration of resource consents.

### 6.3.3 Policy Grouping: Residential Development

Policy provisions specific to Areas A and B are proposed as follows:

#### 17A.2.3.2.1.1 Areas A and B:

1. By defining subdivision opportunities based on the natural and physical characteristics of Areas A and B and irrespective of an ability to provide infrastructure services to the land.
2. Subdivision should create a settlement pattern that respects and maintains the landscape elements of the area, including the protection of the landscape values associated with the steeper, vegetated land of the upper part of the catchment. The density of development should remain low to reflect the environmental and landscape conditions present, and development should be confined to already cleared areas where little further earthworks or modification of the landform is required.
3. To maintain the character, aesthetic value and integrity of Area A by allowing a low density of subdivision and thereby protecting:
  - a. The spacious and non-urban character, notably the contrast it offers to subzones C and D and its proximity to and relationship with rural zoned land to the west and north;
  - b. The dominance of the vegetated valley system and stream corridors traversing the slopes down towards the Lucas Creek and which provide strong topographic relief and form important ecological corridors within the wider valley;
  - c. The subservience of housing to the more natural characteristics of the area, such that housing is visually unobtrusive and continues to be restricted to an extent by the steeper terrain.
4. To maintain the character, aesthetic value and integrity of Area B by allowing a low-moderate density of subdivision. The character, aesthetic value and integrity of Area B is described below:
  - a. To the west of the Motorway, the landscape characteristic is more gently undulating grassed slopes with stands of exotic trees including pines and eucalypt and a greater degree of built development, buffered from the Albany Town Centre by the Lucas Creek escarpment. The area also includes the east facing grassed slope which overlooks the motorway, is more visually exposed than other land in the area and which provides visual relief from the intensively developed retirement complex on the eastern side. Dwellings along Lonely Track Road are typically located towards the road on the more elevated and flatter land in a fairly linear fashion and surrounded by grass and planting.
  - b. To the east of the Motorway, the landscape characteristic is a more uniform terrain, undulating down in a series of minor gullies from Lonely Track Road towards Oteha Valley Road. Vegetation is less extensive but importantly provides visual relief from the rapidly encroaching residential development and is largely associated with significant and sometimes steep stream corridors, including remnant stream course vegetation and feeder channels. Many of the dwellings along Lonely Track Road are typically located towards the road on the more elevated and flatter land in a fairly linear fashion interspersed by exotic and indigenous tree planting.
4. To maintain the transitional function that the Area B land plays between the Albany Centre and the rural land north of the City boundary.

**Benefits:** The new policies define the characteristics and features of the land within Areas A and B, thus clearly identifying the particular natural and physical characteristics and amenity values of the land and the manner in which they should be managed. Notwithstanding that the policies clearly identify that the subdivision pattern is to remain low density and that the area fulfils an important transitional function, many landowners will be afforded additional subdivision

|                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| opportunities.                                                                                                                                                                                                                                  |
| <b>Costs:</b> Subdivision applications will need to include a thorough assessment of the landscape implications of subdivision.                                                                                                                 |
| <b>Efficiency and Effectiveness for Achieving the Objective:</b> These policy provisions fill an important policy void identified in the previous Plan provisions and will be important to the preparation and assessment of resource consents. |

### 6.3.4 Policy Grouping: Design and Mobility

Policy provisions specific to Areas A and B are proposed as follows:

#### 17A.2.4.2.1.1 Areas A and B

1. Appropriate stormwater management features such as raingardens, swales and pervious paving are to be incorporated into the design of accessways and roads so that stormwater generated from the road surfaces is managed within the road reserve.
2. Development, including building platforms, accessways, roads and other facilities including infrastructure shall be located so as to maintain the character and landscape features of Areas A and B, and shall avoid a location within Particularly Significant Landscape Features. In cases where development can only be achieved by encroaching partially or wholly into Particularly Significant Landscape Features, then sites will need to be larger than the minimum site area to ensure provision of a building platform, access route and on-site infrastructure without such an encroachment.
3. Any private accessways serving more than 10 lots shall be upgraded to the requisite standards of the District Plan and shall be vested as public road before any additional development rights can be realised.
4. Any road upgrading required to mitigate the adverse effects of additional traffic volumes shall be completed before any additional development rights can be realised.
5. Private access should:
  - i. Utilise existing accessways where feasible and practicable.
  - ii. Be located as close as practical to a formed legal road or served by an existing formed vehicle access.
  - iii. Avoid Particularly Significant Landscape Features identified in the Plan maps.
  - iv. Be designed to follow the existing landform and to cause little or no land disturbance.
  - v. Be designed in a way that it incorporates low impact stormwater mitigation techniques such as swales, filter strips and dual strip driveways.
  - vi. Be designed to not accentuate stormwater runoff, erosion or increase the potential for land instability, and to mitigate against the direct discharge of stormwater to the street.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Benefits:</b> As right of ways serving multiple sites can be inefficient when compared to the public road network, the policies seek to encourage shared accessways and the formation of new roads (in favour of multiple accessways). They also seek to delay (but not prevent) further development if an existing road is unable to satisfactorily accommodate the resultant increase or change in traffic volumes and movements, until such a time as those increases or changes can be satisfactorily accommodated. The policies also reinforce earlier provisions relating to subdivision and landscape features.</p> |
| <p><b>Costs:</b> In the absence of specific Council funding for road upgrades, a greater reliance will be placed on financial contributions and there is a cost to the landowner / developer associated with delaying development rights.</p>                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Efficiency and Effectiveness for Achieving the Objective:</b> The provisions are considered to be more effective and efficient than refusing to allow subdivisions in some areas on traffic and transportation grounds, which is most likely to generate further non-complying activity applications. It is appropriate to provide that development can occur “in a way and at a rate” that ultimately promotes sustainable management of the environment.</p>                                                                                                                                                             |

### Summary Comment:

In a general sense, the proposed policies have the following benefits:

- They clearly define the particular environmental qualities and constraints of Areas A and B and give appropriate guidance regarding how these areas should be managed;
- They shift the management emphasis from minimising impacts to resource protection and/or retention.
- The new policies on stormwater recognise that this particular environment requires a different management technique than is otherwise adopted in SM2;

- They identify and seek to protect Particularly Significant Natural Features and the Lucas Creek;
- They recognise that the land fulfil's a transitional function and that it should continue to have a relationship with both urban and rural landscapes;
- They give clear guidance as to how subdivision and development should occur, in order to achieve the intended outcomes; and
- They reflect the community's general aspirations for the land, notwithstanding that they will not (and cannot be expected to) reflect the specific aspirations of each and every landowner.

In a general sense, the proposed policies have the following costs:

- They support a lower development potential than is available in Areas C and D; and
- A larger area of land may be required to subdivide property containing Particularly Significant Landscape Features, depending upon the extent of these features;

The policies are efficient insofar as they will give concise and clear policy guidance for the processing of resource consent applications. This should ensure that all parties are clear regarding the intended outcomes. The policies are effective insofar as they achieve the objective of differentiating the approach taken in Areas A and B from Areas C and D, and provide for a greater level of protection of the environment than currently exists.

#### **6.4 The Benefits, Costs and Appropriateness of the Principal Alternative Methods**

Having established that the proposed change is in general accordance with the purpose of the Act, the assessment to follow is designed to establish that, having regard to their efficiency and effectiveness, the principal alternate methods are the

most appropriate for achieving the objective/s, having regard to their efficiency and effectiveness.

Again “efficiency” can be described as the degree to which a method represents value for money, is easily understood, is easily administered and is likely to achieve a policy objective reasonably quickly while ‘effectiveness’ can be described as doing the right thing in terms of the purposes and principles of the RMA and achieving the environmental results which have been identified as desirable.

The methods assessment is split into three parts:

1. The Sub-zones as They Apply to the Land.
2. Particularly Significant Landscape Features
3. The Subdivision Rules

Each is discussed below.

#### **6.4.1 The Sub-zones as They Apply to the Land**

The zone boundaries between Areas A and B need to be rationalised to ensure that the zoning approach is robust insofar as it appropriately recognises the characteristics of the land and allocates subdivision rights accordingly. In this regard, changes have been made to the zone boundaries to ensure that the land is zoned according to the following core characteristics, as identified in the assessment of the visual and landscape implications of the Plan Change carried out by LA4. The revised boundaries follow cadastral boundaries, where possible.

##### **Land Zoned Area A:**

- The spacious and non-urban character, notably the contrast it offers to subzones C and D and its proximity to and relationship with rural zoned land to the west and north;

- The dominance of the vegetated valley system and stream corridors traversing the slopes down towards the Lucas Creek and which provide strong topographic relief and form important ecological corridors within the wider valley;
- The subservience of housing to the more natural characteristics of the area, such that housing is visually unobtrusive and continues to be restricted to an extent by the steeper terrain.

#### **Land Zoned Area B:**

- To the west of the Motorway, the landscape characteristic is more gently undulating grassed slopes with stands of exotic trees including pines and eucalypt and a greater degree of built development, buffered from the Albany Town Centre by the Lucas Creek escarpment. The area also includes the east facing grassed slope which overlooks the motorway, is more visually exposed than other land in the area and which provides visual relief from the intensively developed retirement complex on the eastern side. Dwellings along Lonely Track Road are typically located towards the road on the more elevated and flatter land in a fairly linear fashion and surrounded by grass and planting.
- To the east of the Motorway, the landscape characteristic is a more uniform terrain, undulating down in a series of minor gullies from Lonely Track Road towards Oteha Valley Road. Vegetation is less extensive but importantly provides visual relief from the rapidly encroaching residential development and is largely associated with significant and sometimes steep stream corridors, including remnant stream course vegetation and feeder channels. Many of the dwellings along Lonely Track Road are typically located towards the road on the more elevated and flatter land in a fairly linear fashion interspersed by exotic and indigenous tree planting.

**Land Zoned Area C:** Does not the present the characteristics of the Area A and B land and is more closely aligned with the existing Area C land.

In terms of the efficiency and effectiveness of the zoning approach and the specific zones to be applied through the Plan Change, the changes proposed are efficient insofar as zoning as a method is widely applied, easily understood and is consistent with the approach that the Council has adopted both throughout the City and with the Albany Structure Plan. Retaining Areas A and B recognises the differing characteristics of the land. Applying Area C properly reflects the characteristics of the land. An approach that has integrity is most likely to achieve the purposes and principles of the RMA and to achieve the desired environmental results.

#### **6.4.2 Particularly Significant Landscape Features**

Particularly Significant Landscape Features have been identified in the *“North Shore Landscape Assessment”* carried out by Stephen Brown in July 2000. Eight features have been identified either within or partly within Areas A and B. These are identified in Attachment 1 to this Report. Each unit has been attributed value ratings which summarises the feature’s contribution to the wider landscape character and values in relation to each criteria on a scale of five, being: ‘Not Applicable, Low, Moderate, Significant, High’. Each unit has also been attributed an overall rating for the feature in the context of North Shore’s overall landscape, on a scale of ‘Significant, Highly Significant, Outstanding’.

The assessment of the visual and landscape implications of the Plan Change carried out by LA4 has confirmed the importance of these areas. The identified features are particularly important both within the local landscape and having regard to broader ecological corridors and downstream values. For administrative simplicity, these areas will be shown as an overlay in the Planning Maps and will

be protected through policies and a rule requiring building platforms to be clear of these areas. This is consistent with the current approach taken in the Plan.

### **6.4.3 The Subdivision Rules**

In the first instance a broad range of options can be considered, so as to stimulate thought about the range of opportunities available and the advantages and disadvantages of various techniques. It is possible to then identify and focus consideration on a narrower range of the more suitable options. These assessments assume that the policy framework is strengthened as recommended (see Section 6.3), that the changes are made to the zones (see Section 6.4.1) and that rules are introduced to protect Particularly Significant Landscape Features (See Section 6.4.2).

#### **6.4.3.1 Options Considered and Discounted As Not Meeting The Tests Of Section 32**

The following broad options have been considered and discounted because they do not meet the tests of efficiency and effectiveness as required by Section 32:

1. Maintain the Status Quo: Area A: 1ha and Area B: 4,000m<sup>2</sup>
2. Rezone the entire Area Sub-Zone C
3. Rezone all of the Area into one low intensity zone and apply a standard subdivision size

The key reasons why these options have been discounted are recorded below.

#### **(1) Maintain the Status Quo: Area A: 1ha and Area B: 4,000m<sup>2</sup>**

This option would allow the current pattern of development to continue, with any non-complying applications able to be assessed on their merits. It also avoids the

time and cost associated with preparing a plan change. However this option is inefficient and ineffective for the following reasons:

- Does not fully acknowledge the changes that have occurred within the surrounding environment and therefore does not address the relationship between the Areas A and B land and this wider area;
- Potential change to character and vision for Areas A & B through non complying resource consents and private plan changes given the desire to maximise use of land notwithstanding environmental constraints.
- Inefficient use of urban land (underutilised 1 ha lots) where there are no environmental constraints, with the strong potential for ad hoc infill development at a later date.
- Does not acknowledge need for transition (as referred to in zone explanations) between 1ha/4000m<sup>2</sup> lot sizes and 500m<sup>2</sup> lots.
- Does not meet the general aspirations of the broader community.

## **(2) Rezone the Entire Area Sub-Zone C**

This option would increase the development potential of the top part of the Structure Plan zone and permit a greater density of residential development within the MUL. This option removes debate about where zone boundaries should be drawn and, having regard to the built environment only, it is consistent with the development of much of the land on the lower to mid valley slopes at Area C densities. However this option is inefficient and ineffective for the following reasons:

- Fails to recognise that much of the land has environmental constraints not suited to residential development at 500m<sup>2</sup>.
- The significant earthworks required will result in adverse effects on the character, amenity and ecology of the area (including having regard to visual effects, transitional character, effects on watercourses, loss of regenerating native bush and significant alteration to landforms).

- The existing Structure Plan objectives and policies are unlikely to be achieved, and so there will be an inconsistency with the vision for the Review area even though that vision is an appropriate one.
- Would require significant roading infrastructure investment which is not currently budgeted.
- Does not meet the general aspirations of the broader community.

**(3) Rezone all of the Area into one low intensity zone and apply a standard subdivision size**

This option avoids debate over the appropriateness of the particular zoning (Area A v Area B) and over where those zone boundaries should be drawn. However this option is inefficient and ineffective for the following reasons:

- Fails to recognise the different characteristics of Areas A and B land and therefore:
  - Fails to meet the vision for the Area
  - May provide inadequate protection of the steeper bush clad land
  - May compromise existing amenity values

**6.4.3.2 Options Meeting The Tests Of Section 32 and Requiring Further Consideration**

The following broad options are considered to generally meet the tests of efficiency and effectiveness as required by Section 32 and are considered to have a good likelihood of achieving consistency with the vision. Notwithstanding this, all of the options have benefits and costs (the latter being largely administrative) that need to be considered when determining the most appropriate approach for this

particular Area. The options considered are identified and then discussed to follow:

1. Maintain the 1ha / 4,000m<sup>2</sup> subdivision size but allow for limited further subdivision in return for environmental enhancement.
2. Retain the existing Area A and B Subzones but reduce the minimum lot sizes while requiring environmental protection.
3. Adopt a Range of Lot Sizes Based on Slope and Extent of Vegetation Cover.

**(1) Maintain the 1ha / 4,000m<sup>2</sup> subdivision size but allow for limited further subdivision in return for environmental enhancement**

| Benefits                                                                                                                                                                                                                                                                                                                                                                                                    | Costs                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Able to achieve environmental benefits in return for greater development rights and so has the potential to enhance amenity / character / ecological values (i.e.: regenerating native bush is protected, additional planting is undertaken to protect streams, steeper land is stabilised, extent ecological linkages (e.g. similar to Okura approach)).</li> </ul> | <ul style="list-style-type: none"> <li>Environmental benefits should be able to be achieved through the original subdivision of the land e.g. 1 ha subdivision, without any incentives (if the policy basis is refined and strengthened).</li> </ul>                                                                                                                                                                                           |
| <ul style="list-style-type: none"> <li>There would be consistency with the Long Bay Structure Plan approach where further subdivision beyond 2 ha is possible in return for the protection of significant landscape features.</li> </ul>                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Administratively complex to determine what qualifies and to what extent. Environmental benefits may be inadequate or fail (e.g. planting) and subsequent landowners (who have not received the financial benefit from the subdivision) can be less then willing to continue to finance the environmental enhancement required over time so success may depend on monitoring and enforcement.</li> </ul> |
| <ul style="list-style-type: none"> <li>Provides the scope to manage</li> </ul>                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>There is an anomaly in that the</li> </ul>                                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                           |                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| anomalous situations (e.g.: could result in enhancement of the plantation forest lot, post production).                                   | subdivision rights are realised immediately but the environmental enhancement often takes a long time to properly establish and is expensive.                                                  |
| <ul style="list-style-type: none"> <li>Consolidates the environmental features of the land, so assists with a transition role.</li> </ul> | <ul style="list-style-type: none"> <li>Does not fully acknowledge the changes that have occurred within the surrounding environment, particularly towards the east of the Motorway.</li> </ul> |

**(2) Retain the existing Area A and B Subzones but reduce the minimum lot sizes while requiring environmental protection**

| Benefits                                                                                                                                                                                                                                                                             | Costs                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Can determine a lot size which is still sufficiently large to reduce the need for large-scale earthworks and to retain the regenerating native bush, but which ensures an efficient use of land having regard to that environment.</li> </ul> | <ul style="list-style-type: none"> <li>'One size fits all' approach generally requires significant assessment at the subdivision stage. This has attendant costs and risks, although these can be managed to a satisfactory level if there is a comprehensive policy approach in place.</li> </ul> |
| <ul style="list-style-type: none"> <li>Achieves a degree of consistency with the approach adopted in the Long Bay Structure Plan (5000m<sup>2</sup> lot size in 1B zone).</li> </ul>                                                                                                 |                                                                                                                                                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Environmental protection can mitigate against the potential for the checkerboard subdivision approach to result in significant earthworks and vegetation removal, particularly in respect of providing access and building sites.</li> </ul>  |                                                                                                                                                                                                                                                                                                    |

**(3) Adopt a Range of Lot Sizes Based on Slope and Extent of Vegetation Cover: [E.g.: Greenhithe A or Cluster Approach<sup>8</sup>]**

<sup>8</sup> For example, 1/4000 – Area A, or average density of 1/4000 as a discretionary activity and minimum lot size of less than that. A minimum area or percentage of vegetation cover or slope of land can be imposed before a clustering option is available.

| Benefits                                                                                                                                                                                                                                                                             | Costs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Enables the subdivision pattern to be tailored to suit the environmental constraints of individual lots, including allowing for dwellings/development to be grouped on flatter land, clear of regenerating bush or steeper slopes.</li> </ul> | <ul style="list-style-type: none"> <li>Greenhithe A approach is difficult to administer and interpret although the clustering approach is less complicated. There is less incentive for a landowner to maintain the environment over time, as its loss or degradation can result in further subdivision rights. There can also be pressure over time for further subdivision of the balance areas.</li> </ul>                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>Facilitates more efficient use of unconstrained urban land.</li> </ul>                                                                                                                                                                        | <ul style="list-style-type: none"> <li>“Formula” type approach generally requires significant assessment at the subdivision stage. This has attendant costs and risks, although these can be managed to a satisfactory level if there is a comprehensive policy approach in place. The approach also doesn't necessarily deliver the outcomes sought because there is a tendency for lots sizes to be at the smaller end of the range, and for development to consume all open spaces (where small enclaves of housing may give the appearance of “standard residential development” and/or where clusters along the ridge may adversely affect rural character and affect how integration between zones occurs).</li> </ul> |
| <ul style="list-style-type: none"> <li>Overcomes the issue of defining the boundaries between Sub Areas A and B.</li> </ul>                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

### 6.4.3.3 Preferred Subdivision Rules

Subject to determining an appropriate subdivision size, on balance it is considered that the second option, retaining the existing Area A and B sub-zones but reducing

the minimum lot sizes while requiring environmental protection, is the most efficient and effective option having regard to its relative merits. Such an approach would have major benefits without significant cost to the Council, the environment, the present district and regional community, and future generations. The appropriate subdivision size is discussed below.

**Area A:** The current subdivision rules adopt a 1ha subdivision standard with an ability to reduce to 4,000m<sup>2</sup>, subject to maintaining a 1ha average. The comparable 1B zone in the Long Bay Structure Plan allows for subdivision to 5000m<sup>2</sup>. While it would be administratively simple to adopt the equivalent Long Bay standard, there is equal merit in adopting the 4,000m<sup>2</sup> standard given that Area A zone already permits a reduction in lot size to 4000 m<sup>2</sup> (albeit provided an average lot size of 1 ha is maintained). This also allows for a degree of flexibility in the subdivision of the previously created 1ha lots, and recognises that the 4,000m<sup>2</sup> standard is a requirement for net site area. Net site area is intended to encourage people to utilise shared access options.

However, in return for the higher degree of flexibility that a 4,000m<sup>2</sup> standard affords, it is necessary to change the status of minor household units from permitted (on sites exceeding 600m<sup>2</sup>) to discretionary. A permitted activity is an activity that, subject to meeting conditions, is suitable on every site. This will no longer be the case with a lower subdivision standard. While the establishment of minor household units has recently been addressed via Plan Change 17 (currently subject to appeals), which saw permitted activity status for minor household units on sites exceeding 600m<sup>2</sup> withdrawn and then reinstated, albeit without the provision for control flexibility, that Plan Change addressed in a general sense, the effects of infill housing on the character of residential areas throughout the City, and in the context of the higher subdivision standards that currently apply. This particular Plan Change responds specifically to the development potential of Areas A and B of the Albany Structure Plan and it is appropriate that this matter be addressed through this process.

Changes to the rules are required to give effect to the stormwater policies.

**Area B:** The current subdivision rules adopt a 4,000m<sup>2</sup> subdivision standard. The comparable 1A zone in the Long Bay Structure Plan allows for subdivision to 2,500m<sup>2</sup>. While it would be administratively simple to adopt the equivalent standard to Long Bay, a number of lots which were previously zoned Area A are now to be rezoned to Area B. To adopt a 2,500m<sup>2</sup> standard would leave the majority of these lots with insufficient land to further subdivide even though they could accommodate one additional lot. Such a situation potentially increases the likelihood of resource consent applications and results in the inefficient use of the land. Net site area is again intended to encourage people to utilise shared access options. Minor household units are again currently permitted activities on sites greater than 600m<sup>2</sup>, and it is considered that this status should (for the reasons explained above) be changed to discretionary.

Again, changes to the rules are required to give effect to the stormwater policies.

**Alternate Subdivision Rules:** Rule 9.4.10.11.1(a) currently provides for alternate subdivision standards for various lots within Areas A and B as follows:

*... Except that on Part Allotment 307 Paremoremo Parish Waitemata SD (9 Lonely Track Road, Albany), Pt. Lot 2 (1008 East Coast Road), Lot 2 DP 105981 (63 Fairview Ave, Albany), Lot 3 DP 105981 (63A Fairview Ave, Albany), Pt. Lot 1 DP 105981 (81 Fairview Ave, Albany) and Lot 2 DP 130461 (129 Fairview Ave, Albany) the provisions contained in Rule 9.4.10.11.2 Greenhithe Structure Plans shall apply. ...*

*... The only exception to the above minimum site area requirements is with respect to Lot 3 DP 108987 and Lot 4 DP 108987, where in each case the land zoned Area A: Environmental Protection shall be considered to be complying in terms of the minimum site area requirements of this section, notwithstanding that the site area of a proposed lot may be less than 1ha or 4,000 m<sup>2</sup>. ...*

These provisions essentially provided an additional benefit to flatter land that was less characteristic of Areas A and/or B. Now that the zoning of the land has been rationalised, however, these alternative options should be deleted.

## **7.0 THE RISK OF NOT ACTING**

### **7.1 The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rule or other methods.**

The risk associated with not acting in the way proposed is that either inappropriate objectives, policies or rules could be introduced or the Plan provisions would remain unchanged. In both events, the sustainable management principles of Section 5 of the Act would not be achieved. In any case, it is considered that there is sufficient information and certainty about the subject matter, including the availability of the resource, to make a full evaluation pursuant to Section 32(5) of the Act.

## **8.0 CONCLUSION**

This Plan Change seeks to retain and enhance the environmental qualities which distinguish the northern parts of the Albany Structure Plan land from the balance of the area. It acknowledges that the changes which have occurred over the past ten years in the Structure Plan area have reduced the earlier opportunities for creating an extensive resource based residential environment along the northern limits of North Shore City. However, the Plan Change is premised on the view that sufficient of the area's character and qualities remain to warrant retention through a differentiated zoning system and associated policies and rules aimed at protecting the natural environment by maintaining the low intensity zoning and by protecting the most significant features of the environment. At the same time, the Plan Change enables a more efficient use to be made of the land, in particular those areas, which do not contain significant natural features such as bush areas or stream systems.

The approach adopted in the Plan Change is essentially straightforward and carries on the basis, which has been set in the District Plan to regulate subdivision and development within these areas for the past ten years or so. It does, however, strengthen and refine the policy base to ensure that future subdivision will recognise and retain the valued features of the land notably bush areas, ridgelines and stream systems. It also accords significantly greater importance to the location of this land within the Lucas Creek catchment and the importance of minimising sediment runoff into the stream systems within this catchment.

## ATTACHMENT 1: PARTICULARLY SIGNIFICANT LANDSCAPE FEATURES

### 1. Unit 45 – The Upper Lucas Creek Escarpment and Creek

This is a prominent escarpment area overlooking the extension of the Lucas Creek east of Albany village and which is covered in an extensive belt of lowland forest including kahikatea, manuka / kanuka and tree ferns with some eucalypts, willows and pines. Its key attributes are:

- The escarpment's scale and vertical relief
- Its resultant focal nature
- The physical extent, continuity and cohesion of vegetation cover – including freedom from encroachment by development
- The maturity and endemic 'signature' value of parts of that cover
- The forest's articulation and reinforcement of the underlying topography
- Its visual interplay with the channel and lowland next to the upper Lucas Creek
- Its visual contrast and interplay with nearby urban and rural-residential development.

The edge feature / focal feature provides a landscape structure / definition that has a value rating of high, and endemic / natural heritage values also have a value rating of high. The aesthetic value rating is significant.

Overall the unit has a level of significance that is deemed to be **outstanding**.



## 2. Unit 55 – Forest East of Gills Road

This is a linear remnant of forest east of Gills Road, an adjunct to the larger blocks nearby, and contains manuka / kanuka and tanekaha. Its key attributes are:

- Linkage with main escarpment forests
- Endemic character of remnant
- Contrast with adjacent rural-residential development

The patterning feature provides a landscape structure / definition that has a value rating of significant, and endemic / natural heritage values also have a value rating of significant. The aesthetic value rating is moderate.

Overall the unit has a level of significance that is deemed to be **significant**.



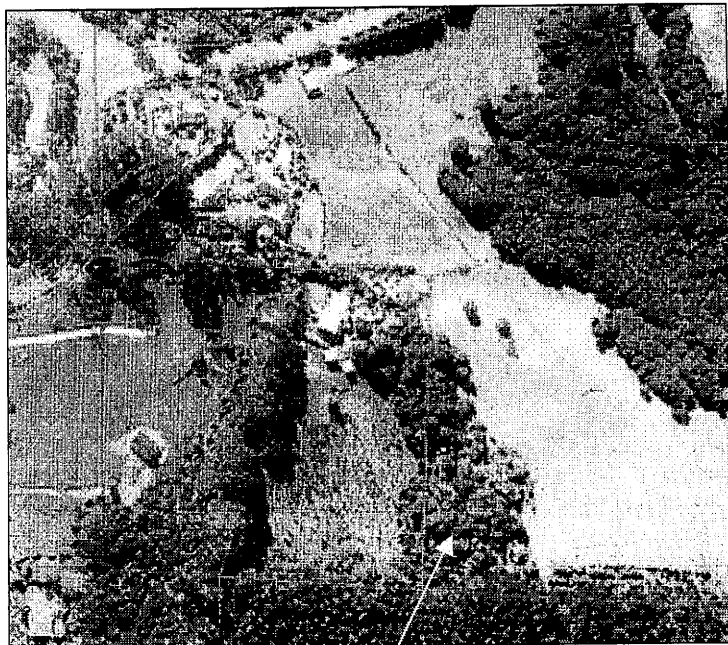
### 3. Unit 56 – Forest East of Gills Road

This is a linear remnant of forest east of Gills Road, again an adjunct to the larger blocks nearby, and contains manuka / kanuka, tanekaha and tree ferns. Its key attributes are:

- Linkage with main escarpment forests
- Endemic character of remnant
- Articulation of local stream course
- Contrast with adjacent rural-residential development and pine woodlot.

The patterning feature provides a landscape structure / definition that has a value rating of significant, and endemic / natural heritage values have a value rating of high. The aesthetic value rating is moderate.

Overall the unit has a level of significance that is deemed to be **significant**.



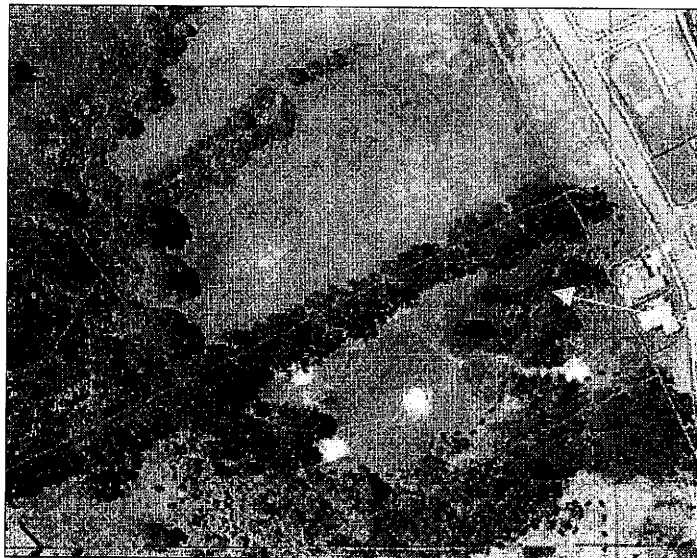
#### 4. Unit 61 – East of Fairview Avenue

This is a small linear pocket of vegetation in a stream course remnant east of Fairview Avenue, an adjunct to a significant stream system and containing manuka / kanuka and tree ferns. Its key attributes are:

- Linkage with larger remnants of a significant stream system
- Endemic character of remnant
- Contrast with adjacent pasture and rural-residential development

The patterning feature provides a landscape structure / definition that has a value rating of significant, and endemic / natural heritage values have a value rating of moderate. The aesthetic value rating is low.

Overall the unit has a level of significance that is deemed to be **significant**.



## 5. Unit 62 – South of Lonely Track Road

Two small vegetation and stream course remnants south of Lonely Track Road, adjuncts to a significant stream system and containing manuka / kanuka. Its key attributes are:

- Linkage with larger remnants of a significant stream system
- Endemic character of remnant
- Contrast with adjacent pasture and rural-residential development.

The patterning feature provides a landscape structure / definition that has a value rating of significant, and endemic / natural heritage values have a value rating of moderate. The aesthetic value rating is low.

Overall the unit has a level of significance that is deemed to be **significant**.



## 6. Unit 63 – East of Fairview Avenue below Lonely Track Road

A pocket of vegetation in a deep stream course channel east of Fairview Avenue below Lonely Track Road, an adjunct to a significant stream system and containing manuka / kanuka, wattle and pine. Its key attributes are:

- Linkage with larger remnants of a significant stream system
- Endemic character of remnant
- Strong topographic profile – reinforced by vegetation
- Contrast with adjacent pasture and rural-residential development.

The patterning feature provides a landscape structure / definition that has a value rating of significant, and endemic / natural heritage values have a value rating of moderate. The aesthetic value rating is low.

Overall the unit has a level of significance that is deemed to be **significant**.



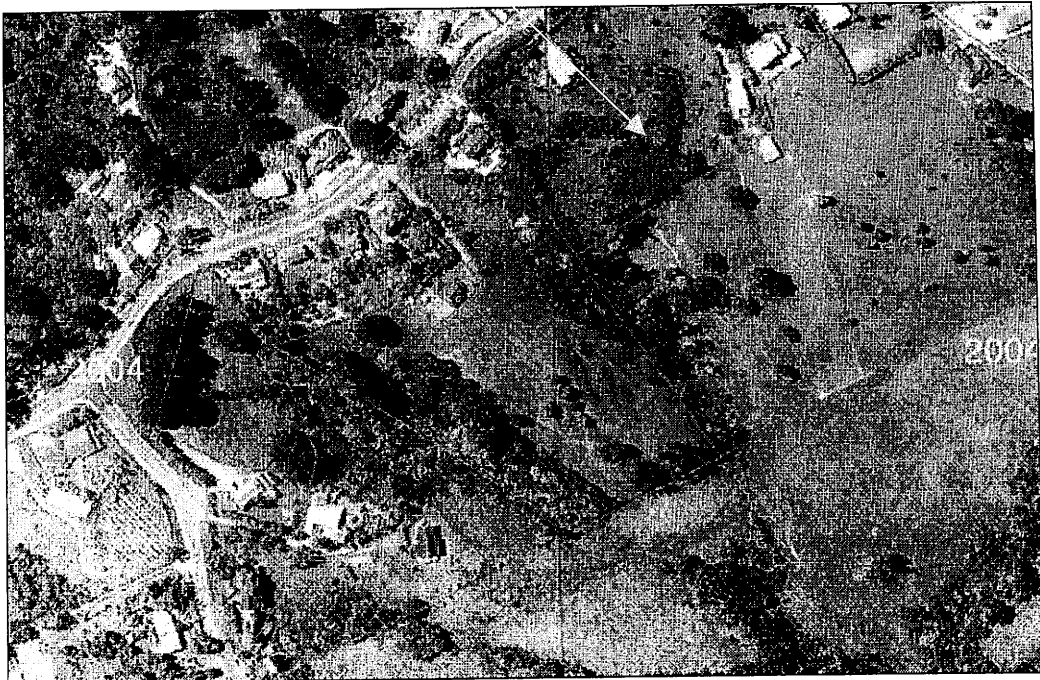
## 7. Unit 64 – East of Fairview Avenue

A small pocket of vegetation in the stream course channel east of Fairview Avenue, an adjunct to a significant stream system and containing manuka / kanuka. Its key attributes are:

- Linkage with larger remnants of a significant stream system
- Endemic character of remnant
- Strong topographic profile – reinforced by vegetation
- Contrast with adjacent pasture and rural-residential development

The patterning feature provides a landscape structure / definition that has a value rating of significant, and endemic / natural heritage values have a value rating of moderate. The aesthetic value rating is low.

Overall the unit has a level of significance that is deemed to be **significant**.



## 8. Unit 65 – Below Lonely Track Road and west of East Coast Road

A major stream corridor with multiple feeder channels directly below Lonely Track Road and west of East Coast Road, with a mixture of accompanying exotic vegetation and native remnants including manuka / kanuka, tree ferns; wattle and pine. Its key attributes are:

- The valley and stream corridor's strong topographic relief
- The physical continuity and connectivity of the stream system and its critical 'linkage' role within the wider valley
- The vegetation's articulation and reinforcement of the underlying topography
- Its visual contrast and interplay with adjacent pasture and rural-residential development.

The focal / patterning feature provides a landscape structure / definition that has a value rating of significant / high, and endemic / natural heritage values have a value rating of moderate. The aesthetic value rating is low.

Overall the unit has a level of significance that is deemed to be **significant**.





## **Plan Change 32 – Albany Structure Plan, review of Area A and B Zones**

### **Significant Landscape Features**

#### Background

Burton Consultants recommendation is that the “Significant Landscape Features (SLF’s) identified in Stephen Browns Study: North Shore City Significant Landscape Features Assessment, August 2004 be mapped on the Designations and Special Provisions Maps. There is reference to SLF in the proposed changes to the policies and rules with the intention that they be protected.

The options for protecting SLF’s in the Albany Structure Plan Area are:

#### **Option 1 Status Quo (i.e. require a landscape/ecological assessment at the time of subdivision or development)**

##### Advantages

- This approach does not rely on the mapping of features which can become outdated and challenged through the plan change process
- Resource consent process is used to identify and protect SLF’s (note: Section 3.10.7 Information to be provided, includes a brief report on the ecological significance of the site & the location of any vegetation, important view specifically identified in Appendix 8F or other significant feature which may be affected;
- Majority of SLF’s are native bush and are protected by general tree rules anyway.

##### Disadvantages

- Protection of SLF’s is a bit hit & miss & relies on ES asking the right questions and receiving adequate information at the time of subdivision and development
- If SLF’s are not identified there is less likelihood that they will be protected

#### **Option 2 Map Significant Landscape Features on Designations and Special Provisions**

##### Advantages

- The mapping of SLF’s and direct reference to them in the policies and rules provides them with a high profile and a greater likelihood that they will be protected;
- Albany Structure Plan area could be used to trial the approach before widening it out to the rest of the City.

##### Disadvantages

- As the mapping of SLF’s occurred in 2004, some of the information is not out of date and will become further outdated over time;
- Any mapping involves a degree of error and scaling issues;
- The mapping of SLF’s on the Designations and Special Features Maps has not been undertaken for other parts of the City

#### **Option 3 Require an assessment of Landscape features at the time of Subdivision/Development** (Note: Stephen Browns work could be used to alert Council to the fact that the property may contain a significant landscape feature and information/a landscape assessment can be required

##### Advantages

- The most up to date information can be required, including a peer review of that information if required;
- The work undertaken to date is not wasted but useful as a alert to the presence of SLF's;
- Issues relating to the accuracy of the information and scale at which it is drawn are avoided;
- A similar approach is used in Greenhithe for significant native vegetation whereby the vegetation is required to be identified at the time of subdivision in an ecological report;
- Majority of SLF's are native bush and are protected by general tree rules anyway.

#### Disadvantages

- Protection of SLF's is a bit hit & miss & relies on ES asking the right questions and receiving adequate information at the time of subdivision and development (although Stephen Browns Report alerts ES to the presence of SLF's);
- IF SLF's are not identified there is less likelihood that they will be protected and/or the possibility that some may be overlooked.

**The Resource Management Act 1991  
North Shore City District Plan**

**Public Notice of:**

***PROPOSED PLAN CHANGE 32: ALBANY STRUCTURE PLAN – REVIEW OF AREA A: ENVIRONMENTAL PROTECTION & AREA B: LARGE LOT RESIDENTIAL ZONES***

This Plan Change seeks to retain and enhance the environmental qualities which distinguish the northern parts of the Albany Structure Plan land from the balance of the area by strengthening the objectives and policies for the Area A: Environmental Protection and Area B: Large Lot Residential zones. At the same time, the Plan Change enables a more efficient use to be made of the land by reducing the minimum lot sizes for subdivision, in particular those areas, which do not contain significant natural features such as bush areas or stream systems.

The key changes proposed by the plan change include;

a) Changes to the Policy Framework

Changes are proposed to ensure that the vision for the area is clearly articulated in the objectives and policies; the objectives and policies are sufficiently robust to withstand applications for subdivision and development activities that challenge the vision; and new objectives and policies are included that are specific to the area, rather than general to the entire structure plan area as is currently the case.

The changes include altering the objectives, policies and rules to:

- Ensure appropriate provision is made for stormwater and wastewater management.
- Require a stable building platform and access route, requiring only minimal land disturbance and/or modification, including the removal of native vegetation shall be provided for each site.
- Clarify that the low and low-moderate density form of development provides a transition from the higher intensity development close to the Albany Centre, to the more natural patterns and themes of the Albany hills and the rural land north of the city boundary.
- Define the characteristics and features of the land within Area A and B.
- Encourage shared accessways and the formation of new roads in favour of multiple accessways.
- Delay further development if an existing road is unable to satisfactorily accommodate the resultant increase or change in traffic volumes and movements.

b) Changes to the Zone Boundaries

Changes are proposed to ensure that current zoning anomalies are addressed; and the zoning remains appropriate to the amended objectives, policies and rules.

The zone boundaries between Areas A and B are rationalised to ensure that the zoning approach appropriately recognises the characteristics of the land and allocated subdivision rights accordingly and where possible and appropriate, the boundary between zones follows cadastral (or property) boundaries, rather than typographical or physical features as at present.

c) Changes to the Subdivision Standards

Changes are proposed to appropriately recognise the physical and environmental variations within the area; and the potential for limited further subdivision (and resultant development) in terms of the vision applicable to the land. The proposed new minimum lot sizes are:

**Area A:** Minimum net site area – 4000sqm (reduced from 1ha)

**Area B:** Minimum net site area – 2000 sqm (reduced from 4000 sqm)

In addition, it is proposed to change the status of minor household units from permitted to discretionary in both zones.

The proposed Plan Change may be inspected at libraries and the Council's offices located at:

**Head Office, Takapuna:** 1 The Strand, Takapuna at either Ground Floor (Reception), or Level 2 (Strategy and Policy)

**Environmental Services, Takapuna:** 521 Lake Road, Takapuna (Level 1)

**Albany:** 30 Kell Drive, Albany

**Birkenhead:** 33 Rawene Road, Birkenhead

**East Coast Bays:** Cnr. Bute and Glen Roads, Browns Bay

**Devonport:** 3 Victoria Rd, Devonport

**Glenfield:** 90 Bentley Ave, Glenfield

Any person or organisation may make a written submission supporting or opposing all, or any part of, the proposed Plan Change. Copies of the form for making submissions (Form 5) are available at the above places and from Council's webpage [www.northshorecity.govt.nz](http://www.northshorecity.govt.nz)

Submissions must be lodged at North Shore City Council, 1 The Strand, Private Bag 93500, Takapuna, North Shore City **no later than 5pm on 20 June 2008.**

If you have any questions about the proposed Plan Change please contact Tony Reidy on 486 8600 or email [tony.reidy@northshorecity.govt.nz](mailto:tony.reidy@northshorecity.govt.nz).

If you would like a copy of the proposed Plan Change please contact Environmental Administrator on 486 8600 or email [environmental.administration@northshorecity.govt.nz](mailto:environmental.administration@northshorecity.govt.nz).

Dated at Takapuna 15th May 2008

John Brockies  
**CHIEF EXECUTIVE**

