

## **Attachment 1207**

### **5.5 Albany Centre – obs and pols**

The Albany Centre precinct covers the large emerging metropolitan centre located to the west of State Highway 1 and contained by Oteha Valley Road and Albany Expressway in the northern urban part of the North Shore.

The precinct recognises the component parts of the Metropolitan Centre zone on the north-facing sections of Albany Centre and also the southern section covered by Business Park zone. It identifies four sub-precincts with different development emphases and requires activities to develop in accordance with the Albany Centre precinct plan 1.

The main retail focus of the centre is to be the Civic Crescent area. The mainstreet-type retail area in the north east will act as a catalyst for the grouping of employment-related activities in this area, and help to link the Albany busway station with the Main Street and Civic Crescent area. Retail activities should generally be limited outside of these two areas to those activities that support the day-to-day needs of office workers and residents, or involve retail formats that cannot be integrated into the Civic Crescent and Main Street areas.

Commercial office development is encouraged throughout the centre, particularly in areas north of Don Mackinnon Drive and also extensively in the southern section in a business park environment.

Intensive residential development is encouraged to locate in certain parts of the precinct where the retail and commercial focus is not as strong, particularly in areas beyond the core area circled by Don Mackinnon Drive.

Sub-precinct descriptions:

#### **Albany Centre sub-precinct A**

Is applied to particular areas within the Albany metropolitan centre which are suited for high-density residential apartment living, with limited opportunity for convenience retail at ground level.

#### **Albany Centre sub-precinct B**

Is applied to particular areas within the Albany metropolitan centre which seek to encourage the establishment of employment-generating activities, such as high-density office development, supported by a limited range of convenience retail activities.

#### **Albany Centre sub-precinct C**

Is applied to particular areas within the Albany metropolitan centre which are suited for car-orientated commercial and entertainment activities, limiting retail to those formats generally considered unsuitable for other higher amenity areas of the Albany Centre precincts.

#### **Albany Centre sub-precinct D**

Is applied to particular areas within the southern section of Albany Centre which are suited for office and light commercial activities, with limited opportunity for retail in a specific location within the sub-precinct. This reflects the approved comprehensive development plan for this area.

#### **Objectives**

The objectives are as listed in the underlying Metropolitan Centre, and Business Park and Public Open Space – Community zones except as specified below:

1. Development of the centre reflects the key features and outcomes of the Albany Centre Structure Plan.
2. A range of distinct areas or 'sub-precincts' within Albany centre where different predominant activities are located, along with other support activities is provided.

3. Ongoing use and development of the North Shore Domain and North Harbour Stadium is not compromised by the location and development of other activities within Albany centre.

**Albany Centre sub-precinct A:**

4. High-density residential development is the primary activity, and a limited range of retail uses is enabled where they support the desirability and attractiveness of the area.

**Albany Centre sub-precinct B:**

5. Significant employment opportunities are provided by high-intensity development in Albany centre to support future population growth.

6. High-density office development is the primary activity, with a limited range of retail uses where they support the desirability and attractiveness of the area.

**Albany Centre sub-precinct C:**

7. Car-orientated commercial and entertainment activities are the primary use, with a limited range of retail uses where they support the desirability and attractiveness of the area.

**Albany Centre sub-precinct D:**

8. Significant employment opportunities are provided by high-quality office and light commercial development in the southern section of Albany centre to support future population growth.

9. Office development in a business park environment is the primary activity, with a limited and specific location for retail uses to support the desirability and attractiveness of the area that do not detract from the retail focus provided in the central and northern part of Albany centre.

**Policies**

The policies are as listed in the underlying Metropolitan Centre, ~~and~~ Business Park and Public Open Space – Community zones except as specified below:

1. Enable an appropriate mix and layout of activities, buildings, movement of pedestrians and vehicles, and open space networks within the centre so as to achieve a sustainable, safe and visually attractive environment, with vibrant public spaces that encourage community interaction.

2. Provide for a range of opportunities for retail activities within the centre that support the desired employment, urban form and character outcomes for its different sub-precincts.

3. Provide opportunities for intensively developed apartments within specified parts of the centre to and a high standard of residential amenity and design.

4. Require that any development within the Centre provides sufficient off-street parking and is designed and located to facilitate traffic movement (both vehicular and pedestrian) within the centre.

5. Require development to create a connected green network that links the different parts of the centre with parks and other public spaces as described in the Albany Centre Structure Plan.

6. Seek to ensure that all buildings, additions, alterations or development make positive contributions to the amenity of the centre and its surrounds, help to achieve a comprehensively-planned, well-integrated and attractive centre, and achieve high quality urban design outcomes including:

a. creation of an attractive, active and lively retail street frontage to Civic Crescent and Cornerstone Drive between Don Mackinnon Drive and Corban Avenue

b. enabling vehicle and pedestrian access through the Centre to help link the northern and southern areas of the centre, including a new street between Don McKinnon Drive and Civic Crescent

c. maintaining views and pedestrian and cycle access along the axis to and from Spencer Ridge Reserve and the central park area shown on the Albany Centre Structure Plan.

7. Require development to complement, and where necessary provide for, pedestrian linkages between the North Shore Domain and North Harbour Stadium and the major public transport points and public parking areas within and adjacent to the wider centre.

8. Focus retail and entertainment activities within the centre predominantly on public streets, particularly the central block south of Civic Crescent and the development of a Main Street area linking the busway station with this area.

9. Require activities adjoining the new Main Street on Cornerstone Drive to support the development of a vibrant main street that encourages daytime and evening use of the area through the mix of activities, including retail, cafes, restaurants, cinemas, offices and above ground floor residential apartments.

10. Recognise the North Shore Domain and North Harbour Stadium as important regional facilities by requiring new residential development to avoid, remedy or mitigate against any adverse effects generated beyond its boundaries.

11. Require development within the centre to be of an urban character appropriate to its sub-regional role, with the creation of a strong local identity. Elements that contribute to the creation of strong local identity include the various features shown in the Albany Centre Structure Plan and:

a. buildings in close proximity to site frontages

b. active uses along street frontages and development above ground floor overlooking the street

c. breaking down building forms into horizontal distances that create a human scale and visual interest, safety and activity along street frontages for pedestrians

d. street trees and landscaping that complement those already established within the centre and which are ecologically and culturally appropriate to their location

e. buildings that provide shelter for pedestrians and continuous areas of paving along streets to provide for pedestrian amenity in the centre

f. absence of large on-site parking areas between buildings and streets

g. absence of blank walls along street frontages, and adjacent to and visible from other public spaces

h. landmark buildings or features of innovative design on prominent sites that contribute to the creation of a unique identity within the centre

i. access to daylight and sunlight within buildings and in streets, other public spaces and private outdoor spaces.

**Albany Centre sub-precinct A:**

12. Require development of high-density residential to provide for apartments with a high standard of residential amenity and a limited amount of convenience retail.

**Albany Centre sub-precinct B:**

13. Ensure that the potential of the sub-precinct to provide for employment opportunities is not compromised by predominantly low-density development, or reverse sensitivity associated with inappropriate forms or location of residential development.

14. Encourage employment-generating activities such as high-density office development by limiting retailing to activities that provide for the convenience needs of office activities and which do not diminish the amenity and vibrancy of the sub-precinct.

**Albany Centre sub-precinct C:**

15. Encourage the development of a general business area by enabling the establishment of car-orientated commercial and entertainment activities and limiting retail activities to those formats which are unsuitable for the other higher amenity parts of the Albany Centre precinct.

**Albany Centre sub-precinct D:**

16. Encourage employment-generating activities such as office development in a high-quality business park setting.

17. Limit retailing to locations that provide for the needs of office activities and which do not diminish the business park amenity of the sub-precinct.

## 5.5 Albany Centre - rules

The activities, controls and assessment criteria in the underlying zone apply in the following precinct and sub-precincts unless otherwise specified. Refer to planning maps for the location and extent of the precinct and sub-precincts. The applicable underlying zones in relation to Albany Centre precinct include the Metropolitan Centre zone (including sub-precincts A, B

and C), Business Park zone (including sub-precinct D), and Public Open Space – Civic and Community zone.

### 1. Activity tables

1. The activities in the underlying zone apply in the Albany Centre precinct unless otherwise specified in the activity table below.

**Activity table 1 - Sub-precinct A**

Activity	Activity Status
<b>Commerce</b>	
Entertainment facilities	RD
Food and beverage up to 200m <sup>2</sup> GFA per site	P
Food and beverage greater than 200m <sup>2</sup> GFA per site	RD
Garden centres	D
Marine retail	D
Motor vehicle sales	D
Offices greater than 500m <sup>2</sup> GFA per site	D
Retail up to 100m <sup>2</sup> GFA per site	P
Retail greater than 100m <sup>2</sup> GFA per site	D
Supermarkets	NC
Trade suppliers	D
<b>Industry</b>	
Light manufacturing and servicing	RD
Repair and maintenance services	RD
Warehousing and storage	RD
<b>Development</b>	
Additions and alterations to buildings that are less than 15m <sup>2</sup> in area on the facade of a building that fronts a road or Public Open Space zone	P

**Activity table 2 - Sub-precinct B**

Activity	Activity Status
<b>Accommodation</b>	
Dwellings	RD
Retirement villages	RD
Supported residential care	RD
<b>Commerce</b>	
Entertainment facilities	RD
Food and beverage up to 200m <sup>2</sup> GFA per site	P
Food and beverage greater than 200m <sup>2</sup> GFA per site	RD
Garden centres	D
Marine retail	D
Motor vehicle sales	D
Retail up to 100m <sup>2</sup> GFA per site	P
Retail greater than 100m <sup>2</sup> GFA per site	D
Supermarkets	NC
Trade suppliers	D
<b>Industry</b>	

Light manufacturing and servicing	RD
Repair and maintenance services	RD
Warehousing and storage	RD
<b>Development</b>	
Additions and alterations to buildings that are less than 15m <sup>2</sup> in area on the facade of a building that fronts a road or Public Open Space zone	P

#### Activity table 3 - Sub-precinct C

Activity	Activity Status
<b>Accommodation</b>	
Dwellings	RD
Retirement villages	RD
Supported residential care	RD
<b>Commerce</b>	
Offices greater than 500m <sup>2</sup> GFA per site	RD
Retail up to 2000m <sup>2</sup> GFA per site	NC
Retail greater than 2000m <sup>2</sup> GFA per site, including large format retail	P
Service stations	RD
<b>Development</b>	
Additions and alterations to buildings that are less than 15m <sup>2</sup> in area on the facade of a building that fronts a road or Public Open Space zone	P

#### Activity table 4: Sub-precinct D

Activity	Activity Status
<b>Commerce</b>	
Retail up to 450m <sup>2</sup> within the Retail/ <del>Mixed Use</del> Retail activity area (see Precinct Plan 3)	P
Retail greater than 450m <sup>2</sup> within the Retail/ <del>Mixed Use</del> Retail activity area (see Precinct Plan 3)	RD
Retail greater than 450m <sup>2</sup> within other activity areas (see Precinct Plan 3)	NC

## 2. Land use controls

### 2.1 Dwellings in sub-precinct A

1. Any new dwelling must be subject to a no-complaint covenant entered onto the title and registered in favour of the North Shore Stadium and North Shore Domain Trust.
2. The no-complaint covenant will require any landowner or occupant to forego any right to lodge submissions in opposition to, or otherwise restrict, noise from concerts at the stadium which are in accordance with any approved framework plan, any lawfully established activities, any approved resource consent for a controlled or restricted discretionary activity or liquor license renewal.

## 3. Development controls

1. For permitted activities in the Albany Centre precinct and sub-precincts, the development controls in the Metropolitan zone, ~~or the Business Park or Public Open Space – Community zones~~ apply in the precinct or sub-precinct unless otherwise stated below.

### 3.1 Compliance with Precinct Plan 1

1. Development must provide the streets (arterial, collector and local) within 20m of their location as shown in Precinct Plan 1, except that:
  - a. local street (main street) must join Don McKinnon Drive in the same location as the collector (main street)
  - b. local street (main street) must be provided within 10m of its location as shown in Precinct Plan 1.
2. The design of all streets, including dimensions and design features, must be in accordance with the relevant figures in Appendix 11.5.1.
3. All streets shown in Precinct Plan 1 must be transferred to the council as public roads except those shown as local streets (public/private).
4. Reserves must be provided in accordance with Precinct Plan 1.
5. Open air pedestrian only areas longer than 50m must have a clearway of 3.5m to enable access by emergency vehicles with an overall minimum width between buildings of 12m.
6. Infringement of this control is a discretionary activity except for the following which are restricted discretionary activities:
  - a. variations to the location, width and design of local streets
  - b. variations to the location of the local street (main street), provided that the alignment follows the secondary axis and is no more than 20m from the alignment at the boundary with the land zoned Public Open Space - Civic and Community
  - c. variations to the location, size and design of:
    - i. reserves and open spaces
    - ii. identified features on Lot 2 DP 338562.

### 3.2 Front yard

Table 1

Area	Minimum front yard
Sub-precinct A local streets where dwellings are located on the ground floor	3m
Sub-precinct C arterial and collector (commercial)	5m
Sites fronting Oteha Valley Road	7.5m

1. Any development not meeting the front yard controls is a non complying activity, except for the following which are restricted discretionary activities:
  - a. in sub-precinct A, reducing the front yard to 1.8m
  - b. on sites fronting Oteha Valley Road, the front yard may be reduced to 5m, provided that a minimum 40 per cent of that part of the building fronting Oteha Valley Road is fully glazed to provide showroom and display areas.

### 3.3 Maximum building setback

1. Buildings on sites in sub-precinct A or B that front arterial, collector (commercial) and local street (commercial) must not be set back more than 5m from the road frontage for the full length of the building, except that 40 per cent of the length of the building may be set back up to 15m where any setback greater than 5m is at least 40m beyond any intersection with collector (main street) or local street (main street).
2. Buildings on sites located along the local street connecting collector (main street) with Munroe Lane must not be set back more than 3m from the road frontage for the full length of the building.
3. Buildings on sites in sub-precinct C fronting Munroe Lane and Appian Way must not be set back more than 12m from the road frontage for the full length of the building.
4. Any development not meeting the building setback controls is a non complying activity except for the following which are restricted discretionary activities:
  - a. Buildings on sites fronting a collector (main street) or local street (main street), where:
    - i. the building setback is provided to accommodate plazas, eating areas, arcade entrances and pedestrian through routes associated with a ground floor use and is no more than 12m, or

- ii.the building setback accommodates rain gardens installed to mitigate the effects of stormwater runoff and is no more than 3m.
- b.Buildings on sites fronting arterials or local streets (commercial), where the building is set back more than 15m but less than 20m, provided that the setback is at least 40m from any intersection with a collector (main street) or local street (main street).
- 5.Buildings on sites in sub-precinct D must be set back in relation to the setbacks shown in Precinct Plan 4.
- 6.Sites in sub-precinct D must provide 10m yard setback to Public Open Space zone boundaries.

**3.4 Location of parking**

- 1.Ground floor parking within a building must not be located adjacent to the street frontage or any space in public ownership. Buildings must be designed to accommodate a business or residential activity, depending on the zone, between any ground floor parking and the building frontage.
- 2.On sites in sub-precinct A, there must not be parking between any building and the front boundary of the site. Parking must be located to the side of, the rear of, within or under buildings.
- 3.On sites in sub-precinct C fronting Munroe Lane and Appian Way, no more than one aisle of parking may be located directly between a building’s frontage and the front boundary of the site. All other parking must be located to the side of, the rear of, within or under buildings.
- 4.Any development not meeting the location of parking controls is a non complying activity, except for the following which is a restricted discretionary activity:
  - a.ground floor parking located adjacent to the street frontage within a building, provided that it does not occupy more than 20 per cent of the street frontage of that site.

**3.5 Landscaping**

- 1.Sites in sub-precinct D must provide minimum landscaped areas as follows:

Table 2

Activity area	Minimum landscaped area
Office	20%
Light commercial/Office	10%
Retail/Mixed use retail	No minimum

**4 Assessment – Restricted discretionary activities**

**4.1 Matters of discretion**

The council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary activities in the relevant underlying zone.

- 1. Sub-precinct A: entertainment facilities, food and beverage greater than 200m<sup>2</sup> GFA per site, light manufacturing and servicing, repair and maintenance services, warehousing and storage
  - a. intensity and scale
  - b. noise, lighting and hours of operation
  - c. sub-precinct A amenity
  - d. residential displacement

2. Sub-precinct B: dwellings, retirement villages, supported residential care, entertainment facilities, food and beverage greater than 200m<sup>2</sup> GFA per site, light manufacturing and servicing, repair and maintenance services, warehousing and storage
  - a. intensity and scale
  - b. displacement of high density employment generating activities
  - c. sub-precinct B vitality
3. Sub-precinct C: dwellings, retirement villages, supported residential care, offices greater than 500m<sup>2</sup> per site, service stations
  - a. reverse sensitivity and displacement of car-oriented commercial and entertainment activities
4. Sub-precinct D: retail greater than 450m<sup>2</sup> within the retail activity area
  - a. centre vitality

#### **4.2 Assessment criteria**

The council will consider the relevant assessment criteria below for the restricted discretionary activities listed above.

1. Sub-precinct A: Entertainment facilities, food and beverage greater than 200m<sup>2</sup> GFA per site, light manufacturing and servicing, repair and maintenance services, warehousing and storage
  - a. intensity and scale
    - i. refer to 6.2.1a of the Business zone rules
  - b. noise, lighting and hours of operation
    - i. refer to 6.2.1b of the Business zone rules
  - c. sub-precinct A amenity
    - i. retail and industrial activities should:
      - not have a substantial adverse effect upon the amenity values and functions of sub-precinct A, having regard to:
        - the activity's proposed size, composition and characteristics
        - the area's on-going ability to provide for the future needs of communities.
      - provide a net positive benefit in terms of the community's convenient access to retail and industrial activities, including having regard to whether the failure to locate in sub-precinct A would result in adverse environmental effects on the form, function or on-going capacity of the area.
  - d. residential displacement
    - i. Non-residential activities in sub-precinct A should not reduce the ability of residential activities to establish and operate within sub-precinct A.
2. Sub-precinct B: dwellings, retirement facilities, supported residential care, entertainment facilities, food and beverage greater than 200m<sup>2</sup> GFA per site, light manufacturing and servicing, repair and maintenance services, warehousing and storage
  - a. intensity and scale
    - i. The intensity and scale of the land use activity should be compatible with the planned future form and character of the surrounding area
  - b. displacement of high density employment generating activities



i. Low density development in sub-precinct B should not reduce the ability of high density employment generating activities to establish and operate within sub-precinct B.

c. sub-precinct B vitality

i. Residential, retail and industrial activities should:

- not have a substantial adverse effect upon the amenity values, vitality and functions of sub-precinct B, having regard to:
  - the activity's proposed size, composition and characteristics
  - the area's on-going ability to provide for the future needs of communities.
- provide a net positive benefit in terms of the community's convenient access to residential, retail and industrial activities, including having regard to whether the failure to locate in sub-precinct B would result in adverse environmental effects on the form, function or on-going capacity of the area.

3. Sub-precinct C: dwellings, retirement villages, supported residential care, offices greater than 500m<sup>2</sup> per site, service stations

a. reverse sensitivity and displacement of car-oriented commercial and entertainment activities

i. Residential, offices greater than 500m<sup>2</sup> per site and service stations should not create reverse sensitivity effects or reduce the ability of car oriented commercial and entertainment activities to establish and operate within sub-precinct C.

ii. the scale and design of the activities should not be likely to attract further similar or supporting activities.

4. Sub-precinct D: retail greater than 450m<sup>2</sup> within the retail activity area

a. centre vitality

i. refer to 6.2.2b Centre Vitality in the Business zone rules.

#### **4 5. Assessment - Development control infringements**

##### **4 5.1 Matters of discretion**

In addition to the general matters set out in clause 2.3 of the general provisions and the relevant assessment criteria in the Metropolitan Centre zone, the council will restrict its discretion to the relevant matters listed below when infringing a development control in the precinct:

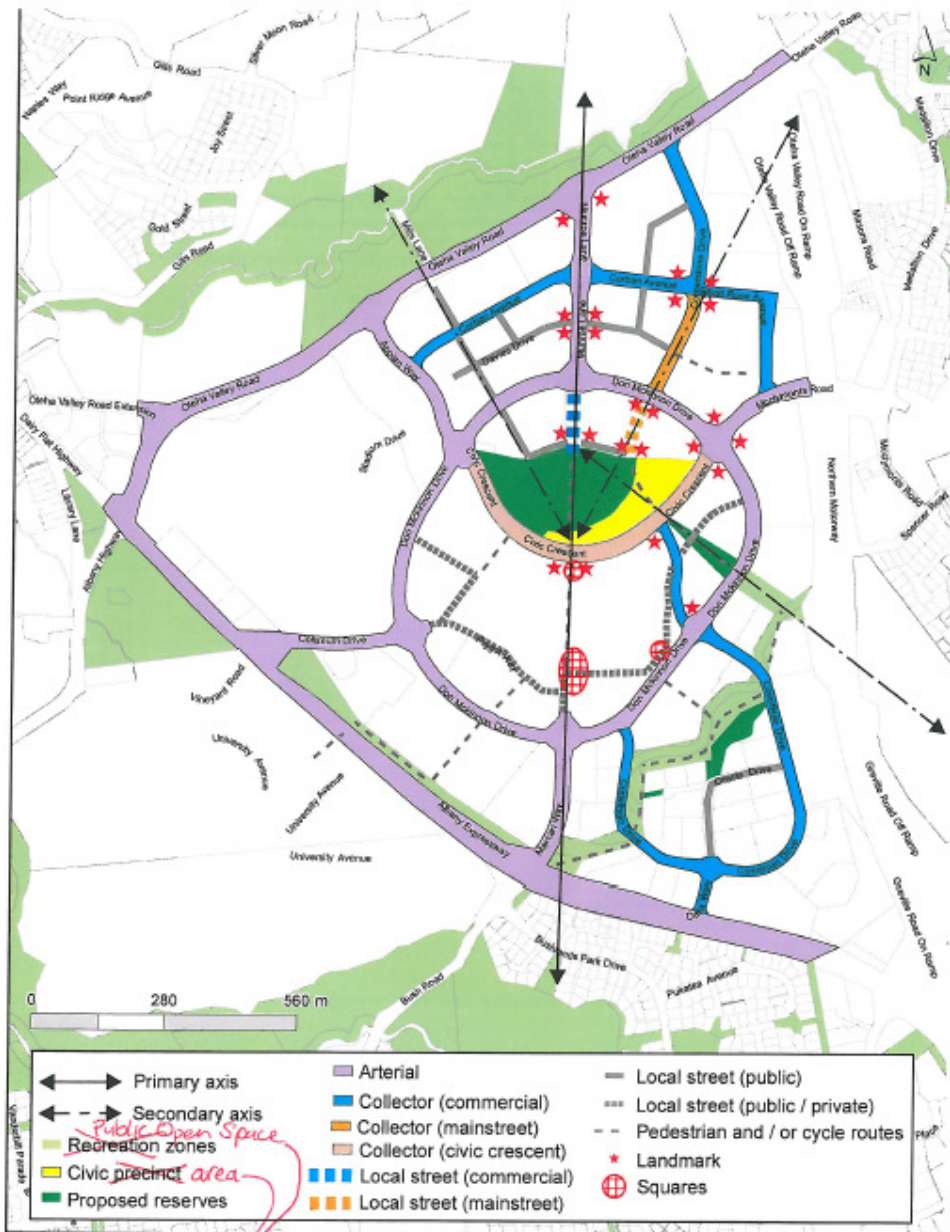
1. Compliance with Precinct Plan 1
  - a. amenity and connectivity
  - b. location of reserves and open space
2. Front yard
  - a. amenity
  - b. safety
3. Maximum building setbacks on collector (main street) or local (main street)
  - a. amenity and provision of public access
  - b. stormwater
4. Buildings on sites fronting arterials or local streets (commercial)
  - a. amenity
5. Ground floor parking adjacent to street frontage within a building
  - a. building design and adaptability

##### **4 5.2 Assessment criteria**

In addition to the general matters set out in clause 2.3 of the general provisions and relevant assessment criteria in the Metropolitan Centre zone, the council will consider the assessment criteria below for the relevant development control infringement:

1. Compliance with Precinct Plan 1
  - a. Local streets should be provided to ensure good amenity and the same level of connectivity for pedestrians and motorists as that indicated on Precinct Plan 1.
  - b. Reserves and open spaces should be in a similar location and of a similar scale to those indicated in Precinct Plan 1.
  
2. Front yard
  - a. Any reduction of the front yard should ensure that:
    - i. The privacy of residents is protected
    - ii. The safety and amenity of the street is maintained.
  - b. On sites adjacent to Oteha Valley Road, any reduction of the front yard should ensure that a visually appealing frontage to Oteha Valley Road is achieved.
  
3. Maximum building setbacks on collector (main street) or local (main street)
  - a. the assessment criteria in 6.2.5 c of the business zone rules applies as if the area is a public open space
  - b. the raingardens should be designed so as to enhance the amenity of the area and should adequately mitigate the effects of stormwater runoff.
  
4. Buildings on sites fronting arterials or local streets (commercial)
  - a. The setback should enhance the amenity of the site and the street, and ensure that a visually appealing frontage to the road is achieved.
  
5. Ground floor parking adjacent to street frontage within a building
  - a. At ground floor, the building should be of a sufficient height and design (including windows if possible) so that it can be adaptable to other uses.

6 Precinct Plans

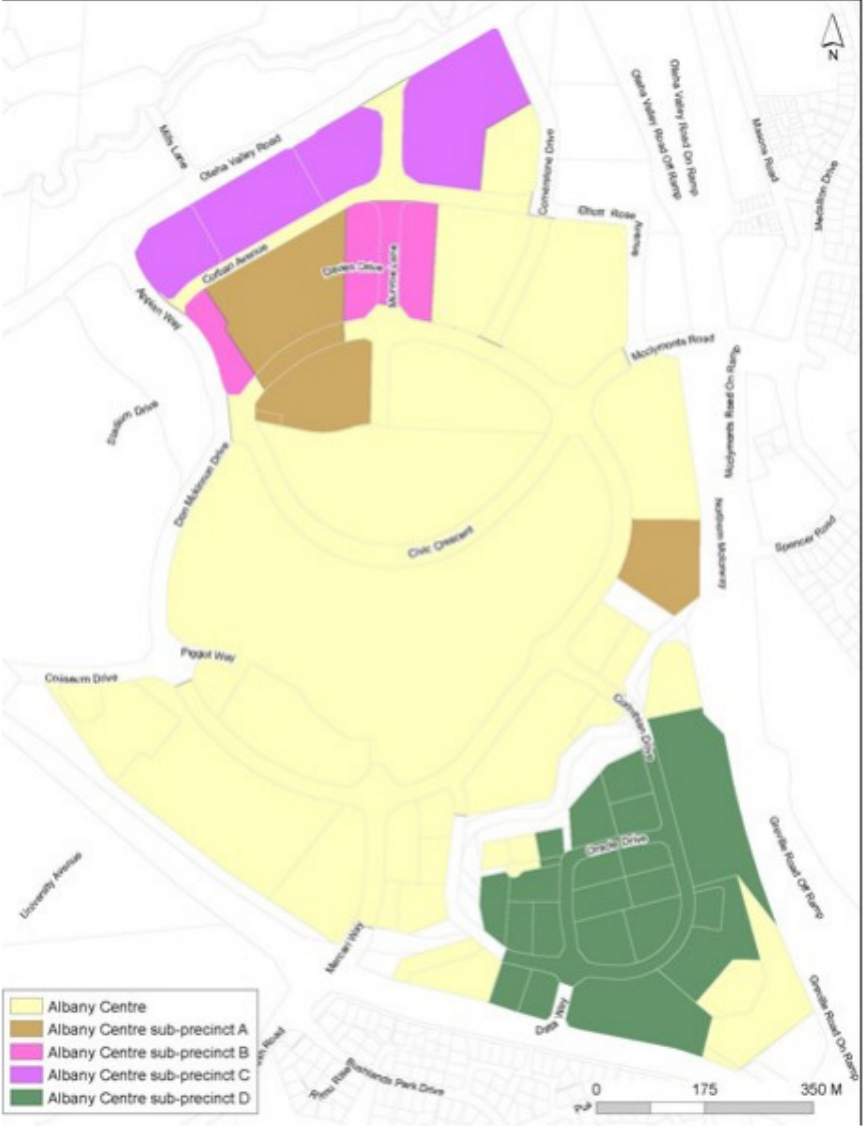


Albany Centre precinct plan 1

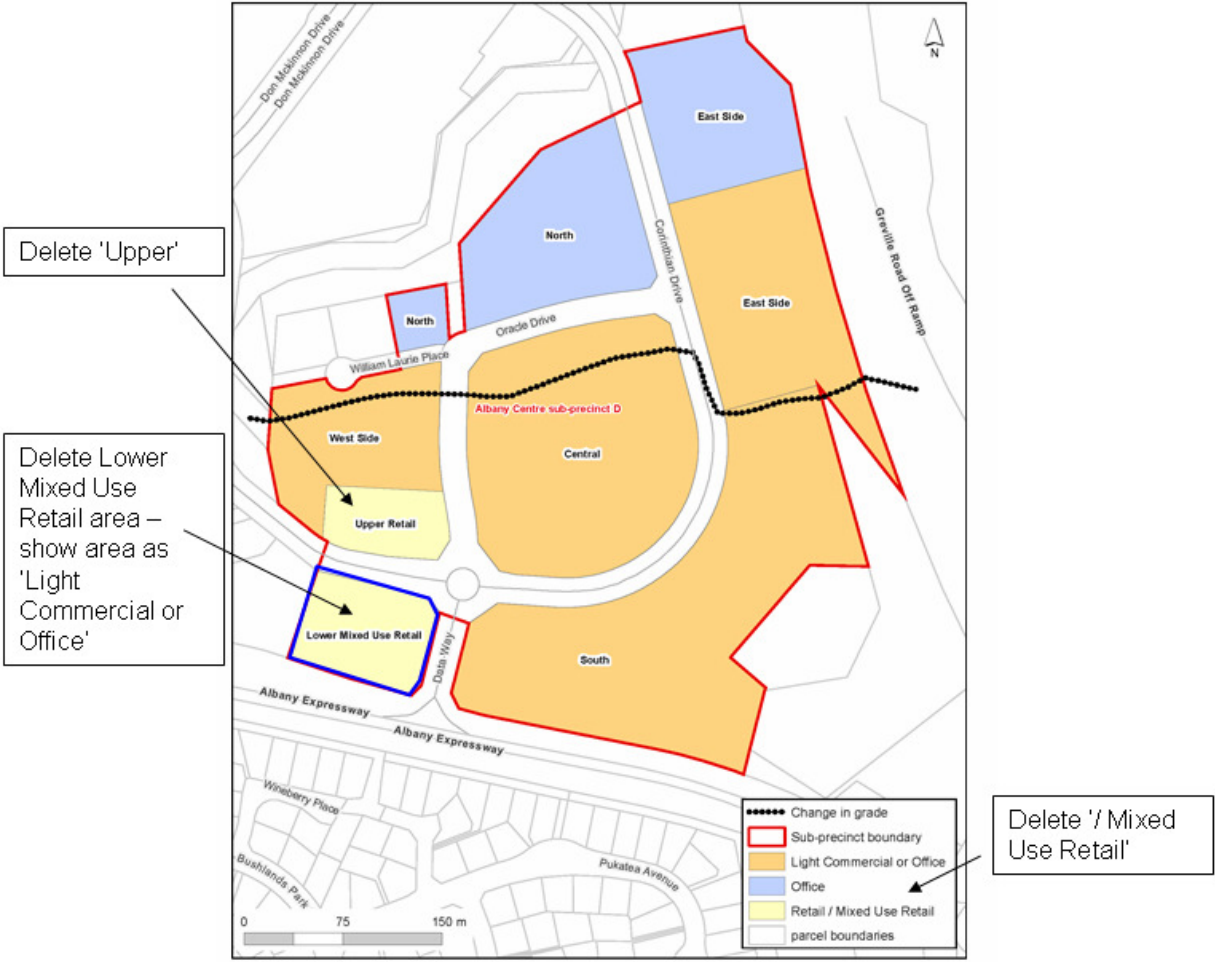


*To amend text.*

**Precinct Plan 2: Sub-precincts**



Precinct Plan 3: Sub-precinct D activity areas



**Precinct Plan 4: Sub-precinct D building setbacks**

