

IN THE MATTER of the Resource Management Act
1991

AND

PLAN CHANGE 5 Whenuapai Plan Change to Auckland
Unitary Plan Operative in part

DIRECTION 2 OF THE HEARING PANEL OF COMMISSIONERS: PLAN CHANGE 5

1. The Auckland Council (the Council) has appointed Independent Hearing Commissioners Robert Scott (Chair), Juliane Chetham, Gavin Lister and Councillor Chris Darby pursuant to section 34A of the Resource Management Act 1991 (RMA), to hear and determine submissions to Plan Change 5.
2. The hearing of evidence was held on 4, 7 and 10 May 2018. At the conclusion of evidence the hearing was adjourned to allow the Panel to undertake a site visit to various properties within plan change area. This was undertaken on Wednesday 13 June 2018.
4. Following the site visit it is our intention to clarify and request further comment on a number of matters from Council officers (in writing) and then reconvene the hearing to allow Council officers to respond to our questions and to provide a closing statement to the evidence presented. We will not be calling any further evidence from submitters.
5. The matters that we seek further clarification and comment on are as follows:

1. Aircraft Noise on RNZAF Base Whenuapai Land

- (a) We request a legal opinion on the status of the existing designation 4310 as it relates to noise. Specifically:
 - i. is engine testing included within the "Aircraft Noise" condition (Condition 1) of the designation where it refers to "aircraft operations on the RNZAF Airbase"?
 - ii. what relevance is NZS 6805:1992 and FAA Integrated Noise Model (INM) to this determination?
 - iii. does section 16 of the Resource Management Act 1991 apply to a designation (and Designation 4310 in particular) when considering aircraft noise and engine testing noise effects?
 - iv. Are there any other methods available to the Council for the control of engine testing on NZDF land?
- (b) The issue of bird strike was explained in detail in the evidence of Mr Shaw for the NZDF and specific provisions were offered to address the adverse effects of bird strike. How significant is the risk of bird strike to aircraft operations and are the provisions offered by NZDF in Mr Shaw's evidence necessary to avoid the adverse effect of bird strike?
- (c) We wish to better understand the justification for applying the Single House zone to land adjoining the Light Industry zone and within the 57 dB L_{dn} and 65 dB L_{dn}

Whenuapai Engine Testing Boundaries. What role, if any, did Chapter D24 – Aircraft Noise Overlay play in this assessment to choose a lower intensity zone? Could architectural design and construction methods provide mitigation against the adverse effects of aircraft noise and allow a high intensity zoning to be established? What reliance are we able to give to the 57 dB L_{dn} contour if there is no control on engine testing noise?

2. Infrastructure Funding

- (a) Please provide an update on the status of the various funding mechanisms expected to be available for Plan Change 5 as referred to in the evidence of Mr Winter and Ms Bell (Auckland Transport) and Mr Shields.

Transport infrastructure requirements

- (a) Please provide further detail on how a “proportional share of local infrastructure works as identified in Table I616.6.2.1” in Standard I616.6.2 would be calculated?
- (b) What process or framework will the Council use when calculating a proportionate share?
- (c) Can more certainty with regard to how a proportional share is determined (i.e. a formula), and whether such information should be included in the provisions either as part of a standard in the Precinct or other method in the Auckland Unitary Plan such as a non-statutory method in Chapter M? Is it reasonable to include a rule requiring the payment of a proportional share if the process to determine it is not determined until the resource consent stage?
- (d) Please clarify how Infrastructure Funding Agreements would be used as a mechanism for transport infrastructure funding within the Plan Change 5 with particular reference to issues such as fragmented and multiple ownership? Please explain further the role of the Development Programme Office in this process? Specifically, what mechanism would ensure the timely and equitable provision of the collector roads necessary to enable development, having regard to the location of such roads with respect to property ownership?
- (e) If Auckland Transport were to use its powers of designation to establish the roading upgrades as set out in (amended) Table I616.6.2.1 (or similar) or act as “banker” to fund the road upgrades, what would be the implications for the implementation of roading infrastructure in terms of Standard I616.6.2?

3. Indicative Open Space

- (a) Please clarify the process used to determine the need for Open Space areas as shown in Precinct Plan 1?
- (b) What is the intended open space function for the areas identified?
- (c) What factors were taken into consideration when identifying locations for open space areas?
- (d) Is a statement in the Precinct Plan necessary to clarify what “indicative Open Space” means and the extent of flexibility expected in the final determination of its location?

4. Land Bounded by Trig Road, Upper Harbour Drive and Hobsonville Road


- (a) The land within this area is zoned Terrace Housing and Apartment zone (THAB), to the south and west, and Mixed Housing Urban, to the north. A number of submitters seek that this entire area be rezoned THAB due to its proximity to the Westgate and NorthWest Shopping Centres. Please provide additional comment on the zoning proposed by submitters including the following:
- i. Anticipated walking/cycling distances and times to the existing Westgate commercial areas;
 - ii. The planned or anticipated public transport connectivity for this area;
 - iii. The role, if any, Upper Harbour Highway plays in terms of connectivity, or lack thereof, to commercial areas;
 - iv. Any measures within the development area that might improve connectivity (including a possible pedestrian/active mode bridge) to the Westgate centre;
 - v. Any other relevant physical or topographical matters.

5. Single House Zone Adjoining the CMA

- (a) We wish to better understand the reasoning for a lower intensity residential zone (Single House zone) at the CMA boundary in addition to a coastal hazard setback to manage the risk of hazard. Please provide additional comment on why a lower intensity zone is necessary in addition to coastal setbacks? What provisions of the Unitary Plan (including the Regional Coastal Plan) or the New Zealand Coastal Policy Statement have the Council considered or relied upon in this assessment?

6. Out of Scope Submissions

- (a) If we were to consider submissions 43.3 and 44.3 to be within scope (seeking to be added to the plan change and zoned Light Industry) what would the merits to including these sites within the plan change area?
7. Responses to these questions should be in writing but are not required prior to the reconvening of the hearing. Where Council specialists are used they should also be available for questioning at the reconvened hearing. Depending on availability we are looking to reconvene the hearing in approximately three to four weeks' time.
8. If Council officers have any queries or seek further clarification of the matters raised in this use direct these through the hearing advisor - Robert Boswell, Senior Hearings rt.boswell@aucklandcouncil.govt.nz.

A handwritten signature in black ink, appearing to read 'R. Scott', with a large, stylized flourish above the letters.

Robert Scott
for the Hearing Commissioners
29 June 2018