

I hereby give notice that a hearing by commissioners will be held on:

Date: Friday 4, Monday 7 & Thursday 10 May 2018
Time: 9.30am

Venue (4 May): Council Chambers
Level 2, Henderson Service Centre
6 Henderson Valley Road, Henderson

Venue (7 & 10 May): Council Chamber
Ground Floor
Auckland Town Hall
301-303 Queen Street
Auckland Central

HEARING AGENDA - VOLUME TWO

PLAN MODIFICATION 5 - WHENUAPAI PLAN CHANGE

COMMISSIONERS

Chairperson Robert Scott
Commissioners Juliane Chetham
Gavin Lister
Cr Chris Darby

Andrea Chung
HEARINGS ADVISOR

Telephone: 09 890 2102 or 021 858 737
Email: andrea.chung@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

Scheduling submitters to be heard

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing attendance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

The Hearing Procedure

The usual hearing procedure (as specified in the Resource Management Act) is:

- The reporting officer may be asked to provide a brief overview of the plan change.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
- Should you wish to present written information (evidence) in support of your application or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.

A NOTIFIED PLAN CHANGE TO THE AUCKLAND COUNCIL UNITARY PLAN BY AUCKLAND COUNCIL

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Reporting officer, Anne Bradbury

Reporting on proposed Plan Modification 5 - Whenuapai Plan Change to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones. The plan change also proposes changes to the following sections of the AUP (OP):

- Chapter I Precincts – inclusion of a new precinct I616 Whenuapai 3 Precinct
- Chapter L Schedule – 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2 Clarks Lane Historic Heritage Area
- Chapter M Appendices – Appendix 17
- Additions to the Historic Heritage Overlay map
- Additions to the control map, the Stormwater Management Area Flow Control -1 (SMAF-1) is added to the plan change area.

SUBMITTERS:		
Page 427	Lydia Lin	
Page 429	Serrena Storr	
Page 431	Teresa Pattinson	
Page 435	Peter E Pattinson and Teresa Pattinson	
Page 440	Brigham Investments Limited	Attn: Clayton Bradbury
Page 444	Sharron L and Roy J Preece	
Page 454	Andrew C Braithwaite	
Page 456	Upper Harbour Ecology Network	Attn: Annette Mitchell
Page 465	Guoqing Wu	
Page 467	Junwei Wu	
Page 469	Gongwang Li	Attn: Wayne Wang
Page 483	Dayna Swanberg	
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Page 497	Whenuapai Ratepayers and Residents Association	Attn: Andy Milne
Page 500	Pauline Howlett	
Page 502	Austino	Attn: D Pope & B Dales
Page 509	Hsiu Ho Lin	Attn: Daniel Shao
Page 516	Herald Island Environmental Group	Attn: Charissa Snijders
Page 523	Martin and Rochelle Good	Attn: Rochelle Good
Page 526	Cabra Developments Limited	Attn: Hannah Edwards
Page 577	Royal Forest and Bird Protection Society NZ	Attn: Nicholas Beveridge
Page 586	New Zealand Transport Agency	Attn: Lorraine Houston
Page 588	Stride Holdings Limited (Stride)	Attn: Bianca Tree
Page 592	Heritage New Zealand Pouhere Taonga	Attn: Rebecca Vertongen
Page 599	GRP Management Limited	Attn: Evita Key

Page 610	Mark Dawe	
Page 615	Peter and Helen Panayuidou	Attn: Mark Weingarh
Page 624	Ockleston Investments Limited	Attn: Evita Key
Page 634	Dave Allen	
Page 638	Jack N and Gillian M Shepherd	
Page 640	Ming Ma	Attn: Evita Key
Page 651	Sinton Developments	Attn: Evita Key
Page 704	Charles Ku	Attn: Peter Hall
Page 717	Sheng Xin Property Investment Limited	Attn: Toby Mandeno
Page 727	CDL Land New Zealand Limited (CDL)	Attn: Douglas Allan
Page 763	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Attn: Nigel Hosken
Page 768	Verve Construction Limited	Attn: Brad Nobilo
Page 796	Richard and Jane Paul	
Page 797	TDR Family Trust, CAR Family Trust, and KW Ridley Trust Company Limited	Attn: Craig Magee
Page 799	New Zealand Defence Force	Attn: Alia Cederman
Page 819	Auckland Transport	Attn: Lian Winter
Page 827	Trig Road Investments Limited	Attn: Toby Mandeno
Page 839	Lichun Gao	Attn: Toby Mandeno
Page 851	Paul and Kaaren Batchelor	
Page 854	Neil Construction Limited	Attn: Phill Ainsworth
Page 867	Maraetai Land Development Limited	Attn: Phill Ainsworth
Page 880	Yuewen Zhang and Yue Liu	Attn: Phill Ainsworth
Page 888	Feng Tan	Attn: Philip Brown
Page 892	Lu Hui Feng	
Page 894	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Attn: Daniel Clay

FURTHER SUBMITTERS:

Page 902	Dayna Swanberg	
Page 904	Austino	DCS
Page 908	Seventy-eight Hobsonville Limited and Prestige Clark Road Limited	Attn: Abu Hoque
Page 918	TDR Family Trust & CAR Family Trust & KW Ridley Family Trust Company Ltd	Attn: Craig Magee
Page 924	CDL Land NZ Limited	Attn: Douglas Allan
Page 934	Royal Forest and Bird Protection Society of New Zealand Inc	Attn: Nicholas Beveridge
Page 946	Charles Ku	Attn: Peter Hall
Page 958	Tim and Stephanie Woodward	

Page 961	New Zealand Transport Agency	Attn: Lorraine Houston
Page 966	Auckland Transport	Attn: Liam Winter
Page 971	Nicola Flemming	
Page 975	Rebecca Dawe	
Page 977	Mark and Sherrie Dawe	
Page 985	Kristina Dobson	
Page 987	Stride Holdings Limited	Attn: Bianca Tree
Page 997	Ryan Dobson	
Page 999	Cabra Developments Limited	Attn: Hannah Edwards
Page 1012	Mario Walsh	
Page 1014	Katherine McCallum	
Page 1016	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen	Attn: Nigel Hosken
Page 1021	New Zealand Defence Force	Attn: Rebecca Davies
Page 1033	Neil Construction Limited	Attn: Phil Ainsworth

ATTACHMENT 4
SUBMISSIONS AND FURTHER SUBMISSIONS

Contact details

Full name of submitter: Lydia Lin
Organisation name:
Full name of agent:
Email address: Drlydialin@hotmail.com
Phone (daytime): 021798472
Postal address: 92 Trig road , Whenuapai , Auckland
Post code: 0618
Date of submission: 21-Sep-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5
Plan change/variation name/RPS: Whenuapai Plan Change
The specific provisions that my submission relates to are:
Plan provision(s):
Property address: 92 Trig Road Whenuapai
Map:
Other:

Submission

I/We:
Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:
Yes

The reason for my/our views are:
We do not want to relocate

I/We seek the following decision by council:
If the plan change/variation is not declined, then amend it as outlined below | 1.1
Proposed amendments:
Remove our house as part of sports park | 1.2

I/We wish to be heard in support of my/our submissions:
Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:
Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?
No

Are you directly affected by an effect of the subject matter of this submission that:

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:

Accept

Contact details

Full name of submitter: Serrena Storr
Organisation name:
Full name of agent: Serrena Storr
Email address: ericas999@hotmail.com
Phone (daytime): 02102219459
Postal address: 3 Sinton Road,, Hobsonville,, Auckland
Post code: 0618
Date of submission: 28-Sep-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5
Plan change/variation name/RPS: Whenuapai Plan Change
The specific provisions that my submission relates to are:
Plan provision(s):
Property address: 3 Sinton Road, Hobsonville, Auckland
Map:
Other:

Submission

I/We:
Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:
Yes

The reason for my/our views are:
There is a provision for the Riparian planting plan, easements and encumbrances and a stream on the property situated at 3 Sinton Road, Hobsonville that all infringe on the use of the land.

The Riparian planting place touches/ends the back corner of the property. With this planting plan in place it means that with the restriction of 10meters for the pond/stream on our property, the 20meter clearance for the riparian planting plan and the other covenants and encumbrances on the title restricting use in certain areas for 3 Sinton Road, Hobsonville there is only a small portion of the land usable for enjoyment and development.

I/We seek the following decision by council:

Accept the plan change/variation with amendments as outlined below	2.1
Proposed amendments:	
We wish for the riparian planting plan that touches/ends on the back corner of 3 Sinton Road to be removed to allow for further use and enjoyment of the land.	2.2

We accept the easements and encumbrances and the restriction of 10 meters for the stream/pond if the above amendment is made.

I/We wish to be heard in support of my/our submissions:

Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:

Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?

No

Are you directly affected by an effect of the subject matter of this submission that:

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:

Accept

Contact details

Full name of submitter: Teresa pattinson
Organisation name:
Full name of agent:
Email address: pattinson@maxnet.co.nz
Phone (daytime): 09 416 6799
Postal address: 10 Hobsonville Rd, Westharbour, Auckland
Post code: 0618
Date of submission: 5-Oct-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5
Plan change/variation name/RPS: Whenuapai Plan Change
The specific provisions that my submission relates to are:
Plan provision(s): Thechange of current zoning to apartments terraced housing housing zone
Property address: 10 Hobsonville Rd,Westharbour
Map:
Other: the impact of proposed changes on our residential property and living environment. The location of our residential sewerage system

Submission

I/We:

Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:
Yes

The reason for my/our views are:
please refer to the attached submission PDF

I/We seek the following decision by council: | 3.1
Decline the plan change/variation

I/We wish to be heard in support of my/our submissions:
Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:
Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?
No

Are you directly affected by an effect of the subject matter of this submission that:
(a) Adversely affects the environment; and
(b) Does not relate to trade competition or the effects of trade competition.
Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:
Accept

SUBMISSION ON THE UNITARY PLAN IN THE WHENUAPAI 3 PRECINCT, SPECIFICALLY THE PROPERTY AT 10 HOBSONVILLE ROAD.

Teresa Pattinson
10 Hobsonville Road
5 October 2017

My submission in reference to some aspects of the Unitary Plan is:

1. Due to the **proximity and height** of the buildings proposed, behind our back boundary (our NW boundary that faces the existing paddocks), we don't believe that the impact of a **negative visual dominance** on us **would be minimized**. The concept that there would **continue to be a reasonable level of sunlight** into our property would be very much comprised as a consequence (i.e. a negative impact would result for us). 3.2
3.3
2. Also, the height allowance for any apartments or terraced housing means that the privacy in our two upstairs bedrooms (that face NW) will be compromised. This also applies to our back yard (that faces NW).
3. We have been residents of this property for over 30 years now. When we intentionally planned the placement of our house we decided to encourage bird life, not only for our own enjoyment but also for the benefit of the neighbourhood. Then place where we positioned our house was so that the lawn and native shrubs on our NW and NE boundaries received plenty of sun to encourage growth, provide habitat, food for native and introduced birds and also have a positive environmental effect. We believe it is reasonable, considering the proposed loss of green space in the Whenuapai Precinct, to take into consideration the negative effect that reduced sunlight and high-density apartments, terraced housing and suchlike buildings in close proximity to our property will have on these trees and shrubs and bird habitat. 3.4
4. We believe that the proposed plan encompasses some aspects (which could be imposed on us by council) that have the potential to impact our property, our living environment and neighbourhood in a negative way. Basically, because the proposed apartments and terraced houses could be located in **such close proximity to our property boundary**. 3.5
5. Please note, and ensure it is documented appropriately on council plans, that our residential sewerage system is connected to a sewer manhole which is located just outside of our NW boundary (ie the back boundary fence where the paddocks are at present) the land considered for the zone plan change. 3.6

Morning Diana,

Could you please add the following to no2 in the submission under my name ie our lounge, dining room and kitchen would also have the privacy aspect compromised. This is because, when the house was built, the location of these rooms was done due to the fact, the house could be placed facing North to facilitate to the maximum, the positive advantages of the sunshine and also the outlook onto the lawn its vegetation, and the activity of the birdlife.

Is it possible, that if apartments or terraced houses were built behind the boundary where the paddocks currently are, that some written provision could be made to the plans of the buildings to be constructed, which would minimize the exposure of this privacy aspect ? I have seen this achieved. | 3.7

Many thanks.

Kind regards,

Teresa

10 Hobsonville Rd,

Westharbour

Contact details

Full name of submitter: Peter Edward Pattinson

Organisation name:

Full name of agent:

Email address: Pattinson@maxnet.co.nz

Phone (daytime): (09) 416 6799

Postal address: 10 Hobsonville Rd, Westharbour, Auckland 0618

Post code: Auckland 0618

Date of submission: 5-Oct-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5

Plan change/variation name/RPS: Whenuapai Plan Change

The specific provisions that my submission relates to are:

Plan provision(s):

Property address: 10 Hobsonville Road

Map:

Other: Related to the new building envelope provisions and how they will adversely affect our property (and others along Hobsonville Road between Oriel Ave and Trig Road).

Submission

I/We:

Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:
Yes

The reason for my/our views are:
See the attached submission (PDF document)

I/We seek the following decision by council:
Accept the plan change/variation with amendments as outlined below | 4.1
Proposed amendments:
refer to the attached submission for specific details (point 7 in the attached document).

I/We wish to be heard in support of my/our submissions:
Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:
Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?
No

Are you directly affected by an effect of the subject matter of this submission that:
(a) Adversely affects the environment; and
(b) Does not relate to trade competition or the effects of trade competition.
Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:
Accept

SUBMISSION ON THE UNITARY PLAN AS IT CONCERNS BUILDING HEIGHTS IN THE WHENUAPAI 3 PRECINCT, SPECIFICALLY THOSE EXISTING PROPERTIES THAT BORDER THE NORTHERN SIDE OF HOBSONVILLE ROAD BETWEEN ORIEL AVENUE AND FITZHERBERT ROAD (NUMBERS 2 TO 14 HOBSONVILLE ROAD).

Peter Pattinson,
10 Hobsonville Road

5 October 2017

1. The existing properties along the **northern side** of Hobsonville Road (between Oriel Ave and Trig Road) were built to different building envelopes to those proposed in the new unitary plan. For example, our own house was one of the last to be built on an empty section in early 1980 and had to be at least 3 m from any boundary and the buildings had to fit inside a height envelope that would only allow a two-storey dwelling.
2. The new unitary plan allows buildings to be much closer to the boundaries of the existing homes and to be much higher. We understand that the maximum height of new buildings is constrained inside an envelope that extends 3 m above ground level at the property boundary and which then extends inwards (perpendicular to the boundary) at an angle of 45°, with a maximum height of 16 m.
3. The approximate orientation of the effected boundary for the houses between Oriel Ave and Fitzherbert (even numbers 2 to 14 Hobsonville Road) is very close to 45° west of north (i.e., they face NW towards the late afternoon sun).
4. New buildings adjacent to these boundaries, if built to the maximum height allowed and inside the proposed envelope, would create shade extending into the existing properties for a **minimum** distance of 3 metres for **at least 6 months of the year** (the actual period would be between 18 March to 25 September. This is the period during which the sun is below an elevation of 45° at an azimuth of 315° – in other words, when facing NW).
5. In addition to much-reduced sunshine, all of the properties on the northern side of Hobsonville Road to Trig Road would have reduced views to the north and west. However, we accept that views can never be guaranteed in perpetuity, but to have them taken away by a **major change** to the previous building envelopes without recompense is hard to accept.
6. To alleviate the loss of sunshine, and to a lesser extent the loss of views, we submit that the proposed new building envelope be amended where new buildings are to be built adjacent to the northern boundaries of the existing properties. This amendment would only apply to the boundary between the new and the existing houses.

4.2

7. We suggest that the building envelope be changed from a 45° line to a 30° line, **OR** move the 3 metre height limit from the boundary to 3 metres **inside** the new property boundary (effectively making the 45° line start at ground level at the boundary, while also moving the minimum distance between boundary and building out to 3 m). 4.3

8. We also recognise that future developers may well buy up some of the existing properties on Hobsonville Road with a view to removing an existing house and building new units to the new unitary plan building envelope, and that this could negate the intent of the changes proposed in 7 (above). However, we also contend that because the existing houses lie on top of a ridge, it would be in keeping with the height restrictions already in place to avoid the situation where very tall buildings could exist on one side of the road while lower buildings exist on the other. The same problems with shading would also impact on those existing houses on the southern side. 4.4

9. In cognisance of 8 (above), another option would be to re-draw the boundary of the Whenuapai Precinct 3 to **NOT** include the affected existing properties while still retaining the changes suggested in 7 (above). This would mean the any future development of existing houses would come under the same plan as those houses on the southern side of Hobsonville Road. It would also avoid major changes to the skyline along this portion of Hobsonville Road. 4.5

10. And finally, the shading problem for many of the existing houses may be avoided if the proposed main access loop road ran along the northern boundary of the houses as shown in the proposed development. 4.6

11. **But, this would still leave the problem unresolved for numbers 2 to 10** (and who will also suffer the most from shading due to the boundary orientation), and perhaps the “indicative” green area (we presume this refers to either a grassed area or some sort of park) shown below Number 10 could be made mandatory with a shared boundary with these houses. 4.7

EXTRA SUBMISSIONS FROM TERESA PATTINSON FOLLOW:

The reasons for my views are:

1. Due to the **proximity and height** of the buildings proposed, behind our back boundary, we don't believe that the impact of a **negative visual dominance** on us **would be minimized**. The concept that there would **continue to be a reasonable level of sunlight** into our property would be very much comprised as a consequence (i.e. a negative impact would result for us). 4.8
4.9

2. Also, the height allowance for any apartments or terraced housing means that the privacy in our two upstairs bedrooms (that face NW) will be compromised. This also applies to our back yard (that faces NW).

3. We have been residents of this property for over 30 years now. When we intentionally planned the placement of our house we decided to encourage bird life, not only for our own enjoyment but also for the benefit of the neighbourhood. Then place where we positioned our house was so that the lawn and native shrubs on our NW and NE boundaries received plenty of sun to encourage growth, provide habitat, food for native and introduced birds and also have a positive environmental effect. We believe it is reasonable, considering the proposed loss of green space in the Whenuapai Precinct, to take into consideration the negative effect that reduced sunlight and high-density apartments, terraced housing and suchlike buildings in close proximity to our property will have on these trees and shrubs and bird habitat. 4.10
4. We believe that the proposed plan encompasses some aspects (which could be imposed on us by council) that have the potential to impact our property, our living environment and neighbourhood in a negative way. Basically, because the proposed apartments and terraced houses could be located in **such close proximity to our property boundary**. 4.11
5. Please note, and ensure it is documented appropriately on council plans, that our residential sewerage system is connected to a sewer manhole which is located just outside of our NW boundary (ie the back boundary fence where the paddocks are at present) the land considered for the zone plan change. 4.12

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Clayton Bradbury

Organisation Name (if submission is on behalf of Organisation)
Brigham Investments Limited

Address for service of the Submitter
P.O. Box 81101 Whenuapai AK 0662

Telephone: Email: aialadvisorynz@gmail.com

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) See attachment

Or
Property Address

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

See attachment

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below
- Decline the Plan Change/Variation 5.1
- If the Plan Change/Variation is not declined, then amend it as outlined below. 5.2

See attachment

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing


 Signature of Submitter
 (or person authorised to sign on behalf of submitter)

Date 10/10/2017

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

Attachment to submission of Brigham Investments Limited on PC5: Whenuapai Plan Change.

Specific Provisions that submission relate to:

1. Objective 1616.2(9);
2. Policy 1616.3 9(15) & (16);
3. Activity Table 1616.4;
4. Standards 1616.6;
5. Assessment 1616.8.

Submission (reasons):

1. The provisions in PC5 relating to the Whenuapai 3 coastal erosion set back yard (the PC5 Set Back Yard") relitigate the approach to coastal hazards adopted in Chapter E36 of the AUP (OP), which itself was the product of extensive public submissions. 5.3
2. We believe that these provisions in PC5 should be deleted in their entirety, but that the width of the PC5 Set Back Yard should be adopted to measure the Coastal Erosion Hazard Area within the Whenuapai 3 Precinct (as provided by paragraph (c) of the Chapter J1 definition of Coastal Erosion Hazard Area). 5.4
3. We see no risk management imperative in Tonkin and Taylor's Coastal Hazard Assessment Report (August 2017) or any other report referred to by Council, for adopting the coastal hazard provisions in PC5 (apart from the width of the PC5 Set Back Yard as noted above). In our opinion there is no rationale for departing from Chapter E36 of the AUP (OP) in the manner contemplated by PC5. 5.5
4. The AUP (OP) implicitly recognises that while the risks of coastal erosion over a 100 year plus timescale need to be carefully managed, this does not necessitate a complete and immediate prohibition of new buildings and other structures on the affected land. In initiating PC5, the Council appears to have adopted a different attitude.
5. We observe that there are a number of existing dwellings located inside the PC5 Setback Yard. Therefore it is not correct to categorise all that land as a "greenfield area" and use this as a justification for Council's approach to coastal erosion in PC5. 5.6
6. If the coastal erosion provisions in PC5 are allowed to stand then there will be materially different outcomes for affected property owners than the outcomes available under the AUP (OP). For example:

- (a) the effect of standards 1616.6(3) and 1616.6.5 is to impose a total prohibition on all new buildings (this includes temporary and moveable structures) being located in the PC5 Set Back Yard. In contrast the AUP (OP) manages this risk as a restricted discretionary activity. 5.7
- (b) coastal protection structures in the Whenuapai 3 Precinct are either a discretionary activity (if outside the PC5 Set Back Yard) or a non-complying activity (if within the PC5 Set Back Yard). In contrast the AUP (OP) manages such structures as a restricted discretionary activity (if outside the Coastal Erosion Hazard Area) or a discretionary activity (if within the Coastal Erosion Hazard Area). 5.8
7. Deleting the provisions in PC5 relating to the PC5 Set Back Yard (while adopting the set backs in the PC5 Set Back Yard) is consistent with the findings in Tonkin and Taylor's Coastal Hazard Assessment Report. It is also consistent with, and gives effect to the coastal hazards outcomes sought in AUP (OP) and the New Zealand Coastal Policy Statement and is thus the most appropriate way to achieve the purposes of the RMA.

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only Submission No:
Receipt Date: 13 OCT 2017

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) SHARRON LORRANE & ROY JAMES PREECE

Organisation Name (if submission is on behalf of Organisation)

NOT APPLICABLE

Address for service of the Submitter

S & R PREECE, P.O. Box 84077 WESTGATE AKLD; 0657.

Telephone:

(09) 416 9033

Email:

rprece@xtro.w.nz

Contact Person: (Name and designation if applicable)

SHARRON & ROY PREECE

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

11

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Or
Property Address 50 KAURI RD, WHENUAPAI, AUCKLAND 0618

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: REFER TO ATTACHED SUBMISSION ON SEPARATE SHEETS.

REFER ATTACHED SHEETS

(continue on a separate sheet if necessary)


I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below 6.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.

- a) RETAIN EXISTING RESIDENTIAL STATUS AT 50 KAORI ROAD W HEN VAPA 6.2
- b) THE 65 DB NOISE CONTOUR BE REDRAWN FOR REASONS STATED IN OUR SUBMISSION AT PARAGRAPHS A-I.

I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

 (R. PREECE)

Signature of Submitter
(or person authorised to sign on behalf of submitter)

12TH OCTOBER 2017.

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

50 Kauri Road,
Whenuapai,
Auckland 0618.

10th October 2017.

Auckland Council,
Level 24, 135 Albert Street,
Private Bag 92300
Auckland 1142.

Subject: *Auckland Unitary Plan:-
PC5 Whenuapai Plan Change as proposed 21st September 2017.
Submission relates to the proposed rezoning of 50 Kauri Road.*

Attention: *To whom it may concern:*

This submission originates from the owners of 50 Kauri Rd, and relates to the proposed rezoning outlined in the PC5 Whenuapai Plan Change documents as issued on 21st September 2017, and specifically to:-

- a) General Statement relating to the overall plan.
- b) The proposed rezoning of the existing residential property at 50 Kauri Rd, Whenuapai.

Note: A copy of this submission has been forwarded to our local MP for Helensville for his information and input as he sees fit.

SUMMARY:

We seek that:

- 1) *The 65dB noise contour be redrawn so as to exclude 50 Kauri Rd. for reasons stated at paragraphs A – I.*
- 2) *That 50 Kauri Rd. not be rezoned so as to exclude rural residential uses for reasons stated at paragraphs A – I.*

6.3

6.4

INTRODUCTION:

A brief letter from council received on the 20th September 2017 informed us that documentation relating to the “Proposed Whenuapai plan” changes would be available on line from the 21st September 2017.

All submissions responding to the proposed plan from affected/interested parties must be provided to council by 19th October 2017. The period of time allowed to prepare submissions is short, bearing in mind (1) the complexity and magnitude of the proposed changes to the area; (2) the fact that some information and/or detail ideally required to undertake a detailed analysis leading to a full submission appears to be unavailable or missing – e.g. a definition of the various zones such as “Business – Light Industry”; and (3) the seriousness of the impact of the proposed changes.

The proposed changes introduce uncertainty and potentially undesirable lifestyle and financial burdens for existing established residential property owners who fall within the new proposed 65Db engine testing contour shown on council plan 1616.10.3 Whenuapai 3 Precinct Plan 3. Should the new contour be introduced, all existing residential properties including 50 Kauri Rd. which are within the contour will be subject to rezoning to “Business – Light Industry”.

In particular we feel that rezoning of existing longstanding residential properties such as ours solely because a new and more restrictive noise contour has been adopted by council as part of the proposed plan change breaches natural justice and is unnecessary, unreasonable, and unfair.

S & R Preece

P. O. Box 84077 Westgate Auckland 0657 New Zealand

Phone: (09) 416 9033 Email: rpreece@extra.co.nz

COMMENT ON PROPOSED OVERALL PLAN CHANGE:

We purchased our Whenuapai home because we love the rural aspect of the area and prefer to live in a rural setting rather than a built-up area comprised of mixed industrial and urban zones such as that proposed under the Whenuapai Plan. We are saddened to discover that the proposal if approved will change our local rural environment beyond recognition over the next few years.

We do fully accept however, the fact that the RNZAF base should be able to continue to operate in the manner of the past decades. To avoid any doubt, our submission is against arbitrary re-designation of our property.

PROPOSED 50 KAURI ROAD REZONING:

The Proposed Whenuapai Plan indicates our residential property at 50 Kauri Rd. along with neighbours either side (at 52 Kauri Rd. and 1 Rata Rd.) as being rezoned to “Business – Light Industry Zone. Two of these three residential homes have been here for over 50 years, and the third house for close to 30 years.

Background:

We purchased the property in August 2010. Immediately following the purchase of 50 Kauri Rd. we carried out a major upgrade including addition of an extension and remodelling of the existing dwelling. As part of the consent conditions, the upgrade included acoustic treatment to ensure that aircraft noise would not exceed 40dB within any habitable room. This requirement was included as part of the consent as the property was located within the 55dB “noise control area” or “Airbase noise contour” which was an applicable council requirement at that time. Note that this requirement *did not* include noise contours relating to engine testing at that time. Upon final completion, the upgrade was signed off by the council and a Code Compliance Certificate was subsequently granted summer 2011.

Since that time our zoning has been “Rural Residential”. Earlier information shown on council’s website referred this as being zoned “Future Urban”, and as part of the current changes the proposal is to now rezone it to “Business – Light Industry”, which would downgrade our current residential status drastically and create numerous unintended consequences for us going forward.

We have no wish to move in the foreseeable future.

6.5

REASONS WHY WE DO NOT WISH OUR ESTABLISHED RESIDENTIAL HOME TO BE REZONED TO BUSINESS – LIGHT INDUSTRY.

- A. The proposed changes have the potential to damage our future by reducing our options going forward, downgrading the rural setting of the area and reducing the equity in our property. This scenario could easily be compounded should council increase land and water rates to reflect business zoning, which tend to be historically higher than residential rates. We have no way of knowing if any or all of these issues will occur, and Council have given no indication as to their intentions regarding future rate changes.
- B. The combined land area relating to our residential property at 50 Kauri Rd. and the residential properties either side of us jointly make up an area of 9,524 sq. metres. As this area is physically separated from the new development proposed for the areas to the south of Rata Road we contend that there is little economic or practical gain to be achieved in rezoning 50 Kauri Rd or the properties either side of us from residential to “Business - light industry”.

- C. There are concerns about building insurance, which is generally based on building replacement values. Should the proposal to rezone our home be approved then we would likely not be allowed to rebuild it in the event of major damage such as a fire or earthquake damage. How will this affect our insurance situation? In the event of a major issue we would be left with a vacant piece of land and nowhere to live, and would have to immediately sell the land to raise sufficient funds to rehouse ourselves elsewhere. In the meantime, we would be forced to rent. Where? There is meant to be a housing shortage!
- D. An acoustic noise prediction and assessment report relating to engine testing provided by Malcolm Hunt Associates has been included in the council documents. Auckland Council has included the engine testing noise contours provided by the report and have based their zoning decisions upon the contours provided. The report is titled "Noise Predictions and Assessment". It would not be reasonable to rely on the report's conclusions (related to the positioning of the 65dB contour) for the following reasons:
- (i) The report states that the contours have been produced as the result of a "desktop prediction" as opposed to field measurements. i.e. the contours are plotted from theoretical approximations rather than actual noise measurements taken in the field. Theoretical calculations do not take all the relevant factors into account. A proportion of physical field test figures at indicative points would confirm (or otherwise) the accuracy of the calculations.
 - (ii) Acoustic noise data generated by the aircraft engines and propellers was by the report's own admission not available to match any of the three large aircraft based at Whenuapai airbase and being modelled in the report, so alternative noise data was used from different aircraft, propellers and engines with broadly "similar" acoustic properties. (Details of substitutions are included in the Hunt report).
To use alternative merely "similar" data in this manner when the prime objective of the report was to produce reliable noise contours is an unreasonable decision to make, despite an assurance provided in the report stating that the noise data used is "similar" or "conservative" when compared to the actual aircraft based at Whenuapai. Where input data is not reliable, the result will similarly be unreliable.
Computer modelling whilst capable of fairly accurate approximations inevitably does not allow for all factors involved, and the results will always be suspect where incorrect information is used at the start of the calculation process.
 - (iii) All calculations appear to have been carried out on the basis of "worst case scenarios", and additional safety margins appear to have been included at every available opportunity. This effectively compounds the safety margin allowed, resulting in the 65dB contour line being positioned somewhat further outwards from the airbase than it need be. In the context of our situation, whereby the proposed 65dB contour runs through 50 Kauri Rd., this is highly significant and unduly adverse in its effect.
 - (iv) The contour has been plotted on the basis of the receiver height being 4.2 metres which is designed to cater for receivers located on the upper storey of a two-storey dwelling. The noise level will be lower for a single storey building. Note that 50 Kauri Rd is a single storey building.
 - (v) The noise contour lines differ in position between the plan on the Hunt acoustic report and the plan shown on the council documents. The 65dB contour line shown in the Malcolm Hunt acoustic report appears to briefly cross through 50 Kauri Rd at the South West corner of the property. The

contour line is nowhere near the dwelling, so 50 Kauri Rd does not require rezoning under the plan rules. The 65dB contour shown in the “Proposed Plan Change 5 document ref. 1616.10.3 Whenuapai 3 Precinct Plan 3 entitled “Whenuapai Engine Testing Noise Boundaries” however shows the 65dB contour line passing further to the South and to the East. Even at this position, it is unlikely that the line would coincide with the footprint of the dwelling. Which contour line is correct? – Presumably the contour in the Malcolm Hunt report would be the accurate one since it would have been plotted from the calculated noise results. Please see maps attached showing contour line discrepancies.

- (vi) The times when engine testing is taking place (both at high power or low power) is looked at in the Hunt report as an overall amount of time and then averaged across all test locations. However, *when related to any individual site* the times exposed to the theoretical 65dB contour have much less of an impact than that indicated, in addition to which if the engine testing is taking place at a remote testing position it will have less effect than if it were close to any given receiver location.
- (vii) In reality, despite the averaged figures for the six designated engine testing locations mentioned in the reports, the frequency of engine testing which impacts on this property can vary anywhere between daily and as much as three weeks apart. It is important to point out that the majority of the engine testing is *not* done at high power and therefore for much of the time the resultant noise level will not be anywhere near the 65dB noise contour.

E. As Council has proposed to rezone property based on a recent suggestion to include engine testing noise contours, it is crucially important that all affected parties need to be confident in the positions of the contours as shown on the relevant plans. For the reasons outlined above, the contour positions are questionable, being excessive for any given individual receiver position external to the airbase. A professional field survey (i.e. physical testing not theoretical) could be carried out at relevant positions to determine the real position of the noise contours, or as a minimum an appropriate number of indicative measurements should be taken to check the accuracy (or otherwise) of the theoretical figures.

6.6

F. As an alternative to re-drawing the 65dB noise contour, a couple of options: Whilst we are aware that the airbase is a strategic asset, it appears to us that the residential property owners surrounding the airbase who are “caught” within the proposed engine testing 65dB noise contour are expected to accept having their assets significantly devalued and their future options and plans compromised. The airbase however is not demonstrating any willingness to compromise whatsoever.

- (1) The most practical means of reducing noise during engine testing and reducing the 65dB noise contour would be to install acoustic barriers around the designated testing locations as is typically done overseas, designed to absorb or deflect noise to a point where it is limited to the noise contours currently legislated for -i.e. the current 55dB noise profile.
- (2) Alternately the airbase could consider abandoning the problematic testing locations which are close to boundaries in favour of those deeper within the base boundaries, or consider creating new locations well away from affected residential properties, i.e. on the opposite side of the runways from the boundaries. This approach would have the immediate effect of moving the proposed 65dB noise contour back within (or close to) the airbase boundaries. This would allow the proposed Whenuapai Plan to include many more new residential homes than currently planned.

6.7

6.8

-See comments on the impact that the rezoning will have if proceeded with, taken from Section 8.7 Table 9 of the Proposed Whenuapai Plan Change Section 32 Report dated 21.9.2017. Under costs/economic: "the dwelling yields will reduce available housing from 8,233 to 6182 as a result of extending the Light Industry zone area south of the airbase". This potential loss of residential housing could be easily avoided if the NZDF were open to altering how they carry out engine testing either as indicated above, or by some other means. This would move the new proposed 65dB noise contour back towards the airbase as indicated above, therefore opening up more land for residential properties. We are supposed to be in a "housing shortage crisis" at the present time, and yet the proposed plan does not appear to have considered this option.

- G. We have heard that purchasers of the new houses currently being built along Brigham Creek Rd. immediately to the west of Whenuapai village are required to agree to a covenant being registered on their titles to the effect that they are not allowed to complain about noise emanating from the airbase. This appears to be in conflict with clause 7.7.1 objective 1616.2 (13) which "seeks to protect the health and amenities of residents", which council are using as justification for rulings regarding residential locations in relation to various noise contours. So – on one hand we are being rezoned because council want to "protect our health and amenities", however at the new Whenuapai village houses the "health issues" take second place providing the purchasers are willing to sign away their rights to complain about noise issues. There appears to be a degree of inconsistency and convenient logic being applied here.
Note: We would be prepared to have a covenant of "no objection to noise emanating from the airbase" registered on our title if this becomes the only means by which we can retain residential status of our property at 50 Kauri Rd..
- H. We personally have no issues with the noise emanating from the airbase and accept it as one of the compromises for living at this location. The airbase is an important factor in the makeup of the area.
We understand from our research that the current Orion and Hercules aircraft at the airbase will be withdrawn and replaced with more modern aircraft in the next few years. Presumably the replacements will be considerably quieter than the somewhat aging existing aircraft due to modern propeller and engine technology along with much lower allowable noise output levels, which these days are far more environmentally friendly than when the current crop of aircraft and their associated engines and propellers were built. The two Boeing 757's currently based at the airbase are less relevant to the engine testing debate as (a) we very rarely see one of these aircraft up our end of the base, and (b) there are only two of them, therefore much less testing time is required.
- I. The current noise levels experienced at 50 Kauri Rd have not changed in many years despite the proposed introduction of a new "engine testing noise" contours; however it will certainly decrease once new aircraft are introduced and the old ones disposed of, at which time it would probably be too late to reclaim our "residential status".
We were aware when we purchased the property that there would be noise from the operation of the aircraft. All things in life are a compromise, and we do not consider that the aircraft noise in this situation to be sufficiently loud or annoying to be a valid reason to rezone this property.

50 Kauri Road,
Whenuapai,
Auckland 0618.

SUMMARY / CONCLUSION:

We respectfully request that our zoning remain as residential and not be altered to "Business – Light Industry", and specifically that:

- i. *Field measured noise data be used to produce the 65Db noise contour rather than theoretically produced data as is currently being used, and* | 6.9
- ii. *The 65Db noise contour be redrawn with a more realistic approach to "worst case scenarios" and safety margins.*
- iii. *A covenant of no objection to noise emanating from the airbase be registered on our title if this is the only means by which we can retain residential status of our property at 50 Kauri Rd..* | 6.10

Please let us know if you would like any further information on the points outlined in this submission.

Note: A copy of this submission has been discussed with and forwarded to our local MP for Helensville, for his information and input as he sees fit.

Yours faithfully,



Roy and Sharron Preece.

The base assessment unit is the LAeq(24 hour) measured in dB⁶. The LAeq(24 hr) 57 dB and 65 dB contours have been predicted based on the 'worse case' rolling seven day engine testing undertaken by all THREE aircraft types (high and low power tests). This turns out to be the period 9-15 June inclusive as shown in Appendix 2. The prediction calculations are based on a receiver height of 4.2 metres which is designed to cater for receivers located on the upper storey of a two storey dwelling.

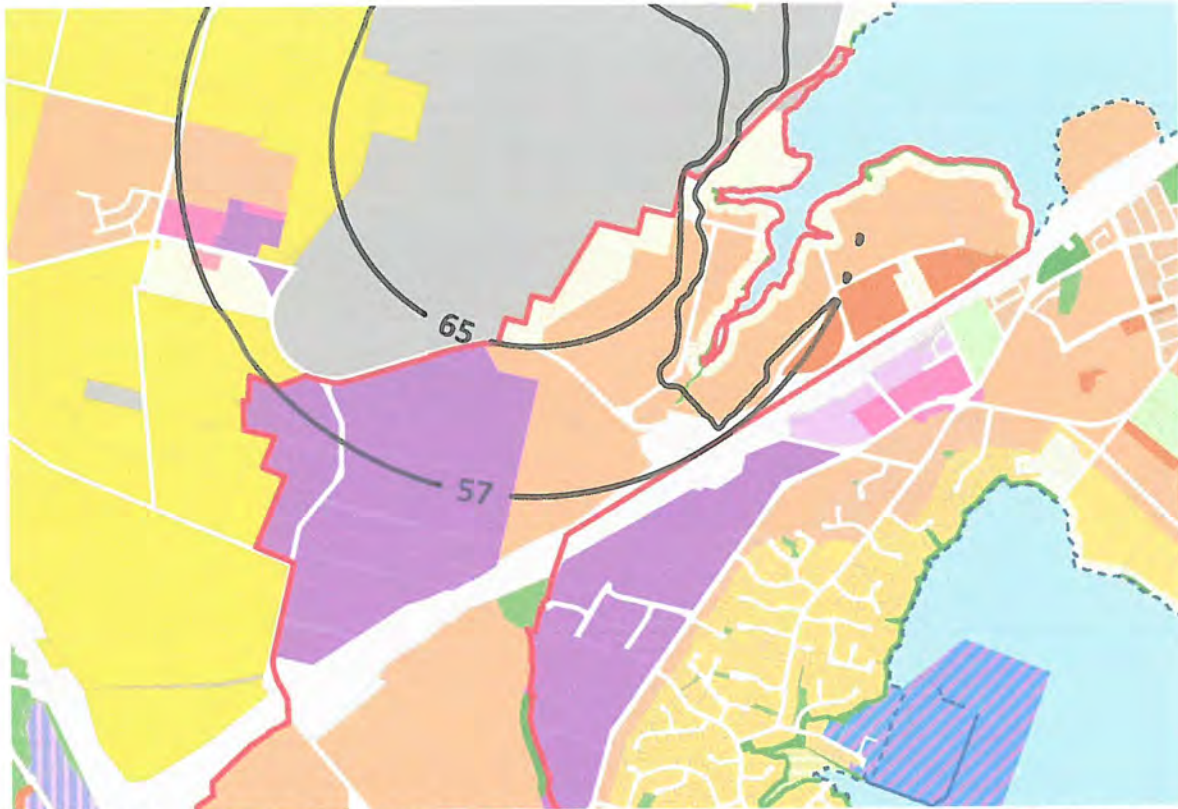


Figure 13 Map showing LAeq(24 hr) 57 dB and 65 dB contours for cumulative noise from engine testing of the B757, C130 and P3 aircraft conducted at Whenuapai Airbase over a 'worse case' seven day rolling time period recorded during the 60 day survey of engine testing conducted in 2016.

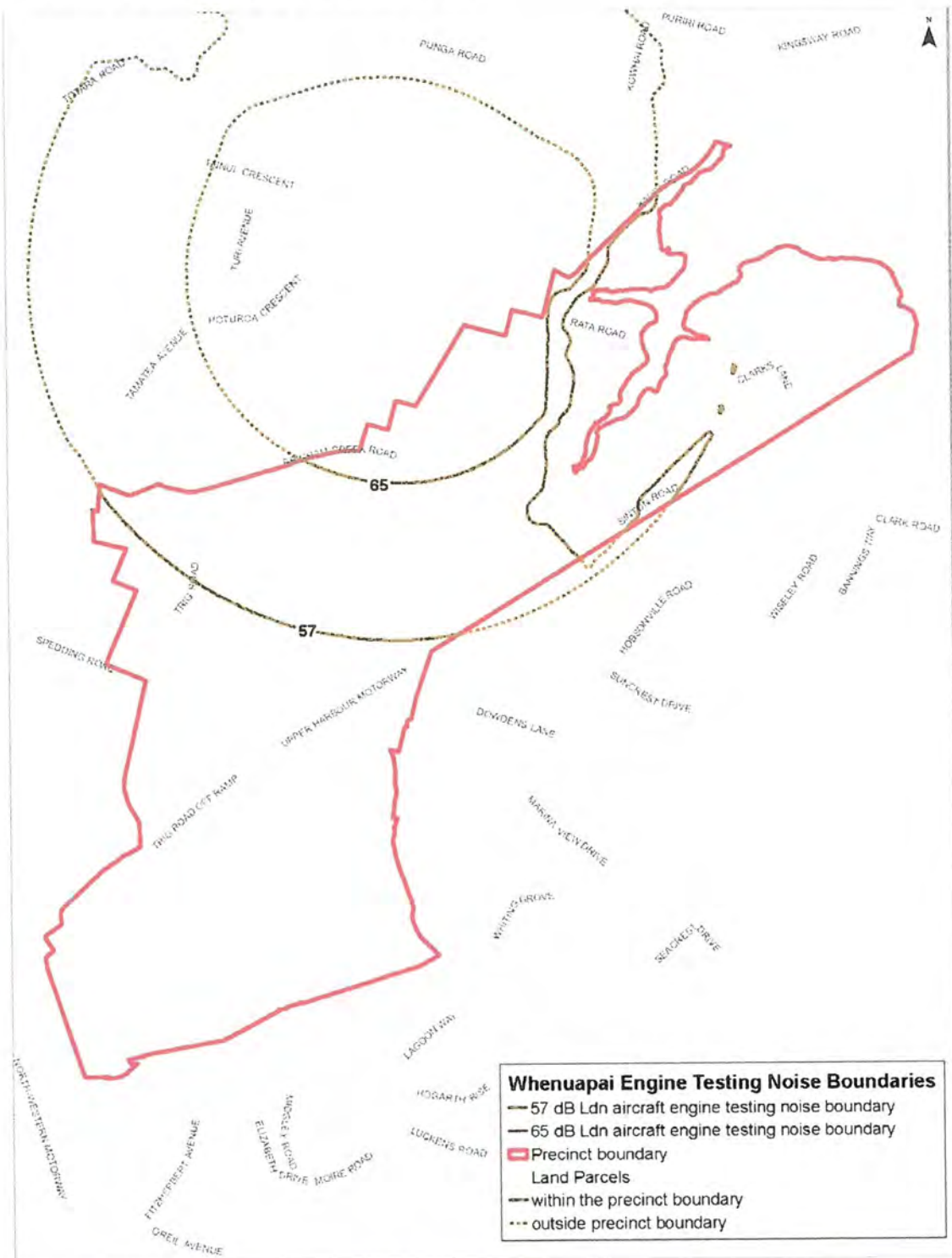
LAeq(24 hour) values are set out below for receiver sites A, B and C (as shown in **Figure 12**) in the following table

Location	LAeq(24 hr)
A	60.6 dB
B	51.4 dB
C	42.1 dB

Table 5 Calculated LAeq (cumulative) engine test noise levels for the three representative receiver locations shown in **Figure 12**.

⁶ As described above in Section 3, this is considered the equivalent to the "Ldn" unit.

I616.10.3. Whenuapai 3 Precinct Plan 3



From Auckland Unitary Plan Operative in Part
Proposed Plan Change 5

Contact details

Full name of submitter: Andrew Castley Braithwaite

Organisation name:

Full name of agent:

Email address: andybte@hotmail.com

Phone (daytime): 0272752903

Postal address: 1 rata rd, whenuapai, auckland

Post code: 0618

Date of submission: 16-Oct-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5

Plan change/variation name/RPS: Whenuapai Plan Change

The specific provisions that my submission relates to are:

Plan provision(s):

Property address: 1 rata rd whenuapai zoning

Map:

Other:

Submission

I/We:

Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:

Yes

The reason for my/our views are:

The RNZAF should not be dictating the terms of reference for the future of Whenuapai's residential zones- especially when it appears that the base will eventually cease to exist if your projected maps are accurate. Council should stipulate to the RNZAF the necessary rules for aircraft engine testing - which are the sole cause of your rezoning plans. The report by Malcolm Hunt Associates commissioned by the RNZAF is based on several assumptions on noise levels which have led to random sound contours which cannot be validated, and therefore should be rejected pending more accurate data.

7.2

On examining the five engine testing sites used by the RNZAF it appears that if just one site- point C- was closed down the whole engine testing issue for this area would become redundant. The base only services an average of just over one plane a day so to have 5 testing sites seems totally unnecessary. In addition installation of concrete barriers or soundproofing would also reduce the noise levels to acceptable levels (this is routinely performed for many international airports where residential development has taken place nearby).

The Council needs to address its responsibilities to the Government and general public by maximising residential housing development in the area to the south of the airbase along Kauri Road- an ideal residential housing site due to its scenic and idyllic nature near the estuary and close proximity to the motorway. A strip of light industrial development would forever ruin that possibility.

Finally the Council has already set a precedence by permitting a high density residential development which is partially within the Ldn 55dB zone near the Whenuapai shops (as shown in Figures 13 and 14 of the report by Hunt). This area would have been ideal for any light industrial development - being close to the industry near the shops- if such extension was required. There is therefore no logic in now attempting the dictate to landowners on the southern side of the airport who are already living in a residential area that they should now be required to develop their properties as industrial sites.

(It also appears that my property at Rata Rd is half inside the 55dB zone and half outside. As I own two properties- 1 and 3- it appears that when I am permitted to subdivide I will have one property inside the zone and one outside- so how does this affect the classification? I presume no 1 would be industrial and no 3 residential- is this all logical and well thought out??)

I/We seek the following decision by council: | 7.1
Decline the plan change/variation

I/We wish to be heard in support of my/our submissions:
Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:
Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?
No

Are you directly affected by an effect of the subject matter of this submission that:
(a) Adversely affects the environment; and
(b) Does not relate to trade competition or the effects of trade competition.
No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:
Accept

Contact details

Full name of submitter: Annette Mitchell
Organisation name: Upper Harbour Ecology Network
Full name of agent: Annette Mitchell
Email address: anniem1401@gmail.com
Phone (daytime): 0272942601
Postal address: 38 Waimarie Road, Whenuapai
Post code: 0618
Date of submission: 16-Oct-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5
Plan change/variation name/RPS: Whenuapai Plan Change
The specific provisions that my submission relates to are:
Plan provision(s): Whenuapai Plan Change 5
Property address: 38 Waimarie Road
Map: Precinct 3
Other:

Submission

I/We:
Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:

Yes

The reason for my/our views are:
Please read reasons in our submission

I/We seek the following decision by council: | 8.1
Decline the plan change/variation

I/We wish to be heard in support of my/our submissions:
Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:
Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?
No

Are you directly affected by an effect of the subject matter of this submission that:

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:

Accept

Submission to Auckland Council in relation to
Whenuapai Precinct 3 Plan Change 5

On Behalf of: Upper Harbour Ecology Network

Background

This submission is made on behalf of the Upper Harbour Ecology Network (UHEN) which is a network of 10 environmental groups that work to restore and enhance the natural environments of their local communities through the eradication of invasive weeds and pest control. The goals of the UHEN is to uphold the vision of the North West Wildlink. (NWW) is to create linkages and connections for native habitat and wildlife to migrate from the Waitakere Ranges to the Islands in the Hauraki Gulf in order to flourish. There is a growing will within communities to find solutions to the long term environmental degradation and to uphold the North-West Wildlink.

Introduction

It has been recognised by the various ecological groups that operate in this area, including NZ Forest and Bird and Gecko Trust, that the Whenuapai area is devoid of its long history of farming and horticulture with a defence airbase in the middle of it, there is very little native habitat and a considerable amount of environmental contamination and degradation, both to the land, waterways and upper harbour tidal estuaries and mudflats. Currently Whenuapai strategically lacks the links to bridge the NWW across this landscape. However, under the new Auckland Council Unitary plan and re-zoning of Whenuapai for development as a Greenfields area, the Upper Harbour Ecology Network see this as a great opportunity to:

- Make right the degradation of wetlands, streams and riparian margins
- Enhance the quality of the environment for residents through large areas of green space for local residents.
- Use 21st century Storm water Best Practice and Water Sensitive Design (WSD) models to manage the impact of storm water from new developments on the sensitive tidal regions and in particular the Waiarohia Stream.
- Create substantial Green infrastructure Zones to provide the space and corridors for wildlife to flourish and to migrate across from the Waitakere Ranges to/from the islands in the Hauraki Gulf

Our group requests that all Enhancement Opportunities (ref Morphum Environmental Ltd view) are utilised when planning the development of Whenuapai and that a longer term and macro view of the area is taken to ensure enough land is set aside for residential recreational use and the introduction of substantial Green Infrastructure Zones.

8.2

8.3

The specific areas of the Whenuapai Proposed Plan Change 5 that we question are:

Biodiversity and Open Spaces

1616.1 (Page 4)

Biodiversity

The North-West Wildlink aims to create safe, connected and healthy habitats for native wildlife to safely travel and breed in between the Waitakere Ranges and the Hauraki Gulf Islands. The precinct recognises that Whenuapai is a stepping stone in this link for native wildlife and provides an ability to enhance these connections through riparian planting.

Open Space

An indicative public open space network to support growth in the precinct is shown on Whenuapai 3 Precinct Plan 2. This will generally be acquired at the time of subdivision. A network of public open space, riparian margins and walking and cycling connections is proposed to be created as development proceeds. Development is encouraged to positively respond and interact with the proposed network of open space areas.

Comments:

- This does not indicate that there is a specific and substantive requirement for developers to develop open space networks. "Encouraging" does not make this a requirement.
- All green zones need to be specific, identified and mapped before developments proceed
- What will stop developers contesting the green zone areas? In order for them to achieve maximum return on their investment?
- What ratio of biodiversity to built up land will council want developers to comply with – this needs to be stated before development commences?
- Is the council aware that the minimum threshold of natural habitat for sustainable preservation of ecology is 10%? For the North West Wilklink to have credibility surely this needs to be taken into account when planning the development of the Whenuapai region.

1616.3

(20) Page 3

Require the provision of open space as shown on Whenuapai 3 Precinct Plan 1 (20) through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.

Comments:

This wording is an open opportunity for developers and council to determine that an open space is "no longer required" or "not fit for purpose". How will community be engaged on this question? On what basis will this decision be made and at the same time protect areas of biodiversity and open recreational areas for community?

Storm water

1616.2 (Page 7)

Biodiversity

Subdivision, use and development enhance the coastal environment, (10) biodiversity, water quality, and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.

Open Space

Subdivision, use and development enable the provision of a high quality and (11) public open space network that integrates storm water management, ecological, amenity, and recreation values

Comments:

The Whenuapai storm water management plan states that up to 100% of the light industry zoning area can have impermeable surfaces and the Mixed housing urban and Terrace Housing and Apartments be 60 and 70% impermeable surfaces respectively. This water is to be piped straight into the Waiarohia and Wallace inlets. We do not support this method of dealing with large volumes of storm water as it will potentially exacerbate the existing degraded water quality of the upper harbour and its tributaries. This amount of water may potentially have devastating and long term impacts on the sensitive coastal and wetland areas of this region. Alternatively, 21st century best practice would include the use of holding tanks, roading swales, green living roofs and filtering holding ponds. The use of land in this plan does not enhance the quality of the water in the Upper Harbour and therefore we do not support it.

Transport

Roading and cycle ways is stated as being the responsibility of each individual developer/development. As Whenuapai precinct 3 consists of multiple individual land holders we can see that the road, pedestrian and cycleway improvements are going to be done on an ad-hoc and random fashion with very little integrated approach. We take for example the recent development on the corner of Brighams Creek and Totara Roads.



Here our community have ended up with 500 metres of new, well structured road with poor quality and unsafe roading on either side – in particular the dangerous and hazardous Brighams Creek bridge.

It is likely that it will remain like this for some time. We would support a fully integrated approach where the main arterial roads are all completed at one time linking main routes so residents have a sense of continuity and safety.



I616.3.

Ensure development in the neighbourhood centre zone maximises building (9) frontage along Hobsonville Road and the realigned Trig Road by:

avoiding blank walls facing the roads;

We agree that blank walls should not be allowed right on a road frontage – then why are developers currently constructing a building with a wall of approximately 5 metres high right on Hobsonville Road? Does Auckland Council merely give lip service to such constraints and let developers do as the please?

Summary

The Upper harbour Ecology Network:

- We support the concern for the susceptibility and sensitivity of the valued marine environment. All developments should minimize the amount of storm water being discharged into the Waiarohia Inlet and Brigham Creek – as following WSD practice. | 8.4
- We support that all development reduces the generation of contaminants at source and applies treatment as required to effectively minimize contaminant increases in coastal waters and sediment. | 8.5
- We do not support that it is best practice sustainable urban development to pipe all storm water to the Waiarohia Stream and its tributaries. All care must be taken to ensure restoration and

- regeneration and to not allow any further coastal erosion. Piping and outfalls of water directly being discharged into the marine catchment is an outdated method and again does not follow best practice. | 8.6
- We support the protection of streams through the identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure. However, this needs to be taken further – not only do the streams need to be identified they need to be protected. We support the enhancement of streams and the steps taken as per the plan. | 8.7
- We do not support the fact that there are no substantial areas identified and set aside for natural biodiversity to enable the North West Wildlink to operate across this region. | 8.8
- We support the provision of esplanade reserves and the opportunity this provides to incorporate walking and cycle ways. | 8.9

Please be advised that the Upper Harbour Ecology Network wish to be advised of all hearings on the development of Whenuapai and all further consultations on the Whenuapai Plans.

**Annette Mitchell
 Convenor
 Upper Harbour Ecology Network**

Contact details

Full name of submitter: Annette Mitchell
Organisation name: Upper Harbour Ecology Network
Full name of agent: Annette Mitchell
Email address: anniem1401@gmail.com
Phone (daytime): 0272942601
Postal address: 38 Waimarie Road, Whenuapai
Post code: 0618
Date of submission: 18-Oct-2017

Scope of submission

Plan change/variation number/RPS: Plan Change 5
Plan change/variation name/RPS: Whenuapai Plan Change
The specific provisions that my submission relates to are:
Plan provision(s): Biodiversity
Property address:
Map:
Other:

Submission

I/We:
Oppose the specific provisions identified above

I/We wish to have the provisions identified above amended:

Yes

The reason for my/our views are:

I/We seek the following decision by council:

Decline the plan change/variation

I/We wish to be heard in support of my/our submissions:

Yes

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing:

Yes

If you could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

Could you gain an advantage in trade competition through this submission?

No

Are you directly affected by an effect of the subject matter of this submission that:

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public. Any further submission supporting or opposing this submission must be forwarded to me as well as the council:

Accept

Addendum to Submission on Whenuapai Plan change 5

From Upper Harbour Ecology Network

We, the Upper Harbour Ecology Network, request that a facility be created for the development of Greenways and related infrastructure to ensure that ecological restoration is integrated into the Whenuapai development and that the development process does not bring about further environmental degradation to the landscape.

8.10

This would include:

- Whenuapai specific restoration guides
- Planting guides, including eco-sourcing
- Stream restoration guidelines

We also request that, on behalf of the local community , the Upper Harbour Ecology Network is:

8.11

- Invited to lead local restoration activities within the new communities, with the support from Auckland Council and developers.
- Consulted on all further consultations and hearings during the planning and development process of Whenuapai,

Annette Mitchell

Convenor, Upper Harbour Ecology Network.

Contact details

Full name of submitter: Guoqing WU

Organisation name:

Agent's full name: Guoqing WU

Email address: mixhael1991@hotmail.com

Contact phone number: 0212627647

Postal address:

3 Simmental Crescent, Somerville

Auckland

Auckland 2014

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Property address: 57 trig rd, whenuapai

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

the plan changed looks fine to us, but hopefully this could happen as soon as possible to create more residential and employment opportunities to the local area. | 9.2

I or we seek the following decision by council: Accept the plan modification | 9.1

Submission date: 17 October 2017

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Contact details

Full name of submitter: Junwei WU

Organisation name:

Agent's full name:

Email address: mixhael311@gmail.com

Contact phone number: 09-5337145

Postal address:
3 Simmental Cres
Somerville
Auckland 2014

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Property address: 57 trig rd, whenuapai

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The plan looks solid, but the question to us , the owner of 57 trig road, whenuapai is how and when will those indicative collector road will be build. We are happy to fund the construction cost but we are wondering whether this will reduce the public contribution in the future when we development the land.

I or we seek the following decision by council: Accept the plan modification with amendments | 10.1

Details of amendments: please disclose how and when will those indicative collector road will be build. We are happy to fund the construction cost but we are wondering whether this will reduce the public contribution in the future when we development the land.

Submission date: 17 October 2017

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Gongwang Li

Organisation name:

Agent's full name: Wayne Wang from GUC Consultants Limited

Email address: wayne.wang@guc.co.nz

Contact phone number: 021626781

Postal address:
PO Box 334116
Sunnynook 0743
Auckland
Auckland 0743

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
I616.10.1 Whenuapai 3 Precinct Plan 1 - Location of proposed open space

Property address: #40 Trig Road

Map or maps: I616.10.1 Whenuapai 3 Precinct Plan 1

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
Please find the separated submission letter attached.

I or we seek the following decision by council: Amend the plan modification if it is not declined | 11.1

Submission date: 17 October 2017

Supporting documents
Submission Letter.pdf
Instruction Ltr.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

TO: Auckland Council Unitary Plan Team

DATE: October 12, 2017

FROM: Wayne Wang, Planning Consultant of GUC Consultants (AGENT)
On behalf of owners of 40 Trig Road, Whenuapai, Auckland

SUBJECT: SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PC 5 – WHENUAPAI PLAN CHANGE

This letter is in writing to make a submission on Plan Change 5 Whenuapai regarding the proposed open space area in Whenuapai 3 Precinct Plan 1.

From Whenuapai 3 Precinct Plan 1 shown (Appendix 1), the subject site, 40 Trig Road is fully within the indicative proposed open space area near Trig Road (Appendix 2).

My clients, the owners of 40 Trig Road oppose the proposed open space location which fully covers their property. The reasons are provided as follows.

1. Size of use

As Council may be aware, two indicative open spaces proposed in this precinct are generally located on large lot scale areas. They are both over 4 hectares and only occupied a single dwelling with large vacant lawn lands.

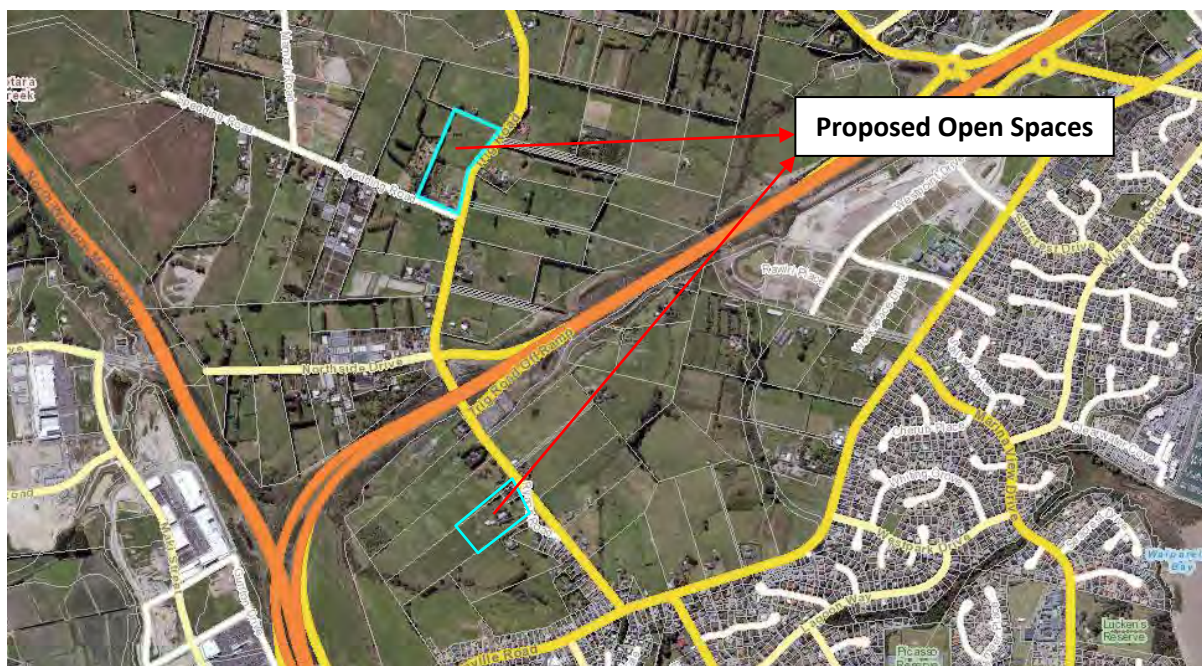


Figure 1: Aerial Map of Indicative Open Space

Comparing with those large sites, #40 Trig Road, it has only 2,555 square meters in total areas. This makes us question Council whether #40 Trig Road is necessary to consider to be included into the

area of proposed open space and we suspect the proposed open space should be normally selected in some large vacant sites to avoid disturbing the existing residential developments.

2. Characters on site

From the site shown, #40 Trig Road has been fully developed, including one three-bedroom main house, one two-bedroom minor house, an enclosed triple garage, a large greenhouse, two garden sheds and an open pavilion.



Figure 2: Main House



Figure 3: Triple Garage



Figure 4: Minor House



Figure 5: Green House



Figure 6: Pavilion



Figure 7: Garden Shed

The mainhouse with associated developments were built since 1930s. This traditional statehouse with hipped roof, large and long verandas and decorated curves gives a very strong historic

impression to the site. With well-maintained, they still present very good conditions for home occupiers.

Furthermore, the designed garden is another great treasure for natural amenity on site. The overall elements strongly illustrate a lifestyle character on site.



Figure 8: Garden View 1



Figure 9: Garden View 2



Figure 10: Garden View 3



Figure 11: Garden View 4



Full developments on site

Figure 12: Aerial View for #40 Trig Road

Additionally, the legacy district plan used to indicate the subject site as a countryside living zone and the current unitary plan defined it as a future urban zone. It therefore shows the subject site is more suitable to develop residential activities rather than a public recreation area.

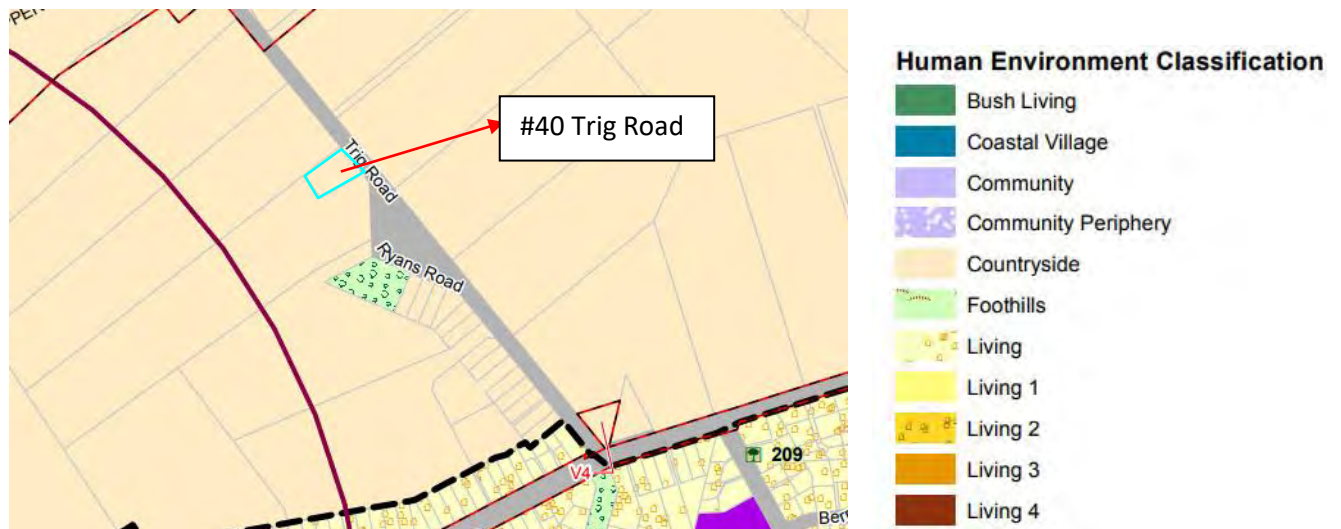


Figure 13: Legacy District Plan (Waitakere Section)

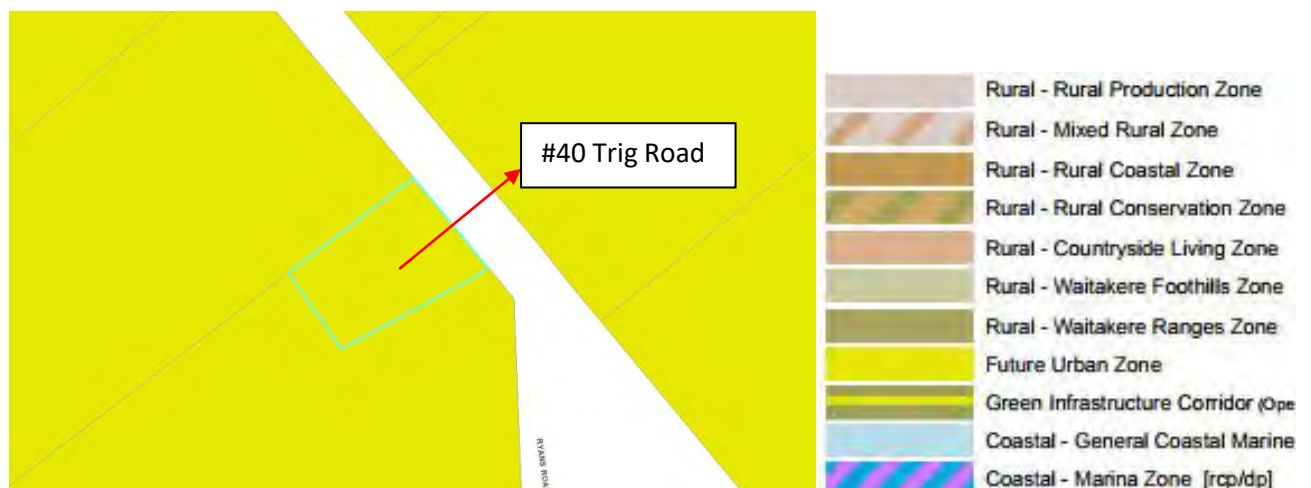


Figure 14: Current Unitary Plan (Subject to Modification- Plan Changes, Plan Change 5 Whenuapai)

3. Value of property and future plan

This reason is more related with personal aspects, however the property owners have to consider with. The ownership of #40 Trig Road has been just transferred to the current owners in the end of April, 2017 with a purchased price of \$1,710,000.00. The proposed plan change will directly impact on the valuation of property if it is zoned open space.

Also, the owners' main intention to purchase this property is because of brilliant site amenity and valued historical architectural design. With the such short distance of highway route, the owners are proposed to move there for a future home place.

Therefore, the proposed open space will have a larger conflict of interests to the site owners. Manoeuvring

Given the current Council's information provided and those reasons listed above, we conclude to give a formal objection for proposed open space at #40 Trig Road.

If you have any further queries please do not heistate to contact us.

Yours sincerely

Handwritten signature in blue ink, appearing to be 'Wayne Wang'.

Wayne Wang
Planning Consultant
GUC Consultants Ltd

On behalf of the owners of #40 Trig Road
Gongwang Li, Yuru Fu and Xiaohua Zhou

APPENDICIES

APPENDIX 1



0 6.5 13 19.5
Meters

Scale @ A4
= 1:1,000

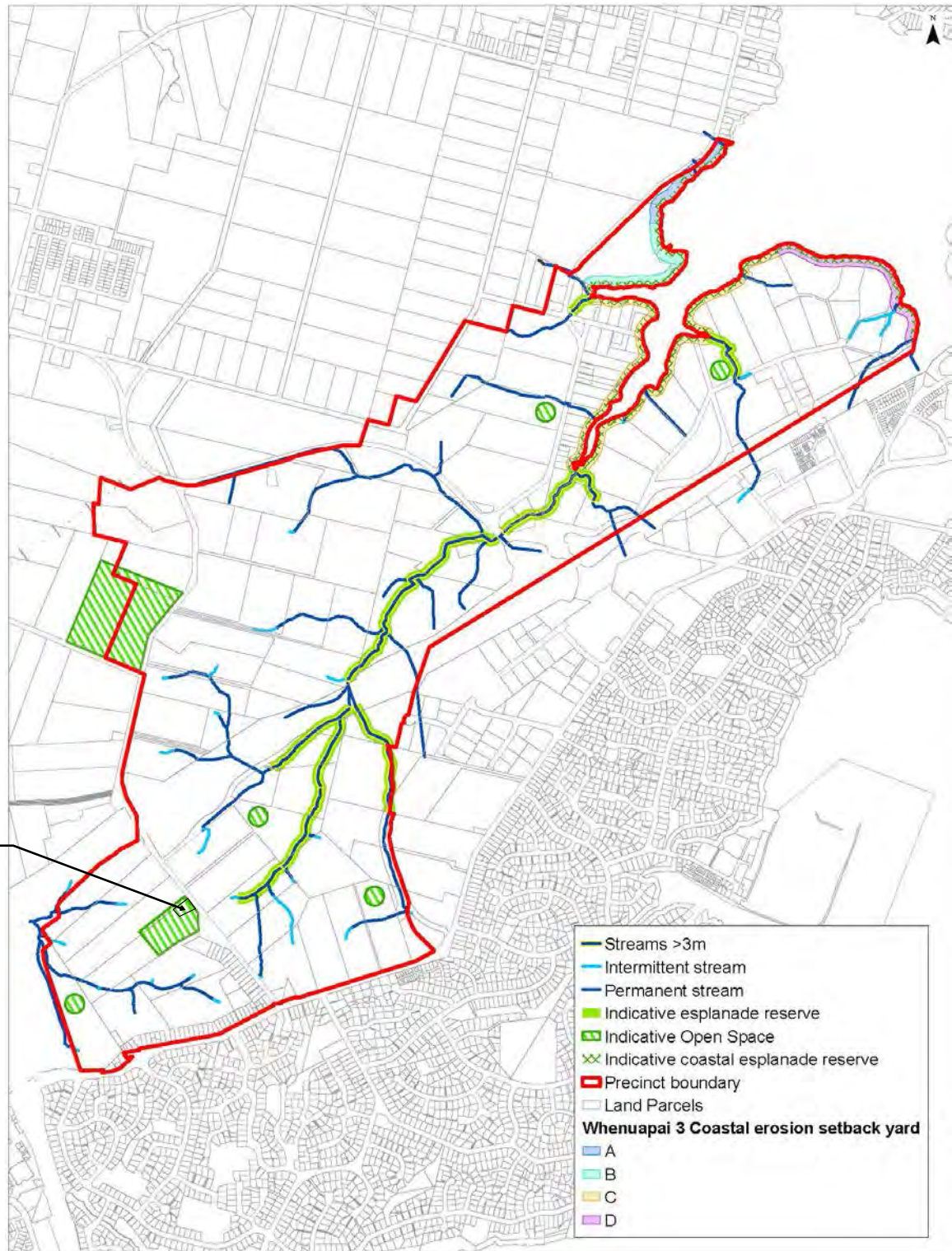
Date Printed:
12/10/2017

Aerial Photo - 40 Trig Road, Whenuapai

DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Copyright Auckland Council. Land Parcel Boundary information from LINZ (Crown Copyright Reserved). Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information. Height datum: Auckland 1946.

I616.10. Precinct plans

I616.10.1. Whenuapai 3 Precinct Pan 1



APPENDIX 2



Your Planning Solutions

INSTRUCTION CONFIRMATION LETTER

This letter confirms your instruction to GUC to provide the professional services described below. Thank you for the instruction, which will receive our best attention. Would you please sign and return the duplicate of this. If any of the following Information is incorrect, please let us know urgently:

Client Name: Gongwang Li, Xiaohua Zhou and Yuru Fu	
Trading Name:	
Contact Address: <i>30 Madison Terrace Millwater</i> Town/City:	
Phone: <i>02102363609, 02102363618</i>	
Email: yurufu@gmail.com	
Instructed By: Gongwang Li, Xiaohua Zhou and Yuru Fu	Agent / Client (delete as appropriate)
Instruction: Provisions of submission to PC 5: Whenuapai Plan Change	
Project Site Address: 40 Trig Road, Whenuapai, Auckland	
Project Scope: Submission to PC 5: Whenuapai Plan Change	
Legal Description of Site: Lot 1 DP 110173	

Gongwang Li
Gongwang Li

CLIENT Authorised Signatory: _____

Print Name: Gongwang Li, Xiaohua Zhou and Yuru Fu

THIS DEED IS DATED the 22nd day of December 2015

*Appointment
of Attorney*

I Xiaohua Zhou (DOB: 29 April 1970)

of Shaanxi, in China

APPOINT

Gongwang LI of Auckland, New Zealand

(and if more than one jointly and severally)

TO BE MY ATTORNEY OR ATTORNEYS (and the person or persons so acting is hereinafter referred to as "my Attorney")

- (a) to act for me in my name on my behalf and in my interests in all matters with or in which I shall be in any way connected interested or concerned (whether solely or otherwise) as fully and effectually as I could if personally present
- (b) to sign and use my name in any manner in any deed document or writing
- (c) to act in my place as Attorney for any and all persons or bodies corporate who have appointed me or may appoint me their or its Attorney (whether solely or with another or others jointly or severally) by a deed which includes the power for me to substitute and appoint a substitute attorney or attorneys in my place to exercise all the powers and authorities conferred upon me by such deed in terms of and to as full an extent as I could act thereunder as if personally present.

*Delegation of
Other Powers*

IN EXERCISE of the powers contained in Section 31 of the Trustee Act 1956 I **DELEGATE** to my Attorney (jointly and each of them severally if there be more than one) **DURING MY ABSENCES FROM NEW ZEALAND AND DURING ANY PERIODS OF TEMPORARY PHYSICAL INCAPACITY** the exercise and execution of all the trusts powers and discretions for the time being vested in me as trustee under any Will or Instrument of Trust whereof I may be the Trustee or one of the Trustees (or the appointed delegate of any such Trustee where the deed of delegation pursuant to which I was appointed permits me to so further delegate)

AND

I APPOINT my Attorney (jointly and each of them severally if there be more than one) to be my Attorney or Attorneys during such absences and periods to act for me in my name and on my behalf in all matters connected with the affairs of the estates and assets subject to the trusts of each and every such Will and Instrument of Trust and in all matters in which any of the said estates and assets may be interested as I could if personally present at my Attorney's absolute discretion **BUT** if under any of the said Wills and Instruments there shall for the time being be only two Trustees comprising myself and one of my said Attorneys then as regards that Will or Trust this Deed shall be construed as if the name of that Attorney had been omitted from these presents.

周晓华

Examples
of Powers

WITHOUT LIMITING the generality of the foregoing **I DECLARE** that my Attorney has the power for me and in my name

- (a) to enter into or to perform any contract in relation to my property or affairs present or future which I might enter into personally
- (b) to exercise any right power authority or discretion of whatsoever nature which the ownership or possession of any property or my legal relation thereto confers upon me or which by virtue of any fact or circumstance I am entitled to exercise
- (c) to purchase sell exchange mortgage charge or pledge any real or personal property either alone or jointly with any other person
- (d) to operate open and close any banking or other account and to sign and endorse cheques bills of exchange and other negotiable instruments and to place money on fixed deposit and to make arrangements with any banker with regard to the same and to overdraw such account and to give security for the repayment of the same
- (e) to apply for a grant of probate or administration in any estate where I would be so entitled to apply and to act for me as an executor administrator or trustee
- (f) to appoint in place of my Attorney one or more attorney or attorneys to exercise any or all of the powers and authorities hereby conferred and from time to time to revoke any such appointment and appoint any further one or more attorney in place of such attorney.

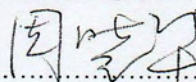
Agreement to
Ratify Action

I DECLARE AND AGREE

- (a) that no person or corporation dealing with my Attorney shall be concerned to see or enquire as to the propriety or expediency of any thing which my Attorney may do or purport or agree to do in my name by virtue of these presents and
- (b) to allow ratify and confirm everything that my Attorney shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF this deed had been executed on the date specified above.

SIGNED by the said
Xiaohua ZHOU


.....

Witness Signature:.....


Witness Name:..... **WINSTON W. WANG**

Witness Occupation:..... **SOLICITOR**

Witness Address:..... **AUCKLAND**.....

Contact details

Full name of submitter: Dayna Swanberg

Organisation name:

Agent's full name:

Email address: jasnday@xtra.co.nz

Contact phone number: 021627208

Postal address:

PO Box 81013

Whenuapai

Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Relating to wastewater

Property address: waimarie road whenuapai

Map or maps: wastewater

Other provisions:

The plans all come very close to the village but dont touch on wastewater services to the village. Being on septic tank is not ideal at all, problems are the smell over winter, soggy ground, mosquitos, seepage into waterways and hinderance of development to list a few.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

As above, wastewater is close enough to the village, connection should be an option for residents

I or we seek the following decision by council: Accept the plan modification with amendments | 12.1

Details of amendments: wastewater services brought to the village | 12.2

Submission date: 18 October 2017

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Contact details

Full name of submitter: Debbie Clark

Organisation name:

Agent's full name:

Email address: dclark@orcon.net.nz

Contact phone number: 0274947562

Postal address:
119 Kauri Road
Whenuapai
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Zoning. Urban Residential single House on large land parcels.

Property address: 119 Kauri Road

Map or maps: Kauri Road on properties surrounding 119 on large packets of land

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
6800 sq m of land only allowing a single house. There are a small group of properties here that are overlooked and could be providing housing if allowed to be broken into 600 or 800 sq m sections.

I or we seek the following decision by council: Accept the plan modification with amendments

13.1

Details of amendments: Zoning change for properties allowing single house if large area of land. Specifically in the Whenuapai Village area. 13.2

Submission date: 18 October 2017

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or **Agent** (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Harrison Grierson Consultants Limited

Organisation Name (if submission is on behalf of Organisation)

78 Hobsonville Ltd and Prestige Clark Road Ltd

Address for service of the Submitter

Attention: Abu Hoque. PO Box 5760, Wellesley Street, Auckland 1141.

Telephone:

09-9175003

Email:

a.hoque@harrisongrierson.com

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Change of zoning from the Mixed Housing Urban to the Terrace Housing and Apartment

Buildings zone for the properties at 78 and 80 Hobsonville Road, Whenuapai

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Described in the attached Submission Document

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below | 14.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.

This submission seeks the change of zoning that is currently proposed in the Whenuapai Plan Change, ie. from the Mixed Housing Urban zone to the Terrace Housing and Apartment Buildings zone at 78 and 80 Hobsonville Road, Whenuapai. For a full submission report, please see the attached document.

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

17.10.2017

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

PC 5: WHENUAPAI PLAN CHANGE SUBMISSION

SUBMITTED ON-LINE

This Submission seeks re-zoning of the property at 78 and 80 Hobsonville Road, Whenuapai from the Mixed Housing Urban Zone to the Terrace Housing and Apartment Buildings Zone.

To *Unitary Plan Team
Auckland Council*

unitaryplan@aucklandcouncil.govt.nz

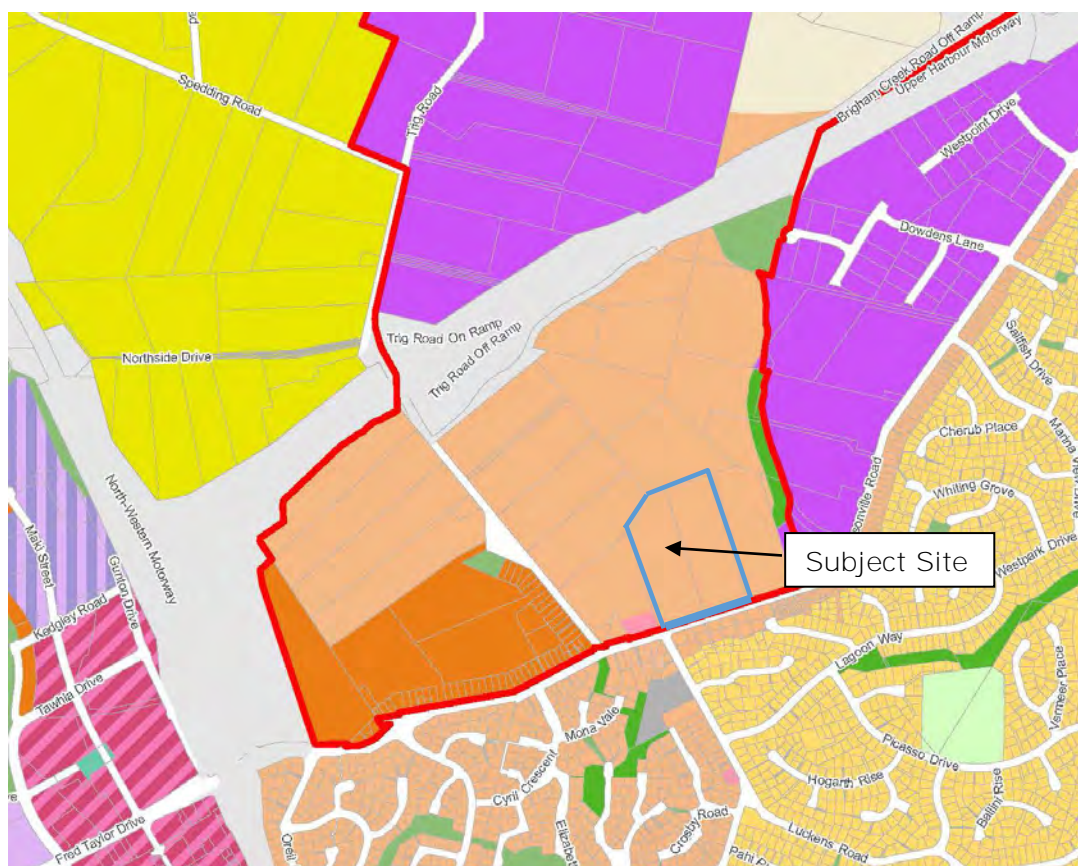
Name of the Submitter *78 Hobsonville Limited and Prestige Clark Road
Limited C/O Harrison Grierson*

This submission seeks the *change of zoning* that is currently proposed in the Whenuapai Plan Change, ie. from the Mixed Housing Urban Zone to the Terrace Housing and Apartment Buildings Zone at 78 and 80 Hobsonville Road, Whenuapai. The property descriptions are included below.

Site Address	78 and 80 Hobsonville Road, Whenuapai, Auckland
Address for Service	<i>78 Hobsonville Ltd. and Prestige Clark Road Ltd. C/- Harrison Grierson Consultants Limited P O Box 5760 Wellesley Street AUCKLAND 1141</i> Attention Abu Hoque
Legal Description	Lot 9 DP 66045, CT NA21C/1299 (78 Hobsonville Road), Lot 10 DP 66045, CT NA21C/1300 (80 Hobsonville Road)
Site Area	4.0468 hectares (78 Hobsonville Road), 4.1809 hectares (80 Hobsonville Road)
District Plan (Operative)	Auckland Unitary Plan (Operative in Part) 2016
Zoning Designations/ Special Limitations	Future Urban Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

Proposed Plan	PC 5: Whenuapai Plan Change
Zoning	Residential - Mixed Housing Urban
Designations/ Precinct	Whenuapai 3 Precinct

Figure 1: Proposed Whenuapai Plan Change Map



1.0 Background

Auckland Council has recently released the Whenuapai Plan Change document for public submissions being accepted through until 19 October 2017, at which time the public submission process is to be closed, submissions will be assessed and the Plan Change will be heard at a Council Hearing.

As part of the current submission process on the Whenuapai Plan Change this document has been prepared to support the submission in relation to the properties at 78 and 80 Hobsonville Road.

2.0 The Subject Sites and Their Immediate Surrounds

The sites are located immediately adjacent to Hobsonville Road (an important transport corridor in this area) and are on the northern side of this road. The

sites are currently occupied by residential lifestyle dwellings (one on each site) and are located close to Hobsonville Road. The rest of the site area to the north is currently vacant for both properties (see the site aerial photograph below). The dwellings are currently tenanted for residential purposes.

Photo 1: Site Aerial Photograph



The topography of the site includes medium to gentle slope with an un-managed stormwater overland flowpath which runs through the middle of 80 Hobsonville Road and extends towards the front part of 78 Hobsonville Road. A number of medium sized trees are located at the front of the site around the existing dwellings, otherwise the remaining part of the site does not have any significant natural feature.

Photo 2: Road Frontage of the Site

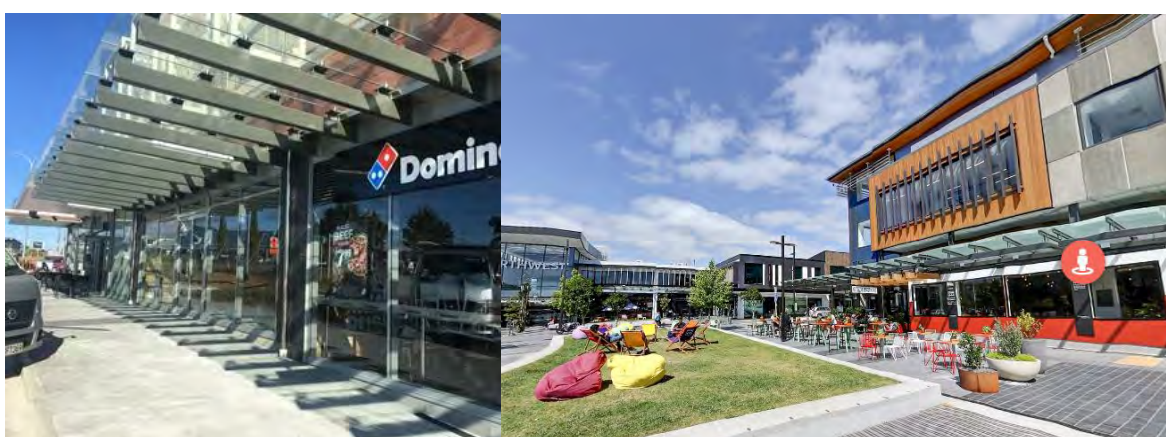


The site is currently bounded by other semi-rural lifestyle properties to the east, west and north, and by Hobsonville Road to the south. The existing residential

development on the other side of Honsonville Road currently comprises a mixture of 1 to 2 storey detached dwellings. The other side of the road is recently rezoned as the 'mixed housing urban' zone under the Partly Operative Auckland Unitary Plan. It is therefore assumed that in the future the entire southern frontage of Hobsonville Road will occupy 2-3 storey medium to high density mostly comprehensive housing developments. Similar type of medium to high density residential developments will happen on the north-western side of Trig Road, where **the land is currently proposed to be rezoned as the 'terrace housing and apartment buildings' zone under the Proposed Whenuapai Plan Change**. At the same time, the land to the east (**currently zoned 'light industrial'**) is currently in the process of accommodating a number of business subdivisions to develop large scale commercial built forms including small pockets of retail and dedicated office spaces. In summary, the future built character of the surrounding area will be dominated by a mixture of high to medium density residential developments and light commercial uses which will complement a compact and sustainable living environment by promoting work and live together within this particular part of Whenuapai.

The subject sites are also well connected to the recently developed North West Shopping Area (a Metropolitan Centre) to the west and Hobsonville Shopping Area (a Local Centre) to the east. The area is adequately serviced by local schools (primary and secondary – existing and proposed), reserves (both active and passive recreation reserves) and Westgate based community facilities (library etc.). Hobsonville Road is no more a state highway, and is becoming a major arterial road for the north-western Auckland with rapid bus services, and improved cycle and pedestrian ways.

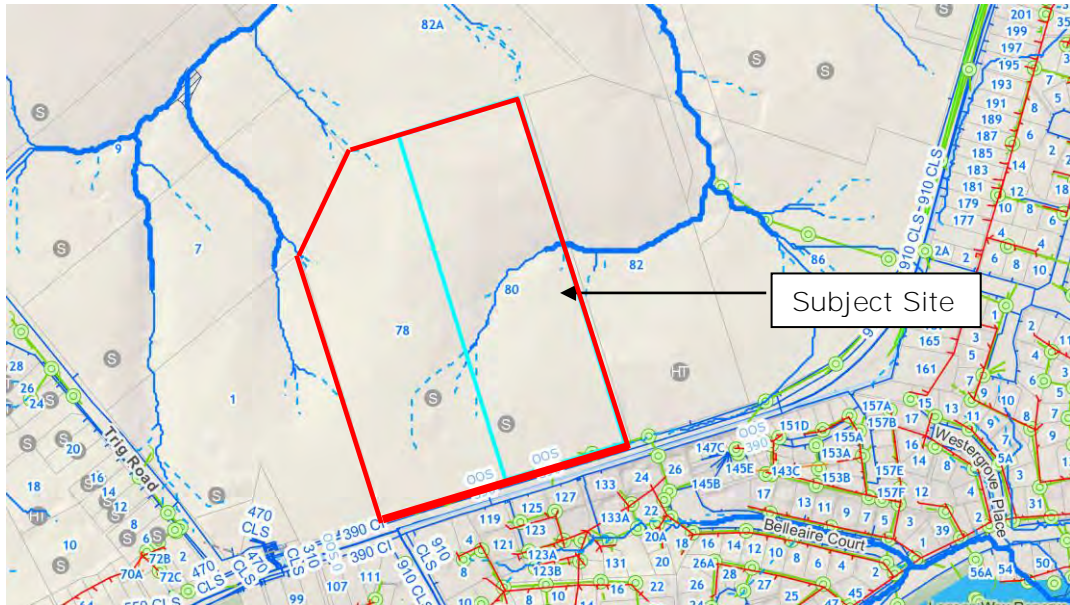
Photos 3 & 4: Surrounding Developments



3.0 Existing and Future Infrastructure

The site is a front site with about 245m frontage with Hobsonville Road, which is an adequately wide road with room to accommodate all the necessary road **corridor services including a dedicated 'cycle metro route' with street planting**, car parking, bus stops, footpath on both sides and stormwater management devices (eg. rain garden). The site is currently not connected to any urban wastewater and stormwater reticulation services. However, it is located within Stage 1A of the Plan Change area (as shown on Precinct Plan 2) and it is understood that any future development in this stage would be able to utilise the extra capacity of the Whenuapai pump station for wastewater servicing purposes. The existing overland flowpath which runs through the site can be managed and landscaped properly to maintain, enhance and expand the current stormwater channel and its ecological quality. Other utility services, ie. water, electricity, telephone etc. are available on Hobsonville Road (see the Council GIS map below). Hobsonville Road is already **appropriately connected to the area's** various social and communal infrastructure including schools, shops, public transport network and the nearby motorway system.

Photo 5: Current Underground Services Within and Around the Site



4.0 Proposed Zoning for the Site and its Implications

The Whenuapai Plan Change has identified the subject site as a 'mixed housing urban' zoned site. However, the properties near to the **site's** western boundary (on the western side of Trig Road) **have been zoned** 'terrace housing and apartment buildings'. The entire southern frontage of Hobsonville Road has been recently upzoned to 'mixed housing urban' under the partly Operative Unitary Plan. Again a vast area of land in the vicinity, especially on the eastern side, has been already **zoned** 'light industrial'. Some of these adjacent properties have

already accommodated light commercial developments with a mixture of some minor retail stores, cafes, and small office spaces.

It shows that the Unitary Plan has realised that upzoning of the properties in the area which would be required to support the nature of built environmental and land use transformation that are currently happening in the area. This also offers an opportunity for increasing the housing density by bringing new residential sections within the existing urban area and it complements the **'compact city' vision of the Auckland Plan. Unfortunately this opportunity is not fully considered for the subject site as the proposed zone for the site (ie. Mixed Housing Urban) has not done the full justice to the site's possible housing capacity. The site has the capacity to accommodate more density by going upward than the permitted density which is currently applicable for the site's proposed 'Mixed Housing Urban' zone.**

The site can include vertical terraces and duplexes, and multi-storey apartments in the form of a comprehensive high density housing development. The combined area of two properties equals to 8.2277 hectares. If the site includes all 4-storey apartments or even multi-level vertical terrace housing, the site can accommodate approximately 600 dwellings at a density of 75 to 80 dwellings per hectare.

However, any future development plan for the site will take a pragmatic approach in selecting the house types to avoid any possible adverse environmental effect on the built-environmental quality of the site and its surrounding area. In this respect, an appropriate urban design strategy will be taken which will promote a housing diversity, neighbourhood connectivity, a positive public-private interface and provision for a neighbourhood focal point and pocket park. Any future development will also consider a number of smaller units (1 bed) to offer affordable housing for elderly people and first home buyers in this popular neighbourhood and a strategic location.

It is also considered that

- The site likely has some form of contamination due to its past agricultural use, but it has not been fully utilised for any productive agricultural purposes in the recent years, as more than half of the site is always vacant. Therefore any contamination removal/remedial work for any residential activity on the site should not be a huge exercise.
- The site is currently connected to a public water line, and some other infrastructure, ie. power, telephone etc. An appropriate capacity analysis will be done prior to plan any residential development on the site. At that stage, if any infrastructure capacity issue is identified then appropriate engineering measure, eg. on site stormwater detention by rain-water tank etc. can be

considered.

- Hobsonville Road has an adequate width and accommodation of any additional traffic within this road should not be a major issue. An appropriate traffic assessment will be carried out prior to any residential development on the site.

By doing a preliminary site analysis, it is clear that as the subject site is capable of accommodating more intensive development, the currently proposed zoning **would not assist to utilise the site's full development potential for mid to high density housing developments.**

At the same time, the following things need to be noted:

- As the surrounding area is becoming predominantly medium-density residential, the full housing capacity of the site needs to be achievable through any proposed upzoning.
- Any future intensive housing development on the site will be able to utilise more appropriately the surrounding social and economic assets of the area (ie. the park, school and shops in the vicinity).
- The zone and the associated density proposed for the site by the current version of the Whenuapai Plan Change will definitely not be able to utilise its full land capacity in the future, which will be a huge wastage of a large greenfield site in an established residential area.

In this context, it is considered that the subject site (78 and 80 Hobsonville Road) **needs to be considered as a 'Terrace Housing and Apartment Buildings'** zone, which will be consistent to its surrounding proposed and existing zoning. It will allow the site to be used for a planned residential development to address the current housing shortage within the existing Metropolitan Urban Limit of Auckland.

5.0 Decision Sought

For the above reasons, we seek the following decision from Auckland Council:

- a) The zoning of the property at 78 and 80 Hobsonville Road **to be 'Terrace Housing and Apartment Buildings' under the** Decision Version of the Whenuapai Plan Change.
- b) During the site development stage (ie. subdivision resource consent stage) we need to be allowed to determine the most appropriate design and geometric alignment of the indicative Arterial Road and a proposed intersection upgrade on 78 Hobsonville Road property's **western boundary** and the design and alignment of an indicative Collector Road beside the northern boundaries of 78 and 80 Hobsonville Road properties. Through a comprehensive design process these roads and the intersection upgrade work need to be located and designed to meet the site planning and development strategy for the site. We will consult the relevant Council

14.2

officers in this respect.

We, therefore, seek that the location and geometric alignment of this particular intersection upgrade, Arterial Road and Collector Road are shown on the Plan Change Map as indicative only, which is subject to final design at the resource consent stage.

14.3

- c) We wish to be heard in support of our submission.



Signature
(Signature of submitter or person authorised to sign on behalf of submitter)

Date 17.10.017

Address for Service of Submitter Harrison Grierson Consultants Limited
P O Box 5760
Wellesley Street
AUCKLAND 1141

Contact person: Abu Hoque, Principal and Senior Urban Designer

Telephone: 09-9175003

Facsimile & email: 09-9175001, a.hoque@harrisongrierson.com

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Contact details

Full name of submitter: Andy Milne

Organisation name: Whenuapai Ratepayers & Residents Association

Agent's full name:

Email address: secretary@whenuapai.org.nz

Contact phone number: 021 416 651

Postal address:
PO Box 81007
Whenuapai
Auckland 0662

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Overall comments on the Plan Change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Please see our attached PDF objections to the proposed plan change

I or we seek the following decision by council: Accept the plan modification with amendments | 15.1

Details of amendments: Please see our attached PDF objections to the proposed plan change

Submission date: 18 October 2017

Supporting documents
Whenuapai Plan Change submission WP RR 171018a.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



18th Oct 2017

Whenuapai Ratepayers & Residents Association Submission on Auckland Unitary Plan PC5 Whenuapai Plan Change 21-9-17.

This submission outlines the concerns of the Whenuapai Ratepayers & Residents Association relating to the Auckland Unitary Plan PC5 Whenuapai Plan Change 21-9-17.

- 1) We are concerned that zoning decisions are based on a desktop predictive noise study of Whenuapai Airfield rather than factual measurements. This is unacceptable considering the effect on landowners and future residents for decades to come. The noise from the airfield will adversely affect far outside the sound contours indicated. They are highly theoretical and not based on actual measurements. They also do not take into account what aircraft engines might be used in the future. 15.2
- 2) The Whenuapai stormwater management plan states that the light industry zoning can have up to 100% impermeable surfaces. The Mixed Housing Urban and Terrace Housing and Apartments can have 60 - 70% impermeable surfaces respectively. This water is to be piped straight into the Waiarohia and Wallace inlets. We do not support this method of dealing with large volumes of stormwater as it will potentially exacerbate the existing degraded water quality of the Upper Harbour and its tributaries. This amount of water may potentially have devastating and long-term impacts on the sensitive coastal and wetland areas of this region. The use of land in this plan does not enhance the quality of the water in the Upper Harbour and therefore we do not support it. The run-off is a particular problem with the relatively steep land gradient between the harbour and east side of the airfield. 15.3
15.4
- 3) Previous attempts by the Whenuapai R & R to have a footpath/cycleway along Kauri Rd were fruitless, because the road in some areas was frequently damaged by land erosion from existing stormwater run-off from farmland and the airbase. Roading and cycleways are stated as being the responsibility of each individual developer/development. As Whenuapai Precinct 3 consists of multiple individual landholders we can see that the road, pedestrian and cycleway improvements are going to be done in an ad-hoc and random fashion with very little integrated approach. 15.5
- 4) There are insufficient park and reserve areas for what is soon to be an intensely developed suburb. 15.6
- 5) Harbour and protected waterways will have even more pollution and in a fish breeding zone due to insufficient filtering/treatment of the greatly increased stormwater run-off volume. 15.7
- 6) Rezoning which allows for increased industrial or business activities in the Whenuapai area will result in heavier types of traffic, patterns of traffic and traffic density. These changes will have a direct impact on the residents of greater Whenuapai & Herald Island in regards to safety, speed, noise, vibration and air pollution. 15.8

Please note we wish to be made aware of all future consultations and hearings that relate to the plan change.

Yours Sincerely

Whenuapai Ratepayers & Residents Association

PO Box 81007, Whenuapai, Auckland 0662

secretary@whenuapai.org.nz Ph: 021 416 651

Contact details

Full name of submitter: Pauline Howlett

Organisation name:

Agent's full name:

Email address: phowlett05@gmail.com

Contact phone number: 416 8948

Postal address:

7 Trig Road

Whenuapai

Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Definition of an intermittent stream

Property address: 7 Trig road

Map or maps: 1616.10.1 Whenuapai 3 Precinct Plan 1

Other provisions:

We oppose the intermittent stream proposed on 7 Trig road in Whenuapai Plan change 5 as we feel it does not meet your criteria for a stream

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

On your proposed plan change 5 Whenuapai you have indicated an intermittent stream running through the north west part of our property. We feel this does not meet the guidelines for an intermittent stream. It does not have defined sides. It does not have a stream bed. It does not have any water pooling. It does not have water flowing

16.1

through it 48 hours after rain. It is a pasture with grass on it all year round and is grazed by cattle all year. Vehicles drive through this gully to access the rear of our property when necessary. The plan also shows a main arterial route with buses using it and amenities at the intersection of the realigned Trig road and Hobsonville road. Therefore we feel that the land should be maximised with high density housing to make full use of the new facilities and the existing North West town centre. We have owned this property for 38 years, we are not land developers or speculators and hope that our submission will be taken seriously. | 16.2

I or we seek the following decision by council: Accept the plan modification with amendments | 16.3

Details of amendments: Removal of the intermittent stream in Proposed Plan change 5 Whenuapai from 7 Trig Road

Submission date: 18 October 2017

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Contact details

Full name of submitter: Austino

Organisation name: Austino

Agent's full name: Dylan Pope, DCS

Email address: dylan@dcs.gen.nz

Contact phone number: 0224105514

Postal address:
Po Box 91247
Victoria Street West
CBD
Auckland 1142

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Please see attached

Property address: Various - Please See attached

Map or maps: Various - Please See attached

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
please see attached

I or we seek the following decision by council: Accept the plan modification with amendments

| 17.1

Details of amendments: please see attached

Submission date: 19 October 2017

Supporting documents
Whenuapai Plan Change 5 Submission.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

SUBMISSION TO PROPOSED PLAN CHANGE 5 WHENUAPAI

Prepared by: Dylan Pope and Brooke Dales of DCS Ltd on behalf of Austino

Subject Sites: Various sites, including 86 Hobsonville Road and 100 Hobsonville Road, Hobsonville (please refer to Aerial map identifying the location of the properties)

Contact Details

Dylan@dcs.gen.nz & Brooke@dcs.gen.nz


PO Box 91247, Victoria Street West, Auckland 1142

06 631 0400 & 022 410 5514/027 432 4283

DCS Ltd have been engaged by Austino to prepare a Submission to the Proposed Plan Change 5 - Whenuapai, with particular consideration in respect to their land holdings / interests including land at 86 Hobsonville Road and 100 Hobsonville Road, Hobsonville. These landholdings are identified on the Aerial Map below:

Figure 1: Aerial Map Identifying Location of **Austino's** Land Holdings / Interests



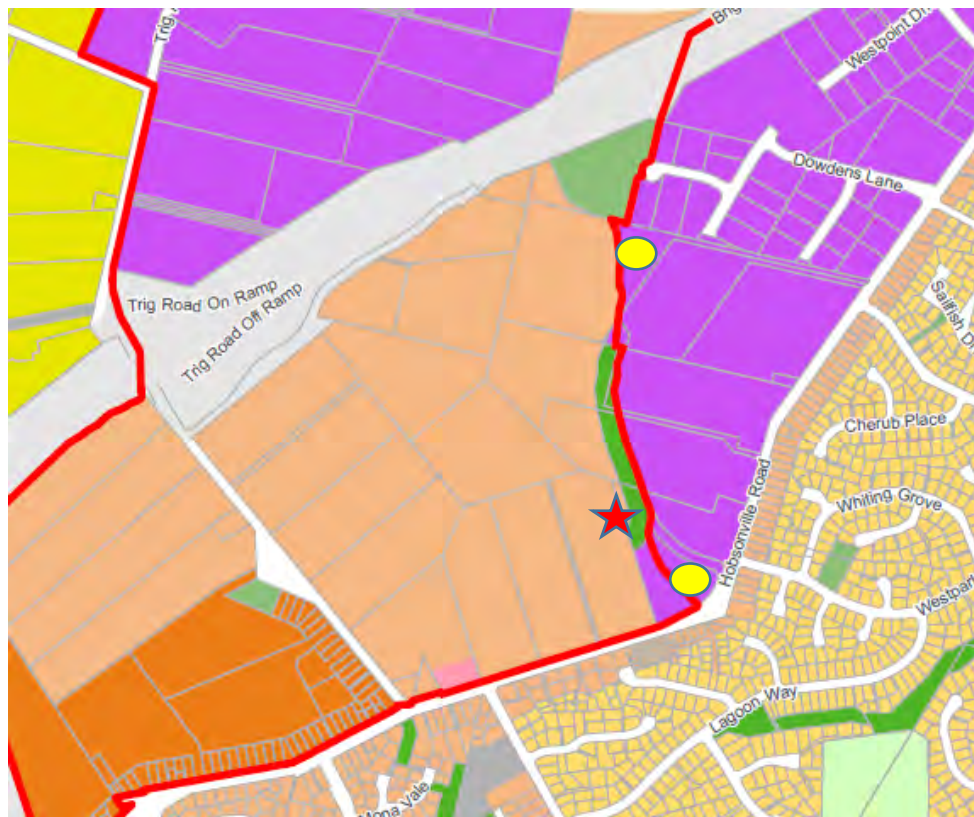
 Location of Austino's land holdings / interests.

With the exception of portions of the land located at 86 Hobsonville Road and 88 Hobsonville Road, and 100 Hobsonville Road the other land areas are located within the Proposed Plan Change 5 Whenuapai area. We have specifically identified these areas to demonstrate Austino’s overall land interests and their commitment to future development within the wider Whenuapai area.

1. Stage 1A Plan Overall

Our team support the Stage 1A land area, but request minor alterations to the Proposed Plan Change boundaries to wholly encapsulate Austino’s sites at 86 Hobsonville Road and 100 Hobsonville Road within the future Mixed Housing Urban land; (i.e. to encapsulate the small residual triangle-shaped piece of the site at 100 Hobsonville Road that is currently zoned Light Industry; and the irregular triangle piece of land located between the proposed road, Hobsonville Road and the plan change boundary at 86 Hobsonville Road). These areas are identified on the extract from the Plan Change 5 Map Zone Change below:

Figure 2: Land Areas Sought to be Included in Plan Change



- Areas of land requested to be included in the Proposed Plan Change 5 zone change.
- ★ Area of Public Open Space

We support the location of the Open Space Conservation zone (public open space green network) at 82 Hobsonville Road that is located adjacent to the riparian margin within Stage 1A and that forms the boundary of the Proposed Plan Change 5 zone area.

17.2

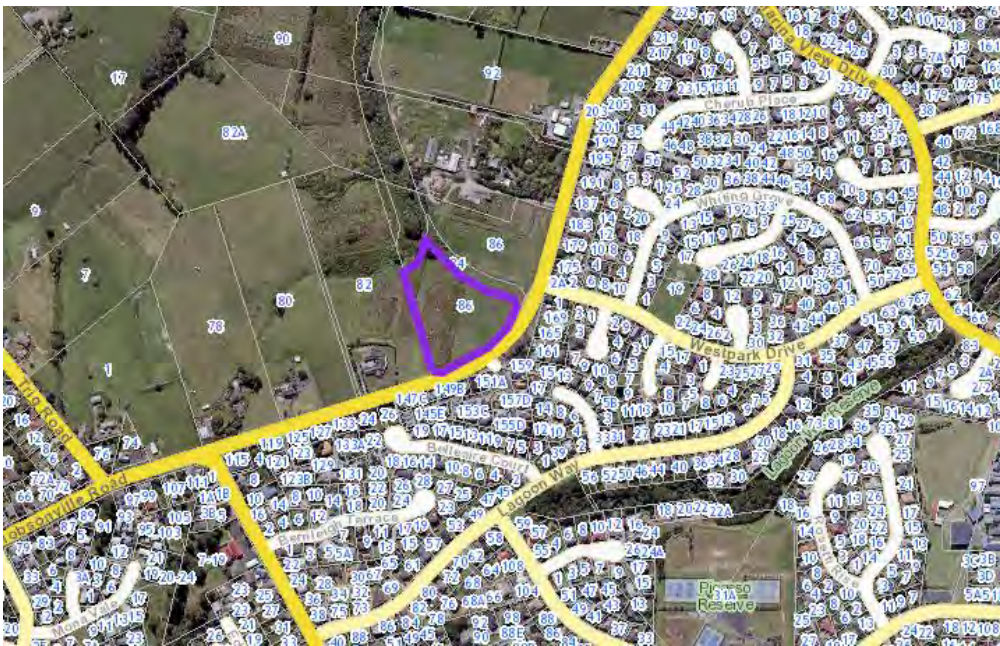
2. Part of 86 Hobsonville Road in Plan Change to Remain as Residential Not Light Industry; and inclusion of Portion of 86 and 100 Hobsonville Road in Plan Change to be Zoned Residential

We would request as part of Austino’s submission that the whole site located at 86 Hobsonville Road be included within the Proposed Plan Change 5 Whenuapai zone change area. The extent of the site

17.3

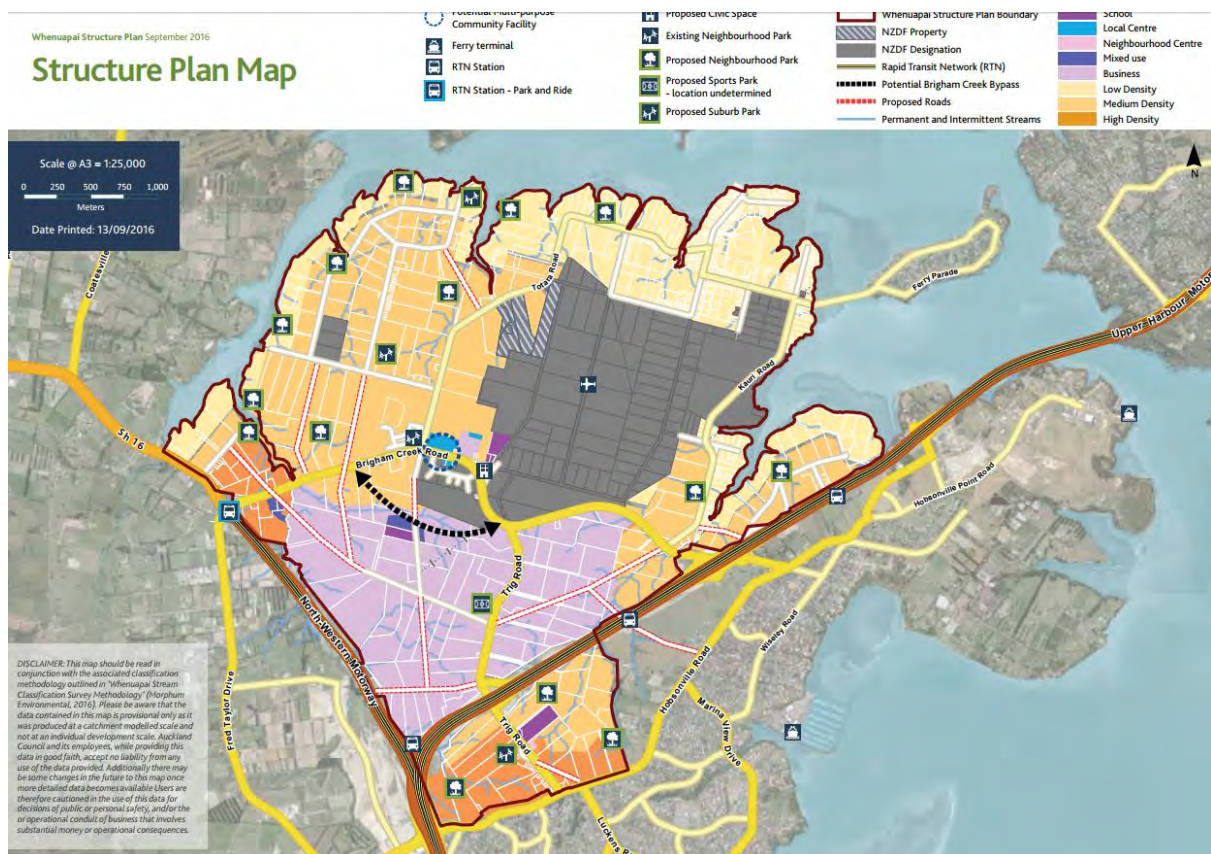
that is sought to be included with the Proposed Plan Change area is identified on the extract from the Aerial Photo on page 3.

Figure 3: Map Identifying 86 Hobsonville Road, Hobsonville



The residential zone would be consistent with the zonings that were previously identified on the Whenuapai Structure Plan 2016 Maps.

Figure 4: Extract from Whenuapai Structure Plan 2016 Maps



In our opinion, there is an opportunity for the site at 86 Hobsonville Road to be zoned for residential purposes. We understand that a resource consent application (Council ref: BUN30525847) for a hotel and function / conference centre (i.e. a commercial-residential use) is currently being considered by the Auckland Council and that the reporting planner has recommended this be approved. This commercial-residential land activity would provide an appropriate "buffer" and transition from the Business: Light industry zone to the north and the Residential: Mixed Housing Urban zone area to the west that are proposed as part of Proposed Plan Change 5.

This buffer would be further enhanced through the residential re-zoning of the site at 86 Hobsonville Road and comparatively would enable reverse sensitivity effects to be more appropriately managed than the current proposed zone boundaries.

Given the location of the site adjacent to Hobsonville Road, being identified in the AUP(OP) as an Arterial Route, we consider there is an opportunity to provide increased residential intensity for sites, including 86 Hobsonville Road that have road frontage to Hobsonville Road. This would align with the Auckland Regional Policy Statement that encourages intensification along transport corridors. Furthermore, this would enable an appropriate transition from Business: Light Industry to the Residential Mixed Housing Urban zoned land. In this regard, a Residential Terrace Housing and Apartment Building zone is requested for the site 86 Hobsonville Road (as identified on Map 3 above) that could also extend in a westward direction along the Hobsonville Road to the intersection with Trig Road.

In respect to 100 Hobsonville Road, and the small residual triangle-shaped piece of the site that is currently zoned Business: Light Industry, we would request that the Proposed Plan Change 5 zone boundary be realigned to encapsulate this area. This would enable a comprehensive development plan to be bought forward for this land holding rather than separate applications that could otherwise result in ad-hoc and unplanned development. This could also result in better planning outcomes with future development plans including mechanisms to ensure reverse sensitivity effects are appropriately managed through landscape planting and planned road alignments.

When considered in the context of the overall existing and proposed Business: Light Industry land areas, the abovementioned changes represent a small proportion of the overall light industry zone area. More specifically Proposed Plan Change 5 proposes 124ha¹ of Business: Light Industry zone, and the proposed changes sought to 100 Hobsonville Road and 86 Hobsonville Road represent a minuscule reduction to the light industry areas of approx. 9,000m² and 1.3ha respectively.

Within the Stage 1A area, where indicative arterial roads and collector roads are located there is an opportunity to provide increased residential intensification through additional buildings heights and density. This would enable greater intensification and delivery of housing along this transport routes to assist with alleviating Auckland's Housing shortage, and contribute towards a greater range of housing options, typologies (e.g. apartments) and diversification of housing within the stage 1A area. We requested that either:

- (a) The precinct provides specific provisions to provide for additional height as a permitted activity where land is located adjacent to proposed arterial roads and collector roads; or alternatively
- (b) Land be rezoned to Terrace Housing and Apartment Building zone where this is located adjacent to proposed arterial roads and collector roads.

¹ Section 2.3.1 of Section 32 Report dated 21 September 2017.

Conclusion

In conclusion, we support the Stage 1A land area with the following requested changes:

- Part of 86 Hobsonville Road in Plan Change to remain as residential not light industry | 17.4
- Inclusion of portion of 86 and 100 Hobsonville Road in Plan Change to be zoned residential | 17.5 17.6
- Provide for increased residential intensification along indicative collector and arterial road frontages. | 17.7

We trust that the submission helpful to Proposed Plan Change 5 Whenuapai, and our team welcomes the opportunity to discuss our submission with Council

We thank the Council team and other stakeholders for the opportunities to be involved in this exciting planning process. We look forward to hearing from the team.

Yours faithfully



A handwritten signature in blue ink, appearing to read "Dylan Pope".

Dylan Pope

Consultant Planner, DCS

A handwritten signature in blue ink, appearing to read "Brooke Dales".

Brooke Dales

Director/ Planning Consultant, DCS



SUBMISSION ON PC 5: WHENUAPAI 3 PRECINCT

BY HSIU HO LIN

Overview of the Submission

1. This submission on proposed Plan Change 5 ("PC5") to the Auckland Unitary Plan Operative in Part ("AUP(OP)") is made on behalf of Hsiu Ho Lin ("the Submitter").
2. The Submitter is the owner and occupier of 17 Trig Road ("the Site") which is located within Area 1A of the proposed Whenuapai 3 Precinct.
3. The Submitter's land is affected by the following notations under PC5:
 - a. An indicative open space (Neighbourhood Park);
 - b. An indicative road (Collector Road); and
 - c. A permanent stream and indicative esplanade reserves.
4. The Submitter is concerned that these notations, and associated provisions which restrain the utility of the Site, do not represent a fair and equitable distribution of the benefits and costs of PC5. The Submitter considers that, cumulatively, these obligations place an unfair and unreasonable burden upon the Site.
5. The Submitter seeks that the indicative open space notation be removed from the Site, and other changes as contained herein.

The Site and PC5

6. The Site measures 4.36ha and falls within Area 1A of the proposed Whenuapai 3 Precinct.
7. PC5 proposes to re-zone the Site from Future Urban Zone (FUZ) to Mixed Housing Urban (MHU). The proposed re-zoning is supported by the Submitter.

18.1

8. The proposed precinct plans illustrate, among other matters, indicative roads, open spaces, streams and esplanade reserves. The provisions of the proposed Whenuapai 3 Precinct seek to ensure that these notations are protected, vested in Council, or otherwise provided for when the affected properties are subdivided and developed.
9. The Site is affected by the following notations (refer **Figure 1**):
 - a. An indicative open space (neighbourhood park)¹;
 - b. An indicative collector road (ICR); and
 - c. A permanent stream and indicative esplanade reserves².



Figure 1: The Submitter's property is outlined in red; the ICR is identified in purple; a green circle represents an indicative neighbourhood park; streams and esplanade reserves are identified in blue/yellow/green.

10. Associated with these notations, PC5 sets out a suite of provisions (policies, rules, standards and assessment criteria) which impose various obligations upon the Submitter, if she decides to subdivide or develop the Site.

¹ New neighbourhood parks are typically between 0.3 to 0.5 hectares in size according to Auckland Council's Open Space Provision Policy 2016.

² Any subdivision involving the creation of allotments less than 4 hectares must provide a minimum 20m wide esplanade reserve under E38.7.3.2 of the AUP(OP).

Indicative Open Space

11. The Submitter opposes the identification of the indicative open space (neighbourhood park) within the Site. | 18.2
12. The Submitter considers that it is inequitable for her to carry the burden of providing both a collector road **and** a neighbourhood park. | 18.3
13. The Submitter accepts the obligation to maintain and protect watercourses and their margins, and does not object to the indicative esplanade reserve notations shown on Precinct Plan 1. These natural elements act as inherent constraints to any future development of the Site. By contrast, the location of indicative roads and open spaces are discretionary and, it is submitted, arbitrarily imposed. | 18.4
| 18.5
14. The section 32 report accompanying the notified PC5 asserts³ that the quantum and location of the indicative open spaces are consistent with the Council's *Open Space Provision Guidelines 2016* and implements the open space network identified in the *Whenuapai Structure Plan: Parks and Open Space Report (2017)*.
15. The Submitter notes that Appendix 1 of the *Whenuapai Structure Plan: Parks and Open Space Report (2017)* shows the proposed open space located further south, on the boundary of 13, 17 and 19 Trig Road (refer **Attachment 1**). The notified Precinct Plan 1, however, confines the neighbourhood park entirely within the Site.
16. The Submitter is not convinced that the neighbourhood park needs to be located within her Site; it could be accommodated on a neighbouring property that is not already affected by an indicative road. | 18.6
17. The Submitter considers that the cumulative impact of providing both a collector road and a neighbourhood park, on top of the non-negotiable requirement to vest a significant area of the Site as esplanade reserve, is unfair and unreasonable.
18. The Submitter seeks that the indicative open space notation be removed from the Site.

Compensation not Payable and Potential for Double Dipping

19. According to the *Auckland Council Parks and Open Space Acquisition Policy*, possible methods of acquiring land for parks and open space include⁴:

³ Refer *Section 32 report for notification of the Proposed Whenuapai Plan Change* dated 21 September 2017, at Section 6.10.

⁴ At page 11.

- a. Willing seller – willing buyer;
- b. Compulsory acquisition;
- c. Gifting and bequeath;
- d. Vesting;
- e. Land exchange; and
- f. First right of purchase agreement.

20. Vesting is further elaborated as follows:

Land is vested in Auckland Council as a park or open space due to a requirement in planning rules, such as those relating to esplanade reserves or subdivision. In some cases, Auckland Council pays for the land to be vested and in other examples it must be vested at no cost (e.g. esplanade reserves).

21. The Submitter understands and accepts that esplanade reserves will be vested in the Council at no cost. However, the Submitter is concerned that the same approach is being applied, in an arbitrary way, to prime development land through the use of indicative open space notations and associated rules, to the detriment of affected landowners.

22. The Submitter is also concerned with the prospect that it could be asked to pay development contribution levies for reserve acquisitions, when it is already required to provide, at no cost, a neighbourhood park for the benefit of the wider community⁵. The same concern applies to the prospect that those who bear the costs of providing indicative roads must also contribute to the Council's costs of "acquiring" and "developing" them through development contribution levies.

23. The indicative collector road and indicative open space provisions effectively amount to the "taking" of land with no opportunity for compensation. While this is achieved by way of plan making notation, the power to do so needs to be exercised carefully and fairly.

24. The Submitter requests the Council to provide a regulatory impact assessment for every property that is affected by multiple precinct notations which require the vesting of land where no compensation will be payable. The purpose of this assessment is to analyse and quantify the cumulative effects, including financial impact, of imposing multiple burdens on individual landowners.

18.7

25. The Submitter believes that, had this assessment been undertaken, the Site would have stood out as one of the most adversely affected properties and that any

⁵ Section 7.9 (Provision of Open Space) of the *Section 32 report for notification of the Proposed Whenuapai Plan Change* explains that land for suburb and larger sports parks will be purchased by the council while neighbourhood parks will generally be acquired by the council through subdivision.

reasonable person would agree that the current arrangement does not represent a fair and equitable distribution of benefits and costs.

Indicative Collector Road

26. The Submitter notes that the proposed ICR has been shifted southward from the location shown in the Draft Whenuapai Plan Change documents. This alignment still affects the Submitter's property in a material way, but no longer bisects it; it represents the lesser of two evils.
27. The Submitter supports the proposed alignment of the ICR, subject to the removal of the indicative open space from the Site. The Submitter reserves the right to object to the location of the ICR if the relief sought by this submission is not granted, on the basis that it would be unfair and unreasonable for a single landowner to bear the burden of providing both a neighbourhood park and part of a collector road, without any opportunity to be properly compensated.

18.8

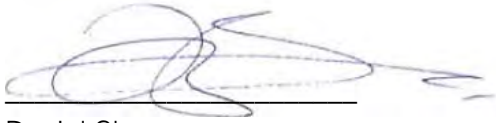
Relief Sought

28. The Submitter seeks that the indicative open space notation be removed from the Site.
29. The Submitter requests the Council to provide a regulatory impact assessment for every property that is affected by multiple precinct notations which require the vesting of land where no compensation will be payable. The purpose of this assessment is to analyse and quantify the cumulative effects, including financial impact, of imposing multiple burdens on individual landowners.
30. The Submitter supports the proposed alignment of the ICR subject to the removal of the indicative open space from the Site. The Submitter reserves the right to object to the location of the ICR if the relief sought is not granted, on the basis that it would be unfair and unreasonable for a single landowner to bear the burden of providing both a neighbourhood park and part of a collector road, without any opportunity to be properly compensated.

Procedural Matters

31. The Submitter could not gain an advantage in trade competition through this submission.
32. The Submitter wishes to be heard in support of this submission.
33. The Submitter would consider presenting a joint case with any other party seeking similar relief.

34. The Submitter agrees to participate in mediation or other alternative dispute resolution, and would be pleased to discuss the content of this submission with Council staff, if required.



Daniel Shao

Date: 18 October 2017

On behalf of Hsiu Ho Lin

Address for Service:

Hsiu Ho Lin
C/- Haines Planning Consultants Limited
PO Box 90842
Victoria Street West
AUCKLAND 1142

Attention: Daniel Shao

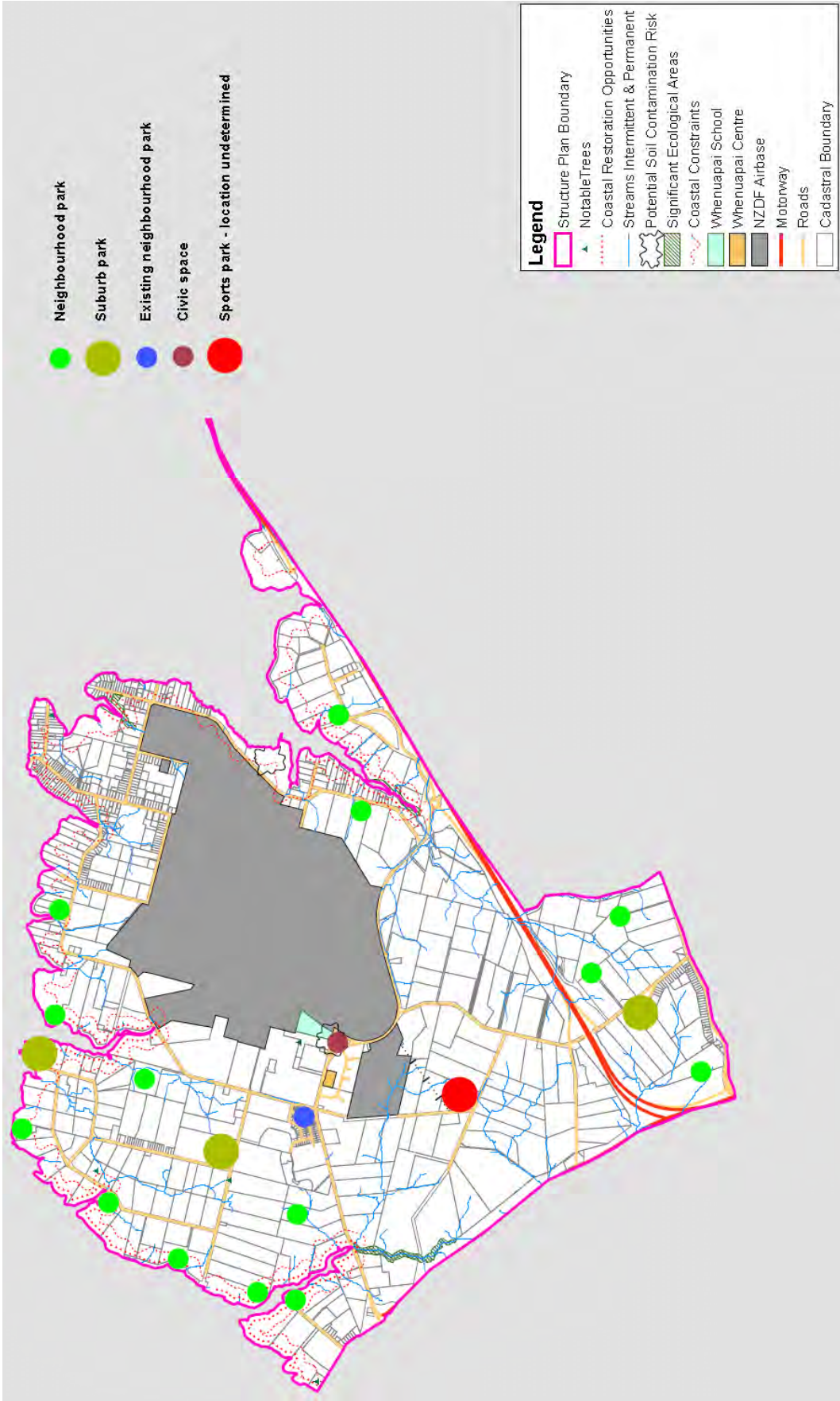
Telephone: (09) 360 1182

Facsimile: (09) 360 0182

Email: daniel.shao@hainesplanning.co.nz

7.0 APPENDICES

Appendix 1. Locations of proposed parks within the Whenuapai Structure Plan area



Contact details

Full name of submitter: Charissa Snijders

Organisation name: Herald Island Environmental Group

Agent's full name: Charissa Snijders

Email address: charissa@csaarchitect.co.nz

Contact phone number: 021 309 593

Postal address:
84 The Terrace
Herald Island
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Property address: Whenuapai Precinct 3

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please accept the PDF as the HIEG submission. I have spoken to Anne Bradbury and she has confirmed that she will accept the submission in its current format.

I or we seek the following decision by council: Amend the plan modification if it is not declined

19.1

Details of amendments: refer to the attached PDF

Submission date: 19 October 2017

Supporting documents

HIEG Whenuapai Precinct 3 Plan Ch 5 submission Oct 2017.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

On behalf of: Herald Island Environmental Group

BACKGROUND

1. This submission is made on behalf of the Herald Island Environmental Group (HIEG) which is a subcommittee of Herald Island Resident & Ratepayers Association Incorporated (HIR&R). The HIEG is a member of the Upper Harbour Ecology Network (UHEN). HIEG supports the North-West Wildlink (NWW, a habitat corridor providing linkages and connections for native wildlife between the east coast (Hauraki Gulf Islands) and the west coast (Waitakere Ranges). The NWW accord was formalized in 2006 and this has led to a partnership group (NWWPG) that supports the restoration outcomes of the NWW. Auckland Council is a member of the NWWPG.

Since 1995, the Herald Island Environmental Group (HIEG) (previously known as Keep Herald Island Beautiful), has worked predominantly on public land, to control environmental plant pests and replace them with local native plants. In 2016, this work was extended to include the control of animal pests, starting with rats. In 2017 this work was further extended to working with Auckland Council and other relevant council controlled organisations to ensure the future fresh water and coastal waters of the Upper Harbour catchment area are healthy. In addition, since its inception the HIR&R have been active submitters on the effects of development on Herald Island, the Upper Harbour and surrounding areas.

INTRODUCTION

Currently Precinct 3 is made up predominantly of farming, lifestyle blocks and horticulture. Various ecological groups that operate in this area, including NZ Forest and Bird, Gecko Trust and UHEN see the development of Whenuapai as a once in a lifetime opportunity to remedy the environmental contamination and degradation caused both to the land, freshwater streams and upper harbor coastal estuaries. The mitigation needed is twofold – firstly the upholding of a healthy North-West Wildlink that requires 10% of land to be intact forest – the minimum threshold for the sustainable preservation of ecology (Auckland Council should set an example as a member of the NWWPG) and secondly, by upholding the objectives set in the recent Stormwater Management Plan of “promoting and supporting best practice sustainable urban development” and includes complying with the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement.

Currently, Whenuapai strategically lacks the links to bridge the NWW across this landscape. It is imperative that under the Unitary Plan, the rezoning of Whenuapai for development:

- Create at a minimum 10% of land as intact forest, including riparian margins to provide the space and corridors for wildlife to flourish. | 19.2
- Makes right the degradation of wetlands, streams and riparian margins | 19.3
- Enhance the quality of the environment for residents through designating large green open space for local residents with connectivity between spaces for walkways and cycleways. | 19.4

The benefits of this has been highlighted in a study published in the journal Ecological Modelling, where researchers found that a tree-based ecosystem provides in real terms an annual monetary value. The study's lead author, Dr Theodore Endreny of the College of Environmental Science and Forestry (ESF) in Syracuse, New York, says "If trees were to be established throughout their potential cover area, they would serve to filter air and water pollutants and reduce building energy use, and improve human well-being while providing habitat and resources for other species in the urban area," he says. In terms of the methodology, the study estimated existing and potential tree cover, and its contribution to ecosystem services and at the same time estimated the benefits of tree cover in reducing air pollution, stormwater runoff, energy costs associated with heating and cooling buildings, and carbon emissions. Trees play a vital part in any urban ecosystem, mega or otherwise, performing services such as the removal of airborne particulates, cooling and insulation, and carbon sequestration.

- Use 21st century Stormwater best practice and water sensitive design to manage the impact of stormwater from all new developments. Make it mandatory not as it currently states “if practicable or reasonable”.
As quoted in UP E10 Stormwater management “development can be enabled while also protecting and enhancing in-stream biodiversity and other river and stream values by reducing and managing stormwater runoff, and other measures such as enhancing riparian margins. Redevelopment also offers an opportunity to reduce existing adverse effects and enhance river and stream values.” 19.5
- Provide assurance that the wastewater impact on the Upper Harbour from the urban intensification, particularly from the wastewater outlets entering the Waiharoa Inlet are compliant with the NZ Coastal Policy. Further provide evidence that tidal flows will be restored and assist to flush out the inlet. The significance of all the above multiple discharges within a relatively small area flowing into the inlet and seabed in the immediate vicinity is of great concern. 19.6
19.7
- The impact of both Stormwater and Wastewater and the need to comply with the NZ Freshwater and Coastal Policies provides the ideal opportunity for Council to restore the tidal flows originally identified in the consent process granted in 1957 for the Herald Island causeway. The approval process associated with the 1957-58 construction of the Herald Island causeway carried reference to the potential need for culverts and some minor dredging to restore tidal flows. The construction of culverts under the Herald Island Causeway is not a huge consideration in the overall sizing of this urban intensification. Waiarohia Inlet needs every bit of tidal flow it can gather in order to provide a safe environment for the potential emergency discharges that are permitted and the increase in stormwater discharge due to intensification. Auckland Council has an obligation to ensure those tidal flows are restored and assist to flush out the inlet.
- The HIEG requests that all Enhancement Opportunities (ref. Morphum Environmental Ltd) are utilized when planning the development of Whenuapai and that a longer term and macro view of the area is taken to ensure enough land is set aside for residential use and the introduction of substantial green infrastructure zones. If this does not occur now we have lost the opportunity to do so in the future. 19.8

The specific areas of the Whenuapai Precinct 3 that we either support, oppose or question are as follows:

1616.1 Precinct Description

Currently the indicative open space extent is unclear with regard to esplanade reserves, open space conservation zones, and coastal esplanade reserves – these need to be clearly identified and retained. 19.9

Integration of Subdivision and Development with Infrastructure

As noted, funding of all required infrastructure is critical to achieving the integrated management of the precinct.

We request that Auckland Council reinstate Developer Contributions to 10% to ensure ability to regenerate local ecology and best practice green infrastructure. 19.10

Stormwater Management

We support the stormwater management area control as Flow 1 for the whole of the precinct. 19.11

Coastal Erosion Risk

We support the coastal erosion setback yard to avoid locating new buildings in identified areas of risk. 19.12

Biodiversity

We support the North-West Wildlink and that Whenuapai is recognized as a stepping stone in this link. 19.13

Open Space

We generally support the objectives set out with regard to open space. We raise concerns about and oppose the fact that there is no specific and substantive requirement for 19.14
19.15

developers to develop open space networks. "Encouraging" does not make this a requirement. All green zones need to be specific, identified and mapped before developments proceed. An exact ratio of intact forest/riparian margins/green open space needs to be stated upfront that all development needs to comply with.

19.15
19.16
19.17

1616.2 Objectives

(2) We support the need for a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural environment.

19.18

(3) We further support items (3), (4), (5), (8), (9), (10) and (11)

19.19

We are concerned that there is no green open space buffer between the Business - light industrial zone and Residential zones.

19.20

1616.3 Policies

(8) Transport

Roading and cycleways is stated as being the responsibility of each individual developer/development. As Whenuapai Precinct 3 consists of multiple individual land holders we can see that the road, pedestrian and cycleway improvements are going to be done on an ad-hoc and random fashion with very little integrated approach. We take for example the recent development on the corner of Brighams Creek and Totara Roads. Here our community has ended up with 500m of new, well-structured road but either side of this we have poor quality and unsafe roading – in particular, the dangerous and hazardous Brighams Creek bridge.

We instead support a fully integrated approach where the main arterial roads are all completed at one time, linking main routes so residents have a sense of continuity and safety. Further, we request a master plan confirming that pedestrian and cycleways do connect to the arterial roads to ensure connectivity between places and thereby create a safe and liveable community.

19.21
19.22

(9) Development in the Neighbourhood Centre Zone

We are concerned about the location and size of the identified Neighbourhood Centre zone and request an understanding as to how effective the identified zone be for its purpose.

19.23

We agree that blank walls should not be allowed right on the road frontage. We are astounded that this has already occurred on the recent new Business – Light industrial zone on Hobsonville Road. What assurance can we have that this will not occur again?

19.24

(12) Stormwater Management

We oppose in part the current Whenuapai 3 Precinct Stormwater Management Plan (2017) – please refer to our submission.

19.25

This excerpt has been taken from UP E10 Stormwater Management document and states ***"The creation of impervious surfaces in a catchment undergoing development increases the flow rate and volume of stormwater runoff. This change in hydrology, unless managed, can have a significant adverse effect on streams within the catchment, including accelerating river and stream erosion and bank instability, particularly in steeper upper catchment areas, and creating hydrological conditions that do not support healthy aquatic ecosystems. In developed urban catchments with large areas of impervious surface, increased runoff is one of the primary causes of degraded river and stream health, and also causes loss of land (including the undermining buildings) and amenity values."***

How then, can the Business – Light industrial zone allow up to 100% impervious surface, and the Residential zones 60 and 70%?

It appears that even though objectives and Policies state otherwise, the Plan allows water to be piped straight into the Waiarohia and Wallace Inlets. We do not support this method of dealing with large volumes of stormwater as it will exacerbate the existing degraded water quality of the Upper Harbour and its tributaries. This amount of water will have devastating and long-term impacts on the sensitive coastal and wetland areas of this region.

All WSD practices should be enforced – including holding tanks, swales, green roof gardens, permeable paving and filtering holding ponds.

19.26

It is our understanding that currently a total of 5 stormwater discharge points plus the wastewater discharge points feed into the Waiarohia inlet. We are concerned that additional loading will only exacerbate an already fragile and degrading situation. Why support this type of stormwater management when *The Waiarohia Stream Integrated Catchment Management Plan* (URS 31 August 2005) states that “The stream discharges to the Upper Waitemata Harbour, which is ranked highest of the seven receiving environments applicable to the city, in terms of ecological value, vulnerability of receiving environment to degradation and sensitivity ranking” (URS 2001) page 4-4.

In addition, we ask to review the Environmental Monitoring that Watercare has undertaken to provide an understanding of the current impacts wastewater has on the surrounding environment and an understanding of the considerations Council is giving to the future impacts of development on both Wastewater and Stormwater.

19.27

In addition to our previous submission we are also concerned about Item 2.7 Cultural. As already noted by Noel Rugg on 30 November 2015 to Auckland Council re: Greenhithe Bridge Watermain Duplication and Causeway Northern Interceptor Phase 1, “The coastal area known as the Waiarohia Inlet lies between Hobsonville Point and Herald Island. The upper reaches start around Brigham Creek Road.

Recognised for its significance and importance as a key area associated with the early Maori occupation of the Upper Waitemata Harbour, this coastal area was surrounded by early Maori settlements with evidence reinforced by the recent archeology exposure and recording of the shelter locations and midden activity on the foreshore of Summerset Village at Monterey Park (recordings all fully recorded and filed).

History books repeatedly record the importance of the location for the fishing, and shell fish from the area and seabed. This inlet is rich with its connection to Maori culture and near-by locations have been recognised by a number of appropriate blessings, stones and memorial plaques represented in many areas, especially associated with the Upper Harbour Bridge crossing, the SH18 Squadron Drive motorway bridge and foundation blessings of the Summerset Village.

Regrettably, the environment and historic significance of this inlet has been totally disregarded in the drive to handle the expansion needs of the city. The reports carry more referencing to the historic places items like Clark Cottage in Summerset’s property with virtually no consideration or significance referenced to the Maori culture and heritage. The inlet has now become destined to be the collective basin for the emergency draining of Watercare’s wastewater and stormwater projects.”

In light of this, we request that the Te Kawerau a Maki, Ngati Whautā o Kaipara and Ngati Whatua Orakei are informed and involved in all stormwater discharges to this area.

19.28

SUMMARY

The Herald Island Environmental Group

- We support the concern for the susceptibility and sensitivity of the valued marine environment. All developments should minimize the amount of stormwater being discharged into the Waiarohia Inlet and Brigham Creek – as following WSD practice. 19.29
- We support that all development reduces the generation of contaminants at source and applies treatment as required to effectively minimize contaminant increases in coastal waters and sediment. 19.40
- We do not support that it is best practice sustainable urban development to pipe all stormwater to the Waiarohia Stream and its tributaries. All care must be taken to ensure restoration and regeneration and to not allow any further coastal erosion. Piping and outfalls of water directly being discharged into the marine catchment is an outdated method and again does not follow best practice. 19.30
- We support the minimization of the impact on the Upper Harbour of wastewater from urban intensification. 19.31
- We support the protection of streams through the identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure. However, this needs to be taken further – not only do the streams need to be identified they need to be protected. We support the enhancement of streams and the steps taken as per the plan. 19.32
- We support the protection of streams through the identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure. However, this needs to be taken further – not only do the streams need to be identified they need to be protected. We support the enhancement of streams and the steps taken as per the plan. 19.33
- We support the protection of streams through the identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure. However, this needs to be taken further – not only do the streams need to be identified they need to be protected. We support the enhancement of streams and the steps taken as per the plan. 19.34

- We do not support the fact that there are no substantial areas identified and set aside for natural biodiversity to enable the North West Wildlink to operate across this region. | 19.35
- We request that Auckland Council reinstate Developer Contributions to 10% to ensure ability to regenerate local ecology and best practice green infrastructure.
- We support the provision of esplanade reserves and the opportunity this provides to incorporate walking and cycle ways. | 19.36
- We support the restoration of Upper Waitemata Harbour tidal flows in the vicinity of the Waiarohia inlet, and particularly around the Herald Island Causeway, by means of Causeway culverts and dredging or replacement of the Causeway with a bridge. | 19.37
- We support the development of fully integrated and planned roads and cycleways and do not support their adhoc planning/construction by individual developers. | 19.38
- We do not support Council approval of buildings that are out of place in a residential environment, | 19.39

Please note that the Herald Island Environmental Group wish to be advised of all hearings on the development of Whenuapai and all further consultations on the Whenuapai Plans.

Charissa Snijders
 Waterways spokesperson
 Herald Island Environmental Group

Contact details

Full name of submitter: Martin and Rochelle Good

Organisation name:

Agent's full name: Rochelle Good

Email address: marty-rochelle@xtra.co.nz

Contact phone number: 094163319

Postal address:
1A Waimarie Road
Whenuapai
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Stormwater, roading, parks and reserves

Property address: Kauri Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

20.1

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Whenuapai village residents.

I or we seek the following decision by council: Accept the plan modification with amendments

Details of amendments: Amendments to stormwater plan, piecemeal roading improvements and more green spaces.

Submission date: 19 October 2017

Supporting documents
Whenuapai Plan Change Submission.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

1A Waimarie Road
Whenuapai
Auckland 0618
Ph 09 416 3319

18th October 2017

Auckland Council
Level 24, 135 Albert Street,
Private Bag 92300
Auckland 1142

To whom this may concern,

Re: Auckland Unitary Plan:- Proposed Whenuapai plan changes draft as at 5 September 2017.

This is a submission regarding the proposed Whenuapai plan change, we are residents of the Whenuapai Village and feel we are directly affected by these plan changes.

We are concerned about the effects of increased storm water runoff into the harbour from housing intensification and industrial development with large increases to impermeable surfaces. We would like to see more investigation into how much storm water runoff there would be and how the storm water will be treated/filtered to stop even more pollution in the upper harbour.

20.2

The land between Kauri road and the Airbase which is zoned industrial is relatively steep creating storm water runoff to go directly towards the harbour. We believe previous attempts by the Whenuapai R & R to have a footpath/cycleway along Kauri Rd were fruitless, because the road in some areas was frequently damaged by land erosion from existing storm water run-off from farmland and the airbase.

The Whenuapai plan appears not to have enough green spaces, parks and reserves. Whenuapai will eventually be a very big suburb, though quite disjointed with an airbase in the middle. Allowances for meeting spaces/parks/playgrounds for each pocket of housing in important.

20.3

The rezoned increased industrial/business activities at the end of Kauri road will create changes to the types of traffic, patterns of traffic and traffic density. These changes will have a direct impact on the residents of this area in regards to safety, speed, noise, vibration and air pollution. As residents of the Whenuapai Village we will be directly affected by having to drive through this area to access our homes. What worries us the most is the piecemeal approach which is evident at the end of Totara Road. These changes will just add more traffic to the already unsafe and congested Brigham's creek road.

20.4

Yours Sincerely,

Martin and Rochelle Good

Contact details

Full name of submitter: Cabra Developments Limited

Organisation name:

Agent's full name: Hannah Edwards

Email address: hedwards@bentley.co.nz

Contact phone number: 021922164

Postal address:

PO Box 4492

Auckland

Auckland 1140

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Refer to submission.

Property address: 15 Clarks Lane and 10 Sinton Road

Map or maps: Refer to submission.

Other provisions:

Refer to submission.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Refer to submission.

I or we seek the following decision by council: Accept the plan modification with amendments | 21.1

Details of amendments: Refer to submission.

Submission date: 19 October 2017

Supporting documents

Submission on Auckland Unitary Plan PC 5 on behalf of Cabra Developments Limited.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**SUBMISSION ON PLAN CHANGE 5 TO THE AUCKLAND UNITARY PLAN –
WHENUAPAI
UNDER CLAUSE 6 OF THE FIRST SCHEDULE,
RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Submission on: Plan Change 5 Whenuapai

Name: Cabra Developments Limited

Address: PO Box 197
Orewa
Attn: Duncan Unsworth

1. Introduction

- 1.1. Cabra Developments Limited [**“Cabra”**] is a land development company established in 1987, and specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra is committed to contributing to responding to the demand for housing through providing for additional serviced lots for residential development to the private market, to facilitate housing supply and enable growth within Auckland.
- 1.2. Cabra has successfully undertaken the subdivision of several large land parcels in the region (including in Huapai, Riverhead, Orewa, Greenhithe, Papakura, Snells Beach and Whangaparaoa) and has a proven track record in the delivery of quality residential outcomes. Cabra are familiar with the opportunities that well-developed planning provisions can make to achieving good quality outcomes, that are both efficient and affordable, and which in turn facilitate and enable the intensification and form of development intended by the Unitary Plan in a timely manner. Similarly, they are familiar with dealing with planning provisions which are not well crafted, and as a consequence cause delay and unnecessary costs.
- 1.3. Cabra is the owner of two large properties within the Whenuapai 3 Precinct [**“the Precinct”**]: 10 Sinton Road (22,129m² limited to parcels) and 15 Clarks Lane (33,955m²), Whenuapai, making Cabra one of the single largest landholders within the Precinct.

2. Scope of Submission

- 2.1. Cabra’s submission seeks to ensure that the provisions intended to facilitate urban intensification are enabling and workable. In this regard, their submission relates to:
 - (a) the appropriateness of the proposed roading layout;
 - (b) the mechanisms required to fund the construction of roading infrastructure;
 - (c) the extent of the Single House zoning along the coastal edge within the Precinct;
 - (d) the suitability of some of the activity classifications;
 - (e) the suitability of some of the standards;

- (f) the approach to the management and treatment of stormwater; and
- (g) the requirements for riparian planting.

3. Submission

- 3.1. Cabra supports the growth and intensification that is enabled by Plan Change 5 [“PC5”] within the Whenuapai area, specifically the opportunities that it provides for residential growth and intensification through the introduction of the Mixed Housing Urban zone [“MHU”] of the Auckland Unitary Plan (Operative in Part) [“Unitary Plan”], together with the following related matters (except where particularly addressed within the following submission):
- Precinct Plan 1: the location of “indicative open space” on 10 Clarks Lane.
 - Standard I616.6.4 Riparian planting.
 - Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard.
 - Standard I616.6.6 External alterations to buildings within the Whenuapai 3 coastal erosion setback yard.
 - Standard I616.6.7 Subdivision of land in the Whenuapai 3 coastal erosion setback yard.

21.2

Precinct Plan 2 and Standard I616.2 Transport infrastructure requirements

- 3.2. The rationale for the layout, hierarchy and funding of roading that is proposed to be provided within ‘Area 1D’ on Precinct Plan 2 and as specified in Table I616.6.2.1 is insufficiently explained within the section 32 analysis, and supporting Integrated Transportation Assessment [“ITA”] prepared by Flow Transportation dated July 2016.
- 3.3. Cabra makes the following submissions in respect of I616.6.2 (1), (2) and (3):
- The s32 analysis does not explain the process for determining the “proportional share of local infrastructure works”¹, nor how access is to be obtained to undertake works within privately held land that is not owned by an applicant.
 - It is unclear whether an agreement in respect of an alternative method to achieve the infrastructure is intended to satisfy I616.6.2, and whether this would trigger (or not) the need to obtain resource consent in respect of activities (A2) and/or (A17) within I616.4 Activity Table.
 - It is unclear whether a landowner is required to contribute to all transport infrastructure within the Precinct, or only that portion located within the “area” identified on Precinct Plan 2.
- 3.4. **Relief sought:** Cabra seeks that I616.6.2 (1), (2) and (3) are amended to provide clarify of these matters, and in doing so for such provisions to be reasonable and equitable, so as to enable an applicant to progress the subdivision and development of their landholding without reliance on third parties.
- 3.5. The s32 analysis² states that in addition to the ITA, further technical input was received by Council in June 2017 which informed the transport investment requirements contained within

21.3

¹ Standard I616.6.2; PC5.

² Section 6.2.3; Section 32 Report; 21 September 2017.

Table I616.6.2.1. The further technical input does not form part of the package of documentation that has been notified. Cabra notes the following:

- It is unclear whether this additional technical input considered has the implications on the roading network following the downzoning of land to the south of the Whenuapai Airport (from 'Mixed Housing Urban' to 'Light Industry' and 'Single House'), and for example whether as a consequence the need to maintain a connection between Kauri Road and Sinton Road was considered. Similarly, Figure 15 of the ITA illustrates the land within Area 1D on Precinct Plan 2 as being largely zoned THAB, and it is unclear whether the road layout was reconsidered following the downzoning of this part of the Precinct to SH and MHU.
- Similarly, it appears that in response to this additional technical input a connection from Sinton Road to Hobsonville (under or over the motorway) has been introduced, which was not discussed within the ITA.
- Figure 9 of the s32 report does not include collector roads to the north of Clarks Lane, and east of Ockleston Landing. These appear to have been added to Precinct Plan 2 without discussion within the s32 analysis. It is considered that future roads in these locations will serve a confined catchment and that a 'local' road design is more appropriate in what will become a residential environment. The Precinct provisions should include a typical cross-section of a 'local' road for clarity, such as that appended as **Attachment 2**. Cabra supports the upgrade of Clarks Lane to a 'collector' road.
- The ITA does not sufficiently address why a connection between Sinton Road and Kauri Road is necessary, or whether any alternatives have been considered (for example, a location that would be more cost efficient, or one that does not intersect two private landholdings) and an estuary.
- There is a discrepancy in the analysis illustrated in Figure 9, which confirms that Sinton Road is not required to be upgraded to a collector road, whereas this is a requirement in Area 1D in Table I616.6.2.1 and on Precinct Plan 2.
- Figure 9 introduces a collector road to the south of Sinton Road under (or over) the existing motorway to provide a connection with Hobsonville. The provision for this road is also included on Precinct Plan 2. This road does not form part of the ITA analysis, nor is it identified as being required in Figure 8 of the s32 analysis which sets out the 'Proposed transport network in and around the plan change area'. The consenting requirements and cost associated with the construction of this road is significant, and the rationale for its requirement is not appropriately set out within the package of notified documentation.

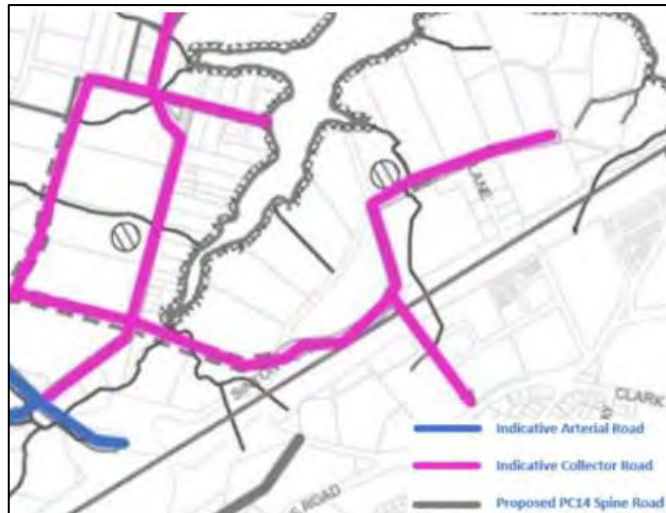


Figure 1: Excerpt from Figure 9 (6.2.3 Technical Inputs; Section 32 Report)

- The location of the ‘existing’ collector road to the east of the Special Character Area on Clarks Lane is incorrectly located on Precinct Plan 2. Figure 2 below illustrates the layout of the approved subdivision that is currently under construction at 1 Ockleston Landing, and Figure 3 illustrates the road to be located in the position of Lots 1-13 (rather than being located to the east of this row). Coincidentally, the positioning of the “Indicative upgrade of existing collector road” that is intended to continue to the north of Clarks Lane is incorrect, and is similarly required to be relocated to the east.



Figure 2: Layout of subdivision under construction at 1 Ockleston Landing



Figure 3: Excerpt from Precinct Plan 2

3.6. **Relief sought:** Amend Precinct Plan 2 and standard I616.6.8 to incorporate the specific matters discussed above and consistent with the following:

- Cabra requests a copy of the technical transportation input received by Council in June 2017 regarding the requirement for and alternative solutions/locations that were considered in respect of the proposed connection between Kauri and Sinton Roads, and Sinton Road and Hobsonville. In the absence of any suitable justification being established, Cabra seeks that the requirement to provide these roads be deleted from Precinct Plan 2 and standard I616.6.8.

21.4

- Amend the indicative roads to the north of Clarks Lane and east of Ockleston Landing from ‘Collector’ to ‘Local’ roads. | 21.5
- Reposition the existing ‘Collector’ road to the east of the Special Character Area and indicative ‘Collector’ road to the north of Clarks Lane to reflect the correct alignment within the property at 1 Ockleston Landing, and amend both roads from ‘Collector’ to ‘Local’ roads. | 21.6
- Insert typical road cross-sections to the Precinct provisions (such as those appended in **Appendix 2**). | 21.7

Standard I616.6.8 Roads

- 3.7. Standard I616.6.8 requires that the entire width of a road that is located adjacent to a site which is being developed or subdivision site be upgraded. The requirements and standard (quality) to which roads are required to be upgraded is unclear.
- 3.8. It is inefficient and impractical to require a pedestrian footpath and services to be provided on the opposite side of the road from a development site as this will restrict the installation of future services, when that land opposite is the subject of development. It is more appropriate that in such circumstances, the extent of such works be limited to the roadway and associated kerb and channel on the opposite side of the road.
- 3.9. **Relief sought:** Retain standard I616.6.8 Roads, and amend wording to limit ‘upgrade’ works to the construction of the associated kerb and channel on the opposite side of the road to any development site. | 21.8
- 3.10. Standard I616.6.8(1) requires that the entire width of a road that is located adjacent to a site which is being developed or subdivision site be upgraded. It is unclear whether this requires that applicant to pay for all associated works adjacent to the site, or whether costs will be shared between the Council and the applicant, or between the Council, the applicant and other parties adjacent and/or opposite, and how this is to be implemented.
- 3.11. **Relief sought:** That the provisions are amended for clarity and equity including the extent to which development contributions are allocated or otherwise to such infrastructure works. | 21.9

Single House Zone at coastal edge

- 3.12. There is no urban design / urban form and density, landscape or visual amenity reason why the residential zoning should transition from MHU to Single House Zone [“SHZ”] at the coastal edge.
- 3.13. The s32 report does not include a statement of issues, analysis or rationale that supports the application of a strip of SHZ at the coastal edge. There is no objective and/or policy presently in the Unitary Plan or proposed through this change which would be given effect to by the SHZ rules applying at the coastal edge.
- 3.14. Any environmental and land development / engineering reasons for incorporating a SHZ at the coastal edge are well addressed by the related provisions within the Precinct, which Cabra support in principle (specifically those relating to the coastal erosion setback yard).
- 3.15. The fundamental difference in the scale and form of residential development that is enabled by the MHU and SH zones respectively is that MHU would allow for more diverse forms of

residential development up to 3 storeys in height, as opposed to 2 storey detached, standalone dwellings in the SHZ.

- 3.16. SHZ requires an average lot size of 600m² and a minimum lot size of 480m². Accordingly, under the SHZ proposed by Council along the coastal edge, the anticipated outcome will be a single row of lots facing the coastal edge. Given the high amenity and value afforded by coastal edge property, the likely development pattern will be a layout that maximises the number of lots facing the coastal edge; resulting in a regular row of relatively narrow, end-on houses facing the coast. In this context, houses can be expected to be large 2 storey dwellings, with relatively little separation - the zone requiring only a 1m side yard (plus HIRB controls – 2.5m + 45°).
- 3.17. In terms of the resultant urban form outcome, this zoning will fundamentally result in a closely spaced residential development typical of suburban character of newly built greenfield areas. Viewed from the future adjoining public esplanade reserve, or more distantly from or across the water, the resultant built form and coastal edge landscape character will fundamentally be that of a physically dense, closely spaced row of large 2 storey suburban residential homes in the foreground of the slightly taller buildings encouraged by the MHU zoned land that extends back to the Upper Harbour Motorway. It is the collective massing of built form and new roof profile horizon of the MHU zoned land (behind) that will by the determining factor is creating the visual amenity character of the residential environment. The overall future built character will be of dense residential development lining the coastal edge irrespective of whether a strip of SHZ is applied at the immediate coastal interface.
- 3.18. Comparatively, the MHU zone provides for a greater diversity in the density, scale and form of residential development up to 3 storeys in height (11m + 1m roof form allowance) than that of the SZ. Together with unlimited density and 45% site coverage (versus 35% for SHZ) this enables significantly greater flexibility to provide a more diverse range of housing layouts along the coastal edge. This could include a mix of detached homes, duplexes, and terrace houses. Such flexibility provides greater opportunity for development to respond to site-specific characteristics such as landform and vegetation at the coastal edge, and the prospect of greater separation between building forms where multi-unit housing development incorporates areas of common open space. Such an outcome also provides for greater intensification, while providing the opportunity to assess the suitability of the resultant design and form of development.
- 3.19. Related to this, the SHZ provides for the development of single dwelling per lot as a permitted activity, with no control on design. Whereas MHU zone requires restricted discretionary activity for three or more dwellings.
- 3.20. Given the Resource Management Act 1991 requirements for a 20m esplanade reserve triggered by future subdivision, and the 6m erosion control setback yard (which is supported by Cabra), any residential subdivision and development of properties at the coastal edge within Area 1D (as identified on Precinct Plan 2) will result in a minimum setback of 26m from the coastal edge (MHWS) irrespective of the residential zoning applied.
- 3.21. It is considered that the combination of the esplanade requirement and coastal erosion setback will adequately provide an appropriate building setback for residential development from the immediate coastal edge, and readily enable public access along the coast. There is no need to further restrict the scale and form of residential development through applying a thin sliver of SHZ adjoining the coast. At the immediate interface, and as perceived and experienced up close within a future esplanade reserve, a coastal MHU zone would result in a more diverse and varied form of residential development than a SHZ, providing greater flexibility to

respond to the distinctive landform and vegetation features that currently define the coastal edge and incorporating these into a pattern of future suburban development. It is likely to result in a lesser sense of a privatised or highly enclosed coastal edge than the form of permitted development likely under SHZ.

- 3.22. In a wider context, the difference in built character between urbanising this land with a wholly MHU zoning, or MHU with a thin strip of SHZ at the coastal edge, are negligible. From a distance, the difference in scale and form of development will not alter the visual appearance of providing for three storey development in this part of the Whenuapai precinct. In this broader context, there is no compelling urban form or built and landscape character rationale why SHZ is a preferable development outcome to what would be enabled under the MHU provisions. A similar built form outcome is evident in the locality where to the east, the Summerset Retirement Village at Clarks Point has been developed with a continuous strip of closely spaced single storey villa units lining the coastal edge, with taller development in behind, despite the absence of a SHZ coastal edge. This pattern of development is not considered to be the optimal interface with the coastal edge from a landscape or visual amenity perspective, resulting in a monotonous strip of long closely spaced single storey units lining the coast. This pattern of development should not be reinforced by requiring a strip of SHZ adjoining the coast.
- 3.23. Accordingly, it is considered that Mixed Housing Urban is the most appropriate residential zone to apply along the coastal edge.

Indicative Scheme Plans

- 3.24. Cabra has prepared two indicative scheme plan layouts for their landholdings on Sinton Road and Clarks Lane (**Appendix 3**), one consistent with the extent of proposed SHZ, and one extending MHU through to the coastal edge to test and demonstrate the implications a likely layout of subdivision and development. These scheme plans demonstrate that the following can be readily achieved:
- All coastal edge lots on the MHU scheme can be achieved whilst complying with the building platform, access and infrastructure requirements specified in Standard E38.8.1.1 of the Unitary Plan.
 - A block layout that provides for a high degree of integration, connectivity and legibility of the coastal edge and stream corridor esplanade reserves with the public road network, including integration with the existing paper road at the Sinton Road intersection that would terminate at the coastal esplanade reserve providing direct public access to the coast. Similarly, a logical and likely road layout for the property at 15 Clarks Lane would incorporate a continuous public road edge to the eastern edge of the stream corridor, with a shared walking and cycling path at the stream reserve/road interface.
 - Excellent integration of the stream corridor with development and a high degree of public access not only to the stream but to a future esplanade reserve around the coastal edge where the stream meets the upper harbour.
 - A density and layout that can occur in a way that establishes a positive interface with the stream and coastal edges, while providing flexibility for a range of housing densities, layouts, building typologies and forms that would result in a more varied and site specific response at the coastal edge, including greater flexibility to respond to site specific features such as landform, vegetation etc that would enhance appreciation and a distinctive character at the coastal edge.

- 3.25. **Relief sought:** Re-zone the land zoned “Single House” along the coastal edge, particularly within Area 1D (as illustrated in Precinct Plan 2) to “Mixed Housing Urban”. 21.10

Roads Adjoining Public Open Space

- 3.26. Policy I616.3(2) states “*Encourage roads that provide for pedestrian and cycle connectivity alongside riparian margins and open spaces.*”
- 3.27. Cabra strongly supports the principle of providing public access to and alongside public open space as it can result in a number of highly desirable urban design outcomes. These include the public access benefits this provides, as well as neighbourhood and social integration benefits associated with establishing a positive public interface with passive surveillance and overlooking of riparian and open space land by development fronting and activating the space rather than backing onto it.
- 3.28. The indicative scheme plan demonstrates that a layout can readily be achieved that can achieve these urban design objectives including a positive interface to streams and coastal edges without the need to require continuous road edge to all public open spaces. These urban design and positive social outcomes can be achieved through the provision of a shared pedestrian and cycle pathway, rather than the provision of a road. Importantly, the Precinct provisions should ensure public access is provided to and along the public open spaces that will be created alongside the coastal and stream environments (via esplanade reserves), and it is recommended that Policy I616.3(2) enable a variety of design outcomes that provide these benefits.
- 3.29. **Relief sought:** Amend Policy I616.3(2) to encourage a variety of methods for the provision of public access to and along the stream and coastal edge environments, as specified within **Appendix 1** and consistent with the following: 21.11
- (2) “*Encourage ~~roads that provide for~~ pedestrian and cycle connectivity to and alongside riparian margins and open spaces.*”

Standard I616.6.1 Compliance with Whenuapai 3 Precinct Plans

- 3.30. Cabra supports standard I616.6.1 as it applies to Precinct Plan 1 to address the open space and erosion control setback yard. ‘Roading matters’, being a requirement for Precinct 2, should be limited to standard I616.6.2.
- 3.31. **Relief sought:** Retain standard I616.6.1, subject to an amendment to limit the scope of the standard to Precinct Plan 1, as specified in **Appendix 1**. 21.12

I616.6.3 Stormwater management

- 3.32. The management of development within floodplains is suitably addressed by Chapter E36 of the AUP, with resource consent required as a Restricted Discretionary activity (E36.4(A37 – A38)) for the erection of new structures and buildings (and additions and alterations to buildings) within the 1% AEP floodplain, and the use of buildings (and changes of use to accommodate more vulnerable buildings within existing buildings) to accommodate more vulnerable activities within the 1% AEP floodplain.
- 3.33. **Relief sought:** Delete Policy I616.3(13) and standards I616.6.3(1) and (2), and rely on Chapter E36 of the Unitary Plan. 21.13

- 3.34. The treatment of stormwater is suitably addressed by Chapters E8 & E9 of the Unitary Plan. Activity Table E8.4.1 specifies the status, standards and assessment matters for the treatment of stormwater under clauses E8.6 to 8.8, including the requirements for stormwater management devices to reduce or remove contaminants.
- 3.35. **Relief sought:** Delete standard I616.6.3(3) and rely on the standards contained within Chapters E8 and E9 of the Unitary Plan.

21.14

I616.6.4 Riparian Planting

- 3.36. In respect of (4), Cabra supports the clarity provided by the standard which confirms that a pedestrian pathway may be located within a 20m esplanade reserve (beyond the first 10m of required riparian planting), rather than being required to locate any such path beyond the 20m setback.
- 3.37. In respect of (5), the requirement to illustrate riparian planting is sufficiently addressed by I616.9 Special Information Requirements. It is unnecessary to duplicate this specification.
- 3.38. In respect of (6), the requirement to illustrate riparian planting is sufficiently addressed by I616.9 Special Information Requirements. It is unnecessary to duplicate this specification.
- 3.39. **Relief sought:** Retain standard I616.6.4(4) and delete standards I616.6.4(5) and (6).

21.15

Coastal protection structures

- 3.40. The Precinct provisions recognise coastal erosion risk and seek to setback buildings accordingly (via a coastal erosion setback yard) rather than managing this risk through providing for the introduction of hard protection structures. This is to avoid such structures adversely affecting coastal amenity, coastal process and biodiversity values as well as creating a situation which requires ongoing maintenance and associated costs. The consequence of this is that all hard protection structures within the yard are non-complying activities, and this is reinforced by Policy 16 requiring the ‘avoidance’ of hard protection structures to manage coastal erosion risk in the yard.
- 3.41. Such an approach inadvertently introduces a high consenting threshold for those types of hard protection structures which may be necessary to manage subsidence which has occurred and which can be managed by in ground structures.
- 3.42. Therefore, it is appropriate to amend the activity status and the respective policy to facilitate such an outcome. The approach proposed is not contrary to the intent of the Precinct or Objective 9 concerning coastal erosion risk.
- 3.43. It is also noted that activity (A4) within I616.4 Activity Table is unnecessary as the length of the coastline within the Precinct is subject to the coastal erosion setback yard.
- 3.44. **Relief sought:**

- Amend Policy I616.3(16) to enable the construction of appropriate erosion control structures, as specified within **Appendix 1** and consistent with the following:

(16) ~~Avoid the~~ Provide for the use of hard protection structures where appropriate to manage avoid, remedy or mitigate the effects of coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

21.16

- Amend I616.4 Activity Table as specified within **Appendix 1** and consistent with the following:

21.17

Coastal protection structures		
(A4)	Hard protection structures	Ø
(A5)	Hard protection structures located within the Whenuapai 3 coastal erosion setback yard	NE D

21.17

4. Relief sought

4.1. Cabra seeks the relief set out within the above submission from Auckland Council on the Proposed PC5, the specific relief set out in **Appendix 1**, and any consequential amendments necessary to enable the relief sought.

21.18

4.2. Cabra also seeks such further or other changes as may be necessary to give effect to the requirements of the Resource Management Act 1991.

21.19

4.3. Cabra will not gain an advantage in trade competition through this submission.

5. Conclusion

5.1. Cabra wishes to be heard in support of this submission.

5.2. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

CABRA DEVELOPMENTS LIMITED

Signature

by its planning and resource management consultants and authorised agents Bentley & Co. Ltd

Hannah Edwards

Address for Service

Cabra Developments Limited
C/- Hannah Edwards
Bentley & Co.
PO Box 4492
Shortland Street
Auckland 1140

Telephone:

(09) 309 5367

Email:

hedwards@bentley.co.nz

Appendix 1	Proposed amendments to Plan Change 5
Appendix 2	Typical local road cross-sections
Appendix 3	Indicative masterplan illustrating the application of Plan Change 5 provisions and relief sought

Appendix 1

Proposed amendments to Plan Change 5

Addition to Chapter I Precincts West

I616. Whenuapai 3 Precinct

I616.1. Precinct Description

The Whenuapai 3 Precinct is located approximately 23 kilometres northwest of central Auckland. Development in the Whenuapai 3 Precinct will enable an increase in housing capacity and provide employment opportunities through the efficient use of land and infrastructure.

The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of Whenuapai Airbase.

Development of this precinct is directed by Whenuapai 3 Precinct Plans 1, 2 and 3.

Whenuapai 3 Precinct Plan 1 shows:

- indicative open space, esplanade reserves and coastal esplanade reserves;
- the permanent and intermittent stream network, including streams wider than three metres; and
- the Whenuapai 3 coastal erosion setback yard.

Whenuapai 3 Precinct Plan 2 shows:

- indicative new roads and intersections;
- proposed upgrades to existing roads and intersections; and
- development areas for transport infrastructure.

Whenuapai 3 Precinct Plan 3 shows:

- aircraft engine testing noise boundaries from engine testing activity at Whenuapai Airbase.

Integration of Subdivision and Development with Infrastructure

The comprehensive and coordinated approach to subdivision, use and development outlined in the precinct reflects the size and significant amount of infrastructure required to enable subdivision and development. Funding of all required infrastructure is critical to achieving the integrated management of the precinct. The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development. The council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements. These agreements define funding accountabilities, who delivers the works, timings and securities, amongst other matters.

Transport

Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas. These upgrades are identified in Table I616.6.2.1 and are required be in

place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area as development progresses. If these upgrades are not in place prior to development occurring developers are able to provide an alternative measure for the provision of the upgrade works. This may include an agreement with the council to ensure that the local share of the upgrade works attributable to the development is provided for. This could include an Infrastructure Funding Agreement or some alternative funding mechanism.

Where there is an Auckland Transport project to provide the new or upgraded roads, developers may be required to contribute to it in part. Where a development proceeds ahead of an Auckland Transport project, the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development.

Neighbourhood Centre

A neighbourhood centre is proposed on the corner of Hobsonville Road and the proposed realigned Trig Road. Service access and staff parking are provided at the rear of the development to encourage the continuity of retail frontages. Pedestrian linkage to the centre is provided at the intersection of Hobsonville Road and the realigned Trig Road.

Stormwater Management

Stormwater management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows. As part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 have been applied to the precinct.

Coastal Erosion Risk

The precinct area includes approximately 4.5 km of cliffed coastline. The precinct manages an identified local coastal erosion risk based on the area's geology and coastal characteristics. A coastal erosion setback yard is used to avoid locating new buildings in identified areas of risk.

Biodiversity

The North-West Wildlink aims to create safe, connected and healthy habitats for native wildlife to safely travel and breed in between the Waitakere Ranges and the Hauraki Gulf Islands. The precinct recognises that Whenuapai is a stepping stone in this link for native wildlife and provides an ability to enhance these connections through riparian planting.

Open Space

An indicative public open space network to support growth in the precinct is shown on Whenuapai 3 Precinct Plan 2. This will generally be acquired at the time of subdivision. A network of public open space, riparian margins and walking and cycling connections is

proposed to be created as development proceeds. Development is encouraged to positively respond and interact with the proposed network of open space areas.

Reverse Sensitivity Effects on Whenuapai Airbase

The Whenuapai Airbase is located at the northern edge of the Whenuapai 3 Precinct boundary. While the airbase is outside of the precinct boundary it contributes to the precinct's existing environment and character. The airbase is a defence facility of national and strategic importance. Operations at the airbase include maritime patrol, search and rescue, and transport of personnel and equipment within New Zealand and on overseas deployments. Most of the flying activity conducted from the airbase is for training purposes and includes night flying and repetitive activity.

The precinct manages lighting to ensure safety risks and reverse sensitivity effects on the operation and activities of the airbase are avoided, remedied or mitigated.

Any future subdivision, use and development within the precinct will need to occur in a way that does not adversely effect on the ongoing operation of the airbase.

Aircraft Engine Testing Noise

The aircraft that operate out of Whenuapai Airbase are maintained at the airbase. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7am and 10pm but, in circumstances where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods.

Whenuapai 3 Precinct Plan 3 shows 57 dB L_{dn} and 65 dB L_{dn} noise boundaries for aircraft engine testing noise. The noise boundaries recognise that engine testing is an essential part of operations at Whenuapai Airbase and require acoustic treatment for activities sensitive to noise to address the potential reverse sensitivity effects that development within the precinct could have on those operations.

Zoning

The zoning of the land within this precinct is Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Informal Recreation, Open Space – Conservation and Special Purpose – Airports and Airfields zones.

The relevant overlays, Auckland-wide and zone provisions apply in this precinct unless otherwise specified in this precinct.

I616.2. Objectives

- (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic importance of Whenuapai Airbase.
- (2) Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural environment.

Integration of Subdivision and Development with the Provision of Infrastructure

- (3) Subdivision and development does not occur in advance of the availability of transport infrastructure, including regional and local transport infrastructure.
- (4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.
- (5) Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.

Transport

- (6) Subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.

Development in the Neighbourhood Centre Zone

- (7) Development in the Neighbourhood Centre Zone:
 - (a) is coordinated and comprehensive;
 - (b) has active frontages facing the street; and
 - (c) promotes pedestrian linkages.

Stormwater Management

- (8) Through subdivision, use and development, implement a stormwater management approach that:
 - (a) is integrated across developments;
 - (b) avoids new flood risk;
 - (c) mitigates existing flood risk;
 - (d) protects the ecological values of the receiving environment;
 - (e) seeks to mimic and protect natural processes; and
 - (f) integrates with, but does not compromise the operation of, the public open space network.

Coastal Erosion Risk

- (9) New development does not occur in areas identified as subject to coastal erosion, taking into account the likely long-term effects of climate change.

Biodiversity

- (10) Subdivision, use and development enhance the coastal environment, biodiversity, water quality, and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.

Open Space

- (11) Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.

Reverse Sensitivity Effects on Whenuapai Airbase

- (12) The lighting effects of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided, remedied or mitigated.

Aircraft Engine Testing Noise

- (13) The adverse effects of aircraft engine testing noise on activities sensitive to noise are avoided, remedied or mitigated at the receiving environment.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I616.3. Policies

- (1) Require subdivision, use and development to be integrated, coordinated and in general accordance with the Whenuapai 3 Precinct Plans 1 and 2.
- (2) Encourage ~~roads that provide for~~ pedestrian and cycle connectivity to and alongside riparian margins and open spaces.
- (3) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.

Commented [B&C1]: Refer to paragraph 3.29.

Integration of Subdivision and Development with the Provision of Infrastructure

- (4) Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport infrastructure network within the precinct, and with the wider transport network.
- (5) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.
- (6) Require the provision of infrastructure to be proportionally shared across the precinct.

- (7) Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2.

Transport

- (8) Require the provision of new roads and upgrades of existing roads as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads only allowed where the realigned road will provide an equivalent transport function.

Development in the Neighbourhood Centre Zone

- (9) Ensure development in the neighbourhood centre zone maximises building frontage along Hobsonville Road and the realigned Trig Road by:
- (a) avoiding blank walls facing the roads;
 - (b) providing easily accessible pedestrian entrances on the road frontages;
 - (c) maximising outlook onto streets and public places;
 - (d) providing weather protection for pedestrians along the road frontages;
 - (e) providing service access and staff parking away from the frontages; and
 - (f) providing car parking and service access behind buildings, with the exception of kerbside parking.
- (10) Ensure all development in the Neighbourhood Centre Zone is consistent with the layout of the Trig Road realignment as shown on Whenuapai 3 Precinct Plan 2.
- (11) Limit the number of vehicle access points from the Neighbourhood Centre Zone onto Hobsonville Road and the Trig Road realignment to ensure safe and efficient movement of vehicles and pedestrians.

Stormwater Management

- (12) Require subdivision and development within the Whenuapai 3 Precinct to:
- (a) apply an integrated stormwater management approach;
 - (b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and
 - (c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.

~~(13) Require development to:~~

- ~~(a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;~~

~~(b) avoid increasing flood risk; and~~

~~(c) mitigate existing flood risk where practicable.~~

Commented [B&C2]: Refer to paragraph 3.33

~~(14)~~(13) Ensure stormwater outfalls are appropriately designed, located and managed to avoid or mitigate adverse effects on the environment, including:

- (a) coastal or stream bank erosion;
- (b) constraints on public access;
- (c) amenity values; and
- (d) constraints on fish passage into and along river tributaries.

Coastal Erosion Risk

~~(15)~~(14) Avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard.

~~(16) Avoid the~~ Provide for the use of hard protection structures ~~to~~ where appropriate to avoid, remedy and mitigate the effects of manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

Commented [B&C3]: Refer to paragraph 3.44.

Biodiversity

~~(17)~~(15) Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.

~~(18)~~(16) Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.

~~(19)~~(17) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of permanent and intermittent streams and wetlands to:

- (a) provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area;
- (b) maintain and enhance water quality and aquatic habitats;
- (c) enhance existing native vegetation and wetland areas within the catchment; and
- (d) reduce stream bank erosion.

Open Space

~~(20)~~(18) Require the provision of open space as shown on Whenuapai 3 Precinct Plan 1 through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.

~~(24)~~(19) Only allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.

Reverse Sensitivity Effects on Whenuapai Airbase

~~(22)~~(20) Require subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects and safety risks relating to lighting, glare and reflection, on the operation and activities of Whenuapai Airbase.

~~(23)~~(21) Require the design of roads and associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.

Aircraft Engine Testing Noise

~~(24)~~(22) Avoid the establishment of new activities sensitive to noise within the 65 dB L_{dn} aircraft engine testing noise boundary shown on Whenuapai 3 Precinct Plan 3.

~~(25)~~(23) Avoid establishing residential and other activities sensitive to noise within the area between the 57 dB L_{dn} and 65 dB L_{dn} aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3, unless the noise effects can be adequately remedied or mitigated at the receiving site through the acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I616.4. Activity table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table I616.4.1 Activity table below.

Table I616.4.1 specifies the activity status of land use and subdivision activities in the Whenuapai 3 Precinct pursuant to sections 9(3) and section 11 of the Resource Management Act 1991.

Note: A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity.

Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct

Activity		Activity status
Subdivision		
(A1)	Subdivision listed in Chapter E38 Subdivision – Urban	
(A2)	Subdivision that does not comply with Standard I616.6.2 Transport infrastructure requirements	NC
(A3)	Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6	D
Coastal protection structures		
(A4)	Hard protection structures	D
(A5)	Hard protection structures located within the Whenuapai 3 coastal erosion setback yard	NC <u>D</u>
Stormwater outfalls		
(A6)	Stormwater outfalls and associated erosion and protection structures located within the Whenuapai 3 coastal erosion setback yard identified in Table I616.6.5.1	RD
Use and development		
(A7)	Activities listed as permitted or restricted discretionary activities in Table H3.4.1 Activity table in the Residential – Single House Zone	
(A8)	Activities listed as permitted or restricted discretionary activities in Table H5.4.1 Activity table in the Residential – Mixed Housing Urban Zone	
(A9)	Activities listed as permitted or restricted discretionary activities in Table H6.4.1 Activity table in the Residential – Terrace Housing and Apartment Buildings Zone	
(A10)	Activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table in the Business – Neighbourhood Centre Zone	

Commented [B&C4]: Refer to paragraph 3.44.

(A11)	Activities listed as permitted or restricted discretionary activities in Table H17.4.1 Activity table in the Business – Light Industry Zone	
(A12)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space – Informal Recreation	
(A13)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space – Conservation	
(A14)	Any structure located on or abutting an indicative road identified in the Whenuapai 3 Precinct Plan 2, unless an alternative road alignment has been approved by a resource consent	RD
(A15)	Activities not otherwise provided for	D
(A16)	Activities that comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6	D
(A17)	Activities that do not comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries 	NC
(A18)	New activities sensitive to noise within the 65 dB L _{dn} noise boundary shown on Whenuapai 3 Precinct Plan 3	Pr

I616.5. Notification

- (1) Any application for resource consent for an activity listed in Table I616.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the council will give specific consideration to those persons listed in Rule C1.13(4).

I616.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table I616.4.1 Activity table in this precinct unless specified in Standard I616.6(2) below.

(2) The following overlay, Auckland-wide or zone standards do not apply to activity (A1) listed in Table I616.4.1 Activity table for land in the Whenuapai 3 coastal setback yard identified in Whenuapai 3 Precinct Plan 1:

(a) Standard E38.7.3.4 Subdivision of land in the coastal erosion hazard area.

(3) Activities listed in Table I616.4.1 Activity table must comply with the specified standards in I616.6.1 – I616.6.11.

I616.6.1. Compliance with Whenuapai 3 Precinct Plans 1

(1) Activities must comply with Whenuapai 3 Precinct Plan ~~1 and Whenuapai 3 Precinct Plan 2~~.

(2) Activities not meeting Standard I616.6.1(1) must provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans ~~1 and 2~~.

Commented [B&C5]: Refer to paragraph 3.31.

I616.6.2. Transport infrastructure requirements

Commented [B&C6]: Refer to paragraph 3.4.

(1) All subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.

(2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.

(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.

Table I616.6.2.1 Local transport infrastructure requirements

Commented [B&C7]: Refer to paragraph 3.6.

Areas	Local transport infrastructure required
1A	New collector roads extending west from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	New collector roads extending east from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	Signalisation at the new intersection of Trig Road, Luckens Road and Hobsonville Road.
	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2.
	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp.
1B	Upgrade and signalisation of the intersection of Brigham Creek Road and Kauri Road including: <ul style="list-style-type: none"> • dual right-turn lanes from Brigham Creek Road into Kauri Road; and • suitable bus and cycle priority provision.
	Formation and signalisation of the intersection at the location of the new collector road and Brigham Creek Road as indicatively shown on Precinct Plan 2.
1C	Addition of a fourth leg to the Brigham Creek Road and Kauri Road

Areas	Local transport infrastructure required
	intersection. New collector road from the Brigham Creek Road and Kauri Road intersection westwards to the boundary of the Stage 1C area as indicatively shown on Precinct Plan 2.
1D	Road stopping of Sinton Road to the west of 18 Sinton Road, and replacement with a new collector road from Sinton Road to Kauri Road as indicatively shown on Precinct Plan 2. New collector road crossing State Highway 18 connecting Sinton Road to Sinton Road East as indicatively shown on Precinct Plan 2. New collector roads as indicatively shown in Precinct Plan 2.
1E	New collector roads from Brigham Creek Road extending south into the Stage 1E area as indicatively shown in Precinct Plan 2. Formation and signalisation of the intersections of Brigham Creek Road with the new collector roads required as part of the Stage 1E area. Upgrade and signalisation of the intersection of Trig Road and Brigham Creek Road. New collector roads from Trig Road extending east into the Stage 1E area as indicatively shown in Precinct Plan 2.

I616.6.3. Stormwater management

- ~~(1) Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.~~
- ~~(2) All new buildings must be located outside of the 1 per cent AEP floodplain and overland flow path.~~
- ~~(3) Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:~~
 - ~~(a) treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or~~
 - ~~(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.~~
- (4) All stormwater runoff from:
 - (a) commercial and industrial waste storage areas including loading and unloading areas; and
 - (b) communal waste storage areas in apartments and multi-unit developments

Commented [B&C8]: Refer to paragraph 3.33.

Commented [B&C9]: Refer to paragraph 3.33.

Commented [B&C10]: Refer to paragraph 3.35.

must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.

I616.6.4. Riparian planting

- (1) The riparian margins of a permanent or intermittent stream or a wetland must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.
- (2) Riparian margins must be offered to the council for vesting.
- (3) The riparian planting proposal must:
 - (a) include a plan identifying the location, species, planting bag size and density of the plants;
 - (b) use eco-sourced native vegetation where available;
 - (c) be consistent with local biodiversity;
 - (d) be planted at a density of 10,000 plants per hectare, unless a different density has been approved on the basis of plant requirements.
- (4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.

Commented [B&C11]: Refer to paragraph 3.39.

~~(5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.~~

Commented [B&C12]: Refer to paragraph 3.39.

~~(6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.~~

Commented [B&C13]: Refer to paragraph 3.39.

I616.6.5. New buildings within the Whenuapai 3 coastal erosion setback yard

- (1) New buildings must not be located within the Whenuapai 3 coastal erosion setback yard shown in Whenuapai 3 Precinct Plan 1. The widths of the yard are specified in Table I616.6.5.1 and is to be measured from mean high water springs. This is to be determined when the topographical survey of the site is completed.
- (2) Alterations to existing buildings within the Whenuapai 3 coastal erosion setback yard must not increase the existing gross floor area.

Commented [B&C14]: Refer to paragraph 3.1.

Table I616.6.5.1 Whenuapai 3 coastal erosion setback yard

Area	Coastal erosion setback yard
A	41m
B	40m
C	26m
D	35m

I616.6.6. External alterations to buildings within the Whenuapai 3 coastal erosion setback yard

- (1) External alterations to buildings within the Whenuapai 3 coastal erosion setback yard identified in Standard I616.6.5 and Whenuapai 3 Precinct Plan 1 must not increase the existing gross floor area.

Commented [B&C15]: Refer to paragraph 3.1.

I616.6.7. Subdivision of land in the Whenuapai 3 coastal erosion setback yard

- (1) Each proposed site on land in the Whenuapai 3 coastal erosion setback yard must demonstrate that all of the relevant areas/features below are located outside of the Whenuapai 3 coastal erosion setback yard:
 - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
 - (b) access to all proposed building platforms or areas; and
 - (c) on-site private infrastructure required to service the intended use of the site.

Commented [B&C16]: Refer to paragraph 3.1.

I616.6.8. Roads

- (1) Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.
- (2) Development and subdivision involving the establishment of new roads must:
 - (a) provide the internal road network within the site where subdivision and development is to occur; and
 - (b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.

Commented [B&C17]: Refer to paragraph 3.9.

1616.6.9. Development in the Neighbourhood Centre Zone

1616.6.9.1. Access

- (1) Vehicle accesses must not be located on that part of a site boundary located within 30m of the intersection of Hobsonville Road and the realigned Trig Road.
- (2) All development must provide pedestrian access that connects to the intersection of Hobsonville Road and the realigned Trig Road.

1616.6.9.2. Building frontage

- (1) Any new building must:
 - (a) front onto Hobsonville Road or the realigned Trig Road identified in Precinct Plan 2; and
 - (b) have a building frontage along the entire length of the site excluding vehicle and pedestrian access.

1616.6.9.3. Verandas

- (1) The ground floor of any building fronting Hobsonville Road and the realigned Trig Road must provide a veranda over the adjacent footpath along the full extent of the frontage, excluding vehicle access.
- (2) The veranda must:
 - (a) be contiguous with any adjoining building;
 - (b) have a minimum height of 3m and a maximum height of 4.5m above the footpath;
 - (c) have a minimum width of 2.5m; and
 - (d) be set back at least 600mm from the kerb.

1616.6.10. Development within the aircraft engine testing noise boundaries

- (1) Between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:
 - (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L_{dn} ; and

- (b) that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and
- (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.

I616.6.11. Lighting

(1) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:

- (a) searchlights; or
- (b) outside illumination of any structure or feature by floodlight.

I616.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I616.8. Assessment – restricted discretionary activities

I616.8.1. Matters of discretion

The council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
 - (a) safety, connectivity, walkability, public access to the coast and a sense of place;
 - (b) location of roads and connections with neighbouring sites;
 - (c) functional requirements of the transport network, roads and different transport modes;
 - (d) site and vehicle access, including roads, rights of way and vehicle crossings;
 - (e) location of buildings and structures;
 - (f) provision of open space; and
 - (g) provision of the required local transport infrastructure or an appropriate alternative measure.

(2) Use and development in the Neighbourhood Centre Zone:

- (a) the design and location of onsite parking and loading bays;
and
 - (b) building setbacks from Hobsonville Road and the realigned Trig Road.
- (3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects on landscape values, ecosystem values, coastal processes, associated earthworks and landform modifications;
 - (b) the effects on land stability including any exacerbation of an existing natural hazard, or creation of a new natural hazard, as a result of the structure;
 - (c) the resilience of the structure to natural hazard events;
 - (d) the use of green infrastructure instead of hard engineering solutions;
 - (e) the effects on public access and amenity, including nuisance from odour;
 - (f) the ability to maintain or enhance fish passage; and
 - (g) risk to public health and safety.
- (5) Lighting associated with development, structures, infrastructure and construction.

1616.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
 - (a) the extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads shown on the Whenuapai 3 Precinct Plan 2;
 - (b) the extent to which any subdivision or development provides for public access to the coast;

- (c) the extent to which any subdivision or development layout achieves a safe, connected and walkable urban form with a sense of place;
- (d) the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1;
- (e) the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it;
- (f) the extent to which any subdivision or development layout provides for the functional requirements of the existing or proposed transport network, roads and relevant transport modes;
- (g) the extent to which access to an existing or planned arterial road, or road with bus or cycle lane, minimises vehicle crossings by providing access from a side road, rear lane, or slip lane;
- (h) the extent to which subdivision and development provides for roads to the site boundaries to enable connections with neighbouring sites; and
- (i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.

(2) Use and development in the Neighbourhood Centre Zone:

- (a) the extent to which staff car parking, loading spaces and any parking associated with residential uses is:
 - (i) located to the rear of the building; and
 - (ii) maximises the opportunity for provision of communal parking areas.
- (b) the extent to which building setbacks are minimised to ensure buildings relate to Hobsonville Road and the realigned Trig Road.

(3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:

- (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;

- (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) refer to Policy E38.3(2).
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
- (a) the extent to which landscape values, ecological values and coastal processes are affected or enhanced by any works proposed in association with the structure(s);
 - (b) the extent to which site specific analysis, such as engineering, stability or flooding reports have been undertaken and any other information about the site, the surrounding land and the coastal marine area;
 - (c) the extent to which the structure(s) is located and designed to be resilient to natural hazards;
 - (d) the extent to which the proposal includes green infrastructure and solutions instead of hard engineering solutions;
 - (e) the extent to which public access and / or amenity values, including nuisance from odour, are affected by the proposed structure(s);
 - (f) the extent to which fish passage is maintained or enhanced by the proposed structure(s); and
 - (g) the extent to which adverse effects on people, property and the environment are avoided, remedied or mitigated by the proposal.
- (5) Lighting associated with development, structures, infrastructure and construction:
- (a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:
 - (i) avoids simulating approach and departure path runway lighting;
 - (ii) ensures that clear visibility of approach and departure path runway lighting is maintained; and
 - (iii) avoids glare or light spill that could affect aircraft operations.

I616.9. Special information requirements

(1) Riparian planting plan

An application for land modification, development and subdivision which adjoins a permanent or intermittent stream must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.

(2) Permanent and intermittent streams and wetlands

All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site.

(3) Stormwater management

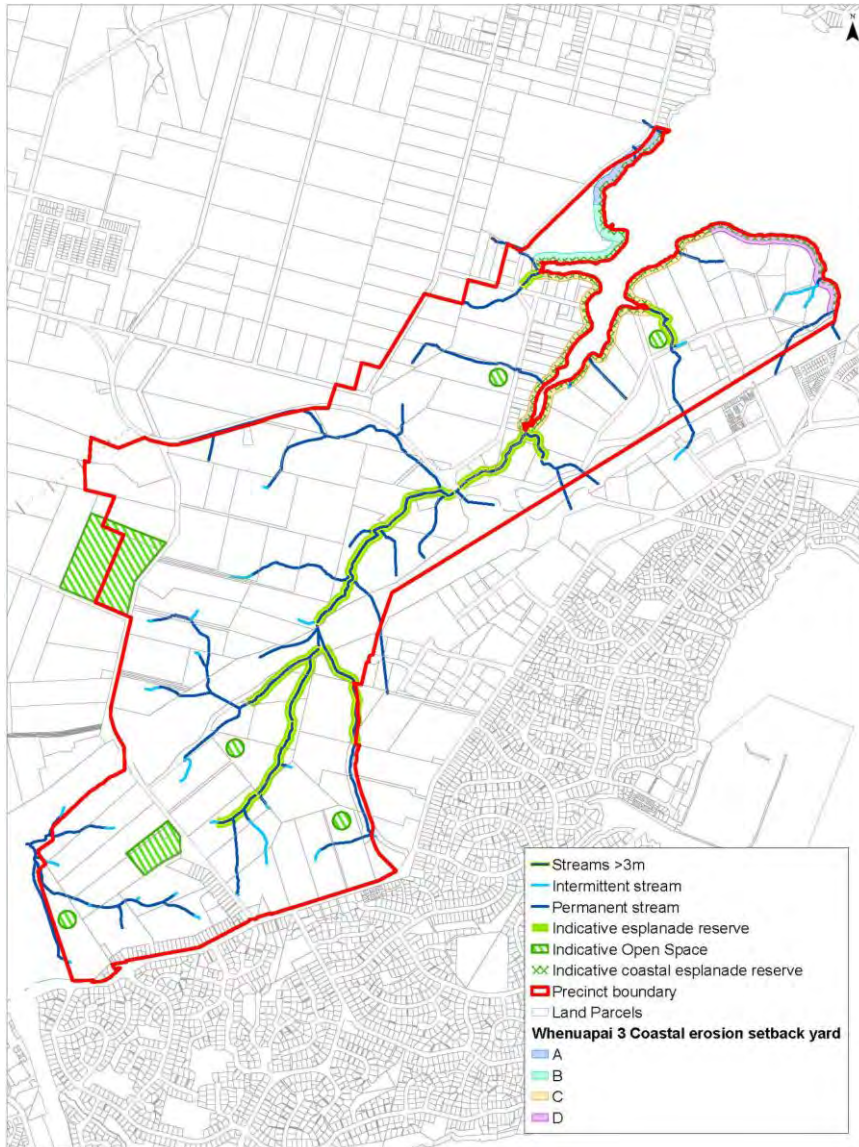
All applications for development and subdivision must include a plan demonstrating how stormwater management requirements will be met including:

- (a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;
- (b) the type and location of all public stormwater network assets that are proposed to be vested in council;
- (c) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct.

I616.10. Precinct plans

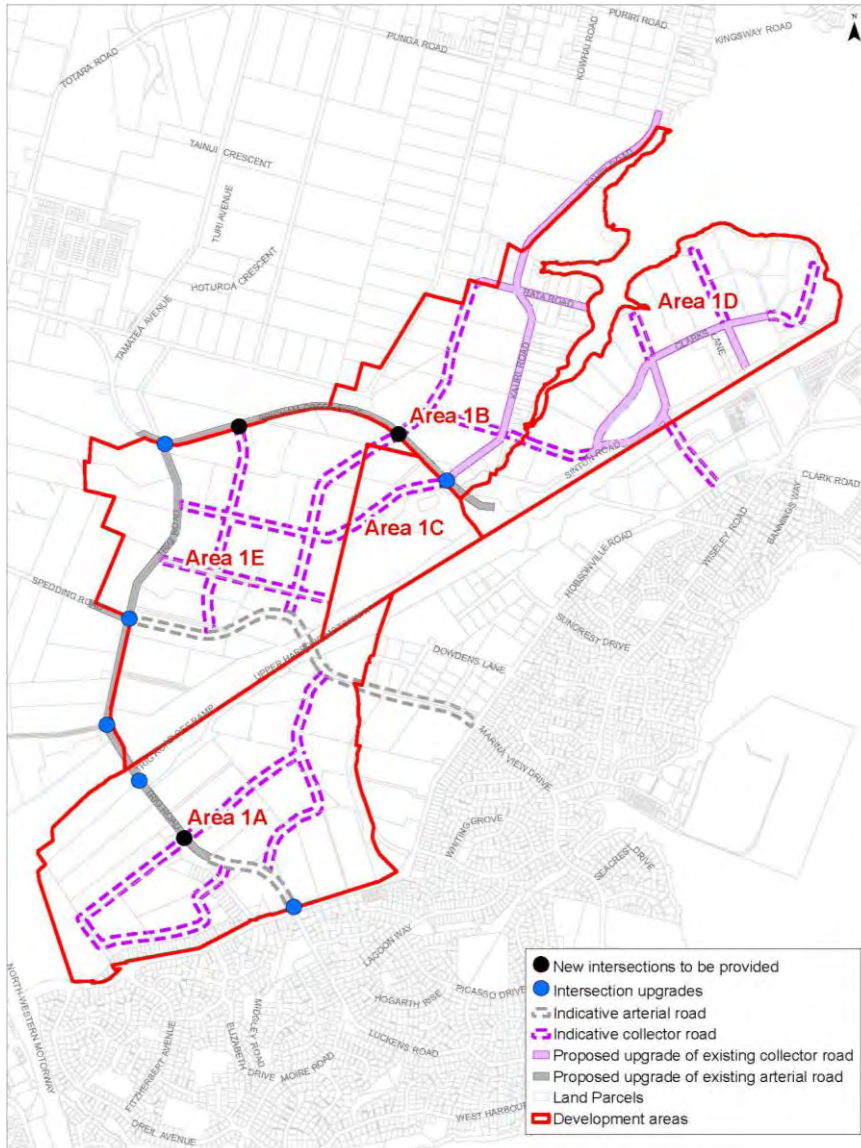
I616.10.1. Whenuapai 3 Precinct Pan 1

Commented [B&C18]: Refer to paragraph 3.1.

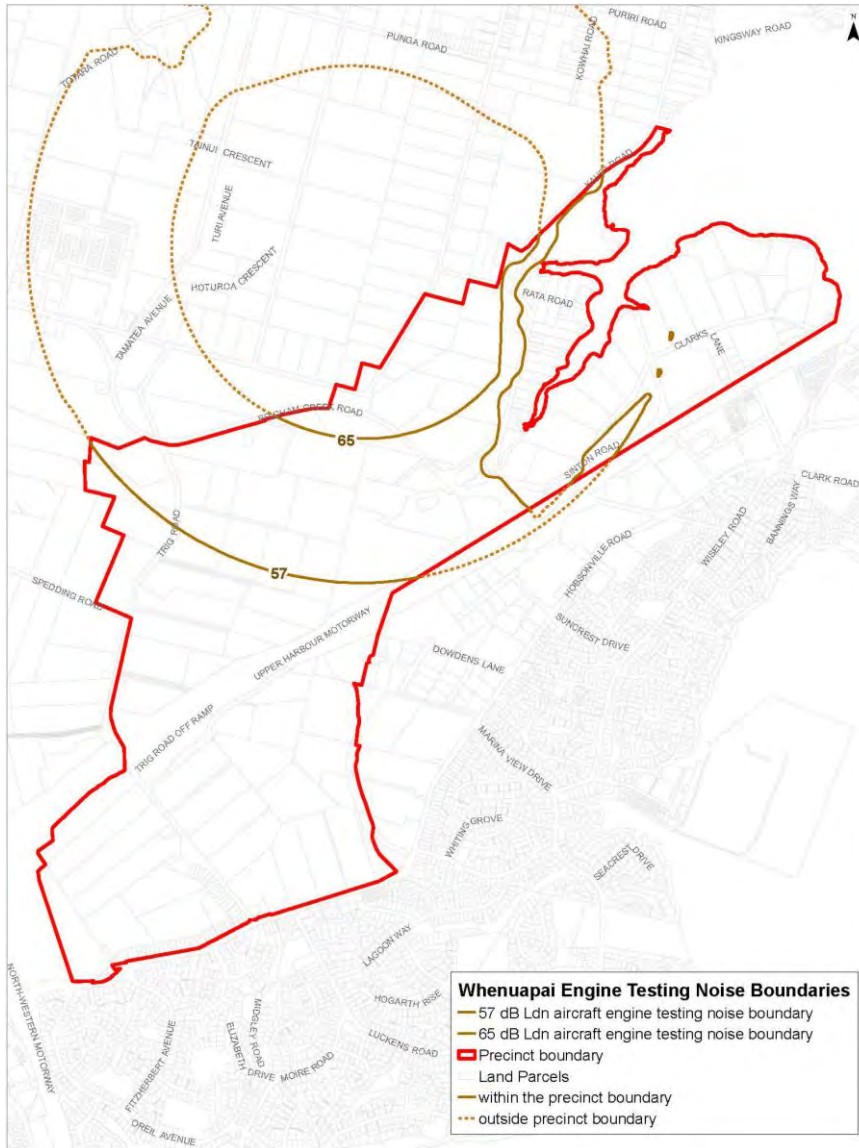


1616.10.2. Whenuapai 3 Precinct Plan 2

Commented [B&C19]: Refer to paragraph 3.6.



1616.10.3. Whenuapai 3 Precinct Plan 3



Addition to Schedule 14.1 Table 1 Places

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
02784	Whenuapai heavy anti-aircraft battery	4 Spedding Road and 92 Trig Road, Whenuapai	Lot 17 DP 62344, Lot 16 DP62344	B	Gun emplacements and command post	A,H	Refer to planning maps			

Deletion of existing schedule entries from 14.1 Table 1 Places

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00135	Worker's Dwelling	9-Clarks Lane, Hobsonville	LOT 1 DP 411784	B		A,F	Refer to planning maps	Interior of building(s)		
00246	Worker's Residence	5-Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00247	Worker's Residence	4-Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00248	Worker's Residence	6-Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00249	Worker's Residence	10 Clarks Lane, Hobsonville		B		A,B,F,H	Refer to planning maps	Interior of building(s)		

Addition to Schedule 14.1 Schedule of Historic Heritage – Table 2 Areas

ID	Area Name and/or Description	Verified Location	Known Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance	Contributing Sites/ Features	Non-contributing Sites/ Features
02783	Clarks Lane Historic Heritage Area	Clarks Lane, Hobsonville	A,F,H	Refer to planning maps	Interiors of all buildings contained within the extent of place unless otherwise identified			Refer to Schedule 14.2.13	Stand-alone accessory buildings or garages built after 1940; former church 7

					in another schedule d historic heritage place				Clarks Lane (Lot 5 DP 411781)
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Addition to Schedule 14.2

14.2.13 Clarks Lane Historic Heritage Area

Statement of significance

The dwellings at 3 to 10 Clarks Lane are located in Hobsonville, an area to the north-west of the Auckland Central Business District. Clarks Lane is situated on the north-western edge of the suburb, close to the adjacent district of Whenuapai and the Waiarohia Inlet. Clarks Lane runs in a north-south orientation and prior to 2008 had access southwards via Ockleston Road to connect with Hobsonville Road. Following the construction of State Highway 18 the lane became a cul-de-sac. The lane is narrow, with road markings only to denote the edge of the carriageway; it has a wide road reserve and no footpath, all of which contribute to its rural amenity and aesthetic. These physical attributes of the road are important to the understanding of its history as a rural lane servicing a small grouping of residences. The position of the cottages on either side of the road creates a balance of housing through the lane. The carriageway, road reserve and building positions are therefore contributing features of the Clarks Lane Historic Heritage Area and are important aspects of the Historic Heritage Area's context.

The group of workers' residences on Clarks Lane have considerable historical value as they reflect an important aspect of local and regional history, the private construction of accommodation for pottery and brickworks industry employees. The remaining cottages and foreman's villa represent some of the first privately established workers' accommodation still extant in the region. The cottages are also some of the earliest remaining examples of their type in the locality, representing an early period of development in the area. The Clarks Lane Historic Heritage Area has further significance for its association with the Clark family, specifically R.O. Clark II, R.O. Clark III and his brother, T.E. Clark. The Clark family were some of the first European settlers to the area and made a significant contribution to the history of the locality. The Clarks donated land for the erection of a number of community buildings including the first church and school in Hobsonville.

The dwellings play an important role in defining the distinctiveness of the Hobsonville community by representing the area's early history and as a legacy of the Clark family. The Historic Heritage Area is an important grouping of buildings that demonstrates a way of life that is now less common by representing the locality's reliance upon local employment and effort of a local company to provide affordable and convenient housing. As a group of dwellings of a similar design and style, they have considerable value as a remnant of the early settlement period and architectural development of Hobsonville. The type and style of the Clarks Lane cottages and villa are a good representative example of the pattern of development, street layout, building height, massing and scale that is demonstrative of purpose-built workers' housing. Based on those physical attributes visible from the public realm, the dwellings have considerable value for their existing physical qualities and as representative examples of their type and period within the locality.

The cottages and villa all exemplify a past aesthetic taste that is distinctive in the Hobsonville locality. The Clarks Lane dwellings have moderate aesthetic value for the widespread emotional response they evoke as a group for their picturesque qualities. Further aesthetic appeal is derived from the relationship of the places to their setting, which reinforces the quality of both.

The former Brighams Creek church at 7 Clarks Lane (relocated to the lane in circa 2009) does not detract from the overall aesthetic of the lane. It is attributable to a similar architectural and historical period as the cottages, and the original portion is an example of an attractive, modest structure evocative of the small late nineteenth/early twentieth century church buildings that express the vernacular style of New Zealand's ecclesiastical architecture. The former church has a limited contribution to, and association with, the values for which the Historic Heritage Area is significant. For this reason, it is identified as a non-contributor within the Historic Heritage Area and will remain individually scheduled.

The dwellings have considerable contextual value as a group of workers' residences along Clarks Lane, that when taken together, have coherence due to their history, age, street-fronting orientation and scale; forming part of the historical and cultural complex of the locality. The cottages at 3, 4, 5, 6 and 10 Clarks Lane are characterised by their compact size and single storey height. From a social lens, this is reflective of their original use as accommodation for workers. The roof form of the cottages at 3, 4, 5, 6 and 10 Clarks Lane is an asymmetrical side-gable with a subservient, lower pitched lean-to at the rear. The foreman's villa at 9 Clarks Lane is the largest of the workers' residences and is an example of the common villa typology prevalent at the beginning of the twentieth century. The villa's setback, size, square plan, hipped roof and central gutter differentiate it from the other workers' cottages. The larger size and distinct form of the villa reflects the higher professional standing of the pottery foreman.

The dwellings originally had corbelled brick chimneys, and open verandahs along the front (street-facing) elevation. Several dwellings retain either, or both of these attributes that are important physical and aesthetic features. The front elevations are also characterised by a central entrance door, framed on either side by four-pane sash windows. Paint-finished timber cladding and fenestration, and iron or steel roofing are key material characteristics that illustrate the traditional qualities of the dwellings. Some dwellings have replaced the original timber fenestration with aluminium joinery.

The immediate setting of the dwellings is an important aspect to the understanding of their context, demonstrated by the layout and amenity of the lane. The sites have large open sections with little front boundary fencing (i.e.: no more than 1.2 metres in height and visually permeable) and consistent (approximately 10 metres) setbacks which are intact key features of their rural setting. These are tangible reminders of the coherence of the workers' housing legibility.

Map 14.2.13.1: Clarks Lane Historic Heritage Area



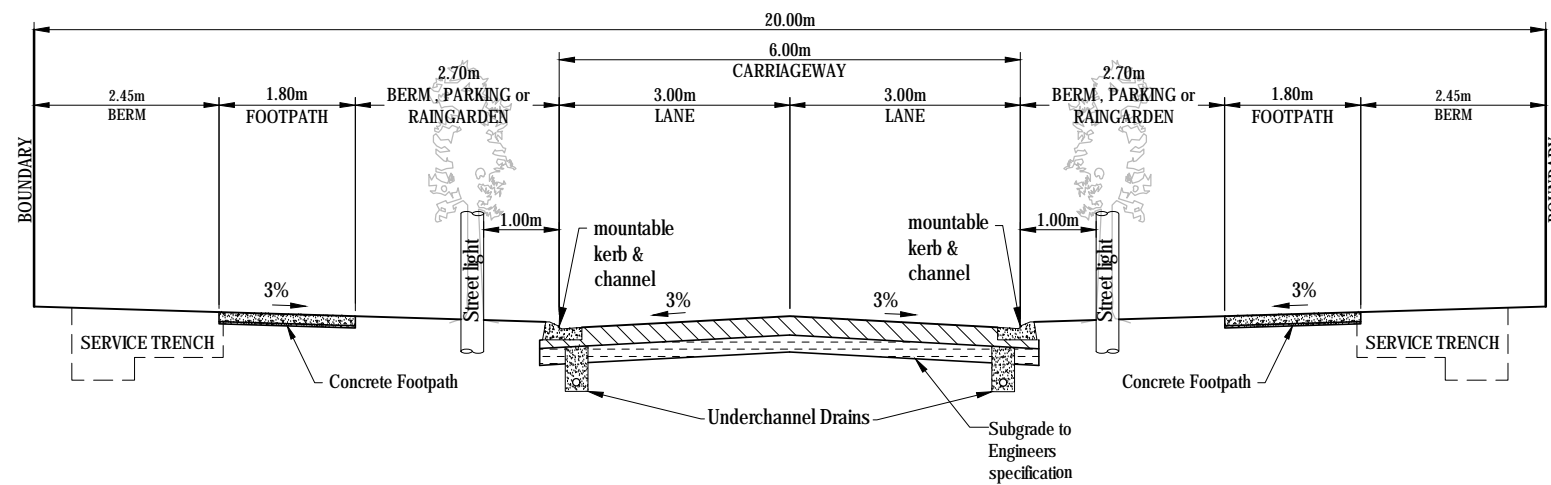
Addition to Appendix 17

I616 Whenuapai 3 Precinct

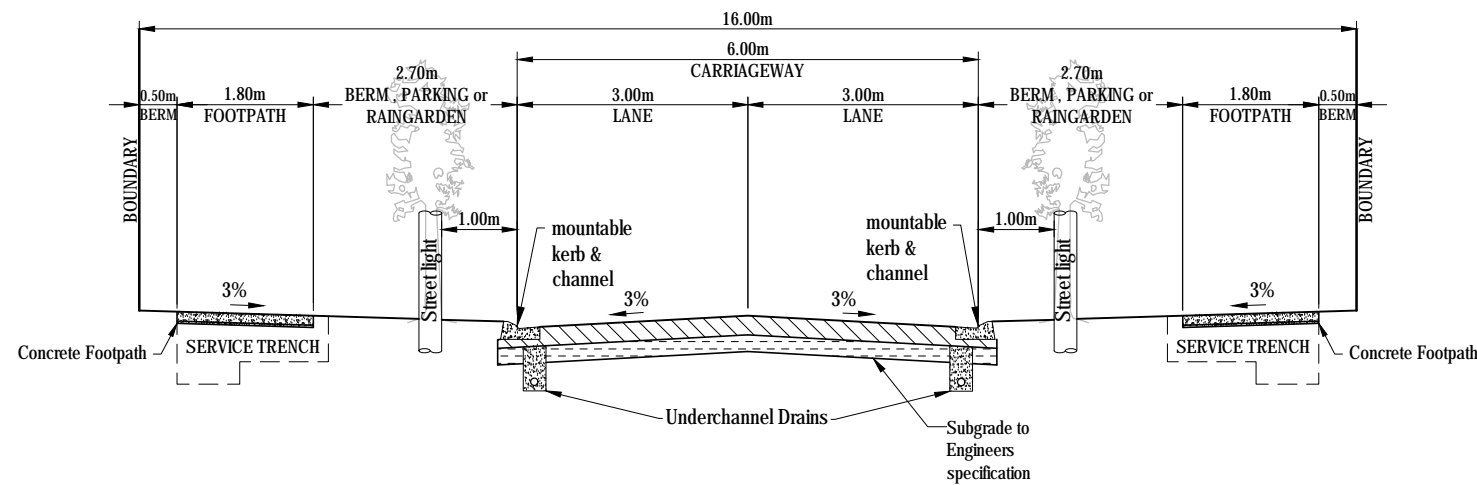
Whenuapai 3 Precinct Stormwater Management Plan (2017)

Appendix 2

Typical local road cross-sections



Typical Section - 20m Wide Road



Typical Section - 16m Wide Road

CATO BOLAM CONSULTANTS
 PLANNERS | SURVEYORS | ENGINEERS | ENVIRONMENTAL

CATO BOLAM CONSULTANTS LTD
 19 Tamariki Avenue
 PO Box 157
 Orewa 0946

phone 09-427 0072
 fax 09-426 7331
 email catobolam@catobolam.co.nz

REVISION (DESCRIPTIONS)	NAME	DATE
SURVEYED		
DESIGNED	KM	12/10/2017
DRAWN	KM	12/10/2017
CHECKED		
APPROVED		

CLIENT

**CABRA DEVELOPMENTS LTD
WHENUAPAI PLAN CHANGE**

This plan and accompanying report(s) have been prepared for the purpose of obtaining a resource consent only and for no other purpose. Use of this plan and/or the information on it for any other purpose is at the user's risk

DRAWING TITLE

**ROAD TYPICAL
CROSS SECTION
16m and 20m WIDTH**

ORIGINAL SCALE: NTS
 ORIGINAL SIZE: A3
 DATE: 12/10/2017
 DIRECTORY: Synergy/41054

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ORIGINAL SCALE	ORIGINAL SIZE	REVISION NO
NTS	A3	
DATE	CAD REFERENCE	SHEET NO
12/10/2017	41054 3200.dwg	3200
DIRECTORY	IMAGE FILE	JOB NO
Synergy/41054		41054

Appendix 3

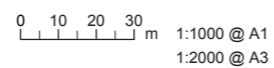
Indicative masterplan illustrating the application of Plan Change 5 provisions and relief sought

LAYOUT INDICATIVE ONLY



Data Sources:

Projection:



Legend

LAYOUT INDICATIVE ONLY

Note: Plans are indicative only and prepared for the purpose of submission to Proposed Plan Change 5: Whenuapai

Proposed Plan Change 5: Whenuapai
Option 1 - Single House & Mixed Housing Urban Zone

| Date: 17 October 2017 | Revision: C |

Plan prepared for Cabra Development by Boffa Miskell Limited
Project Manager: stuart.houghton@boffamiskell.co.nz | Drawn: N. New | Checked: SHo

LAYOUT INDICATIVE ONLY



- 1 20m Esplanade Reserve
 - 2 6m Walking and Cycling connection to Esplanade Reserve (3m per Lot)
 - 3 16m Local Road centred on Lot boundaries
 - 4 16m Local Road including 3m shared path located within Esplanade Reserve
- Mixed Housing Urban Zone
 - Single Housing Zone
 - ▨ Plan Change proposed Single House Zone - Overlay source: Auckland Council GIS
 - 20m Esplanade Reserve
 - Stream & Overland Flow Paths

Submission on Proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan

19 October 2017

To: Attention: Planning Technician
Auckland Council Unitary Plan
Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

From: Royal Forest and Bird Protection Society NZ (Forest & Bird)
PO Box 108 055
Auckland 1150
Attention: Nicholas Beveridge

Email: n.beveridge@forestandbird.org.nz
Telephone: 09 302 3901

- Forest & Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna. In more recent years Forest & Bird's role has extended to protecting and maintaining the environment surrounding the flora and fauna. Establishing wildlife reserves, initiating protection campaigns and promoting general public awareness of what is happening in and around New Zealand is all central to Forest & Bird's establishing principle of flora and fauna protection.
2. Forest & Bird has for many years expressed a strong interest in Auckland, particularly with regards to considerations for urban growth and natural environment. This has including advocating for greater protection of indigenous species, on land and in freshwater and within the coastal environment. Over recent years we worked closely with the council in identifying corridors for indigenous species to provide safe connections as land uses change in the wider Auckland area. The current plan change directly affects and provides opportunities for the North-West Wildlink; a wildlife linkage connecting the Hauraki Gulf Islands in the north with the Waitakere Ranges in the west.
3. Our submissions are set out in the Key Issues and in the in relation to specific provisions in the Table below.

4. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.
5. Forest and Bird could not gain an advantage in trade competition through this submission.
6. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

22.1

Key issues for this submission

North West Wildlink

7. The Whenuapai precinct development has a key role in ensuring the future of indigenous biodiversity in the region. This is because as land is subdivided and developed there are less safe havens for indigenous species. Connectivity from the mountains to the sea is basic necessity for many of our indigenous species and to sustain the like supporting capacity of our ecosystems. The North-West Wildlink aims to retain and enhance this connectivity from the Waitakere Ranges in the west to the Hauraki Gulf Islands in the north. The location of this Wildlink is established based on ecological advice and support of the Auckland council. While some areas in the link retain significant biodiversity values, others are degraded. It is not anticipated that the Wildlink be continuous in the short term, but rather than stepping stones are enhanced and established to provide connectivity for birds and support ecosystem functions.
8. As Council has recognized in the Plan Change precinct description, Whenuapai is a key stepping stone in the Wildlink and the ecological values are already degraded. The RPS sets out objectives and policy direction to restore and enhance indigenous biodiversity in areas where ecological values have been degraded or where development is occurring (Objective B7.2.1 and Policy E15.2(2)). In Whenuapai both these situations arise and Council must give effect to the RPS through the provisions of Plan Change 5.
9. Currently the provisions in Plan Change 5 are insufficient. The riparian plantings proposed provide a linkage to the coast however these areas are not large enough to ensure sustainable ecological functions and habitat, and nor do they provide sufficient connection to the terrestrial environment to the southwest of the precinct.
10. To provide for the North-West Wildlink, we seek the following relief:

a. Provide for larger, sustainable habitat areas at intervals along the riparian margins for both permanent and intermittent waterbodies.

22.2

b. That the 10m setback from waterways be increased to a minimum of 20m each side of permanent waterbodies.

22.3

c. Adequate ongoing weed and pest mammal control, including signage to require dogs on leads in all riparian areas and conservation zones and a weed management plan.

22.4

d. Provide suitable fencing to reduce predator access to indigenous habitat areas.

22.5

- e. Provide suitable street tree planting to complement the riparian and conservation zone biodiversity habitat vegetation. | 22.6

Stormwater Management

- 11. Too often streams and rivers effectively become stormwater drains when large developments take place. This results in adverse effects on ecosystem function and indigenous biodiversity. We support the intent of provisions in the plan change to provide for riparian setbacks, planting and retention of all intermittent and permanent streams and wetlands. However we are concerned that there is not strong enough direction in the policies that these matters must be provided for ahead of housing and commercial development taking place on site.
- 12. We seek clear requirements for the Stormwater Management and the development of stormwater management plans be set out in the plan Change including:
 - a. Requirements for adequate surveys of existing indigenous biota before works are undertaken and that appropriate protection measures are subsequently put in place taking in to account the results of surveys; | 22.7
 - b. Provision of adequate riparian planting (including a maintenance period) for all intermittent and permanent streams and wetlands; | 22.8
 - c. We seek that the plan change retains or adds policy direction to ensure these matters are required in the Storm water Management Plan; and | 22.9
 - d. Set out the requirements for adequate measures to control run-off and sedimentation of waterways and the coastal environment from both construction works and once operational. | 22.10
- 13. The maps/plans only show indicative locations for streams and riparian plantings. We seek that the plan change precinct maps:
 - a. Clearly identify the location of all intermittent and permanent streams and wetlands within a subdivision or development; and | 22.11
 - b. Set out the extent of riparian areas to be provided for as part of the precinct development. | 22.12

New Zealand Coastal Policy Statement.

- 14. It is currently unclear whether the development gives effect to the NZ Coastal Policy Statement. Other than the coastal erosion setbacks there are no provisions to protect or enhance the coastal environment.
- 15. The NZ Coastal Policy Statement clear policy direction to protect and enhance natural character of the coast and to protect indigenous biodiversity. We seek that council set out in the plan change how the precinct development will give effect to these directions, including:
 - a. Requirements for adequate surveys of existing indigenous flora and fauna before works are undertaken and that appropriate protection measures are subsequently put in place taking in to account the results of surveys; and | 22.13

- b. Measures required to enhance the natural character of the coastal environment. | 22.14

Notification and public participation

- 16. The 2017 amendments to the Resource Management Act now apply with regards to notification requirements for subdivision consent applications. Under these changes subdivision is generally to be a non-notified activity and public participation is generally prevented. This is a significant change from past processed for subdivision processes for large scale development in Auckland. This plan change provides direction for subdivision activities within the precinct. As such is now necessary to address a number of detailed matters through the plan change process. This includes the certainty we now seek be shown on the precinct plans and through policy direction for subdivision/development activities. While we accept that some detailed matters can be left until subdivision consent, other matters which relate to public good including amenity, environment and matters of national importance require opportunity for public participation. In our view these matters are instrumental considerations in achieving the purpose of Act. This makes it much more important from Forest & Bird's perspective to ensure that the Plan Change properly addresses relevant matters. We are unlikely to get another change to input into the process.
- 17. The protection and maintenance of indigenous biodiversity and provisions for open space are social and public goods. As such these areas should be clearly defined and requirements established through the plan change process. Any subdivision effects on these matters which would change an outcome or requirement specified in the plan change, should be a non-complying activity to ensure future opportunity for public participation. To address these concerns we seek that the council:
 - a. Provides further detail and certainty on the Plans for the precinct development; | 22.15
 - b. Sets out clear requirements for subdivision and development to provide for amenity and environmental outcomes; and | 22.16
 - c. Includes a non-complying activity status for subdivision activities which seek to change the requirements or vary the detail on the Plans. | 22.17

Plan Change provision	Submission- relief sought	Oppose or support	Submission-Reasons
22.18 Zonings: Open space – recreation Open space - conservation	Identify these areas on the Precinct Plans 1 and 2 Ensure that any subdivision in these areas is a non-complying activity.	support	Both zonings provide for the protection of natural values, However there is no certainty where these areas are to be provided for and that these areas will be protected from structures associated with or the effects of adjacent subdivision. Further is it is not clear whether the residential/industrial subdivision could be undertaken in these zones without the need for a future plan change.
22.19 1616.2. Objectives - Subdivision	Add new objective: Subdivision, use and development avoids significant adverse effects on the natural character of water bodies and the costal environment protects areas of significant indigenous biodiversity and provides for the enhancement of environmental values.	oppose	The first objective sets out expectations for types of development. The second objective sets out expectation how development will provide for social needs. A third objective is required to set out how development will provide for the natural environment. In particular to give effect to: 1. the NPSFM which requires that development is undertaken within limits which protect water quality and includes provision for aquatic and riparian ecosystems; and 2. the NZCPS which requires protection of natural character and indigenous biodiversity and restoration of natural character
22.21 1616.2 (1) and (2)	Include an objective to avoid and mitigate sediment in stormwater.	oppose	Sedimentation of streams and coastal environment is a significant issue for large subdivision developments. An objective setting out what the plan seeks in this regard is missing.
22.22 1616.2 (8) (d)	Amend (d) as follows: “protects and <u>enhances</u> the ecological values of the receiving environment;”	support	Support the objective for storm water management to protect ecological values. There is also opportunity for storm water management approaches, particularly when they are development to provide enhancement.

1616.2 (10)	Add a new objective that subdivision will be undertaken subject to protection required under s6(c) of the RMA and Policy 11 of the NZCPS	support	This can be recognised in the objective. Consistent with Policy 1616.3 (12)(b) Support this objective. However an objective addressing protection of significant indigenous biodiversity and giving effect to Policy 11 NZCPS is missing.	22.23
1616.2 (11)	<u>Enable</u> Subdivision, use and development enable <u>where this provides</u> of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.	Oppose	Support the open space zoning and intent of objective 11. However subdivision should be undertaken in a way that provides for these things, not just enables them. The way this is written places no responsibility on subdivision, use of development to ensure these matters are provided for.	22.24
Policies 1616.3 (1)	Amend Plans and/or Policies to clearly set out the location and extent of riparian areas and other areas for enhancement and protection of indigenous vegetation and habitat.	Support	Support so long as the Plans are amended as sought. Alternatively include policies to set out requirements for provision of adequate riparian and other indigenous vegetation to enhance the North-West Wildlink.	22.25
1616.3 (16)	Add a policy to encourage the use of alternatives to hard protection structures in the coastal environment.	Support	Hard protection structures can adversely affect natural processes and the habitat of indigenous species. Such structures should be avoided as much as possible, including outside the setback yard.	22.26
1616.3 (17)	Amend the Policy as follows: <u>Provide for riparian planting and the establishment of substantial conservation areas to enhance the North-West Wildlink.</u>	Oppose	Support the intent of the policy however riparian plantings alone are not sufficient to support the North-West Wildlink. "Recognise" is not sufficient to ensure enhancement of the North North-West Wildlink will occur.	22.27
1616.3 (18)	Amend the policy avoid or to minimise the footprint of and number of crossings and by identifying the location of potential crossings.	Support	The shortest rough may not always be the best environmental outcome. For certainty these proposed crossings should be identified in the Plan 2 maps (this may be	22.28

1616.3 (19)	<p>1. Identify the open space conservation areas on the Whenuapai 3 Precinct Plan 1</p> <p>2. “Require, at the time of subdivision and development, riparian planting is undertaken in the open space conservation areas as shown on Whenuapai 3 Precinct Plan 1 with of appropriate native species along...”</p>	Support	<p>clarified by showing the streams on the same map)</p> <p>Support the establishment of riparian plantings. However there needs to be certainty of the extent and area set out within the plan change. Including zoned as part of the plan change to ensure that they are not subject to housing and business development under a future subdivision consent.</p>	22.29
1616.3.(20)	<p>Amend Policy 1616.3.(20) so that any open space as shown on Whenuapai 3 Precinct Plan 1 that is no longer fit for that purpose be retained or swapped to better location within the Precinct for the establishment of indigenous biodiversity habitat in order to contribute to maintenance of biodiversity and support the Wildlink</p>		<p>It is unclear what council would consider in determining an area as fit or unfit for purpose.</p> <p>The natural values ecological values in Whenuapai are a risk and will be affected by subdivision and development. As council has set out to provide open space conservation zone, significant enhancement and reestablishment will be necessary ensure that these areas achieve the objectives for this zone.</p> <p>There is a risk that given the currently low ecological values that these sites could be discarded which would impact the maintenance of biodiversity in Whenuapai and have wider effects in terms of connectivity for wildlife.</p>	22.30
Table 1616.4.1 - new	<p>Add a new activity classification for: <u>Any structure located on or abutting the esplanade reserve or open space zone identified in the Whenuapai 3 Precinct Plan 1 and 2 - NC</u></p> <p>Note that we seek additional areas to be shown on Plans.</p>		<p>Include provision for public involvement in open space conservation and recreation areas through the addition of a non-complying activity status. Unless sufficient certainty of the locations and design of these areas can be provided for in this plan change.</p>	22.31

(A17)	Amend to include new standard relating to the protection and enhancement of indigenous biodiversity	Requires amendment to support new Standard for biodiversity	22.32
Notification	Amend to recognise the special circumstances my require the notification of activities which in particular relate to matters of national importance and affect the wider public generally	<p>The recent changes to the RMA limit opportunities for public participation in consenting processes.</p> <p>Our preference is to ensure this Plan Change process includes additional development requirements to ensure adequate consideration of public interest.</p> <p>However, where a Plan Change process does not enable this notification under section 95A(4) “special circumstance” may be appropriate. Such as where adequate information on design or potential effects and outcomes for future subdivision and development are not provided.</p>	22.33
1616.6.1	<p>Include standards</p> <p>To provide for areas is indigenous vegetation to be established linking to the riparian zones. These areas to be vested in the council or other methods to ensure long term protection.</p>	<p>support</p> <p>There are no standards to provide for indigenous biodiversity.</p> <p>Standards are necessary to give effect to s6(c) and the NZCPS and for councils functions for the maintenance of indigenous biodiversity</p>	22.34
1616.6.1(1)	Retain	Support	22.35
1616.6.1(1)	Delete (2)	oppose	22.36
1616.6.4 (1) riparian planning	Retain the minimum 10m as set out. Additionally identify areas which will be significantly wider for	Support in part	22.37

	short lengths of the stream.			
1616.6.4 (2) riparian planning	Set out the extent of riparian margins to be vested	support		Support the intent however it is not clear what is to be vested. Riparian margins are not identified on Plans 1 or 2
1616.6.4(6)	retain	Support		Agree with the standard as stated.
1616.6.7.	Delete provision for new development in the coastal erosion setback.	Oppose		The coastal environment is a sensitive natural environment and land use development should not be encouraged so close to the coast. Where erosion and sea level rise impacts are anticipated setbacks need to provide for the habitat of indigenous species as they are also pushed landward.
1616.6.11 - lighting	Preferably locates such signage away from riparian and indigenous vegetation areas.	support		Lighting can affect habitat of indigenous species. However there are other lighting sources such as electronically illuminated signs which cumulatively could cause light pollution.
1616.8	Add standards requested above to this section if they do not already apply to restricted discretionary activities.	Support		For the same reasons as for standards needed above
Plan 1	Amend the plan to show areas which will be planted to support and enhance the North West Wildlink Identify the extent of these areas on the Plan.	oppose		The plans show insufficient detail. They are uncertain as to zoning riparian or other areas of indigenous biodiversity necessary to enhance the North-West Wildlink
Plan 2	Identify stream crossings on the maps consistent with the policy to avoid and minimise.	oppose		It is not clear where stream crossings will be located.

22.38

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22.44



Level 11, HSBC House
 1 Queen Street
 Private Bag 106602
 Auckland 1143
 New Zealand
 T 64 9 969 9800
 F 64 9 969 9813
www.nzta.govt.nz

17 October 2017

Attn: Planning Technician
 Auckland Council
 Level 24, 135 Albert Street
 Private Bag 92300
 Auckland 1142

Dear Sir/Madam

Auckland Unitary Plan: PC5; Whenuapai Plan Change

The New Zealand Transport Agency has a statutory obligation under Section 95 of the Land Transport Management Act 2003 to ensure that State highways operate in an effective, efficient and safe manner for the public. Proposed PC5 Whenuapai Plan Change is adjacent to State Highway 16 and straddles State Highway 18, at Westgate/Hobsonville. Proposed PC5 sits within the Whenuapai Structure Plan, and area which will eventually accommodate some 8,000 to 10,700 dwellings and 8600 jobs. The Transport Agency thanks the Auckland Council for its early engagement with the Agency in the development of the Whenuapai Structure Plan and subsequently the draft Plan Change.

1. The New Zealand Transport Agency (Transport Agency) makes the following submission in general support of Proposed Plan Change 5; Whenuapai Plan Change to the Auckland Unitary Plan. Without otherwise limiting that general support, the Transport Agency additionally submits as follows:

2. a) Staged Development

The Transport Agency supports the provisions for staged development of land within the Whenuapai Structure Plan area as provided for in Proposed PC5 Whenuapai Plan Change.

#23.1

b) I616.2 Objectives for the Integration of Subdivision and Development with the Provision of Infrastructure

The Transport Agency supports the inclusion of objectives for the integration of subdivision and development with the provision of infrastructure in Proposed PC5 Whenuapai Plan Change.

#23.2

c) Objective I616.2(6) and I616.10.2 Whenuapai 3 Precinct Plan 2

The Transport Agency supports the inclusion of Objective I616.2(6) for the integration of subdivision and development with the provision of transport infrastructure in general accordance with I616.10.2 Whenuapai 3 Precinct Plan 2.

#23.3

d) I616.3 Policies for the Integration of Subdivision and Development with the Provision of Infrastructure

The Transport Agency supports the inclusion of Policies I616.3(4), (7) and (8) for the integration of subdivision and development with the provision of infrastructure in Proposed PC5 Whenuapai Plan Change.

#23.4

e) I616.6.2 and Activity Table I616.2.1

The Transport Agency supports the inclusion of the provisions for transport as set out I616.6.2 and Activity Table I616.2.1 in Proposed PC5 Whenuapai Plan Change | #23.5

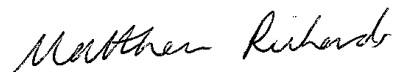
3. The Transport Agency seeks the following decision from Auckland Council:

- That Auckland Council adopts PC5 Whenuapai Plan Change | #23.6
- That Auckland Council retains the geographical extent of Proposed PC5 Whenuapai Plan Change and the provisions within Proposed PC5 Whenuapai Plan Change that provide for staged development of land. | #23.7
- That Auckland Council retains provisions in Proposed PC5 Whenuapai Plan Change that require the integration of subdivision and development with the provision of local transport infrastructure that supports the effective, efficient and safe operation of the wider transport network. | #23.8

4. The Transport Agency **does not wish** to be heard in support of this submission.

Dated at Auckland this the 19th day of October 2017.

Yours faithfully


Matthew Richards

Practice Manager – System Planning

Pursuant to a delegation from the Chief Executive of the New Zealand Transport Agency.

Address for service: Lorraine Houston
 NZ Transport Agency
 Private bag 106602
AUCKLAND 1143

Telephone Number: (09) 928-8701
 Fax Number: (04) 969-9813
 E-mail: lorraine.houston@nzta.govt.nz

**SUBMISSION ON PLAN CHANGE 5: WHENUAPAI PLAN CHANGE UNDER CLAUSE 6 OF
THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Name of Submitter: Stride Holdings Limited

Address: c/- MinterEllisonRuddWatts
PO Box 3798
AUCKLAND 1140
Attention: Bianca Tree

Introduction

1. This is a submission on proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan (Operative in Part) (**Plan Change 5**) by Stride Holdings Limited (**Stride**). The Plan Change was notified by the Auckland Council (**Council**) on 21 September 2017.
2. This submission relates to the proposed zoning changes and the inclusion of a new precinct 1616 Whenuapai 3 Precinct (**Whenuapai Precinct**).
3. Stride is the owner and operator of the NorthWest Shopping Centre (**Centre**), which is located in the Westgate Metropolitan Centre. Stride provided feedback on the Whenuapai Structure Plan supporting the Whenuapai area as a priority for residential development, and to provide further Industrial land for employment opportunities. Stride also supported the development of a roading network that facilitated connections with the Metropolitan Centre.
4. Stride supports Plan Change 5 in part, and opposes Plan Change 5 in part. The reasons for the support and opposition are set out below, together with the relief sought.

Trade competition

5. Stride could not gain an advantage in trade competition through this submission.

Submission in support in part - Zoning

6. Stride supports in part the proposed rezoning of Plan Change 5, as listed below;
 - (a) rezoning 217 ha to residential zoned land (Terrace Housing and Apartment Buildings, Mixed Housing Urban and Single House zones);

24.1

- | | | |
|-----|---|------|
| (b) | rezoning 124 ha to Business – Light Industry; and | 24.2 |
| (c) | rezoning approximately 4,500 m ² to Business – Neighbourhood Centre zone in the particular location of the intersection of Trig Road and Hobsonville Road. | 24.3 |

Reasons for submission in support in part – Zoning

7. The reasons for Stride’s support of Plan Change 5 include the following.
8. In general, Plan Change 5:
 - (a) is consistent with, and will achieve, the purpose and the principles of the Resource Management Act 1991 (**Act**);
 - (b) is consistent with the principles in Part 2 of the Act;
 - (c) assists the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) meets the requirements to satisfy the criteria of section 32 of the Act; and
 - (e) is good resource management practice.
9. Further, without derogating from the generality of the above, Plan Change 5 is appropriate for the following reasons:
 - (a) rezoning 217 ha to residential zoned land supports the objective of residential intensification to support the expected population growth in Auckland;
 - (b) more intensive residential development should be enabled in locations where this is appropriate, and in particular the area of Terrace Housing and Apartment Building to the south of the Upper Harbour Motorway should be extended to cover more of the residential block bounded by the Upper Harbour Motorway, NorthWestern Motorway, and Hobsonville Road;
 - (c) rezoning 124 ha to Business – Light Industry supports employment opportunities while enabling appropriate land uses in proximity to the Whanuapai Airbase; and
 - (d) rezoning up to 4,500 m² to Business – Neighbourhood Centre zone on Hobsonville Road, close to the intersection with Trig Road, will provide access to convenience commercial goods and services.

Decision sought – Zoning

10. The decision sought by Stride is:

- (a) that the proposed zoning, location and extent, be approved (except as provided in 10(b) below); 24.4
- (b) the Terrace Housing and Apartment Building zone to the south of the Upper Harbour Motorway, be extended to cover more of the block bounded by the Upper Harbour Motorway, NorthWestern Motorway, and Hobsonville Road; and 24.4
- (c) such other relief and/or amendments to Plan Change 5 as may be necessary to address Stride’s concerns, as outlined above.

Submission in support in part / opposition in part – Whenuapai Precinct

- 11. Stride generally supports the provisions of the Whenuapai Precinct, including the objectives, policies and rules that require infrastructure and roading networks to be integrated, comprehensive and coordinated with the development in the precinct. 24.5
- 12. Stride opposes the Whenuapai Precinct activity table I616.4 (A15) which provides that “activities not otherwise provided for” are a Discretionary activity. 24.6

Reasons for submission in support in part / opposition in part – Whenuapai Precinct

- 13. In addition to the general reasons in paragraph 8 above, the reasons for Stride’s support in part and opposition in part include the following:
 - (a) it is appropriate to ensure that the area is developed in a manner that is coordinated with the provision of infrastructure; and
 - (b) classifying “activities not otherwise provided for” as Discretionary activities is inconsistent with the provisions of the Residential zones and the Business – Neighbourhood Centre and Light Industry zones. There is no analysis in the section 32 report to support that a range of Non Complying activities in the underlying zones should be Discretionary within the Whenuapai Precinct. The activity statuses in the underlying zones are appropriate and should apply to the Whenuapai Precinct, and where an activity is not specifically provided for this should be a Non Complying activity.

Decision sought – Whenuapai Precinct

14. The decision sought by Stride is:

- | | | |
|-----|---|-------|
| (a) | the objectives, policies and rules relating to the provision of infrastructure be approved; | 24.7 |
| (b) | that Activity Table I616.4.1 (A15) be amended to provide for “activities not otherwise provided for” as a Non Complying activity; | 24.8 |
| (c) | that Activity Table I616.4.1 (A7), (A8), (A9), (A10) and (A11) be deleted, so the underlying zone provisions apply; and | 24.9 |
| (d) | such other relief and/or amendments to the Plan Change as may be necessary to address Stride’s concerns, as outlined above. | 24.10 |

15. Stride wishes to be heard in support of its submission.

16. If others make a similar submission, Stride will consider presenting a joint case with them at a hearing.

DATED this 19th day of October 2017

Stride Holdings Limited by its solicitors and
duly authorised agents MinterEllisonRuddWatts



B J Tree

Address for service of submitter

Stride Holdings Limited
c/- MinterEllisonRuddWatts
P O Box 3798
AUCKLAND 1140
Attention: Bianca Tree
Telephone No: (09) 353 9700
Fax No. (09) 353 9701
Email: bianca.tree@minterellison.co.nz

Contact details

Full name of submitter: Rebecca Vertongen

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: rvertongen@heritage.org.nz

Contact phone number: 093079925

Postal address:
PO Box 105 291
Auckland City
Auckland 1143

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Please refer to the attached submission.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Refer to attached submission

I or we seek the following decision by council: Accept the plan modification with amendments

25.1

Details of amendments: Refer to attached submission

Submission date: 19 October 2017

Supporting documents
HNZPT submission Plan Change 5.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

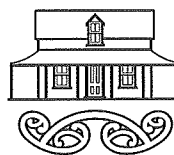
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



19 October 2017

File ref: LBY 432

Planning Technician
Auckland Council
Private Bag 92300
Auckland 1142

Dear Madam or Sir

FORM 5: SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA

Plan Change 5: Whenuapai Plan Change

TO: Auckland Council**FROM: Heritage New Zealand Pouhere Taonga****1. This is a submission on the following proposed plan change (the proposal):**

Plan Change 5: Whenuapai Plan Change

2. Heritage New Zealand could not gain an advantage in trade competition through this submission.**3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**

- The creation of the Clarks Lane Historic Heritage Area and scheduling of the Whenuapai heavy anti-aircraft battery; and
- Archaeology in the precinct area.

4. Heritage New Zealand's submission is:**4.1 Clarks Lane Historic Heritage Area and Whenuapai heavy anti-aircraft battery**

Heritage New Zealand strongly supports the scheduling of Clarks Lane as a Heritage Area and scheduling of the Whenuapai Anti-Aircraft Battery. While the Historic Heritage Overlay will provide the Clarks Lane Heritage Area and Whenuapai Anti-Aircraft Battery with protection, it is important that the historic heritage of the area is also recognised within the policy framework of the precinct.

25.2

The Clarks Lane cottages are small single storey dwellings while the immediately surrounding area is now zoned Residential – Terrace Housing and Apartment Building with the ability to build to six storeys. Development designed to respond sympathetically with the heritage area can help maintain the heritage values of the Clark Lane historic heritage area and this could be encouraged through the precinct provisions. For example, the description in the Open Space part of the precinct states that development is encouraged to positively respond and interact with the open space areas. Heritage New Zealand would seek that development within the

25.3

Whenuapai Precinct is also encouraged to respond positively with scheduled historic area and place. 25.3

Heritage New Zealand has suggested amendments to the description and precinct policy framework to better recognise the importance of scheduled historic heritage in the precinct area.

4.2 Archaeology

There are a number of recorded archaeological sites in the precinct area and there are likely to be others which have not yet been recorded. The presence of these archaeological sites reflect the varied and extensive history of the area.

The importance of shellfish gathering in the area is reflected in the numerous shell middens that adjoin the shores of this catchment and numerous occupation sites Maori in origin that adjoin the shores of this catchment. In terms of waterways, the Waiarohia Inlet was a prime location whereby local Maori could use the extensive coastline and tributaries for transit purposes. The waterways provided waka access along the coast and to surrounding settlements of the Waitemata such as; neighbouring Tauhinu Pa across the Harbour and Te Okoriki (the little basin). The landscape is also one of contestation and bore witness to many Iwi/hapu conflicts and incursions, the most recent being Northern expansion and consolidation in the 18th and 19th century by both Ngati Whatua and Ngapuhi. In 1853, the Waipareira block was purchased from Ngati Whatua by the Crown.

Part 6.9.1 of the Section 32 report states that:

[...] identified for recorded archaeological sites although there may be a number of unrecorded archaeological sites. The consultants concluded that most archaeological and heritage sites are located around the coastal edge. These are protected by accidental discovery protocols.

Heritage New Zealand agrees that the majority of the archaeological and heritage sites will be located around the coastal edge. There are at least seven recorded archaeological sites in the precinct area and five of these are located on coastal edges and waterways.

However, Heritage New Zealand does not agree that an accidental discovery protocol will protect archaeology in the precinct area. While modification and destruction of archaeological sites is regulated by Heritage New Zealand, the coastal and riparian area of the precinct area has potential for unrecorded archaeology and this should be recognised and provided for within the precinct provisions. 25.4

We would also note that the preliminary heritage investigation referred to in the Section 32 report also recommended that:

- The locations of recorded archaeological sites are taken into account in the planning of future development; and
- That further field survey in the coastal area and in any locations identified through historic research as having archaeological potential is undertaken to establish whether sites of archaeological value are present and to establish the current status of previously recorded sites.

Heritage New Zealand agrees with these initial recommendations. Ideally, a further field survey in the coastal area should be undertaken. Known sites, and any further archaeological sites identified, should then be provided for within the policy framework of the precinct, particularly the objectives and policies of the open space in the precinct and the provision for coastal esplanades and open space areas.

25.5

5. Heritage New Zealand seeks the following decision from the local authority:

Accept the Plan Change with the amendments as outlined in Appendix A

6. Heritage New Zealand wishes to be heard in support of our submission.

Yours sincerely



Sherry Reynolds
General Manager Northern

Address for service: Rebecca Vertongen
Planner
rvertongen@heritage.org.nz

Attachment 1: Heritage New Zealand Pouhere Taonga Submission Unitary Plan Change 5: Whenuapai

Proposed Plan Provision	Support or Oppose	Reasons for Submission	Relief Sought Strike: abc = delete Underline: abc = addition
Additions to Historic Heritage Overlay			
Chapter L Schedule – 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2.3 Clarks Lane Historic Heritage Area	Support	<p>The Clarks Lane workers residences are of considerable historic importance. The scheduling of this as an area will help ensure their ongoing protection as a whole.</p> <p>The scheduling of the Whenuapai anti-aircraft battery will protect an important part of Auckland’s military history as one of only four surviving heavy AA batteries in Auckland reflecting the surviving landscape of World War 2 defence sites.</p>	Retain as notified
Whenuapai Precinct 1			
Whole precinct	Support in part	Amend the precinct provisions to include reference to the historic heritage of the area including development sympathetic to the scheduled historic heritage area and place, and incorporating archaeological consideration in the provision of open space.	See below.
1616.1. Precinct Description	Support in part	Amend the precinct description to include reference to the area’s varied and important history.	For example: <i>The purpose of this precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural and historic environment and the proximity of the Whenuapai airbase.</i>

25.6

25.7

25.8

Attachment 1: Heritage New Zealand Pouhere Taonga Submission Unitary Plan Change 5: Whenuapai

			<p><u>Historic Heritage</u></p> <p><u>The precinct area has an extensive and varied history.</u> <u>The Clarks Lane Historic Heritage Area and the Whenuapai heavy anti-aircraft battery are within the precinct area, as well as a number of recorded and potentially unrecorded archaeological sites.</u> <u>Development is encouraged to positively respond and interact with the scheduled historic heritage in the precinct area.</u></p>	25.8
Objective I616.2(2)	Support in part	The existence of two scheduled places of historic significance in the precinct area should be celebrated as part of the precincts emphasis as well as the public realm and natural environment.	(2) Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural and historic environment.	25.9
Objective I616.2(11)	Support in part	The provision of open space throughout the precinct, particularly in the coastal and waterway areas, provides opportunity for the reflection of the areas archaeological values. This should be included within the objectives of the precinct for open space.	(11) Subdivision, use and development enable the provision of a high quality and safe open space network that integrates stormwater management, ecological, archaeological, amenity, and recreation values.	25.10
New policy I616.3(x)	New	There there does not appear to be any corresponding policy to give effect to the objective stated in I616.2(11) which the suggested policy (x) does.	(x) Encourage subdivision, use and development to protect the ecological, archaeological, historic heritage, amenity, and recreation values of the area.	25.11

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Evita Key

Organisation Name (if submission is on behalf of Organisation) GRP Management Limited

Address for service of the Submitter Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone: 027 498 2205 Email: evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name Propsoed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) Proposed Whenuapai 3 Precinct Plan 1

Or
Property Address 12 Sinton Road, Hobsonville

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below | 26.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

19 October 2017

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
 Level 24, 135 Albert Street
 Private Bag 92300
 Auckland 1142
 Attn: Planning Technician

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: GRP Management Limited
 c/- Evita Key, Barker & Associates Ltd

Location of submission: 12 Sinton Road, Hobsonville
 Lot 7 DP 57408

Address for Service: Barker & Associates Ltd
 PO Box 1986
 Shortland Street
 Auckland 1140
 Attention: Evita Key

2. OVERVIEW

GRP Management Limited (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with that part of the Plan Change that relates to the identification of a permanent stream over 12 Sinton Road, Hobsonville (**Subject Site**) being a 2.461ha property and shown outlined in **Figure 1**. Comments are also provided relating to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.

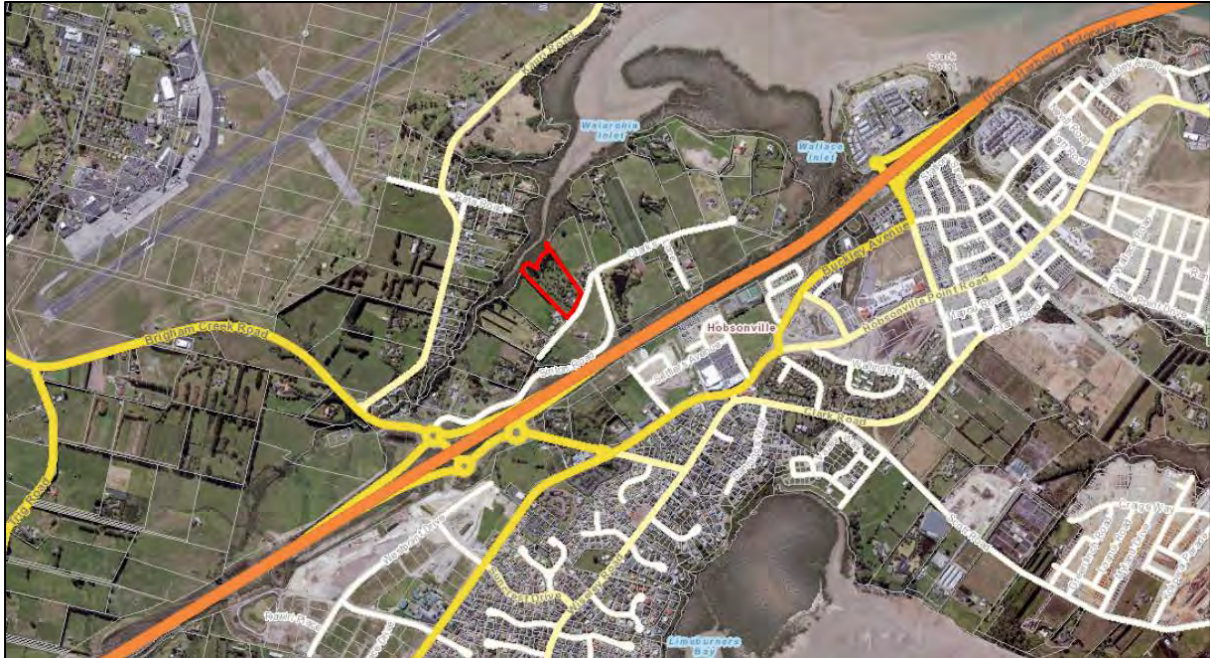


Figure 1: Aerial photograph of the Subject Site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 12 Sinton Road, Hobsonville, has a frontage onto Sinton Road to the south-east and an estuarine environment (Waiarohia Inlet) to the north-west. The Subject Site has a gently sloping contour away from the side boundaries to a shallow valley running centrally down to the coast. The land is currently utilised for rural-residential purposes with a main dwelling, minor dwelling and garaging located towards the front of the property and a number of chestnut trees spread amongst the pasture portion of the Subject Site to the rear (see **Figures 2 and 3**). There is a man-made farm drain running along the south-western boundary beneath a row of shelter belt trees that are located on 14 Sinton Road (see **Figure 4**). There are no known heritage items on the Subject Site.



Figure 2: Photo of the Subject Site taken from the eastern corner of the property towards the west



Figure 3: Photo of the Subject Site taken from the south-western boundary towards the north



Figure 4: Photos of the Subject Site and farm drain

The Subject Site is bound by Sinton Road to the south-east and an estuarine environment to the north-west. The neighbouring properties are rural lifestyle properties ranging from approximately 2.4-3.2ha in size. All of the surrounding properties are zoned Future Urban under the AUP (OP).

Further afield, to the north-west is the area of Whenuapai and on the south-eastern side of State Highway 18 is the large-scale redevelopment of Hobsonville Point which contains a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings as well as an early childhood centre, primary and secondary schools, commercial land uses, public open space and a weekend farmers market. The location of the Subject Site and the surrounding locality is illustrated in **Figure 1** above.

3.2 STRUCTURE PLAN AND DRAFT WENUAPAI PLAN CHANGE

Given the location of Waiarohia Inlet along the north-western boundary of the Subject Site, it is anticipated that a 20m coastal esplanade reserve will be required to be vested with the Council at the time of subdivision¹. The Whenuapai Structure Plan process in 2016, identified an indicative coastal edge walkway/cycleway².

Furthermore, the Structure Plan and Draft Whenuapai 3 Precinct Plan 1 also identified that a permanent/intermittent stream traversed along the south-western boundary of 12 Sinton Road before discharging into the Waiarohia Inlet³. It is understood that the stream network for the Whenuapai Precinct catchment was a result of the classification provided within the partial Watercourse Assessment Report (WAR) undertaken by Morphum Environmental⁴ which was informed by a number of other data sources (as noted in Section 1.0 of the WAR). This WAR identifies a number of named and unnamed tributaries that merge then generally drain north-east towards the Waiarohia Inlet and Upper Waitematā Harbour.

The WAR identifies a stream over the Subject Site as reference WIN_TRIB3_1. The memorandum titled Whenuapai Stream Classification Survey (30 May 2016), prepared by Morphum Environmental, to support the WAR, states that the streams were classified by GIS analysis/historic aerial photography to predict intermittent / ephemeral boundary of streams followed by field investigations to identify transition points between ephemeral and intermittent reaches and field investigations. Intermittent to permanent stream transitions were not surveyed as they were noted as being out of scope of the study and permanent stream lines were only represented as indicative and were not field validated⁵.

¹ Notwithstanding that a width reduction or waiver of an esplanade reserve can be applied for.

² See Figure 12 (Transport Networks map) of the Whenuapai Structure Plan September 2016

³ See Figure 13 (Infrastructure map) of the Whenuapai Structure Plan September 2016

⁴ Watercourse Assessment Report: Whenuapai Structure Plan Area. Morphum Environmental Ltd, September 2016

⁵ As noted in Appendix 2 of the Memorandum titled 'Whenuapai Stream Classification Survey (30 May 2016)

Furthermore, the recommendations of the memorandum states that *“it is recommended that the stream network is surveyed to provide an accurate baseline for the development of the structure plan”*.

As the Submitter is a perspective purchaser, at the time of the Structure Plan and Draft Whenuapai Plan Change feedback processes, they were unaware of the stream identification and therefore no previous feedback was provided.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the Subject Site as predominantly Mixed Housing Urban Zone with a strip of Single House Zone adjoining the estuary (see **Figure 5**). This proposed zoning is supported given that it accommodates an appropriate transition between high density residential THAB zone on the south-eastern side of Sinton Road and a low density residential buffer adjoining the coast to the west.

26.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 6**) traversing along the south-western boundary. The Subject Site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 7**) which contains 29 separate land parcels with a number of identified collector roads.

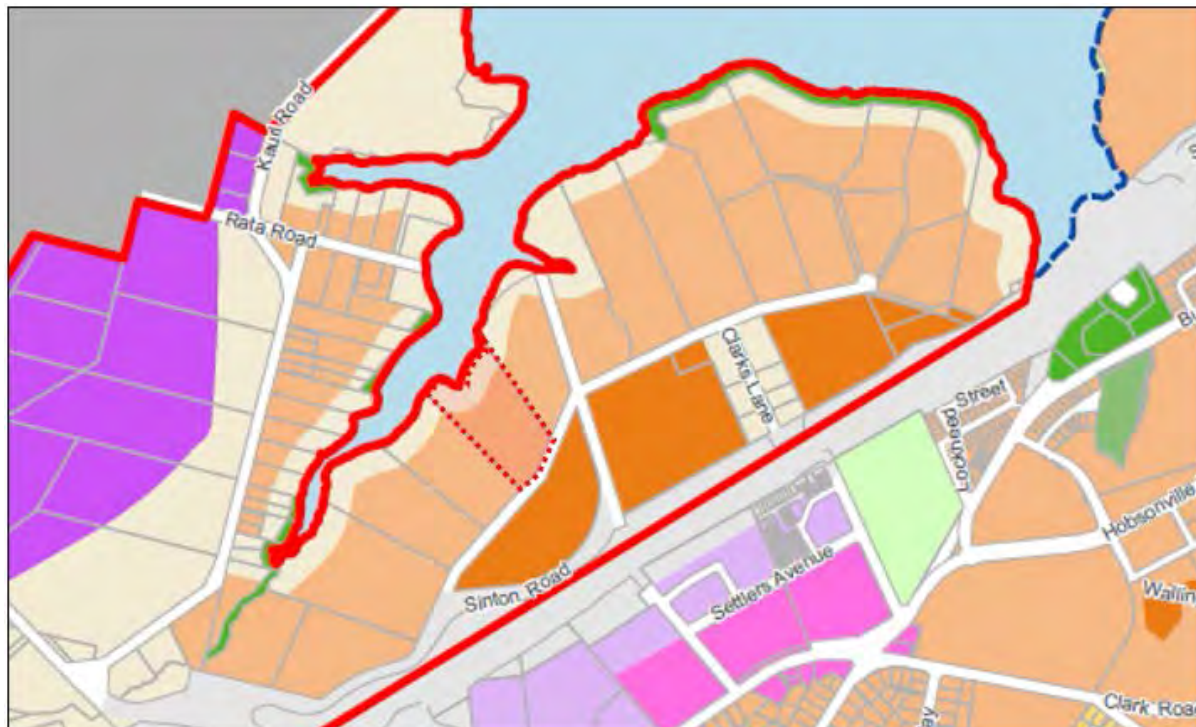


Figure 5: Extract from the Proposed Whenuapai Plan Change zoning map (Subject Site outlined in dashed red)

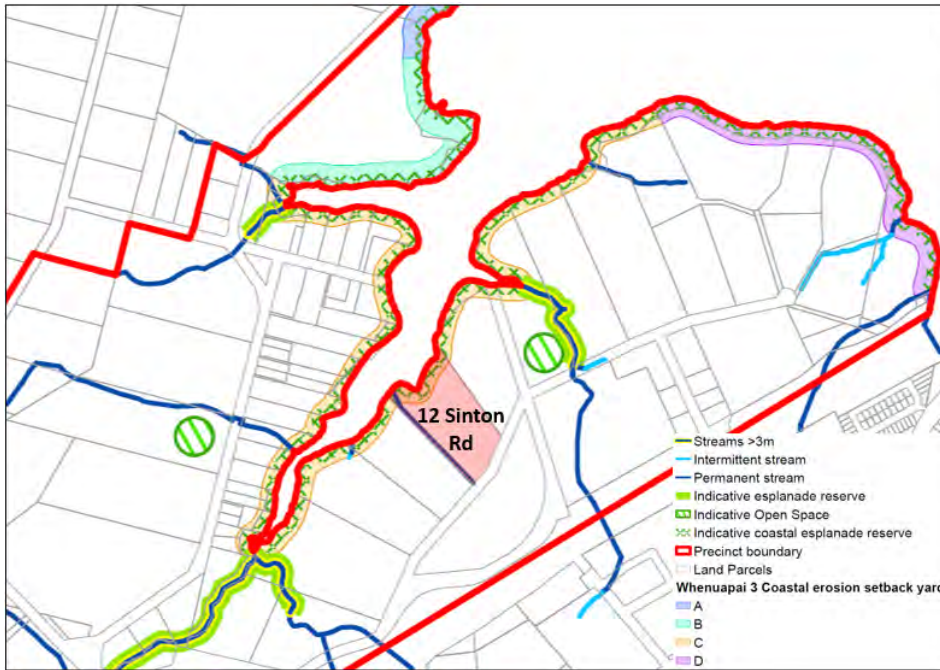


Figure 6: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (Subject Site shaded red)

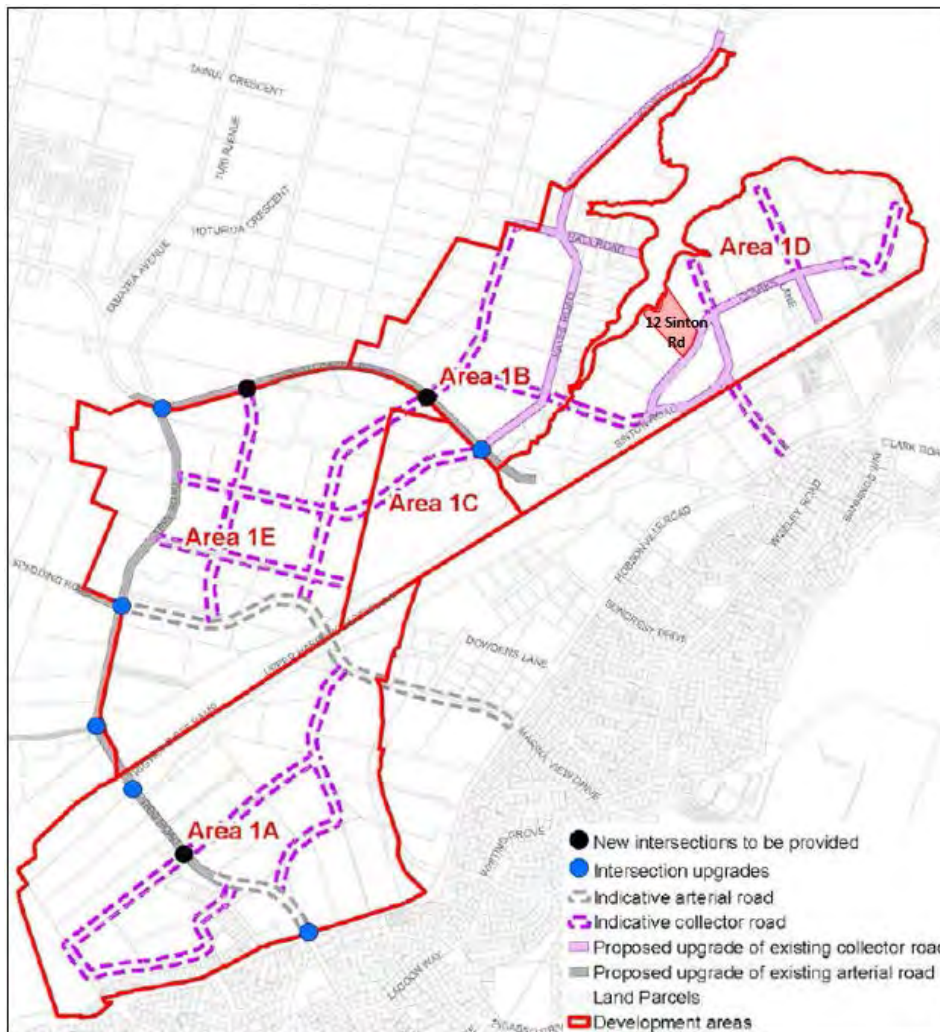


Figure 7: Proposed Whenuapai 3 Precinct Plan 2 (Subject Site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter's opposition to the Plan Change in its current form are:

- a) The Proposed Whenuapai 3 Precinct Plan 1 incorrectly identifies a permanent stream over the Subject Site as the existing man-made farm drain, beneath the shelterbelt trees, does not meet the AUP (OP) definition for a permanent stream being:

"The continually flowing reaches of any river or stream"

The AUP (OP) specifically excludes artificial watercourses from the definition of a stream:

*"A continually or intermittently flowing body of fresh water, excluding ephemeral streams, and includes a stream or modified watercourse; **but does not include any artificial watercourse** [emphasis added] (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal except where it is a modified element of a natural drainage system)."*

An artificial watercourse is defined in the AUP (OP) as:

"Constructed watercourses that contain no natural portions from their confluence with a river or stream to their headwaters.

Includes:

- *canals that supply water to electricity power generation plants;*
- *farm drainage canals;*
- *irrigation canals; and*
- *water supply races.*

Excludes:

- *naturally occurring watercourses."*

It is a common occurrence for farm drains to be dug along property boundaries of rural land to assist with improving the soil environment to provide favourable growing conditions in the root zone for pastures and crops. If present over the Subject Site, a naturally occurring watercourse would follow the course of the natural contours which would be down the shallow valley that runs down the middle of the Subject Site towards the coast. Given that the existing farm drain has been dug in a linear fashion along the boundary, which is the highest point of the Subject Site, it is obvious this is not a naturally occurring watercourse. Furthermore, from the historic aerial photography the area can be viewed without the presence of the shelterbelt trees as they had yet

to be planted in 1959. There is no evidence at this time of a stream traversing along the south-western boundary of the Subject Site;

- b) The incorrect identification of the man-made farm drain as a permanent stream was not field validated and creates a planning limitation over the Subject Site that would significantly limit the potential urban residential development yield as any future earthworks with the area would require a discretionary or non-complying activity resource consent. Stormwater runoff from the Subject Site, as well as treatment, will still need to be addressed at the time of any resource consent which will be required to be assessed appropriately against the existing Auckland-wide provisions of the AUP (OP);
- c) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road⁶. Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- d) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within the local transport infrastructure requirements as listed under Table I616.6.2.1; and
- e) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) That the permanent stream that is identified along the south-western boundary of the Subject

26.3

⁶ ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

- | | |
|--|------|
| Site on the proposed Whenuapai 3 Precinct Plan 1 is deleted in its entirety; | 26.3 |
| (b) That the three coastal cul-de-sac indicative collector roads, as identified on the Whenuapai 3 Precinct Plan 2, are deleted; | 26.4 |
| (c) That the cul-de-sac collector road that is parallel to Clarkes Lane, identified as an existing collector on the Whenuapai 3 Precinct Plan 2, is deleted; | 26.5 |
| (d) One of the secondary loops of Sinton Road, identified as an existing collector road on the Whenuapai 3 Precinct Plan 2, is deleted; and | 26.6 |
| (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area. | 27.7 |

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

GRP Management Limited by its duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205
Email: evitak@barker.co.nz

Contact details

Full name of submitter: Mark Dawe

Organisation name:

Agent's full name:

Email address: dawe@xtra.co.nz

Contact phone number: 0226949344

Postal address:
5 Spedding Rd
Whenuapai
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Scope of the plan change area

Property address: 5 Spedding Rd

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

There is a need for a larger area of light Industrial zoned land than has been allowed for in the Whenuapai Plan Change to support the huge increase in housing land being enabled by the HIF in Redhills.

I or we seek the following decision by council: Accept the plan modification with amendments

27.1

Details of amendments: Increase the area of Light Industrial land to be rezoned

27.2

Submission date: 19 October 2017

Supporting documents
Notified Submission.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on Notified Whenuapai Plan Change.

Mark Dawe

We have previously submitted to the draft Whenuapai Plan Change on behalf of the owners of No's 3, 5 and 7 Spedding Rd, and No's 84, 88 and 90 Trig Rd (totalling 27 ha) asking to be included in the Plan Change area.

We would submit again that these properties, within the Whenuapai "Housing Infrastructure Fund Area," should be included in the plan Change rather than be delayed for over a decade under the current FULSS timing.

27.3

The major infrastructure impediment to the development of this area has been stated to be the shortage of sewerage infrastructure. This shortage will be addressed by the construction of the pump station near 14 Brighams Creek Rd funded by a loan from the Housing Infrastructure Fund. This should "enable" development of properties within the HIF area within the 10 year time-frame that has previously been quoted as a reason for excluding us from the plan Change.

The HIF area in Redhills enables a large area of housing land to be developed earlier than previously planned, with no corresponding earlier development of light Industrial land to provide jobs. In feedback from local boards on the Auckland Plan Refresh (August 2017) a key theme was "the need for more emphasis on providing local employment across the region thereby reducing the need for local residents to travel to the city."

This issue could easily be addressed by including the HIF light industrial zoned land south of Brighams Creek Rd and west of Trig Rd in the plan change.

We are left wondering what was the purpose of including this part of Whenuapai in the "Housing Infrastructure Fund Area" if there was no intention to use the fund to fast-track the development of this job creation?

We would ask that our property, and others within the Housing Infrastructure Fund area be included in the Plan Change, perhaps with the proviso that

27.4

development cannot start until such time as the Whenuapai pump station is nearing completion.

27.4

On a personal note. As we live and work on our Whenuapai property we have been closely following the planning for Whenuapai from Waitakere City days to the present. Under NORSGA our area was scheduled for development in 2012. Under the Unitary plan we were told that all of Whenuapai would be live-zoned by the end of 2016. Even when we were put into Stage 2 in October 2016 we were assured that our property (400m from the RUB) could still be developed if a developer was willing to pay for the infrastructure. Then earlier this year the “Refreshed FULSS” stated that nothing will happen in Stage Two Whenuapai until 2028-32.

While we understand that the instant live-zoning of Redhills in October 2016 forced council to re-allocate the limited sewerage capacity from Whenuapai to Redhills, the effect has been devastating for us and our family. We had made business and personal decisions based on the “certainties” and assurances we had been given throughout the planning process, and now our future is anything but certain.

In the Whenuapai Structure Plan (2016) a proposed arterial road is shown going through our property. At this time the road was included in the list of priority roads and Auckland Transport documents made several references to the importance of early designation and route protection. At a public meeting in April 2017 regarding the Refreshed FULSS we specifically asked a representative from Auckland Transport whether this would also mean a delay in purchasing part of our property for the road. We were assured that the delay gave them a chance to catch up and that they would be pressing on with the road.

The latest documents we have seen from Auckland transport no longer list this road as a priority and we understand that the road has also been deferred for a decade. Auckland Transport hasn't designated the road and now has no

urgency to do so. At the same time the presence of the line on the map is definitely having a detrimental impact on our ability to sell our land.

We can also look forward to all the inconvenience of having Spedding Rd ripped up for the waste water infrastructure coming from the Whenuapai pump station, while knowing that we will not be allowed to benefit from it for many years under the current zoning of our property.

Contact details

Full name of submitter: Peter and Helen Panayuidou

Organisation name:

Agent's full name: Mark Weingarth

Email address: mark.weingarth@stellarprojects.co.nz

Contact phone number: 0211671873

Postal address:

PO Box 33915

Takapuna

Auckland 0740

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

I616.4 Activity Table, I616.6.1 Compliance with Precinct Plans (Indicative open space), I616.6.2 Transport Infrastructure Requirements &

Property address: 82 Hobsonville Road, West Harbour

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

(a) Represent the most appropriate means of achieving the purpose of the RMA and the policies and methods applying to Residential - Mixed Housing Urban Zone; and (b) Promote the sustainable management of natural and physical resources in accordance with Section 5 and other relevant matters in sections 6 and 7 of the RMA.

I or we seek the following decision by council: Accept the plan modification with amendments | 28.1

Details of amendments: Please see attached formal submission for details

Submission date: 19 October 2017

Supporting documents

Submission - PC4 82 Hobsonville Road.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**RESOURCE MANAGEMENT ACT 1991 SUBMISSION ON PLAN VARIATION 5 TO THE AUCKLAND
UNITARY PLAN (OPERATIVE IN PART)**

To: Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Name of Submitters: Peter and Helen Panayuidou

Submission on: Plan Change 5

Address: 82 Hobsonville Road, West Harbour

1. This is a submission on the proposed Plan Change 5 to the Auckland Unitary Plan (Operative in Part). While the submitters are supportive of the principle to rezone land from Future Urban there are some site specific and general provisions that are a cause of concern to the submitters.

2. The provisions of the plan variation that this submission relates to are:
 - The zoning of the site as Residential - Mixed Housing Urban
 - The inclusion of 'indicative open space' on 82 Hobsonville Road.
 - The requirement to provide roading infrastructure or other measure prior to development of sites.

3. The site comprises the following lot:
 - (a) Lot 2 DP 116512 (82 Hobsonville Road, West Harbour)

4. The reason why Peter and Helen Panayidou have made a submission on the Plan Change is to ensure that any future development of 82 Hobsonville Road aligns with the Purpose and Principle of the RMA as outlined by Part 2 of the Act. Peter and Helen Panayidou seek to ensure that any future development of the site as dictated by the proposed provisions of Plan Change 5:
 - (a) Represent the most appropriate means of achieving the purpose of the RMA and the policies and methods applying to Residential - Mixed Housing Urban Zone; and
 - (b) Promote the sustainable management of natural and physical resources in accordance with Section 5 and other relevant matters in sections 6 and 7 of the RMA.
5. Without limiting the generality of the foregoing, the reasons for the submission and the decision which the submitters' seeks are set out in the following sections of the submission.

Mixed Housing Urban Zone

6. The submitters support the proposed zoning of the 82 Hobsonville Road as Mixed Housing Suburban and endorse the adoption of the Mixed Housing Urban zone activities and standards as set out in the Operative in Part version of the Unitary Plan. The submitters support the principle of not having a density limitation for the site where dwellings are proposed and land use consent proceeds the subdivision of the land. It is recognised that the benefit of not imposing a density limit is on the premise of appropriate architectural and urban design outcomes as well as acceptable effects on neighbouring sites. The operative in part standards of the Unitary Plan help to achieve this outcome and adoption of such controls for this site are deemed to be appropriate to allow for a urban design and architectural response that aligns with the objectives and policies of the Mixed Housing Urban zone.

28.2

Modification to Whenuapai 3 Precinct Plan 1

7. 82 Hobsonville Road has been identified by Whenuapai 3 Precinct Plan 1 as an area for future public open space. It is noted that this is not reflected in the zoning plan which identifies all of the site as falling into the Mixed Housing Urban zone.

The site in question is also identified as containing a permanent stream that pursuant to standard I616.6.4(1) must be planted to a minimum width of 10m and thereafter offered to the Council for vesting. Given that the permanent stream dissects the centre of the site this in effect removes a 20m (or more) wide strip of land from the site that can be developed. Furthermore, it is unlikely that the Council will allow development built on the very edge of riparian margin or allow for this area to form outdoor living areas or other useable part of a residential development. As such, this will once again reduce the developable area of the site.

The submitter is not objecting to the provision of riparian planting and recognizes that such measures are likely to be a requirement of existing chapters of the Unitary Plan. However, as outlined above, the implementation of such planting will have consequences on the area of the site that can be developed.

The proposal to include additional public open space on the site is therefore objected to on the grounds that this will further remove developable land from 82 Hobsonville Road. In essence, this is not deemed to a sustainable use of natural and physical resources and impose an unreasonable burden on the landowner where other sites within the Precinct will have to make little to no contribution to public open space provisions.

The submitters do not have an objection to the Council's intention to increase the amount of open space within the area and the social benefits are recognised of having a good provision of such land. It is understood that the indicative locations of the open space follow the recommendations of the Council's Open Space Provisions Guideline 2016 (the 'guideline') which seek to promote connectivity, enjoyment, utilisation and a sense of ownership.

The guideline does not provide a site-specific analysis of 82 Hobsonville Road's ability to accommodate open space and there is no area analysis of the within either the Council's s32 report of the guidance that discusses the reason for choosing 82 Hobsonville Road as a suitable site for open space over and above that which will have to be provided along the riparian margins.

Furthermore, an assessment of the proposed plan provisions reveal that these are silent on open space requirements and the Council's requirements for the 'indicative open space' locations identified by Whenuapai 3 Precinct Plan.

As discussed above, the intent of providing a network of connected open spaces along walking routes, streams, the coast and waterways is endorsed. In particular the submitters are not objecting to the provisions of the Unitary Plan or proposed plan change that require such areas of 82 Hobsonville Road to be retained, planted, protected in perpetuity and vested to Council. The social and amenity benefit of such a natural feature are recognised. However, the lack of thorough assessment and consideration of economic impact along with practical realities of providing open space on 82 Hobsonville Road have not been appropriately considered.

In particular, is considered that providing open space areas at the heads of streams or at the end of riparian walkways better aligns with the open space guidance in that open space is genuinely connected with walkways along waterways that terminate at an area of open space and provide walkways with a genuine destination. This also allows for the provision of public assets to be better shared across a wider number of the sites within the Precinct rather than the few as currently proposed.

In the case of 82 Hobsonville Road a review of the plan provisions, stream locations and proposed roading locations as proposed by plan Whenuapai 3 Precinct Plan 2 suggest that land to the west of 82 Hobsonville Road would provide a more suitable location for open space. Specifically this area of the Precinct is considered to be s better connected by roading, with two roads on either side and it also provides the opportunity to provide open space in a well defined and logical end to the riparian walking route that will be developed along the stream.

The alternative to locating open space at the end or heads of streams, as is currently proposed is to have walking routes along riparian margins that terminate unexpectedly or with no future connection. If 82 Hobsonville Road and the neighbouring sites are used as an example. There is already a network of esplanades vested to the east of the site along the stream that dissects this site, it is therefore logical to assume that this vesting will continue along the stream through the site. Locating open space on 82 Hobsonville Road which is part way along the stream would result in a walking track along the remainder of riparian margin that will not have a destination or potentially provide future connection as future subdivisions of land to the west are not required to provide this and therefore may obstruct access to the margins. Providing open space at the end of the stream therefore ensures future public access in perpetuity.

As outlined above the provisions are quite unclear in terms of open space requirements and therefore make any future planning for the site difficult. In the case of sites that contain streams or coastal environments it should be made clear that open space can be provided in the form of riparian planting areas which would address the potential for Council 'double dip' on land that is to be vested from the same site.

Roading Provisions

8. The principle of the Plan Change's intentions to providing infrastructure in advance of the area's development is fully endorsed and understood as is the sharing of costs. However, it should also be recognised that where sites adjoin existing infrastructure that these sites can be developed in advance to help share the costs of infrastructure development for the remainder of the area where access and servicing may be more problematic.

In addition, the proposed planning provisions should recognise that where public infrastructure is provided as a cost to the developer that this is provided to facilitate the area's development and to offset the adverse effects of that development. Furthermore, in the case of sites that have to provide public land and in particular reserves and open space that there should be an ability to not pay development contributions for such matters at a later date.

Whilst development contributions are controlled by the Local Government Act and any decision under the RMA cannot override this legislation the Council have the ability to introduce measures under the LGA to ensure that contributions made in advance of a site’s development are offset against future contributions.

9. We seek the following decision from the Auckland Council:

8.1 That the provisions of the proposed Plan Change 5 to the Auckland Unitary plan (Operative in Part);

- Confirm the zoning of 82 Hobsonville Road as Residential - Mixed Housing Urban zone. | 28.3
- Relocate the ‘indicative open space’ from 82 Hobsonville Road to an alternative site that provides a more logical end to the walking tracks and connections that will be provided throughout the area. Options for alternative sites include those not required to set land aside to facilitate the development of the Precinct and those located at the end of waterways; or | 28.4
- Provide confirmation in the plan provisions that the planting and vesting of riparian margins along a waterway or coastal area will be deemed to have met the ‘indicative open space’ requirement and that no further public open space is required on that site. |
- That that the plan provisions be amended to allow for development of sites that are already have a full road frontage to an existing public road; and | 28.5
- The any contributions made towards upgrading infrastructure within the precinct are taken into account and offset by any future contributions. | 28.6

OR

8.2 Such other relief that will meet the concerns of the submitter.

AND

8.3 Such consequential relief necessary to give effect to this submission. | 28.7

10. We wish to be heard in support of our submission

11. If others make a similar submission we would be prepared to consider presenting a joint submission with them at any hearing.

12. We could not gain an advantage in trade competition through this submission.

Mark Weingarth

A handwritten signature in black ink, appearing to read 'M.R.W.' with a stylized flourish at the end.

(Signature of person authorised to sign on behalf of the submitter)

Date: 17 October 2017

Address for Service: Peter and Helen Panayuidou

C/- Stellar Projects Limited

PO Box 33915

Takapuna

Auckland 0740

Attention: Mark Weingarth

Mobile: 021 1671 873

E-mail: mark.w@stellarprojects.co.nz

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Evita Key

Organisation Name (if submission is on behalf of Organisation)

Ockleston Investments Limited

Address for service of the Submitter

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone:

027 498 2205

Email:

evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

Proposed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Proposed Whenuapai 3 Precinct Plan 2

Or

Property Address

1 Ockleston Landing, Hobsonville

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below | 29.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

19 October 2017

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
 Level 24, 135 Albert Street
 Private Bag 92300
 Auckland 1142
 Attn: Planning Technician

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: Ockleston Investments Limited
 c/- Evita Key, Barker & Associates Ltd

Location of submission: 1 Ockleston Landing, Hobsonville
 Lot 11 DP 89678 and Sections 1 and 5 SO 445478

Address for Service: Barker & Associates Ltd
 PO Box 1986
 Shortland Street
 Auckland 1140
 Attention: Evita Key

2. OVERVIEW

Ockleston Investments Limited (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with the part of the Plan Change that relates to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2 and in particular the road that is located over 1 Ockleston Landing, Hobsonville (**Subject Site**). This property is 3.6079ha and shown outlined in **Figure 1**.

This submission is primarily concerned with that part of the Plan Change that relates to the identification of a permanent stream over 12 Sinton Road, Hobsonville (**Subject Site**) being a 2.461ha property and shown outlined in **Figure 1**. Comments are also provided relating to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.



Figure 1: Aerial photograph of the Subject Site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 1 Ockleston Landing, Hobsonville, has a frontage onto Ockleston Landing to the north which connects to Clarkes Lane to the west and beyond this Sinton Road (see **Figure 1**). Ockleston Landing is a sealed road with a formed kerb and channel, existing street trees and the eastern end terminates in a cul-de-sac head. The application site is of a gentle contour sloping from north-west to east and is currently a construction site with the civil works being undertaken for approved roading and building platforms that were consented in 2016¹. There are no known heritage items/places or significant indigenous habitat or vegetation on the site.

¹ See Council references LUC-2016-1363, SUB-2016-1364, REG-2016-1365, LUC-2016-1909, LUC-2016-1925, LUC-2016-1925 and LUC-2016-1869-1869-LUC-2016-1869-1934

There is a stream that originates on the southern side of SH18, crosses the beneath SH18 via a culvert and then flows over the eastern corner of the Subject Ste. The stream then crosses over the southern portion of 30 Ockleston Landing where it enters the coastal marine area via the Wallace Inlet (Waitemata Harbour).

3.2 SURROUNDING LOCALITY

The neighbouring properties to the north-east and north-west are rural lifestyle properties ranging from approximately 1-4ha in size and generally accommodating a single dwelling although some sections are vacant. Located to the west of the application site is a cluster of smaller sized residential properties that are accessed off Clarks Lane and range in size from 1,508m² up to 5,720m². All of the surrounding properties are zoned Future Urban under the AUP (OP).

The application site is bounded to the south by a formed vegetated earth bund which screens the site from SH18 to the south of the bund. Beyond this is the Hobsonville War Memorial Park and the large scale redevelopment of Hobsonville Point which contains an early childhood centre, primary and secondary schools, commercial land uses, a weekend farmers market and a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings.

Approximately 50m south-west of the site is a pedestrian/cyclist bridge which is accessed from Clarks Lane and provides access over SH18, connecting to Memorial Park Lane.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the Subject Site as Terraced Housing and Apartment Building (THAB) zone (see **Figure 2**). This proposed zoning is supported given that it accommodates an appropriate transition from higher to lower density zoning nearer to the coast.

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 3**) traversing along the eastern corner of the property. The Subject Site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 4**) which contains 29 separate land parcels with a number of identified collector roads. There is an indicative collector road proposed along the southern boundary of the Subject Site. An existing collector road has been located along the western boundary of the Subject Site.



Figure 2: Extract from the Proposed Whenuapai Plan Change zoning map (Subject Site outlined in dashed red)

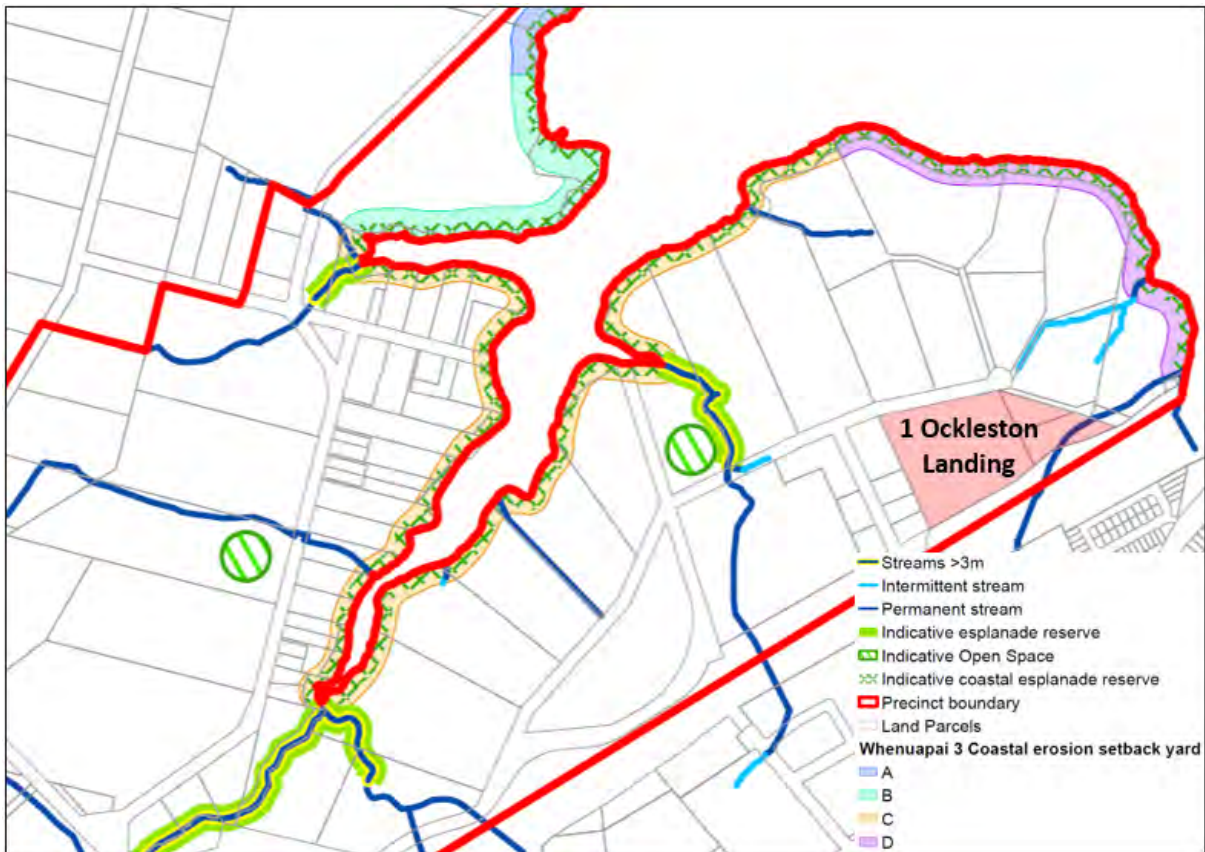


Figure 3: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (Subject Site shaded red)

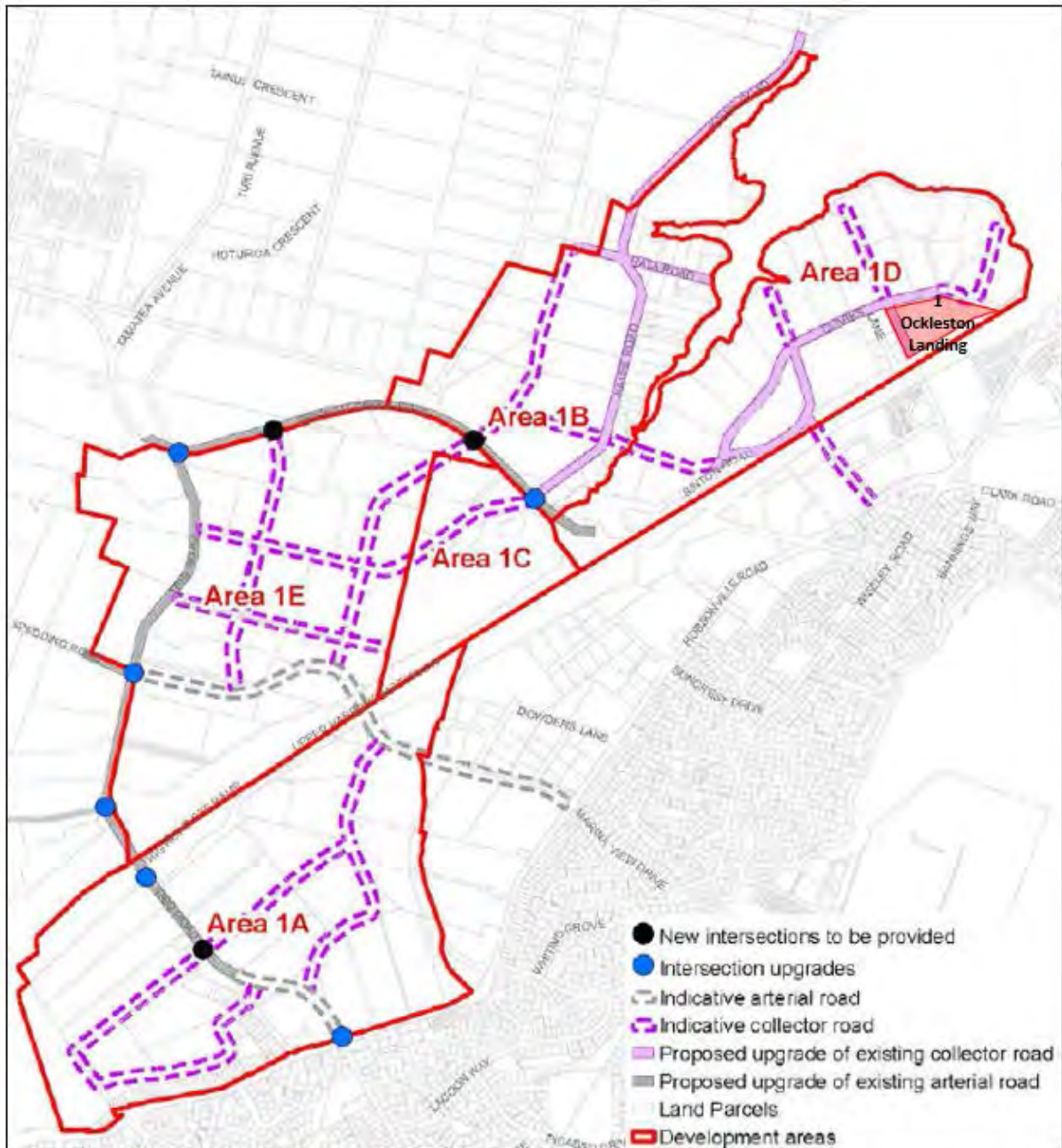


Figure 4: Proposed Whenuapai 3 Precinct Plan 2 (Subject Site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter’s opposition to the Plan Change in its current form are:

- a) The Proposed Whenuapai 3 Precinct Plan 1 incorrectly identifies an existing collector road over the Subject Site along the western boundary. Subdivision consent has already been granted in 2016 under the Housing Accords and Special Housing Areas legislation and there are approved lots located along the western boundary as illustrated in **Figure 5**.



Figure 5: Approved scheme plan for LUC-2016-1363 / SUB-2016-1364 / REG-2016-1365

- b) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road². Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- c) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within

² ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

the local transport infrastructure requirements as listed under Table I616.6.2.1; and

- d) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) That the collector road stream that is identified along the western boundary of the Subject Site on the proposed Whenuapai 3 Precinct Plan 2 is deleted in its entirety as it does not exist; | 29.3
- (b) That the three coastal cul-de-sac indicative collector roads, as identified on the Whenuapai 3 Precinct Plan 2, are deleted; | 29.4
- (c) That the cul-de-sac collector road that is parallel to Clarkes Lane, identified as an existing collector on the Whenuapai 3 Precinct Plan 2, is deleted; | 29.5
- (d) One of the secondary loops of Sinton Road, identified as an existing collector road on the Whenuapai 3 Precinct Plan 2, is deleted; and | 29.6
- (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area. | 29.7

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

Ockleston Investments Limited by its duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205

Email: evitak@barker.co.nz

Contact details

Full name of submitter: Dave Allen

Organisation name:

Agent's full name:

Email address: dave.allen@outlook.co.nz

Contact phone number: 4118314

Postal address:
820 Old North Road
RD2
Waimauku
Auckland 0882

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
PC 5 Whenuapai

Property address: 23 Waimarie Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
see submission attached

I or we seek the following decision by council: Accept the plan modification with amendments | 30.1

Details of amendments: see submission attached

Submission date: 18 October 2017

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

D.G. Allen
820 Old North Road,
RD 2
Waimauku 0882,

2017-10-18

Auckland Council
Level 24, 135 Albert Street
PRIVATE BAG 92300
AUCKLAND 1142

**SUBJECT: Auckland Unitary Plan:-
Draft section 32 (RMA) report 5th Sept. 2017
PC5 Whenuapai Plan - proposed change @ 21st Sept 2017
Submission**

To whom it may concern,

This submission originates from the owner of 23 Waimarie Road, Whenuapai, relating to the re-zoning set out in PC5 Whenuapai Plan Change documents issued 21st Sept. 2017.

Kindly note the postal address is different as this is a new build at 23 Waimarie Rd and I am in the process of moving there.

- 1) Page 19 of the section 32 report states that 2 " [letters are also sent to all owners2 of the land which is directly affected by the plan change2 .](#) "

Actually this takes an extremely narrow view, as those of us who live nearby in a no-exit street must pass through this area and the resulting traffic congestion will adversely affect our quality of life and the value of our properties, so we are indeed directly affected (see point 3 below), but received no such letter.

30.2

- 2) Page 7 of the section 32 report states "[takes into account the sensitive receiving environment of the Upper Waitemata Harbour](#)".

With respect, it does no such thing as the increased stormwater run-off due to the rezoning will seriously adversely affect the water quality of the harbor, a sensitive fish-breeding and people recreational area.

30.3

In fact, on page 33, the same report acknowledges " [2 is likely to increase accumulation of metals in narrow estuaries of the Waiaroha and Brigham creeks](#)"

- 3) Page 11 of the section 32 report states regarding infrastructure "2 .along with regional and local upgrades to the transport network. "

See point 1 above – the resulting traffic congestion, due to in fact lack of upgrades, will create serious congestion.

30.4

- 4) Related, page 28 of the section 32 report states “2 .. **does not impede mobility or accessibility of people living in the surrounding area..**”

This is just not correct. I see, for example, no concept for a roundabout at the intersection of Kauri & Brigham Creek roads

30.5

- 5) The report claims that recognition is given to increased biodiversity and the North -West wild-link, but no areas are set aside to achieve this.

30.6

- 6) There are insufficient park or reserve areas for peoples’ recreation. In fig 6 on page 33a coastal walkway is indicated, which is nonsense as all those properties have riparian rights.

30.7

- 7) The noise from the airfield will adversely affect far outside the sound contours indicated which anyway are highly theoretical and not based on actual measurements, nor do they take into account what aircraft engines might be used in the future.

30.8

Yours faithfully

D G Allen

dave.allen@outlook.co.nz

027-2888 371

09-411 8314

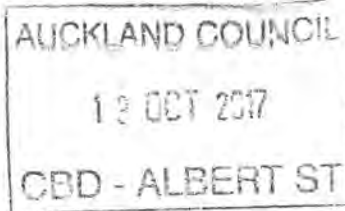
Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142



For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name) Jack Nelson & Gillian Mary SHEPHERD.

Organisation Name (if submission is on behalf of Organisation)

Address for service of the Submitter

33 Kauri Rd, Whenuapai

Telephone: 09416 8845 Email: jackboy1@hotmail.co.nz

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) Whenuapai 3 Precinct Plan

Or

Property Address i.e area-airfield side of Kauri Rd between

Rata Rd & Brigham creek Rd.

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

Noise pollution — extra traffic congestion. our roading cannot cope. detracts from the rural atmosphere. devaluing of propesty values. we do not want change to our life style. 700+ houses is far too many for the area. (continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below. 31.1

No light industry at all. 31.2 less housing 31.3 even a park or play area as previously planned 31.4 would be preferred. why has the council done a u-turn on the zoning tried to change before but then Retained the Rural Zone

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Jack N Shepherd
Signature of Submitter
(or person authorised to sign on behalf of submitter)

9-10-17
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Ming Ma

Organisation Name (if submission is on behalf of Organisation) GRP Management Limited

Address for service of the Submitter Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone: 027 498 2205 Email: evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name Propsoed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) Proposed Whenuapai 3 Precinct Plan 1 and 2

Or
Property Address 14 Sinton Road, Hobsonville

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- | | | |
|--|-------------------------------------|-------|
| Accept the Plan Change/Variation | <input type="checkbox"/> | #32.1 |
| Accept the Plan Change/Variation with amendments as outlined below | <input checked="" type="checkbox"/> | |
| Decline the Plan Change/Variation | <input type="checkbox"/> | |
| If the Plan Change/Variation is not declined, then amend it as outlined below. | <input type="checkbox"/> | |
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

19 October 2017

Date

Notes to person making submission:

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Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
 Level 24, 135 Albert Street
 Private Bag 92300
 Auckland 1142
 Attn: Planning Technician

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: Ming Ma
 c/- Evita Key, Barker & Associates Ltd

Location of submission: 14 Sinton Road, Hobsonville
 Lot 8 DP 57408

Address for Service: Barker & Associates Ltd
 PO Box 1986
 Shortland Street
 Auckland 1140
 Attention: Evita Key

2. OVERVIEW

Ming Ma (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with that part of the Plan Change that relates to the identification of a permanent stream over 12 Sinton Road, Hobsonville which have implications upon future development at 14 Sinton Road (**Subject Site**) being a 2.37ha property and shown outlined in **Figure 1**. Comments are also provided relating to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.

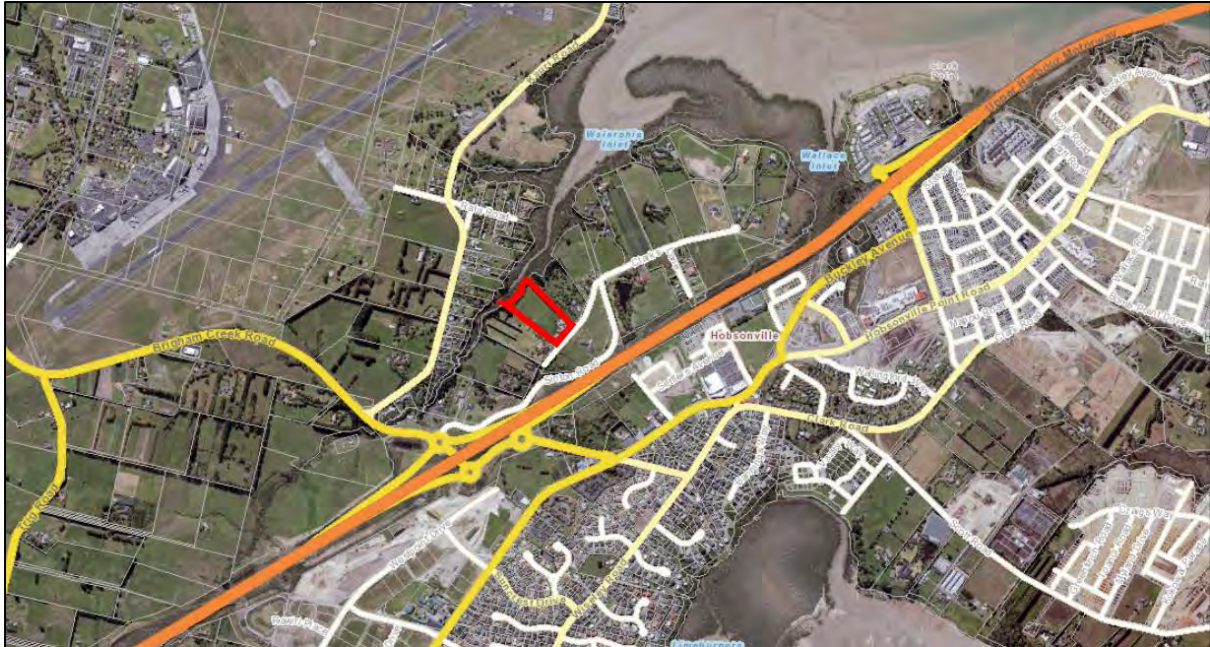


Figure 1: Aerial photograph of the Subject Site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 14 Sinton Road, Hobsonville, has a frontage onto Sinton Road to the south-east and an estuarine environment (Waiarohia Inlet) to the north-west. The Subject Site has a gently sloping contour down to the coast. The land is currently utilised for rural-residential purposes with a main dwelling, minor dwelling and garaging located towards the front of the property, pasture to the rear as well as boundary shelterbelt and riparian vegetation. There is a man-made farm drain running located on the adjacent north-eastern property at 12 Sinton Road (see **Figure 2**) beneath a row of existing shelter belt tree. There are no known heritage items on the Subject Site.



Figure 2: Photos of the farm drain located close to the boundary of the Subject Site at 12 Sinton Road

The Subject Site is bound by Sinton Road to the south-east and an estuarine environment to the north-west. The neighbouring properties are rural lifestyle properties ranging from approximately 2.5-3.2ha in size. All of the surrounding properties are zoned Future Urban under the AUP (OP).

Further afield, to the north-west is the area of Whenuapai and on the south-eastern side of State Highway 18 is the large-scale redevelopment of Hobsonville Point which contains a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings as well as an early childhood centre, primary and secondary schools, commercial land uses, public open space and a weekend farmers market. The location of the Subject Site and the surrounding locality is illustrated in **Figure 1** above.

3.2 STRUCTURE PLAN AND DRAFT WENUAPAI PLAN CHANGE

Given the location of Waiarohia Inlet along the north-western boundary of the Subject Site, it is anticipated that a 20m coastal esplanade reserve will be required to be vested with the Council at the time of subdivision¹. The Whenuapai Structure Plan process in 2016, identified an indicative coastal edge walkway/cycleway².

Furthermore, the Structure Plan and Draft Whenuapai 3 Precinct Plan 1 also identified that a permanent/intermittent stream traversed along the south-western boundary of 12 Sinton Road before discharging into the Waiarohia Inlet³. It is understood that the stream network for the

¹ Notwithstanding that a width reduction or waiver of an esplanade reserve can be applied for.

² See Figure 12 (Transport Networks map) of the Whenuapai Structure Plan September 2016

³ See Figure 13 (Infrastructure map) of the Whenuapai Structure Plan September 2016

Whenuapai Precinct catchment was a result of the classification provided within the partial Watercourse Assessment Report (WAR) undertaken by Morphem Environmental⁴ which was informed by a number of other data sources (as noted in Section 1.0 of the WAR). This WAR identifies a number of named and unnamed tributaries that merge then generally drain north-east towards the Waiarohia Inlet and Upper Waitematā Harbour.

The WAR identifies a stream over 12 Sinton Road as reference WIN_TRIB3_1. The memorandum titled Whenuapai Stream Classification Survey (30 May 2016), prepared by Morphem Environmental, to support the WAR, states that the streams were classified by GIS analysis/historic aerial photography to predict intermittent / ephemeral boundary of streams followed by field investigations to identify transition points between ephemeral and intermittent reaches and field investigations. Intermittent to permanent stream transitions were not surveyed as they were noted as being out of scope of the study and permanent stream lines were only represented as indicative and were not field validated⁵. Furthermore, the recommendations of the memorandum states that *“it is recommended that the stream network is surveyed to provide an accurate baseline for the development of the structure plan”*.

As the Submitter is a perspective purchaser, at the time of the Structure Plan and Draft Whenuapai Plan Change feedback processes, they were unaware of the stream identification and therefore no previous feedback was provided.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the Subject Site as predominantly Mixed Housing Urban Zone with a strip of Single House Zone adjoining the estuary (see **Figure 5**). This proposed zoning is supported given that it accommodates an appropriate transition between high density residential THAB zone on the south-eastern side of Sinton Road and a low density residential buffer adjoining the coast to the west.

32.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 6**) traversing along the north-eastern boundary on the adjacent site at 12 Sinton Road. The Subject Site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 7**) which contains 29 separate land parcels with a number of identified collector roads.

⁴ Watercourse Assessment Report: Whenuapai Structure Plan Area. Morphem Environmental Ltd, September 2016

⁵ As noted in Appendix 2 of the Memorandum titled 'Whenuapai Stream Classification Survey (30 May 2016)

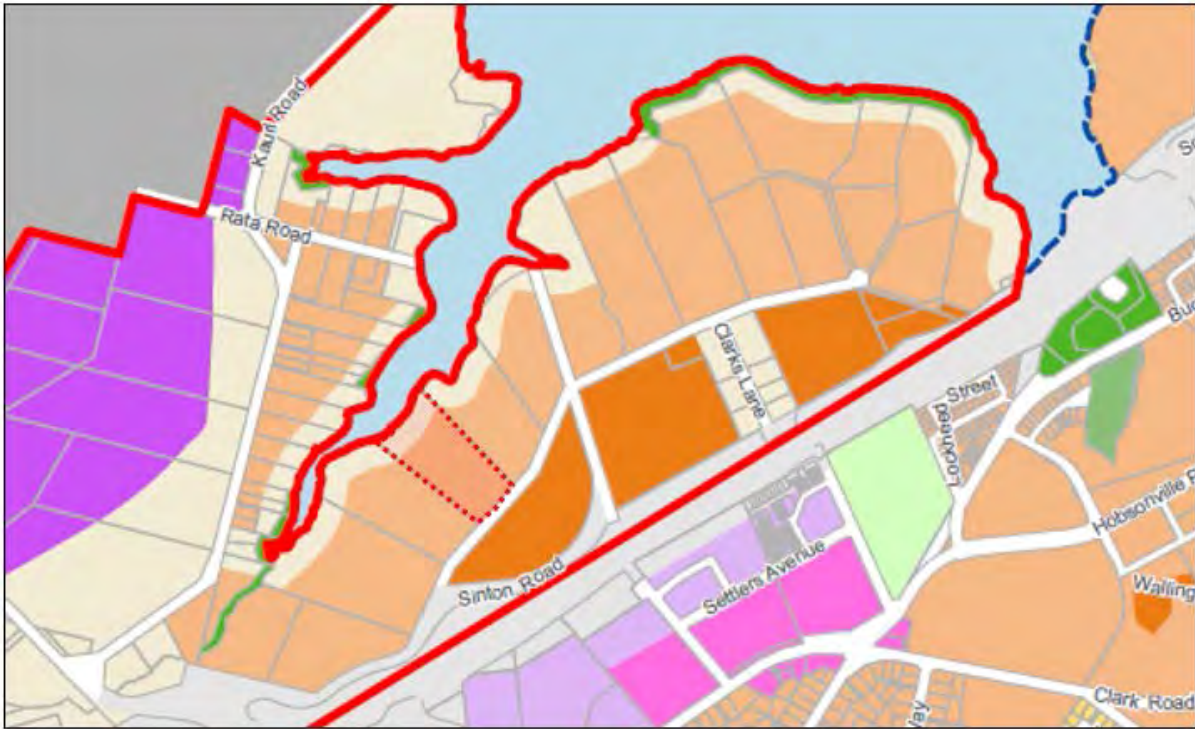


Figure 3: Extract from the Proposed Whenuapai Plan Change zoning map (Subject Site outlined in dashed red)

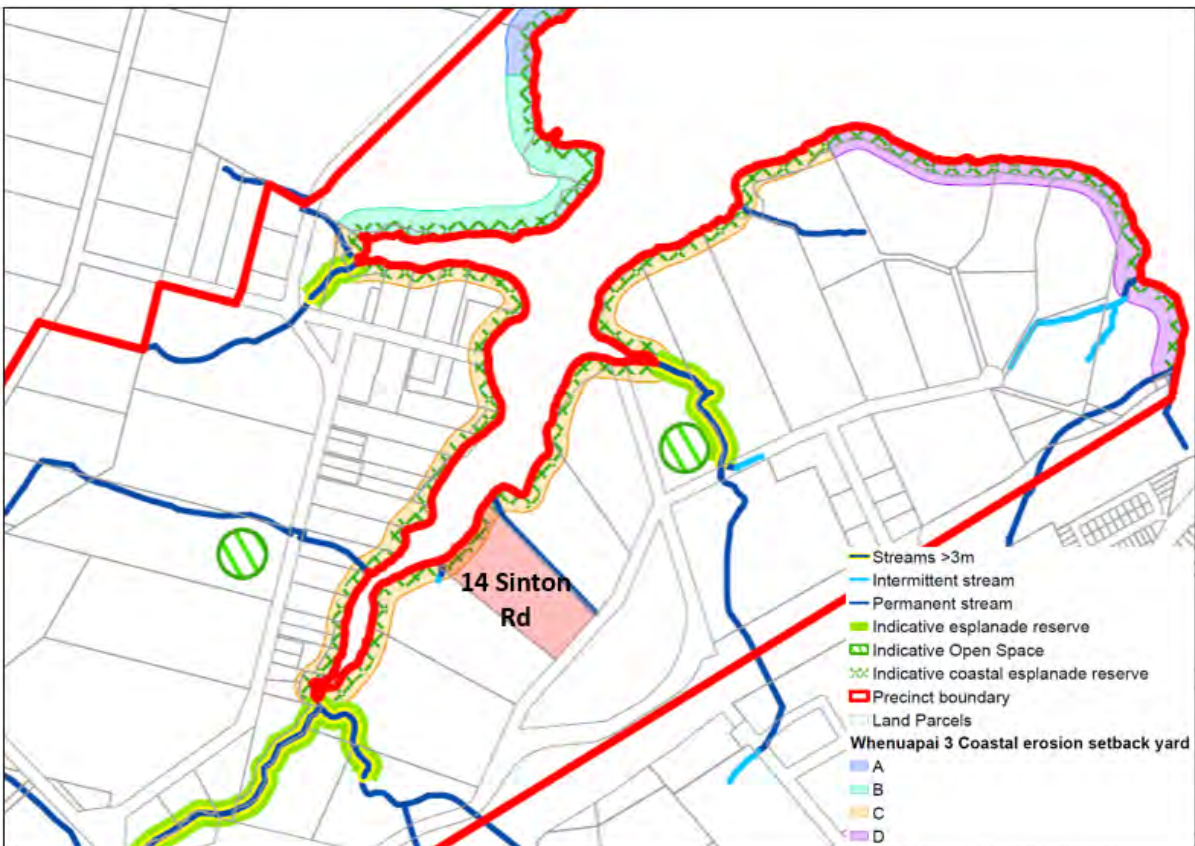


Figure 4: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (Subject Site shaded red)

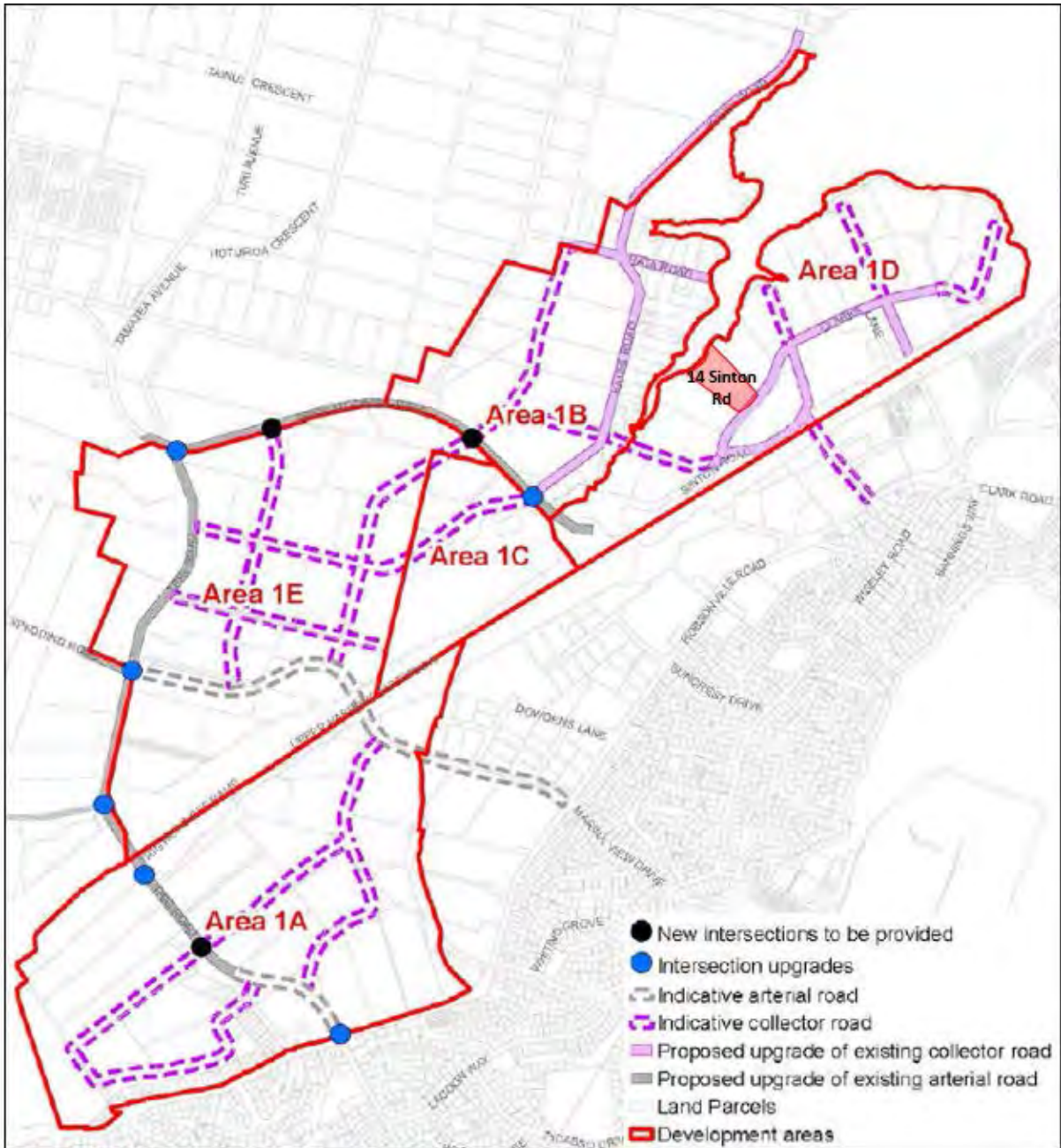


Figure 5: Proposed Whenuapai 3 Precinct Plan 2 (Subject Site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter’s opposition to the Plan Change in its current form are:

- a) The Proposed Whenuapai 3 Precinct Plan 1 incorrectly identifies a permanent stream over 12 Sinton Road as the existing man-made farm drain, beneath the shelterbelt trees, does not meet the AUP (OP) definition for a permanent stream being:

“The continually flowing reaches of any river or stream”

The AUP (OP) specifically excludes artificial watercourses from the definition of a stream:

*“A continually or intermittently flowing body of fresh water, excluding ephemeral streams, and includes a stream or modified watercourse; **but does not include any artificial watercourse** [emphasis added] (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal except where it is a modified element of a natural drainage system).”*

An artificial watercourse is defined in the AUP (OP) as:

“Constructed watercourses that contain no natural portions from their confluence with a river or stream to their headwaters.

Includes:

- *canals that supply water to electricity power generation plants;*
- *farm drainage canals;*
- *irrigation canals; and*
- *water supply races.*

Excludes:

- *naturally occurring watercourses.”*

It is a common occurrence for farm drains to be dug along property boundaries of rural land to assist with improving the soil environment to provide favourable growing conditions in the root zone for pastures and crops. If present over 12 Sinton Road, a naturally occurring watercourse would follow the course of the natural contours which would be down the shallow valley that runs down the middle of this property towards the coast. Given that the existing farm drain has been dug in a linear fashion along the boundary, which is the highest point of 12 Sinton Road, it is obvious this is not a naturally occurring watercourse. Furthermore, from the historic aerial photography of the area can be viewed without the presence of the shelterbelt trees as they had yet to be planted in 1959. There is no evidence at this time of a stream traversing along the north-eastern boundary of the Subject Site;

- b) The incorrect identification of the man-made farm drain as a permanent stream was not field validated and creates a planning limitation over the Subject Site that would significantly limit the potential urban residential development yield as any future earthworks with the area would require a discretionary or non-complying activity resource consent. Stormwater runoff from the Subject Site, as well as treatment, will still need to be addressed at the time of any resource

consent which will be required to be assessed appropriately against the existing Auckland-wide provisions of the AUP (OP);

- c) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road⁶. Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- d) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within the local transport infrastructure requirements as listed under Table I616.6.2.1; and
- e) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) That the permanent stream that is identified on the adjacent site at 12 Sinton Road on the proposed Whenuapai 3 Precinct Plan 1 is deleted in its entirety; 32.3
- (b) That the three coastal cul-de-sac indicative collector roads, as identified on the Whenuapai 3 Precinct Plan 2, are deleted; 32.4
- (c) That the cul-de-sac collector road that is parallel to Clarkes Lane, identified as an existing collector on the Whenuapai 3 Precinct Plan 2, is deleted; 32.5
- (d) One of the secondary loops of Sinton Road, identified as an existing collector road on the Whenuapai 3 Precinct Plan 2, is deleted; and 32.6

⁶ ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

- (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area. 32.7

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

Ming Ma by her duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205
Email: evitak@barker.co.nz

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

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Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) David Wei Sun

Organisation Name (if submission is on behalf of Organisation) Sinton Developments Limited

Address for service of the Submitter Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone: 027 498 2205 Email: evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name Propsoed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) Proposed Whenuapai 3 Precinct Plan 1 and 2

Or
Property Address 18 Sinton Road, Hobsonville

Or
Map

Or
Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below #33.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter
(or person authorised to sign on behalf of submitter)

19 October 2017

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

**SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991**

To: Auckland Council
Level 24, 135 Albert Street
Private Bag 92300 Auckland 1142
Attn: Planning Technician

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: Sinton Developments Limited
c/- David Wei Sun

Location of submission: 18 Sinton Road, Hobsonville
Lot 10 DP 57408

Address for Service: Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attention: Evita Key

2. OVERVIEW

Sinton Developments Limited (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with the part of the Plan Change that relates to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2 and in particular the road that is located over 18 Sinton Road, Hobsonville (**Subject Site**). This property is 3.9457ha and shown outlined in **Figure 1**.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.



Figure 1: Locality map with application site outlined in blue (Source: Auckland Council’s GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 18 Sinton Road, Hobsonville, has a frontage onto Sinton Road to the east and an estuarine environment (Waiarohia Inlet) to the west. The Subject Site has a gently sloping contour from the east down towards the coast to the west. The land currently is utilised for rural-residential purposes with a dwelling, various accessory buildings, landscaping gardens, shelterbelt and riparian vegetation and areas of pasture (see **Figure 2**). There is a stream that traverses over the western corner of the site and discharges into the Waiarohia Inlet. The AUP (OP) identifies a Significant Ecological Area (SEA Ref. SEA_T_4733) over the western portion of the site. There are no known heritage items on the site.



Figure 2: Aerial photo of the site

The Subject Site is bound by Sinton Road to the east and an estuarine environment to the west. The neighbouring properties to the north and south are rural lifestyle properties ranging from approximately 1.6-2.9ha in size. All of the surrounding properties are zoned Future Urban under the AUP (OP).

Further afield, to the northwest is the area of Whenuapai and on the eastern side of State Highway 18 is the large-scale redevelopment of Hobsonville Point which contains a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings as well as an early childhood centre, primary and secondary schools, commercial land uses, public open space and a weekend farmers market. The location of the site and the surrounding locality is illustrated in **Figure 3** below.

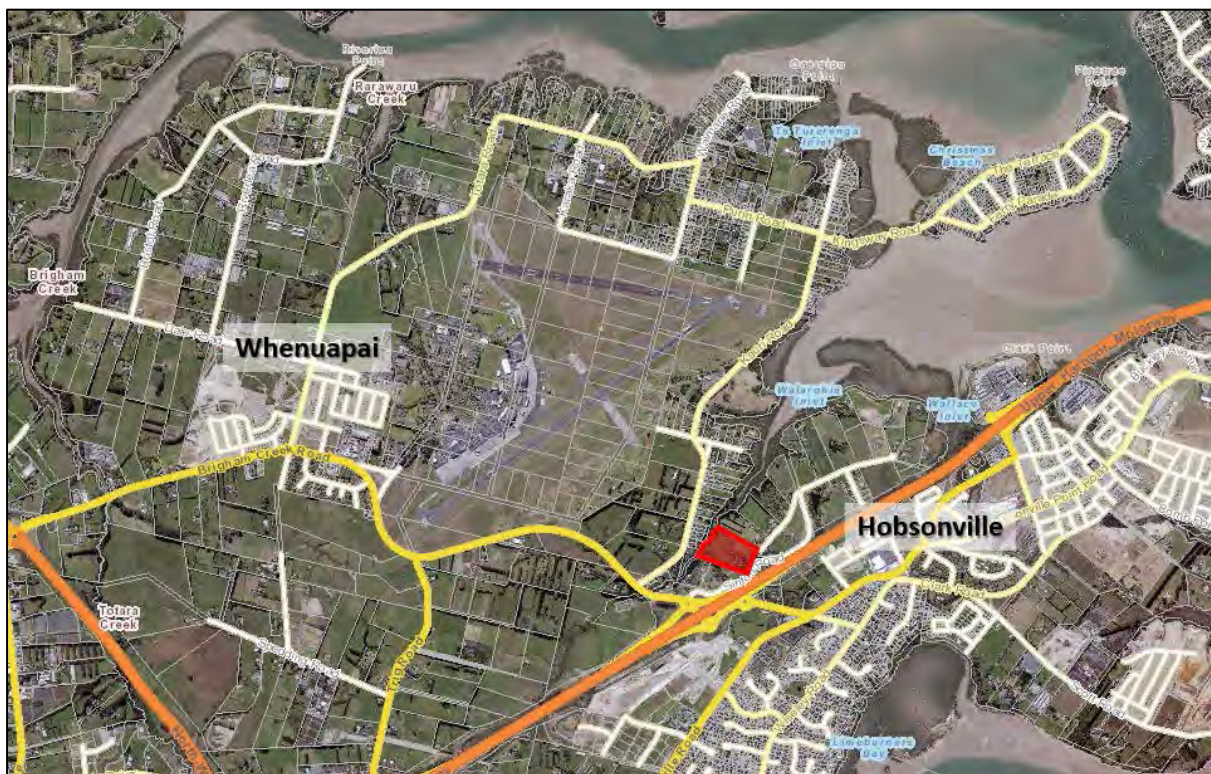


Figure 3: Aerial photograph of the site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3.2 STRUCTURE PLAN AND DRAFT WENUAPAI PLAN CHANGE

Given the location of Waiarohia Inlet along the north-western boundary of the site, it is anticipated that a 20m coastal esplanade reserve will be required to be vested with the Council at the time of subdivision¹. The Whenuapai Structure Plan process¹ in 2016, identified an indicative coastal edge walkway/cycleway².

¹ Notwithstanding that a width reduction or waiver of an esplanade reserve can be applied for.

² See Figure 12 (Transport Networks map) of the Whenuapai Structure Plan September 2016

Furthermore, the Structure Plan and Draft Whenuapai 3 Precinct Plan 1 also identified that a permanent stream traversed along the south boundary of the Subject Site before discharging into the Waiarohia Inlet³. It is understood that the stream network for the Whenuapai Precinct catchment was a result of the classification provided within the partial Watercourse Assessment Report (WAR) undertaken by Morphem Environmental⁴. This WAR identifies a number of named and unnamed tributaries that merge then generally drain north-east towards the Waiarohia Inlet and Upper Waitematā Harbour. The WAR identifies a tributary of the Waiarohia Stream over 18 Sinton Road as reference WIN_TRIB6_2.

The Submitter provided feedback in May 2017 relating to the location of the indicative collector roads as proposed on the Draft Whenuapai 3 Precinct Plan 1. While some of this May feedback appears to have been incorporated into the Proposed Plan Change (the inclusion of an indicative collector road to the northern portion of Sinton Road), the request to delete the indicative collector road over Subject Site was not implemented by the Council.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the subject site as predominantly Mixed Housing Urban Zone with a strip of Single House Zone adjoining the estuary (see **Figure 4**). This proposed zoning is supported given that it accommodates an appropriate transition between high density residential THAB zone on the eastern side of Sinton Road and a low density residential buffer adjoining the coast to the west.

33.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 5**) traversing along the southern boundary.

The site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 6**) which contains 29 separate land parcels with a number of identified collector road. There is an indicative collector road proposed along the southern boundary of the Subject Site.

³ See Figure 13 (Infrastructure map) of the Whenuapai Structure Plan September 2016

⁴ Watercourse Assessment Report: Whenuapai Structure Plan Area. Morphem Environmental Ltd, September 2016

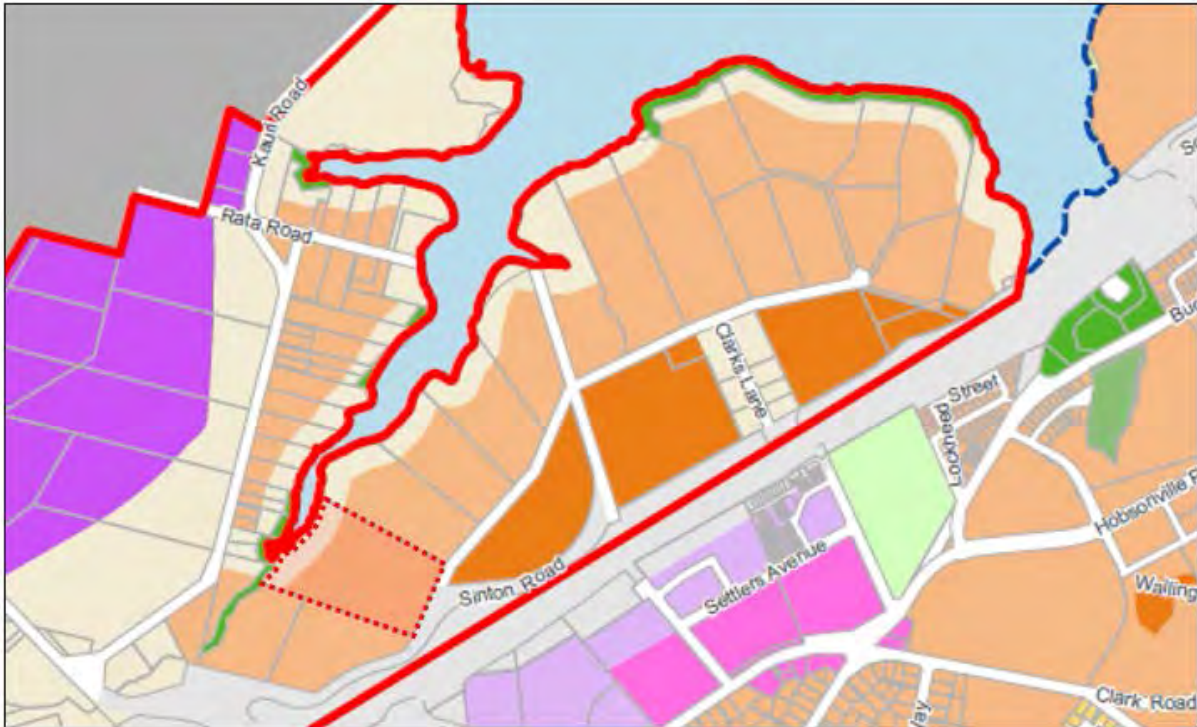


Figure 4: Extract from the Proposed Whenuapai Plan Change zoning map (site outlined in dashed red)

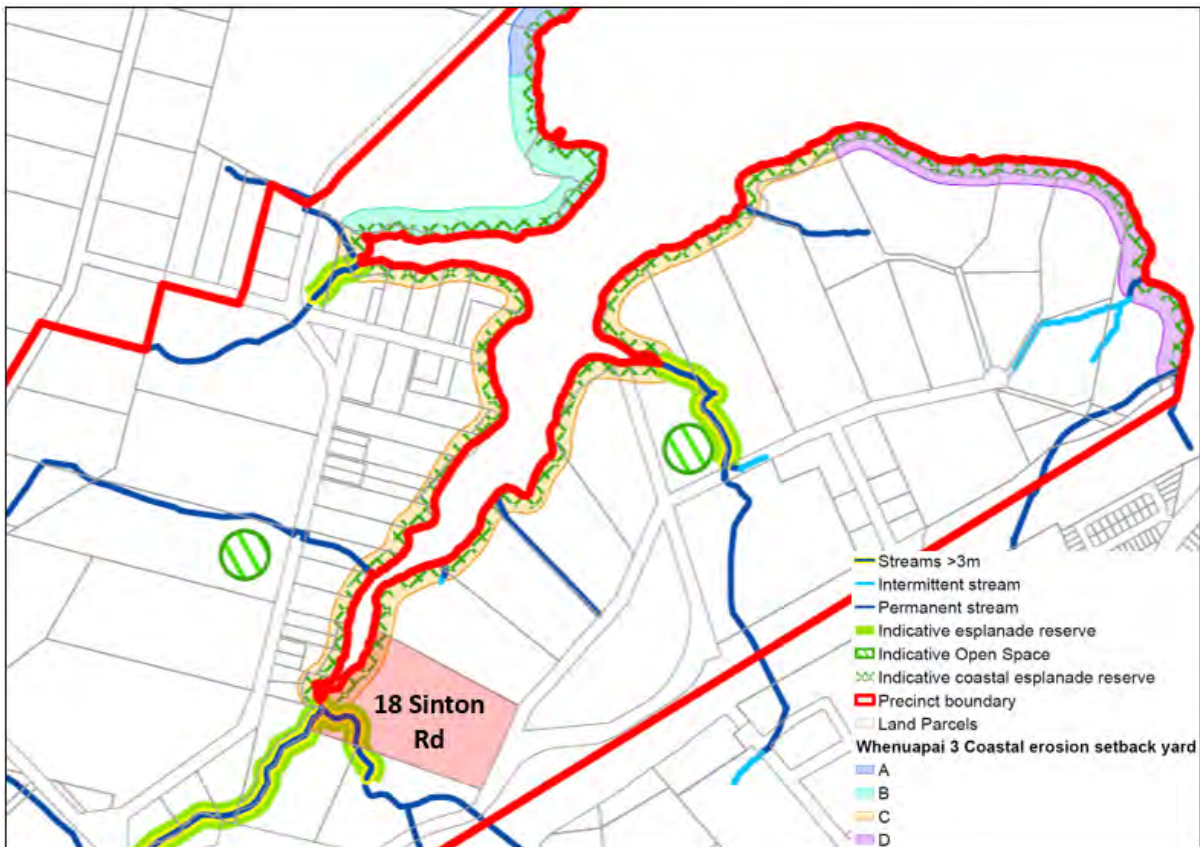


Figure 5: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (site shaded red)

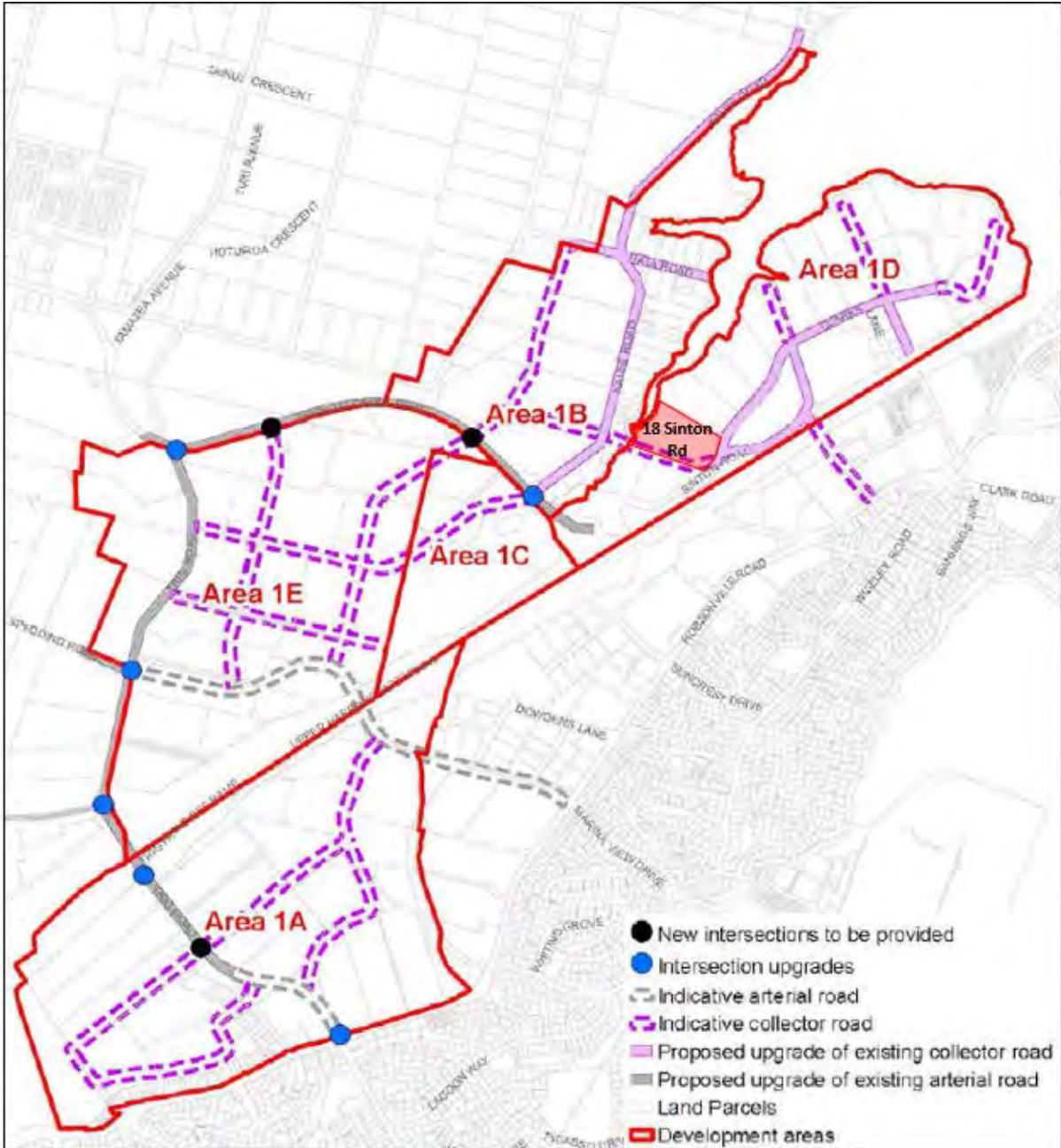


Figure 6: Proposed Whenuapai 3 Precinct Plan 2 (site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter’s opposition to the proposed location of the indicative collector roads within Stage 1D, as currently identified on Proposed Whenuapai 3 Precinct Plan 2, are:

- a) The Section 32 Report fails to sufficiently examination whether or not the proposed indicative collector roads within Stage 1D are the most appropriate way to achieve an acceptable Level of Service (LOS) for the transport network in the future, particularly when compared to other alternative and more reasonably practicable options such as potential upgrades to the existing

road network;

- b) The Section 32 Report fails to recognise the disproportionately high construction costs, in relation to the development yield, for a proposed realigned Sinton Road and bridging over southern boundary the Subject Site that would be required to cross a stormwater wetland area, a tributary of the Waiarohia Stream and the Waiarohia Inlet, as well as the steeply contoured topography. This is evident within Section 8.2 where it is noted that only high-level cost estimates have been obtained for the collector and arterial roads and do not take into account streams or the topography of the area;
- c) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road⁵. Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- d) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within the local transport infrastructure requirements as listed under Table I616.6.2.1;
- e) Fails to recognise that the other properties that the proposed realigned Sinton Road route would need to traverse are unlikely to be comprehensively redeveloped for urban subdivision purposes for the following reasons:
- 1 Sinton Road/ 164 Brigham Creek Road - This property accommodates a dwelling, a function and wedding venue and a café, known as The Brigham⁶. The venue was granted consent by the former Waitakere City Council in 2002⁷. Given the significant investment/improvements

⁵ ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

⁶ <http://www.thebrigham.co.nz/>

⁷ <http://www.waitakere.govt.nz/AbtCnl/ct/pdf/hearings/041102ag.pdf>

to the land, it is considered unlikely that this site would be redeveloped within the near future;

- 3 Sinton Road - There are a number of existing easements on this properties title protecting areas of vegetation and a right to drain water (see **Attachment 1**) therefore the development potential of this site is limited and the proposed location of the indicative collector road would be over a portion of the site that is unable to be developed due to the certificate of title limitations;
- 7-9 Kauri Road - This irregularly shaped 5,564m² property was recently redeveloped with a new dwelling⁸. Given its topography and small size, it is considered unlikely that this site would be subdivided in the future given that the significant proportion of the site would be required for roading resulting in an unviable development;

As such, the connection of the realigned Sinton Road beyond the Subject Site and linking through to Kauri Road would not be achieved;

- f) Creates a planning limitation over the Subject Site that significantly limits the potential urban residential development yield;
- g) Is contrary to Chapter B7 objectives and policies of the Regional Policy Statement and Chapters E3, E11, E12, E15 and E38 objectives and policies of the AUP (OP) as the construction of the indicative collector road would result in significant modification of a stream and its margins and have adverse effects on the SEA; and
- h) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

Further detailed assessment relating to the above submission points are set out in the 'Transport Inputs to Submission' prepared by TDG dated October 2017 (see **Attachment 2**).

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) Delete the indicative collector road that is located along the southern boundary of the Subject Site as identified on the Whenuapai 3 Precinct Plan 2; 33.3
- (b) Delete the three coastal cul-de-sac indicative collector roads as identified on the Whenuapai 33.4

⁸ <https://www.barfoot.co.nz/585577>

- 3 Precinct Plan 2;
- (c) Delete the cul-de-sac collector road that is parallel to Clarkes Lane as identified as an existing collector on the Whenuapai 3 Precinct Plan 2; 33.5
- (d) Delete one of the secondary loops of Sinton Road that is identified as an existing collector road on the Whenuapai 3 Precinct Plan 2; 33.6
- (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area; and 33.7
- (f) Consider alternative options to the re-aligning Sinton Road, such as the modifications described in **Attachment 2**. 33.8

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

Sinton Developments Limited by its duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
 PO Box 1986
 Shortland Street
 Auckland 1140
 Attn: Evita Key

Mobile: 027 498 2205
 Email: evitak@barker.co.nz

**ATTACHMENT 1: CERTIFICATE OF TITLE AND EASEMENTS
FOR 3 SINTON ROAD**



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **601647**
Land Registration District **North Auckland**
Date Issued 01 November 2012

Prior References

569855

Estate Fee Simple
Area 2.1378 hectares more or less
Legal Description Section 41 Survey Office Plan 444423

Proprietors

Serrena Storr

Interests

Subject to a water supply right over part marked F on SO 444423 created by Transfer B722983.2 - 28.8.1987 at 12.02 pm

Subject to a right (in gross) to drain water over parts marked B and C on SO 444423 in favour of Her Majesty the Queen created by Easement Instrument 9290108.1 - 8.2.2013 at 4:56 pm

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Fencing Covenant in Transfer 9290108.2 - 8.2.2013 at 4:56 pm

9290108.3 Encumbrance to Her Majesty the Queen - 8.2.2013 at 4:56 pm

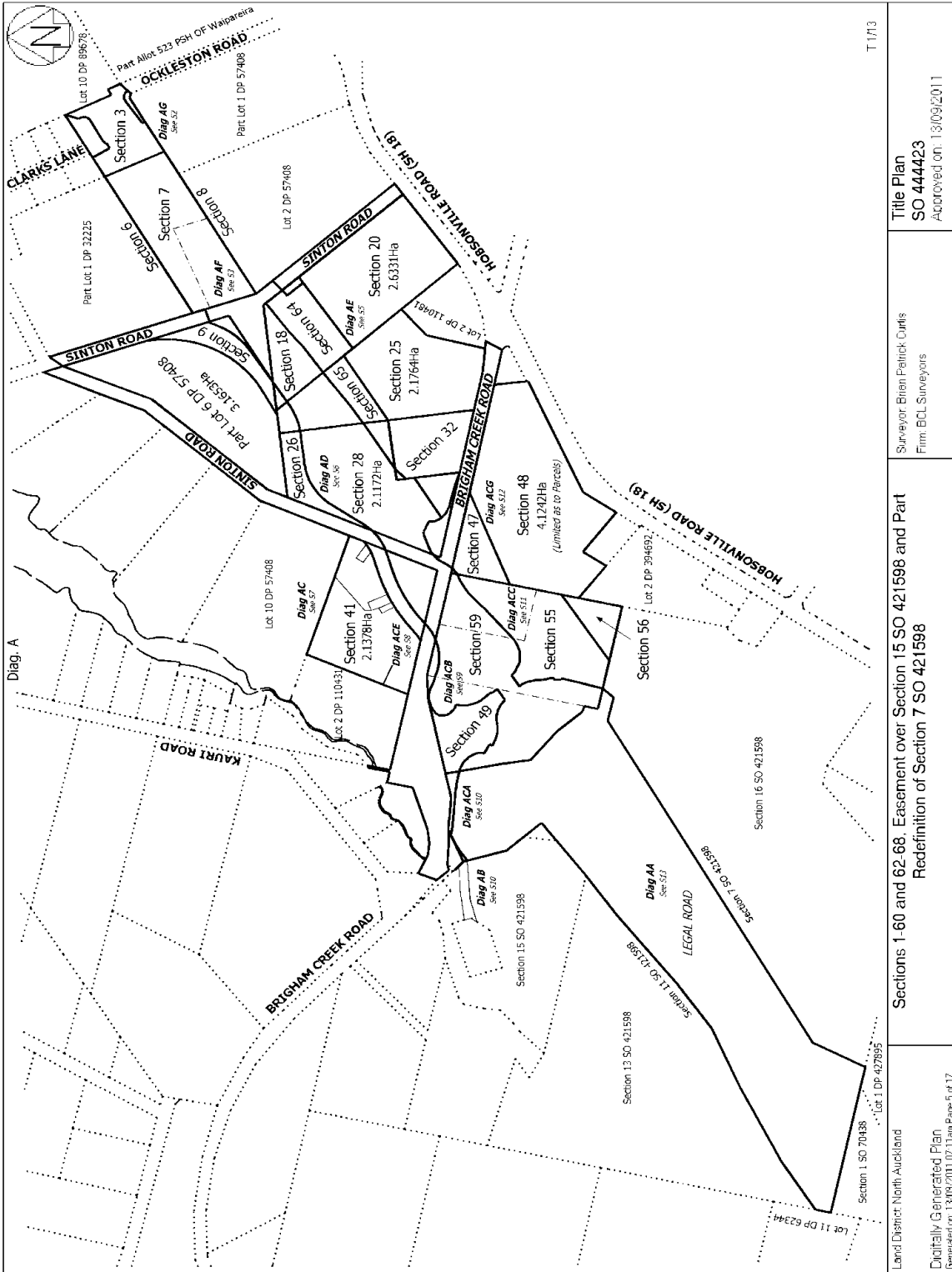
9290108.4 Encumbrance to New Zealand Transport Agency - 8.2.2013 at 4:56 pm

9290108.5 Encumbrance to New Zealand Transport Agency - 8.2.2013 at 4:56 pm

10733685.1 Mortgage to ANZ Bank New Zealand Limited - 16.3.2017 at 3:51 pm

Identifier

601647

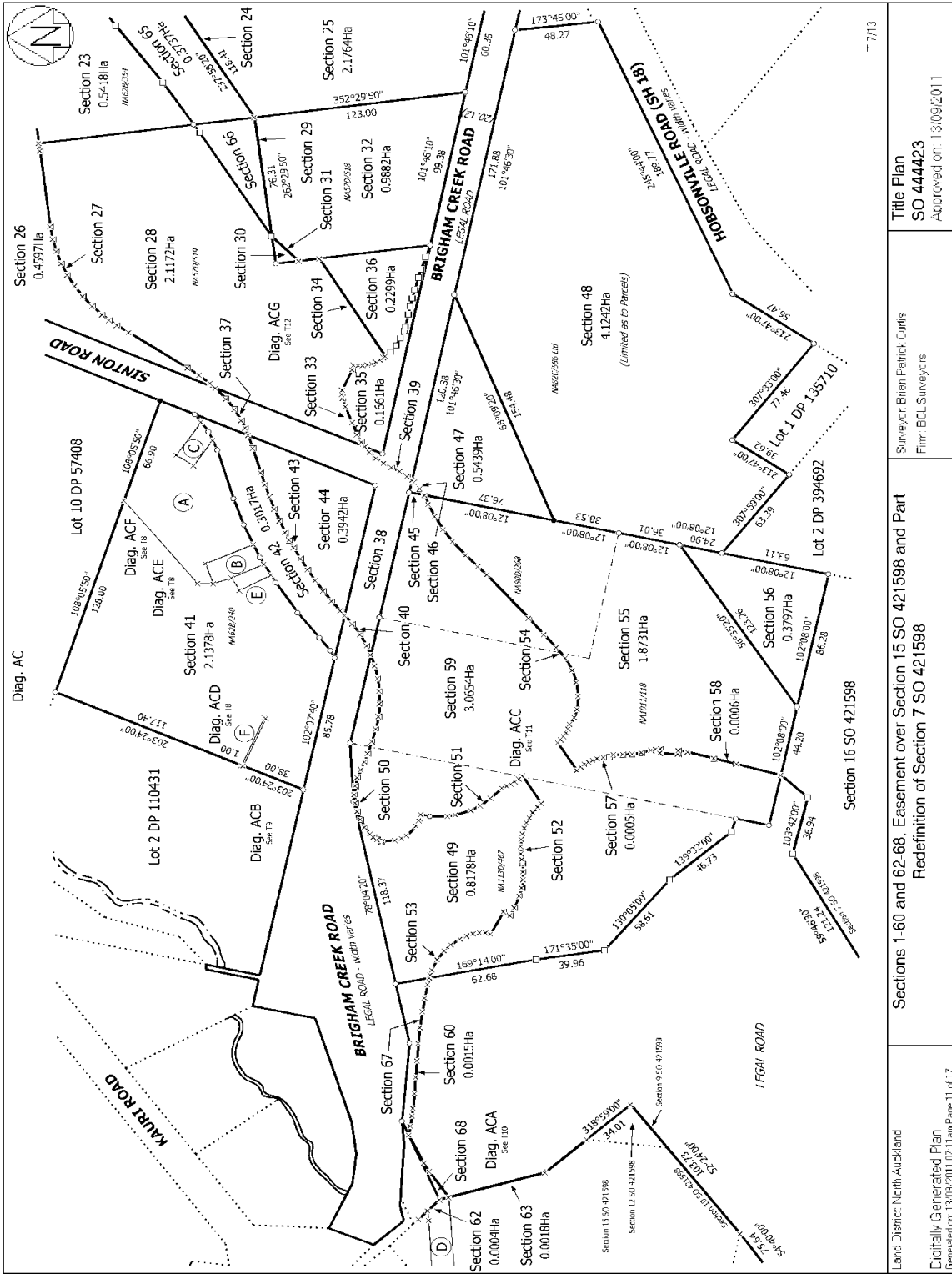


T 1/13

<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 13/09/2011 07:11am Page 5 of 17</p>	<p>Sections 1-60 and 62-68, Easement over Section 15 SO 421598 and Part Redefinition of Section 7 SO 421598</p>	<p>Surveyor: Brian Patrick Curtis</p> <p>Firm: BCL Surveyors</p>	<p>Title Plan SO 444423</p> <p>Approved on: 13/09/2011</p>
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Identifier

601647



Title Plan
SO 444423
Approved on: 13/09/2011

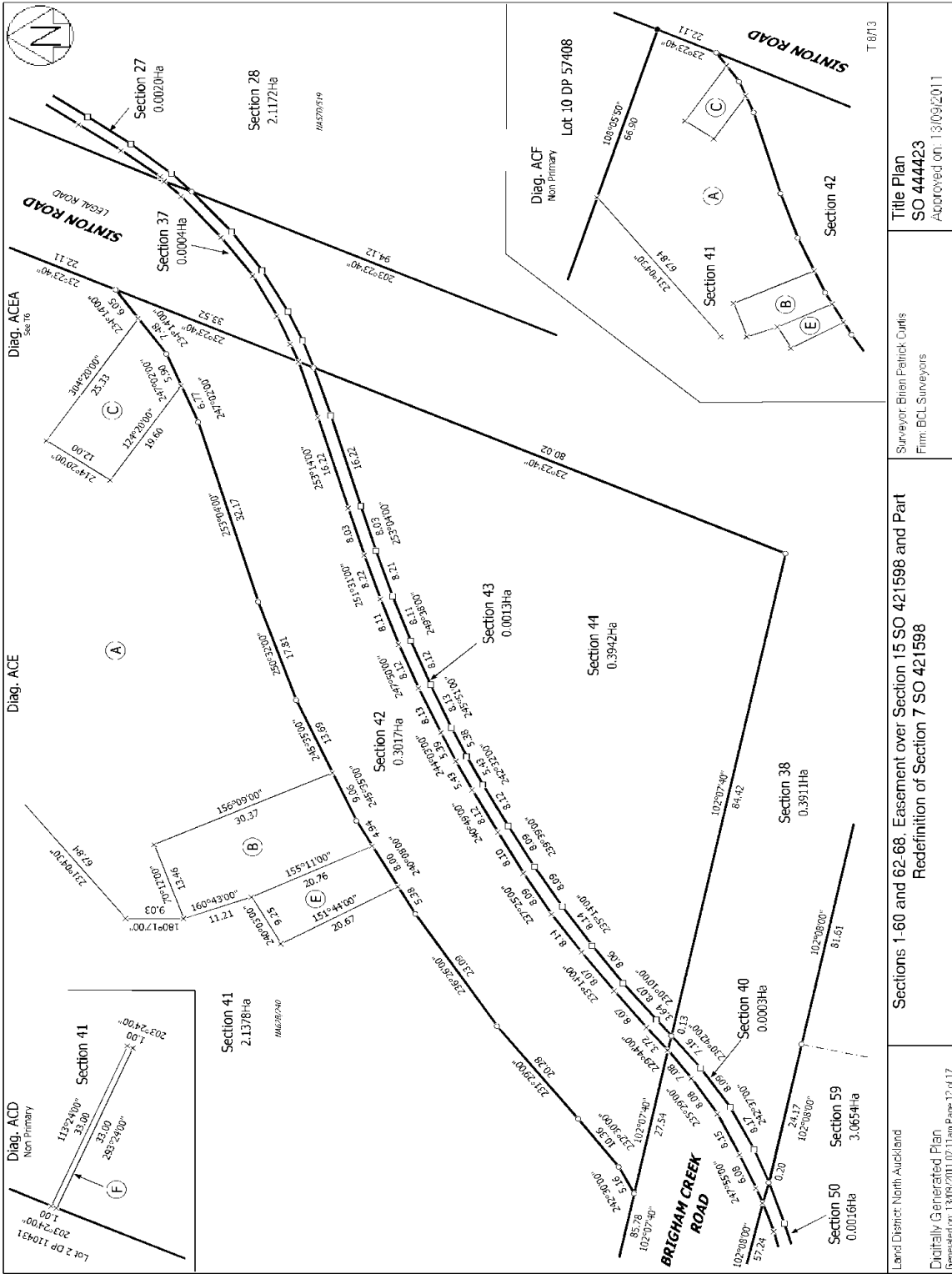
Surveyor: Brian Patrick Curtis
Firm: BCL Surveyors

Sections 1-60 and 62-68, Easement over Section 15 SO 421598 and Part Redefinition of Section 7 SO 421598

Land District: North Auckland
Digitally Generated Plan
Generated on: 13/09/2011 07:11am Page 11 of 17

Identifier

601647





Instrument No. 9290108.1
Status Registered
Date & Time Lodged 08 Feb 2013 16:56
Lodged By Reynish, Judith Anne
Instrument Type Easement Instrument

Affected Computer Registers **Land District**
601647 North Auckland

Annexure Schedule: Contains 4 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Grantor Representative on 04/02/2013 04:14 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Grantee Representative on 04/02/2013 04:15 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

HER MAJESTY THE QUEEN for severance

Grantee

HER MAJESTY THE QUEEN for use in connection with a road

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profits à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement, <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to drain water	"B" and "C" Section 41 Survey Office Plan 444423	Section 41 on SO Plan 444423 contained in Computer Freehold Register 601647	In gross

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [varied] [negatived] [added to] or [substituted] by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule _____]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule _____]

Form L

Annexure Schedule

Page 1 of 2 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

1. Schedule 4 of the Land Transfer Regulations 2002 ("Regulations") is varied, negated, added to or substituted as the case may be as follows:
 - 1.1 Clause 1(d) is varied by adding the following words at the end of that clause:
"and, for the avoidance of doubt, includes the culverts located on the servient land".
 - 1.2 Clause 10(2) is varied by adding the following words at the end of that clause:
"including, but not limited to:
 - (a) *erecting or placing thereon any buildings or other structures; and*
 - (b) *plant or cause to be planted any trees or shrubs or vegetation, otherwise than with the prior written consent of the grantor."*
 - 1.3 Clause is negated and substituted as follows:
"Repair, maintenance, and costs
"11(1) If the easement is in gross, the grantee bears the costs of all work done outside the servient land.
11(2) Subject to the subclause (1), the grantee is solely responsible for undertaking the repair and maintenance of the easement facility, and for the associated costs, so as to keep the facility in good order and to prevent it from becoming a danger or nuisance.

Form L

Annexure Schedule

Page 2 of 2 Pages

Insert instrument type

Easement

Continues in additional Annexure Schedule, if required

11(2) Notwithstanding subclause (1), the grantor will be liable to the grantee for all costs associated with the repair and maintenance of the easement facility which are undertaken by the grantee due to damage caused by the wilful act or default of the grantor, providing that if the repair and maintenance of the easement facility is only partly attributable to an act or omission by the grantor, the grantor must pay the portion of the costs of the repair and maintenance that is attributable to that act or omission".

1.4 The Regulations are added to by the addition of the following new clauses 15 and 16:

Public Works Act 1981

15. The grantee acknowledges that the grant of this easement has been made pursuant to section 48 of the Public Works Act 1981 and that the right of termination of three months notice without compensation is expressly excluded from the grant.

Miscellaneous

16 If there is any inconsistency between the Regulations and the express terms contained in this easement instrument, the express terms of this easement instrument shall prevail."



Instrument No. 9290108.3
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Encumbrance



Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 5 Pages.

Encumbrancer Certifications

I certify that I have the authority to act for the Encumbrancer and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Cameron Lawrence Berridge as Encumbrancer Representative on 27/02/2013 03:15 PM

Encumbrancee Certifications

I certify that I have the authority to act for the Encumbrancee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Encumbrancee Representative on 27/02/2013 04:03 PM

*** End of Report ***

Form E**Encumbrance Instrument**

(Section 101 Land Transfer Act 1952)

Affected Instrument Identifier and type (if applicable) All/part Area/Description of part or stratum

601647	All	
--------	-----	--

Encumbrancer

[Signature]
Clive William TOMPKINS and Glennys Elaine PURVIS

Encumbrancee

HER MAJESTY THE QUEEN acting through the Minister of Lands pursuant to Section 4B of the Public Works Act 1981 ("the Crown")

Estate or interest to be encumbered*Insert e.g. Fee simple; Leasehold in Lease No. etc.*

Fee simple

Encumbrance Memorandum Number

Not applicable

Nature of security*State whether sum of money, annuity or rent charge and amount*

Rent charge of TEN DOLLARS (\$10.00) per annum, and such other sums of money as are payable by the Encumbrancer to the Crown pursuant to this encumbrance instrument ("Encumbrance").

Encumbrance*Delete words in [], as appropriate*

The Encumbrancer encumbers for the benefit of the Crown the land in the above computer register(s) with the above sum of money, annuity or rent charge, to be raised and paid in accordance with the terms set out in the Annexure Schedule(s) and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule(s) for the better securing to the Crown the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Form E *continued***Annexure Schedule**

Page 2 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***Terms**

- 1 Length of term **999 years**
- 2 Payment date(s) **see below**
- 3 Rate(s) of interest **Nil**
- 4 Event(s) in which the sum, annuity or rent charge becomes payable **See below**

Covenants and conditions*Continue in Annexure Schedule(s), if required*

Payment date(s) and event(s) in which the sum, annuity, or rent charge becomes payable:

- (a) In respect of the rent charge, 1 January in each year; and
- (b) In respect of other sums of money, ten working days after written demand is made by the Crown to the Encumbrancer.

Continued on the attached annexure schedule.

Modification of statutory provisions*Continue in Annexure Schedule(s), if required*

Sections 154 and 156 of the Land Transfer Act 1952, Sections 23, 203-205, 289-290 and 301-302 of the Property Law Act 2007 and Section 4 of the Contracts (Privity) Act 1982 shall apply to this Encumbrance but otherwise (and without prejudice to the Crown's rights of action at common law as a rent-chargee) the Crown shall not be entitled to any of the powers and remedies given to encumbrancees by the Land Transfer Act 1952 and the Crown and its successors and assigns shall not be entitled to any of the powers and remedies given to mortgagees under the Land Transfer Act 1952 or the Property Law Act 2007.

Form E *continued***Annexure Schedule**

Page 3 of 5 Pages

*Insert Instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***BACKGROUND**

- A. Clive William TOMPKINS and Glennys Elaine PURVIS (together with his successors, assignees, tenants, lessees and persons under his control) ("the Encumbrancer") is registered as proprietor of an estate in fee simple in all that parcel of land described on the front page of this Encumbrance ("the Land").
- B. The Land fronts State Highway 18 ("State Highway").
- C. Under sections 61(1) and 80(1) of the Government Roading Powers Act 1989, the NZ Transport Agency has sole powers of control for all purposes of all State highways and motorways.
- D. The Land is part of the land originally acquired by the Crown for State Highway 18 Hobsonville Extension. During construction of the State Highway, the Land was used as a dumpsite to dispose of unsuitable material and as a result certain restrictions and conditions on the erection of any building or structure, or the carrying out of any earthworks on the Land are required.
- E. For valuable consideration the Encumbrancer has agreed to encumber the Land for the benefit of the [[[Crown/NZTA]]] with the security specified on the front page of this Encumbrance, and to covenant with the Crown to secure compliance by the Encumbrancer with certain covenants and agreements.

OPERATIVE PROVISIONS

1. If, on the due date for payment (as set out in this Annexure schedule) of the rent charge imposed under this Encumbrance, the Encumbrancer has fully complied with all of the obligations imposed pursuant to this Encumbrance, then the rent charge payable on that day shall not be required to be paid by the Encumbrancer.
2. The Encumbrancer acknowledges that the covenants in this Encumbrance are of a permanent nature, and the Encumbrancer shall not be entitled to a discharge of this Encumbrance during the term, whether by payment of the total security or otherwise.

Form E *continued*

Annexure Schedule

Page 4 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

3. The Encumbrancer covenants with the Crown as follows:
- 3.1 That the Encumbrancer shall not erect or permit to be erected any building or structure on the Land and shall not carry out any earthworks on the Land otherwise than in accordance with the recommendations of a registered engineer experienced in soil mechanics and in accordance with clause 4 of this Encumbrance.
 - 3.2 Any building or structure erected on the Land or any earthworks carried out on the Land shall be erected or carried out at the sole risk of the Encumbrancer and the Encumbrancer shall have no recourse to the Crown in respect of the Land, including the erection of any building or structure or the carrying out of earthworks on the Land.
 - 3.3 In commissioning a report in accordance with sub clause 3.1 the Encumbrancer shall advise the registered engineer of the existence of this Encumbrance.
 - 3.4 The Encumbrancer shall not erect any buildings or structures on the Land or carry out any earthworks on the Land in a manner that will adversely affect the structural integrity of the State Highway.
 - 3.5 The Encumbrancer agrees to indemnify the Crown against any loss suffered by the Crown as a direct result of the erection of any building or structure or the carrying out of earthworks on the Land.
 - 3.6 The words "building or structure" mean any improvement erected or constructed, deposited or installed on the Land, and include concrete, asphalt, tarseal, fences, walls, tunnels, culverts, drains, pipes, poles and lines, roads, service lanes, and driveways.
 - 3.7 The word "erect" includes modify and redevelop.
4. Before any building or structure is erected on the Land, or any earthworks are carried out on the Land, the Encumbrancer shall submit plans and specifications in respect of same in commercial confidence to the NZ Transport Agency for its approval, such approval not to be unreasonably or arbitrarily withheld where:
- 4.1 The plans and specifications specifically address and accommodate any particular engineering requirements for the Land; and
 - 4.2 The proposed building or structure will be erected on the Land or the earthworks will be carried out in line with the recommendations of a registered engineer experienced in soil mechanics; and
 - 4.3 The NZ Transport Agency is reasonably satisfied such building or structure or such earthworks will not create any hazard to the State Highway or adversely affect the structural integrity of the State Highway.

The Crown shall cause the NZ Transport Agency to provide its approval, or reasons for its disapproval, of the plans and specifications for the erection of the proposed building or structure on the Land or the proposed earthworks to be carried out on the Land within two weeks of receipt of the foregoing from the Encumbrancer, or such longer time as the parties may agree.

Form E *continued***Annexure Schedule**

Page 5 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***General**

5. This Encumbrance shall be binding on all transferees, tenants, lessees, mortgagees, chargeholders and their respective successors in title and assigns of any estate or interest in the Land.
6. Where this Encumbrance binds or benefits a party, it shall bind or benefit that party jointly and severally.
7. In the event of any dispute arising between the parties in respect of or in connection with this Encumbrance, the parties shall, without prejudice to any other right or entitlement they may have under this Encumbrance or otherwise:
 - 7.1 Explore whether the dispute can be resolved by use of the alternative dispute resolution technique of mediation. The rules governing such techniques shall be agreed between the parties or as recommended by the New Zealand Law Society or as selected by the Chairman of the New Zealand Chapter of LEADR (Lawyers Engaged in Alternative Dispute Resolution); and
 - 7.2 In the event the dispute is not resolved within 28 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties), either party may refer the dispute to arbitration under the provisions of the Arbitration Act 1996 or any amendment or re-enactment of it. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other or failing agreement appointed by the President of the New Zealand Law Society. In either case, the arbitrator shall not be a person who has participated in any informal dispute resolution procedure in respect of the dispute.
8. All notices and communications under this Encumbrance shall be deemed to have been received when delivered personally, sent by prepaid post or by facsimile to such address as either party shall notify.
9. The Encumbrancer shall not at any time do, permit or suffer to be done any act whereby the rights, powers, licences and liberties granted to the Crown under this Encumbrance may be interfered with or affected in any way.
10. The Encumbrancer shall ensure that all third parties permitted by it to enter onto the Land from time to time, do so subject to and at all times in compliance with the Crown's rights and privileges under this Encumbrance.
11. No delay or failure by the Crown to enforce performance of any of the covenants set out in this Encumbrance and no indulgence granted to the Encumbrancer by the Crown shall prejudice the rights of the Crown to enforce any of the covenants or provisions of this Encumbrance.
12. The rent charge imposed under this Encumbrance shall determine and the Encumbrancer shall be entitled to a discharge of this Encumbrance if the Crown in its absolute discretion considers that the covenants set out herein become entirely obsolete or are no longer enforceable or, in the case of continuing covenants, have been performed, and in particular the erection of any building or structure on the Land in accordance with clause 3.1 herein shall not of itself entitle the Encumbrancer to a discharge of this Encumbrance.



Instrument No. 9290108.4
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Encumbrance



Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 6 Pages.

Encumbrancer Certifications

I certify that I have the authority to act for the Encumbrancer and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Cameron Lawrence Berridge as Encumbrancer Representative on 27/02/2013 03:15 PM

Encumbrancee Certifications

I certify that I have the authority to act for the Encumbrancee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Encumbrancee Representative on 27/02/2013 04:04 PM

*** End of Report ***

Form E

Encumbrance Instrument

(Section 101 Land Transfer Act 1952)

Affected instrument identifier and type (if applicable)	All/part	Area/Description of part or stratum
601647	All	

Encumbrancer

L.L.
Clive William TOMPKINS and Glennys Elaine PURVIS

Encumbrancee

NEW ZEALAND TRANSPORT AGENCY ("NZTA")

Estate or interest to be encumbered

Insert e.g. Fee simple; Leasehold in Lease No. etc.

Fee simple

Encumbrance Memorandum Number

Not applicable

Nature of security

State whether sum of money, annuity or rentcharge and amount

Rent charge of TEN DOLLARS (\$10.00) per annum, and such other sums of money as are payable by the Encumbrancer to NZTA pursuant to this encumbrance instrument ("Encumbrance").

Encumbrance

Delete words in [], as appropriate

The Encumbrancer encumbers for the benefit of NZTA the land in the above computer register(s) with the above sum of money, annuity or rent charge, to be raised and paid in accordance with the terms set out in the Annexure Schedule(s) and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule(s) for the better securing to NZTA the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Form E *continued***Annexure Schedule**

Page 2 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***Terms**

- 1 Length of term **999 years**
- 2 Payment date(s) **see below**
- 3 Rate(s) of interest **Nil**
- 4 Event(s) in which the sum, annuity or rentcharge becomes payable **See below**

Covenants and conditions*Continue in Annexure Schedule(s), if required*

Payment date(s) and event(s) in which the sum, annuity, or rentcharge becomes payable:

- (a) In respect of the rent charge, 1 January in each year; and
- (b) In respect of other sums of money, ten working days after written demand is made by the Encumbrancee to the Encumbrancer.

Continued on the attached annexure schedule.

Modification of statutory provisions*Continue in Annexure Schedule(s), if required*

Sections 154 and 156 of the Land Transfer Act 1952, Sections 23, 203-205, 289-290 and 301-302 of the Property Law Act 2007 and Section 4 of the Contracts (Privity) Act 1982 shall apply to this Encumbrance Instrument but otherwise (and without prejudice to the Encumbrancee's rights of action at common law as a rent-chargee) the Encumbrancee shall not be entitled to any of the powers and remedies given to encumbrancees by the Land Transfer Act 1952 and the Encumbrancee and its successors and assigns shall not be entitled to any of the powers and remedies given to mortgagees under the Land Transfer Act 1952 or the Property Law Act 2007.

Form E *continued***Annexure Schedule**

Page 3 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***BACKGROUND**

- RA*
- A **Clive William TOMPKINS and Glennys Elaine PURVIS** together with its successors, assignees, tenants, lessees and persons under its control) ("Encumbrancer") is registered as proprietor of an estate in fee simple in all that parcel of land described on the front page of this Encumbrance Instrument ("Land").
- B The Land is in the vicinity of State Highway 18, Hobsonville ("State Highway").
- C Under sections 61(1) and 80(1) of the Government Roading Powers Act 1989, the Encumbrancee has sole powers of control for all purposes of all State highways and motorways.
- D For valuable consideration the Encumbrancer has agreed to encumber the Land for the benefit of the Encumbrancee with the security specified on this front page of this Encumbrance Instrument, and to covenant with the Encumbrancee to secure compliance by the Encumbrancer with the agreements set out in this Encumbrance Instrument.

OPERATIVE PROVISIONS

- 1 If, on the due date for payment (as set out in Annexure Schedule 1) of the rent charge imposed under this Encumbrance Instrument, the Encumbrancer has fully complied with all of the obligations imposed pursuant to this Encumbrance Instrument, then the rent charge payable on that day shall not be required to be paid by the Encumbrancer.
- 2 The Encumbrancer acknowledges that the covenants in this Encumbrance Instrument are of a permanent nature, and the Encumbrancer shall not be entitled to a discharge of the Encumbrance Instrument during the term, whether by payment of the total security or otherwise.

[delete one or none of the following clauses as appropriate]

- 3 The Encumbrancer covenants with the Encumbrancee that the Encumbrancer will ensure that any new dwellings constructed on the Land within 30 metres of the boundary between any part of the Land and the State Highway will satisfy the following standards for noise and vibration: noise AS/NZ2107:2000, and vibration ISO2631-2:2003, or any amended or replacement standards addressing the same subject matter.

Form E *continued*

Annexure Schedule

Page 4 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

- 4 The Encumbrancer acknowledges and accepts that the Land is capable of being adversely affected by effects (including without limitation noise, vibration, dust, emissions, and visual, landscape or amenity effects) ("Effects") arising from the construction, operation, upgrading and maintenance of the State Highway ("State Highway Activities"), whether such Effects arise during or after such State Highway Activities, and accordingly the Encumbrancer, in consideration of having received valuable consideration, agrees:
- (a) Not to object to, hinder, or otherwise obstruct, on the grounds of any such Effects, the grant, confirmation or alteration pursuant to the Resource Management Act 1991 ("RMA") of any authorisations under the RMA which in any way relate to the State Highway Activities, and to sign written approvals in relation to any such authorisation if requested to by the Encumbrancee.
 - (b) Not to do, permit to be done, or omit to do, any act, matter or thing where that act, matter, thing or omission is intended to restrict, or has the effect of restricting, the State Highway Activities in any way whatsoever, including taking any civil action and/or any enforcement proceedings pursuant to the RMA or any other statute or common law, whether for nuisance, damage to Land, negligence, or interference with Land or otherwise, but only where such act, matter or thing relates to any such Effects.
 - (c) Not to claim any compensation in relation to any such Effects arising from State Highway Activities;
 - (d) Not to fund, encourage or otherwise be involved in, any act, matter or thing that if carried out by the Encumbrancer itself would breach paragraphs (a) to (c) above; and
 - (e) To provide a copy of this Encumbrance to all tenants, lessees, and holders of unregistered interests in the Land (each a "third party") who acquire rights in the Land while the Encumbrancer is the registered proprietor of the Land:
 - (i) where the Encumbrancer grants the rights in the Land to that third party, prior to the Encumbrancer doing so; or
 - (ii) in all other cases, as soon as practicable after the Encumbrancer becomes aware of that third party acquiring any rights in the Land.

Form E *continued***Annexure Schedule**

Page 5 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***General**

- 5 This Encumbrance Instrument shall be binding on all transferees, tenants (to the extent permitted by law), lessees, mortgagees, chargeholders and their respective successors in title and assigns of any estate or interest in the Land.
- 6 Where this Encumbrance Instrument binds or benefits a party, it shall bind or benefit that party jointly and severally.
- 7 The Encumbrancer covenants with the Encumbrancee:
- 7.1 to pay all legal costs and disbursements in the, execution, registration, enforcement and any ultimate release of this Encumbrance Instrument, in respect of any consents sought by the Encumbrancer from the Encumbrancee to the registration of any instrument, and in respect of the performance and observance by the Encumbrancer of this Encumbrance Instrument including legal costs on a solicitor/client basis; and
- 7.2 to otherwise indemnify the Encumbrancee against any claims, loss and expense of whatever kind incurred by the Encumbrancee as a consequence of the Encumbrancer failing to comply with this Encumbrance Instrument.
- 8 Each Encumbrancer will only be liable for breaches actually committed by that Encumbrancer itself, and not by any successor or other party, unless those breaches arise wholly or partly due to a breach by the Encumbrancer of clause 4(e).
- 9 No delay or failure by the Encumbrancee to enforce performance of any of the covenants set out in this Encumbrance Instrument and no indulgence granted to the Encumbrancer by the Encumbrancee shall prejudice the rights of the Encumbrancee to enforce any of the covenants or provisions of the Encumbrance Instrument.
- 10 In this Encumbrance Instrument a reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it, and a regulation or statutory instrument issued under it.
- 11 In this Encumbrance Instrument, "working day" means a day on which registered banks are open for business in Auckland, excluding Saturdays, Sundays, public holidays, and any day in the period commencing on the 23rd day of December in any year and ending on the 10th day of January in the following year, both days included.
- 12 If at any time any part or provision of this Encumbrance Instrument is or becomes invalid, void, illegal or unenforceable in any respect whatsoever, then:

Form E *continued***Annexure Schedule**

Page 6 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

- (a) that part or provision shall be severed from this Encumbrance Instrument;
- (b) such invalidity and severing shall not in any way affect or impair the validity, legality and enforceability of any other part or provision of this Encumbrance Instrument; and
- (c) the parties shall enter into appropriate substitute instrument(s) to give full and proper effect to the agreements and understandings in this Encumbrance Instrument.

13 The Encumbrancer:

13.1 acknowledges that this Encumbrance Instrument:

- (a) has been granted for valuable consideration received, in full compensation for the grant of this Encumbrance Instrument; and
- (b) is intended to charge the Land and bind the Encumbrancer (and successors) to perform the Encumbrancer's obligations for the period of time set out in this Encumbrance Instrument; and

13.2 therefore covenants with the Encumbrancee:

- (a) not to seek to discharge, surrender, lapse, vary, amend, withdraw or remove in any manner whatsoever this Encumbrance Instrument prior to the expiry of that period of time, whether by payment of the total security or otherwise;
- (b) to preserve for the period of time set out in this Encumbrance Instrument the integrity of the agreements in this Encumbrance Instrument; and
- (c) always to act in good faith and do all acts and things and enter into and execute all documents, instruments (including any replacement encumbrance) and/or easement or land covenant whenever reasonably required by the Encumbrancee and otherwise obtain any necessary consents all of which may be reasonably necessary and appropriate to give full force and effect to the intentions and understandings of the Encumbrancer and the Encumbrancee.



Instrument No. 9290108.5
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Encumbrance



Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 5 Pages.

Encumbrancer Certifications

I certify that I have the authority to act for the Encumbrancer and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Cameron Lawrence Berridge as Encumbrancer Representative on 27/02/2013 03:16 PM

Encumbrancee Certifications

I certify that I have the authority to act for the Encumbrancee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Encumbrancee Representative on 27/02/2013 04:05 PM

*** End of Report ***

Form E**Encumbrance Instrument**

(Section 101 Land Transfer Act 1952)

Affected instrument Identifier and type (if applicable) All/part Area/Description of part or stratum

601647	All	
--------	-----	--

Encumbrancer

R.L.
Clive William TOMPKINS and Glennys Elaine PURVIS

Encumbrancee

NEW ZEALAND TRANSPORT AGENCY

Estate or interest to be encumbered*Insert e.g. Fee simple; Leasehold in Lease No. etc.*

Fee simple

Encumbrance Memorandum Number

Not applicable

Nature of security*State whether sum of money, annuity or rentcharge and amount*

Rent charge of TEN DOLLARS (\$10.00) per annum, and such other sums of money as are payable by the Encumbrancer to the Encumbrancee pursuant to this Encumbrance Instrument.

Encumbrance*Delete words in [], as appropriate*

The Encumbrancer encumbers for the benefit of the Encumbrancee the land in the above computer register(s) with the above sum of money, annuity or rentcharge, to be raised and paid in accordance with the terms set out in the Annexure Schedule(s) and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule(s) for the better securing to the Encumbrancee the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Form E *continued***Annexure Schedule**

Page 2 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***Terms**

- 1 Length of term **999 years**
- 2 Payment date(s) **see below**
- 3 Rate(s) of interest **Nil**
- 4 Event(s) in which the sum, annuity or rentcharge becomes payable **See below**

Covenants and conditions*Continue in Annexure Schedule(s), if required*

Payment date(s) and event(s) in which the sum, annuity, or rent charge becomes payable:

- (a) In respect of the rent charge, 1 January in each year; and
- (b) In respect of other sums of money 10 working days after written demand is made by NZTA to the Encumbrancer.

Continued on the attached annexure schedule.

Modification of statutory provisions*Continue in Annexure Schedule(s), if required*

Sections 154 and 156 of the Land Transfer Act 1952, Sections 23, 203-205, 289-290 and 301-302 of the Property Law Act 2007 and Section 4 of the Contracts (Privity) Act 1982 shall apply to this Encumbrance but otherwise (and without prejudice to NZTA's rights of action at common law as a rent-chargee) NZTA shall not be entitled to any of the powers and remedies given to encumbrancees by the Land Transfer Act 1952 and NZTA and its successors and assigns shall not be entitled to any of the powers and remedies given to mortgagees under the Land Transfer Act 1952 or the Property Law Act 2007.

Form E *continued***Annexure Schedule**

Page 3 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***BACKGROUND**

- A. **Clive William TOMPKINS and Glennys Elaine PURVIS** (together with his successors, assignees, tenants, lessees and persons under his control) ("the Encumbrancer") is registered as proprietor of an estate in fee simple in all that parcel of land described on the front page of this Encumbrance ("the Land").
- B. The Land fronts State Highway 18 ("State Highway").
- C. Under sections 61(1) and 80(1) of the Government Roothing Powers Act 1989, NZTA has sole powers of control for all purposes of all State highways and motorways.
- D. The Land is part of the land originally acquired by the Crown for State Highway 18, Hobsonville Extension. As a designation requirement NZTA was required to plant and maintain the area marked A, B, C and E on SO 444423.
- E. For valuable consideration the Encumbrancer has agreed to encumber the Land for the benefit of NZTA with the security specified on the front page of this Encumbrance and to covenant with NZTA to secure compliance by the Encumbrancer with certain covenants and agreements.

OPERATIVE PROVISIONS

1. If, on the due date for payment (as set out in Annexure Schedule 1) of the rent charge imposed under this Encumbrance, the Encumbrancer has fully complied with all of the obligations imposed pursuant to this Encumbrance, then the rent charge payable on that day shall not be required to be paid by the Encumbrancer.
2. The Encumbrancer acknowledges that the covenants in this Encumbrance are of a permanent nature, and the Encumbrancer shall not be entitled to a discharge of the Encumbrance during the term, whether by payment of the total security or otherwise.

Form E *continued***Annexure Schedule**

Page 4 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

3. The Encumbrancer covenants with NZTA as follows:

3.1 That the Encumbrancer shall not remove, destroy or permit to be removed or destroyed any plants on the Planting Restriction Area.

Notwithstanding clause 3.1 of this Encumbrance, in the event that any of the plants in the Planting Restriction Area die or are removed or destroyed, whether or not through any act or default of the Encumbrancer, the Encumbrancer shall forthwith replace such plants with plants of a similar type and maturity.

General

4. This Encumbrance shall be binding on all transferees, tenants, lessees, mortgagees, chargeholders and their respective successors in title and assigns of any estate or interest in the land.

5. Where this Encumbrance binds or benefits a party, it shall bind or benefit that party jointly and severally.

6. In the event of any dispute arising between the parties in respect of or in connection with this Encumbrance, the parties shall, without prejudice to any other right or entitlement they may have under this Encumbrance or otherwise

6.1 Explore whether the dispute can be resolved by use of the alternative dispute resolution technique of mediation. The rules governing such techniques shall be agreed between the parties or as recommended by the New Zealand Law Society or as selected by the Chairman of the New Zealand Chapter of LEADR (Lawyers Engaged in Alternative Dispute Resolution), and

6.2 In the event the dispute is not resolved within 28 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties), either party may refer the dispute to arbitration under the provisions of the Arbitration Act 1996 or any amendment or re-enactment of it. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other or failing agreement appointed by the President of the New Zealand Law Society. In either case, the arbitrator shall not be a person who has participated in any informal dispute resolution procedure in respect of the dispute.

7. All notices and communications under this Encumbrance shall be deemed to have been received when delivered personally, sent by prepaid post or by facsimile to such address as either party shall notify.

Form E *continued*

Annexure Schedule

Page 5 of 5 Pages

Insert instrument type

Encumbrance

Continue in additional Annexure Schedule, if required

8. The Encumbrancer shall not at any time do, permit or suffer to be done any act whereby the rights, powers, licences and liberties granted to NZTA under this Encumbrance may be interfered with or affected in any way.
9. The Encumbrancer shall ensure that all third parties permitted by it to enter onto the Land from time to time, do so subject to and at all times in compliance with NZTA's rights and privileges under this Encumbrance.
10. No delay or failure by NZTA to enforce performance of any of the covenants set out in this Encumbrance and no indulgence granted to the Encumbrancer by NZTA shall prejudice the rights of NZTA to enforce any of the covenants or provisions of this Encumbrance.
11. The rent charge imposed under this Encumbrance shall determine and the Encumbrancer shall be entitled to a discharge of this Encumbrance if NZTA in its absolute discretion considers that the covenants set out herein become entirely obsolete or are no longer enforceable.

**ATTACHMENT 2: TRANSPORT INPUTS TO SUBMISSION
PREPARED BY TDG**

**Sinton Developments Ltd,
18 Sinton Road**

Whenuapai, Auckland

**Plan Change 5 Whenuapai,
Transport Inputs to Submission**

October 2017

**Sinton Developments Ltd,
18 Sinton Road**

Whenuapai, Auckland

**Plan Change 5 Whenuapai,
Transport Inputs to Submission
Quality Assurance Statement**

Prepared by:



Max Robitzsch

Principal Transportation Engineer

Reviewed by:



Daryl Hughes

Technical Director

Approved for Issue by:



Daryl Hughes

Technical Director

Status: Final report

Date: 19 October 2017



PO Box 2592, Shortland St, Auckland 1140
New Zealand

P: +64 9 531 5006

www.tdg.co.nz

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1. Background

Sinton Development Ltd (“**Submitter**”) representing the prospective purchaser of the property 18 Sinton Road, Whenuapai, is submitting on proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan Operative in Part (“**AUP OP**”). TDG provides traffic / transport advice to the Submitter, including in the matter of the current plan change.

A key reason for the submission is concern related to the location of a proposed new road crossing the Submitter’s site at 18 Sinton Road. The road is intended to provide a new connection between Sinton Road and Kauri Road, and to replace the continuation of Sinton Road along the current alignment towards Brigham Creek Road.

This road had been shown in the September 2016 Whenuapai Structure Plan “Transport Networks” map Figure 12. Since then, Council has further reviewed the proposed road networks in the Whenuapai area. While the position of the road in question has not changed significantly, the proposed road function has since been identified more closely, being termed an “indicative collector road” in Figure 9 of the Section 32 Report produced 21 September 2017.

As stated in Section 7.6.2 of the Integrated Transport Assessment (“**ITA**”) for the Structure Plan Area, dated July 2016, the decision to relocate the road was made based on assessments that retaining Sinton Road in the existing alignment would drop the future traffic signal’s peak hour Level of Service (“**LOS**”) from B/C to E/F.

The Submitter, as per previous feedback, opposes the road relocation as shown in these plans on the basis of several traffic and non-traffic related concerns. The traffic aspects are discussed in this report supporting the submission.

For ease of reference, the following shorthand is used in this document:

- **Existing (Sinton) road** = Sinton Road in its current alignment, in particular between 18 Sinton Road and Brigham Creek Road / SH18 motorway interchange.
- **Existing (Sinton) road stub** = the straight northern section of Sinton Road that connects with Clarks Lane (not a formed road, but with road parcels connecting back up southeast of 18 Sinton Road).
- **Proposed (Sinton) road** = the Council-proposed new collector road alignment, in particular between the eastern side of the 18 Sinton Road property and Kauri Road.
- **Modified (Sinton) road** = the submitter’s proposed alternative alignment between 18 Sinton Road and Brigham Creek Road, to be discussed in a separate following section.

2. Traffic Aspects

There are a number of aspects of the proposed (Sinton) road location that create concern from a traffic / transport perspective, as well as several where the concern is informed by traffic design-related aspects.

2.1 Concerns Directly Related to Traffic / Transport

2.1.1 Re-routing Impacts

It is understood that the proposed (Sinton) road re-alignment is driven by a desire to reduce traffic from the future Stage 1D area directly entering the current / future Brigham Creek Road / SH18 interchange, respectively simplifying the interchange layout. The intention is to reroute this traffic via Kauri Road. As noted earlier, this was based on an assessment in the ITA that otherwise the future traffic signals at the Brigham Creek Road / Sinton Road interchange would see significant degradation.

However, it is considered that the majority of vehicular traffic generated by the Stage 1D development served by Sinton Road is likely to be traffic heading to destinations further away. Local traffic to other parts of the Whenuapai area or to Kumeu and Helensville will of course occur, but the majority is likely to head onto State Highway 18 to go west or east, or onto Hobsonville Road. This is based on the distribution of current and future employment and residential areas, where the overwhelming majority in a local and Auckland context remain to the south of SH18, or are accessed via SH18.

Therefore, re-aligning Sinton Road will push this traffic through Kauri Road first, especially between Brigham Creek Road and the proposed intersection with Sinton Road, but then back through the interchange anyway. It would increase trip distances by approximately 600 extra meters for every such trip, as well as add extra intersections to negotiate. It would likely cause only very minor relief of traffic volumes at the interchange.

As will be discussed later in this assessment, it is considered that the proposed wholesale re-alignment has not taken full cognisance of the negative impacts of re-aligning the road, nor fully explored opportunities of how Sinton Road could be retained in its current alignment whilst reducing impact on interchange performance.

2.1.2 Lack of Assessment of Rata Road and Cross-SH18 Sinton Road Bridge Links Impacts

The ITA traffic modelling which informed the decision to re-align Sinton Road has not taken cognisance of the potential for an alternate road link between Stage 1D and Stage 1B at Rata Road. This is acknowledged as an option, but not included in the model or, to our knowledge, in sensitivity scenarios. It does not consider whether this link would provide relief for the interchange impacts, or be a more sensible alternative to a bridge at 7-9 Kauri Road / 18 Sinton Road in terms of network connectivity or feasibility.

Additionally, a new grade-separated road link over State Highway 18 at the old Sinton Road alignment (i.e. directly to Hobsonville Road) is shown in Figure 9 of the Section 32 report – forming a “collector road” connection to the Hobsonville area.

It does not appear that the ITA traffic model has included the potential impacts of this as it seems to only have been included in the plans as part of “Technical Inputs June 2017”.

The latter connection across SH18 is especially important, as it would seem to have significant impacts on other links into and out of the Stage 1D area.

On the positive side, this link could reduce congestion at any Sinton Road / Brigham Creek Road / SH18 intersections. This may allow limiting of right turns into Sinton Road from Brigham Creek Road, thus reducing the complexity / impacts on a t-intersection, or the Brigham Creek Road / SH18 interchange signals.

On the negative side, the link would provide a rat-run via Kauri Road, the proposed (Sinton) road re-alignment, and this new bridge over the motorway to Hobsonville Road, avoiding the motorway interchange.

This could lead to Sinton Road performing as an arterial through route in practice, with the resulting traffic flows and subsequent accommodation of these flows through design decisions or changing the hierarchy levels having a detrimental effect on the surrounding development.

It is considered therefore that insufficient assessment has been undertaken to understand the effects of the proposed indicative road network in the Stage 1D area, particularly in relation to the potential link over SH18 and alternative options to linking to Kauri Road.

2.2 Concerns Indirectly Related to Traffic / Transport

The proposed indicative collector (Sinton) road realignment towards Kauri Road has a number of further aspects, which relate only indirectly to traffic, but which would appear to indicate that the proposed alignment is not ideal. They include, as follows:

2.2.1 Expensive Structures Required

The proposed road alignment crosses a very steep gully, with a vertical drop of almost 15m within 150m within 18 Sinton Road (and even steeper on the 7-9 Kauri Road site). The Waiarohia Stream and its banks are a Significant Ecological Areas (see Overlay Ref. SEA_T_4733) and part of the area that has an existing esplanade reserve is zoned in the Unitary Plan as an “Open Space - Conservation Zone”.

To not negatively impact aspects such as this ecology and conservation zone, avoid stormwater impacts and to provide an appropriate vertical geometry roading alignment, it is considered likely that significant bridging and retaining will be required, particularly in the western part of 18 Sinton Road, and the eastern part of 7-9 Kauri Road. This will significantly increase the cost compared to a modified alignment.

There are also likely to be significantly more onerous approval and design processes as a result of this alignment over that required for a modified alignment.

2.2.2 Impact on Existing Housing

The proposed road cuts through two sections of already established houses, both in the eastern part of 18 Sinton Road and in the northern part of 7-9 Kauri Road.

Even where it is intended for these building areas to be redeveloped, the existing development in the path of the proposed road alignment is likely to add complications in terms of property acquisition, and staging of development versus road construction will become more complicated and less flexible in terms of timing.

2.2.3 Use of Private Land versus Use of Council / Crown Land

The proposed road uses solely privately-owned land to relocate an existing connection away from publicly owned land.

It is considered that it is possible to retain a modified alignment which provides this connectivity on land that is already in public ownership. This will significantly reduce costs.

2.2.4 Impact of Collector Road Choice on Overall Development Land

Any land taken for the new indicative collector road, above and beyond space that would be used for local access, is land lost for development. Considering that Auckland is having significant difficulties meeting the demand for new housing, and considering that the Structure Plan / Plan Change are intended to be part of providing this, the matter of whether the proposed land demand from infrastructure like roading efficiently and sustainably serves these objectives is a key matter for consideration.

It was calculated that the wider collector road would result in the loss of some 4,500sqm of developable land, which would lead to, at a minimum, some 15 less dwellings (based on the Mixed Housing Urban zoning 300m³ average vacant lot subdivision) as a result of the proposed alignment.

2.2.5 Impact of Collector Road Choice on Development Layout

Related to the previous concern, the hierarchy function of a collector road – particularly a collector road with a potential for high through traffic components and with cycle facilities as per Figure 6 of the Section 32 Report, has further implications for the design of the development.

For example, it is likely that vehicle crossings onto the road would not be seen favourably (by authorities and developer), and thus internal access roads may need to be provided to a greater degree than if a collector road were to run along the southern site frontage.

2.2.6 Impact of Limitations on the Title of 3 Sinton Road

3 Sinton Road was utilised by NZTA during the construction of SH18 and surrounding road infrastructure and a portion of the Waiarohia Stream that traversed over 3 Sinton Road was realigned over the site and piped below SH18 as illustrated in see **Figure 1** below.

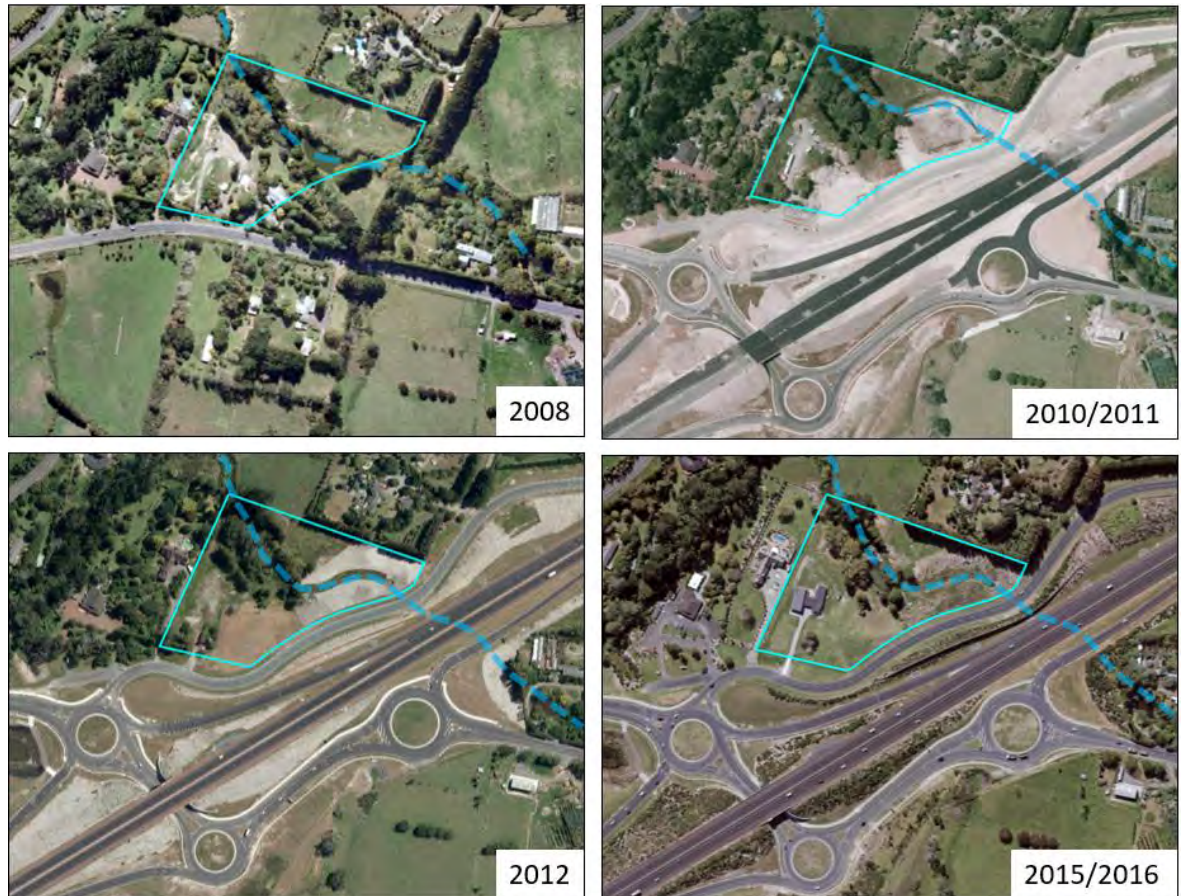


Figure 1: Comparing aerial photography prior, during and post completion of SH18 in the proximity of 3 Sinton Road (Source: Auckland Council's GEOMAPS) with indicative alignment of the Waiarohia Stream shown dashed

Following completion of SH18 works the riparian edges of the stream / wetland were replanted. Easements were registered against the Certificate of Title of 3 Sinton Road (Legal description Section 41 Survey Office Plan 444423) to allow for the right to drain water from under the motorway and prevent any removal or destruction of this protected riparian / wetland planting as illustrated in **Figure 2**. These easements provide significant impediments to any potential construction of the proposed (Sinton) road as the proposed road would detrimentally impact upon protected vegetation as well as potential result in adverse flooding impacts which may affect the SH18 as well as downstream properties which the stream traverses, i.e. 174 Brigham Creek Road, Hobsonville.



Figure 2: Protected Riparian Vegetation Located at 3 Sinton Road

2.2.7 Uncertainties and Potential Extra Costs for Development

With the proposed collector road forming a road to a higher width and standard than that which the Submitter would consider suitable for internal access this will place complications on the development path of the 18 Sinton Road site.

Should development on the site occur before Council is able to fund and construct the proposed (Sinton) road alignment and the associated expensive bridges, the development will be required to undertake one of the following options, none of which are deemed attractive:

- Build the road and required bridges as part of the development, placing a significant design and organisational burden upon itself, including agreeing cost-sharing aspects or advance financing and issues related to enabling this work on third-party land at 7-9 Kauri Road, and on 1 and 3 Sinton Road, as per; or
- Build only the first section, but without the bridges to Kauri Road (i.e. build only the shorter section required for local access until Sinton Road is realigned), and then, at some indeterminate future point, see significant further construction work directly inside / adjacent to the development to construct the bridges / upgrade the road, disrupting occupants of the new development.

Therefore, it is considered that unless Council is able to confirm funding and processes in place to progress the construction of the proposed (Sinton) road alignment in the near future, this adds a further argument against the proposed alignment – and in favour utilising the existing / modified alignments directly to Brigham Creek Road, which do not have these issues and can be staged more flexibly.

3. Modified Alignment

The submitter proposes that instead of re-aligning Sinton Road as proposed, it remains as per the current road alignment, i.e. tying into the current northern roundabout of the Brigham Creek Road / State Highway 18 interchange, or a location further north, between the interchange and Kauri Road, using the already transport-zoned and Council / Crown-owned land parcels which are considered generous.

A good example is provided at another recently upgraded and enlarged interchange, that on the southern side of Te Atatu / SH16, as shown in **Figure 3** below. The space available at Te Atatu is smaller than at Brigham Creek Road and is more constrained where the interchange transitions to the local road network.



Figure 3: Comparing Available Space at Current / Future Brigham Creek Interchange with that at Te Atatu Road

It is noted that at Brigham Creek Road some of the land will be required for a future RTN busway. However, the busway is not intended to have a station at the interchange (as based on the Section 32 Report Figure 7), so the impacts are expected to be limited, with the busway likely to stay very close and parallel to the main motorway alignment on fly-overs or underpasses, similar to layouts such as at Tristram Avenue on the Northern Busway.

As development in the area occurs, including in the Stage 1D, area this will eventually trigger the need to upgrade the interchange roundabout layout to traffic signals, as already envisaged by authorities. Options to incorporate Sinton Road at that stage could include:

- Traffic signals, with relevant increase of the intersection capacity via additional approach lanes to the signals provided in the large available area to counteract the modelled delay increases leading to the original proposal to relocate the road; or
- Incorporating Sinton Road as a t-intersection (likely with seagull treatments to improve safety and efficiency) halfway between the interchange signals and Kauri Road (leaving in excess of 120m distance to either of the two other intersections).

In regard to the option of providing a side-road access relatively close by to an interchange, it is considered that this is not in any way unusual. Similar arrangements of significant unsignalised side roads located at similar distance to a major interchange include Duncan McLean Link / St Lukes Road and Te Atatu Road / Royal View Road.

At Brigham Creek Road, the use of a seagull treatment could better the safety and efficiency of those cited examples.

In summary, as already briefly discussed in previous sections, a key advantage of the current / modified alignment is that it uses land already owned and zoned for transport purposes, rather than land zoned for future urban development.

It is also considered likely that the additional costs to integrate it into the interchange, or close by on Brigham Creek Road as a t-intersection, would be lower than the costs of acquiring land and constructing a difficult crossing of the local topography.

It is therefore considered that it is clearly possible to retain a direct Sinton Road signals access, or, if direct access into the signals is not desirable, a t-intersection access onto Brigham Creek Road in the vicinity, likely via a seagull treatment.

TDG

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991

FORM 5

Submission on Plan Proposed Change 5 Whenuapai, Auckland Unitary Plan

Attn: Planning Technician

Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

1. Submitter details

Full Name of Submitter: Charles Ku

Agents Name/ Contact Person: Peter Hall, Boffa Miskell

Address for service of the Submitter: Boffa Miskell

Attn: Peter Hall

PO Box 91250

Auckland 1142

Email: peter.hall@boffamiskell.co.nz

Phone: 09 359 5325/ 0274 222118

2. Scope of submission

This is a submission on Proposed Plan Change 5 to the Auckland Unitary Plan

The specific provisions that my submission relates to are identified in the table at **Attachment 1** to this submission.

3. Submission

I **support** and **seek amendments** the specific provisions identified in the table at **Attachment 1** to this submission for the reasons set out.

I seek the following decision by Council:

Accept the Plan Change with amendments as outlined in this submission, with such other relief and consequential amendments as to give effect to the relief sought in this submission (**Attachment 1**)

#34.1

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

4. Clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act

I confirm that I could not gain an advantage in trade competition through this submission



.....

Signed for and on behalf of Charles Ku

19 October 2017

.....

Date

Attachment 1

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
Proposed Zoning Map	Support , particularly as it relates to the zoning of the property at 55 Trig Road to Business – Light Industry Zone	Nil	The rezoning accords with the Council's Future Urban Land Supply Strategy. Rezoning of the land identified, including 55 Trig Road, as Business – Light Industry aligns with need for business land identified in the Auckland Plan 2012 and otherwise provides employment opportunities through the efficient use of land and infrastructure.
1616.10.1. Whenuapai 3 Precinct Plan 1	Seek Amendments	<ol style="list-style-type: none"> 1. Correct error in title as follows: "<i>Whenuapai 3 Precinct Plan 1</i>" 2. Remove the Intermittent stream identified on the property at 55 Trig Road, in the event that the relief sought by this submission in respect of clause 1616.6.4. is not granted. 	<p>Correction of an error in the plan title.</p> <p>The provisions associated with the intermittent stream identified on the property on 1616.10.1. Whenuapai 3 Precinct Plan 1 result in unreasonable limitations on future improvement opportunities on the site according to its proposed zoned purpose, by not providing alternatives.</p>
1616.10.1. Whenuapai 3 Precinct Plan 2	Seek Amendments , in relation to the extension of the Spedding Road Arterial into the properties adjoining and to the south of 55 Trig	Nil	It is unrealistic and does not provide for efficient use of land to assume that the Spedding Road extension arterial will be achieved in a

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#34.4

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
	<p>Road. In particular, that <u>either</u> the Precinct Plan indicate that this Arterial will be designated and dedicated by the Council or Auckland Transport if retained in its proposed position <u>or</u> the Spedding Road extension Arterial is repositioned to be wholly or partly in the property at 55 Trig Road.</p>		<p>piecemeal fashion. As an arterial, its transport benefits extend beyond the properties in the Structure Plan it serves and in this circumstance, the Council has a role in achieving the road, and has powers to do so by way of designation and land acquisition. This is particularly the case at the Trig Road end of the proposed arterial where achieving it in its current position will depend on multiple owners with relatively small land holdings, including narrow access strips. Moving the road to be wholly or partly on the property at 55 Trig Road reduces the complexity associated with multiple landholdings, as an alternative to the Council/AT designating the road itself.</p>
<p>1616.1. Precinct Description</p>	<p>Seek Amendments</p>	<p>Amend the paragraph headed <i>“Integration of Subdivision and Development with Infrastructure”</i> as follows:</p> <ol style="list-style-type: none"> 1. Delete the sentence: <i>“The primary responsibility for funding of local infrastructure lies with the</i> 	<p>The Precinct Description fails to recognise that funding for infrastructure should be shared equitably between developments in the precinct according to their relative demands on infrastructure provision. It also unfairly places the same requirements on collector roads as it does on arterial roads,</p>

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
		<p><i>applicant for subdivision and/or development”.</i></p> <p>2. Redraft the paragraph to specify that the funding of local infrastructure will be shared equitably between developments in the precinct according to their relative demands on infrastructure provision.</p> <p>Amend the paragraph headed Transport to recognise that designation of roads by Council or Auckland Transport is an alternative way to achieve the proposed transport network through the structure Plan, particularly in relation to arterial roads.</p> <p>Amend the paragraph headed Open Space to be more specific about the proposed purposes of the Open Space network proposed. By way of example, the large area of Open Space identified on Precinct Plan 1 has a significant proposed future purpose which should be identified in the Precinct Description.</p>	<p>where arterial roads have benefits beyond the Structure Plan area.</p> <p>The Precinct Description lacks specificity as to the purpose of the various areas of Open Space identified, which does not allow for integrated planning and development of the balance land. This is particularly so where there is an assessment criteria 1616.8.2. (d) which requires an assessment of the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1. As its stands, this is difficult to achieve given the lack of description and purpose of these open spaces.</p> <p>The Precinct Description should recognise that designation of roads by Council or Auckland Transport is an alternative way to achieve the proposed transport network through the structure plan. As a method, this is the most efficient and effective way to provide the proposed road layout and avoids</p>

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#34.7

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
1616.2. Objective (3)	Seek Amendments	Amend 1616.2. Objective (3) as follows: <i>“Subdivision and development does not occur in advance of the availability of transport infrastructure <u>necessary to service that subdivision and development, including regional and local transport infrastructure</u>”, or otherwise as to specify that development can occur ahead of regional and local transport infrastructure where developers provide an alternative measure for the provision of the upgrade works.</i>	delays and inefficiencies where land holdings are fragmented such as the case in the Structure Plan area. Amendments to the objective are required to be consistent with the Precinct Description and to specifically recognise that development of specific sites can occur ahead of regional and local transport infrastructure and that not all such infrastructure is required in the Structure Plan area to enable development.
1616.2. Objective (6)	Seek amendments	Amend 1616.2. Objective (6) as follows: <i>“<u>Unless already implemented, subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2, to the extent necessary to service that subdivision or development, and takes into account the regional and local transport network</u>”</i> or otherwise as to specify that the elements are	As written, the objective could be read to require the full implementation the transport elements with subdivision and development rather than only those necessary to support that particular subdivision or development. The addition of the words <i>‘unless already implemented’</i> to the objective seeks to recognise that the roading network may also be

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#34.9

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
1616.3. Policy (7)	<p>Seek Amendments</p>	<p>only required insofar as they relate to the particular subdivision or development.</p> <p>Amend Policy 1616.3 (7) as follows: <i>“Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2 to the extent necessary to service that subdivision or development”,</i> or otherwise as to specify that the infrastructure elements are only required insofar as they relate to the particular subdivision or development.</p>	<p>achieved by way of designation and dedication of roads.</p> <p>As written, the policy could be read to require the full implementation of the transport elements with subdivision and development rather than only those necessary to support that particular subdivision or development.</p>
1616.3. Policy (7)	<p>Seek Amendments</p>	<p>Amend Policy (8) as follows: <i>“Require the provision of new collector roads and upgrades of existing roads generally in the locations and alignments as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads not allowed where the realigned road will provide an equivalent transport function. For</i></p>	<p>Where designation is not used to achieve roading, flexibility is required to ensure subdivision development that is ready to go is able to provide roads where that still achieves the equivalent transport function and will ensure the efficient development of the Structure Plan area.</p> <p>Arterial roads have transport benefits extending beyond the properties in the Structure Plan it</p>

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Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
		<p><i>the avoidance of doubt, this may mean locations and alignments of roading on different allotments to those shown on the Precinct Plan”, or otherwise to provide for flexibility in the final positions and alignments of roads and to differentiate between the function and benefits of collector and arterial roads as described in this submission.</i></p>	<p>serves. The Council has a role in achieving arterial roads, and has powers to do so by way of designation and land acquisition. The policy should recognise that while collector roads should occur with subdivision and development, arterial roads can also be achieved by way of designation.</p>
<p>1616.3. Policy (13)</p>	<p>Seek Amendments</p>	<p>Amend Policy I616.3 (13) as follows: <i>“Require development to: (13) avoid locating manage the flood risk of new buildings locating in the 1 per cent annual exceedance probability (a)(AEP) floodplain; ...”</i></p>	<p>The focus of this policy should be on habitable floors and should recognise that in Light Industrial Areas in particular, it is possible to locate non-habitable buildings in the 1 percent annual exceedance flood plain at the owner’s risk.</p>

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
Activity Table I616.4.1	Seek Amendments	Insert a new activity in the table under Subdivision as a restricted discretionary activity as follows: <i>“Subdivision that complies with Standards at I616.6.2 and I616.6 – RD”.</i>	The activity table does not specify the status of subdivision that complies with at I616.6.2 and I616.6.
Rule I616.6.2.	Seek Amendments	Redraft I616.6.2 including clause 1 to make it clear that subdivision and development must meet its proportional share of funding local infrastructure works, unless provided for by clauses 2 and 3. Otherwise support the ability for alternative measures set out in clauses 2 and 3.	The use of the words ‘proportional share’ in clause 1 as drafted is unclear as it does not specify what the share of what is presumably the cost.

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Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
Table I616.6.2.1	Seek amendments	Include a note at Table I616.6.2.1 that the areas 1A-1E are not sequential but only dependent on the provision of the local transport infrastructure required in the table, or alternatives as determined under I616.6.2 clauses 2 and 3.	The table could be interpreted as a sequencing of stages.
Rule I616.6.3.	Seek Amendments	Amend clause I616.6.3 (2) as follows: <i>"(2) all new buildings containing habitable floor levels must be located outside of the 1 per cent AEP floodplain and overland flow path".</i>	The rule should manage habitable floors and should recognise that in Light Industrial Areas, it is possible to locate non-habitable commercial buildings in the 1 percent annual exceedance flood plain at the owner's risk.

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Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
<p>1616.6.4.</p>	<p>Seek amendments</p>	<p>Amend 1616.6.4. Riparian Planting to specify that the clause does not apply to intermittent streams.</p>	<p>The provisions requiring riparian planting of intermittent streams result in unreasonable limitations on land use opportunities on Light Industrial land by not providing for alternative methods to maintain or enhance biodiversity such as compensation or offsetting.</p>
<p>1616.6.8.</p>	<p>Seek Amendments</p>	<p>Amend the rule to require that where the Precinct Plan shows an indicative road adjoining an allotment, that road shall be provided in a manner to serve (provide frontage to) both the parent lot on which the road is located and the lot which it adjoins.</p> <p>Otherwise amend rule 1616.6.8. to better achieve policy 1616.3. (8) subject to the amendments to that policy sought in this submission. This includes specifying that new roads shall be 'generally' provided in the locations and alignments shown on the Precinct Plan, and</p>	<p>In some instances, an indicative road is shown along the boundary of two adjoining lots. Greater certainty is required in these circumstances to ensure that the future road will be able to provide legal frontage to both lots. This in particular applies to the indicative road adjoining the property at 55 Trig Road, where the development pattern of that site will be strongly influenced by the ability of the next Spedding Road extension to provide frontages. The rule also needs to better reflect the indicative nature of the roading layout on the Precinct Plan.</p>

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Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
1616.6.11.	Seek Amendments	<p>that these road locations and alignments are indicative.</p> <p>Amend 1616.6.11. Lighting clause (b) as follows: <i>"...(b) outside illumination of any structure or feature by floodlight<u>up lit floodlights</u>.</i></p>	<p>The rule should recognise that it is up lit flood lights that make impact on aircraft safety and that it is possible to down light with floodlights.</p>

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
<p>1616.8.2. Assessment Criteria</p>	<p>Seek Amendments</p>	<p>Amend criterion 1 (a) as follows: <i>(a) the extent to which any subdivision or development layout is generally consistent with and provides for the upgraded roads and new indicative collector roads shown on the Whenuapai 3 Precinct Plan 2;...</i>"</p> <p>Delete criterion 1 (d)</p> <p>Insert a new criterion to deal with circumstances where</p> <p>the Precinct Plan shows an indicative road adjoining an allotment. In these circumstances, the subdivision shall demonstrate how that road serves (provides frontage) both the parent lot on which the road is located and the lot which it adjoins.</p>	<p>Criterion 1(a) should recognise the indicative alignment of the roading network should only require general consistency and that arterial roads can be achieved by other methods (namely designation).</p> <p>Criterion i(d) is difficult to achieve given the lack of description and purpose of the proposed open spaces.</p>

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Contact details

Full name of submitter: Sheng Xin Property Investment Limited

Organisation name:

Agent's full name: Toby Mandeno

Email address: toby@bslnz.com

Contact phone number: 0272371177

Postal address:
PO BOX 11139
Ellerslie
Auckland 1542

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
I616.6.8. Roads I616.6.2. Transport infrastructure requirements

Property address: 25 Trig Road, Whenuapai

Map or maps: Refer to Appendix A - locality map

Other provisions:
Refer to submission

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Refer to attached submission

I or we seek the following decision by council: Accept the plan modification with amendments

#35.1

Details of amendments: Refer to attached submission

Submission date: 19 October 2017

Supporting documents
25 Trig Road - Locality Plan.pdf
Submission-Whenuapai Plan Change 25 Trig Road (FINAL).pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

SUBMISSION FORM

The following submission is made on the proposed Auckland Council Plan Change 5 – Whenuapai Plan Change prepared under the Resource Management Act, 1991.

To: Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter: Sheng Xin Property Investment Limited
Postal Address: 18 Appleby Road, Albany, Auckland 0632
Phone: 021 585 815
Email: shengxininvestment@gmail.com

I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to develop my property. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

Name of Agent: Toby Mandeno – Birch Surveyors Limited
Address: PO Box 11139, Ellerslie, 1542
Phone: 027 237 1177
Email: Toby@bslnz.com

I wish to be heard in support of this submission.

If others make similar submissions, I would consider presenting a joint case with them at the hearing.

 19 October 2017

Signature **Date**

1.0 INTRODUCTION

Thank you for the opportunity to submit on Whenuapai Plan Change 5.

The specific parts of the Plan Change to which this submission relates to is:

The requirement of infrastructure upgrades and the requirement of developers to meet a “proportional share” where there is no definition of “proportional share”. It is our position that the Plan Change documentation does not provide sufficient guidance around the expected costs associated with the identified upgrades, and how such costs will be divided between the property owners/developments within their respective sub-areas.

2.0 BACKGROUND

2.1 Our client is the landowner of 25 Trig Road, Whenuapai, (‘the submission site’) outlined in the Locality Map attached as Appendix A to this submission. The submission site is legally described as Section 29 Survey Office Plan 447691 and is held in Computer Freehold Register 580795.

2.2 Whenuapai 3 Precinct Plan 2 (Section I616.10.2 of the Proposed Plan Change document) shows the location of an indicative Collector Road running along the rear boundary of this site, as shown in **Figure 1**, below. While we support the location of this Collector Road, the location of this Collector Road to the east of our Client’s site would not benefit development of this property, given the location of a stream near the eastern boundary, and that fact that our client’s site is already provided with road access through the legal road which parallels the alignment of SH18.

35.2

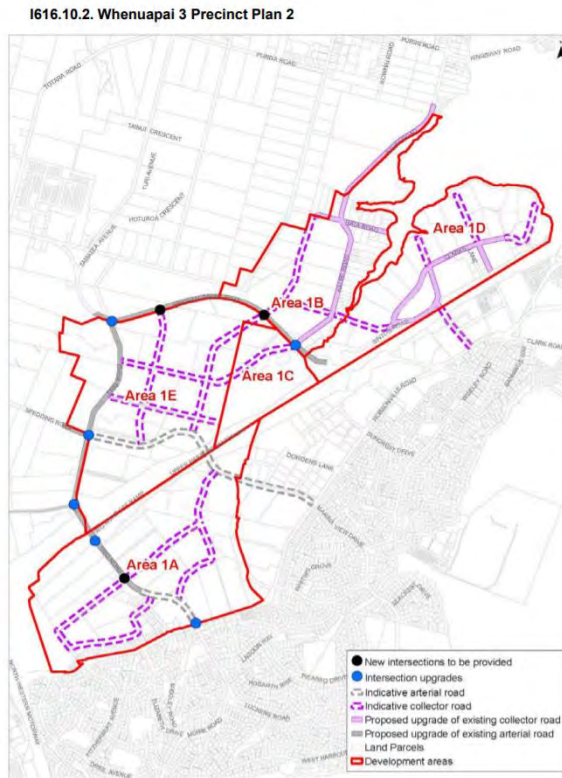


Figure 1: Whenuapai 3 Precinct Plan 2 (source: Whenuapai Plan Change)

- 2.3 Although the Collector Road will run through our Client’s site, the location of the road will not enable development, due to the location of the stream and requirement for riparian planting – with a minimum depth of 10m from the top of the stream bank. There is insufficient depth between the road and stream to enable the creation of allotments, and thus, the road provides no value to our Clients site or future development potential. 35.2
- 2.4 It is anticipated that development will only occur to the west of the stream, so our client is not reliant upon access from this Collector Road.

3.0 SUBMISSION

- 3.1 Subject to the acceptance of the relief specified below, we generally support the proposed zoning of the Whenuapai Plan change area. 35.3
- 3.2 We seek clarification around the requirements to upgrade transport infrastructure through the subdivision process, primarily with respect to the identified upgrades needed in support of the future development of Area 1A – to which our Client’s site is located within. 35.4
- 3.3 In total, for the full development of Area 1A to occur, the following upgrades are required;

Table I616.6.2.1 Local transport infrastructure requirements

Areas	Local transport infrastructure required
1A	New collector roads extending west from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	New collector roads extending east from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	Signalisation at the new intersection of Trig Road, Luckens Road and Hobsonville Road.
	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2.
	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp.

Figure 2: Extract taken from PC5 – showing required Area 1A upgrades

- 3.4 I616.6.2 (1) - Transport infrastructure requirements – states that “*all subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below*”. However, without first understanding the total cost associated with these upgrades, what constitutes a proportional share is unclear and contestable.
- 3.5 It is our position that the overall costs need to be first understood; with a break down in costs provided for each component – i.e. land acquisitions and construction. This information needs to be public, and openly available prior to the Council making determinations on development applications.
- 3.6 Without the cost of the upgrades being understood and publicly known, I am of the position that it will be very difficult for Council to determine what constitutes an ‘appropriate alterative measure’ as required by Standard I616.6.2 (2) and (3).
- 3.7 In contrast, if the total costs are known, the Council can then identify a means of dividing these costs proportionally throughout the various sub-areas. We acknowledge the difficulties

associated with such a process, but believe it is critical to ensure an even playing field between all land owners and developers – irrespective of when an individual land owner wishes to proceed with development. This will also ensure that the costs can be shared between Council, Council's CCO's and the private developers.

- 3.8 One potential means of dividing the costs between the respective land holdings could be through a proportional rate, developed on the size of the underlying title and proposed zone within PC 5. For example, within Area 1A – there would be three categories created associated with the underlying zones – the Terrace and Apartment Building Zone, Mixed Housing Suburban and the Neighbourhood Centre Zone. This would then divide the costs within the sub-area, on the likely development yield generated from the respective lot size and zone.
- 3.9 On this basis, Council can then make a determination on what is appropriate for any resource consent application. In our opinion, such reasonable costs could relate to the vesting of land (to support the construction of collector roads), the construction of the roads themselves or a development contribution / levy for such sites which are not subject to a proposed collector road, or adjacent to the intersections requiring upgrading.
- 3.10 In respect of our Client's site, our position would be that the underlying land to be vested to Council for the Collector Road should be identified as the contribution, based on the total area to be vested on an agreed m² rate determined by an independent valuer. If there remained outstanding proportional costs, such additional cost would be paid as part of the required levy/rates.
- 3.11 We also seek clarification on the definition and intended outcome of Standard I616.6.8. (1) which states; "*Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur*". Our position is that this Standard should be amended, so that it is clear that the developer is only responsible for upgrading the road to the centreline only, for any road adjoining the development site. Please refer to the relief sought in paragraph 4.5, below.
- 3.12 Further, we seek additional clarification around the wording of I616.6.8. (2). Our position is that the requirement for developments to establish and pay for new roads should only relate to local roads, and not the collector road network needed within Table I616.6.2.1. Please refer to our relief sought below.

4.0 RELIEF SOUGHT

- 4.1 We request that the following section is reworded to provide certainty around Transport Infrastructure upgrade requirements, as follows;

4.2 General Costs:

The total expected cost for the upgrades need to be identified and made publicly available. The total costs should categorise the various components, with particular reference made to the cost of land acquisitions in isolation from the estimated construction costs.

35.5

4.3 Include a Definition for Proportional Share:

“Proportional Share” is a value of the overall costs identified for the upgrades of the respective sub-area. The overall costs are then divided between the sub area, with such costs determined by the lot size and indented zone of the AUP – OP. 35.6

4.4 I616.6.2. Transport infrastructure requirements

(1) All subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.

(2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided. The Applicant must demonstrate how their alternative measures achieve the proportional share of costs determined for their respective site by Council. Council will consider the following in their determination of costs: 35.7

- a) The cost of land needed for a proposed Collector Road;
- b) The payment of a localised development contribution or levy;
- c) Construction costs associated with a Collector Road;
- d) Contribution of costs relating to the upgrading of identified intersections.

(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.

4.5 I616.6.8. Roads

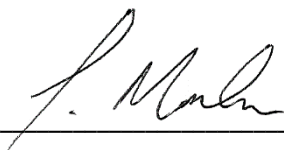
Development and subdivision occurring adjacent to an existing road must upgrade the proportion of road to the centreline adjoining the development site where subdivision and development is to occur. In the event that the other side of the road is not within Stage 1 of PC 5, the entire width of the road must be upgraded. 35.8

Development and subdivision involving the establishment of new roads must:

- (a) provide the internal road network within the site where subdivision and development is to occur; and
- (b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.

For the purpose of clarity with respect to Standard I616.6.8(2) above, the term road excludes collector and arterial roads identified on I616.10.2. Whenuapai 3 Precinct Plan 2. 35.9

Yours sincerely



Toby Mandeno

19 October 2017

MPlan, BSc, m.NZPI

Enclosed:

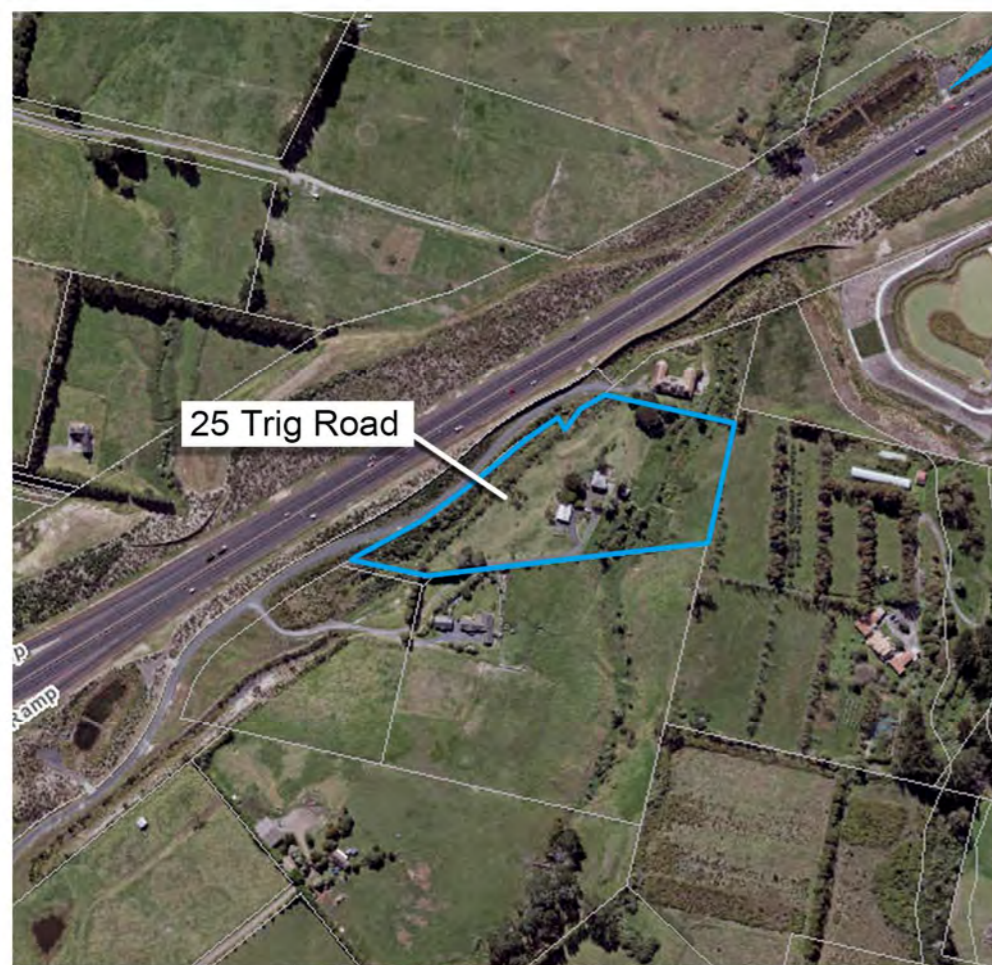
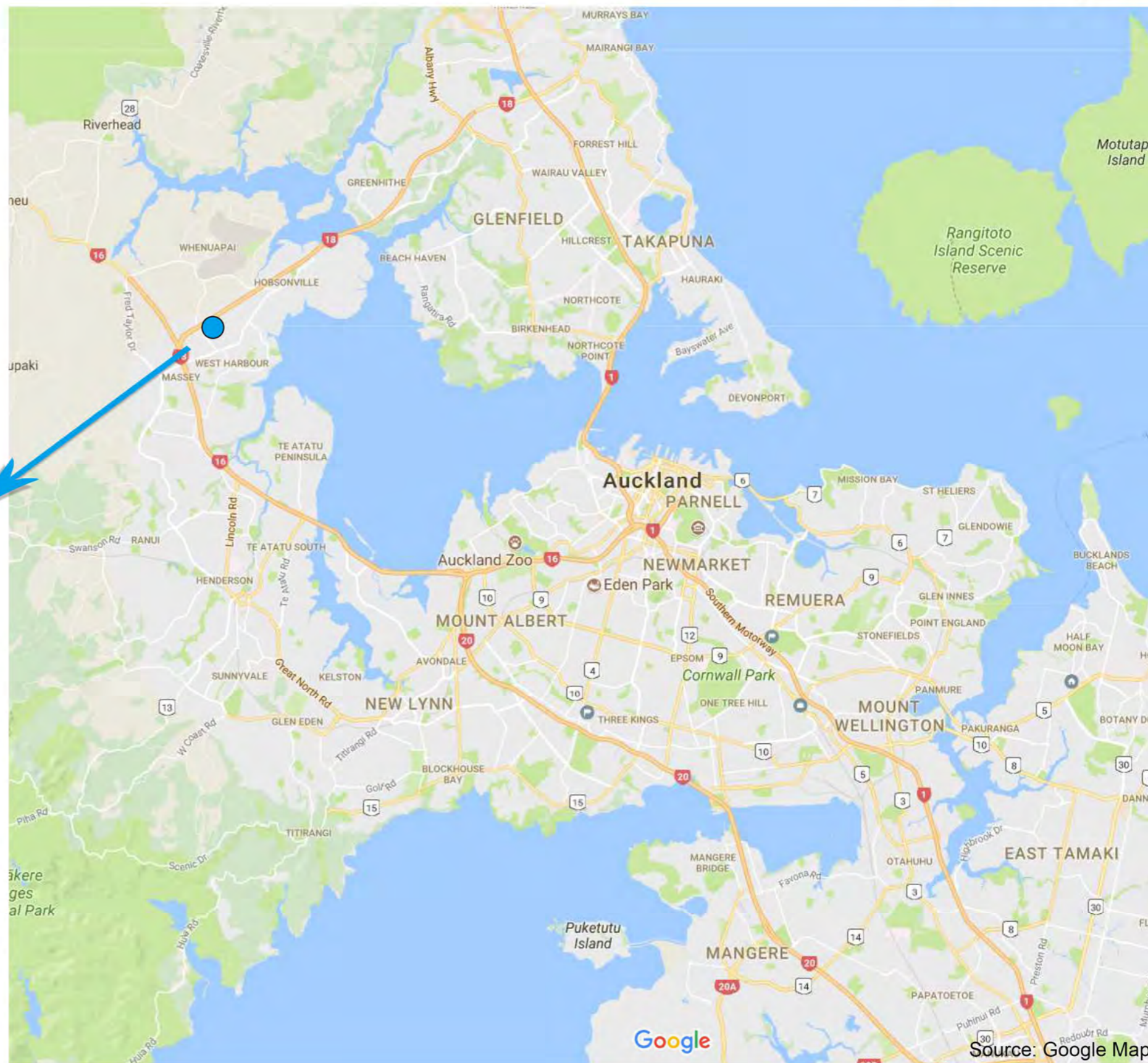
Appendix A: Locality Map

LOCALITY MAP OF SUBJECT SITES

Site Address: 25 Trig Road, Whenuapai

Site Area: 2.2588 Ha

Current Zoning: Future Urban Zone (Whenuapai Stage 1)



Source: Google Map

**SUBMISSION TO AUCKLAND COUNCIL'S
PROPOSED PLAN CHANGE 5: WHENUAPAI 3 PRECINCT**

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Submission on: Proposed Plan Change 5: Whenuapai 3 Precinct in the Auckland Unitary Plan – Operative in Part (“**AUP**”)

1. CDL Land New Zealand Limited (“**CDL**”) at the address for service below, provides this submission as follows.
2. By way of background, CDL has extensive landholdings in the western block of proposed Stage 1A, to the south of State Highway 18 (“**CDL Land**”). The CDL land is approximately 14ha in area and has access to both Hobsonville Road and Trig Road south. It forms a contiguous block that could be developed comprehensively and in a way that enables integration with the balance of the land within Stage 1A.
3. CDL considers that there are no constraints on the CDL Land, and land within Stage 1A generally, that would preclude delivery of integrated development and infrastructure, in general accordance with the proposed precinct plans, subject to some amendments, addressed below.
4. CDL considers that Stage 1A can be urbanised in a comprehensive and intensive manner without generating adverse effects beyond the area, recognising its proximity to the metropolitan centre of Westgate and the aforementioned lack of constraints on immediate development delivery. These matters are expanded upon in the submission that follows.

The specific provisions of the Proposed Plan Change that this submission relates to are as follows:

5. This submission is in respect of Proposed Plan Change 5 in its entirety but in particular concerns site specific provisions relating to Stage 1A (west of Trig Road south).

Grounds for the submission:

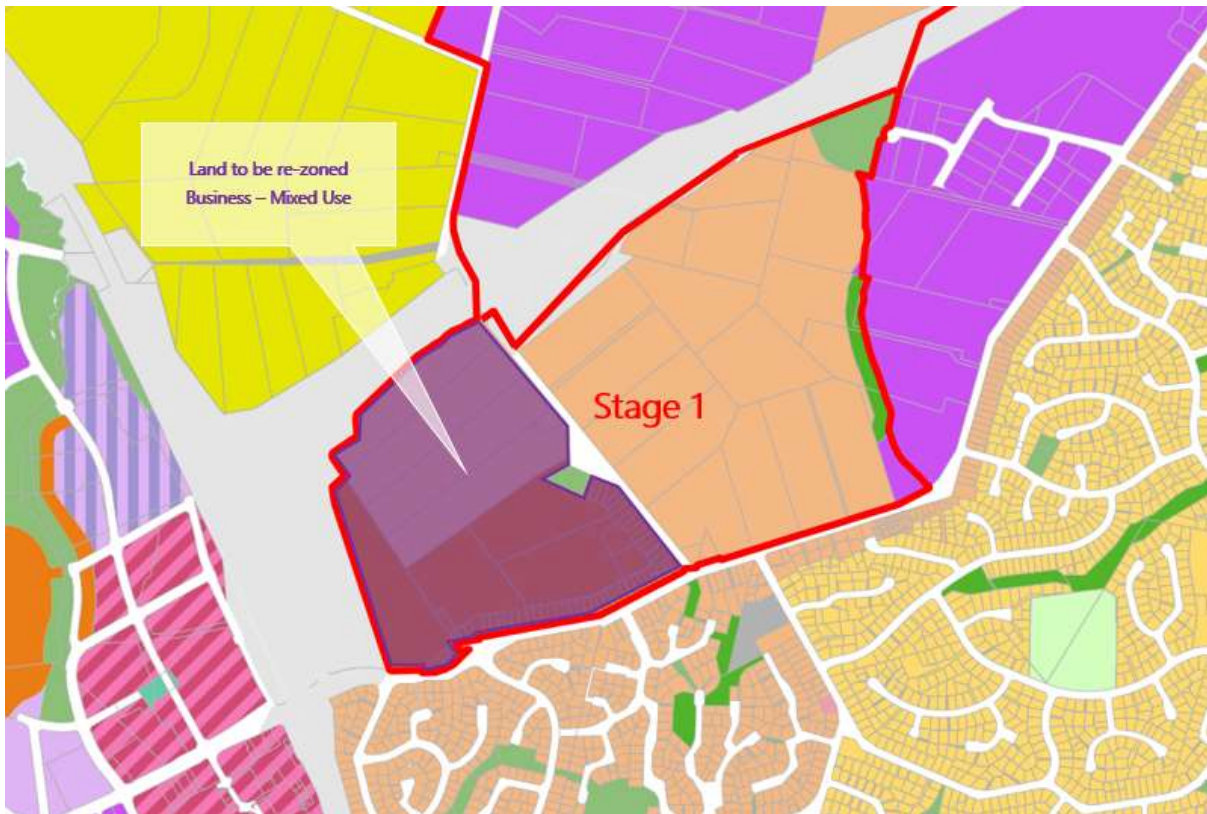
6. With the changes sought by CDL, Proposed Plan Change 5:
 - a. Will promote the sustainable management of natural and physical resources;
 - b. Will be consistent with the purpose and principles of the Resource Management Act 1991 (“**the Act**”);
 - c. Will warrant approval in terms of the tests in section 32 of the Act; and
 - d. Will constitute sound resource management practice.
7. Without limiting the generality of this submission, the following particular provisions are supported / opposed as set out below.

Zoning within Stage 1A

8. CDL considers that the most efficient and effective use of the land within Stage 1A (west of Trig Road south) would be achieved through the application of Business – Mixed Use (“**Mixed Use**”) zoning. This zone would enable greater densities of residential development adjacent, and very accessible to, the metropolitan centre of Westgate, than that envisaged by the Proposed Plan Change, which proposes a mix of Residential – Terraced Housing and Apartment Building (“**THAB**”) and Residential - Mixed Housing Urban (“**MHU**”) zones.
9. CDL considers that the western block of Stage 1A exhibits the following characteristics, which provide a suitable rationale for its re-zoning to Mixed Use:
 - a. Land that is located along the rapid and frequent service network and with access to good public transport;
 - b. Land that is located within a close walk of metropolitan or town centres; and
 - c. Land that is able (and feasible) to be serviced (this applies to all land being zoned urban, not just Mixed Use).
10. CDL considers that the boundary provisions of the Mixed Use zone (e.g.: Rules H13.6.2 Height in relation to Boundary, H13.6.3 Building setback at upper floors, H13.6.4 Maximum tower dimension and separation, H13.6.5 Yards) would achieve an appropriate transition in building scale from the Mixed Use zoned land to adjoining lower intensity residential zones. In this circumstance, Trig Road south provides a suitable buffer to further assist in creating a respectful transition to land adjacent, which is proposed to be zoned MHU.
11. Both the Mixed Use and THAB zones retain discretion for Council to assess the final built form of a proposed development, owing to the need to obtain restricted discretionary activity consent for new buildings.
12. Existing roads (Trig Road south and Hobsonville Road) provide defined zone boundaries for the extent of the Mixed Use zone as well as serving a useful physical buffer to further enable a smooth transition from one zone to the next. Figure 1 below illustrates the extent of land proposed to be zoned Mixed Use.

36.1

Figure 1 – Proposed Re-zoning to Business – Mixed Use (shown in purple outline)



13. A critical difference between Mixed Use and the Residential zones as proposed by Council are the vacant lot subdivision provisions. Within the Mixed Use zones, subdivision down to 200m² (minimum net site size) is permitted by Standard E38.9.2.3. Comparatively, the THAB Zone in particular is quite restrictive, requiring minimum vacant lot sizes of 1,200m² (Standard E38.8.3.1(2)). This inflexibility at the land development and subdivision stage does not afford CDL the ability to deliver a comprehensively designed masterplan and subdivision scheme to an intensity and diversity that is envisaged by the proposed precinct. Given CDL’s expertise in delivering high-quality vacant lot subdivisions, it is considered the Mixed Use zone will better enable development to an intensity and standard befitting the location of the subject land in such close proximity to a metropolitan centre.
14. As the Mixed Use zone retains the ability to deliver high quality, intensive housing, CDL considers that the proposed Mixed Use zoning remains consistent with the Whenuapai Structure Plan.

Precinct Plan structural elements

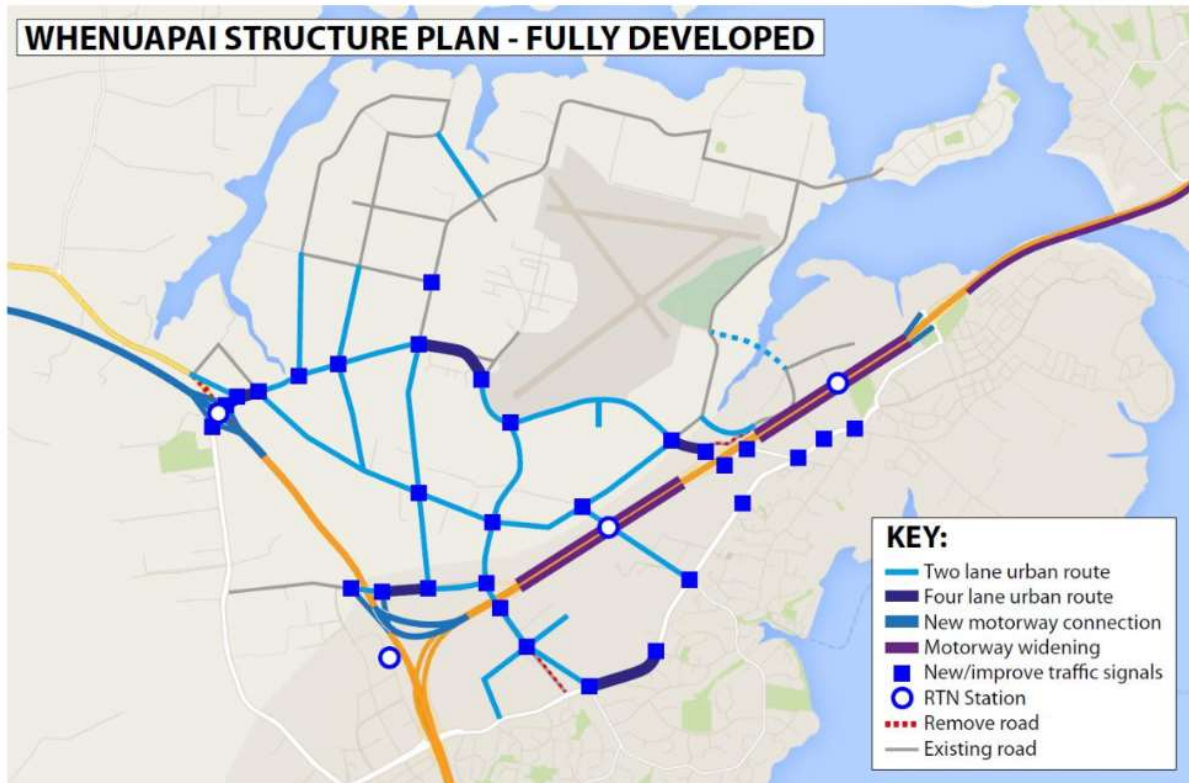
15. CDL considers there are amendments required to the physical elements shown on proposed Precinct Plans 1 and 2, as follows:
 - a. The proposed collector road through the western block of Stage 1A is redundant insofar as it nominates a circular route through the site providing access only to Trig Road, rather than connecting through the block. Access should be provided into the western block of Stage 1A from both Trig Road south and Hobsonville Road. It is not necessary or appropriate to prescribe an internal road layout at this stage and doing so might compromise or constrain the comprehensive and logical future development of the land.

36.2

- b. The collector road route shown on the Precinct Plan which differs from that proposed in the Draft Plan Change publicly released in early 2017 and is not supported by any explanation or expert evidence in terms of traffic engineering. Rather, the supporting Integrated Transport Assessment for the Whenuapai Structure Plan¹ identified an alternative collector route through CDL's land, as illustrated below:

36.3

Figure 2 – Whenuapai Structure Plan's Integrated Transport Assessment with proposed transport network



- c. Therefore, CDL suggests an amendment to Precinct Plan 2 that realigns the indicative collector road in accordance with the above figure, identifying a route from the proposed new intersection on Trig Road through to Hobsonville Road. CDL controls access to Hobsonville Road via the properties located at either 4 or 30 Hobsonville Road. An assessment can be undertaken in due course as regards which is the most appropriate for an intersection.
- d. Related to the point above, CDL seeks incorporation into Precinct Plan 2 of an identified vehicular access point to its land from Hobsonville Road. This could utilise an existing crossing location for access into CDL's land at either 4 or 30 Hobsonville Road, and be annotated with an "intersection upgrade" notation as per the proposed Precinct Plan 2.
- e. CDL opposes the extent of streams (both permanent and intermittent) as annotated on Precinct Plan 1. CDL's land and the surrounding land within the western block of Stage 1A is located at the top of the catchment, which is particularly modified downstream owing to the presence of the motorway corridors. Further, these streams or overland flow paths will be annotated on Council's GIS, with relevant Auckland-

36.3

36.4

36.5

¹ Whenuapai Structure Plan Integrated Transport Assessment Report, June 2016, prepared by Flow Transportation Specialists Ltd, page 54, figure 21.

wide rules and definitions applicable to appropriately manage effects of development near riparian environments. This matter is expanded upon below.

16. Included at **Appendix 1** are revised Precinct Plans 1 and 2, which incorporate the relevant structural amendments noted above.

Precinct provisions

17. CDL proposes amendments to the provisions of the Whenuapai 3 Precinct as drafted. A summary of the key themes of amendments is set out below.

Proximity to Westgate Metropolitan Centre

18. The precinct description sets out key structural elements of the quasi-urban environment both within and around the precinct area. What it currently omits in respect of critical features in the surrounding environment is the Westgate Metropolitan Centre and the precinct area's proximity to that centre. 36.6
19. In CDL's opinion, the CDL Land and the western part of Stage 1A (west of Trig Road south) is well-placed to take advantage of that proximity through provision of intensive and high-quality residential development, providing a local and accessible resident population for the commercial activities and services within the centre.
20. The location of the metropolitan centre relative to the CDL Land provides another supporting reason for CDL's proposed rezoning to Business – Mixed Use as described above.

Reference to Funding Mechanisms

21. CDL considers that the mechanism(s) by which infrastructure is funded are not most appropriately addressed within planning provisions or the AUP. Rather, Council has elected to seek funding from developers for infrastructure upgrades and connections via development contributions, which are imposed pursuant to the Local Government Act 2002.
22. Further, public-private partnerships or Infrastructure Funding Agreements can be implemented via alternative legislation.
23. CDL considers that the precinct provisions would be better suited to identifying the specific infrastructure projects that are necessary to service the precinct's development and establishing a framework for assessment and implementation of those projects, or suitable alternatives that facilitates and enables development to occur within an appropriate timeframe 36.7

Delivery of Transport Infrastructure Upgrades

24. As noted above, CDL agrees that the precinct provisions should identify the necessary infrastructure upgrades that can provide access to development within the precinct area.
25. However, the current approach is prescriptive and onerous, requiring only those identified upgrades and preventing development until those upgrades are implemented without providing any indication or timeframe when those upgrades may occur. CDL considers a more appropriate approach would be to establish an assessment framework for transport projects whereby developers, in conjunction with their developments, provide either the identified upgrades or suitable alternatives, including interim measures until Auckland Transport can deliver the identified upgrades. This is particularly relevant where delivery of upgrades is outside the control of the subject developer. 36.8
26. This assessment framework would be implemented via a restricted discretionary activity consent application, at which time Council and the developer could collaborate on various access arrangements.

27. This is in contrast to Council's current suggestion that Council approval is required in writing before an application is even made.
28. To illustrate, the proposal to limit any development seeking access to Trig Road south until the road's proposed realignment and intersection upgrade with Luckens Road is unrealistic in respect of CDL's landholdings. CDL cannot control delivery of that infrastructure project and should not therefore be prejudiced in respect of delivering housing and employment opportunities on its land, which can be accessed from either Trig Road (north of the proposed realignment) or Hobsonville Road. Any proposed access will more than likely require resource consent under the provisions of the Auckland-wide chapter E27 Transport, in addition to the precinct provisions (as amended by CDL), thus ensuring Council has discretion to assess any proposal in respect of avoiding or mitigating adverse effects on the surrounding transport network and its effect on delivery anticipated transport infrastructure within the wider precinct area.

Streams and Riparian Margins

29. CDL considers that there is merit in identifying significant watercourses on the precinct plans, as well as the extent of esplanade reserve sought (currently identified in green on Precinct Plan 1).
30. However, CDL opposes the inclusion of all other watercourses and overland flow paths on the precinct plans as the inference is they represent constraints to appropriately comprehensive development within the precinct plan area. Instead, there are recognised provisions in the Auckland-wide chapters of the AUP that manage development over or near watercourses. There has been no evidence presented by the Council to suggest that these watercourses are particularly unique or sensitive to development in a way that requires special or alternative management in that respect.
31. In the case of the CDL Land, the watercourses are understood to be either man-made or degraded to such an extent that their retention would not represent the best and most efficient use of the land. There is no rationale for retaining those watercourses, which should therefore be deleted from the Precinct Plans. That will enable the CDL Land to be developed in the most appropriate and efficient manner, with the consequence that the amenity and convenience of residents will be maximised.
32. The same concerns extend to the proposed precinct provisions relating to riparian margins. CDL considers that the necessity for, and extent of, riparian margins ought to be assessed on a case-by-case basis, having regard to the catchment management plan for the area. There is no rationale for identifying riparian margins on the CDL Land.

36.9

Replication of Auckland-wide Provisions

33. CDL opposes the introduction of precinct provisions relating to stormwater and some flooding or hazard management, since these matters are comprehensively addressed through Auckland-wide chapters of the Auckland Unitary Plan. Specifically, in respect of stormwater, the imposition of the SMAF overlay now requires assessment against Chapter E10 Stormwater Management Areas – Flow 1 and Flow 2. Precinct-specific provisions relating to these matters are not considered necessary and in CDL's opinion, would not result in consistent application of sustainable management of natural and physical resources across the region if retained.

36.10

Activity Status within Rule I616.4.1

34. CDL considers that subdivision and activities within the Precinct ought to be permitted (under the Precinct provisions) where they comply with all relevant standards, which is an approach adopted throughout the AUP. 36.11
35. Further, where there are either departures from the precinct plans or non-compliance with the standards proposed, Council can undertake an appropriately limited assessment of those proposals as a restricted discretionary activity. Indeed, CDL generally supports the assessment criteria proposed at I616.8.2 as a comprehensive yet targeted set of matters to be addressed when considering subdivision or development in the precinct area. 36.12
36. Conversely, CDL considers the Council's more onerous activity status of discretionary or non-complying where some standards are not met does not represent the most appropriate, effective or efficient means by which to achieve the objectives and policies of the precinct. Rather, CDL considers that the Council's approach results in uncertainty of assessment and outcome, and an unnecessary level of complexity in processing, given the purpose of the precinct is to facilitate appropriate development in an area the Council agrees should be urbanised, subject to appropriate infrastructure being made available.
37. Therefore, there is no requirement for a broad level of discretion over matters that do not relate to the precinct and its structure planning, which itself was a comprehensive process.
38. Included at **Appendix 1** is a set of marked up provisions that incorporate the changes sought in this submission.

Relief sought:

39. The following relief is sought in response to the issues raised in this submission:
- a. Amend the proposed zoning of land within Stage 1A in accordance with the zoning plan shown at **Appendix 2**, showing the western block of Stage 1A zoned Business – Mixed Use. 36.1
 - b. Amend Precinct Plans 1 and 2 to incorporate the changes sought in this submission at paragraphs 15(a) – (e) above, specifically removing the collector road and stream notations, and adding a new intersection upgrade notation (indicative in location but enshrining the ability for CDL's land to be accessed from Hobsonville Road). Revised Precinct Plans are attached at **Appendix 1**. 36.2-36.5
 - c. Amend the proposed Precinct provisions to give effect to this submission. One way of giving effect to the relief sought would be to make amendments as per the marked-up document attached as **Appendix 1**. 36.13
 - d. All consequential or alternative relief to give effect to the specific amendments noted above. 36.14
40. CDL wishes to be heard in respect of its submission.

DATED at Auckland this

19th

day of **October 2017**

CDL Land New Zealand Limited

A handwritten signature in black ink, appearing to read 'J Adams', written over a horizontal line.

Jason Adams

General Manager

DDI: 09 353 5015, Mobile: 027 683 7220

Email: jason.adams@cdli.co.nz

Address for service: Ellis Gould, PO Box 1509,
Auckland, New Zealand. Attention: Douglas Allan

Appendix 1 – Revised Precinct provisions and plans
(mark-up)

Auckland Unitary Plan Operative in part

PROPOSED PLAN CHANGE 5

Whenuapai

I616.Whenuapai 3 Precinct

I616.1. Precinct Description

The Whenuapai 3 Precinct is located approximately 23 kilometres northwest of central Auckland. Development in the Whenuapai 3 Precinct will enable an increase in housing capacity and provide employment opportunities through the efficient use of land and infrastructure.

36.15

The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of [the Westgate Metropolitan Centre and Whenuapai Airbase](#).

[Comment: the additional text above seeks to emphasise the proximity of the plan change area, specifically CDL's landholdings, to a metropolitan centre, and in this way identify that proximity as a key reason to pursue more intensive and more efficient use of that land. In the absence of that additional text, the description references only the potential or perceived constraints on development].

Development of this precinct is directed by Whenuapai 3 Precinct Plans 1, 2 and 3. Whenuapai 3 Precinct Plan 1 shows:

- indicative open space, esplanade reserves and coastal esplanade reserves;
- the [extent of the](#) permanent and intermittent stream network [that is to be retained when the land is developed](#), including streams wider than three metres; and
- the Whenuapai 3 coastal erosion setback yard.

36.16

Whenuapai 3 Precinct Plan 2 shows:

- indicative new roads and intersections;
- proposed upgrades to existing roads and intersections; and
- development areas for transport infrastructure.

Whenuapai 3 Precinct Plan 3 shows:

- aircraft engine testing noise boundaries from engine testing activity at Whenuapai Airbase.

[Comment: the amendments above relate to CDL's relief to identify specific streams rather than any and all watercourses, including overland flow paths, within the precinct plan. These amendments will ensure that significant watercourses are retained as structural elements of the precinct's environment, but also recognise that in many circumstances, and particularly on CDL's land, that existing watercourses are either man-made or degraded such that their retention does not represent the best and most efficient use of the land. Rather, a development scheme could be progressed that realigns or restores watercourses to achieve better stormwater and ecological functions, whilst not compromising the capacity of development that the precinct provisions hope to deliver in a soon-to-be urbanised area.]

Integration of Subdivision and Development with Infrastructure

The comprehensive and coordinated approach to subdivision, use and development outlined in the precinct ~~is a consequence of the reflects the size and~~ significant amount of infrastructure required to enable subdivision and development. ~~Funding of all required infrastructure is critical to achieving the integrated management of the precinct. The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development.~~

36.17

~~The council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements. These agreements define funding accountabilities, who delivers the works, timings and securities, amongst other matters.~~

[Comment: CDL considers that the mechanism(s) by which infrastructure is funded is not a matter that the precinct provisions need to address. Rather, the Council has elected to address funding via development contributions and public-private partnerships (among other mechanisms) pursuant to the Local Government Act 2002. Instead, the precinct provisions ought to focus on the infrastructure necessary and the various means by which development can be implemented in conjunction with these infrastructure projects.]

Transport

Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas. These upgrades are identified in Table I616.6.2.1 and are ~~to be implemented prior to or in conjunction with urban development. required be in place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area as development progresses.~~ If these upgrades are not ~~implemented prior to or in conjunction with urban development in place prior to development occurring~~ developers are able to provide ~~an alternative means of access which does not compromise the function and achievement of Auckland Transport's proposed project(s).~~ ~~measure for the provision of the upgrade works.~~

36.18

~~This may include an agreement with the council to ensure that the local share of the upgrade works attributable to the development is provided for. This could include an Infrastructure Funding Agreement or some alternative funding mechanism.~~

~~Where there is an Auckland Transport project to provide the new or upgraded roads, developers may be required to contribute to it in part. Where a development proceeds ahead of an Auckland Transport project, the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development.~~

[Comment: As above, the provision of funding for infrastructure delivery is more appropriately addressed via other legislation and means outside the scope of planning provisions. Further, infrastructure funding is not a matter unique to Whenuapai 3 Precinct and is addressed in every greenfield development or subdivision throughout the region. The mechanism(s) to obtain funding sit outside the AUP but are nevertheless within Council's control (and that of its CCOs) to ensure consistent and collaborative infrastructure delivery. In the case of CDL's land within the precinct area, very little is required in the way of transport infrastructure upgrades such that any agreement, or lack thereof, between Council and other developers or landowners within the sub-precinct area should not be a reason to delay CDL's development.

The changes above instead suggest that the transport infrastructure upgrades recognised within the precinct provisions should either be implemented prior to in conjunction with development, otherwise alternative means of access can be pursued, provided they do not compromise Auckland Transport's future access projects. The subsequent provisions will then allow assessment of any development proposal against the precinct's access arrangements and a determination can be made as to whether or not the proposal achieves the intent of the precinct plan or at the very least does not compromise its future implementation.]

Neighbourhood Centre

A neighbourhood centre is proposed on the corner of Hobsonville Road and the proposed realigned Trig Road. Service access and staff parking are provided at the rear of the development to encourage the continuity of retail frontages. Pedestrian linkage to the centre is provided at the intersection of Hobsonville Road and the realigned Trig Road.

Stormwater Management

Stormwater management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows. As a result of these findings, part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 overlay has have been applied to the precinct and these Auckland-wide provisions will ensure development in the precinct is cognisant of its sensitive receiving environment.

36.19

[Comment: CDL considers the repetition of stormwater management, and to an extent flood hazard management, within the proposed precinct provisions is not necessary given these matters are comprehensively addressed in the Auckland-wide provisions of the AUP. Indeed, additional stormwater management provisions beyond the application of the SMAF overlay, which CDL supports, may result in confusion and conflict with the Auckland-wide provisions which apply.]

Coastal Erosion Risk

The precinct area includes approximately 4.5 km of cliffed coastline. The precinct manages an identified local coastal erosion risk based on the area's geology and coastal characteristics. A coastal erosion setback yard is used to avoid locating new buildings in identified areas of risk.

Biodiversity

The North-West Wildlink aims to create safe, connected and healthy habitats for native wildlife to safely travel and breed in between the Waitakere Ranges and the Hauraki Gulf Islands. The precinct recognises that Whenuapai is a stepping stone in this link for native wildlife and provides an ability to enhance these connections through riparian planting.

Open Space

An indicative public open space network to support growth in the precinct is shown on Whenuapai 3 Precinct Plan 2. This will generally be acquired at the time of subdivision. A network of public open space, riparian margins and walking and cycling connections is proposed to be created as development proceeds. Development is encouraged to positively respond and interact with the proposed network of open space areas.

Reverse Sensitivity Effects on Whenuapai Airbase

The Whenuapai Airbase is located at the northern edge of the Whenuapai 3 Precinct boundary. While the airbase is outside of the precinct boundary it contributes to the precinct's existing environment and character. The airbase is a defence facility of national and strategic importance. Operations at the airbase include maritime patrol, search and rescue, and transport of personnel and equipment within New Zealand and on overseas deployments. Most of the flying activity conducted from the airbase is for training purposes and includes night flying and repetitive activity.

The precinct manages lighting to ensure safety risks and reverse sensitivity effects on the operation and activities of the airbase are avoided, remedied or mitigated. Any future subdivision, use and development within the precinct will need to occur in a way that does not adversely effect on the ongoing operation of the airbase.

Aircraft Engine Testing Noise

The aircraft that operate out of Whenuapai Airbase are maintained at the airbase. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7am and 10pm but, in circumstances where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods.

Whenuapai 3 Precinct Plan 3 shows 57 dB L dn and 65 dB L dn noise boundaries for aircraft engine testing noise. The noise boundaries recognise that engine testing is an essential part of operations at Whenuapai Airbase and require acoustic treatment for activities sensitive to noise to address the potential reverse sensitivity effects that development within the precinct could have on those operations.

Zoning

The zoning of the land within this precinct is Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, Business – Mixed Use, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Informal Recreation, Open Space – Conservation and Special Purpose – Airports and Airfields zones.

The relevant overlays, Auckland-wide and zone provisions apply in this precinct unless otherwise specified in this precinct.

[Comment: CDL seeks to amend the proposed underlying zone for the land west of Trig Road within proposed sub-precinct area 1A from Mixed Housing Urban and Terraced Housing and Apartment Buildings Zones to Business – Mixed Use Zone. The reasons for this proposed re-zoning are detailed in the accompanying submission but in summary, it is considered that the Business – Mixed Use Zone facilitates a more appropriate intensity of development on land that is easily able to be serviced, that is located in close proximity to a Metropolitan Centre and that can be comprehensively developed by a small number of landowners. CDL considers that the Business – Mixed Use Zone offers flexibility to deliver a high-quality masterplan of varying densities and typologies of development that might not otherwise be achievable or facilitated by the residential zoning proposed by Council in the Plan Change.]

36.20

1616.2. Objectives

- (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the proximity of parts of the precinct to the Westgate Metropolitan Centre and the strategic importance of Whenuapai Airbase.

36.21

[Comment: the additional text above seeks to emphasise the proximity of the plan change area, specifically CDL's landholdings, to a metropolitan centre, and in this way, identify that proximity as a key reason to pursue more intensive and more efficient use of that land. In the absence of that additional text, the description references only the potential or perceived constraints on development, being the Airbase.]

- (2) Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural environment.

36.22

Integration of Subdivision and Development with the Provision of Infrastructure

- ~~(3) Subdivision and development does not occur in advance of the availability of transport infrastructure, including regional and local transport infrastructure.~~

[Comment: CDL seeks to delete Objective 3 since it limits delivery of development that can be accessed via alternative means that do not compromise future delivery of identified regional and local transport infrastructure. In the case of CDL's land, this Objective would stymie development whilst Council and other landowners seek to fund and deliver Trig Road' realignment, which ought not to impact on CDL given alternative means of access can be achieved. Objective 5 is appropriate in this circumstance and CDL supports its retention below.]

- (4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.
- (5) Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.

Transport

- (6) Subdivision and development reflects and does not compromise implementation of implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.

36.23

[Comment: CDL considers the changes to Objective 6 are necessary to ensure it is consistent with Objective 5 and to ensure development can be progressed where alternative means of access to that shown on the precinct plan have been determined to be acceptable and found not to compromise the precinct's proposed network.]

Development in the Neighbourhood Centre Zone

- (7) Development in the Neighbourhood Centre Zone:
- (a) is coordinated and comprehensive;
 - (b) has active frontages facing the street; and
 - (c) promotes pedestrian linkages.

Stormwater Management

- (8) Through subdivision, use and development, implement a stormwater management approach that:
- (a) is integrated across developments;
 - (b) avoids new flood risk;
 - (c) mitigates existing flood risk;
 - (d) protects the ecological values of the receiving environment;
 - (e) seeks to mimic and protect natural processes; and
 - (f) integrates with, but does not compromise the operation of, the public open space network.

Coastal Erosion Risk

- (9) New development does not occur in areas identified as subject to coastal erosion, taking into account the likely long-term effects of climate change.

Biodiversity

- (10) Subdivision, use and development enhance the coastal environment, biodiversity, water quality, and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.

Open Space

- (11) Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.

Reverse Sensitivity Effects on Whenuapai Airbase

- (12) The lighting effects of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided, remedied or mitigated.

Aircraft Engine Testing Noise

- (13) The adverse effects of aircraft engine testing noise on activities sensitive to noise are avoided, remedied or mitigated at the receiving environment.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I616.3. Policies

- (1) Require subdivision, use and development to be integrated, coordinated and in general accordance with the Whenuapai 3 Precinct Plans 1 and 2.
- (2) Encourage roads that provide for pedestrian and cycle connectivity alongside riparian margins and open spaces.
- (3) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.
- (4) Encourage intensive development in the immediate vicinity of the Westgate Metropolitan Centre.

36.24

[Comment: new Policy 4 above seeks to emphasise the proximity of the plan change area, specifically CDL’s landholdings, to a metropolitan centre, and in this way, identify that proximity as a key reason to pursue more intensive and more efficient use of that land. This Policy alludes to the proposed Business – Mixed Use Zone for that land within sub-precinct area 1A, for the reasons set out in CDL’s submission.]

Integration of Subdivision and Development with the Provision of Infrastructure

- (5) Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport infrastructure network within the precinct, and with the wider transport network.
- (6) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.

~~(7) Require the provision of infrastructure to be proportionally shared across the precinct.~~ | 36.25

[Comment: CDL does not support the inclusion of funding references within the precinct provisions, nor the inference that landowners are required to collaborate financially to achieve delivery of necessary infrastructure.]

~~(8) Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2.~~ | 36.26

[Comment: CDL opposes Policy 8 in accordance with its suggested deletion of Objective 3. The remaining policies are considered appropriate in providing a comprehensive approach to integrated development and infrastructure provision].

Transport

- (9) Require the provision of new roads and upgrades of existing roads as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads ~~only~~ allowed where the realigned road will provide an equivalent transport function.

| 36.27

[Comment: CDL’s suggested amendment to Policy 9 seeks to recognise that there may be more than the one reason in support of an alternative alignment for collector roads. Further CDL considers that some of the collector road alignments on the precinct plans are arbitrary and do not align with the Council’s structure plan traffic assessment, land tenure or physical constraints.]

Development in the Neighbourhood Centre Zone

- (10) Ensure development in the neighbourhood centre zone maximises building frontage along Hobsonville Road and the realigned Trig Road by:
 - (a) avoiding blank walls facing the roads; (a)
 - (b) providing easily accessible pedestrian entrances on the road frontages; (b)
 - (c) maximising outlook onto streets and public places; (c)
 - (d) providing weather protection for pedestrians along the road frontages; (d)
 - (e) providing service access and staff parking away from the frontages; and (e)
 - (f) providing car parking and service access behind buildings, with the exception of kerbside parking.

- (11) Ensure all development in the Neighbourhood Centre Zone is consistent with the layout of the Trig Road realignment as shown on Whenuapai 3 Precinct Plan 2.
- (12) Limit the number of vehicle access points from the Neighbourhood Centre Zone onto Hobsonville Road and the Trig Road realignment to ensure safe and efficient movement of vehicles and pedestrians.

Stormwater Management

- (13) Require subdivision and development within the Whenuapai 3 Precinct to:
 - (a) apply an integrated stormwater management approach;
 - (b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and
 - (c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.

~~(14) Require development to:~~

- ~~(a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;~~
- ~~(b) avoid increasing flood risk; and~~
- ~~(c) mitigate existing flood risk where practicable.~~

36.28

[Comment: CDL considers the provisions of Chapter E36 Natural Hazards and Flooding in the Auckland-wide section of the AUP are sufficient to address development in areas subject to flooding. There is no need to repeat provisions in the precinct, which is by no means unique in respect of this potential development constraint].

- (15) Ensure stormwater outfalls are appropriately designed, located and managed to avoid or mitigate adverse effects on the environment, including:
 - (a) coastal or stream bank erosion;
 - (b) constraints on public access;
 - (c) amenity values; and
 - (d) constraints on fish passage into and along river tributaries.

Coastal Erosion Risk

- (16) Avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard.
- (17) Avoid the use of hard protection structures to manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

Biodiversity

- (18) Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.
- (19) Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.
- (20) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of identified permanent and intermittent streams and wetlands to:

36.29

- (a) provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area;
- (b) maintain and enhance water quality and aquatic habitats;
- (c) enhance existing native vegetation and wetland areas within the catchment;
- (d) reduce stream bank erosion.

[Comment: the amendment above relates to CDL's relief to identify specific streams rather than any and all watercourses, including overland flow paths, within the precinct plan. CDL agrees that significant watercourses should be retained as structural elements on the precinct plan but not all. For example, on CDL's land, large extents of existing watercourses are either man-made or degraded such that their retention does not represent the best and most efficient use of the land. Rather, a development scheme could be progressed that realigns or restores watercourses to achieve better stormwater and ecological functions, whilst not compromising the capacity of development that the precinct provisions hope to deliver in a soon-to-be urbanised area.]

Open Space

- (21) Require the provision of open space as shown on Whenuapai 3 Precinct Plan 1 through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.
- (22) **Only-a** Allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.

36.30

[Comment: CDL's suggested amendment to Policy 22 seeks to recognise that there may be more than the one reason in support of an alternative location or alignment of open space.]

Reverse Sensitivity Effects on Whenuapai Airbase

- (23) Require subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects and safety risks relating to lighting, glare and reflection, on the operation and activities of Whenuapai Airbase.
- (24) Require the design of roads and associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.

Aircraft Engine Testing Noise

- (25) Avoid the establishment of new activities sensitive to noise within the 65 dB L dn aircraft engine testing noise boundary shown on Whenuapai 3 Precinct Plan 3.
- (26) Avoid establishing residential and other activities sensitive to noise within the area between the 57 dB L dn and 65 dB L dn aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3, unless the noise effects can be adequately remedied or mitigated at the receiving site through the acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I616.4. Activity table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table I616.4.1 Activity table below.

Table I616.4.1 specifies the activity status of land use and subdivision activities in the Whenuapai 3 Precinct pursuant to sections 9(3) and section 11 of the Resource Management Act 1991.

~~Note: A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity.~~

36.31

[Comment: Chapter C General Rules of the AUP sets out how rules in an underlying zone interact with precinct rules. Specifically, Rule C1.6 states:

C1.6. Overall activity status

- (1) The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal, including any rule which creates a relevant exception to other rules.**
- (2) Subject to Rule C1.6(4), the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal.**
- (3) The activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct, unless otherwise specified by a rule in the precinct applying to the particular activity.**
- (4) Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.**

Therefore, there is no requirement to add blank cells to the precinct's activity table where it adopts the underlying zone rules. The absence of an entry in the precinct activity table implicitly requires reference to the underlying zone. Amendments are made to the activity table below as a consequence.]

Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct

Activity		Activity Status
Subdivision		
(A1)	Subdivision listed in Chapter E38 Subdivision—Urban	
(A1)	<u>Subdivision in accordance with all the Standards contained in I616.6 and in accordance with the Precinct Plans 1, 2 and 3</u>	<u>P</u>
(A2)	Subdivision that does not comply with <u>any one or more of the Standards contained in I616.6 I616.6.2 Transport infrastructure requirements</u>	<u>NC RD</u>
(A3)	Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6	D

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[Comment: where subdivision is consistent with the precinct provisions no further assessment ought to be required. Where subdivision does not meet the standards identified for the precinct, an appropriately limited assessment can be carried out that addresses the ways in which the subdivision does not accord with the precinct provisions, the effects arising from the non-compliances and an assessment against the objectives and policies of the precinct. This approach has been adopted throughout the AUP and the alternative, as proposed here by Council, will not engender efficient nor effective delivery of much-needed development in the precinct area. Instead, the onerous activity status proposed will open proposals up to unnecessary uncertainty and complexity of processing and assessments.]

Coastal protection structures

(A4)	Hard protection structures	D
(A5)	Hard protection structures located within the Whenuapai 3 coastal erosion setback yard	NC

Stormwater outfalls

(A6)	Stormwater outfalls and associated erosion and protection structures located within the Whenuapai 3 coastal erosion setback yard identified in Table I616.6.5.1	RD
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Use and Development

(A7)	Activities listed as permitted or restricted discretionary activities in Table H3.4.1 Activity table in the Residential — Single House Zone		36.36
(A8)	Activities listed as permitted or restricted discretionary activities in Table H5.4.1 Activity table in the Residential — Mixed Housing Urban Zone		36.37
(A9)	Activities listed as permitted or restricted discretionary activities in Table H6.4.1 Activity table in the Residential — Terrace Housing and Apartment Buildings Zone		36.38
(A10)	Activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table in the Business — Neighbourhood Centre Zone		36.39
(A11)	Activities listed as permitted or restricted discretionary activities in Table H17.4.1 Activity table in the Business — Light Industry Zone		36.40
(A12)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space — Informal Recreation		36.41

(A13)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space—Conservation		36.42
(A14)	Any structure located on or abutting an indicative road identified in the Whenuapai 3 Precinct Plan 2, unless an alternative road alignment has been approved by a resource consent	RD	
(A15)	Activities not otherwise provided for	D	
(A16)	Activities that comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6	<u>RD</u>	36.43
(A17)	Activities that do not comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries 	NC	36.44
<p><i>[Comment: Given the changes proposed above to subdivision, CDL considers the same approach ought to apply to activities that do not comply with the Standards, i.e. that a restricted discretionary activity status will allow Council the opportunity to undertake an appropriately limited assessment of the non-compliance(s). The exception to this is development within the coastal erosion setback yard that does not comply with the relevant Standard. CDL accepts that a non-complying activity status will suitably discourage inappropriate development on the coast.]</i></p>			
(A18)	New activities sensitive to noise within the 65 dB L _{dn} noise boundary shown on Whenuapai 3 Precinct Plan 3	Pr	

I616.5. Notification

- (1) Any application for resource consent for an activity listed in Table I616.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the council will give specific consideration to those persons listed in Rule C1.13(4).

I616.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table I616.4.1 Activity table in this precinct unless specified in Standard I616.6(2) below.
- (2) The following overlay, Auckland-wide or zone standards do not apply to activity (A1) listed in Table I616.4.1 Activity table for land in the Whenuapai 3 coastal setback yard identified in Whenuapai 3 Precinct Plan 1:
 - (a) Standard E38.7.3.4 Subdivision of land in the coastal erosion hazard area.
- (3) Activities listed in Table I616.4.1 Activity table must comply with the specified standards in I616.6.1 – I616.6.11.

I616.6.1. Compliance with Whenuapai 3 Precinct Plans

- (1) Activities must comply with Whenuapai 3 Precinct Plan 1 and Whenuapai 3 Precinct Plan 2.
- (2) Activities not meeting Standard I616.6.1(1) must provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans 1 and 2.

I616.6.2. Transport infrastructure requirements

- (1) All subdivision and development must be aligned with delivery of the meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below. 36.45
- (2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.
- ~~(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.~~ 36.46

[Comment: CDL considers that reference to funding is not appropriate within the planning provisions and instead the standard ought to focus on the physical infrastructure required. Provided it is aligned with development, the means by which infrastructure is funded is not a relevant consideration. Further, CDL considers that sub-clause (3) is not appropriate. Rather, an applicant is entitled to make an application for a proposed development or subdivision, during which the Council is obliged to assess the proposal against the precinct provisions, including access. Where the access is found to be acceptable, consent will be granted. The suggestion above requires an assessment outside of or in advance of that resource consent application, which is not necessary.]

Table I616.6.2.1 Local transport infrastructure requirements

Areas	Local transport infrastructure required
1A	New collector roads extending west from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	New collector roads extending east from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	Signalisation at the new intersection of Trig Road, Luckens Road and Hobsonville Road.
	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2.
	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp.
1B	Upgrade and signalisation of the intersection of Brigham Creek Road and Kauri Road including: <ul style="list-style-type: none"> • dual right-turn lanes from Brigham Creek Road into Kauri Road; and • suitable bus and cycle priority provision.
	Formation and signalisation of the intersection at the location of the new collector road and Brigham Creek Road as indicatively shown on Precinct Plan 2.
1C	Addition of a fourth leg to the Brigham Creek Road and Kauri Road intersection.
	New collector road from the Brigham Creek Road and Kauri Road intersection westwards to the boundary of the Stage 1C area as indicatively shown on Precinct Plan 2.
1D	Road stopping of Sinton Road to the west of 18 Sinton Road, and replacement with a new collector road from Sinton Road to Kauri Road as indicatively shown on Precinct Plan 2.
	New collector road crossing State Highway 18 connecting Sinton Road to Sinton Road East as indicatively shown on Precinct Plan 2.
	New collector roads as indicatively shown in Precinct Plan 2.
1E	New collector roads from Brigham Creek Road extending south into the Stage 1E area as indicatively shown in Precinct Plan 2.
	Formation and signalisation of the intersections of Brigham Creek Road with the new collector roads required as part of the Stage 1E area.
	Upgrade and signalisation of the intersection of Trig Road and Brigham Creek Road.
	New collector roads from Trig Road extending east into the Stage 1E area as indicatively shown in Precinct Plan 2.

1616.6.3. Stormwater management

- ~~(1) Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.~~
- ~~(2) All new buildings must be located outside of the 1 per cent AEP floodplain and overland flow path.~~
- ~~(3) Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:
 - ~~(a) treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or~~
 - ~~(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.~~~~
- ~~(4) All stormwater runoff from:
 - ~~(a) commercial and industrial waste storage areas including loading and unloading areas; and~~
 - ~~(b) communal waste storage areas in apartments and multi-unit developments~~must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.~~

36.47

[Comment: CDL considers that stormwater management can be appropriately addressed through the relevant Auckland-wide chapters and in particular Chapter E10 Stormwater Management Area – Flow 1 and Flow 2, now that the SMAF overlay has been applied to the precinct area. Any further provisions within the precinct risk unnecessary duplication and confusion.]

1616.6.4. Riparian planting

- (1) The riparian margins of a permanent or intermittent stream or a wetland identified on Whenuapai 3 Precinct Plan 1 must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.
- ~~(2) Riparian margins must be offered to the council for vesting.~~
- (3) The riparian planting proposal must:
 - (a) include a plan identifying the location, species, planting bag size and density of the plants;
 - (b) use eco-sourced native vegetation where available;
 - (c) be consistent with local biodiversity;
 - (d) be planted at a density of 10,000 plants per hectare, unless a different density has been approved on the basis of plant requirements.

36.48

36.49

- ~~(4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.~~
- ~~(5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.~~
- ~~(6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.~~

[Comment: the changes proposed to this standard follow on from earlier amendments to the description and Policy 20. CDL seeks to make Standard I616.6.4 applicable only to identified streams, i.e. those shown on Precinct Plan 1. For clarity, CDL does not consider any existing streams within its landholdings are of sufficient value in respect of ecology or stormwater function so as to be retained and identified on Precinct Plan 1.

Further, CDL considers that the sub-clauses proposed to be deleted above are unnecessary, onerous and inappropriate in respect of being included in the precinct provisions.]

I616.6.5. New buildings within the Whenuapai 3 coastal erosion setback yard

- (1) New buildings must not be located within the Whenuapai 3 coastal erosion setback yard shown in Whenuapai 3 Precinct Plan 1. The widths of the yard are specified in Table I616.6.5.1 and is to be measured from mean high water springs. This is to be determined when the topographical survey of the site is completed.
- (2) Alterations to existing buildings within the Whenuapai 3 coastal erosion setback yard must not increase the existing gross floor area.

Table I616.6.5.1 Whenuapai 3 coastal erosion setback yard

Area	Coastal erosion setback yard
A	41m
B	40m
C	26m
D	35m

I616.6.6. External alterations to buildings within the Whenuapai 3 coastal erosion setback yard

- (1) External alterations to buildings within the Whenuapai 3 coastal erosion setback yard identified in Standard I616.6.5 and Whenuapai 3 Precinct Plan 1 must not increase the existing gross floor area.

I616.6.7. Subdivision of land in the Whenuapai 3 coastal erosion setback yard

- (1) Each proposed site on land in the Whenuapai 3 coastal erosion setback yard must demonstrate that all of the relevant areas/features below are located outside of the Whenuapai 3 coastal erosion setback yard:

- (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
- (b) access to all proposed building platforms or areas; and
- (c) on-site private infrastructure required to service the intended use of the site.

I616.6.8. Roads

~~(1) Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.~~

36.51

[Comment: CDL considers that this sub-clause is unnecessary and onerous.]

- (2) Development and subdivision involving the establishment of new roads must:
 - (a) provide the internal road network within the site where subdivision and development is to occur; and
 - (b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.

I616.6.9. Development in the Neighbourhood Centre Zone

I616.6.9.1. Access

- (1) Vehicle accesses must not be located on that part of a site boundary located within 30m of the intersection of Hobsonville Road and the realigned Trig Road.
- (2) All development must provide pedestrian access that connects to the intersection of Hobsonville Road and the realigned Trig Road.

I616.6.9.2. Building frontage

- (1) Any new building must:
 - (a) front onto Hobsonville Road or the realigned Trig Road identified in Precinct Plan 2; and
 - (b) have a building frontage along the entire length of the site excluding vehicle and pedestrian access.

I616.6.9.3. Verandas

- (1) The ground floor of any building fronting Hobsonville Road and the realigned Trig Road must provide a veranda over the adjacent footpath along the full extent of the frontage, excluding vehicle access.
- (2) The veranda must:
 - (a) be contiguous with any adjoining building;
 - (b) have a minimum height of 3m and a maximum height of 4.5m above the footpath;

- (c) have a minimum width of 2.5m; and
- (d) be set back at least 600mm from the kerb.

I616.6.10. Development within the aircraft engine testing noise boundaries

- (1) Between the 57 dB L dn and 65 dB L dn noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:
 - (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L dn ; and
 - (b) that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and
 - (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.

I616.6.11. Lighting

- (1) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:
 - (a) searchlights; or
 - (b) outside illumination of any structure or feature by floodlight.

I616.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I616.8. Assessment – restricted discretionary activities

I616.8.1. Matters of discretion

The council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
 - (a) safety, connectivity, walkability, public access to the coast and a sense of place;
 - (b) location of roads and connections with neighbouring sites;
 - (c) functional requirements of the transport network, roads and different transport modes;
 - (d) site and vehicle access, including roads, rights of way and vehicle crossings;
 - (e) location of buildings and structures;
 - (f) provision of open space; and
 - (g) provision of the required local transport infrastructure or an appropriate alternative measure.
- (2) Use and development in the Neighbourhood Centre Zone:
 - (a) the design and location of onsite parking and loading bays; and
 - (b) building setbacks from Hobsonville Road and the realigned Trig Road.
- (3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects on landscape values, ecosystem values, coastal processes, associated earthworks and landform modifications;
 - (b) the effects on land stability including any exacerbation of an existing natural hazard, or creation of a new natural hazard, as a result of the structure;
 - (c) the resilience of the structure to natural hazard events;
 - (d) the use of green infrastructure instead of hard engineering solutions;
 - (e) the effects on public access and amenity, including nuisance from odour;
 - (f) the ability to maintain or enhance fish passage; and
 - (g) risk to public health and safety.

- (5) Lighting associated with development, structures, infrastructure and construction.

1616.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

(1) Subdivision and development:

- (a) the extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads shown on the Whenuapai 3 Precinct Plan 2;
- (b) the extent to which any subdivision or development provides for public access to the coast;
- (c) the extent to which any subdivision or development layout achieves a safe, connected and walkable urban form with a sense of place;
- (d) the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1;
- (e) ~~the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it;~~

36.52

[Comment: the Code of Practice sits outside the assessment of resource consent applications and is not relevant. The remaining transport-related criteria, in addition to, where relevant, criteria listed in Chapter E27 of the AUP are sufficient to address transport matters.]

- (f) the extent to which any subdivision or development layout provides for the functional requirements of the existing or proposed transport network, roads and relevant transport modes;
- (g) the extent to which access to an existing or planned arterial road, or road with bus or cycle lane, minimises vehicle crossings by providing access from a side road, rear lane, or slip lane; and
- (h) the extent to which subdivision and development provides for roads to the site boundaries to enable connections with neighbouring sites; ~~and~~
- (i) ~~whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.~~

36.53

[Comment: CDL considers it is not appropriate to reference funding mechanisms in an assessment of a resource consent application.]

(2) Use and development in the Neighbourhood Centre Zone:

- (c) the extent to which staff car parking, loading spaces and any parking associated with residential uses is:
 - (i) located to the rear of the building; and

- (ii) maximises the opportunity for provision of communal parking areas.
 - (d) the extent to which building setbacks are minimised to ensure buildings relate to Hobsonville Road and the realigned Trig Road.
- (3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;
 - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) refer to Policy E38.3(2).
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
 - (a) the extent to which landscape values, ecological values and coastal processes are affected or enhanced by any works proposed in association with the structure(s);
 - (b) the extent to which site specific analysis, such as engineering, stability or flooding reports have been undertaken and any other information about the site, the surrounding land and the coastal marine area;
 - (c) the extent to which the structure(s) is located and designed to be resilient to natural hazards;
 - (d) the extent to which the proposal includes green infrastructure and solutions instead of hard engineering solutions;
 - (e) the extent to which public access and / or amenity values, including nuisance from odour, are affected by the proposed structure(s);
 - (f) the extent to which fish passage is maintained or enhanced by the proposed structure(s); and
 - (g) the extent to which adverse effects on people, property and the environment are avoided, remedied or mitigated by the proposal.
- (5) Lighting associated with development, structures, infrastructure and construction:
 - (a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:
 - (i) avoids simulating approach and departure path runway lighting;
 - (ii) ensures that clear visibility of approach and departure path runway lighting is maintained; and
 - (iii) avoids glare or light spill that could affect aircraft operations.

I616.9. Special information requirements

(1) Riparian planting plan

An application for land modification, development and subdivision which adjoins a permanent or intermittent stream [identified on Whenuapai 3 Precinct Plan 1](#) must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.

36.54

(2) Permanent and intermittent streams and wetlands

All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site [that are identified on Whenuapai 3 Precinct Plan 1](#).

36.55

(3) Stormwater management [within Whenuapai 3 coastal erosion setback yard](#)

All applications for development and subdivision [of land within the Whenuapai 3 coastal erosion setback yard](#) must include a plan demonstrating how stormwater management requirements will be met including:

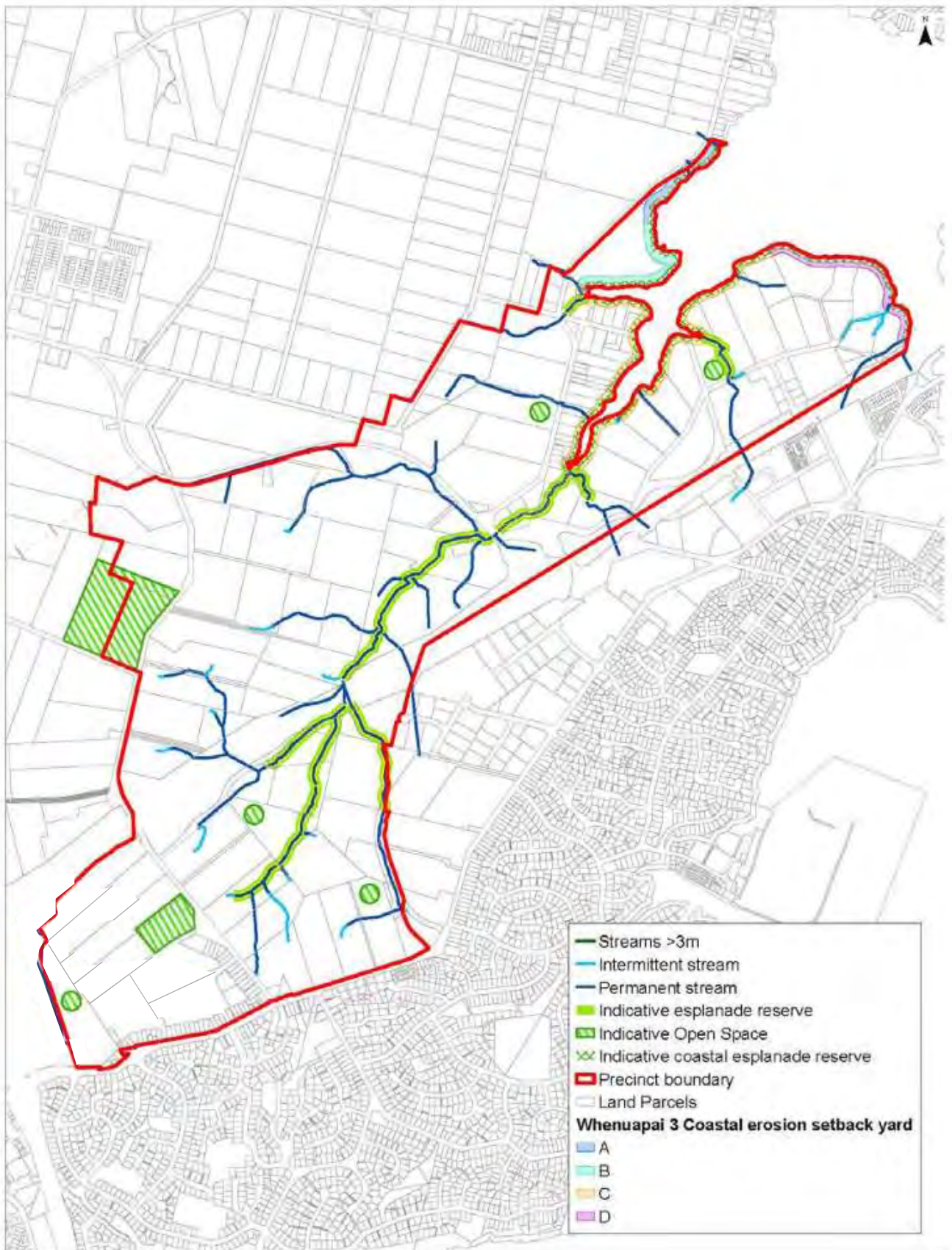
36.56

- (a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;
- (b) the type and location of all public stormwater network assets that are proposed to be vested in council;
- (c) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct.

[Comment: As above in respect of Standards I616.6.3 and I616.6.4.]

I616.10. Precinct plans

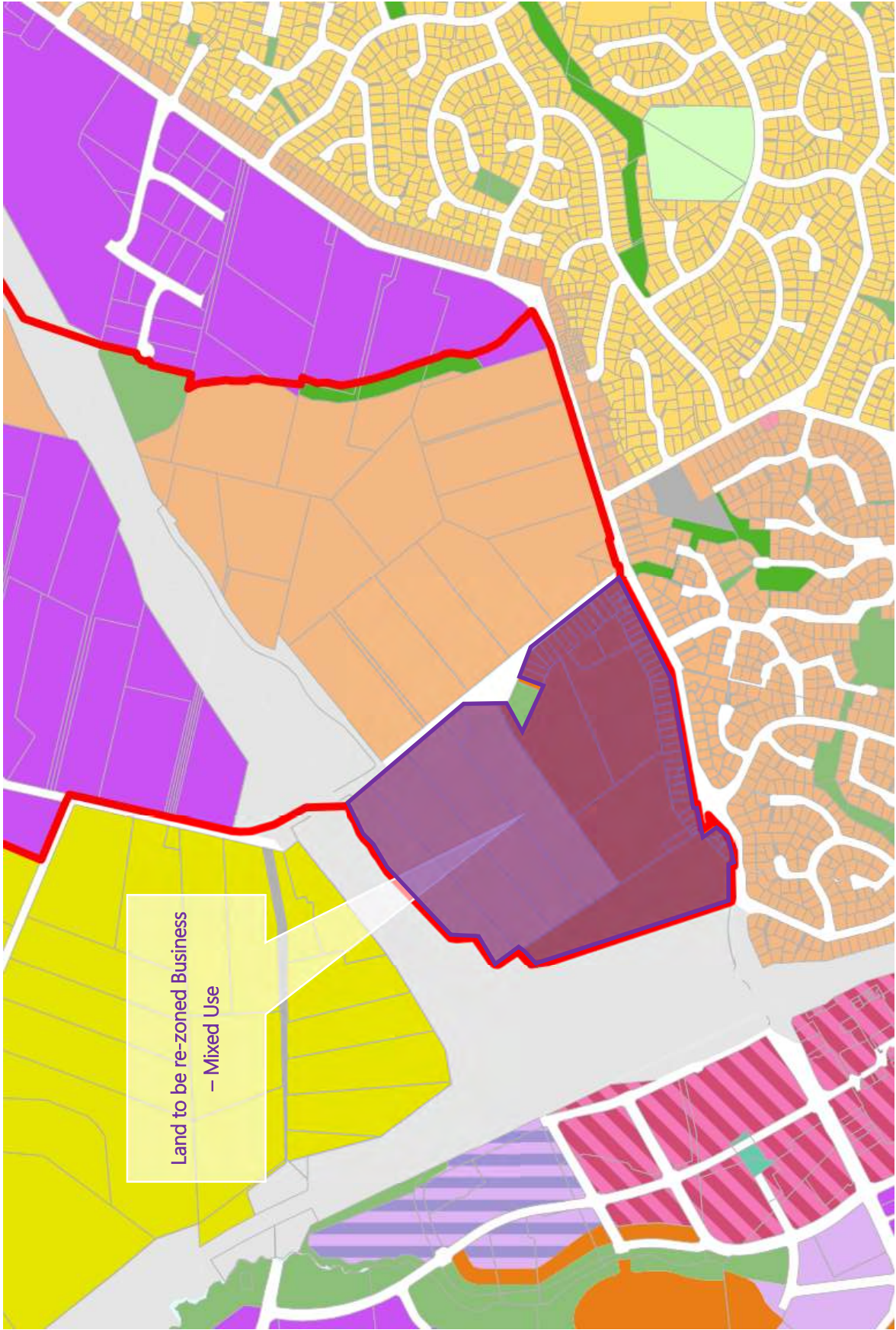
I616.10.1. Whenuapai 3 Precinct Pan 1



I616.10.3. Whenuapai 3 Precinct Plan 3

{No changes proposed}

Appendix 2– Revised Zoning Map



**Submission on Proposed Plan Change 5 – Whenuapai,
Auckland Unitary Plan Operative in Part**

Clause 6. Schedule 1 to the Resource Management Act 1991

To: **Attn: Planning Technician**
Auckland Council,
Level 24, 135 Albert Street
Private Bag 92300,
Auckland 1142
By Email:unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (“**LEE LIN AND CHEN**”), c/- the address for service set out below.

1. This is a submission on the Proposed Plan Change 5 - Whenuapai (“**the Plan**”).
2. This is a submission in support of and in opposition to the Proposed Plan Change 5 - Whenuapai.
3. LEE LIN AND CHEN could not gain an advantage in trade competition through this submission. In any event, LEE LIN AND CHEN is directly affected by effects of the subject matter of the submission that:
 - (a) Adversely affect the environment; and
 - (b) Do not relate to trade competition or the effects of trade competition.
4. The specific provisions of the Unitary Plan that this submission relates to are:
 - (a) The proposed Plan Change 5 - Whenuapai
5. LEE LIN AND CHEN ’s submission is as follows:
 - (a) The submitter is the owner of No 38 Trig Road Whenuapai
 - (b) The submitter generally accepts the need for and supports the proposed Plan and seeks some amendments to address specific issues of concern

37.1

- (c) The Plan has the stated general objective of creating healthy living environments. This is to be achieved by respecting the environment, proposing appropriate development controls, establishing a network of roads, parks and community facilities to support the future community and connections to local and regional amenities and functions. And to be developed in a “Comprehensive” and “Integrated” way to provide a compatible mix of residential living and employment.
- (d) The Plan states it will make efficient use of land and infrastructure, increase the supply of housing and provide employment.
- (e) The Plan also states the funding of infrastructure is critical to achieving the comprehensive and co-ordinated approach to development
- (f) The submitter believes that the proposed Plan will not achieve or meet the above stated objectives for the following reasons
- (g) The proposed zones are not deployed in a manner that reflects the opportunities and constraints present in the area covered by the Plan. The Precinct is contoured, bounded by the motorway on two sides and arterial roads. It is in an area of high noise with the airfield in close proximity. With the zoning as proposed the taller structures are located on the higher more contoured ground. The effect of this is to require more earthworks, require retaining to create building platforms, make the building structures more expensive, increase the visual impact of the buildings, increase the potential for overlooking neighbouring land, and place the lower height dwelling between the highest noise source and the structures to then reflect the noise back over the lower residential area. A more thoughtful urban response is suggested and can be enable by extending the THAB zone further.
- (h) The proposed precinct plans indicating the future provision of parks and roads are not located to best serve the future community, where collector roads are dead end roads, are not positioned to serve the highest need or demand and are not adequately linked to the arterial road network or enabling the most desired travel routes.
- (i) The submitter made submissions to the Draft Whenuapai Structure Plan opposing the provision of a park on their land. The park is not geographically located to best service the catchment. Council’s view of the location was driven by the landform

rather than being the best location. The submitter understands the need for a park however this location will require earth working in the same manner as any other location within the precinct and therefore this should not determine the parks location.

- (j) This view is taken because there is no direct route to Westgate from this part of the precinct, the proposed Collector Road does not connect to the arterial network at both ends. This is readily apparent when comparing other parts of the plan to this part of Precinct 1. The road as a dead end road is not supportive of a connected community, is not located close to the highest demand, being the THAB Zone, is likely to be oversized in relation to demand and in the absence of any funding agreement be required of a single landowner and not affordable.
- (k) The Neighbourhood Centre location selected by Council is poor. It fails to acknowledge landform and the intersection restrictions which will reduce its financial viability despite the volumes of passing traffic when there are better alternative locations within the Precinct that would serve the neighbourhood catchment needs
- (l) The proposed transport network as recommended in the Transport Reporting and discussed in the Section 32 Report has not been carried through in full to the proposed Precinct Plan
- (m) The proposed precinct plans do not include all of the necessary elements and their connections required to create healthy living environments. For example there are no walking and cycle pathways
- (n) There is no means within the Plan to ensure and guarantee comprehensive and coordinated development will occur. For example how is the provision of infrastructure to be equitably and fairly distributed across multiple landowners. The Council has acknowledged the need for Infrastructure Funding Agreements from developers. However there is no means provided to bring multiple landowners together to share the provision of land and construction.
- (o) Unless and until the Proposed Plan provisions are amended in accordance with the relief sought below they will not:

- (i) Promote the sustainable management of resources;
- (ii) Otherwise be consistent with Part 2 of the Resource Management Act 1991 (“RMA”); or
- (iii) Be appropriate in terms of section 32 of the RMA

6. LEE LIN AND CHEN seeks the following relief from Auckland Council:

(a) That the Plan be amended by:

- (i) That the Terrace and Apartment Zone be applied to the submitters land | 37.2
- (ii) That a Neighbourhood Centre be provided for adjacent to the Neighbourhood Park in place of the proposed centre on Hobsonville Road | 37.3
- (iii) That the Neighbourhood Park be removed from the submitters land | 37.4
- (iv) That the Proposed Transport Network as described in Figure 22 – Whenuapai Structure Plan be incorporated into the Whenuapai 3 Precinct Plan 2 to link the collector road between Trig Road and Hobsonville Road through the residential development block west of Trig Road. | 37.5

(b) That the Plan be amended by;

- (i) Including a requirement for the provision of a walking and cycling network. This network to utilise all publically vested assets including road reserves, stormwater reserves and public open spaces | 37.6
- (ii) Including a requirement for a infrastructure development funding agreement to be in place before approving any zone change | 37.7

(c) That any objectives, policies or explanatory passages on which the rules identified above are reliant or based are deleted or amended to the extent necessary in order for Council to appropriately make the amendments sought above | 37.8

(d) Such other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission. | 37.9

7. LEE LIN AND CHEN would welcome an opportunity to be heard in support of this submission.
8. If others make a similar submission LEE LIN AND CHEN will consider presenting a joint case with them.

Dated this 19th day of October 2017

Li-O Lee, Su-Chin Lin and Shu-Cheng Chen



By Nigel Hosken on behalf of LEE LIN AND CHEN

ADDRESS FOR SERVICE: The offices of Hosken & Associates Ltd, 99 Gloria Avenue, Te Atatu Peninsula, Auckland 0610, Tel 09 834 2571, 0275 770 773,

E-mail nigel@hosken.co.nz

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Shirley Xing and Ai-Ling Burmeister

Organisation Name (if submission is on behalf of Organisation) Verve Construction Limited

Address for service of the Submitter

Verve Construction Limited, c/o GHD, PO Box 6543, Wellesley Street, Auckland 1141

ATTN: Brad Nobilo

Telephone:

021 545 465

Email:

brad.nobilo@ghd.com

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Extent of Plan Change 5 area.

Or

Property Address

41-45 Brigham Creek Road (Lots 1 and 2 DP 336610) - request to be included within Plan Change 5 area.

Or

Map

see attached.

Or

Other (specify)

Please refer to attached submission for full details.

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Please refer to the attached submission document.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the Plan Change/Variation

Accept the Plan Change/Variation with amendments as outlined below

Decline the Plan Change/Variation

If the Plan Change/Variation is not declined, then amend it as outlined below.

38.1

Please refer to attached submission document.

I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

On behalf of Verve Construction Limited



Signature of Submitter
(or person authorised to sign on behalf of submitter)

19-10-2017
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

**SUBMISSION ON PLAN CHANGE 5: WHENUAPAI PLAN CHANGE
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

TO: Auckland Council (“Council”)

SUBMISSION ON: Plan Change 5: Whenuapai Plan Change

NAME: Verve Construction Limited (“Verve”)

Scope of submission

1. Verve welcomes the opportunity to submit on Plan Change 5: Whenuapai and provide a case to extend the development of Whenuapai which is forecast over the next 10 years. This submission relates to the boundary of the draft Whenuapai Plan Change and more specifically to the exclusion of 41-45 Brigham Creek Road (“the site”) (Lots 1 and 2 DP 336610).
2. Verve made a submission on the Draft Plan Change for Whenuapai (dated 12 May 2017). This submission focused on the uniqueness of the site, required infrastructure upgrades to service the site, and options for this being undertaken. Verve acknowledges there are significant constraints to bringing forward development throughout the wider Whenuapai area. However, with equally significant pressures on growth in Auckland, inclusion of the site will allow for the practical delivery of houses in a logical location as outlined in the following submission.
3. Verve would like to be heard in support of this submission at the appropriate public hearing.

Council’s response to Verve’s submission on the draft Plan Change for Whenuapai

4. There was no direct response to the site specific points put forward in Verve’s submission on the Draft Whenuapai Plan Change, such as the infrastructure solutions put forward for wastewater. No changes to the boundary of the Whenuapai Plan Change were undertaken by Council. A summary of the key themes of the feedback is included in Appendix 1 of the Plan Change 5 Section 32 Report, and section 5.4 outlined the rationale for Stage 1 of the structure plan area. Key topics relating to Verve’s submission relate to extent of plan change area, inclusion of Stage 2 and infrastructure capacity.
5. In regards to the extent of the plan change area the Section 32 Report outlines *that land needs to be developed in an integrated manner. The boundary of the Plan Change area was determined in consultation with AT and Watercare and has been informed by the ability of existing bulk infrastructure to service an area. Stage 2 and 1F are considered to have significant infrastructure constraints and will not be available until at least 2026. Case law suggests that the use of development triggers where infrastructure cannot be provided within the lifetime of a plan raises expectations and is contrary to the purpose of the Resource Management Act 1991. Therefore, only the parts of the structure plan area that can be readily developed within the life of the AUP OP are being rezoned in this plan change.*
6. With regards to comments relating to the inclusion of Stage 2, Council outlined a *strategic and regional overview role of the transport and wastewater networks. Cumulative effects of incremental expansion of the plan change area needs to be considered. Bulk Transport infrastructure required to allow for development of areas outside of Stage 1 require capacity improvements on State Highways 16 and 18, the State Highway 16/18 connection, and the North-Western Busway and stations. Stage 2 of the Whenuapai Structure Plan was not included in this plan change due to infrastructure capacity issues relating to the wider transport network*

and wastewater and that the required infrastructure cannot be provided to unlock the land in stage 2 for approximately another 10 years.

7. In terms of infrastructure capacity, Council outlined that *Stage 2 of the Whenuapai Structure Plan was not included in this plan change due to infrastructure capacity issues relating to the wider transport network and wastewater. The required infrastructure cannot be provided to unlock the land in Stage 2 for approximately another 10 years.*
8. Verve acknowledges there are infrastructure constraints on the site. However, it is considered there are sufficient reasons for specific inclusion of the site into the Plan Change 5 area. The capacity of required infrastructure is based on existing levels in conjunction with future planned works. As per Verve's submission on the draft plan change options for the delivery of wastewater solutions to service the site have been identified. These options are outlined again in this submission on Plan Change 5. It is noted that transport aspects may be a limiting factor for the site. However, based on the potential that not all land within the Plan Change 5 area will be developed within the desired timeframes, it may be suitable to extend the Plan Change 5 area to include the Site. Verve would like to have houses constructed and occupied within 2 years with completion of the development within 5 years, pending live zoning of the site.

Housing Infrastructure Fund

9. A significant development concerning Whenuapai is Auckland Council's successful application under the Housing Infrastructure Fund (HIF) announced 11 July 2017. This has identified Whenuapai South as a key area for enabling housing. This will deliver 10,500 houses over the next 10 years, between this Whenuapai South area and the nearby Redhills area (see Figure 1). The site (41-45 Brigham Creek Road) is included within the Whenuapai South area (see Figure 1).
10. Key transport improvements proposed under the HIF for South Whenuapai relate to State Highway 18 (SH18) including the upgrade and realignment of Trig Road and a new bridge crossing to Westharbour Ferry Terminal. Verve notes that no upgrades to the intersection of Brigham Creek Road and State Highway 16 (SH16) is proposed.
11. Key wastewater improvements proposed under the HIF for South Whenuapai includes the New Redhills Branch Sewer, New Westgate WW Pump Station and Branch Sewer and Northern Interceptor Sewer Phase 2. Verve considers that this brings forward some of the more permanent wastewater infrastructure to the area.

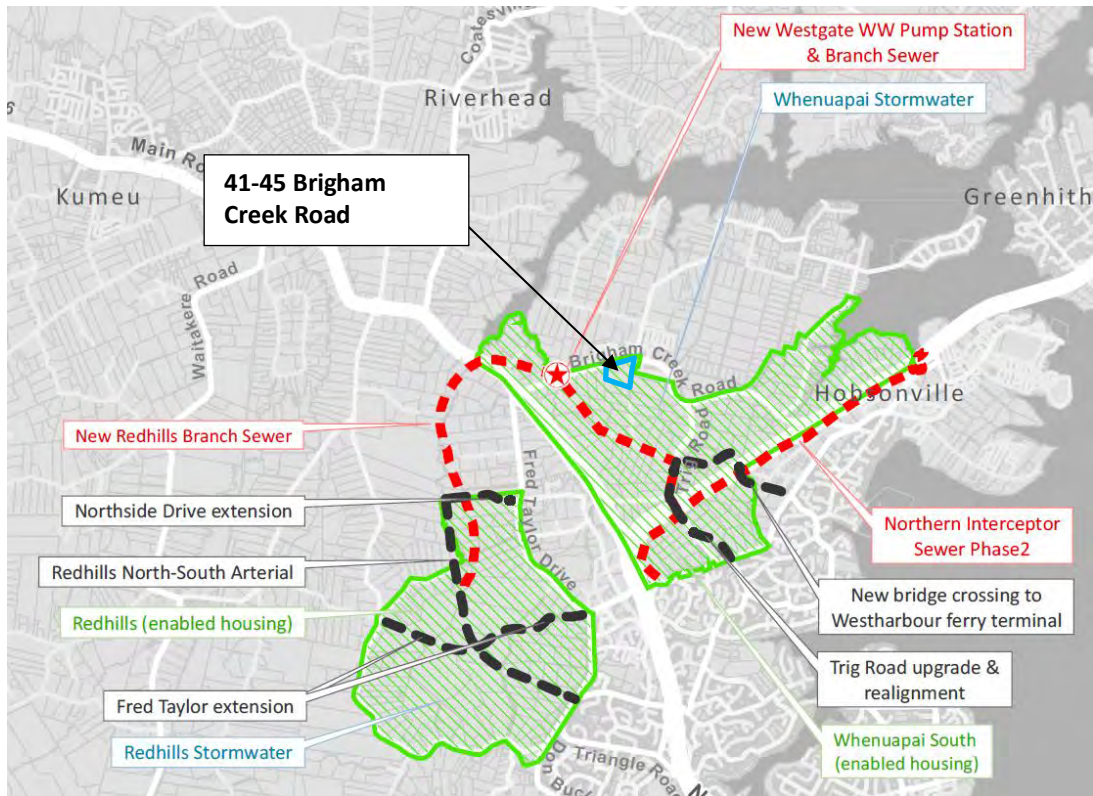


Figure 1: Auckland North West HIF area

Nature of submission

12. To reiterate the points made in Verve's submission on the draft Plan Change for Whenuapai, Verve are wanting to develop this land for residential development and are able to commit to developing the land immediately upon a live residential zone becoming operative, with an intention to have dwellings built and occupied over a 2 to 5 year period. It is considered that those points made in Verve's previous submission are relevant and warrant further discussion both prior to and during the hearing.

Background to the site

13. Auckland is growing fast with an additional 700,000 to 1 million people expected to call it home over the next 30 years (Statistics NZ medium and high growth projections, 2013), requiring about 400,000 new homes and 277,000 new jobs. The Plan Change provides an opportunity to accommodate some of this growth. Although the boundary was not changed through the Draft Plan Change process for Whenuapai, Verve reiterates its position and requests the boundary of the Whenuapai Plan Change be extended to include 41-45 Brigham Creek Road based on the reasons outlined in the following sections of this submission.
14. The Whenuapai area has been the subject of a structured planning process to manage development prior to 2016. The first versions of the plan showed the site as being part of Stage 1 (planned for development in the short to medium term, 2018-2021), refer blue circles in Figure 1 above.

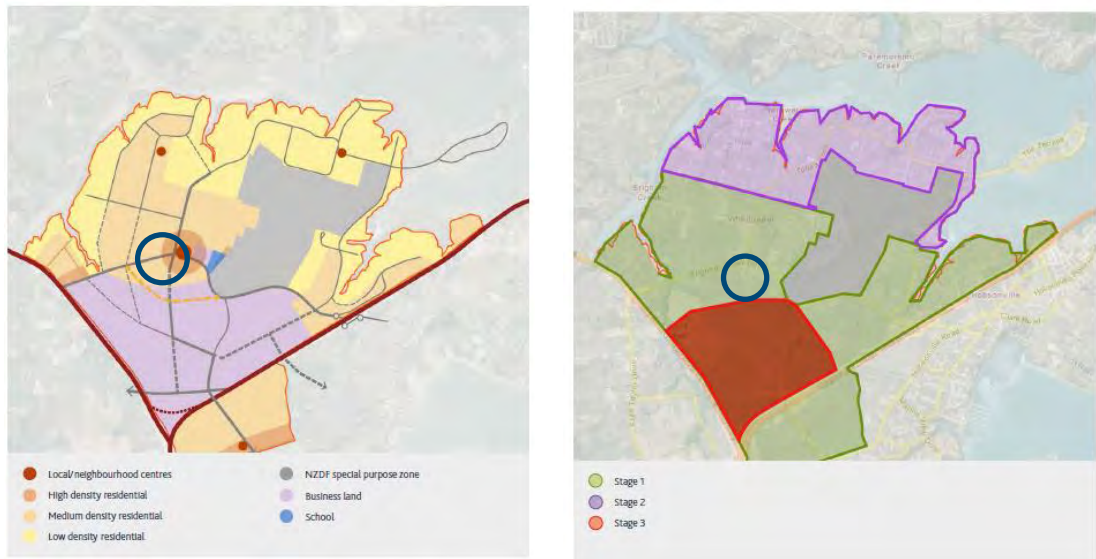


Figure 2: Draft Whenuapai Structure Plan June 2016 – Residential density (pg. 10) and Staging plan (pg. 11). Blue circle approximate site location

15. When the Whenuapai Structure Plan was approved by Council in September 2016, the staging of the site changed to being part of Stage 2. In the final Structure Plan, the site is now not planned for development release until 2026/2027, refer Figure 3. The current Plan Change 5: Whenuapai reflects this staging.
16. This ongoing changeable planning process has been challenging for Verve because there is a desire to develop the site as soon as possible. To be clear, a 'land-banking' situation is not contemplated by Verve for this site. Verve are in a position to develop the site as soon as a live residential zoning of the site occurs. Verve are in a position to develop the site, to provide for a mix of housing types, including lower cost housing options. This would enable an increase in the number of homes delivered in Whenuapai within the short term (delivering houses within 2-5 year period) realising the benefits through this housing provision.

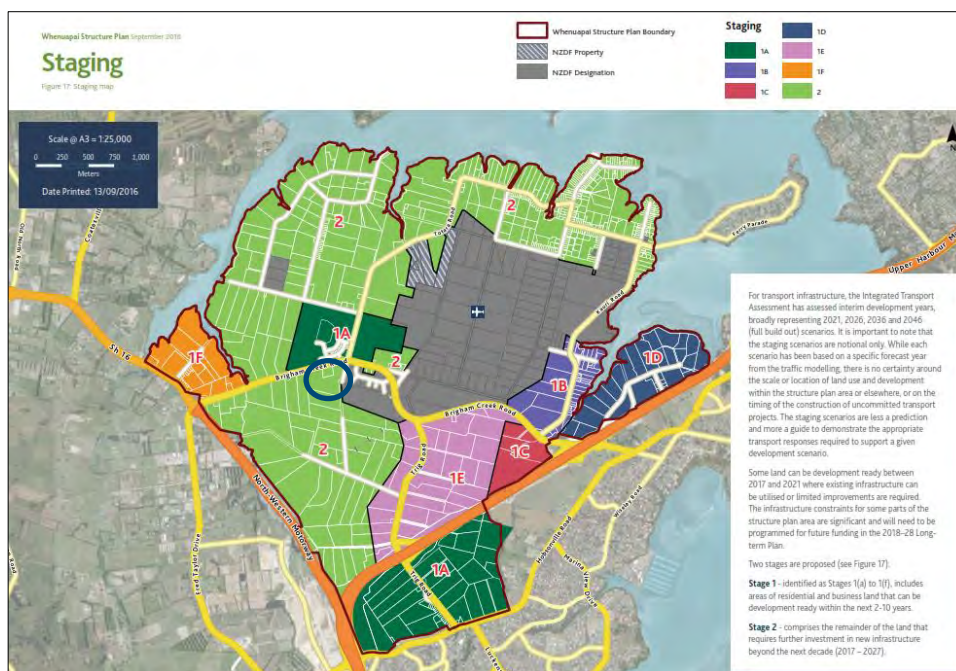


Figure 3: Whenuapai Structure Plan September 2016 (pg. 94)

Wider development and context

17. To the north of the site is the Oyster Capital Development (refer Figure 4 below). Through a Plan Variation and a Qualifying Affordable Housing Development resource consent process the site was rezoned from Future Urban to Residential Mixed Housing Urban. The site is currently being developed to accommodate approximately 650 residential lots, the creation of a town park and neighbourhood park, as well as an interconnected network of public roads and stormwater infrastructure. Further to the east an additional 340 residential sites as well as a local centre for retail and commercial use is also being developed by Oyster Capital Development.
18. Directly to the east of the site and to the west of the Whenuapai Plan Zone Change Boundary is land designated under the NZDF for defence purposes (Designation Number 4310) and the Whenuapai Town Centre. The NZDF land is currently a mixture of Future Urban and Single House zones and is currently NZDF housing. The Whenuapai Town Centre is located centrally within this housing with frontage to Brigham Creek Road, but is not designated for NZDF purposes.
19. The site is situated well for providing continuity of residential development between the Oyster Capital development across the road to the north and the NZDF housing directly to the east. This would also be in close proximity to the Whenuapai Town Centre, providing a good level of accessibility to the services available.

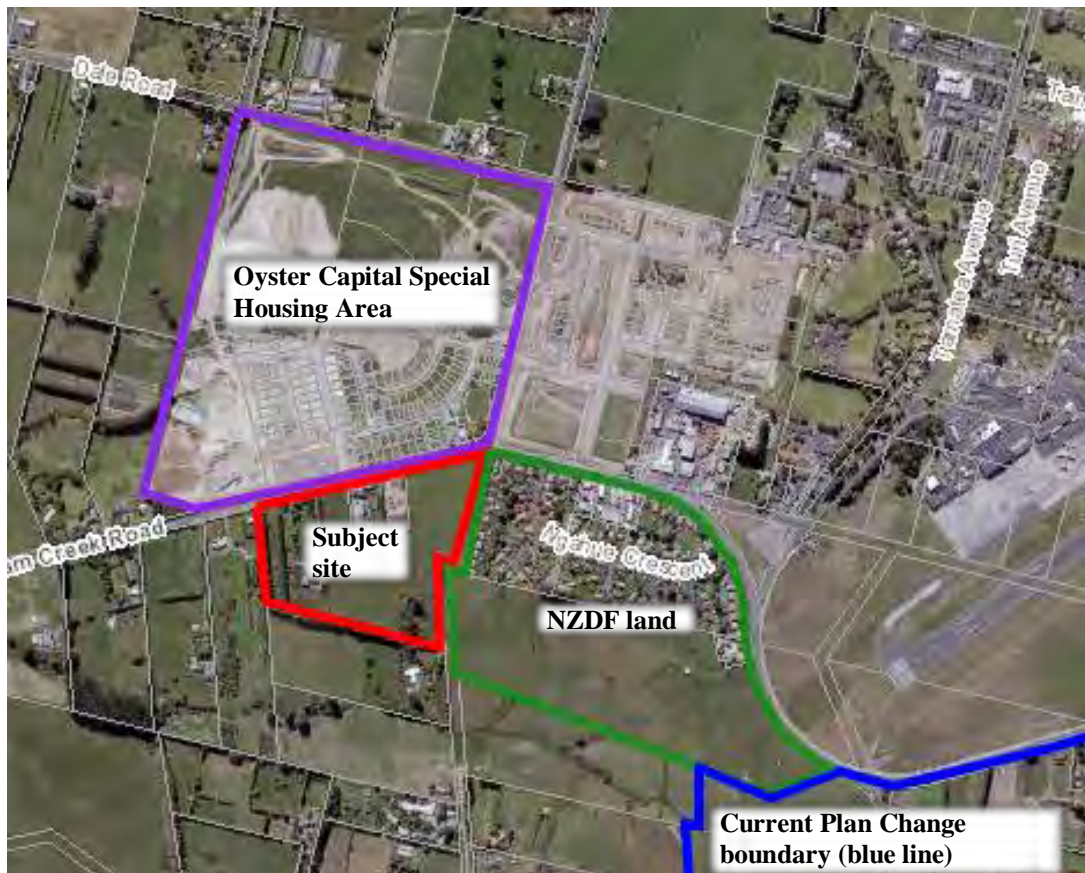


Figure 4 Aerial showing location of subject site in relation to planned Stage 1 Precinct area

Why this site should be included in the Plan Change 5 area

20. The purpose of the Proposed Whenuapai 3 Precinct is for the area “to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of

Whenuapai Airbase". The site is unique, compliments the above purpose and deserves inclusion within the Plan Change area for a number of reasons which are set out as follows.

21. The site is located adjacent to an existing NZDF residential area, the growing Oyster Capital development (across the road) and the Whenuapai Town Centre.
22. The existing NZDF housing around the Whenuapai Town Centre is likely to be continued to be used for this purpose. The NZDF land is currently zoned Single House Zone and Future Urban Zone. While the Structure Plan is silent on the proposed zoning for this area of land, it is likely to be Medium Density Residential with perhaps a mix of Light Industrial where affected by the overhead flight path. The combination of existing NZDF housing and likely future residential development means allowing the site to be developed under the Plan Change will complement the existing built urban form.
23. To the north of the site, on the northern side of Brigham Creek Road, is the Oyster Capital Special Housing Area. The inclusion within the Plan Change 5 area will allow for activation of the southern frontage of Brigham Creek Road and provide a greater sense of community, security and safety for the existing and future residents of the immediate and wider area at an earlier stage that currently anticipated. This is particularly relevant at the busy intersection of Brigham Creek Road and Totara / Mamari Road(s).
24. The development of the site provides a logical addition to the existing live zoned areas and will provide a liveable, compact and accessible addition to the community of Whenuapai which is in close proximity to nearby commercial and industrial areas (see Figure 5). The development of the site will reinforce the role of the Whenuapai Local Centre to the east by creating additional household units within the next 10 years. This will provide additional dwellings and jobs for local residents.

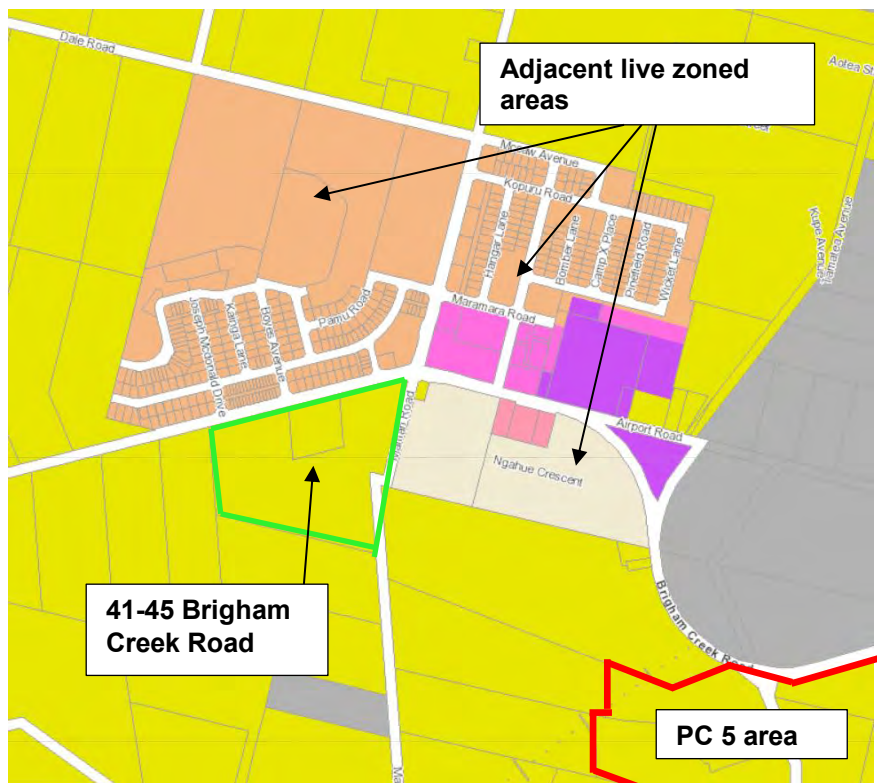


Figure 5: Proximity of the site to live zoned areas and Plan Change 5 area

25. Plan Change 5 would rezone approximately 360 hectares to a mix of business and residential zones for development over the next 10 years, and would deliver approximately 6,000 houses.

This number of houses represents the number of houses which will be developed as part of Stage 1 of the Whenuapai Structure Plan. However, there is no guarantee these dwellings will be developed at this, or any particular rate because of the fragmented land ownership, mixture of long-term landowners (i.e. residential dwellings and lifestyle blocks) and developers. It is therefore possible the rate of development within the current Plan Change area could be significantly slower than Council's predictions unless there is agglomeration of the existing land titles. As a result, the likelihood of the existing capacity in Council's infrastructure systems being taken up (used) is difficult to model and predict. It could be that over the next 10 year period a portion (potentially large portion) of this infrastructure capacity remains unused.

26. An indicative scheme plan has been developed to show how the Site could be developed to yield 275 houses, refer Figure 6 below. The inclusion of the site within the current Plan Change will add approximately 5% additional dwellings to the anticipated 6,000 dwellings in the current Plan Change 5 area. This number of additional houses does not represent a significant uplift on that forecast in the overall Plan Change area. As stated above, the forecasted infrastructure uptake by the future 6,000 houses it is likely to be subject to considerable variation depending on how the fragmented land ownership is eventually developed.

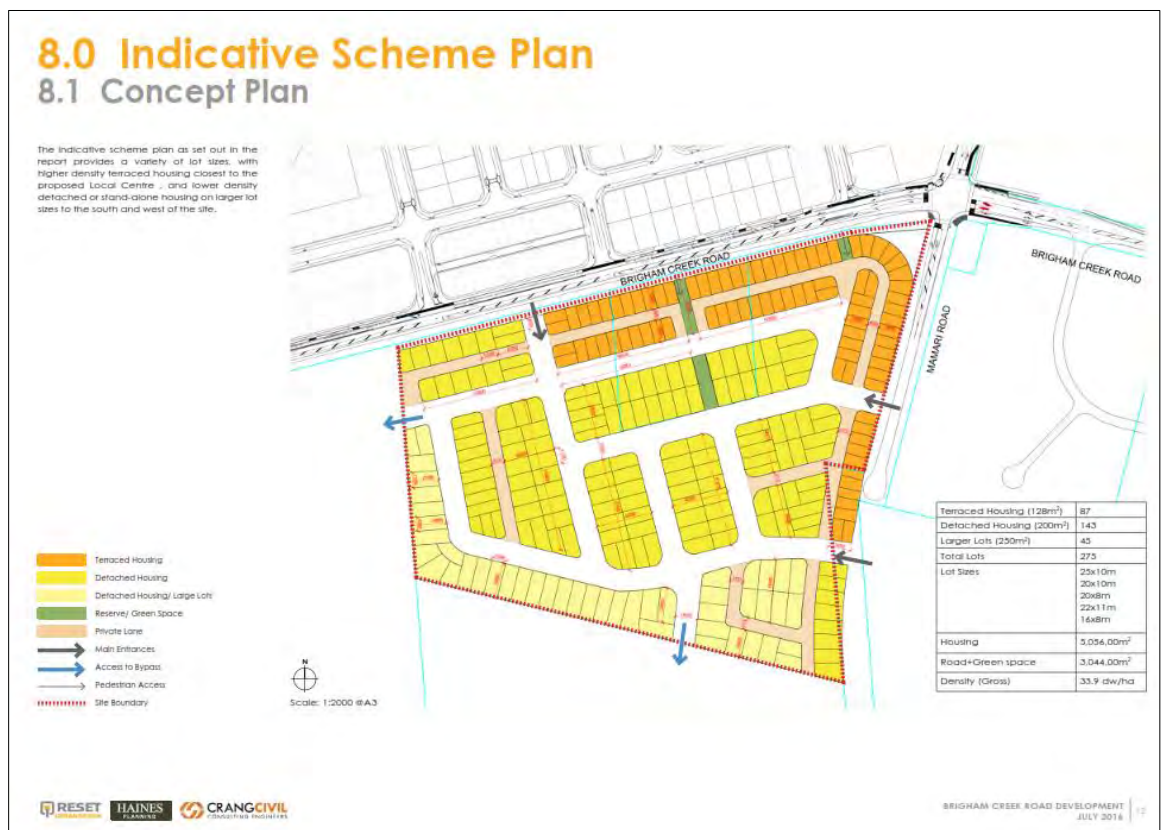


Figure 6: Indicative Scheme Plan

(Source: Reset, Haines, Crang Civil)

Infrastructure upgrades

27. Infrastructure upgrades and the requirement of adequate infrastructure availability to inform the plan change area was identified within Auckland Council's Section 32 Report. This integration of subdivision and development has been reflected in the description of the proposed 1616 Whenuapai 3 Precinct.
28. It is acknowledged there are significant infrastructure constraints on the development of the wider Whenuapai area. Hence Council's approach to not include the proposed Stage 2 of the Whenuapai Structure Plan within the current Plan Change at this time. The situation may cause

the need for the Site to be serviced independently from the wider network upgrades, particularly in relation to wastewater reticulation.

29. To understand the potential infrastructure needs of the site GHD has completed an Infrastructure Investigation Report (water, wastewater, stormwater, power and telecommunications). This report has assessed the existing infrastructure capacity and considered the different options to provide infrastructure servicing solutions for the site. A summary of the findings is stated below.

Wastewater

30. Plan Change 5 outlines that the primary responsibility for funding of local infrastructure lies with the applicant for subdivision and *that the Council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements*. Based on the below indicative options in regards to wastewater, Verve considers there is an opportunity to work with Council and related organisations to achieve the delivery of houses at the site within the short term (houses occupied as early as 2 years with completion at 5 years).
31. Verve is committed to entering into discussions with Council's Development Programme Office (DPO) to consider Development Agreements to support site specific infrastructure solutions that would enable the site to be included in the Plan Change area. A number of technical options have been identified for wastewater servicing of the site ahead of a wider wastewater reticulation solution for the Whenuapai area.
32. The findings of the Infrastructure report are included in Appendix A and are summarised as follows:
 - The site can be independently serviced by a wastewater solution with developer participation. There are three potential options provided within the report which involve installing a new rising main connection to along Brigham Creek Road to connect to Watercare's reticulated network on Trig Road, refer to Figure 5 below as an example and Appendix A for illustrations. The wastewater network is a gravity system from the Trigg Road intersection.
 - The upgrading of the wastewater infrastructure could be an opportunity to address the method of wastewater connection (in relation to the Oyster Capital Development) to Watercare's network on Totara Road which is not currently an ideal operation situation for Watercare. This would involve re-routing the wastewater rising main from the Oyster Capital Development via the site to connect to Watercare's reticulated network on Trig Road (refer Figure 7).

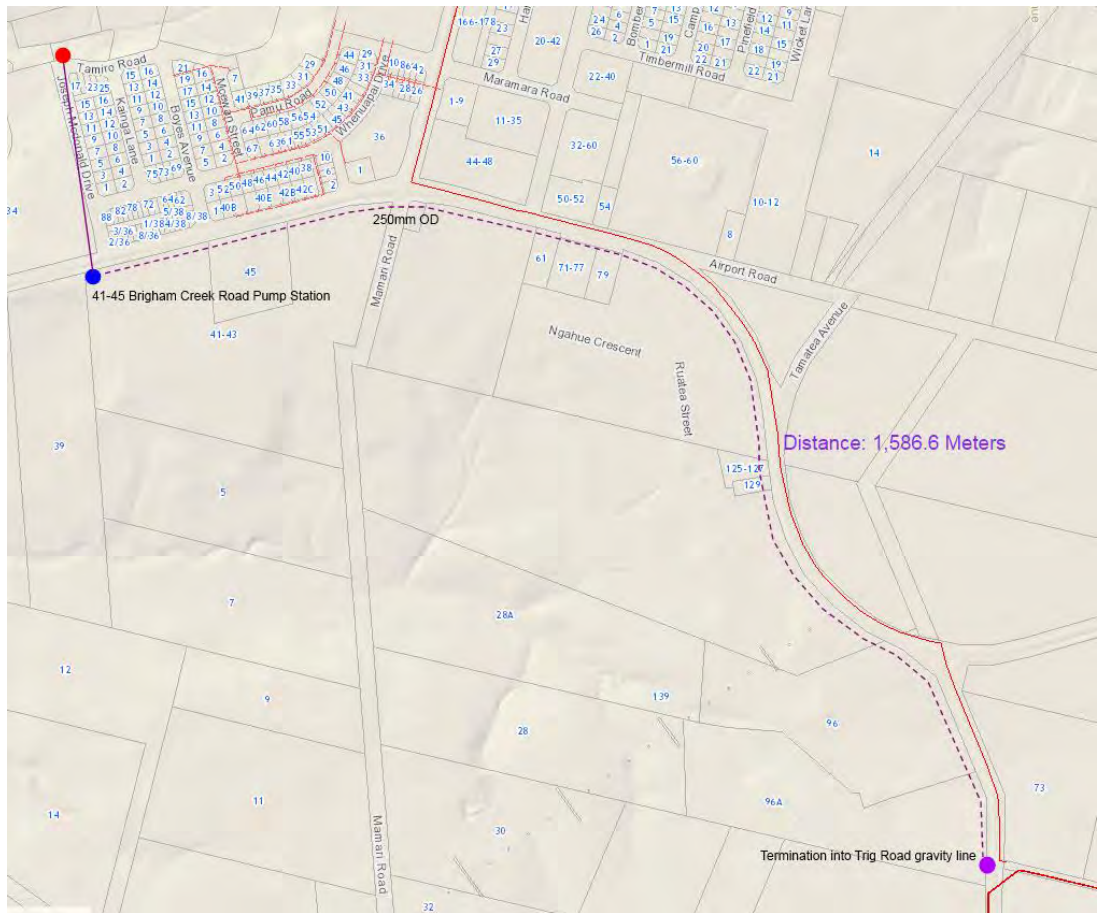


Figure 7: Example option combined pressure wastewater sewer at 41-45 Brigham Creek Road

33. A wastewater master plan has been developed for Whenuapai as shown below in Figure 6. It is anticipated that once the new future Brigham Creek main pump station is constructed and commissioned on Brigham Creek Road and the area between the new pump station and the Whenuapai Village developed, the wastewater pump station and connection for Oyster Capital (explained above) would be abandoned. A new connection would be by gravity to the new pump station at the western end of Brigham Creek Road (purple line, refer Figure 6). This would include that part of the site that drains by gravity to the Oyster Capital Development.
34. In the same way, it is anticipated the southern area of the site would connect to the future pump station via a gravity pipeline (Maroon line, refer Figure 8). The approved HIF application as discussed in paragraph 9, identifies this pump station (named New Westgate WW Pump Station in Figure 1) as a key piece of infrastructure to be developed to service the area. It is anticipated that this would be constructed within the next 10 years.



Figure 8: Future stand-alone wastewater pump station and rising main

Stormwater reticulation

35. The site is divided into three sub catchments discharging into their respective overland flow paths as there is no formal piped or constructed overland flow paths on site (refer to Figure 9 below). The required stormwater upgrades to achieve pre development levels can be provided and will be managed through onsite design. The infrastructure report undertaken by GHD recommends a number of different options.
36. A simple description of the stormwater solution is to direct flows from Catchment A to the low point in Brigham Creek Road which subsequently flows into the Oyster Capital Development site. Catchment A is approx. 4.4 ha. The balance of the site (Catchments B and C) discharges to the west and south by formed gullies. Flows from these areas will be managed through site contouring to redirect flows to Brigham Creek Road or would be managed on site through stormwater infrastructure devices. More detailed information can be provided to Council on request.

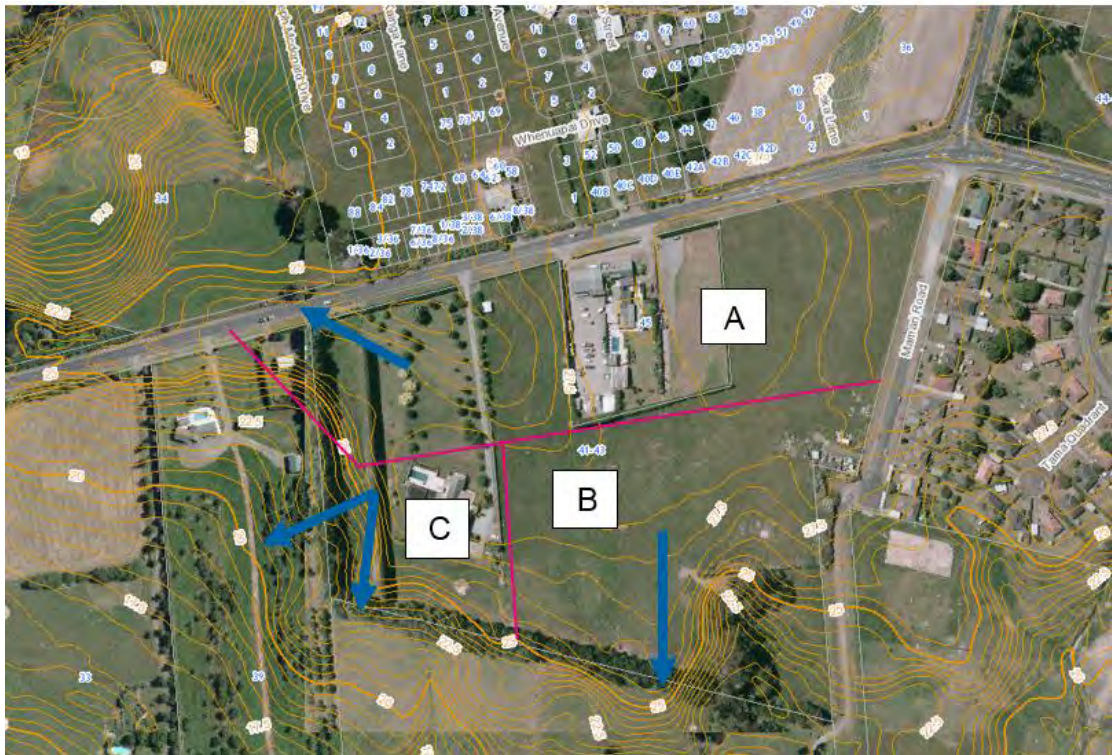


Figure 9: Stormwater sub-catchments

Water Supply

37. The site is currently supplied with potable water from Watercare. Auckland Council GIS information shows a new 315 mm OD PE pipe feeding the new Oyster Capital development with a new feed provided to Brigham Creek Road. A new 150 mm AC pipe has been installed on the opposite side of Brigham Creek Road from the site. There is a 25 mm and 150 mm connection from the reticulated supply to the site.
38. Based on recent investigations, flow testing and preliminary design work it is expected there is sufficient pressure and flow available to service the proposed development of the site with potable water supply.

Traffic

39. It is acknowledged that transportation infrastructure is likely the major limitation on the infrastructure provision of the site. The approved HIF application (see Figure 1) did not identify some of the key infrastructure such as an upgrade to the intersection of Brigham Creek Road with SH16.
40. With fragmented land ownership throughout the Stage 1 area, timeframes for the full development (and therefore residential occupancy) of the Plan Change 5 area may be more substantial than the <10 year timeframe envisioned. Therefore, there is potential that the transport infrastructure will not reach peak capacity during this time. Verve are in a position to develop the site in the short term and could have houses available within the next 2 year and development completion within 5 years, pending a live-zoning. It is therefore likely that development of the site could occur prior to the capacity of current (and proposed) transport infrastructure being exceeded. Verve would be interested in understanding more of the assumptions and conclusions around timings of the development envisioned by Plan Change 5, the associated impacts on transport infrastructure and how the inclusion of the site (41-45 Brigham Creek Road) within the Plan Change 5 area would effect this.

41. Pursuant to the Whenuapai Structure Plan the section of Brigham Creek Road adjoining the Site to the north is intended to be upgraded and widened. This will accommodate the current volume of traffic numbers using Brigham Creek Road to access the motorway to the east and the additional traffic anticipated by development of the wider area. The widening is understood to incorporate an additional 10m wide strip into the site which would be vested as road reserve. There is also likely to be a reorganisation and remarking of the intersection of Brigham Creek/Airport Road and Mamari/Totora Road.
42. Mamari Road to the east of the site will be realigned and/or widened (potentially up to 21m) depending on the roading hierarchy that is anticipated for this road.
43. The inclusion of the site in the current Plan Change will facilitate these transport outcomes earlier in the strategy timeline (i.e. within the next 10 years or sooner if in conjunction with development of the site within 2 to 5 years) which will be of great benefit in terms of efficiency and safety for road users. It is considered that these enabled upgrades to Brigham Creek Road will deliver benefits for the Whenuapai area, particularly in regards to the volume of housing provision being supplied in close vicinity at the Oyster Capital Special Housing Area across the road and the busy intersection with Totara Road and Mamari Road.
44. Verve anticipates that inclusion of the Site within the Plan Change 5 area would require the above local transport infrastructure requirements to be considered in relation to Table I1616.6.2.1 of the Proposed Whenuapai 3 Precinct chapter. Verve is open to discussions with Council about the specific local transport infrastructure upgrades Council envisages necessary to meet demand from inclusion of the Site in the Plan Change 5 area. Verve would also like to discuss ways in which this can be funded such as an Infrastructure Funding Agreement as mentioned in the Whenuapai 3 precinct description.

Policy Framework

Alignment with private plan change criteria

45. The Council's Planning Committee has now adopted a set of criteria against which Council will exercise their discretion in whether to accept or reject an application for a private plan change under the AUP (OP). In particular, the committee has confirmed the Council will consider the following matters:
 - *Whether the outcomes of the private plan change give effect to the Auckland Plan.*

The Auckland Plan guides Auckland's future over the next 30 years and tackle issues such as:

 - reducing transport and housing shortages
 - giving children and young people a better start
 - creating more jobs
 - protecting the environment.

The proposed inclusion of the site as part of the Plan Change, or allowing for the development of this site prior to the currently proposed Stage 2 (2027-2036) will be in line with the desired outcomes of the Auckland Plan, by improving transport flows through Brigham Creek Road and providing more dwellings and jobs to an identified growth area in Whenuapai.
 - *Whether the outcomes of the private plan change align with the Council's Future Urban Land Supply Strategy,*

This strategy sets the order in which land is supplied for development in future growth areas to house Auckland's growing population as infrastructure becomes available.

The Strategy identifies Whenuapai as being developed within the second half of the first decade of the strategy (2017-2021). It does note that only limited supply will be provided during this period which will be determined through structure planning. Currently, the site is identified for rezoning within the next stage of development which will not be until 2027.

It is noted the Strategy is responsive to changing population growth demands, market conditions, and infrastructure delivery. The site is ready for development with Verve committed to providing the required infrastructure at the early stages of development, bringing forward the programme and the potential for this site.

The inclusion of the site within this Plan Change area will be in alignment with the Council's Future Urban Land Supply Strategy.

- *Whether the outcomes of the private plan change give effect to the environmental outcomes expected in the Unitary Plan, and improve the effectiveness of the plan.*

The inclusion of the Site within the Plan Change boundary is consistent with the Growth Concept of the Auckland Regional Policy Statement (ARPS), which forms part of the AUP (OP). The inclusion of the site would result in the short term intensification of residential activity in a location that is in close proximity to the Whenuapai town centre, with a range of services and facilities available within easy walking distance. Furthermore, this will accommodate population growth without threatening environmental quality or thresholds.

It is important that medium density housing / subdivision be provided for within areas which are well located for this type of redevelopment, and provision of good quality housing within this suburban location would increase housing stock within the and subsequently reduce pressure for development within other areas of Auckland with high environmental quality.

The inclusion of the site within this Plan Change area will give effect to the environmental outcomes expected in the Unitary Plan, and improve the effectiveness of the plan.

- *Whether any structure plans and subsequent plan changes have been prepared in accordance with Appendix 1 (Structure Plan Guidelines) of the Unitary Plan.*

The Whenuapai Structure Plan has been prepared in accordance with Council's guidelines. The residential development proposed for this site and inclusion within this Plan Change is consistent with the Whenuapai Structure Plan and Guidelines.

Alignment with Auckland Unitary Plan (Operative in part) (AUP (OP))

46. The inclusion of the Site within the Plan Change boundary is consistent with the Growth Concept of the Auckland Regional Policy Statement (ARPS), which forms part of the AUP (OP). The primary policy approach is to provide for varied housing choice and focussed growth in centres and within suitable neighbourhoods. Transport and other infrastructure is to be integrated with growth and emphasis placed on creating a quality built environment and supporting housing affordability.
47. The site is identified for future urban growth and is available for immediate development. Verve has shown readiness to enter into discussions and agreements with Council to commence the required enabling and infrastructure requirements and to commence the house construction process.
48. The vision is to develop the site for:
 - Medium-high density housing to meet growing housing demand in Auckland, with lower cost housing options included;

- create a safe and accessible neighbourhood by designing legible routes and short blocks; and
 - enhance use of solar energy for all lots by maximising north-south orientated streets.
49. The site is zoned as Medium Density Residential under the Structure Plan mostly because of its vicinity to the proposed Local Centre and other surrounding Medium Density developments. The indicative scheme plan as set out in the report provides a variety of lot sizes, with higher density terraced housing closest to the proposed Local Centre, and lower density detached (or stand-alone) housing on larger lot sizes to the south and west of the site. This was based on the original Structure Plan as indicated in Figure 3 of this submission.
50. Verve have demonstrated in Figure 6 above how the site could be developed using a mixture of terrace housing and detached housing. Under residential densities anticipated by the AUP (OP) the site is capable of accommodating more than 275 dwellings. In particular it is considered higher density would be appropriate fronting the Brigham Creek Road and Mamari Road intersection. Verve are open to including lower cost housing options as part of the development.
51. Based on these design principles and the uniqueness of this site Verve consider the most appropriate zoning for the site is Residential Mixed Housing Urban within the central part of the site and Terrace Housing and Apartment Buildings fronting Brigham Creek Road and Mamari Road.

Decisions Sought

52. Verve request the area covered by the draft Whenuapai Plan Change is expanded to include 41-45 Brigham Creek Road in a combination of the **Residential Mixed Housing Urban and Terrace Housing and Apartment Buildings** zone as is depicted by Figure 10 below.

38.2

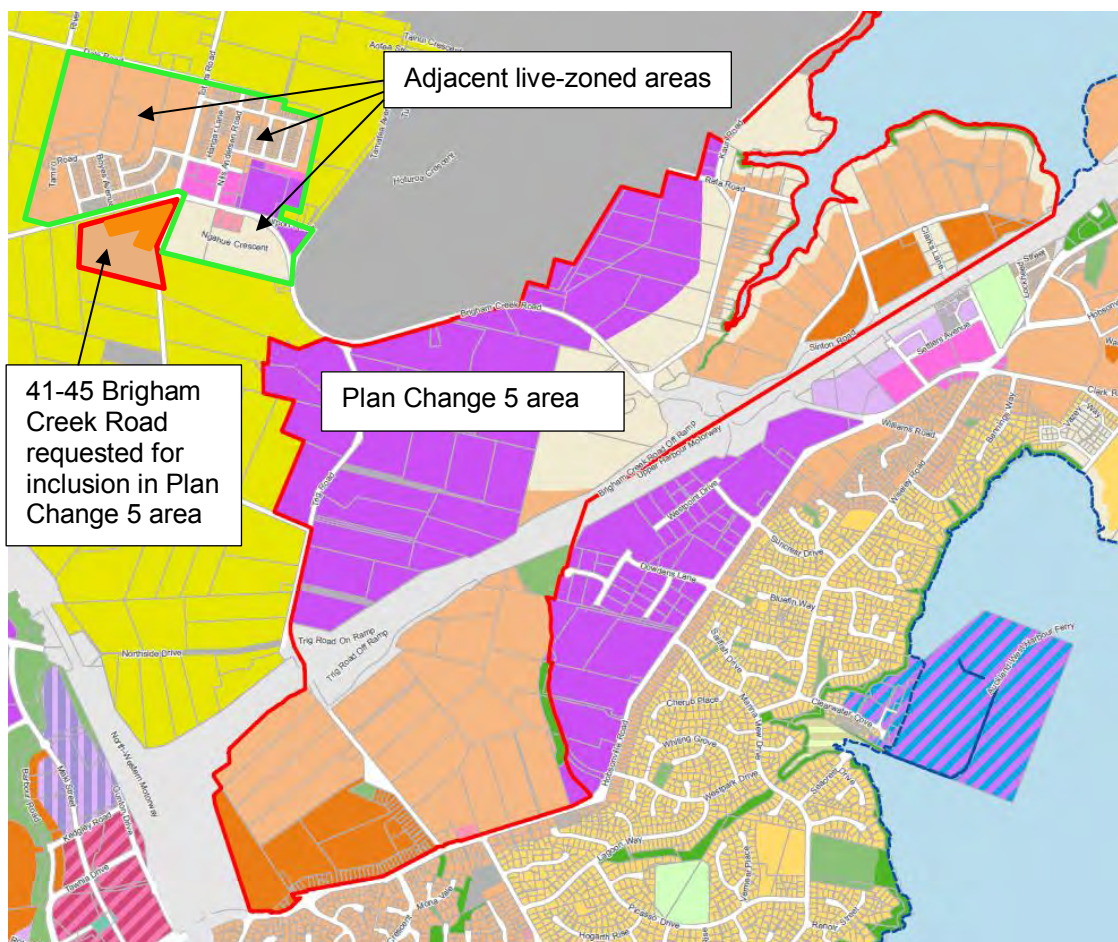


Figure 10: Figure to show proposed expansion of zone change boundary

Summary and conclusion

53. As is outlined above, the site is identified for future urban growth and is available for immediate development. Verve remains ready to enter into discussions and agreements with Council to commence the required enabling and infrastructure requirements and to commence the house construction process.
54. Bringing the development forward in the programme to commence construction of the site in the short term will help alleviate Auckland's housing shortage and provide local jobs in line with the anticipated outcomes of the Auckland Plan. The Site will include lower cost housing options.
55. Infrastructure investigations have confirmed the site can be developed ahead of wider infrastructure needs of the area with site specific solutions. Specific wastewater options as outlined in this submission could provide for this.
56. Verve would like to understand some of the assumptions and conclusions forming the basis of the transportation infrastructure capacity which has determined the boundary for Plan Change 5. Plan Change 5 outlines the area to be live zoned, but with the fragmented land ownership of the area, development to full capacity may not occur within the 10 year horizon. Verve are in a position whereby houses could be built and occupied within 2 years and the site development completed within 5 years (all houses occupied subject to market demand) and would therefore likely provide housing prior to modelled transport infrastructure reaching capacity for the Plan Change 5 .
57. The inclusion of the Site within the Plan Change 5 will enable the development of a site that is already within a developed area, in close proximity to the existing Whenuapai Town Centre. It is therefore considered that the site unique and an appropriate and logical addition to the Plan Change 5 area.
58. Verve supports Plan Change 5 with the inclusion of the site within the boundary as is shown by Figure 10 above.
59. Verve have engaged with the Albany Local Board to provide them with visibility and opportunity to provide more homes in the Whenuapai area in the short to mid-term. The Councillors are generally supportive of development where the infrastructure can be provided as is the case for this site.
60. Verve supports and encourages further discussion with Council and Councillors to work collaboratively to address the infrastructure servicing needs of the site to allow the site to be included within the Plan Change 5 area.

38.3

38.4

Address for service:

Verve Construction Limited

C/o GHD Limited

PO Box 6543

Wellesley Street

Auckland 1141

Attn: Brad Nobilo

Appendix A

Wastewater Infrastructure Servicing for 41-45 Brigham Creek Road

Wastewater

A number of technical options have been identified for wastewater servicing of the Brigham Road development. It should be noted that whilst there are identified technical options, the approval of Watercare would still be required, in combination with vesting of the Oyster Capital development assets.

Servicing of Whenuapai Village

The Oyster Capital development of Whenuapai Village are serviced / to be serviced via a gravity sewerage network to a network pump station located to the west of the development site. It is understood that this pump station is designed for the full development of 991 lots, with a peak design flow of 39 L/s, calculated as below:

Table 1 Servicing of Whenuapai Village – Sewer flows

	Village	Lands	Total
Houses	651	340	991
People per House	3	3	3
People	1953	1020	2973
Peak Flow L/person/day	1125	1125	1125
Design Flow L/s	25	13	39

It is noted that the peak wet weather flow (PWWF) of 1500 L/person/day, as identified in the Water and Wastewater Code of Practice for Land Development and Sub-division has been relaxed to 1125 L/person/day.

The network pump station pumps into the existing Watercare rising main in Totara Road, which traverses through to Trig Road where the combined rising main discharges into the gravity network.

- The rising main within the Oyster Capital site comprises a 250 mm PE100 SDR13.6 pipe with an ID of 212.4 mm, and is in the order of 600 m long.
- The rising main from the Oyster Capital pump station joins a rising main from the Coatesville – Riverhead pump station in Totara Road.
- The combined rising main in Totara Road is a 315 mm PE100 SDR 13.6 (267.6 mm ID) and 1350 m long from the connection point, along Totara Road, BCR and into Trig Road. Approx 250 m along Trig Road the rising main discharges into a gravity trunk main.

This Oyster Capital pump station includes a 3 m diameter by 13.5 metre long storage tank, which in addition to the pump station storage capacity, provides a 4 hour dry weather flow (DWF) capacity, based on the total development of 991 Houses / Housing Unit Equivalent (HUE).

It is noted that the current Water and Wastewater Code of Practice for Land Development and Sub Division requires 8 hours dry weather flow (DWF) as emergency storage at network pump stations, rather than the four hours DWF provided, as required at the time that the Whenuapai Village / Lands development was consented.

Table 2 Servicing of Whenuapai Village – Sewer flows

	Village	Lands	Total
Houses	651	340	991
People per House	3	3	3
People	1953	1020	2973
Average Flow	5.09	2.66	7.74
Tank Storage (8hrs) m ³			95.4
Wetwell storage			24.2
Total Storage			119.6

We note that the provided storage for the Oyster Capital pump station development is at 54% of the current Code of Practice.

Whenuapai Master Plan

A wastewater master plan has been developed for Whenuapai as shown below in Figure 1:



Figure 1: Future Whenuapai wastewater reticulation

It is anticipated that once the new future Brigham Creek main pump station is constructed and commissioned on Brigham Creek Road and the area between the new pump station and the Whenuapai Village development, the existing Oyster Capital pump station would be abandoned and connected by gravity to the new pump station (purple line, refer Figure 1).

Additionally, it is anticipated that the southern area of the site would connect to the future pump station via a gravity pipeline (maroon line, refer Figure 1).

Wastewater connection to the development site

The development site is located immediately south of Brigham Creek Road and the southern boundary of the Oyster Capital Whenuapai Village development.

The site is relatively flat low-lying land, with sloping areas to the east, south-west and south-east corners of the site.

It is proposed to potentially construct 275 lots on the site, increasing wastewater flows as shown below in Table 3.

Table 3 Servicing of 41-45 Brigham Creek Road – Sewer flows

	41-45 Brigham Creek Road
Houses	275
People per House	3
People	825
Peak Flow L/person/day	1125
Design Flow L/s	11

The sewerage reticulation of the 41-45 Brigham Creek Road site has not been designed at this time. However, based on the current topography of 41 – 45 Brigham Creek Road, the northern section of the site drains northwards to Brigham Creek Road and the Whenuapai Village development, as such it is anticipated it would ultimately be serviced via connection to this area.

The area of land than drains to the north is approximately 40,000 m², or 50% of the site, and would accommodate in the order of 140 properties.

The remainder of the area slopes away from Brigham Creek Road, and would require a separate pump station (or to be serviced by a low pressure sewer system) to connect it to the gravity network draining to towards Brigham Creek Road.

Ultimately it is anticipated that this area would be serviced via gravity to the future Brigham Creek pump station.

Wastewater Options

Option 1: Stand-alone Wastewater Pump Station

A stand-alone wastewater pump station could be constructed to service the 41-45 Brigham Creek Road site, which would service the complete development with a separate rising main to the gravity main at Trig Road.

Table 4 Option 1- Servicing of 41-45 BCR – Sewer flows

Houses	275
People per House	3
People	825
Peak Flow L/person/day	1125
Design Flow L/s	11

The proposed scheme would include:

Table 5 Option 1 - Design Principles

Sewer Pump station and storage (71m ³)	1
Pumps (Duty / standby)	2
Flow Rate (L/s)	11
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	160
Velocity (m/s)	0.98
Friction Head (m)	18.0
Static Lift (m)	14.5
Total Pump Head (m)	32.5

Local reticulation would be required to service the 275 lots, potentially including a second wastewater pump station to convey flows from the southern area of the site to the main wastewater pump station, shown in Figure 2 below.

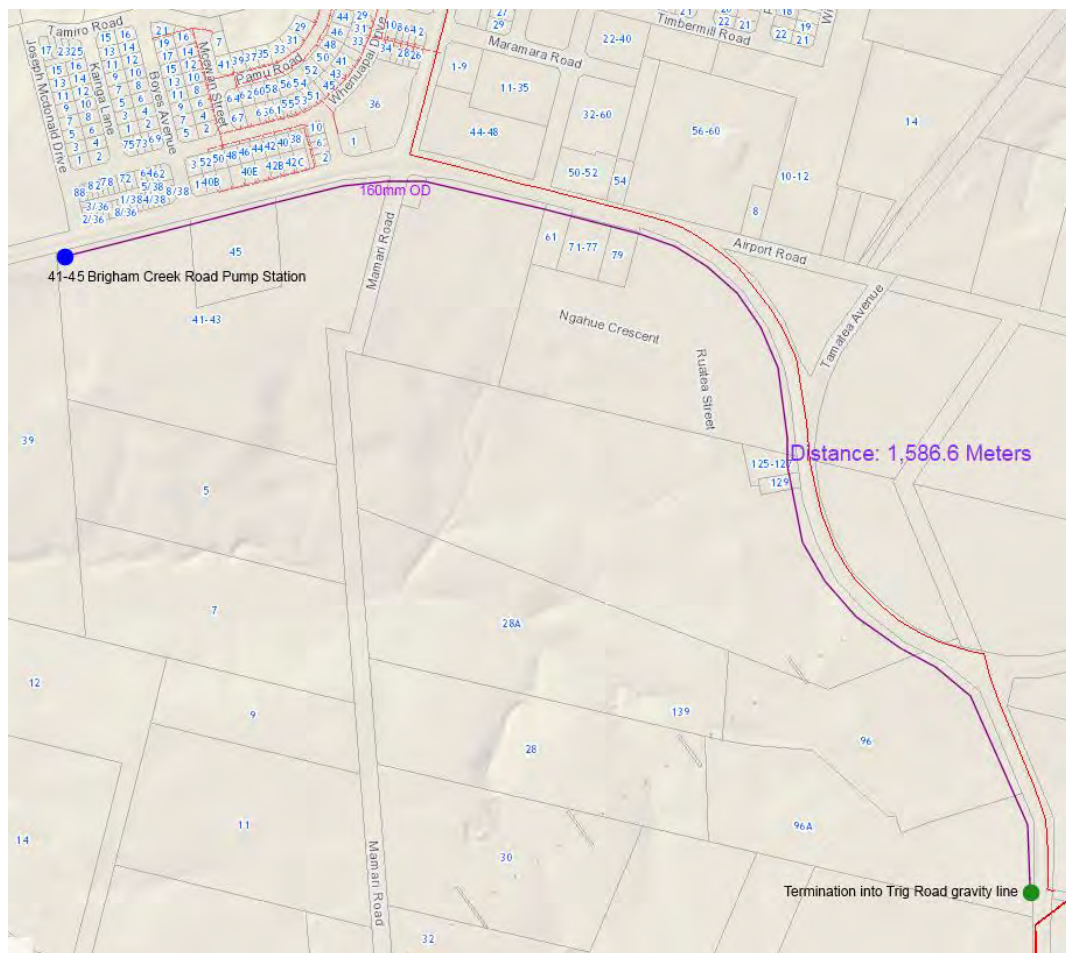


Figure 2: Option 1 Stand-alone Pump Station and Rising Main

Option 2: Stand-alone Low Pressure System

An alternative option is to service the development is a low pressure system with each individual household having a household pump station connected to a separate rising main connected to the gravity network at Trig Road.

The proposed scheme would include:

Table 6 Option 2 - Design Principles

Household Pump Stations	275
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	125
Flow (L/s)	8
Velocity (m/s)	0.90
Friction Head (m)	21.0
Static Lift (m)	14.5
Total Pump Head (m)	35.5

Due to the number of individual pump stations and the statistical probability of different pumps operating at the same time, the peak flow is reduced, reducing the required rising main size.

For this exercise, it is assumed that the cost of a gravity network is similar to the cost of installing a low pressure system, and as such the cost of the local reticulation network (and household pump stations) has not been considered, refer Figure 3 below.

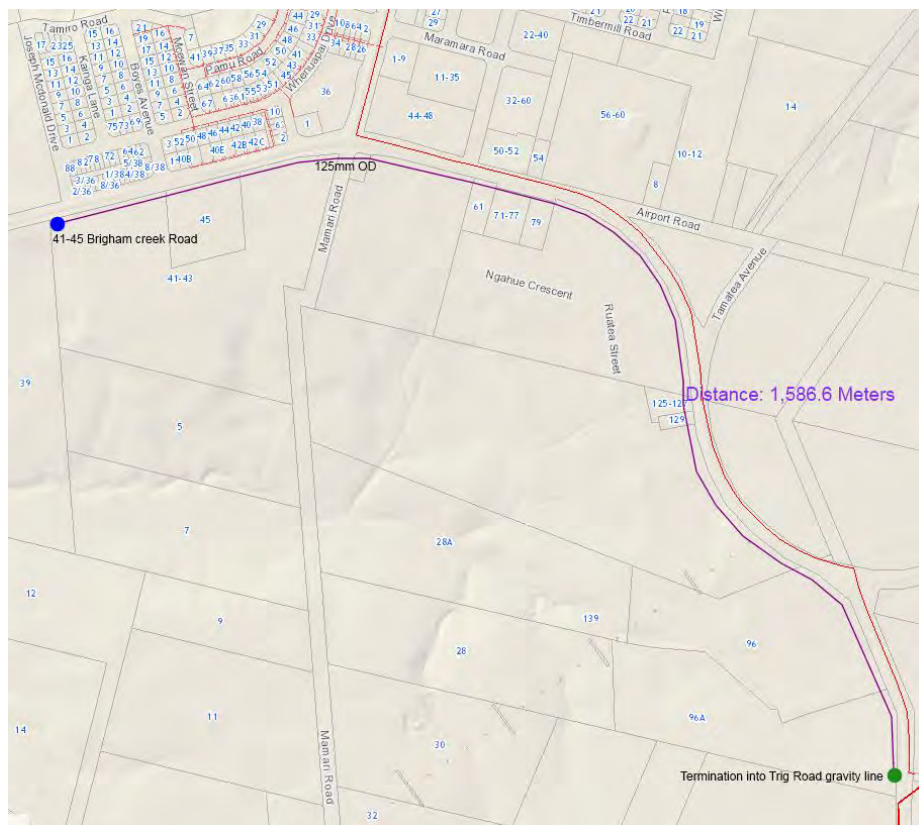


Figure 3: Option 2 Low Pressure System

Option 3: Combined Pump Station at Brigham Creek Road

It is understood the current operation of the Oyster Capital pump station pumping into the existing Watercare wastewater rising main on Totara Road is not favoured by Watercare.

This issue could be overcome if the rising main from the existing pump station was rerouted to a new pump station on 41-45 Brigham Creek Road, with this new pump station servicing a new rising main to the gravity main on Trig Road, as detailed in Option 1.

Table 7 Option 3- Servicing of 41-45 BCR – Sewer flows

	Village / Lands	41-45 Brigham Creek Road	Total
Houses	991	140	1131
People per House	3	3	3
People	2973	420	3393
Peak Flow L/person/day	1125	1125	1125
Design Flow L/s	39	5	44

The proposed scheme would include (as shown in Figure 4):

Table 8 Option 3 - Design Principles

New Pump station and storage (8 hrs DWF)	1
Pumps (Duty / Assist/ standby)	3
Flow Rate (L/s)	44
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	250
Velocity (m/s)	1.7
Friction Head (m)	35.0
Static Lift (m)	14.5
Total Pump Head (m)	49.5

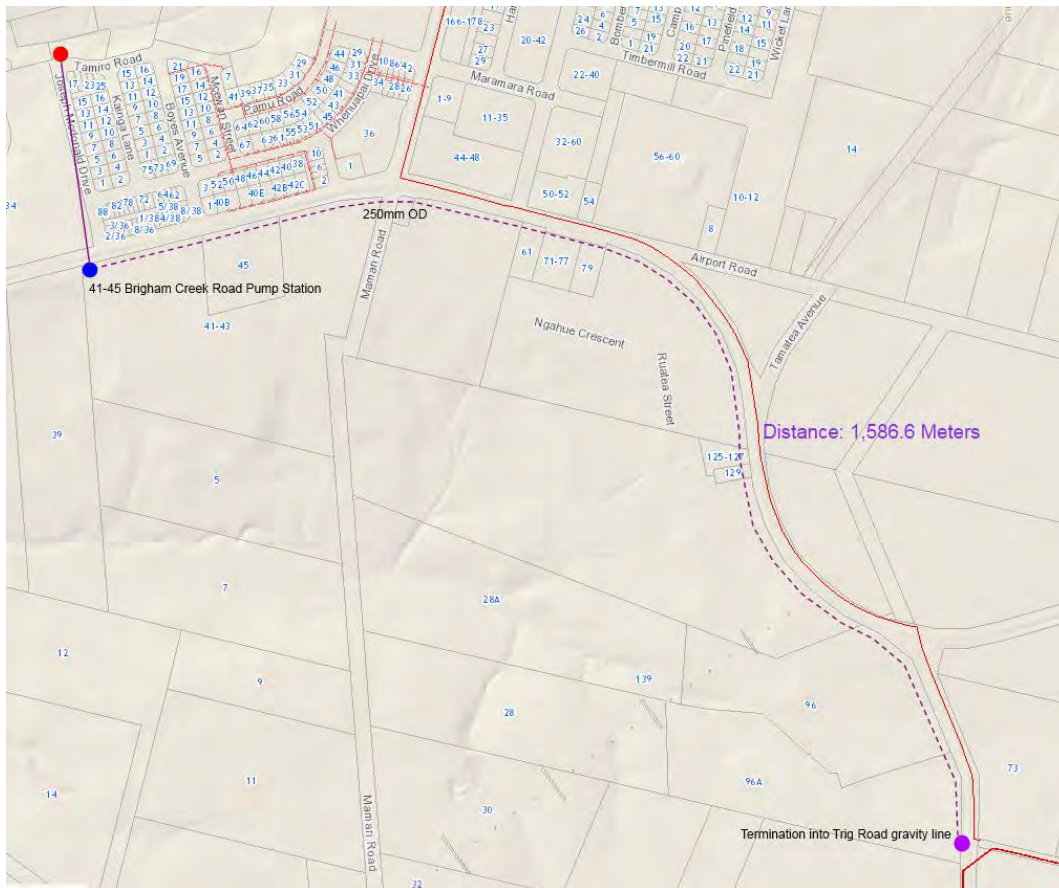


Figure 4: Option 3 Combined PS at 41-45 Brigham Creek Road

Option 4: Combined Pump Station

The existing pump station within the Oyster Capital Development is located at a level of approximately RL 15 m, in comparison to the lowest level of RL 23 m on the development site. It is therefore considered feasible to gravitate flows from the development site to the existing pump station, although a local network pump station may be required to service the southern part of the Brigham Creek development site.

Table 5.4 of the Water and Wastewater code of Practice states that a 150 mm pipe at minimum grade of 0.55% (1:182) is able to service a maximum of 200 properties

With 150 mm pipework in Joseph McDonald Drive, Boyes Avenue and Ripeka Lane / McEwan Street, running from Brigham Creek Road northwards to the pump station, connecting with a 225 mm pipe, there is anticipated to be capacity within the gravity network to accept the total flow from the Brigham Creek Road development of 275 houses.

Levels would need to be checked to confirm that pipes could be installed at suitable depth under Brigham Creek Road to connect the Brigham Creek Road development to the existing gravity sewers in the Oyster Capital development.

The existing pumps would be required to be upgraded to service the additional inflow and additional storage would be required to accommodate 8 hours dry weather flow for the additional gravity area serviced by the pump station. Any area serviced by its own pump station, would be required to include its own 8 hours DWF emergency storage, with the upstream pump station being required to shut-down in the event of the downstream pump station failing.

Assuming that 140 lots would drain by gravity to the existing pump station site, an additional storage volume of 33 m³ would be required:

Table 9 Servicing of Whenuapai Village – Sewer flows

	41-43 BCR		Total Oyster
Houses	140		991
People per House	3		3
People	225		2973
Average Flow	1.09		7.74
Tank Storage (8hrs) m ³	31.5		95.4
Wetwell storage			24.2
Total Storage			119.6

Review of the layout of the pump station and emergency storage tank on the pump station site suggests that it would be feasible to add the additional storage within the consented pump station site. An additional tank 2 m diameter and 10.5 m long would be sufficient and would provide 105% of the required storage.

The existing rising main from the Oyster Capital wastewater pump station to Totara Road is a 250 mm PE pipeline with an internal diameter of 212.4 mm:

- 250 mm diameter OD
- Flow rate = 39 L/s
- Velocity = 1.1 m/s
- Friction head = 4.7 m

Increasing the flow to 49 L/s to accommodate 41-45 Brigham Creek Road:

- Velocity = 1.40 m/s
- Friction head = 7.5 m

The increase in velocity is considered acceptable and friction head would be overcome by installing larger pumps within the existing pump station.

We are aware that the concept of the Oyster Capital Pump Station pumping into an existing rising main serviced by a second pump station is not favoured by Watercare, and whilst the proposed additional flow is considered small, the proposal may not be accepted by Watercare.

One solution would be to ensure that the two pump stations do not operate at the same time, with the pump stations interlinked.

A second scenario is to construct a separate rising main, from the connection in Totara Road, to the gravity line in Trig Road, such that each pump station operates with its own rising main.

The proposed scheme to service the complete development would include (shown in Figure 5):

Table 10 Option 3 - Design Principles

41-45 Brigham Creek to Existing PS	
Flow Rate (L/s)	11
Pump Station Upgrade	
Upgrade Ex. Pumps	2
Additional Storage	1
New Rising Main	
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	250
Flow (L/s)	50
Velocity (m/s)	1.4
Friction Head (m)	25.0
Static Lift (m)	14.5
Total Pump Head (m)	39.5



Figure 5: Option 4 - Combined Oyster Capital pump station

Watercare Benefits

The construction of a new rising main connecting the Oyster Capital pump station (which incorporates the Oyster Capital development flows) to the gravity network at Trig Road is considered to be of potential benefit of Watercare.

Wastewater conclusions and recommendations

It is considered feasible to service the proposed development, either via the gravity reticulation within the Oyster Capital development, or with a stand-alone system. Connection to the Oyster Capital development would be subject to:

- Upgrading the pumps in the existing pump station
- Confirmation of the availability of land to allow the provision of additional emergency storage (33 m³); and potentially
- Constructing a new rising main from Totara Road to the gravity line in Trig Road.

J&R Paul
45 Waimarie Road
Whenuapai
Auckland
19/10/2017

Auckland Council
Level 24, 135 Albert Street
PRIVATE BAG 92300
AUCKLAND 1142

Submission on Auckland Unitary Plan PC5 Whenuapai Plan Change 21-9-17.

This submission outlines the concerns of Richard and Jane Paul, residents of Whenuapai Village, relating to the Auckland Unitary Plan PC5 Whenuapai Plan Change 21-9-17.

The Whenuapai storm water management plan states that the light industry zoning can have up to 100% impermeable surfaces. The Mixed Housing Urban and Terrace Housing and Apartments can have 60 - 70% impermeable surfaces respectively. This water is to be piped straight into the Waiarohia and Wallace inlets.

We do not support this method of dealing with large volumes of storm water as it will potentially exacerbate the existing degraded water quality of the Upper Harbour and its tributaries. This amount of water may potentially have devastating and long-term impacts on the sensitive coastal and wetland areas of this region.

The use of land in this plan does not enhance the quality of the water in the Upper Harbour and therefore we do not support it.

The run-off is a particular problem with the relatively steep land gradient between the harbour and east side of the airfield.

Harbour and protected waterways, including in a fish breeding zone, will have even more pollution due to insufficient filtering/treatment of the greatly increased volume of storm water run-off.

Yours Sincerely,
Jane & Richard Paul



39.1

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Ms/Miss/Ms (Full Name)

TDR Family Trust, CAR Family Trust, and KW Ridley Trust Company Ltd

Organisation Name (if submission is on behalf of Organisation)

Address for service of the Submitter

Magee Planning, 1085 New North Road, Mount Albert, Auckland 1025

Telephone:

0273660090

Email:

craig@mageeplanning.co.nz

Contact Person: (Name and designation if applicable)

Craig Magee

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

Whenuapai Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

All

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are:

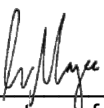
Without derogating from the generality of the submission relating to all proposed provisions, the key justification for applying the Light Industry zone appears to relate to the land being subject to the Aircraft Noise overlays. However, much of the land proposed to be Light Industry is outside these Overlay areas, and might be more appropriately zoned Mixed Use, in order to provide more flexibility and better protect adjacent Single House zone. The submitter's site at 151 Brigham Creek Road is an example of this. (continue on a separate sheet if necessary)

I seek the following decision by Council:

- | | | |
|--|-------------------------------------|-------|
| Accept the Plan Change/Variation | <input type="checkbox"/> | #40.1 |
| Accept the Plan Change/Variation with amendments as outlined below | <input type="checkbox"/> | |
| Decline the Plan Change/Variation | <input checked="" type="checkbox"/> | |
| If the Plan Change/Variation is not declined, then amend it as outlined below. | <input checked="" type="checkbox"/> | |

The Council should properly consider whether it would be more appropriate to apply Mixed Use zoning to sites not affected by the Aircraft Noise overlays. This includes 151 Brigham Creek Road, which is predominantly outside the 55dBA Aircraft Noise overlay. It would also provide a more appropriate interface to the land proposed to be rezoned as Single House. #40.2

- | | |
|---|-------------------------------------|
| I wish to be heard in support of my submission | <input checked="" type="checkbox"/> |
| If others make a similar submission, I will consider presenting a joint case with them at a hearing | <input checked="" type="checkbox"/> |



Signature of Submitter
(or person authorised to sign on behalf of submitter)

19 October 2017

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

Submission on Proposed Plan Change 5: Whenuapai Plan Change to the Auckland Unitary Plan – Operative in Part

Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
Attention: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Senior Environmental Officer (Planner)

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 5271
Wellesley Street
Auckland 1141
Attention: Alia Cederman

Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz

Background

This is a submission on Proposed Plan Change 5: Whenuapai Plan Change to the Auckland Unitary Plan – Operative in Part (“PPC5”).

The New Zealand Defence Force (“NZDF”) operates the Whenuapai Airbase, located immediately to the north of the PPC5 area. Whenuapai Airbase is a significant Defence facility, of strategic importance nationally and internationally. Ensuring that this facility can operate to meet Defence obligations under the Defence Act 1990 is critical. These obligations include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required. The Whenuapai Airbase is essential in achieving these obligations.

Whenuapai Airbase is some 311 hectares in size and occupies a significant portion of the Whenuapai area, bound to the south by Brigham Creek Road, and to the north, east and west by the Waitemata Harbour. The Whenuapai Airbase has been established on the site since 1937.

Currently, Whenuapai Airbase can accommodate all types of fixed wing military aircraft up to a C17 size. The Whenuapai Airbase has two runways which currently service:

- No. 6 Squadron – Naval Support Flight;
- No. 5 Squadron (Orion Marine Search and Rescue aircraft);
- No. 40 Squadron (Hercules and Boeing 757); and
- RNZAF Parachute Training Support Unit.

On the western side of the runways, Whenuapai Airbase also accommodates a number of land functions for personnel, servicing aircraft operations, weapons preparation areas and support ancillary to aircraft operations and/or defence use.

NZDF seeks to protect Whenuapai Airbase from the adverse effects of reverse sensitivity. Objective B3.2.1(6) of the Regional Policy Statement (RPS) of the Auckland Unitary Plan – Operative in Part (“AUP-OIP”) aims to protect significant infrastructure, including defence facilities, from reverse sensitivity effects. NZDF notes that the ‘hierarchy’ of planning documents which sit under the AUP-OIP RPS, which would include the proposed Whenuapai 3 Precinct, must give effect to the RPS.

NZDF has previously provided feedback on the Draft Whenuapai Structure Plan and the Draft Proposed Plan Change Whenuapai 3 Precinct. NZDF is pleased to see several of its concerns have been addressed, including engine testing noise and lighting. However, some matters have not been addressed in a way that allows NZDF to be confident that the proposed development will not result in significant adverse effects on the Airbase and potentially undermine its operation as a strategically important Defence facility. This includes potential effects relating to an increase in risk of bird strike, potential for development to infringe the Obstacle Limitation Surface (OLS) and the potential for wider reverse sensitivity effects on Whenuapai Airbase including glare and noise.

Submission and decisions sought

NZDF’s submission, and support of or opposition to each matter addressed, is detailed on the attached sheet.

The decisions sought from Auckland Council on each of the matters raised in this submission are detailed on the attached sheet.

Hearing

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

A handwritten signature in black ink, appearing to read 'M. Davies', written above a horizontal line.

Date 19/10/17

Person authorised to sign
on behalf of New Zealand Defence Force

Point	Provision	Support/oppose	Reasons	Relief sought
1	Entire plan change	Oppose in part	<p>PPC5 does not address the issue of potential bird strike effects on the Whenuapai Airbase.</p> <p>Bird strike risk is a critical concern for NZDF and NZDF has responsibilities under the Civil Aviation Act 1990 for managing this risk. Urban development, including (but not limited to) the provision of public open spaces and water features such as wetlands and stormwater ponds, has the potential to attract birdlife and increase risks associated with bird strike.</p> <p>Risks arise from various aspects which may change the habits of birds, including (but not limited) to the following:</p> <ul style="list-style-type: none"> • Exposed earth during construction attracting birds; • Displacement of birds resulting from loss of existing green space, causing greater numbers of birds to settle on the airfield or in an area that results in birds transiting airfield thresholds or airspace; • New green space, ecological and/or wetland areas, and open water elements (e.g. stormwater retention ponds, amenity ponds) and plantings attracting birds; • Flat-roofed structures which support colonies and attract birds to roost; and • Urban rubbish attracting greater numbers of species such as gulls; • Construction operations associated with development including earthworks (especially in winter), accumulation of rubbish, and creation of standing water and flat roof surfaces, all increase the prevalence of birds. <p>While NZDF recognises the need to provide stormwater treatment, development within the PPC5 area must take account of the potential for bird strike and identify and require ways to avoid and/or at least mitigate this.</p> <p>Depending on how it is undertaken, the provision of public open spaces could increase bird strike risk or provide the opportunity to mitigate risk caused by development in the area.</p> <p>NZDF is concerned the proposed construction and changing land use in proximity to the Airbase will result in changes to concentrations of birds in the area. There is potential for birds to settle on, or transit across, the</p>	<p>Amend the proposed plan change to include objectives, policies and methods addressing potential bird strike effects on the Whenuapai Airbase. This includes, but is not limited to, the following amendments -</p> <p>Amend the text of I616.2 Objective (8) as follows (or words to similar effect): <i>Through subdivision, use and development, implement a stormwater management approach that:</i></p> <p><i>(a) is integrated across developments;</i> <i>(b) avoids new flood risk;</i> <i>(c) mitigates existing flood risk;</i> <i>(d) protects the ecological values of the receiving environment;</i> <i>(e) seeks to mimic and protect natural processes; and</i> <i>(f) integrates with, but does not compromise the operation of, the public open space network; and</i></p> <p><i>(g) avoids or mitigates potential effects of bird strike on the Whenuapai Airbase.</i></p> <p>Amend the text of I616.2 Objective (11) as follows (or</p>

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Point	Provision	Support/oppose	Reasons	Relief sought
			<p>Airbase if they are displaced, creating safety hazards for aircraft through bird strike.</p> <p>NZDF is concerned the effects of bird strike hazard has not been sufficiently addressed in the proposed Precinct provisions; specifically, the effects that construction, changing land use, and planted and pond areas will have on the safe operation of aircraft using the Whenuapai Airbase.</p>	<p>words to similar effect):</p> <p><i>Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values avoids or mitigates potential effects of bird strike on the Whenuapai Airbase.</i></p> <p>Insert new policy as follows (or words to similar effect):</p> <p><i>Avoid or mitigate the risk of bird strike resulting from construction activity, change in habitat, and new buildings and structures affecting operations at Whenuapai Airbase by ensuring:</i></p> <ul style="list-style-type: none"> • <i>Buildings, stormwater treatment measures and landscape features are designed to avoid attracting feeding, nesting and roosting birds; and</i> • <i>Earthworks and waste are managed to minimise attraction of birds.</i> <p>Amend Standard 1616.6.4 by</p>

Point	Provision	Support/oppose	Reasons	Relief sought
				<p>inserting an additional subclause (or words to similar effect): <u>(7) Species mix and type must be in accordance with the recommendations of the Civil Aviation Authority's Advisory Circular AC139-16 to avoid attracting feeding, nesting and roosting birds</u></p> <p>Amend Assessment Criteria 1616.8.2(1) to include: <u>X. The extent to which the proposal minimises risks of bird strike (by way of a bird management plan if appropriate)</u> (or words to similar effect)</p>
2	Proposed zoning map	Oppose in part	<p>NZDF is concerned that under the proposed zoning in some areas the maximum height limit could infringe the Obstacle Limitation Surface (OLS). For example, an area of proposed Residential – Terrace Housing and Apartment (THAB) Zone has been identified in a location where the maximum height limit of 16 m infringes the OLS. A plan showing the distance between ground level and the OLS in this location can be found at Attachment 1.</p> <p>Temporary or permanent structures within the flight paths of aircraft operating out of Whenuapai Airbase present a significant safety risk for NZDF. To ensure a satisfactory level of safety for aircraft manoeuvring at low altitudes, the Minister of Defence has required that Designation 4311 be included in the AUP-OIP to set an Obstacle Limitation Surface (OLS) around the aerodrome.</p> <p>Aircraft safety is of critical importance to NZDF. Civil Aviation Authority rules and regulations apply. Due to the proximity of ground level to the OLS in some parts of the Precinct, it is important for developers and</p>	<p>Apply appropriate zoning within the Precinct such that the maximum height limit does not infringe the OLS.</p> <p>OR adopt the resolution of the Minister of Defence's High Court appeal Minister of Defence v Auckland Council CIV 2016-404-2314.</p>

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Point	Provision	Support/oppose	Reasons	Relief sought
3	Proposed zoning map	Support in part	landowners to be aware of this constraint to proposed buildings and structures. NZDF's prior written approval is required for any penetration of the OLS in accordance with Condition 2 of Designation 431.1. It is misleading to apply THAB zoning in this location where the maximum height limit of the zone does not align with the restrictions imposed by the designation. NZDF is concerned about the potential for development to occur without prior notification to NZDF and there have been several instances to date of this occurring. Moreover, there have been many instances where NZDF has not been notified prior to the operation of cranes or erection of structures within the OLS. NZDF is supportive of zoning that locates activities sensitive to noise further away from the Airbase.	Retain proposed Light Industry zoning adjacent to Whenuapai Airbase.
4	1616.10.3 Whenuapai 3 Precinct Plan 3	Oppose	During the preparation of PPC5, NZDF provided a report on aircraft engine noise prepared by Malcolm Hunt Associates. This was peer reviewed by Acousafe and was included in the materials notified in support of PPC5. It appears that there has been a mapping error in that the contours shown in PPC5 Whenuapai 3 Precinct Plan 3 have slightly shifted and do not match the contours shown in Figure 13 of the Malcolm Hunt Associates report.	Amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
5	1616.1 Precinct description	Support	NZDF supports the wording of paragraph two of the Precinct Description which states that proximity of Whenuapai Airbase is to be taken into account.	Retain reference to Whenuapai Airbase in the Precinct Description.
6	1616.2 Objective (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic	Oppose in part	NZDF supports the objective recognising the strategic importance of Whenuapai Airbase. However, the proposed wording could be more effective. The Whenuapai 1 and 2 Precincts (Objective 5.59 Objective 4 and 5.60 Objective 5) contain a clear separate objective: <i>"Subdivision and development occurs in a manner that recognises the presence, ongoing operation and strategic importance of the RNZAF Base Whenuapai."</i> NZDF seeks a separate objective which recognises the presence and	Include a separate objective which recognises the presence and ongoing operation of the Airbase, along with its strategic importance. Amend the text of 1616.2 Objective (1) (or amendment to similar effect): <i>Subdivision, use and</i>

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Point	Provision	Support/oppose	Reasons	Relief sought
	importance of Whenuapai Airbase.		ongoing operation of the Airbase, along with its strategic importance.	development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic importance of Whenuapai Airbase. (2) <u>Subdivision, use and development in the Whenuapai 3 Precinct occurs in a manner that recognises the presence, ongoing operation, and strategic importance of Whenuapai Airbase.</u>
7	1616.2 Objective (4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.	Oppose in part	Objective 4 recognises the foreseeable needs of the Whenuapai 3 Precinct area, but the nature of infrastructure is that it links to areas outside the Precinct. This includes stormwater and roading infrastructure, which needs to be designed to appropriately link to areas outside of the Precinct and avoid or mitigate adverse effects on areas outside the Precinct. This objective would therefore be strengthened if it recognised these linkages.	Amend the text of 1616.2 Objective (4): <u>The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area and surrounding areas.</u>
8	1616.2 Objective (12) The lighting effects of subdivision, use and	Oppose in part	NZDF supports this objective recognising potential reverse sensitivity and safety effects on the Airbase associated with lighting. However, potential reverse sensitivity and safety effects are not limited to lighting but include	Or words to similar effect. Amend 1616.2 Objective 12 as follows:

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Point	Provision	Support/oppose	Reasons	Relief sought
	development on the operation and activities of Whenuapai Airbase are avoided, remedied or mitigated.		<p>noise, glare and bird strike risk.</p> <p>NZDF is concerned that potential reverse sensitivity effects due to noise are not limited to receivers within the Aircraft Noise Overlay or the proposed Engine Testing Noise Boundaries.</p> <p>NZDF seeks a more general objective relating to reverse sensitivity and safety effects on Whenuapai Airbase. This would then support Policies 22 and 23.</p> <p>Reference has been made to other reverse sensitivity objectives in the AUP OIP to ensure consistency of plan drafting (e.g., E26.2.1(6) and D42.2(1)).</p>	<p><i>Reverse Sensitivity Effects on Whenuapai Airbase</i></p> <p><i>The fighting effects, including reverse sensitivity and safety effects, of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided as far as practicable or otherwise remedied or mitigated.</i></p> <p>Alternatively, retain Objective 12 and introduce an additional objective addressing wider effects, including reverse sensitivity and safety effects, on Whenuapai Airbase.</p> <p><i>Whenuapai Airbase is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity and safety effects.</i></p> <p>Or words to similar effect.</p>
9	1616.2 Objective (13) The adverse effects of aircraft engine testing noise on activities sensitive to noise are avoided, remedied or mitigated at the receiving environment.	Support in part	NZDF supports Objective 13 recognising aircraft engine testing noise and ensuring this is avoided, remedied or mitigated at the receiving environment. While the AUP-OIP addresses aircraft operational noise through the Aircraft Noise Overlay, this does not manage aircraft engine testing noise and therefore it is appropriate to include an objective related to this.	Retain Objective 13
10	1616.3. Policy (5) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of	Oppose in part	Like Objective 4, Policy 5 recognises the needs of the Whenuapai 3 Precinct area, but the nature of infrastructure is that it links to areas outside the Precinct. This includes stormwater and roading infrastructure, which needs	Amend 1616.3. Policy (5): <i>Avoid, remedy or mitigate the</i>

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Point	Provision	Support/oppose	Reasons	Relief sought
	subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.		to be designed to appropriately link to areas outside of the Precinct and avoid or mitigate adverse effects on areas outside the Precinct. This policy would therefore be strengthened if it recognised these linkages.	adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct and surrounding areas.
11	1616.3. Policy (12) Require subdivision and development within the Whenuapai 3 Precinct to: (a) apply an integrated stormwater management approach; (b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and (c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.	Oppose in part	NZDF is supportive of provisions seeking to avoid/remedy/mitigate potential adverse effects of subdivision and development in relation to stormwater. This includes potential effects of stormwater and flooding on the Airbase. As explained above, NZDF is concerned about subdivision, use and development increasing bird strike risk. Stormwater features such as wetlands and stormwater ponds, have the potential to attract birdlife and increase risks associated with bird strike. While NZDF recognises the need to provide stormwater treatment, development (including during the construction phase), within the PPC5 area must take account of the potential for bird strike and identify and require ways to avoid and/or at least mitigate this.	Or words to similar effect. Retain provisions supporting avoiding/remediating/mitigating potential adverse effects of stormwater due to subdivision, use and development. Amend Policy (12) so that stormwater management recognises and seeks to avoid and/or mitigate bird strike risk.
12	1616.3. Policy (22) Require subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects, including reverse	Oppose in part	NZDF supports this policy requiring subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects. It recognises that reverse sensitivity effects include safety risks relating to lighting, glare and reflection. However, it could potentially be interpreted that reverse sensitivity and safety risks are limited to those relating to lighting, glare and reflection. As described in this submission,	Amend 1616.3. Policy (22) to ensure it clearly covers the range of potential adverse effects and reverse sensitivity and safety effects on Whenuapai Airbase, including:

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Point	Provision	Support/oppose	Reasons	Relief sought
	sensitivity effects and safety risks relating to lighting, glare and reflection, on the operation and activities of Whenuapai Airbase.		that is not the case. Change heading above Policy (22) to "Effects on Whenuapai Airbase" to match the heading for the objective and the wording of the policy.	<ul style="list-style-type: none"> Noise; Lighting and glare; Obstacle heights; and Bird strike risk.
13	I616.3. Policy (23) Require the design of roads and associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.	Support	NZDF supports this policy which seeks to address potential reverse sensitivity effects associated with lighting of roads.	Amend heading above Policy 22: <i>Reverse-Sensitivity Effects on Whenuapai Airbase</i>
14	I616.3. Policy (24) Avoid the establishment of new activities sensitive to noise within the 65 dB Ldn aircraft engine testing noise boundary shown on Whenuapai 3 Precinct Plan 3.	Support	NZDF supports this policy which seeks to address potential reverse sensitivity effects associated with aircraft engine testing noise.	Retain I616.3. Policy (24)
15	I616.3. Policy (25) Avoid establishing residential and other activities sensitive to noise within the area between the 57 dB Ldn and 65 dB Ldn aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3, unless the noise effects can be adequately remedied or	Support	NZDF supports this policy which seeks to address potential reverse sensitivity effects associated with aircraft engine testing noise.	Retain I616.3. Policy (25)

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Point	Provision	Support/oppose	Reasons	Relief sought
16	<p>mitigated at the receiving site through the acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.</p> <p>1616.6 standards</p>	Oppose	<p>NZDF is concerned that once the proposed zoning for the Precinct is operative, many activities will be able to be carried out as permitted activities. In these instances there will be no opportunity to manage reverse sensitivity and safety issues, as the Precinct as currently drafted largely addresses reverse sensitivity and safety through objectives and policies. For this reason the standards are key. The standards address matters of concern to NZDF relating to lighting and aircraft engine noise, but do not address wider reverse sensitivity and safety issues relating to noise, bird strike, and the OLS.</p>	<p>NZDF seeks the incorporation of further standards to apply at the time of subdivision and development, to ensure that all of the key effects are appropriately managed, including:</p> <ul style="list-style-type: none"> • Noise; • Lighting and glare; • Obstacle heights; and • Bird strike risk. <p>Specific standards which are sought by NZDF in relation to each of these matters are discussed in more detail below.</p>
17	1616.6 standards	Oppose in part	<p>Although NZDF's prior written approval would be required for any penetration of the OLS in accordance with Condition 2 of Designation 4311, NZDF is concerned that there is potential for the requirements of the OLS to be overlooked, particularly when a structure could be compliant with maximum height standards but infringe the OLS (as is possible in the proposed THAB zone). Aircraft safety is of critical importance to NZDF. In addition, Civil Aviation Authority rules and regulations apply. Due to the proximity of ground level to the OLS in some parts of the Precinct, it is important for developers to be aware of this constraint to proposed buildings and structures. This includes obstacles penetrating the OLS that do not require building or resource consent, such as construction cranes and trees. Such obstacles present a potentially significant safety risk for the</p>	<p>Include standards to increase visibility of the OLS and to ensure that applicants within the Precinct provide detailed information through the application process about the relationship between their building and structure heights within the Precinct compared to the OLS limits, and about how the OLS limits will be complied with during construction.</p>

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Point	Provision	Support/oppose	Reasons	Relief sought
18	I616.6 standards	Oppose in part	<p>operation of aircraft at Whenuapai Airbase. For example, there have been previous instances where a crane in use on a site at Hobsonville Point has forced the closure of the runway every time it was raised above the OLS. Whilst the designation should prevent this occurring, there have been many instances where NZDF has not been notified prior to the operation of cranes or erection of structures within the OLS. Incorporating provisions into the Precinct will increase visibility and awareness of the OLS.</p> <p>As noted above, a critical concern of NZDF is reverse sensitivity effects on the Airbase. A key component of this is noise. NZDF notes that reverse sensitivity due to noise effects is an issue not limited to within the boundaries of the Aircraft Noise Overlay and the proposed Engine Testing Noise Boundaries. As a minimum, NZDF would like to see no complaints covenants applied to development within the PPC5 area. This is consistent with the provisions in the Whenuapai 1 and 2 Precincts.</p>	<p>Adopt the resolution of the Minister of Defence's High Court appeal Minister of Defence v Auckland Council CIV 2016-404-2314.</p> <p>Insert new standard applying to all activities (or words to similar effect): <u>To ensure that potential reverse sensitivity effects on the adjacent RNZAF Whenuapai Base are appropriately addressed and provided for within the precinct, a no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the subdivision plan, in a form acceptable to the Council under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 or otherwise in respect of any subdivision, use or development of the RNZAF Base Whenuapai.</u></p>
19	Standard I616.6.10. Development within the aircraft	Support	<p>NZDF supports restrictions on development within the proposed 57 dB Ldn and 65 dB Ldn noise boundaries in order to address noise attenuation at</p>	<p>Retain Standard I616.6.10.</p>

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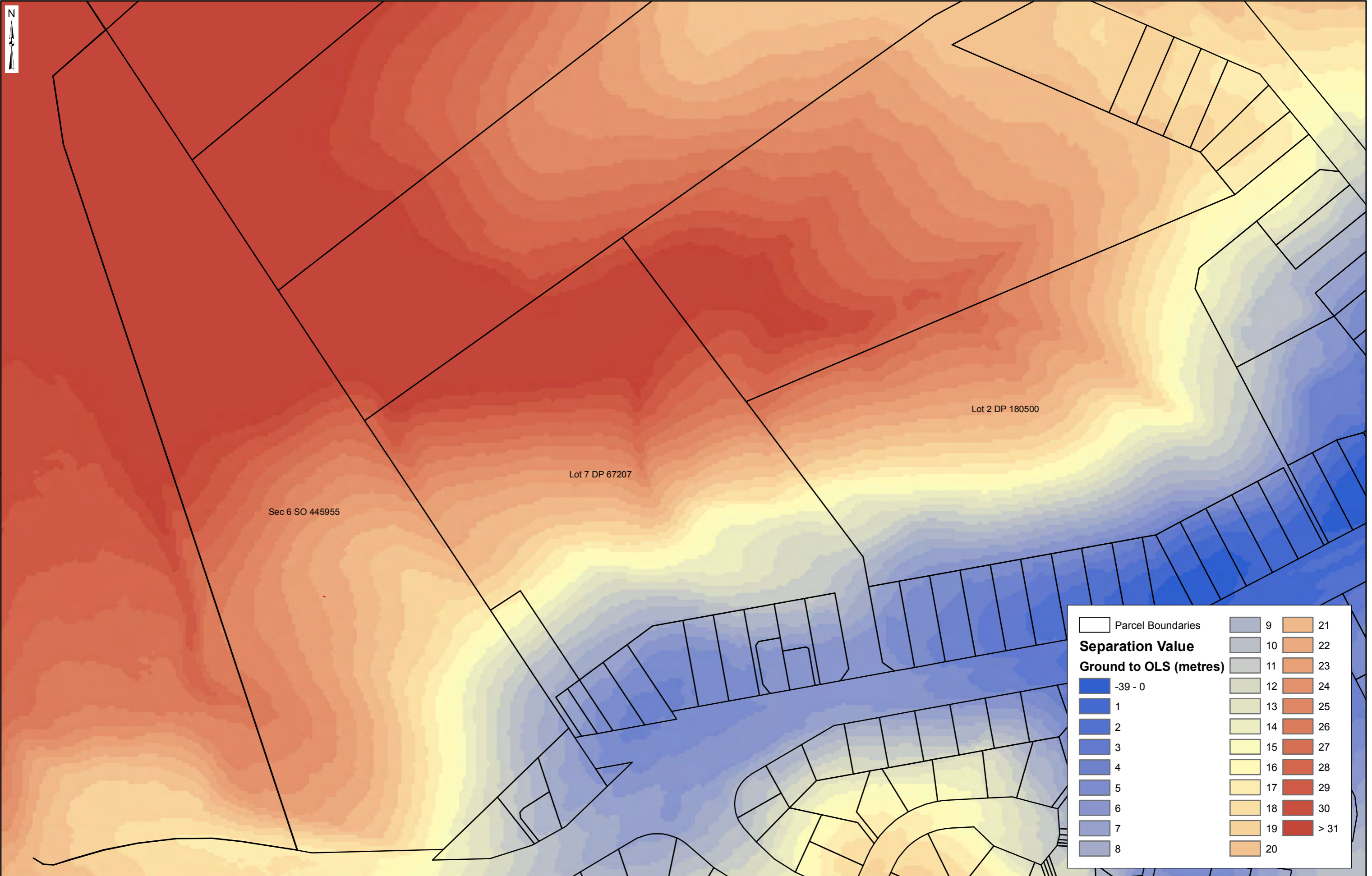
Point	Provision	Support/oppose	Reasons	Relief sought
	<p>engine testing noise boundaries (1) Between the 57 dB Ldn and 65 dB Ldn noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures: (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB Ldn; and (b) that are certified to the council's satisfaction as being able to meet Standard 616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the</p>		<p>the receiver and avoid or mitigate potential reverse sensitivity effects on the Whenuapai Airbase.</p>	

Point	Provision	Support/oppose	Reasons	Relief sought
20	<p>habitable rooms closed.</p> <p>Standards I616.6.11. Lighting (1) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am: (a) searchlights; or (b) outside illumination of any structure or feature by floodlight.</p>	Oppose in part	<p>NZDF is supportive of this standard but seeks additional lighting relating matters be covered. NZDF is concerned that lighting standards should be sufficient to ensure that permitted activities do not adversely affect the operations of Whenuapai Airbase. A particular concern is lighting that is directed towards the sky. NZDF is concerned that lighting must avoid distracting pilots and mimicking runway lighting.</p>	<p>Amend I616.6.11. Lighting to ensure that permitted activities do not adversely affect the operations of Whenuapai Airbase, this includes a requirement for shielding outdoor lighting from above.</p>
21	<p>I616.6 standards</p>	Oppose in part	<p>While the proposed objectives and policies refer to potential glare effects, these are not addressed in the standards, which only address lighting. The potential effects of glare are not solely related to lighting, as some building materials can reflect sunlight and create glare, impairing the vision of pilots. This is a significant safety concern for NZDF.</p> <p>Glare is addressed as a standard in the Business – City Centre Zone rules in the AUP – OIP, but not in the residential and industrial zones that are proposed to apply in Whenuapai 3 Precinct. Chapter E24 of the AUP – OIP applies across the city, but only covers glare from lighting, not reflective surfaces.</p>	<p>41.29</p> <p>Include a standard to address potential adverse effects of glare on the safe operation of Whenuapai Airbase. This could be the same or similar (amended as relevant) to the standard used in the Business – City Centre Zone – which is: <i>Purpose: ensure non-reflective materials are used on buildings to avoid, remedy and mitigate the adverse effects of glare on pedestrians and motorists.</i> <i>(1) Buildings must be designed and built so that the reflectivity of all external surfaces does not exceed 20 per cent of white light. This means that glass and other materials with reflectivity values that exceed 20 per cent may only be used provided they</i></p>

Point	Provision	Support/oppose	Reasons	Relief sought
22	<p>1616.8 Assessment – restricted discretionary activities</p> <p>1616.8.1 Matters of discretion and</p> <p>1616.8.2. Assessment criteria</p> <p>(5) Lighting associated with development, structures, infrastructure and construction:</p> <p>(a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:</p> <p>(i) avoids simulating approach and departure path runway lighting;</p> <p>(ii) ensures that clear visibility of approach and departure path runway lighting is maintained;</p> <p>and</p> <p>(iii) avoids glare or light spill that could affect aircraft operations.</p>	<p>Oppose in part</p>	<p>NZDF is supportive of this assessment criterion relating to lighting. However, while the proposed objectives and policies refer to potential glare effects, these are not addressed in the assessment criteria. The potential effects of glare are not solely related to lighting, as some building materials can reflect sunlight and create glare, impairing the vision of pilots.</p>	<p>are covered or screened in such a way that the external surfaces will still meet this standard.</p>
41.29				<p>Include assessment criteria to require consideration of potential glare effects on the Whenuapai Airbase. This could include the following amendment, or similar:</p> <p>1616.8.1</p> <p>(5) <u>Lighting and glare associated with development, structures, infrastructure and construction.</u></p> <p>1616.8.2</p> <p>(5) <u>Lighting and glare associated with development, structures, infrastructure and construction:</u></p> <p>(a) <u>The effects of lighting and reflective surfaces on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:</u></p> <p>(i) <u>avoids simulating approach and departure path runway lighting;</u></p> <p>(ii) <u>ensures that clear visibility of approach and departure path runway lighting is maintained;</u></p>

Point	Provision	Support/oppose	Reasons	Relief sought
23	1616.8 Assessment – restricted discretionary activities	Oppose in part	The proposed assessment criteria address matters of concern to NZDF relating to lighting, but do not address reverse sensitivity and safety issues relating to bird strike and the OLS. NZDF seeks additional matters of discretion and assessment criteria to ensure that resource consent applications appropriately consider and address the effects of any works, structures or objects on the ongoing safe operation of the Whenuapai Airbase.	and <i>(iii) avoids glare or light spill that could affect aircraft operations.</i> Include additional matters of discretion and assessment criteria to ensure that resource consent applications appropriately consider and address the effects of any works, structures or objects on the ongoing safe operation of the Whenuapai Airbase.

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Parcel Boundaries	9	21
Separation Value	10	22
Ground to OLS (metres)	11	23
-39 - 0	12	24
1	13	25
2	14	26
3	15	27
4	16	28
5	17	29
6	18	30
7	19	> 31
8	20	

Contact details

Full name of submitter: Auckland Transport

Organisation name: Auckland Transport

Agent's full name:

Email address: liam.winter@at.govt.nz

Contact phone number: 094487015

Postal address:
Private Bag 92250
Auckland Central
Auckland 1010

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Objectives and Policies - I616.2, I616.3 Standards - I616.6 Matters of discretion/assessment criteria - I616.8 Precinct
Plan 2 Zoning

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
See attachment.

I or we seek the following decision by council: Accept the plan modification with amendments | 42.1

Details of amendments: See attachment.

Submission date: 19 October 2017

Supporting documents
Whenuapai PPC5 - AT submission.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

19 October 2017

Attention: Diana Luong, Planning Technician
Auckland-wide Planning Unit
Auckland Council, Private Bag 92300
Auckland 1142

Dear Ms Luong,

Submission on Proposed Plan Change 5 – Whenuapai

Attached is Auckland Transport's submission on Proposed Plan Change 5 to the Auckland Unitary Plan Operative in Part (AUPOIP). The submission relates to the proposed rezoning of 360 hectares of Future Urban zoned land in the Whenuapai area, and the accompanying addition of the new Precinct (I616 – Whenuapai 3 Precinct) to Chapter I of the AUPOIP.

If you have any queries in relation to this submission, please contact Liam Winter (Senior Transport Planner) on 09 448 7015.

Yours sincerely



Christina Robertson
Head of Policy and Planning (acting)

Enc: Auckland Transport's submission on Proposed Plan Change 5 – Whenuapai

SUBMISSION ON PROPOSED PLAN CHANGE 5 – WHENUAPAI

To: Auckland Council
North-West Planning, Plans and Places
Private Bag 92300
Auckland 1142

For: John Duguid – General Manager, Plans and Places

From: Auckland Transport
Strategy and Development Division
Private Bag 92250
Auckland 1142

This is Auckland Transport's submission on Proposed Plan Change 5 (PPC5) to the Auckland Unitary Plan Operative in Part (AUPOIP). The submission relates to the proposed rezoning of 360 hectares of Future Urban zoned land in the Whenuapai area, and the accompanying addition of the new Whenuapai 3 Precinct to Chapter I of the AUPOIP.

Auckland Transport's submission is:

To support the Proposed Plan Change, subject to the resolution of Auckland Transport's concerns which are outlined in this submission.

The reason for Auckland Transport's submission is:

Auckland Transport supports PPC5 generally as a planning response to the need for residential and business development capacity across the region. The live-zoning of the Whenuapai Stage 1 area in the 2018-22 period is consistent with both Auckland Council's Future Urban Land Supply Strategy¹, and the Whenuapai Structure Plan². Auckland Transport supports the staged approach to urbanisation envisaged in these documents, and identification of the transport infrastructure and services required to support the Whenuapai Stage 1 area.

Auckland Transport supports the inclusion of provisions in plan changes such as PPC5 which ensure that the necessary transport infrastructure will be in place to service the development envisaged by the plan change. This proposition is consistent with the National Policy Statement on Urban Development Capacity which defines development capacity as including "the provision of adequate development infrastructure"³.

Auckland Transport works in a constrained fiscal environment, and shares responsibility with developers for the provision of transport infrastructure in growth areas. Apportioning responsibility for local improvements by developers in an equitable way is a complex exercise in the Whenuapai context given the fragmented nature of land ownership, and the varied extent of benefits for each transport upgrade.

The proposed Whenuapai 3 Precinct contains a number of provisions designed to both provide for and apportion responsibility for the provision of local transport infrastructure in the PPC5 area. These include:

¹ Available online: [Future Urban Land Supply Strategy](#)

² Available online: [Whenuapai Structure Plan, September 2016](#)

³ Available online: [National Policy Statement on Urban Development Capacity](#)

- An objective and policy framework which clearly requires certainty of infrastructure provision prior to subdivision and development, including mitigation of the cumulative effects of urbanisation;
- Standards giving effect to the objective and policy framework to provide certainty that infrastructure is delivered to support subdivision and development; and
- A Precinct Plan showing indicative arterial and collector roads, and provision for the alignments depicted through the policy framework, standards and assessment criteria.

Auckland Transport generally supports these provisions, but seeks amendments as set out below.

1. Objectives and Policies – I616.2-I616.3

- | | | |
|------|--|------|
| 1.1. | Auckland Transport supports the objective and policy framework as a whole in that it clearly requires certainty of infrastructure provision prior to subdivision and development, including mitigation of the cumulative effects of urbanisation. In the context of the section 104D tests for non-complying activities, the objectives and policies are a clear safeguard mandating integrated transport and land use outcomes. They also provide a strong basis for the standards and assessment criteria contained in the Precinct. | 42.2 |
| 1.2. | Auckland Transport supports objectives 3 and 6 as currently proposed. The following minor amendments are sought to objectives 4 and 5 or to similar effect: | 42.3 |
| | <ul style="list-style-type: none"> ○ <i>(4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area, including through the provision of new and upgraded infrastructure.</i> | 42.4 |
| | <ul style="list-style-type: none"> ○ <i>(5) Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for within the wider Whenuapai 3 Precinct area and with the wider network.</i> | 42.5 |
| 1.3. | Auckland Transport supports policies 1, 6, 7 and 8 as currently proposed. The following minor amendments to policies 4, 5 and 6 are sought or to similar effect: | 42.6 |
| | <ul style="list-style-type: none"> ○ <i>(4) Require subdivision and development to be <u>staged, managed and designed to align with the coordinated with the provision and upgrading of the transport infrastructure, including regional and local transport infrastructure. network within the precinct, and with the wider transport network.</u></i> | 42.7 |
| | <ul style="list-style-type: none"> ○ <i>(5) Require subdivision and development to <u>avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct, including through the provision of new and upgraded infrastructure. required to support the Whenuapai 3 Precinct.</u></i> | 42.8 |

2. Standards – I616.6

Standard I616.6.2

- 2.1. Standard I616.6.2 as notified requires that all subdivision and development must meet a proportional share of a list of local infrastructure works (listed in table I616.6.2.1), or achieve the desired outcome via an alternative measure(s). The traffic modelling work undertaken to date has established a clear need for the listed projects to support the urbanisation envisaged by PPC5.
- 2.2. Auckland Transport understands that the primary driver for the notified standard was to ensure that responsibility for providing local transport infrastructure was apportioned between the beneficiaries of that infrastructure in a manner which reflects the cumulative nature of transport effects. In particular, the notified standard seeks an alternative to the existing approach of infrastructure thresholds. Where there is no public funding, the threshold approach is problematic where it requires a marginal development (i.e. the development triggering a

threshold) to meet the full costs of a given upgrade where the need for that upgrade arises cumulatively from all development below and up to the threshold.

- 2.3. Notwithstanding the above, Auckland Transport has identified a number of issues with the standard as currently proposed:
- Table I616.6.2.1 includes projects (such as new collector roads) which are the sole responsibility of the relevant developers given that they do not have wider benefits beyond providing access to sites/developments. Standard I616.6.8 requires that developers provide the parts of the indicative road network (as per Precinct Plan 2) which fall on their sites. Accordingly, such projects should not be subject to a proportional share mechanism and should be deleted from the table as they are covered by standard I616.6.8.
 - The remaining projects in the table are considered by Auckland Transport to be well suited to a proportional share mechanism in that they are collector roads with benefits extending beyond individual site access and for development area benefit, but not the significant wider strategic network benefits generally required to merit full public funding (such as those expected from a new arterial road).
- 2.4. Accordingly, Auckland Transport seeks amendments to standard I616.6.2 to ensure that it is workable and equitable. In particular:
- That table I616.6.2.1 is amended to reflect the appropriate scope/projects to which a proportional share mechanism should apply. To that end, Auckland Transport seeks removal of references to projects which will fall within the sole responsibility of the relevant developers. | 42.9
 - That the wording of standard I616.6.2 can be refined to address the matters noted above. | 42.10

Standard I616.6.8

- 2.5. Auckland Transport supports standard I616.6.8, which requires developers to form their sections of the indicative road network to an urban standard, and to ensure that connections to neighbouring sites are not precluded. As noted in 2.3 above, the standard effectively captures the local transport requirements. | 42.11
- 2.6. Auckland Transport seeks an addition to I616.6.8(2) to require that developments along a proposed new arterial alignment provide a full arterial road reserve width, even if the developer only intends to form a collector road standard in the interim. In cases where development is proceeding ahead of the arterial standard requirement, this approach ensures that the development can proceed whilst providing for the road ultimately required to meet the future capacity and multi-modal requirements of the transport network. | 42.12

Standard I616.6.3

- 2.7. Auckland Transport is concerned about the duplication of standard I616.6.3(3) in its application to roads. New roads are subject to stringent consenting requirements pertaining to stormwater management under the AUPOIP and so do not need to be addressed by this provision as well. Accordingly, Auckland Transport considers that roads do not need to be captured by this standard and so seek that this be rectified. | 42.13

3. Matters of discretion and assessment criteria – I616.8

- 3.1. Auckland Transport supports the proposed matters of discretion listed under I616.8.1(1) (subdivision and development) given that they set out a range of pertinent transport matters which must be considered. For similar reasons, Auckland Transport generally supports assessment criteria I616.8.2(1). | 42.14
- 3.2. Auckland Transport seeks amendment of assessment criterion I616.8.2.1(i) to remove reference to “public” funding mechanisms. The intent of the criterion is to ascertain whether the infrastructure is delivered, irrespective of whether it is publicly or privately funded. Accordingly, the criterion should simply read “appropriate funding mechanism”. | 42.15

4. Precinct Plan 2

- 4.1. Auckland Transport supports the inclusion of Precinct Plan 2, particularly the use of indicative arterial and collector roads on the plan to denote the required road network at this level to be provided through subdivision and development. The road network shown would ensure a well-connected urban form, and is supported by extensive traffic modelling analysis. | 42.16
- 4.2. Auckland Transport supports the following changes to Precinct Plan 2:
- o Inclusion of indicative locations for future Rapid Transit stations; and | 42.17
 - o Any consequential amendments to the plan required to give effect to other changes sought for the Precinct. | 42.18

5. Zoning

- 5.1. Auckland Transport generally supports the zoning proposed for the PPC5 area given the need for residential and business development capacity across the region. | 42.19
- 5.2. Compared with the earlier Draft Plan Change, the notified PPC5 contains some residential areas which have been 'downzoned' from mixed housing urban to single house. Auckland Transport understands that this change was a planning response to noise and reverse sensitivity issues associated with the New Zealand Defence Force Air Base site.
- 5.3. Some of the proposed area of single house zoning is located within close proximity of a potential future rapid transit station site. Auckland Transport identifies that the Plan Change needs to appropriately address the competing policy objectives of managing noise/reverse sensitivity effects and intensifying around transport nodes.
- 5.4. The location for stations as noted in 4.4 above will be confirmed through the Supporting Growth designation process.

Auckland Transport seeks the following decision from Auckland Council:

That the Council approves PPC5, subject to the amendments sought by Auckland Transport in this submission, or any other consequential amendments to address the matters raised in this submission.

The submitter does wish to appear and be heard in support of its submission.



Signed for and on behalf of Auckland Transport

Christina Robertson
Head of Policy and Planning (acting)

19 October 2017
Address for service of submitter:
Auckland Transport
20 Viaduct Harbour Avenue
Auckland Central
Auckland 1010

Telephone: (09) 448 7015
Email: liam.winter@at.govt.nz
For: Liam Winter
Senior Transport Planner
Strategy and Development

Contact details

Full name of submitter: Trig Road Investments Limited

Organisation name:

Agent's full name: Toby Mandeno

Email address: toby@bslnz.com

Contact phone number: 0272371177

Postal address:
PO BOX 11139
Ellerslie
Auckland 1542

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

PC 5 - and zoning (being left out of Stage 1) when was formerly Stage 1E.

Property address: 90 Trig Road, Whenuapai

Map or maps:

Other provisions:

PC 5 - and zoning (being left out of Stage 1) when was formerly Stage 1E.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please refer to attached documents

I or we seek the following decision by council: Accept the plan modification with amendments

43.1

Details of amendments: Refer to attached documents

Submission date: 19 October 2017

Supporting documents

Submission-Whenuapai Plan Change - FINAL.pdf

J007XX Trig Road 181017.pdf

Appendix A and B.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

SUBMISSION FORM

The following submission is made on the proposed Auckland Council Plan Change 5 – Whenuapai Plan Change prepared under the Resource Management Act 1991.

To: Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter: Lichun Gao

Postal Address: 17 O'Neills Avenue, Takapuna, Auckland 0622

Phone: 021 560 366

Email: 63444444@qq.com

Submitter: Trig Road Investment Limited

Postal Address: 43 St Stephens Avenue, Parnell, Auckland 1052

Phone: 021 0202 5666

Email: johnny1986.lin@gmail.com

I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to develop my property. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

Name of Agent: Toby Mandeno – Birch Surveyors Limited


Address: PO Box 475, Pukekohe 2340

Phone: 027 237 1177

Email: Toby@bslnz.com

I wish to be heard in support of this submission.

If others make similar submissions, I would consider presenting a joint case with them at the hearing.



Signature **Date**

19 October 2017

1.0 INTRODUCTION

Thank you for the opportunity to submit on Whenuapai Plan Change 5.

The specific parts of the Plan Change to which this submission relates to is:

- The reasons behind – and exclusion of – the properties on the western side of Trig Road bounded by Spedding Road to the north, and the State Highway 18 on-ramp to the south.

2.0 BACKGROUND

- 2.1 Our clients are the landowners of 84 and 90 Trig Road, Whenuapai, outlined in the Locality Map attached as Appendix A to this submission.
- 2.2 The land on the western side of Trig Road, south of Spedding Road was largely included in Stage 1 of the Whenuapai Structure Plan, noted as Stage 1E, shown in Figure 1, below. The inclusion within Stage 1E gave our clients a reasonable expectation that their land would be included within the Plan Change. However, in Council's s.32 report these sites were removed due to the uncertainty around the timing associated with the Northside Drive bridge and eastern extension being built.

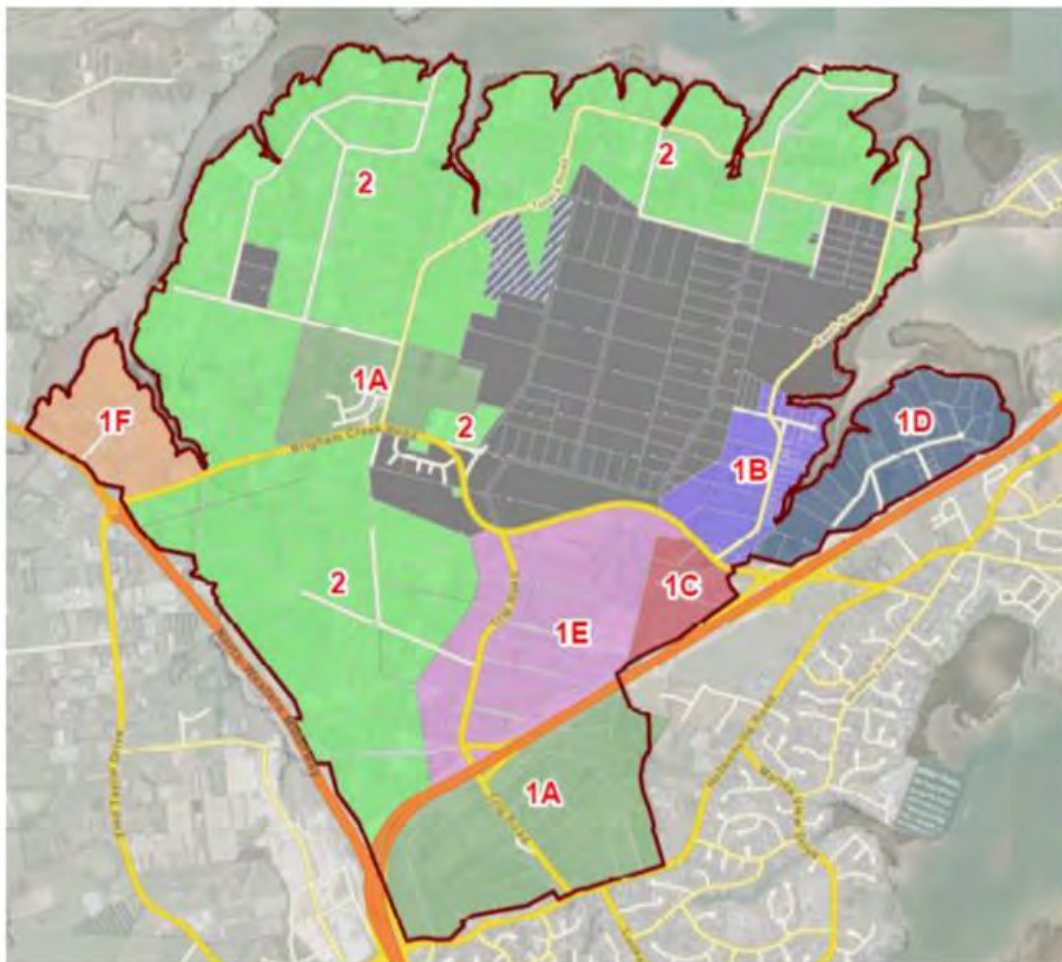


Figure 1: Whenuapai Structure Plan Staging (Source: Whenuapai Structure Plan Section 32 Report)

2.3 The alignment of Northside Drive appears to be fixed, with the road built on the north-western side, and the location of the bridge over State Highway (SH) 16 dictated by the installation of pillars that are already in place to support the future grade separation, as shown in Figure 2 and 3, below.



Figure 2: Aerial Photo showing Northside Drive established on the north-western side of SH 16 (Source: Google Maps)



Figure 3: Pillars located on State Highway 16 to support the future Northside Drive extension

- 2.4 The timing of the Northside Drive extension would have no impact on the future development of the properties located within 84-90 Trig Road. The Integrated Traffic Assessment Report (ITA) prepared by Flow Transportation Specialists Limited, dated July 2016 covers the Whenuapai Structure Plan area, not just the Plan Change area. Our clients' two (2) sites are located within the "Orange 4" modelling zone. The modelling undertaken within the ITA shows that part development of Orange 4 can and was enabled by the existing roading network without any upgrades or capacity issues as part of Stage 2a of the ITA.

3.0 SUBMISSION

- 3.1 Subject to the acceptance of the relief specified below, we generally support the proposed zoning of the Whenuapai Plan change area. | 43.2
- 3.2 We seek the inclusion of the land at 84-90 Trig Road to be zoned Light Industrial, consistent with the plan change proposal for the properties immediately to the north and east of these sites. See map attached as Appendix B.
- 3.3 It is our position that Council has made an error of judgment within their s.32 report, by removing all of Orange 4 from Stage 1 with the only reason provided behind this decision not reflective of the traffic modelling completed within the TIA. Our position with respect to this matter is supported by Leo Hills, Traffic Engineer and Director of Commute Ltd who has provided supporting documentation to reflect this, attached as Appendix C.
- 3.4 We note that the exclusion of this area of Trig Road is based on the uncertainty around the timing of the future upgrade of Northside Drive. However, our position is that the early development of properties at 84-90 Trig Road will not compromise any future upgrade of this area.
- 3.5 The inclusion of these properties in Plan Change 5 will further facilitate and enable the upgrade of Trig Road, including the signalised intersection at Trig and Spedding Roads. We note that Council's own s.32 analysis has acknowledged these benefits, with such positive effects behind the inclusion of the land to the west of Trig Road and north of Spedding Road within the Plan Change. Please refer to the extract below;

"The land on the west side of Trig Road and north of Spedding Road was included in the plan change area to enable development along both sides of the road, and to facilitate the required upgrade of Trig Road. Only properties to the west of Trig Road that connect to Trig Road were included."

- 3.6 A key advantage of enabling developments on both sides of Trig Road is the ability for private development to assist in funding the required upgrade. The Stage 1 Technical Inputs document (which was recently released) has provided a proposed design for the Trig Road/Spedding Road intersection, as is shown in Figure 4, below:

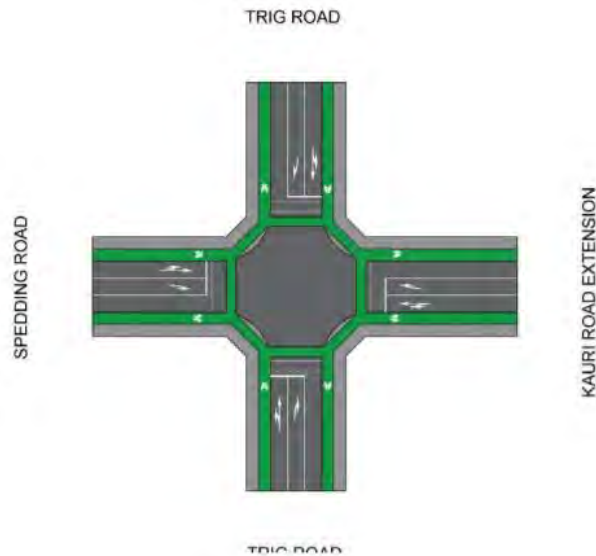


Figure 4: Proposed Intersection Design (Source Flow – Stage 1 Technical Input Report, 2017)

- 3.7 It becomes clear that additional land will be needed to support the construction of the above intersection. Completing this upgrade in isolation from the adjoining property does not – in my opinion – constitute a good planning outcome. The procurement and construction process is likely to suffer in terms of both cost and time.
- 3.8 This addendum to the ITA prepared by Flow Ltd, has identified different modelling scenarios from the ITA itself. Scenario 1e represents what has been considered for PC 5. Interestingly, the report (on page 21) identifies investment required as being the “*Urbanisation of Trig Road between Brigham Creek Road and SH18 Interchange*”. The trigger states that this is to achieve “*Any development fronting an existing road will need to upgrade it to urban standard and enable separated cycle facilities*”. By leaving our clients property out of Plan Change 5, this desired outcome cannot be achieved.
- 3.9 Early development will logically take place around the existing road network. To ensure suitable uptake of commercial and business land, priority must be given to live zoning land which adjoins the existing roading network. Failing to live zone our client’s sites which adjoin a key arterial road – is not in my opinion – a good planning outcome. Nor do I believe that this position can be justified on the basis provided within the s.32 Report.
- 3.10 We have reviewed all of the technical documentation provided with the Plan Change and believe that there is no reason why the proposed plan change could not accommodate the properties at 84-90 Trig Road. It is in our professional opinion that all of the sites subject to this submission can be serviced by the existing and future stormwater and sewer networks in conjunction with the remaining properties already contained within Plan Change 5.

4.0 RELIEF SOUGHT


4.1 We request that the following properties are included within the Whenuapai Plan Change geographical area, zoned Light Industrial, for the reasons outlined in Section 3, above;

- 84 Trig Road, Whenuapai
- 86 Trig Road, Whenuapai
- 88 Trig Road, Whenuapai
- 90 Trig Road, Whenuapai

43.3

4.2 We note that whilst we do not act on behalf of the property owners of 86 and 88 Trig Road, they are aware of our submission, and are supportive of the relief sought.

Yours sincerely



Toby Mandeno

19 October 2017

MPlan, BSc, m.NZPI

Enclosed:

Appendix A: Locality Map

Appendix B: Submission Zone Map – Relief being Sought

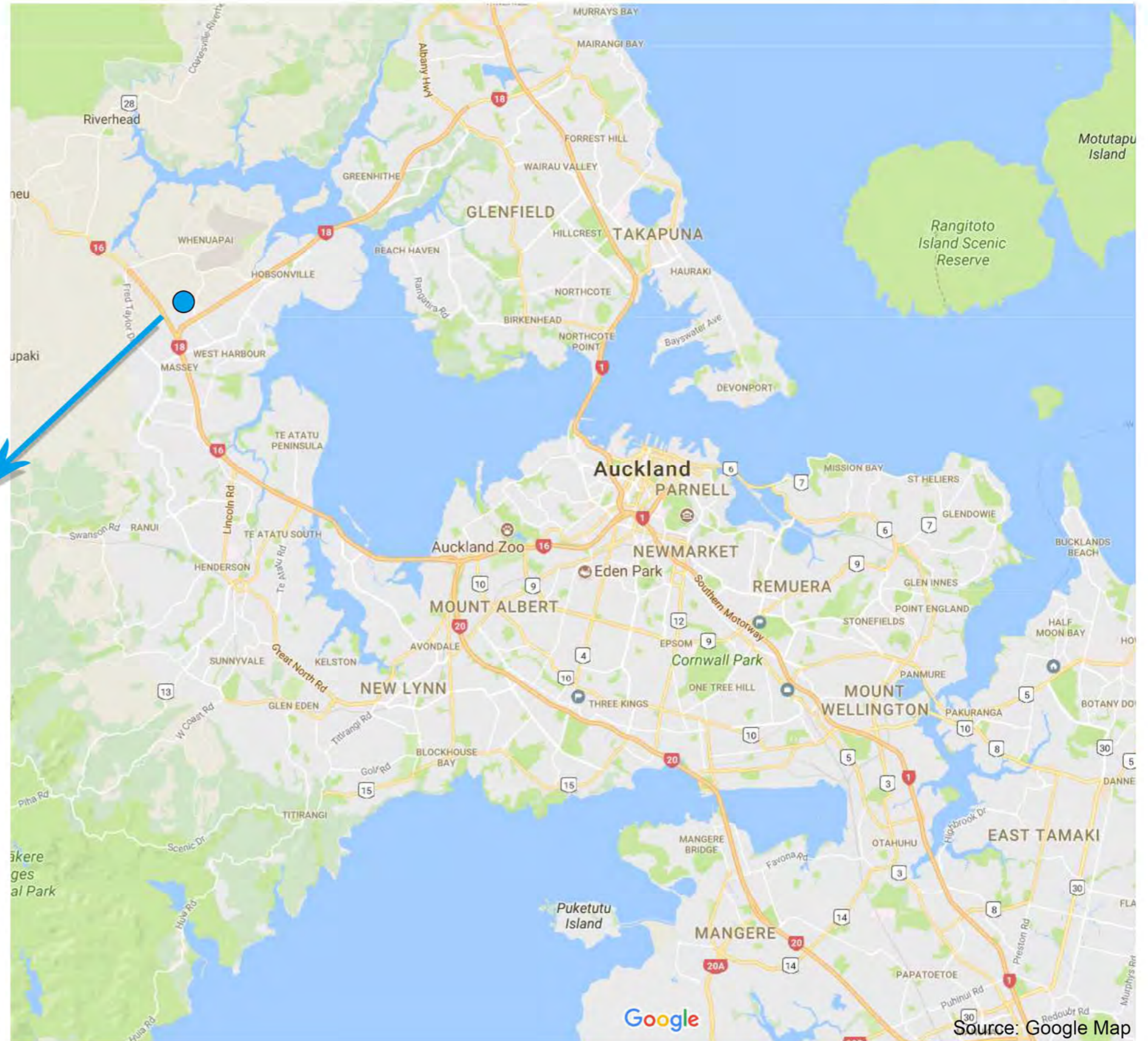
Appendix C: Traffic Engineer Memo

LOCALITY MAP OF SUBJECT SITES

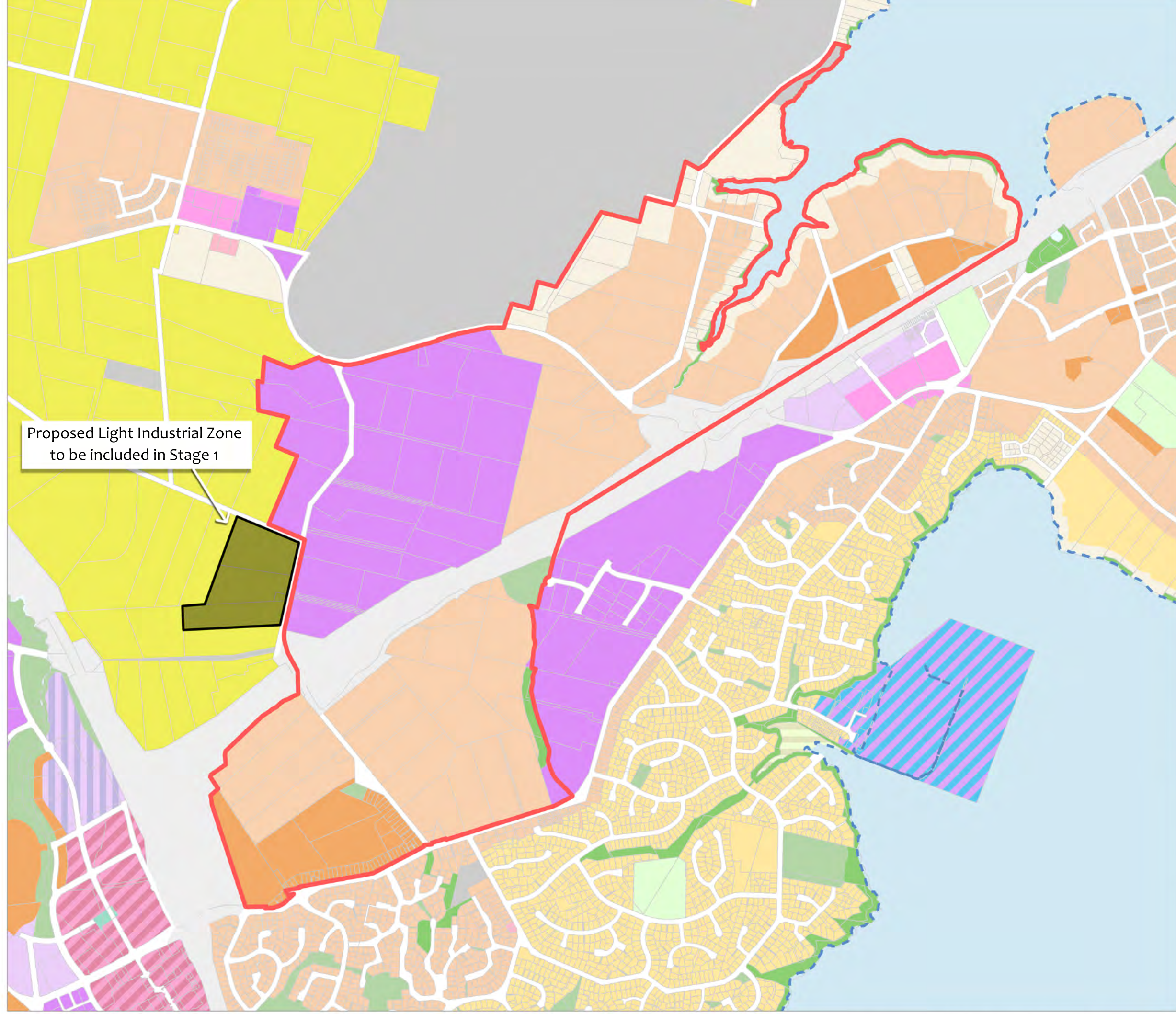
Site Address: 84 & 90 Trig Road, Whenuapai

Site Area: 4.0469 Ha and 4.9574 Ha

Current Zoning: Future Urban Zone (Whenuapai Stage 2)



Proposed Zoning Map



Proposed Light Industrial Zone
to be included in Stage 1

- Land Parcels
- ▬ Whenuapai Zone change boundary
- - - Indicative Coastline
- Zones**
- Residential - Large Lot Zone
- Residential - Rural and Coastal Settlement Zone
- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Residential - Mixed Housing Urban Zone
- Residential - Terrace Housing and Apartment Buildings Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Open Space - Civic Spaces Zone
- Open Space - Community Zone
- Business - City Centre Zone
- Business - Metropolitan Centre Zone
- Business - Town Centre Zone
- Business - Local Centre Zone
- Business - Neighbourhood Centre Zone
- Business - Mixed Use Zone
- Business - General Business Zone
- Business - Business Park Zone
- Business - Heavy Industry Zone
- Business - Light Industry Zone
- Future Urban Zone
- Green Infrastructure Corridor (Operative in some Special Housing Areas)
- Rural - Rural Production Zone
- Rural - Mixed Rural Zone
- Rural - Rural Coastal Zone
- Rural - Rural Conservation Zone
- Rural - Countryside Living Zone
- Rural - Waitakere Foothills Zone
- Rural - Waitakere Ranges Zone
- Strategic Transport Corridor Zone
- Special Purpose Zone
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Marina Zone [rcp/dp]
- Coastal - Mooring Zone [rcp]
- Coastal - Minor Port Zone [rcp/dp]
- Coastal - Ferry Terminal Zone [rcp/dp]
- Coastal - Defence Zone [rcp]
- Coastal - Coastal Transition Zone
- Water [i]
- Hauraki Gulf Islands
- Road [i]



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.



Mr T Mandeno
Senior Planner
Birch Surveyors

19 October 2017

Copy via email: Toby@bslnz.com

Dear Toby,

TRIG ROAD - WHENUAPAI PLAN CHANGE 5

Further to your instruction, we are pleased to provide this transportation review of Plan Change 5 (PC5) (Whenuapai) in relation to 84 and 90 Trig Road.

1 S32 ASSESSMENT

We have reviewed the s32 analysis provided in the PC5 documentation. From a review of the s32 analysis, the only mention of this area is:

“The land on the west side of Trig Road and north of Spedding Road was included in the plan change area to enable development along both sides of the road, and to facilitate the required upgrade of Trig Road. Only properties to the west of Trig Road that connect to Trig Road were included. The land bounded by Spedding Road, State Highway 16, State Highway 18 and Trig Road is not part of this plan change due to the uncertainty around the timing of when the Northside Drive bridge and eastern extension will be built”

From this it appears that the timing of the Northside Drive extension is uncertain, and Northside Drive is needed in the area to relieve capacity issues. From this assessment all this area has been excluded from PC5.

2 ITA REVIEW

From a review of the ITA provided in the PC5 documentation, we have found the following in relation to the site:

- The modelling associated with the ITA that most closely matches the Plan Change (Scenario 2a) was based on the understanding that both sides of Trig Road will be developed. Of note the ITA states (section 7.7.3):

“For the purposes of assessment, it has been assumed that the industrial development will occur along the length of Brigham Creek Road and Trig Road, with side roads providing rear access to the development areas”.

- Scenario 2a is also the final model run before the Northside Drive extension was added to the model.
- The site is within “Orange 4” in the modelling. Scenario 2a assumes and enables the creation of 100 FTE jobs being developed in Orange 4. Importantly, the 100FTE’s are enabled without any Northside Drive extension.
- In contrast to Orange 4, Orange 5 (to the south of Northside Drive extension) was left out Scenario 2a of the ITA (it was included in the full development Scenario 3 which does have Northside Drive extension).
- The modelling shows that part development of Orange 4 can and was enabled by the existing roading network and associated improvements.
- It is therefore clear within the ITA that the construction of the Northside Drive is not required for at least some part of Orange 4 being developed.
- Finally, the ITA does not specifically limit the number of FTE employees in Orange 4 to 100 (rather it is simply an assumption in Orange 4). Indeed Figure 43 of the ITA, showing the Level of Service (LOS) plots for Scenario 2a, shows the intersections surrounding the sites / area are at LOS A or B indicating significant capacity remaining (the green dots are LOS C and the orange dots are LOS D). This figure is shown below together with the site(s) location. Therefore, based on the evidence provided, additional FTE’s appear to be able to be supported within Scenario 2a modelling without creating any additional capacity issues or being reliant upon the Northside Drive connection. To calculate the exact number that could be supported, additional traffic modelling would need to be undertaken.

Figure 43: Overall Intersection LOS Plots – Scenario 2a



We trust this answers your questions regarding the subject sites and PC5. If you have any further questions please do not hesitate in contacting me.

Yours sincerely

Commute Transportation Consultants

Leo Hills

Director

leo@commute.kiwi

Contact details

Full name of submitter: Lichun Gao

Organisation name:

Agent's full name: Toby Mandeno

Email address: toby@bslnz.com

Contact phone number: 0272371177

Postal address:
PO BOX 11139
Ellerslie
Auckland 1542

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

The planning maps - sites being left out of Stage 1 when formerly shown as Stage 1E.

Property address: 84 Trig Road, Whenuapai

Map or maps:

Other provisions:

The planning maps - sites being left out of Stage 1 when formerly shown as Stage 1E.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

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The planning maps - sites being left out of Stage 1 when formerly shown as Stage 1E.

I or we seek the following decision by council: Accept the plan modification with amendments | 44.1

Details of amendments: Refer to attached documents.

Submission date: 19 October 2017

Supporting documents

Submission-Whenuapai Plan Change - FINAL_20171019163516.110.pdf

Appendix A and B_20171019163519.282.pdf

J007XX Trig Road 181017_20171019163520.298.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
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SUBMISSION FORM

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Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submitter: Lichun Gao

Postal Address: 17 O’Neills Avenue, Takapuna, Auckland 0622

Phone: 021 560 366

Email: 63444444@qq.com

Submitter: Trig Road Investment Limited

Postal Address: 43 St Stephens Avenue, Parnell, Auckland 1052

Phone: 021 0202 5666

Email: johnny1986.lin@gmail.com

I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to develop my property. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

Name of Agent: Toby Mandeno – Birch Surveyors Limited


Address: PO Box 475, Pukekohe 2340

Phone: 027 237 1177

Email: Toby@bslnz.com

I wish to be heard in support of this submission.

If others make similar submissions, I would consider presenting a joint case with them at the hearing.


 19 October 2017

Signature **Date**

1.0 INTRODUCTION

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The specific parts of the Plan Change to which this submission relates to is:

- The reasons behind – and exclusion of – the properties on the western side of Trig Road bounded by Spedding Road to the north, and the State Highway 18 on-ramp to the south.

2.0 BACKGROUND

- 2.1 Our clients are the landowners of 84 and 90 Trig Road, Whenuapai, outlined in the Locality Map attached as Appendix A to this submission.
- 2.2 The land on the western side of Trig Road, south of Spedding Road was largely included in Stage 1 of the Whenuapai Structure Plan, noted as Stage 1E, shown in Figure 1, below. The inclusion within Stage 1E gave our clients a reasonable expectation that their land would be included within the Plan Change. However, in Council's s.32 report these sites were removed due to the uncertainty around the timing associated with the Northside Drive bridge and eastern extension being built.

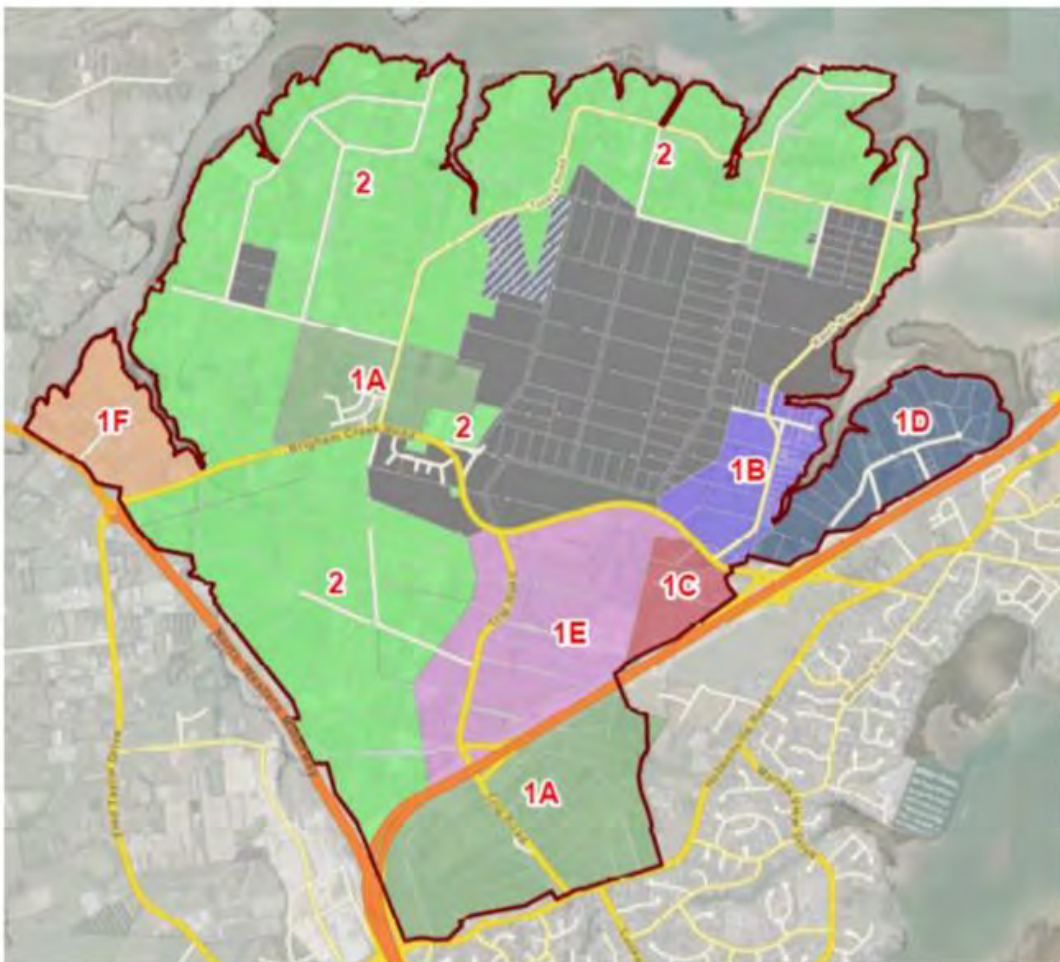


Figure 1: Whenuapai Structure Plan Staging (Source: Whenuapai Structure Plan Section 32 Report)

2.3 The alignment of Northside Drive appears to be fixed, with the road built on the north-western side, and the location of the bridge over State Highway (SH) 16 dictated by the installation of pillars that are already in place to support the future grade separation, as shown in Figure 2 and 3, below.



Figure 2: Aerial Photo showing Northside Drive established on the north-western side of SH 16 (Source: Google Maps)



Figure 3: Pillars located on State Highway 16 to support the future Northside Drive extension

- 2.4 The timing of the Northside Drive extension would have no impact on the future development of the properties located within 84-90 Trig Road. The Integrated Traffic Assessment Report (ITA) prepared by Flow Transportation Specialists Limited, dated July 2016 covers the Whenuapai Structure Plan area, not just the Plan Change area. Our clients' two (2) sites are located within the "Orange 4" modelling zone. The modelling undertaken within the ITA shows that part development of Orange 4 can and was enabled by the existing roading network without any upgrades or capacity issues as part of Stage 2a of the ITA.

3.0 SUBMISSION

- 3.1 Subject to the acceptance of the relief specified below, we generally support the proposed zoning of the Whenuapai Plan change area. 44.2
- 3.2 We seek the inclusion of the land at 84-90 Trig Road to be zoned Light Industrial, consistent with the plan change proposal for the properties immediately to the north and east of these sites. See map attached as Appendix B.
- 3.3 It is our position that Council has made an error of judgment within their s.32 report, by removing all of Orange 4 from Stage 1 with the only reason provided behind this decision not reflective of the traffic modelling completed within the TIA. Our position with respect to this matter is supported by Leo Hills, Traffic Engineer and Director of Commute Ltd who has provided supporting documentation to reflect this, attached as Appendix C.
- 3.4 We note that the exclusion of this area of Trig Road is based on the uncertainty around the timing of the future upgrade of Northside Drive. However, our position is that the early development of properties at 84-90 Trig Road will not compromise any future upgrade of this area.
- 3.5 The inclusion of these properties in Plan Change 5 will further facilitate and enable the upgrade of Trig Road, including the signalised intersection at Trig and Spedding Roads. We note that Council's own s.32 analysis has acknowledged these benefits, with such positive effects behind the inclusion of the land to the west of Trig Road and north of Spedding Road within the Plan Change. Please refer to the extract below;
- "The land on the west side of Trig Road and north of Spedding Road was included in the plan change area to enable development along both sides of the road, and to facilitate the required upgrade of Trig Road. Only properties to the west of Trig Road that connect to Trig Road were included."*
- 3.6 A key advantage of enabling developments on both sides of Trig Road is the ability for private development to assist in funding the required upgrade. The Stage 1 Technical Inputs document (which was recently released) has provided a proposed design for the Trig Road/Spedding Road intersection, as is shown in Figure 4, below:

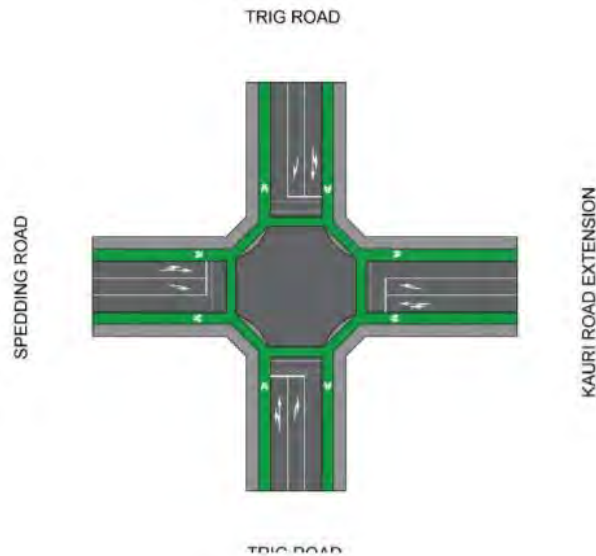


Figure 4: Proposed Intersection Design (Source Flow – Stage 1 Technical Input Report, 2017)

- 3.7 It becomes clear that additional land will be needed to support the construction of the above intersection. Completing this upgrade in isolation from the adjoining property does not – in my opinion – constitute a good planning outcome. The procurement and construction process is likely to suffer in terms of both cost and time.
- 3.8 This addendum to the ITA prepared by Flow Ltd, has identified different modelling scenarios from the ITA itself. Scenario 1e represents what has been considered for PC 5. Interestingly, the report (on page 21) identifies investment required as being the “*Urbanisation of Trig Road between Brigham Creek Road and SH18 Interchange*”. The trigger states that this is to achieve “*Any development fronting an existing road will need to upgrade it to urban standard and enable separated cycle facilities*”. By leaving our clients property out of Plan Change 5, this desired outcome cannot be achieved.
- 3.9 Early development will logically take place around the existing road network. To ensure suitable uptake of commercial and business land, priority must be given to live zoning land which adjoins the existing roading network. Failing to live zone our client’s sites which adjoin a key arterial road – is not in my opinion – a good planning outcome. Nor do I believe that this position can be justified on the basis provided within the s.32 Report.
- 3.10 We have reviewed all of the technical documentation provided with the Plan Change and believe that there is no reason why the proposed plan change could not accommodate the properties at 84-90 Trig Road. It is in our professional opinion that all of the sites subject to this submission can be serviced by the existing and future stormwater and sewer networks in conjunction with the remaining properties already contained within Plan Change 5.

4.0 RELIEF SOUGHT

4.1 We request that the following properties are included within the Whenuapai Plan Change geographical area, zoned Light Industrial, for the reasons outlined in Section 3, above;

- 84 Trig Road, Whenuapai
- 86 Trig Road, Whenuapai
- 88 Trig Road, Whenuapai
- 90 Trig Road, Whenuapai

44.3

4.2 We note that whilst we do not act on behalf of the property owners of 86 and 88 Trig Road, they are aware of our submission, and are supportive of the relief sought.

Yours sincerely



Toby Mandeno

19 October 2017

MPlan, BSc, m.NZPI

Enclosed:

Appendix A: Locality Map

Appendix B: Submission Zone Map – Relief being Sought

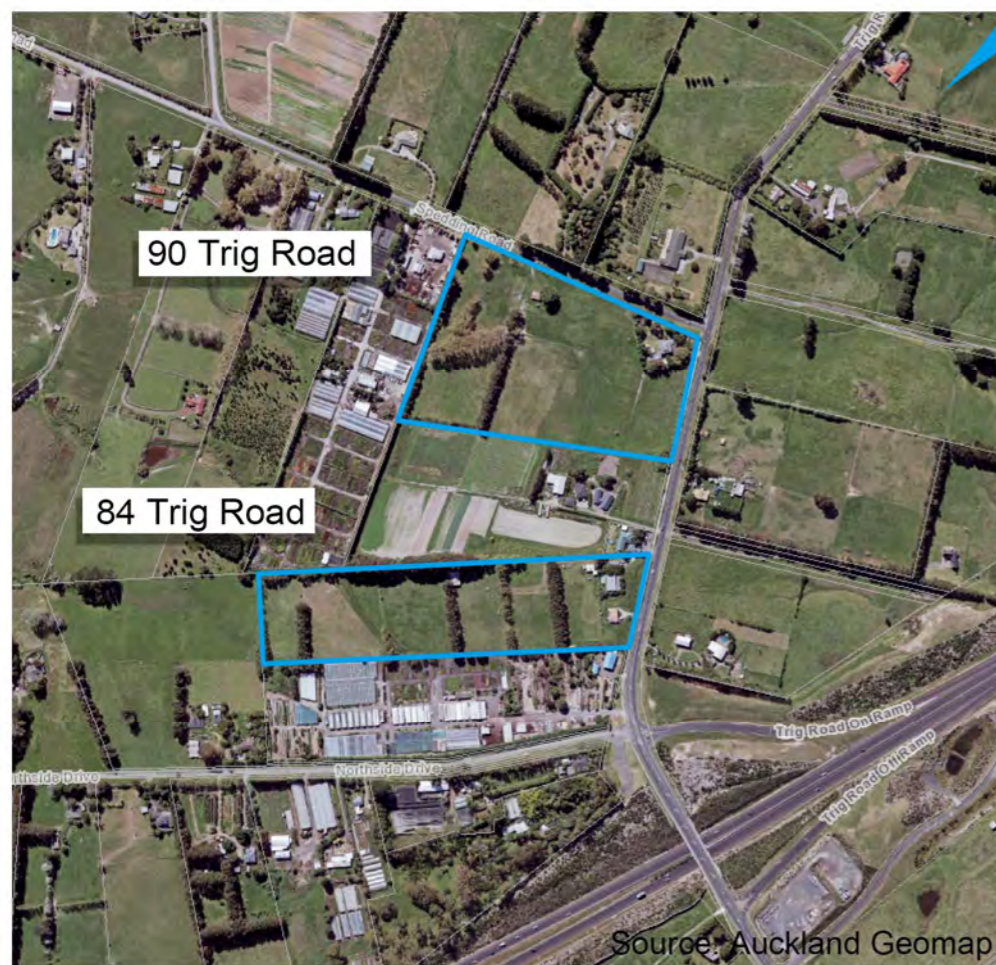
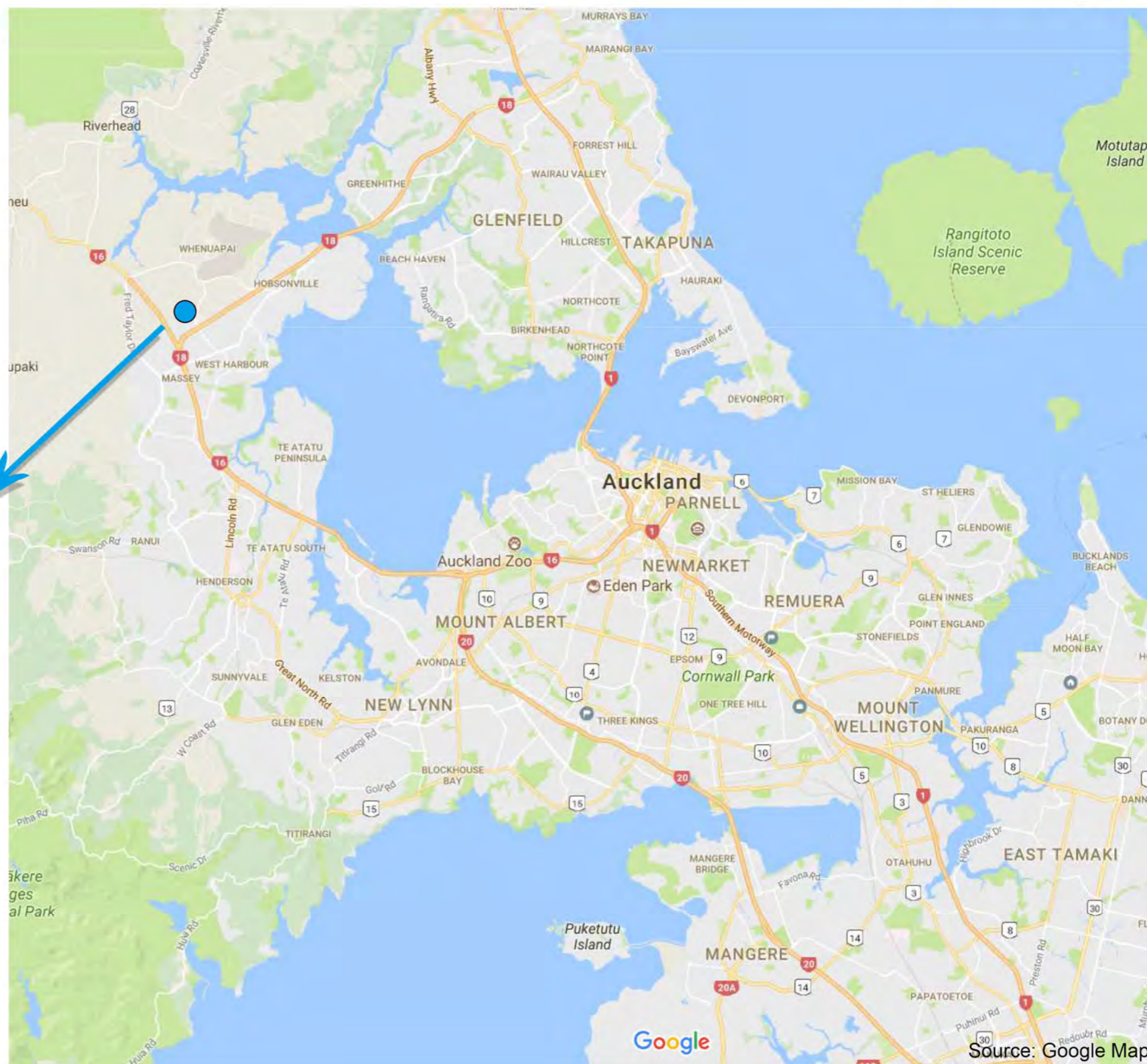
Appendix C: Traffic Engineer Memo

LOCALITY MAP OF SUBJECT SITES

Site Address: 84 & 90 Trig Road, Whenuapai

Site Area: 4.0469 Ha and 4.9574 Ha

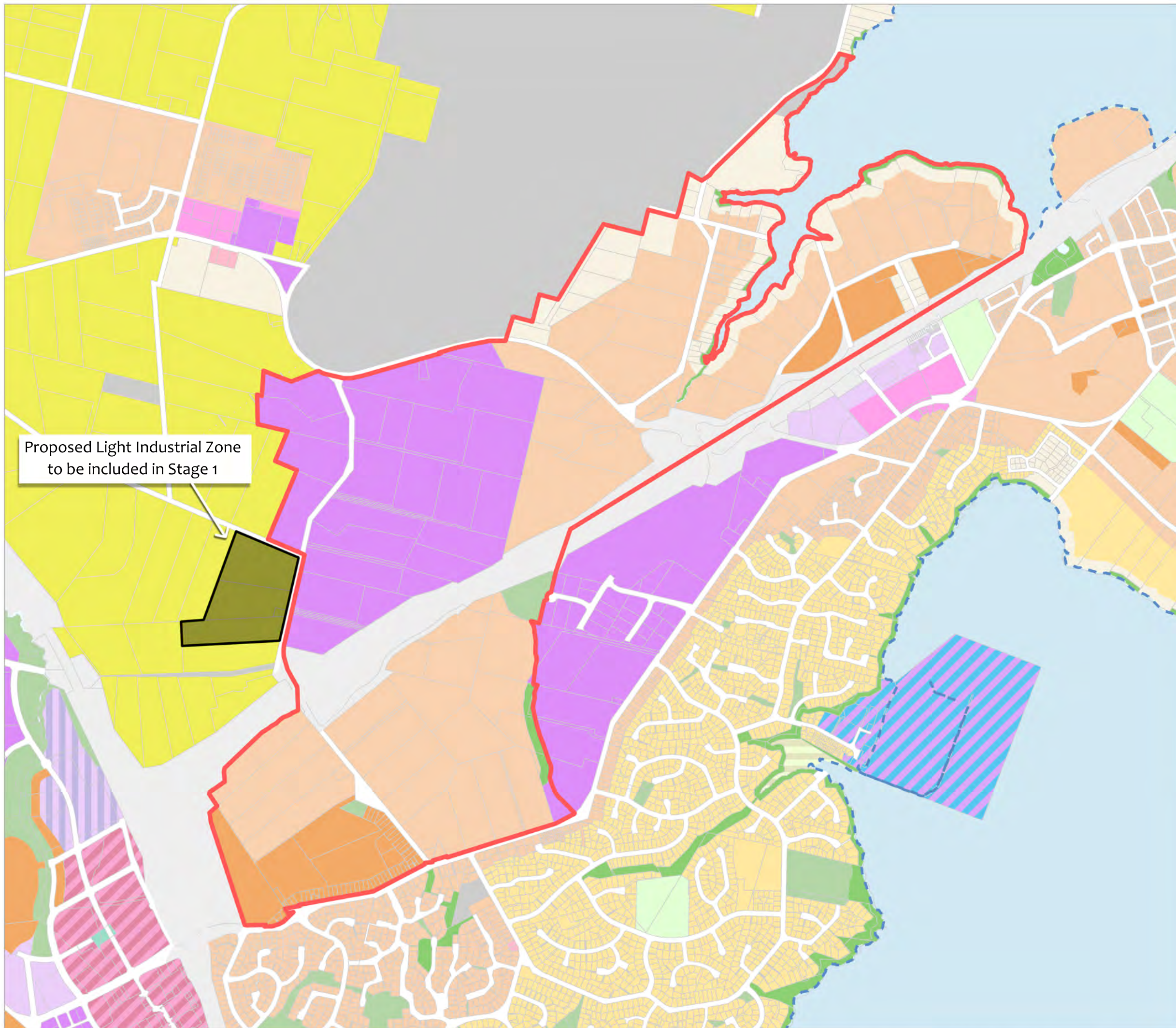
Current Zoning: Future Urban Zone (Whenuapai Stage 2)



Source: Auckland Geomap

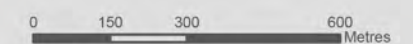
Source: Google Map

Proposed Zoning Map



Proposed Light Industrial Zone
to be included in Stage 1

- Land Parcels
- Whenuapai Zone change boundary
- Indicative Coastline
- Zones**
- Residential - Large Lot Zone
- Residential - Rural and Coastal Settlement Zone
- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Residential - Mixed Housing Urban Zone
- Residential - Terrace Housing and Apartment Buildings Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Open Space - Civic Spaces Zone
- Open Space - Community Zone
- Business - City Centre Zone
- Business - Metropolitan Centre Zone
- Business - Town Centre Zone
- Business - Local Centre Zone
- Business - Neighbourhood Centre Zone
- Business - Mixed Use Zone
- Business - General Business Zone
- Business - Business Park Zone
- Business - Heavy Industry Zone
- Business - Light Industry Zone
- Future Urban Zone
- Green Infrastructure Corridor (Operative in some Special Housing Areas)
- Rural - Rural Production Zone
- Rural - Mixed Rural Zone
- Rural - Rural Coastal Zone
- Rural - Rural Conservation Zone
- Rural - Countryside Living Zone
- Rural - Waitakere Foothills Zone
- Rural - Waitakere Ranges Zone
- Strategic Transport Corridor Zone
- Special Purpose Zone
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Marina Zone [rcp/dp]
- Coastal - Mooring Zone [rcp]
- Coastal - Minor Port Zone [rcp/dp]
- Coastal - Ferry Terminal Zone [rcp/dp]
- Coastal - Defence Zone [rcp]
- Coastal - Coastal Transition Zone
- Water [i]
- Hauraki Gulf Islands
- Road [i]



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.



Mr T Mandeno
Senior Planner
Birch Surveyors

19 October 2017

Copy via email: Toby@bslnz.com

Dear Toby,

TRIG ROAD - WHENUAPAI PLAN CHANGE 5

Further to your instruction, we are pleased to provide this transportation review of Plan Change 5 (PC5) (Whenuapai) in relation to 84 and 90 Trig Road.

1 S32 ASSESSMENT

We have reviewed the s32 analysis provided in the PC5 documentation. From a review of the s32 analysis, the only mention of this area is:

“The land on the west side of Trig Road and north of Spedding Road was included in the plan change area to enable development along both sides of the road, and to facilitate the required upgrade of Trig Road. Only properties to the west of Trig Road that connect to Trig Road were included. The land bounded by Spedding Road, State Highway 16, State Highway 18 and Trig Road is not part of this plan change due to the uncertainty around the timing of when the Northside Drive bridge and eastern extension will be built”

From this it appears that the timing of the Northside Drive extension is uncertain, and Northside Drive is needed in the area to relieve capacity issues. From this assessment all this area has been excluded from PC5.

2 ITA REVIEW

From a review of the ITA provided in the PC5 documentation, we have found the following in relation to the site:

- The modelling associated with the ITA that most closely matches the Plan Change (Scenario 2a) was based on the understanding that both sides of Trig Road will be developed. Of note the ITA states (section 7.7.3):

“For the purposes of assessment, it has been assumed that the industrial development will occur along the length of Brigham Creek Road and Trig Road, with side roads providing rear access to the development areas”.

- Scenario 2a is also the final model run before the Northside Drive extension was added to the model.
- The site is within “Orange 4” in the modelling. Scenario 2a assumes and enables the creation of 100 FTE jobs being developed in Orange 4. Importantly, the 100FTE’s are enabled without any Northside Drive extension.
- In contrast to Orange 4, Orange 5 (to the south of Northside Drive extension) was left out Scenario 2a of the ITA (it was included in the full development Scenario 3 which does have Northside Drive extension).
- The modelling shows that part development of Orange 4 can and was enabled by the existing roading network and associated improvements.
- It is therefore clear within the ITA that the construction of the Northside Drive is not required for at least some part of Orange 4 being developed.
- Finally, the ITA does not specifically limit the number of FTE employees in Orange 4 to 100 (rather it is simply an assumption in Orange 4). Indeed Figure 43 of the ITA, showing the Level of Service (LOS) plots for Scenario 2a, shows the intersections surrounding the sites / area are at LOS A or B indicating significant capacity remaining (the green dots are LOS C and the orange dots are LOS D). This figure is shown below together with the site(s) location. Therefore, based on the evidence provided, additional FTE’s appear to be able to be supported within Scenario 2a modelling without creating any additional capacity issues or being reliant upon the Northside Drive connection. To calculate the exact number that could be supported, additional traffic modelling would need to be undertaken.

Figure 43: Overall Intersection LOS Plots – Scenario 2a



We trust this answers your questions regarding the subject sites and PC5. If you have any further questions please do not hesitate in contacting me.

Yours sincerely

Commute Transportation Consultants

Leo Hills

Director

leo@commute.kiwi

RE: Whenuapai Plan Change 5

Submitters: Paul and Kaaren Batchelor

Address: 197 Kauri Road, Whenuapai, Auckland 0618

Contact: 0212544463

Email: weeheff@xtra.co.nz

Regarding the proposed Walking and Cycling Network for Whenuapai

We would like the development of the cycleway proposed for Kauri Road to be given a high priority. At present, we are NOT able to cycle safely until we reach a point in Totara Road where the cycleway starts. This means that from leaving our home, we cannot cycle to Hobsonville point safely, or the Whenuapai shops. So that is nearly 3km in either direction of very unsafe travel. Kauri Road (from the intersection onwards) and Puriri Road are particularly unsafe, with absolutely NO road shoulder, and dangerous drop-offs on both sides of the road. The white line for the most part is on the EDGE of the seal, and with it being a 70km/h road for the most part, there is nowhere to go, and no time to do it, in a compromised riding situation.

We have lived at our address for 21 years, and basically NOTHING has changed at all or improved in the areas specified. Now we see huge new development happening in other areas of Whenuapai, and these developments are being afforded new paths / cycleways / kerbed & channelled roading, and our area remains completely ignored or forgotten.

We have noted that improvements are proposed, but this has been way too long coming, and we propose an amendment to this plan to give priority to the aforementioned areas. We really feel this is just not good enough - we have waited long enough and paid many more thousands of dollars in rates than new housing owners in the area, and yet we have NO improvements to our roading / cycling infrastructure in the aforementioned areas, for more than 21 years.

Kauri Road and Puriri Road are a disgrace - these are Auckland suburban roads that look worse than remote Waikato farmland roads. Footpaths are very sub-standard, way too narrow with cracks, ruts, broken concrete, and overgrown areas. Further to this, the relatively 'new' footpath/cycleway section that has been completed on Totara Road is NOT well maintained, with a lot of overgrown areas that interfere with a safe cycle journey.

We agree with the proposal but with amendments as follows: | 45.1

Kauri Road footpath / cycleway to be brought forward (within 2 years, as currently this is NON-EXISTENT), and Puriri Road footpath to be widened and upgraded to accommodate cyclists, as it is VERY DANGEROUS to use either of these roads for cycling/walking at the present time. | 45.2

Yes – we would be happy to attend a hearing relating to this matter, and also happy to participate in a group hearing if there are similar views.

Please view the attached PDF for photos relating to this matter.

IMPORTANT: Please advise that you have received this email

Kind Regards,

Kaaren Batchelor

DESIGNER – KAAURI STUDIOS

0212544463



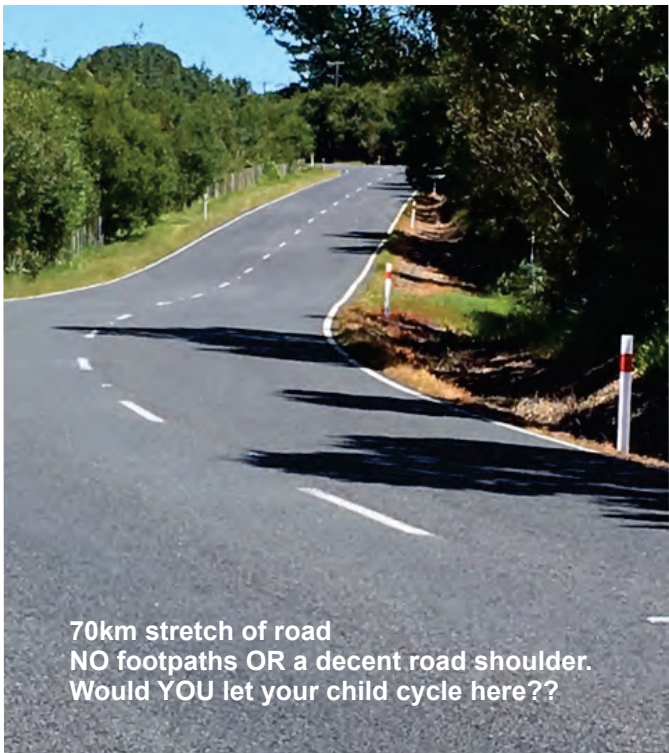
Dangerous drains right on the edge of the seal



Whenuapai 'Village'....? Yet no footpaths!



Ragged blacktop and ground that drops away... nowhere for a cyclist to move over!



70km stretch of road NO footpaths OR a decent road shoulder. Would YOU let your child cycle here??



Just an example of the POOR QUALITY of footpaths that DO exist in Whenuapai! Come on, Auckland Council!!

FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 5 (WHENUAPAI) – AUCKLAND UNITARY PLAN

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitter: Neil Construction Limited

Neil Construction Limited ('NCL') provides this submission on proposed Plan Change 5 ('PC5') to the Auckland Unitary Plan (Operative in Part).

The Submitter could not gain an advantage in trade competition through this submission. It is directly affected by the effects of PC5, some of which will adversely affect the environment and do not relate to trade competition or the effects of trade competition.

The Submitter has actively engaged in the Council's development process for PC5, having attended stakeholder meetings and provided written feedback on the draft Whenuapai Structure Plan and the draft plan change.

This submission relates to the entire PC5.

INTRODUCTION

NCL owns land at 150-152 Brigham Creek Road and 2-10 Kauri Road, and also has several other parcels of land under contract in the north-western part of the Whenuapai area.

The land currently owned by NCL collectively comprises 10.5023 hectares. Its location is illustrated in Figure 1 below.

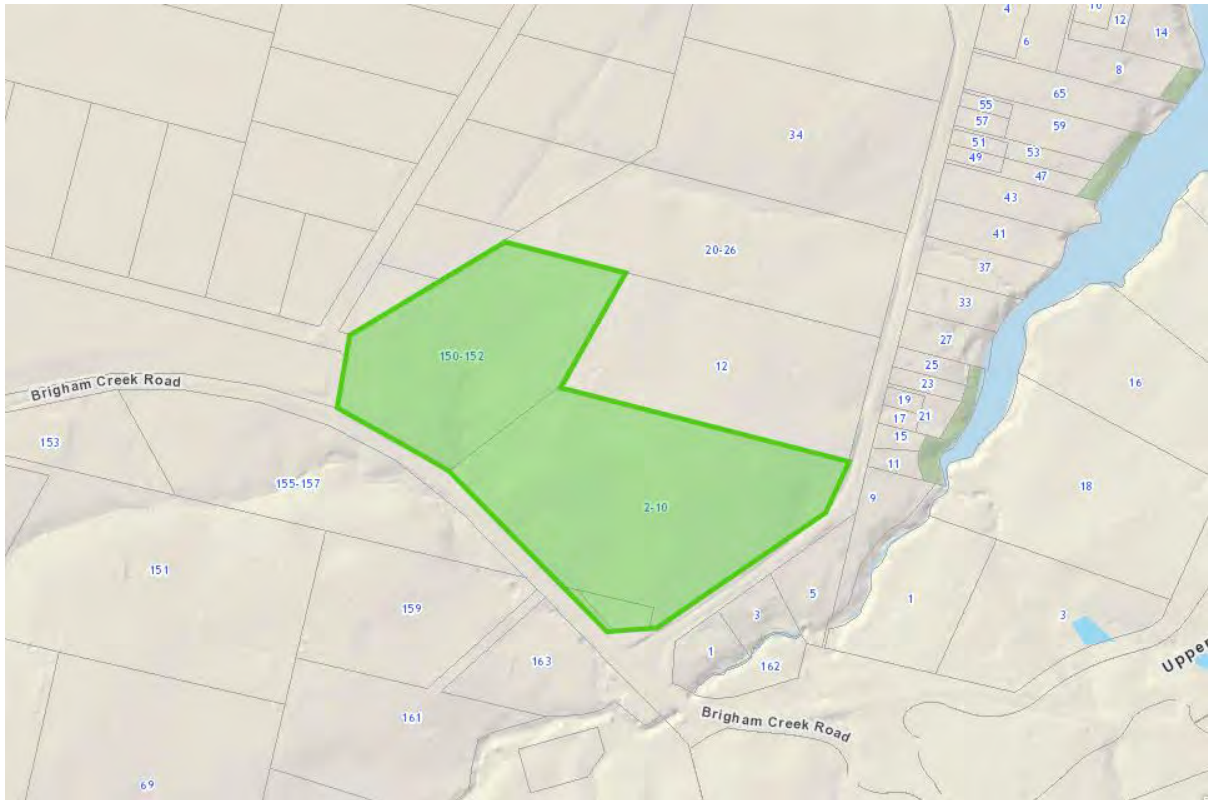


Figure 1 – location of NCL properties within the area subject to PC5

SUBMISSION

The Submitter has the following issues, concerns and comments in relation to PC5:

General

- PC5 is supported in principle, insofar as it facilitates urban development of land that is currently in the Future Urban zone. The Submitter considers that urbanisation of the land within the Whenuapai area will make a significant and important contribution to accommodating Auckland's need for additional residential and employment land, in a desirable location that is well-served by infrastructure;
- The Submitter's current landholdings within Brigham Creek Road and Kauri Road are located in close proximity to the existing urban area. The land can be readily developed, and the provision of appropriate infrastructure is both relatively straightforward and cost effective.

Zoning and Acoustic Issues

- The PC5 zoning map applies two zones across the Submitter's landholdings in the Kauri Road area. The western part of the land, including all of 150-152 Brigham Creek Road and part of

the other site, is proposed as Light Industry zone. The balance of the land, closest to Kauri Road, has been identified as Single House zone;

- The PC5 background documents note that the boundary between these two zones has been positioned to accommodate noise generated by engine testing at the RNZAF Whenuapai Airbase. The intention is that land within the predicted 65 dB Ldn engine testing noise boundary is zoned as Light Industry in order to avoid *activities sensitive to noise*¹, such as dwellings, from establishing in this area;
- A predicted 57 dB Ldn engine noise testing boundary is located further to the east and south, effectively encompassing all of the Submitter's land in this location. PC5 proposes to identify the balance of the Submitter's land as Single House zone, for the stated reason of limiting the number of people exposed to the noise²;
- The Submitter is strongly opposed to the identification of its land as Light Industry zone and Single House zone on the basis of the predicted engine testing noise boundaries. The Submitter considers that the engine testing noise boundaries should be removed from PC5 and its land identified as Mixed Housing Urban zone as was proposed in the draft plan change that was released for public feedback;
- There are a number of reasons that underpin the Submitter's opposition to the zoning pattern that is proposed in PC5. Foremost amongst these is that the proposed engine noise boundaries, and the restrictive zoning proposed as a consequence, is based on unlawful generation of noise on the Airbase that is in contravention of conditions imposed on the Whenuapai Airbase designation;
- Designation 4310³ includes a condition that *aircraft operations* on the RNZAF Airbase shall not exceed 65dB L_{dn} outside the Airnoise Boundary, and 55dB L_{dn} outside the Outer Control Boundary. This condition is not being complied with, and the noise being emitted by engine testing is therefore unlawful as it does not satisfy the conditions of the designation;
- 'Aircraft operations' are defined in the AUP. In addition to landing, take-off, and flight, the definition includes taxiing and surface movements of aircraft as would be required for engine testing. It is apparent therefore that the existing noise condition imposed on the designation applies to any noise generated by aircraft, whether in the air or on the ground;
- The Submitter considers that it is not appropriate to limit the development opportunities on its land in order to accommodate the adverse effects arising from contravention of conditions applying to activities occurring on neighbouring land. Rather, the appropriate response is for the Council to insist on compliance. In the absence of action in this regard by Council, any

¹ This term is defined in the AUP

² Section 6.8.2, s32 report

³ Designation 4310, Defence Purposes (Whenuapai Air Base)

person can apply to the Environment Court for an enforcement order that would require compliance with the conditions of the designation that are currently being breached;

- Without detracting from the fundamental issue discussed above, the Submitter also has concerns with a number of aspects of the acoustic assessment that has generated the proposed engine noise boundaries;
- The acoustic assessment that is relied on by the Council was prepared by Malcolm Hunt Associates for New Zealand Defence Force ('NZDF'). That assessment does not include any recording of actual engine testing noise levels at Whenuapai. Instead, it uses information from other sources to predict the noise levels that would arise from engine testing undertaken at the Airbase. The assumed noise levels generated by certain types of aircraft are then applied to the data supplied by NZDF from its 60-day engine testing trial to develop the noise boundaries. There is no evidence to confirm that the trial data was representative or typical of routine engine testing undertaken on the Airbase;
- Furthermore, the trial test locations are not obviously in positions that would deliver the best practicable option for mitigation of noise effects on neighbouring properties. For example, the test location 'C' seems unnecessarily close to the Submitter's property boundaries;
- The Submitter has engaged Marshall Day Acoustics Limited to review the acoustic assessment that has been relied on for establishment of the proposed engine testing noise boundaries. This review has highlighted several issues that are of concern to the Submitter;
- Firstly, the acoustic assessment undertaken by Malcolm Hunt Associates is labelled as 'draft' and notes that the information used as a basis for establishing engine testing noise is "*incomplete at this stage*"⁴. It is further stated that the data and information is considered to be "*a useful basis to proceed to the actual predictions*", and that the document "*has been prepared as a discussion document to establish an appropriate basis to undertake the actual predictions*"⁵. This suggests to the Submitter that the information is not of sufficient quality to be a foundation for important land use decisions;
- It is acknowledged that the Council has taken steps to peer review the acoustic information provided by NZDF. However, the review that was commissioned by the Council has simply accepted the (incorrect) premise that the engine noise is lawful. No apparent attempt has been made to determine whether the noise generated is an appropriate part of the existing environment. In addition, the peer review does not appear to have scrutinised the calculations underpinning the noise boundaries or the results;
- The engine testing noise boundaries have been calculated by Malcolm Hunt Associates using noise data for similar but different aircraft, rather than undertaking measurements of the actual aircraft that are tested at Whenuapai. The outcome is that the predictions are

⁴ Section 11, Malcolm Hunt Associates acoustic assessment

⁵ Section 1, Malcolm Hunt Associates acoustic assessment

“conservative”, meaning higher than expected in practice. The Submitter is concerned that the noise boundaries may be overly conservative. A more appropriate approach would have been to take measurements of the actual RNZAF aircraft and to locate the engine testing noise boundaries based on calculations from the measured data;

- Details of engine testing activity were recorded for a period of 60 days and the noise boundaries were based on the worst-case seven consecutive days over this time. There is no evidence to show that the recorded 60 days or the worst-case seven days are representative of ongoing regular maintenance at Whenuapai rather than infrequent major maintenance. The monitoring period should have been longer than 60 days (3–12 months) unless it can be demonstrated that the 60-day period is representative;
- Similarly, the details of the engine tests included in the calculation of the noise boundaries should have been scrutinised to determine which tests are controlling the location of the predicted engine testing noise boundaries. Those boundaries may be overly conservative if atypical testing was included in the predictions (for example, extensive high power testing that only occurs infrequently);
- The Submitter also notes that the engine testing noise boundaries contained in PC5 (Precinct Plan 3) do not correspond accurately with those provided in Figure 13 of the Malcolm Hunt Associates report. This is illustrated in Figure 2 below:

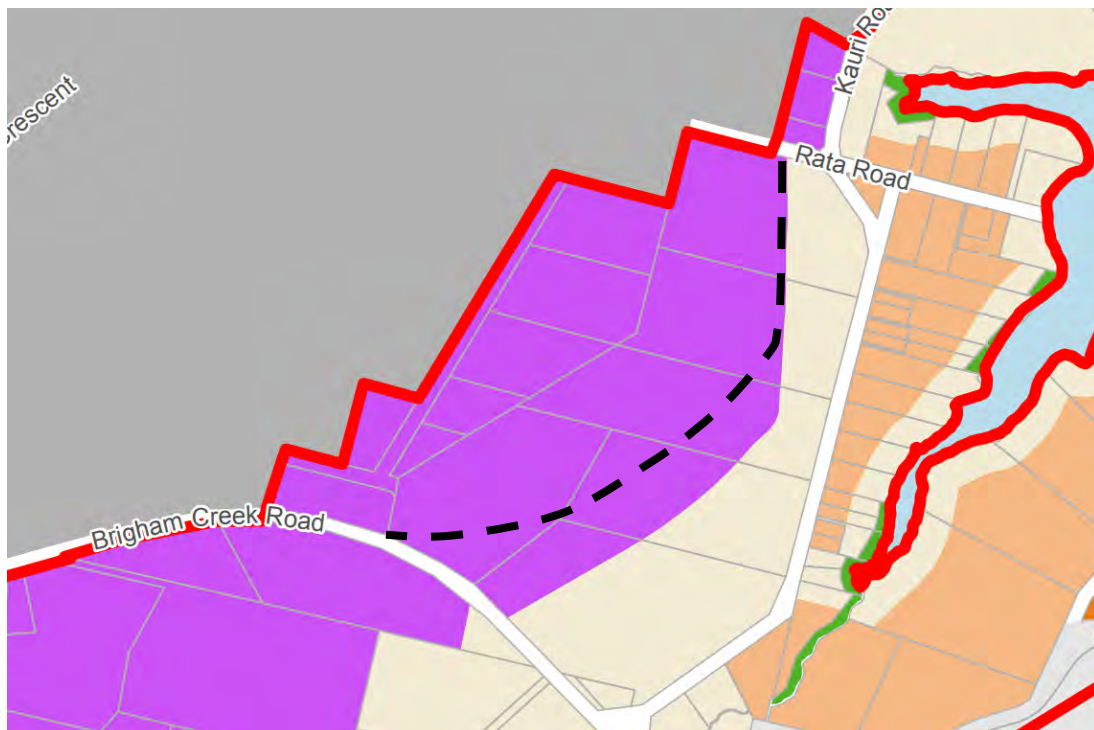


Figure 2 – location of Malcolm Hunt Associates 65 dB Ldn boundary (black dashed line)

- Even if the noise currently generated by engine testing is lawful (which is not accepted), there is still an obligation on NZDF to adopt a best practicable option approach to the management

of its effects on the environment. In the first instance, NZDF should be internalising engine testing noise as much as possible by undertaking tests in locations away from the Airbase boundaries. If that cannot satisfactorily mitigate engine testing noise alone then additional mitigation measures should be employed to reduce engine testing noise emissions. Such mitigation might include consideration of both operational measures and structural measures such as a Ground Run-up Enclosure (GRE) to reduce generated noise, or conducting engine tests within buildings or behind acoustic curtains. At the very least, measures should include careful positioning of aircraft during engine testing;

- It is incumbent on the Council under s32 of the RMA to consider all costs and benefits associated with land use planning decisions including those related to the proposals to substantially reduce the residential development potential of the Submitter's land;
- As currently proposed, the provision of additional Light Industry zone in PC5 would remove the potential for over 2,000 dwellings, relative to the residential yield proposed in the draft plan change⁶. Further residential potential would be lost through the increased use of Single House zone. These decisions give rise to substantial costs to the community, given the significant housing shortage that exists in Auckland at the current time. Moreover, the current PC5 proposal would lead to the inefficient use of a scarce and valuable resource, being serviced land close to transport links, employment, community facilities and other services. It would mean the loss of substantial construction value and related employment and economic activity, and would result in additional construction costs arising from acoustic attenuation of the remaining houses that can be built in the Single House zone. In any considered balancing exercise of costs and benefits, the Submitter believes that a more robust planning decision is to prioritise the creation of thousands more houses over the compliance costs to NZDF of mitigating its unlawful noise generation;
- There is no demonstrable need for the additional Light Industry zone land that is identified on the Submitter's land;
- There is one further matter that the Submitter takes issue with in respect to the zoning response to the engine testing noise. The Submitter considers that, even if there were lawful noise emissions of between 57dB Ldn and 65 dB Ldn affecting its land, then there is no compelling planning rationale to identify the land as Single House zone rather than Mixed Housing Urban zone;
- There are several reasons why the Submitter considers that the Mixed Housing Urban zone would be more appropriate than the Single House zone in the event that its land is impacted upon by lawful engine testing noise:
 - If appropriate acoustic insulation is in place, it should not matter how many people are present on the land;

⁶ Table 9, s32 report

- Higher density zoning will introduce building forms that provide inherent acoustic attenuation, such as through party walls and blocks of terraced buildings that break the line of sight to the noise source;
- Residents in the Mixed Housing Urban zone are likely to spend less time outdoors than their Single House zone counterparts because the latter would have a larger and more usable outdoor area; and
- This approach has not been utilised for other airports, such as for the Auckland International Airport approach paths where residential land that is subject to elevated noise levels has generally been identified as Mixed Housing Suburban zone, Mixed Housing Urban zone, and Terrace Housing and Apartment Buildings zone.

Drainage networks

- Proposals for restoration of natural streams are supported in principle, although it is considered that some of the areas of identified stream network are actually modified farm drainage systems;
- Precinct Plan 1 identifies a section of permanent stream on the Submitter's land. The Submitter has engaged Freshwater Solutions Limited, environmental consultants, to review the status of this watercourse in accordance with AUP criteria;
- The report prepared by Freshwater Solutions Limited is attached at **Appendix A**. It includes a conclusion that the watercourse identified on the Submitter's land is intermittent rather than permanent. This stream is fed by an artificial pond and includes piped sections.
- On the basis of this technical information, the Submitter considers that Precinct Plan 1 should be amended to correct the status of the watercourse on its land.

46.1

Parks and Open Space

- Precinct Plan 1 includes an area of *Indicative Open Space* to the north of the Submitter's Kauri Road land. The location of this indicative open space is considered to be appropriate and the Submitter supports its retention in the currently proposed location within PC5.

Extension of the area subject to PC5

- NCL owns (or has under contract) several parcels of land in the vicinity of Totara Road and Mckean Road, in the north-western part of the Whenuapai area. NCL is concerned with the sequencing of development proposed and seeks to have PC5 extended so that development of the north-western part of Whenuapai is enabled under the plan change;

- In particular, it is requested that PC5 be extended to include all land identified in Figure 3 below;

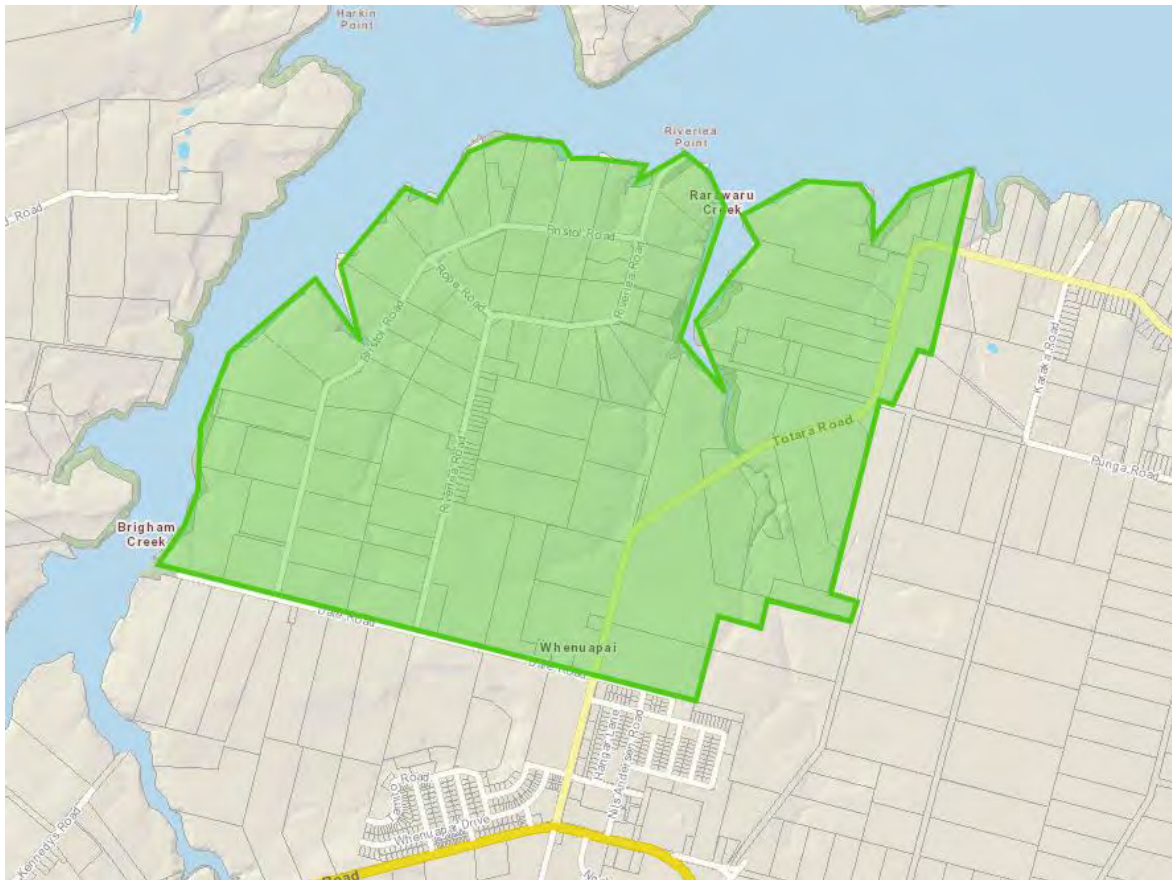


Figure 3 – Future Urban zone land sought to be included within the scope of PC5

- It appears from the technical reports and background information sitting behind PC5 that the deferral of development in the northern area of Whenuapai is based on assumptions about the cost and relative complexity of servicing that land. Locations where servicing can be undertaken more easily and efficiently are generally included within PC5;
- NCL has reviewed and considered the infrastructure that would be required to service the land identified in Figure 3. Drawing on its substantial land development experience, it considers that all the necessary additional infrastructure can be provided with relative ease and in a cost-effective manner;
- The current urbanisation of the Whenuapai Village Special Housing Area (SHA) to the south of the land in Figure 3 means that public wastewater and potable water reticulation currently exists in close proximity. A new pump station (referred to in the Whenuapai Structure Plan background infrastructure reports as WH-12) and rising main would be required in Totara Road, but most of the local network that drains to this pump station can be installed by developers as the land is readied for urban use;

- NCL understands that installation of a new 300mm water main now exists in Brigham Creek Road to serve the SHA, and that this water main has been sized to service the area coloured green in Figure 3. An extension of the Totara Road main would be sufficient to serve the north-western part of that area. As with wastewater, most of the local network can be installed by developers;
- Stormwater disposal is straightforward in this location, given its proximity to the coast. NCL anticipates that the emphasis would be on stormwater quality treatment rather than detention;
- Additional development in the western part of the Whenuapai area would contribute to the cost of network infrastructure provision through payment of development contributions, and would ensure sufficient flows in wastewater lines to support their effective operation and avoid gas build-up;
- Inclusion of the land identified in Figure 3 within PC5 will result in the availability of a greater area of development-ready land in Whenuapai at one time. This will encourage competition amongst developers and assist in delivering affordable residential land to the market.

Roads and other infrastructure

- Precinct Plan 2 proposes specified upgrades to existing collector roads, together with new indicative collector roads within Area 1B. The new roading layout includes upgraded and new intersections into Area 1C and 1E respectively, together with a collector road coming from Sinton Road and joining Kauri Road by way of a bridge over the Waiarohia Stream;
- The Submitter is opposed to the bridged connections, on the basis that it is unnecessary, excessively expensive to construct, and will encourage motorists to utilise it as a shortcut to avoid arterial roads that have been designed to accommodate that traffic;
- The proposed connection from Sinton Road to Kauri Road will traverse relatively steep slopes in the vicinity of the two streams that will need to be crossed. It will also likely require vegetation removal and earthworks within a Significant Ecological Area. These physical constraints and impediments, and the need for part of the connection to be in the form of a bridge, will give rise to substantial construction and compliance costs;
- Area 1B also contains other indicative collector roads. The Submitter considers that these are not collector roads as they have no significant connecting function for through traffic. They are local roads that would be established at the time of subdivision;
- Where upgrading of the existing roads is required, this should be clarified to confirm that it requires works only within that part of the road reserve extending from the developer's

property boundary to the opposite carriageway kerb. An appropriate amendment to Standard I616.6.8(1) should be made to clarify this matter.

- **Infrastructure funding**

- The Submitter considers that PC5 should provide greater certainty around transport projects, their costs and who is funding them;
- PC5 notes that upgrades identified in Table I616.6.2.1 are required to be in place prior to development going ahead, and that the cost should be proportionally shared across each area as development progresses⁷. The Submitter seeks that PC5 is clarified to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement) and that the cost sharing occurs across each of the identified development areas (as shown on Precinct Plan 2) to which the upgrades relate;
- Objective 3 should be amended to add the words “that is required to support the subdivision being proposed” immediately before the comma, in order to confirm the reason for the transport upgrade. Similarly, objective 6 should be amended by adding the words “(or provides for)” immediately after the word “implements” and by adding the words “in the applicable development area” after the word “elements”;
- The word “coordinated” in policy 4 is unnecessary, as the provisions that are proposed to be introduced by PC5 will provide for the necessary level of coordination. Policy 5 may also be unnecessary, as planned infrastructure should be appropriately sized and designed to accommodate development that is anticipated under the zoning provisions that apply. Certainly, the Submitter considers that trunk services should be delivered by Council and Watercare given that these costs are funded by development contributions;
- This point also touches on policy 6, and the Submitter seeks some assurances that provision of bulk services is not a cost that will be imposed on developers within the PC5 area. If policy 6 is to remain, it is requested that the intent be clarified by adding the words “development areas in the” be added immediately in front of the word “precinct”;
- Table I616.6.2.1 should be amended to ensure that Area 1C and 1E are also required to contribute equally to the upgraded and new intersections on Brigham Creek Road as those development areas obtain equal benefit from that infrastructure;
- It is also noted that PC5 relies on the precinct provisions to levy financial contributions under the RMA. The Submitters understand that this regime may no longer exist after April 2022, which is within the expected timeframe for implementation of development opportunities arising under PC5. This may raise questions about the ability for continued funding of

⁷ PC5, p3

infrastructure and the equitable apportionment of costs amongst developers commencing work at different times.

RELIEF

The Submitter seeks the following decision from Auckland Council in respect of PC5:

- That PC5 be confirmed to the extent that it enables urbanisation of land within its boundaries; | 46.2
- That the engine testing noise boundaries be removed from the Submitter's land; | 46.3
- That the Submitter's land be identified as Mixed Housing Urban zone; | 46.4
- That the identified location of Indicative Open Space in Kauri Road (as illustrated on Precinct Plan 1) be confirmed in PC5; | 46.5
- That Precinct Plan 1 be amended to reclassify the streams identified in Figure 4 below from 'permanent' to 'intermittent'; | 46.6



Figure 4 – location of stream to be reclassified from permanent to intermittent (orange arrow)

- That the area subject to PC5 be amended to include that land identified within Figure 3 in this submission; | 46.7
- That objective 13 be deleted; | 46.8

- That Precinct Plan 2 be amended by deleting the collector roads within Area 1B; | 46.9
- That Precinct Plan 2 be amended by deleting the proposed indicative collector road shown between Sinton Road and Kauri Road; | 46.10
- That PC5 (Standard I616.6.8(1)) be amended to clarify that, where roads are required to be upgraded, the upgrading works are required only within that part of the road reserve extending from the developer’s property boundary to the opposite carriageway kerb; | 46.11
- That PC5 is clarified to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that the cost sharing occurs across each of the identified development areas (as shown on Precinct Plan 2) to which the upgrades relate; | 46.12
- That objective 3 should be amended to add the words “that is required to support the subdivision being proposed” immediately before the comma; | 46.13
- That objective 6 should be amended by adding the words “(or provides for)” immediately after the word “implements” and by adding the words “in the applicable development area” after the word “elements”; | 46.14
- That the word “coordinated” be deleted from policy 4; | 46.15
- That policy 6 be amended by adding the words “development areas in the” immediately in front of the word “precinct”; | 46.16
- That Table I616.6.2.1 be amended to impose an obligation for development in Area 1C and 1E to contribute equally to new and upgraded intersections on Brigham Creek Road; | 46.17
- Such other amendments to the objectives, policies, rules and other provisions of PC5 that are required to give effect to the matters raised in this submission. | 46.18

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.

Phil Ainsworth
Chief Executive Officer
The Neil Group Limited
 For Neil Construction Limited

19 October 2017

Address for service:

C/- The Neil Group Limited
PO Box 8751
Symonds Street
AUCKLAND 1150

Attention: Phil Ainsworth
Chief Executive Officer

Telephone: (09) 918 6565

Email: painsworth@neilgroup.co.nz

FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 5 (WHENUAPAI) – AUCKLAND UNITARY PLAN

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitter: Maraetai Land Development Limited

Maraetai Land Development Limited ('MLDL') provides this submission on proposed Plan Change 5 ('PC5') to the Auckland Unitary Plan (Operative in Part).

The Submitter could not gain an advantage in trade competition through this submission. It is directly affected by the effects of PC5, some of which will adversely affect the environment and do not relate to trade competition or the effects of trade competition.

The Submitter has actively engaged in the Council's development process for PC5, having attended stakeholder meetings and provided written feedback on the draft Whenuapai Structure Plan and the draft plan change.

This submission relates to the entire PC5.

INTRODUCTION

MLDL owns land at 12-18 Kauri Road and 34 Kauri Road. It also has several other parcels of land either owned or under contract in the north-western part of the Whenuapai area.

The land currently owned by MLDL collectively comprises 8.0945 hectares. Its location is illustrated in Figure 1 below.

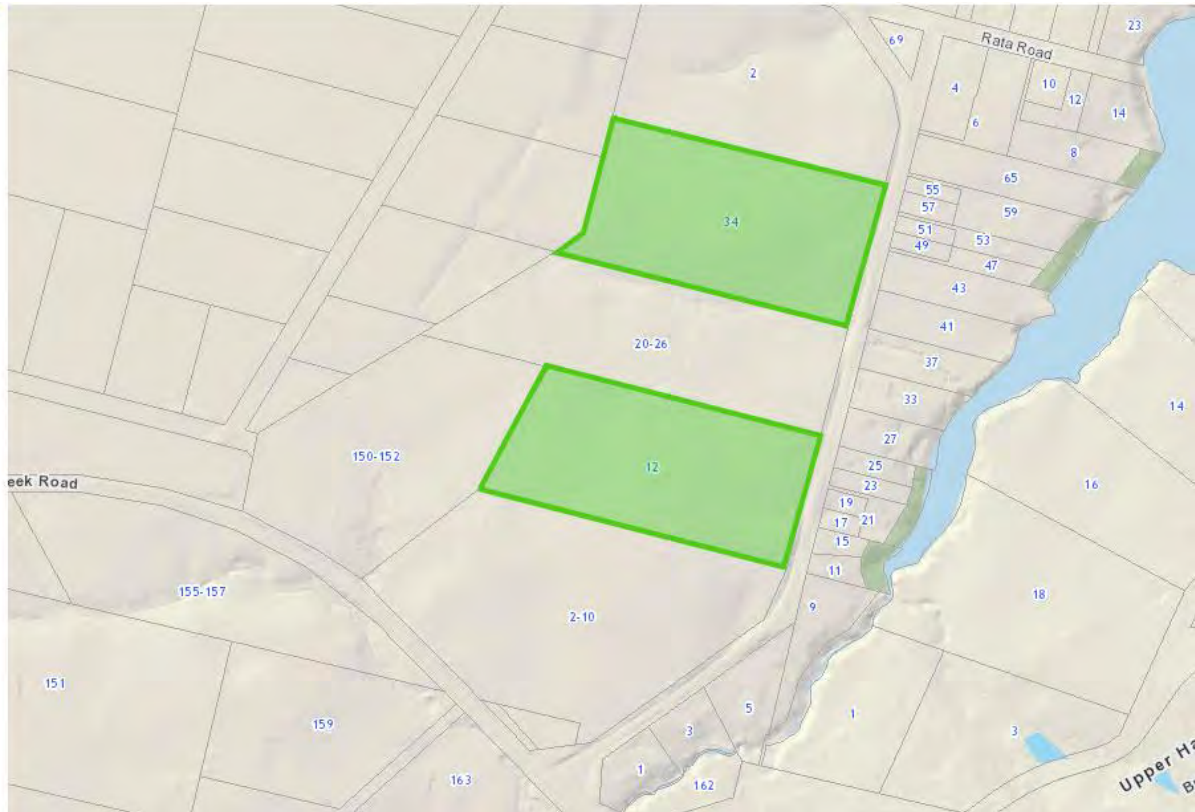


Figure 1 – location of MLDL properties within the area subject to PC5

SUBMISSION

The Submitter has the following issues, concerns and comments in relation to PC5:

General

- PC5 is supported in principle, insofar as it facilitates urban development of land that is currently in the Future Urban zone. The Submitter considers that urbanisation of the land within the Whenuapai area will make a significant and important contribution to accommodating Auckland's need for additional residential and employment land, in a desirable location that is well-served by infrastructure;
- The Submitter's current landholdings within Kauri Road are located in close proximity to the existing urban area. The land can be readily developed, and the provision of appropriate infrastructure is both relatively straightforward and cost effective.

Zoning and Acoustic Issues

- The PC5 zoning map applies two zones across the Submitter's landholdings in the Kauri Road area. The western part of the land is proposed as Light Industry zone. The balance of the land, closest to Kauri Road, has been identified as Single House zone;

- The PC5 background documents note that the boundary between these two zones has been positioned to accommodate noise generated by engine testing at the RNZAF Whenuapai Airbase. The intention is that land within the predicted 65 dB Ldn engine testing noise boundary is zoned as Light Industry in order to avoid *activities sensitive to noise*¹, such as dwellings, from establishing in this area;
- A predicted 57 dB Ldn engine noise testing boundary is located further to the east and south, effectively encompassing all of the Submitter's land in this location. PC5 proposes to identify the balance of the Submitter's land as Single House zone, for the stated reason of limiting the number of people exposed to the noise²;
- The Submitter is strongly opposed to the identification of its land as Light Industry zone and Single House zone on the basis of the predicted engine testing noise boundaries. The Submitter considers that the engine testing noise boundaries should be removed from PC5 and its land identified as Mixed Housing Urban zone as was proposed in the draft plan change that was released for public feedback;
- There are a number of reasons that underpin the Submitter's opposition to the zoning pattern that is proposed in PC5. Foremost amongst these is that the proposed engine noise boundaries, and the restrictive zoning proposed as a consequence, is based on unlawful generation of noise on the Airbase that is in contravention of conditions imposed on the Whenuapai Airbase designation;
- Designation 4310³ includes a condition that *aircraft operations* on the RNZAF Airbase shall not exceed 65dB L_{dn} outside the Airnoise Boundary, and 55dB L_{dn} outside the Outer Control Boundary. This condition is not being complied with, and the noise being emitted by engine testing is therefore unlawful as it does not satisfy the conditions of the designation;
- 'Aircraft operations' are defined in the AUP. In addition to landing, take-off, and flight, the definition includes taxiing and surface movements of aircraft as would be required for engine testing. It is apparent therefore that the existing noise condition imposed on the designation applies to any noise generated by aircraft, whether in the air or on the ground;
- The Submitter considers that it is not appropriate to limit the development opportunities on its land in order to accommodate the adverse effects arising from contravention of conditions applying to activities occurring on neighbouring land. Rather, the appropriate response is for the Council to insist on compliance. In the absence of action in this regard by Council, any person can apply to the Environment Court for an enforcement order that would require compliance with the conditions of the designation that are currently being breached;

¹ This term is defined in the AUP

² Section 6.8.2, s32 report

³ Designation 4310, Defence Purposes (Whenuapai Air Base)

- Without detracting from the fundamental issue discussed above, the Submitter also has concerns with a number of aspects of the acoustic assessment that has generated the proposed engine noise boundaries;
- The acoustic assessment that is relied on by the Council was prepared by Malcolm Hunt Associates for New Zealand Defence Force ('NZDF'). That assessment does not include any recording of actual engine testing noise levels at Whenuapai. Instead, it uses information from other sources to predict the noise levels that would arise from engine testing undertaken at the Airbase. The assumed noise levels generated by certain types of aircraft are then applied to the data supplied by NZDF from its 60-day engine testing trial to develop the noise boundaries. There is no evidence to confirm that the trial data was representative or typical of routine engine testing undertaken on the Airbase;
- Furthermore, the trial test locations are not obviously in positions that would deliver the best practicable option for mitigation of noise effects on neighbouring properties. For example, the test location 'C' seems unnecessarily close to the Submitter's property boundaries;
- The Submitter has engaged Marshall Day Acoustics Limited to review the acoustic assessment that has been relied on for establishment of the proposed engine testing noise boundaries. This review has highlighted several issues that are of concern to the Submitter;
- Firstly, the acoustic assessment undertaken by Malcolm Hunt Associates is labelled as 'draft' and notes that the information used as a basis for establishing engine testing noise is *"incomplete at this stage"*⁴. It is further stated that the data and information is considered to be *"a useful basis to proceed to the actual predictions"*, and that the document *"has been prepared as a discussion document to establish an appropriate basis to undertake the actual predictions"*⁵. This suggests to the Submitter that the information is not of sufficient quality to be a foundation for important land use decisions;
- It is acknowledged that the Council has taken steps to peer review the acoustic information provided by NZDF. However, the review that was commissioned by the Council has simply accepted the (incorrect) premise that the engine noise is lawful. No apparent attempt has been made to determine whether the noise generated is an appropriate part of the existing environment. In addition, the peer review does not appear to have scrutinised the calculations underpinning the noise boundaries or the results;
- The engine testing noise boundaries have been calculated by Malcolm Hunt Associates using noise data for similar but different aircraft, rather than undertaking measurements of the actual aircraft that are tested at Whenuapai. The outcome is that the predictions are *"conservative"*, meaning higher than expected in practice. The Submitter is concerned that the noise boundaries may be overly conservative. A more appropriate approach would have

⁴ Section 11, Malcolm Hunt Associates acoustic assessment

⁵ Section 1, Malcolm Hunt Associates acoustic assessment

been to take measurements of the actual RNZAF aircraft and to locate the engine testing noise boundaries based on calculations from the measured data;

- Details of engine testing activity were recorded for a period of 60 days and the noise boundaries were based on the worst-case seven consecutive days over this time. There is no evidence to show that the recorded 60 days or the worst-case seven days are representative of ongoing regular maintenance at Whenuapai rather than infrequent major maintenance. The monitoring period should have been longer than 60 days (3–12 months) unless it can be demonstrated that the 60-day period is representative;
- Similarly, the details of the engine tests included in the calculation of the noise boundaries should have been scrutinised to determine which tests are controlling the location of the predicted engine testing noise boundaries. Those boundaries may be overly conservative if atypical testing was included in the predictions (for example, extensive high power testing that only occurs infrequently);
- The Submitter also notes that the engine testing noise boundaries contained in PC5 (Precinct Plan 3) do not correspond accurately with those provided in Figure 13 of the Malcolm Hunt Associates report. This is illustrated in Figure 2 below:

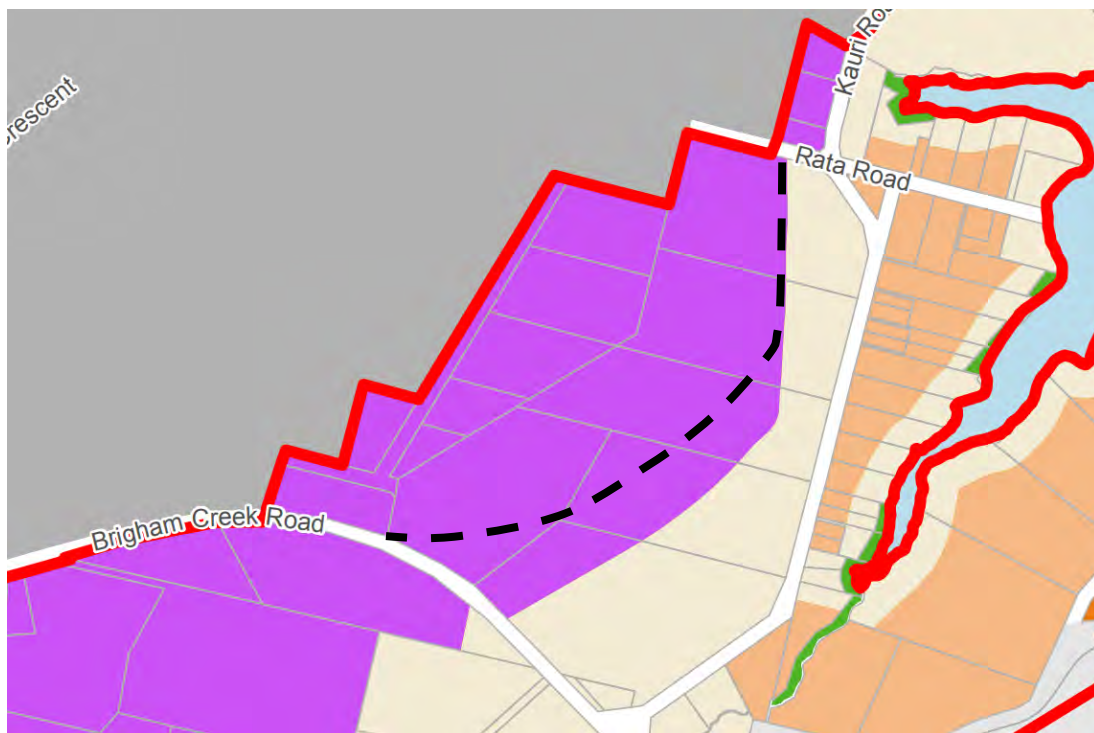


Figure 2 – location of Malcolm Hunt Associates 65 dB Ldn boundary (black dashed line)

- Even if the noise currently generated by engine testing is lawful (which is not accepted), there is still an obligation on NZDF to adopt a best practicable option approach to the management of its effects on the environment. In the first instance, NZDF should be internalising engine testing noise as much as possible by undertaking tests in locations away from the Airbase

boundaries. If that cannot satisfactorily mitigate engine testing noise alone then additional mitigation measures should be employed to reduce engine testing noise emissions. Such mitigation might include consideration of both operational measures and structural measures such as a Ground Run-up Enclosure (GRE) to reduce generated noise, or conducting engine tests within buildings or behind acoustic curtains. At the very least, measures should include careful positioning of aircraft during engine testing;

- It is incumbent on the Council under s32 of the RMA to consider all costs and benefits associated with land use planning decisions including those related to the proposals to substantially reduce the residential development potential of the Submitter's land;
- As currently proposed, the provision of additional Light Industry zone in PC5 would remove the potential for over 2,000 dwellings, relative to the residential yield proposed in the draft plan change⁶. Further residential potential would be lost through the increased use of Single House zone. These decisions give rise to substantial costs to the community, given the significant housing shortage that exists in Auckland at the current time. Moreover, the current PC5 proposal would lead to the inefficient use of a scarce and valuable resource, being serviced land close to transport links, employment, community facilities and other services. It would mean the loss of substantial construction value and related employment and economic activity, and would result in additional construction costs arising from acoustic attenuation of the remaining houses that can be built in the Single House zone. In any considered balancing exercise of costs and benefits, the Submitter believes that a more robust planning decision is to prioritise the creation of thousands more houses over the compliance costs to NZDF of mitigating its unlawful noise generation;
- There is no demonstrable need for the additional Light Industry zone land that is identified on the Submitter's land;
- There is one further matter that the Submitter takes issue with in respect to the zoning response to the engine testing noise. The Submitter considers that, even if there were lawful noise emissions of between 57dB Ldn and 65 dB Ldn affecting its land, then there is no compelling planning rationale to identify the land as Single House zone rather than Mixed Housing Urban zone;
- There are several reasons why the Submitter considers that the Mixed Housing Urban zone would be more appropriate than the Single House zone in the event that its land is impacted upon by lawful engine testing noise:
 - If appropriate acoustic insulation is in place, it should not matter how many people are present on the land;
 - Higher density zoning will introduce building forms that provide inherent acoustic attenuation, such as through party walls and blocks of terraced buildings that break the line of sight to the noise source;

⁶ Table 9, s32 report

- Residents in the Mixed Housing Urban zone are likely to spend less time outdoors than their Single House zone counterparts because the latter would have a larger and more usable outdoor area; and
- This approach has not been utilised for other airports, such as for the Auckland International Airport approach paths where residential land that is subject to elevated noise levels has generally been identified as Mixed Housing Suburban zone, Mixed Housing Urban zone, and Terrace Housing and Apartment Buildings zone.

Drainage networks

- Proposals for restoration of natural streams are supported in principle, although it is considered that some of the areas of identified stream network are actually modified farm drainage systems;
- Precinct Plan 1 identifies a section of permanent stream on or adjacent to the Submitter's land. The Submitter has engaged Freshwater Solutions Limited, environmental consultants, to review the status of this watercourse in accordance with AUP criteria;
- The report prepared by Freshwater Solutions Limited is attached at **Appendix A**. It includes a conclusion that the watercourse identified adjacent to the Submitter's land is intermittent rather than permanent.
- On the basis of this technical information, the Submitter considers that Precinct Plan 1 should be amended to correct the status of the watercourse adjacent to its land.

47.1

Parks and Open Space

- Precinct Plan 1 includes an area of *Indicative Open Space* between the Submitter's Kauri Road land. The location of this indicative open space is considered to be appropriate and the Submitter supports its retention in the currently proposed location within PC5.

Extension of the area subject to PC5

- MLDL owns (or has under contract) several parcels of land in the vicinity of Totara Road and Mckean Road, in the north-western part of the Whenuapai area. MLDL is concerned with the sequencing of development proposed and seeks to have PC5 extended so that development of the north-western part of Whenuapai is enabled under the plan change;
- In particular, it is requested that PC5 be extended to include all land identified in Figure 3 below;

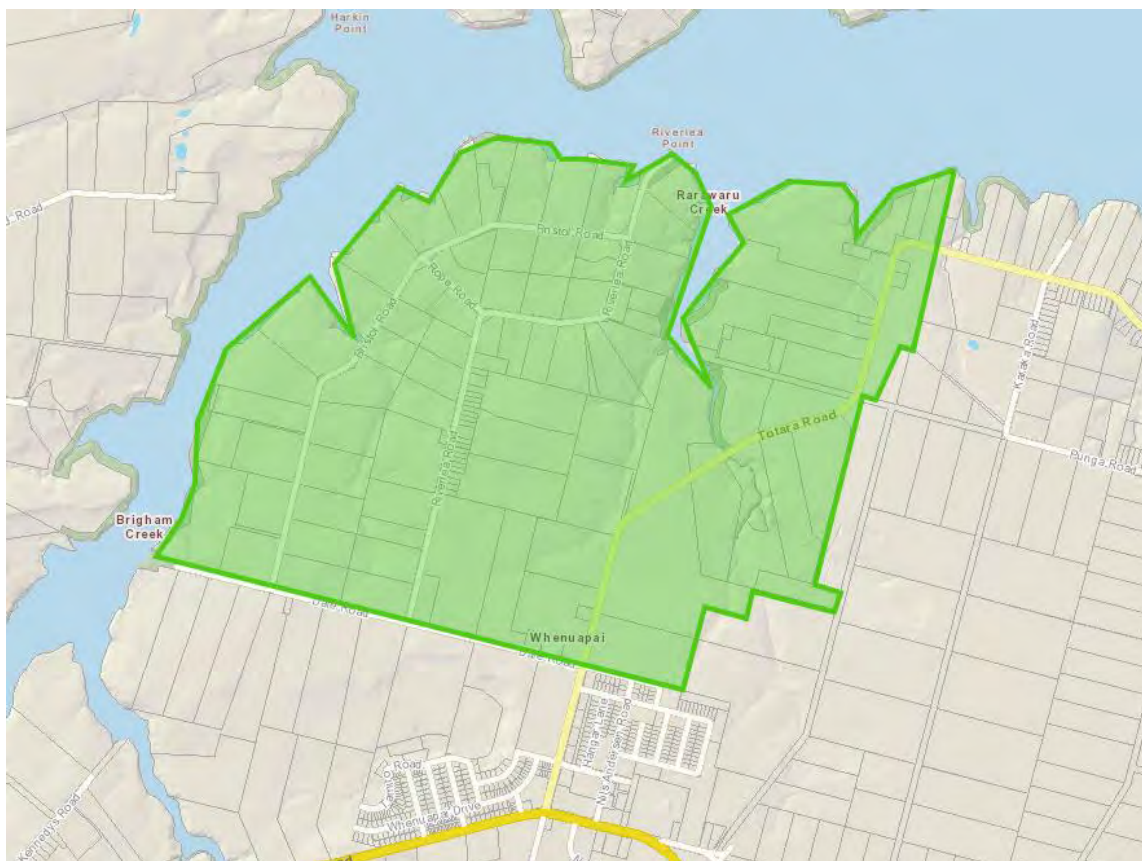


Figure 3 – Future Urban zone land sought to be included within the scope of PC5

- It appears from the technical reports and background information sitting behind PC5 that the deferral of development in the northern area of Whenuapai is based on assumptions about the cost and relative complexity of servicing that land. Locations where servicing can be undertaken more easily and efficiently are generally included within PC5;
- MLDL has reviewed and considered the infrastructure that would be required to service the land identified in Figure 3. Drawing on its substantial land development experience, it considers that all the necessary additional infrastructure can be provided with relative ease and in a cost-effective manner;
- The current urbanisation of the Whenuapai Village Special Housing Area (SHA) to the south of the land in Figure 3 means that public wastewater and potable water reticulation currently exists in close proximity. A new pump station (referred to in the Whenuapai Structure Plan background infrastructure reports as WH-12) and rising main would be required in Totara Road, but most of the local network that drains to this pump station can be installed by developers as the land is readied for urban use;
- MLDL understands that installation of a new 300mm water main now exists in Brigham Creek Road to serve the SHA, and that this water main has been sized to service the area coloured green in Figure 3. An extension of the Totara Road main would be sufficient to serve the north-western part of that area. As with wastewater, most of the local network can be installed by developers;

- Stormwater disposal is straightforward in this location, given its proximity to the coast. MLDL anticipates that the emphasis would be on stormwater quality treatment rather than detention;
- Additional development in the western part of the Whenuapai area would contribute to the cost of network infrastructure provision through payment of development contributions, and would ensure sufficient flows in wastewater lines to support their effective operation and avoid gas build-up;
- Inclusion of the land identified in Figure 3 within PC5 will result in the availability of a greater area of development-ready land in Whenuapai at one time. This will encourage competition amongst developers and assist in delivering affordable residential land to the market.

Roads and other infrastructure

- Precinct Plan 2 proposes specified upgrades to existing collector roads, together with new indicative collector roads within Area 1B. The new roading layout includes upgraded and new intersections into Area 1C and 1E respectively, together with a collector road coming from Sinton Road and joining Kauri Road by way of a bridge over the Waiarohia Stream;
- The Submitter is opposed to the bridged connections, on the basis that it is unnecessary, excessively expensive to construct, and will encourage motorists to utilise it as a shortcut to avoid arterial roads that have been designed to accommodate that traffic;
- The proposed connection from Sinton Road to Kauri Road will traverse relatively steep slopes in the vicinity of the two streams that will need to be crossed. It will also likely require vegetation removal and earthworks within a Significant Ecological Area. These physical constraints and impediments, and the need for part of the connection to be in the form of a bridge, will give rise to substantial construction and compliance costs;
- Area 1B also contains other indicative collector roads. The Submitter considers that these are not collector roads as they have no significant connecting function for through traffic. They are local roads that would be established at the time of subdivision;
- Where upgrading of the existing roads is required, this should be clarified to confirm that it requires works only within that part of the road reserve extending from the developer's property boundary to the opposite carriageway kerb. An appropriate amendment to Standard I616.6.8(1) should be made to clarify this matter.

- **Infrastructure funding**

- The Submitter considers that PC5 should provide greater certainty around transport projects, their costs and who is funding them;
- PC5 notes that upgrades identified in Table I616.6.2.1 are required to be in place prior to development going ahead, and that the cost should be proportionally shared across each area as development progresses⁷. The Submitter seeks that PC5 is clarified to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement) and that the cost sharing occurs across each of the identified development areas (as shown on Precinct Plan 2) to which the upgrades relate;
- Objective 3 should be amended to add the words “that is required to support the subdivision being proposed” immediately before the comma, in order to confirm the reason for the transport upgrade. Similarly, objective 6 should be amended by adding the words “(or provides for)” immediately after the word “implements” and by adding the words “in the applicable development area” after the word “elements”;
- The word “coordinated” in policy 4 is unnecessary, as the provisions that are proposed to be introduced by PC5 will provide for the necessary level of coordination. Policy 5 may also be unnecessary, as planned infrastructure should be appropriately sized and designed to accommodate development that is anticipated under the zoning provisions that apply. Certainly, the Submitter considers that trunk services should be delivered by Council and Watercare given that these costs are funded by development contributions;
- This point also touches on policy 6, and the Submitter seeks some assurances that provision of bulk services is not a cost that will be imposed on developers within the PC5 area. If policy 6 is to remain, it is requested that the intent be clarified by adding the words “development areas in the” be added immediately in front of the word “precinct”;
- Table I616.6.2.1 should be amended to ensure that Area 1C and 1E are also required to contribute equally to the upgraded and new intersections on Brigham Creek Road as those development areas obtain equal benefit from that infrastructure;
- It is also noted that PC5 relies on the precinct provisions to levy financial contributions under the RMA. The Submitters understand that this regime may no longer exist after April 2022, which is within the expected timeframe for implementation of development opportunities arising under PC5. This may raise questions about the ability for continued funding of infrastructure and the equitable apportionment of costs amongst developers commencing work at different times.

⁷ PC5, p3

RELIEF

The Submitter seeks the following decision from Auckland Council in respect of PC5:

- That PC5 be confirmed to the extent that it enables urbanisation of land within its boundaries; | 47.2
- That the engine testing noise boundaries be removed from the Submitter's land; | 47.3
- That the Submitter's land be identified as Mixed Housing Urban zone; | 47.4
- That the identified location of Indicative Open Space in Kauri Road (as illustrated on Precinct Plan 1) be confirmed in PC5; | 47.5
- That Precinct Plan 1 be amended to reclassify the streams identified in Figure 4 below from 'permanent' to 'intermittent'; | 47.6



Figure 4 – location of stream to be reclassified from permanent to intermittent (orange arrow)

- That the area subject to PC5 be amended to include that land identified within Figure 3 in this submission; | 47.7
- That objective 13 be deleted; | 47.8
- That Precinct Plan 2 be amended by deleting the collector roads within Area 1B; | 47.9
- That Precinct Plan 2 be amended by deleting the proposed indicative collector road shown between Sinton Road and Kauri Road; | 47.10

- That PC5 (Standard I616.6.8(1)) be amended to clarify that, where roads are required to be upgraded, the upgrading works are required only within that part of the road reserve extending from the developer’s property boundary to the opposite carriageway kerb; | 47.11
- That PC5 is clarified to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that the cost sharing occurs across each of the identified development areas (as shown on Precinct Plan 2) to which the upgrades relate; | 47.12
- That objective 3 should be amended to add the words “that is required to support the subdivision being proposed” immediately before the comma; | 47.13
- That objective 6 should be amended by adding the words “(or provides for)” immediately after the word “implements” and by adding the words “in the applicable development area” after the word “elements”; | 47.14
- That the word “coordinated” be deleted from policy 4; | 47.15
- That policy 6 be amended by adding the words “development areas in the” immediately in front of the word “precinct”; | 47.16
- That Table I616.6.2.1 be amended to impose an obligation for development in Area 1C and 1E to contribute equally to new and upgraded intersections on Brigham Creek Road; | 47.17
- Such other amendments to the objectives, policies, rules and other provisions of PC5 that are required to give effect to the matters raised in this submission. | 47.18

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.

Phil Ainsworth
Chief Executive Officer
The Neil Group Limited
 For and on behalf of Maraetai Land Development Limited

19 October 2017

Address for service:

C/- The Neil Group Limited
PO Box 8751
Symonds Street
AUCKLAND 1150

Attention: Phil Ainsworth
Chief Executive Officer

Telephone: (09) 918 6565

Email: painsworth@neilgroup.co.nz

FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 5 (WHENUAPAI) – AUCKLAND UNITARY PLAN

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitters: Yuewen Zhang and Yue Liu

The Submitters provide this submission on proposed Plan Change 5 ('PC5') to the Auckland Unitary Plan (Operative in Part).

The Submitters could not gain an advantage in trade competition through this submission. They are directly affected by the effects of PC5, some of which will adversely affect the environment and do not relate to trade competition or the effects of trade competition.

This submission relates to the entire PC5.

INTRODUCTION

The Submitters own two adjoining properties at 10 Clarks Lane and 14 Clarks Lane, in Hobsonville (collectively referred to as the 'properties'). The site at 14 Clarks Lane is also known as 6 Sinton Road on Council's records.

The land currently owned by the Submitters collectively comprises 5.1099 hectares. Its location is illustrated in Figure 1 below.



Figure 1 – location of the properties within the area subject to PC5

SUBMISSION

The Submitters have the following issues, concerns and comments in relation to PC5:

General

- PC5 is supported in principle, insofar as it facilitates urban development of land that is currently in the Future Urban zone. The Submitters consider that urbanisation of the land within the Whenuapai area will make a significant and important contribution to accommodating Auckland's need for additional residential and employment land, in a desirable location that is well-served by infrastructure;
- The properties are located in close proximity to the existing urban area. They can be readily developed, and the provision of appropriate infrastructure is both relatively straightforward and cost effective.

Zoning Issues

- The PC5 zoning map applies two zones across the Submitters' properties. All of the land within 14 Clarks Lane and within the western part of 10 Clarks Lane is identified as Terrace Housing and Apartment Buildings zone, while the eastern part of 10 Clarks Lane falls within the Single

House zone. The specific zoning of the properties, as proposed under PC5, is supported by the Submitters.

Drainage networks

- Proposals for restoration of natural streams are supported in principle, although it is considered that some of the areas of identified stream network have not been correctly classified under PC5;
- Precinct Plan 1 identifies a section of permanent stream on the western part of the properties, and an intermittent stream within the road immediately north of 14 Clarks Lane;
- A substantial proportion of the 'permanent stream' is an artificial pond that was created as an ornamental garden feature. The Council has indicated that this feature can be removed and filled as it is a constructed pond rather than a natural system, and because it serves no required detention or water quality function. The Submitters wish to remove it at some point in the future to unlock the anticipated development potential on the land and would not wish to see the status of the pond as a 'permanent stream' become an impediment to that outcome. As a consequence, the permanent stream status of the pond should be deleted from PC5;
- The 'intermittent stream' in the Clarks Lane road reserve is a shallow roadside drain, although a significant proportion of it is piped. It appears to be part of the stormwater infrastructure in this location and is unlikely to meet the criteria for classification as a stream;
- For the reasons noted above, the Submitters consider that Precinct Plan 1 should be amended to correct the status of the watercourses on or adjacent to the properties.

48.1

Parks and Open Space

- Precinct Plan 1 includes an area of *Indicative Open Space* on the adjacent property at 17 Clarks Lane. The location of this indicative open space is considered to be appropriate and the Submitters support its retention in the currently proposed location within PC5.

Acoustic issues

- Precinct Plan 3 includes two small 'islands' of land within the proposed 57 dB Ldn engine testing noise boundary on 14 Clarks Lane and also on 15 Clarks Lane. These areas are not shown in the same locations as depicted on Figure 13 of the Malcolm Hunt Associates report and, in any event, are not of sufficient significance to justify a level of regulatory control. The Submitters consider that these two small areas of 57 dB Ldn boundary should be deleted from the Precinct Plan;

- The Submitters consider that objective 13 in PC5 is unnecessary as the noise generated from engine testing is required to comply with existing noise conditions imposed on the Whenuapai Airbase designation. Enforcement will ensure compliance and, as such, this objective should be deleted.

Roads and other infrastructure

- Precinct Plan 2 proposes specified upgrades to existing collector roads, together with new indicative collector roads within Area 1D. The new collector roads include a bridge connection across SH18 motorway to Hobsonville Road, and a bridge connection over two separate reaches of the Waiarohia Stream to Kauri Road;
- The Submitters are opposed to the two bridged connections, on the basis that they are unnecessary, excessively expensive to construct, and will encourage motorists to utilise them as a shortcut to avoid arterial roads that have been designed to accommodate that traffic;
- The proposed connection from Sinton Road to Kauri Road will traverse relatively steep slopes in the vicinity of the two streams that will need to be crossed. It will also likely require vegetation removal and earthworks within a Significant Ecological Area. These physical constraints and impediments, and the need for part of the connection to be in the form of a bridge, will give rise to substantial construction and compliance costs;
- The intended reason for the connection is to avoid congestion and traffic delays at the intersection of Brigham Creek Road and Sinton Road. However, it is considered that an alternative upgraded intersection can be provided in this area at substantially less cost, utilising existing public land that has been set aside for roading;
- Similarly, the cost of creating a new bridge across the motorway would be prohibitively expensive given the need to maintain levels of service on the motorway and because the ground level on the Sinton Road side would necessitate an extended ramp to attain sufficient clearance above the level of the motorway carriageway. The Submitters consider that the substantial costs cannot be justified in terms of the benefits. In addition, it is noted that the proposed connection is located outside of the PC5 area;
- Area 1D also contains other indicative collector roads, in the form of three culs-de-sac extending in a northerly direction from Clarks Lane. The Submitters consider that these are not collector roads as they have no connecting function for through traffic. They are local roads that would be established at the time of subdivision;
- Furthermore, Precinct Plan 2 identifies a length of 'proposed upgrade of existing collector road' to the east of the part of Clarks Lane that is oriented in a north-south direction. There is no existing road of any description in this exact location, although perhaps the Precinct Plan has inaccurately attempted to identify a road within the adjacent Ockleston Landing development. As a consequence, it is considered that the notation on the Precinct Plan should

be removed. Establishment of a new road along that alignment would create dual frontage for the existing Clarks Lane residential properties, which would not be a good urban design outcome. If the intention is to upgrade the existing Clarks Lane, then this is not considered to be an existing collector road and would conflict with the heritage area proposal for this part of Clarks Lane. The upgrading notation should be deleted;

- Where upgrading of the existing roads is required, this should be clarified to confirm that it requires works only within that part of the road reserve extending from the developer's property boundary to the opposite carriageway kerb. An appropriate amendment to Standard I616.6.8(1) should be made to clarify this matter.

Infrastructure funding

- The Submitters consider that PC5 should provide greater certainty around transport projects, their costs and who is funding them;
- PC5 notes that upgrades identified in Table I616.6.2.1 are required to be in place prior to development going ahead, and that the cost should be proportionally shared across each area as development progresses¹. The Submitters seek that PC5 is clarified to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement) and that the cost sharing occurs across each of the identified development areas (as shown on Precinct Plan 2) to which the upgrades relate;
- Objective 3 should be amended to add the words "that is required to support the subdivision being proposed" immediately before the comma, in order to confirm the reason for the transport upgrade. Similarly, objective 6 should be amended by adding the words "(or provides for)" immediately after the word "implements" and by adding the words "in the applicable development area" after the word "elements";
- The word "coordinated" in policy 4 is unnecessary, as the provisions that are proposed to be introduced by PC5 will provide for the necessary level of coordination. Policy 5 may also be unnecessary, as planned infrastructure should be appropriately sized and designed to accommodate development that is anticipated under the zoning provisions that apply. Certainly, the Submitters consider that trunk services should be delivered by Council and Watercare given that these costs are funded by development contributions;
- This point also touches on policy 6, and the Submitter seeks some assurances that provision of bulk services is not a cost that will be imposed on developers within the PC5 area. If policy 6 is to remain, it is requested that the intent be clarified by adding the words "development areas in the" be added immediately in front of the word "precinct";

¹ PC5, p3

- In order to give effect to issues raised elsewhere in this submission regarding the roading proposals for area 1D, Table I616.6.2.1 should be amended to delete the three items of local transport infrastructure required for area 1D. These could be replaced with a requirement to upgrade the intersection of Sinton Road and Brigham Creek Road;
- It is also noted that PC5 relies on the precinct provisions to levy financial contributions under the RMA. The Submitters understand that this regime may no longer exist after April 2022, which is within the expected timeframe for implementation of development opportunities arising under PC5. This may raise questions about the ability for continued funding of infrastructure and the equitable apportionment of costs amongst developers commencing work at different times.

RELIEF

The Submitters seek the following decision from Auckland Council in respect of PC5:

- That PC5 be confirmed to the extent that it enables urbanisation of land within its boundaries; | 48.2
- That the zoning of the Submitters' land be confirmed as Terrace Housing and Apartment Buildings zone; | 48.3
- That the identified location of Indicative Open Space in Clarks Lane (as illustrated on Precinct Plan 1) be confirmed in PC5; | 48.4
- That Precinct Plan 1 be amended to delete the intermittent stream adjacent to the northern boundary of 14 Clarks Lane (AKA 6 Sinton Road), and to delete that part of the permanent stream on the Submitters' site that falls within the artificial pond; | 48.5
- That Precinct Plan 3 be amended by deleting the two small areas of 57 dB Ldn engine testing noise boundaries located on 14 Clarks Lane and 15 Clarks Lane; | 48.6
- That objective 13 be deleted; | 48.7
- That Precinct Plan 2 be amended by deleting the length of 'proposed upgrade of existing collector road' adjoining the eastern boundaries of the sites at 3-9 Clarks Lane; | 48.8
- That Precinct Plan 2 be amended by deleting the three cul-de-sac sections of 'indicative collector road' extending to the north of Clarks Lane and Ockleston Landing; | 48.9
- That Precinct Plan 2 be amended by deleting the proposed indicative collector roads shown between Sinton Road and Kauri Road, and between Sinton Road and Sinton Road East; | 48.10

- That Precinct Plan 2 be amended by reinstating the direct link from Sinton Road to Brigham Creek Road; | 48.11
- That PC5 (Standard I616.6.8(1)) be amended to clarify that, where roads are required to be upgraded, the upgrading works are required only within that part of the road reserve extending from the developer’s property boundary to the opposite carriageway kerb; | 48.12
- That PC5 is clarified to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that the cost sharing occurs across each of the identified development areas (as shown on Precinct Plan 2) to which the upgrades relate; | 48.13
- That objective 3 should be amended to add the words “that is required to support the subdivision being proposed” immediately before the comma; | 48.14
- That objective 6 should be amended by adding the words “(or provides for)” immediately after the word “implements” and by adding the words “in the applicable development area” after the word “elements”; | 48.15
- That the word “coordinated” be deleted from policy 4; | 48.16
- That policy 6 be amended by adding the words “development areas in the” immediately in front of the word “precinct”; | 48.17
- That Table I616.6.2.1 be amended by deleting the three items of local transport infrastructure required for area 1D; | 48.18
- That the two small areas of 57 dB Ldn boundary be deleted from Precinct Plan 3; | 48.19
- Such other amendments to the objectives, policies, rules and other provisions of PC5 that are required to give effect to the matters raised in this submission. | 48.20

The Submitters wish to be heard in support of this submission. If other parties make a similar submission, the Submitters would consider presenting a joint case with them at any hearing.

Phil Ainsworth
Chief Executive Officer
The Neil Group Limited

For and on behalf of Yuewen Zhang and Yue Liu

19 October 2017

Address for service:

C/- The Neil Group Limited
PO Box 8751
Symonds Street
AUCKLAND 1150

Attention: Phil Ainsworth
Chief Executive Officer

Telephone: (09) 918 6565

Email: painsworth@neilgroup.co.nz

FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 5 (WHENUAPAI) AUCKLAND UNITARY PLAN

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitter: Feng Tan

The Submitter provides this submission on proposed Plan Change 5 ('PC5') to the Auckland Unitary Plan (Operative in Part).

The Submitter could not gain an advantage in trade competition through this submission. The Submitter is directly affected by the scope of PC5.

This submission relates to the geographical area and scope of PC5.

INTRODUCTION

The Submitter is the owner of a property at 2 Riverlea Road, Whenuapai ('the property'). The property is 2.2698 hectares in area, and is relatively flat and rectangular in shape. It is a corner site, with its longest road frontage adjoining Dale Road. A small watercourse flows through the north-western corner of the site, forming part of the Riverlea Stream. The Submitter has owned the property since 2015.

Land immediately to the west is designated for Defence Purposes, and is developed as a radio communications facility associated with the Whenuapai Air Base. Diagonally opposite the property to the south-east is the Whenuapai Village Special Housing Area which is zoned 'Mixed Housing Urban' under the Auckland Unitary Plan. This land is currently in the process of being developed for intensive urban residential purposes. Other adjoining land uses are currently rural in nature.

The property is included within the land covered by the Whenuapai Structure Plan, under which it is proposed for medium density residential development. The property sits within the area of the

Whenuapai Structure Plan identified as Stage 2, which has more recently been excluded from the scope of PC5.

A plan showing the location of the property is below:

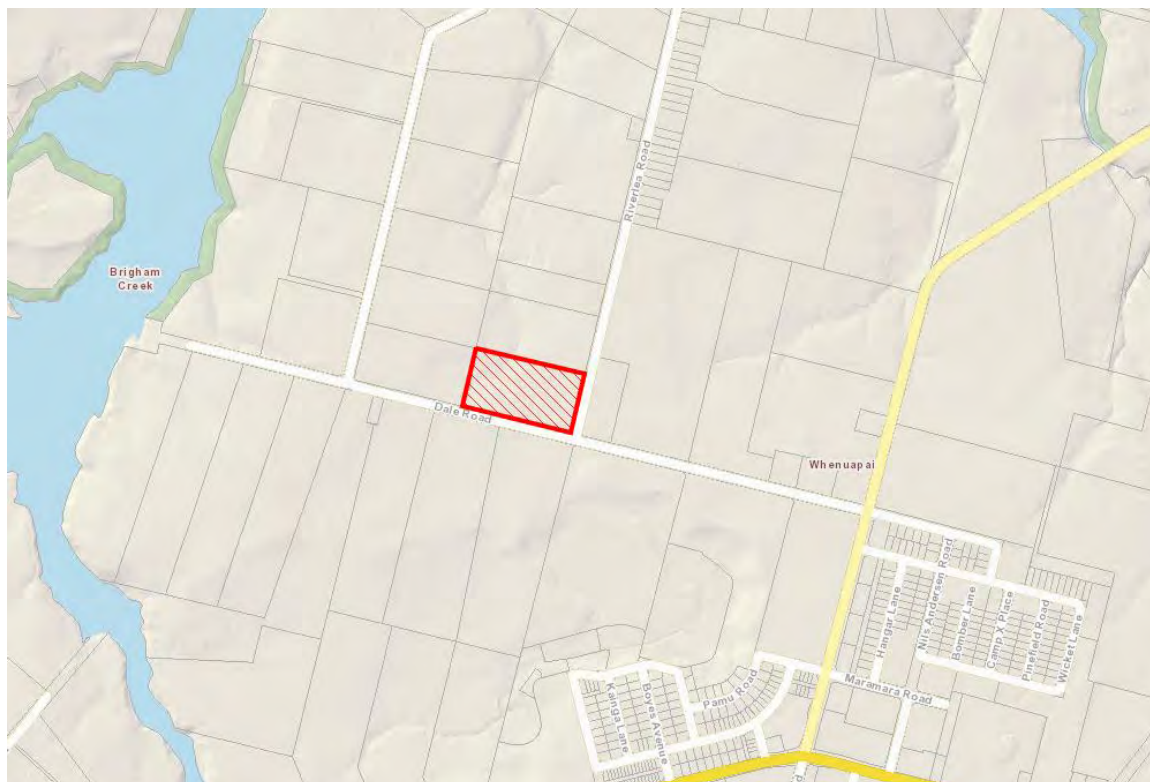


Figure 1 – location of 2 Riverlea Road, Whenuapai

SUBMISSION

The Submitter seeks that PC5 be extended to cover the property, and land with similar characteristics in its immediate vicinity. The Council's original intention when preparing the Whenuapai Structure Plan was that this land would be subject to the plan change and there has been no compelling reason provided for diverting from that approach.

The Council has stated that PC5 has been reduced in scope because the infrastructure constraints for Stage 2 are significant and suitable infrastructure will not be available until at least 2026. It has suggested that a second plan change will occur closer to 2026 to rezone Stage 2.

It is acknowledged that there are infrastructure constraints at the present time. However, it is considered that in many cases these are not as significant as the Council has suggested and can be resolved at least in part by developer funding. It is also noted that key infrastructure may be available ahead of the timeframe advanced by the Council and, in any event, the Council has the opportunity

to impose development thresholds through PC5 that will avoid any prospect of urban development occurring in advance of required infrastructure being established.

With regard to servicing of the Submitter's property, water supply can be provided by extending the new 315mm bulk water supply main that has recently been installed to facilitate the development of the adjacent Whenuapai Village Special Housing Area. The water main could be extended along existing roads at a reasonable cost, which would be borne by future developers. Some water infrastructure is already established in roads immediately south and east of the property, including a 150mm water supply line. It appears that this could be readily utilised to service the land.

The establishment of a wastewater connection may be contingent on the proposed Northern Interceptor being completed from Rosedale through to Hobsonville. Watercare has stated that this is projected for completion by 2021, ahead of the 2026 date that the Council has suggested as the earliest date for the provision of bulk infrastructure. Some additional elements of the local reticulation network will need to be established, although these works could be funded jointly with developers in order to speed progress. Additionally, it is noted that a 315mm rising wastewater main passes the property along Dale Road. This line serves the Riverhead community. Assuming that sufficient capacity exists in this line, it is ideally located to provide a wastewater connection to serve the property.

Similarly, local improvements to the transport network could be funded by developers as work progresses, possibly through Infrastructure Funding Agreements with the Council. The exception to this approach arises in respect of the direct motorway link between State Highways 16 and 18, which is required to avoid congestion on Brigham Creek Road. This is an NZTA responsibility although it is understood that some land acquisition activity and designation is already underway to support the project.

In relation to all of these infrastructure requirements, the Council has the option of employing a 'trigger' mechanism consistent with that proposed in PC5 if it has concerns about the availability or capacity of infrastructure. That will provide the Council with confidence that development cannot occur without the necessary infrastructure being in place, and seems an appropriate mechanism given that a number of the infrastructure projects will occur earlier than projected and others can be funded by developers as land is developed.

There is no realistic prospect of this approach sending the wrong market signal or of purchasers buying zoned land under the mistaken assumption that it can be developed immediately. It is not credible to suggest that purchasers would invest substantial money in a property without first making some enquiries as to the rules and constraints that may apply to its development. All future purchasers of greenfields land in the Whenuapai area will be developers that will fully understand the situation and will pay a market price that reflects any constraints on development timeframes that may exist.

For the reasons noted above, the Submitter considers that his property (and surrounding land with similar characteristics) should be included within PC5, with the inclusion of appropriate infrastructure triggers if necessary, and seeks that outcome accordingly.

RELIEF SOUGHT

The Submitter seeks the following decision from Auckland Council in respect of PC5:

- That PC5 be extended to include the property at 2 Riverlea Road, together with surrounding land with similar characteristics.

49.1

The Submitter wishes to be heard in support of his submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.



Philip Brown

Director

Campbell Brown Planning Limited

For and on behalf of Feng Tan

19 October 2017

Address for service:

Feng Tan

C/- Campbell Brown Planning Limited

PO Box 147001

Ponsonby

AUCKLAND 1144

Attention: Philip Brown

Telephone: (09) 3941694

Email: philip@campbellbrown.co.nz

Submission on a publicly notified proposal for policy statement or plan change or variation

Clause 6 of First Schedule, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Lu Hui Feng

Organisation Name (if submission is on behalf of Organisation)

Address for service of the Submitter

16 Onslow Ave, Epsom

Telephone:

021 190 0666

Email:

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Or

Property Address

Or

Map

PC 5 Map Zone Change

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

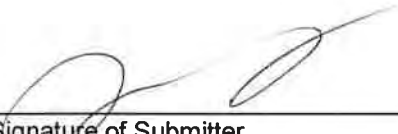
(continue on a separate sheet if necessary)

I seek the following decision by Council:


- Accept the Plan Change/Variation | 50.1
- Accept the Plan Change/Variation with amendments as outlined below
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



 Signature of Submitter
 (or person authorised to sign on behalf of submitter)



 Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

24 October 2017

Auckland Council

Unitary Plan Private Bag 92300

Auckland 1142

By post & email: unitaryplan@aucklandcouncil.govt.nz



**Auckland Unitary Plan – Proposed plan change 5: Whenuapai –
Submission by Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings**

Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Ltd ('Whenua Hoko') wishes to make a submission on Proposed Plan Change 5 to the Auckland Unitary Plan ('plan change').

The attached submission details Whenua Hoko's interest and position on the plan change.

Please contact the writer for communications and with any queries.

Nāku iti noa, nā

Daniel Clay
Tumuaki / Chief Executive

Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Ltd
E | Daniel.Clay@kaiparamoana.com D | 09 281 4516 M | 021 470 181

Submission on Proposed Plan Change 5

To: Auckland Council

From: Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Ltd

Date: 23 October 2017

Subject : Proposed Plan Change 5 to the Auckland Unitary Plan



NGĀ MAUNGA WHAKAHII O
KAIPARA
WHENUA HOKO HOLDINGS LTD

The Submitter

1. The submitter is Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Ltd ('Whenua Hoko').
2. The submitter's address for service is:

8/1 Te Pumanawa Square
Westgate
Auckland 0814
PO Box 84-016
Westgate 0657
Phone: 09 281 4512
Email: daniel.clay@kaiparamoana.com
3. Whenua Hoko is a property development company, and is part of the commercial investment entities of Ngā Maunga Whakahii o Kaipara Development Trust ('Ngā Maunga Whakahii'). Ngā Maunga Whakahii is the Post Treaty Settlement Governance Entity created to manage and grow the Treaty settlement assets of Ngāti Whātua o Kaipara, the financial benefits of which are used to support the cultural, economic and social wellbeing of the people of Ngāti Whātua o Kaipara.
4. Whenua Hoko's commercial property interests are primarily based in the northwest of Auckland, aligned with the exclusive rohe of the hapū of Ngāti Whātua o Kaipara. This area extends from Massey at the southern boundary of the rohe, to South Head, Helensville and Wellsford at the northern boundary.
5. Through its property subsidiary Te Uru Ltd, Whenua Hoko has acquired and is currently developing some 9ha of land at Hobsonville Point. This land is located within the 'Village Precinct' of Hobsonville Point, and is largely zoned for high density residential development. Over 400 residential units will be constructed, and will be done so within specific timeframes to ensure homes can be brought to the market in good time. A significant proportion of houses to be built as part of this development will be in the affordable category.
6. Under the Ngāti Whātua o Kaipara Claims Settlement Act 2013, Whenua Hoko (for Ngāti Whātua o Kaipara) has exclusive rights of first refusal ('RFR') for surplus Crown land in its rohe, including the Whenuapai and plan change area. These rights apply until 2182.

7. Whenua Hoko is also a party to the Housing Mahi Ngātahi Agreement between the Ministry of Business, Innovation and Employment (‘MBIE’) and some 13 iwi/hapū groups with interests in the wider Auckland area. The objective of this agreement is to develop housing on Crown land in Auckland at pace, while also providing for community and affordable housing. Whenua Hoko is working with MBIE to support the Crown Housing Programme by providing new housing on surplus Crown land, with a focus on the Whenuapai growth area.
8. The RFR and other rights to and interests in potentially surplus Crown land apply to large areas of land within the plan change area. This land is currently held or administered by three Crown entities; NZTA, Ministry of Education and NZ Defence Force (for the Whenuapai Airbase land (‘Crown sites’). These are shown below¹:



¹ The sites are located at 13, 34a, and 52 Trig Road, 161 and 167 Brigham Creek Road, and the NZDF site shown in the second image on and to the south of Kauri Rd, Whenuapai.



9. Whenua Hoko could not gain an advantage in trade competition through this submission.

Submission Scope

10. This submission is on all of Proposed Plan Change 5 to the Auckland Unitary Plan ('plan change').
11. The specific provisions of the proposal that this submission relates to are:
- a) The zoning and other regulatory instruments and rules proposed for the Crown sites and adjacent sites which could influence the development potential of the Crown sites;
 - b) The proposed Single House Zone for the Crown sites on Brigham Creek Rd and Kauri Rd;
 - c) The provisions which relate to reverse sensitivity issues from the operation of the Whenuapai Airbase, particularly as it applies to the Crown sites and land on Kauri Rd. These include objective 13, Policies 22-25, Precinct Plan 1, Table I616.4.1 Rules A16-A18;
 - d) The provisions relating to the provision of infrastructure, including those proposing development prerequisites such as the provision of public roads. These include Objectives 3, 5, 6, Policies 1, 4 5 and 8, Precinct Plans 1 and 2, Table I616.4.1 Rules A2 and A17, the corresponding standards in clause I616.6(3), Table I616.6.2.1 and clause I616.6.8, and assessment criteria.
 - e) The provisions relating to coastal setbacks particularly for the Crown site on Kauri Rd, including Objective 9, Policies 15 and 16, Precinct Plan 1 Table I616.4.1 Rules

A16 and A17, the corresponding standards in clause I616.6(3) and Table I616.6.2.1 and clause I616.6.5-7 and assessment criteria.

Submission details and decisions sought

- | | | |
|-----|--|------|
| 12. | Wheunau Hoko generally supports the plan change where it enables urban development in the Whenuapai area, and in particular housing development. The approach of the land areas with good proximity to State Highway 18 and the existing urban area and the infrastructure located in or which is accessible from that area, is supported and justifies the rezoning of such land for early urban development. | 51.1 |
| 13. | However, the zoning of the Crown sites and other sites with Single House Zone does not provide for the housing needs of the Whenuapai and wider community and should be rezoned to enable more houses to be provided (eg Mixed Housing Urban Zone). For instance, the Crown site on Brigham Creek Rd can and should provide for increased housing. | 51.2 |
| 14. | The roading requirements are unfair on land developers in many cases and go beyond the effects of a development. The proposed road alignments, classifications, requirements and links to development potential should be reviewed and amended or removed to provide a more balanced approach. This is especially the case for the Crown site on Brigham Creek Rd, and responsibility for providing (and protecting) future roads should be reviewed and the provisions amended or replaced accordingly. | 51.3 |
| 15. | The reverse sensitivity provisions should also be reviewed to ensure they are necessary and appropriate and recognise the need to provide for both the NZDF activities and community needs. The acoustic protection contours, and the provisions for activities within these, should be amended to ensure this balance is achieved. | 51.4 |
| 16. | The coast setback provisions appear unduly onerous, and the area protected reviewed and reduced and buildings within that setback (if justified) should be allowed in certain cases. | 51.5 |
| 17. | Whenua Hoko requests that the provisions in this submission be reviewed with a focus on the effects of development and the need to provide increased housing in the area, and amended or replaced as appropriate. | 51.6 |
| 18. | Whenua Hoko wishes to be heard in support of its submission. | |

Nāku iti noa, nā



Daniel Clay
Tumuaki / Chief Executive

Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Ltd
E | Daniel.Clay@kaiparamoana.com D | 09 281 4516 M | 021 470 181

Diana Luong

From: Anne Bradbury
Sent: Thursday, 16 November 2017 3:25 p.m.
To: Diana Luong
Subject: FW: Unitary Plan further submission - dayna swanberg

She got an acknowledgement so it must have gone through???

From: Dayna Swanberg [<mailto:jasnday@xtra.co.nz>]
Sent: Thursday, 16 November 2017 3:21 p.m.
To: Anne Bradbury
Subject: Fwd: Unitary Plan further submission - dayna swanberg

----- Original Message -----

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: jasnday@xtra.co.nz
Date: 13 November 2017 at 09:51
Subject: Unitary Plan further submission - dayna swanberg

Thank you for your submission.

You should receive an acknowledgement within 10 working days. Retain this email as your copy.

If you do not receive acknowledgement within 10 working days, email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.

Contact details

Full name of person making a further submission: dayna swanberg

Organisation name:

Full name of your agent:

Email address: jasnday@xtra.co.nz

Contact phone number:

Postal address:
25 waimarie road
whenuapai
auckland 0618

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
PAUL AND KAREN BATCHELOR

Submission number: 45.2

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 45.2
Point number footpath / cycle way

The reasons for my or our support or opposition are:
Please consider a path/cycle BRIDGE from Rata road to Clarke / Sinton so whenupai residents can use the current yellow bridge over the motorway to Hobson centre.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 13 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:
resident

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



safeswim.org.nz



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Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Tuesday, 21 November 2017 5:16 p.m.
To: Unitary Plan
Subject: [ID:64] Unitary Plan further submission - kerry keogh
Attachments: Further submission Whenuapai Plan Chnage.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: kerry keogh

Organisation name: Austino

Full name of your agent: DCS

Email address: kerry@austino.com.au; dylan@dcs.gen.nz; brooke@dcs.gen.nz

Contact phone number: 96310400

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
DCS Unit 67 Victoria Park Market 210-218 Victoria Street West Auckland CBD

Submission number: 17

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number all

The reasons for my or our support or opposition are:
Hobsonville Corridor Plan Change released after submission and has impact as outlined in the attached document.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 21 November 2017

Supporting documents
Further submission Whenuapai Plan Chnage.pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
WE have interests in several land holdings within the plan change

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

FURTHER SUBMISSION TO PROPOSED PLAN CHANGE 5 WHENUAPAI

SUBMISSION NO 17

After DCS Ltd made submission 17 on behalf of Austino Hobsonville 1 Limited , the Hobsonville Corridor Plan Change was released. This plan change proposes to amend the Auckland Unitary Plan (Operative in Part) under the Resource Management Act 1991 and aimed at delivering better transport and urban design outcomes for the area.

In particular, Hobsonville Corridor Plan Change provided for new design criteria for light industrial buildings that are located along Hobsonville Road.

In part, the proposed change was response to public outcry about the outcome of a certain building along Hobsonville Road. We endorse the public concern and do not support such a brutal building interface (as seen below) between light industrial and residential.



Conflict of part lot 64 being zoned light Industrial and not subject to the proposed controls of Hobsonville Corridor Plan Change

The proposed new design criteria for light industrial buildings in the Hobsonville Corridor Plan Change that are located along Hobsonville Road brings about a conflict in that the proposed Plan Change 5 Whenuapai is proposing a portion of Lot 64 – see below – to be Light Industrial but it is also along Hobsonville Road. If this situation is maintained, the part lot 64 in the Whenuapai Precinct will be the only light industrial site along Hobsonville Road that will not be subject to the proposed new design criteria proposed under the Hobsonville Corridor Plan Change.

Further, the part lot 64 which is proposed to be light industrial site is directly abutting the future Mixed Housing Urban land i.e no buffer at all. This brutal interface will lead to poor planning outcomes and further community concerns.

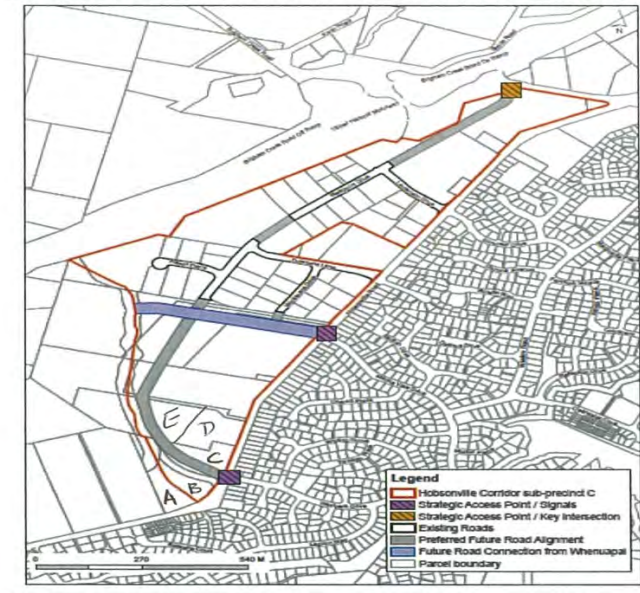


CONSIDERTION OF THE ISSUES

24



1603.10.3. Hobsonville Corridor: Precinct plan 3 – Sub-precinct C- Transport plan



135 Albert Street | Private Bag 92300, Auckland 1142 | aucklandcouncil.govt.nz | Ph 09 301 0101

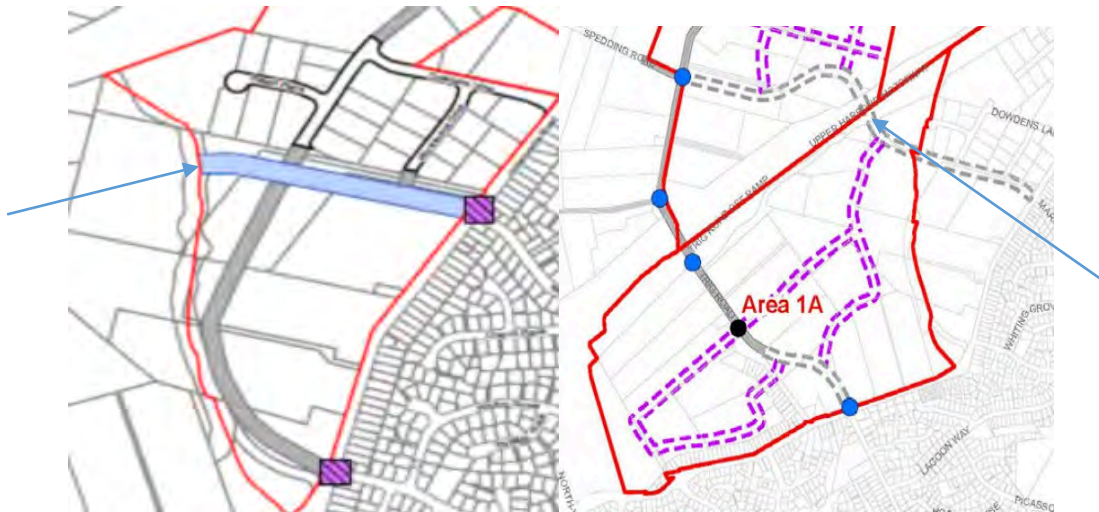
In considering appropriate buffers between Light Industrial and residential zones, consideration should be given to land marked “D” which has Resource Consent for a hotel or the road/cycling/walking (marked in grey above) between “B” and “C”.

Changing “A” and “B” or “A”, “B” and “C” to residential would provide a solution. Considering the transition along Hobsonville Road the latter option would provide for a better solution as one would move from a residential environment, through to a commercial (hotel) look and then onto the light industrial environment.

Therefore, it is recommended that lands marked “A” which lie on this Precinct Plan Change be changed to residential, noting that we will recommend that “B” and “C” be changed to residential in a submission to the Hobsonville Corridor Plan Change.

UNDERSTANDING THE IMPACT OF PROPOSED ARTERIAL ROADS

As seen below the proposed arterial road under Plan Change 5 Whenuapai and the Hobsonville Corridor Plan Change appear to go in different directions making it very difficult to understand the impact.



Hobsonville Corridor – Precinct Plan 3
Sub Precinct C – Transport Plan

Whenuapai 3 Precinct Plan 2

Kind Regards,



Dr. Kerry Keogh
Planning Manager, Austino Property Group

GF, AIG Building, 41 Shortland St. Auckland CBD 1010 New Zealand
d+64 9 363 9688
e kerry@austino.com.au | w www.austino.com.au |

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Tuesday, 21 November 2017 6:01 p.m.
To: Unitary Plan
Subject: [ID:65] Unitary Plan further submission - Seventy-eight Hobosonville Limited and Prestige Clark Road Limited
Attachments: Further Submission.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Seventy-eight Hobosonville Limited and Prestige Clark Road Limited

Organisation name:

Full name of your agent: Abu Hoque

Email address: a.hoque@harrisingrierson.com

Contact phone number: 021576537

Postal address:

PO Box 5760
Auckland City
Auckland 1141

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

78 Hobosonville Limited and Prestige Clark Road Limited
C/O Harrison Grierson Consultants Limited
P O Box 5760
Wellesley Street
AUCKLAND 1141

Submission number: 14

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number Section 5: Decision Sought

The reasons for my or our support or opposition are:

To emphasise the importance of the issues and decisions sought in the original Submission No. 14.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 21 November 2017

Supporting documents
Further Submission.pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

The submitters have land within the Plan Change area and their land use and future development possibility will be directly affected by the Proposed Plan Change 5, that's why we have an interest in the proposal that is greater than the interest that the general public has.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

PC 5: WHENUAPAI PLAN CHANGE FURTHER SUBMISSION

SUBMITTED ON-LINE

This Further Submission seeks re-zoning of the property at 78 and 80 Hobsonville Road, Whenuapai from the Mixed Housing Urban Zone to the Terrace Housing and Apartment Buildings Zone.

To *Unitary Plan Team
Auckland Council*

unitaryplan@aucklandcouncil.govt.nz

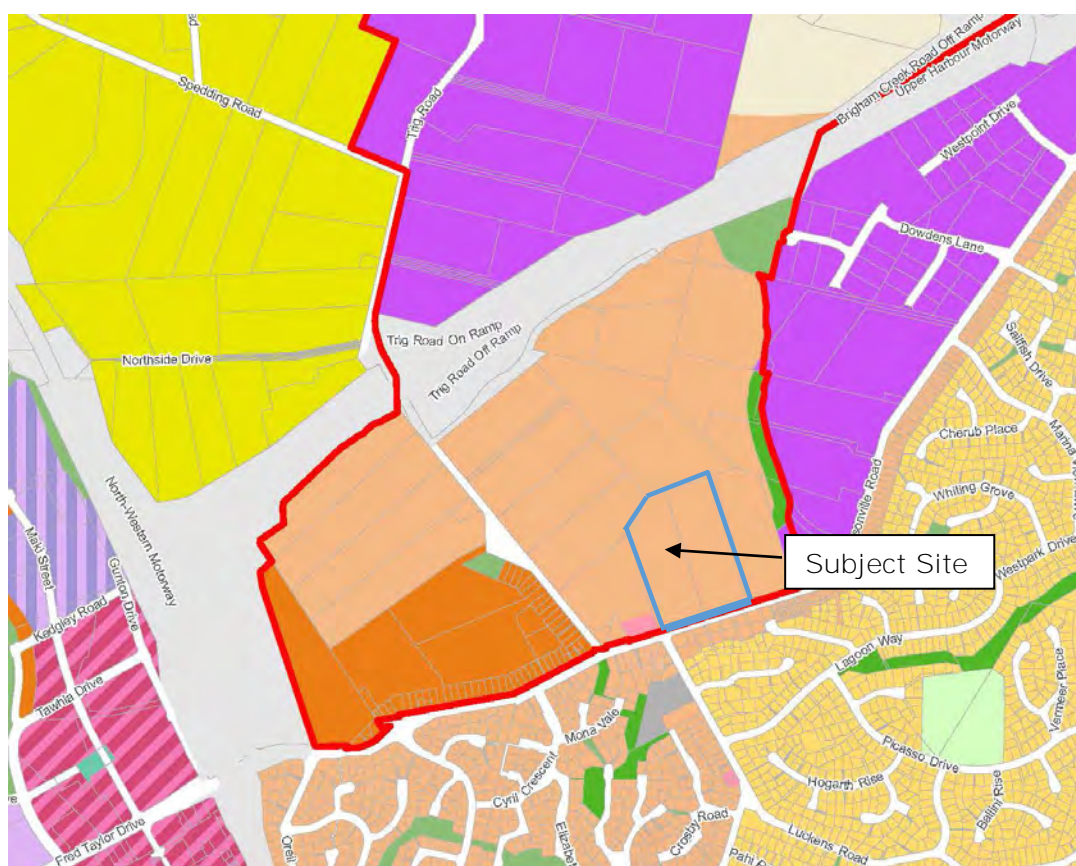
Name of the Submitter *78 Hobsonville Limited and Prestige Clark Road
Limited C/O Harrison Grierson*

This further submission seeks the *change of zoning* that is currently proposed in the Whenuapai Plan Change, ie. from the Mixed Housing Urban Zone to the Terrace Housing and Apartment Buildings Zone at 78 and 80 Hobsonville Road, Whenuapai. The property descriptions are included below.

Site Address	78 and 80 Hobsonville Road, Whenuapai, Auckland
Address for Service	<i>78 Hobsonville Ltd. and Prestige Clark Road Ltd. C/- Harrison Grierson Consultants Limited P O Box 5760 Wellesley Street AUCKLAND 1141</i> Attention Abu Hoque
Legal Description	Lot 9 DP 66045, CT NA21C/1299 (78 Hobsonville Road), Lot 10 DP 66045, CT NA21C/1300 (80 Hobsonville Road)
Site Area	4.0468 hectares (78 Hobsonville Road), 4.1809 hectares (80 Hobsonville Road)
District Plan (Operative)	Auckland Unitary Plan (Operative in Part) 2016
Zoning Designations/ Special Limitations	Future Urban Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

Proposed Plan	PC 5: Whenuapai Plan Change
Zoning	Residential - Mixed Housing Urban
Designations/ Precinct	Whenuapai 3 Precinct

Figure 1: Proposed Whenuapai Plan Change Map



1.0 Background

Auckland Council has recently released the Whenuapai Plan Change document for public submissions being accepted through until 19 October 2017, at which time the public submission process is to be closed, submissions will be assessed and the Plan Change will be heard at a Council Hearing.

As part of the current submission process on the Whenuapai Plan Change this document has been prepared to support the submission in relation to the properties at 78 and 80 Hobsonville Road.

2.0 The Subject Sites and Their Immediate Surrounds

The sites are located immediately adjacent to Hobsonville Road (an important transport corridor in this area) and are on the northern side of this road. The

sites are currently occupied by residential lifestyle dwellings (one on each site) and are located close to Hobsonville Road. The rest of the site area to the north is currently vacant for both properties (see the site aerial photograph below). The dwellings are currently tenanted for residential purposes.

Photo 1: Site Aerial Photograph



The topography of the site includes medium to gentle slope with an un-managed stormwater overland flowpath which runs through the middle of 80 Hobsonville Road and extends towards the front part of 78 Hobsonville Road. A number of medium sized trees are located at the front of the site around the existing dwellings, otherwise the remaining part of the site does not have any significant natural feature.

Photo 2: Road Frontage of the Site

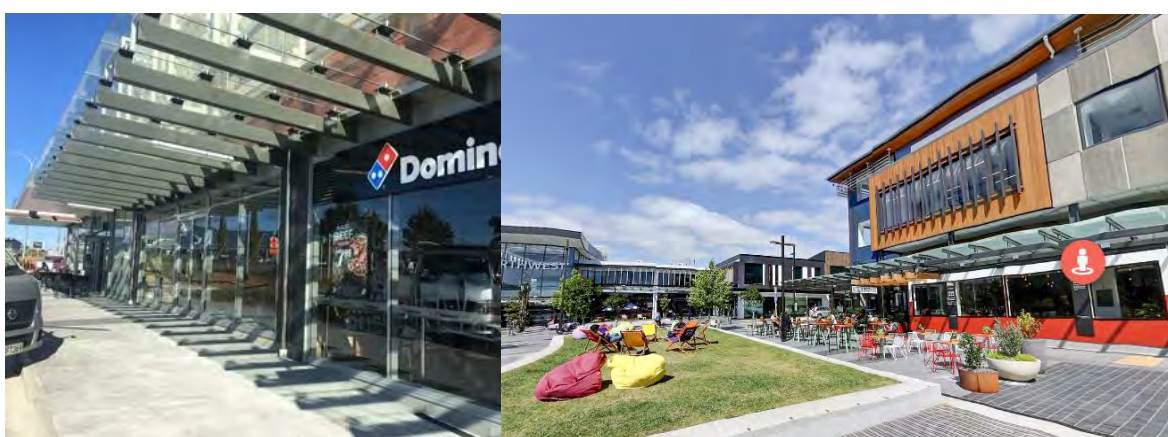


The site is currently bounded by other semi-rural lifestyle properties to the east, west and north, and by Hobsonville Road to the south. The existing residential

development on the other side of Honsonville Road currently comprises a mixture of 1 to 2 storey detached dwellings. The other side of the road is recently rezoned as the 'mixed housing urban' zone under the Partly Operative Auckland Unitary Plan. It is therefore assumed that in the future the entire southern frontage of Hobsonville Road will occupy 2-3 storey medium to high density mostly comprehensive housing developments. Similar type of medium to high density residential developments will happen on the north-western side of Trig Road, where **the land is currently proposed to be rezoned as the 'terrace housing and apartment buildings' zone under the Proposed Whenuapai Plan Change**. At the same time, the land to the east (**currently zoned 'light industrial'**) is currently in the process of accommodating a number of business subdivisions to develop large scale commercial built forms including small pockets of retail and dedicated office spaces. In summary, the future built character of the surrounding area will be dominated by a mixture of high to medium density residential developments and light commercial uses which will complement a compact and sustainable living environment by promoting work and live together within this particular part of Whenuapai.

The subject sites are also well connected to the recently developed North West Shopping Area (a Metropolitan Centre) to the west and Hobsonville Shopping Area (a Local Centre) to the east. The area is adequately serviced by local schools (primary and secondary – existing and proposed), reserves (both active and passive recreation reserves) and Westgate based community facilities (library etc.). Hobsonville Road is no more a state highway, and is becoming a major arterial road for the north-western Auckland with rapid bus services, and improved cycle and pedestrian ways.

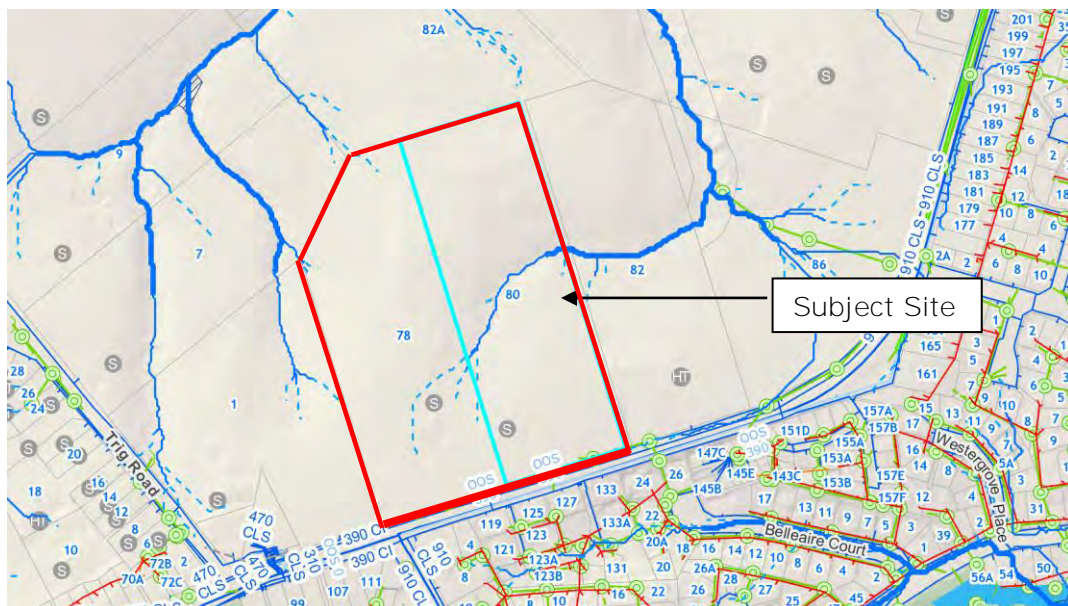
Photos 3 & 4: Surrounding Developments



3.0 Existing and Future Infrastructure

The site is a front site with about 245m frontage with Hobsonville Road, which is an adequately wide road with room to accommodate all the necessary road **corridor services including a dedicated 'cycle metro route' with street planting**, car parking, bus stops, footpath on both sides and stormwater management devices (eg. rain garden). The site is currently not connected to any urban wastewater and stormwater reticulation services. However, it is located within Stage 1A of the Plan Change area (as shown on Precinct Plan 2) and it is understood that any future development in this stage would be able to utilise the extra capacity of the Whenuapai pump station for wastewater servicing purposes. The existing overland flowpath which runs through the site can be managed and landscaped properly to maintain, enhance and expand the current stormwater channel and its ecological quality. Other utility services, ie. water, electricity, telephone etc. are available on Hobsonville Road (see the Council GIS map below). Hobsonville Road is already **appropriately connected to the area's** various social and communal infrastructure including schools, shops, public transport network and the nearby motorway system.

Photo 5: Current Underground Services Within and Around the Site



4.0 Proposed Zoning for the Site and its Implications

The Whenuapai Plan Change has identified the subject site as a 'mixed housing urban' zoned site. However, the properties near to the **site's** western boundary (on the western side of Trig Road) **have been zoned** 'terrace housing and apartment buildings'. The entire southern frontage of Hobsonville Road has been recently upzoned to 'mixed housing urban' under the partly Operative Unitary Plan. Again a vast area of land in the vicinity, especially on the eastern side, has been already **zoned** 'light industrial'. Some of these adjacent properties have

already accommodated light commercial developments with a mixture of some minor retail stores, cafes, and small office spaces.

It shows that the Unitary Plan has realised that upzoning of the properties in the area which would be required to support the nature of built environmental and land use transformation that are currently happening in the area. This also offers an opportunity for increasing the housing density by bringing new residential sections within the existing urban area and it complements the **'compact city' vision of the Auckland Plan. Unfortunately this opportunity is not fully considered for the subject site as the proposed zone for the site (ie. Mixed Housing Urban) has not done the full justice to the site's possible housing capacity. The site has the capacity to accommodate more density by going upward than the permitted density which is currently applicable for the site's proposed 'Mixed Housing Urban' zone.**

The site can include vertical terraces and duplexes, and multi-storey apartments in the form of a comprehensive high density housing development. The combined area of two properties equals to 8.2277 hectares. If the site includes all 4-storey apartments or even multi-level vertical terrace housing, the site can accommodate approximately 600 dwellings at a density of 75 to 80 dwellings per hectare.

However, any future development plan for the site will take a pragmatic approach in selecting the house types to avoid any possible adverse environmental effect on the built-environmental quality of the site and its surrounding area. In this respect, an appropriate urban design strategy will be taken which will promote a housing diversity, neighbourhood connectivity, a positive public-private interface and provision for a neighbourhood focal point and pocket park. Any future development will also consider a number of smaller units (1 bed) to offer affordable housing for elderly people and first home buyers in this popular neighbourhood and a strategic location.

It is also considered that

- The site likely has some form of contamination due to its past agricultural use, but it has not been fully utilised for any productive agricultural purposes in the recent years, as more than half of the site is always vacant. Therefore any contamination removal/remedial work for any residential activity on the site should not be a huge exercise.
- The site is currently connected to a public water line, and some other infrastructure, ie. power, telephone etc. An appropriate capacity analysis will be done prior to plan any residential development on the site. At that stage, if any infrastructure capacity issue is identified then appropriate engineering measure, eg. on site stormwater detention by rain-water tank etc. can be

considered.

- Hobsonville Road has an adequate width and accommodation of any additional traffic within this road should not be a major issue. An appropriate traffic assessment will be carried out prior to any residential development on the site.

By doing a preliminary site analysis, it is clear that as the subject site is capable of accommodating more intensive development, the currently proposed zoning **would not assist to utilise the site's full development potential for mid to high density housing developments.**

At the same time, the following things need to be noted:

- As the surrounding area is becoming predominantly medium-density residential, the full housing capacity of the site needs to be achievable through any proposed upzoning.
- Any future intensive housing development on the site will be able to utilise more appropriately the surrounding social and economic assets of the area (ie. the park, school and shops in the vicinity).
- The zone and the associated density proposed for the site by the current version of the Whanuapai Plan Change will definitely not be able to utilise its full land capacity in the future, which will be a huge wastage of a large greenfield site in an established residential area.

In this context, it is considered that the subject site (78 and 80 Hobsonville Road) needs to **be considered as a 'Terrace Housing and Apartment Buildings'** zone, which will be consistent to its surrounding proposed and existing zoning. It will allow the site to be used for a planned residential development to address the current housing shortage within the existing Metropolitan Urban Limit of Auckland.

5.0 Decision Sought

For the above reasons, we seek the following decision from Auckland Council:

- a) The zoning of the property at 78 and 80 Hobsonville Road **to be 'Terrace Housing and Apartment Buildings' under the** Decision Version of the Whenuapai Plan Change.
- b) During the site development stage (ie. subdivision resource consent stage) we need to be allowed to determine the most appropriate design and geometric alignment of the indicative Arterial Road and a proposed intersection upgrade on 78 Hobsonville Road property's **western boundary** and the design and alignment of an indicative Collector Road beside the northern boundaries of 78 and 80 Hobsonville Road properties. Through a comprehensive design process these roads and the intersection upgrade work need to be located and designed to meet the site planning and development strategy for the site. We will consult the relevant Council

officers in this respect.

We, therefore, seek that the location and geometric alignment of this particular intersection upgrade, Arterial Road and Collector Road are shown on the Plan Change Map as indicative only, which is subject to final design at the resource consent stage.

- c) We wish to be heard in support of our submission.



Signature
(Signature of submitter or person authorised to sign on behalf of submitter)

Date 20.11.017

Address for Service of Submitter Harrison Grierson Consultants Limited
P O Box 5760
Wellesley Street
AUCKLAND 1141

Contact person: Abu Hoque, Principal and Senior Urban Designer

Telephone: 09-9175003

Facsimile & email: 09-9175001, a.hoque@harrisongrierson.com

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Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Wednesday, 22 November 2017 12:00 p.m.
To: Unitary Plan
Subject: [ID:66] Unitary Plan further submission - TDR Family Trust and CAR Family Trust and KW Ridley Family Trust Company Ltd

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: TDR Family Trust and CAR Family Trust and KW Ridley Family Trust Company Ltd

Organisation name:

Full name of your agent: Craig Magee

Email address: craig@mageeplanning.co.nz

Contact phone number: 0273660090

Postal address:
1085 New North Road
Mt Albert
Auckland 1025

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Roy and Sharron Preece

Submission number: 6

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 6.6, 6.7, 6.8, and 6.9

The reasons for my or our support or opposition are:

Proposed zoning around the south and south-east of the airbase appears to have been largely determined by the acoustic assessment and the Aircraft Noise Overlay, however this does not seem to be sufficiently robust or have been translated into zoning appropriately. This would result in overly restricted development potential on some properties.

I or we want Auckland council to make a decision to: Allow part of original submission

Specify the parts of the original submission you want to allow or disallow:
Reconsideration of zoning based on 65db noise contour, following a re-assessment of this contour.

Submission date: 22 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
Further submitter is owner of 151 Brigham Creek Road.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Wednesday, 22 November 2017 12:00 p.m.
To: Unitary Plan
Subject: [ID:67] Unitary Plan further submission - TDR Family Trust and CAR Family Trust and KW Ridley Family Trust Company Ltd

Categories: PC 5

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: TDR Family Trust and CAR Family Trust and KW Ridley Family Trust Company Ltd

Organisation name:

Full name of your agent: Craig Magee

Email address: craig@mageeplanning.co.nz

Contact phone number: 0273660090

Postal address:
1085 New North Road
Mt Albert
Auckland 1025

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Junwei WU

Submission number: 10

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 10.2,

The reasons for my or our support or opposition are:
Confirmation that road construction will reduce future public contribution(s).

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 22 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
Further submitter is owner of 151 Brigham Creek Road.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Wednesday, 22 November 2017 1:45 p.m.
To: Unitary Plan
Subject: [ID:68] Unitary Plan further submission - TDR Family Trust and CAR Family Trust and KW Ridley Family Trust Company Ltd

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: TDR Family Trust and CAR Family Trust and KW Ridley Family Trust Company Ltd

Organisation name:

Full name of your agent: Craig Magee

Email address: craig@mageeplanning.co.nz

Contact phone number: 0273660090

Postal address:
1085 New North Road
Mt Albert
Auckland 1025

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
New Zealand Defence Force

Submission number: 41

Do you support or oppose the original submission? I or we oppose the submission

Specific parts of the original submission that your submission relates to:
Point number 41.8

The reasons for my or our support or opposition are:

The Light Industry zone should not be applied to 151 Brigham Creek Road as it is too restrictive with respect to activities. Only the entrance strip of this property is within the Aircraft Noise Overlay. The site is more appropriately zoned Mixed Use. Controlling adverse effects from the development of the site is better dealt with via standards (such as I616.6.10(1)).

I or we want Auckland council to make a decision to: Disallow part of the original submission

Specify the parts of the original submission you want to allow or disallow:
Don't retain Light Industry zoning for 151 Brigham Creek Road.

Submission date: 22 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:
Further submitter is owner of 151 Brigham Creek Road.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: Julie Goodyer <jgoodyer@ellisgould.co.nz>
Sent: Wednesday, 22 November 2017 2:11 p.m.
To: Unitary Plan
Subject: Auckland Unitary Plan Proposed change 5 - Whenuapai - Further Submission by CDL Land NZ Ltd
Attachments: Further Submission by CDL Land NZ Ltd on PC5.pdf
Categories: PC 5

To Planning Technician, Auckland Council,

Please see **attached** further submission on behalf of our client **CDL Land NZ Ltd**.

Regards

Julie Goodyer and Douglas Allan

Julie Goodyer CONSULTANT

ddi. +64 9 306 0747 phone. +64 9 307 2172 fax. +64 9 358 5215 email. jgoodyer@ellisgould.co.nz

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Clause 8 of Schedule 1, Resource Management Act 1991, Form 6

**Further Submission in support of and in opposition to Primary Submissions on
Auckland Unitary Plan - Proposed Plan Change 5 - Whenuapai**

**To: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142**

By email: unitaryplan@aucklandcouncil.govt.nz

Name of Further Submitter: CDL Land NZ Limited (“the Submitter”), c/- the address for service as set out below.

1. The Submitter makes the following further submissions in support of and in opposition to the relief sought in the primary submissions on proposed Plan Change 5 (“**PC5**”) Whenuapai to the Auckland Unitary Plan operative in part (“**the Unitary Plan**”) listed in the **attached** Schedule (“**the Primary Submissions**”). The Schedule identifies what parts of the Primary Submissions are supported or opposed.
2. The Submitter has an interest in PC5 greater than the public generally, in that:
 - (a) It has extensive landholdings within the area subject to PC5 which are affected by the provisions of PC5.
 - (b) It is a primary submitter on PC5 with regard to which the Council has allocated submitter number 36 (“**the CDL Submission**”).
 - (c) Its property interests within the area subject to PC5 are directly affected by relief sought in some of the Primary Submissions;
 - (d) The CDL Submission addresses strategic planning matters that are directly affected by relief sought in some of the Primary Submissions.
3. The reasons for this further submission are:
 - (a) The reasons set out in the CDL Submission.

- (b) In the case of Primary Submissions that are opposed:
 - (i) The Primary Submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 ("**RMA**");
 - (ii) The relief sought in the Primary Submissions is not the most appropriate in terms of section 32 of the RMA; and
 - (iii) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief.

 - (c) In the case of Primary Submissions that are supported:
 - (i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
 - (ii) The reasons set out in the Primary Submissions to the extent that they are consistent with the CDL Submission; and
 - (iii) Allowing the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.

 - (d) Such additional reasons (if any) in respect of each of the Primary Submissions supported or opposed as are set out in the **attached** Schedule.
4. The specific relief in respect of each Primary Submission that is supported or opposed is set out in the **attached** Schedule.
 5. The Submitter could not gain an advantage in trade competition through these further submissions.
 6. The Submitter wishes to be heard in support of these further submissions.
 7. If other parties make similar submissions, the Submitter would consider presenting a joint case with them at any hearing.

DATED the 22nd day of November 2017

CDL Land NZ Limited by its
Solicitors and duly authorised
Agents Ellis Gould



D A Allan

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: Douglas Allan (dallan@ellisgould.co.nz)

CDL Land NZ Limited - Further Submissions Schedule

Auckland Unitary Plan Proposed Plan Change 5 - Whenuapai

Primary submitter	Address for service of Primary Submitter	Primary Sub-mission number	Support/oppose Primary Submission	PC5 Provision of particular concern to CDL	Relief sought in Primary Submission	Additional and specific reasons for further submission	Relief sought (allow or disallow Primary Submission)
Teresa Pattinson	pattinson@maxnet.co.nz	3	Oppose	THAB Zoning of Submitter's land	The primary submitter occupies 10 Hobsonville Road and opposes CDL's land to rear (north west) being rezoned THAB because of the effects on their property but doesn't state a preference for an alternative zone. The submission seeks additional privacy controls at the boundary with the CDL land.	It is appropriate for the CDL Land to be zoned for intensive urban activities. The Unitary Plan provisions will ensure an appropriate interface between the CDL Land and the primary submitter's land.	Disallow.
Peter Edward Pattinson	pattinson@maxnet.co.nz	4	Oppose	THAB zoning of Submitter's land	The primary submitter occupies 10 Hobsonville Road and opposes CDL's land to rear (north west) being rezoned THAB because of the effects on their property but doesn't state a preference for an alternative zone. The submission seeks additional privacy controls at the boundary with CDL land; and amendment of the building envelope for buildings adjacent to northern boundaries of existing properties to protect sunlight access.	It is appropriate for the CDL Land to be zoned for intensive urban activities. The Unitary Plan provisions will ensure an appropriate interface between the CDL Land and the primary submitter's land.	Disallow.
Annette Mitchell, Upper Harbour	Anniem1401@gmail.com	8	Oppose	Precinct 3 Map and whole of PC5	The submission seeks that the plan change be declined (relief 8.1).	It is appropriate to uphold the plan change subject to the alterations sought	Disallow the relief sought regarding stormwater controls, impervious

<p>Ecology Network</p>				<p>Alternatively it seeks more stringent stormwater controls and potentially further restrictions on impervious surfaces compared with zone limits; and that substantial areas be set aside for natural biodiversity to enable the North West Wildlink to operate across the region.</p>	<p>by CDL. The Auckland-wide provisions for stormwater in the Unitary Plan are appropriate and sufficiently restrictive. The relief sought by CDL strikes an appropriate balance between ecological issues and the desirability of intensifying development within urban areas.</p>	<p>surfaces and open space requirements for biodiversity; and otherwise disallow to the extent that the submission is inconsistent with the CDL Submission.</p>
<p>Whenuapai Ratepayers and Residents Association Incorporated</p>	<p>secretary@whenuapai.org.nz</p>	<p>15</p>	<p>Stormwater controls. Impermeable surfaces. Park and reserve areas.</p>	<p>The submission seeks more stringent stormwater controls; additional park and reserve areas; and changes to the extent of impermeable surfaces allowed for light industrial zoned land</p>	<p>It is appropriate to uphold the plan change subject to the alterations sought by CDL. The Auckland-wide provisions for stormwater in the Unitary Plan are appropriate and sufficiently restrictive. The relief sought by CDL strikes an appropriate balance between ecological issues and the desirability of intensifying development within urban areas. The plan change proposes adequate provision of park and reserve areas within Stage 1A to the south of State Highway 18.</p>	<p>Disallow the relief sought regarding stormwater controls, park and reserve areas and impermeable surfaces; and otherwise disallow to the extent that the submission is inconsistent with the CDL Submission.</p>
<p>Herald Island Environmental Group</p>	<p>charissa@csaarchitect.co.nz</p>	<p>19</p>	<p>Stormwater controls. Impermeable surfaces. Open space for biodiversity.</p>	<p>The submission conditionally seeks that the plan change be declined (relief 19.1). Alternatively the submission seeks more stringent stormwater controls, further restrictions on impervious surfaces compared with zone limits, and that substantial areas be set aside for natural biodiversity to enable the North West Wildlink to operate across the region.</p>	<p>It is appropriate to uphold the plan change subject to the alterations sought by CDL. The Auckland-wide provisions for stormwater in the Unitary Plan are appropriate and sufficiently restrictive. The relief sought by CDL strikes an appropriate balance between ecological issues and the desirability of intensifying development within urban areas. The plan change proposes adequate</p>	<p>Disallow the relief sought regarding stormwater controls, impervious surfaces and open space requirements for biodiversity; and otherwise disallow to the extent that the submission is inconsistent with the CDL Submission.</p>

Royal Forest and Bird Protection Society NZ (Forest & Bird)	n.beveridge@forestandbird.org.nz	22	Oppose	<p>Objectives and policies to restore and enhance indigenous biodiversity.</p> <p>Stormwater management.</p> <p>Notification and public participation.</p>	<p>The submission seeks larger sustainable habitat areas at intervals along riparian margins of both permanent and intermittent water bodies; and seeks 20m setback from either side of waterways; more stringent controls regarding stormwater management; and changes to activity status for subdivision activities that seek to vary requirements of the Unitary Plan.</p>	<p>provision of park and reserve areas within Stage 1A to the south of State Highway 18.</p> <p>It is appropriate to uphold the plan change subject to the alterations sought by CDL.</p> <p>The Auckland-wide provisions for stormwater in the Unitary Plan are appropriate and sufficiently restrictive.</p> <p>The relief sought by CDL strikes an appropriate balance between ecological issues and the desirability of intensifying development within urban areas.</p> <p>The plan change proposes adequate provision of park and reserve areas within Stage 1A to the south of State Highway 18.</p> <p>A 20 m setback on either side of waterways is unnecessary, at least within Stage 1A to the south of State Highway 18, given the lack of ecological value of the watercourses on the CDL land in particular.</p> <p>It is unnecessary to impose noncomplying status for subdivision activities which vary from the standards in the Unitary Plan.</p>	<p>Disallow the relief sought regarding stormwater controls, impervious surfaces, open space requirements for biodiversity and activity status; and otherwise disallow to the extent that the submission is inconsistent with the CDL Submission.</p>
NZ Transport Agency (Waka Kotahi)	lorraine.houston@nzta.govt.nz	23	Support	<p>Staging</p> <p>Integration of subdivision and development with infrastructure.</p>	<p>The submitter seeks provisions that will require integration of subdivision and development with the provision of local transport infrastructure.</p>	<p>Allow to the extent that the relief sought is consistent with the CDL Submission, in particular regarding the staging of subdivision and development.</p>	
Stride Holdings	bianca.tree@minterellison.co	24	Support	<p>Rezoning</p>	<p>The submitter seeks more intensive zoning of the Stage 1A block and</p>	<p>Allow to the extent that the relief sought is consistent</p>	

Ltd	.nz			conditionally supports the proposal to increase the extent of the THAB zone.		with the CDL Submission regarding the zoning of CDL's land and the staging of subdivision and development.
Sheng Xin Property Investment Limited	toby@bslnz.com shengxininvestment@gmail.com	35	Support	Roads - I6'16.6.8 and I6'16.6.2;	CDL shares the submitter's concerns regarding the vagueness of the proportional share approach to transport infrastructure funding in PC5.	Allow to the extent that the relief sought is consistent with the CDL Submission.
Li-O Lee, Su-Chin Lin and Shu-Cheng Chen	nigel@hosken.co.nz	37	Support in part and oppose in part	Zoning Road network Infrastructure funding agreement	The submission proposes to extend the THAB zone to include the site at 38 Trig Road and surrounding sites; seeks that the road network include a collector road between Trig Road and Hobsonville Road through the residential development west of Trig Road, as per the Whenuapai Structure Plan; opposes provision for a park on the site at 38 Trig Road; and asks that an infrastructure development funding agreement be in place before approving any zone change.	<p>Allow the relief sought regarding the extension of the THAB zone (in the event that CDL's requested Business – Mixed Use zone for the identified block of Area 1A is unsuccessful.</p> <p>CDL supports the proposed amendment to the road network and has sought similar relief in the CDL Submission.</p> <p>CDL considers that the Stage 1A park identified in PC5 is of an appropriate size and shape, that it is appropriate to locate the park on an arterial road and centrally within Area 1A; and that the proposed site is a suitable location topographically for the park. CDL would oppose any proposal to locate the park further to the west as it considers that would compromise the function of the park.</p> <p>CDL considers that it is inappropriate and unnecessary to require an infrastructure development funding agreement to be in place before approving any zone change, at least with respect to the CDL Land. The CDL Land has access to existing services along</p>

<p>New Zealand Defence Force</p>	<p>rebecca.davies@nzdf.mil.nz</p>	<p>41</p>	<p>Oppose</p>	<p>Reverse sensitivity</p>	<p>Point 2 of the submission (Submission 41.7) seeks to apply zonings within the Precinct such that the maximum height limit does not infringe the OLS. In particular the submission opposes the THAB zone proposed for the CDL Land.</p> <p>Point 18 of the submission (Submission 41.26) proposes that the Unitary Plan include a requirement for a no complaints covenant within the PC5 area.</p> <p>Points 21, 22 and 23 of the submission (Submissions 41.29, 30 and 31) seek amendments to the standards in I616.6 and the assessment criteria in I616.8.</p>	<p>and in the vicinity of Hobsonville Road and can be serviced independently of any broader infrastructural arrangements. Development of the CDL Land should not be delayed whilst other landowners endeavour to make arrangements with respect to servicing. CDL is prepared to contemplate entering into an infrastructure development funding agreement once the urban zoning has been confirmed and servicing requirements are apparent.</p>	<p>Disallow submissions 41.7, 41.26, 41.29, 41.30 and 41.31 and any supporting provisions.</p>
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Auckland Transport	liam.winter@at.govt.nz	42	Oppose	Supports I616.2, I616.3 – I616.6, I616.8 and Precinct Plan 2 Zoning	The submission supports the triggers in PC5 that relate to the provision of transport infrastructure (which are opposed in the CDL Submission).	area that are remote from the Whenuapai Airbase, such as Stage 1A.	Disallow to the extent the submission is contrary to the CDL Submission.
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Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 11:31 a.m.
To: Unitary Plan
Subject: [ID:69] Unitary Plan further submission - Nicholas Beveridge
Attachments: Attachment 1_20171123111356.817.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Nicholas Beveridge

Organisation name: Royal Forest and Bird Protection Society of New Zealand Inc.

Full name of your agent:

Email address: n.beveridge@forestandbird.org.nz

Contact phone number: 09 302 3901

Postal address:
PO Box 108 055
Symonds Street
Auckland 1150

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Nicholas Beveridge on behalf of Royal Forest and Bird Protection Society of New Zealand Inc.,

PO Box 108 055,
Symonds Street,
Auckland 1150.

Submission number: 22

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number See Attachment 1

The reasons for my or our support or opposition are:
See Attachment 1

I or we want Auckland council to make a decision to: Allow part of original submission

Specify the parts of the original submission you want to allow or disallow:
See Attachment 1

Submission date: 23 November 2017

Supporting documents
Attachment 1_20171123111356.817.pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
Forest & Bird has an interest in this area as it forms part of the North-West Wildlink.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Further submission on Proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan

23 November 2017

To: Attention: Planning Technician
Auckland Council Unitary Plan
Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

From: Royal Forest and Bird Protection Society NZ Inc. (Forest & Bird)
PO Box 108 055
Auckland 1150
Attention: Nicholas Beveridge

Email: n.beveridge@forestandbird.org.nz
Telephone: 09 302 3901

- Forest & Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna. In more recent years Forest & Bird's role has extended to protecting and maintaining the environment surrounding the flora and fauna. Establishing wildlife reserves, initiating protection campaigns and promoting general public awareness of what is happening in and around New Zealand is all central to Forest & Bird's establishing principle of flora and fauna protection.
2. Forest & Bird has for many years expressed a strong interest in Auckland, particularly with regard to considerations for urban growth and the natural environment. This has included advocating for greater protection of indigenous species, on land and in freshwater and within the coastal environment. Over recent years we worked closely with the Council in identifying corridors for indigenous species to provide safe connections as land uses change in the wider Auckland area. The current plan change directly affects and provides opportunities for the North-West Wildlink; a wildlife linkage connecting the Hauraki Gulf Islands in the north with the Waitakere Ranges in the west.

Submitter Name	Submission Number	Support/ Oppose	provision	Reason for Support/Opposition	Relief Sought
Brigham Investments Limited	5.3	Oppose	Coastal erosion setback yard	It is not appropriate to reduce the setback yard as this provides protection of the coastal environment consistent with the New Zealand Coastal Policy Statement (NZCPS).	Disallow
	5.4	Oppose	Coastal erosion setback yard	It is not appropriate to reduce the setback yard as this provides protection of the coastal environment consistent with the NZCPS.	Disallow
	5.5	Oppose	Coastal erosion setback yard	It is not appropriate to reduce the setback yard as this provides protection of the coastal environment consistent with the NZCPS.	Disallow
	5.6	Oppose	Coastal erosion setback yard	The categorisation as a 'greenfield' area should not be changed to provide for activities which would be inappropriate in the coastal marine area.	Disallow
	5.7	Oppose	Coastal erosion setback yard	The specific policy and standards are relevant to the current location and sensitive environment than the generic ones contained in the Unitary Plan.	Disallow
	5.8	Oppose	Coastal erosion setback yard	The specific policy and standards are relevant to the current location and sensitive environment than the generic ones contained in the Unitary Plan.	Disallow
	8.3	Support in part	Biodiversity	Support the introduction of Green Infrastructure Zones where these provide for biodiversity outcomes.	Allow in part
	8.4	Support	Stormwater	All development should minimise the amount of stormwater discharged into the Waiaeroia Inlet and Brigham Creek. This needs to be achieved through the avoidance, remediation and mitigation of adverse effects	Allow
Upper Harbour Ecology Network					

				consistent with section 5 of the RMA.			Allow
8.5	Support	Stormwater		All development should reduce the generation of contaminants at source and apply treatment as required to effectively minimise contaminant increases in coastal waters and sediment. This needs to be achieved through the avoidance, remediation and mitigation of adverse effects consistent with Section 5 of the RMA.			Allow
8.6	Support	Stormwater		It is important to give effect to Policies 13, 14, 25 and 26 of the NZCPS.			Allow
8.7	Support	Streams		Permanent and intermittent streams need to be provided on the maps as part of this plan change in order to guide future design stages.			Allow
8.8	Support	Biodiversity		The North-West Wildlink is important in order to enhance biodiversity connections which are currently at risk in this area.			Allow
8.9	Support in part	Esplanade reserves		Esplanade reserves need to be extended to ensure they provide protection and sustainable biodiversity outcomes.			Allow in part
8.10	Support	Biodiversity		The development of Greenways and related infrastructure should be enabled to ensure ecological restoration is integrated into development and that development does not bring about further environmental degradation to the landscape. This should include the development of Whenuapai-specific restoration guides and stream restoration guidelines to be provided as part of subdivision proposals.			Allow
15.3	Support	Stormwater		The plan change should address methods to avoid piping of stormwater and treat on site to reduce runoff into			Allow

Residents Association	15.4	Support	Water quality	waterways and the coastal environment. The proposed land uses do not enhance the water quality of the Upper Harbour.	Allow
	15.7	Support	Stormwater	The matter of the sensitivity and capacity of the receiving environment is consistent with Policy 23 of the NZCPS.	Allow
Pauline Howlett	16.1	Oppose	Streams	An intermittent stream is included in the definition of river in the RMA.	Disallow
Hsiu Ho Lin	18.4	Support	Esplanade reserves	The indicative esplanade reserve notations shown on Whenuapai 3 Precinct Plan 1 on 17 Trig Road, Whenuapai need to be expanded and included on the maps as part of the plan change.	Allow
Herald Island Environmental Group	19.2	Support	Biodiversity	It is important to provide large enough areas for habitat and connections such as the North-West Wildlink.	Allow
	19.3	Support	Biodiversity	Wetlands, streams and riparian margins need to be protected and enhanced to support a functioning ecosystem and to support the objectives of the NPS Freshwater Management, including life-supporting function of water.	
	19.6	Support	Water quality	Need to ensure that wastewater impacts on the Upper Harbour from urban intensification and wastewater outlets entering the Waiarohia Inlet comply with the NZCPS.	Allow
	19.7	Support	Water quality	It is not clear in the plan change the Council has considered this matter and it is important that it be included to allow for natural processes.	Allow

19.11	Support	Stormwater	A higher level of stormwater management is important to avoid adverse effects.	Allow
19.12	Support	Coastal erosion setback yard	It is inappropriate to provide for new buildings in a hazard risk area and these are often sensitive areas for indigenous biodiversity.	Allow
19.13	Support	Biodiversity	It is important to provide large enough areas for habitat and connections such as the North-West Wildlink.	Allow
19.16	Support	Open space	It is important that these areas are identified and mapped to show where providing for recreation or biodiversity outcomes.	Allow
19.17	Support	Open space	It is important that these areas are identified and mapped to show where providing for recreation or biodiversity outcomes.	Allow
19.26	Support	Stormwater	Need to enforce all appropriate methods that Council should include to reduce stormwater discharge.	Allow
19.30	Support	Stormwater	Contaminants, including sediment and discharges, need to be consistent with Policy 23 of NZCPS and provide for the protection of biodiversity under Policy 11.	Allow
19.32	Support	Streams	It is important that streams are identified and the protection required is set out in this plan change to guide future design stages. These values should be protected from adverse effects and any consideration of these should involve a public process which is not available at the subdivision consent stage, unless Council considers there are exceptional circumstances to provide for public	Allow

				notification.	
19.33	Support	Streams	Streams need to be identified and protected for their ecological values consistent with the NZCPS and NPS Freshwater Management.	Allow	
19.34	Support	Streams	The plan change needs to set out the outcomes to be achieved for streams and the steps required for the enhancement of streams.	Allow	
19.35	Support	Ecology	It is important to provide large enough areas for habitat and connections such as the North-West Wildlink.	Allow	
19.36	Support in part	Esplanade reserves	The indicative esplanade reserve notations shown on Whenuapai 3 Precinct Plan 1 on 17 Trig Road, Whenuapai need to be expanded and included on the maps as part of the plan change.	Allow in part	
19.40	Support	Stormwater	Need to ensure that wastewater impacts on the Upper Harbour from urban intensification and wastewater outlets entering the Waiarohia Inlet comply with the NZCPS.	Allow	
20.2	Support	Stormwater	It is important that adequate requirements are set out to give certainty that sormwater runoff will not cause adverse effects.	Allow	
21.13	Oppose	Stormwater	The specific policy and standards are relevant to the current location and sensitive environment than the generic ones contained in the Unitary Plan.	Disallow	
21.14	Oppose	Stormwater	The specific standards set out in this plan change are more relevant to this sensitive location than those in the Unitary Plan.	Disallow	
Martin and Rochelle Good					
Cabra Developments Limited					

	21.15	Oppose	Riparian planting	Riparian planting needs to be of adequate width to be effective and public access needs to be in addition to this as is proposed in the plan change.	Disallow
	21.16	Oppose	Coastal erosion setback yard	It is not appropriate to reduce the setback yard as this provides protection of the coastal environment consistent with the NZCPS.	Disallow
	21.17	Oppose	Coastal erosion setback yard	It is not appropriate to reduce the setback yard as this provides protection of the coastal environment consistent with the NZCPS.	Disallow
GRP Management Limited	26.3	Oppose	Streams	Streams provide important ecological habitat and need to be identified and protected under the plan change.	Disallow
Dave Allan	30.3	Support	Stormwater	It is important that adequate requirements are set out to give certainty that stormwater runoff will not cause adverse effects.	Allow
	30.6	Support	Biodiversity	It is important to provide large enough areas for habitat and connections such as the North-West Wildlink.	Allow
Charles Ku	34.3	Oppose	Streams	Retain the intermittent stream at 55 Trig Road as integral to the overall environment.	Disallow
	34.17	Oppose	Riparian planting	The intermittent streams are integral to the overall environment.	Disallow
CDL Land New Zealand Limited	36.16	Support in part	Streams	All permanent and intermittent streams are to be identified on the precinct plan maps and should include both those existing and the enhancement required under the plan change.	Allow in part

36.29	Support in part	Biodiversity	We agree to the extent that that these areas are included as part of this plan change in order to provide certainty.	Allow in part
36.42	Oppose	Rules	The activities listed as permitted or restricted discretionary in Table H7.9.1 Activity in the Open Space – Conservation should be retained. It would be inappropriate not to provide for activities in those zones.	Disallow
36.48	Oppose	Riparian planting	Any unidentified streams, including intermittent streams, have important ecological values and functions and should be retained.	Disallow
36.49	Oppose	Riparian planting	Riparian margins serve an important ecological function in terms of both water quality and habitat connectivity.	Disallow
36.50	Oppose	Riparian planting	We do not support that 16.16.6.4 Riparian planting should be amended as requested.	Disallow
36.54	Oppose	Riparian planting	Any unidentified streams , including intermittent streams, have important ecological values and functions and should be retained.	
36.55	Oppose	Streams	Any unidentified streams, including intermittent streams, have important ecological values and functions and should be retained for these reasons.	
39.1	Support	Stormwater	All development should minimise the amount of stormwater discharged into the Waiarohia Inlet and Brigham Creek. This needs to be achieved through the avoidance, remediation and mitigation of adverse effects	

Richard and Jane Paul

				consistent with section 5 of the RMA.				Allow in part
NZ Defence Force	41.17	Support in part	Stormwater	It is important to address the adverse effects due to subdivision, use and development but in order to provide certainty there needs also to be an improvement or enhancement as appropriate.				Allow in part
Auckland Transport	42.13	Oppose	Stormwater	Roads are an integral part of the stormwater system and need to be included in the policies in order to provide certainty through the plan change process.				Disallow
Neil Construction	46.1	Support in part	Streams	Modified water courses are consistent with the RMA definition of a river and therefore need to be included as part of restoration proposals.				Allow in part
	46.7	Oppose	Plan change boundary	The north-western parts of Whenuapai are not subject to the current plan change proposal and should be excluded from this process.				Disallow
Maraetai Land Development Limited	47.1	Support in part	Streams	Modified water courses are consistent with the RMA definition of a river and therefore need to be included as part of restoration proposals.				Allow in part
	47.7	Oppose	Plan change boundary	The north-western parts of Whenuapai are not subject to the current plan change proposal and should be excluded from this process.				Disallow
Yuewen Zhang and Yue Liu	48.1	Support in part	Streams	Modified water courses are consistent with the RMA definition of a river and therefore need to be included as part of restoration proposals.				
	48.5	Oppose	Streams	Intermittent waterbodies and modified watercourses have important ecological values which need to be provided for in the plan change.				Disallow

<p>Nga Maunga Whakahi o Kaipara Whenua Hoko Holdings</p>	<p>51.5</p>	<p>Oppose</p>	<p>Coastal erosion setback yard</p>	<p>It is inappropriate to provide for new buildings in a hazard risk area and these are often sensitive areas for indigenous biodiversity.</p>	<p>Disallow</p>
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Diana Luong

From: Peter Hall <Peter.Hall@boffamiskell.co.nz>
Sent: Thursday, 23 November 2017 2:09 p.m.
To: Unitary Plan
Subject: Further Submission on PC 5 Whenuapai
Attachments: Further Submission on PC5_Charles_Ku_20171123.pdf

We attach the further submission of Charles Ku on Plan Change 5. We look forward to your acknowledgement of this further submission.

Best Regards



Peter Hall | Partner | Planner

email: peter.hall@boffamiskell.co.nz | ddi: +64 9 359 53 25 | tel: +64 9 358 25 26 | mob: +64 27 422 21 18
PO BOX 91 250 | LEVEL 3 | 82 WYNDHAM STREET | AUCKLAND 1142 | NEW ZEALAND
www.boffamiskell.co.nz

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**Submission on a publicly notified proposal for policy statement or
plan change or variation**

Clause 8 of First Schedule, Resource Management Act 1991

FORM 6

**Further Submission on Plan Proposed Change 5 Whenuapai,
Auckland Unitary Plan**

Attn: Planning Technician

Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

1. Further Submitter details

Full Name of Further Submitter: Charles Ku

Agents Name/ Contact Person: Peter Hall, Boffa Miskell

Address for service of the Submitter: Boffa Miskell

Attn: Peter Hall

PO Box 91250

Auckland 1142

Email: peter.hall@boffamiskell.co.nz

Phone: 09 359 5325/ 0274 222118

2. Scope of Further submission

This is a further submission on Proposed Plan Change 5 to the Auckland Unitary Plan.

I am a person who has an interest in the proposal that is greater than the interest the general public has. I am the representative of a landowner in the Plan Change area at 55 Trig Road and I made a primary submission on the Plan Change (**submission number 34**).

3. Further Submission

I **support** and **oppose** the submissions as set out in the table at **Attachment 1** to this further submission for the reasons set out.

I **seek the whole or part of these submissions be allowed and disallowed as set out in the table at Attachment 1.**

I **wish to be heard in support of my further submission.**

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



.....

Signed for and on behalf of Charles Ku

23 November 2017

.....

Date

Attachment 1

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.21 Seeks an integrated approach where the main arterial roads are completed at one time linking the main routes to provide a sense of continuity and safety	<p>Oppose</p> <p>The relief sought in the submission is opposed to the extent that it will not allow implementation of the Plan Change outcomes by private development, unless it is also accompanied by a requirement for AT or Auckland Council to implement the arterial roads themselves and not as a pre-requisite to development.</p>	Disallowed
Upper Harbour Ecology Network anniem1401@gmail.com	8	8.2 Request that all Enhancement Opportunities (ref Morphum Environment Ltd view) are utilised when planning the development of Whenuapai	<p>Oppose</p> <p>Relief sought in the submission lacks specificity and does not provide for the balance of ecological enhancement opportunities against the social and economic benefits of development already inherent in the Plan Change provisions.</p>	Disallowed
Upper Harbour Ecology Network anniem1401@gmail.com	8	8.7 Support the protection of streams through the identification of permanent and intermittent streams at development design stages, creation of riparian margins	<p>Oppose</p> <p>The relief sought seeks the same outcomes for both permanent and</p>	Disallowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
		<p>through development setbacks and appropriate design and use of green infrastructure. This needs to be taken further - streams need to be identified and protected. Support the enhancement of streams and steps taken in the plan.</p>	<p>intermittent streams which is inconsistent with other Precincts in the Unitary Plan where different levels of protection are provided based on the particular value of the stream as an ecological corridor.</p>	
<p>Whenuapai Ratepayers and Residents Association secretary@whenuapai.org.nz</p>	<p>15</p>	<p>15.8 Opposes rezoning for increased industrial/business activities as they bring with them heavier types of traffic, patterns of traffic and traffic density.</p>	<p>Oppose</p> <p>The relief sought in the submission fails achieve the Auckland Plan Development Strategy and the identified need to provide greenfield business land to provide employment opportunities at Whenuapai.</p> <p>Whenuapai has been identified as an ideal location for accommodating a significant proportion of future industrial growth in the northwest. The proposed precinct provides for a transport network, both within the plan change area and the wider network, which properly supports the additional people living and working in the area.</p>	<p>Disallowed</p>

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.2 Seek that a minimum of 10% of land is intact forest including riparian margins to provide space and corridors for wildlife to flourish.	Oppose The plan change provides adequate measures to ensure that ecological and biodiversity values are restored when possible making a 10% requirement unnecessary.	Disallowed
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.5 Seeks mandatory use of 21st century stormwater best practice and water sensitive design to manage the impact of stormwater from all new developments	Oppose The relief sought is unnecessary. The plan change and the existing AUP:OP, subject to the amendments sought in our primary submission, already provides clear guidance to developers as to the specific stormwater management performance requirements and facilitates consistent and integrated stormwater management across multiple subdivisions and development within the precinct.	Disallowed
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.10 Seeks reinstatement of developer contributions of 10% to regenerate local ecology and best practice infrastructure.	Oppose A development contribution for ecology and infrastructure is unnecessary and will be a further burden on the cost of implementing	Disallowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
			the plan change which places the primary responsibility for funding of local infrastructure with the applicant for subdivision and/or development	
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.17 Seeks the establishment of an exact ratio of intact forest/riparian margins/green open space that all development needs to comply with.	Oppose Indicative open space requirements are already mapped on the Precinct Plan making the establishment of ratios as sought in the submission unnecessary.	Disallowed
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.32 Supports the protection of streams through identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure.	Oppose The provisions associated with the intermittent streams result in unreasonable limitations on future improvement opportunities according to its proposed zoned purpose, by not providing alternative methods to maintain or enhance biodiversity such as compensation or offsetting.	Disallowed
Herald Island Environmental Group charissa@csaararchitect.co.nz	19	19.33 Requests that streams are identified and protected.	Oppose The provisions associated with the intermittent streams result in unreasonable limitations on future	Disallowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
			improvement opportunities according to its proposed zoned purpose, by not providing alternative methods to maintain or enhance biodiversity such as compensation or offsetting.	
Cabra Developments Limited hedwards@bentley.co.nz	21	21.3 Amend Standards 1616.6.2 (1), (2) and (3) to provide clarity on how the "proportional share of local infrastructure works" are determined and, in doing so, such provisions need to be reasonable and equitable to enable an applicant to progress the subdivision and development of their landholding without reliance on third parties.	Support Ensuring there is a mechanism to enable an applicant to progress the subdivision and development of their landholding without reliance on third parties is critical to ensure the outcomes sought by the plan change.	Allowed
Cabra Developments Limited hedwards@bentley.co.nz	21	21.19 seeks amendments Infrastructure provision Amend the provisions for clarity and equity including the extent to which development contributions are allocated or otherwise to such infrastructure works.	Support There is a lack of clarity in the provisions as to the extent to which development contributions are allocated to infrastructure works.	Allowed
Royal Forest and Bird Protection Society NZ (Forest and Bird) n.beveridge@forestandbird.org.nz	22	22.17 Seeks that the council includes a non-complying activity status for subdivision activities which seek to change the requirements or vary the detail on the Plans.	Oppose Non-complying activity status would be counter to the approach otherwise taken in the Unitary Plan in such circumstances and unnecessary to	Disallowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
Royal Forest and Bird Protection Society NZ (Forest and Bird) n.beveridge@forestandbird.org.nz	22	22.18 Identify Open Space - Recreation and Open Space - Conservation Zones on Whenuapai 3 Precinct Plans 1 and 2.	achieve good resource management outcomes. Oppose Showing open space as indicative on the precinct provisions and not as zoned land provides for the flexibility necessary before reserve boundaries are established at subdivision stage.	Disallowed
Royal Forest and Bird Protection Society NZ (Forest and Bird) n.beveridge@forestandbird.org.nz	22	22.23 Add a new objective that subdivision will be undertaken subject to protection required under s6(c) of the RMA and Policy 11 of the NZCPS.	Oppose The precinct provisions should already provide for the protection required under s6(c) of the RMA and Policy 11 of the NZCPS and, that being the case, an objective which requires reassessment against these matters is unnecessary.	Disallowed
Royal Forest and Bird Protection Society NZ (Forest and Bird) n.beveridge@forestandbird.org.nz	22	22.24 Enable subdivision, use and development enable the provision where this provides of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.	Oppose It may not be necessary or possible where these values do not all exist on a site for subdivision, use and development to provide a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values. In any event, the	Disallowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
CDL Land New Zealand Limited (CDL) Attn: Douglas Allan c/- Ellis Gould PO Box 1509 Shortland Street Auckland 1140	36	36.7 Seeks amendments to the precinct provisions around 'Reference to Funding Mechanisms', the precinct provisions would be better suited to identifying the specific infrastructure projects that are necessary to service precinct development and establishing a framework for assessment and implementation of those projects, or suitable alternatives that facilitates and enables development to occur within an appropriate timeframe	<p>open space network is appropriately mapped on Precinct Plan 1.</p> <p>Support</p> <p>The approaches sought in the submission are necessary to achieve the outcomes sought in the precinct whereby infrastructure is required to be established across multiple land holdings.</p>	Allowed
CDL Land New Zealand Limited (CDL) Attn: Douglas Allan c/- Ellis Gould PO Box 1509 Shortland Street Auckland 1140	36	36.8 Seeks amendments to the precinct provisions around 'Delivery of Transport Infrastructure Upgrades', establish an assessment framework for transport projects whereby developers provide either the identified upgrades or suitable alternatives, including interim measures until Auckland Transport can deliver the identified upgrades. This is particularly relevant where the delivery of upgrades is outside the control of the subject developer. This assessment framework could be implemented via a restricted discretionary activity consent application.	<p>Support</p> <p>The approaches sought in the submission are necessary to achieve the outcomes sought in the precinct whereby transport infrastructure is required to be established across multiple land holdings.</p>	Allowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
CDL Land New Zealand Limited (CDL) Attn: Douglas Allan c/- Ellis Gould PO Box 1509 Shortland Street Auckland 1140	36	36.9 Seek amendments to precinct provisions around 'Streams and Riparian Margins', oppose the inclusion of all watercourses and overland flow paths on the precinct plans that are not significant. There are provisions in the AUP that manage development over or near watercourses. Riparian margins ought to be assessed on a case-by-case basis, having regard to the catchment management plan for the area	<p>Support</p> <p>The relief sought will ensure the provisions appropriately recognise that not all watercourses and overland flow paths have the same level of ecological or water management significance.</p>	Allowed

Name and address of original submitter	Submission Number	The particular parts of the submission supported or opposed are:	Support/Oppose with reasons	I seek the submission be allowed or disallowed
New Zealand Defence Force rebecca.davies@nzdf.mil.nz	41	<p>41.26 Insert a new standard applying to all activities: To ensure that potential reverse sensitivity effects on the adjacent RNZAF Whenuapai Base are appropriately addressed and provided for within the precinct, a no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the subdivision plan, in a form acceptable to the Council under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 or otherwise in respect of any subdivision, use or development of the RNZAF Base Whenuapai.</p>	<p>Oppose</p> <p>The covenant method sought is unnecessary to achieve the objectives of the precinct. The proposed precinct already has appropriate provisions to manage effects on the Whenuapai Air Base, is subject to an Aircraft Noise Overlay to manage the subdivision of land and location of activities sensitive to aircraft noise, and the Base itself has designation conditions relating to the protection of the approach and departure paths.</p> <p>The scope of the covenant sought in the submission to apply to any subdivision, use or development of the Air Base goes beyond the intent of policy I616.2(12) of avoiding reserve sensitivity impacts on the operation and activities of the existing Air Base rather than on any future subdivision, use or development of that land as is sought in the submission.</p>	Disallowed

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 3:01 p.m.
To: Unitary Plan
Subject: [ID:70] Unitary Plan further submission - Tim and Stephanie Woodward
Attachments: Submission by Tim and Steph Woodward.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Tim and Stephanie Woodward

Organisation name:

Full name of your agent: Mark and Sherrie Dawe

Email address: timandsteph@yahoo.co.nz

Contact phone number:

Postal address:
5 Spedding Road
Whenuapai
Auckland 0618

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe
5a Spedding Road
Whenuapai
dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 27.2

The reasons for my or our support or opposition are:

We believe the amount of Light Industrial zoned land in the Plan Change area is insufficient to ensure an adequate continuous supply of developable Light Industrial land until 2028-32, when the next release is scheduled under the provisions of the Refreshed Future Urban Land Supply Strategy (July 2017).

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Supporting documents
Submission by Tim and Steph Woodward.pdf

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
As beneficiaries of a family trust that owns property at 5 Spedding Road, Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission by Tim and Stephanie Woodward in support of Submission 27.2 by Mark Dawe

1 We believe the amount of Light Industrial zoned land in the Plan Change area is insufficient to ensure an adequate continuous supply of developable Light Industrial land until 2028-32, when the next release is scheduled under the provisions of the Refreshed Future Urban Land Supply Strategy (July 2017).

2 Future Industrial land in Whenuapai is currently in small lifestyle blocks with individual owners who will have diverse timetables regarding development of their land. With this fragmented ownership it cannot be assumed that all the live-zoned land will be available for development within the 10 year timeframe envisioned in the plan change.

3 With little historical data on the annual uptake of industrial land in the North-west, the area required to service development needs until 2028-32 is at best an educated guess. The Albany and Patiki Road industrial areas are almost complete, and development in Whenuapai will build on the momentum from Hobsonville Corridor and Westgate commercial areas. The new Waterview Tunnel makes Whenuapai an attractive location for businesses, with travel times to other areas reduced.

3.1 There have been a number of articles in the media over the last 6 months, highlighting the huge commercial growth out West, and the demand for industrial land.

'Auckland's industrial land supply has tightened considerably over the last two to three years. This is especially acute in the North Shore area, resulting in strong price increases, and an increase in the uptake of North West sites.' (True Commercial, 2 May 2017)

Colliers International report that commercial properties are currently in high demand, and stress the danger of stalling development because of a limited supply of 'suitable for development' industrial land. Colliers note

'Industrial property is similarly in huge demand, with West Auckland's overall industrial vacancy rate remaining below 2 per cent for the last two years' (True Commercial, 26 August, 2017)

4 Auckland local boards, in their feedback on the Unitary Plan Refresh, have widely requested more local employment centres. With new housing areas at Hobsonville Point, Scott Point, Redhills and Whenuapai, many thousands of new homes are to be built in the North West over the next decade. The funding from the HIF will speed up the number of homes built over the next ten years in Whenuapai and Redhills. But the amount of Light Industrial zoned land for local employment has not been increased.

5 We note that submissions 43, 44 and 27 seek the addition of further industrial land to the plan change. We support the inclusion of this land in Plan Change 5.

Diana Luong

From: Matthew Richards <Matthew.Richards@nzta.govt.nz>
Sent: Thursday, 23 November 2017 3:01 p.m.
To: Emily Ip; Unitary Plan
Cc: Lorraine Houston
Subject: Further Submission on Proposed Change 5 to the Auckland Unitary Plan; Whenuapai Plan Change- New Zealand Transport Agency
Attachments: NZTA_Further_Submission.pdf

Hi

Please find attached a further submission on Proposed Change 5 to the Auckland Unitary Plan; Whenuapai Plan Change from the New Zealand Transport Agency.

Regards,

Matthew Richards / Practice Manager- Strategic Planning
Strategy Policy and Planning

DDI 64 9 928 8791 / M 64 21 543 305

E matthew.richards@nzta.govt.nz / w nzta.govt.nz

Auckland Office / Level 11, HSBC House
1 Queen Street, Auckland 1143, New Zealand



Find the latest transport news, information, and advice on our website:
www.nzta.govt.nz

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Further Submission on Proposed Change 5 to the Auckland Unitary Plan; Whenuapai Plan Change

To: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

From: The New Zealand Transport Agency

1. This is a further submission that is support in part and in opposition in part to submissions on Proposed Change 5 to the Auckland Unitary Plan; Whenuapai Plan Change
2. The NZ Transport Agency **supports in part and opposes in part** the submissions in part as set out below.


2.1 General relief sought

In relation to all points below the NZTA seeks the relief indicated or such further, other or consequential relief as addresses the NZTA's concerns.

3. The NZ Transport Agency **does wish** to be heard in support of this further submission.

Dated at Auckland this the 23rd day of November 2017.

Yours faithfully



Matthew Richards

Practice Manager – System Planning

Pursuant to a delegation from the Chief Executive of the New Zealand Transport Agency.

Address for service:

Lorraine Houston
NZ Transport Agency
Private Bag 106602
AUCKLAND 1143

Telephone Number:

(09) 928-8701

Fax Number:

(04) 969-9813

E-mail:

lorraine.houston@nzta.govt.nz

Name and number of original submitter	Issue/plan provision	Transport Agency's position	Reason for the Transport Agency's further submission	Decision sought by the Transport Agency
Cabra Developments - 21.4	Transport – Precinct Plan 2	Oppose in part 21.4	The Transport Agency does not oppose a copy of technical transportation input being supplied to the submitter, however the Agency opposes the deletion of roads from Precinct Plan 2, (other than as proposed in the Plan Change).	Retain Precinct Plan 2 as notified.
Stride Holdings Limited - 24.4	Zoning – Terrace Housing and Apartment Building	Oppose 24.4	The Transport Agency, in conjunction with Auckland Transport, has signalled the future construction of SH16 to SH18 connections and other transport infrastructure adjoining this block to the north. The submission is unclear in the extent of Terrace Housing and Apartment Building (THAB) zoning sought such that the potential adverse effects of applying the THAB zoning in this location cannot be evaluated.	Retain zoning as notified.
GRP Management Limited - 26.6	Transport – Precinct Plan 2	Support 26.6	Support 5(d) that one of the loops for the collector (Sinton Road) is deleted, and that this be the southern one which traverses the State Highway 18 motorway designation.	Retain the realignment of Sinton Road in general accordance with Precinct Plan 2 as notified.
Ockleston Investments - 29.6	Transport – Precinct Plan 2	Support 29.6	Support 5(d) that one of the loops for the collector (Sinton Road) is deleted, and that this be the southern one which traverses the State Highway 18 motorway designation.	Retain the realignment of Sinton Road in general accordance with Precinct Plan 2 as notified.
Ming Ma - 32.6	Transport – Precinct Plan 2	Support 32.6	Support 5(d) that one of the loops for the collector (Sinton Road) is deleted, and that this be the southern one which traverses the State Highway 18 motorway designation.	Retain the realignment of Sinton Road in general accordance with Precinct Plan 2 as notified.
Sinton Developments - 33.6	Transport – Precinct Plan 2	Support 33.6	Support 5(d) that one of the loops for the collector (Sinton Road) is deleted, and that this be the southern one which traverses the State Highway 18 motorway designation.	Retain the realignment of Sinton Road in general accordance with Precinct Plan 2 as notified.

<p>Sinton Developments – 33.8</p>		<p>Oppose 33.8</p>	<p>Oppose 5(f) An upgrade to the existing SH18 Brigham Creek Road interchange will be required in future to accommodate growth in the area. Long term operational matters need to be addressed as part of those future improvements. The continued connection of Sinton Rd to a roundabout is not supported as it may compromise options for future improvements to this interchange. The future alignment of Sinton Road should be redirected away from the existing alignment of Sinton Road which is:</p> <ul style="list-style-type: none"> a) On motorway land, and b) Connects to an existing roundabout on Brigham's Creek Road that compromises the future upgrading options for the motorway interchange, and, c) Should connect to Kauri Road at a T-intersection, for traffic network purposes. 	<p>Retain the realignment of Sinton Road in general accordance with Precinct Plan 2 as notified.</p>
<p>CDL Land New Zealand – 36.1</p>	<p>Zoning – Mixed use Business</p>	<p>Oppose 36.1</p>	<p>In conjunction with Auckland Transport the Transport Agency has signalled the future construction of SH16 to SH18 connections and other transport facilities adjoining the site to the north which may reduce the accessibility and permeability of the block from the motorway corridor. Mixed Use – Business zoning of the site will potentially create conflicting traffic flow aspirations in the area.</p>	<p>Retain zoning as notified.</p>
<p>Yuewen Zhang & Yue Liu – 48.11</p>	<p>Transport – Precinct Plan 2</p>	<p>Oppose 48.11</p>	<p>An upgrade to the existing SH18 Brigham Creek Road interchange will be required in future to accommodate growth in the area. Long term operational matters need to be addressed as part of those future improvements. The continued connection of Sinton Rd to a roundabout at Brigham's Creek Road is not supported as it may compromise options for future improvements to this interchange. The future alignment of Sinton Road should be redirected away from the existing alignment of Sinton Road which is:</p> <ul style="list-style-type: none"> a) On motorway land, and b) Connects to an existing roundabout on Brigham's Creek Road that compromises the future upgrading options for the motorway interchange, and, c) Should connect to Kauri Road at a T-intersection, for traffic network purposes. 	<p>Retain the realignment of Sinton Road in general accordance with Precinct Plan 2 as notified.</p>

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 3:16 p.m.
To: Unitary Plan
Subject: [ID:71] Unitary Plan further submission - Auckland Transport
Attachments: AT Further Submissions PC5.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Auckland Transport

Organisation name: Auckland Transport

Full name of your agent:

Email address: liam.winter@at.govt.nz

Contact phone number: 094487015

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Various - see attachment.

Submission number: Various - see attachment.

Do you support or oppose the original submission? I or we oppose the submission

Specific parts of the original submission that your submission relates to:
Point number Various - see attachment.

The reasons for my or our support or opposition are:
See attachment. Note that Auckland Transport has supported some submission points and opposed others.

I or we want Auckland council to make a decision to: Disallow part of the original submission

Specify the parts of the original submission you want to allow or disallow:
See attachment. Note that AT has supported some submission points and opposed others.

Submission date: 23 November 2017

Supporting documents
AT Further Submissions PC5.pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:

Auckland Transport is a Council Controlled Organisation and Road Controlling Authority for the Auckland region charged with contributing to an effective, efficient and safe Auckland land transport system in the public interest.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

23 November 2017

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

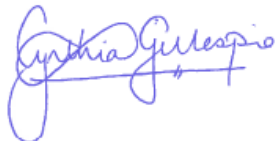
To whom it may concern

Further Submissions on Proposed Plan Change 5 – Whenuapai

Attached are Auckland Transport's further submissions on Proposed Plan Change 5 to the Auckland Unitary Plan Operative in Part (AUPOIP).

Auckland Transport wishes to be heard in support of its further submissions.

Yours sincerely



Cynthia Gillespie
Chief Strategy Officer

Address for service:

Auckland Transport
20 Viaduct Harbour Avenue, Auckland Central,
Auckland 1010
Phone: (09) 448 7015
Email: liam.winter@at.govt.nz
For: Liam Winter, Senior Transport Planner

Submission Grouping	Original Submitters (Submission Nos.)	Submission Points	Position	Reasons for Position
Objectives and Policies – Transport and Infrastructure Provision	Charles Ku (34) CDL Land New Zealand Limited (36) Neil Construction Limited (46) Maraetai Land Development Limited (47) Yuewen Zhang and Yue Liu (48)	34.8, 34.10, 36.22, 36.25, 36.26, 46.13, 47.13, 48.13	Oppose	Oppose deletion or substantive amendment to the objectives and policies on transport and infrastructure provision.
	Stride Holdings Limited (24)	24.5, 24.7	Support	Submission points generally support the policy framework and rules on transport and infrastructure provision.
Objectives and Policies – Streams and Transport	Royal Forest and Bird Society NZ (22)	22.28	Oppose	Policy 18 as notified is considered appropriate in that it requires avoidance of stream and wetland crossings where practicable.
Standards I616.6.2	Cabra Developments Limited (21) Charles Ku (34) Sheng Xin Property Investment Limited (35)	21.3, 21.9, 34.14, 35.4, 34.6	Support in part	Support to the extent that further work is required to ensure standard I616.6.2 is clear and workable.
	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (37)	37.7	Support in part	Support to the extent that an Infrastructure Funding Agreement is one method of ensuring infrastructure provision.
Standard I616.6.3	Cabra Developments Limited (21)	21.14	Support in part	Support to the extent that relief sought is consistent with Auckland Transport submission point 42.13.
Standard I616.6.8	Cabra Developments Limited (21) Neil Construction Limited (46) Maraetai Land Development Limited (47) Yuewen Zhang and Yue Liu (48)	21.8, 46.11, 47.11, 48.12	Support	Standard I616.6.8 should specify that developer responsibility for existing road upgrades includes the entire road from the property boundary of the subject development, to the kerb on the opposite side of the road to the subject development.
	Sheng Xin Property Investment Limited (35)	35.8	Oppose	
	Cabra Developments Limited (21)	21.7	Oppose	Oppose the use of typical cross-sections.
	CDL Land New Zealand Limited (36)	36.51	Oppose	Oppose deletion of standard I616.6.8(1).
	Hsiu Ho Lin (18) Shen Xin Property Investment Limited (35)	18.8, 35.2	Support in part	Support to the extent that relief sought agrees with the alignment of selected indicative roads.

Indicative roads – General	CDL Land New Zealand Limited (36) Neil Construction Limited (46) Maraetai Land Development Limited (47) Yuewen Zhang and Yue Liu (48) Charles Ku (34)	36.2, 36.3, 36.4, 46.9, 47.9, 48.18	Oppose	Oppose the deletions and/or amendments to the indicative roads sought in these submission points.
		34.4, 34.6	Oppose	Business cases for strategic projects in the North-West are being commenced.
Indicative Roads – Area 1D	Cabra Developments Limited (21) Sinton Developments (33) Neil Construction Limited (46) Maraetai Land Development Limited (47) Yuewen Zhang and Yue Liu (48)	21.4, 33.3, 46.10, 47.10, 48.10, 48.11	Oppose	The most recent traffic modelling indicates that the indicative road linking Sinton Road to Kauri Road is required, and should be retained.
	GRP Management Limited (26) Ockleston Investments Limited (29) Ming Ma (32) Sinton Developments (33) Charles Ku (34)	26.7, 29.7, 32.7, 33.7, 34.5	Support in part	Support to the extent that greater clarity is required on the indicative road between Sinton Road and Sinton Road East.
	Cabra Developments Limited (21) GRP Management Limited (26) Ockleston Investments Limited (29) Ming Ma (32) Sinton Developments (33) Yuewen Zhang and Yue Liu (48)	21.6, 26.5, 29.3, 32.5, 33.5, 48.8	Support in part	Support to the extent that the indicative road labelled as 'existing collector road' shown on 1 Ockleston Landing parallel to Clarks Lane requires correction.
	GRP Management Limited (26) Ockleston Investments Limited (29) Ming Ma (32) Sinton Developments (33)	26.6, 29.6, 32.6, 33.6	Support in part	Support to the extent that the parallel sections of Sinton Road require further investigation to determine if they both need to perform collector road functions.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 3:16 p.m.
To: Unitary Plan
Subject: [ID:72] Unitary Plan further submission - Nicola Fleming
Attachments: Submission by Nicola Fleming.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Nicola Fleming

Organisation name:

Full name of your agent:

Email address: nicola@timfleming.co.nz

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe
dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 27.3

The reasons for my or our support or opposition are:

The reason stated in council's Section 23 for excluding the properties referred to in this submission is not supported by the PC5 documentation.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Supporting documents
Submission by Nicola Fleming.pdf

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a Trustee of the family trust that owns property at 5 Spedding Road, Whenuapai

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission by Nicola Fleming in support of Submission 27.3 by Mark Dawe

1 We support including Nos 84, 88 and 90 Trig Road and Nos 3 and 5 Spedding Road in Whenuapai Plan Change 5. These properties lie within SATURN zone Orange 4, and make up the bulk of the southernmost block of business development land in Scenario 2 (Figure 3 of the Flow report, *Stage 1 Technical Inputs*, June 2017; see attached map).

2 The reason for excluding these properties from Whenuapai Plan Change 5 has been stated to be the uncertainty over the timing of Northside drive extension.

“The land bounded by Spedding Road, State Highway 16, State Highway 18 and Trig Road is not part of this plan change due to the uncertainty around the timing of when the Northside Drive bridge and eastern extension will be built” (Section 32 5.4.1 Rationale for Stage 1 of the structure plan area)

2.1 Development of the above properties would not impact on the future construction of Northside Drive. There is one full property between these properties and Northside Drive. [The owners of 82 Trig Road, adjacent to the future Northside Drive, do not wish to be developed at this time.]

2.2 The timing of Northside Drive has no impact on the future development of these properties. Access into this area (Orange 4) under Scenario 2a is assumed to be *‘from Spedding Road via Trig Road’* (Table 16: Anticipated Industrial Development – Scenario 2a; Flow’s *Integrated Transport Assessment Report*, July 2016; see attached table). The modelling shows development of Orange 4 can proceed using the existing roading network with associated improvements.

2.3 Moreover in the ITA Report, the modelling of Scenario 2a assumes and enables the creation of 100 FTE jobs in Orange 4 (Table 16, *ITA Report*, July 2016), without any Northside Drive extension.

3 The Section 32 report shows two future bus routes along Spedding Road and Mamari Road extension (Figure 7: Proposed public transport network). Spedding Road and Mamarai Road will also have cycle lanes (Figure 6: Proposed walking and cycling network). It would seem sensible to get the public transport system built as early as practicable. Private development of the land along Spedding Road would assist in funding the necessary improvements and facilitate the widening of the road.

3.1 Spedding Road is to be dug up for the laying of wastewater pipes from the new pump station to be built at Brighams Creek (and funded by the HIF). The most efficient rehabilitation of the road would be to carry out the urbanisation of Spedding Road at that time. This would be facilitated by the inclusion of the zone orange 4 in Plan Change 5.

4.1 While sufficient wastewater infrastructure may not be immediately available, the new pump station and interceptors are due for completion by 2025-26 under the HIF. We understand that it takes at least 3 years for a property to go through the planning process to completion. Therefore it makes sense to allow for some development to proceed, so that in its final stages it is ready for connection to the new infrastructure. The alternative is to wait years after the infrastructure is in place (in 2025-26) until the next plan change (2028-32, RFULSS), then begin the process of development.

4.2 Housing land in 1a is said to be enabled by the HIF funding the new wastewater infrastructure. That land is forming part of Plan Change 5 even though there will be a delay in the development of houses there until the infrastructure is complete in 2025-26. It seems sensible to proceed with a similar timetable for industrial land that will provide jobs at the same time as the extra housing.

Figure 3: Whenuapai Proposed Plan Change – Indicative Staging Land Use Locations

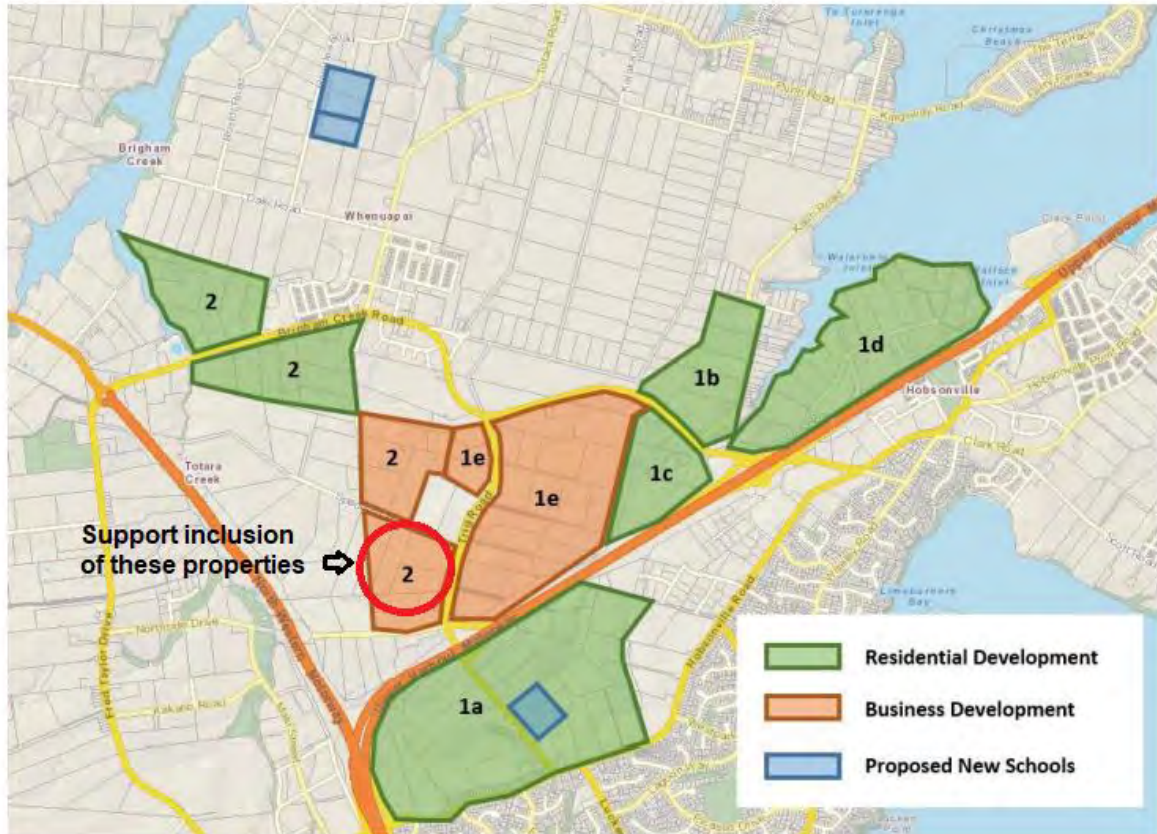


Table 16: Anticipated Industrial Development – Scenario 2a (number of employees)

SATURN Model Zone (Orange)	FTE	Comments
1	200	No access permitted from Brigham Creek Road due to separated cycle lanes. Therefore driveway accesses will be from Spedding Road Extension from Brigham Creek Road and from a new link extending into the industrial area between Trig Road and Kauri Road
2	100	Limited driveway accesses from Trig Road between Brigham Creek Road and SH18 Interchange due to buffered cycle lanes along industrial sections of Trig Road
3	100	No access permitted from Brigham Creek Road or Mamari Road due to separated cycle lanes. Therefore rear accesses will need to be from side roads
4	100	Assume access from Spedding Road via Trig Road
5	0	
6	100	Assume driveway accesses from Trig Road through Spedding Road
7	100	Assume driveway accesses from Riverlea Road extension as no access permitted from Brigham Creek Road
8	200	Assume driveway accesses from Spedding Road North as no access permitted from Brigham Creek Road
9	100	Assume driveway accesses from Fred Taylor Drive
Total	1,000	

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:01 p.m.
To: Unitary Plan
Subject: [ID:75] Unitary Plan further submission - Rebecca Dawe

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Rebecca Dawe

Organisation name:

Full name of your agent:

Email address: rebeccamdawe@hotmail.com

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe

dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 27.2

Point number 27.3

The reasons for my or our support or opposition are:

I think it is important to have local employment centres with the fact that there is so much new housing in the area. Traffic is crazy already and having no jobs in the area with so much extra housing will only increase this. The properties sought to be included in 27.3 seem to be ideally situated to be included in the Plan change, and all the owners are ready and willing for development.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a beneficiary of a family trust that owns property at 5 Spedding Road, Whenuapai

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:01 p.m.
To: Unitary Plan
Subject: [ID:74] Unitary Plan further submission - Mark and Sherrie Dawe

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Mark and Sherrie Dawe

Organisation name:

Full name of your agent:

Email address: dawe@xtra.co.nz

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Trig Rd Investments Limited

toby@bslnz.com

Submission number: 43

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 43.3

The reasons for my or our support or opposition are:

There seem to be no good reasons for excluding these properties from the plan change, and compelling reasons why they should be included. The urbanisation of local roads will proceed faster. It would make sense to release land where the owners are keen for development to proceed.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

We are owners of property at 5 Spedding Rd, Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:31 p.m.
To: Unitary Plan
Subject: [ID:79] Unitary Plan further submission - Mark and Sherrie Dawe

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Mark and Sherrie Dawe

Organisation name:

Full name of your agent:

Email address: dawe@xtra.co.nz

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Lichun Gao

toby@bslnz.com

Submission number: 44

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 44.3

The reasons for my or our support or opposition are:

We agree that the reason given for excluding the properties from the plan change does not seem to be supported by the documentation. There are compelling reasons to include these properties - faster urbanisation of local rural roads, being prime flat land ideal for industrial sites, and focusing development where owners are ready to proceed with development.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

We are owners of land at 5 Spedding Rd, Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:46 p.m.
To: Unitary Plan
Subject: [ID:81] Unitary Plan further submission - Mark and Sherrie Dawe

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Mark and Sherrie Dawe

Organisation name:

Full name of your agent:

Email address: dawe@xtra.co.nz

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Verve Construction Limited

brad.nobilo@ghd.com

Submission number: 38

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number 38.2

The reasons for my or our support or opposition are:

This is a logical addition to the housing area already underway at Whenuapai. Allowing this submission would result in quicker upgrades on local roads, in particular, Mamari Rd. This is a future bus and cycleway route. The submitter is ready and able to begin developing the property, whereas other residential areas within the plan change are in fragmented ownership and may take longer to begin development.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

We are owners of property at 5 Spedding Rd, Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 5:01 p.m.
To: Unitary Plan
Subject: [ID:82] Unitary Plan further submission - Mark and Sherrie dawe

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Mark and Sherrie dawe

Organisation name:

Full name of your agent:

Email address: dawe@xtra.co.nz

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
New Zealand Transport Agency

lorraine.houston@nzta.govt.nz

Submission number: 23

Do you support or oppose the original submission? I or we oppose the submission

Specific parts of the original submission that your submission relates to:
Point number 23.7

The reasons for my or our support or opposition are:

We believe there are compelling reasons to include parts of Scenerio 2 in the plan change. To increase the supply of 'suitable for development' industrial land. We support the inclusion of the properties requested in submissions 27, 43 and 44. We also support the inclusion of housing land requested in submission 38. The owners of all the above properties are development-ready.

I or we want Auckland council to make a decision to: Disallow part of the original submission

Specify the parts of the original submission you want to allow or disallow:
23.7

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:
We are owners of land at 5 Spedding Rd, Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:01 p.m.
To: Unitary Plan
Subject: [ID:73] Unitary Plan further submission - Kristina Dobson

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Kristina Dobson

Organisation name:

Full name of your agent:

Email address: kristinadawe@hotmail.com

Contact phone number:

Postal address:

0618

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe

Dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 27.2

Point number 27.3

The reasons for my or our support or opposition are:

There is not enough housing in North west with all the new employment opportunities. The properties sought to be included in 27.3 seem to be ideally situated to be included in the Plan Change, and all the owners are ready for development.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a beneficiary of a family trust that owns property at 5 Spedding Road Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: Bianca Tree <Bianca.Tree@minterellison.co.nz>
Sent: Thursday, 23 November 2017 4:13 p.m.
To: Unitary Plan
Cc: Caroline Woodward
Subject: Stride Further Submissions on PC 5 Whenuapai [MERW-MERWLIB.FID1394648]
Attachments: 18939880-1_Stride Further Submissions on PC5 Whenuapai.PDF

Good afternoon

We act for Stride Holdings Limited (**Stride**).

Stride made a submission on Proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan (Operative in Part) (**Plan Change 5**). Please find **attached** further submissions on Plan Change 5 on behalf of Stride.

Please confirm receipt of the further submissions.

Regards
Bianca

Bianca Tree

Partner 

T +64 9 353 9784 M +64 27 700 8883

Bianca.Tree@minterellison.co.nz

MinterEllisonRuddWatts Lumley Centre 88 Shortland Street Auckland 1010



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UNDER

Clause 8 of the First Schedule of the Resource Management Act 1991

IN THE MATTER OF

Auckland Unitary Plan Operative in part – Proposed Plan Change 5 Whenuapai

FURTHER SUBMISSIONS ON PLAN CHANGE 5 WHENUAPAI BY STRIDE HOLDINGS LIMITED

DATED 23 NOVEMBER 2017

**FURTHER SUBMISSION ON PLAN CHANGE 5 WHENUAPAI UNDER CLAUSE 8 OF THE
FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Name of Submitter: Stride Holdings Limited

Address: c/- MinterEllisonRuddWatts
PO Box 3798
AUCKLAND 1140
Attention: Bianca Tree

Introduction

1. This is a further submission on proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan (Operative in Part) (**Plan Change 5**) by Stride Holdings Limited (**Stride**). Plan Change 5 was notified by the Auckland Council (**Council**) on 21 September 2017 and the summary of decisions requested on Plan Change 5 was notified on 9 November 2017.

Further submissions

2. The submissions supported or opposed by Stride, and the reasons for the support or opposition are detailed in the table attached as **Appendix A**.

Interest in the submissions

3. Stride has an interest in Plan Change 5 that is greater than the interest the general public has on the following grounds:
 - (a) Stride is the owner and operator of the NorthWest Shopping Centre (**Centre**), which is located in the Westgate Metropolitan Centre.
 - (b) Stride provided feedback on the Whenuapai Structure Plan supporting the Whenuapai area as a priority for residential development, and to provide further Industrial land for employment opportunities. Stride also supported the

development of a roading network that facilitated connections with the Metropolitan Centre.

- (c) Stride made a submission on Plan Change 5 supporting the residential and Light Industrial zones, while also seeking more intensive residential zoning in proximity to Metropolitan Centre.

Request to be heard

- 4. Stride wishes to be heard in support of the further submissions in Appendix A.

DATED this 23rd day of November 2017

Stride Holdings Limited by its solicitors and duly authorised agents MinterEllisonRuddWatts



B J Tree

Address for service of submitter

Stride Holdings Limited

c/- MinterEllisonRuddWatts

P O Box 3798

AUCKLAND 1140

Attention: Bianca Tree

Telephone No: (09) 353 9700

Fax No. (09) 353 9701

Email: bianca.tree@minterellison.co.nz

APPENDIX A
Further Submission Table

Further submissions that support or oppose Part of the original submission

NB	Original Submission	Support or opposition of submission point	Provision of Proposed Plan Change 5	Relief sought in original submission	The reasons for support or opposition	Decision Sought
1.	CDL Land New Zealand Limited	Submission number 36 Point 36.1 Oppose	Proposed zoning map	Amend the proposed zoning of land within Stage 1A, change the zone of the land west of Trig Rd south to Business - Mixed Use zone.	Residential zoning, in particular Terrace Housing and Apartment Buildings zone, is more appropriate for enabling intensive residential development.	That the submission point be Disallowed.
2.	CDL Land New Zealand Limited	Submission number 36 Point 36.6 Support	I616.1 Precinct Description; I616.2. Objectives	Make amendments to the precinct provisions around including the 'Proximity to Westgate Metropolitan Centre'.	It is important to frame the description, objectives and policies to recognise the proximity to the Metropolitan Centre.	That the submission point be Allowed.
3.	CDL Land New Zealand Limited	Submission number 36 Point 36.15 Support	I616.1. Precinct Description	Add additional content into I616.1. Precinct Description: <i>The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of the <u>Westgate Metropolitan Centre and Whenuapai Airbase...</u></i>	It is important to frame the description to recognise the proximity to the Metropolitan Centre.	That the submission point be Allowed.
4.	CDL Land New Zealand	Submission number 36 Point 36.20	I616.1 Precinct Description 'Zoning'	Amend I616.1. Precinct Description, 'Zoning'	Residential zoning, in particular Terrace	That the submission

NB	Original Submission	Support or opposition of submission point	Provision of Proposed Plan Change 5	Relief sought in original submission	The reasons for support or opposition	Decision Sought
	Limited	Oppose		<p>Zoning</p> <p><i>The zoning of the land within this precinct is Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, Business – Mixed Use, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Informal Recreation, Open Space – Conservation and Special Purpose – Airports and Airfields zones.</i></p>	Housing and Apartment Buildings zone, is more appropriate for enabling intensive residential development.	point be Disallowed.
5.	CDL Land New Zealand Limited	Submission number 36 Point 36.21 Support	I616.2. Objectives	<p>Amend I616.2. Objectives: (1) <i>Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the proximity of parts of the precinct to the Westgate Metropolitan Centre and the strategic importance of Whenuapai Airbase.</i></p>	It is important to frame the objectives to recognise the proximity to the Metropolitan Centre.	That the submission point be Allowed.
6.	CDL Land New Zealand Limited	Submission number 36 Point 36.24 Support in Part	I616.3. Policies	<p>Amend I616.3. Policies to include: (4) <i>Encourage intensive development in the immediate vicinity of the Westgate Metropolitan Centre.</i></p>	It is important to frame the policies to recognise the proximity to the Metropolitan Centre.	That the submission point be Allowed in Part.

NB	Original Submission	Support or opposition of submission point	Provision of Proposed Plan Change 5	Relief sought in original submission	The reasons for support or opposition	Decision Sought
7.	CDL Land New Zealand Limited	Submission number 36 Points 36.36 - 36.42 Support	I616.4. Activity table	Amend Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct: delete activities (A7) – (A13) (A7) Activities listed as permitted or restricted-discretionary activities in Table H3.4.1 Activity table in the Residential—Single House zone (A8) Activities listed as permitted or restricted-discretionary activities in Table H5.4.1 Activity table in the Residential—Mixed Housing Urban zone (A9) Activities listed as permitted or restricted-discretionary activities in Table H6.4.1 Activity table in the Residential—Terrace Housing and Apartment Buildings zone (A10) Activities listed as permitted or restricted-discretionary activities in Table H12.4.1 Activity table in the Business—Neighbourhood Centre zone (A11) Activities listed as permitted or restricted-discretionary activities in Table H17.4.1 Activity table in the Business—Light Industry zone (A12) Activities listed as permitted	It is appropriate that these Precinct provisions are consistent with the underlying zone rules.	That the submission points be Allowed.

NB	Original Submission	Support or opposition of submission point	Provision of Proposed Plan Change 5	Relief sought in original submission	The reasons for support or opposition	Decision Sought
				or restricted-discretionary activities in Table H7.9.1 Activity table in the Open Space— Informal Recreation (A13) Activities listed as permitted or restricted-discretionary activities in Table H7.9.1 Activity table in the Open Space— Conservation		
8.	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen	Submission number 37 Point 37.2 Support	Proposed zoning map	The Terrace Housing and Apartment Buildings zone be applied to 38 Trig Road.	Intensive residential development in this location is appropriate.	That the submission point be Allowed.
9.	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen	Submission number 37 Point 37.3 Oppose	Proposed zoning map	A Neighbourhood Centre be provided for adjacent to the Neighbourhood Park in place of the proposed centre on Hobsonville Road.	It would be more appropriate to keep the Neighbourhood Centre in the location currently proposed as it is important for neighbourhood centres to be central amongst residential zones.	That the submission point be Disallowed.
10.	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen	Submission number 37 Point 37.8 Oppose in Part / Support in Part	Entire Proposed Plan Change 5	Any objective, policies or explanatory passages on which the rules identified in the submission are reliant or based are deleted or amended to the extent necessary in order for council to appropriately make the amendments sought above.	Support and opposition for the reasons given at 8 and 9 above.	That the submission point be both Disallowed and Allowed in Part.
11.	New Zealand Defence Force	Submission number 41 Point 41.7	Proposed zoning map	Amend zoning so that maximum height limit does not infringe the	It is not appropriate to determine the zone	That the submission

NB	Original Submission	Support or opposition of submission point	Provision of Proposed Plan Change 5	Relief sought in original submission	The reasons for support or opposition	Decision Sought
		Oppose		Obstacle Limitation Surface. Alternative relief: Adopt the resolution of the Minister of Defence's High Court appeal - (Minister of Defence v Auckland Council CIV 2016-404- 2314).	height limit based on the Obstacle Limitation Surface.	point be Disallowed in Part.
12.	New Zealand Defence Force	Submission number 41 Point 41.8 Support	Proposed zoning map	Retain the Light Industry zoning adjacent to Whenuapai Airbase.	It is important to provide for light industrial development.	That the submission point be Allowed.
13.	New Zealand Defence Force	Submission number 41 Point 41.16 Support	1616.3. Policy (5)	Amend Policy 1616.3 (5) as follows: <i>(5) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct and surrounding areas.</i>	It is appropriate to recognise that the function of infrastructure outside of the Precinct must also be considered.	That the submission point be Allowed.
14.	New Zealand Defence Force	Submission number 41 Point 41.25 Oppose	1616.6. Standards	Include standards to increase visibility of the Obstacle Limitation Surface (OLS) and to ensure that applicants within the precinct provide detailed information through the application process about the relationship between structure heights and the OLS limits, and how the OLS limits will be complied with during construction. Alternative relief: Adopt the resolution of the Minister of	It is not appropriate to include standards in the Precinct provisions where the Controls for the Obstacle Limitation Surface are addressed by designation.	That the submission point be Disallowed.

NB	Original Submission	Support or opposition of submission point	Provision of Proposed Plan Change 5	Relief sought in original submission	The reasons for support or opposition	Decision Sought
15.	New Zealand Defence Force	Submission number 41 Point 41.31 Oppose	I616.8 Assessment – restricted discretionary activities	Defence's High Court appeal - (Minister of Defence v Auckland Council CIV 2016-404- 2314). Include additional matters of discretion and assessment criteria to address the effects of any works, structures or objects on the ongoing safe operation of the Whenuapai Airbase.	It is not appropriate to include Precinct controls based on the Obstacle Limitation Surface.	That the submission point be Disallowed.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:16 p.m.
To: Unitary Plan
Subject: [ID:77] Unitary Plan further submission - Ryan Dobson

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Ryan Dobson

Organisation name:

Full name of your agent:

Email address: ryan.dobson@nzdf.mil.nz

Contact phone number:

Postal address:

0618

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe

Dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 27.2

Point number 27.3

The reasons for my or our support or opposition are:

Because of the importance of local employment centres with little housing in the north west. The properties wanting to be included in 27.3 are all ideally situated to be included in the Plan Change. All the owners are ready for development.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a beneficiary of a family trust that owns property at 5 Spedding Road Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:16 p.m.
To: Unitary Plan
Subject: [ID:76] Unitary Plan further submission - Cabra Developments Limited
Attachments: Further submissions on behalf of Cabra Developments Limited.pdf; Cabra Developments Limited Form 6.pdf

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Cabra Developments Limited

Organisation name: Cabra Developments Limited

Full name of your agent: Hannah Edwards

Email address: hedwards@bentley.co.nz

Contact phone number: 021922164

Postal address:
PO Box 4492
Shortland Street
Auckland
Auckland 1140

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:
Cabra Developments Limited
PO Box 197 Orewa 0946

Submission number: 21

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:
Point number Refer attached

The reasons for my or our support or opposition are:
Refer attached

I or we want Auckland council to make a decision to: Allow part of original submission

Specify the parts of the original submission you want to allow or disallow:
Refer attached

Submission date: 23 November 2017

Supporting documents

Further submissions on behalf of Cabra Developments Limited.pdf

Cabra Developments Limited Form 6.pdf

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

Refer attached

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Further Submission in support of, or opposition to, a publicly notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991
FORM 6



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only Further Submission No:
Receipt Date:

Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss (Full Name) Hannah Edwards (Bentley & Co) - Agent

Organisation Name (if further submission is made on behalf of Organisation)

Ciba Developments Limited

Address for service of Further Submitter

c/o Hannah Edwards, Bentley & Co
PO Box 4492, Shagstone Street 1140.

Telephone: Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	<input type="text" value="PC 5"/>
Plan Change/Variation Name	<input type="text" value="Whenuapai Plan Change"/>

I support : Oppose (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number	Point-Number
<input type="text"/>	<input type="text"/>

Refer attached.

The reasons for my support / opposition are:

Refer attached.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part (describe precisely which part) Refer attached.

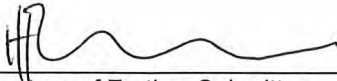
of the original submission be **allowed**

disallowed

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Further Submitter
(or person authorised to sign on behalf of further submitter)

21 / 11 / 2017
Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Cabra Developments Limited has two landholdings within the extent of PC5 Whenuapai Beach.

Notes to person making submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

<p>I oppose the original submission of:</p> <p>Original submitter name and address GRP Management Limited 12 Sinton Road C/o evitak@barker.co.nz</p>	<p>The particular parts of the original submission I oppose are:</p> <p>Submission number 26 Point 2</p> <p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose</p>	<p>Provision No. of Proposed Plan Change 5:</p> <p>Proposed Plan Change Zoning Map</p>	<p>The reasons for my opposition are:</p> <p>Cabra does not support the retention of the Single House zoning along the coastal interface for the reasons set out in its primary submission, and in summary for the following reasons: the RMA requirement to provide an esplanade reserve in this location is a more appropriate mechanism to ensure/achieve the desired building setback from the coastal edge (and provide public access); a higher density built form can be appropriately designed to manage the public/private interface; the extent/depth of proposed SH zoned land is undefined; and geotechnical effects can be appropriately managed by way of the other technical standards within PC 5 and the AUP.</p>	<p>I seek that the whole or part of the original submission be disallowed:</p> <p>Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed</p>
<p>Original submitter name and address Ming Ma 14 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 32 Point 2</p> <p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose</p>	<p>Proposed Plan Change Zoning Map</p>	<p>Cabra does not support the retention of the Single House zoning along the coastal interface for the reasons set out in its primary submission, and in summary for the following reasons: the RMA requirement to provide an esplanade reserve in this location is a more appropriate mechanism to ensure/achieve the desired building setback from the coastal edge (and provide public access); a higher density built form can be appropriately designed to manage the public/private interface; the extent/depth of proposed SH zoned land is undefined; and geotechnical effects can be appropriately managed by way of the other technical standards within PC 5 and the AUP.</p>	<p>Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed</p>
<p>Original submitter name and address Sinton Developments 18 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 33 Point 2</p> <p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose</p>	<p>Proposed Plan Change Zoning Map</p>	<p>Cabra does not support the retention of the Single House zoning along the coastal interface for the reasons set out in its primary submission, and in summary for the following reasons: the RMA requirement to provide an esplanade reserve in this location is a more appropriate mechanism to ensure/achieve the desired building setback from the coastal edge (and provide public access); a higher density built form can be appropriately</p>	<p>Select one- <input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed</p>

<p>Original submitter name and address</p> <p>Auckland Transport <u>Liam.winter@at.govt.nz</u></p>	<p>Submission number 42 Points 2-19</p> <p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose</p>	<p>Infrastructure provisions</p>	<p>designed to manage the public/private interface; the extent/depth of proposed SH zoned land is undefined; and geotechnical effects can be appropriately managed by way of the other technical standards within PC 5 and the AUP.</p> <p>Cabra opposes the primary submission of AT in its entirety as the proposed amendments fail to clarify the mechanism for determining the proportionate share of funding for landowners, retains the road layout proposed within Precinct Plan 2 as notified, supports the zoning illustrated on the proposed Zoning Map, and for the reasons set out within Cabra's primary submission (number 21).</p>	<p>Select one-</p> <p><input type="checkbox"/> Allowed <input checked="" type="checkbox"/> Disallowed</p>
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I support the original submission of:	The particular parts of the original submission I support are:	Provision No. of Proposed Plan Change 5:	The reasons for my support are:	I seek that the whole or part of the original submission be allowed:
Original submitter name and address GRP Management Limited 12 Sinton Road C/o evitak@barker.co.nz	Submission number 26 Point 4 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of the three coastal cul-de-sac indicative collector roads within Area 1D as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address GRP Management Limited 12 Sinton Road C/o evitak@barker.co.nz	Submission number 26 Point 5 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of the 'existing' collector road cul-de-sac parallel to Clarks Lane within Area 1D as it is incorrectly located on Precinct Plan 2 (relative to the road that is currently under construction) and the intensity of development that is consented within the site at 1 Ockleston Landing and by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address GRP Management Limited 12 Sinton Road C/o evitak@barker.co.nz	Submission number 26 Point 6 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of one of the secondary loops of Sinton Road (indicative collector road) as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by a second collector road in this location or to provide this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address	Submission number 26 Point 7	Precinct Plan 2	Cabra supports the deletion of the collector road that crosses SH18 or that further clarity is provided in respect of the need for this to be provided (on	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed

<p>GRP Management Limited 12 Sinton Road C/o evitak@barker.co.nz</p>	<p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>		<p>an effects basis) and the funding expectations/requirements for its construction, particularly as the bridge or tunnel will be a considerable cost item relative to the other infrastructure requirements in the Precinct.</p>	
<p>Original submitter name and address Ming Ma 14 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 32 Point 4 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the three coastal cul-de-sac indicative collector roads within Area 1D as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address Ming Ma 14 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 32 Point 5 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the 'existing' collector road cul-de-sac parallel to Clarks Lane within Area 1D as it is incorrectly located on Precinct Plan 2 (relative to the road that is currently under construction) and the intensity of development that is consented within the site at 1 Ockleston Landing and by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address Ming Ma 14 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 32 Point 6 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of one of the secondary loops of Sinton Road (indicative collector road) as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by a second collector road in this location or to provide this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name</p>	<p>Submission number</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the collector road</p>	<p>Select one-</p>

<p>and address</p> <p>Ming Ma 14 Sinton Road C/o evitak@barker.co.nz</p>	<p>32 Point 7</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>		<p>that crosses SH18 or that further clarity is provided in respect of the need for this to be provided (on an effects basis) and the funding expectations/requirements for its construction, particularly as the bridge or tunnel will be a considerable cost item relative to the other infrastructure requirements in the Precinct.</p>	<p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Sinton Developments 18 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number</p> <p>33 Point 4</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the three coastal cul-de-sac indicative collector roads within Area 1D as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Sinton Developments 18 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number</p> <p>33 Point 5</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the 'existing' collector road cul-de-sac parallel to Clarks Lane within Area 1D as it is incorrectly located on Precinct Plan 2 (relative to the road that is currently under construction) and the intensity of development that is consented within the site at 1 Ockleston Landing and by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Sinton Developments 18 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number</p> <p>33 Point 6</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of one of the secondary loops of Sinton Road (indicative collector road) as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by a second collector road in this location or to provide this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>

<p>Original submitter name and address</p> <p>Sinton Developments 18 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 33 Point 7</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the collector road that crosses SH18 or that further clarity is provided in respect of the need for this to be provided (on an effects basis) and the funding expectations/requirements for its construction, particularly as the bridge or tunnel will be a considerable cost item relative to the other infrastructure requirements in the Precinct.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Sinton Developments 18 Sinton Road C/o evitak@barker.co.nz</p>	<p>Submission number 33 Point 8</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the proposed re-alignment of Sinton Road to connect with Bringham Creek Road to the south west of 1 and 3 Sinton Road as the land is zoned Strategic Transport Corridor Zone, avoids private landholdings and a Significant Ecological Area, and overcomes the need to construct a bridge across the estuary.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Ockleston Investments Limited 1 Ockleston Landing C/o evitak@barker.co.nz</p>	<p>Submission number 29 Point 4</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the three coastal cul-de-sac indicative collector roads within Area 1D as the intensity of development that is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Ockleston Investments Limited 1 Ockleston Landing C/o evitak@barker.co.nz</p>	<p>Submission number 33 Point 5</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of the 'existing' collector road cul-de-sac parallel to Clarks Lane within Area 1D as it is incorrectly located on Precinct Plan 2 (relative to the road that is currently under construction) and the intensity of development that is consented within the site at 1 Ockleston Landing and by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p>	<p>Submission number 33 Point 6</p>	<p>Precinct Plan 2</p>	<p>Cabra supports the deletion of one of the secondary loops of Sinton Road (indicative collector road) as the intensity of development that</p>	<p>Select one-</p> <p><input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>

Ockleston Investments Limited 1 Ockleston Landing C/o evitak@barker.co.nz	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose		is provided for by the proposed zoning of the land will not result in adverse traffic generation effects that are required to be mitigated by a second collector road in this location or to provide this level of service (collector road), generating additional (undue) costs on individual landowners beyond that necessary to mitigate the potential traffic generation effects from within Area 1D.	
Original submitter name and address Ockleston Investments Limited 1 Ockleston Landing C/o evitak@barker.co.nz	Submission number 33 Point 7 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of the collector road that crosses SH18 or that further clarity is provided in respect of the need for this to be provided (on an effects basis) and the funding expectations/requirements for its construction, particularly as the bridge or tunnel will be a considerable cost item relative to the other infrastructure requirements in the Precinct.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 8 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of the 'proposed upgrade of existing collector road' to the east of 3-9 Clarks Lane as the road does not exist, and nor is a collector road required to service the future planned intensity of development in this location.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 9 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of the indicative collector road to the north of Clarks Lane and Ockleston Landing as its location is incorrectly aligned with the road that is currently under construction within 1 Ockleston Landing, and a collector road is not required to mitigate the potential traffic generation effects in this location.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 10 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Precinct Plan 2	Cabra supports the deletion of the indicative collector roads between Kauri and Sinton Roads and Sinton Road and Sinton Road East as there is insufficient detail as to the requirements for either road, and the funding mechanisms, costs and consenting implications for their construction (including that across privately held land).	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address	Submission number 48 Point 11	Precinct Plan 2	Cabra supports the reinstatement of a connection between Sinton Road and Brigham Creek Road as	Select one- <input checked="" type="checkbox"/> Allowed

Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose		the infrastructure is already in place, and does not require the use of privately held land.	<input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 12 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Infrastructure provisions	Cabra supports the proposed clarification that upgrades works are only required to the edge of the opposite carriageway kerb as the upgrade of the footpath (and additional services) will need to be amended to accommodate future development on the opposite side of the road reserve.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 13 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Infrastructure provisions	Cabra supports the proposed clarification that upgrade works can occur 'concurrently with' rather than 'prior to' development occurring as this enables development work to be undertaken coincident with the development of the site (rather than in two stages). Further clarity is required to confirm that infrastructure costs are to be shared per area, rather than precinct wide to provide greater certainty to landholders when developing (as it is not necessary to off-set the effects (or costs) outside of the specific 'area' of development).	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 14 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Infrastructure provisions	Cabra supports the proposed amendment to Objective 3 to limit the construction of infrastructure to that required to service the particular development site (rather than requiring all infrastructure within an 'area' to be constructed), noting that it is sought to provide transport infrastructure concurrently with (not in advance of) development.	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed
Original submitter name and address Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz	Submission number 48 Point 15 <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Infrastructure provisions	Cabra supports the proposed amendment to Objective 6 to enable upgrade works to occur 'concurrently with' rather than 'prior to' development occurring as this enables development work to be undertaken coincident with the development of the site (rather than in two stages).	Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed

<p>Original submitter name and address</p> <p>Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz</p>	<p>Submission number 48 Point 17</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Infrastructure provisions</p>	<p>Cabra supports the proposed amendment to Policy 6 to confirm that infrastructure costs are to be shared per area, rather than precinct wide to provide greater certainty to landholders when developing (as it is not necessary to off-set the effects (or costs) outside of the specific 'area' of development).</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>Yuewen Zhang and Yue Liu 10 and 14 Clarks Lane C/o painsworth@neilgroup.co.nz</p>	<p>Submission number 48 Point 18</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Infrastructure provisions</p>	<p>Cabra supports the proposed amendment to delete the three infrastructure items that are required to be provided within Area 1D as the extent to which these items are required in their proposed form is not sufficiently justified (on an effects basis).</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>CDL Land New Zealand Limited C/o dallan@ellisgould.co.nz</p>	<p>Submission number 36 Points 7,8, 11, 12, 17, 18, 22, 23, 25, 26, 27, 43-46, and 51-53</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Infrastructure provisions (including objectives, policies, rules and assessment criteria)</p>	<p>Cabra supports the primary submission of CDL in its entirety, and specifically the submission points in respect of infrastructure and roading provisions, for the reasons set out in Cabra's primary submission.</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>CDL Land New Zealand Limited C/o dallan@ellisgould.co.nz</p>	<p>Submission number 36 Points 32-37</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Subdivision provisions (including objectives, policies, rules and assessment criteria)</p>	<p>Cabra supports the primary submission of CDL in its entirety, and specifically the submission points in respect of subdivision provisions as the proposed amendments will provide consistency with the balance of the AUP, and to the consenting requirements for subdivision applications that comply with some (but not all) of the relevant rules/standards.</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>
<p>Original submitter name and address</p> <p>CDL Land New Zealand Limited C/o dallan@ellisgould.co.nz</p>	<p>Submission number 36 Points 10, 28 and 47</p> <p><input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose</p>	<p>Stormwater and flooding provisions (including objectives, policies, rules and assessment criteria)</p>	<p>Cabra supports the primary submission of CDL in its entirety, and specifically the submission points in respect of stormwater treatment and hazard management, for the reasons set out in Cabra's primary submission, namely that the duplication of provisions (within Chapter E36 of the AUP) is unnecessary as the potential effects relating to stormwater and hazards are appropriately managed by the AUP.</p>	<p>Select one- <input checked="" type="checkbox"/> Allowed <input type="checkbox"/> Disallowed</p>

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:16 p.m.
To: Unitary Plan
Subject: [ID:78] Unitary Plan further submission - Mario Walsh

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Mario Walsh

Organisation name:

Full name of your agent:

Email address: awalshlife@outlook.co.nz

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe

dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 27.2

Point number 27.3

The reasons for my or our support or opposition are:

I believe strongly in the importance of local employment with so much new housing in north west. The properties sought out to be included in 27.3 seem to be ideally situated to be included in the Plan change, and all owners are ready and willing for development

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a beneficiary of a family trust that owns property at 5 Spedding Road, Whenuapai

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
Sent: Thursday, 23 November 2017 4:31 p.m.
To: Unitary Plan
Subject: [ID:80] Unitary Plan further submission - Katherine McCallum

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Katherine McCallum

Organisation name:

Full name of your agent:

Email address: katherine.dawe@gmail.com

Contact phone number:

Postal address:

Submission details

This is a further submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

Original submission details

Original submitters name and address:

Mark Dawe

dawe@xtra.co.nz

Submission number: 27

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 27.2

Point number 27.3

The reasons for my or our support or opposition are:

With all the extra housing being added by the HIF area at Redhills there is a great need for more local employment. The properties asked for in 27.3 would be an easy add-on to the plan change area without impacting Northside Drive.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 23 November 2017

Attend a hearing

I or we wish to be heard in support of this submission: No

Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a beneficiary of a family trust that owns land at 5 Spedding Rd, Whenuapai.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Diana Luong

From: Emily Ip on behalf of Whenuapai
Sent: Thursday, 23 November 2017 4:34 p.m.
To: Unitary Plan
Cc: Whenuapai
Subject: FW: Further Submission to Proposed Whenuapai Plan Change No 5
Attachments: 23 Nov 2017_38 Trig Road Further Submissions.pdf

From: Nigel Hosken [<mailto:nigel@hosken.co.nz>]
Sent: Thursday, 23 November 2017 3:45 p.m.
To: Whenuapai
Subject: Further Submission to Proposed Whenuapai Plan Change No 5

Please find attached the further submissions for the Owners of No 38 Trig Road Whenuapai.

Best Regards,

Nigel Hosken

Director
BArch, ANZIA, NZRAB, Grad Dip Bus (Tech)



HOSKEN & ASSOCIATES LIMITED

Architecture, Project Management, Property Development, Resource Management
Tel: 09 834 2571 / Mob: 0274 770 773
Address: 99 Gloria Avenue, Te Atatu Peninsula, Auckland 0610
<http://www.hosken.co.nz>

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**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION ON
PROPOSED PLAN CHANGE NO 5: WHENUAPAI**

UNDER CLAUSES 7 AND 8 OF SCHEDULE 1 TO THE RESOURCE
MANAGEMENT ACT 1991

To Auckland Council

Name of person making

Further submission: Li-O Lee, Su-Chin Lin and Shu-Cheng Chen ("**LEE LIN AND CHEN**"),

This is a further submission in support of, and in opposition to, submissions on the following proposed plan change: Proposed Plan Change No 5: Whenuapai Plan Change Auckland Unitary Plan Operative on Part.

The further submissions are contained on the attached 3 sheets.

LEE LIN AND CHEN wishes to be heard in support of its further submission.

If others make a similar submission LEE LIN AND CHEN will consider presenting a joint case with them at a hearing.

Signature:



(Signature of person making further submission or person authorised to sign on behalf of person making further submission)

Date:



Address for Service of Person making further submission:

Hosken & Associates Limited
99 Gloria Avenue
Te Atatu Peninsula
AUCKLAND 0610

Tele: (09) 834 2571

E-mail: nigel@hosken.co.nz

Contact Person: Nigel Hosken, Registered Architect

Note to person making further submission:

A copy of your further submission must be served on the original submitter within 5 working days after making the further submission to the local authority

Table 1: Further Submissions - Plan Change No 5: Whenuapai Plan Change - LEE LIN and CHEN

Council Submission Number	Submitter	Submission	LEE LIN and CHEN Submission (Support/Oppose)	Reason for Further Submission
8.1	Upper Harbour Ecology Network	Decline the plan change	Oppose in Part	Oppose the submission in so far as it opposes rezoning land within the Whenuapai Structure Plan Area
8.2	Upper Harbour Ecology Network	Ecology	Oppose	Existing provisions provide sufficient requirements and opportunity for ecological protection and enhancement such that no further requirements need to be imposed
8.3	Upper Harbour Ecology Network	Biodiversity	Oppose in Part	Oppose to the extent that this submissions is requesting additional productive land is taken unnecessarily.
8.6	Upper Harbour Ecology Network	Stormwater	Oppose	Existing provisions provide sufficient requirements and opportunity for ecological protection and enhancement such that no further requirements need to be imposed
8.7	Upper Harbour Ecology Network	Streams	Oppose	Existing provisions provide sufficient requirements and opportunity for ecological protection and enhancement such that no further requirements need to be imposed
8.8	Upper Harbour Ecology Network	Biodiversity	Oppose	There is sufficient opportunity provided for within the proposed plan
8.9	Upper Harbour Ecology Network	Biodiversity	Oppose	Beyond what is required for the proposed plan. There are other Council mechanisms to address this request. The intent is generally supported
10.2	Junwei Wu	Transport	Support	Agree there needs to be certainty on the delivery of roading within the Whenuapai Structure Plan Area
11.2	Gongwang Li	Open Space	Support	The proposed park is not located to best support the future community
15.3	Whenuapai Ratepayers and Residents Association	Stormwater	Oppose in Part	The existing stormwater management regime requires the restoration of streams to the extent practicable. Eliminating piping as an option when developing can be counterproductive and wasteful of resources.
15.4	Whenuapai Ratepayers and Residents Association	Water Quality	Oppose	With the application of existing stormwater management practises used in urban development water quality will improve
15.5	Whenuapai Ratepayers and Residents Association	Infrastructure Provision	Support	Agree successful development requires an integrated approach to infrastructure provision. The lack is one of the key factors that delays development as these issues are worked through at great cost and time.
15.6	Whenuapai Ratepayers and Residents Association	Open Space	Oppose in Part	The Council has Open Space standard requirements to be met at the time of development.
15.7	Whenuapai Ratepayers and Residents Association	Stormwater	Oppose	The existing requirements will achieve this objective and there is no additional requirements needed
15.8	Whenuapai Ratepayers and Residents Association	Zoning	Oppose	Urban land uses will generate traffic regardless.
17.4	Austino	Zoning	Support	Better utilisation of assets
18.2	Hsiu Ho Lin	Open Space	Support	Council should be acquiring Open Space in advance of zoning. Council should not be imposing a land use that affects the potential future use of the land
18.5	Hsiu Ho Lin	Transport	Oppose and Support	This submission is opposed to the extent that provision of Rooding is essential for development. The submission is supported to the arbitrary positioning of roads in advance of development schemes creates development difficulties in terms of costs, cost sharing, design, location and access
19.2	Herald Island Environmental Group	Biodiversity	Oppose	With provision of reserve, stormwater reserves there is already in excess of 10% land set aside as open space. Additional land is not required.
19.3	Herald Island Environmental Group	Biodiversity	Oppose	The degradation of wetlands, streams and riparian margins is the result of existing land uses. It is for those who caused the damage to rectify and not the future land uses who will be required to provide for their effects of development
19.4	Herald Island Environmental Group	Open Space	Support	Connecting Open Spaces is supported

19.5	Herald Island Environmental Group	Stormwater	Support	Is already required
19.8	Herald Island Environmental Group	Biodiversity	Oppose	Existing provisions provide sufficient requirements and opportunity for ecological protection and enhancement such that no further requirements need to be imposed
19.9	Herald Island Environmental Group	Open Space	Oppose	Council should be acquiring Open Space in advance of zoning. Council should not be imposing a land use that affects the potential future use of the land
19.10	Herald Island Environmental Group	Developer Contributions	Oppose	The arbitrary application of 10% Developer Contributions to repair damage by others is opposed. Council already has a regime to identify cost and recovery
19.13	Herald Island Environmental Group	Biodiversity	Oppose	There is sufficient opportunity provided for within the proposed plan.
19.15	Herald Island Environmental Group	Open Space	Oppose	It is a matter for Council to determine and implement the work on Open Space reserve land. Council may through an agreement with a developer arrange for the developer to provide the work.
19.16	Herald Island Environmental Group	Open Space	Support	Support Council identifying Open Space requirements prior to development on the proviso that Council also acquires the land before any plan becomes operative.
19.17	Herald Island Environmental Group	Open Space	Oppose	There are existing standards and no need for this plan to provide an alternate policy and objective
19.20	Herald Island Environmental Group	Open Space	Oppose	Oppose as the use of open space is only one of many methods that can be used to separate conflicting land uses
19.21	Herald Island Environmental Group	Infrastructure Provision	Support	In conjunction with developments plans to provide schedules of works, cost shares and allocation of costs for provision
19.22	Herald Island Environmental Group	Other	Support	Development Plans assist with integration of all services and infrastructure
19.38	Herald Island Environmental Group	Transport	Support	Agree an integrated approach is beneficial. Need for better integration
20.30	Martin and Rochelle Good	Open Space	Opposed	Existing Provisions are adequate.
21.30	Cabra Developments	Infrastructure Provision	Support	Support documented infrastructure provision in advance of approved zoning being made operative.
21.70	Cabra Developments	Transport	Oppose	The only reason to insert road cross sections into planning document is if the AT Development Code is deficient and existing NZ Standards do not provide for the road type required
21.80	Cabra Developments	Infrastructure Provision	Support	Fair and Equitable provision is supported
22.20	Royal Forest and Bird	All	Oppose	This submission is opposed in its entirety
23.10	NZTA	Infrastructure Provision	Oppose	The imposition of staged development is not supported. The development of the land should be able to proceed provided the infrastructure to support that part of the development is in place or in the process of being put in place.
23.30	NZTA	Infrastructure Provision	Oppose	Agree that infrastructure and subdivision should be integrated however adding additional stages into a consenting process to prove that such integration is in place only contributes to unnecessary frustration and delay
24.3	Stride Holdings Ltd	Zoning	Support and Oppose	Support the submission to the extent that it supports the provision of local services. Oppose the submission in that the location will not serve its catchment, will generate transport safety issues and the parcel identified will not enable a high quality well functioning neighbourhood centre
24.4	Stride Holdings Ltd	Zoning	Support in part	Support to the extent that the submission seeks to link higher density residential living adjacent to amenity
24.5	Stride Holdings Ltd	Support	Support in part	Support to the extent that it requires integrated comprehensive development
28.4	Peter and Helen Panayidou	Open Space	Support in part	Support to the extent that it adds criteria to determine a most ideal location for open space provision

28.5	Peter and Helen Panayuidou	Transport	Support in part	When allowing development access to a public road the purpose of the road must be supportive of the development and the development must not be a hindrance to other users of the road. For example too many driveways accessing an arterial public road will reduce the functionality of that road.
28.6	Peter and Helen Panayuidou	Infrastructure Provision	Support	Support of setting of public works against development contributions
34.5	Charles Ku	Infrastructure Provision	Support	Assists with provision of integrated development
34.6 & 34.11	Charles Ku	Transport	Support	Assists with provision of integrated development
34.8	Charles Ku	Infrastructure Provision	Support	Assists with provision of integrated development
35.8	Sheng Xin Property Investment Ltd	Infrastructure Provision	Oppose	Oppose the requirement for a developer to fund the full upgrade of a road when only one side is being developed. If the other side of the road is to be upgraded then other parties are to fund the added cost.
36.00	CDL Investments	All	Support	The submitter (No 38 Trig Road) has requested changes based on a continuation of residential land uses as proposed in the notified plan change. However the owners of No 38 are not opposed to the CDL Investments proposal for Business/Mixed Use zoning together with the suggested plan change amendments.
51.3	Nga Maunga Whakahi O Kaipara Whenua Hoko Holdings	Infrastructure Provision	Oppose	The proposed plan change has indicated the intended land uses and their distribution. The indicative road network has been developed to support that proposed land use. There is therefore no need to review the future roads location. The classification that determines the standard of road to be provided can be finally determined at the time of subdivision.

Diana Luong

From: Davies Rebecca, Ms <REBECCA.DAVIES@nzdf.mil.nz>
Sent: Thursday, 23 November 2017 4:54 p.m.
To: Unitary Plan
Subject: PC 5: Further Submission by NZDF unclassified
Attachments: 171123 NZDF Further Submission.pdf

Categories: PC 5

Good afternoon,

Please find, attached, a further submission by the NZ Defence Force in relation to Proposed Plan Change 5: Whenuapai Plan Change to the Auckland Unitary Plan – Operative in Part.

Regards,

Rebecca Davies

Senior Environmental Officer (Planner)
Defence Estate and Infrastructure

NEW ZEALAND DEFENCE FORCE

T +64 9 445 5619, M +64 21 445 482, Internal (397) 7619

www.nzdf.mil.nz

Proud to be part of the New Zealand Defence Force
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Environment: A natural part of all NZDF decision-making

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Further Submission on Proposed Plan Change 5: Whenuapai Plan Change to the Auckland Unitary Plan – Operative in Part

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

To: Auckland Council
Address: Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Senior Environmental Officer

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 5271
Auckland 1169

Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz

A detailed further submission is attached.

The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest¹. The Proposed Plan Change area is located adjacent to the Whenuapai Airbase and has the potential to impact on NZDF operations. NZDF therefore has an interest in Proposed Plan Change 5 that is greater than the interest the general public has.

NZDF **does** wish to be heard in support of its further submission.

If others make a similar further submission, NZDF **will consider** presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.



Person authorised to sign
on behalf of New Zealand Defence Force

Date

23/11/17

¹ Set out in section 5 of the Defence Act 1990

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
Neil Construction Limited painsworth@neilgroup.co.nz	46.3	Delete engine testing noise boundaries from 2-10 Kauri Road and 150-152 Bringham Creek Road	Oppose	The engine testing noise boundaries are necessary to protect the Airbase from reverse sensitivity effects. However the location shown on Whenuapai 3 Precinct Plan 3 should be amended to align with those shown on Figure 13 of the Malcolm Hunt Associates report. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.	Disallow the submission. Retain the noise boundaries but amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
	46.4	Amend the zoning of 2-10 Kauri Road and 150-152 Bringham Creek Road from Single House and Light Industry to Mixed Housing Urban	Oppose in part	NZDF is supportive of zoning that locates activities sensitive to noise further away from the Airbase.	Appropriate zoning, controls and measures (e.g. no complaints covenants) should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase.
Neil Construction Limited painsworth@neilgroup.co.nz	46.7	Seeks to include an additional area to the north west into the Plan Change area	Neutral	NZDF is neutral on the inclusion of this area. However, appropriate zoning and controls should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase.	Appropriate zoning, controls and measures (e.g. no complaints covenants) should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase.

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
Maraetai Land Development Ltd painsworth@neilgroup.co.nz	47.3	Delete engine testing noise boundaries from 12-18 Kauri Road and 34 Kauri Road	Oppose	The engine testing noise boundaries are necessary to protect the Airbase from reverse sensitivity effects. However the location shown on Whenuapai 3 Precinct Plan 3 should be amended to align with those shown on Figure 13 of the Malcolm Hunt Associates report. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.	Disallow the submission. Retain the noise boundaries but amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
	47.4	Amend the zoning of 12-18 Kauri Road and 34 Kauri Road from Single House and Light Industry to Mixed Housing Urban	Oppose in part	NZDF is supportive of zoning that locates activities sensitive to noise further away from the Airbase.	Appropriate zoning, controls and measures (e.g. no complaints covenants) should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase.
Maraetai Land Development Ltd painsworth@neilgroup.co.nz	47.7	Seeks to include an additional area to the north west into the Plan Change area	Neutral	NZDF is neutral on the inclusion of this area. However, appropriate zoning and controls should be in place to reflect the proximity of residents and activities to	Appropriate zoning, controls and measures (e.g. no complaints covenants) should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
				the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase. Zoning should take into account the Obstacle Limitation Surface (OLS) restrictions.	Airbase.
Yuewen Zhang and Yue Liu painsworth@neilgroup.co.nz	48.6, 48.19	Delete the 57dB Ldn aircraft engine testing noise boundary located on 14 and 15 Clarks Lane	Oppose in part	The engine testing noise boundaries should not be deleted, but the location shown on Whenuapai 3 Precinct Plan 3 should be amended to align with those shown on Figure 13 of the Malcolm Hunt Associates report.	Retain the noise boundaries but amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
Sharron L and Roy J Preece rpreece@xtra.co.nz	6.3	Redraw the 65dB Ldn noise boundary to exclude 50 Kauri Road and other longstanding residential properties	Support in part	The engine testing noise boundaries should not be deleted, but the location shown on Whenuapai 3 Precinct Plan 3 should be amended to align with those shown on Figure 13 of the Malcolm Hunt Associates report. Note: NZDF acknowledges that the property at 50 Kauri Road is a longstanding residential property and does not oppose the Single House residential zoning as sought by the submitter for this property.	Amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
	6.6	Amend the plan	Oppose in part	The Plan Change is based on	Retain the noise boundaries but amend the Whenuapai

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
		change so the noise contours are supported by a professional field survey (i.e. physical testing) to determine the real position of the 65dB noise contour	part	sound technical data in relation to noise. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.	Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
	6.7	Seeks the installation of acoustic barriers around the designated testing locations on the Whenuapai Airbase to absorb or deflect noise to the noise contours currently legislated i.e. the current 55dB noise contour	Oppose	The generation of noise at the Airbase is outside of the scope of this proposed Plan Change. The proposed Plan Change needs to include appropriate objectives, policies and rules to protect the Airbase, which has operated at the site for around 80 years and is regionally and nationally significant infrastructure, from reverse sensitivity effects.	Disallow the submission.
	6.8	Seeks that the Airbase considers abandoning the problematic testing locations close to the boundaries of the plan change in favour of new locations well away from residential	Oppose	The generation of noise at the Airbase is outside of the scope of this proposed Plan Change. The proposed Plan Change needs to include appropriate objectives, policies and rules to protect the Airbase, which has operated at the site for around 80 years and is regionally and nationally significant infrastructure,	Disallow the submission.

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
	6.9	<p>properties</p> <p>Amend the plan change to redraw the 65dB noise contour with a more realistic approach to 'worst case scenarios' and safety margins</p>	Support in part	<p>from reverse sensitivity effects.</p> <p>The Plan Change is based on sound technical data in relation to noise. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.</p>	Amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with those shown on Figure 13 of the Malcolm Hunt Associates report.
	6.10	Amend the plan change to enable a covenant of no objection to noise emanating from the Airbase to be registered on the title of 50 Kauri Road if this is the only means by which 50 Kauri Road can retain its residential status	Support in part	<p>NZDF supports the use of no-complaints covenants as set out in its original submission.</p> <p>As noted above, NZDF does not oppose the Single House residential zoning sought by the submitter for this property.</p>	Allow the submission and provide for no-complaints covenants as set out in NZDF's original submission.

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
Andrew C Braithwaite andybte@hotmail.com	7.2	Council should stipulate to the RNZAF the necessary rules for aircraft testing – which are the sole cause of the rezoning plans. Sound contours should be rejected pending more accurate data.	Oppose	<p>NZDF's activities are authorised by designation. The generation of noise at the Airbase is outside of the scope of this proposed Plan Change. The proposed Plan Change needs to include appropriate objectives, policies and rules to protect the Airbase from reverse sensitivity effects.</p> <p>The Plan Change is based on sound technical data in relation to noise. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.</p>	Disallow the submission.
Whenuapai Ratepayers and Residents Association secretary@whenuapai.org.nz	15.2	Opposes the method used for the noise study as the results are highly theoretical and not based on actual measurements	Oppose in part	<p>The Plan Change is based on sound technical data in relation to noise. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.</p>	Disallow the submission in part.

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
Dave Allen dave.allen@outlook.co.nz	30.8	The noise from the airfield will adversely affect far outside the contours indicated. These are theoretical and do not take into account what aircraft engines might be used in the future.	Oppose	The Plan Change is based on sound technical data in relation to noise. The Malcolm Hunt Associates Report does consider potential foreseeable future use of aircraft. While NZDF considers that the proposed engine testing noise boundaries (if amended as requested in NZDF's submission) are supported by the work undertaken to date, there is scope for further work to be undertaken to potentially refine these.	Disallow the submission
Upper Harbour Ecology Network anntem1401@gmail.com	8.8	Set aside substantial areas for natural biodiversity to enable the North West Wildlink to operate	Oppose	While NZDF supports efforts to improve ecological outcomes, this needs to be balanced with the need to consider safety impacts on the Whenuapai Airbase and avoid or mitigate bird strike risk.	Disallow submission. Alternatively, if further areas are to be provided, ensure these are designed and managed in such a way as to avoid or mitigate bird strike risk.
Herald Island Environmental Group charissa@csaarchitect.co.nz	19.2	Create a minimum of 10% of land as intact forest including riparian margins to provide space and corridors for wildlife to flourish	Oppose	While NZDF supports efforts to improve ecological outcomes, this needs to be balanced with the need to consider safety impacts on the Whenuapai Airbase and avoid or mitigate bird strike risk.	Disallow submission. Alternatively, if further areas are to be provided, ensure these are designed and managed in such a way as to avoid or mitigate bird strike risk.
	19.35	Opposes the lack of substantial	Oppose	While NZDF supports efforts to improve ecological	Disallow submission. Alternatively, if further areas are to be provided, ensure these are designed and managed in

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
		areas identified and set aside for natural biodiversity to enable the North West Wildlink to operate across this region		outcomes, this needs to be balanced with the need to consider safety impacts on the Whenuapai Airbase and avoid or mitigate bird strike risk.	such a way as to avoid or mitigate bird strike risk.
	19.20	Seeks green open space buffer between the Business – Light Industry Zone and residential zones	Oppose	While NZDF supports efforts to improve ecological outcomes, this needs to be balanced with the need to consider safety impacts on the Whenuapai Airbase and avoid or mitigate bird strike risk.	Disallow submission. Alternatively, if further areas are to be provided, ensure these are designed and managed in such a way as to avoid or mitigate bird strike risk.
	19.5, 19.26	Requests the enforcement of all water sensitive design practices such as holding tanks, swales, green roof gardens, permeable paving and filtering holding ponds	Oppose	NZDF is concerned about subdivision, use and development increasing bird strike risk. Stormwater features that include standing water have the potential to attract birdlife and increase risks associated with bird strike. While NZDF recognises the need to provide stormwater treatment, development within the PPC5 area must take account of the potential for bird strike and identify and require ways to avoid and/or at least mitigate this.	Disallow submission. Alternatively, ensure provisions to not encourage or require stormwater features that increase bird strike risk.
Forest and Bird n.beveridge@forestandbird.org.nz	22.2	Seeks amendments to provide for larger, sustainable habitat	Oppose	While NZDF supports efforts to improve ecological outcomes, this needs to be balanced with the need to	Disallow submission. Alternatively, if further areas are to be provided, ensure these are designed and managed in such a way as to avoid or mitigate bird strike risk.

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
		areas at intervals along the riparian margins for both permanent and intermittent waterbodies		consider safety impacts on the Whenuapai Airbase and avoid or mitigate bird strike risk.	
	22.27	Seeks to replace Policy 1616.3(17) to: "Provide for riparian planting and the establishment of substantial conservation areas to enhance the North-West Wildlink."	Oppose	While NZDF supports efforts to improve ecological outcomes, this needs to be balanced with the need to consider safety impacts on the Whenuapai Airbase and avoid or mitigate bird strike risk.	Disallow submission. Alternatively, ensure the policy directs any conservation areas to be designed and managed in such a way as to avoid or mitigate bird strike risk.
78 Hobsonville Limited and Prestige Clark Road Limited a.hoque@harrisonsgrrierson.com	14.2	Rezone 78 and 80 Hobsonville Road to Terrace Housing and Apartment Buildings Zone	Oppose in part	Zoning should take into account the Obstacle Limitation Surface (OLS) restrictions.	Apply appropriate zoning within the Precinct such that the maximum height limit does not infringe the OLS.
Whenuapai Ratepayers and Residents Association secretary@whenuapai.org.nz	15.8	Opposes rezoning for increased industrial/business activities	Neutral	NZDF is supportive of zoning that locates activities sensitive to noise further away from the Airbase.	Appropriate zoning, controls and measures (e.g. no complaints covenants) should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase.
Pauline Howlett phowlett05@gmail.com	16.2	Zone land at 7 Trig Road and near the intersection of the realigned Trig Road and Hobsonville Road to allow for high	Oppose in part	Zoning should take into account the Obstacle Limitation Surface (OLS) restrictions.	Apply appropriate zoning within the Precinct such that the maximum height limit does not infringe the OLS.

Original Submitter's Name and Address	Number	Summary of Submission	Support or Oppose	Reason	Decision Sought
Austino	17.4, 17.7	density housing Seeks increased residential intensification along indicative collector and arterial road frontages.	Oppose in part	NZDF is supportive of zoning that locates activities sensitive to noise further away from the Airbase.	Disallow submission.
Stride Holdings bianca.tree@minterellison.co.nz	24.3	Supports the rezoning of 4500m ² of land to Business – Neighbourhood Centre at the intersection of Trig Road and Hobsonville Road	Oppose in part	Zoning should take into account the Obstacle Limitation Surface (OLS) restrictions.	Apply appropriate zoning within the Precinct such that the maximum height limit does not infringe the OLS.
TDR Family Trust, CAR Family Trust, KW Ridley Trust craig@mageeplanning.co.nz	40.2	Consider whether it would be more appropriate to apply Mixed Use zoning to sites not affected by the Aircraft Noise overlays, including 151 Brigham Creek Road	Neutral	NZDF is supportive of zoning that locates activities sensitive to noise further away from the Airbase.	Appropriate zoning, controls and measures (e.g. no complaints covenants) should be in place to reflect the proximity of residents and activities to the Airbase, to take into account the effects of noise, and to minimise effects, including reverse sensitivity effects, on the Airbase.

Diana Luong

From: Philip Brown <philip@campbellbrown.co.nz>
Sent: Thursday, 23 November 2017 5:41 p.m.
To: Unitary Plan; Unitary Plan
Cc: David Page
Subject: Further submission on PC5 - Neil Construction Limited
Attachments: PC5 further submission - Neil Construction Limited.pdf

Hi,

Please find attached a further submission on proposed Plan Change 5 to the Auckland Unitary Plan (Operative in Part), lodged on behalf of Neil Construction Limited.

I would appreciate receiving confirmation of receipt.

Kind regards

Philip Brown | Director

Campbell Brown Planning Limited

Level 1, 56 Brown Street, Ponsonby | PO Box 147001, Ponsonby, Auckland 1144

DDI 09 394 1694 | 021 845 327 | philip@campbellbrown.co.nz | www.campbellbrown.co.nz

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**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON THE PROPOSED PLAN CHANGE 5 TO THE
AUCKLAND UNITARY PLAN**

To: Auckland Council

Name of Further Submitter: Neil Construction Limited

This is a further submission in support or opposition to submissions on the Proposed Plan Change 5 ('PC5') to the Auckland Unitary Plan.

The Further Submitter has an interest in PC5 that is greater than the interest of the general public. In particular, the Further Submitter owns land within the PC5 area that would be affected by the relief sought in the submissions noted below.

Further Submissions

The submissions supported or opposed, and the reasons for the support or opposition, are detailed in the table attached as **Attachment A**.

The Further Submitter wishes to be heard in support of this further submission. If others make a similar further submission, the Further Submitter will consider presenting a joint case with them at a hearing.

Phil Ainsworth
Chief Executive Officer
The Neil Group Limited
For Neil Construction Limited

Date: 23 November 2017

Address for service:

C/- The Neil Group Limited
PO Box 8751
Symonds Street
AUCKLAND 1150

Attention: Phil Ainsworth
Chief Executive Officer

Telephone: (09) 918 6565

Email: painsworth@neilgroup.co.nz

Attachments:

Attachment **A** – Table of submissions supported or opposed

ATTACHMENT A

Table of submissions supported or opposed

Section 123 Local Government (Auckland Transitional Provisions) Act 2010; Clause 8 of Schedule 1, Resource Management Act 1991;
FORM 3 Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013

No.	The Further Submitter opposes the original submission of:	The particular parts of the submission opposed are:	The reasons for the Further Submitter's opposition are:	The Further Submitter seeks that the identified parts of the original submission be:
1.	Royal Forest and Bird Protection Society NZ (submission 22)	Submission points 22.3 and 22.5.	<p>The proposed 10m setback from streams is considered to be adequate and there is no need to double the required setback to 20m. That outcome will remove developable land without any clear environmental benefit. The Further Submitter also opposes the submitter's request for predator-proof fencing. Installation of fencing is excessive on small urban streams and will likely be ineffective over time as maintenance decreases.</p>	Disallowed
2.	New Zealand Defence Force (submission 41)	Submission points 41.4, 41.8, 41.9, 41.13, 41.14, 41.26, 41.28, and 41.29.	<p>The Further Submitter considers that the proposed urban use of the land surrounding the Air Base is likely to support a smaller population of birds than the current rural use. In this context, the addition of further provisions in relation to bird strike needs to be tempered. In particular, the Further Submitter would be concerned if controls were placed on earthworks when ploughing of fields is permitted in this area at the current time.</p> <p>The Further Submitter opposes the submitter's request to retain the Light Industry zone adjacent to the Air Base. The restrictive zoning is based on mitigation of noise from the Air Base that is being generated unlawfully and in breach of conditions on the designation. The appropriate planning response is for the submitter to comply with the conditions. While the Further Submitter opposes the imposition of unnecessary restrictions on its land, it does note that the proposed noise boundaries are not consistent with the acoustic information that was available to the Council.</p> <p>Changes proposed by the submitter to Objective 12 have the effect of broadening considerations to matters beyond lighting, and are opposed by the Further Submitter.</p> <p>The Further Submitter considers that there is no basis for imposing no-complaints covenants within the precinct. Compliance with the noise limits imposed on the Air Base would ensure that the level</p>	Disallowed

			of effects on residential development was negligible. In any event, no-complaints covenants are largely ineffective as they only apply to the registered owner of a property.	
			The restrictions requested by the submitter in respect of lighting and glare are excessive and unnecessary. It is not credible to suggest that domestic scale lighting of homes and gardens will simulate approach path runway lighting.	
3.	Auckland Transport (submission 42)	Submission point 42.7, 42.9, 42.11, and 42.17	The Further Submitter opposes the submitter's request to amend Policy 4 so that development is 'staged' to align with transport infrastructure. This amendment would have the potential to defer development opportunities within a site until works have occurred beyond the site boundaries that may not be within the control of the developer.	Disallowed

No.	The Further Submitter supports the original submission of:	The particular parts of the submission supported are:	The reasons for the Further Submitter's support are:	The Further Submitter seeks that the identified parts of the original submission be:
4.	Sharon Lorraine Preece and Roy James Preece (submission 6)	Submission points 6.6, 6.7, 6.8, and 6.9.	The Further Submitter considers that the NZDF engine testing is creating noise levels that are in contravention of the conditions imposed on the Airbase designation. Notwithstanding that fundamental issue, the Further Submitter supports requests for amendments to PC5 that would require more reliable and accurate information and that seek to more effectively manage engine noise at source.	Allowed
5.	Cabra Developments Limited (submission 21)	Submission points 21.5, 21.6, 21.8, and 21.9.	The Further Submitter supports the submitter's request to amend the status and location of roads to provide for a more achievable and realistic outcome, and also supports requested amendments that will clarify requirements for upgrading of roads and funding of infrastructure. Such amendments will clarify obligations for developers.	Allowed
6.	CDL Land New Zealand Limited (submission 36)	Submission points 36.48, 36.52, 36.54, and 36.55.	The submitter seeks to apply riparian planting requirements to streams or wetlands identified on Precinct Plan 1. This is supported as it provides certainty as to which stream margins are to be planted, and avoids the possibility of disagreement about the status of the stream at the time of applying for subdivision consent. The Further Submitter also supports deletion of references to compliance with the Auckland Transport Code of Practice. This provision is considered to be ultra vires as it effectively requires compliance with standards in a document that can be amended outside of the statutory plan change process.	Allowed

7.	Auckland Transport (submission 42)	Submission points 42.9, 42.11, and 42.17.	The submitter requests amendments that clarify responsibilities for funding and establishment of infrastructure, such as seeking removal of references in Table I616.6.2.1 to projects that fall within the sole responsibility of developers. Such clarification is supported. The submitter's request to include indicative locations of future Rapid Transit stations on Precinct Plan 2 is also supported in principle provided that such notation is indicative and that Auckland Transport's designs for the Rapid Transit Station do not delay or hinder the development of the property.	Allowed
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