

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of **Private Plan Change 107** – Whenuapai Business Park to the Auckland Unitary Plan

**HEARING DIRECTION #1 FROM THE HEARING PANEL**

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed the Chair of the Hearing Panel – David Hill (Chairperson). The hearing panel members will be appointed shortly. The Hearing Panel's function is to hear the application and submissions and make a decision on the Private Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. Plan Change 107, in summary, seeks to rezone the land from Future Urban Zone to Business – Light Industry Zone. The Private Plan Change seeks to apply a new Whenuapai Business Park Precinct over the land to manage effects of future development on the land and to apply the Stormwater Management Area Flow control.
3. Before the hearing timetable is set down, the Chair directs the requestor to file a memorandum outlining what, if any, changes are recommended to the notified proposal and outline which changes are in response to which submissions. This memorandum should be lodged with the Council's Hearings Advisor, Bevan Donovan, by 4pm, Monday 5 June 2025.
4. The reason for this is, in accordance with Part 2 of Schedule 1 of the RMA, any modifications to the plan change request should be made prior to the Local Authority considering it under s.25 of Schedule 1. However, as this Private Plan Change has already been notified, the s.42A report will be based on the Private Plan Change as notified. The Chair, in setting the hearing timetable, will take into consideration the extent of any proposed changes to ensure all parties have sufficient time to prepare for the hearing.
5. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Bevan Donovan, by email at [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz).



David Hill,  
Hearing Panel Chairperson

17 April 2025

**BEFORE HEARING COMMISSIONERS  
FOR AUCKLAND COUNCIL**

**PLAN CHANGE 107 (PRIVATE)  
WHENUAPAI BUSINESS PARK**

<b>IN THE MATTER</b>	of a request for a plan change under clause 21 of schedule 1 of the Resource Management Act 1991
<b>APPLICANT</b>	Neil Construction Limited
<b>APPLICATION SITE</b>	69-73 and 94-96A Trig Road and 141, 145, 151, 153, 155-157, 159 and 163 Brigham Creek Road, Whenuapai, Auckland

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**MEMORANDUM OF COUNSEL FOR THE APPLICANT REGARDING HEARING  
DIRECTION #1**

**DATED 5 MAY 2025**

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**Solicitor**

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**May it please the Hearing Panel**

- 1 We refer to the Hearing Direction #1 from the Hearing Panel dated 17 April 2025. This memorandum is filed in response to the direction in paragraph 3.
- 2 The applicant, Neil Construction Limited, proposes changes to the notified plan change.
- 3 The proposed changes and the submission and submission point to which those changes respond are attached.
- 4 To assist the Hearing Panel in setting the hearing timetable, we respectfully suggest the following timetable for evidence exchange ahead of the hearing on 14-15 July 2025:
  - (a) Auckland Council s 42A report due and available by 3 June 2025
  - (b) Applicant evidence due and available by 16 June 2025
  - (c) Submitter evidence due and available by 24 June 2025
  - (d) [if necessary, hearing attendance forms for all parties due by 24 June 2025]
  - (e) Auckland Council addendum to s 42A report (if any) due and available by 1 July 2025
  - (f) Applicant supplementary evidence (if any) due and available by 8 July 2025; and
  - (g) Applicant and submitter legal submissions due and available by 10 July 2025.

**Dated 5 May 2025**

  
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P Senior/V J Toan  
Counsel for Neil Construction Limited

#### **I6XX.4 Whenuapai Business Park Precinct**

##### **I6XX.4.1. Precinct Description**

The purpose of the Whenuapai Business Park Precinct is to enable the transition of land within the Precinct from semi-rural land uses to a light industrial business area, in an integrated and comprehensive manner to support business and employment growth in the area. The Precinct will facilitate the establishment of significant infrastructure that will support its development and ensure it is integrated into, and enables, future urban development of the wider area. Infrastructure upgrades include new internal roading connections, new and upgraded intersections, and an upgrade to Bringham Creek Road and Trig Road.

Land within the Precinct is identified as Business – Light Industry Zone. This zone is generally consistent with, and implements, the vision encapsulated within the Whenuapai Structure Plan 2016.

Development of the Precinct is guided by the Whenuapai Business Park Precinct Plan.

Stormwater management within the Precinct is guided by the Cato Bolam Stormwater Management Plan (2023). As part of the integrated stormwater approach, stormwater treatment requirements and the Stormwater Management Area Control – Flow 1 have been applied to the Precinct.

The Royal New Zealand Air Force (RNZAF) Base Auckland is located to the north of the Whenuapai Business Park Precinct and the approach path infrastructure traverses the western portion of the Precinct. RNZAF Base Auckland is a **strategic** defence facility of national and regional **strategic** importance. The presence of RNZAF Base Auckland contributes to the Precinct's existing environment and character. The Precinct acknowledges the significance and presence of RNZAF Base Auckland by ensuring that all subdivision, use and development within the Precinct will occur in a manner that does not adversely affect the ongoing operations of RNZAF Base Auckland. This approach is consistent with Regional Policy Statement provisions that recognise the **functional** and operational needs of infrastructure (including RNZAF Base Auckland) and seek to protect it from reverse sensitivity effects caused by incompatible subdivision, use and development.

**Commented [PB1]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.6)

**Commented [PB2]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.6)

Some of the aircraft that operate from RNZAF Base Auckland are maintained on-site. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7.00am and 10.00pm but, in circumstances where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods. The Whenuapai Business Park Precinct Plan includes noise contour boundaries for aircraft engine testing noise. Related provisions impose restrictions on activities in the Precinct that are sensitive to aircraft noise, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland.

The Precinct is situated within an area broadly identified as the North-West Wildlink, the aims of which are to create safe, connected, and healthy habitats for native wildlife to safely travel and breed in between the Waitākere Ranges and the Hauraki Gulf Islands. The Precinct recognises that this area of Whenuapai is a stepping stone in this link for native wildlife and seeks to enhance these connections through riparian planting and

restoration of degraded habitats, including the provision of habitats for less mobile or flightless species.

The Precinct recognises and provides for the vision of Auckland's Urban Ngahere (Forest) Strategy to increase the canopy cover in the Auckland region, by providing opportunities for riparian planting, wetland restoration, and additional open space buffer and front boundary planting to contribute to increasing the canopy cover in the area.

All relevant overlays, Auckland-wide and zone provisions apply in this Precinct unless otherwise specified below.

## **1416XX.2. Objectives [rcp/rp/dp]**

### *General*

- (1) Whenuapai Business Park Precinct is developed in a staged, comprehensive, and integrated manner to facilitate the development of a business area for predominantly light industrial land use activities.

### *Transport Infrastructure*

- (2) Transport infrastructure that is required to service subdivision and development within the Precinct:
  - a) Provides for freight
  - b) Provides safe and efficient walking and cycling connections
  - c) Provides for bus access and bus stops to support future improvements to public transport connectivity
  - d) Mitigates traffic impacts on the surrounding road network
  - e) Provides connectivity to facilitate future subdivision and development of adjacent sites; and
  - f) Is staged and co-ordinated with subdivision and development
- (3) Roadway connections, new or upgraded intersections, and the upgrading of Bringham Creek and Trig Road are provided to support subdivision and development within the Precinct.

### *Ecology*

- (4) Ecological values including the health and well-being of streams and wetlands within the Precinct are enhanced.
- (5) Riparian, open space buffer, front yard, and boundary planting contributes to increasing the canopy cover and indigenous biodiversity within the Precinct.

### *Three Waters Infrastructure*

- (6) All necessary three waters infrastructure (being water supply, wastewater, and stormwater infrastructure) is in place to service development within the Precinct and is staged and coordinated with subdivision and development.
- (7) Stormwater quality and quantity is managed to maintain the health, well-being, and preserve the mauri, of the receiving environment, and minimise flood risk.



- (8) Stormwater devices avoid, as far as practicable, or otherwise minimise or mitigate adverse effects on the receiving environment, ~~and including~~ the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.

**Commented [PB3]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.7)

#### *Effects of on RNZAF Base Auckland*

- (9) The effects of subdivision, use and development on the operation and activities of RNZAF Base Auckland are avoided as far as practicable, or otherwise remedied or mitigated.
- ~~(10) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment.~~

**Commented [PB4]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.9)

### **H16XX.3. Policies [rcp/rp/dp]**

#### *General*

- (1) Develop Whenuapai Business Park Precinct in accordance with the Precinct Plan.
- (2) Ensure that where a stage identified on the Precinct Plan (Infrastructure Staging) is subdivided or developed, the associated upgrading or establishment of transport and three waters infrastructure is undertaken and completed at the same time.
- (3) Stages may be developed in any order, or more than one stage can be developed at one time.

#### *Transport*

- (4) Require the development of a transport network that implements the elements and connections identified in the Precinct Plan and is in accordance with Tables 1 and 2 I6XX: Road Function and Design Elements.
- (5) Subdivision and development within each identified stage does not occur in advance of the availability of transport infrastructure to support that stage, as identified on the Precinct Plan (Infrastructure Staging).

#### *Ecology*

- (6) Provide for the health and well-being of indigenous biodiversity, streams and wetlands within the Precinct through riparian planting and restoration of degraded habitats.

#### *Three Waters Infrastructure*

- (7) Require subdivision and development to be in accordance with the Precinct Stormwater Management Plan to effectively manage stormwater runoff and to provide for water sensitive design.
- (8) Ensure that stormwater in the Precinct is managed and, where appropriate, treated, to ensure the health and ecological value of streams are maintained and where practicable, enhanced, for all subdivision and development.
- (9) Ensure that stormwater is managed to minimise flood risk, within the Precinct and in the downstream catchment.
- ~~(10) The Require the stormwater management outcomes and devices for the site shall to be planned, designed, and implemented to avoid attracting birds and therefore mitigate the potential for bird strike to impact safety and flight operations at RNZAF~~

**Commented [PB5]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.10)

Base Auckland.

- (11) Ensure that appropriate water and wastewater infrastructure is provided to enable the servicing of new light industrial lots and activities.
- (12) Ensure subdivision and development is aligned with the timing of the provision of wastewater infrastructure.

*Effects on RNZAF Base Auckland*

- (13) Require subdivision, use and development within the Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects, and safety risks relating to bird strike, lighting, glare and reflection, on the operation and activities of RNZAF Base Auckland.
- (14) Avoid establishing activities sensitive to noise within the area between the 57 dB Ldn and 65 dB Ldn aircraft engine testing noise boundaries as shown on the Precinct Plan, unless the noise effects can be adequately avoided, remedied, or mitigated at the receiving site through acoustic treatment of buildings, including mechanical ventilation.

**Commented [PB6]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.11)

**~~I4~~I6XX.4. Activity table [rcp/rp/dp]**

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I6XX.4.1 below.

Activity Table I6XX.4.1 specifies the activity status of regional / district land use / subdivision / coastal works, occupation and/ or activities in the coastal marine area / activities in, on, under or over the beds of lakes, rivers, streams and wetlands / take, use, dam or divert water, heat or energy / discharge of contaminants or water into water; or discharges of contaminants into air, or onto or into land or water activities in the ~~I4XX.4~~ Whenuapai Business Park Precinct pursuant to section(s) 9(2) / 9(3) / 11 / 12(1) / 12(2) / 12(3) / 13 / 14 / 15 of the Resource Management Act 1991.

A blank in the activity status column means that the activity status in the relevant overlay, Auckland-wide or zone provision applies.

In addition to the provisions of the Precinct, reference should also be had to the planning maps (GIS Viewer) which show the extent of all designations, overlays and controls applying to land within the Whenuapai Business Park Precinct. Development in the Precinct is subject to height restrictions under Designation 4311 and land use and subdivision in specified areas requires the written approval of the New Zealand Defence Force. Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional 57 dB Ldn and 65 dB Ldn noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise within this area.

**Commented [PB7]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.13)



Table I6XX.4.1 Activity table

Activity		Activity status
Use and Development		
(A1)	Activities listed as permitted, restricted discretionary or discretionary activities in Table H17.4.1 Activity Table in the Business – Light Industry Zone.	
(A2)	Use and development that does not comply with Standard I6XX.6.1 <del>and/or I6XX.6.4.</del>	NC
(A3)	New activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise within the aircraft engine testing noise boundaries	D
(A4)	Activities that do not comply with: <ul style="list-style-type: none"> <li>Standard I6XX.6.11 Development within the aircraft engine testing noise boundaries; <del>but do not comply with any one or more of the other standards contained in Standards X.</del></li> </ul>	NC
(A5)	Use and development that does not comply with Standards I6XX.6.2, <del>I6XX.6.3, I6XX.6.5 – I6XX.6.10.</del>	RD
Subdivision		
(A5)	Subdivision listed in Chapter E38 Subdivision	
(A6)	Subdivision that does not comply with Standard I6XX.6.1, <del>IX.6.3 and I6XX.6.4.</del>	NC
<del>(A7)</del>	<del>Subdivision that does not comply with Standard I6XX.6.7, I6XX.6.9, I6XX.6.10</del>	<del>RD</del>
Lighting		
<del>(A7)</del>	<del>Activities listed as permitted or restricted discretionary activities in Table E24.4.1 Activity Table (Lighting)</del>	

**Commented [PB8]:** Amendment proposed in response to primary submission of Auckland Council (submission point 5.10) and primary submission of New Zealand Defence Force (submission point 6.15), and further submission of Watercare Services Limited

**Commented [PB9]:** Amendment proposed in response to primary submission of Cabra Development Limited (submission point 3.2) and primary submission of New Zealand Defence Force (submission point 6.15)

**Commented [PB10]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.15)

**Commented [PB11]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.15)

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**Commented [PB12]:** Amendment proposed in response to primary submission of New Zealand Defence Force (submission point 6.16)

#### I4I6XX.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table I6XX.4.1 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 purpose



of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **I4I6XX.6. Standards**

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table I6XX.4.1 unless otherwise specified below.

If there is a conflict or difference between the Precinct standards and the Auckland-wide and zone standards, the standards in this Precinct will apply.

All activities listed in Activity Table I6XX.4.1 must comply with Standards I-6XX.6(1) – I6X.X.6(11).

#### **I4I6XX.6.1 Transport Infrastructure Upgrades**

Purpose:

- To mitigate the adverse effects of traffic generation on the surrounding road network
  - To achieve the integration of land use and transport
- (1) Prior to the occupation of any buildings within a particular stage, the transport infrastructure shown on Precinct Plan (Infrastructure Staging) must have been constructed for that stage. New and upgraded roads must be constructed in accordance with Tables 1 and 2 I6XX: Road Function and Design Elements.
- (2) Subdivision
- a) Must be designed to ensure the protection of the future road corridors, intersections and connections shown on Precinct Plan.
  - b) Prior to the Council issuing a certificate under section 224(c) of the Resource Management Act 1991 for subdivision within a particular stage, the transport infrastructure shown on Precinct Plan (Infrastructure Upgrading) must have been constructed for that stage.

New and upgraded roads and intersections must be constructed in accordance with Tables 1 and 2 I6XX: Road Function and Design Elements.

#### **I4I6XX.6.2 Trip Generation**

- (1) The cumulative extent of buildings within the Precinct shall not exceed 115,000m<sup>2</sup> GFA unless a traffic monitoring report prepared by a suitably qualified expert has demonstrated that peak hour trip generation from all existing or consented development in the Precinct does not exceed 725 vehicles per hour.

#### **I4I6XX.6.3 Stormwater Management**

Purpose: To ensure that stormwater in the Precinct is managed and, where appropriate, treated, to ensure the health and ecological values of the streams are maintained.

- Stormwater quality:
  - a) All land use development shall be managed in accordance with an approved Network Discharge Consent and/or a Stormwater Management Plan approved by the stormwater network utility operator.
  - b) New buildings, and additions to buildings, must be constructed using inert cladding, roofing and spouting building materials that avoid the use of high contaminant yielding building products which have:
    - i. exposed surface(s) or surface coating of metallic zinc of any alloy containing greater than 10% zinc; or
    - ii. exposed surface(s) or surface coating of metallic copper or any alloy containing greater than 10% copper; or
    - iii. exposed treated timber surface(s) or any roof material with a copper containing or zinc-containing algaecide.
  - c) Stormwater runoff from all other impervious areas that do not meet (b) above must be treated with a stormwater management device(s) meeting the following standards:
    - (i) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
    - (ii) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.
  - d) In the event that dry detention basins or stormwater ponds are proposed, these shall be designed by a suitably qualified and experienced person to:
    - i. Minimise bird settling or roosting (including planting with species unlikely to be attractive to large and/or flocking bird species); and
    - ii. Fully drain down within 48 hours of a 2 percent Annual Exceedance Probability (AEP) storm event; and
    - iii. Have side slopes at least as steep as 1 vertical to 4 horizontal (1:4) except for:
      - 1. Any side slope treated with rock armouring; or
      - 2. Any area required for vehicle access, provided that such vehicle access has a gradient of at least 1 vertical to 8 horizontal (1:8).

#### **I16XX.6.4 Wastewater and Water Supply Infrastructure**

Purpose: To ensure that bulk water supply and wastewater infrastructure with sufficient capacity is available to support development within the Precinct.

- a) The ~~subdivision and the construction completion~~ of any new buildings within the Precinct can only proceed following the completion and commissioning of the wastewater and water supply infrastructure as is required within its catchment.
- b) ~~Note:~~ Standard I16XX.6.4(a) will be considered to be complied with if the identified upgrades are constructed and operational:

- i. ~~prior to the lodgement of a resource consent application; OR~~
- ii. ~~form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR~~
- iii. ~~i. prior~~ Prior to ~~occupation the issue of a code compliance certificate under section 91 or a certificate of public use under section 363A of the Building Act 2004 for any new occupiable building(s) for a land use only requiring service connection(s).~~

**Commented [PB13]:** Amendment proposed in response to primary submission of Auckland Council (submission point 5.11) and further submission by Watercare Services Limited

#### **I16XX.6.5 Bird strike**

- a) If roof gradients are less than 15 degrees, measures to discourage bird roosting on the roof of the structure are required where building design may be conducive to potential bird roosting.
- b) Any measures to discourage bird roosting on the roof of the structure shall be maintained thereafter to the satisfaction of Auckland Council in consultation with NZDF.

#### **I16XX.6.6 Yards**

Purpose:

- Provide a buffer and screening between industrial activities and neighbouring sites, to mitigate adverse visual and nuisance effects;
  - Increase canopy cover and linkages between green spaces
- a) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I6XX.6.6.1:

Table I6XX.6.6.1:

Yard	Minimum Depth
Front	3.7m where the front yard faces an internal road identified on the Precinct Plan.
Side	5m where an open space buffer is identified on the Precinct Plan.
Rear	5m where an open space buffer is identified on the Precinct Plan.



- b) Front yards (excluding access points or the location of infrastructure) must be planted with a mixture of native trees, shrubs, or ground cover plants (including grass) within and along the full extent of the yard.
- c) Side and rear yards must be planted with native vegetation comprising a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard to provide a densely planted visual buffer of at least 3m in depth and must be appropriately maintained thereafter.

#### **H4I6XX.6.7 Riparian Margins**

- a) At the time of subdivision or development, land within 10m of the streams and wetlands identified on the Precinct Plan as 10m Riparian Margin / Ecological Enhancement must be planted with native vegetation from the top of the bank of the stream or the wetland's edge.

#### **H4I6XX.6.8 Height in Relation to Boundary**

- a) ~~a)~~ Buildings or parts of buildings must not project beyond a 35 degree recession
- b) plane measured from a point 6m vertically above ground at the site boundary where those site boundaries adjoin an open space buffer as identified on Precinct Plan.

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#### **H4I6XX.6.9 Lighting**

Purpose:

- ~~To manage reverse sensitivity effects on RNZAF Base Auckland~~
- To avoid or minimise the effects of lighting on aircraft descending to land at RNZAF Base Auckland.
- a) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that 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 flight safety or aircraft operations.
- b) External building materials must be constructed with the following:
  - i. ~~External Roof surfaces and external~~ building surfaces (excluding vertical surfaces) greater than 10m above ground level must not exceed a reflectivity (specular reflectance) of 30% white light ~~where located 10m above ground level; and all roof surfaces.~~

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

i. Searchlights; or

ii. Outside illumination of any structure or feature by floodlight that shines above the horizontal plane.

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#### 416XX.6.10 Noise

Purpose:

- To ensure that potential reverse sensitivity effects of noise from the adjacent RNZAF Base Auckland are appropriately addressed and provided for avoided, remedied, or mitigated within the Precinct.

- a) A no-complaints covenant or consent notice shall be included on each title issued within the precinct. This covenant or consent notice shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland the New Zealand Defence Force 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 and successive legislation or otherwise in respect of any lawfully generated noise associated with the RNZAF Base Auckland.

Commented [PB15]: Amendments proposed in response to primary submission of New Zealand Defence Force (submission point 6.23)

Commented [PB16]: Amendment proposed for clarity and certainty

#### 416XX.6.11 Development within the aircraft engine testing noise boundaries

- a) Between the 57 dB Ldn and 65 dB Ldn noise boundaries as shown on the Precinct Plan, 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:
  - i. To ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB Ldn; and
  - ii. That are certified to the Council's satisfaction as being able to meet Standard 416XX.6.11(a)(i) by a person suitably qualified and experienced in acoustics prior to its construction; and
  - iii. 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 that replaces it, with all external doors of the building and all windows of the habitable rooms closed.

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#### 416XX.7. Assessment – restricted discretionary activity

##### 416XX.7.1. Matters of discretion

The Council will reserve its discretion to all of 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 overlays, Auckland-wide or zones provisions:

- (1) Matters for all restricted discretionary activities (including otherwise permitted activities that infringe a permitted standard):
  - a) Whether the infrastructure required to service any subdivision or development is provided;
  - b) The effects of the proposal on the future ability to construct the road corridors and connections shown in the Precinct Plan;
  - c) Whether the proposal will provide for the safe and efficient functioning of the current and future transport network;
  - d) Whether stormwater and flooding are managed appropriately;
  - e) Whether the ecological outcomes will be appropriate;
  - f) Effects ~~le-f-on~~ the operation of RNZAF Base Auckland including reverse sensitivity effects and any measures to avoid, remedy or mitigate these effects;
  - g) Lighting associated with development, structures, infrastructure and construction

**Commented [PB17]:** Amendments proposed in response to primary submission of New Zealand Defence Force (submission point 6.26)

#### **H16XX.7.2. Assessment Criteria**

The Council will reserve its discretion to all of 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 overlays, Auckland-wide or zones provisions:

- (1) For subdivision:
  - a) The extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads and connections shown on the Precinct Plan;
  - b) Whether the proposed subdivision includes the delivery of the transport infrastructure identified on Precinct Plan (Infrastructure Staging) and in accordance with the Road Function and Design Elements Tables;
  - c) Whether the proposed road corridors and connections will service the Precinct in a safe and efficient manner;
  - d) Whether the proposed subdivision enables development that would require transport infrastructure upgrades to be provided;
  - e) Whether the proposed subdivision will adversely affect the safe and efficient operation of the current and future transport network;
  - f) Whether a safe and efficient road design is provided;

- g) 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;
  - h) Whether the proposal includes methods to ensure the construction of road corridors and connections, within its stage shown in Precinct Plan (Infrastructure Staging); and
  - i) Whether the following required works are located, designed, and undertaken in a staged manner, in accordance with the Precinct Plan (Infrastructure Staging), that facilitates and avoids unnecessary rework in future upgrades to Brigham Creek Road and Trig Road to provide strategic network connections to service wider growth:
    - i. Proposed new - roundabout on Trig Road, and Trig Road upgrade
    - ii. Upgraded Brigham Creek Road/ Trig Road intersection - roundabout, and Brigham Creek Road upgrade
    - iii. New Brigham Creek Road left in, left out intersection and Brigham Creek Road upgrade
    - iv. New Brigham Creek Road signalised intersection and Brigham Creek Road upgrade
- (2) For stormwater management not complying with Standard I6XX.3:
- a) Whether development and/or subdivision is in accordance with any approved Stormwater Management Plan and Policies ~~I6XX.3(7)-(9)~~;
  - b) The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation and integration with the surrounding environment; and
  - c) Whether there is sufficient infrastructure capacity to provide for flood conveyance and protect land and infrastructure.
- (3) For riparian margins not in accordance with standard ~~I4I6XX.6(7)(a)~~ whether the ecological outcomes achieved by the proposed riparian planting will be equal to or better than the requirement of ~~I4I6XX.6(7)(a)~~.
- (4) For stormwater detention/retention ponds/wetlands not complying with the standards in ~~I4I6XX.6(3)~~, the extent to which the proposal minimises the attraction of birds that could become a hazard to aircraft operating at RNZAF Base Auckland.
- (5) The effects on the operation of the RNZAF Base Auckland, including potential reverse sensitivity effects and effects on aircraft safety, in relation to:
- a) Lighting, ~~and glare, and reflection~~;
  - b) Temporary structures ~~s~~ and construction; and
  - c) Noise

**Commented [PB18]:** Amendments proposed in response to primary submission of New Zealand Defence Force (submission point 6.27)



(6) For land use not complying with standard I6XX.6.2 Trip Generation:

- a) The extent to which the wider transport network can accommodate peak hour trip generation from the Precinct that exceeds 725 vehicles per hour, while maintaining reasonably efficient movement of traffic.
- b) The extent to which new transport infrastructure upgrades are required to accommodate the trip generation proposed, and the likely timing for such upgrades to have been completed and operational.

#### **I4I6XX.8. Special information requirements**

(1) Transport Design Report:

- a) Any proposed new road intersection or upgrading of existing road intersections illustrated on the Precinct Plan must be supported by a Transport Design Report and concept plans, prepared by a suitably qualified transport engineer confirming that the location and design of any road and its intersection(s) supports the safe and efficient function of the existing transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents.
- b) In addition to the report and plan required in (1)(a) where an interim upgrade is proposed, information detailing how the design allows (where possible) for the ultimate upgrade to be efficiently delivered must be provided.

(2) Any application for resource consent for subdivision or development, including any vegetation alteration or removal within 20m of a natural wetland or within 10m of a stream (permanent or intermittent) shown on the Precinct Plan shall:

- a) Detail the proposed methods for managing adverse effects on protected fauna, nesting birds during bird breeding season, herpetofauna and the habitat of long-tailed bat, including addressing adverse effects from increased light and noise on bat habitat; and
- b) Provide a detailed restoration plan, including planting and maintenance for no less than three years, for the stream, wetland, and their buffer/riparian margins. The plan shall be in accordance with best practice methodologies of TP148 and/or Auckland Unitary Plan Appendix 16, or other subsequent Council restoration guide.



Table 1: Road Function and Required Design Elements

Road name	Proposed role and function of road in precinct area	Minimum road reserve width <sup>1</sup>	Total number of lanes	Design speed	Median <sup>2</sup>	Cycle Provision	Pedestrian provision	Freight or heavy vehicle route	Access restriction	Bus provision <sup>3</sup>
Brigham Creek Road upgrade (Between Kauri Road and Intersection D)*	Arterial	<del>30m</del> Various	<del>42</del>	60km/hr	No	Yes-one side <sup>4</sup>	Yes- <del>two sides</del> one side <sup>5</sup>	Yes	Yes	Yes
Brigham Creek Road upgrade (West of Intersection D)*	Arterial	Various	2	60km/hr	No	Yes-two sides <sup>6</sup>	Yes-two sides <sup>6</sup>	Yes	Yes	Yes
Trig Road	Future Arterial	24m	2	60km/hr	Yes	Yes-two sides	Yes-two sides	Yes	No	Yes
Roads 1, 2, 3	Collector	24m	2	50km/hr	No	Yes-two sides	Yes-two sides	Yes	No	Yes

**Commented [PB19]:** Amendments to this table proposed to reflect discussions with Auckland Transport relating to necessary upgrading

Table 2: Intersection Type and Design

Intersection Reference (refer <i>Precinct Plan Infrastructure Staging</i> )	Intersection Type	Designed in general accordance with:	Comments
A - Trig Road	New Intersection - Roundabout	47712-DR-C-8510	Single Lane roundabout. A future fourth leg could provide access to part of the PCA west of Trig Road
B - Trig / Brigham Creek Road	Upgraded Intersection - Roundabout	47712-DR-C-8511	Single lane roundabout with an additional circulating lane on the northern side. Two approach lanes on Brigham Creek Road, eastbound.
C - Brigham Creek Road	New Intersection - Left in, left out	47712-DR-C-8512	
D - Brigham Creek Road	New Intersection - Signalized	47712-DR-C- <del>8</del> 513	

**Commented [PB20]:** Amendments to attached drawings are shown 'clouded'. An additional drawing has been added (47712-DR-C-8110) to show the extent of cycle and footpath provision on Brigham Creek Road, to the Kauri Road intersection

\* Denotes interim upgrades to Brigham Creek Road (i.e. not the ultimate width provided for by AT's NOR W3)

<sup>1</sup> Typical minimum width which may be varied in specific locations where required to accommodate network utilities, batters, structures stormwater treatment, intersection design, significant constraints or other localised design requirements.

<sup>2</sup> Flush, solid or raised medians subject to Auckland Transport approval at EPA stage.

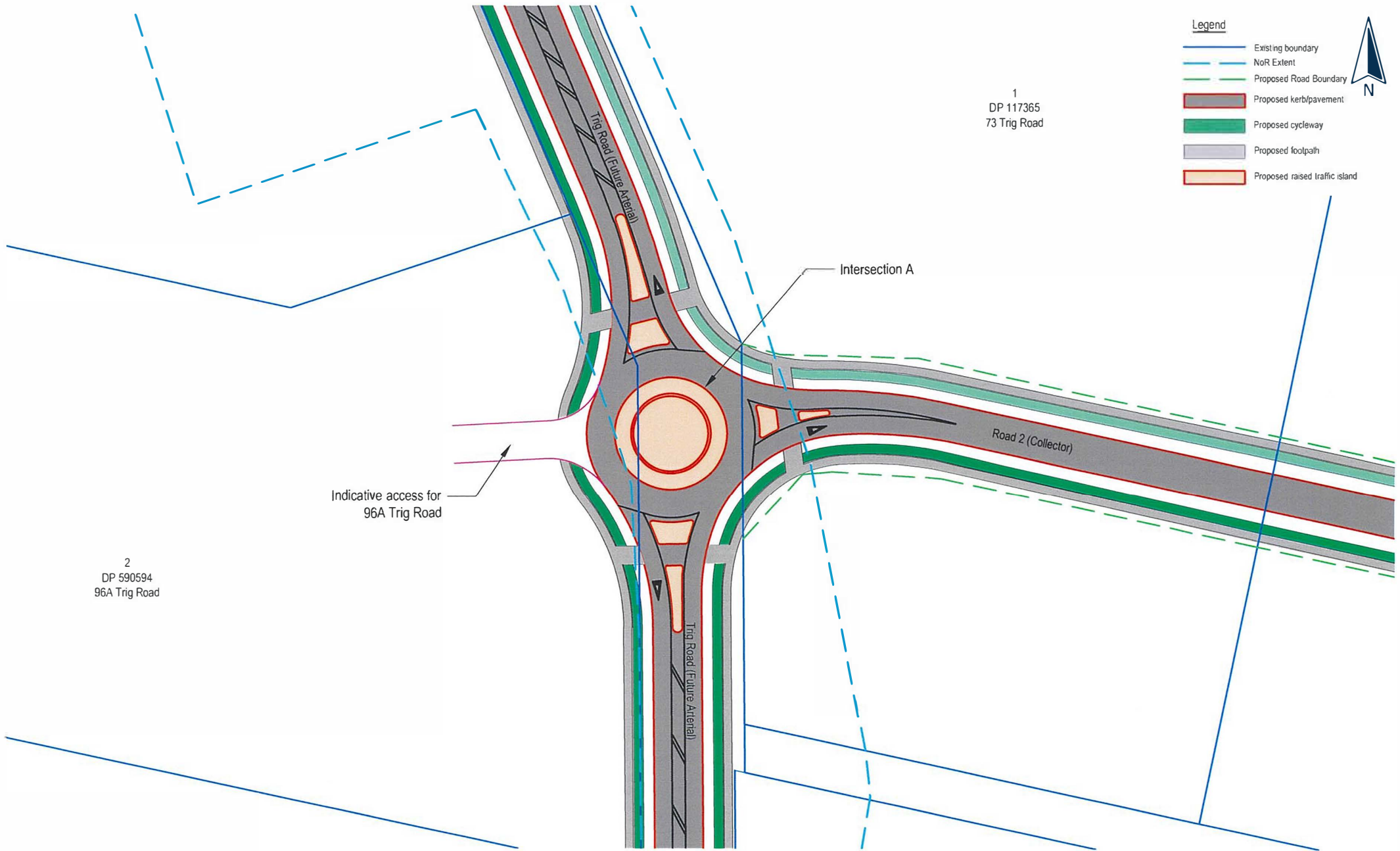
<sup>3</sup> Carriageway lanes and geometry of intersections capable of accommodating buses. Bus stop form and locations and bus routes shall be determined with Auckland transport at resource consent and engineering plan approval stage.

<sup>4</sup> Two-way cycleway on northern side only.

<sup>5</sup> ~~Foot path on northern side only (refer drawing 47712-DR-C-8110)~~~~Southern side footpath extending to the eastern extremity of Lot 1 DP 167537 (159 Brigham Creek Road)~~

<sup>6</sup> Shared path on northern side of Brigham Creek Road remains

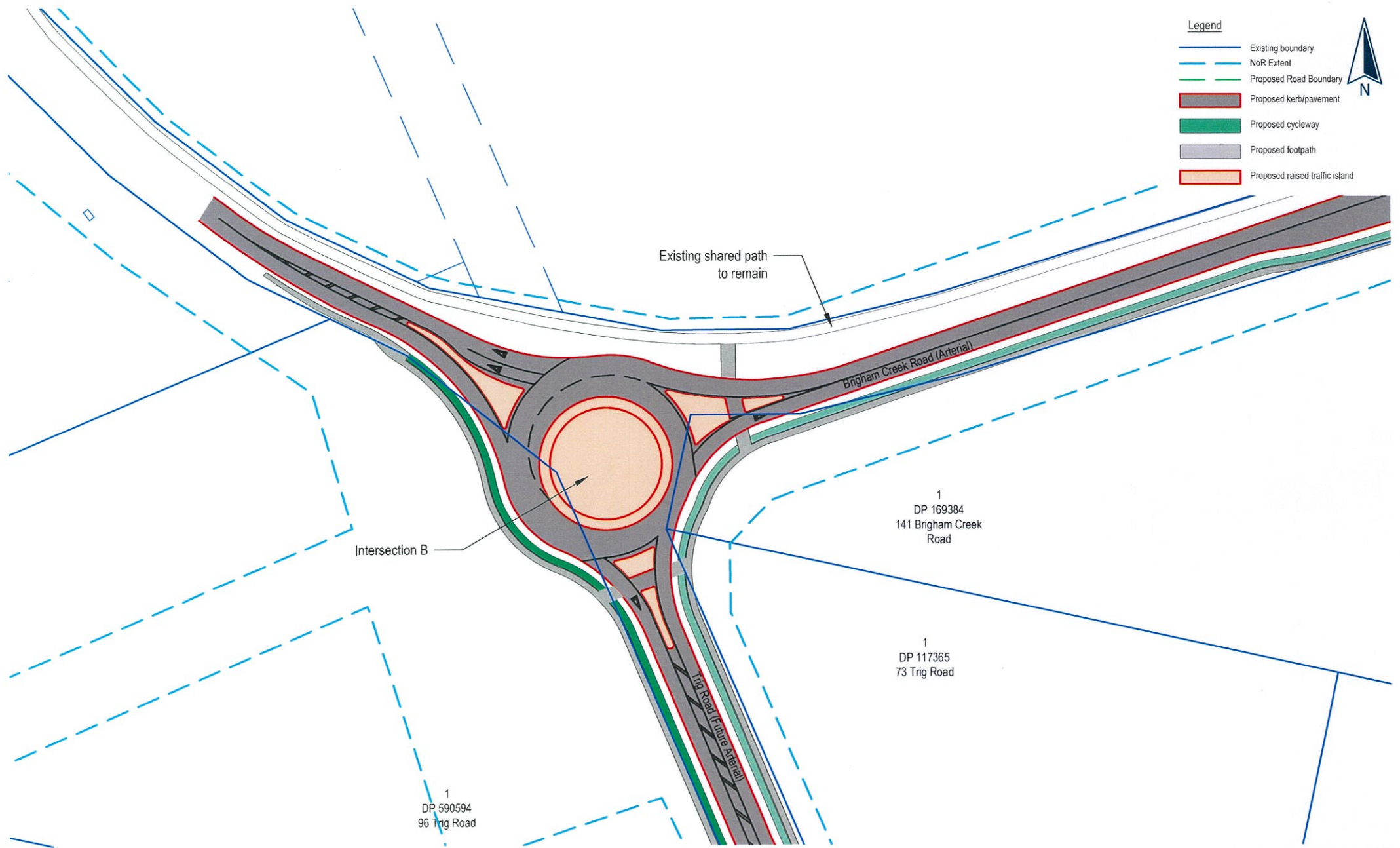
**Commented [PB21]:** Foot path on the southern side is impractical and unsafe as it does not connect to other footpaths, and cannot be readily constructed due to proximity of the stream



No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	M.Chen	21/08/2024

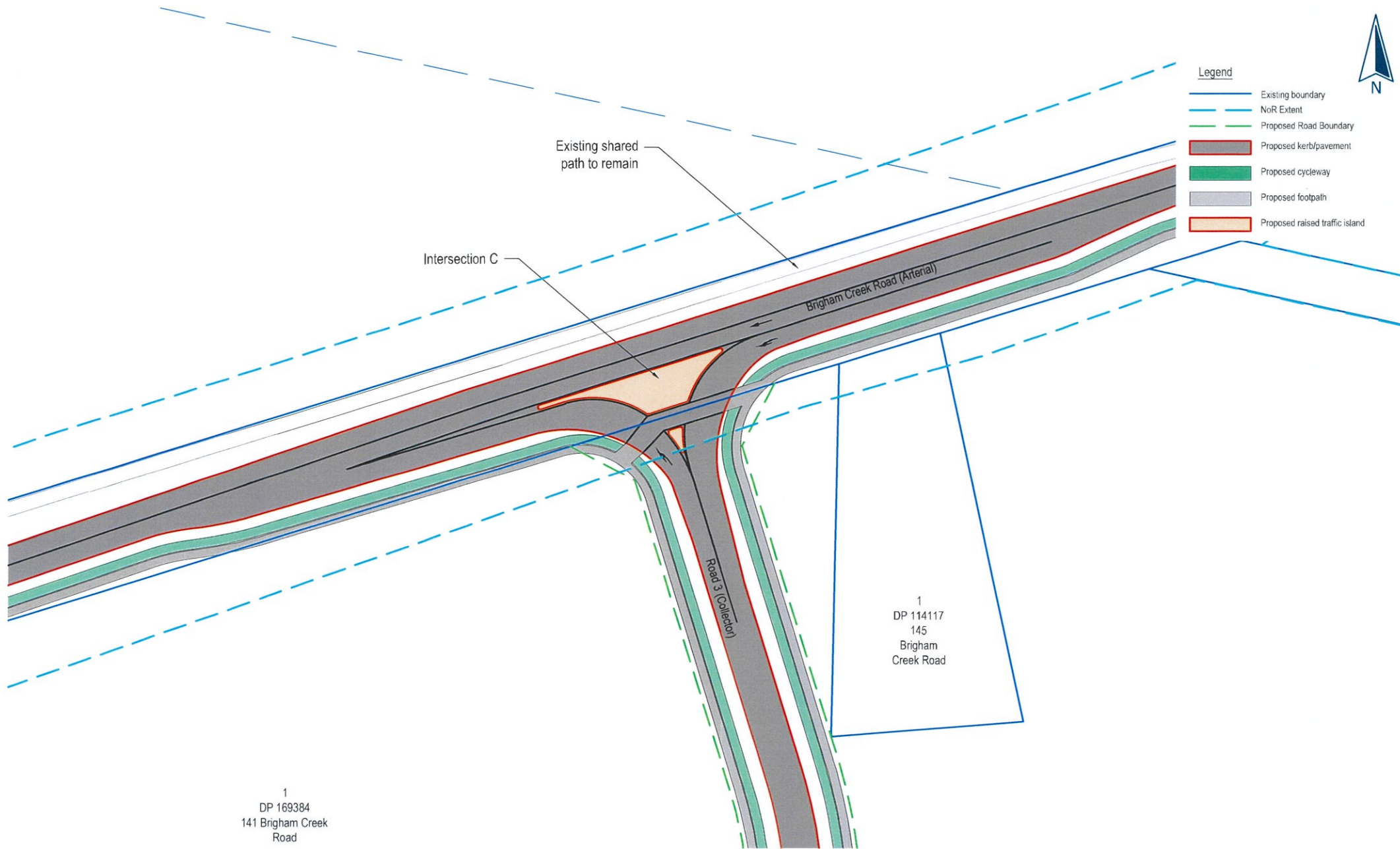
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DESIGNED	M.Chen	21/08/2024
DRAWN	M.Chen	21/08/2024
DATE	21/08/2024	ORIGINAL SCALE
		1:750
DRAWING NO.	47712-DR-C-8510	ORIGINAL SIZE
		A3
		REVISION
		A





No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	M.Chen	20/08/2024
B	Issued For Information	M.Chen	01/05/2025

SURVEYED	NAME	DATE
DESIGNED	M.Chen	21/08/2024
DRAWN	M.Chen	21/08/2024
DATE	ORIGINAL SCALE	ORIGINAL SIZE
01/05/2025	1:1000	A3
DRAWING NO.	47712-DR-C-8511	REVISION B



1  
DP 169384  
141 Brigham Creek  
Road

1  
DP 114117  
145  
Brigham  
Creek Road

- Legend**
- Existing boundary
  - NoR Extent
  - Proposed Road Boundary
  - Proposed kerb/pavement
  - Proposed cycleway
  - Proposed footpath
  - Proposed raised traffic island

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Whenuapai Business Park  
Whenuapai

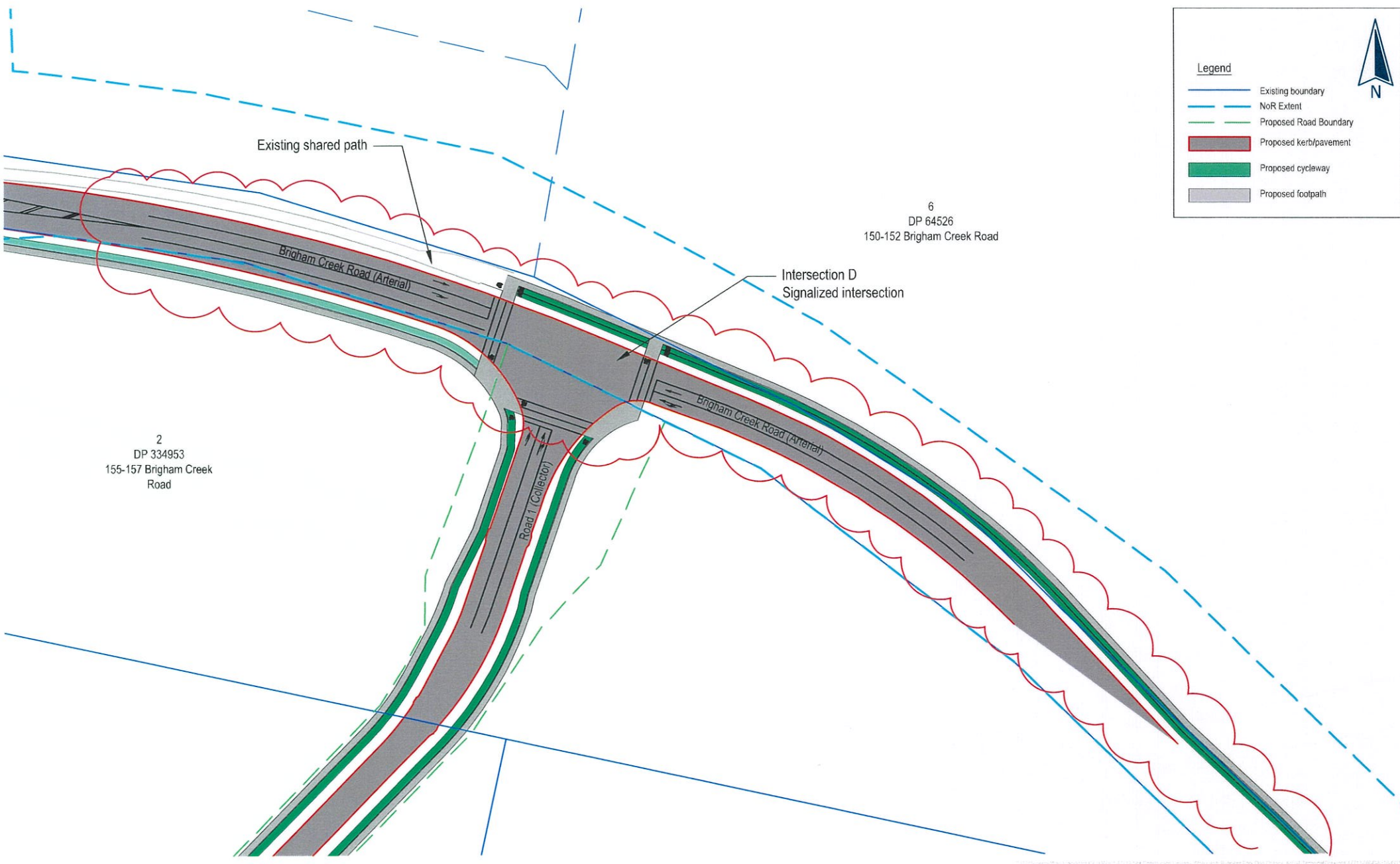
Proposed Brigham Creek Road and  
Road 3 Intersection Concept Plan

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	M.Chen	21/08/2024
B	Issued For Information	M.Chen	01/05/2025

FOR INFORMATION

SURVEYED	NAME	DATE
DESIGNED	M.Chen	21/08/2024
DRAWN	M.Chen	21/08/2024
DATE	01/05/2025	ORIGINAL SCALE
DRAWING NO.	47712-DR-C-8512	ORIGINAL SIZE
REVISION	B	A3





**Legend**

- Existing boundary
- NoR Extent
- Proposed Road Boundary
- Proposed kerb/pavement
- Proposed cycleway
- Proposed footpath

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	M.Chen	21/08/2024
B	Issued For Information	M.Chen	01/05/2025
C	Changes clouded	M.Chen	02/05/2025

	NAME	DATE
SURVEYED	-	-
DESIGNED	M.Chen	21/08/2024
DRAWN	M.Chen	21/08/2024

DATE	ORIGINAL SCALE	ORIGINAL SIZE
02/05/2025	1:1000	A3



No.	REVISION (DESCRIPTIONS)	NAME	DATE
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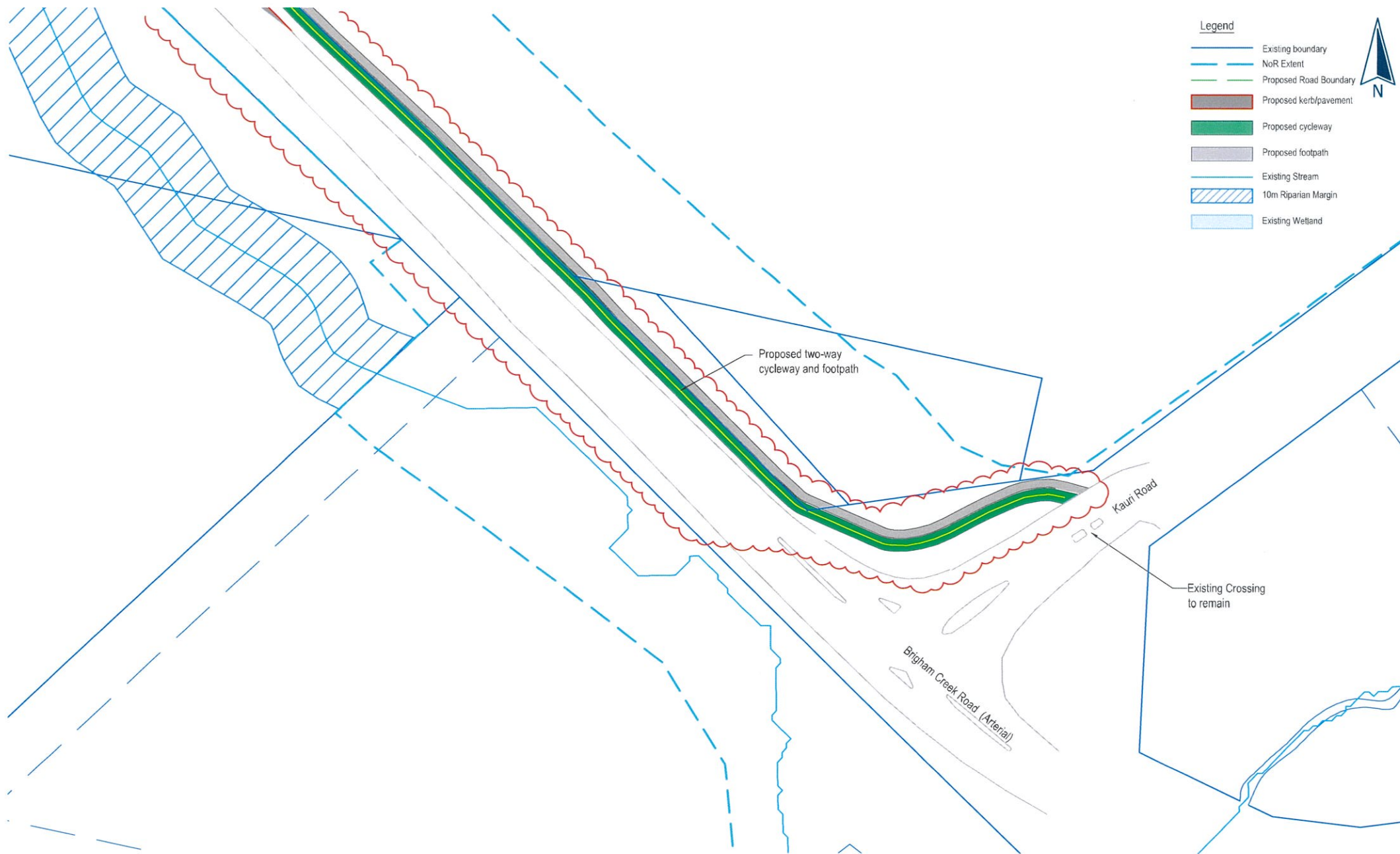
SURVEYED	NAME	DATE
DESIGNED	M.Chen	21/08/2024
DRAWN	M.Chen	21/08/2024
DATE	ORIGINAL SCALE	ORIGINAL SIZE
21/08/2024	1:750	A3
DRAWING NO.	47712-DR-C-8514	REVISION
		A





No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	M.Chen	21/08/2024

SURVEYED	NAME	DATE
DESIGNED	M.Chen	21/08/2024
DRAWN	M.Chen	21/08/2024
DATE	ORIGINAL SCALE	ORIGINAL SIZE
21/08/2024	1:750	A3
DRAWING NO.	47712-DR-C-8515	REVISION
		A



No.	REVISION (DESCRIPTIONS)	NAME	DATE
A.	Issued For Information	M. Chen	20/11/2023
B.	FP at BCR southernside added	M. Chen	07/03/2024
C.	Drawing title amended	M. Chen	12/04/2024
D.	Issued For Information	M. Chen	26/08/2024
E.	BCR Upgrade from 1550CR to Kauri Rd revised	M. Chen	17/04/2025
F.	Changes clouded	M. Chen	02/05/2025

FOR INFORMATION

SURVEYED	NAME	DATE
DESIGNED	M. Chen	20/11/2023
DRAWN	M. Chen	20/11/2023
DATE	ORIGINAL SCALE	ORIGINAL SIZE
02/05/2025	1:750	A3
DRAWING NO.	47712-DR-C-8110	REVISION F