

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

AND

IN THE MATTER of **PC109 98-100 & 102 Totara Road, Whenuapai** to the
Auckland Unitary Plan

HEARING DIRECTION #3 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Mark Farnsworth (Chairperson), Alan Pattle and Dr Lee Beattie. The Hearing Panel's function is to hear the application and submissions and make a decision on the 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. On 30 April 2025 the hearing panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The filing date was extended on 2 May 2025. The applicant filed the memorandum on 16 May 2025. All documents are attached to this Direction.
3. The hearing panel has considered the applicant's memorandum and accordingly directs the following:
 - (a) Pursuant to section 42A of the RMA, the S42A hearing report is to be with the Council's Senior Hearings Advisor, Chayla Walker by 9am on Friday 27 June 2025 and shall be released to all parties no later than 5pm **Tuesday 1 July 2025**.

The hearing panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience), and any Joint Witness Statement (from the voluntary joint witnesses conferencing of acoustic experts) is to be provided to the Council's Senior Hearings Advisor no later than midday, **Tuesday 8 July 2025** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.

- (c) Should changes to the Plan Change be proposed by the applicant the evidence provided in (b) must include a S32AA report and reasons why any proposed changes are in scope.
 - (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Senior Hearings Advisor no later than midday, **Tuesday 15 July 2025** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (e) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report to the Council's Senior Hearings Advisor no later than midday, **Tuesday 22 July 2025** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 - (f) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Senior Hearings Advisor no later than midday, **Thursday 24 July 2025** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 - (g) The hearing shall commence on **Tuesday 29 July 2025** and has been set down for 2 days, with 1 overflow day.
4. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Senior Hearings Advisor no later than midday, **Friday 25 July 2025** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Friday 25 July 2025**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
 6. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary maybe read out or the key points highlighted.
 7. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Chayla Walker, by email at Chayla.walker@aucklandcouncil.govt.nz .

A handwritten signature in black ink, reading "Mark Farnsworth". The signature is written in a cursive style with a large, stylized 'F' and a long, sweeping underline.

Mark Farnsworth,
Chairperson
for the Panel
19 May 2025

**BEFORE HEARING COMMISSIONERS
FOR AUCKLAND COUNCIL**

**PLAN CHANGE 109 (PRIVATE)
WHENUAPAI GREEN**

IN THE MATTER	of a request for a plan change under clause 21 of schedule 1 of the Resource Management Act 1991
APPLICANT	NEIL CONSTRUCTION LIMITED
APPLICATION SITE	98-100 and 102 Totara Road, Whenuapai, Auckland

**MEMORANDUM OF COUNSEL FOR THE APPLICANT REGARDING HEARING
DIRECTION #1 AND 2**

DATED 16 MAY 2025

Solicitor

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May it please the Hearing Panel

- 1 We refer to Hearing Direction #1 and #2 from the Hearing Panel dated 30 April and 2 May 2025 respectively. This memorandum is filed in response to those directions.
- 2 The applicant, Neil Construction Limited proposes changes to the notified plan change.
- 3 The proposed changes and the submissions and submission points which those changes respond to are attached.
- 4 To assist the Hearing Panel in setting a timetable for the hearing of the plan change, we respectfully suggest the following timetable for evidence exchange ahead of the hearing on 29-30 July 2025:
 - (a) Auckland Council s 42A report available to all parties by 10 June 2025
 - (b) applicant evidence due by 12pm on 24 June 2025, and made available to all parties on 24 June 2025
 - (c) submitter evidence due by 12pm on 8 July 2025, and made available to all parties on 8 July 2025
 - (d) hearing attendance forms for all parties due by 12pm on 8 July 2025
 - (e) Auckland Council addendum to s 42A report (if any) due by 12pm on 15 July 2025, and made available to all parties on 15 July 2025
 - (f) applicant supplementary evidence (if any) due by 12pm on 22 July 2025, and made available to all parties on 22 July 2025; and
 - (g) applicant and submitter legal submissions requested by 12pm on 24 July 2025, and made available to all parties on 24 July 2025.
- 5 The applicant is in the process of arranging voluntary joint witnesses conferencing between acoustic experts retained by the applicant, the Auckland Council (submitter no. 5) and New Zealand Defence Force (submitter no. 7). The parties expect this joint witness conferencing will result in a joint witness statement. If that is the case, the acoustic experts'

joint witness statement would be filed at the same time as the applicant's evidence.

Dated 16 May 2025

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P Senior/V J Toan
Counsel for Neil Construction Limited

I.1 Whenuapai Green Precinct

IX.1. Precinct Description

The Whenuapai Green precinct comprises 16.36 hectares of land located approximately 23 kilometers to the northwest of central Auckland, bound by Totara Road to the west and McCaw Avenue to the south as illustrated on Whenuapai Green Precinct Plan 1.

The purpose of the precinct is to provide for comprehensive and integrated development to increase the supply of housing, and to encourage the efficient use of land and the provisions of infrastructure. The precinct will provide for a residential area integrated with key road links, areas of public open space, and a range of housing options. It is envisaged that future land use and subdivision resource consents will give effect to the key elements of the Whenuapai Green precinct plan to facilitate residential development in a coordinated manner.

Land within the Precinct is identified as Residential – Mixed Housing Urban.

Stormwater management within the Precinct is guided by the Neil Construction Limited Stormwater Management Plan (2024). 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 Whenuapai Green Precinct recognises the importance of the relationship of Mana Whenua with the Whenuapai area. The provisions have a specific focus on the management of water bodies, acknowledging the importance of protecting the mauri of waterways and the protection and management of all things related to the environment. This includes the appropriate management of wastewater and stormwater disposal, the protection of landscapes, and the appropriate management of native flora and fauna.

The Royal New Zealand Air Force (RNZAF) Base Auckland is located immediately to the east of the Whenuapai Green 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.

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 some circumstances, such as where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods. Whenuapai Green Precinct Plan 2 includes noise contour boundaries for aircraft engine testing noise. The noise contours indicate where different mitigation requirements apply, and these are shown on Precinct Plan 2. Related provisions impose restrictions on activities in the Precinct that are sensitive to aircraft **engine testing** noise, within each mitigation area, to manage the potential for reverse sensitivity effects

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Commented [PB2]: Proposed amendment in response to primary submission of Auckland Council (submission point 5.12) and primary submission of NZDF (submission point 7.8)

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on the operations of RNZAF Base Auckland including activities conducted from it.

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 steppingstone 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, open space, and front boundary planting to contribute to the canopy cover in the area.

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

IX.2. Objectives [rcp/rp/dp]

General

- (1) Subdivision, use and development in the Whenuapai Green Precinct is undertaken in a comprehensive and integrated way to provide for residential living while recognising and protecting the ongoing operation and strategic importance of the RNZAF Base Auckland.
- (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.
- (3) A well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.
- (4) A relevant residential zone provides for a variety of housing types and sizes that respond to –
 - (a) housing needs and demand; and
 - (b) the neighbourhood's planned urban built character, including three-storey buildings

Integration of Subdivision and Development with the Provision of Infrastructure

- (5) Subdivision and development does not occur is not completed in advance of the availability of operational transport infrastructure and the required bulk water supply and wastewater infrastructure.

Transport

- (6) Subdivision and development provides for the a safe, and efficient operation and integrated road network of the current and future transport network for all modes of transport.
- (7) Transport infrastructure that is required to service subdivision and development

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Commented [PB4]: Proposed amendments in response to primary submission of Auckland Council (submission point 5.13)

Commented [PB5]: Proposed amendments in response to primary submission of Auckland Council (submission point 5.14)

within the Precinct:

- (a) Provides for safe and efficient walking and cycling connections within the precinct
- (b) Provides for bus stops to support future improvements to public transport connectivity
- (c) Mitigates traffic impacts on the surrounding road network
- (d) Provides safe and efficient low speed internal streets
- (e) Provides connectivity to facilitate future subdivision and development of adjacent sites; and
- (f) Is integrated with the external road network and co-ordinated with subdivision and development

~~(8) Roading connections, new or upgraded intersections, upgrading of Totara Road and minor line marking changes to Brigham Creek Road/Totara Road intersection are provided to support subdivision and development within the Precinct.~~

Commented [PB6]: Proposed amendments in response to primary submission of Auckland Council (submission point 5.15)

Ecology

~~(9)~~(8) The health and well-being of streams and wetlands within the Precinct is enhanced.

~~(10)~~(9) Riparian planting contributes to increasing the canopy cover within the Precinct.

Three Waters Infrastructure

~~(11)~~(10) 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 co-ordinated with subdivision and development.

~~(12)~~(11) Stormwater quality and quantity is managed to maintain the health, well-being, and preserve the mauri, of the receiving environment, and minimise flood risk.

~~(13)~~(12) Stormwater devices avoid 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.

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Effects on RNZAF Base Auckland

~~(14)~~(13) 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.

~~(15)~~(14) The adverse effects of aircraft engine testing noise on activities sensitive to ~~aircraft~~ noise are avoided, remedied, or mitigated at the receiving environment, ~~including through acoustic attenuation and reverse sensitivity covenants.~~

Commented [PB8]: Proposed amendments in response to primary submission of NZDF (submission point 7.12)

Open Space

~~(16)~~(15) A network of attractive, safe and functionally distinct open space areas comprising a neighbourhood reserve and drainage reserves, which enhance the amenity, ecological values and recreational opportunities within the precinct and of Whenuapai Village.

IX.3. Policies [rcp/rp/dp]

General

- (1) Develop Whenuapai Green Precinct in accordance with Precinct Plan 1.
- (2) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.

Integration of Subdivision and Development with the Provision of Infrastructure

- (3) Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport network within the precinct, and with upgrades to the wider transport network.

Transport

- (4) ~~Require the development of a transport-loading network that implements the elements and connections identified in Precinct Plan 1 and the precinct specific road specifications and improvements to achieve an appropriate balance between movement and sense of place functions and to maintain a high quality and safe, slow speed environment, and is in accordance with Appendix 1 – Road Function and Design Element Table.~~
- (5) Require that subdivision and development does not occur in advance of the availability of operational transport infrastructure to support that stage.

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Ecology

- (6) Provide for the health and well-being of streams within the Precinct through riparian planting and restoration of degraded habitats while providing habitats for less mobile or flightless species.
- (7) Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.

Three Waters Infrastructure

- (8) Require subdivision and development to be in accordance with the approved Stormwater Management Plan to effectively manage stormwater runoff and to provide for water-sensitive design.
- (9) 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.
- (10) Ensure that stormwater is managed to minimise flood risk, within the Precinct and in the downstream catchment.
- (11) ~~The Require that~~ stormwater management outcomes and devices for the site ~~shall~~ 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 Base Auckland.
- (12) Ensure that ~~appropriate-sufficient local network~~ water and wastewater infrastructure is provided to enable the servicing of new residential lots and activities.
- (13) Ensure subdivision and development is aligned with the timing of the provision of

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Commented [PB11]: Proposed amendments in response to primary submission of Auckland Council (submission point 5.17)

wastewater and water infrastructure.

Effects on RNZAF Base Auckland

- (14) Require subdivision, use and development within the Precinct to avoid, as far as practicable or otherwise 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.
- (15) Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided, remedied, or mitigated at the receiving site including through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

Open Space

- (16) ~~Ensure high quality landscaped public open spaces, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development. Require the provision of open space as shown on Whenuapai Green Precinct Plan through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.~~
- (17) ~~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.~~

Medium Density Residential Standards (MDRS)

- ~~(18)~~(17) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.
- ~~(19)~~(18) Apply the MDRS across all relevant residential zones in the District Plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).
- ~~(20)~~(19) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
- ~~(24)~~(20) Enable housing to be designed to meet the day-to-day needs of residents.
- ~~(22)~~(21) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
- ~~(23)~~(22) Require development to achieve a built form that contributes to high-quality built environment outcomes by:
- (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - (b) providing for residents' safety and privacy while enabling passive surveillance on the street;
 - (c) minimising visual dominance effects to adjoining sites;
 - (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites;

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Commented [PB13]: Proposed amendments in response to primary submission of NZDF (submission point 7.15)

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Commented [PB15]: Proposed amendments in response to primary submission of Auckland Council (submission point 5.23)

- (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways; minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- (f) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- (g) designing practical, sufficient space for residential waste management; and
- (h) designing practical, sufficient space for internal storage and living areas.

IX.4 Activity table [rcp/rp/dp]

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

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 Whenuapai Green 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 Green Precinct. These may apply additional restrictions.

Development in the Whenuapai Green Precinct is subject to ~~height restrictions under Designation 4311 – Defence purposes – protection of approach and departure paths.~~ Reference should also be made to ~~Whenuapai Airbase–Designation 4310 – Defence purposes – air base including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps.~~ This Precinct introduces additional noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.

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

Table IX.4.1 Activity table

Activity		Activity status
Use and Development		
(A1)	Activities listed as permitted, restricted discretionary or discretionary activities in Table H5.4.1 Activity Table in the Residential – Mixed Housing Urban Zone.	
(A2)	Use and development that does not comply with Standards IX.6.2 and/or IX.6.6.	NC
(A3)	Activities that do not comply with Standard IX.6.4.	D

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Commented [PB17]: Applicant's deletion to ensure plan readers are simply directed to the designation without commentary as to what it says.

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(A4)	Up to three dwellings per site each of which complies with Standards IX.6.7 to IX.6.15 inclusive	P
(A5)	Four or more dwellings per site each of which complies with Standards IX.6.8 to IX.6.15 inclusive	RD
(A6)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards IX.6.7 to IX.6.15 inclusive	P
(A7)	Accessory buildings each of which complies with Standards IX.6.7 to IX.6.15 inclusive	P
(A8)	Internal and external alterations to buildings all of which complies with Standards IX.6.7 to IX.6.15 inclusive	P
(A9)	Additions to an existing dwelling which complies with Standards IX.6.7 to IX.6.15 inclusive	P
Subdivision		
(A10)	Subdivision listed in Chapter E38 Subdivision	
(A11)	Subdivision that does not comply with Standard IX.6.2	NC
(A12)	Subdivision that does not comply with Standard IX.6.6.	NC
(A13)	Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct	C
(A14)	Subdivision for up to three lots accompanied by: A land use consent application for up to three dwellings each of which complies with Standards IX.6.8 to IX.6.15 inclusive but does not comply with all applicable zonal, Auckland-wide and overlay standards; or A certificate of compliance for up to three dwellings each of which complies with Standards IX.6.8 to IX.6.15 inclusive and applicable zonal, Auckland-wide and overlay standards	C
(A15)	Any subdivision listed above not meeting IX.6.16 Standards for controlled subdivision activities	RD
(A16)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	D
(A17)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D

(A18)	Development that does not comply with Standard IX.6.20 Road Design	RD
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IX.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table IX.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:
 - a. those persons listed in Rule C1.13(4); and
 - b. The New Zealand Defence Force in relation to any proposal that does not comply with:
 - i. ~~IX.6.1(2) Dry detention basins or stormwater ponds~~
 - ii. ~~IX.6.1(3) Bird Strike~~
 - iii. IX.6.3 Lighting
 - iv. 11.6.4 Noise
- (3) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public notification of an application for resource consent is precluded if the application is for the construction and use of one, two or three dwellings that do not comply with one or more of the following:
 - (a) Standard IX.6.8 Building height;
 - (b) Standard IX.6.9 Height in relation to boundary;
 - (c) Standard IX.6.10 Yards;
 - (d) Standard IX.6.11 Building coverage;
 - (e) Standard IX.6.12 Landscaped area;
 - (f) Standard IX.6.13 Outlook space;
 - (g) Standard IX.6.14 Outdoor living space; and
 - (h) Standard IX.6.15 Windows facing the street.
- (4) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for resource consent is precluded if the application is for the construction and use of four or more dwellings that comply with the following:
 - (a) Standard IX.6.8 Building height;
 - (b) Standard IX.6.9 Height in relation to boundary;
 - (c) Standard IX.6.10 Yards;
 - (d) Standard IX.6.11 Building coverage;

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- (e) Standard IX.6.12 Landscaped area;
 - (f) Standard IX.6.13 Outlook space;
 - (g) Standard IX.6.14 Outdoor living space;
 - (h) Standard IX.6.15 Windows facing the street.
- (5) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for a controlled subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of:
- (a) one, two or three dwellings that do not comply with one or more of the Standards listed in IX.5(5); or
 - (b) four or more dwellings that comply with all the Standards listed in IX.5(6).

IX.6. Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table IX.4.1 unless otherwise specified below. All activities listed in Activity Table IX.4.1 must comply with Standards IX.6. and with IX.9 Special Information Requirements.

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

Unless captured in Activity Table IX.4.1 above, any infringement of standards will be a restricted discretionary activity pursuant to Clause C1.9(2).

The following zone standards do not apply to activities (A4) to (A9) listed in Activity Table IX.4.1 above:

- (a) H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings;
- (b) H5.6.4 Building height;
- (c) H5.6.5 Height in relation to boundary;
- (d) H5.6.6 Alternative height in relation to boundary;
- (e) H5.6.7 Height in relation to boundary adjoining lower intensity zones;
- (f) H5.6.8 Yards (except standards in H5.8 6. for riparian, lakeside and coastal protection yards apply in the [insert number and Name] precinct);
- (g) H5.6.10 Building coverage;
- (h) H5.6.11 Landscaped area;
- (i) H5.6.12 Outlook space; and
- (j) H5.6.14 Outdoor living space;

The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standards IX.6.7 to IX.6.15.

Restricted discretionary activity (A2) in Activity Table IX.4.1 must comply with permitted

activity standards IX.6.8 to IX.6.15.

The activities listed as a controlled activity in Activity Table IX.4.1 must comply with IX.6.16 Standards for controlled subdivision activities and the E38 subdivision standards listed in Activity Table IX.4.1.

IX.6.1 Stormwater Infrastructure

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. Ensure that flooding risks within the Precinct and further downstream are not exacerbated by development within the Precinct.

(1) Water 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) Stormwater runoff from all impervious areas other than roofs and pervious pavers must be either:
 - (i) Treated at source by a stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' or 'Stormwater Treatment Devices Design Guideline Manual (TP10)'; or
 - (ii) Treated by a communal stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' that is designed and authorised to accommodate and treat stormwater from the site.
 - (iii) Roofs must be constructed of inert building materials with runoff directed to a tank sized for the minimum of 5mm retention volume for non-potable reuse within the property.

(2) Dry detention basins or stormwater ponds

- (a) 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).

(3) Birdstrike

- (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.

IX.6.2 Wastewater and Water Supply Infrastructure

Purpose:

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

~~(1)~~ (1) Bulk water supply and wastewater infrastructure with sufficient capacity required for servicing the proposed subdivision and development. The occupation of any new buildings within the Precinct must be completed and operational prior to the occupation of any new occupiable building requiring can only proceed following the completion and commissioning of bulk water supply and wastewater service connections infrastructure required for servicing of all development within the Precinct.

~~Note: (2)~~ Standard IX.6.2(1) will be considered to be complied with if the identified upgrades (McKean Road Wastewater Pump Station and Hobsonville Road/BCR pipe upgrade, and Whenuapai Wastewater Packages 1 and 2) are constructed and operational:

- ~~(i)~~ prior to the lodgement of a resource consent application; OR
- ~~(ii)(i)~~ form part of the same resource consent, or a separate resource consent, which is given effect to prior. Prior to the issue/release of the a certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR
- ~~(iii)(ii)~~ 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 land use only requiring water supply or wastewater service connections.

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IX.6.3 Lighting, glare and reflection

Purpose:

- To manage reverse sensitivity effects on RNZAF Base Auckland, including in

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Commented [PB21]: Proposed amendments in response to primary submission of NZDF (submission point 7.26)

relation to flight hazards and safety.

- To avoid or minimise the effects of lighting, **glare and reflection** on aircraft taking off or landing at RNZAF Base Auckland.
- (1) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that lighting:
 - (a) Avoids simulating approach and departure path runway lighting
 - (b) Ensures that clear visibility of approach and departure path runway lighting is maintained; and
 - (c) Avoids glare or light spill that could affect flight safety or aircraft operations.
- (2) External building materials must be constructed with the following:
 - (a) **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.~~
- (3) 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 that shines above the horizontal plane.

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IX.6.4 **Noise and reverse sensitivity**

Purpose:

- To ensure that potential reverse sensitivity effects ~~of noise from~~ the adjacent RNZAF Base Auckland are appropriately ~~addressed-avoided, remedied or mitigated~~ within the Precinct.
- (1) A ~~no-complaints~~**reverse sensitivity** covenant shall be included on each title issued within the ~~precinct~~**Precinct**. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to ~~RNZAF-Base Auckland~~**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 lawful noise associated with the RNZAF Base Auckland.
- (2) Any new building intended to accommodate activities that are sensitive to noise shall be designed and constructed to meet the following requirements:

Internal noise levels

 - Living Areas: LAeq(15 mins) 45dB
 - Work Areas: LAeq(15 mins) 45dB
 - Sleeping Areas (night-time) LAeq(15 mins) 40dB

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(a) Compliance with this standard is achieved if:

- (i) the building is constructed using the specifications set out in Appendix 2 as they apply to the respective noise contours shown on Precinct Plan 2. A 3dBA noise reduction shall be applied for any building façade that does not have direct line of sight to the noise source, provided that it is screened by intervening buildings; or
- (ii) a report from a qualified and experienced acoustic consultant is provided **to Council** at the time of building consent to confirm that the design, materials, and construction methodology of the proposed building will achieve the internal noise level requirements set out in this standard, *with the frequency distribution of external noise based on the following reference spectrum at L_{eq} 68dB:*

Commented [PB26]: Proposed amendments in response to primary submission of NZDF (submission point 7.27)

L_{eq} @						
63H z	125H z	250H z	500H z	1kHz z	2kHz z	4kHz
65 dB	69 dB	68 dB	65 dB	62 dB	62 dB	55

IX.6.5 Riparian Margins

- (1) At the time of subdivision or development, land within 10m of the streams and wetlands identified on Precinct Plan 1 must be planted with native vegetation from the top of the bank of the stream or the wetland's edge, with the exception of any locations where road or pedestrian crossings are proposed.

IX.6.6 Staging of Subdivision and Land Use – Transport Upgrades

Purpose:

- To mitigate the adverse effects of traffic generation on the surrounding road network; and to achieve the integration of land use and transport.
- (1) Prior to the Council issuing a certificate under section 224(c) of the Resource Management Act 1991 for subdivision within a particular stage, the road widening shown on Precinct Plan 1 must have been constructed along all parts of Totara Road that immediately adjoin the particular stage.
 - (2) The following transport infrastructure upgrades shall be established prior to certificates under section 224(c) being issued for a combined total of more than 150 residential lots or occupation of more than 150 dwellings (whichever occurs first):
 - (a) McCaw Road and Totara Road roundabout
 - (b) Tōtara Road and proposed internal northern road roundabout

(3) The following transport infrastructure upgrades should be provided completed and operational prior to 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 any dwelling being occupied within the site:

- (a) Lane marking improvements at Brigham Creek Road and Tōtara Road in accordance with Appendix 3.
- (b) Brigham Creek Road/Trig Road intersection. Upgrade to a roundabout in accordance with Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan the Road Function and Design Elements Table 2.

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IX.6.7 Number of dwellings per site

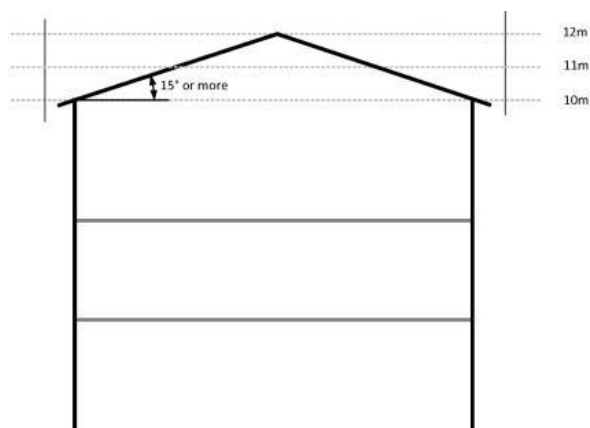
- (1) There must be no more than three dwellings per site.

IX.6.8 Building height

Purpose: To manage the height of buildings to:

- achieve the planned urban built character of predominantly three storeys;
 - minimise visual dominance effects;
 - maintain a reasonable standard of residential amenity for adjoining sites; and
 - provide some flexibility to enable variety in roof forms.
- (1) Buildings must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in Figure IX.6.8.1 below.

Figure IX.6.8.1 Building height

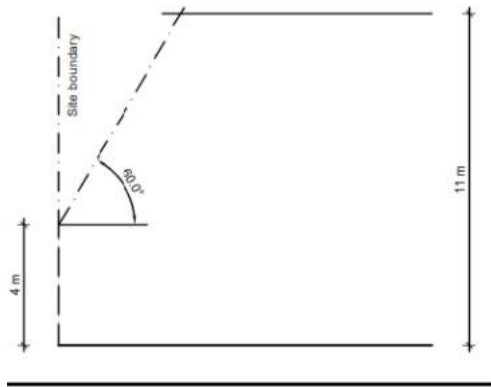


IX.6.9 Height in relation to boundary

Purpose:

- To manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual dominance effects to immediate neighbours.
- (1) Buildings must not project beyond a 60-degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries as shown in Figure IX.6.9.1 Height in relation to boundary below.
 - (2) Standard IX.6.9(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
 - (a) Business – City Centre Zone;
 - (b) Business – Metropolitan Centre Zone;
 - (c) Business – Town Centre Zone;
 - (d) Business – Local Centre Zone;
 - (e) Business – Neighbourhood Centre Zone;
 - (f) Business – Mixed Use Zone;
 - (g) Business – General Business Zone;
 - (h) Business – Business Park Zone;
 - (i) Business – Light Industry Zone; and
 - (j) Business – Heavy Industry Zone
 - (3) Standard IX.6.9(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
 - (4) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
 - (5) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

Figure IX.6.9.1 Height in relation to boundary



IX.6.10 Yards

Purpose:

- to create an urban streetscape character and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed below:

- (a) Front yards: 1.5m.
- (b) Side and rear yards: 1m

(2) This standard does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

IX.6.11 Building coverage

Purpose:

- To manage the extent of buildings on a site to achieve the planned character of buildings surrounded by open space.
- (1) The maximum building coverage must not exceed 50 per cent of the net site area.

IX.6.12 Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by vegetation; and
 - to create a vegetated urban streetscape character.
- (1) A dwelling at ground floor level must have a landscaped area of a minimum of 20 per cent of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- (2) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling.

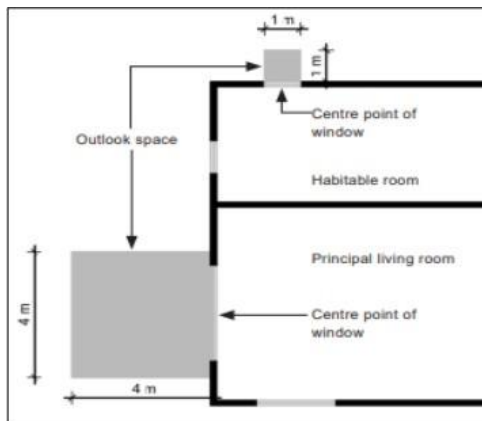
IX.6.13 Outlook space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
 - in combination with H5.6.13 Daylight Standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.
- (1) An outlook space must be provided for each dwelling as specified in this standard.
- (a) An outlook space must be provided from habitable room windows as shown in Figure IX.6.13.1 Outlook space requirements for development below.
- (b) The minimum dimensions for a required outlook space are as follows and as shown in Figure IX.6.13.1 Outlook space requirements for development below:
- (i) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - (ii) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (c) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (d) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

- (e) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (f) Outlook spaces may be under or over a balcony.
- (g) Outlook spaces required from different rooms within the same building may overlap.
- (h) Outlook spaces must—
 - (i) be clear and unobstructed by buildings; and
 - (ii) not extend over an outlook space or outdoor living space required by another dwelling.

Figure IX.6.13.1 Outlook space



IX.6.14 Outdoor living space

Purpose: To provide dwellings with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure:

- Private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen;
 - Communal outdoor living spaces are conveniently accessible for all occupants.
- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that, —
- (a) where located at ground level, has no dimension less than 3 metres; and
 - (b) where provided in the form of a balcony, patio, or roof terrace, is at

least 8m² and has a minimum dimension of 1.8 metres; and

(c) is accessible from the dwelling; and

(d) may be—

- (i) grouped cumulatively by area in 1 communally accessible location; or
- (ii) located directly adjacent to the dwelling; and

(e) is free of buildings, parking spaces, and servicing and manoeuvring areas.

(2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—

(a) is at least 8m² and has a minimum dimension of 1.8 metres; and

(b) is accessible from the dwelling; and

(c) may be—

- (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
- (ii) located directly adjacent to the dwelling.

IX.6.15 Windows facing the street

Purpose: To provide for passive surveillance while maintaining privacy for residents and users.

(1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors.

IX.6.16 Standards for controlled subdivision activities

Purpose:

- To provide for subdivision of land for the purpose of construction and use of dwellings in accordance with MDRS permitted and restricted discretionary land use activities

IX.6.17 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct

(1) Any subdivision relating to an approved land use consent must comply with that land use consent.

(2) Subdivision does not increase the degree of any non-compliance with standards IX.6.7 to IX.6.15 except that Standard IX.6.9 does not apply along the length of any proposed boundary where dwellings share a common wall.

- (3) No vacant sites are created.

IX.6.18 Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet the following:
- (a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or
 - (b) Be in accordance with an approved land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IX.6.7 to IX.6.15 except that Standard IX.6.9 does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IX.6.19 Subdivision for up to three lots accompanied by a land use consent application or certificate of compliance for up to three dwellings

- (1) The subdivision application and land use consent application or certificate of compliance relate to a site on which there are no dwellings;
- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently;
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards IX.6.7 to IX.6.15;
- (4) A maximum of three sites and three dwellings are created; and
- (5) No vacant sites are created.

IX.6.20 Road Design

Purpose:

- To ensure that any development or subdivision complies with functional and design requirements.
- (1) Any development and/ or subdivision that includes the construction of new roads, or the upgrade of existing roads, must comply with Appendix 1: Road Function and Design Elements Table 1.

IX.7 Assessment – controlled activities

IX.7.1 Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

(1) All controlled subdivision activities in Table I6XX.4.1:

- (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
- (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
- (c) the effects of infrastructure provision.

IX.7.2 Assessment criteria

(1) The Council will consider the relevant assessment criteria for controlled subdivision from the list below:

- (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance:
 - (i) refer to Policy E38.3(6);
- (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (i) refer to Policy E38.3(1) and (6);
- (c) whether there is appropriate provision made for infrastructure including:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) whether appropriate management of effects of stormwater has been provided;
 - (iii) refer to Policies E38.8(1), (6), (19) to (23).
 - (iv) Whether road markings or other infrastructure upgrading is required to address the effects of queuing at the Brigham Creek Road / Totara Road intersection, including the provision of hatched line marking at the Brigham Creek Road intersections with Boyes Road and Joseph McDonald Drive.

IX.8. Assessment – restricted discretionary activity

IX.8.1 Matters of discretion

The Council will restrict 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 of discretion 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) Whether stormwater and flooding are managed appropriately
 - (c) Whether the proposal will provide for safe and efficient functioning of the current and future transport network including considering;
 - (i) Location and design of the transport network and connections with neighbouring sites
 - (ii) Provision for active modes
 - (iii) Design and sequencing of upgrades to the existing road network
 - (d) The location, orientation and spill from lighting associated with development, structures, infrastructure and construction activities; and
 - (e) Effects on the operation of the RNZAF Base Auckland including reverse sensitivity effects and any measures to avoid, remedy or mitigate these effects.
 - (f) Whether the subdivision or development is consistent with Precinct Plan 1.
- (2) The extent to which any adverse effects on navigable airspace, representing a hazard to the safety or regularity of aircraft operations, are avoided or mitigated. Non-compliance with Standards 1X.6.4 Noise
- (a) Effects on human health and residential amenity while people are indoors
 - (b) Building location or design features or other alternative measures that will mitigate potential adverse health and amenity effects relating to noise.
- (3) For buildings that do not comply with one or more Standards IX.6.8 to IX.6.15:
- (a) any precinct and zone policies relevant to the standard;
 - (b) the purpose of the standard;
 - (c) the effects of the infringement of the standard;
 - (d) the effects on the urban built character of the precinct;
 - (e) the effects on the amenity of neighbouring sites;
 - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard
 - (g) the characteristics of the development;
 - (h) any other matters specifically listed for the standard; and
 - (i) where more than one standard will be infringed, the effects of all infringements.
- (4) For four or more dwellings per site:

- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
 - (i) building, scale and location, including:
 - A. the way in which buildings are orientated to the street and adjoining sites, and
 - B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area,
 - (ii) building form and appearance including:
 - A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest;
 - B. use of outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance;
 - C. whether design provides for the balance between residents' privacy and opportunities for passive surveillance;
 - D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites;
 - E. the interface with an identified special character area or a scheduled historic heritage place;
 - (iii) the extent to which the functional, day-to-day needs of residents are provided for in terms of:
 - A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings;
 - B. internal storage;
 - C. residential waste management, including the kerbside and/or on-site capacity for residential waste management
 - (iv) traffic; and
 - (v) location and design of access (including pedestrian access) and parking (if provided).
 - (b) the effects on infrastructure and servicing including:
 - (i) existing infrastructure capacity
 - (c) the effects of the development on the safe access for pedestrians on the adjacent road network.
- (5) Restricted discretionary subdivision that does not meet IX.6.16 Standards for controlled subdivision activities:

- (a) Refer to E38.12. (7) Matters of discretion
 - (b) Refer to Policy E38.3(13)
- (6) Non-compliance with Standard IX.6.20 - Road Design
- (a) The design of the road and associated road reserve and whether it achieves policies IX.3(4) and (5).
 - (b) Design constraints.

IX.8.2. Assessment Criteria

- (1) For subdivision and development
 - (a) Whether the proposed subdivision and/or development provide road corridors and upgraded Brigham Creek Road/ Trig Road round-about that meet the requirements of the Road Function and Design Element Table in Appendix 1, and generally in the locations indicated on Precinct Plan 1.
 - (b) Whether the proposed transport infrastructure will service the precinct in a safe and efficient manner
- (2) For stormwater management not complying with Standard IX.6.1:
 - (a) Whether development and/or subdivision is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (14);
 - (b) The design and efficacy of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, lifecycle costs, 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 IX.6.5(1) whether the ecological outcomes achieved by the proposed riparian planting will be equal to or better than the requirement of IX.6.5(1).
- (4) For stormwater detention/retention ponds/wetlands not complying with the standards in I1.6.1, 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~~ and construction; and
 - (c) Noise
- (6) For development not complying with Standard IX.6.20:

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- (a) Whether there are constraints or other factors present which make it impractical to comply with the required standards;
 - (b) Whether the design of the road, and associated road reserve achieves the relevant transport policies of the precinct;
- (7) For buildings that do not comply with one or more of Standards IX.6.8 to IX.6.15
- (a) for building height:
 - (i) refer to Policy IX.3(18)
 - (ii) refer to Policy IX.3(20)
 - (iii) refer to Policy IX.3(21)
 - (iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.

Visual dominance

- (v) the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account:
 - the planned urban built character of the precinct; and
 - the location, orientation and design of development,
 - the effect of the proposed height on the surrounding and neighbouring development.

Character and Visual Amenity

(vi) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast

(vii) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account:

- whether roof plan, services and equipment are hidden from views; and
- whether the expression of the top of the building provides visual interest and variation.

(b) for height in relation to boundary:

(i) refer to Policy IX.3(18)

(ii) refer to Policy IX.3(21)

(iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

Sunlight access

- (iv) whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:
 - Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):
 - Over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard IX.6.14: or
 - Over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard IX.6.14.
- (v) in circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in IX.6.14(1):
 - The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and
 - The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

- (vi) the extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:
 - the planned urban built character of the zone;
 - the location, orientation and design of development;
 - the physical characteristics of the site and the neighbouring site;
 - the design of side and rear walls, including appearance and dominance; and
 - providing adequate visual and/or physical break up of long continuous building forms.

Overlooking and privacy

- (vii) the extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces,

setbacks, or screening.

(c) for yards:

- (i) refer to Policy IX.3(18)
- (ii) refer to Policy IX.3(20)
- (iii) refer to Policy IX.3(21)
- (iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.

(d) for building coverage:

- (i) refer to Policy IX.3(18)
- (ii) refer to Policy IX.3(20)
- (iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;

- minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.
- (iv) whether the non-compliance is appropriate to the context, taking into account:
- whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the precinct;
 - the degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas;
 - the proportion of the building scale in relation to the proportion of the site.

(e) for landscaped area:

- (i) refer to Policy IX.3(18)
- (ii) refer to Policy IX.3(20)
- (iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access

for adjoining sites;

- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

(iv) refer to Policy H5.3(10) and

(v) the extent to which existing trees are retained.

(f) for outlook space:

(i) refer to Policy IX.3(18)

(ii) refer to Policy IX.3(20)

(iii) refer to Policy IX.3(21)

(iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep

soil areas that enable the growth of canopy trees;

- designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.
- (v) The extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.

(g) for outdoor living space:

- (i) refer to Policy IX.3(18);
- (ii) refer to Policy IX.3(20); and
- (i) the extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.

(h) for windows facing the street:

- (i) refer to Policy IX.3(21)
- (ii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;

- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas; and
- (iii) the extent to which the glazing:
 - allows views to the street and/or accessways to ensure passive surveillance; and
 - provides a good standard of privacy for occupants.

(8) For four or more dwellings per site:

- (a) the extent to which the development achieves the purpose outlined in the precinct standards or what alternatives are provided that result in the same or a better outcome.
- (b) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the precinct
- (c) the extent to which buildings are designed to manage building length and bulk and visual dominance by:
 - (i) placing taller buildings on the street front
 - (ii) varying roof form and building height
 - (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements
 - (iv) using the proportions and arrangement of windows and doors to provide relief to building length and bulk
 - (v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls
 - (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length
 - (vii) locating communal outdoor spaces around and between buildings to provide space and soften the built form
 - (viii) designing balconies as an integral part of the building
- (d) the extent to which buildings use quality, durable and easily maintainable materials.
- (e) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used

- (f) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by:
 - (i) having clearly defined fronts that provide passive surveillance from windows and balconies.
 - (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy.
 - (iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets.
 - (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.
- (g) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street.
- (h) refer to Policy IX.3(18)
- (i) refer to Policy IX.3(20)
- (j) refer to Policy IX.3(21)
- (k) refer to Policy IX.3(22)
- (l) refer to Policy H5.3(10) and
- (m) infrastructure and servicing:
 - (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
 - (ii) Where adequate network capacity is not available, whether adequate mitigation and/or upgrades are proposed
 - (iii) The extent to which the adjacent road network enables safe pedestrian movements.
- (9) Restricted discretionary subdivision that does not meet IX.6.2 Standards for controlled subdivision activities
 - (a) Refer to E38.12.2(7) except at (7)(a) “zone or zones” is replaced by “precinct”.
 - (b) Refer to Policy E38.3(13)

IX.9 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, that include forecast transport modelling and land use assumptions, prepared by a suitably

Commented [PB29]: Proposed amendment in response to primary submission of Watercare Services Limited (submission point 8.7)

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 and future (ultimate) 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 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 Precinct Plan 1 shall:
- a) Detail the proposed methods for managing adverse effects on protected fauna, nesting birds during bird breeding season, herpetofauna and the habitat of LongTailed 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.

(3) Water Supply and Wastewater Servicing Plan

Within the application for the first subdivision or development within the Precinct lodged after [insert date of plan change approval] the applicant is required to provide a Water Supply and Wastewater Servicing Plan for the Precinct Area. The Water Supply and Wastewater Servicing Plan must:

- a) Identify the location, size and capacity of the proposed water supply and wastewater network within the Precinct.
- b) Identify the timing, location, size and capacity of the key water and wastewater infrastructure dependencies located outside of the Precinct Area but are necessary to service the Precinct.
- c) Identify the location, size and capacity of the local connections within the precinct.
- b) d) Identify all catchments outside the precinct that may when developed connect to the precinct water and wastewater networks and demonstrate that the precinct networks are adequately sized to provide capacity for these catchments.

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Appendix 1 – Road Function and Design Element Table 1

Road	Proposed role and function of road in precinct area	Minimum road reserve width ¹	Total no. of lanes	Design speed	Median ²	Cycle provision ³	Pedestrian provision	Parking Bay /Landscaping	Bus provision ⁴
Tōtara Road	Collector Road (existing road to be upgraded along PPC frontage)	24m ⁵	2	50km/h	Yes	Yes – on PPC frontage	Yes	Yes – on PPC frontage	Yes
Internal Roads	Local Road	20m	2	30km/h	No	No	Yes	Yes	No
		17m	2	30km/h	No	No	Yes	Yes	No

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

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

³ Cycle provision generally not required on local roads where design speeds are 30km/h or less and traffic volumes are fewer than 2000 vehicles per day.

⁴ Carriageway and intersection geometry 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.

⁵ 3m road widening on the eastern frontage of Totara Road.

Road Function and Design Elements Table 2

Intersection Reference (refer Precinct Plan Infrastructure Staging)	Intersection type	Designed in general accordance with:	Comments
Trig/Brigham Creek Road	Upgraded Intersection - Roundabout	47712-DR-C-8101	Single lane roundabout with an additional circulating lane on the northern side. Two approach lanes on Brigham Creek Road, eastbound.

Appendix 2 – Building Requirements

Note, building requirements for dwellings within the Whenuapai Green Precinct are dictated by the external noise levels on North-eastern and Eastern facades noted on Precinct Plan 2. These values assume a vacant plan change area, with no 3dBA noise reduction applied for any building façade that does not have direct line of sight to the noise source without being screened by intervening buildings.

- Category 3: more than LA_{eq} 72dB
- Category 2: between LA_{eq} 68dB and LA_{eq} 72dB
- Category 1: Less than LA_{eq} 68dB

Façade Walls

Category 3	
Element	Wall Materials – Category 3 Facades
Cladding – Upper Floors	Heavy cladding (e.g. block work, bricks, etc.)
Cladding – Ground Floor	Light-weight cladding (e.g. weatherboard) on RAB pre-cladding,
Lining	Internal Lining of 1x13mm high density plasterboard (e.g. Noiseline)
Frame	140mm Timber Stud
Insulation	R3.2 Insulation (e.g. Pink Batts Ultra R3.2 for 140mm wall)

Category 2	
Element	Wall Materials – Category 2 Facades
Cladding – Upper Floors	Light-weight cladding (e.g. weatherboard) on RAB pre-cladding
Cladding – Ground Floor	Light-weight cladding (e.g. weatherboard)
Lining	Internal Lining of 1x13mm high density plasterboard (e.g. Noiseline)
Frame	140mm Timber Stud
Insulation	Minimum R2 Insulation

Category 1	
Element	Wall Materials – Category 1 Facades
Cladding – Upper Floors	Light-weight cladding (e.g. weatherboard)
Cladding – Ground Floor	Light-weight cladding (e.g. weatherboard)
Lining	Internal Lining of 1x13mm plasterboard
Frame	140mm Timber Stud
Insulation	Minimum R2 Insulation

Glazing

Category 3	
Element	Glazing – Category 3 Facades
Glazing / Frame	Glazing with manufacturer attenuation of: STC/Rw: 38 and PSR (Perceived Sound Reduction): 55% (e.g. 24.4mm Laminated IGU 6.38mm / 12mm AS / 6mm or equivalent.)
Glazed Area	No more than 25% of external wall area of bedrooms
Glazed Doors	Hinged doors with rubber seals strongly recommended instead of sliding doors. If sliding doors required for balconies, we would recommend balconies are designed as sunrooms (glazed enclosure)
Seals	Window suites / frames are required to match the STC ratings noted above, complete with compressible weather seals or high pile brush seals.
Façades	Where a bedroom has two external walls, only one can have glazing, and the relative area of the glazing would be calculated based on the wall with glazing not the total area of multiple walls.

Category 2	
Element	Glazing – Category 2 Facades
Glazing / Frame	Glazing with manufacturer attenuation of: STC/Rw: 38 and PSR (Perceived Sound Reduction): 55% (e.g. 24.4mm Laminated IGU 6.38mm / 12mm AS / 6mm or equivalent.)
Glazed Area	No more than 35% of external wall area of bedrooms
Glazed Doors	Hinged doors with rubber seals strongly recommended instead of sliding doors. If sliding doors required for balconies, we would recommend balconies are designed as sunrooms (glazed enclosure)
Seals	Window suites / frames are required to match the STC ratings noted above, complete with compressible weather seals or high pile brush seals.
Façades	Where a bedroom has two external walls, only one can have glazing, and the relative area of the glazing would be calculated based on the wall with glazing not the total area of multiple walls.

Category 1	
Element	Glazing – Category 1 Facades
Glazing / Frame	Glazing with manufacturer attenuation of: STC 34 / Rw 36 (e.g. 6mm / 12mm AS / 6mm or equivalent.)
Glazed Area	No more than 35% of external wall area of bedrooms
Glazed Doors	Hinged doors with rubber seals strongly recommended instead of sliding doors. If sliding doors required for balconies, we would recommend balconies are designed as sunrooms (glazed enclosure)
Seals	Window suites / frames are required to match the STC ratings noted above, complete with compressible weather seals or high pile brush seals.

Façades	If bedrooms have two external walls, then glazing area on each wall can be no more than 20% of the area of each wall.
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Roof

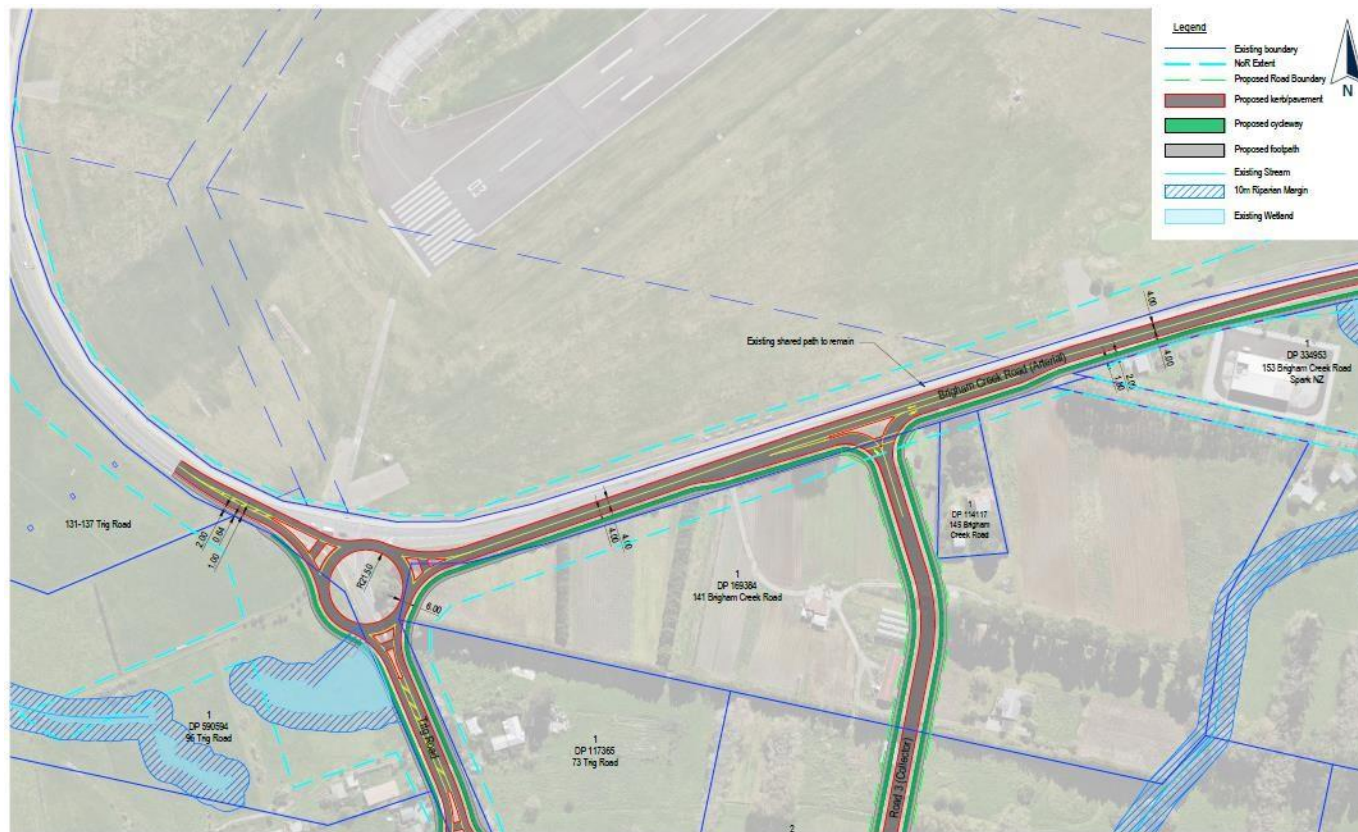
Category 3	
Element	Roof – Category 3 and 2 Facades
Roofing	3mm Asphalt Shingles on 17mm plywood Longrun Steel roofing with plywood underlay
Insulation	Minimum R3.2 insulation
Ceiling Lining	Internal ceiling lining of 1x13mm high density plasterboard (e.g. Noiseline)

Category 1	
Element	Roof – Category 1 Facades
Roofing	Longrun Steel Roofing
Insulation	Minimum R3.2 insulation
Ceiling Lining	Internal ceiling lining of 1x13mm high density plasterboard (e.g. Noiseline)

Appendix 3 - Lane marking improvements at Brigham Creek Road and Tōtara Road



Note that plans are indicative only Appendix 4 - Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan



Commented [PB31]: Proposed amendments in response to primary submission of Auckland Council (submission point 5.33)

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Neil Construction Limited
Whenuapai Business Park
Whenuapai

Private Plan Change
Brigham Creek Road Upgrading
Blow Up Sheet 1

No.	REVISION (DESCRIPTION)	NAME	DATE
G	Issued For Information	ALChen	26/11/2023
H	Issued For Information	ALChen	06/04/2024
I	Issued For Information	ALChen	12/04/2024
D	Issued For Information	-	13/11/2023
E	Issued For Information	-	16/11/2023
F	Issued For Information	-	17/11/2023

FOR INFORMATION

NAME	DATE
SUBMITTED	11/09/2023
DESIGNED	ALChen 11/09/2023
DRAWN	ALChen 11/09/2023
DATE	11/09/2023
ORIGINAL SCALE	1:2000
ORIGINAL SIZE	A3
DRAWING NO.	47712-DR-C-8101
REVISION	1

Note that plan is indicative only

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