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

Date:	**Tuesday 29 & Wednesday 30 July 2025**
Time:	**9.30am**
Meeting room:	**Council Chamber**
Venue:	**Level 2, Henderson Civic**
	1 Smythe Road, Henderson , Auckland

PRIVATE PLAN CHANGE 109

HEARING REPORT

98-100 & 102 TOTARA ROAD, WHENUAPAI

NEIL CONSTRUCTION LTD

COMMISSIONERS

Chairperson	**Mark Farnsworth**
Commissioners	**Alan Pattle**
	Lee Beattie

Bevan Donovan
KAITOHUTOHU WHAKAWĀTANGA / HEARINGS ADVISOR

Telephone: 098902009 or 0272315937
Email: bevan.donovan@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

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

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.
Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
    - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
    - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY NEIL CONSTRUCTION LTD

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Reporting officer, Vanessa Wilkinson, Planner

Reporting on proposed Private Plan Change 109 - 98-100 & 102 Totara Road, Whenuapai to rezone 16.36 hectares of land , to apply a new Precinct (the 'Whenuapai Green' Precinct), and apply the Stormwater Management Area Flow control to the land. The removal of an Historic Heritage Overlay – Extent of Place is also proposed.

APPLICANT: NEIL CONSTRUCTION LTD

SUBMITTERS:	
Page 425	David George Allen
Page 428	Charlotte Ailsa Meyer
Page 430	Joseph Donis
Page 433	Akhil Argal
Page 436	Auckland Council
Page 458	Cabra Development Limited
Page 460	New Zealand Defence Force
Page 477	Watercare Services Limited
Page 525	Chun-Kai Tseng
Page 528	Ministry of Education

FURTHER SUBMITTERS:	
Page 535	Chun-Kai Tseng
Page 549	Watercare Services Limited
Page 552	Auckland Council
Page 556	New Zealand Defence Force

Hearing Report for Proposed Private Plan Change 109: Whenuapai Green to the Auckland Unitary Plan (Operative in Part)

Section 42A Hearing Report under the Resource Management Act 1991	
Report to:	Hearing Commissioners
Hearing Dates:	29-31 July 2025
Report Author:	Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning for Auckland Council
Report Approvers:	Eryn Shields, Team Leader; Regional, North, West and Islands, Planning and Resource Consents, Auckland Council
Report Produced:	27 June 2025

SUMMARY OF PROPOSED PLAN CHANGE 109: WHENUAPAI GREEN

Plan subject to change	Auckland Unitary Plan (Operative in Part), 2016
Number and name of change	Proposed Plan Change 109 (PPC109): Whenuapai Green to the Auckland Unitary Plan
Status of Plan	Operative in Part
Type of change	Private Plan Change Request
Requester	Neil Construction Limited
Summary of Request	PPC109 seeks to rezone 16.36 hectares of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone to Residential – Mixed Housing Urban Zone; to apply a new Precinct (the 'Whenuapai Green' Precinct); and apply the Stormwater Management Area Flow control to the land. The removal of an Historic Heritage Overlay – Extent of Place is also proposed from a small portion of the eastern side of the land.
Lodgement date	9 April 2024
Clause 23 requests and responses	First clause 23 Request – 9 April 2024 First clause 23 Responses – 19, 20 and 28 August 2024 Second clause 23 Request – 4 October 2024 Second clause 23 Responses – 13 and 27 November 2024
Clause 25 decision outcome	Accepted at Policy and Planning Committee on 10 December 2025 Resolution number PEPCC/2024/136 Minutes of Policy & Planning Committee - 10 December 2024
Parts of the Auckland Unitary Plan affected by the proposed plan change	Planning Maps – to rezone land from Future Urban Zone to Residential – Mixed Housing Urban Zone; – to remove the Historic Heritage Overlay and Extent of Place which currently affects a small part of the eastern side of the plan change area; and – to apply the Stormwater Management Area Flow (SMAF) control to the land. Chapter I: Precincts – to introduce a new 'Whenuapai Green Precinct'.

Pre-notification of iwi authorities completed	The requestor engaged nine iwi groups in the preparation of the proposed plan change request. Responses were received from Ngāti Manuhiri, who deferred to Te Kawerau ā Maki. While the response from Te Kawerau ā Maki advised that the cultural impact assessment (CIA) prepared for the COVID Fast Track Application could be repurposed for the private plan change request. This CIA was provided with the request.
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	Publicly notified on 23 January 2025
Submissions received (excluding withdrawals)	Ten Submissions received (including one late submission)
Date summary of submissions notified	Summary of decisions requested notified on 14 March 2025
Number of further submissions received	Four further submissions received
Legal Effect at Notification	No legal effect
Main issues or topics emerging from all submissions	Noise / Acoustic Effects Reverse Sensitivity Infrastructure – Wastewater and Traffic Stormwater and Flooding Economic Effects and Infrastructure Funding

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ABBREVIATIONS

Abbreviations in this report include:

Abbreviation	Meaning
Unitary Plan	Auckland Unitary Plan
AT	Auckland Transport
CIA	Cultural Impact Assessment
Council	Auckland Council
FUZ	Future Urban Zone
Heritage NZ	Heritage New Zealand Pouhere Taonga
HGMPA	Hauraki Gulf Marine Park Act
IHP	Independent Hearing Panel
ITA	Integrated Traffic Assessment
MCI	Macroinvertebrate Community Index
MDRS	Medium Density Residential Standards
MfE	Ministry for the Environment
NoR	Notice of Requirement
NDC	Network Discharge Consent
NES	National Environmental Standards
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NES-F	National Environmental Standards for Freshwater
NZCPS	New Zealand Coastal Policy Statement
NPS-FM	National Policy Statement for Freshwater Management
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-UD	National Policy Statement on Urban Development
NZDF	New Zealand Defence Force
NZTA	New Zealand Transport Agency Waka Kotahi
PC78	Plan Change 78 - Auckland Council Intensification Plan Change
PC79	Plan Change 79 – Amendments to the Transport Provisions
PC80	Plan Change 80 - RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters

PPC109	Proposed Private Plan Change 109: Whenuapai Green
RMA	Resource Management Act 1991
R-MHUZ or MHU Zone	Residential – Mixed Housing Urban Zone
RPS	Regional Policy Statement (within the Auckland Unitary Plan)
SDR	Summary of Decisions Requested
SMAF 1	Stormwater Management Area Flow 1
SMP	Stormwater Management Plan
THAB	Residential Terrace Housing and Apartment Building Zone
TMP	Travel Management Plan
VKT	Vehicle Kilometres Travelled
Whenuapai Airforce Base	Royal New Zealand Airforce Base Auckland (Whenuapai)
WSP	Whenuapai Structure Plan

ATTACHMENTS

Attachments	
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Attachment 2	PPC109 Further Information (Clause 23(1) and (2) Requests and Responses Available in above link
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Attachment 11	Table of Recommendations on Submissions and further Submissions
Attachment 12	S42A Report Recommended Changes to Precinct Provisions
Attachment 13	NPS-UD Objectives and Policies

1. EXECUTIVE SUMMARY

1.1 Proposed Private Plan Change 109 (**PPC109**): Whenuapai Green to the Auckland Unitary Plan (Operative in Part) (Unitary Plan) has been requested by Neil Construction Limited. PPC109 seeks to rezone 16.36 hectares of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone to Residential – Mixed Housing Urban Zone, to apply a new Precinct (the 'Whenuapai Green' Precinct), apply the Stormwater Management Area Flow control to the land and add measures to manage noise, in particular aircraft engine testing noise, from the nearby Whenuapai RNZAF Base. The removal of an Historic Heritage Overlay – Extent of Place is also proposed from a small portion of the land.

1.2 The Whenuapai Green Precinct proposed under PPC109 includes provisions to align future subdivision and development with the provision of transport, wastewater and other infrastructure; to manage stormwater and aircraft noise effects and ecological outcomes. The proposed new precinct includes staging provisions and triggers to align development with the provision of infrastructure. If specified infrastructure upgrades are not in place, then development is limited to specified thresholds. The precinct also include provisions to manage noise, particularly aircraft engine testing noise, from the adjacent Royal New Zealand Airforce Base Auckland (**Whenuapai Airforce Base**).

1.3 The private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 (**RMA**) was adhered to in developing PPC109.

1.4 The requestor engaged nine iwi groups in the preparation of the proposed plan change request. Responses were received from Ngāti Manuhiri, who deferred to Te Kawerau ā Maki. While the response from Te Kawerau ā Maki advised that the cultural impact assessment (**CIA**) prepared for a COVID Fast Track Application, that was previously prepared for the development of the land but subsequently declined, could be repurposed for the private plan change request. This CIA was provided with the request.

1.5 Clause 23 requests for further information were made by the Council in April and October 2024. These were responded to by the requester in October and November 2024.

1.6 Following receipt of all further information under Clause 23, PPC109 was accepted for processing by the Planning, Environment and Parks Committee under Clause 25 of Schedule 1 of the RMA on 10 December 2024.

1.7 PPC109 was publicly notified on 23 January 2025 and submissions closed on 21 February 2025. Ten primary submissions were received, including one late submission. A waiver of the time limit for the late submission was accepted under delegated authority on 7 March 2025.

1.8 The summary of decisions requested was notified on 14 March 2025. Further submissions closed on 28 March 2025. Four further submissions were received.

1.9 This report has been prepared in accordance with section 42A of the RMA for the public hearing on PPC109.

1.10 This report considers the private plan change request and the issues raised by submissions and further submissions received on PPC109. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions and further submissions on PPC109. The recommendations contained within this report are to assist the participants at the hearing and are not the decisions of the Hearing Commissioners.

1.11 This report also forms part of council's ongoing obligations under section 32 of the RMA to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised by submissions on PPC109.

1.12 A report in accordance with section 32 of the RMA was prepared by the Requestor as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the Requestor in support of PPC109 (including the s32 report, Assessment of Environmental Effects and supporting specialist assessments) is provided in the link contained in **Attachment 1**.

1.13 In accordance with the evaluation in this report, and subject to further information and analysis requested to be provided by the requestor prior or to, and/or, at the hearing, it is my interim recommendation that PPC109 be declined given:

- The significant adverse health and amenity effects on future occupiers of the Precinct resulting from noise from aircraft engine testing and the proximity of the plan change area to the Whenuapai Air Force Base. At this stage, these effects have not been sufficiently avoided, remedied or mitigated.
- The reverse sensitivity effects on the on-going operation of the Whenuapai Airforce Base as a result of the increased potential for activities sensitive to aircraft noise to establish in the PPC109 area. Again, at this stage, the reverse sensitivity effects have not been sufficiently avoided, remedied or mitigated.
- The uncertainty about the ability of the plan change area to be serviced for the necessary bulk wastewater and transport infrastructure in the short to medium term;
- The adverse stormwater, flooding and ecological effects have not been sufficiently addressed or mitigated.

1.14 In reaching the above interim recommendation, I consider that at this stage, for the same reasons as outlined above, the proposal is inconsistent with the purpose of the Resource Management Act 1991, the relevant objectives and policies of the Auckland Regional Policy Statement and the Auckland Unitary Plan. Furthermore, I consider that, at this stage PPC109 will not give effect to the objectives and policies of the National Policy Statement on Urban Development or the Auckland Future Development Strategy.

2. HEARINGS AND DECISION-MAKING CONSIDERATIONS

2.1 Clause 8B, read together with Clause 29 of Schedule 1 of RMA, requires that a local authority must hold hearings into submissions on its proposed private plan change. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under s34 of RMA. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. The Panel will not be recommending a decision to the Council but will be making the decision directly on PPC109.

2.2 Private plan change requests can be made to a Council under Clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council-initiated plan changes.

2.3 The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. PPC109 relates to regional plan and district plan matters.

2.4 The statutory framework within which the Panel will consider PPC109 is outlined in this s42A report.

2.5 In brief, Section 32(1)(a) of the RMA requires an assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act and Section 74 provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2 and requires that a plan change must have particular regard to an evaluation prepared in accordance with Section 32. Section 32 requires an evaluation report examining the extent to which the objectives of the plan change are the most appropriate way to achieve the purpose of the act and requires that report to examine whether the provisions are the most appropriate way of achieving the objectives. Section 32AA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.

2.6 The requestor has prepared a Section 32 assessment. I consider that assessment at section 21 of this s42A report.

3. SECTION 42A REPORT

3.1 In preparing for hearings on Proposed Plan Change 109: Whenuapai Green (PPC109), this hearing report has been prepared in accordance with section 42A of the RMA (**s42A report**).

3.2 This s42A report considers the private plan change request as notified and the issues raised by submissions and further submissions on PPC109. It makes recommendations on whether to accept (in full or in part), or reject, each submission. This report also identifies what amendments to the PPC109 provisions are

recommended, if any, to address matters raised in submissions and specialist recommendations.

3.3 This hearing report cannot, and does not, provide an assessment of PPC109 as it is proposed to be amended by the requestor in response to submissions.

3.4 The evidence to be produced by the requestor and submitters may result in changes being proposed to PPC109. If, after the circulation of evidence on behalf of the requestor and submitters, there are significant changes proposed to PPC109, an addendum to this hearing report may be prepared, which will assess and advise on those amendments. Any addendum report will be produced prior to the hearing of submissions and in accordance with the direction from the Hearing Commissioners.

3.5 The discussion and recommendations in this s42A report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC109. The recommendations contained within this report are not the decisions of the Hearing Commissioners.

3.6 This report also forms part of Council's ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PPC109.

3.7 This report makes an interim recommendation on whether to approve, decline or approve with modifications PPC109.

3.8 To clarify for all parties, the conclusions and interim recommendations in this report are not binding on the Hearing Commissioners. The Hearing Commissioners will consider all the information submitted in support of PPC109, information in this report, and the information in submissions together with evidence presented at the hearing.

4. S42A REPORT AUTHOR AND COUNCIL'S SPECIALISTS

4.1 This s42A report has been prepared by Vanessa Wilkinson, Consultant Planner at Scott Wilkinson Planning on behalf of Auckland Council. I have more than 25 years planning and resource management experience. I hold a Bachelor of Arts in Geography and Management Studies and Labour Relations (1996) and a Master of Planning Practice (Hons) (1998), both from the University of Auckland. I am an intermediate member of the New Zealand Planning Institute. I am also a certified Hearing Commissioner and Chairperson; and I am on the Commissioner panels for Auckland Council, Queenstown Lakes District Council and Far North District Council.

4.2 Recent plan change projects where I have been the reporting planner on behalf of Auckland Council include PC44 – George Street Precinct, Newmarket; PC66 - 57 and 57A Schnapper Rock Road; PC85 - 48 Esmonde Road, Takapuna. I have also drafted plan variations for Auckland Council; and I previously assisted the Auckland Unitary Plan Independent Hearings Panel in drafting their recommended Unitary Plan provisions.

4.3 While this is not an Environment Court proceeding, I have read the code of conduct for expert witnesses contained in the Environment Court Practice Note (2023) and agree to comply with it. Except where I state that I am relying on the specified advice of another person, the opinions expressed in this report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4.4 I became involved in PPC109 after lodgement, during the clause 23 request for further information stage. I have visited the plan change area and/or surrounding area on several occasions, most recently on 23 June 2025.

4.5 This report is informed by and, where stated, relies on the reviews and assessments provided by the Council Specialists listed in **Table 1** below.

Table 1: Auckland Council's Specialists

Subject	Specialist Details
Archaeology	Rebecca Ramsay, Senior Specialist – Heritage, Auckland Council
Auckland Transport	Katherine Dorofaeff, Principal Planner, Auckland Transport
Built Heritage	Cara Francesco, Senior Specialist – Heritage, Auckland Council
Ecology	Sarah Budd, Principal Ecologist, Wildlands Consultants
Economic	Tim Heath, Director, Property Economics
Geotechnical	Nicole Li, Geotechnical Practice Lead, Auckland Council
Infrastructure Funding	Hannah Milatovic, Stakeholder and Planning Advisor and Ian Kloppers, Head of Infrastructure Funding and Development Strategy
Landscape and Urban Design	Rebecca Skidmore, Consultant, R.A Skidmore Urban Design Ltd
Noise	Peter Runcie, Technical Director – Acoustics and Vibration, SLR Consulting New Zealand
Open Space	Louise Thomas, Senior Parks Planner, Auckland Council
Stormwater and Flooding	Lee Te, Senior Healthy Waters Specialist; Carmel O'Sullivan, Senior Healthy Waters Specialist; and Brooke Waterson, Water Quality and Land Advisor, Healthy Waters and Flood Resilience
Transportation	Harry Shepherd, Principal Transportation Engineer and Angie Crafer, Director, Flow Transportation Specialists

5. THE PROPOSED PLAN CHANGE

5.1 Neil Construction Limited seeks to rezone 16.36 hectares of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone (**FUZ**) to Residential – Mixed Housing Urban Zone (**R-MHUZ**). The rezoning is identified in **Figure 1** below.

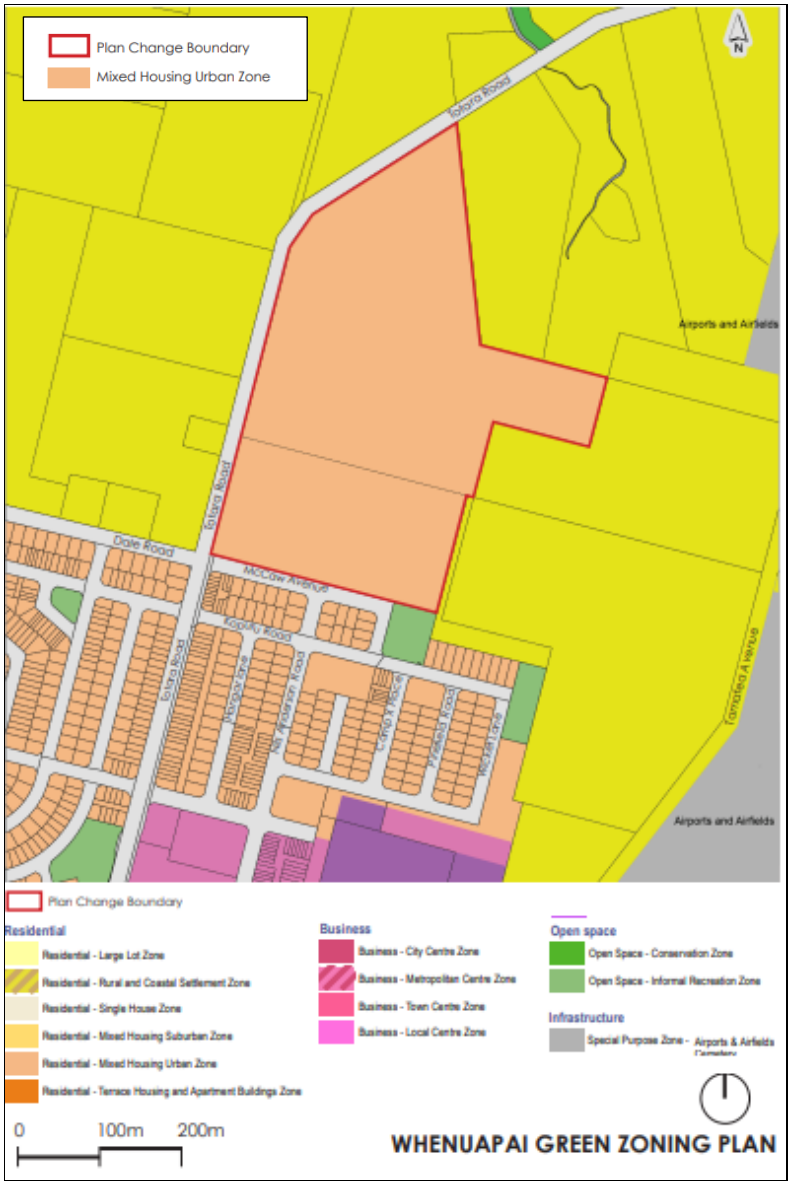


Figure 1: Proposed Zoning Plan
Source: PPC109 - Appendix B: Proposed Zoning Plan (As Notified)

5.2 PPC109 also seeks to apply the Stormwater Management Area Flow 1 (**SMAF 1**) control to the land to manage stormwater; and seeks to remove the Historic Heritage Overlay – Extent of Place associated with the RNZAF's Officers Mess, ID 232 from a small portion of the eastern side of the land. **Figure 2** below identifies the extent of the SMAF 1 control and the proposed revised location of the Historic Heritage Overlay – Extent of Place boundary, outside of the PPC109 area.

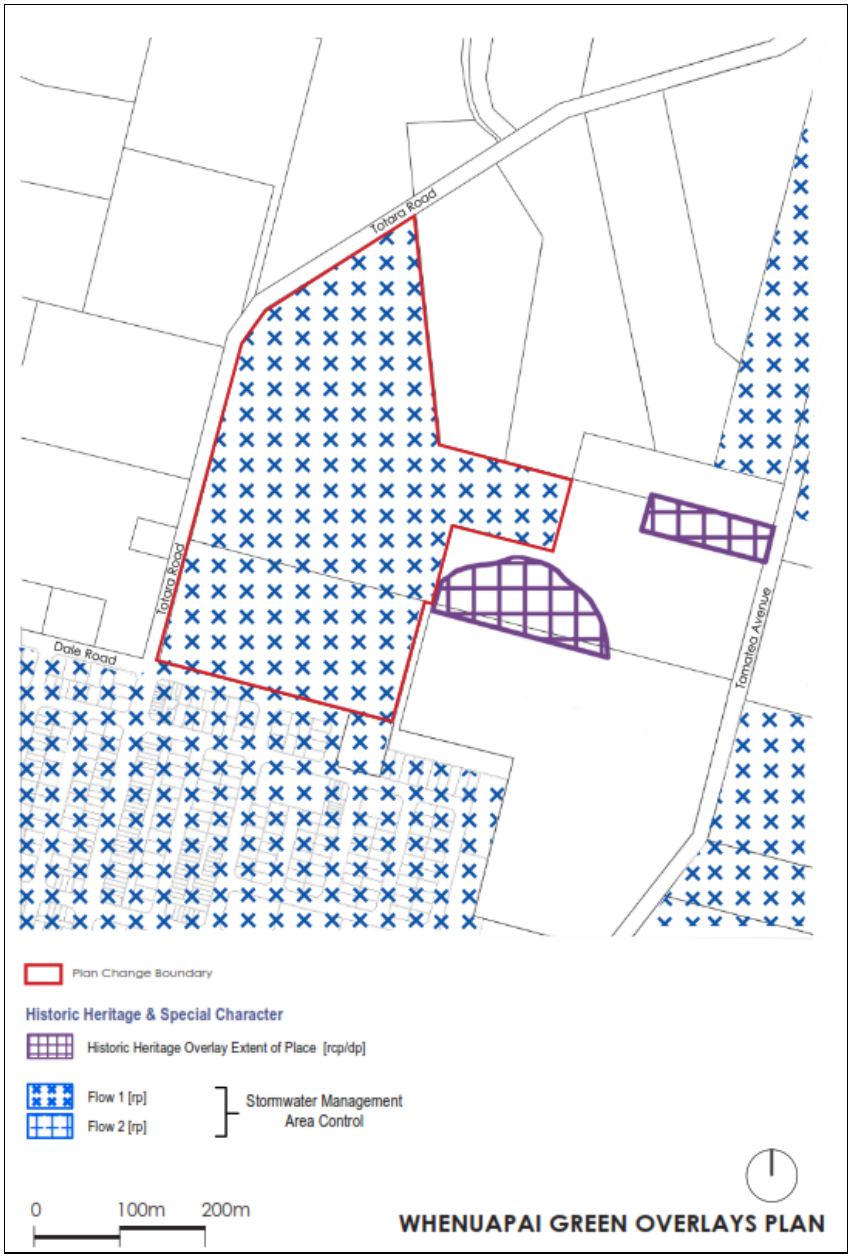


Figure 2: Extent of Proposed SMAF 1 Control over PPC109 area and new proposed Historic Heritage Area Overlay – Extent of Place boundary outside of PPC109 area.
Source: PPC109 Appendix C – Proposed Overlay Plan (As Notified)

5.3 In addition, PPC109 seeks to apply a new Precinct, the 'Whenuapai Green' Precinct, to Chapter I, Precincts, of the Unitary Plan.

5.4 The proposed purpose of the Whenuapai Green Precinct is described as:

> *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 co- ordinated manner.

5.5 The proposed Whenuapai Green Precinct overall relies on the existing provisions of the Unitary Plan, especially the activities and activity status of the underlying R-MHUZ for permitted, restricted discretionary or discretionary activities (Rule IX4.1(A1) of Precinct activity table IX4.1). This includes the following activities from the R-MHUZ.

Table 2: Activities listed in the R-MHUZ

Permitted activities in underlying R-MHUZ with same activity status in proposed Whenuapai Green Precinct	**Restricted discretionary activities in underlying R-MHUZ with same activity status in proposed Whenuapai Green Precinct**	**Discretionary activities in underlying R-MHUZ with same activity status in proposed Whenuapai Green Precinct**
Up to three dwellings per site	Four or more dwellings per site	Camping grounds
The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	Home occupations that do not meet standard H5.6.2	Restaurants and cafes up to 100m^2 gross floor area per site
Home occupations	Integrated residential development	Service stations on arterial roads
Supported residential care accommodating up to 10 people per site inclusive of staff and residents	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	Education facilities
Boarding houses accommodating up to 10 people per site inclusive of staff and residents	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	Tertiary education facilities
Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	Emergency services adjoining an arterial road
Care centres accommodating up to 10 people per site excluding staff	Dairies up to 100m^2 gross floor area per site	Healthcare facilities greater than 200m^2 gross floor area per site

Grazing of livestock on sites greater than 2,000m^2 net site area	Care centres accommodating greater than 10 people per site excluding staff	Veterinary clinics
Demolition of dwellings	Community facilities	Marae complex
	Healthcare facilities up to 200m^2 gross floor area per site	
Internal and external alterations to buildings	New buildings and additions to buildings which do not comply with H5.6.5. Height in relation to boundary, but comply with H5.6.6 Alternative height in relation to boundary	
Accessory buildings		
Additions to an existing dwelling		
Rainwater tank		
New buildings and additions to buildings – the same as the activity status as apples to the land use activity that the new building or addition to a building is designed to accommodate		

5.6 However, the Precinct also introduces site-specific objectives, policies, activities, rules, standards and assessment matters/criteria proposed to align future subdivision, development and/or activities in the Precinct with the provision of the necessary roading and transportation infrastructure; water and wastewater infrastructure, open space, stormwater management and ecological outcomes.

5.7 **Figure 3** below shows proposed Precinct Plan 1 which identifies indicative local roads, an indicative walking and cycling link, an indicative neighbourhood park and the location of 10m wide riparian corridors within the PPC109 area.

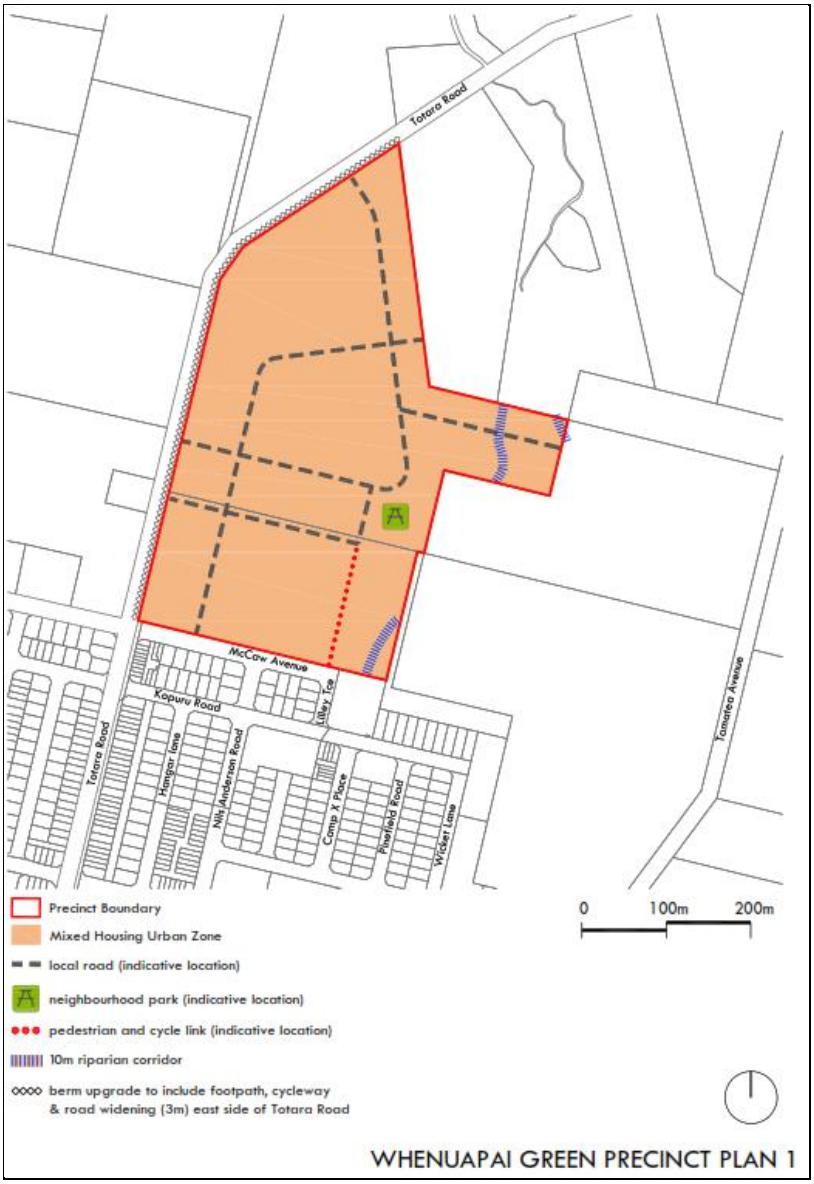


Figure 3: PPC109 Appendix D – Proposed Precinct Plan 1 (As Notified)

5.8 The proposed precinct includes standards requiring the following:

- development to be managed in accordance with an approved network discharge consent and/or an approved Stormwater Management Plan;
- stormwater runoff from impervious areas (other than roofs or pervious pavers) to be treated at source by a stormwater management device; or treated by a communal stormwater management device or system.
- stormwater from roofs to be constructed from inert building materials and roof runoff to be retained and re-used within the property.
- the occupation of new buildings only when bulk water supply and wastewater infrastructure required for servicing of all development within the Precinct is completed and commissioned. Noting that this standard is considered to be complied with if upgrades to the McKean Road Wastewater Pump Station, the

Hobsonville Road/ Brigham Creek Road pipe upgrade; and the Whenuapai Wastewater Packages 1 and 2, are constructed and operational prior to the lodgement of a resource consent application; or if the listed infrastructure is part of the same or a separate resource consent which is given effect to prior to the release of a s224(c) certificate for any subdivision; or prior to the occupation of any building or buildings for land use consent only.

- planting of native vegetation within 10m of stream and wetlands identified on Precinct Plan 1 at the time of subdivision or development, except where any roads or pedestrian crossing are proposed.

5.9 The proposed precinct also includes provisions to manage reverse sensitivity effects of establishing development in proximity to the Whenuapai Airforce Base, to ensure the operations of the Airforce Base are not compromised. The provisions include standards to:

- manage the effects of bird settling and roosting in proximity to stormwater basins or ponds;
- to discourage bird roosting on roofs;
- manage lighting from future development to manage flight hazards and safety, and avoid and minimise effects on aircraft taking off and landing.
- require a no-complaints covenant be registered on any title issued within the Precinct which would mean that a future owner could not complain, submit on, appeal or object to, any lawful noise from the Whenuapai Airforce Base.

5.10 In addition, the Precinct includes provisions to manage the effects of noise, in particular aircraft engine testing noise, from the nearby Whenuapai Airforce Base on future activities sensitive to aircraft noise. Activities sensitive to aircraft noise are defined in the Unitary Plan as including the following activities:

> *"Any dwellings, boarding houses, marae, papakāinga, integrated residential development, retirement villages, supported residential care, care centres, education facilities, tertiary education facilities, hospitals, and healthcare facilities with an overnight stay facility."*

5.11 More specifically, a standard is proposed requiring buildings containing activities sensitive to noise to be designed to meet internal noise levels. This standard is based on noise contours identified in Precinct Plan 2, reproduced in **Figure 4** below. The noise contours relate to noise levels from aircraft engine testing at the Whenuapai Airforce Base as they affect the PPC109 area. Depending on the level of noise that the building / future occupant would be subject to / noise contour a building is located within, then different categories of noise and requirements for building construction are listed and required to be complied with in order to mitigate adverse aircraft noise effects on future building occupiers. It is noted however, that currently the building requirements listed only relate to 'buildings for dwellings', and not buildings for all activities defined as sensitive to aircraft noise.

5.12 The' building requirements for dwellings' relate to materials the building must be constructed from, as outlined in Appendix 2 of the Precinct provisions, in order to mitigate the aircraft noise in living, working and sleeping areas of a dwelling. Alternatively, if different building construction materials are sought to be used, then a report from a qualified and experienced acoustic consultant is required to be provided with a building consent to confirm that the building will achieve the noise levels established in the standard.

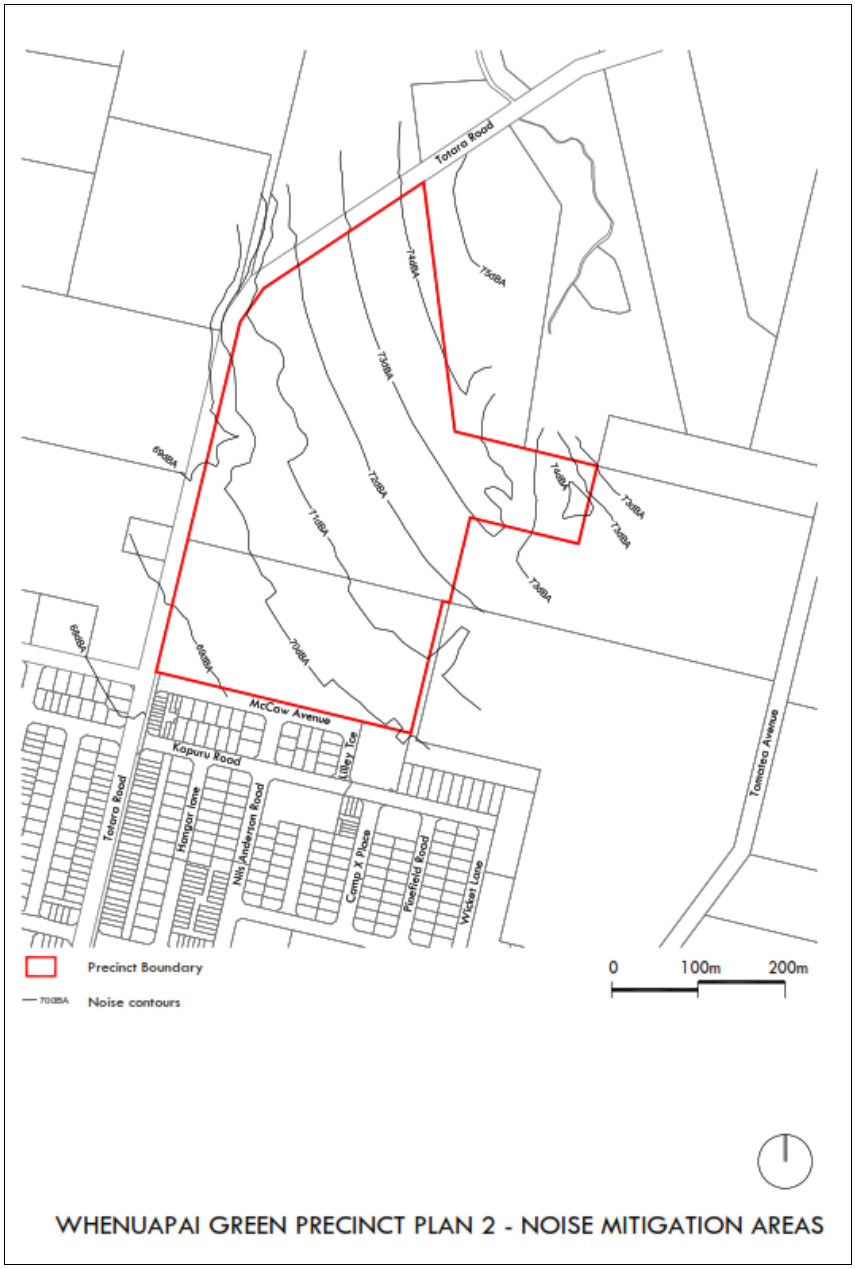


Figure 4: Precinct Plan 2 – Noise Mitigation Areas
Source: PPC109 Appendix D – Proposed Precinct Plans (As Notified)

5.13 The proposed Whenuapai Green precinct also includes staging provisions and triggers to align development with the provision of transport / roading upgrades. More specifically, standards are included in the Precinct which require:

- the construction of road widening along all parts of Totara Road, as identified on Precinct Plan 1, that adjoin a particular stage, prior to the issue of a s224(c) certificate for subdivision.
- the establishment of roundabouts at McCaw Road and Totara Road; and at Totara Road and the proposed internal northern road, prior to the issue of 224(c) certificates for a combined total of more than 150 residential lots or the occupation of more than 150 dwellings, whichever occurs first.
- lane marking improvements at Brigham Creek Road and Totara Road in accordance with diagrams provided in Appendix 3 to the Precinct; and an upgrade to the Brigham Creek Road and Trig Road intersection to a roundabout in accordance with Road Functions and Design Elements outlined in Table 2 of the Precinct, all prior to the occupation of any dwelling within the site.

5.14 Use, development and subdivision that does not comply with the above standards becomes a non-complying activity.

5.15 There is also a standard requiring any development and / or subdivision that includes the construction of new roads or the upgrade of existing roads needs to comply with Road Function and Design Elements outlined in Table 1 of the Precinct. Development becomes a restricted discretionary activity if this standard is not complied with.

5.16 PPC109 also includes provisions which incorporate the Medium Density Residential Standards (**MDRS**) as required by s77G(1) of the RMA.

5.17 The Precinct provisions also specify which Precinct activities are either excluded from, or required to comply with, the underlying zone or Precinct standards. Although the wording for exclusions and inclusions used is somewhat confusing and would benefit some further consideration and refinement.

5.18 In addition, the proposed Precinct includes bespoke notification provisions, which require the consideration of whether the New Zealand Defence Force is an affected person when standards relating to lighting and noise are infringed.

5.19 The Precinct also includes specific matters of control or discretion and assessment criteria in order to assess the controlled or restricted discretionary activities in the Precinct.

5.20 Finally, the proposed Whenuapai Green Precinct requires the provision of special information to support a resource consent application, such as:

- a Transport Design Report and concept plans for any proposed new road intersection or the upgrading of existing roads; and
- details of methods for managing adverse effects on protected fauna, nesting birds during the breeding season, herpetofauna and the habitat of Long Tailed Bats; as well as a detailed restoration plan, where a resource consent for subdivision or development is made, including any vegetation alteration or removal within 20m of a natural wetland or within 10m of a stream shown on Precinct Plan 1.

5.21 Neil Construction Limited has provided the documents and reports listed in **Table 3** below to support their private plan change request.

Table 3: Requestor's Plan Change Documents (As Notified)

Document	Prepared By	Date
Planning and Section 32 evaluation report	Campbell Brown Planning Limited	8 January 2025
Private plan change request, including proposed rezoning, overlay, control and precinct plans and drafted proposed Precinct provisions (Appendix B, C, D and E)	Campbell Brown Planning Limited	8 January 2025
Appendix A: Ecological Impact Assessment	Viridis	13 December 2024
Appendix F: Consultation Summary	-	-
Appendix G: Site Investigation Reports	Geosciences Ltd	9 May 2018 (Revised 10 November 221)
Appendix H: Integrated Transport Assessment	Abley Ltd	17 December 2024
Appendix I: Water and Wastewater Servicing Memo	Water Acumen	12 March 2024
Appendix J: Stormwater Management Plan	The Neil Group	Version 4 – Revision F – December 2024
Appendix K: Acoustic Assessment	Earcon	19 December 2024
Appendix L: Geotechnical Investigation Report	CMW Geosciences	17 December 2024
Appendix M: Archaeological/Historic Heritage Assessment	Clough & Associates Ltd	October 2023
Appendix N: Urban Design Statement	Urban Acumen	9 April 2024
Appendix O: Assessment of Landscape and Visual Effects	LA4 Landscape Architects	24 January 2024
Appendix P: Cultural Impact Assessment	Te Kawerau ā Maki	September 2021
Clause 23 responses to further information requested	Campbell Brown Planning Limited	Various

5.22 Overall, the requestor considers that PPC109 is the most appropriate method to rezone the land from the FUZ to a residential zone with an associated Precinct which will enable the development of a comprehensive medium-density residential community that will seamlessly integrate with the surrounding existing uses and the wider Whenuapai township.

6. PLAN CHANGE AREA DESCRIPTION

6.1 The PPC109 area is located to the north-east of the intersection of Totara Road, Dale Road and McCaw Avenue in Whenuapai, as outlined in yellow in **Figure 5** below.

6.2 The plan change area comprises two lots held in separate Records of Title, being 98-100 Totara Road (Lot 2 DP 81411) which is 11.61 hectares in size; and 102 Totara Road (Lot 1 DP 53062) which is 4.75 hectares in size. The total PPC109 area is 16.36 hectares.

6.3 The two lots comprising the PPC109 land are under unconditional agreement to purchase by Maraetai Land Development Limited, with the plan change requestor, Neil Construction Limited, acting as their agent. Neil Construction Limited has a joint venture with Maraetai Land Development Limited to develop the plan change land.



Figure 5: Aerial View of PPC109 land at 98-100 and 102 Totara Road, Whenuapai
Source: Auckland Council Geomaps (June 2025)

6.4 As identified in **Figures 6** and **7** below, the PPC109 area is part of the wider Whenuapai Future Urban Zone and is located just west of, and in close proximity to, the Whenuapai Airforce Base, operated by the New Zealand Defence Force.

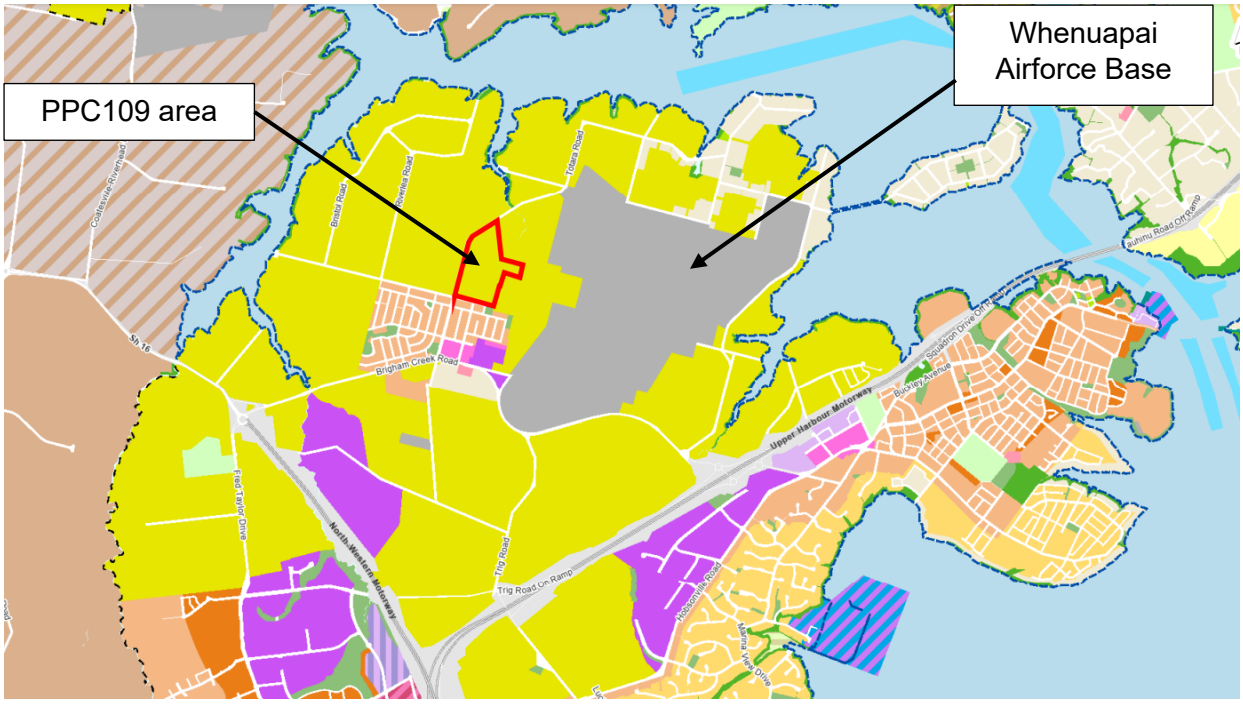


Figure 6: Plan change area (red outline) within in wider Whenuapai Future Urban Zone area (yellow area) and proximity to Whenuapai Airforce Base (grey area) **Source**: Auckland Council Geomaps

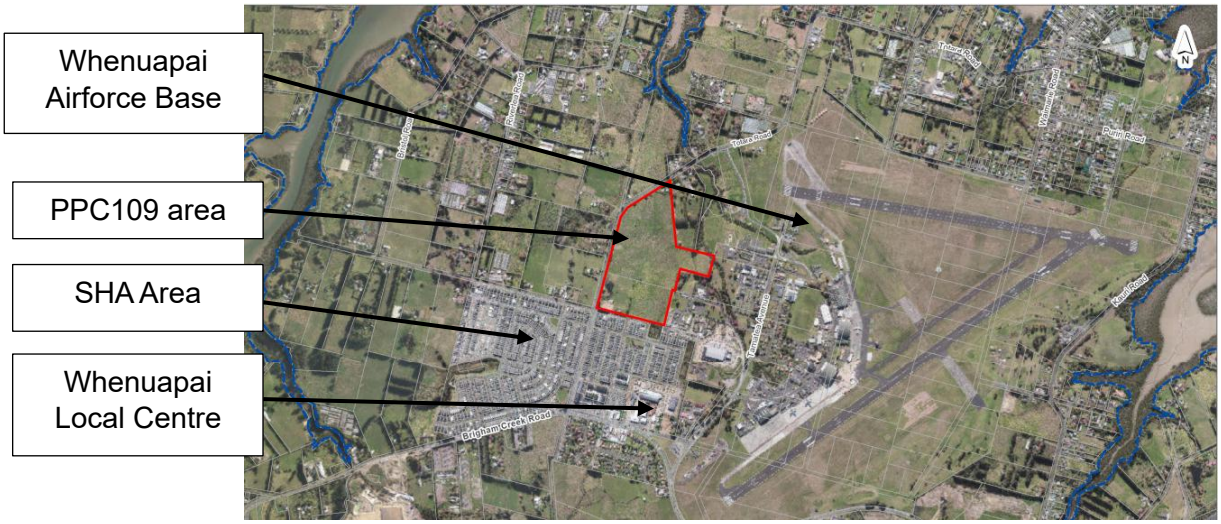


Figure 7: Aerial view of PPC109 area (red outline) and surrounding area
Source: Auckland Council Geomaps (June 2025)

6.5 The PPC109 area is generally rectangular in shape, excluding the northern boundary which follows the angle of Totara Road and a rectangular arm to the east. The plan change land has a slight slope, with a gradient falling from RL 25.5 to RL 15 across the land.

6.6 The land is currently, predominantly open pasture with some buildings (dwellings and barns) located in the northern and south-western corners.

6.7 Two vehicle crossings are provided off Totara Road as access for the existing buildings. However, the plan change area has frontage to both McCaw Avenue and Totara Road.

6.8 As identified by **Figure 8** below the PPC109 area contains a number of overland flow paths and flood plains. The eastern portion of the land also contains two intermittent streams which flow north to the Rarawaru Creek and then into the Waitematā Harbour.

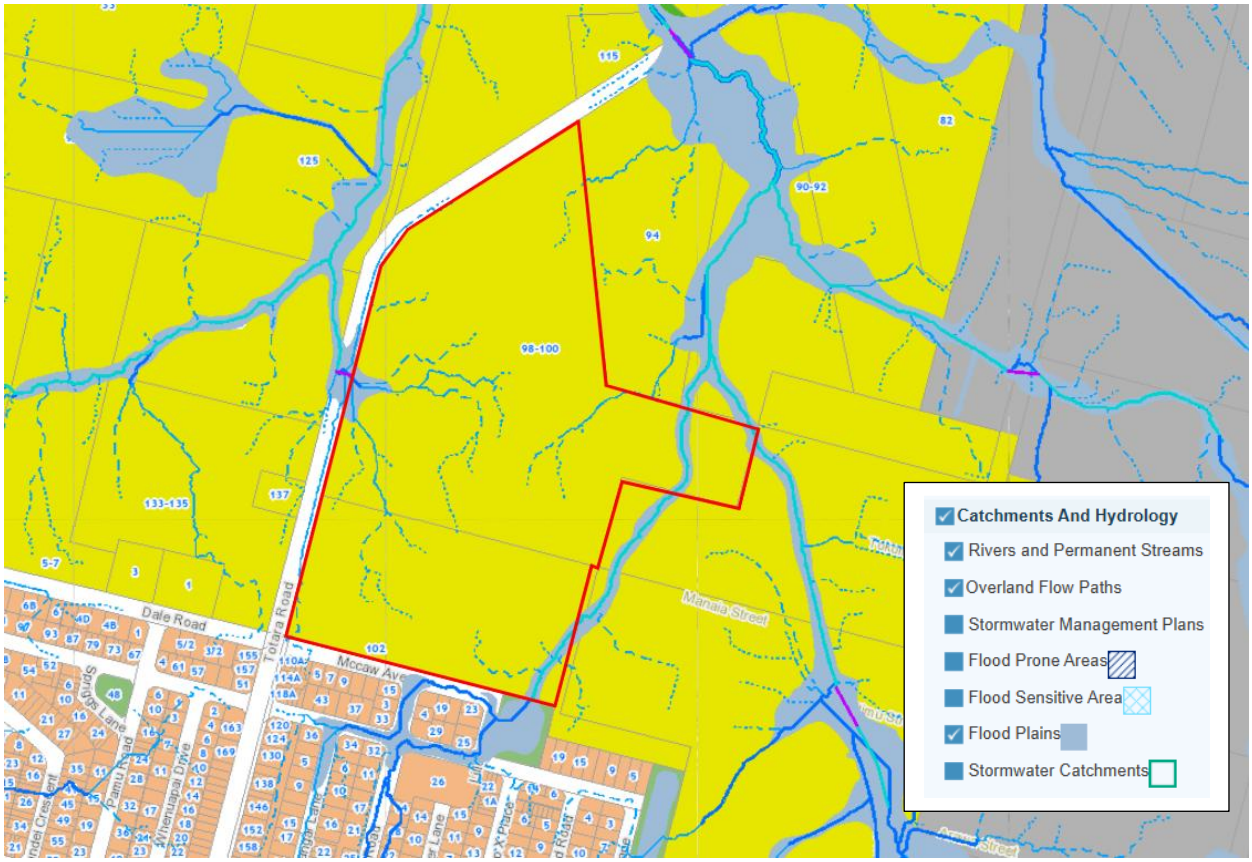


Figure 8: Location of overland flow paths, intermittent stream and flood plains in plan change area.
Source: Auckland Council Geomaps (June 2025)

6.9 The Ecological Assessment provided by the Requestor also identifies that the plan change area contains three artificial channels along the western side and two ephemeral streams. The two intermittent streams identified in the eastern area of the plan change land, also contain multiple natural wetlands. These features are identified in **Figure 9** below.

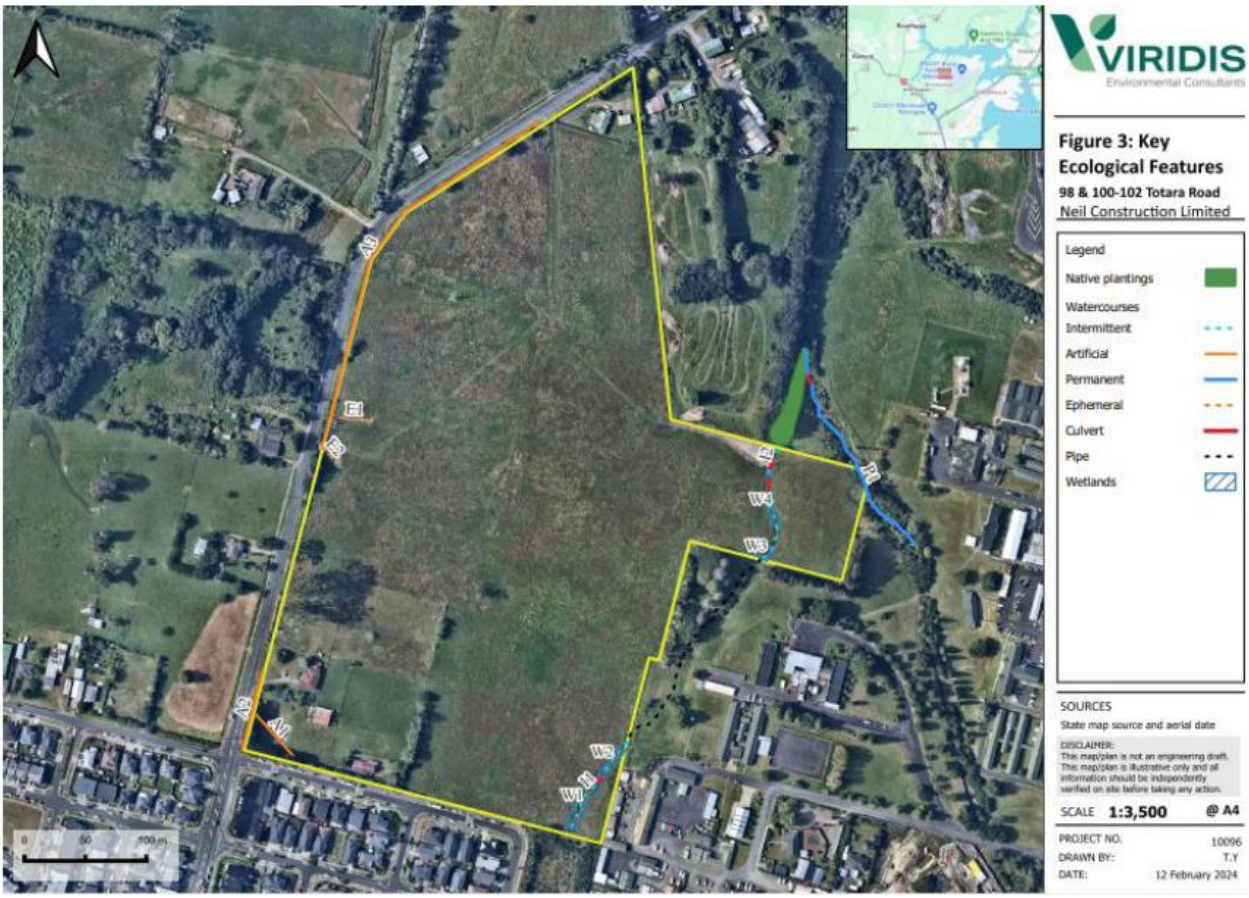


Figure 9: Ecological features identified in Plan Change Area
Source: Requestor's Ecological Assessment prepared by Viridis

6.10 The PPC109 area contains no existing public stormwater or wastewater servicing infrastructure. However, existing public water supply infrastructure is located on the western side of Totara Road.

6.11 As identified in **Figure 10** below, the PPC109 area is subject to and/or adjacent to a number of designations. More specifically, Designation 4311 Airspace Restriction Designation – Protection of Approach and Departure Paths for the Whenuapai Airforce Base, by the Minster of Defence covers the entire PPC109 area as identified by the brown dots on **Figure 10** below. In addition, the PPC109 area is adjacent to Designation 4310 Defence Purposes, by the Minister of Defence. This designation recognises and protects the land holdings and operations required by the NZDF. This is outlined further in section 10 below.

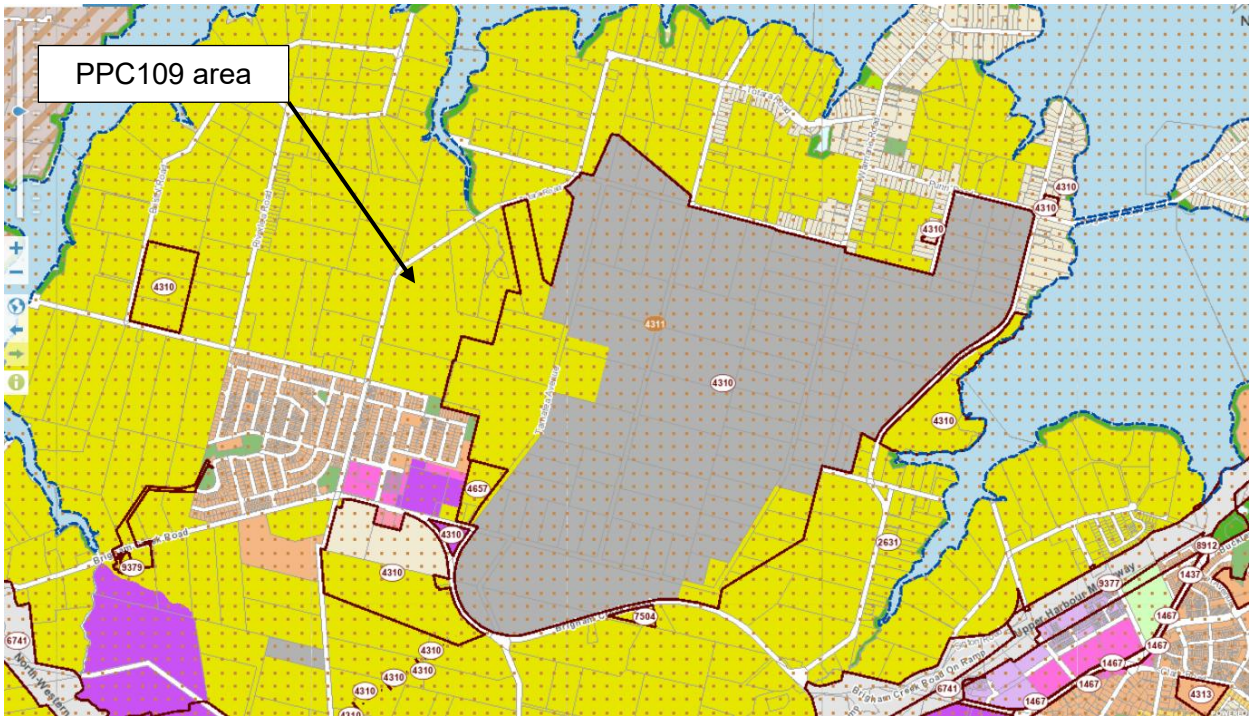


Figure 10: Location of PPC109 area, Designation 4310 (Brown Outline) and Designation 4311 (Brown Dots)
Source: Auckland Council Geomaps (June 2025)

6.12 The northern-most portion of the PPC109 area is also subject to the Aircraft Noise Overlay, in particular the 55 dBA noise control area, given the land's proximity to the Whenuapai Airforce Base. The area covered by the Aircraft Noise Overlay is identified in **Figure 11** below.

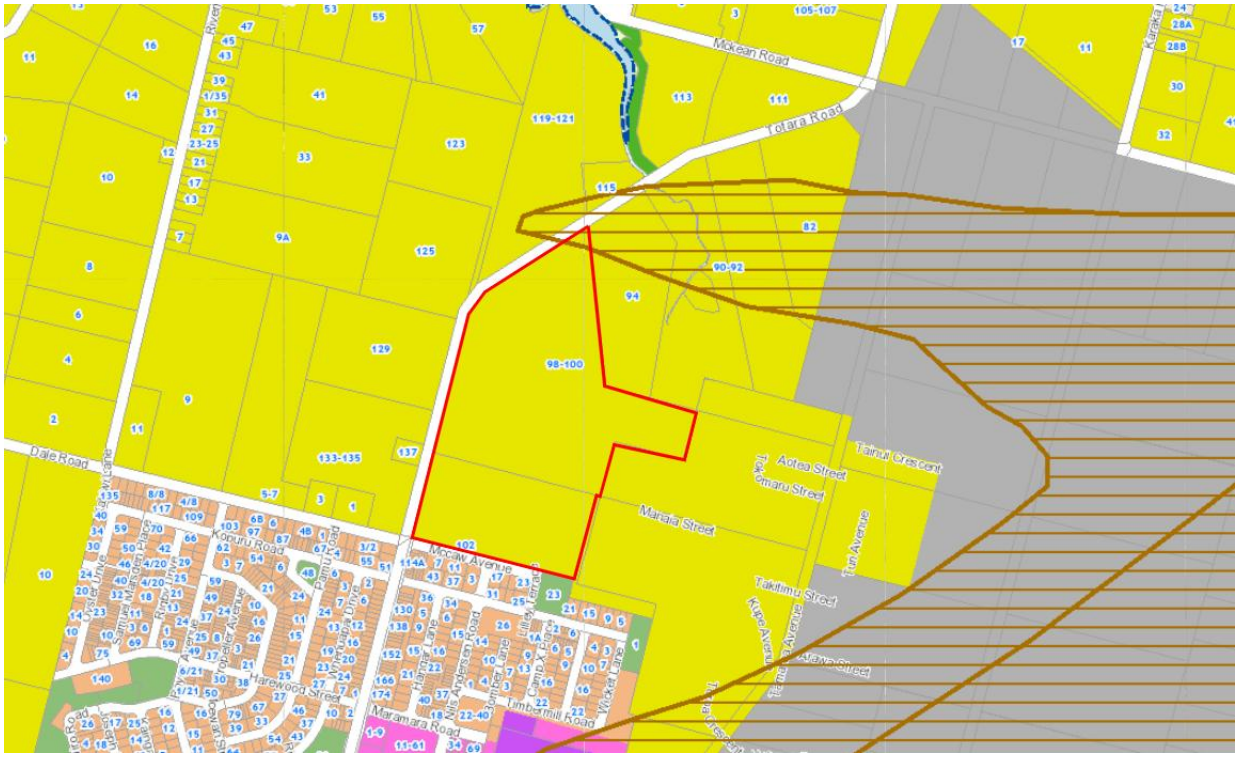


Figure 11: Location of Aircraft Noise Overlay (brown stripes) over northern portion of PPC109 area
Source: Auckland Council Geomaps (June 2025)

6.13 As outlined earlier, a small portion of the eastern side of the PPC109 land is currently identified as being subject to the Historic Heritage Extent of Place, Category B feature, being the RNZAF Officer Mess (ID 232). Refer to **Figure 12** and extract below. The Officers' Mess building is noted to be a Category B building and scheduled for heritage values A (Historic) and F (Physical Attributes). The extent of place surrounding the Officers' Mess building is proposed to be reduced and as a result removed by the proposed plan change. No physical changes to the building are proposed, noting the building is located on an adjacent site outside of the plan change boundaries.

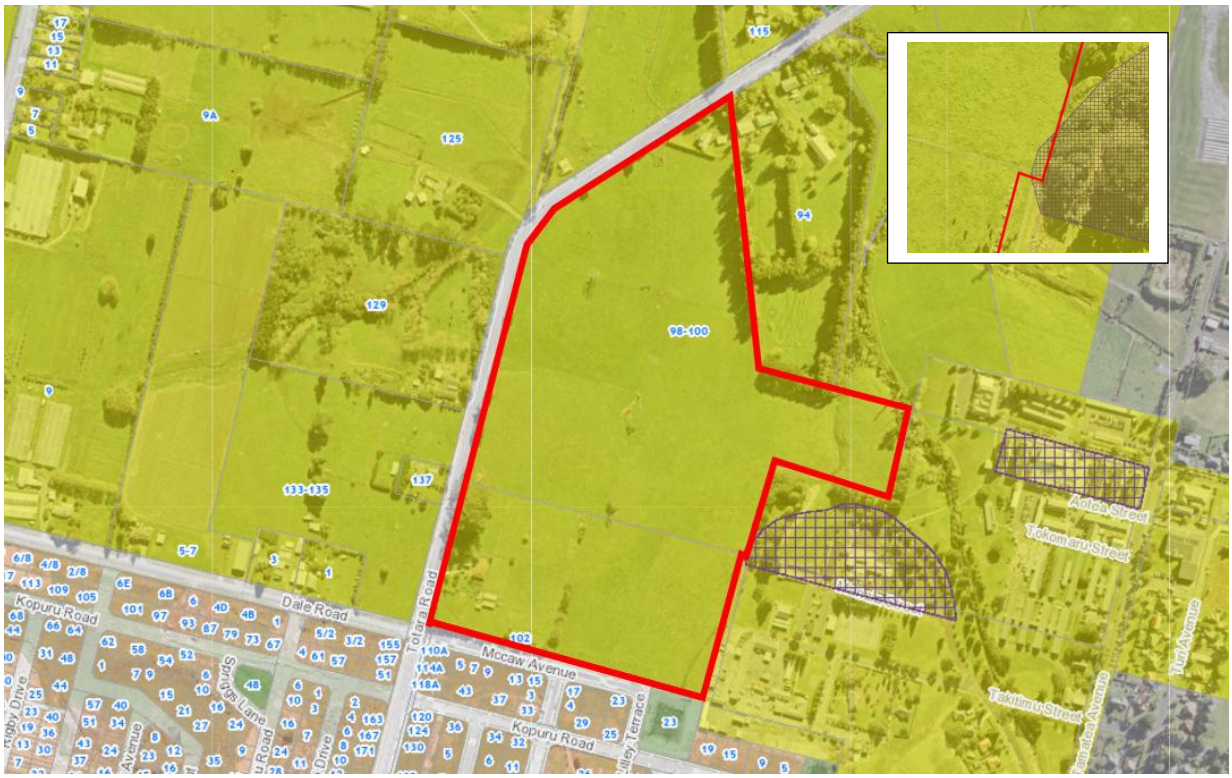


Figure 12: Historic Heritage Extent of Place over eastern edge of plan change land
Source: Auckland Council Geomaps

6.14 The PPC109 area is also subject to the Macroinvertebrate Community Index (**MCI**) – Rural.

6.15 As above, the PPC109 area is located adjacent to the Whenuapai Airforce Base and is accessible to the Whenuapai local and neighbourhood centre, which is located to the south, on Brigham Creek Road.

7. CONSENT HISTORY

7.1 The development of the land now identified in the PPC109 area was previously sought via a COVID-Fast Track application. This application was declined by an Independent Hearings Panel in 2023 given the lands future urban zoning and that it would be inappropriate to develop the land without it first being rezoned to an urban zone. A copy of the Hearings Panel Decision on the COVID-Fast Track application is provided as **Attachment 3**.

8. SURROUNDING AREA DESCRIPTION

8.1 As evidenced in **Figures 5, 6 and 7** above, the immediately surrounding environment is characterised by a range of rural, residential and commercial activities, as well as the Whenuapai Airforce Base.

8.2 More specifically, the land to the north and west of the plan change area is generally comprised of rural land uses, with predominantly rural lifestyle properties that contain dwellings and a range of other ancillary buildings. Pockets of vegetation are located across the land, as well as open pasture and streams.

8.3 The Whenuapai Airforce Base Auckland is located to the east of the PPC109 land. The Whenuapai Airforce Base is described by the New Zealand Defence Force[1] as the largest and northern most operational air base in New Zealand. As such, it is a prominent feature of the Whenuapai landscape and community. The Whenuapai Airforce Base has a number of designations in place to protect and enable its operations, in particular aircraft flights and operations, including over the PPC109 area. The Whenuapai Airforce Base provides for a range of functions and infrastructure to support its ongoing operations, with multiple runways, open space and an assortment of buildings and other services.

8.4 To the south of the PPC109 area is more recent two and three storey, medium density residential development established under Special Housing Area provisions (Whenuapai 1 and 2 Precincts or Whenuapai Village) and the Whenuapai township area comprising a mix of local and neighbourhood zoned land which includes some just completed buildings to be used as a medical centre and local shops, and existing commercial activities, including two petrol stations. This area also includes a Business - Light Industrial zoned area used as an ITM building products supplier and Pinepac, a timber sawmill and manufacturer.

8.5 Whenuapai School, which accommodates primary and intermediate aged children (years 1 to 8), is located further to the east of the Whenuapai township area.

8.6 The PPC109 area is also accessible to the Westgate Centre via SH16, approximately 2.5kms to the south; and Hobsonville via SH18, approximately 3kms to the east.

Roading

8.7 As above, the PPC109 area sits to the north-east of the intersection of Totara Road with Dale Road and McCaw Avenue. The intersection is formed as a crossroad intersection with Totara Road being the main through road and having priority over the side roads, being McCaw Avenue to the east and Dale Road to the west. A flush median on Totara Road aids turning movements into Dale Road and McCaw Avenue.

[1] New Zealand Defence Force website - https://www.nzdf.mil.nz/defence-and-whanau/where-we-are/whenuapai/

8.8 Totara Road runs along the western and north-western edge of the proposed plan change area and is a 3.5km long road which connects to Brigham Creek Road on its southern end and Waimarie Road at its north-eastern end. Totara Road is currently classified as a collector road.

8.9 The design of Totara Road differs along the length of the road. To the south, Totara Road between Brigham Creek Road and Dale Road, has an urban form of approximately 24-25m wide with one lane in each direction and a 2.5m wide flush median along the centre of the road. There are also 1.4m wide, separated cycleways and 1.8m wide footpaths along both sides of the road. The cycleways terminate at the intersection of Totara Road and Dale Road. Pedestrian refuge island crossings are also present along this section of Totara Road.

8.10 To the north, Totara Road between Dale Road and Waimarie Road is currently formed as a rural road, with a 20m wide road reserve and one vehicle lane in each direction. There are no cycle facilities and a 1.2m wide footpath is only located on the western side of the road (the opposite side to the PPC109 area).

8.11 McCaw Avenue is a local road with a total width of 20m and a carriageway width of 6m. This enables two-way traffic flow. There is no marked centreline on the road and no cycle facilities. The road reserve does contain 1.8m wide footpaths on both sides of the road. There are frequent indented parking bays for vehicles and speed tables approximately every 70m within the carriageway to encourage lower vehicle speeds.

8.12 Further to the south of the PPC109 area is the intersection of Totara Road with Brigham Creek Road and Māmari Road. This is a multi-lane, signalised intersection.

8.13 The 114 public bus runs along Totara Road and connects the Westgate bus interchange to Hobsonville Point.

8.14 The wider roading network such as Brigham Creek Road, SH16, Trig Road, and SH18 connect the PPC109 area and Whenuapai to the wider surrounding area. These roads are subject various projects and Notices of Requirement (NoR) by Auckland Transport (**AT**) and the New Zealand Transport Agency Waka Kotahi (**NZTA**) to upgrade and / or improve safety. However, most of these are either on-hold by NZTA or are subject to NoR's under appeal, as well as long lapse dates with no certainty as to timing or funding for implementation.

9. OTHER PLAN CHANGES IN THE WHENUAPAI AREA

9.1 A number of other plan changes have been or are being progressed in the Whenuapai area. Those of relevance that have been withdrawn, approved or notified are as follows. I am also advised there are other private plan change requests that have been made to the Council, but these are yet to be notified.

9.1. Plan Change 5 – Whenuapai Plan Change

9.1.1 Plan Change 5 – Whenuapai Plan Change was a Council initiated plan change which sought to rezone 351 hectares of land in the southern and eastern parts of Whenuapai from FUZ to a mix of residential and business zones. This plan change was publicly

notified by Auckland Council on 21 September 2017. However, Plan Change 5 was withdrawn by Council on 16 June 2022 as there was no funding available for the upgrading of the wider transport network to address the anticipated adverse effects from increased traffic generated by the development of the plan change area; the plan change would not have been co-ordinated with infrastructure; and there was a risk of Council having to provide unfunded infrastructure or having to divert funding from other locations.

9.1.2 Another significant matter for consideration in Plan Change 5 was also the effect of aircraft engine testing noise on the plan change area. This resulted in a number of reports providing aircraft engine testing noise modelling, some of which form the basis for the noise reports for PPC109. Furthermore, as a result of the aircraft engine testing noise modelling undertaken for Plan Change 5 it became clear that engine noise testing cannot met the noise conditions (Condition 1) in Designation 4310. As a result, on 14 October 2019 the Minister of Defence issued a s4(2) Certificate specifying that aircraft engine testing is a necessary component of aircraft maintenance and is required to be undertaken to for reasons of national security; and national security reasons require that the activity of aircraft engine testing is exempt from the RMA. A copy of the s4(2) Certificate is provided as **Attachment 4**.

9.2. Plan Change 69 - Spedding Block

9.2.1 Plan Change 69 - Spedding Block was a private plan change approved by Hearing Commissioners and made operative on 12 March 2023. The Plan Change 69 area is located south of Brigham Creek Road, to the south-west of Whenuapai. This plan change rezoned approximately 52 hectares of land at 23-27 and 31 Brigham Creek Road and 13 and 15-19 Spedding Road, Whenuapai from Future Urban Zone to Business – Light Industry Zone, and introduced a new Precinct to the Unitary Plan. Works to establish the new industrial area, including works on Brigham Creek Road, are currently well underway.

9.2.2 It is noted that a significant portion of the Spedding Block plan change land is located within the Aircraft Noise Overlay, related to take off and landing, and flight paths associated with aircraft activities at the Whenuapai Airforce Base, rather than aircraft engine testing noise. As part of the plan change process the NZDF made a submission which advised that in their view the Business – Light Industry Zone sought is broadly consistent with the direction established through NZS6805: 1992 Airport Noise and Management and Land Use Planning. Furthermore, Paragraphs 82 – 92 of the Hearing Commissioners decision on the plan change provide comments on reverse sensitivity and more broadly noise effects, noting that *the Business – Light Industry zone provides principally for activities that are relatively insensitive to noise*[2]. No other comments regarding the impacts on those activities sensitive to aircraft noise that could establish

[2] Paragraph 85 of Hearing Commissioners Decision on Plan Change 69 Spedding Block

in the Business – Light Industry Zone, albeit with a discretionary or non-complying resource consent, are made in the decision.

9.3. Plan Change 86 – 41-43 Brigham Creek Road, Whenuapai

9.3.1 Plan Change 86 – 41-43 Brigham Creek Road, Whenuapai was a private plan change approved by Hearing commissioners and made operative on 11 October 2024. The Plan Change 86 area is located on the southern side of Brigham Creek Road and to the western side of Mamari Road. The plan change rezoned 5.2 hectares of FUZ land to a R-MHUZ; and introduced a SMAF 1 control over the land.

9.3.2 I note that the south-eastern part of this plan change area is included in the Aircraft Noise Overlay and subject to the 55dB Ldn contour, which requires consideration of policies D24.3(3)(a) and (5) which require (underline is my emphasis added):

> *(3)(a) Avoid establishing residential and other activities sensitive to aircraft noise between the 55dB Ldn and 65dB Ldn noise contours, unless the effects can be adequately remedied or mitigated through restrictions on the numbers of people to be accommodated through zoning and density mechanisms and the acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to aircraft noise excluding land designated for defence purposes*
>
> *(5) Manage residential intensification and activities sensitive to aircraft noise within areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects as far as practicable, including reverse sensitivity effects between those land uses and such effects on Auckland International Airport, Ardmore Airport, Whenuapai Airbase and North Shore Airport, and that avoids, remedies or mitigates adverse aircraft noise effects on people and communities.*

9.3.3 The R-MHUZ was considered appropriate for this area by the Council's reporting planner who noted in the s42A report (at paragraphs 311 – 316) that given the above policy basis and the non-complying activity under Rule D24.4.1(A7) for subdivision of land for activities sensitive to noise to create a new site between the 55dB Ldn and 65dB Ldn noise boundaries, no additional noise controls are required and the R-MHU zoning proposed was not in conflict with the D24 Aircraft Noise Overlay provisions; and that effects (primarily take-off and landing in this assessment) can be addressed at resource consent stage. Furthermore, a future resource consent will be required to demonstrate that noise effects on activities sensitive to noise have been adequately remedied or mitigated.

9.3.4 Hearings Commissioners appear to accept this approach, and there is no discussion of any issues relating to the noise effects on activities sensitive to noise from aircraft activities at the Whenuapai Airbase, including aircraft engine testing noise, in the Plan Change 86 decision.

9.3.5 I note here that I form a different opinion to the reporting planner on Plan Change 86, where this matter relates to aircraft engine testing noise from Whenuapai Airbase and PPC109.

9.4. Plan Change 107 – Whenuapai Business Park

9.4 Plan Change 107 – Whenuapai Business Park is a plan change also being requested by Neil Construction, to rezone properties at 69-73, 94-96A Trig Road and 141, 151, 153, 155-157, 159 and 163 Brigham Creek Road, Whenuapai (the southern side of Brigham Creek Road) from FUZ to Business – Light Industrial Zone, with a corresponding Precinct. This plan change is set down to be heard on 14 – 15 July 2025. A hearing report is available[3], in which the reporting planner is recommending that the plan change be approved subject to some amendments.

9.5. Plan Change 111 – Hobsonville Grove

9.5 Plan Change 111 – Hobsonville Grove is a private plan change requested by Austino New Zealand Limited to rezone 10.7 hectare of land at 84 and 100 Hobsonville road from FUZ to a mix of Business – Light Industrial Zone; Residential – Terrace Housing and Apartment Building Zone; Residential – Mixed Housing Urban Zone and Open Space – Informal Recreation Zone, with a new precinct over the residential part of the plan change area and the expansion of an existing precinct over the proposed industrial zoning. This plan change has been notified and at the time of writing this s42A report, was open for further submissions[4].

10. EXISTING UNITARY PLAN PROVISIONS

10.1. H18 Future Urban Zone (FUZ)

10.1.1 As identified in **Figure 6** above, the PPC109 land is currently zoned Future Urban Zone (**FUZ**). The FUZ is a transitional zone that is applied to land that has been identified as being suitable for urban zoning and associated subdivision and development. Land within the FUZ is to be used and developed to achieve the objectives and the Rural – Rural Production Zone and cannot be used for urban activities until such time as the land is rezoned for urban purposes. Permitted activities include farming, horticulture and several other rural activities and industries.

10.1.2 The objectives for the FUZ are:

H18.2. Objectives

(1) Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.

[3] PC107 Whenuapai Business Park - s42A Hearing Report
[4] PC111 - Hobsonville Grove

(2) *Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.*

(3) *Future urban development is not compromised by premature subdivision, use or development.*

(4) *Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*

10.2. H5 Residential – Mixed Housing Urban Zone (R-MHUZ)

10.2.1 The land in the PPC109 area is sought to be rezoned to the Residential – Mixed Housing Urban Zone (R-MHUZ). The R-MHUZ is described as a reasonably high intensity zone enabling a greater intensity of development than previously provided for. The appearance of the zone is noted to be subject to change over time. Development up to three storeys in height, in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments, is enabled to support increased housing capacity and choice and to promote walkable neighbourhoods, a sense of community and increase the vitality of centres.

10.2.2 Generally, up to three dwellings are permitted as of right, subject to compliance with standards to ensure quality built form outcomes for the adjoining site and neighbourhood, as well as future residents. While resource consent is required for four or more dwellings on a site and for other specified activities and buildings in order to achieve the planned urban character of the zone; achieve attractive and safe streets and public open spaces; manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and achieve high quality on-site living environments.

10.2.3 **Table 2** above lists the activities and their status in the R-MHUZ. These activities and buildings/built form are required to comply with standards relating to building height, height in relation to boundary, yard setbacks, building coverage, landscaped area, outlook space and outdoor living space, amongst others.

10.2.4 The R-MHUZ provisions then provide notification provisions and matters of discretion for considering restricted discretionary activities[5]. For dwellings, this includes a consideration of the effects on neighbourhood character, residential amenity, safety and the surrounding residential area from building intensity, scale, location, form and appearance, traffic, and the location of design of parking and access, as well as consideration of other standards not otherwise listed as having to be complied with, and infrastructure and servicing. A guide to the consideration of all matters is then provided by listed assessment criteria.

[5] R-MHUZ provisions from Unitary Plan

10.3. D1 High Use Aquifer Management Overlay

10.3.1 The PPC109 area is subject to the High Use Aquifer Management Overlay relating to the Kumeū Aquifer. The applicable provisions, found in Chapter D1, apply to any proposal to take and use water from the aquifer. The overlay does not impose any material restrictions on the proposed rezoning of the plan change area.

10.4. D24 Aircraft Noise Overlay

10.4.1 As outlined in **Figure 11** above, the northern most tip of the plan change area is subject to the Aircraft Noise Overlay and more specifically the 55dBA Ldn noise control area associated with aircraft operations at Whenuapai Airbase by NZDF.

10.4.2 The Aircraft Noise Overlay provisions are contained in D24[6] and the purpose of the overlay is described as:

> *The purpose of the Aircraft Noise Overlay is to manage the subdivision of land and location of activities sensitive to aircraft noise in areas of high cumulative noise around the region's airports and airfields, so that the continued operation of the airports and airfields is not compromised and reverse sensitivity issues are addressed.*

10.4.3 The overlay is relevant to all Auckland Airports, including the Whenuapai Airbase. The Aircraft Noise Overlay objectives are:

> ***D24.2 Objectives***
>
> *(1) Airports and airfields are protected from reverse sensitivity effects.*
>
> *(2) The adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise are avoided, remedied or mitigated.*

10.4.4 The policies relevant to the Whenuapai Airbase and the PPC109 area within the 55 db Ldn noise contour are as follows:

> ***D24.3 Policies***
>
> *…*
>
> *(3) Avoid establishing residential and other activities sensitive to aircraft noise at:*
>
> *(a) airports/airfields except for Auckland International Airport: within the area between the 55dB Ldn and 65dB Ldn noise contours, unless the effects can be adequately remedied or mitigated through restrictions on the numbers of people to be accommodated through zoning and density mechanisms and the acoustic treatment (including mechanical ventilation) of*

[6] D24 Aircraft Noise Overlay provisions from Unitary Plan

buildings containing activities sensitive to aircraft noise excluding land designated for defence purposes;

…

(5) Manage residential intensification and activities sensitive to aircraft noise within areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects as far as practicable, including reverse sensitivity effects between those land uses and such effects on Auckland International Airport, Ardmore Airport, Whenuapai Airbase and North Shore Airport, and that avoids, remedies or mitigates adverse aircraft noise effects on people and communities.

10.4.5 The overlay also contains a non-complying activity rule (D24.4.1(A8)) for the subdivision of land for activities sensitive to aircraft noise to create a new site between the 55dB Ldn and 65dB Ldn noise boundaries in the Aircraft Noise Overlay as they relate to the Whenuapai Airbase.

10.4.6 In addition, the overlay contains specific rules for new activities sensitive to aircraft noise within the 55dB Ldn and 65dB Ldn noise boundaries in the Aircraft Noise Overlay as they relate to Whenuapai Airbase. These rules and their activity status are shown below.

Table D24.4.1 Activity table for North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase

Activity		Activity status
Development between the 55dB L_{dn} and 65dB L_{dn} noise boundaries (including Lot 3 DP 104718)		
(A1)	New activities sensitive to aircraft noise	RD
(A2)	New activities sensitive to aircraft noise that do not comply with Standard D24.6.1(1)	NC
(A3)	Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise	RD
(A4)	Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise that do not comply with Standard D24.6.1(1)	NC

10.4.7 In addition, the restricted discretionary activities, being new activities sensitive to aircraft noise and alterations and additions to existing buildings accommodating activities sensitive to aircraft noise are required to comply with Standard D24.6.1 which requires that the activities must provide sound attenuation and related ventilation and/or air conditioning measures:

(a) to ensure the internal noise environment of habitable rooms does not exceed a maximum noise level of 40dB Ldn;

(b) that are certified by a person suitably qualified and experienced in acoustics to the Council's satisfaction prior to its construction; and

(c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4 with all

external doors of the building and all windows of the habitable rooms closed.

10.4.8 As shown above, if this standard is not met, then resource consent as a non-complying activity and a consideration of the objectives and policies is required.

10.4.9 The overlay also contains matters of discretion and assessment criteria to assess a restricted discretionary activity that complies with the standard against. These are as follows:

10.4.10 Matters of Discretion:

D24.8.2 North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase and Ardmore Airport

(1) For the following activities:

- *D24.4.1(A1) New activities sensitive to aircraft noise (between the 55dB Ldn and the 65dB Ldn noise boundary at North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase);*
- *D24.4.1(A3) Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise (between the 55dB Ldn and the 65dB Ldn noise boundary at North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase); …*

(a) the internal noise environment of the proposed and any existing structure;

(b) the internal ventilation standards for the proposed or any existing structure;

(c) measures for or relating to the attenuation of aircraft noise arising in connection with the airport/airfield/airbase;

(d) the imposition of an obligation to ensure any required acoustic treatment measures are not removed without the Council's consent, including requiring the obligation to be registered on the certificate of title; and

(e) the nature, size and scale of the proposed development.

10.4.11 Assessment criteria:

D24.8.3.1. North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase and Ardmore Airport

(1) The internal noise environment of the proposed and any existing structure should provide satisfactorily levels of health and amenity values to occupants.

(2) The internal air quality of the proposed or any existing structure should provide satisfactory health, and amenity values to occupants.

(3) *The proposed measures for attenuation of aircraft noise arising in connection with the airport/airfield/airbase should satisfactorily avoid, remedy or mitigate those effects.*

(4) *Mechanisms should be put in place to ensure there is an ongoing obligation on owners to ensure that required acoustic treatment measures are not removed without the Council's prior consent.*

(5) *Having regard to all the circumstances, including location in relation to the airport/airfield/airbase, likely exposure of the site to aircraft noise, noise attenuation and ventilation measures proposed, and the number of people to be accommodated, the nature, size and scale of the proposed activity should not be likely to lead to potential conflict with and adverse effects upon the operation of the airport/airfield/airbase.*

10.5. D17 Historic Heritage Overlay and Extent of Place

10.5.1 As identified in **Figure 12** above, a small portion of the eastern edge of the PPC109 land is subject to the Historic Heritage Overlay and Extent of Place, ID 232, associated with the NZDF Officers' Mess. The Officers' Mess building is noted to be a Category B building and scheduled for heritage values A (Historic) and F (Physical Attributes).

10.5.2 The Historic Heritage Overlay provisions seeks to manage the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places.

10.5.3 The Overlay description notes that Category B places, such as the Officers' Mess, are places of considerable significance to a locality of greater geographic area; and that the extent of place identified comprises the area that is integral to the function, meaning and relationships of the place and illustrates the historic heritage values identified for the place. The provisions relating to a historic heritage place apply within the area mapped as the extent of place on the planning maps, including the airspace.

10.5.4 The extent of place surrounding the Officers' Mess building is proposed to be reduced and as a result removed by the proposed plan change. No physical changes to the building are proposed, noting the building is located on an adjacent site outside of the plan change boundaries.

10.6. Macroinvertebrate Community Index – Rural

10.6.1 The PPC109 land is subject to the Macroinvertebrate Community Index – Rural. While identified in the AUP as a control, the MCI is used as an indicator of water quality and overall stream health. The objectives and policies in E1 Water quality and integrated management require the management of discharges, subdivision, use and development that affect freshwater systems to maintain or enhance water quality, flows, stream channels and their margins and other freshwater values where the current condition is above National Policy Statement for Freshwater Management National Bottom Lines and the relevant MCI guideline. In rural areas in Auckland, such as Whenuapai, the guideline index is currently 94.

10.7. Designations

10.7.1 As identified in **Figure 10** above the PPC109 land is subject to Designation 4311 and immediately adjacent to Designation 4310.

Designation 4311 - Protection of Approach and Departure Paths – Whenuapai Airbase[7]

10.7.2 Designation 4311 is by the Minister of Defence for the Protection of Approach and Departure Paths for defence purposes associated with the Whenuapai Airbase. The Designation applies to the entire plan change area.

10.7.3 The designation lists the designation is for 'defence purposes' as defined by s5 of the Defence Act 1990 – protection of approach and departure paths. The designation outlines a broad range of functions and operations that can occur under the designation.

10.7.4 Condition 1 of the designation requires approval under s176(1)(b) of the RMA from NZDF for the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, located within the lower part of the runway approach paths, generally within 1 km of the runway. The northern tip of the land subject to NZDF approval is identified in **Figure 13** below.

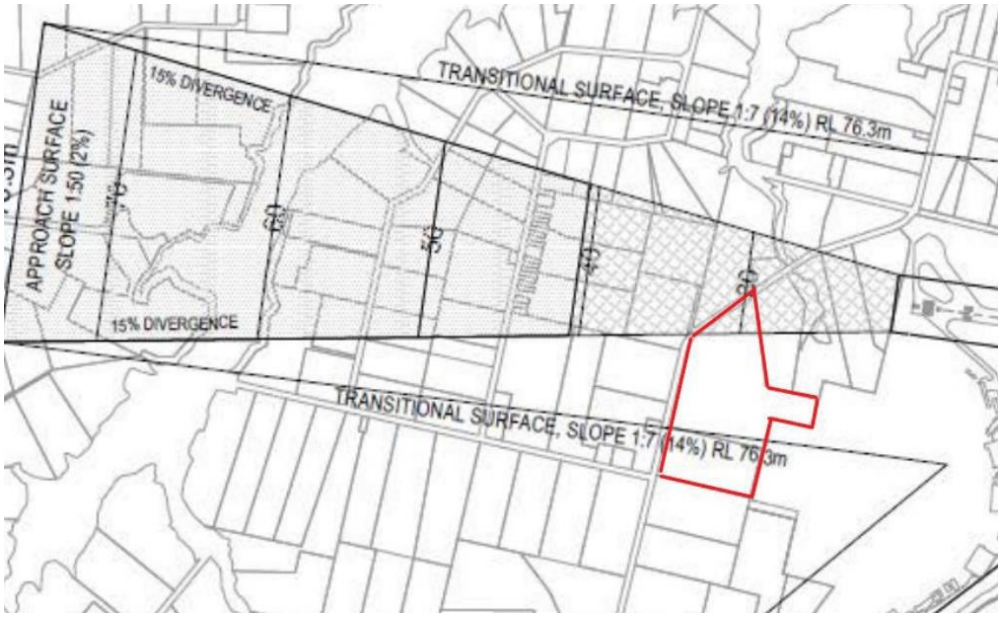


Figure 13: Extract of Drawing 9B-2-6 and location of PPC109 area where land use and subdivision is subject to NZDF approval and subject to height restrictions **Source**: Designation 4311 Drawings

10.7.5 The majority of the remainder of the PPC109 area is subject to the Transitional Side Surfaces which slope upward from the edge of the aerodrome strip; and the Inner

[7] Designation 4310

Horizontal Surface being a horizontal near circular plane extending 4,000m out from the edge of the aerodrome strip.

10.7.6 Condition 2 of Designation 4311 states that no obstacle can penetrate the approach and departure path obstacle limitation surfaces identified on the planning maps without the prior written approval of the NZDF. However, this restriction does not apply to any building which is less than 9.0m in height above natural ground level. It is noted that the maximum height proposed in the Precinct is 11m plus 1m for roof form. The height restrictions the surfaces impose are relative to the distance from the airfield and the height of immediate topography. The extent of the Take-off, Approach and Transitional Side Surfaces in relation to the plan change area is also identified in **Figure 13** above. Parts of the PPC109 area are within the Inner Horizontal Surface.

Designation 4310 – Defence Purposes

10.7.7 Designation 4310 by the Minister of Defence is also for 'defence purposes' as defined by s5 of the Defence Act 1990 and outlines a broad range of functions and operations that can occur under the designation. Designation 4310 is not listed as affecting the PPC109 area but is immediately adjacent to it. However, the designation also identifies the mapped extent of the 65 dB Ldn and 55db Ldn noise contours on Drawing 9A-2 of the designation, with this information being reflected in the Aircraft Noise Overlay (which extends over the northern tip of the PPC109 area) and GIS layer in the Auckland Council Unitary Plan Geomaps.

10.7.8 Condition 1 of Designation 4310 requires the following:

Aircraft Noise

1. Aircraft operations on the RNZAF Airbase shall not exceed a day/night (Ldn) level of:

a. 65dBA outside the Airnoise Boundary (Ldn 65 dBA Contour) shown on the Airbase Noise map; and

b. 55dBA outside the Outer Control Boundary (Ldn 55 dBA Contour) shown on the Airbase Noise map.

For the purpose of this control noise will be measured in accordance with the NZS 6805:1992 and calculated, as stated in NZS 6805:1992, using FAA Integrated Noise Model (INM) and records of actual aircraft operations and calculated as a 90 day rolling logarithmic average.

Exceptions to noise limits:

a. The aircraft is landing in an emergency;

b. The aircraft is landing at the Airbase as an alternative in adverse weather conditions; or

c. The aircraft is using the airfield as part of a search and rescue operation or civil emergency.

10.7.9 However, as outlined at section 9, as a result of the aircraft engine testing noise modelling undertaken for Plan Change 5 it became clear that aircraft engine noise testing cannot meet Condition 1 in Designation 4310. As a result, on 14 October 2019 the Minister of Defence issued a s4(2) Certificate specifying that aircraft engine testing is a necessary component of aircraft maintenance and is required to be undertaken to for reasons of national security; and national security reasons require that the activity of aircraft engine testing is exempt from the RMA. A copy of the s4(2) Certificate is provided as **Attachment 4**.

10.8. Other Unitary Plan Provisions

10.8.1 Subdivision, use and development in PPC109 would also be subject to all other Auckland-wide provisions in the Unitary Plan such as E10 Stormwater Management Area Flow 1 and Flow 2; E11 and E12 Land disturbance – Regional and District; E15 Vegetation Management and Biodiversity; E24 Lighting, E25 Noise and vibration; E27 Transport; E30 Contaminated Land; E36 Natural Hazards and Flooding, E38 Subdivision; and E40 Temporary Activities. However, no specific changes to these provisions is sought.

11. CONSULTATION

11.1. Mana Whenua Consultation

11.1.1 The Requestor has consulted with mana whenua and correspondence was sent to the following nine iwi authorities seeking confirmation of whether they wanted to attend a hui on the private plan change request.

- Te Kawerau ā Maki;
- Ngāti Manuhiri;
- Ngāti Maru;
- Ngāti Paoa Trust and Trust Board;
- Ngāti Te Ata;
- Ngāti Whātua o Kaipara;
- Ngāti Whātua o Ōrākei Trust Board;
- Te Rūnanga o Ngāti Whātua; and
- Te Ākitai Waiohua.

11.1.2 Of the above Mana Whenua groups, the response from Ngāti Manuhiri deferred to Te Kawerau ā Maki. While the response from Te Kawerau ā Maki advised that the cultural impact assessment (CIA) prepared for the COVID Fast Track Application could be repurposed for the private plan change request. This CIA has been provided as Appendix P of the request.

11.1.3 The CIA prepared by Te Kawerau ā Maki included the following conclusion:

"The site sits on relatively productive soils within a cultural landscape focused

on coastal settlements and resource extraction around the upper Waitematā harbour. The site is in very close proximity to Te Rarawaru historic kāinga site and the Rarawaru, Waionoke, and Ratara streams. A total of five impacts are noted in relation to the development (not including individual potential animal impacts which are not covered in this report), most of which could be minor to moderate beneficial (one would be negligible adverse) if mitigations discussed are incorporated, which would be a net benefit from a cultural perspective. Without mitigation minor (but not less than minor) adverse cultural effects would occur. Mitigations include a mixture of stream restoration, native planting, stormwater treatment, and placenaming/interpretation."

11.1.4 Furthermore, Te Kawerau ā Maki did not oppose the COVID Fast Track proposed development but sought the following recommendations in order to endorse it. These included:

- the adoption of 100% native eco-sourced plantings for all streetscape, reserve or public spaces within the development.
- the adoption of a combination of tree pits, vegetated swales, proprietary devices or other methods such as to develop a secondary or tertiary (three-step) stormwater treatment process for the development.
- stream restoration (including in order of preference daylighting/use of bridge/decently sized culvert with fish passage design) within the property footprint including riparian planting.
- that the developer encourages neighbouring properties to undertake stream restoration works, and, where possible, coordinate efforts for a net positive outcome.
- retain or reinter cut soils within the Site as much as possible, including through landscaping or other means.
- work with Te Kawerau ā Maki on incorporating wāhi tohu and history into the development through things like street naming, park/reserve naming, and naming the new school.

11.1.5 Te Kawerau ā Maki also sought that the Precinct includes a robust and agreed cultural context.

11.1.6 The Requestor advises that they have strived to include many of the above recommendations in the private plan change request and/or they will provide for the recommendations as part of any future development enabled by the plan change. Furthermore, the Requestor identifies that the proposed precinct provisions respond to the recommendations via ensuring native plants are eco-sourced where possible; a range of stormwater management tools are provided for in the Stormwater Management Plan and stormwater runoff will be sufficiently treated before entering any water bodies. In addition, riparian and wetland areas will be restored and enhanced from their current degraded state via setbacks for development and extensive planting.

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11.1.7 The Requestor also advises that they are committed to ongoing collaboration with Mana Whenua and will continue to engage throughout the plan change process and beyond.

11.1.8 No submission was received from any mana whenua on full notification of PPC109.

11.1.9 Furthermore, no iwi resource management groups recommended needing a decision maker in accordance with clause 4A of Schedule 1 of the RMA.

11.2. Upper Harbour Local Board Feedback

11.2.1 Following the close of submissions, Auckland Council Planning and Resource Consents staff sought feedback from the Upper Harbour Local Board. The Local Board consider its feedback at the Board's business meeting on 27 March 2025. The Upper Harbour Local Board's feedback is provided as **Attachment 6**.

11.2.2 In summary, the Upper Harbour Local Board does not support PPC109 and request that it be declined due to:

- the plan change being out of sequence with the Auckland Future Development Strategy 2023-2053 and is in advance of the necessary infrastructure to support development;
- concerns from residents in new areas such as Whenuapai on the lack of infrastructure, specifically open space, roads, water and transport;

11.2.3 The Upper Harbour Local Board feedback also advises that:

- the Local Board supports Auckland Council's submission (Submission No 5);
- there is a lack of open space in Whenuapai; and PPC109 does not provide sufficient useable outdoor space that is required in dense developments; and
- if development proceeds then the developer provide a neighbourhood park with a toilet and play spaces for all ages; and that connections be provided through the drainage reserves.

11.2.4 The Upper Harbour Local Board feedback is considered through the analysis undertaken throughout sections 12 - 19 below. It is noted that some of the concerns raised align with the concerns raised and discussed in this s42A Report.

12. STATUTORY AND POLICY FRAMEWORK

12.1 Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.

12.2 Clause 29(1) of Schedule 1 of the RMA provides *"except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)".*

12.3 The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.

12.4 PPC109 matters are regional and district plan matters, with respect to rezoning, introducing a precinct over the plan change area and applying a SMAF1 control. Therefore, a consideration of how the proposed private plan change gives effect to a Regional Policy Statement is also required.

12.5 The following sections summarise the statutory and policy framework, relevant to PPC109.

12.1. Resource Management Act 1991

12.1.2 Sections of the RMA relevant to private plan change decision making are recorded in the following **Table 3** below.

Table 3: Relevant RMA Sections and Matters

RMA Section	Matters
Part 2	Purpose and intent of the Act
Section 31	Outlines the functions of territorial authorities in giving effect to the RMA
Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal.
Section 67	Contents of regional plans - sets out the requirements for regional plan provisions, including what the regional plan must give effect to, and what it must not be inconsistent with
Section 72	Sets out that the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.
Section 73	Sets out schedule 1 of the RMA as the process to prepare or change a district plan
Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 1, Part 2 of the RMA, national policy statement, other regulations and other matters.
Section 75	Contents of district plans- sets out the requirements for district plan provisions, including what the district plan must give effect to, and what it must not be inconsistent with
Section 76	Provides that a territorial authority may include rules in a district plan for the purpose of (a) carrying out its functions under the

	RMA; and (b) achieving objectives and policies set out in the district plan
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities. It also sets out the process for private plan change applications.

12.1.3 The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council (Decision A078/2008), 16 July 2018 at [34] and updated subsequent cases including Colonial Vineyard v Marlborough District Council [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA are set out above and the statutory tests that must be considered for PPC109 are set out in **Table 4** below.

Table 4: Statutory Tests for Consideration

A. General requirements
1. A district plan (change) should be designed to accord with and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act. *2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.* *3. When preparing its district plan (change) the territorial authority shall:* *(a) Have regard to any proposed regional policy statement;* *(b) Not be consistent with any operative regional policy statement.* *4. In relation to regional plans:* *(a) The district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and* *(b) Must have regard to any proposed regional plan on any matter of regional significance etc.* *5. When preparing its district plan (change) the territorial authority must also:* • *Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial authorities.* • *Take into account any relevant planning document recognised by an iwi authority; and*

• *Not regard to trade competition.* 6. *The district plan (change) must be prepared in accordance with any regulation (there are none at present);* 7. *The formal requirement that a district plan (change) must also state its objectives, policies and the rules*
B. Objectives [the section 32 test for objectives]
8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*
C. Policies and methods (including rules) [the section 32 test for policies and rules]
9. *The policies are to be implement the objectives, and the rules (if any) are to implement the policies;* 10. *Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:* *(a) The benefits and costs of the proposed policies and methods (including rules); and* *(b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
D. Rules
11. *In making a rule the territorial authority must have regard to the actual and potential effect of activities on the environment.*
E. Other statutes
12. *Finally territorial authorities may be required to comply with other statutes. This includes, within the Auckland Region, the Local Government (Auckland) Amendment Act 2004.*

12.2. Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

12.2.1 The Government passed the Resource Management (Enabling Housing Supply and Other Matters) Act on 20 December 2021. This Act requires that Council enable more building height and density in urban environments to give effect to Policies 3 and 5 of the National Policy Statement on Urban Development (**NPS-UD**).

12.2.2 This Act also required Auckland Council to review the zoning and rules associated with all of its residential zones, except the Residential – Large Lot Zone, which is excluded from consideration by the Act; and prepare and notify plan changes by 20 August 2022.

12.2.3 In response to these requirements, Plan Change 78 – Auckland Council Intensification Plan Change (**PC78**) was notified by Council on 18 August 2022. However, it was not applicable to FUZ land, as the PPC109 land is currently zoned, as the FUZ is not currently an urban zone.

12.2.4 Section 77G(1) of the Act requires:

> *Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*

12.2.5 While Section 77G(6) states that a territorial authority may make the requirements less enabling of development than provided for by the Act if a 'qualifying matter' applies under Section 77I. Qualifying matters include, amongst other matters:

- a matter of national importance that decision makers are required to recognise and provide for under section 6 (s77I(a)).
- a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010 (s77I(b)).
- a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 (s77I(d)).
- a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure (s77I(e)).
- open space provided for public use, but only in relation to land that is open space(s77I(f)
- the need to give effect to a designation, but only in relation to land that is subject to the designation (s77I(g)).
- any other matter that makes higher density, as provided for by the MDRS or policy 3 of the NPS-UD, inappropriate in an area, but only if section 77L is satisfied (s77I(j)).

12.2.6 In this regard, noting that PPC109 seeks an urban zoning of the land, it also seeks to introduce the MDRS via the proposed Precinct.

12.2.7 It is also noted here that under PC78 the Council advised that the D24 Aircraft Noise Overlay and land subject to designations are deemed to be 'qualifying matters' as they are matter required for the safe and efficient operation of nationally significant

infrastructure under s77I(e) and relate to land to give effect to a designation under s77I(g)[8].

12.2.8 However, the Council's Section 32 Assessment of designations as qualifying matters for PC78 notes that:

> *There are designations which have conditions that limit height or where there may be reverse sensitivity issues. This includes the Minister of Defence's designation for the Whenuapai Airfield Approach and Departure Path Protection (Designation 4311 in the AUP). However, in that case, as the designation takes precedence over district plan provisions, it may be that it can be relied on to manage the effect of land use and subdivision of land within the designation boundary that is in the vicinity of the airbase runways.*[9]

12.2.9 Therefore, where land was subject to a designation the MDRS provisions and Policy 3 of the NPS-UD were still applied. However, the designation qualifying matter only applied to land that was a zoned a relevant residential or non-residential urban zone at the time PC78 was notified.

12.2.10 It is understood that both Designation and D24 Aircraft Overlay qualifying matters have been applied to the existing 'live zoned' land in the Whenuapai area, such as 4-24 Mamari Road which is currently zoned Residential – Single House Zone, but is proposed to be rezoned R-MHUZ under PC78.

12.2.11 It is also noted that the PC78 provisions, especially as they relate to residential zones and qualifying matters, such as Designations and the D24 Aircraft Noise Overlay, are yet to be heard by the Independent Hearings Panel, therefore little weight can be given to their application. Furthermore, PC78 may be subject to further legislation changes and possible withdrawal. With this currently being considered by the current Government.

13. NATIONAL POLICY STATEMENTS (NPS)

13.1 In accordance with Sections 74(1)(ea) and 75 of the RMA the relevant national policy statements (**NPS**) must be considered in the preparation, and in considering submissions on PPC109. There are five NPS' of relevance to PPC109, these are the:

- National Policy Statement on Urban Development 2020 (updated May 2022);
- National Policy Statement for Freshwater Management (amended February 2023);

[8] PC78 Version of D24 Aircraft Noise Overlay (as Notified)

[9] Page 8, Proposed Plan Change 78 (PC78), Section 32 and Section 77K / Section 77Q alternative process for existing qualifying matters, Evaluation Report for Designations as a qualifying matter in accordance with sections 77I(g) and 77O(g).

- New Zealand Coastal Policy Statement;
- Hauraki Gulf Marine Park Act; and
- National Policy Statement for Indigenous Biodiversity.

13.1. The National Policy Statement on Urban Development 2020 (updated May 2022) (NPS-UD)

13.1.1 The National Policy Statement on Urban Development 2020 (updated May 2022) (**NPS-UD**) seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

13.1.2 Section 10.4.1 of the requestor's planning assessment identifies that they consider that Objectives 1, 4, and 6; and Policies 1, 2, 6 and 8[10] are relevant to PPC109. The assessment then considers that PPC109 is consistent with and gives effect to the NPS-UD for the following reasons:

- *The proposed rezoning of the PPC land from FUZ to MHU zone will enable the anticipated growth of Whenuapai and provides for residential land in an optimal location close to key transport connections, and the wider Auckland region.*
- *The PPC land is located adjacent to existing residential land and is within close proximity of the Whenuapai town centre which contains everyday amenities that support the wellbeing and function of residential communities. The type and form of housing that will be enabled by the PPC will not be a notable shift for the surrounding area due to the existing medium density housing to the south of the PPC land, which is also zoned MHU zone.*
- *The proposed MHU zone will enable much needed housing supply in a location that is well suited in relation to existing and future employment centres, such as the nearby Whenuapai, Hobsonville and Westgate employment areas.*
- *The PPC includes significant upgrades to existing infrastructure and the provision of new infrastructure to ensure any future development is seamlessly integrated with the existing surrounding area and future development to ensure a well-functioning urban environment is achieved.*

[10] NPS-UD Objectives and Policies

- *The PPC land is currently zoned FUZ, which anticipates that development and subsequent urbanisation will occur. The MHU zoning proposed by the PPC is entirely consistent with the WSP and the long-term vision for the PPC land, which anticipates the land to be used for medium density housing. Whilst it is noted that the proposed zoning of the PPC land will alter the existing amenity values of the land, the FUZ that applies to the land in combination with the surrounding medium-density residential development that has already been undertaken, shows that the shift away from a semirural environment has already begun. The PPC is a continuation of this anticipated change as envisaged by key planning documents, such as the FDS and WSP.*
- *Whilst it is acknowledged that the PPC is slightly ahead of the sequencing outlined in the FDS, the NPS-UD provides a pathway for out-of-sequence development to occur if it would significantly add to development capacity and contribute to a well-functioning urban environment. The PPC is considered to achieve this by providing for considerable infrastructure upgrades, a residential zoning consistent with higher order policy documents, such as the WSP and is located in area that is well connected and located in regard to employment centres and the wider Auckland region.*

13.1.3 I have included a copy of the NPS-UD objectives and policies as **Attachment 13**.

13.1.4 With regard to a well-functioning urban environment and the requirements established under Policy 1, I agree with the requestor that PPC109 and the proposed Whenuapai Green Precinct provisions would enable a variety of homes that would likely meet people's needs with regard to type, price, location and different households. Further, that it would likely provide good local accessibility between housing and open spaces due to the proposed local road and walking and cycling connections identified on Precinct Plan 1.

13.1.5 However, at this stage, and in reliance on comments made in other sections of this s42A report (i.e. sections 18.3 and 19) I consider that there are a number of matters that will not give effect to the NPS-UD objectives and policies. These include:

- The ability to serve the PPC109 area with the necessary bulk wastewater infrastructure in the near future appears to be limited. The timing of the provision of bulk infrastructure does not appear to be well integrated with the proposed development in the short to medium term.
- The potential to serve the PPC109 with public transport is limited at this time and there is uncertainty about the provision and funding of major transport infrastructure that is required to be provided to assist the urbanisation of the PPC109 area in the short to medium term.
- The potential increase in flooding on 94 Totara Road, which represents a poor level of resilience to the impacts of climate change.

13.1.6 Furthermore, I consider that PPC109 will not enable all people and communities to provide for their social or economic wellbeing nor their health and safety, now and into the future as PPC109, its zoning and its proposed Precinct provisions, do not sufficiently consider and avoid, remedy or mitigate the significant adverse effects of aircraft engine testing noise from the Whenuapai Airforce Base, that effects, or likely effects the PPC109 (and surrounding) land.

13.2. National Policy Statement for Freshwater Management (amended February 2023) (NPS-FM)

13.2.1 The National Policy Statement for Freshwater Management (**NPS-FM**) requires that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

13.2.2 The requestor's assessment provides an assessment of the National Policy Statement for Freshwater Management (NPS-FM) at section 10.4.2 noting it relies on the Ecological Impact Assessment and clause 23 information, prepared by Virdis, provided as Attachment A to the PPC109 request.

13.2.3 The requestor's Ecological Impact Assessment summarises the freshwater values of the plan change area as:

> *The freshwater values of the site are linked to the presence of moderate-value permanent watercourses, which may provide habitat for 'At-Risk' īnanga spawning. Low-value freshwater features included intermittent streams and stream margin wetlands that have been degraded due to the agricultural practices.*[11]

13.2.4 The requestor's assessment then considers the ecological effects on PPC109 on watercourses, riparian margins, wetlands and stormwater, and concludes that:

> ***6.3.1 Watercourses***
>
> *….*
>
> *Activities in relation to development near intermittent and permanent streams (e.g., riparian yard infringements, riparian vegetation clearance, stream reclamation) will require assessment at the resource consent stage. It is considered that the effects management hierarchy will be appropriate for managing the adverse effects of future proposals and mitigating/offsetting where required. As such, the proposed rezoning is not anticipated to result in residual adverse effects on the site's freshwater values. Significant enhancement of freshwater ecological values within the PPC sites are expected through the removal of existing culverts farm crossings, planting of riparian yards, the reduction of stock effluent and fertiliser run-off to*

[11] Section 5.3 of Ecological Impact Assessment, by Viridis, Attachment A of PPC109 Request

waterways, and in conjunction with appropriate stormwater management practices to improve water quality to receiving environments.

6.3.2 Riparian margins

The proposed change from FUZ to MHU zone will decrease the riparian yards setback from 20 m to 10 m. However, as the site is zoned Future Urban, it is already anticipated that this reduction will occur at some stage. One of the main purposes of riparian yard setbacks is to provide a buffer to the stream to increase ecological values through filtration of overland flow, provision of shade and organic matter, and contribution to fish and invertebrate habitat. Currently, the riparian yards are of limited ecological value and comprise narrow strips of vegetation and pasture. Subdivision and development of areas adjacent to waterways will include planting of the full 10 m riparian yard which will be a significant improvement from what is currently present. There is limited proven scientific evidence as to what width of the riparian yard is most effective, with the general consensus being any yard is better than none, and wider yards tend to be more self-sustaining and require less intervention to manage weeds. While greater setback distances allow more space for riparian planting and, therefore, a corresponding increase in the ecological benefit derived from such planting, 10 m is consistent with the zoning provision and a 10 m riparian yard is considered to be appropriate.

The rezoning is expected to result in an increase in the riparian vegetation quality of the plan change area overall and is provided for as part of the proposed precinct provisions.

6.3.3 Wetlands

There are four wetlands within the site boundaries. The location of all wetlands is shown in Figure 3. There is the potential for wetlands to be affected by future land use changes in the same manner as waterways. Wetlands are also protected from development by the AUP-OP (Chapter E3) and the NES-F, and any future earthworks, diversions, and discharges within 100 m of any wetland or works, discharges or vegetation removal within or within 10 m of a wetland will be subject to a resource consent application. Identification of the wetlands at this stage allows future development to be designed around the wetlands and their catchments to ensure no complete or partial drainage occurs.

It should be noted that as the zoning is currently FUZ, it is a prohibited activity to reclaim natural inland wetlands under the NES-F. The urban rezoning will provide a consenting pathway for wetland reclamation under Regulation 45C of the NES-F. Compliance with relevant NES-F regulations in relation to natural inland wetlands will be required for subsequent development following rezoning, and it is Whenuapai Green Plan Change Ecological Impact Assessment 18 Document No: 10096-002-1 13 December 2024 considered that any adverse effects on natural inland wetlands will be able to be assessed and managed appropriately at the future resource consent stage.

6.3.4 Stormwater

If not appropriately managed, a land use change from semi-rural to urban land use may threaten freshwater ecological values through the potential increase in impervious surfaces and pollutant runoff due to subsequent development. Increases in impervious surfaces can amplify the adverse stormwater effects on the receiving environment by resulting in scouring, erosion or high levels of contaminant input if not designed and mitigated appropriately. However, changing from a semi-rural land use is likely to result in a decrease in certain contaminants such as those associated with fertilisers and pesticides and sediment runoff.

A site-specific stormwater management plan has been prepared by The Neil Group (2024). The stormwater management principles proposed for this PPC will provide for effective control of the increased runoff arising from the change in impervious areas. This will include on-site retention providing for the re-use of rainwater, along with detention to limit downstream stream erosion.

As a part of any future resource consents, two stormwater dry basins are proposed to be constructed to provide the detention and attenuation of larger flood flows. The stormwater basins have been designed to be dry to discourage bird roosting, in line with RNZAF requirements. The stormwater basins, as well as raingardens, will also treat runoff from high contaminant generation activities where required. The stormwater basins will also provide ecological value with extensive plantings.

The required riparian planting along streams and around wetlands will also provide filtration services to assist with the reduction of contaminants and sediment entering waterways.

13.2.5 The PPC109 Precinct provisions include a Precinct Plan identifying 10m wide riparian margins and objectives and policies requiring the enhancement of streams and wetlands, including defining riparian margins and providing riparian planting within the plan change area. These are supported by standards requiring land use development to be managed in accordance with an approved Stormwater Management Plan or Network Discharge Consent; requiring a 10m wide riparian margin and riparian planting.

13.2.6 With regard to the NPS-FM, the requestor's Ecological Impact Assessment considers that:

All streams and wetlands will remain and be enhanced through the provision of a 10-metre planted riparian buffer around all features.

Future resource consents required for the development of the site will require compliance with relevant NES-F regulations in relation to natural inland

wetlands, noting that a consenting pathway is provided for urban development (refer to Regulation 45C).[12]

13.2.7 On this basis, the requestor's planning assessment concludes that PPC109 will not be contrary to the outcomes sought by the NPS-FM.

13.2.8 The requestor's Ecological Impact Assessment has been reviewed for Council by Ms Sarah Budd, Consultant Ecologist. Ms Budd's assessment is provided in **Attachment 5** to this s42A Report.

13.2.9 Ms Budd considers that the methods used to assess and describe the ecological features in the plan change area are appropriate and agrees with the information provided in this regard. However, Ms Budd advises that in her opinion:

> *3.2 The assessment of ecological effects (Section 6) appears to assess what is proposed at the site against what is already allowed for in other urban zoned areas, rather than against the current baseline condition. For example, it seems to be assumed that the potential adverse effects of reducing the riparian yard/margin width from 20 metres to 10 metres is appropriate as 10 metres is standard in other urban zones. Despite stating that "While greater setback distances allow more space for riparian planting and, therefore, a corresponding increase in the ecological benefit derived" the potential ecological effects of the width reduction are not discussed in detail. Instead, the report simply states that "10m is consistent with the zoning provision and a 10m riparian yard is considered to be appropriate".*
>
> *3.3 The same approach has been taken with regard to the changing activity status of wetland reclamation. While no wetland reclamation is currently expected to be required, the EcIA notes that the proposed rezoning will open a consenting pathway for this to occur (currently a prohibited activity). The EcIA makes no attempt to quantify the extent of wetland reclamation that may be proposed during the development of the site, and therefore what the potential ecological effects of the rezoning on wetland habitats may be.*[13]

13.2.10 Ms Budd also considers the effects of PPC109 on the features identified. With regard to the proposed road extending east towards the NZDF land identified on Precinct Plan 1, Ms Budd notes that this will need to cross an intermittent stream on the plan change land and potentially a permanent stream on the NZDF land, if the road where to be extended past the property boundary. Ms Budd considers that

[12] Section 6.4.2 of Ecological Impact Assessment, by Viridis, Attachment A of PPC109 Request
[13] Section 3 of Council's Ecology Specialist Assessment, in Attachment 5.

This is not consistent with the provisions of the National Policy Statement for Freshwater Management (NPS-FM), which requires the loss of river and wetland extent to be avoided unless there is a functional need. This is also not consistent with standard IX.6.5 of the proposed precinct provisions which states that "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".

13.2.11 Ms Budd considers that given the small area that extends eastward from the main part of the site towards the NZDF land contains two streams and some wetland habitat this would be a more appropriate location for a neighbourhood park, which could be connected to neighbouring developments via a walking path; and that this would be more consistent with the statements in the requestor's Ecological Impact Assessment at section 6.4.2 and 6.4.4.

13.2.12 I note here that Ms Budd's comments on a revised open space location are not supported by Council's Open Space and Urban Design and Landscape specialists as they consider the neighbourhood park location identified on proposed Precinct Plan 1 is well located to support the development of the plan change area[14].

13.2.13 With regard to wetland reclamation, Ms Budd notes that under the current FUZ the reclamation of natural wetlands is a prohibited activity and she raises a concern that the proposed rezoning to R-MHUZ will open a consenting pathway as a restricted discretionary activity for wetland reclamation under Regulation 45C of the National Environmental Standards for Freshwater 2020 (**NES-F**). Ms Budd also notes that currently the information in PPC109 provides no indication whether, and to what extent, wetland reclamation may be proposed; and that there are limited opportunities to provide offsetting or compensation for any loss of wetland extent in the plan change area. As such she considers that it is not possible to determine if the effects on wetlands can be adequately managed at the resource consent stage. Ms Budd considers that the magnitude of potential effects on wetlands from PPC109 development should be considered at the plan change stage; and that at this stage, as wetland reclamation is not anticipated to be required to develop the site, it should continue to be a prohibited activity.

13.2.14 While I appreciate the comments made by Ms Budd regarding the potential effects of development on streams and wetland reclamation, in this instance I consider that given the PPC109 land is identified as FUZ there is an intention specified that urban zoning is likely to occur, albeit, subject to identification of features such as wetlands. I agree that formal rezoning of the PPC109 land will enable a restricted discretionary activity pathway under the NES-F. However, any reclamation would also still be subject to the

[14] Council's Open Space; and Urban Design and Landscape Assessments, in Attachment 5

objectives and policies of the RPS and a non-complying status under E3 Lakes, Rivers, Streams and Wetlands of the Unitary Plan, where the objectives and policies of this seek to 'avoid' reclamation, unless there is no practical alternative. Therefore, in my opinion consenting pathways still enable a consideration of effects on, and appropriateness of, any wetland or stream reclamation, and this is consistent with the management of freshwater under the objectives and policies of the NPS-FM.

13.2.15 Ms Budd, as well as Council's Healthy Waters and Open Space specialists, raises a concern about the 10m width proposed for riparian margins within the PPC109 area. Ms Budd notes:

> *As stated in Section 6.3.2 of the EcIA, "greater setback distances allow more space for riparian planting and, therefore, a corresponding increase in the ecological benefit derived from such planting". While 10 metres is consistent with other urban zoning provisions, this is a reduction from the level of protection provided currently. This rezoning process provides an opportunity to require a wider riparian yard, which will result in improved ecological benefits to those of other urban areas. A 20-metre-wide planted margin is also more likely to establish as a self-sustaining indigenous ecosystem, which requires less maintenance than a narrower margin that is subject to continuous pest plant invasion. As mentioned above, the EcIA does not provide an assessment of the potential adverse ecological effects of the reduction in riparian margin protections and therefore does not suggest management actions. Given the substantial increase in impervious surfaces at the site, retaining the 20-metre-wide setback requirement would be appropriate.*
>
> *The arguments put forward (in subsequent Clause 23 response documents) for the inclusion of a 10-metre-wide planted riparian margin are not ecological in nature. Rather, they are planning arguments relating to balancing ecological values with "benefits of using serviced urban land efficiently". I understand that some balancing of adverse effects across disciplines is sometimes required. However, in this case it appears that retaining a 20-metre-wide margin would make very little difference to the ability to develop the site (particularly if the area extending to the east is set aside for the neighbourhood park as discussed above).* [15]

13.2.16 While Council's Healthy Waters specialists, at paragraphs 6.6 – 6.14 of their Memorandum (refer to **Attachment 5**), raise concerns about the effects on streams and water quality in the PPC area in relation to the proposed application of the Stormwater Management Area - Flow 1 (**SMAF1**) requirements, the information contained in the requestor's Stormwater Management Plan (**SMP**), erosion, riparian

[15] Section 4.3 and 10.3 of Council's Ecological Assessment' Section in Attachment 5

margin widths and riparian planting. The Council's Healthy Water's specialists recommend:

- revisions to the SMP, including that the SMAF1 area be applied consistently over the entire PPC109 area as identified in the notified proposed overlay plans;
- that the riparian margins and riparian planting areas be increased to 20m wide; and
- the need for a geomorphological assessment at resource consent stage[16].

13.2.17 I agree and consider that these aspects should be further considered and amended in the requestor's evidence.

13.2.18 If these aspects were further considered and amended by the requestor then I would anticipate that PPC109 would be consistent with the Objective 2.1(1) and Policy 2.2(5) of the NPS-FM.

13.3. New Zealand Coastal Policy Statement (NZCPS)

13.3.1 Section 10.4.4 of the requestor's planning assessment provides an assessment of PPC109 as it relates to the New Zealand Coastal Policy Statement (**NZCPS**). This notes that while the PPC109 land is not directly within a coastal area, the permanent and intermittent streams identified on the land, flow into the Rarawaru Creek and into the Waitematā Harbour. The assessment considers that:

> *…. due to the PPC land's location in relation to the coast, the natural character of the coastal environment will not be impacted. In addition, the PPC incorporates a range of provisions relating to stormwater management to ensure adverse stormwater effects on the existing stream network are appropriately managed and mitigated. Overall, the PPC is not contrary to the New Zealand Coastal Policy Statement.*[17]

13.3.2 I consider that objectives 1, 3, and 6, and policies 21 (Enhancement of water quality), 22 (Sedimentation) and 23 (Discharge of contaminants) of the NZCPS are relevant to a consideration of PPC109. I agree with the requestor that given the location of the PPC109 land away from the coast, the natural character of the coastal environment will not be impacted.

13.3.3 However, I reiterate the comments provided by Council's Healthy Waters specialists, as outlined in section 13.2 above regarding the need for amendments to better address potential effects on streams and water quality. As above, if these aspects were further considered and amended by the requestor in their evidence then I would anticipate that PPC109 would be consistent with the NZCPS objectives and policies.

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[16] Council's Healthy Waters, Stormwater and Flooding Assessment in Attachment 5
[17] Section 10.4.4, Planning Assessment prepared by Campbell Brown Planning Limited

13.4. Hauraki Gulf Marine Park Act (HGMPA)

13.4.1 The purposes of the Hauraki Gulf Marine Park Act 2000 (**HGMPA**), as set out in Section 3, are to integrate the management of natural, historic and physical resources of the Hauraki Gulf, its islands and catchments; to establish the Hauraki Gulf Marine Park and Forum; establish objectives to manage the Hauraki Gulf, its islands, and catchments and to recognise the relationship tāngata whenua.

13.4.2 The HGMPA requires that sections 7 and 8 of that Act must be treated as a New Zealand coastal policy statement issued under the Act.

13.4.3 In section 4 of the HGMPA, 'catchment' is defined to mean any area of land where the surface water drains into the Hauraki Gulf; and for the PPC109 all surface water drains via the streams to the north and into the upper Waitemata Harbour to the Hauraki Gulf.

13.4.4 Section 9(3) of the HGMPA requires that a territorial authority must ensure that any part of a district plan that applies to the Hauraki Gulf, its islands and catchments, does not conflict with sections 7 and 8.

13.4.5 Therefore, the key issue is the extent to which stormwater mitigation measures in PPC109 will address the matters set out in sections 7 and 8 of the HGMPA.

13.4.6 Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf, its islands and catchments, and emphasises the life-supporting capacity of the Hauraki Gulf and the capacity to provide for the social, economic, recreation and cultural wellbeing of people and communities.

13.4.7 Section 8 sets out the objectives of the management of the Hauraki Gulf, its islands and catchments, including the protection, maintenance and, where appropriate, the enhancement of the life-supporting capacity, natural historic and physical resources, cultural and historic associations; and the contribution of natural historic and physical resources to the social and economic wellbeing and to the recreation and enjoyment of the Hauraki Gulf.

13.4.8 In this regard, and in accordance with my comments in sections 13.2 and 13.3 above, if these aspects were further considered and amended by the requestor in their evidence then I would anticipate that PPC109 would be consistent with the purpose of the Hauraki Gulf Marine Park Act.

13.5. National Policy Statement for Indigenous Biodiversity (NPS-IB)

13.5.1 Section 10.4.3 of the requestor's planning assessment provides an assessment of the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) with reference to the Ecological Impact Assessment provided in Appendix A. It considers that PPC109 will not be contrary to the outcomes sought by the NPS-IB.

13.5.2 I agree with and adopt the comments in Council's Ecological Assessment as they relate to indigenous biodiversity (refer to **Attachment 5**). At paragraph 3.1 Ms Budd notes that:

> *3.1 …. I disagree with the classifications of avifauna, herpetofauna, and Chiroptera values at the site (Table 5 of the EcIA report). The report*

identifies that there is the potential for bird and lizard species classified as At Risk – Declining to be present at the site (New Zealand pipit and copper skink), which should both be considered 'High' value species (as per Table 5 of the EIANZ guidelines). Long tailed bats may also be present at the site periodically and should be considered of 'Very High' value due to their classification as a Threatened – Nationally Critical species.

13.5.3 While at paragraph 4.4 Ms Budd considers that:

> *4.4 The EcIA defers consideration of fauna management actions to the resource consenting stage. However, it is noted that some of the activities that may be carried out to develop the site in line with the precinct plan may not require resource consent (e.g. the permitted removal of pest plant species that may provide habitat to Threatened or At Risk fauna). It is therefore not clear how it will be ensured that appropriate fauna management actions will be carried out when undertaking activities that result from the proposed rezoning. Precinct provisions should be included to directly address this gap. These provisions should include requirement for the consideration of lighting effects on long-tailed bats.* [my emphasis]

13.5.4 The requestor is encouraged to further consider and respond to this matter in their evidence. If amendments are made to address the matters raised, then I would anticipate that PPC109 could be consistent with Objective 1 and policies 8, 10, 14 and 15 of the NPS-IB.

14. NATIONAL ENVIRONMENT STANDARDS OR REGULATIONS

14.1 Under section 44A of the RMA, local authorities must observe national environmental standards in its district / region. No rule or provision may be duplicate or conflict with a national environmental standard or regulation.

14.2 There are currently 10 National Environment Standards or Regulation in force in New Zealand. Of these, two are relevant to the consideration of PPC109. These are the:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011; and the
- National Environmental Standards for Freshwater 2020

14.1. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

14.1.1 The requestor provided Preliminary Site Investigation Reports for the PPC109 land prepared by Geosciences as Appendix G. These identify that the PPC109 land is likely subject to contamination from the historical use of lead-based paint, the potential presence of asbestos containing materials and from on-site effluent disposal fields. However, the requestor's assessment concludes the risk from the contamination is

likely to be low and would be unlikely to result in a risk to human health or the environment. It also concludes that a further site management plan will be required to document the controls to be in place for the protection of human and environmental health for the potential mobilisation of contaminants in soil during soil disturbance works.

14.1.2 I am of the opinion that consideration of a site management plan and further assessment of contamination effects can be suitably made as part of future resource consent applications, particularly those for land disturbance / earthworks under the NES – CS; and if necessary, the E30 Contaminated Land provisions of the Unitary Plan.

14.2. National Environmental Standards for Freshwater 2020

14.2.1 The requestor has not referenced the NES-F in their planning assessment. However, the regulations are referenced in the Ecological Impact Assessment provided as Attachment A to the request, in so far as they relate to urban development and stream and wetland reclamation.

12.2.2 I reiterate here the comments I made in section 13.2 above regarding NES-F and Regulation 45C.

15. REGIONAL POLICY STATEMENT (RPS)

15.1 Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement (**RPS**). In addition, under section 74(2)(a)(i) regard shall be had to any proposed RPS.

15.2 The Council notified Plan Change 80 Well Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters (**PC80**) to the RPS on 18 August 2022. PC80 became fully operative on 13 December 2024 and provides policy direction on well-functioning urban environments, qualifying matters and resilience to climate change.

15.3 Section 10.11 of the requestor's planning assessment provides an assessment of the objectives and policies of the RPS including the following objectives and policies:

Objectives:

- B2.1.1(1), (3), (4), (5) relating to urban growth and form;
- B2.4.1(1) – (4) relating to residential growth;
- B3.2.1(1) – (6) and (8) relating to infrastructure;
- B3.3.1(1) relating to transport

Policies:

- B2.2.2(1), (3) and (7) relating to urban growth and form;
- B2.4.2(1) – (3) and (6), (7) and (11) relating to residential growth; and
- B3.3.2(1) – (5) relating to transport.

15.4 The requestor concludes that PPC109 is consistent with the outcomes sought under the RPS as:

- *It will contribute to a compact urban form as it will enable a high-quality urban environment that promotes economic growth and achieves a better use of the land and provides for new infrastructure, in addition to contributing to development capacity and land supply that is integrated with the provision of appropriate infrastructure (B2.2.1).*
- *The PPC provides for the provision of bus stops along Totara Road to support the use of public transport and provide an accessible and direct connection to the wider public transport network, whilst also reducing the rate of private vehicle trips (B2.2.1) and (B3.3.2(5)). It provides for the rezoning of land within the Rural Urban Boundary, as anticipated by the PPC land's FUZ (B2.2.2(1)).*
- *The proposed MHU zone is entirely consistent with the WSP, which was completed in accordance with Appendix 1 Structure Plan guidelines and includes sufficient infrastructure upgrades to support the proposed rezoning and wider surrounding environment (B2.2(3)).*
- *It supports the provision of residential land in an area that is well-located in regard to transport connections, community and recreation facilities, and amenities (B2.2.2(7)).*
- *The PPC includes a range of new infrastructure and upgrades of existing infrastructure to support the function of the existing and future surrounding environment. Where planned infrastructure is not provided for by the PPC, suitable alternatives have been provided that will sufficiently service the PPC land and surrounding area (B2.2.2(7)) and (B3.2.1(5)).*
- *It will enable a range of housing typologies to be developed that will greatly increase housing supply, choice and variety in an area that has been earmarked for residential development for a considerable period of time and is well connected to the north-west and greater Auckland region (B2.2.2(7)) and B2.4.1(4)).*
- *It will enable extensive residential capacity within relatively close proximity to Westgate, a significant sub-regional centre that provides ample employment opportunities and access to a wide range of amenities and services that support the vitality and function of residential neighbourhoods (B2.4.1(3)).*
- *The PPC includes extensive walking and cycling infrastructure across both the PPC land and its frontage, with an additional pedestrian and cycle link to the existing residential area to the south also* proposed to *further increase connectivity with the surrounding area (B3.3.2).*

15.5 I agree that PPC109 would enable a new residential urban zone to be created with a focus on residential subdivision, use and development, which would provide a mix of housing.

15.6 Furthermore, noting the comments and recommendations made in the Memorandums of Auckland Transport and Council's transport's specialists (refer to section 19.3 below and **Attachment 5**), and provided the transportation issues highlighted as outstanding are resolved, and the recommended transport amendments to the Whenuapai Precinct provisions are accepted by the requestor, then I consider that PPC109 would likely be consistent with transport related provisions such as:

- B2.2.1(1)(c) and (5)(a); B2.2.2(7)(c); B2.3.1(1)(d); B2.4.2(6); B3.3.1(1)(a) to (c); B3.3.2(4)(a) and (5)(a)) with regard to the integration of development with infrastructure provision including effective, efficient and safe transport;
- B2.2.1(1)(d); B2.2.2(caa); B2.3.2(1)(c) and (d), and (2)(b); B2.4.1(3); B2.4.2(3); B3.3.1(1)(e); B3.3.2(4)(b) and (5)(b) as they relate to reducing dependence on private vehicle trips by encouraging land use and development patterns that support other modes and reduce the need to travel, while providing for and enabling walking, cycling and public transport; and
- B3.3.2(1) and (3) as they relate to proving for future development and the upgrading of Auckland's transport infrastructure.

15.7 However, at this stage, and with regard to discussion in the assessment of effects in section 19 below, I consider that PPC109 will be inconsistent with, and potentially contrary to, the following objectives and policies for the following reasons:

B2.2 Urban growth and form

- Objective B2.2.1(1)(a) - as a high-quality urban environment will not be provided due to the significant adverse health and amenity effects on future occupiers from aircraft engine testing noise from the Whenuapai Airbase.
- Objective B2.2.1(1)(g) – as adverse environmental effects are not reduced. At this stage, I consider that adverse environmental effects will be significantly increased as a result of PPC109 as the proposed urban, R-MHU zoning, and the subdivision, development and use enabled by the proposed Precinct provisions. This will enable more people to be exposed to unreasonable levels of noise from aircraft engine testing associated with the Whenuapai Airforce Base. Furthermore, for the reasons outlined in section 19.1 below, the aircraft engine testing noise effects on the health and amenity of future activities sensitive to noise have not been sufficiently avoided by the zoning response; and are not sufficiently avoided, remedied or mitigated by the proposed Precinct provisions. In addition, the reverse sensitivity effects on the operation Whenuapai Airforce Base have not been sufficiently considered nor avoided, remedied or mitigated, as outlined in section 19.2 below.

- Objective B2.2.1(h) – as currently the Stormwater Management Plan identifies an increase flood effect on adjacent land, such that PPC109 does not improve the resilience to the effects of climate change.

Development capacity and supply of land for urban development

- Policy B2.2.2(2)(a) – as given the noise and reverse sensitivity effects outlined above and throughout this s42A report, PPC109 does not promote the achievement of a 'quality' compact urban form.

B2.3 A quality built environment

- Objective B2.3.1(1)(a) – as PPC109 does not respond sufficiently to the physical characteristics of the site, including its setting, as it relates to the land's proximity to the Whenuapai Airforce Base and the significant adverse noise effects that will result on future occupiers; or the increased reverse sensitivity effects on the on-going operation of the Whenuapai Airbase.
- Objective B2.3.2(2) and (3) – as PPC109 does not provide innovative design to address environmental effects, in particular adverse noise and reverse sensitivity effects. Therefore, the health and safety of people and communities is not promoted, and the adverse health and amenity effects on future occupiers and activities sensitive to aircraft noise are not sufficiently avoided, remedied or mitigated.
- Policy B2.3.2(1)(a) – as PPC109 does not manage the form or design of subdivision, use and development to contribute to a well-functioning urban environment and therefore, it does not sufficiently support the planned future R-MHU zoned environment or the relationship to its setting given the adverse noise, health, amenity and reverse sensitivity effects identified.

B2.4 Residential growth

- Objectives B2.4.1(1) and (2) - as the proposed Precinct provisions do not support a 'quality' compact urban form and do not result in a residential area that is healthy.
- Policy B2.4.2(7) – as adverse reverse sensitivity effects on the on-going operation of the Whenuapai Airbase Base are not sufficiently identified or managed.
- Policy B2.4.2(9) – as built form, design and development are not sufficiently managed to achieve a healthy environment.

B3.2 Infrastructure

- Objectives B3.2.1(4) and (8) – as the functional and operational needs of infrastructure, specifically the Whenuapai Airforce Base, which is a 'national defence facility' and as such defined as 'infrastructure' in the Unitary Plan, have not been adequately recognised in PPC109's proposed zoning and Precinct provisions; and adverse effects of aircraft engine noise testing from the

Whenuapai Airforce Base on future activities sensitive to noise have not been sufficiently avoided, remedied or mitigated.

Provision of infrastructure

- Policy B3.2.2(1) – as the efficient operation of the Whenuapai Airforce Base is not enabled.

Reverse Sensitivity

- B3.2.2(4) – the adverse effects of subdivision, use and development that would be enabled by PPC109 have not been avoided where practicable, and have not otherwise been remedied or mitigated.
- B3.2.2(5) – the increased number of activities sensitive to noise that would be enabled in the PPC109 land is likely to constrain the development, operation and upgrading of the Whenuapai Airforce Base.
- B3.3.2(5)(a) – as while most of the transport infrastructure is planned and staged to integrate with growth, it is not all funded.
- B3.3.2(5)(b) – (d) – in the short and medium terms there will be an on-going need for private vehicle trips which result in additional transport effects which are not yet sufficiently addressed.

15.8 I also note that the requestor's planning assessment does not consider the relevant objectives and policies in B5 Historic heritage and special character; B6 Mana Whenua; B7 Natural resources; B8.5 regarding managing the Hauraki Gulf; and B10 Environmental risk. I consider these objectives and policies further as follows.

15.9 I consider that PPC109 is consistent with the following objectives and policies for the following reasons:

B5.2 Historic heritage

- Objective B5.2.1(1) – as the removal of the Historic Heritage Overlay extent of place associated with the Officers' Mess will not impact on the historic heritage values of the building or site; and the objectives and policies of B5will continue to apply where proposed PPC109 interfaces with the adjacent historic heritage site.

B6 Mana Whenua

- Objectives B6.2.1(1) and (2); B6.3.1(1) and (2); and policies B6.2.2(1) and (2); and B6.3.2(1) and (3) – as Mana Whenua have been engaged with to develop PPC109, although, I do not consider that outcomes relating to water quality are sufficiently resolved yet.
- Objective B6.5.1(1) – (5) and Policies B6.5.2(6) - (9) – as Mana Whenua values have been identified via the cultural values assessment provided by Te Kawerau a Maki; and archaeological assessment has been provided and considered that effects are likely low to moderate, and accidental discovery protocols will be used in any development.

B10.4 Land – contaminated

- Objective B10.4.1(1) and policies B10.4.2(1) – (3) as a preliminary investigation has identified that parts of the PPC109 land may be subject to some contamination and this can be suitably managed and remediated.

15.10 I consider that PPC109 is inconsistent with the following objectives and policies for the following reasons:

B7.2 Indigenous biodiversity

- Objective B7.2.1(2) – as it is not clear how it will be ensured that appropriate fauna management actions will be carried out when undertaking activities that result from the proposed rezoning to ensure indigenous biodiversity is maintained.

B7.3 Freshwater systems

- Objectives B7.3.1(1) – (3) and policies B7.3.2(1) – (5) – as while the proposed SMP includes stormwater quality treatment which will ensure any discharges into the Upper Waitematā Harbour are treated and riparian planting is proposed to be provided; further detail on stormwater quality treatment, SMAF1 for stormwater discharges into streams, and wider riparian planting and riparian setbacks are required in order for PPC109 to more appropriately protect, restore and enhance the freshwater systems.

B7.4 Coastal water, freshwater and geothermal water

- Objectives B7.4.1(1) – (6) and policies B7.4.2(1) – (9) - for the same reasons as above and noting comments regarding the NPS-FM in section 13.2 above.

B10.2 Natural hazards and climate change

- Objectives B10.2.1(1) and (3); and policies 10.2.2(7) and (11) – as currently PPC109 will increase the rick of flooding to the property at 91 Totara Road and this risk does not appear to have been mitigated; and amendments to Precinct provisions to better achieve riparian margin, stream health and water quality outcomes are required.

15.11 Therefore, overall, but at this stage, it is my conclusion that PPC109 as notified is inconsistent with and does not give full effect to the RPS.

16. REGIONAL PLAN AND DISTRICT PLAN

16.1 Section 10.12 of the requestor's planning assessment provides an assessment of the following regional and district plan objectives and policies:

- H5 R-MHUZ - Objectives H5.2(1) – (3) and Policies H5.3(1) – (10);
- E1 Water quality and integrated management - Objectives E1.2(1) – (3) and Policies E1.3(2) – (8) and (10) – (14);

- E3 Lakes, rivers, streams, and wetlands – Objectives E3.2(2), (3) and (5); and Policies E3.3(2), (3), (6), (8), (10), (11), (12) and (15).
- E11 and E12 Land disturbance – Regional and District – all objectives and policies;
- E15 Vegetation management and biodiversity –Objectives E15.2(1) and (2); and Policies E15.3(1) –(4);
- E27 Transport – Objectives E27.2(1) – (5) and Policy E27.3(1);
- E36 Natural hazards and flooding – Objectives E36.2(1), (4), (5) and (6) and Policies E36.3(17) – (30);
- E38 Subdivision – Urban – Objectives 38.2(1) – (9) and Policy E38.3(1).

16.2 and concludes that:

- The R-MHUZ is the most appropriate zone for the PPC land because it is consistent with the WSP and the surrounding existing residential character and will enable greater housing capacity in an area anticipated for urbanisation.
- The PPC109 land is located within proximity to a wide range of activities, including commercial and employment hubs, everyday amenities, community facilities, transport connections and open space that will contribute to creating a well-functioning urban environment and provide for people's social, cultural, and economic well-being.
- Future development enabled by the PPC will be developed in accordance with the MHU zone provisions, which will ensure that that a high-quality built environment is achieved that achieves a suitable level of amenity.
- PPC109 will enable otherwise underutilised land to be used efficiently, providing for medium-density housing that will increase housing capacity and choice.
- A comprehensive SMP has been prepared and provided to ensure that future development enabled by PPC109 sufficiently manages water quality effects; and the Precinct has incorporated key aspects of the SMP to ensure the outcomes sought under Chapter E1, with particular regard to Policy 8, can be provided for by the plan change.
- The SMP and proposed Precinct provisions provide utilise a range of stormwater management tools to achieve an integrated stormwater management approach.
- Stormwater runoff will be treated and mitigated prior to discharging to the surrounding environment and the SMP provides for the treatment of all stormwater runoff from the proposed roading infrastructure to further maintain and enhance the water quality of the area. In addition, the proposed planting of riparian areas, wetlands and elsewhere on the PPC109 land with native vegetation will further enhance the quality of the natural environment.

- PPC109 has been designed to protect and enhance the riparian areas to ensure adverse effects are avoided and managed. Furthermore, no stream reclamation is proposed, and the proposed Precinct provisions incorporate riparian margins and extensive native planting requirements to ensure the ecological value and biodiversity of these areas is greatly improved from their current forms.

16.3 I do agree that PPC109 is likely consistent with the objectives in E11 and E12 relating to Land Disturbance - Regional and District.

16.4 In addition, if the outstanding transport matters identified in section 19.3, can be resolved and the amendments made as recommended, then I am of the view that PPC109 will likely be mostly consistent with the objectives and policies of E27 which require subdivision, use and development and all modes of transport (public transport, walking, cycling, private vehicle and freight) to be integrated so that the benefits of an integrated transport network can be provided; parking, loading and access is safe and efficient; pedestrian and cyclist safety is provided for; and adverse effects managed.

16.5 However, given the discussion and my recommendations in sections 12 - 15 above and sections 18 and 19 below, at this stage, I mostly disagree with the requestor's assessment of PPC109's consistency with the above identified provisions. I consider that PPC109 will not be consistent with the following regional and district Unitary Plan objectives and policies:

- the R-MHUZ may not be the most appropriate zone for all of the PPC109 land.
- Objective H5.2(3) and Policies H5.3(5)(b) and (10) – as the provisions to the R-MHUZ as they relate to the provision of on-site residential amenity and recognising the functional and operational requirements of development, particularly activities sensitive to aircraft engine testing noise, where these are required to provide outdoor living spaces
- Policy H5.3(7) and Objectives E1.2(1) – (3) and policies E1.3(2), (8), (9) (10), (11) and (14); as well as Objectives E3.2(2) and policies E3.3(5) and (15); and Policy E10.3(1) - as at this stage, the stormwater runoff generated by development and the limited width of riparian margins will likely result in adverse effects on water quality, quantity and amenity values that are not avoided or mitigated. adverse effects.
- Objective E15.2(2) and policy E15.3(2) – as noting the comments by council's Ecologist, the effects on indigenous biodiversity are not currently sufficiently recognised and provided for in PPC109.
- Objective E25.2(1), (2) and (3) and policies E25.3(1), (3), (4) and (7) – as future occupiers/people in the proposed Precinct and their residential amenity will not be protected from unreasonable levels of noise, particularly noise associated with aircraft engine testing noise from the Whenuapai Airforce Base. Furthermore, higher intensity or density residential development is not likely compatible with the adjacent zone and it's operations. In addition, the reverse sensitivity effects on the operation Whenuapai Airforce Base have not been appropriately

protected, noting I consider it is reasonable to do so, nor avoided, remedied or mitigated.

- Objective E36.2(1) - as the risk of flooding is currently likely to be increased at an adjoining property.
- Objective E38.2(1) and (2); and policies E38.3(1) - as subdivided land in PPC109 will not be able to achieve or support the objectives and policies of the R-MHUZ as outlined above; and will not minimise the adverse effects of future development on the environment, as it relates to reverse sensitivity effects.
- Objective E38.2(5) and policies E38.3(19) – as it is not clear that the necessary bulk infrastructure, especially transport and wastewater, can be co-ordinated with and in place at the time of subdivision or development.
- Objective E38.2(5) and policy E28.3(23) – as infrastructure, such as the Whenuapai Airforce Base is not protected from incompatible subdivision, use and development or reverse sensitivity effects which may comprise operations.
- Objectives E38.2 (10) and policy E38.3(3) - as subdivision, may increase flooding risk.

17. PROPOSED PLAN CHANGES TO THE UNITARY PLAN

17.1. Plan Change 78 – Auckland Council Intensification Plan Change (PC78)

17.1.1 As outlined in section 12.2 above, Plan Change 78 – Auckland Council Intensification Plan Change (**PC78**) was notified by Council on 18 August 2022. However, it was not applicable to FUZ land, as the PPC109 land is currently zoned, as the FUZ is not currently an urban zone.

17.1.2 Some decisions on aspects of PC78 have been made. Most recently Auckland Council accepted the recommendations of the Independent Hearing Panel on the City Centre provisions. However, the significant parts of PC78 are yet to heard. As a result, I consider little weight can be placed on any provisions of PC78 that may affect or be relevant to PPC109.

17.2. Plan Change 79 – Amendments to the Transport Provisions (PC79)

17.2.1 Plan Change 79 – Amendments to the Transport Provisions (**PC79**) was notified by Council on 18 August 2022. A decision on PC79 was released on 9 August 2024 but this has subsequently been appealed.

17.2.2 PC79 amends provisions in E24 Lighting, E27 Transport, E38 Subdivision – Urban, the definitions and some appendices (i.e. Appendices 17 and 23). The majority of change occurs with reference to residential zones, accessible parking spaces, vehicle and pedestrian separation and safety, electric vehicle charging requirements. Subdivision requires a wider formed and legal width vehicle accessway than that required by the land use consent provisions under E27 Transport and a wider pedestrian accessway. This will be relevant to how later resource consents are prepared.

17.2.3 However, as the precinct provisions cross-reference to other provisions in the Unitary Plan, no consequential amendments to the text of PPC109 are required as a result of PC79.

18. RELEVANT MANAGEMENT PLANS AND STRATEGIES PREPARED UNDER OTHER ACTS

18.1 Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts. The other plans and strategies considered relevant to PPC109 are:

- The Auckland Plan 2050
- Whenuapai Structure Plan 2016
- Auckland Future Development Strategy 2023 – 2053
- Auckland's Urban Ngahere (Forest) Strategy
- Te Tāruke- ā -Tāwhiri: Auckland's Climate Plan
- Upper Harbour Local Board Plan
- Greenways Plan
- Iwi Management Plans

18.2 These plans and strategies are considered further below.

18.1. The Auckland Plan 2050

18.1.1 The Auckland Plan 2050 prepared under section 79 of the Local Government (Auckland Council) Act 2009, and is a relevant strategy document that the Council should have regard to when considering PPC109.

18.1.2 The Auckland Plan 2050 is a long-term spatial plan for the growth of Auckland over the next 30 years to ensure Auckland grows in a way that will meet the opportunities and challenges of the future.

18.1.3 The requestor's planning assessment has considered PPC109[18] and this concludes that PPC109 is consistent with the Auckland Plan as it will:

- utilise currently undeveloped land and enable the provision of high-quality housing in an area anticipated to be used for residential purposes;
- is located within close proximity to a range of public space, such as public parks and playgrounds within the Whenuapai town centre, and recreation reserves along the nearby coastline;

[18] Section 10.8, page 57, Planning Assessment prepared by Campbell Brown Planning Limited

- is located within close proximity to everyday services located within the Whenuapai town centre, a short walk away, in addition to larger centres, such as Hobsonville and Westgate, being within a short drive or bus ride;
- provide for a range a range of upgrades to existing transport infrastructure and the provision of new transport infrastructure to support a more efficient transport network and provide greater choice for future residents; and
- will protect identified streams, wetland, and riparian areas on the land, as well as enhancing these areas through a range of native planting.

18.1.4 I agree that PPC109 is not inconsistent with the Auckland Plan growth aspirations. However, based on the assessment in section 19, I consider that public transport to and from Whenuapai is currently limited and that PPC109 does not enable significant improvements in public transport. Similarly, I am also concerned that there is a gap in the timing of the planned provision of bulk infrastructure necessary to support PPC109 and that these may not be well integrated with the timing of development.

18.2. Whenuapai Structure Plan 2016 (WSP)

18.2.1 The Whenuapai Structure Plan 2016 (**WSP**) is a plan that provides developers, landowners and current communities with Auckland Council's intention for the development of the Future Urban zoned areas in Whenuapai. The WSP is a strategic document that considers the constraints and opportunities in the Whenuapai area such as land use and activities, natural environment, heritage, infrastructure requirements and transport.

18.2.2 The WSP notes that the Whenuapai Airforce Base has been established in site since 1937 and is a significant land use of approximately 300 hectares located in the middle of the Whenuapai area. It also identified that the Whenuapai Airforce Base is not proposed to be developed as part of the structure plan and the operations at the base will continue for the foreseeable future.

18.2.3 The WSP anticipates that the structure plan area will provide somewhere between 8,100 to 10,700 dwellings (depending on the density of development), 8,600 jobs and over 300 hectares of new business land over the next 10 to 20 years.

18.2.4 As identified in **Figure 14** below, the WSP identifies the PPC109 land as being suitable for medium density development.

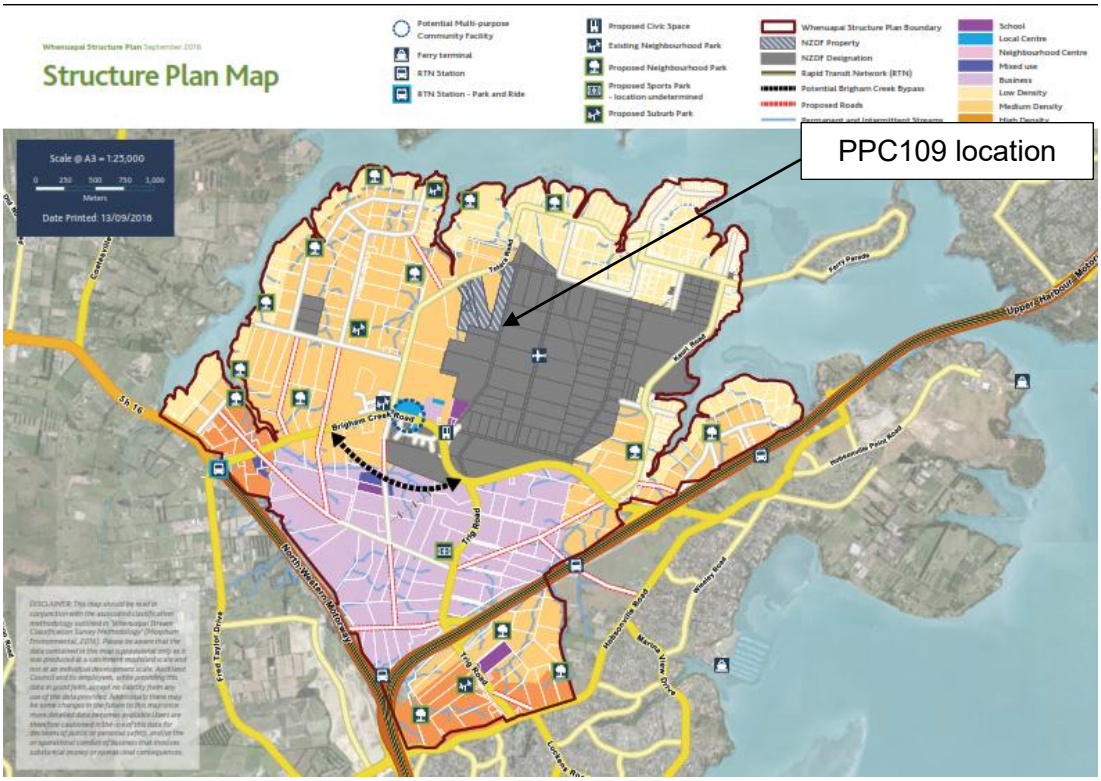


Figure 14: Whenuapai Structure Plan Map
Source: Whenuapai Structure Plan 2016

18.2.5 The WSP also notes that the noise effects of engine testing and helicopter flights have also been identified as a potential issue and that further work would be required in regard to this matter with the opportunity to review a noise assessment in the plan change process[19].

18.2.6 The WSP also states that:

> *While the New Zealand Defence Force (NZDF) has signalled a preference for low density residential activities adjoining the airbase to limit reverse sensitivity effects, the structure plan identifies land owned by NZDF adjoining the airbase as medium density residential. This reflects existing development and the potential to implement no complaints covenants on titles.*

18.2.7 Furthermore, it is acknowledged that when the WSP was written in 2016 it anticipated timing of development under the then Future Urban Land Supply Strategy for the Whenuapai area, including the PPC109 land was within the period between 2017 and 2027. As outlined in section 18.3 below this timing was updated by the current FDS. In addition, the infrastructure projects listed as being required have also been updated.

[19] Section 7.18, Noise, Whenuapai Structure Plan 2016

18.2.8 Section 8.1 of the WSP sets out that the structure plan has been informed by a number of development and design principles including (not a complete list):

1. *create a well-designed, sustainable quality compact form with a strong sense of place*
2. *recognise the presence and importance of Whenuapai Airbase while restricting residential development within areas of high airbase noise*
3. *recognise the presence and importance of large, long standing industries that are expected to remain in operation for the foreseeable future*
7. *identify existing land owned by the Ministry of Education and private schools currently in operation while expecting that future schools within the proposed residential areas will be needed in future*
8. *provide choice of residential densities and future dwelling types throughout the structure plan area*
9. *concentrate higher density residential areas around centres and where future rapid transit network stops are being proposed*
11. *provide the foundation for the future residential block structure and site orientation to maximise solar gain*
12. *deliver local employment opportunities close to residential neighbourhoods and good transport connections*
13. *protect waterways and enable the and enable the improvement of water quality and restoration of vegetation and habitat*
14. *promote water sensitive design throughout the structure plan area, from site specific features to infrastructure in the public realm*
15. *allow for the efficient provision of infrastructure on a staged basis*
16. *develop and maintain a well-connected transport network within Whenuapai and to the wider transport network*
17. *create a safe and well-connected network of open space and reserves and inundation*
19. *provide a safe and well-connected network of streets that utilises existing roads where possible and enables multi-modal movement within the structure plan area*
20. *provide transport infrastructure and connections that enable increased provision of multi-modal transport for both residential and business neighbourhoods*
21. *Provide for the sustainable management of taonga (e.g. the importance of protecting the mauri of waterways, recognition of mana whenua culture, traditions, tikanga, place names, artefacts, wāhi tapu*

and historic places and areas) and how these elements can be incorporated into the structure plan and future plan change process as advanced by Te Kawerau ā Maki and Ngāti Whātua o Kaipara.

18.2.9 The requestor has provided an assessment of PPC109 as it relates to the WSP at section 10.10 of the planning assessment. This concludes that PPC109 is consistent with the WSP as it provides for medium density residential development and will contribute to the supply and variety of housing in the north-west area; the provisions respond to the interface with the Whenuapai Airforce Base which will protect its on-going operation. Furthermore, that PPC109 will provide access to employment opportunities, and the proposed infrastructure, and upgrades are sufficient and will integrate the PPC109 land into the surrounding wider region; while also providing, protecting and planting future drainage reserves and providing accessible open space.

18.2.10 I agree PPC109 is broadly consistent with the WSP with regard to the identified medium density, variety of housing and provision of open space. However, for the reasons identified in section 19 below, I am of the view that PPC109 has not sufficiently addressed the health and amenity effects of aircraft engine testing noise on future occupiers, and the proposed zoning and density, even with the suggested no-complaints covenant, will not sufficiently protect the Whenuapai Airforce Base from reverse sensitivity effects. Furthermore, revised infrastructure timing and stormwater management and flooding issues have been identified.

18.2.11 I understand that the 2016 WSP is currently being reviewed and updated. The revised and updated WSP is expected to be notified for public feedback later in 2025.

18.3. Auckland Future Development Strategy 2023 - 2053

18.3.1 The NPS-UD requires that a Tier 1 local authority, such as Auckland Council, must prepare a Future Development Strategy (**FDS**) for the urban environment. The purpose and requirements for an FDS are established in clause 3.13-3.18 of the NPS-UD.

18.3.2 In addition, Subpart 5 of the NPS-UD also requires tier 1 local authorities to prepare and make publicly available a Housing and Business Development Assessment to provide information on the demand and supply of housing and business land, and the impact of planning and infrastructure decisions on that demand and supply, in order to inform planning decisions, FDS's and long-term plans, as well as quantify whether the development capacity id sufficient to meet expected demand for housing and business land in the short term (defined in the NPS-UD as three years); medium term (between three and ten years) and long term (between 10 and 30 years).

18.3.3 The Auckland Future Development Strategy 2023 - 2053 is Auckland Council's response to the mandatory requirements established by the NPS-UD.

18.3.4 The Auckland FDS sets out Auckland's long-term approach to growth and development over the next 30 years. It addresses the challenges from climate change, the impact of development on the environment, and the provision of infrastructure required for development.

18.3.5 The FDS guides growth of a compact city by directing funding to areas where development is in areas serviced by public and active transport and within walking distances of centres, community facilities, employment opportunities and open spaces.

18.3.6 The spatial response in the FDS continues the quality compact, multi-nodal model established in previous strategies, with further refinement of development concepts and approaches. It does however have two significant changes from previous strategies:

- A much stronger focus on adaptation, particularly in relation to flooding hazards and the protection of life and property; and
- A greater recognition of the financial challenges facing Auckland Council and ratepayers. This means it gives the development sector clear signals about these constraints and when the Council is likely to be able to invest in infrastructure and services in respective areas, especially in greenfield development areas (such as Whenuapai).

18.3.7 To achieve a well-functioning urban environment as directed by the NPS-UD, the FDS sets out five Principles, with associated sub-principals, for growth and change. The main principles are:

Principle 1: Reduce greenhouse gas emissions

Principle 2: Adapt to the impacts of climate change

Principal 2(a) Avoid further growth in areas exposed to natural hazards and promote resilient design solutions

Principle 3: Make efficient and equitable infrastructure investments

Principle 4: Protect and restore the natural environment

Principle 5: Enable sufficient capacity for residential and business growth in the right place and at the right time[20]

18.3.8 The FDS notes that:

Development of future urban areas contributes to development capacity and housing choice, but must account for the ability to service this land across the region. The sequencing and timing of live zoning, and subsequent development, is adjusted to reflect the realities of infrastructure funding and provision and the significant capacity in the existing urban area.

18.3.9 and that:

There may therefore be cases where the timing and development of areas could be brought forward. This will however need to be considered on a case

[20] Page 16, Auckland Future Development Strategy 2023-2053

by-case basis. While this creates a 'pathway' for development that wishes to proceed earlier, the council will only consider this where there is not a significant impact on the council's financial position and broader well-functioning urban environment outcomes can be met[21].

18.3.10 As identified in **Figure 15** below, the PPC109 land is identified in the FDS as being located within the Whenuapai North (Stage 1) area, with the timing for live zoning and infrastructure delivery expected to be 2035 plus.

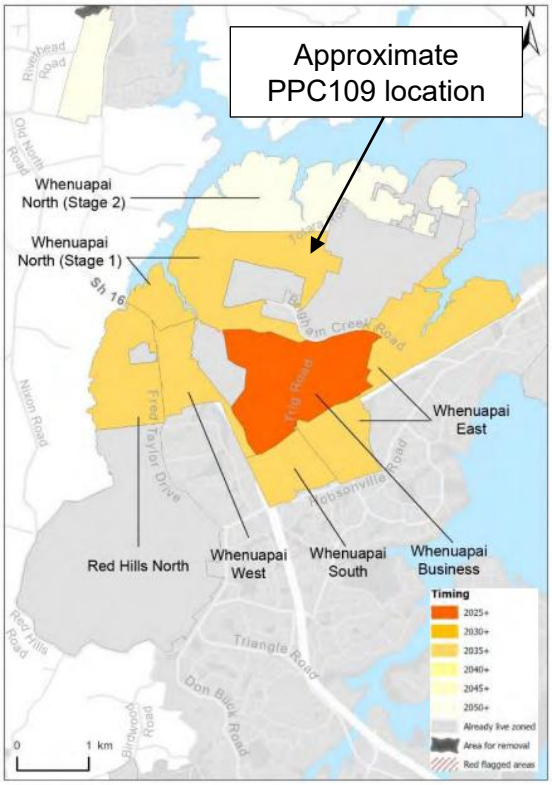


Figure 15: Timing for infrastructure delivery in Whenuapai
Source: Figure 46 Whenuapai Red-Hills cluster, Auckland Future Development Strategy 2023-2053

18.3.11 Furthermore, the following infrastructure pre-requisites are identified as being required to enable live zoning:

Other Transport projects:

- Brigham Creek Road upgrade;

Rapid Transit projects:

- North-west Rapid Transit;
- Upper Harbour (SH18) Rapid Transit;

[21] Pages 44 – 45, Auckland Future Development Strategy 2023-2053

- SH16 to SH18 connections;

Wastewater projects:

- Whenuapai Wastewater Package 1 and 2

Water supply projects:

- Trig Road Water Reservoir; and
- North Harbour No. 2 Watermain.

18.3.12 In addition, the Housing and Business Development Capacity Assessment for the Auckland Region 2023 currently identifies that there is sufficient housing capacity in the short, medium and long term. As I understand it, the PPC109 land would be included in the long-term scenario (i.e. 10-30 years as defined in the NPS-UD) due to its 2035 plus sequencing; and that this timeframe is still ten years or more away.

18.3.13 I note that some, more local roading and water supply and wastewater projects can be delivered by the requestor; however, there are still bulk infrastructure roading, water supply and wastewater pre-requisites identified that are not likely to be able to be delivered by the requestor. As a result, I consider that PPC109 is only partly consistent with the FDS.

18.4. Auckland's Urban Ngahere (Forest) Strategy

18.4.1 The Urban Ngahere (Forest) Strategy sets out a number of social, environmental, economic and cultural strategies relating to the values of urban trees and vegetation.

18.4.2 The strategy states that, without properly recognising the value of trees and understanding the benefits they provide, urban growth is likely to occur at the expense of the urban ngāhere. The concept is that Aucklanders are proud of their urban ngāhere, that Auckland has a healthy and diverse network of green infrastructure, that is flourishing across the region and is celebrated, protected and cared for by all. By increasing tree canopy cover across Auckland, the effects of urban heat islands will be reduced, residents will be provided with shade and amenity. The strategy considers that this outcome can best be achieved by private developers and Council and its organisations planting and maintaining trees.

18.4.3 The requestor considers that PPC109 acknowledges the importance of providing for canopy cover whilst considering the existing uses surrounding the PPC land[22]. It is not explicitly clear how PPC109 does this. Although, I do acknowledge it is likely the street trees will be planted in proposed road reserves and the open space, and there is a proposed riparian planting standard. As a result, it is likely that PPC109 will be consistent with the Urban Ngahere (Forest) Strategy.

[22] Section 4.5.9, Planning Assessment, prepared by Campbell Brown Planning Limited

18.5. Te Tāruke- ā -Tāwhiri: Auckland's Climate Plan

18.5.1 Auckland's Climate Plan was adopted by Council in 2020. It is a roadmap to a zero-emissions, resilient and healthier region. The core goals are:

- To reduce greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050
- To adapt to the impacts of climate change by ensuring we plan for the changes we face under our current emissions pathway

18.5.2 Carbon Dioxide emitted by road transport modes is identified as the primary greenhouse gas impacting the Auckland Region. Carbon dioxide is a long-lived greenhouse gas, meaning it accumulates and has long-lasting implications for climate. The plan points out that integrating land use and transport planning is vital to reducing the need for private vehicle travel and to ensure housing and employment growth areas are connected to efficient, low carbon transport systems. The plan seeks a 12 per cent reduction in total private vehicle kilometres travelled by 2030 against a 'business-as-usual' scenario through actions such as remote working and reduced trip lengths.

18.5.3 In my view, PPC109 provides for local connections between housing and at this stage, a limited amount of local employment and other activities within Whenuapai. However, as identified elsewhere in this report, until such time as the necessary public transport infrastructure is upgraded and provided, then private vehicle trips will still be required. As a result, at this stage, PPC109 is not consistent with Te Tāruke- ā -Tāwhiri: Auckland's Climate Plan.

18.6. Upper Harbour Local Board Plan 2023

18.6.1 The requestor has provided an assessment of the Upper Harbour Local Board Plan 2020 in their planning assessment at section 10.14.1. This assessment notes the aspirations for the area focus on five outcomes, being:

1. *Our people: supporting people in our diverse communities*
2. *Our environment: protecting our natural environment*
3. *Our community: supporting community participation with our services and infrastructure*
4. *Our places: supporting growth, development, transport, and accessibility*
5. *Our economy: supporting our economic development*[23]

18.6.2 The requestor's planning assessment concludes that PPC109 achieves the aspirations of, and is consistent with, the Upper Harbour Local Board Plan given the proposed provision of medium density housing and that this, in the requestor's view, will be well

[23] Upper Harbour Local Board Plan 2023

connected to surrounding employment centres, services, transport connections and outdoor space; and the ecology of the PPC109 area will be enhanced.

18.6.3 As outlined in section 11.2 above, the Upper Harbour Local Board have provided feedback on PPC109.

18.6.4 For the reasons outlined in section 19 below, at this stage, I consider that although PPC109 will assist to meet some local board aspirations, it is inconsistent with the Upper Harbour Local Board Plan as it relates to the funding and timing of infrastructure and climate change matters.

18.7. Upper Harbour Greenways Plan 2019

18.7.1 The Upper Harbour Greenways Plan seeks to create pathways linking parks and open spaces predominantly for recreational purposes with the intention that greenways would connect and create consistent connections throughout the Auckland region, as well as links to services and amenities for daily trips. The Whenuapai area is part of Focus Area 5 and this identifies key routes and connections sought. This includes a key connection along Totara Road.

18.7.2 The requestor has provided an assessment of the Upper Harbour Greenways Plan[24] in their planning assessment at section 10.14.2. This assessment identifies that:

> *The PPC land borders a proposed street path along Totara Road, which is provided for as part of the works along the PPC frontage. The existing street berm along the portion of Totara Road which fronts the PPC land will be upgraded with separated pedestrian and cycling facilities to implement the envisaged link.*
>
> *In addition to the PPC being consistent with (and giving effect to) the linkages proposed under the Upper Harbour Greenways Plan, further pedestrian, cycle, and green linkages are proposed within the PPC land. An indicative pedestrian cycle link is proposed from the southern eastern corner of the PPC land to connect the internal road network with McCaw Avenue.*
>
> *It is therefore considered that the aspirations of the Upper Harbour Greenways Plan for Whenuapai have been integrated into the PPC to ensure sufficient pedestrian and cycling linkages and access are provided.*

18.7.3 I note that Ms Thomas, Council, Open Space specialist also comments that PPC109 is broadly consistent with the Upper Harbour Greenways Plan.

18.7.4 I agree with, and adopt these assessments, and consider that PPC109 will be consistent with the Upper Harbour Local Board plan given the proposed open space and local pedestrian and cycling connections it proposes to provide.

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[24] Upper Harbour Greenways Plan 2019

18.8. Iwi Management Plans

18.8.1 Section 11.11.1 of the requestor's planning assessment identifies that the Te Kawerau ā Maki Resource Management Statement was prepared in 1995 and is the Iwi Management Plan for Te Kawerau ā Maki for achieving the purposes of the RMA. The requestor's assessment outlines the key policies of the iwi management plan[25] and concludes that PPC109 aligns with the management plan in aspects such as ensuring that all future development is undertaken in accordance with the Stormwater Management Plan; all riparian areas will be protected by setbacks and extensive native planting undertaken to support the mauri of the water bodies on the PPC land and the surrounds; wastewater is appropriately managed; and waterways are protected and enhanced.

18.8.2 The requestor's planning assessment also acknowledges that while the PPC109 land does not contain any known sites of cultural significance, the area was actively settled by Mana Whenua and therefore, there is a possibility for discovery of features of significance to Mana Whenua. As such, any future development on the land enabled by PPC109 will adhere to the best practice rules and standards upon any discoveries being made.

18.8.3 Furthermore, the assessment notes that the requestor is committed to on-going engagement with Mana Whenua.

18.8.4 The consultation undertaken by the requestor to date, and their responses to the Cultural Values Assessment are outlined in section 11.1 above and effects on mana whenua values are considered in section 19.14 below. While I consider that PPC109 will be consistent with most of the Te Kawerau ā Maki Resource Management Statement, but for the same reasons listed in the above identified sections, at this stage, PPC109 is likely inconsistent with regard to section 4.4 and the management of water to protect the mauri of all natural waterways and to enhance their life supporting capacity by managing the effects of development on the awa.

19. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

19.1 Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the plan change, taking into account Clause 6 and 7 of the Fourth Schedule of the RMA.

19.2 The requestor has provided an assessment of actual and potential effects on the environment in section 11 of their planning assessment, supported by their various expert reports and documents as listed in **Table 3** and provided in **Attachment 1** to this s42A report.

[25] Section 11.11.1, pages 101-102, Planning Assessment prepared by Campbell Brown Planning Limited

19.3 In the following sections, I provide my assessment of the environmental effects of PPC109 and I outline areas of agreement and disagreement between the requestor and the Council. In forming my opinion, I typically adopt and rely on the technical advice of the Council specialists whose memorandums are provided as **Attachment 5** to this s42A report. I also consider the submissions and further submissions that have been received on PPC109 and whether these should be accepted or rejected, in full or in part.

19.1. Noise / Acoustic Effects

19.1.1 Section 11.6 of the requestor's planning assessment provides an assessment of noise / acoustic effects with reference to the Acoustic Assessment prepared by Earcon Appendix K of the request.

19.1.2 Both the planning and acoustic assessments observe the PPC109 land is located adjacent to the Whenuapai Airforce Base, which is operated by the New Zealand Defence Force (**NZDF**) and, as also outlined in section 10 above, the Whenuapai Airforce Base is protected by and/or intended to operate under Designation 4310 and 4311, and other planning controls such as the D24 Aircraft Noise Overlay in the Unitary Plan.

19.1.3 The requestor's assessments, and descriptions contained in this report identify that currently the northern tip of the PPC109 area is subject to the D24 Aircraft Noise Overlay and a noise level of 55dB Ldn, being an average noise level for aircraft flight noise over a 7 day period, day and night.

19.1.4 I reiterate here that, through Plan Change 5 (as described in section 9.1 of this report) it became evident that aircraft engine noise testing at Whenuapai Airforce Base cannot meet the noise level conditions, being condition 1, in Designation 4310. This condition states:

> ***Aircraft Noise***
>
> *1. Aircraft operations on the RNZAF Airbase shall not exceed a day/night (Ldn) level of:*
>
> *a. 65dBA outside the Airnoise Boundary (Ldn 65 dBA Contour) shown on the Airbase Noise map; and*
>
> *b. 55dBA outside the Outer Control Boundary (Ldn 55 dBA Contour) shown on the Airbase Noise map.*
>
> *For the purpose of this control noise will be measured in accordance with the NZS 6805:1992 and calculated, as stated in NZS 6805:1992, using FAA Integrated Noise Model (INM) and records of actual aircraft operations and calculated as a 90 day rolling logarithmic average.*

19.1.5 The only exemptions listed in the designation to this condition are:

> *Exceptions to noise limits:*
>
> *a. The aircraft is landing in an emergency;*

b. The aircraft is landing at the Airbase as an alternative in adverse weather conditions; or

c. The aircraft is using the airfield as part of a search and rescue operation or civil emergency

19.1.6 As a result, in October 2019 the Minister of Defence issued a s4(2) Certificate under the RMA advising that, for reasons of national security and as aircraft engine testing is a necessary component of aircraft maintenance, the activity of aircraft engine testing at the Whenuapai Airforce Base is exempt from the RMA.

19.1.7 This means that there is no restriction on the level of noise that could occur from aircraft engine testing at the Whenuapai Airforce Base.

19.1.8 The Earcon Acoustic Assessment notes that it takes a "design" approach to managing effects within required amenity levels, but that the assessment does provide a descriptive assessment of effects covering acoustic conditions both indoors and outdoors.

19.1.9 They also identify that the main source of noise received by the PPC109 land associated with aircraft operations relate to:

- Normal flight operations;
- Emergency flight operations; and
- Ground based engine testing,

19.1.10 and that the noise profile of flight activities differs from the noise profile of ground activities such as aircraft engine testing. More specifically, the assessment considers that flight activities have minimal noise effects on the PPC109 land given the land is mostly outside of the currently mapped Noise Control Area as identified in Designation 4310, which also corresponds to the mapping of the D24 Aircraft Noise Overlay, for aircraft flights only.

19.1.11 The Earcon assessment states that this is in contrast to airport operations which include engine testing events, where aircraft are on the ground, that generate noise at night.

19.1.12 Earcon advise that given the difference in noise profiles between aircraft flight noise and aircraft engine testing noise, the aircraft engine testing noise at night would not be adequately reflected in overall daily averages and require assessment of the noise event itself for protection of amenity. Section 8 of the Earcon assessment sets out their basis for assessment. It states that:

> *It is our opinion that the Ldn descriptor* [as is currently used in the 4310 Designation and in the D24 Aircraft Noise Overlay] *is not well suited, in context of amenity, to the characteristics of noise from engine testing. The duration of noise during engine testing is prolonged (in the order of hours) and the occurrence of testing events is irregular and highly inconsistent (occurs some days, but not others, and may only occur one time in a day.)*

19.1.13 Earcon therefore consider and recommend that:

> *A more commonly used metric associated with sustained (steady fluctuating) environmental noise is the Leq descriptor which integrates noise over a designated period of time to account for both the noise levels and durations of these noise levels, resulting in a single number (dB or dBA) that represents the human response and perception of the subject noise.*

19.1.14 Earcon consider the use of an Leq descriptor is supported by regulatory standards such as New Zealand Standards NZS6805 – Airport Noise Management and Land Use Planning; NZS6802 – Acoustic – Environmental Noise and NZS6801 – Acoustics – Measurement of Environmental Sound. Furthermore, Earcon consider that an appropriate assessment interval would be a 15 minute time averaging period as per the recommendations in NZ6802, provided it includes 5 minutes of maximum power and 10 minutes of pulling power to conservatively represent the upper end of noise in any 15 minute period.

19.1.15 The Earcon assessment also notes, with regard to outdoor amenity, that:

> *Based on the noise logging undertaken by Marshall Day Acoustics in 2021 collated with the noise monitoring undertaken by Tonkin + Taylor , it is our understanding that Engine testing occurs on circa 50%-75% of days ("days" being a reference to 24 hours, rather than daytime which is a reference to the time of day) with multiple tests potentially occurring during a day. Testing during night-time is understood to occur in circa 25% of days*[26].[27]

19.1.16 In this regard, as I understand it, NZDF has given a commitment that aircraft operations, including engine testing would generally occur in the daytime. However, there are circumstances where engine testing is required to be undertaken at night-time, and as outlined above, the timing, duration and noise level is not restricted.

19.1.17 Earcon has provided their noise assessment based on a 4m elevation point source or a point 4m above ground level. This equates to the full height of an engine. However, they do note that nosier jet engines are generally at lower levels i.e 2.5m above ground level.

19.1.18 Earcon also note that:

- noise levels from engine testing vary significantly between different aircraft and engines, and this again varies based on the age and generation of the aircraft; and

[26] Engine Testing Noise Logging and Analysis by Marshall Day Acoustics dated 14/04/2021; and Engine Testing Noise Contours by Tonkin+Taylor dated 05/03/2021

[27] Section 8.3.2, Earcon Acoustic Assessment, Appendix K of request.

- newer aircraft generally emit lower noise levels than older generations of similar aircraft.

19.1.19 They consider that assessment against higher noise levels of older aircraft provides futureproofing in case the NZDF introduces larger or higher noise generating aircraft (e.g. heavy lift transport, or combat wing fighter jets) in the future.

19.1.20 Furthermore, Earcon identify that:

> *noise levels received at a specific location in the vicinity of an engine test can vary significantly from one test to the next for the same aircraft and engine. This is due to the varying orientation of the aircraft during the test, as aircraft are pointed into the wind during max power tests, and with wind direction changing, the aircraft may be at different orientations during different tests. Noise levels vary around an aircraft, with the variability of the noise also dependent on the type of aircraft.*[28]

19.1.21 As a result, Earcon consider that:

> *the use of the highest representative noise levels as measured empirically during the monitored periods, and collated between the different monitoring periods, would be representative of the highest level associated not just with the aircraft type, but also with the orientation and meteorological conditions.*

19.1.22 The Earcon assessment also outlines other noise characteristics such as tone and advises whether, in their opinion those characteristics need to be considered or not. Plus, they advise their recommended margin of error of plus or minus 2dBA; and that no screening by existing buildings or other features is included in their assessed nose levels. They identify the aircraft they have considered in their assessment as jet engines and turbo props. Where:

- *Jet Engine noise is biased towards low frequency, distributed around the 63-500Hz.*
- *Turbo Props have similar low frequency biased noise to jet engines, albeit with a higher concentration of noise around the 125Hz frequency.*

19.1.23 Earcon confirm that their assessment is based on the highest representative level of noise during an aircraft engine test.

19.1.24 With regard to amenity, Earcon have considered that given the engine noise testing levels the PPC109 land area is exposed to, the amenity levels are more akin to those of a city centre or in proximity to an entertainment area of transport corridor, rather than a rural setting. They also consider that a person's awareness of a noisy activity and the level of amenity they can expect in an area is an important consideration. If the expectation of noise is present, then the nuisance level is likely less. As a result, they

[28] Section 8.6, Earcon Acoustic Assessment, Appendix K of request.

consider a 'no complaints covenant on land titles and in tenancy agreements within in the PPC109 land would assist to make future occupiers aware of the noisiness of the area. It is therefore reasonable, in Earcon's view, to adopt internal noise guidelines associated with areas exposed to higher noise levels. As a result, they recommend internal noise levels of:

- *Living Areas: LAeq(15 mins) 45dB*
- *Work Areas: LAeq(15 mins) 45dB*
- *Sleeping Areas (night-time) LAeq(15 mins) 40dB*[29].

19.1.25 As a result of analysis, the Earcon assessment provides predicted aircraft engine testing noise levels via contours identified across the PPC109 land area. These contours are identified in **Figure 16** below and on the proposed Whenuapai Green Precinct Plan 2 – Noise Mitigation Areas.

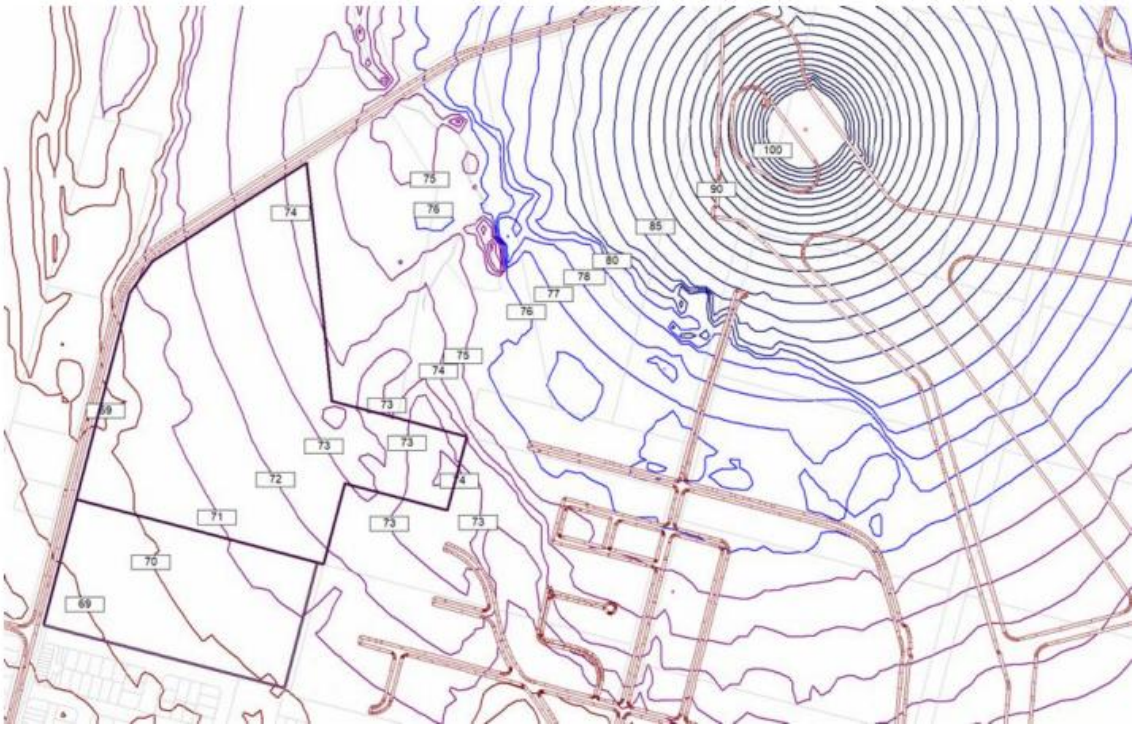


Figure 16: Noise levels / contours over PPC109 area
Source: Figure 8 of Earcon Acoustic Assessment, Appendix K of Request

19.1.26 More specifically noise levels would vary between:

- *Leq(15min) 74dBA at the northern end of the site, down to*
- *Leq(15min) 69dBA at the south-western end of the site*[30].

[29] Section 10.2, Earcon Acoustic Assessment, Appendix K of request.
[30] Section 11.3, Earcon Acoustic Assessment, Appendix K of request.

19.1.27 The Earcon assessment also identifies that:

> *Noise level contours at 7m elevations are included in Appendix I of this report, representative of noise levels at the top floor of three-storey buildings. Due to the distances involved to the noise source, and the assumed 4m elevation of the noise source, noise levels at 7m elevation receivers are less than 1dBA higher than the levels at 4m (rounded up to 1 dBA in the figures.) Considering the difference is within the margin of error of predictions and designs, effects and mitigations that apply at 4m would also apply at 7m.*

19.1.28 Furthermore, Earcon notes that:

> *For the purposes of assessing practicable mitigation measures, a noise propagation model was done including a typical two storey dwelling established at the north-eastern end of the subject site where external noise levels are highest. The purpose of this is to consider, in terms of amenity, noise levels on the different facades, and for different elevations. As per the figure below, (shown in more detail in Appendix I) we note the following:*
>
> - *Two storey buildings (overall height in the order of 6m) create an acoustic shadow effect behind them, reducing noise levels by circa 1-3 dBA.*
> - *Noise levels at the rear facades of a building (facing away from the noise source, are generally 3-4dBA lower than the noise levels at the façade facing the noise.*
> - *Side facades of a building have similar noise levels to the façade facing the noise. We note this is expected considering the distances involved to the noise source.*

19.1.29 I highlight here that the maximum height of building proposed in the proposed Precinct provisions is 11m plus 1m for roof form, and that this is enabling of three storey buildings. I also note that a combination of two and three storey buildings are common in the newer residentially developed areas of Whenuapai associated with the Whenuapai 1 and 2 Precincts / SHA areas to the south of PPC109.

19.1.30 As a result of their assessment Earcon recommend the development of a standard for potential development on the site. This is reflected in clause (2) of the proposed Precinct Standard IX.6.4 Noise, reproduced as notified below.

IX.6.4 Noise

Purpose:

- To ensure that potential reverse sensitivity effects of noise from the adjacent RNZAF Base Auckland are appropriately addressed within the Precinct.

(1) A no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland 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

(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 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 LA_{eq} 68dB:*

L_{eq} @						
63Hz	***125Hz***	***250Hz***	***500Hz***	***1kHz***	***2kHz***	***4kHz***
65 dB	*69 dB*	*68 dB*	*65 dB*	*62 dB*	*62 dB*	*55 E*

19.1.31 The internal noise limits identified in the standard are to be achieved by the use of building materials for the building envelope. These are to be taken from a schedule of approved constructions which are based on the external noise levels at the location the building is proposed in. If the constructions are proposed to be different, then the design and materials are required to be certified by a suitably qualified and experienced person and demonstrate that the construction proposed would achieve the internal noise levels specified.

19.1.32 The building materials and requirements specified are included as Appendix 2 in the proposed Precinct provisions, as outlined in the proposed standard above.

19.1.33 The Earcon report also highlights other mitigation measures that could be undertaken to reduce internal and external noise; and reduce the building requirements of the building envelope. This include:

- site design measures to minimise gaps between buildings and whereby perimeter buildings would provide shielding to buildings behind;
- prioritisation of townhouse blocks on the eastern and north-eastern perimeters, again to assist with shielding buildings behind them;
- the provision of acoustic fencing with overlapping palings to ground floor to provide some amenity to outdoor spaces;
- the avoidance of bedrooms on facades exposed to the highest noise levels; and the location of bathrooms and other non-habitable spaces facing east or south.

19.1.34 In my review none of these other suggested mitigation measures are included in the proposed Precinct provisions.

19.1.35 With regard to noise effects, Earcon highlights that the response to noise differs between people, and may differ for the same person at different times of the day, depending on the surrounding environment and the activity the person is undertaking.

19.1.36 With regard to aircraft flight noise Earcon considers that with the implementation of their proposed recommendations, aircraft flight noise would not be noticeable indoors with windows closed, and it would likely sometimes just be audible with windows open in the daytime.

19.1.37 With regard to outdoor amenity and noise effects from flight noise, Earcon considers this to be of a short-term duration, level and relative frequency, that would not materially impact on outdoor activities or amenity.

19.1.38 However, with regard to outdoor amenity and noise from aircraft engine noise testing, Earcon consider that if outdoor spaces are located away from facades facing the Whenuapai Airforce Base and acoustic fencing is used, this would reduce noise levels at ground level. However, the highest noise levels predicted by Earcon would likely limit some outdoor activities while the noise is underway and conversations would require raised voices and people would only be comfortable with the noise levels for a period of up to one hour. They do suggest that with the recommended measures in place regarding shielding of noise via buildings and fencing, that noise would be tolerable in outdoor spaces.

19.1.39 I again highlight, that no building location or shielding requirements or acoustic fencing requirements are identified in the proposed Precinct provisions.

19.1.40 The Earcon Acoustic Assessment has been reviewed for Council by Mr Peter Runcie, Technical Director – Acoustics and Vibration at SLR Consulting. Mr Runcie's Memorandum is provided in **Attachment 5**.

19.1.41 Mr Runcie agrees that the key acoustic issues associated with PPC109 relate to the nearby Whenuapai Airforce Base and he considers the issues can be broken into two components being:

1. *Potential noise effects (health and amenity) on future occupants of the land encompassed by the private plan change, especially new sensitive activities establishing near to the Base, and more specifically effects from engine testing noise on these activities; and*
2. *Potential reverse sensitivity effects on the operation of the RNZAF Base due to new sensitive activities establishing near to the Base, specifically related to engine testing noise.*

19.1.42 I note that in this section I just consider Mr Runcie's, issue 1 relating to the potential health and amenity effects on future occupants of the PPC109 land. I assess and discuss the reverse sensitivity issue in section 19.2 below.

19.1.43 Mr Runcie comments that he supports the use of existing Unitary Plan provisions i.e E25.6.2 and D24, plus a no-complaints covenant to manage noise from the development of the land and from aircraft flight noise from the Whenuapai Airforce Base.

19.1.44 Mr Runcie notes that aircraft engine testing noise is not currently considered in in the D24 Aircraft Noise Overlay for the Whenuapai Airforce Base. But they are considered in the D24 Overlay for Auckland Airport. But Mr Runcie agrees that aircraft engine testing noise effects are relevant and warrant being considered to manage potential effects on future occupants in the PPC109 area.

19.1.45 However, Mr Runcie raised concerns with the Leq 15 min noise descriptor and the internal noise limits recommended by Earcon. Furthermore, Mr Runcie is concerned about the feasibility of the proposed building requirements/construction outlined in Appendix 2 of the proposed Precinct provisions, and whether these can achieve the intended outcomes.

19.1.46 Mr Runcie highlights that no noise measurements were provided at the PPC109 land in the Earcon assessment to quantify the existing environment. Mr Runcie notes that the existing environment is mostly rural or lifestyle block in nature, with the existing acoustic environment expected to be reflective of this. However, Mr Runcie agrees that the operations of the Whenuapai Airforce Base would be a dominating feature acoustically, and he outlines that while the Airforce Base operations are not regular and constant like a typical airport, the acoustic environment would fluctuate from being controlled by airport operations over some periods and to a more rural or lifestyle acoustic environment at other times. Such characteristics, in Mr Runcie's view are reflected in the longer-term noise monitoring data presented as part of the previous Plan Change 5 consideration (i.e. acoustic modelling undertaken by Marshall Day Acoustics in April; 2021).

19.1.47 Mr Runcie considers that development in the PPC109 would alter the noise environment to a more residential character; and that this would be a noticeable change

at the northern end, which is more removed from existing residential development closer to the southern end of the PPC109 area.

19.1.48 Mr Runcie considers the use of the R-MHUZ noise standards from E25 Noise and vibration is appropriate for controlling noise made by activities which may establish in the Precinct, and this appropriately addresses concern raised by some submitters in this regard (i.e. Submissions 3 and 4).

Noise descriptor and contours

19.1.50 Mr Runcie also considers that New Zealand Standard NZS6805: 1992 Airport Noise Management and Land Use Planning is the main standard used by territorial or regional authorities to control airport noise; and that the standard establishes maximum acceptable levels of noise for the protection of community health.

19.1.51 Mr Runcie notes that:

- NZS6805 does not specifically exclude or include aircraft engine noise testing when assessing overall noise, but he considers it provides relevant guidance on the use of the day / night sound level (Ldn) and the averaging of aircraft activity.
- NZS6805 recommends that 'activities sensitive to noise' should be prohibited where aircraft noise levels exceed 55 db Ldn, unless a District Plan otherwise permits them and subject to a requirement to provide appropriate acoustic insulation to ensure a satisfactory internal nose environment, but without internal noise limits being provided.

19.1.52 Mr Runcie disagrees with Earcon's use of the LAeq 15 min as a noise descriptor for aircraft engine testing noise and notes that using this descriptor and relying on Earcon's resulting contours (identified in **Figure 16** above) means that aircraft engine testing noise would dominate the short term noise environment across the PPC109 area, as well as a significant portion of Whenuapai.

19.1.53 Mr Runcie prefers and recommends the use of the Ldn noise descriptor as this is the more commonly adopted noise descriptor for airport noise. He notes that:

> *An Ldn is the day night noise level a 24-hour average noise level, with a 10 dB adjustment added to night-time noise levels (10 pm to 7 am) to account for the increased annoyance to noise at night. In the context of airport noise levels this is commonly presented as the average Ldn over an extended period of time, which could be 7-days, a season or a year.*

19.1.54 Mr Runcie considers:

> *The benefit of this descriptor is that there is a significant amount of published international and New Zealand studies related to annoyance and health impacts from airport noise based on the Ldn descriptor. However, it does mean that individual short term loud events are somewhat 'smoothed out' due to averaging over a longer period.*

19.1.55 He also notes that this descriptor is already in use in the Unitary Plan (via the D24 Aircraft Noise Overlay) and across New Zealand for aircraft engine testing noise.

19.1.56 Furthermore, Mr Runcie observes that aircraft engine testing noise contours with a 57 dB Ldn noise contour have previously been prepared on behalf of the NZDF (as part of and subsequent to Plan Change 5) which show the extent of aircraft engine testing noise on the PPC109 area.

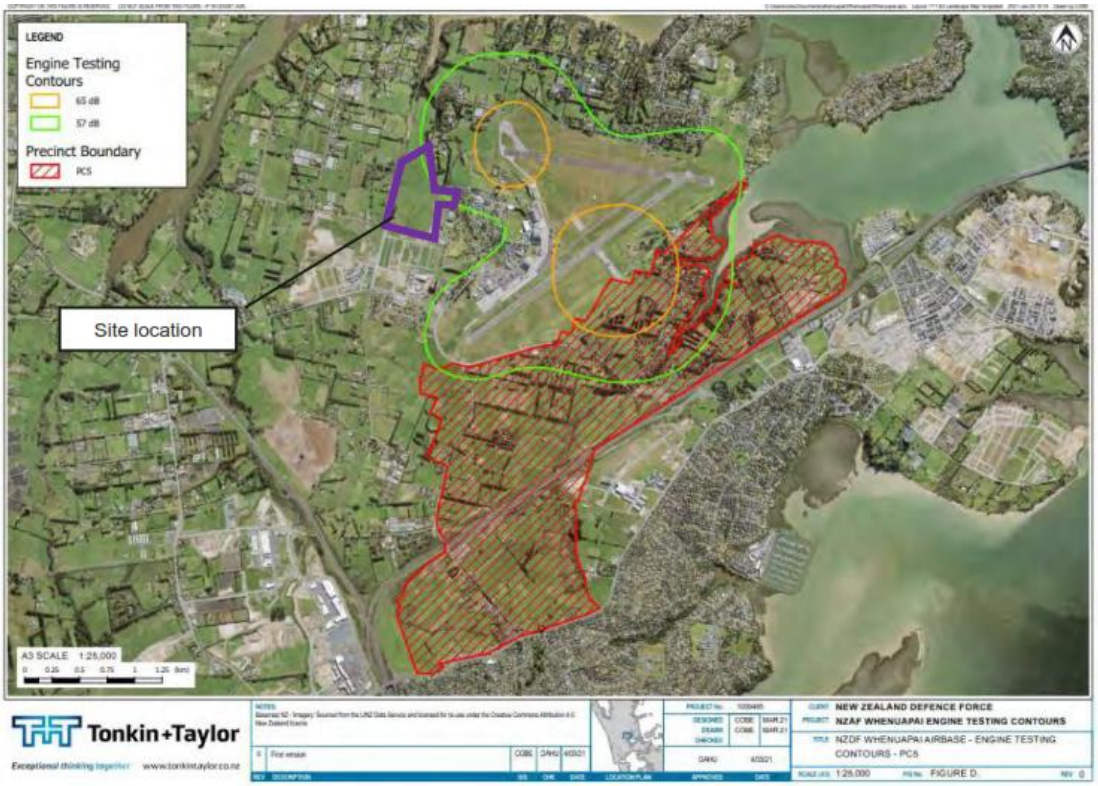


Figure 17: 57db Ldn contour from aircraft engine testing noise (green contour) as they affect Whenuapai and the PPC109 area
Source: Figure 2 of Noise/Acoustic Memorandum for Council in Attachment 5

19.1.57 Mr Runcie notes that the 57 db Ldn contour in **Figure 17** above would affect the north-eastern portion of the PPC109 area.

19.1.58 I also note here that these contours are based on the existing known location of most aircraft engine testing at Whenuapai (i.e at the end of or nearby to the existing runways). However, given the broadness of the designations and the clause 4(2) certificate issued, engine testing could reasonably occur anywhere within the Whenuapai Airforce Base.

19.1.59 Mr Runcie also considers that the 57 dB Ldn contour appears to have been presented by NZDF because a building which is ventilated with narrowly open top hung windows can achieve a reduction of aircraft noise of up to 17 dB (partly as the noise source is located above the windows) which would reduce internal noise levels to 40 dB Ldn.

19.1.60 Therefore, Mr Runcie recommends that the aircraft engine testing noise contours are updated to use the Ldn descriptor and updated to identify the area of the PPC109 land (and wider Whenuapai) that would be affected by a 55 dB Ldn noise contour. He considers using a 55 dB Ldn contour would account for the fact that aircraft engine testing noise occurs at ground level and not up in the air, so partially open windows

may not provide attenuation greater than 15 dB, and therefore an internal level of 40 dB.

Internal Noise Levels

19.1.61 Mr Runcie observes that the common and Unitary Plan approach to the management of noise effects for occupants of activities sensitive to noise is to require the external noise in question to meet a specified internal noise level. In this regard, the Earcon assessment recommends an internal noise levels the same as those required for dwellings in city centres, entertainment districts or near major roads, to account for the noise from the Whenuapai Airforce Base. The noise levels nominated by Earcon are 5 dB higher than internal noise levels required to be met in other noise sensitive spaces in other zones i.e. other Business zones.

19.1.62 Mr Runcie also considers that the combination of short-term external noise levels and recommended internal noise limits results in very high levels of sound insulation being required across the most exposed parts of the private plan change area.

19.1.63 He also outlines concerns with how the building requirements / construction recommended by Earcon and proposed in Appendix 2 of the Precinct provisions could be applied; and which would likely result in the necessary internal noise levels not being achieved. Furthermore, Mr Runcie identifies that the proposed building requirements/contructions will likely result in a higher cost to develop the land using this approach. Therefore, he recommends that the requestor further consider the use and application of the building requirements.

19.1.64 Therefore, in combination with the use of the amended contours, Mr Runcie recommends adopting the approach to internal noise taken in the existing D24 Aircraft Noise Overlay and the application of a 40 dB Ldn internal noise limit for all activities sensitive to aircraft noise. Mr Runcie also recommends that the other standards applicable to activities sensitive to noise established in the D24 Noise Overlay via Standard D24.6.1 be applicable to activities sensitive to noise in the PPC109 area. These would require new activities sensitive to aircraft noise and alterations to existing buildings accommodating activities sensitive to aircraft noise to provide sound insulation and related ventilation and air conditions measures:

(a) to ensure the internal noise environment of habitable rooms does not exceed a maximum noise level of 40dB Ldn;

(b) that are certified by a person suitably qualified and experienced in acoustics to the Council's satisfaction prior to its construction; and

(c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4 with all

external doors of the building and all windows of the habitable rooms closed.[31]

19.1.65 Mr Runcie considers this approach would be more consistent with other approaches taken across New Zealand to protect amenity for activities sensitive to noise and that adopting this approach would require buildings accommodating activities sensitive to aircraft noise to be designed to achieve a reduction of approximately 15-20 dB when located in the north-eastern part of the site. This would be consistent to the level of insulation required for activities sensitive to noise currently within the D24 Aircraft Noise Overlay (the 55 dB Ldn contour) as it affects Whenuapai.

External Noise

19.1.66 Mr Runcie observes that the Earcon assessment makes comment on the effects of aircraft engine testing noise on outdoor spaces and the amenity of these. However, no specific mitigation measures or provisions are proposed in the Precinct to address the level of noise that would be experienced in an outdoor living area in the PPC109 area as a result of aircraft engine testing noise.

19.1.67 Like Earcon, Mr Runcie highlights the difficulty of mitigating the engine testing noise effects on outdoor areas; and, like Earcon, Mr Runcie suggests that acoustic fencing could be required around outdoor living spaces to reduce effects, although he does not quantify what reduction in noise level or effect this might achieve.

19.1.68 Mr Runcie also suggests consideration of constructing an earth bund or an earthbund combined with acoustic fencing to a height of at least 2.5m along the north-eastern boundary of the PPC109 land facing the closest runway at the Whenuapai Airforce Base in order to reduce engine testing noise levels across the PPC109 area. However, as above, he does not quantify what reduction in noise level or effect this might achieve. Furthermore, he notes that these options may result in other potential amenity, planning, visual and maintenance issues which would also need to be considered.

19.1.69 Overall, Mr Runcie recommends that the requestor further consider how aircraft engine testing noise effects are identified, considered and mitigated in the PPC109 area and suggests an appropriate more akin to those taken in the existing D24 Aircraft Noise Overlay may be more appropriate.

Submissions

19.1.70 Auckland Council is the main submitter who has raised concern with the proposed zoning and the approach taken to identifying and mitigating aircraft engine testing and noise effects related to PPC109. More specifically Auckland Council considers that:

- the absence of any regulation of engine testing noise and noise from emergency operations is a key concern for PPC109 noting that more frequent engine testing

[31] Standard D24.6.1, in D24 Aircraft Noise Overlay

or emergency flights, or a change in the fleet to include aircraft with noisier engines or other restrictions or reasons could increase noise levels across the PPC109 land.

- the Acoustic Assessment has not adequately addressed or has understated the adverse effects of the NZDF noise for the residents and users of land in PPC109 when they are outdoors and indoors.
- given the timing and duration of noise is unknown there is the potential to create unacceptable health and significant amenity effects for those living in or using the PPC109 area.
- the proposed residential zone is not the most appropriate zoning for the land; and that a Business zone may be more appropriate.
- additional mitigation is required to mitigate noise effects.

19.1.71 NZDF (Submission 7) also raise some concerns regarding the Precinct provisions as they relate to requirements to address noise effects; and Submissions 3 and 4 raise some general amenity concerns.

19.1.72 My response to the concerns raised, as well as Mr Runcie's recommendations is provided below.

Reporting Planners Recommendation

19.1.73 I broadly agree with Mr Runcie and his recommendations that the 55 Ldn noise contour be mapped over the PPC109 land (and the wider Whenuapai area) and that the approach to the mitigation of aircraft engine testing noise in the PPC109 land should more closely align to the approach already provided for in the Unitary Plan via the D24 Aircraft Noise Overlay.

19.1.74 However, my consideration and recommendations on the application of the measures suggested by Mr Runcie is much broader and based on my understanding of how the objective, policy and standards of the D24 Aircraft Noise Overlay are applied and used.

19.1.75 I recommend that the requestor implement a full D24 Aircraft Noise Overlay, based on aircraft engine testing noise to be applied over the PPC109 area, and consider further the management of, and effects on, activities which can establish in the proposed Precinct on the basis of the definition of 'activities sensitive to aircraft noise' as defined in the Unitary Plan.

19.1.75 I reiterate here that 'activities sensitive to aircraft noise' are defined the Unitary Plan as:

> *Any dwellings, boarding houses, marae, papakāinga, integrated residential development, retirement villages, supported residential care, care centres,*

education facilities, tertiary education facilities, hospitals, and healthcare facilities with an overnight stay facility.[32]

19.1.76 I also note, for consistency of application, although beyond the scope of this plan change, in my view an aircraft engine testing noise overlay should be considered over those parts of Whenuapai that are within a mapped 55 dB contour.

19.1.77 However, as I identified earlier, the locations that contour mapping should occur from may also be of debate, as the 57 dB Ldn contours identified in **Figure 17** above are based on the existing known location of most aircraft engine testing at Whenuapai (i.e at the end of or nearby to the existing runways). Given the broadness of the designations and the clause 4(2) certificate issued, aircraft engine testing could reasonably occur anywhere within the Whenuapai Airforce Base, such that noise effects could also extend further. I would recommend a precautionary approach to enable the Whenuapai Air Force Base to continue its operations without concern for reverse sensitivity effects. The method to implement this would be to base contours on the outer most areas of the Whenuapai Airforce Base operations areas that could potentially, at any point, be used for aircraft engine testing.

19.1.78 I also note my recommendations have implications for both the proposed R-MHU zoning and the density/intensity that might be realised across the PPC109 area, and wider Whenuapai. This is based on the objectives and policies contained in the current D24 Aircraft Noise Overlay. I reiterate that these are already applicable to those parts of the mapped aircraft noise contours that currently apply to aircraft flight noise as it relates to Whenuapai and the PPC109 northern land area.

19.1.79 I have outlined the purpose, objective, policies, rules, standards and assessment matters of the D24 Aircraft Noise Overlay relevant to Whenuapai and the Whenuapai Airforce Base in section 10 above.

19.1.80 Objective 2 of D24 requires that the adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise are avoided, remedied or mitigated; and policies D24.3 (1), (2), (3) and (5) as relevant to this discussion, support the objectives.

19.1.81 In summary [my emphasis added]:

- Policy 1 requires the ‘avoidance’ of activities sensitive to aircraft noise (except tertiary education facilities) within the 65 Db Ldn contour.
- Policy 2 requires the ‘avoidance’ of new tertiary education facilities and additions or alterations to existing activities sensitive to aircraft noise within the 65Db Ldn contour unless all habitable rooms and learning, recreation and amenity spaces are located inside buildings and achieve an internal noise level of 40 dB Ldn.

[32] Page 10, Chapter J, Definitions, Unitary Plan

- Policy 3 requires the '**avoidance' of the establishment of residential and other activities sensitive to aircraft noise at airports and airfields** (except Auckland International Airport) **within the 55 db Ldn and 65 dB Ldn noise contours unless the effects can be adequately remedied or mitigated through restrictions on the numbers of people to be accommodated through zoning and density mechanisms and the acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to noise,** excluding designated defence land.
- Policy 5 requires the **management of residential intensification and activities sensitive to aircraft noise within areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects between those land uses and Whenuapai Airforce Base, and that avoids remedies or mitigates adverse aircraft noise effects on people and communities**.

19.1.82 The D24 overlay contains a non-complying activity rule (D24.4.1(A8)) for the subdivision of land for activities sensitive to aircraft noise to create a new site between the 55dB Ldn and 65dB Ldn noise boundaries in the Aircraft Noise Overlay as they relate to the Whenuapai Airbase.

19.1.83 In addition, the overlay contains specific rules for new activities sensitive to aircraft noise within the 55dB Ldn and 65dB Ldn noise boundaries in the Aircraft Noise Overlay as they relate to Whenuapai Airbase. These rules and their activity status are shown below.

Table D24.4.1 Activity table for North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase

Activity		Activity status
Development between the 55dB L_{dn} and 65dB L_{dn} noise boundaries (including Lot 3 DP 104718)		
(A1)	New activities sensitive to aircraft noise	RD
(A2)	New activities sensitive to aircraft noise that do not comply with Standard D24.6.1(1)	NC
(A3)	Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise	RD
(A4)	Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise that do not comply with Standard D24.6.1(1)	NC

19.1.84 The restricted discretionary activities, being new activities sensitive to aircraft noise and alterations and additions to existing buildings accommodating activities sensitive to aircraft noise are required to comply with Standard D24.6.1 which requires that the activities must provide sound attenuation and related ventilation and/or air conditioning measures:

(a) to ensure the internal noise environment of habitable rooms does not exceed a maximum noise level of 40dB Ldn;

(b) that are certified by a person suitably qualified and experienced in acoustics to the Council's satisfaction prior to its construction; and

(c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.

19.1.85 As shown above, if this standard is not met, then resource consent as a non-complying activity and a consideration of the objectives and policies is required.

19.1.86 The overlay also contains matters of discretion and assessment criteria in order to assess a restricted discretionary activity that complies with the standard. These are as follows:

19.1.87 Matters of Discretion:

D24.8.2 North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase and Ardmore Airport

(2) For the following activities:

- *D24.4.1(A1) New activities sensitive to aircraft noise (between the 55dB Ldn and the 65dB Ldn noise boundary at North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase);*
- *D24.4.1(A3) Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise (between the 55dB Ldn and the 65dB Ldn noise boundary at North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase); …*

(a) the internal noise environment of the proposed and any existing structure;

(b) the internal ventilation standards for the proposed or any existing structure;

(c) measures for or relating to the attenuation of aircraft noise arising in connection with the airport/airfield/airbase;

(d) the imposition of an obligation to ensure any required acoustic treatment measures are not removed without the Council's consent, including requiring the obligation to be registered on the certificate of title; and

(e) the nature, size and scale of the proposed development.

19.1.88 Assessment criteria:

D24.8.3.1. North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase and Ardmore Airport

(6) The internal noise environment of the proposed and any existing structure should provide satisfactorily levels of health and amenity values to occupants.

(7) *The internal air quality of the proposed or any existing structure should provide satisfactory health, and amenity values to occupants.*

(8) *The proposed measures for attenuation of aircraft noise arising in connection with the airport/airfield/airbase should satisfactorily avoid, remedy or mitigate those effects.*

(9) *Mechanisms should be put in place to ensure there is an ongoing obligation on owners to ensure that required acoustic treatment measures are not removed without the Council's prior consent.*

(10) *Having regard to all the circumstances, including location in relation to the airport/airfield/airbase, likely exposure of the site to aircraft noise, noise attenuation and ventilation measures proposed, and the number of people to be accommodated, the nature, size and scale of the proposed activity should not be likely to lead to potential conflict with and adverse effects upon the operation of the airport/airfield/airbase.*

19.1.89 In my opinion, the objective, policy, rule and standard approach of D24 would require:

- the identification of a mapped 55 dB Ldn noise contour across the PPC109 land. Given the extent of the 57 dB Ldn contours that have previously been mapped (as identified in **Figure 17** above), this may not extend across the whole of the PPC109 area.
- in any area identified to be within a 55 dB Ldn contour, consideration of a lower density and/or different zone as compared to the density / intensity that is enabled under a R-MHUZ, to give effect to the requirements in Policy 3 of D24 regarding density and the number of people; and Policy 5 of D24 regarding reverse sensitivity effects (i.e. more people, the greater the chance for reverse sensitivity effects).

19.1.90 A consideration of outdoor amenity effects and measures to mitigate these effects would also need to be provided in any response to this recommendation; and revised Precinct provisions would also need to be provided. This would likely need to extend to further building design and layout requirements, a s well as consideration of boundary and other fencing requirements, to reduce aircraft engine noise effects and provide for amenity for activities sensitive to aircraft noise.

19.1.91 I also recommend that, the D24 Aircraft Noise Overlay requirements regarding a non-complying activity for subdivision and a restricted discretionary activity for buildings accommodating activities sensitive to aircraft noise, not just dwellings, are required. In my opinion these components are required in any revision of Precinct provisions so that adequate assessment of subdivision proposals and new buildings can be undertaken. The current activity status for subdivision and buildings in the Precinct would not enable any, or an adequate, review and consideration.

19.1.92 I am also of the opinion that the proposed MDRS provisions are not likely to be appropriate for any area affected by a 55 dB Ldn noise contour because they promote

intensification of people and density, and this would be contrary to the outcomes sought by the D24 Aircraft Noise Overlay.

19.1.93 Given the extent of change I consider is necessary to the Precinct provision to address this issue I have not provided any track change recommendations to the provisions. I would be able to provide this if it would assist the Hearing Commissioners. I also note that this issue may benefit from expert acoustic and planning conferencing.

19.1.94 However, in my opinion, at this stage, the effects of aircraft engine testing noise and the management of activities affected by it, are not sufficiently considered and resolved in PPC109. The adverse noise effects from aircraft engine testing noise at Whenuapai Airforce Base on activities within the proposed Precinct are likely at a significant level.

19.1.95 As a result, at this stage, I also recommend that those Auckland Council submission points raising aircraft engine testing noise and effects concerns, be accepted in part.

19.1.96 The requestor may opt to consider this matter further in their evidence.

19.2. Reverse Sensitivity Effects

19.2.1 The requestor's planning assessment has included a consideration of reverse sensitivity effects in their planning assessment at section 11.6 as part of the above mentioned acoustic effects assessment. This also relies on the Earcon Acoustic Assessment provided as Appendix K to the request.

19.2.2 Reverse sensitivity effects can be identified as the effects on an existing activity as a result of a new activity locating nearby and then affecting the ability of the existing activity to continue to undertake their activity in the same manner.

19.2.3 Reverse sensitivity effects are a significant consideration for the NZDF (Submission 7) given the extent of their operations, and noise from their operations, at the Whenuapai Airforce Base. The Whenuapai Airforce Base was established in 1937 and has a long history of operation in the area. There is potential for new activities establishing within the PPC109 area to not be fully aware of these activities, their timing and the level and duration of noise generated at the Whenuapai Airforce Base.

19.2.4 To address this issue the proposed Precinct provisions provide a description, as well as objectives and policies, that highlight the presence of the Whenuapai Airforce Base and its operations, and seek to avoid and manage the potential reverse sensitivity effects on the nationally significant infrastructure.

<u>No Complaints Covenant</u>

19.2.5 To manage the reverse sensitivity effects one of the methods adopted is also contained in Standard IX.64 Noise where clause (1) requires that a no-complaints covenant be included on each title issued within the Precinct. The standard includes requirements for the form of the covenant i.e. it must be acceptable to NZDF; and it requires any registered proprietor to waiver all rights of complaint, submission, appeal or objection under the RMA and any successive legislation in respect of lawful noise associated with the Whenuapai Airforce Base.

19.2.6 I understand that such a no-complaints covenant is preferred and promoted by the NZDF, and as a result its use has been debated in most plan changes in Whenuapai to date.

19.2.7 In those other plan changes, it has been recognised that a no-complaints covenant does not actually provide a mitigation to a noise effect. It is intended however, to make people aware of the presence of the Airforce Base and that they cannot complain about its operations or noise.

19.2.8 I retain a concern about the usefulness of the proposed standard and a no-complaints covenant generally. My concern is based on the current drafting of the standard, which only relates to new titles issued and relies on people to check and understand covenants on a title when they are purchasing a property.

19.2.9 In my planning experience, people often overlook and ignore covenants, and their requirements or do not fully appreciate the relevance of, or need for them. Furthermore, I note that the Earcon assessment considers there is a need for the no-complaints covenant to be applicable to future occupiers, including those that rent properties, as such Earcon recommend that the covenant requirements fall down to tenancy agreements as well. I am not clear how this aspect is or can be achieved.

19.2.10 In addition, I note that the proposed standard requires people to waive all rights of complaint, submission, appeal or objection. As I understand it, RMA case law has found that no-complaints covenant cannot restrict the consideration of effects on a person or the environment under s95 of the RMA. As such Council would still be able to consider a person as an 'affected person', and advise them, and under the RMA that person would still be able to make a submission, objection or lodge an appeal.

19.2.11 As I understand it, it would then be up to NZDF to enforce the covenant provisions; and this aspect would then become a civil matter between the NZDF and any person that might complain, submit or appeal a resource consent application made by NZDF for an activity at the Whenuapai Airforce Base.

19.2.12 As a result, I do not necessarily support the inclusion of the no-complaints covenant standard.

19.2.13 It is my view that the reverse sensitivity effects would be better managed by the application of the D24 Aircraft Noise Overlay. It can relate to aircraft engine testing noise and a 55 dB Ldn noise contour; and the objectives and policies that a D24 Overlay contains regarding the avoidance of subdivision, the management of zoning and intensity, and whether the activities to establish in proximity to the Whenuapai Airforce Base are appropriate. I have addressed this in section 19.1 above.

<u>Height Limitation in Designation 4311</u>

19.2.14 The NZDF submission also notes that its approval is required for buildings greater than 9m in height in the obstacle limitation area under Designation 4311. The extent of the Take-off, Approach and Transitional Side Surfaces in relation to the plan change area is identified in **Figure 13** above. Parts of the PPC109 area are within the Inner Horizontal Surface.

19.2.15 As a result, I question whether the proposed maximum building height sought for the Precinct of 11m will be achievable, and question whether the maximum height should be reduced to not more than 9m to ensure NZDF approval is forthcoming. This may be another outcome achieved under my recommendation in section 19.1 above.

19.2.16 Otherwise, NZDF seeks further consideration of how the 9m limit it requires would be highlighted and achieved. In my view, while there is a reference to the height restriction in the preamble text to the activity table, this does not identify the height restriction or the requirement for NZDF approval if a building were over 9m in height, so this control could be missed by a prospective developer or builder. I agree that further consideration of this aspect is required. I recommend the requestor further address this in their evidence.

Other NZDF Submission Points

19.2.17 I note that as part of their submission NZDF has made a number of recommendations for wording changes to Precinct provisions. I support some of these as they relate to provisions for bird strike, lighting and stormwater. I have included these in my recommended version of the Precinct provisions at **Attachment 12**. However, given my comments in section 19.2 above, regarding the need to further consider the premise of the Precinct and provisions as they relate to aircraft engine noise testing effects, I have not included any other wording amendments in my recommended Precinct provisions. I highlight that this remains outstanding and subject to further and broader consideration.

19.2.18 Therefore, at this stage, I am of the opinion that reverse sensitivity effects on the operation of the Whenuapai Airforce Base are not suitably avoided, remedied or mitigated, and are likely at least more than minor.

19.2.19 The requestor may opt to further consider this in their evidence.

19.3. Transport Effects

19.3.1 Section 11.3 of the requestor's planning assessment provides an assessment of transport effects with reference to the Integrated Traffic Assessment (**ITA**) prepared by Abley as Appendix H of the request.

19.3.2 The requestor's ITA includes, as attachments, the various responses to clause 23 requests. In the executive summary of the ITA, the requestor's transport specialist considers that the proposed internal transport network and potential off-site effects of PPC109 have been assessed; and it concludes that PPC109 is appropriate from a transport perspective.

19.3.4 Correspondingly, the requestor's planning assessment considers that any adverse transport infrastructure effects on the environment by PPC109 can be sufficiently mitigated.

19.3.5 The requestor's ITA and traffic assessment have been reviewed for Council by Mr Harry Shephard and Ms Angie Crafter of Flow Transportation Consultants, as well as Ms Katherine Dorofaeff, for Auckland Transport. Refer to the Memorandums in **Attachment 5**.

19.3.6 The Council's Transport Memorandum identifies that the key transport facilities proposed for the proposed Whenuapai Green Precinct are transport upgrades which include:

- *Road corridors*
    - *Upgrade of Totara Road along the site frontage, to be provided with development of any adjoining stage and including 3m road of widening along the site frontage*
    - *A new internal road network, comprising of indicative local roads*
- *Intersections*
    - *Upgrading McCaw Road / Totara Road from a priority intersection to a roundabout (once 150 dwellings are occupied)*
    - *A new roundabout at Totara Road / the proposed internal northern road (once 150 dwellings are occupied)*
    - *Additional lane markings at the Brigham Creek Road / Totara Road signalised intersection to improve capacity (before any dwelling is occupied)*
    - *Upgrading Brigham Creek Road / Trig Road to a roundabout (before any dwelling is occupied)*
- *Public transport*
    - *Provision of bus stops on the Totara Road frontage to be designed at resource consent / engineering plan approval stage, and triggered by the Totara Road corridor upgrade*
- *Walking and cycling*
    - *Cycle facilities on Totara Road along the site frontage only*
    - *Footpath facilities on Totara Road* [noting this will be along the site frontage only, as there is an existing footpath on the western side of Totara Road] *and all internal roads*
    - *A pedestrian and cycle link in the southeast corner of the site, location shown indicatively on the Precinct Plan*
    - *Pedestrian and cycle crossing facilities at the new / upgraded intersections.*

19.3.7 The Council's Transport Memorandum outlines the clause 23 information requested related to traffic assessment methodology and modelling and the years that had been assessed; the traffic demands on the wider network (such as traffic for other notified plan changes or development); trip generation for the anticipated land use for all modes of transport; vehicle trip distribution; and external transport upgrades assumed of all modes of transport.

19.3.8 The Council's Transport Memorandum also advises that the requestor's clause 23 modelling has been relied on and that this provides the most recent assumptions agreed through the clause 23 process. Furthermore, the Council's transport specialists agree with an assessment using a higher trip generation rate (of 0.9 vehicle trip rate per hour) given there is no certainty that frequent public transport services and supporting land uses will be available if PPC109 was approved and became operative. They note that while a lower trip generation rate (of 0.65 vehicle trip rate per hour) could eventuate in the long term, this would be dependent on external projects and further supporting land uses being developed in the Whenuapai area.

19.3.9 The traffic modelling of the following intersections was reviewed by both the requestor's and the Council's specialists:

- Trig Road / Brigham Creek Road roundabout;
- Brigham Creek Road / Kauri Road;
- Brigham Creek Road / SH18 interchange;
- Brigham Creek Road / SH16 interchange;
- Trig Road / SH18 interchange; and
- Totara Road / Brigham Creek Road.

19.3.10 It is noted that Brigham Creek Road is subject to a Notice of Requirement (NoR W3) which is currently subject to appeal. This NoR provides for a designation for Brigham Creek Road to be widened to four lanes with footpaths on both sides and separated cycle paths on both sides; and at this stage, the funding for this upgrade is not confirmed. However, the Council's Transport Memorandum also notes that for modelling intersections on Brigham Creek Road, the assessment does not rely on these updates being provided.

19.3.11 The Council's transport specialists conclude that:

- *We are generally satisfied with the transport assessment that has been undertaken. Through our review during the Clause 23 process, the assessment has been updated by the Applicant to resolve the majority of our concerns.*
- *We are satisfied with the Applicant's assessment of traffic effects and the traffic modelling methodology undertaken to assess those effects. However, we have outstanding concerns about the Brigham Creek Road / Totara Road intersection, and the Trig Road / SH18 interchange. We consider that further mitigation and amendments to the Precinct provisions may be required. Refer to Section 3.3.*
- *We are satisfied with the walking, cycling and public transport accessibility, as a result of the proposed transport infrastructure upgrades, provided that these are delivered in a way that provides full connectivity. Therefore, we recommend some changes to the Precinct*

provisions to ensure these upgrades can be designed and delivered in a timely manner. Refer to Sections 3.4 and 3.6.

- *We recommend that Precinct provisions be updated to apply vehicle access restrictions on Totara Road, given it will be a collector road with dedicated cycling facilities. Auckland Transport also shares this view. Refer to Section 3.7.*
- *We have reviewed the transport-related submissions and further submissions, and note that there are some changes sought to PPC109 that we either agree with or they are consistent with our recommendations above. Other submitters have asked for other transport amendments, which we consider aren't necessary to support the Plan Change from a transport perspective.*

We are supportive of the Plan Change being approved, provided our recommendations and outstanding concerns are satisfactorily addressed.

19.3.12 Auckland Transport's Memorandum advises that Auckland Transport (**AT**) has relied on Council's transport specialists review of the requestor's ITA and traffic engineering matters. The Auckland Transport Memorandum focuses on assessing whether the proposed Precinct provisions will give effect to the higher order objectives and policies, especially those requiring infrastructure and its integration with subdivision, development and use.

19.3.13 The AT Memorandum highlights the number of other plan changes being progressed in the Whenuapai area, and that if these proceed this raises issues about cumulative traffic and transport effects from other future developments.

19.3.14 I address the matters of concern raised by the Council's transport specialists and AT further below.

State Highway 18 Interchanges

19.3.15 For the State Highway 18 (SH18) / Trig Road interchange, the requestor's traffic modelling was updated to include traffic generated as a result of proposed Plan Change 107 Whenuapai Business Park (for details refer to section 9.4 above) which is due to be heard by Hearing Commissioners in mid July 2025.

19.3.16 As a result of review, it is considered that neither PPC107 nor PPC109 currently propose to address the visibility limitations at the SH18 / Trig Road interchange, despite previous assessments indicating that it would be required to mitigate the effects of both plan changes. Furthermore, previous clause 23 responses had indicated that there may be capacity issues if both plan changes are considered together.

19.3.17 Council's transport specialists acknowledge that the visibility and maintenance of vegetation that sits alongside the SH18 / Trig Road interchange is the responsibility of the road controlling authority and is not the responsibility of the requestor. However, they consider it is important that the outstanding concern, that there are safety and capacity issues at the SH18 / Trig Road interchange, are addressed.

19.3.18 I agree and as a result, it is recommended that the safety and capacity issues identified on the SH18 / Trig Road intersection are further considered and addressed by the requestor in their evidence.

Brigham Creek Road / Totara Road Intersection

19.3.19 The Council's Transport Memorandum identifies that the majority of vehicle trips generated by PPC109 are expected to pass through the signalised intersection at Brigham Creek / Totara Road, including all trips travelling to or from outside of the Whenuapai area, and half of the expected internal Whenuapai trips.

19.3.20 The Precinct provisions propose line marking improvements, which would be required prior to the occupation of any dwelling. This involves changing the Brigham Creek Road dedicated eastbound left turn lane to be a shared left / through lane, which would result in a small capacity increase to the intersection, given the reduced time needed to cater for eastbound traffic demand.

19.3.21 The requestor's traffic modelling indicates that the intersection will operate appropriately with an average vehicle trip rate of 0.65 trips per peak hour per dwelling. However, in the Councils transport specialist's opinion this rate is only applicable once quality public transport ad active mode facilities, as well as supporting land uses that enable local walking trips, are provided. Therefore, it is more appropriate at this stage to consider a vehicle trip rate of 0.9 trips per peak hour per dwelling.

19.3.22 Using a vehicle trip rate of 0.9 trips per peak hour per dwelling results in traffic flows deteriorating at the Brigham Creek Road / Totara Road intersection, leading to excessive queuing and delays, with resulting potential adverse safety effects, and effects on the reliability of public transport and freight. However, as above, this effect is likely somewhat mitigated once public bus, walking and cycling transport modes, as well as more local facilities are available in the Whenuapai area.

19.3.23 The Council's specialists also identify that:

> *Figure 6* [in the Memorandum] *shows the proposed layout of the Brigham Creek Road / Totara Road intersection as included in the Brigham Creek Notice of Requirement (NoR W3), which is currently under appeal. This layout anticipates that the intersection will be upgraded to provide more capacity on all approaches and greater connectivity for future residents through the extension of Mamari Road. The additional capacity could allow lanes to provide bus priority, or could be dedicated bus only lanes . Pedestrian and cycle facilities would be provided on all approaches. Some of the upgrades require road widening (generally to the south of the intersection) and the acquisition of private land. If the NoR is accepted, the designation would protect the land needed for road widening. While no funding has been allocated for this upgrade, and there is no confirmed timing for its implementation, the works associated with Totora Road generally sit within the road reserve at the approach to the intersection. The NoR design demonstrates that an intersection upgrade is expected to be necessary to support future growth within Whenuapai at some point and as such,*

contributing to the delivery of these measures should be considered through development, or if not, check-ins on performance are needed as development progresses.

19.3.24 As a result, given the predicted queues and delays and that the intersection is expected to operate at 100% capacity as a result of PPC109, the Council's transport specialists consider that measures are needed to increase the intersection capacity and mitigate the operational effects on the surrounding road network.

19.3.25 In this regard, the Council's specialists identify that approximately 72% of the anticipated development yield under a R-MHUZ scenario (72% of 430 dwellings, being 310 dwellings) assuming a 0.9 vehicle trip generation rate would be likely to be an appropriate 'check-in' point to further assess the operation of the Brigham Creek Road / Totara Road intersection. This 'check in' point would also enable an assessment of travel behaviour in response to network changes i.e. infrastructure; and to consider any additional measures necessary that are required to support and enable subsequent development. If this is not included, it is considered that development in the proposed Precinct is unlikely to be integrated with the necessary transportation upgrades.

19.3.26 As a result, the Council's transport specialists recommend the inclusion of a further special information requirement in the Precinct provisions requiring the provision of a further Integrated Transport Assessment to be triggered, based on modelling, at 72% of development / 310 dwellings consented in the Precinct.

19.3.27 I agree with the comments made and that amendments to the Precinct provisions to address the concern identified are necessary. However, I note that special information requirements are often overlooked in resource consent applications. While an application could be rejected for not providing an assessment, or an assessment could be sought as part of a further information request, there is otherwise no ability to enforce the requirement / need for further assessment. I consider, that to support and highlight the special information requirement and to require the additional ITA and further consideration, additional objectives and policies, to identify the need for further assessment at the identified trigger point via the ITA, is required. I note that this approach is used in the approved PC94 Precinct provisions.

19.3.28 Given the above issue and recommendation, the requestor may opt to respond to this matter further in their evidence.

<u>Walking, Cycling and Public Transport Accessibility</u>

19.3.29 The Councils transport specialists consider that the proposed Precinct is able to cater for walking, cycling and public transport trips to support subdivision, development and use in the Precinct. However, they and Auckland Transport note that there will be no cycling facilities available to northbound cyclists on Totara Road (they are only proposed along the eastern side of Totara Road along the PPC109 areas frontage).

19.3.30 The requestor's traffic specialist advised that, if needed, a cycle transition ramp could be incorporated into the upgrade of the Totara Road / McCaw Avenue intersection

upgrade which is also required, and this could be assessed at resource consent and engineering plan approval stage.

19.3.31 However, comments from Auckland Transport in their Memorandum at **Attachment 5** note that there may be insufficient space to provide this facility as the requestor does not own or control all of the land at the intersection. As a result, Auckland Transport have recommended that a Transport Design Report is required when the Totara Road / McCaw Avenue intersection, amongst others, is proposed to be upgraded. The Council's transport specialists and I agree with this recommendation; and Auckland Transport's suggested wording is included in the Recommended Precinct Provisions provided as **Attachment 12**.

Staging and Development Threshold Assessment

19.3.32 The Council's Transport specialists note that no specific staging plan has been provided as part of the Precinct Plan. Instead, the Precinct provisions provide thresholds for when transport upgrades would be required. Specifically, proposed Standard IX.6.6 Staging of Subdivision and Land Use – Transport Upgrades. However, as noted in the title and wording, Standard IX.6.6 does not apply to 'development' (i.e. prior to the occupation of a building). This matter is also raised by Auckland Transport in their Memorandum. The Council's transport specialists and Auckland Transport recommend, and I agree, that Standard IX6.6 should also apply to 'development'. Auckland Transport has provided suggested wording to achieve this outcome and I agree it is necessary and appropriate. Auckland Transport's suggested wording is recommended, with some additional amendments I consider necessary to reflect that the standard should relate to the occupation of any building, not just 'dwellings'. The wording is included in the Recommended Precinct Provisions provided as **Attachment 12**.

19.3.33 In addition, Council's transport specialists identify that as currently worded Standard IX6.6 could result in sections of Totara Road being upgraded in isolation, depending on the timing and order of different stages of development. This could result in disconnected sections of the southbound cycle lane and footpath, which would not provide a connected network for cyclists or pedestrians. As a result, the specialists recommend, and I agree, that the standard be amended to ensure that if any development fronting Totara Road commences, then the road widening and provision of cycle facilities is provided along the whole plan change frontage, including safe connection for northbound cyclists at the Totara Road / McCaw Avenue intersection, to connect with the internal local road network. Or alternatively, the specialists recommend the provisions ensure that the upgrades ensure that continuous pedestrian and cyclist connectivity is always achieved between any stage and the Totara Road / McCaw Avenue intersection. This would potentially allow staging to occur in a south to north pattern to achieve connectivity. The wording is included in the Recommended Precinct Provisions provided as **Attachment 12**.

Totara Road Access Restrictions

19.3.34 Totara Road is identified as a collector road currently and it is not subject to any access restrictions. The collector road status is maintained as a result of PPC109. However, the Council specialists have recommended that given dedicated cycle facilities are proposed on Totara Road along the plan change frontage, vehicle access restrictions should be implemented along the PPC109 frontage. This will provide better safety outcomes for cyclists, as the number of potential conflict points (through vehicle crossings) would be reduced. Auckland Transport have raised a similar concern in their Memorandum.

19.3.35 It is noted here that vehicle access restrictions provide a mechanism to limit the number of vehicle access points onto a road. It does not necessarily mean that vehicle accesses cannot be provided, but it encourages vehicle access to be consolidated or provided via an alternative route. The Unitary Plan includes assessment criteria to ensure that accesses operate safely. It is also noted that the Whenuapai 2 Precinct, located to the south, has access restrictions on its Totara Road frontage (the eastern side).

19.3.36 I note that consolidating access points along Totara Road has some implications for the form of future development, whereby most vehicle access would likely end up being provided to the rear of any site created. This is evidenced by the private lane way that has been created for dwellings located in the Whenuapai 2 Precinct to the south, where that Precinct also has access restrictions to Totara Road.

19.3.37 However, I also note the road safety implications of access points across a cycleway, therefore, I agree with this recommendation. I consider that an additional annotation is required to be added to Precinct Plan 1 to identify the necessary vehicle access restriction. I also agree with the amendments recommended by Auckland Transport i.e. that a new standard, assessment matters and consequential amendments, plus an additional annotation be included on Precinct Plan 1 to identify the necessary vehicle access restriction. The wording is included in the Recommended Precinct Provisions provided as **Attachment 12**.

Integrating Development with Infrastructure Provision

19.3.38 Auckland Transport considers that, as PPC109 is ahead of timing identified in the FDS, it is not consistent with the FDS. Furthermore, AT considers that PPC109 is not consistent with the list of infrastructure pre-requisites identified in the FDS (refer to section 18.3 above). In AT's view, the earlier timing of PPC109 affects integration with funding and financing decisions applying to the provision of upgrades to the wider transport network. These concerns are also raised by Auckland Council Submitter (5.6).

19.3.39 To better address the integration of, and provisions requiring transport infrastructure within PPC109, at paragraphs 4.3 – 4.25 of their Memorandum Auckland Transport discusses and recommends a range of amendments to the Precinct provisions. I agree with the comments made and the proposed amendments, and they are included in the Recommended Precinct Provisions provided as **Attachment 12.**

Submissions

19.3.40 Both the Council's transport specialists and Auckland Transport have considered the submissions, further submissions and Upper Harbour Local Board feedback received and they make recommendations on whether further amendments to Precinct provisions are required to address the concern raised; and whether to accept or reject the submission, in whole or in part. With reference to the discussion above, I have reviewed these and agree with the recommendations made subject to minor amendments to ensure consistency and workability of provisions. As above, the amendments are included in the Recommended Precinct Provisions provided as **Attachment 12.**

Transport Recommendation

19.3.41 For the reasons discussed above, and provided the recommended amendments are made, then I am of the opinion that the transport effects of PPC109 can be sufficiently managed, avoided, remedied or mitigated.

19.4. Wastewater

19.4.1 Section 11.4.1 of the requestor's planning assessment provides an assessment of wastewater effects with reference to the Water and Wastewater Servicing Memorandum prepared by Water Acumen as Appendix I of the request.

19.4.2 With regard to wastewater the Water Acumen Memorandum notes that the PPC109 area is expected to yield 430 dwellings. It identifies the wider wastewater catchment, and this figure is reproduced below.

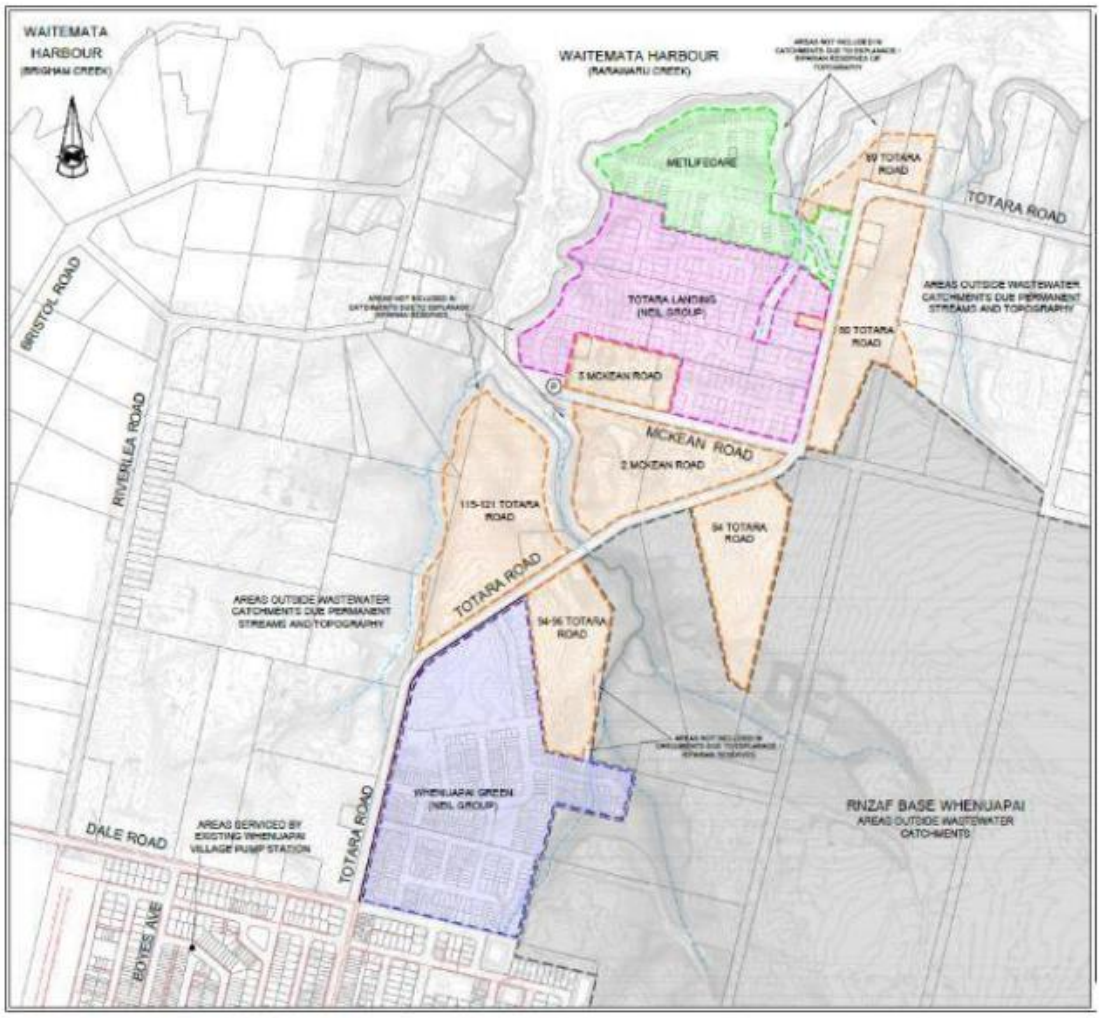


Figure 18: Wider Wastewater Catchment for PPC109.
Source: Figure 2 of Water Acumen Memorandum, Appendix I of PPC109 request

19.4.3 The requestor's Memorandum outlines the design criteria used[33], being a wastewater design flow allowance of 180 litres per day per person for residential development. It considers a yield of 430 dwellings would result ion 1,290 people in the PPC109 area and this would result in a peak wastewater flow of 18.01 litres per second[34].

19.4.4 The Memorandum identifies how the wider catchment would be serviced via:

- gravity feeding into a new wastewater pump station located in McKean Road;
- two rising mains to the intersection Totara Road and Brigham Creek Road; followed by

[33] Adopted from the Auckland Code of Practice for Land Development and Subdivision and the Wastewater Code of Practice for Land Development and Subdivision Chapter 5LWasrtewater, 5.3.5 Design criteria.
[34] Table 5.1.1 and Table 1 of Water Acumen Memorandum

- a gravity sewer along Brigham Creek Road into the proposed gravity line being constructed from the existing Tamiro wastewater pump station and the proposed Slaughterhouse Creek wastewater pump station.

19.4.5 The proposed McKean Road wastewater pump station is considered to be able to service the wider area via gravity, with a gravity line from the PPC109 area to the pump station to be installed within the road reserve at 90-90 Totara Road and through the Rarawaru Creek esplanade reserve area. This proposed wastewater pump station is identified as N34 in the Auckland Wastewater Network Comprehensive Wastewater Network Discharge Consent.

19.4.6 The Memorandum also notes that the gravity sewer along Brigham Creek Road would also service 41-43 Brigham Creek Road, zoned R-MHUZ under PC86, from the connection point from the site to the wastewater pump station location.

19.4.7 Furthermore, the Memorandum highlights that there is no capacity available within the existing Tamiro wastewater pump station. Connection to the wastewater network would only be available after the construction and commissioning of the proposed Slaughterhouse Creek wastewater pump station and Massey Connector, which are programmed for delivery in 2027. **Figure 19** below identifies the proposed wastewater scheme.

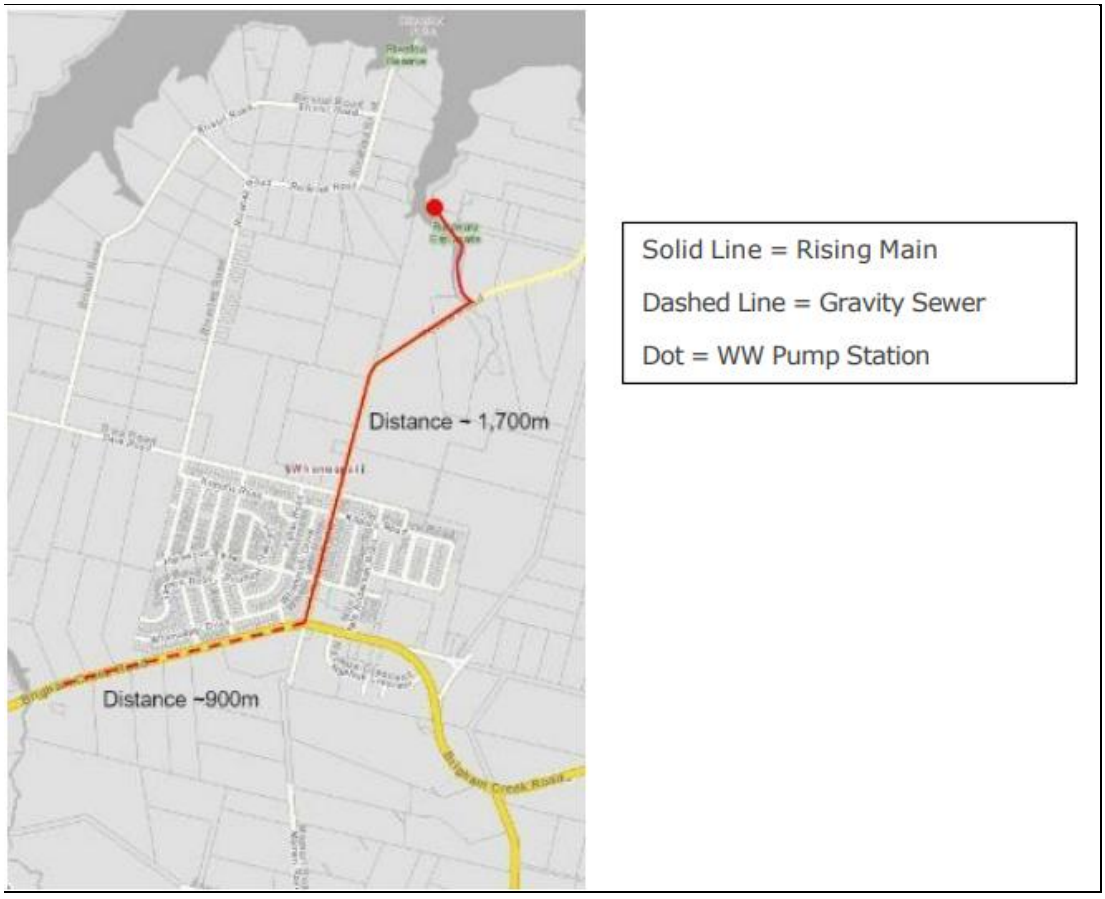


Figure 19: Proposed Wastewater Scheme for PPC109
Source: Figure 6 of Water Acumen Memorandum, Appendix I of request

19.4.8 Feedback from Watercare was obtained during the clause 25 process prior to notification of PPC109. In a letter dated 20 November 2024 (refer to **Attachment 7**), Watercare advised, with regard to wastewater that:

> ***Bulk Wastewater Prerequisites***
>
> *There is no capacity available within the existing bulk wastewater network to service the plan change area. Capacity will only be available after the completion of the Slaughterhouse Wastewater Pump Station (WWPS), the Massey Connector, and the Northern Interceptor connection from the Massey Connector to the Hobsonville Point WWPS. These projects (named Whenuapai Wastewater Packages 1 and 2) are still in the consenting phase and the final delivery date is currently unknown. The forecast completion date is likely to be late 2028. Please note that this is a forecast and is subject to change.*
>
> *Whenuapai Wastewater Packages 1 and 2 are considered to be the bulk wastewater prerequisites required to enable development of the plan change area. Full build out of the wider Whenuapai future urban areas will require future bulk wastewater upgrades that will be delivered by Watercare in response to actual growth.*

19.4.9 It is noted that this letter updates the scope of wastewater projects required to support PPC109 and the timing for the various wastewater components relied on / required by PPC109 (i.e. the proposed Slaughterhouse Creek wastewater pump station, the Massey Connector, the Northern Interceptor connection from the Massey Connector to the Hobsonville Point wastewater pump station. The Watercare letter also updates the forecast completion dates of these projects to late 2028, noting that this could still change.

19.4.10 I understand that a new Designation 9379 is in place for Whenuapai Wastewater Serving Scheme – Package 1. However, I am unclear if any additional regional consents that might be required have been obtained or issued and whether any works have commenced. Watercare may opt to address this aspect in their evidence.

19.4.11 Precinct provisions regarding infrastructure servicing are proposed by the requestor, such as proposed Objective 11 and proposed Policies 12 and 13 which require infrastructure, such as wastewater, to be in place to service development, and for it to be aligned, staged and co-ordinated with subdivision and development.

19.4.12 The objectives and policies are supported by proposed Standard IX.6.3 Wastewater and Water Supply Infrastructure. Standard IX.6.3 requires that the occupation of any new buildings in the Precinct can only proceed following the completion and commissioning of bulk water supply and wastewater infrastructure required to service all development within the Precinct. There is a note after the standard advising that the standard is considered to be complied with if the identified upgrade i.e. the McKean Road wastewater pump station and the Hobsonville Road / Brigham Creek Road pipe upgrades, as well as the Whenuapai 1 and 2 wastewater packages are constructed and operational prior to the lodgement of a resource consent application or prior to the

release of a s224(c) certificate for subdivision or prior to the occupation of any building(s) for land use only.

19.4.13 In my opinion, it is unclear in the provisions under IX.6 what activities are required to comply with the proposed Precinct standards, including IX6.3. The wording in this section requires clarification and refinement. However, use and development that does not comply with Standard IX.6.3 Wastewater and Water Supply Infrastructure becomes a non-complying activity.

19.4.14 The requestor's Memorandum and planning assessment both conclude that the existing and proposed wastewater infrastructure is adequate to enable the PPC109 land to be rezoned.

Submissions

19.4.15 A number of submitters have raised infrastructure, including wastewater infrastructure concerns. These include both Watercare (Submission 8) and Auckland Council (Submission 5), as well as Chun-Kai Tseng (Submission 9).

19.4.16 With regard to wastewater servicing, the Watercare submission confirms that there is no capacity available within the existing bulk wastewater network to service the PPC109 area. Furthermore, Watercare advises that the Whenuapai Wastewater Packages 1 and 2 (which include the Slaughterhouse wastewater pump station, the Massey Connector, and the Northern Interceptor connection from the Massey Connector to the Hobsonville Point wastewater pump station), are identified in the FDS as infrastructure prerequisites necessary to support the development of Whenuapai North (Stage 1) future urban area. Watercare goes on to state that both of these packages need to be completed and commissioned prior to any development in the Whenuapai North (Stage 1) future urban area which includes the PPC109 land.

19.4.17 The Watercare submission notes that within the Whenuapai Wastewater Package 1, the Slaughterhouse wastewater pump station is sized to provide wastewater capacity for approximately 10,240 dwellings or 30,720 people in the Whenuapai – Redhills catchment. Furthermore, that prior to the Slaughterhouse wastewater pump station reaching its design capacity, a larger transmission wastewater pump station, currently referred to as the Brigham Creek wastewater pump station will be required to support further development in the Whenuapai and Redhills areas. Watercare advises that this project will be delivered in line with the demand and timing as forecast under the FDS and AGSv1; and that this future project is beyond the funding profile of the current Watercare Asset Management Plan FY25-FY34.

19.4.18 As a result, Watercare notes a key concern that PPC109 is out of sequence with the timing for development established in the FDS and therefore out of sequence with when Watercare is aiming to provide bulk wastewater infrastructure to the area (i.e. Whenuapai Wastewater Package 1, including the Slaughterhouse wastewater pump station by approximately 2028). Watercare further notes that the Whenuapai Wastewater Packages 1 and 2 are still in the consenting phase and the final delivery date is unknown.

19.4.19 I understand that a new Designation 9379 is in place for Whenuapai Wastewater Serving Scheme – Package 1. However, I am unclear if any additional regional consents that might be required have been obtained or issued and whether any works have subsequently commenced. Watercare may opt to address this aspect in their evidence.

19.4.20 Watercare's submission considers that given the bulk wastewater constraint, subdivision and development in the plan change area must be staged in a way that ensures it does not occur in advance of the provision of these infrastructure upgrades; and if sufficient provisions are not in place to ensure this, Watercare seeks that PPC109 be declined.

19.4.21 Watercare's submission notes that the requestor has proposed to include Precinct provisions which require that the occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of bulk water supply and wastewater infrastructure required for servicing of all development within the Precinct. However, Watercare advises that it does not support the construction of buildings prior to the availability of bulk water supply or wastewater infrastructure with sufficient capacity to service the development. Watercare considers that this approach creates a risk that homes will be constructed but will not be able to be occupied because the wastewater infrastructure is not completed and commissioned. This is considered to be a poor planning outcome that is not supported by Watercare. Watercare also highlights that where the construction of dwellings proceeds ahead of the completion of bulk infrastructure and that bulk infrastructure is delayed, interim servicing solutions such as wastewater tankering may be relied upon by developers. Watercare advises that they do not support any wastewater tankering, or similar interim solutions.

19.4.22 Both Watercare and Auckland Council seek amendments to the Precinct provisions specifically to give effect to their concerns and submissions.

19.4.23 Submission 9 by Chun-Kai Tseng seeks that the properties at 57 Riverlea Road and 123 and 125 Totara Road be included in the catchment for consideration for the provisions of wastewater infrastructure. This submission is opposed by Watercare, who suggest the confirmation of the catchment area to be considered is better undertaken at a resource consent and engineering plan approval stages rather than at this plan change stage.

Wastewater Recommendations

19.4.24 I rely on Watercare's comments regarding the wastewater infrastructure required to support PPC109 and the timing of its delivery. I also agree with the concerns that Watercare and Auckland Council raise regarding out of sequence plan changes and development and the risks and uncertainties that these pose. I agree with both Watercare and Auckland Council that amended Precinct provisions are required to better reflect the wastewater infrastructure constraint and requirements and ensure that subdivision, development and use in the Precinct is sufficiently co-ordinated with the intended delivery and operation of bulk wastewater infrastructure. I have considered Watercare's and Auckland Council's suggested amendments and adopted these, with

some further recommended amendments to ensure consistency of wording and to address the 'use' of activities in the precinct.

19.4.25 The amendments are included in the Recommended Precinct Provisions provided as **Attachment 12.** As a result, I recommend that the Watercare and Auckland Council submission points relating to wastewater and accepted in part and submission by Chun-Kai Tseng (Submission 9) is rejected.

19.4.26 Noting the recommended amendments, I am of the opinion that adequate Precinct provisions can be included to ensure that bulk wastewater infrastructure can be managed to be co-ordinated with subdivision, development and use in the Precinct.

19.4.27 However, this does not necessarily address the issue of PPC109 being out of sequence and the need for some of the other wider wastewater projects identified by Watercare as required to support the PPC109, not being available until later time periods. This is a matter which Watercare advises would lead to pressure on the network and pressure on it to deliver the wider projects earlier than they or the FDS anticipate, thereby diverting funds and resource from other, equally needed projects. As a result, I consider, at this stage PPC109 will result in at least minor adverse wastewater effects.

19.5. Water Supply

19.5.1 As identified above, Section 11.4.1 of the requestor's planning assessment provides an assessment of wastewater effects with reference to the Water and Wastewater Servicing Memorandum prepared by Water Acumen as Appendix I of the request.

19.5.2 With regard to water supply the Water Acumen Memorandum outlines that existing water infrastructure in the Whenuapai area is fed via two 315 PE water mains, one from Fred Taylor Drive in the west; and one from Hobsonville Road in the east.

19.5.3 Two further pipes are installed in Totara Road, from the intersection of Brigham Creek Road towards the PPC109 area, terminating at the intersection of Totara Road and Dale Road.

19.5.4 The Memorandum advises that it has used design criteria in the Auckland Code of Practice for Land Development and Subdivision Water and Wastewater Code of Practice for Land Development and Subdivision Chapter 6: Water and as a result the peak day demand for water supply for the PPC109 area is 567.60m^3 per day.

19.5.5 Based on analysis of the flow rates and existing population in the Whenuapai area, and the proposed PC109 population, the Memorandum concludes that there is still surplus capacity within the existing water supply mains. However, the Memorandum does note that there is currently a section of 150mm pipe from the BSP at the intersection of Hobsonville Road and Brigham Creek Road that would need to be upgraded at the developer's expense. This aspect is also likely a consideration under PC107 Whenuapai Business Park.

19.5.6 Furthermore, the Memorandum identifies that:

- a new watermain has been installed along Fred Taylor Drive and this would require commissioning to increase capacity and provide resilience if not already commissioned.
- a new 315 pipe would be installed to replace the existing 150 pipe water main along Totara Road to the northern extent of the PPC109 area. As a result, the PPC109 area would be serviced via the new pipe combined with cross connection to a 180 pipe in Totara Road and potentially a 125 pipe in McCaw Avenue. This would remove a network constraint and enable the servicing of the wider area.

19.5.7 The proposed Precinct provisions and my comments on them, as they relate to water, as well as wastewater, are outlined in section 19.4 above, so are not repeated here.

19.5.8 The requestor's Memorandum and planning assessment both conclude that the existing and proposed water supply infrastructure is adequate to enable the PPC109 land to be rezoned.

Submissions

19.5.9 Submissions from Watercare (Submission 8) and Auckland Council (Submission 5) address water supply matters.

19.5.10 With regard to water supply servicing, the Watercare submission advises that the existing bulk water supply network has available capacity to enable development in the PPC109 area, noting however, that this is reliant on the Trig Road water reservoir and the North Harbour No. 2 Watermain, which are both identified as infrastructure pre-requisites in the FDS.

19.5.11 However, I am aware through work on other plan changes in the wider area that Watercare's position on the capacity of water supply may have changed. Watercare may opt to address this matter in their evidence.

19.5.12 In the interim, I note that both Watercare and Auckland Council seek amendments to the Precinct provisions specifically to give effect to their concerns and submissions. As outlined in section 19.4 above, I have largely adopted the Watercare and Auckland Council suggested amendments with some further recommended amendments to ensure consistency of wording and to address the 'use' of activities in the precinct. The recommended amendments are included in the Recommended Precinct Provisions provided as **Attachment 12.**

19.5.13 As a result, at this stage, I recommend that the Watercare and Auckland Council submission points relating to water are accepted in part.

19.5.14 Furthermore, unless I am advised further of any water supply capacity issues, noting the discussion above and the recommended amendments, I am of the opinion that bulk water supply infrastructure can be managed to be co-ordinated with subdivision, development and use in the Precinct. On this basis, adverse effects that might occur without the necessary infrastructure or co-ordination can be suitably avoided.

19.6. Stormwater and Flooding Effects

19.6.1 The requestor's planning assessment provides an assessment of stormwater and flooding effects at sections 11.4.3 and 11.5. These are informed by the Stormwater Management Plan (**SMP)** and by a Hydraulic Modelling Memo prepared by The Neil Group provided as Appendix J to the request.

19.6.2 The requestor's planning assessment notes that there is no existing stormwater infrastructure on the PPC109 land and that drainage is primarily via overland flow paths conforming to existing site contours. It also notes there are several small culverts present under Totara Road near the PPC109 land; and that existing stormwater catchments flow to the Ratara Stream to the west of Totara Rod and into the Rawawaru Creek to the east. These two streams then discharge into the upper Waitemata Harbour.

19.6.3 The extent of flooding is currently contained to areas adjacent to the existing streams and overland flow paths; and that flooding occurs on the western side of the PPC109 land adjacent to 129 Totara Road due to a sag in the road, and on the properties at 125 and 129 Totara Road.

19.6.4 The SMP prepared to support PPC109 outlines the stormwater management principles used and how PPC109 will meet the Stormwater Management Area – Flow 1 (**SMAF 1**) requirements of the Unitary Plan and the Network Discharge Consent (**NDC**).

19.6.5 With regard to water quality, the SMP notes that the upper Waitemata Harbour, being the final receiving environment is identified as a Significant Ecological Area – Marine 2 (ID SEA- M2 – 57b) which is identified as mangrove forest and scrub in an estuarine hydro system. As such, this system is sensitive to sediments, heavy metals and other contaminants.

19.6.6 The SMP outlines that the stormwater principles proposed as part of PPC109 are based on the requirements of Auckland Council document GD04 "Water Sensitive Design for Stormwater". Water sensitive design incorporates a set of principles for land development to reduce or minimise negative effects on the environment. Stormwater management is designed to achieve the greatest benefit, both for the community and the land developer.

19.6.7 The SMP identifies that stormwater will be managed and guided on the PPC109 land by the following principles in accordance with the Unitary Plan and the NDC for greenfield sites as follows:

- *The primary stormwater network shall accommodate the runoff from the 10% AEP storm event for the proposed Maximum Probable Development scenario for the site with climate change accounted for.*
- *Stream hydrology: AUP SMAF 1 mitigation of the 95th percentile rainfall event will be required for all areas discharging to applicable streams to limit stream erosion by:*

- *providing retention (volume reduction) of at least 5mm runoff depth for all new impervious areas for which hydrology mitigation is required.*
- *providing detention (temporary storage) and a drain down period of 24 hours for the difference between the predevelopment and post development runoff volumes from the 95th percentile, 24-hour rainfall event minus the 5 mm retention volume.*

- *SMAF mitigation wull* [will] *not be required for coastal dischhares* [discharges*] (from SW Basin B) or where it is shown there is no increase in stream erosion die to development (catchment C)*
- *Stormwater quality treatment to remove contaminants shall be provided to the runoff from all new impervious surfaces (excluding inert roofing) for the 90th percentile rainfall event in accordance with the methods of GD01, unless otherwise mitigated or impracticable.*
- *Full or partial peak flow attenuation, as required, for the 10% and 1% AEP runoff in accordance with the AUP and SWCoP to manage overland flow paths and existing streams to prevent flooding of buildings.*
- *Management of overland flow paths on roads to meet Auckland Transport TDM requirements.*

19.6.8 Furthermore, the SMP notes that:

- created wetland ponds are not appropriate in the PPC109 area due to potential issues with bird-strike by aircraft using the nearby Whenuapai Airbase. Furthermore, open space or new bird habitats (within stormwater management devices) are to be prohibited to limit an increase in bird life in the area.
- Any large detention/wetland basis, if selected are to be constructed as 'dry basins'. Therefore, a major component of the stormwater management response in the PPC109 area is the provision of two dry basins, designed to the requirements of GD01.
- The stormwater basins will help provide detention and attenuation for stormwater runoff for the 95th percentile, 10% AEP and 1% AEP rainfall events.
- The catchment shown for Area "C" cannot be piped or flow to either stormwater basin because of the typography of the site, so runoff from the 10% AEP and 1% AEP events will be discharged direct to the adjacent stream. However, post-development peak discharges into the stream will not, exceed pre-development flows as the existing catchment is larger than the developed catchment. Indicative catchment drawing are provide din the SMP, but the SMP notes that final catchment may differ depending on subdivision layouts.
- The water quality requirements of the NDC for PPC109 are covered by Schedule 4 (Greenfields of the NDC). This requires treatment of all impervious areas by a

water quality device designed in accordance with GD01/TP 10 for the relevant contaminants; or an alternative level of mitigation determined through a SMP that applies an Integrated Stormwater Management Approach; meets the NDC Objectives and Outcomes in Schedule 2; and - is the best practicable option.

Figure 20 below identifies the proposed stormwater catchments for PPC109.

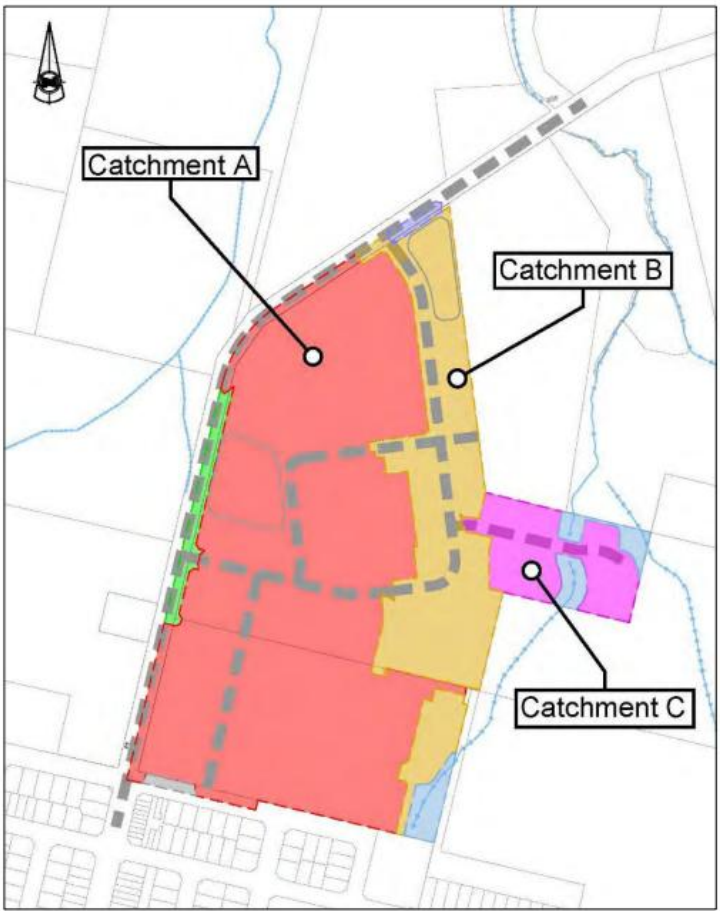


Figure 20: Proposed PPC109 Stormwater Catchments
Source: SMP prepared by The Neil Group, Appendix J of request

19.6.9 With regard to flooding the requestor's assessment considers that the proposed future development in the PPC109 area will not be subject to flooding (including with a 3.8 degree increase for climate change); and that overland flow will be conveyed via the future internal road network into stormwater basins.

19.6.10 The proposed Whenuapai Green Precinct provisions include descriptions, objectives and policies regarding the need to manage stormwater in accordance the SMP, manage stormwater quality and quantity and mitigate adverse effects on the operation of the Whenuapai Airforce Base.

19.6.11 The provisions include Standard IX6.2 Stormwater Infrastructure, which requires:

- land use development to be in accordance with an approved NDC and/or SMP;
- that stormwater from impervious areas other than roofs and pavers must be treated at source by a stormwater management device; or treated by a communal

stormwater management device or system; or roofs must be constructed of inert building materials with runoff directed to a retention tank for non-potable reuse within the property;

- where dry detention basins or stormwater ponds are proposed, that these are designed to minimise bird settling or roosting; and
- roof gradients less than 15 degrees to include measures to discourage bird roosting on the roof.

19.6.12 The Precinct provisions rely on importing the underling R-MHUZ zone yard standard requiring a 10m setback for any buildings from a stream or wetland. Furthermore, the Precinct provisions include Standard IX6.6 Riparian Margins which require 10m on either side of a stream or wetland to be planted with native vegetation at the time of subdivision or development.

19.6.13 As with other activities (and as identified elsewhere in this report), it is not clear what activities are required to comply with the above mentioned, and other, standards; and this requires clarification and refinement. Although I note that non-compliance with the stormwater infrastructure and riparian planting standards IX6.2 and IX.6.6 triggers consideration as a non-complying activity.

19.6.14 The SMP, stormwater and flooding matters have been reviewed for Council by Healthy Waters specialists, Ms Lee Te, Senior Healthy Waters Specialist (Planner), Ms Carmel O'Sullivan, Senior Healthy Waters Specialist (Stormwater Catchment Manager), and Ms Brooke Waterson, Water Quality and Land Advisor (Waterways Specialist). Their Memorandum is provided in **Attachment 5**.

19.6.15 The Healthy Water specialists identify the key stormwater and flooding matters are as follows:

- Effectiveness of the stormwater quality treatment;
- Inclusion of SMAF1 for all the PPC109 area; and
- Riparian planting and riparian yard setback width.

19.6.16 I would add to this concerns regarding details in the SMP and Precinct provisions which require further review, clarification and updating.

19.6.17 As a result, Healthy Water specialists recommend that the SMP and/or the Precinct provisions be further updated as follows:

- SMP principles be updated to clearly state what the principles are and include references to flood management outcomes.
- SMP and precinct provisions should be amended to reference that the two dry basin and other stormwater management devices are constructed and operational before any subdivision and development to ensure stormwater and flood effects are managed.

- The term ‘inert roofing materials’ is used however, this should be replaced with the term ‘low contaminant generating materials’, as all roofing material will discharge some contaminants over time.
- There is internal reuse, and retention is provided for discharges to the coast.
- Stormwater quality treatment is provided for all surfaces including roofs.
- Clarification regarding circumstances where bioretention device proposed for the roads are not accepted by Auckland Transport and whether the stormwater quality treatment from the bioretention swale and raingarden at the dry basin would be sufficient.
- Clarification regarding the functioning of a swale in a 10% AEP storm event, as this would likely become inundated in a 10% AEP flood event and therefore, would be unlikely to provide the stormwater quality treatment required to manage water quality effects.
- Highlight the topographical limitations of the site with regard to the pipe network and that the swale cannot be located higher out of the 10% AEP storm event.
- Clarify that bioretention devices are preferred over pervious pavement to achieve effective stormwater quality treatment; and update figures 7, 8 and 9 and Tables 6, 7 and to reflect this.
- Clarification as to whether or not the effects on streams can be managed and mitigated under a permitted activity scenario, where no resource consent is required.
- Details of a geomorphological assessment of streams is included in the SMP and as a special information requirement in the Precinct provisions to ensure that any works required and any proposed strategies for instream and riparian margin works are implemented.
- Consideration of the current and potential state of streams; and the implementation of a 20m building setback and riparian planting requirements as standards in the Precinct.
- Further consideration of stream erosion risk and effects.
- SMAF 1 to be applied to all catchments, especially Catchment C and the SMP should be consistent with the SMAF application identified in the proposed Overlays provided in Appendix C of the request, which identifies SMAF 1 across the entire PPC109 area.
- Details of how baseflow recommendations will be implemented at resource consent stage.
- Update the SMP to address the increased level of flooding and flood risk identified to the minor unit at 94 Totara Road so that the in the SMP conclusion of no increased flood risk can be achieved.

19.6.18 If the above recommendations are achieved, then Healthy Water specialists agree that stormwater and its effects would likely be sufficiently managed, avoided, remedied or mitigated; and the SMP should meet the requirements of the NDC to be adopted. I agree and adopt the Healthy Waters assessment and recommendations outlined above, as well as the recommended amendments provided in section 11 of the Healthy Water Memorandum, subject to my further amendments for consistency. I agree with and adopt the recommendations made, subject to my further amendments for consistency and sense.

19.6.19 The recommended amendments are included in the Recommended Precinct Provisions provided as **Attachment 12.**

Submissions

19.6.20 Submissions by Joseph Donis (Submission 3); Akhil Argal (Submission 4), Auckland Council (Submission 5) and New Zealand Defence Force (Submission 7) have raised stormwater and flooding issues. These are outlined and considered in section 9 and Table 1 of the Healthy Waters Memorandum. I agree with and adopt the recommendations made, subject to my further amendments, as outlined above.

19.6.21 The recommended amendments are included in the Recommended Precinct Provisions provided as **Attachment 12.**

19.6.22 For the reasons outlined above, at this stage, I recommended the submissions relating to stormwater and flooding issues be accepted in part.

Stormwater and Flooding Recommendation

19.6.23 For the reasons identified and discussed in the Healthy Waters Memorandum, and provided the recommended amendments are made, I am of the opinion that the stormwater and flooding effects of PPC109 can be sufficiently managed, avoided, remedied or mitigated.

19.7. Economic Effects and Infrastructure Funding

19.7.1 The requestor's planning assessment does not include any specific economic analysis, although it does refer to economic aspects raised in the various statutory frameworks.

19.7.2 With regard to infrastructure funding, at the clause 25 stage for PPC109, The Neil Group provided a letter dated 25 November 2024 regarding infrastructure funding (provided as **Attachment 8**). In this letter the requestor advised that:

> *The transport infrastructure and upgrades, identified in the precinct provisions, to be constructed and funded by NCL* [Neil Construction Limited] *are the following:*
>
> 1. *Upgrade the existing McCaw Avenue/Totara Road/Dale Road intersection to a roundabout.*
> 2. *A new intersection (roundabout) on Totara Road and proposed internal northern road.*

3. *Lane marking improvements at the Brigham Creek Road and Totara Road intersection to enable a shared through/left turn lane.*
4. *Upgrade the existing Brigham Creek Road/Trig Road intersection to a roundabout.*
5. *Cross hatching at Brigham Creek Road intersections with Boyes road and Joseph McDonald Drive.*
6. *Upgrading of Totara Road along the plan change area frontage to an urban standard with cycleways, pedestrian footpaths and bus stops.*

The wastewater and water infrastructure upgrades, identified in the precinct provisions, to be constructed and funded by NCL are the following:

1. *McKean Road wastewater pump station.*
2. *Hobsonville Road/Brigham Creek Road water main upgrade.*

19.7.3 The letter also notes that NCL is an experienced residential developer and that:

NCL is willing and ready to enter into an Agreement for Infrastructure Works with Auckland Transport and/or Watercare. Whilst we would like to make progress with such an agreement as soon as possible, we do not consider the signing of such an agreement to be required prior to notification of the plan change.

19.7.4 PPC109 was notified on 23 January 2025.

19.7.5 The Economic aspects associated with PPC109 have been reviewed for Council by Mr Tim Heath of Property Economics. In addition, I have received advice regarding infrastructure funding matters from Mr Ian Kloppers, Head of Infrastructure Funding & Development Strategy at Auckland Council. The assessments from these specialists are provided **Attachment 5**.

19.7.6 The Economic Assessment provide by Mr Heath notes that:

As part of our initial review process, Property Economics raised an economic query seeking to better understand the infrastructure upgrade requirements necessary to support the proposed Whenuapai Green Precinct should development be brought forward as proposed. This query formed part of Auckland Council's Clause 23 Schedule 1 Request for Information (RFI) relating to PC109.

In response, the Applicant provided additional information identifying a suite of self-funded infrastructure upgrades / improvements to accommodate the proposed Whenuapai Green Precinct.

These improvements are expected to mitigate the infrastructure demands generated by the proposed development, ensuring there is no adverse effect on existing or planned infrastructure capacity in the wider area. Furthermore, the Applicant confirmed that no additional funding contributions would be sought from Auckland Council, Watercare, or Auckland Transport.

Following our review of the Applicant's response, Property Economics was provided with a Memo from Council's infrastructure lead raising concerns about there being no signed infrastructure funding agreement in place and no discussions currently underway with the developer. This Memo implies off-site infrastructure investment is required as a result of development within the plan change area ahead of the identified timeframe.

Based on the Applicant's response and Council's infrastructure Memo, greater clarity from both sides would be beneficial to better understand what specific off-site infrastructure requirements are triggered by the plan change development and the associated costs and timing of any such investment. This would provide clarity around who would be responsible for these costs (wholly or in part), or some commitment to a funding agreement process with the infrastructure provider (if required). This would ensure requisite infrastructure investment is appropriately considered and incorporated into the plan change provisions to enable understanding of the responsibilities for mitigation of off-site effects associated with PC109, thereby mitigating the potential economic risks to Council related to infrastructure servicing.

[My emphasis added]

19.7.7 While the Memorandum from Mr Kloppers identifies that:

Auckland Council's Future Development Strategy ('FDS') signals the Whenuapai North (Stage 1) area in which the PPC land is located has been identified to be live zoned from 2035+. Specific transport infrastructure prerequisites listed in the FDS are listed below.

- *SH16 – SH18 Connections*
- *Brigham Creek Road Upgrade (SGA NOR W3), (This project has been further scoped in the transport analysis for the Inner Northwest DC's and is broken down into the project segments as follows: 1b, 1a, 30, I12, 18, 61a, 61b, 52a, 52b, 26a, 26b, 58a, 58b, 3a, 3b)*
- *Northwest Rapid Transit (SGA NOR S3)*
- *Upper Harbour (SH18) Rapid Transit.*

In regard to the Brigham Creek project, the 29 May 2025 Auckland Council Governing Body decision includes the commitment to funding and delivering the AT portion of the network as detailed within Attachment A Development Contributes Policy 2025. This decision will reflect the funding approach of AC/ AT for transport infrastructure over the next 30 years. Please note, the delivery timeframes for the segments of this project listed above may only be planned for 20 to 30 years in the future.

19.7.8 and that the following projects are identified in the proposed Precinct as triggers:

1. *Brigham Creek Road / Trig Road intersection upgrade to a roundabout (project number 52a / 52b as identified in the transport analysis for the Inner Northwest DC's)*
2. *Totara Road and proposed internal northern roundabout (I18 as identified in the transport analysis for the Inner Northwest DC's)*
3. *Lane marking improvements at Brigham Creek and Totara Road*
4. *McCaw Road and Totara Road roundabout*
5. *Road widening along Totara Road*

19.7.9 Mr Kloppers' also notes and confirms the funding and timing of parts of project 52 (52a and b) which have been endorsed as part of the Auckland Council Governing Body decision on Development Contributions on 29 May 2025:

- *Single lane upgrade funding anticipated 2037 (project number 52a as identified in the transport analysis for the Inner Northwest DC's)*
- *Dual lane upgrade funding anticipated 2054 (project number 52b as identified in the transport analysis for the Inner Northwest DC's)*

19.7.10 Mr Kloppers' further advises that projects 2-5, as outlined above, are not listed projects as they have not been fully scoped by Auckland Transport and Auckland Council as these types of projects are assumed to be developer provided.

19.7.11 Mr Kloppers also advises that to date there are no signed infrastructure funding agreements in place and no discussions specific to PPC109 have occurred with the developer.

Submissions

19.7.12 Submissions from Auckland Council (Submission 5), Watercare (Submission 8) and Joseph Donis (Submission 3), as well as the feedback from the Upper Harbour Local Board noted concerns with the timing and funding of infrastructure.

19.7.13 Auckland Council considers that while infrastructure pre-requisites and Precinct provisions to address the need for transport, water supply and wastewater infrastructure are provided, that:

> *… the question of its equitable contribution to the infrastructure for the wider Whenuapai area cannot be determined, given the development is 10 years ahead of the FDS timed development of Whenuapai North. The council cannot currently collect development contributions against the Whenuapai North Stage 1 projects to ensure that PPC109 pays its fair share of growth costs. Investigations to determine what these costs should be will not be completed by council until mid-2025. Allowing PPC109 to proceed now potentially results in these costs being redistributed inequitably to later developers or to ratepayers.*

19.7.14 It is noted that this position may now be clearer given the decision on Development Contributions in May 2025.

19.7.15 While Watercare notes that they do not:

> *support out-of-sequence development that might put pressure on Watercare to reprioritise or reallocate funding in the Watercare Asset Management Plan. If this were to occur other projects such as infrastructure for other growth areas, or renewals and upgrades required to ensure level of service and/or improved environmental outcomes may need to be deprioritised.*
>
> *Where funding reallocation is not possible, which is most likely, and connections are granted, existing and planned infrastructure capacity, may be taken up faster than planned, resulting in constraints to growth in live zoned areas (i.e. areas with operative urban zoning). In addition, approval of out of sequence growth results in considerable, additional operational costs being brought forward.*

19.7.16 To better address this issue Watercare sought amendments to the Precinct provisions as discussed under sections 19.4 and 19.5 above.

Economic and Infrastructure Funding Recommendation

19.7.17 In my opinion the comments made above highlight some uncertainty around the funding of infrastructure. There appears to be commitments to fund infrastructure from the requestor. However, I note the various decisions and submissions subsequently made, and comments in in the Council's specialists Memorandums regarding Precinct provisions regarding transport, water supply and wastewater matters. The requestor, Watercare and Auckland Council are all encouraged to update their position on economic and infrastructure funding matters in their evidence.

19.7.18 Therefore, at this stage, the submissions relating to economic and infrastructure funding matters are recommended to be accepted in part.

19.8. Ecological Effects

19.8.1 The requestor's planning assessment provides an assessment of ecological effects at section 11.1, informed by the Ecological Impact Assessment prepared by Viridis provided as Appendix A to the request.

19.8.2 The requestor's planning assessment notes that:

> *The vegetation present on the PPC land was assessed by Viridis and was found to be comprised of predominantly garden and amenity planting, shelterbelts, and riparian vegetation. Managed pasture was also a dominant vegetation type. Indigenous vegetation is limited to small area of the permanent stream in the north-east corner of the PPC land and the majority of the site was dominated by exotic species. No Significant Ecological Areas are present within the PPC land and due to the dominance of managed pasture, vegetation is limited to small clusters across the site. On this basis, Viridis determined that the ecological function and botanical value of the vegetation on the site is low, and the proposed rezoning will have minimal adverse effects on the existing vegetation.*

19.8.3 The Ecologists assessed the terrestrial fauna habitats present on the PPC109 land and consider that NZ Pipit, Copper Skink and Long Tail Bats may potentially be present within the land. Furthermore, due to the existing vegetation on the site being potential habitats for the identified species, the requestor's Ecologists conservatively assessed the ecological value of the site for NZ Pipit and Copper Skinks as 'moderate', and for Long Tail Bats, as 'high'. This conclusion was based on the few identified ecological features on the PPC109 land having the potential to provide habitat for these at-risk species, with the majority of the PPC109 land comprising low-value managed pasture.

19.8.4 In addition, the assessment by Viridis considered that the ephemeral streams and artificial channels identified on the PPC109 land have negligible ecological values due to their degraded state from the historic land uses on the land. The two intermittent streams and an associated wetland area identified within the PPC109 land are also considered to have low ecological value.

19.8.5 There is an identified permanent stream, being an unnamed tributary of the Rarawaru Creek, traversing the north-eastern corner of the PPC109 land. The stream is considered by the requestor's Ecologists to provide moderate habitat for fauna with a mix of pools and runs, and a substrate comprised of a mix of bedrock, soft sediment, and cobble. This stream was assessed as having moderate ecological value due to upstream environment and likely spawning habitat for īnanga.

19.8.6 The requestor's assessment notes that as part of the development of the plan change area, the stream and wetlands will be protected via a riparian setbacks that will be extensively planted with native vegetation, which will improve the ecological value of the area from its current state.

19.8.7 As a result, the requestor considers that the adverse effects generated by the proposed change in land use can be sufficiently managed and mitigated by stormwater design, fauna management plans, restoration, riparian setbacks, erosion and sediment controls, and the extensive native planting.

19.8.8 The proposed Precinct provisions include objectives and policies which seek to enhance the health and well-being of streams and wetlands and provide for riparian planting.

19.8.9 Proposed Standard IX6.5 Riparian margins requires that at the time of subdivision or development land within 10m of a stream or wetland identified on Precinct Plan 1 are planted with native vegetation.

19.8.10 As I comment in other sections of this report, it is not clear from the wording of IX.6 Standards what activities are required to comply with standard IX.6.5. There also do not appear to be any specific assessment matters related to the ecological aspects or effects, although there are some assessment criteria (i.e. criteria 8.2(3)).

19.8.11 The requestor's Ecological Impact Assessment has been reviewed for Council by Ms Sarah Budd, Consultant Ecologist. Ms Budd's assessment is provided in **Attachment 5**.

19.8.12 Ms Budd considers that the methods used to assess and describe the ecological features in the plan change area are appropriate and agrees with the information provided in this regard.

19.8.13 Ms Budd concludes that the values of ecological features at the site are generally low and there are few constraints to the development of the site as an urban area. However, it is her opinion that the ecological constraints that do exist, primarily relating to streams and wetlands, have not been adequately considered in the precinct plan and associated provisions. She goes on to suggest that she could support PPC109 from an ecological perspective if amendments were made to:

- Adress the relocation of the neighbourhood park to the eastern part of the site so that the stream and wetland habitats are protected from the effects associated with the current proposed road layout;
- Provide 20m riparian margins around streams and wetlands, and planting requirements in accordance with a Council approved landscape plan, where planting used must be eco-sourced native vegetation and be consistent with local biodiversity and planted at a density of 10,000 plants per hectare;
- Ensure pedestrian and cycle paths are located adjacent to, and not within, a riparian planting areas;
- A precinct provision that ensures wetland reclamation remains a prohibited activity; and
- Precinct provision that ensure appropriate fauna management actions are carried out.

19.8.14 With regard to Ms Budd's comments, assessment and recommendations, I note the following:

- Ms Budd's comments on a revised open space location are not supported by Council's Open Space and Urban Design and Landscape specialists as they consider the neighbourhood park location identified on proposed Precinct Plan 1 is well located to support the development of the plan change area[35].
- I consider that given the PPC109 land is identified as FUZ there is an intention that urban zoning is likely to occur, albeit, subject to identification of features such as wetlands. I agree that formal rezoning of the PPC109 land will enable a restricted discretionary activity pathway under the NES-F. However, any reclamation would also still be subject to the objectives and policies of the RPS and a non-complying status under E3 Lakes, Rivers, Streams and Wetlands of the Unitary Plan, where the objectives and policies of this seek to 'avoid' reclamation, unless there is no practical alternative. Therefore, in my opinion

[35] Council's Open Space; and Urban Design and Landscape Assessments, in Attachment 5

consenting pathways still enable the consideration of effects on, and appropriateness of, any wetland or stream reclamation, and this is consistent with the management of freshwater under the objectives and policies of the NPS-FM.

- I agree with Ms Budd's comments regarding the need for wider riparian margins and identified planting requirements, although further consideration is likely required of bird roosting and settling effects and whether these might cause issues for the operation of the Whenuapai Airforce Base. I also note that Council's Healthy Waters specialists at paragraphs 6.6 – 6.14 of their Memorandum (refer to **Attachment 5**) raise concerns about the effects on streams and water quality in the PPC109 area in relation to the proposed application of the Stormwater Management Area - Flow 1 (**SMAF1**) requirements, the information contained in the requestor's Stormwater Management Plan (**SMP**), erosion, riparian margin widths and riparian planting. As outlined in section 19.6, the Council's Healthy Water's specialists recommend:
    - revisions to the SMP, including that the SMAF1 area be applied consistently over the entire PPC109 area as identified in the proposed overlay plans;
    - that the riparian margins and riparian planting areas be increased to 20m wide; and
    - the need for a geomorphological assessment at resource consent stage[36].

    I also agree with the Healthy Water specialists regarding the need for these amendments to be made to better enhance the streams and wetlands as the Precinct provisions suggest needs to occur.
- I agree with Ms Budd that the proposed Precinct provisions should ensure pedestrian and cycle paths are located adjacent to, and not within, riparian planting areas, in order for the riparian areas to fulfil their intended function and protect streams and wetlands.
- I agree with Ms Budd, that the Precinct provisions should ensure that appropriate fauna management actions are carried out.

Submissions

19.8.15 None of the submissions received discuss ecological issues.

Ecological Effects Recommendations

19.8.16 Ms Budd has not provided any wording for her suggested Precinct provision amendments. However, given I consider that considerable amendments are required to the Precinct provisions in other sections of this report, I consider that the requestor

[36] Council's Healthy Waters, Stormwater and Flooding Assessment in Attachment 5

should also further consider this matter, respond to the matters raised by Ms Budd and provide amended precinct provision to address ecological effects in their evidence.

19.8.17 If these aspects were further considered and amended by the requestor then I would anticipate that the ecological effects of PPC109 could likely be avoided, remedied or mitigated.

19.9. Open Space

19.9.1 The requestor has not provided a specific assessment of open space effects however, open space is referenced throughout the planning assessment; and considered via the Urban Design Statement provided as Appendix N to the request.

19.9.2 An indicative neighbourhood park location is identified on Precinct Plan 1 (refer to **Figure 3** above).

19.9.3 Submission 2 Charlotte Meyer; Submission 4 Joseph Donis, Submission 5 Auckland Council make comments about parks and public facilities. Submission 2 supports a new park, while Submission 4 suggests there is currently insufficient public amenity in the area. I consider that a new neighbourhood park would assist with the provision of amenity in this regard.

19.9.4 Auckland Council seeks that a new policy be inserted in the Precinct provisions to highlight the need for a variety of open spaces to be achieved in the Precinct, but the Council also submits that Policy 17 be deleted as the policy is achieved by the Precinct Plan and the size of a park will be determined at subdivision stage.

19.9.5 The open space aspects of PPC109 have been reviewed for Council by Ms Louise Thomas, Senior Parks Planner, Auckland Council. Ms Thomas' Memorandum is provided in **Attachment 5**. Ms Thomas notes that:

- the objectives and policies in the Precinct regarding open space are generally supported.
- the requirement for public open space upon subdivision or development as identified on the Precinct is not supported by any standards within the Precinct.
- decisions on whether connection spaces are vested with the Council cannot be made at plan change stage, but their proper function and provision should be clearly indicated in the precinct plans to ensure they are appropriately designed and delivered in future stages of the land development process. In terms of mechanisms, this could involve public right of way easements over private land if it is not acquired.
- in terms of potential esplanade reserves along the stream contained within the PPC area, it is noted that a stream survey was undertaken when the requestor applied for fast-track consent. This survey confirmed that the stream was not 3m wide and therefore not likely to require an esplanade reserve. Whilst an updated survey may be required to verify this again at the time of subdivision, this is not something that I will consider in the assessment of this PPC application.

- the proposed precinct plan provisions also require a 10m wide riparian margin to be planted with native vegetation. Whilst this is positive, it is noted that a 10m margin does not leave adequate space for public access along the riparian edge. I agree with the Healthy Waters and Council's ecologist recommendation for a 20m riparian margin. If a 20m wide riparian margin is not provided then I recommend the addition of a provision to ensure walkways are located along the edge of these riparian margins, with the pathway located outside this margin, being a minimum of 3m in width to provide additional connections within the precinct.
- the proposed size and location of the neighbourhood park would meet the requirements of the Open Space Policy 2016; be consistent with focus area 5 for Whenuapai identified in the Upper Harbour Local Board Greenways Plan 2019; and serve the PPC109 area well.

19.9.6 Ms Thomas also reviews the above-mentioned submissions and recommends some wording amendments to the Precinct provisions to ensure open space outcomes are better provided for and achieved. I agree with and adopt Ms Thomas' assessment and amendments, and these are reflected in the recommended amendments to the Precinct provisions in **Attachment 12**.

19.9.7 I also recommend an additional standard that requires the provision of the neighbourhood park by the developer, in the event it cannot be acquired by Council as otherwise open space would be absent from the Precinct. This would give effect to the relevant higher order statutory policy documents. The requestor may opt to consider this matter in their evidence.

19.9.8 Ms Thomas has also advised she does not agree with the recommendation by the Council ecologist, Ms Budd, with regard to a possible relocation of the proposed neighbourhood park to the eastern part of the PPC109 land to better protect the ecological values of the stream in that location. She considers the proposed neighbourhood park location identified on Precinct Plan 1 is most appropriate location and promotes connectivity for the Precinct.

19.9.9 Submission 1 by David Allen also seeks that the areas at the ends of each of Waimarie Road, Dale Road, McKean Road, Kauri Road and Pohutukawa Road should be taken out of ownership of Auckland Transport and made into reserves under the Reserves Act 1997. This matter has been considered by Ms Dorofaeff of Auckland Transport and by Ms Thomas. Ms Dorofaeff notes that Mr Allen has presented this issue to the Auckland Transport Board in February 2025 and she outlines the various proposes Auckland Transport might be required to consider and go through to achieve Mr Allen's request. However, Ms Dorofaeff notes that submission does not relate to a transport need in PPC109.

19.9.10 Ms Thomas' advises she is neutral on this submission, but notes that all the road ends listed are beyond the PPC109 boundaries. As a result, I recommend that this submission be rejected.

19.9.11 Overall, Ms Thomas concludes, and I agree, that PPC109 will result in adequate and well located open space that is well connected both within the PPC109 area and to the wider area. However, stronger provisions referring to the development of blue green networks, and the recognition of riparian planting margins as both an ecological outcome whilst recognising their role in providing a passive recreational function that would include provision for walkability outside these areas, are required. Furthermore, the provision of a neighbourhood park is considered a need for future communities and an outcome that should be achieved regardless of whether the council acquires the land.

19.9.12 If the recommended amendments are supported by the requestor, then I would consider any adverse open space effects are likely to be less than minor.

19.10. Urban Design and Landscape (including visual amenity)

19.10.1 The requestor's planning assessment has provided an assessment of urban design, and character and visual amenity effects, with reference to an Urban Design Statement, prepared by Urban Acumen provided as Appendix N; and an Assessment of Landscape and Visual Effects, prepared by LA4 Landscape Architects provided as Appendix O to the request.

19.10.2 The Urban Design assessment considers the characteristics of the area and concludes that the R-MHUZ along with the features identified on proposed Precinct Plan 1 are appropriate for the land. The Urban Design assessment does not consider a yard setback response is necessary with respect to the location adjacent to the Whenuapai Airforce Base.

19.10.3 The Landscape and visual effects assessment considers that the landscape values and sensitivity of the area are relatively low; and as such, the overall landscape character of the area is low and highly modified.

19.10.4 In terms of visual effects, the LA4 assessment considers visual effects will be moderate for properties adjacent to the PPC109 land and low for the wider surrounding area. It is noted that the land has a future urban zoning and is identified as being suitable for residential development under the Whenuapai Structure Plan 2016.

19.10.5 Urban Design and Landscape and visual effects have been reviewed for the Council by Ms Rebecca Skidmore, Urban Designer and Landscape Architect. Ms Skidmore's Memorandum is provided in **Attachment 5**.

19.10.6 Ms Skidmore agrees with the requestor's urban design and landscape assessments methodologies and conclusions.

19.10.7 Ms Skidmore highlights her clause 23 query regarding how the proposed precinct provisions address the interface issues with the Whenuapai Airforce Base and notes that the requestor's response was that they would be amenable to including additional provisions, but did not consider it necessary. Furthermore, the requestor considered that future subdivision would require resource consent and a suitable interface with the NZDF land could be considered at that time.

19.10.8 Ms Skidmore notes that the Subdivision – Urban, Policy E38.3(23) seeks to manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure (such as the Whenuapai Airforce Base), including reverse sensitivity effects. Ms Skidmore considers that while there would be no specific direction to ensure the lot layout identified in the urban design assessment was achieved, she considers that there would be scope of assess this under the above identified policy.

19.10.9 Ms Skidmore also recognises the differences of opinion between the requestor's and the Council's acoustic specialists and the comments made regarding earth bunds and fencing to mitigate adverse aircraft engine testing noise effects. But she considers that the measures identified could have implications for the amenity of residential living environments. As such, she considers that additional Precinct provisions may be required to ensure that subdivision design addresses the residential amenity to be achieved.

19.10.10 Ms Skidmore also considers the issue of the location of the road to the east towards the NZDF land and the neighbourhood park and agrees with the requestor's urban design assessment and council's open space specialist that the park location is appropriate. Ms Skidmore disagrees with the Council's ecologist that the road connection and park should be relocated.

19.10.11 Ms Skidmore has also reviewed submissions raising urban design matters, being Submission 3, Joesph Donis; and Submission 4, Akhil Argal, and Submission 5, Auckland Council. Ms Skidmore notes that both the properties occupied by these submitters will experience a change in environment as a result of development in the PPC109 area. However, she considers that the urban zoning is signalled by the current FUZ and the zoning currently proposed will enable a development pattern compatible with the existing residential environment to the south. Furthermore, the street network will provide a sufficient separation between these submitters' properties and the PPC109 area. As a result, amenity effects are likely to be less than minor.

19.10.12 With regard to Auckland Council's submission that the proposed zoning is not appropriate, and that a Business Zone may be more appropriate, Ms Skidmore considers that there seems to be good sense in consolidating business activity in Whenuapai in one area to avoid interface issues and provide co-location opportunities. She also considers a business zoning may result in adverse amenity effects for established residential activities in the area. She concludes that if the noise effects associated with the Whenuapai Airforce Base can be suitably managed then she considers a residential zoning is preferable from an urban design perspective.

19.10.13 I acknowledge Ms Skidmore's comments, however, I reiterate the recommendations raised in sections above regarding acoustic / noise and revere sensitivity effects; the need to reconsider residential intensity and density, and possibly zoning the Precinct to a lower density zone to sufficiently avoid, remedy or mitigate these effects.

19.10.14 I do agree with Ms Skidmore's conclusion that additional precinct provisions are required to address the interface issues for subdivision, development and use within the Precinct as they relate to the interface with the NZDF land.

19.10.15 The requestor is encouraged to consider these matters further in their evidence.

19.10.16 If the above matters are satisfactorily addressed, then I would consider urban design effects would likely be less than minor.

19.11. Geotechnical and Earthworks

19.11.1 The requestor's planning assessment provides an assessment of land stability and geotechnical effects at section 11.7, informed by the Preliminary Geotechnical Report prepared by CMW Geosciences, provided as Appendix I to the request.

19.11.2 The Preliminary Geotechnical Report notes that the risk of global slope instability is low; the site is located in a low seismicity region; there is a low risk of liquefaction and lateral spreading. I note that there may be soft spots in soil material and these, as well as remediation via design, can be confirmed at a development stage.

19.11.3 The Preliminary Geotechnical Report concludes that the PPC109 land is suitable for urban development including infrastructure, and that it has an acceptable level of post-development residual risk from natural hazards. It also recommends that any proposed earthworks be undertaken in accordance with relevant standards and documents, but that further site investigation and design will be needed to quantify geotechnical controls prior to resource consent applications being made or the commencement of any works.

19.11.4 The Preliminary Geotechnical Report has been reviewed for Council by Ms Nicole Li, Geotechnical Practice Lead, Engineering, Assets and Technical Advisory, Auckland Council. Ms Li's Memorandum is provided in **Attachment 5**.

19.11.5 Ms Li agrees with the assessment undertaken by CMW Geosciences and considers that the PPC109 land is likely to be suitable to support subdivision and land use provided detailed geotechnical assessment and specific engineering design for earthworks and associated remedial measures etc are provided at the future consenting stages.

19.11.6 I adopt Ms Li assessment and agree with the requestor's planning assessment that any adverse geotechnical and earthworks effects will likely be sufficiently avoided, managed or mitigated.

19.11.7 I also agree with the requestor's assessment of earthworks and earthworks effects provided at section 11.4.4 of the planning assessment.

Submissions

19.11.8 None of the submissions received discuss geotechnical or earthworks issues.

Geotechnical and Earthworks Recommendation

19.11.9 Based on the assessment undertaken as outlined above, I consider that any adverse geotechnical and earthworks effects can be sufficiently avoided, managed and mitigated and would likely be less than minor.

19.12. Heritage

19.12.1 The requestor's planning assessment provides an assessment of heritage effects at section 11.8, informed by the Archaeological/Heritage Assessment prepared by Clough and Associates, provided as Appendix M to the request.

19.12.2 With regard to historic heritage the Clough and Associates assessment concludes that:

> *Two scheduled historic heritage places (the RNZAF Officers' Mess and the RNZAF Bristol Block Barracks) are located on adjacent Ministry of Defence land to the east. The scheduled extent of place of the Officers' Mess extends marginally within the proposed plan change area.*

19.12.3 and notes that:

> *The RNZAF Officers' Mess is scheduled as a Category B historic heritage place on the AUP OP (Schedule 14.1 ID 00232), based on its historical significance and physical attributes. Category B indicates that the place is considered to have considerable significance to a locality or greater geographic area. The building was constructed in 1940 as part of the development of the Whenuapai Airbase during World War II. The Auckland Council CHI record (no. 12879) is appended to this report.*[37]

19.12.4 With regard to potential effects on future development in the PPC109 area, the assessment considers that:

> *The scheduled extent of the RNZAF Officers' Mess extends marginally into the proposed plan change area, as shown in Figure 8 and Figure 24. The scheduled extent of place as shown on Figure 8 is semi-circular and presumably intended to reflect the alignment of Kupe Avenue. It is unclear why it extends into the proposed plan change area, which was never part of the Ministry of Defence properties. It is possible that it is a minor a mapping error, which could be adjusted to align with the property boundary without detriment to the scheduled item.*
>
> *Future development enabled by the proposed plan change will not affect any physical remains relating to the RNZAF Officers' Mess, which would all be contained within the Ministry of Defence property. There would be some visual effects from the construction of mixed urban housing on the adjacent, currently undeveloped land. However, the Officers' Mess building is at least*

[37] Page 26, Archaeological/Heritage Assessment, Clough and Associates, Appendix M to request

82m away from the eastern boundary of the proposed plan change area (Figure 24) and for the most part is well screened from the plan change area by mature trees to the west and north. Any adverse visual effects could be mitigated by further planting along the boundaries to the north and southwest of the scheduled item to improve screening. Any adverse effects on historic heritage values enabled by the proposed plan change are considered likely to be minor subject to mitigation through boundary planting as required.[38]

19.12.5 The heritage component of the Clough and Associates assessment has been reviewed for Council by Ms Cara Francesco, Senior Specialist – Heritage, at Auckland Council. Ms Francesco's Memorandum is provided in **Attachment 5.**

19.12.6 Ms Francesco outlines further the background and details of the Officers' Mess building and agrees with the Clough and Associates assessment and the recommendation that the extent of place associated with the Officers' Mess building should be removed from, and not extend into the PPC109 land. She considers that the current extent that applies over the PPC109 area may be a mapping error.

19.12.7 Ms Francesco also considers the recommendation by Clough and Associates that to mitigate any effects on historic heritage values, additional planting along the PPC109 eastern boundary be provided and notes this does not appear to have been incorporated into any Precinct provisions. She notes that at a point in time there was reasonably dense planting along the PPC109 area eastern boundary which would have screened the sites from one another. However, Ms Francesco considers that additional planting is not necessary to maintain the heritage values of the Officers' Mess and she notes that it is not clear how long-term retention of planting can be guaranteed without tools such as a covenant or vegetation removal provisions in the Precinct.

19.12.8 As another matter, Ms Francesco highlights that PPC109 also identifies the removal of a small part of the extent of place associated with the Officer's Mess on land that is outside of the PPC109 boundaries. She notes that there are likely scope issues with such a removal (i.e. the matter is beyond the plan change), however she also notes that she would support this removal for the same reason as she supports removal of the heritage extent of place from within the plan change land.

Submissions

19.12.9 There are no submissions which raise heritage issues.

Heritage Recommendation

19.12.10 Based on the assessment undertaken as outlined above, I consider that any adverse heritage effects from the removal of the small portion of the extent of place associated with the Officers' Mess, would be less than minor.

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[38] Page 28, Archaeological/Heritage Assessment, Clough and Associates, Appendix M to request

19.12.11 The requestor is invited to confirm their intention regarding the removal of the additional small portion of the heritage extent of place associated with the Officers Mess in the area outside of the PPC1096 boundaries, in evidence.

19.13. Archaeological

19.13.1 The requestor's planning assessment provides an assessment of archaeological effects at section 11.8, informed by the Archaeological/Heritage Assessment prepared by Clough and Associates, provided as Appendix M to the request.

19.13.2 With regard to archaeology, the Clough and Associates assessment concludes that:

> *No archaeological sites had previously been recorded in the proposed plan change area and none were identified during the field survey. The likelihood of intact subsurface archaeological deposits being present is considered to be low, as the recorded sites in the Whenuapai area are all located along the coast and navigable waterways, while the proposed plan change area is over 1km inland from the coast.*
>
> *Remnant glazed ceramic drain pipes were found scattered across and adjacent to the water courses within the proposed plan change area. However, these drains were unmarked and could date to any time between the late 19th and mid-20th century.*

19.13.3 The assessment also considers that:

> *Future development resulting from the proposed plan change will have no effects on any known archaeological values as no archaeological sites have been identified within the property boundaries.*
>
> *In any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. In this case it is considered unlikely due to the lack of previously identified archaeological remains within the proposed plan change area and its distance from the known locations of recorded sites. However, the possibility is provided for under the AUP OP Accidental Discovery Rule (E12.6.1).*
>
> *Archaeological features and remains can take the form of burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or 19th century glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and early European origin or human burials.*

19.13.4 The assessment also notes that if any archaeological remains should be exposed by future development, this is provided for by rules in the Unitary Plan i.e. Rule (E12.6.1).

19.13.5 The archaeological component of the Clough and Associates assessment has been reviewed for Council by Ms Rebecca Ramsay, Senior Specialist – Heritage, at Auckland Council. Ms Ramsay's Memorandum is provided in **Attachment 5.**

19.13.6 Ms Ramsay advises that she supports the conclusions reached in the requestor's assessment. However, she notes one matter of discrepancy regarding archaeological

potential between the CVA and requestor's archaeological assessment. Ms Ramsay identifies that the archaeological assessment concludes:

> *"that future development enabled by the proposed plan change would have no adverse effects on any known archaeological sites and the potential for unidentified subsurface archaeological remains to be present within the plan change area is very low."*

19.13.7 and that this assessment is based on the current understanding of the local area's archaeological record, being:

> *"small and dispersed around the shoreline of the upper harbour" and results of the field inspection*[39]*.*

19.13.8 and further that:

> *"…subsistence strategies employed by Māori inland from the coast consisted of the hunting (by spear and snare) of kaka, kereru, kiwi, wood-hen, tui and other small birds, while rats were caught in pits or traps (Best 1903, cited in Hayward and Diamond 1978). Forest plants also provided a range of foods with fruits, bracts and tubers from a variety of plants all gathered and consumed, while those Māori who dwelt on the coastlines of the Waitemata Harbour would have had an abundance of fish and shellfish resources at their disposal."*

19.13.9 However, the archaeological potential in this area may be higher (i.e. low to moderate overall) based on the below information provided in the Cultural Values Assessment, prepared by Te Kawerau a Maki, provided as Appendix P to the request, which states that:

> *"The Site is in the area known as Te Rawawaru (Whenuapai is the more recent broader name generally referring to the wealth of the land), which is both the name of the awa and an ancient kāinga near the mouth of the stream. It also holds the names of the streams Waionoke and Ratara. Like all kāinga, it would have included living spaces, food preparation areas, likely urupā, and likely surrounding māra kai (gardens), and been located to utilise natural resources (water, food and textiles) as well as transport corridors."*

19.13.10 However, the change in the level of effect (i.e. from 'low' to 'low to moderate' overall) suggested by Ms Ramsay does not alter her conclusion that any potential adverse effects on archaeological values can be managed in the PPC109 area via the provisions in the Unitary Plan and by the Heritage New Zealand Pouhere Taonga Act (2014).

19.13.11 There are no submissions which raise archaeological issues.

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[39] Page 29 of Archaeological/Heritage Assessment, Clough and Associates, Appendix M to request

Archaeological Recommendation

19.13.12 Based on the assessment as outlined above, I consider that any adverse archaeological effects can be sufficiently avoided, managed and mitigated and would likely be less than minor.

19.14. Mana Whenua

19.14.1 The requestor's planning assessment provides an assessment of effects on mana whenua at section 11.11, informed by the Cultural Impact Assessment prepared by Te Kawerau ā Maki, provided as Appendix P to the request.

19.14.2 The details of the Cultural Impact Assessment and the views of Te Kawerau ā Maki are outlined in section 11.1 above, noting that they sought confirmation that matters such as eco-sourced planting, stormwater management, and robust and agreed cultural context were sufficiently addressed in the proposed Precinct provisions.

19.14.3 I note that Te Kawerau ā Maki have not made a submission on PPC109; and no mana whenua matters are raised.

19.14.4 However, nothing the comments made in other sections of this report, relating to ecology and stormwater, especially those regarding riparian margins and planting, I am of the view the currently proposed Precinct provisions may not be sufficient to address Te Kawerau ā Maki's comments.

19.14.5 I encourage the requestor to further consider and advise on these matters further. If the recommendations regarding stormwater and ecology, as outlined in earlier section are agreed, then I would consider that any effects on mana whenua are likely to be less than minor.

19.15. Planning

19.15.1 My planning opinion and recommendation is outlined in each section above.

19.15.2 In the remainder of this section, I address other submissions points not captured under any of the above assessments.

19.15.3 I agree with Auckland Council submission points regarding editorial amendments required to Precinct provisions and plans to ensure consistency with drafting and mapping practices in the wider Unitary Plan and to enable a clearer understanding of Precinct requirements.

19.15.4 Ministry of Education (Submission 10) seeks that the Precinct provisions be amended to better reference that education facilities are part of a well-functioning urban environment and there may be a need for them to establish in the PPC109 area.

19.15.5 The Economic Assessment of Mr Heath (refer to **Attachment 5**) considers that from an economic perspective, the Ministry of Education's suggested amendments are both appropriate, practical and economically efficient; and that they have potential to promote a more integrated and improved development outcome for the proposed Whenuapai Green Precinct in an efficient location, delivering additional economic and social benefits for both existing and future residents of the area.

19.15.6 I note that the establishment of education facilities in the PPC109 would result in a better integrated and improved development for the Precinct and Whenuapai. However, I also note that educational facilities are defined as 'activities sensitive to aircraft noise. Therefore, my comments under sections 19.1 and 19.2 above, are applicable. I note technically the activity of 'education facilities' with a discretionary activity status is imported via activity (A1) in the Precinct activity table however, at this stage this activity would not be subject to any acoustic mitigation requirements either internally or externally. Therefore, I consider that a more careful consideration of the ability of education facilities to establish in the Precinct is required given the likely health and amenity effects that would be experienced from aircraft engine testing noise. As such, at this stage, I consider the Ministry of Education submission points 10.1-10.3 be accepted in part, but be subject to further consideration and development of more appropriate Precinct provisions to address adverse noise and amenity effects from aircraft engine noise testing at the Whenuapai Airbase.

15.15.7 The requestor is encouraged to consider this aspect in their evidence.

19.16. Effects Assessment Conclusion

19.16.1 At this stage, it is my opinion that there are likely significant adverse health and amenity effects related to aircraft engine testing noise that have not been sufficiently considered, avoided, remedied or mitigated in the proposed zoning, Precinct provisions and plans for PPC109. Furthermore, there is insufficient bulk wastewater capacity, infrastructure funding uncertainties, and the potential for adverse transport, stormwater and ecological effects, that require further consideration.

20. ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

20.1 I have discussed the submissions and further submissions received in sections 12 to 19 above.

20.2 The table in **Attachment 11** provides the interim recommendation on each submission point and identifies the section of this s42A report where the submission has been considered.

20.3 As necessary and appropriate, further analysis will be given to any new information provided by submitters in evidence.

21. ALTERNATIVES AND METHODS

21.1 As identified throughout this report, the requestor has provided a planning assessment and this includes a Section 32 Analysis at section 9.0. I have reviewed this analysis and at this stage, I consider the objectives are generally sound, but that the provisions in PPC109 are not likely to achieve the sustainable management purpose of the RMA as they relate to protecting natural resources and enabling people to provide for their social, economic and cultural well-being and for their health and safety.

21.2 I consider other options for zoning, to better address the significant adverse noise effects may be required. I also consider that the Precinct provisions may not be the most efficient or effective way to achieve the objectives, and that they will likely lead to cost and risk.

21.3 The amendments in **Attachment 12** are based on submissions and Council's specialists assessments of PPC109. Broadly, these amendments are intended to better address the objectives and avoid, remedy or mitigate adverse effects. However, as outlined in the s42a report, further consideration is required.

21.4 As discussed throughout this report, the requestor is invited to provide further evidence on these matters.

22. CONCLUSIONS

22.1 Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions; while I conclude that while PPC109 does have some merit, at this stage PPC109 raises a number of potential issues relating to:

- The significant adverse health and amenity effects on future occupiers of the Precinct resulting from noise from aircraft engine testing and the proximity of the plan change area to the Whenuapai Air Force Base. At this stage, these effects have not been sufficiently avoided, remedied or mitigated.
- The reverse sensitivity effects on the on-going operation of the Whenuapai Airforce Base as a result of the increased potential for activities sensitive to aircraft noise to establish in the PPC109 area. Again, at this stage, the reverse sensitivity effects have not been sufficiently avoided, remedied or mitigated.
- The uncertainty about the ability of the plan change area to be serviced for the necessary bulk wastewater and transport infrastructure in the short to medium term;
- The adverse stormwater, flooding and ecological effects have not been sufficiently addressed or mitigated.

22.2 In reaching the above interim recommendation, I consider that at this stage, for the same reasons as outlined above, the proposal is inconsistent with the purpose of the Resource Management Act 1991, the relevant objectives and policies of the Auckland Regional Policy Statement and the Auckland Unitary Plan. Furthermore, I consider that, at this stage PPC109 will not give effect to the objectives and policies of the National Policy Statement on Urban Development or the Auckland Future Development Strategy.

22.3 I have made interim recommendations for amendments to the proposed Precinct provisions to address expert recommendations and submissions. These are provided as **Attachment 12** to this report. However, I consider that considerable further amendments are still required to achieve the necessary policy and other outcomes.

23. RECOMMENDATIONS

23.1 That, the Hearing Commissioners accept, accept in part or reject submissions as outlined in sections 12 to 19 and **Attachment 11** of this report.

23.2 That as a result of the assessment of the plan change request and recommendations on the submissions, at this stage I recommend that PPC109 be declined and the Unitary Plan not be amended because PPC109 would not:

- assist the Council in achieving the purpose of the RMA;
- be consistent of the relevant objectives and policies of the Auckland Regional Policy Statement and the Auckland Unitary Plan.
- not give effect to the objectives and policies of the National Policy Statement on Urban Development.

as:

- the significant adverse health and amenity effects on future occupiers of the Precinct resulting from noise from aircraft engine testing and the proximity of the plan change area to the Whenuapai Air Force Base have not been sufficiently avoided, remedied or mitigated.
- the reverse sensitivity effects on the on-going operation of the Whenuapai Airforce Base, as a result of the increased potential for activities sensitive to aircraft noise to establish in the PPC109 area, have not been sufficiently avoided, remedied or mitigated.
- there is uncertainty about the ability of the plan change area to be serviced for the necessary bulk wastewater and transport infrastructure in the short to medium term; and
- the adverse stormwater, flooding and ecological effects have not been sufficiently addressed or mitigated.

23.3 In the event that Commissioners are minded to approve PPC109, recommendations for some amendments to the proposed Precinct provisions to address expert recommendations and submissions are provided as **Attachment 12**. However, further amendments are currently identified as being required.

23.4 In the event that further information is provided prior to or during the hearing that sufficiently resolves the issues then further amendments to the proposed precinct text would likely be required and recommended, and my recommendation may need to be modified.

SIGNATORIES

	Name and title of signatories
Author	 Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning Limited
Reviewer / Approved for release	 Eryn Shields, Team Leader, Planning – Regional, North, West and Islands, Planning and Resource Consents, Auckland Council

ATTACHMENT THREE

HEARING PANEL DECISION ON COVID-FAST TRACK APPLICATION

BEFORE THE EXPERT CONSENTING PANEL

CONCERNING WHENUAPAI GREEN

IN THE MATTER	of the Covid-19 Recovery (Fast-track Consenting) Act 2020 (**Covid Act**) and the deliberations and final decision of the Expert Consenting Panel appointed under Clauses 2, 3, and 4 of Schedule 5 of the Act to consider application for subdivision and other consents for the Whenuapai Green by Neil Construction Limited and Maraetai Land Development Limited
EXPERT CONSENTING PANEL	Alan Webb (Chair) Janine Bell – Accredited Independent RMA Commissioner (Member) William Kapea – Accredited Independent RMA Commissioner (Member)
COMMENTS RECEIVED UNDER CLAUSE 17(4) OF SCHEDULE 6 TO THE ACT	22 May 2023
DETAILS OF ANY HEARING IF HELD UNDER CLAUSE 21 OF SCHEDULE 6 OF THE ACT:	No hearing was held.

Date of decision: 14 August 2023 – Date of issue: 14 August 2023

RECORD OF DECISION OF THE EXPERT CONSENTING PANEL UNDER CLAUSE 37 OF SCHEDULE 6 OF THE ACT

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PART A: EXECUTIVE SUMMARY

1. The Expert Consenting Panel (**Panel**) was appointed on 17 April 2023 to consider application for subdivision and land use consent and other resource consents (**Application**) by Neil Construction Limited and Maraetai Land Development Limited (**Applicant**) to create a residential subdivision (**Project**)[1] located at 98 – 100, 102 Totara Road Whenuapai (**Site**).

2. The Site has a future urban zone (**FUZ**) as described in the Auckland Unitary Plan (**AUP**).

3. The Application is for a non-complying resource consent (land use, subdivision and discharge) to enable subdivision of the 16.36ha Site for 346 dwellings and associated roads and reserves (recreation/drainage) and a balance lot for a possible school to be established in the future.

4. There is no accompanying plan change to also create an underlying urban zoning.

5. The Applicant has provided a series of reports, including a summary report (**AEE**), plans and expert analysis of effects in support of the Application.

6. This Application was received by the Panel[2] while it was also considering a different application by Neil Construction Limited for a business park in Whenuapai (**WBP**).

7. The WBP application was for a significant light industrial development in the FUZ also without a plan change to provide for an appropriate urban zoning for the land. The WBP application was declined by the Panel.[3]

8. This Application raises substantially similar issues, even to the point that, because no change to the zoning is proposed, use of a consent notice is also required as part of this Application:[4]

> … to manage future development in a manner that is consistent with the relevant Mixed Housing Urban Zone rules and standards.

9. Ironically, it is proposed that the consents notices have a sunset clause in them, so they dissolve once:[5]

---

[1] This is a referred project by Order in Council (Schedule 52).
[2] The Panel for these Applications is comprised of the same members as the Panel in the Whenuapai Business Park application.
[3] See final decision dated 29 June 2023.
[4] See AEE page 67.
[5] See AEE page 69.

> … the FUZ land is rezoned to urban residential (such as the MHU zone) as forecasted in the Auckland Council's FULSS and set out in the Whenuapai Structure Plan.

10. An overarching issue is whether urbanisation should occur in the FUZ without a plan change to modify the underlying zoning.

Decision by the Panel

11. While assessing the WBP application provided the Panel with some background knowledge relevant to this case, the Panel has been very careful to ensure this Application is treated solely on its merits. The Panel has been able to draw on relevant legal principles applied in the WBP decision (and don't propose to repeat references to all cases from the WBP decision) but has been very careful to apply those principles with a fresh perspective to this Application. It was important for the Panel not to be complacent in this regard.

12. The Panel is also aware that Neil Construction Limited (**NCL**) has both appealed and sought a Judicial review of the WBP decision.

13. However, for the reasons more fully set out below, the Panel declines the Application.

PART B: PROCESS ADOPTED BY THE PANEL

14. The role of any expert Panel appointed under the Act has been described by the Panel Convener[6] (**Convener**) in the decision on the Matawii Water Storage Reservoir at Kaikohe dated 27 October 2020, which was also a listed project (**Matawii Decision**). At paragraph [12] of that decision the Convener stated:

> Because this decision is the first to issue under this legislation, we will describe in more detail than will be necessary in subsequent decisions, the workings of the Act in processing listed projects.

15. The Panel respectfully adopts the description set out (mainly) at paragraphs [12] – [43] of the Matawii Decision.

16. There are several key parts of the Act which will be referred to throughout this Decision, but of paramount importance is Schedule 6 of the Act titled "*Applications and decision making for listed projects and referred projects"* (**Schedule 6**).

17. This is a referred project by an Order in Council after scrutiny by the Ministry for the Environment taking into account the criteria and

[6] His Honour Judge Newhook, appointed by the Minister under clause 2 of Schedule 5 to the Act.

related matters at ss 18 and 19 of the Act.

18. It follows that the Minister for the Environment (**Minister**) was satisfied that the Project would be consistent with the purpose of the Covid Act.

19. The Panel is not bound by the referral decision and our task is to independently determine whether the Application should be granted.

20. The process to be followed by a Panel for referred projects has been succinctly recorded in the *Kohimarama Retirement Village* decision.[7] Similarly in this case, the Panel respectfully adopts the process set out in that decision and acknowledges the assessment of issues carried out accordingly.

21. With the process outlined in that decision in mind, the Panel specifically reminds itself and proceeds on the basis that:

    a) The RMA does not trump the Covid Act or vice versa.

    b) Any assessment of the Applications under Part 2 of the RMA must occur in accordance with the Court of Appeal decision in *RJ Davidson Family Trust* v *Marlborough District Council* [8];

    c) It is important to bear in mind the overarching purpose of the Act as set out in s 4 of the COVID Act;

    d) The assessment of effects under Clause 31 of the Covid Act is the same as that under s 104 of the RMA but it also includes any offsets, benefits and compensation;

    e) The purpose of the Covid Act must be considered as well as the purpose and principles of the RMA; and

    f) The approach to the Treaty of Waitangi is similar but the assessment under the Covid Act includes consideration of any treaty settlements.

22. The key difference between listed projects and referred projects is that the Panel has a wide(r) discretion to consent or decline a referred project. The grounds on which a Panel can decline a referred project are again succinctly set out in the *Kohimarama Retirement Village* decision at paragraphs [51] – [54] which again

[7] Decision of expert consenting Panel dated 12 May 2021 concerning a comprehensive care retirement village at Kohimarama, Auckland – Ian Gordon (Chair) – see paragraphs [33] – [39].
[8] [2018] NZCA 316.

the Panel respectfully adopts.

Meetings/Requests for information/Hearing

23. The Panel records the following matters.

Meetings/Site Visits

24. The Panel met and conducted site visits as follows:

    a) Panel meetings via Microsoft Teams on 13 June 2023; and

    b) A Site visit on 26 April 2023.

Invitations to Comment

25. By letters dated 1 May 2023 the Panel invited comments on the Project from those parties listed in Clause 17(6) of Schedule 6.

26. The Panel invited comments from parties specified in the referral order (cl 17(7)). No additional parties were identified under Clause 17(8) Schedule 6.

27. In accordance with Clause 18(1) of Schedule 6, responses were required by 22 May 2023.

28. Those comments were sent to the Applicant. The Applicant provided its response to the comments received on 9 June 2023, following a suspension of processing the application from 4pm 29 May 2023 until 4pm on 9 June 2023.

29. The comments received have all been considered by the Panel.

Further Information Requests

30. The Panel did not seek any further information from the Applicant or any of those parties invited to provide comments.

Further Reports to the Panel

31. The Panel did not appoint any special or technical advisers or request any further reports on the Application.

Hearing

32. The Panel did not hold a hearing.

Caucusing

33. The Panel did not direct caucusing.

PART C: APPROACH TAKEN BY THE PANEL

34. When the Panel considered the WBP application it placed significant weight on the Environment Court decision in *Albert Road Investments*[9] (***ARI***) decision.

35. One of the grounds of appeal against the WBP application is that that panel erred in law by finding that the purpose of the FUZ was to "… *avoid compromising the realisation of urbanisation by requiring urbanisation to follow structure planning and plan change processes*".[10]

36. In fact, what the panel in the WBP decision said was:[11]

> The relevant circumstances confronting the Court in the *ARI* case can be summarised as:
>
> a) The land in question was located in the FUZ;
>
> b) The application sought consent to subdivide one Lot (that would have the existing house on it) from the underlying title leaving a larger residue lot;
>
> c) There was no plan change in existence at the time, although possibly a Council plan change would occur shortly; and
>
> A consent notice was registered against the residue lot prohibiting any development of that lot until the land had been rezoned.
>
> The ARI proposal whereby no urbanisation would occur until after a plan change and secured by the consent notice was fundamental. It enabled the parties to agree that no adverse effects will arise if the application were approved. The Panel agrees. Approving just the subdivision consent meant the rural landscape and demands on infrastructure would remain exactly as is, until changed via a plan change. The parties, and the Court therefore agreed that the application could pass through the "effects gateway" of 104D(1)(a) of the Resource Management Act 1991 (**RMA**).
>
> The application then fell for consideration under s104 of RMA and the Court was required to determine whether approval of the subdivision, on the proposed conditions would be contrary to the provisions of the relevant policy provisions. This of course allows

[9] *Albert Road Investments Limited v Auckland Council* (Interim Decision) [2018] NZEnvC 102 per Judge Hassan.
[10] Notice of Appeal dated 20 July 2023 at paragraph 10.
[11] See paragraphs 60 – 72 of WBP decision.

consideration of more than just the objectives and policies of the relevant planning provisions which the section 104D(1)(b) assessment is limited to, including the effect of the consent notice.

After its thorough analysis of the relevant objectives and policies in the AUP (predominantly from the FUZ and Chapter B – Regional Plan), the Court approved the application.

The Court set out the following broad principles:

> [112] In essence, therefore, we find as follows:
>
> (a) The FU zone does not intend to put a freeze on the capacity to use and develop land pending Structure Planning and urban rezoning. It allows some tolerance for land development.
>
> (b) The ultimate caveat on land use change and development is that it is not to compromise the realisation of urbanisation as envisaged by the PAUP, including in terms of quality compact urban form.
>
> (c) The position is similar for NC subdivision. The assignment of NC activity classification to subdivision (including a two-lot subdivision), signals the importance of closely scrutinising the subdivision by reference to the applicable objectives and policies. Its more stringent classification than the various activities in rH184.1. reflects the greater potential for subdivision to compromise the PAUP's intentions for urbanisation. However, the FU zone does not put a freeze on subdivision. Rather, it anticipates subdivision applications but on the basis that they are closely scrutinised for compatibility with those intentions, as reflected in the objectives and policies.

The Panel respectfully adopts this reasoning and therefore accepts there is no automatic prohibition on urban development in the FUZ without a plan change.

In respect of the land use application, the Panel proceeds on the basis that the key metric is to determine whether the ultimate caveat arises in this case – whether "… *the land use change, would compromise the realisation of urbanisation as envisaged by the PAUP, including in terms of quality compact urban form*".

In undertaking this assessment, the Panel is careful to note that the approach is not whether future urbanisation per se would be compromised, but whether the *realisation of urbanisation* would be compromised. This slant is extremely important in this case.

This illustrates the issue for the Panel – we cannot finally resolve what level or type of infrastructure is in fact required. All sorts of considerations arise including local, regional or national

infrastructure initiatives. In this case also notices of requirement (**NoR**) have been issued for upgraded transport networks around the Site. But they will only proceed to the so called "route protection" stage, as there is no money to construct the roads.

The Panel also proceeds on the basis that it must give the subdivision application close scrutiny.

By their very nature the considerations of each overlap.

The approach to an analysis of section 104D and section 104 was also out in the *ARI* case as follows:

> (a) the NC activity status means that, under s104D, the court does not have discretion to grant consent unless satisfied that one or other of the alternative thresholds in s104D is passed, i.e. relevantly:
>
> (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
>
> (b) the application is for an activity that will not be contrary to the objectives and policies of …
>
> (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
>
> (b) if that threshold is passed, the court must consider the matters in s104 RMA before determining, under s104B RMA, whether to refuse or grant the Proposal and, in any grant, whether to impose conditions.
>
> (c) as the Proposal is for a subdivision consent, conditions may be imposed under ss 108 and 220 (s106 not being relevant here).

For the avoidance of doubt, paragraph sections 104D and 104 of the RMA are imported to the Panel's considerations by virtue of clause 32(1) of Schedule 6 of the Covid Act.

37. In other words, the Panel accepts that urbanisation in the FUZ can occur without a plan change, that question in each case is whether it should. That, however, is not a statement of the purpose of the FUZ per se, rather it is adoption of the analysis of the FUZ provisions by the Environment Court in the *ARI* case. The Panel is not aware of other decisions challenging this approach and, as recorded in the WBP decision had understood both NCL and the Council to support the application of that test.[12]

[12] At the time of writing this decision the Council's High Court appeal of the *Botanic Riverhead* decision had not been resolved.

38. The Panel adopts the same approach in assessing this Application.

PART D: COMMENTS

39. To set the framework for discussion of effects and the relevant AUP provisions under s 104D RMA, the Panel sets out a summary of the comments received to the Application and the Applicant's response.

Parties Invited to comment

40. A list of the parties invited to comment is attached as Appendix **A**. The Panel has reviewed all comments but considers it necessary to only comment as follows.

41. There was some support for the Application for example from the Ministry of Education, the Property Council and some parties who were neutral subject to conditions being imposed e.g. Forest and Bird. But most parties opposed the Application. The opposition includes a mixture of effects-based and planning-based reasons.

42. The Auckland Council (**Council**) (including Auckland Transport (**AT**) and Watercare) were strongly opposed to the Application.

43. The Council's response to the invitation to comment runs to 209 pages. It includes comments from its expert advisers and from AT and Watercare as well as other Council bodies. It begins with a summary of its position followed by a series of expert reports with a more detailed explanation of its position. The briefs of evidence Mr Elder and Ms Moral filed in the WBP hearing are provided again (the Panel assumes) as a way of reinforcing the point that the same fundamental issues arise for the Council in respect of this Application.

44. The Council position is characterised by opposition from the *Plans and Places* team (via Mr Elder)[13] when it says:

> Plans and Places considers that if this consent is granted under the FCTA, this will effectively urbanise the Site and influence the land-use of the site for more than the lifetime of the AUP. Plans and Places is (sic) opposes this application and this is expanded on by Mr Elder is his comments below. In summary, it is considered the Whenuapai Green:
>
> • Is repugnant to or does not demonstrate the Application meets the Auckland Unitary Plan, specifically Chapter H18 Future Urban Zone & the Regional Policy Statement;

[13] Memorandum dated 22 May 2023 attached to Council's response.

• The proposed draft conditions are not appropriate for managing the future development or activity on the site; and

• Will not be included within the Councils Future Development Strategy as 'Plan Enabled'.

Plans and Places considers there is no strategic analysis supporting the urbanization of the site, typically undertaken in a plan change Schedule 1 process of the Resource Management act 1991 ("RMA")[14].

45. AT separately filed its own 84-page response which includes some of the same information provided by the Council. AT say:

> 22.0 Auckland Transport has concerns with respect to the project as lodged proceeding within the FUZ. The lack of provision for the necessary suite of transport network measures and inadequate management of adverse effects within the proposal compromises the ability to sequence and deliver future urban development in a sustainable, co-ordinated, and cost-efficient way. It is important that certainty is achieved around the delivery of the required measures. Without provision of adequate mitigation, adverse effects, including cumulative adverse effects, may occur due to a site being developed for urban purposes on an ad-hoc basis without adequate provision of transport system upgrades and development of the road network to accommodate future growth.

46. Importantly AT also considered whether the Application could be saved through the imposition of conditions. It says:

> 23.0 … As Auckland Transport's concerns require an amended design response at this stage conditions are unable to be imposed that can be practically implemented in isolation from, and without impacting on, the proposed subdivision, individual lot and built form layout. Although the above areas of concern can be addressed through a redesign which would enable workable conditions to ameliorate adverse effects on the transport network as the proposal has the potential to create cumulative effects by limiting the ability for other projects to proceed Auckland Transport requests that the Environmental Protection Authority Panel decline consent.

47. Watercare also filed a separate submission and said:

> Calculations show that the capacity in this gravity sewer is marginal for the proposed 15L/s, with no remaining capacity being available for sites to the east of this location that would more naturally discharge via this route. Flow balancing at the pumping station to reduce peak flows will not be accepted as a solution.
>
> Further applications for Totara Landing and Metlifecare, discharging

[14] pages 3 of the Council response

> to the same pumping station have already been received. Total flows from Whenuapai Green, Totara Landing and Metlifecare would be 30L/s. Further consideration of staging and timing is therefore required to ensure an appropriate solution.
>
> No flows can be accepted to the Whenuapai Village pumping station ahead of decommissioning and servicing via gravity connection to the proposed Slaughterhouse pumping station. This is currently planned to be delivered late 2025.
>
> An alternative discharge location to currently proposed is requested along with further consideration of staging and appropriate sizing of the pumping station and rising main for current known developments. (emphasis added).

48. As explained further below, the staging and appropriate sizing of pumping stations and rising main for current known developments also raises concerns for iwi as each pump station requires a mandatory overflow discharging into the nearest stream.

49. The other Council bodies say*:*

a) *Healthy Waters* could support the stormwater discharge proposals;

b) The *Urban Design* team consider the proposals could do with improvement; and

c) The *Development Engineering* team consider the proposal is generally acceptable, but "… *subject to resolution of drainage and transport vesting with Healthy Waters, Parks and Auckland Transport*".

50. Waka Kotahi opposed the Application and said:

> 4. The overall position of Waka Kotahi is to oppose the granting of this proposal. In particular Waka Kotahi has concerns that:
>
> a. The Future Urban Zone does not provide for the proposed development;
>
> b. The Integrated Traffic Assessment is inadequate; and
>
> c. A plan change has not been lodged with Auckland Council in conjunction with this proposed development.
>
> 5. The proposal lies a short distance from the State Highway 18 interchange with Brigham Creek Road. Waka Kotahi recognises and acknowledges that there will be a significant uplift in traffic volumes through the interchange.

6. Waka Kotahi has reviewed the Integrated Traffic Assessment (ITA) provided with the application. The information provided in the ITA is inadequate for Waka Kotahi to support the development in its current configuration due to: a. Insufficient traffic modelling: i. Waka Kotahi relies on traffic modelling to assess any potential effect on the interchange. The traffic modelling submitted for this development requires the following clarifications:

1. The land use and development assumption areas referenced in Section 2.1 of the ITA to be visually represented on a map for clarity as to which areas have not been included in the modelling.

2. Consideration of the cumulative effects of developments nearby that will rely on the three following transport links: Brigham Creek Road, Totara Road and Mamari Road. They are to be assessed in relation to the current traffic conditions and their likely effects post construction.

3. Consideration of how this proposed development is affected by the SH16 Brigham Creek to Waimauku Safety Improvements Project in relation to gap acceptance and the queuing on the three transport links: Brigham Creek Road, Totara Road and Mamari Road.

4. An assumption of 0.6 vehicle driver trip in the peak was used, although other applications typically use 0.85. An explanation and reasoning to why this figure used is required.

ii. The ITA assumes a directional split, approximately 70/30 in the AM and 60/40 in the PM. This ratio needs to be peer reviewed with a justification of how this ratio was agreed upon. Plan Change 69 will have an effect on the ratios, this also needs to be reflected in the ratios.

iii. The ITA highlights that the proposed development will be well served by Supporting Growth proposals such as public transport, walking and cycling connections. Although this is only proposed in the next 10 to 30 years and is unlikely to benefit the proposed development in the short term.

51. The Minister of Defence (**MoD**) and New Zealand Defence Force (**NZDF**) opposed the Application. They both listed potential adverse effects and also raised a strong opposition to:

… uncoordinated, incremental urban encroachment and the

piecemeal approach to development…

52. The Upper Harbour Local Board (**Local Board**) opposed the Application. It recommended decline because of its concerns around the lack of infrastructure, misalignment with the Future Urban Land Supply Strategy 2017 (**FULSS**), the AUP and the National Policy Statement for Urban Development 2020 (**NPS-UD**). For example, the Local Board considers:

> d) This proposal will likely have negative financial implications for the Local Board and Auckland Council
>
> i. Currently there is no mechanism to ensure the development pays for its proportional share of cumulative effects on the wider transport and other infrastructure.[15]

53. The Albany Ward (via Councillor Watson) opposed the Application. It said:

> Given the nature of comments attached here from the various divisions of Auckland Council, it is considered it more appropriate for this Project to proceed through existing Resource Management Act private plan change and resource consent processes. Proceeding with such applications under the Fast Track process has the potential to undermine Auckland Council's Unitary Plan[16].

54. The Council also raised significant concerns with the use of the consent notice procedure to overcome the lack of a change of the underlying zoning and associated controls on development.

55. The Panel does not overlook the comments in support of the Application, but such support does not address the issues raised above in opposition.

56. The Applicant provided a fulsome response comprising a letter from its planning consultant and provisions of attachments A1 – A9, and B1 – B8 and associated expert reports attached to those attachments.[17] The Panel has read that material. The Panel means no disrespect in not commenting on that material now, rather it does so in other parts of this decision.

57. Suffice to say now, that the Applicant did offer some compromises and the planning letter offered some design refinements and referred to its comments on the Council's proposed changes to

[15] Ibid, page 208

[16] Ibid, page 209.

[17] The Applicant sought suspension of processing the Application to allow time to provide its response.

conditions.

58. This is obviously a broad summary of the comments and the response, but it provides an indication of the nature of information the Panel received, the opposition, and the response.

PART E: EVALUATION OF EFFECTS

59. The Panel starts with its assessment under Section 104D(1)(a) of the RMA.

Section 104D(1)(a) of the RMA

60. The Panel has touched on the approach to the assessment of effects above.

61. The Covid Act establishes an alternative consenting regime for RMA resource consent applications and notices of requirements for both listed and referred projects. This Project is a referred project[18] and the process for assessing the Application is contained in Part 2 of Schedule 6 of the Covid Act.[19]

62. The Panel reminds itself of the Covid Act's purpose set out in s 4:[20]

> The purpose of this Act is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of Covid-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

63. It is a two-limb purpose in that the economic and social impacts recovery purpose is controlled by the sustainable management of New Zealand's natural and physical resources, which of course is the purpose of the RMA.[21]

64. The relationship between the Covid Act and the RMA is set out in s 12 of the Covid Act and is addressed above.

65. The matters the Panel shall have regard to when assessing applications for resource consent or notices of requirement for referred projects are set out at sch 6 clauses 31 - 33. That assessment is subject to Part 2 of the RMA. These clauses also refer specifically to NPS's and to the principles of the Treaty of Waitangi and Treaty settlements.

[18] See Schedule 2 of the Act.
[19] Clauses 29 and 33 of Schedule 6.
[20] Section 4 of the Act.
[21] RMA s 5.

66. The Panel also notes that clause 32(3) of schedule 6 specifically excludes reference to s 104E of the RMA i.e. so effects on climate change can be considered.

67. In reaching their conclusion assessing the effects, the Panel has applied the approach to its assessment as set out in various cases that articulate the correct approach including:

a) On a "… holistic basis looking over the entire application and range of effects";[22]

b) Positive effects cannot be relied on to counter-balance adverse effects;[23]

c) A finding that a single *category* of effect e.g. landscape is more than minor, may result in a finding that the adverse effects of the Applications are more than minor;[24]and

d) That the assessment requires conclusions about the facts and the degree of effect.[25]

68. The Panel once again starts with an analysis of cultural effects.

Cultural Effects

Introduction

Tuia ki te Rangi
Tuia ki te Papatūānuku
Tuia ki te atua
Tuia ki te mauri
Tuia ki te whenua
E rongo te pō, e rongo te ao
Tīhei Mauri ora!

69. The above is taken from a Kaipara pānui of which Te Kawerau ā Maki and their cousins Ngāti Whātua affiliate to, as nothing in Māoridom opens without acknowledging Te Ao Māori.

Consultation

70. The Applicant records what consultation occurred at paragraph 8.4 of the AEE:

[22] *Cookson Road Character preservation Society Inc v Rotorua District Council* [2013] NZEnvC 194
[23] *Royal Forest and bird Protection Society of New Zealand Inc v Buller District Council* [2013] NZRMA 293
[24] *Calveley v Kaipara District Council* [2014] NZEnvC 182
[25] *SKP Incorporated v Auckland Council* [2018] NZEnvC 081

a) On 16 July 2021 an initial consultation package seeking views/engagement on the proposed applications was emailed to:

- Te Kawerau ā Maki,
- Ngāti Manuhiri,
- Ngāti Paoa,
- Ngāti Maru Runanga,
- Ngāti Te Ata,
- Ngāti Whātua o Kaipara,
- Ngāti Whātua o Ōrakei Trust Board,
- Te Runanga o Ngāti Whātua,
- Te Ākitai Waiohua.

b) On 16 December 2021, the same email, seeking views and engagement interest was also sent to:

- Ngati Tamaoho
- Ngati Tamaterā
- Ngai Tai ki Tamaki

71. The responses to this consultation process are summarised in Table 2 on page 98 of the AEE which records that only one response was received from Te Kawerau ā Maki. Therefore, the Applicant requested them to prepare a Cultural Impact Assessment (**CIA**). The Applicant also records in Table 2 that:

> The applicant has been involved in ongoing discussions with Te Kawerau ā Maki since the completion of the CIA with a view towards adopting the recommendations of this document throughout the more detailed design phase. Te Kawerau ā Maki (represented by Edward Ashby) has expressed its support for the Stormwater Management measures incorporated within the development (namely the retention of all streams and riparian planting along stream banks and around stormwater basins) and also in relation to the landscape concept for the project.[26]"

72. The AEE records at page 98:

> No issues of significant concern have been identified by Mana Whenua to date. The applicant has committed to ongoing engagement with iwi that will continue through planning, design and delivery of the Whenuapai Green development.

[26] Application AEE, Table 2, page 97

> Overall, the proposal takes into account and provides for the matters raised by Mana Whenua. Conditions of consent and proposed covenants will appropriately manage the effects to ensure they are less than minor. The engagement undertaken by the applicant acknowledges Mana Whenua's relationship with the area and provides an ongoing commitment for Mana Whenua to continue their role as Kaitiaki.[27]

73. The AEE records that the Site is located in the Te Kawarau ā Maki rohe and that the Te Kawarau ā Maki Resource Management Statement (1995) is the Iwi Management Plan (**IMP**) for that rohe for the purposes of the RMA. The IMP describes the continuing role of Te Kawarau ā Maki as kaitiaki. The Applicant says the IMP has been considered as part of the overall design for the project, and the while the Site is not noted as a site of cultural significance, that the usual discovery protocols will be engaged.[28]

74. The AEE records that the CIA:

> … concludes that, while the proposal will result in adverse cultural effects, these are considered to be within acceptable limits provided the recommended cultural mitigation and offsets are properly implemented and monitored over time.[29]

75. These matters were all carefully considered by the Panel. The Applicant has placed a strong emphasis on the cultural narrative provided by Te Kawerau ā Maki and its cultural mitigation opportunities.

76. However, the Panel is concerned about whether the CIA provides the complete picture. There has been no input from the other Mana Whenua entities contacted.

77. Therefore, the Applicant's proposition that the assessment of effects on Māori cultural values and the conclusion referred to above as it applies to all Mana Whenua may not be entirely accurate.

78. During the WBP process, the Panel became aware of the wastewater pump station with its engineered overflow discharging into the nearest awa. The Panel learned in the processing of the WBP application that Te Kawerau ā Maki were not aware of this at the time of making their comments.

79. The Panel recognises that any "cultural recognition", must of course be in strict accordance with Tikanga Māori values and Treaty of

[27] Ibid, page 98

[28] AEE page 100.

[29] AEE page 103.

Waitangi principles and cannot compromise those values. Otherwise, any cultural mitigation/offsets become disingenuous. The Panel also notes that measures offered like the naming of open public spaces and roads (offered in their AEE) is not within the Applicant's powers.

80. The Panel registers its strong concern that since 2021 the Applicant has not made any attempt to engage with all Mana Whenua groups and has instead limited its engagement Mana Whenua engagement to Te Kawerau ā Maki. The Panel's cultural adviser considers this does not constitute meaningful engagement in the true spirit of the Treaty of Waitangi and considers those groups have not been provided with a reasonable opportunity to engage, raise their concerns and to ensure any effects of the proposal are less than minor.

Cultural Impact Assessment

81. Turning to the Cultural Impact Assessment (**CIA**) prepared by Te Kawerau Iwi Tiaki, the Panel acknowledges that it sets out Te Kawerau ā Maki cultural values, interests, and associations with the area and its natural resources and the potential impacts of the proposed project activities and assess the significance of these.

82. The Panel acknowledges that the CIA carefully explains the balance between Te Ao Māori and Te Ao Pākehā for the Site and surrounding area. For example, the CIA says:[30]

> The Study Area is notable for its large number of slow-flowing and intermittent and ephemeral streams that feed the main tributaries of the harbour. The Site contains tributaries of two different stream networks: Rawawaru Creek to the east which flows for 500m before entering the marine environment, and Ratara Stream to the west which flows for 700m before entering the marine environment. All waterways are of a heavily degraded state due to pugging by cattle and a lack of riparian vegetation.

83. The CIA also helpfully provides an assessment of the terrestrial ecology, to provide the Panel with a cultural snapshot of how it ties in with the natural Māori World View and the Te Ao Pākehā lens which the Panel also wishes to acknowledge. For example, the CIA says:

> The riverine terrace soils, although not as productive of the volcanic soils of Central and South Auckland, are considered productive for horticulture and agriculture. The other major resource is the waterway systems, being a mixture of permanent, intermittent, and

[30] Ibid, page 16.

> ephemeral, although all are in a poor and degraded condition from cattle and pastureland. An ecological report is not currently available, but it is assumed that the site is likely to contain limited native animals with the exception of possible aquatic invertebrates and eels within some of the waterways at least during heavy water flows. There is a possibility of native lizards being present in periphery areas, mostly on the northeast edge of the Site.[31]

84. The CIA then says by way of context:

> Te Kawerau ā Maki have an important shared ancestral and customary interest with Wai-te-matā-ō-Kahu (the Waitematā Harbour). The harbour takes its name from a mauri stone, "Te Mata", placed on the rock of that name (Boat Rock) by the Te Arawa ancestor Kahumatamoemoe. As descendants of the crew of the Arawa canoe, Te Kawerau ā Maki in time became guardians of this mauri and retain the karakia associated with it to this day. Te Kawerau ā Maki know the coastal environment of the upper Waitematā Harbour as Te Wairoa ō Kahu (the long tidal channel of Kahu, named after a granddaughter of Maki, although this name also specifically relates to Lucas Creek). This sheltered seaway provided an important route between the lower harbour and the overland portages to the Kaipara Harbour. These portages began at Pītoitoi and Taurangatira (near Riverhead township). Kāinga (villages) were maintained along both sides of Te Wairoa ō Kahu. On the west included Taurangatira, Maraeroa, Ngongetepara, Te Rawawaru (Whenuapai), Waiarohia (Hobsonville), Onekiritea (Hobsonville Point), and Tahingamanu. One the east included Ōrangikanohi, Panepane, Kōkōwai, Tauhinu, Pāremoremo, Te Ōkinga ā Toroa, and Ōpaketai. In the mid channel was the important seasonal kāinga of Te Pahi ō Te Poataniwha (named after a great-grandchild of Maki) on Motu Pākihi (Herald Island).

85. The Panel notes, the Site is in very close proximity Te Rarawaru a historic kāinga (village) site and the Rarawaru, Waionoke, and Ratara streams of cultural significance to Te Kawerau ā Maki:

> The Site is in the area known as Te Rawawaru (Whenuapai is the more recent broader name generally referring to the wealth of the land), which is both the name of the awa and an ancient kāinga near the mouth of the stream. It also holds the names of the streams Waionoke and Ratara. Like all kāinga, it would have included living spaces, food preparation areas, likely urupā, and likely surrounding māra kai (gardens), and been located to utilise natural resources (water, food and textiles) as well as transport corridors[32].

86. All of these matters raised in the CIA have been considered by the

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[31] Ibid, page 19

32 Ibid, page 21.

Panel.

Treaty Settlements

87. The Panel reminds itself of the obligation on persons performing functions under the Covid Act from s 6, and sch 6 in relation to the Treaty of Waitangi and Treaty settlements.

88. The Ministry for the Environment s 17[33] Report, lists 6 Treaty settlements that apply to the area in which the Site is located, being:

a) Ngāti Whātua Ōrākei Claims Settlement Act 2012;

b) Ngāti Whātua o Kaipara Claims Settlement Act 2013;

c) Te Kawerau ā Maki Claims Settlement Act 2015;

d) Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

e) Ngāti Tamaoho Claims Settlement Act 2018; and

f) Te Ākitai Waiohua Deed of Settlement signed 12 November 2021.

89. The s 17 report also lists 6 current Treaty negotiations in progress involved for the Site and surrounding area and two negotiation mandates for the same area and identifies 8 relevant Treaty settlement entities (including post-settlement governance entities).

90. However, as recorded in the AEE there are no Treaty Settlement Statutory Acknowledgment areas identified over the Site or immediately surrounding area.

91. The AEE also addresses the Ngāi Tai Tāmaki Claims Settlement Act 2018[34]. Section 79 of this Act requires that:

> Each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

Conclusion

92. The cultural adviser on the Panel considers the Applicant has failed to meaningfully and in good faith consult and engage Mana Whenua with the level of transparency that upholds the values and principles

[33] Application 2021-070 Whenuapai Green, Ministry for the Environment, Report prepared in accordance with s17 Covid (FTCA) 2020, dated 17 February 2022.
[34] AEE Report, page 101, paragraph 8.6

inherent in Tikanga Māori and encapsulated in the Treaty of Waitangi. An initial engagement package regarding the proposal was distributed to Mana Whenua in 2021, however from that point on the Applicant has engaged solely with Te Kawerau ā Maki. As was found in the WBP application process, not all details of effects of the proposal such as the potential for wastewater overflow into the awa and Upper Harbour were necessarily shared. Te Kawerau ā Maki have never, and do not now, support discharge of wastewater in any circumstances to a natural waterway.

93. As explained elsewhere in this decision, the Panel considers that issues relating to disposal of wastewater have not been finally resolved and there is the potential for adverse Te mauri o te wai effects. The Whenuapai Village existing network is at capacity and while 10 sewage pump stations are planned for at this end of the Whenuapai Peninsula, there are no enabling works started or completion date forecasted. The Panel has no other option than to conclude that this Application does not meet the principles of the Treaty of Waitangi in respect to Council's integrated catchment planning requirements. It therefore finds the cultural effects of the proposal have not been adequately taken into account.

Other Effects

94. The Applicant's assessment of effects is set out in section 10 of the AEE. It confirms the assessment was carried out pursuant to clause 9(4) and clauses 10(1)(a), (c), (d) and (g) and clause 11 of sch 6 of the Covid Act.

95. A key issue for the Panel, given the lack of a plan change was how approving the Application would affect the environment.

Character of the Environment

96. The Panel accepts the Applicant's description of the existing environment (including the surrounding environment) which can be pieced together from information in sections 4 and 10 of the AEE.

97. It was important to the Panel to understand this because FUZ policy H18.3(3) requires:

> … Subdivision, use and development to maintain and complement rural character and amenity.

98. The Applicant recognises this. It says in section 10 of the AEE *Assessment of Effects*:[35]

[35] See page 107.

> The existing environment, in particular the land uses and allotment areas of the subject site as well as the surrounding environment, are a relevant consideration for the assessment of the proposal as set out in Section 4.

99. The Applicant then recognises the Site has a rural character. Section 10.1 *General – Planned Urban Character* the AEE states:[36]

> It is considered that the proposed development will give rise to a residential development in keeping with the Whenuapai Structure Plan. While the land is currently rural in character, it is identified within the Future Urban Zone so is planned for urban development of the nature that is proposed.

100. However, the Panel cannot see any assessment of the effects that approving the Application would have on that rural character. Instead, the Applicant says at section 10.2 *Effects on Character and Amenity*:[37]

> The Applicant has obtained an Urban Design Report in relation to this proposed development. Please refer to Appendix 15. The following design principles have informed the rationale for the design of Whenuapai Green, and helped to ensure that the development achieves the desired outcomes for an urban residential environment.

101. In that same section at page 112 the Applicant says:

> … The proposed changes to the physical locality are therefore considered to be appropriate given the absence of any discernible or special landscape character associated with the current landform, because they are consistent with the planned future character of the area as forecast within the Council's Structure Plan.
>
> …
>
> Overall, having regard to the above, it is considered that any potential adverse landscape and visual effects on the environment will be appropriately avoided and mitigated to be less than minor.

102. The starting point therefore is that the Applicant accepts that the Site currently has a rural character. But the Applicant's assessment of effects if the Application were approved is based on an *urban residential* environment. In other words, there is no assessment of the effects of approving the Application on the *rural* character and amenity.

103. The issue for the Panel with this approach is that the planned future

[36] See AEE page 108.
[37] See AEE page 109.

character of the environment as proposed by the WSP does not now and may never lawfully exist. So, any assessment against that environment is not relevant.[38] The Panel considers it would be proceeding on an erroneous legal basis to assess the effects of the Application against the "… *planned further character of the area forecast within the council's Structure Plan*".

104. There has been no assessment of the rural character and amenity of the environment that will legally continue to exist if the Application was granted, or the effects of the development on that environment.

105. The Panel accepts that what is proposed by the Application may well be in keeping with existing housing at McCaw Avenue but that does not advance matters.

106. The Panel therefore proceeds on the basis that there has been no assessment of the effects on the rural character or amenity of the rural environment if the Application was granted.

Transportation Effects

107. Transportation issues have been summarised above. The Panel has considered the comments in the AEE as well as the parties' responses to invitations to comment and the Applicant's response to those comments in attachment B7 (labelled as a response to comments from Nadine Perera, Principal Planner, Auckland Transport) comprising of attachments B7.1 – B7.4.

108. The Applicant's response is a mixture of opposition to and approval of the Council's comments. There is also Attachment 9 and the report at Attachment 9.1 in response to Waka Kotahi which concludes that all of Waka Kotahi's concerns have been addressed.[39]

109. The Panel does not have a transportation engineer as a member. The Panel considered whether, in the light of the positions taken by the parties it should appoint a special adviser to assist.[40] The Panel took the view that it did not need to appoint a special adviser. The Panel can understand the transportation issues raised and does not require specialist advice for that.

110. The issue for the Panel is how to resolve the conflicts in positions taken by the parties on transportation issues. Appointment of a

[38] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424
[39] See page 7.
[40] Sch 5 cl 10(3) or (4).

specialist adviser would not necessarily resolve that issue. For example, if a specialist adviser was appointed, and supported the Applicant, the Panel could still potentially be left in a position where AT and/or Waka Kotahi oppose the Application, and so would be in the same position as now. The reverse would also apply.

111. Various obligations are imposed on the Panel under the Covid Act, including under s 10(1):

> Every person performing functions and exercising powers under this Act must take all practical steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised.

112. However, there is no obligation on the Panel to resolve conflicts of evidence between the parties. The chair of this Panel has, as chair of other Panels, arranged caucusing between the parties, and on one occasion exercised the discretion available to convene a hearing.[41] But no panel has any obligation to do so. For example, sch 6 cl 21(1) says:

> If in its discretion, a panel considers it is appropriate to hold a hearing, it may…

113. It can also consider requests for caucusing from the parties but must still regulate *its* own procedure as it sees appropriate.[42]

114. In this case, the Panel did not consider it appropriate to hold a hearing or to direct caucusing given the depth of opposition to the Application. The Panel did not receive any request from the parties to direct caucusing. There was, however, nothing to stop the Applicant engaging with the AT or Waka Kotahi (or any other) experts to resolve any remaining issues, but the Applicant has chosen not to.

115. The Panel is of course subject to fundamental obligations to consider the Application based on the information provided to it, and consider all relevant information, and to act (including in the exercise of its discretion) in a rationale, reasonable, lawful and unbiased way. But equally for a referred project (which this is):

> A panel may decline a consent application on the ground that the information provided by the consent applicant is inadequate to determine the application.[43]

116. That is the position the Panel finds itself in.

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[41] Sch 6 cl 21(1).

[42] Sch 5 cl 10(1).

[43] Sch 6 cl 31(8)

117. The Panel is cognisant that the two parties most directly involved in all transportation issues in Auckland (and Whenuapai) are AT and Waka Kotahi and both parties strongly oppose the Application.

118. The Panel consider it can reasonably prefer the evidence of AT and Waka Kotahi on transportation effects and on that basis finds the effects to be more than minor.

119. The Applicant has not provided any information to convince the Panel that either a consensus position has been reached between the Applicant and AT or Waka Kotahi (either by way of a joint witness statements from the experts or an agreed set of conditions) that such effects can be reduced to minor.

Wastewater

120. The Panel has recorded Watercare's comments above:[44]

121. Watercare concludes by requesting that an alternative discharge location to that currently proposed along with further consideration of staging and appropriate sizing of the pumping station and rising main for current known developments.

122. The Applicant's response is in attachment B8 including a memo from *Water Acumen*. The Applicant agrees to the construction of an alternate discharge location but says this will be resolved with Watercare during the development design process. Further commentary is provided by *Water Acumen* on an alternative gravity solution. The Applicant also agrees to upgrade the Brigham Creek Road watermain upgrade.

123. But the Applicant has not provided any information to the Panel as to whether Watercare accepts its proposals. Further, the panel notes that the *Water Acumen* memo is couched in places in equivocal terms and in other places offers an interim solution.

124. Accordingly, based on the information received, the Panel considers there is potential for the effects from wastewater to be more than minor.

Miscellaneous Effects

125. There are a range of other effects addressed in the AEE, the invitations to comment and the Applicant's response to those comments as summarised above.

[44] Taken from page 4 of Watercare response to invitation to comment.

126. The Panel does not propose discussing those further because, given the findings above, they will not be determinative of the Application.

Whenuapai Airbase

127. The Panel wants to also make special mention of the MoD and NZDF comments in respect of the Whenuapai airbase that highlight the national significance and strategic importance of the Royal New Zealand Air Force (**RNZAF**) Base Auckland (**Base Auckland**) and:

> … its critical outputs, and the need to protect its ongoing viability from the effects of external development and urban encroachment, including in relation to reverse sensitivity[45]

128. The MoD outlines that the safe and efficient operation of defence facilities:

> …is critical to ensuring NZDF can achieve the purposes set out in the Defence Act 1990 including "maintaining capability to responds to a wide variety of regional, national and international events.[46]

129. The key matters of concerns for the MoD and NZDF include:

a) The potential for housing under the runway approach;

b) Reverse sensitivity arising from noise from Defence operations;

c) Risk to flight operations and safety, including light and glare;

d) Bird strike risk;

e) Structure and obstacle heights;

f) Traffic impacts, particularly the need for safe and efficient access to the RNZAF Base Auckland including emergency services access; and

g) Stormwater flooding effects impacting RNZAF Base Auckland.

130. The MoD and NZDF note that the Application is one of seven proposals to develop FUZ land in the immediate vicinity of the RNZAF Base Auckland under the Covid Act.

131. The MoD says:[47]

[45] Comments from Minister of Defence, page 3, paragraph 2.

[46] Ibid. pages 3-4, paragraph 3.

[47] Ibid, page 4, paragraph 7.

> I have become increasingly concerned with the extent of potential uncoordinated, incremental urban encroachment and the piecemeal approach to development around the NZDF Base Auckland under the FTCA. The cumulative impact of individual developments must be considered, and a coordinated, integrated planning framework for developments is necessary in order to provide effective protection for the RNZAF Base Auckland. I oppose the grant of resource consent for Whenuapai Green under the FTCA.

132. The MoD and NZDF consider that the Application should be dealt with under the standard RMA process, reiterating their earlier advice to the had earlier advised the Minister that the Application should not be referred to an Expert Consenting Panel.

133. The Panel accepts (as does the Applicant) the NZDF is a significant stakeholder in the Whenuapai area.

Applicant's response

134. In response, the Applicant said using the fast-track procedure under the Covid Act is an option they are entitled to pursue and emphasised that "in good faith" they had undertaken significant consultation prior to lodgement with stakeholders.

135. The Applicant acknowledges that national significance of the RNZAF Base Auckland and its strategic importance. It says the reverse sensitivity effects had been assessed within the Application including engine testing. The Applicant considered that the proposed suite of conditions including the requirement for no complaint covenants against the lawful operations of NZDF at the Whenuapai Airbase, including aircraft noise, resolves the issue.

136. In relation to the MoD and NZDF's concerns with the extent of the potential uncoordinated, incremental urban encroachment, the Applicant advises that both applications met the referral criteria and purpose of the Covid Act, and they are not aware of any other applications that have been referred within the Whenuapai area. That comprehensive assessment of effects had been provided for each proposal which include consideration of the wider environment and cumulative effects and will be assessed on their merits (where appropriate). Both developments are consistent with the Council-adopted Whenuapai Structure Plan 2016 which remains a relevant and important document.

137. The Applicant rejected the NZDF and the Council's concern in relation to process of lodging a resource consent, reaffirming that lodging a non-complying Covid Act resource consent is a legitimate option. The development will enable urban development and does

not comprise the realisation of urbanisation as envisaged by the AUP in terms of quality or urban form, compatible with the urban environment of Whenuapai. The development is integrated with infrastructure, all necessary services can be provided to the site efficiently and the local and wider transport network will not be compromised. Lastly the applicant considers the proposal is consistent with the FUZ objectives and policies.

138. The Applicant has not however, provided any information to show either the MoD or NZDF's concerns as to potential effects being more than minor have been resolved.

139. The Panel's view is the potential adverse effects raised by the MoD and NZDF (including cumulative effects) would be more than minor. The Panel also considers that even if the effects are of a low probability, they could have a high potential impact if they occurred.

Conclusion on Effects under s 104D(1)(a) RMA

140. Therefore, the Panel is not satisfied that the effects of approving the Application will be minor and that the Application cannot pass through the section 1O4D(1)(a) effects gateway.

PART F: PLANNING PROVISIONS

141. The Panel's assessment of the relevant planning provisions occurs firstly under Section 104D(1)(b) (but also subsequently under Section 104 RMA).

Section 104D(1)(b) of the RMA

142. In the WBP decision the Panel spent considerable time reciting the background of planning events.

143. The Panel does not propose to repeat that here (but recommends that passage of the WBP decision be read) [48]. Put shortly:

a) The Site is within the FULSS and the FUZ;

b) Both the WSP and PC 5 recommended the Site for urbanisation;

c) PC 5 was withdrawn at a relatively early stage of the process due to a lack of funding for infrastructure; and

d) Neil Construction Limited was heavily involved in PC 5, but the Panel does not know if Maraetai Land Development Limited was or not.

[48] See paragraphs 131 – 156 of WBP decision.

The Council

144. The Council opposed the Application even being approved for fast-track consideration when the matter came before the Minister, on grounds that s 19 of the Covid Act were not satisfied. That opposition was not accepted by the Minister and the Application was referred to the Panel.

145. The Panel has set out above a summary of Mr Elder's position and the continuing theme from the Council was that the Application is contrary to the relevant AUP objectives and policies.[49]

146. AT say in its response dated 22 May 2023[50] that the Application is contrary to the:

a) NPS-UB Objectives 3 and 6 and Policy 1;

b) AUP Objectives B2.2.1(1), B2.2.2(5), B3.3.1(1), B2.4.2 and H18.2(4); and

c) AUP Policies B2.2.2(3), B2.2.2(7), and 3.3.2.

147. By way of explanation AT say:

> 7.0 Auckland Transports policy position is that the AUPOP, and the Future Urban Land Supply Strategy (FULSS) provide the Development Strategy for Auckland, including the sequencing and timing for when future urban areas will be ready for development to commence which requires necessary underpinning zoning and bulk infrastructure to be in place. The FULSS identifies the site as intended to be development ready in the first half of 2028-32 although the funding of and delivery plans for infrastructure needed to enable growth have not been confirmed.
>
> 8.0 There are a number of roading projects required to enable the urbanisation of Whenuapai. Te Tupu Ngātahi Supporting Growth Programme (the Programme) has prepared a detailed Business Case4 which considers the transport infrastructure improvements needed to ensure that urbanisation of the North West including Whenuapai is undertaken in a manner that enables a well-functioning environment consistent with the AUPOP provisions and the Auckland Council's (Council) Future Urban Land Supply Strategy (FULSS).
>
> 9.0 The Business case states the purpose of the Programme

[49] See for example, page 7 of the Council response and the positions taken by Ms Moral and Mr Elder and also Ms Perera in the memoranda they filed.
[50] Auckland Transport's comments on original response to invitation to comment, Page 4

"is to recommend a sustainable transport network for route protection to support Auckland's planned greenfield growth over the next 30 years. The support of urban growth through access to high quality public transport and safe walking and cycling options will avoid or minimise new transport emissions as growth occurs.''

10.0 The Programme is a long-term project requiring significant funding for both route protection and extensive construction works. In initiating the Programme Notices of Requirement (NoR)5 were lodged with Auckland Council in December 2022 and notified in March 2023 to provide route protection for required strategic transport projects within the North-West. The NoRs were lodged to enable the upgrading of transport infrastructure to occur prior to or in tandem with urbanisation as required by the objectives and policies contained within the NPS-UD and the RPS provisions contained within the AUPOP.

11.0 Although the NoRs have been lodged there is no funding provided within the Regional Land Transport Plan (10-year plan for Auckland's transport network for 2021-2031) for Auckland Transport to meet the any shortfall in required strategic transport network infrastructure needed to support growth within the FUZ, nor is there any agreed infrastructure and implementation plan with developers.

12.0 The site is located at the northern extremities of Totara Road. The applicant proposes paying for and widening Totara Road along the site's frontage to the mid-point of the road and to also upgrade various intersections along Totara Road. The project as lodged when combined with other future developments, has the potential to generate adverse cumulative effects on the future surrounding road network and limit the ability for other projects to proceed.

13.0 The accompanying Technical Memo dated 15 May 2023 prepared by Mike Nixon of Commute Transport Consultants outlines that the full build out of this development, and other agreed developments agreed to be in the assessment by the applicant, will bring the Brigham Creek and Totara Roads intersection near capacity (88% degree of saturation on Brigham Creek West approach during the morning peak hour). As stated in the 15 May Memo, this could limit any other developments being able to proceed until wider infrastructure upgrades are completed. As there is no funding and financing currently available to complete the upgrades. Mr Nixon acknowledges potential interim solutions (refer paragraph 17 below) to the Brigham Creek and Totara Road intersection until it is upgraded.

14.0 The project conflicts with the intent of the objectives and policies of the NPS-UD and the AUPOP referred to above which require the provision of infrastructure prior to land being urbanised and the need to avoid urbanisation of sites within the FUZ until the land has been rezoned. Accordingly, Auckland Transport considers the project has the potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the strategic transport network and development network demands to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way.

15.0 Therefore, the view of Auckland Transport is that the project does not align with the AUPOP and does not provide a well-functioning urban environment. The land is not development ready.

148. Waka Kotahi said:

7. The land for the proposed development is identified as Future Urban Zone. This zone does not provide for the proposed development. Whilst the Whenuapai Structure Plan has been developed, it's important to recognise that Auckland Council identified in Plan Change 5 that they are unable to provide upgrading for the wider transport network due to funding. The Future Urban Zone is also unable to deliver what has been identified as there is currently no plan change in place for this development. A publicly notified plan change process is normally required prior to land being released for urban development.

8. The proposed development does not align with the objectives and policies of the Future Urban Zone in the Auckland Unitary Plan (Operative in Part) (AUP(OP)), specifically:

a. Two of the objectives of the Future Urban Zone in the AUP(OP) are 'Future urban development is not compromised by premature subdivision, use or development'; and 'Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes' (H18.2. (3) and (4)).

b. Policies of the Future Urban Zone require subdivision to maintain and complement rural character and amenity, avoid fragmentation compromising future urban

> development; and avoid subdivision, use and development of land that may result in the following: compromise the efficient and effective operation of the local and wider transport network (H18.3(3)(4) and (6)(b)).
>
> 9. Auckland Council Draft Future Development Strategy material recently went to the Auckland Council Planning Environment and Parks Committee. The strategy has been approved for public consultation during June 2023. The draft material is signalling a delay in the sequencing for urbanisation for the Future Urban Zone sites in Whenuapai (Whenuapai North Stage 1) till at least 2035. This is due to the delay in aligning with the provision of infrastructure.

149. The Panel has recorded above similar types of comments from the MoD, NZDF and the Local Board.

Applicant's Response

150. The Applicant rejects this analysis. Its initial position on the AUP provisions is set out at s 11.6 of the AEE pages 144-164. The assessment includes consideration of Chapters B2 (Urban Growth and Form), H18 (Future Urban Zone), D24 (Aircraft Noise Overlay), E7 (Diversion of Groundwater), E8 (Stormwater), E9 (Stormwater Quality), E11 and E12 (Earthworks), Chapter E15 (Vegetation Management and Biodiversity), E26 (Infrastructure), Chapter E27 (Transport), Chapter E36 (Natural Hazards), Chapter E39 (Subdivision).

151. In respect of Chapter B2 the Applicant claims that for the reasons set out in page 148 of the AEE:

> .. it is considered that the proposal fully accords with the approach set out in the relevant objectives and policies. It will provide for growth and quality compact urban form and will satisfy the relevant objectives and policies in Chapter B2. The proposal delivers on the need to provide for business growth within Auckland and in the appropriate location, with ready access to a range of transport options. At the same time, the proposal will avoid effects on those features and qualities that require protection.

152. Precisely with respect to Chapter H18, the AEE states:[51]

> The objectives of the FUZ provide for interim rural land uses, prior to urbanisation, and seeks to avoid subdivision that may compromise future urban development.
>
> The wording in three of the four objectives reflects the transitional

[51] AEE page 50

nature of the zone by stating that any development restrictions apply only until such time as the land has been "*rezoned for urban purposes*". While the application does not seek to "*rezone*" the land, it is considered that the FTCA provides an alternative pathway to a substantially similar outcome and therefore will be consistent with the objectives and policies. The application effectively provides for the result that the FUZ is intended to achieve but utilises a process that did not exist when the objectives were drafted so could not be referenced in the specific wording used in the objectives.

153. These are precisely the same comments NCL made in the WBP application.

154. In respect of Chapter E27 and E39 the AEE simply states that the Application will be consistent with those provisions and the same comments are made in respect of the other Chapters mentioned above.

155. The Applicant does not resile from its original position when providing its response to comments received.

Analysis

156. In response to the comments above, the Applicant is in a difficult position. The Council in particular, but also Waka Kotahi and other parties all say the Application is contrary to the relevant AUP objectives and policies and the Applicants is left to reinforce for the Panel why that is not so. However, nothing in either attachments B1 or B2 supplied in response to the Council comments, or in any other planning or expert advice received from the Applicant have convinced the Panel that its position should be preferred or that the Council's and other parties' positions cannot be relied on. The Applicant's response to Mr Elder's comments in particular is very "light".

157. As above, no request for caucusing was made by the Applicants.

158. The Panel considers the following objectives and policies of Chapter 2 – Regional Policy Statement (**RPS**) are relevant:

a) Objective B2.2.1(1)(c): A quality compact urban form that enables all of the following:

a) (c) better use of existing infrastructure and efficient provision of new infrastructure.

b) improved and more effective public transport.

b) Objective B2.2.1(5): The development of land within the Rural

Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure;

c) Policy B2.2.2(7)(c): Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:

    a) (c) integrate with the provision of infrastructure; and …

d) Policy B2.4.2(6): Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification;

e) Objective B3.3.1(1)(b):

    a) (1) Effective, efficient and safe transport that: ….

    b) (b) integrates with and supports a quality compact urban form; …

f) Policy B3.3.2(5): Improve the integration of land use and transport by:

    a) (a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth.

159. The Panel also consider the following FUZ objectives and policies are relevant:

a) Objective H18.2(1) – Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.

b) Objective H18.2(3) – Future urban development is not compromised by premature subdivision, use or development.

c) Objective H18.2(4) – Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.

d) Policy H18.3(1) – Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6).

e) Policy H18.3(3) – Require subdivision, use and development

to maintain and complement rural character and amenity.

f) Policy H18.3(4) – Avoid subdivision that will result in the fragmentation of land and compromise future urban development.

g) Policy H18.3(6) Avoid subdivision, use and development of land that may result in one or more of the following:

a) structures and buildings of a scale and form that will hinder or prevent future urban development;

b) compromise the efficient and effective operation of the local and wider transport network;

c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;

d) inhibit the efficient provision of infrastructure;

e) give rise to reverse sensitivity effects when urban development occurs;

f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or

e) undermine the form or nature of future urban development.

160. The Applicant has not submitted any legal analysis to support its planning advice as to how the Panel should approach its assessment as to whether the Application is repugnant to one or more of these objectives and policies. In approaching its assessment, the Panel reminds itself it has adopted the assessment carried out by the Environment Court in the *ARI* case.

161. Under section 104D(1)(b) of the RMA the Panel may grant the Application only if it is *satisfied* that the Applications are not for an activity which is contrary to the objectives and policies of (in this case) the AUP. Moreover, it appears that being contrary to one such objective or policy will suffice. For example, that approach was adopted by the Environment Court in the context of s 104D(1)(b) of the RMA in the *Akaroa Civic Trust v Christchurch City Council* case[52] where the Environment Court said:

[52] *Akaroa Civic Trust v Christchurch City Council* [2010] NZENVC 110 at paragraph 74.

> Conversely, a proposal may be consistent with and achieve all bar one of the relevant of the objectives and policies in the district plan. But if it is contrary to a policy which is, when the plan is read as a whole, very important and central to the proposal before the consent authority, it may be open to the consent authority to find the proposal is contrary to the objectives and policies under s104D.

162. The Panel notes that the High Court has also found that a proposal was contrary to a single objective in a district plan was sufficient for the proposal to have failed s 104D(1)(b).[53]

163. The AUP Chapter B provisions refer to the provision of appropriate infrastructure, including the funding of that infrastructure at the time of intensification. Policy B2.2.2(7)(c), Policy B2.4.2(6) and Objective B3.3.1(1)(b) repeat the theme that development is to be integrated with the provision of infrastructure.

164. The evidence to the Panel from the Council and other parties is that the Application will not provide for that, and the Panel accepts that evidence. There is also no link between the Application and the rezoning of the Site that would engage the RMA sch 1 process to address those issues.

165. Turning to the FUZ provisions, while the Panel notes that while the FUZ objective H18.2(4) is to "avoid" urbanisation until sites have been rezoned for urban purposes, the Environment Court in the *ARI* case determined that did not amount to an absolute prohibition. Rather the analysis suggests that whether urbanisation should in fact be avoided depends on consideration of the FUZ provisions as a whole. The Environment Court avoided the extreme analysis offered by the various planning witnesses in that case, and outlined the approach noted above.

166. The Panel also reminds itself that to assess something as contrary to an objective or policy is a high threshold. Any non-complying activity will rationally be inconsistent with relevant objectives and policies – that is why it is non-complying. So, something more than that is required. Words like "repugnant" are commonly accepted as providing the right flavour to the sort of threshold to be obtained. Again, the Panel will proceed on that basis.

167. The Panel has set out at length what the various parties say about how the Application is repugnant or not to the relevant objectives and policies. There is a clear divergence of views.

[53] *Queenstown Central Ltd v Queenstown Lakes District Council* [2013] NZRMA 239 at [126] – [127].

168. The Panel has a senior planning expert as a member and the Panel prefers the position and analysis presented by the Council (including Watercare and AT) and Waka Kotahi the MoD and the NZDF. The Panel also acknowledges the supporting analysis (and lack of support to the Application) provided by Waka Kotahi, the MoD, NZDF and the Local Board. These parties assert that the Application should be subject to a co-ordinated and inclusive process under the RMA. The Applicant in each case acknowledges the concerns expressed by these parties but asserts that lodging a non-complying FTCA resource consent application, irrespective of a private plan change, is a legitimate avenue available to them.

169. While the Applicant may be correct in their assertion about the legitimacy of their approach, the Panel is not satisfied that the Application is for an activity that will not be contrary to the objectives and policies of the AUP. In the Panel's view the Applicant has not addressed this statutory imperative with respect to the zonal objectives and policies and placed, in our view, undue weight on the WSP. For example, the AEE records:

> While the land is currently identified as being within the FUZ rather than a 'live' residential zone, it has been identified for that purpose through the Council's planning work and the proposed land use is consistent with the Whenuapai Structure Plan[54].

170. The Panel has closely examined the relevant objectives and policies and accepts the FUZ is a transitional zone.

171. However, there is simply no escaping the fact that the FUZ objectives and policies also tightly control the transition to urbanisation until the FUZ land is rezoned. This is reinforced by the AUP Chapter B provisions referred to above and their focus on the provision and funding of suitable infrastructure to support urbanisation.

172. The information provided by the Council (including AT and Watercare), Waka Kotahi and the MoD and NZDF gives the Panel significant concerns in relation to the provision of infrastructure particularly wastewater and the operation of the local and wider transport network and the potential reverse sensitivity effects that may arise with respect to the RNZAF Base Auckland.

173. Objectives H18.2(3) and H18.2(4) clearly state respectively:

> Future urban development is not compromised by premature subdivision, use or development; and

[54] See AEE page 147.

Urbanisation on sites zoned Future Urban is avoided until the sites have been rezoned for urban purposes.

174. These objectives are supported by the policy framework in H18.3.

175. The Applicant places significant weight on policy H18.3(6) which it says informs the application of objective H18.2(4). Policy H18.3(6) is to "avoid" subdivision use and development in the FUZ that "may" result in one or more of matters listed in H18.3(6)(a) – (g). The Panel refer to:

a) Compromise the effective and efficient operation of local and wider transport network;

b) require significant upgrades, provisions or extension to the wastewater, … or other infrastructure;

c) inhibit the efficient provision of infrastructure;

d) give rise to reverse sensitivity effects when urban development occurs; and/or

e) undermine the form or nature of future urban development.

176. The Panel also considers that approving the Application is contrary to policy H18.3(4).

177. The Panel rejects the Applicant's proposition as presented in the AEE: that the Covid Act provides an alternative pathway to a substantially similar outcome to rezoning the land and therefore will be consistent with the objectives and policies.

178. The Panel also rejects the Applicant's notion that the utilisation of the process in the Covid Act process "… *effectively provides for the result that the FUZ is intended to achieve but utilises a process that did not exist when the objectives were drafted so could not be referenced in the specific wording used in the objectives*[55]."

179. While the process in the Covid Act is indeed a new process, this is still a non-complying activity application which is required to be assessed in terms of s 104D RMA.

180. The Panel has a senior planning expert as a member and the Panel prefers the position and analysis presented by the Council (including Watercare and AT) and Waka Kotahi and the MoD and the NZDF. The Panel also acknowledges the supporting analysis (and lack of support to the Application) provided by Waka Kotahi, the

[55] See AEE page 150.

MoD, NZDF and the Local Board.

181. The Panel accepts the Applicant is represented by very senior and competent planners and other experts and that their views are to be given significant weight. But in the result, the Panel could not discern any substantive reason why the Council's and other parties' assessments could not be relied on.

182. On that basis the Panel considers that viewed holistically the Application is contrary to the objectives and policies referred to above.

183. Once that point is reached, the Panel is bound to therefore conclude that the Application cannot pass through the s 104D(1)(b) RMA gateway.

184. Having failed to pass through either of the s 104D RMA gateways, the Panel is unable to grant consent to the Application.

Section 104 RMA

185. The Panel is however inclined to assess the Application under s 104 RMA, acknowledging that that assessment is subject to Part 2 of the RMA to test whether its conclusion would be any different.

186. In a consenting context, the Panel will follow the decision *RJ Davidson Family Trust v Marlborough District Council*[56] which (in summary) held that resort to Part 2 of the RMA could not occur to subvert a clearly relevant restriction in a policy document.

187. Given the Panel has already considered the objectives and policies of the AUP and has assessed the effects of the Application above, it simply considers other matters relevant and reasonably necessary to determine the application under Section 104(1)(ab), (b) and (c) of the RMA (and bearing in mind all the section 104 provisions). The Panel notes that the matters specified in those sections is largely replicated in clause 31(1) of Schedule 6 to the Covid Act and so applies that clause as well.

Consent Notice

188. In this case the consent notice procedure is only required because the Application was not accompanied with a plan change. This is reinforced by the Applicant's offering a "sunset clause" for the consent notice to expire once the land is rezoned with the

[56] *RJ Davidson Family Trust v Marlborough District Council* (2018) 20ELRNZ 367, at [71].

appropriate urban zoning.

189. The Panel is not convinced that this is an appropriate response/solution instead of a plan change.

190. It might work in some cases.[57] But in response the Council has repeated to the Panel what difficulties arise for it from use of the consent notice procedure.[58] The Applicant has responded, but do not substantively deal with the issues.[59] The plan change process is precisely the process anticipated by the AUP to resolve this.

191. The Panel also notes that the purpose of the consent notice in the ARI decision was to prevent further development work consequent upon the subdivision until the plan change occurred. That is the opposite to what is proposed here.

192. Approving this Application would therefore constitute an exception to the orthodox approach, mandated by the AUP which in turn gives effect to the sustainable management purpose of the RMA. As signalled, there would need to be very strong justification for departing from that.

193. The Panel can see how, from Ms Moral's evidence that the AUP provisions want to avoid urbanisation in the FUZ until rezoning has occurred.

National Policy Statement on Urban Development

194. Mr Elder places weight on the fact that if the Site is not "plan-enabled", it cannot be included in the Future Development Strategy (**FDS**) under the National Policy Statement on Urban Development (**NPS-UD**). Mr Elder therefore says:

> (32) As the land is not zoned as a residential zone, it is not considered to be 'plan-enabled'. In my view, this will mean the development could be overlooked and not included in the FDS, which has as its purpose to promote long-term strategic planning.

Conditions

195. Mr Elder bases his opposition to the conditions[60] around the comments in section 6.3 of the AEE which states:

[57] A number of examples were given to the WBP application panel.
[58] See paragraphs 8-17 of Ms Moral's brief 10 May 2023.
[59] See item 7 on Table at attachment B1 to Campbell Brown letter dated 9 June 2023.
[60] See page 21 of Council comments.

> The activity rules and bulk and location standards of the FUZ do not provide for an efficient and practical use of the proposed lots, nor would development in this manner have positive economic benefits for business and people affected by COVID-19 or promote the certainty of investment. As such, this proposal seeks consent for the residential dwellings as proposed in the architectural drawings and seeks to impose a consent notice to manage future development in a manner that is consistent with the relevant Mixed Housing Urban Zone rules and standards. [emphasis added by Mr Elder]

196. Mr Elder then goes on to say:

> (18) I agree with the AEE that the FUZ does not provide for efficient and practical use of the proposed lots. The FUZ is applied to greenfield land that has been identified as suitable for urbanisation. The FUZ enables the land to be used for a range of general rural activities but Objective 18.2(3) (provided above) state that it cannot be used for urban activities until the site is rezoned for urban purposes. It is intended for the FUZ to be applied until a plan change to urbanise the land has been completed, as per objective H18.2(4) which reads:
>
> > *Objective H18.2(4)*
> >
> > *Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*
>
> (19) In my view, a future plan change will be required as the consenting of this development will generate land-use that is inconsistent with the FUZ. This could lead to administrative issues for future occupiers. There is no plan change on the Council work program for this area, nor does the applicant for this fast track resource consent propose a private plan change.
>
> (20) The process to urbanise land required by the AUP occurs is in three distinct stages, being structure planning – followed by plan change(s) to rezone for urban purposes – followed by consent proposals for specific subdivisions and land use development. The first stage of structure planning is usually at a more generalised conceptual level and often shows indicative elements and development.
>
> (21) These three stages are complementary and build-on one another. Following through all three stages is particularly important to planning, designing and providing for infrastructure that is efficient, effective and integrated with urban development anticipated for the wider area. It is quite common for the in-depth analysis carried out at the plan change stage to result in significant changes and refinements that depart from the general approach in the structure plan.

(22) In addition to infrastructure planning, the plan change stage is also important as it sets up the regulatory framework to manage the on-going use and development of the land. This includes (for example) zones, precincts, overlays, classes of activities, development standards, assessment criteria (including objectives and policies) and subdivision requirements. Contrary to this normal and logical sequence, this current resource consent proposal seeks to introduce a partial change to the regulatory framework through proposed resource conditions which cross reference to permitted activity provisions in the Residential – Mixed Housing Urban zone of the AUP.

(23) Although not a statutory document, the Quality Planning webpage on Drafting Consent Conditions, point 3 reads:

> "There are a number of important legal principles and good practice guidelines to remember when drafting conditions. The critical considerations can be divided into high level legal principles and best practice guidelines.
>
> …
>
> The key principles when developing consent conditions are that:
>
> …
>
> 3. the consent conditions must be clear, reasonable, and readily interpreted so the consent holder, the council and any layperson viewing the consent have no doubt about what is required by the conditions and the obligations upon the consent holder. This includes how practical the condition is and also its enforceability. 3"

(24) In my view the proposed conditions are contrary to this principle on the Quality Planning Website.

(25) The need for such a condition reflects the failure to appropriately address these matters firstly through a plan change. The applicant's approach here is not standard practice and will result in administrative difficulties and confusion. This proposed regulatory framework of a resource consent referencing plan provisions (because the consent application has progressed in advance of the necessary plan change) is not practical, nor is it efficient and effective. As such it is not appropriate.

197. The Panel has set these comments out in full as a record of the Council's position on such matters by way of information for future applicants. As noted above the Applicant has not been able to convince the Panel that these observations are wrong, or even inappropriate for consideration of this Application.

198. The Panel agrees that some types of urbanisation can occur in the FUZ without a plan change. But the Panel does not consider that the

proposed conditions justify making an exception to the express objective H18.2(4) to avoid urbanisation in the FUZ without a plan change in this case.

Plan Integrity

199. The Panel do think issues of plan integrity arise in this case.[61] This is reinforced very strongly to this Panel having already considered the WBP application and already having determined that objective H18.2(4) must be read in the light of policy H18.3(6) (for example).

200. The outcome here is the same that this is simply not a case where approving the Application would not affect plan integrity.

201. This position is further reinforced by the comments received to this Application not only by the Council but also the MoD and NZDF.

202. The Panel agrees with the Council, MoD and NZDF that this Application should be dealt with under the standard RMA process. Thus, enabling the appropriate level of stakeholder engagement to occur in establishing the future planning framework for the area. As highlighted earlier in this decision while the Applicant considers they have, in good faith, undertaken significant stakeholder consultation, the focus may well have been on sharing of information rather than an active engagement. The Panel cannot make any finding on that, but certainly consultation did not resolve all issues.

Conclusion

Accordingly, the Panel does not see any basis under s 104 RMA to alter its findings in this decision.

PART G: FINAL DECISION

203. The Panel declines the Application.

204. As required by Clause 38 of Schedule 6, the Panel refers to Clause 45 of Schedule 6 which provides a 15-day period for appeal after the persons entitled to appeal (as listed in Clause 44 of Schedule 6) are notified of this Decision.

DATED 14 August 2023

[61] *Rodney District Council v Gould* [2006] NZRMA 227 recognised these are valid issue to consider.



Alan Webb
(Chair)



Janine Bell
(Member)



Bill Kapea
(Member)

APPENDIX A - COMMENTS RECEIVED ON THE APPLICATION

Associate Minister of Arts, Culture and Heritage

Minister of Education

Waka Kotahi NZ Transport Agency

Luanne Scheen

Watercare Services Limited

Betty and Greg Bishop

Totara Gateway Trustees

Royal Forest and Bird Protection Society

Property Council New Zealand

Joseph Donis

Heritage New Zealand Pouhere Taonga

Minister for Defence

New Zealand Defence Force

Rio Honggowidjojo

Auckland Council

Auckland Transport

Herald Island Environmental group

Upper Waitemata Ecology Network

Minister of Climate Change

Whenuapai Future Farm Limited

Bishop Family Trust

Glenn Darrah

ATTACHMENT FOUR

S4(2) CERTIFICATE ISSUED BY MINISTER OF DEFENCE

Certificate by Minister of Defence Issued Pursuant to Section 4(2) of the Resource Management Act 1991

I, the Honourable Ron Mark, Minister of Defence, am advised that:

a. The Environment Court declared on 16 September 2019 that Condition 1 to Designation 4310 – Whenuapai Airbase in the Auckland Unitary Plan applies to all noise generated from aircraft operations on Whenuapai Airbase including noise from engine testing.

b. Currently noise from engine testing at Whenuapai Airbase does not comply with Condition 1, exposing the NZDF to the risk of enforcement action under the Resource Management Act 1991.

c. New Zealand's national security would be compromised if current engine testing practices at Whenuapai Airbase were unable to be continued as this would preclude the aircraft operations necessary to provide essential military capability;

and therefore hereby certify that:

1. the activity of aircraft engine testing at RNZAF Base Whenuapai (shown on the attached plan) is a necessary component of aircraft maintenance and is required to be undertaken for reasons of national security; and

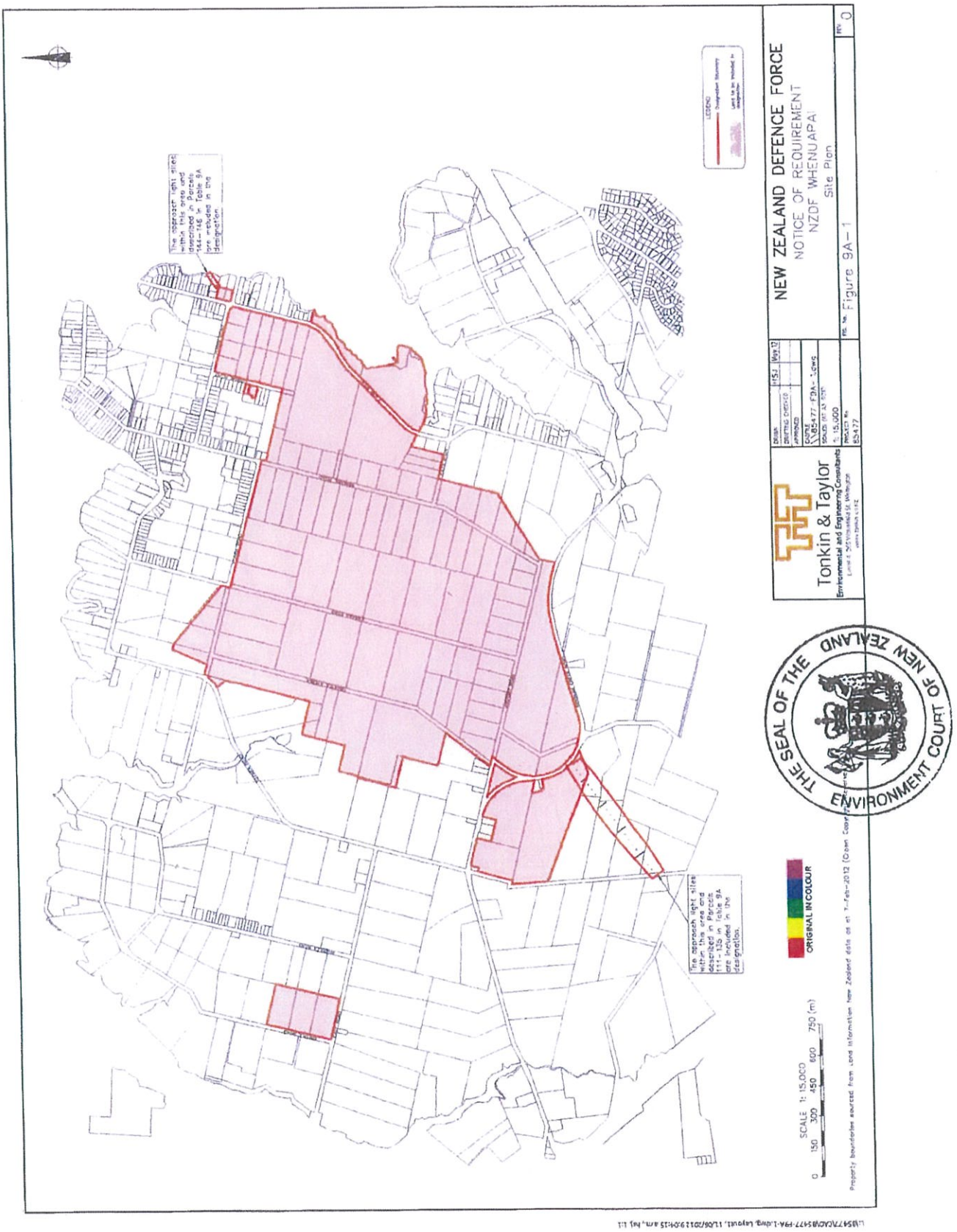
2. national security reasons require that the activity of aircraft engine testing at RNZAF Base Whenuapai is exempt from the Resource Management Act 1991.

Signed at Wellington this 14 day of October 2019

The Honourable Ron Mark
Minister of Defence

Attachments

Drawing 9A-1 - Notice of Requirement Whenuapai Site Plan



ATTACHMENT FIVE

COUNCIL SPECIALIST ASSESSMENTS

ARCHAEOLOGY

From:	Rebecca Ramsay
To:	vanessa@scottwilkinson.co.nz
Cc:	Cara Francesco
Subject:	RE: PPC 109 heritage inputs
Date:	Monday, 20 January 2025 4:11:20 pm
Attachments:	image004.png image005.png image006.png image007.png

Kia ora Vanessa,

I've had a look over the application material (i.e., PC request, archaeological assessment and CVA) from an archaeological perspective. In my opinion, there is no need for further archaeological input into the Whenuapai Green Proposed Private Plan Change.

I support the conclusion that the PC can manage any potential adverse effects on archaeological values through the AUP Accidental Discovery Rule and through the provisions of the Heritage New Zealand Pouhere Taonga Act (2014).

There is one matter of discrepancy regarding archaeological potential in my opinion between the CVA and archaeological assessment which should be brought to your attention. However this does not change the above conclusion.

The archaeological assessment concludes (page 29) "*that future development enabled by the proposed plan change would have no adverse effects on any known archaeological sites and the potential for unidentified subsurface archaeological remains to be present within the plan change area is* ***very low****"*.

This assessment (page 10) is based on the current understanding of the local area's archaeological record, being "*small and dispersed around the shoreline of the upper harbour*" and results of the field inspection. Further that, "*subsistence strategies employed by Māori inland from the coast consisted of the hunting (by spear and snare) of kaka, kereru, kiwi, wood-hen, tui and other small birds, while rats were caught in pits or traps (Best 1903, cited in Hayward and Diamond 1978). Forest plants also provided a range of foods with fruits, bracts and tubers from a variety of plants all gathered and consumed, while those Māori who dwelt on the coastlines of the Waitemata Harbour would have had an abundance of fish and shellfish resources at their disposal*."

However, the archaeological potential in this area may be higher (low to moderate overall) based on the below information provided in the CVA (Page 21).

"The Site is in the area known as Te Rawawaru (Whenuapai is the more recent broader name generally referring to the wealth of the land), which is both the name of the awa and an ancient kāinga near the mouth of the stream. It also holds the names of the streams Waionoke and Ratara. Like all kāinga, it would have included living spaces, food preparation areas, likely urupā, and likely surrounding māra kai (gardens), and been located to utilise natural resources (water, food and textiles) as well as transport corridors."

Thanks,
Rebecca

Rebecca Ramsay | Senior Specialist: Heritage – Heritage Policy
Heritage Unit | Planning & Resource Consents Department | Policy, Planning & Governance Directorate
Ph 021 848 721
Te Kaunihera o Tāmaki Makaurau / Auckland Council
Level 16, Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland 1010
Visit our website: www.aucklandcouncil.govt.nz

From: Cara Francesco <Cara.Francesco@aucklandcouncil.govt.nz>
Sent: Monday, 20 January 2025 2:59 pm
To: vanessa@scottwilkinson.co.nz
Cc: Rebecca Ramsay <rebecca.ramsay@aucklandcouncil.govt.nz>
Subject: PPC 109 heritage inputs

Kia ora Vanessa

Just touching base with you regarding PPC 109.

I will be your point of contact for the built heritage matters moving forward.

My colleague Rebecca Ramsay is currently reviewing the application content in relation to archaeology, and she will be in touch with you.

Cara

Ngā mihi nui

| Cara Francesco | Senior Specialist Heritage | Heritage Policy team |
| Heritage Unit | Planning and Resource Consents |Policy, Planning and Governance Directorate
|Te Kaunihera o Tāmaki Makaurau - Auckland Council |

AUCKLAND TRANSPORT

Memo

To:	Vanessa Wilkinson, Consultant Planner, Auckland Council
From:	Katherine Dorofaeff, Principal Planner, Spatial Planning and Policy Advice, Auckland Transport
Date	24 April 2025
Subject:	**Private Plan Change 109 - Whenuapai Green - Planning assessment of transport provisions (for the Council's s42A hearing report)**

1.0 Introduction

1.1 I have undertaken a review of Private Plan Change 109 (**PC109** or the **plan change**), on behalf of Auckland Council (**the Council**) in relation to transport effects. My review is from a planning perspective and focuses on the efficacy of the precinct provisions in relation to transport matters. My review does not address traffic engineering. Council's transport consultant, Flow Transportation Specialists (**Flow**), is undertaking a traffic and transportation assessment.

1.2 PC109 proposes to rezone 16.36 hectares of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone (**FUZ**) to Residential – Mixed Housing Urban Zone. PC109 introduces a new Whenuapai Green Precinct (**the Precinct**) and applies the Stormwater Management Area Flow control. It also proposes to remove an Historic Heritage Overlay - Extent of Place from a small portion of the land.

Qualifications and experience

1.3 I am a Principal Planner in the Spatial Planning and Policy Advice team of Auckland Transport (**AT**). I have held this or similar positions in AT since October 2017. My responsibilities include leading AT's response to relevant statutory and legislative changes, notices of requirement and plan changes within the Auckland region.

1.4 I hold the qualification of a Bachelor of Town Planning degree, from the University of Auckland. I am a full member of the New Zealand Planning Institute. I have over 30 years of policy and planning experience in public sector roles in New Zealand and overseas. Prior to my current position with AT, I worked as a Policy and Planning Advisor for the Office of the Prime Minister in the Cook Islands Government. Before that I held principal and senior planner roles at Kāpiti District Council, Auckland Council and the former Auckland City Council.

1.5 Through my various roles I have established a sound working knowledge of the Resource Management Act 1991, including private plan change and resource consent processes. My directly relevant experience in leading AT's input into other private plan change proposals in growth areas, includes:

(a) PC6, Auranga, Drury

(b) Private plan changes in the Warkworth area including PC25 (Warkworth North), PC40 (Clayden Road), PC93 (Warkworth South)

(c) Private plan changes in the North-West area including PC69 (Spedding Block), PC86 (41-43 Brigham Creek Road), PC100 (Riverhead South), PC107 (Whenuapai Business Park), PC111 Hobsonville Grove.

Expert Witness Code of Conduct

1.6 I have read the Code of Conduct for Expert Witnesses, outlined in the Environment Court Consolidated Practice Note (2023) and have complied with it in preparing this memo. I confirm that the issues addressed in this memo are within my area of expertise, except where I state that I rely upon the evidence of other experts. I also confirm I have not omitted to consider material facts known to me that might alter or detract from my opinions.

Documents reviewed

1.7 In writing this memo, I have reviewed the following documents:

- PC109 (zoning plan, precinct provisions including precinct plans)
- Integrated Transport Assessment (**Abley ITA**) (prepared by Abley Ltd, dated 17 December 2024)
- Private plan change request (prepared by Campbell Brown Planning Ltd, dated 8 January 2025) (**Campbell Brown Planning Assessment**)
- Clause 23 response tables
- Submissions which raise transport issues.

2.0 Key transport issues

NPS-UD and AUP-RPS

2.1 In Attachment A I have outlined the objectives and policies in the National Policy Statement - Urban Development (NPS-UD) and the Auckland Unitary Plan Regional Policy Statement (AUP-RPS) which are most relevant to PC109 from a transport perspective.

2.2 In my view, the NPS-UD and AUP-RPS objectives and policies outlined in Attachment A cover three key themes relevant to this proposal:

(a) Integrating development with infrastructure provision including effective, efficient and safe transport. Integration includes ensuring transport infrastructure is planned, funded and staged to integrate with urban growth. (NPS-UD Objective 6(a); AUP-RPS B2.2.1(1)(c) and (5)(a); B2.2.2(7)(c); B2.3.1(1)(d); B2.4.2(6); B3.3.1(1)(a) to (c); B3.3.2(4)(a) and (5)(a));

(b) Reducing dependence on private vehicle trips by encouraging land use development and patterns that support other modes and reduce the need to travel, and by providing for and enabling walking, cycling and public transport. (NPS-UD Objective 3(b) and (8)(a); Policy 1(c) and (e); AUP-RPS B2.2.1(1)(d); B2.2.2(caa); B2.3.2(1)(c) and (d), and (2)(b); B2.4.1(3); B2.4.2(3); B3.3.1(1)(e); B3.3.2(4)(b) and (5)(b));

(c) Providing for the future development and upgrading of Auckland's transport infrastructure. (NPS-UD Objective 6(b); AUP-RPS B3.3.2(1) and (3)).

2.3 I am aware of other possible private plan changes for the Whenuapai area. If these proceed this raises issues about cumulative traffic and transport effects from other future developments. At this stage PC107 Whenuapai Business Park, PC109, and

PC111 Hobsonville Grove are the only current proposed private plan changes which have been notified in the Whenuapai area.

Future Development Strategy

2.4 I have also considered the Council's Future Development Strategy 2023-2053 (**FDS**) as a strategy to have regard to under s74(2)(b)(i) of the RMA and Clause 3.17(1)(a) of the NPS-UD. The FDS is relevant to ensuring transport infrastructure is planned, funded and staged to integrate with urban growth.

2.5 Whenuapai is identified as a Future Urban Area in the FDS. PC109 applies to land located within Whenuapai North (Stage 1). The timing for that stage is not before 2035+. The following transport projects (or 'prerequisites') are specified to support development readiness: SH16 to SH18 Connections; Brigham Creek Road upgrade; Northwest Rapid Transit; Upper Harbour (SH18 Rapid Transit)[1].

2.6 The FDS acknowledges that private plan changes requests will occur and identifies that the timing for development can be brought forward if a private plan change applicant funds the prerequisites, or identifies alternate funding tools which limit impacts on Council's financial position and commitments. The FDS also recognises that not all infrastructure is needed for initial new residential or business communities and that staged roll out of infrastructure upgrades can be considered - where it does not impact the Council's debt profile or its ability to fund infrastructure.[2]

3.0 Applicant's assessment

3.1 The Abley ITA concludes that the site is suitable for a medium density residential development. Among the reasons given for this conclusion, the Abley ITA notes that:

- The proposed precinct includes provisions to direct transport outcomes from development.
- The roading upgrades proposed as part of PC109 can accommodate the traffic generated[3].

3.2 I rely on Flow to assess the Abley ITA conclusions from a transport engineering perspective. I have considered the findings of the ITA where they are relevant to the rezoning and the precinct provisions. I have focussed on the extent to which the precinct provisions will give effect to NPS-UD and AUP-RPS objectives and policies relating to transport and ensure that subdivision and development enabled by PC109 is appropriately supported by transport infrastructure.

3.3 I have particularly considered the parts of the Campbell Brown Planning Assessment that address the NPS-UD (Section 10.4.1), the AUP-RPS (Section 10.11) and Transport Effects (Section 11.3). I have undertaken my own assessment of the precinct provisions below and identify some amendments which, in my view, would better give effect to the NPS-UD and the AUP-RPS.

4.0 Assessment of transport effects and management methods

4.1 This section of my memo assesses the precinct provisions in relation to the key transport issues identified in Section 2.0. Where I recommend amendments to the precinct provisions they are included in Attachment B.

[1] p39 of Appendix 6, Auckland Future Development Strategy 2023-2053, Auckland Council
[2] p34 of Appendix 6, FDS
[3] p37, Abley ITA

Integrating development with infrastructure provision including effective, efficient and safe transport

4.2 PC109 is not consistent with the timing for development set out in the FDS or with the list of transport infrastructure prerequisites identified. I consider that at a minimum, the proposal needs to ensure that development will be integrated with the provision of effective, efficient and safe transport infrastructure sufficient to support the level of residential growth enabled. The proposal is ahead of the FDS timeframes and this affects integration with funding and financing decisions applying to provision of upgrades to the wider transport network. I note that these concerns are raised in paragraph 32 and 33 of the Auckland Council submission. Auckland Council as submitter (**ACS**) may wish to provide further evidence on this matter at the hearing.

Transport infrastructure upgrades

4.3 The precinct provisions include the following requirements for transport infrastructure upgrades:

- Standard IX.6.6 Staging of Subdivision and Development - Transport Upgrades, requires:
    - Road widening along the adjoining the Tōtara Road frontage. This is to be constructed in conjunction with adjacent subdivision. It is not triggered by development.
    - Roundabouts at McCaw Road / Tōtara Road, and at the intersection of the new northern-most internal road and Tōtara Road. The roundabouts are to be established before the completion of subdivision for more than 150 residential lots or occupation for more than 150 dwellings (whichever occurs first).
    - Lane marking improvements at Brigham Creek Road / Tōtara Road, and upgrade of Brigham Creek Road / Trig Road intersection to a roundabout. These works are required before the occupation of any dwelling.
- A non-complying activity status applies to use and development, and subdivision that does not comply with Standard IX.6.6 (Table IX..4.1 Activity Table, (A2) and (A12)).
- A special information requirement (IX.9(1)) specifies that Transport Design Report is needed for any proposed new road intersection or upgrading of an existing road intersection illustrated on the Precinct Plan. However the precinct plan does not clearly identify any road intersections so it is not clear how this requirement will be applied at future consenting stages.
- Standard IX.6.20 Road Design requires any development or subdivision that includes new or upgraded roads to comply with the Road Function and Design Elements table set out in Appendix 1 (Table 1). A restricted discretionary activity status is listed for development that does not comply with Standard IX.6.20. However no activity status is listed for subdivision that does not comply with the standard.
- Precinct Plan 1 shows key local roads (indicative locations), a pedestrian and cycle link, and the upgrade and road widening on the eastern side of Tōtara Road. There are assessment matters which address whether subdivision or development is consistent with this plan. The Precinct Plan shows two local roads extending to the eastern boundary with 94 Tōtara Road and with the

NZDF land. The adjacent properties are zoned FUZ so the connections provide for future development of that land.

Standard IX.6.6 and associated provisions

4.4 The transport infrastructure specified in Standard IX.6.6 is generally consistent with the input given by AT during the Clause 23 process. I rely on Flow to assess whether any additional transport infrastructure is required to give effect to the integration of development with effective, efficient and safe transport infrastructure. I understand that Flow has outstanding concerns with the Brigham Creek Road / Tōtara Road intersection and the Trig Road / SH18 intersection and considers that further mitigation and amendments to the precinct provisions may be required.

4.5 I support the application of a non-complying activity status where Standard IX.6.6 is not met. It is appropriate that proposals that do not provide the required transport infrastructure are subject to a robust assessment as non-complying activities.

4.6 I recommend that the purpose statement for Standard IX.6.6 be amended to include the words '<u>to ensure transport infrastructure is provided in a timely manner</u>', as this is a key purpose of the standard.

4.7 I recommend that the description in Standard IX.6.6(1) of the required works on Tōtara Road be amended to refer to 'the road widening <u>and urban frontage upgrade…</u>'. This provides a more accurate description of the works required to support the proposal. Currently these works are only be required to delivered in conjunction with subdivision. I recommend amendments to that these works are also be triggered by development (i.e. occupation of dwellings) as sometimes substantial building development (e.g. integrated residential developments) can occur without subdivision. If this occurs there is a risk that the road widening and frontage upgrade will not be provided.

4.8 I also recommend drafting improvements to Standard IX.6.6(2) and (3) as follows[4]:

> *'(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 <u>prior to</u> 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 <u>must</u> ~~should~~ be provided prior to 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 the Road Function and Design Elements Table 2.'*

McCaw Road / Tōtara Road Roundabout

4.9 AT subject matter experts support the upgrade of the existing McCaw Road / Tōtara Road intersection to a roundabout but were not satisfied that the concept design provided by the Applicant demonstrated that a safe and workable design could be accommodated. Of particular concern was the need for the intersection to provide safely for active modes. The southern side of McCaw Road at this location has

[4] Additional amendments to Standard IX.6.6(3) are recommended later in this memo in response to submissions.

already been developed for housing, so this places some constraints on the design. The Applicant also does not own the land on the western side of Tōtara Road. AT's concerns were discussed at a meeting with the Applicant but the matter was not resolved. For this reason, the intersection should be specifically identified in the special information requirement IX.9(1) as one which requires a Transport Design Report.

Standard IX.6.20 Road Design

4.10 I recommend an amendment to the activity table to apply a restricted discretionary status to any subdivision that does not comply with Standard IX.6.20 Road Design. This is consistent with the status applying to development that does not meet this standard. A consequential amendment should also be made to the relevant heading in IX.8.2 Assessment Criteria.

4.11 I also recommend amendments to the assessment criteria to address in more detail the design and adequacy of the road reserve to accommodate the required functions, and interface design treatment at property boundaries (particularly for pedestrians and cyclists). These are relevant matters for assessing non-compliance with the Road Function and Design Elements table. The additional criteria are included in other precincts introduced by private plan changes e.g. Whenuapai 3 (PC86), Beachlands South (PC88), Drury East (PC49), Waihoehoe (PC50) and Pukekohe East-Central (PC76).

Brigham Creek Road / Trig Road intersection

4.12 Standard IX.6.6 requires Brigham Creek Road / Trig Road intersection to be upgraded to a roundabout. Further information about the upgrade is set out in the later Road Function and Design Elements table[5] and an upgrade plan is attached as Appendix 4.

4.13 PC107 Whenuapai Business Park also requires Brigham Creek Road / Trig Road intersection to be upgraded to a roundabout[6]. The description of the work is the same as in PC109, though a different drawing is referenced[7]. In the s42A input I have provided for PC107, I recommended two amendments related to the Brigham Creek Road / Trig Road upgrade. I recommend similar amendments for this plan change as follows:

(a) The precinct provisions require the upgrade to be in general accordance with the upgrade plan in Appendix 4. The drawing is relatively detailed for inclusion in a precinct plan. In line with the 'general accordance' statement, the drawing should be annotated with the following:

'<u>This drawing is an indicative design to be refined further through the Engineering Plan Approval process</u>.'

(b) Table 2 includes a comment indicating that the intersection will be a single land roundabout with an additional circulating lane on the northern side. Technical advice from AT subject matter experts is that the decision about whether an additional circulating lane is required is a matter to be determined at later consenting stages. The comment should be qualified accordingly.

[5] The intersection is to be designed in general accordance with 47712-DR-C-8101, and is described as a 'Single lane roundabout with additional circulating lane on the northern side. Two approach lanes on Brigham Creek Road, eastbound'.
[6] Neil Construction Ltd is the applicant for both PC107 and PC109.
[7] PC107 references drawing 47712-DR-C-8511

Objectives and policies

4.14 The transport infrastructure requirements included in the precinct provisions are supported by Objectives 5 to 8 and Policies 3 to 5. Policy 1 is also relevant as refers to development being in accordance with Precinct Plan 1, which identifies the indicative location of local roads, a pedestrian and cycle link, and shows the location of the road widening and berm upgrade on Tōtara Road.

4.15 However in my view, there is a need for robust 'avoid' objective or policy to align with the non-complying status that applies to use, development and subdivision that does not provide the specified transport infrastructure. A specific policy that addresses this concern has been requested in a submission, so I will consider that later in my memo.

Brigham Creek Road intersections with Boyes Road and Joseph McDonald Drive

4.16 An earlier version of the precinct provisions included an upgrade requirement which required cross hatched line marking improvements at the Brigham Creek Road intersections with Boyes Road and Joseph McDonald Drive to discourage queuing through these intersections. In Clause 23 review, AT advised that it was not appropriate to include this level of detail in the upgrade requirements particularly as AT would have to agree that this is an appropriate measure. The matter is now instead addressed in an assessment criteria, but it only applies to controlled activity subdivision. I recommend that the criteria also be applied to restricted discretionary activities.

Reducing dependence on private vehicle trips

4.17 One of the matters listed in Objective 3(b) of the NPS-UD is enabling more people to live in areas within the urban environment that are 'well-serviced by existing or planned public transport'. Tōtara Road is on the 114 bus route, which runs between the Northwest Centre and Hobsonville Point Wharf. This is not part of the frequent transit network but offers a 'local' level of service. The Regional Public Transport Plan 2023-2031 (RPTP) identifies that the level of service will still be local in 2031. The RPTP proposes to change the 114 route to a loop service (Hobsonville - Whenuapai - Hobsonville) in 2026 with the introduction of a new route 115 (Riverlea Road - Whenuapai - Trig Road - Northwest) offering a connector level service.[8]

4.18 I anticipate that Flow will comment on any gaps in the ITA in addressing provision for walking, cycling and public transport. However I note that PC109 will enable development to occur before the active mode network and public transport infrastructure and services required to support growth in the North-West have been fully funded and implemented. For this reason, the PC109 will be limited in its ability to reduce dependence on private vehicle trips.

4.19 I have considered how the precinct provisions provide for and enable active modes and public transport, and note as follows:

(a) Objective 7(a) and (b) specifically address providing for safe and efficient walking and cycling connections within the precinct, and providing for bus stops to support future improvements to public transport connectivity.

(b) Table 1 Road Function and Required Design Elements, requires Tōtara Road as a collector road to include cycle and pedestrian provision and provide for buses. Providing for buses means the carriageway and intersection geometry will need to be capable of accommodating buses. Bus stop form and location

[8] p89, Regional Public Transport Plan 2023-2031

will be determined with AT at resource consent and engineering plan stage. All internal local roads will have footpaths.

(c) Precinct Plan 1 indicates the location of a pedestrian and cycle link between an internal local road and McCaw Avenue.

4.20 I recommend that a vehicle access restriction be applied to the portion of Tōtara Road located within the Precinct. This would enhance the safety of the walking and cycling facilities by avoiding or limiting vehicle crossings from sites onto Tōtara Road. This would require a new standard, assessment matters and some other consequential amendments. I consider that vehicle access restriction would assist in giving effect to Objectives 6 and 7(a).

4.21 I recommend that that Objective 7(a) be amended so it acknowledges the need for walking and cycling connections both within the precinct and to adjacent development. The recommended amendment is as follows:

(7) 'Transport infrastructure that is required to service subdivision and development within the Precinct:

(a) Provides for safe and efficient walking and cycling connections within the ~~p~~Precinct and to adjacent development'

4.22 At this stage, I do not recommend any other amendments to precinct provisions to better give effect to NPS-UD and AUP-RPS provisions about reducing dependence on private vehicle trips and providing for and enabling walking, cycling and public transport.

Providing for the future development and upgrading of Auckland's transport infrastructure

4.23 PC109 is not directly affected by any of the designations or Notices of Requirement (**NOR**) which route protect for the future strategic network to service future growth in the North-West.

4.24 The precinct plan identifies local road connections to the adjacent FUZ land to the east. This consistent with providing for future development of transport infrastructure to service this land.

4.25 The earlier fast track application included an additional road connection to the boundary with the adjacent FUZ land to the east which is designated for defence purposes. The additional road connection had not been included on the precinct plan. During the Clause 23 process, the Applicant advised that NZDF had indicated that the southern link was not required and that the northern link would provide sufficient access opportunities. In my view there is still value in including the additional road connection to maintain future development options and access opportunities for the adjoining FUZ land. It should not be assumed that that the adjoining land will always be in NZDF ownership. At this stage, I recommend that an additional local road connection be included. The Applicant and / or NZDF may be able to provide further information explaining why it is not prudent or necessary to future-proof by including an additional connection.

5.0 Submissions

Submission 2.1 CA Meyer

5.1 Submission 2.1 requests that PC109 be accepted and supports the proposed new park and upgrade to Tōtara Road. I support the upgrade to Tōtara Road but also

recommend amendments to the Precinct provisions to better address transport effects. I recommend that the submission be accepted in part.

Submission 3.3 J Donis

5.2 Submission 3.3 requests that PC109 be declined as road infrastructure in Whenuapai is not ready for the additional population anticipated. I recommend that this submission be accepted in part, as I have recommended some amendments to the precinct provisions to better address transport effects.

Submission 4.2 A Argal

5.3 Submission 4.2 requests that PC109 be declined as development will significantly increase traffic volumes on Tōtara Road and McCaw Avenue before planned transport upgrades are implemented.

5.4 For this matter I rely on Flow to advise whether amendments are required to the staging of the transport upgrades on Tōtara Road and to the McCaw Avenue / Tōtara Road intersection.

*Submission 5 Auckland Council as submitter (**ACS**) - Precinct Plan 1*

5.5 I do not support Submission 5.10 which seeks to remove one of the two intersections provided in the southern / middle area of the Precinct, as shown on Precinct Plan 1. Based on information provided by the Applicant during the Clause 23 process, AT subject matter experts were satisfied that the spacing would meet the relevant Austroads standards. The intersections will be further assessed at later consenting and engineering plan stages[9].

5.6 I do not support Submission 5.35 which seeks that Precinct Plan 1 show a roading pattern running on a north-south axis. AT subject matter experts are comfortable with the indicative location of the local roads shown on Precinct Plan 1. The internal network appropriately directs vehicle traffic towards Tōtara Road (which is a collector road), or via McCaw Avenue to the intersection with Tōtara Road. This is preferable to directing traffic to cross McCaw Avenue to continue southwards.

5.7 Precinct plans do not usually show all the local roads that a developer may seek to provide at subdivision. At plan change stage, it is important the roading layout shows the location of collector roads (no new ones are proposed in this instance) and provides road connections to adjacent sites. Key local roads (other than collector roads) are also sometimes shown. I am aware that there is a possibility that Ministry of Education may seek to designate for a school in the north-eastern corner of the site. This has influenced the road layout. If the school does not eventuate, additional public roads may be proposed as part of later consent processes.

5.8 I recommend that Submissions 5.10 and 5.35 be rejected.

Submission 5 ACS - Zoning

5.9 Submission 5.5 seeks decline of PC109 as the residential zoning is not the most appropriate zoning for the land. It suggests that a business zoning may be more appropriate given the noise concerns raised.

5.10 I do not make a recommendation on this submission as it is not directly transport related. However I note that the Applicant's ITA assumes a residential land use and the proposed roading network shown on Precinct Plan 1 and addressed in the Road Function and Design Elements tables has been designed for a residential

[9] Abley ITA, Appendix C - Section 1.7 and 2.7

development. A new or updated ITA would be required to support an industrial zoning.

Submission 5 ACS - Objectives and policies

5.11 Submission 5.14 seeks that Objective 6 be amended to better integrate provisions and align infrastructure as follows:

> *'Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated road network ~~operation of the current and future transport network~~ for all modes of transport.'*

5.12 I am comfortable with the existing wording. I do not support the replacement of 'transport network' with 'roading network'. The term 'transport network' more clearly identifies the integrated and multi-modal nature of the network. I also note that Precinct Plan 1 identifies a pedestrian and cycle link which is not part of the road network. If Objective 6 is to be amended in response to this submission, I would support the following wording:

> *'Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated ~~operation of the current and future~~ transport network for all modes'*

5.13 Submission 5.15 seeks that Objective 8 be deleted as it reads as a policy and is similar to Objectives (6) and (7), and Policy (4). I agree with this analysis and am not opposed to deletion of the objective.

5.14 Submission 5.16 seeks that Policy (4) be amended as follows:

> *'Require the development of a ~~transport~~ roading 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 ~~is in accordance with Appendix – Road function and Design Element Table~~.'*

5.15 I do not support the replacement of 'transport network' with 'roading network'. The term 'transport network' more clearly identifies the integrated and multi-modal nature of the network. I am not opposed to the deletion of the direct reference to the Road Function and Design Elements table as long as it is encompassed in a generic description. The purpose of IX.6.20 Road Design and associated table is to ensure that any development or subdivision that includes new or upgraded roads complies with functional and design requirements. In response to the submission, I recommend the following alternative wording for Policy 4:

> *'Require the development of a transport network that implements the elements and connections identified in Precinct Plan 1 and provides a safe, functional and well-designed road network ~~is in accordance with Appendix – Road function and Design Element Table~~.'*

5.16 Submission 5.18 seeks that Policy 3 be amended to be consistent with the non-complying status, as follows:

> *'~~Require~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the ~~transport~~ roading within the precinct, and with upgrades to the wider transport network.'*

5.17 I agree that reframing the policy as an 'avoid' policy will provide more robust support to the non-complying activity status applying to subdivision and development that does not comply with Standard IX.6.6. I do not support the replacement of 'transport network' with 'roading' as the upgrades set out in Standard IX.6.6 are described as transport infrastructure upgrades. In response to this submission, I recommend the following wording for Policy 3:

> *~~'Require~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the transport network within the precinct, and with upgrades to the wider transport network.'*

5.18 For the ACS submissions on objectives and policies, I recommend as follows:

- Accept - 5.15
- Accept in part - 5.14, 5.16, 5.18

Submission 5 ACS - Standards

5.19 Submission 5.25 seeks to retain the non-complying status of specified activities. I support this where it relates to use and development, and subdivision that does not comply with Standard IX.6.6 (i.e. transport upgrades). I do not have a position on the other activities specified.

5.20 Submission 5.29 seeks that Standard IX.6.6(3) be amended as follows:

> *'The following transport infrastructure upgrades should be ~~provided~~ completed and operational prior to any dwelling being ~~occupied~~ constructed within the site precinct land:*
>
> *(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: ~~Road Function and Design Elements Table 2 and~~ Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan.'*

5.21 I support the inclusion of 'completed and operational', though 'constructed and operational' is consistent with the wording used in other precincts.

5.22 Requiring completion of transport upgrades prior to dwelling construction, rather than dwelling occupation, would strengthen the rule. However it is not consistent with the approach that has been accepted in other precincts introduced by private plan changes such as I458 Beachlands South and I451 Drury East. To address their concerns, the submitter make wish to suggest other amendments to provide certainty about how compliance with the requirements for transport upgrades will be related to resource consent and subdivision approval, and occupation.

5.23 In subclause (b), I prefer to retain the existing reference to Road Function and Design Elements Table 2 (which is located in Appendix 1). This is because Table 2 includes a description of the upgrade as well as a cross-reference to drawing 47712-DR-C-8101, which is Appendix 4. This could be made clearer by including an explicit cross-reference to Appendix 4 in Table 2.

5.24 I recommend that Standard IX.6.6(3) be amended in response to Submission 5.29 as follows:

'The following transport infrastructure upgrades should be ~~provided~~ completed and operational prior to any dwelling being occupied within the ~~site~~ Precinct:

(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 the Road Function and Design Elements Table 2 (see Appendix 1).'

5.25 For the ACS submissions on standards, I recommend as follows:

- Accept - 5.25
- Accept in part - 5.29.

Submission 5 ACS - Appendix 3 and 4

5.26 Submission 5.33 seeks amendments to make it clear that Appendices 3 and 4 are indicative only and allow for an element of discretion in their design and implementation.

5.27 With respect to Appendix 4 (Brigham Creek Road / Trig Road intersection roundabout upgrade plan), the ACS request is consistent with my earlier recommendation that the drawing be annotated to note that it is an indicative design to be refined further through the Engineering Plan Approval process. Appendix 3 is an aerial photograph which shows a lane marking improvement at Brigham Creek Road / Tōtara Road. As no physical works are required, there will not be an Engineering Plan Approval process so I am comfortable with the diagram being included in its current form without annotation.

5.28 I recommend that Submission 5.33 be accepted in part.

Submission 7 NZDF

5.29 Submissions 7.6 seeks that transport and traffic effects on the RNZAF Base Auckland are considered. Submission 7.2 seeks that various effects on the Airbase, including transport and traffic effects, are mitigated. I agree that these effects on the Airbase should be taken into account in identifying mitigation. I do not recommend any additional changes in response to these submissions. Submission 7.2 should be accepted (in relation to transport / traffic effects), and Submission 7.6 should be accepted.

Submission 1.1 DG Allen

5.30 Submission 1.1 seeks that PC109 be accepted subject to an amendment that seeks un-used road ends which are used as open spaces have ownership transferred from AT to Council so that they can be designated as reserves under the Reserves Act 1977. The submission specifically mentions coastal green areas at the ends of Waimarie Road, Dale Road, McKean Road, Kauri Road and Pohutukawa Road. None of these roads or road endings are located within PC109.

5.31 I am aware that Mr Allen presented to the AT Board at their 25 February 2025 meeting about the coastal land at end of Waimarie Road. He asked for ownership to be transferred to Council and protected under the Reserves Act 1977.

5.32 Legal roads are vested in the Council, with AT having responsibility for them as asset owner and road controlling authority. AT does on occasion 'stop' legal roads or portions of legal roads where these are not required for roading purposes.

Depending the particular context, the road-stopping process is governed by either the Local Government Act 1974 or the Public Works Act. In undertaking a road stopping, AT is required to take into account the rights of landowners with existing frontage and access via the unformed road. Road stopping is sometimes undertaken for the purpose of selling land to adjacent landowners, including for regularising encroachments. In those cases, the landowner requesting the road stopping is required to pay all reasonable costs that AT incurs in carrying out the process, and to pay for the land acquired. If the land is retained in Council ownership, the costs of the process would need to be covered by Council and/or AT. This includes survey and legal costs.

5.33 I have included this information as context to the submission. The Council's open space specialist may have comments from an open space perspective. The submitter's request is not related to addressing the transport needs of the plan change.

Further submissions

5.34 I have reviewed the further submissions received and note that none are related to the submissions discussed above.

6.0 Local Board views

6.1 The Upper Harbour Board Local Board views on PC109 are set out in a resolution from their 27 March 2025 meeting. I have reviewed the resolution and note that the following matters are relevant to transport:

- Request for the plan change to be declined as it out of sequence with the FDS and is in advance of the necessary infrastructure to support the development. Concerns from residents in new areas about the lack of infrastructure including roads and transport.

- Support for the ACS submission, including paragraphs 6, 35, and 36 which contain references to PC109 not giving effect to the NPS-UD and the AUP-RPS, and the need to strengthen precinct infrastructure provisions to ensure that the specific infrastructure required can be provided.

6.2 I consider that I have already addressed the matters raised by the Local Board in Section 4.0 and in my review of the ACS submission in Section 5.0.

7.0 Conclusions and recommendations

7.1 I conclude that some amendments are required, and some outstanding concerns identified by Flow (with respect to the Brigham Creek Road / Tōtara Road intersection and the Trig Road / SH18 intersection) need be addressed, before the PC109 will overall be able to give effect to relevant NPS-UD and AUP-RPS objectives and policies that require (among other matters):

(a) Development to be integrated with infrastructure provision including effective, efficient and safe transport. This includes ensuring transport infrastructure is planned, funded and staged to integrate with urban growth.

(b) Reducing dependence on private vehicle trips by encouraging land use development and patterns that support other modes and reduce the need to travel, and by providing for and enabling walking, cycling and public transport.

(c) Provision for the future development and upgrading of Auckland's transport infrastructure.

7.2 I also conclude that due to the timing of the proposed development, PC109 has some limitations in relation to (a) and (b) above:

(a) Development will not be well-integrated with the infrastructure planning and funding decisions related to the provision of wider transport upgrades to service growth in the North-West. The proposal is in advance of FDS timeframes and the Council's updated Development Contributions Policy is not yet in place.

(b) Development will not be served by a frequent public transport network.

7.3 My overall conclusion is that from a transport planning perspective, I can support PC109 subject to the amendments included in Attachment B, and provided that the concerns identified by Flow with regard to two intersections (which may result in further amendments to the provisions) are addressed. The reasons for the recommended amendments are set out in Section 4.0 and 5.0 (where it is in response to a submission). The amendments are summarised below:

(a) Amendments to the objectives and policies to:

(i) Include a reference to integration in Objective 6

(ii) Include reference in Objective 7(a) to walking and cycling connections being to adjacent development (as well as within the Precinct)

(iii) Delete Objective 8 as it reads as a policy and is similar to other objectives and a policy

(iv) Reframe Policy 3 as an 'avoid' policy, to align with the non-complying status applying to non-provision of the required infrastructure

(v) Replace the specific reference to the Road Function and Design Elements table in Policy 4 with wording that captures the purpose of the table.

(b) Amendments to the transport infrastructure requirements to:

(i) Refer to timeliness of transport infrastructure provision in the purpose statement for Standard IX.6.6

(ii) Better describe the Tōtara Road upgrade in the Standard IX.6.6 and require that upgrade to be provided in conjunction with development as well as subdivision (whichever occurs first).

(iii) Require specified transport infrastructure upgrades to be completed and operational prior to any dwelling being occupied within the Precinct

(iv) Provide some additional flexibility to the final form of the Trig Road / Brigham Creek Road intersection

(v) Specifically identify the upgrade of the McCaw Road / Tōtara Road intersection as requiring a Transport Design Report as a special information requirement

(vi) Include an assessment criteria relating to the effects of queuing at the Brigham Creek Road / Tōtara Road intersection.

(c) Amendments relating to Standard IX.6.20 Road Design to:

(i) List subdivision that does not comply as a restricted discretionary activity

(ii) Include more detail in the assessment criteria.

(d) Addition of a vehicle access restriction along Tōtara Road.

(e) Inclusion of an additional local road connection extending to the adjoining FUZ land within the NZDF designation to the east.

7.4 I have considered the submissions related to transport. Some submissions are in accordance with amendments I have already recommended above. I recommend some additional amendments in response to matters raised in Submission 5 from ACS. My recommendations on individual submissions are as set out below:

#	Submitter	Recommendation
1.1	DG Allen	-
2.1	CA Meyer	Accept in part
3.3	J Donis	Accept in part
4.2	A Argal	-
5.10	Auckland Council	Reject
5.14	Auckland Council	Accept in part
5.15	Auckland Council	Accept
5.16	Auckland Council	Accept in part
5.18	Auckland Council	Accept in part
5.25	Auckland Council	Accept as it relates to transport upgrades.
5.29	Auckland Council	Accept in part
5.33	Auckland Council	Accept in part
5.35	Auckland Council	Reject
7.2	New Zealand Defence Force	Accept as it relates to transport
7.6	New Zealand Defence Force	Accept

Attachment A

Relevant objectives and policies in the NPS-UD, and the AUP-RPS

National Policy Statement - Urban Development

1. The NPS-UD seeks to achieve "well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future".[10]

2. "Well-functioning urban environment" has the meaning in Policy 1.[11] Policy 1 sets out a list of matters, (a) to (f), all of which are to be satisfied as a "minimum" if a well-functioning urban environment is to be achieved.[12] I address Policy 1 further below.

3. The NPS-UD also recognises that growth and urban development needs to be co-ordinated with infrastructure planning and funding decisions. This is highlighted in Objectives 3 and 6 of the NPS-UD as stated below (with emphasis in bold added):

> *Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
>
> *(a) the area is in or near a centre zone or other area with many employment opportunities*
>
> *(b)* ***the area is well-serviced by existing or planned public transport***
>
> *(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
>
> *Objective 6: Local authority decisions on urban development that affect urban environments are:*
>
> *(a)* ***integrated with infrastructure planning and funding decisions****; and*
>
> *(b) strategic over the medium term and long term; and*
>
> *(c) responsive, particularly in relation to proposals that would supply significant development capacity.*

4. Objective 8 of the NPS-UD seeks urban environments that "support reductions in greenhouse gas emissions" and "are resilient to the current and future effects of climate change".

5. In the context of the matters likely to be of concern to AT for PC109, the following objectives and policies are of particular relevance: Objectives 3(b), 6(a) and 6(b); and Policy 1(c).

6. Objective 3(b) refers to enabling more people to live in areas of an urban environment which are well-served by existing or planned public transport[13].

7. Objective 6(a) and (b) refer to the need for local authority decisions on urban development that affect urban environments to be integrated with infrastructure

[10] NPS-UD, Objective 1.
[11] NPS-UD, Section 1.4 Interpretation.
[12] The conjunction “and” is used between each sub-paragraph (a) to (f) indicating that all matters must be achieved.
[13] The NPS-UD defined 'planned' as follows: "**planned** in relation to forms or features of transport, means planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003"

planning and funding decisions, and to be strategic over the medium term and long term.

8. Policy 1(c) identifies that one of the "minimum" requirements for achieving well-functioning urban environments is "good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport". Another minimum requirement as set out in in Policy 1(e) is to "support reductions in greenhouse gas emissions".

AUP - Regional Policy Statement

9. Turning to the AUP-RPS, I consider that the following objectives and policies from Chapter B2 Urban growth and form, and Chapter B3 Infrastructure, transport and energy, are relevant to PC109 as it relates to transport matters:

> ***B2.2 Urban growth and form***
>
> ***B2.2.1 Objectives***
>
> *(1A) …*
>
> *(1) A well-functioning urban environment with a quality compact urban form that enables all of the following:*
>
> *…*
>
> *(c) better use of existing infrastructure and efficient provision of new infrastructure;*
>
> *(d) good accessibility for all people, including by improved and more efficient public or active transport;*
>
> *…*
>
> *(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages:*
>
> *(a) is integrated with the provision of appropriate infrastructure; and*
>
> *...*
>
> ***B2.2.2 Policies***
>
> *(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that contribute to a well-functioning urban environment and that do all of the following:*
>
> *…*
>
> *(c) integrate with the provision of infrastructure;*
>
> *(caa) provide good accessibility, including by way of efficient and effective public or active transport.*
>
> *…*
>
> *(d) follow the structure plan guidelines as set out in Appendix 1; and*
>
> *…*
>
> ***B2.3 A quality built environment***
>
> ***B2.3.1 Objectives***
>
> *(1) A well-functioning urban environment with a quality built environment where subdivision, use and development do all of the following:*
>
> *…*
>
> *(d) maximise resource and infrastructure efficiency;*
>
> *…*

B2.3.2 Policies

(1) Manage the form and design of subdivision, use and development so that it contributes to a well-functioning urban environment and does all of the following:

…

(b) contributes to the safety of the site, street and neighbourhood;

(c) develops street networks and block patterns that provide good access and enable a range of travel options;

(d) achieves a high level of amenity and safety for pedestrians and cyclists;

…

(2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:

…

(b) enabling walking, cycling and public transport and minimising vehicle movements; and

…

B2.4 Residential growth

B2.4.1 Objectives

(3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.

B2.4.2 Policies

(3) Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space.

…

(6) Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification, including, as a qualifying matter, limiting intensification prior to upgrade of capacity in areas of known water and wastewater infrastructure constraints.

B3 Transport

B3.3.1 Objectives

(1) Effective, efficient and safe transport that:

(a) supports the movement of people, goods and services;

(b) integrates with and supports a quality compact urban form;

(c) enables growth;

(d) avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and

(e) facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.

B3.3.2 Policies

(1) Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.

(2) Enable the movement of people, goods and services and ensure accessibility to sites.

(3) Identify and protect existing and future areas and routes for developing Auckland's transport infrastructure.

(4) Ensure that transport infrastructure is designed, located and managed to:

(a) integrate with adjacent land uses, taking into account their current and planned use, intensity, scale, character and amenity; and

(b) provide effective pedestrian and cycle connections.

(5) Improve the integration of land use and transport by:

(a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth;

(b) encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods;

…

(f) requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.

(6) Require activities sensitive to adverse effects from the operation of transport infrastructure to be located or designed to avoid, remedy or mitigate those potential adverse effects.

(7) Avoid, remedy or mitigate the adverse effects associated with the construction or operation of transport infrastructure on the environment and on community health and safety.

10. PC109 must give effect to the AUP-RPS provisions under section 75(3)(c) of the RMA.[14]

[14] Proposed RPS provisions are a matter to have regard to: s74(2)(a) of the RMA.

Attachment B

Recommended amendments to the precinct provisions

I.1 Whenuapai Green Precinct

IX.1. Precinct Description

The Whenuapai Green precinct comprises 16.36 hectares of land located approximately 23 ~~kilometers~~kilometres 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 provision~~s~~ 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 co- ordinated manner.

…

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 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 in advance of the availability of operational transport infrastructure.

Transport

(6) Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated ~~operation of the current and future~~ transport network for all modes.

Commented [KD1]: 5.14

(7) Transport infrastructure that is required to service subdivision and development

within the Precinct:

(a) Provides for safe and efficient walking and cycling connections within the ~~p~~Precinct and to adjacent development

(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

(g) Provides effective, efficient and safe access to the Precinct.

(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 [KD2]: 5.15

Ecology

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

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

Three Waters Infrastructure

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

Effects on RNZAF Base Auckland

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

Open Space

(16) 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~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the transport network within the precinct, and with upgrades to the wider transport network.

Commented [KD3]: 5.18

Transport

(4) Require the development of a transport network that implements the elements and connections identified in Precinct Plan 1 and provides a safe, functional and well-designed road network ~~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.

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 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 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 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 through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

Open Space

(16) 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) 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) 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) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

(21) Enable housing to be designed to meet the day-to-day needs of residents.

(22) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

(23) 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;

(e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;

(f) 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;

(g) 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;

(h) designing practical, sufficient space for residential waste management; and

(i) designing practical, sufficient space for internal storage and living areas.

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

…

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 IX.6.6.	NC
(A3)	Activities that do not comply with Standard IX.6.4.	D
(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
(A12)	Any subdivision or ~~D~~development that does not comply with Standard IX.6.20 Road Design and / or Standard IX.6.21 Vehicle access restriction	RD

Commented [KD4]: Renumber as (A18)

IX.5. Notification

…

IX.6. Standards

…

IX.6.1 Stormwater Infrastructure

…

IX.6.2 Wastewater and Water Supply Infrastructure

…

IX.6.3 Lighting

…

IX.6.4 Noise

…

IX.6.5 Riparian Margins

…

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; to ensure transport infrastructure is provided in a timely manner; 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 or prior to the occupation of a dwelling on a site with frontage to Tōtara Road (whichever occurs first), the road widening and urban frontage upgrade shown on Precinct Plan 1 must have been constructed along all parts of Totara Road that immediately adjoin the particular stage or dwelling site.

(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 prior to 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~~ must be ~~provided~~ completed and operational prior to any dwelling being occupied within the ~~site~~Precinct:

(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 the Road Function and Design Elements Table 2 (see Appendix1).

IX.6.7 Number of dwellings per site

…

IX.6.8 Building height

…

IX.6.9 Height in relation to boundary

…

IX.6.10 Yards

…

IX.6.11 Building coverage

…

IX.6.12 Landscaped area

…

Commented [KD5]: 5.29

IX.6.13 Outlook space

…

IX.6.14 Outdoor living space

…

IX.6.15 Windows facing the street

…

IX.6.16 Standards for controlled subdivision 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

…

IX.6.18 Subdivision around existing buildings and development

…

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

…

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.6.21 Vehicle access restriction

Purpose:

- To maintain a safe road frontage for active modes uninterrupted by vehicle crossings.

(1) Where subdivision and development has frontage to Tōtara Road, any vehicle access must be to other roads. Sites that have frontage to Tōtara Road must not have direct vehicle access across the protected cycle facilities (as required by Standard IX.6.20) to the road carriageway.

IX.7 Assessment – controlled activities

IX.7.1 Matters of control

…

IX.7.2 Assessment criteria

…

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

…

(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:

…

(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.

(7) Non-compliance with Standard IX.6.21 - Vehicle Access Restriction

(a) Matters of discretion E27.8.1(12) apply.

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-a-bout that meet the requirements of the Road Function and Design Elements Tables in Appendix 1, and generally in the locations indicated on Precinct Plan 1.

(b) Whether the proposed transport infrastructure will service the ~~p~~Precinct in a safe and efficient manner

(c) 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.

(2) For stormwater management not complying with Standard IX.6.1:

…

(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

…

(6) For subdivision and development not complying with Standard IX.6.20:

(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;

(c) Whether the proposed design and road reserve:
- incorporates measures to achieve the required design speeds;
- can safely accommodate required vehicle movements;
- can appropriately accommodate all proposed infrastructure and roading elements including utilities and/or any stormwater treatment;
- assesses the feasibility of upgrading any interim design or road reserve to the ultimate required standard.

(d) Whether there is an appropriate interface design treatment at property boundaries, particularly for pedestrians and cyclists.

(6A) Non-compliance with Standard IX.6.21 - Vehicle Access Restriction:

(a) The assessment criteria in E27.8.2(11) apply;

(b) The extent to which any vehicle access affects the safety of cycle facilities.

(7) For buildings that do not comply with one or more of Standards IX.6.8 to IX.6.15

…

(8) For four or more dwellings per site:

…

(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 (including the McCaw Road / Tōtara Road intersection) 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 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) …

Appendix 1 – Road Function and Design Elements 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]	Access restrictions	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	Yes – on PPC frontage	Yes
Internal Roads	Local Road	20m	2	30km/h	No	No	No	Yes	Yes	No
		17m	2	30km/h	No	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 (see Appendix 4)	Single lane roundabout. At consenting stage consideration to be given to the need to include the following: • ~~with~~ an additional circulating lane on the northern side. • Two approach lanes on Brigham Creek Road, eastbound.

Amendments to Precinct Plan 1

- Annotate the Precinct Plan to show a Vehicle Access Restriction across the the Tōtara Road frontage
- Extend the southern-most east-west indicative local road to connect to the boundary with the adjoining FUZ land to the east.

Appendix 2 – Building Requirements

…

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

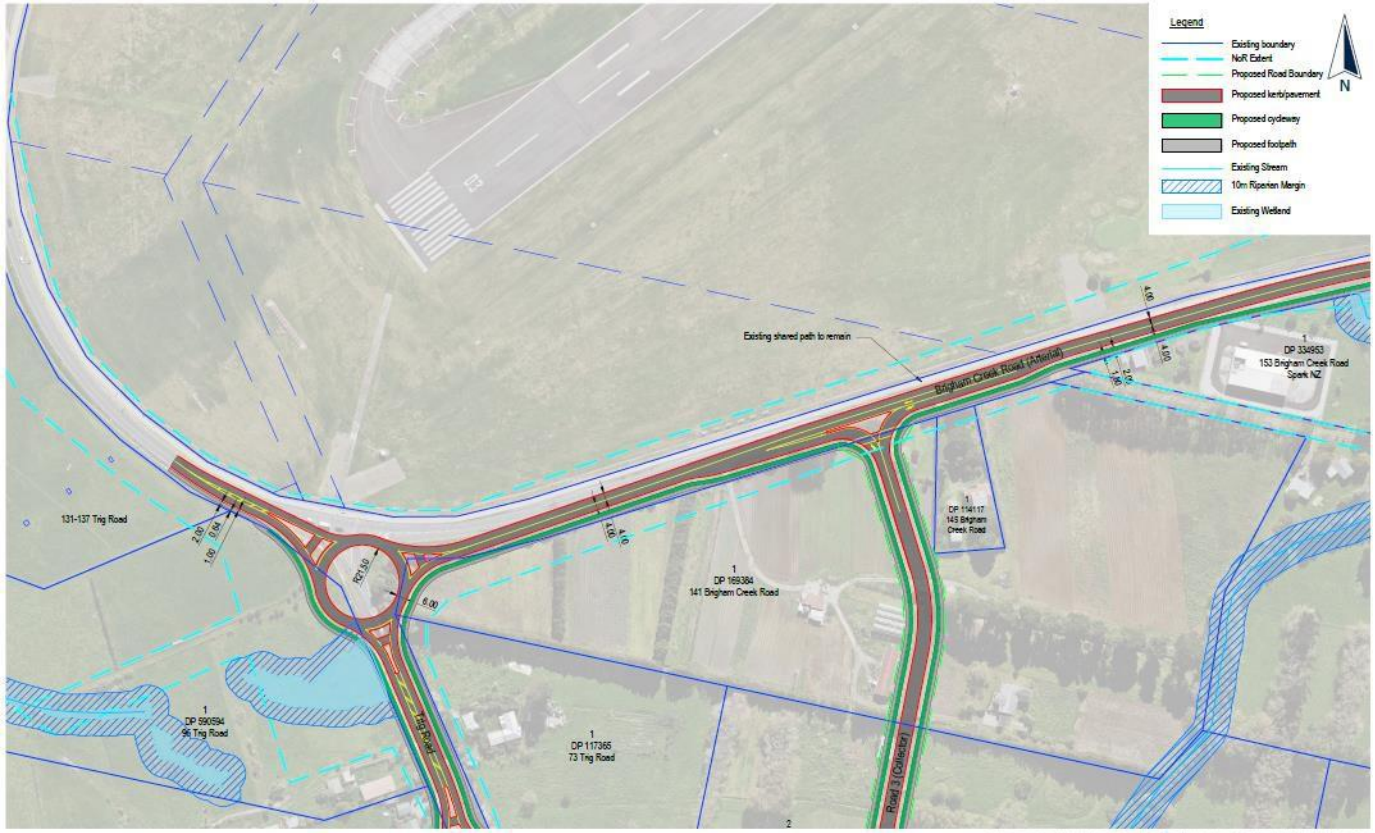




Appendix 4 - Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan

This drawing is an indicative design to be refined further through the Engineering Plan Approval process.

Commented [KD6]: 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	M.Chan	20/11/2023
H	Issued For Information	M.Chan	05/04/2024
I	Issued For Information	M.Chan	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
SURVEYED	-	11/09/2023
DESIGNED	M.Chan	11/09/2023
DRAWN	M.Chan	11/09/2023

DATE	ORIGINAL SCALE	ORIGINAL SIZE
11/09/2023	1:2000	A3

DRAWING NO. 47712-DR-C-8101 REVISION I

BUILT HERITAGE

Memo (technical specialist report to contribute towards Council's section 42A hearing report)

5 March 2025

To: Vanessa Wilkinson, Planning Consultant, Scott Wilkinson Planning, on behalf of Auckland Council

From: Cara Francesco, Senior Specialist Heritage, Auckland Council

Subject: Private Plan Change – PPC109: Whenuapai Green - Built Heritage Assessment

1.0 Introduction

1.1 I have reviewed the private plan change (PPC109) submitted by Neil Construction Limited ('the applicant'), on behalf of Auckland Council, specifically focusing on the effects on historic heritage.

1.2 My review focuses solely on built heritage and does not address effects on archaeology or the cultural values of mana whenua.

1.3 I have worked in historic heritage policy for Auckland Council for approximately fourteen years. During this time, I have conducted historic heritage evaluations, contributed to plan changes, undertaken local area heritage surveys, and regularly applied the methodology and guidance for evaluating Auckland's historic heritage.[1] Additionally, I have provided input on built heritage for the Auckland Council's Whenuapai Structure Plan update project.[2]

1.4 I hold a Bachelor of Planning with First Class Honours from the University of Auckland. I am a member of ICOMOS New Zealand, DOCOMOMO New Zealand, and an intermediate member of the New Zealand Planning Institute.

1.5 In writing this memo I have reviewed the following plan change documents:

- Private Plan Change Request – Whenuapai Green, 9 April 2024, Campbell Brown Planning Ltd
- Appendix C: Proposed Overlay Plan
- Appendix D: Proposed Precinct Plans
- Appendix E: Proposed Whenuapai Green Precinct Provisions
- Appendix M: Archaeological/Historic Heritage Assessment, October 2023, Clough & Associated Ltd.

[1] Auckland Council. *Methodology and guidance for evaluating Auckland's historic heritage*. Version 2. August 2020. Accessed from: https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/protecting-our-heritage/Documents/methodology-guidance-evaluating-aucklands-historic-heritage.pdf

[2] Public consultation on to the updated structure plan is yet to occur at the time of preparing this memo

1.6 In February 2025, I visited the sites within the plan change area from the public realm on McCaw Avenue and Totara Road, Whenuapai. Additionally, unrelated to this plan change, I inspected the Officers' Mess, located on the adjoining Royal New Zealand Air Force (**RNZAF**) site, on the corner of Kupe Avenue and Manaia Street, Whenuapai, in July 2024 accompanied by an RNZAF official.

2.0 Key issues

2.1 A small portion of the eastern edge of 98-100 Totara Road, Whenuapai is covered by the Historic Heritage Overlay Extent of Place (**extent of place**) in the Auckland Unitary Plan Operative in Part 2016 (**AUP**). The extent of place relates to the Officers' Mess, ID 00232, in Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**).

2.2 The key matter is the proposed deletion of the extent of place associated with the Officers' Mess on 98-100 Totara Road, Whenuapai.

3.0 Applicants' assessment

3.1 The applicant's archaeology and historic heritage assessment, along with the planning section 32 analysis report, addresses the extent of place of the Officers' Mess in relation to the plan change area.

3.2 The applicant has submitted an archaeology and historic heritage assessment prepared by Clough & Associates Ltd. The report includes high level historical information on the development of the Whenuapai Airbase and the plan change sites. In relation to the extent of place (page 28) the heritage assessment sets out that:

> *"The scheduled extent of the RNZAF Officers' Mess extends marginally into the proposed plan change area, as shown in Figure 8 and Figure 24. The scheduled extent of place as shown on Figure 8 is semi-circular and presumably intended to reflect the alignment of Kupe Avenue. It is unclear why it extends into the proposed plan change area, which was never part of the Ministry of Defence properties. It is possible that it is a minor a mapping error, which could be adjusted to align with the property boundary without detriment to the scheduled item*.
>
> *Future development enabled by the proposed plan change will not affect any physical remains relating to the RNZAF Officers' Mess, which would all be contained within the Ministry of Defence property. There would be some visual effects from the construction of mixed urban housing on the adjacent, currently undeveloped land. However, the Officers' Mess building is at least 82m away from the eastern boundary of the proposed plan change area (Figure 24) and for the most part is well screened from the plan change area by mature trees to the west and north. Any adverse visual effects could be mitigated by further planting along the boundaries to the north and southwest of the scheduled item to improve screening. Any adverse effects on historic heritage values enabled by the proposed plan change are considered likely to be minor subject to mitigation through boundary planting as required."*

3.3 The Clough & Associates assessment recommends (page 32) that:

> *"Consideration should be given to realigning the scheduled extent of place of the RNZAF Officers' Mess on the property boundary, as its marginal extension into the proposed plan change area does not relate to any known heritage or heritage landscape elements associated with the heritage building".*

3.4 The applicant's planning report by Campbell Brown as part of its options analysis (page 45) notes that:

> *"The removal of the small portion of the Historic Heritage Overlay (related to the RNZAF Base Auckland Officers' Mess) on the PPC land will not affect the protection afforded by the overlay but will enable the objectives of the Precinct to be appropriately addressed".*

3.5 The applicant's planning report shows the current AUP extent of place in Figure 12 (page 22), alongside the plan change boundaries (Figure 1 of this memo). The proposed amended extent of place is set out in Appendix C – Proposed Overlay Plan of the lodged documentation (Figure 2 of this memo).

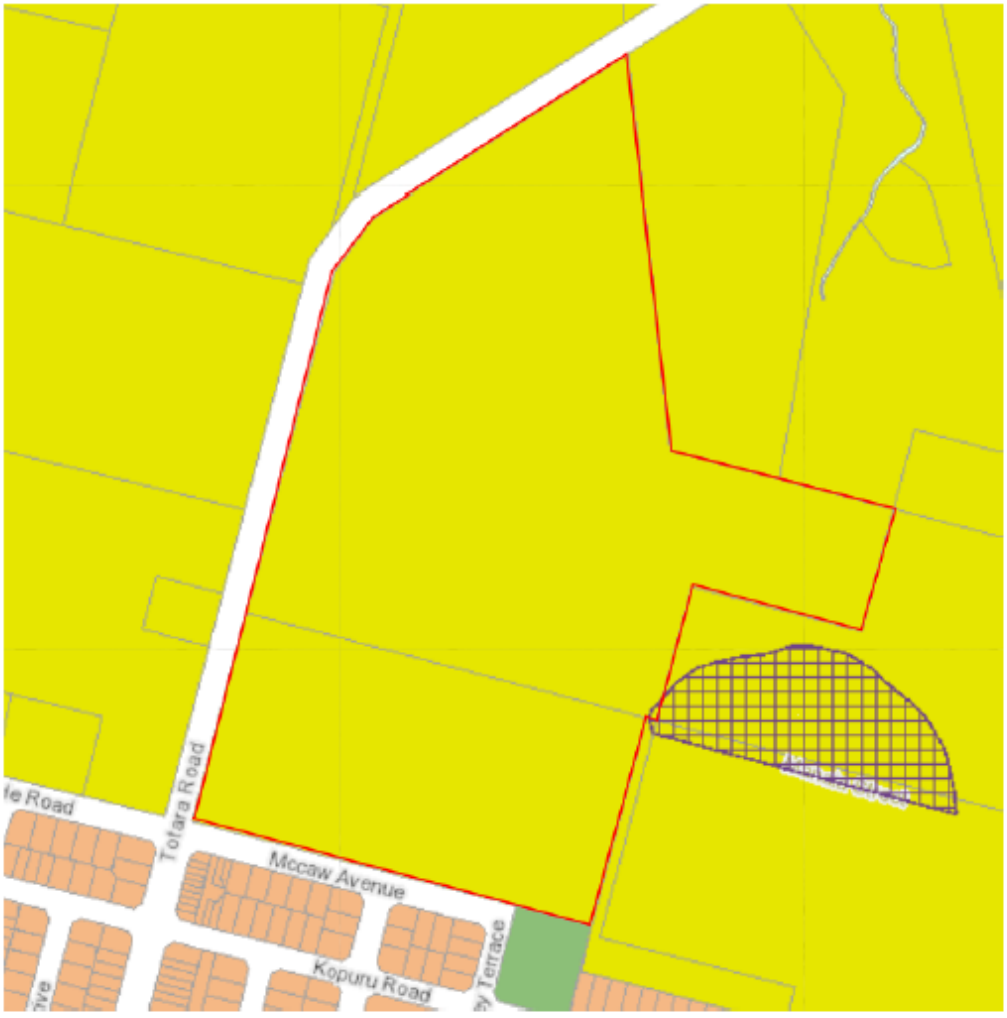


Figure 12 - Historic Heritage Overlay in relation to the PPC land

Figure 1: Extent of place of Officers' Mess under the AUP, in relation to PPC area (shown in red outline), as set out in Campbell Brown planning report, page 22.

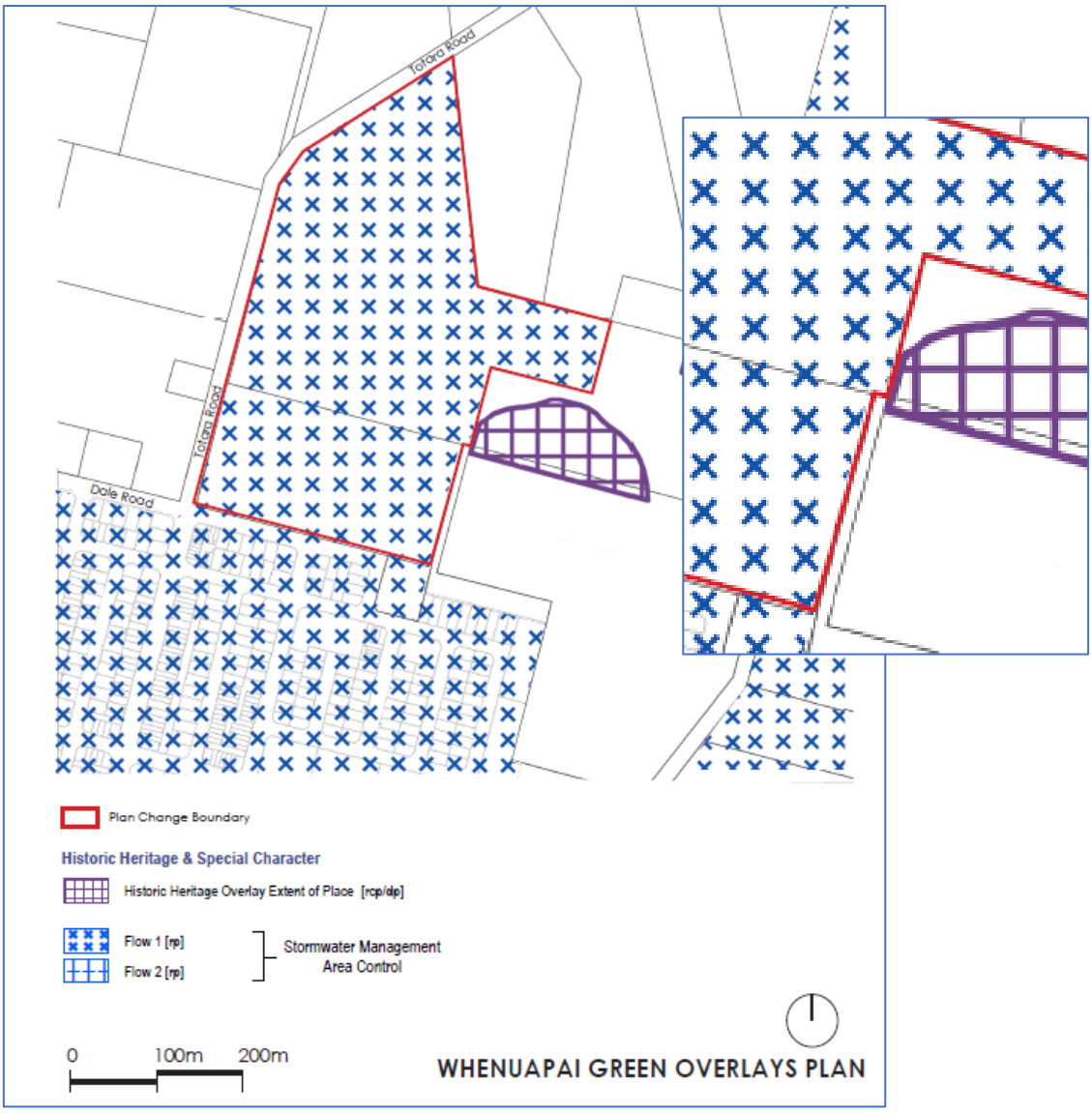


Figure 2: Applicant's proposed extent of place for ID 00232, for the RNZAF Officer's Mess, showing it no longer covering 98-100 Totara Road. Right hand image is an enlarged section to show the applicant's proposed extent of place amendment.

4.0 Assessment of built heritage effects and management methods

Background

4.1 The RNZAF Whenuapai Airbase was established in the late 1930s and early 1940s. During its early development, an Officers' Mess[3] was constructed between 1939 and 1940. This single storey building exhibits Stripped Classical and Art Deco styles and features a central block for mess facilities, with connected symmetrical wings on either side for the sleeping quarters of unmarried officer, as well as offices.[4] The spaces in between the wings created courtyard areas.

[3] An Officers' Mess is a building, or part of a building used to provide meals and recreational facilities for officers in the armed forces

[4] *Levin Daily Chronicle*, 14 March 1939, p 8; *Northern Advocate*, 7 May 1940, p 4

Current physical description

Officers' Mess -RNZAF site

4.2 The Officers' Mess forms part of the RNZAF Airbase, which is not accessible to the general public. The Officers' Mess has a formal approach, accessed via a tree-lined driveway off Kupe Avenue, that curves around the building to the front entrance. The rear of the Officers' Mess adjoins to Manaia Street, a dead-end road. The building is situated on a small knoll and oriented to the north, with views of the surrounding agricultural land. Within the extent of place of the Officers' Mess is areas of asphalt parking to the front and rear of the building, grassed lawn and landscaping. Additionally, there are two long rectangular buildings located to the western rear side of the Officers' Mess, along with a smaller square rectangular building. These buildings are not present in this location on a 1950 aerial photograph.[5]



Figure 3: Front, northern elevation of the central portion of the Officers' Mess in the Whenuapai Airbase complex. (Auckland Council, 12 July 2024).

98-100 Totara Road

4.3 Approximately 48m² of the eastern edge of the plan change area at 98-100 Totara Road falls within the extent of place of the Officers' Mess (Figure 1). This portion of the subject site consists of pasture and a small area of vegetation from the adjoining RNZAF property. Security wire fencing marks the edge of the adjoining RNZAF site. The western wing elevation of the Officers' Mess is approximately 82-83 metres from the western RNZAF site boundary, which shares a boundary with 98-100 Totara Road. Currently, this area is predominantly in grass and some vegetation.

Findings

4.4 I support the proposed deletion of the extent of place of ID 00232, Officers' Mess from 98-100 Totara Road, Whenuapai.

[5] Retrolens, SN583-1914-21, 1950

4.5 In my opinion, the inclusion of 98-100 Totara Road in the extent of place appears to be a mapping error. This view is supported by the absence of 98-100 Totara Road in the 'verified location' column in Schedule 14.1 for the Officers' Mess. Additionally, the 'verified legal description' in the Schedule 14.1 entry does not refer to 'Lot 2 DP 81441', which is the parcel description for 98-100 Totara Road.

4.6 In relation to the AUP, the proposed amendment to the extent of place is consistent with Policy B5.2.2, which relates to defining the location and physical extent of a significant historic heritage place. Having considered the criteria in Policy B5.2.2(1), it requires identifying the area that contains the historic heritage values; and where appropriate, areas relevant to understanding of the function, meaning and relationship of those values.

4.7 As established in the Clough and Associates heritage assessment, 98-100 Totara Road has not historically functioned as part of the Airbase or Officers' Mess. Its connection is limited to being an adjoining site. The closest point of the Officers' Mess is over 80 metres away from the area in question on 98-100 Totara Road. Therefore, the area within the extent of place on 98-100 Totara Road lacks a significant function, meaning or relationship with the Officers' Mess.[6]

Other matters
Mitigation planting

4.8 The Clough and Associates heritage assessment (page 31), recommends additional planting along the property boundary of 98-100 Totara Road to mitigate any adverse effects on historic heritage values enabled by the proposed plan change.

4.9 The mitigation planting recommendation in the heritage assessment does not appear to have been explicitly incorporated into the precinct provisions. The vegetation provisions focus on riparian planting and wetland restoration.

[6] This vegetation was not present on the 1950 aerial



Figure 4: Retrolens, SN1379, 1209/1961. Aerial photograph showing the Officers' Mess and the vegetation on 98-100 Totara Road around the Officers' Mess

4.10 Previously, there was reasonably dense vegetation planted on the eastern edge and the northeastern corner of 98-100 Totara Road, which for a time screened the interface between the Officers' Mess and the Airbase site (including the Bristol Block) (Figure 4). In my opinion, planting is not critical to upholding the historic heritage values of places.

4.11 Additionally, it is unclear how the long-term retention of such planting can be guaranteed without tools such as a covenant or vegetation removal rules in the precinct. My position on mitigation planting in relation to heritage values is neutral.

Deletion of extent of place on Pt Lot 1 DP 9146

4.12 The plan change also proposes to delete a small section of the extent of place covering Pt Lot 1 DP 9146, which is owned by the RNZAF. This area lies outside the boundaries of the plan change (see Figures 1, 2, 3 and 5). This amendment does not appear to be within the plan change boundaries. Setting any matters of scope aside, I support the removal of this small section based on its merits. While RNZAF land, it does not sufficiently contribute to the meaning, function and relationships of the place. Similar to 98-100 Totara Road, the edge of the extent of place is approximately 82-83 metres from the closest point of the western wing of the Officers' Mess.



Figure 5: Showing portion of Pt Lot 1 DP 9146 covered by the extent of place (purple hatching), but not within the boundaries of the plan change, that is proposed for removal in PPC109 (see Figure 2).

5.0 Submissions

5.1 There are no primary submissions addressing or seeking relief related directly to built heritage. However, the New Zealand Defence Force (submission #07) has raised that vegetation planting along or near the boundary with RNZAF Base Auckland needs to not impact security requirements for the Base. There are no relevant further submissions to consider.

6.0 Conclusions and recommendations

6.1 In my opinion, the applicant has adequately assessed the effects of PPC109 on the environment, specifically concerning built heritage.

6.2 I recommend removing the extent of place for ID 00232 related to the Officers' Mess in so far as it covers 98-100 Totara Road, Whenuapai.

6.3 I also, in principle, support deletion of the extent of place from Pt Lot 1 DP 9146 (Figures 2 and 5).

6.4 My position is neutral in relation to any planting requirements on the eastern and northeastern boundary of 98-100 Totara Road, where the extent of place of the Officers' Mess is proposed to be deleted.

6.5 In my view, there are no other outstanding matters that need to be addressed or considered further regarding built heritage in relation to PPC109.

6.6 I am able to support the plan change concerning built heritage matters without modification.

ECOLOGY

Private Plan Change 109 Whenuapai Green – Ecological Assessment: Technical Specialist Report to contribute towards Council's 42A Hearing Report

Prepared for:	Vanessa Wilkinson Planning Consultant, Scott Wilkinson Planning	Reviewed and approved for release by:	 Nick Goldwater Senior Principal Ecologist
Author:	Sarah Budd Principal Ecologist, Wildland Consultants		
Report No:	7223b		
Date:	June 2025		

1.0 Introduction

1.1 I have undertaken a review of Private Plan Change 109, on behalf of Auckland Council in relation to ecological effects. I have over 14 years' experience working as an ecological consultant and have carried out consent reviews and plan change reviews for a number of regulatory authorities over many years, including for Auckland Council, Waikato Regional Council, Kaipara District Council, Upper Hutt City Council, Northland Regional Council, and the Environmental Protection Authority. I also oversee all Auckland Council consent and plan change review work carried out by the wider Wildlands team.

1.2 In writing this memo, I have reviewed the following documents:

- Request for Private Plan Change. Campbell Brown Planning Ltd.
- Ecological Impact Assessment (EcIA). Viridis Environmental Consultants.
- Proposed Whenuapai Green Precinct Provisions.
- Proposed Precinct Plans.
- Whenuapai Green PPC –Ecology Assessment and RFI responses. Viridis Environmental Consultants.
- Updated Precinct Plans.
- Updated Whenuapai Green Precinct Provisions.
- Clause 23 Responses
- Submissions and further submissions.

2.0 Key Ecological Issues

2.1 Key ecological issues associated with the proposed plan change are summarised below. These issues are discussed in more detail in the sections below:

- Road extending east into NZDF land and associated stream loss.
- Size and location of the neighbourhood park.
- Lack of clarity regarding potential for future wetland reclamation.
- Appropriate width of riparian yards/margins.
- Fauna management actions.

3.0 Applicant's assessment

3.1 Overall, the methods used to assess and describe the ecological features of the site are appropriate and I generally agree with the information provided in Sections 3 to 5.2 of the EcIA. However, I disagree with the classifications of avifauna, herpetofauna, and Chiroptera values at the site (Table 5 of the EcIA report). The report identifies that there is the potential for bird and lizard species classified as At Risk – Declining to be present at the site (New Zealand pipit and copper skink), which should both be considered 'High' value species (as per Table 5 of the EIANZ guidelines). Long tailed bats may also be present at the site periodically and should be considered of 'Very High' value due to their classification as a Threatened – Nationally Critical species.

3.2 The assessment of ecological effects (Section 6) appears to assess what is proposed at the site against what is already allowed for in other urban zoned areas, rather than against the current baseline condition. For example, it seems to be assumed that the potential adverse effects of reducing the riparian yard/margin width from 20 metres to 10 metres is appropriate as 10 metres is standard in other urban zones. Despite stating that *"While greater setback distances allow more space for riparian planting and, therefore, a corresponding increase in the ecological benefit derived"* the potential ecological effects of the width reduction are not discussed in detail. Instead, the report simply states that *"10m is consistent with the zoning provision and a 10m riparian yard is considered to be appropriate"*.

3.3 The same approach has been taken with regard to the changing activity status of wetland reclamation. While no wetland reclamation is currently expected to be required, the EcIA notes that the proposed rezoning will open a consenting pathway for this to occur (currently a prohibited activity). The EcIA makes no attempt to quantify the extent of wetland reclamation that may be proposed during the development of the site, and therefore what the potential ecological effects of the rezoning on wetland habitats may be.

4.0 Assessment of Ecological effects and management methods

4.1 Road extending east toward NZDF land, and location of the neighbourhood park

The proposed road that extends eastward from the site will need to cross an intermittent stream on the subject site, and potentially a permanent stream on the neighbouring site (NZDF land) if it is intended to extend past the property boundary. This is not consistent with the provisions of the National Policy Statement for Freshwater Management (NPS-FM), which requires the loss of river and wetland extent to be avoided unless there is a functional need. This is also not consistent with standard IX.6.5 of the proposed precinct provisions which states that *"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"*.

Given the small area that extends eastward from the main part of the site toward the NZDF land contains two streams and some wetland habitat, this would be the most appropriate place for the "neighbourhood park", which could be connected to neighbouring developments via a walking path. This would also be consistent with the following statements in the EcIA (my emphasis underlined):

Section 6.4.2: *"All streams and wetlands will remain and be enhanced through the provision of a 10-metre planted riparian buffer around all features"*.

Section 6.4.4: *"Consistent with the Parks and Open Spaces Strategic Action Plan, the PPC provides an opportunity to create an open space that protects the streams and site"*.

4.2 Wetland reclamation

Section 6.3.3 of the EcIA notes that under the current zoning reclamation of natural inland wetlands is a prohibited activity, and that the rezoning will open a consenting pathway for wetland reclamation under Regulation 45C of the NES-F. However, it provides no indication of whether, and to what extent, wetland reclamation may be proposed. This section of the EcIA goes on to state that *"any adverse effects on natural inland wetlands will be able to be assessed and managed appropriately at the future resource consent stage"*. However, there are limited opportunities to provide offsetting or compensation for any loss of wetland extent at the site. It is not possible to determine if effects on wetlands can be adequately managed at the resource consent stage without a clearer understanding of the potential magnitude of these effects.

Given that the potential for wetland reclamation to occur is a result of the proposed rezoning, it is appropriate to consider this effect as part of the plan change process rather than deferring this to the resource consent stage. From an ecological perspective, as wetland reclamation is not currently anticipated to be required to develop the site, wetland reclamation should continue to be prohibited.

4.3 Reduced Riparian Yard/Margin Width

As stated in Section 6.3.2 of the EcIA, *"greater setback distances allow more space for riparian planting and, therefore, a corresponding increase in the ecological benefit derived from such planting"*. While 10 metres is consistent with other urban zoning provisions, this is a reduction from the level of protection provided currently. This rezoning process provides an opportunity to require a wider riparian yard, which will result in improved ecological benefits to those of other urban areas. A 20-metre-wide planted margin is also more likely to establish as a self-sustaining indigenous ecosystem, which requires less maintenance than a narrower margin that is subject to continuous pest plant invasion. As mentioned above, the EcIA does not provide an assessment of the potential adverse ecological effects of the reduction in riparian margin protections and therefore does not suggest management actions. Given the substantial increase in impervious surfaces at the site, retaining the 20-metre-wide setback requirement would be appropriate.

The arguments put forward (in subsequent Clause 23 response documents) for the inclusion of a 10-metre-wide planted riparian margin are not ecological in nature. Rather, they are planning arguments relating to balancing ecological values with *"benefits of using serviced urban land efficiently"*. I understand that some balancing of adverse effects across disciplines is sometimes required. However, in this case it appears that retaining a 20-metre-wide margin would make very little difference to the ability to develop the site (particularly if the area extending to the east is set aside for the neighbourhood park as discussed above).

4.4 Fauna Management Actions

The EcIA defers consideration of fauna management actions to the resource consenting stage. However, it is noted that some of the activities that may be carried out to develop the site in line with the precinct plan may not require resource consent (e.g. the permitted removal of pest plant species that may provide habitat to Threatened or At Risk fauna). It is therefore not clear how it will be ensured that appropriate fauna management actions will be carried out when undertaking activities that result from the proposed rezoning. Precinct provisions should be included to directly address this gap. These provisions should include requirement for the consideration of lighting effects on long-tailed bats.

5.0 Submissions

5.1 None of the submissions received discuss ecological issues. However, it is noted that two submitters (David George Allen and Charlotte Alisa Meyer) both mention a desire for increased quality and quantity of open spaces. This reinforces the importance of ensuring the size and location of the neighbourhood park is carefully considered.

6.0 Conclusions and recommendations

6.1 The values of ecological features at the site are generally low and there are few constraints to the development of the site as an urban area. However, it is my opinion that the ecological constraints that do exist, primarily relating to streams and wetlands, have not been adequately considered in the precinct plan and associated provisions.

6.2 In its current form, I do not consider that the application is consistent with the National Policy Statement for Freshwater Management.

6.3 Overall, I consider that the private plan change could be supported from an ecological perspective provided modifications are made to address the following issues:

- Relocating the neighbourhood park to the eastern part of the site so that the stream and wetland habitats in this area are protected from effects associated with the current proposed road layout.
- Protection and enhancement of a 20-metre-wide riparian yard/margin, and the addition of the following to Standard IX.6.5 of the precinct provisions:
    2) 20-metre-wide riparian margins around streams and wetlands at the site must be planted in accordance with a Council approved landscape plan and must use eco-sourced native vegetation, be consistent with local biodiversity and planted at a density of 10,000 plants per hectare.
    3) Pedestrian/cycle paths must be located adjacent to, and not within the 20-metre-wide riparian planting.
- Inclusion of precinct provisions that ensure wetland reclamation remains a prohibited activity.
- Inclusion of precinct provisions that will ensure appropriate fauna management actions are carried out.

ECONOMIC

PROPERTY ECONOMICS



PC109 WHENUAPAI GREEN

RESIDENTIAL PLAN CHANGE

ECONOMIC REVIEW MEMORANDUM

Client: Auckland Council

Project No: 52406

Date: June 2025

W: www.propertyeconomics.co.nz E: tim@propertyeconomics.co.nz M: 021 557713 PO: Box 315596, Silverdale 0944

23 June 2025 DIGITALLY DELIVERED

ECONOMIC MEMORANDUM

To: Vanessa Wilkinson
Planning Consultant
Scott Wilkinson Planning
Email: vanessa@scottwilkinson.co.nz

RE: ECONOMIC REVIEW OF PC109 - WHENUAPAI GREEN PRIVATE PLAN CHANGE

ECONOMIC REVIEW

Property Economics has been commissioned by Auckland Council, through Scott Wilkinson Planning, to undertake a high-level economic review of the potential impacts associated with Private Plan Change 109 (**PC109**). This proposed development seeks to rezone approximately 16.4ha of land, comprising 98-100 and 102 Totara Road, Whenuapai, from Future Urban Zone to Residential – Mixed Housing Urban, in the context of the Auckland Unitary Plan Operative in Part (**AUP**) and Resource Management Act 1991 (**RMA**) context.

As part of our initial review process, Property Economics raised an economic query seeking to better understand the infrastructure upgrade requirements necessary to support the proposed Whenuapai Green Precinct should development be brought forward as proposed. This query formed part of Auckland Council's Clause 23 Schedule 1 Request for Information (**RFI**) relating to PC109.

In response, the Applicant provided additional information identifying a suite of self-funded infrastructure upgrades / improvements to accommodate the proposed Whenuapai Green Precinct. These improvements are expected to mitigate the infrastructure demands generated by the proposed development, ensuring there is no adverse effect on existing or planned infrastructure capacity in the wider area. Furthermore, the Applicant confirmed that no additional funding contributions would be sought from Auckland Council, Watercare, or Auckland Transport.

Following our review of the Applicant's response, Property Economics was provided with a Memo from Council's infrastructure lead[1] raising concerns about there being no signed infrastructure funding agreement in place and no discussions currently underway with the developer. This Memo implies off-site infrastructure investment is required as a result of development within the plan change area ahead of the identified timeframe.

Based on the Applicant's response and Council's infrastructure Memo, greater clarity from both sides would be beneficial to better understand what specific off-site infrastructure requirements are

[1] *Memo re PC109 – Whenuapai Green Private Plan Change, 29 May 2025, by Ian Kloppers, Head of Infrastructure Funding & Development Strategy*

triggered by the plan change development and the associated costs and timing of any such investment. This would provide clarity around who would be responsible for these costs (wholly or in part), or some commitment to a funding agreement process with the infrastructure provider (if required). This would ensure requisite infrastructure investment is appropriately considered and incorporated into the plan change provisions to enable understanding of the responsibilities for mitigation of off-site effects associated with PC109, thereby mitigating the potential economic risks to Council related to infrastructure servicing.

In addition to infrastructure considerations, Property Economics has reviewed a (late) submission from the Ministry of Education (MoE) (Submission #10). The MoE requests that the Applicant engage with the Ministry to ensure provision in the plan changes policy settings is made for future educational facilities, in order to enable the establishment of such facilities to accommodate the extra school-aged population anticipated within PC109 and the wider Whenuapai growth area.

We have reviewed the Precinct Provisions amended by MoE. From an economic perspective, we consider their amendments are both appropriate, practical and economically efficient. They have potential to promote a more integrated and improved development outcome for the proposed Whenuapai Green Precinct in an efficient location, delivering additional economic and social benefits for both existing and future residents of the area.

Having considered the Applicant's Clause 23 RFI response alongside all the relevant economic matters, Property Economics concludes that the potential economic impacts of PC109 are appropriately addressed. We have no further concerns regarding the proposed rezoning in the context of the AUP and RMA.

If you have any queries, please give me a call.

Kind Regards

Tim Heath

Director

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GEOTECHNICAL

Memo

24/06/2025

To:	Vanessa Wilkinson, Planning Consultant, Auckland Council
From:	Nicole Li, Engineering, Assets and Technical Advisory (EATA), Auckland Council
Subject:	Private Plan Change 109 – Whenuapai Green, 98-100 & 102 Totara Road - Geotechnical Review
Status:	Issued for Information Version: 1

1 Introduction

We have been requested by Vanessa Wilkinson, Planning Consultant, from Scott Wilkinson Planning Ltd (on behalf of Auckland Council) to review geotechnical aspects of a proposed Private Plan Change (PPC). The proposed PPC is requesting to rezone 98-100 and 102 Totara Road, Whenuapai (referred to as Whenuapai Green) from Future Urban Zone to Residential-Mixed Housing Urban zone. The Whenuapai Green site comprises land area of approximate 16.36 hectares. The properties and site location included in this proposed PPC are presented in Figure 1 below.



Figure 1: Properties that are included in this private plan change

The review of the geotechnical effects of the proposed private plan change has been undertaken by Nicole Li and Frank Zhou on behalf of Auckland Council. Ms Li and Mr Zhou are both New Zealand based geotechnical engineers, BE (Hons), with approximately 15 years' and 10 years' experience respectively in the consulting and public fields.

The following report attached to the application was reviewed by us in preparation of writing this memo:

- CMW Geosciences Ltd (CMW) "WHENUAPAI GREEN, 98-102 TOTARA ROAD, WHENUAPAI, PRELIMINARY GEOTECHNICAL INVESTIGATION REPORT", reference AKL2018-0085AG Rev 2, and dated 17 December 2024.

2 Proposed Plan Change

Existing Site

The Preliminary Geotechnical Investigation Report describes the topography of subject area and outcome of historic photo review as follow:

"*The ground contours grade gently from approximately mRL 25.0 at the southern boundary to mRL 15.0 across the bulk of the site*."

"Our review of the publicly available historic aerial photos found no signs of major slope instability."

The subject site typically consists of gently sloping ground. Figure 2 below illustrates a geological cross section showing the typical ground profile at the site.

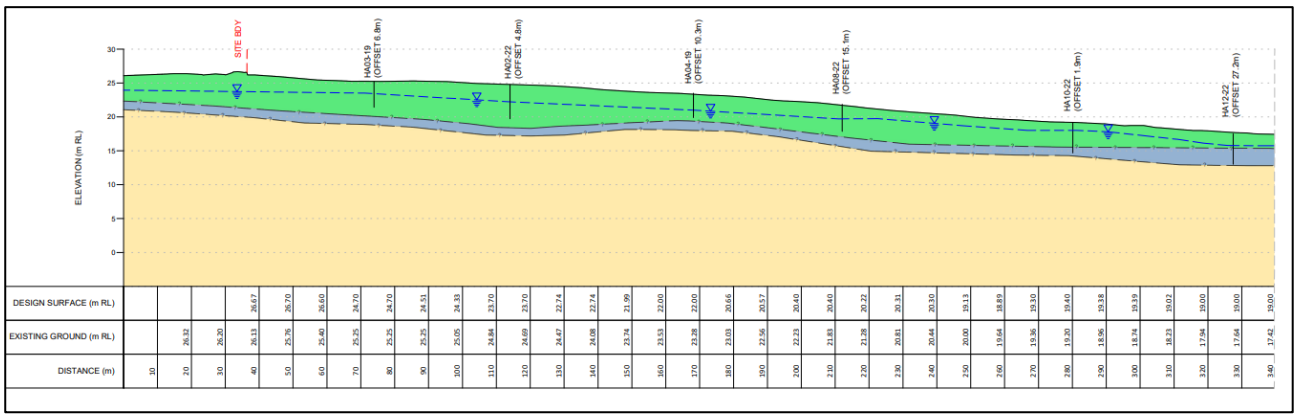


Figure 2: Geological cross section showing typical ground profile on site

Proposed Development

It is understood that the subject site shown in Figure 1 is proposed to be rezone to Residential-Mixed Housing Urban zone.

3 Assessment of Geotechnical Effects and Management Methods

Geology, Geotechnical Field Investigation and Laboratory Testing

The site is underlain by alluvial deposits of the Puketoka Formation of the Tauranga Group, overlying East Coast Bays Formation of the Waitemata Group. It is understood that CMW undertook 25 hand auger boreholes on site to a maximum depth of 5m as part of the preliminary geotechnical investigation, with Scala penetrometer tests within selected auger boreholes. Laboratory testing was carried out based on two soil samples to determine the expansiveness of the soils on site.

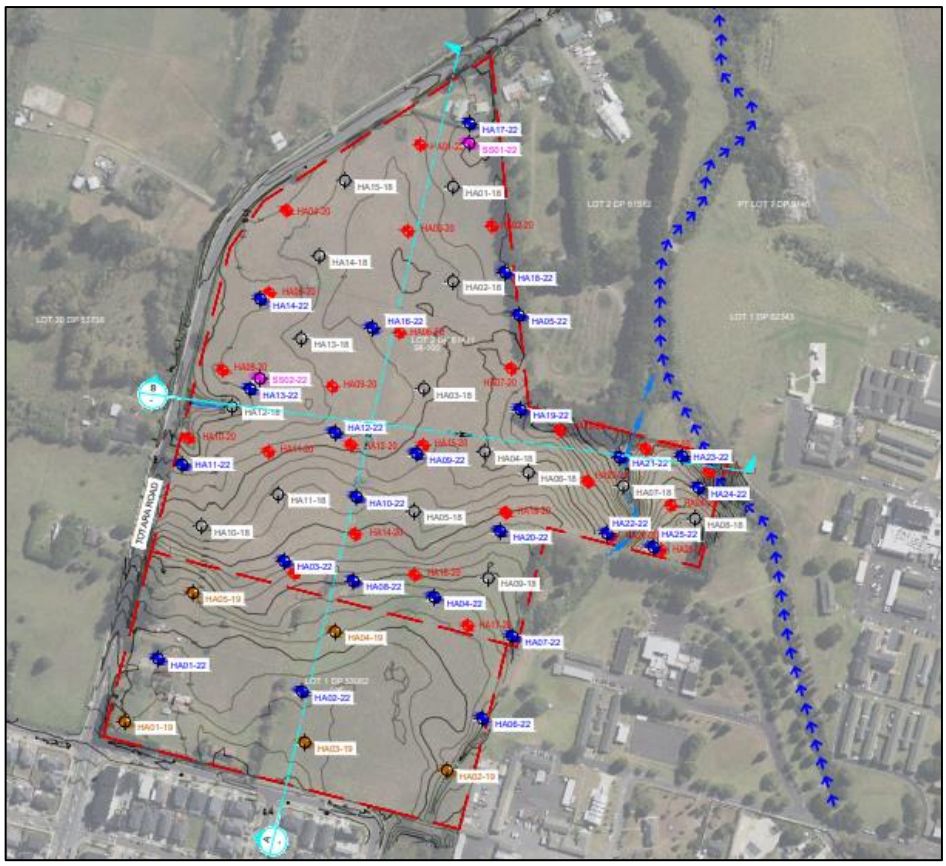


Figure 3: Site extent and locations of hand auger boreholes undertaken

Anticipated Geotechnical Hazards and Risk Management Measures

The provided CMW report discusses geohazards outlined below and recommends risk management measures for consideration where deemed necessary.

Slope Stability - The geotechnical report considers the risk of global slope instability is low due to the gently sloping and near-flat ground profiles on site. It states that "*The landform is generally near flat with discrete areas of steep slopes near watercourses. As such, the site is considered at low risk of slope instability*". No risk management measure is considered necessary by CMW.

Fault Rupture - The site is located in a low seismicity region with the nearest active fault (Wairoa North Fault) located approximately 42 kilometres south-east of the site. CMW considers the fault rupture to be a low risk, and no risk management measure is considered necessary.

Liquefaction and Lateral Spreading – CMW undertook a Level B Calibrated Assessment to assess the liquefaction vulnerability for the area. The CMW report states that "*we consider the liquefaction (in accordance with a Level B assessment) and lateral spreading susceptibility of the site is 'low'*". Risk management measure has not been recommended for this geohazard due to its defined 'low' vulnerability.

Load Induced Settlement – The settlement hazard within the subject site is associated with presence of localised soft spots and pockets of compressible alluvial soils embedded within the more competent residual soils. The CMW report is suggesting the presence of such soft materials "*should be confirmed during construction and where possible excavated and replaced with engineered fill. Alternatively, where proposed roads and structures are expected to span over these materials (located at depth), remediation in the form of specifically designed foundation systems and/ or ground improvement techniques (e.g., lime stabilisation of surface soils) may be utilised*".

Pumice Soil Exposure – Trace of pumices soil was encountered within some hand auger boreholes. CMW recommends undercutting portions of the soft and sensitive soil during construction as a remedial measure.

Expansive Soils – Laboratory testing for linear shrinkage, liquid limit and natural water content was undertaken in conjunction with the visual-tactile assessment method to determine the expansive soil classification. Further expansive soil tests should be carried out following completion of earthwork with results outlined in a geotechnical completion report. This information will be utilised at foundation detailed design stage in support of future building consents.

4 Submissions

The submissions do not include any supporting or opposing information regarding the geotechnical conditions on site. Therefore, this section is not applicable for our geotechnical assessment in this case.

5 Recommendations and Conclusions

At the plan change stage, it is appropriate to comment on the suitability of the land for rezoning. We consider that the site is likely to be suitable from the geotechnical perspective to support the proposed private land change, provided that detailed geotechnical assessments, specific engineering designs of earthworks, associated remedial measures, structures, infrastructure and appropriate construction methodologies are submitted for proposed works once the scope is decided. We recommend that the resource consent stage is the most appropriate time to address the specific geotechnical issues on the site.

Inputs from the Council geotechnical specialists will be required at the future resource and building consent stages.

6 Quality assurance

Reviewed and approved for release by	
Reviewer	Frank Zhou, Senior Geotechnical Specialist, EATA
This memo is satisfactorily completed to fulfil the objectives of the scope. I have reviewed, and quality checked all information included in this memo	
Author	Nicole Li, Geotechnical Practice Lead, EATA
File location	https://aklcouncil.sharepoint.com/sites/EXT/ETS/Shared Documents/Memo template ETS.docx
Date printed	24/06/2025 11:01 pm

INFRASTRUCTURE FUNDING

Memo

29 May 2025

To: **Vanessa Wilkinson**

cc: **Eryn Shields**

From: **Hannah Milatovic & Ian Kloppers**

Subject: **PC109 – Whenuapai Green Private Plan Change**

Context

This private plan change aims to rezone 16.36 ha of land over two allotments at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone ('FUZ') to Residential – Mixed Housing Urban Zone ('MHU'). The PPC also seeks to apply a new Whenuapai Green Precinct and SMAF control to the PPC land. The proposal intends to enable the development of a comprehensive medium-density community that seeks to provide housing choice and variety within close proximity to key transport connections, amenities, and services to support the envisaged residential growth for Whenuapai.

Future Development Strategy Prerequisite Projects

Auckland Council's Future Development Strategy ('FDS') signals the Whenuapai North (Stage 1) area in which the PPC land is located has been identified to be live zoned from 2035+. Specific transport infrastructure prerequisites listed in the FDS are listed below.

- SH16 – SH18 Connections
- Brigham Creek Road Upgrade (SGA NOR W3), (This project has been further scoped in the transport analysis for the Inner Northwest DC's and is broken down into the project segments as follows: 1b, 1a, 30, I12, 18, 61a, 61b, 52a, 52b, 26a, 26b, 58a, 58b, 3a, 3b)
- Northwest Rapid Transit (SGA NOR S3)
- Upper Harbour (SH18) Rapid Transit.

In regard to the Brigham Creek project, the 29 May 2025 Auckland Council Governing Body decision includes the commitment to funding and delivering the AT portion of the network as detailed within Attachment A Development Contributes Policy 2025. This decision will reflect the funding approach of AC/ AT for transport infrastructure over the next 30 years. Please note, the delivery timeframes for the segments of this project listed above may only be planned for 20 to 30 years in the future.

Proposed Precinct triggers

The projects below are identified in the proposed precinct provisions as triggers.

1. Brigham Creek Road / Trig Road intersection upgrade to a roundabout (project number 52a / 52b as identified in the transport analysis for the Inner Northwest DC's)
2. Totara Road and proposed internal northern roundabout (I18 as identified in the transport analysis for the Inner Northwest DC's)
3. Lane marking improvements at Brigham Creek and Totara Road
4. McCaw Road and Totara Road roundabout
5. Road widening along Totara Road

The 30-year Development Contributions policy work contains a list of projects specific to the Inner Northwest (which includes Whenuapai) to deliver full built out. The decision for the endorsement of the funding strategy for these projects has been made by the Governing Body on 29 May 2025.

In the current information appended to the Governing Body report Attachment A: List of projects for the investment priority areas, project 1 (project number 52 as identified in the transport analysis for the Inner Northwest DC's) listed above is assumed to partially be delivered by AT and partly be provided by developers as mitigation. The project has an interim and ultimate stage with the following funding timeframes.

- Single lane upgrade funding anticipated 2037 (project number 52a as identified in the transport analysis for the Inner Northwest DC's)
- Dual lane upgrade funding anticipated 2054 (project number 52b as identified in the transport analysis for the Inner Northwest DC's)

Projects 2-5 are not listed projects in the Governing Body Attachment A: as they have not been fully scoped by AT/AC as these types of projects are assumed to be developer provided.

Infrastructure Funding Agreements

To date there are currently no signed funding agreements in place and no discussions specific to this private plan change are currently underway with the developer.

The above is the view of the Infrastructure Funding & Development Strategy team, applying a funding and finance lens only. This memo should not be read as a transport technical expert opinion.



Ian Kloppers
Head of Infrastructure Funding & Development Strategy

LANDSCAPE AND URBAN DESIGN

R . A . Skidmore
urban design ltd

Auckland Council

Technical Specialist Report

Peer Reviewer:	Rebecca Skidmore, RA Skidmore Urban Design Ltd.
Area of Expertise:	Urban Design Landscape (including Visual) Effects
Date:	26th June 2025 2025
PC Details:	Private Plan Change 109 – Whenuapai Green Precinct
Peer Reviewers Reference:	Council Ref. PPC 109 My ref.: 24014

1 Introduction and Area of Expertise

1.1 I have undertaken a review of PPC 109 – Whenuapai Green Precinct, on behalf of Auckland Council, in relation to urban design and landscape matters.

1.2 I am an Urban Designer and Landscape Architect. I am a director of the consultancy RA Skidmore Urban Design Limited and have held this position for approximately twenty one years.

1.3 I hold a Bachelor of Science degree from Canterbury University (1987), a Bachelor of Landscape Architecture (Hons) degree from Lincoln University (1990), and a Master of Built Environment (Urban Design) degree from Queensland University of Technology in Brisbane (1995).

1.4 I have approximately 29 years' professional experience, practising in both local government and the private sector. In these positions I have assisted with district plan preparation and I have assessed and reviewed a wide range of resource consent applications throughout the country. These assessments relate to a range of rural, residential and commercial proposals. I have also reviewed a broad range of transport related notices of requirement.

1.5 I regularly assist councils with policy and district plan development in relation to growth management, urban design, landscape, character and amenity matters.

1.6 I am an accredited independent hearing commissioner. I also regularly provide expert evidence in the Environment Court and I have appeared as the Court's witness in the past.

1.7 In preparing this review I have read the code of conduct for expert witnesses contained in the Environment Court Practice Note (2023) and agree to comply with it. Except where I state that I am relying on the specified evidence of another person, the content of this Review is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

1.8 In writing this memo, I have reviewed the following documents:

- Urban Design Statement (Urban Acumen, 9th April 2024 Appendix N to Planning report);
- Assessment of Landscape and Visual Effects (LA4 Landscape Architects, 24th January 2024, Appendix O to Planning report);
- The proposed Precinct provisions (Appendix E) and Precinct Plans (Appendix D)
- The Clause 23 response (dated 19/08/24) including Attachment A (updated Precinct provision) and Attachment G (updated Precinct Plans);
- 2nd Clause 23 response (dated 13/11/24) including Appendix B (updated Precinct provisions); and
- Submissions and further submissions.

1.9 My review has also been informed by reference to:

- the PC Request Planning report (Campbell Brown Planning Ltd., dated 9th April 2024);
- proposed Zone plans (Appendix B);
- proposed Overlay plan (Appendix C).

1.10 I carried out a site visit to view the PPC area and surrounding context on 07/05/24.

2 Adequacy of Information

2.1 The Plan Change request is accompanied by an Urban Design Statement by Urban Acumen (April 2024) (the "UDS") and an Assessment of Landscape and Visual Effects by LA4 Landscape Architects (January 2024) (the "ALVE"). Both reports provide a detailed and thorough assessment and an overview is set out in Section 4 below.

2.2 I raised a single query in the Clause 23 request. This related to a recommendation made in the UDS about the interface with the NZFF Air Base and how this recommendation is addressed in the Precinct provisions. A further discussion on this point is set out below.

2.3 A number of queries raised through the Clause 23 request by the Council's ecology reviewer have urban design implications and are discussed further below.

3 Summary Key Issues

3.1 From my review of all relevant material, key issues relating to urban design and landscape considerations include:

- The way future development will interface with the NZDF Base;
- Identification and location of neighbourhood park on Precinct Plan;
- Road crossing of ephemeral stream.

4 PPC Assessment - Overview

Urban Design Matters

4.1 There is no industry standard setting out an agreed methodology for carrying out an urban design assessment. In my opinion, the UDS by Urban Acumen, sets out a clear and detailed analysis that, in my opinion, follows an appropriate methodology and addresses the key matters relevant to urban design considerations. There is an overlap between the matters assessed under the disciplines of urban design and landscape architecture and I note that the UDS report should be read alongside the ALVE. This memo provides a review of both reports.

4.2 The Introduction to the UDS clearly sets out the purpose and methodology used for the report, which includes an assessment of the proposed zoning, precinct plan and associated provisions (Section 8). I agree with the methodology used and consider the report sets out an appropriately detailed analysis.

4.3 I agree with the site and context description and the resulting analysis provided in Section 5 of the report. Section 6 goes on to set out relevant planning considerations (both statutory and non-statutory) that are also relevant to urban design outcomes. From the analysis of the various documents, clearly identified recommendations are made for precinct planning. In my opinion, there is a clear

link provided between the analysis in Section 5 and 6 and the PPC proposal (described in Section 7) both in terms of zoning and precinct provisions.

4.4 As noted above, Section 8 provides an assessment of the PPC. I agree with the topics identified for the assessment and a suitably detailed assessment follows. I agree with the conclusions drawn in Section 8 (Conclusion) that the analysis provided demonstrates that the PPC is consistent with best practise urban design.

Landscape Matters

4.5 In my opinion, the ALVE report sets out a suitably detailed assessment of the PPC. The methodology used is consistent with the guidance set out in "Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022).

4.6 The physical characteristics of the Site and its wider context are clearly described and analysed in Section 4 of the report and I agree with the characterisation provided. The following Section (Section 5) provides a summary of the relevant statutory context for considering the PPC and provides an analysis against that framework. In terms of landscape character, it is important to note that while the Site and parts of its surrounding context currently retain a semi-rural character, the Site and land to the east, north and west is zoned Future Urban. Therefore, the planned built character of the area is one that will transition to an urban environment. I agree with the opinion[1] that the PPC is consistent with the intent of the relevant landscape objectives and policies of the Auckland Unitary Plan ("AUP") which flow from the higher order documents.

4.7 An evaluation of the PPC is set out in Section 6 of the report. The report assessed the adverse natural character effects as being very low. Given the modified and degraded nature of the waterways through the Site, I consider the protection and restoration required to accompany subdivision of the land will result in an enhancement of their natural character values. I agree with the assessment of landscape character and visual effects provided.

4.8 Section 7 of the ALVE sets out conclusions drawing from the assessment. I agree that while the proposed urbanisation of the site as enabled by the PPC would

[1] Para. 5.10, Assessment of Landscape and Visual Effects, LA4 Landscape Architects, January 2024

significantly change its current open and semi-rural landscape character, that change is consistent with the planned urban character signalled by the AUP Future Urban zone and the Whenuapai Structure Plan. I agree with the concluding comment that:

> *…. In the context of the established environment, the proposal could be visually accommodated without adversely affecting the character, aesthetic value and integrity of the surrounding environment*[2].

5 Assessment of Effects and Management Methods

Urban Design

5.1 As noted above, I generally agree with the findings of the UDA. A limited number of queries were raised in the Clause 23 process in relation to urban design issues. Comments relating to the responses follows.

Interface with RNZAF land

5.2 The PPC area interfaces directly with the NZDF base along its eastern boundary. The parts of the NZDF land adjacent to the Site are zoned Future Urban. However, further to the east the NZDF land is also zoned Special Purpose Airports and Airfields Zone, and all of the NZDF land is also subject to a designation protecting its ongoing operation.

5.3 In the Clause 23 request for further information, I noted recommendations made in the UDS to ensure a suitable interface is achieved with the NZDF land such as placing lots so that they back onto the NZDF land, reducing the potential for visibility and access. A query was raised of whether additional precinct provisions are necessary to address this recommendation.

5.4 The Clause 23 response provided noted that, while the Applicant would be amenable to the inclusion of additional provisions to ensure the outcome sought above is achieved, it was not considered necessary. It highlighted that future

[2] Para. 7.8, Assessment of Landscape and Visual Effects, LA4 Landscape Architects, January 2024

subdivision would require a resource consent and creation of a suitable interface with the NZDF land would be considered at that time.

5.5 I note that Policy E38.3 (23) seeks to manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure (where the AUP definition of 'infrastructure' includes 'national defence facilities') including reverse sensitivity effects. While the associated matters of discretion and assessment criteria wouldn't specifically provide direction to ensure the lot layout identified in the UDF would be achieved, I consider that, together with the direction set out in the Precinct policy framework, there would be adequate scope to assess the way lots are laid out in relation to the NZDF land.

5.6 I note that there is a difference of opinion between the Applicant's and Council's acoustic experts. The Council reviewer has raised a number of issues with the assessment provided, particularly relating to the way potential noise effects resulting from aircraft engine testing at the NZDF land are addressed in the Precinct Provisions. I note the review makes a number of recommendations to ensure suitable mitigation is provided for outdoor living spaces, including either:

- the construction of an earth bund, acoustically effective fence, or a combination of the two along the north-eastern Precinct boundary; or
- the construction of acoustically effective fencing around individual outdoor amenity areas of ASAN within the aircraft engine testing noise 55 dB L_{dn} contour.

5.7 Such measures could have implications on the amenity of residential living environments. Depending on a determination of the potential noise effects and associated mitigation required, additional Precinct provisions may be required to ensure subdivision design addresses the associated residential amenity required to be achieved.

Indicative Street Crossing of Riparian Corridor

5.8 The Clause 23 request in relation to ecology matters, queried the inclusion of an indicative road in the Precinct Plan extending eastwards to the NZDF land. From an urban design perspective, I note the importance of creating connected neighbourhoods. Spatially indicating key connections on a Precinct Plan is a useful tool to ensure good connectivity is achieved both within the Precinct and maintaining potential to connect to the wider environment. I support the location

of the indicative east-west local road identified as extending to the eastern boundary. I note that it is not uncommon for Precinct Plans to indicate street crossings of riparian environments.

Location of Indicative Open Space

5.9 The ecology section of the Clause 23 request also raised a question about the Precinct Plan indicative neighbourhood park location from an ecological perspective, suggesting that the riparian environment indicated in the eastern area of the Precinct Plan should be included in the neighbourhood park as it would enhance the amenity of the Park.

5.10 From an urban design perspective, I note that the indicated location for the neighbourhood park has been derived from a clear site and context analysis. The intention, based on sound urban design rationale, is to create a central open space focus that provides for informal recreation, is easily accessed by all residents and is highly visible in relation to the street network. In my opinion, the location identified meets these design drivers. I note that the precinct plan provides an indicative location only. Of particular importance is the relationship to the north-south and east-west street network. While the restored stream environment would provide amenity for the open space, I would not support a shift of the indicated park location further to the east to be adjacent to the riparian environment.

6 Matters Raised in Submissions and Further Submissions

6.1 I have reviewed the submissions and further submissions received in relation to the PPC. Few submissions or further submissions raise matters related to urban design or landscape considerations. In relation to landscape character, this is perhaps an indication that the transformation from semi-rural to urban has been well signalled through the zoning and structure planning and is therefore not unanticipated. Following is commentary on the submission points raised.

Density and Amenity

6.2 The submission by J. Donis (# 3) raises concerns about the increased proximity of dwellings to their property at 3 McCaw Avenue, with adverse effects on their privacy and the peaceful environment they enjoy.

6.3 The PPC will see a change in the interface created with the property at No. 3 McCaw Avenue, which is located on the southern side of the existing street that creates the southern edge to the proposed Precinct. I acknowledge that the submitter considers the change in character enabled by the PPC will be adverse. However, the change to an urban zoning has been signalled by the Future Urban zoning of the land and the Structure Plan has indicated an expansion of the residential environment in this location. While there will undoubtedly be a change, in the context of this planning framework, the zoning will enable a development pattern that is compatible with the established neighbourhood to the south. I consider the street provides good separation to maintain a reasonable amenity for properties on the southern side of the street.

6.4 In a similar vein, the submission by A. Argal (#4) raises concerns about amenity effects on their property at No. 5 McCaw Avenue. They raise particular concerns about overlooking and a loss of spaciousness and suburban character. They identify the amenity provided by the existing shelterbelt planting along the southern boundary of the proposed Precinct and seek its retention.

6.5 In my opinion, the proposed zoning will enable a pattern of development that is compatible with the established residential environment on the southern side of the street. As noted above, the street will provide separation to maintain a reasonable level of privacy in an urban context. Given the urban change signalled in the relevant planning documents, it would not be appropriate to retain the rural style shelter belt that currently exists along the Precinct boundary. I note that McCaw Avenue contains young street trees. As these mature they will provide a greater visual presence. Future subdivision within the Precinct will also likely include the planting of suitably scaled trees within the street environment within the Precinct. I remain of the opinion, that the proposed zoning is appropriate for the Site.

Alternative Business Zoning

6.6 The submission by Auckland Council (as submitter) questions the appropriateness of a residential zone in this location, given the Site's direct interface with the NZDF air base and suggests a Business zone may be more appropriate. While the concern raised specifically relates to reverse sensitivity noise effects (both in terms of effects on the NZDF base from future residential development and the effects of aircraft engine testing noise on future activities sensitive to noise, especially residential activity), the distribution of zoning suggested does have urban structure and form implications.

6.7 I note that the Structure Plan identifies a large consolidated area of Business land between Brigham Creek Road and the two motorway corridors. There seems good sense in consolidating business activity in one area to avoid additional interface issues and to provide co-location efficiencies. Zoning the Site for Business purposes may result in adverse amenity effects for established dwellings on the southern side of McCaw Avenue and for future residential sites on the western side of Totara Road. If noise effects from the NZDF activity can be suitably managed in a manner that is compatible with residential amenity, I consider the residential zoning for the Site is preferable from an urban design perspective.

7 Conclusions and Recommendations

7.1 The PPC is supported by a suitably detailed UDA and ALVE. From my review of these assessments, together with other documentation lodged with the PPC request, site visit and review of relevant statutory and non-statutory planning documents, I am in agreement that the PPC area is consistent with the SP and is generally suitable to accommodate additional growth in Whenuapai. As set out above, there remains questions about the potential noise reverse sensitivity effects resulting from the proposed location of residential activity in close proximity to the NZDF airbase. If this issue is resolved in a manner that can enable a suitable residential amenity to be achieved, I consider the proposed zoning and the Precinct provisions are suitable to address other potential adverse amenity, character and landscape effects.

7.2 Other than additional provisions that may be required to ensure suitable residential amenity is achieved if additional noise mitigation is considered necessary, and subject to additional information provided in evidence and at the hearing, no additional amendments to the PPC are recommended.



Rebecca Skidmore
Urban Designer/Landscape Architect

June 2025

NOISE / ACOUSTIC

Technical Memorandum

To:	Vanessa Wilkinson	**From:**	Peter Runcie
Company:	Auckland Council	**SLR Consulting New Zealand**	
cc:		**Date:**	25 June 2025
		Project No.	810.030831-M01-v1.1

RE: PC109 - Whenuapai Green - 98-100 & 102 Totara Road, Whenuapai Acoustics – Peer Review

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1.0 Introduction

SLR has been engaged to undertake a review of the private plan change, on behalf of Auckland Council in relation to acoustic effects.

This review was undertaken by Peter Runcie. Peter is a Technical Director (Acoustics & Vibration) at SLR Consulting NZ Limited (SLR), specialising in environmental and architectural acoustics.

Peter holds the qualification of a Bachelor of Science Degree with Honours in Audio Technology from the University of Salford in the United Kingdom (2007). He is a full member of both the Institute of Acoustics (UK) and the Acoustical Society of New Zealand, a member of the New Zealand Planning Institute and SLR's New Zealand representative for the Association of Australasian Acoustical Consultants.

Peter has over 17 years' experience in the field of acoustic consultancy. His work has involved a wide range of acoustic assessments, including working on numerous assessments of environmental noise effects from projects across New Zealand, Australia, Middle East and the UK. He has undertaken acoustic assessments of residential developments impacted by aircraft noise and is assisting Auckland Council with airport noise relate to Plan Change 78 (Manukau Metropolitan Centre Zones). He has presented evidence at numerous council level hearings, and in the New Zealand Environment Court.

2.0 Reference Documents

The following documents have been reviewed and inform this technical memorandum.

- Acoustic Assessment Proposed Plan Change report, prepared by Earcon Acoustics, dated 15 July 2024, Revision C (the acoustic assessment).
- Proposed Plan Change RFI Response – Acoustics letter, prepared by Earcon Acoustics, dated 18 July 2024, Revision C (the 1st RFI).
- Proposed Plan Change S23 RFI Response – Acoustics letter, prepared by Earcon Acoustics, dated 21 October 2024, Revision B (the 2nd RFI).
- Proposed Plan Change S23 RFI Response – Acoustics letter, prepared by Earcon Acoustics, dated 25 November 2024, Revision A (the 3rd RFI).
- Proposed Precinct Provisions (provided 28 November 2024).
- Submissions, including further submissions received.

3.0 Key Issues

The key acoustic issues associated with the private plan change relate to noise from the nearby Royal New Zealand Air Force (RNZAF) Base. These issues can be broken into two components:

1. Potential noise effects (health and amenity) on future occupants of the land encompassed by the private plan change, especially new sensitive activities establishing near to the Base, and more specifically effects from engine testing noise on these activities; and
2. Potential reverse sensitivity effects on the operation of the RNZAF Base due to new sensitive activities establishing near to the Base, specifically related to engine testing noise.

4.0 Applicant's Assessment

The applicant's assessment identifies the currently applicable standards related to the generation of noise from development of the land based on the current Auckland Unitary Plan (AUP) site zoning, *Future Urban Zone* (**FUZ**) – E25.6.3. It subsequently identifies the existing AUP Standards which would apply following the proposed private plan change, being those of the *Residential – Mixed Housing Urban Zon*e (**MHUZ**) – E25.6.2.

The applicant's assessment notes that the private plan change area is subject to noise from aircraft taxiing, taking off and landing, and that a small portion at the north of the private plan change area sits within the related *Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA)*. This requires Activities Sensitive to Aircraft Noise[1] (**ASAN**) in this area to meet the provisions of Chapter D24 Aircraft Noise Overlay (specifically D24.6.1). This requirement applies equally to development of land under a FUZ zoning of the area and the proposed MHUZ zoning.

The private plan change area is also identified as impacted by noise from aircraft engine testing. Aircraft engine testing (also called aircraft or engine ground running) describes the operation of some, or all, of the engines of an aircraft, whilst on the ground. This noise is not part of the noise captured in the *Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA)* noise contours.

The level of engine testing noise the private plan change area is potentially exposed to is identified based on predictions undertaken by the applicant's acoustic specialist's, Earcon. Earcon's assessment is informed by measurement and modelling undertaken by other consultants[2]. The modelling and measurement which informs the Earcon noise predictions adopts an Ldn metric, consistent with the general approach for airport noise across New Zealand and internationally. However, the Earcon acoustic assessment adopts an $L_{Aeq,\ 15min}$ noise descriptor for the proposed plan change.

The Earcon acoustic assessment, and subsequent RFI's, propose a method to manage aircraft engine testing noise effects (both on future occupants and in terms of reverse sensitivity effects on RNZAF). Broadly the proposed precinct provisions seek to:

[1] ASAN is defined in the AUP as "Any dwellings, boarding houses, marae, papakāinga, integrated residential development, retirement villages, supported residential care, care centres, education facilities, tertiary education facilities, hospitals, and healthcare facilities with an overnight stay facility."

[2] Tonkin & Taylor Whenuapai Airbase - Engine Testing Noise Contours report Version 1 dated March 2021; Marshall Day Acoustics WHENUAPAI ENGINE TESTING NOISE LOGGING AND ANALYSIS report Rp 001 R03 20171025 dated 14 April 2021.

1. set internal limits specific to engine testing noise (IX.6.4 (2));
2. provide approved building construction designs to meet those limits (Appendix 2) or a path for an acoustic assessment to deviate from those approved building construction designs;
3. provide engine testing noise contours (Precinct Plan 2) to identify the level of exposure to engine testing noise and therefore which set of approved solutions are applicable; and
4. Require that no-complaints covenants are included on each title issued within the precinct to waive all rights of complaint under the Resource Management Act 1991 and successive legislation or otherwise in respect of any lawful noise associated with the RNZAF Base Auckland.

With the proposed provisions and adoption of other existing AUP standards in place the applicant's assessment concludes that noise effects can be appropriately managed.

Comments

In terms of managing noise generated by future development of the land, noise from flights arriving/departing the RNZAF Base and the potential for reverse sensitivity effects on the RNZAF Base **the proposed use of the existing AUP provisions (E25.6.2 and D24) and the proposed no-complaint covenants are considered appropriate and supported.**

It is acknowledged that aircraft engine testing noise is not considered in the AUP for the RNZAF Base but that its consideration is relevant and warranted to manage potential effects on future occupants within the plan change area. The broad proposed approach to managing noise effects on occupants from aircraft engine testing noise, as set out in points 1 to 3 above, is generally supported with some qualifiers as noted below.

There are concerns with the external level descriptor and internal noise limits adopted in terms of consistency with the AUP and other similar Plans across New Zealand. Further, **there are concerns with the feasibility of the proposed building requirements outlined in Appendix 2 of the proposed provisions achieving the intended outcomes** and therefore the value of including such building requirements.

This is described in more detail in Section 5.0 below.

5.0 Assessment of Acoustic Effects and Management Methods

Receiving Noise Environment

No measurements at the private plan change area were provided in the applicant's acoustic assessment to quantify the existing noise environment. However, as the existing site and surrounding area is mostly rural or lifestyle block in nature, with residential development occurring to the south, the acoustic environment would be expected to be reflective of this context – low levels of traffic and suburban noise. The nearby RNZAF Base would be a dominating feature acoustically, although the operations are not like those of a commercial airport (regular and constant) and so we expect the acoustic environment would fluctuate from being controlled by airport operations over short periods to a more rural/lifestyle block acoustic environment at other times. This is reflected in the longer term noise monitoring

data presented as part of previous plan change considerations[3], as well as comments from some of the submitters[4] who raised concern regarding increased noise levels from residential development, which would be significantly lower than noise from the RNZAF Base.

The proposed private plan change would likely change the existing noise environment from a more rural/lifestyle character to a more residential suburban character as the area is developed over time. This would be a more noticeable change at the northern end of the site which is further removed from current residentially zoned land than at the southern end which is already adjacent to residentially zoned land.

The effects of these changes would be managed by the noise performance requirements for the MHUZ (E25.6.2) which reflect acoustic amenity and character values for residential areas. It is noted that these limits are 5 dB more restrictive than the currently applicable FUZ noise performance requirements (E25.6.3).

Therefore, the adoption of the MHUZ noise standards from Chapter E25 is considered appropriate and supported.

Aside from general noise from residential activities, noise resulting from aircraft engine testing from the RNZAF Base should be considered and will require new provisions given the current lack in the AUP.

This is discussed in more detail in the sections below.

Airport Noise Controls

It is useful to understand the context of the AUP approach taken to manage noise effects from airports is as it relates to the proposed engine testing noise provisions.

New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning (**NZS 6805**) is used by territorial or regional authorities to control airport noise. The Standard establishes maximum acceptable levels of noise for the protection of community health.

NZS 6805 recommends how noise control boundaries should be established around an airport and how the airport operator should manage its operations to comply with the limits established by the boundaries. NZS 6805 does not specifically exclude or include aircraft engine testing noise when assessing the overall level of airport noise but the Standard is considered relevant since it provides guidance on the use of the day / night sound level (Ldn) and the averaging of aircraft activity.

NZS 6805[5] recommends noise control measures in what the AUP calls the 'Aircraft Noise Overlay - Whenuapai Airbase- noise control area (65dBA)' (>65 dB Ldn) which are that new ASAN are prohibited, and with steps taken to provide existing residential properties with appropriate acoustic insulation to ensure a satisfactory internal noise environment, although specific internal noise limits are not provided.

NZS 6805[6] also recommends that ASAN should be prohibited where aircraft noise levels exceed 55 dB Ldn (inside what the AUP refers to the 'Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA)' and NZS 6805 refers to as Outer Control Boundary) unless a district plan permits such uses, subject to a requirement to incorporate appropriate

[3] Marshall Day Acoustics WHENUAPAI ENGINE TESTING NOISE LOGGING AND ANALYSIS report Rp 001 R03 20171025 dated 14 April 2021.
[4] Submissions from Joseph Donis and Akhil Argal
[5] Table 1 of NZS 6805.
[6] Table 2 of NZS 6805.

acoustic insulation to ensure a satisfactory internal noise environment, again without internal noise limits provided.

The D24 Aircraft Noise Overlay of the AUP requires a non-complying activity consent for subdivision of land for ASAN to create a new site within the 55dB Ldn and 65dB Ldn noise boundaries associated with the RNZAF Base.

The D24 Aircraft Noise Overlay of the AUP also requires discretionary activity resource consent for new ASAN within the 55dB Ldn and 65dB Ldn noise boundaries associated with the RNZAF Base, with ASAN required to comply with the acoustic requirements of standard D24.6.1 (an internal noise environment of habitable rooms not exceeding a level of 40 dB Ldn).

Whilst the AUP controls do not account for aircraft engine testing noise at the RNZAF Base, aircraft engine testing noise at Auckland International Airport is included in D24. For Auckland Airport these include a published contour using the Ldn descriptor (D24 Figure 1) and a requirement to insulate ASAN to meet an internal noise level of no more than 40 dB Ldn. Similar requirements apply to engine testing noise from Christchurch International Airport using the Ldn descriptor.

Controls related to noise from flights associated with the RNZAF Base are already appropriately accounted for, as described above, and no change is proposed to this approach.

In an ideal world, dwellings would be constructed far enough away from airports, main roads, railway lines and industry to appropriately avoid noise pollution; this would include ASAN being avoided inside the 55 dB Ldn contours (including those associated with aircraft engine testing noise). However, this would sanitise huge tracts of land and some compromises are necessary as has been adopted in the AUP. It is agreed that potential adverse noise, health and amenity effects could occur on future occupants because of aircraft engine testing noise and that this should be accounted for in the precinct provisions. Key to the function of these controls are:

1. The descriptor (and therefore the extent of land exposed); and
2. The internal noise limits.

Secondary to this is the provision of pre-approved building requirements / constructions, which is not common in the AUP but does appear in other Plans across New Zealand.

Other means for reducing engine testing noise would either be restrictions on when and how often they could take place or construction of noise mitigation structures around the engine testing areas. Neither of these are understood to be viable options, either for consideration as part of the private plan change process or within the RNZAF Base current and future operations and so have not been considered further.

Noise Descriptor

The applicant's acoustic assessment has opted to use $L_{Aeq,\ 15min}$ as a noise descriptor for aircraft engine testing noise. The rationale in support of this is described in Section 7.3 of the acoustic assessment.

$L_{Aeq,15min}$ is the average sound energy over a 15 minute period. This is the descriptor adopted for assessment of environmental noise in the AUP, in accordance with NZS 6802: 2008 *Acoustics – Environmental noise* (**NZS 6802**). The benefit of this descriptor is that it captures short term increases in noise due to intermittent high noise activities on the site. However, there are limited published studies on annoyance and health impacts using such a short time period.

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Aircraft engine testing noise contours, using the 15 minute L_{Aeq}, are presented in Figure 15 of the acoustic assessment (repeated in **Figure 1** below). These show that aircraft engine testing noise, at its peak, would likely dominate the short term noise environment across the private plan change area, as well as a significant portion of Whenuapai.

Figure 1 Acoustic Assessment Engine Testing Noise Contours

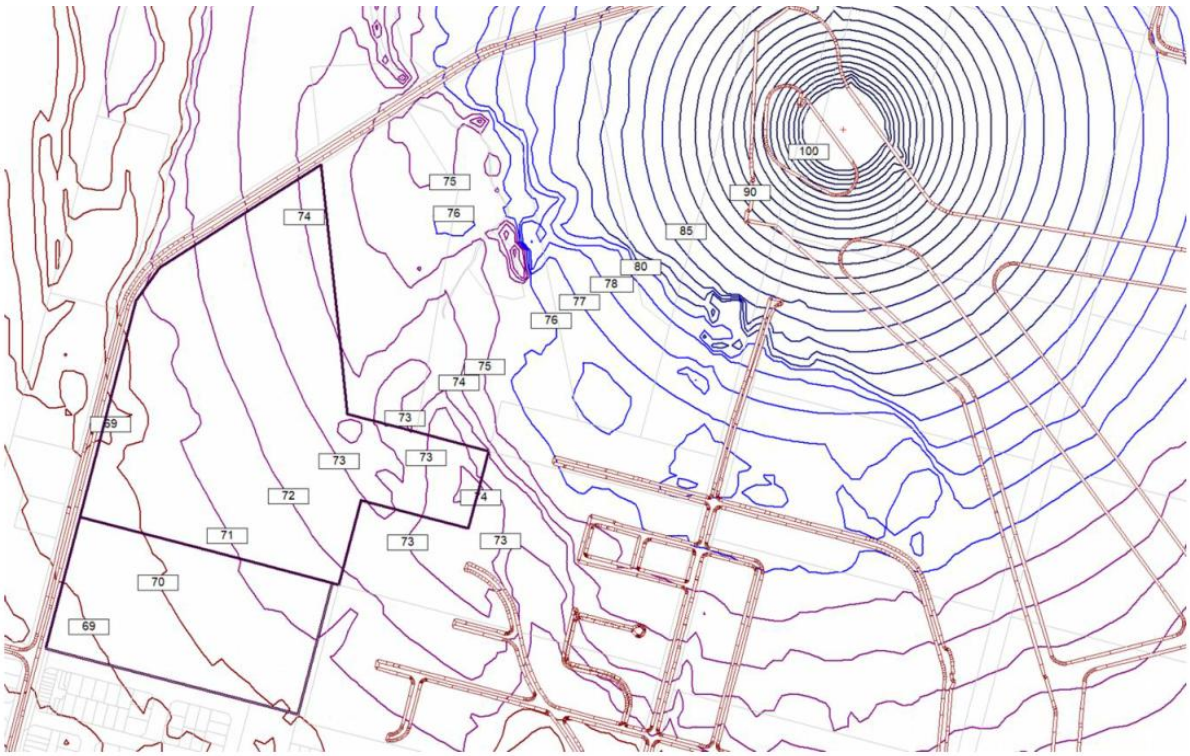


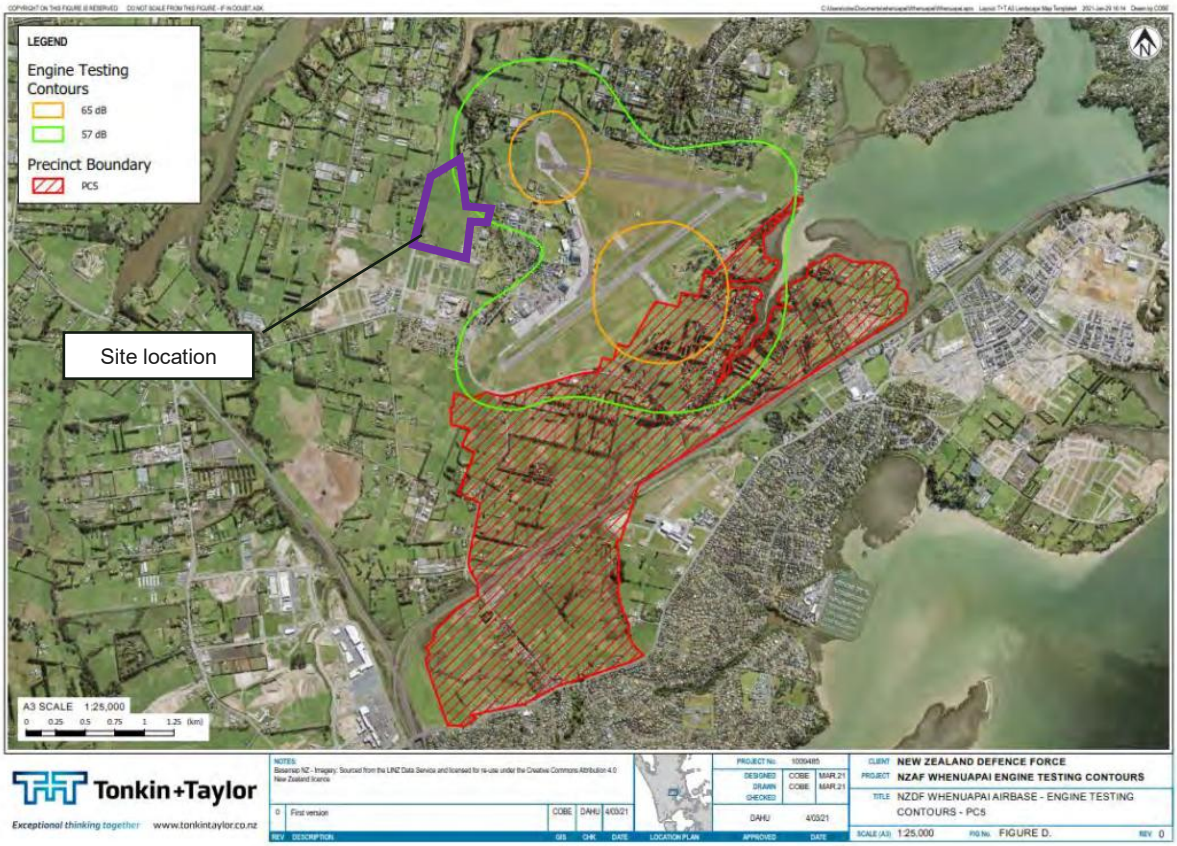
Figure 15 - Noise Contours - Leq (15 minutes) dBA.

A more commonly adopted noise descriptor for airport noise is Ldn. An Ldn is the day night noise level a 24-hour average noise level, with a 10 dB adjustment added to night-time noise levels (10 pm to 7 am) to account for the increased annoyance to noise at night. In the context of airport noise levels this is commonly presented as the average Ldn over an extended period of time, which could be 7-days, a season or a year. The benefit of this descriptor is that there is a significant amount of published international and New Zealand studies related to annoyance and health impacts from airport noise based on the Ldn descriptor. However, it does mean that individual short term loud events are somewhat 'smoothed out' due to averaging over a longer period.

Based on what is in use both in the AUP and across New Zealand for aircraft engine testing noise and the guidance in NZ 6805, we recommend the use of the Ldn descriptor in the plan change and precinct provisions.

Aircraft engine testing noise contours have been previously prepared on behalf of the RNZAF which show the extent of aircraft engine testing noise on the plan change area (**Figure 2**).

Figure 2 NZDF Engine Testing Noise Contours



Internal Effects

To manage noise effects for occupants of ASAN the approach in the AUP (and commonly adopted across NZ) is to require the external noise in question to meet a specified internal noise level.

The applicant's acoustic assessment recommends aircraft engine testing noise is controlled to achieve the internal noise limits derived from AS/NZS 2107 *Acoustics – Recommended design sound levels and reverberation times for building interiors* based on the existing noise environment being indicative of houses in city centres, entertainment districts or near major roads (i.e. in noisy environments.) due to elevated noise from the RNZAF Base. These internal noise limits are noted to be 5 dB higher than the internal noise levels required to be met in other parts of the AUP – for example the requirements of E25.6.10 for noise sensitive spaces (including dwellings) in *Business* zones.

As shown in the applicant's acoustic assessment, this combination of short term external noise levels and recommended internal noise limits results in very high levels of sound insulation being required across the most exposed parts of the private plan change area. By way of example, in the most exposed part of the site the highest aircraft engine testing noise level is 74-75 dB $L_{Aeq,\ 15min}$, which would require a 35 dB reduction to meet the nominated 40 dB limit in bedrooms. One outcome of this is higher levels of sound insulation being required, which is likely to result in higher costs to develop this land using this approach.

As described above, whilst the RNZAF Base forms part of the existing environment, there are significant periods of time when there is no notable noise from the Base and the environment reflects that of a rural residential area. There is therefore a tension between nominating internal limits to maintain a level of internal amenity reflective of the general

environment, which would further increase the sound insulation requirements above those proposed, or adopting the proposed limits which provide a lower level of amenity but with potentially more achievable sound insulation requirements. Either way this approach is not consistent with the AUP.

Whilst the intent is understood and provides for a high level of control of aircraft engine testing noise it may not be a fully balanced approach. For context, applying the applicant proposed approach (in terms of acceptable noise limits) and extending the aircraft engine testing noise contours from Figure 15 of the acoustic assessment suggests potential amenity issues across significant tracts, if not the majority, of the FUZ and *Residential* zoned land within Whenuapai. This based on a common 15 dB reduction through open windows and the nominated 40 dB L_{Aeq} limit in bedrooms – therefore building upgrades are potentially required when exposed to external levels of 55 dB $L_{Aeq,15min}$ or greater. If aircraft engine testing noise resulted in this level of amenity issue, i.e., amenity was significantly impacted across the wider Whenuapai area rather than limited to near the Base, the scope and quantity of this amenity impact would have been expected to have been raised as an issue in other forums – such as during the preparation of the AUP.

The internal limit adopted in D24.6.1 of the AUP for controlling airport noise is 40 dB Ldn; this is consistent with internal noise levels set across New Zealand to protect amenity in sensitive receptors for road, ports and airports. Windows partially open for ventilation and cooling can reduce external noise levels by approximately 15 dB. This would suggest that land exposed to noise levels above 55 dB Ldn would require windows closed. This aligns with the requirements of D24 (and the guidance in NZS 6805) for ASAN to be designed to meet internal requirements when exposed to levels greater than 55 dB L_{Aeq} from the RNZAF Base.

The contours in **Figure 2** show that the north-eastern part of the private plan change area is exposed to aircraft engine testing noise greater than 57 dB Ldn. The 57 dB Ldn contour appears to have been presented by NZDF because a building which is ventilated with narrowly opened top hung windows can achieve a reduction of aircraft noise of up to 17 dB (partly as the noise source is located above the windows) which would reduce internal noise to 40 dB Ldn.

However, it is recommended that these contours are updated to show the 55 dB Ldn contour to be consistent NZS 6805 and generally D24. This is to account for the fact that aircraft engine testing noise occurs at ground level and not up in the air, so partially open windows may not provide attenuation greater than 15 dB. This would extend the aircraft engine testing noise contours slightly further into the private plan change area than shown on **Figure 2** above.

Adopting this approach and requiring new ASAN to meet the criteria in D24.6.1, would require buildings to be designed to achieve a reduction of approximately 15-20 dB for ASAN located in the north-eastern part of the site. This would be consistent to the level of insulation required for ASAN currently within the AUP ‘Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA)’.

It is understood that there is a wider policy framework regarding both subdivision and development under D24. These comments have just focussed on development in response to the applicant’s proposed provisions and do not address this policy framework or application of D24. It is understood the council’s reporting planner will cover this aspect further.

Summary

It is recommended that an internal limit of 40 dB Ldn is adopted, consistent with D24.6.1 of the AUP, and other jurisdictions.

It is also recommended that this limit applies **for land exposed to aircraft engine testing noise greater than 55 dB Ldn** consistent with the guidance in NZS 6805 and existing D24 provisions (D24.6.1). This will require updated aircraft engine testing noise contours to be prepared for inclusion in the precinct provisions.

This has the benefit of simplifying the precinct provision requirements and aligning them with existing requirements in the AUP.

External Effects

In addition to noise within ASAN, consideration of noise levels and associated amenity in external areas (i.e., outdoor living spaces) is also of relevance.

The acoustic assessment includes passing comment on outdoor amenity limited to a stated objective to mitigate "noise in outdoor living spaces in so far as practicable". However, no specific mitigation measures or provisions appear to be proposed to achieve this objective.

Unlike internal noise levels it is typically not possible to fully mitigate airport noise in outdoor amenity areas through design. A more pragmatic approach can be to require outdoor noise amenity to be considered in the future development design.

As the key noise under consideration is from aircraft engine testing noise, which takes place at ground level, it is however possible to reduce noise levels in outdoor areas through constructing intervening screening. The efficiency of the screening depends on the orientation relative to the noise source, other intervening land forms or buildings, and the location and height of the screening. In this instance there are two main options which are considered likely to result in material reductions of aircraft engine testing noise in outdoor amenity areas which could be included in the precinct provisions:

1 Requiring construction of an earth bund, acoustically effective fence or combined bund and fence along the north-eastern boundaries facing the closest runway and aircraft engine testing locations prior to development of the wider plan change area. An earth bund and/or fence would likely need to be at least 2.5m high (or higher) to be acoustically effective. Such screening would reduce engine testing noise levels across the wider site and would have the benefit of also reducing noise levels at ASAN (thereby potentially reducing building envelope costs) as well as noise within outdoor amenity areas.

2 Requiring construction of acoustically effective fencing around individual outdoor amenity areas of ASAN within the aircraft engine testing noise 55 dB L_{dn} contour. This may be limited in acoustic efficiency due to fence heights being limited in keeping with the zone limits (and could be further restricted if outdoor amenity areas were adjacent to road frontages where lower heights apply). In addition, this does not account for screening and amenity of outdoor spaces above ground level via balconies, as would be enabled in the proposed zoning and precinct provisions.

In addition to the acoustic benefits of either option there are further potential amenity, planning, visual and maintenance issues which will need to be considered.

Summary

It is recommended that the applicant further consider how aircraft engine testing noise effects on the amenity of outdoor living spaces of ASAN (as are required to be provided with an outdoor living spaces due to the proposed zoning), including above ground living spaces, can and will be mitigated within the precinct and measures included in the precinct provisions.

Approved Constructions / Building Requirements

Whilst not common in the AUP to include 'approved constructions' or 'building requirements' to meet specific noise criteria within dwellings – it is a method employed in other plans across New Zealand.

This type of approach can offer benefits of certainty both of construction requirements, a direct pathway for compliance (for future developers), and outcome of effects (from the perspective of the Council). However, the process often results in constructions with a built in 'margin of safety' to avoid poorly interpreted or constructed versions not achieving the outcomes sought. This can add potential cost to developments.

If this approach is to be included, the constructions/building requirements included in the provisions need to have been demonstrated to robustly meet the provisions, with enough margin to allow for variance in interpretation or construction.

The proposed constructions/building requirements set out in the acoustic assessment, including the calculations provided in the 3rd RFI, are considered insufficient in their current form for inclusion in precinct provisions. By way of example the applicant's acoustic assessment assumes a reverberation time of 0.3 seconds for a bedroom, whereas measurements undertaken by SLR show this can be 0.5 seconds or greater – this could have an notable impact of more than 2 dB on calculations. Further, the Category III roof sound insulation calculation appears to assume a much higher performance at low frequencies than the modelled construction description would be expected to provide, which can vary significantly depending on how a developer chose to build the construction (the depth of cavity and shape of roof can play a significant part in the performance).

These two elements and assumptions alone change the predicted levels in top floor bedrooms from 39 dB L_{Aeq} to greater than 45 dB L_{Aeq} – which would not meet the nominated internal bedroom noise limits. For this reason the reviewer does not have confidence that the proposed constructions are sufficient to meet the nominated internal limits as presented.

Not only would the constructions/building requirements need to be upgraded such that they meet the requirements, but a far greater level of specificity would be required to be included in the precinct provisions (such as, but not limited to, minimum ceiling cavity depths and roof shapes) to provide certainty that the outcomes would be achieved.

Summary

It is recommended that specific building constructions / building requirements are not included in the precinct provisions given the existing D24.6.1 requirements, which do not adopt this approach. Additionally, it is noted that if a 55 dB Ldn contour is applied as recommended above, the area of land exposed to noise where internal levels are required to be met remains limited.

If inclusion of specific 'approved constructions / building requirements' is considered preferable then the construction specifications need to be upgraded with a far greater level of specificity included to avoid the potential for incorrect interpretation.

6.0 Technical Response to Matters Raised in Submissions

Four of the submissions received raised concerns related to noise.

The two themes the submissions raised regarding noise broadly relate to:

1 Reverse sensitivity effects on the RNZAF Base; and

2 Increased noise levels due to higher density development of the area.

It is considered that reverse sensitivity can be appropriately managed through a combination of the proposed no-complaints covenant and the requirement to insulate ASAN exposed to aircraft engine testing noise greater than 55 dB Ldn in accordance with the existing technical provisions in D24.6.1.

It is considered that adopting the AUP *Residential* noise standards (E25.6.2) to be appropriate to manage potential noise effects within the area as the land is developed. These noise limits are noted to be 5 dB lower than the permitted activity noise limits currently allowed in the FUZ (E25.6.3).

The Auckland Council submission contains several additional points related to noise which are discussed below.

Auckland Council considers that the absence of any regulation of engine testing noise and noise from emergency operations is a key concern for PPC 109 noting that more frequent engine testing or emergency flights, or a change in the fleet to include aircraft with noisier engines or other restrictions or reasons could increase noise levels across the PPC109 land.

This concern is acknowledged, as well as that similar implications would apply across more than just the land associated with the private plan change. It is understood that noise from aircraft operations on the RNZAF Base are controlled by Designation 4310, except for aircraft landing in an emergency; aircraft landing at the Airbase as an alternative in adverse weather conditions; or aircraft using the airfield as part of a search and rescue operation or civil emergency. Furthermore, aircraft engine testing noise is not controlled by this designation, as noted in the Certificate issued by the Minister of Defence dated 14 October 2019.

As it is not possible to predict these events it is not simple to account for them in provisions. It is important to consider emergency flights in the context of proportional changes to operation of Base and for this to be based on a level of evidence. Further information from NZDF identifying typical flights over set periods and how many emergency flights occurred over these periods (along with any changes this made to the overall noise levels) would assist in quantifying the magnitude of this potential issue. Based on limited and infrequent emergency flights, this is not expected to have a significant impact on the general noise generated by the RNZAF Base.

To provide for aircraft engine testing noise (even if not controlled by the relevant designation) necessarily requires noise contours to be prepared to quantify the extent of the potential issue. These contours, as for noise contours from other airports across Auckland and NZ, should account for reasonably expected activity and/or future growth and changes. So long as the noise contours are based on robust information accounting for this information, there should be no reason to consider that they would function differently in this context than they do across Auckland and in other locations across New Zealand. It is recommended that controls are based on the noise contour information provided by NZDF and therefore should be able to be reasonably relied upon to reflect the extent of foreseeable future activity.

Auckland Council is concerned that the Acoustic Assessment has not adequately addressed or has understated the adverse effects of the NZDF noise for the residents and users of land in PPC 109 when they are outdoors and indoors.

As noted in the above review, the recommended provisions reflect those adopted in the AUP for controlling noise from airports across large areas of Auckland. Noise from the RNZAF Base will be audible (and controlling) at times and part of the character and environment across the private plan change area. However, most of the private plan change area is likely beyond a 55 Ldn noise contour which would require a level of insulation to buildings for ASAN under AUP and New Zealand wide adopted approaches for the control of airport noise in a land use context.

7.0 Statutory Considerations

Resource Management Act 1991 (RMA)

Relevant statutory considerations under the RMA include:

- Section 16 RMA – Duty to avoid unreasonable noise
- Section 17 RMA – Duty to avoid, remedy, or mitigate adverse effects
- National Planning Standards (NPS)

Having reviewed the relevant provisions of the above-referenced documents, it is considered that through the adoption of controls as discussed above and recommended to be included in the precinct provisions, noise effects can be controlled to be reasonable and therefore satisfy the overarching requirements of the RMA.

8.0 Recommendations

8.1 Adequacy of information

The above assessment is based on the information submitted as part of the application. It is considered that the information submitted is sufficient to enable the consideration of the above matters on an informed basis.

8.2 Recommendation

The aspects of the proposal considered by this memo could be approved, subject to recommended precinct provisions detailed in **Section 8.3** below.

8.3 Recommended Precinct Provisions

Should the private plan change be approved, the following changes to the applicant provided provisions are recommended to avoid, mitigate, or remedy environmental effects consistent with the approach adopted in the AUP. Reference to D24.6.1 is made related to the technical noise performance standards not to the higher level objectives and policies of D24.

1. Modify IX.6.4 Noise (2) as follows to reflect the definitions in the AUP and adopt an approach consistent with the AUP regarding airport noise:

   (2) Any new building intended to accommodate activities **sensitive to aircraft** ~~that are sensitive to~~ noise **and located within the 55 dB Ldn aircraft engine testing noise contours in Precinct Plan 2** must be designed and constructed to meet the ~~following~~ requirements of D24.6.1 *[as repeated below]*.

D24.6.1. North Shore Airport, Kaipara Flats, and Whenuapai

(1) The following activities:

- D24.4.1(A1) New activities sensitive to aircraft noise; and
- D24.4.1(A3) Alterations or additions to existing buildings accommodating activities sensitive to aircraft noise

must provide sound attenuation and related ventilation and/or air conditioning measures:

(a) to ensure the internal noise environment of habitable rooms does not exceed a maximum noise level of 40dB L_{dn};

(b) that are certified by a person suitably qualified and experienced in acoustics to the Council's satisfaction prior to its construction; and

(c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.

~~Internal noise levels~~

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

~~(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 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 LA_{eq} 68dB:*~~

~~*L_{eq} @*~~						
~~***63Hz***~~	~~***125Hz***~~	~~***250Hz***~~	~~***500Hz***~~	~~***1kHz***~~	~~***2kHz***~~	~~***4kHz***~~
~~*65 dB*~~	~~*69 dB*~~	~~*68 dB*~~	~~*65 dB*~~	~~*62 dB*~~	~~*62 dB*~~	~~*55 [illegible]*~~

300

2. Delete Appendix 2 – Building Requirements.
3. Update Precinct Plan 2 to reflect aircraft engine testing noise using the Ldn noise descriptor showing the 55 dB Ldn contour.
4. Include provisions to mitigate noise effects in outdoor living spaces, including above ground balconies, of ASAN within the 55 dB Ldn aircraft engine testing noise contours.

Regards,

SLR Consulting New Zealand





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Principal – Acoustics & Vibration

OPEN SPACE

Memo (technical specialist report to contribute towards Council's section 42A hearing report)

31 March 2025

To: Vanessa Wilkinson - Consultant Planner, Auckland Council

From: Louise Thomas – Senior Parks Planner, Auckland Council

Subject: Private Plan Change PC109 - Whenuapai Green - 98-100 & 102 Totara Rd, Whenuapai – Parks Planning Assessment

1.0 Introduction

1.1 I have undertaken a review of private plan change 109 **(PC109)**, on behalf of Auckland Council in relation to the planning of open space for future residents, and parks, sports and recreation effects.

1.2 My name is Louise Thomas, I am a senior parks planner in the Parks Planning team within the Department of Parks and Community Facilities. I am responsible for the assessment associated with effects on open spaces relevant to PC109 from a Parks Planning perspective. I will not be assessing other matters, including anything relating to the provision of open spaces or the process for re-zoning already acquired open space.

1.3 I hold an LLB (Hons) Law degree from the University of Wales (Pryfisgol Abartawe), which I obtained in 2011. I have also completed a MSc in Urban and Rural Planning from Leeds Beckett University in 2023.

1.4 I have over 6 years of experience working in planning, including 4 years of planning and resource management experience at Auckland Council in the Central Resource Consents team and another 1.5 years' experience in the Parks Planning Team.

1.5 In preparing this memo, I acknowledge that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. Except where I state that I am relying on the specified evidence of another person, the content of this memo is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

1.6 In writing this memo, I have reviewed the notified documents which included the applicants' responses to cl23 requests for further information::

- Private Plan Change Request – Whenuapai Green
- Appendix A – Ecological Impact Assessment
- Appendix B – Proposed Zoning Plan
- Appendix C – Proposed Overlay Plan
- Appendix D – Proposed Precinct plans
- Appendix E – Proposed Whenuapai Green Precinct Provisions
- Appendix H – Integrated Transport Assessment
- Appendix I – Water and Wastewater Servicing Memo

- Appendix J – Stormwater Management Plan
- Appendix N – Urban Design Report
- Appendix O – Landscape Visual Assessment

1.7 Auckland Council Documents referred to include:

- Open Space Provision Policy 2016
- Parks and Open Space Acquisition Policy 2013

2.0 Key Issues

2.1 This assessment covers the open space provision in the precinct with regards to local park provision; riparian reserves to support a greenway network; pedestrian/cycle access through the precinct area.

2.2 PC109 proposes the rezoning of 16.36 Ha of Future Urban zoned land (FUZ) to Residential – Mixed Housing Urban Zone (MHU).

2.3 The proposed development in the PPC109 area, at 98-100 & 102 Totara Rd, Whenuapai, anticipates a medium density development supporting approximately 430 new dwellings, set within a wider environment comprising FUZ, with an area to the south including mixed housing urban zone, and the Royal New Zealand Air Force **("RNZAF")** Base located to the east.

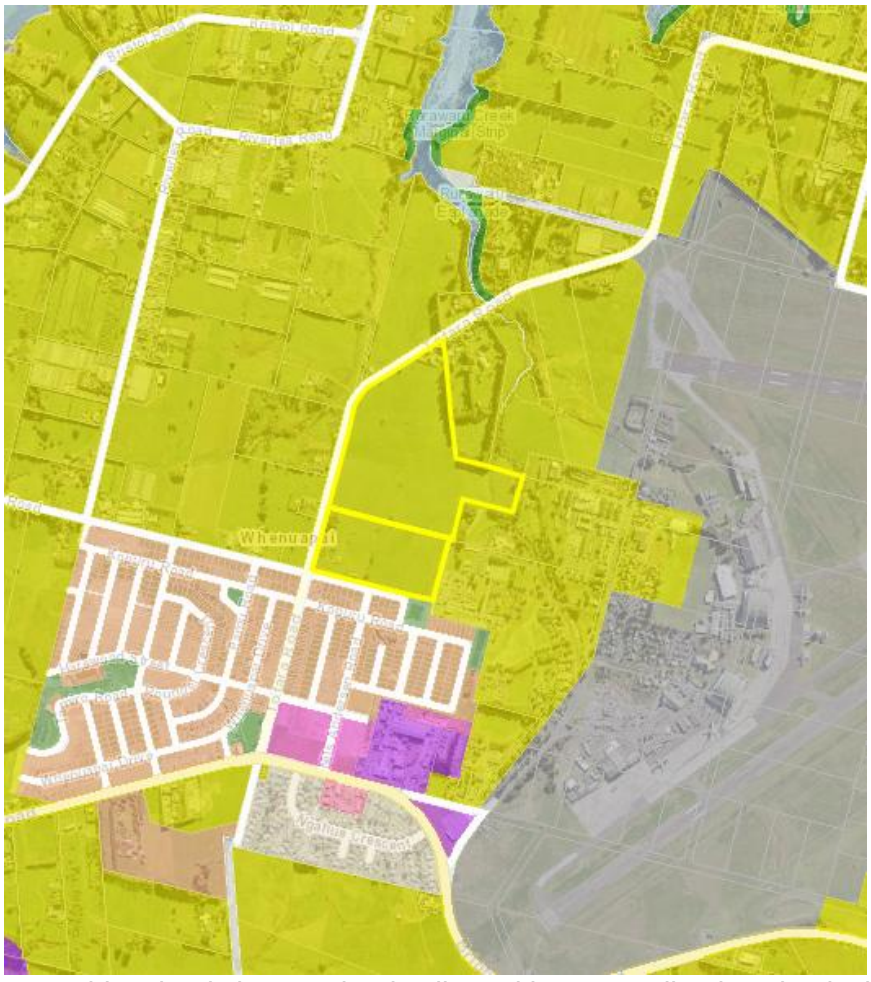


Figure 1: PPC109 subject land shown edged yellow with surrounding location including RNZAF Base to the east

2.4 PC109 includes Precinct Plan 1 which identifies the indicative location of a neighbourhood park, local roads, pedestrian and cycle links and a 10m wide riparian corridor (refer to Figure 2 below).

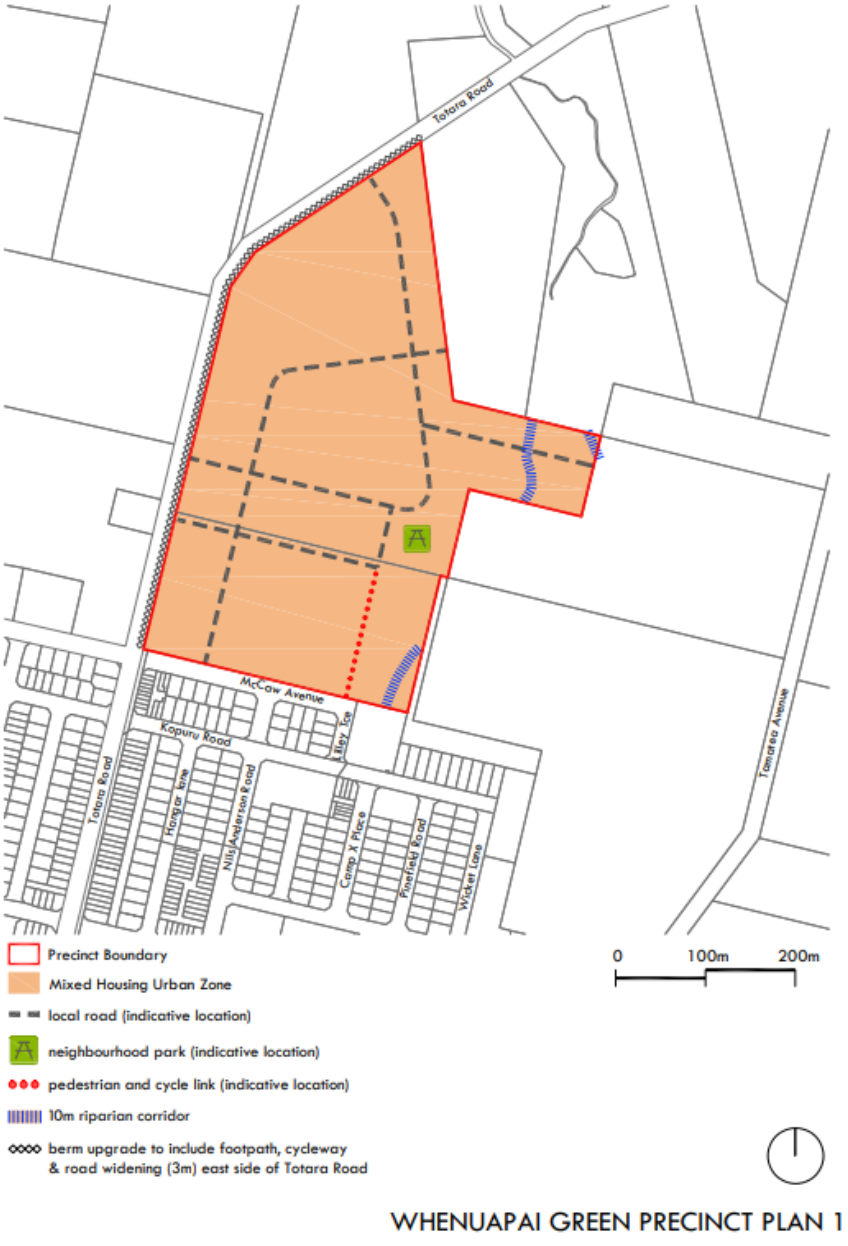


Figure 2: PPC109 Precinct Plan 1 (as Notified)

2.5 The Precinct description (as notified) also includes reference to the precinct providing *"a residential area integrated with key road links, areas of public open space, and a range of housing options"* and notes that 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*."

2.6 This is supported by Objective (16) which states:

"Open Space

(16) 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."

2.7 and Policies (2), 16), (17) and (20) which:

(2) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.

Open Space

(16) 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.

(20) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

2.8 However, the requirement for public open space upon subdivision or development as identified on the Precinct is not supported by any standards within the Precinct.

2.9 The proposed precinct plan includes 10m wide riparian planting corridors adjacent to the identified streams within the plan change area. Figure 3 of the Viridis Ecological Assessment also identifies that the streams extend to the east of the plan change area.

2.10 There is also a proposed cycling and pedestrian accessway between the proposed neighbourhood park and the south of the PPC site andthere is an indication on the precinct provisions in Appendix 1 that proposed local roads will include walkways.

2.11 Decisions on whether connection spaces are vested with the Council cannot be made at plan change stage, but their proper function and provision should be clearly indicated in the precinct plans to ensure they are appropriately designed and delivered in future stages of the land development process. In terms of mechanisms, this could involve public right of way easements over private land if it is not acquired.

2.12 In terms of potential esplanade reserves along the stream contained within the PPC area, it is noted that a stream survey was undertaken when the applicant applied for fast-track consent. This survey confirmed that the stream was not 3m wide and therefore not likely to require an esplanade reserve. Whilst an updated survey may be required to verify this again at the point of subdivision, this is not something that I will consider in the assessment of this PPC application.

2.13 The proposed precinct plan provisions also require a 10m wide riparian margin to be planted with native vegetation. Whilst this is positive, it is noted that a 10m margin does not leave adequate space for public access along the riparian edge. I understand that Healthy Waters and Council's ecologist seek a 20m wide riparian margin. I agree with this recommendation. If a 20m wide riparian margin is not provided then I recommend the addition of a provision to ensure walkways are located along the edge of these riparian margins, with the pathway located outside

this margin, being a minimum of 3m in width to provide additional connections within the precinct.

2.14 The regulatory framework for a parks, sport and recreation assessment is set out within the below regulatory mechanisms, with key points noted:

- The National Policy Statement Urban Development (NPSUD) 2020 - Policy 2.2 requires urban environments have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. While Policy 3.5 requires that local authorities must be satisfied that the additional infrastructure (including public open space) to service the proposed development capacity will be available.
- The National Policy Statement for Freshwater Management (NPSFM) -- Policies 6 and 7 require that there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted, and the loss of river extent and values is avoided to the extent practicable.
- The Auckland Regional Policy Statement, - Objectives and policies at B2.7.1 and B2.7.2 require that recreational needs of people and communities are met through the provision of a range of quality, connected, accessible open spaces and recreation facilities. While at B7.3 and B7.4, the RPS requires the maintenance and enhancement of freshwater through integrated management.
- The Auckland Unitary Plan framework, in particular:
    - Open Space Zone – Objective H7.2.(1) Recreational needs are met through the provision of a range of quality open space areas that provide for both passive and active activities and (2) The adverse effects of use and development of open space areas on residents, communities and the environment are avoided, remedied or mitigated.
    - Subdivision Urban - Objective E38.2.3 Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.
    - Subdivision Urban - Policy E38.3(18) which requires that subdivision provides for the recreation and amenity needs of residents by providing for open spaces that are prominent and appropriately sized to cater for future residents and enable pedestrian and/or cycle linkages.

<u>Neighbourhood Park Provision</u>

2.15 The description of neighbourhood parks in the ‘Open Space Provision Policy 2016’ is that they offer basic informal recreation and social opportunities within a short walk of surrounding residential areas.

2.16 Provision targets for neighbourhood parks identified in this policy are that they are available within a 600m walk (a walkable catchment) to residents in low density residential areas i.e., Single House Zone, and a 400m walk to residents in medium density residential areas i.e., Mixed Housing Suburban Zone.

2.17 As noted in the ‘Open Space Provision Policy’ new neighbourhood parks are typically between 0.3 to 0.5 hectares. Network principles are embedded in this policy, and directives include to ‘Create a connected network of parks, open spaces and streets

that deliver a variety of recreation, ecological, transport, stormwater, landscape and health benefits', and that open spaces are linked together so that 'open space is core infrastructure that people use to get around their community'.

2.18 As identified in Figure 2, there is an indicative neighbourhood park shown in the applicant's proposed precinct plan. There are currently no other neighbourhood parks within 400m of the indicative location of the neighbourhood park. There are two drainage reserves to the south.

2.19 As Figure 3 below confirms that the proposed location of the neighbourhood park would serve the plan change area, as well as some dwellings to the south of the PPC area. The indicative location would be sited well and serve a medium density community, which can be reasonably expected following development, with MHU zoning being proposed.



Figure 3: *Subject site shown edged yellow, with 400m indicative walkable catchment show around proposed neighbourhood park location. Drainage Reserves shown shaded green.*

Accessways and Connectivity to Reserve

2.20 The Upper Harbour Local Board Greenways Plan 2019 includes a focus area (Focus Area 5) around Whenuapai and Herald Island which indicates that there should be a

key connection along Totara Road to the west of the private plan change area.. Refer to Figure 4 below.

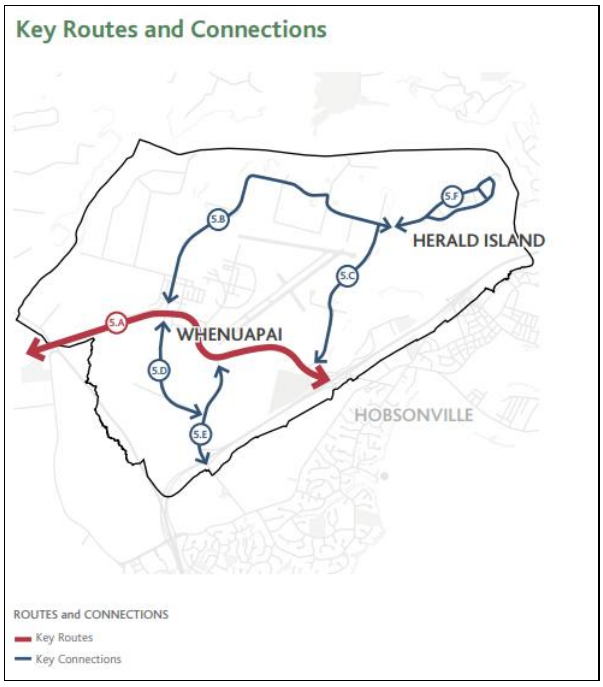


***Figure 4**: Focus Area 5 – Whenuapai and Herald Island – Key Routes and Connections*

3 Applicant's Assessment

3.1 In the Section 32 evaluation, the applicant has confirmed that the PC109 as proposed is the most appropriate means to achieve the purpose of the RMA. The evaluation considers that the proposal and the outcomes sought provide for social, economic and cultural well-being, and health and safety. In the context of Parks Planning's interests, these outcomes include:

- The provision of transportation connections within and through the precinct, including walking and cycling pathways running in north to south direction.
- Subdivision and development that will incorporate and integrate with the intermittent streams on site.
- The provision of additional public open space in the form of a neighbourhood park.

3.2 In section 9.2 of the Section 32 Evaluation, it is noted that the objectives seek that the PPC land be served with appropriate and integrated transport infrastructure. This will facilitate active modes and public transport. This is supported, noting particularly that there is a proposed pedestrian and cycle link from the indicative neighbourhood park location to the south.

3.3 Section 9.2 further notes that the objectives seek protected and enhanced streams, wetlands, and the downstream catchment, with benefits arising in terms of improved water quality, enhanced biodiversity, and mitigation of natural hazards. These outcomes contribute to sustaining natural resources, safeguarding the life-supporting capacity of water and ecosystems, providing for cultural wellbeing, and mitigating adverse effects on the environment. This is supported.

3.4 Section 10.8 notes that PC109 will give effect to the Auckland Plan (2018 Version) by locating residential development that is in close proximity to a range of public space. This is supported and it is noted that there is also the provision of a neighbourhood park location within the plan change area.

3.5 Section 10.10 notes that the PC109 will give effect to the Whenuapai Structure Plan by providing direct access to open space and the proposed pedestrian/cycle link to the existing area to the south of the PPC land will provide direct and safe access to the Whenuapai Town Centre. This is supported.

3.6 Section 11.4.3 notes that the PPC will manage stormwater, with all existing permanent or intermittent streams retained within proposed drainage reserves which will vest to Auckland Council. This outcome is supported as blue-green connections and accessibility to ecological areas are requirements under the National Policy Statement Urban Development (NPSUD) 2020, specifically related to policy requirements at 2.2 and 3.5.

Review Summary

3.7 It is my assessment that the plan change largely provides assurance that the outcomes anticipated by the RPS, the National Policy Statement on Urban Development or Auckland Council's policies and plans to provide for a connected and integrated open space network as indicated in the background documents supporting the plan change will be achieved in the implementation stage of the resource consent process. Clarity is particularly achieved by the confirmation of an indicative pedestrian/cycle way and a neighbourhood park in a layout that integrates the east-west pedestrian/cycle route into the roading layout. However, there are a few suggested amendments to better ensure the outcomes proposed are in fact achieved. These are outlined in Section 4 below.

4 Proposed Amendments to PC109

4.1 The proposed PC109 109 text is considered in Table 1 below, and recommended additions to the text as shown underlined are suggested.

Table 1: Parks Planning Recommended PC109 Amendments

Reference	Proposed text	Comment / Addition
IX.1 Precinct Description	The precinct description includes: *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.*	Whilst the precinct description refers to open space in relation to canopy coverage and Urban Ngāhere, there is no other reference to open space, either quality, size, or connectivity. Therefore, I recommend additional wording as follows: Land use, development and subdivision are to be undertaken in a manner that activates, integrates and enhances the open space network in the Precinct and wider area.

		Future land use, development and subdivision consents will give effect to the key elements of the precinct plan and provide opportunities for pedestrian and roading connections into future development areas and open spaces. The wording in the precinct description does not address walking and cycling connections. I therefore also recommend the following addition: Walking and cycling connections are provided within the Precinct to connect the neighbourhood reserve to the south of the plan change area. These connections are to ensure good cycling and walking connectivity with the neighbourhood reserve and existing development to the south. Provision is made for a greenway network providing a network of tracks and walkways along streams and connecting to the broader network outside the precinct.
IX.2 Objectives	*The Objectives of the precinct include:* *General* *…* *(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*	I agree with the inclusion of these objectives for the following reasons: The objectives address the need in this plan change area for a neighbourhood park that is well integrated. The provision of drainage reserves is also included. These provide a secondary function in terms of recreation and enable the better development of a functioning blue green network. However, the wording in the precinct objectives does not acknowledge the role of riparian planting and the development of blue green networks which can provide a secondary recreation function. I would therefore recommend the following addition:

	their health and safety, now and into the future. *(16) 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.*	*(16) A network of attractive, safe and functionally distinct open space areas comprising a neighbourhood reserve, <u>riparian networks,</u> and drainage reserves, which enhance the amenity, ecological values and recreational opportunities within the precinct and of Whenuapai Village.* <u>(17) Recognise the importance of the stream network and its connection to the developing Whenuapai greenways network while providing for the protection of ecological functions and providing for passive recreational opportunities alongside the stream network as part of the greenway network.</u>
IX.3 Policies	*Open Space* (16) 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. (20) Encourage development to achieve attractive and safe streets and public open spaces, including by	I would recommend removing the wording relating to the park not being required or being fit for purpose. Council specialists have already determined that this location is important for the provision of a neighbourhood park: (16) 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.~~ The provisions address the need for a neighbourhood park whilst allowing for flexibility once subdivision applications are submitted to Council.

	providing for passive surveillance.	
IX.6 Standards		
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	I would recommend strengthening the riparian planting provisions to ensure to ensure blue-green recreation can be provided outside of the riparian planting area: (3) Pedestrian/cycle paths must be located adjacent to, and not within the 20m riparian planting.
IX.8 – Assessment – restricted discretionary activity		
IX8.1 Matters of Discretion		The matters of discretion do not address future interfaces with any open space . As such, I recommend that the following amendments should be made to the existing matters of discretion: (1) Matters for all restricted discretionary activities (including otherwise permitted activities that infringe a permitted standard)… *(xx) Where subdivision and/or development is adjacent to Open Space:* *(a) the effects on the amenity values of the open space;* *(b) How the development addresses passive surveillance on the boundary with open space.*

5 Submissions

5.1 Matters raised within the submissions to PC109 relevant to Parks and Community Facilities, are summarised and considered in Table 2. No further submissions to the PC109 were relevant for Parks and Community Facilities to comment on.

Table 2: Parks Planning Comments on Submissions

Sub No.	Submitter	Summary	Response
1	David George Allen	Approve the plan change with some amendments: Auckland Transport should be required to change ownership of road ends at the end of Waimarie Road Mckean Road Kauri Road Pohutukawa Road Dale Road The areas at the end of each of these roads should be taken out of the ownership of AT and made into reserves under the Reserves Act 1977	**Neutral.** But note that none of the roads mentioned fall within the PPC area.
2	Charlotte Alisa Meyer	Supports the plan change and notes it is good for the Whenuapai area, particularly the new neighbourhood park and upgrade of Totara Road to provide footpaths alongside the new development is beneficial	**Support –** noting that the neighbourhood park (as noted above) is a positive outcome for the plan change area and residential development within the area.
5	Auckland Council	Opposes the plan change due to concerns about its inconsistency with the RMA and planning policies. Key issues include: Urban Development & Infrastructure: The plan fails to integrate with infrastructure planning, as key services (e.g., wastewater, transport) are not scheduled until 2035. Approving the plan early may lead to	**Neutral** – but note that the submission does not address the open space provision in the plan change area.

		funding inequities and increased congestion. Noise from Whenuapai Airbase: High noise levels from the airbase pose health and amenity risks. The noise assessment is inadequate, and mitigation measures are insufficient. ACS suggests a business zone may be more appropriate. Policy Non-Compliance: The plan does not align with the National Policy Statement on Urban Development (NPS-UD) or the Auckland Unitary Plan's Regional Policy Statement, failing to ensure a well-functioning urban environment. Environmental & Public Transport Concerns: The plan may increase car dependency and greenhouse gas emissions due to limited public transport access.	

6 Conclusions and Recommendations

6.1 Overall, the development of PC109 will result in the provision of adequate, well located public open space that is well connected both within the plan change area and to the wider residential development and the Whenuapai Town Centre.

6.2 Other than the neighbourhood park which is proposed, I recommend stronger provisions referring to the development of blue green networks, and the recognition of riparian planting margins as both an ecological outcome whilst recognising their role in providing a passive recreational function that would include provision for walkability outside these area.

6.3 The provision of a neighbourhood park is considered a need for future communities and an outcome that should be achieved regardless of whether the council acquires the land. Future interfaces with this reserve should be managed to ensure passive surveillance is achieved over the reserve from residential lots.

6.4 If the riparian margins of the streams are maintained at 10m planted strip for ecological purposes then any greenway walkway paths should be adjacent to this, not within the riparian margin.

6.5 If PC109 is approved, I recommend the provision of objectives and matters of discretion to support the outcomes sought above.

STORMWATER AND FLOODING

Memo (technical specialist report to contribute towards Council's section 42A hearing report)

(April 2025)

To: Vanessa Wilkinson, Planning Consultant, Plans and Places

From: Lee Te, Senior Healthy Waters Specialist (Planner), Healthy Waters and Flood Resilience
Carmel O'Sullivan, Senior Healthy Waters Specialist (Stormwater Catchment Manager), Healthy Waters and Flood Resilience
Brooke Waterson, Water Quality and Land Advisor (Waterways Specialist), Healthy Waters and Flood Resilience

Subject: PC 109 (Private): Whenuapai Green, 98-100 and 102 Totara Road, Whenuapai – Stormwater and Flood Assessment

1.0 Introduction

1.1 We have undertaken a review of the proposed private plan change (PPC) – PC 109 (Private): Whenuapai Green from Neil Construction Limited, on behalf of Auckland Council in relation to stormwater and flood effects. PPC 109: Whenuapai Green aims to rezone 16.36ha of Future Urban Zone land to Residential – Mixed Housing Urban Zone and to propose a new Whenuapai Green Precinct for the PPC 109 area.

1.2 Lee Kong Te holds a Master of Urban Planning (Professional) and Urban Design from the University of Auckland. Ms Te is an intermediate member of the New Zealand Planning Institute. Ms Te is a Senior Healthy Waters Specialist in the Resource Management team. She provides input into resource consents, plan changes and notices of requirement.

1.3 Carmel O'Sullivan holds a Bachelor of Engineering from Cork Institute of Technology. Ms O'Sullivan is a Chartered Professional Engineer and a Chartered Member of Engineering New Zealand. She is a Senior Healthy Waters Specialist in the Catchment Planning team. Ms O'Sullivan is the stormwater catchment manager for Whenuapai. She provides input into developments, plan changes and notices of requirements in the Whenuapai stormwater catchment.

1.4 Brooke Waterson holds a Master of Science in Earth Sciences from the University of Auckland. Ms Waterson is a Healthy Water Specialist – Water Quality and Land Advisor in the Waterways Planning team. She provides input into stream assessments and restorations.

1.5 We have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2023) and agree to comply with it. We can confirm that the issues addressed in this memorandum are within our respective area of expertise and that in preparing this memorandum we have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.

1.6 In writing this memorandum, we have reviewed the following documents:

- Private Plan Change Request
- Appendix A: Ecological Impact Assessment (Viridis)
- Appendix B: Proposed Zoning Plan
- Appendix C: Proposed Overlay Plan
- Appendix D: Proposed Precinct Plans
- Appendix E: Proposed Whenuapai Green Precinct Provisions
- Appendix J: Stormwater Management Plan (Neil Construction Limited)
- Submissions and further submissions received for PC 109 raising stormwater and flooding related issues

1.7 This memorandum provides a technical review of the assessment of stormwater and flood effects, addresses submissions and assists the reporting planner's preparation of the hearing report in accordance with section 42A of the Resource Management Act.

2.0 Key Stormwater and Flood Issues

2.1 The key stormwater and flood issues are:

- Effectiveness of the stormwater quality treatment
- Inclusion of SMAF1 for all the PPC 109 area
- Riparian planting and riparian yard setback width

3.0 Whenuapai Structure Plan 2016 and Whenuapai Stormwater Management Plan

3.1 The Whenuapai Structure Plan was developed in 2016. The Whenuapai Structure Plan area included the Whenuapai Air Force Base, the Whenuapai Village, the Whenuapai Centre, coastal inlets and waterways of the Upper Waitematā Harbour, see Figure 1. The two key objectives of the Whenuapai Structure Plan that relate to stormwater and flood effects are:

1. the provision of infrastructure that includes the requirement for a water-sensitive design approach that manages stormwater and utilises the existing stream network; and

2. the enhancement of the natural environment and protection of natural heritage, specifically freshwater quality throughout the catchment is enhanced over time and the overall biodiversity of the area is improved over time.

3.2 A key theme from the public engagement on the Structure Plan was the importance of the health and management of the waterways in Whenuapai and the Waitematā Harbour.

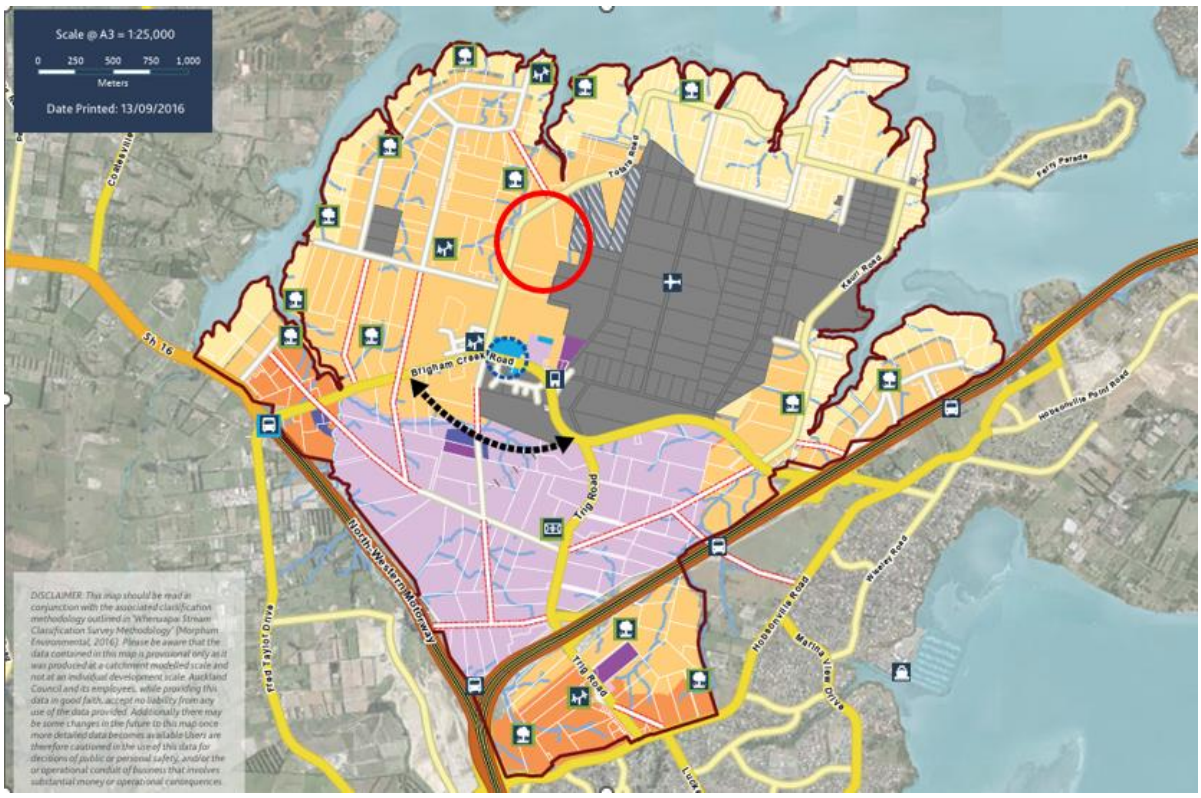


Figure 1. Whenuapai Structure Plan, with the PPC 109 area indicated by the red circle, source Auckland Council 2016

3.3 The Whenuapai Structure Plan identified low, medium and high density residential land development areas taking into account the Whenuapai Air Force Base and other constraints. The residential areas are shown in Figure 1 above.

3.4 The Whenuapai Stormwater Management Plan (WSMP) by AECOM, dated August 2016, was prepared for the Whenuapai Structure Plan to support and promote sustainable long-term urban development and to use principles of Water Sensitive Design. The WSMP was based on data available as of August 2016. Auckland Council updated the flood modelling for the Whenuapai Catchment in 2023 to incorporate a 3.8 degree climate change allowance. The 2016 Whenuapai Structure Plan is currently being updated to address current policies and strategies and a heightened focus on the impacts of climate change and stormwater management. It will include an updated Stormwater Management Plan. Community consultation on the 2025 Whenuapai Structure Plan is expected to occur in the middle of 2025.

Applicant's Proposal and Stormwater Management

Proposal

4.1 The PPC 109 seeks to rezone Future Urban Zone land to Residential – Mixed Housing Urban Zone and proposes a new precinct, the Whenuapai Green Precinct for the PPC 109 area, as well a Stormwater Management Area Flow 1 (SMAF 1) control over the land. Totara Road will be upgraded to two traffic lanes, a cycleway and a footpath on the right side adjacent to the PPC 109 area. The PPC 109 area currently has three residential dwellings and is used for rural activities. Figure 2 shows the proposed Whenuapai Green Precinct Plan for the PPC 109 area including the Residential – Mixed Housing Urban Zone, streams, indicative neighbourhood park, and pedestrian and transport connections. The proposed Residential – Mixed Housing Urban Zone for the PPC 109 area is consistent with the area identified for residential development in the Whenuapai Structure Plan 2016.

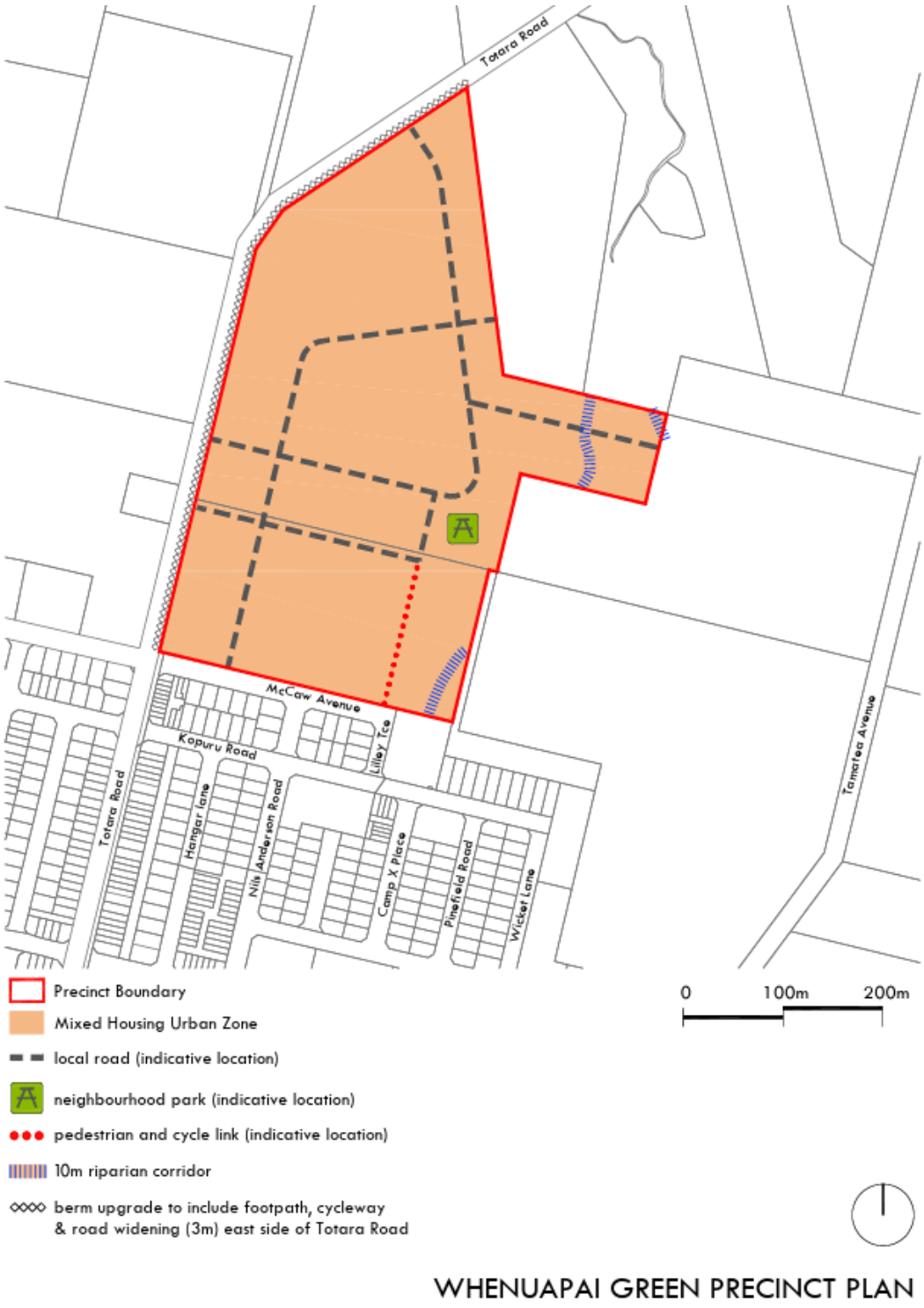


Figure 2. Whenuapai Green Precinct Plan

4.2 Section 1 of the proposed SMP outlined that the stormwater from the PPC 109 area flows along the overland flow path within the site and discharges into the Ratara Stream to the west and Rarawaru Creek to the east, then into the Upper Waitematā Harbour. There is a 450mm diameter stormwater culvert and a 2300mm diameter culvert under Totara Road that discharges into the stream (see Figure 3, purple line), this section of Totara Road is also subject to overland flow paths, flood plains and flood prone areas. Figure 4 shows the watercourse in the PPC 109 area. The applicant proposed that the intermittent and permanent watercourses (I1, I2, and P1) will have a planted riparian margin of 10m on each side.



Figure 3. Flood prone areas, flood plains, overland flow paths, stormwater infrastructure and streams, with 3.8 degree climate change and a Maximum Probable Development of 80% impervious area, source Auckland Council GeoMaps, March 2025

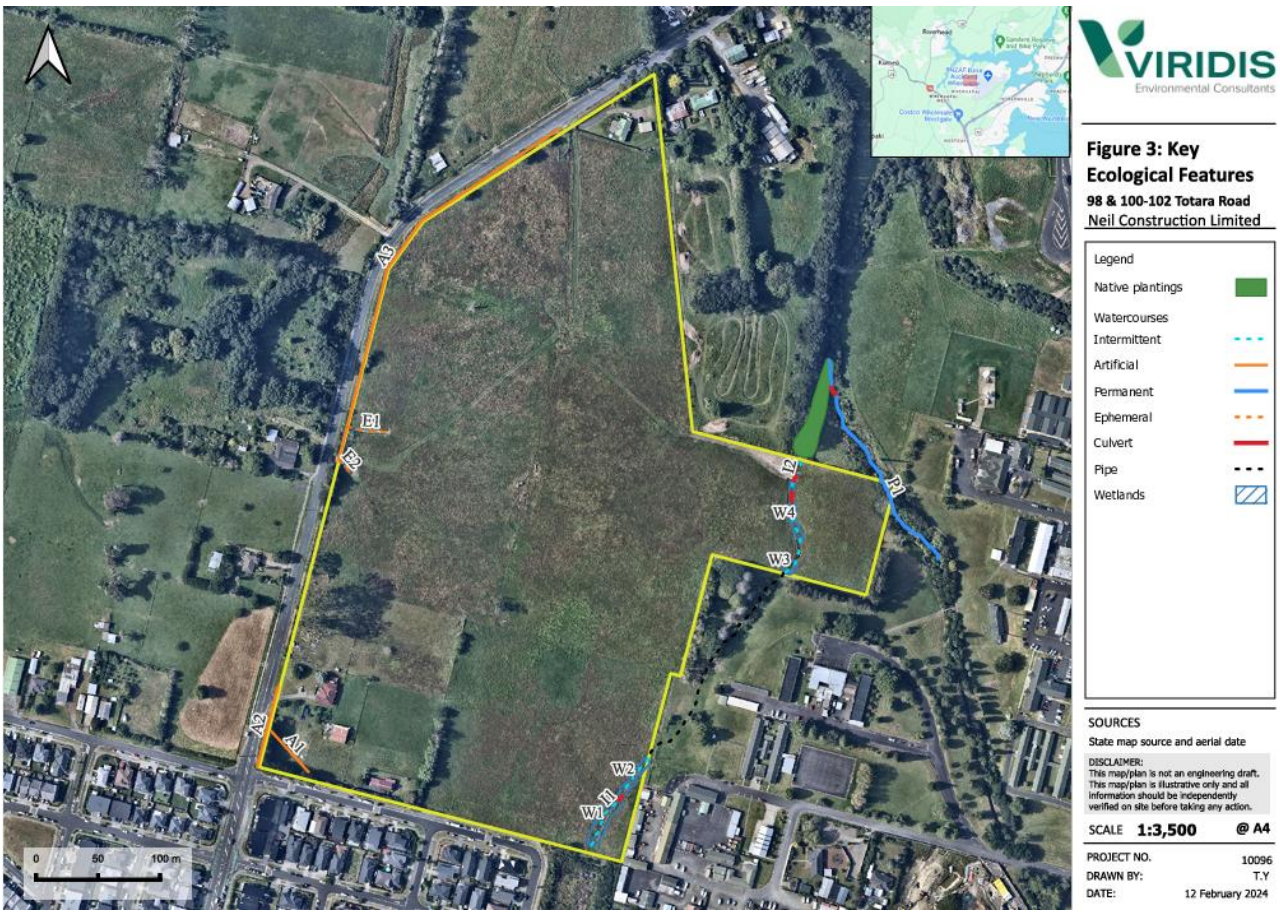


Figure 4. Diagram showing the waterbodies in the PPC 109 area, including artificial drains (A1, A2, and A3), ephemeral (E1, and E2), intermittent (I1 and I2) and permanent (P1) streams and wetlands (W1, W2, W3, and W4), source Ecological Impact Assessment, Viridis, December 2024

Fast Track Resource Consent

4.3 Neil Construction Limited and Maraetai Land Development applied under the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 in May 2022 for a non-complying resource consent for land use, subdivision and discharge in the Future Urban Zone. The application was declined by the Panel in August 2023, however, this was not because of stormwater and flooding issues. Healthy Waters and Flood Resilience assessed that proposal and did not raise any significant concerns.

Mana Whenua Consultation

4.4 Section 3 of the proposed SMP outlined that Ngāti Manuhiri and Te Kawerau ā Maki gave a response to the PPC 109. Ngāti Manuhiri deferred to Te Kawerau ā Maki. Te Kawerau ā Maki provided a Cultural Impact Assessment (CIA) for the Fast-track Consenting application. They subsequently advised the applicant that the CIA report could be used for PPC 109 and that they would like to be engaged in the precinct provisions. The CIA report highlighted impacts from stormwater discharge into the Upper Waitematā Harbour, the Te Rawawaru Stream and the Ratara Stream. To address this the applicant proposed treatment of stormwater runoff and 100% native vegetation planting of the streams, streets and public spaces.

Proposed Stormwater Management Plan

4.5 A stormwater management plan (SMP) titled 'Site-Specific Stormwater Management Plan by The Neil Group, Version 4, Revision F, dated December 2024 is proposed for the PPC 109 area. The proposed SMP outlines how stormwater and flooding will be managed for the future development of an estimated 430 residential dwellings in the PPC 109 area.

4.6 Section 6.1 and 6.1.2 of the proposed SMP outline the principles for stormwater management in the PPC 109 area. However, it is unclear what exactly the principles are. In general, it is understood there are two main principles:

- Water sensitive design (WSD) through promoting inter-disciplinary planning and design, protects and enhances the values and functions of the natural ecosystem, provides at source stormwater management, and mimics natural systems and processes for stormwater management,

- Stormwater quality treatment of all new impervious surfaces.

4.7 These principles address the protection of streams and provide for stormwater quality treatment, but there are no direct references to flood management. However, the proposed SMP includes flood management measures for the 10% and 1% AEP storm event and the proposed Whenuapai Green Precinct, Objective IX.2(12) and Policy IX.3(10) refers to minimising flood risk.

4.8 It is recommended that the principles for stormwater management in the proposed SMP be updated to clearly state what the principles are and include references to flood management outcomes.

4.9 Section 6.2.1 states that the proposed SMP will generally comply with the requirements of Schedule 4 in the Auckland Council Regionwide Stormwater Network Discharge Consent (NDC). This includes,

- Stormwater quality treatment will be provided for runoffs from all new impervious surfaces (excluding roofs) in accordance with Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) requirements,

- Stream hydrology mitigation using Chapter E10 Stormwater management area – Flow 1 (SMAF1) is proposed, providing for retention of 5mm stormwater runoff and detention over 24 hours of the difference between the pre development and post development from the 95th percentile,

- The primary stormwater network will provide for the stormwater runoff from the 10% AEP storm event,

- Full attenuation will be provided for the stormwater runoff from the 10% storm event,

- Partial peak flow attenuation will be provided for the stormwater runoff from the 1% AEP storm event,

- Manage overland flow paths on roads to meet Auckland Transport's Transport Design Manual requirements.

4.10 Section 6.2.2 outlines that stormwater wetland basins cannot be used in the PPC 109 area because of potential bird-strike issues associated with the Whenuapai Air Force Base. If communal stormwater detention/wetland basins are used, they will need to be a 'dry' basin, to not attract birds or provide habitats.

4.11 The PPC 109 area is divided into three catchments (Catchment A, B and C), see Figure 5. Two dry basins are proposed, one for Catchment A (Stormwater Basin A) and one for Catchment B (Stormwater Basin B). The basins will be designed to meet GD01 requirements. The dry basins will provide detention and attenuation in a 10% and 1% AEP storm event. Catchment C will not discharge into a basin and will discharge directly into the adjacent stream, it cannot be directed to one of the dry basins because of the topography of the site. It is outlined that the three catchments are indicative and the catchment size may differ following further design and flood analysis at the resource consent stage. This is an acceptable approach.

4.12 It is important that the two dry basins and other stormwater management devices are constructed and operational before subdivision and development to ensure that the stormwater and flood effects are managed. The policy in the proposed Whenuapai Green Precinct does not reference this.

4.13 Section 6.6 includes details on the implementation of planting and stormwater management devices and infrastructure. Riparian planting is to occur before or in conjunction with bulk earthworks. The public stormwater pipe network will follow the staging plans for the subdivision. Stormwater management devices are proposed to be in place before any construction of new impervious areas. For private lots, stormwater management devices will be part of the resource and/or building consent application. This is an acceptable approach.

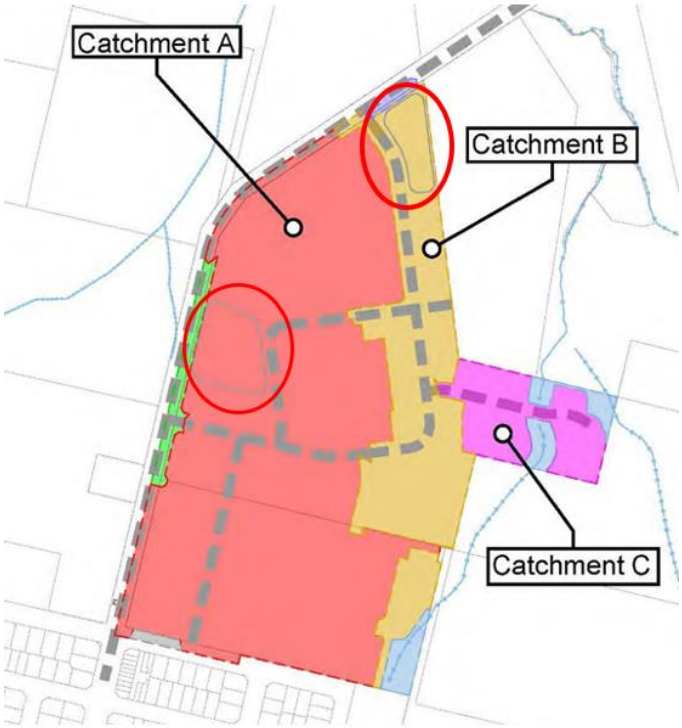
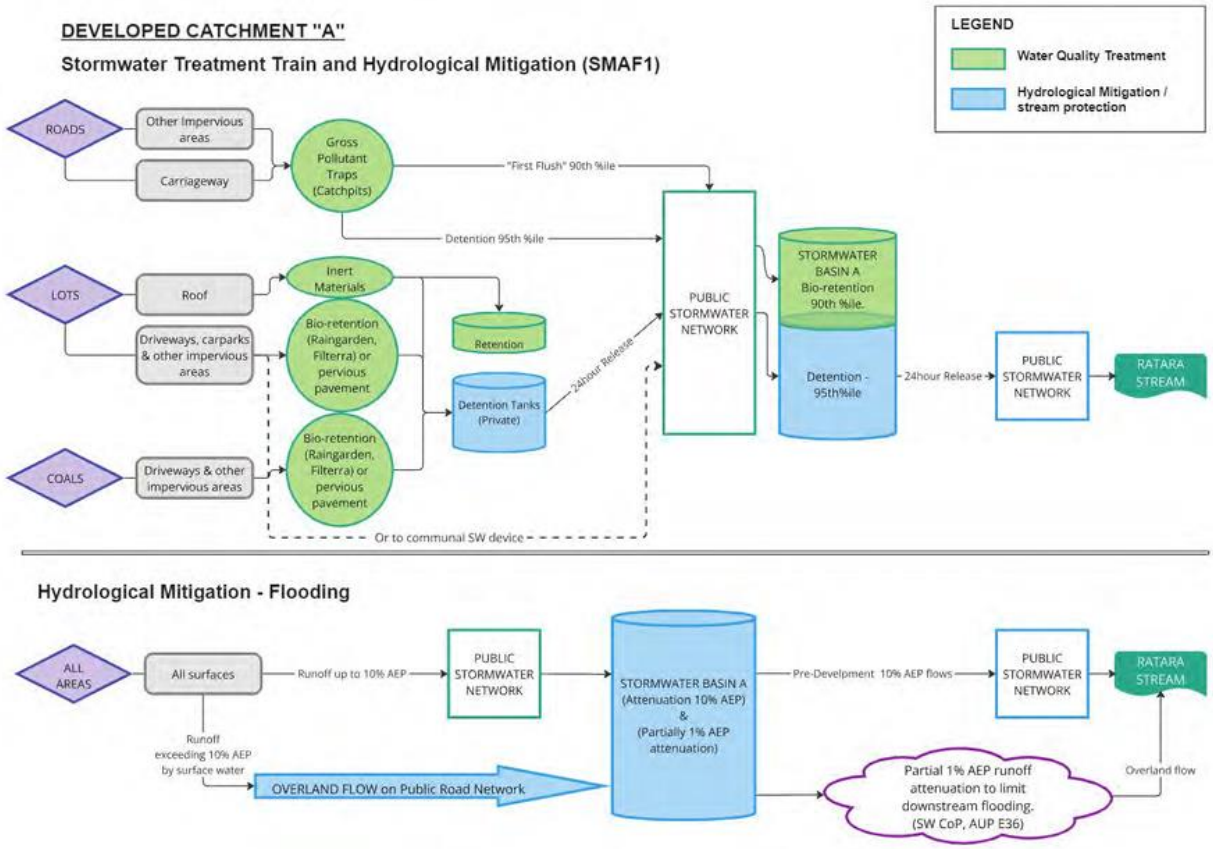


Figure 5. The proposed three Catchments, A, B and C and dry basin locations indicated by the red circle, source Site-Specific Stormwater Management Plan (SMP) Whenuapai Green, December 2024

4.14 The proposed SMP included diagrams of the stormwater quality treatment and flood mitigation approach, see Figure 6 below. A summary of the main matters of the proposed SMP are outlined and assessed below.



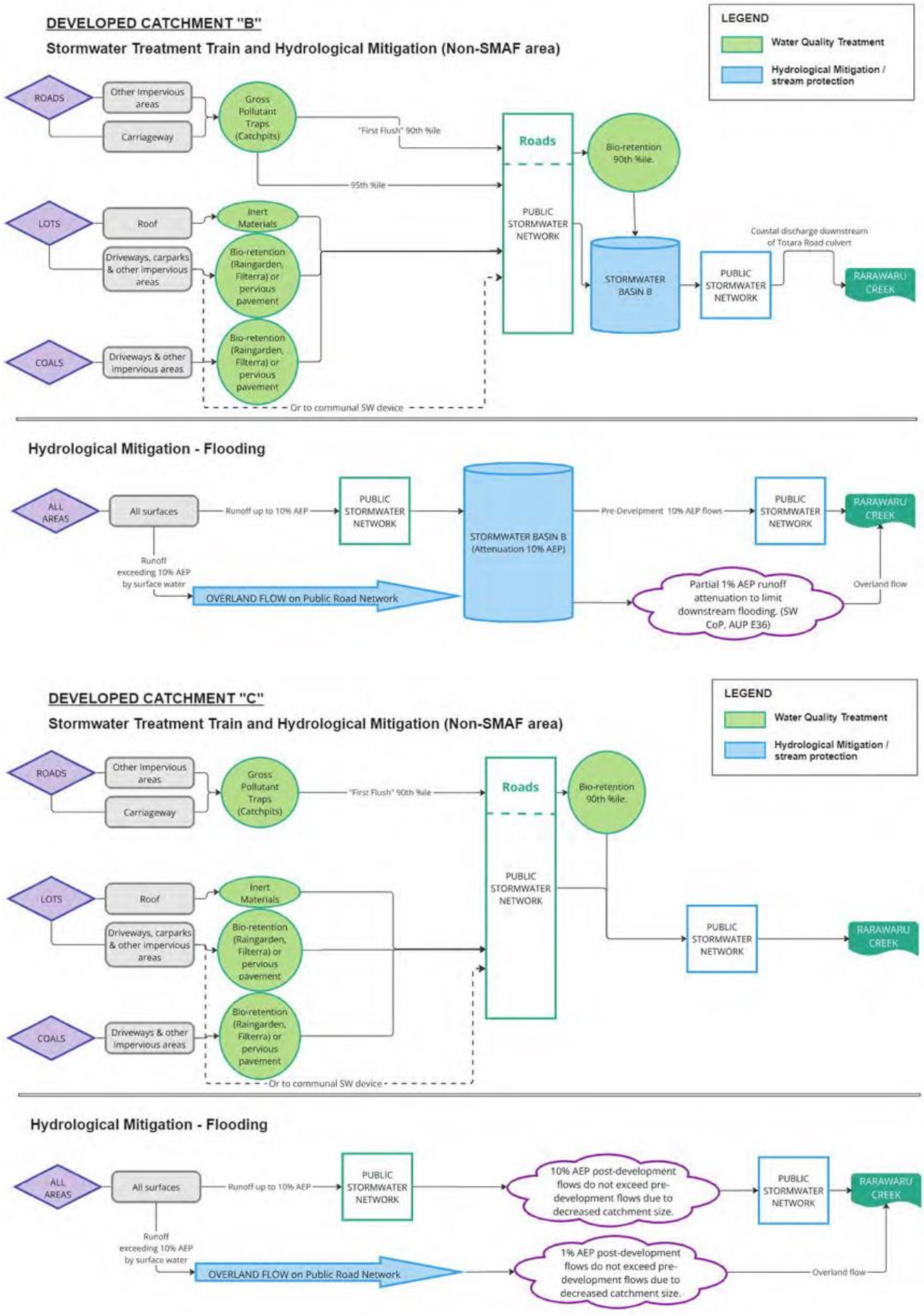


Figure 6. Proposed stormwater quality and quantity management for the three Catchments, source Site-Specific Stormwater Management Plan (SMP) Whenuapai Green, December 2024

5.0 Water Quality

5.1 Section 6.2.3 of the SMP states that the Upper Waitematā Harbour has a Significant Ecological Areas Overlay and that this environment is sensitive to sediments, heavy metals and other contaminants. To maintain or enhance water quality a WSD approach will be used. Stormwater quality treatment will be provided for all impervious areas in accordance with GD01 requirements. Table 5 of Section 6.2.3 lists a number of stormwater management devices that could be used to provide for stormwater quantity and quality management, and each device is assessed as being 'very suitable' to 'not suitable'. Figures 7, 8 and 9, as well as Tables 6, 7 and 8 outline the stormwater quality treatment (and flood management option) for the different types of impervious areas.

5.2 The proposed SMP outlines that for Catchment A, a swale will provide water quality treatment before discharging into the dry basin. For Catchment B, a raingarden will be used before discharging into the dry basin. The other stormwater quality treatments include using inert roofing materials, onsite retention tanks, bioretention devices or pervious pavement, and gross pollutant traps for roads. Totara Road will be upgraded and water quality treatment will be provided by using raingardens located in the road reserve. If not, stormwater can be piped to the adjacent dry basin for treatment. If the proposed stormwater quality treatment are designed to meet GD01 and Auckland Transport's Transport Design Manual requirements, this is an appropriate solution.

5.3 The term 'inert' roofing materials is used however, the term 'low contaminant generating' should be substituted for 'inert' because all roofing materials will discharge some contaminants over time. Furthermore, given the sensitive receiving environment the proposed retention volume should be plumbed for internal reuse such as toilet flushing, this is stated in the SMP but not clearly in the proposed Whenuapai Green Precinct standard. If the retention volume is not for internal reuse the runoff from roofs should be treated in a bioretention device.

5.4 Catchment B and Catchment C do not provide for the retention and/or internal reuse of stormwater runoffs from roofs. This means roofs in Catchment B and Catchment C will not be treated before discharging into the receiving environment, as noted above relying on roof material only is not enough as all roofing materials will discharge contaminants over time. This aspect is required to be further clarified in the SMP. In addition, the use of the term 'low contaminant generating' needs to be made clear in the proposed SMP and proposed Whenuapai Green Precinct.

5.5 As a result, a recommendation is made on the standard in the Precinct (Standard, IX.6.1(1), see Section 11) to ensure roof materials are 'low contaminant generating', there is internal reuse, and retention is provided for discharge into the coast, and stormwater quality treatment is provided for all surfaces including roofs, see Section 11 of this memorandum.

5.6 It is unknown what the exact stormwater devices, what combination of devices, and the total number of devices will be to manage the stormwater quality effects for the PPC 109 area. The design and number of bioretention devices for the roads are unknown, as stated in the proposed SMP any assets to be vested in Auckland Transport will need to meet Auckland Transport's Transport Design Manual.

5.7 Furthermore, it is unclear if the proposed bioretention devices for the roads are not accepted by Auckland Transport, whether the stormwater quality treatment from the bioretention swale and

raingarden at the dry basins will be sufficient. This needs to be further clarified in the proposed SMP, to ensure that if the bioretention devices and dry basins are used to manage stormwater quality from roads, it is design appropriately, and the location and size of space allocated for the bioretention devices and dry basins are sufficient.

5.8 For stormwater quality treatment dry basins work best as part of a treatment train approach. The proposal provides for this by using onsite management, which includes low contaminate generating material, onsite retention tanks, bioretention devices or pervious pavement, and then treatment in a downstream device through a bioretention device before discharging into the dry pond and/or stream. It is important that the bioretention devices are in place and of an appropriate design and location to ensure its effectiveness.

5.9 The proposed bioretention devices and the two dry basins for Catchment A (Stormwater Basin A) and Catchment B (Stormwater Basin B) will need to be designed appropriately to ensure they will provide stormwater quality treatment.

5.10 Stormwater quality treatment for Catchment A relies on the use of a swale before discharging into Stormwater Basin A. However it is unclear whether the swale will function in a 10% AEP storm event, as the swale will become inundated in a 10% AEP flood event, if it is inundated it will not provide the stormwater quality treatment required to manage water quality effects.

5.11 In the clause 23 response the applicant noted that due to the topographical limitations of the site and the pipe network, the swale cannot be located higher out of the 10% AEP storm event. It is recommended this is highlighted in the proposed SMP and recommendations are made to ensure water quality treatment can be provided for Catchment A.

5.12 Pervious pavements are less effective for stormwater quality treatment when compared to bioretention devices, therefore bioretention devices are recommended over the use of pervious pavement, or a bioretention device is used with pervious pavement. It should not be bioretention devices or pervious payment, as outlined in Figure 7, 8 and 9, as well as Table 6, 7 and 8. It is recommended that the proposed SMP is updated to clarify that bioretention devices are preferred over pervious pavement to achieve effective stormwater quality treatment.

6.0 Stream Hydrology and Erosion

6.1 The increase in impervious surface will increase the flow rate and volume of stormwater runoff into the stream, changing the stream hydrology. This change in hydrology, unless managed, can have a significant adverse effect on streams, including stream erosion and bank instability, and unhealthy aquatic ecosystems. Section 6.2.4 of the proposed SMP addresses effects on stream hydrology. The following recommendations are proposed by the applicant,

- Removing existing culverted farm crossings and reinstating the stream to match adjacent reaches,
- Riparian planting of 10m on either side of the stream,
- Riparian yard setback of 10m,
- Stream erosion assessment was carried out using the Erosion Screening Tool (EST),

- E10 Stormwater management area – Flow 1 (SMAF1) will be used for hydrology mitigation and is provided by onsite detention and retention tanks, and if retention is not possible, the retention volume will be included in the detention volume,
    - Catchment A will include SMAF1
    - Catchment B will include only the retention component of SMAF1 as stormwater runoff can be piped to the 2300mm culvert at Totara Road and discharges into the coast
    - Catchment C does not include SMAF1, as the EST assessment showed no increase in potential stream erosion risk
- Maintain baseflows in all streams.

6.2 An Ecological Impact Assessment (EIA) was provided by Viridis, titled Whenuapai Green Plan Change Ecological Impact Assessment, dated 13 December 2024. The assessment identified wetlands, and intermittent and permanent streams within the site, see Figure 4. The wetlands are on the margins of the intermittent streams, see Figure 4.

6.3 Section 6.3 of the EIA describes the general state of the streams and outlines that the main threats as a result of PPC 109 are:

- a decrease in riparian yard setback,
- an increase in impervious area, and
- an increase in contaminants from stormwater runoff. F

6.4 The SMP also states that, *"all threats can be effectively managed during future development with appropriate controls such as erosion and sediment control plans, appropriate design and riparian planting and management"*; and that this can be managed as part of the future resource consenting process. However, not all effects on the streams will require a resource consent, such as development that does not infringe the riparian yard setback. Therefore, it is unclear if the effects on the streams in the PPC 109 area will be sufficiently identified and mitigated.

6.5 Section 6.2.4 of the proposed SMP outlined that a geomorphological assessment of the stream will be conducted at the detailed design stage to determine the mitigation strategies to reduce erosion risk and support the improvement of stream health. However, it is unclear how this will be implemented. It is recommended that further details be provided in the proposed SMP on implementation. Additionally, it is important that the need for geomorphological assessment of the stream is reflected in the proposed Whenuapai Green Precinct. This requirement can be placed under the Special Information Requirement, and require a stream assessment where there are works adjacent to the stream or discharges into the stream. This will ensure that any works required and any proposed strategies for instream and riparian margin works are implemented. See Section 11 of this memorandum for details of the recommendation to the Special Information Requirement for a stream assessment.

6.6 Section 6.3.2 of the applicant's EIA outlines that the riparian yard setback will be reduced from 20m for Future Urban Zone to 10m for Residential – Mixed Housing Urban Zone. The report states that*"While greater setback distances allow more space for riparian planting and, therefore, a corresponding increase in the ecological benefit derived from such planting, 10 m is*

consistent with the zoning provision and a 10 m riparian yard is considered to be appropriate". Auckland Regional Council Technical Publication 148 (TP148) (June 2001) was used by the applicant to justify the proposed 10m riparian yard. However, the statement, reply and recommendation by the applicant have not considered the role riparian margins and planting has from a stream erosion/fluvial geomorphological and hydrological function perspective. In TP148 the 10m riparian margin is also described as a minimum, where other widths should be considered as per site specific contexts. Furthermore, the current state and potential state of the stream need to be considered and addressed. In addition, the planting required by the streams should not be determined by the riparian yard setback in a zone.

6.7 No clear information has been provided by the applicant to support the claim that a 10m riparian margin planting and a 10m riparian yard is suitable for the site-specific context of the streams in the PPC 109 area. It is important that if more planting or riparian yard is required it is addressed in the proposed Whenuapai Green Precinct provisions to ensure the effects on the stream channels are managed.

6.8 Additionally, the 10m riparian yard setback for existing streams in the urban environment has proven to not been sufficient. Healthy Waters and Flood Resilience have had to carry out a number of in-stream works to remedy the effects of erosion on streams in the urban environment.

6.9 It is also noted that in an existing urban environment, providing a wider riparian margin is often restricted, even though it would be the preferred mitigation to manage the erosion effects for a particular stream. For the proposed Whenuapai Green the H5 Residential – Mixed Housing Urban Zone Table H5.6.8.1 Yards will be used and require a 10m Riparian Yard. However, we it is recommended that a riparian yard setback of a minimum of 20m be included in the proposed Whenuapai Green Precinct, as this would protect buildings from stream erosion risk, provide ecological benefits, and allow space for the stream to adjust in response to changes to flow and climate. See Section 11 of this memorandum.

6.10 A Technical Memo regarding Stream Erosion Risk Assessment was provided by The Neil Group, dated 25 October 2024. The assessment used the Erosion Screening Tool (EST), version 2024 provided by Healthy Waters and Flood Resilience. The EST measures the energy available to cause erosion in the stream channel for different storm events and also includes the effects of climate change. Three stream section locations were assessed, see Figure 7. The selected locations are acceptable however, it would have been informative to include additional locations relating to the identified permanent stream (P1 in Figure 4). A location downstream of P1 could have been included, as this would help identify any potential stream erosion effects downstream. In the clause 23 response (27 November 2024) the applicant outlined that *"the hydrological contribution of the PCA to that stream reach is approximately 4.6% of the total catchment. Therefore, the proposed land use change is expected to have a minor to insignificant impact (<3% increase in excess shear stress time of exceedance) on the current stream bank erosion conditions in that downstream reach".* Despite this comment, it is important to note that stream erosion is a long-term accumulative impact - stream erosion happens slowly over time. Even an increase in hydrological contribution of 4.6% can have an impact in the future, as the stream continues to change and erode its banks over many years.

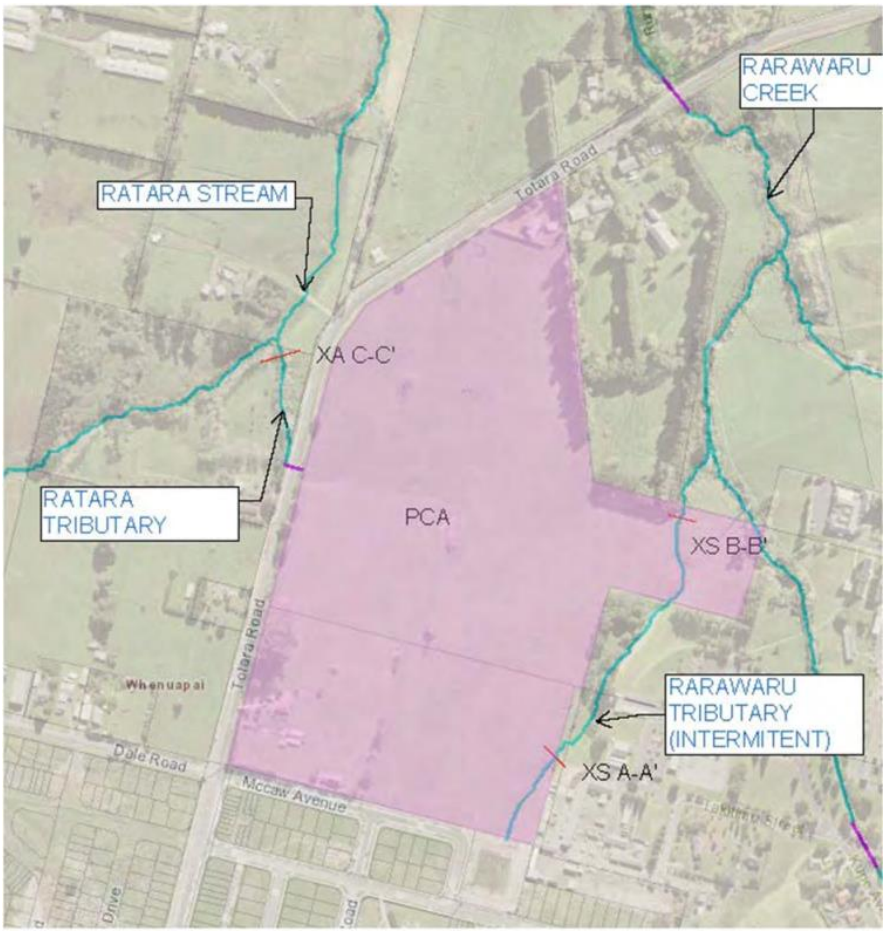


Figure 7. Stream Erosion Assessment locations indicated by red lines, source Technical Memo: Stream Erosion Risk Assessment, 25 October 2024

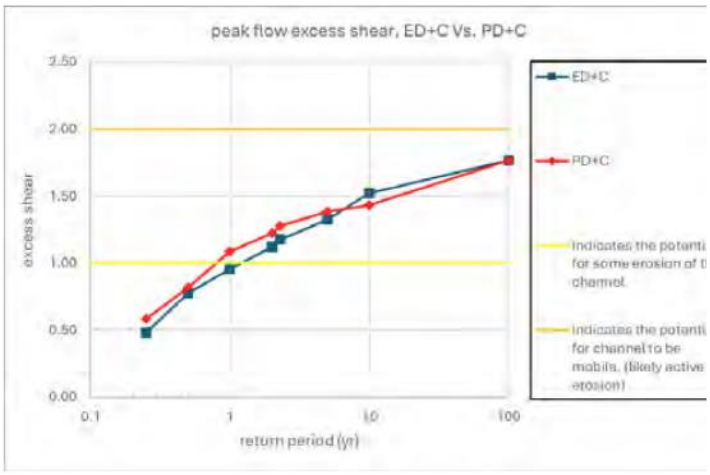
6.11 Figure 8 shows the erosion thresholds used in the EST. Results from the EST showed that there is potential for erosion in both pre and post development scenarios for the three locations, see Figure 9. This applies particularly to Location 2 (XS B-B) where the threshold for likely active erosion is exceeded for a 1-year Average Recurrence Interval (ARI) storm event and greater. Additionally, Location 1 (XS A-A) indicates some potential for erosion in greater than approximately 1-year ARI storm events. Finally, Location 3 (XS C-C) indicates some potential for erosion after the 3 to 5-year ARI storm events but largely stays below 2 for excess shear (meaning a lower risk for erosion). The risk for erosion is higher with future rainfall depth (climate change) for all three locations.

Threshold	Excess Shear	Description
Green	<1.0	Indicates no erosion predicted to occur
Yellow	>1.0 <2.0	Indicates the potential for some erosion of the channel
Orange	>2.0 <10.0	Indicates the potential for channel to be mobile, (likely active erosion)
Red	>10.0	Indicates potential rapid rates of erosion and incision of channel

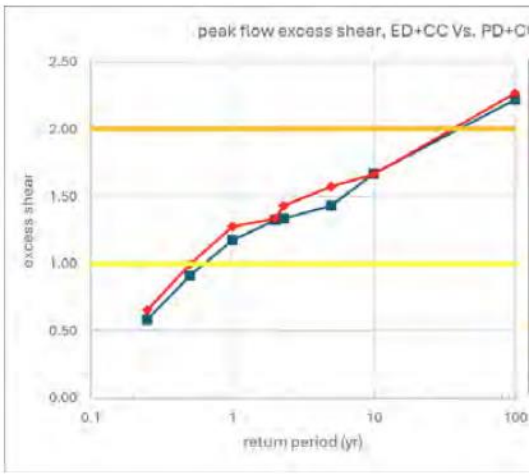
Figure 8. Erosion Thresholds used in the EST assessment, measured in Dimensionless Excess Shear stress. The ratio of boundary shear stress to critical shear stress ($\tau b/\tau c$) is used as a dimensionless

parameter to describe the relative magnitude of shear stress. Excess Shear values greater than 2 indicates likely active erosion, source EST Auckland Council, March 2025

Cross-section A-A Pre vs Post (Existing rainfall depth)

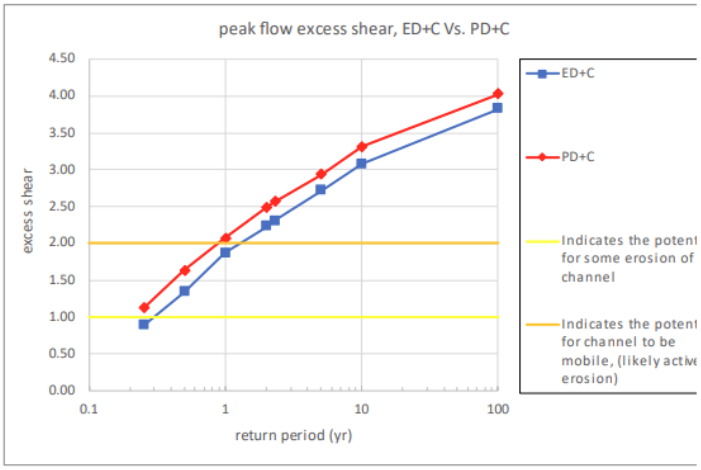


Cross-section A-A Pre vs Post (Future rainfall depth)

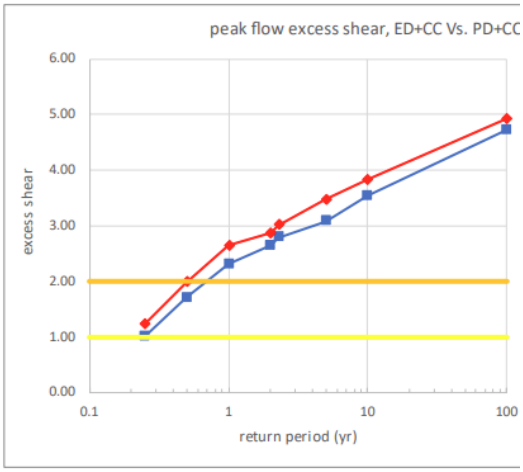


Location 1

Cross-section B-B Pre vs Post (Existing rainfall depth)

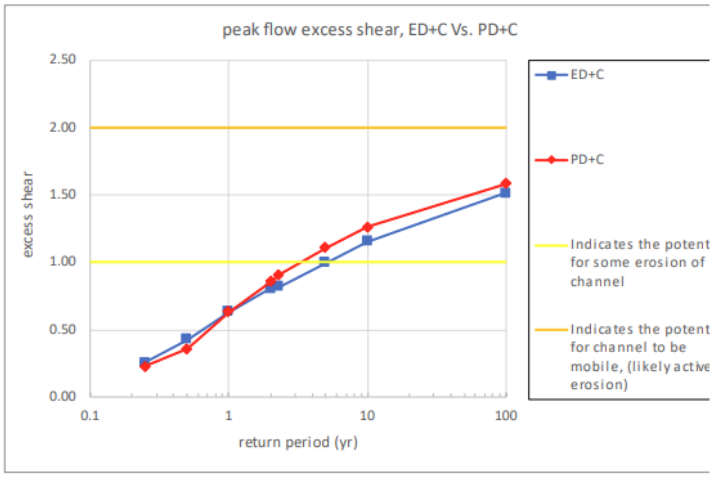


Cross-section B-B Pre vs Post (Future rainfall depth)

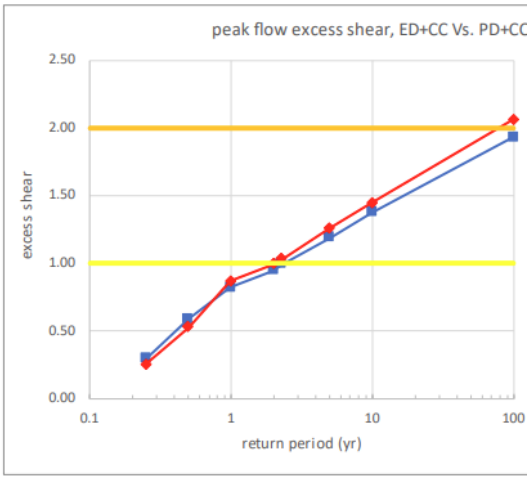


Location 2

Cross-section B-B Pre vs Post (Existing rainfall depth)



Cross-section B-B Pre vs Post (Future rainfall depth)



Location 3

Figure 9. Peak flow excess shear for the three locations, with excess shear for the different frequencies of storm events, with climate change, pre development (blue line) and post development (red line), excess shear of less than 2 (below orange line) indicates the potential for some erosion of the stream channel, and excess shear of less than 1 (below yellow line) indicates no erosion predicted to occur, source Technical Memo: Stream Erosion Risk Assessment, 25 October 2024

6.12 The variation in the EST results across the three locations was not discussed in detail within the SMP and the proposed mitigations were not specific to the locations. Location 2 is more at risk of erosion than Location 1 and Location 3.

6.13 In the clause 23 response (27 November 2024) the applicant acknowledged that Location 2 indicates *a "higher potential risk for erosion in both current and post-development scenarios"*, however they noted the limitations of the EST tool in factoring in the *"stabilising effects of riparian vegetation"* and that with *the planned riparian planting and other bank stabilization approaches, where applicable, it is very likely that the potential risk of erosion will be reduced to acceptable levels (excess shear stress below 1). A detailed design of stream erosion mitigation measures will be provided at the resource consent stage"*. Riparian planting of 10m is provided for all locations. Furthermore, Location 2 is in Catchment C and SMAF1 was not included in Catchment C. The applicant outlined there was no increase in erosion risk pre and post development, therefore SMAF1 is not required, however, this does not take into account the existing erosion risk at Location 2, which already has likely active erosion.

6.14 The same management recommendations (culvert removal and riparian planting) is used for all sections of the stream, which is unlikely to address the potential effects on the stream, as different sections of the stream will have different characteristics (slopes and soil etc.) and vulnerability to erosion (as identified in the EST assessment). Any proposed mitigation should be specific to that section of the stream. Proposed strategies should specify the type and scale of instream and riparian margin work required to manage ecological and geomorphological effects and ensure the stream is resilient to changes in flow and climate. It is recommended that additional riparian yard setback and planting be provided for the streams. See Section 11 of this memorandum for recommended changes to the proposed riparian planting and riparian yard setback.

6.15 SMAF1 is only proposed for Catchment A, retention component only for Catchment B, and SMAF1 is not included in Catchment C. The EST results showed that the stream section at Location 2, which is in Catchment C is more at risk of erosion than the other two Locations. The use of SMAF helps to manage the effect of flows from more frequent events, and these flows are often the flows that affect the stream erosion. SMAF1 must be included for all the Catchments, especially Catchment C. It is recommended the proposed SMP is updated to not exclude SMAF1 from Catchment C. Additionally, the proposed SMP is not consistent with the proposed planning maps, which shows the SMAF1 control over the entire PPC 109 area.

6.16 The PPC 109 area is divided into three Catchments, this involves earthworks and contouring of the PPC 109 area. This will result in the diversion of stormwater runoffs and the streams will be sensitive to additional or less flows. In the clause 23 response, the applicant outlined that the streams in the PPC 109 area are intermittent, the permanent streams outside the PPC 109 area have large catchments, the contribution from stormwater flow within the PPC 109 area is low, and the baseflow will be improved by a planted riparian margin. Section 6.2.4 of the proposed SMP states that*"Baseflows are to be maintained in all streams. Further details regarding the stream baseflows are to be provided at Resource Consent Stage"* and the proposed SMP provides recommendations of assessments and recommendations to increase baseflow if necessary. However, it is unclear how this will be implemented at resource consent stage.

7.0 Flooding

7.1 In Section 6.2.5 of the proposed SMP, the applicant outlined that the Maximum Probable Development used for flood modelling is 70% impervious area (based on 60% impervious lot areas and 85% impervious area for roads and commonly owned accessways). The applicant has completed a Hydraulic Modelling Report (HMR) using the HEC-HMS and HEC-RAS flood models. The applicant has concluded that the proposed development for the PPC 109 area will not be subject to flooding and that the increase in *"stormwater runoff resulting from increased impervious areas can be manged to minimise the effects on streams and downstream areas"*.

7.2. Stormwater Basin A is located in the existing flood plain by Totara Road. Stormwater Basin A will provide detention, attenuation of a 10% AEP storm event, and partial attenuation of a 1% AEP storm event. Post development flood modelling showed that in a 1% AEP storm event, there will be flooding in Stormwater Basin A and around a section of Totara Road, however, there is no flooding to existing buildings.

7.3 Flood modelling showed there is a reduction in flood level from RL9.77m to RL 9.69m, as a result of Stormwater Basin B in the scenario where the downstream 2300mm diameter culvert is 50% blocked. The modelling indicates that a small building which is described by the applicant as a 'minor dwelling' at 94 Totara Road will be flooded pre and post development in a 100% blockage with 3.8 degree climate change scenario, with an increase of 40mm in flood level post development. The applicant stated (in their Nov 2024 Cl23 response) that full attenuation is provided for the 10% AEP storm event and partial attenuation is provided for the 1% AEP storm event, and that the amount of attenuation will be updated at resource consent stage. The applicant needs to update the SMP to address paragraph 4.8 of this memorandum regarding flood management to not increase flood levels on private property downstream. Furthermore, for the SMP to be adopted under the NDC, Schedule 2 and Schedule 4 of the NDC requires no increase in flooding of habitable floors.

7.4 Overall, the proposed SMP has provided details of flood management using two dry basins and the flood modelling provided by the applicant is acceptable. Subject to the update requested

above, we consider that the proposed flood management can likely manage flood effects to ensure there are no increases in flood hazard risk as a result of the proposed future development in the PPC 109 area.

8.0 Auckland Council Regionwide Stormwater Network Discharge Consent (NDC)

8.1 Healthy Waters and Flood Resilience department holds the regionwide stormwater NDC which authorises the diversion and discharge of stormwater from the public stormwater network in the urban area. Condition 13(b) of the NDC outlines the process for adopting an SMP for a greenfield development following the approval of a notified plan change, provided that the SMP has been prepared to support the plan change and the plan change is consistent with the SMP, and the SMP is consistent with Schedule 2 (issues, objectives, outcomes, and targets) and Schedule 4 (stormwater management requirements) of the NDC.

8.2 The applicant outlined that the proposed SMP is consistent with Schedule 2 and Schedule 4 of the NDC and that it is intended that the proposed SMP will be adopted under the NDC.

8.3 Overall, the proposed SMP generally meets the requirements of the NDC. The issues regarding the proposed SMP for PPC 109 have been raised in the clause 23 process and are also raised in this memorandum. These relate to the matters of water quality treatment, stream hydrology mitigation, and clarity for flood managment. The issues overlap with the requirements of the NDC. Once the issues are addressed for PPC 109, this would also resolve the outstanding NDC matters and the SMP should meet the requirements of the NDC to be adopted.

9.0 Submissions and Further Submissions

9.1 There are four submissions that raised issues related to stormwater and flood effects. They are highlighted and addressed in Table 1. We have also reviewed the four further submissions received and note the further submission from NZDF in support of Auckland Council submission point 5.11 regarding stormwater effects. This is also addressed in Table 1 below.

Table 1. Submissions relating to stormwater and flood effects

Sub. No.	Name of submitter and submission details of stormwater and flood issue	Healthy Waters and Flood Resilience specialist response and recommendations
03	Joseph Donis 3 McCaw Avenue, Whenuapai *The new development will exacerbate the problem of flooding in the area. This will result in an increased percentage of impermeable surfaces, such as concrete driveways and paved areas, which prevents natural absorption of rainwater into the ground. Consequently, during heavy rainfall or storms, water runoff will intensify, leading to localized flooding. Furthermore, the alteration of the natural landscape will cause disruption in the natural drainage patterns, exacerbating the flooding issue. The diversion of water flow and inadequate stormwater management systems*	Accepted. We agree PPC 109 will increase impervious areas and stormwater runoff. However, stormwater and flood effects can be managed for the PPC 109 area. The applicant is proposing to manage flooding by providing for a primary stormwater network and attenuation of the 10% and 1% AEP storm events. Roads will be used for overland flow paths and will be designed to be consistent with Auckland Transport requirements.

	in place will contribute to water accumulating in low-lying areas, especially along Totara Road. *4. Environmental Concerns: Poor stormwater management plans for such developments often lead to flooding issues. The region has already seen drainage problems, and adding more impermeable surfaces will only increase the risk of flooding, threatening existing homes, including mine.* *Given these issues, I strongly recommend reducing the scale of the development or postponing it until infrastructure, funding, and environmental impacts are thoroughly addressed. The interests and safety of existing residents must take precedence.* *I or we seek the following decision by council: Decline the plan change*	Totara Road will be upgraded and this also includes stormwater management and will be designed to meet Auckland Transport requirements. The submitter's dwelling is located upstream of PPC 109. Development in the PPC 109 area should not create flooding on this site. We have assessed the proposed stormwater management plan. We have made recommendations for changes to the proposed stormwater management plan and the proposed Whenuapai Green Precinct. This is to ensure stormwater and flood effects are managed to support the proposed development in the PPC 109 area.
04	Akhil Argal 5 McCaw Avenue, Whenuapai *Despite the applicant's claims about stormwater management, the recent extreme weather events in Auckland demonstrate the need for more robust planning. While the design includes a 13.2-16.8% increase allowance for climate change, the unprecedented rainfall patterns we're experiencing suggest this may be insufficient. The proposed development's extensive impervious surfaces could exacerbate local flooding issues, particularly given the site's proximity to existing residential areas.* *I believe these concerns warrant declining the plan change to ensure any future development better responds to current environmental challenges, infrastructure capabilities, and community needs* *I or we seek the following decision by council: Decline the plan change*	Accepted. We agree PPC 109 will increase impervious areas and stormwater runoff. However, stormwater and flood effects can be managed for the PPC 109 area. The applicant is proposing to manage flooding by providing for a primary stormwater network and attenuation of the 10% and 1% AEP storm events. Roads will be used for overland flow paths and will be designed to be consistent with Auckland Transport requirements. Totara Road will be upgraded and this also includes stormwater management and will be designed to meet Auckland Transport requirements. The submitter's dwelling is located upstream of PPC 109. Development in the PPC 109 area should not create flooding on this site. We have assessed the proposed stormwater management plan. We have made recommendations for changes to the proposed stormwater management plan and the proposed Whenuapai Green Precinct. This will ensure stormwater and flood effects are managed to support the

		proposed development in the PPC 109 area.
05	Auckland Council – Oppose the plan change Adverse effects – stormwater – Oppose in part *There is insufficient assessment and clarity within the application regarding stormwater management.* *Amend the precinct provisions to clarify how the following matters will be achieved:* • *The location of/ability to locate proposed stormwater management devices appropriately so that they will be clear of 10% Annual Exceedance Probability (AEP) rainfall event flow extents* • *The adequacy of the stream protection measure(s) proposed to mitigate effects of the increases in runoff on stream geomorphology (including channel incision & channel widening) within and/or downstream of the proposed plan change area, resulting from development* • *The provision of water quality treatments for all impervious surfaces.*	Accepted. We agree that stormwater management devices must be located appropriately to ensure that flood management and water quality functions are achieved. There are indicative locations for the two proposed Stormwater Basins. The locations are acceptable at this stage. It is expected that during resource consent further details will be provided to ensure the Stormwater Basins are designed and located appropriately, and if they are in the flood plains the design will address this. We have assessed the proposed stormwater management plan. We have made recommendations for changes to the proposed stormwater management plan and the proposed Whenuapai Green Precinct. This is to ensure stormwater and flood effects are managed to support the proposed development in the PPC 109 area.
06	New Zealand Defence Force – Oppose the plan change in part NZDF seeks, *c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds);* *e) Measures to address potential stormwater and transport and traffic effects* *Stormwater* *14. Regarding stormwater effects and associated provisions in PPC 109, NZDF seeks to ensure that discharge/runoff to Rarawaru Stream (and development enabled under PPC 109 generally) does not exacerbate flood risk hazard on RNZAF Base Auckland and seeks specific consideration of flooding and stormwater effects on RNZAF Base Auckland. NZDF seeks to avoid adverse stormwater*	Neutral. The applicant is proposing two dry Stormwater Basins for stormwater and flood management and has provided a stream erosion assessment using the EST. We have assessed the proposed stormwater management plan. The flood modelling results did not highlight any changes to flooding on the NZDF site as a result of future development in the PPC 109 area. We have made recommendations for changes to the proposed stormwater management plan and the proposed Whenuapai Green Precinct. This includes changes to the width of riparian margins and the provision for SMAF1 for all discharges into Rarawaru Stream, also a geomorphological assessment of the stream in the PPC 109 area at resource consent.

	effects/impacts on RNZAF Base Auckland, as it already experiences significant flooding in rainfall events (with impacts such as impeding vehicle access through the Base). *15. NZDF has concerns regarding the capacity of Rarawaru Stream, which runs through RNZAF Base Auckland, and understands (based on modelling) that it is at capacity. Remedial and upgrade works to increase the capacity of Rarawaru Stream may be required by the applicant. NZDF seeks that consideration be given to diverting stormwater runoff away from Rarawaru Stream, and seeks confirmation that the applicant's flood assessment has taken into account existing discharges/runoff from the Rarawaru Stream stormwater catchment area including RNZAF Base Auckland.*	

10.0 Statutory Considerations

10.1 The applicant's report titled 'Request for Private Plan Change Proposed Plan Change: Whenuapai Green' provided an assessment as required under Schedule 1 and Section 32 of the RMA. Below is an assessment of the applicant's response to PPC 109 against the statutory and policy framework relevant to stormwater and flood matters.

The National Policy Statement on Urban Development

10.2 The National Policy Statement on Urban Development requires that planning decisions must contribute to a well-functioning urban environment. Objective 6 requires development to intergrade with infrastructure and Objective 8 requires the urban environment to be resilient to the effects of climate change. Section 10.4.1 of the applicant's report stated that PPC 109 includes upgrades of existing infrastructure and the provision of new infrastructure. The proposed SMP has provided the details of the required stormwater infrastructure and services. However, further details are required in the proposed SMP and in the proposed Whenuapai Green Precinct particularly regarding stormwater quality treatment and stream erosion management, to provide certainty that stormwater infrastructure and services will be appropriate and that the streams are resilient and protected for climate change. This will ensure the stormwater and flood effects of future development will be managed and provide for the integration of stormwater infrastructure and development in the PPC 109 area.

The National Policy Statement for Freshwater Management

10.3 The National Policy Statement for Freshwater Management (NPS-F) provides direction on how to manage freshwater by prioritising first the health and well-being of water bodies and freshwater ecosystems. Section 10.4.2 of the applicant's report stated that proposed PPC 109 will not be contrary to the outcomes sought by the NPS-F. The proposed SMP includes information regarding the management of water quality and quantity effects on the receiving environment, these include, stormwater quality treatment, removal of redundant culverted

crossings, riparian planting, stream erosion assessment at resource consent, and maintaining baseflow in all streams. However, further details are required in the proposed SMP and in the proposed Whenuapai Green Precinct to ensure stormwater quality treatment is effective, the use of SMAF1, and changes to riparian planting and yard setback are required to ensure the streams are protected from erosion effects. This will ensure PPC 109 is consistent with the NPS-F.

Future Development Strategy

10.4 The Future Development Strategy (FDS) is a programme for sequencing the development of future urban land over 30 years across Auckland. The FDS sets the timing of the PPC 109 area, referred to as Whenuapai North (stage 1) to be lived zoned not before 2035+.

10.5 The FDS is addressed in Sections 7.2 and 10.9 of the applicant's report. The applicant has acknowledged that PPC 109 will be earlier than the identified timing of not before 2035, however they stated that the FDS does provide a pathway for out-of-sequence development and PPC 109 includes staging requirements for infrastructure.

10.6 Whenuapai has not been identified as an area that needs to be removed due to natural hazards, or a red flagged area where development would increase flood hazard risk. The proposed SMP has provided flood modelling assessments and subject to the recommended amendments, both the SMP and the precinct provisions provide or reflect details of the required stormwater infrastructure and services to ensure flood hazards are managed.

Te Rautaki Wai ki Tāmaki Makaurau, Auckland Water Strategy

10.7 Te Rautaki Wai ki Tāmaki Makaurau, Auckland Water Strategy seeks to protect and enhance Te Mauri o te Wai, the life-sustaining capacity of water. The Auckland Water Strategy was not addressed in the applicant's report and proposed SMP. However, the proposed SMP includes stormwater quality treatment, SMAF1, and riparian planting. We have recommended changes to the proposed SMP and the proposed Whenuapai Green Precinct to be more consistent with the requirements of the Auckland Water Strategy to restore and enhance water ecosystems and provide for integration of stormwater planning and land use.

Regional Policy Statement

10.8 The objectives and policies of Chapter B7 Toitū te whenua, toitū te taiao – Natural Resources, for freshwater systems were not addressed in the applicant's report. However, the proposed SMP includes stormwater quality treatment which will ensure any discharges into the Upper Waitematā Harbour are treated. Riparian planting is provided. However, we have recommended changes to the proposed SMP and the proposed Whenuapai Green Precinct to include further details on stormwater quality treatment, SMAF1 for stormwater discharges into streams, and wider riparian planting and riparian setback. This will more appropriately protect, restore and enhance the freshwater systems.

10.9 The objectives and policies of Chapter B10 Nga tupono ki te taiao – Environmental risk, were not addressed in the applicant's report. However, the proposed SMP includes flood modelling assessments and provision for stormwater management devices to manage flooding in a 1% AEP storm event, this will ensure the flood hazard risk to people, property, infrastructure and the environment has not increased.

11.0 Healthy Waters and Flood Resilience Recommended Changes to the Whenuapai Green Precinct Provisions

11.1 The proposed Whenuapai Green Precinct included some of the recommended amendments that were identified during the clause 23 process. The recommendations were made to ensure stormwater and flood effects are managed, to address submissions for PPC 109, and to reflect the requirements of the proposed SMP. Recommended additional text is underlined and deleted text is ~~strikethrough~~. Explanations for the recommended amendments are *italicised*.

11.2 Policies

Three Waters Infrastructure

(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.

Including 'where appropriate' and 'where practicable' makes it unclear. The SMP outlined that stormwater runoff from all impervious will be treated and planting in the riparian margin is provided, this will enhance ecological values.

11.3 Standards

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~~ private 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)';~~ and/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.

(c) ~~(iii)~~ Roofs must be constructed of ~~inert~~ low contaminant generating building materials which:

(i) have exposed surface(s) or surface coating of metallic zinc or any alloy containing less than 10% zinc; and

(ii) have exposed surface(s) or surface coating of metallic copper or any alloy containing less than 10% copper; and

(iii) avoid exposed treated timber surface(s); and

(iv) avoid any roof material with a copper containing or zinc-containing algaecide.

(d) Roof ~~with~~ runoff must be directed to a tank sized for the minimum of 5mm retention volume for internal non-potable reuse within the property.

(e) Stormwater discharge that are directed to network to the coast must provide retention of at least 5mm runoff depth for the roof area.

GD01 has replaced TP10. The use of 'inert' is inappropriate as all roof materials will generate some contaminants over time. The use of 'low contaminant generating' material is more appropriate, however, there is no definition of what this is in the AUP(OP), therefore a definition is also provided, relating to zinc, copper etc.

The SMP states that reuse will be provided for roofs and that retention will be provided for Catchment B, the changes to (d) and (e) will ensure that what is recommended in the SMP is reflected in the Precinct provision. For Catchment B the SMAF1 requirement is not triggered under E10, as it is a permitted activity if discharge is not into the stream or below RL1.7m (RL in terms of NZVD2016) which relates to coastal discharge that is tidal. Therefore to ensure the retention component of SMAF1 is applied for Catchment B it must be included in the Precinct.

IX.6.5 Riparian Margins

(1) At the time of subdivision or development, land within 20m ~~10m~~ of stream 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

Results from the EST assessment, along with slope and flood plains extent showed that the different sections of the stream have different sensitivity to erosion, the permanent stream that is part of Rarawaru Creek has a higher excess shear stress value, therefore it is more likely to be vulnerable to erosion and the proposed mitigation should be reflected off this and provide more than a minimum of 20m planting.

IX.6.10 Yards

Purpose:

- to protect the steam and allow space for the stream to adjust and provide for stream erosion;

(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

(c) Riparian yards: 20m

A requirement for riparian yard setback of 20m will ensure building are appropriately setback from the stream, this will protect buildings and the stream.

11.4 Assessment Criteria

(2) For stormwater management not complying with Standard IX.6.1:

(c) Whether there is sufficient infrastructure capacity to provide for flood conveyance and protect land and infrastructure; and

(d) Whether the stormwater management devices will appropriately minimise or mitigate stormwater contaminants, taking into consideration the nature of the contaminants and the sensitivity of the receiving environment.

By including an assessment of contaminants, it will ensure any changes from what is set out in the SMP will achieve the same water quality outcome.

11.5 Special Information Requirmeent

(3) Geomorphological assessment

(a) Any application for land disturbance (earthworks), development and subdivision which adjoins or discharges to a permanent or intermittent stream must be accompanied by a geomorphological assessment to inform the type and scale of riparian margin/instream work required to ensure the effects from the development and any structures in the stream are managed and there is resilience to any effects of future flow and climate change.

i. A stream health and stabilisation assessment by a qualified fluvial geomorphologist and stream ecologist.

ii. A stream health and stabilisation plan informed by (5)(i) that

a. sets out the type and scale of instream and/or riparian margin work required to ensure the ecological and geomorphological effects from the development and any structure is managed and there is resilience to any effects of future flow, and

b. demonstrates that any instream and/or riparian margin work is of a standard that will allow the stream channel to progressively improve over time where it is degraded, or maintains high stream values where these values are present, and

c. prioritises nature based solutions and green infrastructure that demonstrate resiliency and adaptability to changes in flow and climate, instead of relying on permanent hard engineering solutions, and,

d. details who is responsible for carrying out the stream health and stabilisation plan, timing of the implementation of the plan and ongoing monitoring and maintenance.

The proposed SMP outlined that a geomorphological assessment of the stream will be conducted, however, it is unclear how this will be triggered. The recommended amendment to the Precinct provision to include a geomorphological assessment will ensure this is implemented.

12.0 Conclusions and Recommendations

12.1 The applicant has provided an assessment of stormwater and flood effects for PPC 109, and the proposed SMP has provided the details of the required stormwater infrastructure and services. If further clarification is provided in the proposed SMP regarding stormwater quality treatment and the use of SMAF1 for all the catchments, and subject to the recommended amendments to the Whenuapai Green Precinct, as raised in this memorandum, PPC 109 will adequately address the stormwater and flood management requirements of this area. This will ensure that stormwater and flood effects are managed to protect the streams and the receiving environment, and that flood hazard risk to people, property, infrastructure, and the environment is not increased.

TRANSPORTATION



Private Plan Change 109: 98-100 & 102 Totara Road, Whenuapai

Transportation Hearing Report

June 2025

flow
TRANSPORTATION SPECIALISTS

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flow
TRANSPORTATION SPECIALISTS

Project:	**Private Plan Change 109: 98-100 & 102 Totara Road, Whenuapai**
Title:	**Transportation Hearing Report**
Document Reference:	**P:\ACXX\459 Whenuapai Green Private Plan Change Review\4.0 Reporting\R1C250623 - PC109 Hearing report.docx**
Prepared by:	**Harry Shepherd**
Reviewed by:	**Angie Crafer**

Revisions:

Date	Status	Reference	Approved by	Initials
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17 June 2025	B – Update for Council review	R1B250617	Angie Crafer	AC
23 June 2025	C - Final	R1C250623	Angie Crafer	AC

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PEER REVIEW SUMMARY

Auckland Council (Council) has engaged Flow Transportation Specialists (Flow) to review transportation matters related to an application for a Private Plan Change 109 (PPC109), which has been lodged by Neil Construction Limited (Applicant).

In terms of the transport aspects of PPC109

- We are generally satisfied with the transport assessment that has been undertaken. Through our review during the Clause 23 process, the assessment has been updated by the Applicant to resolve the majority of our concerns.
- We are satisfied with the Applicant's assessment of traffic effects and the traffic modelling methodology undertaken to assess those effects. However, we have outstanding concerns about the Brigham Creek Road / Totara Road intersection, and the Trig Road / SH18 interchange. We consider that further mitigation and amendments to the Precinct provisions may be required. Refer to Section 3.3.
- We are satisfied with the walking, cycling and public transport accessibility, as a result of the proposed transport infrastructure upgrades, provided that these are delivered in a way that provides full connectivity. Therefore, we recommend some changes to the Precinct provisions to ensure these upgrades can be designed and delivered in a timely manner. Refer to Sections 3.4 and 3.6.
- We recommend that Precinct provisions be updated to apply vehicle access restrictions on Totara Road, given it will be a collector road with dedicated cycling facilities. Auckland Transport also shares this view. Refer to Section 3.7.
- We have reviewed the transport-related submissions and further submissions, and note that there are some changes sought to PPC109 that we either agree with or they are consistent with our recommendations above. Other submitters have asked for other transport amendments, which we consider aren't necessary to support the Plan Change from a transport perspective.

We are supportive of the Plan Change being approved, provided our recommendations and outstanding concerns are satisfactorily addressed.

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APPENDICES

APPENDIX A SUBMISSION AND FURTHER SUBMISSION REVIEW AND COMMENTARY
APPENDIX B FLOW CLAUSE 23 INFORMATION REQUESTS AND APPLICANT RESPONSES

1 INTRODUCTION

This report has been prepared by Harry Shepherd (Principal Transportation Engineer) and reviewed by Angie Crafer (Director). Harry and Angie are experts in the field of transportation planning and transport engineering.

Harry Shepherd holds a Bachelor of Engineering (Honours) degree specialising in Civil and Environmental Engineering from the University of Auckland. He has over nine years of experience in the field of transport planning and engineering and has worked on numerous developments and roading projects across Auckland and New Zealand. Harry has previously acted as an expert witness in Council hearings in Auckland and Levin.

Angie Crafer has a Masters degree in Transportation Planning and Highway Engineering and a Bachelors (Hons) degree in Engineering Mathematics. She is a Chartered Professional Engineer, a Chartered Member of the Institute of Logistics and Transport, and a Fellow of the Institution of Highways and Transportation. Angie has spent 33 years working as a transport planner/engineer, including 30 years in NZ.

Neil Construction Limited (the Applicant) has lodged a private plan change application to change the Auckland Unitary Plan. Private Plan Change 109 (PPC109) proposes rezoning some 16.36 ha of land in Whenuapai from Future Urban Zone to Residential – Mixed Housing Urban Zone. Additionally, PPC109 seeks to establish a new Whenuapai Green Precinct to manage the effects of future development and to apply the Stormwater Management Area Flow control to the land; and to remove an historic heritage extent of place over a small part of the land to be rezoned.

The scope of this specialist transport report is to assist Council in determining the transport outcomes of PPC109 and includes the following

- A summary of transport matters regarding PPC109;
- A review of the material provided to support the application for PPC109, and a discussion of the potential transport effects of PPC109;
- A summary of submissions and further submissions, relating to transport matters; and
- Our recommendations.

I have reviewed the following documents, as they relate to transport matters

- Request for Private Plan Change (as notified), submitted by Campbell Brown, dated 8 January 2025, including
    - Appendix B: Proposed Zoning Map
    - Appendix E: Proposed Whenuapai Green Precinct Provisions
    - Appendix D: Proposed Whenuapai Green Precinct Plans
    - Appendix H: Integrated Transport Assessment (ITA).
- Submissions and Further Submissions as outlined in Section 4.

2 A SUMMARY OF THE SITE AND PPC109

This Private Plan Change seeks to make changes to the Auckland Unitary Plan – Operative in Part (Unitary Plan) to enable the rezoning of multiple land holdings collectively referred to as 'Whenuapai Green'. The site comprises an approximately 16.36 ha over 2 properties, being 98-100 and 102 Totara Road, Whenuapai.

The application seeks to rezone the PPC land from Future Urban Zone to Residential – Mixed Housing Urban and establish a Whenuapai Green Precinct. The proposal is intended to "*enable the development of a comprehensive medium-density residential community that will seamlessly integrate with the surrounding existing uses and wider Whenuapai township. It seeks to provide for housing choice and variety in a strategic location that is within close proximity to key transport connections, amenities, and services to support the envisaged residential growth, and where this form of residential development is anticipated*"[1].

As assessed in the ITA, the anticipated yield of PPC109 is 430 residential dwellings.

Key transport facilities proposed for the Precinct are:

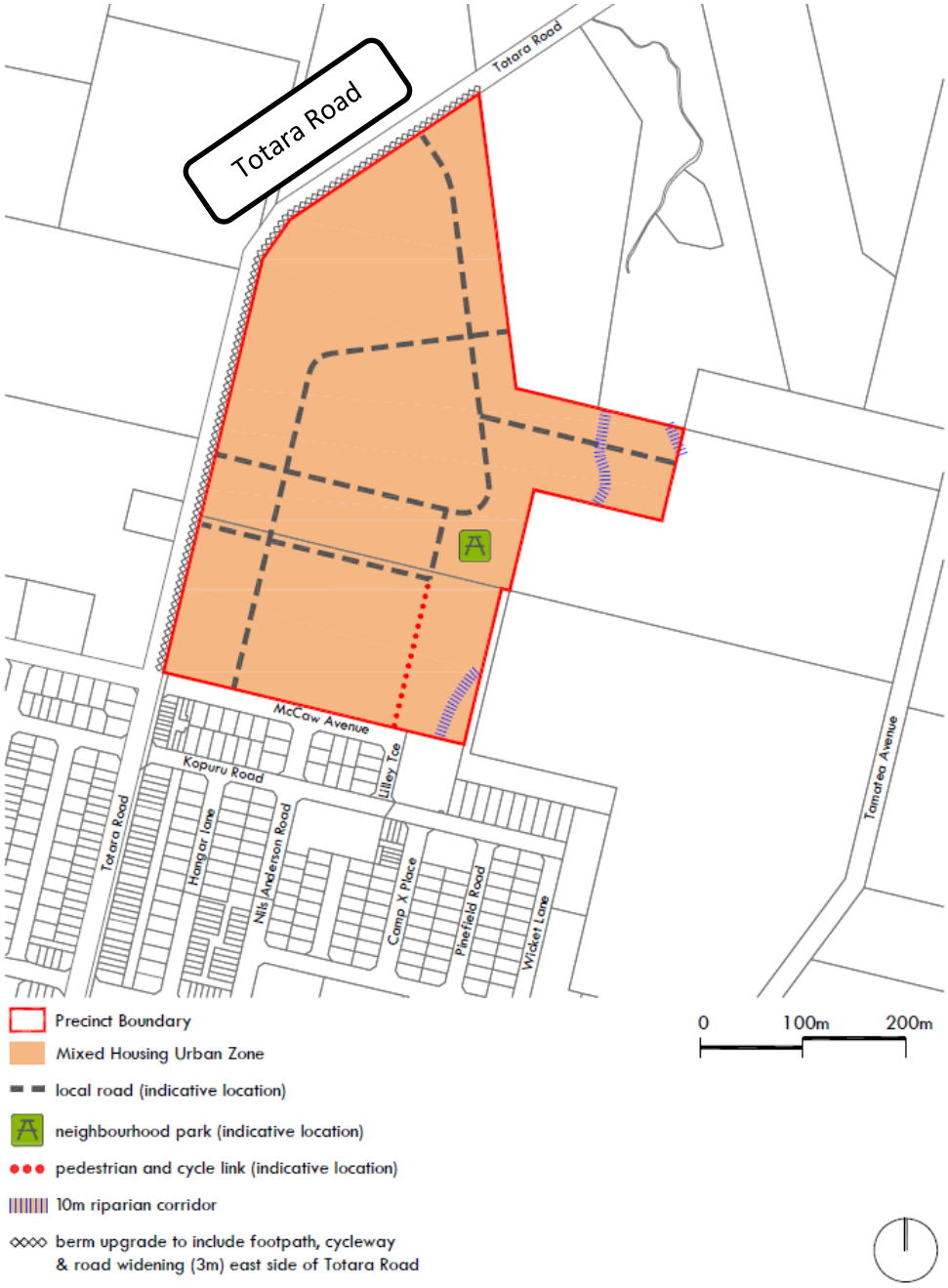
- Transport infrastructure upgrades, which include
  - Road corridors
    - Upgrade of Totara Road along the site frontage, to be provided with development of any adjoining stage and including 3m road of widening along the site frontage
    - A new internal road network, comprising of indicative local roads
  - Intersections
    - Upgrading McCaw Road / Totara Road from a priority intersection to a roundabout (once 150 dwellings are occupied)
    - A new roundabout at Totara Road / the proposed internal northern road (once 150 dwellings are occupied)
    - Additional lane markings at the Brigham Creek Road / Totara Road signalised intersection to improve capacity (before any dwelling is occupied)
    - Upgrading Brigham Creek Road / Trig Road to a roundabout (before any dwelling is occupied)
  - Public transport
    - Provision of bus stops on the Totara Road frontage to be designed at resource consent / engineering plan approval stage, and triggered by the Totara Road corridor upgrade
  - Walking and cycling

[1] Assessment of Environmental Effects by Campbell Brown dated 8 January 2025, Section 1.0

- Cycle facilities on Totara Road along the site frontage only
- Footpath facilities on Totara Road[2] and all internal roads
- A pedestrian and cycle link in the southeast corner of the site, location shown indicatively on the Precinct Plan
- Pedestrian and cycle crossing facilities at the new / upgraded intersections.

An extract of Precinct Plan 1 is shown in Figure 1.

Figure 1: Whenuapai Green Precinct Plan 1 (Appendix D of the notified application)



[2] An upgraded footpath will be provided along the site frontage only. There is already an existing footpath on the west side of Totara Road.

3 REVIEW OF TRANSPORT MATTERS

A summary of all the transportation matters raised throughout my review, including Clause 23 information requests, is contained in Appendix B. The following subsections summarise the key transport matters raised during my review. My position is provided for each transport matter.

3.1 Transport assessment

As part of my review (prior to notification), I requested additional information from the applicant about their assessment of transport matters, relating to

- Which years had been assessed
- Traffic demands on the wider network (ie other traffic, not related to PPC109)
- Trip generation for the anticipated land use for all modes of transport
- Vehicle trip distribution
- External transport upgrades assumed (for all modes of transport)

I used the information subsequently provided in considering the effects on all transport modes, as explained in the following sections.

3.2 Assessment of traffic effects

My concerns early in the Clause 23 process were to ensure that the traffic effects of PPC109 could be properly understood, so that any safety and operational impacts could be identified, and planned for, with appropriate mitigation.

The applicant explained their traffic effects assessment methodology in the ITA and in Clause 23 responses.

- The ITA methodology included
    - The assessment of a 2028 future year for weekday morning peak (AM) and evening peak (PM) hour periods. The 2028 year was selected as this aligned with the Northwest SATURN model, which has models available for 2028 and 2038
    - Base traffic demands based on the 2028 SATURN model. Added to this was traffic predicted for:
        - Spedding Land Company Ltd as identified in the ITA prepared for approved Private Plan Change 69 (PC69);
        - The approved Private Plan Change 86 (PC86) at 41-43 Brigham Creek Road;
        - Proposed Private Plan Change 107 (PPC107), notified on 8 November 2024. The applicant for that plan change is also Neil Construction Limited.
    - Three scenarios were assessed
        - 2028 baseline, comprising PC69, PC86 and PPC107 traffic added to the baseline SATURN demands;

- 2028 with development, comprising the PPC109 traffic added onto the 2028 base scenario;
- 2028 development sensitivity. This includes the same traffic demands as "2028 with development", but assumes that the direct Spedding Road link to Brigham Creek Road is not formed.

- Through Clause 23 responses, further modelling was undertaken by the applicant based on the following methodology:
  - A 2030 scenario, including
    - Surveyed 2022 traffic volumes;
    - Additional background growth of 2.6% pa out to 2030, adopted from Whenuapai Business Park (PPC107);
    - PC69 and PC86 traffic;
    - PPC109 traffic.
- The following trip generation scenarios were assessed in the ITA and Clause 23 responses:
  - A peak hour trip generation rate of 0.6 vehicles per hour per dwelling during weekday peak hours was considered in the ITA.
  - The modelling scenarios are all primarily based on a higher trip generation rate of 0.9 vehicles per hour per dwelling during weekday peak hours, reflecting that development may occur ahead of the provision of quality public transport services and active modes facilities and supporting local land uses that enable walking trips, such as secondary school, shops, and local amenities
  - Through Clause 23 responses, a trip generation rate of 0.65 vehicles per hour per dwelling was also considered, along with the 0.9 rate for selected intersections
- SIDRA Intersection modelling software was used to model the key intersections, providing outputs that allow an assessment of intersection operational performance, including expected vehicle queuing and delays
- For the purposes of assessing traffic effects, the ITA initially assumed 60% of traffic would travel to/from locations outside Whenuapai during peak periods (through the SH16 and SH18 interchanges at Brigham Creek Road and Trig Road) with the remaining 40% of trips staying within Whenuapai. This distribution was updated during Clause 23 responses. In the Clause 23 responses, the internal vehicle trip assumption was reduced, and more vehicle trips were assumed to travel externally towards the SH18 interchanges via Brigham Creek Road and Trig Road
- No external or unfunded roading upgrades have been fundamentally assumed in the traffic effects assessment.

I note that I have relied upon the Clause 23 modelling for the applicant's assessment. This modelling provides the most recent assumptions agreed through the Clause 23 process, when compared to the ITA modelling. We concur with the Clause 23 response assessment using the higher trip generation rate, given there is no certainty that frequent public transport services and supporting land uses will be fully available if PPC109 becomes operative. While the lower trip generation rate could eventuate in the long

term, this would be dependent on external projects and further supporting land uses being developed in the Whenuapai area.

Based on the information responses provided by the applicant, I am satisfied with the adopted methodology.

3.3 Traffic effects at key intersections

During my review, I asked for further information to understand the effects at several intersections in the local transport network, where PPC109 would increase the number of vehicle trips travelling through.

The applicant modelled and assessed the following intersections as part of their ITA assessment and Clause 23 responses:

- Trig Road / Brigham Creek Road roundabout;
- Brigham Creek Road / Kauri Road;
- Brigham Creek Road / SH18 interchange;
- Brigham Creek Road / SH16 interchange;
- Trig Road / SH18 interchange; and
- Totara Road / Brigham Creek Road.

As a general note, Brigham Creek Road is subject to a Notice of Requirement.[3] While currently subject to appeal, the Notice of Requirement provides a designation for Brigham Creek Road to be widened to four lanes with footpaths on both sides and separated cycle paths on both sides. For modelling intersections on Brigham Creek Road, the assessment does not rely on these updates being provided. I also understand that funding for this upgrade is not confirmed.

I provide my comments on selected intersections below, which have outstanding issues. For other intersections not mentioned further in this section, I am satisfied with the modelling that has been undertaken.

3.3.1 SH18 interchanges

I requested further information earlier in my review to understand the effects at the SH18 interchanges at Brigham Creek Road and Trig Road.

I am satisfied with the Applicant's traffic modelling and assessment of the SH18 / Brigham Creek Road interchange. While the Clause 23 responses indicated that there could be queues from the northbound on-ramp extending back to the northern roundabout of the interchange, I accept that the modelling assumptions for the on-ramp signals were conservative, and therefore the queues are likely to be less than those modelled, for most of the time. The operation of the northern roundabout at the interchange is predicted to perform at an acceptable level.

[3] https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=178 (accessed 24 March 2024)

For the SH18 / Trig Road interchange

- This was assessed during the Clause 23 stage.
- Based on trip distribution diagrams provided during the Clause 23 process, the assessment predicted approximately 145 vehicles per hour would travel through the interchange during weekday peak hours. This is a moderate to high volume of traffic relative to the amount of traffic currently using this link.
- Based on the Clause 23 responses from 6 August 2024:
    - The applicant's assessment of SIDRA modelling for PPC107 and PPC109 demonstrates that a capacity upgrade for the off-ramp intersection may need to be considered.
    - The applicant's previous modelling demonstrated that the intersection works acceptably with PPC109 traffic added, but without PPC107.
    - The Clause 23 responses indicated that *"It should be noted that Whenuapai Business Park activity indicates a requirement to upgrade the off ramp intersections regardless of the status of Whenuapai Green. For discussion on this matter, refer to the assessment of effects and clause 23 responses that are separately prepared for Whenuapai Business Park by TEAM Traffic".*
- I note that the PPC107 assessment of the SH18 / Trig Road interchange was updated in the notified version of PPC107[4] (and following the Clause 23 responses for PPC109 referenced above). The notified ITA for PPC107 assessed that the interchange would perform within capacity with the PC107 traffic included, but the assessment noted visibility limitations with the existing layout that present safety issues
- I note that Neil Construction Limited is the applicant for PPC107 and PPC109. However, each assessment claims that an upgrade of the SH18 / Trig Road interchange is not required by either plan change in isolation. However, previous modelling for PPC107 during the Clause 23 process indicated that an upgrade would be required when both plan changes are considered.

In summary, neither PPC107 nor PPC109 currently propose to address the visibility limitations at the SH18 / Trig Road interchange, despite previous assessments indicating that it would be required to mitigate effects of both plan changes. Furthermore, previous information responses had indicated that there may be capacity issues if both plan changes are considered together.

I acknowledge that the visibility and maintenance of vegetation that sits alongside the SH18 / Trig Road interchange is the responsibility of the road controlling authority and is not the responsibility of the Applicant. It is important however that this identified matter is addressed.

In summary, I have an outstanding concern that there are safety and capacity issues at the SH18 / Trig Road interchange. I recommend that this be addressed by the applicant in evidence.

[4] Integrated Transport Assessment by TEAM Traffic, 22/10/24 https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc107-appendix-d-integrated-transport-assessment.pdf

3.3.2 Brigham Creek Road / Totara Road intersection

The majority of vehicle trips generated by the development are expected to pass through the signalised intersection at Brigham Creek Road / Totara Road. This includes all trips travelling to or from outside the Whenuapai area, and half of the expected internal Whenuapai trips.

The Precinct provisions propose line marking improvements, which would be required prior to the occupation of any dwelling. This involves changing the Brigham Creek Road dedicated eastbound left turn lane to be a shared left / through lane, which would result in a small capacity increase to the intersection, given the reduced time needed to cater for eastbound traffic demand.

The applicant has assessed various scenarios of this intersection. The most recent Clause 23 response modelling outputs and assessment are summarised below.

- Modelling and assessment of a 430-dwelling development scenario, with both a 0.9 and a 0.65 vehicle trip generation per dwelling, and background traffic estimated for 2030
- Figure 2 and Figure 3 show the predicted 85th percentile queue changes as a result of the development for the AM and PM weekday peak hour respectively, with a 0.9 vehicle trip rate per peak hour.
- Figure 4 shows a summary of SIDRA outputs, comparing the differences between the base and development scenarios for the AM and PM weekday peak periods, with a 0.9 vehicle trip rate per peak hour
- Figure 5 shows a summary of SIDRA outputs, comparing the differences between the base and development scenarios for the AM and PM weekday peak periods for a 0.65 vehicle trip rate per peak hour.
- Further detailed modelling outputs are provided in the Clause 23 response letters, dated 24 October 2024 and 25 November 2024.

Figure 2: Predicted 2030 weekday AM peak hour 85th percentile queue lengths, with and without development at 0.9 vehicle trips per hour per PPC109 dwelling



Figure 3: Predicted 2030 weekday PM peak hour 85th percentile queue lengths, with and without development at 0.9 vehicle trips per hour per PPC109 dwelling



Figure 4: Summary of predicted 2030 weekday peak SIDRA results, with and without development at 0.9 vehicle trips per hour per PPC109 dwelling

2030 Morning Peak Modelling Summary by Scenario

Site	Baseline			2030 incl WG (0.9v/hr/hh)			Difference		
	LoS	Delay	Max Queue	Los	Delay	Max Queue	LoS	Delay	Max Queue
BC / Totara	D	48s	283m	E	72s	397m	D>E	+24s	+114m

2030 Evening Peak Modelling Summary by Scenario

Site	2030 Baseline			2030 incl WG (0.9v/hr/hh			Difference		
	LoS	Delay	Max Queue	Los	Delay	Max Queue	LoS	Delay	Max Queue
BC / Totara	C	34s	186m	E	78s	413m	D>E	+44s	+227m

Figure 5: Summary of predicted 2030 weekday peak SIDRA results, with and without development at 0.65 vehicle trips per hour per PPC109 dwelling

2030 Morning Peak Modelling Summary by Scenario

Site	Baseline			2030 incl WG (0.65v/hr/hh)			Difference		
	LoS	Delay	Max Queue	Los	Delay	Max Queue	LoS	Delay	Max Queue
BC / Totara	D	48s	283m	E	62s	328m	D>E	+14s	+45m

2030 Evening Peak Modelling Summary by Scenario

Site	2030 Baseline			2030 incl WG (0.65v/hr/hh			Difference		
	LoS	Delay	Max Queue	Los	Delay	Max Queue	LoS	Delay	Max Queue
BC / Totara	C	34s	186m	D	47s	248m	C>D	+13s	+62m

The applicant's traffic modelling indicates that the intersection will operate appropriately with an average vehicle trip rate of 0.65 trips per peak hour per dwelling. In my opinion, this rate is applicable once quality public transport services and active mode facilities and supporting local land uses that enable local walking trips, such as shops, secondary school, local amenities, etc, are provided.

Prior to that, with the assumed 0.9 vehicle trips per peak hour per dwelling, the intersection has capacity issues. Degree of saturation measures how much of the intersection's capacity is being used. With the additional traffic from the proposed plan change, the Brigham Creek Road / Totara Road intersection's degree of saturation are predicted to be

- 98% (AM) and 92% (PM) with a vehicle trip rate of 0.65 trips per hour per dwelling
- 100% (AM) and 102% (PM) with a vehicle trip rate of 0.9 trips per hour per dwelling

When an intersection approaches or exceeds 100% capacity, traffic flow deteriorates leading to excessive queuing and delays, which potentially adversely impacts safety (through high-risk manouevres) and impacts the reliability of public transport.

The modelling results suggest that the viability and attractiveness of using alternative transport modes, such as public bus, walking and cycling, and providing a liveable community (ie where people can walk to local shops, secondary as well as primary schools, and amenities) will determine whether the Brigham Creek Road / Totara Road intersection operates efficiently or beyond its theoretical capacity. To address

this, measures to increase the intersection's capacity are necessary, and I suggest a check-in point on the effects of development would be reasonable to ensure that effects on the network are in keeping with that assessed.

During the Clause 23 responses, yellow hatched markings on Brigham Creek Road were proposed to mitigate the effect of queues blocking access to local roads, such as Joseph McDonald Drive. However, this suggested mitigation was removed, given it prescribes a detailed design outcome, and Auckland Transport were not supportive of this. I also note that this mitigation does not directly address capacity or delay at the intersection.

Based on the final Clause 23 responses, the applicant considered that the level of congestion with the 0.9 vehicle trip rate is not out of the ordinary for the Auckland network and no further mitigations, other than what are already proposed, are required. While I accept that congestion on the local road network is not out of the ordinary, many areas now provide for bus priority lanes that protect the reliability, frequency and attractiveness of public transport. None of these measures currently exist about Whenuapai and therefore there is a need to manage the extent of congestion to protect public transport reliability and attractiveness, noting also that Brigham Creek Road currently serves as a primary route for freight and strategic traffic connecting between SH16 and SH18.

Figure 6 shows the proposed layout of the Brigham Creek Road / Totara Road intersection as included in the Brigham Creek Notice of Requirement (NoR W3), which is currently under appeal. This layout anticipates that the intersection will be upgraded to provide more capacity on all approaches and greater connectivity for future residents through the extension of Mamari Road. The additional capacity could allow lanes to provide bus priority, or could be dedicated bus only lanes . Pedestrian and cycle facilities would be provided on all approaches. Some of the upgrades require road widening (generally to the south of the intersection) and the acquisition of private land. If the NoR is accepted, the designation would protect the land needed for road widening. While no funding has been allocated for this upgrade, and there is no confirmed timing for its implementation, the works associated with Totora Road generally sit within the road reserve at the approach to the intersection. The NoR design demonstrates that an intersection upgrade is expected to be necessary to support future growth within Whenuapai at some point and as such, contributing to the delivery of these measures should be considered through development, or if not, check-ins on performance are needed as development progresses.

Given the predicted increase of queues and delays, and that the intersection is predicted to operate at around 100% of capacity with PPC109, I consider that measures will be needed to mitigate the operational effects on the surrounding road network, specifically buses and freight.

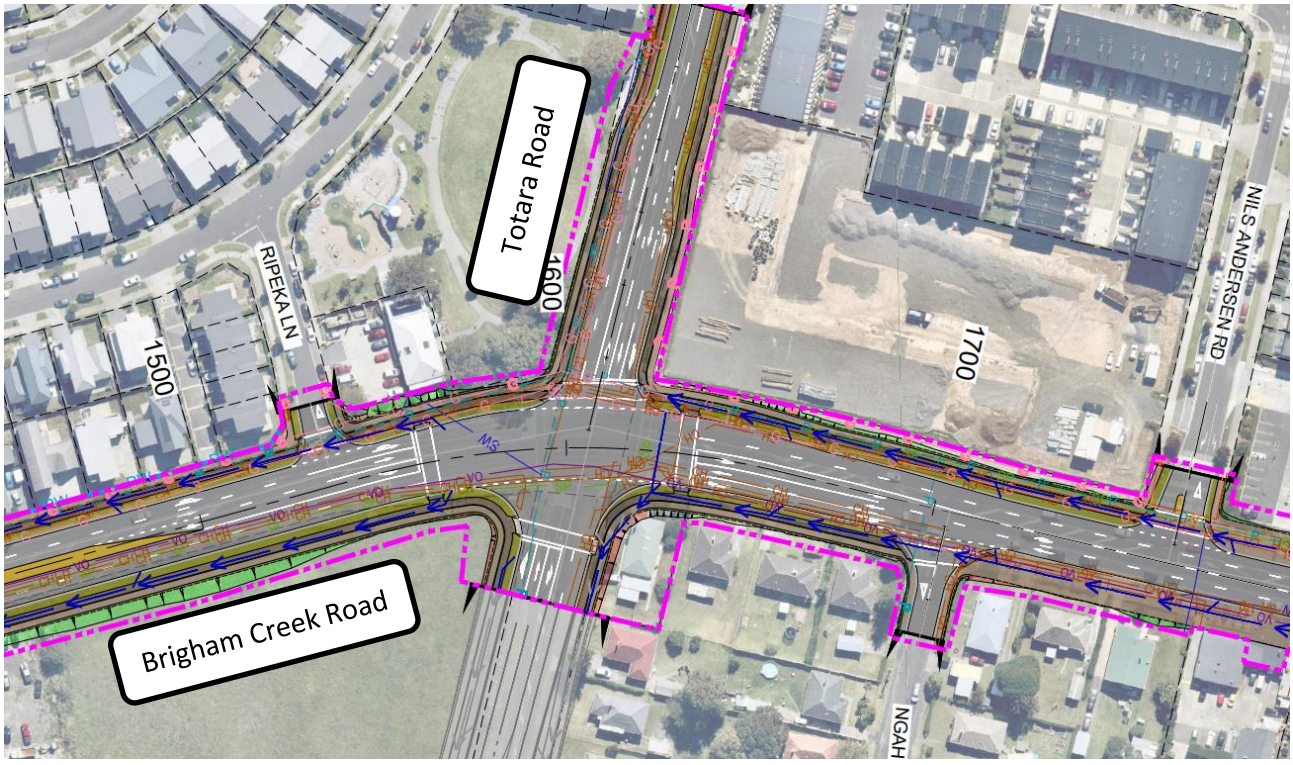
In the most recent Clause 23 response, the applicant assessed a 2030 scenario of the Brigham Creek Road / Totara Road intersection with a 0.65 vehicle trip generation rate. This modelling shows that the effects of the development are not as significant compared to the 0.9 vehicle trip generation rate scenario. This suggests that once improved public transport services and complementary land uses are available, then there are more viable alternatives to driving, which support the reduction of the vehicle

trip generation rate. This also suggests that around 72%[5] of the anticipated development yield could be accommodated through the intersection assuming the 0.9 vehicle trip generation rate. As such, the Precinct provisions include a trigger and supporting Special Information Requirement that requires a Transport Assessment to be completed that assesses the operation of the Brigham Creek Road / Totara Road intersection, assesses travel behaviour in response to network changes, such as infrastructure and to consider any necessary measures that are required to support and enable additional development. Based on the assessment completed to date by the Applicant, I propose that the trigger for this Special Information Requirement be set at 72% of the development (ie prior to allowing development of more than 310 dwellings across the Precinct).

In summary, given the reliance of wider infrastructure and improved connectivity for all modes across Whenuapai, I consider that development needs to be managed carefully to ensure land use development and infrastructure are integrated. The applicant has demonstrated that the Brigham Creek Road / Totara Road intersection can support up to 72% of the development (310 dwellings). Given the uncertainty about the level of performance beyond 310 dwellings, I suggest that the Precinct Provisions include a Special Information Requirement and associated trigger point that requires an Integrated Transport Assessment.

We recommend that this matter is addressed further by the applicant.

Figure 6: Brigham Creek Road NoR W3 upgrade of Brigham Creek Road / Totara Road intersection



3.4 Walking, cycling and public transport accessibility

The following facilities are proposed to cater for walking, cycling and public transport trips

[5] 0.65*430 = 280 veh trips. 280/0.9=310 dwellings. 310/430=72%

- Cycle facilities on Totara Road along the site frontage only;
- Footpath facilities on Totara Road and all internal roads;
- A pedestrian and cycle link in the southeast corner of the site, indicatively shown on Precinct Plan 1
- Assumed pedestrian and cycle crossing facilities at the new / upgraded intersections; and
- Provision of bus stops on the Totara Road frontage, to be designed at resource consent / engineering plan approval stage.

Since dedicated cycling facilities on Totara Road are only proposed along the site frontage, they will not be available on both sides of the road. A future development on the opposite site, could potentially add these missing facilities, but in the meantime, the west side of Totara Road (north of McCaw Avenue) will only have a narrow footpath.

As a result, northbound cyclists would not be accommodated on Totara Road. During the Clause 23 process, I requested information on how they would be accommodated. The applicant stated, if needed, a cycle transition ramp could be incorporated into the upgrade of the Totara Road / McCaw Avenue intersection, and that this would be assessed at the resource consent and engineering plan approval stages. This transition ramp would allow northbound cyclists to cross Totara Road and access the site via McCaw Avenue. I agree that this would be an appropriate solution for northbound cyclists accessing the development.

However, I note that Auckland Transport has raised concerns that there may be insufficient space to provide this facility as the applicant does not control all of the land at the intersection. As such, Auckland Transport has recommended that this intersection should be specifically identified in the special information requirement IX.9(1) as one that requires a Transport Design Report. I also support this change.

For pedestrians, I consider there are suitable provisions to connect to the existing footpath networks surrounding the site.

For public transport, the bus stops anticipated on Totara Road in the vicinity of PPC109 will enable Auckland Transport to introduce additional services in the future. These stops are expected to support the existing 114 bus route, which connects Westgate to Hobsonville Point via Whenuapai. While the development will increase demand for public transport services in Whenuapai, it is noted that until higher frequency services such as a Frequent Transit Network (FTN) are provided, PPC109 will generate more vehicle trips instead. The traffic modelling assessment has accounted for this by using the higher (0.9 per dwelling) vehicle trip generation rate.

In summary, I generally consider that the walking, cycling and public transport provisions are sufficient to support PPC109, if northbound cyclists can be provided for. **As such, I support Auckland Transport's recommendation to identify Totara Road / McCaw Avenue in the special information requirement IX.9(1) as one that requires a Transport Design Report. The applicant is recommended to address this matter in their evidence.**

3.5 Safety assessment

We asked the Applicant for further information during our review to understand the potential transport related safety effects of PPC109.

The original safety assessment provided in an earlier version of the ITA focused only on the roads fronting the site and up to the Brigham Creek Road / Totara Road intersection. The assessment indicated that there were no safety concerns in this localised area. We requested information to understand the safety record of the roads leading up to the state highway interchanges, as these carry a significant amount of traffic predicted to be generated by PPC109.

A further assessment was provided, which showed that there are some existing safety concerns for the section of Brigham Creek Road between SH16 and Boyes Avenue. The applicant noted that *"We understand that resource consent for development of the Spedding Block has been lodged with Auckland Council, giving a reasonable degree of confidence that these improvements will precede development within Whenuapai Green."* Furthermore, the applicant considered that the upgrades proposed by the Spedding Block PC were not required to mitigate the effects of PPC109. I understand that construction is currently in progress for these roading upgrades, which would provide safety improvements for the affected areas.

As noted previously in Section 3.3.2, there are some outstanding issues at the SH18 / Trig Road interchange, which may impact on safety.

3.6 Staging and development threshold assessment

No specific staging plan has been provided as part of the Precinct Plan. Instead, the Precinct provisions provide thresholds for when transport upgrades would be required.

The following proposed thresholds are provided in IX.6.6 of the Precinct provisions under 'Staging of Subdivision and Land Use – Transport Upgrades'

- *(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 prior to 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 the Road Function and Design Elements Table 2.*

For IX6.6(1)

- The Totara Road upgrade is required prior to subdivision for any parts of a particular stage that have frontage to Totara Road.
- We note that this part of the standard appears to only apply to subdivision. I consider this part of the standard should be amended to also include the occupation of any dwelling, to address both scenarios.
- Given that no specific staging plan has been provided, it is not clear what the individual stages would be, nor their order. The current provisions allow staging to be flexible.
- I am concerned that sections of Totara Road could be upgraded in isolation, depending on the order and timing of different stages. This could result in disconnected sections of the southbound cycle lane and footpath, which would not provide a connected network for cyclists or pedestrians
- I recommend that the standard is amended to ensure that if any development fronting Totara Road commences, then the road widening and provision of cycle facilities is provided along the whole plan change frontage, including safe connection for northbound cyclists at the Totara Road / McCaw Avenue intersection (as outlined in Section 3.4), to connect with the internal local road network
- Alternatively, I recommend the provisions ensure that the upgrades ensure that continuous pedestrian and cyclist connectivity is always achieved between any stage and the Totara Road / McCaw Avenue intersection. This would potentially allow staging to occur in a south to north pattern to achieve connectivity.

For IX6.6(2)

- The threshold is 150 dwellings. During the Clause 23 process, I asked for information to understand the reasoning for this threshold.
- The applicant responses indicate that the upgrades provided under (2) were not being driven by a need to mitigate adverse safety or efficiency effects, but the trigger point of 150 dwellings would enable an appropriate level of development to occur prior to the construction of the upgrades.
- For the Totara Road / McCaw Avenue roundabout, the applicant stated that the roundabout is not being driven by a need to mitigate adverse safety or efficiency effects, but was an upgrade agreed upon between the applicant and Auckland Transport during a previous Fast Track application for the site.

For IX6.6(3), the upgrades would be required prior to any dwelling being occupied within the site. We agree with this provision.

In summary, I recommend that standard IX6.6(1) for the Totara Road upgrade is amended:

- **To be triggered by the occupation of any dwelling, in addition to subdivision.**
- **To ensure that pedestrian and cyclist connectivity is always provided between any stage that is being developed and the Totara Road / McCaw Avenue intersection.**

- **I suggest that standard IX6.6(1) is updated to include the following text at the end: *The road widening must form a continuous connection between the particular stage and the Totara Road / McCaw Avenue intersection.***

3.7 Totara Road access restrictions

Throughout my Clause 23 review, I asked for further information and raised concerns about vehicle access onto Totara Road alongside the PPC109 frontage.

Totara Road is not currently subject to vehicle access restrictions as it is not classified as an arterial road under the Unitary Plan.

Given that dedicated cycle facilities are proposed on Totara Road along the plan change frontage, I consider that vehicle access restrictions should be implemented along the PPC109 frontage. This will provide better safety outcomes for cyclists, as the number of potential conflict points (through vehicle crossings) would be reduced.

I note that Auckland Transport has raised the same concern in their assessment of PPC109.

Vehicle access restrictions provide a mechanism to limit the number of vehicle access points onto a road. It does not necessarily mean that vehicle accesses cannot be provided, but it encourages vehicle access to be consolidated or provided via an alternative route. The Unitary Plan includes assessment criteria to ensure that accesses operate safely.

I note that the Whenuapai 2 Precinct located to the south has access restrictions on its Totara Road frontage (the eastern side).

As such, I consider that the provisions and / or mapping should be amended to include vehicle access restrictions along Totara Road.

4 REVIEW OF SUBMISSIONS

A total of 10 submissions were received, 5 of which raised matters related to transport, as follows:

- Submission 1 David George Allen (no items related to transport)
- Submission 2 Charlotte Ailsa Meyer
- Submission 3 Joseph Donis
- Submission 4 Akhil Argal
- Submission 5 Auckland Council Submitter (ACS)
- Submission 6 Cabra Development Limited (no items related to transport)
- Submission 7 New Zealand Defence Force
- Submission 8 Watercare Services Limited (no items related to transport)
- Submission 9 Chun-Kai Tseng (no items related to transport)
- Submission 10 Ministry of Education (no items related to transport)

A total of 4 further submissions were also received as follows. However, I note that none of these further submissions raised matters relating to transport

- Further submission 1 Chun-Kai Tseng (no items related to transport)
- Further submission 2 Watercare Services Limited (no items related to transport)
- Further submission 3 Auckland Council Submitter (ACS)
- Further submission 4 New Zealand Defence Force.

Details of the submissions and my comments are provided in Appendix A.

In summary, I consider that the following changes to PPC109 are required in response to the submissions:

- I support in part submissions 3.3, 4.2, 7.2 and 7.6 about operational traffic concerns, especially at the Totara Road / Brigham Creek Road intersection and the Trig Road / SH18 intersection
- I support Auckland Council Submitter's recommended changes to the Precinct provisions, as outlined in 5.15 and 5.33
- I support in part Auckland Council Submitter's recommended changes to the Precinct provisions, as outlined in 5.14, 5.16 and 5.18, subject to minor wording changes.

Other submitters have requested changes to PPC109 as summarised below. However, I have considered that these are not necessary to support PPC109, for reasons that I outline in further detail in Appendix A.

- Removing one of the two intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1, as requested by Auckland Council Submitter.
- Aligning the indicative local road on Precinct Plan 1 to align with existing local roads, as requested by Auckland Council Submitter.

4.1 Local board feedback

The Upper Harbour Local Board provided feedback of PPC109 during a meeting held on 27 March 2025. The following feedback from the meeting minutes relates to transport:

- *a) tuku / provide local board views on private plan change 109 Whenuapai Green by Neil Construction Limited for the rezoning of land at 98-100 & 102 Totara Road, Whenuapai as follows:*
  - *i) do not support this plan change and request it be declined for the following reasons:*
  - *A) the plan change is out of sequence with the adopted Future Development Strategy and is in advance of the necessary infrastructure to support the development*
  - *B) concerns from residents in new areas such as Whenuapai on the lack of infrastructure specifically open space, roads, water and transport*
- *b) tautoko / support the Auckland Council submission on private plan change 109 as outlined in the tabled document, specifically the points made in paragraphs 6, 35 and 36*

I agree with the concerns about transport infrastructure required to support PPC109. I have addressed these concerns in this report as follows:

- In Section 3.3.1 I address my concerns about the SH18 / Trig Road interchange
- In Section 3.3.2 I address my concerns about the Brigham Creek Road / Totara Road intersection.

For matters relating to the Auckland Council submission, I comment on this in Section 4 and Appendix A.

5 SUMMARY AND CONCLUSION

I have reviewed the PPC109 application documents and submissions.

In terms of the transport aspects of PPC109 I note the following:

- I am generally satisfied with the transport assessment that has been undertaken. Through my review during the Clause 23 process, the assessment has been updated by the Applicant to resolve the majority of my concerns
- I am satisfied with the Applicant's assessment of traffic effects and the traffic modelling methodology undertaken to assess those effects. However, I have outstanding concerns about the Brigham Creek Road / Totara Road intersection, and the Trig Road / SH18 interchange. Based on the assessment undertaken by the applicant, I consider that further mitigation and amendments to the Precinct provisions may be required. Refer to Section 3.3
- I am satisfied with the walking, cycling and public transport accessibility, as a result of the proposed transport infrastructure upgrades, provided that these are delivered in a way that provides full connectivity. Therefore, we recommend some changes to the Precinct provisions to ensure these upgrades can be designed and delivered in a timely manner. Refer to Sections 3.4 and 3.6
- I recommend that the Precinct provisions be amended to apply vehicle access restrictions on Totara Road, given it will be a collector road with dedicated cycling facilities. Auckland Transport also shares this view. Refer to Section 3.7.
- I have reviewed the transport-related submissions, and note that there are some changes sought to PPC109 that I either agree with or they are consistent with my recommendations above. Other submitters have asked for other transport amendments, which I consider aren't necessary to support the Plan Change from a transport perspective.

I am supportive of the Plan Change being approved provided my recommendations and outstanding concerns are satisfactorily addressed.

APPENDIX A Submission and Further submission review and commentary

Appendix A – Submission and Further Submission Review and Comments

Table 1: Submission summary (transport matters) and commentary

Submitter and sub point	Summary of submission point / relief sought	Flow comment	Status
2.1 Charlotte Ailsa Meyer	Supports the upgrade of Totara Road to provide footpaths alongside the new development area	General comment, no response required	No action required
3.3 Joseph Donis	Decline PPC109 as road infrastructure in Whenuapai isn't ready for additional population anticipated.	The applicant has assessed the traffic effects of the development, in addition to other approved and notified plan changes. As outlined in Section 3.3, I have outstanding concerns about the capacity of the Brigham Creek Road / Totara Road intersection, and the Trig Road / SH18 interchange.	Support in part
4.2 Akhil Argal	Decline PPC109 as development will significantly increase traffic volume on Totara Road and McCaw Avenue before planned transport upgrades are implemented. Generally concerned about the McCaw Avenue access point.	The applicant has assessed the traffic effects of the development, in addition to other approved and notified plan changes. As outlined in Section 3.3, I have outstanding concerns about the capacity of the Brigham Creek Road / Totara Road intersection. The assessment predicts that queue lengths will increase on Totara Road. I do not have concerns about access onto McCaw Avenue, as this is a low volume local road. I anticipate that McCaw Avenue will continue to operate sufficiently as a local road, even when considering the additional traffic generated by PPC109. As outlined by the applicant during Clause 23 responses, the upgrade of the Totara Road / McCaw Avenue intersection is not being driven by capacity.	Support in part
5 Auckland Council Submitter – paragraph 33	Without a funding mechanism or alternative solution to this issue being in place, the wider transport infrastructure in Whenuapai and the Northwest will not be sufficient to accommodate the cumulative growth enabled by PPC109 and any other future plan changes and fast track proposals in the area. This is likely to result in adverse effects on the safe and efficient operation to the transport network, by adding to existing levels of congestion, increasing travel times and by exacerbating existing road safety issues.	This is a general comment. I agree that PPC109 will have cumulative traffic effects in the Whenuapai area. The assessment undertaken by the applicant has taken this into consideration by including other approved and notified plan changes and allowing for background traffic growth. This growth forms the baseline for the traffic modelling assessment, where safety or capacity mitigations have been considered.	No action required
5 Auckland Council Submitter – paragraph 34	ACS is also concerned that premature development of the area without access to high-frequency public transport will lock-in car dependency resulting in increased greenhouse gas emissions and vehicle kilometres travelled, which is not consistent with a well-functioning urban environment.	I agree that the development is occurring prior to high frequency public transport services being provided. To account for this, the applicant has assessed higher trip generation rates for vehicle trips in their traffic modelling assessment. In the medium to longer term, the vehicle trip generation rates may reduce if frequent public transport services become available.	No action required
5.10 Auckland Council Submitter	Seeks that the Applicant remove one of the two intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1.	This matter was raised by Auckland Transport during the Clause 23 process. I am satisfied with the previous response of the applicant, which suggested that it is not necessary to remove one of these two intersections. Therefore, I do not support this amendment.	Not support
5.14 Auckland Council Submitter	Seeks that Objective IX.2(6) be amended to better integrate provisions and align infrastructure, as follows: Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated road network ~~operation of the current and future transport network~~ for all modes of transport.	I support this amendment which proposes wording changes to this objective However, I recommend retaining the word “transport” instead of “road”.	Support in part

5.15 Auckland Council Submitter	Seeks that Objective IX.2(8) be deleted as it reads as a policy and is similar to objectives IX.2)6) and (7) and Policy IX.3(4).	I support this amendment which simplifies the objectives by removing IX.2(8).	Support
5.16 Auckland Council Submitter	Seeks that Policy IX.3(4) be amended as follows: Require the development of a ~~transport~~ roading 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. ~~is in accordance with Appendix – Road function and Design Element Table~~.	I support this amendment which provides further clarification for this policy. However, I recommend retaining the words "transport network" instead of "roading network".	Support in part
5.18 Auckland Council Submitter	Seeks that Policy IX.3(3) is amended to be consistent with non-complying activity status, as follows: ~~Require~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the ~~transport~~ roading within the precinct, and with upgrades to the wider transport network.	I support this amendment which proposes wording changes to this policy. However, I recommend retaining the word "transport" instead of "roading".	Support in part
5.33 Auckland Council Submitter	Seeks amendments to make it clear that Appendix 3 and Appendix 4 are indicative only and allow for an element of discretion in their design and implementation.	Appendix 3 shows the "Lane marking improvements at Brigham Creek Road and Tōtara Road" and Appendix 4 shows the "Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan". I support the proposed amendment as it will provide some flexibility if required at later design stages.	Support
5.35 Auckland Council Submitter	Seeks that Precinct Plan 1 be amended to show the roading pattern running on a north-south axis as it currently does not reflect the roading layout to the immediate south of McCaw Avenue.	As noted in the submission, the internal indicative local roads do not fully align with the existing roads on McCaw Road. The indicative pedestrian and cycle link aligns with Lilley Terrace. However, the indicative local road does not align with Nils Andersen Road. It generally aligns with Hangar Lane, but a connection is not possible due to residential development that has already been constructed on the south side of McCaw Avenue. While aligning the road network provides a more connected network, particularly for pedestrians and cyclists, I note that providing a direct connection to Nils Andersen Road increases the risk of vehicles using this as a 'rat-run' route to avoid Totara Road in order to travel towards Brigham Creek Road. This would effectively increase volumes on a local road compared to a collector road. It may also increase the volume of right turning movements from Nils Andersen Road onto Brigham Creek Road (a priority intersection), which would not be as safe compared to turning right at the signalised Totara Road / Brigham Creek Road intersection. Therefore, I consider that it should not be necessary to amend Precinct Plan 1 as requested. I note that I am not against any roads being provided in these general locations at future design stages, but consider it is not necessary to prescribe it now in the Precinct provisions. It is still possible that a local road could be provided to align with Nils Andersen Road in the future.	Not support
7.2 New Zealand Defence Force	Seeks that the Precinct provisions mitigate the risk to current and future RNZAF Base Auckland operations as follows: a) To address potential reverse sensitivity effects, reverse sensitivity covenants to apply to all new development; b) Obstacle heights: No permanent or temporary buildings or structures (including cranes) may breach the Obstacle Limitation Surface identified in AUP designation 4311 without prior written approval from the NZDF; c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds); d) Other measures to avoid risk to flight safety and operations including relating to lighting, and glare from building materials; and	The current Precinct provisions do not currently have any measures which specifically address traffic effects on the RNZAF Base Auckland. The current transport measures are focused on the Totara Road frontages, and intersections along Brigham Creek Road. Potential traffic effects of the RNZAF Base Auckland could potentially occur at the access points onto Brigham Creek Road (via Airport Road or Tamatea Avenue), the Totara Road access, or a potential roading connection provided internal to the PPC109 site.	Support in part

	e) Measures to address potential stormwater and transport and traffic effects.	These effects can be addressed by some of the proposed intersection and corridor upgrades as outlined in the Precinct provisions. As outlined in Section 3.3, I have outstanding concerns about the capacity of the Brigham Creek Road / Totara Road intersection, and the Trig Road / SH18 interchange. These areas do not affect the immediate access points of the base, but will impact on vehicles accessing the base from the wider network.	
7.6 New Zealand Defence Force	Seeks that transport and traffic effects on the RNZAF Base Auckland are considered.	Refer to my comments for 7.2 above.	Support in part

APPENDIX B Flow clause 23 information requests and applicant responses

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

#	Topic	Specific Request	Reason for the request	Applicant response 19/08/2024	Flow comment	Further information request	Applicant response 13/11/2024	Flow comment	Further information request	Applicant response 25/11/2024
	Staging plan	Please provide staging plan of the development and indicative timing.	A staging plan is required to understand how the development may be constructed over time, and how long this may realistically occur over. We note that I1.6.6(a) refers to stages at a high level, but detail is not provided.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). Geographical staging is not proposed at a Precinct level, this will be determined as part of future resource consent applications for the site. I1.6.6(a) requires that road widening as shown on Precinct Plan 1 must be constructed along all parts of Totara Road that adjoin a particular stage.	Based on the current wording of the I1.6.6(a), our concern is that sections of Totara Road could be upgraded in isolation, depending on future staging. This could result in disconnected sections of the southbound cycle lane, which would not provide a connected network. We suggest that the Precinct provision standard is updated to ensure that if any development fronting Totara Road commences, then the road widening and provision of cycle facilities is provided along the whole plan change frontage, including safe connection for northbound cyclists at the Totara Road / Dale Road / McCaw Avenue intersection, to connect with the internal local road network.	Please assess how cycling connectivity would be provided on Totara Road, should staging not progress from the south to the north.	Please refer to the response prepared by Abley in **Appendix F**. We note the provision as proposed is consistent with multiple other precincts, such as the Whenuapai 1 and 2 Precincts, in addition to the full upgrade of Totara Road being required prior to 150 lots being developed or occupation of more than 150 dwellings (whichever occurs first). The requirement for Totara Road to be upgraded to an urban standard once the threshold of 150 lots is reached will ensure cycling connectivity is achieved between the PPC land and the existing urban environment.	We note that the Totara Road corridor upgrade is specified under IX6.6(1). This specifies the road widening shown on Precinct Plan 1 must have been constructed along all parts of Totara Road that immediately adjoin the particular stage prior to the Council issuing a certificate under section 224(c) of the Resource Management Act 1991 for subdivision within a particular stage. IX.6.6(2) specifies the 150-dwelling threshold for the Totara Road intersection upgrades, but note that this does not apply to the Totara Road corridor upgrades as stated in the information response. We suggest that changes to the wording of IX.6.6 are required to reflect the information responses. We suggest this can be resolved during the	No information requests, but our comments provided as noted.	

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

#	Topic	Specific Request	Reason for the request	Applicant response 19/08/2024	Flow comment	Further information request	Applicant response 13/11/2024	Flow comment	Further information request	Applicant response 25/11/2024
								hearing process, if not before.		
	Precinct provision transport trigger point	Please provide justification of the 150 residential unit trigger point in I1.6.6(b) of the Precinct provisions.	I1.6.6(b) of the Precinct provisions provide a trigger point of 150 residential units, where several transport infrastructure upgrades must be provided if it is exceeded. These upgrades would not be required if there are 150 or fewer residential units. This trigger point is not discussed in the ITA report, so it is not clear how this was determined.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). Given that the proposed upgrades were not being driven by a need to mitigate adverse safety or efficiency effects, the trigger point of 150 enables an appropriate level of development to occur prior to the construction of the upgrades. Regarding the McCaw Ave / Dale Road / Tōtara Road roundabout, Section 6.6. of the ITA discusses this matter. The upgrade of this intersection to a roundabout is not being driven by a need to mitigate adverse safety or efficiency effects, it was an upgrade agreed upon between NCL and AT during the previous Fast Track application for the site, and we consider that	No further information requests. We note that Appendix 4 in Attachment A for the Brigham Creek Road / Trig Road intersection appears to show an outdated layout, which is not consistent with Section 1.6 of Attachment D.	No further information required, but we provide our advice as noted.				

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS										
#	**Topic**	**Specific Request**	**Reason for the request**	**Applicant response 19/08/2024**	**Flow comment**	**Further information request**	**Applicant response 13/11/2024**	**Flow comment**	**Further information request**	**Applicant response 25/11/2024**
				this is a "value add" upgrade that generates positive transport safety and efficiency effects. Abley has undertaken additional modelling and an assessment of cumulative traffic effects. It has been determined that the following upgrades should be provided prior to any dwellings being occupied within the site: Lane marking improvements at Brigham Creek Road and Tōtara Road, to provide a shared through/left lane on the western approach. Brigham Creek Road/Trig Road intersection. Upgrade to a roundabout prior to any development, to mitigate cumulative effects from Whenuapai Business Park and Whenuapai Green. The precinct provisions have been updated accordingly.						

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

#	Topic	Specific Request	Reason for the request	Applicant response 19/08/2024	Flow comment	Further information request	Applicant response 13/11/2024	Flow comment	Further information request	Applicant response 25/11/2024
	Assessment of stages	Along with staging plans, please provide assessment of transport effects at key stages, including traffic modelling of intersections, as relevant.	The traffic modelling has assumed a 2028 year. If the development staging plan extends past 2028, please assess these for realistic timeframes (ie considering when development is likely to be occupied), including identifying measures to avoid, remedy or mitigate any adverse effects of proposed activities.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	No staging is proposed by the applicant. The information response provides an explanation for why the 2028 SATURN model is inappropriate to use for longer timeframes as it uses older land use assumptions that have been superseded by the FDS. As outlined in other sections of the information responses, the modelling has assessed a 2030 year, which has used growth factors from 2024, plus PC69, PC86, the proposed Whenuapai Business Park, and Whenuapai Green. No further information required.					
	Crash history	Please undertake a crash history assessment of the roads leading up to the state highway interchanges, where development traffic is anticipated to	Section 3.6 of the ITA includes a crash history assessment for the sections of Brigham Creek Road and Trig Road fronting the site. The ITA does not include a crash assessment of the wider network. The ITA predicts a relatively large	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	An assessment has been provided using Megamaps Collective and Personal Risk of Brigham Creek Road. A further NZTA CAS assessment has been undertaken for	Please provide a safety assessment of Brigham Creek Road between SH16 and Boyes Avenue.	Please refer to the response prepared by Abley in **Appendix F**.	A further assessment has been provided of Brigham Creek Road between SH16 and Boyes Avenue as requested. The assessment has shown that there are	The applicant has identified safety issues on Brigham Creek Road between Totara Road and SH16 and advised that resource consent for development of	We consider that the upgrades proposed as part of the Spedding Block are not required to mitigate any safety effects generated

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

#	Topic	Specific Request	Reason for the request	Applicant response 19/08/2024	Flow comment	Further information request	Applicant response 13/11/2024	Flow comment	Further information request	Applicant response 25/11/2024
		access the wider network.	increase of trips accessing the external network via the state highway interchanges. The ITA should assess the safety effects of these additional trips.		the SH18 / Brigham Creek Road interchange. We note that an assessment is not provided on Brigham Creek Road between Boyes Avenue and the SH16 interchange. While the current trip distribution shows low vehicle volumes travelling through this section of Brigham Creek Road, we consider there could be more, especially outside of congested peak periods as this provides a more direct route to SH16.			some existing safety concerns for this section of Brigham Creek Road. The applicant notes that *"We understand that resource consent for development of the Spedding Block has been lodged with Auckland Council, giving a reasonable degree of confidence that these improvements will precede development within Whenuapai Green."*	the Spedding Block has been lodged with Auckland Council, giving a reasonable degree of confidence that these improvements will precede development within Whenuapai Green. It would be useful to know the likelihood and timing for the construction of these upgrades? If there is any uncertainty about the Spedding Block upgrades, then we wonder whether the applicant needs to introduce any other triggers for those upgrades.	by Whenuapai Green.
	Brigham Creek Road NOR	Please comment on the implications for the proposed plan change of the Brigham Creek Road Notice of Requirement not being funded to provide upgrades, but for providing	We understand that the Notice of Requirements for the corridor upgrades (including Brigham Creek Road) are not funded, and are for route protection only. Therefore, a four lane road on Brigham Creek Road may not be provided by other parties	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). Section 6.7 of our ITA notes that our assessment of the Brigham Creek Road/Tōtara Road intersection is based on	The assessment has not relied upon the Brigham Creek Road NOR delivering any upgrades. A mid-block capacity assessment has also been undertaken in the latest responses. This assessment shows that the projected traffic					

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

#	Topic	Specific Request	Reason for the request	Applicant response 19/08/2024	Flow comment	Further information request	Applicant response 13/11/2024	Flow comment	Further information request	Applicant response 25/11/2024
		route protection only. Please confirm if any Brigham Creek Road corridor or intersection upgrades are assumed in the SATURN modelling assessment.	to mitigate the effects of the development. Section 4.3 of the ITA outlines the NOR design of the Brigham Creek/Totara Road intersection, which provides widening and additional lanes at the intersection. We acknowledge that the modelling assessment in the ITA assesses the existing layout of the intersection, which therefore assumes the NOR upgrades won't be undertaken for that intersection. Along the Brigham Creek Road corridor, the NOR would allow for four lanes compared to two lanes as per the existing layout. We would like confirmation whether the ITA assumes two lanes or four lanes, and what effects are anticipated.	the existing intersection arrangement and does not anticipate or rely on the construction of the Brigham Creek Road Notice of Requirement. In Section 1.6 of this technical note we provide additional modelling for the Brigham Creek Road/Kauri Road and SH18/Brigham Creek Road interchange. This modelling uses the existing transport network layout and does not anticipate or rely on the construction of the Brigham Creek Road Notice of Requirement.	volumes for 2030 do not require mid-block upgrades. We note that for the section of Brigham Creek Road between Tamatea Avenue and Trig Road during the PM peak, the projected 2030 traffic demands are at 94% of the calculated theoretical capacity. We note that the operation of Brigham Creek Road will largely be determined by the performance of the intersections. This has been assessed as part of the responses using SIDRA. No further information required.					
	Brigham Creek Road effects	Please comment on the effects of additional through traffic on Brigham Creek Road, including at key intersections, and identify if there are any safety or	The ITA assesses Brigham Creek Road at the SH16 and SH18 interchanges, and at the Totara Road intersection. There are some intersections on Brigham Creek Road which may be close to reaching capacity based on the existing	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	The Brigham Creek Road modelling assessment has been updated to include the Totara Road, Trig Road, Kauri Road intersections. Our discussion on the SH18 / Brigham Creek Road	Please assess potential impacts of increased queue lengths and delays predicted at the Totara Road / Brigham Creek Road intersection, and whether any	Please refer to the response prepared by Abley in **Appendix F** and the updated Precinct provisions in **Appendix B**.	The applicant has proposed yellow cross hatched road markings on Brigham Creek Road at the Joseph McDonald Drive intersection to discourage queuing over these intersections. This	Please provide modelling of the Brigham Creek Road / Totara Road intersection which includes the proposed shared left/through lane	We confirm that our modelling is based on a shared left turn / through lane on Brigham Creek Road (western approach). We

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS										
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		operational constraints.	layout (such as Kauri Road), which have not been directly assessed in the ITA. Increases in through traffic may affect safety for turning traffic, and active mode trips, as well as capacity. Section 8.1 of the ITA states: *"Our assessment demonstrates that the Brigham Creek Road/Totora Road intersection has sufficient capacity to support the plan change. We anticipate that Brigham Creek Road will be progressively upgraded as development fronting the corridor progresses in the future."* We note that this assessment focuses only on the immediate road access onto Brigham Creek Road from Totara Road, but it should consider the wider corridor.		interchange is provided further below. We note that for the Totara Road intersection, the queue lengths are predicted to increase by 227 m and average delays are predicted to increase by 44 seconds in the forecasted 2030 PM peak. These increases will be noticeable by people who use this intersection, and the queues may extend back into local road intersections. We note that some minor lane marking adjustments have been proposed. Have any other further mitigations been considered for this intersection?	mitigation is possible to address these effects.		suggestion has been included in the updated Precinct provisions. We note that this is prescribing a detailed design outcome, and would be subject to Auckland Transport approval. Any potential future upgrades of Brigham Creek Road (such as the 4-lane NOR design) may make this redundant, but it would still be within the Precinct provisions. We suggest this suggested mitigation requires Auckland Transport approval. The modelling of Brigham Creek Road / Totara Road shows that the modelled operation of the intersection would increase from 88% to 98-100% degree of saturation in the morning peak period, and 85% to 92-102% in the evening peak period with the plan change traffic included. This shows that the proposed development enabled by	marking on Brigham Creek Road. Please assess whether any further mitigation or upgrade of the intersection is required if the modelling shows it is reaching full capacity.	note that the modelled results are based on 0.9 veh/hr/household, which is conservative. Using a 0.65 veh/hr/household rate, which is more realistic for medium density residential, the intersection performance improves (although is still congested, with the northern approach having a 0.98 degree of saturation during the AM peak). Appendix A contains the Brigham Creek Road / Totara Road intersection modelling results for the 0.65 veh/hr/household scenario that were provided in our previous Clause 23 transport responses memo. Note that we have

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS										
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								the plan change would result in the intersection operating at/beyond its theoretical capacity. Mitigation that increases the capacity of the intersection may be required. The suggested yellow hatched markings would not mitigate these operational impacts at the intersection, which will impact bus services, as well as freight and other traffic. However, we note that the original ITA indicates that capacity improvements could be made by changing the road markings, such that the eastbound left turn lane on Brigham Creek Road is marked as a left/through lane. It appears that the modelling provided does not include this layout We recommend that this modelling assessment is provided, to show whether or not it could improve the performance of the intersection.		not updated the modelling, it is included to assist Council's review of our response to this RFI. In our view, this level of congestion is not out of the ordinary for the Auckland network and no further mitigations, other than what are already proposed, are required.

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								Subject to the results of this modelling, we can consider that further mitigations may be required.		
	Visibility of proposed roads	Please assess the visibility of the proposed local road intersections on Totara Road.	A visibility assessment is not provided for proposed local road intersections on Totara Road in the ITA. While the local roads are indicative and subject to detailed design, providing a visibility assessment will outline if there are any visibility constraints on Totara Road that require consideration (such as limiting an intersection location, changing the alignment of the road, providing visibility setbacks within the site). This needs to consider vertical as well as horizontal alignment.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	An assessment has been provided which shows the intersections can meet the applicable visibility criteria. No further information required.					
	Waka Commuter trip proportions	Please comment on the application of the Waka Commuter App information for the proposed plan change land use and compare to other similar residential zones.	Section 6.3 of the ITA assesses that 40% of the vehicle trips generated by the plan change will remain internal to Whenuapai. The 40% of trips adopted from the Waka Commuter App appears to include all modes, including working from home,	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	The updated response has adjusted the proportion of trips staying within Whenuapai. A further sensitivity assessment has been provided for trip distribution, based on					

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			and (short) walking and cycling trips. The 40% rate can therefore not be applied to vehicle trips only. Further, the data for Whenuapai may be affected by people living and working at the NZDF base.		two vehicle trip generation rates. The modelling assessment has been based on the higher vehicle trip generation rate. No further information required.					
	Local trip distribution	Please advise and assess where the local vehicle trips will travel.	Section 6.7 of the ITA assumes that 50% of local vehicle trips will travel through the Brigham Creek Road / Totara Road intersection, but it is not stated where the other 50% of these local trips will travel.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	The response states that 50% of local vehicle trips will travel through the Brigham Creek Road / Totara Road intersection, while the other vehicle trips will use other routes such as Nils Andersen Road to bypass this section. No further information required.					
	State highway interchange modelling	Please model the SH18 interchange to include ramp meter signals, using a network or microsimulation model, eg SIDRA Network, or AIMSUN.	The ITA includes operational assessments of the SH18 interchange. The intersection within the interchanges appear to be modelled in isolation, and do not include ramp meter signals. Ramp meter signals should be included for the interchange on-ramps, as these generate	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	For the SH18 / Trig Road interchange, the assessment has demonstrated that an upgrade would not be required based on Whenuapai Green alone. However if the Whenuapai Business Park is included in the modelling, then it has been assumed that an	Please assess the queueing effects of the SH18 / Brigham Creek Road northbound on-ramp, and whether this has any safety or operational effects, and if any mitigation can be provided.	Please refer to the response prepared by Abley in **Appendix F**.	The response has provided further clarification about the assumptions used for the ramp meter signal modelling. This states that the assumptions are conservative, and the queue lengths at the SH18 / Brigham Creek Road northbound on-ramp would be shorter if	Please assess the safety effects of queueing at the SH18 / Brigham Creek Road that may occur at busy times from the northbound on-ramp, and if any mitigation can be provided / is required.	Whenuapai Green is adding approximately 70 movements to the approach, which averages at around 1 per minute in the peak hour. Our modelling is based on an 8 second delay running for the full peak hour,

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			queues that can impact the local road network. Furthermore, each interchange (with ramp meter signals) should be modelled as a network, as interchanges typically operate as a system and there may be queues from one adjacent intersection to the next. These changes would allow the effects and capacity of the interchanges to be assessed fully.		upgrade would be triggered by the Whenuapai Business Park. While the Whenuapai Business Park plan change has not yet been notified, the assessment has shown that the effects of Whenuapai Green does not require an upgrade of this interchange. For the SH18 / Brigham Creek Road interchange, we note that the modelled queue lengths extend back into the northern roundabout. These queues could impact on the operation of the northern roundabout from a safety or operational perspective.			different settings were assumed. Based on previous information responses, the red phase time of the on-ramps throughout the peak ranges from 3 to 12 seconds, which adapts to the State Highway performance. While the queues from the on-ramp may not extend back into the roundabout based on average signal timing settings, there could be queueing impacts when higher red phase times are triggered based on State Highway performance. We note this has potential safety implications if the queues extend back into the roundabout while drivers are attempting to circulate.		for the “baseline” and “with development” cases. Our analysis of the signal data from ATOC shows that the on-ramp signal currently averages 7.7 seconds of red time and operates for 48% of the 8am – 9am peak hour (i.e. for approximately 30mins of the 8am morning peak hour). We therefore consider that our assessment is suitably conservative, and that queuing can be managed through future operation to contain the queue within the onramp. There may be transient impacts on the roundabout during the peak of the worst traffic days, however this

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										is likely under any use scenario and is not atypical of an interchange on the Auckland transport network.
	SH18/Sinton Road	Please assess the SH18 / BCR roundabout without assuming that Sinton Road is realigned. Please also advise if you had assumed Kauri Road/BCR Road would be upgraded along with Sinton Road being realigned.	The ITA modelling assumes closure of the Sinton Road arm at the SH18 interchange, however, there is no certainty when this might occur.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	The updated modelling uses the existing Sinton Road alignment, with no additional development in the Sinton Road catchment. No further information required.					
	SIDRA outputs & interpretation	Please provide summary table of the SIDRA results showing the average delay, degree of saturation and queue length of the different scenarios and periods for each intersection, and show a difference between the baseline and plan change scenarios. Please also comment on	The SIDRA movement summary results are provided in Appendix B of the ITA. Section 6 of the ITA comments on the SIDRA results at a high level. Providing a comparison table of the key results for each intersection will provide an 'at a glance' comparison to be made between the different development scenarios compared to the baseline, and	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**).	Summary tables have been included comparing the key results. No further information required.					

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		signal phasing and LOS for pedestrians.	allow the traffic effects to be better understood.							
	Totara Road vehicle access restrictions	Please clarify the suggested "individual" vehicle access restriction requirements on Totara Road	Figure 5.1 of the ITA shows 'individual vehicle access restriction' along the Totara Road frontage. It is not explained what these restrictions would involve (they may be in the proposed precinct provisions, which we do not have). We note that these access restrictions are not referred to in the Precinct Plan maps or provisions.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). Whilst we anticipate the future design avoiding vehicle crossings on to Totara Road, we have not proposed it to be restricted as part of the Plan Change Provisions. Future access will be subject to the provisions of E27 Transport and would be assessed at resource consent stage.	We consider that access restrictions should be provided on Totara Road, given a cycleway is proposed on the east side. Having access restrictions will better enable a safe and attractive cycle facility to provide for all users and abilities. We note that the Whenuapai 2 Precinct located to the south has such access restrictions on Totara Road. We note that access restrictions do not necessarily mean that vehicle crossings can't be provided, but they do provide a mechanism for the number of crossings to be limited. Without these, then the current E27 Transport provisions only have limited effectiveness to discourage the number of crossings, where individual residential lots	No further information required, but we provide our advice as noted.				

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					each with a vehicle crossing could be developed.					
	Totara Road cycle facilities	Please advise how people cycling northbound on Totara Road to and past the site will be catered for	Section 5 of the ITA provides cross-sections of the key roads. The Totara Road cross-section (24 m collector road) provides a 2.0 m cycleway on the east side, but no facility on the west side. The facilities on the west side are marked as 'to be built by others'. The proposed 2.0 m cycleway will cater for southbound cyclists on Totara Road, but not northbound cyclists.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). The proposed urbanisation of Tōtara Road is consistent with the approach for other greenfield developments, where the developer forms the berm and carriageway along their frontage, and the berm on the opposite side of the road is formed when the adjoining land is developed. A cycle transition ramp for northbound cyclists can be incorporated into the upgrade of the Tōtara Road/McCaw Ave/Dale Road intersection if required. This will be assessed at resource consent and engineering plan approval stage.	Agree, and we note that the future intersection design should consider how northbound cyclists would be able to safely transition / cross into McCaw Road, and use the slow-speed / low-volume local roads internal to the Site. No further information required.					

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

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	Totara Road bus stops	Please advise where bus stops will be located and routes for people walking to/from them.	The ITA proposes bus stops on Totara Road. Section 8.2 of the ITA states "Adequate road space is provided in the cross section of the Totara Road upgrade to allow for the construction of bus stops in the future, which are proposed by NCL". The location for these bus stops is not provided in the ITA. The plan change will need to ensure that people are able to walk safely and conveniently to/ from and within the plan change site. Additional pedestrian connections within the site may be needed.	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). Bus provision is provided for within the Precinct Provisions: Appendix 1 – Road Function and Design Element Table. We consider that bus shelters and pedestrian crossing locations can be satisfactorily addressed through future subdivision and land use consent applications.	No further information required.					
	Local road connections	Please advise how the ends of the local roads would be constructed in the interim, given that full connections into 94 Totara Road and the RNZAF Base may not be immediately provided in those sites.	The ITA states that "Two future proofed road connections to Royal New Zealand Air Force (RNZAF) Base Whenuapai and 94 Totara Road." The local road connection points are shown in Figure 5.1. The connections within those sites may not be provided until those sites are fully developed, so interim solutions such as turning heads could be required in the short to medium term. The	Please refer to the attached technical memo prepared by Abley, dated 6 August 2024 (**Attachment D**). There are a range of options for providing temporary or semi-permanent terminations to local roads, prior to extension into adjoining land. This could include, but is not limited to:	No further information required.					

TRANSPORT – FLOW TRANSPORTATION SPECIALISTS

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			future connection to the RNZAF Base may require additional consideration as this is currently closed off to the public, and the Ratara Stream would need to be crossed. While the local roads are indicative and subject to detailed design, understanding the viability of future connections will provide an understanding of whether or not the proposed connections are feasible.	■ forming a turning head within legal road vested to Auckland Transport; or ■ forming a temporary turning head within land owned by NCL, and providing an easement for public access; or ■ forming vehicle crossings that are strengthened to accommodate heavy vehicles and are situated to enable an Auckland Council rubbish truck to turn around. Abley is aware of all three methods having been used in the Auckland context, and we consider that this can be assessed and addressed during future resource consent and engineering plan approval.						

ATTACHMENT SIX

UPPER HARBOUR LOCAL BOARD FEEDBACK

18 Local board views on Private Plan Change 109 - Whenuapai Green - 98-100 & 102 Totara Road, Whenuapai

The Senior Policy Planner, Jo Hart and the Consultant Processing Planner, Vanessa Wilkinson were in attendance (Via Microsoft Teams) to support the item.

The Auckland Council submission on plan change 109 was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment

Resolution number UH/2025/30

MOVED by Member J Mclean, seconded by Chairperson A Atkinson:

That the Upper Harbour Local Board:

a) tuku / provide local board views on private plan change 109 Whenuapai Green by Neil Construction Limited for the rezoning of land at 98-100 & 102 Totara Road, Whenuapai as follows:

i) do not support this plan change and request it be declined for the following reasons:

A) the plan change is out of sequence with the adopted Future Development Strategy and is in advance of the necessary infrastructure to support the development

B) concerns from residents in new areas such as Whenuapai on the lack of infrastructure specifically open space, roads, water and transport

b) tautoko / support the Auckland Council submission on private plan change 109 as outlined in the tabled document, specifically the points made in paragraphs 6, 35 and 36

c) express concerns regarding the lack of open space provision in Whenuapai

d) tono / request that should the plan change proceed that the developer provides a built neighbourhood park with a toilet and playspaces for all ages to the level of specifications required by Auckland Council and request connections be provided through the drainage reserves

e) express concerns that this development does not provide enough provision and usability of outdoor space that is needed for dense developments

f) kopou / appoint Chairperson A Atkinson to speak to the local board views at a hearing on private plan change 109

g) tāpae / delegate authority to the chairperson of Upper Harbour Local Board to make a replacement appointment in the event the local board member appointed in resolution is unable to attend the private plan change hearing.

CARRIED

Attachments

A 27 March 2025, Upper Harbour Local Board: Item 18 - Local board views on Private Plan Change 109 - Whenuapai Green - 98,100 &102 Totara Road, Whenuapai - Auckland Council submission on plan change 109.

Note: Member C Blair left the meeting at 1.46pm

Note: Member C Blair returned to the meeting at 1.54pm, prior to the vote being taken on Item 18: Local board views on Private Plan Change 109 - Whenuapai Green - 98-100 & 102 Totara Road, Whenuapai

The meeting was adjourned at 1.56pm

The meeting was reconvened at 2.04pm

19 Local board input into Auckland Council's submission on the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill

Resolution number UH/2025/31

MOVED by Chairperson A Atkinson, seconded by Member S Yang:

That the Upper Harbour Local Board:

a) tuku / provide feedback to Auckland Council's submission on the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill as follows:

- **i) kohuki / considers that having options for a three or four year term is confusing for the public and would be difficult in practice**
- **ii) tautoko / support the parliamentary term being moved from a three to four year term subject to:**
  - **A) binding referendum**
  - **B) there are strengthened and improved checks and balances on the Government e.g via select committees membership**
- **iii) tono / request further consideration be given to the aligning local elections with parliamentary terms with all votes run by the Electoral Commission on the same day.**

CARRIED

20 Hōtaka Kaupapa / Governance forward work calendar

Resolution number UH/2025/32

MOVED by Member C Blair, seconded by Member K Parker:

That the Upper Harbour Local Board:

a) whiwhi / receive the Upper Harbour Local Board Hōtaka Kaupapa / governance forward work calendar for April 2025 – June 2025 (refer to attachment A to the agenda report).

CARRIED

21 Workshop records

Resolution number UH/2025/33

MOVED by Member K Parker, seconded by Member C Blair:

ATTACHMENT SEVEN

WATERCARE LETTER DATED 20 NOVEMBER 2024

Watercare Services Limited
73 Remuera Road, Remuera,
Auckland 1050, New Zealand
Private Bag 92521, Victoria Street West,
Auckland 1142, New Zealand
Telephone +64 9 442 2222
www.watercare.co.nz

20th November 2024

Vanessa Wilkinson
Cc Todd Elder & Eryn Shields
Auckland Council
vanessa@scottwilkinson.co.nz

Dear Vanessa,

Re: Private Plan Change Whenuapai Green: 98-100 and 102 Totara Road, Whenuapai

This advice is a valid as at the date of this letter. Where more than six months has passed, or a Long-Term Plan review has occurred, it is recommended to seek review of this information from Watercare.

Overview

The Private Plan Change (PPC), sought by Neil Construction Limited (Applicant) and referred to as Whenuapai Green, seeks to rezone 16.36ha of Future Urban Zoned land at 98-100 and 102 Totara Road, Whenuapai (Plan Change Area) to Residential – Mixed Housing Urban zone, facilitating the development of 430 dwellings. The Plan Change area is located within the Whenuapai Structure Plan 2016.

The Plan Change is within the Whenuapai North (Stage 1) Future Urban Area, which is not anticipated under the Auckland Future Development Strategy 2023-2053 (FDS) to be development ready until 2035+.

The lodged documents for the proposed PPC have been reviewed by Watercare. The advice in this letter is provided for the purpose of informing Council's decision on notification.

Auckland Future Development Strategy 2023-2053

Watercare's bulk infrastructure programme is planned, funded and sequenced in line with the Auckland Plan 2050, the Auckland Council Development Strategy (previously the Future Urban Land Supply Strategy 2017 (FULSS) and more recently the FDS), the Auckland Council Growth Scenario (previously i11v6 and more recently AGS23v1), and the AUP.

Watercare considers that proposed plan change is out of sequence with the FDS.

Watercare does not support out-of-sequence development that would impact Watercare's ability to deliver its planned infrastructure programme or result in reprioritisation or reallocation of funding in the Watercare Asset Management Plan.

Bulk Infrastructure Prerequisites

The FDS links the development readiness of the future urban areas to the key bulk infrastructure projects required to support development in each area. These projects are referred to as "infrastructure prerequisites" and are detailed in Appendix 3 and Appendix 6 of the FDS, noting that the prerequisites identified are not an exhaustive list.

Watercare's bulk infrastructure for water supply includes water sources, water treatment plants, transmission pump stations and reservoirs, transmission water pipes, and bulk supply points, i.e. all infrastructure upstream of a bulk supply point. For wastewater bulk infrastructure includes wastewater treatments plants, outfalls, transmission wastewater pipes, and transmission wastewater pump stations. Local network infrastructure is identified for water supply as the network downstream from the bulk supply point, and for wastewater as the network from the transmission pipeline or transmission pumpstation (with local connections via a transition/satellite manhole).

The assessment of the required bulk prerequisites to support development of the proposed PPC set out below is subject to the AGSv1 which is a numerical form of the FDS. Where this PPC or other out of sequence private plan changes are approved, and land is live zoned earlier than anticipated under the AGS, the actual growth rate may become steeper than the AGS projection causing the capacity of Watercare's bulk infrastructure to be taken up sooner than upgrades can be delivered.

Bulk Wastewater Prerequisites

There is no capacity available within the existing bulk wastewater network to service the plan change area. Capacity will only be available after the completion of the Slaughterhouse Wastewater Pump Station (WWPS), the Massey Connector, and the Northern Interceptor connection from the Massey Connector to the Hobsonville Point WWPS. These projects (named Whenuapai Wastewater Packages 1 and 2) are still in the consenting phase and the final delivery date is currently unknown. The forecast completion date is likely to be late 2028. Please note that this is a forecast and is subject to change.

Whenuapai Wastewater Packages 1 and 2 are considered to be the bulk wastewater prerequisites required to enable development of the plan change area. Full build out of the wider Whenuapai future urban areas will require future bulk wastewater upgrades that will be delivered by Watercare in response to actual growth.

Bulk water supply

The existing bulk water supply network has sufficient capacity to service the plan change area. Full build out of the winder Whenuapai future urban areas will require future bulk water supply upgrades that will be delivered by Watercare in response to actual growth.

Local Networks

The local network upgrades required to support the Plan Change area will be assessed at the time of resource consent application and engineering plan approval.

Yours faithfully,

Amber Taylor
Development Planning Team Lead | Major Developments
Watercare Services Limited

ATTACHMENT EIGHT

THE NEIL GROUP LETTER – INFRASTRUCTURE FUNDING – 25 NOVEMBER 2024

THE NEIL GROUP

LAND AND PROPERTY DEVELOPER

25 November 2024

By email todd.elder@aucklandcouncil.govt.nz

Todd Elder
Senior Policy Planner
Regional, North, West, islands
Planning and Resource Consents Department
Auckland Council

Dear Todd

Infrastructure Funding: Whenuapai Green

This letter has been provided to confirm Neil Construction Limited's (NCL) position in respect of the provision and funding of infrastructure required to enable the Private Plan Change (PPC) application submitted April 2024.

The Whenuapai Green PPC comprises a land area of 16.36 ha and is proposed to be rezoned Residential – Mixed Housing Urban zone.

NCL, through its previous Fast Track Resource Consent application and the subsequent Whenuapai Green PPC application has determined, in consultation with Auckland Transport, Council and Watercare, the infrastructure that we believe will be required to enable the PPC and support the integration of the PPC with the existing urban area.

Furthermore, whilst the PPC land is identified as being development ready not before 2035+ under the Future Development Strategy (FDS), it is noted that the FDS provides a pathway for out-of-sequence development to occur, and the infrastructure proposed by NCL through the PPC sufficiently mitigates any infrastructure constraints.

Having identified the infrastructure needs, and to ensure that it is clearly understood what infrastructure is required and when it is to be provided, standards have been developed and incorporated within the proposed precinct provisions for Whenuapai Green.

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www.neilgroup.co.nz

The transport infrastructure and upgrades, identified in the precinct provisions, to be constructed and funded by NCL are the following:

1. Upgrade the existing McCaw Avenue/Totara Road/Dale Road intersection to a roundabout.
2. A new intersection (roundabout) on Totara Road and proposed internal northern road.
3. Lane marking improvements at the Brigham Creek Road and Totara Road intersection to enable a shared through/left turn lane.
4. Upgrade the existing Brigham Creek Road/Trig Road intersection to a roundabout.
5. Cross hatching at Brigham Creek Road intersections with Boyes Road and Joseph McDonald Drive.
6. Upgrading of Totara Road along the plan change area frontage to an urban standard with cycleways, pedestrian footpaths and bus stops.

The wastewater and water infrastructure and upgrades, identified in the precinct provisions, to be constructed and funded by NCL are the following:

1. McKean Road wastewater pump station.
2. Hobsonville Road/Brigham Creek Road water main upgrade.

NCL is an experienced residential developer who has operated in the Auckland region for over 70 years. We are fully committed to the PPC and to constructing and funding the infrastructure required to enable the PPC.

NCL is willing and ready to enter into an Agreement for Infrastructure Works with Auckland Transport and/or Watercare. Whilst we would like to make progress with such agreement as soon as possible, we do not consider the signing of such an agreement to be required prior to notification of the PPC.

We look forward to working with Council on these matters and progressing on with the Whenuapai Green Private Plan Change.

Yours faithfully,



Phil Ainsworth
Chief Executive Officer
The Neil Group Limited
painsworth@neilgroup.co.nz

ATTACHMENT NINE

PPC109 SUMMARY OF DECISIONS REQUESTED & SUBMISSIONS

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
1	1.1	David George Allen	dave.allen@outlook.co.nz	Accept PPC109 subject to an amendment that seeks un-used road ends which are used as open spaces have ownership transferred from Auckland Transport to Auckland Council so that they can be designated as reserves under the Reserves Act 1977. This would ensure statements made in the applicants AEE are correct.
2	2.1	Charlotte Ailsa Meyer	brad.charlotte21@gmail.com	Accept PPC109 and supports proposed new park and upgrade to Totara Road.
3	3.1	Joseph Donis	ice2004@gmail.com	Decline PPC109 zoning to a residential zone as increased proximity of future houses will compromise privacy and the peaceful environment currently enjoyed.
3	3.2	Joseph Donis	ice2004@gmail.com	Decline PPC 109 as new development and increased impermeable areas will exacerbate flooding problems in the area and diversion of water flow and in-adequate stormwater management will increase water accumulating in low-lying areas.
3	3.3	Joseph Donis	ice2004@gmail.com	Decline PPC109 as road infrastructure in Whenuapai isn't ready for additional population anticipated.
3	3.4	Joseph Donis	ice2004@gmail.com	Decline PPC109 as insufficient public facilities and amenity provided.
3	3.5	Joseph Donis	ice2004@gmail.com	Reduce proposed intensity of development noting reverse sensitivity noise and safety impacts from RNZAF Base.
3	3.6	Joseph Donis	ice2004@gmail.com	Reduce proposed intensity of development given lack of funding and prepared infrastructure will place pressure on already struggling systems.
4	4.1	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as increased impervious areas could exacerbate local flooding issues.
4	4.2	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as development will significantly increase traffic volume on Totara Road and McCaw Avenue before planner transport upgrades are implemented.
4	4.3	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as the level of density proposed will adversely affect the existing neighbourhood character and Amenity values, especially privacy and overlooking for adjacent properties, increased noise and loss of spaciousness and suburban character.
4	4.4	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as rezoning appear premature given current market conditions and infrastructure constraints. A more stage approach to development should be considered to better align the areas ability to absorb growth and allow infrastructure to be developed.
5	5.1	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109, but if approved in part or full make the requested amendments.
5	5.2	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as it does not give effect to National Policy Statement of Urban Development (NPS-UD) expectations of a well functioning Urban Environment.
5	5.3	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as it does not give effect to RPS - B2 and B3

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
5	5.4	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 due to adverse noise effects on future development from RNZAF Base Whenuapai and changes to its operations.
5	5.5	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as a residential zone is not the most appropriate zoning for the land. A Business zone may be more appropriate give noise concerns raised.
5	5.6	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as precinct infrastructure provisions require strengthening to ensure specific infrastructure required can be provided and funded equitably.
5	5.7	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as the timing and duration of noise is unknown and has the potential to create unacceptable health and significant amenity effects for residents living in or using the area.
5	5.8	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks the Applicant provide additional acoustic assessment to describe the noise effects on residents and users of public open space areas within the PPC109 area will experience and any proposed amendments to the precinct provisions to mitigate potential adverse effects.
5	5.9	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks the Applicant assess additional mitigation measures from within the precinct area to mitigate engine testing noise on the amenity of future residents and visitors such as buffer areas/yards, sound walls or an airport noise overlay. Develop new or amended precinct provisions as appropriate.
5	5.10	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the Applicant remove one of the two intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1.
5	5.11	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the Applicant amend the precinct provisions to clarify how the following matters will be achieved: • The location of/ability to locate proposed stormwater management devices appropriately so that they will be clear of 10% Annual Exceedance Probability (AEP) rainfall event flow extents. • The adequacy of the stream protection measure(s) proposed to mitigate effects of the increases in runoff on stream geomorphology (including channel incision & channel widening) within and/or downstream of the proposed plan change area, resulting from development. • The provision of water quality treatments for all impervious surfaces.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
5	5.12	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that IX.1 Precinct description be amended to clearly outline restrictions on development until infrastructure is provided and elaborate on noise effects, as follows: …canopy cover in the area. Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct and new transport upgrades on the surrounding road network are operational. and … Related provisions impose restrictions on activities in the precinct that are sensitive to aircraft noise and engine testing noise. This includes when residents are indoors or outdoors and when people are using local streets or public open space. Such restrictions include specific building requirements to manage internal noise levels. ~~within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.~~ …
5	5.13	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Objective IX.2(5) be amended to refer to bulk water supply and wastewater, as follows: *Integration of Subdivision and Development with the Provision of Infrastructure* (5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure and the required bulk water supply and wastewater infrastructure.
5	5.14	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Objective IX.2(6) be amended to better integrate provisions and align infrastructure, as follows: Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated road network ~~operation of the current and future transport network~~ for all modes of transport.
5	5.15	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Objective IX.2(8) be deleted as it reads as a policy and is similar to objectives IX.2)6) and (7) and Policy IX.3(4).
5	5.16	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(4) be amended as follows: Require the development of a ~~transport~~ roading 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. ~~is in accordance with Appendix – Road function and Design Element Table~~.
5	5.17	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX3(12) is amended and clarified as follows: ~~Ensure~~ that ~~appropriate~~ sufficient local network water supply and wastewater infrastructure is provided to enable the servicing of new residential lots and activities.
5	5.18	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(3) is amended to be consistent with non-complying activity status, as follows: ~~Require~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the ~~transport~~ roading within the precinct, and with upgrades to the wider transport network.

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Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
5	5.19	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(13) is amended to be consistent with non-complying activity status, as follows: ~~Ensure~~ Avoid subdivision and development ~~is~~ that is not aligned with the timing of the provision of bulk wastewater and water infrastructure.
5	5.20	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(15) is amended as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately ~~avoided,~~ remedied, or mitigated at the receiving site through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.
5	5.21	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(16) be deleted as addressed by Policy 1.
5	5.22	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that a new policy, Policy IX3.(15A) be added to make it clear how open space is provided for in the Precinct, as follows: Ensure a network of high quality landscaped public open spaces and green corridors, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development.
5	5.23	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(17) be deleted as policy is achieved by Precinct Plan 1 and the size of a neighbourhood park will be confirmed as part of a subdivision consent process.
5	5.24	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the Activity Table IX.4 be amended as follows: **IX.4 Activity table[rcp/rp/dp]** All relevant overlay…. Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311. Prior written approval from the Minister of Defence will be required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities and infringement of any such height restrictions. 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.
5	5.25	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the non-complying activity status of rules IX.4(A2), (A3), (A11) and (A12) relating to subdivision, use and development where compliance with IX.6.2, IX.6.6 and Chapter E38 is not achieved, is retained.

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Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
5	5.26	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that IX.5 Notification is amended to include other ratters, as follows: IX.5 Notification (1)Any application … (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. ~~(i)~~ IX.6.3 Lighting iv. (ii) IX.6.4 Noise (3) …
5	5.27	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Standard IX.6.1(3) relating to Birdstike is amended to be more certain and measurable, as follows: (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.~~ Roofs must have a minimum gradient of 15 degrees to minimise the potential for birds to net or roost. (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.~~ If roof gradients are less than 15 degrees, netting and /or spikes are required to discourage bird nesting or roosting on the roof of the structure.

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Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
5	5.28	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Standard IX6.2 Wastewater and Water Supply Infrastructure is amended to prevent construction of buildings prior to the required water and wastewater infrastructure being in place, constructed and operational, as follows: 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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of bulk.~~ Bulk water supply and wastewater infrastructure that would require for water and /or wastewater servicing of all ~~of the~~ development within the Precinct must be completed and commissioned: a. in the case of subdivision prior to the release of Resource Management Act 1991 section 224 (c) certificate being issue for any residential lots; and b. in the case of land use only, prior to the construction of any buildings associated with noise sensitive activities. ~~Note: Standard IX.6.2 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. 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. prior to occupation of any building(s) for land use only.~~
5	5.29	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Standard IX.6.6(3) Staging of subdivision and land use - transport upgrades be amended to align with changes sought to IX6.6(2) and IX6.4, as follows: IX.6.6(3) The following transport infrastructure upgrades should be ~~provided~~ completed and operational prior to any dwelling being ~~occupied~~ constructed within the site precinct land: (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: ~~Road Function and Design Elements Table 2 and~~ Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan.

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Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
5	5.30	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Standard IX6.4(1) Noise - no complaints covenants be deleted or if considered to be an acceptable method then amended as follows: (1) A no-complaints covenant ~~shall~~ must be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, ~~in a form acceptable to RNZAF Base Auckland 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.~~ in favour of Royal New Zealand Defence Force Base Auckland, by the landowner (and binding any successors in title) not to complain as to noise effects generated by the lawful operation of the airbase. The restrictive no complaint covenant is limited to the effects that could be lawfully generated by activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to defence activities (although an individual restrictive no complaint covenant may do so). Details of the existence of covenant documents may be obtained from Royal New Zealand Defence Force Base Auckland, its solicitors, or in the case of registered covenants by searching the Title to the relevant property.
5	5.31	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Standard IX6.4 Noise be amended as indoor design noise levels are too high and wording is not certain and clear. Furthermore, section 15.5 of the Acoustic Assessment provided states that mechanical cooling and ventilation will be required in all habitable spaces but no standard requires this; and the Residential - Mixed Housing Urban Zone accommodates other activities sensitive to noise (not just residential activities) and the noise provisions in the Precinct do not address these. 1. Amend IX.6.4 Noise to simplify the requirements and provide additional certainty and clarity by: a. Clarifying the outdoor noise spectrum so the values are normalised to equal 0 dBA b. Clarifying that the outdoor noise spectrum values are at single octave band centre frequencies c. Removing any adjustment for duration under section 6.4 of NZS6802:2008 when interpreting the indoor design levels d. Referring to Noise Sensitive Space (as defined in Chapter J of the AUP) e. Referring to Activities Sensitive to Noise (as defined in Chapter J of the AUP) f. Incorporating the mechanical cooling and ventilation provisions set out in E25.6.10(b)-(f) which are to be maintained indefinitely g. Removing reference to Appendix 2
5	5.32	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Appendix 2 be deleted as the proposed requirements are too prescriptive. Building should be designed in accordance with input form an acoustic expert which is a more typical approach for developments near to noisy infrastructure such as major roads, rail and ports.
5	5.33	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks amendments to make it clear that Appendix 3 and Appendix 4 are indicative only and allow for an element of discretion in their design and implementation.
5	5.34	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that zoning details shown on Precinct Plan 1 be removed and planning maps relied on for zoning details.

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5	5.35	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Precinct Plan 1 be amended to show the roading pattern running on a north-south axis as it currently does not reflect the roading layout to the immediate south of McCaw Avenue.
5	5.36	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the title of Precinct Plan 2 be amended to "Whenuapai Green Precinct Plan 2 - Whenuapai Airbase Engine Testing Noise Contours".
5	5.37	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Amend the precinct provisions as necessary to be consistent with protocols Council's wishes to adopt to incorporate the Medium Density Residential Standards as required by the Resource Management (Enabling Housing Supply) Amendment Act 2021.
5	5.38	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Amend precinct provisions to replace the word "shall "with the word "must"; and use sentence case in Precinct headings rather than capitalising each word; and add a numbering reference to the header of each Precinct Plan in accordance with Council's standard drafting practice as follows: IX.10.1 Whenuapai Green Precinct Plan 1 IX.10.2 Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours
5	5.39	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Amend the order of Standards within the Precinct provisions so that it is more logical, for example as follows: IX.6.1 Staging of Subdivision and Land Use – Transport Upgrades IX.6.2 Road Design IX.6.3 Lighting IX.6.4 Water supply and Wastewater Infrastructure IX.6.5 Stormwater Infrastructure IX.6.6 Riparian margins IX.6.7 Noise IX.6.8 Number of dwellings per site
6	6.1	Cabra Development Limited	duncan@cabra.co.nz	Approve PPC109 as notified.
7	7.1	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks to protect RNZAF Base Auckland from adverse effects of new development, including in relation to reverse sensitivity. Development must be appropriately located and designed in relation to this established and regionally significant infrastructure.

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Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
7	7.2	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that the Precinct provisions mitigate the risk to current and future RNZAF Base Auckland operations as follows: a) To address potential reverse sensitivity effects, reverse sensitivity covenants to apply to all new development; b) Obstacle heights: No permanent or temporary buildings or structures (including cranes) may breach the Obstacle Limitation Surface identified in AUP designation 4311 without prior written approval from the NZDF; c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds); d) Other measures to avoid risk to flight safety and operations including relating to lighting, and glare from building materials; and e) Measures to address potential stormwater and transport and traffic effects.
7	7.3	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks to add specific consideration be given to parts of PPC109 land that are within an areas where land use and subdivision will be subject to the RNZDF approval.
7	7.4	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that the Precinct provisions and maps are amended and a height overlay, notation or similar restriction is added to ensure that it is clear that NZDF will not approve an infringement to the 9m Obstacle Limitation Surface outlined in Designation 4311 and within the 1000m protection area off the 08-26 runway (in the northern portion of 98-100 Totara Road).
7	7.5	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that the flood risk to the RNZAF Base Auckland is not exacerbated by increased discharge/runoff to the Rarawaru Stream, noting that significant flooding occurs in rainfall events; and seeks that the applicant's flood assessment takes into account existing discharges runoff to the Rarawaru Stream and seeks remedial and upgrade works be by undertaken by the Applicant to increase capacity or divert stormwater runoff from the Rarawaru Stream.
7	7.6	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that transport and traffic effects on the RNZAF Base Auckland are considered.
7	7.7	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that any boundary or perimeter demarcation such as fencing or vegetation plantings along or near the boundary with the RNZAF Base Auckland does not impact on security requirements for the Base.

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7	7.8	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that IX.1 Precinct description be retained but amended to reference the significance of the RNZAF Base Auckland as follows: "…RNZAF Base Auckland is a strategic defence facility of national and regional ~~strategic~~ importance". … 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~~ noise, within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.
7	7.9	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Objective IX.2(1) as follows: 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.
7	7.10	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Objective IX.2(3) relating to stormwater devices to improve wording as follows: 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.
7	7.11	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that Objective IX.2(14) be retained as notified or similar wording in relation to effects on RNZAF Base Auckland.
7	7.12	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Objective IX.2(15) to ensure clarify the intention of the objective as follows: (15) 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.
7	7.13	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Policy IX.3(11) relating to stormwater management and bird strike so that it reads more like a policy, as follows: (10) Require t~~T~~he 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 Base Auckland.

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7	7.14	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Policy IX.3(14) to clarify that policy addresses reverse sensitivity effects including those relating to noise, and that the policy is not limited to bird strike, lighting, glare and reflecting effects, as follows: (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.
7	7.15	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Policy IX.3(15) to recognise that the methods identified are not the full suite of methods proposed, as follows: 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.
7	7.16	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Supports the introductory text above IX4.1 Activity table that refers readers to Designations 4310 and 4311 however, seeks amendments to wording to ensure constraints applying to parts of the PPC109 land that are subject to the requirement to obtain RNZDF approval for land use and subdivision are clear, as follows: Development in the Whenuapai Green 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.
7	7.17	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that IX.5 notification is amended so that use and development that does not comply with Standard IX6.4 Noise be limited notified to the NZDF.
7	7.18	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to activity status for Rule IX4.1(A3) Activities that do not comply with Standard IX.6.4 Noise from discretionary to a Non-Complying Activity (although NZDF note they would consider a discretionary or restricted discretionary activity status with relevant matter of discretion in both cases, and subject to a limited notification clause).
7	7.19	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Opposes subdivision rules as these do not appear to contain a reverse sensitivity covenant for subdivision. Seeks new rule the clearly requires any subdivision not meeting Standard IX6.4 shall be a Non-complying activity and that NZDF be limited notified as a potentially affected party.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
7	7.20	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to IX5 Notification to identify NZDF as an affected party and require limited notification for non compliance with other standards listed. Amended wording as follows: I1.5. Notification … (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~~ (x) The New Zealand Defence Force will be considered an affected party for limited notification purposes in relation to any proposal that does not comply with: (i) IX.6.1(2) Stormwater Infrastructure (dry detention basins or stormwater ponds) (ii) IX.6.1(3) Birdstrike (iii) IX.6.3 Lighting (iv) IX.6.4 Noise (v) IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar). (vi) I1.6.X. Temporary activities and construction
7	7.21	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Standards IX.5(3), (4) and (5) to clarify that these do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.3 Lighting, 4 Noise, etc (as above).
7	7.22	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to IX.6 Standards preamble text to make it clear that permitted activities should also comply with standards that protect the RNZDF Base Auckland form reverse sensitivity effects. Amended wording as follows: .... The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standard IX.6.3, and 4. (etc.), and standards IX.6.7 to IX.6.15.
7	7.23	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks the introduction of a new standard for land use and subdivision to ensure the constraints on land use and development of the land subject to NZDF approval are included in PPC109. New wording as follows: Standard IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar): a) The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the “conditional” [or “NZDF approval”] notation.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
7	7.24	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks the introduction of a new standard to highlight the requirements of the Obstacle Limitation Surfaces under the NZDF designations so that safety risks on the operation of the Airbase are avoided. Suggested wording as follows: I1.6.X. Temporary activities and construction Purpose: • to avoid safety and operation risk effects on the RNZAF Base Auckland. (1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment being erected that infringes the Obstacle Limitation Surface must obtain written approval from the New Zealand Defence Force.
7	7.25	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Support but seek amendments to Standard IX6.1 Stormwater Infrastructure, as follows: (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.
7	7.26	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Standard IX6.3 Lighting to include reference to glare and reflection and reduce adverse safety effects to pilots approaching or taking off from the RNZAF Base Auckland runaway and ensure low reflective materials for building cladding and roofing to avoid sunstrike effects. Amended wording as follows: IX.6.3 Lighting, glare, and reflection Purpose: ~~• To manage reverse sensitivity effects on RNZAF Base Auckland, including in 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) Roof surfaces and e~~E~~xternal building surfaces (excluding vertical surfaces) greater than 10m above ground level must not exceed a reflectivity (specular reflectance) of 20~~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.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
7	7.27	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Amend Standard IX6.4 Noise to reflect its reverse sensitivity purpose, as follows: IX.6.4 Noise and reverse sensitivity Purpose: • To ensure that potential reverse sensitivity effects ~~of noise from~~ on 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 P~~r~~ecinct. This covenant 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 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(15min) 45 dB - Work Areas: LAeq(15min) 45 dB - Sleeping Areas (night-time) LAeq(15 mins) 40 dB ~~(a) Compliance with this standard is achieved if:~~ (i) the building shall be ~~is~~ constructed using the specifications set out in Appendix 2 as they apply to the respective noise contours shown on Precinct Plan 2. A 3 dBA 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 shall be ~~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 LAeq 68dB: …
7	7.28	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Amend the plan change to include provisions to address the mitigation of noise in outdoor spaces. This may include the addition of new provisions including rule(s) and/or standard(s).
7	7.29	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Amend Standard IX6.8 Building height to refer to the requirements of Designation 4311 regarding height limitations and the Obstacle Limitation Surfaces. Suggested wording as follows: To manage the height of buildings to: … - Ensure compliance with (NZDF requirements) ...
7	7.30	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Retain or amend matters of discretion IX.8.1 to address specific matters raised in submission.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
7	7.31	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Retain and amend assessment criteria IX.8.2 to include reverse sensitivity effects on RNZAF Base Auckland and other matters raised in submission, including as follows: …(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 …
8	8.1	Watercare Services Limited	planchanges@water.co.nz	Decline PPC109 as it is out of sequence with the expected timing for development of the Whenuapai North (Stage 1) Future Urban Area provided in the Future Development Strategy and will, as a result, have significant adverse effects on Watercare's existing and planned wastewater networks, unless amendments are made to the Precinct provisions requiring the sequencing of subdivision and development in line with the required bulk infrastructure upgrades.
8	8.2	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to IX.1 Precinct description as follows: ... 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. Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct. All relevant overlays, Auckland-wide and zone provisions apply in this Precinct unless otherwise specified below.
8	8.3	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to Objective IX.2(11) and the addition of a new objective (11A) as follows: *Three Waters Infrastructure* (11) Subdivision and development within the Precinct is staged and coordinated with ~~All necessary~~ the supply of bulk and local three waters infrastructure (being water supply, wastewater, and stormwater infrastructure) ~~is in place~~ with capacity to service the proposed subdivision and development ~~within the Precinct and is staged and co-ordinated with subdivision and development.~~ (11A) Subdivision and development does not occur in advance of the provision of bulk water supply and wastewater infrastructure with sufficient capacity to service the proposed subdivisions and development.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
8	8.4	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to Policies IX.3(12) and (13) as follows: (12) Ensure that ~~appropriate~~ sufficient local water supply and wastewater infrastructure is provided to enable the servicing of new subdivision and development. ~~residential lots and activities.~~ (13) ~~Ensure~~ Avoid subdivision and development occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable servicing of the Precinct ~~is aligned with the timing of the provision of wastewater and water infrastructure~~
8	8.5	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to Rules IX4.1(A2), (A4), (A5), (A6 and (A7) as follows: (A2) Use and development that does not comply with Standards IX.6.2 and / or IX.6.6. (A4) Up to three dwellings per site each of which complies with Standards IX.6.2 and IX.6.7 to IX.6.15 inclusive (A5) Four or more dwellings per site each of which complies with Standards IX.6.2 and IX.6.8 to IX.6.15 inclusive (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.6.2 and IX.6.7 to IX.6.15 inclusive (A7) Accessory buildings each of which complies with Standards IX.6.2 and IX.6.7 to IX.6.15 inclusive
8	8.6	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to Standard IX.6.2 Wastewater and Water Supply Infrastructure, as follows: 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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of~~ bBulk water supply and wastewater infrastructure with sufficient capacity required for servicing ~~of all~~ the proposed subdivision and development within the Precinct must be completed and commissioned:~~.~~ (a) In the case of subdivision, prior to the issuing of a certificate of title pursuant to s224(c) of the Resource Management Act 1991 (b) In the case of land use only, prior to construction of any buildings for activities that would require water and/or wastewater servicing. ~~Note: Standard IX.6.2 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) 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) prior to occupation of any building(s) for land use only.~~

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai				
Summary of Decisions Requested				
Sub #	**Sub Point**	**Submitter Name**	**Address for Service**	**Summary of Decisions Requested**
8	8.7	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to IX.8.2 Matters of discretion, as follows: … (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 is~~ upgrades are proposed (iii) The extent to which the adjacent road network enables safe pedestrian movements.
8	8.8	Watercare Services Limited	planchanges@water.co.nz	Seeks inclusion of a new special information requirement, as follows: (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. 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.
9	9.1	Chun-Kai Tseng	chunkaitseng@gmail.com	Approve PPC109 with amendments to Figure 2 Wider Wastewater Catchment of Appendix I (Water and Wastewater Servicing Memo) to allow for more capacity, and a more holistic approach, for the proposed wastewater pump station and associated gravity sewer and rising main (i.e. to include extra capacity for the wider catchment including properties at 57 Riverlea Road and 123 and 125 Totara Road).
10	10.1	Ministry of Education	eden.rimu@beca.com	Neutral on PC109 but if accepted seeks amendments to Precinct porivions to enable education facilities.
10	10.2	Ministry of Education	eden.rimu@beca.com	Seeks amendments to Objective IX.2(3) as follows: (3) A well-functioning urban environment that enables all people and communities to provide for their social, educational, economic and cultural wellbeing, and for their health and safety, now and into the future.
10	10.3	Ministry of Education	eden.rimu@beca.com	Seeks the additon of a new policy as follows: IX.3(3a) Recognise that the precinct is part of a newly developing residential area, and that there is a potential need for educational facilities to establish within the Precinct.

Submissions

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 109 - David George Allen
Date: Monday, 27 January 2025 4:00:44 pm
Attachments: DGA PC109 application_20250127155748.909.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David George Allen

Organisation name:

Agent's full name: David George Allen

Email address: dave.allen@outlook.co.nz

Contact phone number: 0272888371

Postal address:
dave.allen@outlook.co.nz
Waitakere
Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 109

Plan change name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

My submission relates to

Rule or rules:
n/a

Property address: n/a

Map or maps: n/a

Other provisions:
see attached support document in.pdf format

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

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

The reason for my or our views are:
see attached support document in.pdf format

I or we seek the following decision by council: Approve the plan change with the amendments I requested

1.1

Details of amendments: see attached support document in.pdf format

Submission date: 27 January 2025

Supporting documents
DGA PC109 application_20250127155748.909.pdf

Attend a hearing

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

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

Declaration

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

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

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

No

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

Check water quality and swimming conditions. Decide with Safeswim.



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Support document – David George ALLEN submission re PC109

The page numbers below refer to the 107pp application for PC109

p15 notes that ~5,000 new homes are planned for the Whenuapai area under the WSP. 2016 (a far lower figure than the 16.594 foreseen in the AC Long Term Plan)

p17 notes that PC86 is approved, (under which ~230 new homes will be built)

p58-59 Clause 10.8, references the Auckland Plan 2050, and states "the PPC land is located within close proximity to… recreational reserves along the nearby coastline".

p 60-61 Clause 10.10 also references and quotes the Whenuapai Structure Plan, repeating the need for making "the most of the extensive coastline" & "the provision of quality open spaces".

p 63 references and quotes the Auckland Unitary Plan, which in Clause B2.2.2 -1 **Policies** requires that development should meet "requirements for social facilities"

p 65 again references and quotes the Auckland Unitary Plan, which in Clause B3.2.1 -2(d) **Infrastructure Objectives** notes that development should "provide for public health…. and wellbeing ".

p 68 in clause 10.12.1, further references and quotes the Objectives and Policies of the Auckland Unitary Plan, and states that the proposed MHU zoning is "consistent with the WSP" and that the PPC is within proximity to open space that will ……provide for people's social…….well-being….

p 74-75 in clause 10.14, references and quotes the Upper Harbour Local Board Plan 2020/2023 and states the PPC achieves the aims stated there-in, by providing housing that is "well connected to……..outdoor space that support the ….residential neighbourhoods"

p 86 Notes there are currently 1,200 residences in the Whenuapai area and that a further ~430 residences will be added to the Whenuapai area under PC109.

The Whenuapai area is significantly lacking in open spaces areas and in coastal access, yet the above shows ~1,860 (1,200+230+430) residences all requiring such green areas. According to the AC Long Term Plan, by 2051, there will 16,594 houses in the Whenuapai area. = nearly 10 times more.

1.1

The application is, in principle only, related to the PC 109 area, because various aspects under the control of Auckland Transport are mentioned.

It is significant that the Auckland Transport are the legal owners (title holders) of several nearby coastal green areas at the ends of "roads to nowhere", (Waimarie Rd, Dale Rd, McKeans Rd, Kauri Rd, Pohutukawa Rd) the ownership of which un-used "road ends" should be transferred to Auckland Council, so those open spaces could be designated reserves (under the Reserves Act 1977).

It is further significant that even though Auckland Transport is a CCO and therefore a subsidiary of Auckland Council, they steadfastly absolutely refuse to countenance such ownership transfer, - without stating any valid reason.

Curiously, before the amalgamation of Councils under the "super city" created Auckland Transport, the legacy Waitemata City Council, with the stroke of a pen, simply created such a reserve at the sea-end of Riverlea road.

In conclusion, Auckland Transport should be required to change the ownership to make those 5 green spaces available to the public under the Reserves Act 1977, in order that the statements in blue-text in the above-referenced pages of Neil Construction's application for PC 109 are valid.

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

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

Attn: Planning Technician
Auckland Council
Level 16, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mrs Charlotte Ailsa Meyer

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

182 Kauri Road, Whenuapai

Telephone: 211852613 Email: brad.charlotte21@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 109

Plan Change/Variation Name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other *(specify)*

New development
New development

Submission

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

I **support** the specific provisions identified above ☒

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☐ No ☒

The reasons for my views are:

I believe this development as a whole is good for the whenuapai area. Especially as there are provisions for a new park which for young families is fantastic.

Also the upgrade of Totara Road to provide footpaths alongside the new development is always beneficial for being able to safly walk around the area

2.1

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☒

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☒

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

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

01/31/2025
Date

Notes to person making submission:

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

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

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

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

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

(a) adversely affects the environment; and

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

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 109 - Joseph Donis
Date: Sunday, 2 February 2025 11:45:30 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Joseph Donis

Organisation name:

Agent's full name:

Email address: ice2004@gmail.com

Contact phone number:

Postal address:
3 Mccaw Avenue
Whenuapai
Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 109

Plan change name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

My submission relates to

Rule or rules:

Property address: 98-100 & 102 Totara Road, Whenuapai

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
I oppose the rezoning of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone to Residential – Mixed Housing Urban Zone.

The increased proximity of these houses will compromise our privacy and diminish the peaceful environment I currently enjoy. The close proximity of additional houses will result in reduced space, sunlight, and airflow, negatively impacting the overall quality of life for both myself and my family. The increased population density may also lead to more noise pollution and congestion in the neighborhood. 3.1

The new development will exacerbate the problem of flooding in the area. This will result in an increased percentage of impermeable surfaces, such as concrete driveways and paved areas, which prevents natural absorption of rainwater into the ground. Consequently, during heavy rainfall or storms, water runoff will intensify, leading to localized flooding. Furthermore, the alteration of the natural landscape will cause disruption in the natural drainage patterns, exacerbating the flooding 3.2

issue. The diversion of water flow and inadequate stormwater management systems in place will contribute to water accumulating in low-lying areas, especially along Totara Road.

In addition to this, current public road infrastructure around Whenuapai isn't ready to take on another large number of residents. Despite roadworks done on Brigham Creek Road, it still isn't good enough to service a huge influx of vehicles going through let alone the current road networks surrounding the said area. The proposed project might become a similar situation to Hobsonville Point, where not enough public facilities or transport will cater to the number of future occupants there, including the existing residents of Whenuapai. We currently have 1 playground near the café, 1 community hall, a Primary school and a bus that makes a loop around Whenuapai and back to Westgate only. As car theft is becoming an endemic issue in this area, the proposed project will only attract more car theft as parking will be an issue for some houses of this development. It is also a current problem to the existing residents along McCaw Avenue.

3.3

3.4

It is crucial for the relevant authorities to address these concerns and ensure that future development projects prioritize the well-being of existing residents and take appropriate measures to mitigate the impact on the local environment.
The proposed housing development raises significant concerns, and I strongly urge that it be scaled down or reevaluated for the following reasons:

1. Proximity to the Airforce Base: Being near an active airforce base, the area is subject to noise pollution, flight disruptions, and potential safety concerns. Increasing residential density here may result in ongoing complaints from new homeowners and conflicts with airforce operations, an avoidable situation if fewer homes are built.

3.5

2. Lack of Funding and Prepared Infrastructure: Local authorities have not allocated sufficient funding to support this development. The existing watercare systems are inadequate to handle increased demand, and the local roads are already under strain. Adding more homes will worsen traffic congestion, wear out roads faster, and create service delivery delays, making the area unlivable.

3.6

3. Unprepared Utilities and Services: Critical infrastructure, such as sewage systems, drainage, and public amenities, is not equipped to accommodate a large influx of residents. Without proper upgrades in place, this development will place undue pressure on already struggling systems.

4. Environmental Concerns: Poor stormwater management plans for such developments often lead to flooding issues. The region has already seen drainage problems, and adding more impermeable surfaces will only increase the risk of flooding, threatening existing homes, including mine.

3.2

Given these issues, I strongly recommend reducing the scale of the development or postponing it until infrastructure, funding, and environmental impacts are thoroughly addressed. The interests and safety of existing residents must take precedence.

I or we seek the following decision by council: Decline the plan change

Submission date: 2 February 2025

Attend a hearing

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

Declaration

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

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

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

No

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

Things to do Music in Parks. Enjoy 18 free live music events.



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From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 109 - Akhil Argal
Date: Friday, 21 February 2025 2:30:34 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Akhil Argal

Organisation name:

Agent's full name:

Email address: akhil.argal@gmail.com

Contact phone number: 021360139

Postal address:

0618

Submission details

This is a submission to:

Plan change number: Plan Change 109

Plan change name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

My submission relates to

Rule or rules:

Property address: 5 Mccaw Ave

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
I oppose this plan change for several significant reasons:

Stormwater and Flooding Concerns
Despite the applicant's claims about stormwater management, the recent extreme weather events in Auckland demonstrate the need for more robust planning. While the design includes a 13.2-16.8% increase allowance for climate change, the unprecedented rainfall patterns we're experiencing suggest this may be insufficient. The proposed development's extensive impervious surfaces could exacerbate local flooding issues, particularly given the site's proximity to existing residential areas. 4.1

Traffic and Infrastructure Impact
The development will significantly increase traffic volume on Totara Road and McCaw Avenue. While the applicant suggests most traffic will use Totara Road, the proposed road connection to McCaw Avenue remains concerning. The area's existing infrastructure, particularly the roading network, is already under pressure, and the proposed development would add substantial strain 4.2

before planned transport upgrades are implemented.
Density and Amenity Effects
The proposed Mixed Housing Urban Zone represents a significant intensification from the current Future Urban Zone. This level of density will adversely affect the existing neighborhood character and amenity values, particularly regarding:

Privacy and overlooking issues for adjacent properties - We have a really serene ecofriendly tree line looking from Mccaw ave that will most probably be destroyed by the developers and we will be left with a concrete jungle and dust. The tree/hedge line needs to remain. 4.3

Increased noise and activity levels
Pressure on local services and facilities
Loss of spaciousness and suburban character

Timing and Process Concerns
The rezoning from Future Urban to Mixed Housing Urban Zone appears premature given the current market conditions and infrastructure constraints. A more staged approach to development would better align with the area's ability to absorb growth and allow infrastructure to be developed appropriately. 4.4

I believe these concerns warrant declining the plan change to ensure any future development better responds to current environmental challenges, infrastructure capabilities, and community needs

I or we seek the following decision by council: Decline the plan change

Submission date: 21 February 2025

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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

AND

IN THE MATTER of a submission under clause 6 of the First Schedule to the RMA on Plan Change 109 – 98-100 & 102 Totara Road, Whenuapai

SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 109 TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

To: Auckland Council

Name of Submitter: **Auckland Council**
Contact: Craig Cairncross

Address for service: Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

INTRODUCTION

1. This is a submission on Private Plan Change 109: 98-100 & 102 Totara Road, Whenuapai (**PPC 109**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) by Neil Construction Limited (**the Applicant**).

2. Auckland Council could not gain an advantage in trade competition through this submission.

3. This submission by Auckland Council in its capacity as submitter (**ACS**) relates to PPC 109 in its entirety and all provisions of PPC 109 including:

    a. The Whenuapai Green Precinct

    b. The AUP maps

GENERAL REASONS FOR THE SUBMISSION

4. There are many positive aspects to PPC 109 including the staging of subdivision and development. However, at this stage ACS has concerns with PPC 109 in its entirety as it:

    a. does not promote sustainable management of resources, will not achieve the purpose of the RMA, and is therefore inconsistent with Part 2 of the RMA

    b. does not manage or enable the efficient and integrated use, development and protection of natural and physical resources

    c. does not avoid, remedy or mitigate adverse effects

    d. is inconsistent with, or fails to give effect to, provisions of relevant planning instruments

    e. does not meet the requirements of section 32 of the RMA

    f. does not meet the requirements of section 75 of the RMA.

THE SPECIFIC PROVISIONS OF THE PROPOSAL THE SUBMISSION RELATES TO:

5. PPC109 proposes to rezone approximately 16.4 hectares of land from Future Urban Zone to Residential - Mixed Housing Urban (MHU) Zone and develop the Whenuapai Green Precinct.

6. Based on ACS's review of the plan change information, ACS broad concerns with PPC109 are as follows:

    a. It does not give effect to the National Policy Statement on Urban Development 2020 (updated May 2022) (**NPS-UD**) expectations of a well-functioning urban environment 5.2

    b. It does not give effect to key objectives and policies of Chapters B2 Urban Growth and Form and B3 Infrastructure, Transport and Energy of the Regional Policy Statement (RPS) of the AUP 5.3

    c. Will be the subject of potentially significant adverse noise effects as generated by operations at the Whenuapai Airbase 5.4

    d. Whether the PPC109 zoning is the most appropriate for this land. 5.5

    e. The need to strengthen the precinct infrastructure provisions to ensure the specific infrastructure required can be provided 5.6

    f. Specific aspects of the PPC109 provisions. If PPC109 is approved, ACS has concerns including:

        - the use of a broad no-complaints covenant to address noise from the Airbase

- the retention of other noise sensitive activities in the precinct such as care centres, Integrated Residential Development and educational facilities
- the adequacy of the stormwater assessment
- the clarity and effectiveness of the provisions generally.

7. The above matters are discussed in more detail below and in Attachment 1 to this submission.

Statutory and policy framework

8. Section 75(3) of the RMA requires PPC109 to "give effect to" listed higher order provisions – NPS-UD and the RPS. This is a strong directive requiring the relevant objectives and policies to be implemented.[3]

NPS-UD

9. Objective 1 of the NPS-UD recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future

5.2

10. Aspects of PPC 109 are contrary to Objective 7 of the NPS-UD which obliges council to use robust and frequently updated information to inform planning decisions. ACS considers that while PPC 109 provides additional development capacity, potentially providing for around 430 dwellings, it does not adequately address how people and communities will provide for their health, now and into the future. The Applicant's acoustic assessment and proposed mitigation measures are not considered to provide an adequate basis on which to inform decision making.

11. Policy 6 of the NPS-UD recognises that the planned built form may involve significant changes to an area, which may be appreciated by some people and not others, provided the changes are, of themselves not an adverse effect. ACS is concerned that the proposed residential development of this area increases the number of people living with significant adverse noise effects.

RPS - Health of people and communities

12. Chapter B2 of the RPS establishes the growth management strategy to achieve a quality compact urban form for Auckland. Objective B2.2.1(1A) is drawn from Objective 1 of the NPS-UD. Objective B2.2.1.(1) requires a quality compact urban form that enables the outcomes to be achieved, including the efficient provision of new infrastructure, good accessibility, including improved and more efficient public transport or active transport

5.3

and reduced adverse environmental effects. This is the overarching objective for urban growth and establishes all of the outcomes to be achieved, which are then delivered by the policy framework within the rest of the chapter.

13. Objectives B2.3.1(2) and (3) encourage innovative design to address environmental effects and require that the health and safety of people are promoted. PPC109 does not include provisions encouraging innovative design to address the known environmental effects of a high noise environment.

5.3

14. Objective B2.4.1(3) seeks to ensure subdivision, use and development contributes to a well-functioning urban environment and achieves a number of outcomes including supporting the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, meeting the functional, and operational needs of the intended use and allows for change and enables innovative design and adaptive re-use. ACS is concerned that PPC109 has not adequately shown how these outcomes are met.

RPS – Integration of subdivision and development with the provision of infrastructure

5.3

15. The NPS-UD and RPS Chapters B2 and B3 of the AUP contain objectives and policies that place strong emphasis on the importance of ensuring the integration of infrastructure, including transport infrastructure, with land use / urbanisation. Examples of these provisions include:

    a. Objective 6 of the NPS-UD requires local authority decisions on urban development that affect urban environments to be “Integrated with infrastructure planning and funding decisions”.

    b. The range of RPS provisions in chapters B2 and B3 that address the need for the integration of infrastructure provisions, planning and funding with land use, and the timely, efficient, and adequate provision of infrastructure, including B2.2.1(1); B2.2.2(2)(c) and (d); B2.2.2(4) and (7); B3.3.1(1)(b); B3.3.2(5). For example, Policy B3.3.2(5)(a) is to: 'Improve the integration of land use and transport by… ensuring transport infrastructure is planned, funded and staged to integrate with urban growth'.

16. Auckland Council adopted the Auckland Future Development Strategy 2023-2053 (**FDS**) in November 2023, replacing the Future Urban Land Supply Strategy (2017). The FDS meets the intent behind the National Policy Statement on Urban Development and focuses on the long-term future of Tāmaki Makaurau. A key component of the FDS is to

integrate long-term land use and infrastructure planning while meeting future climate, environmental, population, housing and employment needs.

17. The FDS introduces infrastructure prerequisites, linked to the development readiness of areas. This is to ensure that bulk infrastructure for development is well-coordinated and can provide a safe, sustainable environment on which communities can be based. The FDS identifies the timing for the Whenuapai North Stage 1 area, including the plan change area, with live zoning not to happen before 2035+.

18. Overall, ACS considers that the Applicant has worked constructively with Watercare and Auckland Transport to integrate subdivision and development with the provision of infrastructure. However, as the proposed zoning of this land is out of sequence ACS considers the precinct provisions require strengthening to cover any timing or funding issues affecting the wider Whenuapai North Stage 1 area.

5.6

Significant adverse noise effects

19. The national importance of the ongoing operation of the airbase at Whenuapai is recognised and acknowledged.

20. The PPC 109 area is subject to high levels of noise from the New Zealand Defence Force (NZDF) activities. These activities generate noise that is not regulated by the AUP through Designation 4310 Whenuapai Airbase or any other standards or rules. The main noise sources are engine testing and the potential for emergency flights and activities. There are no limits on the amount of noise that these activities can generate, and there are no controls on the duration of these noises or the time of day that they can occur.

21. The PPC 109 area is affected to a small degree by the Airport Noise Overlay as set out in Chapter D24 of the AUP. ACS considers that the controls in D24 will adequately manage noise issues for the small area subject to the Overlay.

22. ACS considers that the absence of any regulation of these noise sources is a key concern for PPC 109. The lack of regulation of noise effects and the dynamic nature of the NZDF operations, fleet, budgets and responsibilities means that there could be considerable change in the noise levels and overall noise effects generated from the Whenuapai air base over time. This could include more frequent engine testing or emergency flights, or a change in the fleet to include aircraft with noisier engines or other restrictions or reasons that could increase noise levels across the PPC109 land.

5.4

23. The lack of regulation of noise emissions from these sources means that the noise effects could change over time without requiring NZDF to alter their Designation or any

AUP provisions. ACS is concerned that this could result in higher noise levels or longer durations (or both) in the future.

24. The Acoustic Assessment (Appendix K of the Request, including all Request for Further Information responses) quantifies the noise from engine testing using measurements of engine testing undertaken in recent years. The noise levels across all of the PPC 109 land is generally very high. The Applicant's Acoustic Assessment sets out that the noise levels across the PC109 land range from approximately 69dB LAeq(15min) to 74dB LAeq(15min). Such noise levels could be generated for several hours per day and night, and potentially in the middle of the night. ACS considers that where the likely and possible duration and timing of the noise is unknown, this has the potential to create unacceptable health and amenity effects for the residents living in this area. 5.7

25. ACS is concerned that the Acoustic Assessment has not adequately addressed or has understated the adverse effects of the NZDF noise for the residents of PPC 109 when they are outdoors and indoors. ACS is specifically concerned about sleep disturbance and the impact of this noise on the indoor amenity of residents and the likely effects on outdoor activities, in addition to the disruption to residential activities generally. Similarly, ACS is concerned that the effects of NZDF noise on users of open space and parks within the precinct area have not been adequately addressed or understated and seeks that these effects are more clearly described and understood.

26. Overall, ACS is concerned that the potentially variable and significant adverse effects of noise outweigh the need to develop the land for activities sensitive to noise.

27. ACS is cognisant that the Whenuapai Structure Plan 2016 identified this area for medium density housing and noted that the noise effects of engine testing and helicopter flights had been identified as a potential issue. Further work was signalled as necessary, with the opportunity to review the noise assessment during the plan change process. Plan Change 5 was subsequently withdrawn by Council.

28. ACS considers that once the adverse effects of noise have been properly assessed and understood, that will need to be weighed with the other effects to determine whether allowing development of activities sensitive to noise on the land is appropriate.

29. Given the above limitations ACS considers a business zone may be more appropriate for this area than residential zoning. 5.5

Infrastructure provisions not aligned with PPC109 including cumulative effects

30. The following infrastructure prerequisites[1] identified for the Whenuapai North Stage 1 are:

    a) SH16 to SH18 Connections
    b) Brigham Creek Road upgrade
    c) Whenuapai Wastewater Package 1 [Watercare designation 9379]
    d) Whenuapai Wastewater Package 2
    e) Trig Road Water Reservoir
    f) North Harbour No.2 Watermain Project [Watercare designation 9376]

5.6

31. Where infrastructure needed to support a plan change is not scheduled or funded until 2035, the Applicant is required to show how the infrastructure needed to service the development will be provided. The Applicant has shown through the proposed precinct provisions that the specific infrastructure required for this development can be provided.

32. However, while PPC109 proposes to contribute to the funding and delivery of critical infrastructure to service the plan change area, the question of its equitable contribution to the infrastructure for the wider Whenuapai area cannot be determined, given the development is 10 years ahead of the FDS timed development of Whenuapai North. The council cannot currently collect development contributions against the Whenuapai North Stage 1 projects to ensure that PPC109 pays its fair share of growth costs. Investigations to determine what these costs should be will not be completed by council until mid-2025. Allowing PPC109 to proceed now potentially results in these costs being redistributed inequitably to later developers or to ratepayers.

5.6

33. Without a funding mechanism or alternative solution to this issue being in place, the wider transport infrastructure in Whenuapai and the Northwest will not be sufficient to accommodate the cumulative growth enabled by PPC109 and any other future plan changes and fast track proposals in the area. This is likely to result in adverse effects on the safe and efficient operation to the transport network, by adding to existing levels of congestion, increasing travel times and by exacerbating existing road safety issues.

34. ACS is also concerned that premature development of the area without access to high-frequency public transport will lock-in car dependency resulting in increased greenhouse gas emissions and vehicle kilometres travelled, which is not consistent with a well-functioning urban environment.

[1] Tāmaki – Whenua Taurikura Auckland Future Development Strategy 2023-2053, Appendix 6 Future urban infrastructure prerequisites, at pg39

DECISION SOUGHT

35. At its meeting on 10 December 2024[2], the council's Policy and Planning Committee resolved (further to resolution number PEPCC/2024/136) to delegate authority to the Chair and Deputy Chair of that Committee and a member of the Houkura - Independent Māori Statutory Board to approve a council submission:

    i. seeking to have the private plan change request declined unless Council's concerns around the following matters are appropriately addressed:

    A. development is integrated with the provision of infrastructure (e.g. through strengthening the objectives and policies included in the private plan change)

    B. people are not exposed to unacceptable levels of noise from Whenuapai Airbase.

36. Consistent with the above resolution, ACS's position is that, unless the issues raised in this submission are properly addressed, it seeks the following relief:

    a. The primary relief sought by ACS is for the Panel to decline PPC109 in its entirety; or

    b. Without limiting its primary relief, in the event that PPC109 is granted in part or in full, ACS seeks:

    - Amendments to the precinct provisions as outlined in this submission and in Attachment 1; and
    - Such further, other, or consequential relief, including in relation to PPC109's explanatory text, objectives, policies, activity table, standards, matters of discretion, assessment criteria, special information requirements, and maps/plans that reflects or responds to the reasons for this submission.

37. ACS is willing and able to work through the matters raised in this submission with the applicant.

APPEARANCES AT THE HEARING

38. ACS wishes to be heard in support of its submission.

39. If others make a similar submission, ACS will consider presenting a joint case with them at the hearing.

[2] Refer Minutes of the Policy and Planning Committee

DATED 21 February 2025

On behalf of Auckland Council as submitter:



Councillor Richard Hills, Chairperson of the Policy and Planning Committee



Councillor Angela Dalton, Deputy Chairperson of the Policy and Planning Committee



Member Tau Henare, Houkura - Independent Māori Statutory Board

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Postal address:
Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

Attachment 1

Issue/Provision	Support/Oppose	Reasons for submission	Decision requested	
Overall	Oppose	ACS seeks the plan change to rezone approximately 16.4 hectares of land at 98-100 & 102 Totara Road, Whenuapai from Future Urban to Residential - Business Mixed Use be declined in its entirety.	Decline the plan change OR Without limiting its primary relief, in the event that PPC 109 is granted in part or in full, ACS seeks amendments to the precinct provisions as outlined in this table, to be resolved to ACS's satisfaction.	5.1
Adverse effects – noise	Oppose in part	The adverse effects of NZDF noise on future residents and future users of open space and parks in the PPC109 area has not been adequately addressed or is understated.	The Applicant is to provide additional acoustic assessment to describe the noise effects residents and users of public open space areas within the PPC109 area will experience and any proposed amendments to the precinct provisions to mitigate potential adverse effects.	5.8
Adverse effects – noise	Support	While engine testing could be mitigated by other measures such as the NZDF identifying the most appropriate location to undertake testing and/or by constructing a purpose-built enclosure, the mitigation of noise within the airbase is outside the scope of this plan change and is not within council's powers or functions. However, the applicant could explore other land use mitigation tools such as buffer areas and /or sound walls or an Airport Noise Overlay. The RPS provisions encourage innovative responses to addressing adverse environmental effects.	Assess additional mitigation measures from within the precinct area to mitigate engine testing noise on the amenity of future residents and visitors such as buffer areas/yards, sound walls or an airport noise overlay. Develop new or amended precinct provisions as appropriate.	5.9

Adverse effects – traffic safety on Totara Road	Oppose	It is not considered necessary to provide two intersections on Totara Road. This is in relation to the middle two intersections located between the Dale /McCaw/ Totara intersection, and the northernmost intersection with Totara Road. Two intersections in this location so close to each other are considered to have safety implications on future road users and is unnecessary given the size of the proposed development and the presence of a northern intersection to Totara Road.	Remove one of the two road intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1.	5.10
Adverse effects – stormwater	Oppose in part	There is insufficient assessment and clarity within the application regarding stormwater management	Amend the precinct provisions to clarify how the following matters will be achieved: • The location of/ability to locate proposed stormwater management devices appropriately so that they will be clear of 10% Annual Exceedance Probability (AEP) rainfall event flow extents • The adequacy of the stream protection measure(s) proposed to mitigate effects of the increases in runoff on stream geomorphology (including channel incision & channel widening) within and/or downstream of the proposed plan change area, resulting from development • The provision of water quality treatments for all impervious surfaces.	5.11
IX.1 Precinct description	Oppose in part	The precinct description needs to clearly outline the restrictions to be placed on subdivision and development until such time as operational transport, bulk water supply and wastewater infrastructure is in place to	Amend IX.1 Precinct description as follows: …canopy cover in the area.	5.12

		service the development. This is particularly important as the Whenuapai North Stage 1 is not identified by the FDS as ready for development until 2035+. ACS is concerned that out of sequence developments can impact on the delivery of Watercare's and Auckland Transport's overall works programme.	Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct and new transport upgrades on the surrounding road network are operational.	
		The precinct description needs to elaborate on the adverse noise effects to be experienced by future residents and need for mitigation measures.	Amend IX.1 Precinct description as follows: … Related provisions impose restrictions on activities in the precinct that are sensitive to aircraft noise and engine testing noise. This includes when residents are indoors or outdoors and when people are using local streets or public open space. Such restrictions include specific building requirements to manage internal noise levels. ~~within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.~~ …	5.12
Objective IX.2(5)	Oppose in part	The integration of subdivision and development with the provision of infrastructure should also include bulk water supply and wastewater.	Amend Objective IX.2(5) as follows: *Integration of Subdivision and Development with the Provision of Infrastructure* (5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure and the required bulk water supply and wastewater infrastructure.	5.13
Objective IX.2(6)	Oppose in part	The proposed amendment brings the objective into line with the theme of 'integration' which is essential to achieve an alignment of infrastructure and land use activities.	Amend Objective IX.2(6) as follows: Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated road network ~~operation~~ of	5.14

			~~the current and future transport network~~ for all modes of transport.	
Objective IX.2(8) & Policy IX.3(4)	Oppose in part	Objective IX.2(8) reads as a policy as it focuses on 'how' an outcome will be delivered, rather than the outcome itself. It is also duplicated to some degree by Objectives (6) and (7) and Policy IX.3(4). ACS seeks to delete this objective and amend the policy to provide a course of action rather than a rule.	Delete Objective IX.2 (8) Amend Policy IX.3(4)) as follows: Require the development of a ~~transport~~ roading 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. ~~is in accordance with Appendix – Road function and Design Element Table.~~	5.15 5.16
Policy IX.3(12)	Oppose in part	To clarify the policy.	Amend Policy IX.3(12) as follows: ~~Ensure~~ that ~~appropriate~~ sufficient local network water supply and wastewater infrastructure is provided to enable the servicing of new residential lots and activities.	5.17
Policy IX.3(3) and (13)	Oppose in part	Both Policy 3 and Policy 13 need to be strengthened to be consistent with the non-complying activity status of activities that do not align with the coordinated provision and upgrading of the infrastructure network for transport, water and wastewater.	Amend Policy IX.3(3) as follows: ~~Require~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the ~~transport~~ roading within the precinct, and with upgrades to the wider transport network Amend Policy IX.3(13) as follows:	5.18

			~~Ensure~~ Avoid subdivision and development ~~is~~ that is not aligned with the timing of the provision ~~of~~ bulk wastewater and water infrastructure.	5.19
Policy IX.3(15)	Oppose in part	The word 'avoided' is unnecessary as this action is already addressed in the opening word 'Avoid'.	Amend IX.3(15) as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately ~~avoided,~~ remedied~~,~~ or mitigated at the receiving site through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.	5.20
Policy IX.3(16)	Oppose	ACS opposes this policy as it already addressed by Policy 1.	Delete Policy IX.3(16)	5.21
Add a new policy	Support	ACS seeks to add a new policy to provide a clear direction on how it is intended to provide open space within the precinct.	Add a new policy IX.3(15A) as follows: Ensure a network of high quality landscaped public open spaces and green corridors, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development.	5.22
Policy IX.3(17)	Oppose	ACS opposes this policy as it is already achieved by the notation in Precinct Plan 1 that the neighbourhood park is an indicative location. The size of the park will be confirmed as part of the subdivision consent process.	Delete Policy IX.3(17).	5.23
IX.4 Activity table	Support in part	ACS supports in part the alert to prospective developers and residents of the building height limitations and adverse noise effects arising from the Whenuapai Air force designation.	Amend IX.4 Activity table as follows: **IX.4 Activity table[rcp/rp/dp]** All relevant overlay….	5.24

		It would be helpful to ensure that everyone is also aware of the need to obtain the written approval of the Minister of Defence in relation to a number of activities including height infringements.	Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311. Prior written approval from the Minister of Defence will be required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities and infringement of any such height restrictions. 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.	
IX.4 Activity table (A2), (A3), (A11) and (12)	Support	ACS supports the non-complying activity status of subdivision, use and development where compliance with IX.6.2, IX.6.6 and Chapter E38 is not achieved.	Retain	5.25
IX.5 Notification	Support in part	ACS seeks to extend the range of matters where council will give special consideration to the NZDF.	Amend rule IX.5 Notification as follows: **IX.5 Notification** (1) Any application … (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. ~~(i)~~ IX.6.3 Lighting	5.26

			iv. (ii) IX.6.4 Noise (3) …
Standard IX.6.1 Stormwater	Oppose in part	Standard IX.6.1(3) is not certain or measurable and relies on approval from third parties such as Auckland Council or the New Zealand Defence Force.	Amend standard IX.6.1(3) Birdstrike as follows: (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.~~ Roofs must have a minimum gradient of 15 degrees to minimise the potential for birds to net or roost. (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.~~ If roof gradients are less than 15 degrees, netting and /or spikes are required to discourage bird nesting or roosting on the roof of the structure.
Standard IX.6.2 Wastewater and Water Infrastructure	Oppose in part	ACS seeks amendments to Standard IX.6.2 to prevent the construction of buildings prior to the required water and wastewater infrastructure being in place and to also ensure that the required infrastructure must be constructed and operational prior to the issue of s224(c) certification.	Amend Standard IX.6.2 as follows: 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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of bulk~~ Bulk water supply and wastewater infrastructure that would require for water and /or wastewater servicing of all ~~of the~~ development within the Precinct must be completed and commissioned:

5.27

5.28

			a. in the case of subdivision prior to the release of Resource Management Act 1991 section 224 (c) certificate being issue for any residential lots; and b. in the case of land use only, prior to the construction of any buildings associated with noise sensitive activities. ~~Note: Standard IX.6.2 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. 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. prior to occupation of any building(s) for land use only.~~

IX.6.6(3) – Staging of subdivision and land use – transport upgrades	Oppose in Part	The timing of residential development should be amended from occupation of dwellings to the construction of buildings to align with the changes sought above to Standard IX.6.6(2). Further, reference to Appendix 2 should be deleted in line with the changes sought to Standard IX.6.4. Reference to Appendix 4 has been omitted. This error should be corrected.	Amend standard IX.6.6(3) as follows: IX.6.6(3) The following transport infrastructure upgrades should be ~~provided~~ completed and operational prior to any dwelling being ~~occupied~~ constructed within the site precinct land: (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~~: Road Function and Design Elements Table 2 and~~ Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan.	5.29
IX.6.4 (1) Noise – no complaints covenants		ACS first preference is to delete reference IX.6.4(1). But in the event that the Commissioners consider a no-complaints covenant to be acceptable method then a less restrictive model would be more appropriate. ACS opposes the use of a no-complaints covenant within the precinct area. While ACS acknowledges that covenants can be helpful to 'filter out' prospective residents that identify as being sensitive to noise, and helps to set expectations, they do not reduce the noise levels experienced.	Delete IX6.4(1) OR amend as follows: (1) A no-complaints covenant ~~shall~~ must be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, ~~in a form acceptable to RNZAF Base Auckland 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.~~in favour of Royal New Zealand Defence Force Base Auckland, by the landowner (and binding any successors in title) not to complain as to noise effects generated by the lawful operation of the airbase. The restrictive no complaint covenant is limited to the effects that could be lawfully generated by activities at the time the agreement to	5.30

		Such covenants mask the loss of amenity and adverse effects on the health of residents. They prevent the noise maker (NZDF) from gaining an understanding of the level of community concern and loss of amenity/quality of life and addressing these concerns. A blanket restriction on noise also prevents future residents within the precinct area engaging with or making submissions to any future proposals from the NZDF to manage noise, particularly engine testing noise, at the airbase. As currently worded it applies to any adverse effects generated by the lawful operation of the airbase.	covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to defence activities (although an individual restrictive no complaint covenant may do so). Details of the existence of covenant documents may be obtained from Royal New Zealand Defence Force Base Auckland, its solicitors, or in the case of registered covenants by searching the Title to the relevant property. Or words to that effect.
Standard IX.6.4 Noise And IX.4 Activity table	Oppose in part	1. The indoor design noise levels in Precinct Standard IX.6.4 are too high and may not deliver a reasonable indoor environment. In addition, the noise provisions in Precinct Standard IX.6.4 are not worded clearly enough and improvements could be made to simplify some of the requirements and provide additional certainty and clarity for plan users. 2. Section 15.5 of the Acoustic Assessment appropriately states that mechanical cooling and ventilation will be required in all habitable spaces across the Precinct. However, the proposed Precinct Standards do not contain any provisions requiring this. ACS considers that the mechanical cooling and ventilation	1. Amend IX.6.4 Noise to simplify the requirements and provide additional certainty and clarity by: a. Clarifying the outdoor noise spectrum so the values are normalised to equal 0 dBA b. Clarifying that the outdoor noise spectrum values are at single octave band centre frequencies c. Removing any adjustment for duration under section 6.4 of NZS6802:2008 when interpreting the indoor design levels d. Referring to Noise Sensitive Space (as defined in Chapter J of the AUP) e. Referring to Activities Sensitive to Noise (as defined in Chapter J of the AUP) f. Incorporating the mechanical cooling and ventilation provisions set out in E25.6.10(b)-(f) which are to be maintained indefinitely g. Removing reference to Appendix 2

5.31

		provisions set out in E25.6.10(b)-(f) would be appropriate to allow the occupants of the Precinct to remain cool and comfortable indoors with windows and doors closed (to reduce the noise). 3. The MHU Zone accommodates activities sensitive to aircraft noise and engine testing in addition to residential activities alone, and the noise provisions in the precinct Standard IX.6.4 do not cater for them.	h. Removing reference to "line of sight to the noise source" as the location of the noise source on the NZDF site will not always be known The Applicant's Acoustic Assessment also needs to address other activities sensitive to noise, in addition to residential activities the effects the residents might experience and propose precinct provisions to address these, or modify the precinct provisions so that: a. The only 'Activity Sensitive to Noise' anticipated in the precinct is residential; and b. All other 'Activities Sensitive to Noise' are Non-Complying Activities.
Appendix 2	Oppose	The proposed Building Requirements in Appendix 2 of the Precinct Provisions are designed to be helpful to developers and reduce the costs of commissioning design work from acoustic consultants and designers. However, ACS considers that the prescriptive approach could lead to inefficiencies that could be significant given the conservative assumptions underpinning the Building Requirements (e.g. no screening from other buildings). ACS also considers it possible that the Building Requirements could result in noise levels inside houses being higher than the target indoor noise levels in the Precinct Provisions. ACS considers that the most effective and efficient approach is to require all buildings to be designed in accordance with design input from an acoustics expert. This approach is very typical for	Delete Appendix 2

5.32

		developments near to other noisy infrastructure such as major roads, rail and ports.		
Appendix 3 & 4	Support in part	These diagrams are very precise and should allow for an element of discretion in their design and implementation.	To provide a notation that Appendix 3 and Appendix 4 are indicative only.	5.33
Precinct Plan 1	Support in part	Zoning should not be shown on precinct plans. The current drafting creates the potential for future implementation issues, particularly should the underlying zoning be changed in the future. Zoning is only shown in the planning maps.	Remove reference to the Mixed Housing Urban zone from Precinct Plan 1.	5.34
Precinct Plan 1	Support in part	The proposed internal road network does not reflect the roading layout to the immediate south of McCaw Avenue. It would be logical to follow this roading pattern	Amend Precinct Plan 1 to show the roading pattern as running on a north-south axis.	5.35
Precinct Plan 2	Oppose in part	The title of this precinct plan requires clarification.	Amend the title of Precinct Plan 2 as follows: 'Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours	5.36
Medium Density Residential Standards	Support in part	The Resource Management (Enabling Housing Supply) Amendment Act 2021 requires the introduction of new standards – the Medium Density Residential Standards (MDRS). However clause 25(4A) of Schedule 1 provides that the council must not accept or adopt a private plan change request that does not incorporate the MDRS as required by section 77G(1) of the RMA and, at least as an interim measure, the plan change does incorporate the MDRS.	Amend the precinct provisions, if necessary, to be consistent with the protocols Council wishes to adopt to incorporate the MDRS.	5.37

		The applicant has incorporated MDRS into the precinct provisions. As a precautionary measure ACS seeks to ensure any omissions or errors can be corrected as part of submission and hearing process.		
Editorial	Support	Minor editorial correction to ensure editorial consistency across the AUP.	Replace all references to 'shall' in the precinct with 'must'. Use of sentence case in precinct headings rather than capitalising each word Add a numbering reference to the header of each precinct plan in accordance with Council style guide, as follows; IX.10.1 Whenuapai Green Precinct Plan 1 IX.10.2 Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours	5.38
Editorial	Support	The order of the Standards section of the precinct provisions does not always provide for the logical succession of standards or follow the order of the policy framework. For instance, Standard IX.6.20 Road Design is currently located at the end of the Medium Density Residential Standards section.	Reorder the standards as follows: IX.6.1 Staging of Subdivision and Land Use – Transport Upgrades IX.6.2 Road Design IX.6.3 Lighting IX.6.4 Water supply and Wastewater Infrastructure IX.6.5 Stormwater Infrastructure IX.6.6 Riparian margins IX.6.7 Noise IX.6.8 Number of dwellings per site [And so on]	5.39

SUBMISSION ON A NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Cabra Development Limited (**"Cabra"**)

Introduction

1. This is a submission on an application for a Private Plan Change 109 ("**PC109**") to the Auckland Unitary Plan (Operative in Part) ("**AUP**") by Neil Construction Limited ("**Applicant**").

2. The Applicant proposes to rezone approximately 16.36ha of land within Whenuapai from Future Urban zone to Residential – Mixed Housing Urban zone, as well as to introduce a Precinct and to apply the Stormwater Management Area – Flow 1 control to the plan change area. The removal of an Historic Heritage Overlay – Extent of Place is also proposed from a small portion of the plan change area.

3. Cabra is a land development company established in 1987. Cabra specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra owns various properties in Whenuapai.

4. Cabra is a potential trade competitor for the purposes of the Resource Management Act 1991 (**"RMA"**) as it has landholdings that are located within the same transport network.

Submission

5. Cabra **supports** the Application as notified.

6. However, Cabra reserves the right to review additional information prepared by the Applicant and/or by specialists for or on behalf of Auckland Council.

7. Cabra also reserves the right to review changes to the plan change proposal as a result of the above.

Relief Sought

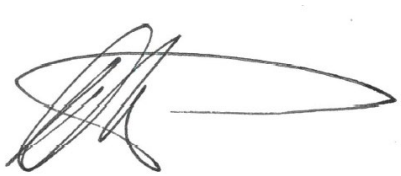
8. Cabra seeks that the Plan Change is approved as notified.

9. Cabra wishes to be heard in support of its submission.

6.1

DATED at Auckland this 21st day of **February 2025**

Signature:



Duncan Unsworth
General Manager
Cabra Developments Limited

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Orewa
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duncan@cabra.co.nz

New Zealand Defence Force
Defence Estate and Infrastructure
NZDF Headquarters
Private Bag 39997
Wellington 6045

Submission on Proposed Private Plan Change 109: 98-100 & 102 Totara Road, Whenuapai Auckland Unitary Plan (Operative in Part)

Clause 6 of First Schedule, Resource Management Act 1991

To:	Auckland Council
Address:	Attn: Planning Technician Level 16, 135 Albert Street Private Bag 92300 Auckland 1142
Email:	unitaryplan@aucklandcouncil.govt.nz
Submitter:	New Zealand Defence Force
Contact Person:	Rebecca Davies, Principal Statutory Planner
Address for Service:	New Zealand Defence Force C/- Tonkin + Taylor PO Box 5271 Victoria Street West Auckland 1142 Attention: Karen Baverstock
Phone:	+64 21 445 482
Email:	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz

Broad submission points

1. This is a submission by the New Zealand Defence Force ("NZDF") on Proposed Plan Change 109 (Private): 98-100 & 102 Totara Road, Whenuapai to the Auckland Unitary Plan – Operative in Part ("PPC 109"). PPC 109 seeks to rezone land from Future Urban Zone to Residential – Mixed Housing Urban Zone and apply a new 'Whenuapai Green' Precinct over the land. NZDF's submission comprises the points raised below, as well as in the attached table.

2. NZDF operates the Royal New Zealand Air Force (RNZAF) Base Auckland at Whenuapai, directly adjacent to the PPC 109 area. RNZAF Base Auckland is a significant Defence facility, of strategic importance regionally, nationally and internationally. Ensuring that this facility can continue to operate to enable NZDF to meet statutory Defence purposes under section 5 of the Defence Act 1990 is critical. Defence purposes include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required. RNZAF Base Auckland is essential to achieving these purposes.

3. NZDF wishes to ensure that development enabled under PPC 109 does not adversely affect NZDF's continued ability to carry out operations at RNZAF Base Auckland. NZDF seeks to protect RNZAF Base Auckland from adverse effects of new development, including in relation to reverse sensitivity. Development must be appropriately located and designed in relation to this established nationally and regionally significant infrastructure. 7.1

4. The PPC 109 area is affected by noise from engine testing, which is an essential part of aircraft maintenance. Given the location of the PPC 109 site in relation to RNZAF Base Auckland, it is very important that potential risks to current and future NZDF aircraft and Base operations are avoided.

5. Accordingly, NZDF seeks that PPC 109 includes provisions that mitigate risk to current and future RNZAF Base Auckland operations. NZDF notes that the applicant has consulted with NZDF and has largely sought to address NZDF's concerns through PPC 109 provisions. In summary, relief NZDF seeks includes (but is not necessarily limited to) the following: 7.2
   a) To address potential reverse sensitivity effects, reverse sensitivity covenants to apply to all new development;
   b) Obstacle heights: No permanent or temporary buildings or structures (including cranes) may breach the Obstacle Limitation Surface identified in AUP designation 4311 without prior written approval from the NZDF;
   c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds);
   d) Other measures to avoid risk to flight safety and operations including relating to lighting, and glare from building materials; and
   e) Measures to address potential stormwater and transport and traffic effects.

6. Protection is required by the AUP policy framework, specifically Objective B3.2.1(6) and Policies B3.2.2(4) and (5) of the Regional Policy Statement (RPS) which aim to protect significant infrastructure, including defence facilities, from reverse sensitivity effects. PPC 109 is required to give effect to this strong policy direction.

7. NZDF generally supports the approach taken in PPC 109 with a regulatory framework and the inclusion of specific Precinct provisions to address potential reverse sensitivity and other adverse effects on RNZAF Base Auckland, including a requirement for reverse sensitivity covenants to be included on each new title issued within the Precinct. However, NZDF requests amendments to some specific proposed Precinct provisions (as set out in the attached table), as well as additional or consequential amendments to incorporate any points raised in this part of the submission and below that are not currently addressed in proposed Precinct provisions.

8. The points raised broadly in this submission include NZDF's request for specific consideration to be given to parts of the PPC 109 land that are within an area in which land use and subdivision is subject to NZDF approval. 7.3

Development restrictions associated with RNZAF Base Auckland

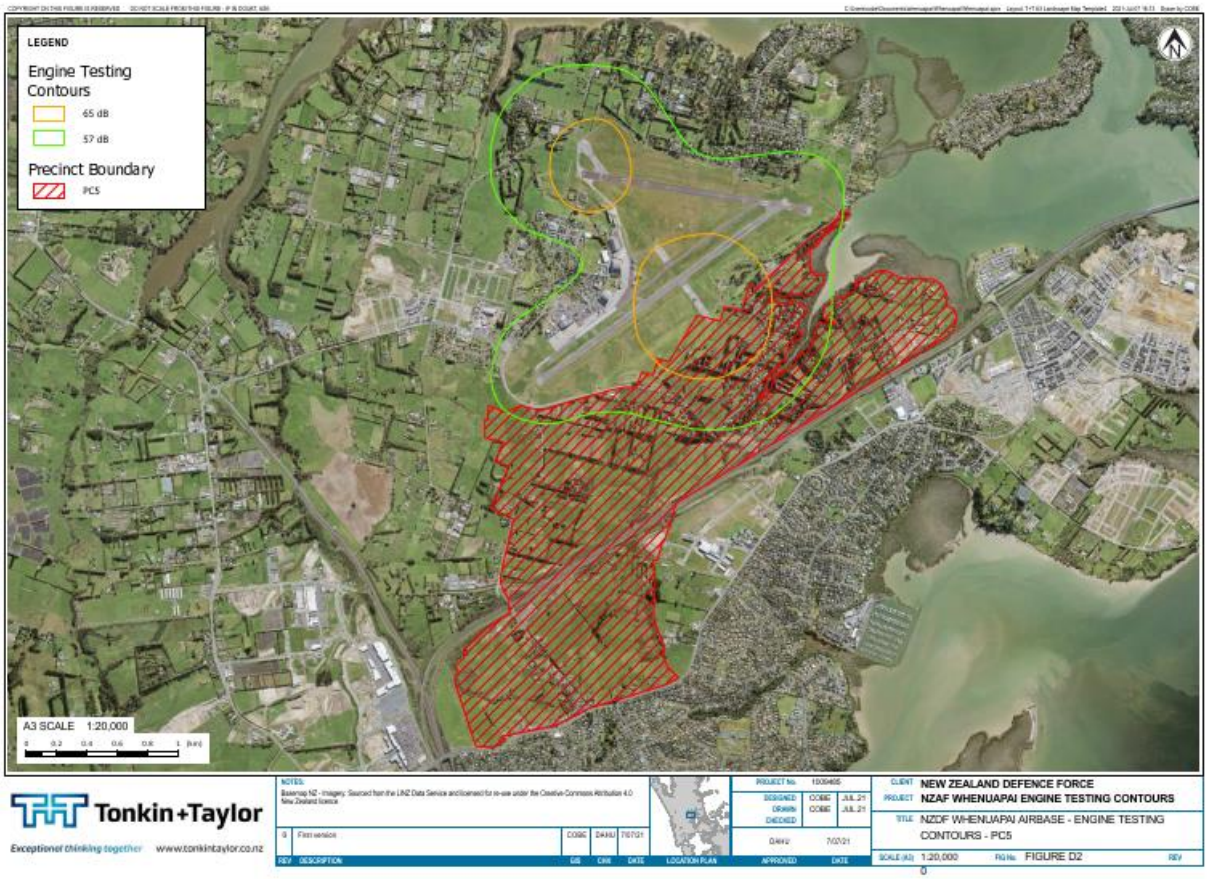
9. The following Auckland Unitary Plan – Operative in Part (AUP) overlays and designations relevant to RNZAF Base Auckland apply to the PPC 109 land:

   a. Minister of Defence Designation 4311 "Whenuapai Airfield Approach and Departure Path Protection" (Designation 4311) which applies to airspace in the vicinity of RNZAF Base Auckland. The northern part of the PPC 109 area is

within an area of the designation requiring NZDF approval for any land use or subdivision.

b. A small area at the northern tip of the PPC 109 area is covered by the Aircraft Noise Overlay (55dBA).

10. The 57dB engine testing noise contour covers part of the northern part of the PPC109 area (Figure D2 – NZDF Whenuapai Airbase – Engine Testing Contours – PC5 by Tonkin & Taylor Ltd dated 7/07/2021). The contours in the plan below show long-term average contours, however, the PPC 109 area experiences high levels of 'peak' noise during individual engine tests.



11. As set out in AUP Chapter K, conditions 1 and 2 of Designation 4311 require:

(1) NZDF approval be obtained for land use and subdivision within the areas shown as 'land use and subdivision subject to NZDF approval' (shown 'hatched' in drawing 9B-2-6 in Designation 4311). Those areas are protection areas for aircraft approach/departure paths generally within 1,000m of runway ends, and are subject to development restrictions for safety reasons in the event of an aircraft accident on approach or departure; and

(2) No obstacle shall penetrate the approach and departure path obstacle limitation surfaces (OLS) (as shown on the planning maps and described in the designation) without the prior approval in writing of NZDF. Buildings with a height of not more than 9 metres above natural ground level are excluded from that requirement, but that allowance does not apply to the area referred to in condition (1).

7.4

12. NZDF will not approve infringement of the OLS above the 9-metre allowance in Designation 4311. To ensure expectations regarding feasible development are clear, NZDF seeks that the PPC109 Precinct provisions (and associated maps) reflect that restriction, possibly through a height overlay/notation or similar.

13. The northern portion of 98-100 Totara Road is subject to development constraints because it lies within the 1000 metre protection area off the 08-26 runway. NZDF approval is therefore required for land use and subdivision in that area. The 9-metre height allowance provided in Designation 4311 does not apply in this area. NZDF approval will not be given for any structure with a height that penetrates the OLS within the area subject to NZDF approval. PPC 109 proposes to zone this area Mixed Housing Urban Zone. The Restrictions that apply under Designation 4311 will significantly restrict development in this area and this should be made clear to a user of the AUP. To ensure expectations regarding feasible development are clear, NZDF seeks that the PPC109 Precinct provisions (and associated maps) reflect that restriction, possibly though a height overlay/notation or similar.

7.4

Other matters

Stormwater

14. Regarding stormwater effects and associated provisions in PPC 109, NZDF seeks to ensure that discharge/runoff to Rarawaru Stream (and development enabled under PPC 109 generally) does not exacerbate flood risk hazard on RNZAF Base Auckland and seeks specific consideration of flooding and stormwater effects on RNZAF Base Auckland. NZDF seeks to avoid adverse stormwater effects/impacts on RNZAF Base Auckland, as it already experiences significant flooding in rainfall events (with impacts such as impeding vehicle access through the Base).

15. NZDF has concerns regarding the capacity of Rarawaru Stream, which runs through RNZAF Base Auckland, and understands (based on modelling) that it is at capacity. Remedial and upgrade works to increase the capacity of Rarawaru Stream may be required by the applicant. NZDF seeks that consideration be given to diverting stormwater runoff away from Rarawaru Stream, and seeks confirmation that the applicant's flood assessment has taken into account existing discharges/runoff from the Rarawaru Stream stormwater catchment area including RNZAF Base Auckland.

7.5

Traffic/Transport

16. Regarding transport and traffic effects and associated provisions in PPC 109, NZDF seeks to ensure that safe and efficient access to RNZAF Base Auckland (including by emergency services vehicles) is not compromised by development enabled under PPC 109, and seeks consideration of traffic impacts on RNZAF Base Auckland.

7.6

Boundary Security (Fencing/Vegetation)

17. While not likely to form part of PPC 109 provisions, NZDF seeks that any boundary or perimeter demarcation near the RNZAF Base Auckland perimeter (such as fencing and vegetation plantings along or near to the boundary with RNZAF Base Auckland) does not impact security requirements for the Base.

7.7

The matters above identify broad submission points on PPC 109. In addition, and to further assist (but not limit the points above), specific provisions NZDF wishes to see amended in PPC 109 are set out in the attached table. NZDF seeks relief that addresses the points above, as well as in the attached table.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.



21/02/2025

Person authorised to sign
on behalf of New Zealand Defence Force

Date

Point	Provision	Support/ Oppose	Reasons	**Relief Sought** *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
1.	Whole of PPC 109	Neutral	NZDF recognises that the applicant has engaged with NZDF and has sought to address its concerns through proposed Precinct provisions. PPC 109 must provide a regulatory framework and provisions that appropriately give effect to the AUP policy framework, in particular the RPS, and protect current and future RNZAF Base Auckland operations from adverse effects, including reverse sensitivity effects. NZDF generally supports the proposed regulatory framework and specific provisions (which includes requirements for reverse sensitivity covenants) to safeguard RNZAF Base Auckland operations.	Ensure that RNZAF Base Auckland operations are protected against adverse effects (including reverse sensitivity effects) through measures such as reverse sensitivity covenants, so it can continue to operate to meet Defence purposes under section 5 of the Defence Act 1990.
2.	IX.1 Precinct Description	Support in part	NZDF supports the Precinct Description text referencing RNZAF Base Auckland, its significance, and engine testing activities. NZDF has identified some minor amendments to improve the wording.	Retain the Precinct Description with amended wording. A suggested example is provided below: *"…RNZAF Base Auckland is a <u>strategic</u> defence facility of national and regional ~~strategic~~ importance".* *…* *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~~ noise, within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland*

7.1

7.8

Point	Provision	Support/ Oppose	Reasons	**Relief Sought** *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
				including activities conducted from it.	
3.	Objective IX.2(1)	Support in part	NZDF supports Objective IX.2(1) which requires subdivision, use and development to recognise the ongoing operation and strategic importance of RNZAF Base Auckland. NZDF has identified some minor amendments to improve the wording.	Amend Objective IX.2(1). Suggested wording is set out below. *Subdivision, use and development in the Whenuapai Green Precinct is undertaken in a comprehensive and integrated way to provide for residential living while recognising <u>and protecting</u> the ongoing operation and strategic importance of the RNZAF Base Auckland.*	7.9
4.	Objective IX.2(13)	Support in part	NZDF supports Objective IX.2(13) relating to stormwater devices. NZDF has identified a minor amendment to improve the wording of the objective.	Amend Objective IX.2(13). Suggested wording is set out below: *Stormwater devices avoid or otherwise minimise or mitigate<u>,</u> adverse effects on the receiving environment, ~~and~~ <u>including</u> the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.*	7.10
5.	Objective IX.2(14)	Support in part	NZDF supports Objective IX.2(14) relating to effects on RNZAF Base Auckland.	Retain Objective IX.2(14) as notified or similar wording in relation to effects on RNZAF Base Auckland.	7.11
6.	Objective IX.2(15)	Oppose in part	Objective IX.2(15) potentially suggests that the effects from aircraft engine testing shall be avoided, remedied or mitigated. NZDF therefore requests that Objective IX.2(15) be amended to clarify that is not the intention of the objective.	Amend Objective IX.2(15) to ensure the application of this objective is clear. Suggested wording is set out below: *(15) The adverse effects of aircraft engine testing noise on activities sensitive to ~~aircraft~~ noise are avoided, remedied, or mitigated at the receiving environment, <u>including through acoustic attenuation</u>*	7.12

Point	Provision	Support/ Oppose	Reasons	**Relief Sought** *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
				and reverse sensitivity covenants.	
7.	Policy IX.3(11)	Support in part	NZDF supports Policy IX.3(11) relating to stormwater management and mitigating bird strike potential. NZDF has identified a minor amendment to improve the wording of the policy so it reads more like a policy than a condition.	Amend Policy IX.3(11). Suggested wording is set out below: *(10) Require t~~T~~he 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 Base Auckland.*	7.13
8.	Policy IX.3(14)	Support in part	NZDF supports the intent of Policy IX.3(14) to manage reverse sensitivity effects and safety risks on the operation and activities of RNZAF Base Auckland. However, the wording should be clarified to make it clear that it addresses reverse sensitivity effects including those relating to noise and not just limited to those relating to bird strike, lighting, glare and reflection. This could be achieved through the addition of a comma after reverse sensitivity effects.	Amend Policy IX.3(14) to clarify that it addresses reverse sensitivity effects including those relating to noise and not just limited to those relating to bird strike, lighting, glare and reflection. Suggested wording is set out below: *(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.*	7.14
9.	Policy IX.3(15)	Support in part	NZDF supports Policy IX.3(15) relating to activities sensitive to noise within the Precinct but requests that this recognises that the methods identified are not the full suite of methods proposed.	Amend Policy IX.3(15). Suggested wording is set out below: *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.*	7.15

Point	Provision	Support/ Oppose	Reasons	**Relief Sought** *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
10.	Introductory text above IX.4.1 Activity Table	Support in part	NZDF supports the text above the Activity Table referring readers of the chapter to the existence of Designations 4310 and 4311. However, NZDF seeks an amendment to draw specific attention to constraints applying to parts of the PPC109 land that is subject to the requirement to obtain NZDF approval for land use and subdivision.	Amend text. Suggested wording is set out below: *Development in the Whenuapai Green 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.*	7.16
11.	Rule IX.4.1(A3)	Support in part	NZDF considers that use and development that does not comply with Standard IX.6.4 should be subject to limited notification to NZDF. Additionally, considering the noise contours in Precinct Plan 2, NZDF considers that non-compliance with Standard IX.6.4 Noise is more appropriately considered as a non-complying activity (Note: NZDF would consider a discretionary or RD activity, with relevant matters of discretion identified in both cases, and subject to a limited notification clause).	Amend activity status and associated changes and consequential amendments. Include specific clause which identifies NZDF as a potentially affected party for limited notification.	7.18 7.17
12.	Rule IX.4.1 - Subdivision	Oppose	Currently the rules do not appear to require a reverse sensitivity covenant for subdivision. NZDF requests the addition of a new rule which clearly requires that 'any subdivision listed above not meeting standard IX.6.4 shall be a non-complying activity'. NZDF requests limited notification as a potentially affected	Include new rule and associated changes and consequential amendments. Include specific clause which identifies NZDF as a potentially affected party for limited notification.	7.19

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
			party in this instance.	
13.	IX.5 Notification	Oppose in part	NZDF considers NZDF should be identified as an affected party for limited notification where a proposal does not comply with IX.6.3 Lighting or IX.6.4 Noise. NZDF also requests that the other standards relevant to NZDF be included in this list.	Amend to identify NZDF as an affected party. For example: *I1.5. Notification* *…* *(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~~* *(x) The New Zealand Defence Force will be considered an affected party for limited notification purposes in relation to any proposal that does not comply with:* *(i) IX.6.1(2) Stormwater Infrastructure (dry detention basins or stormwater ponds)* *(ii) IX.6.1(3) Birdstrike* *(iii) IX.6.3 Lighting* *(iv) IX.6.4 Noise* *(v) IX.6.X Land use and subdivision within "conditional" [or "NZDF approval"] notation (or similar)*

7.20

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
				(vi) *I1.6.X. Temporary activities and construction*	
14.	IX.5(3), (4) and (5)	Oppose	NZDF requests that the wording of these provisions are amended to clarify that they do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.4 Noise.	Amend IX.5(3), (4) and (5) to clarify that these do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.3 Lighting, 4 Noise, etc (as above).	7.21
15.	IX.6. Standards	Support in part	This section currently states that 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. NZDF considers it should be clear that this also applies to standards that protect the Base from reverse sensitivity effects.	Amend to include standards relevant to reverse sensitivity e.g. *The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standard IX.6.3, and 4. (etc.), and standards IX.6.7 to IX.6.15.*	7.22
16.	Insert new standard IX.6.X	New standard sought	NZDF requests that constraints applying to land within the area in which land use and subdivision is subject to NZDF approval are incorporated into PPC 109 and that the Precinct provisions specifically include a requirement to obtain NZDF approval. A separate "conditional" or "NZDF approval" (or similar) overlay could apply to those areas.	Insert new standard to address this submission point. For example,: *Standard IX.6.X Land use and subdivision within "conditional" [or "NZDF approval"] notation (or similar):* *a) The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the "conditional" [or "NZDF approval"] notation.*	7.23
17.	Insert new standard IX.6.X	New standard sought	Although NZDF's prior written approval would be required for any buildings or structures that penetrate the OLS, there is potential for the requirements of the OLS to be overlooked particularly where a structure is compliant with maximum	Insert new standard to address this submission point. For example:	7.24

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
			height standards but infringes the OLS. It is important for developers to be aware of this constraint to proposed buildings and structures. This includes obstacles penetrating the OLS that do not require building or resource consent, such as construction cranes and trees. Such obstacles present a significant safety risk for the operation of aircraft at Base Auckland. For example, there have been incidents where NZDF has not been notified prior to the operation of cranes within the OLS and this has forced the closure of the main runway. NZDF requests a standard be included to address this, similar to Standard I617.6.4 in Whenuapai 3 Precinct.	*I1.6.X. Temporary activities and construction* *Purpose:* *• to avoid safety and operation risk effects on the RNZAF Base Auckland.* *(1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment being erected that infringes the Obstacle Limitation Surface must obtain written approval from the New Zealand Defence Force.*	7.24
18.	Standard IX.6.1 Stormwater Infrastructure	Support in part	Bird strike risk is a significant concern for NZDF. Stormwater management devices should not include open water or new habitats for birds, in order to avoid attracting birds to areas in close proximity to the end of the runway. NZDF supports this provision which requires stormwater management devices to be designed to avoid or minimise the potential for attracting birds. NZDF supports this standard requiring measures to discourage bird roosting if roof gradients are less than 15 degrees subject to the minor amendment shown (which reflects that roof gradients less than 15 degrees are generally conducive to potential bird roosting).	Amend provisions relating to bird strike. Suggested wording is provided below: *(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.*	7.25
19.	Standard IX.6.3 Lighting	Support in part	Lighting and glare is a concern for NZDF as it can distract pilots and cause confusion by replicating runway lighting.	Amend standard IX.6.3 to address the issues identified by NZDF as follows, or wording to similar	7.26

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
			There is the potential for reflection from roofing and cladding materials to create a sunstrike effect on pilots approaching or taking off from the Base Auckland runway and this should be avoided. External cladding of buildings and roofs needs to be of low reflectivity materials (less than 20% specular reflectance) to avoid this sunstrike effect. NZDF supports a standard avoiding these effects. However, NZDF requests that the standard be amended to: - Better reflect the scope of the standard in the title by including reference to glare and reflection - Delete reference to reverse sensitivity as it is not the purpose of this standard - Clarify the wording of clause (2) - Require a maximum reflectivity of 20% rather than 30% consistent with the Whenuapai 3 Precinct Standard I617.6.3(2)	effect: *IX.6.3 Lighting, glare, and reflection* *Purpose:* *~~• To manage reverse sensitivity effects on RNZAF Base Auckland, including in 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)~~ Roof surfaces and e~~E~~xternal building surfaces (excluding vertical surfaces) greater than 10m above ground level must not exceed a reflectivity (specular reflectance) of 20~~30~~% white light ~~where located 10m above ground level; and all roof surfaces~~.* *(3) No person may illuminate or display the following*

7.26

Point	Provision	Support/ Oppose	Reasons	**Relief Sought** *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				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.*
20.	Standard IX.6.4 Noise	Support in part	NZDF supports this standard requiring reverse sensitivity covenants and considers covenants to be necessary and appropriate in order to appropriately protect RNZAF Base Auckland from reverse sensitivity effects. NZDF considers that the covenants should instead be referred to as a 'reverse sensitivity' covenant on the basis this more accurately reflects the purpose of the covenant. In addition, NZDF requests that the standard be amended to: - Clarify the purpose of the standard which is to avoid or mitigate reverse sensitivity effects on RNZAF Base Auckland. - Refer to New Zealand Defence Force as the entity rather than RNZAF Base Auckland (the facility/location). - Delete reference to 'night time' for sleeping areas. There is no need to state at night - the noise level applies to all sleeping areas irrespective of time of day. - Clarify who the report should be provided to.	Amend standard IX.6.4(1) to address the issues identified by NZDF as follows, or wording to similar effect: *IX.6.4 Noise and reverse sensitivity* *Purpose:* *• To ensure that potential reverse sensitivity effects ~~of noise from~~ on 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 P~~p~~recinct. This covenant 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 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*

7.26

7.27

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				~~*requirements:*~~ *internal noise levels:* • *Living Areas: LAeq(15min) 45 dB* • *Work Areas: LAeq(15min) 45 dB* • *Sleeping Areas ~~(night-time)~~ LAeq(15 mins) 40 dB* ~~*(a) Compliance with this standard is achieved if:*~~ *(i) the building shall be ~~is~~ constructed using the specifications set out in Appendix 2 as they apply to the respective noise contours shown on Precinct Plan 2. A 3 dBA 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 shall be ~~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 LAeq 68dB:* …
21.	Noise provisions, including Standard IX.6.4 Noise	Oppose	While Standard IX.6.4 Noise addresses internal noise, noise in outdoor spaces is not addressed in the plan change. NZDF seeks provisions that address the mitigation of noise in outdoor spaces. The Acoustic Assessment provided in Appendix K to the Plan Change Request identified in Section 13 a number of mitigation measures that could reduce internal and outdoor noise levels. Measures are also	Amend the plan change to include provisions to address the mitigation of noise in outdoor spaces. This may include the addition of new provisions including rule(s) and/or standard(s).

7.27

7.28

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
			identified in Section 14.2.2. The measures identified that could mitigate outdoor noise include site planning so that buildings provide shielding (minimise gaps between buildings at the eastern and north-eastern perimeter and prioritise townhouse blocks at the eastern and north-eastern perimeter) and upgrading of landscape fencing to provide acoustic attenuation. However, these measures are not reflected in the proposed provisions.		
22.	IX.6.8 Building Height	Support in part	NZDF notes the restrictions on height as a result of Designation 4311 and requests these be reflected in the building height standard to provide greater clarity for plan users.	Amend IX.6.8 Building height to refer to the requirements of Designation 4311 with respect to height limitations and the OLS. This could also include insertion of an additional bullet point to the purpose: *To manage the height of buildings to:* … • *Ensure compliance with (NZDF requirements)*	7.29
23.	IX.8.1 Matters of discretion	Support in part	NZDF supports effects on operation of RNZAF Base Auckland, including reverse sensitivity effects, being included as a matter for discretion but requests that this is extended out to address specific matters.	Retain and/or amend matters of discretion as identified in other submission points (i.e. specifically in relation to the requirements to protect RNZAF Base Auckland from reverse sensitivity effects).	7.30
24.	IX.8.2 Assessment Criteria	Support in part	NZDF supports the assessment criteria relating to RNZAF Base Auckland but requests wording amendments for consistency of terms within the chapter and additions as required to give full effect to the matters identified in this submission.	Amend to include reverse sensitivity effects on RNZAF Base Auckland and other matters identified above. This includes, but is not limited to: *…(4) For stormwater detention/retention ponds/wetlands not complying with the standards in*	7.31

Point	Provision	Support/ Oppose	Reasons	**Relief Sought** *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				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* *…*

7.31

Watercare

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Auckland Council
Unitary Plan Private Bag 92300
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Attn.: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

TO:	**Auckland Council**
SUBMISSION ON:	**Plan Change 109 (Private): Whenuapai Green, 98-100 & 102 Totara Road, Whenuapai, Auckland**
FROM:	**Watercare Services Limited**
ADDRESS FOR SERVICE:	**planchanges@water.co.nz**
DATE:	**21 February 2025**

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

1. WATERCARE'S PURPOSE AND MISSION

1.1. Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council ("**Council**").

1.2. As Auckland's water and wastewater services provider, Watercare has a significant role in helping Council achieve its vision for the Auckland region. Watercare's mission is to provide reliable, safe, and efficient water and wastewater services to Auckland's communities.

1.3. Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets. Watercare must also give effect to relevant aspects of the Council's Long-Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan (Operative in Part) ("**AUP(OP)**"), the Auckland Plan 2050 and the Auckland Future Development Strategy 2023-2053 ("**FDS**").[1]

[1] Local Government (Auckland Council) Act 2009, s58.

2. SUBMISSION

General

2.1. This is a submission on a private plan change requested by Niel Construction Limited ("**Applicant**") to the AUP(OP) that was publicly notified on 23 January 2025 ("P**PC 109**").

2.2. PPC 109 aims to rezone approximately 16.36 ha of land at 98-100 and 102 Totara Road from Future Urban Zone to Residential – Mixed Housing Urban Zone. The land subject to PPC 109 ("**PPC Area**") contains two separate properties that are under unconditional agreement for purchase by Maraetai Land Development Limited ("**MLDL**"). The Applicant is acting as the agent for MLDL and has a Joint Venture agreement with MLDL to develop the properties

2.3. PPC 109 also includes a proposed new precinct to apply to the PPC Area - the Whenuapai Green Precinct. The proposed Whenuapai Green Precinct provisions include provision for residential area integrated with key road links, areas of open space and a range of housing options. The purpose of PPC 109, as outlined in the Private Plan Change Request is to provide housing choice and support residential growth.[2]

2.4. The PPC Area is not currently connected to the public wastewater or water supply networks. The purpose of this submission is to ensure that the technical feasibility of the proposed water and wastewater servicing is addressed and that the potential adverse effects of the future development enabled under PPC 109 on Watercare's existing and planned water and wastewater networks are appropriately considered and managed in accordance with the Resource Management Act 1991 ("**RMA**").

2.5. In making its submission, Watercare has considered the relevant provisions of the Auckland Plan 2050, Long-term Plan 2024-2034 (10-year Budget), the FDS, the Water Supply and Wastewater Network Bylaw 2015, the Water and Wastewater Code of Practice for Land Development and Subdivision ("**Code of Practice**") and the Watercare Asset Management Plan FY25-FY34. Watercare has also considered the relevant RMA documents including the AUP(OP) and the National Policy Statement on Urban Development 2020 (updated in May 2022).

2.6. For the reasons set out below, Watercare **opposes** PPC 109 without amendments to the precinct provisions requiring sequencing of subdivision and development in line with the required bulk infrastructure upgrades. In making this submission, it is noted that any infrastructure delivery dates provided in this submission are forecast dates only and therefore subject to change. 8.1

Specific parts of PPC 109

2.7. Watercare's submission relates to PPC 109 in its entirety.

2.8. Without limiting the generality of 2.9 above, the specific parts of PPC 109 that Watercare has a particular interest in are:

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[2] Request for Private Plan Change, Proposed Plan Change: Whenuapai Green (Neil Construction Limited) at p 6.

a) the actual and potential effects of PPC 109 on Watercare's existing and planned water and wastewater networks; and

b) the proposed Whenuapai Green Precinct provisions insofar as they relate to water supply and wastewater servicing.

Sequencing of development

8.1

2.9. Watercare's bulk infrastructure programme is planned, funded and sequenced in line with the Auckland Plan 2050, the Auckland Council Development Strategy (this is currently the FDS, which replaced the Future Urban Land Supply Strategy 2017 in December 2023), the Auckland Council Growth Scenario (previously i11v6 and more recently AGS23v1), and the AUP(OP).

2.10. The PPC Area is located within the Whenuapai North (Stage 1) FUA, which the FDS identifies as not ready for development before 2035+.[3]

2.11. PPC 109 is expected to yield approximately 430 dwellings[4] which, based on average development timelines, could be reasonably expected to be applying for water supply and wastewater connections by 2028-2030, approximately 7 to 5 years ahead of the timing set out in the FDS.

2.12. Appendix 6 of the FDS identifies the infrastructure prerequisites that enable the development of the FUAs (noting that the prerequisites identified are not an exhaustive list).[5] The FDS states:[6] "*The timing of the live-zoning future urban areas spans over 30 years from 2023 – 2050+ and is necessary in acknowledging the council's limitations in funding infrastructure to support growth.* ***Distributing the live zoning of future urban areas over this timeframe enables proactive planning in an orderly and cost-efficient way, ensuring the areas are supported by the required bulk infrastructure and able to deliver the quality urban outcomes anticipated in this FDS."***

2.13. The Whenuapai Wastewater Packages 1 and 2, the Trig Road Water Reservoir and the North Harbour No. 2 Watermain Project are identified in the FDS as infrastructure prerequisites necessary to support the development of Whenuapai North (Stage 1) FUA.[7]

2.14. Whenuapai Wastewater Packages 1 and 2 need to be completed and commissioned prior to any development of the Whenuapai North (stage 1) FUA, which includes development enabled by PPC 109.

2.15. Whenuapai Wastewater Package 1 includes the Slaughterhouse WWPS which is sized to provide wastewater servicing capacity for approximately 10,240 dwellings, or 30,720 people, in the Whenuapai-Redhills catchment.

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3 FDS, Appendix 6 at p. 39.

4 Request for Private Plan Change, Proposed Plan Change: Whenuapai Green (Neil Construction Limited) at p 85.

5 As defined and introduced in the FDS Appendix 6 at p. 39.

6 FDS, Appendix 6 at p. 35.

7 FDS, Appendix 6 at p. 39.

2.16. Prior to the Slaughterhouse WWPS reaching its design capacity, a larger transmission Wastewater Pump Station ("**WWPS**") currently referred to as the Brigham Creek WWPS will be required to support further development in the Whenuapai and Redhills areas. The project will be delivered in line with the demand and timing as forecast under the FDS and AGSv1. This future project is beyond the funding profile of the current Watercare Asset Management Plan FY25-FY34.

2.17. The Trig Road Water Reservoir and the North Harbour No. 2 Watermain are required to support full build out of the wider Whenuapai area. Currently, the existing bulk water supply network has available capacity to enable development of the Whenuapai North (stage 1) FUA.

2.18. Watercare's key concern is that PPC 109 is "out of sequence" with the timing for development set out in the FDS and is therefore out of sequence with when Watercare is aiming to provide bulk infrastructure for this area. Watercare's bulk wastewater prerequisites noted above at 2.15 are currently anticipated to be delivered by 2028.

2.19. Where out of sequence plan changes are approved and land is live-zoned earlier than anticipated under the FDS and the AGSv1, the actual growth rate may become steeper than the AGSv1 projection, causing the capacity of Watercare's infrastructure to be taken up faster than the programmed or future upgrades, such as the future Brigham Creek WWPS, can be delivered.

2.20. Watercare does not support out-of-sequence development that might put pressure on Watercare to reprioritise or reallocate funding in the Watercare Asset Management Plan. If this were to occur other projects such as infrastructure for other growth areas, or renewals and upgrades required to ensure level of service and/or improved environmental outcomes may need to be deprioritised.

2.21. Where funding reallocation is not possible, which is most likely, and connections are granted, existing and planned infrastructure capacity, may be taken up faster than planned, resulting in constraints to growth in live zoned areas (i.e. areas with operative urban zoning). In addition, approval of out of sequence growth results in considerable, additional operational costs being brought forward.

Wastewater servicing

2.22. There is no capacity available within the existing bulk wastewater network to enable development of the PPC Area. Sufficient capacity in the bulk wastewater network to enable development of the PPC Area will only be available once both Whenuapai Wastewater Packages 1 and 2 (which include the completion of the Slaughterhouse WWPS, the Massey Connector, and the Northern Interceptor connection from the Massey Connector to the Hobsonville Point WWPS), are completed and commissioned. Connection of the PPC Area to the public wastewater network cannot occur until then. These packages are still in the consenting phase and the final delivery date is unknown. The forecast completion date is 2028, however, this is only a forecast and is subject to change.

8.1

2.23. The Applicant has acknowledged in its application at Appendix I (Water and Wastewater Servicing Memo by Water Acumen) that there is no capacity within the existing Tamiro WWPS and that connection to the wider wastewater network would only be available after construction and commissioning of the proposed Slaughterhouse Creek WWPS and Massey Connector. As set out above, the required bulk wastewater infrastructure as part of Whenuapai Wastewater Packages 1 and 2 also includes the Northern Interceptor connection from the Massey Connector to the Hobsonville Point WWPS.

2.24. Given the bulk wastewater constraint, subdivision and development in the PPC Area must be staged in a way that ensures it does not occur in advance of the provision of these infrastructure upgrades. If sufficient provisions are not in place to ensure this, Watercare seeks that PPC 109 be declined.

2.25. The Applicant has proposed to include precinct provisions which require that the occupation of any new buildings within the Whenuapai Green Precinct can only proceed following the completion and commissioning of bulk water supply and wastewater infrastructure required for servicing of all development within the Precinct. Watercare does not support the construction of buildings prior to the availability of bulk water supply or wastewater infrastructure with sufficient capacity to service the development. The planning approach proposed by PPC 109 creates a risk that homes will be constructed but will not be able to be occupied because the water supply and wastewater infrastructure is not completed and commissioned. This is a poor planning outcome that is not supported by Watercare. Watercare notes that Whenuapai Packages 1 and 2 are not yet through the consenting phases which means the forecasted 2028 date is subject to considerable programme risk and therefore delays.

2.26. Where construction of dwellings proceeds ahead of the completion of bulk infrastructure and that bulk infrastructure is delayed, interim servicing solutions such as wastewater tankering may be relied upon by developers. Watercare does not support any further wastewater tankering, or similar interim solutions.

2.27. Watercare's proposed amendments to these provisions are attached to this submission as **Appendix 1**.

Water supply servicing

2.28. The existing bulk water supply network has available capacity to enable development of the PPC Area. As mentioned above, the future Trig Road Water Reservoir and the North Harbour No. 2 Watermain are required to support full build out of the wider Whenuapai area.

8.1

Local Networks

2.29. The local water supply and wastewater network upgrades required to support the PPC Area will be assessed at the time of resource consent application and engineering plan approval. These local network upgrades are the responsibility of the developer to deliver at their cost.

3. DECISION SOUGHT

3.1. Watercare seeks that PPC 109 is declined on the basis that it is out of sequence with the expected timing for development of the Whenuapai North (Stage 1) FUA provided in the FDS and will, as a result, have significant adverse effects on Watercare's existing and planned wastewater networks.

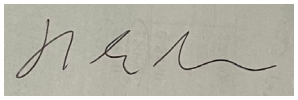
8.1

3.2. In the event that PPC 109 is approved (notwithstanding Watercare's opposition), Watercare seeks that the Commissioners approve PPC 109 subject to the amendments requested by Watercare set out at **Appendix 1** to this submission or similar amendments with the same effect.

4. HEARING

4.1. Watercare wishes to be heard in support of its submission.

21st February 2025



Helen Shaw
Head of Strategy and Consenting
Watercare Services Limited

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Attachment 1

I.1Whenuapai 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 co- ordinated 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 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 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 noise, within each mitigation area, to manage the potential for reverse sensitivity effects 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.

Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct. 8.2

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 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 in advance of the availability of operational transport infrastructure.

Transport

(6) Subdivision and development provides for the safe and efficient operation of the current and future transport network for all modes.

(7) Transport infrastructure that is required to service subdivision and development 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.

Ecology

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

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

Three Waters Infrastructure

(11) Subdivision and development within the Precinct is staged and coordinated with ~~All necessary~~ the supply of bulk and local three waters infrastructure (being water supply, wastewater, and stormwater infrastructure) ~~is in place~~ with capacity to service the proposed subdivision and development ~~within the Precinct and is staged and co-ordinated with subdivision and development~~.

8.3

(11A) Subdivision and development does not occur in advance of the provision of bulk water supply and wastewater infrastructure with sufficient capacity to service the proposed subdivisions and development.

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

Effects on RNZAF Base Auckland

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

Open Space

(16) 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 network that implements the elements and connections identified in Precinct Plan 1 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.

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 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 water supply and wastewater infrastructure is provided to enable the servicing of new subdivision and development. ~~residential lots and activities.~~

8.4

(13) ~~Ensure~~ Avoid subdivision and development occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable servicing of the Precinct ~~is aligned with the timing of the provision of 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 through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

Open Space

(16) 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) 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) 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) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

(21) Enable housing to be designed to meet the day-to-day needs of residents.

(22) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

(23) 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;

(e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;

(f) 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;

(g) 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;

(h) designing practical, sufficient space for residential waste management; and

(i) 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. 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 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
(A4)	Up to three dwellings per site each of which complies with Standards IX.6.2 and IX.6.7 to IX.6.15 inclusive	P
(A5)	Four or more dwellings per site each of which complies with Standards IX.6.2 and 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.6.2 and IX.6.7 to IX.6.15 inclusive	P
(A7)	Accessory buildings each of which complies with Standards IX.6.2 and 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

8.5

(A17)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D
(A12)	Development that does not comply with Standard IX.6.20 Road Design	RD

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.6.3 Lighting

ii. I1.6.4 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;

(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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of~~ ~~b~~Bulk water supply and wastewater infrastructure with sufficient capacity ~~required~~ for servicing ~~of all~~ the proposed subdivision and development within the Precinct must be completed and commissioned:~~.~~

8.6

(a) In the case of subdivision, prior to the issuing of a certificate of title pursuant to s224(c) of the Resource Management Act 1991

(b) In the case of land use only, prior to construction of any buildings for activities that would require water and/or wastewater servicing.

~~Note: Standard IX.6.2 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) 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) prior to occupation of any building(s) for land use only.~~

IX.6.3 Lighting

Purpose:

- To manage reverse sensitivity effects on RNZAF Base Auckland, including in relation to flight hazards and safety.
- To avoid or minimise the effects of lighting 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 building surfaces (excluding vertical surfaces) 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.

IX.6.4 Noise

Purpose:

- To ensure that potential reverse sensitivity effects of noise from the adjacent RNZAF Base Auckland are appropriately addressed within the Precinct.

(1) A no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland 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

(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 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 LA_{eq} 68dB:*

L_{eq} @						
63Hz	***125Hz***	***250Hz***	***500Hz***	***1kHz***	***2kHz***	***4kHz***
65 dB	*69 dB*	*68 dB*	*65 dB*	*62 dB*	*62 dB*	*55 E*

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 prior to

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 the Road Function and Design Elements Table 2.

IX.6.7 Number of dwellings per site

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

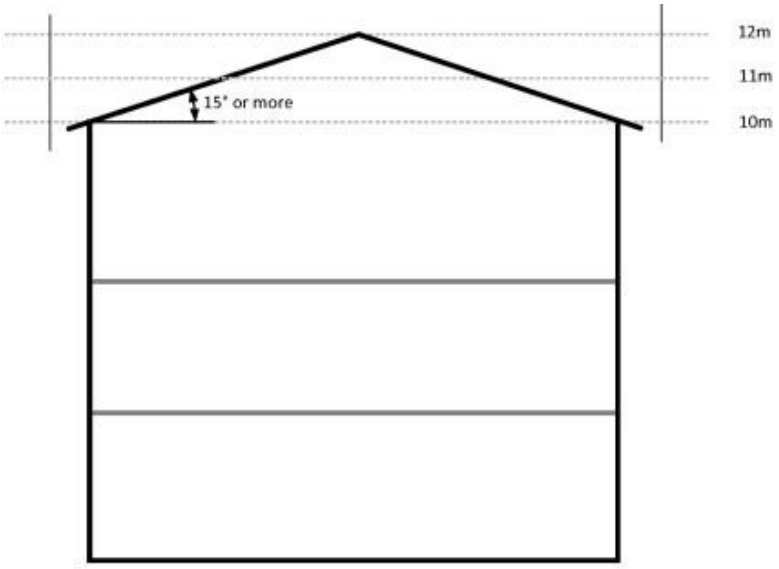
IX.6.8 Building height

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:

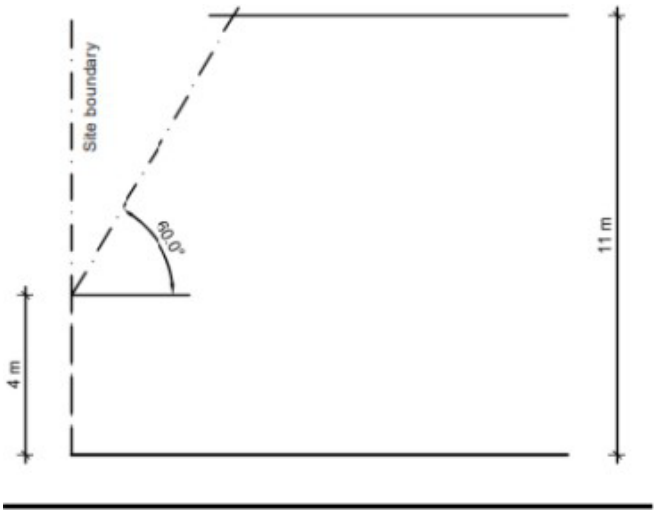
(a) Business – City Centre Zone;
(b) Business – Metropolitan Centre Zone;
(c) Business – Town Centre Zone;
(d) Business – Local Centre Zone;
(e) Business – Neighbourhood Centre Zone;
(f) Business – Mixed Use Zone;
(g) Business – General Business Zone;
(h) Business – Business Park Zone;
(i) Business – 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.

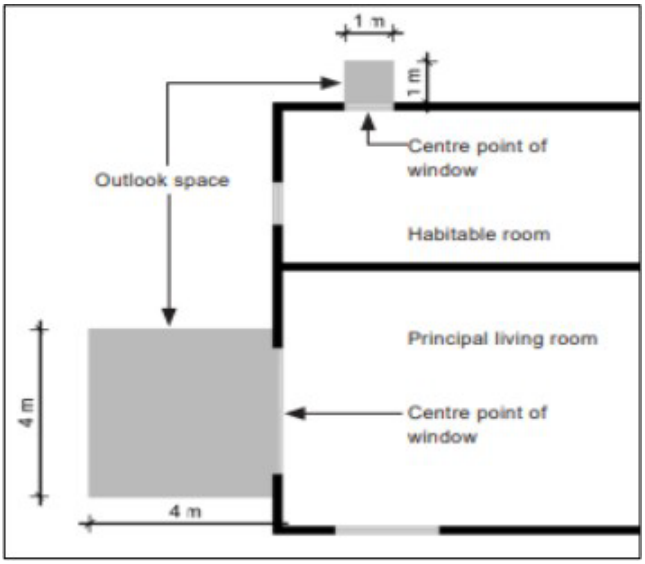
(e) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

(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 <u>Outdoor living space</u>

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 20m^2 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 8m^2 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 8m^2 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 policiesIX.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-a-bout 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;

(b) Temporary structure and construction; and

(c) Noise

(6) For development not complying with Standard IX.6.20:

(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 is~~ upgrades are proposed

8.7

(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 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

8.8

is required to provide a Water Supply and Wastewater Servicing Plan for the Precinct Area. The Water Supply and Wastewater Servicing Plan must: 8.8

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.

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.

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.

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)

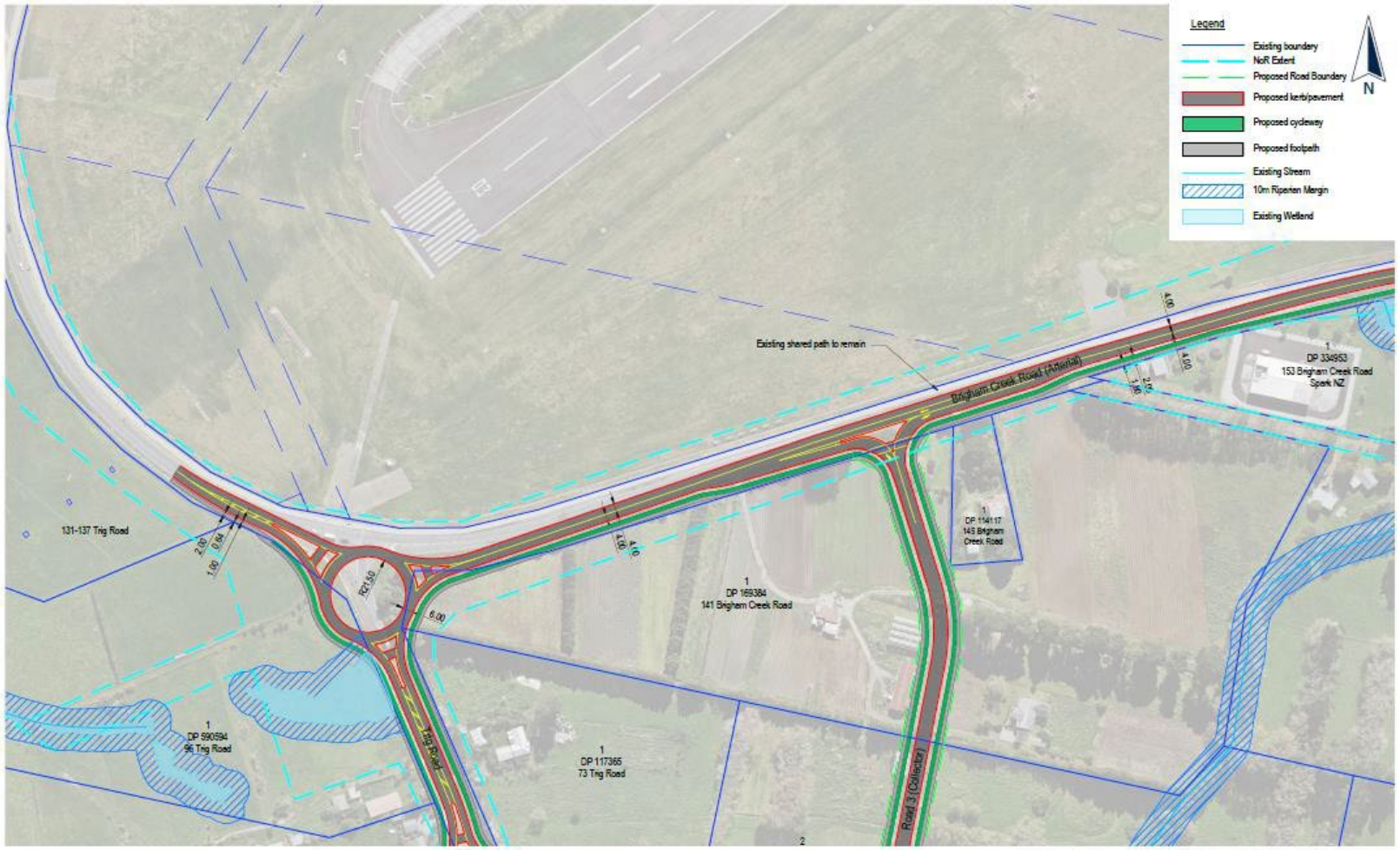
Category 1	
Element	**Roof – Category 1 Facades**
Roofing	Longrun Steel Roofing
Insulation	Minimum R3.2 insulation
Ceiling Lining	Internal ceiling lining of 1x13mm high density plasterboard (e.g. Noiseline)

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





Appendix 4 - Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan



Cato Bolam
creating great places
PLANNERS | SURVEYORS | ENGINEERS
ARCHITECTS | ENVIRONMENTAL

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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	M.Chen	20/11/2023
H	Issued For Information	M.Chen	05/04/2024
I	Issued For Information	M.Chen	12/04/2024
D	Issued For Information	-	13/11/2023
E	Issued For Information	-	15/11/2023
F	Issued For Information	-	17/11/2023

FOR INFORMATION

	NAME	DATE
SURVEYED	-	11/09/2023
DESIGNED	M.Chen	11/09/2023
DRAWN	M.Chen	11/09/2023

DATE	ORIGINAL SCALE	ORIGINAL SIZE
11/09/2023	1:2000	A3

DRAWING NO. 47712-DR-C-8101 REVISION I

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

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

Attn: Planning Technician
Auckland Council
Level 16, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) CHUN-KAI TSENG

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter
57 Riverlea Rd Whenuapai 0618 Auckland New Zealand

Telephone: 0210490957 Email: chunkaitseng@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number	PC 109
Plan Change/Variation Name	PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	
Or Property Address	57 Riverlea Rd
Or Map	Appendix I - Figure 2 (Wider Wastewater Catchment)
Or **Other** *(specify)*	

Submission

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

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☑ No ☐

The reasons for my views are: Please see the attached sheet.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☑

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Please see the attached sheet.

I wish to be heard in support of my submission ☑

I do not wish to be heard in support of my submission ☐

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

Chun-Kai Tseng
Signature of Submitter
(or person authorised to sign on behalf of submitter)

21/Feb/2024
Date

Notes to person making submission:

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

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

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☑ gain an advantage in trade competition through this submission.

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

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

(a) adversely affects the environment; and

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

Submission regarding PC109

According to Appendix I "a holistic servicing strategy has been considered that allows for servicing the wider area and the integration of infrastructure."

I support the approach reflected in the above statement in Appendix I, however what has been stated in the above statement has not been reflected fully in Figure 2 of the Appendix I.

Should a holistic approach be taken, it would make sense to allow for more capacity for the proposed wastewater pump station by Neil Group and also the associated gravity sewer and rising main.

For example: the property at 57 Riverlea Road has its eastern fringe included in Figure 2 of the wastewater catchment, and according to Appendix I, the pump station and the associated rising main and gravity sewer has been designed to account for this small catchment, however the proposed wastewater pump station and the associated rising main has not been future proofed and has been designed with barely just enough capacity for the catchment indicated in Figure 2.

This is certainly not a "holistic approach". The capacity of the wastewater pump station and rising main should be designed with future proofing in mind and with extra capacity for the wider catchment. Properties like 57 Riverlea Road and also 123 and 125 Totora Road have only a small eastern portion of their land being included in the catchment, however the rest of their land has not been accounted for by this "holistic approach". Should these properties be developed in the future, the need for extra capacity will not have been accounted for, and a second parallel rising main would need to be constructed running alongside the proposed rising main mentioned in this private plan change. This would certainly lead to an inefficient use of scarce resources and also goes against the principle of reducing greenhouse gas emissions in the NPS. The need for the construction of an unnecessary second rising main would produce more greenhouse gas due to the fact that a lot of the fixed work would need to be redone again unnecessarily for a second time. This goes entirely contrary to the approach of "the integration of infrastructure."

I seek the following decision by the Council to accept the proposed plan change with amendments that require Neil Group to have in its design and the construction of the wastewater pump station, rising main and gravity sewer to be future proofed and with sufficient capacity so that properties that are currently partially included in the catchment will be fully included in the catchment which would follow better planning practice so that the principle of taking a holistic approach and the principle of integration can be observed in the wider Whenuapai area and what has been promoted in the NPS on reducing greenhouse gas emission could also be followed.

9.1

Thank you

Te Tāhuhu o te Mātauranga
Ministry of Education

FORM 5

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

under Clause 6 of Schedule 1, Resource Management Act 1991

To:	Auckland Council
Name of submitter:	**Te Tāhuhu o te Mātauranga | Ministry of Education**
Address for service:	C/- Beca Ltd PO Box 6345 Wellesley Auckland 1141
Attention:	Eden Rima
Phone:	+64 9 300 9000
Email:	Eden.Rima@beca.com

This is a submission on the Plan Change 109 (Private): 98-100, 102 Totara Road, Whenuapai.

The specific parts of the proposal that the Ministry of Education's submission relates to are:

The Ministry are interested in the proposed rezoning due to potential effects on network capacity. While the applicant has not undertaken any consultation with the Ministry for this specific Proposed Plan Change we acknowledge there has been significant engagement on the previous Fast Track consenting proposal to rezone this site.

Background

Te Tāhuhu o te Mātauranga | Ministry of Education ('the Ministry') is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry assesses population changes, school roll fluctuations and other trends and challenges impacting on education provision at all levels of the education network to identify changing needs within the network so the Ministry can respond effectively.

The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing. The Ministry is therefore a considerable stakeholder in terms of activities that may impact existing and future educational facilities and assets the Auckland region.

The Ministry has engaged with developers across the country, including the Auckland region, on plan changes. During these consultation exercises, specific objectives and policies that better enable the

Te Tāhuhu o te Mātauranga
Ministry of Education

provision of future educational facilities (should there be a need) have often been agreed upon. There is an opportunity on PC109 for the developer and the Ministry to work together to achieve favourable outcomes for the Whenuapai community and surrounding school catchments.

The Ministry of Education's submission is:

Plan Change 109 (PC 109) is seeking to rezone approximately 16.36 hectares of land along Totara Road from Future Urban Zone to Residential – Mixed Housing Urban Zone. Although the rezoning of this land is somewhat anticipated as it is zoned Future Urban, PC109 would facilitate urban growth thereby increasing the demand on the local school network in Whenuapai. The nearest school to PC109 is Whenuapai school, as shown in **Error! Reference source not found.**:



Figure 1: Schools in the vicinity of PCA.

Te Tāhuhu o te Mātauranga
Ministry of Education

Additional education facilities will contribute to a well-functioning urban environment and provide an important community service to the residents of the PCA and surrounding area. The Ministry position is that education facilities should be enabled throughout residential areas where student populations reside and where there is a potential need for schools to be enabled and subsequently located.

The Ministry requests that the applicant consults with the Ministry and sufficient provision is made to allow for the establishment of educational facilities to accommodate additional school age children within the Plan Change area. This should include amending the precinct provisions provided in Appendix E of the application to include enabling provisions for potential future educational facilities.

Decision sought

The Ministry is **neutral** on the private plan change if Council accepts the following relief and any consequential amendments required to give effect to the matters raised in this submission. Specifically:

1. The Precinct Provisions in Appendix E are amended to provide enabling provisions for education facilities as per the attached. 10.1

The Ministry wishes to be heard in support of its submission.

Eden Rima

_____

Eden Rima
Planner – Beca Ltd
(Consultant to the Ministry of Education)

Date: 7th March 2025

Te Tāhuhu o te Mātauranga
Ministry of Education

Attachment 1

- Deletions have been shown as a strikethrough (~~deletion~~); and
- Additions have been shown as an underline (addition).

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

General (1)

(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 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, educational, economic and cultural wellbeing, and for their health and safety, now and into the future.

10.2

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.

(3a) Recognise that the precinct is part of a newly developing residential area, and that there is a potential need for educational facilities to establish within the Precinct.

10.3

ATTACHMENT TEN

PPC109 FURTHER SUBMISSIONS

Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991
FORM 6

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

Attn: Planning Technician
Auckland Council
Level 16, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Further Submission No:
Receipt Date:

Further Submitter details

Full Name or Name of Agent (if applicable)

(Mr)/Mrs/Miss/Ms(Full Name) CHUN-KAI TSENG

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

57 Riverlea Rd Whenuapai 0618 Auckland.

Telephone: 0210490957 Email: chunkaitseng@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of Further Submission

This is a further submission in support of (*or* opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	PC 109 (Private)
Plan Change/Variation Name	98-100 & 102 Totara Road, Whenuapai

I support : ☑ **Oppose** ☐ (tick one) **the submission of:**

(Original Submitters Name and Address)

Watercare Services Limited
(plan changes@water.co.nz)
Chun-Kai Tseng
(57 Riverlea Rd, Whenuapai 0618)

(Please identify the specific parts of the original submission)

Submission Number	Point-Number
8	8.8
9	9.1

The reasons for my support / opposition are:

Please see the attached pages. Thank you.

(continue on a separate sheet if necessary)

I seek that:

the whole : ☑

or part ☐ (describe precisely which part) _____

of the original submission be **allowed** ☑ with additional clarification from Watercare for submission number 8.8.

disallowed ☐

I wish to be heard in support of my submission ☑

I do not wish to be heard in support of my submission ☐

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

Chun-Kai Tseng
Signature of Further Submitter
(or person authorised to sign on behalf of further submitter)

26/March/2025
Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

☐ **I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)**

_____

_____

☑ **I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)**

I am the owner of 57 Riverlea Rd, which is in close proximity to the Plan change (109) Area.

Notes to person making submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

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

Further Submission to PC109 (Private)

I support Watercare Services Limited's submission point 8.8.

Submission point 8.8 has been listed below for reference.

(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

8.8

34

is required to provide a Water Supply and Wastewater Servicing Plan for the Precinct Area. The Water Supply and Wastewater Servicing Plan must:

8.8

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.

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.

I support my original submission (submission 9, submission number 9.1)

The reasons for my support of submission 8 , submission number 8.8 and submission 9 , submission 9.1 are outlined below:

In my original submission, I have mentioned that according to Appendix I of the private plan change application “a holistic servicing strategy has been considered that allows for servicing the wider area and the integration of infrastructure.”

I support such approach as stated in Appendix I as this approach reflects greatly the spirit of the FDS(Future Development Strategy) of the Council and also the Whenuapai Structure Plan 2016.

The above approach in particular reflects Principle 2(a): Avoid further growth in areas exposed to hazards and promote resilient design solutions and Principle 2(b) Prioritise integrated, nature based, regenerative and resilient infrastructure of the FDS.

Principle 2(a) states that “the council has a greater ability in future urban areas to require zoning patterns that avoid hazardous locations, but this has not always been achieved. While some hazards can be avoided through engineering and environmental solutions, this comes with a level of risk when interventions become overwhelmed during extreme events. These interventions are often also very expensive to deliver. The number, scale and ad hoc nature of development means that it can be difficult to achieve the required integrated catchment response.

Principle 2(a) promotes an integrated catchment response of the infrastructure necessary for growth and discourages ad hoc development as a form of growth.

Principle 2(b) states that “Infrastructure will be viewed as a system, recognising connections and interdependencies. This allows us to understand how infrastructure can evolve, where its vulnerabilities lie, what can increase its resilience and how it impacts the resilience of our communities.”

Principle 2(b) suggests that when it comes to infrastructure, it should be viewed as a system recognising connections and interdependencies. This concurs with the approach stated above for a “holistic servicing strategy” and “the integration of infrastructure”.

Further support for this “holistic servicing strategy” and “the integration of infrastructure” can be found in Whenuapai Structure Plan September 2016.

7.2 Land tenure

Land tenure within the Whenuapai structure plan area reflects the historic pattern of use and development with fragmented land holdings and multiple land ownership, the majority of landowners own a single site. Established residential sites in Whenuapai Village average about 1000m^2 while large pastoral lots averaging three to six hectares remain outside of the Whenuapai Village area and northwest and west of the Whenuapai Airbase.

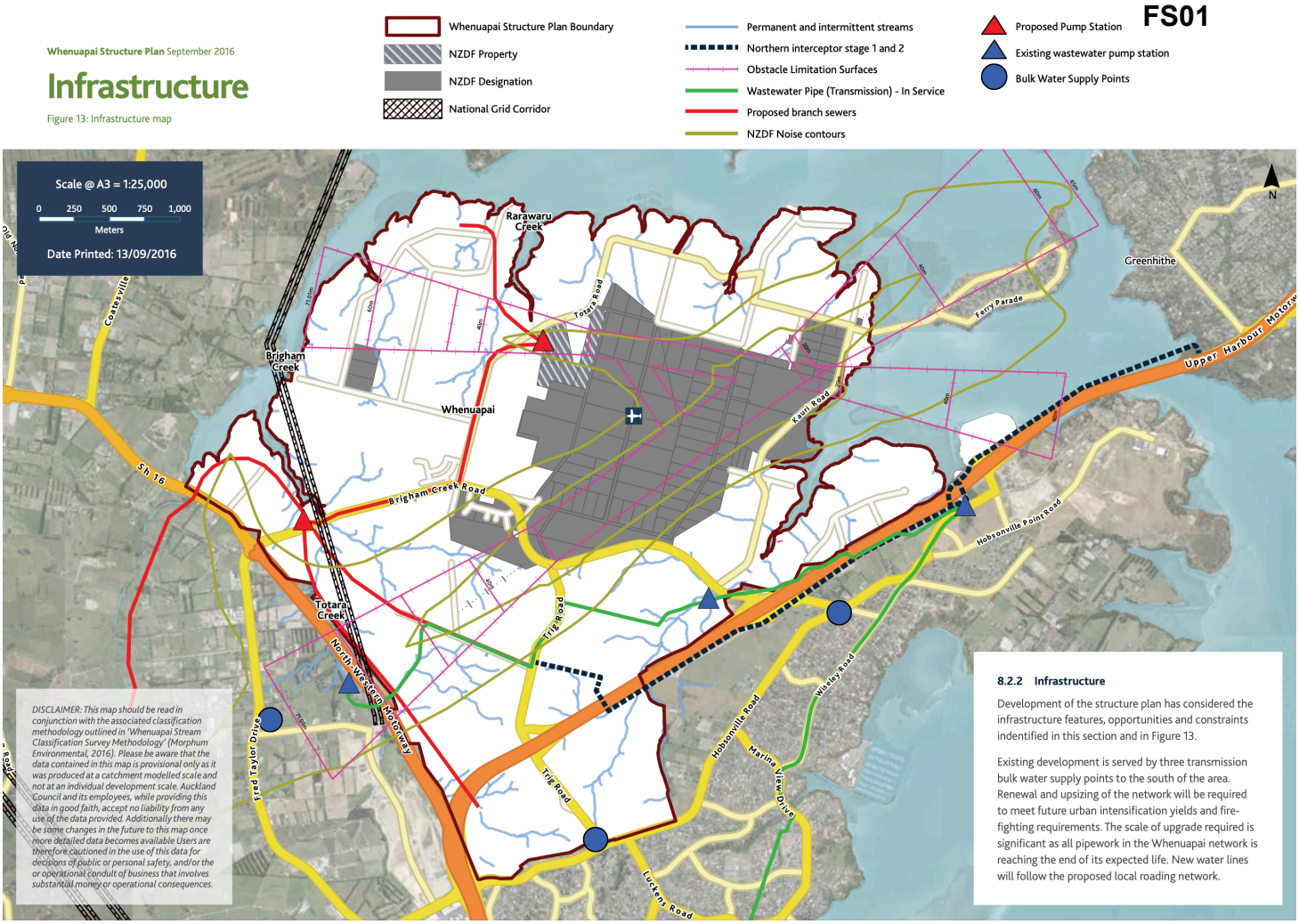
While the existing large sites are an opportunity to enable larger development areas to occur, the fragmented ownership pattern presents a challenge for providing an integrated response to the structure plan, particularly in regard to the provision of infrastructure. The council will work closely with landowners, the community and developers to ensure development proposals meet the outcomes of the structure plan, including encouraging landowners to coordinate infrastructure provision (and the funding of that infrastructure) with each other.

There are some areas of land where multiple sites are within single ownership. In addition, the council is aware that some landowners have begun to coordinate with each other and/or land developers to consider development options for multiple sites. This was demonstrated by the number of requests the council received to establish Special Housing Areas in Whenuapai and, while two Special Housing Areas were approved within the Whenuapai structure plan area, the unsuccessful developers have remained engaged in the structure plan process.

Above is an extract from the Whenuapai Structure Plan 2016. It is implied that the Structure Plan strives for an integrated approach to infrastructure as “fragmented ownership pattern presents a challenge for providing an integrated response to the structure plan, particularly in regard to the provision of infrastructure.”

Also “the council will work closely with landowners, the community and developers to ensure development proposals meet the outcomes of the structure plan, including encouraging landowners to coordinate infrastructure provisions (and the funding of that infrastructure) with each other.” Again this conveys a view of holistic servicing strategy which encourages land owners to integrate and work with each other to provide for an integrated infrastructure provision.

Below is the infrastructure map for the Whenuapai Structure Plan Area from the Whenuapai Structure Plan 2016.

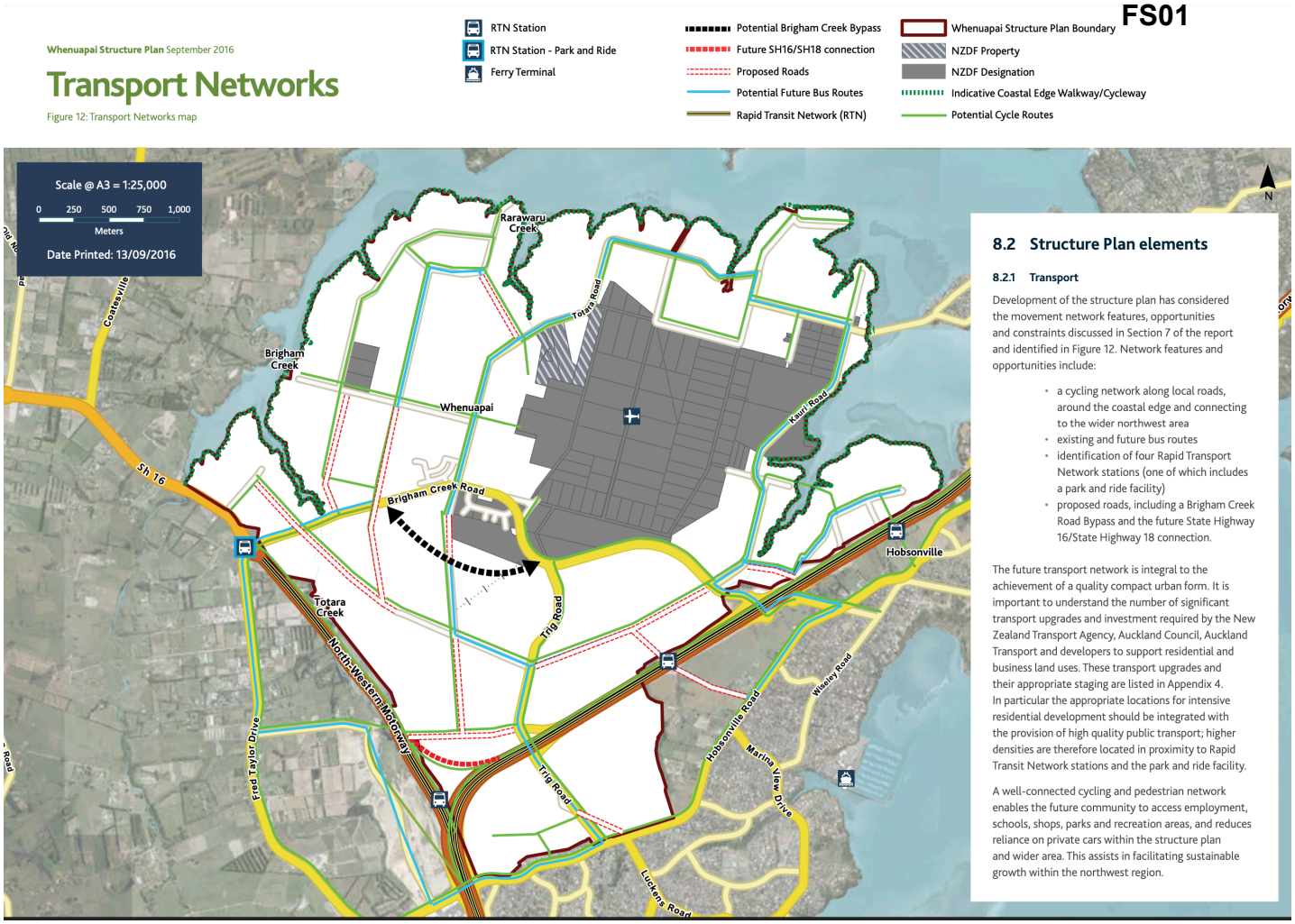


As indicated by the infrastructure map above, it is proposed by the structure plan that a major wastewater sewer would run from the intersection between Brigham Creek Road and Totara Road to the north into a proposed pump station, then from then on, a major branch sewer would run from the pump station in the northwest direction crossing 119-121 Totara Road and 57 Riverlea Road and continue in the northwest direction crossing the intersection between Riverlea Road and Bristol Road and into 30 Riverlea Road before ending at 28 Bristol Road.

The Council in conjunction with Watercare have taken a holistic and integrated approach when it comes to the infrastructure.

Similarly, the Council has also taken a holistic and integrated approach when it comes to roading networks.

Below is a map of the transport network from the Whenuapai Structure Plan 2016.



As indicated by the map above, it is proposed that an arterial road would run from Totara Road into 119-121 Totara Road and then into 57 Riverlea Road forming an integrated roading network for Whenuapai Structure Plan Area especially for the Whenuapai North.

The FDS and Whenuapai Structure Plan 2016 have strongly supported a holistic and integrated approach for infrastructure. This approach is also supported by the private plan change application as mentioned above in the Appendix I of the private plan change, however upon closer examination of Appendix I, the catchment map, and the tables in Appendix I do not support a holistic nor an integrated approach when it comes to wastewater servicing.

Below is a map showing the wider wastewater catchment taken from Appendix I

A holistic servicing strategy has been considered that allows for servicing the wider area and the integration of infrastructure.

The wider wastewater catchment is identified in Figure 2.

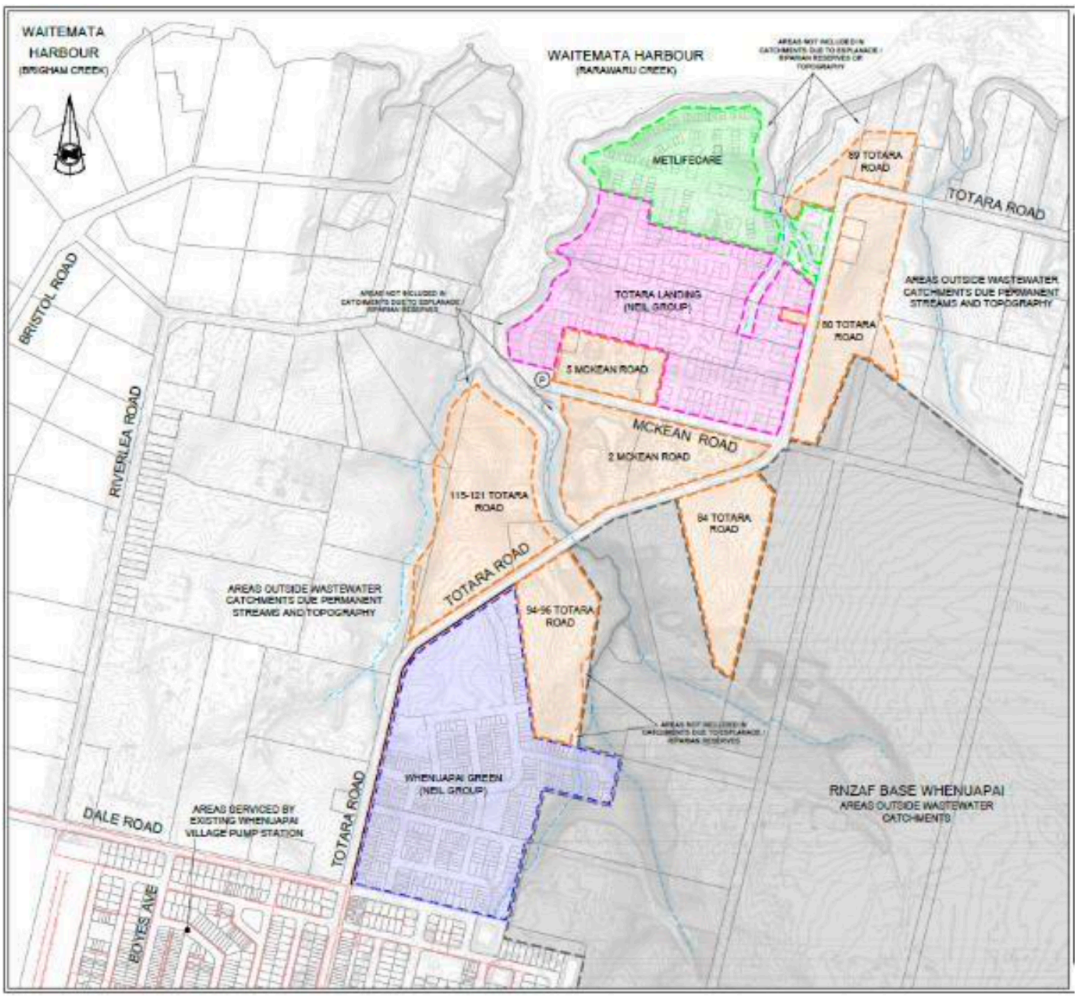


Figure 2: Wider Wastewater Catchment

Below is the wastewater scheme overview from Appendix I showing the required hardware wastewater infrastructure to support the wider wastewater catchment indicated above.

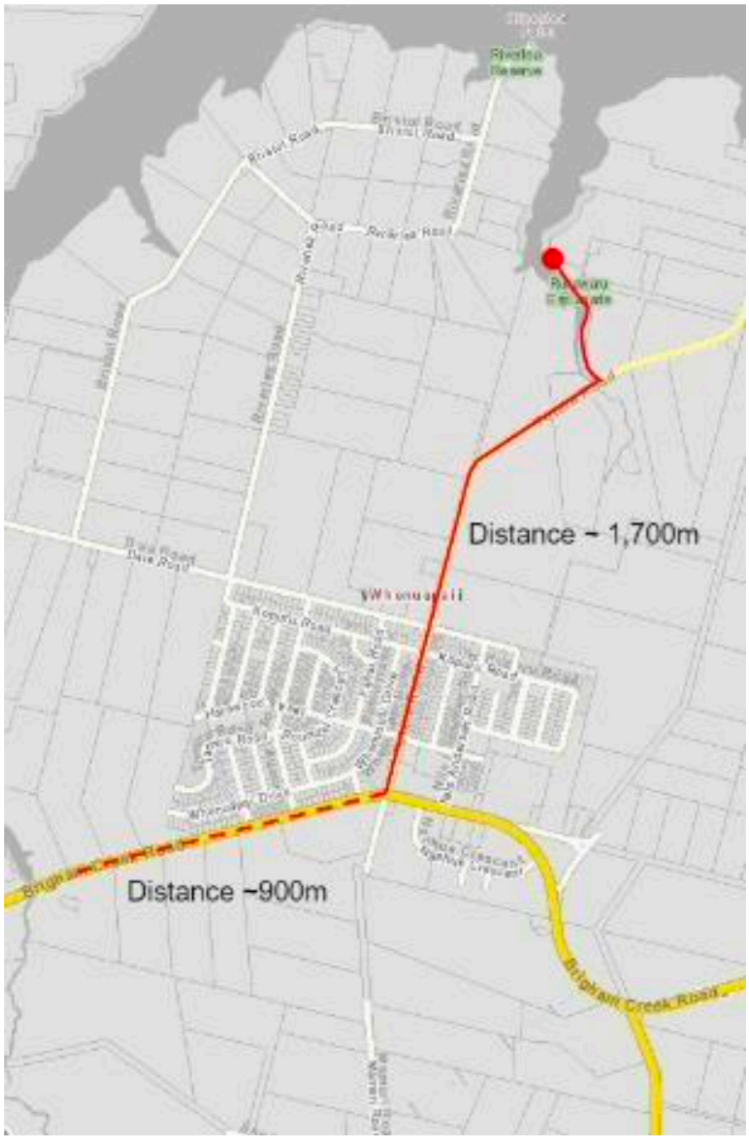


Figure 6: Wastewater Scheme Overview

The wastewater scheme overview follows closely to that of the Whenuapai Structure Plan, given that it has a main line running along the Totara Road, which connects into the line running along Brigham Creek Road. However there are some major differences from that of the Whenuapai Structure Plan which makes it going against the holistic and integrated approach adopted by the Council and Watercare.

Firstly, the location of the proposed wastewater pump station is located at the coastal edge of 9 McKean Road instead of at 94-96 Totara Road as suggested by the Structure Plan.

The decision to locate this proposed wastewater pump at 9 McKean Road suggests that a holistic approach has not been taken. Due to the coastal location at 9 McKean Road if a major branch sewer were to be

connected into it as indicated by the Structure Plan then it would need to go across the sea.

This creates not only an engineering problem, but also an ecological one. By locating the pump station at 9 McKean Road, the wider wastewater catchment has essentially been restricted to what has been indicated on the proposed wastewater catchment map in Appendix I.

This certainly goes against the spirit of infrastructure integration, as future development outside the proposed catchment would find it very difficult to get connection into the wastewater pump station.

A more holistic and integrated approach is what has been indicated in the Structure Plan where the pump station is located at 94-96 Totara Road. This is considered to be more holistic, as catchment to the east of Rarawaru Creek can be connected to easily while catchment to the west of Rarawaru Creek can be connected to quite easily as well, as a major branch sewer crossing 119-121 Totara Road and 57 Riverlea Road would provide for the wider network catchment of Whenuapai North, future local wastewater network could be integrated into the main network much more easily. This is certainly not what has been proposed in this Private Plan Change.

Secondly, according to Appendix I, the proposed wastewater pump station has a Peak Wet Weather Flow of 53.66L/s servicing its proposed

McKean Road Wastewater Pump Station.

It has been determined, by others*, that a single pump station located in McKean Road can service the wider area via gravity. A gravity line from the plan change area to the pump station is proposed to be installed within the road embankment at 90-92 Totara Road and through the Rurawaru Esplanade.

The pump station would include emergency storage equal to 8 hours Average Dry Weather Flow (ADWF).

Table 3: Peak Wet Weather Flows and Emergency Storage

	DUE	People / DUE	L/p/day	ADWF (L/s)	pf	PWWF (L/s)	Emergency Storage (m^3)
Plan Change Area Only	430	3	180	2.69	6.7	18.01	77.4
Full Catchment, including Plan Change Area	1,281	3	180	8.01	6.7	53.66	230.7

wider network catchment as indicated by Figure 2 above. Table 3 from Appendix I has been provided below for reference.

The Rising Mains running along Totara Road has been designed to have a maximum pump rate of 53.66L/s which matches and accommodates the receiving Peak Wet Weather Flow rate into the wastewater station. Table 4 from Appendix I has been provided below for reference.

Table 4: Rising Main Staging - Concept

		Pump Rate	Velocity	Pump Head	PWWF DUE	8 Hr Retention (DUE)	Self-Cleansing Achieved?	Slime Shear	
		(L/s)	(m/s)	(m)	(No.)			Achieved?	(L/s)
Phase 1 160 DN	Min	8.50	0.63	36.2	203	127	Yes	No	12.5
	Max	16.00	1.19	56.4	382		Yes	Yes	
Phase 2 225 DN	Min	17.00	0.64	33.4	406	251	Yes	No	26.3
	Max	38.00	1.42	54.2	907		Yes	Yes	
Phase 3 160+225	Min	38.00	0.81/1.02	41.4	907	378	Yes	No / Yes	44.5
	Max	53.66	1.15/1.44	54.5	1,281		Yes	Yes	

The design of the capacity of this wastewater pump station and the rising mains once again is contrary to the spirit of taking a holistic and integrated approach with regard to the planning of the infrastructure.

The wastewater pump station has been designed with just enough capacity to service the indicated catchment in Figure 2, should future development happen outside this catchment, then this wastewater pump station would not have the required capacity to accomodate this increased flow, further upgrades (if possible) would be required for this wastewater pump station, however the possibility for upgrades and the easiness for this upgrade have not been indicated in Appendix I.

The rising mains have been designed with a max pump rate of 53.66L/s. This pump rate matches the the Peak Wet Weather Flow Rate of 53.66L/s into the wastewater pump station. Again, the rising main caters only for the indicated catchment of Figure 2, should areas outside the catchment feed into the wastewater pump station, there will be potential scenarios where the Peak Wet Weather Flow exceeds 53.66L/s due to an increase in the catchment area, and the flow going into the pump station will be greater than what the rising main could pump the flow out, and potentially the pump station could be overflown.

The design of this rising main has indicated a huge problem of non-integration of the infrastructure. Further development outside of Figure

2 catchment area would require a potential upsizing of the wastewater pump station, and should those developers somehow find a way either to upsize the Mckean Road pump station or construct a new one of their own, then they would still run into the problem of not being able to be connected to the Totara Road rising main, due to the fact that the rising main's max pump rate is designed to be just matching the peak wet weather flow of the Mckean Road pump station and will not be able to take the increased flow from the catchment that is outside Figure 2.

It has not been indicated that the rising mains are future proofed for upgrade, nor the easiness of its upgrade without disruption to the households in the Figure 2 catchment. A potential scenario which goes absolutely against good planning practise is that future developers could potentially need to construct a second parallel rising main running along Totara Road to this proposed rising main by this private plan change.

This non-holistic and non integrated approach taken by this private plan change with regard to infrastructure if allowed to proceed without appropriate amendments would set a bad precedent of allowing ad hoc developments to happen in the Whenuapai area. In the future , developers could arbitrarily come up with their own criteria to determine the size of their infrastructure catchment, and design the infrastructure to have just enough capacity for their own catchment which in most cases would consist a majority of their landholdings, and disregard the issues of integrability which would ultimately lead to a greater social costs later on. Potential scenario could arise where each developer proceed with their own ad hoc development and constructing rising mains along Totara Road with just enough capacity for their own ad hoc development, and we could potentially see multiple rising mains running along Totara Road running parallel to each other. This private plan change application has taken a non-holistic and non-integrated approach with regard to its infrastructure planning and design, how its infrastructure is to be integrated with not only the existing infrastructure but also potential future infrastructure in the wider catchment as guided by the Whenuapai Structure Plan 2016 has not been discussed. The non-holistic, non integrated and ad hoc nature of the development proposed by this plan change goes entirely against the Principle 2a) and Principle 2b) of the FDS (Future Development Strategy) by the Council.

I seek the following decision by the Council to accept the proposed plan change with amendments that require Neil Group to have in its design and the construction of the wastewater pump station, rising main and gravity sewer to be future proofed and with sufficient capacity so that properties that are currently partially included in the catchment will be fully included in the catchment which would follow better planning practice so that the principle of taking a holistic approach and the principle of integration can be observed in the wider Whenuapai area and what has been promoted in the NPS on reducing greenhouse gas emission could also be followed.

I further support Watercare's submission, in particular submission point 8.8 with regard to the water supply and wastewater servicing plan.

I support submission point 8.8, 3d) which states "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."

I support Watercare's submission as a more holistic and integrated approach has been taken. I support independent studies which use Whenuapai Structure Plan 2016 as their main basis to be carried out which would identify all catchments being able to be connected to precinct networks in the future and the networks are adequately sized to provide for this capacity.

I seek additional clarification from Watercare for submission point 8.8 3d), the definition of "all catchments outside the precinct" has not been made very clear. Is it referring to taking a holistic and integrated approach guided by the Whenuapai Structure Plan and look at Whenuapai as a whole as indicated by the Infrastructure Map of the Structure Plan which has been included in page 4 of this submission, and this catchment area could potentially be bigger than what has been indicated in Figure 2 of Appendix I or is the "all catchments" has been restricted to the coloured area indicated in Figure 2 of Appendix I.11

I also seek that Whenuapai Structure Plan 2016 by the Council to be used as a main guiding material when it comes to the identification of the appropriate size of the catchment, and also the alignment, location

and the size of the sewer should follow closely to what has been indicated in the Whenuapai Structure Plan 2016 as the Structure Plan has taken a holistic and integrated view in its infrastructure planning.

When assessing private plan change application, whether it has taken a holistic and integrated approach with regard to the infrastructure, Whenuapai Structure Plan 2016 should be a main measuring stick to show how much deviation that certain private plan change has gone from being holistic and integrated to being ad hoc which would go against the very good planning practise that every development including this private plan change should strive for.

Thank you.

Chun-Kai Tseng

Watercare Services Limited
73 Remuera Road, Remuera,
Auckland 1050, New Zealand
Private Bag 92521, Victoria Street West,
Auckland 1142, New Zealand
Telephone +64 9 442 2222
www.watercare.co.nz

Auckland Council
Unitary Plan Private Bag 92300
Auckland 1142

Attn.: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

TO:	**Auckland Council**
SUBMISSION ON:	**Plan Change 109 (Private): 98-100 & 102 Totara Road, Whenuapai**
FROM:	**Watercare Services Limited**
ADDRESS FOR SERVICE:	**planchanges@water.co.nz**
DATE:	**28 March 2025**

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

1. INTRODUCTION

Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council.

Watercare made an original submission on Proposed Private Plan Change 109 and wishes to make a further submission on the Plan Change. This further submission responds to points raised in another submission that may have implications on Watercare's assets and operations.

2. FURTHER SUBMISSION

Watercare's further submission is included in the **attached** table.

Watercare seeks the following relief:

a) That the submission opposed in the **attached** table be disallowed.

b) Such further, alternative, or other consequential amendments as may be necessary to fully address Watercare's further submission.

3. HEARING

Watercare wishes to be heard in support of both its submission and further submission.

28 March 2025



Amber Taylor
Development Planning Team Lead
Watercare Services Limited

Address for Service:
Amber Taylor
Development Planning Lead
Watercare Services Limited
Private Bag 92521
Victoria Street West
Auckland 1142
Phone: 022 158 4426
Email: Planchanges@water.co.nz

FURTHER SUBMISSION FROM WATERCARE SERVICES LIMITED

Submitter ID	Submitter Name	Submission point #	Submission point	Support / oppose	Watercare further submission commentary / relief sought
9	Chun-kai Tseng	9.1	The submitter seeks to accept the proposed plan change with amendments to require the Applicant to ensure that the capacity of the proposed wastewater pump station, rising main and gravity sewer can eventually service other properties partially in the same catchment but outside of the plan change area (being the properties at 57 Riverlea Road and 123 and 125 Totara Road).	Oppose	Watercare opposes the submission on the basis that consideration of the wider catchment, including the properties at 57 Riverlea Road and 123 and 125 Totara Road, for the local network pump station is a matter to be confirmed at the resource consent and engineering planning approval stages, rather than the private plan change stage.

Form 6: Further Submission by Auckland Council as Submitter on Proposed Private Plan Change 109 - 98-100 & 102 Totara Road, Whenuapai under Clause 6 of Schedule 1, Resource Management Act 1991

To:	Auckland Council
Further submission on:	Submissions to Proposed Private Plan Change 109 (PPC 109) - to rezone 16.36 hectares of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone to Residential – Mixed Housing Urban Zone, to apply a new Precinct (the 'Whenuapai Green' Precinct), and apply the Stormwater Management Area Flow control to the land.
From:	**Auckland Council as submitter**

1. Introduction

1.1 Auckland Council as submitter **(ACS)** made a primary submission to Proposed Private Plan Change 109 on 21 February 2025.

2. Scope of further submission

2.1 The specific parts of the submissions supported, opposed or where ACS has a neutral position and the reasons for ACS's position, are set out in **Attachment 1**.

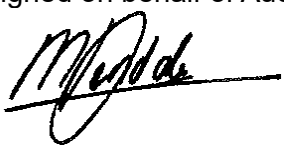
2.2 The decisions which ACS seeks from Auckland Council in terms of allowing or disallowing submissions are also set out in **Attachment 1**.

3. Appearance at the hearing

3.1 ACS wishes to be heard in support of this further submission.

3.2 If others make a similar further submission, ACS would consider presenting a joint case with them at the hearing.

Signed on behalf of Auckland Council as submitter:



(signed by Marc Dendale, acting with delegated authority for Celia Davison)
28 March 2025

Address for service of further submitter:

Michele Perwick
Senior Policy Planner - Central South
Email: michele.perwick@aucklandcouncil.govt.nz
Telephone: 09 301 0101

Postal address:
Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

Attachment 1

Submitter	Submission point	Summary of submission	Support or oppose	Reason for ACS further submission	Decision sought
Watercare Services Limited	8.4	Seeks amendments to Policies IX.3(12) and (13) as follows: (12) Ensure that ~~appropriate~~ sufficient local water supply and wastewater infrastructure is provided to enable the servicing of new subdivision and development. ~~residential lots and activities.~~ (13) ~~Ensure~~ Avoid subdivision and development occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable servicing of the Precinct ~~is aligned with the timing of the provision of wastewater and water infrastructure~~	Support in part	Watercare's proposed wording more clearly conveys the intent of the standard.	Accept the submitter's relief relating to proposed amendments to Policy IX.3(13).
Watercare Services Limited	8.6	Seeks amendments to Standard IX.6.2 Wastewater and Water Supply Infrastructure, as follows: 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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of~~ bBulk water supply and wastewater infrastructure with sufficient capacity required for servicing ~~of all~~ the proposed subdivision	Support	Watercare's proposed wording more clearly conveys the intent of the standard.	Accept the submitter's relief.

		and development within the Precinct must be completed and commissioned:. (a) In the case of subdivision, prior to the issuing of a certificate of title pursuant to s224(c) of the Resource Management Act 1991 (b) In the case of land use only, prior to construction of any buildings for activities that would require water and/or wastewater servicing. ~~Note: Standard IX.6.2 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) 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) prior to occupation of any building(s) for land use only.~~			

New Zealand Defence Force
Defence Estate and Infrastructure
NZDF Headquarters
Private Bag 39997
Wellington 6045

Further Submission on Proposed Plan Change 109 (Private): 98-100 & 102 Totara Road, Whenuapai

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

To:	Auckland Council
Address:	Attn: Planning Technician Level 16, 135 Albert Street Private Bag 92300 Auckland 1142
Email:	unitaryplan@aucklandcouncil.govt.nz
Submitter:	New Zealand Defence Force
Contact Person:	Rebecca Davies, Principal Statutory Planner
Address for Service:	New Zealand Defence Force C/- Tonkin + Taylor PO Box 5271 Victoria Street West Auckland 1142 Attention: Karen Baverstock
Phone:	+64 21 445 482
Email:	rebecca.davies@nzdf.mil.nz / kbaverstock@tonkintaylor.co.nz

1. The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest[1], and also has an interest in the Proposed Plan Change that is greater than the interest the general public has. Royal New Zealand Air Force (RNZAF) Base Auckland is located adjacent to the Proposed Plan Change area. A detailed further submission is attached.

2. As part of its further submission, NZDF wishes to address paragraph 22 of the submission by Auckland Council Submitter (ACS). ACS submits (in summary) that it considers that the absence of any regulation of noise sources, effects and emissions from RNZAF Base Auckland is a key concern for PPC 109. NZDF considers that this is out of scope of PPC 109.

3. In reviewing the summary of submissions NZDF has identified that several of its submission points have been summarised with errors in the tracked changes. These points are identified below to ensure they are correctly addressed in the Council's consideration of submissions and the preparation of the section 42A Resource Management Act report.

a) Point 7.12 – "aircraft" should be shown in strikethrough: "…activities sensitive to ~~aircraft~~ noise are avoided…"
b) Point 7.14 – the comma after "including reverse sensitivity effects" should be underlined
c) Point 7.22 – "standards IX.6.7 to IX.6.15" is existing text and should not be underlined

[1] Statutory Defence purposes are set out in section 5 of the Defence Act 1990.

New Zealand Defence Force
Defence Estate and Infrastructure
NZDF Headquarters
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d) Point 7.27 – "requirements" should be in strikethrough: "…the following ~~requirements~~: internal noise levels:"
e) Point 7.31 – the following comma should be underlined: "RNZAF Base Auckland," as should the s in "structures".

NZDF **does** wish to be heard in support of its further submission.

If others make a similar further submission, NZDF will consider presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.

Date 28/03/2025

Person authorised to sign
on behalf of New Zealand Defence Force

Original Submitter's Name and Address	Submission Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.11	Support	Adverse effects – stormwater The submitter considers there is insufficient assessment and clarity regarding stormwater management and seeks to amend the precinct provisions to clarify how certain matters will be achieved	NZDF is concerned about discharge/runoff to Rarawaru Stream (and development enabled under PPC 109 generally) and wishes to ensure this does not exacerbate flood risk hazard on RNZAF Base Auckland. NZDF seeks that any further assessment and amendment to provisions takes into consideration flooding and stormwater effects on RNZAF Base Auckland.	Allow
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.12	Support in part	IX.1 Precinct description The submitter seeks to amend text to the Precinct description: *… Related provisions impose restrictions on activities in the precinct that are sensitive to aircraft noise <u>and engine testing noise. This includes when residents are indoors</u>*	NZDF supports this amendment to elaborate on noise effects and management. However, NZDF considers it appropriate to retain the reference to reverse sensitivity effects on RNZAF Base Auckland.	Allow the inserted text but retain reference to reverse sensitivity effects on RNZAF Base Auckland. Suggested wording (or wording to similar effect) is set out below. *… Related provisions impose restrictions on activities in the precinct that are sensitive to ~~aircraft~~ noise<u>. This includes</u>*

Original Submitter's Name and Address	Submission Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
			or outdoors and when people are using local streets or public open space. Such restrictions include specific building requirements to manage internal noise levels. ~~within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.~~		*when residents are indoors or outdoors and when people are using local streets or public open space. Such restrictions include specific building requirements to manage internal noise levels. ~~within each mitigation area, to~~ The Precinct provisions manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.*
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.24	Support in part	IX.4 Activity table The submitter seeks to ensure everyone is aware of the need to obtain written approval of the Minister of Defence in relation to a number of activities including height	NZDF supports referencing the need to obtain written approval for activities but considers the wording should be amended to more closely reflect the requirements of Designation 4311, including specific reference to written approval being required in specified areas (regardless of height). Also, in accordance with Designation 4311, approval is required from the "New Zealand Defence Force" rather than the "Minister of	Allow in part Suggested wording is set out below. *Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311 and land use and*

Original Submitter's Name and Address	Submission Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
			infringements and requests the following text change: *Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311. Prior written approval from the Minister of Defence will be required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities and infringement of any such height restrictions.* …	Defence". NZDF has also sought further relief in its original submission to ensure restrictions relating to Designation 4311 are made clear.	*subdivision in specified areas requires the written approval of the New Zealand Defence Force.*
Auckland Council	5.27	Oppose	IX.6.1(3)	NZDF seeks to ensure that measures to discourage bird roosting are effective and are	Disallow

Original Submitter's Name and Address	Submission Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz			The submitter has sought to reword the standard to make it more certain and measurable and delete reference to approval from Auckland Council and NZDF	maintained.	Amend wording as sought in NZDF's original submission point 7.25.
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.30	Oppose	IX.6.4(1) Noise Submitter seeks to delete the standard or amend the wording to a less restrictive model of no complaints covenant	NZDF considers covenants to be necessary and appropriate in order to appropriately protect RNZAF Base Auckland from reverse sensitivity effects and does not support deleting the standard or narrowing its application.	Disallow
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.31	Oppose in part	IX.6.4 Noise Submitter seeks to amend the standard to simplify the requirements and provide additional certainty and clarity, with several requested amendments	NZDF supports a noise standard that is appropriate. NZDF wishes to engage further with experts on appropriate wording and provisions. NZDF agrees that consideration could be given to other activities sensitive to noise in addition to residential activities.	Allow in part

Original Submitter's Name and Address	Submission Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.32	Oppose	Appendix 2 – Building Requirements The submitter seeks to delete Appendix 2	Standard IX.6.4(2)(a) provides for compliance with the standard to be achieved either through (i) compliance with Appendix 2 or (ii) a report from an acoustic consultant. NZDF considers it appropriate to retain a two option approach.	Disallow
Auckland Council Private Bag 92300 Auckland 1142 craig.cairncross@aucklandcouncil.govt.nz	5.36	Support in part	Precinct Plan 2 The submitter seeks to amend the title of Precinct Plan 2 to *"Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours"*	NZDF is not opposed to amending the title of Precinct Plan 2 but the wording should avoid the LAeq(15 min) contours for the PPC109 area being confused with the contours prepared by NZDF for engine testing noise (Ldn contours).	Ensure any amendment of the Precinct Plan 2 title does not confuse the Plan Change contours with the NZDF engine testing noise contours. Requested wording is *Whenuapai Green Precinct Plan 2 – Whenuapai Airbase LAeq(15 min) Engine Testing Noise Contours*
Ministry of Education Eden.rimu@beca.com	10.1	Support in part	The submitter is neutral on the plan change but if accepted, the submitter seeks the precinct provisions be amended to	NZDF is not opposed to the changes sought but wishes to ensure that any educational facilities are appropriately located and designed given the location adjacent to the RNZAF Base Auckland.	Allow in part. Ensure provisions reflect that any educational facilities must be appropriately located and designed.

Original Submitter's Name and Address	Submission Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
			provide enabling provisions for education facilities		
Ministry of Education Eden.rimu@beca.com	10.3	Support in part	Seeks the addition of a new policy as follows: *IX.3(3a) Recognise that the precinct is part of a newly developing residential area, and that there is a potential need for educational facilities to establish within the Precinct.*	NZDF is not opposed to the changes sought but wishes to ensure that any educational facilities are appropriately located and designed given the location adjacent to the RNZAF Base Auckland.	Allow in part. Ensure provisions reflect that any educational facilities must be appropriately located and designed.

ATTACHMENT ELEVEN

TABLE OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

Attachment 11

Table of Recommendations on Submissions and Further Submissions

Sub #	Sub Point	Submitter Name	Summary of Decisions Requested	Further Submission	Planners Recommendation	s42A Report Section Submission is Considered
1	1.1	David George Allen	Accept PPC109 subject to an amendment that seeks un-used road ends which are used as open spaces have ownership transferred from Auckland Transport to Auckland Council so that they can be designated as reserves under the Reserves Act 1977. This would ensure statements made in the applicants AEE are correct.		Reject	Open Space
2	2.1	Charlotte Ailsa Meyer	Accept PPC109 and supports proposed new park and upgrade to Totara Road.		Accept in part	Transport and Open Space
3	3.1	Joseph Donis	Decline PPC109 zoning to a residential zone as increased proximity of future houses will compromise privacy and the peaceful environment currently enjoyed.		Reject	Urban Design and Landscape and Visual
3	3.2	Joseph Donis	Decline PPC 109 as new development and increased impermeable areas will exacerbate flooding problems in the area and diversion of water flow and in-adequate stormwater management will increase water accumulating in low-lying areas.		Accept in part	Stormwater and Flooding
3	3.3	Joseph Donis	Decline PPC109 as road infrastructure in Whenuapai isn't ready for additional population anticipated.		Accept in part	Transport
3	3.4	Joseph Donis	Decline PPC109 as insufficient public facilities and amenity provided.		Reject	Open Space
3	3.5	Joseph Donis	Reduce proposed intensity of development noting reverse sensitivity noise and safety impacts from RNZAF Base.		Accept in Part	Noise / Acoustic
3	3.6	Joseph Donis	Reduce proposed intensity of development given lack of funding and prepared infrastructure will place pressure on already struggling systems.		Accept in part	Transport, Water Supply, Wastewater , Economic Effects and Infrastructure Funding
4	4.1	Akhil Argal	Decline PPC109 as increased impervious areas could exacerbate local flooding issues.		Accept in part	Stormwater and Flooding
4	4.2	Akhil Argal	Decline PPC109 as development will significantly increase traffic volume on Totara Road and McCaw Avenue before planner transport upgrades are implemented.		Accept in part	Transport
4	4.3	Akhil Argal	Decline PPC109 as the level of density proposed will adversely affect the existing neighbourhood character and Amenity values, especially privacy and overlooking for adjacent properties, increased noise and loss of spaciousness and suburban character.		Accept in part	Noise / Acoustic and Urban Design and Landscape and Visual

4	4.4	Akhil Argal	Decline PPC109 as rezoning appear premature given current market conditions and infrastructure constraints. A more stage approach to development should be considered to better align the areas ability to absorb growth and allow infrastructure to be developed.		Accept in part	Transport, Wastewater and Water Supply
5	5.1	Auckland Council	Decline PPC109, but if approved in part or full make the requested amendments.		Accept in part	Throughout s42A Report
5	5.2	Auckland Council	Decline PPC109 as it does not give effect to National Policy Statement of Urban Development (NPS-UD) expectations of a well functioning Urban Environment.		Accept in part	Policy Assessment
5	5.3	Auckland Council	Decline PPC109 as it does not give effect to RPS - B2 and B3		Accept in part	Economic and Infrastructure Funding
5	5.4	Auckland Council	Decline PPC109 due to adverse noise effects on future development from RNZAF Base Whenuapai and changes to its operations.		Accept in part	Noise / Acoustic
5	5.5	Auckland Council	Decline PPC109 as a residential zone is not the most appropriate zoning for the land. A Business zone may be more appropriate give noise concerns raised.		Accept in part	Noise / Acoustic
5	5.6	Auckland Council	Decline PPC109 as precinct infrastructure provisions require strengthening to ensure specific infrastructure required can be provided and funded equitably.		Accept in part	Wastewater and Water; and Economic and Infrastructure Funding
5	5.7	Auckland Council	Decline PPC109 as the timing and duration of noise is unknown and has the potential to create unacceptable health and significant amenity effects for residents living in or using the area.		Accept in part	Noise / Acoustic
5	5.8	Auckland Council	Seeks the Applicant provide additional acoustic assessment to describe the noise effects on residents and users of public open space areas within the PPC109 area will experience and any proposed amendments to the precinct provisions to mitigate potential adverse effects.		Accept in part	Noise / Acoustic
5	5.9	Auckland Council	Seeks the Applicant assess additional mitigation measures from within the precinct area to mitigate engine testing noise on the amenity of future residents and visitors such as buffer areas/yards, sound walls or an airport noise overlay. Develop new or amended precinct provisions as appropriate.		Accept in part	Noise / Acoustic
5	5.10	Auckland Council	Seeks that the Applicant remove one of the two intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1.		Reject	Transport
5	5.11	Auckland Council	Seeks that the Applicant amend the precinct provisions to clarify how the following matters will be achieved: • The location of/ability to locate proposed stormwater management devices appropriately so that they will be clear of 10% Annual Exceedance Probability (AEP) rainfall event flow extents. • The adequacy of the stream protection measure(s) proposed to mitigate effects of the increases in runoff on stream geomorphology (including channel incision & channel widening) within and/or downstream of the proposed plan change area, resulting from development. • The provision of water quality treatments for all impervious surfaces.	FS4 New Zealand Defence Force - Support in part	Accept	Stormwater and Flooding

5	5.12	Auckland Council	Seeks that IX.1 Precinct description be amended to clearly outline restrictions on development until infrastructure is provided and elaborate on noise effects, as follows: …canopy cover in the area. Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct and new transport upgrades on the surrounding road network are operational. and … Related provisions impose restrictions on activities in the precinct that are sensitive to aircraft noise and engine testing noise. This includes when residents are indoors or outdoors and when people are using local streets or public open space. Such restrictions include specific building requirements to manage internal noise levels. ~~within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.~~ …	FS4 New Zealand Defence Force - Support in part	Accept in part	Wastewater and Water
5	5.13	Auckland Council	Seeks that Objective IX.2(5) be amended to refer to bulk water supply and wastewater, as follows: *Integration of Subdivision and Development with the Provision of Infrastructure* (5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure and the required bulk water supply and wastewater infrastructure.		Reject – rely on Watercare Sub 8.3	Wastewater and Water
5	5.14	Auckland Council	Seeks that Objective IX.2(6) be amended to better integrate provisions and align infrastructure, as follows: Subdivision and development provides for ~~the~~ a safe, ~~and~~ efficient and integrated road network ~~operation of the current and future transport network~~ for all modes of transport.		Accept in part	Transport
5	5.15	Auckland Council	Seeks that Objective IX.2(8) be deleted as it reads as a policy and is similar to objectives IX.2)6) and (7) and Policy IX.3(4).		Accept in part	Transport
5	5.16	Auckland Council	Seeks that Policy IX.3(4) be amended as follows: Require the development of a ~~transport~~ roading 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. ~~is in accordance with Appendix – Road function and Design Element Table~~.		Accept in part	Transport
5	5.17	Auckland Council	Seeks that Policy IX3(12) is amended and clarified as follows: ~~Ensure~~ that ~~appropriate~~ sufficient local network water supply and wastewater infrastructure is provided to enable the servicing of new residential lots and activities.		Accept	Water supply and Wastewater
5	5.18	Auckland Council	Seeks that Policy IX.3(3) is amended to be consistent with non-complying activity status, as follows: ~~Require~~ Avoid subdivision and development ~~to be managed and designed to~~ that does not align with the coordinated provision and upgrading of the ~~transport~~ roading within the precinct, and with upgrades to the wider transport network.		Accept in part	Transport
5	5.19	Auckland Council	Seeks that Policy IX.3(13) is amended to be consistent with non-complying activity status, as follows: ~~Ensure~~ Avoid subdivision and development ~~is~~ that is not aligned with the timing of the provision of bulk wastewater and water infrastructure.		Accept in part	

5	5.20	Auckland Council	Seeks that Policy IX.3(15) is amended as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately ~~avoided,~~ remedied, or mitigated at the receiving site through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.		Accept in part	Noise / Acoustic
5	5.21	Auckland Council	Seeks that Policy IX.3(16) be deleted as addressed by Policy 1.		Accept in part	Water Supply and Wastewater
5	5.22	Auckland Council	Seeks that a new policy, Policy IX3.(15A) be added to make it clear how open space is provided for in the Precinct, as follows: Ensure a network of high quality landscaped public open spaces and green corridors, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development.		Accept in part	Open Space
5	5.23	Auckland Council	Seeks that Policy IX.3(17) be deleted as policy is achieved by Precinct Plan 1 and the size of a neighbourhood park will be confirmed as part of a subdivision consent process.		Accept in part	Open Space
5	5.24	Auckland Council	Seeks that the Activity Table IX.4 be amended as follows: **IX.4 Activity table[rcp/rp/dp]** All relevant overlay…. Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311. Prior written approval from the Minister of Defence will be required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities and infringement of any such height restrictions. 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.	FS4 New Zealand Defence Force - Support in part	Accept in part	Noise/ Acoustic and Reverse Sensitivity
5	5.25	Auckland Council	Seeks that the non-complying activity status of rules IX.4(A2), (A3), (A11) and (A12) relating to subdivision, use and development where compliance with IX.6.2, IX.6.6 and Chapter E38 is not achieved, is retained.		Accept in part	Throughout
5	5.26	Auckland Council	Seeks that IX.5 Notification is amended to include other matters, as follows: IX.5 Notification (1) Any application … (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. ~~(i)~~ IX.6.3 Lighting iv. (ii) IX.6.4 Noise (3) …		Accept in part	Noise/ Acoustic and Reverse Sensitivity

5	5.27	Auckland Council	Seeks that Standard IX.6.1(3) relating to Birdstike is amended to be more certain and measurable, as follows: (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.~~ Roofs must have a minimum gradient of 15 degrees to minimise the potential for birds to net or roost. (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.~~ If roof gradients are less than 15 degrees, netting and /or spikes are required to discourage bird nesting or roosting on the roof of the structure.	FS4 New Zealand Defence Force - Oppose	Accept in part	Stormwater and Flooding
5	5.28	Auckland Council	Seeks that Standard IX6.2 Wastewater and Water Supply Infrastructure is amended to prevent construction of buildings prior to the required water and wastewater infrastructure being in place, constructed and operational, as follows: 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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of bulk.~~ Bulk water supply and wastewater infrastructure that would require for water and /or wastewater servicing of all ~~of the~~ development within the Precinct must be completed and commissioned: a. in the case of subdivision prior to the release of Resource Management Act 1991 section 224 (c) certificate being issue for any residential lots; and b. in the case of land use only, prior to the construction of any buildings associated with noise sensitive activities. ~~Note: Standard IX.6.2 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. 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. prior to occupation of any building(s) for land use only.~~		Accept in part	Wastewater and Water
5	5.29	Auckland Council	Seeks that Standard IX.6.6(3) Staging of subdivision and land use - transport upgrades be amended to align with changes sought to IX6.6(2) and IX6.4, as follows: IX.6.6(3) The following transport infrastructure upgrades should be ~~provided~~ completed and operational prior to any dwelling being ~~occupied~~ constructed within the site precinct land: (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: ~~Road Function and Design Elements Table 2 and~~ Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan.		Accept in part	Transport

5	5.30	Auckland Council	Seeks that Standard IX6.4(1) Noise - no complaints covenants be deleted or if considered to be an acceptable method then amended as follows: (1) A no-complaints covenant ~~shall~~ must be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, ~~in a form acceptable to RNZAF Base Auckland 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.~~ in favour of Royal New Zealand Defence Force Base Auckland, by the landowner (and binding any successors in title) not to complain as to noise effects generated by the lawful operation of the airbase. The restrictive no complaint covenant is limited to the effects that could be lawfully generated by activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to defence activities (although an individual restrictive no complaint covenant may do so). Details of the existence of covenant documents may be obtained from Royal New Zealand Defence Force Base Auckland, its solicitors, or in the case of registered covenants by searching the Title to the relevant property.	FS4 New Zealand Defence Force - Oppose	Accept in part	Reverse Sensitivity
5	5.31	Auckland Council	Seeks that Standard IX6.4 Noise be amended as indoor design noise levels are too high and wording is not certain and clear. Furthermore, section 15.5 of the Acoustic Assessment provided states that mechanical cooling and ventilation will be required in all habitable spaces but no standard requires this; and the Residential - Mixed Housing Urban Zone accommodates other activities sensitive to noise (not just residential activities) and the noise provisions in the Precinct do not address these. 1. Amend IX.6.4 Noise to simplify the requirements and provide additional certainty and clarity by: a. Clarifying the outdoor noise spectrum so the values are normalised to equal 0 dBA b. Clarifying that the outdoor noise spectrum values are at single octave band centre frequencies c. Removing any adjustment for duration under section 6.4 of NZS6802:2008 when interpreting the indoor design levels d. Referring to Noise Sensitive Space (as defined in Chapter J of the AUP) e. Referring to Activities Sensitive to Noise (as defined in Chapter J of the AUP) f. Incorporating the mechanical cooling and ventilation provisions set out in E25.6.10(b)-(f) which are to be maintained indefinitely g. Removing reference to Appendix 2	FS4 New Zealand Defence Force - Oppose in part	Accept in part	Noise / Acoustic
5	5.32	Auckland Council	Seeks that Appendix 2 be deleted as the proposed requirements are too prescriptive. Building should be designed in accordance with input form an acoustic expert which is a more typical approach for developments near to noisy infrastructure such as major roads, rail and ports.	FS4 New Zealand Defence Force - Oppose	Accept in part	Noise / Acoustic
5	5.33	Auckland Council	Seeks amendments to make it clear that Appendix 3 and Appendix 4 are indicative only and allow for an element of discretion in their design and implementation.		Accept in part	Transport
5	5.34	Auckland Council	Seeks that zoning details shown on Precinct Plan 1 be removed and planning maps relied on for zoning details.		Accept	Planning
5	5.35	Auckland Council	Seeks that Precinct Plan 1 be amended to show the roading pattern running on a north-south axis as it currently does not reflect the roading layout to the immediate south of McCaw Avenue.		Reject	Transport
5	5.36	Auckland Council	Seeks that the title of Precinct Plan 2 be amended to "Whenuapai Green Precinct Plan 2 - Whenuapai Airbase Engine Testing Noise Contours".		Accept	Noise / Acoustic

5	5.37	Auckland Council	Amend the precinct provisions as necessary to be consistent with protocols Council's wishes to adopt to incorporate the Medium Density Residential Standards as required by the Resource Management (Enabling Housing Supply) Amendment Act 2021.		Accept in part	Noise / Acoustic
5	5.38	Auckland Council	Amend precinct provisions to replace the word "shall "with the word "must"; and use sentence case in Precinct headings rather than capitalising each word; and add a numbering reference to the header of each Precinct Plan in accordance with Council's standard drafting practice as follows: I<u>X.10.1 </u>Whenuapai Green Precinct Plan 1 <u>IX.10.2</u> Whenuapai Green Precinct Plan 2 <u>– Whenuapai Airbase Engine Testing Noise Contours</u>		Accept	Planning
5	5.39	Auckland Council	Amend the order of Standards within the Precinct provisions so that it is more logical, for example as follows: IX.6.1 Staging of Subdivision and Land Use – Transport Upgrades IX.6.2 Road Design IX.6.3 Lighting IX.6.4 Water supply and Wastewater Infrastructure IX.6.5 Stormwater Infrastructure IX.6.6 Riparian margins IX.6.7 Noise IX.6.8 Number of dwellings per site		Accept in part	Planning
6	6.1	Cabra Development Limited	Approve PPC109 as notified.		Reject	Throughout
7	7.1	New Zealand Defence Force	Seeks to protect RNZAF Base Auckland from adverse effects of new development, including in relation to reverse sensitivity. Development must be appropriately located and designed in relation to this established and regionally significant infrastructure.		Accept	Reverse Sensitivity and Noise / Acoustic
7	7.2	New Zealand Defence Force	Seeks that the Precinct provisions mitigate the risk to current and future RNZAF Base Auckland operations as follows: a) To address potential reverse sensitivity effects, reverse sensitivity covenants to apply to all new development; b) Obstacle heights: No permanent or temporary buildings or structures (including cranes) may breach the Obstacle Limitation Surface identified in AUP designation 4311 without prior written approval from the NZDF; c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds); d) Other measures to avoid risk to flight safety and operations including relating to lighting, and glare from building materials; and e) Measures to address potential stormwater and transport and traffic effects.		Accept	Transport
7	7.3	New Zealand Defence Force	Seeks to add specific consideration be given to parts of PPC109 land that are within an areas where land use and subdivision will be subject to the RNZDF approval.		Accept	Reverse Sensitivity

7	7.4	New Zealand Defence Force	Seeks that the Precinct provisions and maps are amended and a height overlay, notation or similar restriction is added to ensure that it is clear that NZDF will not approve an infringement to the 9m Obstacle Limitation Surface outlined in Designation 4311 and within the 1000m protection area off the 08-26 runway (in the northern portion of 98-100 Totara Road).		Accept	Noise / Acoustic and Reverse Sensitivity
7	7.5	New Zealand Defence Force	Seeks that the flood risk to the RNZAF Base Auckland is not exacerbated by increased discharge/runoff to the Rarawaru Stream, noting that significant flooding occurs in rainfall events; and seeks that the applicant's flood assessment takes into account existing discharges runoff to the Rarawaru Stream and seeks remedial and upgrade works be by undertaken by the Applicant to increase capacity or divert stormwater runoff from the Rarawaru Stream.		Accept	Stormwater and Flooding
7	7.6	New Zealand Defence Force	Seeks that transport and traffic effects on the RNZAF Base Auckland are considered.		Accept	Transport
7	7.7	New Zealand Defence Force	Seeks that any boundary or perimeter demarcation such as fencing or vegetation plantings along or near the boundary with the RNZAF Base Auckland does not impact on security requirements for the Base.		Accept in part	Noise / Acoustic
7	7.8	New Zealand Defence Force	Seeks that IX.1 Precinct description be retained but amended to reference the significance of the RNZAF Base Auckland as follows: "…RNZAF Base Auckland is a <u>strategic</u> defence facility of national and regional ~~strategic~~ importance". … 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~~ noise, within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.9	New Zealand Defence Force	Seeks amendments to Objective IX.2(1) as follows: Subdivision, use and development in the Whenuapai Green Precinct is undertaken in a comprehensive and integrated way to provide for residential living while recognising <u>and protecting</u> the ongoing operation and strategic importance of the RNZAF Base Auckland.		Accept	Noise / Acoustic and Reverse Sensitivity
7	7.10	New Zealand Defence Force	Seeks amendments to Objective IX.2(3) relating to stormwater devices to improve wording as follows: Stormwater devices avoid or otherwise minimise or mitigate, adverse effects on the receiving environment, ~~and~~ <u>including</u> the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.		Accept	Stormwater and Flooding
7	7.11	New Zealand Defence Force	Seeks that Objective IX.2(14) be retained as notified or similar wording in relation to effects on RNZAF Base Auckland.		Accept in part	Noise / Acoustic and Reverse Sensitivity

7	7.12	New Zealand Defence Force	Seeks amendments to Objective IX.2(15) to ensure clarify the intention of the objective as follows: (15) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment, <u>including through acoustic attenuation and reverse sensitivity covenants.</u>		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.13	New Zealand Defence Force	Seeks amendments to Policy IX.3(11) relating to stormwater management and bird strike so that it reads more like a policy, as follows: (10) <u>Require</u> t~~T~~he stormwater management outcomes and devices for the site ~~shall~~ <u>to</u> 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.		Accept	Stormwater and Flooding
7	7.14	New Zealand Defence Force	Seeks amendments to Policy IX.3(14) to clarify that policy addresses reverse sensitivity effects including those relating to noise, and that the policy is not limited to bird strike, lighting, glare and reflecting effects, as follows: (14) Require subdivision, use and development within the Precinct to avoid, as far as practicable<u>,</u> 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.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.15	New Zealand Defence Force	Seeks amendments to Policy IX.3(15) to recognise that the methods identified are not the full suite of methods proposed, as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided, remedied, or mitigated at the receiving site <u>including</u> through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.16	New Zealand Defence Force	Supports the introductory text above IX4.1 Activity table that refers readers to Designations 4310 and 4311 however, seeks amendments to wording to ensure constraints applying to parts of the PPC109 land that are subject to the requirement to obtain RNZDF approval for land use and subdivision are clear, as follows: Development in the Whenuapai Green Precinct is subject to height restrictions under Designation 4311 <u>and land use and subdivision in specified areas requires the written approval of the New Zealand Defence Force.</u> 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.17	New Zealand Defence Force	Seeks that IX.5 notification is amended so that use and development that does not comply with Standard IX6.4 Noise be limited notified to the NZDF.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.18	New Zealand Defence Force	Seeks amendments to activity status for Rule IX4.1(A3) Activities that do not comply with Standard IX.6.4 Noise from discretionary to a Non-Complying Activity (although NZDF note they would consider a discretionary or restricted discretionary activity status with relevant matter of discretion in both cases, and subject to a limited notification clause).		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.19	New Zealand Defence Force	Opposes subdivision rules as these do not appear to contain a reverse sensitivity covenant for subdivision. Seeks new rule the clearly requires any subdivision not meeting Standard IX6.4 shall be a Non-complying activity and that NZDF be limited notified as a potentially affected party.		Accept in part	Noise / Acoustic and Reverse Sensitivty

7	7.20	New Zealand Defence Force	Seeks amendments to IX5 Notification to identify NZDF as an affected party and require limited notification for non compliance with other standards listed. Amended wording as follows: I1.5. Notification … (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~~ (x) The New Zealand Defence Force will be considered an affected party for limited notification purposes in relation to any proposal that does not comply with: (i) IX.6.1(2) Stormwater Infrastructure (dry detention basins or stormwater ponds) (ii) IX.6.1(3) Birdstrike (iii) IX.6.3 Lighting (iv) IX.6.4 Noise (v) IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar). (vi) I1.6.X. Temporary activities and construction		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.21	New Zealand Defence Force	Seeks amendments to Standards IX.5(3), (4) and (5) to clarify that these do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.3 Lighting, 4 Noise, etc (as above).		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.22	New Zealand Defence Force	Seeks amendments to IX.6 Standards preamble text to make it clear that permitted activities should also comply with standards that protect the RNZDF Base Auckland form reverse sensitivity effects. Amended wording as follows: .... The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standard IX.6.3, and 4. (etc.), and standards IX.6.7 to IX.6.15.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.23	New Zealand Defence Force	Seeks the introduction of a new standard for land use and subdivision to ensure the constraints on land use and development of the land subject to NZDF approval are included in PPC109. New wording as follows: Standard IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar): a) The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the “conditional” [or “NZDF approval”] notation.		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.24	New Zealand Defence Force	Seeks the introduction of a new standard to highlight the requirements of the Obstacle Limitation Surfaces under the NZDF designations so that safety risks on the operation of the Airbase are avoided. Suggested wording as follows: I1.6.X. Temporary activities and construction Purpose: • to avoid safety and operation risk effects on the RNZAF Base Auckland. (1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment being erected that infringes the Obstacle Limitation Surface must obtain written approval from the New Zealand Defence Force.		Accept in part	Noise / Acoustic and Reverse Sensitivity

7	7.25	New Zealand Defence Force	Support but seek amendments to Standard IX6.1 Stormwater Infrastructure, as follows: (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.		Accept	Stormwater and Flooding
7	7.26	New Zealand Defence Force	Seeks amendments to Standard IX6.3 Lighting to include reference to glare and reflection and reduce adverse safety effects to pilots approaching or taking off from the RNZAF Base Auckland runaway and ensure low reflective materials for building cladding and roofing to avoid sunstrike effects. Amended wording as follows: IX.6.3 Lighting, glare, and reflection Purpose: ~~• To manage reverse sensitivity effects on RNZAF Base Auckland, including in 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) Roof surfaces and e~~E~~xternal building surfaces (excluding vertical surfaces) greater than 10m above ground level must not exceed a reflectivity (specular reflectance) of 20~~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.		Accept in part	Noise / Acoustic and Reverse Sensitivity

7	7.27	New Zealand Defence Force	Amend Standard IX6.4 Noise to reflect its reverse sensitivity purpose, as follows: IX.6.4 Noise and reverse sensitivity Purpose: • To ensure that potential reverse sensitivity effects ~~of noise from~~ on 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 P~~r~~ecinct. This covenant 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 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(15min) 45 dB - Work Areas: LAeq(15min) 45 dB - Sleeping Areas (night-time) LAeq(15 mins) 40 dB ~~(a) Compliance with this standard is achieved if:~~ (i) the building shall be ~~is~~ constructed using the specifications set out in Appendix 2 as they apply to the respective noise contours shown on Precinct Plan 2. A 3 dBA 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 shall be ~~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 LAeq 68dB: …		Accept in part	Noise / Acoustic
7	7.28	New Zealand Defence Force	Amend the plan change to include provisions to address the mitigation of noise in outdoor spaces. This may include the addition of new provisions including rule(s) and/or standard(s).		Accept in part	Noise / Acoustic
7	7.29	New Zealand Defence Force	Amend Standard IX6.8 Building height to refer to the requirements of Designation 4311 regarding height limitations and the Obstacle Limitation Surfaces. Suggested wording as follows: To manage the height of buildings to: … - Ensure compliance with (NZDF requirements) ...		Accept in part	Noise / Acoustic and Reverse Sensitivity
7	7.30	New Zealand Defence Force	Retain or amend matters of discretion IX.8.1 to address specific matters raised in submission.		Accept in part	Noise / Acoustic and Reverse Sensitivity

7	7.31	New Zealand Defence Force	Retain and amend assessment criteria IX.8.2 to include reverse sensitivity effects on RNZAF Base Auckland and other matters raised in submission, including as follows: …(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 …		Accept in part	Noise / Acoustic and Reverse Sensitivity
8	8.1	Watercare Services Limited	Decline PPC109 as it is out of sequence with the expected timing for development of the Whenuapai North (Stage 1) Future Urban Area provided in the Future Development Strategy and will, as a result, have significant adverse effects on Watercare's existing and planned wastewater networks, unless amendments are made to the Precinct provisions requiring the sequencing of subdivision and development in line with the required bulk infrastructure upgrades.		Accept in part	Water Supply a Wastewater
8	8.2	Watercare Services Limited	Seeks amendments to IX.1 Precinct description as follows: ... 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. Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct. All relevant overlays, Auckland-wide and zone provisions apply in this Precinct unless otherwise specified below.		Accept in part	Water Supply a Wastewater
8	8.3	Watercare Services Limited	Seeks amendments to Objective IX.2(11) and the addition of a new objective (11A) as follows: *Three Waters Infrastructure* (11) Subdivision and development within the Precinct is staged and coordinated with ~~All necessary~~ the supply of bulk and local three waters infrastructure (being water supply, wastewater, and stormwater infrastructure) ~~is in place~~ with capacity to service the proposed subdivision and development ~~within the Precinct and is staged and co-ordinated with subdivision and development.~~ (11A) Subdivision and development does not occur in advance of the provision of bulk water supply and wastewater infrastructure with sufficient capacity to service the proposed subdivisions and development.		Accept in part	Water Supply a Wastewater
8	8.4	Watercare Services Limited	Seeks amendments to Policies IX.3(12) and (13) as follows: (12) Ensure that ~~appropriate~~ sufficient local water supply and wastewater infrastructure is provided to enable the servicing of new subdivision and development. ~~residential lots and activities.~~ (13) ~~Ensure~~ Avoid subdivision and development occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable servicing of the Precinct ~~is aligned with the timing of the provision of wastewater and water infrastructure~~	FS3 Auckland Council – Support in part	Accept in part	Water Supply a Wastewater

8	8.5	Watercare Services Limited	Seeks amendments to Rules IX4.1(A2), (A4), (A5), (A6 and (A7) as follows: (A2) Use and development that does not comply with Standards IX.6.2 and / or IX.6.6. (A4) Up to three dwellings per site each of which complies with Standards IX.6.2 and IX.6.7 to IX.6.15 inclusive (A5) Four or more dwellings per site each of which complies with Standards IX.6.2 and IX.6.8 to IX.6.15 inclusive (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.6.2 and IX.6.7 to IX.6.15 inclusive (A7) Accessory buildings each of which complies with Standards IX.6.2 and IX.6.7 to IX.6.15 inclusive		Accept in part	Water Supply a Wastewater
8	8.6	Watercare Services Limited	Seeks amendments to Standard IX.6.2 Wastewater and Water Supply Infrastructure, as follows: 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) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of b~~Bulk water supply and wastewater infrastructure with sufficient capacity required for servicing ~~of all~~ the proposed subdivision and development within the Precinct must be completed and commissioned:~~.~~ (a) In the case of subdivision, prior to the issuing of a certificate of title pursuant to s224(c) of the Resource Management Act 1991 (b) In the case of land use only, prior to construction of any buildings for activities that would require water and/or wastewater servicing. ~~Note: Standard IX.6.2 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) 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) prior to occupation of any building(s) for land use only.~~	FS3 Auckland Council - Support	Accept in part	Water Supply a Wastewater
8	8.7	Watercare Services Limited	Seeks amendments to IX.8.2 Matters of discretion, as follows: … (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 is~~ upgrades are proposed (iii) The extent to which the adjacent road network enables safe pedestrian movements.		Accept in part	Water Supply a Wastewater

8	8.8	Watercare Services Limited	Seeks inclusion of a new special information requirement, as follows: (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. 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.	FS1 Chun-Kai Tseng – Support	Accept in part	Water Supply a Wastewater
9	9.1	Chun-Kai Tseng	Approve PPC109 with amendments to Figure 2 Wider Wastewater Catchment of Appendix I (Water and Wastewater Servicing Memo) to allow for more capacity, and a more holistic approach, for the proposed wastewater pump station and associated gravity sewer and rising main (i.e. to include extra capacity for the wider catchment including properties at 57 Riverlea Road and 123 and 125 Totara Road).	FS2 Watercare - Oppose	Reject	Water Supply a Wastewater
10	10.1	Ministry of Education	Neutral on PC109 but if accepted seeks amendments to Precinct provisions to enable education facilities.	FS4 New Zealand Defence Force - Support in part	Accept in part	Planning and Noise / Acoustic
10	10.2	Ministry of Education	Seeks amendments to Objective IX.2(3) as follows: (3) A well-functioning urban environment that enables all people and communities to provide for their social, educational, economic and cultural wellbeing, and for their health and safety, now and into the future.		Accept in part	Planning and Noise / Acoustic
10	10.3	Ministry of Education	Seeks the addition of a new policy as follows: IX.3(3a) Recognise that the precinct is part of a newly developing residential area, and that there is a potential need for educational facilities to establish within the Precinct.	FS4 New Zealand Defence Force - Support in part	Accept in part	Planning and Noise / Acoustic

ATTACHMENT TWELVE

S42A REPORT RECOMMENDED CHANGES TO PRECINCT PROVISIONS

COUNCIL'S s42A REPORT RECOMMENDED CHANGES IN RED UNDERLINE AND ~~STRIKETHROUGH~~

I.1 Whenuapai Green Precinct

IX.1. Precinct Description

The Whenuapai Green precinct comprises 16.36 hectares of land located approximately 23 ~~kilometers~~ **kilometres** 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 provision~~s~~ 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 co- ordinated 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

Commented [s42A1]: Additional consideration and revisions to these Precinct provisions are required to address concerns raised and recommendations made in Council's s42A Report such as aircraft engine testing noise effects and reverse sensitivity effects.

Commented [s42A2]: Spelling.

Commented [s42A3]: NZDF Sub 7.8

an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods. **The** 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 noise, within each mitigation area, to manage the potential for reverse sensitivity effects 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.

Land use, development and subdivision are to be undertaken in a manner that activates, integrates and enhances the open space network in the Precinct and wider area.

Future land use, development and subdivision consents will give effect to the key elements of the precinct plan and provide opportunities for pedestrian and roading connections into future development areas and open spaces.

Walking and cycling connections are provided within the Precinct to connect the neighbourhood reserve to the south of the plan change area. These connections are to ensure good cycling and walking connectivity with the neighbourhood reserve and existing development to the south. Provision is made for a greenway network providing a network of tracks and walkways along streams and connecting to the broader network outside the precinct.

Commented [s42A4]: S42A recommendation

Subdivision, development and use is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct and new transport upgrades on the surrounding road network are operation .

Commented [s42A5]: Council s42A; Watercare Sub 8.2; Auckland Council Sub 5.12

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 **Transport** Infrastructure*

(5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure.

Transport

(6) Subdivision and development provides for ~~the~~ **a** safe**,** ~~and~~ efficient **and integrated** ~~operation of the current and future~~ transport network for all modes.

(7) Transport infrastructure that is required to service subdivision and development within the Precinct:

(a) Provides for safe and efficient walking and cycling connections within the ~~p~~**P**recinct **and to adjacent development;**

(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**; and**

(g) Provides effective, efficient and safe access to the Precinct.

~~(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.~~

Ecology

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

Commented [s42A6]: NZDF Sub 7.9

Commented [s42A7]: Add word 'transport' to reflect objective below only relates to transport infrastructure, not other infrastructure.

Commented [s42A8]: Add policy or wording to address special information requirement recommendation by Council's Transport Specialists.

Commented [s42A9]: Auckland Transport recommended amendments.

enhanced.

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

Three Waters Infrastructure

(New)Subdivision, development and use does not occur in advance of the provision of bulk water supply and wastewater infrastructure with sufficient capacity to service the proposed subdivision, development and use.

(11) ~~All necessary~~ **Subdivision and development within the Precinct is staged and co-ordinated with the supply of bulk and local** three waters infrastructure (being water supply, wastewater, and stormwater infrastructure) ~~is in place~~ **with capacity** to service **proposed subdivision,** development **and use** ~~within the Precinct and is staged and co-ordinated with subdivision and development~~.

(12) 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) 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.

Effects on RNZAF Base Auckland

(14) 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.

Aircraft Engine Testing Noise

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

Open Space

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

(NEW X) Recognise the importance of the stream network and its connection to the developing Whenuapai greenways network while providing for the protection of ecological functions and providing for passive recreational opportunities alongside the stream network as part of the greenway network.

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.

Commented [s42A10]: Council s42A and Watercare Sub 8.3

Commented [s42A11]: NDF Sub 7.10

Commented [s42A12]: NZDF Sub 7.11

Commented [s42A13]: Add new heading as policy 15 about noise effects on others from engine testing - whereas heading above relates to effects on NZDF.

Commented [s42A14]: s42A recommendation

*Integration of Subdivision and Development with the Provision of **Transport** Infrastructure*

(3) ~~Require~~ **Avoid** subdivision**,** ~~and~~ development **and use** ~~to be managed and designed to~~ **that does not** 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 network that implements the elements and connections identified in Precinct Plan 1 and **provides a safe, functional and well-designed road network** ~~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.

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) **Require** ~~T~~**t**he 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 Base Auckland.

(12) ~~Ensure~~ **Require** that ~~appropriate~~ **sufficient local** water **supply** and wastewater infrastructure is provided to enable the servicing of new **subdivision, development and use** ~~residential lots and activities~~.

(13) ~~Ensure~~ **Avoid** subdivision**,** ~~and~~ development **and use occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable serving of the Precinct** ~~is aligned with the timing of the provision of wastewater and water infrastructure~~.

Commented [s42A15]: Add word 'transport' to reflect objective below only relates to transport infrastructure, not other infrastructure.

Commented [s42A16]: Auckland Transport; Auckland Council 5.18

Commented [s42A17]: Add policy or wording to address special information requirement recommendation by Council's Transport Specialists.

Commented [s42A18]: NZDF Sub 7.13

Commented [s42A19]: Council s42A; Watercare Sub 8.4; Auckland Council 5.17 & 5.18

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.

Commented [s42A20]: NZDF Sub 7.15

Open Space

(New X) **Require a network of high quality landscaped public open spaces and green corridors, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development.**

Commented [s42A21]: Auckland Council Sub 5.22

(16) 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~~.

Commented [s42A22]: s42A recommendaiton

(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) 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) 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) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

(21) Enable housing to be designed to meet the day-to-day needs of residents.

(22) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

(23) 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;

(e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;

(f) 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;

(g) 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;

(h) designing practical, sufficient space for residential waste management; and

(i) 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 **and land use and subdivision in specified area 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 noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to **aircraft** noise.

Commented [s42A23]: NZDF Sub 7.16 and Auckland Council 5.24

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	

Commented [s42A24]: Update to reference new recommended standards.

(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
(A4)	Up to three dwellings per site each of which complies with Standards **IX6.2 and** IX.6.7 to IX.6.15 inclusive	P
(A5)	Four or more dwellings per site each of which complies with Standards **IX6.2 and** 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 **IX6.2 and** IX.6.7 to IX.6.15 inclusive	P
(A7)	Accessory buildings each of which complies with Standards **IX6.2 and** 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

Commented [s42A25]: This needs to sepoartae out actviites sensitive to aricraft noise and make these activies an RD in the Precinct subjhect to a stndard requiring acoustic insulation andmechansial ventialtion etc, plsu no complaint covenant. Pls additonla NC actvity for these activites if stdnbard not compied with. - lie D24 overlay.

Commented [s42A26]: References to standards need to be updated throughout to include the name of the standard after the number. This will ensure consistency in drafting with remainder of AUP.

Commented [s42A27]: Council and Watercare Sub 8.5. Although also note Council comments regarding the need for furtehr amendemnt to provisons to clarify what standards apply to what activities.

Commented [A28]: Given Rule A1 imports all P, RD and D activities from R-MHUZ then, based on Budden decision, you have to consider two activities in a consent application i.e. underlying zone activities plus now also the Precinct activities (A4) to (A9) which are underlying zone activities requiring compliance with precinct standards. The intent is likely to just have to comply with activities A4 - A9 in precinct but because of how A1 is written, this will not be the actual outcome.

(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~~2~~)	**Any subdivision or ~~D~~**development that does not comply with Standard IX.6.20 Road Design	RD
(A19)	**Any subdivision or development that does not comply with Standard IX.6.21 Vehicle access restrcition**	**RD**

Commented [s42A29]: AT, Council Traffic and Planner recommended amendments.

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.~~ **(a)** **T~~t~~**hose persons listed in Rule C1.13(4); and

~~b.~~ **(b)** The New Zealand Defence Force in relation to any proposal that does not comply with:

i. IX.6.3 Lighting

ii. I1.6.4 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;

(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;

Commented [s42A30]: Update to reference new recommended standards.

Commented [s42A31]: Add new standard to require provision of neighbourhood park as per Precinct Plan 1 by developer.

Commented [s42A32]: This section is difficult to follow. Would benefit from clarification.

(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.~~

(1) Water quality:

(a) **All land use development shall be managed in accordance with an approved ~~Network~~ private Discharge Consent and/or a Stormwater Management Plan approved by the stormwater network utility operator.**

(b) **Stormwater runoff from all impervious areas 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)';and/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.**

(c) **Roofs must be constructed of low contaminant generating building materials which:**

(i) **have exposed surface(s) or surface coating of metallic zinc or any alloy containing less than 10% zinc; and**

(ii) **have exposed surface(s) or surface coating of metallic copper or any alloy containing less than 10% copper; and**

(iii) **avoid exposed treated timber surface(s); and**

(iv) **avoid any roof material with a copper containing or zinc-containing algaecide.**

(d) Roof runoff must be directed to a tank sized for the minimum of 5mm retention volume for internal non-potable reuse within the property.

(e) Stormwater discharge that are directed to network to the coast must provide retention of at least 5mm runoff depth for the roof area.

Commented [s42A33]: S42A Recommendation

(2) Dry detention basins or stormwater ponds

(a) In the event that dry detention basins or stormwater ponds are proposed, these ~~shall~~ **must** be designed by a suitably qualified and experienced person to:

Commented [s42A34]: Auckland Council 5.38

(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~~ **must** be maintained thereafter to the satisfaction of Auckland Council in consultation with NZDF.

Commented [s42A35]: NZDF Sub 7.25

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,** development **and use** within the Precinct.

(1) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of b~~**B**ulk water supply and wastewater infrastructure **with sufficient capacity** ~~required~~ for servicing **the proposed subdivision,** ~~of all~~ development **and use** within the Precinct **must be completed and commissioned:** ~~.~~

(a) **For subdivision, prior to the issuing of a certficiate under s224(c) of the Resource Management Act 1991; or**

(b) **For development and/or land use, prior to the construction of any buildings for activities that would require water supply and wastewater servicing.**

~~Note: Standard IX.6.2 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) 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) prior to occupation of any building(s) for land use only.~~

Commented [s42A36]: s42A; Watercare Sub 8.6; Auckland Council 5.28

IX.6.3 Lighting, glare and reflection

Purpose:

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

(2) Roof surfaces and e~~E~~xternal building surfaces (excluding vertical surfaces) **greater than 10m above ground level** must not exceed a reflectivity (specular reflectance) of ~~30%~~**20%** ~~white light where located 10m above ground level; and all roof surfaces.~~

Commented [s42A37]: NZDF Sub 7.26

(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.

IX.6.4 Noise

Commented [s42A38]: s42A recommendation to further amend. But also, for clarity, separate the no-complaints requirement from the noise effects requirements.

Purpose:

- To ensure that potential reverse sensitivity effects of noise from the adjacent RNZAF Base Auckland are appropriately addressed within the Precinct.

(1) A no-complaints covenant ~~shall~~ **must** be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland 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~~ **must** 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

(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 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 LAeq 68dB:*

Leq @						
63Hz	***125Hz***	***250Hz***	***500Hz***	***1kHz***	***2kHz***	***4kHz***
65 dB	*69 dB*	*68 dB*	*65 dB*	*62 dB*	*62 dB*	*55 dB*

IX.6.5 Riparian Margins

(1) At the time of subdivision or development, land within ~~10m~~ **20m** 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.

(2) **Pedestrian/cycle paths must be located adjacent to, and not within the 20m riparian planting.**

Commented [s42A39]: s42A recommendation

New IX.6.X Riparian Yard

Purpose: To protect streams and allow space for a stream to adjust and provide for stream ersion.

(1) Any building or parts of a building must be set back 20m from the top of a permanent or intermittent stream, measured horizontally and at right angles to from the top of the bank, to create a riparian yard.

Commented [s42A40]: s42A recommendation.

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

Purpose:

- To mitigate the adverse effects of traffic generation on the surrounding road network; **to ensure transport infrastructure is provided in a timely manner;** and to achieve the integration of subdivision**, development and** 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**~~,~~ or prior tot he occupation of a dwelling on a site with a frontage to Totara Road (whichever occurs first),** the road widening shown on Precinct Plan 1 must have been constructed along all parts of Totara Road that immediately adjoin the particular stage **or dwelling site**. **The road widening must form a continuous connection between the particular stage and the Totara Road**

/ McCaw Avenue intersection.

(2) The following transport infrastructure upgrades ~~shall~~ **must** be established prior to certificates under section 224(c) being issued for a combined total of more than 150 residential lots **or prior to the** 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~~ **must** be ~~provided~~ **completed and operational** prior to any dwelling being occupied within the ~~site~~ **Precinct**:

(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 the Road Function and Design Elements Table 2 **(refer to Appendix 1)**.

Commented [s42A41]: AT, Council Traffic and Planner recommended amendments.

IX.6.7 Number of dwellings per site

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

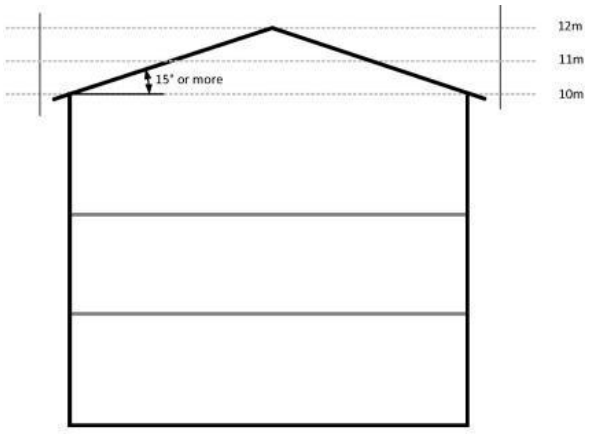
IX.6.8 Building height

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

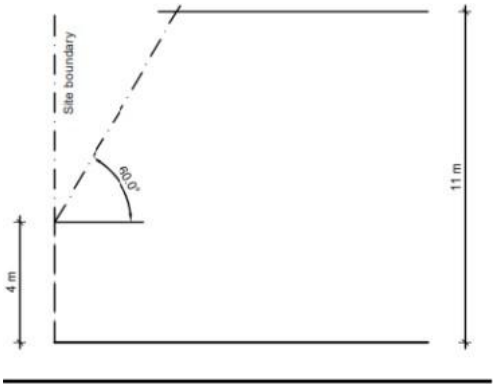
(3) Standard IX.6.9(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

(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

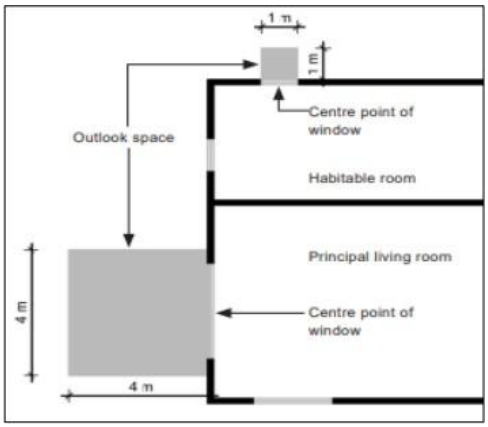
may overlap.

(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 20m^2 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 8m^2 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 8m^2 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.6.21 Vehicle access restriction

Purpose:

- **To maintain a safe road frontage for active modes uninterrupted by vehicle crossings.**

(1) Where subdivision and development has frontage to Tōtara Road, any vehicle access must be to other roads. Sites that have frontage to Tōtara Road must not have direct vehicle access across the protected cycle facilities (as required by Standard IX.6.20) to the road carriageway.

Commented [s42A42]: AT, Council Traffic and Planner recommended amendments.

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.

i.8. Assessment – restricted discretionary activity

i.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.

(g) ***Where subdivision and/or development is adjacent to Open Space:***

(ii) the effects on the amenity values of the open space;

(iii) How the development addresses passive surveillance on the boundary with open space

(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.

(3) 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.

(4) 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.

(5) 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:

- the way in which buildings are orientated to the street and adjoining sites, and
- 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:

- use of built elements such as materials, surface and architectural detailing and roof design to create visual interest;
- use of outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance;
- whether design provides for the balance between residents' privacy and opportunities for passive surveillance;
- whether the design provides for privacy, and sunlight and daylight access for adjoining sites;
- 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:

- the size and dimensions of living areas relative to the likely occupancy levels of the dwellings;
- internal storage;
- 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.

(6) 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)

(7) Non-compliance with Standard IX.6.20 - Road Design

(a) The design of the road and associated road reserve and whether it achieves policiesIX.3(4) and (5).

(b) Design constraints.

(7) Non-compliance with Standard IX.6.21 - Vehicle Access Restriction

(a) Matters of discretion E27.8.1(12) apply.

Commented [s42A43]: AT, Council Traffic and Planner recommended amendments.

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-a- bout 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**; and**

(c) **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.**

Commented [s42A44]: AT, Council Traffic and Planner recommended amendments.

(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); **and**

(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; **and**

(d) Whether the stormwater management device will appropriatelky minimise or mitigate stormwater contaminants, taking into consideration the nature of the contaminants and the sensitivity of the receiving environment.

Commented [s42A45]: s42A recommendation

(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 I**X**~~1~~.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**;

Commented [s42A46]: NZDF Sub 7.31

(b) Temporary structure and construction; and

(c) Noise

(6) For **subdivision and** development not complying with Standard IX.6.20:

(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;

(c) **Whether the proposed design and road reserve:**

(i) **incorporates measures to achieve the required design speeds;**

(ii) **can safely accommodate required vehicle movements;**

(iii) **can appropriately accommodate all proposed infrastructure and roading elements including utilities and/or any stormwater treatment; and**

(iv) **assesses the feasibility of upgrading any interim design or road reserve to the ultimate required standard.**

(d) **Whether there is an appropriate interface design treatment at property boundaries, particularly for pedestrians and cyclists.**

(6A) Non-compliance with Standard IX.6.21 - Vehicle Access Restriction:

(a) The assessment criteria in E27.8.2(11) apply;

(b) The extent to which any vehicle access affects the safety of cycle facilities.

Commented [s42A47]: AT, Council Traffic and Planner recommended amendments.

(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 is~~ **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 **(including the McCaw Avenue / Totara Road intersection)** 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 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~~ **must**:

(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~~ **must** 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**

(a) **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**

Commented [s42A48]: Watercare Sub 8.7

Commented [s42A49]: Add policy or wording to address special information requirement recommendation by Council's Transport Specialists.

Commented [s42A50]: AT, Council Traffic and Planner recommended amendments.

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 but which are necessary to service the Precinct.

(c) Identify the location, size and capacity of the local connections within the Precinct.

(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.

Commented [s42A51]: Watercare 8.8

(4) Geomorphological assessment

(a) Any application for land disturbance (earthworks), development and subdivision which adjoins or discharges to a permanent or intermittent stream must be accompanied by a geomorphological assessment to inform the type and scale of riparian margin/instream work required to ensure the effects from the development and any structures in the stream are managed and there is resilience to any effects of future flow and climate change.

(i) The geomorphological assessment is required ot include a stream health and stabilisation assessment by a qualified fluvial geomorphologist and stream ecologist; and

(ii) A stream health and stabilisation plan informed by (i) above that:

(A) sets out the type and scale of instream and/or riparian margin work required to ensure the ecological and geomorphological effects from the development and any structure is managed and there is resilience to any effects of future flow, and

(B) demonstrates that any instream and/or riparian margin work is of a standard that will allow the stream channel to progressively improve over time where it is degraded, or maintains high stream values where these values are present, and

(C) prioritises nature based solutions and green infrastructure that demonstrate resiliency and adaptability to changes in flow and climate, instead of relying on permanent hard engineering solutions, and,

(D) details who is responsible for carrying out the stream health and stabilisation plan, timing of the implementation of the plan and ongoing monitoring and maintenance.

Commented [s42A52]: s42A recommendation.

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]	Access Restrictions	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	Yes – on PPC frontage	Yes
Internal Roads	Local Road	20m	2	30km/h	No	No	No	Yes	Yes	No
		17m	2	30km/h	No	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.

Commented [s42A53]: AT, Council Traffic and Planner recommended amendments.

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 **(Refer to Appendix 4)**	Single lane roundabout. **At consenting stage consideration to be given to the need to include the following:** • ~~with~~ an additional circulating lane on the northern side. Two approach lanes on Brigham Creek Road, eastbound.

Commented [s42A54]: AT, Council Traffic and Planner recommended amendments.

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.

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)

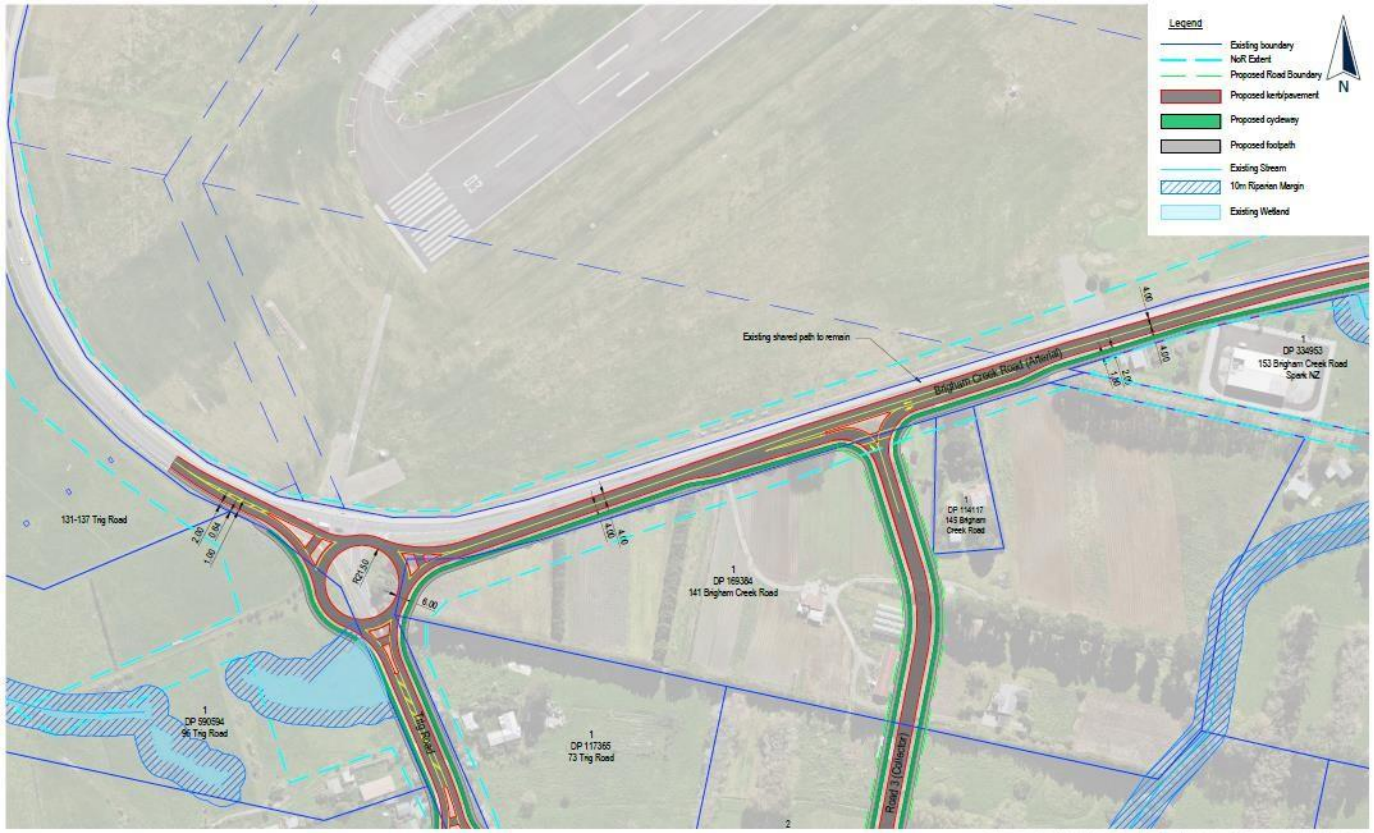
Category 1	
Element	**Roof – Category 1 Facades**
Roofing	Longrun Steel Roofing
Insulation	Minimum R3.2 insulation
Ceiling Lining	Internal ceiling lining of 1x13mm high density plasterboard (e.g. Noiseline)

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





Appendix 4 - Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan



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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	M.Chee	20/11/2023
H	Issued For Information	M.Chee	05/04/2024
I	Issued For Information	M.Chee	12/04/2024
D	Issued For Information	-	13/11/2023
E	Issued For Information	-	15/11/2023
F	Issued For Information	-	17/11/2023

FOR INFORMATION

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

Amendments Required to Precinct Plan 1:

- **Annotate the Precinct Plan to show a Vehicle Access Restriction across the the Tōtara Road frontage**
- **Extend the southern-most east-west indicative local road to connect to the boundary with the adjoining FUZ land to the east.**

S42 Resport Recomeneded Amendments Required to Precinct Plan 1:

• Annotate the Precinct Plan to show a Vehicle Access Restriction across the the Tōtara Road frontage

• Extend the southern-most east-west indicative local road to connect to the boundary with the adjoining FUZ land to the east.



Precinct Boundary

Mixed Housing Urban Zone

local road (indicative location)

neighbourhood park (indicative location)

pedestrian and cycle link (indicative location)

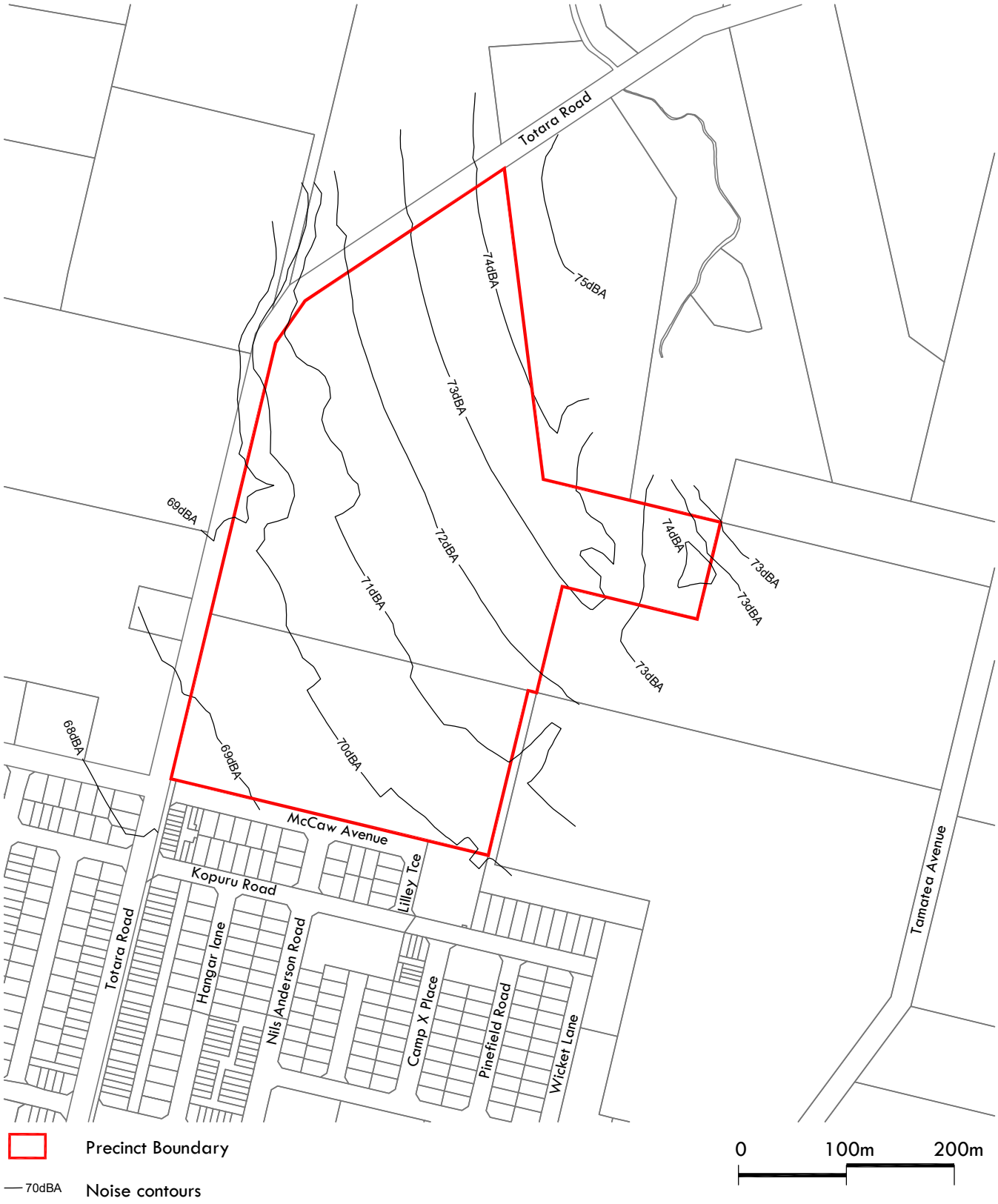
10m riparian corridor

berm upgrade to include footpath, cycleway & road widening (3m) east side of Totara Road

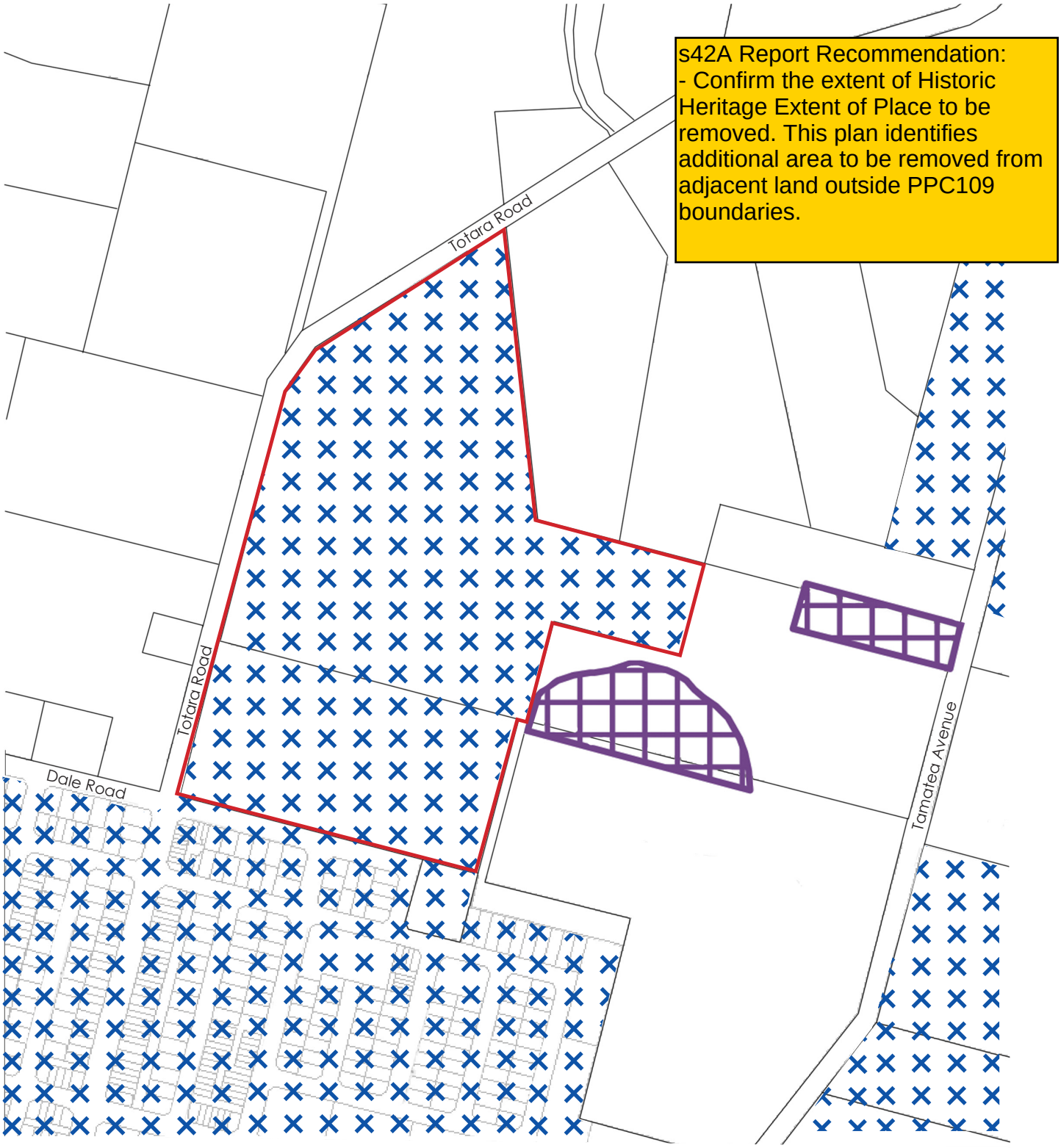
0 100m 200m

WHENUAPAI GREEN PRECINCT PLAN 1

632



WHENUAPAI GREEN PRECINCT PLAN 2 - NOISE MITIGATION AREAS



Plan Change Boundary

Historic Heritage & Special Character

Historic Heritage Overlay Extent of Place [rcp/dp]

Flow 1 [rp]

Flow 2 [rp]

Stormwater Management Area Control

0 100m 200m

WHENUAPAI GREEN OVERLAYS PLAN

ATTACHMENT THIRTEEN

NPS-UD OBJECTIVES AND POLICIES

Part 2: Objectives and policies

2.1 Objectives

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) the area is in or near a centre zone or other area with many employment opportunities

(b) the area is well-serviced by existing or planned public transport

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

(a) integrated with infrastructure planning and funding decisions; and

(b) strategic over the medium term and long term; and

(c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments:

(a) support reductions in greenhouse gas emissions; and

(b) are resilient to the current and future effects of climate change.

2.2 Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and

(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

(c) building heights of at least 6 storeys within at least a walkable catchment of the following:

  (i) existing and planned rapid transit stops

  (ii) the edge of city centre zones

  (iii) the edge of metropolitan centre zones; and

(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents; or

(b) out-of-sequence with planned land release.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and

(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and

(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and

(d) operate in a way that is consistent with iwi participation legislation.

Policy 10: Tier 1, 2, and 3 local authorities:

(a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and

(b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and

(c) engage with the development sector to identify significant opportunities for urban development.

Policy 11: In relation to car parking:

(a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and

(b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.