

AUCKLAND UNITARY PLAN OPERATIVE IN PART

PROPOSED PLAN CHANGE 46 (Private)

Drury South

SUMMARY OF DECISIONS REQUESTED

Enclosed:

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 25 September 2020
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

Summary of Decisions Requested

Plan Change 46 (Private) - Drury South
Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Lomai Properties Ltd	bill.loutit@simpsongrierson.com	Accept the plan change with amendments	Approve PPC46 subject to confirmation that the adverse traffic effects external to the site are appropriately avoided, remedied or mitigated and the ability to develop the Drury-Opāheke Structure Plan is not hindered.
2	2.1	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Include provision for the Mill Road Corridor within PC46. Waka Kotahi will work collaboratively with the applicant and Auckland Council on this outcome.
2	2.2	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend I410.10 Precinct Plan 2 so that Avenue Road is to be shown to intersect with Maketu Road further to the south to avoid interaction with the Mill Road Corridor.
2	2.3	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend I410.1. Precinct description as follows: [...] <i>Plan 1. The transportation network development requirements of the precinct are shown on Precinct plan 2 and includes the Mill Road Corridor. The precinct is [...]</i>
2	2.4	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Objective I410.2(6) as follows: <i>(6) The timely and co-ordinated provision of robust and sustainable transport road, stormwater, water, wastewater, energy and communications infrastructure networks are provided.</i>
2	2.5	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain Objective I140.2(7) as notified.
2	2.6	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Objective I410.2(13) as follows: <i>(13) Activities sensitive to traffic noise adjacent to the are controlled on the strategic freight network (Maketu Road and New Quarry Access Road) serving the Drury Quarry and the Mill Road Corridor are protected from unreasonable levels of transport noise.</i>
2	2.7	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Objective I410.2(14) as follows: <i>Human health effects are managed for a A ctivities sensitive to noise in Sub-Precinct C <u>by providing protection</u> are protected from unreasonable levels of land transport noise.</i>
2	2.8	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Policy I410.3(9) as follows: <i>(9) Ensure buildings in Sub-precinct C address and engage the street and public realm and exhibit a high standard of amenity and pedestrian and cycling safety and convenience.</i>

Plan Change 46 (Private) - Drury South

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Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
2	2.9	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Policy I410.3(10) as follows: <i>(10) Provide for adequate transport infrastructure and connections including the Maketu Road to support safe and efficient movement within the precinct and to and from the surrounding transport network.</i>
2	2.10	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Policy I410.3(13) as follows: <i>(13) Co-ordinate transport road network (including the state highway) improvements both within and outside the precinct with development within the precinct to manage adverse effects on the safe and efficient operation of the surrounding transport road network.</i>
2	2.11	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend Policy I410.3(23) as follows: <i>(23) Control <u>Ensure</u> activities sensitive to noise adjacent to on the strategic freight network (Maketu Road and New Quarry Access Road) serving the Drury Quarry and the Mill Road Corridor are provided with reasonable levels of amenity and human health protection so that occupants are not exposed to unreasonable levels of transport noise.</i>
2	2.12	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Introduce new Policy I140.3(28): <i>(28) <u>Subdivision and development in the Precinct provides for and does not preclude the construction and operation of the Mill Road Corridor.</u></i>
2	2.13	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Introduce new Rule I140.4.1(A5): <i>(A5) <u>Subdivision and development of land including or adjoining to the Mill Road Corridor Activity Status: Restricted Discretionary Activity.</u></i>
2	2.14	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain Rules I410.4.4 Activity Table: (A27) and (A28) Retail (A29), (A30) and (A31) Office as notified.
2	2.15	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Oppose the proposed amendment to I410.5.2 Notification as below: <i>(2) The council will consider applications for subdivision or development of land that is a restricted discretionary activity, without the need for public or limited notification.</i>

Plan Change 46 (Private) - Drury South

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2	2.16	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Oppose the proposed amendment to I410.6 Standards as below: <i>I410.6. Standards</i> <i>The overlay, Auckland-wide and zone standards apply in this precinct, unless otherwise specified below.</i> Rule E27.6.1 does not apply in the Drury South Industrial and Mixed Use Precinct.
2	2.17	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain Standard I410.6.1.1 Retail and Office Gross Floor Area as notified.
2	2.18	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain Standard I410.6.3(1) Subdivision or development preceding subdivision in Sub-precincts A– E as notified.
2	2.19	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend proposed Standard I410.6.4(1) as follows and renumber subsequent parts of the rule: <i>(1) Any <u>building containing a noise sensitive space within Sub-Precinct C must be located and/or designed and/or insulated, or screened by suitable barriers, so that the design internal noise levels in those rooms do not exceed:</u></i> <i>(a) 40 dB LAeq(24 hours) inside any noise sensitive space ; and</i> <i>(b) 70 dB LAeq(24h) In addition, the assessed incident noise level on any <u>to a façade of any building facing Maketu Road or Mill Road that accommodates a noise sensitive space must not exceed 70 dB LAeq(24 hour)</u></i> <i>(2) <u>Compliance with Standard I410.6.4(1) must be determined</u> For the purpose of this rule, noise from Maketu Road shall be based on a road traffic noise level 10m from the nearest traffic lane of <u>Maketu Road and Mill Road of 75 dB LAeq(24 hour), 83dB Leq(24 hour) at 63 Hz and 79dB Leq(24 hour) at 125 Hz.</u></i>

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Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
2	2.20	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend proposed rule I410.6.4(2) as follows: <i>(2) For residential <u>activities dwellings</u>, where the internal noise levels in Standard 1 can only be complied with when doors or windows to those rooms are closed, those rooms must be mechanically ventilated and/or cooled to achieve:</i> <i><u>(a) a system individually controllable across the range of airflows and temperatures by the building occupants; and</u></i> <i><u>(b) a system that generates a noise level of no greater than 35 dB LAeq(30s) when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows; and either:</u></i> <i><u>(a c) an internal temperature no greater than 25 degrees Celsius based on external design conditions of dry bulb conditions 25.1 degrees celsius and wet bulb 20.1 degrees celsius or;</u></i> <i><u>(b d) a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than: ...</u></i>
2	2.21	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain I410.7.2.1(f)(i) Matters of control as notified.
2	2.22	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain I410.8.1.2 Matters of discretion as notified.
2	2.23	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Amend I410.8.2(5)(a) Assessment criteria as follows: <i>(a) the extent to which the activity affects the safe and efficient operation of the adjacent transport network including pedestrian <u>and cycling</u> movement, particularly at peak traffic times;</i>
2	2.24	The New Zealand Transport Agency	Evan.Keating@nzta.govt.nz	Amend the plan change	Retain I410.8.2.1(f)(vi) Assessment criteria as notified.
3	3.1	Counties Power Limited	jmichalakis@align.net.nz	Accept the plan change with amendments	Support Objective I410.2(9) as notified provided that the standards I410.6.2 (6) for tree planting are amended as suggested elsewhere in submission.
3	3.2	Counties Power Limited	jmichalakis@align.net.nz	Accept the plan change with amendments	Support Standard I410.6.2(5) as notified.

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3	3.3	Counties Power Limited	jmichalakis@align.net.nz	Accept the plan change with amendments	Amend Standard I410.6.2. Sub-precincts A-E (6) to consider the following: - recognition of the rights that the Electricity Act 1992, New Zealand Electrical Code of Practice for Electrical Safe Distances, NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 offer in order to protect the lines from encroachment from vegetation/ trees - consultation with Counties Power regarding the species of trees/shrubs proposed required by any standard in the vicinity of overhead lines in all Sub-precincts (i.e. around 8m from overhead lines) to ensure that due consideration is given to the height and spread of the tree and any potential hazards to the electricity network associated with the species of the tree.
4	4.1	Classic Developments NZ Limited	michael@campbellbrown.co.nz	Accept the plan change with amendments	Seeks that PC46 be retained and approved to the extent that it gives effect to this submission
4	4.2	Classic Developments NZ Limited	michael@campbellbrown.co.nz	Accept the plan change with amendments	Seeks that the infrastructure costs being apportioned to private developers through both precincts in respect of the 'Spine Road' (also referred to as 'Maketu Road') by way of Development Contributions levied by Auckland Council; should be reviewed to reflect the proposed zoning changes and any consequential effects on the nature, extent and scale of traffic distribution across the Precincts.
5	5.1	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Approve the re-zoning to Business – Mixed Use and the creation of Sub-Precinct C – Mixed Use, subject to amended precinct provisions to manage transport effects and achieve land use transport integration.
5	5.2	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend Precinct Objective I410.2(14) as follows: “(14) Activities sensitive to noise in Sub-Precinct C are protected from unreasonable levels of land transport noise, <u>by subdivision and building development features</u> ” And any corresponding / consequential amendments to rules to give effect to this revised objective.

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5	5.3	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend Precinct Policy I410.3(9) as follows: “(9) Ensure buildings in Sub-precinct C address and engage the street and public realm and exhibit a high standard of amenity and pedestrian and cycling safety and convenience.”
5	5.4	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Delete the proposed addition to Policy I410.3(140): “adequate”. Add to the end of policy (I410.3(140) on transport and infrastructure: “ <u>This shall include the collector roads Maketu Road, Link Road, New Quarry Access Road and Ramarama Road through to Fitzgerald Road providing good public transport, walking and cycling connections through the precinct and between the two future rail stations in Drury.</u> ”
5	5.5	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend I410.5(2) as follows: “(2) Any application for resource consent for an activity listed in Tables I410.4.1 - I410.4.6 and which is not listed in I410.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. The council will consider applications for subdivision or development of land that is a restricted discretionary activity, without the need for public or limited notification. ”
5	5.6	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	In I410.6. Standards, delete the proposed addition: “ <u>Rule E27.6.1 does not apply in the Drury South Industrial and Mixed Use Precinct.</u> ”
5	5.7	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Re-instate the I410.6.3(1) provision that proposed roads (including pedestrian and cycle routes) identified on Precinct Plan 1 and Precinct Plan 2 must be vested in Council and at no cost to the Council upon subdivision or development.

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5	5.8	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend Restricted Discretionary Assessment Criteria I410.8.2(1)(f)(iv) as follows: “(iv) whether Ramarama Road, at the northern boundary of the precinct <u>remains open for light vehicles, public transport, walking and cycling, or if an alternative link providing for such is achieved to Fitzgerald Road as is closed to all vehicular traffic by the time 58 hectares of the developable area in the Ramarama Road Transport Area defined on Precinct Plan 2. has been subdivided or developed;</u>
5	5.9	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend Restricted Discretionary Assessment Criteria I410.8.2(1)(f) by adding (f)(x) as follows: <u>(f)(x) whether the new collector roads are designed to perform their required transport network functions, including public transport route capability, walking and cycling, heavy commercial vehicles where appropriate (freight route), connectivity, streetscape and landscaping, service berms, and any required stormwater management</u> Or alternative wording that achieves sufficient width of roads to perform their required functions
5	5.10	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	If appropriate assessment criteria are not included in I410.8.2(1)(f), then amend the plan change to include high-level designs of the proposed collector roads.
5	5.11	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend I410.8.2(5)(a) as follows: “(a) the extent to which the activity affects the safe and efficient operation of the adjacent transport network including pedestrian <u>and cycling movement, particularly at peak traffic times;</u> ”
5	5.12	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend Precinct Plan 1 and Precinct Plan 2 to show an acceptable high-level design for the intersection of Avenue Road with Maketu Road
5	5.13	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Amend Precinct Plan 1 and Precinct Plan 2 to show the northern end of Ramarama Road as Indicative Road intended to link through to Fitzgerald Road.

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5	5.14	Auckland Transport	Josephine.Tam@at.govt.nz	Amend the plan change if it is not declined	Include the Mill Road extension as an indicative road on the precinct plans if the location is confirmed in time, along with its implications for precinct roads and intersection/access design.
6	6.1	Ngāti Te Ata Waiohua	karl_flavell@hotmail.com	Decline the plan change	Reject the Application on the basis that there has been a lack of iwi consultation, engagement and consideration of the Submitter's cultural preferences resulting in a failure to give effect to sections 6(e), 6(f), 7(a) and 8 of the RMA.
7	7.1	Kāinga Ora Homes and Communities	michael@campbellbrown.co.nz gurv.singh@kaingaora.govt.nz	Support the plan change subject to amendments	Support the rezoning of part of Sub-Precinct C from Light Industry to Mixed Use and the rezoning of some Heavy Industry zones to Light Industry Zone;
7	7.2	Kāinga Ora Homes and Communities	michael@campbellbrown.co.nz gurv.singh@kaingaora.govt.nz	Support the plan change subject to amendments	Delete Standards I410.6.4 Sub-Precinct C (Noise and Ventilation)
7	7.3	Kāinga Ora Homes and Communities	michael@campbellbrown.co.nz gurv.singh@kaingaora.govt.nz	Support the plan change subject to amendments	Delete Standards I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant)
7	7.4	Kāinga Ora Homes and Communities	michael@campbellbrown.co.nz gurv.singh@kaingaora.govt.nz	Support the plan change subject to amendments	Any other alternative or consequential relief to give effect to this submission.

Submissions

SUBMISSION ON PLAN CHANGE 46 (PRIVATE): DRURY SOUTH

To: Auckland Council

Name of Submitter: Lomai Properties Limited (**Lomai** or the **Submitter**)

INTRODUCTION

1. This is a submission on Proposed Private Plan Change 46: Drury South (**PPC46** or the **Application**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).
2. Lomai Properties Limited could not gain an advantage in trade competition through this submission.
3. This submission relates to the entire Application, however the submitter is particularly interested in the potential traffic and transport effects arising from PPC46.
4. Lomai Properties Limited supports the Application, subject to receiving confirmation that potential traffic effects arising from PPC46 will be acceptable within the surrounding road network, and will not prevent or hinder the development potential envisaged within the Drury-Opāheke Structure Plan from being given effect to especially Stage 1 of the Drury-Opāheke Structure Plan area.

BACKGROUND

5. Lomai owns a 56 ha block of land on Karaka Road in Drury West. The land is zoned Future Urban Zone in the AUP and is within the Drury-Opāheke Structure Plan.
6. Lomai have lodged a private plan change request with Auckland Council seeking to rezone its land to a mixture of Residential – Terrace Housing and Apartment Building, Residential – Mixed Housing Urban, Business – Neighbourhood Centre and Open Space zones. The development has been named by Mana Whenua as Waipupuke. The proposed Waipupuke development is generally in accordance with the Drury-Opāheke Structure Plan.
7. PPC46 seeks to rezone land and amend the provisions of the Drury South Industrial Precinct at Maketu Road, Quarry Road and Fitzgerald Road in Drury South. Among other outcomes, PPC46 has the effect of enabling a greater range and density of commercial and residential activities to locate in the plan change area.

REASONS FOR SUBMISSION

8. Lomai generally supports the outcomes sought in the Application. While the land subject to PPC46 is not within the Drury-Opāheke Structure Plan area, PPC46 appears to support Auckland Council's objectives to enable greater housing variety and choice in Drury, as well as providing opportunities for residents to work and play in the area. PPC46 may also support the Drury-Opāheke Structure Plan by

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enabling development that will provide employment opportunities to support Drury's growing population.

9. Lomai has concerns, however, as to the potential traffic implications on the surrounding road network that may arise from the increase in residential and commercial development enabled through PPC46.
10. The applicant's traffic assessment concludes that "*the external effects in terms of the transport projects required are unlikely to be discernibly different to the current Precinct provisions, when the change in vehicle trips is distributed across the external network.*"¹ However, this conclusion appears to be based on several assumptions, for example:
 - (a) It assumes that traffic effects will be evenly distributed across the external network, when this may not be the case;
 - (b) It assumes that further assessment of the traffic network can be undertaken through future subdivision consents. While this is true, once the PPC46 land is zoned for increased density there will be greater ability and prerogative to grant subdivision consent despite any shortcomings in the transport network that are identified at the time. Surrounding land owners whose land is not yet live zoned are likely to face the adverse consequences of any shortcomings in the transport network, should they be identified; and
 - (c) The conclusion is based on an assumption that development undertaken as part of the Drury-Opāheke Structure Plan will alleviate traffic congestion arising from PPC46. The rationale for this is that residents will live and work in the same area and therefore not need to travel long distances on the network. While this is likely to be true in the medium and long term, the Structure Plan will take time to be developed, and in the meantime the Drury South development should appropriately address all external traffic effects it is creating.
11. Any increase in traffic effects from PPC46 has the potential to prevent or hinder the outcomes sought in the Drury-Opāheke Structure Plan from being achieved, by using the existing transport network capacity and reducing the capacity for other developers. This would have significant adverse implications for the development potential of Lomai's land, as well as other developers in the area.
12. Due to the significant implications that any adverse traffic effects would have, Lomai seeks greater certainty that PPC46 is able to mitigate any potential traffic effects that it creates.
13. Lomai would be in a position to support PPC46 if and once it receives confirmation that it will not result in any adverse traffic effects external to the site, and will not hinder the ability for the Drury-Opāheke Structure Plan area to develop as intended.

DECISION SOUGHT

14. Lomai Properties Limited seeks the following decision from Auckland Council:
 - (a) Approve PPC46 subject to confirmation that the adverse traffic effects external to the site are appropriately avoided, remedied or mitigated and the ability to develop the Drury-Opāheke Structure Plan is not hindered.

¹ Drury South Industrial Precinct - Plan Variation, Traffic Assessment, Beca, 12 November 2019, page 31.

15. Lomai wishes to be heard in support of its submission.
16. Lomai would consider presenting a joint case if others make similar submissions.

26 August 2020



Bill Loutit / Rachel Abraham
On behalf of Lomai Properties Limited

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FORM 5

Submission on a notified proposal for Private Plan Change 46 – Drury South under Clause 6 of Schedule 1 Resource Management Act 1991

27 August 2020

Auckland Council
 Plans and Places
 Private Bag 92300
 Auckland 1142
 Attn: John Duguid

Email: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: The New Zealand Transport Agency

This is a submission on Private Plan Change 46 Drury South (**Plan Change**) to the Auckland Unitary Plan (operative in Part).

The New Zealand Transport Agency (**Waka Kotahi**) could not gain an advantage in trade competition through this submission.

Waka Kotahi role and responsibilities

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (LTMA). Waka Kotahi's objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi's roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

The Plan Change relates to areas that are close to and potentially affect State Highway 1 and the future Mill Road corridor (proposed state highway). Waka Kotahi's interest in this proposed Plan Change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.

- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.
- A collaborative partner in Te Tupu Ngātahi (Supporting Growth Alliance).

Government Policy Statement on Land Transport.

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (GPS). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years.

The four strategic priorities of the GPS are safety, access, environment and value for money. The National Objectives for land transport include a transport system that:

- Is a safe system, free of death and serious injury.
- Provides increased access to economic and social opportunities.
- Enables transport choice and access.
- Is resilient.
- Reduces greenhouse gas emissions, as well as adverse effects on the local environment and public health.
- Delivers the right infrastructure and services to the right level at the best cost.

A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. Likewise, changes in transport can affect land use.

Transport Sector Outcomes Framework

In June 2018, the Ministry of Transport launched the Transport Sector Outcomes Framework (Framework). The Framework defines the long-term strategic outcomes for New Zealand's transport system and explains how the Government and the transport sector should work towards these outcomes through a guiding principle of mode neutrality. The purpose of the transport system is to improve people's wellbeing, and the liveability of places. It does this by contributing to the following outcomes:

- Inclusive Access – enabling all people to participate in society through access to social and economic opportunities, such as work, education, and healthcare.
- Economic prosperity – supporting economic activity via local, regional, and international connections, with efficient movement of people and products.
- Healthy and safe people – protecting people from transport-related injuries and harmful pollution and making active travel an attractive option.
- Environmental sustainability – transitioning to net zero carbon emissions, and maintaining or improving biodiversity, water quality, and air quality.
- Resilience and security – minimising and managing the risks from natural and human-made hazards, anticipating and adapting to emerging threats, and recovering effectively from disruptive events.

Wider Context

In making this submission, Waka Kotahi is cognisant of the context of the Plan Change and ongoing planning processes and projects. These include:

- The recent funding of the Mill Road corridor which is planned to traverse the Drury South Industrial Precinct and the Papakura to Drury South project as part of the New Zealand Upgrade Programme;
- Te Tupu Ngātahi's planning work on the Drury transport network which includes a number of new and upgraded arterial roads in the wider Drury area;
- A number of other plan changes, particularly in the Drury East area which have been lodged with Auckland Council but not yet notified; and
- The Council adopted Drury–Opaheke Structure Plan.

A high level of care is required to ensure integration between the projects in the area and the planning outcomes being sought, all of which have differing timeframes.

Decision sought

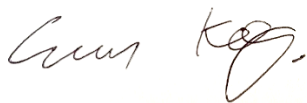
Waka Kotahi is neutral with respect to the Plan Change but seeks amendments and / or further information to provide greater certainty around the provision of transport infrastructure.

Decisions that Waka Kotahi seeks on the Plan Change are set out in its submissions contained in **Table 1**. Waka Kotahi Agency also seeks any consequential changes to the Plan Change required to give effect to the relief described in **Table 1**.

Hearings

Waka Kotahi wishes to be heard in support of its submission. If others make a similar submission, Waka Kotahi will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



Evan Keating

Principal Planner
Waka Kotahi

Address for Service of person making submission:

NZ Transport Agency

Contact Person: Evan Keating

Email: Evan.Keating@nzta.govt.nz

Table 1: NZ Transport Agency Submission on Auckland Unitary Plan (OIP) Plan Change 46 (Private) Drury South

	Sub #	Provision Number	Reason for Submission	Relief Sought
2.1	1	Whole Plan Change (including Precinct Plans)	<p>Waka Kotahi holds responsibility for the construction of the Mill Road Corridor (the Corridor) which will provide a safer, more reliable and accessible transport corridor to support residential and employment growth in south Auckland. The new 21.5km corridor, between Manukau and Drury will be a four-lane corridor with separated walking and cycling facilities and will provide residents with more reliable public transport services.</p> <p>In order to provide efficient and coordinated land use and transport planning, the Corridor should be included in the PPC46 and Precinct Plans with consequential amendments.</p>	<p>Base text is PC46 as notified, changes accepted. New text <u>underline</u> Deleted text strikethrough</p> <p>Include provision for the Mill Road Corridor within PP46. Waka Kotahi will work collaboratively with the applicant and Auckland Council on this outcome.</p>
2.2	2	I410.10 – Precinct Plans	<p>Precinct Plan 2 shows proposed indicative roads Maketu Road, Avenue Road and Link Road forming an intersection in close proximity to the proposed intersection location of Maketu Road with the Mill Road Corridor. Avenue Road should be shown to intersect with Maketu Road further to the south to avoid interaction with the Mill Road Corridor and ensure safe and operationally efficient intersection spacing.</p>	<p>Retain with amendment.</p> <p>Avenue Road is to be shown to intersect with Maketu Road further to the south to avoid interaction with the Mill Road Corridor.</p>
2.3	3	I410.1. Precinct description	<p>Recognition of the Mill Road Corridor is proposed and is a key linkage supporting the PPC46 area.</p>	<p>Retain with amendment.</p> <p>Paragraph 1: <i>[...] Plan 1. The transportation network development requirements of the precinct are shown on Precinct plan 2 <u>and includes the Mill Road Corridor.</u> The precinct is [...]</i></p>

2.4	4	I410.2 Objectives 6	A minor change is proposed to recognise infrastructure beyond roads (e.g. cycle, walking, rail and public transport). Amendment also aligns with Objective 7 which refers to <i>transport network</i> .	Retain with amendment. <i>(6) The timely and co-ordinated provision of robust and sustainable <u>transport road</u>, stormwater, water, wastewater, energy and communications infrastructure networks are provided.</i>
2.5	5	I410.2 Objective 7	The provision supports the safe and efficient operation of the transport network.	Retain as notified.
2.6	6	I410.2 Objective 13	The provision should be amended to reflect the inclusion of the Mill Road Corridor and the health effects of transport noise. Deletion of <i>traffic</i> means that the objective applies to the defined term <i>activities sensitive to noise</i> which improves interpretation of the objective. The transport focus is retained by other proposed amendments within the objective.	Retain with amendment. <i>(13) Activities sensitive to traffic noise adjacent to the are controlled on the strategic freight network (Maketu Road and New Quarry Access Road) serving the Drury Quarry and the Mill Road Corridor are protected from unreasonable levels of transport noise.</i>
2.7	7	I410.2 Objective 14	An amendment is proposed to recognise the amenity and health benefits of protecting activities sensitive to noise.	Retain with amendment. <i>Human health effects are managed for aActivities sensitive to noise in Sub-Precinct C by providing protection are protected from unreasonable levels of and transport noise.</i>
2.8	8	I410.3 Policy 9	The design of street and public realm shall also consider the safety and convenience of cyclists. There is a need to ensure cycling mode of transport is included in the policy.	Retain with amendment. <i>(9) Ensure buildings in Sub-precinct C address and engage the street and public realm and exhibit a high standard of amenity and pedestrian <u>and cycling</u> safety and convenience.</i>
2.9	9	I410.3 Policy 10	Inclusion of 'adequate' is an unnecessary qualifier. Transport infrastructure should be fit for purpose rather than adequate.	Retain with amendment. <i>(10) Provide for adequate transport infrastructure and connections including the Maketu Road to support safe and efficient movement within the precinct and to and from the surrounding transport network.</i>
2.10	10	I410.3 Policy 13	A minor change is proposed to recognise infrastructure beyond roads (e.g. cycle, walking, rail and public transport).	Retain with amendment.

2.10		Amendment also aligns with Objective 7 which refers to <i>transport network</i> .	(13) Co-ordinate <u>transport road</u> network (including the state highway) improvements both within and outside the precinct with development within the precinct to manage adverse effects on the safe and efficient operation of the surrounding transport <u>road</u> network.
2.11	11	I410.3 Policy 23 The provision should be amended to reflect the inclusion of the Mill Road Corridor and the potential effects on health and amenity from transport noise.	Retain with amendment. (23) <u>Control</u> Ensure activities sensitive to noise adjacent to on the strategic freight network (Maketu Road and New Quarry Access Road) serving the Drury Quarry and the Mill Road Corridor are provided with reasonable levels of amenity and human health protection, so that occupants are not exposed to unreasonable levels of transport noise
2.12	12	I410.3 Policy (new) A policy is proposed to support the provision of the Mill Road Corridor and to reflect Objectives I410.2(6) and (7).	Include new provision. <u>(28) Subdivision and development in the Precinct provides for and does not preclude the construction and operation of the Mill Road Corridor.</u>
2.13	13	I410.4.1 Activity Table (new) A new restricted discretionary activity is proposed to manage potential effects on the Mill Road Corridor.	Include new provision. <u>(A5) Subdivision and development of land including or adjoining to the Mill Road Corridor Activity Status: Restricted Discretionary Activity.</u>
2.14	14	I410.4.4 Activity Table (A27) and (A28) Retail (A29), (A30) and (A31) Office The activity controls proposed will provide a graduated approach for management of effects.	Retain as notified.
2.15	15	I410.5.2 Notification The submission seeks to have development or subdivision considered without notice/affected parties approvals. However, it is not clear whether this would apply to situations where there is a concurrent failure to comply with development standards (e.g. I410.6.4 Sub-Precinct C Noise and Ventilation) would be also be a restricted discretionary activity. The proposed wording may preclude consideration of affected parties. Waka Kotahi considers it may be an affected party if	Oppose proposed amendment. Retain existing AUP (OIP) provision which applies the normal tests for notification. (2) The council will consider applications for subdivision or development of land that is a restricted discretionary activity, without the need for public or limited notification.

		applicants seek to vary (for example) noise and ventilation provisions.	
2.16	16	I410.6. Standards The applicant seeks to exempt the Drury South Precinct from the application of Rule E27.6.1(b) (trip generation resource consent requirement). It is acknowledged that an ITA has been prepared for the Precinct; however the applicant's proposed exemption would apply to proposals more intensive than those assessed by the existing ITA. The Mixed Use part of the precinct has Trade Suppliers as a permitted activity, up to a total of 11,000m ² , where they are normally discretionary activities within the Mixed Use zone. The implications of applying the trip generation rule, to development and land use more intensive than previously assessed development and land use, are expected to be confined to site access and manoeuvring and the immediate road environment, rather than on the wider road network.	Oppose proposed amendment. <i>I410.6. Standards</i> <i>The overlay, Auckland-wide and zone standards apply in this precinct, unless otherwise specified below.</i> <i>Rule E27.6.1 does not apply in the Drury South Industrial and Mixed Use Precinct.</i>
2.17	17	I410.6.1.1 Retail and Office Gross Floor Area The proposed retail and office GFA limitations will support the safe and efficient operation of the transport network.	Retain as notified.
2.18	18	I410.6.3. Subdivision or development preceding subdivision in Sub-precincts A– E The provision reflects that some flexibility may be required as the Precinct develops and will allow adaptive changes to the road network.	Retain as notified. <i>(1) Proposed roads (including pedestrian and bicycle routes) identified on the Precinct Plan 1 and Precinct Plan 2, must be located generally in the position indicated on Precinct plan 1 and Precinct Plan 2. An alternative roading layout may be proposed provided that an integrated approach to land use and transport can be achieved throughout the Drury South Industrial and Drury South Residential precincts.</i>
2.19	19	I410.6.4 Sub-Precinct C (Noise and Ventilation) The proposed rule conflates two separate performance standards and one noise source assumption. For robust application these elements should be listed separately. The proposed rule only addresses noise exposure from Maketu Road but should also address noise exposure on the future Mill Road, for the same reasons that Maketu Road is included.	Retain with amendment. Amend proposed rule I410.6.4(1) as follows and renumber subsequent parts of the rule: <i>(1) Any <u>building containing a noise sensitive space</u> within Sub-Precinct C must be <u>located and/or designed and/or insulated,</u></i>

2.19				<p>or screened by suitable barriers, so that the design <i>internal noise levels in these rooms</i> do not exceed: (a) 40 dB LAeq(24hours) inside any noise sensitive space; and (b) 70 dB LAeq(24h) In addition, the assessed incident noise level on any to a façade of any building facing Maketu Road or Mill Road that accommodates a noise sensitive space must not exceed 70 dB LAeq(24 hour) (2) Compliance with Standard I410.6.4(1) must be determined For the purpose of this rule, noise from Maketu Road shall be based on a road traffic noise level 10m from the nearest traffic lane of Maketu Road and Mill Road of 75 dB LAeq(24hour), 83dB Leq(24 hour) at 63 Hz and 79dB Leq(24 hour) at 125 Hz.</p>
2.20	20	I410.6.4(2) (Noise and Ventilation)	<p>A) The requirements for ventilation should apply to all residential activities set out in Table J1.3.5 and not just those occurring in dwellings</p> <p>B) To provide a viable alternative to opening windows any mechanical ventilation system should be controllable by occupants and have limited self-noise.</p>	<p>Retain with amendment.</p> <p>(2) For residential activities dwellings, where the internal noise levels in Standard 1 can only be complied with when doors or windows to those rooms are closed, those rooms must be mechanically ventilated and/or cooled to achieve: (a) a system individually controllable across the range of airflows and temperatures by the building occupants; and (b) a system that generates a noise level of no greater than 35 dB LAeq(30s) when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows; and either: (a) an internal temperature no greater than 25 degrees Celsius based on external design conditions of dry bulb conditions 25.1 degrees celsius and wet bulb 20.1 degrees celsius or; (b) a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than: ...</p>
2.21	21	I410.7.2.1(f)(i) Matters of control	The amendment supports the safe and efficient operation of the transport network.	<p>Retain as notified.</p> <p>(f) vehicular access:</p>

2.21			<i>(i) the extent to which proposed vehicle access to sites adjoining the Spine Maketu Road, and New Quarry Access Road shown on the Precinct plan 2 minimises any conflict with safety and efficiency of these routes as part of the strategic freight network;</i>
2.22	22	I410.8.1.2 Matters of discretion	The amendment supports the safe and efficient operation of the transport network.
2.23	23	I410.8.2(5)(a) Assessment criteria	An amendment is proposed to ensure cycling mode of transport is an integral part of consideration in land use and subdivision consents.
2.24	24	I410.8.2.1(f)(vi) Assessment criteria	It is recommended (submission point 2) that Avenue Road is to be shown to intersect with Maketu Road further to the south to avoid interaction with the Mill Road Corridor. This provision is supported on the basis that submission 2 is adopted.
			Retain as notified . <i>(2) the creation of vehicle access to any site with frontage to or from the Spine Maketu Road shown on Precinct Plan 2 which also has frontage to another road shown on that plan:</i> Retain with amendment. <i>(a) the extent to which the activity affects the safe and efficient operation of the adjacent transport network including pedestrian <u>and</u> cycling movement, particularly at peak traffic times;</i> Retain as notified.

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission (including personal details, names and addresses) will be made public.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



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

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

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Jo Michalakis

Organisation Name (if submission is made on behalf of Organisation)

Counties Power - Rachel Bilbe

Address for service of Submitter

Align Limited - c/- Jo Michalakis

PO Box 147105, Ponsonby 1144

Telephone:

Fax/Email:

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

Plan Change/Variation Name

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

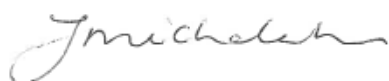
If the proposed plan change / variation is not declined, then amend it as outlined below.

See attached submission

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



Jo Michalakis

27 August 2020

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

Date

Notes to person making submission:

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

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

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

Auckland Unitary Plan
PC 46 (Private): Drury South
Submission



C O U N T I E S P O W E R

Quality Control Sheet

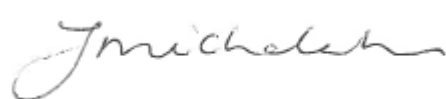
Submitter: Counties Power Limited
Asset: Counties Power Electricity Distribution Network
Plan: Auckland Unitary Plan - Proposed Plan Change 46 (Private) Drury South
Document: Submission
Counties Power Contact: Rachel Bilbe, Land Access Coordinator
Consultant Contact: Jo Michalakis, Auckland Manager – Planning, Align Limited
File Reference: COUNT013

Version:

Issue 1.0	27 August 2020	For approval
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Distribution:

Rachel Bilbe	Counties Power	Email
AC Policy Team	Auckland Council	Online Submission



Produced by:

Jo Michalakis



Review by:

Liz Stewart

Align Limited

Date: 27 August 2020

Limitations:

This report has been prepared for the client according to their instructions. The information in this report should not be used by anyone else, or for any other purposed. Some of the information presented in this report is based on information supplied by the client. Align Limited does not guarantee the accuracy of any such information. Any advice contained in this report is subject to this limitation.

1. Introduction

This document provides a submission on Plan Change 46 (Private): Drury South. The document contains a spreadsheet with submission points both supporting and opposing the following parts of the proposed plan change:

- Objective I410.2(9);
- Standard I410.6.2. Sub-precincts A-E (5);
- Standard I410.6.2. Sub-precincts A-E (6); and

Counties Power wishes to be heard in support of their submission.

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

2. About Counties Power

Counties Power owns, manages, and operates an electricity distribution network in southern Auckland, northern Waikato and Hauraki District areas, collectively serving over 44,000 customers, with a system length of 3,200km covering an area of approximately 2,250km². The Auckland Council portion of their network covers 830km² and makes up 37% of the Counties Power network. In the Auckland Region, this includes urban centres such as Pukekohe, Waiuku and Southern Papakura; rural residential areas like Hunua; and rural areas with very low customer density. It also includes Drury, the area subject to proposed Plan Change 46. The company also provides telecommunications and smart metering services.

Counties Power is 100% consumer owned. All shares are held by the Trustees of the Counties Power Consumer Trust (Trust) on behalf of all local power consumers. The Trust has a total of five Trustees, of which two are required to be elected every two years. Counties Power is managed for the benefit of its consumers and their communities. The Trust oversees the performance of Counties Power through the appointment of a Board of Directors (Board). The Board and Management of Counties Power consult the Trust on the strategic direction, business plans, and asset management measures and targets. Information about the Trust can be obtained from www.countiespowertrust.co.nz.

By length, 72% of the Counties Power network is rural overhead, however the urban networks supplying Pukekohe, Waiuku, Tuakau, Pokeno, Drury and parts of Papakura comprise a split of overhead and underground assets. Generally, the eastern part of the network is newer, higher in network connection densities and subject to high levels of growth in the areas adjacent to motorway and state highway corridors. The western side of the network is older, more remote, lower density and has less growth in terms of new connections and load requirements on the network. The Counties Power network is exposed to a range of environmental conditions, including weather – particularly the harsh coastal environment around the Awhitu peninsula, and vegetation – most notable in the areas around Hunua Ranges, but with effects across the entire network.

3. Counties Electricity Network Operation and Location

Counties Power has two points of supply from Transpower's National Grid via GXPs at Glenbrook and Bombay. From there, power is distributed to consumers via eight zone substations and an extensive network of lines, cables, transformers and other equipment. The Glenbrook GXP supplies the western substations at 33kV whilst Bombay GXP supplies the eastern substations at 110kV and 22kV.

Counties Power's network is made up of both High Voltage (HV) and Low Voltage (LV) lines made up as follows:

HV network comprises:

- sub-transmission lines (33kV and 110kV) which carry electricity from the Grid Exit Point (GXP) to zone substations or between zone substations. Typically serving 500 to 12,000 customer connections.
- feeder lines (11kV and 22kV) which carry electricity from zone substations to transformers or in some cases direct to customers with a large demand (e.g. some industrial customers). These typically serve 80 to 2,500 customer connections.

LV Network (400V) comprises lines from transformers to individual connection points, typically serving 1 to 20 customer connections.

More than 20 years ago, Counties Power decided to provide for future growth by converting the backbone of its network from 33kV (for sub-transmission) and 11kV (for feeders) to 110kV and 22kV respectively. These voltages carry significant loads with a reasonably unobtrusive overhead line network and have provided the consumer-shareholders of Counties Power with a network that is cost effective to construct, flexible and resilient.

Approximately 8,500 customers (or 20% of Counties Powers total network load) are in the Hingaia, Drury, Papakura and Hunua areas. The customers in these areas rely on power from the Counties Power zone substation at Opaheke, which is supplied from the Transpower GXP at Bombay. Electricity is conveyed between these two points by means of two sub-transmission lines operating at 110kV, referred to as the Bombay-Opaheke (west) and Bombay-Opaheke (east) lines.

Generally speaking, the west line traverses land adjoining the motorway (SH1) between the northern extent of Quarry Road in the north of the Drury Precinct, to Ararimu Road in the south; and includes a designated substation site owned by Counties Power at 201 Quarry Road, Drury. The northern end of the west line passes through Sub-precinct D: Public Open Space (Stormwater Management); and is adjacent to land in Sub-precinct A: Light Industry. It then continues south, immediately adjacent to the motorway, passing through Sub-precinct B: Motorway Edge (Light Industry) and both the designated substation site and the Transpower Substation at 261 Quarry Road.

For the avoidance of doubt, Counties Power lines will not be in the vicinity of Sub-precinct C. However, the National Grid lines that feed the Counties Power supply will be in the vicinity of land to be zoned Sub-precinct C: Mixed Use. We understand from

the landscape memorandum prepared by Bridget Gilbert of Bridget Gilbert Landscape Architecture (Appendix 1.2 to Plan Change 46) that large scale tree planting is proposed to screen Sub-precinct C: Mixed Use from residential land, mixed rural/rural-residential land and SH1 to the west. Therefore, the provisions that relate to Sub-precinct C: Mixed Use are relevant as there may be power lines in the vicinity of the edge of Sub-precinct C.

The east line, which was partially relocated in 2019 to facilitate the development of Drury South Residential Sub-precincts A and B, also passes through Industrial Sub-precincts A, E, A and D in a northerly direction from Willow Road (approximately) in the south, to Fitzgerald Road at the northern end.

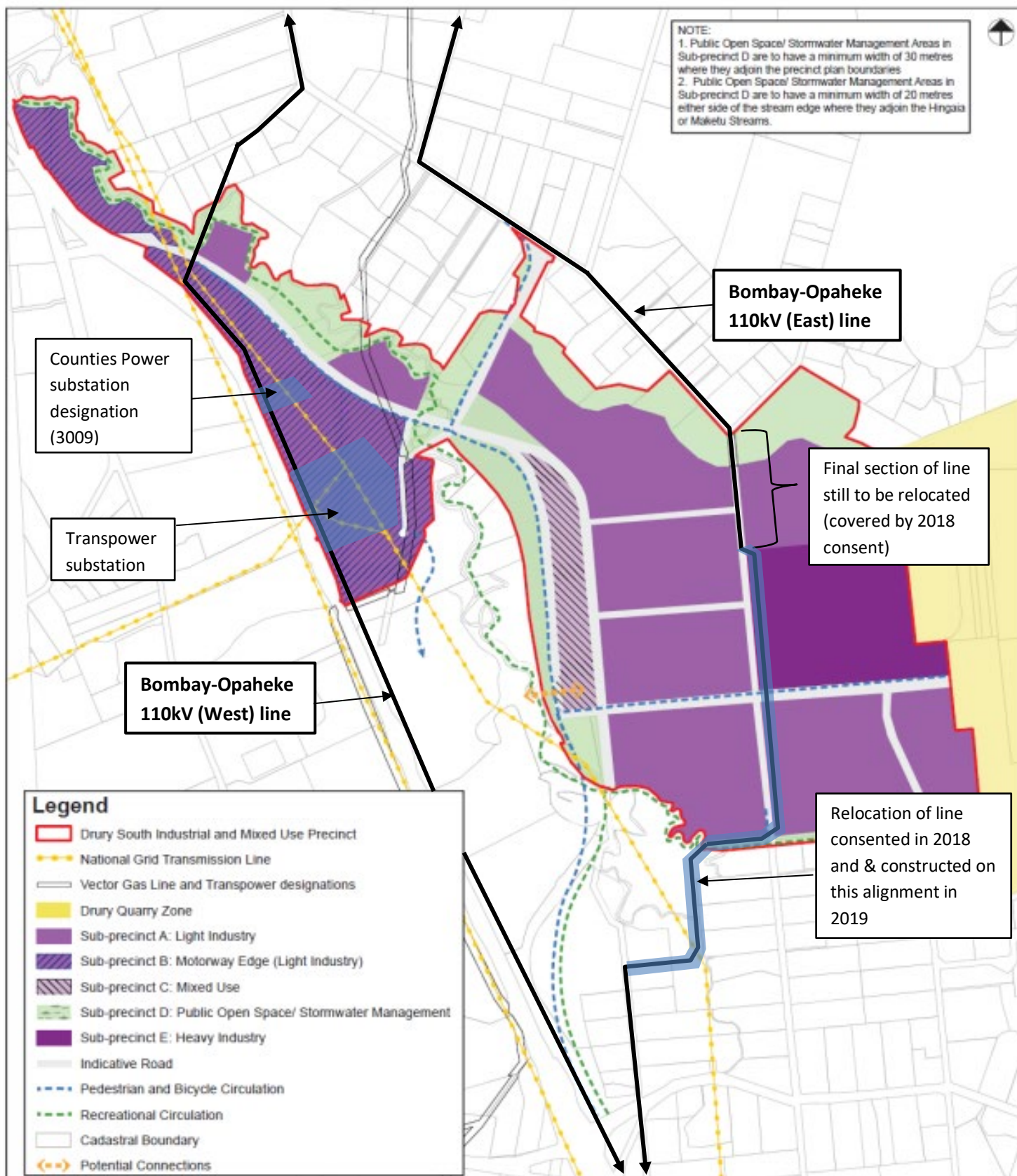
The Bombay-Opaheke east and west 110kV lines are both considered to be existing works under the Electricity Act 1992, although easements are currently being finalised for the relocated section of the east line. They replaced two 33kV lines to increase capacity to meet the growth in demand for electricity in the northern Counties Power area. They are protected by the terms of the Electricity Act 1992, the New Zealand Electrical Code of Practice for Electrical Safe Distances, NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003. These lines are key assets in the Counties Power network architecture. The reliable and safe operation of these assets is paramount, as anything which jeopardises the integrity of either of these lines, creates an unacceptable risk to the Counties Power network and security of supply.

4. Submission

Chapter I410: Drury South Industrial and Mixed Use Precinct				
Objective/Policy	Provision	Position	Reason for position	Relief Sought
Chapter I410: Drury South Industrial and Mixed Use Precinct				
3.1 Objective I410.2(9)	Development and land use within the precinct avoids <u>or minimises</u> adverse effects on significant existing high voltage electricity, natural gas and communications infrastructure.	Neutral	The introduction of the words "or minimise" allows room for more flexibility to allow for mitigation measures to be proposed rather than only avoiding adverse effects to significant existing high voltage electricity (and other infrastructure). This may result in planting of unsuitable tree species in the vicinity of power lines, leading to power outages due to damage to power lines or equipment from falling branches or bark; or blocking access for maintenance by power companies.	Counties Power seeks that the objective is unchanged provided that the standards I410.6.2 (6) for tree planting are amended as suggested below.
Rules/Standards	Provision	Position	Reason for position	Relief Sought
3.2 Insert I410.6.2.5	(65) The front yard landscaping of sites used for an industrial purpose must comprise a 3 metre wide continuous (except for those areas used for vehicle and pedestrian access) planting of multi row Phormium tenax (flax) planted at 1.5 metre centres in staggered rows on a grid. This planting requirement must not apply to sites within sub precincts B or C. Any required security fence must be setback a minimum of 3 metres from the front boundary and such fencing (whether in front yards or on rear or side boundaries) must be 2 metres maximum height and must not incorporate	Support	Counties Power supports the removal of provisions requiring extensive planting for all Sub-precincts. Trees and branches falling onto lines are a major cause of power outages in Auckland. Access for maintenance may also be blocked through the presence of vegetation. The Electricity Act 1992, New Zealand Electrical Code of Practice for Electrical Safe Distances, NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 require that trees must be kept clear of network power lines. Under these regulations, tree owners are responsible for keeping trees trimmed and outside the growth limit zones around network power lines (or arranging for this to occur). Requiring planting to this effect could be contrary to the Regulations in some locations (i.e. Sub-	Accept the proposed provision.

	<p>barbed or razor wire or an angled top. Fence Posts and wire mesh are to be black coloured.</p>		<p>precincts B and C as referred to in the former provision).</p>	
<p>3.3 Standard I410.6.2. Sub-precincts A-E (6)</p>	<p>(7.6) All side boundaries of sites in the Business – Light Industry Zone and all side and rear boundaries of sites in the Business – Heavy Industry Zone must be planted with a row of either Leyland Cypress, Casuarina (sheoak) or Macrocarpa at 3 metre centres located 1.5 metres in from the side or rear boundary and buildings must be setback from the relevant boundary by a minimum of 3.5 metres. This requirement must not apply to sites within sub-precincts B, C or D. Where sites with side or rear boundaries abut State Highway 1 within Sub-precinct B, all such boundaries must be planted with a double row of Leyland Cypress with 2 metres between rows and trees within each row planted at 3 metre centres. Tree rows are to be staggered and the first row is to be located 1.5 metres in from the side or rear boundary and buildings must be setback from the relevant boundary by a minimum of 5.5 metres accordingly. Any noise attenuation wall or fence designed to deflect noise arising from State Highway 1 must be fully screened by planting in views from the motorway.</p>	<p>Oppose in part</p>	<p>For the avoidance of doubt, Counties Power support the deletion of the text in strike-through as it relates to Sub-precincts B, C and D.</p> <p>With regard to the remaining text, as the Objective I410.2(9) now allows for more flexibility for mitigation measures for effects to significant existing high voltage electricity, it is important that Counties Power’s position and preference with regards to suitable tree species in the vicinity of power lines is made clear for all Sub-precincts.</p> <p>Trees and branches falling onto lines are a major cause of power outages in Auckland. The Electricity Act 1992, New Zealand Electrical Code of Practice for Electrical Safe Distances, NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 require that trees must be kept clear of network power lines.</p> <p>Under these regulations, tree owners are responsible for keeping trees trimmed and outside the growth limit zones around network power lines (or arranging for this to occur). Requiring any planting to this effect is therefore contrary to the Regulations in some locations.</p> <p>Leyland Cypress are not a suitable species for planting in the vicinity of power lines due to their potential height and spread. This may lead to power outages due to damage to power lines or equipment; and block access for maintenance by power companies.</p>	<p>Counties Power seek recognition of the rights that the Electricity Act 1992, New Zealand Electrical Code of Practice for Electrical Safe Distances, NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 offer in order to protect the lines from encroachment from vegetation/ trees to ensure their safe and reliable operation and ensure access for maintenance is not restricted.</p> <p>Counties Power seek consultation regarding the species of trees/shrubs proposed required by any standard in the vicinity of overhead lines in all Sub-precincts (i.e. around 8m from overhead lines) to ensure that due consideration is given to the height and spread of the tree and any potential hazards to the electricity network associated with the species of the tree. These hazards include but are not limited to hazards such as trees within the vicinity of the lines and wind-blown bark.</p> <p>Counties Power seeks that the provisions are amended to consider these factors.</p>

I410.10.2 Drury South Industrial and Mixed Use: Precinct Plan 1



FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 46 AUCKLAND UNITARY PLAN

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitter: Classic Developments NZ Limited

Classic Developments NZ Limited provides this submission on Proposed Plan Change 46 (“**PC46**”) to the Auckland Unitary Plan (Operative in Part).

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

Background

1. Classic Developments NZ Limited are presently undertaking residential development within the Drury South Residential Precinct to the south west of the existing Drury South Industrial Precinct.
2. A three stage Superlot subdivision and land use consents have been obtained from Auckland Council to establish ‘Block A’ to the south of Maketu Road (identified formerly as the ‘Spine Road’ connecting both Ararimu Road and the Drury South Residential precinct to the Industrial precinct. Integrated land use and subdivision consents are approved and currently being implemented for Stages 1 and 2 of the Block A development which will deliver a total of 162 dwellings to the market – approximately 35% of which are Kiwi Build Homes and 10% of which are ‘affordable’ homes as required by the Residential Precinct provisions.

Scope of submission

3. The submission relates to PC46 in respect of:
 - a. Proposed zoning changes;
 - b. Consequential amendments to the Operative Precinct Provisions reflecting the proposed zoning changes; and
 - c. Enabling commercial and supermarket land uses within the Mixed Use zone.

- d. Reconsidering the transport triggers and funding for roading infrastructure funding to reflect a higher transport generation demand of commercial activities.

The submission is:

4. Classic Developments NZ Limited supports PC46 in part in its notified form.
5. Of particular relevance to Classic Development NZ Limited's submission, the following matters are noted:
 - a. Sub-Precinct C is proposed to reduce in size from approximately 21 hectares to approximately 10 hectares and rezoned from Business - Light Industry zone to Business - Mixed Use zone. This will provide a more-sensitive interface of land uses within Sub-precinct C, that is located between the Drury South Residential Precinct and the industrial activities predominately provided for in the operative Drury South Residential Precinct.
 - b. The proposed Mixed Use zoning will provide for a greater range of commercial activities that are likely to support ongoing residential development within the Drury South Residential Precinct. This includes the proposed retail activities and supermarkets which are seen as vital to support the planned Residential Precinct.
 - c. The reduction in extent of the operative Sub-precinct C and consequential expansion of Sub-precinct D between the Drury South Residential Precinct and the Industrial Precinct will enhance opportunities of passive recreation opportunities within open space areas along the Hingaia Stream. This will contribute to the enhancement of amenity values currently provided for in the operative planning framework.
 - d. The Drury South Residential Precinct will provide for an intensity of residential development that will support the viability of non-residential land use within the Drury South Industrial Precinct (as-sought to be modified by PC46).
6. The proposed rezoning to Light Industry and Mixed use as outlined within the Plan Change 46 materials, is likely to lead to a change in traffic generation and vehicle movements throughout both the Drury South Industrial and Residential Precincts. Classic Developments NZ Ltd submit that the infrastructure costs being apportioned to private developers through both precincts in respect of the 'Spine Road' (also referred to as 'Maketu Road') by way of Development Contributions levied by Auckland Council should be reviewed to reflect the proposed zoning changes and any consequential effects on the nature, extent and scale of traffic distribution across the Precincts.

Relief Sought

7. Classic Developments NZ Limited seeks the following decision from Auckland Council on PC46:

- 4.1 a. That PC46 be retained and approved to the extent that it gives effect to this submission; and
- 4.2 b. That the infrastructure costs being apportioned to private developers through both precincts in respect of the 'Spine Road' (also referred to as 'Maketu Road') by way of Development Contributions levied by Auckland Council; should be reviewed to reflect the proposed zoning changes and any consequential effects on the nature, extent and scale of traffic distribution across the Precincts.

- 8. Classic Developments NZ Limited wishes to be heard in support of this submission.
- 9. If others make a similar submission, Classic Developments NZ Limited would be willing to consider presenting a joint case with them at hearing.



Michael Campbell
Campbell Brown Planning Limited
For and on behalf of Classic Developments NZ Limited as its duly authorised agent.

25 August 2020

Address for service of submitter:

C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Attention: Michael Campbell

Telephone: (09) 394 1696

Mobile: 021 278 9018

Email: michael@campbellbrown.co.nz

27 August 2020

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attention: Planning Technician

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 46 – DRURY SOUTH

Please find attached Auckland Transport's submission on Proposed Private Plan Change 46 to the Auckland Unitary Plan (Operative in Part) from Drury South Limited.

Should you have any queries in relation to this submission, please contact Josephine Tam, Principal Planner, on 09 448 7271 or Josephine.tam@at.govt.nz.

Yours sincerely



Josephine Tam

Principal Planner, Land Use Policy and Planning Central / South

cc:

Barker and Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attention: Rachel Morgan
Via email: rachelm@barker.co.nz

Encl: Auckland Transport's submission on Proposed Private Plan Change 46 – Drury South

SUBMISSION BY AUCKLAND TRANSPORT ON PROPOSED PRIVATE PLAN CHANGE 46 – DRURY SOUTH

To: Auckland Council
Private Bag 92300
Auckland 1142

Submission on: Proposed Private Plan Change 46 from Drury South Limited for land at Drury South

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction:

- 1.1 Drury South Limited ('DSL' or 'the applicant') has lodged a private plan change ('PPC46' or 'the plan change') to the Auckland Unitary Plan – Operative in Part ('AUP(OP)') to amend the precinct provisions and the underlying zoning as part of the I410 Drury South Industrial Precinct. This plan change seeks to:
- Rezone approximately 20 hectares of land fronting Maketu Road from Business - Heavy Industry to Business - Light Industry;
 - Reduce the size of Sub-precinct C and rezone approximately 10 hectares from Business - Light Industry to Business – Mixed Use and amend the provisions that apply within the sub-precinct – standards, matters of control, matters of discretion, assessment criteria, and special information requirements; and
 - Other amendments to the I410 Drury South Industrial Precinct.
- 1.2 The proposed plan change seeks to enable mixed use development, including office, retail, commercial services, trade suppliers and residential activities and includes providing for building heights up to 25 metres in Sub-precinct C.
- 1.3 As identified in the application material, resource consents have been granted for specific activities, development, and subdivision of the land subject to the proposed plan change. The application material notes that those consents can be considered as equivalent to permitted baselines for levels of effects and the existing environment, although the rezoning and amended precinct provisions may mean some of those consents will be implemented in an amended form.
- 1.4 Auckland Transport is a Council-Controlled Organisation of Auckland Council ('the Council') and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.¹ In fulfilling this role, Auckland Transport is responsible for the planning and funding of most public transport;

¹ Local Government (Auckland Council) Act 2009, section 39.

operating the local roading network; and developing and enhancing the public transport, walking and cycling network.

- 1.5 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

2. Specific parts of the plan change that this submission relates to:

- 2.1 Auckland Transport makes this submission to ensure that Proposed Private Plan Change 46 appropriately manages the effects of the proposal on the local and wider transport network.

- 2.2 The specific parts of the plan change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport and include addressing:

- deficiencies in the precinct plan provisions relating to transport matters; and
- loss of road network resilience as a result of the provision for a Business – Mixed Use Zone without having direct connection from Ramarama Road to Fitzgerald Road.

- 2.3 Auckland Transport **supports** the plan change **in part** in its provision of zoning and precinct provisions for a Business – Mixed Use zone and Sub-precinct C at Drury South. This is subject to Auckland Transport's concerns and matters raised in **Attachment 1** being appropriately considered and resolved to ensure that the extent, scale, and intensity of potential effects and the methods for mitigating these are addressed to achieve rezoning and precinct provisions that are appropriate to the transport context.

3. Decisions sought:

- 3.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**.

- 3.2 If the transport concerns cannot be addressed, the proposal should not proceed.

- 3.3 In all cases where amendments to the plan change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

- 3.4 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

4. Appearance at the hearing:

4.1 Auckland Transport wishes to be heard in support of this submission.

4.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature:



Christina Robertson
Group Manager Strategic Land Use and Spatial Management
Planning and Investment

Date: 27 August 2020

Contact person: Josephine Tam
Principal Planner

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: 09 448 7271

Email: Josephine.Tam@at.govt.nz

Attachment 1

5.1

5.2

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Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
Mixed Use	Support	The proposed Business – Mixed Use Zone and Mixed Use Sub-Precinct C allows for the opportunity for compact and intensive development with a diverse mix of business and residential activities. There is an opportunity to achieve integrated land use and transport benefits through the appropriate development of this precinct, with plans for two rail stations near this location and an opportunity of a future connected public transport service.	Approve the re-zoning to Business – Mixed Use and the creation of Sub-Precinct C – Mixed Use, subject to amended precinct provisions to manage transport effects and achieve land use transport integration.
I140.2 Objective (14)	Support in part	There is ambiguity within the proposed objective, suggesting the noise-sensitive activities may need to be protected from land transport noise by design of the road and attenuation of noise within the road. It is understood that is not the intent, and the relevant policy, rules, and assessment criteria confirm that the noise sensitive activities need to be protected by acoustic insulation and ventilation of their buildings, and / or setbacks and site treatments.	Amend Precinct Objective (14) as follows: “(14) Activities sensitive to noise in Sub-Precinct C are protected from unreasonable levels of land transport noise, <u>by subdivision and building development features</u> ” And any corresponding / consequential amendments to rules to give effect to this revised objective.
I410.3 Policy (9)	Support in part	The design of the street and public realm must also consider the safety and convenience of cyclists. There is a need to ensure that cycling as a mode of transport is included in this policy.	Amend Precinct Policy (9) as follows: “(9) Ensure buildings in Sub-precinct C address and engage the street and public realm and exhibit a high standard of amenity and pedestrian <u>and</u>

Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
			cycling safety and convenience.”
5.4 I410.3 Policy (140)	Support in part	<p>Policy (140) should not be amended to require only ‘adequate’ transport infrastructure and connections. The word “adequate” lacks clarity and is subjective, implying support for underachievement of quality outcomes.</p> <p>Auckland Transport considers that the precinct provisions should enable a resilient road / transport network that not only identifies collector roads to safely and efficiently service the development, but also allows for connections with the two future rail stations at Drury Central and Drury West. Roads within the precinct must be designed and constructed in a manner that are capable of supporting modal choices.</p> <p>This resilient network should include Ramarama Road replacement connecting through to Fitzgerald Road for active modes, public transport and general traffic (but not heavy commercial vehicles (HVCs) as per the operative precinct) as a default unless a more appropriate alternative is provided. Auckland Transport accepts that Ramarama Road south has already been stopped, although can still enable walking and cycling access - the change in land use mix and the need for public transport access and road network resilience would now justify keeping Ramarama Road north connecting to Fitzgerald Road.</p>	<p>Delete the proposed addition to Policy (140): “adequate”.</p> <p>Add to the end of policy (140) on transport and infrastructure:</p> <p><u>“This shall include the collector roads Maketu Road, Link Road, New Quarry Access Road and Ramarama Road through to Fitzgerald Road providing good public transport, walking and cycling connections through the precinct and between the two future rail stations in Drury.</u>”</p>
5.5 I410.5 Notification	Oppose	Auckland Transport considers that activities identified as Restricted Discretionary activities should be subject to normal tests for notification and to allow relevant stakeholders to submit on development and activity effects such as on the land transport network where appropriate, as well as to ensure consistency with	<p>Amend I410.5(2) as follows:</p> <p><u>“(2) Any application for resource consent for an activity listed in Tables I410.4.1 - I410.4.6 and which is not listed in I410.5(1)</u></p>

5.5

Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
		other relevant or similar Auckland Unitary Plan provisions and Restricted Discretionary activities	<u>will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. The council will consider applications for subdivision or development of land that is a restricted discretionary activity, without the need for public or limited notification.</u>
I410.6 Standards	Oppose	<p>The proposed plan change seeks to add a precinct rule in I410.6 Standards in relation to Rule E27.6.1 to exempt all precinct development from the trip generation resource consent requirement, and not only where an Integrated Transport Assessment (ITA) has been prepared to support a plan change and precinct provisions if the proposed land use, associated trip generation and transport effects are the same or similar in character, intensity and scale to those identified in the previous (ITA) assessment (the exemption currently provided by Rule E27.6.1(b)).</p> <p>Auckland Transport is concerned that the proposed rezoning will enable development potential not explicitly assessed as part of a previous ITA, and without the trip generation trigger for assessment. For example, the proposed Mixed Use part of the precinct has Trade Suppliers as a permitted activity, up to a total of 11,000m², where they are normally discretionary activities within the Mixed Use zone.</p> <p>The implications of applying the trip generation rule to development and land use more intensive than previously assessed development and land use will lead to considerations being confined to site access, manoeuvring and the immediate road environment, rather than on the wider road network. Auckland Transport, therefore, requests that Rule E27.6.1 continues to apply.</p>	<p>In I410.6. Standards, delete the proposed addition:</p> <p><u>“Rule E27.6.1 does not apply in the Drury South Industrial and Mixed Use Precinct.”</u></p>

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5.7

Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
I410.6.3(1) Standards	Oppose	<p>The proposed private plan change deletes a provision that addresses vesting of roads. Auckland Transport considers that the proposed roads (including pedestrian and cycle routes identified as part of the transport network) identified on Precinct Plans 1 and 2 should be vested in Council and at no cost to the Council upon subdivision or development. This is to ensure a connected, accessible, and efficient public land transport network is provided, particularly for public transport, walking and cycling.</p> <p>It is also noted that if roads are not vested, developments may be assessed as having no frontage - this may then have implications on the amenity of the pedestrian network.</p>	<p>Oppose deletion of this provision.</p> <p>Re-instate the I410.6.3(1) provision that proposed roads (including pedestrian and cycle routes) identified on Precinct Plan 1 and Precinct Plan 2 must be vested in Council and at no cost to the Council upon subdivision or development.</p>

5.8

I410.8.2(1)(f)(iv) Assessment Criteria	-	<p>Auckland Transport considers that a strong transport link should be maintained from the northern end of Ramarama Road to Fitzgerald Road. This is in recognition of the change in mix of uses, the need for continuous public transport links between two future rail stations and into the Future Urban zoned land; cycling and walking permeability, and a resilient and connected transport network. It is accepted that heavy commercial vehicles may need to be prevented from using that link as addressed in Policy 10, however, buses should be exempt from this policy and be able to this link.</p>	<p>Amend Restricted Discretionary Assessment Criteria I410.8.2(1)(f)(iv) as follows:</p> <p><u>“(iv) whether Ramarama Road, at the northern boundary of the precinct remains open for light vehicles, public transport, walking and cycling, or if an alternative link providing for such is achieved to Fitzgerald Road as is closed to all vehicular traffic by the time 58 hectares of the developable area in the Ramarama Road Transport Area defined on Precinct Plan 2. has been subdivided or developed;</u></p>
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Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
<p>I410.8 2(1)(f) to add (f)(x) – Assessment Criteria</p>	<p>Support in part</p>	<p>In the absence of precinct-prescribed road cross-sections, appropriate assessment criteria should be included to provide guidance on new collector road design. The assessment criteria should include whether the new collector roads adequately provide for their network and connectivity role, including block length and modal priority functions.</p> <p>If this guidance assessment criteria is not included, then the applicant should be required to provide high-level designs of the proposed new collector roads (acknowledging Engineering Plan Approval has already been issued for much of Maketu Road).</p> <p>Auckland Transport would prefer that the assessment criteria also address whether road form and function will be adequately provided where preliminary road design has not already been undertaken.</p>	<p>Amend Restricted Discretionary Assessment Criteria I410.8.2(1)(f) by adding (f)(x) as follows:</p> <p><u>(f)(x) whether the new collector roads are designed to perform their required transport network functions, including public transport route capability, walking and cycling, heavy commercial vehicles where appropriate (freight route), connectivity, streetscape and landscaping, service berms, and any required stormwater management</u></p> <p>Or alternative wording that achieves sufficient width of roads to perform their required functions</p> <p>If appropriate assessment criteria are not included, then amend the plan change to include high-level designs of the proposed collector roads.</p>
<p>I410.8.2(5)(a) Assessment criteria</p>	<p>Support in part</p>	<p>An amendment to this assessment criteria is needed to ensure cycling as a mode of transport is an integral part of consideration in land use and subdivision consents.</p>	<p>Amend I410.8.2(5)(a) as follows:</p>

Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
5.11			“(a) the extent to which the activity affects the safe and efficient operation of the adjacent transport network including pedestrian and cycling movement, particularly at peak traffic times;”.
5.12	Support in part	<p>Precinct Plan 1 and Precinct Plan 2 needs to be amended to show an acceptable design for the intersection of Avenue Road and Maketu Road. The current plans show an intersection too acute, and with geometry issues that need to be resolved. It would be acceptable to show an intersection closer to 90° with a remnant triangular block to the north. It is accepted that proposed provisions allow for design of the intersection and modification of the road layout and that the intersection will be subject to specific engineering and subdivision design. Installation of the shown intersection, however, would be deemed to be in compliance with the Precinct Plans.</p>	Amend Precinct Plan 1 and Precinct Plan 2 to show an acceptable high-level design for the intersection of Avenue Road with Maketu Road.
5.13		<p>The Precinct Plans should be amended to reinstate the Indicative Road link from the northern end of Ramarama Road through to Fitzgerald Road to support a presumption that the road connection will occur. It should still allow the connection function while each transport mode can be managed separately (public transport, walking, cycling, light vehicles and heavy commercial vehicles).</p>	Amend Precinct Plan 1 and Precinct Plan 2 to show the northern end of Ramarama Road as Indicative Road intended to link through to Fitzgerald Road.
5.14		<p>If the Mill Road extension location is confirmed prior to the plan change decision being released, then it should be shown on the Precinct Plans as an indicative road, along with its implications for precinct roads and intersection/access design, such as separation distances and access restrictions. This is to keep the plans as up-</p>	Include the Mill Road extension as an indicative road on the precinct plans if the location is confirmed in time, along with its implications for precinct roads and intersection/access design.

Issue / Provision	Position (Support / Oppose)	Reasons for submission	Decision / relief sought
		to-date as possible, even if details and alterations are needed at a later date.	

SUBMISSION ON PLAN CHANGE 46 (PRIVATE): DRURY SOUTH

To: Auckland Council

Name of Submitter: Ngāti Te Ata Waiohua (the **Submitter**)

INTRODUCTION

1. This is a submission on Proposed Private Plan Change 46: Drury South (**PPC46** or the **Application**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).
2. The Submitter could not gain an advantage in trade competition through this submission.
3. This submission relates to the entire Application, however the Submitter is particularly interested in iwi consultation, engagement and consideration of the Submitter's cultural preferences arising from PPC46.
4. The Submitter opposes the Application on the basis that sections 6(e), 6(f), 7(a) and 8 of the Resource Management Act 1991 (**RMA**) have not been adequately met, and on the basis that the Submitters were not adequately consulted on the Application.

BACKGROUND

5. Ngāti Te Ata are one of the mana whenua groups in the Hingaia-Papakura area. Within the wider landscape of Tāmaki Makaurau (Auckland) lay the settlements of the Te Waiohua people (the original inhabitants). Members of the Tainui waka settled around the isthmus and began to intermarry with the ancestors of Te Waiohua. It was this intermarriage and the development of other bonds between the people that settlement established. Ngāti Te Ata descend from both groups. As the descendants (current generation) Ngāti Te Ata are kaitiaki and have inherent responsibilities to ensure that they can protect and preserve their taonga for future generations.
6. PPC46 seeks to rezone land and amend the provisions of the Drury South Industrial Precinct at Maketu Road, Quarry Road and Fitzgerald Road in Drury South. Among other outcomes, PPC46 has the effect of enabling a greater range and density of commercial and residential activities to locate in the plan change area.

REASONS FOR SUBMISSION

7. The Submitter considers that the Application is inconsistent with Part 2 of the RMA, specifically:
 - (a) Section 6(e) which states that the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers is to be protected from inappropriate subdivision, use and development;

- (b) Section 6(f) which states that historic heritage is to be protected from inappropriate subdivision, use and development;
 - (c) Section 7(a) which requires all persons exercising functions and powers under the RMA to have particular regard to kaitiakitanga;
 - (d) Section 8 which requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
8. Of specific concern to the Submitter is the lack real iwi consultation, engagement, or consideration of the Submitter's cultural preferences when developing the plan change. Consultation would have enabled the Submitters to contribute to the development of the plan change and assist the Applicant to ensure that it gave appropriate effect to Part 2 of the RMA and Mana Whenua design principles.
 9. Established Treaty principles emphasise tribal rangatiratanga, the active protection of Māori people in the use of their lands, waters and other taonga, and the duty to consult with Māori.
 10. Partnership requires a duty to interact in good faith and in the nature of a partnership. There should be a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.
 11. Redress is the obligation to remedy past breaches of the Treaty. Redress is necessary to restore the honour and integrity of the Treaty partner, and the mana and status of Māori, as part of the reconciliation process. The provision of redress must also take account of its practical impact and the need to avoid the creation of fresh injustice. While the obligation of redress sits with the Crown and Auckland Council (through Council), which has a role in the implementation of redress at the regional and local level, Drury South Limited also have a role in a more collaborative approach with iwi in a mutually beneficial negotiated way in light of PCC46. This, however, has not occurred.
 12. Examples of how the Applicant could have successfully engaged with the Submitter include:
 - (a) Initiating a comprehensive engagement process with iwi who wished to engage in the plan change process, including establishing a Mana Whenua Working Group Forum and holding hui where Mana Whenua have the ability to work collaboratively with the Applicant; and
 - (b) Incorporating Te Aranga Design Principles and other key design themes and principles into the design and layout of the proposed plan change; and
 - (c) Incorporating Mana Whenua principles into fresh water solutions on the site, including riparian reserves and public access open space in stormwater management areas.

DECISION SOUGHT

13. The Submitter seeks the following decision from Auckland Council:
 - (a) Reject the Application on the basis that there has been a lack of iwi consultation, engagement and consideration of the Submitter's cultural

preferences resulting in a failure to give effect to sections 6(e), 6(f), 7(a) and 8 of the RMA.

14. The Submitter wishes to be heard in support of its submission.
15. The Submitter would consider presenting a joint case if others make similar submissions.

27 August 2020

Karl Flavell

Te Pou Taiao (Manager Environment)
Ngati Te Ata Waiohua
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**SUBMISSION ON PLAN CHANGE 46 – DRURY SOUTH – AUCKLAND UNITARY PLAN
BY KĀINGA ORA HOMES AND COMMUNITIES**

TO: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1010

Submission via email: unitaryplan@aucklandcouncil.govt.nz

KĀINGA ORA HOMES AND COMMUNITIES (“Kāinga Ora”) at the address for service set out below makes the following submission on Plan Change 46 – Drury South (“**PC46**”) to the Auckland Unitary Plan Operative in Part (“**AUP:OP**”).

Background

1. Kāinga Ora was established in 2019 as a statutory entity established under the Kāinga Ora-Homes and Communities Act 2019. Kāinga Ora consolidates Housing New Zealand Corporation, HLC (2017) Ltd and parts of the KiwiBuild Unit. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown entity and is required to give effect to Government policies.
2. Kāinga Ora is now the Government’s delivery entity for housing and urban development. Kāinga Ora will therefore work across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:
 - (a) being a world class public housing landlord; and
 - (b) leading and co-ordinating urban development projects.
3. Kāinga Ora’s statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
 - (a) provide people with good quality, affordable housing choices that meet diverse needs; and
 - (b) support good access to jobs, amenities and services; and

- (c) otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
4. Kāinga Ora is focused on delivering quality urban developments by accelerating the availability of build-ready land, and building a mix of housing including public housing, affordable housing, homes for first home buyers, and market housing of different types, sizes and tenures.
 5. The public housing portfolio managed by Kāinga Ora in Auckland comprises approximately 29,600 dwellings¹. Auckland is a priority to reconfigure and grow Kāinga Ora's housing stock to provide efficient and effective public and affordable housing that is aligned with current and future residential demand in the area, and the country as a whole.
 6. Kāinga Ora has a shared interest in the community as a key stakeholder, alongside local authorities. Kāinga Ora's interests lie in the provision of public housing to persons who are unable to be sustainably housed in private sector accommodation, and in leading and co-ordinating residential and urban development projects. Kāinga Ora works with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.
 7. In addition to its role as a public housing provider, Kāinga Ora also has a significant role as a landowner, landlord, rate payer and developer of residential housing. Strong relationships between local authorities and central government are key to delivering government's priorities on increasing housing supply.
 8. Policy decisions made at both central and local government level have impacts on housing affordability. The challenge of providing affordable housing will require close collaboration between central and local government to address planning and governance issues to reduce the cost of construction, land supply constraints, infrastructure provisions and capacity as well as an improved urban environment.
 9. Kāinga Ora is interested in all issues that may affect the supply and affordability of housing. These include the provision of services and infrastructure and how this may impact on Kāinga Ora existing and planned housing, community development and Community Group Housing ("CGH") suppliers.

¹ As of October 2019

10. In addition to the above, Kāinga Ora will play a greater role in urban development in New Zealand. The legislative functions of Kāinga Ora, as outlined in the Kāinga Ora Act, illustrate this broad mandate and outline two key roles of Kāinga Ora in that regard:
 - a) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
 - b) providing a leadership or coordination role more generally.
11. Notably, Kāinga Ora's statutory functions in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first time buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works.

Scope of Submission

12. The submission relates specifically to PC46 Sub-Precinct C noise and reverse sensitivity standards, including: I410.6.4 – Sub-Precinct C (Noise and Ventilation) and I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant).

The Submission is:

13. Kāinga Ora supports the purpose of PC46 which seeks to rezone part of Sub-Precinct C from Light Industry to Mixed Use and the rezoning of some Heavy Industry zones to Light Industry.
14. While Kāinga Ora supports PC46 generally, as it provides for commercial and residential intensification in an area currently undergoing significant growth, Kāinga Ora is opposed in part to the introduction of noise standards I410.6.4 Sub-Precinct C (Noise and Ventilation) and I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant) in the proposed Mixed-Use Zone, for the following reasons:
 - (a) Restrictive non-complaint covenants are not a consistent planning tool that has been adopted within Auckland Unitary Plan. While it is noted that there are some limited historic examples of such standards, the use of such covenants does not remove a requirement for appropriate land use planning and noise mitigation.

- (b) The existing noise and vibration standards set out in E25 of the Auckland Unitary Plan provide the appropriate acoustic standards to mitigate the cross boundary noise effects of PC46. Standard I410.6.4 also appears in part to conflict with E25.6.10, which in the Mixed Use zone addresses noise mitigation requirements for sensitive activities. The proposed Mixed Use zone and associate noise rules of E25 are considered to be sufficient, or the applicant should demonstrate why a variation from this control is necessary.
 - (c) If the applicant for PC46 is of the view that future owners should be made aware of quarry road noise, there are other mechanisms, such as private covenants to achieve such an outcome.
 - (d) These matters were considered as part of the original Unitary Plan process and section E25 (Noise and Vibration) and the relevant zone controls are the appropriate standards to manage cross boundary noise effects. There are generally no other plan provisions that require mitigation of transport noise by receivers other than for Auckland Airport which is linked to their designation.
 - (e) The proposed standards of standards I410.6.4 Sub-Precinct C (Noise and Ventilation) and I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant) are not considered to be necessary to give effect to the identified objectives and policies of the Drury South Industrial and Mixed-Use Precinct.
 - (f) No section 32 of the Resource Management Act 1991 (**the RMA**) analysis has been undertaken to justify the use of noise standards I410.6.4 Sub-Precinct C (Noise and Ventilation) and I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant).
 - (g) The proposed standards I410.6.4 and I410.6.5 of Sub-Precinct C are not considered to be necessary to give effect to the Purpose and Principles of the RMA.
15. Kāinga Ora seeks a consequential amendment to the Sub-Precinct C standards by deleting noise standards I410.6.4 Sub-Precinct C (Noise and Ventilation) and I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant).

Relief Sought

16. Kāinga Ora seeks the following decision from Auckland Council on PC46:

- 7.1 (a) Support the rezoning of part of Sub-Precinct C from Light Industry to Mixed Use and the rezoning of some Heavy Industry zones to Light Industry Zone;
- 7.2 (b) That activity standards I410.6.4 Sub-Precinct C (Noise and Ventilation) are deleted;
- 7.3 (c) That the I410.6.5 Sub-Precinct C (Restrictive non-complaint covenant) standards are deleted; and
- 7.4 (d) Any other alternative or consequential relief to give effect to this submission.

17. Kāinga Ora wishes to be heard in support of this submission.

18. If others make a similar submission, Kāinga Ora would be willing to consider presenting a joint case with them at hearing.

Dated this 27th day of August 2020

**Brendon
Liggett**

Digitally signed by Brendon Liggett
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