

PPC Application – Clause 23 Response 26 June 2020

Applicant: Karaka & Drury Limited

Address: Burberry Road, Drury

Proposed activities: PPC – Auranga B2

Clause 23 Request Item	Applicant Response
Planning Matters – Michael Luong, Plans & Places	
1. Please provide shape files showing the proposed spatial amendments to the zoning and Drury 2 precinct.	The relevant shape files have been included in the email response.
2. Please confirm whether all land parcels within the PPC area are controlled by KDL. If not, it would be beneficial to provide a map of those that are owned by KDL (or related companies) and evidence of an agreement between the PPC applicant and the current landowner.	<p>KDL exclusively controls 6 Burberry Road, and has various agreements with other landowners.</p> <p>Evidence of ownership or other arrangements between landowners is unnecessary for a Private Plan Change (PPC). The RMA does not preclude any application for re-zoning over land not in the ownership or control of the Applicant, nor does it require PPC applicants to have any agreements with landowners within the proposed PPC area. The approach taken by KDL is not to simply re-zone its own land but to identify a logical zone area based on resource management considerations.</p> <p>Similarly, when the Council notifies public plan changes it does not seek to own the land or provide evidence that it has reached agreement with any landowners.</p> <p>This request is inappropriate and does not meet the requirements set by the RMA for Clause 23 requests.</p>
3. Please identify any future funding agreements that KDL intend to enter into with Auckland Council/and or its CCOs? and confirm whether such funding agreements can be finalised prior to any hearing held on Auranga B2?	<p>Funding agreements being in place prior to a PPC hearing is not a requirement of the RMA, nor any other statute relevant to a PPC.</p> <p>Funding matters are being addressed by the Council (John Dunshea) for Drury, Opaheke and Paerata as a whole through the Drury Transport Infrastructure Programme (DTIP). This relates to allocated Government funding of infrastructure, along with measures to fund the Council's infrastructure requirements.</p>

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	<p>A full copy of Mr Dunshea's powerpoints and correspondence can be provided on request, although it is understood that Plan & Places are also provided with this information.</p> <p>The Government, through NZTA, has confirmed that SH22 will be upgraded as part of safety and capacity enhancement works. This is a designated State Highway and the responsibility for these works lies with NZTA.</p> <p>Auranga A holds development agreements with Watercare to establish to Drury sub-regional wastewater pump station (completed), and provide connections for water and wastewater through Auranga to Hingaia (which caters for development of the PPC area and due for completion in October 2020). This is outlined in the McKenzie & Co Infrastructure Report.</p> <p>This request is inappropriate and does not meet the requirements set by the RMA for Clause 23 requests.</p> <p>Furthermore, the Council's own PC5 does not contain any evidence of this action being prepared by the Council for a plan change or prior to the Council hearing.</p>
<p><i>4. Please explain how the matters raised during consultation with mana whenua and others have been considered and whether Iwi have had the opportunity to comment on the PPC text and maps sufficient to meet the requirements of Clause 4A</i></p>	<p>Clause 4A of Schedule 1 to the RMA only requires a that copy of the draft policy statement or plan be provided to iwi authorities, when there is a requirement to consult with those authorities under Part 1, clause 3(1)(d) of Schedule 1 to the RMA. Arguably, this mandatory consultation requirement does not apply to PPC requests, given those must be prepared and notified under Part 2 of Schedule 1 to the RMA and are only subject to the provisions in Part 1 of the Schedule once accepted by the Council.</p> <p>Relevant iwi have prepared a CVA for the DOSP. The Applicant has a draft of this CVA and has requested the final version from the Council on a number of occasions, including through LGOIMA. It is unclear why the final or draft final has been withheld by the Council and it is inappropriate to delay progressing this application if the issue of concern is information that the Council itself holds and will not make available to itself.</p>

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	<p>KDL has addressed relevant requirements of the CVA to the PPC (as seen in draft, but also taking into account the matters identified in the Mana Whenua Engagement Summary prepared by the Council for the DOSP and any update to those not included in the summary but identified in section 4.3.2 of the DOSP document), noting that the PPC request has adopted the operative AUP provisions, which have already been tested through Section 32, rather than pursuing bespoke provisions in the Precinct.</p> <p>KDL until recently has been undertaking monthly hui with Ngāti Te Ata, Te Akaitai Waiohū and Ngāti Tamaoho – approximately 36 hui have been undertaken since commencement. These have occurred since 2016, and provided input to the applicant's own structure plan process which was completed for Drury Opaheke in 2017. KDL has a understanding of the matters of concern to iwi, including the location and design of town centres, employment opportunities, planting of the riparian margins of streams, stormwater, and street tree species selection.</p> <p>On 12 March 2019 Ngāti Te Ata, Te Akaitai Waiohū and Ngāti Tamaoho undertook a site visit to the PPC area with representatives of the KDL. On 4 March 2019 KDL presented its town centre vision to iwi at a regular hui. This site visit and hui discussed the location of the town centre in Drury West, and the vision for a town centre located adjoining the amenity feature of the lake. The pedestrian focus of the town centre, and opportunities for the Drury West rail station were also discussed in detail where this related to opportunities for public transport provision, cycle and pedestrian networks to the centre and station, along with leveraging employment opportunities due to the provision of an intensive town centre and the Drury South employment area to the south-east. Iwi indicated a strong preference for land resources to be used efficiently to avoid urban sprawl. Further meetings were held with iwi on 1 April, 1 May and 31 May 2019 to discuss the draft CVA for the DOSP and the content of the PPC.</p> <p>At this time KDL had completed its PPC in draft format, and the Council's Plan & Places staff requested that the various private plan change requesters place their processes on hold until such time as the infrastructure matters for the DOSP as a whole were investigated (through DTIP).</p> <p>It is noted that in this period iwi submitted to the Draft DOSP in support of the Drury West town centre. A copy of this submission is provided in Appendix A to this response, which confirms the ongoing nature of consultation with the Applicant over the Auranga projects (including this PPC), and support for the location of the town centre as shown by the PPC. The proposal aligns with the outcomes that iwi sought in this submission, and records their support for KDL's proposal.</p>

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<p>5. Please comment on the extent and nature of consultation undertaken with Auckland Transport, the New Zealand Transport Agency, Supporting Growth, Watercare and Veolia in the preparation of the PPC request.</p>	<p>The site falls within the Stage 1 FULSS (which is to be development ready by 2022). The Council has not amended this staging though any process, including during its own Structure Planning process for the DOSP. As the PPC aligns with the Council staging and the Council DOSP (which meets the Appendix 1 of the AUP criteria), all the Council CCO's should have already been planning for development of this nature and no further consultation (over and above the extensive consultation already undertaken during previous Auranga stages and the Council's DOSP) has been considered necessary.</p> <p>The PPC is consistent with the DOSP, which the Council's structure plan documents confirms involved extensive consultation with Auckland Transport, NZTA, Supporting Growth, Watercare and Veolia.</p> <p>Direct consultation with Auckland Transport, Supporting Growth and NZTA has been extensive regarding the DOSP, including the location of the Drury West town centre and the rail station. The Applicant has participated in all public processes associated with the DOSP, including seeking all relevant documentation associated with LGOIMA requests and meeting to discuss the opportunities for transit oriented development (TOD). The Applicant has been participating in all DTIP meetings and other meetings associated with the DCSP, along with meetings associated with infrastructure. This includes 2019 meetings convened by Penny Pirrit and the Mayor regarding infrastructure and the timing of the DOSP and private plan change requests.</p> <p>Auranga A holds development agreements with Watercare to establish to Drury sub-regional wastewater pump station (completed), and provide connections for water and wastewater through Auranga to Hingaia. The Applicant has an extensive understanding of the water and wastewater requirements associated with the South, and undertook the initial modelling for the network which subsequently Watercare adopted and expanded upon. This is led to the current installation of trunk infrastructure serving the South, along with the Bremner Road pump station which has been designed to service land to accord with the FULSS staging and land uses anticipated by the DOSP.</p> <p>But in conclusion the Applicant's Consultants are unable to understand what additional consultation the Council considers should be necessary. The application is directly in line with the Council's own adopted policy positions in terms of land release and staging, and land use outcomes.</p>

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<p>6. Please provide further details regarding why and how the PPC request proposes to clarify limited notification matters.</p>	<p>Please refer letter from Berry Simon.</p>
<p>7. Please advise as to whether any consideration has been given to incorporating best practice outcomes relating to urban form and urban design? AUP Policy B2.3. A quality built environment should be referenced.</p>	<p>It is assumed that this request item is meant to refer to the objectives listed in B2.3.1 and policies listed B2.3.2 (as B2.3 is a sectional heading rather than a policy.) Ian Munro's urban design report addresses these relevant matters and makes express reference to them, as well as the DOSP Neighbourhood Design Statement and its additional various matters.</p> <p>The Applicant has actively considered and in its view championed best practice urban form and urban design as follows:</p> <ul style="list-style-type: none"> • Promoting a TOD-based concentration of density associated with major transportation infrastructure and a natural amenity feature, based on extensive testing to identify the best location for this in Drury West. • Promoting a street-based urban form outcome and volunteering street frontage controls to that end. • Using the Council's own zone framework and provisions, which the Council has itself found will most appropriately promote a quality compact urban form. <p>The Council's own Section 32 for the AUP established that the base zones and region wide provisions met the RPS section of the AUP (including those listed under the section B2.3 "A quality built environment"). Therefore, as a base premises use of the Council's own operative zones and region wide provisions enables a "quality built environment" to be achieved.</p> <p>Furthermore, the PPC implements the DOSP. The DOSP was undertaken in accordance with Appendix 1.1 of the AUP. The provision of a main-street based town centre, along with the provision of roading connections within Drury West is considered to reflect best practice urban design. The distribution of zones is considered to be exemplar in providing for opportunities for TOD, this includes the opportunities for an appropriate urban form and provision of retail, services and employment provided by the Town Centre Zone, and intensification provided by the THAB Zone. These give effect to the RPS.</p> <p>The planned future form of Drury West is proposed by the DOSP. The Council should maintain confidence in that document.</p>

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	<p>The use of the frontage controls associated with the Town Centre are considered to reflect best practice. This addresses pedestrian amenity and draft, along with the appearance and function of main street-based activities. These give effect to the RPS.</p> <p>The requirements of the AUP for resource consents associated with buildings (through the THAB and Town Centre Zone activity status for new buildings and discretions¹), provisions relating to infrastructure (E26 and E27) and the activity status and discretions for subdivision (listed in E38²) are considered to give effect to the RPS and in particular those listed under B2.3.2 relating to urban form.</p> <p>The Applicant is surprised at this request and considers that no further or specific provisions should be needed above and beyond the Council's own existing toolbox to enable "best practice urban design" outcomes.</p>
<p><i>8 Please advise as to the adequacy or not of Auckland wide methods given the stormwater management plan outcomes, and whether precinct specific methods are needed.</i></p>	<p>There is no evidence either in the Council's own technical documents associated with the DOSP and AUP, or the Applicant's own work, to suggest that the area subject to the Plan Change is affected by storm water issues that are materially different to elsewhere in Auckland and that the existing AUP provisions manage properly. The Applicant would be concerned if the Council staff were seeking to subject a Private Plan Change applicant to a different standard than the Council subjects itself or any other developers to.</p>

¹ Rules H6.4.1 (A3)/(A35) of the THAB zone require restricted discretionary activity consent for new dwellings and Rules H10.4.1 (A35) in the TC zone require restricted discretionary activity consent for any new building. Matters of discretion listed in H6.8.1 and H10.8.1 include the design an appearance of buildings, including interaction with the street and public spaces and specifically give effect to Objectives B2.3.1 (1)-(3) and Policies B2.3.2(1), (3) and (5).

² Rule E38.4.2 lists subdivision in the THAB zone as either a restricted discretionary activity or a discretionary activity (dependant on size of the parent title for vacant sites or whether the subdivision occurs around development either existing or already approved by a land use consent) and Rule E38.4.3 identifies subdivision in the TC zone as a restricted discretionary activity. Where subdivision precedes any development the relevant matters of discretion are listed in E38.12.1(7) and include development layout to achieve walkable/connected neighbourhoods, design and layout of roads, infrastructure provision etc. For discretionary activities the objectives and policy framework listed in E38.2 and E38.3 is relevant, and include the same themes are addressed by the matters of discretion. These matters specifically give effect to Objectives B2.3.1 (1)-(3) and Policies (B2.3.2(1)-(5)).

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	<p>The PPC seeks to utilise the existing AUP toolbox relating to the SMAF Overlay which includes, objectives, policies and methods for managing onsite stormwater. No changes to or exemptions from this extensive framework have been sought, because none are considered appropriate or necessary.</p> <p>The Council's own Section 32 for the AUP established that the SMAF overlay and its associated provisions give effect to the RPS direction for freshwater management. If the Council (or Healthy Waters) considers that the existing plan mechanism are flawed and do not enable adequate or suitable outcomes then the Council (or Healthy Waters) should be initiating its own Plan Change to rectify the issue.</p>
<p>9. Please advise whether the stream locations should be shown on a precinct plan.</p>	<p>This was covered in the PPC documentation. There is no need to identify stream locations on the PPC Precinct Plan. Their identification (or lack thereof) on the Precinct Plan does not change the level of protection afforded to streams under the AUP, and having provisions which require riparian margins does not justify the need to identify where those are to be located at a PPC level.</p> <p>This is because the comprehensive suite of objectives, policies and methods including Regional rules contained in Chapters B7, E1 and E3³ will prevail at land use and subdivision resource consent stage. Furthermore, the AUP relies on the definitions for streams/rivers identified in Chapter J of the AUP. The objectives, policies and methods (including rules) do not rely on mapped stream features. On review of the AUP maps for the Auckland Region no stream locations are illustrated on the AUP planning maps. This indicates that the AUP methods do not rely on mapped streams, but rather on the identification of resource consent triggers using the definitions and rules at the time of resource consent.</p> <p>Thus, the existing suite of objectives, policies and methods (including rules) will continue to apply to all waterbodies within the PPC area, irrespective of whether those are identified on the Precinct Plan or not. The Applicant has not proposed any changes to this comprehensive approach.</p>

³ Specifically, activities including, diversion, reclamation and/or structures in streams, rivers or wetlands are covered by those rules contained in Table E3.4.1.

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Geotechnical Matters – James Beaumont, Riley Consultants Limited	
<p>10. Please provide comment on the assessed lateral spread risk of the land in proximity to the stream / estuary.</p> <p>Please also include comments regarding the lateral spread potential of land adjacent to the lake located in the south western part of the B2 area.</p>	<p>The necessity for any site-specific comment relating to lateral spread in proximity to features/streams is already addressed by existing AUP provisions (including Chapter E38 Subdivision⁴ and E12 Earthworks⁵). There are existing controls in place to allow the consideration of these matters at the time of resource consent application. No further rules or discretions are considered necessary in the PPC.</p>
Ecology (terrestrial) matters - Carl Tutt, Environmental Services	
<p>11. Please provide justification for the inclusion of 10m riparian margins on all streams.</p>	<p>The preference for a 20m riparian margin against the Ngakoroa Stream requested by the Council's Ecology (terrestrial) specialist is noted. A 40m total width of riparian planting is not considered to meet the tests of Part 2 of the RMA in respect to the efficient use of scarce urban land resources, or section 32 of the RMA. There is no specific basis for this request given that it appears to target only the Applicant's plan change area and not any other land in the Auckland Region.</p> <p>The AUP utilises a 10m riparian yard (taken "from the edge") setback for all buildings adjoining permanent or intermittent streams. This applies to the Town Centre (H10.6.6.1), THAB (H6.6.9.1) and MHU (H5.6.8.1) Zones (and in fact to all urban zones in the AUP). There is no more stringent standard in the AUP for setbacks even against streams which have a SEA-Terrestrial overlay. The PPC is consistent with this approach as it adopts the AUP zones and their associated rules. Furthermore, 10m riparian margins for the planting of streams are consistent with all other Precincts and rules in the AUP. Most recently, PPC6 utilised the 10m planting rule on the immediately adjoining Precinct.</p>

⁴ E38.4.1(A11) specifically requires a restricted discretionary activity consent for subdivision of land subject to hazards (including instability). Building platform shape factors listed in E38.8.1 and E38.9.1 also address activities being clear of any hazard (including instability). For all other subdivision, matters of discretion/assessment criteria listed in E38.12.1(7)(b) and E38.12.2(7)(b) address potential risk of geotechnical hazards (including where this may affect infrastructure associated with the subdivision).

⁵ General Standards for earthworks listed in E12.6.2 address stability issues.

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	<p>It is incongruent for an intermittent stream with a width less than 3m to be required to be planted to a width of 20m either side, where immediately adjoining Precincts have an operative 10m rule and outside of precincts in the remainder of the Auckland Region no minimum planting widths are specified.</p> <p>Any request to amend the PPC cannot be made under Clause 23 (which is for further information /clarification only).</p> <p>It is acknowledged that at the time of eventual subdivision, if a stream width is found on detailed survey to qualify for a 20m Esplanade Reserve (which apart from the Ngakoroa Stream we consider to be unlikely), then the relevant E38 provisions of the RMA and AUP would be triggered and that would be required to be vested. It is not possible that the 10m riparian area requirement could be used to get around or 'trump' that.</p>
<p><i>12. Please confirm why wetlands have not been captured by standard IX.6.3.</i></p>	<p>This was an oversight as it was considered appropriate to "roll over" the same riparian margin standard which was considered appropriate (and justified by a section 32 evaluation) in the Plan Change area (Drury 1 Precinct). Refer to the updated text in Appendix B.</p>
<p><i>13. Please confirm consistency with the criteria for measuring riparian margins as detailed in the AUP</i></p>	<p>As identified under the response to item 11 above, the AUP utilises 10m riparian yards setbacks for buildings associated with streams, and the measurement is taken "from the edge".</p> <p>The proposed rule for a 10m margin is consistent with that which was imposed and is operative for Drury 1 Precinct, and which applies to all other rules that we have reviewed. However, it is acknowledged that there is some variance between Precincts as to where the margin is taken from.</p> <p>It was considered appropriate to "roll over" the same riparian margin standard which was considered appropriate (and justified by section 32) in the operative Drury 1 Precinct. There is no justification as to how this already approved rule is now not appropriate (in terms of section 32).</p> <p>Any request to amend the PPC cannot be made under Clause 23 (which is for further information /clarification only).</p>
<p><i>14. Please elaborate on how rank grass and/or low growing native</i></p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p>

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<p><i>vegetation will be managed in the longer term to achieve and maintain suitable skink habitat</i></p>	<p>The terrestrial areas of the PPC area are not identified as an SEA-T. On reviewing E11, E12 and E15 we find no region-wide approach to managing rank grass, including in the relevant AUP sections for Vegetation removal which is managed by E15 of the AUP.</p> <p>The SEA-T applies to the adjoining Ngakaroa Stream. The rules of E15 (activity table E15.4.1) manage vegetation associated with the SEA-T. No further rules are considered necessary.</p> <p>No changes to those rules are considered necessary as they apply on a region-wide basis. No further rules are considered necessary or justified as there is nothing unusual or exceptional to rank grass or low growing native vegetation in areas outside of the SEA-T. Native vegetation outside an SEA-T is already managed through rules in E15.</p> <p>The existing rules in E15 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP</p>
<p><i>15. Please provide sufficient justification for the removal of any mature trees that provide bat roosting habitat.</i></p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p> <p>The PPC does not apply for any vegetation removal. No justification is necessary.</p> <p>The rules of E15 apply to vegetation management (activity table E15.4.1). At the time of resource consent these rules would be considered in the usual manner. The existing rules in E15 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p> <p>The protection of Bats is a matter addressed by the Wildlife Act.</p>
<p><i>16. Please include bats in the Ecology assessment.</i></p>	<p>This is unnecessary. The Council have identified relevant SEA-Ts through the AUP. These identify areas of significant ecology associated with fauna and flora. No changes are proposed to the existing AUP approach, which is applied on a region-wide basis. No further rules are considered necessary or justified as there is nothing unusual or exceptional associated with vegetation in areas outside of the SEA-T.</p>

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Ecology (freshwater) matters - Connor Whiteley, Resource Consent Specialist Input	
<p>17. Please confirm the location of all existing fish barriers and assess suitability of removal/retrofitting.</p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p> <p>E3 of the AUP (which are Regional Plan provisions) addresses streams, and includes specific provisions in E3.4.1 relating to demolition of barriers. This is a PPC for the rezoning of land, and no works or resource consent applications are proposed at this time nor is there any justification for the PPC to provide any overriding provisions to the existing E3 methods or amendments to E3 specific to the PPC area. As such, the Applicant does not propose to amend the Regional Plan rules of the AUP, and does not consider any further amendments are necessary to the Regional Plan rules or that new or additional regional rules need to be contained in the Precinct. The existing Regional Plan rules contained in E3 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p>
<p>18. Please confirm the location and scale of all area that meet the definition of wetland under the RMA.</p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p> <p>There is no need to identify any wetland areas at PPC stage. Their identification (or lack thereof) at this stage does not change the level of protection afforded to them under E3 of the AUP.</p> <p>The Council has identified wetlands or significance in the area through the SEA-T overlay. This is operative. Wetlands, either identified as an SEA or through the definition in the RMA, are protected by the rules in E3 (specifically Activity Table E3.4.1) in terms of the management of activities in these areas. No further rules are considered necessary, and it is unnecessary to identify this level of detail in a PPC. As the E3 rules are regional rules there is no scope to alter these rules or to imposed new regional rules through a PPC. The Applicant does not propose to amend the Regional Plan rules of the AUP, and does not consider any further amendments are necessary to the Regional Plan rules or that new or additional regional rules need to be contained in the Precinct.</p> <p>Furthermore, the Council itself did not follow this approach for PC5.</p> <p>The existing Regional Plan rules in E3 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p>

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<p>19. Please confirm the ground truth of all stream reaches and classifications.</p> <p><i>Note: any reclassification of intermittent/ephemeral streams will need to take place after two month of standard winter rain fall</i></p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p> <p>There is no need to "ground truth" stream locations at PPC stage. Their identification (or lack thereof) does not change the level of protection afforded to streams under the AUP.</p> <p>The AUP already includes rules in E3 and definitions (Chapter J) associated with streams. No changes are proposed to these rules or how they apply to resource consent applications. No further rules are considered necessary.</p> <p>Furthermore justification is also provided in response to request item #9.</p>
<p>20. Please confirm indicative location of any stream and/or wetland crossing and the expected lengths.</p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p> <p>The rules in E3 of the AUP address crossings. No further rules are necessary. E3 of the AUP addresses streams and wetlands, and includes specific provisions in E3.4.1 relating to any potential crossings (e.g bridges, culverts, fords etc). This is a PPC for the rezoning of land, and no works or resource consent applications are proposed at this time nor is there any justification for the PPC to provide any overriding provisions to the existing E3 methods or amendments to E3 specific to the PPC area. As such, the Applicant does not propose to amend the Regional Plan rules of the AUP, and does not consider any further amendments are necessary to the Regional Plan rules or that new or additional regional rules need to be contained in the Precinct. The existing Regional Plan rules contained in E3 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p>
<p>21. Please identify the potential (if the salinity allows for fertilisation) inanga spawning habitat occur along the Ngakaroa Creek adjacent to the precinct area</p>	<p>This is a resource consent level of detail and is unnecessary for the PPC.</p> <p>The Ngakaroa Creek is already identified as an SEA-T in the AUP, and the PPC already identifies a future esplanade reserve along this margin for protection (to vest via any subdivision consents under E38 which will also be assessed under the discretions in E38.12.1 (5) which include ecological values). Other provisions of the AUP which would protect fish spawning in the SEA-T relate to the Vegetation management rules (governing vegetation removal in E15.4.2), Earthworks general standards in E12.6.2 which restrict work in coastal or riparian yards, Regional Earthworks provision in E11.4.3, Infrastructure provisions in E26.3.3.1. Furthermore, works in the creek are governed by the specific provisions in E3.4.1 (for streams and rivers).</p>

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	<p>No further rules are required.</p> <p>As E3, E11 and E15 (as they relate to SEAs) rules are regional rules there is no scope to alter these rules or to imposed new regional rules through a PPC.</p> <p>The existing rules in E3, E11, E12, E15 and E38 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p>
Contamination matters - Andrew Kalbarczyk, Resource Consent Specialist Input	
<p>22. Please provide a Preliminary Site Investigation (PSI) report in support of the application.</p>	<p>The Council's DOSP work included a land contamination report prepared by Riley's which identified at ta high level features or areas that may have been subject to activities such as horticulture and/or landfills (and which may influence future zonings). This review included reviewing historical aerial photographs. This was considered to be a suitable level of information by the Council in preparing its own Structure Plan and is considered sufficient for the PPC.</p> <p>The Riley's work did not identify any features would affect any of the zonings proposed.</p> <p>Further detailed work can be undertaken on a site by site basis to accord with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 at development stage.</p> <p>A PSI is not necessary for a PPC. The rules in E30 of the AUP (E30.4.1), along with those associated with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 are triggered by earthworks or subdivision. Furthermore, accidental discovery is also governed by existing AUP rules E11.6.1 and E12.6.12.</p> <p>The Applicant does not propose to amend the Regional Plan rules of the AUP, and does not consider any further amendments are necessary to the Regional Plan rules or that new or additional regional rules need to be contained in the Precinct. The existing Regional Plan rules contained in E30 (and accidental discovery protocols which are also Regional Plan provision in E11) are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p> <p>Further, it appears that the Council did not undertake a PSI over the land area of PC5.</p>

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Civil Engineering matters, David Russell, Regulatory Engineering South	
<p>23. Please supply the following</p> <ol style="list-style-type: none"> 1. Cross section through the highest point in the fill embankment. 2. Estimate of the volume of water retained 3. Geotechnical comment on the integrity of the structure 	<p>This is a resource consent level of detail and is unnecessary for the PPC. However, it is acknowledged that the level of detail requested could be included in the Precinct Provisions as a "Special Information Requirement", given the created "sense of permanency" that the structure has as its intention to be a significant (public) feature.</p>
Healthy water – Paula Vincent, Danny Curtis	
<p>1. The Stormwater Management Plan provided refers to flood modelling done for another plan change area. Please supply this report and explain why scenario 5 is valid (e.g. reflects downstream development in Auranga and assumptions on how Auranga B2 will be developed).</p>	<p>This is the flood model as was adopted and deemed acceptable by Healthy Waters for Auranga B1 (PV6).</p>
<p>2. Provide supporting information to explain why SMAF 1 is appropriate choice, particularly plan change specific soil infiltration</p>	<p>Using the Council toolbox of "SMAF" does not stop the further infiltration testing, rather it gives the Council and/or any future resource consent applicant the opportunity to assess the appropriate devices used at resource consent stage (as the SMAF provisions (E10.4.1) require as a minimum a Restricted Discretionary Activity resource consent for impervious surfaces exceeding 50m²). The matters of discretion include site specific limitations (which could capture any changes to account for soil infiltration).</p> <p>The SMAF Policy direction in E10.1 identifies that the SMAF 1 Overlay applies to those catchments which discharge to sensitive or high value streams that have relatively low levels of existing impervious area, while in contrast the SMAF 2 areas typically discharge to streams with moderate to high values and sensitivity to stormwater, but generally with higher levels of existing impervious area within the catchment.</p>

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	<p>In this case the site discharges to areas identified as SEA T's or SEA Marines (or both) and has existing low levels of impervious surface. As such the SMAF 1 Overlay was considered most suitable.</p> <p>However, the Applicant team can work with Healthy Waters to refine this (and if there is a reference that SMAF 2 is pursued, as those provisions capture the infiltration requirements) then this can be amended and/or a Special Information Requirements be added to require the soil infiltration consents with every restricted discretionary activity consent required under E10.4.1. This is a matter that can be addressed through the hearings process.</p> <p>However, both of these suggestions are changes to the PPC itself and are not appropriate to be a requirement of Clause 23.</p> <p>The Applicant does not propose to amend the Regional Plan rules of the AUP, and does not consider any further amendments are necessary to the Regional Plan rules or that new or additional regional rules need to be contained in the Precinct. The existing Regional Plan rules contained in E10 are considered to fully address potential effects associated with the development of the Precinct in accordance with the rules and discretions of the AUP.</p>
<p><i>3. The SMP does not identify primary and secondary conveyance flows in the plan change area for each drainage sub-catchment (including after any likely earthworks are done) and how these may change after development. Of particular interest are discharge points into the Ngakoroa, discharge locations and flows for the northern catchment, the impact of increased impervious surface on existing infrastructure (e.g. discharge from Pond H, through</i></p>	<p>No catchment changes are anticipated. Drainage patterns (including primary and secondary conveyance) can utilise the existing discharge locations and/or flowpaths entry points into the Ngakoroa and Stream A.</p> <p>The northern catchment will discharge into existing Stream A (in Auranga B1 and A) – the Stream A network was modelling in previous stages of Auranga to confirm that it can accommodate the upstream MPD flows (under Scenario 5).</p> <p>For the southern catchment the local drainage network for the primary and secondary events could be modified to bypass the existing council network which appears to be at or over capacity already if required at design stage. The works could align with the current flows as shown on the Council GIS along the SH22 boundary to the Ngakoroa Stream and/or Pond H can be modified to provide for further detention and/or the existing culverts upgraded as required.</p>

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<i>culverts under the road and railway to Ngakoroa Stream).</i>	
4. <i>The SMP defers a lot of decisions on the management of stormwater effects to later planning stages. Precinct provisions to enable a comprehensive view of the stormwater management infrastructure and methods proposed is requested.</i>	<p>As noted above, Using the Council toolbox of "SMAF" gives the Council and/or any future resource consent applicant the opportunity to assess the appropriate devices used at resource consent stage (as the SMAF provisions require as a minimum a Restricted Discretionary Activity resource consent for impervious surfaces exceeding 50m2).</p> <p>No further rules are necessary.</p>
5. <i>Have mana whenua been consulted on the proposed methods for achieving treatment? This is required for NDC SMP adoption process</i>	<p>See response to planning request item # 4 regarding consultation with iwi, and also refer to the DOSP CVA.</p> <p>Treatment is covered by the AUP Chapter E9 provisions and there is no justification to provide overriding provisions to those in E9 or amendments to E9 for the PPC area. Therefore, it is assumed that Council is referring to the overall SMP approach.</p> <p>Further Healthy Waters is mistaken. For a Plan Change SMP, adoption is via condition 13 (which has as its pre-requisite to adoption that the SMP must form part of a plan change which is notified and approved (13(b)). Further condition 13(b)(ii) refers to compliance which Schedules 2 & 4, neither of which require mana whenua consultation.</p>
Transportation – Matt – Flow Transportation Consultants	
Request 1. A) <i>Please confirm the "what", "how", "when" and "by whom" for the funding and delivery of all transport infrastructure and transport services required to support the PPC. If there is no mechanism to deliver infrastructure that requires third party land, third party process, third party agreement, and/or third-</i>	<p>Flow (as consultants/specialists to Council's review team) is seeking a level of detail that is not needed for the PPC. Local and Collector Roads are able to be built in stages as development progresses (this is usual and typical subdivision process). Funding is as per each development. The development of roads is a matter addressed by E27 and E38 of the AUP. No further rules are considered necessary.</p> <p>Similarly matter such as road closures can be addressed at design and consenting stage and do not need to be resolved for PPC level of detail. Road closures rely in standalone statutory processes that cannot be triggered at this stage.</p>

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<p>party funding, then the reasonableness of assuming that this infrastructure will be available to support future development should be discussed.</p>	<p>Processes for road widening on state highways are an NZTA matter and to be dealt with by separate Notice of Requirement processes. This is not uncommon to be dealt with separately (and included AT's Mill Road corridor which was notified after the SHA Plan Variation for Flat Bush Stage 3).</p>
<p>1B) Further, please comment on the threshold(s) at which key upgrades identified in Section 5.1 of the ITA and Section 3.2.6(d) of the AEE (four laning of SH22) will be required, and how these thresholds are reflected in the Precinct provisions. The Provisions need to explicitly define the extent to which development activities are limited until each of the roading upgrades discussed is delivered.</p>	<p>The other activities/upgrades are not triggered by the PPC (and do not preclude development of the PPC area). As such no trigger or mechanisms or limitations on development relating to these items is needed. The relevant rules associated with creation of new roads to be vested are contained in E38⁶ of the AUP. These apply throughout the region, and it is not considered necessary to have further rules.</p> <p>In addition, the Council Consents Team is able to impose conditions on resource consents deferring commencement until completion of specific infrastructure projects necessary to serve the development (this is not uncommon and has been used through Auranga A to issue subdivision consents under the E38 provisions for bulk wastewater infrastructure).</p> <p>This request item is not a clarification/further information under Clause 23 as this is a request to alter the PPC. Therefore, it is more appropriately addressed via the Council's 42A report)</p>
<p>Request 2. Please confirm the accessibility of the PPC to the future rail station, and comment on how any barriers (particularly for active transport modes) might be addressed. The obvious barrier being</p>	<p>KDL do not anticipate a delay in the delivery of the rail station. The Government in June 2020 announced that the Drury West rail station and rail network is a shovel ready project which is fully funded.</p> <p>The DOSP already addresses the issue of rail and pedestrian connectivity.</p>

⁶ Specifically matters of discretion/assessment criteria listed in E38.12.1(7)(b) and E38.12.2(7)(b) and Policies E38.3(10), (17), (19). E27 Trip Generation thresholds may also be triggered dependant on stage sizing, regardless the E38 provisions are sufficient to manage appropriate infrastructure provision. Furthermore Appendix 15 Subdivision Information and Process also identifies in 15.2(2) that:

"In respect of new road assets, the 'concept design' (i.e. width and general layout) of any road intended to be vested in the Council will be assessed against the relevant provisions of E38 Subdivision - Urban and E39 Subdivision - Rural and any relevant codes of practice or engineering standards applicable at the time of the subdivision consent application. If a road is approved as part of a subdivision consent, the concept design (i.e. width and general layout) is deemed appropriate for vesting. The 'detailed design and asset specifications' (i.e. pavement thickness etc.) of the road will be considered during the subsequent engineering approvals process."

Clause 23 Request Item	Applicant Response
<p><i>SH22 in its current form. Please comment on what effect delayed delivery of the train station or train services may have on the PPC.</i></p>	<p>The design of SH22 is a matter for NZTA. A matter which NZTA must consider is the DOSP in its NORs to ensure appropriate access. The Applicant trusts that Council will correctly exercise its statutory powers under the assessment of NORs to ensure that the outcomes of the DOSP are reflected in the NORs, along with their recommended conditions.</p> <p>The design of pedestrian access south of SH22 is a matter for AT and/or any future Plan Changes (which would be out of sequence with the FULSS staging). The PPC has shown linkages to SH22, which can be continued to service the final location of the rail station once that is known and designed etc. AT must consider is the DOSP in its NORs to ensure appropriate access from SH22 to the rail station. KDL understand these are to be notified by the end of 2020. KDL trusts that the Council will correctly exercise its statutory powers under the assessment of NORs to ensure that the outcomes of the DOSP are reflected in the NORs, along with their recommended conditions.</p> <p>At this time the Applicant cannot comment further after signing confidentiality agreements with Supporting Growth regarding the planned NORs.</p>
<p><i>Request 3. Please confirm how local roads within the Town Centre zone will provide for active modes.</i></p>	<p>All cross sections/typologies will be designed at subdivision stage where they will be subject to the normal consent design (E38 of the AUP) and review from AT to determine that the roads meet the AT design/engineering standards and to ensure sufficient widths for public transport infrastructure can be achieved. Resource consents are required in respect to E38 of the AUP. There is nothing unusual about this process, and no further rules are considered necessary.</p>
<p><i>Request 4. Can clarification also be provided as to how the SH22 access upgrades are initiated noting the restrictions on access via Burberry Road in the Drury 1 Precinct until such time as safety upgrades are undertaken. The Auranga B2 Precinct is silent on the need for upgrades to Burberry Road prior to any development, which in our view also needs to extend to capture construction traffic. We recommend that the Precinct Provisions have a</i></p>	<p>The proposed realignment is the proposed safety “upgrade” to Burberry Road as this provides access to the designated Drury West primary school. The PPC proposes the full realignment.</p> <p>Resource consents are required in respect to E38 of the AUP (for subdivision under E38 which as shown already have relevant discretions etc for transport infrastructure). The process would be that a resource consent is sought from the Council as a minimum of a restricted discretionary activity. The rules that are relevant apply on a region-wide basis, and there is no evidence that these rules applying everywhere else in the region are inappropriate. Matters associated with designations (including new intersections which require works within a designation) are addressed by s176 of the RMA in the normal manner.</p>

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<i>Rule, rather than assessment criteria that addresses access from SH22</i>	This request item is not a clarification/further information under Clause 23 as this is a request to alter the PPC. Therefore, it is more appropriately addressed via the Council's 42A report. The inference from the recommendation is that the AUP includes no construction traffic approaches. The existing rules of the AUP do capture construction traffic and are suitable.
<i>Request 5. Please confirm whether the road typologies in the Precinct Plan align with Auckland Transport design standards and guidelines, and the extent to which the layouts proposed are consistent with equivalent roads already established within the Drury 1 Precinct, and the extent to which the cross section (particularly through the Town Centre) allows for the provision of public transport infrastructure.</i>	<p>The Council's Specialist is aware that the Applicant has no control over AT and cannot guarantee that AT will allow the roads to remain "the same" during a staged development (even when cross sections are included in Precinct Plans this is no guarantee, as per examples already developed in Belmont, Hingaia, Flat Bush etc).</p> <p>All cross sections/typologies will be designed at subdivision stage where they will be subject to the normal consent design and review from AT to determine that the roads meet the AT design standards and to ensure sufficient widths for public transport infrastructure can be achieved. No additional rules are considered necessary as the roading network can be consented based on the relevant matters in this E38 of the AUP (as already identified in this request)</p> <p>Roads align with the road network of the Drury 1 Precinct, including those consented in the Stage 2B subdivision adjoining Burberry Road, providing a consistent approach to the area.</p>
<i>Request 6. Please undertake traffic modelling (including mode share sensitivity testing) and provide a commentary on potential traffic effects. This should build on the work of the Supporting Growth Alliance, undertaken as part of the Council's Plan and subsequent Notices of Requirements for the road network. Localised intersection models may be needed to inform the discussion on access strategy regarding the proposed SH22 connections</i>	<p>The site falls within the Stage 1 FULSS (which is to be development ready by 2022). The Council have not amended this staging though any process, including during its own Structure Planning process for the DOSP.</p> <p>The DOSP has undertaken detailed traffic modelling. The PPC fits within the area of the DOSP, and the opportunity for a town centre and THAB are included in that modelling.</p> <p>Further modelling is unnecessary and the assessments already identify the relevant traffic effects.</p>

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<p><i>Request 7. Please comment on whether Building Frontage controls where Town Centre zoning fronts SH22 were considered.</i></p>	<p>As noted by Flow, there is an existing Arterial road access restriction which applies to SH22 (and is administered by the E27 provisions (specifically E27.6.4.1), as such no further restriction was deemed necessary.</p> <p>No building frontage controls are considered necessary on SH22.</p>
<p><i>Request 8. Please confirm how the "Local road with cycle and 3m shared paths" road shown on the Precinct Plan will be secured as a continuous road with a consistent cross section width. Further, please clarify the extent to which the Precinct Plan needs to identify local roads.</i></p>	<p>As typical in staged large scale greenfield development, roads are often completed in stages over some time, as such the full scale "connectivity" occurs over time. This is not uncommon.</p> <p>Local Roads are to be determined at development stages and are best left to future development to ensure flexibility (and also there is no need for a high level Precinct Plan to demine every level of detail). Rules in E38 already address this at the time of subdivision, including the staging of subdivision.</p> <p>We see no additional rules or annotations on the Precinct Plan are necessary. This are all matters of detailed design at the time of subdivision and development, and consider that the rules that apply to all urban development and subdivision on a region-wide basis can be utilised to address roading networks at the time of resource consent. This is currently how the AUP operates and we consider that no further rules or discretions are required.</p> <p>Future PPCs associated with the remainder of Drury West Stage 1 of the FULSS will address adjoining roads and connections.</p>
<p><i>Request 9. Please comment on how the proposed roading network may effect properties to the west of the PPC, when compared with the roading layout in Council's Structure Plan.</i></p>	<p>As noted in the ITA, the northern most connection (A) is a continuation of the roading network set out (on the ground) by subdivision approved in the Drury 1 Precinct. Thus the east-west A is in the preferred location as per the alignment with the approved Stage 2B Collector Road.</p> <p>Roads identified in the request as (B & C) have the option not to continue west, as there is also a north/south road which bisects both of these.</p> <p>Regardless the notification of the PPC will enable landowners to the west to comment (should they choose to) on the proposed PPC layout.</p>

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	<p>Landowners to the west outside of the PPC area can pursue a PPC or rezoning themselves. However the scope of the PPC relates to the sites within the proposed boundary of the Precinct and rezoning.</p>
<p><i>Auckland Transport Items</i></p>	<p>Auckland Transport have provided feedback on the PPC based on “consultation” undertaken by Flow (who have been engaged by the Council). As they do not form part of the Auckland Council review process (as they are a separate entity and will be responsible for making their own submission) the information should not form part of the formal Clause 23 request.</p> <p>As such, any further responses or clarification requested by AT and/or NZTA to the below should be directly sent to the Applicant.</p>
<p><i>1. Could the applicant please provide a high level feasibility/ constructability assessment to confirm that the changes to the proposed road network and where they cross property boundaries, compared to the indicative roads identified in the SGA network, are feasible and practicable and readily capable of being extended across the adjoining properties to Jesmond road. Specifically, for changes of the roads identified as Road A and Road B in Figure 9-2 in the ITA.</i></p>	<p>See response to Flow Item #9.</p>
<p><i>2. The ITA indicates that NZTA is responsible for all improvement works along the SH 22 frontage. Could the applicant outline/ clarify whether this includes footpath/berm/frontage works along SH22. Has the berm and walking and cycling been considered?</i></p>	<p>This is a detailed design matter, and also one which NZTA should be addressing in any NOR.</p>

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<p>3. <i>Could you please provide a rough footprint for signalisation of the MacPherson/new collector intersection to confirm it feasible given the presence of the lake and non-optimal angle of entry.</i></p>	<p>This is a detailed design matter and one that can be dealt with at the time of the Burberry Road realignment.</p>
<p>4. <i>Could the applicant please confirm how the movement of the traffic signals further from the train station than indicatively noted within the SGA ITA may affect the ability for pedestrians to cross and gain access to the station and whether additional crossing facilities may be required to the town centre.</i></p>	<p>See response to Flow Item #2.</p> <p>Furthermore, the town centre local road intersection with SH22 could also be signalised in future to then link to the rail station (if required).</p>
<p>5. <i>Could the applicant please explain what is the intention behind the rule suggested in Table 1X.6.2.1 around the staging of the intersection of SH22 and Jesmond Road as this intersection is not part of the plan change area</i></p>	<p>The ITA contains reference to this upgrade in the implementation table (table 13-1) as being required before the first lot of Auranga B2. The staging is only appropriate should the entire SH22 not have been upgraded and would be subject to NZTA approval.</p>
<p>NZTA / Waka Kotahi Items</p>	<p>NZTA/Waka Kotahi have provided feedback on the PPC based on “consultation” undertaken by Flow (who have been engaged by the Council). As they do not form part of the Auckland Council review process (as they are a separate entity and will be responsible for making their own submission) the information should not form part of the formal Clause 23 request.</p> <p>As such, any further responses or clarification requested by AT and/or NZTA to the below should be directly sent to the Applicant.</p>

Clause 23 Request Item	Applicant Response
<p>1. Further clarification is needed around the residential yields presented in the ITA and if this was based on assumptions or actual development patterns in Auranga A. Table 6-2 of the ITA states that the employment rate for the town centre zone has been used for the mixed-use zone, whereas it appears that mixed use zone is not proposed? While the applicant has assumed that they will be able to generate a lot of jobs, has the applicant assessed the zone for a large residential component which may result in a large number of external trips? A sensitivity analysis may need to be presented, given the town centre zone is permissive.</p>	<p>Residential yields in the ITA have been based on:</p> <ul style="list-style-type: none"> • Existing Auranga A based on actual development (Variation 15 or Drury 1 Precinct) • Auranga B1 based on previous plan change (PPC6) (and experience with Auranga A) • Proposed Auranga B2 based on previous experience and advice from the Applicant's consultants (40-67 dwellings / ha) given the different zoning (mainly Business and THAB) of the site vs Auranga A / B1 <p>Regarding the mixed-use zone it is agreed that this is not provided for in the PPC however this does not change the analysis, as both rates (town centre and mixed use) use the same jobs per ha rate which was based on town centre.</p> <p>In terms of the jobs / residential component in the town centre, there are planning controls in Town Centre zones encouraging job creation. The rates used are also similar to the Council's own Structure planning. While jobs cannot be guaranteed in any zone they can be encouraged through planning.</p>
<p>2. Four laning of SH22 is an SGA project and therefore is only funded for route protection at present. Can the applicant please comment on the provisions that are proposed to ensure that the development will not precede it? Or conversely, at what point is this upgrade required and to what extent? For example, would it only be needed from the site to the interchange or all the way to Paerata?</p>	<p>The upgrade to SH22 would be required before any lots are provided for Auranga B2. SH22 would need to be upgraded from the interchange to (and including) Jesmond Road intersection (and its approaches).</p>
<p>3. The Jesmond Road upgrade rule is overly wordy and difficult to</p>	<p>The Rule is the same wording as agreed by NZTA in the Plan Change 6 Hearing.</p>

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<p>implement. NZTA is currently scoping a project under the Safe Network Programme for some interim safety upgrades on SH22 including this intersection but they won't add any capacity</p>	
<p>4. Also, please explain why the speed limit was referenced in the aforementioned rule. As per the recent media release, NZTA is permanently reducing the speed limit from Burberry Rd to Paerata to 80km/h and from Burberry Rd to Drury to 60km/h</p>	<p>The Rule is the same wording as agreed by NZTA in the Plan Change 6 Hearing. Any change in speed limit can be addressed by the detailed design of the intersection.</p>
<p>5. In relation to the Jesmond intersection rule, while NZTA agrees that the intersection needs to be upgraded at some point and would welcome a rule requiring new developments to facilitate upgradation of the intersection before commencing the development, there's no discussion of it in the ITA.</p>	<p>The specific rule is not discussed in the ITA (as the ITA recommended the trigger and new for such a rule, and the PPC text has given effect to that recommendation) however the upgrade is outlined in the implementation table (Table 13-1) specifically for both Auranga B1 and B2 and is required before development of first lot of either Auranga site (including PPC).</p>
<p>6. The ITA mentions that the modelling will be updated once the structure plan has been released. Can the applicant please comment on the timeframe for this?</p>	<p>While it is unclear which land-use scenario the Supporting Growth Alliance (SGA) ITA used, the PPC ITA references the i11.5 scenario which was requested from Auckland Forecasting Centre (AFC). It is understood that this is now the latest land-use scenario that Supporting Growth Alliance are also using in their Detailed Business Cases.</p>
<p>7. Can the applicant also please explain what analysis has been</p>	<p>See response to Flow Item #1B.</p>

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<p><i>undertaken to assess what would happen if the indicative roads could not be located as proposed? For example, the connection to McPherson Road.</i></p>	
<p><i>Urban Design & Landscape – Rebecca Skidmore *note items 1-2, 5 and 10 do not form part of the request.</i></p>	
<p><i>3 Please provide a contour plan of the PC area with the proposed precinct plan overlaid</i></p>	<p>Please find attached in Appendix C.</p>
<p><i>4. Please confirm whether all land parcels within the PC area are controlled by KDL.</i></p>	<p>This matter had no bearing on the urban design or visual effects assessment. It is not a relevant matter for a PPC, nor the RMA.</p>
<p><i>6. Please provide a rationale for the extension of the Height Variation Control being extended across the entire Business - Town Centre zone and why 27m has been determined as being an appropriate height. Has consideration been given to being more specific about suitable locations to accommodate additional height. Has any 3D modelling been carried out to determine the height limit proposed? It would be helpful to provide cross sections through the proposed Town Centre zone extending across to Great North road and the southern side of SH22 to demonstrate how the height framework will relate to the</i></p>	<p>As has been explained extensively in the urban design report, the rationale is to maximise development density opportunity adjacent to identified rail station and bus networks, and the amenity potential of the lake, in an environment where the effects of such height will not be problematic (such as in an existing urban suburban areas). Specifically, policy H10.3(13) directly supports the proposal and the work undertaken by the Applicant. Notably:</p> <p>Clause (a) – the proposal will be a very efficient use of land. Clause (b) – the additional height will support passenger transport, community infrastructure, and contribute to centre vitality and vibrancy Clause (c) – will not have any material adverse effect on adjacent residential zones Clause (d) – the additional height sought is based on the AUP's own approach to town centres and on that basis is supported by the status of the centres hierarchy.</p> <p>The question then becomes overly architectural and seeks a resource consent level of detail, perhaps overlooking that all development (new buildings) would require resource consent, whether it complies or does not comply with the height limit. As such, "being more specific about suitable locations to accommodate additional height" is respectfully considered to not be a PPC matter. Cross sections of a town centre that has not yet been designed in detail are not possible.</p>

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<i>surrounding context and reinforce future linkages.</i>	The proposal does not include any land on the south side of SH22 and as such it is not known what a future plan change may propose for that land.
<i>7. Both the UD report and the Urbacity report refer to a Space Syntax analysis that has informed the proposed zone configuration and key transport routes identified on the proposed Precinct Plan. Please provide further detail of the Space Syntax analysis carried out.</i>	Space syntax analysis is not required for a PPC as it is a developer's tool to help confirm commercial layouts and planning. The Structure Plan specifies the key links to be provided and the PPC is in accordance with that.
<i>8. Considerable emphasis is placed on the amenity benefit provided by the 'lake/pond' creating an important structuring element for the Town Centre (e.g. Para. 6.11(e)). Please provide an analysis of how the proposed PC provisions will ensure that a shared/public access to and enjoyment of this feature is provided. The report notes that consideration for provision of open space is more appropriately determined at the resource consent / subdivision phase (Para. 6.14). Please advise how certainty of this outcome would be provided.</i>	<p>Refer to the AUP's subdivision provisions and policies⁷ including addressing and providing for public access and amenity. It is not appropriate to ask for detail design solutions at the time of PPC. We note that the Council opposed our green network approach in PC6, and has also asked us repeatedly to use stock AUP zones rather than bespoke precincts.</p> <p>No additional rules or provisions are considered necessary or appropriate.</p>

⁷ Rule E38.4.2 lists subdivision in the THAB zone as either a restricted discretionary activity or a discretionary activity (dependant on size of the parent title for vacant sites or whether the subdivision occurs around development either existing or already approved by a land use consent) and Rule E38.4.3 identifies subdivision in the TC zone as a restricted discretionary activity. Where subdivision precedes any development the relevant matters of discretion are listed in E38.12.1(7) and include development layout to achieve walkable/connected neighbourhoods, design and layout of roads, open space provision and access, infrastructure provision etc. For discretionary activities the objectives and policy framework listed in E38.2 and E38.3 is relevant, and include the same themes are addressed by the matters of discretion.

Clause 23 Request Item	Applicant Response
<p>9. Please advise whether consideration has been given to identifying the location of a public plaza space within the Town Centre zone to contribute to the creation of a civic heart for the community. The location of such a key open space would be an important structuring element for the urban environment. Leaving the locational determination of such a space to the resource consent phase could result in a lack of co-ordination, given it is likely that the town centre will be delivered over a considerable timeframe.</p>	<p>This is a resource consent level of detail not necessary for a PPC. It will depend immensely on the final alignment and design of the main street and key SH22 / arterial / collector roads. The Applicant is not prepared to invest in this level of design at a PPC. Despite having a specified cross section within the Drury 1 Precinct, Bremner Rd was redesigned 3 times by the Council / AT through subdivision because AT / Council did not accept the Plan provisions being binding on them). As has been seen in Westgate, AT making changes to a road network can have a big impact on main streets and circulation. The Applicant cannot and should not try to lock in this detail now out of concern that it will be rendered out of date by AT and the Council in later consents.</p> <p>No additional rules or provisions are considered necessary.</p>
<p>11. The LVEA report makes numerous references to a Mixed Use zone. Given that no Mixed Use zone is included in the PC, please confirm that the assessment has been made on the basis of the Business - Town Centre, Residential - THAB and Residential - Mixed House Urban proposed.</p>	<p>The LVA is clear in the Introduction (paragraph 1.1 and again in the Project Overview in paragraph 2.1) that the relevant zones for the assessment and PPC are MHU, THAB and TC. This is sufficient confirmation.</p>

Clause 23 Request Item	Applicant Response
<p>12. There is considerable topographical variation though the area proposed for the Business - Town Centre zone. Please provide an analysis of the constraints/opportunities this creates for accommodating the streets, uses and building forms enabled in the proposed zone and the likely amenity outcomes that will result</p>	<p>Please refer to the Urban Design Assessment by Ian Munro. This includes a number of design tests that have been undertaken with specific consideration of local topography. Because AT will have a huge say in the final design of the collectors and arterials, the Applicant's consultants simply cannot provide further design detail nor is it considered that the Council can require a resource consent level of detail for a town centre to be designed to enable a PPC. All subdivision and land use and buildings will need its own resource consent based on the region-wide and zone based rules of the AUP⁸. The land does not have anything like the slopes that the Council supported centre zones on previously such as Albany and Westgate and Silverdale - none of which had the level of design that KDL have already provided when they were zoned.</p> <p>No additional rules or provisions are considered necessary.</p>
<p>13. The LVEA report makes little reference to the package of provisions proposed by the PC in the assessment provided. In relation to the 'Landscape Effects' section, please advise whether the PC includes or should include any specific provisions that will reinforce the creation of a distinctive character for this location. For example, should any specific provision be included relating to the contribution the 'lake/pond' makes to the town centre and how</p>	<p>These matters can all be addressed through the resource consent process with reference to the Precinct, Zone and region-wide AUP controls. These relate to detailed design. The Council had significant opposition to including in PPC6 a green network approach and bespoke precinct provisions generally. The PPC has moved away from the previous Drury 1 Precinct approach in part because of the Officer opposition in PPC6, and that the AUP has sufficient discretions and rules to address matters through a resource consent.</p>

⁸ Existing AUP provision relevant are also listed under response to items #8. In addition, and with respect to the design of roading, Appendix 15 Subdivision Information and Process identifies in 15.2(2) that:

"In respect of new road assets, the 'concept design' (i.e. width and general layout) of any road intended to be vested in the Council will be assessed against the relevant provisions of E38 Subdivision - Urban and E39 Subdivision - Rural and any relevant codes of practice or engineering standards applicable at the time of the subdivision consent application. If a road is approved as part of a subdivision consent, the concept design (i.e. width and general layout) is deemed appropriate for vesting. The 'detailed design and asset specifications' (i.e. pavement thickness etc.) of the road will be considered during the subsequent engineering approvals process."

Clause 23 Request Item	Applicant Response
<i>development interfaces with this feature</i>	
<i>14. As requested in relation to the urban design assessment above, please provide an analysis of why 27m has been determined as an appropriate height to apply across the Town Centre zone and any modelling that has informed the analysis and advise whether a finer grained consideration of suitable height has been considered.</i>	<p>This request seeks a resource consent approach. No other centre in the AUP has had to undertake such analysis where the height overlay has been used. Refer to previous comments above in relation to the relevant policy H13.3(13). That does not mention landscape analysis as being a relevant factor in the use of the additional height overlay.</p> <p>A 27m height is considered to give effect to the RPS and land use and transport integration opportunities associated with a TOD. It reflects an efficient use of the land and transport resources. Statutory justifications have been provided with the lodged PPC.</p>
<i>15. Para 3.10 of the report identifies the large area of mixed exotic trees located on the eastern side of the pond. Please advise whether the amenity provided by these mature trees within a green-field town centre environment should be recognised in the PC provisions or associated with an identified open space area.</i>	<p>Vegetation management is addressed by E15 of the AUP. No further rules are considered necessary. The Council has already scheduled vegetation through the notable tree schedule and the SEA-Ts, along with rules addressing riparian margins in E15.</p>