

AUCKLAND UNITARY PLAN OPERATIVE IN PART

**PROPOSED PLAN CHANGE 109
(Private): 98-100 & 102 Totara Road,
Whenuapai**

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 28 March 2025
- 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

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Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
1	1.1	David George Allen	dave.allen@outlook.co.nz	Accept PPC109 subject to an amendment that seeks un-used road ends which are used as open spaces have ownership transferred from Auckland Transport to Auckland Council so that they can be designated as reserves under the Reserves Act 1977. This would ensure statements made in the applicants AEE are correct.
2	2.1	Charlotte Ailsa Meyer	brad.charlotte21@gmail.com	Accept PPC109 and supports proposed new park and upgrade to Totara Road.
3	3.1	Joseph Donis	ice2004@gmail.com	Decline PPC109 zoning to a residential zone as increased proximity of future houses will compromise privacy and the peaceful environment currently enjoyed.
3	3.2	Joseph Donis	ice2004@gmail.com	Decline PPC 109 as new development and increased impermeable areas will exacerbate flooding problems in the area and diversion of water flow and in-adequate stormwater management will increase water accumulating in low-lying areas.
3	3.3	Joseph Donis	ice2004@gmail.com	Decline PPC109 as road infrastructure in Whenuapai isn't ready for additional population anticipated.
3	3.4	Joseph Donis	ice2004@gmail.com	Decline PPC109 as insufficient public facilities and amenity provided.
3	3.5	Joseph Donis	ice2004@gmail.com	Reduce proposed intensity of development noting reverse sensitivity noise and safety impacts from RNZAF Base.
3	3.6	Joseph Donis	ice2004@gmail.com	Reduce proposed intensity of development given lack of funding and prepared infrastructure will place pressure on already struggling systems.
4	4.1	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as increased impervious areas could exacerbate local flooding issues.
4	4.2	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as development will significantly increase traffic volume on Totara Road and McCaw Avenue before planner transport upgrades are implemented.
4	4.3	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as the level of density proposed will adversely affect the existing neighbourhood character and Amenity values, especially privacy and overlooking for adjacent properties, increased noise and loss of spaciousness and suburban character.
4	4.4	Akhil Argal	akhil.argal@gmail.com	Decline PPC109 as rezoning appear premature given current market conditions and infrastructure constraints. A more stage approach to development should be considered to better align the areas ability to absorb growth and allow infrastructure to be developed.
5	5.1	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109, but if approved in part or full make the requested amendments.
5	5.2	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as it does not give effect to National Policy Statement of Urban Development (NPS-UD) expectations of a well functioning Urban Environment.
5	5.3	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as it does not give effect to RPS - B2 and B3

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5	5.4	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 due to adverse noise effects on future development from RNZAF Base Whenuapai and changes to its operations.
5	5.5	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as a residential zone is not the most appropriate zoning for the land. A Business zone may be more appropriate given noise concerns raised.
5	5.6	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as precinct infrastructure provisions require strengthening to ensure specific infrastructure required can be provided and funded equitably.
5	5.7	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Decline PPC109 as the timing and duration of noise is unknown and has the potential to create unacceptable health and significant amenity effects for residents living in or using the area.
5	5.8	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks the Applicant provide additional acoustic assessment to describe the noise effects on residents and users of public open space areas within the PPC109 area will experience and any proposed amendments to the precinct provisions to mitigate potential adverse effects.
5	5.9	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks the Applicant assess additional mitigation measures from within the precinct area to mitigate engine testing noise on the amenity of future residents and visitors such as buffer areas/yards, sound walls or an airport noise overlay. Develop new or amended precinct provisions as appropriate.
5	5.10	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the Applicant remove one of the two intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1.
5	5.11	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the Applicant amend the precinct provisions to clarify how the following matters will be achieved: <ul style="list-style-type: none"> • The location of/ability to locate proposed stormwater management devices appropriately so that they will be clear of 10% Annual Exceedance Probability (AEP) rainfall event flow extents. • The adequacy of the stream protection measure(s) proposed to mitigate effects of the increases in runoff on stream geomorphology (including channel incision & channel widening) within and/or downstream of the proposed plan change area, resulting from development. • The provision of water quality treatments for all impervious surfaces.

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5	5.12	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that IX.1 Precinct description be amended to clearly outline restrictions on development until infrastructure is provided and elaborate on noise effects, as follows:</p> <p>...canopy cover in the area.</p> <p><u>Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct and new transport upgrades on the surrounding road network are operational.</u></p> <p>and</p> <p>... Related provisions impose restrictions on activities in the precinct that are sensitive to aircraft noise <u>and engine testing noise</u>. This includes when residents are indoors or outdoors and when people are using <u>local streets or public open space</u>. Such restrictions include <u>specific building requirements to manage internal noise levels</u>. <u>within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.</u></p> <p>...</p>
5	5.13	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Objective IX.2(5) be amended to refer to bulk water supply and wastewater, as follows:</p> <p><i>Integration of Subdivision and Development with the Provision of Infrastructure</i></p> <p>(5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure <u>and the required bulk water supply and wastewater infrastructure.</u></p>
5	5.14	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Objective IX.2(6) be amended to better integrate provisions and align infrastructure, as follows:</p> <p>Subdivision and development provides for the a safe, and efficient <u>and integrated road network operation of the current and future transport network for all modes of transport.</u></p>
5	5.15	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Objective IX.2(8) be deleted as it reads as a policy and is similar to objectives IX.2(6) and (7) and Policy IX.3(4).</p>
5	5.16	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Policy IX.3(4) be amended as follows:</p> <p>Require the development of a <u>transport roading</u> network that implements the elements and connections identified in Precinct Plan 1 <u>and the precinct specific road specifications and improvements to achieve an appropriate balance between movement and sense of place functions and to maintain a high quality and safe, slow speed environment.</u> is in accordance with Appendix—Road function and Design Element Table.</p>
5	5.17	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Policy IX.3(12) is amended and clarified as follows:</p> <p>Ensure that appropriate <u>sufficient local network water supply</u> and wastewater infrastructure is provided to enable the servicing of new residential lots and activities.</p>
5	5.18	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Policy IX.3(3) is amended to be consistent with non-complying activity status, as follows:</p> <p>Require <u>Avoid</u> subdivision and development to be managed and designed to that does not align with the coordinated provision and upgrading of the <u>transport roading</u> within the precinct, and with upgrades to the wider transport network.</p>

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5	5.19	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(13) is amended to be consistent with non-complying activity status, as follows: Ensure <u>Avoid</u> subdivision and development is that is not aligned with the timing of the provision of <u>bulk</u> wastewater and water infrastructure.
5	5.20	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(15) is amended as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided , remedied, or mitigated at the receiving site through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.
5	5.21	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(16) be deleted as addressed by Policy 1.
5	5.22	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that a new policy, Policy IX3.(15A) be added to make it clear how open space is provided for in the Precinct, as follows: <u>Ensure a network of high quality landscaped public open spaces and green corridors, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development.</u>
5	5.23	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Policy IX.3(17) be deleted as policy is achieved by Precinct Plan 1 and the size of a neighbourhood park will be confirmed as part of a subdivision consent process.
5	5.24	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the Activity Table IX.4 be amended as follows: IX.4 Activity table[rcp/rp/dp] All relevant overlay.... Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311. <u>Prior written approval from the Minister of Defence will be required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities and infringement of any such height restrictions.</u> Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.
5	5.25	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the non-complying activity status of rules IX.4(A2), (A3), (A11) and (A12) relating to subdivision, use and development where compliance with IX.6.2, IX.6.6 and Chapter E38 is not achieved, is retained.

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5	5.26	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that IX.5 Notification is amended to include other ratters, as follows:</p> <p>IX.5 Notification</p> <p>(1)Any application ...</p> <p>(2)When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to:</p> <p>(a)those persons listed in Rule C1.13(4); and</p> <p>(b)The New Zealand Defence Force in relation to any proposal that does not comply with:</p> <p>i. <u>IX.6.1(2) Dry detention basins or stormwater ponds</u></p> <p>ii.<u>IX.6.1(3) Bird Strike</u></p> <p>iii. (i)IX.6.3 Lighting</p> <p>iv. <u>(ii)</u> IX.6.4 Noise</p> <p>(3) ...</p>
5	5.27	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Standard IX.6.1(3) relating to Birdstike is amended to be more certain and measurable, as follows:</p> <p>(3) Birdstrike</p> <p>(a) If roof gradients are less than 15 degrees, measures to discourage bird roosting on the roof of the structure are required where building design may be conducive to potential bird roosting. Roofs must have a minimum gradient of 15 degrees to minimise the potential for birds to net or roost.</p> <p>(b) Any measures to discourage bird roosting on the roof of the structure shall be maintained thereafter to the satisfaction of Auckland Council in consultation with NZDF. If roof gradients are less than 15 degrees, netting and /or spikes are required to discourage bird nesting or roosting on the roof of the structure.</p>

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5	5.28	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Standard IX6.2 Wastewater and Water Supply Infrastructure is amended to prevent construction of buildings prior to the required water and wastewater infrastructure being in place, constructed and operational, as follows:</p> <p>IX.6.2 Wastewater and Water Supply Infrastructure</p> <p>Purpose:</p> <ul style="list-style-type: none"> To ensure that bulk water supply and wastewater infrastructure with sufficient capacity is available to support subdivision and development within the Precinct. <p>(1) The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of bulk. Bulk water supply and wastewater infrastructure that would require for water and /or wastewater servicing of all of the development within the Precinct <u>must be completed and commissioned:</u></p> <p>a. <u>in the case of subdivision prior to the release of Resource Management Act 1991 section 224 (c) certificate being issue for any residential lots; and</u></p> <p>b. <u>in the case of land use only, prior to the construction of any buildings associated with noise sensitive activities.</u></p> <p>Note: Standard IX.6.2 will be considered to be complied with if the identified upgrades (McKean Road Wastewater Pump Station and Hobsonville Road/BCR pipe upgrade, and Whenuapai Wastewater Packages 1 and 2) are constructed and operational:</p> <p>i. _____ prior to the lodgement of a resource consent application; OR</p> <p>ii. _____ form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR</p> <p>iii. _____ prior to occupation of any building(s) for land use only.</p>
5	5.29	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Standard IX.6.6(3) Staging of subdivision and land use - transport upgrades be amended to align with changes sought to IX6.6(2) and IX6.4, as follows:</p> <p>IX.6.6(3)</p> <p>The following transport infrastructure upgrades should be provided <u>completed and operational</u> prior to any dwelling being occupied <u>constructed</u> within the site precinct land:</p> <p>(a) Lane marking improvements at Brigham Creek Road and Tōtara Road in accordance with Appendix 3.</p> <p>(b) Brigham Creek Road/Trig Road intersection. Upgrade to a roundabout in accordance with: Read-Function and Design Elements Table 2 and <u>Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan.</u></p>

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5	5.30	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Standard IX6.4(1) Noise - no complaints covenants be deleted or if considered to be an acceptable method then amended as follows:</p> <p>(1) A no-complaints covenant shall <u>must</u> be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any lawful noise associated with the RNZAF Base Auckland, in favour of Royal New Zealand Defence Force Base Auckland, by the landowner (and binding any successors in title) not to complain as to noise effects generated by the lawful operation of the airbase. The restrictive no complaint covenant is limited to the effects that could be lawfully generated by activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to defence activities (although an individual restrictive no complaint covenant may do so). Details of the existence of covenant documents may be obtained from Royal New Zealand Defence Force Base Auckland, its solicitors, or in the case of registered covenants by searching the Title to the relevant property.</p>
5	5.31	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Standard IX6.4 Noise be amended as indoor design noise levels are too high and wording is not certain and clear. Furthermore, section 15.5 of the Acoustic Assessment provided states that mechanical cooling and ventilation will be required in all habitable spaces but no standard requires this; and the Residential - Mixed Housing Urban Zone accommodates other activities sensitive to noise (not just residential activities) and the noise provisions in the Precinct do not address these.</p> <p>1. Amend IX.6.4 Noise to simplify the requirements and provide additional certainty and clarity by:</p> <ol style="list-style-type: none"> Clarifying the outdoor noise spectrum so the values are normalised to equal 0 dBA Clarifying that the outdoor noise spectrum values are at single octave band centre frequencies Removing any adjustment for duration under section 6.4 of NZS6802:2008 when interpreting the indoor design levels Referring to Noise Sensitive Space (as defined in Chapter J of the AUP) Referring to Activities Sensitive to Noise (as defined in Chapter J of the AUP) Incorporating the mechanical cooling and ventilation provisions set out in E25.6.10(b)-(f) which are to be maintained indefinitely Removing reference to Appendix 2
5	5.32	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that Appendix 2 be deleted as the proposed requirements are too prescriptive. Building should be designed in accordance with input from an acoustic expert which is a more typical approach for developments near to noisy infrastructure such as major roads, rail and ports.</p>
5	5.33	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks amendments to make it clear that Appendix 3 and Appendix 4 are indicative only and allow for an element of discretion in their design and implementation.</p>
5	5.34	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	<p>Seeks that zoning details shown on Precinct Plan 1 be removed and planning maps relied on for zoning details.</p>

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5	5.35	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that Precinct Plan 1 be amended to show the roading pattern running on a north-south axis as it currently does not reflect the roading layout to the immediate south of McCaw Avenue.
5	5.36	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Seeks that the title of Precinct Plan 2 be amended to "Whenuapai Green Precinct Plan 2 - Whenuapai Airbase Engine Testing Noise Contours".
5	5.37	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Amend the precinct provisions as necessary to be consistent with protocols Council's wishes to adopt to incorporate the Medium Density Residential Standards as required by the Resource Management (Enabling Housing Supply) Amendment Act 2021.
5	5.38	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Amend precinct provisions to replace the word "shall "with the word "must"; and use sentence case in Precinct headings rather than capitalising each word; and add a numbering reference to the header of each Precinct Plan in accordance with Council's standard drafting practice as follows: <u>IX.10.1 Whenuapai Green Precinct Plan 1</u> <u>IX.10.2 Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours</u>
5	5.39	Auckland Council	craig.cairncross@aucklandcouncil.govt.nz	Amend the order of Standards within the Precinct provisions so that it is more logical, for example as follows: IX.6.1 Staging of Subdivision and Land Use – Transport Upgrades IX.6.2 Road Design IX.6.3 Lighting IX.6.4 Water supply and Wastewater Infrastructure IX.6.5 Stormwater Infrastructure IX.6.6 Riparian margins IX.6.7 Noise IX.6.8 Number of dwellings per site
6	6.1	Cabra Development Limited	duncan@cabra.co.nz	Approve PPC109 as notified.
7	7.1	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks to protect RNZAF Base Auckland from adverse effects of new development, including in relation to reverse sensitivity. Development must be appropriately located and designed in relation to this established and regionally significant infrastructure.

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7	7.2	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that the Precinct provisions mitigate the risk to current and future RNZAF Base Auckland operations as follows: a) To address potential reverse sensitivity effects, reverse sensitivity covenants to apply to all new development; b) Obstacle heights: No permanent or temporary buildings or structures (including cranes) may breach the Obstacle Limitation Surface identified in AUP designation 4311 without prior written approval from the NZDF; c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds); d) Other measures to avoid risk to flight safety and operations including relating to lighting, and glare from building materials; and e) Measures to address potential stormwater and transport and traffic effects.
7	7.3	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks to add specific consideration be given to parts of PPC109 land that are within an areas where land use and subdivision will be subject to the RNZDF approval.
7	7.4	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that the Precinct provisions and maps are amended and a height overlay, notation or similar restriction is added to ensure that it is clear that NZDF will not approve an infringement to the 9m Obstacle Limitation Surface outlined in Designation 4311 and within the 1000m protection area off the 08-26 runway (in the northern portion of 98-100 Totara Road).
7	7.5	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that the flood risk to the RNZAF Base Auckland is not exacerbated by increased discharge/runoff to the Rarawaru Stream, noting that significant flooding occurs in rainfall events; and seeks that the applicant's flood assessment takes into account existing discharges runoff to the Rarawaru Stream and seeks remedial and upgrade works be by undertaken by the Applicant to increase capacity or divert stormwater runoff from the Rarawaru Stream.
7	7.6	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that transport and traffic effects on the RNZAF Base Auckland are considered.
7	7.7	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that any boundary or perimeter demarcation such as fencing or vegetation plantings along or near the boundary with the RNZAF Base Auckland does not impact on security requirements for the Base.

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7	7.8	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that IX.1 Precinct description be retained but amended to reference the significance of the RNZAF Base Auckland as follows: “...RNZAF Base Auckland is a <u>strategic</u> defence facility of national and regional strategic importance”. ... Some of the aircraft that operate from RNZAF Base Auckland are maintained on-site. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7.00am and 10.00pm but in some circumstances, such as where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods. Whenuapai Green Precinct Plan 2 includes noise contour boundaries for aircraft engine testing noise. The noise contours indicate where different mitigation requirements apply, and these are shown on Precinct Plan 2. Related provisions impose restrictions on activities in the Precinct that are sensitive to aircraft noise, within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.
7	7.9	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Objective IX.2(1) as follows: Subdivision, use and development in the Whenuapai Green Precinct is undertaken in a comprehensive and integrated way to provide for residential living while recognising <u>and protecting</u> the ongoing operation and strategic importance of the RNZAF Base Auckland.
7	7.10	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Objective IX.2(3) relating to stormwater devices to improve wording as follows: Stormwater devices avoid or otherwise minimise or mitigate, adverse effects on the receiving environment, <u>and including</u> the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.
7	7.11	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that Objective IX.2(14) be retained as notified or similar wording in relation to effects on RNZAF Base Auckland.
7	7.12	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Objective IX.2(15) to ensure clarify the intention of the objective as follows: (15) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment, <u>including through acoustic attenuation and reverse sensitivity covenants</u> .
7	7.13	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Policy IX.3(11) relating to stormwater management and bird strike so that it reads more like a policy, as follows: (10) <u>Require</u> tThe stormwater management outcomes and devices for the site shall <u>to</u> be planned, designed, and implemented to avoid attracting birds and therefore mitigate the potential for bird strike to impact safety and flight operations at RNZAF Base Auckland.

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7	7.14	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Policy IX.3(14) to clarify that policy addresses reverse sensitivity effects including those relating to noise, and that the policy is not limited to bird strike, lighting, glare and reflecting effects, as follows: (14) Require subdivision, use and development within the Precinct to avoid, as far as practicable, or otherwise remedy or mitigate any adverse effects, including reverse sensitivity effects, and safety risks relating to bird strike, lighting, glare and reflection, on the operation and activities of RNZAF Base Auckland.
7	7.15	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Policy IX.3(15) to recognise that the methods identified are not the full suite of methods proposed, as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided, remedied, or mitigated at the receiving site <u>including</u> through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.
7	7.16	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Supports the introductory text above IX4.1 Activity table that refers readers to Designations 4310 and 4311 however, seeks amendments to wording to ensure constraints applying to parts of the PPC109 land that are subject to the requirement to obtain RNZDF approval for land use and subdivision are clear, as follows: Development in the Whenuapai Green Precinct is subject to height restrictions under Designation 4311 <u>and land use and subdivision in specified areas requires the written approval of the New Zealand Defence Force</u> . Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.
7	7.17	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks that IX.5 notification is amended so that use and development that does not comply with Standard IX6.4 Noise be limited notified to the NZDF.
7	7.18	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to activity status for Rule IX4.1(A3) Activities that do not comply with Standard IX.6.4 Noise from discretionary to a Non-Complying Activity (although NZDF note they would consider a discretionary or restricted discretionary activity status with relevant matter of discretion in both cases, and subject to a limited notification clause).
7	7.19	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Opposes subdivision rules as these do not appear to contain a reverse sensitivity covenant for subdivision. Seeks new rule the clearly requires any subdivision not meeting Standard IX6.4 shall be a Non-complying activity and that NZDF be limited notified as a potentially affected party.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
7	7.20	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to IX5 Notification to identify NZDF as an affected party and require limited notification for non compliance with other standards listed. Amended wording as follows: 11.5. Notification ... (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to: (a) those persons listed in Rule C1.13(4); and (x) The New Zealand Defence Force <u>will be considered an affected party for limited notification purposes</u> in relation to any proposal that does not comply with: (i) <u>IX.6.1(2) Stormwater Infrastructure (dry detention basins or stormwater ponds)</u> (ii) <u>IX.6.1(3) Birdstrike</u> (iii) <u>IX.6.3 Lighting</u> (iv) <u>IX.6.4 Noise</u> (v) <u>IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar).</u> (vi) <u>11.6.X. Temporary activities and construction</u>
7	7.21	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Standards IX.5(3), (4) and (5) to clarify that these do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.3 Lighting, 4 Noise, etc (as above).
7	7.22	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to IX.6 Standards preamble text to make it clear that permitted activities should also comply with standards that protect the RNZDF Base Auckland from reverse sensitivity effects. Amended wording as follows: The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standard <u>IX.6.3, and 4. (etc.), and standards IX.6.7 to IX.6.15.</u>
7	7.23	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks the introduction of a new standard for land use and subdivision to ensure the constraints on land use and development of the land subject to NZDF approval are included in PPC109. New wording as follows: <u>Standard IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar):</u> <u>a) The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the “conditional” [or “NZDF approval”] notation.</u>

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
7	7.24	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks the introduction of a new standard to highlight the requirements of the Obstacle Limitation Surfaces under the NZDF designations so that safety risks on the operation of the Airbase are avoided. Suggested wording as follows: <u>11.6.X. Temporary activities and construction</u> <u>Purpose:</u> • to avoid safety and operation risk effects on the RNZAF Base Auckland. <u>(1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment being erected that infringes the Obstacle Limitation Surface must obtain written approval from the New Zealand Defence Force.</u>
7	7.25	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Support but seek amendments to Standard IX6.1 Stormwater Infrastructure, as follows: (a) If roof gradients are less than 15 degrees, measures to discourage bird roosting on the roof of the structure are required where building design may be conducive to potential bird roosting. (b) Any measures to discourage bird roosting on the roof of the structure shall be maintained thereafter to the satisfaction of Auckland Council in consultation with NZDF.
7	7.26	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Seeks amendments to Standard IX6.3 Lighting to include reference to glare and reflection and reduce adverse safety effects to pilots approaching or taking off from the RNZAF Base Auckland runway and ensure low reflective materials for building cladding and roofing to avoid sunstrike effects. Amended wording as follows: <u>IX.6.3 Lighting, glare, and reflection</u> <u>Purpose:</u> • To manage reverse sensitivity effects on RNZAF Base Auckland, including in relation to flight hazards and safety. • To avoid or minimise the effects of lighting, <u>glare, and reflection</u> on aircraft taking off or landing at RNZAF Base Auckland. (1) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that lighting: (a) Avoids simulating approach and departure path runway lighting (b) Ensures that clear visibility of approach and departure path runway lighting is maintained; and (c) Avoids glare or light spill that could affect flight safety or aircraft operations. (2) External building materials must be constructed with the following: (a) <u>Roof surfaces and external building surfaces (excluding vertical surfaces) greater than 10m above ground level</u> must not exceed a reflectivity (specular reflectance) of 2030% white light where located 10m above ground level; and all roof surfaces. (3) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am: (a) searchlights; or (b) outside illumination of any structure or feature by floodlight that shines above the horizontal plane.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
7	7.27	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	<p>Amend Standard IX6.4 Noise to reflect its reverse sensitivity purpose, as follows: IX.6.4 Noise <u>and reverse sensitivity</u> Purpose:</p> <ul style="list-style-type: none"> • To ensure that potential reverse sensitivity effects of noise from <u>on</u> the adjacent RNZAF Base Auckland are appropriately addressed <u>avoided, remedied, or mitigated</u> within the Precinct. <p>(1) A no-complaints <u>reverse sensitivity</u> covenant shall be included on each title issued within the <u>Precinct</u>. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland <u>the New Zealand Defence Force</u> under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any lawful noise associated with the RNZAF Base Auckland.</p> <p>(2) Any new building intended to accommodate activities that are sensitive to noise shall be designed and constructed to meet the following requirements: <u>internal noise levels</u>:</p> <ul style="list-style-type: none"> - Living Areas: LAeq(15min) 45 dB - Work Areas: LAeq(15min) 45 dB - Sleeping Areas (night-time) LAeq(15 mins) 40 dB <p>(a) Compliance with this standard is achieved if:- (i) the building shall be <u>is</u> constructed using the specifications set out in Appendix 2 as they apply to the respective noise contours shown on Precinct Plan 2. A 3 dBA noise reduction shall be applied for any building façade that does not have direct line of sight to the noise source, provided that it is screened by intervening buildings; or (ii) a report from a qualified and experienced acoustic consultant shall be <u>is</u> provided <u>to Council</u> at the time of building consent to confirm that the design, materials, and construction methodology of the proposed building will achieve the internal noise level requirements set out in this standard, with the frequency distribution of external noise based on the following reference spectrum at LAeq 68dB: ...</p>
7	7.28	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Amend the plan change to include provisions to address the mitigation of noise in outdoor spaces. This may include the addition of new provisions including rule(s) and/or standard(s).
7	7.29	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	<p>Amend Standard IX6.8 Building height to refer to the requirements of Designation 4311 regarding height limitations and the Obstacle Limitation Surfaces. Suggested wording as follows: To manage the height of buildings to: ... - Ensure compliance with (NZDF requirements) ...</p>
7	7.30	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Retain or amend matters of discretion IX.8.1 to address specific matters raised in submission.

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
7	7.31	New Zealand Defence Force	rebecca.davies@nzdf.mil.nz / acederman@tonkintaylor.co.nz	Retain and amend assessment criteria IX.8.2 to include reverse sensitivity effects on RNZAF Base Auckland and other matters raised in submission, including as follows: ...(4) For stormwater detention/retention ponds/wetlands not complying with the standards in I1.6.1, the extent to which the proposal minimises the attraction of birds that could become a hazard to aircraft operating at RNZAF Base Auckland. (5) The effects on the operation of the RNZAF Base Auckland, including potential reverse sensitivity effects and effects on aircraft safety, in relation to: a) Lighting, and glare, and reflection ; b) Temporary structures and construction; and c) Noise ...
8	8.1	Watercare Services Limited	planchanges@water.co.nz	Decline PPC109 as it is out of sequence with the expected timing for development of the Whenuapai North (Stage 1) Future Urban Area provided in the Future Development Strategy and will, as a result, have significant adverse effects on Watercare's existing and planned wastewater networks, unless amendments are made to the Precinct provisions requiring the sequencing of subdivision and development in line with the required bulk infrastructure upgrades.
8	8.2	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to IX.1 Precinct description as follows: ... The Precinct recognises and provides for the vision of Auckland's Urban Ngahere (Forest) Strategy to increase the canopy cover in the Auckland region, by providing opportunities for riparian planting, wetland restoration, open space, and front boundary planting to contribute to the canopy cover in the area. <u>Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct.</u> All relevant overlays, Auckland-wide and zone provisions apply in this Precinct unless otherwise specified below.
8	8.3	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to Objective IX.2(11) and the addition of a new objective (11A) as follows: <i>Three Waters Infrastructure</i> (11) <u>Subdivision and development within the Precinct is staged and coordinated with All necessary the supply of bulk and local three waters infrastructure (being water supply, wastewater, and stormwater infrastructure) is in place with capacity to service the proposed subdivision and development within the Precinct and is staged and co-ordinated with subdivision and development.</u> (11A) <u>Subdivision and development does not occur in advance of the provision of bulk water supply and wastewater infrastructure with sufficient capacity to service the proposed subdivisions and development.</u>

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
8	8.4	Watercare Services Limited	planchanges@water.co.nz	<p>Seeks amendments to Policies IX.3(12) and (13) as follows:</p> <p>(12) Ensure that appropriate <u>sufficient local water supply</u> and wastewater infrastructure is provided to enable the servicing of new <u>subdivision and development</u>. residential lots and activities.</p> <p>(13) Ensure <u>Avoid</u> subdivision and development <u>occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable servicing of the Precinct</u> is aligned with the timing of the provision of wastewater and water infrastructure</p>
8	8.5	Watercare Services Limited	planchanges@water.co.nz	<p>Seeks amendments to Rules IX.4.1(A2), (A4), (A5), (A6 and (A7) as follows:</p> <p>(A2) Use and development that does not comply with Standards IX.6.2 and / or IX.6.6.</p> <p>(A4) Up to three dwellings per site each of which complies with Standards <u>IX.6.2 and IX.6.7</u> to IX.6.15 inclusive</p> <p>(A5) Four or more dwellings per site each of which complies with Standards <u>IX.6.2 and IX.6.8</u> to IX.6.15 inclusive</p> <p>(A6) The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards <u>IX.6.2 and IX.6.7</u> to IX.6.15 inclusive</p> <p>(A7) Accessory buildings each of which complies with Standards <u>IX.6.2 and IX.6.7</u> to IX.6.15 inclusive</p>
8	8.6	Watercare Services Limited	planchanges@water.co.nz	<p>Seeks amendments to Standard IX.6.2 Wastewater and Water Supply Infrastructure, as follows:</p> <p>IX.6.2 Wastewater and Water Supply Infrastructure</p> <p>Purpose:</p> <ul style="list-style-type: none"> To ensure that bulk water supply and wastewater infrastructure with sufficient capacity is available to support <u>subdivision and development</u> within the Precinct. <p>(1) The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of b Bulk water supply and wastewater infrastructure <u>with sufficient capacity</u> required for servicing of all the proposed subdivision and development within the Precinct must be completed and commissioned:-</p> <p>(a) <u>In the case of subdivision, prior to the issuing of a certificate of title pursuant to s224(c) of the Resource Management Act 1991</u></p> <p>(b) <u>In the case of land use only, prior to construction of any buildings for activities that would require water and/or wastewater servicing.</u></p> <p>Note: Standard IX.6.2 will be considered to be complied with if the identified upgrades (McKean Road Wastewater Pump Station and Hobsonville Road/BCR pipe upgrade, and Whenuapai Wastewater Packages 1 and 2) are constructed and operational:</p> <p>(i) prior to the lodgement of a resource consent application; OR</p> <p>(ii) form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR</p> <p>(iii) prior to occupation of any building(s) for land use only.</p>

Plan Change109 (Private): 98-100 & 102 Totara Road, Whenuapai

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
8	8.7	Watercare Services Limited	planchanges@water.co.nz	Seeks amendments to IX.8.2 Matters of discretion, as follows: ... (m) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is <u>upgrades are</u> proposed (iii) The extent to which the adjacent road network enables safe pedestrian movements.
8	8.8	Watercare Services Limited	planchanges@water.co.nz	Seeks inclusion of a new special information requirement, as follows: <u>(3) Water Supply and Wastewater Servicing Plan</u> <u>Within the application for the first subdivision or development within the Precinct lodged after [insert date of plan change approval] the applicant is required to provide a Water Supply and Wastewater Servicing Plan for the Precinct Area. The Water Supply and Wastewater Servicing Plan must:</u> <u>a) Identify the location, size and capacity of the proposed water supply and wastewater network within the Precinct.</u> <u>b) Identify the timing, location, size and capacity of the key water and wastewater infrastructure dependencies located outside of the Precinct Area but are necessary to service the Precinct.</u> <u>c) Identify the location, size and capacity of the local connections within the precinct.</u> <u>d) Identify all catchments outside the precinct that may when developed connect to the precinct water and wastewater networks and demonstrate that the precinct networks are adequately sized to provide capacity for these catchments.</u>
9	9.1	Chun-Kai Tseng	chunkaitseng@gmail.com	Approve PPC109 with amendments to Figure 2 Wider Wastewater Catchment of Appendix I (Water and Wastewater Servicing Memo) to allow for more capacity, and a more holistic approach, for the proposed wastewater pump station and associated gravity sewer and rising main (i.e. to include extra capacity for the wider catchment including properties at 57 Riverlea Road and 123 and 125 Totara Road).
10	10.1	Ministry of Education	eden.rimu@beca.com	Neutral on PC109 but if accepted seeks amendments to Precinct provisions to enable education facilities.
10	10.2	Ministry of Education	eden.rimu@beca.com	Seeks amendments to Objective IX.2(3) as follows: (3) A well-functioning urban environment that enables all people and communities to provide for their social, <u>educational</u> , economic and cultural wellbeing, and for their health and safety, now and into the future.
10	10.3	Ministry of Education	eden.rimu@beca.com	Seeks the additon of a new policy as follows: <u>IX.3(3a) Recognise that the precinct is part of a newly developing residential area, and that there is a potential need for educational facilities to establish within the Precinct.</u>

Submissions

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 109 - David George Allen
Date: Monday, 27 January 2025 4:00:44 pm
Attachments: [DGA PC109 application_20250127155748.909.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David George Allen

Organisation name:

Agent's full name: David George Allen

Email address: dave.allen@outlook.co.nz

Contact phone number: 0272888371

Postal address:
dave.allen@outlook.co.nz
Waitakere
Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 109

Plan change name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

My submission relates to

Rule or rules:
n/a

Property address: n/a

Map or maps: n/a

Other provisions:
see attached support document in.pdf format

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
see attached support document in.pdf format

I or we seek the following decision by council: Approve the plan change with the amendments I requested

1.1

Details of amendments: see attached support document in.pdf format

Submission date: 27 January 2025

Supporting documents
DGA PC109 application_20250127155748.909.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

[Check water quality and swimming conditions. Decide with Safeswim.](#)



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Support document – David George ALLEN submission re PC109

The page numbers below refer to the 107pp application for PC109

p15 notes that ~5,000 new homes are planned for the Whenuapai area under the WSP. 2016 (a far lower figure than the 16,594 foreseen in the AC Long Term Plan)

p17 notes that PC86 is approved, (under which ~230 new homes will be built)

p58-59 Clause 10.8, references the Auckland Plan 2050, and states “[the PPC land is located within close proximity to... recreational reserves along the nearby coastline](#)”.

p 60-61 Clause 10.10 also references and quotes the Whenuapai Structure Plan, repeating the need for making “[the most of the extensive coastline](#)” & “[the provision of quality open spaces](#)”.

p 63 references and quotes the Auckland Unitary Plan, which in Clause B2.2.2 -1 **Policies** requires that development should meet “[requirements for social facilities](#)”

p 65 again references and quotes the Auckland Unitary Plan, which in Clause B3.2.1 -2(d) **Infrastructure Objectives** notes that development should “[provide for public health.... and wellbeing](#)”.

p 68 in clause 10.12.1, further references and quotes the Objectives and Policies of the Auckland Unitary Plan, and states that the proposed MHU zoning is “[consistent with the WSP](#)” and that the PPC is within proximity to open space that will “[.....provide for people’s social.....well-being....](#)”

p 74-75 in clause 10.14, references and quotes the Upper Harbour Local Board Plan 2020/2023 and states the PPC achieves the aims stated there-in, by providing housing that is “[well connected to.....outdoor space that support theresidential neighbourhoods](#)”

p 86 Notes there are currently 1,200 residences in the Whenuapai area and that a further ~430 residences will be added to the Whenuapai area under PC109.

The Whenuapai area is significantly lacking in open spaces areas and in coastal access, yet the above shows ~1,860 (1,200+230+430) residences all requiring such green areas. According to the AC Long Term Plan, by 2051, there will 16,594 houses in the Whenuapai area. = nearly 10 times more.

The application is, in principle only, related to the PC 109 area, because various aspects under the control of Auckland Transport are mentioned.

It is significant that the Auckland Transport are the legal owners (title holders) of several nearby coastal green areas at the ends of “roads to nowhere”, (Waimarie Rd, Dale Rd, McKeans Rd, Kauri Rd, Pohutukawa Rd) the ownership of which un-used “road ends” should be transferred to Auckland Council, so those open spaces could be designated reserves (under the Reserves Act 1977).

It is further significant that even though Auckland Transport is a CCO and therefore a subsidiary of Auckland Council, they steadfastly absolutely refuse to countenance such ownership transfer, - without stating any valid reason.

Curiously, before the amalgamation of Councils under the “super city” created Auckland Transport, the legacy Waitemata City Council, with the stroke of a pen, simply created such a reserve at the sea-end of Riverlea road.

In conclusion, Auckland Transport should be required to change the ownership to make those 5 green spaces available to the public under the Reserves Act 1977, in order that the statements in [blue-text](#) in the above-referenced pages of Neil Construction’s application for PC 109 are valid.

1.1

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 16, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full
Name)

Mrs Charlotte Ailsa Meyer

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

Address for service of Submitter

182 Kauri Road, Whenuapai

Telephone:

211852613

Email:

brad.charlotte21@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 109

Plan Change/Variation Name

PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

The specific provisions that my submission relates to are:

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

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

New development

New development

Submission

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

I **support** the specific provisions identified above ☒

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☐ No ☒

The reasons for my views are:

I believe this development as a whole is good for the whenuapai area. Especially as there are provisions for a new park which for young families is fantastic.

Also the upgrade of Totara Road to provide footpaths alongside the new development is always beneficial for being able to safely walk around the area

2.1

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☒

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

Decline the proposed plan change / variation ☐

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

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☒

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

Charlotte Meyer

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

01/31/2025

Date

Notes to person making submission:

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

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

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 109 - Joseph Donis
Date: Sunday, 2 February 2025 11:45:30 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Joseph Donis

Organisation name:

Agent's full name:

Email address: ice2004@gmail.com

Contact phone number:

Postal address:

3 Mccaw Avenue

Whenuapai

Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 109

Plan change name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

My submission relates to

Rule or rules:

Property address: 98-100 & 102 Totara Road, Whenuapai

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I oppose the rezoning of land at 98-100 and 102 Totara Road, Whenuapai from Future Urban Zone to Residential – Mixed Housing Urban Zone.

The increased proximity of these houses will compromise our privacy and diminish the peaceful environment I currently enjoy. The close proximity of additional houses will result in reduced space, sunlight, and airflow, negatively impacting the overall quality of life for both myself and my family. The increased population density may also lead to more noise pollution and congestion in the neighborhood.

3.1

The new development will exacerbate the problem of flooding in the area. This will result in an increased percentage of impermeable surfaces, such as concrete driveways and paved areas, which prevents natural absorption of rainwater into the ground. Consequently, during heavy rainfall or storms, water runoff will intensify, leading to localized flooding. Furthermore, the alteration of the natural landscape will cause disruption in the natural drainage patterns, exacerbating the flooding

3.2

issue. The diversion of water flow and inadequate stormwater management systems in place will contribute to water accumulating in low-lying areas, especially along Totara Road.

In addition to this, current public road infrastructure around Whenuapai isn't ready to take on another large number of residents. Despite roadworks done on Brigham Creek Road, it still isn't good enough to service a huge influx of vehicles going through let alone the current road networks surrounding the said area. The proposed project might become a similar situation to Hobsonville Point, where not enough public facilities or transport will cater to the number of future occupants there, including the existing residents of Whenuapai. We currently have 1 playground near the café, 1 community hall, a Primary school and a bus that makes a loop around Whenuapai and back to Westgate only. As car theft is becoming an endemic issue in this area, the proposed project will only attract more car theft as parking will be an issue for some houses of this development. It is also a current problem to the existing residents along McCaw Avenue.

3.3

3.4

It is crucial for the relevant authorities to address these concerns and ensure that future development projects prioritize the well-being of existing residents and take appropriate measures to mitigate the impact on the local environment.

The proposed housing development raises significant concerns, and I strongly urge that it be scaled down or reevaluated for the following reasons:

1. Proximity to the Airforce Base: Being near an active airforce base, the area is subject to noise pollution, flight disruptions, and potential safety concerns. Increasing residential density here may result in ongoing complaints from new homeowners and conflicts with airforce operations, an avoidable situation if fewer homes are built.

3.5

2. Lack of Funding and Prepared Infrastructure: Local authorities have not allocated sufficient funding to support this development. The existing watercare systems are inadequate to handle increased demand, and the local roads are already under strain. Adding more homes will worsen traffic congestion, wear out roads faster, and create service delivery delays, making the area unlivable.

3.6

3. Unprepared Utilities and Services: Critical infrastructure, such as sewage systems, drainage, and public amenities, is not equipped to accommodate a large influx of residents. Without proper upgrades in place, this development will place undue pressure on already struggling systems.

4. Environmental Concerns: Poor stormwater management plans for such developments often lead to flooding issues. The region has already seen drainage problems, and adding more impermeable surfaces will only increase the risk of flooding, threatening existing homes, including mine.

3.2

Given these issues, I strongly recommend reducing the scale of the development or postponing it until infrastructure, funding, and environmental impacts are thoroughly addressed. The interests and safety of existing residents must take precedence.

I or we seek the following decision by council: Decline the plan change

Submission date: 2 February 2025

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 109 - Akhil Argal
Date: Friday, 21 February 2025 2:30:34 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Akhil Argal

Organisation name:

Agent's full name:

Email address: akhil.argal@gmail.com

Contact phone number: 021360139

Postal address:

0618

Submission details

This is a submission to:

Plan change number: Plan Change 109

Plan change name: PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

My submission relates to

Rule or rules:

Property address: 5 McCaw Ave

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I oppose this plan change for several significant reasons:

Stormwater and Flooding Concerns

Despite the applicant's claims about stormwater management, the recent extreme weather events in Auckland demonstrate the need for more robust planning. While the design includes a 13.2-16.8% increase allowance for climate change, the unprecedented rainfall patterns we're experiencing suggest this may be insufficient. The proposed development's extensive impervious surfaces could exacerbate local flooding issues, particularly given the site's proximity to existing residential areas.

4.1

Traffic and Infrastructure Impact

The development will significantly increase traffic volume on Totara Road and McCaw Avenue. While the applicant suggests most traffic will use Totara Road, the proposed road connection to McCaw Avenue remains concerning. The area's existing infrastructure, particularly the roading network, is already under pressure, and the proposed development would add substantial strain

4.2

before planned transport upgrades are implemented.

Density and Amenity Effects

The proposed Mixed Housing Urban Zone represents a significant intensification from the current Future Urban Zone. This level of density will adversely affect the existing neighborhood character and amenity values, particularly regarding:

Privacy and overlooking issues for adjacent properties - We have a really serene ecofriendly tree line looking from Mccaw ave that will most probably be destroyed by the developers and we will be left with a concrete jungle and dust. The tree/hedge line needs to remain.

4.3

Increased noise and activity levels

Pressure on local services and facilities

Loss of spaciousness and suburban character

Timing and Process Concerns

The rezoning from Future Urban to Mixed Housing Urban Zone appears premature given the current market conditions and infrastructure constraints. A more staged approach to development would better align with the area's ability to absorb growth and allow infrastructure to be developed appropriately.

4.4

I believe these concerns warrant declining the plan change to ensure any future development better responds to current environmental challenges, infrastructure capabilities, and community needs

I or we seek the following decision by council: Decline the plan change

Submission date: 21 February 2025

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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

AND

IN THE MATTER of a submission under
clause 6 of the First
Schedule to the RMA on
Plan Change 109 – 98-100
& 102 Totara Road,
Whenuapai

**SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 109 TO THE
AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

To: Auckland Council

Name of Submitter: **Auckland Council**

Contact: Craig Cairncross

Address for service: Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

INTRODUCTION

1. This is a submission on Private Plan Change 109: 98-100 & 102 Totara Road, Whenuapai (**PPC 109**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) by Neil Construction Limited (**the Applicant**).
2. Auckland Council could not gain an advantage in trade competition through this submission.
3. This submission by Auckland Council in its capacity as submitter (**ACS**) relates to PPC 109 in its entirety and all provisions of PPC 109 including:
 - a. The Whenuapai Green Precinct
 - b. The AUP maps

GENERAL REASONS FOR THE SUBMISSION

4. There are many positive aspects to PPC 109 including the staging of subdivision and development. However, at this stage ACS has concerns with PPC 109 in its entirety as it:
 - a. does not promote sustainable management of resources, will not achieve the purpose of the RMA, and is therefore inconsistent with Part 2 of the RMA
 - b. does not manage or enable the efficient and integrated use, development and protection of natural and physical resources
 - c. does not avoid, remedy or mitigate adverse effects
 - d. is inconsistent with, or fails to give effect to, provisions of relevant planning instruments
 - e. does not meet the requirements of section 32 of the RMA
 - f. does not meet the requirements of section 75 of the RMA.

THE SPECIFIC PROVISIONS OF THE PROPOSAL THE SUBMISSION RELATES TO:

5. PPC109 proposes to rezone approximately 16.4 hectares of land from Future Urban Zone to Residential - Mixed Housing Urban (MHU) Zone and develop the Whenuapai Green Precinct.
6. Based on ACS's review of the plan change information, ACS broad concerns with PPC109 are as follows:
 - a. It does not give effect to the National Policy Statement on Urban Development 2020 (updated May 2022) (**NPS-UD**) expectations of a well-functioning urban environment | 5.2
 - b. It does not give effect to key objectives and policies of Chapters B2 Urban Growth and Form and B3 Infrastructure, Transport and Energy of the Regional Policy Statement (RPS) of the AUP | 5.3
 - c. Will be the subject of potentially significant adverse noise effects as generated by operations at the Whenuapai Airbase | 5.4
 - d. Whether the PPC109 zoning is the most appropriate for this land. | 5.5
 - e. The need to strengthen the precinct infrastructure provisions to ensure the specific infrastructure required can be provided | 5.6
 - f. Specific aspects of the PPC109 provisions. If PPC109 is approved, ACS has concerns including:
 - the use of a broad no-complaints covenant to address noise from the Airbase -

- the retention of other noise sensitive activities in the precinct such as care centres, Integrated Residential Development and educational facilities
 - the adequacy of the stormwater assessment
 - the clarity and effectiveness of the provisions generally.
7. The above matters are discussed in more detail below and in Attachment 1 to this submission.

Statutory and policy framework

8. Section 75(3) of the RMA requires PPC109 to “give effect to” listed higher order provisions – NPS-UD and the RPS. This is a strong directive requiring the relevant objectives and policies to be implemented.³

NPS-UD

9. Objective 1 of the NPS-UD recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
10. Aspects of PPC 109 are contrary to Objective 7 of the NPS-UD which obliges council to use robust and frequently updated information to inform planning decisions. ACS considers that while PPC 109 provides additional development capacity, potentially providing for around 430 dwellings, it does not adequately address how people and communities will provide for their health, now and into the future. The Applicant’s acoustic assessment and proposed mitigation measures are not considered to provide an adequate basis on which to inform decision making.
11. Policy 6 of the NPS-UD recognises that the planned built form may involve significant changes to an area, which may be appreciated by some people and not others, provided the changes are, of themselves not an adverse effect. ACS is concerned that the proposed residential development of this area increases the number of people living with significant adverse noise effects.

5.2

RPS - Health of people and communities

12. Chapter B2 of the RPS establishes the growth management strategy to achieve a quality compact urban form for Auckland. Objective B2.2.1(1A) is drawn from Objective 1 of the NPS-UD. Objective B2.2.1.(1) requires a quality compact urban form that enables the outcomes to be achieved, including the efficient provision of new infrastructure, good accessibility, including improved and more efficient public transport or active transport

5.3

and reduced adverse environmental effects. This is the overarching objective for urban growth and establishes all of the outcomes to be achieved, which are then delivered by the policy framework within the rest of the chapter.

13. Objectives B2.3.1(2) and (3) encourage innovative design to address environmental effects and require that the health and safety of people are promoted. PPC109 does not include provisions encouraging innovative design to address the known environmental effects of a high noise environment.
14. Objective B2.4.1(3) seeks to ensure subdivision, use and development contributes to a well-functioning urban environment and achieves a number of outcomes including supporting the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, meeting the functional, and operational needs of the intended use and allows for change and enables innovative design and adaptive re-use. ACS is concerned that PPC109 has not adequately shown how these outcomes are met.

5.3

RPS – Integration of subdivision and development with the provision of infrastructure

15. The NPS-UD and RPS Chapters B2 and B3 of the AUP contain objectives and policies that place strong emphasis on the importance of ensuring the integration of infrastructure, including transport infrastructure, with land use / urbanisation. Examples of these provisions include:
 - a. Objective 6 of the NPS-UD requires local authority decisions on urban development that affect urban environments to be “Integrated with infrastructure planning and funding decisions”.
 - b. The range of RPS provisions in chapters B2 and B3 that address the need for the integration of infrastructure provisions, planning and funding with land use, and the timely, efficient, and adequate provision of infrastructure, including B2.2.1(1); B2.2.2(2)(c) and (d); B2.2.2(4) and (7); B3.3.1(1)(b); B3.3.2(5). For example, Policy B3.3.2(5)(a) is to: 'Improve the integration of land use and transport by... ensuring transport infrastructure is planned, funded and staged to integrate with urban growth'.
16. Auckland Council adopted the Auckland Future Development Strategy 2023-2053 (**FDS**) in November 2023, replacing the Future Urban Land Supply Strategy (2017). The FDS meets the intent behind the National Policy Statement on Urban Development and focuses on the long-term future of Tāmaki Makaurau. A key component of the FDS is to

5.3

integrate long-term land use and infrastructure planning while meeting future climate, environmental, population, housing and employment needs.

17. The FDS introduces infrastructure prerequisites, linked to the development readiness of areas. This is to ensure that bulk infrastructure for development is well-coordinated and can provide a safe, sustainable environment on which communities can be based. The FDS identifies the timing for the Whenuapai North Stage 1 area, including the plan change area, with live zoning not to happen before 2035+.
18. Overall, ACS considers that the Applicant has worked constructively with Watercare and Auckland Transport to integrate subdivision and development with the provision of infrastructure. However, as the proposed zoning of this land is out of sequence ACS considers the precinct provisions require strengthening to cover any timing or funding issues affecting the wider Whenuapai North Stage 1 area.

5.6

Significant adverse noise effects

19. The national importance of the ongoing operation of the airbase at Whenuapai is recognised and acknowledged.
20. The PPC 109 area is subject to high levels of noise from the New Zealand Defence Force (NZDF) activities. These activities generate noise that is not regulated by the AUP through Designation 4310 Whenuapai Airbase or any other standards or rules. The main noise sources are engine testing and the potential for emergency flights and activities. There are no limits on the amount of noise that these activities can generate, and there are no controls on the duration of these noises or the time of day that they can occur.
21. The PPC 109 area is affected to a small degree by the Airport Noise Overlay as set out in Chapter D24 of the AUP. ACS considers that the controls in D24 will adequately manage noise issues for the small area subject to the Overlay.
22. ACS considers that the absence of any regulation of these noise sources is a key concern for PPC 109. The lack of regulation of noise effects and the dynamic nature of the NZDF operations, fleet, budgets and responsibilities means that there could be considerable change in the noise levels and overall noise effects generated from the Whenuapai air base over time. This could include more frequent engine testing or emergency flights, or a change in the fleet to include aircraft with noisier engines or other restrictions or reasons that could increase noise levels across the PPC109 land.
23. The lack of regulation of noise emissions from these sources means that the noise effects could change over time without requiring NZDF to alter their Designation or any

5.4

AUP provisions. ACS is concerned that this could result in higher noise levels or longer durations (or both) in the future.

24. The Acoustic Assessment (Appendix K of the Request, including all Request for Further Information responses) quantifies the noise from engine testing using measurements of engine testing undertaken in recent years. The noise levels across all of the PPC 109 land is generally very high. The Applicant's Acoustic Assessment sets out that the noise levels across the PC109 land range from approximately 69dB LAeq(15min) to 74dB LAeq(15min). Such noise levels could be generated for several hours per day and night, and potentially in the middle of the night. ACS considers that where the likely and possible duration and timing of the noise is unknown, this has the potential to create unacceptable health and amenity effects for the residents living in this area.

5.7

25. ACS is concerned that the Acoustic Assessment has not adequately addressed or has understated the adverse effects of the NZDF noise for the residents of PPC 109 when they are outdoors and indoors. ACS is specifically concerned about sleep disturbance and the impact of this noise on the indoor amenity of residents and the likely effects on outdoor activities, in addition to the disruption to residential activities generally. Similarly, ACS is concerned that the effects of NZDF noise on users of open space and parks within the precinct area have not been adequately addressed or understated and seeks that these effects are more clearly described and understood.

26. Overall, ACS is concerned that the potentially variable and significant adverse effects of noise outweigh the need to develop the land for activities sensitive to noise.

27. ACS is cognisant that the Whenuapai Structure Plan 2016 identified this area for medium density housing and noted that the noise effects of engine testing and helicopter flights had been identified as a potential issue. Further work was signalled as necessary, with the opportunity to review the noise assessment during the plan change process. Plan Change 5 was subsequently withdrawn by Council.

28. ACS considers that once the adverse effects of noise have been properly assessed and understood, that will need to be weighed with the other effects to determine whether allowing development of activities sensitive to noise on the land is appropriate.

29. Given the above limitations ACS considers a business zone may be more appropriate for this area than residential zoning.

5.5

Infrastructure provisions not aligned with PPC109 including cumulative effects

30. The following infrastructure prerequisites¹ identified for the Whenuapai North Stage 1 are:

- a) SH16 to SH18 Connections
- b) Brigham Creek Road upgrade
- c) Whenuapai Wastewater Package 1 [Watercare designation 9379]
- d) Whenuapai Wastewater Package 2
- e) Trig Road Water Reservoir
- f) North Harbour No.2 Watermain Project [Watercare designation 9376]

5.6

31. Where infrastructure needed to support a plan change is not scheduled or funded until 2035, the Applicant is required to show how the infrastructure needed to service the development will be provided. The Applicant has shown through the proposed precinct provisions that the specific infrastructure required for this development can be provided.

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

5.6

33. Without a funding mechanism or alternative solution to this issue being in place, the wider transport infrastructure in Whenuapai and the Northwest will not be sufficient to accommodate the cumulative growth enabled by PPC109 and any other future plan changes and fast track proposals in the area. This is likely to result in adverse effects on the safe and efficient operation to the transport network, by adding to existing levels of congestion, increasing travel times and by exacerbating existing road safety issues.

34. ACS is also concerned that premature development of the area without access to high-frequency public transport will lock-in car dependency resulting in increased greenhouse gas emissions and vehicle kilometres travelled, which is not consistent with a well-functioning urban environment.

¹ Tāmaki – Whenua Taurikura Auckland Future Development Strategy 2023-2053, Appendix 6 Future urban infrastructure prerequisites, at pg39

DECISION SOUGHT

35. At its meeting on 10 December 2024², the council's Policy and Planning Committee resolved (further to resolution number PEPCC/2024/136) to delegate authority to the Chair and Deputy Chair of that Committee and a member of the Houkura - Independent Māori Statutory Board to approve a council submission:

- i. seeking to have the private plan change request declined unless Council's concerns around the following matters are appropriately addressed:*
 - A. development is integrated with the provision of infrastructure (e.g. through strengthening the objectives and policies included in the private plan change)*
 - B. people are not exposed to unacceptable levels of noise from Whenuapai Airbase.*

36. Consistent with the above resolution, ACS's position is that, unless the issues raised in this submission are properly addressed, it seeks the following relief:

- a. The primary relief sought by ACS is for the Panel to decline PPC109 in its entirety; or
- b. Without limiting its primary relief, in the event that PPC109 is granted in part or in full, ACS seeks:
 - Amendments to the precinct provisions as outlined in this submission and in Attachment 1; and
 - Such further, other, or consequential relief, including in relation to PPC109's explanatory text, objectives, policies, activity table, standards, matters of discretion, assessment criteria, special information requirements, and maps/plans that reflects or responds to the reasons for this submission.

37. ACS is willing and able to work through the matters raised in this submission with the applicant.

APPEARANCES AT THE HEARING

38. ACS wishes to be heard in support of its submission.

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

² Refer Minutes of the Policy and Planning Committee

DATED 21 February 2025

On behalf of Auckland Council as submitter:



Councillor Richard Hills, Chairperson of the Policy and Planning Committee



Councillor Angela Dalton, Deputy Chairperson of the Policy and Planning Committee



Member Tau Henare, Houkura - Independent Māori Statutory Board

Address for service:
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Postal address:
Auckland Council
135 Albert Street
Private Bag 92300
Auckland 1142

Attachment 1

Issue/Provision	Support/Oppose	Reasons for submission	Decision requested
Overall	Oppose	ACS seeks the plan change to rezone approximately 16.4 hectares of land at 98-100 & 102 Totara Road, Whenuapai from Future Urban to Residential - Business Mixed Use be declined in its entirety.	Decline the plan change OR Without limiting its primary relief, in the event that PPC 109 is granted in part or in full, ACS seeks amendments to the precinct provisions as outlined in this table, to be resolved to ACS's satisfaction.
Adverse effects – noise	Oppose in part	The adverse effects of NZDF noise on future residents and future users of open space and parks in the PPC109 area has not been adequately addressed or is understated.	The Applicant is to provide additional acoustic assessment to describe the noise effects residents and users of public open space areas within the PPC109 area will experience and any proposed amendments to the precinct provisions to mitigate potential adverse effects.
Adverse effects – noise	Support	While engine testing could be mitigated by other measures such as the NZDF identifying the most appropriate location to undertake testing and/or by constructing a purpose-built enclosure, the mitigation of noise within the airbase is outside the scope of this plan change and is not within council's powers or functions. However, the applicant could explore other land use mitigation tools such as buffer areas and /or sound walls or an Airport Noise Overlay. The RPS provisions encourage innovative responses to addressing adverse environmental effects.	Assess additional mitigation measures from within the precinct area to mitigate engine testing noise on the amenity of future residents and visitors such as buffer areas/yards, sound walls or an airport noise overlay. Develop new or amended precinct provisions as appropriate.

5.1

5.8

5.9

Adverse effects – traffic safety on Totara Road	Oppose	<p>It is not considered necessary to provide two intersections on Totara Road.</p> <p>This is in relation to the middle two intersections located between the Dale /McCaw/ Totara intersection, and the northernmost intersection with Totara Road. Two intersections in this location so close to each other are considered to have safety implications on future road users and is unnecessary given the size of the proposed development and the presence of a northern intersection to Totara Road.</p>	Remove one of the two road intersections provided in the southern/middle of the precinct area, as shown on Precinct Plan 1.	5.10
Adverse effects – stormwater	Oppose in part	There is insufficient assessment and clarity within the application regarding stormwater management	<p>Amend the precinct provisions to clarify how the following matters will be achieved:</p> <ul style="list-style-type: none"> • The location of/ability to locate proposed stormwater management devices appropriately so that they will be clear of 10% Annual Exceedance Probability (AEP) rainfall event flow extents • The adequacy of the stream protection measure(s) proposed to mitigate effects of the increases in runoff on stream geomorphology (including channel incision & channel widening) within and/or downstream of the proposed plan change area, resulting from development • The provision of water quality treatments for all impervious surfaces. 	5.11
IX.1 Precinct description	Oppose in part	The precinct description needs to clearly outline the restrictions to be placed on subdivision and development until such time as operational transport, bulk water supply and wastewater infrastructure is in place to	<p>Amend IX.1 Precinct description as follows:</p> <p>...canopy cover in the area.</p>	5.12

		<p>service the development. This is particularly important as the Whenuapai North Stage 1 is not identified by the FDS as ready for development until 2035+. ACS is concerned that out of sequence developments can impact on the delivery of Watercare's and Auckland Transport's overall works programme.</p> <p>The precinct description needs to elaborate on the adverse noise effects to be experienced by future residents and need for mitigation measures.</p>	<p>Subdivision and development is restricted until the <u>land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct and new transport upgrades on the surrounding road network are operational.</u></p> <p>Amend IX.1 Precinct description as follows:</p> <p>... Related provisions impose restrictions on activities in the precinct that are sensitive to aircraft noise <u>and engine testing noise. This includes when residents are indoors or outdoors and when people are using local streets or public open space. Such restrictions include specific building requirements to manage internal noise levels. within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.</u></p> <p>...</p>	5.12
Objective IX.2(5)	Oppose in part	The integration of subdivision and development with the provision of infrastructure should also include bulk water supply and wastewater.	<p>Amend Objective IX.2(5) as follows:</p> <p><i>Integration of Subdivision and Development with the Provision of Infrastructure</i></p> <p>(5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure <u>and the required bulk water supply and wastewater infrastructure.</u></p>	5.13
Objective IX.2(6)	Oppose in part	The proposed amendment brings the objective into line with the theme of 'integration' which is essential to achieve an alignment of infrastructure and land use activities.	<p>Amend Objective IX.2(6) as follows:</p> <p>Subdivision and development provides for the a safe, and efficient <u>and integrated road network</u> operation of</p>	5.14

			the current and future transport network for all modes of transport.	
Objective IX.2(8) & Policy IX.3(4)	Oppose in part	Objective IX.2(8) reads as a policy as it focuses on 'how' an outcome will be delivered, rather than the outcome itself. It is also duplicated to some degree by Objectives (6) and (7) and Policy IX.3(4). ACS seeks to delete this objective and amend the policy to provide a course of action rather than a rule.	<p>Delete Objective IX.2 (8)</p> <p>Amend Policy IX.3(4)) as follows:</p> <p>Require the development of a transport <u>transport roading</u> network that implements the elements and connections identified in Precinct Plan 1 <u>and the precinct specific road specifications and improvements to achieve an appropriate balance between movement and sense of place functions and to maintain a high quality and safe, slow speed environment.</u> is in accordance with Appendix— Road function and Design Element Table.</p>	<div>5.15</div> <div>5.16</div>
Policy IX.3(12)	Oppose in part	To clarify the policy.	<p>Amend Policy IX.3(12) as follows:</p> <p>Ensure that appropriate <u>sufficient local network</u> water <u>supply</u> and wastewater infrastructure is provided to enable the servicing of new residential lots and activities.</p>	5.17
Policy IX.3(3) and (13)	Oppose in part	Both Policy 3 and Policy 13 need to be strengthened to be consistent with the non-complying activity status of activities that do not align with the coordinated provision and upgrading of the infrastructure network for transport, water and wastewater.	<p>Amend Policy IX.3(3) as follows:</p> <p>Require <u>Avoid</u> subdivision and development to be managed and designed to <u>that does not</u> align with the coordinated provision and upgrading of the transport <u>roading</u> within the precinct, and with upgrades to the wider transport network</p> <p><u>Amend Policy IX.3(13) as follows:</u></p>	5.18

			Ensure Avoid subdivision and development is that is not aligned with the timing of the provision of <u>bulk</u> wastewater and water infrastructure.	5.19
Policy IX.3(15)	Oppose in part	The word 'avoided' is unnecessary as this action is already addressed in the opening word 'Avoid'.	Amend IX.3(15) as follows: Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided , remedied, or mitigated at the receiving site through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.	5.20
Policy IX.3(16)	Oppose	ACS opposes this policy as it already addressed by Policy 1.	Delete Policy IX.3(16)	5.21
Add a new policy	Support	ACS seeks to add a new policy to provide a clear direction on how it is intended to provide open space within the precinct.	Add a new policy IX.3(15A) as follows: <u>Ensure a network of high quality landscaped public open spaces and green corridors, predominantly edged by roads and/or served by walkways and cycleways and appropriately addressed by adjoining residential development.</u>	5.22
Policy IX.3(17)	Oppose	ACS opposes this policy as it is already achieved by the notation in Precinct Plan 1 that the neighbourhood park is an indicative location. The size of the park will be confirmed as part of the subdivision consent process.	Delete Policy IX.3(17).	5.23
IX.4 Activity table	Support in part	ACS supports in part the alert to prospective developers and residents of the building height limitations and adverse noise effects arising from the Whenuapai Air force designation.	Amend IX.4 Activity table as follows: IX.4 Activity table[rcp/rp/dp] All relevant overlay....	5.24

		It would be helpful to ensure that everyone is also aware of the need to obtain the written approval of the Minister of Defence in relation to a number of activities including height infringements.	Development in part of the Whenuapai Green Precinct is subject to height restrictions under Designation 4311. <u>Prior written approval from the Minister of Defence will be required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities and infringement of any such height restrictions.</u> Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.	
IX.4 Activity table (A2), (A3), (A11) and (12)	Support	ACS supports the non-complying activity status of subdivision, use and development where compliance with IX.6.2, IX.6.6 and Chapter E38 is not achieved.	Retain	5.25
IX.5 Notification	Support in part	ACS seeks to extend the range of matters where council will give special consideration to the NZDF.	<p>Amend rule IX.5 Notification as follows:</p> <p>IX.5 Notification</p> <p>(1) Any application ...</p> <p>(2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to:</p> <p>(a) those persons listed in Rule C1.13(4); and</p> <p>(b) The New Zealand Defence Force in relation to any proposal that does not comply with:</p> <ul style="list-style-type: none"> i. <u>IX.6.1(2) Dry detention basins or stormwater ponds</u> ii. <u>IX.6.1(3) Bird Strike</u> iii. <u>(i) IX.6.3 Lighting</u> 	5.26

			iv. (ii) IX.6.4 Noise (3) ...
Standard IX.6.1 Stormwater	Oppose in part	Standard IX.6.1(3) is not certain or measurable and relies on approval from third parties such as Auckland Council or the New Zealand Defence Force.	Amend standard IX.6.1(3) Birdstrike as follows: (3) Birdstrike (a) If roof gradients are less than 15 degrees, measures to discourage bird roosting on the roof of the structure are required where building design may be conducive to potential bird roosting. Roofs must have a minimum gradient of 15 degrees to minimise the potential for birds to net or roost. (b) Any measures to discourage bird roosting on the roof of the structure shall be maintained thereafter to the satisfaction of Auckland Council in consultation with NZDF. If roof gradients are less than 15 degrees, netting and /or spikes are required to discourage bird nesting or roosting on the roof of the structure.
Standard IX.6.2 Wastewater and Water Infrastructure	Oppose in part	ACS seeks amendments to Standard IX.6.2 to prevent the construction of buildings prior to the required water and wastewater infrastructure being in place and to also ensure that the required infrastructure must be constructed and operational prior to the issue of s224(c) certification.	Amend Standard IX.6.2 as follows: IX.6.2 Wastewater and Water Supply Infrastructure Purpose: <ul style="list-style-type: none"> To ensure that bulk water supply and wastewater infrastructure with sufficient capacity is available to support subdivision and development within the Precinct. (1) The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of bulk Bulk water supply and wastewater infrastructure that would require for water and /or wastewater servicing of all of the development within the Precinct <u>must be completed and commissioned:</u>

5.27

5.28

			<p>a. <u>in the case of subdivision prior to the release of Resource Management Act 1991 section 224 (c) certificate being issue for any residential lots; and</u></p> <p>b. <u>in the case of land use only, prior to the construction of any buildings associated with noise sensitive activities.</u></p> <p>Note: Standard IX.6.2 will be considered to be complied with if the identified upgrades (McKean Road Wastewater Pump Station and Hobsonville Road/BCR pipe upgrade, and Whenuapai Wastewater Packages 1 and 2) are constructed and operational:</p> <p>i. <u>prior to the lodgement of a resource consent application; OR</u></p> <p>ii. <u>form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR</u></p> <p>iii. <u>prior to occupation of any building(s) for land use only.</u></p>
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IX.6.6(3) – Staging of subdivision and land use – transport upgrades	Oppose in Part	<p>The timing of residential development should be amended from occupation of dwellings to the construction of buildings to align with the changes sought above to Standard IX.6.6(2).</p> <p>Further, reference to Appendix 2 should be deleted in line with the changes sought to Standard IX.6.4. Reference to Appendix 4 has been omitted. This error should be corrected.</p>	<p>Amend standard IX.6.6(3) as follows:</p> <p>IX.6.6(3)</p> <p>The following transport infrastructure upgrades should be provided <u>completed and operational</u> prior to any dwelling being occupied <u>constructed</u> within the site <u>precinct land</u>:</p> <p>(a) Lane marking improvements at Brigham Creek Road and Tōtara Road in accordance with Appendix 3.</p> <p>(b) Brigham Creek Road/Trig Road intersection. Upgrade to a roundabout in accordance with Road Function and Design Elements Table 2 and Appendix 4: Brigham Creek Road/Trig Road intersection Roundabout Upgrade Plan.</p>	5.29
IX.6.4 (1) Noise – no complaints covenants		<p>ACS first preference is to delete reference IX.6.4(1). But in the event that the Commissioners consider a no-complaints covenant to be acceptable method then a less restrictive model would be more appropriate.</p> <p>ACS opposes the use of a no-complaints covenant within the precinct area. While ACS acknowledges that covenants can be helpful to ‘filter out’ prospective residents that identify as being sensitive to noise, and helps to set expectations, they do not reduce the noise levels experienced.</p>	<p>Delete IX.6.4(1) OR amend as follows:</p> <p>(1) A no-complaints covenant shall <u>must</u> be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any lawful noise associated with the RNZAF Base Auckland in favour of Royal New Zealand Defence Force Base Auckland, by the landowner (and binding any successors in title) not to complain as to noise effects generated by the lawful operation of the airbase. The restrictive no complaint covenant is limited to the effects that could be lawfully generated by activities at the time the agreement to</p>	5.30

		Such covenants mask the loss of amenity and adverse effects on the health of residents. They prevent the noise maker (NZDF) from gaining an understanding of the level of community concern and loss of amenity/quality of life and addressing these concerns. A blanket restriction on noise also prevents future residents within the precinct area engaging with or making submissions to any future proposals from the NZDF to manage noise, particularly engine testing noise, at the airbase. As currently worded it applies to any adverse effects generated by the lawful operation of the airbase.	<p><u>covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to defence activities (although an individual restrictive no complaint covenant may do so). Details of the existence of covenant documents may be obtained from Royal New Zealand Defence Force Base Auckland, its solicitors, or in the case of registered covenants by searching the Title to the relevant property.</u></p> <p>Or words to that effect.</p>
Standard IX.6.4 Noise And IX.4 Activity table	Oppose in part	<ol style="list-style-type: none"> 1. The indoor design noise levels in Precinct Standard IX.6.4 are too high and may not deliver a reasonable indoor environment. In addition, the noise provisions in Precinct Standard IX.6.4 are not worded clearly enough and improvements could be made to simplify some of the requirements and provide additional certainty and clarity for plan users. 2. Section 15.5 of the Acoustic Assessment appropriately states that mechanical cooling and ventilation will be required in all habitable spaces across the Precinct. However, the proposed Precinct Standards do not contain any provisions requiring this. ACS considers that the mechanical cooling and ventilation 	<ol style="list-style-type: none"> 1. Amend IX.6.4 Noise to simplify the requirements and provide additional certainty and clarity by: <ol style="list-style-type: none"> a. Clarifying the outdoor noise spectrum so the values are normalised to equal 0 dBA b. Clarifying that the outdoor noise spectrum values are at single octave band centre frequencies c. Removing any adjustment for duration under section 6.4 of NZS6802:2008 when interpreting the indoor design levels d. Referring to Noise Sensitive Space (as defined in Chapter J of the AUP) e. Referring to Activities Sensitive to Noise (as defined in Chapter J of the AUP) f. Incorporating the mechanical cooling and ventilation provisions set out in E25.6.10(b)-(f) which are to be maintained indefinitely g. Removing reference to Appendix 2

5.31

		<p>provisions set out in E25.6.10(b)-(f) would be appropriate to allow the occupants of the Precinct to remain cool and comfortable indoors with windows and doors closed (to reduce the noise).</p> <p>3. The MHU Zone accommodates activities sensitive to aircraft noise and engine testing in addition to residential activities alone, and the noise provisions in the precinct Standard IX.6.4 do not cater for them.</p>	<p>h. Removing reference to “line of sight to the noise source” as the location of the noise source on the NZDF site will not always be known</p> <p>The Applicant’s Acoustic Assessment also needs to address other activities sensitive to noise, in addition to residential activities the effects the residents might experience and propose precinct provisions to address these, or modify the precinct provisions so that:</p> <ul style="list-style-type: none"> a. The only ‘Activity Sensitive to Noise’ anticipated in the precinct is residential; and b. All other ‘Activities Sensitive to Noise’ are Non-Complying Activities.
Appendix 2	Oppose	<p>The proposed Building Requirements in Appendix 2 of the Precinct Provisions are designed to be helpful to developers and reduce the costs of commissioning design work from acoustic consultants and designers. However, ACS considers that the prescriptive approach could lead to inefficiencies that could be significant given the conservative assumptions underpinning the Building Requirements (e.g. no screening from other buildings). ACS also considers it possible that the Building Requirements could result in noise levels inside houses being higher than the target indoor noise levels in the Precinct Provisions. ACS considers that the most effective and efficient approach is to require all buildings to be designed in accordance with design input from an acoustics expert. This approach is very typical for</p>	Delete Appendix 2

5.32

		developments near to other noisy infrastructure such as major roads, rail and ports.		
Appendix 3 & 4	Support in part	These diagrams are very precise and should allow for an element of discretion in their design and implementation.	To provide a notation that Appendix 3 and Appendix 4 are indicative only.	5.33
Precinct Plan 1	Support in part	Zoning should not be shown on precinct plans. The current drafting creates the potential for future implementation issues, particularly should the underlying zoning be changed in the future. Zoning is only shown in the planning maps.	Remove reference to the Mixed Housing Urban zone from Precinct Plan 1.	5.34
Precinct Plan 1	Support in part	The proposed internal road network does not reflect the roading layout to the immediate south of McCaw Avenue. It would be logical to follow this roading pattern	Amend Precinct Plan 1 to show the roading pattern as running on a north-south axis.	5.35
Precinct Plan 2	Oppose in part	The title of this precinct plan requires clarification.	Amend the title of Precinct Plan 2 as follows: 'Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours	5.36
Medium Density Residential Standards	Support in part	The Resource Management (Enabling Housing Supply) Amendment Act 2021 requires the introduction of new standards – the Medium Density Residential Standards (MDRS). However clause 25(4A) of Schedule 1 provides that the council must not accept or adopt a private plan change request that does not incorporate the MDRS as required by section 77G(1) of the RMA and, at least as an interim measure, the plan change does incorporate the MDRS.	Amend the precinct provisions, if necessary, to be consistent with the protocols Council wishes to adopt to incorporate the MDRS.	5.37

		The applicant has incorporated MDRS into the precinct provisions. As a precautionary measure ACS seeks to ensure any omissions or errors can be corrected as part of submission and hearing process.		
Editorial	Support	Minor editorial correction to ensure editorial consistency across the AUP.	<p>Replace all references to 'shall' in the precinct with 'must'.</p> <p>Use of sentence case in precinct headings rather than capitalising each word</p> <p>Add a numbering reference to the header of each precinct plan in accordance with Council style guide, as follows; <u>IX.10.1 Whenuapai Green Precinct Plan 1</u> <u>IX.10.2 Whenuapai Green Precinct Plan 2 – Whenuapai Airbase Engine Testing Noise Contours</u></p>	5.38
Editorial	Support	The order of the Standards section of the precinct provisions does not always provide for the logical succession of standards or follow the order of the policy framework. For instance, Standard IX.6.20 Road Design is currently located at the end of the Medium Density Residential Standards section.	<p>Reorder the standards as follows:</p> <p>IX.6.1 Staging of Subdivision and Land Use – Transport Upgrades IX.6.2 Road Design IX.6.3 Lighting IX.6.4 Water supply and Wastewater Infrastructure IX.6.5 Stormwater Infrastructure IX.6.6 Riparian margins IX.6.7 Noise IX.6.8 Number of dwellings per site</p> <p>[And so on]</p>	5.39

SUBMISSION ON A NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Cabra Development Limited ("**Cabra**")

Introduction

1. This is a submission on an application for a Private Plan Change 109 ("**PC109**") to the Auckland Unitary Plan (Operative in Part) ("**AUP**") by Neil Construction Limited ("**Applicant**").
2. The Applicant proposes to rezone approximately 16.36ha of land within Whenuapai from Future Urban zone to Residential – Mixed Housing Urban zone, as well as to introduce a Precinct and to apply the Stormwater Management Area – Flow 1 control to the plan change area. The removal of an Historic Heritage Overlay – Extent of Place is also proposed from a small portion of the plan change area.
3. Cabra is a land development company established in 1987. Cabra specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra owns various properties in Whenuapai.
4. Cabra is a potential trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") as it has landholdings that are located within the same transport network.

Submission

5. Cabra **supports** the Application as notified.
6. However, Cabra reserves the right to review additional information prepared by the Applicant and/or by specialists for or on behalf of Auckland Council.
7. Cabra also reserves the right to review changes to the plan change proposal as a result of the above.

Relief Sought

8. Cabra seeks that the Plan Change is approved as notified.

6.1

9. Cabra wishes to be heard in support of its submission.

DATED at Auckland this 21st day of **February 2025**

Signature:



Duncan Unsworth
General Manager
Cabra Developments Limited

Address for Service:

PO Box 197
Orewa
Auckland
duncan@cabra.co.nz



Submission on Proposed Private Plan Change 109: 98-100 & 102

Totara Road, Whenuapai

Auckland Unitary Plan (Operative in Part)

Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
Address: Attn: Planning Technician
 Level 16, 135 Albert Street
 Private Bag 92300
 Auckland 1142
Email: unitaryplan@aucklandcouncil.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Principal Statutory Planner

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 Attention: Karen Baverstock

Phone: +64 21 445 482
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Broad submission points

1. This is a submission by the New Zealand Defence Force ("NZDF") on Proposed Plan Change 109 (Private): 98-100 & 102 Totara Road, Whenuapai to the Auckland Unitary Plan – Operative in Part ("PPC 109"). PPC 109 seeks to rezone land from Future Urban Zone to Residential – Mixed Housing Urban Zone and apply a new 'Whenuapai Green' Precinct over the land. NZDF's submission comprises the points raised below, as well as in the attached table.
2. NZDF operates the Royal New Zealand Air Force (RNZAF) Base Auckland at Whenuapai, directly adjacent to the PPC 109 area. RNZAF Base Auckland is a significant Defence facility, of strategic importance regionally, nationally and internationally. Ensuring that this facility can continue to operate to enable NZDF to meet statutory Defence purposes under section 5 of the Defence Act 1990 is critical. Defence purposes include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required. RNZAF Base Auckland is essential to achieving these purposes.

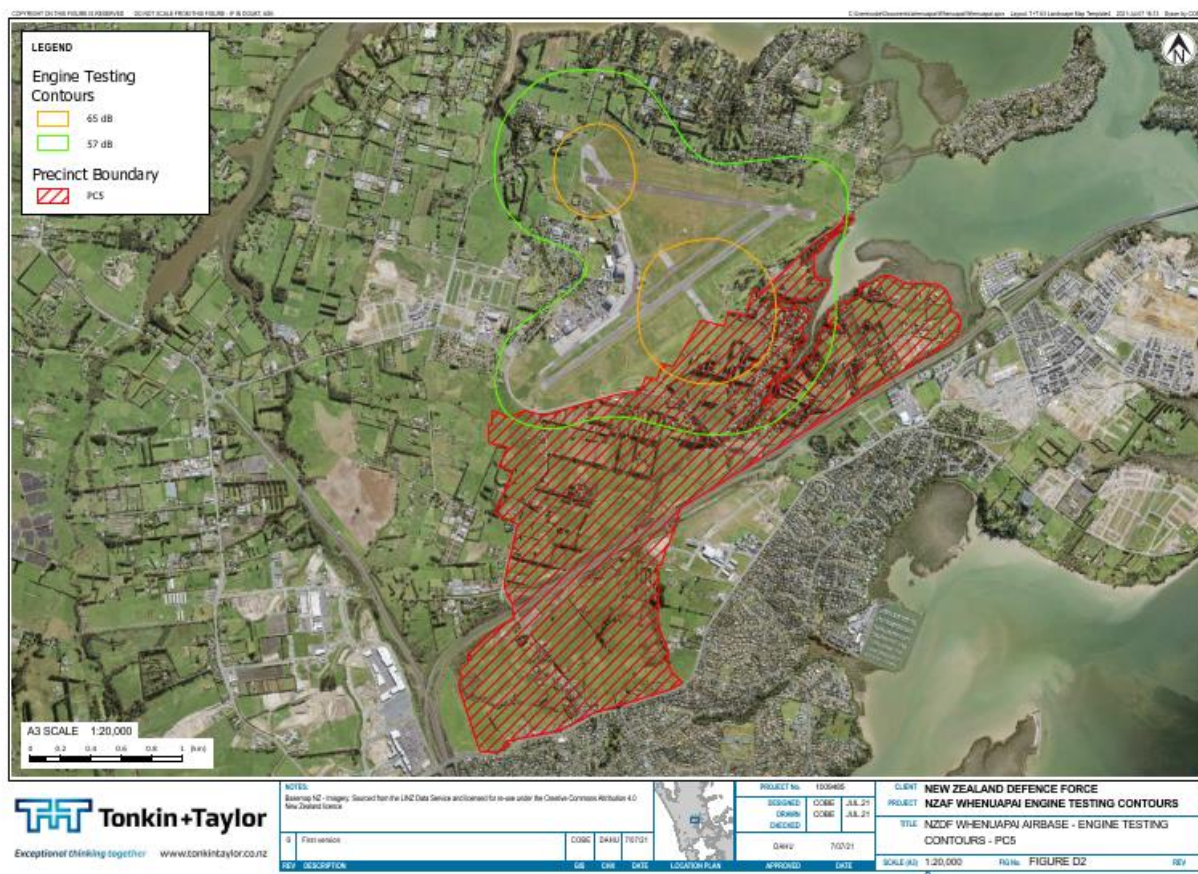
3. NZDF wishes to ensure that development enabled under PPC 109 does not adversely affect NZDF's continued ability to carry out operations at RNZAF Base Auckland. NZDF seeks to protect RNZAF Base Auckland from adverse effects of new development, including in relation to reverse sensitivity. Development must be appropriately located and designed in relation to this established nationally and regionally significant infrastructure. 7.1
4. The PPC 109 area is affected by noise from engine testing, which is an essential part of aircraft maintenance. Given the location of the PPC 109 site in relation to RNZAF Base Auckland, it is very important that potential risks to current and future NZDF aircraft and Base operations are avoided.
5. Accordingly, NZDF seeks that PPC 109 includes provisions that mitigate risk to current and future RNZAF Base Auckland operations. NZDF notes that the applicant has consulted with NZDF and has largely sought to address NZDF's concerns through PPC 109 provisions. In summary, relief NZDF seeks includes (but is not necessarily limited to) the following: 7.2
 - a) To address potential reverse sensitivity effects, reverse sensitivity covenants to apply to all new development;
 - b) Obstacle heights: No permanent or temporary buildings or structures (including cranes) may breach the Obstacle Limitation Surface identified in AUP designation 4311 without prior written approval from the NZDF;
 - c) Measures to avoid bird strike risk including in relation to roof design, stormwater treatment and landscaping (e.g. avoiding vegetation species that attract birds);
 - d) Other measures to avoid risk to flight safety and operations including relating to lighting, and glare from building materials; and
 - e) Measures to address potential stormwater and transport and traffic effects.
6. Protection is required by the AUP policy framework, specifically Objective B3.2.1(6) and Policies B3.2.2(4) and (5) of the Regional Policy Statement (RPS) which aim to protect significant infrastructure, including defence facilities, from reverse sensitivity effects. PPC 109 is required to give effect to this strong policy direction.
7. NZDF generally supports the approach taken in PPC 109 with a regulatory framework and the inclusion of specific Precinct provisions to address potential reverse sensitivity and other adverse effects on RNZAF Base Auckland, including a requirement for reverse sensitivity covenants to be included on each new title issued within the Precinct. However, NZDF requests amendments to some specific proposed Precinct provisions (as set out in the attached table), as well as additional or consequential amendments to incorporate any points raised in this part of the submission and below that are not currently addressed in proposed Precinct provisions.
8. The points raised broadly in this submission include NZDF's request for specific consideration to be given to parts of the PPC 109 land that are within an area in which land use and subdivision is subject to NZDF approval. 7.3

Development restrictions associated with RNZAF Base Auckland

9. The following Auckland Unitary Plan – Operative in Part (AUP) overlays and designations relevant to RNZAF Base Auckland apply to the PPC 109 land:
 - a. Minister of Defence Designation 4311 "Whenuapai Airfield Approach and Departure Path Protection" (Designation 4311) which applies to airspace in the vicinity of RNZAF Base Auckland. The northern part of the PPC 109 area is

within an area of the designation requiring NZDF approval for any land use or subdivision.

- b. A small area at the northern tip of the PPC 109 area is covered by the Aircraft Noise Overlay (55dBA).
10. The 57dB engine testing noise contour covers part of the northern part of the PPC109 area (Figure D2 – NZDF Whenuapai Airbase – Engine Testing Contours – PC5 by Tonkin & Taylor Ltd dated 7/07/2021). The contours in the plan below show long-term average contours, however, the PPC 109 area experiences high levels of ‘peak’ noise during individual engine tests.



11. As set out in AUP Chapter K, conditions 1 and 2 of Designation 4311 require:

- (1) NZDF approval be obtained for land use and subdivision within the areas shown as ‘land use and subdivision subject to NZDF approval’ (shown ‘hatched’ in drawing 9B-2-6 in Designation 4311). Those areas are protection areas for aircraft approach/departure paths generally within 1,000m of runway ends, and are subject to development restrictions for safety reasons in the event of an aircraft accident on approach or departure; and
- (2) No obstacle shall penetrate the approach and departure path obstacle limitation surfaces (OLS) (as shown on the planning maps and described in the designation) without the prior approval in writing of NZDF. Buildings with a height of not more than 9 metres above natural ground level are excluded from that requirement, but that allowance does not apply to the area referred to in condition (1).

7.4

12. NZDF will not approve infringement of the OLS above the 9-metre allowance in Designation 4311. To ensure expectations regarding feasible development are clear, NZDF seeks that the PPC109 Precinct provisions (and associated maps) reflect that restriction, possibly through a height overlay/notation or similar.
13. The northern portion of 98-100 Totara Road is subject to development constraints because it lies within the 1000 metre protection area off the 08-26 runway. NZDF approval is therefore required for land use and subdivision in that area. The 9-metre height allowance provided in Designation 4311 does not apply in this area. NZDF approval will not be given for any structure with a height that penetrates the OLS within the area subject to NZDF approval. PPC 109 proposes to zone this area Mixed Housing Urban Zone. The Restrictions that apply under Designation 4311 will significantly restrict development in this area and this should be made clear to a user of the AUP. To ensure expectations regarding feasible development are clear, NZDF seeks that the PPC109 Precinct provisions (and associated maps) reflect that restriction, possibly through a height overlay/notation or similar.

7.4

Other matters

Stormwater

14. Regarding stormwater effects and associated provisions in PPC 109, NZDF seeks to ensure that discharge/runoff to Rarawaru Stream (and development enabled under PPC 109 generally) does not exacerbate flood risk hazard on RNZAF Base Auckland and seeks specific consideration of flooding and stormwater effects on RNZAF Base Auckland. NZDF seeks to avoid adverse stormwater effects/impacts on RNZAF Base Auckland, as it already experiences significant flooding in rainfall events (with impacts such as impeding vehicle access through the Base).
15. NZDF has concerns regarding the capacity of Rarawaru Stream, which runs through RNZAF Base Auckland, and understands (based on modelling) that it is at capacity. Remedial and upgrade works to increase the capacity of Rarawaru Stream may be required by the applicant. NZDF seeks that consideration be given to diverting stormwater runoff away from Rarawaru Stream, and seeks confirmation that the applicant's flood assessment has taken into account existing discharges/runoff from the Rarawaru Stream stormwater catchment area including RNZAF Base Auckland.

7.5

Traffic/Transport

16. Regarding transport and traffic effects and associated provisions in PPC 109, NZDF seeks to ensure that safe and efficient access to RNZAF Base Auckland (including by emergency services vehicles) is not compromised by development enabled under PPC 109, and seeks consideration of traffic impacts on RNZAF Base Auckland.

7.6

Boundary Security (Fencing/Vegetation)

17. While not likely to form part of PPC 109 provisions, NZDF seeks that any boundary or perimeter demarcation near the RNZAF Base Auckland perimeter (such as fencing and vegetation plantings along or near to the boundary with RNZAF Base Auckland) does not impact security requirements for the Base.

7.7

The matters above identify broad submission points on PPC 109. In addition, and to further assist (but not limit the points above), specific provisions NZDF wishes to see amended in PPC 109 are set out in the attached table. NZDF seeks relief that addresses the points above, as well as in the attached table.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

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



21/02/2025

Date _____

Person authorised to sign
on behalf of New Zealand Defence Force

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
1.	Whole of PPC 109	Neutral	NZDF recognises that the applicant has engaged with NZDF and has sought to address its concerns through proposed Precinct provisions. PPC 109 must provide a regulatory framework and provisions that appropriately give effect to the AUP policy framework, in particular the RPS, and protect current and future RNZAF Base Auckland operations from adverse effects, including reverse sensitivity effects. NZDF generally supports the proposed regulatory framework and specific provisions (which includes requirements for reverse sensitivity covenants) to safeguard RNZAF Base Auckland operations.	Ensure that RNZAF Base Auckland operations are protected against adverse effects (including reverse sensitivity effects) through measures such as reverse sensitivity covenants, so it can continue to operate to meet Defence purposes under section 5 of the Defence Act 1990.
2.	IX.1 Precinct Description	Support in part	NZDF supports the Precinct Description text referencing RNZAF Base Auckland, its significance, and engine testing activities. NZDF has identified some minor amendments to improve the wording.	Retain the Precinct Description with amended wording. A suggested example is provided below: <i>"...RNZAF Base Auckland is a <u>strategic</u> defence facility of national and regional <u>strategic</u> importance".</i> ... <i>Some of the aircraft that operate from RNZAF Base Auckland are maintained on-site. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7.00am and 10.00pm but in some circumstances, such as where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods. Whenuapai Green Precinct Plan 2 includes noise contour boundaries for aircraft engine testing noise. The noise contours indicate where different mitigation requirements apply, and these are shown on Precinct Plan 2. Related provisions impose restrictions on activities in the Precinct that are sensitive to aircraft noise, within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland</i>

7.1

7.8

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				<i>including activities conducted from it.</i>
3.	Objective IX.2(1)	Support in part	NZDF supports Objective IX.2(1) which requires subdivision, use and development to recognise the ongoing operation and strategic importance of RNZAF Base Auckland. NZDF has identified some minor amendments to improve the wording.	Amend Objective IX.2(1). Suggested wording is set out below. <i>Subdivision, use and development in the Whenuapai Green Precinct is undertaken in a comprehensive and integrated way to provide for residential living while recognising and protecting the ongoing operation and strategic importance of the RNZAF Base Auckland.</i>
4.	Objective IX.2(13)	Support in part	NZDF supports Objective IX.2(13) relating to stormwater devices. NZDF has identified a minor amendment to improve the wording of the objective.	Amend Objective IX.2(13). Suggested wording is set out below: <i>Stormwater devices avoid or otherwise minimise or mitigate, adverse effects on the receiving environment, and including the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.</i>
5.	Objective IX.2(14)	Support in part	NZDF supports Objective IX.2(14) relating to effects on RNZAF Base Auckland.	Retain Objective IX.2(14) as notified or similar wording in relation to effects on RNZAF Base Auckland.
6.	Objective IX.2(15)	Oppose in part	Objective IX.2(15) potentially suggests that the effects from aircraft engine testing shall be avoided, remedied or mitigated. NZDF therefore requests that Objective IX.2(15) be amended to clarify that is not the intention of the objective.	Amend Objective IX.2(15) to ensure the application of this objective is clear. Suggested wording is set out below: <i>(15) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment, including through acoustic attenuation</i>

7.9

7.10

7.11

7.12

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				<u>and reverse sensitivity covenants.</u>
7.	Policy IX.3(11)	Support in part	NZDF supports Policy IX.3(11) relating to stormwater management and mitigating bird strike potential. NZDF has identified a minor amendment to improve the wording of the policy so it reads more like a policy than a condition.	Amend Policy IX.3(11). Suggested wording is set out below: <i>(10) <u>Require</u> tThe stormwater management outcomes and devices for the site shall <u>to</u> be planned, designed, and implemented to avoid attracting birds and therefore mitigate the potential for bird strike to impact safety and flight operations at RNZAF Base Auckland.</i>
8.	Policy IX.3(14)	Support in part	NZDF supports the intent of Policy IX.3(14) to manage reverse sensitivity effects and safety risks on the operation and activities of RNZAF Base Auckland. However, the wording should be clarified to make it clear that it addresses reverse sensitivity effects including those relating to noise and not just limited to those relating to bird strike, lighting, glare and reflection. This could be achieved through the addition of a comma after reverse sensitivity effects.	Amend Policy IX.3(14) to clarify that it addresses reverse sensitivity effects including those relating to noise and not just limited to those relating to bird strike, lighting, glare and reflection. Suggested wording is set out below: <i>(14) Require subdivision, use and development within the Precinct to avoid, as far as practicable, or otherwise remedy or mitigate any adverse effects, including reverse sensitivity effects, and safety risks relating to bird strike, lighting, glare and reflection, on the operation and activities of RNZAF Base Auckland.</i>
9.	Policy IX.3(15)	Support in part	NZDF supports Policy IX.3(15) relating to activities sensitive to noise within the Precinct but requests that this recognises that the methods identified are not the full suite of methods proposed.	Amend Policy IX.3(15). Suggested wording is set out below: <i>Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided, remedied, or mitigated at the receiving site <u>including</u> through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.</i>

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
10.	Introductory text above IX.4.1 Activity Table	Support in part	NZDF supports the text above the Activity Table referring readers of the chapter to the existence of Designations 4310 and 4311. However, NZDF seeks an amendment to draw specific attention to constraints applying to parts of the PPC109 land that is subject to the requirement to obtain NZDF approval for land use and subdivision.	Amend text. Suggested wording is set out below: <i>Development in the Whenuapai Green Precinct is subject to height restrictions under Designation 4311 and land use and subdivision in specified areas requires the written approval of the New Zealand Defence Force. Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise.</i>
11.	Rule IX.4.1(A3)	Support in part	NZDF considers that use and development that does not comply with Standard IX.6.4 should be subject to limited notification to NZDF. Additionally, considering the noise contours in Precinct Plan 2, NZDF considers that non-compliance with Standard IX.6.4 Noise is more appropriately considered as a non-complying activity (Note: NZDF would consider a discretionary or RD activity, with relevant matters of discretion identified in both cases, and subject to a limited notification clause).	Amend activity status and associated changes and consequential amendments. Include specific clause which identifies NZDF as a potentially affected party for limited notification.
12.	Rule IX.4.1 - Subdivision	Oppose	Currently the rules do not appear to require a reverse sensitivity covenant for subdivision. NZDF requests the addition of a new rule which clearly requires that 'any subdivision listed above not meeting standard IX.6.4 shall be a non-complying activity'. NZDF requests limited notification as a potentially affected	Include new rule and associated changes and consequential amendments. Include specific clause which identifies NZDF as a potentially affected party for limited notification.

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
			party in this instance.	
13.	IX.5 Notification	Oppose in part	NZDF considers NZDF should be identified as an affected party for limited notification where a proposal does not comply with IX.6.3 Lighting or IX.6.4 Noise. NZDF also requests that the other standards relevant to NZDF be included in this list.	<p>Amend to identify NZDF as an affected party. For example:</p> <p><i>11.5. Notification</i></p> <p>...</p> <p><i>(2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to:</i></p> <p><i>(a) those persons listed in Rule C1.13(4); and</i></p> <p><i><u>(x) The New Zealand Defence Force will be considered an affected party for limited notification purposes in relation to any proposal that does not comply with:</u></i></p> <p><i>(i) <u>IX.6.1(2) Stormwater Infrastructure (dry detention basins or stormwater ponds)</u></i></p> <p><i>(ii) <u>IX.6.1(3) Birdstrike</u></i></p> <p><i>(iii) <u>IX.6.3 Lighting</u></i></p> <p><i>(iv) <u>IX.6.4 Noise</u></i></p> <p><i>(v) <u>IX.6.X Land use and subdivision within "conditional" [or "NZDF approval"] notation (or similar)</u></i></p>

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).	
				(vi) <u>11.6.X. Temporary activities and construction</u>	
14.	IX.5(3), (4) and (5)	Oppose	NZDF requests that the wording of these provisions are amended to clarify that they do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.4 Noise.	Amend IX.5(3), (4) and (5) to clarify that these do not preclude notification if the application does not comply with other standards e.g. Standard IX.6.3 Lighting, 4 Noise, etc (as above).	7.21
15.	IX.6. Standards	Support in part	This section currently states that the activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standards IX.6.7 to IX.6.15. NZDF considers it should be clear that this also applies to standards that protect the Base from reverse sensitivity effects.	Amend to include standards relevant to reverse sensitivity e.g. <i>The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standard IX.6.3, and 4. (etc.), and standards IX.6.7 to IX.6.15.</i>	7.22
16.	Insert new standard IX.6.X	New standard sought	NZDF requests that constraints applying to land within the area in which land use and subdivision is subject to NZDF approval are incorporated into PPC 109 and that the Precinct provisions specifically include a requirement to obtain NZDF approval. A separate “conditional” or “NZDF approval” (or similar) overlay could apply to those areas.	Insert new standard to address this submission point. For example,: <i>Standard IX.6.X Land use and subdivision within “conditional” [or “NZDF approval”] notation (or similar):</i> <i>a) The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the “conditional” [or “NZDF approval”] notation.</i>	7.23
17.	Insert new standard IX.6.X	New standard sought	Although NZDF’s prior written approval would be required for any buildings or structures that penetrate the OLS, there is potential for the requirements of the OLS to be overlooked particularly where a structure is compliant with maximum	Insert new standard to address this submission point. For example:	7.24

Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
			<p>height standards but infringes the OLS.</p> <p>It is important for developers to be aware of this constraint to proposed buildings and structures. This includes obstacles penetrating the OLS that do not require building or resource consent, such as construction cranes and trees. Such obstacles present a significant safety risk for the operation of aircraft at Base Auckland. For example, there have been incidents where NZDF has not been notified prior to the operation of cranes within the OLS and this has forced the closure of the main runway.</p> <p>NZDF requests a standard be included to address this, similar to Standard I617.6.4 in Whenuapai 3 Precinct.</p>	<p><u>11.6.X. Temporary activities and construction</u></p> <p><u>Purpose:</u></p> <p>• <u>to avoid safety and operation risk effects on the RNZAF Base Auckland.</u></p> <p><u>(1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment being erected that infringes the Obstacle Limitation Surface must obtain written approval from the New Zealand Defence Force.</u></p>
18.	Standard IX.6.1 Stormwater Infrastructure	Support in part	<p>Bird strike risk is a significant concern for NZDF. Stormwater management devices should not include open water or new habitats for birds, in order to avoid attracting birds to areas in close proximity to the end of the runway. NZDF supports this provision which requires stormwater management devices to be designed to avoid or minimise the potential for attracting birds. NZDF supports this standard requiring measures to discourage bird roosting if roof gradients are less than 15 degrees subject to the minor amendment shown (which reflects that roof gradients less than 15 degrees are generally conducive to potential bird roosting).</p>	<p>Amend provisions relating to bird strike. Suggested wording is provided below:</p> <p>(a) <i>If roof gradients are less than 15 degrees, measures to discourage bird roosting on the roof of the structure are required where building design may be conducive to potential bird roosting.</i></p> <p>(b) <i>Any measures to discourage bird roosting on the roof of the structure shall be maintained thereafter to the satisfaction of Auckland Council in consultation with NZDF.</i></p>
19.	Standard IX.6.3 Lighting	Support in part	<p>Lighting and glare is a concern for NZDF as it can distract pilots and cause confusion by replicating runway lighting.</p>	<p>Amend standard IX.6.3 to address the issues identified by NZDF as follows, or wording to similar</p>

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
			<p>There is the potential for reflection from roofing and cladding materials to create a sunstrike effect on pilots approaching or taking off from the Base Auckland runway and this should be avoided. External cladding of buildings and roofs needs to be of low reflectivity materials (less than 20% specular reflectance) to avoid this sunstrike effect.</p> <p>NZDF supports a standard avoiding these effects. However, NZDF requests that the standard be amended to:</p> <ul style="list-style-type: none"> - Better reflect the scope of the standard in the title by including reference to glare and reflection - Delete reference to reverse sensitivity as it is not the purpose of this standard - Clarify the wording of clause (2) - Require a maximum reflectivity of 20% rather than 30% consistent with the Whenuapai 3 Precinct Standard I617.6.3(2) 	<p>effect:</p> <p><u>IX.6.3 Lighting, glare, and reflection</u></p> <p><i>Purpose:</i></p> <ul style="list-style-type: none"> • To manage reverse sensitivity effects on RNZAF Base Auckland, including in relation to flight hazards and safety. • <u>To avoid or minimise the effects of lighting, glare, and reflection on aircraft taking off or landing at RNZAF Base Auckland.</u> <p><i>(1) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that lighting:</i></p> <p><i>(a) Avoids simulating approach and departure path runway lighting</i></p> <p><i>(b) Ensures that clear visibility of approach and departure path runway lighting is maintained; and</i></p> <p><i>(c) Avoids glare or light spill that could affect flight safety or aircraft operations.</i></p> <p><i>(2) External building materials must be constructed with the following:</i></p> <p><i>(a) Roof surfaces and eExternal building surfaces (excluding vertical surfaces) greater than 10m above ground level must not exceed a reflectivity (specular reflectance) of 2030% white light where located 10m above ground level; and all roof surfaces.</i></p> <p><i>(3) No person may illuminate or display the following</i></p>

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				<p><i>outdoor lighting between 11:00pm and 6:30am:</i></p> <p><i>(a) searchlights; or</i></p> <p><i>(b) outside illumination of any structure or feature by floodlight that shines above the horizontal plane.</i></p>
20.	Standard IX.6.4 Noise	Support in part	<p>NZDF supports this standard requiring reverse sensitivity covenants and considers covenants to be necessary and appropriate in order to appropriately protect RNZAF Base Auckland from reverse sensitivity effects.</p> <p>NZDF considers that the covenants should instead be referred to as a 'reverse sensitivity' covenant on the basis this more accurately reflects the purpose of the covenant.</p> <p>In addition, NZDF requests that the standard be amended to:</p> <ul style="list-style-type: none"> - Clarify the purpose of the standard which is to avoid or mitigate reverse sensitivity effects <u>on</u> RNZAF Base Auckland. - Refer to New Zealand Defence Force as the entity rather than RNZAF Base Auckland (the facility/location). - Delete reference to 'night time' for sleeping areas. There is no need to state at night - the noise level applies to all sleeping areas irrespective of time of day. - Clarify who the report should be provided to. 	<p>Amend standard IX.6.4(1) to address the issues identified by NZDF as follows, or wording to similar effect:</p> <p><i>IX.6.4 Noise <u>and reverse sensitivity</u></i></p> <p><i>Purpose:</i></p> <ul style="list-style-type: none"> • <i>To ensure that potential reverse sensitivity effects of noise from <u>on</u> the adjacent RNZAF Base Auckland are appropriately addressed <u>avoided, remedied, or mitigated</u> within the Precinct.</i> <p><i>(1) A no-complaints <u>reverse sensitivity</u> covenant shall be included on each title issued within the <u>Pprecinct</u>. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland <u>the New Zealand Defence Force</u> under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any lawful noise associated with the RNZAF Base Auckland.</i></p> <p><i>(2) Any new building intended to accommodate activities that are sensitive to noise shall be designed and constructed to meet the following</i></p>

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				<p><i>requirements: internal noise levels:</i></p> <ul style="list-style-type: none"> • Living Areas: LAeq(15min) 45 dB • Work Areas: LAeq(15min) 45 dB • Sleeping Areas (night-time) LAeq(15 mins) 40 dB <p>(a) Compliance with this standard is achieved if:</p> <p>(i) the building <u>shall be</u> is constructed using the specifications set out in Appendix 2 as they apply to the respective noise contours shown on Precinct Plan 2. A 3 dBA noise reduction shall be applied for any building façade that does not have direct line of sight to the noise source, provided that it is screened by intervening buildings; or</p> <p>(ii) a report from a qualified and experienced acoustic consultant <u>shall be</u> is provided to Council at the time of building consent to confirm that the design, materials, and construction methodology of the proposed building will achieve the internal noise level requirements set out in this standard, with the frequency distribution of external noise based on the following reference spectrum at LAeq 68dB:</p> <p>...</p>
21.	Noise provisions, including Standard IX.6.4 Noise	Oppose	While Standard IX.6.4 Noise addresses internal noise, noise in outdoor spaces is not addressed in the plan change. NZDF seeks provisions that address the mitigation of noise in outdoor spaces. The Acoustic Assessment provided in Appendix K to the Plan Change Request identified in Section 13 a number of mitigation measures that could reduce internal and outdoor noise levels. Measures are also	Amend the plan change to include provisions to address the mitigation of noise in outdoor spaces. This may include the addition of new provisions including rule(s) and/or standard(s).

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
			identified in Section 14.2.2. The measures identified that could mitigate outdoor noise include site planning so that buildings provide shielding (minimise gaps between buildings at the eastern and north-eastern perimeter and prioritise townhouse blocks at the eastern and north-eastern perimeter) and upgrading of landscape fencing to provide acoustic attenuation. However, these measures are not reflected in the proposed provisions.	
22.	IX.6.8 Building Height	Support in part	NZDF notes the restrictions on height as a result of Designation 4311 and requests these be reflected in the building height standard to provide greater clarity for plan users.	Amend IX.6.8 Building height to refer to the requirements of Designation 4311 with respect to height limitations and the OLS. This could also include insertion of an additional bullet point to the purpose: <i>To manage the height of buildings to:</i> ... <ul style="list-style-type: none"> • <u>Ensure compliance with (NZDF requirements)</u>
23.	IX.8.1 Matters of discretion	Support in part	NZDF supports effects on operation of RNZAF Base Auckland, including reverse sensitivity effects, being included as a matter for discretion but requests that this is extended out to address specific matters.	Retain and/or amend matters of discretion as identified in other submission points (i.e. specifically in relation to the requirements to protect RNZAF Base Auckland from reverse sensitivity effects).
24.	IX.8.2 Assessment Criteria	Support in part	NZDF supports the assessment criteria relating to RNZAF Base Auckland but requests wording amendments for consistency of terms within the chapter and additions as required to give full effect to the matters identified in this submission.	Amend to include reverse sensitivity effects on RNZAF Base Auckland and other matters identified above. This includes, but is not limited to: ...(4) <i>For stormwater detention/retention ponds/wetlands not complying with the standards in</i>

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Point	Provision	Support/ Oppose	Reasons	Relief Sought *(while the table below identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above, as well as the specific points below).
				<p><i>11.6.1, the extent to which the proposal minimises the attraction of birds that could become a hazard to aircraft operating at RNZAF Base Auckland.</i></p> <p><i>(5) The effects on the operation of the RNZAF Base Auckland, including potential reverse sensitivity effects and effects on aircraft safety, in relation to:</i></p> <p><i>a) Lighting, and glare, and reflection;</i></p> <p><i>b) Temporary structures and construction; and</i></p> <p><i>c) Noise</i></p> <p>...</p>

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Auckland Council
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Attn.: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

TO: **Auckland Council**

SUBMISSION ON: **Plan Change 109 (Private): Whenuapai Green, 98-100 & 102 Totara Road, Whenuapai, Auckland**

FROM: **Watercare Services Limited**

ADDRESS FOR SERVICE: **planchanges@water.co.nz**

DATE: **21 February 2025**

Watercare could not gain an advantage in trade competition through this submission.

1. WATERCARE'S PURPOSE AND MISSION

- 1.1. Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council ("**Council**").
- 1.2. As Auckland's water and wastewater services provider, Watercare has a significant role in helping Council achieve its vision for the Auckland region. Watercare's mission is to provide reliable, safe, and efficient water and wastewater services to Auckland's communities.
- 1.3. Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets. Watercare must also give effect to relevant aspects of the Council's Long-Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan (Operative in Part) ("**AUP(OP)**"), the Auckland Plan 2050 and the Auckland Future Development Strategy 2023-2053 ("**FDS**").¹

¹ Local Government (Auckland Council) Act 2009, s58.

2. SUBMISSION

General

- 2.1. This is a submission on a private plan change requested by Niel Construction Limited ("**Applicant**") to the AUP(OP) that was publicly notified on 23 January 2025 ("**PPC 109**").
- 2.2. PPC 109 aims to rezone approximately 16.36 ha of land at 98-100 and 102 Totara Road from Future Urban Zone to Residential – Mixed Housing Urban Zone. The land subject to PPC 109 ("**PPC Area**") contains two separate properties that are under unconditional agreement for purchase by Maraetai Land Development Limited ("**MLDL**"). The Applicant is acting as the agent for MLDL and has a Joint Venture agreement with MLDL to develop the properties
- 2.3. PPC 109 also includes a proposed new precinct to apply to the PPC Area - the Whenuapai Green Precinct. The proposed Whenuapai Green Precinct provisions include provision for residential area integrated with key road links, areas of open space and a range of housing options. The purpose of PPC 109, as outlined in the Private Plan Change Request is to provide housing choice and support residential growth.²
- 2.4. The PPC Area is not currently connected to the public wastewater or water supply networks. The purpose of this submission is to ensure that the technical feasibility of the proposed water and wastewater servicing is addressed and that the potential adverse effects of the future development enabled under PPC 109 on Watercare's existing and planned water and wastewater networks are appropriately considered and managed in accordance with the Resource Management Act 1991 ("**RMA**").
- 2.5. In making its submission, Watercare has considered the relevant provisions of the Auckland Plan 2050, Long-term Plan 2024-2034 (10-year Budget), the FDS, the Water Supply and Wastewater Network Bylaw 2015, the Water and Wastewater Code of Practice for Land Development and Subdivision ("**Code of Practice**") and the Watercare Asset Management Plan FY25-FY34. Watercare has also considered the relevant RMA documents including the AUP(OP) and the National Policy Statement on Urban Development 2020 (updated in May 2022).
- 2.6. For the reasons set out below, Watercare **opposes** PPC 109 without amendments to the precinct provisions requiring sequencing of subdivision and development in line with the required bulk infrastructure upgrades. In making this submission, it is noted that any infrastructure delivery dates provided in this submission are forecast dates only and therefore subject to change.

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Specific parts of PPC 109

- 2.7. Watercare's submission relates to PPC 109 in its entirety.
- 2.8. Without limiting the generality of 2.9 above, the specific parts of PPC 109 that Watercare has a particular interest in are:

² Request for Private Plan Change, Proposed Plan Change: Whenuapai Green (Neil Construction Limited) at p 6.

- a) the actual and potential effects of PPC 109 on Watercare's existing and planned water and wastewater networks; and
- b) the proposed Whenuapai Green Precinct provisions insofar as they relate to water supply and wastewater servicing.

Sequencing of development

- 2.9. Watercare's bulk infrastructure programme is planned, funded and sequenced in line with the Auckland Plan 2050, the Auckland Council Development Strategy (this is currently the FDS, which replaced the Future Urban Land Supply Strategy 2017 in December 2023), the Auckland Council Growth Scenario (previously i11v6 and more recently AGS23v1), and the AUP(OP).
- 2.10. The PPC Area is located within the Whenuapai North (Stage 1) FUA, which the FDS identifies as not ready for development before 2035+. ³
- 2.11. PPC 109 is expected to yield approximately 430 dwellings⁴ which, based on average development timelines, could be reasonably expected to be applying for water supply and wastewater connections by 2028-2030, approximately 7 to 5 years ahead of the timing set out in the FDS.
- 2.12. Appendix 6 of the FDS identifies the infrastructure prerequisites that enable the development of the FUAs (noting that the prerequisites identified are not an exhaustive list).⁵ The FDS states:⁶ *"The timing of the live-zoning future urban areas spans over 30 years from 2023 – 2050+ and is necessary in acknowledging the council's limitations in funding infrastructure to support growth. **Distributing the live zoning of future urban areas over this timeframe enables proactive planning in an orderly and cost-efficient way, ensuring the areas are supported by the required bulk infrastructure and able to deliver the quality urban outcomes anticipated in this FDS.**"*
- 2.13. The Whenuapai Wastewater Packages 1 and 2, the Trig Road Water Reservoir and the North Harbour No. 2 Watermain Project are identified in the FDS as infrastructure prerequisites necessary to support the development of Whenuapai North (Stage 1) FUA.⁷
- 2.14. Whenuapai Wastewater Packages 1 and 2 need to be completed and commissioned prior to any development of the Whenuapai North (stage 1) FUA, which includes development enabled by PPC 109.
- 2.15. Whenuapai Wastewater Package 1 includes the Slaughterhouse WWPS which is sized to provide wastewater servicing capacity for approximately 10,240 dwellings, or 30,720 people, in the Whenuapai-Redhills catchment.

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³ FDS, Appendix 6 at p. 39.

⁴ Request for Private Plan Change, Proposed Plan Change: Whenuapai Green (Neil Construction Limited) at p 85.

⁵ As defined and introduced in the FDS Appendix 6 at p. 39.

⁶ FDS, Appendix 6 at p. 35.

⁷ FDS, Appendix 6 at p. 39.

- 2.16. Prior to the Slaughterhouse WWPS reaching its design capacity, a larger transmission Wastewater Pump Station ("**WWPS**") currently referred to as the Brigham Creek WWPS will be required to support further development in the Whenuapai and Redhills areas. The project will be delivered in line with the demand and timing as forecast under the FDS and AGSv1. This future project is beyond the funding profile of the current Watercare Asset Management Plan FY25-FY34.
- 2.17. The Trig Road Water Reservoir and the North Harbour No. 2 Watermain are required to support full build out of the wider Whenuapai area. Currently, the existing bulk water supply network has available capacity to enable development of the Whenuapai North (stage 1) FUA.
- 2.18. Watercare's key concern is that PPC 109 is "out of sequence" with the timing for development set out in the FDS and is therefore out of sequence with when Watercare is aiming to provide bulk infrastructure for this area. Watercare's bulk wastewater prerequisites noted above at 2.15 are currently anticipated to be delivered by 2028.
- 2.19. Where out of sequence plan changes are approved and land is live-zoned earlier than anticipated under the FDS and the AGSv1, the actual growth rate may become steeper than the AGSv1 projection, causing the capacity of Watercare's infrastructure to be taken up faster than the programmed or future upgrades, such as the future Brigham Creek WWPS, can be delivered.
- 2.20. Watercare does not support out-of-sequence development that might put pressure on Watercare to reprioritise or reallocate funding in the Watercare Asset Management Plan. If this were to occur other projects such as infrastructure for other growth areas, or renewals and upgrades required to ensure level of service and/or improved environmental outcomes may need to be deprioritised.
- 2.21. Where funding reallocation is not possible, which is most likely, and connections are granted, existing and planned infrastructure capacity, may be taken up faster than planned, resulting in constraints to growth in live zoned areas (i.e. areas with operative urban zoning). In addition, approval of out of sequence growth results in considerable, additional operational costs being brought forward.

Wastewater servicing

- 2.22. There is no capacity available within the existing bulk wastewater network to enable development of the PPC Area. Sufficient capacity in the bulk wastewater network to enable development of the PPC Area will only be available once both Whenuapai Wastewater Packages 1 and 2 (which include the completion of the Slaughterhouse WWPS, the Massey Connector, and the Northern Interceptor connection from the Massey Connector to the Hobsonville Point WWPS), are completed and commissioned. Connection of the PPC Area to the public wastewater network cannot occur until then. These packages are still in the consenting phase and the final delivery date is unknown. The forecast completion date is 2028, however, this is only a forecast and is subject to change.
- 2.23. The Applicant has acknowledged in its application at Appendix I (Water and Wastewater Servicing Memo by Water Acumen) that there is no capacity within the existing Tamiro WWPS and that connection to the wider wastewater network would only be available after construction and commissioning of the proposed Slaughterhouse Creek WWPS and Massey Connector. As set out above, the required bulk wastewater infrastructure as part of Whenuapai Wastewater Packages 1 and 2 also includes the Northern Interceptor connection from the Massey Connector to the Hobsonville Point WWPS.

8.1

- 2.24. Given the bulk wastewater constraint, subdivision and development in the PPC Area must be staged in a way that ensures it does not occur in advance of the provision of these infrastructure upgrades. If sufficient provisions are not in place to ensure this, Watercare seeks that PPC 109 be declined.
- 2.25. The Applicant has proposed to include precinct provisions which require that the occupation of any new buildings within the Whenuapai Green Precinct can only proceed following the completion and commissioning of bulk water supply and wastewater infrastructure required for servicing of all development within the Precinct. Watercare does not support the construction of buildings prior to the availability of bulk water supply or wastewater infrastructure with sufficient capacity to service the development. The planning approach proposed by PPC 109 creates a risk that homes will be constructed but will not be able to be occupied because the water supply and wastewater infrastructure is not completed and commissioned. This is a poor planning outcome that is not supported by Watercare. Watercare notes that Whenuapai Packages 1 and 2 are not yet through the consenting phases which means the forecasted 2028 date is subject to considerable programme risk and therefore delays.
- 2.26. Where construction of dwellings proceeds ahead of the completion of bulk infrastructure and that bulk infrastructure is delayed, interim servicing solutions such as wastewater tankering may be relied upon by developers. Watercare does not support any further wastewater tankering, or similar interim solutions.
- 2.27. Watercare's proposed amendments to these provisions are attached to this submission as **Appendix 1**.

Water supply servicing

- 2.28. The existing bulk water supply network has available capacity to enable development of the PPC Area. As mentioned above, the future Trig Road Water Reservoir and the North Harbour No. 2 Watermain are required to support full build out of the wider Whenuapai area.

8.1

Local Networks

- 2.29. The local water supply and wastewater network upgrades required to support the PPC Area will be assessed at the time of resource consent application and engineering plan approval. These local network upgrades are the responsibility of the developer to deliver at their cost.

3. DECISION SOUGHT

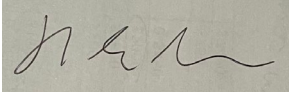
- 3.1. Watercare seeks that PPC 109 is declined on the basis that it is out of sequence with the expected timing for development of the Whenuapai North (Stage 1) FUA provided in the FDS and will, as a result, have significant adverse effects on Watercare's existing and planned wastewater networks.
- 3.2. In the event that PPC 109 is approved (notwithstanding Watercare's opposition), Watercare seeks that the Commissioners approve PPC 109 subject to the amendments requested by Watercare set out at **Appendix 1** to this submission or similar amendments with the same effect.

8.1

4. HEARING

- 4.1. Watercare wishes to be heard in support of its submission.

21st February 2025

A handwritten signature in dark ink on a light-colored rectangular background. The signature appears to be 'Helen Shaw' written in a cursive, flowing style.

Helen Shaw
Head of Strategy and Consenting
Watercare Services Limited

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Attachment 1

I.1 Whenuapai Green Precinct

IX.1. Precinct Description

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

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

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

Stormwater management within the Precinct is guided by the Neil Construction Limited Stormwater Management Plan (2024). As part of the integrated stormwater approach, stormwater treatment requirements and the Stormwater Management Area Control – Flow 1 have been applied to the Precinct.

The Whenuapai Green Precinct recognises the importance of the relationship of Mana Whenua with the Whenuapai area. The provisions have a specific focus on the management of water bodies, acknowledging the importance of protecting the mauri of waterways and the protection and management of all things related to the environment. This includes appropriate management of wastewater and stormwater disposal, the protection of landscapes, and the appropriate management of native flora and fauna.

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

Some of the aircraft that operate from RNZAF Base Auckland are maintained on-site. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7.00am and 10.00pm but in some circumstances, such as where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods. Whenuapai Green Precinct Plan 2 includes noise contour boundaries for aircraft engine testing noise. The noise contours indicate where different mitigation requirements apply, and these are shown on Precinct Plan 2. Related provisions impose

restrictions on activities in the Precinct that are sensitive to aircraft noise, within each mitigation area, to manage the potential for reverse sensitivity effects on the operations of RNZAF Base Auckland including activities conducted from it.

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

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

Subdivision and development is restricted until the land within Whenuapai Green Precinct is able to be connected to operational bulk water supply and wastewater infrastructure with sufficient capacity to service development of the Precinct.

8.2

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

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

General

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

Integration of Subdivision and Development with the Provision of Infrastructure

- (5) Subdivision and development does not occur in advance of the availability of operational transport infrastructure.

Transport

- (6) Subdivision and development provides for the safe and efficient operation of the current and future transport network for all modes.
- (7) Transport infrastructure that is required to service subdivision and development within the Precinct:
 - (a) Provides for safe and efficient walking and cycling connections within the precinct
 - (b) Provides for bus stops to support future improvements to public transport connectivity
 - (c) Mitigates traffic impacts on the surrounding road network
 - (d) Provides safe and efficient low speed internal streets
 - (e) Provides connectivity to facilitate future subdivision and development of adjacent sites; and
 - (f) Is integrated with the external road network and co-ordinated with subdivision and development
- (8) Roading connections, new or upgraded intersections, upgrading of Totara Road and minor line marking changes to Brigham Creek Road/Totara Road intersection are provided to support subdivision and development within the Precinct.

Ecology

- (9) The health and well-being of streams and wetlands within the Precinct is enhanced.
- (10) Riparian planting contributes to increasing the canopy cover within the Precinct.

Three Waters Infrastructure

- (11) Subdivision and development within the Precinct is staged and coordinated with All necessary the supply of bulk and local three waters infrastructure (being-water supply, wastewater, and stormwater infrastructure) is in place with capacity to service the proposed subdivision and development within the Precinct and is staged and co-ordinated with subdivision and development.
- (11A) Subdivision and development does not occur in advance of the provision of bulk water supply and wastewater infrastructure with sufficient capacity to service the proposed subdivisions and development.
- (12) Stormwater quality and quantity is managed to maintain the health, well-being, and preserve the mauri, of the receiving environment, and minimise flood risk.
- (13) Stormwater devices avoid or otherwise minimise or mitigate adverse effects on the receiving environment, and the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.

Effects on RNZAF Base Auckland

- (14) The effects of subdivision, use and development on the operation and activities of RNZAF Base Auckland are avoided as far as practicable, or otherwise remedied or mitigated.

8.3

- (15) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment.

Open Space

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

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

General

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

Integration of Subdivision and Development with the Provision of Infrastructure

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

Transport

- (4) Require the development of a transport network that implements the elements and connections identified in Precinct Plan 1 and is in accordance with Appendix 1 – Road Function and Design Element Table.
- (5) Require that subdivision and development does not occur in advance of the availability of operational transport infrastructure to support that stage.

Ecology

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

Three Waters Infrastructure

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

RNZAF Base Auckland.

- (12) Ensure that ~~appropriate~~ sufficient local water supply and wastewater infrastructure is provided to enable the servicing of new subdivision and development. ~~residential lots and activities.~~
- (13) ~~Ensure~~ Avoid subdivision and development occurring in advance of the completion and commissioning of bulk water supply and wastewater infrastructure with sufficient capacity to enable servicing of the Precinct. ~~is aligned with the timing of the provision of wastewater and water infrastructure~~

8.4

Effects on RNZAF Base Auckland

- (14) Require subdivision, use and development within the Precinct to avoid, as far as practicable or otherwise remedy or mitigate any adverse effects, including reverse sensitivity effects and safety risks relating to bird strike, lighting, glare and reflection, on the operation and activities of RNZAF Base Auckland.
- (15) Avoid establishing activities sensitive to noise within the Precinct unless the noise effects are appropriately avoided, remedied, or mitigated at the receiving site through acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

Open Space

- (16) Require the provision of open space as shown on Whenuapai Green Precinct Plan through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.
- (17) Allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.

Medium Density Residential Standards (MDRS)

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

surveillance on the street;

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

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

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

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

In addition to the provisions of the Whenuapai Green Precinct, reference should also be had to the planning maps (GIS Viewer) which show the extent of all designations, overlays and controls applying to land within the Whenuapai Green Precinct. These may apply additional restrictions.

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

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

Table IX.4.1 Activity table

Activity	Activity status
Use and Development	

(A1)	Activities listed as permitted, restricted discretionary or discretionary activities in Table H5.4.1 Activity Table in the Residential – Mixed Housing Urban Zone.	
(A2)	Use and development that does not comply with Standards IX.6.2 and <u>/or</u> IX.6.6.	NC
(A3)	Activities that do not comply with Standard IX.6.4.	D
(A4)	Up to three dwellings per site each of which complies with Standards <u>IX.6.2 and</u> IX.6.7 to IX.6.15 inclusive	P
(A5)	Four or more dwellings per site each of which complies with Standards <u>IX.6.2 and</u> IX.6.8 to IX.6.15 inclusive	RD
(A6)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards <u>IX.6.2 and</u> IX.6.7 to IX.6.15 inclusive	P
(A7)	Accessory buildings each of which complies with Standards <u>IX.6.2 and</u> IX.6.7 to IX.6.15 inclusive	P
(A8)	Internal and external alterations to buildings all of which complies with Standards IX.6.7 to IX.6.15 inclusive	P
(A9)	Additions to an existing dwelling which complies with Standards IX.6.7 to IX.6.15 inclusive	P
Subdivision		
(A10)	Subdivision listed in Chapter E38 Subdivision	
(A11)	Subdivision that does not comply with Standard IX.6.2	NC
(A12)	Subdivision that does not comply with Standard IX.6.6.	NC
(A13)	Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct	C
(A14)	Subdivision for up to three lots accompanied by: A land use consent application for up to three dwellings each of which complies with Standards IX.6.8 to IX.6.15 inclusive but does not comply with all applicable zonal, Auckland-wide and overlay standards; or A certificate of compliance for up to three dwellings each of which complies with Standards IX.6.8 to IX.6.15 inclusive and applicable zonal, Auckland-wide and overlay standards	C
(A15)	Any subdivision listed above not meeting IX.6.16 Standards for controlled subdivision activities	RD
(A16)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	D

8.5

(A17)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D
(A12)	Development that does not comply with Standard IX.6.20 Road Design	RD

IX.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table IX.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to:
 - a. those persons listed in Rule C1.13(4); and
 - b. The New Zealand Defence Force in relation to any proposal that does not comply with:
 - i. IX.6.3 Lighting
 - ii. I1.6.4 Noise
- (3) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public notification of an application for resource consent is precluded if the application is for the construction and use of one, two or three dwellings that do not comply with one or more of the following:
 - (a) Standard IX.6.8 Building height;
 - (b) Standard IX.6.9 Height in relation to boundary;
 - (c) Standard IX.6.10 Yards;
 - (d) Standard IX.6.11 Building coverage;
 - (e) Standard IX.6.12 Landscaped area;
 - (f) Standard IX.6.13 Outlook space;
 - (g) Standard IX.6.14 Outdoor living space; and
 - (h) Standard IX.6.15 Windows facing the street.
- (4) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for resource consent is precluded if the application is for the construction and use of four or more dwellings that comply with the following:
 - (a) Standard IX.6.8 Building height;
 - (b) Standard IX.6.9 Height in relation to boundary;
 - (c) Standard IX.6.10 Yards;
 - (d) Standard IX.6.11 Building coverage;
 - (e) Standard IX.6.12 Landscaped area;

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

IX.6. Standards

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

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

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

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

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

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

Restricted discretionary activity (A2) in Activity Table IX.4.1 must comply with permitted activity standards IX.6.8 to IX.6.15.

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

IX.6.1 Stormwater Infrastructure

Purpose:

- To ensure that stormwater in the Precinct is managed and, where appropriate, treated, to ensure the health and ecological values of the streams are maintained. Ensure that flooding risks within the Precinct and further downstream are not exacerbated by development within the Precinct.

(1) Water quality:

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

(2) Dry detention basins or stormwater ponds

- (a) In the event that dry detention basins or stormwater ponds are proposed, these shall be designed by a suitably qualified and experienced person to:
 - (i) Minimise bird settling or roosting (including planting with species unlikely to be attractive to large and/or flocking bird species); and
 - (ii) Fully drain down within 48 hours of a 2 percent Annual Exceedance Probability (AEP) storm event; and

(iii) Have side slopes at least as steep as 1 vertical to 4 horizontal (1:4) except for:

1. Any side slope treated with rock armouring; or
2. Any area required for vehicle access, provided that such vehicle access has a gradient of at least 1 vertical to 8 horizontal (1:8).

(3) Birdstrike

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

IX.6.2 Wastewater and Water Supply Infrastructure

Purpose:

- To ensure that bulk water supply and wastewater infrastructure with sufficient capacity is available to support subdivision and development within the Precinct.
- (1) ~~The occupation of any new buildings within the Precinct can only proceed following the completion and commissioning of~~ Bulk water supply and wastewater infrastructure with sufficient capacity required for servicing ~~of all the proposed subdivision and~~ development within the Precinct must be completed and commissioned:-
- (a) In the case of subdivision, prior to the issuing of a certificate of title pursuant to s224(c) of the Resource Management Act 1991
 - (b) In the case of land use only, prior to construction of any buildings for activities that would require water and/or wastewater servicing.

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

- ~~(i) prior to the lodgement of a resource consent application; OR~~
- ~~(ii) form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR~~
- ~~(iii) prior to occupation of any building(s) for land use only.~~

IX.6.3 Lighting

Purpose:

8.6

- To manage reverse sensitivity effects on RNZAF Base Auckland, including in relation to flight hazards and safety.
 - To avoid or minimise the effects of lighting on aircraft taking off or landing at RNZAF Base Auckland.
- (1) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that lighting:
 - (a) Avoids simulating approach and departure path runway lighting
 - (b) Ensures that clear visibility of approach and departure path runway lighting is maintained; and
 - (c) Avoids glare or light spill that could affect flight safety or aircraft operations.
 - (2) External building materials must be constructed with the following:
 - (a) External building surfaces (excluding vertical surfaces) must not exceed a reflectivity (specular reflectance) of 30% white light where located 10m above ground level; and all roof surfaces.
 - (3) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:
 - (a) searchlights; or
 - (b) outside illumination of any structure or feature by floodlight that shines above the horizontal plane.

IX.6.4 Noise

Purpose:

- To ensure that potential reverse sensitivity effects of noise from the adjacent RNZAF Base Auckland are appropriately addressed within the Precinct.
- (1) A no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any lawful noise associated with the RNZAF Base Auckland.
 - (2) Any new building intended to accommodate activities that are sensitive to noise shall be designed and constructed to meet the following requirements:

Internal noise levels

 - Living Areas: LAeq(15 mins) 45dB
 - Work Areas: LAeq(15 mins) 45dB
 - Sleeping Areas (night-time) LAeq(15 mins) 40dB
 - (a) Compliance with this standard is achieved if:

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

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

IX.6.5 Riparian Margins

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

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

Purpose:

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

any dwelling being occupied within the site:

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

IX.6.7 Number of dwellings per site

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

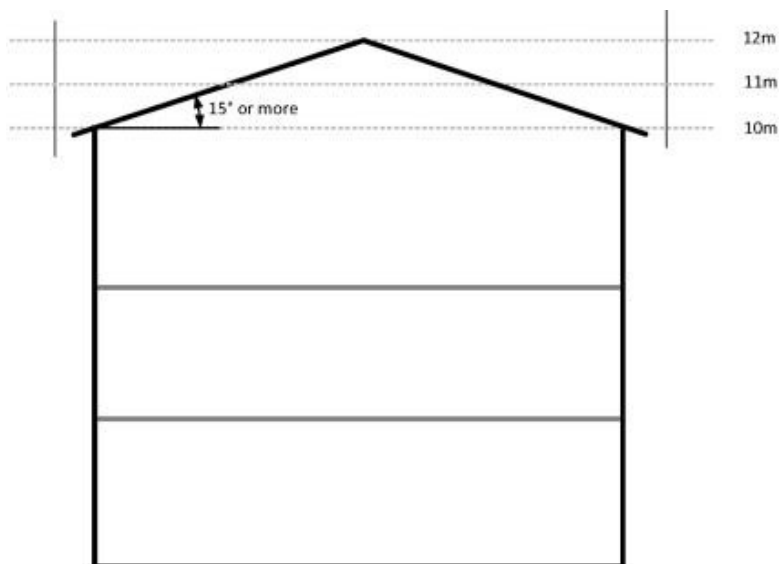
IX.6.8 Building height

Purpose: To manage the height of buildings to:

- achieve the planned urban built character of predominantly three storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

- (1) Buildings must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in Figure IX.6.8.1 below.

Figure IX.6.8.1 Building height



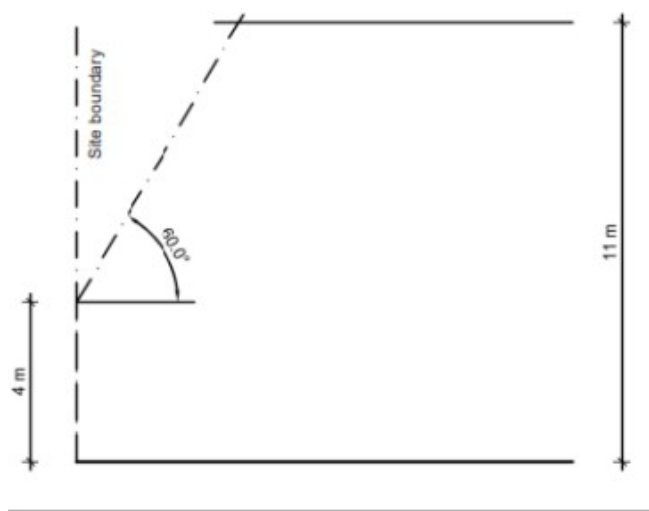
IX.6.9 Height in relation to boundary

Purpose:

- To manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual

dominance effects to immediate neighbours.

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

Figure IX.6.9.1 Height in relation to boundary**IX.6.10 Yards**

Purpose:

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

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

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

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

IX.6.11 Building coverage

Purpose:

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

IX.6.12 Landscaped area

Purpose:

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

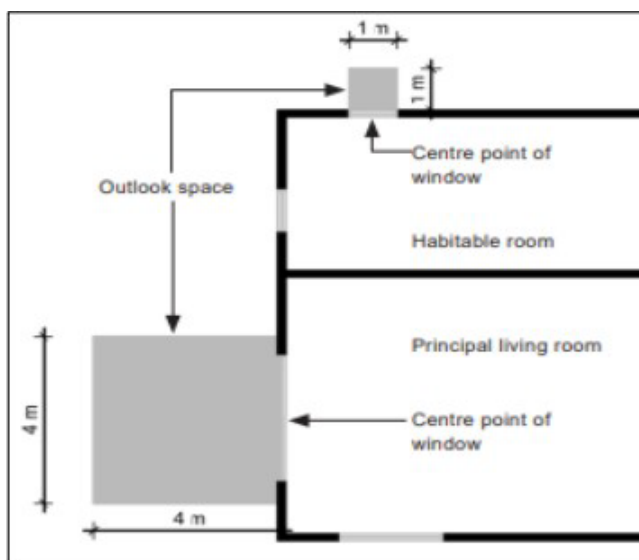
IX.6.13 Outlook space

Purpose:

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

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

Figure IX.6.13.1 Outlook space



IX.6.14 Outdoor living space

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

- Private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen;
- Communal outdoor living spaces are conveniently accessible for all occupants.

- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that, —

- (a) where located at ground level, has no dimension less than 3 metres; and

- (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the dwelling; and
 - (d) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the dwelling; and
 - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (b) is accessible from the dwelling; and
 - (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the dwelling.

IX.6.15 Windows facing the street

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

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

IX.6.16 Standards for controlled subdivision activities

Purpose:

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

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

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

- (2) Subdivision does not increase the degree of any non-compliance with standards IX.6.7 to IX.6.15 except that Standard IX.6.9 does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IX.6.18 Subdivision around existing buildings and development

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

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

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

IX.6.20 Road Design

Purpose:

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

IX.7 Assessment – controlled activities

IX.7.1 Matters of control

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

- (1) All controlled subdivision activities in Table I6XX.4.1:
 - (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
 - (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (c) the effects of infrastructure provision.

IX.7.2 Assessment criteria

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

IX.8. Assessment – restricted discretionary activity

IX.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlays, Auckland-

wide or zones provisions:

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

- (h) any other matters specifically listed for the standard; and
- (i) where more than one standard will be infringed, the effects of all infringements.

(4) For four or more dwellings per site:

- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
 - (i) building, scale and location, including:
 - A. the way in which buildings are orientated to the street and adjoining sites, and
 - B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area,
 - (ii) building form and appearance including:
 - A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest;
 - B. use of outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance;
 - C. whether design provides for the balance between residents' privacy and opportunities for passive surveillance;
 - D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites;
 - E. the interface with an identified special character area or a scheduled historic heritage place;
 - (iii) the extent to which the functional, day-to-day needs of residents are provided for in terms of:
 - A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings;
 - B. internal storage;
 - C. residential waste management, including the kerbside and/or on-site capacity for residential waste management
 - (iv) traffic; and
 - (v) location and design of access (including pedestrian access) and parking (if provided).

- (b) the effects on infrastructure and servicing including:
 - (i) existing infrastructure capacity
 - (c) the effects of the development on the safe access for pedestrians on the adjacent road network.
- (5) Restricted discretionary subdivision that does not meet IX.6.16 Standards for controlled subdivision activities:
- (a) Refer to E38.12. (7) Matters of discretion
 - (b) Refer to Policy E38.3(13)
- (6) Non-compliance with Standard IX.6.20 - Road Design
- (a) The design of the road and associated road reserve and whether it achieves policies IX.3(4) and (5).
 - (b) Design constraints.

IX.8.2. Assessment Criteria

- (1) For subdivision and development
 - (a) Whether the proposed subdivision and/or development provide road corridors and upgraded Brigham Creek Road/ Trig Road round-about that meet the requirements of the Road Function and Design Element Table in Appendix 1, and generally in the locations indicated on Precinct Plan 1.
 - (b) Whether the proposed transport infrastructure will service the precinct in a safe and efficient manner
- (2) For stormwater management not complying with Standard IX.6.1:
 - (a) Whether development and/or subdivision is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (14);
 - (b) The design and efficacy of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, lifecycle costs, ease of access, operation and integration with the surrounding environment; and
 - (c) Whether there is sufficient infrastructure capacity to provide for flood conveyance and protect land and infrastructure.
- (3) For riparian margins not in accordance with standard IX.6.5(1) whether the ecological outcomes achieved by the proposed riparian planting will be equal to or better than the requirement of IX.6.5(1).
- (4) For stormwater detention/retention ponds/wetlands not complying with the standards in I1.6.1, the extent to which the proposal minimises the attraction of birds that could become a hazard to aircraft operating at RNZAF Base

Auckland.

- (5) The effects on the operation of the RNZAF Base Auckland including potential reverse sensitivity effects and effects on aircraft safety, in relation to
 - (a) Lighting and glare;
 - (b) Temporary structure and construction; and
 - (c) Noise
- (6) For development not complying with Standard IX.6.20:
 - (a) Whether there are constraints or other factors present which make it impractical to comply with the required standards;
 - (b) Whether the design of the road, and associated road reserve achieves the relevant transport policies of the precinct;
- (7) For buildings that do not comply with one or more of Standards IX.6.8 to IX.6.15
 - (a) for building height:
 - (i) refer to Policy IX.3(18)
 - (ii) refer to Policy IX.3(20)
 - (iii) refer to Policy IX.3(21)
 - (iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living

areas.

Visual dominance

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

Character and Visual Amenity

- (vi) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast
- (vii) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account:
 - whether roof plan, services and equipment are hidden from views; and
 - whether the expression of the top of the building provides visual interest and variation.
- (b) for height in relation to boundary:
 - (i) refer to Policy IX.3(18)
 - (ii) refer to Policy IX.3(21)
 - (iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including

restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;

- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

Sunlight access

(iv) whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

- Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):
- Over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard IX.6.14: or
- Over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard IX.6.14.

(v) in circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in IX.6.14(1):

- The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and
- The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

(vi) the extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:

- the planned urban built character of the zone;

- the location, orientation and design of development;
- the physical characteristics of the site and the neighbouring site;
- the design of side and rear walls, including appearance and dominance; and
- providing adequate visual and/or physical break up of long continuous building forms.

Overlooking and privacy

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

(c) for yards:

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

- designing practical, sufficient space for internal storage and living areas.

(d) for building coverage:

- (i) refer to Policy IX.3(18)
- (ii) refer to Policy IX.3(20)
- (iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.
- (iv) whether the non-compliance is appropriate to the context, taking into account:
 - whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the precinct;
 - the degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas;
 - the proportion of the building scale in relation to the proportion of

the site.

(e) for landscaped area:

- (i) refer to Policy IX.3(18)
- (ii) refer to Policy IX.3(20)
- (iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.
- (iv) refer to Policy H5.3(10) and
- (v) the extent to which existing trees are retained.

(f) for outlook space:

- (i) refer to Policy IX.3(18)
- (ii) refer to Policy IX.3(20)
- (iii) refer to Policy IX.3(21)
- (iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;

- providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
 - minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.
- (v) The extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.

(g) for outdoor living space:

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

(h) for windows facing the street:

- (i) refer to Policy IX.3(21)
- (ii) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;

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

(8) For four or more dwellings per site:

- (a) the extent to which the development achieves the purpose outlined in the precinct standards or what alternatives are provided that result in the same or a better outcome.
- (b) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the precinct
- (c) the extent to which buildings are designed to manage building length and bulk and visual dominance by:
 - (i) placing taller buildings on the street front
 - (ii) varying roof form and building height
 - (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements
 - (iv) using the proportions and arrangement of windows and doors to

- provide relief to building length and bulk
- (v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls
- (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length
- (vii) locating communal outdoor spaces around and between buildings to provide space and soften the built form
- (viii) designing balconies as an integral part of the building
- (d) the extent to which buildings use quality, durable and easily maintainable materials.
- (e) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used
- (f) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by:
 - (i) having clearly defined fronts that provide passive surveillance from windows and balconies.
 - (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy.
 - (iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets.
 - (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.
- (g) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street.
- (h) refer to Policy IX.3(18)
- (i) refer to Policy IX.3(20)
- (j) refer to Policy IX.3(21)
- (k) refer to Policy IX.3(22)
- (l) refer to Policy H5.3(10) and
- (m) infrastructure and servicing:
 - (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to

service the proposed development.

- (ii) Where adequate network capacity is not available, whether adequate ~~mitigation is~~ upgrades are proposed
- (iii) The extent to which the adjacent road network enables safe pedestrian movements.

8.7

(9) Restricted discretionary subdivision that does not meet IX.6.2 Standards for controlled subdivision activities

- (a) Refer to E38.12.2(7) except at (7)(a) “zone or zones” is replaced by “precinct”.
- (b) Refer to Policy E38.3(13)

IX.9 Special information requirements

(1) Transport Design Report:

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

(2) Any application for resource consent for subdivision or development, including any vegetation alteration or removal within 20m of a natural wetland or within 10m of a stream (permanent or intermittent) shown on Precinct Plan 1 shall:

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

(3) Water Supply and Wastewater Servicing Plan

Within the application for the first subdivision or development within the Precinct lodged after [insert date of plan change approval] the applicant

8.8

is required to provide a Water Supply and Wastewater Servicing Plan for the Precinct Area. The Water Supply and Wastewater Servicing Plan must:

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

Appendix 1 – Road Function and Design Element Table 1

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

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

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

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

⁴ Carriageway and intersection geometry capable of accommodating buses. Bus stop form and locations and bus routes shall be determined with Auckland Transport at resource consent and engineering plan approval stage.

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

Road Function and Design Elements Table 2

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

Appendix 2 – Building Requirements

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

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

Façade Walls

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

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

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

Glazing

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

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

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

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

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

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

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



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 16, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

CHUN-KAI TSENG

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

Address for service of Submitter

57 Riverlea Rd Whenuapai 0618 Auckland
New Zealand

Telephone:

0210490957

Email:

chunkaitseng@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 109

Plan Change/Variation Name

PC 109 (Private): 98-100 & 102 Totara Road, Whenuapai

The specific provisions that my submission relates to are:

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

Plan provision(s)

Or

Property Address

57 Riverlea Rd

Or

Map

Appendix I - Figure 2 (Wider Wastewater Catchment)

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are: Please see the attached sheet.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Please see the attached sheet.

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

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

Chun-Hai Tseng

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

21/Feb/2024

Date

Notes to person making submission:

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

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

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ / could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Submission regarding PC109

According to Appendix I “a holistic servicing strategy has been considered that allows for servicing the wider area and the integration of infrastructure.”

I support the approach reflected in the above statement in Appendix I, however what has been stated in the above statement has not been reflected fully in Figure 2 of the Appendix I.

Should a holistic approach be taken, it would make sense to allow for more capacity for the proposed wastewater pump station by Neil Group and also the associated gravity sewer and rising main.

For example: the property at 57 Riverlea Road has its eastern fringe included in Figure 2 of the wastewater catchment, and according to Appendix I, the pump station and the associated rising main and gravity sewer has been designed to account for this small catchment, however the proposed wastewater pump station and the associated rising main has not been future proofed and has been designed with barely just enough capacity for the catchment indicated in Figure 2.

This is certainly not a “holistic approach”. The capacity of the wastewater pump station and rising main should be designed with future proofing in mind and with extra capacity for the wider catchment. Properties like 57 Riverlea Road and also 123 and 125 Totorā Road have only a small eastern portion of their land being included in the catchment, however the rest of their land has not been accounted for by this “holistic approach”. Should these properties be developed in the future, the need for extra capacity will not have been accounted for, and a second parallel rising main would need to be constructed running alongside the proposed rising main mentioned in this private plan change. This would certainly lead to an inefficient use of scarce resources and also goes against the principle of reducing greenhouse gas emissions in the NPS. The need for the construction of an unnecessary second rising main would produce more greenhouse gas due to the fact that a lot of the fixed work would need to be redone again unnecessarily for a second time. This goes entirely contrary to the approach of “the integration of infrastructure.”

I seek the following decision by the Council to accept the proposed plan change with amendments that require Neil Group to have in its design and the construction of the wastewater pump station, rising main and gravity sewer to be future proofed and with sufficient capacity so that properties that are currently partially included in the catchment will be fully included in the catchment which would follow better planning practice so that the principle of taking a holistic approach and the principle of integration can be observed in the wider Whenuapai area and what has been promoted in the NPS on reducing greenhouse gas emission could also be followed.

9.1

Thank you



FORM 5

**Submission on a publicly notified proposal for policy statement or plan, change or variation
under Clause 6 of Schedule 1, Resource Management Act 1991**

To: Auckland Council

Name of submitter: Te Tāhuhu o te Mātauranga | Ministry of Education

Address for service: C/- Beca Ltd
PO Box 6345
Wellesley
Auckland 1141

Attention: Eden Rima

Phone: +64 9 300 9000

Email: Eden.Rima@beca.com

This is a submission on the Plan Change 109 (Private): 98-100, 102 Totara Road, Whenuapai.

The specific parts of the proposal that the Ministry of Education's submission relates to are:

The Ministry are interested in the proposed rezoning due to potential effects on network capacity. While the applicant has not undertaken any consultation with the Ministry for this specific Proposed Plan Change we acknowledge there has been significant engagement on the previous Fast Track consenting proposal to rezone this site.

Background

Te Tāhuhu o te Mātauranga | Ministry of Education ('the Ministry') is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry assesses population changes, school roll fluctuations and other trends and challenges impacting on education provision at all levels of the education network to identify changing needs within the network so the Ministry can respond effectively.

The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing. The Ministry is therefore a considerable stakeholder in terms of activities that may impact existing and future educational facilities and assets the Auckland region.

The Ministry has engaged with developers across the country, including the Auckland region, on plan changes. During these consultation exercises, specific objectives and policies that better enable the

provision of future educational facilities (should there be a need) have often been agreed upon. There is an opportunity on PC109 for the developer and the Ministry to work together to achieve favourable outcomes for the Whenuapai community and surrounding school catchments.

The Ministry of Education's submission is:

Plan Change 109 (PC 109) is seeking to rezone approximately 16.36 hectares of land along Totara Road from Future Urban Zone to Residential – Mixed Housing Urban Zone. Although the rezoning of this land is somewhat anticipated as it is zoned Future Urban, PC109 would facilitate urban growth thereby increasing the demand on the local school network in Whenuapai. The nearest school to PC109 is Whenuapai school, as shown in **Error! Reference source not found.:**



Figure 1: Schools in the vicinity of PCA.

Additional education facilities will contribute to a well-functioning urban environment and provide an important community service to the residents of the PCA and surrounding area. The Ministry position is that education facilities should be enabled throughout residential areas where student populations reside and where there is a potential need for schools to be enabled and subsequently located.

The Ministry requests that the applicant consults with the Ministry and sufficient provision is made to allow for the establishment of educational facilities to accommodate additional school age children within the Plan Change area. This should include amending the precinct provisions provided in Appendix E of the application to include enabling provisions for potential future educational facilities.

Decision sought

The Ministry is **neutral** on the private plan change if Council accepts the following relief and any consequential amendments required to give effect to the matters raised in this submission. Specifically:

1. The Precinct Provisions in Appendix E are amended to provide enabling provisions for education facilities as per the attached.

10.1

The Ministry wishes to be heard in support of its submission.



Eden Rima
Planner – Beca Ltd
(Consultant to the Ministry of Education)

Date: 7th March 2025

Attachment 1

- Deletions have been shown as a strikethrough (~~deletion~~); and
- Additions have been shown as an underline (addition).

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

General (1)

- (1) Subdivision, use and development in the Whenuapai Green Precinct is undertaken in a comprehensive and integrated way to provide for residential living while recognising the ongoing operation and strategic importance of the RNZAF Base Auckland.
- (2) Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural environment.
- (3) A well-functioning urban environment that enables all people and communities to provide for their social, educational, economic and cultural wellbeing, and for their health and safety, now and into the future.

10.2

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

General

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

Integration of Subdivision and Development with the Provision of Infrastructure

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

(3a) Recognise that the precinct is part of a newly developing residential area, and that there is a potential need for educational facilities to establish within the Precinct.

10.3