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Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

Refer to submission.

Property address: 15 Clarks Lane and 10 Sinton Road

Map or maps: Refer to submission.

Other provisions:

Refer to submission.

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:

Refer to submission.

I or we seek the following decision by council: Accept the plan modification with amendments | 21.1

Details of amendments: Refer to submission.

Submission date: 19 October 2017

Supporting documents

Submission on Auckland Unitary Plan PC 5 on behalf of Cabra Developments Limited.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? 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.

**SUBMISSION ON PLAN CHANGE 5 TO THE AUCKLAND UNITARY PLAN –
WHENUAPAI
UNDER CLAUSE 6 OF THE FIRST SCHEDULE,
RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Submission on: Plan Change 5 Whenuapai

Name: Cabra Developments Limited

Address: PO Box 197
Orewa
Attn: Duncan Unsworth

1. Introduction

- 1.1. Cabra Developments Limited [**“Cabra”**] is a land development company established in 1987, and specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra is committed to contributing to responding to the demand for housing through providing for additional serviced lots for residential development to the private market, to facilitate housing supply and enable growth within Auckland.
- 1.2. Cabra has successfully undertaken the subdivision of several large land parcels in the region (including in Huapai, Riverhead, Orewa, Greenhithe, Papakura, Snells Beach and Whangaparaoa) and has a proven track record in the delivery of quality residential outcomes. Cabra are familiar with the opportunities that well-developed planning provisions can make to achieving good quality outcomes, that are both efficient and affordable, and which in turn facilitate and enable the intensification and form of development intended by the Unitary Plan in a timely manner. Similarly, they are familiar with dealing with planning provisions which are not well crafted, and as a consequence cause delay and unnecessary costs.
- 1.3. Cabra is the owner of two large properties within the Whenuapai 3 Precinct [**“the Precinct”**]: 10 Sinton Road (22,129m² limited to parcels) and 15 Clarks Lane (33,955m²), Whenuapai, making Cabra one of the single largest landholders within the Precinct.

2. Scope of Submission

- 2.1. Cabra’s submission seeks to ensure that the provisions intended to facilitate urban intensification are enabling and workable. In this regard, their submission relates to:
 - (a) the appropriateness of the proposed roading layout;
 - (b) the mechanisms required to fund the construction of roading infrastructure;
 - (c) the extent of the Single House zoning along the coastal edge within the Precinct;
 - (d) the suitability of some of the activity classifications;
 - (e) the suitability of some of the standards;

- (f) the approach to the management and treatment of stormwater; and
- (g) the requirements for riparian planting.

3. Submission

- 3.1. Cabra supports the growth and intensification that is enabled by Plan Change 5 [“PC5”] within the Whenuapai area, specifically the opportunities that it provides for residential growth and intensification through the introduction of the Mixed Housing Urban zone [“MHU”] of the Auckland Unitary Plan (Operative in Part) [“Unitary Plan”], together with the following related matters (except where particularly addressed within the following submission):
- Precinct Plan 1: the location of “indicative open space” on 10 Clarks Lane.
 - Standard I616.6.4 Riparian planting.
 - Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard.
 - Standard I616.6.6 External alterations to buildings within the Whenuapai 3 coastal erosion setback yard.
 - Standard I616.6.7 Subdivision of land in the Whenuapai 3 coastal erosion setback yard.

21.2

Precinct Plan 2 and Standard I616.2 Transport infrastructure requirements

- 3.2. The rationale for the layout, hierarchy and funding of roading that is proposed to be provided within ‘Area 1D’ on Precinct Plan 2 and as specified in Table I616.6.2.1 is insufficiently explained within the section 32 analysis, and supporting Integrated Transportation Assessment [“ITA”] prepared by Flow Transportation dated July 2016.
- 3.3. Cabra makes the following submissions in respect of I616.6.2 (1), (2) and (3):
- The s32 analysis does not explain the process for determining the “proportional share of local infrastructure works”¹, nor how access is to be obtained to undertake works within privately held land that is not owned by an applicant.
 - It is unclear whether an agreement in respect of an alternative method to achieve the infrastructure is intended to satisfy I616.6.2, and whether this would trigger (or not) the need to obtain resource consent in respect of activities (A2) and/or (A17) within I616.4 Activity Table.
 - It is unclear whether a landowner is required to contribute to all transport infrastructure within the Precinct, or only that portion located within the “area” identified on Precinct Plan 2.
- 3.4. **Relief sought:** Cabra seeks that I616.6.2 (1), (2) and (3) are amended to provide clarify of these matters, and in doing so for such provisions to be reasonable and equitable, so as to enable an applicant to progress the subdivision and development of their landholding without reliance on third parties.
- 3.5. The s32 analysis² states that in addition to the ITA, further technical input was received by Council in June 2017 which informed the transport investment requirements contained within

21.3

¹ Standard I616.6.2; PC5.

² Section 6.2.3; Section 32 Report; 21 September 2017.

Table I616.6.2.1. The further technical input does not form part of the package of documentation that has been notified. Cabra notes the following:

- It is unclear whether this additional technical input considered has the implications on the roading network following the downzoning of land to the south of the Whenuapai Airport (from 'Mixed Housing Urban' to 'Light Industry' and 'Single House'), and for example whether as a consequence the need to maintain a connection between Kauri Road and Sinton Road was considered. Similarly, Figure 15 of the ITA illustrates the land within Area 1D on Precinct Plan 2 as being largely zoned THAB, and it is unclear whether the road layout was reconsidered following the downzoning of this part of the Precinct to SH and MHU.
- Similarly, it appears that in response to this additional technical input a connection from Sinton Road to Hobsonville (under or over the motorway) has been introduced, which was not discussed within the ITA.
- Figure 9 of the s32 report does not include collector roads to the north of Clarks Lane, and east of Ockleston Landing. These appear to have been added to Precinct Plan 2 without discussion within the s32 analysis. It is considered that future roads in these locations will serve a confined catchment and that a 'local' road design is more appropriate in what will become a residential environment. The Precinct provisions should include a typical cross-section of a 'local' road for clarity, such as that appended as **Attachment 2**. Cabra supports the upgrade of Clarks Lane to a 'collector' road.
- The ITA does not sufficiently address why a connection between Sinton Road and Kauri Road is necessary, or whether any alternatives have been considered (for example, a location that would be more cost efficient, or one that does not intersect two private landholdings) and an estuary.
- There is a discrepancy in the analysis illustrated in Figure 9, which confirms that Sinton Road is not required to be upgraded to a collector road, whereas this is a requirement in Area 1D in Table I616.6.2.1 and on Precinct Plan 2.
- Figure 9 introduces a collector road to the south of Sinton Road under (or over) the existing motorway to provide a connection with Hobsonville. The provision for this road is also included on Precinct Plan 2. This road does not form part of the ITA analysis, nor is it identified as being required in Figure 8 of the s32 analysis which sets out the 'Proposed transport network in and around the plan change area'. The consenting requirements and cost associated with the construction of this road is significant, and the rationale for its requirement is not appropriately set out within the package of notified documentation.

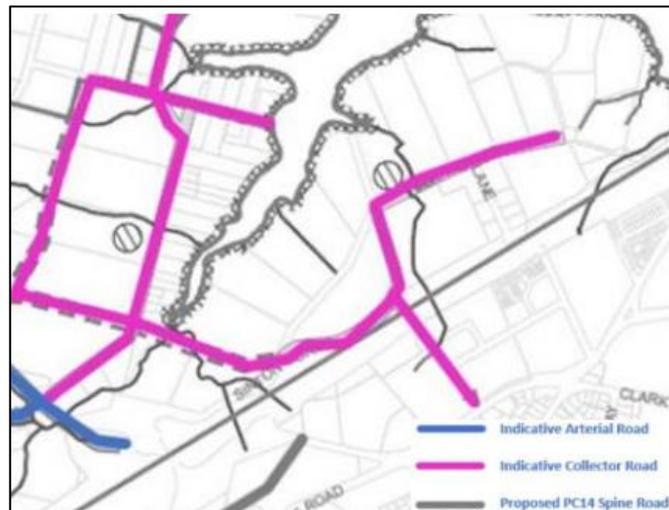


Figure 1: Excerpt from Figure 9 (6.2.3 Technical Inputs; Section 32 Report)

- The location of the ‘existing’ collector road to the east of the Special Character Area on Clarks Lane is incorrectly located on Precinct Plan 2. Figure 2 below illustrates the layout of the approved subdivision that is currently under construction at 1 Ockleston Landing, and Figure 3 illustrates the road to be located in the position of Lots 1-13 (rather than being located to the east of this row). Coincidentally, the positioning of the “Indicative upgrade of existing collector road” that is intended to continue to the north of Clarks Lane is incorrect, and is similarly required to be relocated to the east.



Figure 2: Layout of subdivision under construction at 1 Ockleston Landing

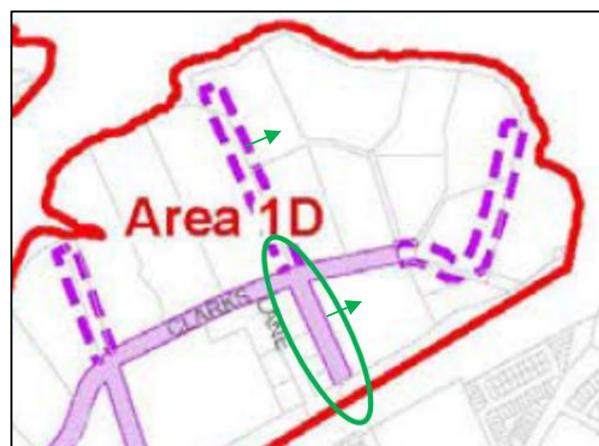


Figure 3: Excerpt from Precinct Plan 2

3.6. **Relief sought:** Amend Precinct Plan 2 and standard I616.6.8 to incorporate the specific matters discussed above and consistent with the following:

- Cabra requests a copy of the technical transportation input received by Council in June 2017 regarding the requirement for and alternative solutions/locations that were considered in respect of the proposed connection between Kauri and Sinton Roads, and Sinton Road and Hobsonville. In the absence of any suitable justification being established, Cabra seeks that the requirement to provide these roads be deleted from Precinct Plan 2 and standard I616.6.8.

21.4

- Amend the indicative roads to the north of Clarks Lane and east of Ockleston Landing from ‘Collector’ to ‘Local’ roads. | 21.5
- Reposition the existing ‘Collector’ road to the east of the Special Character Area and indicative ‘Collector’ road to the north of Clarks Lane to reflect the correct alignment within the property at 1 Ockleston Landing, and amend both roads from ‘Collector’ to ‘Local’ roads. | 21.6
- Insert typical road cross-sections to the Precinct provisions (such as those appended in **Appendix 2**). | 21.7

Standard I616.6.8 Roads

- 3.7. Standard I616.6.8 requires that the entire width of a road that is located adjacent to a site which is being developed or subdivision site be upgraded. The requirements and standard (quality) to which roads are required to be upgraded is unclear.
- 3.8. It is inefficient and impractical to require a pedestrian footpath and services to be provided on the opposite side of the road from a development site as this will restrict the installation of future services, when that land opposite is the subject of development. It is more appropriate that in such circumstances, the extent of such works be limited to the roadway and associated kerb and channel on the opposite side of the road.
- 3.9. **Relief sought:** Retain standard I616.6.8 Roads, and amend wording to limit ‘upgrade’ works to the construction of the associated kerb and channel on the opposite side of the road to any development site. | 21.8
- 3.10. Standard I616.6.8(1) requires that the entire width of a road that is located adjacent to a site which is being developed or subdivision site be upgraded. It is unclear whether this requires that applicant to pay for all associated works adjacent to the site, or whether costs will be shared between the Council and the applicant, or between the Council, the applicant and other parties adjacent and/or opposite, and how this is to be implemented.
- 3.11. **Relief sought:** That the provisions are amended for clarity and equity including the extent to which development contributions are allocated or otherwise to such infrastructure works. | 21.9

Single House Zone at coastal edge

- 3.12. There is no urban design / urban form and density, landscape or visual amenity reason why the residential zoning should transition from MHU to Single House Zone [“SHZ”] at the coastal edge.
- 3.13. The s32 report does not include a statement of issues, analysis or rationale that supports the application of a strip of SHZ at the coastal edge. There is no objective and/or policy presently in the Unitary Plan or proposed through this change which would be given effect to by the SHZ rules applying at the coastal edge.
- 3.14. Any environmental and land development / engineering reasons for incorporating a SHZ at the coastal edge are well addressed by the related provisions within the Precinct, which Cabra support in principle (specifically those relating to the coastal erosion setback yard).
- 3.15. The fundamental difference in the scale and form of residential development that is enabled by the MHU and SH zones respectively is that MHU would allow for more diverse forms of

residential development up to 3 storeys in height, as opposed to 2 storey detached, standalone dwellings in the SHZ.

- 3.16. SHZ requires an average lot size of 600m² and a minimum lot size of 480m². Accordingly, under the SHZ proposed by Council along the coastal edge, the anticipated outcome will be a single row of lots facing the coastal edge. Given the high amenity and value afforded by coastal edge property, the likely development pattern will be a layout that maximises the number of lots facing the coastal edge; resulting in a regular row of relatively narrow, end-on houses facing the coast. In this context, houses can be expected to be large 2 storey dwellings, with relatively little separation - the zone requiring only a 1m side yard (plus HIRB controls – 2.5m + 45°).
- 3.17. In terms of the resultant urban form outcome, this zoning will fundamentally result in a closely spaced residential development typical of suburban character of newly built greenfield areas. Viewed from the future adjoining public esplanade reserve, or more distantly from or across the water, the resultant built form and coastal edge landscape character will fundamentally be that of a physically dense, closely spaced row of large 2 storey suburban residential homes in the foreground of the slightly taller buildings encouraged by the MHU zoned land that extends back to the Upper Harbour Motorway. It is the collective massing of built form and new roof profile horizon of the MHU zoned land (behind) that will by the determining factor is creating the visual amenity character of the residential environment. The overall future built character will be of dense residential development lining the coastal edge irrespective of whether a strip of SHZ is applied at the immediate coastal interface.
- 3.18. Comparatively, the MHU zone provides for a greater diversity in the density, scale and form of residential development up to 3 storeys in height (11m + 1m roof form allowance) than that of the SZ. Together with unlimited density and 45% site coverage (versus 35% for SHZ) this enables significantly greater flexibility to provide a more diverse range of housing layouts along the coastal edge. This could include a mix of detached homes, duplexes, and terrace houses. Such flexibility provides greater opportunity for development to respond to site-specific characteristics such as landform and vegetation at the coastal edge, and the prospect of greater separation between building forms where multi-unit housing development incorporates areas of common open space. Such an outcome also provides for greater intensification, while providing the opportunity to assess the suitability of the resultant design and form of development.
- 3.19. Related to this, the SHZ provides for the development of single dwelling per lot as a permitted activity, with no control on design. Whereas MHU zone requires restricted discretionary activity for three or more dwellings.
- 3.20. Given the Resource Management Act 1991 requirements for a 20m esplanade reserve triggered by future subdivision, and the 6m erosion control setback yard (which is supported by Cabra), any residential subdivision and development of properties at the coastal edge within Area 1D (as identified on Precinct Plan 2) will result in a minimum setback of 26m from the coastal edge (MHWS) irrespective of the residential zoning applied.
- 3.21. It is considered that the combination of the esplanade requirement and coastal erosion setback will adequately provide an appropriate building setback for residential development from the immediate coastal edge, and readily enable public access along the coast. There is no need to further restrict the scale and form of residential development through applying a thin sliver of SHZ adjoining the coast. At the immediate interface, and as perceived and experienced up close within a future esplanade reserve, a coastal MHU zone would result in a more diverse and varied form of residential development than a SHZ, providing greater flexibility to

respond to the distinctive landform and vegetation features that currently define the coastal edge and incorporating these into a pattern of future suburban development. It is likely to result in a lesser sense of a privatised or highly enclosed coastal edge than the form of permitted development likely under SHZ.

- 3.22. In a wider context, the difference in built character between urbanising this land with a wholly MHU zoning, or MHU with a thin strip of SHZ at the coastal edge, are negligible. From a distance, the difference in scale and form of development will not alter the visual appearance of providing for three storey development in this part of the Whenuapai precinct. In this broader context, there is no compelling urban form or built and landscape character rationale why SHZ is a preferable development outcome to what would be enabled under the MHU provisions. A similar built form outcome is evident in the locality where to the east, the Summerset Retirement Village at Clarks Point has been developed with a continuous strip of closely spaced single storey villa units lining the coastal edge, with taller development in behind, despite the absence of a SHZ coastal edge. This pattern of development is not considered to be the optimal interface with the coastal edge from a landscape or visual amenity perspective, resulting in a monotonous strip of long closely spaced single storey units lining the coast. This pattern of development should not be reinforced by requiring a strip of SHZ adjoining the coast.
- 3.23. Accordingly, it is considered that Mixed Housing Urban is the most appropriate residential zone to apply along the coastal edge.

Indicative Scheme Plans

- 3.24. Cabra has prepared two indicative scheme plan layouts for their landholdings on Sinton Road and Clarks Lane (**Appendix 3**), one consistent with the extent of proposed SHZ, and one extending MHU through to the coastal edge to test and demonstrate the implications a likely layout of subdivision and development. These scheme plans demonstrate that the following can be readily achieved:
- All coastal edge lots on the MHU scheme can be achieved whilst complying with the building platform, access and infrastructure requirements specified in Standard E38.8.1.1 of the Unitary Plan.
 - A block layout that provides for a high degree of integration, connectivity and legibility of the coastal edge and stream corridor esplanade reserves with the public road network, including integration with the existing paper road at the Sinton Road intersection that would terminate at the coastal esplanade reserve providing direct public access to the coast. Similarly, a logical and likely road layout for the property at 15 Clarks Lane would incorporate a continuous public road edge to the eastern edge of the stream corridor, with a shared walking and cycling path at the stream reserve/road interface.
 - Excellent integration of the stream corridor with development and a high degree of public access not only to the stream but to a future esplanade reserve around the coastal edge where the stream meets the upper harbour.
 - A density and layout that can occur in a way that establishes a positive interface with the stream and coastal edges, while providing flexibility for a range of housing densities, layouts, building typologies and forms that would result in a more varied and site specific response at the coastal edge, including greater flexibility to respond to site specific features such as landform, vegetation etc that would enhance appreciation and a distinctive character at the coastal edge.

- 3.25. **Relief sought:** Re-zone the land zoned “Single House” along the coastal edge, particularly within Area 1D (as illustrated in Precinct Plan 2) to “Mixed Housing Urban”. 21.10

Roads Adjoining Public Open Space

- 3.26. Policy I616.3(2) states “*Encourage roads that provide for pedestrian and cycle connectivity alongside riparian margins and open spaces.*”
- 3.27. Cabra strongly supports the principle of providing public access to and alongside public open space as it can result in a number of highly desirable urban design outcomes. These include the public access benefits this provides, as well as neighbourhood and social integration benefits associated with establishing a positive public interface with passive surveillance and overlooking of riparian and open space land by development fronting and activating the space rather than backing onto it.
- 3.28. The indicative scheme plan demonstrates that a layout can readily be achieved that can achieve these urban design objectives including a positive interface to streams and coastal edges without the need to require continuous road edge to all public open spaces. These urban design and positive social outcomes can be achieved through the provision of a shared pedestrian and cycle pathway, rather than the provision of a road. Importantly, the Precinct provisions should ensure public access is provided to and along the public open spaces that will be created alongside the coastal and stream environments (via esplanade reserves), and it is recommended that Policy I616.3(2) enable a variety of design outcomes that provide these benefits.
- 3.29. **Relief sought:** Amend Policy I616.3(2) to encourage a variety of methods for the provision of public access to and along the stream and coastal edge environments, as specified within **Appendix 1** and consistent with the following: 21.11
- (2) “*Encourage ~~roads that provide for~~ pedestrian and cycle connectivity to and alongside riparian margins and open spaces.*”

Standard I616.6.1 Compliance with Whenuapai 3 Precinct Plans

- 3.30. Cabra supports standard I616.6.1 as it applies to Precinct Plan 1 to address the open space and erosion control setback yard. ‘Roading matters’, being a requirement for Precinct 2, should be limited to standard I616.6.2.
- 3.31. **Relief sought:** Retain standard I616.6.1, subject to an amendment to limit the scope of the standard to Precinct Plan 1, as specified in **Appendix 1**. 21.12

I616.6.3 Stormwater management

- 3.32. The management of development within floodplains is suitably addressed by Chapter E36 of the AUP, with resource consent required as a Restricted Discretionary activity (E36.4(A37 – A38)) for the erection of new structures and buildings (and additions and alterations to buildings) within the 1% AEP floodplain, and the use of buildings (and changes of use to accommodate more vulnerable buildings within existing buildings) to accommodate more vulnerable activities within the 1% AEP floodplain.
- 3.33. **Relief sought:** Delete Policy I616.3(13) and standards I616.6.3(1) and (2), and rely on Chapter E36 of the Unitary Plan. 21.13

- 3.34. The treatment of stormwater is suitably addressed by Chapters E8 & E9 of the Unitary Plan. Activity Table E8.4.1 specifies the status, standards and assessment matters for the treatment of stormwater under clauses E8.6 to 8.8, including the requirements for stormwater management devices to reduce or remove contaminants.
- 3.35. **Relief sought:** Delete standard I616.6.3(3) and rely on the standards contained within Chapters E8 and E9 of the Unitary Plan.

21.14

I616.6.4 Riparian Planting

- 3.36. In respect of (4), Cabra supports the clarity provided by the standard which confirms that a pedestrian pathway may be located within a 20m esplanade reserve (beyond the first 10m of required riparian planting), rather than being required to locate any such path beyond the 20m setback.
- 3.37. In respect of (5), the requirement to illustrate riparian planting is sufficiently addressed by I616.9 Special Information Requirements. It is unnecessary to duplicate this specification.
- 3.38. In respect of (6), the requirement to illustrate riparian planting is sufficiently addressed by I616.9 Special Information Requirements. It is unnecessary to duplicate this specification.
- 3.39. **Relief sought:** Retain standard I616.6.4(4) and delete standards I616.6.4(5) and (6).

21.15

Coastal protection structures

- 3.40. The Precinct provisions recognise coastal erosion risk and seek to setback buildings accordingly (via a coastal erosion setback yard) rather than managing this risk through providing for the introduction of hard protection structures. This is to avoid such structures adversely affecting coastal amenity, coastal process and biodiversity values as well as creating a situation which requires ongoing maintenance and associated costs. The consequence of this is that all hard protection structures within the yard are non-complying activities, and this is reinforced by Policy 16 requiring the 'avoidance' of hard protection structures to manage coastal erosion risk in the yard.
- 3.41. Such an approach inadvertently introduces a high consenting threshold for those types of hard protection structures which may be necessary to manage subsidence which has occurred and which can be managed by in ground structures.
- 3.42. Therefore, it is appropriate to amend the activity status and the respective policy to facilitate such an outcome. The approach proposed is not contrary to the intent of the Precinct or Objective 9 concerning coastal erosion risk.
- 3.43. It is also noted that activity (A4) within I616.4 Activity Table is unnecessary as the length of the coastline within the Precinct is subject to the coastal erosion setback yard.
- 3.44. **Relief sought:**
- Amend Policy I616.3(16) to enable the construction of appropriate erosion control structures, as specified within **Appendix 1** and consistent with the following:

(16) ~~Avoid the~~ Provide for the use of hard protection structures where appropriate to manage avoid, remedy or mitigate the effects of coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.
 - Amend I616.4 Activity Table as specified within **Appendix 1** and consistent with the following:

21.16

21.17

Coastal protection structures		
(A4)	Hard protection structures	Ø
(A5)	Hard protection structures located within the Whenuapai 3 coastal erosion setback yard	NE D

21.17

4. Relief sought

- 4.1. Cabra seeks the relief set out within the above submission from Auckland Council on the Proposed PC5, the specific relief set out in **Appendix 1**, and any consequential amendments necessary to enable the relief sought.
- 4.2. Cabra also seeks such further or other changes as may be necessary to give effect to the requirements of the Resource Management Act 1991.
- 4.3. Cabra will not gain an advantage in trade competition through this submission.

21.18

21.19

5. Conclusion

- 5.1. Cabra wishes to be heard in support of this submission.
- 5.2. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

CABRA DEVELOPMENTS LIMITED

Signature

by its planning and resource management consultants and authorised agents Bentley & Co. Ltd

Hannah Edwards

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Appendix 1	Proposed amendments to Plan Change 5
Appendix 2	Typical local road cross-sections
Appendix 3	Indicative masterplan illustrating the application of Plan Change 5 provisions and relief sought

Appendix 1

Proposed amendments to Plan Change 5

Addition to Chapter I Precincts West

I616. Whenuapai 3 Precinct

I616.1. Precinct Description

The Whenuapai 3 Precinct is located approximately 23 kilometres northwest of central Auckland. Development in the Whenuapai 3 Precinct will enable an increase in housing capacity and provide employment opportunities through the efficient use of land and infrastructure.

The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of Whenuapai Airbase.

Development of this precinct is directed by Whenuapai 3 Precinct Plans 1, 2 and 3.

Whenuapai 3 Precinct Plan 1 shows:

- indicative open space, esplanade reserves and coastal esplanade reserves;
- the permanent and intermittent stream network, including streams wider than three metres; and
- the Whenuapai 3 coastal erosion setback yard.

Whenuapai 3 Precinct Plan 2 shows:

- indicative new roads and intersections;
- proposed upgrades to existing roads and intersections; and
- development areas for transport infrastructure.

Whenuapai 3 Precinct Plan 3 shows:

- aircraft engine testing noise boundaries from engine testing activity at Whenuapai Airbase.

Integration of Subdivision and Development with Infrastructure

The comprehensive and coordinated approach to subdivision, use and development outlined in the precinct reflects the size and significant amount of infrastructure required to enable subdivision and development. Funding of all required infrastructure is critical to achieving the integrated management of the precinct. The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development. The council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements. These agreements define funding accountabilities, who delivers the works, timings and securities, amongst other matters.

Transport

Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas. These upgrades are identified in Table I616.6.2.1 and are required be in

place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area as development progresses. If these upgrades are not in place prior to development occurring developers are able to provide an alternative measure for the provision of the upgrade works. This may include an agreement with the council to ensure that the local share of the upgrade works attributable to the development is provided for. This could include an Infrastructure Funding Agreement or some alternative funding mechanism.

Where there is an Auckland Transport project to provide the new or upgraded roads, developers may be required to contribute to it in part. Where a development proceeds ahead of an Auckland Transport project, the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development.

Neighbourhood Centre

A neighbourhood centre is proposed on the corner of Hobsonville Road and the proposed realigned Trig Road. Service access and staff parking are provided at the rear of the development to encourage the continuity of retail frontages. Pedestrian linkage to the centre is provided at the intersection of Hobsonville Road and the realigned Trig Road.

Stormwater Management

Stormwater management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows. As part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 have been applied to the precinct.

Coastal Erosion Risk

The precinct area includes approximately 4.5 km of cliffed coastline. The precinct manages an identified local coastal erosion risk based on the area's geology and coastal characteristics. A coastal erosion setback yard is used to avoid locating new buildings in identified areas of risk.

Biodiversity

The North-West Wildlink aims to create safe, connected and healthy habitats for native wildlife to safely travel and breed in between the Waitakere Ranges and the Hauraki Gulf Islands. The precinct recognises that Whenuapai is a stepping stone in this link for native wildlife and provides an ability to enhance these connections through riparian planting.

Open Space

An indicative public open space network to support growth in the precinct is shown on Whenuapai 3 Precinct Plan 2. This will generally be acquired at the time of subdivision. A network of public open space, riparian margins and walking and cycling connections is

proposed to be created as development proceeds. Development is encouraged to positively respond and interact with the proposed network of open space areas.

Reverse Sensitivity Effects on Whenuapai Airbase

The Whenuapai Airbase is located at the northern edge of the Whenuapai 3 Precinct boundary. While the airbase is outside of the precinct boundary it contributes to the precinct's existing environment and character. The airbase is a defence facility of national and strategic importance. Operations at the airbase include maritime patrol, search and rescue, and transport of personnel and equipment within New Zealand and on overseas deployments. Most of the flying activity conducted from the airbase is for training purposes and includes night flying and repetitive activity.

The precinct manages lighting to ensure safety risks and reverse sensitivity effects on the operation and activities of the airbase are avoided, remedied or mitigated.

Any future subdivision, use and development within the precinct will need to occur in a way that does not adversely effect on the ongoing operation of the airbase.

Aircraft Engine Testing Noise

The aircraft that operate out of Whenuapai Airbase are maintained at the airbase. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7am and 10pm but, in circumstances where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods.

Whenuapai 3 Precinct Plan 3 shows 57 dB L_{dn} and 65 dB L_{dn} noise boundaries for aircraft engine testing noise. The noise boundaries recognise that engine testing is an essential part of operations at Whenuapai Airbase and require acoustic treatment for activities sensitive to noise to address the potential reverse sensitivity effects that development within the precinct could have on those operations.

Zoning

The zoning of the land within this precinct is Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Informal Recreation, Open Space – Conservation and Special Purpose – Airports and Airfields zones.

The relevant overlays, Auckland-wide and zone provisions apply in this precinct unless otherwise specified in this precinct.

I616.2. Objectives

- (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic importance of Whenuapai Airbase.
- (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.

Integration of Subdivision and Development with the Provision of Infrastructure

- (3) Subdivision and development does not occur in advance of the availability of transport infrastructure, including regional and local transport infrastructure.
- (4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.
- (5) Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.

Transport

- (6) Subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.

Development in the Neighbourhood Centre Zone

- (7) Development in the Neighbourhood Centre Zone:
 - (a) is coordinated and comprehensive;
 - (b) has active frontages facing the street; and
 - (c) promotes pedestrian linkages.

Stormwater Management

- (8) Through subdivision, use and development, implement a stormwater management approach that:
 - (a) is integrated across developments;
 - (b) avoids new flood risk;
 - (c) mitigates existing flood risk;
 - (d) protects the ecological values of the receiving environment;
 - (e) seeks to mimic and protect natural processes; and
 - (f) integrates with, but does not compromise the operation of, the public open space network.

Coastal Erosion Risk

- (9) New development does not occur in areas identified as subject to coastal erosion, taking into account the likely long-term effects of climate change.

Biodiversity

- (10) Subdivision, use and development enhance the coastal environment, biodiversity, water quality, and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.

Open Space

- (11) Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.

Reverse Sensitivity Effects on Whenuapai Airbase

- (12) The lighting effects of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided, remedied or mitigated.

Aircraft Engine Testing Noise

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

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I616.3. Policies

- (1) Require subdivision, use and development to be integrated, coordinated and in general accordance with the Whenuapai 3 Precinct Plans 1 and 2.
- (2) Encourage ~~roads that provide for~~ pedestrian and cycle connectivity to and alongside riparian margins and open spaces.
- (3) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.

Commented [B&C1]: Refer to paragraph 3.29.

Integration of Subdivision and Development with the Provision of Infrastructure

- (4) Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport infrastructure network within the precinct, and with the wider transport network.
- (5) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.
- (6) Require the provision of infrastructure to be proportionally shared across the precinct.

- (7) Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2.

Transport

- (8) Require the provision of new roads and upgrades of existing roads as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads only allowed where the realigned road will provide an equivalent transport function.

Development in the Neighbourhood Centre Zone

- (9) Ensure development in the neighbourhood centre zone maximises building frontage along Hobsonville Road and the realigned Trig Road by:
- (a) avoiding blank walls facing the roads;
 - (b) providing easily accessible pedestrian entrances on the road frontages;
 - (c) maximising outlook onto streets and public places;
 - (d) providing weather protection for pedestrians along the road frontages;
 - (e) providing service access and staff parking away from the frontages; and
 - (f) providing car parking and service access behind buildings, with the exception of kerbside parking.
- (10) Ensure all development in the Neighbourhood Centre Zone is consistent with the layout of the Trig Road realignment as shown on Whenuapai 3 Precinct Plan 2.
- (11) Limit the number of vehicle access points from the Neighbourhood Centre Zone onto Hobsonville Road and the Trig Road realignment to ensure safe and efficient movement of vehicles and pedestrians.

Stormwater Management

- (12) Require subdivision and development within the Whenuapai 3 Precinct to:
- (a) apply an integrated stormwater management approach;
 - (b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and
 - (c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.

~~(13) Require development to:~~

- ~~(a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;~~

~~(b) avoid increasing flood risk; and~~

~~(c) mitigate existing flood risk where practicable.~~

Commented [B&C2]: Refer to paragraph 3.33

~~(14)~~⁽¹³⁾ Ensure stormwater outfalls are appropriately designed, located and managed to avoid or mitigate adverse effects on the environment, including:

- (a) coastal or stream bank erosion;
- (b) constraints on public access;
- (c) amenity values; and
- (d) constraints on fish passage into and along river tributaries.

Coastal Erosion Risk

~~(15)~~⁽¹⁴⁾ Avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard.

~~(16) Avoid the~~ Provide for the use of hard protection structures ~~to~~ where appropriate to avoid, remedy and mitigate the effects of manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

Commented [B&C3]: Refer to paragraph 3.44.

Biodiversity

~~(17)~~⁽¹⁵⁾ Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.

~~(18)~~⁽¹⁶⁾ Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.

~~(19)~~⁽¹⁷⁾ Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of permanent and intermittent streams and wetlands to:

- (a) provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area;
- (b) maintain and enhance water quality and aquatic habitats;
- (c) enhance existing native vegetation and wetland areas within the catchment; and
- (d) reduce stream bank erosion.

Open Space

~~(20)~~⁽¹⁸⁾ Require the provision of open space as shown on Whenuapai 3 Precinct Plan 1 through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.

~~(24)~~(19) Only 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.

Reverse Sensitivity Effects on Whenuapai Airbase

~~(22)~~(20) Require subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects and safety risks relating to lighting, glare and reflection, on the operation and activities of Whenuapai Airbase.

~~(23)~~(21) Require the design of roads and associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.

Aircraft Engine Testing Noise

~~(24)~~(22) Avoid the establishment of new activities sensitive to noise within the 65 dB L_{dn} aircraft engine testing noise boundary shown on Whenuapai 3 Precinct Plan 3.

~~(25)~~(23) Avoid establishing residential and other activities sensitive to noise within the area between the 57 dB L_{dn} and 65 dB L_{dn} aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3, unless the noise effects can be adequately remedied or mitigated at the receiving site through the acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I616.4. Activity table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table I616.4.1 Activity table below.

Table I616.4.1 specifies the activity status of land use and subdivision activities in the Whenuapai 3 Precinct pursuant to sections 9(3) and section 11 of the Resource Management Act 1991.

Note: A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity.

Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct

Activity		Activity status
Subdivision		
(A1)	Subdivision listed in Chapter E38 Subdivision – Urban	
(A2)	Subdivision that does not comply with Standard I616.6.2 Transport infrastructure requirements	NC
(A3)	Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6	D
Coastal protection structures		
(A4)	Hard protection structures	D
(A5)	Hard protection structures located within the Whenuapai 3 coastal erosion setback yard	NC <u>D</u>
Stormwater outfalls		
(A6)	Stormwater outfalls and associated erosion and protection structures located within the Whenuapai 3 coastal erosion setback yard identified in Table I616.6.5.1	RD
Use and development		
(A7)	Activities listed as permitted or restricted discretionary activities in Table H3.4.1 Activity table in the Residential – Single House Zone	
(A8)	Activities listed as permitted or restricted discretionary activities in Table H5.4.1 Activity table in the Residential – Mixed Housing Urban Zone	
(A9)	Activities listed as permitted or restricted discretionary activities in Table H6.4.1 Activity table in the Residential – Terrace Housing and Apartment Buildings Zone	
(A10)	Activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table in the Business – Neighbourhood Centre Zone	

Commented [B&C4]: Refer to paragraph 3.44.

(A11)	Activities listed as permitted or restricted discretionary activities in Table H17.4.1 Activity table in the Business – Light Industry Zone	
(A12)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space – Informal Recreation	
(A13)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space – Conservation	
(A14)	Any structure located on or abutting an indicative road identified in the Whenuapai 3 Precinct Plan 2, unless an alternative road alignment has been approved by a resource consent	RD
(A15)	Activities not otherwise provided for	D
(A16)	Activities that comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6	D
(A17)	Activities that do not comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries 	NC
(A18)	New activities sensitive to noise within the 65 dB L_{dn} noise boundary shown on Whenuapai 3 Precinct Plan 3	Pr

I616.5. Notification

- (1) Any application for resource consent for an activity listed in Table I616.4.1 Activity table 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 purposes of section 95E of the Resource Management Act 1991 the council will give specific consideration to those persons listed in Rule C1.13(4).

I616.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table I616.4.1 Activity table in this precinct unless specified in Standard I616.6(2) below.

(2) The following overlay, Auckland-wide or zone standards do not apply to activity (A1) listed in Table I616.4.1 Activity table for land in the Whenuapai 3 coastal setback yard identified in Whenuapai 3 Precinct Plan 1:

(a) Standard E38.7.3.4 Subdivision of land in the coastal erosion hazard area.

(3) Activities listed in Table I616.4.1 Activity table must comply with the specified standards in I616.6.1 – I616.6.11.

I616.6.1. Compliance with Whenuapai 3 Precinct Plans 1

(1) Activities must comply with Whenuapai 3 Precinct Plan ~~1 and Whenuapai 3 Precinct Plan 2~~.

(2) Activities not meeting Standard I616.6.1(1) must provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans ~~1 and 2~~.

Commented [B&C5]: Refer to paragraph 3.31.

I616.6.2. Transport infrastructure requirements

Commented [B&C6]: Refer to paragraph 3.4.

(1) All subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.

(2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.

(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.

Table I616.6.2.1 Local transport infrastructure requirements

Commented [B&C7]: Refer to paragraph 3.6.

Areas	Local transport infrastructure required
1A	New collector roads extending west from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	New collector roads extending east from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	Signalisation at the new intersection of Trig Road, Luckens Road and Hobsonville Road.
	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2.
	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp.
1B	Upgrade and signalisation of the intersection of Brigham Creek Road and Kauri Road including: <ul style="list-style-type: none"> • dual right-turn lanes from Brigham Creek Road into Kauri Road; and • suitable bus and cycle priority provision.
	Formation and signalisation of the intersection at the location of the new collector road and Brigham Creek Road as indicatively shown on Precinct Plan 2.
1C	Addition of a fourth leg to the Brigham Creek Road and Kauri Road

Areas	Local transport infrastructure required
	intersection. New collector road from the Brigham Creek Road and Kauri Road intersection westwards to the boundary of the Stage 1C area as indicatively shown on Precinct Plan 2.
1D	Road stopping of Sinton Road to the west of 18 Sinton Road, and replacement with a new collector road from Sinton Road to Kauri Road as indicatively shown on Precinct Plan 2. New collector road crossing State Highway 18 connecting Sinton Road to Sinton Road East as indicatively shown on Precinct Plan 2. New collector roads as indicatively shown in Precinct Plan 2.
1E	New collector roads from Brigham Creek Road extending south into the Stage 1E area as indicatively shown in Precinct Plan 2. Formation and signalisation of the intersections of Brigham Creek Road with the new collector roads required as part of the Stage 1E area. Upgrade and signalisation of the intersection of Trig Road and Brigham Creek Road. New collector roads from Trig Road extending east into the Stage 1E area as indicatively shown in Precinct Plan 2.

I616.6.3. Stormwater management

- ~~(1) Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.~~
- ~~(2) All new buildings must be located outside of the 1 per cent AEP floodplain and overland flow path.~~
- ~~(3) Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:~~
 - ~~(a) treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or~~
 - ~~(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.~~
- (4) All stormwater runoff from:
 - (a) commercial and industrial waste storage areas including loading and unloading areas; and
 - (b) communal waste storage areas in apartments and multi-unit developments

Commented [B&C8]: Refer to paragraph 3.33.

Commented [B&C9]: Refer to paragraph 3.33.

Commented [B&C10]: Refer to paragraph 3.35.

must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.

I616.6.4. Riparian planting

- (1) The riparian margins of a permanent or intermittent stream or a wetland must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.
- (2) Riparian margins must be offered to the council for vesting.
- (3) The riparian planting proposal must:
 - (a) include a plan identifying the location, species, planting bag size and density of the plants;
 - (b) use eco-sourced native vegetation where available;
 - (c) be consistent with local biodiversity;
 - (d) be planted at a density of 10,000 plants per hectare, unless a different density has been approved on the basis of plant requirements.
- (4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.

Commented [B&C11]: Refer to paragraph 3.39.

~~(5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.~~

Commented [B&C12]: Refer to paragraph 3.39.

~~(6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.~~

Commented [B&C13]: Refer to paragraph 3.39.

I616.6.5. New buildings within the Whenuapai 3 coastal erosion setback yard

- (1) New buildings must not be located within the Whenuapai 3 coastal erosion setback yard shown in Whenuapai 3 Precinct Plan 1. The widths of the yard are specified in Table I616.6.5.1 and is to be measured from mean high water springs. This is to be determined when the topographical survey of the site is completed.
- (2) Alterations to existing buildings within the Whenuapai 3 coastal erosion setback yard must not increase the existing gross floor area.

Commented [B&C14]: Refer to paragraph 3.1.

Table I616.6.5.1 Whenuapai 3 coastal erosion setback yard

Area	Coastal erosion setback yard
A	41m
B	40m
C	26m
D	35m

I616.6.6. External alterations to buildings within the Whenuapai 3 coastal erosion setback yard

- (1) External alterations to buildings within the Whenuapai 3 coastal erosion setback yard identified in Standard I616.6.5 and Whenuapai 3 Precinct Plan 1 must not increase the existing gross floor area.

Commented [B&C15]: Refer to paragraph 3.1.

I616.6.7. Subdivision of land in the Whenuapai 3 coastal erosion setback yard

- (1) Each proposed site on land in the Whenuapai 3 coastal erosion setback yard must demonstrate that all of the relevant areas/features below are located outside of the Whenuapai 3 coastal erosion setback yard:
- (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
 - (b) access to all proposed building platforms or areas; and
 - (c) on-site private infrastructure required to service the intended use of the site.

Commented [B&C16]: Refer to paragraph 3.1.

I616.6.8. Roads

- (1) Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.
- (2) Development and subdivision involving the establishment of new roads must:
- (a) provide the internal road network within the site where subdivision and development is to occur; and
 - (b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.

Commented [B&C17]: Refer to paragraph 3.9.

1616.6.9. Development in the Neighbourhood Centre Zone**1616.6.9.1. Access**

- (1) Vehicle accesses must not be located on that part of a site boundary located within 30m of the intersection of Hobsonville Road and the realigned Trig Road.
- (2) All development must provide pedestrian access that connects to the intersection of Hobsonville Road and the realigned Trig Road.

1616.6.9.2. Building frontage

- (1) Any new building must:
 - (a) front onto Hobsonville Road or the realigned Trig Road identified in Precinct Plan 2; and
 - (b) have a building frontage along the entire length of the site excluding vehicle and pedestrian access.

1616.6.9.3. Verandas

- (1) The ground floor of any building fronting Hobsonville Road and the realigned Trig Road must provide a veranda over the adjacent footpath along the full extent of the frontage, excluding vehicle access.
- (2) The veranda must:
 - (a) be contiguous with any adjoining building;
 - (b) have a minimum height of 3m and a maximum height of 4.5m above the footpath;
 - (c) have a minimum width of 2.5m; and
 - (d) be set back at least 600mm from the kerb.

1616.6.10. Development within the aircraft engine testing noise boundaries

- (1) Between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:
 - (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L_{dn} ; and

- (b) that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and
- (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.

I616.6.11. Lighting

- (1) 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.

I616.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I616.8. Assessment – restricted discretionary activities

I616.8.1. Matters of discretion

The council will restrict its discretion to all 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 overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
 - (a) safety, connectivity, walkability, public access to the coast and a sense of place;
 - (b) location of roads and connections with neighbouring sites;
 - (c) functional requirements of the transport network, roads and different transport modes;
 - (d) site and vehicle access, including roads, rights of way and vehicle crossings;
 - (e) location of buildings and structures;
 - (f) provision of open space; and
 - (g) provision of the required local transport infrastructure or an appropriate alternative measure.

- (2) Use and development in the Neighbourhood Centre Zone:

- (a) the design and location of onsite parking and loading bays;
and
 - (b) building setbacks from Hobsonville Road and the realigned Trig Road.
- (3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:
- (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
- (a) the effects on landscape values, ecosystem values, coastal processes, associated earthworks and landform modifications;
 - (b) the effects on land stability including any exacerbation of an existing natural hazard, or creation of a new natural hazard, as a result of the structure;
 - (c) the resilience of the structure to natural hazard events;
 - (d) the use of green infrastructure instead of hard engineering solutions;
 - (e) the effects on public access and amenity, including nuisance from odour;
 - (f) the ability to maintain or enhance fish passage; and
 - (g) risk to public health and safety.
- (5) Lighting associated with development, structures, infrastructure and construction.

1616.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
- (a) the extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads shown on the Whenuapai 3 Precinct Plan 2;
 - (b) the extent to which any subdivision or development provides for public access to the coast;

- (c) the extent to which any subdivision or development layout achieves a safe, connected and walkable urban form with a sense of place;
- (d) the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1;
- (e) the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it;
- (f) the extent to which any subdivision or development layout provides for the functional requirements of the existing or proposed transport network, roads and relevant transport modes;
- (g) the extent to which access to an existing or planned arterial road, or road with bus or cycle lane, minimises vehicle crossings by providing access from a side road, rear lane, or slip lane;
- (h) the extent to which subdivision and development provides for roads to the site boundaries to enable connections with neighbouring sites; and
- (i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.

(2) Use and development in the Neighbourhood Centre Zone:

- (a) the extent to which staff car parking, loading spaces and any parking associated with residential uses is:
 - (i) located to the rear of the building; and
 - (ii) maximises the opportunity for provision of communal parking areas.
- (b) the extent to which building setbacks are minimised to ensure buildings relate to Hobsonville Road and the realigned Trig Road.

(3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:

- (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;

- (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) refer to Policy E38.3(2).
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
- (a) the extent to which landscape values, ecological values and coastal processes are affected or enhanced by any works proposed in association with the structure(s);
 - (b) the extent to which site specific analysis, such as engineering, stability or flooding reports have been undertaken and any other information about the site, the surrounding land and the coastal marine area;
 - (c) the extent to which the structure(s) is located and designed to be resilient to natural hazards;
 - (d) the extent to which the proposal includes green infrastructure and solutions instead of hard engineering solutions;
 - (e) the extent to which public access and / or amenity values, including nuisance from odour, are affected by the proposed structure(s);
 - (f) the extent to which fish passage is maintained or enhanced by the proposed structure(s); and
 - (g) the extent to which adverse effects on people, property and the environment are avoided, remedied or mitigated by the proposal.
- (5) Lighting associated with development, structures, infrastructure and construction:
- (a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:
 - (i) avoids simulating approach and departure path runway lighting;
 - (ii) ensures that clear visibility of approach and departure path runway lighting is maintained; and
 - (iii) avoids glare or light spill that could affect aircraft operations.

I616.9. Special information requirements

(1) Riparian planting plan

An application for land modification, development and subdivision which adjoins a permanent or intermittent stream must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.

(2) Permanent and intermittent streams and wetlands

All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site.

(3) Stormwater management

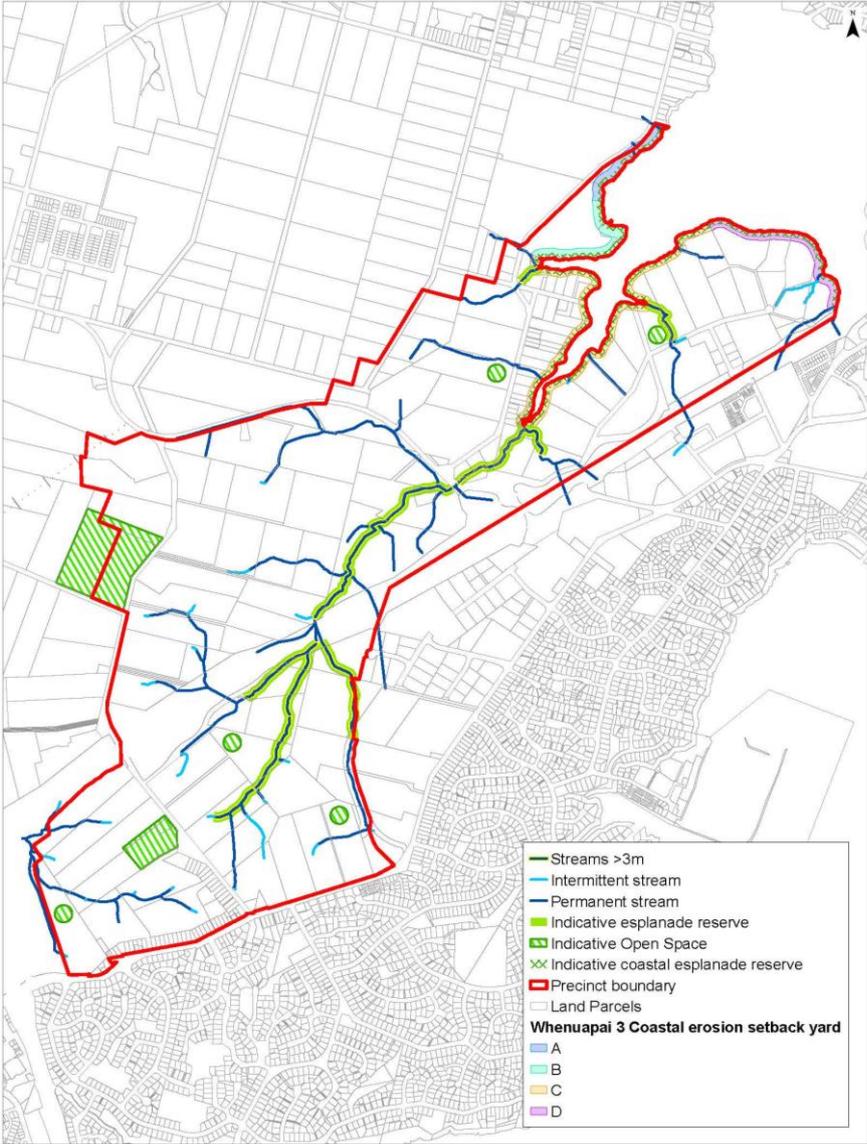
All applications for development and subdivision must include a plan demonstrating how stormwater management requirements will be met including:

- (a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;
- (b) the type and location of all public stormwater network assets that are proposed to be vested in council;
- (c) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct.

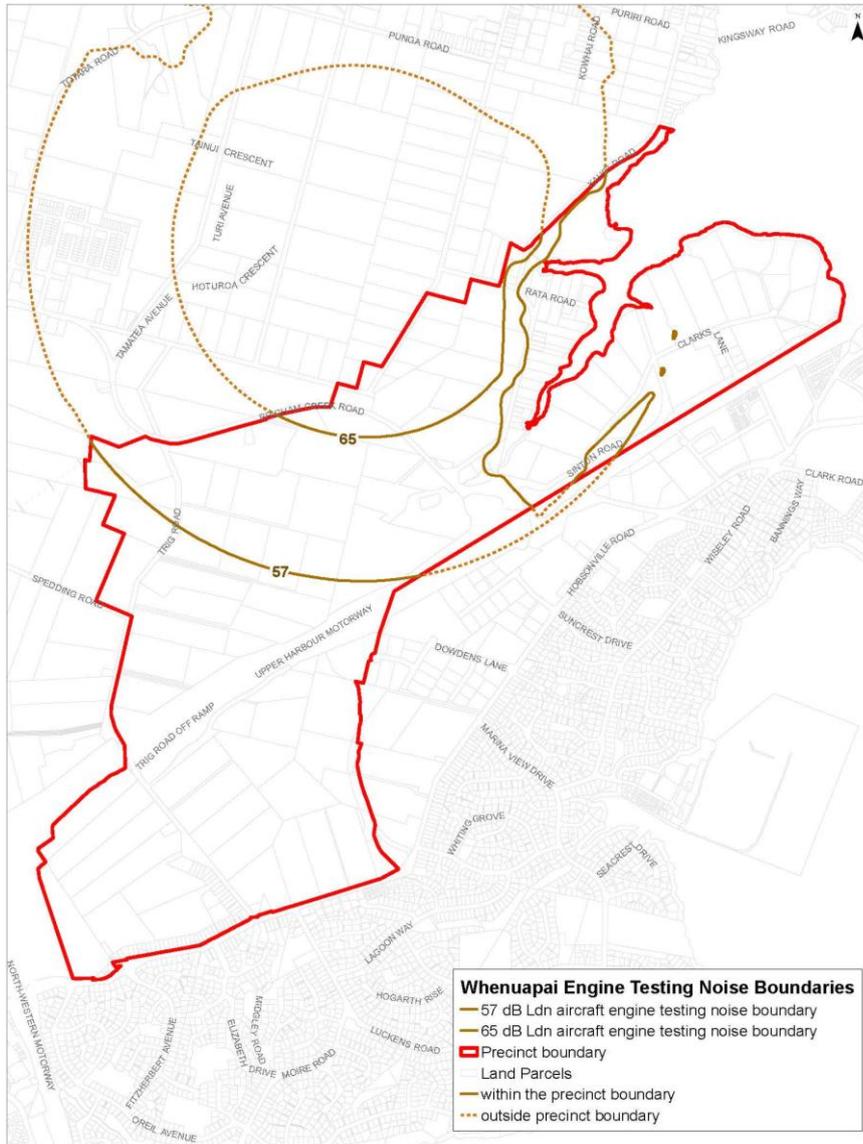
I616.10. Precinct plans

I616.10.1. Whenuapai 3 Precinct Pan 1

Commented [B&C18]: Refer to paragraph 3.1.



1616.10.3. Whenuapai 3 Precinct Plan 3



Addition to Schedule 14.1 Table 1 Places

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
02784	Whenuapai heavy anti-aircraft battery	4 Spedding Road and 92 Trig Road, Whenuapai	Lot 17 DP 62344, Lot 16 DP62344	B	Gun emplacements and command post	A,H	Refer to planning maps			

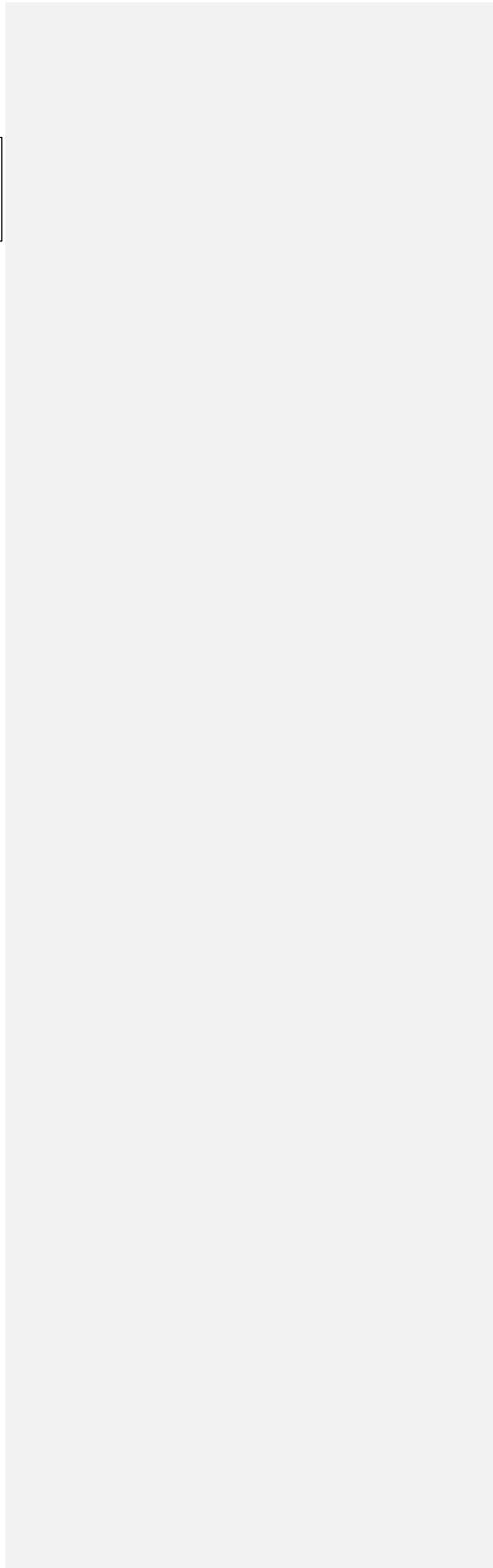
Deletion of existing schedule entries from 14.1 Table 1 Places

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00135	Worker's Dwelling	9-Clarks Lane, Hobsonville	LOT 1 DP 411784	B		A,F	Refer to planning maps	Interior of building(s)		
00246	Worker's Residence	5-Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00247	Worker's Residence	4-Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00248	Worker's Residence	6-Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00249	Worker's Residence	10 Clarks Lane, Hobsonville		B		A,B,F,H	Refer to planning maps	Interior of building(s)		

Addition to Schedule 14.1 Schedule of Historic Heritage – Table 2 Areas

ID	Area Name and/or Description	Verified Location	Known Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance	Contributing Sites/ Features	Non-contributing Sites/ Features
02783	Clarks Lane Historic Heritage Area	Clarks Lane, Hobsonville	A,F,H	Refer to planning maps	Interiors of all buildings contained within the extent of place unless otherwise identified			Refer to Schedule 14.2.13	Stand-alone accessory buildings or garages built after 1940; former church 7

					in another schedule d historic heritage place				Clarks Lane (Lot 5 DP 411781)
--	--	--	--	--	--	--	--	--	--



Addition to Schedule 14.2

14.2.13 Clarks Lane Historic Heritage Area

Statement of significance

The dwellings at 3 to 10 Clarks Lane are located in Hobsonville, an area to the north-west of the Auckland Central Business District. Clarks Lane is situated on the north-western edge of the suburb, close to the adjacent district of Whenuapai and the Waiarohia Inlet. Clarks Lane runs in a north-south orientation and prior to 2008 had access southwards via Ockleston Road to connect with Hobsonville Road. Following the construction of State Highway 18 the lane became a cul-de-sac. The lane is narrow, with road markings only to denote the edge of the carriageway; it has a wide road reserve and no footpath, all of which contribute to its rural amenity and aesthetic. These physical attributes of the road are important to the understanding of its history as a rural lane servicing a small grouping of residences. The position of the cottages on either side of the road creates a balance of housing through the lane. The carriageway, road reserve and building positions are therefore contributing features of the Clarks Lane Historic Heritage Area and are important aspects of the Historic Heritage Area's context.

The group of workers' residences on Clarks Lane have considerable historical value as they reflect an important aspect of local and regional history, the private construction of accommodation for pottery and brickworks industry employees. The remaining cottages and foreman's villa represent some of the first privately established workers' accommodation still extant in the region. The cottages are also some of the earliest remaining examples of their type in the locality, representing an early period of development in the area. The Clarks Lane Historic Heritage Area has further significance for its association with the Clark family, specifically R.O. Clark II, R.O. Clark III and his brother, T.E. Clark. The Clark family were some of the first European settlers to the area and made a significant contribution to the history of the locality. The Clarks donated land for the erection of a number of community buildings including the first church and school in Hobsonville.

The dwellings play an important role in defining the distinctiveness of the Hobsonville community by representing the area's early history and as a legacy of the Clark family. The Historic Heritage Area is an important grouping of buildings that demonstrates a way of life that is now less common by representing the locality's reliance upon local employment and effort of a local company to provide affordable and convenient housing. As a group of dwellings of a similar design and style, they have considerable value as a remnant of the early settlement period and architectural development of Hobsonville. The type and style of the Clarks Lane cottages and villa are a good representative example of the pattern of development, street layout, building height, massing and scale that is demonstrative of purpose-built workers' housing. Based on those physical attributes visible from the public realm, the dwellings have considerable value for their existing physical qualities and as representative examples of their type and period within the locality.

The cottages and villa all exemplify a past aesthetic taste that is distinctive in the Hobsonville locality. The Clarks Lane dwellings have moderate aesthetic value for the widespread emotional response they evoke as a group for their picturesque qualities. Further aesthetic appeal is derived from the relationship of the places to their setting, which reinforces the quality of both.

The former Brighams Creek church at 7 Clarks Lane (relocated to the lane in circa 2009) does not detract from the overall aesthetic of the lane. It is attributable to a similar architectural and historical period as the cottages, and the original portion is an example of an attractive, modest structure evocative of the small late nineteenth/early twentieth century church buildings that express the vernacular style of New Zealand's ecclesiastical architecture. The former church has a limited contribution to, and association with, the values for which the Historic Heritage Area is significant. For this reason, it is identified as a non-contributor within the Historic Heritage Area and will remain individually scheduled.

The dwellings have considerable contextual value as a group of workers' residences along Clarks Lane, that when taken together, have coherence due to their history, age, street-fronting orientation and scale; forming part of the historical and cultural complex of the locality. The cottages at 3, 4, 5, 6 and 10 Clarks Lane are characterised by their compact size and single storey height. From a social lens, this is reflective of their original use as accommodation for workers. The roof form of the cottages at 3, 4, 5, 6 and 10 Clarks Lane is an asymmetrical side-gable with a subservient, lower pitched lean-to at the rear. The foreman's villa at 9 Clarks Lane is the largest of the workers' residences and is an example of the common villa typology prevalent at the beginning of the twentieth century. The villa's setback, size, square plan, hipped roof and central gutter differentiate it from the other workers' cottages. The larger size and distinct form of the villa reflects the higher professional standing of the pottery foreman.

The dwellings originally had corbelled brick chimneys, and open verandahs along the front (street-facing) elevation. Several dwellings retain either, or both of these attributes that are important physical and aesthetic features. The front elevations are also characterised by a central entrance door, framed on either side by four-pane sash windows. Paint-finished timber cladding and fenestration, and iron or steel roofing are key material characteristics that illustrate the traditional qualities of the dwellings. Some dwellings have replaced the original timber fenestration with aluminium joinery.

The immediate setting of the dwellings is an important aspect to the understanding of their context, demonstrated by the layout and amenity of the lane. The sites have large open sections with little front boundary fencing (i.e.: no more than 1.2 metres in height and visually permeable) and consistent (approximately 10 metres) setbacks which are intact key features of their rural setting. These are tangible reminders of the coherence of the workers' housing legibility.

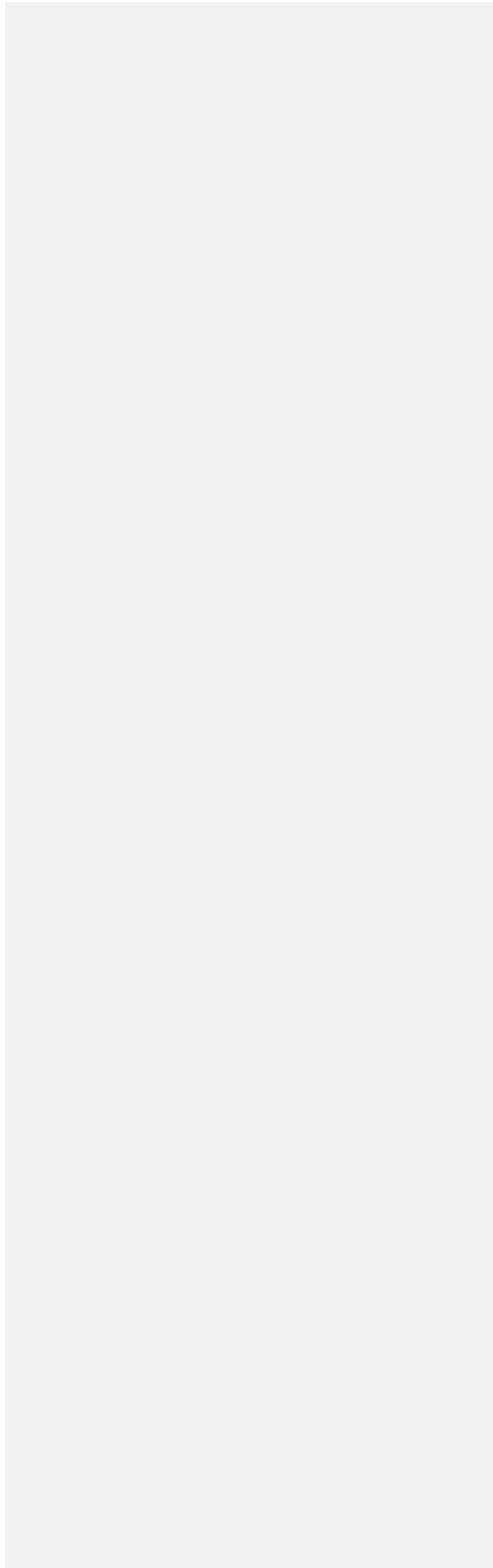
Map 14.2.13.1: Clarks Lane Historic Heritage Area



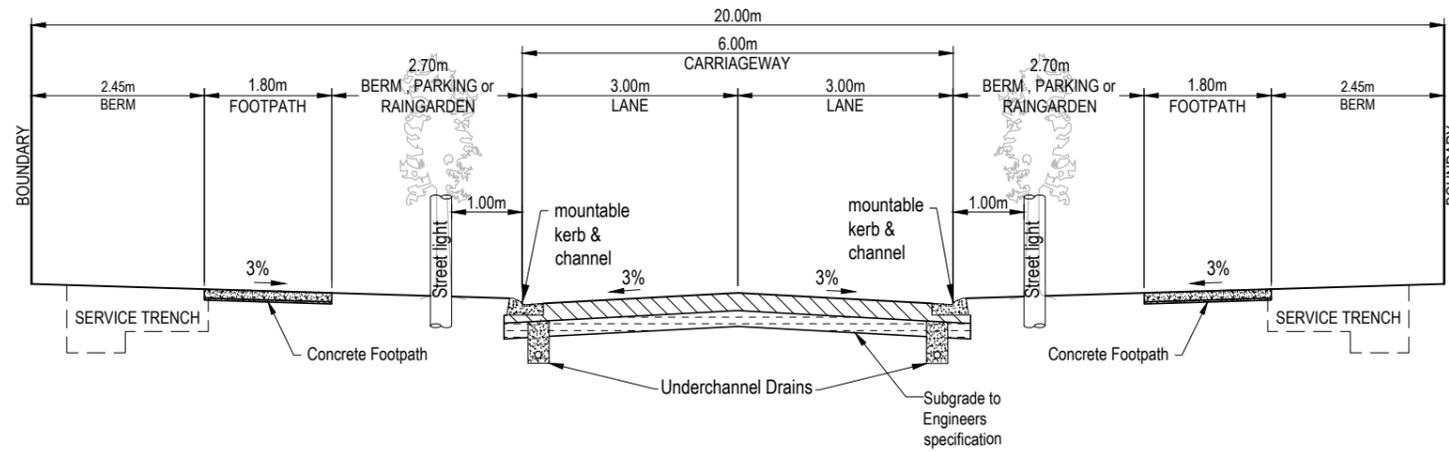
Addition to Appendix 17

I616 Whenuapai 3 Precinct

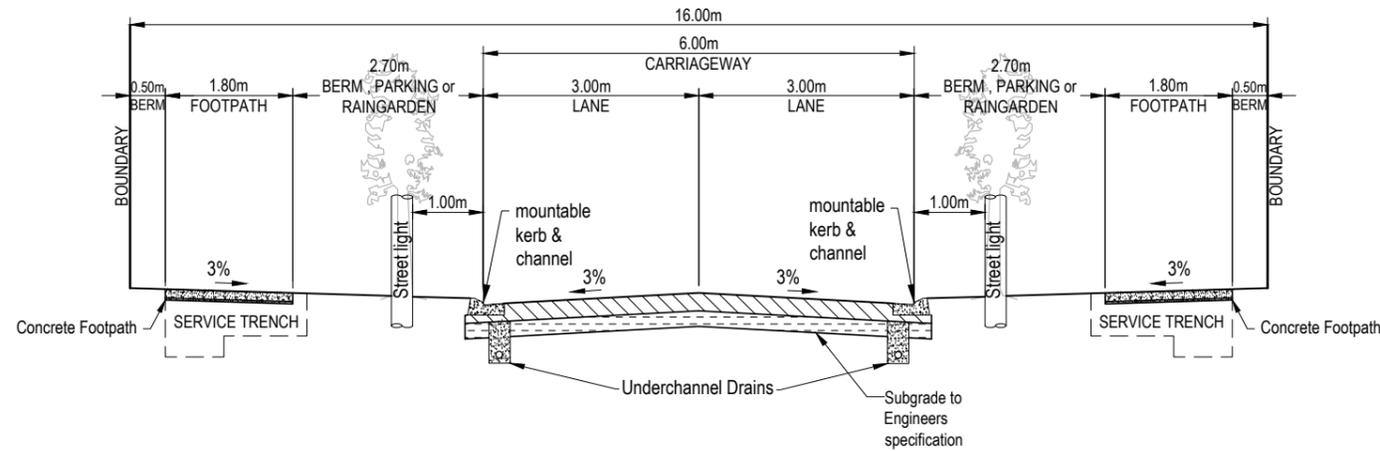
Whenuapai 3 Precinct Stormwater Management Plan (2017)



Appendix 2 Typical local road cross-sections



Typical Section - 20m Wide Road



Typical Section - 16m Wide Road

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REVISION (DESCRIPTIONS)	NAME	DATE
SURVEYED		
DESIGNED	KM	12/10/2017
DRAWN	KM	12/10/2017
CHECKED		
APPROVED		

CLIENT

**CABRA DEVELOPMENTS LTD
WHENUAPAI PLAN CHANGE**

This plan and accompanying report(s) have been prepared for the purpose of obtaining a resource consent only and for no other purpose. Use of this plan and/or the information on it for any other purpose is at the user's risk

DRAWING TITLE

**ROAD TYPICAL
CROSS SECTION
16m and 20m WIDTH**

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ORIGINAL SCALE	ORIGINAL SIZE	REVISION NO
NTS	A3	
DATE	CAD REFERENCE	SHEET NO
12/10/2017	41054 3200.dwg	3200
DIRECTORY	IMAGE FILE	JOB NO
Synergy/41054		41054

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Appendix 3

Indicative masterplan illustrating the application of Plan Change 5 provisions and relief sought

LAYOUT INDICATIVE ONLY



- 1 20m Esplanade Reserve
- 2 6m Walking and Cycling connection to Esplanade Reserve (3m per Lot)
- 3 16m Local Road centred on Lot boundaries
- 4 16m Local Road including 3m shared path located within Esplanade Reserve
- Mixed Housing Urban Zone
- Single Housing Zone
- Plan Change proposed Single House Zone - Overlay source: Auckland Council GIS
- 20m Esplanade Reserve
- Stream & Overland Flow Paths

LAYOUT INDICATIVE ONLY

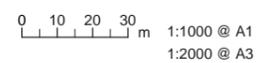


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- Mixed Housing Urban Zone
 - Single Housing Zone
 - Plan Change proposed Single House Zone - Overlay source: Auckland Council GIS
 - 20m Esplanade Reserve
 - Stream & Overland Flow Paths



Data Sources:

Projection:



Legend

LAYOUT INDICATIVE ONLY

Note: Plans are indicative only and prepared for the purpose of submission to Proposed Plan Change 5: Whenuapai



Submission on Proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan

19 October 2017

To: Attention: Planning Technician
Auckland Council Unitary Plan
Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

From: Royal Forest and Bird Protection Society NZ (Forest & Bird)
PO Box 108 055
Auckland 1150
Attention: Nicholas Beveridge

Email: n.beveridge@forestandbird.org.nz
Telephone: 09 302 3901

- Forest & Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna. In more recent years Forest & Bird's role has extended to protecting and maintaining the environment surrounding the flora and fauna. Establishing wildlife reserves, initiating protection campaigns and promoting general public awareness of what is happening in and around New Zealand is all central to Forest & Bird's establishing principle of flora and fauna protection.
2. Forest & Bird has for many years expressed a strong interest in Auckland, particularly with regards to considerations for urban growth and natural environment. This has including advocating for greater protection of indigenous species, on land and in freshwater and within the coastal environment. Over recent years we worked closely with the council in identifying corridors for indigenous species to provide safe connections as land uses change in the wider Auckland area. The current plan change directly affects and provides opportunities for the North-West Wildlink; a wildlife linkage connecting the Hauraki Gulf Islands in the north with the Waitakere Ranges in the west.
3. Our submissions are set out in the Key Issues and in the in relation to specific provisions in the Table below.

4. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought. | 22.1
5. Forest and Bird could not gain an advantage in trade competition through this submission.
6. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

Key issues for this submission

North West Wildlink

7. The Whenuapai precinct development has a key role in ensuring the future of indigenous biodiversity in the region. This is because as land is subdivided and developed there are less safe havens for indigenous species. Connectivity from the mountains to the sea is basic necessity for many of our indigenous species and to sustain the like supporting capacity of our ecosystems. The North-West Wildlink aims to retain and enhance this connectivity from the Waitakere Ranges in the west to the Hauraki Gulf Islands in the north. The location of this Wildlink is established based on ecological advice and support of the Auckland council. While some areas in the link retain significant biodiversity values, others are degraded. It is not anticipated that the Wildlink be continuous in the short term, but rather than stepping stones are enhanced and established to provide connectivity for birds and support ecosystem functions.
8. As Council has recognized in the Plan Change precinct description, Whenuapai is a key stepping stone in the Wildlink and the ecological values are already degraded. The RPS sets out objectives and policy direction to restore and enhance indigenous biodiversity in areas where ecological values have been degraded or where development is occurring (Objective B7.2.1 and Policy E15.2(2)). In Whenuapai both these situations arise and Council must give effect to the RPS through the provisions of Plan Change 5.
9. Currently the provisions in Plan Change 5 are insufficient. The riparian plantings proposed provide a linkage to the coast however these areas are not large enough to ensure sustainable ecological functions and habitat, and nor do they provide sufficient connection to the terrestrial environment to the southwest of the precinct.
10. To provide for the North-West Wildlink, we seek the following relief:
 - a. Provide for larger, sustainable habitat areas at intervals along the riparian margins for both permanent and intermittent waterbodies. | 22.2
 - b. That the 10m setback from waterways be increased to a minimum of 20m each side of permanent waterbodies. | 22.3
 - c. Adequate ongoing weed and pest mammal control, including signage to require dogs on leads in all riparian areas and conservation zones and a weed management plan. | 22.4
 - d. Provide suitable fencing to reduce predator access to indigenous habitat areas. | 22.5

- e. Provide suitable street tree planting to complement the riparian and conservation zone biodiversity habitat vegetation. | 22.6

Stormwater Management

11. Too often streams and rivers effectively become stormwater drains when large developments take place. This results in adverse effects on ecosystem function and indigenous biodiversity. We support the intent of provisions in the plan change to provide for riparian setbacks, planting and retention of all intermittent and permanent streams and wetlands. However we are concerned that there is not strong enough direction in the policies that these matters must be provided for ahead of housing and commercial development taking place on site.
12. We seek clear requirements for the Stormwater Management and the development of stormwater management plans be set out in the plan Change including:
- a. Requirements for adequate surveys of existing indigenous biota before works are undertaken and that appropriate protection measures are subsequently put in place taking in to account the results of surveys; | 22.7
 - b. Provision of adequate riparian planting (including a maintenance period) for all intermittent and permanent streams and wetlands; | 22.8
 - c. We seek that the plan change retains or adds policy direction to ensure these matters are required in the Storm water Management Plan; and | 22.9
 - d. Set out the requirements for adequate measures to control run-off and sedimentation of waterways and the coastal environment from both construction works and once operational. | 22.10
13. The maps/plans only show indicative locations for streams and riparian plantings. We seek that the plan change precinct maps:
- a. Clearly identify the location of all intermittent and permanent streams and wetlands within a subdivision or development; and | 22.11
 - b. Set out the extent of riparian areas to be provided for as part of the precinct development. | 22.12

New Zealand Coastal Policy Statement.

14. It is currently unclear whether the development gives effect to the NZ Coastal Policy Statement. Other than the coastal erosion setbacks there are no provisions to protect or enhance the coastal environment.
15. The NZ Coastal Policy Statement clear policy direction to protect and enhance natural character of the coast and to protect indigenous biodiversity. We seek that council set out in the plan change how the precinct development will give effect to these directions, including:
- a. Requirements for adequate surveys of existing indigenous flora and fauna before works are undertaken and that appropriate protection measures are subsequently put in place taking in to account the results of surveys; and | 22.13

- b. Measures required to enhance the natural character of the coastal environment. | 22.14

Notification and public participation

16. The 2017 amendments to the Resource Management Act now apply with regards to notification requirements for subdivision consent applications. Under these changes subdivision is generally to be a non-notified activity and public participation is generally prevented. This is a significant change from past processed for subdivision processes for large scale development in Auckland. This plan change provides direction for subdivision activities within the precinct. As such is now necessary to address a number of detailed matters through the plan change process. This includes the certainty we now seek be shown on the precinct plans and through policy direction for subdivision/development activities. While we accept that some detailed matters can be left until subdivision consent, other matters which relate to public good including amenity, environment and matters of national importance require opportunity for public participation. In our view these matters are instrumental considerations in achieving the purpose of Act. This makes it much more important from Forest & Bird's perspective to ensure that the Plan Change properly addresses relevant matters. We are unlikely to get another change to input into the process.
17. The protection and maintenance of indigenous biodiversity and provisions for open space are social and public goods. As such these areas should be clearly defined and requirements established through the plan change process. Any subdivision effects on these matters which would change an outcome or requirement specified in the plan change, should be a non-complying activity to ensure future opportunity for public participation. To address these concerns we seek that the council:
- a. Provides further detail and certainty on the Plans for the precinct development; | 22.15
 - b. Sets out clear requirements for subdivision and development to provide for amenity and environmental outcomes; and | 22.16
 - c. Includes a non-complying activity status for subdivision activities which seek to change the requirements or vary the detail on the Plans. | 22.17

Plan Change provision	Submission- relief sought	Oppose or support	Submission-Reasons
Zonings: Open space – recreation Open space - conservation	Identify these areas on the Precinct Plans 1 and 2 Ensure that any subdivision in these areas is a non-complying activity.	support	Both zonings provide for the protection of natural values, However there is no certainty where these areas are to be provided for and that these areas will be protected from structures associated with or the effects of adjacent subdivision. Further it is not clear whether the residential/industrial subdivision could be undertaken in these zones without the need for a future plan change.
I616.2. Objectives - Subdivision	Add new objective: Subdivision, use and development avoids significant adverse effects on the natural character of water bodies and the coastal environment protects areas of significant indigenous biodiversity and provides for the enhancement of environmental values.	oppose	The first objective sets out expectations for types of development. The second objective sets out expectation how development will provide for social needs. A third objective is required to set out how development will provide for the natural environment. In particular to give effect to: 1. the NPSFM which requires that development is undertaken within limits which protect water quality and includes provision for aquatic and riparian ecosystems; and 2. the NZCPS which requires protection of natural character and indigenous biodiversity and restoration of natural character
I616.2 (1) and (2)	Include an objective to avoid and mitigate sediment in stormwater.	oppose	Sedimentation of streams and coastal environment is a significant issue for large subdivision developments. An objective setting out what the plan seeks in this regard is missing.
I616.2 (8) (d)	Amend (d) as follows: “protects and enhances the ecological values of the receiving environment;”	support	Support the objective for storm water management to protect ecological values. There is also opportunity for storm water management approaches, particularly when they are development to provide enhancement.

22.18

22.19

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			This can be recognised in the objective. Consistent with Policy I616.3 (12)(b)	
I616.2 (10)	Add a new objective that subdivision will be undertaken subject to protection required under s6(c) of the RMA and Policy 11 of the NZCPS	support	Support this objective. However an objective addressing protection of significant indigenous biodiversity and giving effect to Policy 11 NZCPS is missing.	22.23
I616.2 (11)	Enable Subdivision, use and development enable the provision where this provides of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.	Oppose	Support the open space zoning and intent of objective 11. However subdivision should be undertaken in a way that provides for these things, not just enables them. The way this is written places no responsibility on subdivision, use of development to ensure these matters are provided for.	22.24
Policies I616.3 (1)	Amend Plans and/or Policies to clearly set out the location and extent of riparian areas and other areas for enhancement and protection of indigenous vegetation and habitat.	Support	Support so long as the Plans are amended as sought. Alternatively include policies to set out requirements for provision of adequate riparian and other indigenous vegetation to enhance the North-West Wildlink.	22.25
I616.3 (16)	Add a policy to encourage the use of alternatives to hard protection structures in the coastal environment.	Support	Hard protection structures can adversely affect natural processes and the habitat of indigenous species. Such structures should be avoided as much as possible, including outside the setback yard.	22.26
I616.3 (17)	Amend the Policy as follows: <u>Provide for riparian planting and the establishment of substantial conservation areas to enhance the North-West Wildlink.</u>	Oppose	Support the intent of the policy however riparian plantings alone are not sufficient to support the North-West Wildlink. "Recognise" is not sufficient to ensure enhancement of the North North-West Wildlink will occur.	22.27
I616.3 (18)	Amend the policy avoid or to minimise the footprint of and number of crossings and by identifying the location of potential crossings.	Support	The shortest rough may not always be the best environmental outcome. For certainty these proposed crossings should be identified in the Plan 2 maps (this may be	22.28

			clarified by showing the streams on the same map)	
1616.3 (19)	<p>1. Identify the open space conservation areas on the Whenuapai 3 Precinct Plan 1</p> <p>2. “Require, at the time of subdivision and development, riparian planting <u>is undertaken in the open space conservation areas as shown on Whenuapai 3 Precinct Plan 1 with</u> of appropriate native species along...”</p>	Support	Support the establishment of riparian plantings. However there needs to be certainty of the extent and area set out within the plan change. Including zoned as part of the plan change to ensure that they are not subject to housing and business development under a future subdivision consent.	22.29
1616.3.(20)	Amend Policy 1616.3.(20) so that any open space as shown on Whenuapai 3 Precinct Plan 1 that is no longer fit for that purpose be retained or swapped to better location within the Precinct for the establishment of indigenous biodiversity habitat in order to contribute to maintenance of biodiversity and support the Wildlink		<p>It is unclear what council would consider in determining an area as fit or unfit for purpose.</p> <p>The natural values ecological values in Whenuapai are a risk and will be affected by subdivision and development. As council has set out to provide open space conservation zone, significant enhancement and reestablishment will be necessary ensure that these areas achieve the objectives for this zone.</p> <p>There is a risk that given the currently low ecological values that these sites could be discarded which would impact the maintenance of biodiversity in Whenuapai and have wider effects in terms of connectivity for wildlife.</p>	22.30
Table I616.4.1 - new	<p>Add a new activity classification for: <u>Any structure located on or abutting the esplanade reserve or open space zone identified in the Whenuapai 3 Precinct Plan 1 and 2 - NC</u></p> <p>Note that we seek additional areas to be shown on Plans.</p>		Include provision for public involvement in open space conservation and recreation areas through the addition of a non-complying activity status. Unless sufficient certainty of the locations and design of these areas can be provided for in this plan change.	22.31

(A17)	Amend to include new standard relating to the protection and enhancement of indigenous biodiversity		Requires amendment to support new Standard for biodiversity	22.32
Notification	Amend to recognise the special circumstances my require the notification of activities which in particular relate to matters of national importance and affect the wider public generally		<p>The recent changes to the RMA limit opportunities for public participation in consenting processes.</p> <p>Our preference is to ensure this Plan Change process includes additional development requirements to ensure adequate consideration of public interest.</p> <p>However, where a Plan Change process does not enable this notification under section 95A(4) “special circumstance” may be appropriate. Such as where adequate information on design or potential effects and outcomes for future subdivision and development are not provided.</p>	22.33
I616.6.1	Include standards To provide for areas is indigenous vegetation to be established linking to the riparian zones. These areas to be vested in the council or other methods to ensure long term protection.	support	<p>There are no standards to provide for indigenous biodiversity.</p> <p>Standards are necessary to give effect to s6(c) and the NZCPS and for councils functions for the maintenance of indigenous biodiversity</p>	22.34
I616.6.1(1)	Retain	Support	Agree that the activity needs to comply with the Plans	22.35
I616.6.1(1)	Delete (2)	oppose	<p>This standard in uncertain.</p> <p>It is not clear how an “alternative” measure could be assessed in this way.</p> <p>The Plans 1 and 2 do not set out clear outcomes.</p>	22.36
I616.6.4 (1) riparian planning	Retain the minimum 10m as set out. Additionally identify areas which will be significantly wider for	Support in part	10m is insufficient to provide sustainable habitat for indigenous species.	22.37

	short lengths of the stream.			
1616.6.4 (2) riparian planning	Set out the extent of riparian margins to be vested	support	Support the intent however it is not clear what is to be vested. Riparian margins are not identified on Plans 1 or 2	22.38
1616.6.4(6)	retain	Support	Agree with the standard as stated.	22.39
1616.6.7.	Delete provision for new development in the coastal erosion setback.	Oppose	The coastal environment is a sensitive natural environment and land use development should not be encouraged so close to the coast. Where erosion and sea level rise impacts are anticipated setbacks need to provide for the habitat of indigenous species as they are also pushed landward.	22.40
1616.6.11 - lighting	Preferably locates such signage away from riparian and indigenous vegetation areas.	support	Lighting can affect habitat of indigenous species. However there are other lighting sources such as electronically illuminated signs which cumulatively could cause light pollution.	22.41
1616.8	Add standards requested above to this section if they do not already apply to restricted discretionary activities.	Support	For the same reasons as for standards needed above	22.42
Plan 1	Amend the plan to show areas which will be planted to support and enhance the North West Wildlink Identify the extent of these areas on the Plan.	oppose	The plans show insufficient detail. They are uncertain as to zoning riparian or other areas of indigenous biodiversity necessary to enhance the North-West Wildlink	22.43
Plan 2	Identify stream crossings on the maps consistent with the policy to avoid and minimise.	oppose	It is not clear where stream crossings will be located.	22.44



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 1 Queen Street
 Private Bag 106602
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17 October 2017

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

Dear Sir/Madam

Auckland Unitary Plan: PC5; Whenuapai Plan Change

The New Zealand Transport Agency has a statutory obligation under Section 95 of the Land Transport Management Act 2003 to ensure that State highways operate in an effective, efficient and safe manner for the public. Proposed PC5 Whenuapai Plan Change is adjacent to State Highway 16 and straddles State Highway 18, at Westgate/Hobsonville. Proposed PC5 sits within the Whenuapai Structure Plan, and area which will eventually accommodate some 8,000 to 10,700 dwellings and 8600 jobs. The Transport Agency thanks the Auckland Council for its early engagement with the Agency in the development of the Whenuapai Structure Plan and subsequently the draft Plan Change.

1. The New Zealand Transport Agency (Transport Agency) makes the following submission in general support of Proposed Plan Change 5; Whenuapai Plan Change to the Auckland Unitary Plan. Without otherwise limiting that general support, the Transport Agency additionally submits as follows:

2. a) Staged Development

The Transport Agency supports the provisions for staged development of land within the Whenuapai Structure Plan area as provided for in Proposed PC5 Whenuapai Plan Change.

#23.1

b) I616.2 Objectives for the Integration of Subdivision and Development with the Provision of Infrastructure

The Transport Agency supports the inclusion of objectives for the integration of subdivision and development with the provision of infrastructure in Proposed PC5 Whenuapai Plan Change.

#23.2

c) Objective I616.2(6) and I616.10.2 Whenuapai 3 Precinct Plan 2

The Transport Agency supports the inclusion of Objective I616.2(6) for the integration of subdivision and development with the provision of transport infrastructure in general accordance with I616.10.2 Whenuapai 3 Precinct Plan 2.

#23.3

d) I616.3 Policies for the Integration of Subdivision and Development with the Provision of Infrastructure

The Transport Agency supports the inclusion of Policies I616.3(4), (7) and (8) for the integration of subdivision and development with the provision of infrastructure in Proposed PC5 Whenuapai Plan Change.

#23.4

e) I616.6.2 and Activity Table I616.2.1

The Transport Agency supports the inclusion of the provisions for transport as set out I616.6.2 and Activity Table I616.2.1 in Proposed PC5 Whenuapai Plan Change

#23.5

3. The Transport Agency seeks the following decision from Auckland Council:

- That Auckland Council adopts PC5 Whenuapai Plan Change
- That Auckland Council retains the geographical extent of Proposed PC5 Whenuapai Plan Change and the provisions within Proposed PC5 Whenuapai Plan Change that provide for staged development of land.
- That Auckland Council retains provisions in Proposed PC5 Whenuapai Plan Change that require the integration of subdivision and development with the provision of local transport infrastructure that supports the effective, efficient and safe operation of the wider transport network.

#23.6

#23.7

#23.8

4. The Transport Agency **does not wish** to be heard in support of this submission.

Dated at Auckland this the 19th day of October 2017.

Yours faithfully


Matthew Richards

Practice Manager – System Planning

Pursuant to a delegation from the Chief Executive of the New Zealand Transport Agency.

Address for service: Lorraine Houston
 NZ Transport Agency
 Private bag 106602
AUCKLAND 1143

Telephone Number: (09) 928-8701
 Fax Number: (04) 969-9813
 E-mail: lorraine.houston@nzta.govt.nz

**SUBMISSION ON PLAN CHANGE 5: WHENUAPAI PLAN CHANGE UNDER CLAUSE 6 OF
THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

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

Name of Submitter: Stride Holdings Limited

Address: c/- MinterEllisonRuddWatts
PO Box 3798
AUCKLAND 1140
Attention: Bianca Tree

Introduction

1. This is a submission on proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan (Operative in Part) (**Plan Change 5**) by Stride Holdings Limited (**Stride**). The Plan Change was notified by the Auckland Council (**Council**) on 21 September 2017.
2. This submission relates to the proposed zoning changes and the inclusion of a new precinct 1616 Whenuapai 3 Precinct (**Whenuapai Precinct**).
3. Stride is the owner and operator of the NorthWest Shopping Centre (**Centre**), which is located in the Westgate Metropolitan Centre. Stride provided feedback on the Whenuapai Structure Plan supporting the Whenuapai area as a priority for residential development, and to provide further Industrial land for employment opportunities. Stride also supported the development of a roading network that facilitated connections with the Metropolitan Centre.
4. Stride supports Plan Change 5 in part, and opposes Plan Change 5 in part. The reasons for the support and opposition are set out below, together with the relief sought.

Trade competition

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

Submission in support in part - Zoning

6. Stride supports in part the proposed rezoning of Plan Change 5, as listed below;
 - (a) rezoning 217 ha to residential zoned land (Terrace Housing and Apartment Buildings, Mixed Housing Urban and Single House zones);

24.1

- | | | |
|-----|---|------|
| (b) | rezoning 124 ha to Business – Light Industry; and | 24.2 |
| (c) | rezoning approximately 4,500 m ² to Business – Neighbourhood Centre zone in the particular location of the intersection of Trig Road and Hobsonville Road. | 24.3 |

Reasons for submission in support in part – Zoning

7. The reasons for Stride’s support of Plan Change 5 include the following.
8. In general, Plan Change 5:
 - (a) is consistent with, and will achieve, the purpose and the principles of the Resource Management Act 1991 (**Act**);
 - (b) is consistent with the principles in Part 2 of the Act;
 - (c) assists the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) meets the requirements to satisfy the criteria of section 32 of the Act; and
 - (e) is good resource management practice.
9. Further, without derogating from the generality of the above, Plan Change 5 is appropriate for the following reasons:
 - (a) rezoning 217 ha to residential zoned land supports the objective of residential intensification to support the expected population growth in Auckland;
 - (b) more intensive residential development should be enabled in locations where this is appropriate, and in particular the area of Terrace Housing and Apartment Building to the south of the Upper Harbour Motorway should be extended to cover more of the residential block bounded by the Upper Harbour Motorway, NorthWestern Motorway, and Hobsonville Road;
 - (c) rezoning 124 ha to Business – Light Industry supports employment opportunities while enabling appropriate land uses in proximity to the Whanuapai Airbase; and
 - (d) rezoning up to 4,500 m² to Business – Neighbourhood Centre zone on Hobsonville Road, close to the intersection with Trig Road, will provide access to convenience commercial goods and services.

Decision sought – Zoning

10. The decision sought by Stride is:

- (a) that the proposed zoning, location and extent, be approved (except as provided in 10(b) below); 24.4
- (b) the Terrace Housing and Apartment Building zone to the south of the Upper Harbour Motorway, be extended to cover more of the block bounded by the Upper Harbour Motorway, NorthWestern Motorway, and Hobsonville Road; and 24.4
- (c) such other relief and/or amendments to Plan Change 5 as may be necessary to address Stride’s concerns, as outlined above.

Submission in support in part / opposition in part – Whenuapai Precinct

- 11. Stride generally supports the provisions of the Whenuapai Precinct, including the objectives, policies and rules that require infrastructure and roading networks to be integrated, comprehensive and coordinated with the development in the precinct. 24.5
- 12. Stride opposes the Whenuapai Precinct activity table I616.4 (A15) which provides that “activities not otherwise provided for” are a Discretionary activity. 24.6

Reasons for submission in support in part / opposition in part – Whenuapai Precinct

- 13. In addition to the general reasons in paragraph 8 above, the reasons for Stride’s support in part and opposition in part include the following:
 - (a) it is appropriate to ensure that the area is developed in a manner that is coordinated with the provision of infrastructure; and
 - (b) classifying “activities not otherwise provided for” as Discretionary activities is inconsistent with the provisions of the Residential zones and the Business – Neighbourhood Centre and Light Industry zones. There is no analysis in the section 32 report to support that a range of Non Complying activities in the underlying zones should be Discretionary within the Whenuapai Precinct. The activity statuses in the underlying zones are appropriate and should apply to the Whenuapai Precinct, and where an activity is not specifically provided for this should be a Non Complying activity.

Decision sought – Whenuapai Precinct

14. The decision sought by Stride is:

- (a) the objectives, policies and rules relating to the provision of infrastructure be approved; | 24.7
- (b) that Activity Table I616.4.1 (A15) be amended to provide for “activities not otherwise provided for” as a Non Complying activity; | 24.8
- (c) that Activity Table I616.4.1 (A7), (A8), (A9), (A10) and (A11) be deleted, so the underlying zone provisions apply; and | 24.9
- (d) such other relief and/or amendments to the Plan Change as may be necessary to address Stride’s concerns, as outlined above. | 24.10

15. Stride wishes to be heard in support of its submission.

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

DATED this 19th day of October 2017

Stride Holdings Limited by its solicitors and
duly authorised agents MinterEllisonRuddWatts



B J Tree

Address for service of submitter

Stride Holdings Limited
c/- MinterEllisonRuddWatts
P O Box 3798
AUCKLAND 1140
Attention: Bianca Tree
Telephone No: (09) 353 9700
Fax No. (09) 353 9701
Email: bianca.tree@minterellison.co.nz

Contact details

Full name of submitter: Rebecca Vertongen

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: rvertongen@heritage.org.nz

Contact phone number: 093079925

Postal address:
PO Box 105 291
Auckland City
Auckland 1143

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Please refer to the attached submission.

Property address:

Map or maps:

Other provisions:

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:
Refer to attached submission

I or we seek the following decision by council: Accept the plan modification with amendments

25.1

Details of amendments: Refer to attached submission

Submission date: 19 October 2017

Supporting documents
HNZPT submission Plan Change 5.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? 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.

No

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



19 October 2017

File ref: LBY 432

Planning Technician
Auckland Council
Private Bag 92300
Auckland 1142

Dear Madam or Sir

FORM 5: SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA

Plan Change 5: Whenuapai Plan Change

TO: Auckland Council**FROM: Heritage New Zealand Pouhere Taonga****1. This is a submission on the following proposed plan change (the proposal):**

Plan Change 5: Whenuapai Plan Change

2. Heritage New Zealand could not gain an advantage in trade competition through this submission.**3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**

- The creation of the Clarks Lane Historic Heritage Area and scheduling of the Whenuapai heavy anti-aircraft battery; and
- Archaeology in the precinct area.

4. Heritage New Zealand's submission is:**4.1 Clarks Lane Historic Heritage Area and Whenuapai heavy anti-aircraft battery**

Heritage New Zealand strongly supports the scheduling of Clarks Lane as a Heritage Area and scheduling of the Whenuapai Anti-Aircraft Battery. While the Historic Heritage Overlay will provide the Clarks Lane Heritage Area and Whenuapai Anti-Aircraft Battery with protection, it is important that the historic heritage of the area is also recognised within the policy framework of the precinct.

25.2

The Clarks Lane cottages are small single storey dwellings while the immediately surrounding area is now zoned Residential – Terrace Housing and Apartment Building with the ability to build to six storeys. Development designed to respond sympathetically with the heritage area can help maintain the heritage values of the Clark Lane historic heritage area and this could be encouraged through the precinct provisions. For example, the description in the Open Space part of the precinct states that development is encouraged to positively respond and interact with the open space areas. Heritage New Zealand would seek that development within the

25.3

Whenuapai Precinct is also encouraged to respond positively with scheduled historic area and place. 25.3

Heritage New Zealand has suggested amendments to the description and precinct policy framework to better recognise the importance of scheduled historic heritage in the precinct area.

4.2 Archaeology

There are a number of recorded archaeological sites in the precinct area and there are likely to be others which have not yet been recorded. The presence of these archaeological sites reflect the varied and extensive history of the area.

The importance of shellfish gathering in the area is reflected in the numerous shell middens that adjoin the shores of this catchment and numerous occupation sites Maori in origin that adjoin the shores of this catchment. In terms of waterways, the Waiarohia Inlet was a prime location whereby local Maori could use the extensive coastline and tributaries for transit purposes. The waterways provided waka access along the coast and to surrounding settlements of the Waitemata such as; neighbouring Tauhinu Pa across the Harbour and Te Okoriki (the little basin). The landscape is also one of contestation and bore witness to many Iwi/hapu conflicts and incursions, the most recent being Northern expansion and consolidation in the 18th and 19th century by both Ngati Whatua and Ngapuhi. In 1853, the Waipareira block was purchased from Ngati Whatua by the Crown.

Part 6.9.1 of the Section 32 report states that:

[...] identified for recorded archaeological sites although there may be a number of unrecorded archaeological sites. The consultants concluded that most archaeological and heritage sites are located around the coastal edge. These are protected by accidental discovery protocols.

Heritage New Zealand agrees that the majority of the archaeological and heritage sites will be located around the coastal edge. There are at least seven recorded archaeological sites in the precinct area and five of these are located on coastal edges and waterways.

However, Heritage New Zealand does not agree that an accidental discovery protocol will protect archaeology in the precinct area. While modification and destruction of archaeological sites is regulated by Heritage New Zealand, the coastal and riparian area of the precinct area has potential for unrecorded archaeology and this should be recognised and provided for within the precinct provisions. 25.4

We would also note that the preliminary heritage investigation referred to in the Section 32 report also recommended that:

- The locations of recorded archaeological sites are taken into account in the planning of future development; and
- That further field survey in the coastal area and in any locations identified through historic research as having archaeological potential is undertaken to establish whether sites of archaeological value are present and to establish the current status of previously recorded sites.

Heritage New Zealand agrees with these initial recommendations. Ideally, a further field survey in the coastal area should be undertaken. Known sites, and any further archaeological sites identified, should then be provided for within the policy framework of the precinct, particularly the objectives and policies of the open space in the precinct and the provision for coastal esplanades and open space areas.

25.5

5. Heritage New Zealand seeks the following decision from the local authority:

Accept the Plan Change with the amendments as outlined in Appendix A

6. Heritage New Zealand wishes to be heard in support of our submission.

Yours sincerely



Sherry Reynolds
General Manager Northern

Address for service: Rebecca Vertongen
Planner
rvertongen@heritage.org.nz

Attachment 1: Heritage New Zealand Pouhere Taonga Submission Unitary Plan Change 5: Whenuapai

Proposed Plan Provision	Support or Oppose	Reasons for Submission	Relief Sought Strike: abc = delete Underline: <u>abc</u> = addition
Additions to Historic Heritage Overlay			
Chapter L Schedule – 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2.3 Clarks Lane Historic Heritage Area	Support	<p>The Clarks Lane workers residences are of considerable historic importance. The scheduling of this as an area will help ensure their ongoing protection as a whole.</p> <p>The scheduling of the Whenuapai anti-aircraft battery will protect an important part of Auckland’s military history as one of only four surviving heavy AA batteries in Auckland reflecting the surviving landscape of World War 2 defence sites.</p>	Retain as notified
Whenuapai Precinct 1			
Whole precinct	Support in part	Amend the precinct provisions to include reference to the historic heritage of the area including development sympathetic to the scheduled historic heritage area and place, and incorporating archaeological consideration in the provision of open space.	See below.
1616.1. Precinct Description	Support in part	Amend the precinct description to include reference to the area’s varied and important history.	<p>For example:</p> <p><i>The purpose of this precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural <u>and historic</u> environment and the proximity of the Whenuapai airbase.</i></p>

25.6

25.7

25.8

Attachment 1: Heritage New Zealand Pouhere Taonga Submission Unitary Plan Change 5: Whenuapai

			<p><u>Historic Heritage</u></p> <p><u>The precinct area has an extensive and varied history. The Clarks Lane Historic Heritage Area and the Whenuapai heavy anti-aircraft battery are within the precinct area, as well as a number of recorded and potentially unrecorded archaeological sites. Development is encouraged to positively respond and interact with the scheduled historic heritage in the precinct area.</u></p>	25.8
Objective I616.2(2)	Support in part	The existence of two scheduled places of historic significance in the precinct area should be celebrated as part of the precincts emphasis as well as the public realm and natural environment.	(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 <u>and historic environment.</u>	25.9
Objective I616.2(11)	Support in part	The provision of open space throughout the precinct, particularly in the coastal and waterway areas, provides opportunity for the reflection of the areas archaeological values. This should be included within the objectives of the precinct for open space.	(11) Subdivision, use and development enable the provision of a high quality and safe open space network that integrates stormwater management, ecological, <u>archaeological, amenity, and recreation values.</u>	25.10
New policy I616.3(x)	New	There there does not appear to be any corresponding policy to give effect to the objective stated in I616.2(11) which the suggested policy (x) does.	(x) <u>Encourage subdivision, use and development to protect the ecological, archaeological, historic heritage, amenity, and recreation values of the area.</u>	25.11

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

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



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

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

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Evita Key

Organisation Name (if submission is on behalf of Organisation) GRP Management Limited

Address for service of the Submitter
Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone:

027 498 2205

Email:

evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

Proposed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Proposed Whenuapai 3 Precinct Plan 1

Or

Property Address

12 Sinton Road, Hobsonville

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below | 26.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

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

19 October 2017

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.

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 this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991

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

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: GRP Management Limited
 c/- Evita Key, Barker & Associates Ltd

Location of submission: 12 Sinton Road, Hobsonville
 Lot 7 DP 57408

Address for Service: Barker & Associates Ltd
 PO Box 1986
 Shortland Street
 Auckland 1140
 Attention: Evita Key

2. OVERVIEW

GRP Management Limited (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with that part of the Plan Change that relates to the identification of a permanent stream over 12 Sinton Road, Hobsonville (**Subject Site**) being a 2.461ha property and shown outlined in **Figure 1**. Comments are also provided relating to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.

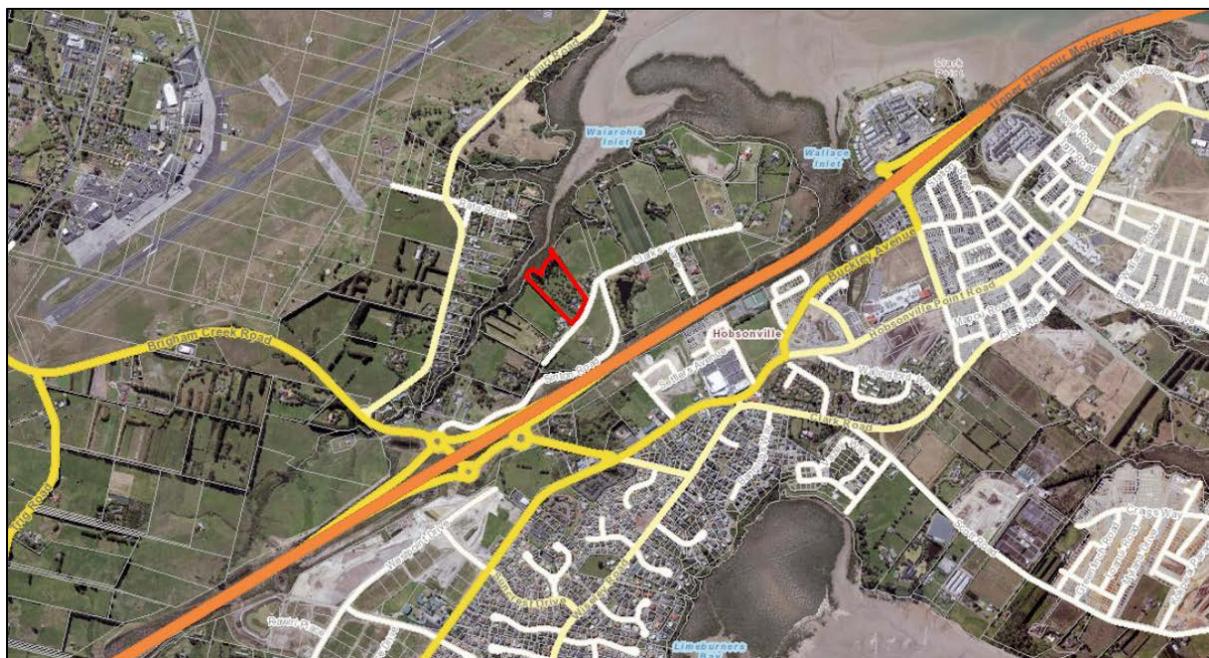


Figure 1: Aerial photograph of the Subject Site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 12 Sinton Road, Hobsonville, has a frontage onto Sinton Road to the south-east and an estuarine environment (Waiarohia Inlet) to the north-west. The Subject Site has a gently sloping contour away from the side boundaries to a shallow valley running centrally down to the coast. The land is currently utilised for rural-residential purposes with a main dwelling, minor dwelling and garaging located towards the front of the property and a number of chestnut trees spread amongst the pasture portion of the Subject Site to the rear (see **Figures 2 and 3**). There is a man-made farm drain running along the south-western boundary beneath a row of shelter belt trees that are located on 14 Sinton Road (see **Figure 4**). There are no known heritage items on the Subject Site.



Figure 2: Photo of the Subject Site taken from the eastern corner of the property towards the west



Figure 3: Photo of the Subject Site taken from the south-western boundary towards the north



Figure 4: Photos of the Subject Site and farm drain

The Subject Site is bound by Sinton Road to the south-east and an estuarine environment to the north-west. The neighbouring properties are rural lifestyle properties ranging from approximately 2.4-3.2ha in size. All of the surrounding properties are zoned Future Urban under the AUP (OP).

Further afield, to the north-west is the area of Whenuapai and on the south-eastern side of State Highway 18 is the large-scale redevelopment of Hobsonville Point which contains a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings as well as an early childhood centre, primary and secondary schools, commercial land uses, public open space and a weekend farmers market. The location of the Subject Site and the surrounding locality is illustrated in **Figure 1** above.

3.2 STRUCTURE PLAN AND DRAFT WENUAPAI PLAN CHANGE

Given the location of Waiarohia Inlet along the north-western boundary of the Subject Site, it is anticipated that a 20m coastal esplanade reserve will be required to be vested with the Council at the time of subdivision¹. The Whenuapai Structure Plan process in 2016, identified an indicative coastal edge walkway/cycleway².

Furthermore, the Structure Plan and Draft Whenuapai 3 Precinct Plan 1 also identified that a permanent/intermittent stream traversed along the south-western boundary of 12 Sinton Road before discharging into the Waiarohia Inlet³. It is understood that the stream network for the Whenuapai Precinct catchment was a result of the classification provided within the partial Watercourse Assessment Report (WAR) undertaken by Morphum Environmental⁴ which was informed by a number of other data sources (as noted in Section 1.0 of the WAR). This WAR identifies a number of named and unnamed tributaries that merge then generally drain north-east towards the Waiarohia Inlet and Upper Waitematā Harbour.

The WAR identifies a stream over the Subject Site as reference WIN_TRIB3_1. The memorandum titled Whenuapai Stream Classification Survey (30 May 2016), prepared by Morphum Environmental, to support the WAR, states that the streams were classified by GIS analysis/historic aerial photography to predict intermittent / ephemeral boundary of streams followed by field investigations to identify transition points between ephemeral and intermittent reaches and field investigations. Intermittent to permanent stream transitions were not surveyed as they were noted as being out of scope of the study and permanent stream lines were only represented as indicative and were not field validated⁵.

¹ Notwithstanding that a width reduction or waiver of an esplanade reserve can be applied for.

² See Figure 12 (Transport Networks map) of the Whenuapai Structure Plan September 2016

³ See Figure 13 (Infrastructure map) of the Whenuapai Structure Plan September 2016

⁴ Watercourse Assessment Report: Whenuapai Structure Plan Area. Morphum Environmental Ltd, September 2016

⁵ As noted in Appendix 2 of the Memorandum titled 'Whenuapai Stream Classification Survey (30 May 2016)

Furthermore, the recommendations of the memorandum states that *“it is recommended that the stream network is surveyed to provide an accurate baseline for the development of the structure plan”*.

As the Submitter is a perspective purchaser, at the time of the Structure Plan and Draft Whenuapai Plan Change feedback processes, they were unaware of the stream identification and therefore no previous feedback was provided.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the Subject Site as predominantly Mixed Housing Urban Zone with a strip of Single House Zone adjoining the estuary (see **Figure 5**). This proposed zoning is supported given that it accommodates an appropriate transition between high density residential THAB zone on the south-eastern side of Sinton Road and a low density residential buffer adjoining the coast to the west.

26.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 6**) traversing along the south-western boundary. The Subject Site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 7**) which contains 29 separate land parcels with a number of identified collector roads.



Figure 5: Extract from the Proposed Whenuapai Plan Change zoning map (Subject Site outlined in dashed red)

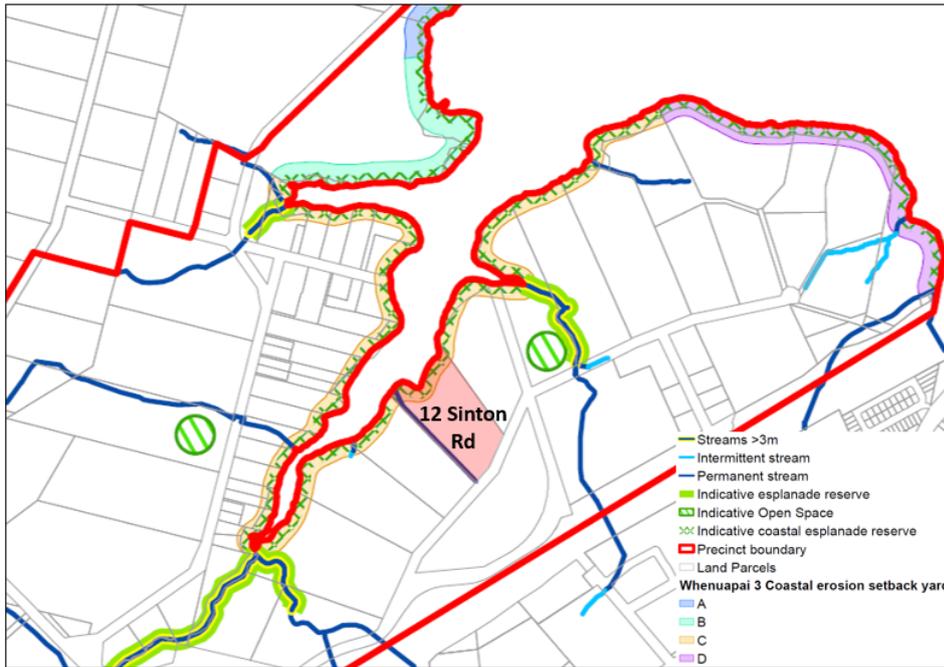


Figure 6: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (Subject Site shaded red)

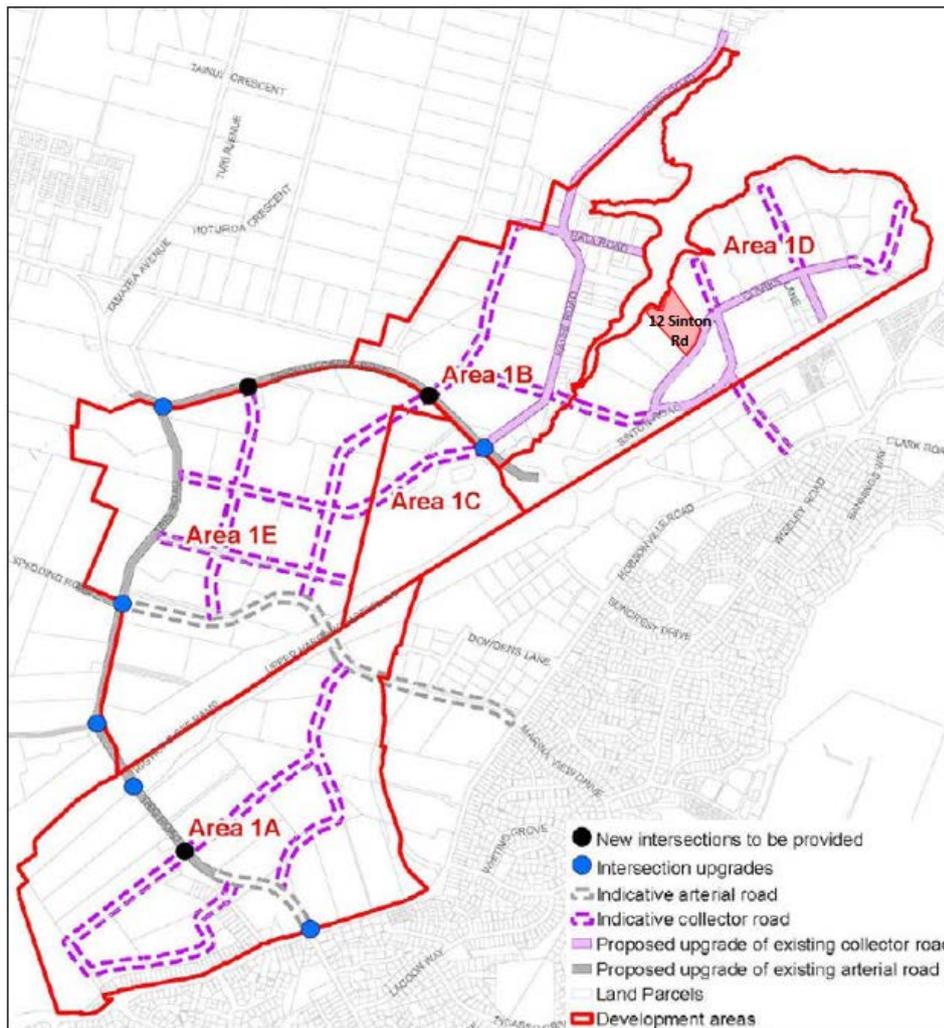


Figure 7: Proposed Whenuapai 3 Precinct Plan 2 (Subject Site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter's opposition to the Plan Change in its current form are:

- a) The Proposed Whenuapai 3 Precinct Plan 1 incorrectly identifies a permanent stream over the Subject Site as the existing man-made farm drain, beneath the shelterbelt trees, does not meet the AUP (OP) definition for a permanent stream being:

"The continually flowing reaches of any river or stream"

The AUP (OP) specifically excludes artificial watercourses from the definition of a stream:

*"A continually or intermittently flowing body of fresh water, excluding ephemeral streams, and includes a stream or modified watercourse; **but does not include any artificial watercourse** [emphasis added] (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal except where it is a modified element of a natural drainage system)."*

An artificial watercourse is defined in the AUP (OP) as:

"Constructed watercourses that contain no natural portions from their confluence with a river or stream to their headwaters.

Includes:

- *canals that supply water to electricity power generation plants;*
- *farm drainage canals;*
- *irrigation canals; and*
- *water supply races.*

Excludes:

- *naturally occurring watercourses."*

It is a common occurrence for farm drains to be dug along property boundaries of rural land to assist with improving the soil environment to provide favourable growing conditions in the root zone for pastures and crops. If present over the Subject Site, a naturally occurring watercourse would follow the course of the natural contours which would be down the shallow valley that runs down the middle of the Subject Site towards the coast. Given that the existing farm drain has been dug in a linear fashion along the boundary, which is the highest point of the Subject Site, it is obvious this is not a naturally occurring watercourse. Furthermore, from the historic aerial photography the area can be viewed without the presence of the shelterbelt trees as they had yet

to be planted in 1959. There is no evidence at this time of a stream traversing along the south-western boundary of the Subject Site;

- b) The incorrect identification of the man-made farm drain as a permanent stream was not field validated and creates a planning limitation over the Subject Site that would significantly limit the potential urban residential development yield as any future earthworks with the area would require a discretionary or non-complying activity resource consent. Stormwater runoff from the Subject Site, as well as treatment, will still need to be addressed at the time of any resource consent which will be required to be assessed appropriately against the existing Auckland-wide provisions of the AUP (OP);
- c) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road⁶. Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- d) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within the local transport infrastructure requirements as listed under Table I616.6.2.1; and
- e) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) That the permanent stream that is identified along the south-western boundary of the Subject

26.3

⁶ ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

- | | | |
|-----|--|------|
| | Site on the proposed Whenuapai 3 Precinct Plan 1 is deleted in its entirety; | 26.3 |
| (b) | That the three coastal cul-de-sac indicative collector roads, as identified on the Whenuapai 3 Precinct Plan 2, are deleted; | 26.4 |
| (c) | That the cul-de-sac collector road that is parallel to Clarkes Lane, identified as an existing collector on the Whenuapai 3 Precinct Plan 2, is deleted; | 26.5 |
| (d) | One of the secondary loops of Sinton Road, identified as an existing collector road on the Whenuapai 3 Precinct Plan 2, is deleted; and | 26.6 |
| (e) | Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area. | 27.7 |

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

GRP Management Limited by its duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205
Email: evitak@barker.co.nz

Contact details

Full name of submitter: Mark Dawe

Organisation name:

Agent's full name:

Email address: dawe@xtra.co.nz

Contact phone number: 0226949344

Postal address:
5 Spedding Rd
Whenuapai
Auckland 0618

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
Scope of the plan change area

Property address: 5 Spedding Rd

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:

There is a need for a larger area of light Industrial zoned land than has been allowed for in the Whenuapai Plan Change to support the huge increase in housing land being enabled by the HIF in Redhills.

I or we seek the following decision by council: Accept the plan modification with amendments

27.1

Details of amendments: Increase the area of Light Industrial land to be rezoned

27.2

Submission date: 19 October 2017

Supporting documents
Notified Submission.pdf

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.

Submission on Notified Whenuapai Plan Change.

Mark Dawe

We have previously submitted to the draft Whenuapai Plan Change on behalf of the owners of No's 3, 5 and 7 Spedding Rd, and No's 84, 88 and 90 Trig Rd (totalling 27 ha) asking to be included in the Plan Change area.

We would submit again that these properties, within the Whenuapai "Housing Infrastructure Fund Area," should be included in the plan Change rather than be delayed for over a decade under the current FULSS timing.

27.3

The major infrastructure impediment to the development of this area has been stated to be the shortage of sewerage infrastructure. This shortage will be addressed by the construction of the pump station near 14 Brighams Creek Rd funded by a loan from the Housing Infrastructure Fund. This should "enable" development of properties within the HIF area within the 10 year time-frame that has previously been quoted as a reason for excluding us from the plan Change.

The HIF area in Redhills enables a large area of housing land to be developed earlier than previously planned, with no corresponding earlier development of light Industrial land to provide jobs. In feedback from local boards on the Auckland Plan Refresh (August 2017) a key theme was "the need for more emphasis on providing local employment across the region thereby reducing the need for local residents to travel to the city."

This issue could easily be addressed by including the HIF light industrial zoned land south of Brighams Creek Rd and west of Trig Rd in the plan change.

We are left wondering what was the purpose of including this part of Whenuapai in the "Housing Infrastructure Fund Area" if there was no intention to use the fund to fast-track the development of this job creation?

We would ask that our property, and others within the Housing Infrastructure Fund area be included in the Plan Change, perhaps with the proviso that

27.4

development cannot start until such time as the Whenuapai pump station is nearing completion.

27.4

On a personal note. As we live and work on our Whenuapai property we have been closely following the planning for Whenuapai from Waitakere City days to the present. Under NORSGA our area was scheduled for development in 2012. Under the Unitary plan we were told that all of Whenuapai would be live-zoned by the end of 2016. Even when we were put into Stage 2 in October 2016 we were assured that our property (400m from the RUB) could still be developed if a developer was willing to pay for the infrastructure. Then earlier this year the “Refreshed FULSS” stated that nothing will happen in Stage Two Whenuapai until 2028-32.

While we understand that the instant live-zoning of Redhills in October 2016 forced council to re-allocate the limited sewerage capacity from Whenuapai to Redhills, the effect has been devastating for us and our family. We had made business and personal decisions based on the “certainties” and assurances we had been given throughout the planning process, and now our future is anything but certain.

In the Whenuapai Structure Plan (2016) a proposed arterial road is shown going through our property. At this time the road was included in the list of priority roads and Auckland Transport documents made several references to the importance of early designation and route protection. At a public meeting in April 2017 regarding the Refreshed FULSS we specifically asked a representative from Auckland Transport whether this would also mean a delay in purchasing part of our property for the road. We were assured that the delay gave them a chance to catch up and that they would be pressing on with the road.

The latest documents we have seen from Auckland transport no longer list this road as a priority and we understand that the road has also been deferred for a decade. Auckland Transport hasn’t designated the road and now has no

urgency to do so. At the same time the presence of the line on the map is definitely having a detrimental impact on our ability to sell our land.

We can also look forward to all the inconvenience of having Spedding Rd ripped up for the waste water infrastructure coming from the Whenuapai pump station, while knowing that we will not be allowed to benefit from it for many years under the current zoning of our property.

Contact details

Full name of submitter: Peter and Helen Panayuidou

Organisation name:

Agent's full name: Mark Weingarth

Email address: mark.weingarth@stellarprojects.co.nz

Contact phone number: 0211671873

Postal address:

PO Box 33915

Takapuna

Auckland 0740

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:

I616.4 Activity Table, I616.6.1 Compliance with Precinct Plans (Indicative open space), I616.6.2 Transport Infrastructure Requirements &

Property address: 82 Hobsonville Road, West Harbour

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:

(a) Represent the most appropriate means of achieving the purpose of the RMA and the policies and methods applying to Residential - Mixed Housing Urban Zone; and (b) Promote the sustainable management of natural and physical resources in accordance with Section 5 and other relevant matters in sections 6 and 7 of the RMA.

I or we seek the following decision by council: Accept the plan modification with amendments | 28.1

Details of amendments: Please see attached formal submission for details

Submission date: 19 October 2017

Supporting documents

Submission - PC4 82 Hobsonville Road.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? 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.

**RESOURCE MANAGEMENT ACT 1991 SUBMISSION ON PLAN VARIATION 5 TO THE AUCKLAND
UNITARY PLAN (OPERATIVE IN PART)**

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

Name of Submitters: Peter and Helen Panayuidou

Submission on: Plan Change 5

Address: 82 Hobsonville Road, West Harbour

- 1. This is a submission on the proposed Plan Change 5 to the Auckland Unitary Plan (Operative in Part). While the submitters are supportive of the principle to rezone land from Future Urban there are some site specific and general provisions that are a cause of concern to the submitters.**

- 2. The provisions of the plan variation that this submission relates to are:**
 - The zoning of the site as Residential - Mixed Housing Urban
 - The inclusion of 'indicative open space' on 82 Hobsonville Road.
 - The requirement to provide roading infrastructure or other measure prior to development of sites.

- 3. The site comprises the following lot:**
 - (a) Lot 2 DP 116512 (82 Hobsonville Road, West Harbour)

4. The reason why Peter and Helen Panayidou have made a submission on the Plan Change is to ensure that any future development of 82 Hobsonville Road aligns with the Purpose and Principle of the RMA as outlined by Part 2 of the Act. Peter and Helen Panayidou seek to ensure that any future development of the site as dictated by the proposed provisions of Plan Change 5:
 - (a) Represent the most appropriate means of achieving the purpose of the RMA and the policies and methods applying to Residential - Mixed Housing Urban Zone; and
 - (b) Promote the sustainable management of natural and physical resources in accordance with Section 5 and other relevant matters in sections 6 and 7 of the RMA.
5. Without limiting the generality of the foregoing, the reasons for the submission and the decision which the submitters' seeks are set out in the following sections of the submission.

Mixed Housing Urban Zone

6. The submitters support the proposed zoning of the 82 Hobsonville Road as Mixed Housing Suburban and endorse the adoption of the Mixed Housing Urban zone activities and standards as set out in the Operative in Part version of the Unitary Plan. The submitters support the principle of not having a density limitation for the site where dwellings are proposed and land use consent proceeds the subdivision of the land. It is recognised that the benefit of not imposing a density limit is on the premise of appropriate architectural and urban design outcomes as well as acceptable effects on neighbouring sites. The operative in part standards of the Unitary Plan help to achieve this outcome and adoption of such controls for this site are deemed to be appropriate to allow for a urban design and architectural response that aligns with the objectives and policies of the Mixed Housing Urban zone.

28.2

Modification to Whenuapai 3 Precinct Plan 1

7. 82 Hobsonville Road has been identified by Whenuapai 3 Precinct Plan 1 as an area for future public open space. It is noted that this is not reflected in the zoning plan which identifies all of the site as falling into the Mixed Housing Urban zone.

The site in question is also identified as containing a permanent stream that pursuant to standard I616.6.4(1) must be planted to a minimum width of 10m and thereafter offered to the Council for vesting. Given that the permanent stream dissects the centre of the site this in effect removes a 20m (or more) wide strip of land from the site that can be developed. Furthermore, it is unlikely that the Council will allow development built on the very edge of riparian margin or allow for this area to form outdoor living areas or other useable part of a residential development. As such, this will once again reduce the developable area of the site.

The submitter is not objecting to the provision of riparian planting and recognizes that such measures are likely to be a requirement of existing chapters of the Unitary Plan. However, as outlined above, the implementation of such planting will have consequences on the area of the site that can be developed.

The proposal to include additional public open space on the site is therefore objected to on the grounds that this will further remove developable land from 82 Hobsonville Road. In essence, this is not deemed to a sustainable use of natural and physical resources and impose an unreasonable burden on the landowner where other sites within the Precinct will have to make little to no contribution to public open space provisions.

The submitters do not have an objection to the Council's intention to increase the amount of open space within the area and the social benefits are recognised of having a good provision of such land. It is understood that the indicative locations of the open space follow the recommendations of the Council's Open Space Provisions Guideline 2016 (the 'guideline') which seek to promote connectivity, enjoyment, utilisation and a sense of ownership.

The guideline does not provide a site-specific analysis of 82 Hobsonville Road's ability to accommodate open space and there is no area analysis of the within either the Council's s32 report of the guidance that discusses the reason for choosing 82 Hobsonville Road as a suitable site for open space over and above that which will have to be provided along the riparian margins.

Furthermore, an assessment of the proposed plan provisions reveal that these are silent on open space requirements and the Council's requirements for the 'indicative open space' locations identified by Whenuapai 3 Precinct Plan.

As discussed above, the intent of providing a network of connected open spaces along walking routes, streams, the coast and waterways is endorsed. In particular the submitters are not objecting to the provisions of the Unitary Plan or proposed plan change that require such areas of 82 Hobsonville Road to be retained, planted, protected in perpetuity and vested to Council. The social and amenity benefit of such a natural feature are recognised. However, the lack of thorough assessment and consideration of economic impact along with practical realities of providing open space on 82 Hobsonville Road have not been appropriately considered.

In particular, is considered that providing open space areas at the heads of streams or at the end of riparian walkways better aligns with the open space guidance in that open space is genuinely connected with walkways along waterways that terminate at an area of open space and provide walkways with a genuine destination. This also allows for the provision of public assets to be better shared across a wider number of the sites within the Precinct rather than the few as currently proposed.

In the case of 82 Hobsonville Road a review of the plan provisions, stream locations and proposed roading locations as proposed by plan Whenuapai 3 Precinct Plan 2 suggest that land to the west of 82 Hobsonville Road would provide a more suitable location for open space. Specifically this area of the Precinct is considered to be s better connected by roading, with two roads on either side and it also provides the opportunity to provide open space in a well defined and logical end to the riparian walking route that will be developed along the stream.

The alternative to locating open space at the end or heads of streams, as is currently proposed is to have walking routes along riparian margins that terminate unexpectedly or with no future connection. If 82 Hobsonville Road and the neighbouring sites are used as an example. There is already a network of esplanades vested to the east of the site along the stream that dissects this site, it is therefore logical to assume that this vesting will continue along the stream through the site. Locating open space on 82 Hobsonville Road which is part way along the stream would result in a walking track along the remainder of riparian margin that will not have a destination or potentially provide future connection as future subdivisions of land to the west are not required to provide this and therefore may obstruct access to the margins. Providing open space at the end of the stream therefore ensures future public access in perpetuity.

As outlined above the provisions are quite unclear in terms of open space requirements and therefore make any future planning for the site difficult. In the case of sites that contain streams or coastal environments it should be made clear that open space can be provided in the form of riparian planting areas which would address the potential for Council 'double dip' on land that is to be vested from the same site.

Roading Provisions

8. The principle of the Plan Change's intentions to providing infrastructure in advance of the area's development is fully endorsed and understood as is the sharing of costs. However, it should also be recognised that where sites adjoin existing infrastructure that these sites can be developed in advance to help share the costs of infrastructure development for the remainder of the area where access and servicing may be more problematic.

In addition, the proposed planning provisions should recognise that where public infrastructure is provided as a cost to the developer that this is provided to facilitate the area's development and to offset the adverse effects of that development. Furthermore, in the case of sites that have to provide public land and in particular reserves and open space that there should be an ability to not pay development contributions for such matters at a later date.

Whilst development contributions are controlled by the Local Government Act and any decision under the RMA cannot override this legislation the Council have the ability to introduce measures under the LGA to ensure that contributions made in advance of a site's development are offset against future contributions.

9. We seek the following decision from the Auckland Council:

8.1 That the provisions of the proposed Plan Change 5 to the Auckland Unitary plan (Operative in Part);

- Confirm the zoning of 82 Hobsonville Road as Residential - Mixed Housing Urban zone. | 28.3
- Relocate the 'indicative open space' from 82 Hobsonville Road to an alternative site that provides a more logical end to the walking tracks and connections that will be provided throughout the area. Options for alternative sites include those not required to set land aside to facilitate the development of the Precinct and those located at the end of waterways; or | 28.4
- Provide confirmation in the plan provisions that the planting and vesting of riparian margins along a waterway or coastal area will be deemed to have met the 'indicative open space' requirement and that no further public open space is required on that site. |
- That that the plan provisions be amended to allow for development of sites that are already have a full road frontage to an existing public road; and | 28.5
- The any contributions made towards upgrading infrastructure within the precinct are taken into account and offset by any future contributions. | 28.6

OR

8.2 Such other relief that will meet the concerns of the submitter.

AND

8.3 Such consequential relief necessary to give effect to this submission. | 28.7

10. We wish to be heard in support of our submission

11. If others make a similar submission we would be prepared to consider presenting a joint submission with them at any hearing.

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

Mark Weingarth

A handwritten signature in black ink, appearing to read 'M.R.W.' with a stylized flourish at the end.

(Signature of person authorised to sign on behalf of the submitter)

Date: 17 October 2017

Address for Service: Peter and Helen Panayuidou

C/- Stellar Projects Limited

PO Box 33915

Takapuna

Auckland 0740

Attention: Mark Weingarth

Mobile: 021 1671 873

E-mail: mark.w@stellarprojects.co.nz

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

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



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

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

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Evita Key

Organisation Name (if submission is on behalf of Organisation)

Ockleston Investments Limited

Address for service of the Submitter

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone:

027 498 2205

Email:

evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

Proposed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Proposed Whenuapai 3 Precinct Plan 2

Or

Property Address

1 Ockleston Landing, Hobsonville

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below | 29.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



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

19 October 2017

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.

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 this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

**SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991**

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

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: Ockleston Investments Limited
c/- Evita Key, Barker & Associates Ltd

Location of submission: 1 Ockleston Landing, Hobsonville
Lot 11 DP 89678 and Sections 1 and 5 SO 445478

Address for Service: Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attention: Evita Key

2. OVERVIEW

Ockleston Investments Limited (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with the part of the Plan Change that relates to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2 and in particular the road that is located over 1 Ockleston Landing, Hobsonville (**Subject Site**). This property is 3.6079ha and shown outlined in **Figure 1**.

This submission is primarily concerned with that part of the Plan Change that relates to the identification of a permanent stream over 12 Sinton Road, Hobsonville (**Subject Site**) being a 2.461ha property and shown outlined in **Figure 1**. Comments are also provided relating to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.



Figure 1: Aerial photograph of the Subject Site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 1 Ockleston Landing, Hobsonville, has a frontage onto Ockleston Landing to the north which connects to Clarkes Lane to the west and beyond this Sinton Road (see **Figure 1**). Ockleston Landing is a sealed road with a formed kerb and channel, existing street trees and the eastern end terminates in a cul-de-sac head. The application site is of a gentle contour sloping from north-west to east and is currently a construction site with the civil works being undertaken for approved roading and building platforms that were consented in 2016¹. There are no known heritage items/places or significant indigenous habitat or vegetation on the site.

¹ See Council references LUC-2016-1363, SUB-2016-1364, REG-2016-1365, LUC-2016-1909, LUC-2016-1925, LUC-2016-1925 and LUC-2016-1869-1869-LUC-2016-1869-1934

There is a stream that originates on the southern side of SH18, crosses the beneath SH18 via a culvert and then flows over the eastern corner of the Subject Ste. The stream then crosses over the southern portion of 30 Ockleston Landing where it enters the coastal marine area via the Wallace Inlet (Waitemata Harbour).

3.2 SURROUNDING LOCALITY

The neighbouring properties to the north-east and north-west are rural lifestyle properties ranging from approximately 1-4ha in size and generally accommodating a single dwelling although some sections are vacant. Located to the west of the application site is a cluster of smaller sized residential properties that are accessed off Clarks Lane and range in size from 1,508m² up to 5,720m². All of the surrounding properties are zoned Future Urban under the AUP (OP).

The application site is bounded to the south by a formed vegetated earth bund which screens the site from SH18 to the south of the bund. Beyond this is the Hobsonville War Memorial Park and the large scale redevelopment of Hobsonville Point which contains an early childhood centre, primary and secondary schools, commercial land uses, a weekend farmers market and a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings.

Approximately 50m south-west of the site is a pedestrian/cyclist bridge which is accessed from Clarks Lane and provides access over SH18, connecting to Memorial Park Lane.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the Subject Site as Terraced Housing and Apartment Building (THAB) zone (see **Figure 2**). This proposed zoning is supported given that it accommodates an appropriate transition from higher to lower density zoning nearer to the coast.

29.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 3**) traversing along the eastern corner of the property. The Subject Site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 4**) which contains 29 separate land parcels with a number of identified collector roads. There is an indicative collector road proposed along the southern boundary of the Subject Site. An existing collector road has been located along the western boundary of the Subject Site.



Figure 2: Extract from the Proposed Whenuapai Plan Change zoning map (Subject Site outlined in dashed red)

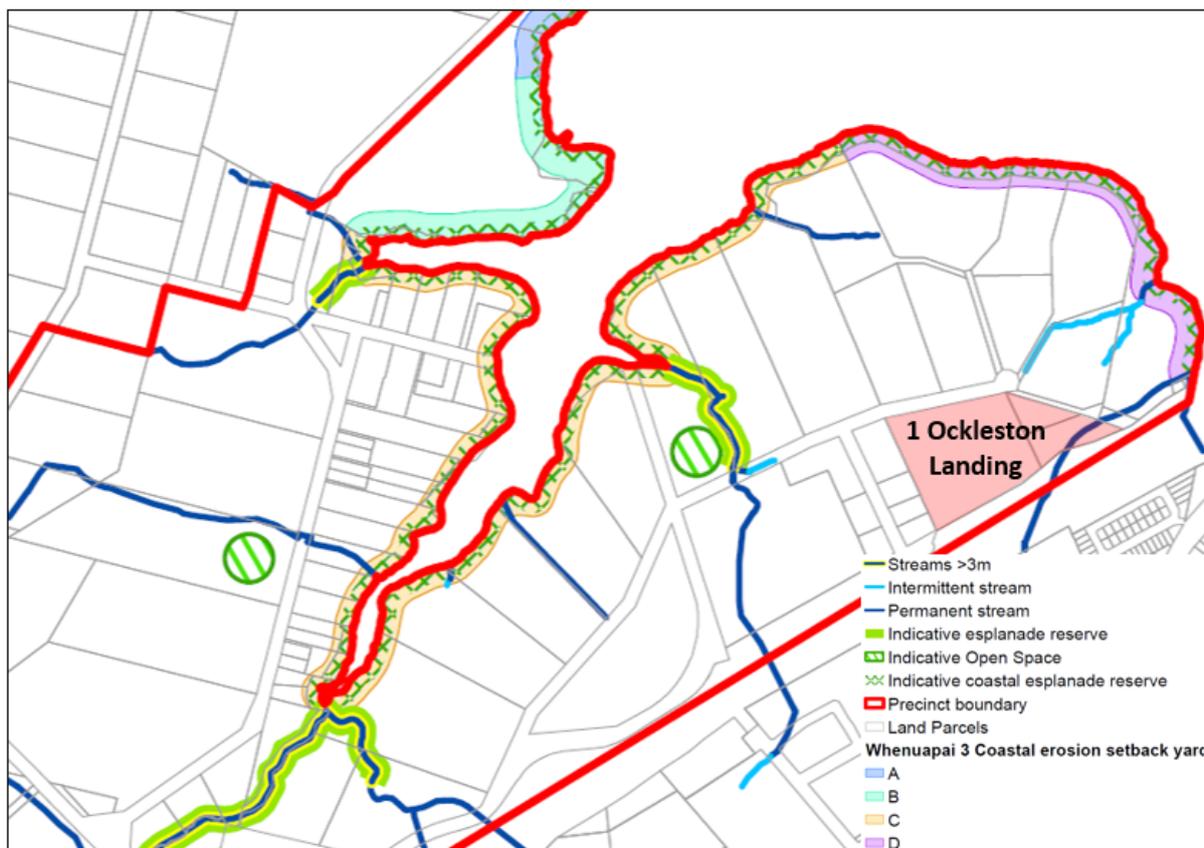


Figure 3: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (Subject Site shaded red)

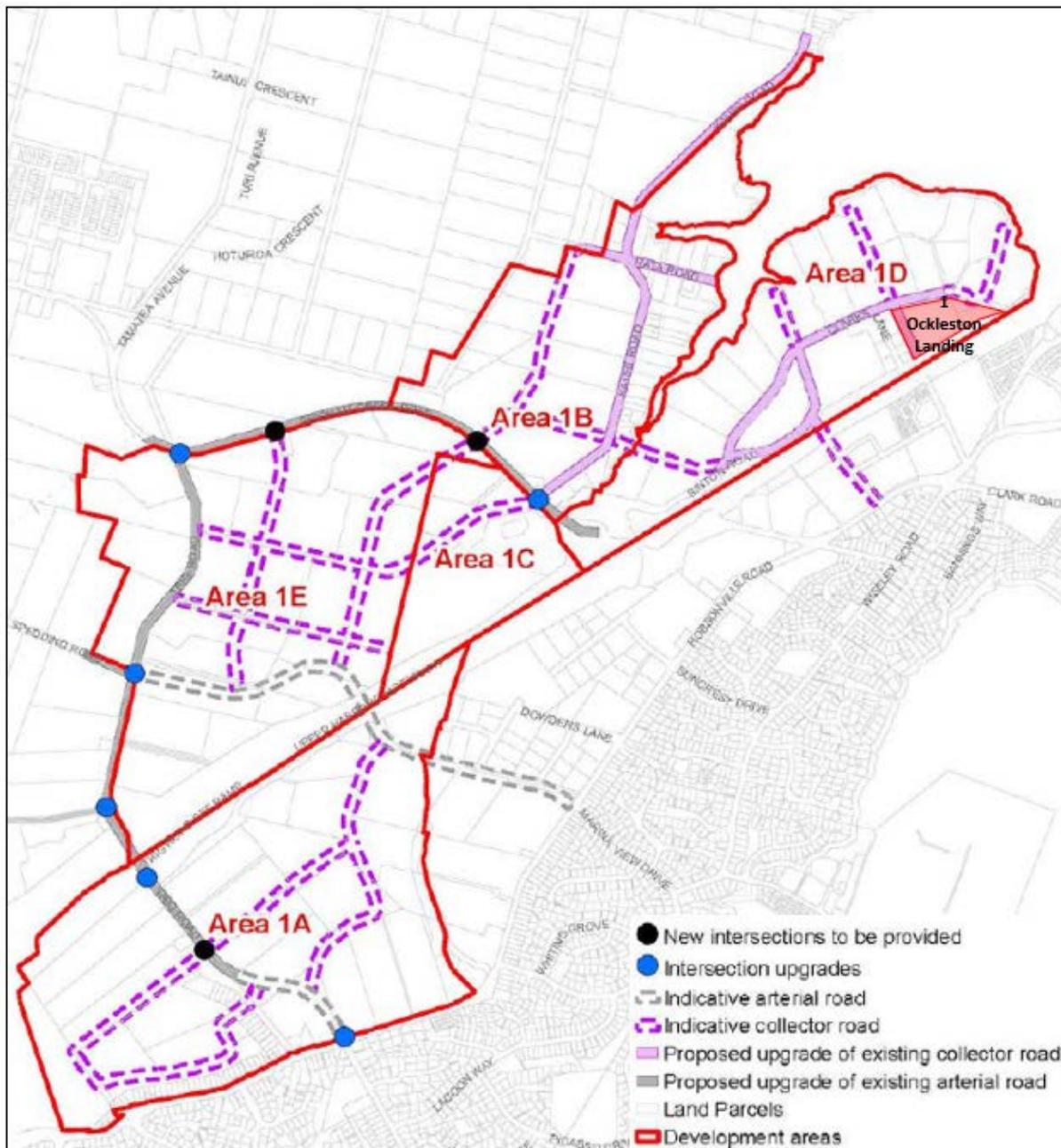


Figure 4: Proposed Whenuapai 3 Precinct Plan 2 (Subject Site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter’s opposition to the Plan Change in its current form are:

- a) The Proposed Whenuapai 3 Precinct Plan 1 incorrectly identifies an existing collector road over the Subject Site along the western boundary. Subdivision consent has already been granted in 2016 under the Housing Accords and Special Housing Areas legislation and there are approved lots located along the western boundary as illustrated in **Figure 5**.



Figure 5: Approved scheme plan for LUC-2016-1363 / SUB-2016-1364 / REG-2016-1365

- b) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road². Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- c) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within

² ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

the local transport infrastructure requirements as listed under Table I616.6.2.1; and

- d) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) That the collector road stream that is identified along the western boundary of the Subject Site on the proposed Whenuapai 3 Precinct Plan 2 is deleted in its entirety as it does not exist; 29.3
- (b) That the three coastal cul-de-sac indicative collector roads, as identified on the Whenuapai 3 Precinct Plan 2, are deleted; 29.4
- (c) That the cul-de-sac collector road that is parallel to Clarkes Lane, identified as an existing collector on the Whenuapai 3 Precinct Plan 2, is deleted; 29.5
- (d) One of the secondary loops of Sinton Road, identified as an existing collector road on the Whenuapai 3 Precinct Plan 2, is deleted; and 29.6
- (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area. 29.7

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

Ockleston Investments Limited by its duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205

Email: evitak@barker.co.nz

Contact details

Full name of submitter: Dave Allen

Organisation name:

Agent's full name:

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

Contact phone number: 4118314

Postal address:
820 Old North Road
RD2
Waimauku
Auckland 0882

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
PC 5 Whenuapai

Property address: 23 Waimarie Road

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:
see submission attached

I or we seek the following decision by council: Accept the plan modification with amendments | 30.1

Details of amendments: see submission attached

Submission date: 18 October 2017

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.

D.G. Allen
820 Old North Road,
RD 2
Waimauku 0882,

2017-10-18

Auckland Council
Level 24, 135 Albert Street
PRIVATE BAG 92300
AUCKLAND 1142

**SUBJECT: Auckland Unitary Plan:-
Draft section 32 (RMA) report 5th Sept. 2017
PC5 Whenuapai Plan - proposed change @ 21st Sept 2017
Submission**

To whom it may concern,

This submission originates from the owner of 23 Waimarie Road, Whenuapai, relating to the re-zoning set out in PC5 Whenuapai Plan Change documents issued 21st Sept. 2017.

Kindly note the postal address is different as this is a new build at 23 Waimarie Rd and I am in the process of moving there.

- 1) Page 19 of the section 32 report states that 2 " [letters are also sent to all owners2 of the land which is directly affected by the plan change2](#) ."

Actually this takes an extremely narrow view, as those of us who live nearby in a no-exit street must pass through this area and the resulting traffic congestion will adversely affect our quality of life and the value of our properties, so we are indeed directly affected (see point 3 below), but received no such letter.

30.2

- 2) Page 7 of the section 32 report states "[takes into account the sensitive receiving environment of the Upper Waitemata Harbour](#)".

With respect, it does no such thing as the increased stormwater run-off due to the rezoning will seriously adversely affect the water quality of the harbor, a sensitive fish-breeding and people recreational area.

30.3

In fact, on page 33, the same report acknowledges " [2 is likely to increase accumulation of metals in narrow estuaries of the Waiaroha and Brigham creeks](#)"

- 3) Page 11 of the section 32 report states regarding infrastructure "2 .along with regional and local upgrades to the transport network. "

See point 1 above – the resulting traffic congestion, due to in fact lack of upgrades, will create serious congestion.

30.4

- 4) Related, page 28 of the section 32 report states “2 .. **does not impede mobility or accessibility of people living in the surrounding area..**”

This is just not correct. I see, for example, no concept for a roundabout at the intersection of Kauri & Brigham Creek roads

30.5

- 5) The report claims that recognition is given to increased biodiversity and the North -West wild-link, but no areas are set aside to achieve this.

30.6

- 6) There are insufficient park or reserve areas for peoples’ recreation. In fig 6 on page 33a coastal walkway is indicated, which is nonsense as all those properties have riparian rights.

30.7

- 7) The noise from the airfield will adversely affect far outside the sound contours indicated which anyway are highly theoretical and not based on actual measurements, nor do they take into account what aircraft engines might be used in the future.

30.8

Yours faithfully

D G Allen

dave.allen@outlook.co.nz

027-2888 371

09-411 8314

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

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



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

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



For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name) Jack Nelson & Gillian Mary SHEPHERD.

Organisation Name (if submission is on behalf of Organisation)

Address for service of the Submitter

33 Kauri Rd, Whenuapai

Telephone:

09416 8845

Email:

jackboy1@hotmail.co.nz

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number

PC 5: Whenuapai Plan Change

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Whenuapai 3 Precinct Plan

Or

Property Address

i.e area-airfield side of Kauri Rd between

Or

Map

Rata Rd & Brigham creek Rd.

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:

Noise pollution — extra traffic congestion. our roading cannot cope. detracts from the rural atmosphere. devaluing of property values. we do not want change to our life style. 700+ houses is far too many for the area. (continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below. 31.1

No light industry at all. 31.2 less housing 31.3 even a park or play area as previously planned 31.4 would be preferred. Why has the council done a u-turn on the zoning tried to change before but then retained the Rural Zone

- I 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

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

9-10-17
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.

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 this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

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

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



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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Ming Ma

Organisation Name (if submission is on behalf of Organisation) GRP Management Limited

Address for service of the Submitter Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone: 027 498 2205 Email: evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name Propsoed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) Proposed Whenuapai 3 Precinct Plan 1 and 2

Or
Property Address 14 Sinton Road, Hobsonville

Or
Map

Or
Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- | | | |
|--|-------------------------------------|-------|
| Accept the Plan Change/Variation | <input type="checkbox"/> | #32.1 |
| Accept the Plan Change/Variation with amendments as outlined below | <input checked="" type="checkbox"/> | |
| Decline the Plan Change/Variation | <input type="checkbox"/> | |
| If the Plan Change/Variation is not declined, then amend it as outlined below. | <input type="checkbox"/> | |
- See attached submission

- I 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

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

19 October 2017

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.

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 this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

**SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE
Clause 6 of First Schedule, Resource Management Act 1991**

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

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: Ming Ma
c/- Evita Key, Barker & Associates Ltd

Location of submission: 14 Sinton Road, Hobsonville
Lot 8 DP 57408

Address for Service: Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attention: Evita Key

2. OVERVIEW

Ming Ma (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with that part of the Plan Change that relates to the identification of a permanent stream over 12 Sinton Road, Hobsonville which have implications upon future development at 14 Sinton Road (**Subject Site**) being a 2.37ha property and shown outlined in **Figure 1**. Comments are also provided relating to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.



Figure 1: Aerial photograph of the Subject Site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 14 Sinton Road, Hobsonville, has a frontage onto Sinton Road to the south-east and an estuarine environment (Waiarohia Inlet) to the north-west. The Subject Site has a gently sloping contour down to the coast. The land is currently utilised for rural-residential purposes with a main dwelling, minor dwelling and garaging located towards the front of the property, pasture to the rear as well as boundary shelterbelt and riparian vegetation. There is a man-made farm drain running located on the adjacent north-eastern property at 12 Sinton Road (see **Figure 2**) beneath a row of existing shelter belt tree. There are no known heritage items on the Subject Site.



Figure 2: Photos of the farm drain located close to the boundary of the Subject Site at 12 Sinton Road

The Subject Site is bound by Sinton Road to the south-east and an estuarine environment to the north-west. The neighbouring properties are rural lifestyle properties ranging from approximately 2.5-3.2ha in size. All of the surrounding properties are zoned Future Urban under the AUP (OP).

Further afield, to the north-west is the area of Whenuapai and on the south-eastern side of State Highway 18 is the large-scale redevelopment of Hobsonville Point which contains a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings as well as an early childhood centre, primary and secondary schools, commercial land uses, public open space and a weekend farmers market. The location of the Subject Site and the surrounding locality is illustrated in **Figure 1** above.

3.2 STRUCTURE PLAN AND DRAFT WENUAPAI PLAN CHANGE

Given the location of Waiarohia Inlet along the north-western boundary of the Subject Site, it is anticipated that a 20m coastal esplanade reserve will be required to be vested with the Council at the time of subdivision¹. The Whenuapai Structure Plan process in 2016, identified an indicative coastal edge walkway/cycleway².

Furthermore, the Structure Plan and Draft Whenuapai 3 Precinct Plan 1 also identified that a permanent/intermittent stream traversed along the south-western boundary of 12 Sinton Road before discharging into the Waiarohia Inlet³. It is understood that the stream network for the

¹ Notwithstanding that a width reduction or waiver of an esplanade reserve can be applied for.

² See Figure 12 (Transport Networks map) of the Whenuapai Structure Plan September 2016

³ See Figure 13 (Infrastructure map) of the Whenuapai Structure Plan September 2016

Whenuapai Precinct catchment was a result of the classification provided within the partial Watercourse Assessment Report (WAR) undertaken by Morphem Environmental⁴ which was informed by a number of other data sources (as noted in Section 1.0 of the WAR). This WAR identifies a number of named and unnamed tributaries that merge then generally drain north-east towards the Waiarohia Inlet and Upper Waitematā Harbour.

The WAR identifies a stream over 12 Sinton Road as reference WIN_TRIB3_1. The memorandum titled Whenuapai Stream Classification Survey (30 May 2016), prepared by Morphem Environmental, to support the WAR, states that the streams were classified by GIS analysis/historic aerial photography to predict intermittent / ephemeral boundary of streams followed by field investigations to identify transition points between ephemeral and intermittent reaches and field investigations. Intermittent to permanent stream transitions were not surveyed as they were noted as being out of scope of the study and permanent stream lines were only represented as indicative and were not field validated⁵. Furthermore, the recommendations of the memorandum states that *“it is recommended that the stream network is surveyed to provide an accurate baseline for the development of the structure plan”*.

As the Submitter is a perspective purchaser, at the time of the Structure Plan and Draft Whenuapai Plan Change feedback processes, they were unaware of the stream identification and therefore no previous feedback was provided.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the Subject Site as predominantly Mixed Housing Urban Zone with a strip of Single House Zone adjoining the estuary (see **Figure 5**). This proposed zoning is supported given that it accommodates an appropriate transition between high density residential THAB zone on the south-eastern side of Sinton Road and a low density residential buffer adjoining the coast to the west.

32.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 6**) traversing along the north-eastern boundary on the adjacent site at 12 Sinton Road. The Subject Site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 7**) which contains 29 separate land parcels with a number of identified collector roads.

⁴ Watercourse Assessment Report: Whenuapai Structure Plan Area. Morphem Environmental Ltd, September 2016

⁵ As noted in Appendix 2 of the Memorandum titled 'Whenuapai Stream Classification Survey (30 May 2016)

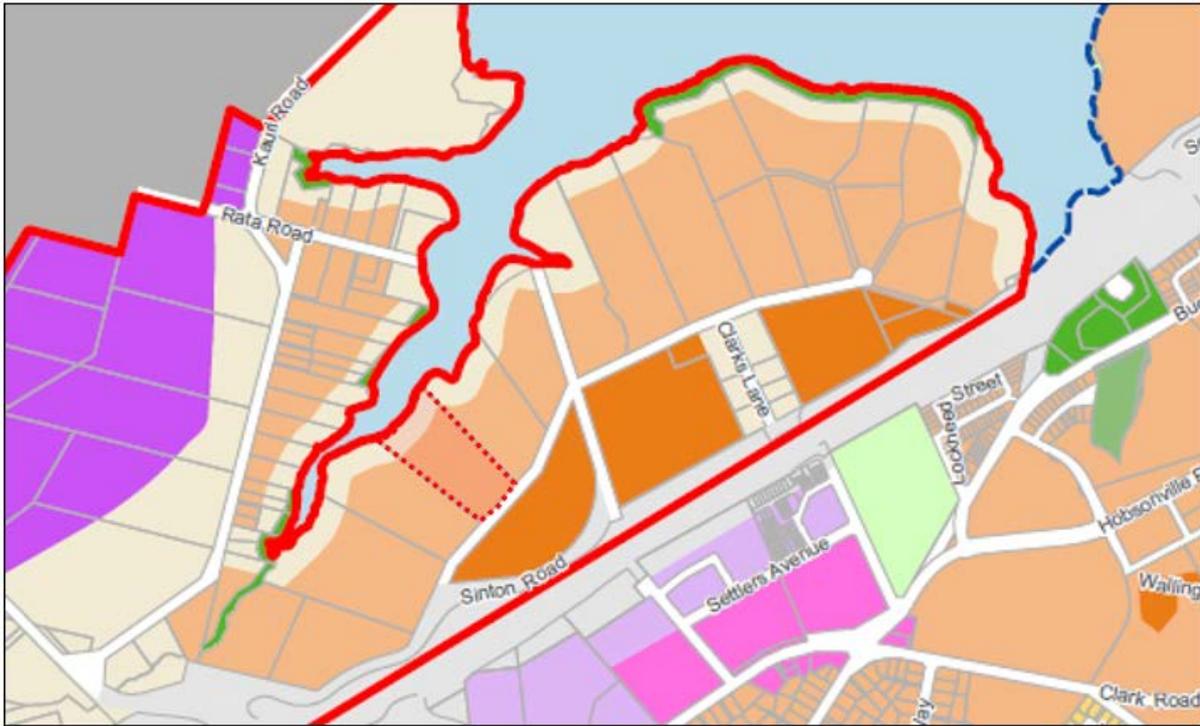


Figure 3: Extract from the Proposed Whenuapai Plan Change zoning map (Subject Site outlined in dashed red)

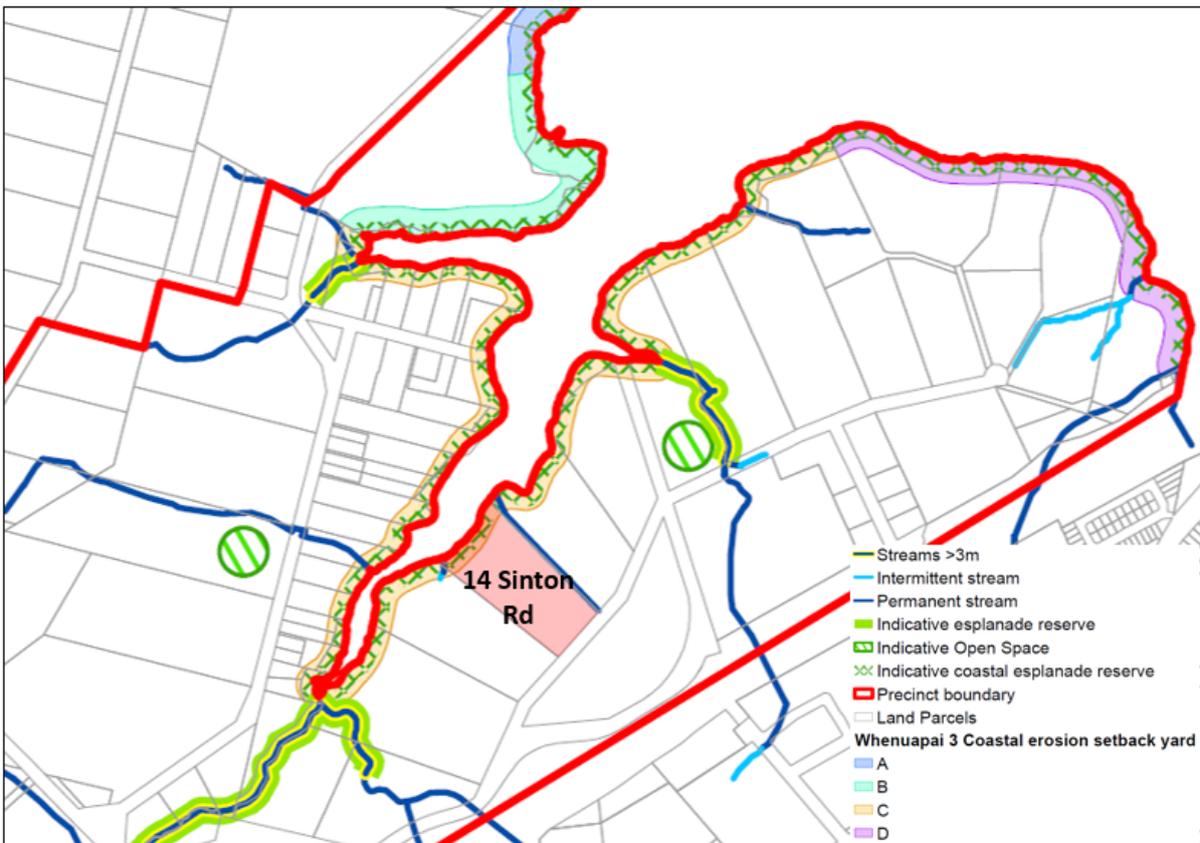


Figure 4: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (Subject Site shaded red)

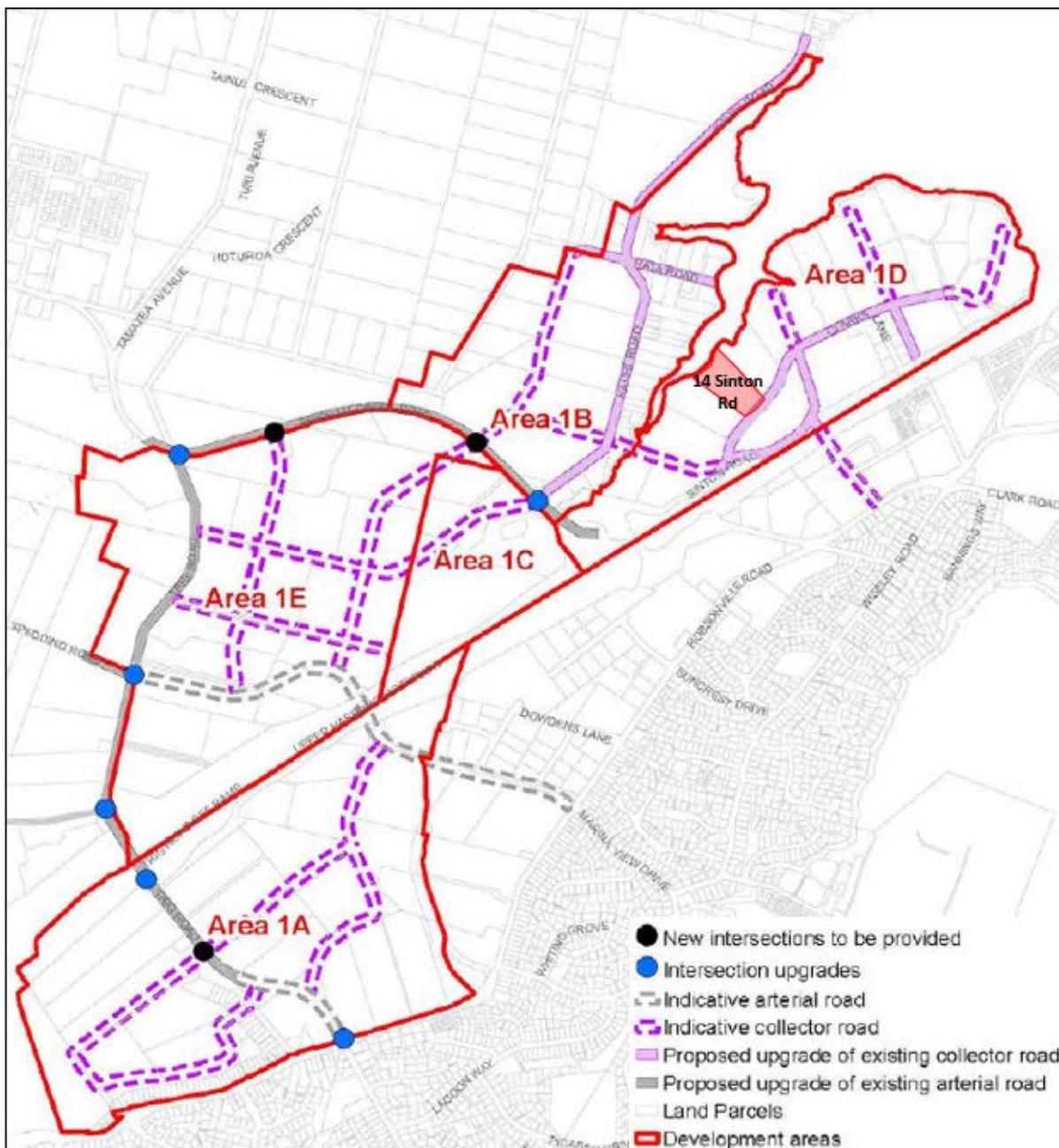


Figure 5: Proposed Whenuapai 3 Precinct Plan 2 (Subject Site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter’s opposition to the Plan Change in its current form are:

- a) The Proposed Whenuapai 3 Precinct Plan 1 incorrectly identifies a permanent stream over 12 Sinton Road as the existing man-made farm drain, beneath the shelterbelt trees, does not meet the AUP (OP) definition for a permanent stream being:

“The continually flowing reaches of any river or stream”

The AUP (OP) specifically excludes artificial watercourses from the definition of a stream:

*“A continually or intermittently flowing body of fresh water, excluding ephemeral streams, and includes a stream or modified watercourse; **but does not include any artificial watercourse** [emphasis added] (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal except where it is a modified element of a natural drainage system).”*

An artificial watercourse is defined in the AUP (OP) as:

“Constructed watercourses that contain no natural portions from their confluence with a river or stream to their headwaters.

Includes:

- *canals that supply water to electricity power generation plants;*
- *farm drainage canals;*
- *irrigation canals; and*
- *water supply races.*

Excludes:

- *naturally occurring watercourses.”*

It is a common occurrence for farm drains to be dug along property boundaries of rural land to assist with improving the soil environment to provide favourable growing conditions in the root zone for pastures and crops. If present over 12 Sinton Road, a naturally occurring watercourse would follow the course of the natural contours which would be down the shallow valley that runs down the middle of this property towards the coast. Given that the existing farm drain has been dug in a linear fashion along the boundary, which is the highest point of 12 Sinton Road, it is obvious this is not a naturally occurring watercourse. Furthermore, from the historic aerial photography of the area can be viewed without the presence of the shelterbelt trees as they had yet to be planted in 1959. There is no evidence at this time of a stream traversing along the north-eastern boundary of the Subject Site;

- b) The incorrect identification of the man-made farm drain as a permanent stream was not field validated and creates a planning limitation over the Subject Site that would significantly limit the potential urban residential development yield as any future earthworks with the area would require a discretionary or non-complying activity resource consent. Stormwater runoff from the Subject Site, as well as treatment, will still need to be addressed at the time of any resource

consent which will be required to be assessed appropriately against the existing Auckland-wide provisions of the AUP (OP);

- c) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road⁶. Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- d) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within the local transport infrastructure requirements as listed under Table I616.6.2.1; and
- e) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) That the permanent stream that is identified on the adjacent site at 12 Sinton Road on the proposed Whenuapai 3 Precinct Plan 1 is deleted in its entirety; 32.3
- (b) That the three coastal cul-de-sac indicative collector roads, as identified on the Whenuapai 3 Precinct Plan 2, are deleted; 32.4
- (c) That the cul-de-sac collector road that is parallel to Clarkes Lane, identified as an existing collector on the Whenuapai 3 Precinct Plan 2, is deleted; 32.5
- (d) One of the secondary loops of Sinton Road, identified as an existing collector road on the Whenuapai 3 Precinct Plan 2, is deleted; and 32.6

⁶ ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

- (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area.

32.7

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

Ming Ma by her duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205
Email: evitak@barker.co.nz

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

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



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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) David Wei Sun

Organisation Name (if submission is on behalf of Organisation) Sinton Developments Limited

Address for service of the Submitter Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Telephone: 027 498 2205 Email: evitak@barker.co.nz

Contact Person: (Name and designation if applicable) C/- Evita Key

Scope of submission

This is a submission on:

Plan Change/Variation Number PC 5: Whenuapai Plan Change

Plan Change/Variation Name Propsoed Whenuapai 3 Plan Change

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s) Proposed Whenuapai 3 Precinct Plan 1 and 2

Or
Property Address 18 Sinton Road, Hobsonville

Or
Map

Or
Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: See attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
- Accept the Plan Change/Variation with amendments as outlined below #33.1
- Decline the Plan Change/Variation
- If the Plan Change/Variation is not declined, then amend it as outlined below.
- See attached submission

- I wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

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

19 October 2017

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.

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 this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

B&A

SUBMISSION TO AUCKLAND COUNCIL'S PROPOSED WHENUAPAI 3 PLAN CHANGE Clause 6 of First Schedule, Resource Management Act 1991

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

By email: unitaryplan@aucklandcouncil.govt.nz

1. SUBMISSION DETAILS

Submission on: Auckland Unitary Plan (Operative in Part), Proposed Plan Change 5 - Whenuapai

Name of submitter: Sinton Developments Limited
c/- David Wei Sun

Location of submission: 18 Sinton Road, Hobsonville
Lot 10 DP 57408

Address for Service: Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attention: Evita Key

2. OVERVIEW

Sinton Developments Limited (Submitter), c/- Barker & Associates Limited, at the address for service set out above, makes the following submission on Proposed Whenuapai 3 Plan Change (**Plan Change**) as notified by Auckland Council on the 21 September 2017.

The Plan Change proposed changes to the Auckland Unitary Plan - Operative in Part (AUP (OP)) seeking to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones as well as the inclusion of a new precinct being I616 Whenuapai 3 Precinct.

This submission is primarily concerned with the part of the Plan Change that relates to the identification and location of indicative collector roads within Stage 1D of the Proposed Whenuapai 3 Precinct Plan 2 and in particular the road that is located over 18 Sinton Road, Hobsonville (**Subject Site**). This property is 3.9457ha and shown outlined in **Figure 1**.

In making this submission the Submitter is not raising issues regarding trade competition or the effects of trade competition and is not motivated by trade competition concerns. Furthermore, the Submitter could not gain an advantage in trade competition through the lodgement of this submission.



Figure 1: Locality map with application site outlined in blue (Source: Auckland Council’s GEOMAPS)

3. CONTEXT

3.1 SITE DESCRIPTION

The Subject Site, located at 18 Sinton Road, Hobsonville, has a frontage onto Sinton Road to the east and an estuarine environment (Waiarohia Inlet) to the west. The Subject Site has a gently sloping contour from the east down towards the coast to the west. The land currently is utilised for rural-residential purposes with a dwelling, various accessory buildings, landscaping gardens, shelterbelt and riparian vegetation and areas of pasture (see **Figure 2**). There is a stream that traverses over the western corner of the site and discharges into the Waiarohia Inlet. The AUP (OP) identifies a Significant Ecological Area (SEA Ref. SEA_T_4733) over the western portion of the site. There are no known heritage items on the site.



Figure 2: Aerial photo of the site

The Subject Site is bound by Sinton Road to the east and an estuarine environment to the west. The neighbouring properties to the north and south are rural lifestyle properties ranging from approximately 1.6-2.9ha in size. All of the surrounding properties are zoned Future Urban under the AUP (OP).

Further afield, to the northwest is the area of Whenuapai and on the eastern side of State Highway 18 is the large-scale redevelopment of Hobsonville Point which contains a mixture of dwelling topologies from standalone dwellings and terraces to low-rise apartment buildings as well as an early childhood centre, primary and secondary schools, commercial land uses, public open space and a weekend farmers market. The location of the site and the surrounding locality is illustrated in **Figure 3** below.



Figure 3: Aerial photograph of the site outlined in red and surrounding area (Source: Auckland Council's GEOMAPS)

3.2 STRUCTURE PLAN AND DRAFT WENUAPAI PLAN CHANGE

Given the location of Waiarohia Inlet along the north-western boundary of the site, it is anticipated that a 20m coastal esplanade reserve will be required to be vested with the Council at the time of subdivision¹. The Whenuapai Structure Plan process¹ in 2016, identified an indicative coastal edge walkway/cycleway².

¹ Notwithstanding that a width reduction or waiver of an esplanade reserve can be applied for.

² See Figure 12 (Transport Networks map) of the Whenuapai Structure Plan September 2016

Furthermore, the Structure Plan and Draft Whenuapai 3 Precinct Plan 1 also identified that a permanent stream traversed along the south boundary of the Subject Site before discharging into the Waiarohia Inlet³. It is understood that the stream network for the Whenuapai Precinct catchment was a result of the classification provided within the partial Watercourse Assessment Report (WAR) undertaken by Morphem Environmental⁴. This WAR identifies a number of named and unnamed tributaries that merge then generally drain north-east towards the Waiarohia Inlet and Upper Waitematā Harbour. The WAR identifies a tributary of the Waiarohia Stream over 18 Sinton Road as reference WIN_TRIB6_2.

The Submitter provided feedback in May 2017 relating to the location of the indicative collector roads as proposed on the Draft Whenuapai 3 Precinct Plan 1. While some of this May feedback appears to have been incorporated into the Proposed Plan Change (the inclusion of an indicative collector road to the northern portion of Sinton Road), the request to delete the indicative collector road over Subject Site was not implemented by the Council.

3.3 PROPOSED WHENUAPAI 3 PLAN CHANGE

The Proposed Whenuapai Plan Change zoning map (6 September 2017) identifies the subject site as predominantly Mixed Housing Urban Zone with a strip of Single House Zone adjoining the estuary (see **Figure 4**). This proposed zoning is supported given that it accommodates an appropriate transition between high density residential THAB zone on the eastern side of Sinton Road and a low density residential buffer adjoining the coast to the west.

33.2

A permanent stream has been identified on the proposed Whenuapai 3 Precinct Plan 1 (see **Figure 5**) traversing along the southern boundary.

The site is located within Stage 1D of the proposed Whenuapai 3 Precinct Plan 2 (see **Figure 6**) which contains 29 separate land parcels with a number of identified collector road. There is an indicative collector road proposed along the southern boundary of the Subject Site.

³ See Figure 13 (Infrastructure map) of the Whenuapai Structure Plan September 2016

⁴ Watercourse Assessment Report: Whenuapai Structure Plan Area. Morphem Environmental Ltd, September 2016



Figure 4: Extract from the Proposed Whenuapai Plan Change zoning map (site outlined in dashed red)

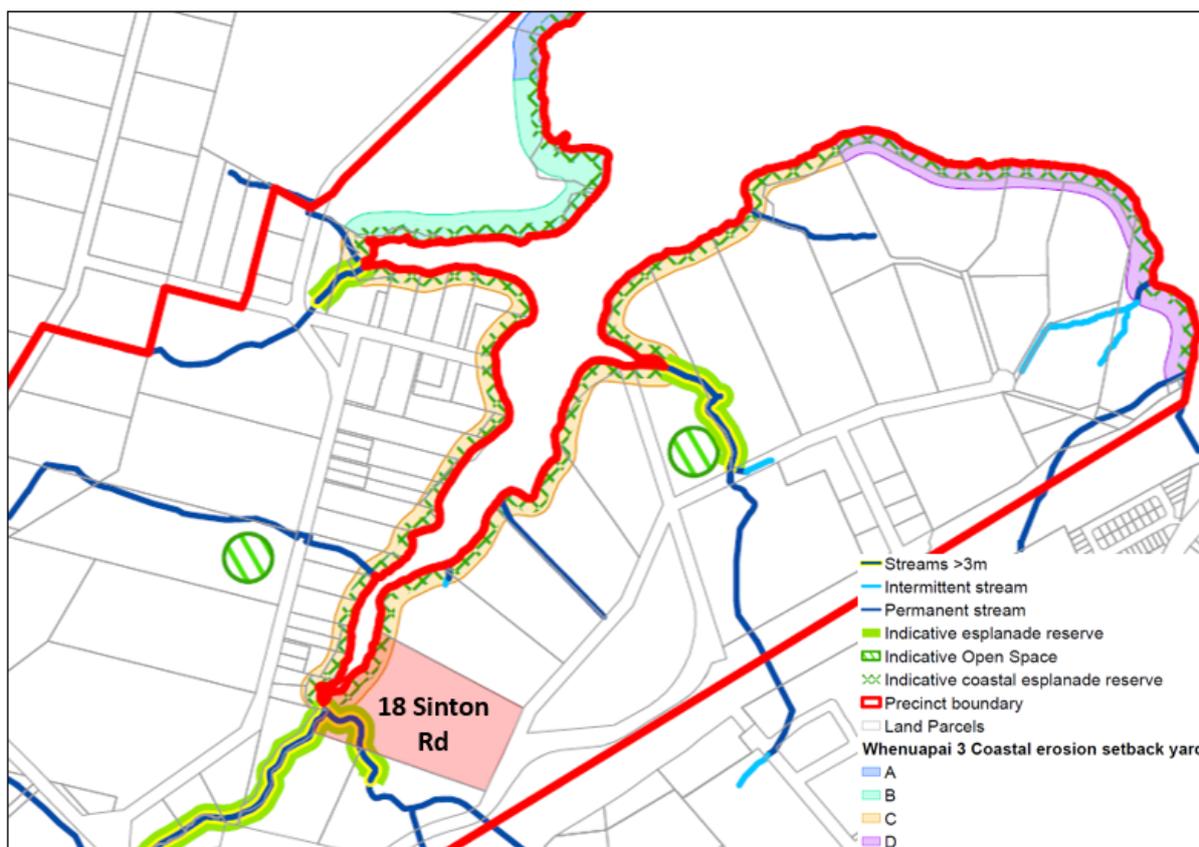


Figure 5: Extract from the Proposed Whenuapai 3 Precinct Plan 1 (site shaded red)

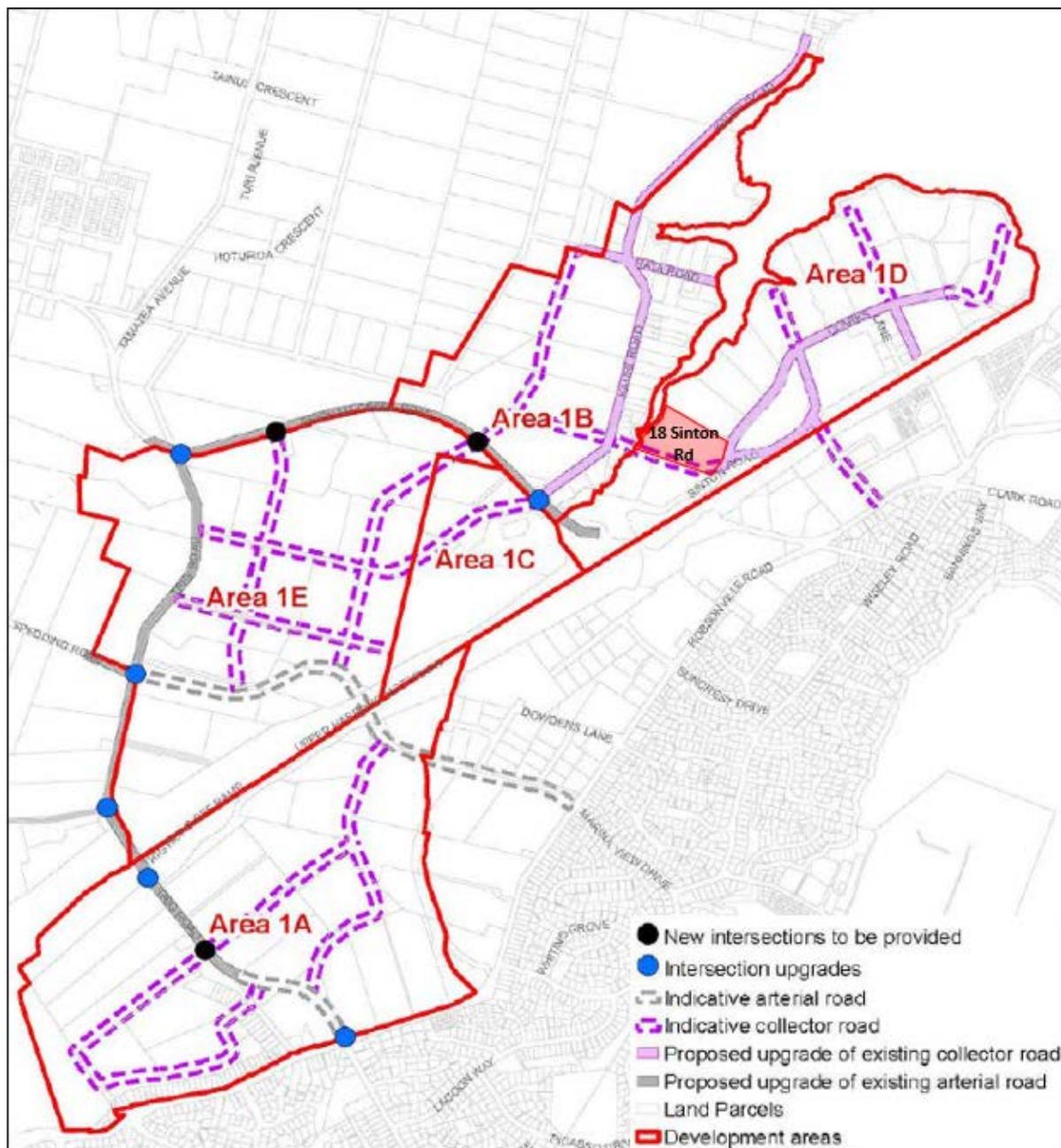


Figure 6: Proposed Whenuapai 3 Precinct Plan 2 (site shaded red)

4. KEY SUBMISSION POINTS

The reasons for the Submitter’s opposition to the proposed location of the indicative collector roads within Stage 1D, as currently identified on Proposed Whenuapai 3 Precinct Plan 2, are:

- a) The Section 32 Report fails to sufficiently examination whether or not the proposed indicative collector roads within Stage 1D are the most appropriate way to achieve an acceptable Level of Service (LOS) for the transport network in the future, particularly when compared to other alternative and more reasonably practicable options such as potential upgrades to the existing

road network;

- b) The Section 32 Report fails to recognise the disproportionately high construction costs, in relation to the development yield, for a proposed realigned Sinton Road and bridging over southern boundary the Subject Site that would be required to cross a stormwater wetland area, a tributary of the Waiarohia Stream and the Waiarohia Inlet, as well as the steeply contoured topography. This is evident within Section 8.2 where it is noted that only high-level cost estimates have been obtained for the collector and arterial roads and do not take into account streams or the topography of the area;
- c) The identification of collector roads within Stage 1D on Proposed Whenuapai 3 Precinct Plan 2 does not align with the network agreed by Auckland Transport and Auckland Council planners, as illustrated in Figure 9 of the Section 32 Report. The additional roads identified, in particular the three coastal cul-de-sacs and the cul-de-sac that is parallel to Clarkes Lane, as well as one of the secondary loops of Sinton Road, place unnecessary transport infrastructure requirements and costs, via Standard I616.6.2, on individual landowners without any benefits to their developments as they would not perform the function of a collector road⁵. Furthermore, the level of development within the peninsula would not result in transport effects that require mitigation beyond the individual sites that they are located over;
- d) It is unclear who is expected to fund the indicative collector road that crosses over SH18 as this road lies outside any of the staging areas of the Precinct Plan. It is understood that this road may potentially be funded via the supporting Growth Strategy 2016. If this is the case then, for the avoidance of doubt, Standard I616.6.2 should implicitly state that this bridge is not included within the local transport infrastructure requirements as listed under Table I616.6.2.1;
- e) Fails to recognise that the other properties that the proposed realigned Sinton Road route would need to traverse are unlikely to be comprehensively redeveloped for urban subdivision purposes for the following reasons:
- 1 Sinton Road/ 164 Brigham Creek Road - This property accommodates a dwelling, a function and wedding venue and a café, known as The Brigham⁶. The venue was granted consent by the former Waitakere City Council in 2002⁷. Given the significant investment/improvements

⁵ ATCOP states that a collector road function is to collect traffic from local streets in order to connect with arterials with traffic flows typically up to 10,000 vehicles per day

⁶ <http://www.thebrigham.co.nz/>

⁷ <http://www.waitakere.govt.nz/AbtCnl/ct/pdf/hearings/041102ag.pdf>

to the land, it is considered unlikely that this site would be redeveloped within the near future;

- 3 Sinton Road - There are a number of existing easements on this properties title protecting areas of vegetation and a right to drain water (see **Attachment 1**) therefore the development potential of this site is limited and the proposed location of the indicative collector road would be over a portion of the site that is unable to be developed due to the certificate of title limitations;
- 7-9 Kauri Road - This irregularly shaped 5,564m² property was recently redeveloped with a new dwelling⁸. Given its topography and small size, it is considered unlikely that this site would be subdivided in the future given that the significant proportion of the site would be required for roading resulting in an unviable development;

As such, the connection of the realigned Sinton Road beyond the Subject Site and linking through to Kauri Road would not be achieved;

- f) Creates a planning limitation over the Subject Site that significantly limits the potential urban residential development yield;
- g) Is contrary to Chapter B7 objectives and policies of the Regional Policy Statement and Chapters E3, E11, E12, E15 and E38 objectives and policies of the AUP (OP) as the construction of the indicative collector road would result in significant modification of a stream and its margins and have adverse effects on the SEA; and
- h) Does not promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act.

Further detailed assessment relating to the above submission points are set out in the ‘Transport Inputs to Submission’ prepared by TDG dated October 2017 (see **Attachment 2**).

5. RELIEF SOUGHT

The Submitter seeks the following:

- (a) Delete the indicative collector road that is located along the southern boundary of the Subject Site as identified on the Whenuapai 3 Precinct Plan 2; 33.3
- (b) Delete the three coastal cul-de-sac indicative collector roads as identified on the Whenuapai 33.4

⁸ <https://www.barfoot.co.nz/585577>

- 3 Precinct Plan 2;
- (c) Delete the cul-de-sac collector road that is parallel to Clarkes Lane as identified as an existing collector on the Whenuapai 3 Precinct Plan 2; 33.5
 - (d) Delete one of the secondary loops of Sinton Road that is identified as an existing collector road on the Whenuapai 3 Precinct Plan 2; 33.6
 - (e) Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside of the Precinct Plan area; and 33.7
 - (f) Consider alternative options to the re-aligning Sinton Road, such as the modifications described in **Attachment 2**. 33.8

The Submitter wishes to be heard in support of this submission.

The Submitter would consider presenting a joint case with any other party seeking similar relief.

DATED 19 October 2017

Sinton Developments Limited by its duly authorised agents **Barker & Associates Limited**



Evita Key
Associate Planner

6. ADDRESS FOR SERVICE

Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attn: Evita Key

Mobile: 027 498 2205

Email: evitak@barker.co.nz

ATTACHMENT 1: CERTIFICATE OF TITLE AND EASEMENTS FOR 3 SINTON ROAD



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **601647**
Land Registration District **North Auckland**
Date Issued 01 November 2012

Prior References

569855

Estate Fee Simple
Area 2.1378 hectares more or less
Legal Description Section 41 Survey Office Plan 444423

Proprietors

Serrena Storr

Interests

Subject to a water supply right over part marked F on SO 444423 created by Transfer B722983.2 - 28.8.1987 at 12.02 pm

Subject to a right (in gross) to drain water over parts marked B and C on SO 444423 in favour of Her Majesty the Queen created by Easement Instrument 9290108.1 - 8.2.2013 at 4:56 pm

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Fencing Covenant in Transfer 9290108.2 - 8.2.2013 at 4:56 pm

9290108.3 Encumbrance to Her Majesty the Queen - 8.2.2013 at 4:56 pm

9290108.4 Encumbrance to New Zealand Transport Agency - 8.2.2013 at 4:56 pm

9290108.5 Encumbrance to New Zealand Transport Agency - 8.2.2013 at 4:56 pm

10733685.1 Mortgage to ANZ Bank New Zealand Limited - 16.3.2017 at 3:51 pm

Identifier

601647



T 1/13

Title Plan
SO 444423
Approved on: 13/09/2011

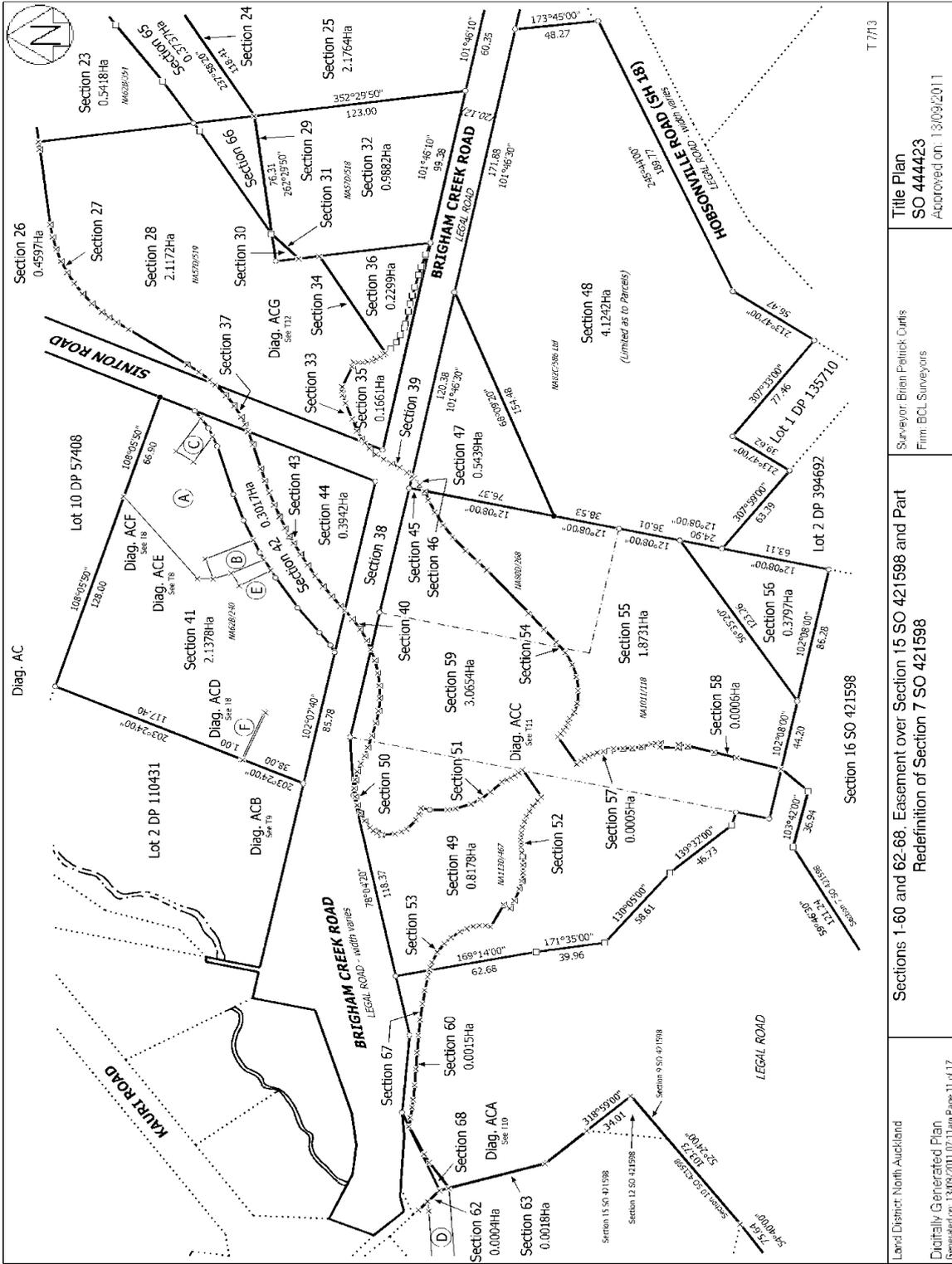
Surveyor: Brian Patrick Curtis
Firm: BCL Surveyors

Sections 1-60 and 62-68, Easement over Section 15 SO 421598 and Part
Redefinition of Section 7 SO 421598

Land District: North Auckland
Digitally Generated Plan
Generated on: 13/09/2011 07:11am Page 5 of 17

Identifier

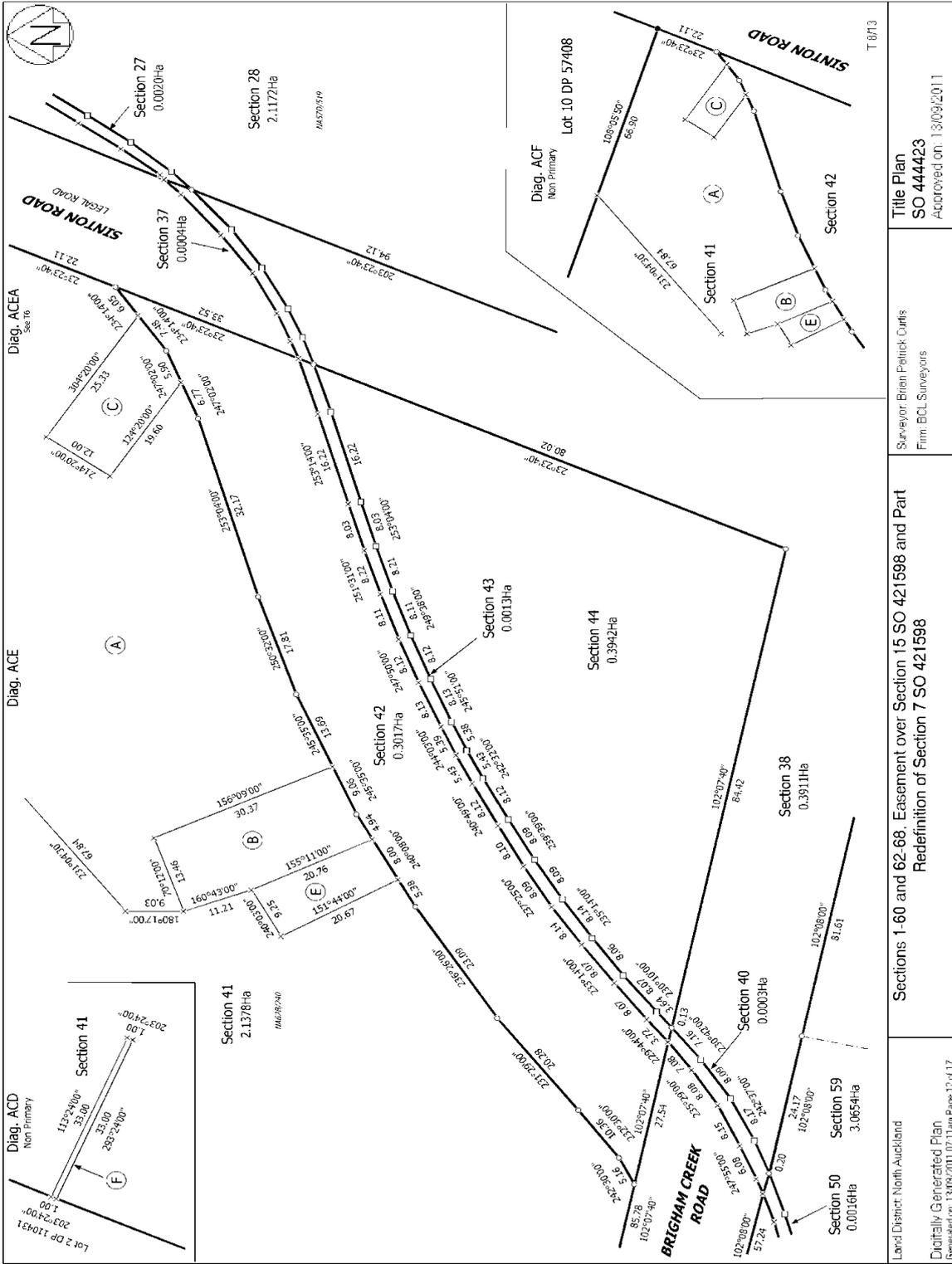
601647



T 7/13	Title Plan SO 444423 Approved on: 13/09/2011	Surveyor: Brian Patrick Curtis Firm: BCL Surveyors	Land District: North Auckland Digitally Generated Plan Generated on: 13/09/2011 07:11am Page 11 of 17
Sections 1-60 and 62-68, Easement over Section 15 SO 421598 and Part Redefinition of Section 7 SO 421598			

Identifier

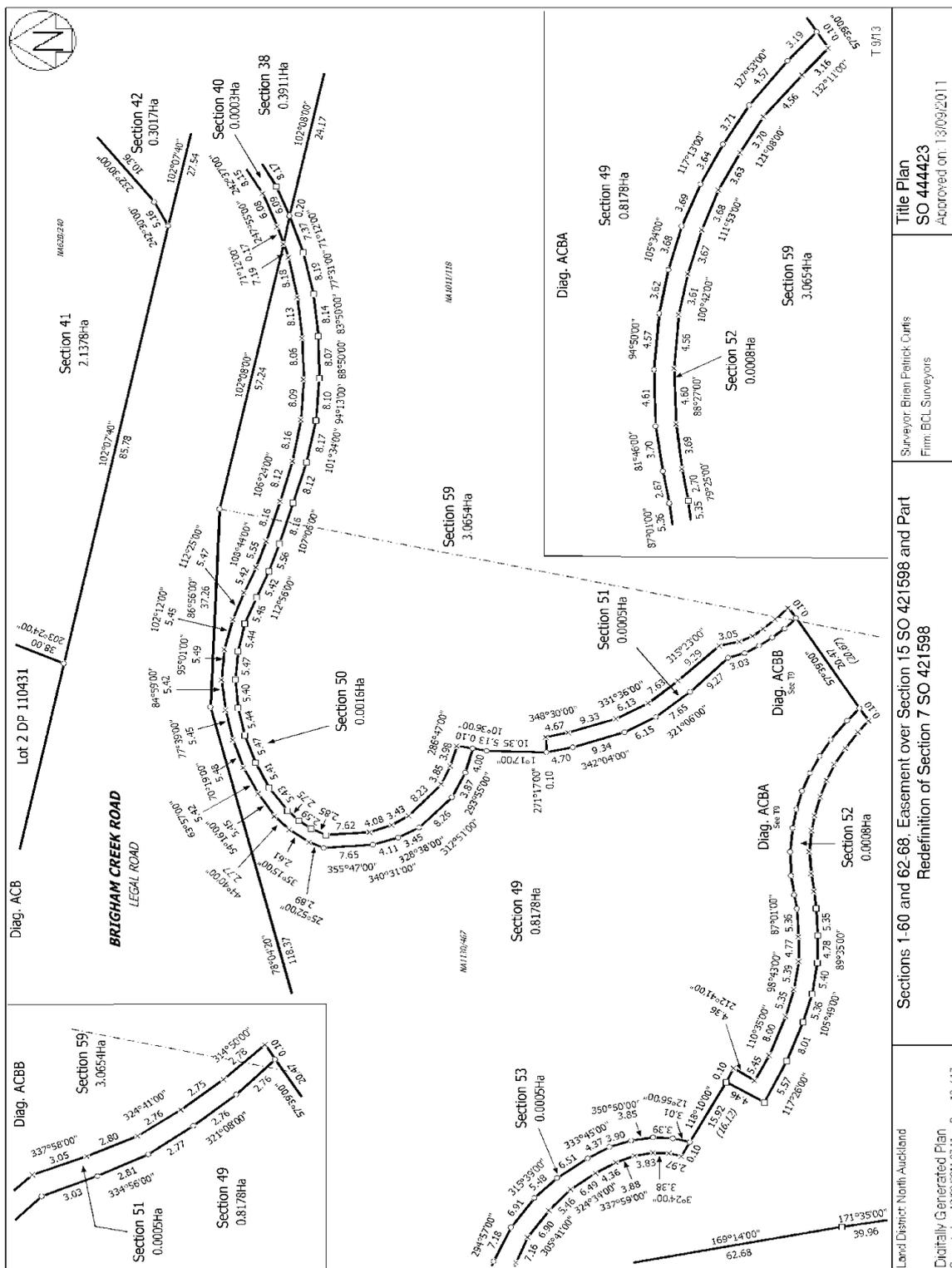
601647



Diag. ACEA Sub 16	Diag. ACE	Diag. ACD Non Primary	Diag. ACF Non Primary
Section 27 0.0020Ha	Section 28 2.1172Ha	Section 41 2.1378Ha	Section 42 0.3017Ha
Section 37 0.0004Ha	Section 43 0.0013Ha	Section 44 0.3942Ha	Section 40 0.0003Ha
Section 41 2.1378Ha	Section 50 0.0016Ha	Section 59 3.0654Ha	Section 38 0.3911Ha
Title Plan SO 444423 Approved on: 13/09/2011			
Surveyor: Brian Felnick Curtis Firm: BCL Surveyors			
Land District: North Auckland			
Digitally Generated Plan Generated on: 13/09/2011 07:11am Page 12 of 17			

Identifier

601647



Title Plan
 SO 444423
 Approved on: 13/09/2011

Surveyor: Brian Patrick Curtis
 Firm: BCL Surveyors

Sections 1-60 and 62-68, Easement over Section 15 SO 421598 and Part Redefinition of Section 7 SO 421598

Land District: North Auckland
 Digitally Generated Plan
 Generated on: 13/09/2011 07:11am Page 13 of 17



View Instrument Details

Instrument No. 9290108.1
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Easement Instrument

Toitu te
Land whenua
Information
 New Zealand



Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 4 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Grantor Representative on 04/02/2013 04:14 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Grantee Representative on 04/02/2013 04:15 PM

***** End of Report *****

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

HER MAJESTY THE QUEEN for severance

Grantee

HER MAJESTY THE QUEEN for use in connection with a road

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profits à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement, <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to drain water	"B" and "C" Section 41 Survey Office Plan 444423	Section 41 on SO Plan 444423 contained in Computer Freehold Register 601647	In gross

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [varied] [negatived] [added to] or [substituted] by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule _____]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule _____]

Form L

Annexure Schedule

Page 1 of 2 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

1. Schedule 4 of the Land Transfer Regulations 2002 ("Regulations") is varied, negated, added to or substituted as the case may be as follows:
- 1.1 Clause 1(d) is varied by adding the following words at the end of that clause:
"and, for the avoidance of doubt, includes the culverts located on the servient land".
- 1.2 Clause 10(2) is varied by adding the following words at the end of that clause:
"including, but not limited to:
(a) erecting or placing thereon any buildings or other structures; and
(b) plant or cause to be planted any trees or shrubs or vegetation,
otherwise than with the prior written consent of the grantor."
- 1.3 Clause is negated and substituted as follows:
"Repair, maintenance, and costs
11(1) If the easement is in gross, the grantee bears the costs of all work done outside the servient land.
11(2) Subject to the subclause (1), the grantee is solely responsible for undertaking the repair and maintenance of the easement facility, and for the associated costs, so as to keep the facility in good order and to prevent it from becoming a danger or nuisance.

Form L

Annexure Schedule

Page 2 of 2 Pages

Insert instrument type

Easement

Continues in additional Annexure Schedule, if required

11(2) Notwithstanding subclause (1), the grantor will be liable to the grantee for all costs associated with the repair and maintenance of the easement facility which are undertaken by the grantee due to damage caused by the wilful act or default of the grantor, providing that if the repair and maintenance of the easement facility is only partly attributable to an act or omission by the grantor, the grantor must pay the portion of the costs of the repair and maintenance that is attributable to that act or omission".

1.4 The Regulations are added to by the addition of the following new clauses 15 and 16:

Public Works Act 1981

15. The grantee acknowledges that the grant of this easement has been made pursuant to section 48 of the Public Works Act 1981 and that the right of termination of three months notice without compensation is expressly excluded from the grant.

Miscellaneous

16 If there is any inconsistency between the Regulations and the express terms contained in this easement instrument, the express terms of this easement instrument shall prevail."



View Instrument Details

Instrument No. 9290108.3
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Encumbrance

Toitu te
Land whenua
Information
 New Zealand



#33

Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 5 Pages.

Encumbrancer Certifications

- I certify that I have the authority to act for the Encumbrancer and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Cameron Lawrence Berridge as Encumbrancer Representative on 27/02/2013 03:15 PM

Encumbrancee Certifications

- I certify that I have the authority to act for the Encumbrancee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Encumbrancee Representative on 27/02/2013 04:03 PM

***** End of Report *****

Form E**Encumbrance Instrument**

(Section 101 Land Transfer Act 1952)

Affected Instrument Identifier and type (if applicable) All/part Area/Description of part or stratum

601647	All	
--------	-----	--

Encumbrancer

[Signature]
Clive William TOMPKINS and Glennys Elaine PURVIS

Encumbrancee

HER MAJESTY THE QUEEN acting through the Minister of Lands pursuant to Section 4B of the Public Works Act 1981 ("the Crown")

Estate or interest to be encumbered*Insert e.g. Fee simple; Leasehold in Lease No. etc.*

Fee simple

Encumbrance Memorandum Number

Not applicable

Nature of security*State whether sum of money, annuity or rent charge and amount*

Rent charge of TEN DOLLARS (\$10.00) per annum, and such other sums of money as are payable by the Encumbrancer to the Crown pursuant to this encumbrance instrument ("Encumbrance").

Encumbrance*Delete words in [], as appropriate*

The Encumbrancer encumbers for the benefit of the Crown the land in the above computer register(s) with the above sum of money, annuity or rent charge, to be raised and paid in accordance with the terms set out in the Annexure Schedule(s) and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule(s) for the better securing to the Crown the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Form E *continued***Annexure Schedule**

Page 2 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***Terms**

- 1 Length of term **999 years**
- 2 Payment date(s) **see below**
- 3 Rate(s) of interest **Nil**
- 4 Event(s) in which the sum, annuity or rent charge becomes payable **See below**

Covenants and conditions*Continue in Annexure Schedule(s), if required*

Payment date(s) and event(s) in which the sum, annuity, or rent charge becomes payable:

- (a) In respect of the rent charge, 1 January in each year; and
- (b) In respect of other sums of money, ten working days after written demand is made by the Crown to the Encumbrancer.

Continued on the attached annexure schedule.

Modification of statutory provisions*Continue in Annexure Schedule(s), if required*

Sections 154 and 156 of the Land Transfer Act 1952, Sections 23, 203-205, 289-290 and 301-302 of the Property Law Act 2007 and Section 4 of the Contracts (Privity) Act 1982 shall apply to this Encumbrance but otherwise (and without prejudice to the Crown's rights of action at common law as a rent-chargee) the Crown shall not be entitled to any of the powers and remedies given to encumbrancees by the Land Transfer Act 1952 and the Crown and its successors and assigns shall not be entitled to any of the powers and remedies given to mortgagees under the Land Transfer Act 1952 or the Property Law Act 2007.

Form E *continued***Annexure Schedule**

Page 3 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***BACKGROUND**

- A. Clive William TOMPKINS and Glennys Elaine PURVIS (together with his successors, assignees, tenants, lessees and persons under his control) ("the Encumbrancer") is registered as proprietor of an estate in fee simple in all that parcel of land described on the front page of this Encumbrance ("the Land").
- B. The Land fronts State Highway 18 ("State Highway").
- C. Under sections 61(1) and 80(1) of the Government Roading Powers Act 1989, the NZ Transport Agency has sole powers of control for all purposes of all State highways and motorways.
- D. The Land is part of the land originally acquired by the Crown for State Highway 18 Hobsonville Extension. During construction of the State Highway, the Land was used as a dumpsite to dispose of unsuitable material and as a result certain restrictions and conditions on the erection of any building or structure, or the carrying out of any earthworks on the Land are required.
- E. For valuable consideration the Encumbrancer has agreed to encumber the Land for the benefit of the [[[Crown/NZTA]]] with the security specified on the front page of this Encumbrance, and to covenant with the Crown to secure compliance by the Encumbrancer with certain covenants and agreements.

OPERATIVE PROVISIONS

1. If, on the due date for payment (as set out in this Annexure schedule) of the rent charge imposed under this Encumbrance, the Encumbrancer has fully complied with all of the obligations imposed pursuant to this Encumbrance, then the rent charge payable on that day shall not be required to be paid by the Encumbrancer.
2. The Encumbrancer acknowledges that the covenants in this Encumbrance are of a permanent nature, and the Encumbrancer shall not be entitled to a discharge of this Encumbrance during the term, whether by payment of the total security or otherwise.

Form E *continued*

Annexure Schedule

Page 4 of 5 Pages

Insert instrument type

Encumbrance

Continue in additional Annexure Schedule, if required

3. The Encumbrancer covenants with the Crown as follows:
- 3.1 That the Encumbrancer shall not erect or permit to be erected any building or structure on the Land and shall not carry out any earthworks on the Land otherwise than in accordance with the recommendations of a registered engineer experienced in soil mechanics and in accordance with clause 4 of this Encumbrance.
 - 3.2 Any building or structure erected on the Land or any earthworks carried out on the Land shall be erected or carried out at the sole risk of the Encumbrancer and the Encumbrancer shall have no recourse to the Crown in respect of the Land, including the erection of any building or structure or the carrying out of earthworks on the Land.
 - 3.3 In commissioning a report in accordance with sub clause 3.1 the Encumbrancer shall advise the registered engineer of the existence of this Encumbrance.
 - 3.4 The Encumbrancer shall not erect any buildings or structures on the Land or carry out any earthworks on the Land in a manner that will adversely affect the structural integrity of the State Highway.
 - 3.5 The Encumbrancer agrees to indemnify the Crown against any loss suffered by the Crown as a direct result of the erection of any building or structure or the carrying out of earthworks on the Land.
 - 3.6 The words "building or structure" mean any improvement erected or constructed, deposited or installed on the Land, and include concrete, asphalt, tarseal, fences, walls, tunnels, culverts, drains, pipes, poles and lines, roads, service lanes, and driveways.
 - 3.7 The word "erect" includes modify and redevelop.
4. Before any building or structure is erected on the Land, or any earthworks are carried out on the Land, the Encumbrancer shall submit plans and specifications in respect of same in commercial confidence to the NZ Transport Agency for its approval, such approval not to be unreasonably or arbitrarily withheld where:
- 4.1 The plans and specifications specifically address and accommodate any particular engineering requirements for the Land; and
 - 4.2 The proposed building or structure will be erected on the Land or the earthworks will be carried out in line with the recommendations of a registered engineer experienced in soil mechanics; and
 - 4.3 The NZ Transport Agency is reasonably satisfied such building or structure or such earthworks will not create any hazard to the State Highway or adversely affect the structural integrity of the State Highway.

The Crown shall cause the NZ Transport Agency to provide its approval, or reasons for its disapproval, of the plans and specifications for the erection of the proposed building or structure on the Land or the proposed earthworks to be carried out on the Land within two weeks of receipt of the foregoing from the Encumbrancer, or such longer time as the parties may agree.

Form E *continued***Annexure Schedule**

Page 5 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***General**

5. This Encumbrance shall be binding on all transferees, tenants, lessees, mortgagees, chargeholders and their respective successors in title and assigns of any estate or interest in the Land.
6. Where this Encumbrance binds or benefits a party, it shall bind or benefit that party jointly and severally.
7. In the event of any dispute arising between the parties in respect of or in connection with this Encumbrance, the parties shall, without prejudice to any other right or entitlement they may have under this Encumbrance or otherwise:
 - 7.1 Explore whether the dispute can be resolved by use of the alternative dispute resolution technique of mediation. The rules governing such techniques shall be agreed between the parties or as recommended by the New Zealand Law Society or as selected by the Chairman of the New Zealand Chapter of LEADR (Lawyers Engaged in Alternative Dispute Resolution); and
 - 7.2 In the event the dispute is not resolved within 28 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties), either party may refer the dispute to arbitration under the provisions of the Arbitration Act 1996 or any amendment or re-enactment of it. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other or failing agreement appointed by the President of the New Zealand Law Society. In either case, the arbitrator shall not be a person who has participated in any informal dispute resolution procedure in respect of the dispute.
8. All notices and communications under this Encumbrance shall be deemed to have been received when delivered personally, sent by prepaid post or by facsimile to such address as either party shall notify.
9. The Encumbrancer shall not at any time do, permit or suffer to be done any act whereby the rights, powers, licences and liberties granted to the Crown under this Encumbrance may be interfered with or affected in any way.
10. The Encumbrancer shall ensure that all third parties permitted by it to enter onto the Land from time to time, do so subject to and at all times in compliance with the Crown's rights and privileges under this Encumbrance.
11. No delay or failure by the Crown to enforce performance of any of the covenants set out in this Encumbrance and no indulgence granted to the Encumbrancer by the Crown shall prejudice the rights of the Crown to enforce any of the covenants or provisions of this Encumbrance.
12. The rent charge imposed under this Encumbrance shall determine and the Encumbrancer shall be entitled to a discharge of this Encumbrance if the Crown in its absolute discretion considers that the covenants set out herein become entirely obsolete or are no longer enforceable or, in the case of continuing covenants, have been performed, and in particular the erection of any building or structure on the Land in accordance with clause 3.1 herein shall not of itself entitle the Encumbrancer to a discharge of this Encumbrance.



View Instrument Details

Instrument No. 9290108.4
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Encumbrance

Toitu te
Land whenua
Information
 New Zealand



Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 6 Pages.

Encumbrancer Certifications

- I certify that I have the authority to act for the Encumbrancer and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Cameron Lawrence Berridge as Encumbrancer Representative on 27/02/2013 03:15 PM

Encumbrancee Certifications

- I certify that I have the authority to act for the Encumbrancee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Encumbrancee Representative on 27/02/2013 04:04 PM

***** End of Report *****

Form E

Encumbrance Instrument

(Section 101 Land Transfer Act 1952)

Affected instrument identifier and type (if applicable)	All/part	Area/Description of part or stratum
601647	All	

Encumbrancer

L.L.
Clive William TOMPKINS and Glennys Elaine PURVIS

Encumbrancee

NEW ZEALAND TRANSPORT AGENCY ("NZTA")

Estate or interest to be encumbered

Insert e.g. Fee simple; Leasehold in Lease No. etc.

Fee simple

Encumbrance Memorandum Number

Not applicable

Nature of security

State whether sum of money, annuity or rentcharge and amount

Rent charge of TEN DOLLARS (\$10.00) per annum, and such other sums of money as are payable by the Encumbrancer to NZTA pursuant to this encumbrance instrument ("Encumbrance").

Encumbrance

Delete words in [], as appropriate

The Encumbrancer encumbers for the benefit of NZTA the land in the above computer register(s) with the above sum of money, annuity or rent charge, to be raised and paid in accordance with the terms set out in the Annexure Schedule(s) and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule(s) for the better securing to NZTA the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Form E *continued***Annexure Schedule**

Page 2 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***Terms**

- 1 Length of term **999 years**
- 2 Payment date(s) **see below**
- 3 Rate(s) of interest **Nil**
- 4 Event(s) in which the sum, annuity or rentcharge becomes payable **See below**

Covenants and conditions*Continue in Annexure Schedule(s), if required*

Payment date(s) and event(s) in which the sum, annuity, or rentcharge becomes payable:

- (a) In respect of the rent charge, 1 January in each year; and
- (b) In respect of other sums of money, ten working days after written demand is made by the Encumbrancee to the Encumbrancer.

Continued on the attached annexure schedule.

Modification of statutory provisions*Continue in Annexure Schedule(s), if required*

Sections 154 and 156 of the Land Transfer Act 1952, Sections 23, 203-205, 289-290 and 301-302 of the Property Law Act 2007 and Section 4 of the Contracts (Privity) Act 1982 shall apply to this Encumbrance Instrument but otherwise (and without prejudice to the Encumbrancee's rights of action at common law as a rent-chargee) the Encumbrancee shall not be entitled to any of the powers and remedies given to encumbrancees by the Land Transfer Act 1952 and the Encumbrancee and its successors and assigns shall not be entitled to any of the powers and remedies given to mortgagees under the Land Transfer Act 1952 or the Property Law Act 2007.

Form E *continued***Annexure Schedule**

Page 3 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***BACKGROUND**

- RA*
- A **Clive William TOMPKINS and Glennys Elaine PURVIS** together with its successors, assignees, tenants, lessees and persons under its control) ("Encumbrancer") is registered as proprietor of an estate in fee simple in all that parcel of land described on the front page of this Encumbrance Instrument ("Land").
- B The Land is in the vicinity of State Highway 18, Hobsonville ("State Highway").
- C Under sections 61(1) and 80(1) of the Government Roading Powers Act 1989, the Encumbrancee has sole powers of control for all purposes of all State highways and motorways.
- D For valuable consideration the Encumbrancer has agreed to encumber the Land for the benefit of the Encumbrancee with the security specified on this front page of this Encumbrance Instrument, and to covenant with the Encumbrancee to secure compliance by the Encumbrancer with the agreements set out in this Encumbrance Instrument.

OPERATIVE PROVISIONS

- 1 If, on the due date for payment (as set out in Annexure Schedule 1) of the rent charge imposed under this Encumbrance Instrument, the Encumbrancer has fully complied with all of the obligations imposed pursuant to this Encumbrance Instrument, then the rent charge payable on that day shall not be required to be paid by the Encumbrancer.
- 2 The Encumbrancer acknowledges that the covenants in this Encumbrance Instrument are of a permanent nature, and the Encumbrancer shall not be entitled to a discharge of the Encumbrance Instrument during the term, whether by payment of the total security or otherwise.

[delete one or none of the following clauses as appropriate]

- 3 The Encumbrancer covenants with the Encumbrancee that the Encumbrancer will ensure that any new dwellings constructed on the Land within 30 metres of the boundary between any part of the Land and the State Highway will satisfy the following standards for noise and vibration: noise AS/NZ2107:2000, and vibration ISO2631-2:2003, or any amended or replacement standards addressing the same subject matter.

Form E *continued*

Annexure Schedule

Page 4 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

- 4 The Encumbrancer acknowledges and accepts that the Land is capable of being adversely affected by effects (including without limitation noise, vibration, dust, emissions, and visual, landscape or amenity effects) ("Effects") arising from the construction, operation, upgrading and maintenance of the State Highway ("State Highway Activities"), whether such Effects arise during or after such State Highway Activities, and accordingly the Encumbrancer, in consideration of having received valuable consideration, agrees:
- (a) Not to object to, hinder, or otherwise obstruct, on the grounds of any such Effects, the grant, confirmation or alteration pursuant to the Resource Management Act 1991 ("RMA") of any authorisations under the RMA which in any way relate to the State Highway Activities, and to sign written approvals in relation to any such authorisation if requested to by the Encumbrancee.
- (b) Not to do, permit to be done, or omit to do, any act, matter or thing where that act, matter, thing or omission is intended to restrict, or has the effect of restricting, the State Highway Activities in any way whatsoever, including taking any civil action and/or any enforcement proceedings pursuant to the RMA or any other statute or common law, whether for nuisance, damage to Land, negligence, or interference with Land or otherwise, but only where such act, matter or thing relates to any such Effects.
- (c) Not to claim any compensation in relation to any such Effects arising from State Highway Activities;
- (d) Not to fund, encourage or otherwise be involved in, any act, matter or thing that if carried out by the Encumbrancer itself would breach paragraphs (a) to (c) above; and
- (e) To provide a copy of this Encumbrance to all tenants, lessees, and holders of unregistered interests in the Land (each a "third party") who acquire rights in the Land while the Encumbrancer is the registered proprietor of the Land:
- (i) where the Encumbrancer grants the rights in the Land to that third party, prior to the Encumbrancer doing so; or
- (ii) in all other cases, as soon as practicable after the Encumbrancer becomes aware of that third party acquiring any rights in the Land.

Form E *continued***Annexure Schedule**

Page 5 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***General**

- 5 This Encumbrance Instrument shall be binding on all transferees, tenants (to the extent permitted by law), lessees, mortgagees, chargeholders and their respective successors in title and assigns of any estate or interest in the Land.
- 6 Where this Encumbrance Instrument binds or benefits a party, it shall bind or benefit that party jointly and severally.
- 7 The Encumbrancer covenants with the Encumbrancee:
- 7.1 to pay all legal costs and disbursements in the, execution, registration, enforcement and any ultimate release of this Encumbrance Instrument, in respect of any consents sought by the Encumbrancer from the Encumbrancee to the registration of any instrument, and in respect of the performance and observance by the Encumbrancer of this Encumbrance Instrument including legal costs on a solicitor/client basis; and
- 7.2 to otherwise indemnify the Encumbrancee against any claims, loss and expense of whatever kind incurred by the Encumbrancee as a consequence of the Encumbrancer failing to comply with this Encumbrance Instrument.
- 8 Each Encumbrancer will only be liable for breaches actually committed by that Encumbrancer itself, and not by any successor or other party, unless those breaches arise wholly or partly due to a breach by the Encumbrancer of clause 4(e).
- 9 No delay or failure by the Encumbrancee to enforce performance of any of the covenants set out in this Encumbrance Instrument and no indulgence granted to the Encumbrancer by the Encumbrancee shall prejudice the rights of the Encumbrancee to enforce any of the covenants or provisions of the Encumbrance Instrument.
- 10 In this Encumbrance Instrument a reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it, and a regulation or statutory instrument issued under it.
- 11 In this Encumbrance Instrument, "working day" means a day on which registered banks are open for business in Auckland, excluding Saturdays, Sundays, public holidays, and any day in the period commencing on the 23rd day of December in any year and ending on the 10th day of January in the following year, both days included.
- 12 If at any time any part or provision of this Encumbrance Instrument is or becomes invalid, void, illegal or unenforceable in any respect whatsoever, then:

Form E *continued***Annexure Schedule**

Page 6 of 6 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

- (a) that part or provision shall be severed from this Encumbrance Instrument;
- (b) such invalidity and severing shall not in any way affect or impair the validity, legality and enforceability of any other part or provision of this Encumbrance Instrument; and
- (c) the parties shall enter into appropriate substitute instrument(s) to give full and proper effect to the agreements and understandings in this Encumbrance Instrument.

13 The Encumbrancer:

13.1 acknowledges that this Encumbrance Instrument:

- (a) has been granted for valuable consideration received, in full compensation for the grant of this Encumbrance Instrument; and
- (b) is intended to charge the Land and bind the Encumbrancer (and successors) to perform the Encumbrancer's obligations for the period of time set out in this Encumbrance Instrument; and

13.2 therefore covenants with the Encumbrancee:

- (a) not to seek to discharge, surrender, lapse, vary, amend, withdraw or remove in any manner whatsoever this Encumbrance Instrument prior to the expiry of that period of time, whether by payment of the total security or otherwise;
- (b) to preserve for the period of time set out in this Encumbrance Instrument the integrity of the agreements in this Encumbrance Instrument; and
- (c) always to act in good faith and do all acts and things and enter into and execute all documents, instruments (including any replacement encumbrance) and/or easement or land covenant whenever reasonably required by the Encumbrancee and otherwise obtain any necessary consents all of which may be reasonably necessary and appropriate to give full force and effect to the intentions and understandings of the Encumbrancer and the Encumbrancee.



View Instrument Details

Instrument No. 9290108.5
 Status Registered
 Date & Time Lodged 08 Feb 2013 16:56
 Lodged By Reynish, Judith Anne
 Instrument Type Encumbrance

Toitu te
Land whenua
Information
 New Zealand



#33

Affected Computer Registers **Land District**
 601647 North Auckland

Annexure Schedule: Contains 5 Pages.

Encumbrancer Certifications

- I certify that I have the authority to act for the Encumbrancer and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Cameron Lawrence Berridge as Encumbrancer Representative on 27/02/2013 03:16 PM

Encumbrancee Certifications

- I certify that I have the authority to act for the Encumbrancee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Joanna Dorothy Cassidy as Encumbrancee Representative on 27/02/2013 04:05 PM

***** End of Report *****

Form E**Encumbrance Instrument**

(Section 101 Land Transfer Act 1952)

Affected instrument Identifier and type (if applicable)	All/part	Area/Description of part or stratum
601647	All	

Encumbrancer *R.L.*
Clive William TOMPKINS and Glennys Elaine PURVIS

Encumbrancee
NEW ZEALAND TRANSPORT AGENCY

Estate or interest to be encumbered *Insert e.g. Fee simple; Leasehold in Lease No. etc.*
 Fee simple

Encumbrance Memorandum Number
 Not applicable

Nature of security *State whether sum of money, annuity or rentcharge and amount*
 Rent charge of TEN DOLLARS (\$10.00) per annum, and such other sums of money as are payable by the Encumbrancer to the Encumbrancee pursuant to this Encumbrance Instrument.

Encumbrance *Delete words in [], as appropriate*
 The Encumbrancer encumbers for the benefit of the Encumbrancee the land in the above computer register(s) with the above sum of money, annuity or rentcharge, to be raised and paid in accordance with the terms set out in the Annexure Schedule(s) and so as to incorporate in this Encumbrance the terms and other provisions set out in the Annexure Schedule(s) for the better securing to the Encumbrancee the payment(s) secured by this Encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Form E *continued***Annexure Schedule**

Page 2 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***Terms**

- 1 Length of term **999 years**
- 2 Payment date(s) **see below**
- 3 Rate(s) of interest **Nil**
- 4 Event(s) in which the sum, annuity or rentcharge becomes payable **See below**

Covenants and conditions*Continue in Annexure Schedule(s), if required*

Payment date(s) and event(s) in which the sum, annuity, or rent charge becomes payable:

- (a) In respect of the rent charge, 1 January in each year; and
- (b) In respect of other sums of money 10 working days after written demand is made by NZTA to the Encumbrancer.

Continued on the attached annexure schedule.

Modification of statutory provisions*Continue in Annexure Schedule(s), if required*

Sections 154 and 156 of the Land Transfer Act 1952, Sections 23, 203-205, 289-290 and 301-302 of the Property Law Act 2007 and Section 4 of the Contracts (Privity) Act 1982 shall apply to this Encumbrance but otherwise (and without prejudice to NZTA's rights of action at common law as a rent-chargee) NZTA shall not be entitled to any of the powers and remedies given to encumbrancees by the Land Transfer Act 1952 and NZTA and its successors and assigns shall not be entitled to any of the powers and remedies given to mortgagees under the Land Transfer Act 1952 or the Property Law Act 2007.

Form E *continued***Annexure Schedule**

Page 3 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required***BACKGROUND**

- A. **Clive William TOMPKINS and Glennys Elaine PURVIS** (together with his successors, assignees, tenants, lessees and persons under his control) ("the Encumbrancer") is registered as proprietor of an estate in fee simple in all that parcel of land described on the front page of this Encumbrance ("the Land").
- B. The Land fronts State Highway 18 ("State Highway").
- C. Under sections 61(1) and 80(1) of the Government Roading Powers Act 1989, NZTA has sole powers of control for all purposes of all State highways and motorways.
- D. The Land is part of the land originally acquired by the Crown for State Highway 18, Hobsonville Extension. As a designation requirement NZTA was required to plant and maintain the area marked A, B, C and E on SO 444423.
- E. For valuable consideration the Encumbrancer has agreed to encumber the Land for the benefit of NZTA with the security specified on the front page of this Encumbrance and to covenant with NZTA to secure compliance by the Encumbrancer with certain covenants and agreements.

OPERATIVE PROVISIONS

1. If, on the due date for payment (as set out in Annexure Schedule 1) of the rent charge imposed under this Encumbrance, the Encumbrancer has fully complied with all of the obligations imposed pursuant to this Encumbrance, then the rent charge payable on that day shall not be required to be paid by the Encumbrancer.
2. The Encumbrancer acknowledges that the covenants in this Encumbrance are of a permanent nature, and the Encumbrancer shall not be entitled to a discharge of the Encumbrance during the term, whether by payment of the total security or otherwise.

Form E *continued***Annexure Schedule**

Page 4 of 5 Pages

*Insert instrument type***Encumbrance***Continue in additional Annexure Schedule, if required*

3. The Encumbrancer covenants with NZTA as follows:

3.1 That the Encumbrancer shall not remove, destroy or permit to be removed or destroyed any plants on the Planting Restriction Area.

Notwithstanding clause 3.1 of this Encumbrance, in the event that any of the plants in the Planting Restriction Area die or are removed or destroyed, whether or not through any act or default of the Encumbrancer, the Encumbrancer shall forthwith replace such plants with plants of a similar type and maturity.

General

4. This Encumbrance shall be binding on all transferees, tenants, lessees, mortgagees, chargeholders and their respective successors in title and assigns of any estate or interest in the land.

5. Where this Encumbrance binds or benefits a party, it shall bind or benefit that party jointly and severally.

6. In the event of any dispute arising between the parties in respect of or in connection with this Encumbrance, the parties shall, without prejudice to any other right or entitlement they may have under this Encumbrance or otherwise

6.1 Explore whether the dispute can be resolved by use of the alternative dispute resolution technique of mediation. The rules governing such techniques shall be agreed between the parties or as recommended by the New Zealand Law Society or as selected by the Chairman of the New Zealand Chapter of LEADR (Lawyers Engaged in Alternative Dispute Resolution), and

6.2 In the event the dispute is not resolved within 28 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties), either party may refer the dispute to arbitration under the provisions of the Arbitration Act 1996 or any amendment or re-enactment of it. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other or failing agreement appointed by the President of the New Zealand Law Society. In either case, the arbitrator shall not be a person who has participated in any informal dispute resolution procedure in respect of the dispute.

7. All notices and communications under this Encumbrance shall be deemed to have been received when delivered personally, sent by prepaid post or by facsimile to such address as either party shall notify.

Form E *continued*

Annexure Schedule

Page 5 of 5 Pages

Insert instrument type

Encumbrance

Continue in additional Annexure Schedule, if required

8. The Encumbrancer shall not at any time do, permit or suffer to be done any act whereby the rights, powers, licences and liberties granted to NZTA under this Encumbrance may be interfered with or affected in any way.
9. The Encumbrancer shall ensure that all third parties permitted by it to enter onto the Land from time to time, do so subject to and at all times in compliance with NZTA's rights and privileges under this Encumbrance.
10. No delay or failure by NZTA to enforce performance of any of the covenants set out in this Encumbrance and no indulgence granted to the Encumbrancer by NZTA shall prejudice the rights of NZTA to enforce any of the covenants or provisions of this Encumbrance.
11. The rent charge imposed under this Encumbrance shall determine and the Encumbrancer shall be entitled to a discharge of this Encumbrance if NZTA in its absolute discretion considers that the covenants set out herein become entirely obsolete or are no longer enforceable.

ATTACHMENT 2: TRANSPORT INPUTS TO SUBMISSION PREPARED BY TDG



**Sinton Developments Ltd,
18 Sinton Road**

Whenuapai, Auckland

**Plan Change 5 Whenuapai,
Transport Inputs to Submission**

October 2017

**Sinton Developments Ltd,
18 Sinton Road**

Whenuapai, Auckland

**Plan Change 5 Whenuapai,
Transport Inputs to Submission
Quality Assurance Statement**

Prepared by:

Max Robitzsch

Principal Transportation Engineer



Reviewed by:

Daryl Hughes

Technical Director



Approved for Issue by:

Daryl Hughes

Technical Director



Status: Final report

Date: 19 October 2017



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Table of Contents

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1. Background

Sinton Development Ltd (“**Submitter**”) representing the prospective purchaser of the property 18 Sinton Road, Whenuapai, is submitting on proposed Plan Change 5 Whenuapai to the Auckland Unitary Plan Operative in Part (“**AUP OP**”). TDG provides traffic / transport advice to the Submitter, including in the matter of the current plan change.

A key reason for the submission is concern related to the location of a proposed new road crossing the Submitter’s site at 18 Sinton Road. The road is intended to provide a new connection between Sinton Road and Kauri Road, and to replace the continuation of Sinton Road along the current alignment towards Brigham Creek Road.

This road had been shown in the September 2016 Whenuapai Structure Plan “Transport Networks” map Figure 12. Since then, Council has further reviewed the proposed road networks in the Whenuapai area. While the position of the road in question has not changed significantly, the proposed road function has since been identified more closely, being termed an “indicative collector road” in Figure 9 of the Section 32 Report produced 21 September 2017.

As stated in Section 7.6.2 of the Integrated Transport Assessment (“**ITA**”) for the Structure Plan Area, dated July 2016, the decision to relocate the road was made based on assessments that retaining Sinton Road in the existing alignment would drop the future traffic signal’s peak hour Level of Service (“**LOS**”) from B/C to E/F.

The Submitter, as per previous feedback, opposes the road relocation as shown in these plans on the basis of several traffic and non-traffic related concerns. The traffic aspects are discussed in this report supporting the submission.

For ease of reference, the following shorthand is used in this document:

- **Existing (Sinton) road** = Sinton Road in its current alignment, in particular between 18 Sinton Road and Brigham Creek Road / SH18 motorway interchange.
- **Existing (Sinton) road stub** = the straight northern section of Sinton Road that connects with Clarks Lane (not a formed road, but with road parcels connecting back up southeast of 18 Sinton Road).
- **Proposed (Sinton) road** = the Council-proposed new collector road alignment, in particular between the eastern side of the 18 Sinton Road property and Kauri Road.
- **Modified (Sinton) road** = the submitter’s proposed alternative alignment between 18 Sinton Road and Brigham Creek Road, to be discussed in a separate following section.

2. Traffic Aspects

There are a number of aspects of the proposed (Sinton) road location that create concern from a traffic / transport perspective, as well as several where the concern is informed by traffic design-related aspects.

2.1 Concerns Directly Related to Traffic / Transport

2.1.1 Re-routing Impacts

It is understood that the proposed (Sinton) road re-alignment is driven by a desire to reduce traffic from the future Stage 1D area directly entering the current / future Brigham Creek Road / SH18 interchange, respectively simplifying the interchange layout. The intention is to reroute this traffic via Kauri Road. As noted earlier, this was based on an assessment in the ITA that otherwise the future traffic signals at the Brigham Creek Road / Sinton Road interchange would see significant degradation.

However, it is considered that the majority of vehicular traffic generated by the Stage 1D development served by Sinton Road is likely to be traffic heading to destinations further away. Local traffic to other parts of the Whenuapai area or to Kumeu and Helensville will of course occur, but the majority is likely to head onto State Highway 18 to go west or east, or onto Hobsonville Road. This is based on the distribution of current and future employment and residential areas, where the overwhelming majority in a local and Auckland context remain to the south of SH18, or are accessed via SH18.

Therefore, re-aligning Sinton Road will push this traffic through Kauri Road first, especially between Brigham Creek Road and the proposed intersection with Sinton Road, but then back through the interchange anyway. It would increase trip distances by approximately 600 extra meters for every such trip, as well as add extra intersections to negotiate. It would likely cause only very minor relief of traffic volumes at the interchange.

As will be discussed later in this assessment, it is considered that the proposed wholesale re-alignment has not taken full cognisance of the negative impacts of re-aligning the road, nor fully explored opportunities of how Sinton Road could be retained in its current alignment whilst reducing impact on interchange performance.

2.1.2 Lack of Assessment of Rata Road and Cross-SH18 Sinton Road Bridge Links Impacts

The ITA traffic modelling which informed the decision to re-align Sinton Road has not taken cognisance of the potential for an alternate road link between Stage 1D and Stage 1B at Rata Road. This is acknowledged as an option, but not included in the model or, to our knowledge, in sensitivity scenarios. It does not consider whether this link would provide relief for the interchange impacts, or be a more sensible alternative to a bridge at 7-9 Kauri Road / 18 Sinton Road in terms of network connectivity or feasibility.

Additionally, a new grade-separated road link over State Highway 18 at the old Sinton Road alignment (i.e. directly to Hobsonville Road) is shown in Figure 9 of the Section 32 report – forming a “collector road” connection to the Hobsonville area.

It does not appear that the ITA traffic model has included the potential impacts of this as it seems to only have been included in the plans as part of “Technical Inputs June 2017”.

The latter connection across SH18 is especially important, as it would seem to have significant impacts on other links into and out of the Stage 1D area.

On the positive side, this link could reduce congestion at any Sinton Road / Brigham Creek Road / SH18 intersections. This may allow limiting of right turns into Sinton Road from Brigham Creek Road, thus reducing the complexity / impacts on a t-intersection, or the Brigham Creek Road / SH18 interchange signals.

On the negative side, the link would provide a rat-run via Kauri Road, the proposed (Sinton) road re-alignment, and this new bridge over the motorway to Hobsonville Road, avoiding the motorway interchange.

This could lead to Sinton Road performing as an arterial through route in practice, with the resulting traffic flows and subsequent accommodation of these flows through design decisions or changing the hierarchy levels having a detrimental effect on the surrounding development.

It is considered therefore that insufficient assessment has been undertaken to understand the effects of the proposed indicative road network in the Stage 1D area, particularly in relation to the potential link over SH18 and alternative options to linking to Kauri Road.

2.2 Concerns Indirectly Related to Traffic / Transport

The proposed indicative collector (Sinton) road realignment towards Kauri Road has a number of further aspects, which relate only indirectly to traffic, but which would appear to indicate that the proposed alignment is not ideal. They include, as follows:

2.2.1 Expensive Structures Required

The proposed road alignment crosses a very steep gully, with a vertical drop of almost 15m within 150m within 18 Sinton Road (and even steeper on the 7-9 Kauri Road site). The Waiarohia Stream and its banks are a Significant Ecological Areas (see Overlay Ref. SEA_T_4733) and part of the area that has an existing esplanade reserve is zoned in the Unitary Plan as an “Open Space - Conservation Zone”.

To not negatively impact aspects such as this ecology and conservation zone, avoid stormwater impacts and to provide an appropriate vertical geometry roading alignment, it is considered likely that significant bridging and retaining will be required, particularly in the western part of 18 Sinton Road, and the eastern part of 7-9 Kauri Road. This will significantly increase the cost compared to a modified alignment.

There are also likely to be significantly more onerous approval and design processes as a result of this alignment over that required for a modified alignment.

2.2.2 Impact on Existing Housing

The proposed road cuts through two sections of already established houses, both in the eastern part of 18 Sinton Road and in the northern part of 7-9 Kauri Road.

Even where it is intended for these building areas to be redeveloped, the existing development in the path of the proposed road alignment is likely to add complications in terms of property acquisition, and staging of development versus road construction will become more complicated and less flexible in terms of timing.

2.2.3 Use of Private Land versus Use of Council / Crown Land

The proposed road uses solely privately-owned land to relocate an existing connection away from publicly owned land.

It is considered that it is possible to retain a modified alignment which provides this connectivity on land that is already in public ownership. This will significantly reduce costs.

2.2.4 Impact of Collector Road Choice on Overall Development Land

Any land taken for the new indicative collector road, above and beyond space that would be used for local access, is land lost for development. Considering that Auckland is having significant difficulties meeting the demand for new housing, and considering that the Structure Plan / Plan Change are intended to be part of providing this, the matter of whether the proposed land demand from infrastructure like roading efficiently and sustainably serves these objectives is a key matter for consideration.

It was calculated that the wider collector road would result in the loss of some 4,500sqm of developable land, which would lead to, at a minimum, some 15 less dwellings (based on the Mixed Housing Urban zoning 300m³ average vacant lot subdivision) as a result of the proposed alignment.

2.2.5 Impact of Collector Road Choice on Development Layout

Related to the previous concern, the hierarchy function of a collector road – particularly a collector road with a potential for high through traffic components and with cycle facilities as per Figure 6 of the Section 32 Report, has further implications for the design of the development.

For example, it is likely that vehicle crossings onto the road would not be seen favourably (by authorities and developer), and thus internal access roads may need to be provided to a greater degree than if a collector road were to run along the southern site frontage.

2.2.6 Impact of Limitations on the Title of 3 Sinton Road

3 Sinton Road was utilised by NZTA during the construction of SH18 and surrounding road infrastructure and a portion of the Waiarohia Stream that traversed over 3 Sinton Road was realigned over the site and piped below SH18 as illustrated in see **Figure 1** below.

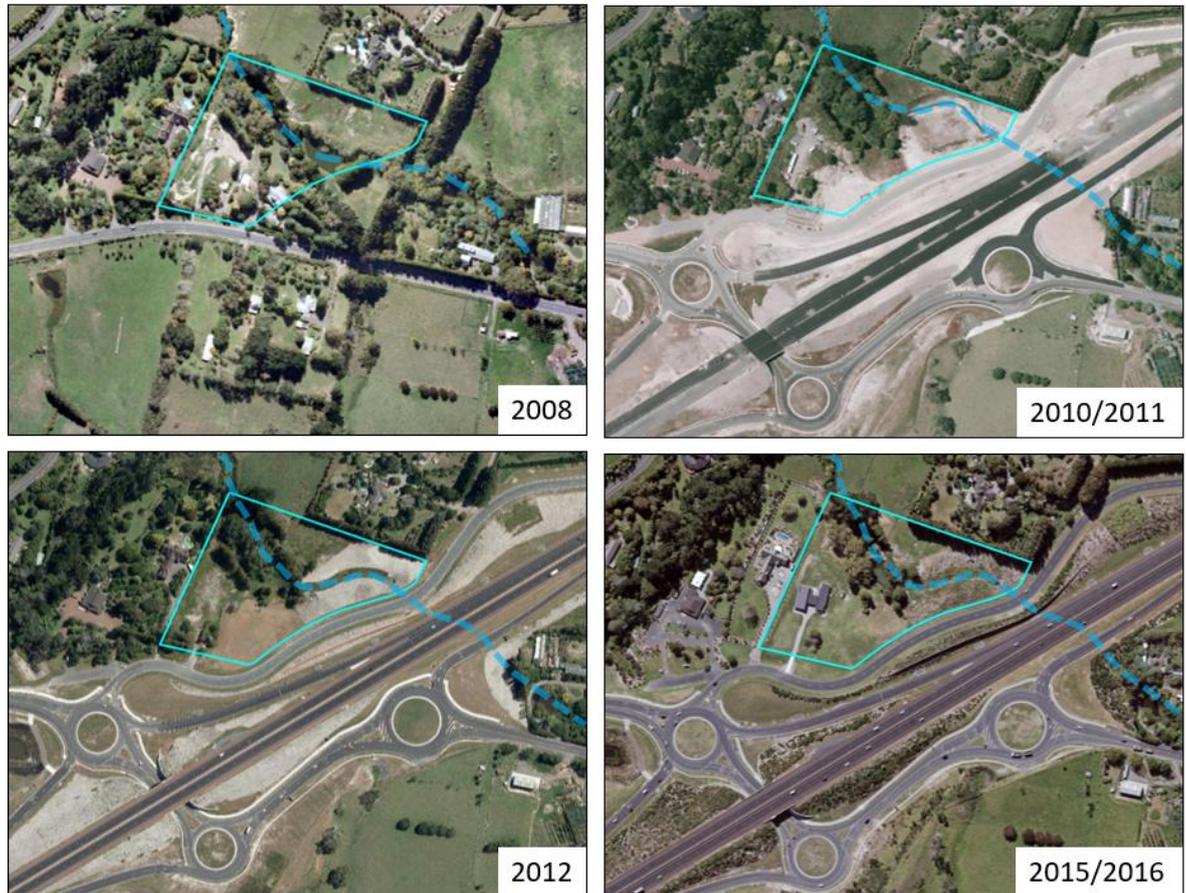


Figure 1: Comparing aerial photography prior, during and post completion of SH18 in the proximity of 3 Sinton Road (Source: Auckland Council's GEOMAPS) with indicative alignment of the Waiarohia Stream shown dashed

Following completion of SH18 works the riparian edges of the stream / wetland were replanted. Easements were registered against the Certificate of Title of 3 Sinton Road (Legal description Section 41 Survey Office Plan 444423) to allow for the right to drain water from under the motorway and prevent any removal or destruction of this protected riparian / wetland planting as illustrated in **Figure 2**. These easements provide significant impediments to any potential construction of the proposed (Sinton) road as the proposed road would detrimentally impact upon protected vegetation as well as potential result in adverse flooding impacts which may affect the SH18 as well as downstream properties which the stream traverses, i.e. 174 Brigham Creek Road, Hobsonville.



Figure 2: Protected Riparian Vegetation Located at 3 Sinton Road

2.2.7 Uncertainties and Potential Extra Costs for Development

With the proposed collector road forming a road to a higher width and standard than that which the Submitter would consider suitable for internal access this will place complications on the development path of the 18 Sinton Road site.

Should development on the site occur before Council is able to fund and construct the proposed (Sinton) road alignment and the associated expensive bridges, the development will be required to undertake one of the following options, none of which are deemed attractive:

- Build the road and required bridges as part of the development, placing a significant design and organisational burden upon itself, including agreeing cost-sharing aspects or advance financing and issues related to enabling this work on third-party land at 7-9 Kauri Road, and on 1 and 3 Sinton Road, as per; or
- Build only the first section, but without the bridges to Kauri Road (i.e. build only the shorter section required for local access until Sinton Road is realigned), and then, at some indeterminate future point, see significant further construction work directly inside / adjacent to the development to construct the bridges / upgrade the road, disrupting occupants of the new development.

Therefore, it is considered that unless Council is able to confirm funding and processes in place to progress the construction of the proposed (Sinton) road alignment in the near future, this adds a further argument against the proposed alignment – and in favour utilising the existing / modified alignments directly to Brigham Creek Road, which do not have these issues and can be staged more flexibly.

3. Modified Alignment

The submitter proposes that instead of re-aligning Sinton Road as proposed, it remains as per the current road alignment, i.e. tying into the current northern roundabout of the Brigham Creek Road / State Highway 18 interchange, or a location further north, between the interchange and Kauri Road, using the already transport-zoned and Council / Crown-owned land parcels which are considered generous.

A good example is provided at another recently upgraded and enlarged interchange, that on the southern side of Te Atatu / SH16, as shown in **Figure 3** below. The space available at Te Atatu is smaller than at Brigham Creek Road and is more constrained where the interchange transitions to the local road network.



Figure 3: Comparing Available Space at Current / Future Brigham Creek Interchange with that at Te Atatu Road

It is noted that at Brigham Creek Road some of the land will be required for a future RTN busway. However, the busway is not intended to have a station at the interchange (as based on the Section 32 Report Figure 7), so the impacts are expected to be limited, with the busway likely to stay very close and parallel to the main motorway alignment on fly-overs or underpasses, similar to layouts such as at Tristram Avenue on the Northern Busway.

As development in the area occurs, including in the Stage 1D, area this will eventually trigger the need to upgrade the interchange roundabout layout to traffic signals, as already envisaged by authorities. Options to incorporate Sinton Road at that stage could include:

- Traffic signals, with relevant increase of the intersection capacity via additional approach lanes to the signals provided in the large available area to counteract the modelled delay increases leading to the original proposal to relocate the road; or
- Incorporating Sinton Road as a t-intersection (likely with seagull treatments to improve safety and efficiency) halfway between the interchange signals and Kauri Road (leaving in excess of 120m distance to either of the two other intersections).

In regard to the option of providing a side-road access relatively close by to an interchange, it is considered that this is not in any way unusual. Similar arrangements of significant unsignalised side roads located at similar distance to a major interchange include Duncan McLean Link / St Lukes Road and Te Atatu Road / Royal View Road.

At Brigham Creek Road, the use of a seagull treatment could better the safety and efficiency of those cited examples.

In summary, as already briefly discussed in previous sections, a key advantage of the current / modified alignment is that it uses land already owned and zoned for transport purposes, rather than land zoned for future urban development.

It is also considered likely that the additional costs to integrate it into the interchange, or close by on Brigham Creek Road as a t-intersection, would be lower than the costs of acquiring land and constructing a difficult crossing of the local topography.

It is therefore considered that it is clearly possible to retain a direct Sinton Road signals access, or, if direct access into the signals is not desirable, a t-intersection access onto Brigham Creek Road in the vicinity, likely via a seagull treatment.

TDG

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

Clause 6 of First Schedule, Resource Management Act 1991

FORM 5

Submission on Plan Proposed Change 5 Whenuapai, Auckland Unitary Plan

Attn: Planning Technician

Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

1. Submitter details

Full Name of Submitter: Charles Ku

Agents Name/ Contact Person: Peter Hall, Boffa Miskell

Address for service of the Submitter: Boffa Miskell

Attn: Peter Hall

PO Box 91250

Auckland 1142

Email: peter.hall@boffamiskell.co.nz

Phone: 09 359 5325/ 0274 222118

2. Scope of submission

This is a submission on Proposed Plan Change 5 to the Auckland Unitary Plan

The specific provisions that my submission relates to are identified in the table at **Attachment 1** to this submission.

3. Submission

I **support** and **seek amendments** the specific provisions identified in the table at **Attachment 1** to this submission for the reasons set out.

I seek the following decision by Council:

Accept the Plan Change with amendments as outlined in this submission, with such other relief and consequential amendments as to give effect to the relief sought in this submission (**Attachment 1**)

#34.1

I 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.

4. Clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act

I confirm that I could not gain an advantage in trade competition through this submission



.....

Signed for and on behalf of Charles Ku

19 October 2017

.....

Date

Attachment 1

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
Proposed Zoning Map	Support , particularly as it relates to the zoning of the property at 55 Trig Road to Business – Light Industry Zone	Nil	The rezoning accords with the Council’s Future Urban Land Supply Strategy. Rezoning of the land identified, including 55 Trig Road, as Business – Light Industry aligns with need for business land identified in the Auckland Plan 2012 and otherwise provides employment opportunities through the efficient use of land and infrastructure.
I616.10.1. Whenuapai 3 Precinct Plan 1	Seek Amendments	<ol style="list-style-type: none"> 1. Correct error in title as follows: <i>“Whenuapai 3 Precinct Plan 1”</i> 2. Remove the Intermittent stream identified on the property at 55 Trig Road, in the event that the relief sought by this submission in respect of clause I616.6.4. is not granted. 	<p>Correction of an error in the plan title.</p> <p>The provisions associated with the intermittent stream identified on the property on I616.10.1. Whenuapai 3 Precinct Plan 1 result in unreasonable limitations on future improvement opportunities on the site according to its proposed zoned purpose, by not providing alternatives.</p>
I616.10.1. Whenuapai 3 Precinct Plan 2	Seek Amendments , in relation to the extension of the Spedding Road Arterial into the properties adjoining and to the south of 55 Trig	Nil	It is unrealistic and does not provide for efficient use of land to assume that the Spedding Road extension arterial will be achieved in a

#34.2

#34.3

#34.4

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
	<p>Road. In particular, that either the Precinct Plan indicate that this Arterial will be designated and dedicated by the Council or Auckland Transport if retained in its proposed position or the Spedding Road extension Arterial is repositioned to be wholly or partly in the property at 55 Trig Road.</p>		<p>piecemeal fashion. As an arterial, its transport benefits extend beyond the properties in the Structure Plan it serves and in this circumstance, the Council has a role in achieving the road, and has powers to do so by way of designation and land acquisition. This is particularly the case at the Trig Road end of the proposed arterial where achieving it in its current position will depend on multiple owners with relatively small land holdings, including narrow access strips. Moving the road to be wholly or partly on the property at 55 Trig Road reduces the complexity associated with multiple landholdings, as an alternative to the Council/AT designating the road itself.</p>
<p>1616.1. Precinct Description</p>	<p>Seek Amendments</p>	<p>Amend the paragraph headed <i>“Integration of Subdivision and Development with Infrastructure”</i> as follows:</p> <ol style="list-style-type: none"> 1. Delete the sentence: <i>“The primary responsibility for funding of local infrastructure lies with the</i> 	<p>The Precinct Description fails to recognise that funding for infrastructure should be shared equitably between developments in the precinct according to their relative demands on infrastructure provision. It also unfairly places the same requirements on collector roads as it does on arterial roads,</p>

#34.4

#34.5

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
		<p><i>applicant for subdivision and/or development”.</i></p> <p>2. Redraft the paragraph to specify that the funding of local infrastructure will be shared equitably between developments in the precinct according to their relative demands on infrastructure provision.</p> <p>Amend the paragraph headed Transport to recognise that designation of roads by Council or Auckland Transport is an alternative way to achieve the proposed transport network through the structure Plan, particularly in relation to arterial roads.</p> <p>Amend the paragraph headed Open Space to be more specific about the proposed purposes of the Open Space network proposed. By way of example, the large area of Open Space identified on Precinct Plan 1 has a significant proposed future purpose which should be identified in the Precinct Description.</p>	<p>where arterial roads have benefits beyond the Structure Plan area.</p> <p>The Precinct Description lacks specificity as to the purpose of the various areas of Open Space identified, which does not allow for integrated planning and development of the balance land. This is particularly so where there is an assessment criteria I616.8.2. (d) which requires an assessment of the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1. As it stands, this is difficult to achieve given the lack of description and purpose of these open spaces.</p> <p>The Precinct Description should recognise that designation of roads by Council or Auckland Transport is an alternative way to achieve the proposed transport network through the structure plan. As a method, this is the most efficient and effective way to provide the proposed road layout and avoids</p>

#34.5

#34.6

#34.7

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
			delays and inefficiencies where land holdings are fragmented such as the case in the Structure Plan area.
1616.2. Objective (3)	Seek Amendments	Amend I616.2. Objective (3) as follows: <i>“Subdivision and development does not occur in advance of the availability of transport infrastructure <u>necessary to service that subdivision and development</u>, including regional and local transport infrastructure”,</i> or otherwise as to specify that development can occur ahead of regional and local transport infrastructure where developers provide an alternative measure for the provision of the upgrade works.	Amendments to the objective are required to be consistent with the Precinct Description and to specifically recognise that development of specific sites can occur ahead of regional and local transport infrastructure and that not all such infrastructure is required in the Structure Plan area to enable development.
1616.2. Objective (6)	Seek amendments	Amend I616.2. Objective (6) as follows: <i>“<u>Unless already implemented</u>, subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2, <u>to the extent necessary to service that subdivision or development</u>, and takes into account the regional and local transport network”</i> or otherwise as to specify that the elements are	As written, the objective could be read to require the full implementation the transport elements with subdivision and development rather than only those necessary to support that particular subdivision or development. The addition of the words ‘ <i>unless already implemented</i> ’ to the objective seeks to recognise that the roading network may also be

#34.8

#34.9

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
		only required insofar as they relate to the particular subdivision or development.	achieved by way of designation and dedication of roads.
I616.3. Policy (7)	Seek Amendments	Amend Policy I616.3 (7) as follows: <i>“Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2 to the extent necessary to service that subdivision or development”</i> , or otherwise as to specify that the infrastructure elements are only required insofar as they relate to the particular subdivision or development.	As written, the policy could be read to require the full implementation the transport elements with subdivision and development rather than only those necessary to support that particular subdivision or development.
I616.3. Policy (7)	Seek Amendments	Amend Policy (8) as follows: <i>“Require the provision of new <u>collector</u> roads and upgrades of existing roads <u>generally in the locations and alignments as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads only allowed where the realigned road will provide an equivalent transport function. For</u></i>	Where designation is not used to achieve roading, flexibility is required to ensure subdivision development that is ready to go is able to provide roads where that still achieves the equivalent transport function and will ensure the efficient development of the Structure Plan area. Arterial roads have transport benefits extending beyond the properties in the Structure Plan it

#34.9

#34.10

#34.11

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
		<p><i>the avoidance of doubt, this may mean locations and alignments of roading on different allotments to those shown on the Precinct Plan”,</i> or otherwise to provide for flexibility in the final positions and alignments of roads and to differentiate between the function and benefits of collector and arterial roads as described in this submission.</p>	<p>serves. The Council has a role in achieving arterial roads, and has powers to do so by way of designation and land acquisition. The policy should recognise that while collector roads should occur with subdivision and development, arterial roads can also be achieved by way of designation.</p>
<p>1616.3. Policy (13)</p>	<p>Seek Amendments</p>	<p>Amend Policy 1616.3 (13) as follows: <i>“Require development to: (13) avoid locating manage the flood risk of new buildings locating in the 1 per cent annual exceedance probability (a)(AEP) floodplain; ...”</i></p>	<p>The focus of this policy should be on habitable floors and should recognise that in Light Industrial Areas in particular, it is possible to locate non-habitable buildings in the 1 percent annual exceedance flood plain at the owner’s risk.</p>

34.11

34.12

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
Activity Table I616.4.1	Seek Amendments	Insert a new activity in the table under Subdivision as a restricted discretionary activity as follows: <i>“Subdivision that complies with Standards at I616.6.2 and I616.6 – RD”.</i>	The activity table does not specify the status of subdivision that complies with at I616.6.2 and I616.6.
Rule I616.6.2.	Seek Amendments	Redraft I616.6.2 including clause 1 to make it clear that subdivision and development must meet its proportional share of funding local infrastructure works, unless provided for by clauses 2 and 3. Otherwise support the ability for alternative measures set out in clauses 2 and 3.	The use of the words ‘proportional share’ in clause 1 as drafted is unclear as it does not specify what the share of what is presumably the cost.

32.13

34.14

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
Table I616.6.2.1	Seek amendments	Include a note at Table I616.6.2.1 that the areas 1A-1E are not sequential but only dependent on the provision of the local transport infrastructure required in the table, or alternatives as determined under I616.6.2 clauses 2 and 3.	The table could be interpreted as a sequencing of stages.
Rule I616.6.3.	Seek Amendments	Amend clause I616.6.3 (2) as follows: <i>“(2) all new buildings <u>containing habitable floor levels</u> must be located outside of the 1 per cent AEP floodplain and overland flow path”.</i>	The rule should manage habitable floors and should recognise that in Light Industrial Areas, it is possible to locate non-habitable commercial buildings in the 1 percent annual exceedance flood plain at the owner’s risk.

34.15

34.16

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
I616.6.4.	Seek amendments	Amend I616.6.4. Riparian Planting to specify that the clause does not apply to intermittent streams.	The provisions requiring riparian planting of intermittent streams result in unreasonable limitations on land use opportunities on Light Industrial land by not providing for alternative methods to maintain or enhance biodiversity such as compensation or offsetting.
I616.6.8.	Seek Amendments	<p>Amend the rule to require that where the Precinct Plan shows an indicative road adjoining an allotment, that road shall be provided in a manner to serve (provide frontage to) both the parent lot on which the road is located and the lot which it adjoins.</p> <p>Otherwise amend rule I616.6.8. to better achieve policy I616.3. (8) subject to the amendments to that policy sought in this submission. This includes specifying that new roads shall be 'generally' provided in the locations and alignments shown on the Precinct Plan, and</p>	<p>In some instances, an indicative road is shown along the boundary of two adjoining lots. Greater certainty is required in these circumstances to ensure that the future road will be able to provide legal frontage to both lots. This in particular applies to the indicative road adjoining the property at 55 Trig Road, where the development pattern of that site will be strongly influenced by the ability of the next Spedding Road extension to provide frontages. The rule also needs to better reflect the indicative nature of the roading layout on the Precinct Plan.</p>

34.17

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34.19

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons
		that these road locations and alignments are indicative.	
I616.6.11.	Seek Amendments	Amend I616.6.11. Lighting clause (b) as follows: <i>“...(b) outside illumination of any structure or feature by floodlight-up lit floodlights.</i>	The rule should recognise that it is up lit flood lights that make impact on aircraft safety and that it is possible to down light with floodlights.

34.20

Specific Provisions/Map	Support/Oppose/Seek Amendments	Amendments Sought	Reasons	
1616.8.2. Assessment Criteria	Seek Amendments	<p>Amend criterion 1 (a) as follows:</p> <p><i>(a) the extent to which any subdivision or development layout is <u>generally</u> consistent with and provides for the upgraded roads and new indicative <u>collector</u> roads shown on the Whenuapai 3 Precinct Plan 2;...</i></p> <p>Delete criterion 1 (d)</p> <p>Insert a new criterion to deal with circumstances where</p> <p>the Precinct Plan shows an indicative road adjoining an allotment. In these circumstances, the subdivision shall demonstrate how that road serves (provides frontage) both the parent lot on which the road is located and the lot which it adjoins.</p>	<p>Criterion 1(a) should recognise the indicative alignment of the roading network should only require general consistency and that arterial roads can be achieved by other methods (namely designation).</p> <p>Criterion i(d) is difficult to achieve given the lack of description and purpose of the proposed open spaces.</p>	<p>34.21</p> <p>34.22</p> <p>34.23</p>

Contact details

Full name of submitter: Sheng Xin Property Investment Limited

Organisation name:

Agent's full name: Toby Mandeno

Email address: toby@bslnz.com

Contact phone number: 0272371177

Postal address:
PO BOX 11139
Ellerslie
Auckland 1542

Submission details

This is a submission to:

Plan modification number: Plan change 5

Plan modification name: Whenuapai Plan Change

My submission relates to

Rule or rules:
I616.6.8. Roads I616.6.2. Transport infrastructure requirements

Property address: 25 Trig Road, Whenuapai

Map or maps: Refer to Appendix A - locality map

Other provisions:
Refer to submission

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:
Refer to attached submission

I or we seek the following decision by council: Accept the plan modification with amendments

#35.1

Details of amendments: Refer to attached submission

Submission date: 19 October 2017

Supporting documents
25 Trig Road - Locality Plan.pdf
Submission-Whenuapai Plan Change 25 Trig Road (FINAL).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? 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.

No

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

SUBMISSION FORM

The following submission is made on the proposed Auckland Council Plan Change 5 – Whenuapai Plan Change prepared under the Resource Management Act, 1991.

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

Submitter: Sheng Xin Property Investment Limited
Postal Address: 18 Appleby Road, Albany, Auckland 0632
Phone: 021 585 815
Email: shengxininvestment@gmail.com

I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to develop my property. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

Name of Agent: Toby Mandeno – Birch Surveyors Limited
Address: PO Box 11139, Ellerslie, 1542
Phone: 027 237 1177
Email: Toby@bslnz.com

I wish to be heard in support of this submission.

If others make similar submissions, I would consider presenting a joint case with them at the hearing.

 19 October 2017

Signature **Date**

1.0 INTRODUCTION

Thank you for the opportunity to submit on Whenuapai Plan Change 5.

The specific parts of the Plan Change to which this submission relates to is:

The requirement of infrastructure upgrades and the requirement of developers to meet a “proportional share” where there is no definition of “proportional share”. It is our position that the Plan Change documentation does not provide sufficient guidance around the expected costs associated with the identified upgrades, and how such costs will be divided between the property owners/developments within their respective sub-areas.

2.0 BACKGROUND

- 2.1 Our client is the landowner of 25 Trig Road, Whenuapai, (‘the submission site’) outlined in the Locality Map attached as Appendix A to this submission. The submission site is legally described as Section 29 Survey Office Plan 447691 and is held in Computer Freehold Register 580795.
- 2.2 Whenuapai 3 Precinct Plan 2 (Section I616.10.2 of the Proposed Plan Change document) shows the location of an indicative Collector Road running along the rear boundary of this site, as shown in **Figure 1**, below. While we support the location of this Collector Road, the location of this Collector Road to the east of our Client’s site would not benefit development of this property, given the location of a stream near the eastern boundary, and that fact that our client’s site is already provided with road access through the legal road which parallels the alignment of SH18.

35.2

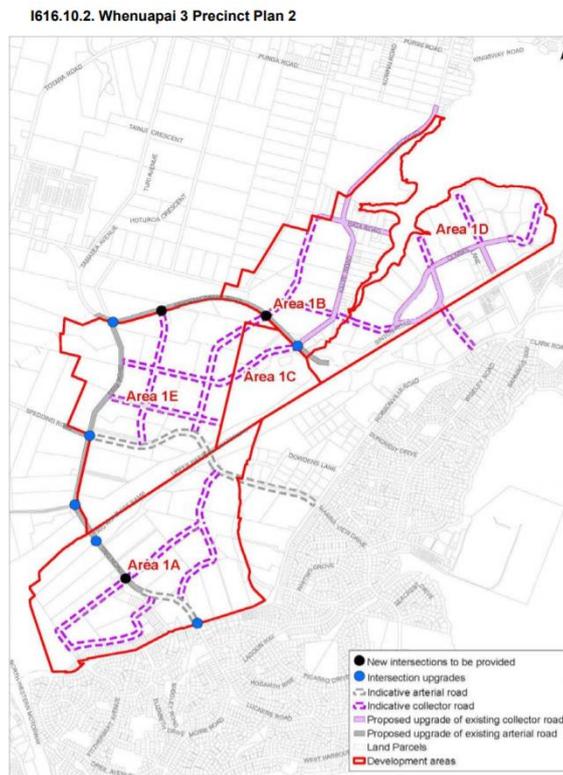


Figure 1: Whenuapai 3 Precinct Plan 2 (source: Whenuapai Plan Change)

- 2.3 Although the Collector Road will run through our Client’s site, the location of the road will not enable development, due to the location of the stream and requirement for riparian planting – with a minimum depth of 10m from the top of the stream bank. There is insufficient depth between the road and stream to enable the creation of allotments, and thus, the road provides no value to our Clients site or future development potential. 35.2
- 2.4 It is anticipated that development will only occur to the west of the stream, so our client is not reliant upon access from this Collector Road.

3.0 SUBMISSION

- 3.1 Subject to the acceptance of the relief specified below, we generally support the proposed zoning of the Whenuapai Plan change area. 35.3
- 3.2 We seek clarification around the requirements to upgrade transport infrastructure through the subdivision process, primarily with respect to the identified upgrades needed in support of the future development of Area 1A – to which our Client’s site is located within. 35.4
- 3.3 In total, for the full development of Area 1A to occur, the following upgrades are required;

Table I616.6.2.1 Local transport infrastructure requirements

Areas	Local transport infrastructure required
1A	New collector roads extending west from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	New collector roads extending east from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	Signalisation at the new intersection of Trig Road, Luckens Road and Hobsonville Road.
	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2.
	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp.

Figure 2: Extract taken from PC5 – showing required Area 1A upgrades

- 3.4 I616.6.2 (1) - Transport infrastructure requirements – states that “*all subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below*”. However, without first understanding the total cost associated with these upgrades, what constitutes a proportional share is unclear and contestable.
- 3.5 It is our position that the overall costs need to be first understood; with a break down in costs provided for each component – i.e. land acquisitions and construction. This information needs to be public, and openly available prior to the Council making determinations on development applications.
- 3.6 Without the cost of the upgrades being understood and publicly known, I am of the position that it will be very difficult for Council to determine what constitutes an ‘appropriate alterative measure’ as required by Standard I616.6.2 (2) and (3).
- 3.7 In contrast, if the total costs are known, the Council can then identify a means of dividing these costs proportionally throughout the various sub-areas. We acknowledge the difficulties

associated with such a process, but believe it is critical to ensure an even playing field between all land owners and developers – irrespective of when an individual land owner wishes to proceed with development. This will also ensure that the costs can be shared between Council, Council's CCO's and the private developers.

- 3.8 One potential means of dividing the costs between the respective land holdings could be through a proportional rate, developed on the size of the underlying title and proposed zone within PC 5. For example, within Area 1A – there would be three categories created associated with the underlying zones – the Terrace and Apartment Building Zone, Mixed Housing Suburban and the Neighbourhood Centre Zone. This would then divide the costs within the sub-area, on the likely development yield generated from the respective lot size and zone.
- 3.9 On this basis, Council can then make a determination on what is appropriate for any resource consent application. In our opinion, such reasonable costs could relate to the vesting of land (to support the construction of collector roads), the construction of the roads themselves or a development contribution / levy for such sites which are not subject to a proposed collector road, or adjacent to the intersections requiring upgrading.
- 3.10 In respect of our Client's site, our position would be that the underlying land to be vested to Council for the Collector Road should be identified as the contribution, based on the total area to be vested on an agreed m² rate determined by an independent valuer. If there remained outstanding proportional costs, such additional cost would be paid as part of the required levy/rates.
- 3.11 We also seek clarification on the definition and intended outcome of Standard I616.6.8. (1) which states; "*Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur*". Our position is that this Standard should be amended, so that it is clear that the developer is only responsible for upgrading the road to the centreline only, for any road adjoining the development site. Please refer to the relief sought in paragraph 4.5, below.
- 3.12 Further, we seek additional clarification around the wording of I616.6.8. (2). Our position is that the requirement for developments to establish and pay for new roads should only relate to local roads, and not the collector road network needed within Table I616.6.2.1. Please refer to our relief sought below.

4.0 RELIEF SOUGHT

- 4.1 We request that the following section is reworded to provide certainty around Transport Infrastructure upgrade requirements, as follows;

4.2 General Costs:

The total expected cost for the upgrades need to be identified and made publicly available. The total costs should categorise the various components, with particular reference made to the cost of land acquisitions in isolation from the estimated construction costs.

35.5

4.3 Include a Definition for Proportional Share:

“Proportional Share” is a value of the overall costs identified for the upgrades of the respective sub-area. The overall costs are then divided between the sub area, with such costs determined by the lot size and indented zone of the AUP – OP.

35.6

4.4 I616.6.2. Transport infrastructure requirements

(1) All subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.

(2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided. The Applicant must demonstrate how their alternative measures achieve the proportional share of costs determined for their respective site by Council. Council will consider the following in their determination of costs:

35.7

- a) The cost of land needed for a proposed Collector Road;
- b) The payment of a localised development contribution or levy;
- c) Construction costs associated with a Collector Road;
- d) Contribution of costs relating to the upgrading of identified intersections.

(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.

4.5 I616.6.8. Roads

Development and subdivision occurring adjacent to an existing road must upgrade the proportion of road to the centreline adjoining the development site where subdivision and development is to occur. In the event that the other side of the road is not within Stage 1 of PC 5, the entire width of the road must be upgraded.

35.8

Development and subdivision involving the establishment of new roads must:

- (a) provide the internal road network within the site where subdivision and development is to occur; and
- (b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.

For the purpose of clarity with respect to Standard I616.6.8(2) above, the term road excludes collector and arterial roads identified on I616.10.2. Whenuapai 3 Precinct Plan 2.

35.9

Yours sincerely



Toby Mandeno

19 October 2017

MPlan, BSc, m.NZPI

Enclosed:

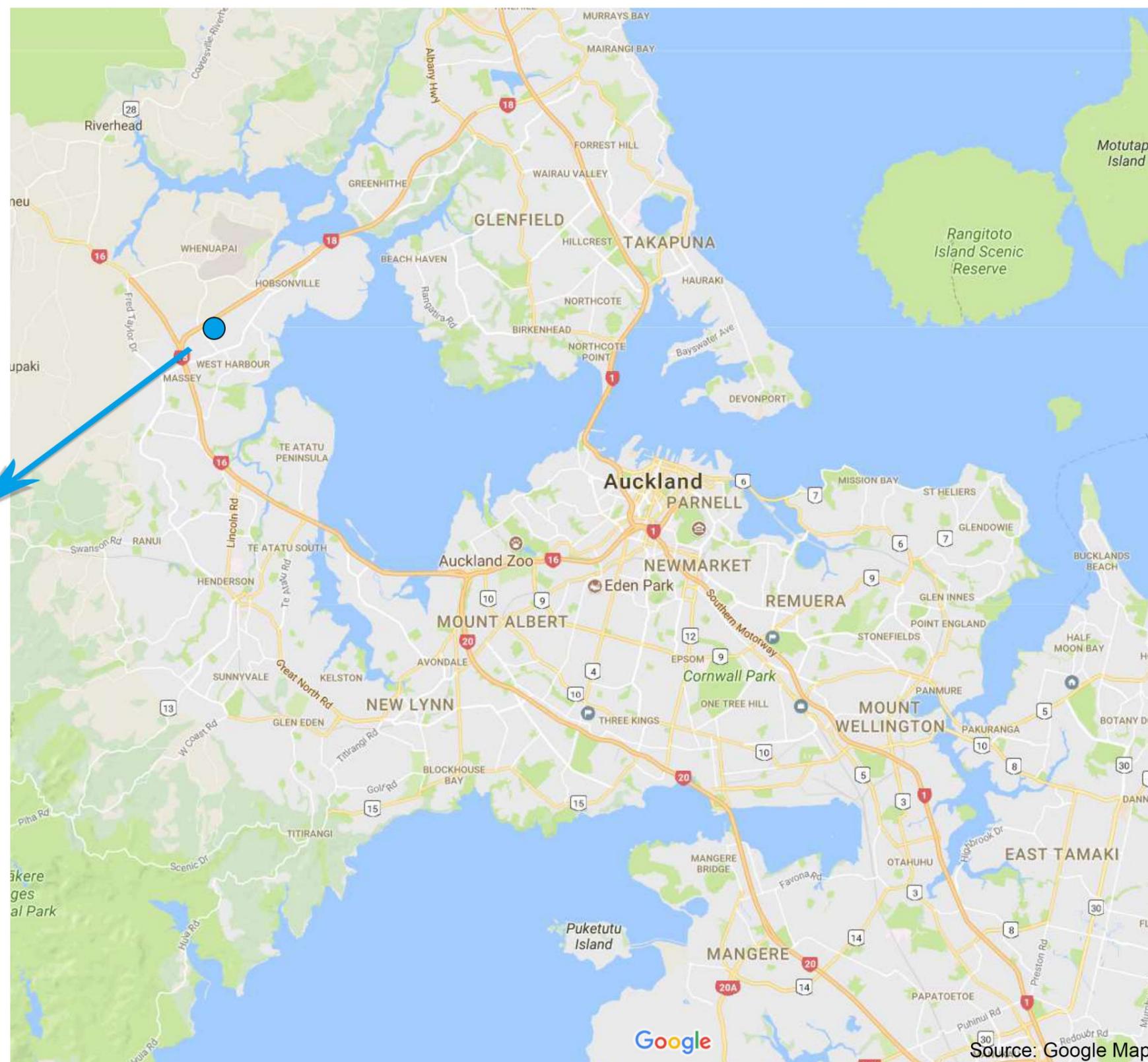
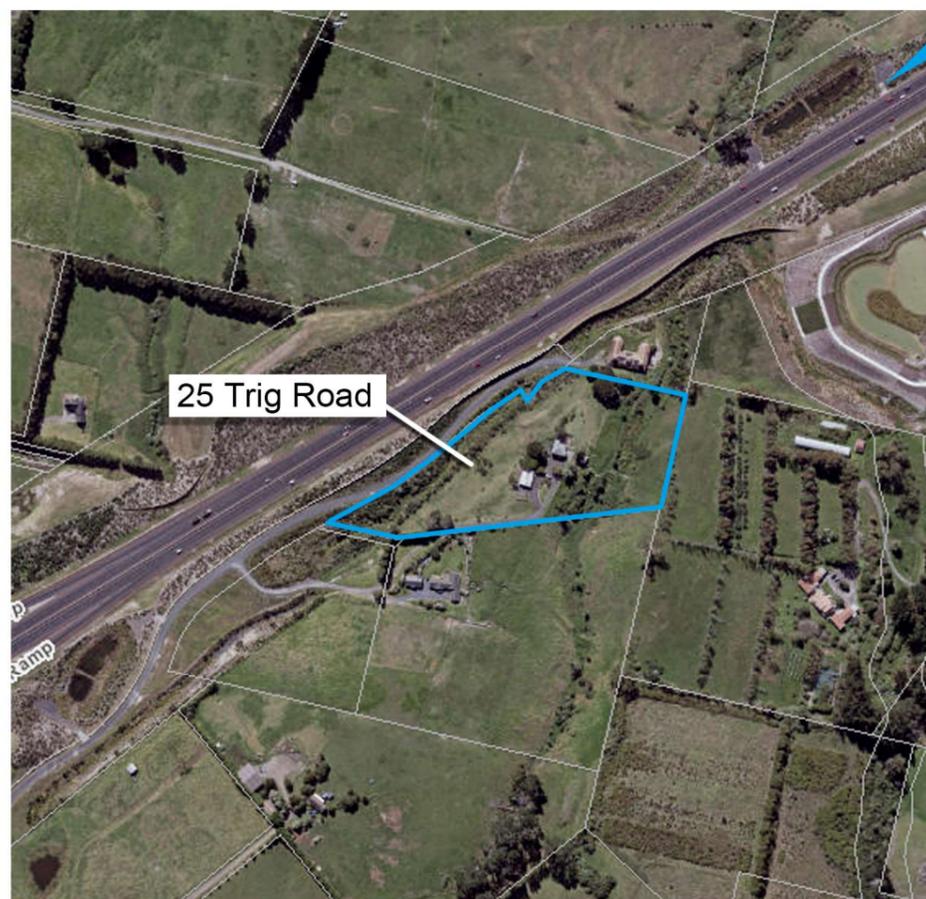
Appendix A: Locality Map

LOCALITY MAP OF SUBJECT SITES

Site Address: 25 Trig Road, Whenuapai

Site Area: 2.2588 Ha

Current Zoning: Future Urban Zone (Whenuapai Stage 1)



Source: Google Map

**SUBMISSION TO AUCKLAND COUNCIL'S
PROPOSED PLAN CHANGE 5: WHENUAPAI 3 PRECINCT**

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Submission on: Proposed Plan Change 5: Whenuapai 3 Precinct in the Auckland Unitary Plan – Operative in Part (“**AUP**”)

1. CDL Land New Zealand Limited (“**CDL**”) at the address for service below, provides this submission as follows.
2. By way of background, CDL has extensive landholdings in the western block of proposed Stage 1A, to the south of State Highway 18 (“**CDL Land**”). The CDL land is approximately 14ha in area and has access to both Hobsonville Road and Trig Road south. It forms a contiguous block that could be developed comprehensively and in a way that enables integration with the balance of the land within Stage 1A.
3. CDL considers that there are no constraints on the CDL Land, and land within Stage 1A generally, that would preclude delivery of integrated development and infrastructure, in general accordance with the proposed precinct plans, subject to some amendments, addressed below.
4. CDL considers that Stage 1A can be urbanised in a comprehensive and intensive manner without generating adverse effects beyond the area, recognising its proximity to the metropolitan centre of Westgate and the aforementioned lack of constraints on immediate development delivery. These matters are expanded upon in the submission that follows.

The specific provisions of the Proposed Plan Change that this submission relates to are as follows:

5. This submission is in respect of Proposed Plan Change 5 in its entirety but in particular concerns site specific provisions relating to Stage 1A (west of Trig Road south).

Grounds for the submission:

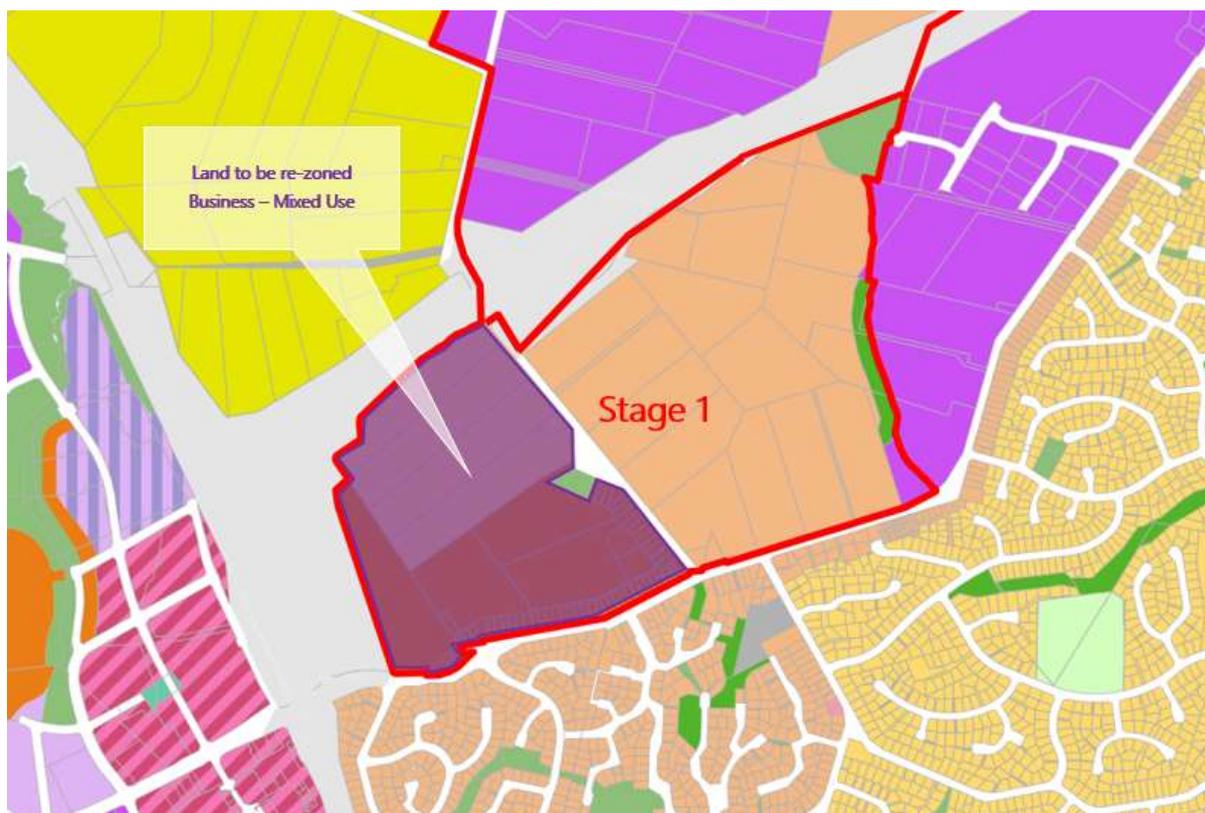
6. With the changes sought by CDL, Proposed Plan Change 5:
 - a. Will promote the sustainable management of natural and physical resources;
 - b. Will be consistent with the purpose and principles of the Resource Management Act 1991 (“**the Act**”);
 - c. Will warrant approval in terms of the tests in section 32 of the Act; and
 - d. Will constitute sound resource management practice.
7. Without limiting the generality of this submission, the following particular provisions are supported / opposed as set out below.

Zoning within Stage 1A

8. CDL considers that the most efficient and effective use of the land within Stage 1A (west of Trig Road south) would be achieved through the application of Business – Mixed Use (“**Mixed Use**”) zoning. This zone would enable greater densities of residential development adjacent, and very accessible to, the metropolitan centre of Westgate, than that envisaged by the Proposed Plan Change, which proposes a mix of Residential – Terraced Housing and Apartment Building (“**THAB**”) and Residential - Mixed Housing Urban (“**MHU**”) zones.
9. CDL considers that the western block of Stage 1A exhibits the following characteristics, which provide a suitable rationale for its re-zoning to Mixed Use:
- a. Land that is located along the rapid and frequent service network and with access to good public transport;
 - b. Land that is located within a close walk of metropolitan or town centres; and
 - c. Land that is able (and feasible) to be serviced (this applies to all land being zoned urban, not just Mixed Use).
10. CDL considers that the boundary provisions of the Mixed Use zone (e.g.: Rules H13.6.2 Height in relation to Boundary, H13.6.3 Building setback at upper floors, H13.6.4 Maximum tower dimension and separation, H13.6.5 Yards) would achieve an appropriate transition in building scale from the Mixed Use zoned land to adjoining lower intensity residential zones. In this circumstance, Trig Road south provides a suitable buffer to further assist in creating a respectful transition to land adjacent, which is proposed to be zoned MHU.
11. Both the Mixed Use and THAB zones retain discretion for Council to assess the final built form of a proposed development, owing to the need to obtain restricted discretionary activity consent for new buildings.
12. Existing roads (Trig Road south and Hobsonville Road) provide defined zone boundaries for the extent of the Mixed Use zone as well as serving a useful physical buffer to further enable a smooth transition from one zone to the next. Figure 1 below illustrates the extent of land proposed to be zoned Mixed Use.

36.1

Figure 1 – Proposed Re-zoning to Business – Mixed Use (shown in purple outline)



13. A critical difference between Mixed Use and the Residential zones as proposed by Council are the vacant lot subdivision provisions. Within the Mixed Use zones, subdivision down to 200m² (minimum net site size) is permitted by Standard E38.9.2.3. Comparatively, the THAB Zone in particular is quite restrictive, requiring minimum vacant lot sizes of 1,200m² (Standard E38.8.3.1(2)). This inflexibility at the land development and subdivision stage does not afford CDL the ability to deliver a comprehensively designed masterplan and subdivision scheme to an intensity and diversity that is envisaged by the proposed precinct. Given CDL’s expertise in delivering high-quality vacant lot subdivisions, it is considered the Mixed Use zone will better enable development to an intensity and standard befitting the location of the subject land in such close proximity to a metropolitan centre.
14. As the Mixed Use zone retains the ability to deliver high quality, intensive housing, CDL considers that the proposed Mixed Use zoning remains consistent with the Whenuapai Structure Plan.

Precinct Plan structural elements

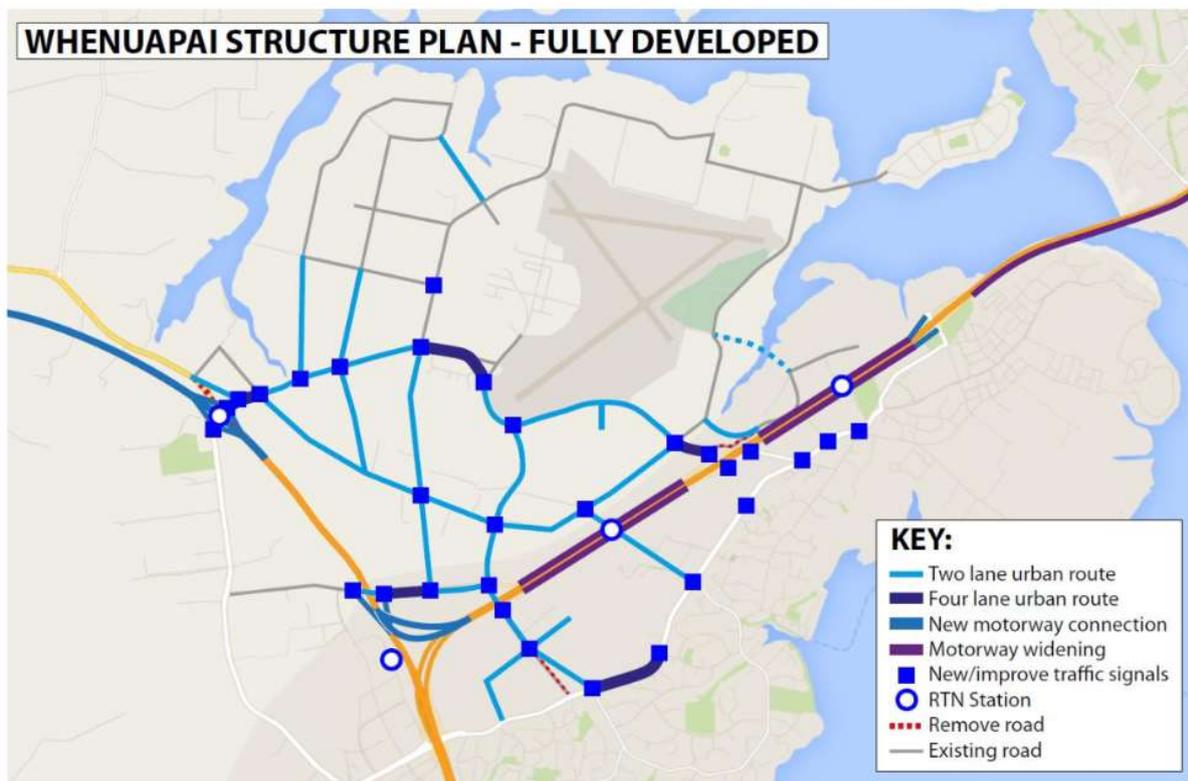
15. CDL considers there are amendments required to the physical elements shown on proposed Precinct Plans 1 and 2, as follows:
 - a. The proposed collector road through the western block of Stage 1A is redundant insofar as it nominates a circular route through the site providing access only to Trig Road, rather than connecting through the block. Access should be provided into the western block of Stage 1A from both Trig Road south and Hobsonville Road. It is not necessary or appropriate to prescribe an internal road layout at this stage and doing so might compromise or constrain the comprehensive and logical future development of the land.

36.2

- b. The collector road route shown on the Precinct Plan which differs from that proposed in the Draft Plan Change publicly released in early 2017 and is not supported by any explanation or expert evidence in terms of traffic engineering. Rather, the supporting Integrated Transport Assessment for the Whenuapai Structure Plan¹ identified an alternative collector route through CDL’s land, as illustrated below:

36.3

Figure 2 – Whenuapai Structure Plan’s Integrated Transport Assessment with proposed transport network



- c. Therefore, CDL suggests an amendment to Precinct Plan 2 that realigns the indicative collector road in accordance with the above figure, identifying a route from the proposed new intersection on Trig Road through to Hobsonville Road. CDL controls access to Hobsonville Road via the properties located at either 4 or 30 Hobsonville Road. An assessment can be undertaken in due course as regards which is the most appropriate for an intersection.

36.3

- d. Related to the point above, CDL seeks incorporation into Precinct Plan 2 of an identified vehicular access point to its land from Hobsonville Road. This could utilise an existing crossing location for access into CDL’s land at either 4 or 30 Hobsonville Road, and be annotated with an “intersection upgrade” notation as per the proposed Precinct Plan 2.

36.4

- e. CDL opposes the extent of streams (both permanent and intermittent) as annotated on Precinct Plan 1. CDL’s land and the surrounding land within the western block of Stage 1A is located at the top of the catchment, which is particularly modified downstream owing to the presence of the motorway corridors. Further, these streams or overland flow paths will be annotated on Council’s GIS, with relevant Auckland-

36.5

¹ Whenuapai Structure Plan Integrated Transport Assessment Report, June 2016, prepared by Flow Transportation Specialists Ltd, page 54, figure 21.

wide rules and definitions applicable to appropriately manage effects of development near riparian environments. This matter is expanded upon below.

16. Included at **Appendix 1** are revised Precinct Plans 1 and 2, which incorporate the relevant structural amendments noted above.

Precinct provisions

17. CDL proposes amendments to the provisions of the Whenuapai 3 Precinct as drafted. A summary of the key themes of amendments is set out below.

Proximity to Westgate Metropolitan Centre

18. The precinct description sets out key structural elements of the quasi-urban environment both within and around the precinct area. What it currently omits in respect of critical features in the surrounding environment is the Westgate Metropolitan Centre and the precinct area's proximity to that centre.
19. In CDL's opinion, the CDL Land and the western part of Stage 1A (west of Trig Road south) is well-placed to take advantage of that proximity through provision of intensive and high-quality residential development, providing a local and accessible resident population for the commercial activities and services within the centre.
20. The location of the metropolitan centre relative to the CDL Land provides another supporting reason for CDL's proposed rezoning to Business – Mixed Use as described above.

36.6

Reference to Funding Mechanisms

21. CDL considers that the mechanism(s) by which infrastructure is funded are not most appropriately addressed within planning provisions or the AUP. Rather, Council has elected to seek funding from developers for infrastructure upgrades and connections via development contributions, which are imposed pursuant to the Local Government Act 2002.
22. Further, public-private partnerships or Infrastructure Funding Agreements can be implemented via alternative legislation.

23. CDL considers that the precinct provisions would be better suited to identifying the specific infrastructure projects that are necessary to service the precinct's development and establishing a framework for assessment and implementation of those projects, or suitable alternatives that facilitates and enables development to occur within an appropriate timeframe

36.7

Delivery of Transport Infrastructure Upgrades

24. As noted above, CDL agrees that the precinct provisions should identify the necessary infrastructure upgrades that can provide access to development within the precinct area.
25. However, the current approach is prescriptive and onerous, requiring only those identified upgrades and preventing development until those upgrades are implemented without providing any indication or timeframe when those upgrades may occur. CDL considers a more appropriate approach would be to establish an assessment framework for transport projects whereby developers, in conjunction with their developments, provide either the identified upgrades or suitable alternatives, including interim measures until Auckland Transport can deliver the identified upgrades. This is particularly relevant where delivery of upgrades is outside the control of the subject developer.
26. This assessment framework would be implemented via a restricted discretionary activity consent application, at which time Council and the developer could collaborate on various access arrangements.

36.8

27. This is in contrast to Council's current suggestion that Council approval is required in writing before an application is even made.
28. To illustrate, the proposal to limit any development seeking access to Trig Road south until the road's proposed realignment and intersection upgrade with Luckens Road is unrealistic in respect of CDL's landholdings. CDL cannot control delivery of that infrastructure project and should not therefore be prejudiced in respect of delivering housing and employment opportunities on its land, which can be accessed from either Trig Road (north of the proposed realignment) or Hobsonville Road. Any proposed access will more than likely require resource consent under the provisions of the Auckland-wide chapter E27 Transport, in addition to the precinct provisions (as amended by CDL), thus ensuring Council has discretion to assess any proposal in respect of avoiding or mitigating adverse effects on the surrounding transport network and its effect on delivery anticipated transport infrastructure within the wider precinct area.

Streams and Riparian Margins

29. CDL considers that there is merit in identifying significant watercourses on the precinct plans, as well as the extent of esplanade reserve sought (currently identified in green on Precinct Plan 1).
30. However, CDL opposes the inclusion of all other watercourses and overland flow paths on the precinct plans as the inference is they represent constraints to appropriately comprehensive development within the precinct plan area. Instead, there are recognised provisions in the Auckland-wide chapters of the AUP that manage development over or near watercourses. There has been no evidence presented by the Council to suggest that these watercourses are particularly unique or sensitive to development in a way that requires special or alternative management in that respect.
31. In the case of the CDL Land, the watercourses are understood to be either man-made or degraded to such an extent that their retention would not represent the best and most efficient use of the land. There is no rationale for retaining those watercourses, which should therefore be deleted from the Precinct Plans. That will enable the CDL Land to be developed in the most appropriate and efficient manner, with the consequence that the amenity and convenience of residents will be maximised.
32. The same concerns extend to the proposed precinct provisions relating to riparian margins. CDL considers that the necessity for, and extent of, riparian margins ought to be assessed on a case-by-case basis, having regard to the catchment management plan for the area. There is no rationale for identifying riparian margins on the CDL Land.

36.9

Replication of Auckland-wide Provisions

33. CDL opposes the introduction of precinct provisions relating to stormwater and some flooding or hazard management, since these matters are comprehensively addressed through Auckland-wide chapters of the Auckland Unitary Plan. Specifically, in respect of stormwater, the imposition of the SMAF overlay now requires assessment against Chapter E10 Stormwater Management Areas – Flow 1 and Flow 2. Precinct-specific provisions relating to these matters are not considered necessary and in CDL's opinion, would not result in consistent application of sustainable management of natural and physical resources across the region if retained.

36.10

Activity Status within Rule I616.4.1

- 34. CDL considers that subdivision and activities within the Precinct ought to be permitted (under the Precinct provisions) where they comply with all relevant standards, which is an approach adopted throughout the AUP. 36.11
- 35. Further, where there are either departures from the precinct plans or non-compliance with the standards proposed, Council can undertake an appropriately limited assessment of those proposals as a restricted discretionary activity. Indeed, CDL generally supports the assessment criteria proposed at I616.8.2 as a comprehensive yet targeted set of matters to be addressed when considering subdivision or development in the precinct area. 36.12
- 36. Conversely, CDL considers the Council’s more onerous activity status of discretionary or non-complying where some standards are not met does not represent the most appropriate, effective or efficient means by which to achieve the objectives and policies of the precinct. Rather, CDL considers that the Council’s approach results in uncertainty of assessment and outcome, and an unnecessary level of complexity in processing, given the purpose of the precinct is to facilitate appropriate development in an area the Council agrees should be urbanised, subject to appropriate infrastructure being made available.
- 37. Therefore, there is no requirement for a broad level of discretion over matters that do not relate to the precinct and its structure planning, which itself was a comprehensive process.
- 38. Included at **Appendix 1** is a set of marked up provisions that incorporate the changes sought in this submission.

Relief sought:

- 39. The following relief is sought in response to the issues raised in this submission:
 - a. Amend the proposed zoning of land within Stage 1A in accordance with the zoning plan shown at **Appendix 2**, showing the western block of Stage 1A zoned Business – Mixed Use. 36.1
 - b. Amend Precinct Plans 1 and 2 to incorporate the changes sought in this submission at paragraphs 15(a) – (e) above, specifically removing the collector road and stream notations, and adding a new intersection upgrade notation (indicative in location but enshrining the ability for CDL’s land to be accessed from Hobsonville Road). Revised Precinct Plans are attached at **Appendix 1**. 36.2-36.5
 - c. Amend the proposed Precinct provisions to give effect to this submission. One way of giving effect to the relief sought would be to make amendments as per the marked-up document attached as **Appendix 1**. 36.13
 - d. All consequential or alternative relief to give effect to the specific amendments noted above. 36.14
- 40. CDL wishes to be heard in respect of its submission.

DATED at Auckland this 19th day of **October 2017**

CDL Land New Zealand Limited

A handwritten signature in black ink, appearing to read 'J Adams', written over a horizontal line.

Jason Adams

General Manager

DDI: 09 353 5015, Mobile: 027 683 7220

Email: jason.adams@cdli.co.nz

Address for service: Ellis Gould, PO Box 1509,
Auckland, New Zealand. Attention: Douglas Allan

Appendix 1 – Revised Precinct provisions and plans (mark-up)

Auckland Unitary Plan Operative in part

PROPOSED PLAN CHANGE 5

Whenuapai

I616.Whenuapai 3 Precinct

I616.1. Precinct Description

The Whenuapai 3 Precinct is located approximately 23 kilometres northwest of central Auckland. Development in the Whenuapai 3 Precinct will enable an increase in housing capacity and provide employment opportunities through the efficient use of land and infrastructure.

36.15

The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of [the Westgate Metropolitan Centre and Whenuapai Airbase](#).

[Comment: the additional text above seeks to emphasise the proximity of the plan change area, specifically CDL's landholdings, to a metropolitan centre, and in this way identify that proximity as a key reason to pursue more intensive and more efficient use of that land. In the absence of that additional text, the description references only the potential or perceived constraints on development].

Development of this precinct is directed by Whenuapai 3 Precinct Plans 1, 2 and 3. Whenuapai 3 Precinct Plan 1 shows:

- indicative open space, esplanade reserves and coastal esplanade reserves;
- the [extent of the](#) permanent and intermittent stream network [that is to retained when the land is developed](#), including streams wider than three metres; and
- the Whenuapai 3 coastal erosion setback yard.

36.16

Whenuapai 3 Precinct Plan 2 shows:

- indicative new roads and intersections;
- proposed upgrades to existing roads and intersections; and
- development areas for transport infrastructure.

Whenuapai 3 Precinct Plan 3 shows:

- aircraft engine testing noise boundaries from engine testing activity at Whenuapai Airbase.

[Comment: the amendments above relate to CDL's relief to identify specific streams rather than any and all watercourses, including overland flow paths, within the precinct plan. These amendments will ensure that significant watercourses are retained as structural elements of the precinct's environment, but also recognise that in many circumstances, and particularly on CDL's land, that existing watercourses are either man-made or degraded such that their retention does not represent the best and most efficient use of the land. Rather, a development scheme could be progressed that realigns or restores watercourses to achieve better stormwater and ecological functions, whilst not compromising the capacity of development that the precinct provisions hope to deliver in a soon-to-be urbanised area.]

Integration of Subdivision and Development with Infrastructure

The comprehensive and coordinated approach to subdivision, use and development outlined in the precinct ~~is a consequence of the reflects the size and~~ significant amount of infrastructure required to enable subdivision and development. ~~Funding of all required infrastructure is critical to achieving the integrated management of the precinct. The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development.~~

36.17

~~The council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements. These agreements define funding accountabilities, who delivers the works, timings and securities, amongst other matters.~~

[Comment: CDL considers that the mechanism(s) by which infrastructure is funded is not a matter that the precinct provisions need to address. Rather, the Council has elected to address funding via development contributions and public-private partnerships (among other mechanisms) pursuant to the Local Government Act 2002. Instead, the precinct provisions ought to focus on the infrastructure necessary and the various means by which development can be implemented in conjunction with these infrastructure projects.]

Transport

Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas. These upgrades are identified in Table I616.6.2.1 and are ~~to be implemented prior to or in conjunction with urban development. required be in place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area as development progresses.~~ If these upgrades are not ~~implemented prior to or in conjunction with urban development in place prior to development occurring~~ developers are able to provide ~~an alternative means of access which does not compromise the function and achievement of Auckland Transport's proposed project(s).~~ ~~measure for the provision of the upgrade works.~~

36.18

~~This may include an agreement with the council to ensure that the local share of the upgrade works attributable to the development is provided for. This could include an Infrastructure Funding Agreement or some alternative funding mechanism.~~

~~Where there is an Auckland Transport project to provide the new or upgraded roads, developers may be required to contribute to it in part. Where a development proceeds ahead of an Auckland Transport project, the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development.~~

[Comment: As above, the provision of funding for infrastructure delivery is more appropriately addressed via other legislation and means outside the scope of planning provisions. Further, infrastructure funding is not a matter unique to Whenuapai 3 Precinct and is addressed in every greenfield development or subdivision throughout the region. The mechanism(s) to obtain funding sit outside the AUP but are nevertheless within Council's control (and that of its CCOs) to ensure consistent and collaborative infrastructure delivery. In the case of CDL's land within the precinct area, very little is required in the way of transport infrastructure upgrades such that any agreement, or lack thereof, between Council and other developers or landowners within the sub-precinct area should not be a reason to delay CDL's development.

The changes above instead suggest that the transport infrastructure upgrades recognised within the precinct provisions should either be implemented prior to in conjunction with development, otherwise alternative means of access can be pursued, provided they do not compromise Auckland Transport's future access projects. The subsequent provisions will then allow assessment of any development proposal against the precinct's access arrangements and a determination can be made as to whether or not the proposal achieves the intent of the precinct plan or at the very least does not compromise its future implementation.]

Neighbourhood Centre

A neighbourhood centre is proposed on the corner of Hobsonville Road and the proposed realigned Trig Road. Service access and staff parking are provided at the rear of the development to encourage the continuity of retail frontages. Pedestrian linkage to the centre is provided at the intersection of Hobsonville Road and the realigned Trig Road.

Stormwater Management

Stormwater management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows. As a result of these findings, part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 overlay has have been applied to the precinct and these Auckland-wide provisions will ensure development in the precinct is cognisant of its sensitive receiving environment.

36.19

[Comment: CDL considers the repetition of stormwater management, and to an extent flood hazard management, within the proposed precinct provisions is not necessary given these matters are comprehensively addressed in the Auckland-wide provisions of the AUP. Indeed, additional stormwater management provisions beyond the application of the SMAF overlay, which CDL supports, may result in confusion and conflict with the Auckland-wide provisions which apply.]

Coastal Erosion Risk

The precinct area includes approximately 4.5 km of cliffed coastline. The precinct manages an identified local coastal erosion risk based on the area's geology and coastal characteristics. A coastal erosion setback yard is used to avoid locating new buildings in identified areas of risk.

Biodiversity

The North-West Wildlink aims to create safe, connected and healthy habitats for native wildlife to safely travel and breed in between the Waitakere Ranges and the Hauraki Gulf Islands. The precinct recognises that Whenuapai is a stepping stone in this link for native wildlife and provides an ability to enhance these connections through riparian planting.

Open Space

An indicative public open space network to support growth in the precinct is shown on Whenuapai 3 Precinct Plan 2. This will generally be acquired at the time of subdivision. A network of public open space, riparian margins and walking and cycling connections is proposed to be created as development proceeds. Development is encouraged to positively respond and interact with the proposed network of open space areas.

Reverse Sensitivity Effects on Whenuapai Airbase

The Whenuapai Airbase is located at the northern edge of the Whenuapai 3 Precinct boundary. While the airbase is outside of the precinct boundary it contributes to the precinct's existing environment and character. The airbase is a defence facility of national and strategic importance. Operations at the airbase include maritime patrol, search and rescue, and transport of personnel and equipment within New Zealand and on overseas deployments. Most of the flying activity conducted from the airbase is for training purposes and includes night flying and repetitive activity.

The precinct manages lighting to ensure safety risks and reverse sensitivity effects on the operation and activities of the airbase are avoided, remedied or mitigated. Any future subdivision, use and development within the precinct will need to occur in a way that does not adversely effect on the ongoing operation of the airbase.

Aircraft Engine Testing Noise

The aircraft that operate out of Whenuapai Airbase are maintained at the airbase. Engine testing is an essential part of aircraft maintenance. Testing is normally undertaken between 7am and 10pm but, in circumstances where an aircraft must be prepared on an urgent basis, it can be conducted at any time and for extended periods.

Whenuapai 3 Precinct Plan 3 shows 57 dB L dn and 65 dB L dn noise boundaries for aircraft engine testing noise. The noise boundaries recognise that engine testing is an essential part of operations at Whenuapai Airbase and require acoustic treatment for activities sensitive to noise to address the potential reverse sensitivity effects that development within the precinct could have on those operations.

Zoning

The zoning of the land within this precinct is Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, Business – Mixed Use, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Informal Recreation, Open Space – Conservation and Special Purpose – Airports and Airfields zones.

The relevant overlays, Auckland-wide and zone provisions apply in this precinct unless otherwise specified in this precinct.

36.20

[Comment: CDL seeks to amend the proposed underlying zone for the land west of Trig Road within proposed sub-precinct area 1A from Mixed Housing Urban and Terraced Housing and Apartment Buildings Zones to Business – Mixed Use Zone. The reasons for this proposed re-zoning are detailed in the accompanying submission but in summary, it is considered that the Business – Mixed Use Zone facilitates a more appropriate intensity of development on land that is easily able to be serviced, that is located in close proximity to a Metropolitan Centre and that can be comprehensively developed by a small number of landowners. CDL considers that the Business – Mixed Use Zone offers flexibility to deliver a high-quality masterplan of varying densities and typologies of development that might not otherwise be achievable or facilitated by the residential zoning proposed by Council in the Plan Change.]

1616.2. Objectives

- (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the proximity of parts of the precinct to the Westgate Metropolitan Centre and the strategic importance of Whenuapai Airbase.

36.21

[Comment: the additional text above seeks to emphasise the proximity of the plan change area, specifically CDL's landholdings, to a metropolitan centre, and in this way, identify that proximity as a key reason to pursue more intensive and more efficient use of that land. In the absence of that additional text, the description references only the potential or perceived constraints on development, being the Airbase.]

- (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.

36.22

Integration of Subdivision and Development with the Provision of Infrastructure

- ~~(3) Subdivision and development does not occur in advance of the availability of transport infrastructure, including regional and local transport infrastructure.~~

[Comment: CDL seeks to delete Objective 3 since it limits delivery of development that can be accessed via alternative means that do not compromise future delivery of identified regional and local transport infrastructure. In the case of CDL's land, this Objective would stymie development whilst Council and other landowners seek to fund and deliver Trig Road' realignment, which ought not to impact on CDL given alternative means of access can be achieved. Objective 5 is appropriate in this circumstance and CDL supports its retention below.]

- (4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.
- (5) Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.

Transport

- (6) Subdivision and development reflects and does not compromise implementation of implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.

36.23

[Comment: CDL considers the changes to Objective 6 are necessary to ensure it is consistent with Objective 5 and to ensure development can be progressed where alternative means of access to that shown on the precinct plan have been determined to be acceptable and found not to compromise the precinct's proposed network.]

Development in the Neighbourhood Centre Zone

- (7) Development in the Neighbourhood Centre Zone:
- is coordinated and comprehensive;
 - has active frontages facing the street; and
 - promotes pedestrian linkages.

Stormwater Management

- (8) Through subdivision, use and development, implement a stormwater management approach that:
- (a) is integrated across developments;
 - (b) avoids new flood risk;
 - (c) mitigates existing flood risk;
 - (d) protects the ecological values of the receiving environment;
 - (e) seeks to mimic and protect natural processes; and
 - (f) integrates with, but does not compromise the operation of, the public open space network.

Coastal Erosion Risk

- (9) New development does not occur in areas identified as subject to coastal erosion, taking into account the likely long-term effects of climate change.

Biodiversity

- (10) Subdivision, use and development enhance the coastal environment, biodiversity, water quality, and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.

Open Space

- (11) Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.

Reverse Sensitivity Effects on Whenuapai Airbase

- (12) The lighting effects of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided, remedied or mitigated.

Aircraft Engine Testing Noise

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

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I616.3. Policies

- (1) Require subdivision, use and development to be integrated, coordinated and in general accordance with the Whenuapai 3 Precinct Plans 1 and 2.
- (2) Encourage roads that provide for pedestrian and cycle connectivity alongside riparian margins and open spaces.
- (3) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.
- (4) Encourage intensive development in the immediate vicinity of the Westgate Metropolitan Centre.

36.24

[Comment: new Policy 4 above seeks to emphasise the proximity of the plan change area, specifically CDL’s landholdings, to a metropolitan centre, and in this way, identify that proximity as a key reason to pursue more intensive and more efficient use of that land. This Policy alludes to the proposed Business – Mixed Use Zone for that land within sub-precinct area 1A, for the reasons set out in CDL’s submission.]

Integration of Subdivision and Development with the Provision of Infrastructure

- (5) Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport infrastructure network within the precinct, and with the wider transport network.
- (6) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.

~~(7) Require the provision of infrastructure to be proportionally shared across the precinct.~~ | 36.25

[Comment: CDL does not support the inclusion of funding references within the precinct provisions, nor the inference that landowners are required to collaborate financially to achieve delivery of necessary infrastructure.]

~~(8) Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2.~~ | 36.26

[Comment: CDL opposes Policy 8 in accordance with its suggested deletion of Objective 3. The remaining policies are considered appropriate in providing a comprehensive approach to integrated development and infrastructure provision].

Transport

- (9) Require the provision of new roads and upgrades of existing roads as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads ~~only~~ allowed where the realigned road will provide an equivalent transport function.

| 36.27

[Comment: CDL’s suggested amendment to Policy 9 seeks to recognise that there may be more than the one reason in support of an alternative alignment for collector roads. Further CDL considers that some of the collector road alignments on the precinct plans are arbitrary and do not align with the Council’s structure plan traffic assessment, land tenure or physical constraints.]

Development in the Neighbourhood Centre Zone

- (10) Ensure development in the neighbourhood centre zone maximises building frontage along Hobsonville Road and the realigned Trig Road by:
 - (a) avoiding blank walls facing the roads; (a)
 - (b) providing easily accessible pedestrian entrances on the road frontages; (b)
 - (c) maximising outlook onto streets and public places; (c)
 - (d) providing weather protection for pedestrians along the road frontages; (d)
 - (e) providing service access and staff parking away from the frontages; and (e)
 - (f) providing car parking and service access behind buildings, with the exception of kerbside parking.

- (11) Ensure all development in the Neighbourhood Centre Zone is consistent with the layout of the Trig Road realignment as shown on Whenuapai 3 Precinct Plan 2.
- (12) Limit the number of vehicle access points from the Neighbourhood Centre Zone onto Hobsonville Road and the Trig Road realignment to ensure safe and efficient movement of vehicles and pedestrians.

Stormwater Management

- (13) Require subdivision and development within the Whenuapai 3 Precinct to:
 - (a) apply an integrated stormwater management approach;
 - (b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and
 - (c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.

~~(14) Require development to:~~

- ~~(a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;~~
- ~~(b) avoid increasing flood risk; and~~
- ~~(c) mitigate existing flood risk where practicable.~~

36.28

[Comment: CDL considers the provisions of Chapter E36 Natural Hazards and Flooding in the Auckland-wide section of the AUP are sufficient to address development in areas subject to flooding. There is no need to repeat provisions in the precinct, which is by no means unique in respect of this potential development constraint].

- (15) Ensure stormwater outfalls are appropriately designed, located and managed to avoid or mitigate adverse effects on the environment, including:
 - (a) coastal or stream bank erosion;
 - (b) constraints on public access;
 - (c) amenity values; and
 - (d) constraints on fish passage into and along river tributaries.

Coastal Erosion Risk

- (16) Avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard.
- (17) Avoid the use of hard protection structures to manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

Biodiversity

- (18) Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.
- (19) Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.
- (20) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of identified permanent and intermittent streams and wetlands to:

36.29

- (a) provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area;
- (b) maintain and enhance water quality and aquatic habitats;
- (c) enhance existing native vegetation and wetland areas within the catchment;
- (d) reduce stream bank erosion.

[Comment: the amendment above relates to CDL's relief to identify specific streams rather than any and all watercourses, including overland flow paths, within the precinct plan. CDL agrees that significant watercourses should be retained as structural elements on the precinct plan but not all. For example, on CDL's land, large extents of existing watercourses are either man-made or degraded such that their retention does not represent the best and most efficient use of the land. Rather, a development scheme could be progressed that realigns or restores watercourses to achieve better stormwater and ecological functions, whilst not compromising the capacity of development that the precinct provisions hope to deliver in a soon-to-be urbanised area.]

Open Space

- (21) Require the provision of open space as shown on Whenuapai 3 Precinct Plan 1 through subdivision and development, unless the council determines that the indicative open space is no longer required or fit for purpose.
- (22) **Only-a** 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.

36.30

[Comment: CDL's suggested amendment to Policy 22 seeks to recognise that there may be more than the one reason in support of an alternative location or alignment of open space.]

Reverse Sensitivity Effects on Whenuapai Airbase

- (23) Require subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects and safety risks relating to lighting, glare and reflection, on the operation and activities of Whenuapai Airbase.
- (24) Require the design of roads and associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.

Aircraft Engine Testing Noise

- (25) Avoid the establishment of new activities sensitive to noise within the 65 dB L dn aircraft engine testing noise boundary shown on Whenuapai 3 Precinct Plan 3.
- (26) Avoid establishing residential and other activities sensitive to noise within the area between the 57 dB L dn and 65 dB L dn aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3, unless the noise effects can be adequately remedied or mitigated at the receiving site through the acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I616.4. Activity table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table I616.4.1 Activity table below.

Table I616.4.1 specifies the activity status of land use and subdivision activities in the Whenuapai 3 Precinct pursuant to sections 9(3) and section 11 of the Resource Management Act 1991.

~~Note: A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity.~~

36.31

[Comment: Chapter C General Rules of the AUP sets out how rules in an underlying zone interact with precinct rules. Specifically, Rule C1.6 states:

C1.6. Overall activity status

- (1) *The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal, including any rule which creates a relevant exception to other rules.*
- (2) *Subject to Rule C1.6(4), the overall activity status of a proposal is that of the most restrictive rule which applies to the proposal.*
- (3) *The activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct, unless otherwise specified by a rule in the precinct applying to the particular activity.*
- (4) *Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.*

Therefore, there is no requirement to add blank cells to the precinct’s activity table where it adopts the underlying zone rules. The absence of an entry in the precinct activity table implicitly requires reference to the underlying zone. Amendments are made to the activity table below as a consequence.]

Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct

Activity		Activity Status
Subdivision		
(A1)	Subdivision listed in Chapter E38 Subdivision—Urban	
(A1)	<u>Subdivision in accordance with all the Standards contained in I616.6 and in accordance with the Precinct Plans 1, 2 and 3</u>	<u>P</u>
(A2)	Subdivision that does not comply with <u>any one or more of the Standards contained in I616.6 I616.6.2 Transport infrastructure requirements</u>	<u>NC RD</u>
(A3)	Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6	D

36.32

36.33

36.34

36.35

[Comment: where subdivision is consistent with the precinct provisions no further assessment ought to be required. Where subdivision does not meet the standards identified for the precinct, an appropriately limited assessment can be carried out that addresses the ways in which the subdivision does not accord with the precinct provisions, the effects arising from the non-compliances and an assessment against the objectives and policies of the precinct. This approach has been adopted throughout the AUP and the alternative, as proposed here by Council, will not engender efficient nor effective delivery of much-needed development in the precinct area. Instead, the onerous activity status proposed will open proposals up to unnecessary uncertainty and complexity of processing and assessments.]

Coastal protection structures

(A4)	Hard protection structures	D
(A5)	Hard protection structures located within the Whenuapai 3 coastal erosion setback yard	NC

Stormwater outfalls

(A6)	Stormwater outfalls and associated erosion and protection structures located within the Whenuapai 3 coastal erosion setback yard identified in Table I616.6.5.1	RD
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Use and Development

(A7)	Activities listed as permitted or restricted discretionary activities in Table H3.4.1 Activity table in the Residential — Single House Zone		36.36
(A8)	Activities listed as permitted or restricted discretionary activities in Table H5.4.1 Activity table in the Residential — Mixed Housing Urban Zone		36.37
(A9)	Activities listed as permitted or restricted discretionary activities in Table H6.4.1 Activity table in the Residential — Terrace Housing and Apartment Buildings Zone		36.38
(A10)	Activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table in the Business — Neighbourhood Centre Zone		36.39
(A11)	Activities listed as permitted or restricted discretionary activities in Table H17.4.1 Activity table in the Business — Light Industry Zone		36.40
(A12)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space — Informal Recreation		36.41

(A13)	Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space—Conservation		36.42
(A14)	Any structure located on or abutting an indicative road identified in the Whenuapai 3 Precinct Plan 2, unless an alternative road alignment has been approved by a resource consent	RD	
(A15)	Activities not otherwise provided for	D	
(A16)	Activities that comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6	<u>RD</u>	36.43
(A17)	Activities that do not comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries 	NC	36.44
<p><i>[Comment: Given the changes proposed above to subdivision, CDL considers the same approach ought to apply to activities that do not comply with the Standards, i.e. that a restricted discretionary activity status will allow Council the opportunity to undertake an appropriately limited assessment of the non-compliance(s). The exception to this is development within the coastal erosion setback yard that does not comply with the relevant Standard. CDL accepts that a non-complying activity status will suitably discourage inappropriate development on the coast.]</i></p>			
(A18)	New activities sensitive to noise within the 65 dB L _{dn} noise boundary shown on Whenuapai 3 Precinct Plan 3	Pr	

I616.5. Notification

- (1) Any application for resource consent for an activity listed in Table I616.4.1 Activity table 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 purposes of section 95E of the Resource Management Act 1991 the council will give specific consideration to those persons listed in Rule C1.13(4).

I616.6. Standards

- (1) The standards in the overlays, Auckland-wide and zones apply to all activities listed in Table I616.4.1 Activity table in this precinct unless specified in Standard I616.6(2) below.
- (2) The following overlay, Auckland-wide or zone standards do not apply to activity (A1) listed in Table I616.4.1 Activity table for land in the Whenuapai 3 coastal setback yard identified in Whenuapai 3 Precinct Plan 1:
- (a) Standard E38.7.3.4 Subdivision of land in the coastal erosion hazard area.
- (3) Activities listed in Table I616.4.1 Activity table must comply with the specified standards in I616.6.1 – I616.6.11.

I616.6.1. Compliance with Whenuapai 3 Precinct Plans

- (1) Activities must comply with Whenuapai 3 Precinct Plan 1 and Whenuapai 3 Precinct Plan 2.
- (2) Activities not meeting Standard I616.6.1(1) must provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans 1 and 2.

I616.6.2. Transport infrastructure requirements

- (1) All subdivision and development must be aligned with delivery of the meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below. 36.45
- (2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.
- ~~(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.~~ 36.46

[Comment: CDL considers that reference to funding is not appropriate within the planning provisions and instead the standard ought to focus on the physical infrastructure required. Provided it is aligned with development, the means by which infrastructure is funded is not a relevant consideration. Further, CDL considers that sub-clause (3) is not appropriate. Rather, an applicant is entitled to make an application for a proposed development or subdivision, during which the Council is obliged to assess the proposal against the precinct provisions, including access. Where the access is found to be acceptable, consent will be granted. The suggestion above requires an assessment outside of or in advance of that resource consent application, which is not necessary.]

Table I616.6.2.1 Local transport infrastructure requirements

Areas	Local transport infrastructure required
1A	New collector roads extending west from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	New collector roads extending east from Trig Road into the Stage 1A area as indicatively shown in Precinct Plan 2.
	Signalisation at the new intersection of Trig Road, Luckens Road and Hobsonville Road.
	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2.
	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp.
1B	Upgrade and signalisation of the intersection of Brigham Creek Road and Kauri Road including: <ul style="list-style-type: none"> • dual right-turn lanes from Brigham Creek Road into Kauri Road; and • suitable bus and cycle priority provision.
	Formation and signalisation of the intersection at the location of the new collector road and Brigham Creek Road as indicatively shown on Precinct Plan 2.
1C	Addition of a fourth leg to the Brigham Creek Road and Kauri Road intersection.
	New collector road from the Brigham Creek Road and Kauri Road intersection westwards to the boundary of the Stage 1C area as indicatively shown on Precinct Plan 2.
1D	Road stopping of Sinton Road to the west of 18 Sinton Road, and replacement with a new collector road from Sinton Road to Kauri Road as indicatively shown on Precinct Plan 2.
	New collector road crossing State Highway 18 connecting Sinton Road to Sinton Road East as indicatively shown on Precinct Plan 2.
	New collector roads as indicatively shown in Precinct Plan 2.
1E	New collector roads from Brigham Creek Road extending south into the Stage 1E area as indicatively shown in Precinct Plan 2.
	Formation and signalisation of the intersections of Brigham Creek Road with the new collector roads required as part of the Stage 1E area.
	Upgrade and signalisation of the intersection of Trig Road and Brigham Creek Road.
	New collector roads from Trig Road extending east into the Stage 1E area as indicatively shown in Precinct Plan 2.

1616.6.3. Stormwater management

- ~~(1) Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.~~
- ~~(2) All new buildings must be located outside of the 1 per cent AEP floodplain and overland flow path.~~
- ~~(3) Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:

 - ~~(a) treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or~~
 - ~~(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.~~~~
- ~~(4) All stormwater runoff from:

 - ~~(a) commercial and industrial waste storage areas including loading and unloading areas; and~~
 - ~~(b) communal waste storage areas in apartments and multi-unit developments~~
 must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.~~

36.47

[Comment: CDL considers that stormwater management can be appropriately addressed through the relevant Auckland-wide chapters and in particular Chapter E10 Stormwater Management Area – Flow 1 and Flow 2, now that the SMAF overlay has been applied to the precinct area. Any further provisions within the precinct risk unnecessary duplication and confusion.]

1616.6.4. Riparian planting

- (1) The riparian margins of a permanent or intermittent stream or a wetland identified on Whenuapai 3 Precinct Plan 1 must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.
- ~~(2) Riparian margins must be offered to the council for vesting.~~
- (3) The riparian planting proposal must:
 - (a) include a plan identifying the location, species, planting bag size and density of the plants;
 - (b) use eco-sourced native vegetation where available;
 - (c) be consistent with local biodiversity;
 - (d) be planted at a density of 10,000 plants per hectare, unless a different density has been approved on the basis of plant requirements.

36.48

36.49

- ~~(4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.~~
- ~~(5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.~~
- ~~(6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.~~

[Comment: the changes proposed to this standard follow on from earlier amendments to the description and Policy 20. CDL seeks to make Standard I616.6.4 applicable only to identified streams, i.e. those shown on Precinct Plan 1. For clarity, CDL does not consider any existing streams within its landholdings are of sufficient value in respect of ecology or stormwater function so as to be retained and identified on Precinct Plan 1.

Further, CDL considers that the sub-clauses proposed to be deleted above are unnecessary, onerous and inappropriate in respect of being included in the precinct provisions.]

I616.6.5. New buildings within the Whenuapai 3 coastal erosion setback yard

- (1) New buildings must not be located within the Whenuapai 3 coastal erosion setback yard shown in Whenuapai 3 Precinct Plan 1. The widths of the yard are specified in Table I616.6.5.1 and is to be measured from mean high water springs. This is to be determined when the topographical survey of the site is completed.
- (2) Alterations to existing buildings within the Whenuapai 3 coastal erosion setback yard must not increase the existing gross floor area.

Table I616.6.5.1 Whenuapai 3 coastal erosion setback yard

Area	Coastal erosion setback yard
A	41m
B	40m
C	26m
D	35m

I616.6.6. External alterations to buildings within the Whenuapai 3 coastal erosion setback yard

- (1) External alterations to buildings within the Whenuapai 3 coastal erosion setback yard identified in Standard I616.6.5 and Whenuapai 3 Precinct Plan 1 must not increase the existing gross floor area.

I616.6.7. Subdivision of land in the Whenuapai 3 coastal erosion setback yard

- (1) Each proposed site on land in the Whenuapai 3 coastal erosion setback yard must demonstrate that all of the relevant areas/features below are located outside of the Whenuapai 3 coastal erosion setback yard:

- (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
- (b) access to all proposed building platforms or areas; and
- (c) on-site private infrastructure required to service the intended use of the site.

I616.6.8. Roads

~~(1) Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.~~

36.51

[Comment: CDL considers that this sub-clause is unnecessary and onerous.]

- (2) Development and subdivision involving the establishment of new roads must:
 - (a) provide the internal road network within the site where subdivision and development is to occur; and
 - (b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.

I616.6.9. Development in the Neighbourhood Centre Zone

I616.6.9.1. Access

- (1) Vehicle accesses must not be located on that part of a site boundary located within 30m of the intersection of Hobsonville Road and the realigned Trig Road.
- (2) All development must provide pedestrian access that connects to the intersection of Hobsonville Road and the realigned Trig Road.

I616.6.9.2. Building frontage

- (1) Any new building must:
 - (a) front onto Hobsonville Road or the realigned Trig Road identified in Precinct Plan 2; and
 - (b) have a building frontage along the entire length of the site excluding vehicle and pedestrian access.

I616.6.9.3. Verandas

- (1) The ground floor of any building fronting Hobsonville Road and the realigned Trig Road must provide a veranda over the adjacent footpath along the full extent of the frontage, excluding vehicle access.
- (2) The veranda must:
 - (a) be contiguous with any adjoining building;
 - (b) have a minimum height of 3m and a maximum height of 4.5m above the footpath;

- (c) have a minimum width of 2.5m; and
- (d) be set back at least 600mm from the kerb.

I616.6.10. Development within the aircraft engine testing noise boundaries

- (1) Between the 57 dB L dn and 65 dB L dn noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:
 - (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L dn ; and
 - (b) that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and
 - (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.

I616.6.11. Lighting

- (1) 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.

I616.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I616.8. Assessment – restricted discretionary activities

I616.8.1. Matters of discretion

The council will restrict its discretion to all 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 overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
 - (a) safety, connectivity, walkability, public access to the coast and a sense of place;
 - (b) location of roads and connections with neighbouring sites;
 - (c) functional requirements of the transport network, roads and different transport modes;
 - (d) site and vehicle access, including roads, rights of way and vehicle crossings;
 - (e) location of buildings and structures;
 - (f) provision of open space; and
 - (g) provision of the required local transport infrastructure or an appropriate alternative measure.
- (2) Use and development in the Neighbourhood Centre Zone:
 - (a) the design and location of onsite parking and loading bays; and
 - (b) building setbacks from Hobsonville Road and the realigned Trig Road.
- (3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects on landscape values, ecosystem values, coastal processes, associated earthworks and landform modifications;
 - (b) the effects on land stability including any exacerbation of an existing natural hazard, or creation of a new natural hazard, as a result of the structure;
 - (c) the resilience of the structure to natural hazard events;
 - (d) the use of green infrastructure instead of hard engineering solutions;
 - (e) the effects on public access and amenity, including nuisance from odour;
 - (f) the ability to maintain or enhance fish passage; and
 - (g) risk to public health and safety.

- (5) Lighting associated with development, structures, infrastructure and construction.

I616.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

(1) Subdivision and development:

- (a) the extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads shown on the Whenuapai 3 Precinct Plan 2;
- (b) the extent to which any subdivision or development provides for public access to the coast;
- (c) the extent to which any subdivision or development layout achieves a safe, connected and walkable urban form with a sense of place;
- (d) the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1;
- (e) ~~the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it;~~

36.52

[Comment: the Code of Practice sits outside the assessment of resource consent applications and is not relevant. The remaining transport-related criteria, in addition to, where relevant, criteria listed in Chapter E27 of the AUP are sufficient to address transport matters.]

- (f) the extent to which any subdivision or development layout provides for the functional requirements of the existing or proposed transport network, roads and relevant transport modes;
- (g) the extent to which access to an existing or planned arterial road, or road with bus or cycle lane, minimises vehicle crossings by providing access from a side road, rear lane, or slip lane; and
- (h) the extent to which subdivision and development provides for roads to the site boundaries to enable connections with neighbouring sites; ~~and~~
- ~~(i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.~~

36.53

[Comment: CDL considers it is not appropriate to reference funding mechanisms in an assessment of a resource consent application.]

(2) Use and development in the Neighbourhood Centre Zone:

- (c) the extent to which staff car parking, loading spaces and any parking associated with residential uses is:
 - (i) located to the rear of the building; and

- (ii) maximises the opportunity for provision of communal parking areas.
 - (d) the extent to which building setbacks are minimised to ensure buildings relate to Hobsonville Road and the realigned Trig Road.
- (3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:
 - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;
 - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) refer to Policy E38.3(2).
- (4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:
 - (a) the extent to which landscape values, ecological values and coastal processes are affected or enhanced by any works proposed in association with the structure(s);
 - (b) the extent to which site specific analysis, such as engineering, stability or flooding reports have been undertaken and any other information about the site, the surrounding land and the coastal marine area;
 - (c) the extent to which the structure(s) is located and designed to be resilient to natural hazards;
 - (d) the extent to which the proposal includes green infrastructure and solutions instead of hard engineering solutions;
 - (e) the extent to which public access and / or amenity values, including nuisance from odour, are affected by the proposed structure(s);
 - (f) the extent to which fish passage is maintained or enhanced by the proposed structure(s); and
 - (g) the extent to which adverse effects on people, property and the environment are avoided, remedied or mitigated by the proposal.
- (5) Lighting associated with development, structures, infrastructure and construction:
 - (a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:
 - (i) avoids simulating approach and departure path runway lighting;
 - (ii) ensures that clear visibility of approach and departure path runway lighting is maintained; and
 - (iii) avoids glare or light spill that could affect aircraft operations.

I616.9. Special information requirements

(1) Riparian planting plan

An application for land modification, development and subdivision which adjoins a permanent or intermittent stream [identified on Whenuapai 3 Precinct Plan 1](#) must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.

36.54

(2) Permanent and intermittent streams and wetlands

All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site [that are identified on Whenuapai 3 Precinct Plan 1](#).

36.55

(3) Stormwater management [within Whenuapai 3 coastal erosion setback yard](#)

All applications for development and subdivision [of land within the Whenuapai 3 coastal erosion setback yard](#) must include a plan demonstrating how stormwater management requirements will be met including:

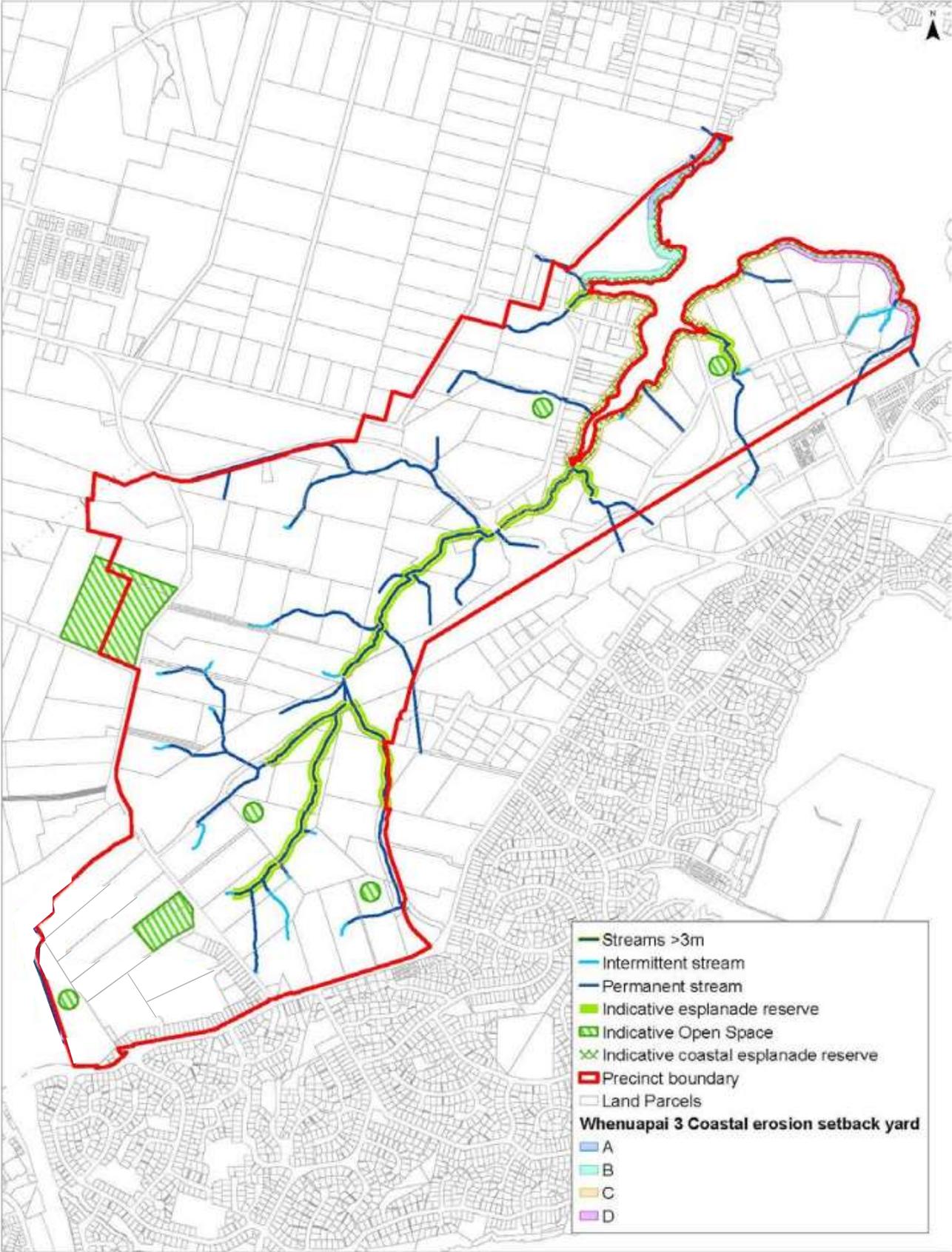
36.56

- (a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;
- (b) the type and location of all public stormwater network assets that are proposed to be vested in council;
- (c) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct.

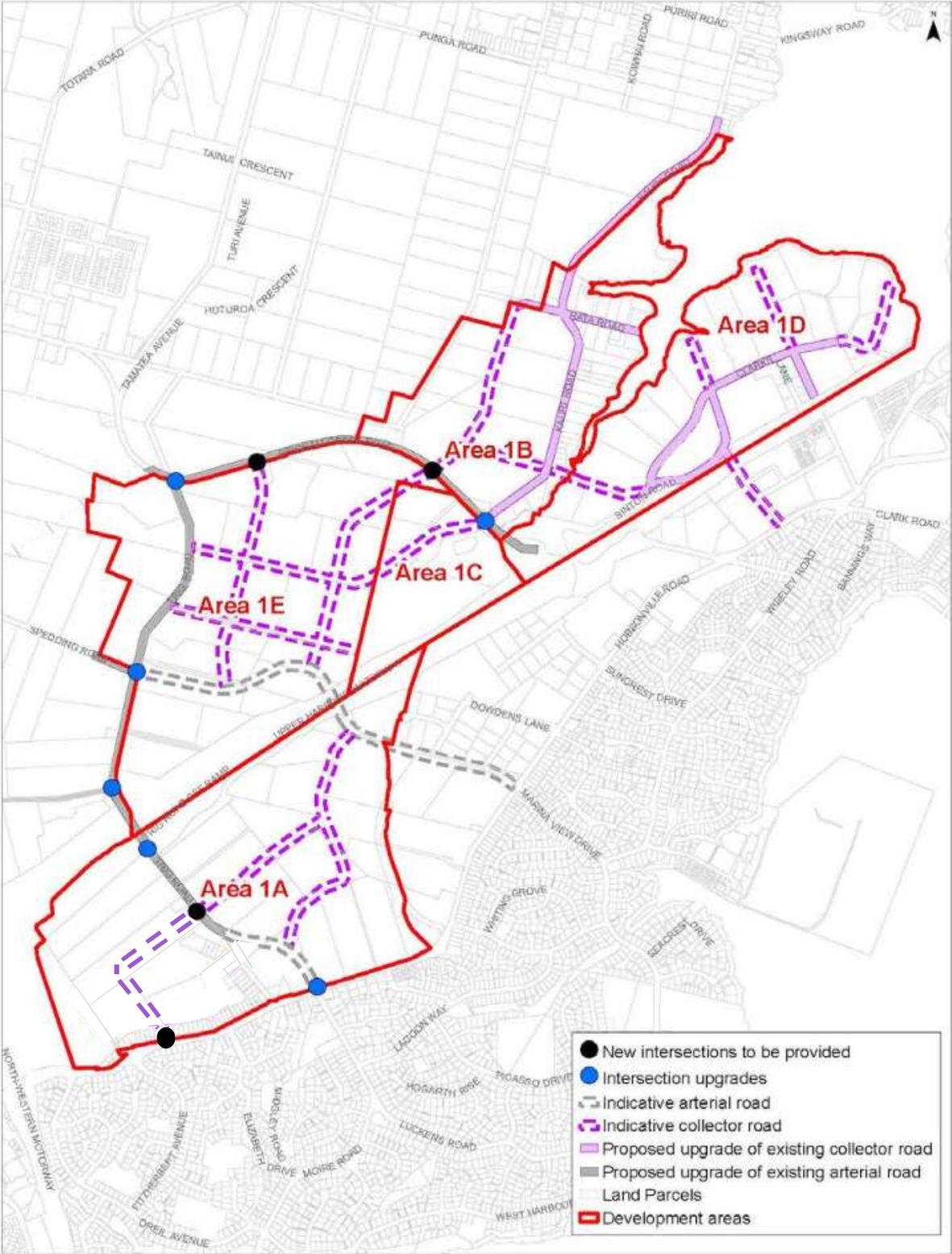
[Comment: As above in respect of Standards I616.6.3 and I616.6.4.]

I616.10. Precinct plans

I616.10.1. Whenuapai 3 Precinct Pan 1



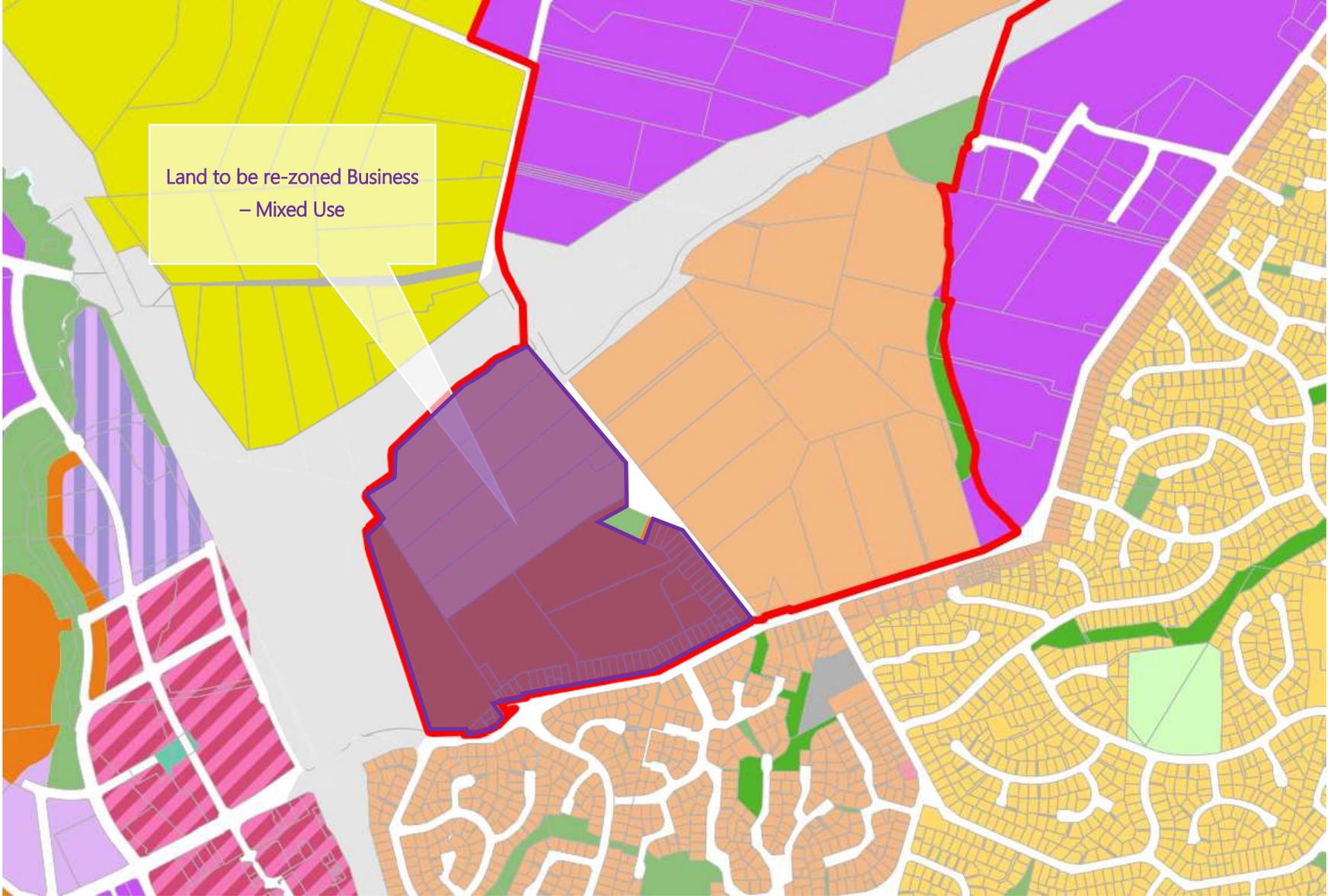
I616.10.2. Whenuapai 3 Precinct Plan 2



I616.10.3. Whenuapai 3 Precinct Plan 3

{No changes proposed}

Appendix 2– Revised Zoning Map



#36.18

**Submission on Proposed Plan Change 5 – Whenuapai,
Auckland Unitary Plan Operative in Part**

Clause 6. Schedule 1 to the Resource Management Act 1991

To: **Attn: Planning Technician**
Auckland Council,
Level 24, 135 Albert Street
Private Bag 92300,
Auckland 1142
By Email:unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (“**LEE LIN AND CHEN**”), c/- the address for service set out below.

1. This is a submission on the Proposed Plan Change 5 - Whenuapai (“**the Plan**”).
2. This is a submission in support of and in opposition to the Proposed Plan Change 5 - Whenuapai.
3. LEE LIN AND CHEN could not gain an advantage in trade competition through this submission. In any event, LEE LIN AND CHEN is directly affected by effects of the subject matter of the submission that:
 - (a) Adversely affect the environment; and
 - (b) Do not relate to trade competition or the effects of trade competition.
4. The specific provisions of the Unitary Plan that this submission relates to are:
 - (a) The proposed Plan Change 5 - Whenuapai
5. LEE LIN AND CHEN ’s submission is as follows:
 - (a) The submitter is the owner of No 38 Trig Road Whenuapai
 - (b) The submitter generally accepts the need for and supports the proposed Plan and seeks some amendments to address specific issues of concern

37.1

- (c) The Plan has the stated general objective of creating healthy living environments. This is to be achieved by respecting the environment, proposing appropriate development controls, establishing a network of roads, parks and community facilities to support the future community and connections to local and regional amenities and functions. And to be developed in a “Comprehensive” and “Integrated” way to provide a compatible mix of residential living and employment.
- (d) The Plan states it will make efficient use of land and infrastructure, increase the supply of housing and provide employment.
- (e) The Plan also states the funding of infrastructure is critical to achieving the comprehensive and co-ordinated approach to development
- (f) The submitter believes that the proposed Plan will not achieve or meet the above stated objectives for the following reasons
- (g) The proposed zones are not deployed in a manner that reflects the opportunities and constraints present in the area covered by the Plan. The Precinct is contoured, bounded by the motorway on two sides and arterial roads. It is in an area of high noise with the airfield in close proximity. With the zoning as proposed the taller structures are located on the higher more contoured ground. The effect of this is to require more earthworks, require retaining to create building platforms, make the building structures more expensive, increase the visual impact of the buildings, increase the potential for overlooking neighbouring land, and place the lower height dwelling between the highest noise source and the structures to then reflect the noise back over the lower residential area. A more thoughtful urban response is suggested and can be enable by extending the THAB zone further.
- (h) The proposed precinct plans indicating the future provision of parks and roads are not located to best serve the future community, where collector roads are dead end roads, are not positioned to serve the highest need or demand and are not adequately linked to the arterial road network or enabling the most desired travel routes.
- (i) The submitter made submissions to the Draft Whenuapai Structure Plan opposing the provision of a park on their land. The park is not geographically located to best service the catchment. Council’s view of the location was driven by the landform

rather than being the best location. The submitter understands the need for a park however this location will require earth working in the same manner as any other location within the precinct and therefore this should not determine the parks location.

- (j) This view is taken because there is no direct route to Westgate from this part of the precinct, the proposed Collector Road does not connect to the arterial network at both ends. This is readily apparent when comparing other parts of the plan to this part of Precinct 1. The road as a dead end road is not supportive of a connected community, is not located close to the highest demand, being the THAB Zone, is likely to be oversized in relation to demand and in the absence of any funding agreement be required of a single landowner and not affordable.
- (k) The Neighbourhood Centre location selected by Council is poor. It fails to acknowledge landform and the intersection restrictions which will reduce its financial viability despite the volumes of passing traffic when there are better alternative locations within the Precinct that would serve the neighbourhood catchment needs
- (l) The proposed transport network as recommended in the Transport Reporting and discussed in the Section 32 Report has not been carried through in full to the proposed Precinct Plan
- (m) The proposed precinct plans do not include all of the necessary elements and their connections required to create healthy living environments. For example there are no walking and cycle pathways
- (n) There is no means within the Plan to ensure and guarantee comprehensive and coordinated development will occur. For example how is the provision of infrastructure to be equitably and fairly distributed across multiple landowners. The Council has acknowledged the need for Infrastructure Funding Agreements from developers. However there is no means provided to bring multiple landowners together to share the provision of land and construction.
- (o) Unless and until the Proposed Plan provisions are amended in accordance with the relief sought below they will not:

- (i) Promote the sustainable management of resources;
- (ii) Otherwise be consistent with Part 2 of the Resource Management Act 1991 (“RMA”); or
- (iii) Be appropriate in terms of section 32 of the RMA

6. LEE LIN AND CHEN seeks the following relief from Auckland Council:

- (a) That the Plan be amended by:
 - (i) That the Terrace and Apartment Zone be applied to the submitters land | 37.2
 - (ii) That a Neighbourhood Centre be provided for adjacent to the Neighbourhood Park in place of the proposed centre on Hobsonville Road | 37.3
 - (iii) That the Neighbourhood Park be removed from the submitters land | 37.4
 - (iv) That the Proposed Transport Network as described in Figure 22 – Whenuapai Structure Plan be incorporated into the Whenuapai 3 Precinct Plan 2 to link the collector road between Trig Road and Hobsonville Road through the residential development block west of Trig Road. | 37.5
- (b) That the Plan be amended by;
 - (i) Including a requirement for the provision of a walking and cycling network. This network to utilise all publically vested assets including road reserves, stormwater reserves and public open spaces | 37.6
 - (ii) Including a requirement for a infrastructure development funding agreement to be in place before approving any zone change | 37.7
- (c) That any objectives, policies or explanatory passages on which the rules indentified above are reliant or based are deleted or amended to the extent necessary in order for Council to appropriately make the amendments sought above | 37.8
- (d) Such other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission. | 37.9

7. LEE LIN AND CHEN would welcome an opportunity to be heard in support of this submission.
8. If others make a similar submission LEE LIN AND CHEN will consider presenting a joint case with them.

Dated this 19th day of October 2017

Li-O Lee, Su-Chin Lin and Shu-Cheng Chen

A handwritten signature in black ink, appearing to read 'Nigel Hosken', written in a cursive style with a long horizontal flourish extending to the right.

By Nigel Hosken on behalf of LEE LIN AND CHEN

ADDRESS FOR SERVICE: The offices of Hosken & Associates Ltd, 99 Gloria Avenue, Te Atatu Peninsula, Auckland 0610, Tel 09 834 2571, 0275 770 773,

E-mail nigel@hosken.co.nz

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

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



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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Shirley Xing and Ai-Ling Burmeister

Organisation Name (if submission is on behalf of Organisation) Verve Construction Limited

Address for service of the Submitter

Verve Construction Limited, c/o GHD, PO Box 6543, Wellesley Street, Auckland 1141

ATTN: Brad Nobilo

Telephone: Email:

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission on:

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

Please identify the specific parts of the Proposed Plan Change/Variation

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Please refer to attached submission for full details.

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 refer to the attached submission document.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the Plan Change/Variation
 - Accept the Plan Change/Variation with amendments as outlined below
 - Decline the Plan Change/Variation
 - If the Plan Change/Variation is not declined, then amend it as outlined below.
- Please refer to attached submission document.

38.1

I 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

On behalf of Verve Construction Limited



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

19-10-2017

 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.

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 this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

**SUBMISSION ON PLAN CHANGE 5: WHENUAPAI PLAN CHANGE
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

TO: Auckland Council (“Council”)

SUBMISSION ON: Plan Change 5: Whenuapai Plan Change

NAME: Verve Construction Limited (“Verve”)

Scope of submission

1. Verve welcomes the opportunity to submit on Plan Change 5: Whenuapai and provide a case to extend the development of Whenuapai which is forecast over the next 10 years. This submission relates to the boundary of the draft Whenuapai Plan Change and more specifically to the exclusion of 41-45 Brigham Creek Road (“the site”) (Lots 1 and 2 DP 336610).
2. Verve made a submission on the Draft Plan Change for Whenuapai (dated 12 May 2017). This submission focused on the uniqueness of the site, required infrastructure upgrades to service the site, and options for this being undertaken. Verve acknowledges there are significant constraints to bringing forward development throughout the wider Whenuapai area. However, with equally significant pressures on growth in Auckland, inclusion of the site will allow for the practical delivery of houses in a logical location as outlined in the following submission.
3. Verve would like to be heard in support of this submission at the appropriate public hearing.

Council’s response to Verve’s submission on the draft Plan Change for Whenuapai

4. There was no direct response to the site specific points put forward in Verve’s submission on the Draft Whenuapai Plan Change, such as the infrastructure solutions put forward for wastewater. No changes to the boundary of the Whenuapai Plan Change were undertaken by Council. A summary of the key themes of the feedback is included in Appendix 1 of the Plan Change 5 Section 32 Report, and section 5.4 outlined the rationale for Stage 1 of the structure plan area. Key topics relating to Verve’s submission relate to extent of plan change area, inclusion of Stage 2 and infrastructure capacity.
5. In regards to the extent of the plan change area the Section 32 Report outlines *that land needs to be developed in an integrated manner. The boundary of the Plan Change area was determined in consultation with AT and Watercare and has been informed by the ability of existing bulk infrastructure to service an area. Stage 2 and 1F are considered to have significant infrastructure constraints and will not be available until at least 2026. Case law suggests that the use of development triggers where infrastructure cannot be provided within the lifetime of a plan raises expectations and is contrary to the purpose of the Resource Management Act 1991. Therefore, only the parts of the structure plan area that can be readily developed within the life of the AUP OP are being rezoned in this plan change.*
6. With regards to comments relating to the inclusion of Stage 2, Council outlined *a strategic and regional overview role of the transport and wastewater networks. Cumulative effects of incremental expansion of the plan change area needs to be considered. Bulk Transport infrastructure required to allow for development of areas outside of Stage 1 require capacity improvements on State Highways 16 and 18, the State Highway 16/18 connection, and the North-Western Busway and stations. Stage 2 of the Whenuapai Structure Plan was not included in this plan change due to infrastructure capacity issues relating to the wider transport network*

and wastewater and that the required infrastructure cannot be provided to unlock the land in stage 2 for approximately another 10 years.

7. In terms of infrastructure capacity, Council outlined that *Stage 2 of the Whenuapai Structure Plan was not included in this plan change due to infrastructure capacity issues relating to the wider transport network and wastewater. The required infrastructure cannot be provided to unlock the land in Stage 2 for approximately another 10 years.*
8. Verve acknowledges there are infrastructure constraints on the site. However, it is considered there are sufficient reasons for specific inclusion of the site into the Plan Change 5 area. The capacity of required infrastructure is based on existing levels in conjunction with future planned works. As per Verve's submission on the draft plan change options for the delivery of wastewater solutions to service the site have been identified. These options are outlined again in this submission on Plan Change 5. It is noted that transport aspects may be a limiting factor for the site. However, based on the potential that not all land within the Plan Change 5 area will be developed within the desired timeframes, it may be suitable to extend the Plan Change 5 area to include the Site. Verve would like to have houses constructed and occupied within 2 years with completion of the development within 5 years, pending live zoning of the site.

Housing Infrastructure Fund

9. A significant development concerning Whenuapai is Auckland Council's successful application under the Housing Infrastructure Fund (HIF) announced 11 July 2017. This has identified Whenuapai South as a key area for enabling housing. This will deliver 10,500 houses over the next 10 years, between this Whenuapai South area and the nearby Redhills area (see Figure 1). The site (41-45 Bringham Creek Road) is included within the Whenuapai South area (see Figure 1).
10. Key transport improvements proposed under the HIF for South Whenuapai relate to State Highway 18 (SH18) including the upgrade and realignment of Trig Road and a new bridge crossing to Westharbour Ferry Terminal. Verve notes that no upgrades to the intersection of Bringham Creek Road and State Highway 16 (SH16) is proposed.
11. Key wastewater improvements proposed under the HIF for South Whenuapai includes the New Redhills Branch Sewer, New Westgate WW Pump Station and Branch Sewer and Northern Interceptor Sewer Phase 2. Verve considers that this brings forward some of the more permanent wastewater infrastructure to the area.

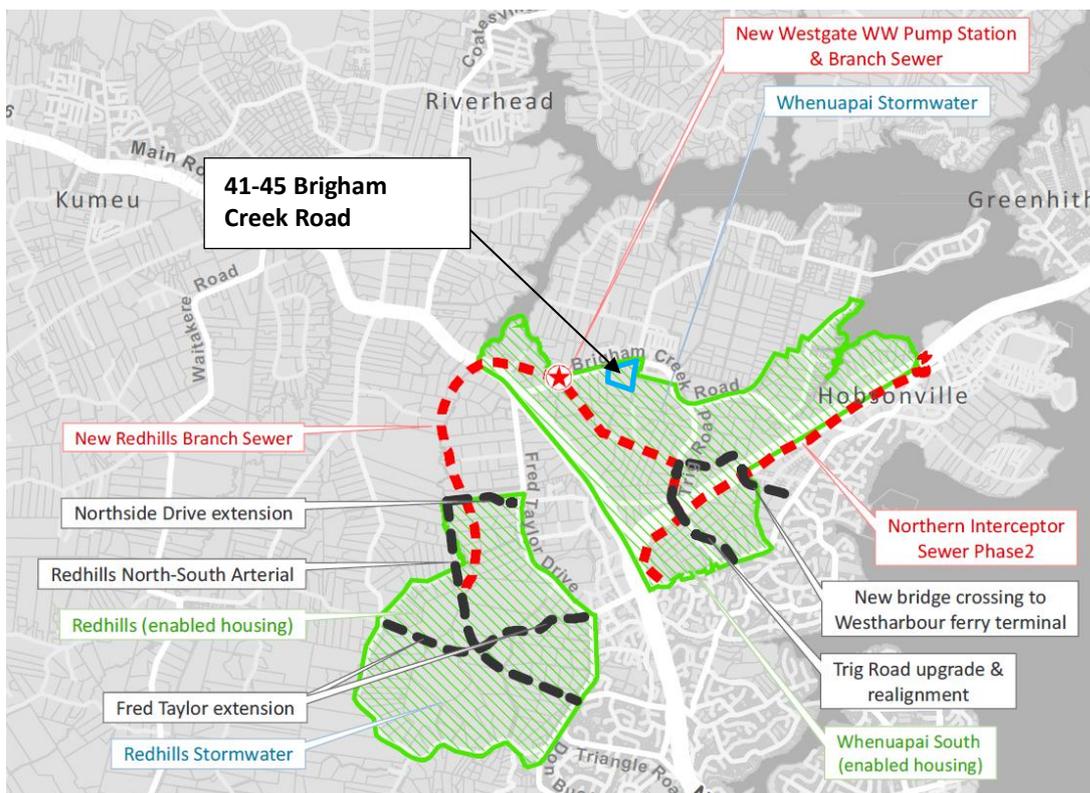


Figure 1: Auckland North West HIF area

Nature of submission

12. To reiterate the points made in Verve's submission on the draft Plan Change for Whenuapai, Verve are wanting to develop this land for residential development and are able to commit to developing the land immediately upon a live residential zone becoming operative, with an intention to have dwellings built and occupied over a 2 to 5 year period. It is considered that those points made in Verve's previous submission are relevant and warrant further discussion both prior to and during the hearing.

Background to the site

13. Auckland is growing fast with an additional 700,000 to 1 million people expected to call it home over the next 30 years (Statistics NZ medium and high growth projections, 2013), requiring about 400,000 new homes and 277,000 new jobs. The Plan Change provides an opportunity to accommodate some of this growth. Although the boundary was not changed through the Draft Plan Change process for Whenuapai, Verve reiterates its position and requests the boundary of the Whenuapai Plan Change be extended to include 41-45 Brigham Creek Road based on the reasons outlined in the following sections of this submission.
14. The Whenuapai area has been the subject of a structured planning process to manage development prior to 2016. The first versions of the plan showed the site as being part of Stage 1 (planned for development in the short to medium term, 2018-2021), refer blue circles in Figure 1 above.

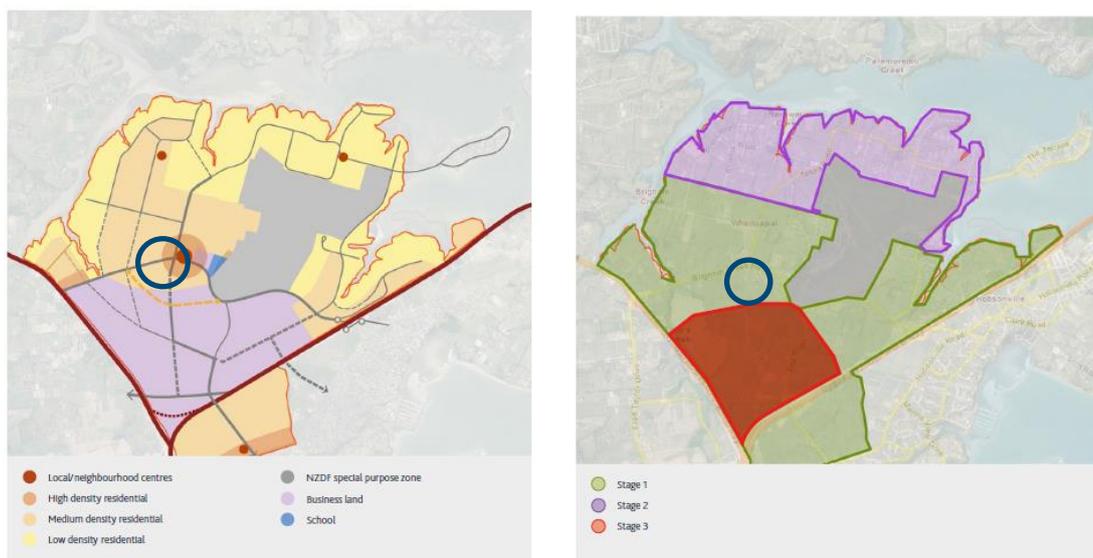


Figure 2: Draft Whenuapai Structure Plan June 2016 – Residential density (pg. 10) and Staging plan (pg. 11). Blue circle approximate site location

15. When the Whenuapai Structure Plan was approved by Council in September 2016, the staging of the site changed to being part of Stage 2. In the final Structure Plan, the site is now not planned for development release until 2026/2027, refer Figure 3. The current Plan Change 5: Whenuapai reflects this staging.
16. This ongoing changeable planning process has been challenging for Verve because there is a desire to develop the site as soon as possible. To be clear, a ‘land-banking’ situation is not contemplated by Verve for this site. Verve are in a position to develop the site as soon as a live residential zoning of the site occurs. Verve are in a position to develop the site, to provide for a mix of housing types, including lower cost housing options. This would enable an increase in the number of homes delivered in Whenuapai within the short term (delivering houses within 2-5 year period) realising the benefits through this housing provision.

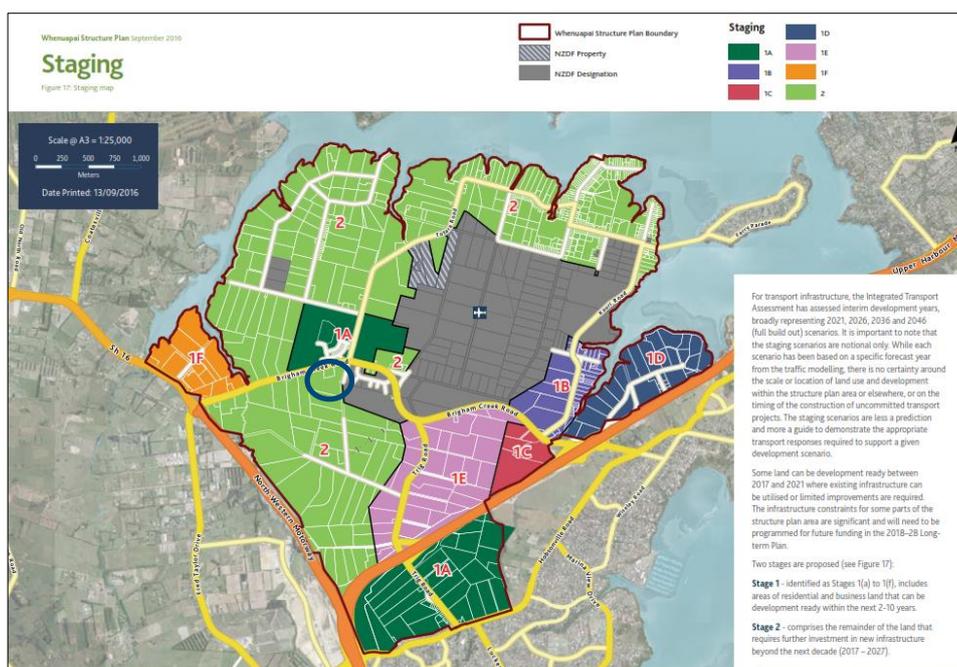


Figure 3: Whenuapai Structure Plan September 2016 (pg. 94)

Wider development and context

17. To the north of the site is the Oyster Capital Development (refer Figure 4 below). Through a Plan Variation and a Qualifying Affordable Housing Development resource consent process the site was rezoned from Future Urban to Residential Mixed Housing Urban. The site is currently being developed to accommodate approximately 650 residential lots, the creation of a town park and neighbourhood park, as well as an interconnected network of public roads and stormwater infrastructure. Further to the east an additional 340 residential sites as well as a local centre for retail and commercial use is also being developed by Oyster Capital Development.
18. Directly to the east of the site and to the west of the Whenuapai Plan Zone Change Boundary is land designated under the NZDF for defence purposes (Designation Number 4310) and the Whenuapai Town Centre. The NZDF land is currently a mixture of Future Urban and Single House zones and is currently NZDF housing. The Whenuapai Town Centre is located centrally within this housing with frontage to Brigham Creek Road, but is not designated for NZDF purposes.
19. The site is situated well for providing continuity of residential development between the Oyster Capital development across the road to the north and the NZDF housing directly to the east. This would also be in close proximity to the Whenuapai Town Centre, providing a good level of accessibility to the services available.

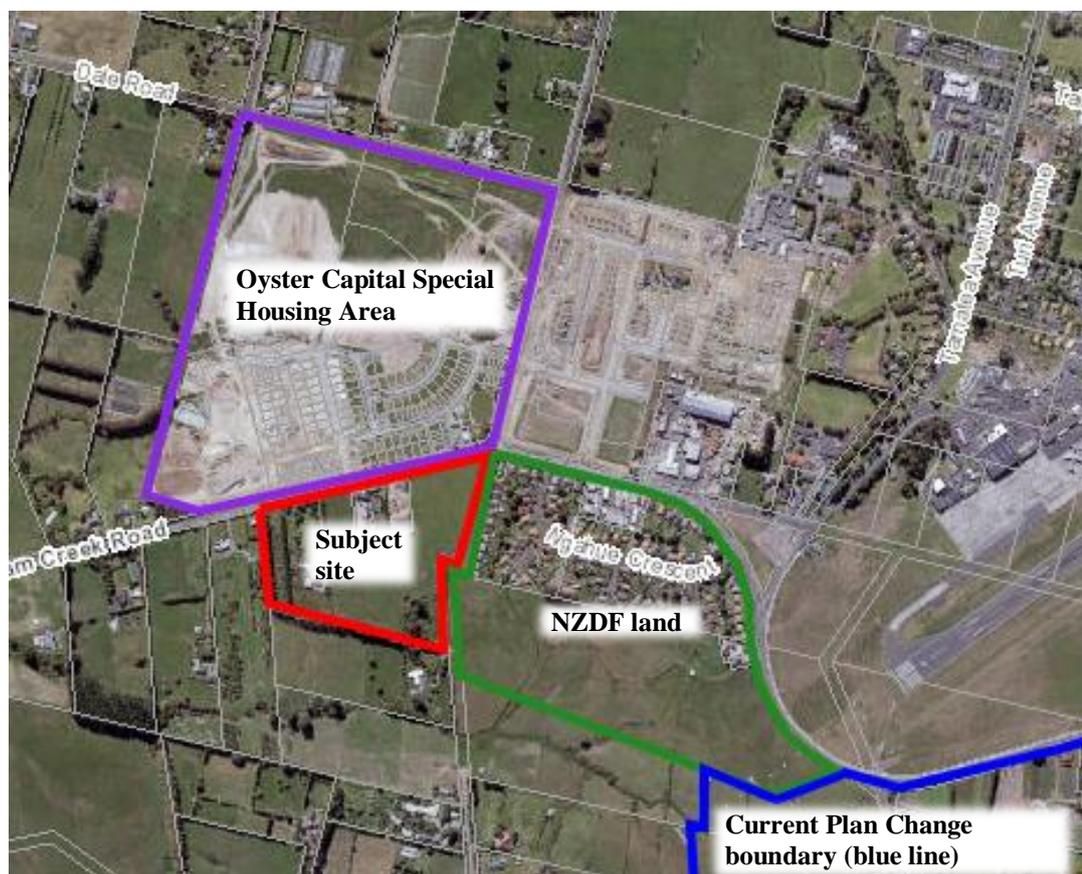


Figure 4 Aerial showing location of subject site in relation to planned Stage 1 Precinct area

Why this site should be included in the Plan Change 5 area

20. The purpose of the Proposed Whenuapai 3 Precinct is for the area “to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of

Whenuapai Airbase". The site is unique, compliments the above purpose and deserves inclusion within the Plan Change area for a number of reasons which are set out as follows.

21. The site is located adjacent to an existing NZDF residential area, the growing Oyster Capital development (across the road) and the Whenuapai Town Centre.
22. The existing NZDF housing around the Whenuapai Town Centre is likely to be continued to be used for this purpose. The NZDF land is currently zoned Single House Zone and Future Urban Zone. While the Structure Plan is silent on the proposed zoning for this area of land, it is likely to be Medium Density Residential with perhaps a mix of Light Industrial where affected by the overhead flight path. The combination of existing NZDF housing and likely future residential development means allowing the site to be developed under the Plan Change will complement the existing built urban form.
23. To the north of the site, on the northern side of Brigham Creek Road, is the Oyster Capital Special Housing Area. The inclusion within the Plan Change 5 area will allow for activation of the southern frontage of Brigham Creek Road and provide a greater sense of community, security and safety for the existing and future residents of the immediate and wider area at an earlier stage that currently anticipated. This is particularly relevant at the busy intersection of Brigham Creek Road and Totara / Mamari Road(s).
24. The development of the site provides a logical addition to the existing live zoned areas and will provide a liveable, compact and accessible addition to the community of Whenuapai which is in close proximity to nearby commercial and industrial areas (see Figure 5). The development of the site will reinforce the role of the Whenuapai Local Centre to the east by creating additional household units within the next 10 years. This will provide additional dwellings and jobs for local residents.

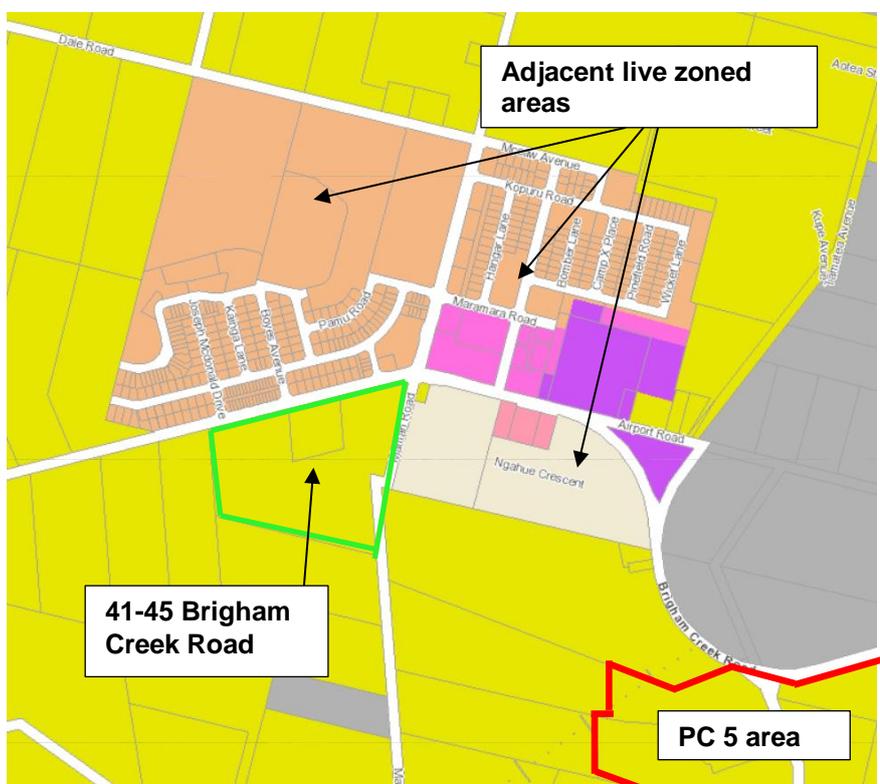


Figure 5: Proximity of the site to live zoned areas and Plan Change 5 area

25. Plan Change 5 would rezone approximately 360 hectares to a mix of business and residential zones for development over the next 10 years, and would deliver approximately 6,000 houses.

This number of houses represents the number of houses which will be developed as part of Stage 1 of the Whenuapai Structure Plan. However, there is no guarantee these dwellings will be developed at this, or any particular rate because of the fragmented land ownership, mixture of long-term landowners (i.e. residential dwellings and lifestyle blocks) and developers. It is therefore possible the rate of development within the current Plan Change area could be significantly slower than Council’s predictions unless there is agglomeration of the existing land titles. As a result, the likelihood of the existing capacity in Councils infrastructure systems being taken up (used) is difficult to model and predict. It could be that over the next 10 year period a portion (potentially large portion) of this infrastructure capacity remains unused.

- 26. An indicative scheme plan has been developed to show how the Site could be developed to yield 275 houses, refer Figure 6 below. The inclusion of the site within the current Plan Change will add approximately 5% additional dwellings to the anticipated 6,000 dwellings in the current Plan Change 5 area. This number of additional houses does not represent a significant uplift on that forecast in the overall Plan Change area. As stated above, the forecasted infrastructure uptake by the future 6,000 houses it is likely to be subject to considerable variation depending on how the fragmented land ownership is eventually developed.

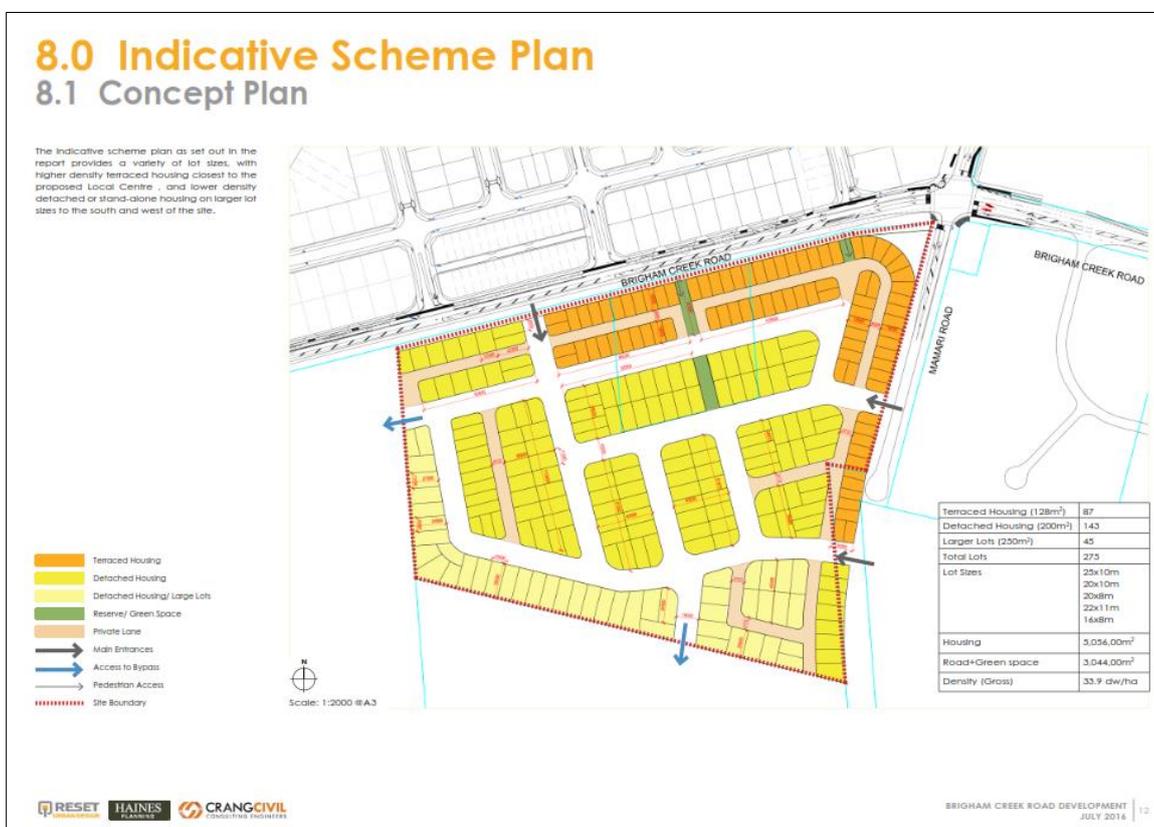


Figure 6: Indicative Scheme Plan

(Source: Reset, Haines, Crang Civil)

Infrastructure upgrades

- 27. Infrastructure upgrades and the requirement of adequate infrastructure availability to inform the plan change area was identified within Auckland Council’s Section 32 Report. This integration of subdivision and development has been reflected in the description of the proposed 1616 Whenuapai 3 Precinct.
- 28. It is acknowledged there are significant infrastructure constraints on the development of the wider Whenuapai area. Hence Councils approach to not include the proposed Stage 2 of the Whenuapai Structure Plan within the current Plan Change at this time. The situation may cause

the need for the Site to be serviced independently from the wider network upgrades, particularly in relation to wastewater reticulation.

29. To understand the potential infrastructure needs of the site GHD has completed an Infrastructure Investigation Report (water, wastewater, stormwater, power and telecommunications). This report has assessed the existing infrastructure capacity and considered the different options to provide infrastructure servicing solutions for the site. A summary of the findings is stated below.

Wastewater

30. Plan Change 5 outlines that the primary responsibility for funding of local infrastructure lies with the applicant for subdivision and *that the Council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements*. Based on the below indicative options in regards to wastewater, Verve considers there is an opportunity to work with Council and related organisations to achieve the delivery of houses at the site within the short term (houses occupied as early as 2 years with completion at 5 years).
31. Verve is committed to entering into discussions with Council's Development Programme Office (DPO) to consider Development Agreements to support site specific infrastructure solutions that would enable the site to be included in the Plan Change area. A number of technical options have been identified for wastewater servicing of the site ahead of a wider wastewater reticulation solution for the Whenuapai area.
32. The findings of the Infrastructure report are included in Appendix A and are summarised as follows:
- The site can be independently serviced by a wastewater solution with developer participation. There are three potential options provided within the report which involve installing a new rising main connection to along Brigham Creek Road to connect to Watercare's reticulated network on Trig Road, refer to Figure 5 below as an example and Appendix A for illustrations. The wastewater network is a gravity system from the Trigg Road intersection.
 - The upgrading of the wastewater infrastructure could be an opportunity to address the method of wastewater connection (in relation to the Oyster Capital Development) to Watercare's network on Totara Road which is not currently an ideal operation situation for Watercare. This would involve re-routing the wastewater rising main from the Oyster Capital Development via the site to connect to Watercare's reticulated network on Trig Road (refer Figure 7).

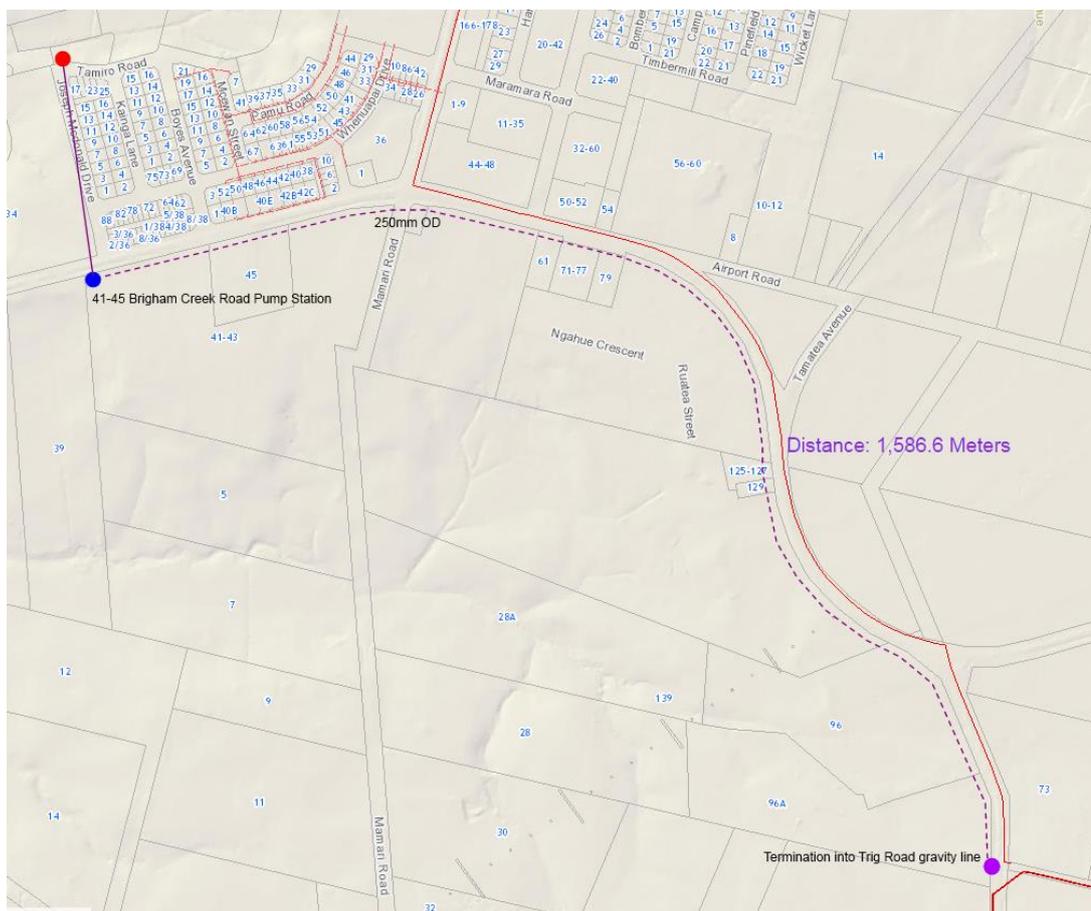


Figure 7: Example option combined pressure wastewater sewer at 41-45 Brigham Creek Road

33. A wastewater master plan has been developed for Whenuapai as shown below in Figure 6. It is anticipated that once the new future Brigham Creek main pump station is constructed and commissioned on Brigham Creek Road and the area between the new pump station and the Whenuapai Village developed, the wastewater pump station and connection for Oyster Capital (explained above) would be abandoned. A new connection would be by gravity to the new pump station at the western end of Brigham Creek Road (purple line, refer Figure 6). This would include that part of the site that drains by gravity to the Oyster Capital Development.
34. In the same way, it is anticipated the southern area of the site would connect to the future pump station via a gravity pipeline (Maroon line, refer Figure 8). The approved HIF application as discussed in paragraph 9, identifies this pump station (named New Westgate WW Pump Station in Figure 1) as a key piece of infrastructure to be developed to service the area. It is anticipated that this would be constructed within the next 10 years.



Figure 8: Future stand-alone wastewater pump station and rising main

Stormwater reticulation

35. The site is divided into three sub catchments discharging into their respective overland flow paths as there is no formal piped or constructed overland flow paths on site (refer to Figure 9 below). The required stormwater upgrades to achieve pre development levels can be provided and will be managed through onsite design. The infrastructure report undertaken by GHD recommends a number of different options.
36. A simple description of the stormwater solution is to direct flows from Catchment A to the low point in Brigham Creek Road which subsequently flows into the Oyster Capital Development site. Catchment A is approx. 4.4 ha. The balance of the site (Catchments B and C) discharges to the west and south by formed gullies. Flows from these areas will be managed through site contouring to redirect flows to Brigham Creek Road or would be managed on site through stormwater infrastructure devices. More detailed information can be provided to Council on request.

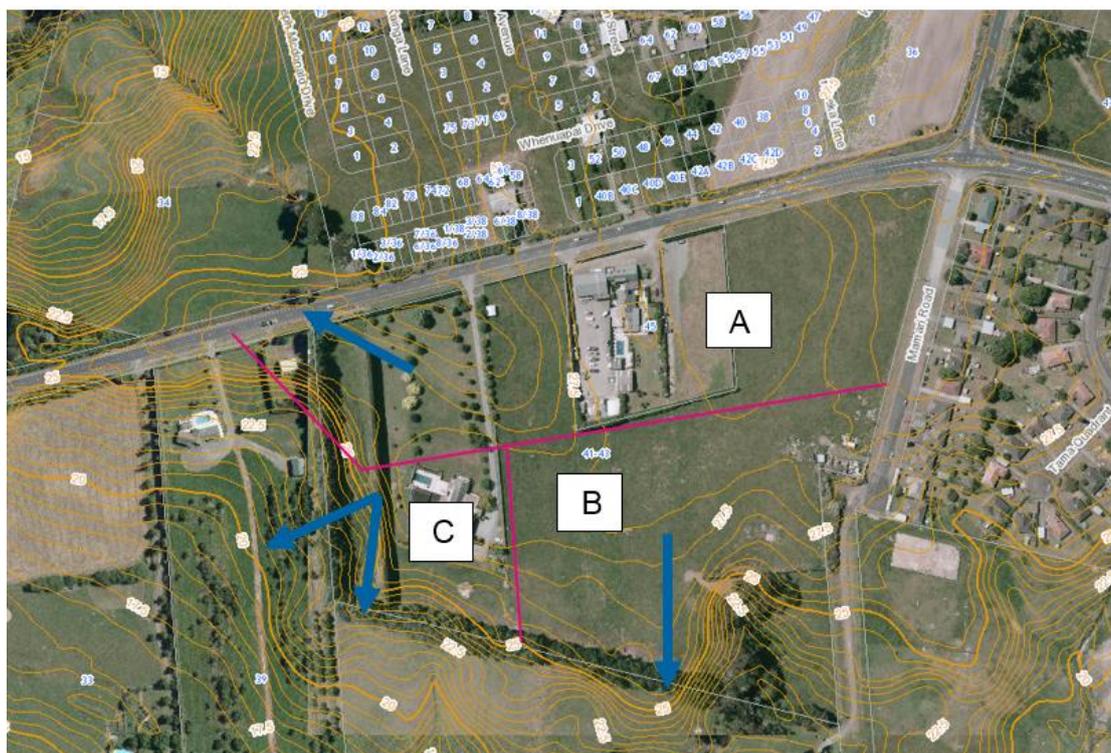


Figure 9: Stormwater sub-catchments

Water Supply

37. The site is currently supplied with potable water from Watercare. Auckland Council GIS information shows a new 315 mm OD PE pipe feeding the new Oyster Capital development with a new feed provided to Brigham Creek Road. A new 150 mm AC pipe has been installed on the opposite side of Brigham Creek Road from the site. There is a 25 mm and 150 mm connection from the reticulated supply to the site.
38. Based on recent investigations, flow testing and preliminary design work it is expected there is sufficient pressure and flow available to service the proposed development of the site with potable water supply.

Traffic

39. It is acknowledged that transportation infrastructure is likely the major limitation on the infrastructure provision of the site. The approved HIF application (see Figure 1) did not identify some of the key infrastructure such as an upgrade to the intersection of Brigham Creek Road with SH16.
40. With fragmented land ownership throughout the Stage 1 area, timeframes for the full development (and therefore residential occupancy) of the Plan Change 5 area may be more substantial than the <10 year timeframe envisioned. Therefore, there is potential that the transport infrastructure will not reach peak capacity during this time. Verve are in a position to develop the site in the short term and could have houses available within the next 2 year and development completion within 5 years, pending a live-zoning. It is therefore likely that development of the site could occur prior to the capacity of current (and proposed) transport infrastructure being exceeded. Verve would be interested in understanding more of the assumptions and conclusions around timings of the development envisioned by Plan Change 5, the associated impacts on transport infrastructure and how the inclusion of the site (41-45 Brigham Creek Road) within the Plan Change 5 area would effect this.

41. Pursuant to the Whenuapai Structure Plan the section of Brigham Creek Road adjoining the Site to the north is intended to be upgraded and widened. This will accommodate the current volume of traffic numbers using Brigham Creek Road to access the motorway to the east and the additional traffic anticipated by development of the wider area. The widening is understood to incorporate an additional 10m wide strip into the site which would be vested as road reserve. There is also likely to be a reorganisation and remarking of the intersection of Brigham Creek/Airport Road and Mamari/Totora Road.
42. Mamari Road to the east of the site will be realigned and/or widened (potentially up to 21m) depending on the roading hierarchy that is anticipated for this road.
43. The inclusion of the site in the current Plan Change will facilitate these transport outcomes earlier in the strategy timeline (i.e. within the next 10 years or sooner if in conjunction with development of the site within 2 to 5 years) which will be of great benefit in terms of efficiency and safety for road users. It is considered that these enabled upgrades to Brigham Creek Road will deliver benefits for the Whenuapai area, particularly in regards to the volume of housing provision being supplied in close vicinity at the Oyster Capital Special Housing Area across the road and the busy intersection with Totara Road and Mamari Road.
44. Verve anticipates that inclusion of the Site within the Plan Change 5 area would require the above local transport infrastructure requirements to be considered in relation to Table I1616.6.2.1 of the Proposed Whenuapai 3 Precinct chapter. Verve is open to discussions with Council about the specific local transport infrastructure upgrades Council envisages necessary to meet demand from inclusion of the Site in the Plan Change 5 area. Verve would also like to discuss ways in which this can be funded such as an Infrastructure Funding Agreement as mentioned in the Whenuapai 3 precinct description.

Policy Framework

Alignment with private plan change criteria

45. The Council's Planning Committee has now adopted a set of criteria against which Council will exercise their discretion in whether to accept or reject an application for a private plan change under the AUP (OP). In particular, the committee has confirmed the Council will consider the following matters:

- *Whether the outcomes of the private plan change give effect to the Auckland Plan.*

The Auckland Plan guides Auckland's future over the next 30 years and tackle issues such as:

- reducing transport and housing shortages
- giving children and young people a better start
- creating more jobs
- protecting the environment.

The proposed inclusion of the site as part of the Plan Change, or allowing for the development of this site prior to the currently proposed Stage 2 (2027-2036) will be in line with the desired outcomes of the Auckland Plan, by improving transport flows through Brigham Creek Road and providing more dwellings and jobs to an identified growth area in Whenuapai.

- *Whether the outcomes of the private plan change align with the Council's Future Urban Land Supply Strategy,*

This strategy sets the order in which land is supplied for development in future growth areas to house Auckland's growing population as infrastructure becomes available.

The Strategy identifies Whenuapai as being developed within the second half of the first decade of the strategy (2017-2021). It does note that only limited supply will be provided during this period which will be determined through structure planning. Currently, the site is identified for rezoning within the next stage of development which will not be until 2027.

It is noted the Strategy is responsive to changing population growth demands, market conditions, and infrastructure delivery. The site is ready for development with Verve committed to providing the required infrastructure at the early stages of development, bringing forward the programme and the potential for this site.

The inclusion of the site within this Plan Change area will be in alignment with the Council's Future Urban Land Supply Strategy.

- *Whether the outcomes of the private plan change give effect to the environmental outcomes expected in the Unitary Plan, and improve the effectiveness of the plan.*

The inclusion of the Site within the Plan Change boundary is consistent with the Growth Concept of the Auckland Regional Policy Statement (ARPS), which forms part of the AUP (OP). The inclusion of the site would result in the short term intensification of residential activity in a location that is in close proximity to the Whenuapai town centre, with a range of services and facilities available within easy walking distance. Furthermore, this will accommodate population growth without threatening environmental quality or thresholds.

It is important that medium density housing / subdivision be provided for within areas which are well located for this type of redevelopment, and provision of good quality housing within this suburban location would increase housing stock within the and subsequently reduce pressure for development within other areas of Auckland with high environmental quality.

The inclusion of the site within this Plan Change area will give effect to the environmental outcomes expected in the Unitary Plan, and improve the effectiveness of the plan.

- *Whether any structure plans and subsequent plan changes have been prepared in accordance with Appendix 1 (Structure Plan Guidelines) of the Unitary Plan.*

The Whenuapai Structure Plan has been prepared in accordance with Council's guidelines. The residential development proposed for this site and inclusion within this Plan Change is consistent with the Whenuapai Structure Plan and Guidelines.

Alignment with Auckland Unitary Plan (Operative in part) (AUP (OP))

46. The inclusion of the Site within the Plan Change boundary is consistent with the Growth Concept of the Auckland Regional Policy Statement (ARPS), which forms part of the AUP (OP). The primary policy approach is to provide for varied housing choice and focussed growth in centres and within suitable neighbourhoods. Transport and other infrastructure is to be integrated with growth and emphasis placed on creating a quality built environment and supporting housing affordability.
47. The site is identified for future urban growth and is available for immediate development. Verve has shown readiness to enter into discussions and agreements with Council to commence the required enabling and infrastructure requirements and to commence the house construction process.
48. The vision is to develop the site for:
 - Medium-high density housing to meet growing housing demand in Auckland, with lower cost housing options included;

- create a safe and accessible neighbourhood by designing legible routes and short blocks; and
 - enhance use of solar energy for all lots by maximising north-south orientated streets.
49. The site is zoned as Medium Density Residential under the Structure Plan mostly because of its vicinity to the proposed Local Centre and other surrounding Medium Density developments. The indicative scheme plan as set out in the report provides a variety of lot sizes, with higher density terraced housing closest to the proposed Local Centre, and lower density detached (or stand-alone) housing on larger lot sizes to the south and west of the site. This was based on the original Structure Plan as indicated in Figure 3 of this submission.
50. Verve have demonstrated in Figure 6 above how the site could be developed using a mixture of terrace housing and detached housing. Under residential densities anticipated by the AUP (OP) the site is capable of accommodating more than 275 dwellings. In particular it is considered higher density would be appropriate fronting the Brigham Creek Road and Mamari Road intersection. Verve are open to including lower cost housing options as part of the development.
51. Based on these design principles and the uniqueness of this site Verve consider the most appropriate zoning for the site is Residential Mixed Housing Urban within the central part of the site and Terrace Housing and Apartment Buildings fronting Brigham Creek Road and Mamari Road.

Decisions Sought

52. Verve request the area covered by the draft Whenuapai Plan Change is expanded to include 41-45 Brigham Creek Road in a combination of the **Residential Mixed Housing Urban and Terrace Housing and Apartment Buildings** zone as is depicted by Figure 10 below.

38.2

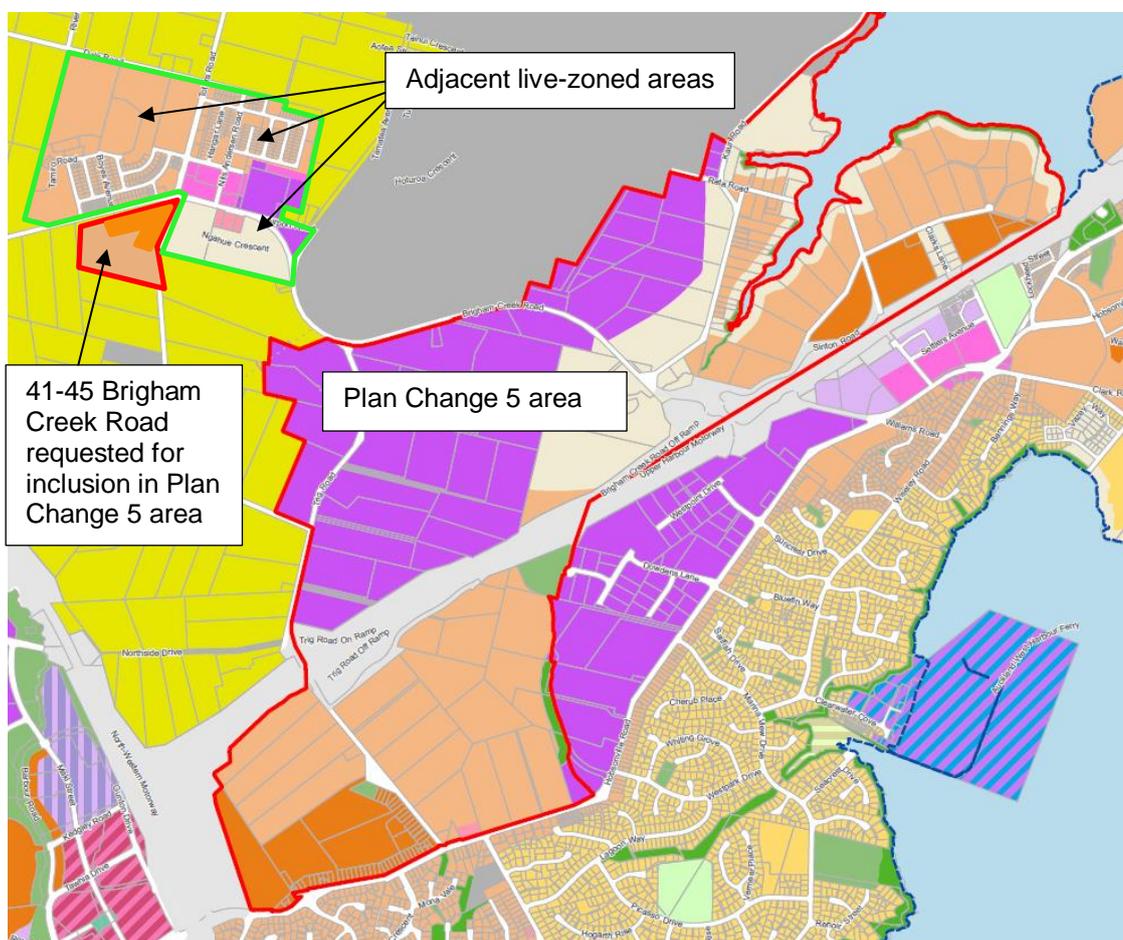


Figure 10: Figure to show proposed expansion of zone change boundary**Summary and conclusion**

53. As is outlined above, the site is identified for future urban growth and is available for immediate development. Verve remains ready to enter into discussions and agreements with Council to commence the required enabling and infrastructure requirements and to commence the house construction process.
54. Bringing the development forward in the programme to commence construction of the site in the short term will help alleviate Auckland's housing shortage and provide local jobs in line with the anticipated outcomes of the Auckland Plan. The Site will include lower cost housing options.
55. Infrastructure investigations have confirmed the site can be developed ahead of wider infrastructure needs of the area with site specific solutions. Specific wastewater options as outlined in this submission could provide for this.
56. Verve would like to understand some of the assumptions and conclusions forming the basis of the transportation infrastructure capacity which has determined the boundary for Plan Change 5. Plan Change 5 outlines the area to be live zoned, but with the fragmented land ownership of the area, development to full capacity may not occur within the 10 year horizon. Verve are in a position whereby houses could be built and occupied within 2 years and the site development completed within 5 years (all houses occupied subject to market demand) and would therefore likely provide housing prior to modelled transport infrastructure reaching capacity for the Plan Change 5 .
57. The inclusion of the Site within the Plan Change 5 will enable the development of a site that is already within a developed area, in close proximity to the existing Whenuapai Town Centre. It is therefore considered that the site unique and an appropriate and logical addition to the Plan Change 5 area.
58. Verve supports Plan Change 5 with the inclusion of the site within the boundary as is shown by Figure 10 above.
59. Verve have engaged with the Albany Local Board to provide them with visibility and opportunity to provide more homes in the Whenuapai area in the short to mid-term. The Councillors are generally supportive of development where the infrastructure can be provided as is the case for this site.
60. Verve supports and encourages further discussion with Council and Councillors to work collaboratively to address the infrastructure servicing needs of the site to allow the site to be included within the Plan Change 5 area.

38.3

38.4

Address for service:

Verve Construction Limited

C/o GHD Limited

PO Box 6543

Wellesley Street

Auckland 1141

Attn: Brad Nobilo

Appendix A

Wastewater Infrastructure Servicing for 41-45 Brigham Creek Road

Wastewater

A number of technical options have been identified for wastewater servicing of the Brigham Road development. It should be noted that whilst there are identified technical options, the approval of Watercare would still be required, in combination with vesting of the Oyster Capital development assets.

Servicing of Whenuapai Village

The Oyster Capital development of Whenuapai Village are serviced / to be serviced via a gravity sewerage network to a network pump station located to the west of the development site. It is understood that this pump station is designed for the full development of 991 lots, with a peak design flow of 39 L/s, calculated as below:

Table 1 Servicing of Whenuapai Village – Sewer flows

	Village	Lands	Total
Houses	651	340	991
People per House	3	3	3
People	1953	1020	2973
Peak Flow L/person/day	1125	1125	1125
Design Flow L/s	25	13	39

It is noted that the peak wet weather flow (PWWF) of 1500 L/person/day, as identified in the Water and Wastewater Code of Practice for Land Development and Sub-division has been relaxed to 1125 L/person/day.

The network pump station pumps into the existing Watercare rising main in Totara Road, which traverses through to Trig Road where the combined rising main discharges into the gravity network.

- The rising main within the Oyster Capital site comprises a 250 mm PE100 SDR13.6 pipe with an ID of 212.4 mm, and is in the order of 600 m long.
- The rising main from the Oyster Capital pump station joins a rising main from the Coatesville – Riverhead pump station in Totara Road.
- The combined rising main in Totara Road is a 315 mm PE100 SDR 13.6 (267.6 mm ID) and 1350 m long from the connection point, along Totara Road, BCR and into Trig Road. Approx 250 m along Trig Road the rising main discharges into a gravity trunk main.

This Oyster Capital pump station includes a 3 m diameter by 13.5 metre long storage tank, which in addition to the pump station storage capacity, provides a 4 hour dry weather flow (DWF) capacity, based on the total development of 991 Houses / Housing Unit Equivalent (HUE).

It is noted that the current Water and Wastewater Code of Practice for Land Development and Sub Division requires 8 hours dry weather flow (DWF) as emergency storage at network pump stations, rather than the four hours DWF provided, as required at the time that the Whenuapai Village / Lands development was consented.

Table 2 Servicing of Whenuapai Village – Sewer flows

	Village	Lands	Total
Houses	651	340	991
People per House	3	3	3
People	1953	1020	2973
Average Flow	5.09	2.66	7.74
Tank Storage (8hrs) m ³			95.4
Wetwell storage			24.2
Total Storage			119.6

We note that the provided storage for the Oyster Capital pump station development is at 54% of the current Code of Practice.

Whenuapai Master Plan

A wastewater master plan has been developed for Whenuapai as shown below in Figure 1:



Figure 1: Future Whenuapai wastewater reticulation

It is anticipated that once the new future Brigham Creek main pump station is constructed and commissioned on Brigham Creek Road and the area between the new pump station and the Whenuapai Village development, the existing Oyster Capital pump station would be abandoned and connected by gravity to the new pump station (purple line, refer Figure 1).

Additionally, it is anticipated that the southern area of the site would connect to the future pump station via a gravity pipeline (maroon line, refer Figure 1).

Wastewater connection to the development site

The development site is located immediately south of Brigham Creek Road and the southern boundary of the Oyster Capital Whenuapai Village development.

The site is relatively flat low-lying land, with sloping areas to the east, south-west and south-east corners of the site.

It is proposed to potentially construct 275 lots on the site, increasing wastewater flows as shown below in Table 3.

Table 3 Servicing of 41-45 Brigham Creek Road – Sewer flows

	41-45 Brigham Creek Road
Houses	275
People per House	3
People	825
Peak Flow L/person/day	1125
Design Flow L/s	11

The sewerage reticulation of the 41-45 Brigham Creek Road site has not been designed at this time. However, based on the current topography of 41 – 45 Brigham Creek Road, the northern section of the site drains northwards to Brigham Creek Road and the Whenuapai Village development, as such it is anticipated it would ultimately be serviced via connection to this area.

The area of land that drains to the north is approximately 40,000 m², or 50% of the site, and would accommodate in the order of 140 properties.

The remainder of the area slopes away from Brigham Creek Road, and would require a separate pump station (or to be serviced by a low pressure sewer system) to connect it to the gravity network draining to towards Brigham Creek Road.

Ultimately it is anticipated that this area would be serviced via gravity to the future Brigham Creek pump station.

Wastewater Options

Option 1: Stand-alone Wastewater Pump Station

A stand-alone wastewater pump station could be constructed to service the 41-45 Brigham Creek Road site, which would service the complete development with a separate rising main to the gravity main at Trig Road.

Table 4 Option 1- Servicing of 41-45 BCR – Sewer flows

Houses	275
People per House	3
People	825
Peak Flow L/person/day	1125
Design Flow L/s	11

The proposed scheme would include:

Table 5 Option 1 - Design Principles

Sewer Pump station and storage (71m ³)	1
Pumps (Duty / standby)	2
Flow Rate (L/s)	11
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	160
Velocity (m/s)	0.98
Friction Head (m)	18.0
Static Lift (m)	14.5
Total Pump Head (m)	32.5

Local reticulation would be required to service the 275 lots, potentially including a second wastewater pump station to convey flows from the southern area of the site to the main wastewater pump station, shown in Figure 2 below.

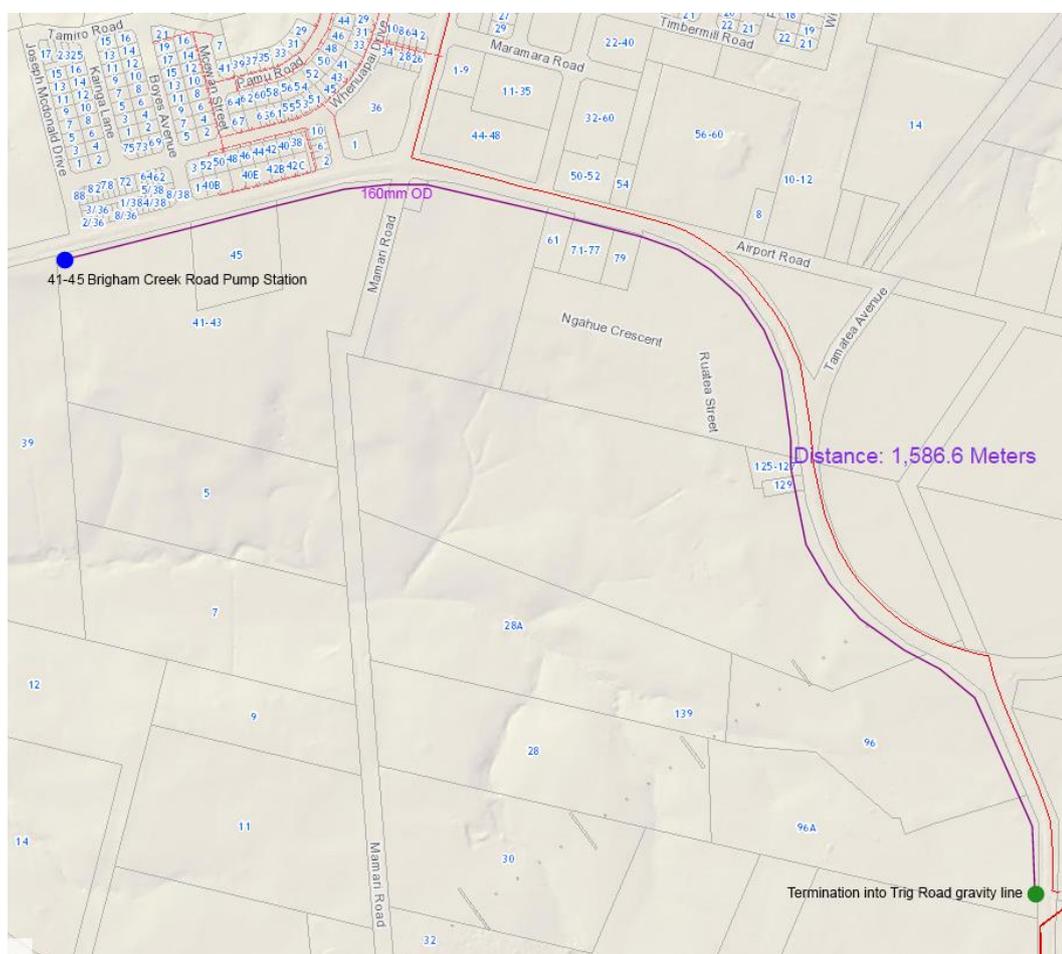


Figure 2: Option 1 Stand-alone Pump Station and Rising Main

Option 2: Stand-alone Low Pressure System

An alternative option is to service the development is a low pressure system with each individual household having a household pump station connected to a separate rising main connected to the gravity network at Trig Road.

The proposed scheme would include:

Table 6 Option 2 - Design Principles

Household Pump Stations	275
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	125
Flow (L/s)	8
Velocity (m/s)	0.90
Friction Head (m)	21.0
Static Lift (m)	14.5
Total Pump Head (m)	35.5

Due to the number of individual pump stations and the statistical probability of different pumps operating at the same time, the peak flow is reduced, reducing the required rising main size.

For this exercise, it is assumed that the cost of a gravity network is similar to the cost of installing a low pressure system, and as such the cost of the local reticulation network (and household pump stations) has not been considered, refer Figure 3 below.

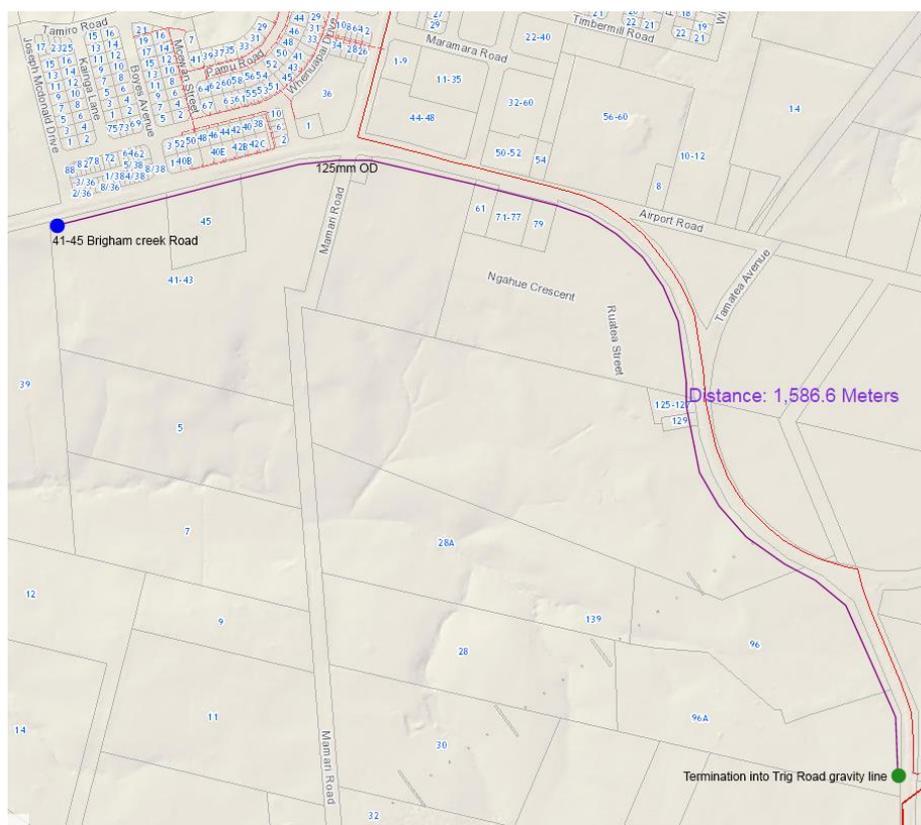


Figure 3: Option 2 Low Pressure System

Option 3: Combined Pump Station at Brigham Creek Road

It is understood the current operation of the Oyster Capital pump station pumping into the existing Watercare wastewater rising main on Totara Road is not favoured by Watercare.

This issue could be overcome if the rising main from the existing pump station was rerouted to a new pump station on 41-45 Brigham Creek Road, with this new pump station servicing a new rising main to the gravity main on Trig Road, as detailed in Option 1.

Table 7 Option 3- Servicing of 41-45 BCR – Sewer flows

	Village / Lands	41-45 Brigham Creek Road	Total
Houses	991	140	1131
People per House	3	3	3
People	2973	420	3393
Peak Flow L/person/day	1125	1125	1125
Design Flow L/s	39	5	44

The proposed scheme would include (as shown in Figure 4):

Table 8 Option 3 - Design Principles

New Pump station and storage (8 hrs DWF)	1
Pumps (Duty / Assist/ standby)	3
Flow Rate (L/s)	44
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	250
Velocity (m/s)	1.7
Friction Head (m)	35.0
Static Lift (m)	14.5
Total Pump Head (m)	49.5

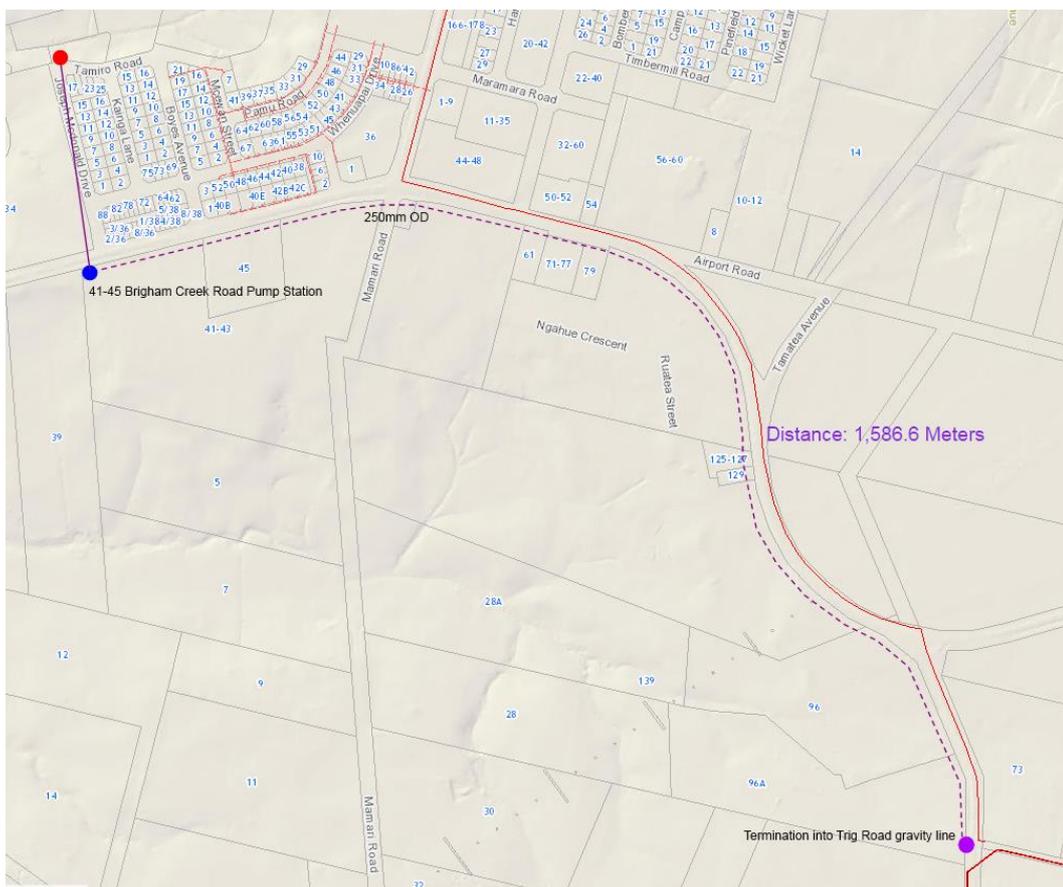


Figure 4: Option 3 Combined PS at 41-45 Brigham Creek Road

Option 4: Combined Pump Station

The existing pump station within the Oyster Capital Development is located at a level of approximately RL 15 m, in comparison to the lowest level of RL 23 m on the development site. It is therefore considered feasible to gravitate flows from the development site to the existing pump station, although a local network pump station may be required to service the southern part of the Brigham Creek development site.

Table 5.4 of the Water and Wastewater code of Practice states that a 150 mm pipe at minimum grade of 0.55% (1:182) is able to service a maximum of 200 properties

With 150 mm pipework in Joseph McDonald Drive, Boyes Avenue and Ripeka Lane / McEwan Street, running from Brigham Creek Road northwards to the pump station, connecting with a 225 mm pipe, there is anticipated to be capacity within the gravity network to accept the total flow from the Brigham Creek Road development of 275 houses.

Levels would need to be checked to confirm that pipes could be installed at suitable depth under Brigham Creek Road to connect the Brigham Creek Road development to the existing gravity sewers in the Oyster Capital development.

The existing pumps would be required to be upgraded to service the additional inflow and additional storage would be required to accommodate 8 hours dry weather flow for the additional gravity area serviced by the pump station. Any area serviced by its own pump station, would be required to include its own 8 hours DWF emergency storage, with the upstream pump station being required to shut-down in the event of the downstream pump station failing.

Assuming that 140 lots would drain by gravity to the existing pump station site, an additional storage volume of 33 m³ would be required:

Table 9 Servicing of Whenuapai Village – Sewer flows

	41-43 BCR		Total Oyster
Houses	140		991
People per House	3		3
People	225		2973
Average Flow	1.09		7.74
Tank Storage (8hrs) m ³	31.5		95.4
Wetwell storage			24.2
Total Storage			119.6

Review of the layout of the pump station and emergency storage tank on the pump station site suggests that it would be feasible to add the additional storage within the consented pump station site. An additional tank 2 m diameter and 10.5 m long would be sufficient and would provide 105% of the required storage.

The existing rising main from the Oyster Capital wastewater pump station to Totara Road is a 250 mm PE pipeline with an internal diameter of 212.4 mm:

- 250 mm diameter OD
- Flow rate = 39 L/s
- Velocity = 1.1 m/s
- Friction head = 4.7 m

Increasing the flow to 49 L/s to accommodate 41-45 Brigham Creek Road:

- Velocity = 1.40 m/s
- Friction head = 7.5 m

The increase in velocity is considered acceptable and friction head would be overcome by installing larger pumps within the existing pump station.

We are aware that the concept of the Oyster Capital Pump Station pumping into an existing rising main serviced by a second pump station is not favoured by Watercare, and whilst the proposed additional flow is considered small, the proposal may not be accepted by Watercare.

One solution would be to ensure that the two pump stations do not operate at the same time, with the pump stations interlinked.

A second scenario is to construct a separate rising main, from the connection in Totara Road, to the gravity line in Trig Road, such that each pump station operates with its own rising main.

The proposed scheme to service the complete development would include (shown in Figure 5):

Table 10 Option 3 - Design Principles

41-45 Brigham Creek to Existing PS	
Flow Rate (L/s)	11
Pump Station Upgrade	
Upgrade Ex. Pumps	2
Additional Storage	1
New Rising Main	
Pipe Length (m)	1650
PE Pipe diameter – OD (mm)	250
Flow (L/s)	50
Velocity (m/s)	1.4
Friction Head (m)	25.0
Static Lift (m)	14.5
Total Pump Head (m)	39.5

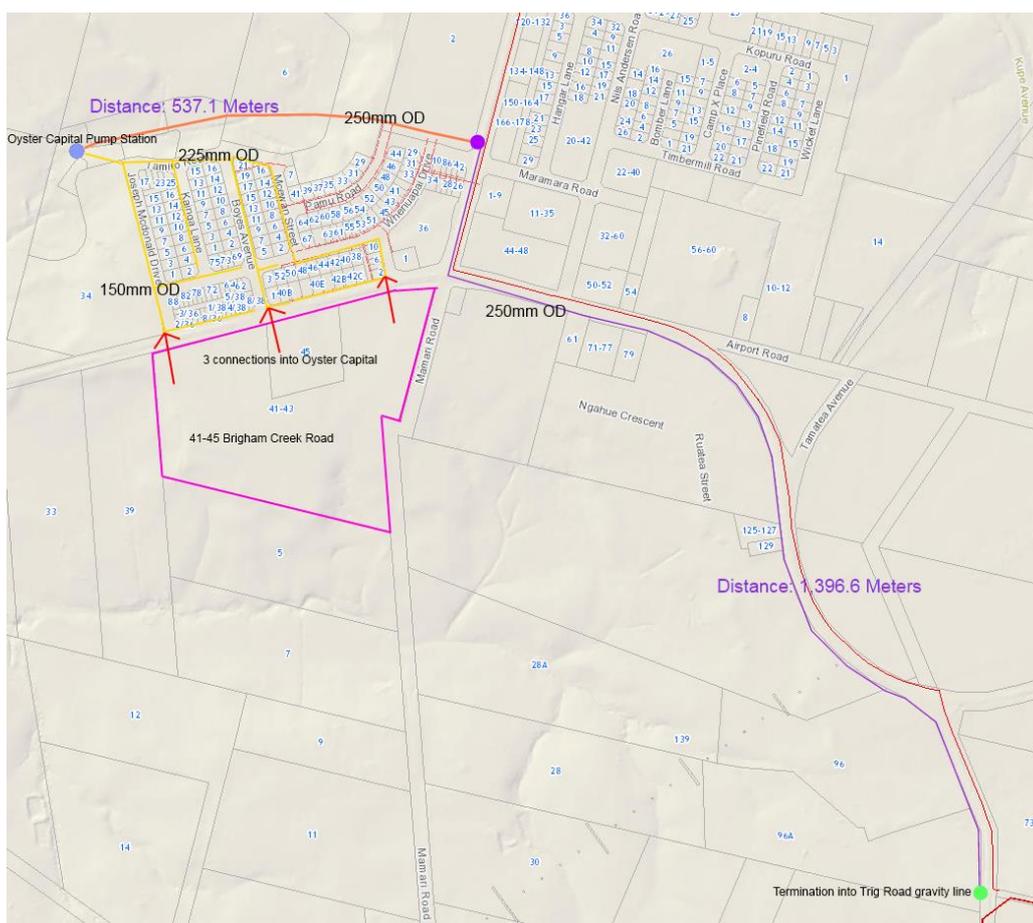


Figure 5: Option 4 - Combined Oyster Capital pump station

Watercare Benefits

The construction of a new rising main connecting the Oyster Capital pump station (which incorporates the Oyster Capital development flows) to the gravity network at Trig Road is considered to be of potential benefit of Watercare.

Wastewater conclusions and recommendations

It is considered feasible to service the proposed development, either via the gravity reticulation within the Oyster Capital development, or with a stand-alone system. Connection to the Oyster Capital development would be subject to:

- Upgrading the pumps in the existing pump station
- Confirmation of the availability of land to allow the provision of additional emergency storage (33 m³); and potentially
- Constructing a new rising main from Totara Road to the gravity line in Trig Road.