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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mrs. Christine Lang

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

Address for service of Submitter

1b Stratford Avenue, Milford

Telephone: 274670784 Fax/Email: bandclang@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): The 200 metre range for THABZ from Milford Town Centre, and extension of MHUZ along underwidth streets such as Stratford Ave, Milford

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

See Separate Sheet attached

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

1) Reduce the distance for Terraced Housing and Apart. Building Zone around Milford TC from 200 metres to 100 metres

2) Either revert back to the Operative Unitary Plan in relation to the division between the MH Urban Zone and the MH Suburban Zone, or restore the MH Suburban Zone to areas not suitable for higher intensification because of infrastructure, cul-de-sacs and underwidth streets, floodplains, heritage or areas, and ecologocal corridors.

I wish to be heard in support of my submission ☐

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

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

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

28/9/22
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Plan Change 78 – Submission from Chris Lang

The Reasons For My Views:

1) The 200 Metre range for Terraced Housing and Apartment Building Zone from Milford Town Centre:

   The large number of retired or elderly residents, including disabled persons, who do live, and need or desire to be living in single, one level dwellings close to the Milford Town Centre could well suffer mental health issues and be forced from their homes through loss of sun and privacy because of the changing environment. 1000.1

   Remedy Sought – Reduce range to 100 metres that is a more reasonable limit for persons with physical limitations, walker frames, or wheelchairs and those who currently push their supermarket trolleys to and from home.

2) The extension of the Mixed Housing Urban Zone into areas currently zoned Mixed Housing Suburban Zone:

   The broad-brush zoning is non-selective, and with no rights of objection, will result in major problems in certain circumstances. Developers will be aiming for the maximum coverage and heights of any new development that over time could actually reduce the diversity in housing types available. There will be detrimental effects on under-width streets such as Stratford Avenue in Milford in terms of sunlight, vehicle traffic and parking, congested paths with numerous car crossings and rubbish bins. Parts of this street are within a floodplain.
   There seems little regard given to loss of permeable areas affecting stormwater run-off with higher intensity developments that will also cause an increase in the generation of heat; or with the loss of tree coverage and bird corridors. This is in spite of the Council's own targets around tree canopy cover and ecological corridors. 1000.2 1000.3 1000.4 1000.5 1000.6 1000.7

   Remedy Sought: Either revert back to the Mixed Housing Suburban zoning in the Operative Unitary Plan or review the zoning to be more selective having regard to infrastructure, heritage areas and predominance of existing dwelling types, cul-de-sacs and under-width streets, floodplains and ecological corridors.

28/9/22

Chris Lang.

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 3:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Benjamin James Savidan and Penelope Jane Savidan
Attachments: 20220928 Savidan - Submission to the Auckland Council regarding Plan Change Variation 78-merged.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Benjamin James Savidan and Penelope Jane Savidan

Organisation name:

Agent's full name:

Email address: bensavidan@gmail.com

Contact phone number: 0210664969

Postal address:
19b Wainui Ave
Point Chevalier
Auckland 1022

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Coastal Erosion Hazard Area

Property address: 151A Princes Street East, Ōtāhuhu, Auckland 1062

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:
The application of the coastal hazard erosion zone and its restrictions to the property is neither efficient nor effective as a resource management tool. The provisions, as pertaining to 151a Princess St East, Otahuhu are arbitrary in nature and do not take into account the local conditions.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Remove 151a Princess Street East, Otahuhu, Auckland 1062 from the Coastal Hazard Erosion zone or such other or further relief as effectively removes the restrictions of the Coastal Hazard Erosion Zone from 151a Princes St East, Otahuhu Auckland 1062.

Submission date: 28 September 2022

Supporting documents
20220928 Savidan - Submission to the Auckland Council regarding Plan Change Variation 78-merged.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.

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22nd of September 2022

Benjamin & Penelope Savidan
19b Wainui Avenue
Point Chevalier
Auckland 1022

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

Re: Submission to the Auckland Council regarding Plan Change/Variation 78

We are writing to strenuously oppose the Future Coastal Hazards Plan Change in Proposed Plan Change 78 as it pertains to our residential property at 151a Princess Street East, Otahuhu, Auckland as outlined in PC 78 - Section 32 Significant Natural Hazards Coastal Erosion. Specifically, we are opposed to the arbitrary inclusion of our property in the proposed Coastal Erosion Hazard Area as outlined in the graphic below taken from the Plan Change 78 Map Viewer.

Fig1: Excerpt from the Plan Change 78 Map Viewer

Objections

This proposed Coastal Hazard Area is grossly inappropriate given the actual conditions at the site and completely arbitrary in nature. Specifically;

1) The site is not in fact coastal as it is situated on the Tamaki River more than 12 km from the river mouth and 4km upstream from the Panmure Bridge. This distance from open water combined with the bends in the river removes the erosion risk to the site from oceanic waves and storm surges.

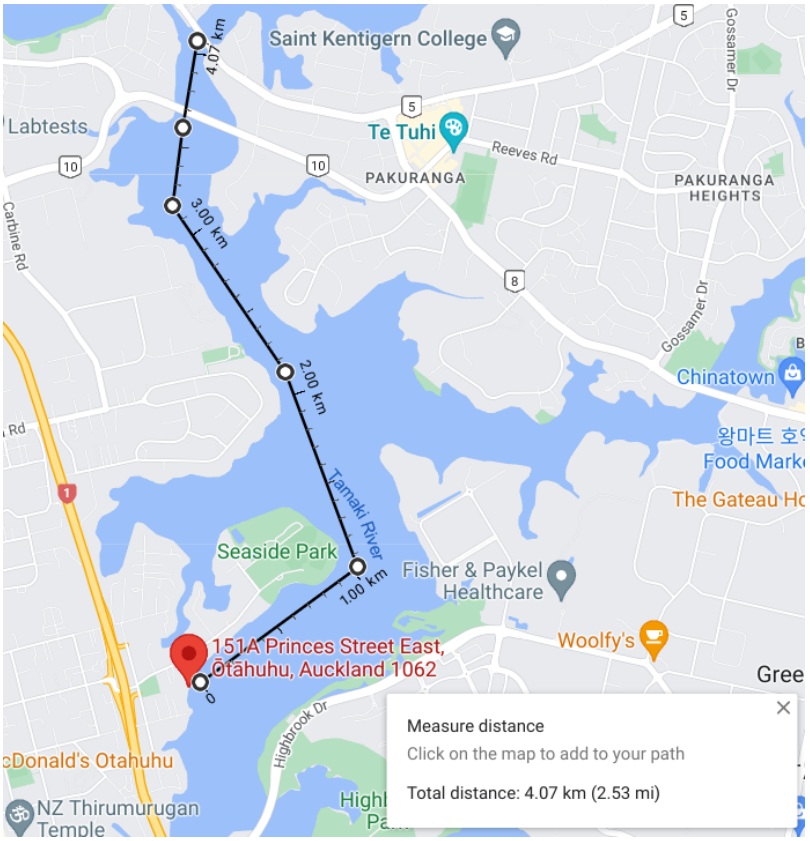

Fig2: Map of the Property in relation to the Panmure Bridge (Google maps)

2) The Tamaki river fronting the property is less than 500m wide and thus lacks enough fetch for waves of any significance to form in the local area. Thus there is no significant risk of erosion from local wave action.

Fig3: Measurement of the width of the Tamaki river adjacent to the Property

3) In a coastal hazard report prepared for the site 4Sight Consulting found that the river adjacent to the site “is low energy, characterised by mud flats and tidally dominated due to its location in the upper portion of the river”. Demonstrating the sheltered nature of the location and the negligible risk of erosion.

Map Description: The surrounding coastal area of 151a Princes St East within the Tamaki Estuary.

Legend
Site Location
Site Area

Client: Ben Savidan
Project Code: 11336
Date: 17/02/2022
Version: 1.0
Author: CT
Approved: SM

4SIGHT CONSULTING

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4) Erosion mitigation measures are already in place for the site in the form of a significant seawall and further retaining wall. The sea wall has been reviewed by a structural engineer in the last 12 months. See attached report.
5) The topography of the site will provide ongoing protection to buildings, current and future, due to its elevation. The current residence on the site is built at an elevation of 4.47m above the mean high water springs. See attached Topographical Survey.
6) The application of the coastal hazard erosion zone and its restrictions to the property is neither efficient nor effective as a resource management tool.

Expert support for our objections

In support of our objections please find attached

1) Site Specific Coastal Hazard and Impact Assessment undertaken by 4Sight Consulting dated April 2022
2) Structural review of the seawall fronting the property undertaken by C+H Structural and Civil Engineers dated April 2022
3) Topographical survey undertaken by RPC Land Surveyors dated Jan 2022

Summary

We strenuously object to the proposed arbitrary and unnecessary inclusion of our property in the Coastal Hazards Erosion zone as it is not at risk of coastal erosion due to its location, topography and erosion control measures already in place. In our view the application of the coastal hazard erosion zone and its restrictions to the property is neither efficient nor effective as a resource management tool.

1001.1

4SIGHT CONSULTING

LAND. PEOPLE. WATER.

11336 – 151a Princes Street East, Otahuhu

For Ben Savidan

Site Specific Coastal Hazard and Impact Assessment

April 2022

REPORT INFORMATION AND QUALITY CONTROL

Prepared for:	Ben Savidan 151a Princes Street East, Otahuhu

Author:	Catriona Thompson Graduate Coastal Consultant	
Reviewer:	Sam Morgan Principal Coastal Consultant	
Approved for Release:	Samantha Redward Principal Planning Consultant	

Document Name	11336_151a Princes Street East Coastal Hazard and Impact Assessment v1

Version History:	Version 1	April 2022

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1 INTRODUCTION

Ben Savidan recently engaged 4Sight Consulting Ltd (4Sight) to undertake a site-specific coastal hazard assessment for approximately 30 m of coast along the western shore of the upper reaches of the Tamaki Estuary (**Figure 1**) located at 151a Princes St. East, Otahuhu. It is understood the property owner is investigating the potential for redevelopment of the site, either by renovating or replacing the existing structure (see **Appendix A** for site plan). Parts of the site are identified within the Auckland Unitary Plan (AUP) as being subject to a coastal erosion hazard through the definitions section. However, it is recognised that the definitions are reasonably generic and based on assumptions around broad coastal classifications of the Auckland coastline. Consequently, it is recommended by Auckland Council that site-specific coastal erosion assessments are undertaken to better understand the baseline coastal processes and hazard risk.

This assessment of potential coastal hazards is intended to inform the resource consent process regarding future (re)development at the site.

Figure 1. Location of the study site, situated along the upper reaches of the Tamaki Estuary. Mean high water springs (MHWS) is shown. Inset: Location of the site along the Tamaki Estuary within Auckland.

1.1 Site Description

The subject site is located at 151a Princes Street East, Otahuhu as shown above in **Figure 1**. The site is on a narrow rectangular shaped lot, with a boundary along the coastal margin, and is located on the southern side of Princes Street East on a north-eastern facing section, with a total area of 1447 m². The site is bounded along both sides by other residential properties, with the coastal fringe along its eastern edge. There is an existing residential dwelling and garage on the property.

The topography of the site is relatively flat on the western side, sitting at approximately 6.2 m RL. The site slopes downwards to the coastal boundary on the eastern side where there are two tiers of rock masonry retaining walls which connect to the foreshore (**Figure 2a, 2b**). The first retaining wall which sits on the foreshore rises 2 m to a height of approximately RL 2.5 m. A gently sloped grassy platform is situated between the top of this wall and the second wall rising from RL 3.7 m to 4.8 m. A concrete ramp extends out onto the foreshore north of the coastal boundary edge. The lot to the south which extends along the border of the property constitutes a strip of approximately 5 m of dense vegetation which widens landward to meet the main portion of the adjacent lot (**Figure 2c, 2d**).

Figure 2. a) Photo of the seawall at the coastal boundary at 151a Princes Street; b) the Tamaki Estuary mudflats of the foreshore in front of the coastal boundary; c) the southern edge of the property boundary where it adjoins the adjacent lot; d) a view of the dense vegetation along the boundary with the adjacent lot.

2 COASTAL SETTING

The subject site is located on the western shoreline of inner Tamaki Estuary (**Figure 3**). The site Is approximately 12 km from the mouth of the Tamaki Estuary where it meets the Waitemata Harbour. The main channel of the Tamaki Estuary adjacent to the site is characterised by wide mudflats.

Figure 3. Map of the local coastal setting around 151a Princes St. Left: Broad coastal setting of the Tamaki Estuary. Right: The coastal setting around 151a Princes St. (Data source: LINZ)

A brief analysis of the air photo record indicates there has been minimal shoreline change along the coastal property boundary (**Figure 4**). Between 1955 and 2021, the coastal boundary has retreated by a maximum of 5 m. From 1980 to present, there has been no notable observable change of the shoreline, likely attributed to the protection provided to the coastal boundary by a rock masonry seawall. This reflects the low energy, sheltered nature of the site within the Tamaki Estuary and the dominance of depositional processes represented by the wide, muddy substrate of the Tamaki Estuary.

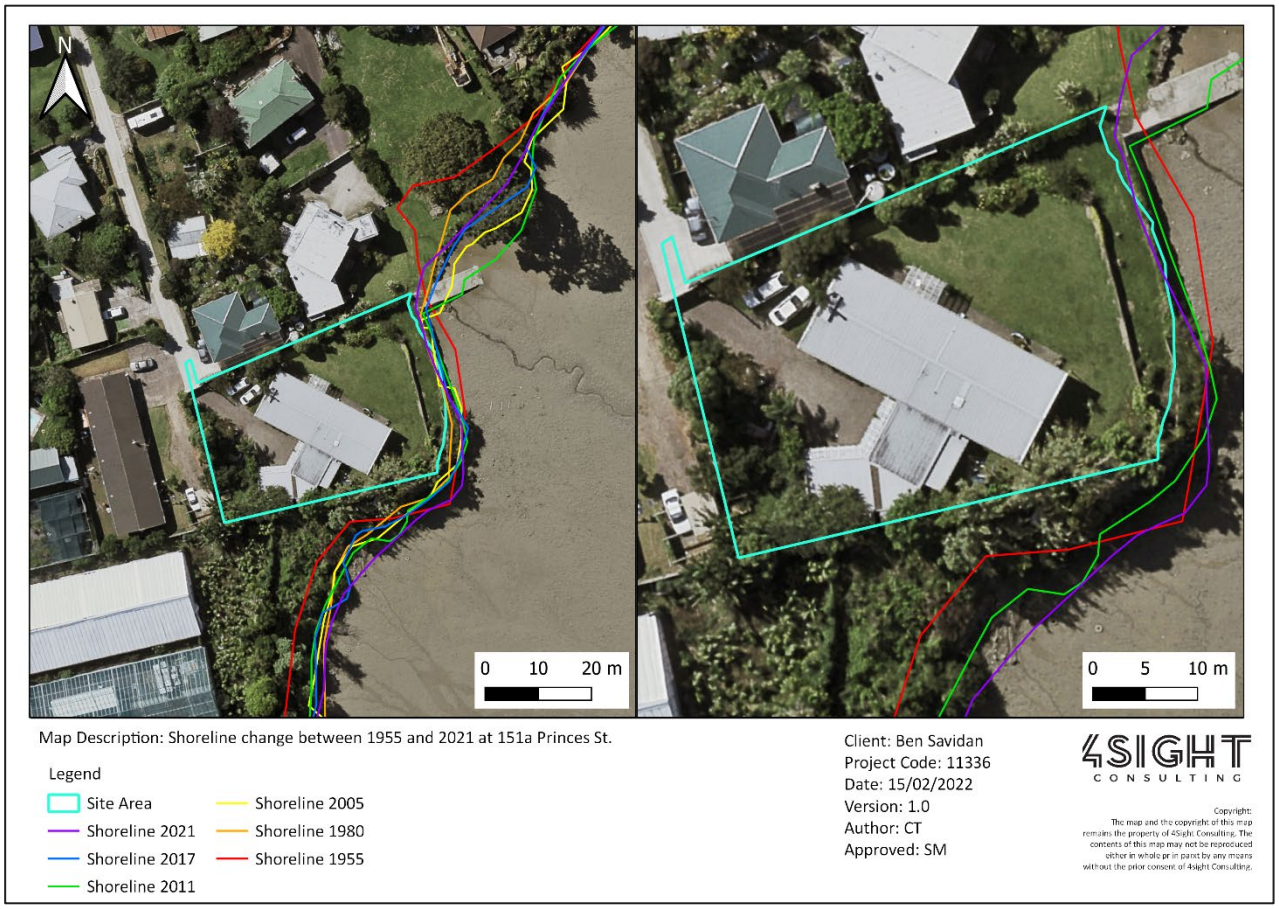


Figure 4. Historic shorelines at the study site. Shorelines were digitised from historic aerial imagery (1955, 1980) and satellite imagery (2005, 2011, 2017, 2021). (Data Source: Retrolens and Google Earth).

The foreshore of the site consists of intertidal flats of the Tamaki Estuary. The mud content at this location is estimated to be between 45% and 60% (Abrahim et al., 2008). There is a sandspit at the mouth of the estuary where the estuary is wave-dominated, whilst the shape of the upper portion of the estuary (an incised valley) results in localised tidal dominance. This forces mud to settle along the estuary margins in this area and form linear bars (Abrahim et al., 2008). This reflects the low energy environment of this area of the Tamaki Estuary where the study site is situated.

The ~2 m high rock masonry seawall along the coastal boundary of the site indicates the maximum height of the water level as approximately 1.6m (**Figure 5a**). The low-energy, tidal dominance of processes is also reflected in the lack of evidence at the site of wave processes and the presence of mussels at the toe of the wall. In the muddy intertidal area in front of the coastal boundary, juvenile mangroves are beginning to become established. The presence of these mangrove seedlings also illustrates the low-energy nature and tidal dominance of the coastal processes at the site, as mangrove growth requires these conditions (**Figure 5b**).

There is also no evidence at the site of erosion of the wall due to wetting and drying processes attributed to the intertidal coastal setting. Instead, tidal processes dominate, with the water level reaching halfway up a rock masonry wall at the coastal edge of the site. The height of the seawall (2 m) means it is unlikely there would be any overtopping of the wall, and there is no evidence of this occurring at present. The elevation of the main platform of the site where the current dwelling is located above the second retaining wall is a minimum of 4.74 m, and as such is beyond the reach of current-day coastal processes (see **Appendix A**).

Figure 5. a) The first (lower) retaining rock masonry seawall atop the muddy foreshore at the coastal boundary of 151a Princes St. The high waterline can be seen, with mussels along the rocks at the toe of the wall. b) Juvenile mangroves beginning to expand across the intertidal area in front of the site.

3 COASTAL PROCESSES

In general, the site is considered a relatively low-energy environment due to its location within the upper Tamaki Estuary system.

Table 1 below provides a range of tidal- and storm-surge variables as an indication of extreme water levels at the site. Projections for 1 m sea-level rise (SLR), as per the Auckland Unitary Plan and Ministry for the Environment (MfE) guidance, and 1.6 m extreme 100-year sea-level projections. Much of this information has been obtained from the Pakuranga Creek arm modelling point within the Tamaki Estuary of Roberts et al., (2020). A pragmatic value for MHWS for the site has been adopted from the closest modelling point to be RL 1.6 m.

Table 1. Predicted water level elevations for the subject area. Estimates are taken from modelling of the Pakuranga Creek within the Tamaki Estuary. Maximum storm surge inundations are calculated for different average recurrence intervals (ARI), combined with inundation 1 m and 1.6 m SLR (adapted from Roberts et al., 2020).

Tidal Variable and Storm Surge	RL(m)	+SL Rise
Mean High Water Springs	1.6	2.4
2yr ARI Storm Surge	2.24	3.24
5yr ARI Storm Surge	2.34	3.34
10yr ARI Storm Surge	2.41	3.41
20yr ARI Storm Surge	2.46	3.46
50yr ARI Storm Surge	2.48	3.48
100yr ARI Storm Surge	2.53	3.53

4 COASTAL HAZARD ASSESSMENT

In general, the degree of risk from coastal hazards at the site will tend to be restricted by the relatively low energy nature of the site. Comment is provided below with respect to the inundation and tsunami risks. A qualitative and quantitative erosion assessment based on local coastal processes and site conditions is also provided.

4.1 Coastal Inundation

Figure 6. Areas susceptible to coastal inundation for a 1% annual exceedance probability (AEP) for present-day risk in alignment with the AUP activity controls, 1% AEP plus 1 m SLR, and 1% AEP plus 2 m SLR. A 1% AEP represents a 100-year storm surge. The boundary of the study site at 151a Princes St. East is outlined and the address annotated. (Data source: Auckland Council Geomaps).

Based upon the information contained in **Table 1** and in **Figure 6** above, the site at 151a Princes Street is not expected to be impacted by projected storm surge events based on current-day sea level. The elevation of the coastal boundary is situated higher than the projected elevations of storm inundation, even for 100-year storm event, the storm inundation is predicted to be 1.11 m, while the top of the first retaining seawall is ~2.5 m. Even for projections which include a 1 m SLR, the maximum storm surge is not projected to overtop the lower seawall. Under a 1.6 m SLR scenario, storm inundation levels may overtop the lower wall. The elevation of the central portion of this wall is between 2.53 – 2.64 m, meaning a 5-year ARI storm would overtop the wall. The elevation of the grassy platform between the two retaining walls averages 3.5 m, meaning even a 100-year ARI storm under a 1.6 m SLR would not extend beyond this platform or reach the base of the second retaining wall.

Intuitively, the frequency and extent of coastal inundation will increase as the impact of sea-level rise is realised. Even under the most extreme sea level project scenarios over the next 100 years, the area on which the dwelling is currently situated is not expected to be impacted due to its elevation (> 4.74 m). Due to the site's low energy coastal

environment and the presence of two retaining walls along the coastal boundary, the impact of any inundation at the coastal fringe adjacent to the boundary is thought to be small, and not to reach the main platform of the site.

4.2 Tsunami

Figure 7. The tsunami risk for the site at 151a Princes St. East. The red area indicates shore exclusion zone of low-lying areas most likely to be affected by a tsunami as defined by Auckland CDEM. The orange area represents the evacuation zone which may need to be evacuated in a medium- or large-scale tsunami. The yellow area would need to be evacuated in a maximum-impact tsunami. (Data source: Auckland Council Geomaps).

Auckland Civil Defence and Emergency Management (CDEM) has produced tsunami risk maps for the Auckland region, indicating areas vulnerable to tsunami, evacuation zones depend on elevation and size of tsunami. The tsunami risk for the study site is shown in **Figure 7**. The shore exclusion zone represents areas which are most likely to be affected by tsunami. The south-eastern corner of the site is classified as this shore exclusion zone. The rest of the site is under the evacuation zone orange designation, meaning the risk to the site from medium- to large- tsunami is assumed to be significant. In a tsunami emergency, the occupants of the site will be reliant upon warnings and evacuation instructions from emergency services.

4.3 Coastal Erosion

In general, the potential for coastal erosion is considered to be low due to the extremely sheltered nature of the site. However, the Auckland Unitary Plan identifies that the coastal erosion hazard area as land which is:

a) *within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18 degrees); or*

b) *at an elevation less than 7m above mean high water springs if the activity is within:*

i. *Inner Harbours and Inner Hauraki Gulf: 40m of mean high-water springs; or*

ii. *Open west, outer and Mid Hauraki Gulf: 50m of mean high-water springs; or*

c) *within a lesser distance from the top of any coastal cliff, or mean high water springs, than that stated in (a) and (b), where identified in a site-specific coastal hazard assessment technical report prepared by a suitably qualified and experienced professional to establish the extent of land which may be subject to coastal erosion over at least a 100 year time frame.*

Under this broad definition the subject site and esplanade reserve would be considered to be at risk from coastal erosion, and a site-specific erosion assessment should be undertaken to understand the true erosion risk at the site as per part *(c)* of the definition.

4.3.1 Quantitative Erosion Assessment

Table 2. Summarised results from the quantitative analysis of erosion risk at 151a Princes St.

Current day ASCIE distance (natural slope settlement)	Future erosion potential over 100-years (+1 m SLR)	Future erosion potential over 100-years (+1.6 m SLR)
8 m	8 m	8 m

The results are presented in **Table 2** identify the current day Area Susceptible to Coastal Instability and/or Erosion (ASCIE) distance, as well as the future ASCIE. The current day ASCIE relates to the natural slope settlement only, whereas the future ASCIE is a function of both cliff instability and cliff toe regression. The impact of future sea level rise (SR) has been accounted for in the Future ASCIE by applying a 1m SLR over the next 100 years, which is in alignment with the Auckland Unitary Plan. A further SLR scenario of +1.6m is also considered which represents a worse-case SLR scenario for New Zealand (RCP8.5H+) based on the latest IPCC climate change projections (Ministry for the Environment, 2017). The long-term toe erosion rate has been estimated at 0 m/year, which is considered appropriate based on the evidence of no shoreline change between 1980 and 2021 (see **Figure 4**) and the presence of the two retaining walls. Applying a conservative approach, we have adopted the 10% exceedance ('unlikely') composite slope angle derived for Tauranga Group cliff slopes as specified in Table 5.9 of Tonkin and Taylor (2021). Full details including the assumptions and calculation sheet are provided in **Appendix B**.

As discussed above, the slope at the coastal margin of the site is protected from marine erosive processes by the seawalls, while the low-energy intertidal mudflats of the Tamaki Estuary mean coastal erosion from wave processes is unlikely. Future landward retreat is therefore considered to be restricted to the natural slope settlement of the existing slopes back to a natural angle of repose. These settlement estimates are calculated to be 8 m (**Table 2**) along the subject frontage, and once settled these slopes should remain relatively stable. Results indicate that the erosion potential (including the impact of 1 m and 1. 6 m SLR) at the 151a Princes St site are calculated to also be 8 m inland from the existing coastal boundary position by 2130 (**Table 2).**

4.3.2 Qualitative Erosion Assessment

In general, the site is considered to be depositional in nature due to its position within the estuary environment. Further, as the site is characterised by mudflats and there is limited ability of coastal processes (such as waves) to act on the rock masonry seawall to create and drive erosion processes. There is no indication at present that wave processes are causing erosion of the existing rock masonry wall.

As such, erosion is not considered to be an issue. However, some weathering from the increased exposure of the coastal boundary to tidal water can be expected. This is not expected to be significant enough to lead to instability issues due to protection provided by the existing retaining walls. The quantitative estimations of erosion risk provided above are also considered to be offset by the presence of the existing walls. As such, the 8 m of potential risk over the next 100-year period with 1 m and 1.6 m SLR, is not expected to eventuate at this location due to the ongoing protection from the 2 m-high seawall and 1 m-high retaining wall provided to the main platform of the site **(Figure 8).**

Figure 8. The seawall and retaining wall at the coastal boundary of the site.

5 SEAWALL AND BOAT RAMP DESCRIPTION

As noted above the site is afforded protection from coastal erosion by an existing rock masonry seawall. Based upon analysis of the available aerial photography record it appears the seawall and boat ramp were constructed between 1961 and 1967 (**Figure 9**). The rock masonry wall is approximately 28m in length and rises 2m above the intertidal area and considered to be in fair condition based upon the Auckland Council condition grading table. A concrete footing has been added to the base of the of the structure presumably to address undermining in the past. There is evidence of some undermining currently but in general the wall alignment and form appears to be reasonably consistent with no significant loss of grout between rock components noted or slumping along the top of the structure. At the southern terminus of the structure there is a small informal seawall comprised of mostly concrete rubble. The northern end of the wall connects into the boat ramp and ultimately a neighbouring low rip-rap seawall.

The boat ramp is approximately 13m in length and 3.5m wide. The lower third of the ramp is considered to be in fair to poor condition with some evidence of minor concrete spalling and toe failure evident (**Figure 10**).

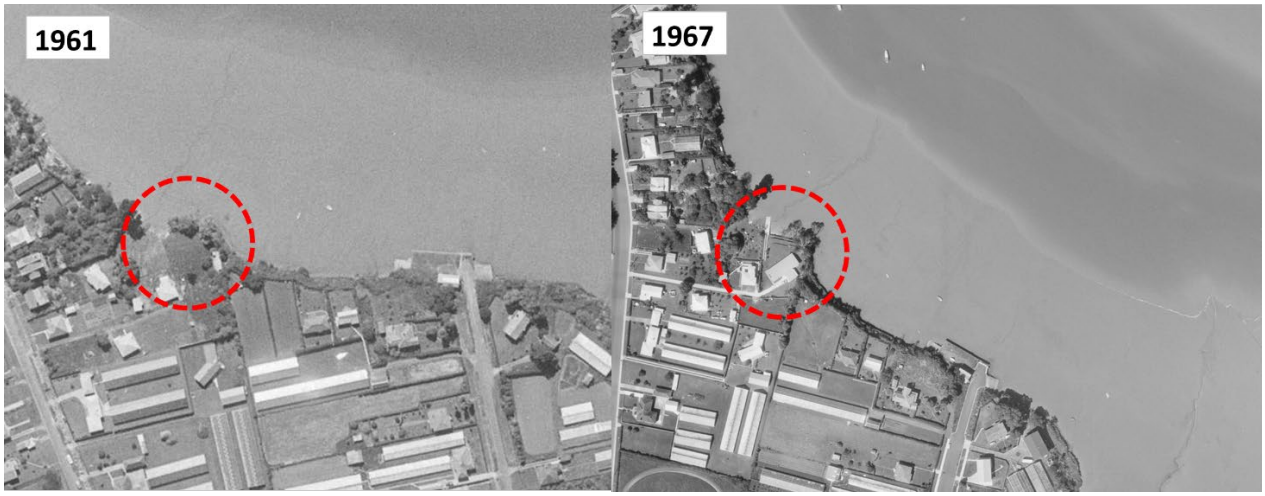


Figure 9: Air photos showing construction of coastal structures between 1961 and 1967. Subject site marked by red dashed circle.

Figure 10: Existing boat ramp at the site and neighbouring rip-rap structure.

6 COASTAL PROCESSES IMPACT ASSESSMENT

As noted above the existing structures have been in place for over 50yrs. The surrounding environment is expected to have adjusted to their presence and given low energy receiving environment the likelihood of any changes at the time of construction was low. This is further exemplified by the position of the structure within the upper reaches of the tidal prism, meaning the interaction of the seawall and boat ramp with coastal processes limited to last 2 hours of the high tide period.

Additionally, the high mud content of the foreshore substrate indicates that the sediment transport fluctuations are limited within the immediate vicinity of the structures. This is supported by observations on site during which no sign of long or cross shore sediment transport were noted.

There is potential for end effects at the southern end of the structure. But given no notable impacts have occurred over the 50yrs since its construction and therefore further impacts over the consent life of the structure (35yrs) are not expected. However, in order to address potential uncertainty, it is recommended that monitoring of the connection point be undertaken on a 5 yearly basis. This will ensure any potential issue are highlighted before significant effects are realised.

7 CONCLUSIONS

A description of the site's geomorphology, coastal processes and coastal hazards have been provided above. The site can be considered as a low energy wave environment, and the associated risk from coastal hazards reflect this. In general, these risks are:

- Coastal inundation is a not expected to affect the proposed developments at the site due to their high elevation.
- The effects of coastal inundation on the lower parts of the property may be able to be mitigated by a planting regime across the lower portion of the site.
- The risk from coastal erosion at the site is considered to be very low should the existing seawall be maintained in an appropriate manner.
- Given the coastal structures have been in place in excess of 50yrs no discernible effects on the coastal environment are expected.

8 REFERENCES

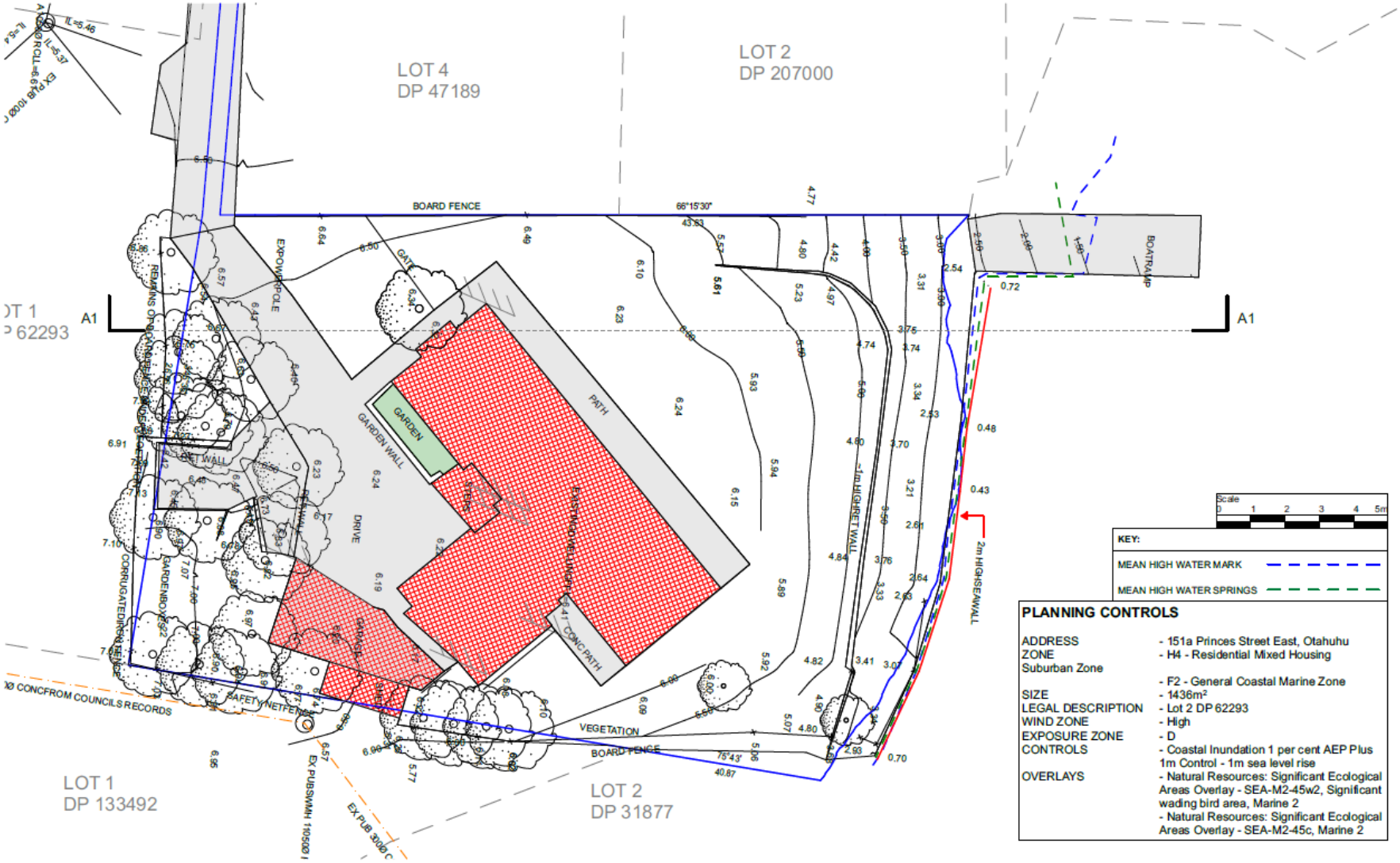
Abrahim, G. M., Nichol, S. L., Parker, R. J., & Gregory, M. R. (2008). Facies depositional setting, mineral maturity and sequence stratigraphy of a Holocene drowned valley, Tamaki Estuary, New Zealand. Estuarine, Coastal and Shelf Science, 79(1), 133-142.

Roberts, R., Carpenter, N. & Klinac, P., (2020). Auckland's exposure to coastal inundation by storm-tides and waves. Auckland Council technical report, TR2020/24.

Tonkin + Taylor, (2018). Tauranga Harbour Coastal Hazards Study - Coastal Erosion Hazard Assessment. Report prepared for Bay of Plenty Regional Council.

Appendix A:

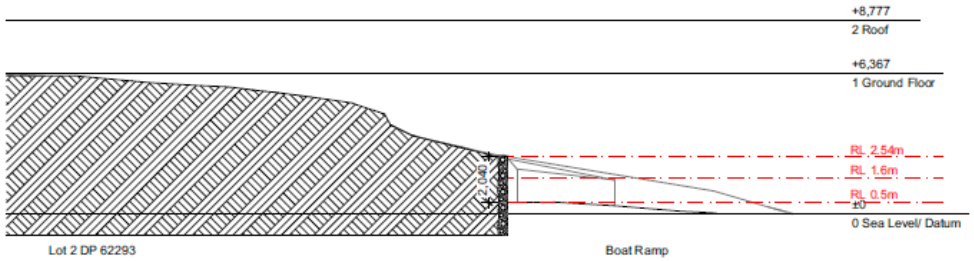
Plans



BOX
0414
151a Princess Street East
Otahuhu
Sketch Design

12/04/22
Existing Site Plan
SD-01
1:200 @ A3
Drawn: CK
Checked: –

4SIGHT CONSULTING



1 Section A 1:200

Sea Wall

Scale 0 1 2 3 4 5m

BOX

0414
151a Princess Street East
Otahuhu

Sketch Design

12/04/22

Drawn: CK

Checked: —

Cross Section

SD-02

1:200 @ A3

Appendix B:

Erosion Calculations

Areas Susceptible to Coastal Instability and Erosion (Tonkin and Taylor, 2021)

Site:	**151 Princes St, Otahuhu**
Project No:	11336
Client:	Ben Savidan
Date:	14/04/2022
Designed by:	Catriona Thompson
Reviewed by:	Sam Morgan

Current ASCIE$_{cliffs}$ =	**8**
Future ASCIE$_{cliffs}$ =	**8**

*Assumed settlement retreat

Variable	Value	Site identified at Puketoka Formation (Tauranga Group)
LT_H	0	0 m/yr (0 cm/yr) considered appropriate for sheltered nature of the site, the rock masonry seawall, and lack of retreat detected by GIS analysis between 1980 and 2021 (based on aerial imagery on Auckland Council Geomaps)
LT_F	2.00	Potential increase in long term retreat from SLR $(S_F/S_H)^T$
S_F	16	1.6 m SLR over 100yr = 16 mm/yr (in accordance with AUP)
S_H	1.6	Average historic rate of SLR of 1.6 mm/year for Port of Auckland tide gauge
m	0.3	Mode value low exposure, Table 5.6, T+T (2021)
T	100	Timeframe of erosion (100 year estimate)
H_{cr}	5.5	Obtained from site-specific topographic survey (max height at the top of the retaining wall)
α_r	34	Composite slope profile for Tauranga Group lithology taken from Table 5.9 of T+T (2021) for 10% (unlikely) excedance
		0.593411946 ***Convert to Radians**
tan α_r	0.674508517	

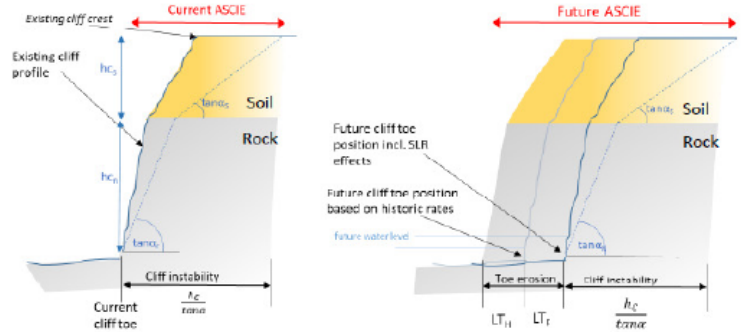


Figure 4.6 Definition sketch for Areas Susceptible to Coastal Instability and/or Erosion on consolidated (cliff) shoreline

4.3.1 Cliff shorelines

The models for consolidated shorelines are expressed in Equation 4.3 (current ASCIE) and Equation 4.4 (future ASCIE), where the ASCIE is established from the cumulative effect of the components (Figure 4.6):

$$Current\ ASCIE = (h_{cr}/tan\alpha_r) + (h_{cs}/tan\alpha_s) \qquad (Equation\ 4.3)$$

$$Future\ ASCIE = ((LT_H \times LT_F) \times T) + (h_{cr}/tan\alpha_r) + (h_{cs}/tan\alpha_s) \qquad (Equation\ 4.4)$$

Where:

h_{cr} = Height (m) of the rock layer of the cliff

h_{cs} = Height (m) of the soil layer of the cliff

α_r = The slope angle (degrees) of the rock layer

α_s = The slope angle (degrees) of the soil layer

LT_H = Historical long-term retreat (regression rate), (m/year)

LT_F = Factor for the potential increase in future long-term retreat due to SLR effects.

T = Timeframe over which erosion occurs (years).

$$R = LT_H \left(\frac{S_F}{S_H}\right)^m \qquad (Equation\ 5.3)$$

Table 5.9: Adopted ASCIE cliff slope angles

Lithology	Composite slope profile (°)		
	Medium	Unlikely	Exceptionally Unlikely
	50% exceedance	10% exceedance	1% exceedance
Tauranga Group	48	34	31
Awhitu Group	38	33	30
AVC/CVZ	42	32	28
Waitakere Group	63	38	28
ECBF	45	27	24
Pākiri Formation	54	28	25
Northland Allochthon	26	14	9
Waipapa Group	42	31	26

Areas Susceptible to Coastal Instability and Erosion (Tonkin and Taylor, 2021)

Site:	**151 Princes St, Otahuhu**
Project No:	11336
Client:	Ben Savidan
Date:	14/04/2022
Designed by:	Catriona Thompson
Reviewed by:	Sam Morgan

Current ASCIE$_{cliffs}$ =	**8**
Future ASCIE$_{cliffs}$ =	**8**

*Assumed settlement retreat

Variable	Value	
		Site identified at Puketoka Formation (Tauranga Group)
LT_H	0	0 m/yr (0 cm/yr) considered appropriate for sheltered nature of the site, the rock masonry seawall, and lack of retreat detected by GIS analysis between 1980 and 2021 (based on aerial imagery on Auckland Council Geomaps)
LT_F	1.73	Potential increase in long term retreat from SLR $(S_F/S_H)^T$
S_F	10	1 m SLR over 100yr = 10 mm/yr (in accordance with AUP)
S_H	1.6	Average historic rate of SLR of 1.6 mm/year for Port of Auckland tide gauge
m	0.3	Mode value low exposure, Table 5.6, T+T (2021)
T	100	Timeframe of erosion (100 year estimate)
H_{cr}	5.5	Obtained from site-specific topographic survey (max height of the sloped bank at the top of the retaining wall)
α_r	34	Composite slope profile for Tauranga Group lithology taken from Table 5.9 of T+T (2021) for 10% (unlikely) excedance
		0.593411946 ***Convert to Radians**
tan α_r	0.674508517	

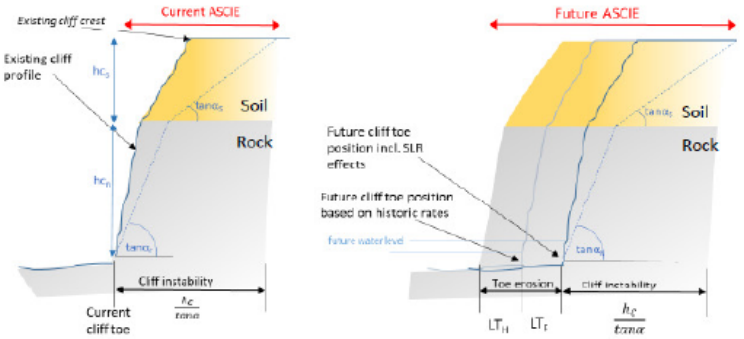


Figure 4.6 Definition sketch for Areas Susceptible to Coastal Instability and/or Erosion on consolidated (cliff) shoreline

4.3.1 Cliff shorelines

The models for consolidated shorelines are expressed in Equation 4.3 (current ASCIE) and Equation 4.4 (future ASCIE), where the ASCIE is established from the cumulative effect of the components (Figure 4.6):

$$Current\ ASCIE = (h_{cr}/tan\alpha_r) + (h_{cs}/tan\alpha_s) \qquad (Equation\ 4.3)$$

$$Future\ ASCIE = ((LT_H \times LT_F) \times T) + (h_{cr}/tan\alpha_r) + (h_{cs}/tan\alpha_s) \qquad (Equation\ 4.4)$$

Where:

h_{cr} = Height (m) of the rock layer of the cliff

h_{cs} = Height (m) of the soil layer of the cliff

α_r = The slope angle (degrees) of the rock layer

α_s = The slope angle (degrees) of the soil layer

LT_H = Historical long-term retreat (regression rate), (m/year)

LT_F = Factor for the potential increase in future long-term retreat due to SLR effects.

T = Timeframe over which erosion occurs (years).

$$R = LT_H \left(\frac{S_F}{S_H}\right)^m \qquad (Equation\ 5.3)$$

Table 5.9: Adopted ASCIE cliff slope angles

Lithology	Composite slope profile (°)		
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ECBF	45	27	24
Pākiri Formation	54	28	25
Northland Allochthon	26	14	9
Waipapa Group	42	31	26

Figure 5.5: Long-term

PC 78 Sub #1001

11th April 2022

Job Number:054-031

Ben and Penelope Savidan

c/o Box Design

1 Jervois Road, Ponsonby

Dear Ben and Penelope,

Structural Assessment of Existing Seawall and Retaining Structures at 151a Princes Street East, Otahuhu.

Summary

The retaining walls appear to be in reasonable condition for their age and appear to be performing adequately at this moment in time based on brief visual observations. However, their unknown construction means that they cannot be relied upon to support the pool. Therefore, the pool should be independently supported by either piling under the pool or setting it back behind the zone of influence of the retaining walls.

Brief

C&H Consulting Engineers have been instructed to provide an initial feasibility assessment for the construction of a new pool in the garden of 151A Princess Street, Ōtāhuhu. In particular, the Client has asked us to comment on the existing retaining walls that support the grassed area where the pool is to be situated.

This assessment is based on a visual inspection and engineering judgment only. We do not know the history of the property and we're not provided with any proposed drawings, record drawings or construction information regarding the wall and our advice is caveated accordingly. Our advice is limited to structural aspects only and is not a detailed schedule of conditions nor repair recommendations.

C&H Consulting have also reviewed the Site Specific Coastal Hazard Assessment report prepared by 4Sight Consulting with respect to the expected coastal inundation risk and potential affects on the retaining wall.

Site

151a Princess Street is situated at the end of a right of way on the edge of the Tamaki River in Ōtāhuhu, South Auckland. The site layout generally consists of an existing single level swelling house with a grassed area bordering the river on the eastern boundary. The grassed area is significantly higher than the level of the river (circa 6m overall difference in level), with sloped terraces being formed by two stone retaining walls.

New Zealand Geotechnical Database lists a hand auger log made by Tonkin & Taylor Limited at Bedingfield Park, approx. 200m from the site (Refer 21061 AH36). This log records ground conditions of Fill to 0.5mBGL over Ash to 0.85mBGL to silt/sediment to end of log at 2.1m.

Observations

The lower of two retaining walls forms a sea wall along the majority of the river frontage on the eastern boundary, with an old concrete boat ramp to the north and a rubble embankment to the south.

The wall is about 2.5m high with its base in the mudflats and consists of quarried stone. The age of the wall is known, but from the construction style and weathering, we would estimate the original construction to be 40-80 years old, very approximately only.

Overall, the wall appears relatively vertical and reasonable condition considering its age.

The wall has a number of cracks and lose areas of mortar. There is a large, tapered vertical crack and about the middle of the wall, 50 millimetres at the top, trending down to say 15 at the bottom. This particular crack is indicative of a 'hard spot' (such as bedrock) under the wall causing differential settlement in the plane of the wall. It is not indicative of an overall instability.

There are signs of many repairs over the years including the mortar some of which has become loose again and towards the boat ramp, northern end of the wall. It has been over sprayed with gunnite/shotcrete concrete which has since been slightly undermined.

The wall does have some drains to relieve water pressure from behind the wall. However, the drains themselves are dry and water is leaching out the stonework at the bottom of the wall. The existing footing may be partially undermined by tidal and wave action, though the depth and construction is unknown.

Behind the lower wall there is a steep embankment circa 30 degrees which rises about five meters up to the higher-level wall.

The higher-level wall is generally 1.0m in height and consists of three courses of large, quarried stone set in mortar. The grassed area behind this wall is also sloped at circa 30degrees for a couple of meters before levelling out.

The wall appears to be in reasonable condition for its age, with a slight back slope and no signs of forward rotation.

There are some vertical cracks and loose mortar, but these are indicative of movement in the plane of the wall and not immediately alarming. The wall returns parallel to the northern boundary at a lower height, where deficiencies in the mortar become more pronounced.

Towards the southern end of the upper wall, an area of ground has been excavated and exposed the walls foundation. The foundation consists of a very thin (circa 150mm thick) concrete base with no 'toe' on what appears to be Clay subsoil.

Discussions

The wall is in reasonable condition for its age, showing signs of cracking and loose mortar due to the rudimentary nature of the original construction and exposed environment. However, it is an old wall and is very unlikely to have been 'engineered' or constructed to modern standards and future performance expectations should be set accordingly.

Considering the above, it would not be possible to justify any additional load (in the form of a new pool) onto the old (and unknown construction) retaining walls. It could not be demonstrated that the existing wall will have a design life of >50 years which would be required if it were in any way to support new pool construction.

Therefore, it would be considered best engineering best practice to isolate the new pool construction from the retaining walls. This is so that any future failure or repair/replacement of the aged retaining walls will not affect the stability of the pool.

Recommendations

There are two general options for the pool construction:

Option 1 – Pile the pool to take the level of support below the level of the retaining walls.

Option 2 – Set the pool far enough back from the retaining walls so that it is outside the zone of influence.

The Client will need a Geotechnical Engineer to undertake investigations and provide recommendations on the feasibility and particulars of the above approaches as well as undertake an assessment over overall slope stability.

The pool itself will need to be designed by a Structural Engineer, which C&H would be happy to undertake by separate agreement

We trust that the advice in this report is clear and fulfils the requirements of our brief. However, if you're unsure of any of the comments whatsoever, or require any additional information please contact our office.

Yours Faithfully,

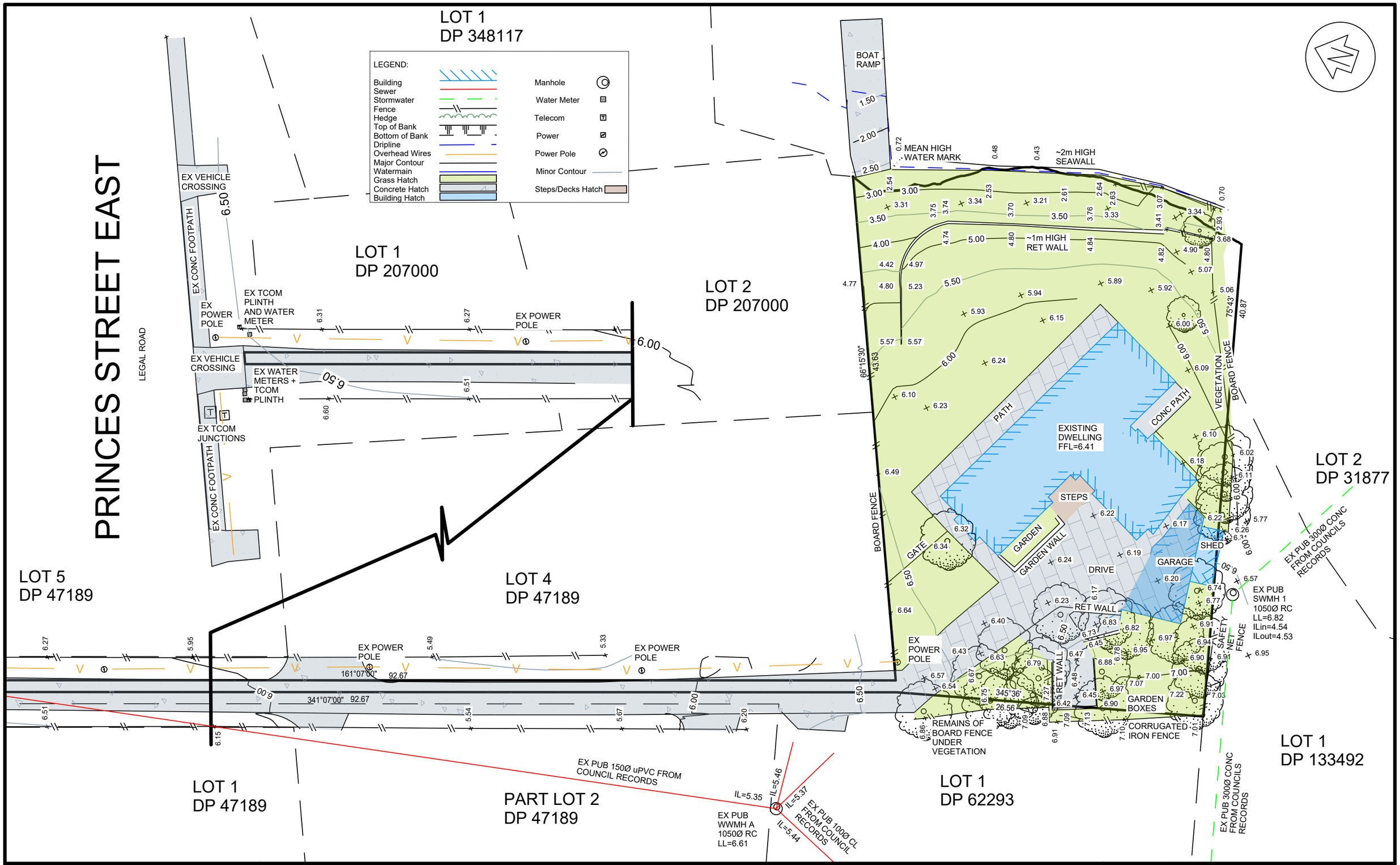
Chris Concannon

Director

CMEngNZ CPEng IntPE(NZ), BE

AC Author Number 3366

chris@candh.co.nz



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RPC LAND SURVEYORS
So much more than a Bloke with a Theodolite.
PO Box 217 217, Botany Junction, Auckland 2164 www.rpc.co.nz

TOPOGRAPHICAL PLAN FOR LOT 2 DP 62293

AT 151A PRINCES STREET EAST, OTAHUHU

TOTAL AREA: 1447m²	Date:	27 January 2022
Comprised in CFR : NA24B/1377	Scale:	1:300 @ A3
NOTES: This plan is to be used by the named client only. Areas and dimensions are approximate only and are subject to final survey. Levels are in terms of: NZVD2016 Origin of levels is: IT XI DP 70184 Contour interval is: 0.5	Drawn by:	PL
	Client:	PENELOPE & BEN SAVIDAN
	Ref:	A2109-01

C:\12dSynergy\12dSWorkspace\data\DATASERVER\A2109 151a Princes St East, Otahuhu, Auckland 1062, New Zealand_995\12d\151a Princes Street East, Otahuhu.12dmodel\151a Princes Street East, Otahuhu

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 3:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Summerset Villages Warkworth Limited and Summerset Villages Ellerslie Limited
Attachments: Submission-01-aw.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Summerset Villages Warkworth Limited and Summerset Villages Ellerslie Limited

Organisation name:

Agent's full name: Andrew Wilkinson

Email address: andrew@scottwilkinson.co.nz

Contact phone number: 021619571

Postal address:
PO box 37359
Parnell
Auckland 1151

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Please refer to attached document

Property address: 31 Mansel Drive, Warkworth and 8 Harrison Road, Mt Wellington

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:
Please refer to attached document

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

Details of amendments: Please refer to attached document

Submission date: 28 September 2022

Supporting documents
Submission-01-aw.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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

PROPOSED PRIVATE PLAN CHANGE 78 - INTENSIFICATION

1 SUBMITTER DETAILS

Submission by:

Summerset Villages (Warkworth) Limited and Summerset Villages (Ellerslie) Limited

Owner of Summerset Falls Village at 31 Mansel Drive, Warkworth and Summerset at Heritage Park at 8 Harrison Road, Mt Wellington

Agent and Address for Service for Submission

Andrew Wilkinson
Scott Wilkinson Planning
PO Box 37-359
Parnell
Auckland
Email: andrew@scottwilkinson.co.nz
Phone: (09) 354 4166 or Mobile: 021 619 571

2 SUBMITTER LOCATION AND BACKGROUND

Summerset Villages (Warkworth) Limited own the 79,357m^2 site containing a comprehensive care retirement village that has 204 independent units, plus 44 care apartments and 41 care beds located at 31 Mansel Drive, Warkworth. The location of the Summerset Village is identified in **Figure 1** below. The Summerset Village Warkworth was established in 2010 and further extended in 2016-18.

Summerset Villages (Ellerslie) Limited also owns 8 Harrison Road, Ellerslie, a 38,777m^2 site also containing a comprehensive care retirement village, that has 241 independent independent units, plus 43 care apartments and 79 care beds. The location of this Village is identified in **Figure 2** below.

3 SUBMISSION

3.1 ZONING

The current zoning of the entire Summerset Villages (Warkworth) site under the Auckland Unitary Plan (Operative in Part) is Residential – Mixed Housing Suburban Zone. Under Plan Change 78 this is to be rezoned to Residential – Mixed Housing Urban. This change in zoning is supported by Summerset.

The Summerset Villages (Ellerslie) Limited site is located at Harrison Road, and currently has a Residential – Mixed Housing Urban Zone applied to it. This zoning is not proposed to change under Plan Change 78, which is not of concern to Summerset for the purposes of the plan change.

3.2 QUALIFYING MATTERS – SIGNIFICANT ECOLOGICAL AREA

A portion of the Significant Ecological Area (SEA) touches the edge of the Summerset Village site at Warkworth.

Summerset is not opposed to the SEA existing in the form that it is conveyed by operative provisions

of the Unitary Plan; however, the manner in which the qualifying matter is applied to the zone is considered to lead to a degree of confusion as to its application and implications for the site

The Plan Change activity table lists two or more residential 'dwellings' subject to an SEA as a discretionary activity (per rule A2B), but remains silent on the activity status for an integrated residential development in an SEA. Although the definition of "retirement villages" excludes "Dwellings", and Council's practice guidance notes indicate that retirement villages do not have the provision of 1-3 or 4+ units apply, but by remaining silent for "integrated residential development", Summerset is concerned that a conservative council interpretation would say that alterations to the village would be subject to the new 'dwelling' rule A2B trigger. The confusion is added to by the fact that (A32B) applies to any buildings within an SEA, which would be a discretionary activity.

Summerset considers that the rules should be made more explicit and clearer as to whether or not the qualifying matter applies to Integrated Residential Developments within the various zones.

3.3 QUALIFYING MATTERS –VOLCANIC VIEWSHAFTS

Summerset is concerned that the Village at 8 Harrison Road, Mount Wellington has had a qualifying matter applied, related to the Volcanic Viewshafts Overlay. Although the purpose of the overlay has already existed under the AUP, and is accepted, the Council's own accurate mapping of the overlay means that it is an unnecessary requirement to then reference the matter as a qualifying matter when the overlay is significantly higher than the zone height limits. The Council's s32 analysis draws reference to the ability to rely on existing processes of notification and refusal of applications.

Summerset has no opposition to the existence of the Volcanic viewshaft, and does not dispute the fact that views of the Maunga are a section 6 matter, worthy of being made a qualifying matter. However, the qualifying matter has been applied in a blanket approach to any land sitting under a viewshaft irrespective of the practical difference between the permitted zone height and the contour of the viewshaft, and in so doing applies an unnecessary level of control/appearance of restriction, when none should be necessary.

It is considered that the accurate contours that do exist for the viewshaft mean that a more refined extent of the 'qualifying' area can and should be shown on mapping. The qualifying matter should only apply in circumstances where the zone height is greater than the viewshaft, or where the difference is within only a few metres. It is considered that the detailed mapping and contour information held by the Council should make this possible, and can avoid unnecessarily applying a qualifying matter where one need not exist.

In the case of the Summerset Village, the contours show the plane of the viewshaft to be least 43m above the land, significantly above the height limit for the Residential – Mixed Housing Zone of 11m plus 1m for roof form.

4 RELIEF SOUGHT

The submitter seeks the following relief:

1. That the zoning of Residential - Mixed Housing Urban Zone be confirmed for both the Summerset Warkworth and Ellerslie villages. | 1008.1 1008.2

2. That changes be made to the qualifying matters for significant ecological areas, to be clear that the qualifying matter does not apply to Integrated Residential developments (for retirement villages). | 1008.3

3. That the qualifying matter associated with the volcanic viewshaft be removed from the | 1008.4

Ellerslie village, and that a more detailed analysis be provided to determine the extent of the qualifying matter so that only sites practically affected by the viewshaft overlay are shown as qualifying matters.

OR

4. Such other relief that will meet the concerns of the Submitter.

AND

5. Such consequential relief necessary to give effect to this submission.

5 OTHER

Summerset Villages (Warkworth) Limited and Summerset Villages (Ellerslie) Limited will not gain an advantage in trade competition through this submission.

Summerset Villages (Warkworth) Limited and Summerset Villages (Ellerslie) Limited is directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

Summerset Villages (Warkworth) Limited and Summerset Villages (Ellerslie) Limited wish to be heard in support of its submission.

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

Oliver Boyd
National Development Manager
Duly authorised agent for
Summerset Villages (Warkworth) Limited and
Summerset Villages (Ellerslie) Limited

Date: 23 September 2022

FIGURE 1

Location of Summerset Falls Village, 31 Mansel Drive, Warkworth and identification of the SEA

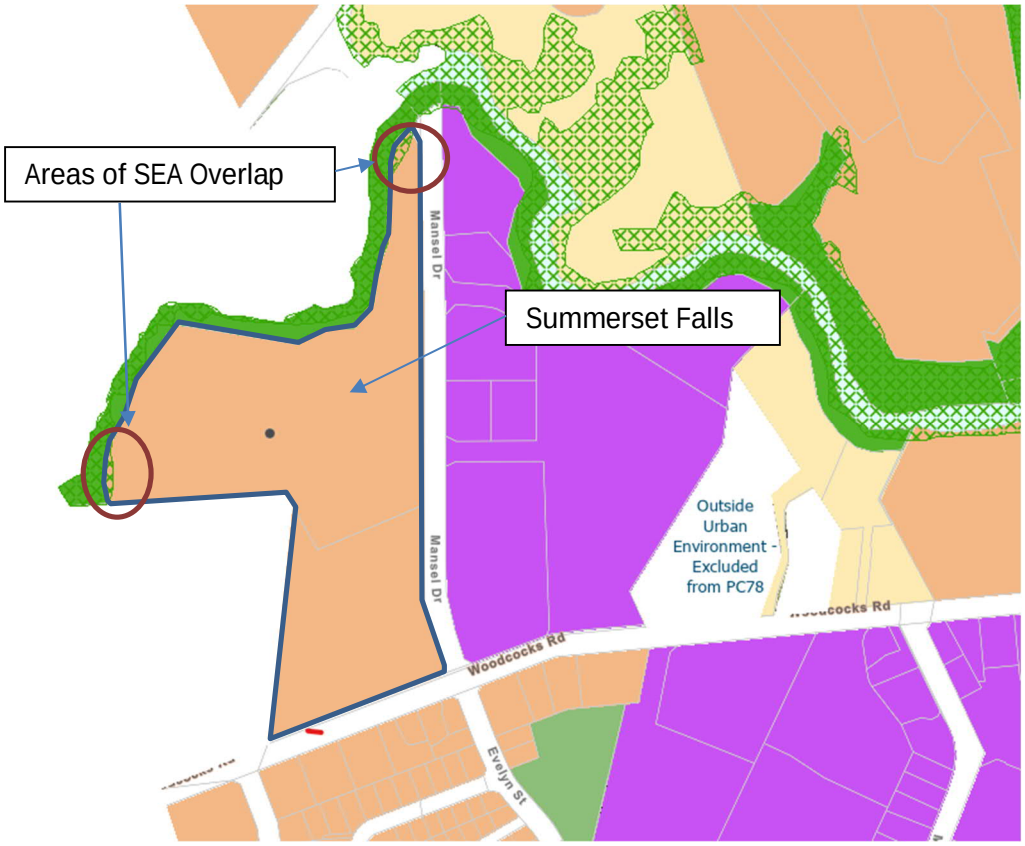


FIGURE 2

Location of Summerset Heritage Park, 8 Harrison Road, Mount Wellington, and identification of the Volcanic Viewshaft Overlay

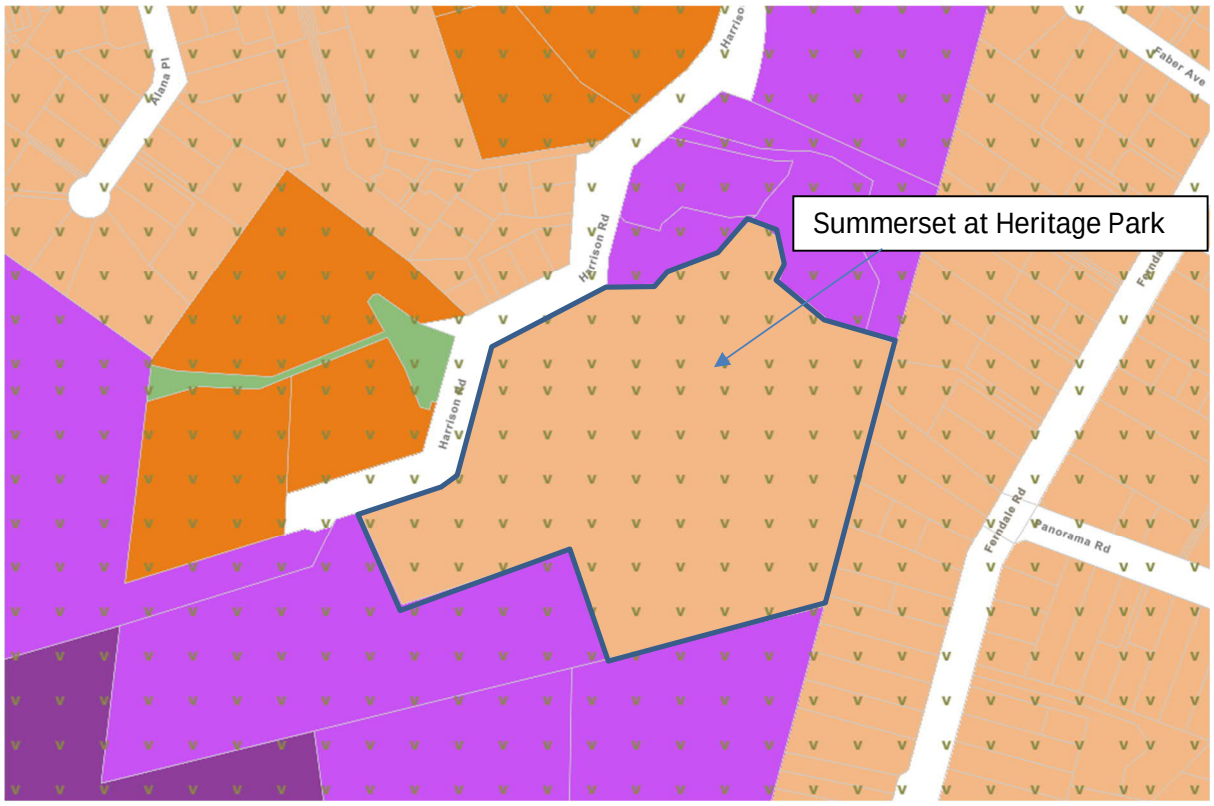
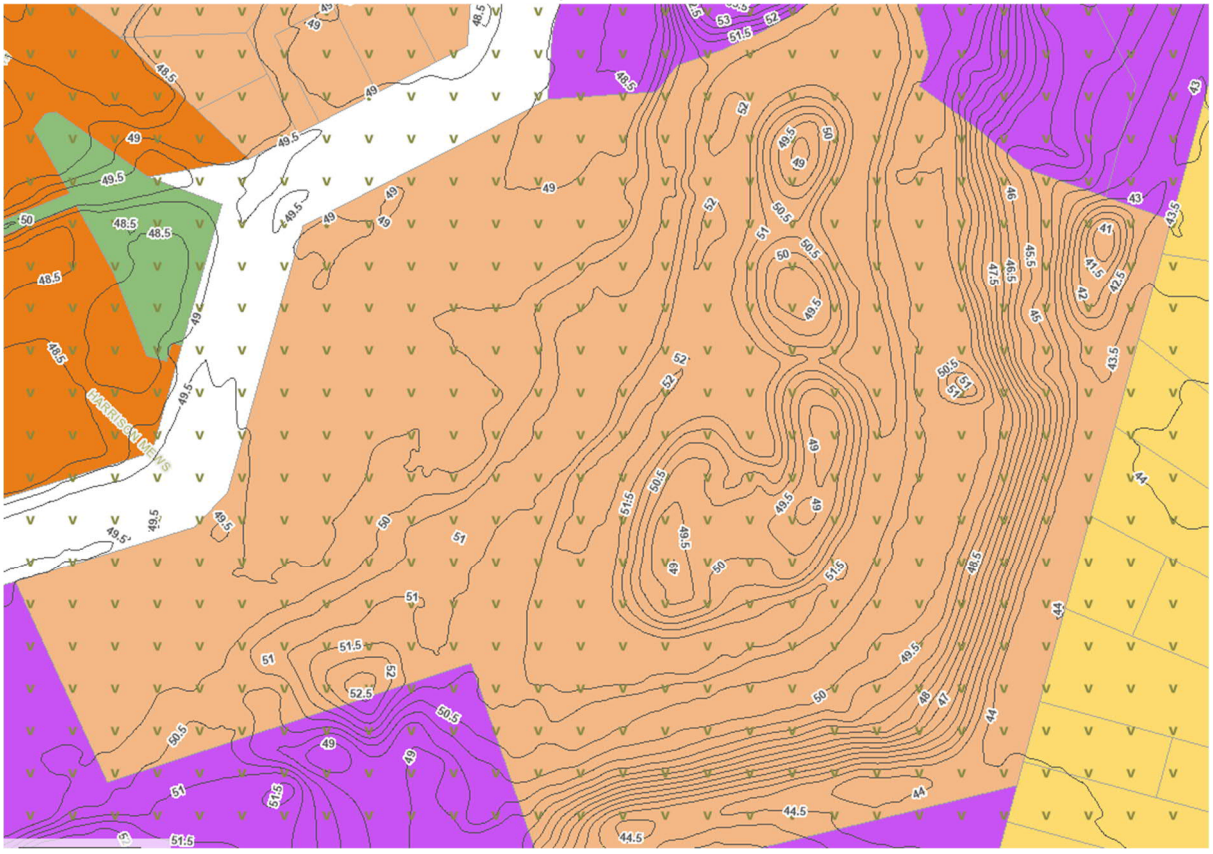


FIGURE 3

Viewshaft Contours over the Summerset at Heritage Park site at 8 Harrison Road, Mount Wellington



George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 3:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Linda Ann Whitcombe

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Linda Ann Whitcombe

Organisation name:

Agent's full name:

Email address: celticfiddle@gmx.com

Contact phone number:

Postal address:
2A North Avenue
Narrow Neck
Auckland 0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special character overlay as it relates to Devonport

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:
Devonport is an important historic suburb with unique marine suburbs. It is a popular tourist destination and attraction. Intense development will greatly impact Heritage value and destroy Devonport character. Make Victoria Road shopping area an historic area.Remove Policy 3 d for residential area in Devonport.

1017.1
1017.2
1017.3
1017.4

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

Details of amendments: Remove policy 3d

Submission date: 28 September 2022

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.

Yes

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

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 3:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Kenneth James Miller
Attachments: Subdivision decision 149 Beach Road Castor Bay.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kenneth James Miller

Organisation name:

Agent's full name:

Email address: ken@woodfordproperties.co.nz

Contact phone number:

Postal address:
149 Beach Road
Castor Bay
Auckland 0620

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address: 149 Beach Road Castor Bay Auckland 0620

Map or maps: Lot 2 149 Beach Road, Castor Bay, Auckland 0620

Other provisions:
Subdivision of Lot 2 149 Beach Road, Castor Bay, Auckland, 0620 into lots 2 & 3 as per Approved Subdivision #SUB60348099 dated 29 November 2019

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:
We are in the process of subdividing Lot 2 149 Beach Road, Castor Bay Auckland 0620 into Lots 2 & 3 as per approved subdivision #SUB60348099 issued 29 November 2019. The Engineering Plan #ENG60404268 has just been approved - 16 September 2022
I would submit that Lot 3 should be zoned Mixed House Urban Zone as the Coastal Erosion Qualifying Matters as identified in Lot 2 do not extend to Lot 3. Adjacent lots on Beach Road (157,163,163A,167,169 etc.) are zoned Mixed

1019.1
1019.2

House Urban Zone as the Coastal Erosion Qualifying Matters do not extend to those lots and therefore I submit our Lot 3 should also be zoned Mixed House Urban Zone

1019.1

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

1019.2

Details of amendments: Zone Lot3 as Mixed Housing Urban Zone not Low Density Residential Zone as Lot 2

Submission date: 28 September 2022

Supporting documents
Subdivision decision 149 Beach Road Castor Bay.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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Our Ref: SUB60348099

29 November 2019

David Parkinson
Red Rhino Consultants Limited
2i/3 Ceres Court
Rosedale
AUCKLAND 0632

Attention: David Parkinson

Dear David

RESOURCE CONSENT APPLICATION – ADVICE OF DECISION

Application Number:	SUB60348099
Applicant:	Ken Miller
Proposed Activity(s):	Subdivision of Lot 1 DP176897 into three lots in two stages
Address:	149 Beach Road, Castor Bay

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the Auckland Council District Plan North Shore Section and the Proposed Auckland Unitary Plan a decision has been made to **grant** your application with conditions.

For your reference a copy of the decision is attached. It outlines the basis for the decision and any associated conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us or file an appeal with the Environment Court within 15 working days of receiving this decision.

Objections under section 357 of the Resource Management Act 1991 must be lodged with the Council within 15 working days of the receipt of the decision at the following address:

Auckland Council
Attention: Resource Consent Principal Planner Hearings and Resolutions
Takapuna Service Centre,
1 The Strand
Takapuna 0622

Information on "The Objection Process" can be found on our website www.aucklandcouncil.govt.nz (type "Objections to Council" in the search box and select same). Any objection to additional charges relating to the processing of the application, made under section 357B, shall be made in writing to the Council (to the last mentioned address) within 15 working days of receipt of the invoice.

You can file an appeal with the Environment Court within 15 working days of receiving this decision under section 120 of the Resource Management Act 1991. A copy of the appeal must be served on Council within 15 working days of the receipt of the decision, at the following address for service:

Auckland Council
Attention: Resource Consent Hearings and Resolutions Team Manager
Private Bag 92300
Auckland 1142

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/court/environment-court.

The information on objections and appeals in this letter is provided as a guide only and does not constitute legal advice.

If you have any general queries, please contact the undersigned at 09 301-0101 and quote the application number above.

If you have any engineering queries, please contact Council's Senior Development Engineer Cedric Daniel on 021 658 039.

Any request for a 224c certificate should be in writing and include sufficient detail to show that all conditions of consent have been met. Where practicable the following e-mail address should be used for such requests and also the lodgement of further information.

takapunasubdivision@aucklandcouncil.govt.nz

Yours sincerely

Glenmo Perera
Subdivision Advisor
Auckland Council – Orewa Service Centre

❖ Encl.

Decision on Application for Resource Consent under the Resource Management Act 1991

Restricted Discretionary activity for a Subdivision Consent under the AUP: OP

Application Number: SUB60348099

Applicant: Ken Miller

Site Address: 149 Beach Road, Castor Bay

Legal Description: Lot 1 DP 176897

Proposal: This application seeks subdivision consent to convert an existing two-unit cross lease development into two freehold titles (Stage 1) and then create a complying vacant lot (Lot3) as the second stage.

This matter requires resource consent for the following reasons:

Subdivision Consents – (s11) – SUB60348099

Auckland Unitary Plan (Operative in part)

Subdivision – Stage 1

- **Rule E38.4.1 (A3)** – requires this Stage 1 subdivision, which is a conversion of a cross lease to a fee simple, as a **Controlled** activity;
- **Rule E38.4.2 (A14 & 15)** requires this subdivision, which is proposed around exiting residential buildings and development complying with standard E38.8.2.2, to be considered as a **restricted discretionary** activity.

Subdivision – Stage 2

- **Rule E38.4.2 (A14 & 15)** requires this subdivision, which is proposed around an existing residential building while creating a vacant lot complying with standard E38.8.2.2, to be considered as a **restricted discretionary** activity.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

Not Applicable

Decision

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under section 104 & 104A the application is **GRANTED**.

Reasons

The reasons for this decision are:

1. The application is for a restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered: Those matters are:

   "(a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;

   (b) the effect of infrastructure provision and management of effects of stormwater

   (c) the effect on the functions of floodplains and provision for any required overland flow- paths:

   (d) the effect on historic heritage and cultural heritage items:

   (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;

   (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;

   (g) the effects arising from any significant increase in traffic volumes on the existing road network;

   (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;

   (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;"

Design and Layout of Sites

The design and layout of the subdivision has considered the environmental characteristics of the land and its surroundings. The current dwellings on the proposed lots will retain and protect the existing landform and will maintain all existing amenities for the existing dwellings without any change.

Infrastructure (Stormwater and wastewater drainage, water supply)

Wastewater
Existing public reticulation serves proposed Lots 1 and 2 to be created under Stage 1. Stage 2 will involve creating a new connection for Lot 3 and redirecting the Lot 2 connection.

Stormwater
The site is not subject to SMAF 1 or 2 controls and is not affected by any overland flowpath, flood sensitive or flood plain areas. The stormwater discharge reticulation for the Lots 1 and 2 are already in place and a new discharge connection can be provided to Lot 3.

Water Supply
Public reticulation is available within the road berm fronting the site and a fire hydrant is located within the road berm.

Access and Parking

The existing arrangement for access will not change, with each dwelling retaining the same vehicle crossing off Beach Road. Onsite car parking for each unit is available including manoeuvring areas. Appropriate row easements have been proposed for the continuation of existing access and manoeuvring areas.

For the above reasons it is considered that the adverse effects on the surrounding environment, as a result of the subdivision, are less than minor.

2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:

    - The proposal will result in a subdivision layout of three new lots (in total) being created around two existing dwellings and resulting one complying vacant lot.
    - The required parking and other amenity areas for the existing dwellings will be provided while creating a complying vacant lot.
    - Council's senior subdivision advisor has reviewed the application and is satisfied that appropriate infrastructure servicing is provided. Separate water supply and utility services are already provided to each dwelling.
    - The recommended conditions reflect the need for the consent holder to verify the condition of the existing private drainage systems to make sure that they are operating satisfactorily prior to the issue of s224c certificate.
    - A condition has also been included to show appropriate service easements for necessary drainage and services at the s223 survey plan approval stage.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular the relevant zone-specific Objectives and Policies for the relevant zone are located at E 38.2 and 38.3 of the AUP: OP.

    It is considered that the proposed subdivision is in keeping with the objectives and policies of the AUP: OP.

    The relevant assessment criteria are contained in E 38.12.2 of the AUP. It is considered that the proposal, which complies with all relevant standards, meets these assessment criteria under the AUP: OP.

    It is concluded that the proposed subdivision is consistent with the relevant objectives and policies of the AUP: OP.

4. As a restricted discretionary activity, no other matters can be considered under s104(1)(c) of the RMA. This subdivision for converting the current unit titles to a fee simple subdivision to enable the creation of three separate independent property titles for the two existing dwellings and one complying vacant lot will not be contrary to any of the objectives and policies of the Auckland Unitary Plan (AUP: OP) and as such meets the provisions under s104.

5. In terms of section 106 of the Resource Management Act 1991, the site is not subject to any natural hazard that may affect the proposal; and the subject land is suitable for subdivision. Consent conditions are imposed to ensure all the related works are completed and inspected. Sufficient provisions have been made for all allotments for legal and physical access. The subdivision can be granted.

6. This subdivision application is consistent with Part 2 of the Resource Management Act as it provides for the efficient use of the site for an appropriate development in accordance with an existing development and an approved land use resource consent whilst avoiding and mitigating any adverse effects on the environment.

7. Overall the proposal achieves the sustainable management purpose of the RMA under Part 2 because the proposal involves the use of an existing resource, a site within an established residential area to add to the housing stock of the area without impacting on more sensitive landscapes or green field sites. The proposal is also designed in a way that provides for appropriate infrastructure arrangement and accommodating lots around two existing dwellings while creating a complying vacant lot as anticipated by the Auckland Unitary Plan. The consent should be granted subject to the following conditions:

Conditions

Under section 108 of the RMA, this consent for the two-staged subdivision is subject to the following conditions:

This consent is subject to compliance with the following conditions prior to the issuing of a certificate in terms of Section 224(c) of the said Act:

General Conditions

Activity in accordance with application plans and reports

1. The **3 lot** residential subdivision activity shall be carried out in two stages subject to the Auckland Unitary Plan (AUP:OP, Section E38 in particular) and in accordance with the intent of all reports, plans and information submitted with the application, detailed below, and all referenced by the Council as consent number SUB60348099

   Assessment of Environment Effects
   Application form, and assessment of environmental effects prepared by Red Rhino Consultants dated November 2019.

   Reports
   Engineering Infrastructure Report" reference 12780-01 prepared by Airey Consultants Ltd dated November 2019

Plans
Airey Consultants Ltd drawing set 12780-0 sheets as follows

	Sheet	100	Revision	A	Dated	1/11/2019
"Proposed Civil Work Plan – Stage 2"	Sheet	101	Revision	A	Dated	1/11/2019

Al Bates & Associates drawing set 219186 sheets as follows

"Stage 1"	Dated	29-10-19
"Stage 2"	Dated	31-10-19

STAGE 1

Survey Plan Approval (S223) Conditions

Legalities

2. The rights-of- way and any necessary services easements over parts of Lots 1 and 2 must be included in a memorandum of easements endorsed on the Survey Plan and shall be granted or reserved. The consent holder shall meet the costs for the preparation, review and registration of the easement instruments on the relevant records of title.

Survey Plan

3. The consent holder may submit a survey plan generally in accordance with the approved scheme plan for **STAGE 1** showing Lots 1 and 2 provided that the Council is satisfied that any changes are minor and will have no effect on compliance with the District Plan or other parties adjoining the subdivision. The surveyor is to certify that all private drains are contained within the easements shown on the survey plan.

Section 224(c) Compliance Conditions

This consent is subject to the following conditions prior to the issuing of a certificate in terms of Section 224c of the said Act:

As built Plans

4. Accurate as-built plans must be submitted for all public and/or private drainage services showing every lot connection including any portion of the reticulation downstream of the lot connection, in accordance with the Development Engineering As-Built requirements Version 1.2 September 2012. The as-built plans must be confirmed by the Development Engineer as compliant prior to the public service becoming operational or the issue of a Section 224(c) Certificate under the Resource Management Act 1991, whichever is the earlier.

Earthworks

5. The consent holder must ensure site works, including any earthworks, are carried out in accordance with the approved earthworks plan and approved engineering drawings and in accordance with the requirements of the Auckland Council's Code of Practice Section 2.

Erosion and Sediment Control

6. The consent holder must provide an Erosion & Sediment Control Plan for Engineering Approval to Council prior to commencement of earthworks. The consent holder must ensure all necessary measures proposed in the Plan approved by Council have been implemented prior to the commencement of any construction works including any excavation, earthworks or other site works. All earthworks shall be carried out to the satisfaction of the Council's Development Engineer.

   Any erosion and sediment control shall be designed and maintained having regard to GD05, Erosion & Sediment Control Guide for Land Disturbing Activities in the Auckland Region.

Retaining Walls

7. The consent holder shall replace the retaining wall located generally about the common boundary with Lots c1 and 2 in general accordance with the Airey Consultants Engineering Infrastructure Report reference 12780-01 dated November 2019.

Advice Notes

Structures supporting the completed landform of proposed public or private lots, or palisade walls to protect the land are required to have a design service life exceeding 100 years.

The consent holder is advised that building consents and resource consents may need to be obtained from the Council prior to undertaking either removal or relocation of the existing structure.

Common Driveways

8. Upon receipt of the Engineering Approval the consent holder must upgrade, form and construct the carriageway within right of way easement endorsed A including retaining walls (where required) to the Council's standards making adequate provision for the drainage of surface water in general accordance with the Airey Consultants "Engineering Infrastructure Report reference 12780-01 dated November 2019.

Certification

9. The consent holder must ensure separate lot wastewater drainage, stormwater drainage and water supply systems are made fully operative before a section 224(c) Certificate will be issued by Council. CCTV inspection reports shall be presented to the DE to verify compliance. The consent holder shall provide a certificate confirming all services are fully operational.

Consent Notice

10. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Record of Title to be issued for Lot 1 a consent notice containing the following text:

In relation to Lot 1

a) A gravity wastewater connection is not available to the lot and a private wastewater pump station services the lot. The owner is responsible for the on-going running and maintenance costs of the pump station to ensure it continues to operate effectively.

STAGE 2

Survey Plan Approval (S223) Conditions

Legalities

11. The rights-of- way and any services easements over parts of Lots 2 and 3 must be included in a memorandum of easements endorsed on the Survey Plan and shall be

granted or reserved. The consent holder shall meet the costs for the preparation, review and registration of the easement instruments on the relevant records of title.

Survey Plan

12. The consent holder may submit a survey plan generally in accordance with the approved scheme plan for **STAGE 2 (**showing Lots 2 and 3) provided that the Council is satisfied that any changes are minor and will have no effect on compliance with the District Plan or other parties adjoining the subdivision. The surveyor is to certify that all private drains are contained within the easements shown on the survey plan.

Section 224(c) Compliance Conditions

This consent is subject to the following conditions prior to the issuing of a certificate in terms of Section 224c of the said Act:

Design Drawings

13. Accurate as-built plans must be submitted for all public and/or private drainage services showing every lot connection including any portion of the reticulation downstream of the lot connection, in accordance with the Development Engineering As-Built requirements Version 1.2 September 2012. The as-built plans must be confirmed by the Development Engineer as compliant prior to the public service becoming operational or the issue of a Section 224(c) Certificate under the Resource Management Act 1991, whichever is the earlier.

Common Driveways

14. Upon receipt of the Engineering Approval the consent holder must form and construct the driveway within the right of way easement endorsed **C** including retaining walls (where required) to the Council's standards making adequate provision for the drainage of surface water in accordance with the Airey Consultants "Engineering Infrastructure Report reference 12780-01 dated November 2019. Furthermore the consent holder shall form, construct and drain a permanent all weather off street parking area within Lot 2 to the satisfaction of the Council.

Wastewater

15. Upon receipt of the Engineering Approval the consent holder must provide and install new lot connections to serve Lots 2 and 3 to the Council's public wastewater standards generally in accordance with the Airey Consultants drawing 12780-01 sheet 101 revision A.

    Advice Note

    New lot connections shall be shown on the engineering design drawings submitted for Engineering Approval (EA).

Stormwater

16. The consent holder must provide and install a stormwater system and connections to serve Lots 2 and 3 to the Council's standards generally in accordance with the Airey Consultants drawing 12780-01 sheet 101 revision A. Existing kerb discharge to be blanked off and sealed for the future Lot 3 development utilisation.

    Advice Note

New lot connections shall be shown on the engineering design drawings submitted for Engineering Approval (EA).

Water Supply

17. The consent holder shall retain the existing Lot 2 water supply connection for Lot 3 and provide a new connection for Lot 2 to the satisfaction of the Council.

    Advice Note:

    The complete system will include all portions of public water supply reticulation and any parts of the private system which are within a private access lot. The subdivisional works will exclude any water meter and exclude any Watercare connection fees or Infrastructure Growth Charges; these exclusions will be addressed at the time of any building consent application on the lots associated with the construction of a dwelling or commercial building and do not form part of the subdivisional works.

Certification

18. The consent holder must ensure wastewater drainage, stormwater drainage and water supply systems are made fully operative before a section 224(c) Certificate will be issued by Council. CCTV inspection reports shall be presented to the DE to verify compliance. The consent holder shall provide a statement certificate confirming all services are fully operational.

Telecommunication and Power

19. The consent holder must provide and install telecommunication and electric power services (including ducts where required) to service Lot 3 to the satisfaction of the appropriate network utility operators and the Council. Clearance Certificates shall be provided by the utility operators to satisfy the Council that future standard residential connections can be made to the services provided for the lot.

    Advice Note:

    Network utility operators are responsible to specify the capacity of new works or upgrading works necessary to serve the subdivision. Council is not responsible for the business decisions of any network utility operator nor require that any particular level of service is available.

Existing Structures

20. The consent holder must remove the existing garage and associated structures from Lot 3 or relocate that structure/s within the subdivision in compliance with the requirements of the relevant District Plan.

    Advice Note

    The consent holder is advised that building consents and resource consents may need to be obtained from the Council prior to undertaking either removal or relocation of the existing structure.

Consent Notice

21. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Record of Title to be issued for Lots 2 and 3 a consent notice containing the following text:

    In relation to Lot 3

a) To mitigate the effects of stormwater runoff from the lot stormwater detention devices are to be provided to restrict discharges to 2L/s per 1000m2 of Lot area for kerb discharge in accordance with Auckland Transport requirements. The devices form an integral part of the private stormwater drainage system for the lot and the owner is responsible for its ongoing maintenance to ensure it continues to operate effectively.

In relation to Lots 2 and 3

b) No vehicle reverse manoeuvring is permitted to Beach Road for traffic safety reasons.

Advice Notes applicable for Stages 1 & 2

a) *This resource consent will expire five years after the date of commencement of consent unless:*
- *A Survey Plan is presented to Council for approval under Section 223 of the Resource Management Act 1991 and that plan is deposited within three years of the approval date, or*
- *Upon an application made prior to the expiry of consent period, the statutory considerations which apply to extensions are set out in Section 125(1)(b) of the Resource Management Act 1991.*

b) *If the applicant disagrees with any of the conditions of consent, or with any charges relating to the processing of the application (excluding development contributions), there is a right of objection pursuant to Section 357 of the Resource Management Act 1991, which shall be made in writing to Council within 15 working days of notification of the decision.*

c) *In accordance with Auckland Council's adopted development contributions policy you have been assessed for development contributions. An assessment summary and invoice will be forwarded to you shortly.*

d) *The consent holder must, pursuant to section 36 of the Resource Management Act 1991, pay all administrative charges, being the Council's actual and reasonable costs incurred in processing this application, to be charged as follows:*

a) *The consent holder must pay to the Council an administrative charge for the carrying out by the Council of its functions in relation to receiving, processing and granting this subdivision consent.*

b) *The consent holder must pay to the Council administrative charges for the carryout out by the Council of its functions in relation to the administration, monitoring and supervision of this consent.*

c) *The charges payable under (a) and (b) of this condition must be paid upon receipt of invoice or interim invoice or before any request for a certificate under section 224(c) of the Resource Management Act.*

d) *The consent holder is advised that under section 134 of the Resource Management Act 1991 that there the land changes ownership the consent holder*

will continue to be responsible for processing costs until such time as written notice of authority is given to the Council.

Delegated Decision Maker:

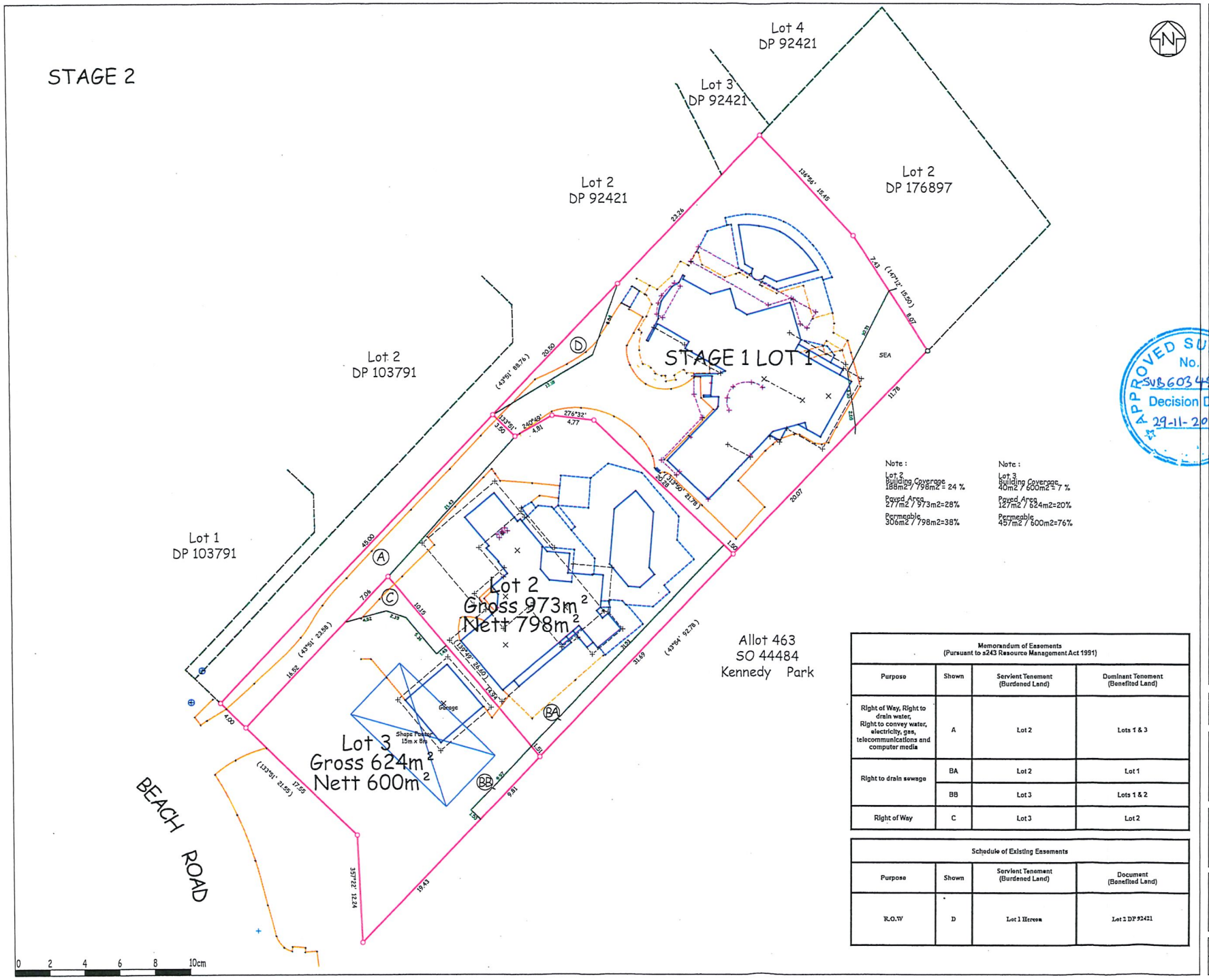
Name: Trevor Cullen

Title: Team Leader, Subdivisions North-West

Signed: ----------

Date: 29/11/2019

Attachment – 3



Note :
Lot 2
Building Coverage
188m2 / 798m2 = 24 %
Paved Area
277m2 / 973m2=28%
Permeable
306m2 / 798m2=38%

Note :
Lot 3
Building Coverage
40m2 / 600m2 = 7 %
Paved Area
127m2 / 624m2=20%
Permeable
457m2 / 600m2=76%

APPROVED SUBDIVISION
No. SUB60348099
Decision Date
29-11-2019

Memorandum of Easements
(Pursuant to s243 Resource Management Act 1991)

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of Way, Right to drain water, Right to convey water, electricity, gas, telecommunications and computer media	A	Lot 2	Lots 1 & 3
Right to drain sewage	BA	Lot 2	Lot 1
	BB	Lot 3	Lots 1 & 2
Right of Way	C	Lot 3	Lot 2

Schedule of Existing Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Document (Benefited Land)
R.O.W	D	Lot 1 Herein	Lot 2 DP 92421

This drawing and design remain the property of A.I. BATES & ASSOCIATES LTD and may not be reproduced without the written permission of A.I. BATES & ASSOCIATES LTD.

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

Comprised in CT - NA111D/445
Total Area = 2696 m²

AMENDMENTS	NAME	DATE

	NAME	DATE
SURVEYED		
DESIGNED		
DRAWN	AE	31-10-19

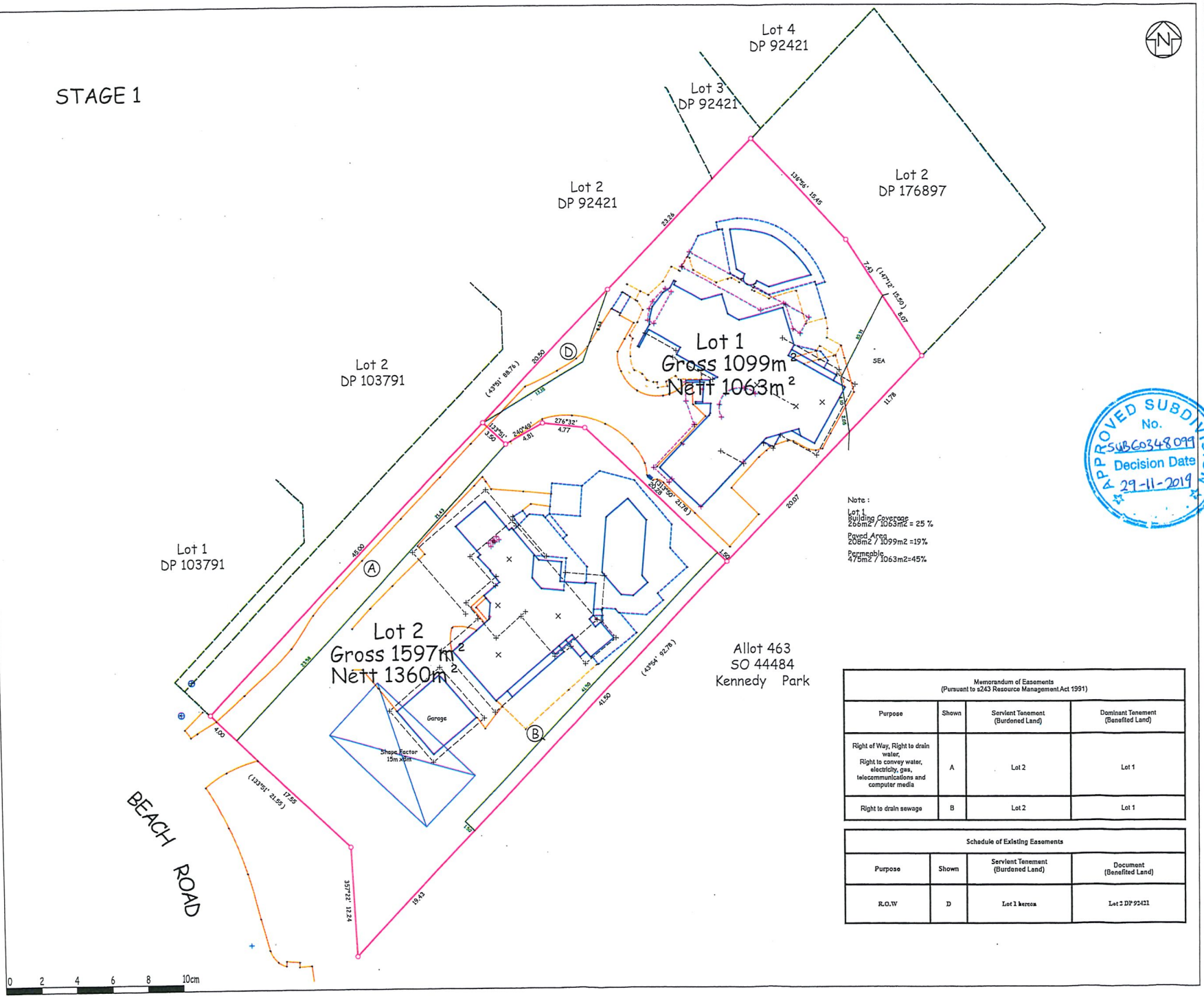
A.I.BATES & ASSOCIATES
Registered Surveyors
Unit 5B, 10 Canaveral Drive, Albany
PO Box 302 532, North Harbour, Auckland 0751
Ph 09 415 8424 Fax 09 415 8425.

CLIENT
Ken Miller
149 Beach Road, Castor Bay

DRAWING TITLE
Lots 2 & 3 being a Subdivision of Lot 2 Stage 1

ORIGINAL SCALE	ORIGINAL SIZE	
1:200	A1	
DATE	CAD REF	REF:
Oct. 2019	A3 : 200	219186

PC 78 Sub #1019



Memorandum of Easements (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of Way, Right to drain water, Right to convey water, electricity, gas, telecommunications and computer media	A	Lot 2	Lot 1
Right to drain sewage	B	Lot 2	Lot 1

Schedule of Existing Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Document (Benefited Land)
R.O.W	D	Lot 1 hereon	Lot 2 DP 92421

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

Comprised in CT - NA111D/445
Total Area = 2696 m²

AMENDMENTS	NAME	DATE

	NAME	DATE
SURVEYED		
DESIGNED		
DRAWN	AE	29-10-19

A.I.BATES & ASSOCIATES
Registered Surveyors
Unit 5B, 10 Canaveral Drive, Albany
PO Box 302 532, North Harbour,
Auckland 0751
Ph 09 415 8424 Fax 09 415 8425.

CLIENT
Ken Miller
149 Beach Road, Castor bay

DRAWING TITLE
Lots 1 & 2 being a Subdivision of Lot 1 DP 176897

ORIGINAL SCALE	ORIGINAL SIZE	
1:200	A1	
DATE	CAD REF	REF:
Oct. 2019	A3:200	219186

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 1:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Jeremy James Ryrie Coleman

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jeremy James Ryrie Coleman

Organisation name:

Agent's full name:

Email address: jjr.dfcoleman@xtra.co.nz

Contact phone number: 0272765175

Postal address:
9 Scenic Drive
HIllpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Retention of the Hillpark Special Character Area Overlay as a Qualifying Matter

Property address: The suburb of Hillpark

Map or maps:

Other provisions:
I propose that Hillpark's Ecological value be recognised as a Qualifying Matter (SEA coverage, notable trees, streams, importance as part of a wider ecological network and supporting wildlife). I note that there are areas of significant ecological value in Hillpark that are worthy of further investigation and recognition (ie further SEA-worthy areas, and unmapped or incorrectly mapped streams). 1022.1

I propose that Hillpark's Landscape Visual significance be recognised as a Qualifying Matter (and recognised with either an extension to the Special Character Statement or by application of an appropriate Landscape-oriented overlay). I encourage Council to conduct Landscape Visual Assessments which I believe will identify the importance of Hillpark's significant tree cover both at an Urban fabric level within Hillpark, and as a notable, prominent landscape feature in the wider area. 1022.2

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? No

The reason for my or our views are:
1022.3
As a Hillpark Resident, I support Auckland Council's proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter. The Hillpark Residents Association (of which I am a member) presented an argument that was successfully laid out in the Auckland Unitary Plan submissions and hearings processes and resulted in the addition of the Hillpark Special Character Area Overlay in the Unitary Plan (this built upon the former Heritage 8 zoning under the Manukau District Plan). I believe the arguments presented in that submission and evidence from that process are still relevant and applicable to this current Plan Change 78 discussion.
Of note Hillpark has been recently recognised by the New Zealand Geographic Board as a suburb in its own right - a significant factor being the area's unique special character.

In summary, the importance of Hillpark's Special Character Area Overlay, and why it should be considered as a Qualifying Matter as proposed by Auckland Council:

1. The Hillpark Special Character Area is one of the only Special Character Areas in the wider Sth Auckland area.

2. The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of intact mid-century homes (many by prominent architects of the time).

3. The Hillpark Special Character Area recognises the pattern of subdivision – the unique combination of natural and built environments. A subdivision that was designed around the trees.

Furthermore, Hillpark is very important from ecological and landscape visual perspectives, I, therefore, propose that the wider Hillpark suburb's significant natural environment be recognised as a Qualifying Matter.

1. Within Hillpark there are a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams (which form part of a wider natural drainage system). However, I believe the natural environment in Hillpark is under-recognised and under-protected, with significant stands of mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps.

2. Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillparks bush include including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork), Riroriro (Grey Warbler), Tauhou (Silvereye) are commonly seen and Kaka are also seen from time to time.

3. Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream and the South-East Wildlink Project (by Forest and Bird).

4. Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.

5. I suggest that Council undertake a thorough investigation of Hillpark's natural environment and apply additional protections where required, such as additional and/or extended Significant Ecological Area Overlays and improved identification and classification of streams (permanent and intermittent).

I also propose that Hillpark's significant landscape visual presence be recognised as a Qualifying Matter.
While there are currently no landscape-related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region.

Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills.

Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre.

This landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. I

suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.

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

Details of amendments: Inclusion of Hillpark's ecological and landscape visual values as Qualifying Matters, which compliment the Special Character Area Overlay already proposed as a Qualifying Matter

Submission date: 28 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 3:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Dustin Mcneilage

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dustin Mcneilage

Organisation name:

Agent's full name: Dustin McNeilage

Email address: dustinmcneilage@yahoo.co.nz

Contact phone number:

Postal address:
1 Owens Road
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special Character Overlay as it relates to Devonport

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:
Devonport is an important Historic area with many homes that add special charcter to this unique seaside suburb. Intensification will greatly affect its Historic value and ruin a very special place.

1030.1
1030.2

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

Submission date: 28 September 2022

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.

Yes

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

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 2:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Catherine Rae

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Catherine Rae

Organisation name:

Agent's full name:

Email address: dyndns@finalyse.co.uk

Contact phone number: 0221618145

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
PC 78 Qualifying Matters
SEA-T

Property address: Eastern Beach

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:
- Much SEA-T is often unsuitable for building anyway - hence has historically remained bare and therefore unlikely to ever be developed. Imposing restrictions on an entire property because a small piece is SEA-T is overstepping what is necessary.

- Most SEA-T properties already have well-established properties covering the site not in SEA-T.

- For properties with a SEA-T - nothing has changed for SEA-T, they are not more liable issues, therefore how are changes warranted?

- Adding SEA-T as a QM adds additional cost to properties for planning consents which are unlikely to bring any matching gain to the SEA-T area.

- It appears council are using the opportunity provided by Plan 78 Qualifying Matters to introduce punitive restrictions that were not previously used - and likely would never have been able to be added without the imposition of Plan 78.

- This is an unjustified, opportunist use of PC78. Using SEA-T to increase restrictions on all properties impacted by a SEA-T of any size is to introduce restrictions under the cover of the government's plan change - and goes against the intentions of the government changes by subverting the intention to introduce additional restrictions.

- Many SEA-T do not contain the native bush instead have a wide range of pest plant from
creeping in adjoining council owned land. As such their qualification as SEA-T appears arbitrary.
Many landowner work to improve the quality of the bush in weed-covered SEA-T areas without aid from council.
- If landowners avoid building on SEA-T which they already must - then additional restrictions are not justified.

Much native bush prefers to grow in shade - so overshadowing is not an issue.
Absent rare large native tree - most native bush does not have wide drip line root - and are unlikely to be impacted by ground disturbance beyond 1-2m.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Do not use SEA-T as a Qualifying Matter. Maintain the status quo. There is no justification for adding additional restrictions undercover of PC78. 1035.1

Submission date: 28 September 2022

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.

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Sarah El Karamany

From: catherine <crosthwaitec@gmail.com>
Sent: Thursday, 29 September 2022 2:11 pm
To: Unitary Plan
Subject: Submission PC 78: Intensification - Resend - no acknowledgement

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

Note: Tried to do an online submission **(a second one – which applies to a different issue on the same plan** – the online form failed – but also the online form does not allow you to submit different opinions for different part – hence the need to create two separate submissions.

Contact details
Full name of submitter: Catherine Rae
Organisation name:
Agent's full name:
Email address: dyndns@finalyse.co.uk
Contact phone number:
Postal address:

Submission details
This is a submission to:
Plan change number: Plan Change 78

My submission relates to
Qualifying Matters – Section 32 **Coastal Inundation and Coastal Erosion/Future Hazards – Climate Change**

Do you support or oppose the provisions you have specified? I or we agree 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:
Qualifying Matters – Coastal Inundation and Coastal Erosion
(1) The current MHSU rules for height to boundary (pre-PC78) and two level height limit, would maintain the status quo as an effective way to restrict future intensification - which will in turn prevent increasing numbers of people living in the area.
(2) Intensification proposed by PC78 - needs to be mitigated to prevent additional people moving in to coastal areas. Intensification would lead to:-
(a) additional evacuation/emergency services access issues during major natural disasters.
(b) additional pressure on water and/or wastewater and storm-water disposal, and other infrastructure.
(b) longer term, humans will have to vacate coastal areas. The reduction in numbers should be done over an extended period. If left until the problem actually occurs the disruption and cost to New Zealand of to unwind the intensification in one hit will be immense and probably unsupportable. We cannot move everyone who lives in coastal areas once the problem occurs, instead should be discouraging adding to the numbers who would need to relocated and moving to reduce over an extended periods.
(3) Data proving climate change, sea level rises and vertical land movement (subsidence) are not accounted for in PC78 - therefore it needs to be mitigated by an additional plan change covering future coastal hazards of inundation.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

(1) Whilst maintaining the status quo using (pre PC78 MHSU rules) would prevent development of accommodation intensification which will prevent
adding additional people moving into coastal areas and reducing future costs of moving people out again.
Given the confirmed worsening situation - even that level could be detrimental to the coast and its population - so consider tightening the rules.
(2) Use 1.7 m sea level as the appropriate level (not 1.5m as proposed) to calculate impacted properties.
(3) If intensification takes place, any new proposals should ensure that numbers of people moving into areas under future threat
are limited or the numbers kept around the same as live there at the moment. Further proposals should limit redevelopment (intensification)
of all properties (certainly not allow more than the current (pre-PC78 limits) and by not allowing redevelopment to replace existing dwellings
with additional titles or a larger single house footprints or and limit extensions to existing dwelling (e.g. a limit of 15% of current floor space
- or limit to adding only one additional bedroom to limit additional sleeping spaces in an effort to limit adding additional people to the area). 1035.2

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

RECEIVED
Auckland Council
28 SEP 2022

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) PETER RAYMOND McNAB

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

Address for service of Submitter

14 ANNE ST DEVONPORT
AUCKLAND 0624

Telephone: 0274 405 727 Fax/Email: mcnab.zip@orcon.net.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	CHAPTER D18 SPECIAL CHARACTER OVERLAY AS IT RELATES TO DEVONPORT
Or Property Address	
Or Map	

Or
Other *(specify)*

Submission

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

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

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

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

The reasons for my views are: AS ATTACHED

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

AS ATTACHED

I wish to be heard in support of my submission ☑

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

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

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

28-09-22
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

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

Re: Chapter D18 Special Character Overlay as it Relates to Devonport

I seek that:

1039.1
1039.2
1039.3
1039.4
1039.5

A. **Retain the Special Character Overlay over Devonport**
B. **Make the Victoria Road shopping area an Historic Heritage Area**
C. **Delete the Mixed Housing Urban zone altogether or in particular areas.**
D. **Remove Policy 3d from residential areas in Devonport**

A. Retain the Special Character Overlay over Devonport

Devonport was largely established, at a time being almost at the formation of the new country of New Zealand.

The area of land comprising Devonport was purchased in 1841, being only two years after the Treaty of Waitangi was signed, indicating its primacy in initial colonial occupation and construction of homes, buildings and infrastructure.

It is remarkable that Devonport architecture and buildings have largely survived the intervening 180 or so years.

Successive Council policies have sought to enhance protection of the amenities provided by early colonial and later Victorian buildings.

It is most unfortunate that current Council policy seeks at this stage in Planning Processes, to in part disregard these previous initiatives.

Residents of Devonport have been constrained to maintain and develop these historical structures in a manner that is consistent with Council policies.

This has not been achieved without significant costs and constraints being levied upon residents.

For Council to now seemingly disregard such protection measures they previously applied to Devonport, is at complete odds with all that has gone before.

Elsewhere in the world where human occupation has resulted in physical embodiments of human development and culture, in the form of architecture and buildings which embodied the cultural mores of those time; such history is measured in thousands of years in many demonstrable instances.

In New Zealand however, as one of the last places on the planet to be occupied and developed, its history as manifest in pre- colonial to colonial and later developmental embodiments, is no more than a passing sneeze in comparison, and thus infinitely more valuable to the people who inhabit those spaces.

New Zealand does not have access to thousands of years of history to otherwise content itself with.

To consider removing protection on areas that embody this history, so reflective of this very new country, is misguided, short sighted and a 'knee jerk' reaction to perceived housing shortages.

Once removed it can never be replaced.

ANY RE-DEVELOPMENT OF AREAS WITHIN ANY SPECIAL CHARACTER AREA THROUGHOUT AUCKLAND, CAN PROVIDE ONLY HIGH COST HOUSING ALTERNATIVES, WHICH ARE 'NOT' SOLUTIONS THAT THOSE WHO LACK AFFORDABLE HOUSING NEEDS.

Affordable housing is an entirely different matter, and not suited to its implementation in 'Special Character Areas' which because of their antiquity, are situated in geographical areas which are close to CBD areas, and in any modern city on the planet, expensive to occupy due to proximity alone, let alone amenities provided through special character.

Pepper potting of 3 story buildings throughout Devonport is likewise a travesty of existing amenities, particularly with the apparent lack of planning controls and policies that govern development of sites boundary to boundary.

There are significant effects of such developments particularly upon near neighbours, with loss of light and privacy, and ongoing increased noise levels from neighbours squeezed into apartments with no yards, and small decks only.

In addition for example, the Oxford Terrace buildings which have been identified as being capable of being replaced, it appears that the fact, that the sites lie within tidal inundation and storm surge zones, has been either overlooked or a blind eye cast as to the eventuality of such a fate.

It is the continuing short sightedness of such planning permissions being granted, in such an 'ad hoc' manner that is profoundly disturbing.

B. Make the Victoria Road Commercial Town Centre Zone an Historical Heritage Area

Devonport's commercial area comprising Victorian streetscapes is a rare gem internationally, and pre-Covid acclaimed by thousands of visitors.

Protection of the main street continues to be sought, BUT has not yet been provided.

View shafts to the adjacent maunga apparently continue to be disregarded, in any appreciation of multi story residential buildings being constructed in the commercial town zone.

Again previous efforts by Council to protect those view shafts are being disregarded in current efforts to squeeze high density housing options into Devonport

It is inconceivable that decisions to replace heritage and history with over bearing leaky buildings with limited architectural attributes, to achieve 'multiple bed sits' in a multi story development could even be considered.

Peter McNab

14 Anne St Devonport

Form 5

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

To	Auckland Council
Name of submitter	Hannah Thomson Colin Thomson
Address for service of Submitter	65 Matija Place, Red Beach
Telephone	021 399 122
Email	redbeachtomos@gmail.com

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

Plan Change Number	PC 78
Plan Change Name	Intensification

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: Not applicable

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

(a) adversely affects the environment; and

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

The specific provisions of the proposal that my submission relates to are detailed in Appendix 1.

My submission is:

I **support** the specific provisions identified in Appendix 1

I **oppose** the specific provisions identified in Appendix 1

I wish to have the provisions identified in Appendix 1 **amended**

The reasons for my views are attached as Appendix 1

I seek the following decision by Council:

~~Accept the proposed plan change~~ ~~☐~~

Accept the proposed plan change with amendments as outlined in Appendix 1 ☐

~~Decline the proposed plan change~~ ~~☐~~

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

I wish to be heard in support of my submission- Yes

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

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

28/9/2022

…… ……

Signature of submitter Date

(or person authorised to sign on behalf of submitter)

Appendix 1:

Plan Change 78

The specific provisions of the proposal that this submission relates to:

1.0

We consider that unless the relief sought in this submission is granted PPC78 and in particular the specific provisions challenged:

1. Will not promote the sustainable management of resources;
2. Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 ("RMA");
3. Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
4. Will not warrant confirmation in terms of section 32;
5. Will be contrary to relevant provisions in the National Policy Statements and National Environmental Standards; and
6. Will enable the generation of significant adverse effects on the environment that warrant being addressed through PPC78 provisions.

2.0 General Submission

2.1 Introduction of a Qualifying Matter (QM)- Matija Place, Red Beach

1053.1

We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach. This road is a cul-de-sac off a no exit road (Jelas Road), with no entry from Hibiscus Coast Highway. The road is narrow, with footpath on one side only, and two- way vehicle movements are often blocked by parked vehicles. Trucks, such as rubbish or recycling trucks, cannot be passed on the road which blocks traffic, and sometimes cannot move up the road due to parked vehicles and the narrowness of the road. There is often none (or very little) on- street parking. The contour of the road impedes visibility of oncoming vehicles on Matija Place.

A school is located at 100 Jelas Road, with its only vehicle access onto Jelas Road, opposite Matija Place. Access into and on Matija Place is often restricted by vehicles moving to and from the school, and parking associated with the school.

The area is not well serviced by public transport, being only buses (and these are not regular and could not be relied on as a car alternative).

Matija Place contains larger sites from historical subdivision. Under PC78 there is potential that these sites could be extensively subdivided, and a large number of dwellings constructed. The transportation infrastructure is insufficient to service this level of development. It is appropriate that development be limited to recognise this constraint, and that future resource consent applications be specifically required to take into account and address these infrastructure issues.

The introduction of a QM is consistent with higher leave planning documents, including because some of the high-level outcomes sought cannot be achieved given the transportation matters present. Relevant provisions include:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources noting this constraint,
c) Section 7c) RMA, the maintenance and enhancement of amenity values,

d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
   i. Objective 2.1(1):
   New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

   A QM and related impacts on development is consistent with this objective.

   ii. Objective 2.1(3) (emphasis added) "…the area is <u>well-serviced</u> by existing or planned public transport"

   This cannot be achieved. A QM is appropriate.

   iii.
   iv. Objective 2.1(6) (emphasis added):
   Local authority decisions on urban development that affect urban environments are:
   integrated with <u>infrastructure planning</u> and <u>funding</u> decisions;
   and strategic over the <u>medium term and long term</u>; and…

   This cannot be achieved. A QM is appropriate.

   v. Policy 2.2(1)
   Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
   …..
   (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

   This cannot be achieved. A QM is appropriate.

   vi. Policy 2.2(4)

f) The Auckland Unitary Plan, including (but not limited to):
   i. Objectives and policies of B2.2, including where a compact urban form is sought, that makes better use of existing infrastructure and efficient provision of new infrastructure, integrates land use and transport and supports a range of transport modes.
   ii. Objectives and policies of B2.3, which seek a quality, built environment. This includes (but is not limited to) development which maximises infrastructure efficiency, that provides good access and enables a range of travel options, achieves a high level of amenity and safety for pedestrians and cyclists, and meets the functional, and operational needs of the intended use.
   iii. Objective B3.3.1 and policies B3.3.2, including (but not limited to) where these provisions seek effective, efficient and safe transport. This includes integration with land uses and ensuring transport infrastructure is planned, funded and staged.

   This cannot be achieved. A QM is appropriate.

2.2 Zoning

The proposed rezoning of the majority of Auckland urban areas to Mixed Housing Urban is unnecessary and excessive. Auckland Council has indicated that with all the proposed Qualifying Matters in place, the enabled capacity via PC78 would be more than three times the total demand for housing in 2051. This creates a situation where residents, who have largely had no opportunity for involvement in the rezoning process (due to changes being required by central government), will be adversely affected by development when there is no demand for the related housing. The AUP(OP) as it standards, which has been through a full statutory process where people were able to make submissions in relation to zoning, has more than sufficient capacity to meet the housing demands in Auckland. The AUP(OP) already meets relevant objectives and policies of the NPS- US and RPS regarding residential capacity.

Red Beach and Silverdale are established, medium density residential areas. The area is currently zoned Single House Zone in the Auckland Unitary Plan (OP) and has had a similar zoning since at least the late 1990's. Land has been purchased and developed on this basis. Dwellings have been sited and designed based on existing development standards, as currently detailed in the AUP(OP). The MDRS now seeks to change this and the zoning, without the ability of affected parties to be involved. People have made significant investment decisions and now have little, if any, ability to be involved in changes that will affect them and, in some cases, significantly.

While we understand Auckland Council is largely obligated to make these zoning and MDRS standard changes, we record that we do not support the changes proposed in Red Beach, Orewa, Silverdale and the Hibiscus Coast, and in particular in Matija Place, Red Beach. Site owners will be significantly adversely affected by this zoning change and have had no ability to be involved in the rezoning process. We would support the retention of the Single House Zone (SHZ) in these areas if this was possible under the PC78 process. We do not support any "increase" in zoning of sites in Matija Place, Red Beach as shown in the notified version of PC78 (such as to THAB zone for example). 1053.2 1053.3

If the retention of SHZ is not possible, we seek strong objectives, policies, rules and criteria to ensure that potential effects on adjacent residential sites are avoided, remedied or mitigated and the owners/ occupiers of adjoining sites can become involved in resource consent applications. The relief sought includes (but is not limited to) that which would achieve the following:

a) Resource consent applications can be declined when there is insufficient servicing capacity, or servicing options are proposed that are suboptimal. Plan language must reflect this, and be sufficiently strong, in legal terms, to enable decline. 1053.4
b) That the density of development is appropriate for the site, including having regard to development on adjacent sites (including character and amenity effects experienced on adjacent sites) and infrastructure capacity. 1053.5
c) All residential developments must be required to have close regard to the interface with existing residential development on adjoining sites, including (but not limited to): 1053.6
    I. Building form that provides articulation including in roof and facades, to minimise the visual dominance of bult form when viewed from adjacent sites,
    II. The use of colours and variation of building materials to visually break up built form and reduce visual dominance when viewed from adjacent sites,

III. Minimising overlooking, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens, and minimising retaining (fill) on site boundaries where overlooking could occur into adjoining sites,
IV. Impacts on privacy on adjoining sites, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens,
V. Ensuring sufficient sunlight access is retained into adjoining residential dwellings and outdoor living areas,
VI. Managing amenity effects and providing privacy through boundary landscaping (capable of growing to a suitable height to provide privacy and softening of built form, such as 5m) and fencing.

d) The landscaping on- site is maximised, to improve amenity both on site and on those adjoining, 1053.7
e) Ensuring that applications, including those that do not provide a suitable interface with adjoining sites, can be notified and that affected parties can become involved in the resource consent process, 1053.8
f) Adequate areas are identified for waste and recycling storage and on- site collection, 1053.9
g) Waste and recycling areas are screened from adjoining sites and in larger development with communal waste storage areas, that waste is managed to control odour, 1053.10
h) Adequate areas are provided on- site for delivery vehicles, parking and visitors to remove or minimise the need for on- street parking, 1053.11
i) Providing for on- going management of communal areas (including access, parking and landscaped areas) and services on sites, such as a body corporate or similar. The ongoing management of these areas can easily be disregarded if a specific management regime is not put in place at the time of development. 1053.12
j) Requiring upgrading of infrastructure, including roads and footpaths, where the existing services are inadequate and further loading is proposed by a development. 1053.13

The relief sought above, is consistent with:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources,
c) Section 7c) RMA in that this would result in the maintenance and enhancement of amenity values,
d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
    i. Objective 2.1(1),
    ii. Policy 2.2(6)
f) The Auckland Unitary Plan, including (but not limited to):
    i. Objective B2.2.1(1), including refence to quality compact urban form,
    ii. Objective B2.3.1(1) and policies B2.3.2(1), including by creating a quality built environment that responds to the site and its setting,
    iii. Objective B4.2.1(1),
    iv. Policy B2.4.2(4),
    v. Policy B2.4.2(6), including that development is adequately serviced,
    vi. Policy B2.4.2(8), including recognising and providing for existing and planned neighbourhood character,
    vii. Policy B2.4.2(9) and (10).

For completeness it is noted that higher residential intensification in this location is not consistent with some provisions such as B2.2.2(5).

3.0 Submission on Specific PC78 Provisions

Without limiting the generality of the relief sought above, the following submission is made on specific PC78 provisions.

3.1 Maps

Maps		
Matter	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Qualifying Matter	Qualifying Matter- Infrastructure Water and/ or Wastewater Constraints Control as shown on Matija Place (including at 77 and 86 Matija Place) is supported	We understand that infrastructure in Matija Place and the wider Red Beach, Silverdale and Hibiscus Coast areas, has not been designed or established to service the level of development that the MDRS or NPS- UD will enable. There is frequently news of overflows at beaches in local media, including of raw sewerage. Local roads also flood to varying degrees, including at the intersection of Jelas Road and Matija Place. There are clear issues with capacity of existing stormwater and wastewater services in these areas. It is appropriate that a QM be utilised, to place restrictions and controls on development in these areas. This is consistent with higher order planning provisions and outcomes sought by the RPS (including objectives and policies of B3.2), NPS- UD and Part 2 RMA. 1053.14
Qualifying Matter	We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach.	Please see reasons in 2.0 above.
Zoning- Matija Place	We seek the rezoning of Matija Place to Single House and if this is not possible Mixed Housing Suburban due to development constraints.	Please see reasons above relating to servicing and infrastructure, including transportation servicing.

3.2 Auckland- Wide provisions (Chapter E)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons	
E36	The inclusion of natural hazards as a Qualifying Matter is **supported**.	This is consistent with Part 2 RMA.	1053.15
Objective E38.2(10)(d)	**Reword** to "Avoid subdivision that cannot be appropriately serviced by the water supply, wastewater and stormwater networks".	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1053.16
Objective E38.2(10)(e)	**Support**	We support the objective and the terminology, specifically use of "avoid" in relation to under sized lots in areas affected by a Transportation Qualifying Matter.	1053.17
Objective E38.2(11)	**Support** reference to subdivision and density of development being controlled where a Qualifying Matter is present.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.18
Policy E38.3(13)	Seek **insertion** of reference to Qualifying Matter, to control density and site sizes. Insert the following, or words to like effect: (d) Taking into account a Qualifying Matter affecting the site, noting that this may result in larger sites or fewer sites (lower yield) than may otherwise be usually anticipated in that particular zone.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.19
Policy E38.3(31)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. The use of "avoid" is supported.	1053.20
Policy E38.3(32)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.21

Policy E38.3(33)(c)	**Support reference to QM**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.22
Policy E38.3(34)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.23
Policy E38.3(35)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.24
Activity Table			
Table E38.4.2(A29A)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate.	1053.25
Table E38.4.2(A29B)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate. To be consistent with higher level documents including the NPS- UD, NPS- FW and RMA (Part 2) it is critical that development be serviced in an appropriate way, and that Council has the ability to decline an application if this is not the case.	1053.26
E38.5- Notification			
E38.5 Notification (2A)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1053.27
E38.5 Notification (2B)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1053.28
E38.6- General Standards			
E38.6.3. Services	Seek that this Standard be **altered** to refer to appropriate services or words to that effect.	It is important that proposed servicing is appropriate, having regard to the location of the site, capacity of reticulated services and ongoing maintenance. PC78 should be clear that suboptimal servicing solutions are not appropriate and will not be accepted. The use of the word “provision” is not sufficient.	1053.29

E38.8 Standards for subdivision in residential zones			
E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control.	**Support** in part, subject to the following **amendment**: "The technical report must demonstrate: a) That infrastructure and servicing can be achieved. b) <u>The method and capacity of water, wastewater and water servicing for the development;</u> c) <u>The durability and maintenance required for the proposed system/s;</u> d) <u>The appropriateness of the proposed servicing for the nature and scale of the development;</u> e) <u>The potential effects of the proposed servicing;</u> f) <u>Proposed long term management of the system/s."</u>	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1053.30
E38.8.2.9	**Support**	Please see section 2 above, where a similar QM in Matija Place, Redd Beach is sought.	1053.31
E38.11 Assessment- Controlled Activities			
E38.11.1(2)	**Support**	Support reference to infrastructure	1053.32
E38.11.2(2)	**Support**	Support reference to infrastructure	1053.33
E38.12 Assessment- Restricted Discretionary Activities			
E38.12.1(10)	**Support**	Support assessment of stormwater matters being required.	1053.34
E38.12.1(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1053.35
E38.12.2(10)	**Support**	Support assessment of stormwater matters being required.	1053.36

E38.12.2(11)	Support	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined 1053.37

3.3- Zones (Residential)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Objective H5.2(A1)	Support	1053.38
Objective H5.2(B1)	Reword objective to the following or words to like effect: "…(b) The neighbourhoods planned urban built character, including 3- story buildings, unless the site is affected by a Qualifying Matter in which case the development density must take into account the related constraint."	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 1053.39
Objective H5.2(1)	Reword objective to the following or words to like effect: Land ~~near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network~~ is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport, unless it is affected by a Qualifying Matter in which case the development density must take into account the related constraint.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 1053.40
Objective H5.2(3)	Supported, in particular where it refers to high quality amenity in relation to adjacent sites and the street.	Please see "General Submission" above. 1053.41

Objective H5.2(5)	**Supported**	Inappropriate servicing can impact on water quality, and this requires control.	1053.42
Objective H5.2(6)	**Supported**		1053.43
Objective H5.2(7)	The following **rewording** is sought, or words to the same effect: "Development that cannot be appropriately serviced for water supply, wastewater or stormwater is **avoided**"	Wording in the Plan must be sufficiently strong to enable applications to be declined where the required outcome is not achieved, especially for fundamental matters such as servicing.	1053.44
Objective H5.2(8)	**Supported**		1053.45
Objective H5.2(10)	**Supported**	Please see "General Submission" above.	1053.46
Policy 5.3(B1)	**Support** "..except in circumstances where a qualifying matter is relevant"	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1053.47
Policy H5.3(C1)	**Reword** to the following or words to like effect: ~~"Encourage~~ <u>Require</u> development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance."	Wording in the Plan must be sufficiently strong to ensure the required outcome is achieved.	1053.48
Policy H5.3(E1)	**Reword** to the following or words to like effect: ~~Provide for developments not meeting permitted activity status, while encouraging high-quality developments~~ <u>"Require developments to achieve a high-quality environment"</u>	It is not necessary to have a policy that provides for activities which are not permitted, as the plan already provides for this. A "high quality development" should not be "encouraged"- this must be <u>required</u>, to be consistent with the RPS and the NPS- UD.	1053.49
Policy H5.3(6A)	**Support in part**, in particular references to adjacent sites. **Introduce** the following or words to like effect: (j) <u>Establishing landscaping (vegetation) to create quality on- site amenity and soften the interface between the site and adjoining residential sites.</u>	The policy is generally supported for the reasons set out in section 2 above , with amendments as required to address the issues raised in section 2 above.	1053.50
Policy H5.3(12)	**Support**	All development must be appropriately serviced.	1053.51
Policy H5.3(13)	**Support**	All development must be appropriately serviced. Qualifying Matters affect what type and scale of development is	1053.52

		appropriate on a site. This should be clearly reflected in objectives and policies.	
Policy H5.3(14)	**Support**	Please see section 2 above.	1053.53
Policy H5.3(16)	**Support**	Please see section 2 above.	1053.54
		Activity Table	
Table H5.4.1(A14B)	**Support** one dwelling on a site in the Water and/or Wastewater Constraints Control QM being a permitted activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, with permitted development limited.	1053.55
Table H5.4.1(A14B)	**Seek amendment** to table H5.4.1 to introduce "Standards to be complied with". This should include reference to Standards H5.6.3- H5.6.21 and the new Standard sought below.	The Plan must be clear about what Standards must be complied with to be a permitted activity.	1053.56
Table H5.4.1(A14C)	**Support** two or more dwelling on a site in the Water and/or Wastewater Constraints Control QM being at least a restricted discretionary activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, and consent required for more than one dwelling to enable site specific assessment.	1053.57
Table H5.4.1	**Insert new A14D with the following,** or words to a similar effect (to reflect the Qualifying Matter sought on Matija Place): "Two or more dwellings per site in the Matija Place Transportation Qualifying Matter Control"- Restricted Discretionary Activity.	To reflect the Qualifying Matter sought, as detailed above in section 2.	1053.58
		Notification	
H5.5(5) (Notification)	The preclusion of limited or full notification for a development of four or more dwellings, irrespective of meeting Standards, is **opposed**.	Applications of 4 or more dwellings have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1053.59
H5.5(6) (Notification)	**Support**	These applications should be subject to the normal tests for notification.	1053.60
		Standards	
H5.6.3A	**Seek introduction** of a specific Standard related to the Water and/or Wastewater Constraints Control to ensure that servicing is appropriate for the site, area and development proposed, and that there is sufficient capacity.	The Plan should be clear that servicing must be provided, and that this must be fit for purpose, able to be maintained in perpetuity and is suitable. Given the geographical extent of this QM it is likely that bespoke solutions will be suggested, that are not appropriate- the Plan must be strongly worded to make it clear	1053.61

		these outcomes will not be consented.
H5.6.5(4). Height in relation to boundary	**Oppose** the proposed HIRB plane and the removal of consideration of boundaries adjoining lower zones.	The proposed HIRB plane will create adverse shading and overlooking and reduce sunlight access, in relation to adjoining residential sites. Given the existing AUP zoning, some of these adjoining sites contain new development based on existing zoning (1-2 levels, greater yard setbacks and lower HIRB controls)- in these cases the adjoining sites are unlikely to be redeveloped in the medium terms and a higher degree of adverse effects will be created in the . We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 1053.62
H5.6.5(4)(4). Height in relation to boundary	**Oppose**. HIRB should apply from the site boundary, not right of way/ access lot boundaries.	1053.63
Table H5.6.8.1 Yards	**Oppose.** Given the increased level of density proposed, yards should be larger. The definition of "Yard" to be **amended** to reduce the length of eaves that can encroach into yard setbacks.	We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 1053.64 At present eves up to 750mm are excluded from the definition of yards. This could result in part of a building being only 250mm from a common boundary. This impacts on maintenance and amenity of adjoining sites. 1053.65
H5.11(5)- Landscaped Area	The minimum landscaped area of 20% **is opposed.** The following is sought, or words to similar effect: "<u>The minimum landscaped area must be at least 35 percent of the net site area".</u>	The landscaping present on a site makes an important contribution to on- site amenity and amenity on adjoining sites. 1053.66
H5.6.12- Outlook Space	Generally **supported**	The requirement to provide outlook space is supported, including that this space must be located within the development site. 1053.67
H5.6.14(4)- Communal Outdoor Living Space	Supported with the following **amendment** (or words of similar effect): <u>(h) Is managed and maintained by a body corporate or similar legal entity.</u>	The requirement for a communal outdoor living space for larger residential developments is supported. Appropriate maintenance and management of these areas is also required. 1053.68

H5.6.21 Residential waste management	Standard is generally **supported** with the following amendment requested: "H5.6.21(6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings, and this must include details of how odour will be controlled".	Where a site has limited road frontage, requiring waste collection on- site is supported. Sufficient space must be available on -site for a waste vehicle to park, collect the waste/ recycling, manoeuvre on-site and leave in a forward-facing direction. Waste and recycling storage areas can easily create odour, which impacts on amenity on site and on those adjoining, if not controlled. 1053.69
H5.8- Assessment – restricted discretionary activities		
H5.8.1. Matters of discretion 5.8.1(2) For four or more dwellings per site: (a)(i)	**Oppose** deletion of the word "intensity"- seek that "intensity" not be deleted. Reword to (or words to like effect): (i)building intensity, scale and location, including	Building intensity, not only scale, has the potential to impact on the success of an overall development, its appropriateness in a specific location, and the adverse effects created on people, in particular adjoining site owners. It is appropriate that Council retain the ability to assess this important aspect of a proposal. 1053.70
H5.8.1(2) (a)(i) (A)	**Support**	Support reference to "adjoining sites" for the reasons set out in section 2 above. 1053.71
H5.8.1(2) (a)(i) (B)	Seek **amendment** as follows, or words to like effect: "the extent to which the height, roof form and design of buildings respond to the local streetscape, adjacent sites, …"	Please see section 2 above. 1053.72
H5.8.1(2) (ai)	**Support**	Please see section 2 above. 1053.73
H5.8.1(2) (c)	**Support**	Please see comments above regarding infrastructure and servicing. 1053.74
H5.8.1(2) (d)	Seek **amendment** as follows, or words to like effect: "the effects of the development on the safe access for pedestrians and other transportation users on the adjacent road network"	Please see section 2 above. In some locations there is insufficient transportation infrastructure to service a development, and the traffic generated by a development may impact on other users off the site. Potential adverse effects in this regard should be assessed. 1053.75
H5.8.1(6)	**Supported**	Please see comments above regarding infrastructure and servicing. 1053.76
H5.8.2- Assessment Criteria		
H5.8.2(2)(ab)	**Amend** to include the following, or words to like effect:	Please see section 2 above. 1053.77

	(ix) Placing lower buildings adjacent to residential dwellings on adjoining sites.		
H5.8.2(2)(ac)	**Support**		1053.78
H5.8.2(2)(ae)	**Support**	Support the design outcomes achieved by buildings fronting public streets.	1053.79
H5.8.2(2)(af)	**Support**	Support the design outcomes achieved by buildings fronting public streets.	1053.80
H5.8.2	**Insert new** Assessment Criteria related to H.8.1(6) (More than one dwelling in Waste and Wastewater Constraints Control). Insert the following or words to same effect: I. The method and capacity of water, wastewater and water servicing for the development; II. The durability and maintenance required for the proposed system/s; III. The appropriateness of the proposed servicing for the nature and scale of the development; IV. The potential effects of the proposed servicing; V. Proposed long term management of the system/s.	PC78 notes the need for consent and provides Matters for Discretion. The inclusion of Assessment Criteria will provide further guidance on what is required.	1053.81

3.4 Definitions

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons	
Definition of "Landscaped Area"	**Support**	The changes proposed mean the landscaped area focuses more on vegetation, and excludes more hard landscaping than previous. This is supported as it will positively affect amenity on- site and on adjacent sites, as the density of development increases. This is consistent with the urban design outcomes sought by objectives and policies of the zone, and the RPS.	1053.82

4.0 Submission- Additional relief sought

In addition to the relief sought in sections 1, 2 and 3 above, we also seek:

(1) any additional changes which are required to the text and maps of the proposed plan to give effect to this submission.
(2) Any other consequential or alternative amendments arising from these changes.

davidwren
planning . policy . research

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

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

To - Unitary Plan Submission Team
Attn: Planning Technician
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SCOPE OF SUBMISSION

This is a submission on PC 78 Intensification.

The specific provisions that my submission relates to are:

1. The provisions applying to the site at 1 Domain Drive, Parnell.

2. The imposition of the specific rules regarding the Significant Ecological Area as a qualifying matter at 1 Doman Drive.

3. The provisions of the Terrace Housing and Apartment Building Zone as amended by PC78.

SUBMISSION

1. This submission supports the retention of the site at 1 Domain Drive, Parnell within the Terrace Housing and Apartment Building (THAB) zone and the

inclusion of the site within the walkable catchment in respect of the CBD, and Newmarket. It also supports new objectives and policies proposed to achieve this.

2. However it is submitted that given the location of the property, the 19.5m Height Variation Control should be removed from the property.

3. The activity classes relating to dwellings on a site subject to an SEA (A2A and A2B) are confusing and unworkable. These should be deleted.

4. The THAB Zone has been amended by addition of a number of standards that were previously not required to be complied with (i.e. non-core standards). It is submitted that this will make resource consent applications unnecessarily complex and the current arrangement of core and non-core standards should be retained.

5. The internal and external alteration categories should be separated.

6. Standard H6.6.12 (1) Landscaped Area requires change to be consistent with definitions on the AUP.

7. Standard H6.6.13 Outlook Space requires change to be practicable to use and remove inconsistencies.

8. Standard H6.6.19(2) windows should be amended.

9. Standard H6.6.20 Deep soil and canopy tree should be deleted.

10. Standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways should be deleted.

11. The new Objective H6.2(8), Policy H6.3(14) and matters for discretion and assessment criteria related to safe access and walkability are not matters that are appropriate to control and should be removed.

12. The changes opposed do not promote the sustainable management of natural and physical resources, contrary to Part 2 of the Resource Management Act 1991 ('the Act");

13. The majority of the changes to standards are not soundly based on evidence or an appropriate costs benefit analysis as required by section 32 of the Act;

14. The changes that are opposed
    i) will not promote the sustainable management of natural and physical resources;
    ii) are inconsistent with the purpose and principles of the Act and the National Policy Statement – Urban Development (NPS-UD);

iii) will give rise to adverse effects on the environment that cannot be avoided, remedied or mitigated;

iv) are inappropriate and unjustified in terms of Section 32 of the Act.

THE REASONS FOR MY VIEWS ARE:

1. Zoning

The site is proposed to be zoned THAB in the PC78 and included within the walkable catchment form the CBD, Newmarket Station. These enable buildings up to 21m (6 storeys) high. Number 1 Domain Drive has excellent proximity and access to the two centres via the on road footpath network and the Domain. In addition the site is in very close proximity to the Auckland Hospital and the Medical School. In this area there are upwards of 12,000 people employed (or as students) many of whom require accommodation in proximity to their work place. For example many doctors and nurses in the Hospital are on call.

Locating high density development in this area fulfils a need. In addition, the area has excellent access through active modes (cycling and walking) and to public transport and the motorway system. The Domain provides excellent opportunities for relaxation in a pleasant green space very close by. This part of Parnell is therefore an ideal location for additional height and density in every respect.

Accordingly this zone and the 6 storey height enabled should be retained in accordance with the NPS:UD 2020.

2. Height Variation Control

As a result of submissions on the then Proposed Auckland Unitary Plan, a 19.5m high height standard was imposed on the site to enable building height greater than the 16m height provided for elsewhere in the zone. This related to a valley or hollow in the site where additional height above the 16m standard would not be perceptible from outside of the site.

Given that the 19.5m standard was originally inserted in the AUP to allow additional height, it is no longer appropriate to retain the control and it should be deleted so that the 21m height can now apply.

This is considered inappropriate for a number of reasons as set out as follows;

- The 6 storey height enablement is required by the NPS:UD2020. The walkable catchment is consistent with this, but the retention of the height variation control is not consistent.
- The location has excellent direct access to Newmarket and the CBD making it an ideal location for additional intensification.

- The height variation control is not required to protect adjacent residential or business character.
- The additional height will have no shading implications for neighbours in that additional height is permitted around the perimeter of the site.

Accordingly the inclusion of the sites within the walkable catchment and the 6 storey height enabled should be retained in accordance with the NPS:UD 2020.

3. SEA Rules in THAB Zone

A2A has the effects of making a single dwelling on site within an SEA a controlled activity. A2B is worded differently and has the effect of making 2 or 3 dwelling within an SEA a Discretionary activity. There are no provisions for four or more dwellings.

The SEA overlay includes rules that manage the impact of development activity on sites subject to the overlay. Given this it is not necessary to include additional provisions within the THAB zone to manage the effects of development on SEAs. The SEA overlay can remain as a qualifying matter is necessary, but it is not necessary to add additional standards to manage development on such sites.

The proposed changes essentially double up the application of the overlay. That is not how the AUP works. The overlays are independent of the zone. The approach taken in the Plan Change is inconsistent with how the AUP has been developed. These provisions should be deleted.

The SEA covers only small portions of the site and large areas remain available for development in accordance with the zone provisions. The proposed SEA provisions would substantially reduce the development potential of the site without any additional benefit.

4. Core v Non Core Standards

In the operative THAB zone there are a number of core standards that must be complied with and non-core standards which do not necessarily have to be complied with but can be assessed as part of a resource consent application.

PC78 proposed that all relevant standards be made core standards. This will result in non-compliance with the rules being treated as separate infringements. This approach has two distinct disadvantages. Firstly, it will make the preparation and processing of resource consent applications considerably more complex as each infringement will have to be individually identified and assessed. This will make the processing of consents more expensive. Secondly the current arrangement represents a positive way of

providing for good development outcomes through flexibility. While assessment criteria could always be improved, removing flexibility and using a negative infringement based approach to development assessment will not improve development outcomes, processing times and relationships between applicant's and the Council.

It is therefore requested that the current core and no-core arrangement be retained.

5. Internal v External Alterations

PC78 introduces additions to (A31) and a new (A31A) activity for internal and external alterations. The effects of internal and external alterations are quite different and there is scope for these to be separated into separate categories. For example internal alterations will have no effect on height, height in relation to boundary, building coverage, landscaped area, impervious surface, outdoor living area and other standards relating to the external aspects of a development yet will be required to comply with these regardless. This will be especially problematical for existing buildings that do not comply with these standards with potentially resource consent application being required for internal alterations.

6. Landscaped Area

PC78 introduces a largely new standard H6.6.12(1) which amends the landscape requirements for developments containing 4 or more dwellings, boarding houses and other developments. This allows the canopy of existing trees to be included within the landscaped area provided that the protected root zone is in natural grass, plants or natural mulch.

This standard is different from the standard in the MDRS which does not refer to the protected root zone. The standard as it is written is unworkable as the protected root zone is almost the same as the canopy, and in some instances will cover a larger area than the canopy.

The amended definition of landscaped area refers to a critical root zone which has its own definition within the landscaped area definition.

It is submitted that having two standards for landscaped area is overly complex and the plan would be better served by having a single standard being that set out in the MDRS for all development within the zone.

7. Standard H6.6.13 Outlook Space

It is submitted that the outlook standard for 4 or more dwellings or other development should be deleted and that the MDRS standard should apply to all residential development in the THAB zone.

There are a number of inconsistencies and anomalies with the proposed outlook standard for 4 or more dwellings and other developments as follows.

- The standard is proposed to be applied from the external edge of balconies. This effectively extends the outlook from windows and is likely to have the perverse effect of reducing balcony space in new developments to avoid the effects of the standard. Due to the narrowness of typical sites, compliance will not be possible on many sites particularly where good size balconies are proposed. In any development, balconies are used to a lesser extent than rooms and the privacy effects of balconies are different from those from within rooms. Balconies not adjacent to main glazing may have the same impact on privacy and will not be controlled by this rule.

- The range of depths for living room outlooks is wide and confusing.

- There is no reason why the outlook areas from windows from bedrooms and other habitable rooms cannot look over servicing areas, particularly on the upper levels of buildings.

- It is impracticable to require out look spaces to align with outdoor living areas. While in many cases this will occur for living room outlook areas it is unnecessary for outlook spaces from all habitable rooms to look over an outdoor living space. Even in respect of living rooms, there may be views or other features that would result in better outcomes if the outlook area and outdoor living areas are not aligned.

8. **Standard H5.6.18 Windows to Street and private vehicle and pedestrian accessways**

PC78 introduces the above standard in response to the MDRS. However Standard H6.6.19(2) which applies to 4 or more dwellings or any other development requires the 20% glazing standard be applied to building facades facing private vehicle accessways and private pedestrian accessways.

This standard is unworkable and should be deleted. Apart from defining exactly when a private vehicle accessways or private pedestrian accessway exists this potentially means that all facades of a building have to have 20% glazing. This does not promote the idea of back and front to dwellings and will have significant adverse effects on privacy, building insulation and design.

9. **Standard H6.6.20 Deep soil and canopy tree**

PC78 introduces a requirement for an area of deep soil and canopy tree

planting. It is submitted that this standard should be deleted.

While the concept of providing tree cover on sites is supported, this standard is overly complex, restrictive on site use and probably unworkable. For example the standard does not allow for deep soil areas to be included in outdoor living areas. Many people will be happy to have canopy trees in such areas .

The way in which the standard is constructed has the effects of adding landscape area to sites over and above the MDRS standard and is a defacto additional landscape area standard.

The standard cannot make residents look after any tree and it is unclear what a small, medium or large tree is and how communal provision of such space will be managed, particularly in smaller developments without body corporates. It is also unclear what would happen if a tree died or was removed in the future.

This standard should be deleted.

10. **Standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways**

PC78 introduces a requirement that there be a 1m buffer between dwellings and any private pathway or vehicle access.

While this standard may have benefits in larger developments it is impracticable to comply with in respect of many sites in Auckland particularly those with existing buildings. Typically there is limited space between driveways and existing buildings and the requirement for a 1m additional buffer will not be able to be complied with in many situations where existing access is tight.

In addition the footpath dimensions specified in the proposed rule H6.6.22 residential Waste Management will increase the width of pedestrian paths further decreasing the practicability of compliance on many sites.

This standard will increase the complexity of resource consent applications for development on existing sites and will not achieve the objectives and policies relating providing for intensification.

The standard is also poorly written and contains a number of interpretation issues. For example the term “access way” is defined in the Local Government Act and relates to a pedestrian route between two public places. In addition this standard would prevent a home owner locating a path or driveway immediately adjacent to their own house.

It submitted that this standard be deleted. Alternatively the idea behind the standards which will have benefits could be made into an assessment criterion based on achieving adequate privacy between vehicle and pedestrian paths and dwellings.

11. The matters for discretion and assessment criteria related to safe access and walkability

PC78 introduces new Objective H6.2(8), Policy H6.3(14) and matters of discretion H6.8.1 (c) and assessment criteria H6.8.2(1)(f) that concern the nature of the public infrastructure between the site and frequent public transport.

The implication of these is that development may be refused consent if the footpaths in a particular area are deemed to be insufficient or that an applicant will be required to make improvements to the public infrastructure in order to gain consent.

Neither of these options are appropriate. The Council is responsible for the public infrastructure in an area, and it should be the Council that ensures that the footpaths are appropriate for the level of residential development allowed in the area. In most cases a private applicant will have not control over the standards of footpaths within a walkable catchment.

The standard is inequitable in that applicants in areas where the Council has upgraded pathways will have little issue in meeting the criteria while those in more neglected areas will have difficultly. Similarly those further from the public transport route potentially face greater costs than those close to the route. The opportunities for free loading on upgrades provided by others also exists.

It is submitted that these objectives, policies and matters for discretion and assessment criteria should be deleted.

12. Purpose of the Act

It is considered that the changes requested below are the most appropriate means of achieving the purpose of the Act.

I SEEK THE FOLLOWING DECISION FROM AUCKLAND COUNCIL

1. Maintain the Terrace Housing and Apartment Building (THAB) zone on the site at 1 Domain Drive, Parnell. 1055.1

2. Maintain the height in relation to boundary standards in the THAB zone 1055.2

applying to the site at 1 Domain Drive, Parnell as notified.

3. Maintain the inclusion of the site at 1 Domain Drive, Parnell within the walkable catchment of the CBD and Newmarket.	1055.3 1055.4
4. Retain Objective H6.2.1A.	1055.5
5. Remove the 19.5m Height Variation Control from 1 Domain Drive.	1055.6
6. Delete all provisions (objectives and policies, activity rules, standards and assessment criteria) within the THAB Zone (and any other zone) concerning sites subject to the significant ecological area overlay.	1055.7 1055.8 1055.9
7. Amend the THAB zone provisions so that the current arrangement of core and non-core standards are retained with no new rules being added as 'core standards' together with subsequent changes to matters for discretion and assessment criteria reflecting these changes.	1055.10
8. Provide separate activity table entries for internal and external alterations to existing buildings with a reduced range of standards applying to internal alterations.	1055.11
9. Amend Standard H6.6.12 (1) Landscaped Area as follows; *Developments containing four or more dwellings and any other development must comply with the following:* *(1) The minimum landscaped area must be at least 20 percent of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath ~~provided the surface of the protected root zone is in natural grass, plants or natural mulch~~.* *(2) Any part of the landscaped area must have a minimum dimension of 1m2 and a minimum area of 4m2 ~~as shown below in figure H6.6.20.1 Example of Deep soil area requirements and the relationships with Landscaped area and the safety and privacy buffer~~.* *(3) A minimum 50 percent of the front yard must be a landscaped area.*	1055.12
10. Apply standard H6.6.13 Outlook Space (A1) to all development and delete the standard applying to "Development containing four or more dwellings and any other development".	1055.13
11. Delete Standard H6.6.19(2) and apply H6.6.19(1) to all development.	1055.14
12. Delete Standard H6.6.20 Deep soil and canopy tree.	1055.15
13. Delete Standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways.	1055.16

14. Delete all objectives, policies, matters for discretion and assessment criteria related to safe access and walkability. 1055.17 1055.18

15. Any alternative changes to PC78, which would provide similar outcomes.

16. Any other consequential or alternative amendments arising from these changes

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

Telephone 815 0543

_____

David Wren - person authorised to sign on behalf of submitter.
Date: 27 September 2022

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 PROPOSED PLAN CHANGE 78 (PUBLIC)

THAT IS SUBJECT TO FULL NOTIFICATION

PLAN CHANGE 78 – INTENSIFICATION

To: Auckland Council

Attention: Principal Policy Planner

By email: unitaryplan@aucklandcouncil.govt.nz

Name of Submitters: Avant Group Limited ('**Avant**') and Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Limited ('**NMWoK**'), collectively referenced as '**the Submitters**'

1. This is a submission on public Plan Change 78 (**PC78**) to the Auckland Unitary Plan – Operative in Part (**the Unitary Plan**) on behalf of the Submitters. PC78 was publicly notified by Auckland Council (**Council**) on 18 August 2022.

2. The Submitters could not gain an advantage in trade competition through this submission.

Wider statutory context

*NPS-UD and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**the RM Enabling Act**)*

3. The NPS-UD seeks to ensure councils better plan for growth and remove overly restrictive barriers to development to enable growth in locations that have good access to services, public transport networks and infrastructure. The associated intensification policies require councils to enable greater heights and residential densities in areas that are well-suited to growth, and specifically in and around urban centres and rapid transit stops.

4. The RM Enabling Act introduced the Intensification Streamlined Planning Process for tier 1 councils (which includes Auckland Council) as the mechanism by which to implement the NPS-

UD intensification policies. It also introduced and required tier 1 councils to implement the Medium Density Residential Standards (MDRS).

5. The NPS-UD and RM Enabling Act collectively seek to ensure New Zealand's urban centres are well-functioning urban environments that support housing supply and affordability, accessibility to jobs and services, and the reduction of emissions.

Summary of Plan Change 78

6. PC78 seeks to:

   a. Change the allocation of residential zoning, and provisions within residential zones to:

      - Enable more development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops.
      - Enable more intensive development in and around neighbourhood, local and town centres.
      - Incorporate MDRS that enable three storey housing in most residential areas.

   b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS.

   c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided.

7. Additional changes are proposed by Council that do not directly implement MDRS and which are to:

   a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict development potential where there is a feature or value that should be protected or avoided.

   b. New Low Density Residential Zone applied across areas subject to specific qualifying matters.

   c. Implement a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.

Background to this submission

8. Avant is a professional developer with significant experience in the delivery of medium to large scale residential developments in Auckland. Avant owns a broad portfolio of land across Auckland and works in partnership with mana whenua on a number of their projects.

9. NMWoK is the property subsidiary of the Ngā Maunga Whakahii o Kaipara Development Trust which is the Post Settlement Governance Entity for Ngāti Whātua o Kaipara. NMWok is involved in property development in the northwest of Auckland and has a particular interest in the planning provisions which apply to Hobsonville Point.

10. Through their development experience, the Submitters have an excellent overview of the economics of development and is acutely aware of the impact to development yield and project feasibility that planning provisions can have.

11. As a standard development approach, the Submitters seek to comply with development standards relating to the bulk and location of buildings as much as possible. Under the operative Unitary Plan where four or more dwellings are proposed, the standards to be complied with are limited to Height and Height in Relation to Boundary. The Submitters also aim to comply with yard requirements.

12. The changes to residential zones proposed as part of PC78 seek a far more prescriptive approach, with numerous additional standards needing to be complied with. The Submitters consider this will significantly reduce design flexibility, add cost to compliance, consenting and construction, and undermine feasibility assessments and development yield.

Scope of Submission

13. This submission relates to PC78 in its entirety.

The Submission is:

14. The Submitter supports the zoning changes and provisions that seek to implement the NPS-UD and MDRS requirements for quality intensification in appropriate locations and in an efficient manner:

a. The Submitters supports the broad application of the Mixed Housing Urban (MHU) zone and considers this to be an appropriate mechanism by which to incorporate the MDRS and to give effect to the objectives and policies of the NPS-UD.

b. The Submitters supports the enhanced application of the Terrace Housing and Apartment Buildings (THAB) within walkable catchments and considers this to be an appropriate mechanism by which to give effect to the objectives and policies of the NPS-UD.

c. The Submitters supports the removal of 'intensity' from the matters of discretion and assessment criteria within the MHU and THAB zones for the assessment of applications for four or more dwellings.

15. Notwithstanding the above, the Submitters considers that amendments are required to provide a more effective planning framework that gives full effect to the directives of the legislation. The key overarching considerations and concerns are:

a. The proposed plan change is contrary to the NPS-UD and RM Enabling Act which seek to enable greater intensification in Tier 1 districts.

b. The Submitters oppose the Council's approach to the relationship between Qualifying Matters and the underlying zoning. Qualifying Matters have been used to justify lower intensity zoning, rather than the zoning being applied on the basis of location and other mechanisms such as Overlays, Precincts and / or Auckland-wide provisions being relied upon to achieve the outcomes sought by the Qualifying Matter.

c. The Submitters oppose the introduction of the extensive suite of amendments proposed to the descriptions, objectives, policies, rules, development standards, matters of discretion, assessment criteria and information requirements of the MHU and THAB zones.

d. The Submitters also oppose the introduction of Qualifying Matters into zones as these can be dealt with appropriately through other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria. The provisions are overly complicated and restrictive, and the changes proposed in additional to those strictly required to give effect to the NPS-UD and RM Enabling Act provisions combine to reduce development yield and increase costs of compliance, and in the process undermine the outcomes envisaged by the statutory documents. These provisions have not been sufficiently justified under Section 32 of the RMA.

e. The Submitters oppose the introduction of those Council identified Qualifying Matters under sections 77I(j) of the RMA and the use of those Qualifying Matters to justify lower intensity zoning of land. The Submitter seeks the deletion of those matters as Qualifying Matters and the introduction of higher intensity zoning across those areas currently limited by spatially mapped Council identified Qualifying Matters.

f. The Submitters opposes the introduction of the Low Density Residential (LDR) zone. Its existence has been justified on the basis of those Qualifying Matters identified by Council under section 77I(j) of the RMA.

g. The level of detail required by the provisions is not appropriate in a district plan or necessary for a resource consent process and is more appropriately provided during detailed design for building consent / engineering plan approval.

16. The Submitters seeks to ensure that PC78 plan change provisions are amended so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act. Without limiting the generality of the above, the specific parts of the plan change that this submission relates to are set out in the main body of this submission and Attachment 1 and include the following:

a. Over complication of the structure of the Unitary Plan:

- There is a clear divergence in the drafting style of PC78 compared with the well-established approach to the operative Unitary Plan. The language is more negative and directive, assessment criteria can appear more like standards through the introduction of detailed requirements that do not exist elsewhere in the Plan, and a prescriptive 'one size fits all' approach has been taken through the introduction of significant new Special information Requirements. Avant submits that rather than the prescriptive approach being advanced by Council, an approach based around incentives may result in greater flexibility to deliver the over-arching outcomes being sought.
- The clarity of zones has been compromised by the introduction of Qualifying Matters when they are (or can be) already dealt with via other mechanisms (i.e. Significant Ecological Areas are subject to Chapter D9 – Significant Ecological Area Overlay, but are now proposed to be addressed through zone provisions also).
- Qualifying Matters dealt with via Overlays, Precincts or Auckland-wide rules could (and in some cases already do) trump zone provisions, meaning a more intensive underlying zoning would be appropriately constrained by those mechanisms, where relevant.

Accordingly, Avant considers that more intensive zoning should be applied in place of the LDR zone, with any applicable Qualifying Matters limiting development potential in specific response to that Qualifying Matter enabled through other Plan mechanisms where appropriate.

- While applied broadly across Qualifying Matters relating to infrastructure constraints, coastal inundation and SEAs, a key function of the LDR zone appears to be to sit across sites identified as being within the Special Character Overlay (Chapter D18). However, as the Special Character Overlay explicitly states that the underlying zone rules do not apply and that the rules within the Overlay apply, it is not clear what the need for a lower intensity underlying zone is.

b. LDR zone

- For the reasons set out above, the LDR zone is considered to be of little value and unnecessary. Avant submits that the LDR Zone should be deleted and all subject land zoned for higher intensity outcomes. Any relevant Qualifying Matters can be applied via other Plan mechanisms and still achieve the intent of limiting development within certain areas. This will lead to a more balanced, nuanced approach and better give effect to the NPS-UD and RM Enabling Act.

c. MHU and THAB Zones

- The extensive suite of changes proposed to the MHU and THAB zones go well beyond what is needed to give effect to the MDRS and the NPS-UD. Avant considers that the operative provisions are clear, efficient and effective, having been evaluated through the robust Unitary Plan hearings process. The proposed amendments adopt a contrary drafting style and general approach that is far more prescriptive and creates inconsistency across the Unitary Plan.
- The proposed amendments to the MHU and THAB zones introduce far more prescriptive requirements for 'four plus dwellings' in the form of new and amended rules, development standards and assessment matters. The net result is a significant reduction in design flexibility, clear impacts on the development potential of land and the costs associated with obtaining and implementing resource consents. This sits in contrast to the current approach taken within the residential zones which requires compliance with those standards that seek to control the overall bulk and location of buildings (height, height in relation to boundary and yards), with all other standards referenced via assessment criteria as a means of guiding design while enabling flexibility.

- New standards are complex, detailed and will undermine the ability to achieve the intensification objectives of the NPS-UD.

d. Business – City Centre Zone

- Avant acknowledge the role of development standards within the City Centre zone to inform the bulk and location of development, particularly in light of the proposed deletion of the floor area ratio / bonus floor area provisions. However, Avant opposes a number of changes to existing standards and proposed new standards within the City Centre zone on the basis that they are overly complicated and collectively work to undermine the intensification outcomes of the NPS-UD to maximise development in the city centre.
- As alluded to above, Avant opposes the introduction of qualifying matters into zones, including the City Centre zone.

e. Business – Mixed Use Zone

- While noting that relatively discrete changes are proposed to the Mixed Use zone, the Submitters request that six storey development is enabled across the zone, not just inside walkable catchments.
- As alluded to above, the Submitters oppose the introduction of qualifying matters into zones, including the Mixed Use zone.

f. Walkable Catchments

The Submitters oppose the Council's narrow application of Walkable Catchments through limiting their use to Metropolitan Centres and Rapid Transit Stops. Policy 3 of the NPS-UD stipulates:

> *(c) building heights of at least 6 storeys within at least a walkable catchment of the following:*
>
> *(i) Existing and planned rapid transport stops*
> *(ii) The edge of city centre zones*
> *(iii) The edge of metropolitan centre zones.*

The Council has adopted the narrowest application of Walkable Catchments possible while giving effect to Policy 3 above. Avant's concerns with this approach are:

- While guided by legislation to apply Walkable Catchments to 'at least' Rapid Transit Stops (RTS), Metropolitan Centre zones and City Centre zones, Auckland Council has the opportunity to take a much more liberal approach to the application of Walkable Catchments. The RTS is not defined in legislation, and Auckland Council's interpretation (being train stations and the Northern Busway stations) is unnecessarily narrow. Significant parts of the region area served by excellent public transport options including high-frequency bus services and ferry services. There are also a number of large-scale town centres and commercial areas that would be appropriate for such intensification outcomes.
- Any decision taken by the Council to constrain development potential in otherwise appropriate areas only serves to push development further out and to undermine climate change outcomes.

The Submitters submit that it is necessary to either more broadly apply Walkable Catchments and the associated intensification outcomes, or broadly enable greater development potential across the THAB and Mixed Use zones (and some centre zones), not just inside walkable catchments.

g. Precincts

- Avant believes that Precincts across the region, and specifically in the city centre, need to be reviewed to ensure that constraints on development imposed within precincts remain relevant given the altered built form context within the underlying zone through implementation of the requirements of the NPS-UD and MDRS.

h. Additional height at 39 Launch Road, Hobsonville 0616

1066.180

- The Submitters request that application of the Height Variation Control to enable a height of 35m across the northern end of the property at 39 Launch Road, Hobsonville 0616 (as detailed below):

- Reasons for this request are:

  i. The THAB zone already relies on the Height Variation Control as a method to enable site-specific height responses.

  ii. Further to the commentary in (f) above, Avant considers that intensification around the Hobsonville ferry service and main spine along Launch Road leading to ferry and commercial precinct is necessary to give effect to the NPS-UD

  iii. Increased height is commensurate with scale of development on Hobsonville Point.

  iv. The length of the site at 39 Launch Road, and its position on the coastal edge and adjacent to public reserve provides for graduation of building scale / intensity from south to north towards the ferry terminal / commercial precinct. The nuanced approach set out in this request (rather than a blanket height increase across the site) acknowledges that a cluster of height at the northern end of Hobsonville Point is appropriate but seeks to avoid a wall of tall development along the coastal edge to the east.

17. Te Kawerau a Maki is exploring development opportunities with the Submitters and Kāinga Ora in Hobsonville and have provided a letter of support (refer **Attachment 2**) to the request at 16(h) above.

Decision Requested

18. The Submitters seek the following decision from the Council on PC78:

a. Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will undermine the ability to achieve the purpose of NPS-UD or RM Enabling Act.

b. Amend PC78 and retain provisions as set out in **Attachment 1** to this submission; and

c. Any other alternative or consequential relief, including in relation to PC78's objectives, policies, rules, methods and maps, that reflects or responds to the reasons for this submission.

Reasons for relief sought

19. The reasons for the relief sought are to ensure that PC78:

a. will give effect to the objectives and policies of the NPS-UD
b. will contribute to well-functioning urban environments
c. is consistent with the sustainable management of natural and physical resources and the purpose and principles of the RMA
d. Will meet the reasonably foreseeable needs of future generations
e. Will satisfy the requirements of section 32 of the RMA; and
f. Is consistent with sound resource management practice.

Appearance at hearing

20. The Submitter wishes to be heard in support of its submission.

21. The Submitter will consider presenting a joint case with others making a similar submission.

DATED at this day of 29 September 2022

Mark Vinall

For and on behalf of Avant Group Limited and Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Limited

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c/- Tattico

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Attachment 1 – Plan Change 78 submission table

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	**Outline of Proposed Change**	**Support / Oppose**	**Reasons for submission**	**Relief Sought**
Whole of Plan Change 78				
Whole of Plan Change 78	PC78 (Intensification) seeks to: a. Change the allocation of residential zoning, and provisions within residential zones to enable: ▪ More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops. ▪ More intensive development in and around neighbourhood, local and town centres. ▪ Incorporate MDRS that enable three storey housing in most residential areas b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS. c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows: a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict	Oppose	▪ The proposed changes are contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts. ▪ The provisions are overly complicated and restrictive and the additional non NPS-UD and RMA Enabling Act provisions reduce yield and increase costs of compliance while not meeting the outcomes envisaged by these documents. These provisions have not been justified under section 32 of the RMA.	Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act.

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	**Outline of Proposed Change**	**Support / Oppose**	**Reasons for submission**	**Relief Sought**
	development potential where there is a feature or value that should be protected or avoided. b. New Low Density Residential Zone applied across areas subject to specific qualifying matters. c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.			
Mapping	Application of zones, overlays, spatially represented qualifying matters	Oppose	▪ The proposed zoning / application of overlays and / or qualifying matters undermine the national direction afforded the NPS-UD and RM Enabling Act	▪ Apply zoning appropriate to give effect to the NPS-UD and RM Enabling Act ▪ Remove overlays / qualifying matters that inappropriately restrict the implementation of the NPS-UD and RM Enabling Act
Chapter C: General rules				
New Rule C1.6A	1. Where an activity is subject to a rule in an overlay, the overlay may specific whether the overlay rule replaces a zone rule, a precinct rule or an Auckland-wide rule. 2. Where an activity is subject to a rule in a precinct, the precinct may specify whether the precinct rule replaces an overlay rule or a zone rule, or an Auckland-wide rule.	Support	▪ The proposed rule clarifies the relationship overlays / precincts and other parts of the Unitary Plan	Retain proposed rule C1.6A
Chapter D: Overlays – Natural Heritage				
D11 (Outstanding Natural	▪ ONC / HNC overlays have been Identified as a qualifying matter in accordance with sections 77I(a) and 77O(a) of the RMA. The qualifying matter only applies within the RUB.	Neutral	▪	▪

1066.1

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
Character and High Natural Character Overlay)	▪ Mapping changes such that ONC / HNC areas within the RUB are zoned Low Density Residential, Large Lot, Open Space – Conservation zone, Open Space – Informal Recreation and FUZ.				
	▪ Rule D11.4.1(A12) "Buildings and structures including dwellings not provided for as a permitted activity within HNC / ONC / ONL overlay are a Discretionary Activity" identified as a qualifying matter	Neutral	▪	▪	
	▪ New information requirement at D11.9, a landscape assessment prepared by a suitably qualified landscape architect is required, commensurate with the scale and likely effects of the proposed development.	Oppose	▪ Suggest that a blanket requirement for a Landscape Assessment is unnecessary given the Discretionary Activity requirement for development that is not a permitted activity. Full discretion to Council to assess the actual effects of an application, rather than the assumed effects	▪ Delete the proposed requirement	1066.2
D12 (Waitakere Ranges Heritage Area Overlay)	▪ Waitakere Ranges Heritage Area is a qualifying matter in accordance with sections 77I(a) and 77I(d) of the RMA ▪ Mapping changes to some underlying zonings	Support	▪ In this case it is appropriate to rezone land subject to the Overlay given the spatial extent of the Qualifying Matter	▪ Retain proposed mapping extent	1066.3
	▪ Clarification made at D12.4 that standards for subdivision in E38 / E39 apply unless otherwise specified ▪ New Rule D12.4.1(A3A) "Minor dwelling within the Low Density Residential zone is a Non-Complying Activity" ▪ New Rule D12.4.1(A6A) "Further subdivision of 112 Simpson Road, Henderson Valley… is a Discretionary Activity"	Neutral	▪	▪	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	▪ Various site specific rules and standards identified as qualifying matters				
	▪ New information requirement at D12.9 "An ecological assessment and landscape assessment prepared by a suitably qualified specialist may be required as part of a subdivision application, commensurate with the scale and likely effects of the proposed development"	Oppose	▪ Avoid blanket information requirements. Each proposal should be assessed on its merits, with regard had to the need for certain information to support a proposal	▪ Delete the proposed information requirement	1066.4
D13: Notable Trees Overlay	▪ Notable trees are a qualifying matter in accordance with sections 77I(i) and 77O(i) of the RMA ▪ Link to PC83 which amends Schedule 10 (Notable Trees Schedule) to the Unitary Plan including advice at D13.4 that the Schedule may be updated on the basis of any subdivision of land that contains any part of the Overlay, or where Notable Trees have been physically removed ▪ PC83 also confirms that a plan change under Schedule 1 of the RMA is required where new trees or groups of trees are proposed to be included within Schedule 10	Oppose	▪ Overlays are an appropriate method for acknowledging Qualifying Matters, although disagree that notable trees fall into that category. Notwithstanding, support the overlay generally. ▪ Support the ability for Schedule 10 to be updated in response to subdivision of land within the Overlay, or the lawful removal of trees	▪ Remove Notable Trees as a Qualifying Matter, but retain proposed provisions otherwise	1066.5
D14: Volcanic Viewshafts and Height Sensitive Areas Overlay	▪ Chapter name proposed to be amended to "Maunga Viewshafts and Height and Building Sensitive Areas Overlay", including consequential amendments throughout the chapter ▪ The Overlay is identified as a qualifying matter in accordance with section 77I(a) and (h) and Section 77O(a) and (h) of the RMA	Neutral	▪	▪	
	▪ New objective D14.2(3)	Support	▪	▪ Retain new objective	1066.6

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	"The height and building sensitive areas are managed to protect the visual character, identity, physical integrity and form of the maunga"				
	▪ New policy D14.3(5A) *"Protect the unique visual character, identity, physical integrity and form of the maunga by:* *(a) Limiting building height and bulk* *(b) Using building coverage and landscape area controls to maintain and enhance visual permeability to the slopes of the maunga* *(c) Minimising earthworks and retaining walls; and* *(d) Respecting the maunga as sacred places to mana whenua.*	Support	▪	▪ Retain new policy	1066.7
	▪ Numerous existing rules identified as qualifying matters	Neutral	▪	▪	
	▪ New rules (D14.4.1(A7A) – (A7D): *"Buildings not complying with* [new] *standards D14.6.5 (Building coverage), D14.6.6 (Landscaped area), D14.6.7 (Earthworks) and underlying zone yards standards are a restricted discretionary activity"*	Support	▪	▪ Retain new policy	1066.8
	▪ Existing standards D14.6.1 (Height) and D14.6.3 (Buildings on sites that have a contiguous boundary with a site with a maunga feature mapped as an ONF) identified as qualifying matters	Support	▪	▪ Retain new policy	1066.9

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	▪ New standards proposed to apply only to buildings in Residential Zones within the Height and Buildings Sensitive Areas Overlay: - D14.6.5 (Building coverage) *Purpose: To protect the visual character, identity, physical integrity and form of the maunga when viewed from public places by restricting the form and location of buildings* *(1) Within Height and Building Sensitive Areas the maximum building coverage is 35% of the net site area* - D14.6.6 (Landscaped area) *Purpose: To protect the visual character, identity, physical integrity and form of the maunga when viewed from public places* *(1) Within Height and Building Sensitive Areas the minimum landscaped area must be at least 40% of the net site area* - D14.6.7 (Earthworks) *Purpose: To protect the visual character, identity, physical integrity and form of the maunga* *(1) Within the Height and Building Sensitive Areas Land Disturbance shall comply with New rules E12.4.2(A32) and (A33)* [being RDA activity for earthwork greater than 5m^3]	Support	▪	▪ Retain new policy	1066.10

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	▪ New matters of discretion D14.8.1(2): *"Buildings in Residential Zones not complying with Standards D14.6.5 / 6.6 / 6.7 or underlying zone Yard standards:* *(a) Cultural values associated with the maunga* *(b) The visual character, identity, physical integrity and form of the maunga"*	Support	▪	▪ Retain new policy	1066.11
	▪ New assessment criterion D14.8.2(2): *"Buildings in Residential Zones not complying with standards D14.6.5 / 6.6 / 6.7 or underlying zone Yard standards:* *(a) Policy D14.3(1)* *(b) Policy D14.3(2)* *(c) Policy D14.3(3)* *(d) Policy D14.3(5A)* *(e) Policy D14.3(6)*	Support	▪	▪ Retain new policy	1066.12
Chapter D15: Ridgeline Protection Overlay	▪ The Ridgeline Protection Overlay is identified as a qualifying matter under section 77I(j) of the RMA and 77i(d) of the Waitakere Ranges Heritage Area Act 2008 (WRHA)	Support	▪	▪ Retain new policy	1066.13
	▪ New Policy D15.3(3): *"Require buildings to be appropriately designed in terms of height, bulk, location, materials and / or to retain vegetation to provide for further landscaping in order to avoid, remedy or mitigate adverse effects on the landscape and visual qualities of the ridgeline."*	Support	▪	▪ Retain new policy	1066.14
	▪ Amended rule D15.4.1(A1) references the introduced Height standard and notes buildings complying with the height	Support	▪	Retain new policy	1066.15

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	standard are permitted. Replaces equivalent rule whereby only buildings less than 1m in height are permitted				
	▪ New standard D15.6.1 (Building height): *"Building must not exceed 1m in height, provided that 'additions and alterations' provided for at (A2) of Table D15.4.1 Activity table do not need to comply with this standard"*	Support	▪	Retain new policy	1066.16
	▪ Amended matters of discretion - D15.8.1(1) and (2) to specify 'height', design 'including materials' and effects on 'existing vegetation' in addition to existing matters. ▪ Amended assessment criteria D15.8.2 amended to align with amended matters of discretion	Support	▪	▪ Retain new policy	1066.17
	▪ New special information requirement that all applications are to be accompanied by a landscape and visual assessment prepared by a registered landscape architect, commensurate with the scale and significance of the effects of the proposed buildings	Oppose	▪ Suggest that a blanket requirement for a Landscape Assessment is unnecessary given the Discretionary Activity requirement for development that is not a permitted activity. Full discretion to Council to assess the actual effects of an application, rather than the assumed effects	▪ Delete the proposed requirement	1066.18
Chapter D16: Local Public Views Overlay	▪ The Local and Public Views Overlay is listed as a qualifying matter in accordance with section 77I(j) and 77O(J) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021	Oppose	▪ Overlays are an appropriate method for acknowledging Qualifying Matters, although disagree that local views fall into that category.	▪ Remove local and public views as a Qualifying Matter	1066.19
	▪ Existing rule D16.4.1(A2) identified as a qualifying matter as per 77I(j) and 77O(J) of the RMA	Oppose	▪ Overlays are an appropriate method for acknowledging Qualifying Matters, although	▪ Remove local and public views as a Qualifying Matter	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
			disagree that local views fall into that category.		
Chapter D17: Historic Heritage Overlay	▪ Historic Heritage Overlay identified as a qualifying matter under sections 77I(a) and 77O(a)	Neutral	▪	▪ Retain proposed provisions	1066.20
	▪ Numerous existing rules identified as qualifying matters under sections 77I(a) and 77O(a) of the RMA	Neutral	▪	▪ Retain proposed provisions	
Chapter D18: Special Character Overlay	▪ Special Character Overlay identified by Council as a qualifying matter under sections 77I(J) and 77O(J) of the RMA	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act	▪ Remove special character as a qualifying matter	1066.21
	D18.1 Background: numerous changes proposed to identified special character areas. Primarily through deletion of residential areas, the introduction of a small number of existing residential special character areas under the 'both residential and business' category, and the retention of a number of existing special character areas.	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Reduces complexity of the Unitary Plan ▪ The operative tables provide no benefit to understanding the Unitary Plan	▪ If the overlay is retained, retain proposed amendments to D18.1 Background	1066.22
	▪ New 'Special Character Areas Overlay – Residential' objectives: *(4) Existing residential buildings provide for and respond to housing needs and demand in a way that maintains and enhances the special character values of the area* *(5) A minor dwelling provides for additional housing needs and demand in a way that maintains and enhances the special character values of the area*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ The underlying zone identifies the appropriateness of otherwise of non-residential activities. The overlay should not duplicate this function of the zone	▪ Delete proposed provisions	1066.23

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(6) A limited range of non-residential activities in residential areas provide for the community's social, economic and cultural well-being, while maintaining and enhancing special character values, as identified in the special character area statement.			
	▪ New 'Special Character Areas Overlay – Residential' policies: *(7A) Enable the conversion of existing buildings to provide for up to two dwellings, or for up to two dwellings and one minor dwelling where the special character values of the area, as identified in the special character statement, are maintained* *(7B) Enable the establishment of a minor dwelling where the special character values of the area, as identified in the special character area statement, are maintained* *(7C) Provide for non-residential activities in residential areas that:* *(a) Are in keeping with the special character values as identified in the special character area statement* *(b) Support the social and economic well-being of the community; and* *(c) Avoid, remedy or mitigate adverse effects on residential amenity*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ The underlying zone identifies the appropriateness of otherwise of non-residential activities. The overlay should not duplicate this function of the zone	▪ Delete proposed provisions
	▪ New introductory statement (3) to D18.4 Activity table:	Oppose	▪ The application of the Special Character Overlay inappropriately restricts	▪ Retain provision if LDR Zone is deleted from the Unitary Plan (preferred)

1066.24

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(3) The rules and standards in the Special Character Area Overlay – Residential replace the rules and standards of any relevant residential zone		development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Unnecessary duplication of zone provisions, particularly given the new LDR Zone provisions only applies where	▪ Alternatively, delete the proposed provision if the LDR Zone is retained ▪	
	▪ Activity Table D18.4.1 'Special Character Areas Overlay – Residential' significantly amended to: - Fully replace the underlying residential zone rules - Introduce 'standards to be complied with', referencing the suite of new standards proposed for the Overlay	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Duplicates requirements of underlying zone ▪ While the LDR zone is proposed to apply across sites impacted by one or more specific Qualifying Matters, including the Special Character Overlay, this provision makes the underlying zoning largely redundant. If the underlying LDR zone does not apply, why zone the land LDR? Why not MHU?	▪ Delete proposed provisions ▪ Alternatively, retain provision if underlying LDR zone is deleted and a more intensive zoning is applied. Amend standards to be complied with to rely on underlying zone to a greater extent.	1066.25
	▪ New introductory statements at (3) and (5) - Activity table D18.4 'Special Character Areas Overlay – Business' *(3) The rules and standards in the Special Character Areas Overlay – Business are in addition to the rules and standards of the underlying business zone* *(5) Identified character defining buildings and identified character supporting buildings are show in either the Property Summary in the planning maps of the Special*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act	▪ Delete proposed provisions	1066.26

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	Character Area Map in Schedule 15 Special Character Schedule, Statements and Maps				
	▪ New standards D18.6.1A 'Standards for uses in the Special Character Areas Overlay – Residential' *All uses listed in Table D18.4.1A Activity table – Special Character Areas Overlay – Residential must comply with the following standards, as relevant to the use.*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Duplicates requirements of underlying zone ▪ While the LDR zone is proposed to apply across sites impacted by one or more specific Qualifying Matters, including the Special Character Overlay, this provision makes the underlying zoning largely redundant. If the underlying LDR zone does not apply, why zone the land LDR? Why not MHU?	▪ Delete proposed provisions ▪ Alternatively, delete any duplication of underlying zone requirements (i.e. rely on the zone to a greater extent) ▪ Alternatively, retain provision if underlying LDR zone is deleted and a more intensive zoning is applied	1066.27
	▪ New standard D18.6.1A.1 'The conversion of a principal dwelling existing at 30 September 2013 into a maximum of two dwellings' *Purpose: to enable a dwelling existing at 30 September 2013 to be converted into a maximum of two dwellings, and to provide for sufficient outdoor living space for each dwelling* *(1) The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings must comply with all the following standards:* *(a) Each dwelling must have an outdoor space that is:*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act	▪ Delete proposed provisions	1066.28

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(i) At least 5m2 for a studio or one-bedroom dwelling and 8m2 for at two or more bedroom dwelling *(ii) At least 1.8m in depths; and* *(iii) Where there is an existing standalone minor dwelling on the site, there must be no more than two dwellings in addition to the minor dwelling.*			
	▪ New standard D18.6.1A.2 'Minor dwelling' *Purpose:* *- To provide accommodation that is limited in size and secondary to the principal dwelling on a site* *- To ensure that sufficient outdoor living space is provided for the minor dwelling* *- To ensure there is no more than one minor dwelling on each site* *- To ensure minor dwellings to not detract from the special character values of the area.* *(1) A minor dwelling must comply with all the following standards:* *(a) Maximum floor area of 65m2 excluding decks and garaging* *(b) The outdoor living space must be:*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act	▪ Delete proposed provisions

1066.29

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(i) At least 5m2 for a studio or one-bedroom dwelling and 8m2 for a two or more bedroom dwelling *(ii) At least 1.8m in depth; and* *(iii) Directly accessible from the minor dwelling* *(2) There must be no more than one minor dwelling per site* *(3) Where the minor dwelling is a standalone building, it must be sited to the rear of the existing principle dwelling* *(4) There must be no more than two existing dwellings on the site* *(5) Any garage or carport provided for the minor dwelling must not exceed 18m2*			
	▪ New standard D18.6.1A.3 'Home occupations' *Purpose: to enable people to work from home at a scale that ensures residential character and amenity is maintained* *(1) A home occupation must comply with all of the following standards:* *(a) At least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence* *(b) No more than two people who do not use the dwelling as their primary place of residence may work in the home occupation*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ The underlying zone already establishes the appropriateness of Home Occupations. This is an unnecessary duplication.	▪ Delete proposed provisions and rely on underlying zone to set parameters around what are the appropriate activities for an area

1066.30

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(c) No more than four people in total may work in the home occupation *(d) The sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the sit may not occur between 7am or after 7pm* *(e) Car trips to and from the home occupation activity must no exceed 20 per day* *(f) Heavy vehicle trips must not exceed two per week* *(g) No more than one commercial vehicle associated with the home occupation may be on site at any one time* *(h) Storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view* *(i) Materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and* *(j) Goods sold from the home occupation must be:* *(i) Goods produced on site; or* *(ii) Goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or* *(iii) Goods ancillary and related to a service provided by the home occupation.*			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	▪ New standard D18.6.1A(4 'Offices within the Centre Fringe Office Control as identified on the planning maps' *(1) Offices must be located in existing buildings*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Unnecessary constraint. New buildings can be designed to fit within an existing character	▪ Delete proposed provisions	1066.31
	▪ New standard D18.6.1A.5 'Care centres accommodating up to 10 people per site excluding staff' *(1) A care centre must comply with the following standards:* *(a) No more than four staff in total may work on site at any one time* *(b) Car trips to and from the care centre must not exceed 20 per day* *(c) Heavy vehicle trips must no exceed two per week* *(d) Storage for rubbish and recycling associated with the care centre must be provided on site and screened from public view.*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ The underlying zone already establishes the appropriateness of Care Centres. This is an unnecessary duplication.	▪ Delete proposed provisions and rely on underlying zone to set parameters around what are the appropriate activities for an area	1066.32
	▪ New purpose inserted into existing standard D18.6.1.1 'Building height' *Purpose: to manage the height of buildings to:* - *Retain the existing built form character of predominantly one to two storeys in established residential neighbourhoods* - *Maintain the relationship of built form to the street and open space; and*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ This largely duplicates the purpose of the height limit in the LDR zone	▪ Delete proposed provisions	1066.33

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	- *Maintain a reasonable level of sunlight and minimise visual dominance effects for adjoining sites.*			
	▪ New purpose to existing standard D18.6.1.2 'Height in relation to boundary' *Purpose: to manage the height and bulk of buildings to:* - *Retain the character of the streetscape* - *Enable a built form that reflects the identified character of the area; and* - *Maintain a reasonable level of sunlight access and minimise visual dominance effects to immediate neighbours* ▪ Amendments to existing standard D18.6.1.2 'Height in relation to boundary' *(1) …* *(2) Standard D18.6.1.2 does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed* *(3) Where the boundary forms part of a legal right of way, entrance strip, or access site, Standard D18.6.1.2(1) applies from the farthest boundary …* *(4) A gable end, dormer or roof may project beyond the recession place where that portion beyond the recession plane is:*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Unnecessary duplication of standards ▪ Many 'character' areas have buildings positioned closer to boundaries than would be allowed by the HiRB standard. This is an established inconsistency between the purpose and the standard.	▪ Delete proposed provisions ▪ Rely on underlying zone to a greater extent

1066.34

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(a) No greater than 1.5m2 in area and no greater than 1m in height; and *(b) No greater than 2.5m cumulatively in length measured along the edge of the roof* *Figure D18.6.1.2.1 'Exceptions for gable ends and dormers and roof projections'…* *(5) No more than two gable ends, dormers or roof projections are allowed for every 6m length of site boundary.*			
	▪ New purpose inserted for existing standard D18.6.1.3 'Yards' *Purpose:* - *To retain the character of the streetscape by managing the set back of buildings from the road boundary and relationship of the building to the street* - *To retain the relationship of buildings to landscape qualities and natural features; and* - *To enable buildings and service on the site or adjoining sites to be adequately maintained* ▪ Additions to existing standard D18.6.1.3 'Yards' *(1) …* *(2) A building or parts of a building on a rear site in the Special Character Areas Overlay – Residential must be set back a minimum depth of 3m from at least two boundaries and 1.2m from all other boundaries. This is shown in Figure D18.6.1.3.1 …*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Rely on the underlying zone instead of complicating the overlay	▪ Delete proposed provisions

1066.35

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(3) Standard D18.6.1.3 does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed *(4) The underlying zone yard standards apply for all other yards not specified in Table D18.6.1.3.1.* *Figure D18.6.1.3.1 …*				
	▪ Insert new purpose to existing standard D18.6.1.4 'Building coverage' *Purpose: to manage the extent of buildings on site to:* - *Be commensurate with the existing built character of the neighbourhood; and* - *Ensure sufficient open space is retained on sites to maintain the character values of the area*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Unnecessarily restrictive ▪ Rely on the underlying zone instead of complicating the overlay	▪ Delete proposed provisions	1066.36
	▪ Insert new purpose to existing standard D18.6.1. 'Landscaped area' *Purpose:* - *To maintain the landscaped character of the streetscape; and* - *To maintain a minimum level of planting on sites that is consistent with the identified character of the area*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ Unnecessarily restrictive ▪ Rely on the underlying zone instead of complicating the overlay	▪ Delete proposed provisions	1066.37
	▪ Insert new purpose to existing standard D18.6.1.6 'Maximum impervious area' *Purpose:*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act	▪ Delete proposed provisions	1066.38

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<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons for submission</th><th>Relief Sought</th></tr>
<tr><td></td><td>- To reinforce the building coverage and landscaped area standards; and
- To limit impervious areas on a site to maintain the identified character of the area
▪ Amend existing standard D18.6.1.6 ‘Maximum impervious area’:
Table D18.6.1.6.1 Maximum impervious ~~paved~~ area in the Special Character Areas Overlay – Residential
<table><tr><th>Site area</th><th>~~Paved~~ Maximum impervious area</th></tr><tr><td>Up to 200m²</td><td>~~17~~ 72 per cent of the net site area</td></tr><tr><td>200m² – ~~500m²~~ 300m²</td><td>~~20~~ 65 per cent of the net site area</td></tr><tr><td>~~500m²~~ 300m² – 1,000m²</td><td>~~25~~ 60 per cent of the net site area</td></tr></table></td><td></td><td>▪ Unnecessarily restrictive
▪ Rely on the underlying zone instead of complicating the overlay</td><td></td></tr>
<tr><td></td><td>▪ Insert new purpose to existing standard D18.6.7. ‘Fences, walls and other structures’
Purpose: To retain the boundary fences and walls that contribute to the character of the area and ensure that new fences and walls complement the existing character of the streetscape and retain views of character buildings
▪ Amend / add to existing standard D18.6.1.7 ‘Fences, walls and other structures’
(1) Fences and walls, ~~and other structures~~ or any combination of these, in the Special Character Overlay – Residential must not exceed ~~a~~ the height specified below, measures from ~~of 1.2m above~~ ground level:</td><td>Oppose</td><td>▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act
▪ Overly prescriptive
▪ Rely on the underlying zone instead of complicating the overlay
▪ Appears to reflect new amenity standards rather than any established existing character</td><td>▪ Delete proposed provisions, rely on underlying zone provisions to a greater extent</td></tr>
</table>

1066.39

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(a) On the street boundary of the front yard and between the street boundary of the front yard and the primary façade of the house, 1.2m in height *(b) On the side boundary of the front yard, or between the house and the side yard boundary, where the fence or wall is located forward of the primary façade of the house, 1.2m in height* *(c) On any other boundary or within any other yard not described above, 2m in height* *(2) For houses on corner sites, D18.6.1.7(1)(a) applies to the street boundary of the front yard which is directly in front of the principal façade of the house and to that part of any other front yard boundary with the street which is directly in front of the secondary façade. D18.6.1.7(c) applies to the remainder of any other front yard boundary with the street that is not directly in front of the secondary façade.* *(3) For the purpose of this standard, the primary or secondary façade of the house means the front wall of the house facing a street, and shall exclude bay windows, verandahs, stairs, attached garages and similar projecting structures.*				
	▪ New matters of discretion at D18.8.1.1 'Special Character Areas Overlay – Residential'	Oppose	▪ The application of the Special Character Overlay inappropriately restricts	▪ Delete proposed provisions and rely on underlying zone to set parameters around what are the appropriate activities for an area	1066.40

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(A1) For dairies up to 100m2 gross floor area per site; and healthcare facilities up to 200m2 gross floor area per site *(i) The effects on the neighbourhood character, residential amenity and the surrounding residential area from any noise, lighting and the hours of operation of the activity* *(B1) For healthcare facilities up to 200m2 gross floor area per site:* *(ii) The effects on the neighbourhood character, residential amenity and the surrounding residential area from any noise, lighting and the hours of operation of the activity.* … ▪ Addition to matter of discretion D18.8.1.1(2): *(2) …* *(d) Where a minor dwelling is proposed, its scale and location relative to the principle dwelling on the site* ▪ Replacement matter of discretion D18.8.1.1(3): *(3) For buildings that do not comply with standards D18.6.1.1 to D18.6.1.8:* *(aa) any policy which is relevant to the standard* *(bb) the purpose of the standard* *(c) The effects of the infringement of the standard* *(d) The effects on the character in the overlay* *(e) The effects on the amenity of neighbouring sites*		development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ The underlying zone already establishes the appropriateness of non-residential activities and establishes matters of discretion where triggers are exceeded. This is unnecessary duplication. ▪ Rely on the underlying zone instead of complicating the overlay	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(f) The effects of any special or unusual characteristics of the site which is relevant to the standard *(g) The characteristics of the development* *(h) Any other matters specifically listed for the standard* *(i) Where more than one standard will be infringed, the effects of all infringements; and* *(j) The effect of the infringement of the standard on the streetscape and special character context as outlined in the special character area statement.*			
	▪ New assessment criteria at D18.8.2.1 'Special Character Areas Overlay – Residential': *(A1) for dairies up to 100m2 gross floor area per site; and healthcare facilities up to 200m2 gross floor area per site* *…* *(AB1) Healthcare facilities up to 200m2 gross floor area per site:* *…*	Oppose	▪ The application of the Special Character Overlay inappropriately restricts development potential and the ability to give effect to the NPS-UD and RM Enabling Act ▪ The underlying zone already establishes the appropriateness of non-residential activities and establishes assessment criteria where triggers are exceeded. This is unnecessary duplication. ▪ Rely on the underlying zone instead of complicating the overlay	▪ Delete proposed provisions and rely on underlying zone to set parameters around what are the appropriate activities for an area

1066.41

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	**Outline of Proposed Change**	**Support / Oppose**	**Reasons for submission**	**Relief Sought**
Chapter D21: Sites and Places of Significance to Mana Whenua Overlay	▪ Sites and Places of Significance to Mana Whenua Overlay identified as a qualifying matter under sections 77I(a) and 77O(a) of the RMA	Neutral	▪	▪
	▪ Certain rules identified as qualifying matters ▪ New rules inserted at D21.4.1: *(A6A) New buildings and structures on sites (scheduled ID 057, 058) scheduled urupā sites indicated in Schedule 12 is a non-complying activity* *(A6B) Alterations and additions to existing buildings on scheduled urupā sites (schedule ID 057, 058) indicated in Schedule 12 where the building footprint is increased is a non-complying activity*	Neutral	▪	▪
Chapter E – Auckland-wide				
Chapter E12: Land Disturbance – District	▪ Amendments to Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay): - New column for 'Residential Zones within Height and Building Sensitive Areas. - (A32) and (A33), new addition of RD activity status for activities within 'Residential Zones within Height and Building Sensitive Areas.	Neutral	▪	▪
	▪ Amendments to E12.8.1. Matters of discretion: - New addition of (f) Residential Zones within Height and Building sensitive Areas under E12.8.1(2): (f) Residential Zones within Height and Building Sensitive Areas: (i) mana whenua values associated with the maunga; (ii) the visual character, identity, physical integrity, and form of the maunga.	Neutral	▪	▪

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	**Outline of Proposed Change**	**Support / Oppose**	**Reasons for submission**	**Relief Sought**
	▪ Amendments to E12.8.2. Assessment criteria: - New addition under E12.8.2(2): (f) Residential Zones within Height and Building Sensitive Areas: (i) Policies listed in Chapter D14.8.2(2).	Neutral	▪	▪
Chapter E26: Infrastructure	▪ Amendment to wording throughout chapter – from '*D14 Volcanic Viewshafts and Height Sensitive Areas Overlay*' to '*D14 Maunga Viewshafts and Heights and Building Sensitive Areas Overlay*'. Replacement of '*Volcanic'* with '*Maunga'*.	Neutral	▪	▪
Chapter E36: Natural Hazards and Flooding	▪ New statement inserted under heading E38. Natural hazards and flooding: *'The management of significant risks from natural hazards is a qualifying matter in accordance with sections 77I(a) and 77O(a) of the RMA.'* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions
	▪ Amendment to E36.1. Background: The Plan has defined criteria to identify land which may be subject to natural hazards and in some cases has applied the Residential - Low Density Residential Zone to this land. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions
Chapter E38: Subdivision – Urban	▪ Amendment to E38.1. Introduction: This chapter incorporates Medium Density Residential Standards (MDRS). The subdivision outcomes anticipated by the RMA are provided for in this chapter except to the extent necessary to accommodate one or more qualifying matters.	Oppose	▪ Delete reference to Qualifying Matters. These are dealt with through out Plan mechanisms and do not need to be brought into the E38 Subdivision. This just creates duplication and unnecessary complexity ▪	▪ Remove reference to Qualifying Matters

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PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	▪ Amendments to E38.2. Objectives: - New addition of E38.2(10)(d) that subdivision is '*provided for where the sites can be serviced by the water supply, wastewater and stormwater networks*'; - and E38.2(10)(e) that subdivision '*avoids the creation of vacant sites not complying with the minimum site size in areas where transport qualifying matters apply*'. - New addition of '*Medium Density Residential Standards Objectives*': (11) '*Provide for subdivision which enables the level of development anticipated by the RMA, except in circumstances where one or more qualifying matters are relevant'*.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions
	▪ Amendments to E38.3. Policies: (13) Require subdivision (except for subdivision around MDRS compliant development) to deliver sites that are of an appropriate size and shape for development intended by the zone by: *Subdivision in areas subject to the Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and/or Wastewater Constraints Control, Infrastructure – Stormwater Disposal Constraints Control as identified in the planning maps* (31) Avoid subdivision in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints unless proposed subdivisions can be serviced by infrastructure and there is sufficient capacity. *Subdivision in areas subject to the Infrastructure – Beachlands Transport Constraints Control as identified in the planning maps* (32) Avoid vacant site subdivision that does not comply with the minimum site size in areas identified on the planning maps as subject to transport infrastructure constraints.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions

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PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Medium Density Residential Standards Policies (33) Provide for subdivision as a controlled activity in zones where the Medium Density Residential Standards apply except where: (a) there is significant risk from natural hazards; (b) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision; (c) where a qualifying matter is relevant; or (d) where the proposed subdivision does not comply with any relevant subdivision standards. (34) Subdivision is enabled as required by the RMA except to the extent necessary to accommodate one or more qualifying matters. (35) Require subdivision around MDRS development to not compromise any qualifying matters located on the site.			
	▪ Amendments to Table E38.4.2 Activity table - Subdivision in residential zones:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions

1066.46

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought

Activity		Activity status
Subdivision for the purpose of the construction or use of dwellings, which are provided for as either permitted or restricted discretionary activities in the Residential - Low Density Residential Zone, Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone		
Note 1 All applications for subdivision consent, including controlled activities A13A and A13B below, are subject to section 106 of the RMA		
(A13A)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1	C
(A13B)	Subdivision around existing buildings and development complying with Standard E38.8.1A.2.	C
(A13C)	Subdivision around buildings and development with existing use rights where sites created results in non-compliance with the relevant overlay, Auckland-wide and zone rules and is not accompanied by a land use consent.	RD
(A13D)	Subdivision in accordance with an approved land use resource consent not meeting Standard E38.8.1A.1	RD
(A13E)	Subdivision around existing buildings and development not meeting the standards in E38.8.1A.2	RD
(A13F)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2.	D
(A13G)	Any subdivision listed above not meeting General Standards E38.6.2 - E38.6.6	D
All other types of subdivision in residential zones		
(A29A)	Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control.	RD
(A29B)	Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control and/or the Infrastructure – Water and Wastewater Constraints Control.	RD
(A29C)	Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control complying with Standard 38.8.2.9.	D
(A29D)	Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control not complying with Standard 38.8.2.9.	NC

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	▪ New addition of E38.8.1A. Standards – residential controlled activities: **E38.8.1A. Standards – residential controlled activities** Subdivision listed as a controlled activity in Table E38.4.2 Subdivision in residential zones must comply with standards E38.6.2 - E38.6.6 listed in E38.6 General standards for subdivisions, standard E38.8.1.1(1) and standard E38.8.1.2 in E38.8.1 General standards in residential zones and standards listed in E38.8.1A Standards – residential controlled activities as relevant. **E38.8.1A.1. Subdivision in accordance with an approved land use resource consent** (1) Any subdivision relating to an approved land use consent must comply with that land use consent. (2) No vacant sites are created. **E38.8.1A.2. Subdivision around existing buildings and development** (1) Prior to subdivision occurring, all development must meet one of the following: (a) comply with the relevant overlay, Auckland-wide and zone rules; or (b) be in accordance with an approved land use resource consent. (2) No vacant sites are created.	Support	▪ Appropriate provision that streamlines subdivision around consented development ▪ Specify that for subdivision around approved land use resource consent or around existing building and development, Standard E38.8.1.2(1) "A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites" does not apply. ▪ Apply to restricted discretionary activity resource consent around approved land use resource consent or around existing building and development also.	▪ Retain proposed provisions except that E38.8.1.2(1) does not apply ▪ Expand to apply to restricted discretionary activity applications around approved land use resource consent or around existing building and development also.
	▪ Amendments to E38.8.2. Standards – residential restricted discretionary activities: **E38.8.2.7. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control.** (1) An application must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that sufficient stormwater disposal capacity exists.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions

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PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control. (1) Applications must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that infrastructure and servicing can be achieved. **E38.8.2.9. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control.** (1) Proposed vacant sites identified in the Infrastructure – Beachlands Transport Constraints Control Overlay must comply with a minimum net site area of 600m².				
	▪ Amendments to E38.11.1. Matters of control: The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application: (1) all controlled activities in Table E38.4.1: (a) compliance with an approved resource consent except for boundary adjustment subdivision; (b) the effect of the site design, ~~size, shape~~, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; (c) the effects of infrastructure provision; and (d) the effects on historic heritage and cultural heritage items. (2) all controlled activities in Table E38.4.2: (a) compliance with an approved land use consent; (b) compliance with the relevant overlay, Auckland-wide and zone rules; and (c) the effects of infrastructure provision.	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	1066.49
	▪ Amendments to E38.11.2. Assessment criteria for controlled activities:	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	1066.50

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(2) All controlled activities in Table E38.4.2: (a) compliance with an approved resource consent: (i) refer to Policy E38.3(6); (b) compliance with the relevant overlay, Auckland-wide and zone rules; (i) refer to Policy E38.3(1) and (6); (c) whether there is appropriate provision made for infrastructure including; (ii) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and (iii) Whether appropriate management of effects of stormwater has been provided; (iv) refer to Policies E38.3(1), (6), (19) to (23).				
	▪ Amendments to E38.12.1. Matters of discretion: (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) the ability to provide for stormwater disposal. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) the effect on the capacity of the existing public reticulated water supply and wastewater network; (b) the provision of access to water supplies for firefighting purposes; (c) the ability to provide for a connection between any dwelling(s) and a reticulated water supply and wastewater network in the future; and (d) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	1066.51
	▪ Amendments to E38.12.2. Assessment criteria:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints	▪ Delete proposed provisions	1066.52

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) Whether there is the ability to adequately dispose of stormwater via a connection to the public stormwater network to service the proposed subdivision. (b) Whether stormwater can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice to service the proposed subdivision. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and wastewater network to service the proposed subdivision. (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and/or wastewater network in the future. (d) If the site is an area subject to the Infrastructure – Combined Wastewater Network Control whether separation is in progress and whether the new site can connect to a separated stormwater pipe that is part of the public stormwater network.		▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	
Chapter G: Rural Urban Boundary				
Chapter G: Rural Urban Boundary and Walkable Catchments	▪ No change to G1. Rural Urban Boundary. ▪ Insertion of new section G2. Walkable Catchments:	Neutral	▪	▪

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	G2. Walkable Catchments Policy 3(c) of the National Policy Statement on Urban Development 2020, updated May 2022, requires regional policy statements and district plans in tier 1 urban environments to enable building heights of at least six storeys within at least a walkable catchment of the following: (i) existing and planned rapid transit stops (ii) the edge of city centre zones, and (iii) the edge of metropolitan centre zones. Auckland is a tier 1 urban environment. A walkable catchment of around 1,200m is applied from the edge of the Business – City Centre Zone. A walkable catchment of around 800m is applied from both the edge of the Business – Metropolitan Centre Zones and from the pedestrian access points to existing or planned rapid transit stops. Edge and route modifying factors such as property boundaries, road boundaries, severance, topography, block sizes, the walking environment and the mix of land use activities can affect these general walkable catchment distances. The depiction of walkable catchments in the planning maps is a district plan method pursuant to section 75(2) of the Resource Management Act 1991 for implementing the policies of the district and giving effect to the National Policy Statement on Urban Development 2020, updated May 2022. The planning maps show the location and extent of walkable catchment boundaries, many of which overlap with each other. The location or extent of a walkable catchment can only be amended by way of a plan change pursuant to Schedule 1 of the Resource Management Act 1991. Any amendment to the location or extent of a walkable catchment must give effect Policy 3(c) of the National Policy Statement on Urban Development 2020, updated May 2022.			
Chapter H – Zones				
Chapter H3: Single House Zone	▪ Mapping changes reflecting a reduced role across the region as the zone does not incorporate the MDRS as it is not a relevant residential zone ▪ Zone description and mapping amended such that it applies to 'existing residential neighbourhoods in wastewater serviced rural and coastal towns and settlements with a residential population of less than 5,000 (as determined in the 2018 census). ▪ Some consequential deletions throughout the zone provisions	Support	▪ The Single House zone does not incorporate MDRS requirements and is an appropriate zone to be applied to small rural communities / the periphery of the Auckland region	Retain application of zone to periphery of the region

1066.53

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
Chapter H3A: Residential – Low Density Residential Zone	▪ This is a new zone proposed to be inserted into the AUP. ▪ This new zone ensures the existing amenity of a low-density built environment is maintained where the Council has decided it would not be appropriate to provide more intensive residential development. ▪ This new zone is proposed to be applied to residential sites where a lower density of residential development is required to provide for the qualifying matters that applies to the site. ▪ Objectives and policies of the LDRZ (H3A.2 and H3A.3) seek the provision of lower intensity residential development limited to predominantly one to two storeys buildings that is in keeping with the identified qualifying matters' values within the area. ▪ Objectives and policies reference development that maintains the amenity value of established residential neighbourhoods and is in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood. ▪ Objectives and policies of the LDRZ place stronger restrictions on subdivision and development in order to manage effects on existing character and amenity. ▪ The protection and management of SEAs, natural hazards, and sites of significance to mana whenua is highlighted. ▪ References are made to the provision of high-quality amenity and a well-functioning urban environment.	Oppose the zone in full	▪ The LDR zone is unnecessary. Its stated description acknowledges its application to areas impacted by certain Qualifying Matters that result in a lower intensity of development. Some qualifying matters are subject to overlay provisions which act to limit development potential, accordingly, meaning the underlying zoning could be higher intensity and still limited by the overlay. In such situations, the LDR zone is redundant. ▪ As an example to the above, the proposed Special Character Overlay rules explicitly states they replace the underlying zone in full. Therefore, LDR is redundant for sites subject to a Special Character QM. ▪ Other noted Qualifying Matters such as Infrastructure Constraints are self-policing. If there is not capacity to support intensive development, a developer will either need to provide upgrades to infrastructure, wait for it to be provided by Council / others. ▪ The limitation on development potential imposed should reflect the nature of the constraint, however that does not appear to be reflected in the LDR zone. If the constraint	▪ Delete LDR zone in its entirety

1066.54

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	▪ More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring development does not detract from qualifying matters' values accommodated by the purpose of the LDRZ.		is infrastructural capacity, flooding, SEA, cultural values, etc then the zone provisions prescribing design outcomes are not actually related to the constraint and are therefore unnecessary. Rules prescribing activities that might be appropriate, standards limiting height, HiRB, yards, building coverage, etc, and assessment matters / criteria all fall into this category. It is difficult to see a justification for the LDR zone when the limitations on development prescribed do not relate to the qualifying matters that have led to the distribution of the zone.		
Chapter H4: Residential – Mixed Housing Suburban Zone	▪ Mapping changes reflecting a reduced role across the region as the zone does not incorporate the MDRS as it is not a relevant residential zone ▪ Zone description and mapping amended such that it applies to 'existing residential neighbourhoods in areas with a suburban built character' and is 'applied in discrete areas in wastewater serviced rural and coastal towns and settlements with a residential population of less than 5,000 (as determined in the 2018 census). ▪ Small number of consequential deletions throughout the zone provisions	Support	▪ MHS is an appropriate zoning for those small peripheral settlements around the region	▪ Retain mapped extent of the MHS zone ▪ Retain the provisions of the MHS zone	1066.55 1066.56

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
Chapter H5: Residential – Mixed Housing Urban Zone	▪ Mapping changes reflecting that the MHU zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply. ▪ The most widespread residential zone covering most of urban Auckland	Support Oppose	▪ General support for changes proposed to include additional sites within the zone outside walkable catchments. ▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	▪ Extend the mapped extent of the MHU zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	1066.57 1066.58
	▪ Additional objectives inserted at H5.2: *(5) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks* *(6) Development contributes to a high-quality built environment that is resilient to the effects of climate change* *(7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects* *(8) Enable a safe street environment for pedestrians* *(9) Development is enabled on sites within SEAs where it provides for the protection and management of the significant ecological values*	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions	▪ Delete proposed provisions	1066.59

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(10) Intensification is avoided in areas with significant transport infrastructure constraints.			
	▪ Additional policies inserted at H5.3: *(6A) Require development to achieve a built form that contributes to high-quality built environment outcomes by:* *(a) Maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site* *(b) Providing for residents' safety and privacy while enabling passive surveillance on the street* *(c) Minimising visual dominance effects to adjoining sites* *(d) Maintaining a level of privacy, and sunlight and daylight access for adjoining sites* *(e) Minimising visual dominance effects of carparking and garage doors to streets and private accessways* *(f) Minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated*	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (6A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone. ▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job.	▪ Delete proposed provisions

1066.60

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(g) Requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees *(h) Designing practical, sufficient space for residential waste management; and* *(i) Designing practical, sufficient space for internal storage and living areas.* *(7) [deleted]* *(11) Require buildings to be setback from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards* *(12) Require dwellings to be provided with access to safe and reliable drinking water, wastewater and stormwater disposal services* *(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, are provided with appropriate infrastructure* *(14) Require development of four or more dwellings per site to contribute to a safe urban road environment for pedestrians through improvements to the adjacent road network*		▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas *(16) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints* *(17) Building height is restricted to respond to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga, where located adjacent to Pukekiwiriki Pā Historic Reserve, Red Hill.*			
	H5.4.1 Activity Table ▪ New clarifying statement: *'Applications for Activity (A2B) will be considered against objectives and policies in E15 Vegetation management and biodiversity in addition to the standards listed below and any other infringements.* ▪ New rules introduced: - *(A2A), One dwelling per site subject to a SEA overlay which complies with Standards E15.4.2(A29) and E15.6.5* - *(A2B), Two or more dwellings per site subject to a SEA overlay (refer to Vegetation management and biodiversity E15.4.2(A43) and E15.6.5* - *(A14A), Two or more per site dwellings within the Infrastructure – Beachlands Constraints Control is a non-complying activity*	Oppose	▪ Duplicates requirements of Chapter D9 (SEA Overlay) ▪ If they are retained, the rules should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions

1066.61

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	- *(A14B), One dwelling per site in the Infrastructure – Water and Wastewater Constraints Control is a permitted activity* - *(A14C), Two or more dwellings per site in the Infrastructure – Water and Wastewater Constraints Control is a restricted discretionary activity* - *(A30A), Internal and external alterations to buildings for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A31A), Accessory buildings associated with development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32A), Additions to an existing dwelling for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32B), New buildings and additions and alterations to buildings in a SEA which do not comply with H5.6.10(2) Building coverage is a discretionary activity* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA ▪ Introduction of extensive new 'standard to be complied with' against new and existing rules			
	▪ Deletion of existing notification provisions at H5.5(1) as they are inconsistent with the MDRS requirements. New H5.5(4) introduced to align with those requirements:	Support	▪ Appropriate change	▪ Retain proposed provisions

1066.62

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(4) Unless the Council decides that special circumstances existing under section 95A(9) of the RMA, public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2 or 3 dwellings that do not comply with 1 or more of the following: *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards* *(iv) Standard H5.6.10 Building coverage* *(v) Standard H5.6.11(3) and (4) Landscape area* *(vi) Standard H5.6.12(A1) outlook space* *(vii) Standard H5.6.14(A1)-(B1) Outdoor living space; and* *(viii) Standard H5.6.18(1) Windows to street and private vehicle and pedestrian accessways* *(5) Unless the Council decides that special circumstances exist under section 95A(9) of the RMA, public and limited notification of an application for resource consent is precluded if the application is for the construction and use of four or more dwellings that comply with the following standards:* *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards*			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(iv) Standard H5.6.9 Maximum impervious area *(v) Standard H5.6.10 Building coverage* *(vi) Standard H5.6.11(5), (6) and (7) Landscape area* *(vii) Standard H5.6.12(1)-(9) outlook space* *(viii) Standard H5.6.13 Daylight* *(ix) Standard H5.6.14(1)-(4) Outdoor living space;* *(x) Standard H5.6.15 Front, side and rear fences and walls* *(xi) Standard H5.6.16 Minimum dwelling size* *(xii) Standard H5.6.18(2) Windows to street and private vehicle and pedestrian accessways* *(xiii) Standard H5.6.19 Deep soil area and canopy tree* *(xiv) Standard H5.6.20 Safety and privacy buffer from private vehicle and pedestrian accessways; and* *(xv) Standard H5.6.21 Residential waste management* *(6) Any application for resource consent which is listed in H5.5(4) or H5.5(5) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the RMA.*			
	▪ New standard H5.6.3A 'Number of dwellings per site'	Support	▪ MDRS requirement	▪ Retain proposed provision

1066.63

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(1) There must be no more than three dwellings per site.			
	▪ New standard H5.6.3B 'Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps' *Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network* *(1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions
	▪ New standard H5.6.3C 'Dwellings within the Infrastructure – Stormwater Disposal Constraints Control' *Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site.* ▪ *A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage must either be able to connect to the public*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions

1066.64

1066.65

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	stormwater network or provide sufficient stormwater disposal by capacity on-site				
	▪ H5.6.5 HiRB amended to accord with MDRS ▪ Consequential amendments including deletion of AHiRB standard and HiRB adjoining lower intensity zone standard	Support	▪ MDRS requirement	▪ Retain MDRS provisions	1066.66
	▪ Amendments to H5.6.8 Yards to accord with MDRS requirements ▪ Table H5.6.8.2 (riparian / lakeside / coastal protection yard) identified as a qualifying matter under section 77I(b) of the RMA	Support	▪ MDRS requirement ▪ Oppose identification of QM	▪ Retain MDRS provisions ▪ Delete QM	1066.67 1066.68
	▪ Amendments to H5.6.10 Building coverage to incorporate MDRS requirement ▪ Additional requirements identified as qualifying matter under s77I(a) relating to management of development within SEAs: *Purpose: …and to provide for the protection and management of SEAs* *(2) On a site subject to a SEA overlay:* *(a) The maximum building coverage must not exceed 50% of the net site area* *(b) Building coverage must not be located in any areas within 3m of vegetation within a SEA including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3(A29) and E15.6.5; and*	Support	▪ MDRS requirement ▪ Oppose identification of QM. SEAs are dealt with elsewhere in the Plan, don't duplicate provisions within residential zones	▪ Retain MDRS provisions ▪ Delete QM / SEA requirements from the zone	1066.69 1066.70

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(c) Other than provided for in H5.6.10(2)(b), building coverage must not be located within a SEA.			
	▪ Amendments to H5.6.11 Landscaped area to incorporate MDRS requirements *Developments containing up to three dwellings must comply with the following:* *(3) A dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them* *(4) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling* ▪ Additional amendments: *Development containing four or more dwellings and any other developments must comply with the following:* *(5) The minimum landscaped area must be at least 20% of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch.* *(6) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m2 as shown below in Figure H5.6.19.1…*	Oppose	▪ Accept MDRS requirements ▪ Landscape provisions relating to four + dwellings are space hungry and reduce development potential	▪ Delete proposed provisions other than those required by MDRS

1066.71
1066.72

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(7) A minimum of 50% of the front yard must be landscaped				
	▪ Standard H5.6.12 Outlook space amended to accord with MDRS requirements for up to three dwellings per site -	Support	▪ MDRS requirement	▪ Retain MDRS provision	1066.73
	▪ Existing H5.6.12 Outlook space standard otherwise amended to apply to four or more dwellings, with key amendments being: - Where the principal living room outlook is on the ground floor and defined by a boundary fence, outlook depth may be reduced to 5m - Outlook space is measured from the centreline of the façade with the largest window OR balcony edge, whichever is closest to the boundary or opposing building - Outlook space must align with private outdoor space except where of a public space or street	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge ▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site	▪ Delete proposed provisions or otherwise amend to address reasons identified	1066.74 1066.75
	▪ Standard H5.6.14 Outdoor living space amended to give effect to MDRS requirements for up to three dwellings	Support	▪ MDRS requirement	▪ Retain MDRS provision	1066.76
	▪ Standard H5.6.14 Outdoor living space otherwise amended to achieve:	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	1066.77

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	- Purpose statement expanded to specify IRDs and that living space must be separated from vehicle access and manoeuvring areas - That private outdoor living spaces are directly accessible from main dwelling areas - Communal outdoor living spaces are conveniently accessible for all occupants ▪ Standard H5.6.14 amended to apply to four or more dwellings and specify that it applies to IRDs ▪ Standard H5.6.14 further expanded to include specific outdoor living requirement for 20+ dwellings including IRDs: (4) In addition to H5.6.14(1) and H5.6.14(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more dwellings, must provide a communal outdoor living space that: (a) is located in a communally accessible location; (b) is at least 10m² for every five dwellings it serves; (c) is a minimum dimension of 4m; (d) free of buildings, parking spaces and servicing and manoeuvring areas; (e) for at least 20m² of the communal living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; (f) has a gradient not exceeding 1 in 20; and (g) may be split into no more than two outdoor communal living spaces per development.		throughout the zone (and through Plan Change 79)	
	▪ New Standard H5.6.18 'Windows to street and private vehicle and pedestrian accessways *Purpose: To provide for passive surveillance while maintaining privacy for residents and users*	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

1066.78

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Development containing up to three dwellings must comply with the following: *(1) Any dwelling facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.* [MDRS] *Development containing four or more dwellings and any other development must comply with the following:* *(2) Any dwelling, IRD, supported residential care, boarding house and visitor accommodation facing the street or private vehicle accessway or private pedestrian accessway, must have a minimum of 20% of the relevant façade in glazing. This can be in the form of windows or doors.*			
	▪ New standard H5.6.19 'Deep soil area and canopy tree' *Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater* *(1) Any site greater than 200m2 must provide a deep soil area that must comply with the following:* *(a) 10% of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions* *(b) Expect that sites 1,200m2 or greater may have more than 1 deep soil area provided that:*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed	▪ Delete proposed provisions

1066.79

<table>
<tr><th colspan="4">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons for submission</th><th>Relief Sought</th></tr>
<tr><td></td><td>
(i) each deep soil area is a minimum of 60,2 with 3m dimension; and
(ii) the combined total deep soil area is a minimum 10% of the site area
(c) Deep soil areas must not be provided in private outdoor living spaces but can be provided as part of communal outdoor living spaces and landscaped areas as shown in Figure H5.6.19.1; and
(d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements set out in Table H5.6.19.1; and
(2) Trees required by H5.69.19(1) can be existing canopy trees or new canopy trees in accordance with Table H5.6.19(3)
Table H5.6.19.1 Minimum requirements for canopy trees
<table>
<tr><th>Site Area (prior to development or re-development)</th><th>Minimum canopy tree requirements</th></tr>
<tr><td>200m² – 600m²</td><td>1 small canopy tree per 200m² of site</td></tr>
<tr><td>601m² – 1,500m²</td><td>1 medium canopy tree per 300m² of site</td></tr>
<tr><td>1,501m² or more</td><td>1 large canopy tree or 2 medium canopy trees per 500m² of site</td></tr>
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<tr><td></td><td>▪ New standard H5.6.20 ‘Safety and privacy buffer from private pedestrian and vehicle accessways’</td><td>Oppose</td><td>▪ Overly prescriptive, and onerous when combined with other proposed requirements</td><td>▪ Delete proposed provisions</td></tr>
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1066.80

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways *(1) A minimum 1m buffer area must be provided between a dwelling and private pedestrian and / or vehicle accessways as shown in Figure H5.6.19.1* *(2) The buffer area must be:* *(a) Free of buildings, parking spaces, servicing and manoeuvring areas* *(b) Planted with shrubs or ground cover*		throughout the zone (and through Plan Change 79) ▪	
	▪ New standard H5.6.21 'Residential waste management' *Purpose: to provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions

1066.81

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m² per dwelling. ı Change 78 Intensification 38 H5 Residential – Mixed Housing Urban Zone (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H5.6.21(3) and either H5.6.21(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m² per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.			
	▪ New matters of control H5.7.1 relating to one dwelling per site in a SEA	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course	▪ Delete proposed provisions

1066.82

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: *(1) For one dwelling per site subject to a Significant Ecological Area Overlay:* *(a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area;* *(b) The location, bulk and scale of built development relative to the surrounding ecological values.* ▪ Associated assessment criteria introduced at H5.7.2(1) *(1) For one or more dwellings in a Significant Ecological Area Overlay:* *(a) Refer to Policy H5.3(15)*		▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	
	▪ Addition to matters of discretion for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.1(1) *(c) the effects of the development on the safe access for pedestrians on the adjacent road network.* ▪ Amendments to criteria for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.2(1)	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied	▪ Delete proposed provisions

1066.83

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(b) building ~~intensity,~~ scale, location, form and appearance: (i) whether the intensity and scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area. (c) traffic: (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads. (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and accessways are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or landscaping (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development. (e) noise, lighting and hours of operation:				
	▪ Substantial amendments to matters of discretion H5.8.1(2) relating to four or more dwellings per site: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and	Oppose	▪ Extent and nature of required assessment is broad and not commensurate with the potential effects of a development for four or more dwellings in the context of the proposed zone provisions. ▪ Will be administered as a standard, where no standard exists. Assessment becomes subjective / uncertain. ▪ Criterion H5.8.2(2)(ad) – implies that development potential / built form may be impacted by the presence of a Special Character building across the street. Completely unreasonable.	▪ Retain the proposed the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i) ▪ Delete 'intensity' from matter of discretion H5.8.1(3)(a)(i) relating to Integrated Residential Developments ▪ Retain the proposed the deletion of 'intensity' from criterion H5.8.2(1)(b) ▪ Delete 'intensity and' from criterion H5.8.2(1)(b)(i) ▪ Delete matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment	1066.84 1066.85 1066.86

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area. (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between resident's privacy and opportunities for passive surveillance; D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management (ii) traffic; and (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided).		▪ Support the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i) ▪ Oppose matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) relating to the extent to which the adjacent road network provides for safe pedestrian movements	criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions

1066.87

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size~~ (c) ~~I~~ the effects on infrastructure and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria for four or more dwellings at H5.8.2(2):			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(2) for four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards identified in Table 5.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted]~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted]~~Standard H5.6.10 Building coverage;~~ (iii) [deleted]~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted]~~Standard H5.6.12 Outlook space;~~ (v) [deleted]~~Standard H5.6.13 Daylight;~~ (vi) [deleted]~~Standard H5.6.14 Outdoor living space;~~ (vii) [deleted]~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted]~~Standard H5.6.16 Minimum dwelling size.~~ (aa) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportions and arrangement of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii) locating deep soil areas and/or communal outdoor spaces around and between buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies . (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets . (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance. (v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street. (b) [deleted]~~The extent to which the development contributes to a variety of housing types at higher densities in the zone and is in keeping with the neighbourhood's planned urban built character of predominantly three storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.~~ (c) [deleted]~~The extent to which development achieves attractive and safe streets and public open space by:~~ (i) ~~providing doors, windows and/or balconies facing the street and public open spaces~~ (ii) ~~minimising tall, visually impermeable fences~~ (iii) ~~designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.~~ (iv) ~~optimising front yard landscaping~~ (v) ~~providing safe pedestrian access to buildings from the street~~			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(vi) ~~minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings a viewed from streets or public open spaces~~ (d) [deleted]~~The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites;~~ (e) [deleted]~~The extent to which dwellings:~~ (i) ~~Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling~~ (ii) ~~Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space~~ (iii) ~~Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.~~ (iv) ~~Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screens from streets and public open spaces.~~ (f) [deleted]~~The extent to which outdoor living space:~~ (i) ~~Provides for access to sunlight~~ (ii) ~~Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.~~ (iii) ~~When provided at ground level, is located on generally flat land or otherwise functional~~ (fa) refer to Policy H5.3(A1); (fb) refer to Policy H5.3(C1); (fc) refer to Policy H5.3(D1); (fd) refer to Policy H5.3(E1); (fe) refer to Policy H5.3(6A) (g) [deleted]~~refer to Policy H5.3(7); and~~ (ga) refer to Policy H5.3(10); (gb) refer to Policy H5.3(11); (gc) refer to Policy H5.3(12); (gd) refer to Policy H5.3(14); and			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(h) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (i) The extent to which the adjacent road network enables safe pedestrian movements.			
	▪ Changes to matters of discretion H5.8.1(3) relating to Integrated Residential Developments:	Oppose	▪ Matter (a)(i) – buildings to be designed to 'minimise visual dominance effects'. Potentially problematic depending on how this is administered. ▪ Prescriptive transport items at criterion (l) written like a standard	▪ Delete proposed provisions

1066.88

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building intensity, scale, location, form and appearance including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. (b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size.~~ (c) Infrastructure and servicing (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria at H5.8.2(3) for IRDs:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(3) for integrated residential development: (a) the extent to which or whether the development achieves the purpose outlined in the ~~following~~ relevant standards and identified in Table H5.4.1 or what alternatives are provided that result in the same or a better outcome: (i) [deleted] ~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H5.6.10 Building coverage;~~ (iii) [deleted] ~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted] ~~Standard H5.6.12 Outlook space;~~ (v) [deleted] ~~Standard H5.6.13 Daylight;~~ (vi) [deleted] ~~Standard H5.6.14 Outdoor living space;~~ (vii)[deleted] ~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H5.6.16 Minimum dwelling size (excluding retirement villages).~~ (aa) refer to Policy H5.3(C1) (ab) refer to Policy H5.3(D1) (ac) refer to Policy H5.3(E1) (b) [deleted] ~~refer to Policy H5.3(1);~~ (c) [deleted] ~~refer to Policy H5.3(2);~~ (d) [deleted] ~~refer to Policy H5.3(3);~~ (e) [deleted] ~~refer to Policy H5.3(4);~~ (f) [deleted] ~~refer to Policy H5.3(5);~~ (g) refer to Policy H5.3(6A); (h) [deleted] ~~refer to Policy H5.3(7);~~			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(i) refer to Policy H5.3(8); (j) refer to Policy H5.3(9): ~~and~~ (ja) refer to Policy H5.3(11); (jb) refer to Policy H5.3(12); (jc) refer to Policy H5.3(14); and (k) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (l) The extent to which the adjacent road network enable safe pedestrian movements, including: i. Footpaths of at east 1.8m in width ii. Facilities to safely and conveniently cross the road including pram crossings, and tactile paving. iii. Narrowed pedestrian crossing distances of vehicle carriageways iv. Front berms to separate pedestrians from traffic.			
	▪ New matters of discretion at H5.8.1 relating to applications for more than one dwelling on sites subject to identified infrastructure constraints: *(6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control:* *(a) Infrastructure and servicing.*	Oppose	▪ Remove from zone, this is managed through other processes (i.e. securing permission to connect to reticulated infrastructure at detailed design phase)	▪ Delete proposed provisions from zone

1066.89

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: *(a) Stormwater disposal.*			
	▪ Amendments / significant additions to H5.8.2(4) 'for building height': (4) for building height: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1); (ca) refer to Policy H5.3(E1); (da) refer to Policy H5.3(6A); (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4).~~; and **Visual dominance** (c) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account: (i) the planned urban built character of the zone; and	Oppose	▪ Language too negative. Why is additional height viewed as a negative outcome? ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions

1066.90

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(ii) the location, orientation and design of development. (iii) the effect of the proposed height on the surrounding and neighbouring development. **Character and Visual Amenity** (d) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast (e) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Relationship of Maori and their culture and traditions** (f) The extent to which proposed building heights as viewed both from and to Pukekiwiriki Pā Historic Reserve maintain the culture and traditions of Māori on this site, taking into account: (i) The site's historic function as an observation and defensive site. (ii) The site's contemporary function as an educational site and site of cultural importance.			
	▪ Amendments / significant additions to criteria at H5.8.(6) 'for HiRB':	Support	▪ Generally considered appropriate for infringements to HiRB, and note the precedent in the Plan already relating to reliance on the Alternative HiRB standard.	▪ Retain proposed provisions

1066.91

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(6) for height in relation to boundary: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(E1); (ba) refer to Policy H5.3(6A) and (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~ **Sunlight access** (d) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September): (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H5.6.4: or (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H5.6.14. (e) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a): (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Overlooking and privacy** (g) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.			
	▪ Amendments to criteria at H5.8.2(9) 'for yards:	Oppose	▪ Very broad assessment opened up for what might be a small infringement.	▪ Delete proposed provisions

1066.92

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(9) for yards: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1) (ca) refer to Policy H5.3(C1); (dc) refer to Policy H5.3(6A); and (ec) refer to Policy H5.3(11). (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~		▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	
	▪ Amendments to criteria at H5.8.2(10) 'for maximum impervious areas: (10) for maximum impervious areas: (aa) refer to Policy H5.3.(6A); (a) [deleted]~~refer to Policy H5.3(7);~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions
	▪ Amendments to criteria at H5.8.2(11) 'for building coverage': (11) for building coverage: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); and (a) ~~refer to Policy H5.3(2); and~~ (b) ~~refer to Policy H5.3(4);~~ (c) whether the non-compliance is appropriate to the context taking into account:	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions

1066.93

1066.94

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(i) Whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site.			
	▪ Amendments to criteria at H5.8.2(12) 'for landscaped area': (12) for landscaped area: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); (da) refer to Policy H5.3(10); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which existing trees are retained.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions
	▪ Amendments to criteria at H5.8.2(13) 'for outlook space':	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions

1066.95

1066.96

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(13) for outlook space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(D1); (da) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.			
	▪ Amendments to criteria at H5.8.2(14) 'for daylight: (14) for daylight: (aa) refer to Policy H5.3(D1); (ab) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions
	▪ Amendments to criteria at H5.8.2(15) 'for outdoor living space':	Support	▪ Appropriate level of detail and targeted assessment required	▪ Retain proposed provisions

1066.97

1066.98

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(15) for outdoor living space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(D1); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4);~~ (c) [deleted] ~~refer to Policy H5.3(5); and~~ (d) [deleted] ~~refer to Policy H5.3(6). and;~~ (e) The extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.				
	▪ New criteria at H5.8.2(15A) 'for windows to street and pedestrian accessways': (15A) For windows to street and private vehicle and pedestrian accessways (a) refer to Policy H5.3(C1) (b) refer to Policy H5.3(6A); and (c) The extent to which the glazing: (i) allows views to the street and/or accessways to ensure passive surveillance; and (ii) provides a good standard of privacy for occupants.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ (c) seems an appropriate assessment matter ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1066.99
	▪ Amendments to criteria at H5.8.2(16) 'for front, side and rear walls': (16) for front, side and rear fences and walls: (aa) refer to Policy H5.3(C1); (ba) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(3); and~~ (c) [deleted] ~~refer to Policy H5.3(4).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1066.100

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	▪ Amendments to criteria at H5.8.2(17) 'for minimum dwelling size': (17) For minimum dwelling size: (aa) refer to Policy H5.3(A1) (ba) refer to Policy H5.3(D1) (ca) refer to Policy H5.3(6A); and (da) The extent to which each dwelling is designed to: (i) Provide simple and convenient internal access and circulation (ii) Include adequate storage; and (iii) Be large enough to allow the use of typical furnishings that meet the needs of the intended occupants. (a) ~~Policy H5.3(5)~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope ▪	▪ Delete proposed provisions	1066.101
	▪ New criteria at H5.8.2(18) 'for deep soil area and canopy': (18) for deep soil area and canopy tree (a) refer to Policy H5.3(6A); (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	1066.102
	▪ New criteria at H5.8.2(19) 'for safety and privacy buffer from private pedestrian and vehicle accessways': (19) for safety and privacy buffer from private pedestrian and vehicle accessways: (a) refer to Policy H5.3(6A); and (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; (ii) planted with suitable and low level plants.	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	1066.103
	▪ New criteria at H5.8.2(20) 'for residential waste':	Oppose	▪ Oppose standard in full, therefore specific criteria redundant ▪ Council's Solid Waste Calculator is overly conservative and overstates the space	▪ Delete proposed provisions	1066.104

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(20) For residential waste management: (a) refer to Policy H5.3(D1) (b) refer to Policy H5.3(6A); (c) refer to Policy H5.3(10); (d) The extent to which sufficient space is provided for residential waste management that is suitably located for ease of movement to collection points; (e) The extent to which the waste management area is designed to minimise visibility; (f) How the development intends to ensure the on-going management and maintenance of any communal residential waste management area; (g) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (h) Whether waste management vehicle can safely undertake collection.		needed to provide for waste storage and collection		
	▪ New criteria at H5.8.2(21) 'for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control': (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability to connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future.	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	1066.105
	▪ New criteria at H5.8.2(22) 'for more than one dwelling per site … subject to the Infrastructure – Stormwater Disposal Constraints Control':	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	1066.106

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control. (a) Whether stormwater can be disposed via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.			
	▪ New special information requirements at H5.9: **Landscape Plans as required by H5.6.11. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and	Oppose	▪ Overly prescriptive and treats all applications the same, regardless of scale. Does not provide for an assessment that is commensurate with the nature and scale of potential effects. ▪ Adds cost up front to proposals even before resource consent is secure ▪ In combination with other Council proposed changes, adds cost and impacts development yield	▪ Delete proposed provisions

1066.107

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Deep Soil Area and Canopy Tree (2) The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following: (a) plant and tree species, number of each species to be planted and planting grades; (b) location of existing trees to be retained; (c) dimensions of individual mature tree canopy; (d) any areas of grass; and (e) Minimum tree canopy dimensions are specified in Table H5.9(3) below. **Table H5.9(3) Minimum tree canopy dimensions** **Residential waste management** (3) Applications for where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H5.6.21(1)(b)). (4) When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided at a minimum: a) the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of; b) the frequency, location, access and on-site route of waste collection or transportation; and c) the method of waste collection, transportation or disposal.			
Chapter H6 – THAB zone	▪ Mapping changes reflecting that the THAB zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply. The most widespread residential zone inside Walkable Catchments	Oppose	▪ General support for changes proposed to include additional sites within the zone inside walkable catchments. ▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to	▪ Extend the mapped extent of the THAB zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identifi

	Minimum mature tree height	Minimum mature canopy diameter	Minimum tree height above ground when planted	Indicative tree planting grade
Small	8m	6m	2m	120L
Medium	10m	8m	2.5m	160L
Large	15m	12m	3m	200L

1066.108

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
			include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	where otherwise appropriately located close to centres, transport options, etc. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	1066.109
	▪ Amendments to H6.1 Zone description: ... The zone provides for the greatest density, height and scale of development of all the residential zones. Within walkable catchments, as identified on the planning maps, development of at least six storeys is enabled unless qualifying matters apply. Outside the walkable catchments, Bbuildings are enabled up to at least five storeys ~~six or seven storeys in~~. In identified Height Variation Control areas buildings of seven or more storeys are enabled. Permitted height standards vary depending on the scale of the adjoining centre, to achieve a transition in height from the centre to adjoining ~~lower scale~~ residential zones. ~~This form of development will, o~~The zone anticipates the greater intensity of development will transition neighbourhoods ~~and over time~~, ~~result in a change~~ from a suburban character to urban built character with a corresponding ~~a high~~ degree of visual change. The zone enables a mix of housing types including three-storey attached and detached dwellings, terraced housing and apartment buildings and integrated residential developments such as retirement villages and papakāinga. The Residential – Terrace Housing and Apartment Buildings Zone is a relevant residential zone as defined in the RMA. The zone incorporates Medium Density Residential Standards (MDRS). The development outcomes anticipated by the RMA are enabled in the zone and are less enabling of development where one or more qualifying matters apply. ▪	Support	▪ Changes directly related to implementation of MDRS ▪ Enable at least six-storey development across the zone	▪ Retain MDRS provisions	1066.110
	▪ New / amendments to objectives at H6.2: (1A) Development of at least six storeys is enabled within walkable catchments, with seven or more storey buildings in identified areas, while also achieving a high-quality built environment. (2) Development outside walkable catchments is in keeping with the areas' changing planned urban built character of predominantly five storeys or six or seven storey buildings where specified in identified areas, in a variety of forms. (3) Development provides high-quality amenity: (a) on-site ~~residential amenity~~ for residents; (b) to adjoining sites; and (c) to the street.	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary.	▪ Delete proposed provisions	1066.111

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(5) Development contributes to a high-quality built environment that is resilient to the effects of climate change. (6) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not ~~nor~~ increase the impact from their potential natural hazard risks. (7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects. (8) Enable safer pedestrian movement within the immediate locality of higher density developments to ensure ease of pedestrian movement to ~~the~~ rapid transport stops. (9) Development is enabled on sites subject to significant ecological areas where it provides for the protection and management of the significant ecological values.		▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions ▪ Enable at least six-storey development across the zone	
	▪ New / amendments to policies at H6.3: (1) Enable a variety of housing types at high densities including terrace housing and low to mid-rise and higher rise apartments within walkable catchments and integrated residential development such as retirement villages. (2) Require the height, bulk, form and appearance of multi-unit development ~~and the provision of setbacks and landscaped areas~~ to achieve a high-quality built environment: (a) with a high-density urban built character of predominantly five, six or seven storey buildings in identified areas; and (b) through building and site design which locates bulk and mass towards the street and provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas. ~~, in a variety of forms.~~	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (4A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone.	▪ Delete proposed provisions

1066.112

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(A4) Require development to achieve a built form that contributes to high-quality built environment outcomes by: (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site; (b) providing for resident's' safety and privacy while enabling passive surveillance on the street; (c) minimising visual dominance effects on adjoining sites; (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites; (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways; (f) minimising the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated; (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees; and (h) designing practical, sufficient space for residential waste management; and (i) designing practical, sufficient space for internal storage and living areas. (4) In identified locations adjacent to centres, enable greater building height ~~through the~~ of five storey's outside walkable catchments, at least six storeys within walkable catchments and the application of the Height Variation Control where additional development potential is enabled and which: (7) ~~Encourage~~ Require accommodation to have useable and accessible outdoor living space (8) [Deleted]~~Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.~~ (11) Require buildings to be set back from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards. (12) Require dwellings to be provided with access to safe and reliable drinking water and wastewater services.		▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job. ▪ Enable at least six-storey development across the zone	

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, to be provided with appropriate infrastructure. (14) Require development to contribute to safety improvements of the immediate urban road environment to achieve pedestrian connectivity to public transport. (15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.			
	▪ Significant additions to Activity Table H6.4.1 regarding standards to be complied with across the zone, within and outside walkable catchments. Changes include but are not limited to: - (A7) Integrated Residential Development - (A31) and (A31A) Internal and external alterations to buildings (up to three dwellings, and four + dwellings)	Oppose	▪ Unnecessarily restrictive given these sites will be comprehensively developed. ▪ Remove reference to infrastructure constraints ▪ Remove requirement to comply with numerous standards given the comprehensive nature of the design and development	▪ Delete proposed provisions
	▪ New rules in Activity table H6.4.1: - H6.4.1(A2A), one dwelling per site subject to SEA which complied with standards E15.4.2(A29) an E15.6.5 – Controlled activity - H6.4.1(A2B), two or three dwellings per site where located in a SEA E15.4.2(A49) and E15.6.5 -	Oppose	▪ Remove all reference to SEA from the residential zones, Overlay D9 already addresses that constraint in a more efficient manner ▪ If retained, remove reference to limiting development on 'sites' subject to an SEA, and focus on managing works 'within' the SEA.	▪ Delete proposed provisions
	▪ New rules in Activity table H6.4.1: - Duplication of rules / standards throughout A31/A31A/A32/A32A/A33/A33A	Oppose	▪ Way too complicated / too much duplication ▪ Don't make rules just for the sake of it. Look to streamline the Plan, not add complexity and volume to it.	▪ Delete proposed provisions

1066.113

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
			▪ Way too many standards listed as relevant to A31/ A31A relating to internal and external alterations		
	▪ New notification exclusion at H6.5(5) Public and limited notification for 4+ dwellings precluded if standards met	Support	▪ Appropriate change	▪ Retain proposed provisions	1066.114
	▪ New standards at H6.6 **H6.6.4B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps** Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network. (1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network. **H6.6.4C Dwellings within the Infrastructure - Stormwater Disposal Constraints Control** Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site. (1) A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage capacity must either be able to connect to the public stormwater network or provide sufficient stormwater disposal capacity on-site.	Oppose	▪ Unnecessary to bring these infrastructure constraints into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	1066.115 1066.116
	▪ Amendment to standard H6.6.5 Height (1) Buildings must not exceed the height in metres specified in clauses H6.6.5.1(a) – H6.6.5.1(c) ~~16m in height~~ unless otherwise specified in the Height Variation Control on the planning maps: **Developments containing up to three dwellings must comply with the following standard:** (a) Buildings must not exceed 11m (3 storeys) in height, except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H6.6.5.1 below: ...	Oppose	▪ It is overly complex to have three different height limits apply in the zone (plus Height Variation Control, and any actual Qualifying Matters), particularly a separate lower limit for 'up to three dwellings' and where the achievable height is dependant on the activity status of an application. This undermines the integrity of the zone.	▪ Delete the MDRS standard for 'up to three dwellings' and replace it with the standard zone height limits proposed inside / outside walkable catchments ▪ Enable at least six-storey development across the zone	1066.117 1066.118

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Any other development: (b) Buildings outside a walkable catchment must not exceed 16m (5 storeys) in height unless otherwise specified in the Height Variaton Control on the planning maps. (c) Buildings in a walkable catchment must not exceed 21m (6 storeys) in height unless otherwise specified in the Height Variation Control on the planning maps (2) [deleted] ~~If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for the site on the planning maps.~~ (3) ~~Standard H5.6.4 Building height applies to the site at 16 Spring Street, Freemans Bay (Lot 1 DP 85829) within a 10m setback area along Spring Street, England Street and adjoining the reserve at 10 England Street (Lot 1 DP 85953) as indicated on the planning maps. Outside of the setback area Buildings must not exceed 16m in height.~~ [deleted]		▪ Enable at least six-storey development across the zone ▪ Support increased height inside walkable catchments ▪ There will be numerous examples of where applications for three dwellings exceed 11m height limit and trigger assessment, when an application for 4+ dwellings may be able to build 10m+ taller as of right (subject to a consent around design)	
	▪ Amendments to standard H6.6.6 Height in relation to boundary **H6.6.6. Height in relation to boundary** Purpose: • For buildings containing no more than three dwellings, to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels. • For buildings outside a walkable catchment, to enable 5 storeys, achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and managing the overall visual dominance of buildings on the rear parts of adjoining sites. • For buildings in a walkable catchment, to enable 6 storeys that locate bulk and mass towards the street and achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and reducing the overall visual dominance of buildings on the rear parts of adjoining sites. **Developments containing up to three dwellings must comply with the following:** (1) Buildings must not project beyond a ~~45~~60-degree recession plane measured from a point ~~34~~m vertically above ground level along the side and rear boundaries, as shown below in Figure H6.6.6.1 Height in relation to boundary for up to three dwellings.	Support	▪ These generous provisions will significantly aid the maximisation of development potential of appropriately located land	▪ Retain proposed provisions

1066.119

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Developments containing four or more dwellings and any other development outside a walkable catchment must comply with the following: (1A) Buildings must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.2 below. **Developments containing four or more dwellings and any other development in a walkable catchment must comply with the following:** (1B) Buildings within 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below; and (1C) Buildings 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below. H6.6.6.(2b) – DELETED. H6.6.6.(5)-(6) – DELETED.			
	▪ Standard H6.6.7 Alternative height in relation to boundary – DELETED.	Support	▪ Support as long as proposed amendments to the HiRB standard H6.6.6 are retained	▪ Retain proposed provisions
	▪ H6.6.8. Height in relation to boundary adjoining lower intensity zones. - Standard applies to development located outside walkable catchments.	Support	▪ Appropriate to attend to the amenity of lower intensity zoned land outside walkable catchments	▪ Retain proposed provisions
	▪ Amendments to standard H6.6.11 Building coverage	Oppose	▪ Delete provisions relating to SEAs, these constraints are dealt with in Chapter D9 – SEA Overlay	▪ Delete proposed provisions

1066.120

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space and to provide for the protection and management of significant ecological areas. (1) The maximum building coverage must not exceed 50 per cent of the net site area. (2) On a site subject to a Significant Ecological Areas Overlay: (a) the maximum building coverage must not exceed 50 per cent of the net site area; and (b) building coverage must not be located in any area within 3m of vegetation within a significant ecological area, including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3.2(A29) and E15.6.5; and (c) other than provided for in H6.6.11(2)(b), building coverage must not be located within a significant ecological area.				
	▪ Amendments to standard H6.6.12 Landscaped area Purpose: • to provide for quality living environments consistent with the planned built character of buildings surrounded by ~~open space~~ vegetation; and • to create a ~~landscaped~~ vegetated urban streetscape character within the zone; **Developments containing four or more dwellings and any other development must comply with the following:** (1) The minimum landscaped area must be at least ~~30~~20 per cent of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch. (2) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m² as shown below in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (3) A minimum 50 per cent of the front yard must be a landscaped area.	Oppose	▪ Reference to Deep Soil area and Safety and privacy buffer standards is concerning. The relationship between those provisions is not clear across the zone ▪ Benefits of Deep Soil standard not proven	▪ Delete proposed provisions	1066.121
	▪ Amendments to standard H6.6.13 Outlook space	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge	▪ Delete proposed provisions	1066.122 1066.123

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Development containing four or more dwellings and any other development must comply with the following: (1) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the face with the largest balcony or area of glazing. (2) The minimum dimensions for a required outlook space are as follows: (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space as shown in Figure H6.6.13.1 Required outlook space for four or more dwellings and any other development, with a minimum dimension of: i 6m in depth and 4m in width; ~~and~~ ii Except for buildings greater than 3 storeys where the minimum dimension is 8m depth and 4m in width and, or iii Where the principal living room outlook is on the ground floor and is defined by a boundary fence, outlook depth may be reduced to 5m. (4) The width of the outlook space is measured from: (a) the centre point of the largest window on the building face to which it applies where outlook depth is reduced to 5m as provided for under H5.6.13(2)(a)(iii) above; or (b) the centre line of the façade of the largest window or balcony edge whichever is closer to the boundary or opposing building. (9) Outlook spaces must: (a) be clear and unobstructed by buildings and servicing area; (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(6) above; ~~and~~ (c) not extend over an outlook spaces or outdoor living space required by another dwelling; and (d) must align with private outdoor living space, except for where the outlook space is over a public street or public open space as required in H6.6.13(6) above.		▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site	
	▪ Amendments to standard H6.6.15 Outdoor living space	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions

1066.124

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Purpose: to provide dwellings, integrated residential development, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure: • private outdoor living spaces are ~~is~~ directly accessible from the principal living room, dining room or kitchen ~~and is separated from vehicle access and manoeuvring areas.~~; • communal outdoor living spaces are conveniently accessible for all occupants. **Developments containing four or more dwellings and any other development must comply with the following:** (1) A dwelling, integrated residential development, supported residential care or boarding house at ground floor level, must have ~~an~~ private outdoor living space that is at least 20m² that comprises ground floor, patio ~~and~~/or balcony/roof terrace space that: (2) A dwelling, integrated residential development, supported residential care or boarding house located above ground floor level must have ~~an~~ private outdoor living space in the form of a balcony, patio or roof terrace that: (4) In addition to H6.6.6.15 (1) and H6.6.6.15(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more, must provide a communal outdoor living space that: a) is located in a communally accessible location; b) is at least 10m² for every five dwellings it serves; c) has a minimum dimension of 4m; d) is free of buildings, parking spaces, and servicing and manoeuvring areas; e) for an area of at least 20m² of the total communal outdoor living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; and f) has a gradient not exceeding 1 in 20; and g) may be split into no more than two outdoor communal living spaces per development.		throughout the zone (and through Plan Change 79)	
	▪ Amendments to standard H6.6.19 Windows to street and private vehicle and pedestrian accessways	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

1066.125

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	Purpose: To provide for passive surveillance while maintaining privacy for dwellings. **Development containing up to three dwellings must comply with the following:** (1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors. **Developments containing four or more dwellings and any other development must comply with the following:** (2) Any dwelling, integrated residential development, supported residential care, boarding house, and visitor accommodation facing the street or private vehicle or private pedestrian accessway, must have a minimum of 20 per cent of the relevant façade in glazing. This can be in the form of windows or doors.				
	▪ Amendments to standard H6.6.20 Deep soil area and canopy tree Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater. (1) Any sites greater than 200m² must provide a deep soil area that must comply with the following: (a) 10 per cent of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions; (b) Except that sites 1,200m² or greater may have more than 1 deep soil area provided that: (i) each deep soil area is a minimum of 60m² with 3m dimensions; and (ii) the combined total deep soil area is a minimum 10 per cent of the site area; (c) Deep soil areas must not be provided in private outdoor living spaces but can be provided in communal outdoor living spaces and landscaped areas as shown in Figure H6.6.20.1 Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer below; and (d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements as set out in Table H6.6.20.1 below; and (2) Trees required by H6.6.20(1) can be existing canopy trees or new canopy trees in accordance with Table H6.9(3).	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed	▪ Delete proposed provisions	1066.126
	▪ Amendments to standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	1066.127

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways. (1) A minimum 1m buffer must be provided between a dwelling and private pedestrian and/or vehicle accessways as shown above in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (2) The buffer area must be: (a) free of buildings, parking spaces, servicing and manoeuvring areas. (b) planted with shrubs or ground cover plants.		throughout the zone (and through Plan Change 79) ▪	
	▪ Amendments to standard H6.6.22 Residential waste management Purpose: To provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings.	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions

1066.128

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m^2 per dwelling (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H6.6.22(3) and either H6.6.22(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m^2 per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.			
	▪ Amendments to H6.7.1. Matters of control for controlled activities	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a	▪ Delete proposed provisions

1066.129

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	~~There are no controlled activities in this zone.~~ **H6.7.1 Matters of control** The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay: (a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area; (b) The location, bulk and scale of built development relative to the surrounding ecological values.		SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA. ▪	
	▪ Amendments to H6.7.2. Assessment criteria for controlled activities The Council will consider the assessment criteria below for controlled activities to the extent relevant to the proposal: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay (a) refer to Policy H6.3(15)	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions
	▪ Amendments to H6.8.1. Matters of discretion for restricted discretionary activities	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints	▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints ▪ Retain assessment criteria relating to infrastructure capacity to serve a development supported if mapped

1066.130
1066.131

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: (i) ~~building intensity,~~ building scale, location, form and appearance; (ii) traffic; (iii) location and design of ~~parking and~~ access and parking (if provided); and (iv) noise, lighting and hours of operation. (c) the effects of the development on the safe access and walkability of the immediate urban road environment to frequent public transport stops. (2) for four or more dwellings per site:		▪ Assessment criteria relating to infrastructure capacity to serve a development supported if mapped Infrastructure Constraints removed from the Planning Maps and zones ▪ Oppose introduction of criterion H6.8.2(2)(ad) relating to the extent to which a building are designed to respect the prevailing character of an area or key historic heritage design when opposite or adjoining special character or historic heritage items ▪ Support the deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Oppose matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) relating to the effects of development on the safe access and walkability of the immediate urban road environment to frequent public transport stops	Infrastructure Constraints removed from the Planning Maps and zones ▪ Delete criterion H6.8.2(2)(ad) ▪ Retain the proposed deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Delete matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions

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	(a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area. (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between a reasonable standard of privacy and opportunities for passive surveillance, and D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management. (i) traffic; and (ii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided). H6.8.1(2b) – DELETED.			

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	(c) the effects on infrastructure, and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access and walkability on the immediate urban road environment to frequent public transport stops. (3) for integrated residential development: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale, location, form and appearance~~;~~ including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. H6.8.1(3b) – DELETED. H6.8.1(5) – DELETED. (6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control. (a) Infrastructure and servicing. (7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Residential Single Dwelling and Subdivision Stormwater Disposal Constraints Control. (a) Stormwater disposal.			

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	▪ Amendments to H6.8.2. Assessment criteria for restricted discretionary activities (b) building ~~intensity,~~ scale, location, building form and appearance: (i) whether the ~~intensity and~~ scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area; (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and parking areas are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or vegetation. (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development.	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Infrastructure matter supported if Infrastructure Constraints mapping removed from the Planning Maps and zones ▪ Inappropriate to covertly include footpath upgrades within criteria – some of these are written like standards and come across as public infrastructure upgrade requirement. In many cases, including for smaller developments, this is what development contributions are for. Likely to lead to appalling piecemeal outcomes if incremental and uncoordinated upgrades are coerced through resource consents. ▪ The criteria relating to the above point are so broad that a small developer could have to upgrade hundred of meters of footpath, provide pram crossings, etc, only because they're the first cab off the rank. Council needs to use its Development Contributions for what they're intended. This smacks of double-dipping at developers' (and ultimately purchasers') expense	▪ Delete proposed provisions

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	(f) Safe access and walkability of routes to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development to the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (2) For four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards specified and identified in Table H6.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted] ~~Standard H6.6.10 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H6.6.11 Building coverage;~~ (iii) [deleted] ~~Standard H6.6.12 Landscaped area;~~ (iv) [deleted] ~~Standard H6.6.13 Outlook space;~~ (v) [deleted] ~~Standard H6.6.14 Daylight;~~ (vi) [deleted] ~~Standard H6.6.15 Outdoor living space; and~~ (vii)[deleted] ~~Standard H6.6.16 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H6.6.17 Minimum dwelling size~~ (aa) the extent to which the building location, scale, form and appearance is of a high-quality and compatible with the planned urban built character		▪ Criterion (2)(ad) - Inappropriate to limit the development potential of a site across the road from a Special Character building.	

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportion and arrangements of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, balconies, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii)locating deep soil areas and/or communal outdoor spaces between the breaks in buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials. (ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontages contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies. (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings that directly front, align and orientate to public streets. (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.			

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	(v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible, attractive, safe and well-lit connections between dwellings and the street. (m) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (l) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. **Visual dominance** (f) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, ~~infringements~~ taking into account: (i) the planned urban built character of the zone; and			

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Character and Visual Amenity (g) The extent to which the form and design of the building and any additional height ~~infringement~~ responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast. (h) The way in which buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Attractiveness and safety of the street** (g) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by: (i) providing doors, windows and balconies facing the street; (ii) optimising front yard landscaping; (iii) providing safe pedestrian access to buildings from the street; and (iv) minimising the visual dominance of garage doors as viewed from the street. **Overlooking and privacy** (h) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.			

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	(11) for building coverage: (f) whether the non-compliance is appropriate to the context taking into account: (i) Whether the balance of private open space and buildings is high-quality and consistent with the planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site. (12) for landscaped area: (e) the extent to which existing trees are retained; and (13) for outlook space: (f) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be reasonably minimised through the placement and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design. (15) for outdoor living space:			

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	(f) The extent to which residential units provide private open space and communal open space that is useable, accessible and attractive for occupants. (15A) For windows to street and private ways (a) refer to Policy H6.3(C1) (a) refer to Policy H6.3(A4); and (b) The extent to which the glazing: i. allows views to the street and/or accessways to ensure passive surveillance; and ii. provides a good standard of privacy for occupants. (17) For minimum dwelling size (d) The extent to which each residential unit is designed to: (i) provide simple and convenient access and circulation; (ii) include adequate storage; and (iii) be large enough to allow the use of typical furnishings that meet the needs of the intended number of occupants. (18) For deep soil area and canopy tree (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and (19) For safety and privacy buffer from private pedestrian and vehicle accessways: (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; and (ii) planted with suitable and low level plants. (20) For residential waste management			

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	(e) The extent to which the development provides sufficient space for residential waste management that is suitably located for ease of movement to collection points; (f) The extent to which the waste management area is designed to minimise visibility; (g) How the development intends to ensure the on-going management and maintenance of any communal waste management area; (h) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (i) Whether waste management vehicle can safely undertake collection. (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future. (22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Stormwater Disposal Constraints Control (a) Whether there is the ability to adequately dispose of stormwater from the site via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.			
	▪ Additions to H6.9. Special information requirements	Oppose	▪ Overly prescriptive and treats all applications the same, regardless of scale. Does not provide for an assessment that is commensurate with the nature and scale of potential effects.	▪ Delete proposed provisions

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	~~There are no special information requirements in this zone.~~ **Landscape Plans for all other developments as required by H6.6.12. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and (d) Any paths included in landscaped area. **Deep Soil Area and Canopy Tree** (2) The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following: (a) plant and tree species, number of each species to be planted and planting grades; (b) location of existing trees to be retained; (c) dimensions of individual mature tree canopy; (d) any areas of grass; (e) Minimum tree canopy dimensions are specified in Table H6.9(3) below. **Residential waste management** (3) Applications where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H6.6.22(1)(b)). (4) When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided as a minimum: a) the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of; b) the frequency, location, access and on-site route of waste collection or transportation; and c) the method of waste collection, transportation or disposal.		▪ Adds cost up front to proposals even before resource consent is secure ▪ In combination with other Council proposed changes, adds cost and impacts development yield	
Chapter H: Business zones				
	▪ Amendments to H8.1. Zone description:	Oppose	▪ Support changes giving direct effect to the NPS:UD	▪ Retain provisions that directly support implementation of the NPS:UD

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Chapter H8: Business – City Centre Zone	The city centre is the ~~top of the centres hierarchy~~ and plays a pivotal role in Auckland's present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living. The provisions in this zone give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD) in accordance with sections 77N and 77O of the Resource Management Act 1991. ~~The Plan enables the greatest intensity of development in terms of height and floor area to occur in the city centre. Within the city centre itself, development potential is concentrated in the core central business district. Development potential reduces towards the ridgelines and transitions to lower heights on the waterfront and landward periphery whilst allowing for variation and interest in built form outcomes.~~ The Business – City Centre zone enables building heights and forms which maximise the benefits of intensification and reflect that the city centre sits at the top of the centres' hierarchy in the Auckland Unitary Plan. The zone also manages the scale of development in order to protect ~~important special character areas~~ sunlight admission to parks and public spaces, the relationship to the Waitematā Harbour, historic heritage, significant views to the ~~volcanic cones~~ maunga and other landmarks including identified views to historic heritage places; and to maintain and enhance the distinctiveness of particular areas including special character areas. The city centre makes an important contribution to our sense of place and identity. The significant height and scale of buildings in the city centre increases their visibility from many places, affecting the quality of both public and private views at local and city-wide scales. The zone seeks to maintain Auckland's balanced landscape identity as both a city of harbours and maunga. In addition to managing the scale of development, the zone manages the quality of building design to ensure new buildings successfully integrate with the city centre's existing and planned built form and public realm to create an attractive and recognisable skyline.		▪ Oppose introduction of Qualifying Matters into the zone. These can (and in many cases are) be dealt with through other Plan mechanisms such as Overlays.	▪ Delete proposed provisions relating to qualifying matters	1066.144
	▪ New / amendments to objectives at H8.2: (3) Development positively contributes towards planned future form and quality, creating a well-functioning urban environment and a sense of place. (4) Business activity is distributed in locations, and is of a scale and form, that: (a) provides for the community's social and economic needs; (b) improves community access to goods, services, community facilities and opportunities for social interaction; ~~and~~ (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity~~.~~; and (d) accommodates qualifying matters.	Support	▪ Support changes broadly, however the reference to 'existing and planned built form and character' should be amended to delete reference to 'existing and'. A city centre where development potential is maximised should not be constrained by any existing built form and character outcomes ▪ Oppose introduction of Qualifying Matters into the zone. These can (and in many cases	▪ Delete proposed provisions relating to qualifying matters ▪ Delete reference to 'existing' built form and character and retain reference to 'planned' built form character ▪ Retain all other proposed changes	1066.145 1066.146

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	(8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its existing and planned built form and character ~~valley and ridgeline form~~ and waterfront setting. (12) Development maintains and enhances the city's physical, cultural and visual connections with the waterfront as a public space and with the Waitematā Harbour and maunga. (13) Building heights are enabled to realise as much development capacity as possible, unless qualifying matters apply which modify the relevant building height and/or density of urban form.		are) be dealt with through other Plan mechanisms such as Overlays.	
	▪ New / amendments to policies at H8.3: (12A) Enable building height of at least six storeys (21m) within walkable catchments unless a qualifying matter applies that reduces height. (13) Enable greater building height than the standard height ~~i~~in ~~identified~~ locations identified within the Height Variation Control ~~centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height~~, having regard to whether the greater height: (za) is commensurate with the level of commercial activities and community services; (a) is an efficient use of land; (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy; (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre~~.~~; and (e) support the role of centres. (14) Reduce building height below the standard zone height ~~i~~in ~~identified~~ locations identified within the Height Variation Control ~~centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height~~, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, ~~or~~ amenity or other qualifying matters. (17) Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a focus on the core ~~central business district~~ of the city centre.	Oppose	▪ Support additional height and the deletion of floor area ratio / bonus floor area provisions as a means of maximising development capacity ▪ Oppose introduction of Qualifying Matters into the zone, or any amendment to zone provisions relating to a Qualifying Matter. These can (and in many cases are) be dealt with through other Plan mechanisms such as Overlays. ▪ Oppose amendments to standards that are overly prescriptive in terms of built form outcomes, and policies that support those prescriptive outcomes ▪ Support the inclusion of mana whenua identity within the city centre, however the implementation of that may need to be tempered a little as it is very broadly worded at present	▪ Delete proposed provisions relating to qualifying matters ▪ Amend references to 'human scale' to better define / describe the outcomes sought ▪ Amend prescriptive nature of policies relating to built form and massing standards ▪ Retain all other proposed changes

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	Historic heritage and special character (27) Encourage the retention and conservation of the city centre's historic heritage through scheduling ~~and through development incentives~~. Policy H8.3.28(a) – DELETED. *City form* (29) Enable the tallest buildings and the greatest density of development to occur in the core of the city centre~~central business district~~. (29A) Ensure high quality building design which recognises the city centre's role in reinforcing Auckland's sense of place and identity, including a thriving and authentic mana whenua identity that is genuinely visible throughout the city centre. Amendments to H8.3.30(c)-(d): (c) requiring the height, ~~and~~ form, and design of new buildings ~~to respect the valley and ridgeline form of the city centre and building design~~ to be complementary to existing ~~or~~and planned built form and character of the zone and precincts; and (d) managing the scale, form and design of buildings to: (i) avoid adverse dominance and/or amenity effects on streets and public open space; and (ii) encourage well-designed, human scale podiums with slender towers above with adequate separation between towers; or on sites where towers are not possible, encourage well-designed buildings which complement the streetscape and skyline ~~on sites identified within the special height area on Map H8.11.3~~. (30A) In identified locations, modify building height and/or density of urban form to provide for qualifying matters. (31) ~~Maximise~~ Ensure adequate sunlight, daylight, and outlook around buildings. (31A) Ensure adequate separation between buildings to avoid adverse effects on the physical, cultural and visual connections between the city centre and the Waitematā Harbour and maunga. (32) Encourage public amenities to be provided within developments, including publicly accessible open space, artworks ~~of art~~ and through site links. (32A) Require that existing public amenities within developments be retained, including publicly accessible open space, artworks and through site links. (34) Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character, interest and variation, human scale and enclosure at street level.		▪ Multiple references to 'human scale', however this is undefined and subjective. May be better off describing the scale of development in a more meaningful way.	

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	(36) Protect identified sightlines along streets and public open spaces from the city centre to the Waitematā ~~h~~Harbour, Rangitoto Island, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks. (38) Ensure adequate sunlight and daylight to public open spaces and streets.				
	▪ Amendments to H8.4.1 Activity table: - Activity status of (A42) changed from D to RD. - Deletion of (A44) and (A45). - A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.	Oppose	▪ Support change to RD status for Rule A42 as it is possible to appropriately define the relevant assessment matters for an infringement of the Harbour Edge Height Control standard ▪ Oppose identification of qualifying matters into the zone	▪ Delete identification of qualifying matters ▪ Retain other proposed changes to the activity table	1066.149
	▪ Amendments to Standard H8.6.2. General building height: Purpose: manage the height of buildings within the city centre to: • enable the tallest buildings within the core ~~central business district~~ of the city centre; ~~and~~ • transition heights down to neighbourhoods adjoining the city centre and to the harbour edge; • consolidate the city centre as the top of the centres hierarchy in Auckland; • respect the ~~valley and ridgeline form of the city centre and the~~ existing ~~or~~ and planned built form and character of the zone and precincts; and • avoid adverse dominance, shading and/or visual amenity effects of building height on streets and public open spaces. • provide for variations to building height to recognise the character and amenity of particular areas, including heritage places.	Support	▪ Appropriate provisions with adequate height enabled	▪ Retain proposed provisions	1066.150
	▪ Amendments to purpose of Standard H8.6.5. Harbour edge height control plane: Purpose: manage the scale of buildings at the western end of Quay Street to: • provide a city form which transitions in building height from the ~~core central business district~~ core of the city centre down towards ~~to~~ the waterfront; • maximise ~~views~~ visual connections and visual permeability between the harbour and the city centre; and	Support	▪ Appropriate provisions	▪ Retain proposed provisions	1066.151

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	▪ Deletion of H8.6.6. Exception to the harbour edge height control plane.	Oppose	▪ The exception, which provides for an additional 20m height where particular outcomes are achieved, is a proven standard. ▪ While general infringement of H8.6.5 is proposed to become a restricted discretionary activity rather than a discretionary activity as it is at present, this amendment will undermine the maximisation of development capacity prescribed through the NPS:UD	▪ Retain operative standard H8.6.6	1066.152
	▪ Amendments to Standard H8.6.8 Measuring building height - Deletion of H8.6.8(1)(b) which provides a choice between rolling height and average street level height definitions for the western part of the city centre	Oppose	▪ This valuable distinction enables developers the flexibility to choose between height definitions on land that has steep slope. Deleting the choice will simply lead to a proliferation of height infringements on sloping land that may otherwise have been avoided.	▪ Retain the operative provision H8.6.8(1)(b)	1066.153
	▪ Amendments to Standard H8.6.9. Rooftops: - Deletion of H8.6.9(2) and H8.6.9(4)(a)	Support	▪	▪ Retain provisions as proposed	1066.154
	▪ Deletion of Standard H8.6.10. Basic floor area ratio.	Support	▪	▪ Retain provisions as proposed	1066.155
	▪ Deletion of Standard H8.6.11. Bonus floor area ratio.	Support	▪	▪ Retain provisions as proposed	
	▪ Deletion of Standard H8.6.12. Bonus floor area ratio – light and outlook.	Support	▪	▪ Retain provisions as proposed	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	▪ Deletion of Standard H8.6.13. Bonus floor area – use or transfer of historic heritage and special character floor space bonus.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.14. Bonus floor area – securing historic heritage and special character floor space bonus.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.15. Bonus floor area – bonus floor space calculation for scheduled heritage buildings.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.16. Bonus floor area - bonus floor space calculation for identified special character buildings.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.17. Bonus floor area - public open space.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.18. Bonus floor area - through-site link.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.19. Bonus floor area - through-site links through identified blocks.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.20. Bonus floor area - works of art.	Support	▪	▪ Retain provisions as proposed
	▪ Deletion of Standard H8.6.21. Maximum total floor area ratio.	Support	▪	▪ Retain provisions as proposed
	▪ Amendments to Standard H8.6.23. Streetscape improvement and landscaping: - Deletion of H8.6.23(5)	Neutral	▪	▪ Retain provisions as proposed
	▪ Amendments to Standard H8.6.24. Maximum tower dimension, setback from the street and tower separation in special height area (shown on Map H8.11.3):	Oppose	▪ The proposed changes to this standard have the potential to seriously undermine the actual ability for developments to achieve the enabled height and to maximise development capacity within the city centre. Associated	▪ Delete proposed provisions

1066.156

1066.157

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Purpose: ensure that high-rise buildings: • are not overly bulky and are slender in appearance; • provide adequate sunlight and daylight access to streets and public spaces; • provide a consistent human-scaled edge to the street; • provide adequate sunlight, daylight and outlook around buildings; • enable ~~views~~visual connections through the city centre; and • mitigate adverse wind effects. (1) On every site identified as special height area on Map H8.11.3 a new building or addition to an existing building must comply with the following: (a) the maximum plan dimension of that part of the building above 28m (above mean street level) must not exceed 50m; and (b) the part of a building above 28m must be ~~located~~ set back ~~at least 6m~~ from all boundaries of the site by at least: (i) 6m; or (ii) 6 per cent of the total building height whichever is the greater (refer Figure H8.6.24.2) (2) The maximum plan dimension is the horizontal dimension between exterior faces of the two most separate points of the building (refer Figure H8.6.24.1). (3) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 28m.		with this is the potential to undermine the prescribed NPS:UD outcomes ▪ The excessive setback requirements have the potential to render the city centre's small site stock redundant and undevelopable. There is a risk here that despite the additional height provision and removal of the floor area ratio controls, many sites may actually have less development potential that at present under the operative provisions.	
	▪ New addition of Standard H8.6.24A Maximum east-west tower dimension: **H8.6.24A Maximum east-west tower dimension** Purpose: ensure that high-rise buildings provide adequate physical, cultural and visual connections with, and visual permeability to, the Waitematā Harbour. (1) On every site identified as subject to the east-west tower dimension standard on Map 8.11.10 a new building or addition to an existing building must comply with the following: (a) the maximum plan dimension of any part of a building in the east-west direction must not exceed 30m for that part of the building above: (i) 28m, for sites identified as special height area on Map H8.11.3. (ii) 32.5m for all other sites. (2) This standard applies in addition to the maximum plan dimension stated in H8.6.24 and H8.6.25A.	Oppose	▪ While the purpose of this new standard is supported, it is unclear the extent to which it has been tested on the basis of existing city centre sites. ▪ The east-west dimension may render many city centre sites undevelopable, or unsuitable for particular activities (office towers for example) ▪ Very limiting for sites that run at an east-west orientation	▪ Delete proposed provisions

1066.158

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
			▪ In conjunction with the other standards relating to setbacks, tower dimensions, frontage / podium heights, etc, some sites will be highly constrained	
	▪ Amendments to Standard H8.6.25. Building frontage alignment and height: Purpose: ensure streets are well defined by human-scaled buildings and provide a sense of enclosure to enhance pedestrian amenity, while still providing adequate sunlight and daylight access to streets. (2) On every frontage identified on Map H8.11.5A, a new building or addition to an existing building must comply with the following: (a) for frontages identified as "28m", the maximum frontage height must not exceed 28m for a minimum depth of 6m from the frontage; (b) for frontages identified as "1:1 to street width" the maximum frontage height must not exceed the lesser of: (i) a 1:1 ratio to the width of the street which that frontage is on, for a minimum depth of 6m from the frontage, or (ii) 32.5m, for a minimum depth of 6m from the frontage. (c) where the street width referenced in H8.6.25(2)(b)(i) is less than the minimum frontage height requirement on Map H8.11.5, then the maximum frontage height is equal to the minimum frontage height.	Oppose	▪ Unnecessarily complex provision ▪ In conjunction with the other standards relating to setbacks, tower dimensions, frontage / podium heights, etc, some sites will be highly constrained	▪ Delete proposed provisions
	▪ New addition of Standard H8.6.25A Building setback from boundaries: Purpose: ensure that buildings: • provide adequate sunlight and daylight access to streets and public open spaces; • provide a consistent human-scaled edge to the street; • provide adequate sunlight, daylight and outlook around buildings; • enable visual connections through the city centre; and • mitigate adverse wind effects. (1) On every site identified as subject to this standard on Map H8.11.11) a new building or addition to an existing building must comply with the following:	Oppose	▪ This new standard cuts across other existing and proposed standards. This duplication seems unnecessary and adds complexity to the Plan.	▪ Delete proposed provisions

1066.159

1066.160

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(a) For boundaries which have a maximum frontage height (refer H8.6.25(2)), the set back is as stated in H8.6.25(2). (b) For all other boundaries, the part of the building above 32.5m must be set back from the boundary by at least 6m. (c) The maximum plan dimension, as defined in H8.6.24(2), of that part of the building above 32.5m must not exceed 50m. (d) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 32.5m.			
	▪ New addition of Standard H8.6.34. Through-site links: **H8.6.34. Through-site links** Purpose: Ensure that through-site links enhance pedestrian access, amenity and safety, and contribute to an improved city centre environment. (1) Map H8.11.9 sets out where through-site links are most needed in the city centre. This standard applies to any through-site link, even if not identified on Map H8.11.9. (2) All forms of through site link must: (a) be a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect roads or other public places or other through-site links and provides a shorter and more convenient route than the existing alternative; and (b) have an access easement registered on the title to which the link applies to ensure preservation of the link and its ongoing maintenance by the owner of the title. (3) A through-site link may be a combination of lanes, arcades and covered links along its length. *Lanes* (4) Lanes must: (a) be fully pedestrian or have only limited vehicular access and be kept clear and unobstructed from the ground or floor level upwards. (b) be publicly accessible 24 hours a day, seven days a week. (c) maintain a minimum unobstructed width of 3.5m. The unobstructed width of the lane must be free of any buildings and fixtures that disrupt the passage of pedestrians. *Arcades* (5) Arcades must: (a) be pedestrian-only and covered.	Support	▪ Through site links are not required by the standard, but reasonable to establish clear performance standards where they are to be provided	▪ Retain proposed provisions

1066.161

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(b) be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose. (c) maintain a minimum unobstructed width of 3.5m. The unobstructed width of the arcade must be free of any buildings and fixtures that disrupt the passage of pedestrians. *Covered links* (6) Covered links must: (a) be pedestrian only and covered. (b) be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose. (c) have a minimum unobstructed width of 3.5m. The unobstructed width of the covered link must be free of any buildings and fixtures that disrupt the passage of pedestrians.			
	▪ Amendments to H8.8.1. Matters of discretion: (6) infringement of general building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards: (a) effects of additional building bulk and scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character); (b) consistency with the existing and planned built ~~future~~ form and character of the ~~area~~/zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook, or where towers are not possible, buildings should be well-designed and complement the streetscape and skyline; and Deletion of H8.8.1(8). New addition of H8.8.1(8A): (8A) Infringement of the harbour edge height control plane standard (a) The effects of height, form, and scale on: (i) A city form which transitions in building height down towards the harbour edge (ii) Maximising visual connections and visual permeability between the city centre and the Waitematā Harbour; (b) Amenity effects on the streetscape, and adjacent waterfront public open spaces	Oppose	▪ Delete any reference to 'existing' built form and character as that may undermine NPS:UD outcomes around maximising development capacity. In areas with significant change in height for example, the existing height of development is irrelevant going forward. The planned built form and character is the bar against which applications should be considered. ▪ Delete reference to 'human scale' as this is meaningless. Replace with more meaningful wording ▪ The submitter has requested that a number of new / amended standards by deleted. Corresponding deletions to matters of discretion should follow.	▪ Delete proposed provisions or otherwise amend as requested

1066.162
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1066.166

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	New addition of H8.8.1(8B): (8B) infringement of maximum east-west tower dimension standard: (a) The effects of building form, scale and bulk on providing adequate visual permeability between the city centre and the Waitematā Harbour. Amendments to H8.8.1(9): (d) for infringements of maximum frontage height (H8.6.25(2)): (i) building bulk and scale; (ii) consistency with the existing and planned built form and character of the zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook; (e) site specific characteristics. Amendment to H8.8.1(11): (11) infringement of wind standard: (a) pedestrian and public amenity; New addition of H8.8.1(16): (16) infringement of through site links standard: (a) pedestrian access, safety and amenity.		▪ Support matters at H8.8.1(16) – Through Site Links		1066.167
	▪ Amendments to H8.8.2. Assessment criteria:	Oppose	▪ Delete any reference to 'existing' built form and character as that may undermine NPS:UD outcomes around maximising development capacity. In areas with significant change in height for example, the existing height of development is irrelevant going forward. The planned built form and character is the bar against which applications should be considered.	▪ Delete proposed provisions or otherwise amend as requested	1066.168

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(1) new buildings and external alterations and additions to buildings not otherwise provided for: (a) building design and external appearance: *Contributing to a sense of place* (i) the extent to which the design of buildings contribute to the local streetscape and sense of place by responding positively to the existing and planned built form and character of the zone and surrounding area and significant natural landforms and landscape features including the Waitematā Harbour; (ii) the extent to which the silhouette of the building as viewed from areas surrounding the city centre positively contributes to the city centre's skyline while reinforcing the existing and planned built form and character of the city centre; (iia) the extent to which buildings are designed to create human scale podiums at street level and slender towers above which allow daylight and sunlight into buildings and daylight and sky views to filter down to streets and public places, while respecting the relationship of the city centre with the Waitematā Harbour. (iib) the extent to which buildings are designed to ensure adequate sunlight and daylight access to streets, public places and nearby sites. (iic) The extent to which sunlight, daylight and outlook is provided around buildings at all levels above the podium, to enable light to filter to streets and complimenting the relationship between the city centre and its surrounds including the Waitematā Harbour by through site views. New addition of H8.8.2(1)(xixb) under Variation in building form/visual interest: (xixb) the extent to which adequate separation between buildings is provided: • to ensure sunlight and/or daylight reaches the street • to ensure streetscape amenity • to avoid a sense of dominance to the street and neighbouring sites • to ensure gaps are created between buildings which allow physical, cultural and visual connections to the Waitematā Harbour and maunga. Amendments to H8.8.2(6):		▪ Delete reference to 'human scale' as this is meaningless. Replace with more meaningful wording ▪ The submitter has requested that a number of new / amended standards by deleted. Corresponding deletions to criteria should follow.	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(6) infringement of general building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards: (a) effects of additional building bulk and scale on neighbouring sites and streets and public open spaces (sunlight and daylight access, dominance, streetscape amenity, visual amenity and landscape character): (i) whether minor height infringements may be appropriate where it would provide an attractive and integrated roof form that also meets the purpose of the standard; (ii) whether height or setback infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; and (iii) whether ~~minor~~ infringements to the building in relation to boundary standard or the streetscape improvement and landscaping standard may be appropriate where the spacious landscaped character of the area is retained. (b) consistency with the existing and planned ~~future~~built form and character of the zone/area: (i) where building height or maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards is infringed whether the proposal demonstrates that Policies H8.3(29), H8.3(29A), H8.3(30), ~~and~~ H8.3(31) and H8.3(38) of the Business – City Centre Zone are met. (c) site specific characteristics: (i) whether there are particular site specific characteristics in terms of narrow site size, unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed; (ii) where towers are not possible, the extent to which buildings are well-designed and complement the streetscape and skyline; Deletion of H8.8.2(8). New addition of H8.8.2(8A): (8A) infringement of the harbour edge height control plane standard: (a) Height, form, and scale: (i) The extent to which the building (including roof structures) are designed to reinforce the planned built form of the city centre and the waterfront when viewed from: • within the city centre and main approaches to the city centre by land and water; and • public spaces which offer comprehensive views.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(ii) The extent to which the part of the building which protrudes through the harbour edge height control plane: • Avoids abrupt or arbitrary truncation of the upper parts of the building or structure. • Is visually compatible with its proximity to the Waitematā Harbour, taking into account: ○ Whether the expression of the building provides visual interest and variation; ○ Whether the design visually reinforces the building's sense of place on the waterfront; and ○ The clustering of building heights to reinforce transitioning to a lower density waterfront setting. • Maintains visual and physical connections and visual permeability to the Waitematā Harbour through the city centre by providing adequate airspace, sunlight, daylight and amenity around towers. (b) Amenity effects on the streetscape and adjacent public open spaces along the waterfront: (i) The extent to which building bulk above the harbour edge height control plane results in loss of amenity to adjacent public open spaces along the waterfront, including: • Sunlight admission. • Shading and dominance at street level and public spaces, in particular Quay St, Queen St, and Customs St. (c) Particular constraints: (i) Whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development. New addition of H8.8.2(8B): (8B) infringement of maximum east-west tower dimension standard: (a) The effects of building form, scale and bulk on providing adequate physical, cultural and visual connections, and visual permeability between the city centre and the Waitematā Harbour: (i) The extent to which towers have spaces between and around them providing north-south views of the harbour. (ii) the extent to which towers have a square or north-south alignment. (iii) the extent to which buildings avoid creation of a wall of built form which reduces views to the harbour from the city centre. New addition (d) to H8.8.2(9):			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	(d) for infringement of maximum frontage height (H8.6.25(2)): (i) effects of additional building scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character): • the extent to which buildings have clearly defined human scale frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety; • the extent to which buildings are designed to provide adequate sunlight, daylight and sky view access to streets, public places and nearby sites. • whether maximum frontage height infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; (ii) whether the proposal demonstrates that Policies H8.3(30), H8.3(31), H8.3(34) and H8.3(38) of the Business – City Centre Zone are met. (iii) whether there are particular site specific characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed. New addition of H8.8.2(16): (16) infringement of through-site link standard: (a) pedestrian access, safety and amenity: (i) whether pedestrians including mobility-aid users can safely and easily navigate the through-site link; (ii) whether through-site links provide a connection between two streets or other public areas to create interest in the city and have a clearly visible origin and destination; (iii) the extent to which the design of the through-site link takes the pedestrian's desired routes into consideration when determining location; (iv) the extent to which through-site links are of a width proportionate to the scale of development to create a sense of enclosure, with a ratio of 1:5 being encouraged; (v) the extent to which through-site links have active uses along at least one side; and (vi) the extent of the hours of public accessibility. Deletion of H8.9. Assessment – bonus floor area.			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	▪ New additions of special information requirements under H8.10: **H8.10.1. Alterations and additions to buildings identified as historic heritage and special character** (1) For scheduled historic heritage buildings, the applicant must prepare a conservation plan (or update an existing conservation plan where one already exists) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning. This information shall be provided where the application is for: (a) substantial demolition or destruction; (b) relocation within the scheduled extent of place; or (c) significant restoration or modification works. (2) For any application for works affecting identified special character buildings, the applicant must prepare a character plan that details how the significant features of the building that contribute to streetscape amenity will be retained and enhanced. The plan must demonstrate that a programme of works will be undertaken, including a maintenance plan to guide ongoing regular maintenance and cleaning. The plan shall be commensurate with the effects of the proposed works on special character values. For the purpose of this information requirement, 'identified special character buildings' are all pre-1940s buildings within the Queen Street Valley precinct and those identified on Map H8.11.1.	Neutral	▪	▪	1066.169
Chapter H13: Business – Mixed Use Zone	▪ Amendments to H13.1. Zone description: The Business – Mixed Use Zone is typically located around centres and along corridors served by public transport and may be located in walkable catchments. It acts as a transition area, in terms of scale and activity, between residential areas and the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone. It also applies to areas where there is a need for a compatible mix of residential and employment activities. There is a range of possible building heights depending on the context. Provisions typically enable heights up to four storeys. Greater height may be enabled in areas close to the city centre, metropolitan centres and larger town centres. Within walkable catchments, as identified on the planning maps, building heights of at least six storeys are enabled, unless qualifying matters apply that reduce height. Some street frontages within the zone are subject to a General Commercial Frontage Control.	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms ▪ Enable development of at least six-storeys across the zone	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	1066.170
	▪ New / amendments to objectives at H13.2: (3) Development positively contributes towards planned future form and quality, creating a well-functioning urban environment and a sense of place. (4) Business activity is distributed in locations, and is of a scale and form, that:	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	1066.171 1066.172

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought	
	(c) manages adverse effects on the environment, including effects on infrastructure and residential amenity~~.~~; and (d) accommodates qualifying matters. (10) Building height of at least six storeys is enabled within walkable catchments unless qualifying matters apply that modifies height.				
	▪ New / amendments to policies at H13.3 (12A) Enable building height of at least six storeys (21m) within walkable catchments unless a qualifying matter applies that modifies height. (13) Enable greater building height than the standard height ~~I~~in locations identified ~~locations~~ within the Height Variation Control~~. Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height~~, having regard to whether the greater height: (za) is commensurate with the level of commercial activities and community services; (a) is an efficient use of land; (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy; (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; ~~and~~ (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre~~.~~; and (e) supports the role of centres. (14) I Reduce building height below the standard zone height ~~I~~in locations identified ~~locations~~ within the Height Variation Control~~. Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height~~, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, ~~or~~ amenity, or other qualifying matters.	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	1066.173 1066.174
	▪ Amendment to purpose of Standard H13.6.1. Building height • enable greater height in areas identified for intensification including within walkable catchments, unless a qualifying matter applies; and	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	1066.175 1066.176
Chapter J1 - Definitions					

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	▪ Amended definition: Landscaped area **Landscaped area** In relation to any site, means an area that is in natural grass, plants or trees. The canopy of trees that are existing at the time of consent lodgement can be included in the landscaped area provided the trunks are surrounded by an area of grass, plants or mulch that extends to the diameter of the critical root zone. The critical root zone being a circular area extending from the base of the canopy tree with a diameter equal to twelve times the trunk diameter measured at 1.4m above ground level. Landscaped area can include pervious paths with a maximum width of 1.5m provided they do not make up more than 10 per cent of the landscaped area. Buildings, artificial grass, and structures including pools, paving (except for pervious paths), pergolas, decks and servicing area is excluded from the landscaped area. This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS.	Oppose	▪ The proposed changes to this definition erode the existing exclusions provided, and further limit the development potential of land	▪ Delete the proposed definition

1066.177

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	~~any part of that site not less than 5m² in area which is grassed and planted in trees, shrubs, or ground cover plants and may include:~~ (1) ~~One or more of the features in (a) (b) or (c) where the total land area occupied does not collectively cover more than 25 per cent of the landscaped area:~~ ~~(a) ornamental pools;~~ ~~(b) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one paver does not exceed 650mm;~~ ~~(c) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;~~ (2) ~~non permeable pathways not exceeding 1.5m in width;~~ (3) ~~permeable artificial lawn in the residential zones, except:~~ ~~(a) that permeable artificial lawn must not cover more than 50 per cent of the landscaped area of the front yard;~~ ~~(b) Permeable artificial lawn must:~~ • ~~be permeable;~~ • ~~resembles grass in colour including a mix of natural looking green tones;~~ • ~~have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;~~ • ~~is resistant to ultra violet degradation, weathering and ageing during its normal service life; and~~ • ~~is recyclable.~~ (4) ~~Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.~~ ~~Excludes any area which:~~ • ~~falls within the definition of building coverage;~~ • ~~is part of a non permeable pathway that is greater than 1.5m in width;~~ • ~~is used for the parking, manoeuvring or loading of motor vehicles.~~			
	▪ New definition: Service Area Relevant to outlook space requirements in MHU and THAB zones	Oppose	▪ In conjunction with how this definition is being used within the MHU and THAB zones, it has the potential to severely limit the development potential of land.	▪ Delete the proposed definition

1066.178

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons for submission	Relief Sought
	Servicing area The area used to accommodate facilities necessary for the day to day needs of residential occupants, including: • Storage sheds • External hot water cylinders • Waste storage areas • Bicycle parking and storage • Heat pump or air conditioning external units • Washing lines (excludes where these can be fully retracted or folded down) • Rainwater tanks (excludes where the tank is entirely underground or otherwise permitted by the Plan) Servicing facilities excludes: • Letterboxes • Water meters • Freestanding lights • Solar Panel Batteries			
	▪ New definition: Urban Heat Island **Urban heat island** Heat islands are urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. In these areas where these structures are highly concentrated and greenery is limited, these become "islands" of higher temperatures relative to outlying areas.	Oppose	▪ In conjunction with how this definition is being used within the MHU and THAB zones, it has the potential to severely limit the development potential of land. ▪ There should be more science around this definition, as it is simply being broadly applied to development within residential areas.	▪ Delete the proposed definition

1066.179

Attachment 2 – Letter of support from Te Kawerau a Maki

Te Kawerau Iwi Tribal Authority & Settlement Trust

Submission on Proposed Plan Change 78 (Public)
That is subject to full notification
Plan change 78 - intensification

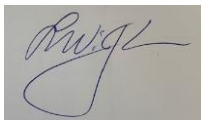
To: Auckland Council
Attention: Principal Policy Planner
By Email: unitaryplan@aucklandcouncil.govt.nz

Te Kawerau a Maki has already been engaged in the process and made a submission in June 2022. Te Kawerau a Maki is scoping out a development opportunity at Harrier point with Ngāti Whātua o Kaipara, Avant and Kainga Ora.

Further to that submission, Te Kawerau a Maki wishes to record its support for clause 16.H of the Avant submission which relates to Harrier point. On that site, a height of at least 35m should be allowable.

Te Kawerau a Maki will remain engaged in the process and reserves the right to make additional comments and submissions separately throughout the review process.

Nāku, na,



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New Zealand Defence Force
Defence Estate and Infrastructure
NZDF Headquarters
Private Bag 39997
Wellington 6045

Plan Change 78 (Intensification)
Auckland Unitary Plan

To: Planning Technician

Address: Auckland Council
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Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

Submitter: New Zealand Defence Force

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Introduction

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand and currently operates a number of nationally significant defence facilities within the Auckland region.

The NZDF is concerned about potential reverse sensitivity effects arising from new development and intensification in the vicinity of Defence facilities around the country, including in Auckland. Reverse sensitivity effects have the potential to impact on the efficient operation of Defence facilities and must therefore be appropriately managed to ensure NZDF'S obligations under the Defence Act 1990 can continue to be met. This includes maintaining the nation's security, maintaining NZDF operational capacity and providing for the well-being, health and safety of communities.

The NZDF recognises the need to provide for intensification but wants to ensure that significant intensification in close proximity to Defence facilities does not affect its ability to operate effectively and efficiently. To that end, reverse sensitivity effects must be managed so that the ongoing operation of its facilities is protected.

Qualifying matters

The NZDF supports a number of the qualifying matters referred to in section A1.4.8 and A1.4.8.2 of the plan change, particularly the Aircraft Noise Overlay, Designations, and the Precincts.

However, S77I (e) of the RMA states that qualifying matters can include a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (as referred to in table A1.4.8). Under the Auckland Unitary Plan (AUP) the definition of infrastructure includes “national defence facilities”. Under the Urban Development Act 2020, defence land and airspace are specifically included in the definition of “nationally significant infrastructure” (Section 9).

Taking into account each of the definitions, Defence facilities should specifically be included in the definition of nationally significant infrastructure under the plan change provisions. A new definition of nationally significant infrastructure should be added that includes defence facilities, and matters required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure should be included, including specific provisions to address reverse sensitivity. Alternatively, Defence Facilities and surrounding areas should be included as a Qualifying Matter in column 2 table A1.4.8.1 next to ‘Matters required for ensuring the safe or efficient operation of nationally significant infrastructure’, and Defence designations should be specifically referenced in column 3 as are other designations.

Recognition of Reverse Sensitivity in the Policy and Rules Framework

The management of reverse sensitivity effects on camps and bases is an important issue for the NZDF across New Zealand. PC 78 proposes to intensify a number of sites in proximity to Defence facilities or property where reverse sensitivity effects could be an issue. NZDF is also concerned about increased intensification as a result of potential future residential plan changes in the vicinity of Defence facilities.

The NZDF broadly supports the proposed residential zoning on NZDF land and on the land surrounding its facilities, subject to the management of reverse sensitivity effects, including a requirement for new development authorised by this Plan Change to include no-complaints covenants in favour of NZDF. The NZDF requests that the policy framework ensures the safe and efficient operation of existing nationally significant infrastructure, including Defence facilities, and recognises that these Defence facilities have operated in these locations for many years and will continue to do so into the future. The NZDF requests that the policy framework sets clear direction in relation to avoiding reverse sensitivity effects on its facilities and recognises and enables the ongoing use and operation of significant infrastructure.

To support the policy framework above, the NZDF requests that additional permitted activity standards requiring the registration of no-complaints covenants in favour of the NZDF for new development in the vicinity of NZDF facilities authorised by this Plan Change are incorporated into intensification rules. The NZDF also requests that reverse sensitivity be considered as a matter of control or discretion for proposed intensification not meeting permitted activity standards within the vicinity of NZDF facilities.

Summary of Submission Points

Point	Request	Reasons	Relief sought	
Identification of qualifying matters in the Plan				
1	Additional matters are required for ensuring the safe or efficient operation of Nationally Significant Infrastructure	NZDF supports the matters seeking the safe and efficient operation of nationally significant infrastructure in part, particularly the Aircraft Noise Overlay. However, Defence facilities are nationally significant infrastructure in accordance with the definition in the Urban Development Act 2020 and further provision is needed to protect these facilities from reverse sensitivity effects.	A new definition of nationally significant infrastructure that includes Defence Facilities should be added. Matters required for the purpose of ensuring the safe or efficient operation of this Nationally Significant infrastructure should then be included, including specific provisions to protect against reverse sensitivity effects. Alternatively, the NZDF requests that Defence Facilities and surrounding areas are included as a Qualifying Matter in column 2 table A1.4.8.1 next to 'Matters required for ensuring the safe or efficient operation of nationally significant infrastructure'.	1069.1 1069.2 1069.3 1069.4 1069.6
2.	Table A1.4.8.1 – Qualifying matter provisions related to zones, overlays or Auckland Wide qualifying matter provisions to include defence designations	NZDF supports these provisions in part, however Defence facilities are nationally significant infrastructure and matters to ensure their safe and efficient operation should be considered qualifying matters under S77I (e) of the RMA. Defence designations should be specifically listed in the table for clarity as are other designations.	The NZDF requests that the third column of Table A1.4.8.1 is amended to include, in the row for "Matters required for ensuring the safe or efficient operation of nationally significant infrastructure", relevant Minister of Defence Designations, particularly relating to Whenuapai Aircraft Noise Overlay.	1069.5
Medium Density Residential Standard Policies				
3.	Recognition of reverse sensitivity in the policy framework	The NZDF broadly supports intensification on NZDF land and on the land surrounding its facilities, subject to the management of reverse sensitivity effects, including a requirement for new development authorised by this Plan Change to include no-complaints covenants in favour of NZDF. The NZDF requests that the policy framework ensures the safe and efficient operation of existing nationally significant	Amend the policy framework to include objectives and policies that specifically manage reverse sensitivity effects on nationally significant infrastructure, including	1069.7

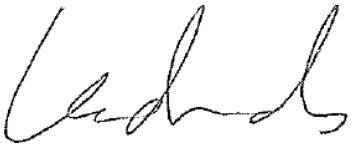
Point	Request	Reasons	Relief sought
		infrastructure, including Defence facilities, and includes policies to protect this infrastructure from reverse sensitivity effects.	through the registration of no-complaint covenants.
4.	Incorporation of standards and rules to support the management of reverse sensitivity in the policy framework	To support the requested policy framework, the NZDF request that additional permitted activity standards are incorporated into intensification rules that require will the registration of no-complaints covenants in favour of the NZDF for properties subject to intensification in the vicinity of NZDF facilities. The NZDF also requests that reverse sensitivity can be considered as a matter of control or discretion for proposed intensification not meeting permitted activity standards within the vicinity of Defence Force facilities.	Requiring no-complaints covenants in favour of NZDF on new development authorised by this Plan Change that surrounds NZDF facilities, for example through the addition of permitted activity standards where appropriate. Ensuring that reverse sensitivity can be considered a matter of control or discretion when considering a consent application for intensification of property surrounding defence force facilities.

1069.8

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

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

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



Date 29/09/2022

Person authorised to sign
on behalf of New Zealand Defence Force

BEFORE AUCKLAND COUNCIL

IN THE MATTER	of the Resource Management Act 1991 ("RMA")
AND	
IN THE MATTER	of a submission on Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in Part) ("Unitary Plan") pursuant to the First Schedule to the RMA

SUBMISSION BY CHANNEL TERMINAL SERVICES LTD ON PROPOSED PLAN CHANGE 78 TO THE UNITARY PLAN

29 September 2022

To: Auckland Council
Private Bag 92300
Auckland 1142
By email: unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Channel Terminal Services Ltd

Address for Service: c/- ChanceryGreen
PO Box 47516
Ponsonby 1144
Attention: Chris Simmons
chris.simmons@chancerygreen.com

INTRODUCTION

1. This is a submission on behalf of Channel Terminal Services Ltd ("CTS") on proposed Plan Change 78 to the Unitary Plan ("PC78"). CTS is a wholly-owned subsidiary of Channel Infrastructure NZ Ltd ("Channel Infrastructure").

2. Channel Infrastructure has previously provided feedback dated 9 May 2022 on Auckland Council's Preliminary Response to the National Policy Statement on Urban Development 2020 ("NPS-UD") and Medium Density Residential Standards ("MDRS"). Channel Infrastructure's feedback has generally not been incorporated into the notified version of PC78, nor addressed in the relevant PC78 Evaluation Report ("Petroleum Refinery and Gas Transmission Pipelines").

BACKGROUND TO CHANNEL INFRASTRUCTURE AND CTS

3. Channel Infrastructure (formerly named Refining NZ) is New Zealand's leading fuel infrastructure company, based at Marsden Point. CTS operates the Marsden Point Import Terminal, an import terminal for the fuel needed to power New Zealand's economy, and the Marsden Point to Auckland Pipeline ("Pipeline"), which transmits fuel to the Auckland region and beyond.

The Marsden Point to Auckland Pipeline and its designations

4. The Pipeline is a 170km long high-pressure pipeline running from Marsden Point to the Wiri Oil Terminal in South Auckland (the "Pipeline"). The Pipeline was first commissioned in 1985. It is buried along almost its entire length. Regular, premium, diesel and Jet A1 aviation fuel are transported down the Pipeline. It provides the vast majority of Auckland's

road transport fuel, and all of Auckland International Airport's aviation fuel, and can transmit up to 400,000 litres of product an hour. Remaining product at the Marsden Point Terminal is distributed by coastal tanker to other regions around New Zealand or is transported by road tanker to Northland and North Auckland.

5. CTS holds easements over each property through which the Pipeline traverses. The Pipeline is also subject to designations under Part 8 of the RMA in the Whangārei and Kaipara District Plans and the Unitary Plan. In Auckland, the Pipeline is subject to designations 6500 (applying generally to more rural areas in the north of the city) and 6501 (applying generally to more urban areas in the south of the city). The designated corridor is generally 12m wide (i.e. 6m either side of the centre of the RAP); although this is reduced to 6m total (i.e. 3m either side of the centre of the RAP) width were the RAP is located under roads and rail corridors.

6. Section 176 of the RMA provides that no person may, without the prior written approval of CTS do anything in relation to land that is subject to the Pipeline designations that would prevent or hinder the Pipeline, including: undertaking any use of the land; subdividing the land; and changing the character, intensity, or scale of the use of the land. There is also a range of specific conditions set out in the relevant designations and easements, including requiring CTS's written approval for: the erection of any structure; the planting of any tree or shrub, and any activities that disturb the soil below certain depths.

Importance of the Pipeline

7. As operator of the country's largest fuel supply chain, Channel Infrastructure is proud to be a major contributor to the local and regional communities and to the country's economy. The national economy is heavily dependent on the fuel transported via the Pipeline as is the Auckland region for its road transport fuel needs. Auckland International Airport is entirely dependent on the Pipeline for supply of aviation fuel, which, along with sustainable aviation fuel, or SAF, is expected to remain the predominant aviation transport fuel for the foreseeable future. As such, the Pipeline is a nationally significant infrastructure resource, and its uninterrupted, safe, and efficient operation is of critical importance nationally. CTS is deemed to be a "lifeline utility" under the Civil Defence Emergency Management Act 2002.

8. The September 2017 Pipeline incident, which resulted in the closure of the Pipeline for ten days, highlighted the vital national importance of the Pipeline. The subsequent

Government Inquiry into The Auckland Fuel Supply Disruption and associated report[1] also reinforced the critical importance of the Pipeline.

Urban growth and the Pipeline

9. CTS implements a comprehensive suite of protections for the Pipeline – comprising physical, procedural and legal mechanisms – aimed to prevent third-party interference with the safe and uninterrupted operation of the Pipeline and/or to identify and avoid (or manage effects of) development of certain sensitive activities proximate to the Pipeline.

10. The Pipeline designations form one part of the suite of protections applying to the Pipeline. While the designations held by CTS are an important and appropriate mechanism to protect the Pipeline *within* the designated area,[2] they – together with the wider suite of protections – are less able to influence urban growth and development proximate to the Pipeline but *outside* the designations. Such development has accelerated in recent years.

11. Increasing third-party activities/development proximate to the Pipeline generally increases the likelihood of conduct having the potential to damage or otherwise hinder the operation of the Pipeline. Importantly in the context of PC78, it also introduces a change to the risk environment around the Pipeline from a public safety perspective. Urban development, particularly intensive development and/or the introduction of "sensitive" type activities (e.g. residential development, schools, hospitals) can materially change the risk profile proximate to the Pipeline.

12. The intensification of urban activities proximate to the Pipeline is therefore a very important issue for CTS. For proposals for relatively intensive sensitive activities (including residential development) proximate to the Pipeline the company allocates considerable time and resources to understand the implications for CTS, and where necessary (and possible) to become involved in third-party applications for resource consent and/or plan changes. This is both to ensure that the potential for third party interference with the Pipeline – due to new activities and land-uses – is appropriately managed; but also to ensure that the risks presented by the Pipeline (for example risks to the public in the event of an incident involving the Pipeline) are appropriately minimised.

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1 *Government Inquiry into The Auckland Fuel Supply Disruption;* report dated 16 August 2019; authored by Dr Roger Blakely and Elena Trout.

2 Generally, 12m wide but 6m wide within roads. The designations are therefore effective at protecting the Pipeline from physical interference, arising for instance from third-party construction, excavation and/or directional drilling.

Government Inquiry into The Auckland Fuel Supply Disruption

13. The report of the *Government Inquiry into The Auckland Fuel Supply Disruption* stated that *"…there is a case for expanding the legal protection of the [Pipeline], using the tools in the Resource Management Act 1991".*[3] For the reasons outlined below, this submission is consistent with the Inquiry's statement above - PC78 is not.

UNITARY PLAN PROVISIONS

14. CTS was active throughout the Unitary Plan preparation process which resulted in E29 Emergency Management Area Hazardous Facilities and Infrastructure provisions/controls applying to the Pipeline.

15. Section E29 of the Unitary Plan provides a framework to manage the risk of adverse effects on activities located in proximity to existing hazardous facilities and infrastructure (namely the Wiri Oil Terminal, Wiri LPG Depot and the Pipeline).

16. E29.1 Background notes:

> "*Restricting or managing the encroachment of land uses in proximity of certain existing hazardous facilities and infrastructure may be necessary to ensure that risk to those land uses is appropriately managed. This is also to ensure that the operation and potential expansion of the facilities and infrastructure is not compromised by surrounding incompatible or conflicting land uses. Incompatible activities may create a lower threshold of acceptable risk in the receiving environment and generate reverse sensitivity effects. Some of these hazardous facilities and infrastructure are critical to the functioning of Auckland and New Zealand."*

17. Policy E29.3(3) and Rule E29.5(1) apply specifically to the Pipeline[4]. Policy E29.3(3) reads:

> "*Consider the risk to activities sensitive to hazardous facilities and infrastructure within 34 metres of the boundary of designations 6500 and 6501 (Petroleum Pipeline) where the pipeline is constructed to a "thin wall" specification."*

18. Reference to "thin wall specification" relates to the thickness of the Pipeline structure.

19. Rule E29.5(1) is the mechanism for giving effect to Policy E29.3(3). It requires any application for an activity sensitive to hazardous facilities and infrastructure (including

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3 *Government Inquiry into The Auckland Fuel Supply Disruption;* report dated 16 August 2019; authored by Dr Roger Blakely and Elena Trout (page vii).

4 The remaining policies and rules do not apply to the Pipeline.

controlled activities) located within 34m of the boundary of designations 6500 and 6501 where the Pipeline is constructed to a "thin wall" specification will be subject to the normal tests for notification under the RMA. The outcome is a mapped Emergency Management Area control applying within 34m of the boundary of the Pipeline designations[5] for the Pipeline where it is constructed to "thin wall" specification ("Emergency Management Area").

20. Rule E29.5(1) therefore acts as a basis for the notification to CTS under the RMA of applications for sensitive activities within the Emergency Management Area. It assists with enabling the consideration of the very important safety and risk issues involved (including those set out in E29.1 Background).

CTS'S REASONS FOR THE SUBMISSION

21. CTS is concerned to ensure the continued safe and efficient operation of the Pipeline. It is important that that appropriate management of Pipeline risk (and related issues) is provided for in the Unitary Plan. CTS considers PC78 does not currently achieve this.

PC78 does not appropriately manage urban growth

22. Growth, including urban growth and intensification, needs to be strategically planned, including with respect to existing infrastructure. Adverse effects of growth, including on and from existing infrastructure, need to be appropriately managed. Urban growth must not be at the expense of the safe and efficient operation of existing infrastructure, especially nationally critical infrastructure such as the Pipeline. CTS considers PC78 fails to appropriately limit urban intensification proximate to the Pipeline.

23. As outlined below, CTS seeks changes to PC78 that are important to ensure the Pipeline's ongoing safe and efficient operation. CTS seeks that PC78 is less enabling of the intensification of sensitive activities proximate to the Pipeline. This will minimise the potential for significant adverse effects on, and from, the Pipeline.

24. CTS considers that stronger recognition of, and provision for, the Pipeline in PC78 will likely have only very limited impact on the city's overall capacity for urban growth but is crucial to ensure that such growth is planned and managed appropriately.

25. The relief sought by CTS will not prevent appropriate intensification proximate to the RAP.

[5] These are designations 6500 and 6501. The designation width where the Pipeline is constructed to "thin walled" specification is generally 12m, meaning that the Emergency Management Area control extends 40m either side of the Pipeline itself.

Instead, it will mean that relevant issues, including those associated with risk, are able to be appropriately addressed through the resource consent process. The limited extent of CTS's relief adopts a balanced approach that more explicitly recognises the potential constraints to urban development imposed by nationally critical infrastructure such as the Pipeline.

26. In carrying out its functions under s77N(1) of the RMA, Council may under s77N(3)(b) modify the requirements set out in Policy 3 of the NPS-UD to be less enabling of development than provided for by Policy 3 if authorised to do so under s77O of the RMA. Section 77O(e) of the RMA provides as a Qualifying Matter "*ensuring the safe or efficient operation of nationally significant infrastructure*". The Pipeline is recognised in clause 1.4(1) of the NPS-UD as a Qualifying Matter. As a Qualifying Matter, CTS seeks to ensure the continued safe and efficient operation of the Pipeline by way of PC78 being less enabling of sensitive activities proximate to the Pipeline. This will minimise the potential for significant adverse effects on, and from, the Pipeline resulting from new sensitive activities.

27. CTS considers that PC78 as notified is inconsistent with the NPS-UD and ss77N(3)(b) and 77O(e) of the RMA. Proliferation of more intensive urban development proximate to the Pipeline will have significant negative impacts. Potential adverse effects may relate to the Pipeline itself (the increased threat of third-party interference with the Pipeline) and to those people living/working near the Pipeline (the increased societal risk). It is the latter effect which is not currently managed by PC78 as notified.

28. CTS seeks changes to PC78 to better manage inappropriate growth in the form of more intensive sensitive urban development proximate to the Pipeline.

29. CTS says nothing in the RMA or Policy 3 of the NPS-UD fetters Auckland Council from amending PC78 to include appropriate additional provisions or to be less enabling of intensification to ensure the safe and efficient operation of the Pipeline. In fact, it is specifically empowered to do just that.

30. The relief sought by CTS will:

    (a) ensure the safe and efficient operation of the Pipeline;

    (b) better provide for the management of more intensive sensitive urban development proximate to the Pipeline;

(c) provide stronger recognition of the potential adverse effects (including reverse sensitivity effects and potential effects relating to safety/societal risk) of inappropriately intensive urban development proximate to the Pipeline; and

(d) ensure that there is engagement with CTS for proposals for material intensification of sensitive uses in proximity to the Pipeline.

PC78 not the most appropriate way to achieve the objectives and policies of the Unitary Plan

31. Under PC78 as notified, rule E29.5(1) of the Unitary Plan (addressed above) will be largely rendered nugatory because PC78 provides for the significant intensification of sensitive activities proximate to the Pipeline (potentially as little as 3m from the Pipeline) without the need for a resource consent or for written approval from CTS under its designations. Issues of risk, incompatibility of land use and reserve sensitivity will simply not be considered unless a s176 approval is required.

32. The approach taken by PC78 to the Pipeline contrasts with the approach taken by PC78 to the other hazardous facilities and infrastructure of the Wiri Oil Terminal and Wiri LPG Depot which are also Qualifying Matters under s77O(e) but benefit under PC78 from the retention of Table E29.4.1, Figures E29.6.1 - E29.6.3, together with new additional text to the E29.1 Background.[6]

33. For the reasons outlined above, the retention of Rule E29.5(1) and the insertion of the new text into E29.1 Background are effectively meaningless for the Pipeline notwithstanding that it is a Qualifying Matter.

34. In summary, in terms of the Pipeline, PC78 does not:

(a) appropriately achieve the integrated management of the effects of the use, development or protection of land as required by ss31 and 74(1)(a) of the RMA;

(b) sustainably manage the Pipeline which is a significant physical resource;

(c) represent the most appropriate way to achieve the purpose of the RMA; or

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6 New text (which is supported by Chanell Infrastructure) reads "*Emergency management areas have been identified as a qualifying matter in accordance with sections 77I(e) and 77O(e) of the RMA. Where more restrictive, the emergency management areas provisions replace any provisions of the underlying zone that deal with the same matter*".

(d) represent the most appropriate way to achieve the objectives and policies of the Unitary Plan, including Objectives E29.2(1),[7] (2),[8] and (3).[9]

35. Auckland Council's focus to date appears to have been on *enabling* development, as opposed to fully considering factors such as the Pipeline which may appropriately constrain urban development, and which need to be protected from inappropriate urban growth.

EVALUATION REPORT

36. A "draft report" prepared under s32 and ss77K and 77Q of the RMA has been prepared by the Council. It states:

> *"Auckland Council considers the appropriate zoning to apply is one which includes the MDRS…because Chapter E26 Infrastructure and Chapter K Designations are an appropriate method to manage inappropriate subdivision, use and development".*

37. In reaching that conclusion the draft report places considerable emphasis on the designations held, including those of CTS. There is no indication that the evaluation report authors reviewed or took into account the feedback on the NPS-UD and MDRS provided by Channel Infrastructure. Had the authors done so, it would have become readily apparent that the concerns held by Channel Infrastructure/CTS principally relate to those areas outside of the designations (where the designations have no effect). Further, the zoning changes proposed by PC78 will essentially eliminate any utility of E29.5(1) relating to notification (addressed above), because relatively intensive sensitive development will be permitted proximate to the Pipeline without the need for a resource consent (i.e. with no opportunity for notification).

38. The s32 report's conclusion (at page 14) that "*The two pipelines are largely unaffected by the MDRS as they are either located within roads or in non-residential urban zones*" is not accurate. The report's broader conclusion (at page 13) that the designations and Chapter E29 "*are an appropriate method to manage inappropriate subdivision, use and development*" is misplaced and fails to grasp CTS's concerns.

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7 Objective E29.2(1) reads "*Activities sensitive to hazardous facilities and infrastructure are **avoided** in emergency management areas*" (our emphasis).

8 Objective E29.2(2) reads "*The use and development of identified hazardous facilities and infrastructure ae not unreasonably constrained by the establishment or expansion of sensitive and incompatible activities*".

9 Objective E29.2(3) reads "*The risk to activities in proximity to identified hazardous facilities and infrastructure is at a level acceptable to those types of activities*".

RELIEF SOUGHT

39. CTS seeks that the intensification/"up-zoning" proposed by PC78 does not apply to any property within 40m of the nominal centreline of the Pipeline.[10] This 80m corridor aligns with the Emergency Management Area control currently provided for in the Unitary Plan. 1071.1 1071.2 1071.3

40. In particular, CTS seeks the following relief:

    (a) Remove all MDRS from all properties within 40m of the nominal centreline of the Pipeline; and 1071.4 1071.5 1071.6

    (b) Maintain the existing (pre-PC78) zone equivalent where properties are proposed to be "up-zoned" as a result of the NPS-UD; and 1071.7 1071.8

    (c) Such further and necessary (or alternative) amendments which provide for CTS's submission.

41. All properties affected by the above relief are shown in the plans at **Appendix A** to this submission.

CONCLUSION

42. CTS wishes to be heard in support of this submission. If others make a similar submission, CTS would consider presenting a joint case with them at a hearing.

43. CTS could not gain an advantage in trade competition though this submission.

Dated this 29th day of September 2022

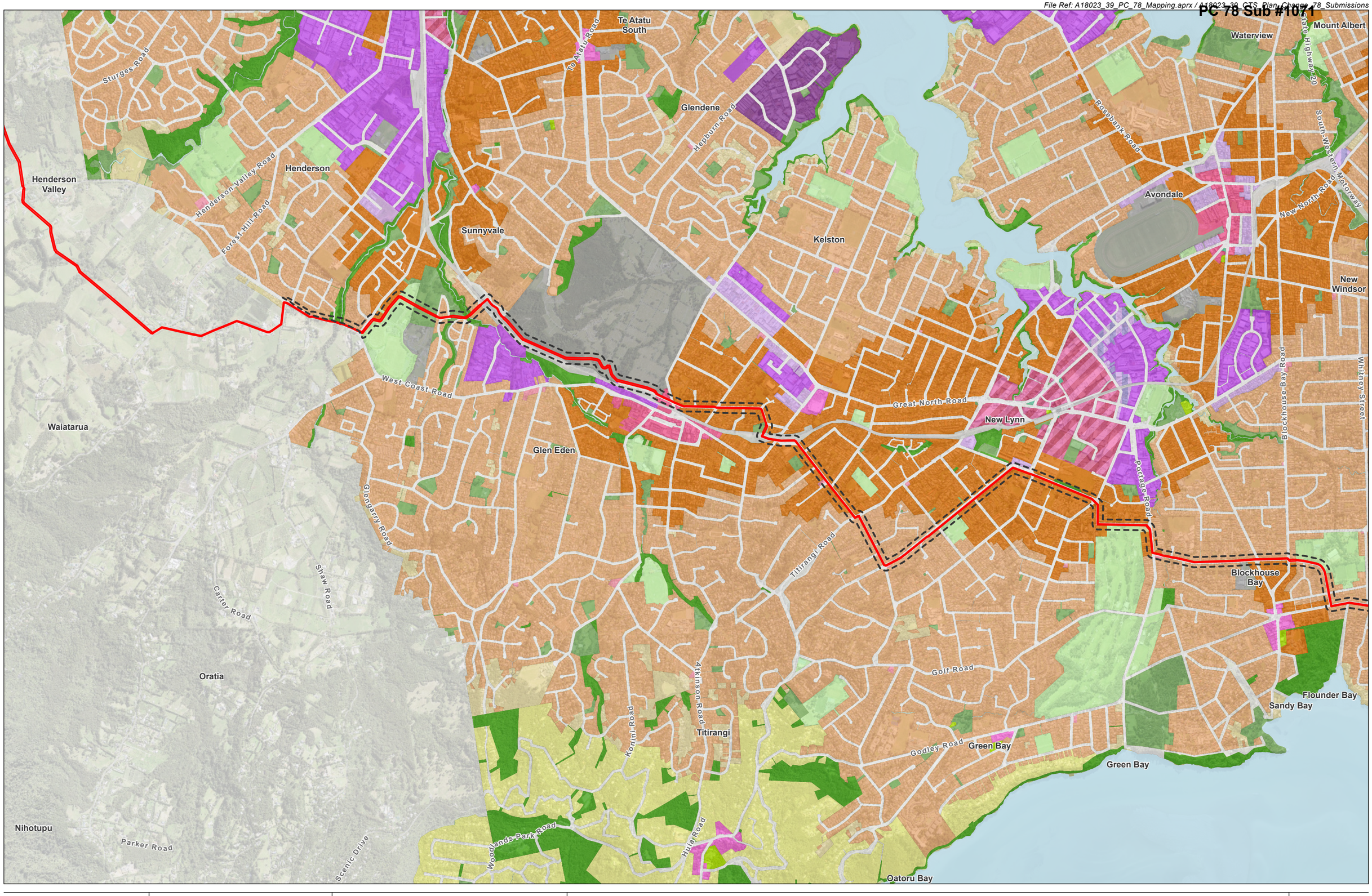
For and on behalf of **CHANNEL TERMINAL SERVICES LIMITED**

Chris Simmons
ChanceryGreen

[10] This represents an area 34m either side of the CTS designation where the designation is 12m wide (total); and 37m either side of the designation where it is 6m wide (total), for example within road and rail corridors.

APPENDIX A: MAPS SHOWING PROPERTIES AFFECTED BY THE RELIEF SOUGHT BY CTS

PC 78 Sub #1071



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Data Sources: Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Auckland Council (Unitary Plan Zoning, Plan Change 78 Zoning), BML

Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND

- CTS DESIGNATION
- 40m buffer either side of notional centreline of CTS pipeline

NPSUD Zoning

- Large Lot
- Low Density Residential
- Mixed Housing Urban
- Terrace Housing/Apartments
- POS Conservation
- POS Informal Recreation
- Sport and Active Recreation
- POS Civic Spaces
- Open Space Community
- Business Metropolitan Centre
- Business Town Centre
- Business Local Centre
- Neighbourhood Centre
- Business Mixed Use
- General Business
- Heavy Industry
- Light Industry
- Strategic Transport Corridor
- Special Purpose
- General Coastal Marine
- Coastal Transition
- Water

CHANNEL INFRASTRUCTURE

Plan Change 78

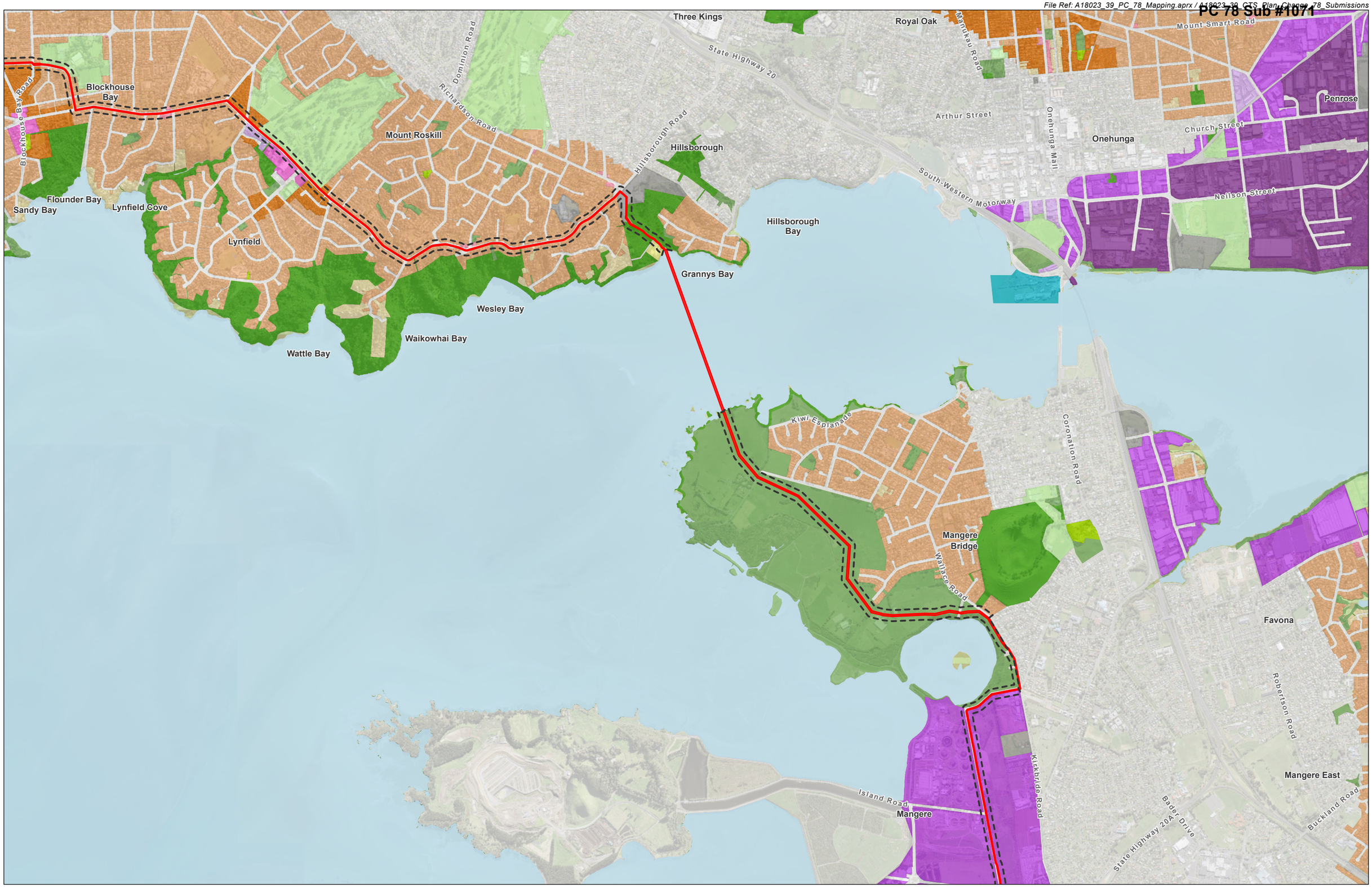
Date: 28 September 2022 | Revision: 0

Plan prepared by Boffa Miskell Limited

Drawn: SGa | Checked: CSi

Map 1

PC 78 Sub #1071



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Data Sources: Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Auckland Council (Unitary Plan Zoning, Plan Change 78 Zoning), BML

Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND

- CTS DESIGNATION
- 40m buffer either side of notional centreline of CTS pipeline

NPSUD Zoning

- Large Lot
- Low Density Residential
- Mixed Housing Urban
- Terrace Housing/Apartments
- POS Conservation
- POS Informal Recreation
- Sport and Active Recreation
- Open Space Community
- Business Town Centre
- Business Local Centre
- Neighbourhood Centre
- Business Mixed Use
- Heavy Industry
- Light Industry
- Strategic Transport Corridor
- Special Purpose
- General Coastal Marine
- Coastal Minor Port
- Coastal Transition
- Water

CHANNEL INFRASTRUCTURE

Plan Change 78

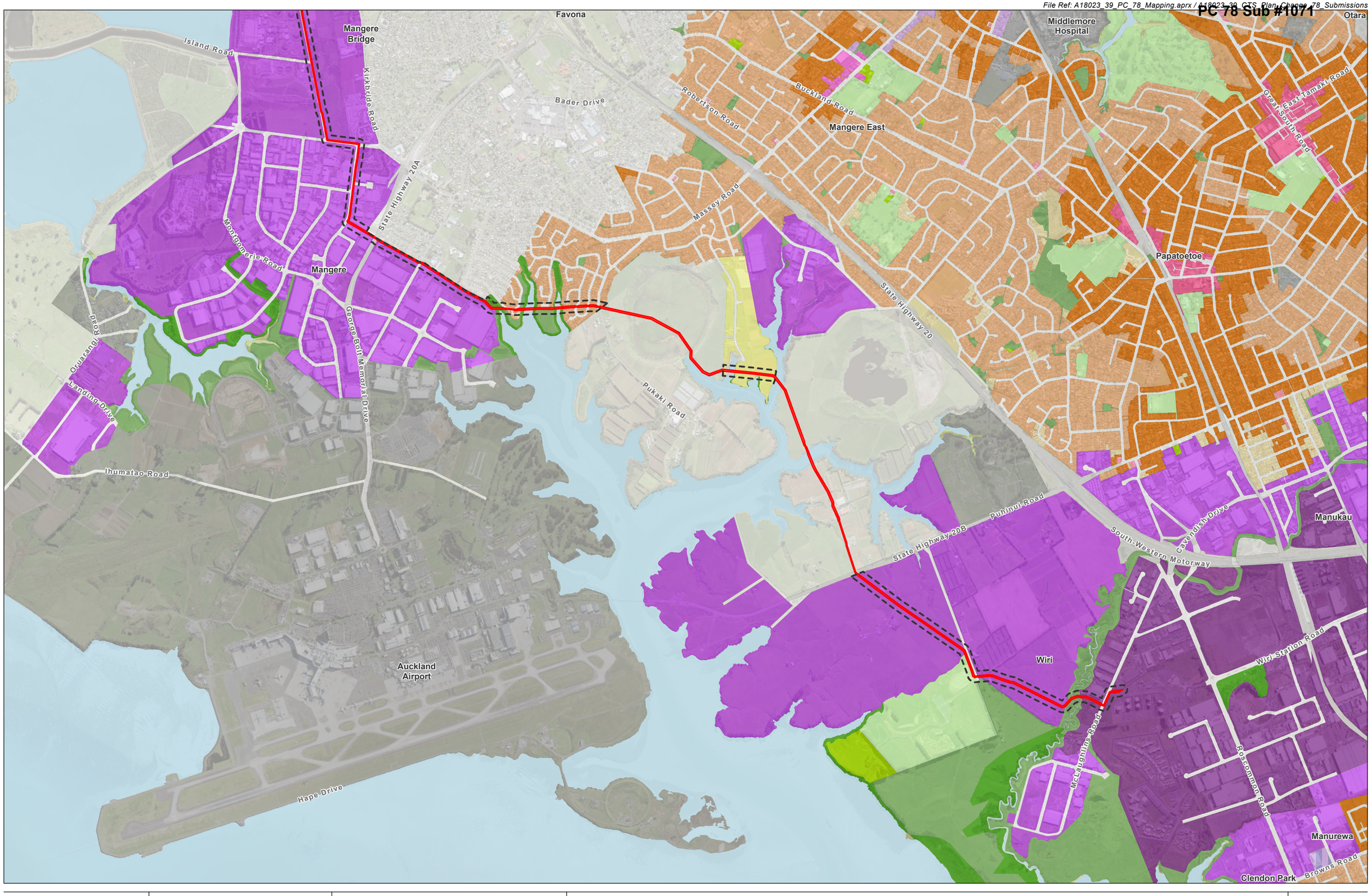
Date: 28 September 2022 | Revision: 0

Plan prepared by Boffa Miskell Limited

Drawn: SGa | Checked: CSi

Map 2

PC 78 Sub #1071



Boffa Miskell

www.boffamiskell.co.nz

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.

0 500 1,000 m

1:25,000 @ A3

Data Sources: Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Auckland Council (Unitary Plan Zoning, Plan Change 78 Zoning), BML

Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND

- CTS DESIGNATION
- 40m buffer either side of notional centreline of CTS pipeline

NPSUD Zoning

- Large Lot
- Low Density Residential
- Mixed Housing Urban
- Terrace Housing/Apartments
- POS Conservation
- POS Informal Recreation
- Sport and Active Recreation
- Open Space Community
- Business Town Centre
- Business Local Centre
- Neighbourhood Centre
- Business Mixed Use
- General Business
- Heavy Industry
- Light Industry
- Strategic Transport Corridor
- Special Purpose
- General Coastal Marine
- Coastal Transition
- Water

CHANNEL INFRASTRUCTURE

Plan Change 78

Date: 28 September 2022 | Revision: 0

Plan prepared by Boffa Miskell Limited

Drawn: SGa | Checked: CSi

Map 3

Submission
ON A PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN

Under Clause 6 of the First Schedule to the Resource Management Act 1991

TO	Auckland Council (the 'Council')
SUBMISSION ON	Plan Change 78: Intensification ('PC 78')
NAME OF SUBMITTER	Karaka North Village Limited ('KNVL')

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

SUBMISSION IN OPPOSITION

1.0 SCOPE OF SUBMISSION

This submission will:

a) Provide background on Karaka North Village; and

b) Provide an overview of KNVL's submission on the qualifying matters and hazard overlay that have been applied to Precinct A of the Karaka North Precinct and supporting the rezoning of the residential zones to Residential – Mixed Housing Urban under PC78.

2.0 ABOUT KARAKA NORTH VILLAGE

KNVL has developed a full integrated Masterplan for Precinct A of the Karaka North Precinct (refer **Figure 1** below).

FIGURE 1: The Karaka North Village Masterplan

The Masterplan enables Karaka North to be established as a village that responds to the landform and features on the site. It enables the construction of 850 residential dwellings, a village centre, village green, large areas of rural open space and pedestrian links throughout the site.

KNVL have already secured a suite of resource consents to enable the initial development stages of the village.

In February 2021, resource consent was granted to undertake a superlot subdivision of the application site (Council reference BUN60362652). The superlots ranged in size between 2.097ha to 24.15ha to enable future development of the land in accordance with the February 2021 Master Plan and the associated management plans. These plans were all required to be submitted for approval as Special Information Requirements of the Karaka North Precinct, in conjunction with the first resource consent application (and these plans were approved by Council).

A bulk earthworks resource consent was also granted by Council in December 2021 for the south-eastern half of the site. The earthworks (including contamination removal) cover an area of approximately 46ha (of the total site area of 80.99ha), with a total cut volume of approximately 385,500m^3 and a fill volume of approximately 311,000m^3.

This enabled KNVL to undertake the required bulk earthworks over the 2021/2022 earthworks season. The extent of the earthworks is shown in the photo in Figure 2, which was taken during the summer months before the site was closed over winter.

FIGURE 2: Bulk earthworks undertaken over the 2021/2022 earthworks season.

Importantly, this demonstrates that much of the site has been earthworked and therefore any pre-existing shallow and localised depression contours that informed the Councils flood hazard mapping no longer exist.

The new land contours within the site have been, in part, informed by the stormwater design that was developed as part of the masterplanning process. The approach adopted for stormwater was for all storm events more than the 10% AEP and up to the 1% AEP to be catered for within secondary overland flowpaths. These are typically contained within the future road reserves and the earthworks and roading design has been undertaken accordingly.

The stormwater management approach for Karaka North Village is documented within a Stormwater Management Plan that was developed in support of the Masterplan and subsequent resource consent applications that have been granted (including one that has most recently been lodged with Auckland Council for the remainder of the development – refer below for more details). The SMP received a provisional approval from Healthy Waters on 15 November 2021. The support was provided provisionally because the latest resource consent application had yet to be lodged.

A similar situation appears to arise with the Future Coastal Hazards overlay that has been introduced by PC78. PC78 as notified shows much of the site being subject to this hazard overlay (refer **Figure 3**) but the extent does not reconcile with either the previous site contours or the current/proposed contours that are resultant of earthworks over the site.

This should ensure that the extent of the coastal hazard is limited to the coastal margin of the site similar to what the Coastal Inundation (1% AEP) extent currently shows on Geomaps (refer **Figure 4**), which is predominantly contained within the esplanade reserve and only encroaches to within the site in the north western corner where it is contained within the Mixed Rural zone (rather than a residential zone that is the subject of PC78).

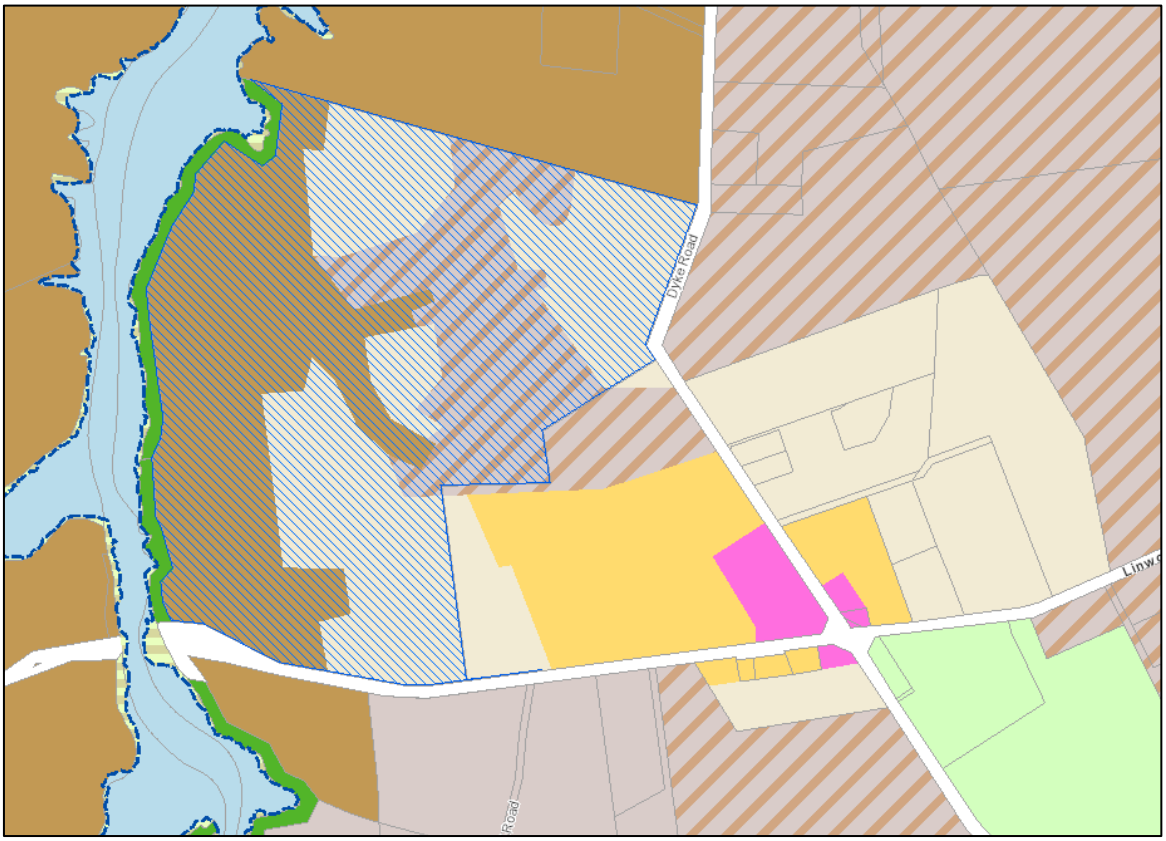


FIGURE 3: The extent of the Future Coastal Hazards overlay within PC78

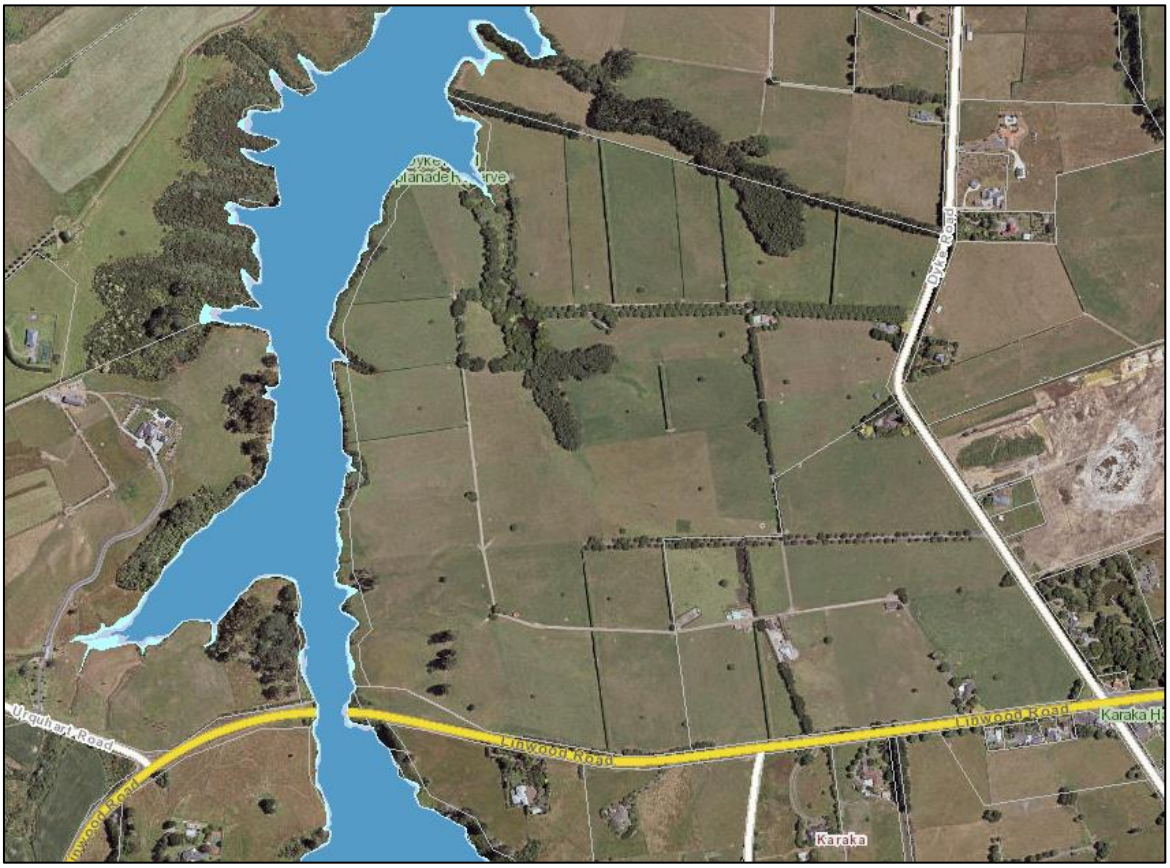


FIGURE 4: The Coastal Inundation (1% AEP) extent from Geomaps

3.0 OUR SUBMISSION

KNVL requests that:

1. Auckland Council update their flood hazard information to account for the recent earthworks that KNVL have undertaken on the site, which has removed the previous shallow and localised depressions across the site that informed the previous modelling. This will result in the removal of the flood hazard from the site.
2. Auckland Council update their coastal hazard information to account for the recent earthworks that KNVL have undertaken on the site.
3. The 'Flood Plain' Qualifying Matter be removed from the site.
4. The Future Coastal Hazards overlay extent be amended to match the Coastal Inundation (1% AEP) extent contained within Geomaps.
5. The Precinct' Qualifying Matter that is applied to the site under PC78 be removed because its inclusion is not supported by a site-specific assessment as required by s77L of the Resource Management Act 1991 (the 'Act').
6. The removal of the qualifying matters from the site enables the residential zones within Precinct A of Karaka North Precinct to be updated in line with the Medium Density Residential Standards (MDRS) that was introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMAA 2021). This enables the operative Single House and Mixed Housing Suburban zones within the site to be replaced with Mixed Housing Urban.
7. The introduction of the Mixed Housing Urban zone also requires consequential changes to the Karaka North Precinct provisions to enable the Medium Density Residential Standards to be efficiently and effectively implemented.

4.0 KNVL SEEKS THE FOLLOWING DECISION FROM THE COUNCIL:

a) Remove the 'Flood Plain' Qualifying Matter from Precinct A of the Karaka North Precinct. 1072.1

and

b) Remove the 'Precinct' Qualifying Matter from Precinct A of the Karaka North Precinct. 1072.2

and

c) Remove the Future Coastal Hazards overlay from Precinct A of the Karaka North Precinct. 1072.3

and

d) Replace the *Residential – Single House* zone with *Residential - Mixed Housing Urban* zone within Precinct A of the Karaka North Precinct. 1072.4

and

e) Replace the *Residential – Mixed Housing Suburban* zone with *Residential - Mixed Housing Urban* zone within Precinct A of the Karaka North Precinct. 1072.5

and

f) Update the Karaka Northern Precinct provisions to reflect the *Residential - Mixed Housing Urban* zone. 1072.6

and

g) Such other additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of KNVL;

or

h) Such other alternative relief to satisfy the concerns of KNVL.

5.0 KNVL wishes to be heard in support of its submission.

6.0 If others make a similar submission KNVL will not consider presenting a joint case with them at a hearing.

Signature:

Date: 29 September 2022

Address for Service of Submitter:

Harrison Grierson
P O Box 5760, Wellesley Street
AUCKLAND 1141

Telephone: (09) 917 5073
Email: n.grala@harrisongrierson.com
Contact person: Nick Grala

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Goodman Nominee (NZ) Limited

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

Goodman Nominee (NZ) Limited

Address for service of Submitter

Goodman Nominee (NZ) Limited C/- Barker & Associates PO Box 1986 Shortland Street Auckland 1140 Attn: Nick Roberts

Telephone: 296668330 Fax/Email: nickr@barker.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Please refer to the submission attached.

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

Please refer to the submission attached.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Please refer to the submission attached.

I wish to be heard in support of my submission ☐

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

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

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

09/29/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Barker & Associates
Auckland

PO Box 1986, Shortland Street, Auckland 1140
Level 4, Old South British Building, 3-13 Shortland Street, Auckland

PC 78 Sub #1075

B&A
Urban & Environmental

29 September 2022

Auckland Council
Via email: unitaryplan@aucklandcouncil.govt.nz

Submission on Plan Change 78: Intensification

Introduction

This is a submission on the Plan Change 78 – Intensification to the Auckland Unitary Plan (PC78) on behalf of Goodman Nominee (NZ) Limited (Goodman). PC78 was notified by Auckland Council on 18 August 2022.

This submission relates to the provisions in PC78 for business / industrial development.

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

Background to Goodman

Goodman is a global property group. Within New Zealand, Goodman owns, develops and manages high-quality urban logistic spaces. This includes logistics facilities, warehouses and business parks. Goodman is exclusively invested in the Auckland region with estates located in key strategic suburbs of Albany, East Tāmaki, Māngere, Manukau, Mt Roskill, Mt Wellington, Ōtāhuhu, Panmure, and Penrose.

PC78 is of particular interest to Goodman, as a specialist global industrial property group, who own, develop and manage high-quality, properties across the Auckland region. Goodman has over 165 large scale industrial properties located across Auckland, with 10 further developments underway.

With just one greenfield development property in Goodman's portfolio and limited acquisition opportunities, Goodman are increasingly focused on the redevelopment of brownfield properties, which provide the greatest efficiency for customers, minimising travel distances and transport-related emissions while limiting sprawl. All new developments are targeting a 5 Green Start Built rating.

With a limited supply of Business – Industrial zoned land in highly accessible locations in Auckland, there is a need to enable more people to be able to work close to centres and public transport. Following recent demand trends in Australia, for multi-storey business developments, Goodman are seeking a significant building height increase, on land that is identified within a walkable catchment, to enable to additional demand in strategic locations and the efficient use of land.

Summary of Submission

Goodman notes that the Council is required to prepare and notify an Intensification Planning Instrument (IPI) following the enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**). The Council is also required to give effect to The National Policy

Statement Urban Development 2020 (NPSUD) that came into effect on 20 August 2020 and under which Auckland is classified as a Tier 1 Urban Environment.

Goodman is generally supportive of PC78 and efforts to promote quality intensification throughout Auckland. Goodman however, considers that amendments are required to provide a more effective planning framework which recognises the concerns around a lack of business zoned land supply and the need to provide for more intensive development within our urban areas.

In particular:

- Goodman opposes the height strategy proposed through PC78, and is seeking amendments to the height limits proposed within the Business – Light Industry and Business - Heavy Industry zones within the walkable catchment to 40m.
- Goodman opposes the Council's approach to application of the walkable catchment, particularly where adjacent properties are held in single ownership, and will form part of a wider strategic future development site.

The specific provisions that are supported or opposed, and the amendments sought to the Proposed Plan are set out in the table attached as Appendix 1.

PC78 Height Strategy

The NPSUD has introduced a new policy direction which has changed the approach to how Auckland Council must provide for height and development within the urban area. In particular the NPSUD requires that district plans:

- Enable more people to live in, and more businesses and community services to be located near a centre zone or employment opportunities, in areas well-serviced by existing or planned public transport and/or areas where there is high demand for housing or for business land (Objective 3);
- Provide for building heights of at least six stories within walkable catchments of city centre and metropolitan centre zones and existing and planned rapid transit stops (Policy 3A);
- Provide for building heights commensurate with the level of commercial activity and community services within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (Policy 3d);
- Modify the relevant building heights and density requirements under Policy 3 only to the extent necessary to accommodate a qualifying matter (Policy 4); and
- Recognise the planned urban built form may involve significant changes to an area, and those changes and that may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types (Policy 6).

In Goodman's view this new policy directive requires the Council to set height limits which are broadly enabling of feasible high-density development within Business zoned land, which are within walkable

catchments and also within other highly accessible areas. This will achieve the wider policy directives of the NPSUD including a well-functioning urban environment, enabling more people to access employment by public or active transport modes and recognise amenity values associated with accessibility.

In some circumstances a very enabling height limit may not be appropriate and in these areas, height may need to be lowered to manage particular values or constraints. This is anticipated by Policy 4 of the NPSUD and is managed through qualifying matters. Although this will need to be targeted and appropriately justified, having regard the clear priority and focus of the NPSUD to enable intensive development in accessible locations. Likewise, in other areas which are relatively unconstrained and are highly accessible it may be appropriate to be even more enabling of height.

In Goodman's view the proposed PC78 height strategy has not efficiently or effectively implemented the collective NPSUD policy directive. Furthermore, the height strategy within PC78 has not been adequately evaluated in terms of section 32 and has not been informed by an evidential basis of Auckland's local circumstances. In particular:

- The six storey height limit within walkable catchments is the minimum height limit directed by Policy 3 of the NPSUD and the Council has not provided an evidential basis to support the appropriateness of this height limit within the Auckland context, nor have they evaluated alternative height limits[1].
- The operative height limits do not take into account the broader policy directives within the NPS-UD including what a well-functioning urban environment means within Auckland's context and the amenity values associated with accessibility (Policy 6).
- No consideration has been given to the feasibility of development and the role of building heights (and related standards) in improving feasibility, and ultimately the supply of more intensive forms of business land within the urban area.

The Council has acknowledged within the Section 32 evaluation report that the proposed height limits may not be efficient and effective at achieving the NPSUD policy directive:

> *"Due to the time constraints on the council in preparing PC78 (along with other related plan changes) no new areas within walkable catchments have been identified for additional height beyond six storeys. Existing Height Variation Controls that enable buildings beyond six storeys (i.e. 21m) remain unchanged. Further work is required to determine where heights of more than six storeys might be appropriate."*

At a minimum Goodman submit that the proposed height strategy for Business zoned land should be informed by an evidential basis that considers market feasibility and a wider accessibility analysis. This would include evidence from developers like Goodman and other large-scale operators working in the industrial development sector. This provides empirical real-world evidence on feasibility that can sit alongside more theoretical development capacity and feasibility analysis.

Heights within Business Zones

[1]PC78 – Intensification Section 32 Implementation of Policy 3 of the NPSUD Evaluation Report Section 6.7

PC78 proposes to apply a six-storey height limit within walkable catchments and retain the existing height limits outside of walkable catchments within Business - Light Industry and Heavy Industry zones. Goodman do not support this approach and are of the view that an enabling height limit should apply across the Business – Light Industry and Heavy Industry zones within a walkable catchment to facilitate high density and integrated development given the walkable catchment has been applied to the most accessible land within Auckland in areas where the Council has sought to make efficient use of land and promote development.

The proposed height limits within the Business – Light Industry and Heavy Industry zones are not efficient and effective at achieving the broader policy direction of the NPSUD which as discussed above in Goodman's view should be enabling. Goodman support the application of a height limit that enables development up to 40m on Business zoned land within a walkable catchment, to support feasible high-density development within the Auckland context, acknowledging the limited supply of Business Zoned land in highly accessible locations.

Reasons for Relief Sought

The reasons for the relief sought is set out in Appendix 1. In addition to those specific reasons, the amendments sought are to ensure that PC78:

a) will give effect to the objectives and policies of the NPS UD;

b) will contribute to well-functioning urban environments;

c) is consistent with the sustainable management of physical resources and the purpose and principles of the RMA;

d) will meet the requirements to satisfy the criteria of section 32 of the RMA;

e) will meet the reasonably foreseeable needs of future generations; and

f) is consistent with sound resource management practice.

Decision Sought and Hearing

The relief sought by Goodman is set out in Appendix 1. In addition to that specific relief, Goodman seeks such other alternative or consequential relief to give effect to the matters raised in this submission.

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

Barker & Associates Limited

Nick Roberts
Director
029 666 8330 | nickr@barker.co.nz

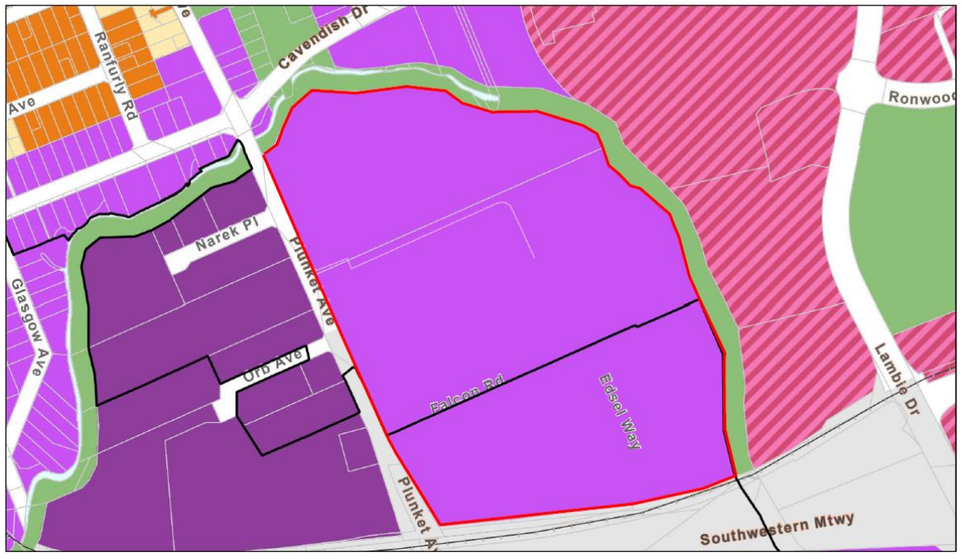
Address for Service

Goodman Nominee (NZ) Limited
C/- Barker & Associates
PO Box 1986
Shortland Street
Auckland 1140
Attn: Nick Roberts

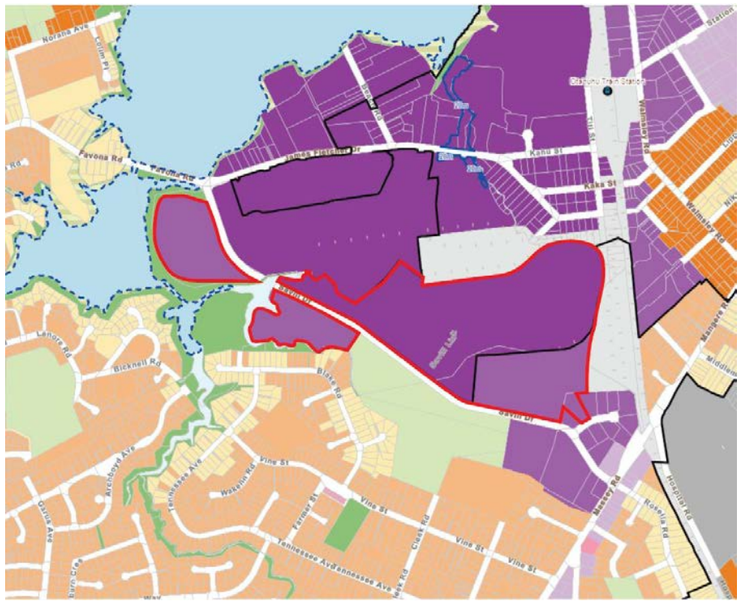
Email: nickr@barker.co.nz

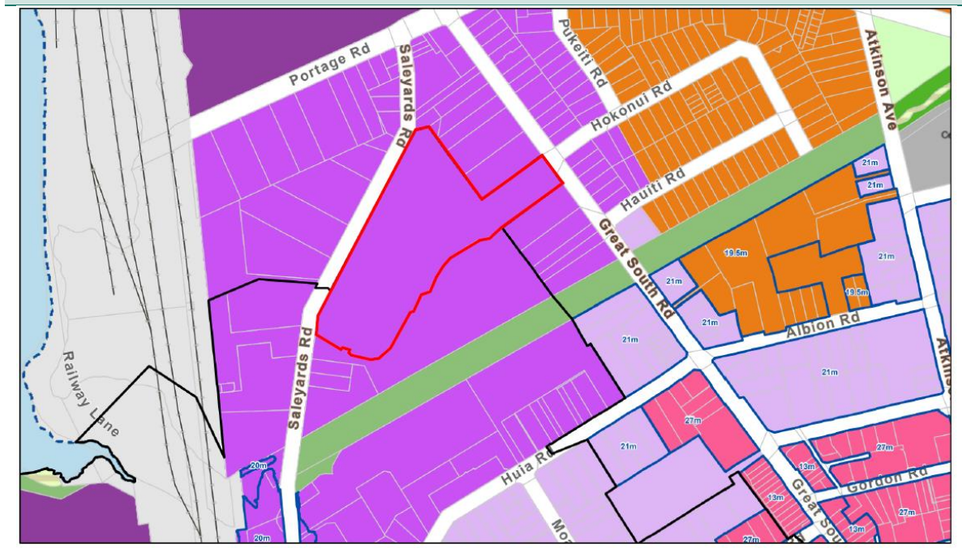
Phone: 029 666 8330

Appendix 1 - Goodman Submission on Plan Change 78: Intensification

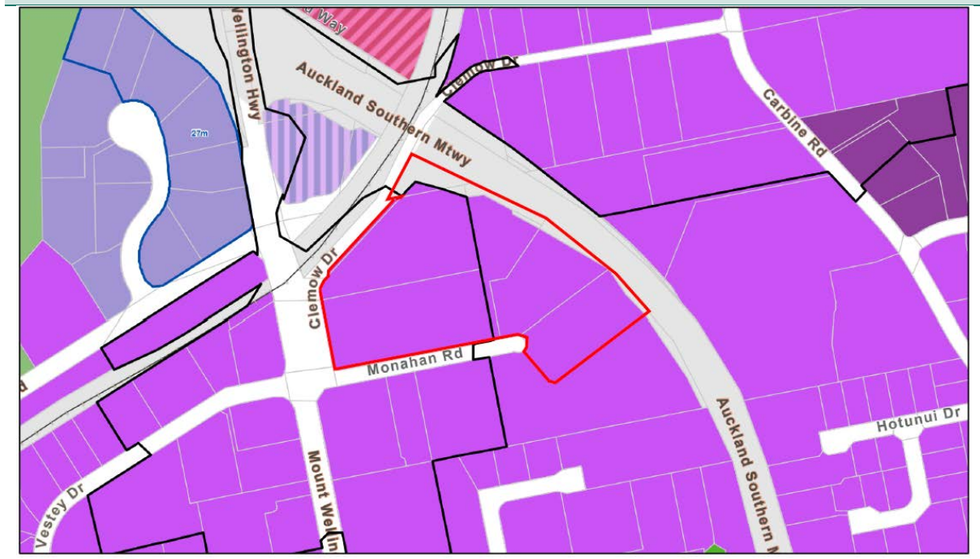
Goodman Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Goodman Industrial Properties			
<u>M20 Business Park</u> 2 & 8 Edsel Way, Manukau 68, 70, 70A, 70B, 80, 86 & 100 Plunket Avenue, Manukau 7, 9 & 25 Falcon Road, Manukau 1 Eleanor Place, Manukau 	Oppose	Goodman are seeking that the entire site at M20 Business Park, Manukau Central is included within the walkable catchment, including the southernmost block which has been excluded from the walkable catchment in the notified version of PC78. Goodman are also seeking the Building Height standard H17.6.1 be amended to enable additional building height, requiring buildings located in a walkable catchment to not exceed 40m: • Policy 3(c) of the National Policy Statement on Urban development (**NPSUD**) requires Tier 1 authorities to enable a minimum of at least 6 storeys within walkable catchments from the edge of Metropolitan Centres. Auckland Council has proposed a walkable catchment of 800m from metropolitan centres subject to modifying factors. The site is located approximately 500m from the edge of the Manukau Metropolitan Centre and, comprises part of the larger M20 Business Park site which has been included within the walkable catchment. This entire block of landholding is owned/managed by Goodman and consistent planning framework for all sites will enable the land to be redeveloped in a comprehensive and integrated manner in the future. Therefore, the Walkable Catchment should be applied to this site in its entirety, to ensure it is consistent with Policy 3(c). • Additionally, the site is a large landholding which adjoins the Southwestern Motorway, the Manukau Metropolitan Centre, and comprises the larger M20 Business Park site. Greater height can therefore be accommodated without significant effects on the surrounding locality. • Extending the Walkable Catchment to capture the southernmost property would provide a consistent edge with the Southwestern	Relief sought: • Amend the walkable catchment to include the part of the M20 Business Park site to the south, aligning the walkable catchment boundary with the Southwestern Motorway and Plunket Avenue. • In accordance with the Goodman submission on H17 Business – Light Industry zone, amend H17.6.1 to enable development up to 40m in height, where buildings are located in a walkable catchment.

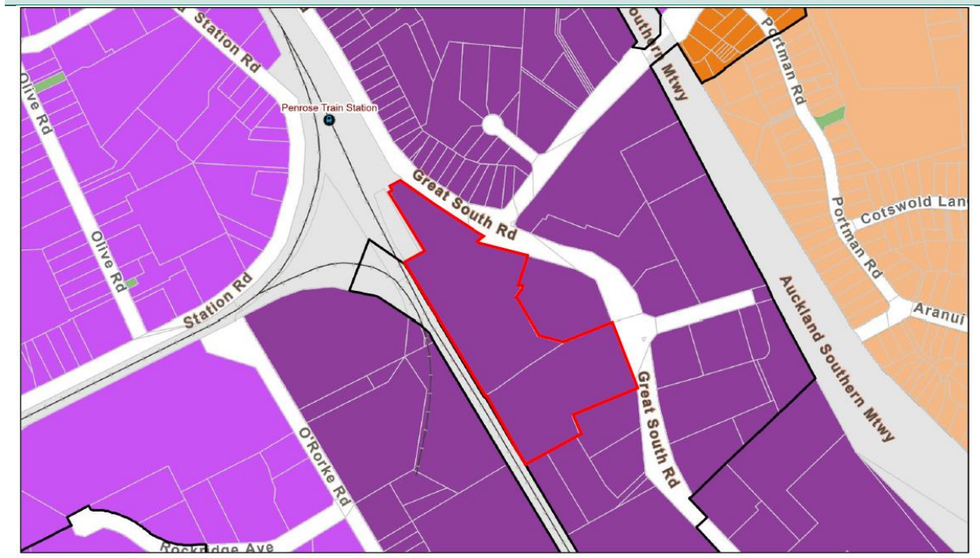
1075.1
1075.2
1075.3

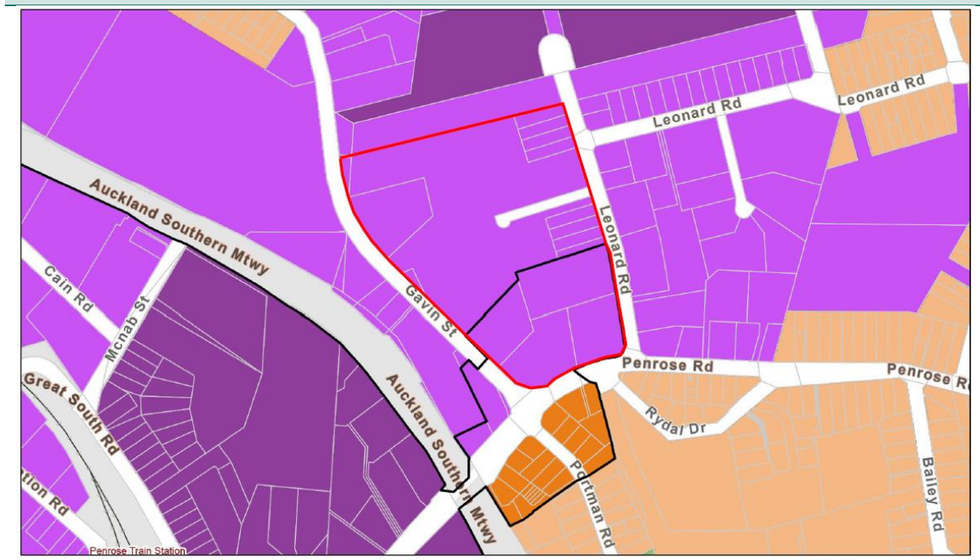
Goodman Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Goodman Industrial Properties			
		Motorway, and forms a logical termination at the road boundary on the southern side.	
<u>Savill</u> Savill Link 21, 113, 118, 178 & 180 Savill Drive, Otahuhu 3 Kiwi Street, Otahuhu 1 Alderman Place, Mangere East 	Oppose	Goodman are seeking that the property at 21 Savill Drive, Favona zoned Business – Light Industry zone, is included within the walkable catchment. Goodman are also seeking the Building Height standard H16.6.1 and H17.6.1 be amended to enable additional building height, requiring buildings zoned Light Industry and Heavy Industry located in a walkable catchment to enable a maximum building height of 40m: • The site has a high level of accessibility to Otahuhu Train Station and is within the 800m walkable catchment distance to an existing rapid transit stop and rapid transit service. • The properties form a large landholding which are adjacent to the Otahuhu Train Station and adjacent Business zoned land. Greater height can therefore be accommodated without significant effects on the surrounding locality. • The property at 21 Savill Drive, Favona is a large strategic future development site, held in single ownership, with a contiguous boundary with land owned by Goodman.	Relief sought: 1075.4 • Amend the walkable catchment to include the site to the south, aligning the walkable catchment boundary with Savill Drive. • Amend standards H16.6.1 and H17.6.1 to enable a maximum building height of up to 40m in height, where buildings are located in a walkable catchment. 1075.5
<u>Sleepyhead</u> 41-71 Great South Road, Otahuhu	Support in Part	Goodman are seeking that the property be retained within the walkable catchment. However, Goodman are also seeking the Building Height standard H17.6.1 be amended to enable a maximum building height of 40m on land zoned Light Industry located in a walkable catchment: • The site has a high level of accessibility to Otahuhu Train Station and properties zoned Business – Mixed Use zone and Business –	Relief sought: • Retain the walkable catchment applied to the property at 41-71 Great South Road, Otahuhu. 1075.6

Goodman Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Goodman Industrial Properties			
		Town Centre zone, which are also subject to Height Variation Controls. • The property forms a large landholding, and greater height can therefore be accommodated without significant effects on the surrounding locality.	• Amend standard H17.6.1 to enable a maximum building height of up to 40m, where buildings are located in a walkable catchment.
<u>Mount Wellington</u> 7-8 Monahan Road, Mount Wellington 2-6 Monahan Road, Mount Wellington	Oppose	Goodman are seeking that the properties at 4, 6, 7 and 8 Monahan Road, Mount Wellington are included within the walkable catchment. Goodman are also seeking the Building Height standard H17.6.1 be amended to provide additional building height, enabling buildings located in a walkable catchment to not exceed 40m: • Policy 3(c) of the National Policy Statement on Urban development (**NPSUD**) requires Tier 1 authorities to enable a <u>minimum</u> of at least 6 storeys within walkable catchments from the edge of Metropolitan Centres. Therefore, the Walkable Catchment should be applied to this site in its entirety, to ensure it is consistent with Policy 3(c).	Relief sought: • Amend the walkable catchment to include the properties at 4, 6, 7 and 8 Monahan Road, Mount Wellington. • Amend standard H17.6.1 to enable a maximum building height of up to 40m, where buildings are located in a walkable catchment.

1075.7
1075.8

Goodman Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Goodman Industrial Properties			
		• Additionally, the site is a large contiguous landholding which adjoins the Southern Motorway, Mount Wellington Highway, and the Eastern train line providing a rapid transit service. Greater height can therefore be accommodated without significant effects on the surrounding locality. • Extending the Walkable Catchment to include 4, 6, 7 and 8 Monahan Road, Mount Wellington would enable this strategic future development site which is held in single ownership, to be developed in an integrated manner in the future.	
Connect 575 and 591 Great South Road, Penrose	Support in Part	Goodman are seeking that the property at 575 and 591 Great South Road, Penrose be retained within the walkable catchment, and building height to be enabled up to the Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay. Goodman are seeking the Building Height standard H17.6.1 be uplifted within a walkable catchment, and development on the site be enabled up to the height of the regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay.	Relief sought: 1075.9 • Retain the walkable catchment applied to the properties at 575 and 591 Great South Road, Penrose. • Retain the Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay at 1075.10

Goodman Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Goodman Industrial Properties			
			575 and 591 Great South Road, Penrose. 1075.11 • Enable building height up to the Regional Maunga Viewshafts and Height and Building Sensitive Areas. • Amend standard H17.6.1 to enable a maximum building height of up to 40m, where buildings are located in a walkable catchment.
Penrose 56-58, 60-66, 68, 90, 92, 94, 96 & 100 Gavin Street 81, 83, 99-103 & 99-105 Leonard Road, Ellerslie Penrose Industrial Estate	Oppose	Goodman are seeking that 56-98 and 68 Gavin Street, Mount Wellington are included within the walkable catchment. Goodman are also seeking the Building Height standard H17.6.1 be amended to enable additional building height, requiring buildings located in a walkable catchment to not exceed 40m: • The site is a large strategic future business development site, held in single ownership. • The site is highly accessible, located within a walkable catchment close to the Southern Motorway and Penrose Train Station. • The site adjoins Leonard Road, Penrose Road and Gavin Street, and properties zoned Business – Light Industry zone. Greater height can	Relief sought: 1075.12 • Amend the walkable catchment to include the properties at 56-98 and 68 Gavin Street, Mount Wellington. • Amend standard H17.6.1 to enable a maximum building height of up to 40m, where buildings are located in a walkable catchment 1075.3

Goodman Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Goodman Industrial Properties			
		therefore be accommodated without significant effects on the surrounding locality.	

THE PLANNING COLLECTIVE

Form 5

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

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council - Sent via email to unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Hudson Retirement LP, owner of the land legally described as Lot 1 DP 527699, Lot 2 DP 527699 (112 Hudson Road) and Lot 2 DP537212

This is a submission is made on behalf of Hudson Retirement LP to Auckland Council on the Proposed Plan Change 78: Intensification (the proposal):

The specific parts of Plan Change 78 that the submission relates to are:

- That the land legally described as Lot 1 DP 527699, Lot 2 DP 527699 (112 Hudson Road) and Lot 2 DP537212, remain zoned as Residential - Mixed Housing Urban Zone which incorporates the Medium Density Residential Standards.
- That the Qualifying Matter of "Precinct" be removed from the Sites as it does not meet the definition of a "Qualifying Matter" under the RMA.

Hudson Retirement LP could not gain an advantage in trade competition through this submission.

Description of the Site

Hudson Retirement LP are clients of The Planning Collective. Hudson Retirement LP own three parcels of land on the corner of Hudson Road and Falls Road, legally described as Lot 1 DP 527699, Lot 2 DP 527699 (112 Hudson Road) and Lot 2 DP537212 (herein referred to as the **Sites**). The Sites have a combined total area of 3.372ha. The location of the Sites are highlighted in Yellow in Figure 1 below.

We have reviewed the Record of Title for the Land and there are no limitations that would limit application of the MDRS. The consent notices and land covenants relate to road boundary fences and a development restriction on the timing of development that is no longer relevant now that Plan Change 25 is operative. There are also consent notice conditions pertaining to standard matters such as power, phone, floor levels and geotechnical matters.

Lot 1 contains an existing dwelling. The remaining two sites are vacant. The land to the east along Falls Road is developed for residential purposes, with the land to the north being developed for industrial purposes. The Sanderson Road Water Treatment Plan is located adjacent to the northern boundary of the sites.

Warkworth Township is 1km to the subject site and contains a mixture of residential, commercial, retail, and educational facilities. Warkworth is the largest rural town in the northern part of Auckland and serves a large rural catchment. The area has seen substantial residential development and growth over recent years associated with the identification of Warkworth as a Satellite Town in the Auckland Plan.

The wider surrounding locality includes a mix of activities including, but not limited to, Summerset Falls retirement village; Warkworth Toyota; Mitre 10 Mega and a childcare centre which are located to the south of the subject site on Mansel Drive and Woodcocks Road.

Figure 1: Location of the Sites shown in yellow. (Source GRIP 27/09/2022)

Current and proposed zoning

The Site is currently zoned Residential- Mixed Housing Suburban Zone under the Auckland Unitary Plan – Operative in Part (AUP). The Operative zoning for the Sites is outlined in **Attachment 1** to this submission. The Site is also located within the Warkworth North Precinct.

The Plan Change 78 Planning Maps propose to rezone to Residential- Mixed Housing Urban.

Plan Change 78 also identifies the following qualifying matters are of relevance to the Site:

- Precinct (all Sites)
- Flood Plain (Lot 2 DP 537212)

The zoning for the Site in the Context of plan Change 78 is outlined in **Attachment 2** to this submission.

Hudson Retirement LP submission is:

Section 77F of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 states urban environment means:

> "any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people."

Section 77G (1) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 outlines that *every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that Zone*.

The Proposed Plan Change 78- Intensification (C78)- Implementation of Policy 3 of the National Policy Statement- Urban Development Section 32 Report, prepared by Auckland Council, notes that Auckland Council has interpreted the 'urban environment' in the context of Auckland to include "*All land zoned residential, business and adjoining special purpose zones and open space zones as identified in the AUP, including the Hauraki Gulf Island Section, which includes metropolitan Auckland, all towns, and all rural and coastal towns and villages*.[1]"

Warkworth had a population greater than 5000 (5,586 is the recorded population at the 2018 census) at the 2018 census and is intended to have a housing and labour market greater than 10,000 persons. The MDRS therefore applies to Warkworth.

The proposed rezoning of the subject site through Plan Change 78 to the Residential - Mixed Housing Urban Zone is supported. The zoning change will better enable development opportunities for the subject site to efficiently deliver more housing supply within the residential area of Warkworth.

Qualifying Matters

Within the Plan Change 78 Northern Precinct mark ups, The Warkworth North Precinct Standard I553.6.8 is highlighted in orange as a Qualifying Matter as per Section 77I of the RMA.

Hudson Retirement LP submit that there are no Qualifying Matters pertaining to the Land. Standard I553.6.8 relates to the interface of the residential zoned land with the adjacent industrial zoned land and limits height as one method to manage reverse sensitivity effects. The Standard is not a Qualifying Matter as defined, or enabled, under the Amendment Act. The higher density enabled by the Act is appropriate for the site and will not unduly limit either the residential outcomes, or the business outcomes on the adjacent land.

A Qualifying Matter means "a matter referred to in Section 77I or 77O[2] "of the RMA.

The Sites are subject to a qualifying matter, being "Precincts" as the site is within the Warkworth North Precinct area. It is unclear why the Precinct has been identified as a Qualifying Matter when resource consent is required for development of land within the Precinct under Rule I553.4.1 regardless of the zone. Inclusion of a Precinct as a Qualifying Matter is not in accordance with requirements of Section 77I or Section 77O of the RMA.

[1] pc-78-section-32-policy-3-intensification (aucklandcouncil.govt.nz) Section 3.2.1
[2] Part 1 of the Resource Management (Enabling Housing Supply and other matters) Amendment Act 2021

Section 77I(i) of the RMA notes that the Territorial Authority may make the MDRS or Policy 3 requirements less enabling to the extent necessary to accommodate one or more of the following matters: "*(i) The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet the expected demand*."

As the Sites are zoned for Residential-Mixed Housing Urban, Section 77I(i) should not impose a restriction on the development of these Sites. The Land zoned for Business use is located further to the North of the Site. The Sites are adjacent to the Land referred to in Standard I553.6.8, however matters of reverse sensitivity will be managed through compliance with this Standard as a Restricted Discretionary Activity. Much Like the Auckland Wide Provisions in Chapter E of the AUP-OP, there are specific rules that manage development on any site.

Hudson Retirement LP seeks that the Precinct and Flood Plain Qualifying Matters applied to the subject Land is removed. The land has been subject to extensive flood modelling and analysis. Any effects of flooding arising on the Land were deemed to be negligible and less than minor. There is no flood constraint that would inhibit or make the development of the land in accordance with the proposed Residential – Mixed Housing Urban zoning, inappropriate on the Land.

Decision Sought:

Hudson Retirement LP seek the following decision by Auckland Council:

- The land legally described as Lot 1 DP 527699, Lot 2 DP 527699 (112 Hudson Road) and Lot 2 DP537212, remain zoned as Residential - Mixed Housing Urban Zone which incorporates the Medium Density Residential Standards. 1076.1
- That the Qualifying Matter of "Precinct" and the Qualifying Matter "Flood Plain" be removed from the Sites as they do not meet the definition of a "Qualifying Matter" under the RMA. 1076.2 1076.3

Hudson Retirement LP seek that Plan Change 78 be approved in part subject to the matters raised within this submission and any other relief required to achieve the outcomes sought in the submission.

Hudson Retirement LP do wish to be heard in support of its submission and will consider presenting a joint case at a hearing with others if they make a similar submission.

Burnette O'Connor
Director/Planner
The Planning Collective Limited
(person authorised to sign on behalf of submitter)

Date 29 September 2022

Attachments:

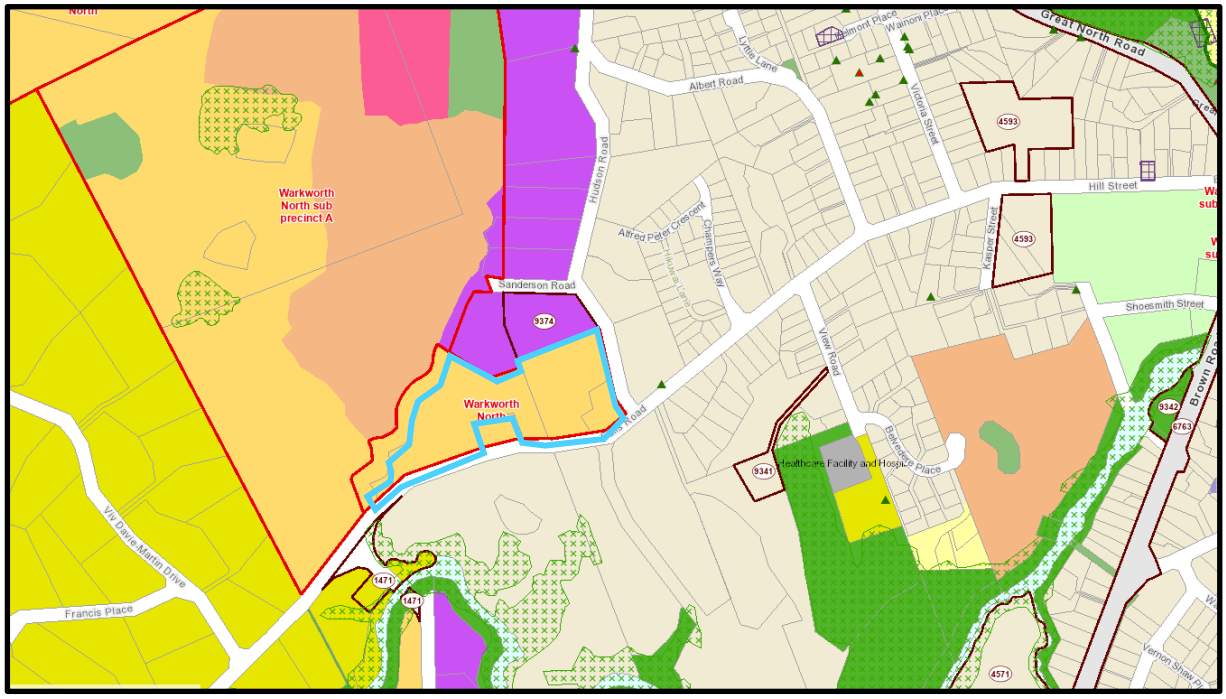
1- Auckland Unitary Plan - Operative in Part Maps
2- Plan Change 78 Maps

Address for Service:

Hudson Retirement LP
c/- The Planning Collective Limited
PO Box 591
Warkworth, 0941
Attn: Burnette O'Connor
E: Burnette@thepc.co.nz
Ph: 021-422-346

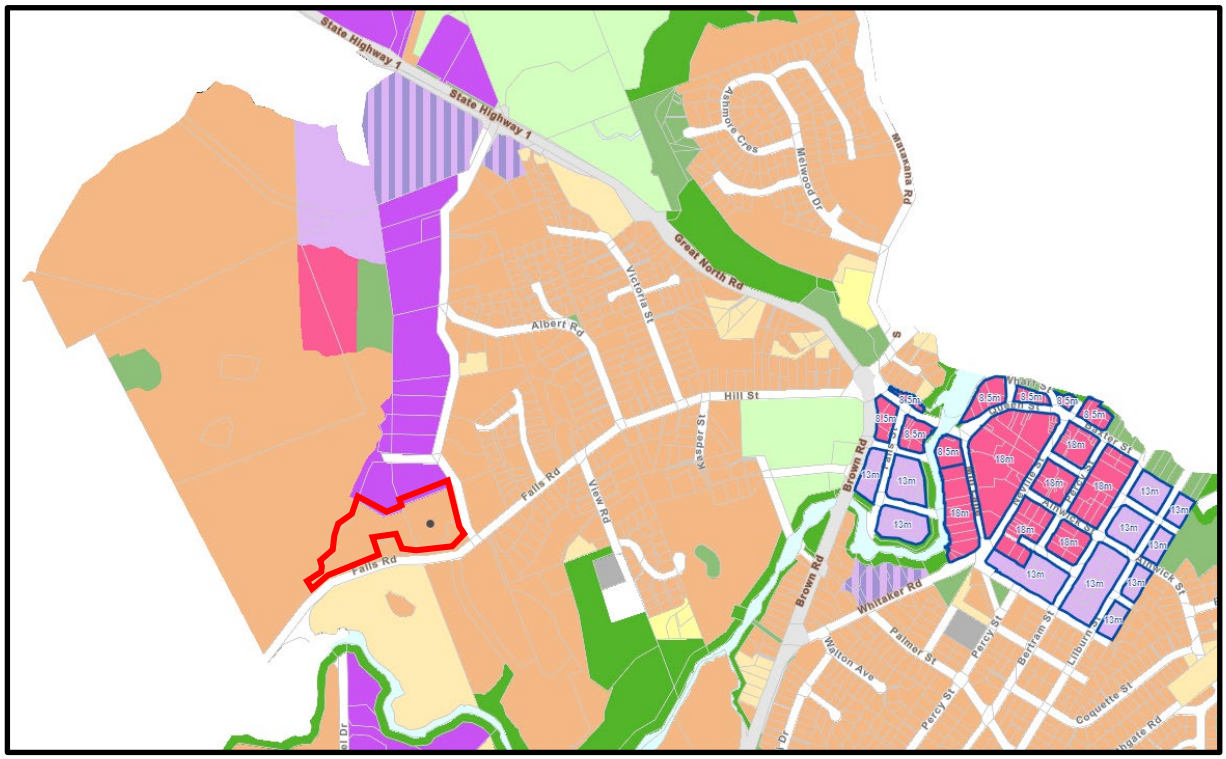
Attachment 1:

AUP-OP Operative Zoning and relevant overlays. Property boundaries highlighted in the blue



Attachment 2:

Plan Change 78 Zoning Map - Site outlined in Red



Property Header Address
Falls Road Warkworth Auckland 0984
Zone/s
- Residential - Mixed Housing Urban Zone
Management Layer/s

Spatially Identified Qualifying Matter/s
- Flood Plains (i)
- Precinct
Further Information (i)

End of Report

Form 5

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

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council (by email: unitaryplan@aucklandcouncil.govt.nz)

Name of Submitter: Goatley Holdings Limited (GHL) and Skywork Helicopters Limited (Skywork)

This is a submission is made on behalf of GHL and Skywork to Auckland Council on:

- Proposed Plan Change 78 – Intensification

GHL and Skywork could not gain an advantage in trade competition through this submission.

The specific parts of the Plan Change that the submission relates to are:

- Zoning of the adjoining Templeton Warkworth Ridge land – Warkworth Clayden Road Precinct – Plan Change 78.
- Spatially identified Qualifying Matters pertaining to the land owned by GHL generically referred to as 38 Goatley Road, Warkworth.

Description of the Land this Submission Relates to and Background:

The land the submission relates to is all the land affected by the Warkworth Clayden Road Precinct as shown in **Figure 1** on the following page and the Business – Light Industry land owned by GHL shown in **Figure 2**, legally described as Lot 1 DP 88298, Lot 2 DP 88298, Part Allot 95 PSH OF Mahurangi, Lot 2 DP 155679, Lot 3 DP 155679 and Lot 3 DP 61693.

Skywork and GHL were submitters to Private Plan Change 40 – Warkworth – Clayden Road. GHL and Skywork were successful in getting specific reverse sensitivity Standards incorporated into the Precinct. Copies of the submissions are **Attachment A**.

The purpose of the submission is to ensure that the Plan Change 78 process, and related decisions acknowledge the Precinct provisions and ensure these are not affected or changed by this process.

The relevant Precinct provisions are detailed on the following page and full copy of the Clayden Road Precinct I552 is **Attachment B**.

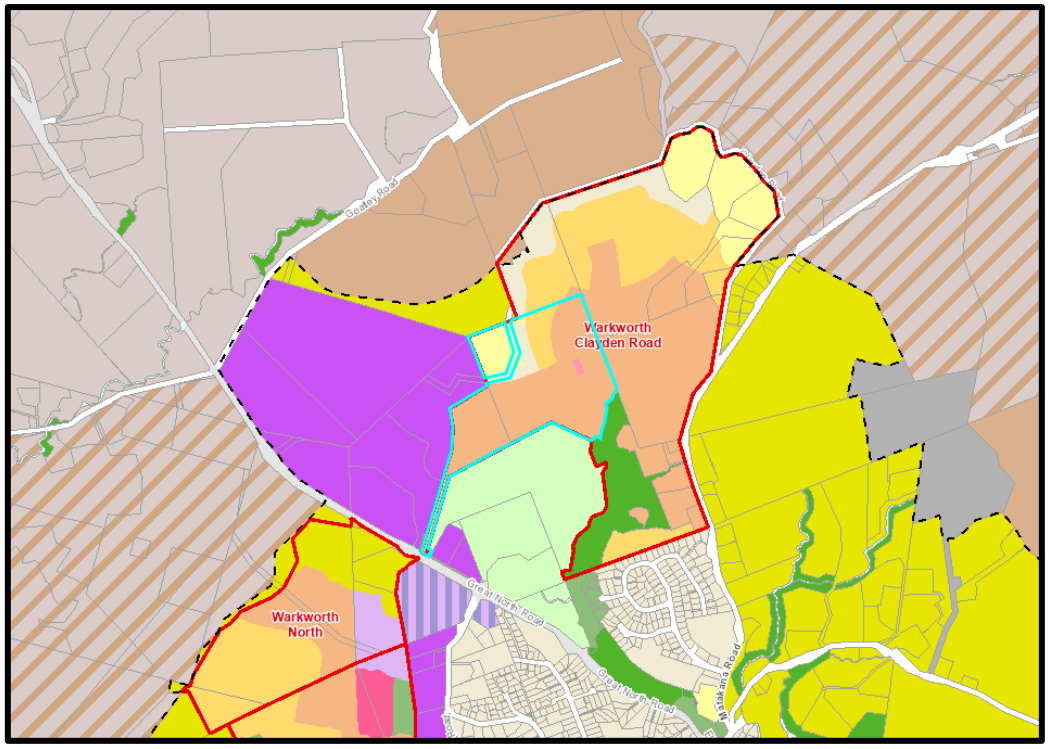


Figure 1: Aerial image of land to which the submission relates (Source: Auckland Council AUP-OP Maps)

Land owned by GHL is shown in **Figure 2** below. The land is subject to an approved resource consent enabling a 93-lot industrial subdivision including stream realignment and other works. A copy of the approved resource consent scheme plan is **Attachment C** and a snip is shown as Figure 3 below.

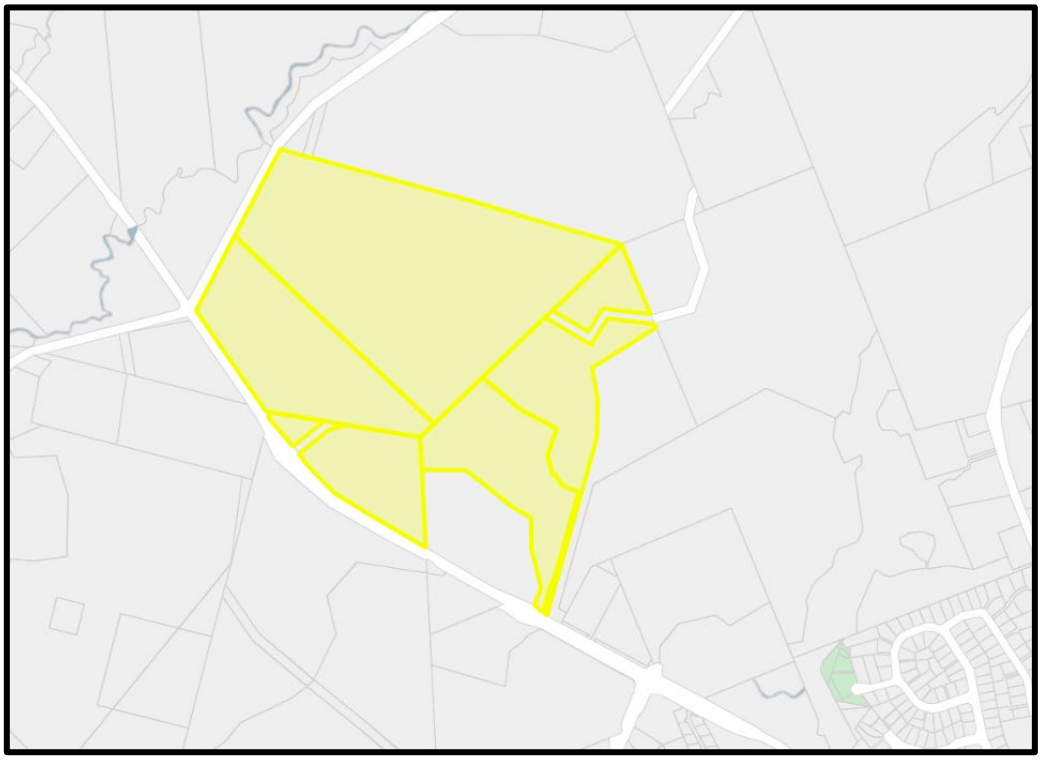


Figure 2: Land owned by GHL (GRIP)

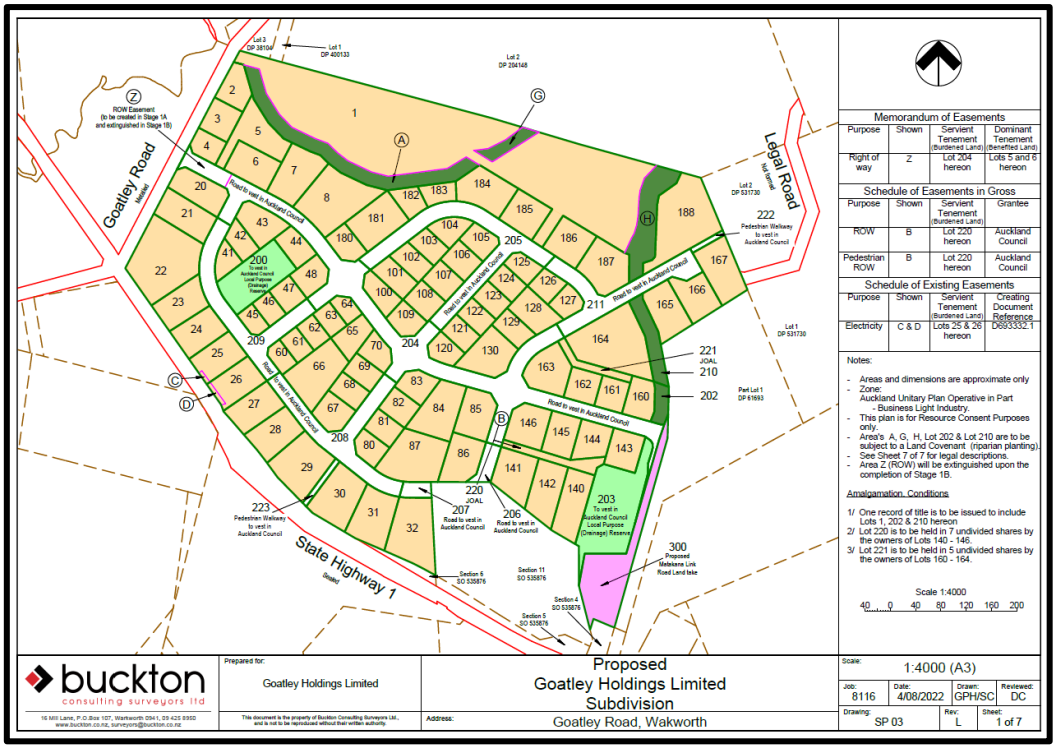


Figure 3: Approved Light Industry Subdivision

The Plan Change 78 Map Viewer shows the GHL and Clayden Road Precinct Land zoned as per Figure 4 below:

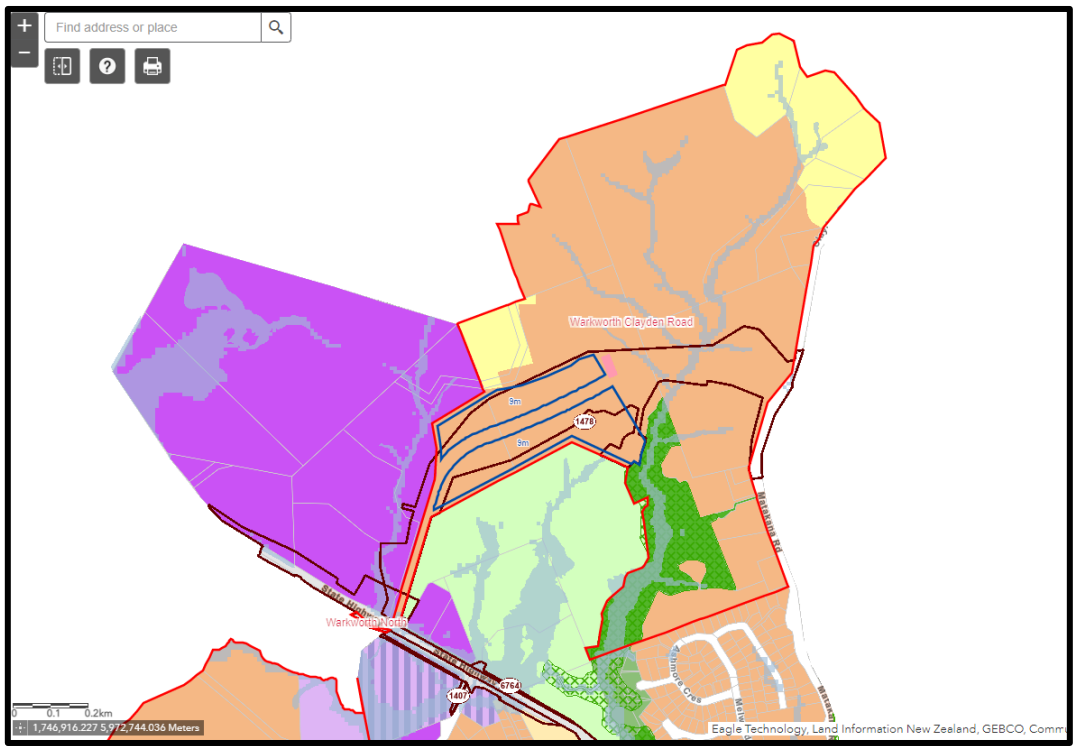


Figure 4: Proposed Zoning Plan Change 78

Skywork and GHL support identification of the interface of the residential land with the Business – Light Industry zoned land owned by GHL as a Qualifying Matter, or whatever other mechanism is appropriate to ensure the Precinct provisions that manage reverse sensitivity at this interface are retained. The Standards and related provisions that need to be retained are as set out below: 1078.1 1078.2

1078.3

I552.6.3 Special Yard: West

Purpose:

- to provide a landscape buffer and manage reverse sensitivity effects;
- to maintain a reasonable standard of residential amenity for sites adjoining business land; and
- to establish a landscape bund at the interface with industrial land on that part of the site with appropriate contour for an urban bund.

(1) A building or parts of a building must be set back from the precinct boundary by at least 30 m where sites are subject to the Special Yard: West on I552.9.1 Precinct Plan 1.

(2) For that part of the Special Yard: West within the Mixed Housing Urban zone, and that part within the Large Lot Residential zone with a slope less than 1 in 5, a 10m wide strip measured from the boundary of the precinct shall be planted with indigenous vegetation that will attain a height of at least 5m when mature, forming a planted visual buffer along the precinct boundary. The planting shall have attained a height of at least 1.5m prior to the construction of any dwelling within 100m of the Special Yard: West.

(3) The yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area and planting in perpetuity.

(4) On that part of the land within the mixed housing urban zone, and that part of the land within the large lot residential zone that has a slope of less than 1 in 5 a bund shall be constructed within the 10m planting strip of the Yard and shall have a minimum width at its base of 8m and a minimum height at its apex of 3m.

(5) The landscaping and bund shall be constructed at the time of any earthworks consents or other form of development on land within the area subject to this rule, or prior to the issue of any new title for development of the land within the Precinct; or construction of any dwelling, whichever occurs first.

1078.4

I552.6.6 Noise Management Area, Noise Measurement Line and Covenants

Purpose: To manage the reverse sensitivity effects on industrial activity in the Business: Light Industry zoned land located between Goatley Road and the precinct boundary and helicopter operations to and from the Warkworth Heliport at 38 Goatley Road by:

- Identifying a Noise Management Area within which mechanical ventilation is required.
- Identifying a Noise Measurement Line where noise levels from industrial activity are to be measured.
- Requiring a no complaints covenant in the Industrial Covenant Area related to industrial activity.
- Requiring a no complaints covenant throughout the entire precinct related to helicopter operations.

(1) Any residential building or part of a residential building within the Noise Measurement Area shown on I552.9.1 Precinct Plan 1 must provide ventilation and/or an air conditioning system(s) that satisfies the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.

(2) When determining whether any activity carried out in the Business: Light Industry zone complies with the noise limits in E25.6.19, noise levels are to be measured at the "Noise Measurement Line" and not at the closest residential boundary.

(3) A 'no complaints' covenant is registered against the certificate of title for every site in the Industrial Covenant-Area shown on I552.9.1 Precinct Plan 1 in favour of all sites within the Business: Light Industry zoned land located between Goatley Road and the precinct boundary. The requirement to register a covenant shall apply at the time of any landuse consent or 224C certification on any subdivision, or in the case where no landuse consent or subdivision is required, at the time of building consent for a dwelling or a noise sensitive use. Any landuse or subdivision consent that fails to comply with this rule is a non-complying activity. Where a building consent for a dwelling or a noise sensitive use is applied for and there is no

covenant on the title then the activity contravenes this rule and is a non-complying activity. The covenant must acknowledge and agree that:

- the site is adjacent to an industrial area that may operate 24 hours a day 365 days a year:
- the covenantor shall not, either personally or through another, either directly or indirectly:
    - complain to the Council about any activity;
    - make, support or encourage any enforcement action about any activity;
    - make any demands or bring any legal action;
    - do or permit to be done any act, matter or thing intended to restrict or inhibit any activity;

  provided the activity is meeting district plan standards, or operating lawfully in accordance with a resource consent.

(4) A 'no complaints' covenant is registered against the certificate of title for every site within the precinct in favour of the owner and operator of the Warkworth Heliport. The requirement to register a covenant shall apply at the time of any landuse consent or 224C certification on any subdivision, or in the case where no landuse consent or subdivision is required, at the time of building consent for a dwelling or a noise sensitive use. Any landuse or subdivision consent that fails to comply with this rule is a non-complying activity. Where a building consent for a dwelling or a noise sensitive use is applied for and there is no covenant on the title then the activity contravenes this rule and is a non-complying activity. The covenant must acknowledge and agree:

- the Heliport was established at 38 Goatley Road in 2010.
- The noise generated by the Heliport is measured at the notional boundary of the dwellings that existed or were under construction on 9 March 2010. The notional boundary is a line 20 metres from any side of those dwellings, or the legal boundary where that is closer than 20 metres.
- I552.9.4 Warkworth: Clayden Road Precinct Plan 4 identifying the dwellings that were existed or under construction on 9 March 2010 shall be attached to the covenant.
- The noise limit at the notional boundary of those dwellings is 50 dBA L_{dn} and a night time limit of 70 dBA L_{max} (10pm – 7am the following day). Noise generated by emergency flights and training for emergency flights are excluded from the measurements.
- The site may be closer to the Heliport than the dwellings existing or under construction on 9 March 2010, and may experience a higher level of noise.
- the covenantor shall not, either personally or through another, either directly or indirectly:

- complain about any heliport or any helicopter activity operating lawfully, or any helicopter operation at any time responding to an emergency flight including search and rescue or fire fighting, to Auckland Council or the Civil Aviation Authority;
- make, support or encourage any enforcement action about the Heliport;
- make any demands or bring any legal action in relation to the Heliport; or
- do or permit to be done any act, matter or thing intended to restrict or inhibit the Heliport;

provided the Heliport is operating lawfully in accordance with its resource consent, or

- lodge, support or encourage any submission, objection or appeal which has the effect of limiting, restricting or prohibiting the Heliport or amending the planning provisions applying to the Heliport provided that:
  - the noise generated by the Heliport is no greater than the levels above at the notional boundary of the dwellings that existed or were under construction on 9 March 2010; and
  - the Heliport has been operated lawfully;

Note: For the purpose of this standard, a no complaints covenant is defined as a restrictive covenant registered on the title to the property or a binding agreement to covenant by the landowner. Details of an agreed form of the covenant may be obtained from Goatley Holdings Limited.

The Proposed Plan Change 78 (PC78) to the Unitary Plan Operative in part, Section 32 Report- Northern precincts includes a review of Chapter I552 Warkworth Clayden Road Precinct[1]. The Section 32 Report notes that Standard I552.6.3 Special Yard West is proposed to be retained due to the Qualifying Matter of the need to provide for sufficient Business land to meet expected demand (Section 770(i)). GHL and Skywork are supportive of this decision.

GHL and Skywork oppose any outcome that materially affects or alters the outcomes of these Standards.

GHL Land – Spatial Identification of Qualifying Matters on non-urban residential areas:

Skywork and GHL oppose the spatial identification of Qualifying Matters (Floodplains) on their land. The information used to inform the maps is too generic. The spatial extent of flooding on GHL land is not, and will not be, as shown on the PC78 maps. This is because the consented subdivision enables a significant volume and area of earthworks that will alter any potential flooding on the land. Streams are being realigned as part of the works and the urban development of the land for its zoned purpose will mean the end result is that the land will not be subject to flooding. 1078.5

Skywork and GHL understand Council has used the alternative process for existing qualifying matters (Section 77Q). However, the flood maps were excluded from being a statutory overlay through the

[1] PC 78 - Section 32 Precincts North (aucklandcouncil.govt.nz)

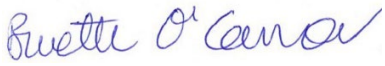
Unitary Plan process because they were not sufficiently detailed on a site by site assessment basis. The same issue applies to the spatial identification of flooding as a Qualifying Matter in Plan Change 78.

Skywork and GHL seek the following outcomes:

- The identification of Qualifying Matters on the land within the Warkworth Clayden Road Precinct to ensure there are no material changes that alter the outcomes secured by Standards in the Precinct that protect GHL and Skywork from adverse reverse sensitivity effects.
- Deletion of spatially identified Qualifying Matters on GHL land identified in this submission.

Skywork and GHL seek that Plan Change 78 be approved in part subject to the matters raised within this submission and any other relief required to achieve the outcomes sought in the submission

Skywork and GHL do wish to be heard in support of their submissions and will consider presenting a joint case at a hearing with others if they make a similar submission.



Burnette O'Connor
Director/Planner
The Planning Collective Limited
(person authorised to sign on behalf of submitter)

Date: 29 September 2022

Attachment:

A: Plan Change 40 Submissions
B: Warkworth Clayden Road Precinct
C: Approved Industrial Subdivision Scheme Plan for GHL land

Address for Service:

Goatley Holdings and Skywork Helicopters Limited
C/o The Planning Collective Limited
PO Box 591
Warkworth, 0941
Attn: Burnette O'Connor
E: Burnette@thepc.co.nz
Ph: 021 422 346

Attachment A:

Plan Change 40 Submissions

THE PLANNING COLLECTIVE

Form 5

Submission on a notified proposal for policy statement or plan, changes or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council

Submitter: Goatley Holdings Limited (GHL)

This is a submission on Proposed Plan Change 40 (Private) Warkworth – Clayden Road to the Auckland Unitary Plan (the **proposal**):

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

The specific provisions of the proposal that the submission relates to are:

- The zoning of land for residential land uses including locating the more intensive residential zonings in proximity to land zoned Business – Light Industry.
- The proposed rezoning of Business – Light Industry land to Residential – Mixed Housing Urban.
- The methods proposed to manage the buffer between Business – Light Industry and Residential – Mixed Housing Urban,
- The methods proposed to manage reverse sensitivity on the land zoned Business – Light Industry.

The submission opposes the proposal in part for the reasons set out below:

Background:

Goatley Holdings Limited (GHL) owns the land shown below:

GHL leases a portion of the land to Skywork Helicopters Limited (**Skywork**) in the north west part of the site accessed off Goatley Road.

Skywork operates a helicopter base on the land. As stated in the submission to Private Plan Change 40 (**PPC40**) on behalf of Skywork resource consent was obtained following a protracted consenting process that resulted in the Environment Court granting resource consent to establish and operate a helicopter base on the land in March 2010 [NZEnvC70]. Consent was granted to establish the helicopter base which included a landing pad, hangar, truck, equipment and hazardous materials storage are, a café and lounge area, ancillary facilities (including reception officed, meeting room and pilot accommodation quarters). The consent also enabled approximately 110,000m^3 of cut to fill earthworks. A later consent granted by Auckland Council in 2013 enabled the staged development of the full development.

In March 2013 Auckland Council commenced public consultation on a draft Unitary Plan (March – May 2013). The Unitary Plan was formally notified for public submissions on 30th September 2013 with the submission period closing on 28 February 2014.

The Proposed Unitary Plan identified GHL land as Future Urban. This led GHL to seek an appropriate urban zoning of the land that would protect Skywork's ability to continue operating the helicopter base given the considerable investment in land and consenting processes to date (a five plus year consenting process). This was of prime importance to Skywork and GHL because the Skywork operation had already had to relocate from its initial site at Baddeley's Beach Road because of complaints from neighbouring landowners and opposition to consent seeking to formalise activities and enable some business growth. This process is what resulted in Skywork re-establishing at the Goatley Road site.

GHL, in conjunction with an adjoining landowner, Stellan Trust, lodged a submission (submission 7025) to the Unitary Plan seeking to rezone land from Future Urban zone to Business- Light Industry. A copy of that submission is **Attachment A**. That submission was successful, and the land was zoned Business – Light Industry when decisions were released by Auckland Council on 19th August 2016. The appeal period ended on 30 September 2016 and as there were no appeals to the zoning of the land the zoning was changed with effective on that date.

In September 2018 GHL and Stellan Trust lodged a resource consent application seeking a 94 -lot subdivision for Business – Light Industrial purposes, including associated earthworks and stormwater discharges etc to enable construction of the subdivision. The scheme plan retained Skywork in its current location with sufficient space to continue operations in this location into the future. This application is currently on hold for a range of reasons, predominantly the uncertainty created by the works related to the Matakana Link Road (**MLR**) and State Highway 1 (**SH1**) widening; both of which affect GHL land.

Following resolution of all appeals to both MLR and SH1 widening projects, a new application is being prepared solely for the GHL land and is expected to be lodged in the next 6 weeks. As with the earlier scheme plan, it is designed to retain Skywork in its current location with sufficient space to continue operations in this location into the future, including planned business expansion activities relating to tourism.

By the time the Auckland Council Future Urban Land Supply Strategy (FULSS) was commenced and subsequently adopted in November 2015 GHL had live zoned Business – Light industry land and Skywork had been operating from 38 Goatley Road for approximately 4 years. The adoption of the 2015 FULSS and the refreshed July 2017 version were the first indications GHL had that the land surrounding could potentially be zoned and developed for residential land use purposes. The 2015 FULSS indicated 3,200 – 3800 dwellings, 1 Local Centre and approximately 3270 jobs for Warkworth North, which also included what is now identified as Warkworth North East. The FULSS (2017 Refresh) identified Warkworth North as suitable for approximately 2300 dwellings, no centres and reflected 69 hectares of live zoned business land which included the GHL / Stellan Business – Light Industry land. The FULSS is an infrastructure planning tool rather than a tool to determine optimal land uses. Both the 2015 and 2017 FULSS were undertaken without the benefit of a structure plan for Warkworth.

Auckland Council completed a structure plan for Warkworth in June 2019. The indications for residential development in the Warkworth North area in the structure plan completely failed to consider the existing live zoning of the GHL land[1].

[1] [1] Warkworth Structure Plan, Background Topic Report, Section 2 – The Warkworth Structure Plan Area and Section 5.11 Land use planning.

Private Plan Change 40:

PPC40 seeks to zone Future Urban zoned land for a mix of residential zones and a small Neighbourhood Centre. It also proposes to rezone land that currently has a Business- Light Industry zoning to Residential -Mixed Housing Urban. The residential – Mixed Housing Urban zone provides for sites with a minimum site size of 300m^2 as per Table E38.8.2.3.1 or; for parent sites of 1 hectare or greater, a minimum site area of 240m^2; and average of 300m^2 and a maximum site size of 360m^2 (Table E38.8.3.1.1).

This rezoning will result in dwellings being constructed both adjacent and close to the Business – Light Industry zoned land as shown in the Figure below:

Diagram 8: Requested Structure Plan: Warkworth North

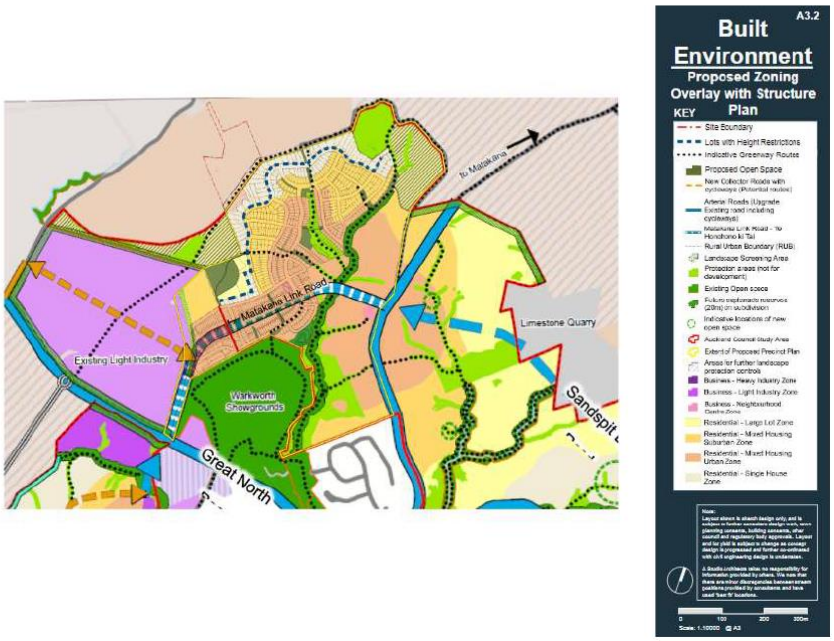


Figure 1 -Plan Change 40 – Diagram 8 Requested Structure Plan Warkworth North

A range of Unitary Plan Standards and Controls for the Business – Light Industry zone are impacted by the proximity of residential development for example:

- Air quality – Chapter E14 – Business – Light Industry Zones are identified as Medium air quality areas, as is the Future Urban zone; however, residential zones are High air quality areas. There are Standards for some activities that specify setbacks from activities sensitive to air discharges. Dwellings are defined in the Unitary Plan- Chapter J as being activities sensitive to air discharges.
- Noise and Vibration – Chapter E25 – Dwellings are also defined in Chapter J as activities sensitive to noise. There are objectives in this Chapter that seek to protect people from unreasonable levels of noise and vibration. There is also an objective that seeks to protect existing and authorised activities from reverse sensitivity effects. Policy E25.3 (3) seeks to *encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.* Policy (7) is also relevant. This Policy states:

Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on:

- *Existing or authorised infrastructure;*
- *Adjacent **Business – Light Industry Zone** and Business – Heavy Industry Zone;*
- *Existing lawfully established rural production activities….*

- Dwellings are defined in Chapter J as activities sensitive to hazardous substances and infrastructure.
- Chapter H17 – Business Light Industry Policy H17.3 (7) requires activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.

Based on the above Unitary Plan provisions it is evident there will be limitations and corresponding adverse reverse sensitivity effects on the Business – Light Industry zoned land associated with rezoning a portion of the Business – Light Industry land to Residential – Mixed Housing Urban and also by seeking to locate the more intensive residential zonings proposed in PPC40 adjacent to GHL land. This statement is also supported by an acoustic assessment prepared by Hegley Acoustic Consultants – **Attachment B**.

The lesser density residential areas – Single House, Large Lot and the portion of Countryside Living zoned land are adjacent to the Rural – Countryside Living zoned land to the north west. This land is already effectively separated from PPC40 by topography as Clayden Road generally runs along a ridge with the PPC40 land sloping down to the east and the Countryside Living land to the north west.

PPC40 proposes a Precinct – Clayden Road Precinct. The notified Precinct document refers to the planned Sandspit Link Road – it is presumed that this is intended to read the *Matakana Link Road.*

The description of the Precinct states that *"More intensive residential opportunity is created around the Sandspit Link Road…Medium density housing is provided in the northern area of the Precinct. Low density housing 'Single House' zoning is provided on the Rural Urban Boundary fringe with particular controls…. These controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas."*

The Precinct proposes one objective relating to the existing Business – Light Industry zone as follows:

(5) Manage reverse sensitivity issues at the interface between the residential and light industrial land.

This objective is supported by the following Policy:

(9) Create a landscaped buffer and require "no complaints covenants" on the properties adjacent to the industrial zoned land so as to manage reverse sensitivity issues.

The Precinct does not propose any specific rules relating to development on the land adjacent to the Business – Light Industry zoned land.

However, a Noise measurement line standard is proposed. The proposed noise measurement line (NML) states that the NML will be the "nearest residential boundary for measuring noise from the Skywork base". The standard states that it will apply to the residential sites to the west of the identified line.

It is noted that an area of indicative open space is also shown on Precinct Plan 1 adjacent to the north-eastern corner of GHL land. This will not protect the development of the Business – Light Industry land in any way from the increased proximity of residential development.

There is also one assessment criteria (ix) included for vacant lot subdivision stating that *for the area identified on Precinct Plan 1 as "no complaints covenant area" a no complaints covenant is registered against any title acknowledging the location is adjacent to an industrial area and a consented heliport and that residents will not complain about permitted activity meeting the Auckland wide standards, or helicopter activity operating under and complying with the conditions of consent of Resource Consent XXX.* The proposed non complaints covenant is not considered sufficient to protect the development of a range of activities that could be anticipated on the Business – Light Industry zoned land.

A Special Landscape yard is also proposed – Standard 6.3. This Standard proposes to limit buildings and structures within the area identified on Precinct Plan 1, except for fencing less than 2 metres in height. The Standard also requires that 50% of the yard is planted with native trees that achieve a height of 5m or more on maturity. It is not clear what the proposed width of the Special Landscape Yard is as the line follows the boundary and the Precinct Plans do not have a scale. Therefore, it is not possible to properly assess the effectiveness or not of this proposed standard.

The real outcome of these proposed provisions is simply a noise measurement line and a requirement for sites to the west of it in the proposed Residential – Mixed Housing Urban zone to accept a no complaints covenant for legitimate light industrial land use activities.

As demonstrated from the above assessment there are actual adverse reverse sensitivity effects that will result from the land rezoning proposed by PPC40.

PPC40 does not achieve an optimal land use outcome because, as proposed, it will introduce incompatible activities in close proximity and likely result in adverse reverse sensitivity effects on the zoned Light Industry land.

PPC40 does not appropriately respond to the requirements of s32 of the Act because the provisions are not the most appropriate way to achieve the purpose of the Act or achieve the objectives of the Unitary Plan.

Goatley Holdings Limited seek the following decision from the local authority:

- That PPC40 be declined, or
- That the zoning pattern be amended to more appropriately respond to the extent of live-zoned Business – Light Industry and ensure an appropriate buffer between industrial activities and more sensitive residential activities; and
- That PPC40 be amended to include adequate planning methods to ensure that compatibility issues and potential reverse sensitivity effects on the Business – Light Industry zoned land are effectively managed.

Goatley Holdings Limited **wishes** to be heard in support of its submission.

Goatley Holdings Limited will consider presenting a joint case with others that make a similar submission.

(person authorised to sign
on behalf of submitter)

Date: 2 April 2020

Address for Service:

Burnette O'Connor (Agent)

Planner / Director

The Planning Collective

burnette@thepc.co.nz

+64 21 422346

Attachments:

A - GHL / Stellan Trust Unitary Plan Submission

B - Hegley Consultants Acoustic Assessment

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of First Schedule, Resource Management Act 1991
FORM 2

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Correspondence to :
Attn: Unitary Plan Submission Team
Auckland Council
Freepost Authority 237170
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date: AUCKLAND COUNCIL 28 FEB 2014

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name (if submission is on behalf of Organisation) **Goatley Holdings Ltd & Stellan Trust**

Address for service of the Submitter

Terra Nova Planning Ltd
PO Box 466
Orewa 0946

Email: **markbellingham@tnp.co.nz**

I live in the following Local Board area (if known) **Rodney Local Board**

Contact Person: (Name and designation if applicable) Dr Mark Bellingham

Scope of submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:
Please identify the specific parts of the Proposed Plan

Provision(s) Warkworth North Future Urban Zone

Or
Other *(specify)* *See attached submission*

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 *See attached submission*

I wish to have the provisions identified above amended Yes

The reasons for my views are:

I seek the following decision from Auckland Council:

Accept the Proposed Plan with amendments - *See attached submission*

I wish to be heard in support of my submission Yes

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

Telephone 09 4267007

Please note that your contact details and phone number will be publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

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

- ○ **I could gain an advantage in trade competition through this submission**
- ◉ **I could not gain an advantage in trade competition through this submission**

Signature of Submitter Date 28/2/2014

(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

Submission to Proposed Auckland Unitary Plan:

Goatley Holdings Ltd & Stellan Trust, Warkworth North

Scope of the Submission

This submission is on behalf of Goatley Holdings Ltd & Stellan Trust in respect of their properties at State Highway 1, Warkworth North. The subject sites are legally described as Lots 1, 2 DP 88298, Pt Allot 95 Psh Of Mahurangi SO 27C, Lot 3 DP 61693, and Lots 1, 2, 3 DP 155679, having an area of 56.7ha. This land has been zoned Future Urban Zone in the PAUP (**Figure 1**).

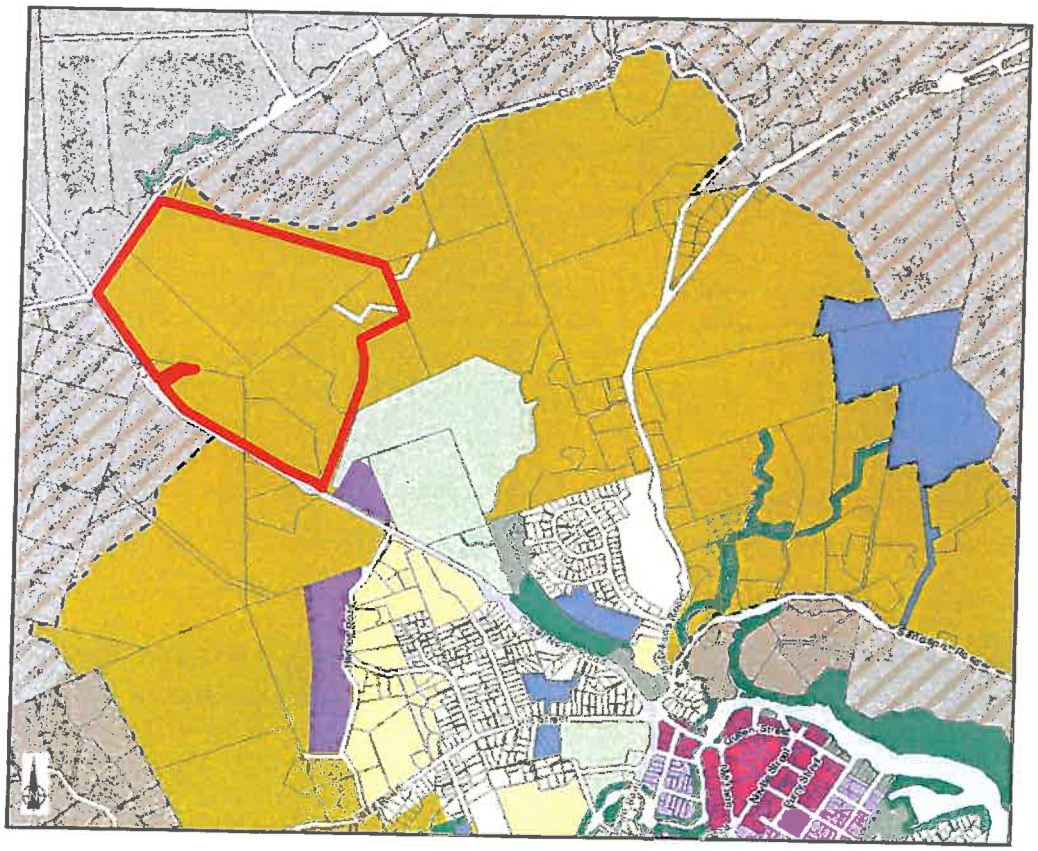


Figure 1: PAUP Zoning

Aerial photos of the land are in Figures 2 and 3.

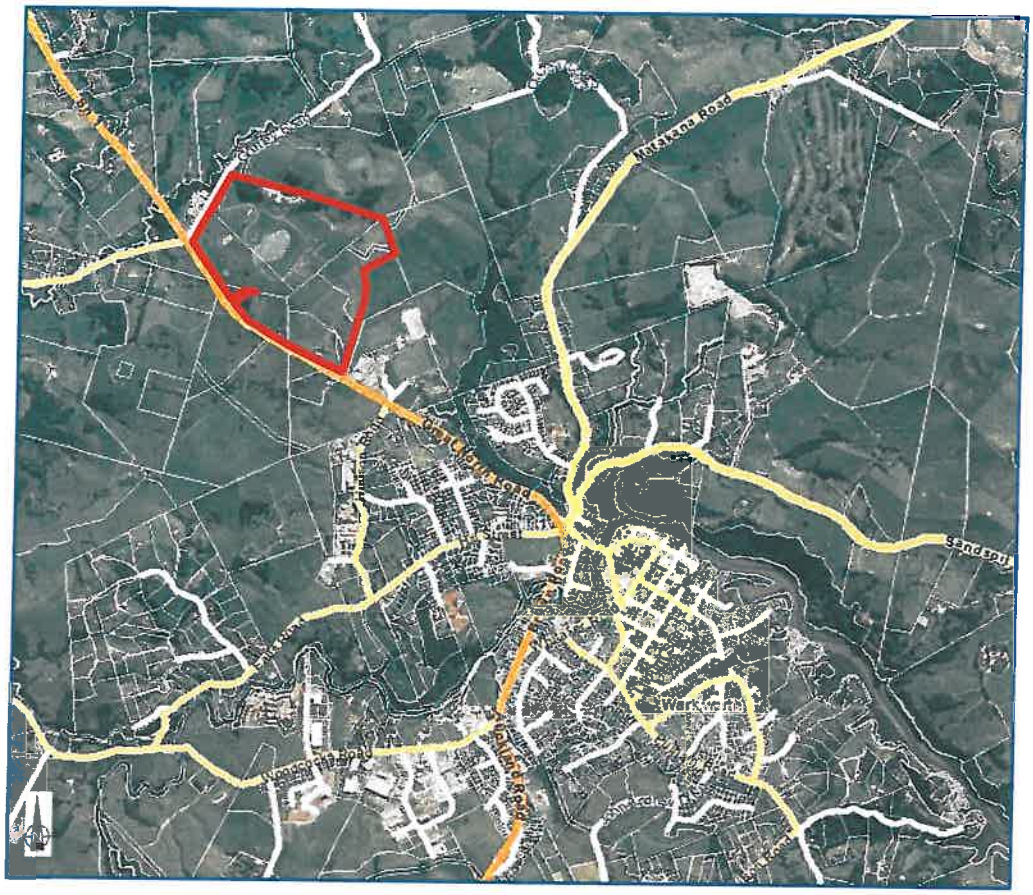


Figure 2: Location of Goatley Holdings Ltd & Stellan Trust property, North Warkworth

Figure 3: Goatley Holdings Ltd & Stellan Trust property, North Warkworth

The submitters, along with a number of other landowners submitted on the northern expansion of Warkworth to the Auckland Plan. They then commissioned further studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix B**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix C**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

- The extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and

- The cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to resolve the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

The submitters are concerned that although these issues have been incorporated in part in the Auckland Plan, the PAUP and the Rural Urban Boundary Investigations (RUB), the body of planning and engineering investigations that identify suitable land uses still needs to be incorporated into the Unitary Plan.

Relief Sought

1. <u>Rezone the land from Future Urban to Light Industry</u>.

   The Auckland Council's Rural Urban Boundary investigation were carried out to determine the extent of the RUB, including that for Warkworth, but not to universally assign a Future Urban Zone to new land coming into the RUB.

   The RUB recommendations for Warkworth (relevant to this submission) were:

   - The Structure Plan for Warkworth as well as the Area Plan for Rodney should be prioritised in order to determine the appropriate future land uses within the rural urban boundary.

- Support for the RUB north from the showgrounds to Goatley Rd adjoining Matakana Rd in the west and further provision of urban land east of Matakana Rd from Clayden Rd to Sandspit Rd south of the quarry should not occur within the 30 year timeframe.
- Need to plan for appropriate amount of industrial land and local employment

While there has been considerable provision for additional residential sites in Warkworth, additional industrial land is minimal. Rodney District's structure planning never anticipated the expansion of Warkworth as provided for in the Auckland Plan and the PAUP. Meanwhile the PAUP has not prioritised future land uses, as the structure planning by the Warkworth North landowners has identified this area as suitable for business zoning. The proposed Future Urban Zone for the Submitters' land gives no priority in terms of future zoning or when that might happen.

The submitters (along with other landowners in Warkworth North) have carried out detailed planning for the area zoned Future Urban (North of State Highway 1 and Sandspit Rd) and this was presented to the Council in the Unitary Plan and RUB processes. Those reports (Appendix B - C) identify the submitters land as suitable for industrial activities.

We submit that it is a priority to zone land in Warkworth North for industrial and local employment activities to provide for the on-going expansion of Warkworth and the future development of residential areas in Warkworth North. An appropriate zone for this land would be 'Light Industry' (**Figure 4**). The 57 ha of land involved will provide a substantial and significant contribution to the required light industrial land supply for Warkworth's immediate and medium-term growth.

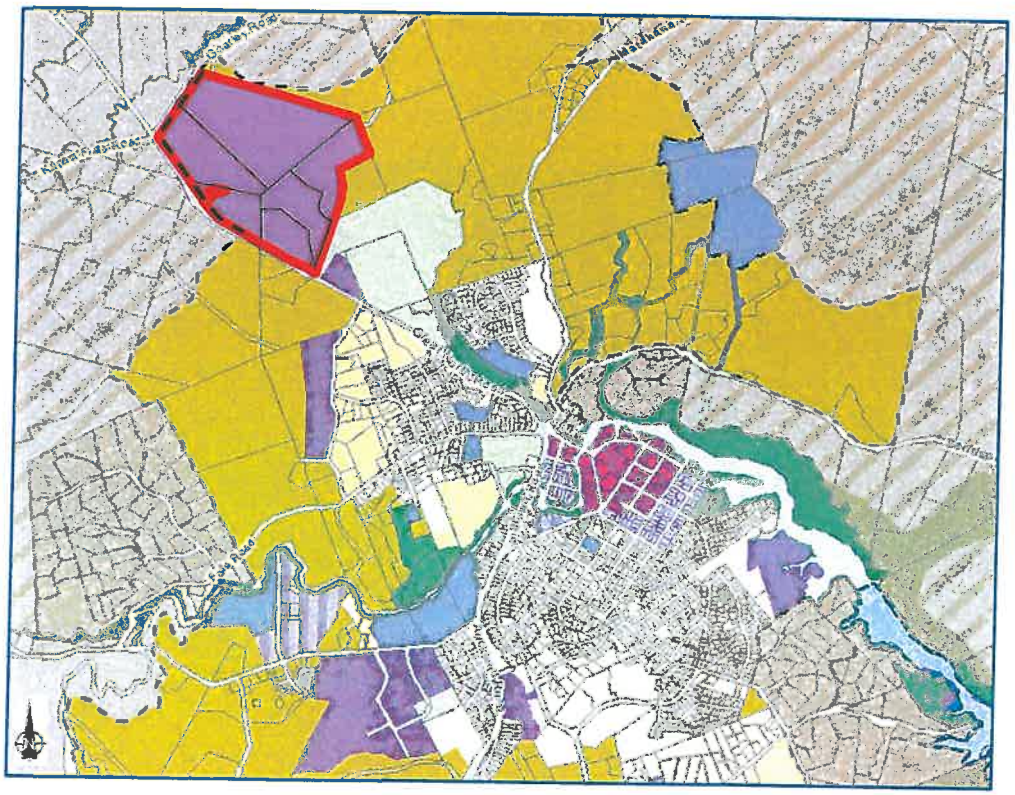


Figure 4: Proposed Rezoning

2. Identify the proposed North-East Link Road alignment in the Unitary Plan.

The Submitters' also identified indicative link roads in their submission to the Council in the Unitary Plan and RUB processes. These need to be on the Unitary Plan maps also in order to provide for timely and significant improvements to the roading network, and to be in place before or at the same time as the new State Highway 1 Warkworth by-pass is constructed. The location of the State Highway alignment is shown in Figure 5 below.

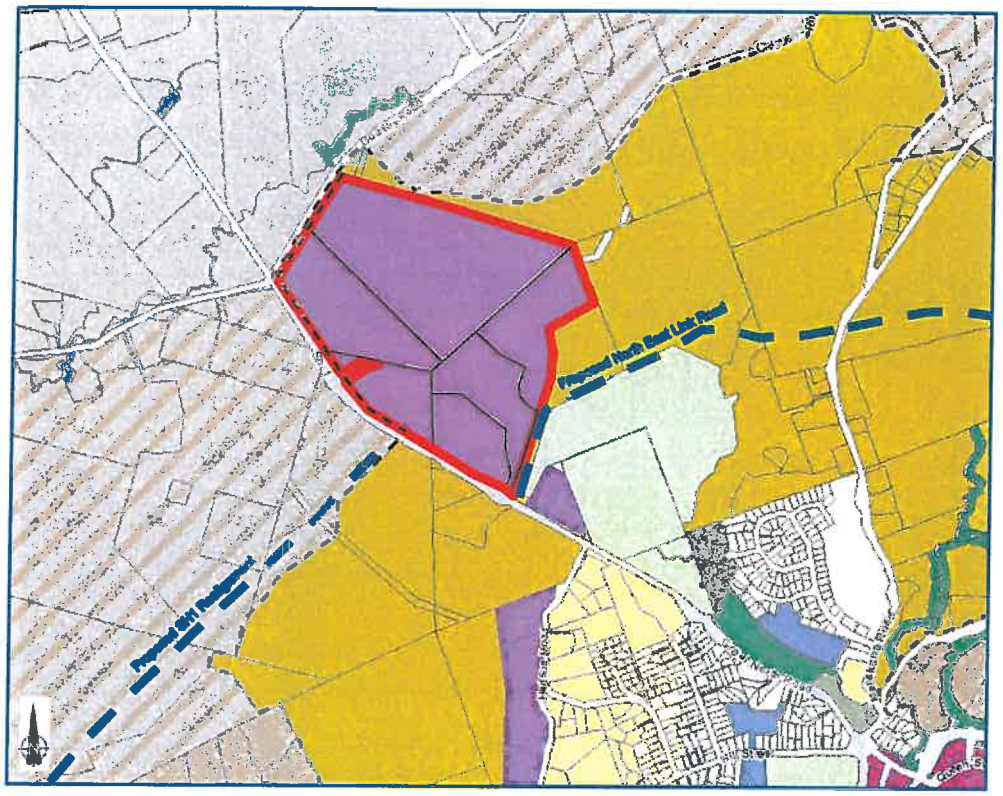


Figure 5: Proposed Rezoning and North East Link Rd and SH1 Realignment

Relevant Specific Provisions

- Auckland Unitary Plan Maps
    - Rezone the Goatley Holdings and Stellan Trust properties (Figure 2) as Light Industry Zone, or other business zone as appropriate. 1
    - Identify a proposed North-East Link Road alignment for Warkworth North on or about the location indicated on Figures 4 and 5. 2

Section 32 Assessment of Costs and Benefits

A summary assessment of costs and benefits under S32 of the RMA has been prepared to demonstrate the robustness of the submission. This is included in **Appendix A**, and concludes that the amendments sought better provides for the well-being of future generations, and is the most sustainable use of this existing land resource.

Appendix A

SECTION 32 SUMMARY EVALUATION

1. SUMMARY

The PAUP proposes a Future Urban Zone over the submitter's land at State Highway 1 and Goatley Rd, Warkworth North.

In summary the key points are:

- The Submitters' land is within the RUB;
- The Submitters have presented reports to Council that have identified the land as suitable for urban and more specifically, industrial activities;
- Those reports carried out extensive planning and assessment of the Warkworth North area and identified the need for a North-East Link Rd for the PAUP Future Urban Zoned area also.

2. ISSUES

The key issue is a Future Urban Zone is inappropriate for the Goatley Holdings and Stellan Trust land. This land is highly suitable for Light Industry and needs to be zoned as early as possible so as to provide for on-going employment within Warkworth and the future growth of the town.

3. SECTION 32 ANALYSIS

This analysis applies the statutory tests for assessing the appropriateness of the objectives / policies / rules and methods in regard to achieving the purpose of the Act. The relevant considerations are set out in **Appendix A.** A key aspect of the evaluation is that the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant (refer Section 32 (3)).

Does it assist the Council in performing its functions?

Yes. The site has been zoned Future Urban, but a change to Light Industry would provide for the on-going growth of Warkworth and the land is suitable for a Light Industry zoning in accordance with the relevant Plan objectives and policies.

Part 2 of the Act

The change in zoning sought over this land better meets the PAUP urban growth the environmental protection objectives and policies. This is entirely consistent with Part 2 of the Act in making the

most efficient use of the land resource, while also providing for the health and well-being of the community into the future.

Does it achieve and implement the objectives and policies

The land at Warkworth North is proposed in the PAUP as Future Urban Zone and this zone is not appropriate, the land being suitable in the very near future for Light Industry. This zoning should be applied in the Unitary Plan to be consistent with the RPS objectives and policies (Part 1:B:3.1), and District Plan objectives and policies (Part 2:D:3.10).

Efficiency and effectiveness of the provisions in achieving the objectives and policies

A change to Light Industrial Zone will provide for better managed urban growth in Warkworth. The provision for Light Industry will help to mitigate the need for greater distances to be travelled by the local community to work.

Benefits and costs

The benefits of the proposed changes sought will provide a well-planned urban development that is appropriate for the on-going growth of Warkworth.

4. WHICH METHOD IS BETTER?

The changes proposed better meets the UP urban growth objectives and policies in this location.

5. CONCLUSION

The above assessment of costs and benefits demonstrates that the submission seeking changes to the Goatley Holdings and Stellan Trust properties on State Highway 1 and Goatley Rd, Warkworth North, achieves the best environmental outcome (in an 'RMA' sense). These amendments will achieve the most efficient use of the existing land resource, and will also better provide for the future urban growth of Warkworth.

APPLICABLE LEGAL TESTS – SECTION 32 TESTS AND PART 2 OF THE ACT

1. Section 32(1) of the Act requires that before a council notifies a plan it must undertake an evaluation which must:

   (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

   (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

(i) *Identifying other reasonably practicable options for achieving the objectives; and*
(ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
(iii) *summarising the reasons for deciding on the provisions; and*

(c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

2. Section 32 (2) states:

An assessment under subsection (1)(b)(ii) must—

(a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
(i) *economic growth that are anticipated to be provided or reduced; and*
(ii) *employment that are anticipated to be provided or reduced; and*

(b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*

(c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3. Section 32 (3) states

*If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*
(a) the provisions and objectives of the amending proposal; and
(b) the objectives of the existing proposal to the extent that those objectives—
(i) are relevant to the objectives of the amending proposal; and
(ii) would remain if the amending proposal were to take effect.

4. Section 10 to the First Schedule to the RMA relates to decisions on provisions and matters raised in submissions and requires that:

(1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.
(2) The decision—
(a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—
(i) the provisions of the proposed statement or plan to which they relate; or
(ii) the matters to which they relate; and
(ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and
(b) may include—
(i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and
(ii) any other matter relevant to the proposed statement or plan arising from the submissions.

(3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.

(4) The local authority must—

(aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and

(a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and

(b) publicly notify the decision within the same time.

5. The Eldamos1 case established the parameters for the appropriateness test referred to in section 32. That case stated:

A. An objective in a district plan is to be evaluated by the extent to which:

1. it is the most appropriate way to achieve the purpose of the Act;

2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72); and

3. it is in accordance with the provisions of Part 2 (s74(1)).

B. A policy, rule, or other method in a district plan is to be evaluated by whether:

1. it is the most appropriate way to achieve the objectives of the plan; and

2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72):

3. it is in accordance with the provisions of Part 2 (s74(1)); and

4. (if a rule) it achieves the objectives and policies of the plan (Section 76(l)(b)).

6. The relief sought by a submitter is therefore to be evaluated having regard to the formulation in the Eldamos decision.

7. Section 32 requires consideration of whether the proposed provisions are appropriate to achieve their intended purpose by reference to alternatives available and that this calls for a consideration of all options, including the option of doing nothing.

8. In the context of the submission, the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant. This is confirmed by Section 32 (3)

Part 2 of the Act

9. The ultimate test that applies to all decisions under the RMA is provided by section 5 of the RMA which states:

5. Purpose

[1] *Eldamos Investments Limited and others v Gisborne District Council W047/2005*

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

10. The Courts have taken account of the "deliberate openness" of the language used in the Act and have said that Part 2 allows for an "overall broad judgement" to be made having regard to various competing considerations which might arise in any given set of circumstances.

11. Section 6 of the Act sets out matters of national importance which may or may not be relevant to a particular district plan issue but which, if relevant, decision makers under the Act must "recognise and provide for" in making their decisions.

12. The specific matters which are relevant to the present issues in terms of section 6 include sections 6(a), (b) and (e).

13. Section 7 sets out other matters which, if relevant, decision makers need to "have particular regard to". The specific matters of relevance to the present issue in terms of section 7 include sections 7(a), (aa), (b), (c), (d), (f), (g) and (h).

14. Section 8 requires consideration of the principles of the Treaty of Waitangi.

15. Under section 67(3)(c) of the Act the District Plan must give effect to the Regional Policy Statement (RPS).

Appendix B

Warkworth North Outline Planning Report, Terra Nova Planning Ltd 18 May 2012

May 2012

Warkworth North Outline Planning – discussion document

1.0 Strategic Background

1.1 Introduction

The Auckland Plan identifies Pukekohe and Warkworth as metropolitan Auckland's only two satellite towns and states that over the next 30 years *"they will have grown into large satellite towns with populations of between 20,000 and 50,000"*. More specifically, in this timeframe Warkworth is targeted to accommodate a population of about 25,000 and is identified as the main employment hub for the North.

The 2004 Warkworth Structure Plan outlines the future growth of the town and the Plan currently serves as a platform for the strategic management of the urban area. However, the Structure Plan falls far short of catering for the above projected population and therefore land over and above that identified in the Structure Plan will need to be investigated and identified for longer term urban growth.

This brief report concerns such an investigation of additional land available for urban expansion, with a particular planning focus on the area immediately to the north of Warkworth.

1.2 Warkworth Structure Plan

Population growth:

The Warkworth Structure Plan (2004) outlines a growth strategy for a >20 year planning horizon (ie 2004 to >2024) for an expanded future town and an associated land use plan for achieving these ends. The growth strategy targets accommodating the following broad population:

Growth Period	Projected population	Capacity required
Existing	2,800	4,400
2004 - 2024	4,400	5,200
2024 - 2044	6,000	7,000
2044 +	up to 8,000	8,800

The land use planning for Warkworth was in 2004 somewhat constrained at the time of its preparation by the conception of the strategic settlement role, function and vision for Warkworth as it was understood at that time, being that of a small rural service town (and therefore well short in scale and spatial extent of the satellite town now proposed by the Auckland Plan). As a consequence, land use planning for Warkworth was focussed on accommodating a residential population of up to (say 7,000) people over the next 30 years.

Equally, the future areas identified for retail, business and industrial land uses were planned according to the above strategic growth and population parameters.

It is now apparent that the Auckland Plan's vision for Warkworth is significantly greater in scale to the past settlement strategy, and that in order to accommodate a population of (say) 25,000 over the next 30 years, Warkworth's planning will need to be reviewed and augmented with additional areas for residential, business, industrial and other activities and uses.

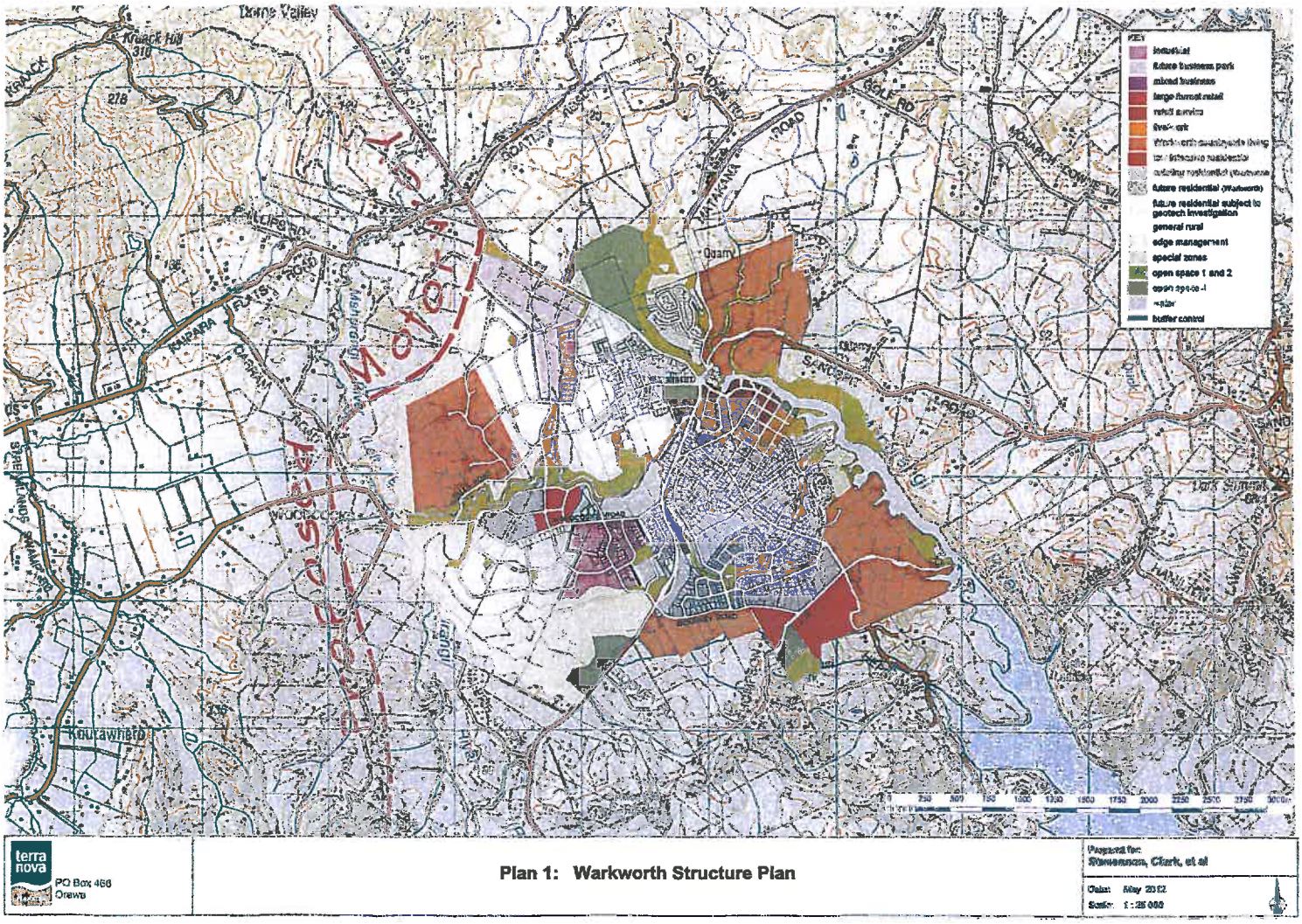
Planned land availability:

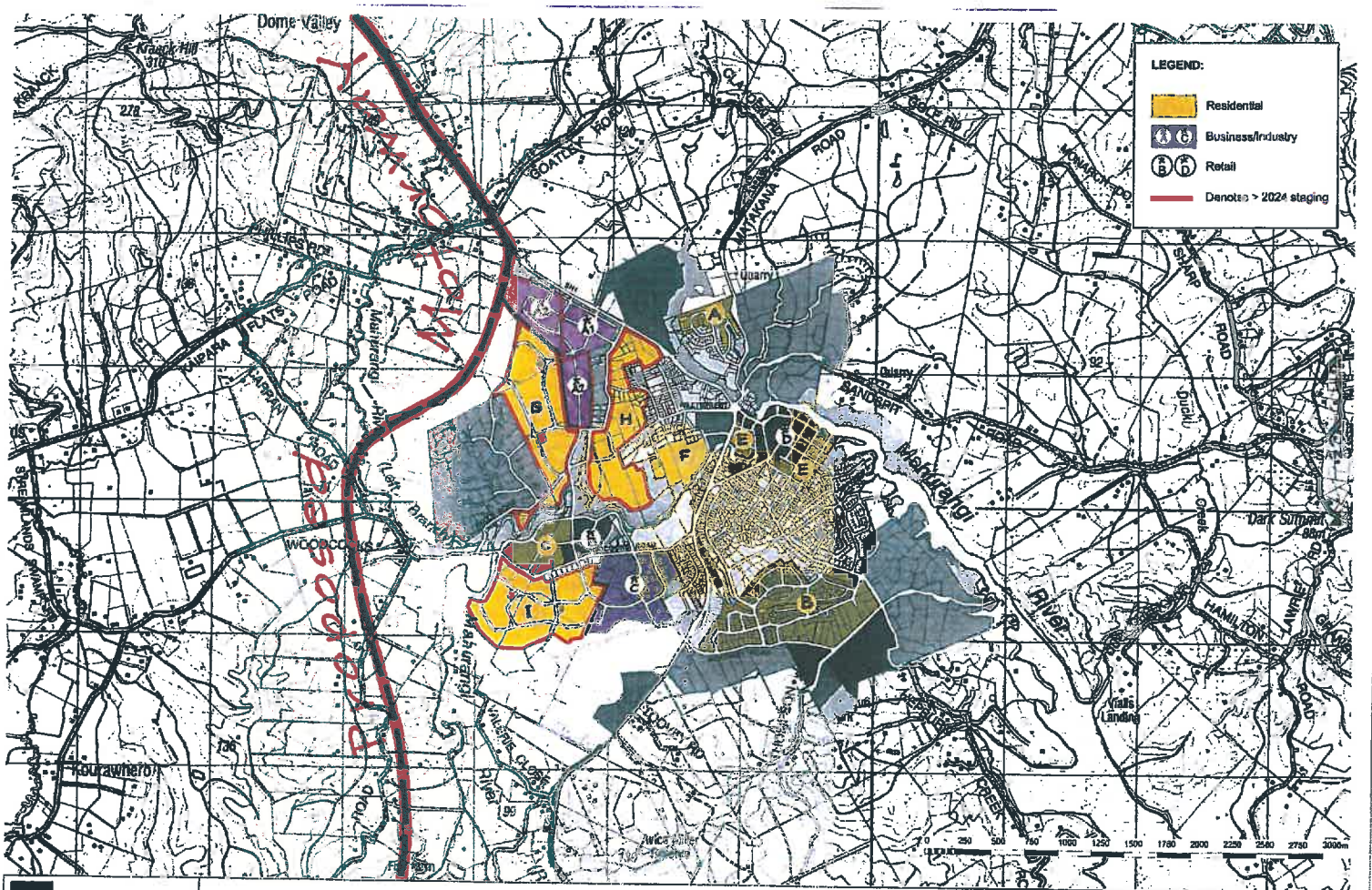
Plan 1 depicts the 2004 Warkworth Structure Plan, and **Plan 2** highlights the new growth areas identified within that Structure Plan, with their respective capacities and development timeframes, and current estimates of residual capacity, summarised in the table below.

Table 1: Summary of new areas according to the Structure Plan

Land Unit	Residential Land Use	Population Capacity	Staging	Current Status
A	Residential	200	<2024	developed
B		1,400		25% developed
C		670		35% developed
E		100		redevelopment over time
F				not likely developable
G		1,100	>2024	undeveloped
H		1,000		undeveloped
I		1,300		undeveloped
Total		**5,670**		About **4,900** remaining

Land Unit	Business Land Use	Area (gross ha)	Staging	Current Status
*A1	Business	14	<2024	undeveloped
*B	Retail	12		60% developed
*C	Industry	27		75% developed
*D	Retail			80% developed
*A2	Industry	25	>2024	undeveloped
Total		78		


Kaipara Flats Road
Matakana Road
Golf Rd
Mountain View Rd
Quarry
Sandys Rd
Lark Summit
Woodcocks
Kaipara Flats
Maungaturoto
Kaukapakapa
Kaipara Flats Rd
Kaipara River
Mahurangi River
Kaipara Flats Road
Kaipara Flats



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Orewa

Plan 2: Structure Plan's New Growth Areas

Prepared for:
Stevenson, Clark, et al

Date: May 2012
Scale: 1 : 25 000

With a current residual residential population capacity of under 5,000, there is a significant shortfall in the current planned residential land to accommodate projected long term future growth, and the key implication is therefore that any future Structure Plan for the town will need to indicate additional areas for such growth, and which will be beyond the extent of those proposed in the current Structure Plan.

Regarding industrial land, the only currently available industrial land in the town is a remaining approximately 6 to 7ha in Land Unit *C. Given the general slope of the remaining available land, it is generally not suited to large footprint industries.

It is noted in relation to the identified 39ha of future Business/Industrial land near Hudson Road (ie Land units *A1 and *A2), that a considerable part of the gross area identified will be taken up by the Motorway, interchange and buffer, and stormwater ponds necessary in this low lying area.

By comparison, the Auckland Plan's economic strategy targets employing an additional 8,200 people and the supply of an additional approximately 182,000m^2 of industrial floor space, by 2041 in the Rural North. To support Warkworth's growth and status as a satellite town, most of the sub-region's new industrial land will be established in Warkworth, and the key implication of this is that the currently identified future industrial areas will be fully developed before a 30-year horizon.

Under current planning, not only is a longer term industrial land shortage predictable, but given that (i) there is at present effectively no land for larger footprint industries available in Warkworth, and (ii) only half of the currently identified 39ha bock of future business-industrial land is identified for industry per se, and the land is not yet zoned or bulk-serviced, and (iii) there will generally be a long lead time for the supply of "ready-to-go" industrial land (especially for larger footprint general industry), industrial land availability in Warkworth is already at a critical supply point.

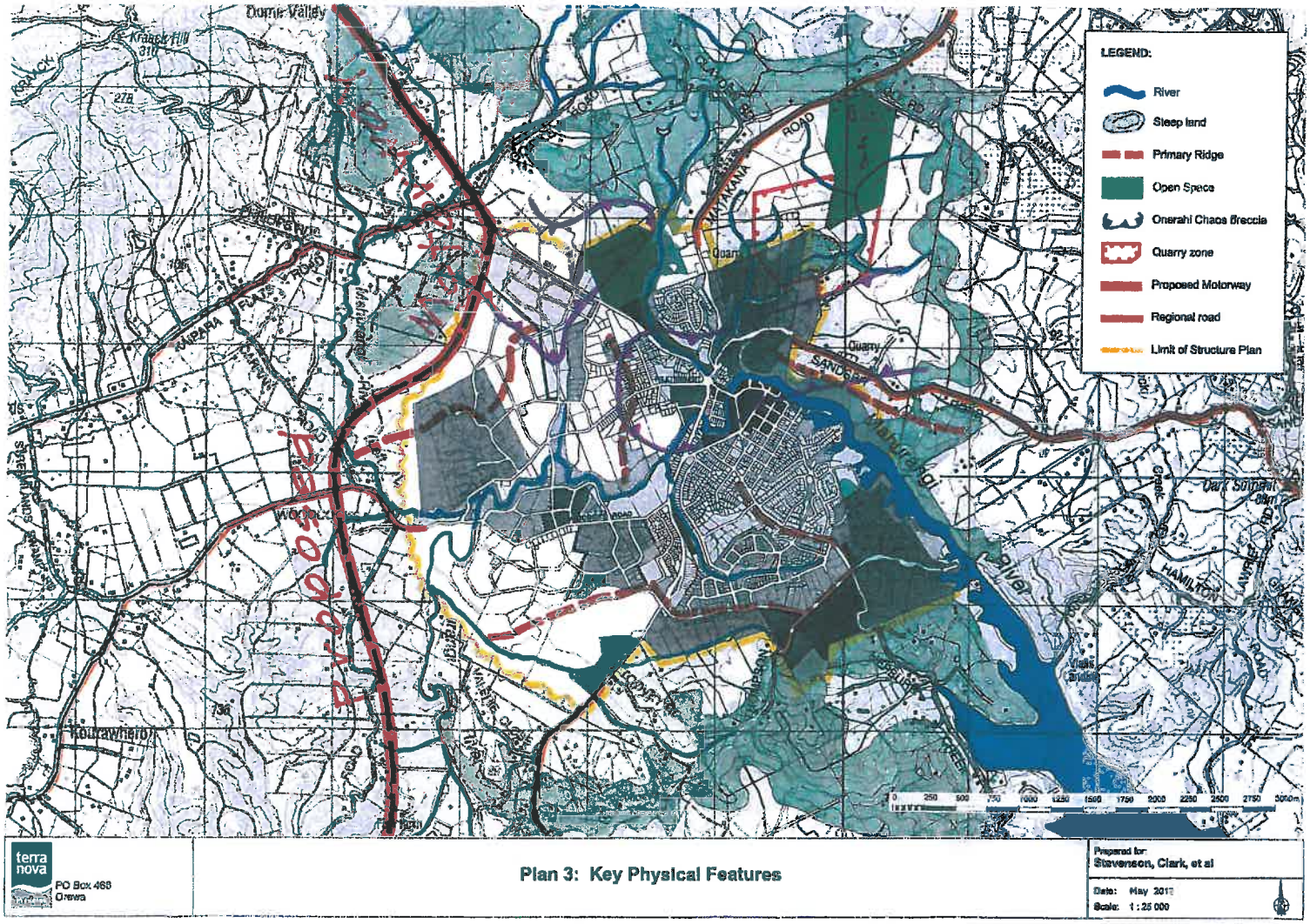
2.0 Strategic Considerations

The key strategic considerations with respect to determining additional new areas for the town's expansion are outlined below.

2.1 Natural Features

Plan 3, which includes the 2004 Structure Plan as an underlay, shows the extent of key natural systems features which guide future spatial planning. These are:

- The location of key ridges, of which the McKinney Wilson Road ridge and the steep hills of the Wilson Road-Thompson Road area are important in that they constitute a limit of any future mass urban



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Plan 3: Key Physical Features

Prepared for
Stevenson, Clark, et al
Date: May 2017
Scale: 1:25 000

extensions to the south-east and east of Warkworth. The ridge and hills have long been rationalised and identified (ie in the late 1980's strategic plan and both the 1996 and 2004 Structure Plans) as a strong and defensible natural urban-rural boundary and the southern cut-off to the Warkworth urban area.

- The Mahurangi River, a barrier to eastward expansion.
- Two large occurrences of Onerahi Chaos Breccia, having the implication that where this formation coincides with steep land, mass and dense urban development is not possible.
- The extensive quarry area (inclusive of surrounding buffer zones) located to the north-east of Warkworth, determining that this general locality is not available for mass urban development (at least for the life of the quarry, which is understood to be in excess of 40 years).
- Very steep land, and well-vegetated and ecologically-valuable valleys and hills (sometimes already covenanted), which are unsuited to dense urban development.

2.2 Transportation

The final alignment of the SH1 Motorway bypass has only recently been determined by NZTA (notably, subsequent to the 2004 Structure Plan's formulation), and the strategic position tabled in the Structure Plan, namely, that the town should not extend to the west of the Motorway, is assumed to be a strongly maintained position. This provides the physical limit to urban expansion to the west.

2.3 Additional bulk land availability

From the above, and in summary, mass urban expansion to the south, east and west of Warkworth is largely limited by the River, extensive areas of steep land, the quarry zone, the proposed Motorway.

Therefore, in order to expand the urban area to the point where the town can accommodate the projected population of (say) 25,000, it is self-evident that the urban area of Warkworth will in future extend to at least cover the following two large areas where suitable land is available:

- The interstitial area between the existing western edge of Warkworth and the future Motorway. Although there is an apparent substantial amount of land in this locality, the extent of actual net developable land in this area will be considerably less after considering:
    - the broad floodplain of the Mahurangi River (Right and Left Branches), and

- the nature of a land use buffer between the town and the Motorway (as per the poorly-defined "edge treatment" of the current Structure Plan), which buffer will likely include a high proportion of low density residential development.

- Northwards to the east of the existing SH1, noting that the proposed Motorway interchange, new regional link road to Matakana and eastward, and the northern end of the town's proposed Western Collector road, all are located in this sector.

2.4 Land Use

It is accepted in principle that land use planning for Warkworth should generally be aimed at establishing a town with balanced urban functional profile (ie insofar as land use allocations are concerned) as opposed to creating a dormitory town with a dominantly residential function.

Mindful of the above, and given that (i) Warkworth will continue to be the main service and employment node for the Rodney North area, and (ii) the coastal settlements to the east are and will continue to be largely devoid of large scale industry, the allocation of industrial land in Warkworth should be commensurate with the scale of business/industrial land thresholds afforded by a broader hinterland. Therefore the quantum of business/industrial land in Warkworth will exceed that which could normally be expected to be supported by just the town's population per se.

3.0 Warkworth North

From the potential shortfall demonstrated above, and the recognition that the growth of the Warkworth urban area will logically also comprise a significant expansion to the north, this Warkworth North area, generally located between Goatley Road and Matakana Roads, existing SH1 and the Showgrounds, is examined below in more detail.

3.1 Land development Opportunities and Constraints

Natural systems:

The key local influential natural features are:

- The steep and geotechnically fragile block of highland hills on either side of Goatley Road and extending northward and also eastward on the northern side of Matakana Road

- The Kowhai Scenic Reserve abutting the Showgrounds to the east and extending through to the covenanted native bush of the local valley upslope to the abovementioned highland

- The large block of relatively flat land extending to the north-west of the Warkworth Showground, suitable for mass urban development

- The relatively narrow band of flatter land suited to mass urban development on either side of the southern sector of Matakana Road

- The golf course, quarry zone and hilly local landscape with numerous bushed local valleys and, to the general east of above-mentioned narrow band of land along Matakana Road

Transportation:

The key transportation determinants for Warkworth North, hierarchically ordered, are:

- National: To all intents and purposes the route alignment of the Motorway and the approximate location of its interchange are fixed. The precise location and layout of the interchange remains to be determined, and this detailing will to some extent influence the layout of Warkworth North.

- Regional: the identified need for a new regional road link which more directly connects the Motorway to Matakana Road and thence to the coast and settlements to the east, thus avoiding the need to channel all such regional traffic through central Warkworth. Ideally this road is required to generally :

    - Avoid the Warkworth Showground

    - Avoid the higher construction costs of traversing steep and geotechnically fragile land located to the north of the Showground and extending northward across Goately Road

    - Cross a local valley with covenanted native bush, ideally bridged via the shortest route to minimise ecological impact

    - Be as short as possible to minimise construction and maximise the use of existing Matakana Road

    - Link as directly as possible to other proposed urban collector roads (ie the Western Collector and the northern sector of SH1), for efficient intra-urban traffic distribution

    - Be able to be constructed independently of the Motorway and its interchange, thereby allowing for a different development staging for these two new roads.

  From the above it is noted that there is a very narrow band of alignment options through Warkworth North for this new link road (refer **Plan 3**).

- Intra-urban: the planned (and partially developed) Western Collector road, providing access through and across the town's southern and western areas. At its northern end this road is planned through identified future industrial area *A1 (refer **Plan 2**), noting that the actual point of intersection with existing SH1 remains to be determined.

  It is noted that with the construction of the Motorway the existing part of SH1 though Warkworth (and certainly that section of SH1 through Warkworth North) will revert to a lower order intra-urban collector road.

- Local: local road connections to intra-urban collectors, regional, and national, roads

Land availability for mass urban development:

From the above analysis of the Warkworth North area, two distinct and individually contiguous blocks of land are available for mass urban development in this general locality, separated by a large composite "green belt" (comprising the Showgrounds, Kowhai Scenic Reserve, local valley and its covenanted bush, and the Goatley Road steep hills). These areas, shown on **Plan 3**, are:

- **Area 1**: about 65ha bounded by roads (ie proposed Motorway, existing SH1, Goatley Road) and the green belt to the east, and

- **Area 2**: about 85ha long both sides of Matakana Road, and bounded by the green belt to the west and the Golf Course and quarry zone to the east.

3.2 Land Use suitability

Area 1 is well-suited to <u>industrial</u> development in that:

- Slope characteristics allow for large footprint industries to establish at relatively low land development costs,

- It is of a sufficient scale to offer (i) industrial land for a long term horizon, and (ii) land development efficiency regarding, for example, earthworks, roads and services,

- It is adjacent to the Motorway intersection, an ideal location for achieving regional transport efficiencies,

- It is adjacent to, and compatible with, the land uses of the current Hudson Road industrial area and its identified business-industrial extension on Land Unit *A, and

- It is well buffered from town's residential areas by the green belt.

Area 2 is wellsuited to residential development in that:

- It is relatively close to the services and facilities of central Warkworth and the Showgrounds,

- It is adjacent to existing and other planned residential areas, and

- It is buffered from identified future, and now proposed future industrial areas by the green belt

3.3 Infrastructure Services

The availability of water services to new areas outside of the current town boundaries is generally limited by the capacity of both bulk service plants and networks, and new infrastructure will be required in any event to service the longer term development signalled in the Auckland Plan.

4.0 Preliminary Concept Plan for Warkworth North

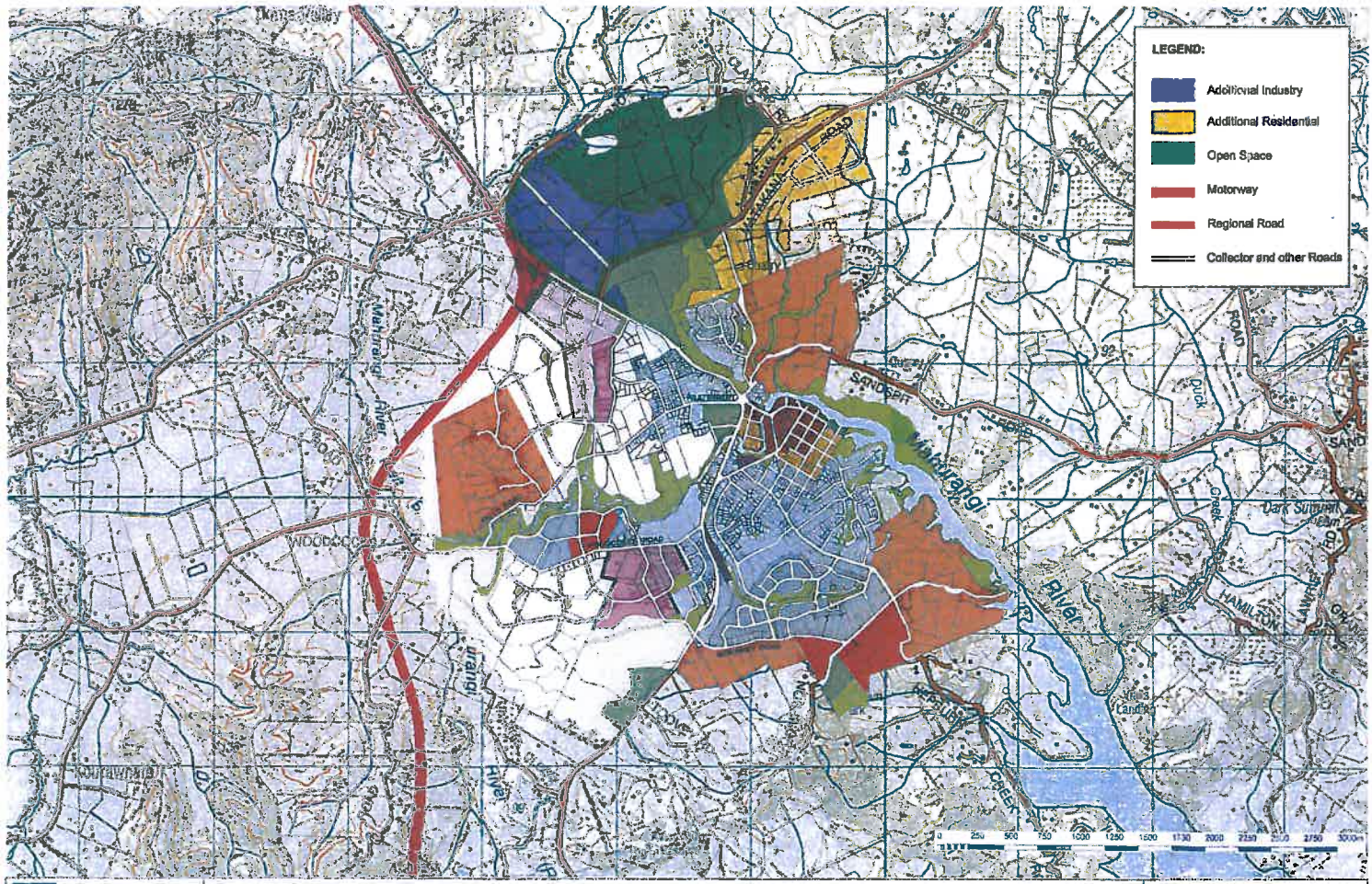
Plan 4 shows the preliminary concept planning for Warkworth North, with key features of the plan described below.

4.1 Land Use

Industrial:
A proposed new 65ha industrial area located between the Motorway, Goatley Road, and green belt (comprising the Showgrounds, steep land and native bush areas).

The industrial area is accessible from both Goatley Road and (via a limited number of intersections) from the proposed new Matakana Road link road (part of the regional road to the east).

The area is also easily accessible from existing SH1 which (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) would revert to the status of an urban collector road, and the proposed western collector road, and hence to the town's centre and other industrial areas.



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Orewa

Plan 4: Warkworth North Indicative Outline Plan

Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1:25 000

Residential:
A series of proposed new residential areas, totalling some 85ha, located alongside Matakana Road, and accessed via a limited number of intersections with that sector of Matakana Road which would revert (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) to the status of an urban collector road.

This general residential area is also afforded good local access to the green belt and Showgrounds, and easy access to the east coast.

4.2 Transportation

A key feature of the preliminary concept plan is that it rationalises the regional and urban road hierarchy insofar as that can be achieved through the planning of Warkworth North. The concept plan proposes a logical and efficient network relationship between national road (ie Motorway), regional road (ie Matakana Road), urban collector roads (ie downgraded sectors of existing SH1 and Matakana Road, and the proposed western collector road) and lesser order urban roads.

It is considered important that the Motorway (and its interchange) and the new extension of the Western Collector to the east of SH1 to link through to Matakana Road, are able to be developed independently and in independent timeframes.

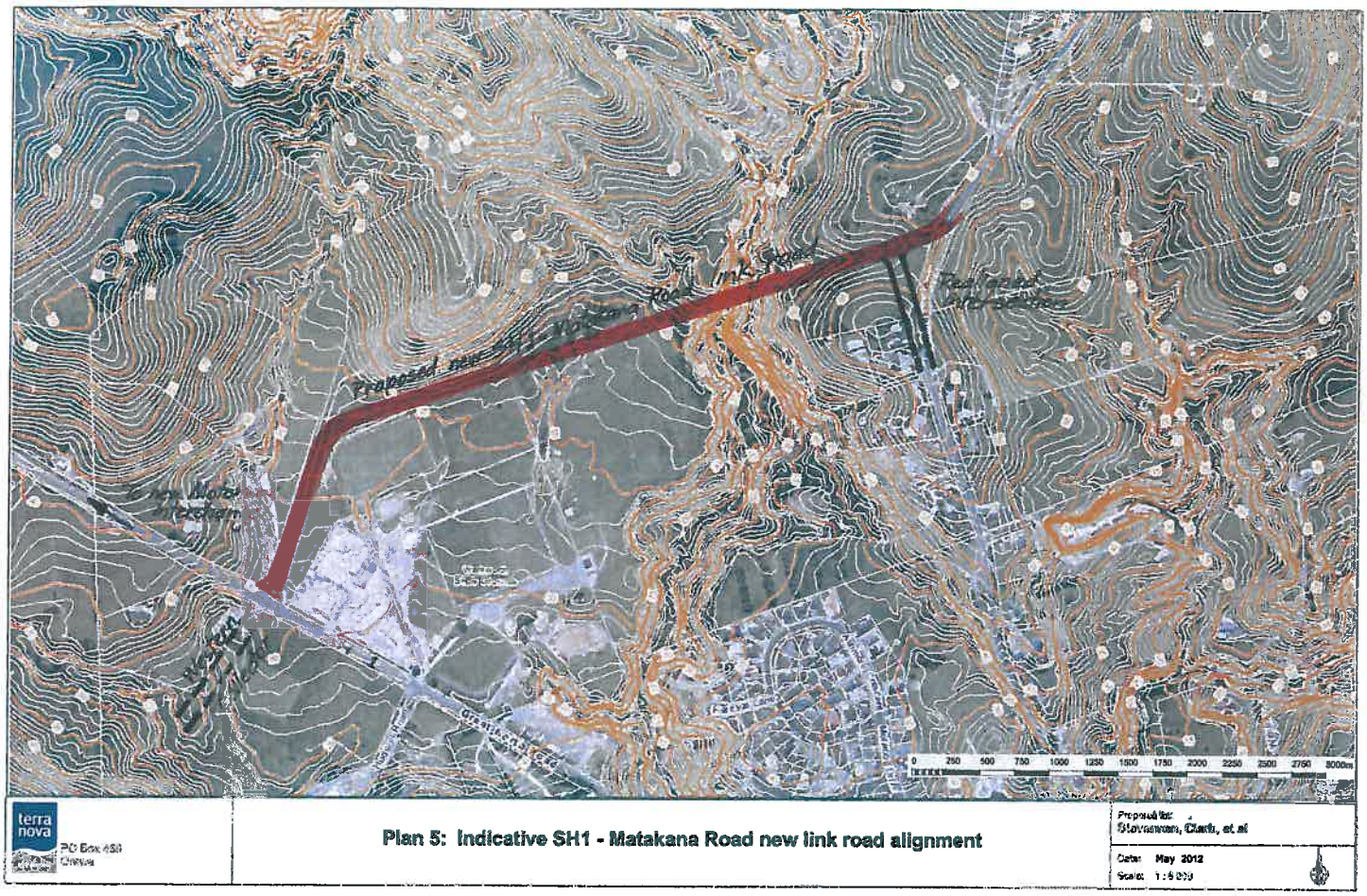
It is recognised that further detailed design of proposed new roads and road-sections is required to finalise land use boundaries, especially for the proposed new industrial area, but that will in fact merely be refinements to the concept plan as it is proposed. To these ends, **Plan 5** shows a proposed (approximate) alignment of the new link road between the Western Collector/SH1 and Matakana Road.

4.3 Planning and Development Staging

The Auckland Plan is adopted and its translation into the Unitary Plan is well underway. The Unitary Plan is tasked with defining the RUB, which is required to include future urban greenfields areas to be developed over the next 30 years.

In that context it is important that local area planning for Warkworth is advanced sufficiently so as to consider Warkworth North's inclusion within the RUB, and its identification as a future urban (industrial and/or residential) area in the Unitary Plan.

Equally important is advancing investigations on the SH1-Matakana Road link road in order that it can be included as an indicative road in the Unitary Plan.


Proposed new SH1 Matakana Road link
terra nova
Plan 5: Indicative SH1 - Matakana Road new link road alignment
Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1:5 000

It is self-evident that at some near future date a revised Local Area Plan (aka Structure Plan) for Warkworth will need to be formulated. Ideally many of the infrastructure design and funding matters associated with the Motorway and interchange, new Matakana link road, Western Collector, and water servicing of urban extensions, will be resolved prior to, or in tandem with, that planning exercise.

The development staging of Warkworth North will also be determined through this future planning exercise.

It is in this context, and as part of that planning process, that the preliminary concept planning for Warkworth North has been prepared, and to also highlight the key land use and road proposals which will require discussion and investigation at an early stage.

terra nova PLANNING

Ref: C766-0513
29 May 2013

The Chief Executive
Auckland Council
Private Bag 92300
Auckland 1142

Attention: Penny Pirrit - Manager of Regional and Local Planning

AUCKLAND UNITARY PLAN: NORTHERN RUB AND LINK ROAD OPTIONS; WARKWORTH

Dear Penny

Further to our early submission dated 27 February 2013 to the draft Unitary Plan on behalf of Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, all landowners on Warkworth's north eastern town boundary, we tender a supplementary submission.

This supplementary submission responds both to the Council's proposed southern Rural Urban boundary (RUB) for Warkworth, and also to include an extended North/North East RUB proposal, which includes a number of other landholdings and extends the proposed link road to achieve an even further integrated local road network than was outlined in our earlier submission.

With the generally positive feedback that the submitters have received to publicity surrounding their first submission, other land owners in the vicinity have been in contact to express their interest in extending the north-east growth sector. In consultation with them, we have developed a wider RUB boundary that continues from that identified in our first submission to extend across to Sandspit Road and the Mahurangi River. This is illustrated on the plan in **ATTACHMENT 1**.

The proposed north-eastern RUB essentially follows the natural topography in the same way as the proposed northern RUB and accommodates land with a generally easy contour. Most of this land is currently used for farming or rural residential activities, but significant areas are occupied by the Warkworth Golf Club and the Rodney Cooperative Lime Quarry.

With the submitters and a number of affected landowners also in agreement, we consider that this land appears particularly suitable for staged residential development, with a sunny aspect, an elevated character (as opposed to valley), close to the Warkworth town centre's employment and shopping areas, and proximate to East coast beaches and other attractions. The proximity of this northern/north-eastern RUB area to the Warkworth town centre and other community focal points such as schools, library and commercial services is illustrated in the plan in **ATTACHMENT 2**, with 200m, 400m and 2 km distances from Queen Street in the town centre illustrated.

We consider that this identified northern-eastern RUB area offers a somewhat different residential environment to that identified in the draft Unitary Plan, and in that respect is complementary to it. That in itself would indicate the

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potential to release land from both areas in parallel to ensure the provision of residential land offering different amenities and values.

Along with the development of land within the proposed north RUB for both industrial/business and residential purposes over time (we understand that the quarry limestone resource would be exhausted well within the 30 year planning period) is the opportunity to complete a collector road network which links Sandspit and, Matakana Roads with both the existing and proposed future State Highway 1 alignment, as well as with the western collector which is already identified in Council's roading plans. The plans accompanying this submission identify these potential link roads through to State Highway 1.

In terms of residential capacities, we have estimated that:

- the north-eastern RUB boundary would accommodate approximately 5,000 dwellings (12,500 people),
- in combination with the 3,500 dwellings (8,750 people) identified in the southern RUB, and
- Warkworth's existing residential population (approximately 3,500), have

a combined population capacity for Warkworth within the northern and southern RUB's in the order of 24,750 people. This is therefore directly in line with the Auckland and draft Unitary Plan's population target of 25,000 for Warkworth over a 30 year period.

Ongoing consultation with the affected landowners is occurring, but the owners of the significant landholdings have to date all been positive about the proposed north/north-eastern RUB proposals.

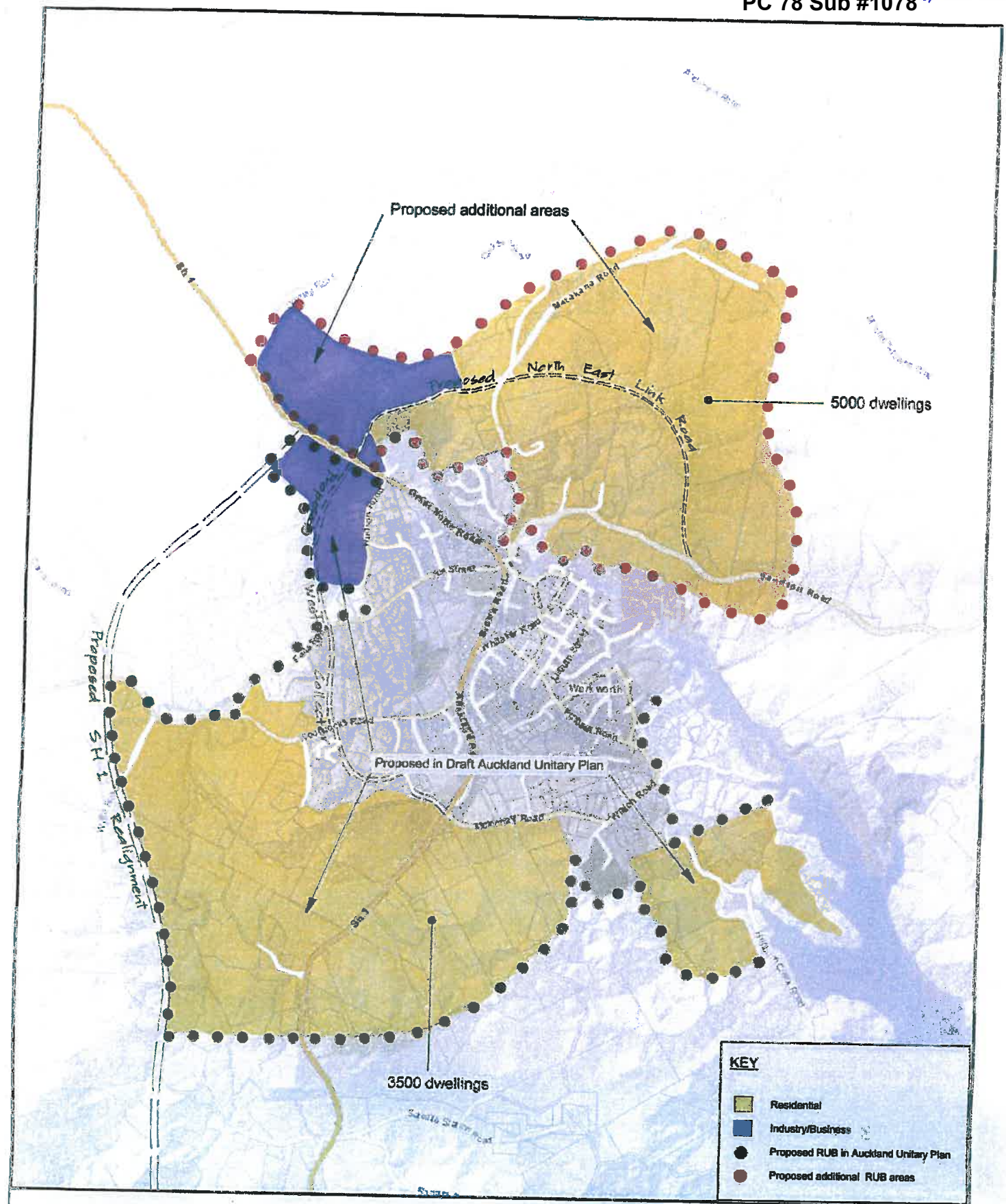
Representatives of the landowners and Terra Nova Planning Ltd would be pleased to meet with you to discuss or assist the Council in implementing both the northern RUB and the proposed link roads.

Yours sincerely

Shane Hartley
Director

Attachment 1

EXISTING AND PROPOSED WARKWORTH RUB AND LINK ROADS PLAN



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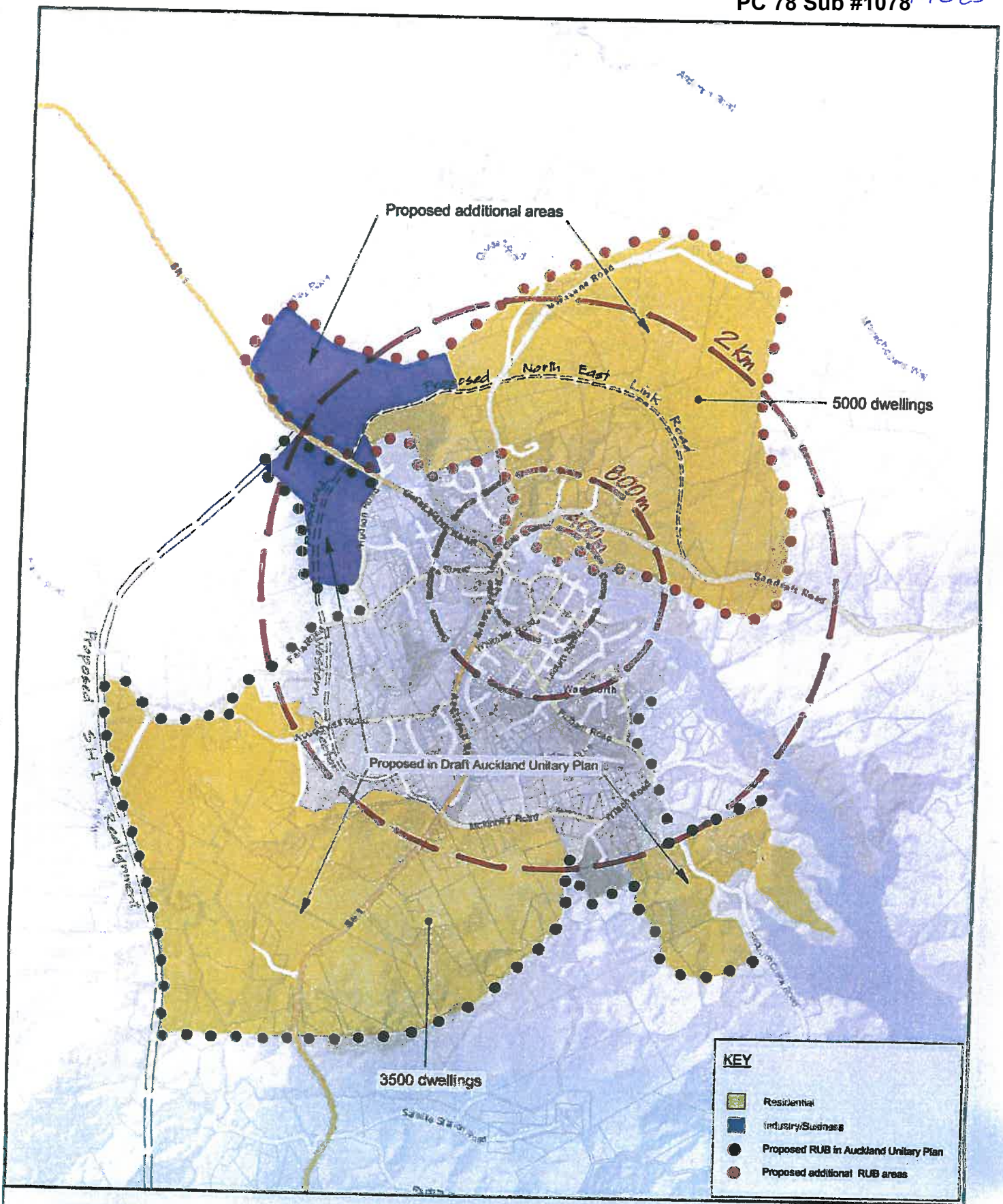
Future Growth Options and an Indicative Rural Urban Boundary Warkworth

Scale @ A3 1:25000

Auckland Council

Attachment 2

EXISTING AND PROPOSED WARKWORTH RUB WITH DISTANCES FROM WARKWORTH TOWN CENTRE



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Future Growth Options and an Indicative Rural Urban Boundary Warkworth

N

Auckland Council

Scale @ A3 1:25000

Appendix C

Report : Hutchinson Consulting Engineers, 19 February 2013

Hutchinson
CONSULTING ENGINEERS
PO Box 150, Orewa 0946
154 Centreway Road, Orewa
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www.hc.co.nz

Our Ref LRD16181

19 February 2013

Craig Clarke
42 Great North Road
RD1
Warkworth 0981

Dear Craig,

RE: PROPOSED LINK ROAD BETWEEN STATE HIGHWAY 1 AND MATAKANA ROAD, WARKWORTH

Further to your request, this office has performed a preliminary desktop study of the proposed link 1350m long road between SH1 and Matakana Road in Warkworth.

The study utilised LiDAR information from the Auckland Council GIS database to establish existing contours and the proposed road layout from Terra Nova Planning.

The GST exclusive cost to construct this link road will be approximately $4.2 million.

This allows for site establishment, earthworks, the construction of a sealed road 7m wide and associated stormwater drainage.

We have also allowed $500,000 for any land acquisitions that may be required and $400,000 for traffic lights at the SH1 intersection.

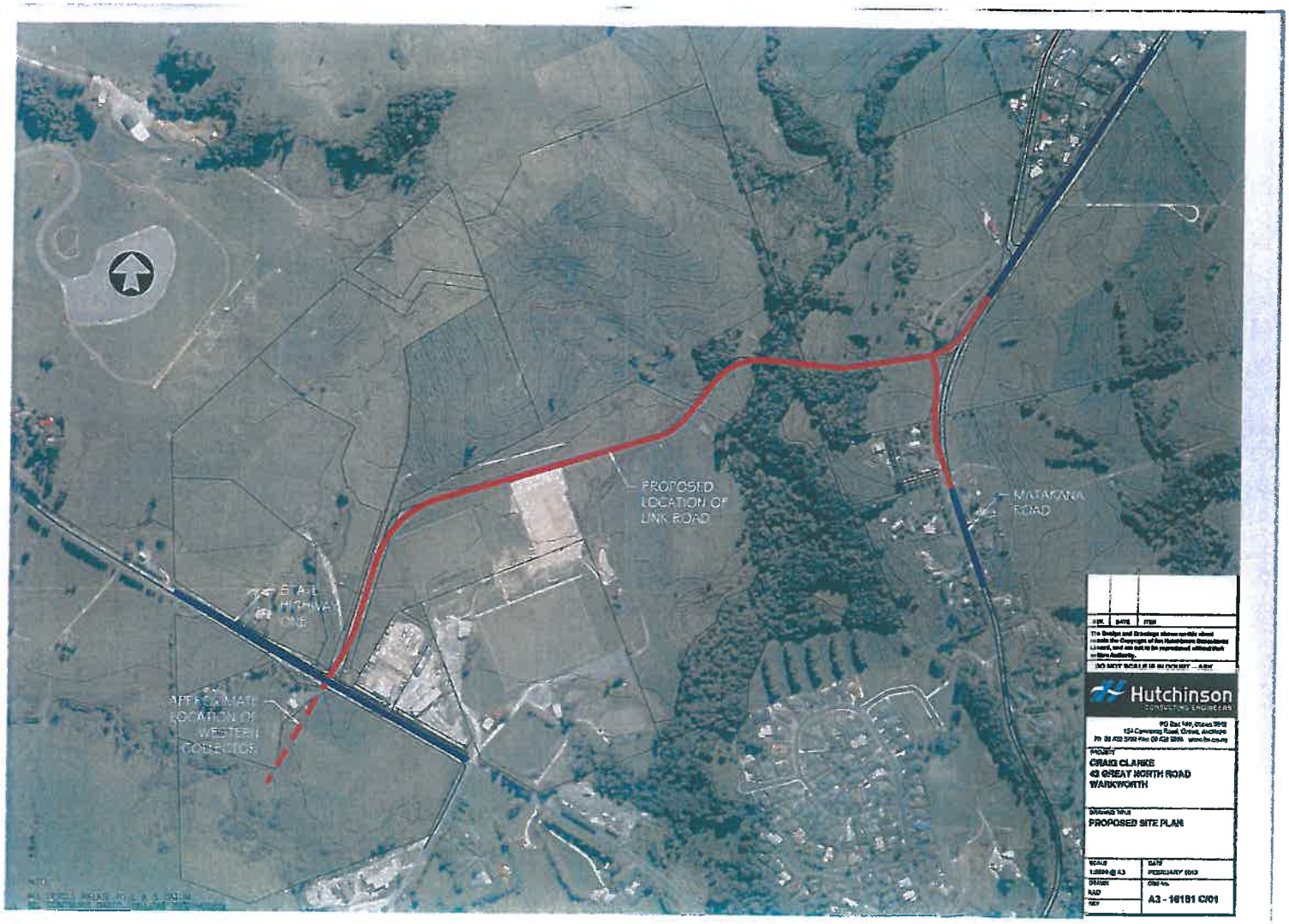
This desktop study is subject to consent approvals and final design. We have allowed $500,000 in professional fees to cover engineering, surveying, planning, legal, Auckland Council consents and/or the like.

Should you wish to discuss any aspects of the above information, please contact this office.

We trust this meets with your approval.

Yours faithfully,
IAN HUTCHINSON CONSULTANTS LTD

Rohann da Silva
ENGINEER


PROPOSED
LOCATION OF
LINK ROAD
MATAKANA
ROAD
STATE
HIGHWAY
ONE
APPROXIMATE
LOCATION OF
WESTERN
COLLECTOR
Hutchinson
CONSULTING ENGINEERS
CRAIG CLARKE
42 GREAT NORTH ROAD
WARKWORTH
PROPOSED SITE PLAN
FEBRUARY 2013
A3 - 16191 C/01

terra nova PLANNING

Ref: C766-0313
4 March 2013

The Chief Executive
Auckland Transport
Private Bag 92250
Auckland 1142

Attention: Peter Clark: General Manager - Strategy and Planning

PROVISION FOR URBAN GROWTH AND A STATE HIGHWAY 1 TO MATAKANA ROAD LINK AT NORTHERN WARKWORTH

Dear Peter

We write on behalf Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, landowners on Warkworth's north eastern town boundary. All three landowners made a joint submission to the Draft Auckland Plan in October 2011, and have recently made submissions to the Auckland Council's Unitary Plan and Annual Plan in regard to providing for urban growth in northern Warkworth, and a link road over the submitters properties between State Highway 1 and Matakana Road.

The three landowners commissioned studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre. While neither of these initiatives are directly dependent on the other, they have mutual benefits which are patently clear in the two studies.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix 1**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix 2**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report. We note that this engineering assessment is a 'desktop' analysis which will need to be verified 'on ground'; and it is also based on the stream crossing being undertaken with culverts. Should an

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alternative stream crossing methodology be preferred, then that would add a significant but still reasonable (say 25% to 100%) to the cost of construction.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

a) the extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and

b) at a preliminary estimated cost of $4.2 million, excluding GST, the cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to assist the resolution of the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

We note that the assessed cost of undertaking the construction of a link road between State Highway 1 and Matakana Road is within the projected cost outlined in Auckland Transport's Asset Management Plan 2012-2015 (Table 7.11-1).

On the basis of the findings of both reports, representatives of the landowners, Terra Nova Planning Ltd and Hutchinson Consulting Engineers, would be pleased to meet with you to discuss or provide clarification of any issues you might have.

Yours sincerely

Shane Hartley
Director

Appendix D

SUBMISSION TO THE DRAFT AUCKLAND UNITARY PLAN: WARKWORTH NORTH

HEGLEY ACOUSTIC CONSULTANTS

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PROPOSED PLAN CHANGE 40

EFFECT ON SKYWORK HELICOPTERS LIMITED

Report No 20051

Prepared for:
Skywork Helicopters Ltd

Prepared by: .....
Rhys Hegley

April 2020

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1. INTRODUCTION

Skywork Helicopters Limited (Skywork)was granted resource consent[1] on 1 March 2013 to establish and operate a helicopter base from their site at 38 Goatley Road, Dome Valley. Included in the consent were a number of conditions, some of which placed limits on the noise Skywork can generate.

The site, and the surrounding area, are largely farmland with the occasional rural dwelling with some commercial uses close to State Highway 1. The Skywork base and surrounding land adjacent to State Highway 1 are zoned Business – Light Industry. Proposed Plan Change 40 (PPC 40) relates to Future Urban zoned land to the south east of the Skywork base. This zoning is shown in Figure 2. The intent of PPC 40 is to rezone the majority of the land to the east of Skywork to residential to allow for the development of a residential subdivision.

In simple terms, helicopter movements, by their nature, result in noise that is not readily mitigated. As such, helipads are ideally located in areas where there is a reasonable distance from noise sensitive receivers. In this respect, the Goatley Road site is currently well suited to the activities at Skywork. The potential issue that PPC 40 would create for Skywork is one of reverse sensitivity which is, in relation to acoustic matters, "*the term used to refer to the effects of the existence of noise sensitive activities on other activities in the vicinity, particularly by leading to restraint in the carrying in of those other activities*"[2].

In this instance, there is the potential that the currently consented activities of Skywork could result in noise effects that are considered unreasonable by the incoming residential activity leading to curtailment of Skywork's ability to function or to develop further at some point in the future. In either case, Skywork could be considered adversely affected by the land use of PPC 40.

[1] LAN-58871
[2] Judge Sheppard (RMA 10/97)

This report quantifies the level of noise that Skywork is currently permitted to generate over PPC 40 and comments on both its suitability for residential amenity and potential mitigation methods.

2. NOISE EFFECTS ON PEOPLE

Skywork Helicopters Ltd has consent in place to operate flights from the established base and the site. The existing consent enables flights and associated noise effects as detailed below.

2.1. Current Skywork's Consent

Skywork's current consent found that:

> *"... the effects of the proposal can be avoided remedied or mitigated and will be consistent with the relevant provisions of the Auckland Plans in that: The effects of Stage 1, considering the permitted baseline and the consent conditions imposed under L40630, will be minor."*

The consent goes on to provide the following conditions to ensure activities of Skywork remain consistent with the above conclusion.

25. *Helicopter operations shall not exceed an average daily noise limit of 50dBA L_{dn} and shall not exceed a night-time limit of 70dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.*

    Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

Condition 25 limits itself to dwellings on other properties that either existed or were under construction at the time the consent commenced. It does not apply at dwellings

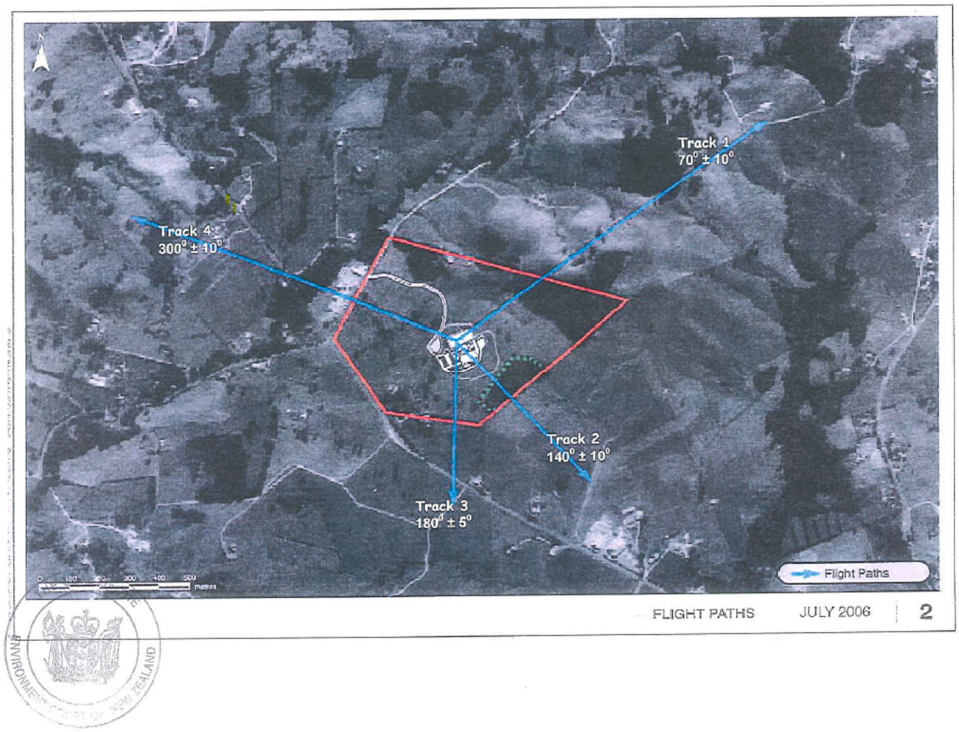
constructed since operations commenced and would not, therefore, apply to the dwellings constructed as part of PPC 40.

26. *Helicopter noise shall be assessed in accordance with the provisions of NZS 6807: 1994 "*Noise management and land use planning for helicopter landing areas*" and measured in accordance with NZS 6801: 1999 "*Acoustics – Measurement of Environmental Sound".

Note: Use of NZS 6807: 1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

27. *Flight operations shall be limited to no more than 60 movements (30 flights) per day.*

29. *Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flight paths ...* [Figure 1 below].



Attachment No 1
Skywork Helicopters Ltd
Flight Tracks

Figure 1. Flight Paths Identified by the Consent Conditions

2.2. Auckland Unitary Plan

Given that Skywork is operating under a consent with specific noise conditions, the helicopter noise rules of the Auckland Unitary Plan - Operative in Part (AUP) do not apply. They are included however, as they would form the basis for the assessment of any future changes proposed by Skywork where consent beyond those already obtained was required.

The following Figure 2 identifies the zoning of the Skywork site, PPC 40 and the surrounding area as described by the AUP.

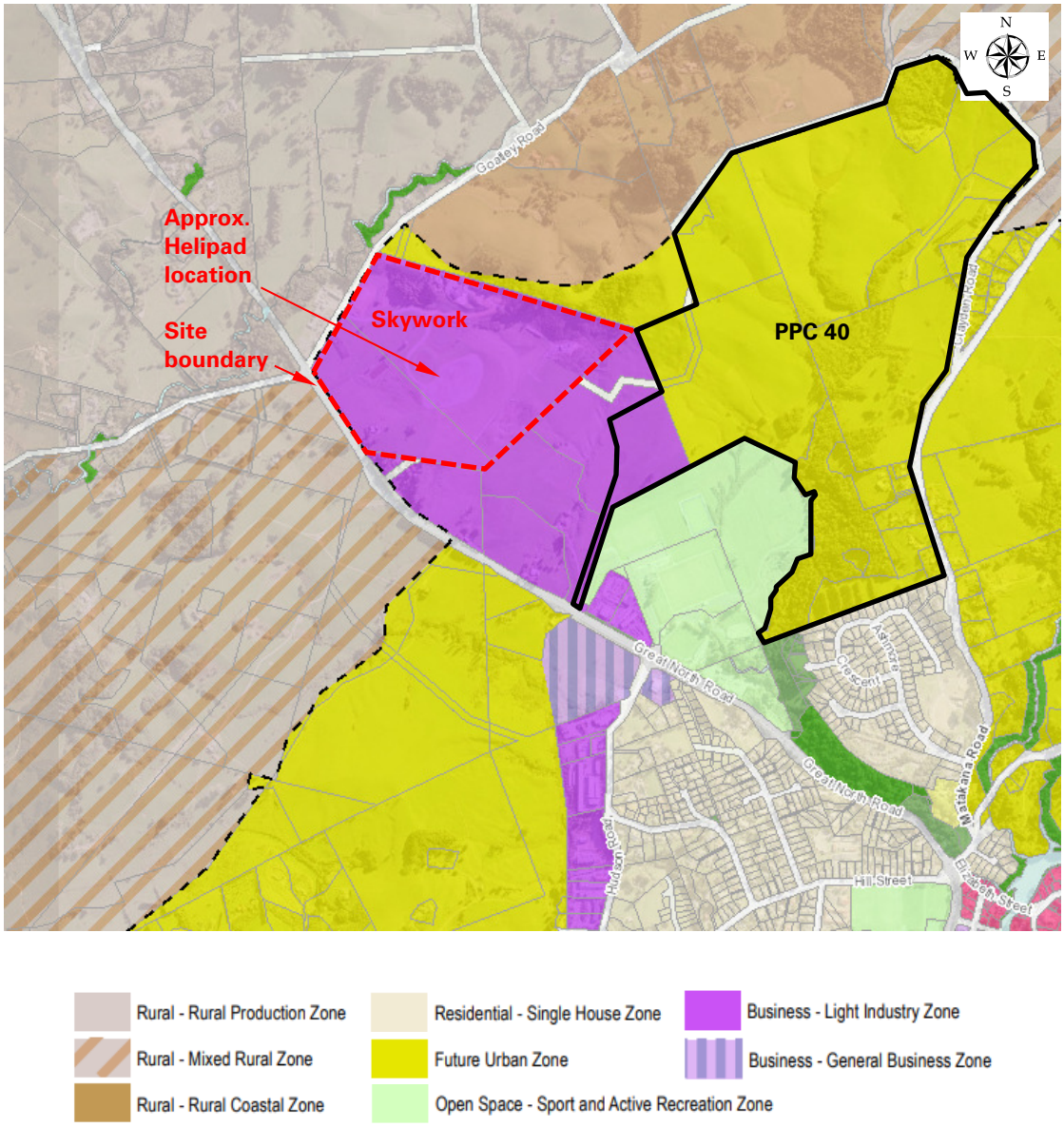


Figure 2. AUP Zoning

Rule E25.6.32 of the AUP provides the following criteria for helicopter noise:

> *The take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.*

The AUP rule adopts the same L_{dn} 50 limit as the current consent condition and NZS 6807 (below). The L_{max} criterion differs however, in that firstly the AUP allows an increase of 15dB over the consent condition and NZS 6807 (discussed below). Secondly, while the consent condition and NZS 6807 limit the L_{max} to the night time only, the AUP applies it during both the day and night time.

2.3. NZS 6807

NZS 6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas' (NZS 6807) is the New Zealand Standard for the measurement and assessment of helicopter noise. NZS 6807 provides criteria for helicopter noise that *'represent the minimum acceptable degree of protection for public health and the environment*[3]*.* The criteria relevant to this submission are:

Table 1. Helinoise Limits of NZS 6807

Affected Land Use	L_{dn} day-night average sound level dBA	L_{max} night-time maximum sound level dBA
Residential	50	70
Rural (at notional boundary)	50	70

NZS 6807 performs the dual role. As discussed above, it first provides limits for helicopter noise within the community. The Standard then goes on to describe the mechanism for land use planning about a helipad, as it recognises the need to balance the value that the helipad provides to a community against effects of noise on that community. To do this, NZS 6807 adopts the helinoise boundary. It describes this boundary as being defined by the 50dBA L_{dn} noise contour that would result from future

[3] NZS 6807, paragraph 4.1.1

helipad operations that accounts for both growth in movements over a suggested 10 year period and includes changes in helicopter types.

Once identified, NZS 6807 states:

> *The helinoise boundary ... defines an area of land subject to noise from helicopters in excess of the relevant limits in table 1, and within which no new incompatible land uses are recommended unless adverse effects are mitigated .... There are no restrictions on helicopter noise received within the area enclosed by the helinoise boundary. Helicopter landing areas shall be managed so that the limits given in table 1 (or set in a resource consent condition or plan) are not exceeded at or outside the helinoise boundary.*

The Standard then goes on:

> *New residential uses, schools, and hospitals shall be prohibited unless a district plan permits such uses, subject to a requirement (such as the production of an acoustic design certificate) to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment (refer table 1 ...). Alterations or additions to existing residential uses should be fitted with appropriate acoustic insulation and encouragement should be given to ensure a satisfactory internal environment throughout the rest of the building.*

From the above, it can be seen that NZS 6807 offers a management/ engineering solution to integrate helipads and residential use. It can also be seen that such a solution relies on limitations being placed upon the helipad by means of the helinoise boundary. Once defined, the ultimate future of the helipad is already decided.

3. ANALYSIS METHOD

3.1. Methodology

The approach taken for the investigation into potential for reverse sensitivity effects on Skywork that may result from the development of PPC 40 has been to calculate the noise

levels over the PPC 40 area based on the level of activity permitted for Skywork through the consent conditions. The effects of the helicopter noise levels on the future residents of PPC 40 have then been assessed on the basis that any adverse effects could in turn affect the ability of Skywork to continue its current operations or any future expansions necessary for the reasonable growth and expansion of this business.

Skywork do not currently have a helinoise boundary for the Goatley Road site. Instead, the consent limits operations to the same 50dBA L_{dn} at existing dwellings that defines the helinoise boundary.

Given that PPC 40 would result in multiple dwellings over a relatively large area, it is more appropriate to consider noise contours over PPC 40 than spot levels at discrete points.

3.2. Helicopter Noise Prediction Method

The predictions of helicopter noise contained within this report were undertaken with the Integrated Noise Model (INM) v7.0d. INM is a computer model that is used for the prediction of aircraft noise based on the inputs of aircraft type, tracks, movements and receiver locations. This section identifies the information relevant to the noise model.

FLIGHT TRACKS

Figure 1 above identifies the four tracks used by Skywork. Given that only Tracks 1 and 2 pass over, or near to, PPC 40, Tracks 3 and 4 have been excluded from this analysis, as they do not pass over PPC 40 and analysis shows that movements on these tracks will result in only low level noise to PPC 40.

The track direction includes a tolerance of ±10º. INM contains a feature where movements on a track are spread mathematically between the track tolerances using a normal distribution, or bell curve. The majority of the movements are concentrated on the backbone track with progressively fewer movements towards the extremities.

The Civil Aviation Authority (CAA) requires[4] an aircraft to be at an altitude of no less than 500 feet other than when passing over a congested area, city, town, settlement or open air assembly of persons where a minimum of 1,000 feet elevation is required. Any aircraft at the appropriate altitude can pass overhead without limitation and can be there as of right. The inference of this is that such aircraft are beyond the jurisdiction of the RMA and the noise rules identified in section 2 above do not apply.

Given the sparsely populated nature of Goatley Road and its surrounds, predictions of noise from the current situation were based on aircraft tracks terminating when the aircraft passes through 500 feet. Any compliance monitoring would reflect this.

Currently, once departing aircraft reach 500 feet, they are free to turn from one of the designated tracks onto their intended path, with the reciprocal being true of approaching aircraft. Currently, Skywork aircraft reach an elevation of 500 feet well before they cross PPC 40 meaning that they are free to turn as required and can therefore pass over this land without constraint.

Should PPC 40 proceed, its effect would be to increase the height of those overhead aircraft to a minimum of 1,000 feet over the footprint of PPC 40. Skywork advise that this is achievable meaning that helicopters could still pass over PPC 40 on almost any heading (after leaving Tracks 1 or 2). The only difference would be that aircraft would be at 1,000 feet rather than the currently permitted 500 feet.

Given that this is an investigation into the effects on future residents within PPC 40, and consequently the reverse sensitivity effect on Skywork, it is undertaken on the basis that PPC 40 has been rezoned as proposed and development undertaken in accordance with that zoning. This means that in accordance with CAA regulations, the over flying aircraft would have to be at an elevation of 1,000 feet, and the modelling represents this.

If this was an application relating to the helipad, it would be appropriate to exclude all helicopter movements above 1,000 feet. However, doing so would not provide a true reflection of the noise received by the occupants which would be the catalyst for reverse sensitivity effects on Skywork. Tracks have therefore been extended well beyond PPC 40

[4] CAA General Operating and Flight Rules, part 91.3.11

but limiting helicopters to 1,000 feet. While it is recognised that the helicopters could pass over PPC 40 above 1,000 feet, this would require a limitation on Skywork that was not enforceable under the RMA.

PROFILES

Profiles refer to the vertical path followed by the aircraft. While INM contains standard profiles, these have been modified in this instance after discussion with Skywork who advise that their current procedure is to be at 500 feet elevation by the time the aircraft crosses the site boundary.

NIGHT TIME

The current consent provides limits on night time activities, not by limiting movements but through noise limits. The first is the L_{max} limit of 70dBA that applies during the night time only. As the name suggests, this metric is simply the highest level of noise reached as the aircraft passes overhead. The L_{max} is generally recognised as providing for the protection of sleep, or its onset.

The 50dBA L_{dn} metric will also have an influence on the night time movements. The L_{dn} is the average noise level over a 24 hour period so therefore includes both day and night time movements. However, to account for the greater sensitivity at night, 1 night time movement is equivalent in noise level to 10 day time movements. The fact that night time movements contribute to the L_{dn} ten times faster than equivalent day time movements quickly limits the number of flights available, both day and night.

AIRCRAFT

Skywork currently use AS350 (Squirrel) helicopters and have no plans to upgrade these in the near future. While these machines will inevitably be replaced at some point in the future, no consideration has been given to the replacement machine at this time meaning there is no knowledge of what its noise levels might be. In this respect, there is an element of uncertainty as to the future level of noise from the proposal. While the hard limits of the consent will remain, the noise from individual movements may change with time. This also means that should Skywork upgrade to louder helicopters at some point

in the future, the daily flights may have to be reduced to maintain compliance with the 50dBA L_{dn} criterion.

4. NOISE LEVELS

4.1. Current Limitations

Consent condition 25 provides noise limits while consent condition 27 limits the total aircraft movements per day. To understand the limitations that these two conditions place on Skywork, INM was used to predict the noise level from the entire 60 daily movements permitted by condition 27 using firstly, Track 1 and secondly Track 2. In both cases the assumption has been made that the 60 movements comprise 30 departures and 30 arrivals. The two contours have been overlaid on the following Figure 3 but, rather than report each separately, an envelope of the two has been prepared.

In addition, the L_{max} contour from a movement on Track 1, which will be used for the night time movements, has also been plotted on Figure 3.

Figure 3 identifies a dwelling on State Highway 1 that is within Skywork's ownership and rented to tenants. For the purposes of this analysis, it has been assumed that this dwelling is a Skywork site and, under condition 25, is exempt from the noise rule.

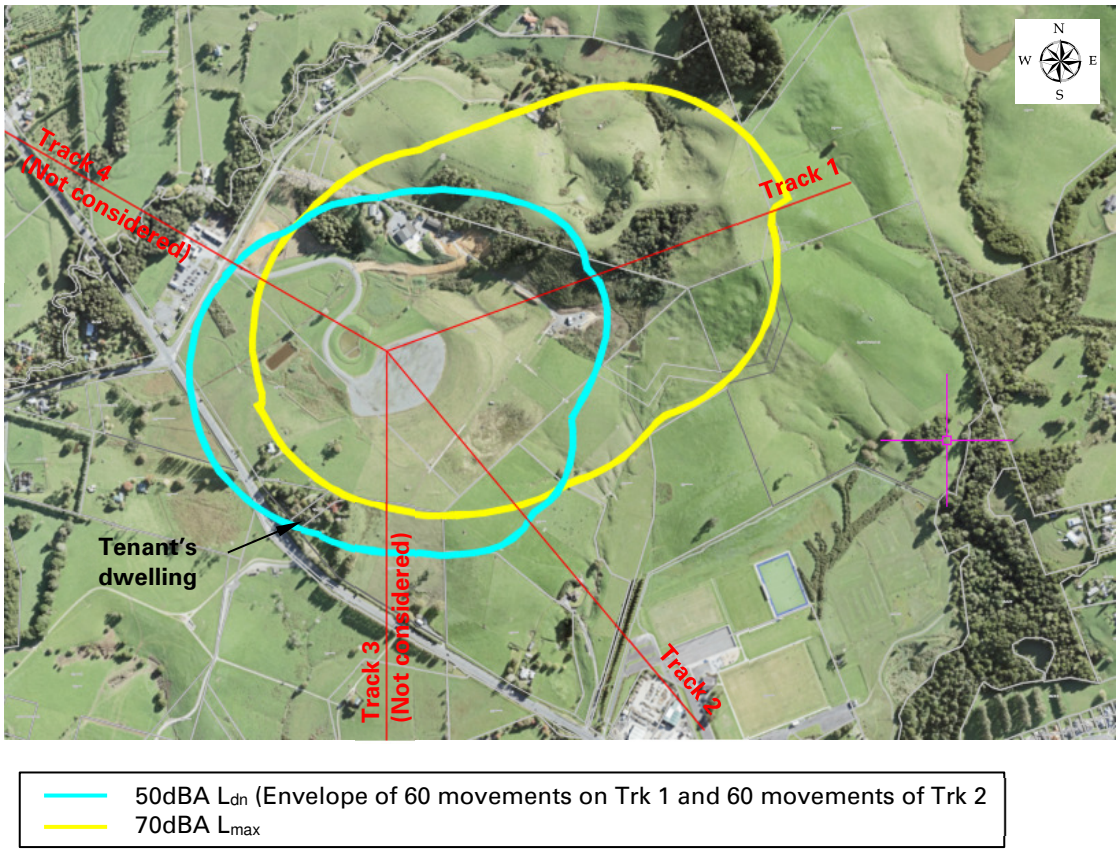


Figure 3. Noise Contours showing the Existing Limitations for Skywork

In terms of limitations posed on Skywork by the existing consent conditions, Figure 3 shows:

1. Skywork can operate all 60 permitted daily movements on Track 1 without limitations over and above those of the consent;

2. Skywork can operate all 60 permitted daily movements on Track 2 without limitations over and above those of the consent;

3. Skywork can operate night flights on Track 1.

Figure 3 also shows that when considered against the existing consent conditions, or those of the AUP or NZS 6807, there is scope for further growth by Skywork.

3.1. Helicopter Noise over PPC 40

Repeating the above analysis based on flight tracks extending out to allow helicopters to 1,000 feet elevation as they pass over PPC 40 results in the following:

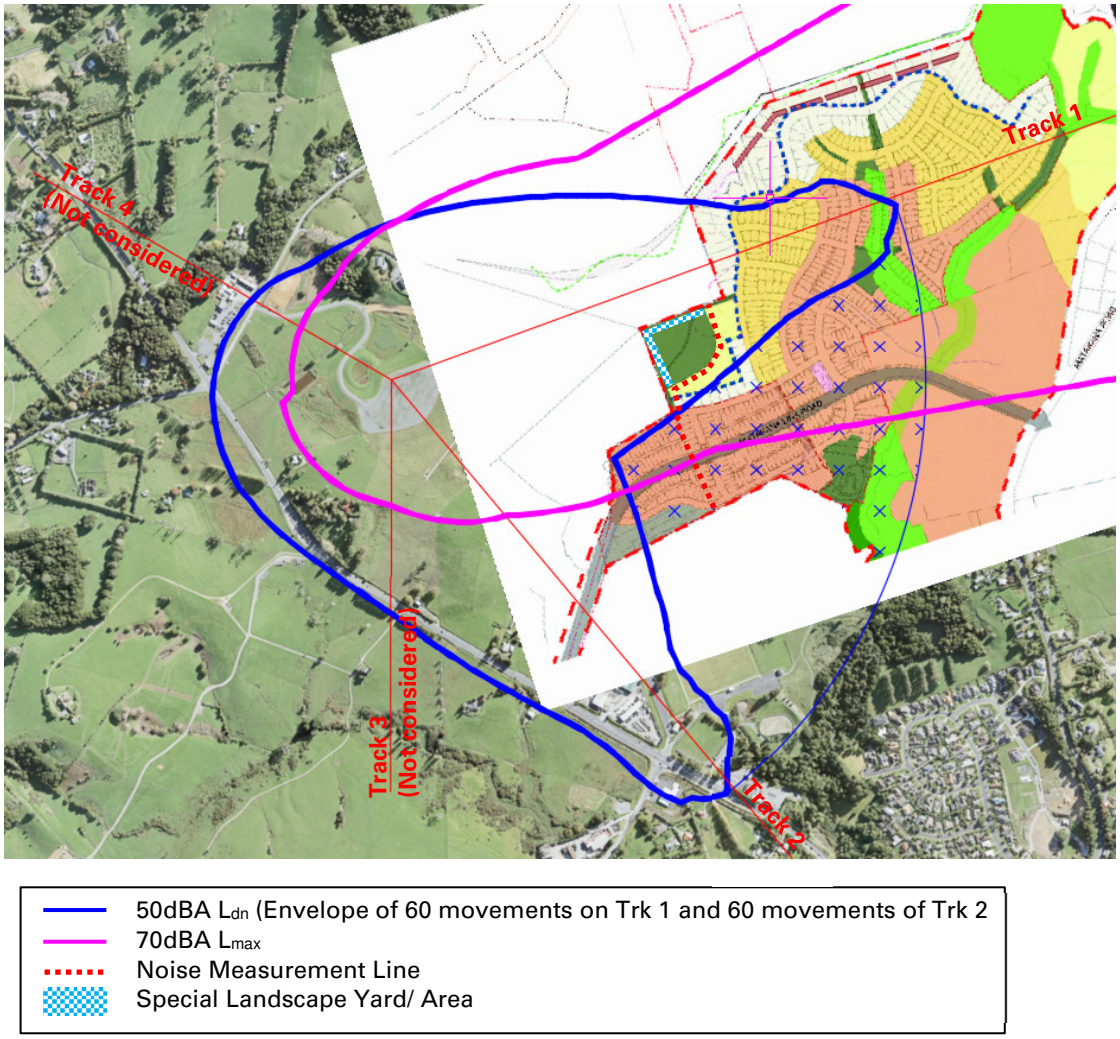


Figure 4. Noise Contours over PPC 40

Figure 4 shows that:

1. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} well into PPC 40;

2. Noise from helicopters continuing on Track 2 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} over a small part of PPC 40;

3. Once the helicopters are at 1,000 feet, which will occur prior to PPC 40, they are free to turn to a course of their choosing. As such, it would be possible for the lobe of the contours to fall anywhere between those of Track 1 and Track 2. Considering all possible tracks within this range would result in an envelope of the 50dBA L_{dn} contour as described by the crossed hatching on Figure 4;

4. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 70dBA L_{max} over the majority of PPC 40; and

5. Should, having reached 1,000 feet, a single helicopter deviates from Track 1 in a southerly direction, Figure 4 shows that it would be possible to exceed the 70dBA L_{max} limit of the resource consent at any point within PPC 40.

5. ASSESSMENT OF NOISE EFFECTS

5.1. Effects on Residents of PPC 40

Figure 4 shows that the permitted level of movements to and from Skywork has the potential to result in levels of noise at 50dBA L_{dn} or above over an estimated 50% of PPC 40. While such levels are generally accepted to result in adverse effects, it is noted that these levels would only occur in situations where Skywork placed a majority of their movements on a single track that passes over PPC 40. No work has been undertaken to determine how probable this is noting that such work would be limited in its accuracy due to the inherent difficulties in predicting future use. Further, should some of those flights be night flights, they would be counted as 10 day time flights. By way of example, three night flights would account for half of the daily allowance of 60 movements.

While the effects described using the L_{dn} metric are related to the number of movements, those associated with the L_{max} metric are the result of a single flight. Figure 4 therefore shows that any flight passing over PPC 40 would result in such levels as to produce an adverse effect.

5.2. Reverse Sensitivity

Having established that the noise from helicopter movements will result in adverse effects to the residents of PPC 40, it remains to consider the potential reciprocal effects to Skywork, or reverse sensitivity.

Residents within the developed plan change would experience helicopter noise due to the proximity of Skywork and there are scenarios in which those levels could be considered unreasonable, such as all flights departing on either Tracks 1 or 2 and night flights on Track 1.

While the helicopters could be there as of right, this does nothing to address effects. This situation differs from typical helicopter over flights which, while resulting in the same level of annoyance, lack a focal point for residents' concerns. In this situation, those over flights would, rightly or wrongly, be attributable to Skywork.

In this situation, the potential reverse sensitivity effects resulting from PPC 40 would be local opposition to any future consents that Skywork may require and possible ongoing complaints to both Council and Skywork. It should be noted that such complaints may have merit, as the above analysis shows that Skywork activities could potentially result in noise levels across PPC 40 that NZS 6807 describes as exceeding the '*minimum acceptable degree of protection for public health and the environment*'

Essentially, the concern is that as the currently proposed residential activities are incompatible with the consented activities of Skywork, PPC 40 may ultimately lead to the curtailment of both Skywork's current activities and the reasonable operation of their business, including any future development.

5.3. Potential Mitigation Methods

The Tattico planning report for PPC 40 suggests three measures to address reverse sensitivity: A no- complaints covenant, a noise measurement line and a special landscape yard within the residentially zoned land within the precinct. Each is addressed in turn below.

NO-COMPLAINTS COVENANT

A no complaints covenant would not reduce, remedy or mitigate noise from helicopters and would therefore not address the reverse sensitivity issue. While it would prevent the future residents from complaining to Council about the consent activities of Skywork, it would not remove residents' ability to submit in opposition to any future Skywork's consent. In that respect, the no-complaints covenant does not offer Skywork anything that has not already been afforded them.

NOISE MEASUREMENT LINE

Paragraph 10.12(d) of the Tattico report explains the concept and purpose of the Noise Measurement Line as:

> *10.12(d) In terms of the noise measurement line, this will only be effective if there is a 127 variation of conditions consent to the helicopter landing facility granted. This consent would change the location of the noise measurement location for residential sites within the precinct from the nearest residential boundary to the noise measurement line shown on the precinct plan. WLC is the only affected landowner among the cooperating landowners and has given clear commitments to Goatley Holdings Limited that it will support and give its written consent to any such 127 application.*

The location of the noise measurement line is shown on Figure 4 above. The purpose of this line is not apparent as, without a noise limit referenced to it, it is unclear as to how it would contribute to any future consent application by Skywork. If it is intended that the 50dBA L_{dn} limit of the AUP applies at this line, Figure 4 indicates that this would likely have a significant effect on any future Skywork's consent application as, rather than offer flexibility it would require a reduction in the currently permitted movements over PPC 40. It should be noted that Figure 4 cannot be used directly to assess the noise from Skywork over PPC 40, as it includes helicopters after they have passed through 1,000 feet, and should therefore be excluded from the analysis. However, Figure 4 provides a strong indication that the 50dBA L_{dn} contour from the currently permitted movements would extend well past the Noise Measurement Line.

In this respect, the Noise Measurement Line could be considered as laying the foundation for any future reverse sensitivity effects on Skywork, as it forms the beginning of a rule to limit operations at Skywork in the vicinity of PPC 40 where no rule currently exists.

A future limitation of the Noise Measurement Line is that it starts and stops mid-height within PPC 40 and therefore provides no information as to where the measurement point is above and below it, or even if there is a measurement point for helicopter noise in these locations.

A final issue with this approach is that by definition the dwellings within PPC 40 that are to the west of the Noise Measurement Line would receive levels of helicopter noise that were above the yet to be determined limit. If this limit were to be set at an approximate level for residential amenity, the inference would be that those western residents would be exposed to levels that are unreasonable. Given that PPC 40 is essentially a greenfield application, it is difficult to justify such an approach. Lowering the limit at the Noise Measurement Line to protect the western residences makes the line redundant, as it offers nothing more than the approach adopted by the current conditions, the AUP or NZS 6807, other than complications.

SPECIAL LANDSCAPE YARD/ AREA

The Special Landscape Yard is identified on Figure 4. While its size is not defined, it appears too small to be of significance.

FAÇADE MITIGATION

Façade mitigation is not addressed by the Tattico report but is a practical and well recognised method of mitigating the adverse effects of helicopter noise. However, even this technique is limited in its efficacy as it does not address noise levels to the outdoor amenity area and only reduces internal levels of helicopter noise, rather than eliminating it. As such, façade mitigation can be considered to reduce, but not remove, the reverse sensitivity issue.

Façade mitigation could be implemented to the future dwellings of PPC 40 to ensure that reasonable internal levels of helicopter noise were maintained. While a detailed investigation has not been undertaken, preliminary analysis shows that reasonable

internal levels could be achieved simply by closing the windows of the future dwellings. For this to be a viable option, alternative ventilation, such as provided by mechanical plant, would be required to ensure the ventilation requirements of the Building Code were achieved at the same time the windows were closed.

In terms of the extent of this closed window requirement, Figure 4 and the subsequent discussion, shows that levels of 70dBA L_{max} or greater can be expected over PPC 40 in its entirety meaning the closed window requirement should do the same.

6. CONCLUSIONS

Analysis shows that the noise resulting from the consented operation of Skywork will result in levels of helicopter noise over the area covered by PPC 40 that are considered too high to be appropriate for residential amenity. As such, occupants in the subdivision PPC 40 seeks to enable would potentially have legitimate concerns over helicopter noise from the consented activities of Skywork, leading to reverse sensitivity.

For reverse sensitivity to occur, there must be an effect on Skywork. In this instance, the potential effects would be the curtailment of existing activities due to community pressure and/ or opposition to any future consents that Skywork may require to support reasonable growth.

It is noted that the applicant has proposed three measures to mitigate the potential reverse sensitivity issues, but none are considered to achieve that goal. Façade mitigation for the entire development would go some way to mitigate the current levels of helicopter noise. However, the façade mitigation itself would essentially result in a limit on Skywork as, once agreed, external levels of helicopter noise could not be further increased as the corresponding increase in internal levels wold presumably no longer comply with the agreed internal limit.

Essentially, for the noise sensitive residential activity envisaged by PPC 40 to coexist with Skywork Helicopters Ltd would require an engineering solution (such as façade mitigation) to enable the proposed planning solution. By its nature, an engineering

solution requires noise limits for both source and receiver, and it is these limits on the source that are termed reverse sensitivity.

***

THE PLANNING COLLECTIVE

Form 5

Submission on a notified proposal for policy statement or plan, changes or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council

Submitter: Skywork Helicopters Limited

This is a submission on Proposed Plan Change 40 (Private) Warkworth – Clayden Road to the Auckland Unitary Plan (the **proposal**):

Skywork Helicopters Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

- The zoning of land for residential land uses including locating the more intensive residential zonings in proximity to the Skywork heli-base.
- The proposed rezoning of Business – Light Industry land to Residential – Mixed Housing Urban.
- The methods proposed to manage reverse sensitivity on Skywork Helicopters Limited lawfully established activity.

The submission opposes the proposal for the reasons set out below.

Background:

Skywork Helicopters Limited (**Skywork**) has an established base located at 38 Goatley Road, Warkworth. The land is owned by Goatley Holdings Limited (GHL) and leased to Skywork. Both are entities owned and managed by Roger and Miriam Stevenson.

Resource consent for Skywork was applied for in 2005 and obtained in 2010 to establish and operate a helicopter base [NZEnvC70]. The consent as issued by the Environment Court authorised a landing pad, hangar, truck, equipment and hazardous materials storage area, a café and lounge area, ancillary facilities (including reception, offices, meeting room and pilot accommodation quarters). The consent

also enabled approximately 110,000m^3 of cut to fill earthworks. A copy of the Environment Court decision is **Attachment A**.

In June 2012 a further application was made to Auckland Council seeking to stage the approved development. This consent was granted on 1 March 2013. A copy of this resource consent decision is **Attachment B**.

At around the same time Auckland Council commenced public consultation on a draft Unitary Plan (March – May 2013). The Unitary Plan was formally notified for public submissions on 30th September 2013 with the submission period closing on 28 February 2014.

GHL, in conjunction with an adjoining landowner, Stellan Trust, lodged a submission (submission 7025) to the Unitary Plan seeking to rezone land from Future Urban zone to Business- Light Industry. A copy of that submission is **Attachment C**. That submission was successful, and the land was zoned Business – Light Industry when decisions were released by Auckland Council on 19th August 2016. The appeal period ended on 30 September 2016 and as there were no appeals to the zoning of the land the zoning was changed with effect on that date.

In September 2018 GHL and Stellan Trust lodged a resource consent seeking a 94 -lot subdivision for Business – Light Industrial purposes including associated earthworks and stormwater discharges etc to enable construction of the subdivision. The scheme plan retained Skywork in its current location with sufficient space to continue operations in this location into the future. This application is currently on hold for a range of reasons, predominantly the uncertainty created by the works related to the Matakana Link Road (**MLR**) and State Highway 1 (**SH1**) widening; both of which affect GHL land.

In March 2018 Auckland Transport had lodged a Notice of Requirement and associated resource consents for construction and operation of the proposed Matakana Link Road. Hearings for the MLR and related NZTA SH1 road widening projects were held in March 2019.

Appeals on the MLR and SH1 widening have recently been resolved and it is understood that AT is seeking to commence construction of the MLR in the near future with the aim to complete the project in time for the opening of the motorway extension north from Puhoi to Warkworth.

This background demonstrates that the consenting and establishment of the Skywork base occurred in a very different planning context to what exists now. When Skywork commenced its application for Goatley Road in 2005 there was no Auckland Plan and Warkworth had not been identified as a satellite growth area. This only occurred when the Auckland Plan was adopted by Auckland Council on 29 March 2012. By that time Skywork had obtained a consent through the Environment Court process and was operating from the Goatley Road site.

The commencement of the Unitary Plan process a year later resulted in the GHL land being identified as Future Urban. This led GHL to seek an appropriate urban zoning of its land that would protect the ability to continue to operate the helicopter base given the considerable investment in land and consenting processes to date. This was of prime importance to Skywork and GHL because the Skywork operation had already had to relocate from its initial site at Baddeleys Beach Road because of complaints from neighbouring land owners and opposition to consent seeking to formalise activities and enable some business growth. This process is what resulted in Skywork re-establishing at the Goatley Road site.

By the time the Auckland Council Future Urban Land Supply Strategy (**FULSS**) was commenced and subsequently adopted in November 2015 GHL had live zoned Business – Light industry land and the

Skywork activity had been operating from 38 Goatley Road for approximately 4 years. The adoption of the 2015 FULSS and the refreshed July 2017 version were the first indications GHL and Skywork had that the land surrounding could potentially be zoned and developed for residential land use purposes. The 2015 FULSS indicated 3,200 – 3800 dwellings, 1 Local Centre and approximately 3270 jobs for Warkworth North, which also included what is now identified as Warkworth North East. The FULSS (2017 Refresh) identified Warkworth North as suitable for approximately 2300 dwellings, no centres and reflected 69 hectares of live zoned business land which included the GHL / Stellan Business – Light Industry land. The FULSS is an infrastructure planning tool rather than a tool to determine optimal land uses. Both the 2015 and 2017 FULSS were undertaken without the benefit of a structure plan for Warkworth.

Auckland Council completed a structure plan for Warkworth in June 2019. The indications for residential development in the Warkworth North area in the Structure Plan completely failed to take into account the existing live zoning of the GHL land. The Structure Plan specifically stated in its scope that existing zoned areas were not considered.[1]

Private Plan Change 40:

PPC40 seeks to rezone Future Urban zoned land for a mix of residential zones and a small Neighbourhood Centre. It also proposes to rezone land that currently has a Business- Light Industry zoning to Residential -Mixed Housing Urban. The residential – Mixed Housing Urban zone provides for sites with a minimum site size of 300m^2 as per Table E38.8.2.3.1 or; for parent sites of 1 hectare or greater, a minimum site area of 240m^2; and average of 300m^2 and a maximum site size of 360m^2 (Table E38.8.3.1.1).

This rezoning will result in dwellings being constructed in close proximity to the established Skywork base that is accessed from Goatley Road.

An acoustic assessment prepared by Hegley Acoustic Consultants is **Attachment D**. The acoustic assessment analyses the impact of the proposed rezoning on Skywork and forms the evidential basis for the reverse sensitivity effects identified and to which this submission relates.

PPC40 proposes a Precinct – Clayden Road Precinct. The notified Precinct document refers to the planned Sandspit Link Road – it is presumed that this is intended to read the *Matakana Link Road.*

The description of the Precinct states that *"More intensive residential opportunity is created around the Sandspit Link Road…Medium density housing is provided in the northern area of the Precinct. Low density housing 'Single House' zoning is provided on the Rural Urban Boundary fringe with particular controls…. These controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas."*

The description also refers to Local Centre and it is presumed that this reference is intended to be to a Neighbourhood Centre as proposed on the zoning map.

The Precinct proposes one objective relating to the existing Business – Light Industry zone as follows:

(5) Manage reverse sensitivity issues at the interface between the residential and light industrial land.

This objective is supported by the following Policy:

[1] Warkworth Structure Plan, Background Topic Report, Section 2 – The Warkworth Structure Plan Area and Section 5.11 Land use planning.

(9) Create a landscaped buffer and require "no complaints covenants" on the properties adjacent to the industrial zoned land so as to manage reverse sensitivity issues.

There are no specific references to Skywork heli-base in the Precinct description or in the objectives or policies. The Precinct does not propose any specific rules relating to development on the land adjacent to the Business – Light Industry zoned land. However, a Noise measurement line standard is proposed. The proposed noise measurement line (NML) states that the NML will be the "nearest residential boundary for measuring noise from the Skywork base". The standard states that it will apply to the residential sites to the west of the identified line. It is noted that an area of indicative open space is also shown on Precinct Plan 1 adjacent to the north-eastern corner of GHL land.

There is also one assessment criteria (ix) included for vacant lot subdivision stating that *for the area identified on Precinct Plan 1 as "no complaints covenant area" a no complaints covenant is registered against any title acknowledging the location is adjacent to an industrial area and a consented heliport and that residents will not complain about permitted activity meeting the Auckland wide standards, or helicopter activity operating under and complying with the conditions of consent of Resource Consent XXX.* The appropriate resource consent reference is LAN 58871 and 37945. Any such accepted provision should also include "or subsequent resource consents". There also needs to be a clear and specific linkage between the Precinct description that should discuss this Issue, the objectives and the policies.

A Special Landscape yard is also proposed – Standard 6.3. This Standard proposes to limit buildings and structures within the area identified on Precinct Plan 1, with the exception of fencing less than 2 metres in height. The Standard also requires that 50% of the yard is planted with native trees that achieve a height of 5m or more on maturity. It is not clear what the proposed width of the Special Landscape Yard is as the line follows the boundary and the Precinct Plans do not have a scale.

The real outcome of these proposed provisions is simply a noise measurement line and a requirement for sites to the west of it in the proposed Residential – Mixed Housing Urban zone to accept a no complaints covenant for consented Skywork activities.

The acoustic assessment prepared by Hegley Acoustic Consultants identifies that Condition 25 of the existing resource consent states that the *"…assessment provisions shall be at any point within the notional boundary* of any dwelling **other than** a dwelling on the same property on which the landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective".* [my emphasis]. The notional boundary is stated to be defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling. This condition means that the measurement would not need to occur in relation to houses on the rezoned land. However, as explained in the Hegley assessment this will not preclude residents from being affected by noise associated with the Skywork base[2].

As demonstrated in the Hegley report, the adverse reverse sensitivity effects of the proposed zoning and consequential land uses are unlikely to be effectively avoided, remedied or mitigated. The Hegley report, at Section 5 – Assessment of Noise Effects states:

> *Figure 4 shows that the permitted level of movements to and from Skyworks has the potential to result in levels of noise at 50dBA L_{dn} or above over an estimated 50% of PPC 40. While such levels are generally accepted to result in adverse effects, it is noted that these levels would only*

[2] Paragraph 3 page 1.

occur in situations where Skyworks placed a majority of their movements on a single track that passes over PPC 40. No work has been undertaken to determine how probable this is noting that such work would be limited in its accuracy due to the inherent difficulties in predicting future use.

While the effects described using the L_{dn} metric are related to the number of movements, those associated with the L_{max} metric are the result of a single flight. Figure 4 therefore shows that any flight passing over PPC 40 would result in such levels as to produce an adverse effect.

It is clear from the above assessment that there are actual adverse reverse sensitivity effects that will result from the land rezoning proposed by PPC40. The Hegley report comments on reverse sensitivity effects as follows:

In this situation, the potential reverse sensitivity effects resulting from PPC 40 would be local opposition to any future consents that Skyworks may require and possible ongoing complaints to both Council and Skyworks. It should be noted that such complaints may have merit as the above analysis shows that Skyworks activities could potentially result in noise levels across PPC 40 that NZS 6807 describes as exceeding the 'minimum acceptable degree of protection for public health and the environment'

Essentially, the concern is that as the currently proposed residential activities are incompatible with the consented activities of Skyworks, PPC 40 may ultimately lead to the curtailment of both Skyworks' current activities and the reasonable operation of their business, including any future development.

The proposed measures in PPC40 to mitigate reverse sensitivity effects on Skywork are considered inadequate, and as detailed in the Hegley report, the proposed land uses are essentially incompatible. Any residential land uses will impact on the ability for Skywork to continue its operations and over time to be able to undertake normal business changes and growth.

PPC40 does not achieve an optimal land use outcome nor represent sound resource management.

Skywork Helicopters Limited seek the following decision from the local authority:

- That PPC40 be declined, or

- That all land affected by the lawfully established noise generated by Skywork be zoned for non-residential (or other compatible) uses so as not to adversely affect the consented Skywork operation and the ability for Skywork to alter or expand its business in a reasonably expected manner, or

- That, if alternate more compatible zones are not substituted, then at the very least Skywork require sound robust methods be incorporated into PPC40 to ensure that reverse sensitivity effects on Skywork are acceptable now and into the future. This may include the requirements for mechanical ventilation in all dwellings in the PC40 area; no complaints covenants and a planning framework within the Clayden Road Precinct that clearly acknowledges the continuing existence of the Skywork base as well as the live zoned Business-Light Industry land and the future associated activities that are enabled or anticipated by the zoning.

Skywork Helicopters Limited wishes to be heard in support of their submission.

Skywork Helicopters Limited will consider presenting a joint case with others that make a similar submission.

(person authorised to sign
on behalf of submitter)

Date 2 April 2020

Address for Service:

Burnette O'Connor (Agent)

Planner / Director

The Planning Collective

burnette@thepc.co.nz

+64 21 422346

Attachments:

A	-	Skywork Environment Court Decision
B	-	Skywork Staged Resource Consent
C	-	GHL / Stellan Trust Unitary Plan Submission
D	-	Hegley Consultants Acoustic Assessment

ATTACHMENT A

RECEIVED
10 MAR 2010
BY:

BEFORE THE ENVIRONMENT COURT

Decision [2010] NZEnvC 70

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of appeals under section 120 of the Act
BETWEEN	THE DOME VALLEY RESIDENTS' SOCIETY INCORPORATED
	ENV-2006-AKL-001011
	Appellant
AND	SKYWORK HELICOPTERS LTD
	ENV-2006-AKL-001016
	Appellant / Applicant
AND	RODNEY DISTRICT COUNCIL
	Respondent

Alternate Environment Judge D F G Sheppard sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

FINAL ORDER OF THE ENVIRONMENT COURT

A. Appeal ENV-2006-AKL-001011 by the Dome Valley District Residents Society Incorporated is disallowed;

B. Appeal ENV-2006-AKL-001016 by Skywork Helicopter Limited is allowed to the extent that consent is granted subject to the conditions of consent set out in Schedule "A" to this Order.

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REASONS

These two appeals were the subject of decision A 099/2007 of the Court dated 14 December 2007. That decision:

(a) Disallowed Appeal ENV-2006-AKL-001011 by the Dome Valley District Residents Society Incorporated;

(b) Allowed Appeal ENV-2006-AKL-001016 to the extent that consent is granted for storage and handling of aviation fuel; and that the conditions of consent are amended to conform with the set presented by Skywork Helicopters Limited at the end of the appeal hearing, and incorporating the further amendments accepted by counsel for Skywork when presenting them;

(c) Amended the decision of the Rodney District Council to the extent indicated in the foregoing subparagraph (b).

[2] Paragraph [313] of that decision stated:

> [313] A draft formal order to give effect to this decision may be prepared by counsel for Skywork, lodged with the Registrar, and served on the other parties. Any other party has leave to lodge and serve written submissions, on matters of drafting only, within 10 working days of receiving the Skywork's draft order, Skywork having leave to lodge and serve a written reply within 10 working days of receipt.

[3] Counsel have now reached agreement as to the final form of the conditions and presented a draft order which may be made by consent.

[4] Having considered the memorandum of counsel and the draft order lodged with that memorandum, the Court is satisfied that all the matters that were raised in decision A 99/2007 to be dealt with in a draft formal Order have been attended to.

[5] Accordingly, the Court makes the following orders:

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(a) Appeal ENV-2006-AKL-001011 by the Dome Valley District Residents Society Incorporated is disallowed;

(b) Appeal ENV-2006-AKL-001016 by Skywork Helicopter Limited is allowed to the extent that consent is granted for storage and handling of aviation fuel; and the decision of the Rodney District Council and the conditions of consent are amended to the form set out in Schedule "A" to this Order.

DATED at AUCKLAND this 9th day of March 2010.

D F G Sheppard
Alternate Environment Judge

Schedule A

CONDITIONS OF CONSENT

Pursuant to s108 of the Resource Management Act 1991 the application for a non-complying activity by Skywork Helicopters Limited for resource consent to establish a helicopter base (including landing pad, hanger, truck, equipment and hazardous materials storage area), a café and lounge area, ancillary facilities (including reception, offices, meeting room and pilot accommodation quarters) and involving 110,000m³ of earthworks (cut plus fill) at 38 Goatley Road being legally described as Lots 1 & 2 DP 88298 (CT NA 45D/306 & NA 45D/307), be GRANTED subject to the following conditions.

1. (general) The development shall proceed in general accordance with the application plans drawn by Grant Neill Architects Limited, dated August 2005 and numbered 1 – 6.

2. (stormwater) All stormwater discharges from roofs and paved areas (including the access road) shall be controlled and discharged through an approved system such that there is no adverse affect on adjoining public or private lands. Discharge to open channels shall be limited by appropriate detention systems to the greenfields discharge in all events up to and including a 100 year return storm.

   Note: The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

3. (engineering plans) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

   The term 'engineering works' includes, but is not limited to:

   - The upgrading of Goatley Road, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
   - The installation of gas, electrical or telecommunication reticulation including ancillary equipment, street lights, landscaping or structures on land vested, or to be vested, in the Council;
   - Any other works required by conditions of this consent.

   Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

   Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

4. (as built record plans) As Built record plans to requirements of the Council's "Standards for Engineering Design and Construction" shall be submitted to the Consents Engineer, and approval thereof received in writing, prior to the commencement of the activity.

   Note: Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

5. (Health and Safety Plan) A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of

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works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

6. (works on public land) Reinstatement of the surface(s) within or adjoining public land including legal road shall be completed as soon as possible on completion of the works affecting the said surface(s), and until such reinstatement is completed the requirements of the verified Traffic Management Plan and Health and Safety Plan shall be complied with in all respects.

   Note: Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.

7. (earthworks design) All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be generally designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Hawthorne Geddes, reference 5536, dated 29 August, 2005 and any further investigation required.

8. (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix A of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer.

9. (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:

   - The staging of areas of the works;
   - The retention of any existing shelter belts and vegetation;
   - The installation and maintenance of wind fences and vegetated strips;
   - Watering of all haul roads and manoeuvring areas during dry periods;
   - Spraying of load dumping operations;
   - Suspension of all operations if necessitated by the prevailing conditions.

   The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

10. (protection of the roads) All necessary measures, shall be installed and operated to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site. Should material be deposited on the road it shall be removed immediately, and the site shall be closed until it can operate without material being carried onto any road, to the satisfaction of the Consents Engineer.

11. (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

12. (parking) Parking for 61 vehicles, and 1 loading bay shall be provided as detailed in the application plans drawn by Traffic Design Group dated 16/07/2007, and numbered 8100A2B (Plan 3 annexed to the evidence of Mr B, Harries), and to the

minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.

13. (access/parking) All access, parking and manoeuvring areas shall be formed and paved in a permanent dust free (not metal) surface and marked, to the Council's "Standards for Engineering Design and Construction" prior to the commencement of the activity.

14. (noise limitation for helicopter noise) Helicopter operations shall not exceed an average daily noise limit of 50dBA L_{dn} and shall not exceed a night-time limit of 70dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.

    Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

15. (helicopter noise) Helicopter noise shall be assessed in accordance with the provisions of NZS 6807: 1994 *Noise management and land use planning for helicopter landing areas* and measured in accordance with NZS 6801:1999 *Acoustics - Measurement of Environmental sound.*

    Note: Use of NZS 6807:1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

15a (emergency flight operations) Conditions 14, 15 and 20 shall not apply where flight operations are undertaken for emergency purposes. For the purposes of these conditions, emergency purposes shall mean:

    a. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergencies;

    b. Flights required to meet the needs of any national or local emergency, declared under the Civil Defence Emergency Management Act 2002,

    c. Flights required for the purposes of assisting the Fire Service or Police in emergencies;

    d. Flights associated with fire-fighting.

    Note. For the avoidance of doubt, flights associated with frost mitigation do not constitute an emergency.

16. (flight movements) Flight operations shall be limited to no more than 60 movements (30 flights) per day.

17. (written log) A written log of all aircraft movements shall be kept and the log shall be available, by appointment, for the inspection of any Council Officer. Minimum information shall include the allocated New Zealand Register of Aircraft three-letter registration mark for each aircraft, name of pilot-in-command and the arrival/departure vector used.

18. (flight tracks) Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flightpaths (Attachment No 1 to these conditions).

19. ('flying neighbourly' management plan)

    19.1 Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare a Noise Management Plan. The management plan shall comply with the conditions of this consent. The plan may be so amended as the Consent Holder considers appropriate during the period of this consent after consultation with the Council and affected neighbours.

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19.2 The Noise Management Plan required by Condition 19.1 above shall set out the practices and procedures with respect to noise management to be adopted in order that compliance with Conditions 14 to 18 can be achieved and shall as a minimum address the following:

(i) An operator program in accordance with Section 6.2.1 of Reference 1* to address noise sources and potential impacts of en-route flight operations, helicopter landing area operations, and procedures for each flight track.

(ii) Methods to be used for noise control including provision in each aircraft flight manual required under Civil Aviation Rules Part 91, the noise abatement procedures for that aircraft, as published by Helicopter Association International.

(iii) Training of pilots using the site in accordance with sections 5 and section 6.2 of Reference 1.*

(iv) Contingency plans (in the event that noise limits are exceeded).

(v) Location of routine monitoring sites.

(vi) Monitoring procedures and identification of staff responsibilities.

(vii) Complaints and reporting procedures.

* Reference 1 is the *Fly Neighbourly Guide*, Edition 3 (2007) published by Helicopter Association International (Attachment No _ to this decision).

19.3 The Consent Holder shall undertake the activities authorised by this consent in accordance with the provisions of the Noise Management Plan prepared pursuant to the provisions of Conditions 19.1-2.

20. (night-time flying management plan) Prior to commencing night-time flights, the applicant shall arrange for the preparation of a noise management plan. As a minimum, the plan shall include:

a. Verification of compliance with the night-time limit of 70dBA L_{max} (10pm-7am the following day) as set out in Condition 14, for each type and model of aircraft to be flown at night-time.

b. Reporting of results of verification testing of L_{max} sound levels.

c. Flight track and vertical profiles.

d. The method that aircraft are to be flown.

All night-time flying shall be in accordance with the approved night-time flying management plan.

Reporting shall be to Team Leader: Resource Consents, Rodney District Council.

21. (noise monitoring) Within two months of the commencement of flight operations from the site and the average daily number of movements exceeding 20, a suitably qualified person shall monitor noise levels arising from use of the helicopter base in order to demonstrate compliance with conditions 14 and 15 above. The results and findings shall be reported to the Team Leader: Resource Consents, within one month of any such noise monitoring being undertaken. If any such monitoring identifies any area of non-compliance, notwithstanding the Council's ability to institute proceedings to compel compliance, the applicant shall submit to the Council, a programme and timetable for any remedial actions which may be necessary for the helicopter base.

22. (monitoring costs) All costs associated with Condition 21 above, including noise monitoring, shall be met by the consent holder.

23. (landscape plan) A landscape implementation and maintenance schedule shall be submitted to and approved by the Team Leader –Resource consents prior to any works commencing on the site.

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The Detailed Landscape Plan (dated July 2006), together with the accompanying Planting Schedule shall be implemented and maintained in accordance with the approved implementation and maintenance schedule within the first planting season (May to October) following completion of the works on the site or the commencement of the activity, whichever is the sooner. The landscaping shall be maintained in a heathly state in perpetuity.

24. (signage) Signage shall be limited to that indicated in the application with specific detail to be submitted to and approved by the Team Leader – Resource Consents.

25. (accessways and parking areas) All accessways and parking areas shall be finished in a matt, recessive colour.

26. (external building colours) External building colours shall be submitted to the Team Leader – Resource Consents for approval. Colours shall be used to reduce the visual scale of the collection of buildings and to assist these buildings to integrate with its surrounding context.

27. (external lighting) External lighting shall be limited to that required for night operation of flights (around the apron area) and for emergency/security purposes as follows:

    (a) The height of any lighting poles including any ancillary structures shall not exceed 10 metres.

    (b) All external lighting shall be so aimed and/or screened so that it does not detrimentally affect drivers on State Highway 1 or on Goatley Road, to the satisfaction of the Team Leader-Resource Consents, provided that the access driveway may be lit so as to identify its location and enable safe access and egress at night.

    (c) All external lighting other than landing lights necessary for the safe operation of helicopters shall be aimed and/or screened so that light emitted by any fixture is projected below a horizontal plane running through the lowest point on the fixture where light is emitted, or is shielded in such a manner that the lowest edge of the shield is at or below the centre line of the light source.

    (d) The consent holder shall not use between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit.

    (f) The light poles and associated structures be maintained or painted in colours to blend in as far as practicable with other heliport activities, to the satisfaction of the Team Leader – Resource Consents subject only to any requirements of the Civil Aviation Authority.

    (g) The resource consent holder shall adopt all reasonably practicable measures to minimise the effects of lighting, especially glare, on the existing rural area in the vicinity of the heliport.

28. (intersection upgrade) Prior to the commencement of the café activity, the consent holder shall undertake a review of the actual current and estimated future traffic effects of the helicopter base activity with respect to the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road, and assess the likely additional or cumulative effects of the proposed café activity. The review of traffic effects shall be provided to the Team Leader – Resource Consents and the New Zealand Transport Agency ("NZTA"). The Team Leader – Resource Consents shall consult with the NZTA as to whether the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road is required to be upgraded prior to (or as a result of) the establishment of the café activity. Any upgrade of the intersection, and the timing of any upgrade, shall be to the satisfaction of the Team Leader – Resource Consents (after consultation with the NZTA) prior to the commencement of the café activity.

Note: The consent holder has agreed with the NZTA that, prior to the commencement of the café activity, the consent holder will contribute towards the NZTA's upgrading of the State Highway 1 / Goatley Road / Kaipara Flats Road intersection, if an upgrade is considered to be required by the NZTA, with the consent holder's contribution being proportional to the traffic volumes that the helicopter base and the cafe will generate. For the avoidance of doubt however, the NZTA is not obliged to undertake the upgrade of the intersection, and may undertake the upgrade (at its sole discretion) at any time.

29. (sealing of Goatley Road) That Goatley Road be sealed from State Highway 1 to a point 20 metres northeast of the access point to the subject site (a total distance of approximately 270m) to the satisfaction of the Team Leader – Resource Consents and prior to the commencement of the activity.

30. (chemical storage) All chemicals are to be stored with secondary containment as outlined in the report prepared by Tonkin and Taylor dated August 2005 - pages 11-15.

Note: The applicant is to obtain a Test Certificate from a HSNO Test Certifier; a copy of which is to be made available to Council's Hazardous Substances Officer.

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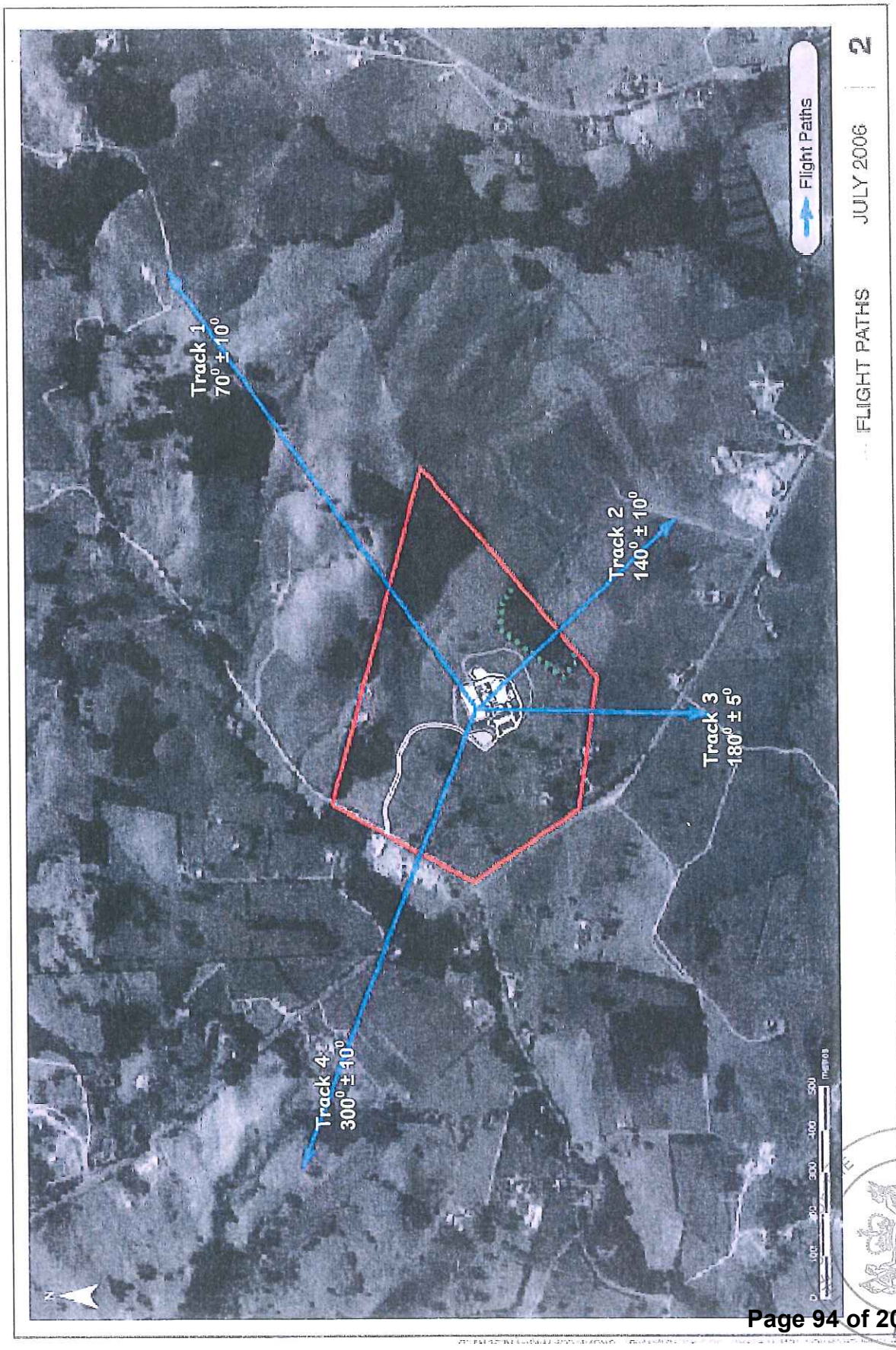
Attachment No 1

Skywork Helicopters Ltd

Flight Tracks



Private Bag 92300, Auckland 1142
Ph 09 301 0101 www.aucklandcouncil.govt.nz

ATTACHMENT B

EMAIL 04/03/13

TO: lancehessell@tnp.co.nz

SUBJECT: Resource Consent Application – Advice of Decision

Application Number: LAN-58871

Applicant: Goatley Holdings Limited

Proposed Activity(s): Integrated consent (L58871, 37945) to establish a helicopter base with associated hangers, offices, refuelling facilities with associated stormwater discharges.

Address: 38 Goatley Road, Dome Valley 0981, 104 State Highway 1, Dome Valley 0981

Following an assessment of your resource consent application a decision has been made to approve your application.

For your reference a copy of the decision dated 01-Mar-2013 is attached. It outlines the basis for the decision and any associated conditions.

If you disagree with the decision, or parts of it, you must lodge any objection with the Council or file any appeal with the Environment Court within 15 working days of receiving the decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions, North, Auckland Council, Takapuna Service Centre at 1 The Strand, Takapuna 0622. Information on "The Objection Process" can be found on our website www.aucklandcouncil.govt.nz (select "Building, Property and Consents", "Resource Consent" then "The process from application to decision" and finally "Objections to Council".

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/court/environment-court.

An invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in condition 3 of your consent.

If you have any queries, please contact Justin Walters; justin.walters@aucklandcouncil.govt.nz and quote the application number above.

Yours faithfully
Rachel Cornwell
RESOURCE CONSENT ADMINISTRATOR

Resolution passed by a Duty Commissioner

Under the Resource Management Act 1991

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Decision on an application for a resource consent

Application no.:	L 58871 and 37945
Address:	38 Goatley Road, Dome Valley
Applicant:	Goatley Holdings
Proposal:	To establish a helicopter base with associated, hangers, offices, refuelling facilities with associated stormwater discharges.

Having read the application and supporting documents, and reports from the council's officers and/or its representatives, I am satisfied that I have sufficient information before me to consider the matters required by the Resource Management Act 1991 (RMA) and take a decision on this application.

Pursuant to sections 104, 104B, 104D and Part 2 of the RMA, this application is **GRANTED**.

Pursuant to section 113 of the RMA, the reasons for this decision are:

1. In terms of 104 and 104B the effects of the proposal can be avoided remedied or mitigated and will be consistent with the relevant provisions of the Auckland Plans in that:The effects of Stage 1, considering the permitted baseline and the consent conditions imposed under L40630, will be minor.
   b) The effects of Stage 2 will be similar to those authorised by L40630.
   c) The use of the site for the commercial operation has been authorised by L40630 and the buildings and internal roads will integrate into the wider site and are appropriate in this rural area.
   d) With appropriate controls the effects in terms of lighting and noise from helicopter flights for Stage 1 can be maintained at similar or lower levels than authorised by L40630.
   e) With appropriate controls on and dust and given the temporary nature of the works this proposal will have no more than minor effects in terms of amenity from construction effects.
   f) Given the comments of the Council development engineer the effects of this proposal in terms of natural hazards will be no more than minor.
   g) With the reinstatement of the site after the earthworks and appropriate sediment controls to prevent sedimentation, the impact of this proposal will be no more than minor in terms of ecology, water quality or vegetation removal.
   h) With the sediment controls proposed, it is possible to mitigate the potential effects of sedimentation so that the effects will be no more than minor.
   i) The vehicle movements generated by the proposal will be either similar or less than that authorised by L40630.
   j) With appropriate conditions including the direction of lighting illuminating the entrance sign, the upgrade of Goatley Road and the intersection of Goatley Road and State Highway 1 and given the comments of the Council traffic engineer, the effects of the proposal in terms of the safe and efficient operation of the state highway or the other roading network will be similar or less than that authorised by L40630.
   k) With appropriate controls on and treating of stormwater the effects in terms of water quantity and quality can be avoided, remedied and mitigated so as to be no more than minor.

2. The proposal meets the gateway test in that the proposal will have no more than minor effects and will not be inconsistent with the objectives, policies or provisions of the Auckland Plan.

3. Overall the application meets the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA in that the helicopter base provides important transport infrastructure for the surrounding area and the effects of the proposal can be avoided, remedied and mitigated to an appropriate level.

4. A ten year consent period is appropriate in this particular instance, given:

   a) the nature of the proposal with its mix of activities involving a staged development
   b) the location of stage 2 in the centre of the site and the commercial uses proposed within a building, which in terms of area and size are permitted in the zone will avoid adverse impacts on sites in the vicinity several of which are owned by the applicant.
   c) It will also, given the amount of land involved, not compromise the use of the land for rural purposes. The main use will be established in a short time. Its final location and the café will be established thereafter.

CONDITIONS

Pursuant to section 108 of the RMA, this consent is subject to the following conditions:

General Conditions

Activity in accordance with plans

1. The Helicopter Base shall be carried out in accordance with the plans and all information submitted with the application, being:

Stage 1

- Application Form, and Assessment of Effects prepared by Terra Nova Planning, dated June 2012 (Application numbers L58871 and 37964) with attached reports, the additional s92 information dated 8 November 2012, ref C755-1012 with attached reports, and letter from Hegley Acoustic Consultants dated 29/11/2012. Drawings:

Reference number	Title	Architect/designer/author	Date
1203 – No. 2 & 4 – Rev R7	Proposed Heliport and Office Space at 38 Goatley Road	Architectural Services Ltd	Nov 2012
1203 – No. 3 & 4 – Rev R4	Proposed Heliport and Office Space at 38 Goatley Road	Architectural Services Ltd	June 2012
0874 –IN -01	Skywork Helicopters Ltd	Wedgwood Engineering Consultants Ltd	31/10/2012
0874 –SW -01 to 07	Skywork Helicopters Ltd	Wedgwood Engineering Consultants Ltd	31/10/2012
0874 –RD – 01 to 02	Skywork Helicopters Ltd	Wedgwood Engineering Consultants Ltd	31/10/2012

Stage 2

- Application Form, Assessment of Effects, and all report and evidence for both Council Hearings and Environment Court proceedings referenced as L40630 and plans drawn by Grant Neill Architects Limited, dated August 2005 and numbered 1 – 6.

Surrender of Consent

2. Prior to the commencement of this consent the consent holder provide a letter to the Team Leader Compliance and Monitoring (Orewa) relinquish resource consent L40630.

Fee, Changes and Commencement of Consent

3. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:

   a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
   b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

4. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Lapse Date

5. Pursuant to section 125 of the RMA, Stage 1 shall lapse five years after the date it is granted unless:

   a) The consent is given effect to; or
   b) The Council extends the period after which the consent lapses.

6. Pursuant to section 125 of the RMA, Stage 2 shall lapse on 1 March 2023 unless:

   a) The consent is given effect to; or
   b) The Council extends the period after which the consent lapses.

Duration of Consent

7. The land-use component of stage 1 (L 58871) shall expire on the 1 March 2023 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

   Note: The land-use portion of stage 2 (58871) consent does not have an expiry date.

8. The stormwater diversion and discharge consent (Permit 41045) shall expire on 21 December 2047 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Auckland Council Monitoring

9. Access to the relevant parts of the property shall be maintained and be available at all reasonable times to enable the servants or agents of the Auckland Council to carry out inspections, surveys, investigations, tests, measurements or take samples whilst adhering to the Consent Holder's health and safety policy.

10. Legal and physical access to the sampling and monitoring locations on the site shall be maintained.

Pre-commencement and completion meetings

11. **Five working days** prior to initiation of any earthworks or the construction of stormwater devices on the site, a pre-construction site meeting between Compliance Inspector – Northern (Orewa), Stormwater Natural Resources and Specialist Input and all relevant parties, including the site stormwater engineer, shall be arranged.

12. The following information shall be provided at the pre construction meeting:

    i) Timeframes for key stages of the works authorised under this consent;
    ii) Erosion and sediment control measures during construction activities;
    iii) Contact details of the site contractor and site stormwater engineer; and
    iv) Approved (signed/stamped) construction plans.

    Any resulting amendments to the stormwater management system may be reviewed by Auckland Council at this time and shall be approved in accordance with **Condition 47** above.

13. **Within 30 days** of Practical Completion and prior to operation of the stormwater management works, a post construction site meeting shall be arranged and conducted between Stormwater, Natural Resources and Specialist Input and all relevant parties, including the site stormwater engineer. As-Built certification and plans shall be available for this meeting, as specified in **Condition 48**.

Review condition

14. The conditions of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the Resource Management Act 1991, (with the costs of the review process being borne by the Consent Holder), by giving notice pursuant to Section 129 of the Act, in one or more of the following times:

    - Within one year of construction of the stormwater works;
    - Within one year of the commencement of flying operations;
    - And/or at five yearly intervals after these times.

    The purpose of the review may be for any of the following purposes, namely:

    i) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:

        a) Insert conditions, or modify existing conditions, to require the Consent Holder to identify the character or nature of any discharges authorised by this Consent and to report the results of that monitoring to the Auckland Council; and/or

        b) Insert conditions, or modify existing conditions to require the Consent Holder to monitor the effects of any discharges authorised by this Consent on the local receiving environment and to report the results of that monitoring to the Auckland Council;

    ii) Insert conditions, or modify existing conditions, requiring the Consent Holder to adopt the Best Practicable Option to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Conditions specific to Land-use Consent L58871

Monitoring charges

15. The consent holder shall pay the Council an initial consent compliance monitoring charge of $ 256 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

16. The $ 256 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Engineering plans and design standards

17. The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

The term 'engineering works' includes, but is not limited to:

- The upgrading of Goatley Road, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment, street lights, landscaping or structures on land vested, or to be vested, in the Council;
- Any other works required by conditions of this consent.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

18. As Built record plans to requirements of the Council's "Standards for Engineering Design and Construction" shall be submitted to the Consents Engineer, and approval thereof received in writing, within 3 months of the date of approval to this resource consent (L58871).

Note: Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

19. A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

20. Reinstatement of the surface(s) within or adjoining public land including legal road shall be completed as soon as possible on completion of the works affecting the said surface(s), and until such reinstatement is completed the requirements of the verified Traffic Management Plan and Health and Safety Plan shall be complied with in all respects.

Note: Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.

21. All access, parking and manoeuvring areas shall be formed to the minimum of a rural metal standard with the parking areas marked where required, to the Council's "Standards for Engineering Design and Construction", prior to the commencement of each stage.

Note: It is recommended that those areas potentially affected by dust generated as consequence of the landing of helecopters should be paved or treated with dust suppressants.

Dust control and sedimentation

22. All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:

- The staging of areas of the works;
- The retention of any existing shelter belts and vegetation;
- The installation and maintenance of wind fences and vegetated strips;
- Watering of all haul roads and manoeuvring areas during dry periods;
- Spraying of load dumping operations;
- Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

23. All necessary measures, shall be installed and operated to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site. Should material be deposited on the road it shall be removed immediately, and the site shall be closed until it can operate without material being carried onto any road, to the satisfaction of the Consents Engineer.

24. Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

Noise and flight movements

25. Helicopter operations shall not exceed an average daily noise limit of 50 dBA L_{dn} and shall not exceed a night-time limit of 70 dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.

Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

26. Helicopter noise shall be assessed in accordance with the provisions of NZS 6807:1994 "*Noise management and land use planning for helicopter landing areas*" and measured in accordance with NZS 6801:1999 "*Acoustics - Measurement of Environmental sound*".

Note: Use of NZS 6807:1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

27. Flight operations shall be limited to no more than 60 movements (30 fights) per day.

28. A written log of all aircraft movements shall be kept and the log shall be available, by appointment, for the inspection of any Council Officer. Minimum information shall include the allocated New Zealand Register of Aircraft three-letter registration mark for each aircraft, name of pilot-in-command and the arrival/departure vector used.

29. Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flight paths (Attachment No 1 to these conditions).

30. 'Flying Neighborly' management plan

a) Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare a Noise Management Plan. The management plan shall comply with the conditions of consent. The plan may be so amended as the Consent Holder considers appropriate during the period of this consent after consultation with the Council and affected neighbours.
b) The Noise Management Plan required by condition 30(a) above shall set out the practices and procedures with respect to noise management to be adopted in order that compliance with Conditions 25 to 29 can be achieved and as a minimum address the following:

i. An operator program in accordance with Section 6.2.1 of Reference 1* to address noise sources and potential impacts on en-route flight operations, helicopter landing area operations, and procedures for each track.

ii. Methods to be used for noise control including provision in each aircraft manual required under Civil Aviation Rules Part 91, the noise abatement procedures for that aircraft, as published by Helicopter Association International.

iii. Training of pilots using the site in accordance with sections 5 and 6.2 of Reference 1*.

iv. Contingency plans (in the event that the noise limits are exceeded).

v. Location of routine monitoring sites.

vi. Monitoring procedures and identification of staff responsibilities.

vii. Complaints and reporting procedures.

* Reference 1 is the Fly Neighbourly Guide, Edition 3 (2007) published by Helicopter Association International.

c) The Consent Holder shall undertake the activities authorised by this consent in accordance with the provisions of the Noise Management Plan prepared pursuant to the provisions of Conditions 19.1-2.

31. Prior to commencing night-time flights, the applicant shall arrange for the preparation of a noise management plan. As a minimum, the plan shall include:

a) Verification of compliance with the night-time limit of 70dBA L_{max} (10pm-7am the following day) as set out in Condition 25, for each type and model of aircraft to be flown at night-time.
b) Reporting of results of verification testing of L_{max} sound levels.
c) Flight track and vertical profiles
d) The method that aircraft are to be flown

All night-time flying shall be in accordance with the approved night-time flying management plan.

Reporting shall be to the Team Leader, Compliance and Monitoring (Orewa), Auckland Council

32. Within two months of the commencement of flight operations from the site authorised by this consent, and the average daily number of movements exceeding 20, a suitably qualified person shall monitor noise levels arising from use of the heliport in order to demonstrate compliance with conditions 25 and 26 above. The results and findings shall be reported to the Team Leader, Compliance and Monitoring (Orewa), within one month of any such noise monitoring being undertaken. If any such monitoring identifies any area of non-compliance, notwithstanding the Council's ability to institute proceedings to compel compliance, the applicant shall submit to the Council, a programme and timetable for any remedial actions which may be necessary for the helicopter base.

33. All costs associated with Condition 32 above, including noise monitoring, shall be met by the consent holder.

Signage

34. Unless authorised by a separate resource consent the signage on the site shall be limited to an entrance identification sign with a maximum area of 1 m².

35. There shall be no illumination of signage except as follows:

- The illumination of the entrance identification sign while the helicopter base is in operation provided that the illumination of the sign shall be directed towards the sign only, and away from neighbouring properties or public spaces, including roads.

Colour controls

36. All access ways and parking areas should be finished in a matt, recessive colour.

37. External building colours should be submitted to the Team Leader – Compliance and Monitoring (Orewa). Colours should be used to reduce the visual scale of the collection of buildings and to assist these buildings to integrate with its surrounding context.

Lighting

38. External lighting should be limited to that required for night operation of flights (around the apron area) and for emergency/security purposes.

a) The height of any lighting poles including any ancillary structures shall not exceed 10 metres.

b) All external lighting shall be so aimed and/ or screened so that it does not detrimentally affect drivers on State Highway 1 or Goatley Road, to the satisfaction of the Team Leader, Compliance and Monitoring (Orewa), provided that the access may be lit so as to identify its location and enable safe access and egress at night.

c) All external lighting other than landing lights necessary for the safe operation of helicopters shall be aimed and /or screened so that the light emitted by an fixture is projected below a horizontal plane running through the lowest point on that fixture were light is emitted, or is shielded in such a manner that the lowest edge of the shield is at or below the centre line of the light source.

d) The consent holder shall not use between the hours of 10pm on one day to 7am the next day any artificial lighting in such a manner that the use of such lighting causes added luminance in excess in excess of 10 lux measured horizontally or vertically on or directed above the boundary of any adjacent site at any point which is closest to any window of an adjacent household unit.

e) The light poles and associated structures be maintained or painted in colours to blend in as far as practicable with other heliport activities, to the satisfaction of the Team Leader,

Compliance and Monitoring subject only to any requirements of the Civil Aviation Authority.

f) The resource consent holder shall adopt all reasonably practicable measures to minimise the effects of lighting, especially glare, on the existing rural area in the vicinity of the heliport.

Conditions specific to Stage 1

Conditions specific to Land-use Consent L58871

Flight logs to be supplied

39. On the tenth working day of each calendar month the flight logs required by condition 28 shall be supplied to the Team Leader – Compliance and Monitoring.

Hazardous storage

40. All chemicals are to be stored with secondary containment as outlined in the report prepared by Tonkin and Taylor dated August 2005 - pages 11-15, Report by Terra Nova Planning Ltd, dated June 2012 and "Emergency Spill Response Procedures – Skyworks Goatley Road" and dated 8 November 2012.

Note *The applicant is to obtain a Test Certificate from a HSNO Test Certifier; a copy of which is to be made available to Councils Hazardous Substances Officer.*

Earthworks

41. All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be generally designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Wegewood Engineering Consultants, ref 0874/12/GEO, dated 23 June, 2012.

42. On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer. The report shall reconfirm the geology assessed in the above geotechnical report and that no further investigation or stabilisation works are required.

Landscaping

43. Within 3 months of the commencement of this consent, a detailed landscape plan, including an implementation and maintenance programme shall be submitted to and approved by the Team Leader – Monitoring and Compliance (Orewa):

a) The plan shall include details of the plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to integrate the buildings associated helicopter base with the surrounding site.

b) The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season (May to October) following the completion of the woks on the site. The landscaping shall be maintained thereafter.

Parking

44. Parking for 24 vehicles, and 1 loading bay shall be provided as detailed in the application plans drawn by Architectural Services Ltd, and numbered 1203, and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.

Conditions specific to Discharge Consent 37945

Stormwater works

45. The following stormwater management works shall be constructed for the following catchment areas and design standards and they are completed prior to discharges commencing from the site.

Works	Catchment area-impervious	Design Standard
Detention pond	5393m2	75% TSS removal
Stormwater 360 Stormfilter	757m2	75% TSS removal
Sand/peat filter/or/an equivalent TP10 device (which ultimately discharges on to land)	Wash bay: 345m2	75% TSS removal
Filter strip (17.3m length)	710m2	75% TSS removal
Earth bund	260m2	75% TSS removal
Roof material	842m2	No exposed unpainted metal surfaces

46. Any amendments that may affect the capacity or performance of the stormwater management system shall be submitted to, and approved by the Team Leader - Stormwater, NRSI, in writing prior to construction.

Certification of construction works

47. **Within 30 days** of practical completion, As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor or engineer as a true record of the stormwater management system, shall be provided to the Team Leader - Stormwater, NRSI.

48. The As-Built plans shall include, but not be limited to:

    i. The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
    ii. Location, dimensions and levels of any major overland flowpaths including cross sections and long sections;
    iii. Plans and cross sections of all stormwater management devices, including confirmation of volumes and levels of any outflow control structure;
    iv. Documentation of any discrepancies between the design plans and the As-Built plans.

Operation and maintenance

49. Final Operation and Maintenance Plan for the stormwater management and treatment system shall be submitted to the Team Leader - Stormwater, NRSI **within 30 days** of completion of the installation of the stormwater works set out in **Condition 2** of this consent.

50. The Operation and Maintenance Plan shall set out how the stormwater management and treatment system is to be operated and maintained to ensure adverse environmental effects are minimised. The plan shall include, but not be limited to:

    i. A programme for regular maintenance and inspection of the stormwater management system;
    ii. A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
    iii. A programme for post storm maintenance;
    iv. Details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process.

51. The stormwater management and treatment system shall be managed in accordance with the approved Operation and Maintenance Plan.

52. Any amendments to the Operation and Maintenance Plan shall be submitted to and approved by the Team Leader - Stormwater, NRSI, in writing prior to implementation.

53. A written maintenance contract with an appropriate stormwater management system operator, shall be entered into, and maintained, for the on-going maintenance of the proprietary stormwater management device.

54. **Within 30 days** of the completion of stormwater works, a signed copy of the contract required by **Condition 57** shall be forwarded to the Team Leader - Stormwater, NRSI. An operative contract shall be provided to the Auckland Council upon request throughout the term of the consent.

55. The stormwater management system shall be maintained to minimise erosion, risk of obstruction and hazards to safety.

Overland flowpaths

56. For stormwater flows in excess of the capacity of the primary drainage systems, overland flow paths shall be provided and maintained to allow surplus stormwater from critical storms (up to the 100 year ARI event), to discharge with the minimum of nuisance and damage.

57. Major secondary flow paths shall be kept free from significant obstructions such as buildings and solid fences.

Maintenance report

58. A maintenance report shall be provided to the Team Leader - Stormwater, NRSI **on request.** The maintenance report shall include but not be limited to the following:

    i. Details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
    ii. Details of any maintenance undertaken; and
    iii. Details of what inspections were completed over the preceding **twelve months.**

59. Details of all inspections and maintenance for the stormwater management system for the preceding **three years** shall be retained.

Conditions specific to Stage 2 for Land-Use L58871

Stormwater

60. All stormwater discharges from roofs and paved areas (including the access road) shall be controlled and discharged through an approved system such that there is no adverse affect on adjoining public or private lands. Discharge to open channels shall be limited by appropriate detention systems to the greenfields discharge in all events up to and including a 100 year return storm.

    Note: The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

Earthworks

61. All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be generally designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Hawthorne Geddes, reference 5536, dated 29 August, 2005 and any further investigation required.

62. On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer.

Parking and loading

63. Parking for a minimum of 61 vehicles, and 1 loading bay shall be provided as detailed in the application plans drawn by Traffic Design Group dated 16/07/2007, and numbered 8100A2B (Plan 3 annexed to the evidence of MR B, Harries), and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.

Hazardous storage

64. All chemicals are to be stored with secondary containment as outlined in the report prepared by Tonkin and Taylor dated August 2005 - pages 11-15 and "Emergency Spill Response Procedures – Skyworks Goatley Road" and dated 8 November 2012. .

Note: The applicant is to obtain a Test Certificate from a HSNO Test Certifier; a copy of which is to be made available to Councils Hazardous Substances Officer.

Landscaping

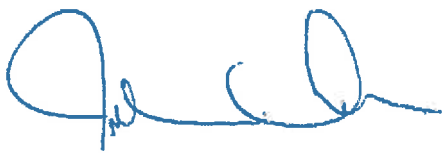
65. The Detailed Landscaping Plan (dated July 2006), together with the accompanying planting schedule shall be implemented and maintained in accordance with the approved implementation and maintenance schedule within the first planting season (May to October) following the completion of the work on the site of the commencement of the activity, whichever is sooner. The landscaping shall be maintained in a healthy state in perpetuity.

Roading and Traffic

66. That Goatley Road be sealed from State Highway 1 to a point 20 metres northeast of the access point to the subject site (a total distance of approximately 270m) to the satisfaction of the Team Leader – Compliance and Monitoring (Orewa) prior to the commencement of the activity.

67. Prior to the commencement of the café activity, the consent holder shall undertake a review of the actual and estimated future traffic effects of the helicopter base activity with respect to the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road, and assess the likely additional or cumulative effects of the proposed café activity. The review of traffic effects shall be provided to the Team Leader, Compliance and Monitoring (Orewa) and the New Zealand Transport Agency (NZTA). The Team Leader, Compliance and Monitoring shall consult with the NZTA as to whether the intersection of State Highway 1 with Goatley Road and Kaipara Flats Road is required to be upgraded prior to (or as a result of) the establishment of the Café activity. Any upgrade of the intersection and the timing of any upgrade, shall be to the satisfaction of the Team Leader, Compliance and Monitoring (after consultation with NZTA) prior to the commencement of the café activity.

Note: The consent holder has agreed with the NZTA that, prior to the commencement of the café activity, the consent holder will contribute towards the NZTA's upgrading of the State Highway 1 / Goatley Road / Kaipara Flats Road intersection, if an upgrade is considered to be required by the NZTA, with the consent holder's contribution being proportional to the traffic volumes that the helicopter base and café will generate. For the avoidance of doubt however, the NZTA is not obliged to undertake the upgrade of the intersection, and may undertake the upgrade (at its sole discretion) at any time.



Mr John Childs
Duty Commissioner:

Date: 1 March 2013

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of First Schedule, Resource Management Act 1991
FORM 2

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Correspondence to :
Attn: Unitary Plan Submission Team
Auckland Council
Freepost Authority 237170
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date: AUCKLAND COUNCIL
28 FEB 2014

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Organisation Name (if submission is on behalf of Organisation) **Goatley Holdings Ltd & Stellan Trust**

Address for service of the Submitter

Terra Nova Planning Ltd
PO Box 466
Orewa 0946

Email: **markbellingham@tnp.co.nz**

I live in the following Local Board area (if known) **Rodney Local Board**

Contact Person: (Name and designation if applicable) Dr Mark Bellingham

Scope of submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:
Please identify the specific parts of the Proposed Plan

Provision(s) Warkworth North Future Urban Zone

Or
Other *(specify)* *See attached submission*

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 *See attached submission*

I wish to have the provisions identified above amended Yes

The reasons for my views are:

I seek the following decision from Auckland Council:

Accept the Proposed Plan with amendments - *See attached submission*

I wish to be heard in support of my submission Yes

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

Telephone 09 4267007

Please note that your contact details and phone number will be publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

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

- ○ **I could gain an advantage in trade competition through this submission**
- ◉ **I could not gain an advantage in trade competition through this submission**

Signature of Submitter Date 28/2/2014

(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

Submission to Proposed Auckland Unitary Plan:

Goatley Holdings Ltd & Stellan Trust, Warkworth North

Scope of the Submission

This submission is on behalf of Goatley Holdings Ltd & Stellan Trust in respect of their properties at State Highway 1, Warkworth North. The subject sites are legally described as Lots 1, 2 DP 88298, Pt Allot 95 Psh Of Mahurangi SO 27C, Lot 3 DP 61693, and Lots 1, 2, 3 DP 155679, having an area of 56.7ha. This land has been zoned Future Urban Zone in the PAUP (**Figure 1**).

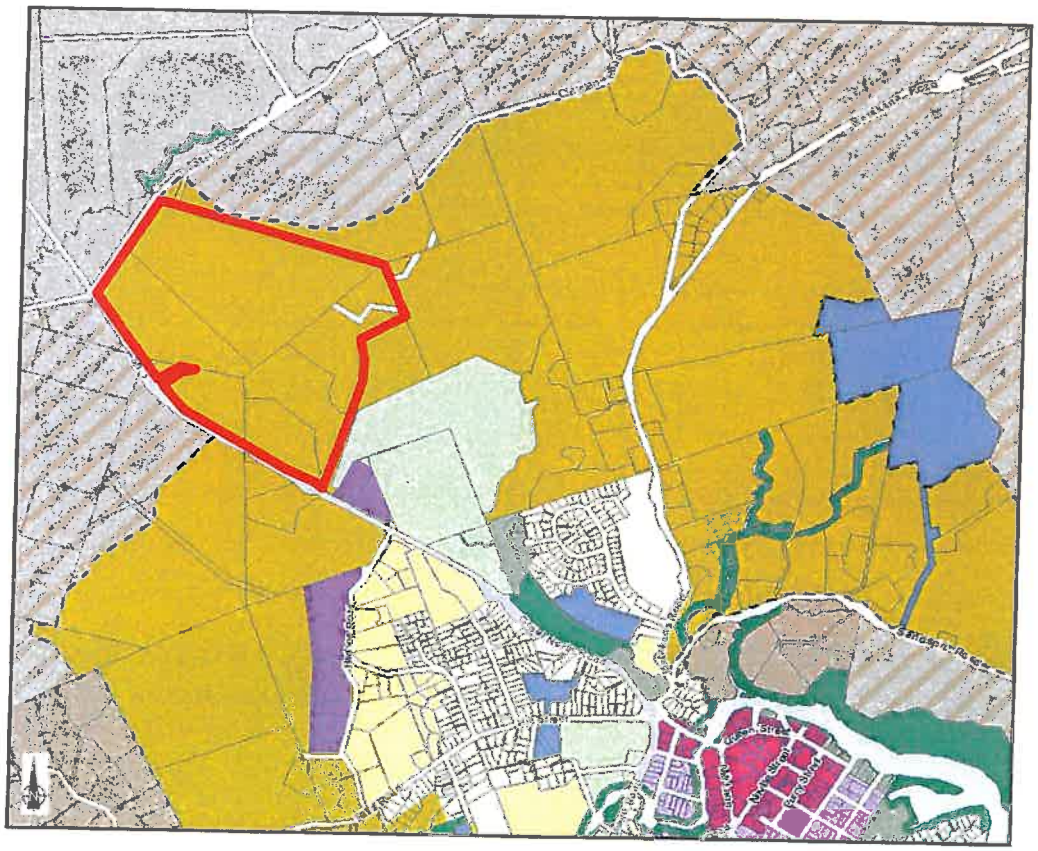


Figure 1: PAUP Zoning

Aerial photos of the land are in Figures 2 and 3.

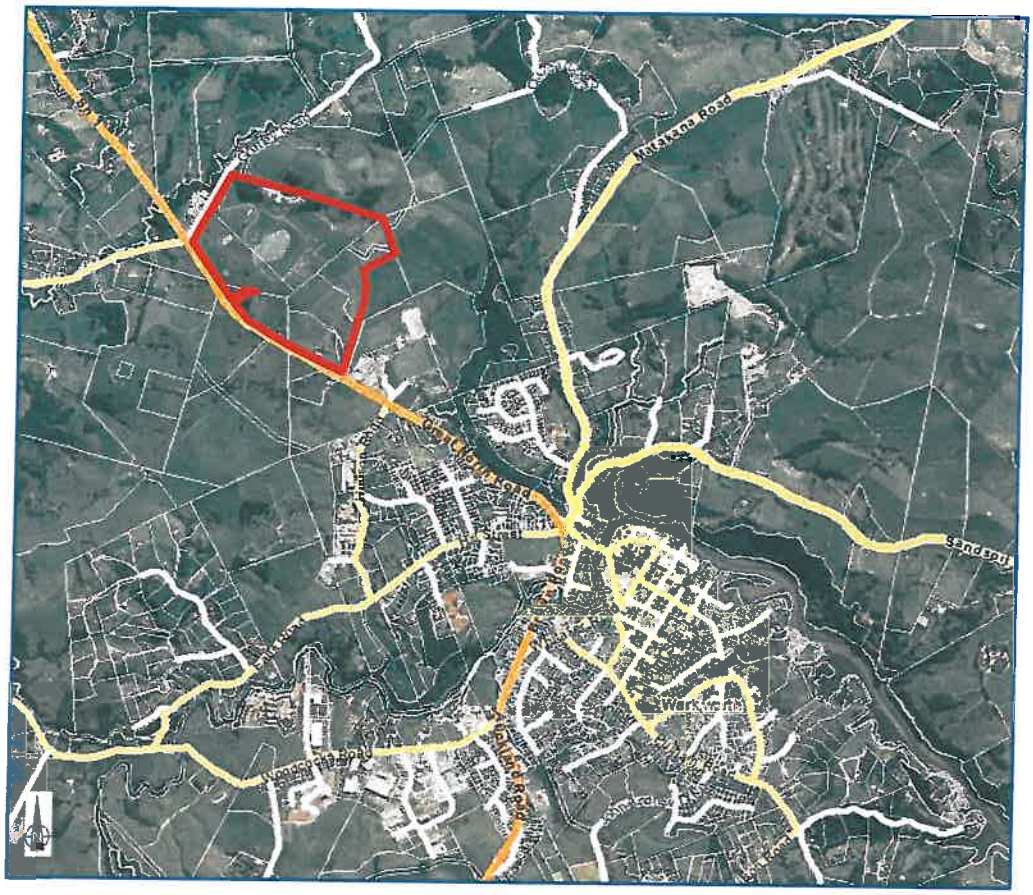


Figure 2: Location of Goatley Holdings Ltd & Stellan Trust property, North Warkworth

Figure 3: Goatley Holdings Ltd & Stellan Trust property, North Warkworth

The submitters, along with a number of other landowners submitted on the northern expansion of Warkworth to the Auckland Plan. They then commissioned further studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix B**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix C**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

- The extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and

- The cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to resolve the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

The submitters are concerned that although these issues have been incorporated in part in the Auckland Plan, the PAUP and the Rural Urban Boundary Investigations (RUB), the body of planning and engineering investigations that identify suitable land uses still needs to be incorporated into the Unitary Plan.

Relief Sought

1. <u>Rezone the land from Future Urban to Light Industry</u>.

   The Auckland Council's Rural Urban Boundary investigation were carried out to determine the extent of the RUB, including that for Warkworth, but not to universally assign a Future Urban Zone to new land coming into the RUB.

   The RUB recommendations for Warkworth (relevant to this submission) were:

   - The Structure Plan for Warkworth as well as the Area Plan for Rodney should be prioritised in order to determine the appropriate future land uses within the rural urban boundary.

- Support for the RUB north from the showgrounds to Goatley Rd adjoining Matakana Rd in the west and further provision of urban land east of Matakana Rd from Clayden Rd to Sandspit Rd south of the quarry should not occur within the 30 year timeframe.
- Need to plan for appropriate amount of industrial land and local employment

While there has been considerable provision for additional residential sites in Warkworth, additional industrial land is minimal. Rodney District's structure planning never anticipated the expansion of Warkworth as provided for in the Auckland Plan and the PAUP. Meanwhile the PAUP has not prioritised future land uses, as the structure planning by the Warkworth North landowners has identified this area as suitable for business zoning. The proposed Future Urban Zone for the Submitters' land gives no priority in terms of future zoning or when that might happen.

The submitters (along with other landowners in Warkworth North) have carried out detailed planning for the area zoned Future Urban (North of State Highway 1 and Sandspit Rd) and this was presented to the Council in the Unitary Plan and RUB processes. Those reports (Appendix B - C) identify the submitters land as suitable for industrial activities.

We submit that it is a priority to zone land in Warkworth North for industrial and local employment activities to provide for the on-going expansion of Warkworth and the future development of residential areas in Warkworth North. An appropriate zone for this land would be 'Light Industry' (**Figure 4**). The 57 ha of land involved will provide a substantial and significant contribution to the required light industrial land supply for Warkworth's immediate and medium-term growth.

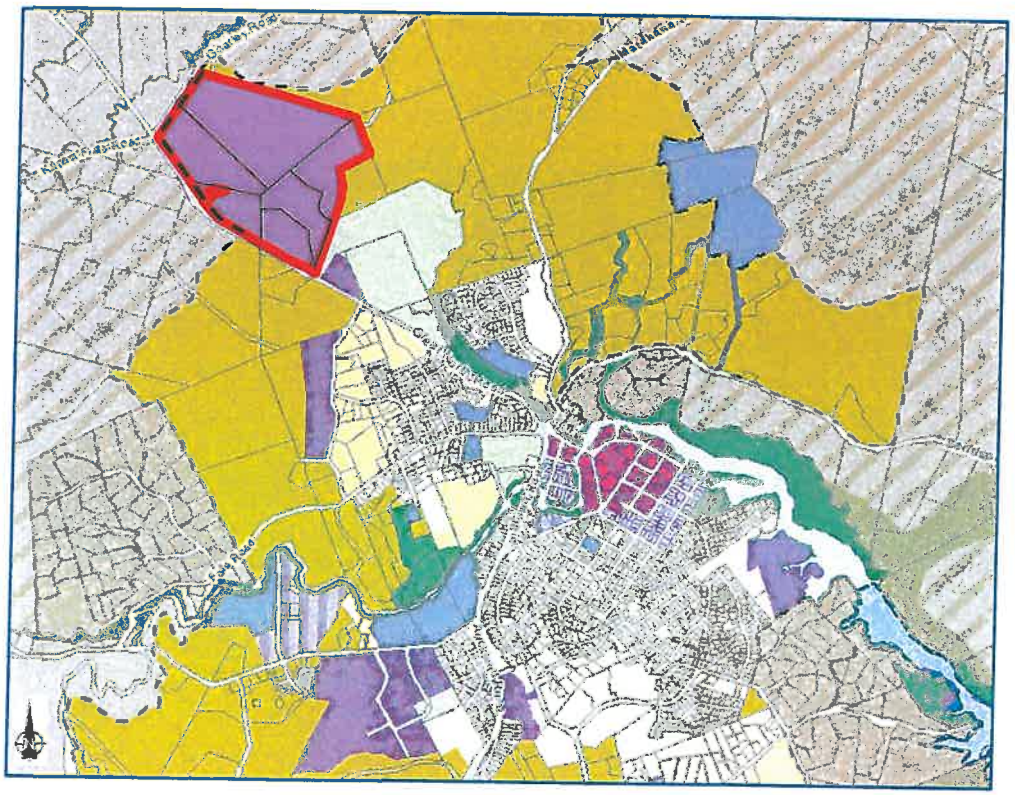


Figure 4: Proposed Rezoning

2. Identify the proposed North-East Link Road alignment in the Unitary Plan.

The Submitters' also identified indicative link roads in their submission to the Council in the Unitary Plan and RUB processes. These need to be on the Unitary Plan maps also in order to provide for timely and significant improvements to the roading network, and to be in place before or at the same time as the new State Highway 1 Warkworth by-pass is constructed. The location of the State Highway alignment is shown in Figure 5 below.

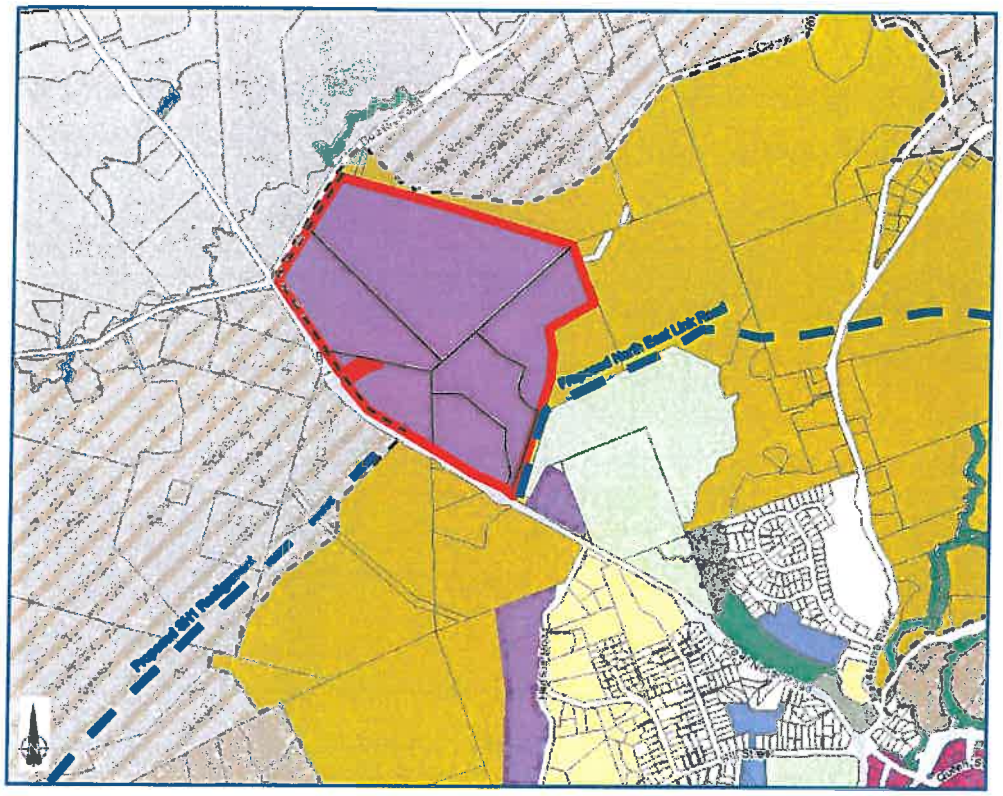


Figure 5: Proposed Rezoning and North East Link Rd and SH1 Realignment

Relevant Specific Provisions

- Auckland Unitary Plan Maps
    - Rezone the Goatley Holdings and Stellan Trust properties (Figure 2) as Light Industry Zone, or other business zone as appropriate. 1
    - Identify a proposed North-East Link Road alignment for Warkworth North on or about the location indicated on Figures 4 and 5. 2

Section 32 Assessment of Costs and Benefits

A summary assessment of costs and benefits under S32 of the RMA has been prepared to demonstrate the robustness of the submission. This is included in **Appendix A**, and concludes that the amendments sought better provides for the well-being of future generations, and is the most sustainable use of this existing land resource.

Appendix A

SECTION 32 SUMMARY EVALUATION

1. SUMMARY

The PAUP proposes a Future Urban Zone over the submitter's land at State Highway 1 and Goatley Rd, Warkworth North.

In summary the key points are:

- The Submitters' land is within the RUB;
- The Submitters have presented reports to Council that have identified the land as suitable for urban and more specifically, industrial activities;
- Those reports carried out extensive planning and assessment of the Warkworth North area and identified the need for a North-East Link Rd for the PAUP Future Urban Zoned area also.

2. ISSUES

The key issue is a Future Urban Zone is inappropriate for the Goatley Holdings and Stellan Trust land. This land is highly suitable for Light Industry and needs to be zoned as early as possible so as to provide for on-going employment within Warkworth and the future growth of the town.

3. SECTION 32 ANALYSIS

This analysis applies the statutory tests for assessing the appropriateness of the objectives / policies / rules and methods in regard to achieving the purpose of the Act. The relevant considerations are set out in **Appendix A.** A key aspect of the evaluation is that the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant (refer Section 32 (3)).

Does it assist the Council in performing its functions?

Yes. The site has been zoned Future Urban, but a change to Light Industry would provide for the on-going growth of Warkworth and the land is suitable for a Light Industry zoning in accordance with the relevant Plan objectives and policies.

Part 2 of the Act

The change in zoning sought over this land better meets the PAUP urban growth the environmental protection objectives and policies. This is entirely consistent with Part 2 of the Act in making the

most efficient use of the land resource, while also providing for the health and well-being of the community into the future.

Does it achieve and implement the objectives and policies

The land at Warkworth North is proposed in the PAUP as Future Urban Zone and this zone is not appropriate, the land being suitable in the very near future for Light Industry. This zoning should be applied in the Unitary Plan to be consistent with the RPS objectives and policies (Part 1:B:3.1), and District Plan objectives and policies (Part 2:D:3.10).

Efficiency and effectiveness of the provisions in achieving the objectives and policies

A change to Light Industrial Zone will provide for better managed urban growth in Warkworth. The provision for Light Industry will help to mitigate the need for greater distances to be travelled by the local community to work.

Benefits and costs

The benefits of the proposed changes sought will provide a well-planned urban development that is appropriate for the on-going growth of Warkworth.

4. WHICH METHOD IS BETTER?

The changes proposed better meets the UP urban growth objectives and policies in this location.

5. CONCLUSION

The above assessment of costs and benefits demonstrates that the submission seeking changes to the Goatley Holdings and Stellan Trust properties on State Highway 1 and Goatley Rd, Warkworth North, achieves the best environmental outcome (in an 'RMA' sense). These amendments will achieve the most efficient use of the existing land resource, and will also better provide for the future urban growth of Warkworth.

APPLICABLE LEGAL TESTS – SECTION 32 TESTS AND PART 2 OF THE ACT

1. Section 32(1) of the Act requires that before a council notifies a plan it must undertake an evaluation which must:

   (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

   (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

(i) *Identifying other reasonably practicable options for achieving the objectives; and*
(ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
(iii) *summarising the reasons for deciding on the provisions; and*

(c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

2. Section 32 (2) states:

An assessment under subsection (1)(b)(ii) must—

(a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
(i) *economic growth that are anticipated to be provided or reduced; and*
(ii) *employment that are anticipated to be provided or reduced; and*

(b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*

(c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

3. Section 32 (3) states

*If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*
(a) the provisions and objectives of the amending proposal; and
(b) the objectives of the existing proposal to the extent that those objectives—
(i) are relevant to the objectives of the amending proposal; and
(ii) would remain if the amending proposal were to take effect.

4. Section 10 to the First Schedule to the RMA relates to decisions on provisions and matters raised in submissions and requires that:

(1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.
(2) The decision—
(a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—
(i) the provisions of the proposed statement or plan to which they relate; or
(ii) the matters to which they relate; and
(ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and
(b) may include—
(i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and
(ii) any other matter relevant to the proposed statement or plan arising from the submissions.

(3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.

(4) The local authority must—

(aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and

(a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and

(b) publicly notify the decision within the same time.

5. The Eldamos1 case established the parameters for the appropriateness test referred to in section 32. That case stated:

A. An objective in a district plan is to be evaluated by the extent to which:

1. it is the most appropriate way to achieve the purpose of the Act;

2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72); and

3. it is in accordance with the provisions of Part 2 (s74(1)).

B. A policy, rule, or other method in a district plan is to be evaluated by whether:

1. it is the most appropriate way to achieve the objectives of the plan; and

2. it assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (s72):

3. it is in accordance with the provisions of Part 2 (s74(1)); and

4. (if a rule) it achieves the objectives and policies of the plan (Section 76(l)(b)).

6. The relief sought by a submitter is therefore to be evaluated having regard to the formulation in the Eldamos decision.

7. Section 32 requires consideration of whether the proposed provisions are appropriate to achieve their intended purpose by reference to alternatives available and that this calls for a consideration of all options, including the option of doing nothing.

8. In the context of the submission, the available alternatives may be accepted (and limited to) as being those contained in the PAUP, and the relief sought by appellant. This is confirmed by Section 32 (3)

Part 2 of the Act

9. The ultimate test that applies to all decisions under the RMA is provided by section 5 of the RMA which states:

5. Purpose

[1] *Eldamos Investments Limited and others v Gisborne District Council W047/2005*

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

10. The Courts have taken account of the "deliberate openness" of the language used in the Act and have said that Part 2 allows for an "overall broad judgement" to be made having regard to various competing considerations which might arise in any given set of circumstances.

11. Section 6 of the Act sets out matters of national importance which may or may not be relevant to a particular district plan issue but which, if relevant, decision makers under the Act must "recognise and provide for" in making their decisions.

12. The specific matters which are relevant to the present issues in terms of section 6 include sections 6(a), (b) and (e).

13. Section 7 sets out other matters which, if relevant, decision makers need to "have particular regard to". The specific matters of relevance to the present issue in terms of section 7 include sections 7(a), (aa), (b), (c), (d), (f), (g) and (h).

14. Section 8 requires consideration of the principles of the Treaty of Waitangi.

15. Under section 67(3)(c) of the Act the District Plan must give effect to the Regional Policy Statement (RPS).

Appendix B

Warkworth North Outline Planning Report, Terra Nova Planning Ltd 18 May 2012

May 2012

Warkworth North Outline Planning – discussion document

1.0 Strategic Background

1.1 Introduction

The Auckland Plan identifies Pukekohe and Warkworth as metropolitan Auckland's only two satellite towns and states that over the next 30 years *"they will have grown into large satellite towns with populations of between 20,000 and 50,000"*. More specifically, in this timeframe Warkworth is targeted to accommodate a population of about 25,000 and is identified as the main employment hub for the North.

The 2004 Warkworth Structure Plan outlines the future growth of the town and the Plan currently serves as a platform for the strategic management of the urban area. However, the Structure Plan falls far short of catering for the above projected population and therefore land over and above that identified in the Structure Plan will need to be investigated and identified for longer term urban growth.

This brief report concerns such an investigation of additional land available for urban expansion, with a particular planning focus on the area immediately to the north of Warkworth.

1.2 Warkworth Structure Plan

Population growth:

The Warkworth Structure Plan (2004) outlines a growth strategy for a >20 year planning horizon (ie 2004 to >2024) for an expanded future town and an associated land use plan for achieving these ends. The growth strategy targets accommodating the following broad population:

Growth Period	Projected population	Capacity required
Existing	2,800	4,400
2004 - 2024	4,400	5,200
2024 - 2044	6,000	7,000
2044 +	up to 8,000	8,800

The land use planning for Warkworth was in 2004 somewhat constrained at the time of its preparation by the conception of the strategic settlement role, function and vision for Warkworth as it was understood at that time, being that of a small rural service town (and therefore well short in scale and spatial extent of the satellite town now proposed by the Auckland Plan). As a consequence, land use planning for Warkworth was focussed on accommodating a residential population of up to (say 7,000) people over the next 30 years.

Equally, the future areas identified for retail, business and industrial land uses were planned according to the above strategic growth and population parameters.

It is now apparent that the Auckland Plan's vision for Warkworth is significantly greater in scale to the past settlement strategy, and that in order to accommodate a population of (say) 25,000 over the next 30 years, Warkworth's planning will need to be reviewed and augmented with additional areas for residential, business, industrial and other activities and uses.

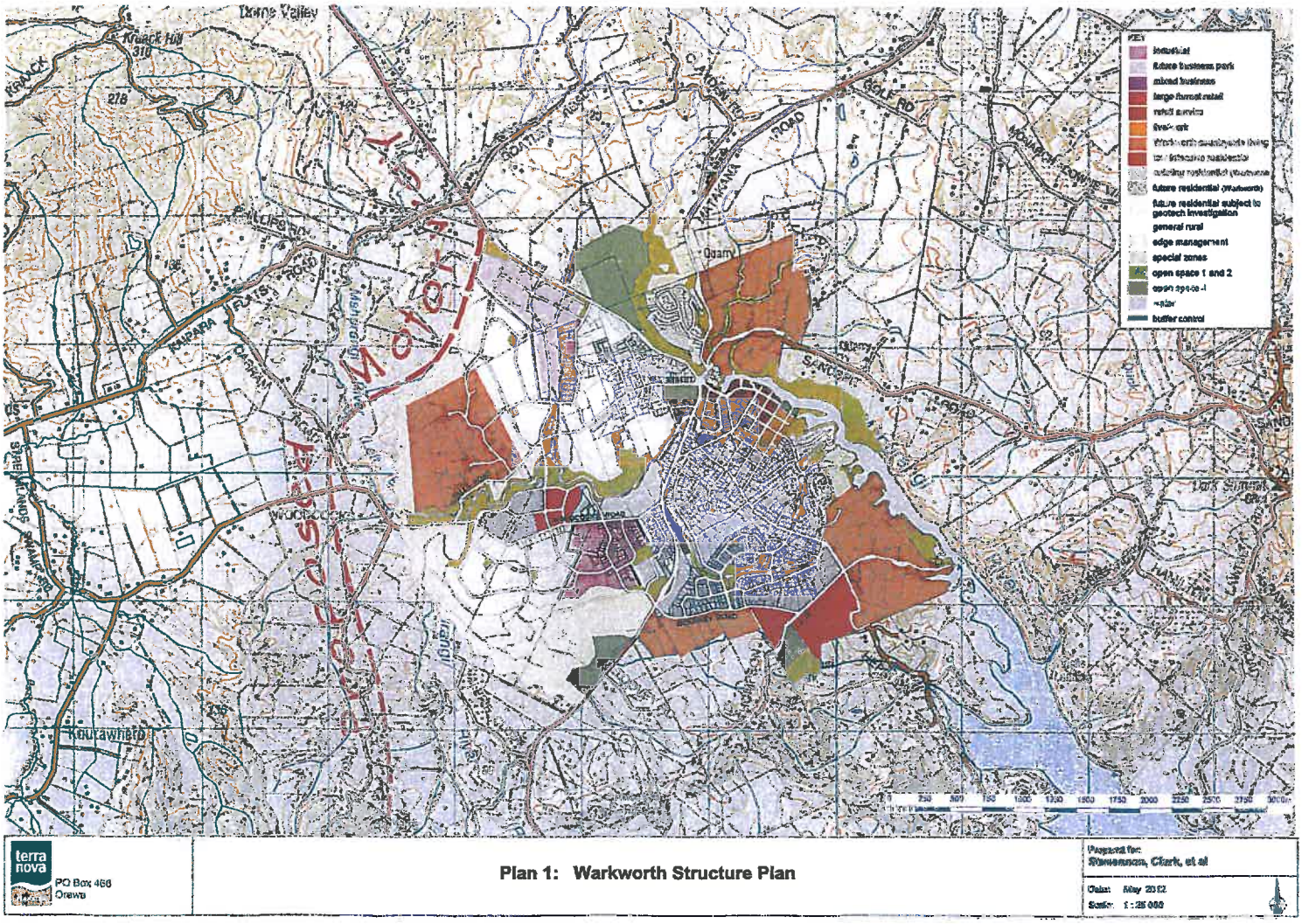
Planned land availability:

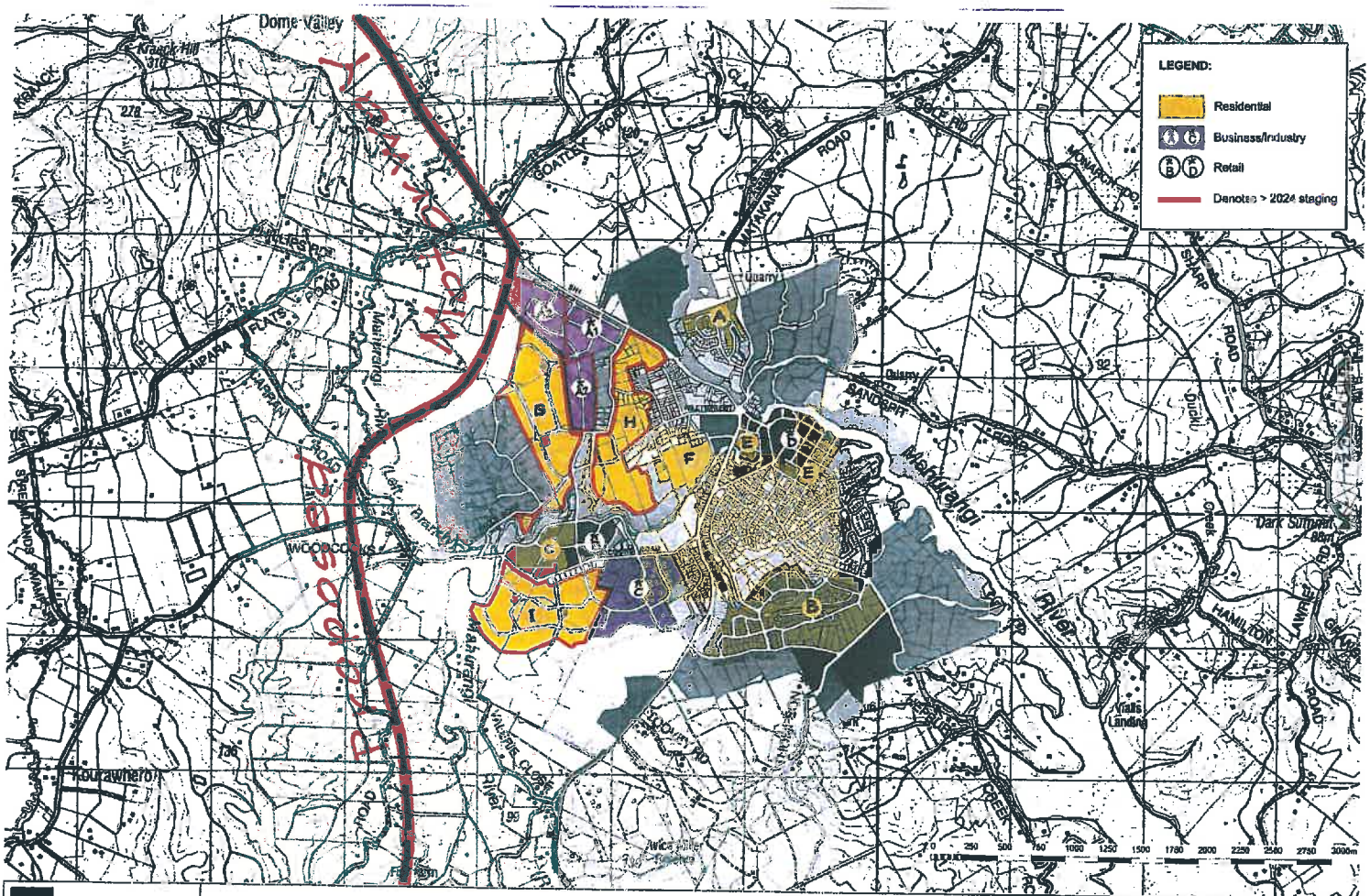
Plan 1 depicts the 2004 Warkworth Structure Plan, and **Plan 2** highlights the new growth areas identified within that Structure Plan, with their respective capacities and development timeframes, and current estimates of residual capacity, summarised in the table below.

Table 1: Summary of new areas according to the Structure Plan

Land Unit	Residential Land Use	Population Capacity	Staging	Current Status
A	Residential	200	<2024	developed
B		1,400		25% developed
C		670		35% developed
E		100		redevelopment over time
F				not likely developable
G		1,100	>2024	undeveloped
H		1,000		undeveloped
I		1,300		undeveloped
Total		**5,670**		About **4,900** remaining

Land Unit	Business Land Use	Area (gross ha)	Staging	Current Status
*A1	Business	14	<2024	undeveloped
*B	Retail	12		60% developed
*C	Industry	27		75% developed
*D	Retail			80% developed
*A2	Industry	25	>2024	undeveloped
Total		78		


Kaipara Flats Road
Matakana Road
Golf Rd
Mountain View Rd
Quarry
Sandys Rd
Lark Summit
Woodcocks
Kaipara Flats
Maunganui Rd
Tauhoa Rd
Kaipara Flats Rd
Kaipara Coast Highway
Kaipara Coast Highway
Kaukapakapa
Kaipara Flats



terra nova PLANNING
PO Box 466
Orewa

Plan 2: Structure Plan's New Growth Areas

Prepared for:
Stevenson, Clark, et al
Date: May 2012
Scale: 1 : 25 000

With a current residual residential population capacity of under 5,000, there is a significant shortfall in the current planned residential land to accommodate projected long term future growth, and the key implication is therefore that any future Structure Plan for the town will need to indicate additional areas for such growth, and which will be beyond the extent of those proposed in the current Structure Plan.

Regarding industrial land, the only currently available industrial land in the town is a remaining approximately 6 to 7ha in Land Unit *C. Given the general slope of the remaining available land, it is generally not suited to large footprint industries.

It is noted in relation to the identified 39ha of future Business/Industrial land near Hudson Road (ie Land units *A1 and *A2), that a considerable part of the gross area identified will be taken up by the Motorway, interchange and buffer, and stormwater ponds necessary in this low lying area.

By comparison, the Auckland Plan's economic strategy targets employing an additional 8,200 people and the supply of an additional approximately 182,000m^2 of industrial floor space, by 2041 in the Rural North. To support Warkworth's growth and status as a satellite town, most of the sub-region's new industrial land will be established in Warkworth, and the key implication of this is that the currently identified future industrial areas will be fully developed before a 30-year horizon.

Under current planning, not only is a longer term industrial land shortage predictable, but given that (i) there is at present effectively no land for larger footprint industries available in Warkworth, and (ii) only half of the currently identified 39ha bock of future business-industrial land is identified for industry per se, and the land is not yet zoned or bulk-serviced, and (iii) there will generally be a long lead time for the supply of "ready-to-go" industrial land (especially for larger footprint general industry), industrial land availability in Warkworth is already at a critical supply point.

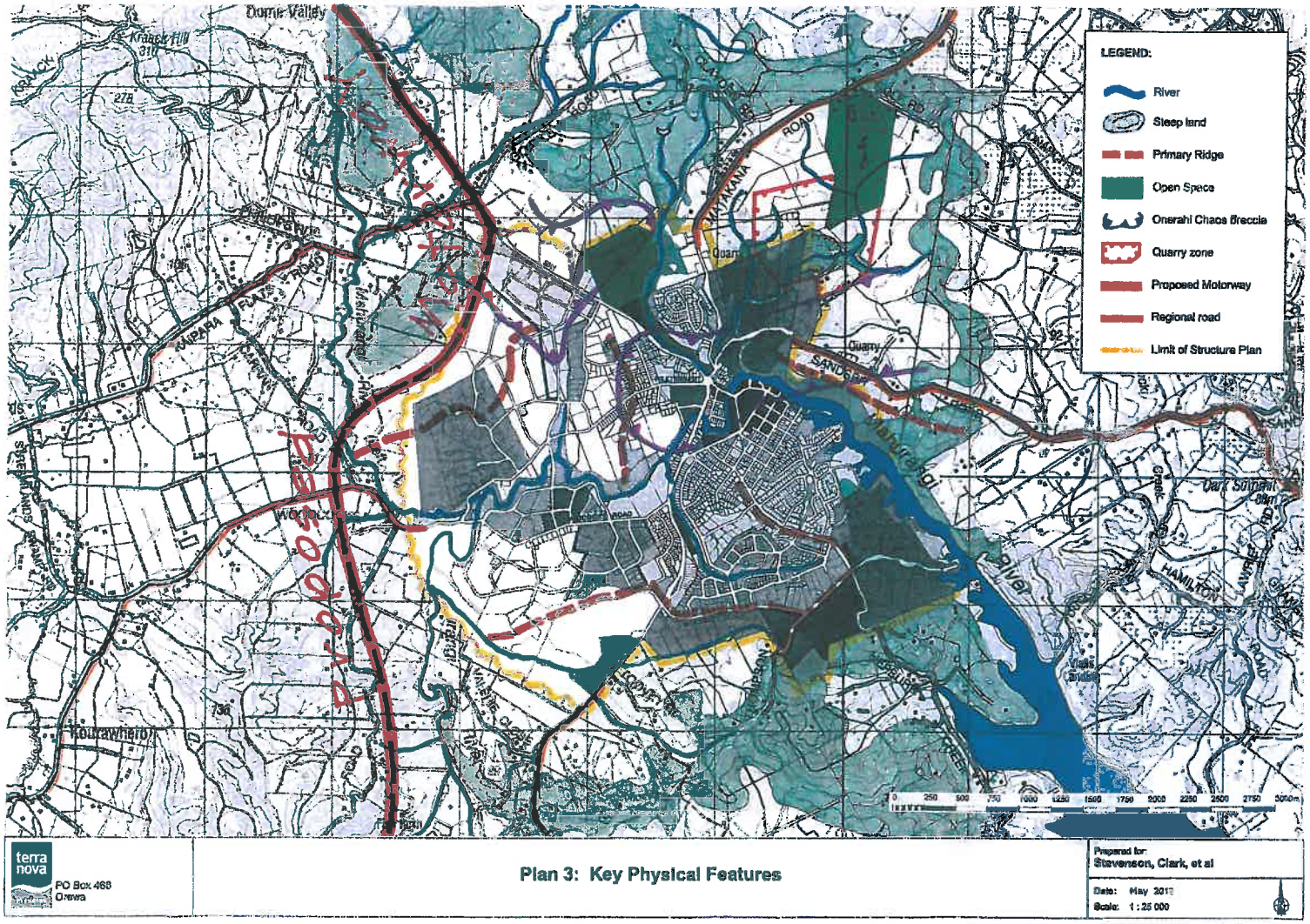
2.0 Strategic Considerations

The key strategic considerations with respect to determining additional new areas for the town's expansion are outlined below.

2.1 Natural Features

Plan 3, which includes the 2004 Structure Plan as an underlay, shows the extent of key natural systems features which guide future spatial planning. These are:

- The location of key ridges, of which the McKinney Wilson Road ridge and the steep hills of the Wilson Road-Thompson Road area are important in that they constitute a limit of any future mass urban


Dome Valley
Kraack Hill
310
278
LEGEND:
River
Steep land
Primary Ridge
Open Space
Onerahi Chaos Breccia
Quarry zone
Proposed Motorway
Regional road
Limit of Structure Plan
Quarry
Quarry
Kamo Bypass
Kamo Bypass
Kamo Bypass

extensions to the south-east and east of Warkworth. The ridge and hills have long been rationalised and identified (ie in the late 1980's strategic plan and both the 1996 and 2004 Structure Plans) as a strong and defensible natural urban-rural boundary and the southern cut-off to the Warkworth urban area.

- The Mahurangi River, a barrier to eastward expansion.
- Two large occurrences of Onerahi Chaos Breccia, having the implication that where this formation coincides with steep land, mass and dense urban development is not possible.
- The extensive quarry area (inclusive of surrounding buffer zones) located to the north-east of Warkworth, determining that this general locality is not available for mass urban development (at least for the life of the quarry, which is understood to be in excess of 40 years).
- Very steep land, and well-vegetated and ecologically-valuable valleys and hills (sometimes already covenanted), which are unsuited to dense urban development.

2.2 Transportation

The final alignment of the SH1 Motorway bypass has only recently been determined by NZTA (notably, subsequent to the 2004 Structure Plan's formulation), and the strategic position tabled in the Structure Plan, namely, that the town should not extend to the west of the Motorway, is assumed to be a strongly maintained position. This provides the physical limit to urban expansion to the west.

2.3 Additional bulk land availability

From the above, and in summary, mass urban expansion to the south, east and west of Warkworth is largely limited by the River, extensive areas of steep land, the quarry zone, the proposed Motorway.

Therefore, in order to expand the urban area to the point where the town can accommodate the projected population of (say) 25,000, it is self-evident that the urban area of Warkworth will in future extend to at least cover the following two large areas where suitable land is available:

- The interstitial area between the existing western edge of Warkworth and the future Motorway. Although there is an apparent substantial amount of land in this locality, the extent of actual net developable land in this area will be considerably less after considering:
    - the broad floodplain of the Mahurangi River (Right and Left Branches), and

- the nature of a land use buffer between the town and the Motorway (as per the poorly-defined "edge treatment" of the current Structure Plan), which buffer will likely include a high proportion of low density residential development.

- Northwards to the east of the existing SH1, noting that the proposed Motorway interchange, new regional link road to Matakana and eastward, and the northern end of the town's proposed Western Collector road, all are located in this sector.

2.4 Land Use

It is accepted in principle that land use planning for Warkworth should generally be aimed at establishing a town with balanced urban functional profile (ie insofar as land use allocations are concerned) as opposed to creating a dormitory town with a dominantly residential function.

Mindful of the above, and given that (i) Warkworth will continue to be the main service and employment node for the Rodney North area, and (ii) the coastal settlements to the east are and will continue to be largely devoid of large scale industry, the allocation of industrial land in Warkworth should be commensurate with the scale of business/industrial land thresholds afforded by a broader hinterland. Therefore the quantum of business/industrial land in Warkworth will exceed that which could normally be expected to be supported by just the town's population per se.

3.0 Warkworth North

From the potential shortfall demonstrated above, and the recognition that the growth of the Warkworth urban area will logically also comprise a significant expansion to the north, this Warkworth North area, generally located between Goatley Road and Matakana Roads, existing SH1 and the Showgrounds, is examined below in more detail.

3.1 Land development Opportunities and Constraints

Natural systems:

The key local influential natural features are:

- The steep and geotechnically fragile block of highland hills on either side of Goatley Road and extending northward and also eastward on the northern side of Matakana Road

- The Kowhai Scenic Reserve abutting the Showgrounds to the east and extending through to the covenanted native bush of the local valley upslope to the abovementioned highland

- The large block of relatively flat land extending to the north-west of the Warkworth Showground, suitable for mass urban development

- The relatively narrow band of flatter land suited to mass urban development on either side of the southern sector of Matakana Road

- The golf course, quarry zone and hilly local landscape with numerous bushed local valleys and, to the general east of above-mentioned narrow band of land along Matakana Road

Transportation:

The key transportation determinants for Warkworth North, hierarchically ordered, are:

- National: To all intents and purposes the route alignment of the Motorway and the approximate location of its interchange are fixed. The precise location and layout of the interchange remains to be determined, and this detailing will to some extent influence the layout of Warkworth North.

- Regional: the identified need for a new regional road link which more directly connects the Motorway to Matakana Road and thence to the coast and settlements to the east, thus avoiding the need to channel all such regional traffic through central Warkworth. Ideally this road is required to generally :

    - Avoid the Warkworth Showground

    - Avoid the higher construction costs of traversing steep and geotechnically fragile land located to the north of the Showground and extending northward across Goately Road

    - Cross a local valley with covenanted native bush, ideally bridged via the shortest route to minimise ecological impact

    - Be as short as possible to minimise construction and maximise the use of existing Matakana Road

    - Link as directly as possible to other proposed urban collector roads (ie the Western Collector and the northern sector of SH1), for efficient intra-urban traffic distribution

    - Be able to be constructed independently of the Motorway and its interchange, thereby allowing for a different development staging for these two new roads.

  From the above it is noted that there is a very narrow band of alignment options through Warkworth North for this new link road (refer **Plan 3**).

- Intra-urban: the planned (and partially developed) Western Collector road, providing access through and across the town's southern and western areas. At its northern end this road is planned through identified future industrial area *A1 (refer **Plan 2**), noting that the actual point of intersection with existing SH1 remains to be determined.

  It is noted that with the construction of the Motorway the existing part of SH1 though Warkworth (and certainly that section of SH1 through Warkworth North) will revert to a lower order intra-urban collector road.

- Local: local road connections to intra-urban collectors, regional, and national, roads

Land availability for mass urban development:

From the above analysis of the Warkworth North area, two distinct and individually contiguous blocks of land are available for mass urban development in this general locality, separated by a large composite "green belt" (comprising the Showgrounds, Kowhai Scenic Reserve, local valley and its covenanted bush, and the Goatley Road steep hills). These areas, shown on **Plan 3**, are:

- **Area 1**: about 65ha bounded by roads (ie proposed Motorway, existing SH1, Goatley Road) and the green belt to the east, and

- **Area 2**: about 85ha long both sides of Matakana Road, and bounded by the green belt to the west and the Golf Course and quarry zone to the east.

3.2 Land Use suitability

Area 1 is well-suited to <u>industrial</u> development in that:

- Slope characteristics allow for large footprint industries to establish at relatively low land development costs,

- It is of a sufficient scale to offer (i) industrial land for a long term horizon, and (ii) land development efficiency regarding, for example, earthworks, roads and services,

- It is adjacent to the Motorway intersection, an ideal location for achieving regional transport efficiencies,

- It is adjacent to, and compatible with, the land uses of the current Hudson Road industrial area and its identified business-industrial extension on Land Unit *A, and

- It is well buffered from town's residential areas by the green belt.

Area 2 is wellsuited to residential development in that:

- It is relatively close to the services and facilities of central Warkworth and the Showgrounds,

- It is adjacent to existing and other planned residential areas, and

- It is buffered from identified future, and now proposed future industrial areas by the green belt

3.3 Infrastructure Services

The availability of water services to new areas outside of the current town boundaries is generally limited by the capacity of both bulk service plants and networks, and new infrastructure will be required in any event to service the longer term development signalled in the Auckland Plan.

4.0 Preliminary Concept Plan for Warkworth North

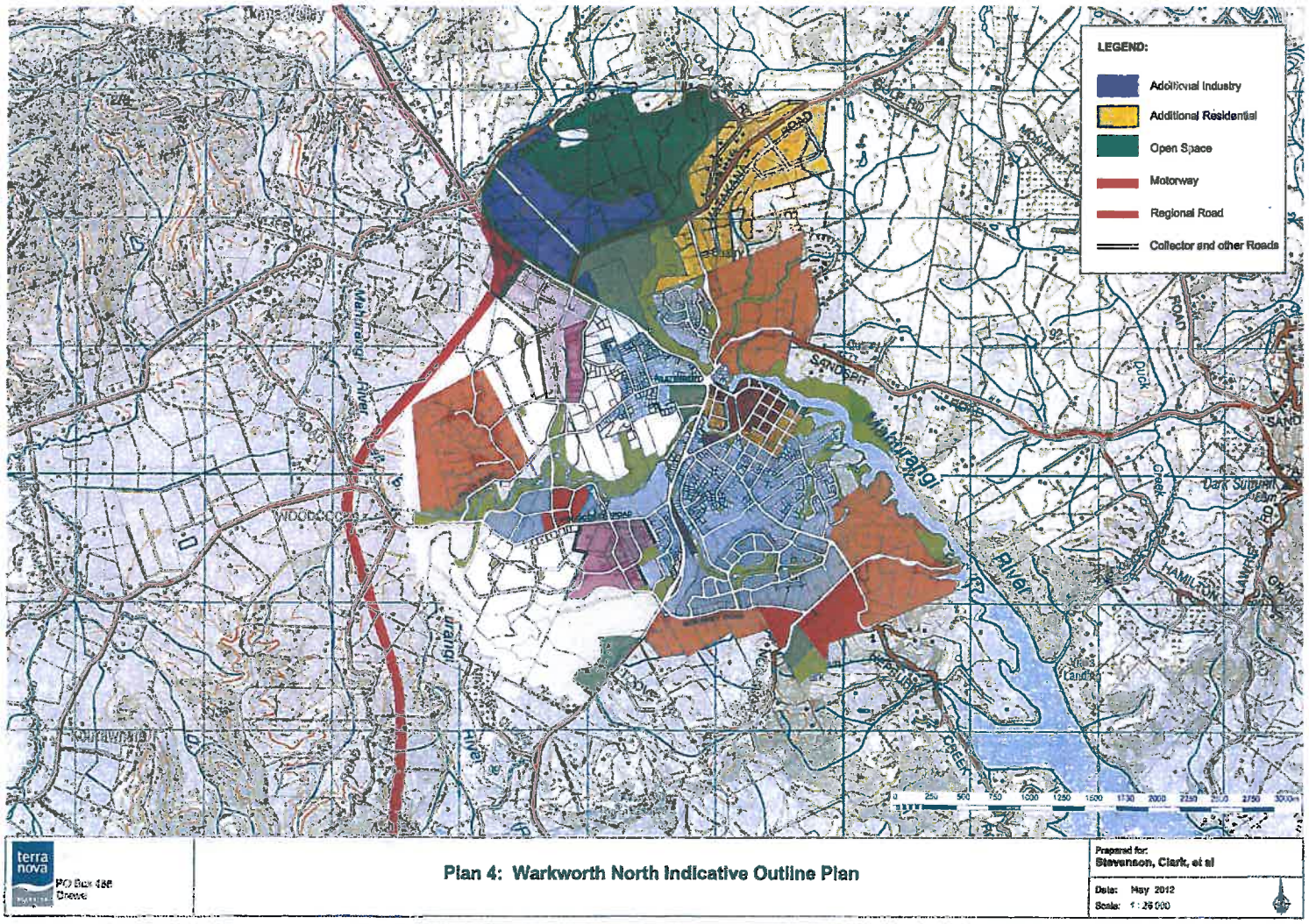
Plan 4 shows the preliminary concept planning for Warkworth North, with key features of the plan described below.

4.1 Land Use

Industrial:
A proposed new 65ha industrial area located between the Motorway, Goatley Road, and green belt (comprising the Showgrounds, steep land and native bush areas).

The industrial area is accessible from both Goatley Road and (via a limited number of intersections) from the proposed new Matakana Road link road (part of the regional road to the east).

The area is also easily accessible from existing SH1 which (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) would revert to the status of an urban collector road, and the proposed western collector road, and hence to the town's centre and other industrial areas.



terra nova
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Drewe

Plan 4: Warkworth North Indicative Outline Plan

Prepared for:
Stevenson, Clark, et al

Date: May 2012
Scale: 1 : 26 000

Residential:
A series of proposed new residential areas, totalling some 85ha, located alongside Matakana Road, and accessed via a limited number of intersections with that sector of Matakana Road which would revert (under the proposal to construct a new link road between the Motorway interchange and northern Matakana Road) to the status of an urban collector road.

This general residential area is also afforded good local access to the green belt and Showgrounds, and easy access to the east coast.

4.2 Transportation

A key feature of the preliminary concept plan is that it rationalises the regional and urban road hierarchy insofar as that can be achieved through the planning of Warkworth North. The concept plan proposes a logical and efficient network relationship between national road (ie Motorway), regional road (ie Matakana Road), urban collector roads (ie downgraded sectors of existing SH1 and Matakana Road, and the proposed western collector road) and lesser order urban roads.

It is considered important that the Motorway (and its interchange) and the new extension of the Western Collector to the east of SH1 to link through to Matakana Road, are able to be developed independently and in independent timeframes.

It is recognised that further detailed design of proposed new roads and road-sections is required to finalise land use boundaries, especially for the proposed new industrial area, but that will in fact merely be refinements to the concept plan as it is proposed. To these ends, **Plan 5** shows a proposed (approximate) alignment of the new link road between the Western Collector/SH1 and Matakana Road.

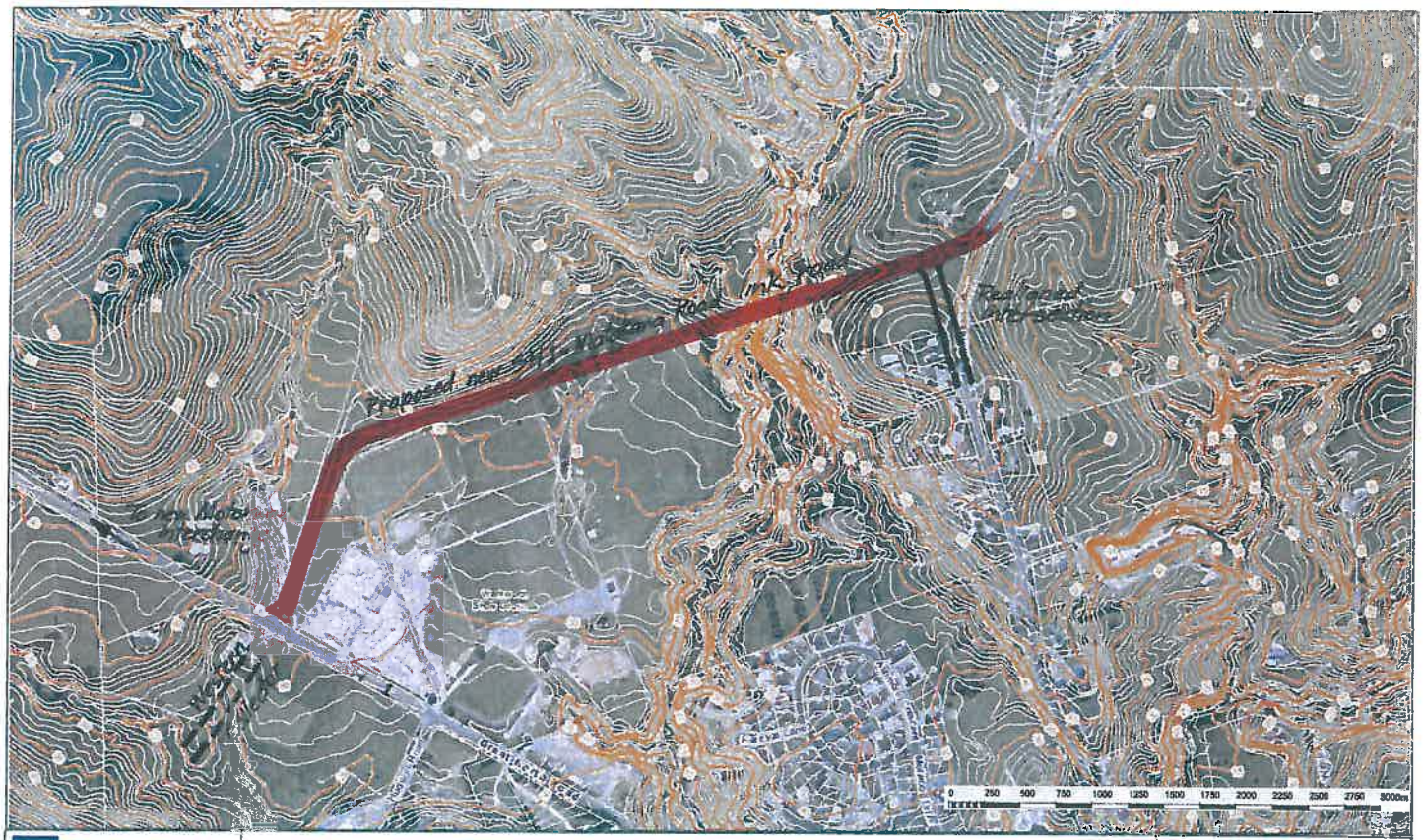
4.3 Planning and Development Staging

The Auckland Plan is adopted and its translation into the Unitary Plan is well underway. The Unitary Plan is tasked with defining the RUB, which is required to include future urban greenfields areas to be developed over the next 30 years.

In that context it is important that local area planning for Warkworth is advanced sufficiently so as to consider Warkworth North's inclusion within the RUB, and its identification as a future urban (industrial and/or residential) area in the Unitary Plan.

Equally important is advancing investigations on the SH1-Matakana Road link road in order that it can be included as an indicative road in the Unitary Plan.

27/41



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Plan 5: Indicative SH1 - Matakana Road new link road alignment

Prepared for:
Stevenson, Clark, et al

Date: May 2012
Scale: 1 : 5 000

It is self-evident that at some near future date a revised Local Area Plan (aka Structure Plan) for Warkworth will need to be formulated. Ideally many of the infrastructure design and funding matters associated with the Motorway and interchange, new Matakana link road, Western Collector, and water servicing of urban extensions, will be resolved prior to, or in tandem with, that planning exercise.

The development staging of Warkworth North will also be determined through this future planning exercise.

It is in this context, and as part of that planning process, that the preliminary concept planning for Warkworth North has been prepared, and to also highlight the key land use and road proposals which will require discussion and investigation at an early stage.

terra nova PLANNING

Ref: C766-0513
29 May 2013

The Chief Executive
Auckland Council
Private Bag 92300
Auckland 1142

Attention: Penny Pirrit - Manager of Regional and Local Planning

AUCKLAND UNITARY PLAN: NORTHERN RUB AND LINK ROAD OPTIONS; WARKWORTH

Dear Penny

Further to our early submission dated 27 February 2013 to the draft Unitary Plan on behalf of Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, all landowners on Warkworth's north eastern town boundary, we tender a supplementary submission.

This supplementary submission responds both to the Council's proposed southern Rural Urban boundary (RUB) for Warkworth, and also to include an extended North/North East RUB proposal, which includes a number of other landholdings and extends the proposed link road to achieve an even further integrated local road network than was outlined in our earlier submission.

With the generally positive feedback that the submitters have received to publicity surrounding their first submission, other land owners in the vicinity have been in contact to express their interest in extending the north-east growth sector. In consultation with them, we have developed a wider RUB boundary that continues from that identified in our first submission to extend across to Sandspit Road and the Mahurangi River. This is illustrated on the plan in **ATTACHMENT 1**.

The proposed north-eastern RUB essentially follows the natural topography in the same way as the proposed northern RUB and accommodates land with a generally easy contour. Most of this land is currently used for farming or rural residential activities, but significant areas are occupied by the Warkworth Golf Club and the Rodney Cooperative Lime Quarry.

With the submitters and a number of affected landowners also in agreement, we consider that this land appears particularly suitable for staged residential development, with a sunny aspect, an elevated character (as opposed to valley), close to the Warkworth town centre's employment and shopping areas, and proximate to East coast beaches and other attractions. The proximity of this northern/north-eastern RUB area to the Warkworth town centre and other community focal points such as schools, library and commercial services is illustrated in the plan in **ATTACHMENT 2**, with 200m, 400m and 2 km distances from Queen Street in the town centre illustrated.

We consider that this identified northern-eastern RUB area offers a somewhat different residential environment to that identified in the draft Unitary Plan, and in that respect is complementary to it. That in itself would indicate the

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potential to release land from both areas in parallel to ensure the provision of residential land offering different amenities and values.

Along with the development of land within the proposed north RUB for both industrial/business and residential purposes over time (we understand that the quarry limestone resource would be exhausted well within the 30 year planning period) is the opportunity to complete a collector road network which links Sandspit and, Matakana Roads with both the existing and proposed future State Highway 1 alignment, as well as with the western collector which is already identified in Council's roading plans. The plans accompanying this submission identify these potential link roads through to State Highway 1.

In terms of residential capacities, we have estimated that:

- the north-eastern RUB boundary would accommodate approximately 5,000 dwellings (12,500 people),
- in combination with the 3,500 dwellings (8,750 people) identified in the southern RUB, and
- Warkworth's existing residential population (approximately 3,500), have

a combined population capacity for Warkworth within the northern and southern RUB's in the order of 24,750 people. This is therefore directly in line with the Auckland and draft Unitary Plan's population target of 25,000 for Warkworth over a 30 year period.

Ongoing consultation with the affected landowners is occurring, but the owners of the significant landholdings have to date all been positive about the proposed north/north-eastern RUB proposals.

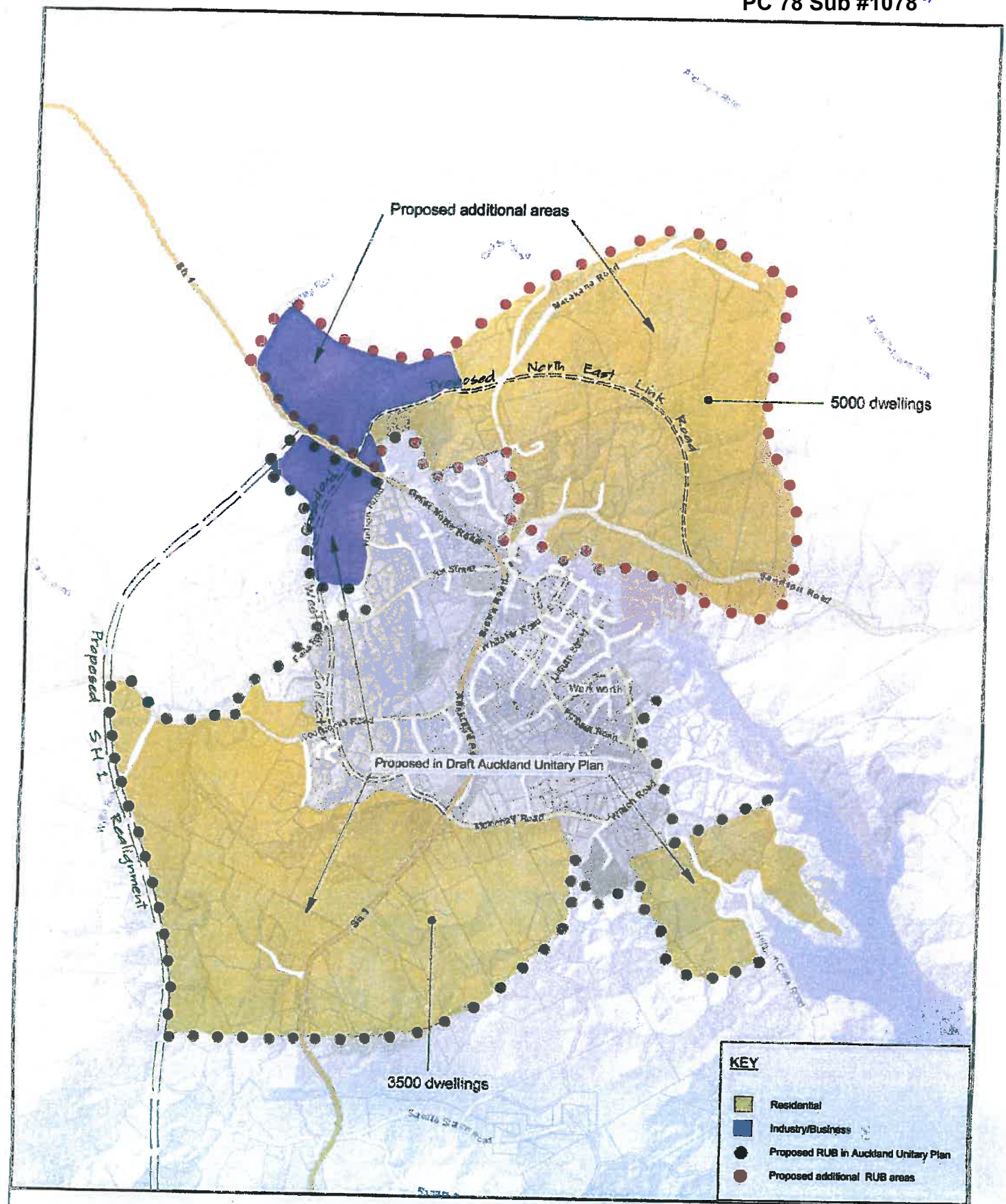
Representatives of the landowners and Terra Nova Planning Ltd would be pleased to meet with you to discuss or assist the Council in implementing both the northern RUB and the proposed link roads.

Yours sincerely

Shane Hartley
Director

Attachment 1

EXISTING AND PROPOSED WARKWORTH RUB AND LINK ROADS PLAN



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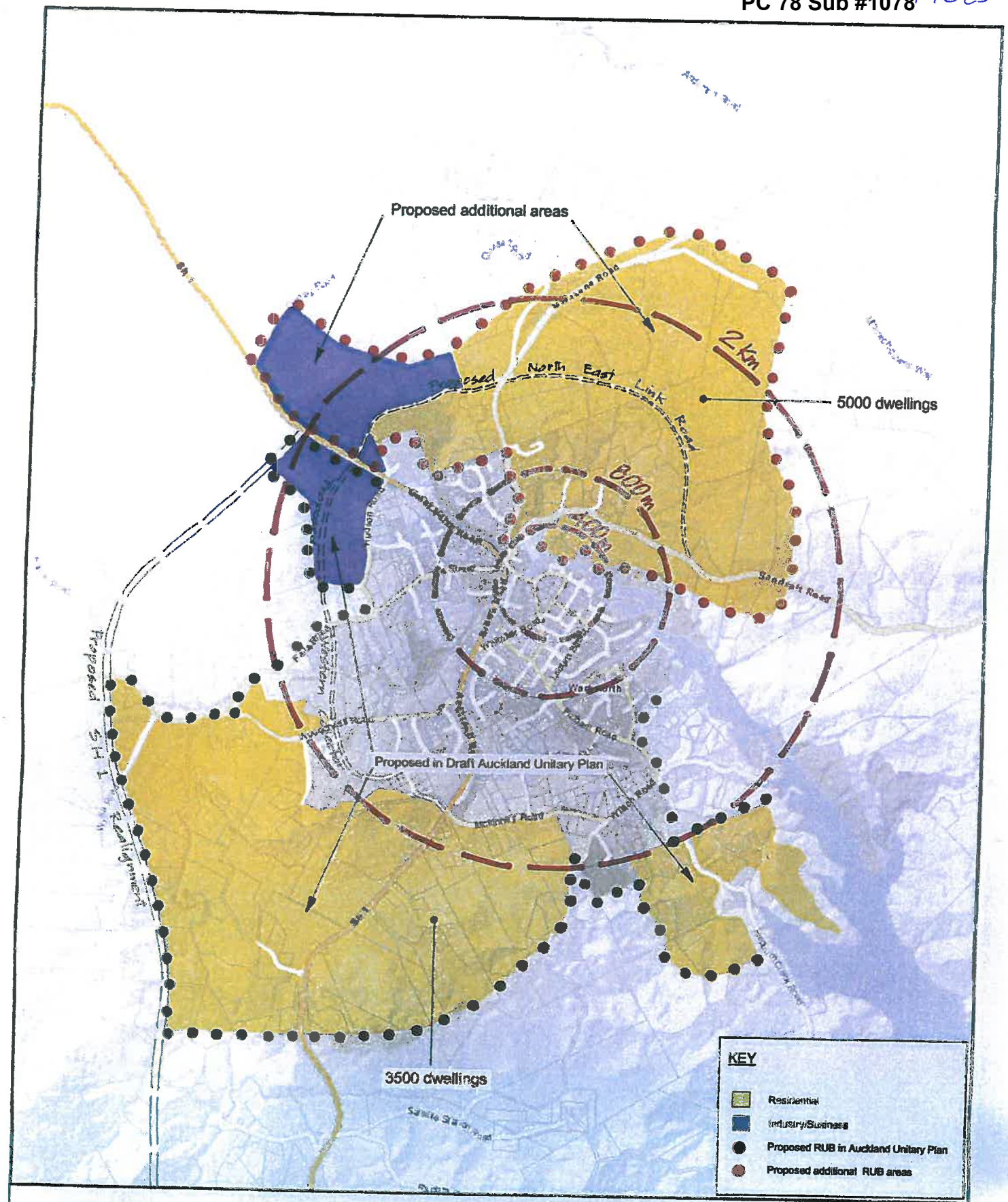
Future Growth Options and an Indicative Rural Urban Boundary Warkworth

Scale @ A3 1:25000

Auckland Council

Attachment 2

EXISTING AND PROPOSED WARKWORTH RUB WITH DISTANCES FROM WARKWORTH TOWN CENTRE



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Future Growth Options and an Indicative Rural Urban Boundary Warkworth

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Auckland Council

Scale @ A3 1:25000

Appendix C

Report : Hutchinson Consulting Engineers, 19 February 2013

Hutchinson
CONSULTING ENGINEERS
PO Box 150, Orewa 0946
154 Centreway Road, Orewa
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Our Ref LRD16181

19 February 2013

Craig Clarke
42 Great North Road
RD1
Warkworth 0981

Dear Craig,

RE: PROPOSED LINK ROAD BETWEEN STATE HIGHWAY 1 AND MATAKANA ROAD, WARKWORTH

Further to your request, this office has performed a preliminary desktop study of the proposed link 1350m long road between SH1 and Matakana Road in Warkworth.

The study utilised LiDAR information from the Auckland Council GIS database to establish existing contours and the proposed road layout from Terra Nova Planning.

The GST exclusive cost to construct this link road will be approximately $4.2 million.

This allows for site establishment, earthworks, the construction of a sealed road 7m wide and associated stormwater drainage.

We have also allowed $500,000 for any land acquisitions that may be required and $400,000 for traffic lights at the SH1 intersection.

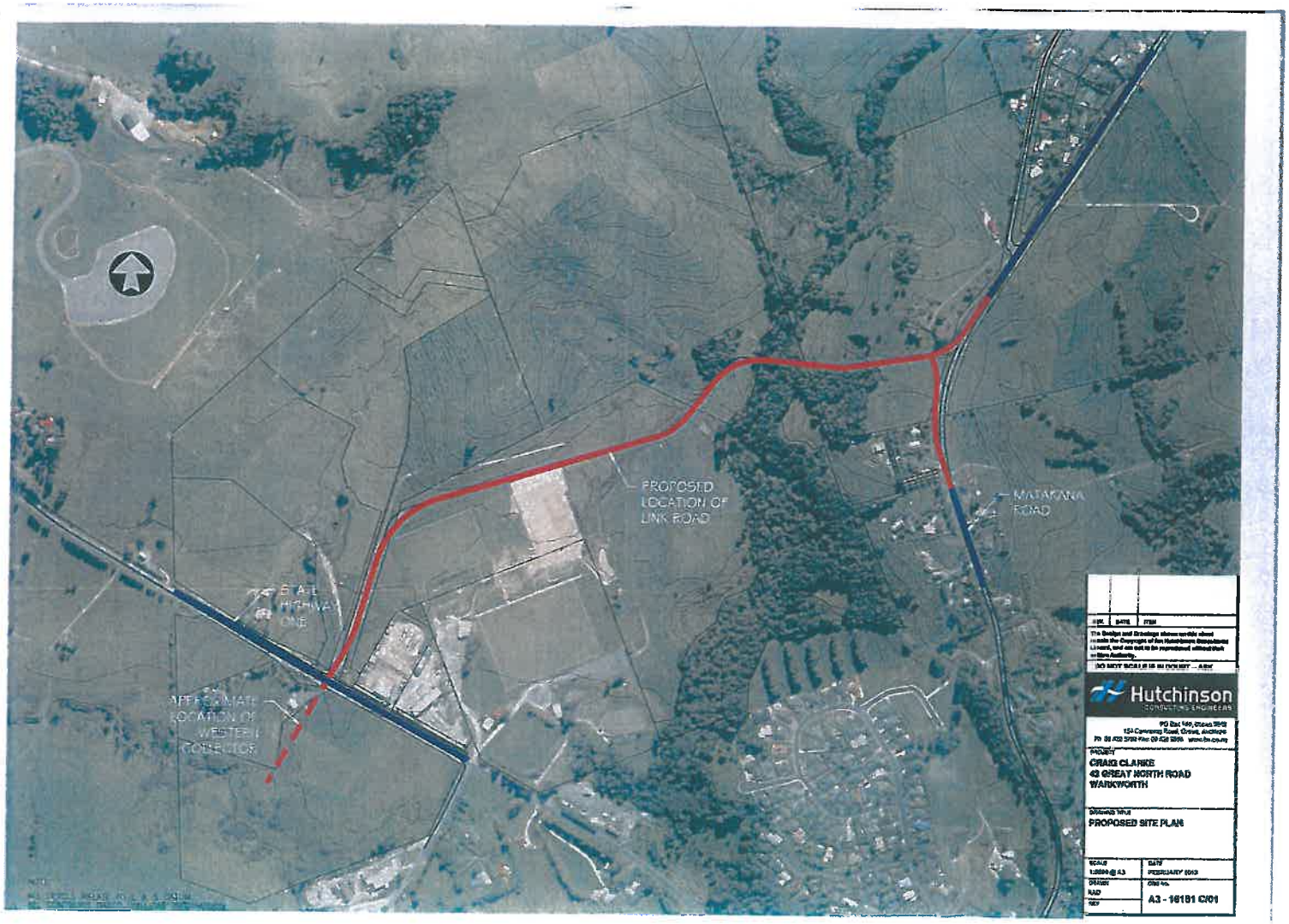
This desktop study is subject to consent approvals and final design. We have allowed $500,000 in professional fees to cover engineering, surveying, planning, legal, Auckland Council consents and/or the like.

Should you wish to discuss any aspects of the above information, please contact this office.

We trust this meets with your approval.

Yours faithfully,
IAN HUTCHINSON CONSULTANTS LTD

Rohann da Silva
ENGINEER


PROPOSED
LOCATION OF
LINK ROAD
MATAKANA
ROAD
STATE
HIGHWAY
ONE
APPROXIMATE
LOCATION OF
WESTERN
CORRIDOR
Hutchinson
CONSULTING ENGINEERS
CRAIG CLARKE
42 GREAT NORTH ROAD
WARKWORTH
PROPOSED SITE PLAN
FEBRUARY 2025
A3 - 16191 C/01

terra nova PLANNING

Ref: C766-0313
4 March 2013

The Chief Executive
Auckland Transport
Private Bag 92250
Auckland 1142

Attention: Peter Clark: General Manager - Strategy and Planning

PROVISION FOR URBAN GROWTH AND A STATE HIGHWAY 1 TO MATAKANA ROAD LINK AT NORTHERN WARKWORTH

Dear Peter

We write on behalf Stellan Trust, Goatley Holdings Ltd, and Brookland Farm, landowners on Warkworth's north eastern town boundary. All three landowners made a joint submission to the Draft Auckland Plan in October 2011, and have recently made submissions to the Auckland Council's Unitary Plan and Annual Plan in regard to providing for urban growth in northern Warkworth, and a link road over the submitters properties between State Highway 1 and Matakana Road.

The three landowners commissioned studies investigating the appropriateness of urban development adjoining Warkworth's existing northern urban boundary, and the engineering and cost viability of a new road connecting State Highway 1 and Matakana Road, thus bypassing the problematic 'Hill Street intersection' in Warkworth's town centre. While neither of these initiatives are directly dependent on the other, they have mutual benefits which are patently clear in the two studies.

The first study prepared by Terra Nova Planning Ltd is titled "Warkworth North Outline Planning Report" dated 18 May 2012 and is in **Appendix 1**. While this report was commissioned by the landowners, we note that its authors have been long involved in structure and district planning for Warkworth, including preparation of both the 1987 'Future Directions' study and the 1997 Warkworth Structure Plan, as well as being heavily involved in the 2004 Warkworth Structure Plan via submissions on behalf of a number of clients.

The second study prepared by Hutchinson Consulting Engineers dated 19 February 2013, and in **Appendix 2**, is of a proposed link road between State Highway 1 and Matakana Road, which is based on the road promoted in the submission to the Auckland Plan, and further addressed in the Warkworth North Outline Planning Report. We note that this engineering assessment is a 'desktop' analysis which will need to be verified 'on ground'; and it is also based on the stream crossing being undertaken with culverts. Should an

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alternative stream crossing methodology be preferred, then that would add a significant but still reasonable (say 25% to 100%) to the cost of construction.

We consider that the findings of both reports are self-evident on reading, but in summary, they indicate that;

a) the extension of urban activities to the north of the existing Warkworth urban area is appropriate, generally as the preferred land uses are identified; and

b) at a preliminary estimated cost of $4.2 million, excluding GST, the cost of constructing an alternative link road between State Highway 1 and Matakana Road would appear to have a significant cost/benefit, and would clearly do much to assist the resolution of the long-standing traffic issues at the existing Hill Street/State Highway 1 / Matakana Road intersection.

We note that the assessed cost of undertaking the construction of a link road between State Highway 1 and Matakana Road is within the projected cost outlined in Auckland Transport's Asset Management Plan 2012-2015 (Table 7.11-1).

On the basis of the findings of both reports, representatives of the landowners, Terra Nova Planning Ltd and Hutchinson Consulting Engineers, would be pleased to meet with you to discuss or provide clarification of any issues you might have.

Yours sincerely

Shane Hartley
Director

Appendix D

SUBMISSION TO THE DRAFT AUCKLAND UNITARY PLAN: WARKWORTH NORTH

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PROPOSED PLAN CHANGE 40

EFFECT ON SKYWORK HELICOPTERS LIMITED

Report No 20051

Prepared for:
Skywork Helicopters Ltd

Prepared by: .....
Rhys Hegley

April 2020

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1. INTRODUCTION

Skywork Helicopters Limited (Skywork)was granted resource consent[1] on 1 March 2013 to establish and operate a helicopter base from their site at 38 Goatley Road, Dome Valley. Included in the consent were a number of conditions, some of which placed limits on the noise Skywork can generate.

The site, and the surrounding area, are largely farmland with the occasional rural dwelling with some commercial uses close to State Highway 1. The Skywork base and surrounding land adjacent to State Highway 1 are zoned Business – Light Industry. Proposed Plan Change 40 (PPC 40) relates to Future Urban zoned land to the south east of the Skywork base. This zoning is shown in Figure 2. The intent of PPC 40 is to rezone the majority of the land to the east of Skywork to residential to allow for the development of a residential subdivision.

In simple terms, helicopter movements, by their nature, result in noise that is not readily mitigated. As such, helipads are ideally located in areas where there is a reasonable distance from noise sensitive receivers. In this respect, the Goatley Road site is currently well suited to the activities at Skywork. The potential issue that PPC 40 would create for Skywork is one of reverse sensitivity which is, in relation to acoustic matters, "*the term used to refer to the effects of the existence of noise sensitive activities on other activities in the vicinity, particularly by leading to restraint in the carrying in of those other activities*"[2].

In this instance, there is the potential that the currently consented activities of Skywork could result in noise effects that are considered unreasonable by the incoming residential activity leading to curtailment of Skywork's ability to function or to develop further at some point in the future. In either case, Skywork could be considered adversely affected by the land use of PPC 40.

[1] LAN-58871
[2] Judge Sheppard (RMA 10/97)

This report quantifies the level of noise that Skywork is currently permitted to generate over PPC 40 and comments on both its suitability for residential amenity and potential mitigation methods.

2. NOISE EFFECTS ON PEOPLE

Skywork Helicopters Ltd has consent in place to operate flights from the established base and the site. The existing consent enables flights and associated noise effects as detailed below.

2.1. Current Skywork's Consent

Skywork's current consent found that:

> *"... the effects of the proposal can be avoided remedied or mitigated and will be consistent with the relevant provisions of the Auckland Plans in that: The effects of Stage 1, considering the permitted baseline and the consent conditions imposed under L40630, will be minor."*

The consent goes on to provide the following conditions to ensure activities of Skywork remain consistent with the above conclusion.

25. *Helicopter operations shall not exceed an average daily noise limit of 50dBA L_{dn} and shall not exceed a night-time limit of 70dBA L_{max} (10pm-7am the following day). The assessment positions shall be at any point within the notional boundary* of any dwelling other than a dwelling on the same property on which landing area is sited, or any dwelling on which construction has not commenced at the date this consent becomes effective.*

    Note: The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

Condition 25 limits itself to dwellings on other properties that either existed or were under construction at the time the consent commenced. It does not apply at dwellings

constructed since operations commenced and would not, therefore, apply to the dwellings constructed as part of PPC 40.

26. *Helicopter noise shall be assessed in accordance with the provisions of NZS 6807: 1994 "*Noise management and land use planning for helicopter landing areas*" and measured in accordance with NZS 6801: 1999 "*Acoustics – Measurement of Environmental Sound".

Note: Use of NZS 6807: 1994 for assessment means flight operations associated with emergencies and training for emergencies are excluded from these conditions of consent.

27. *Flight operations shall be limited to no more than 60 movements (30 flights) per day.*

29. *Other than in the event of emergencies, the only flight paths tracks to be used for approach and departure to the site shall be those shown on Map 2 Flight paths ...* [Figure 1 below].

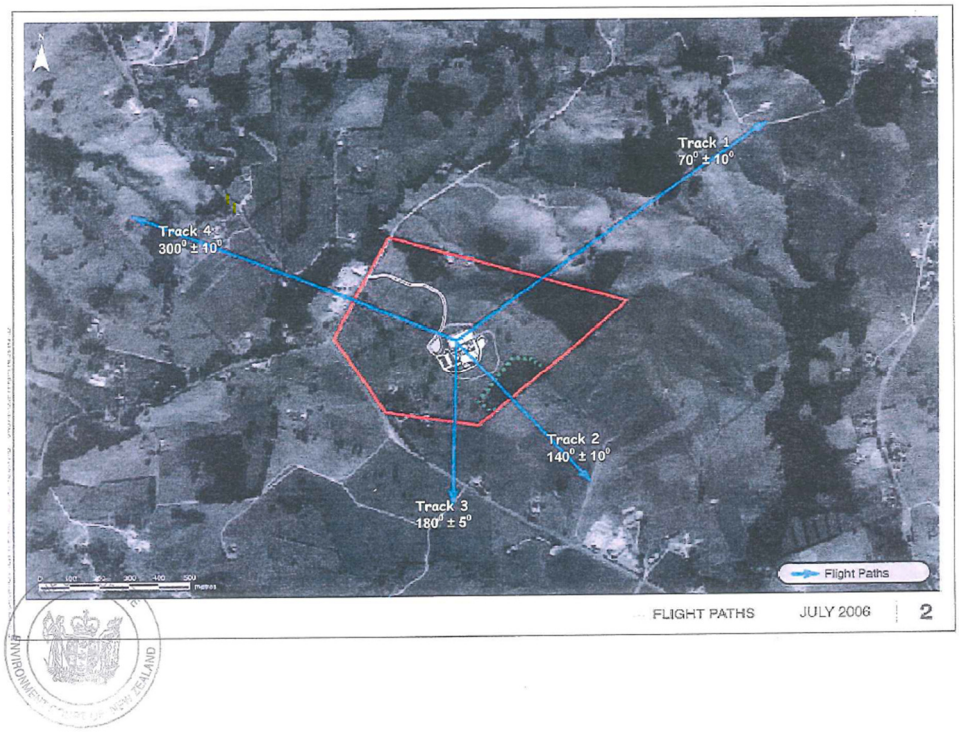

Figure 1. Flight Paths Identified by the Consent Conditions

2.2. Auckland Unitary Plan

Given that Skywork is operating under a consent with specific noise conditions, the helicopter noise rules of the Auckland Unitary Plan - Operative in Part (AUP) do not apply. They are included however, as they would form the basis for the assessment of any future changes proposed by Skywork where consent beyond those already obtained was required.

The following Figure 2 identifies the zoning of the Skywork site, PPC 40 and the surrounding area as described by the AUP.

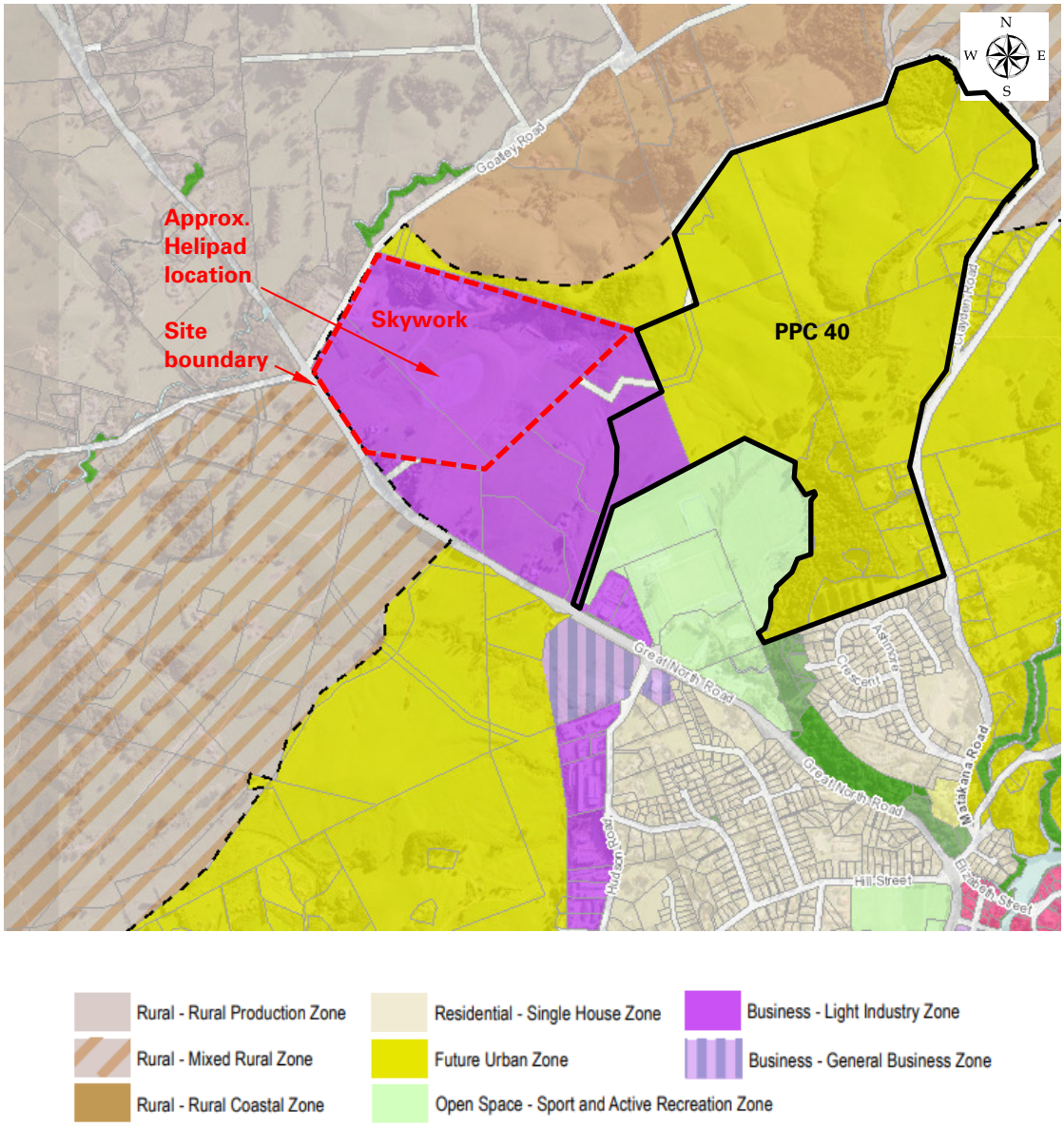

Figure 2. AUP Zoning

Rule E25.6.32 of the AUP provides the following criteria for helicopter noise:

> *The take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.*

The AUP rule adopts the same L_{dn} 50 limit as the current consent condition and NZS 6807 (below). The L_{max} criterion differs however, in that firstly the AUP allows an increase of 15dB over the consent condition and NZS 6807 (discussed below). Secondly, while the consent condition and NZS 6807 limit the L_{max} to the night time only, the AUP applies it during both the day and night time.

2.3. NZS 6807

NZS 6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas' (NZS 6807) is the New Zealand Standard for the measurement and assessment of helicopter noise. NZS 6807 provides criteria for helicopter noise that *'represent the minimum acceptable degree of protection for public health and the environment*[3]*.* The criteria relevant to this submission are:

Table 1. Helinoise Limits of NZS 6807

Affected Land Use	L_{dn} day-night average sound level dBA	L_{max} night-time maximum sound level dBA
Residential	50	70
Rural (at notional boundary)	50	70

NZS 6807 performs the dual role. As discussed above, it first provides limits for helicopter noise within the community. The Standard then goes on to describe the mechanism for land use planning about a helipad, as it recognises the need to balance the value that the helipad provides to a community against effects of noise on that community. To do this, NZS 6807 adopts the helinoise boundary. It describes this boundary as being defined by the 50dBA L_{dn} noise contour that would result from future

[3] NZS 6807, paragraph 4.1.1

helipad operations that accounts for both growth in movements over a suggested 10 year period and includes changes in helicopter types.

Once identified, NZS 6807 states:

> *The helinoise boundary ... defines an area of land subject to noise from helicopters in excess of the relevant limits in table 1, and within which no new incompatible land uses are recommended unless adverse effects are mitigated .... There are no restrictions on helicopter noise received within the area enclosed by the helinoise boundary. Helicopter landing areas shall be managed so that the limits given in table 1 (or set in a resource consent condition or plan) are not exceeded at or outside the helinoise boundary.*

The Standard then goes on:

> *New residential uses, schools, and hospitals shall be prohibited unless a district plan permits such uses, subject to a requirement (such as the production of an acoustic design certificate) to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment (refer table 1 ...). Alterations or additions to existing residential uses should be fitted with appropriate acoustic insulation and encouragement should be given to ensure a satisfactory internal environment throughout the rest of the building.*

From the above, it can be seen that NZS 6807 offers a management/ engineering solution to integrate helipads and residential use. It can also be seen that such a solution relies on limitations being placed upon the helipad by means of the helinoise boundary. Once defined, the ultimate future of the helipad is already decided.

3. ANALYSIS METHOD

3.1. Methodology

The approach taken for the investigation into potential for reverse sensitivity effects on Skywork that may result from the development of PPC 40 has been to calculate the noise

levels over the PPC 40 area based on the level of activity permitted for Skywork through the consent conditions. The effects of the helicopter noise levels on the future residents of PPC 40 have then been assessed on the basis that any adverse effects could in turn affect the ability of Skywork to continue its current operations or any future expansions necessary for the reasonable growth and expansion of this business.

Skywork do not currently have a helinoise boundary for the Goatley Road site. Instead, the consent limits operations to the same 50dBA L_{dn} at existing dwellings that defines the helinoise boundary.

Given that PPC 40 would result in multiple dwellings over a relatively large area, it is more appropriate to consider noise contours over PPC 40 than spot levels at discrete points.

3.2. Helicopter Noise Prediction Method

The predictions of helicopter noise contained within this report were undertaken with the Integrated Noise Model (INM) v7.0d. INM is a computer model that is used for the prediction of aircraft noise based on the inputs of aircraft type, tracks, movements and receiver locations. This section identifies the information relevant to the noise model.

FLIGHT TRACKS

Figure 1 above identifies the four tracks used by Skywork. Given that only Tracks 1 and 2 pass over, or near to, PPC 40, Tracks 3 and 4 have been excluded from this analysis, as they do not pass over PPC 40 and analysis shows that movements on these tracks will result in only low level noise to PPC 40.

The track direction includes a tolerance of ±10º. INM contains a feature where movements on a track are spread mathematically between the track tolerances using a normal distribution, or bell curve. The majority of the movements are concentrated on the backbone track with progressively fewer movements towards the extremities.

The Civil Aviation Authority (CAA) requires[4] an aircraft to be at an altitude of no less than 500 feet other than when passing over a congested area, city, town, settlement or open air assembly of persons where a minimum of 1,000 feet elevation is required. Any aircraft at the appropriate altitude can pass overhead without limitation and can be there as of right. The inference of this is that such aircraft are beyond the jurisdiction of the RMA and the noise rules identified in section 2 above do not apply.

Given the sparsely populated nature of Goatley Road and its surrounds, predictions of noise from the current situation were based on aircraft tracks terminating when the aircraft passes through 500 feet. Any compliance monitoring would reflect this.

Currently, once departing aircraft reach 500 feet, they are free to turn from one of the designated tracks onto their intended path, with the reciprocal being true of approaching aircraft. Currently, Skywork aircraft reach an elevation of 500 feet well before they cross PPC 40 meaning that they are free to turn as required and can therefore pass over this land without constraint.

Should PPC 40 proceed, its effect would be to increase the height of those overhead aircraft to a minimum of 1,000 feet over the footprint of PPC 40. Skywork advise that this is achievable meaning that helicopters could still pass over PPC 40 on almost any heading (after leaving Tracks 1 or 2). The only difference would be that aircraft would be at 1,000 feet rather than the currently permitted 500 feet.

Given that this is an investigation into the effects on future residents within PPC 40, and consequently the reverse sensitivity effect on Skywork, it is undertaken on the basis that PPC 40 has been rezoned as proposed and development undertaken in accordance with that zoning. This means that in accordance with CAA regulations, the over flying aircraft would have to be at an elevation of 1,000 feet, and the modelling represents this.

If this was an application relating to the helipad, it would be appropriate to exclude all helicopter movements above 1,000 feet. However, doing so would not provide a true reflection of the noise received by the occupants which would be the catalyst for reverse sensitivity effects on Skywork. Tracks have therefore been extended well beyond PPC 40

[4] CAA General Operating and Flight Rules, part 91.3.11

but limiting helicopters to 1,000 feet. While it is recognised that the helicopters could pass over PPC 40 above 1,000 feet, this would require a limitation on Skywork that was not enforceable under the RMA.

PROFILES

Profiles refer to the vertical path followed by the aircraft. While INM contains standard profiles, these have been modified in this instance after discussion with Skywork who advise that their current procedure is to be at 500 feet elevation by the time the aircraft crosses the site boundary.

NIGHT TIME

The current consent provides limits on night time activities, not by limiting movements but through noise limits. The first is the L_{max} limit of 70dBA that applies during the night time only. As the name suggests, this metric is simply the highest level of noise reached as the aircraft passes overhead. The L_{max} is generally recognised as providing for the protection of sleep, or its onset.

The 50dBA L_{dn} metric will also have an influence on the night time movements. The L_{dn} is the average noise level over a 24 hour period so therefore includes both day and night time movements. However, to account for the greater sensitivity at night, 1 night time movement is equivalent in noise level to 10 day time movements. The fact that night time movements contribute to the L_{dn} ten times faster than equivalent day time movements quickly limits the number of flights available, both day and night.

AIRCRAFT

Skywork currently use AS350 (Squirrel) helicopters and have no plans to upgrade these in the near future. While these machines will inevitably be replaced at some point in the future, no consideration has been given to the replacement machine at this time meaning there is no knowledge of what its noise levels might be. In this respect, there is an element of uncertainty as to the future level of noise from the proposal. While the hard limits of the consent will remain, the noise from individual movements may change with time. This also means that should Skywork upgrade to louder helicopters at some point

in the future, the daily flights may have to be reduced to maintain compliance with the 50dBA L_{dn} criterion.

4. NOISE LEVELS

4.1. Current Limitations

Consent condition 25 provides noise limits while consent condition 27 limits the total aircraft movements per day. To understand the limitations that these two conditions place on Skywork, INM was used to predict the noise level from the entire 60 daily movements permitted by condition 27 using firstly, Track 1 and secondly Track 2. In both cases the assumption has been made that the 60 movements comprise 30 departures and 30 arrivals. The two contours have been overlaid on the following Figure 3 but, rather than report each separately, an envelope of the two has been prepared.

In addition, the L_{max} contour from a movement on Track 1, which will be used for the night time movements, has also been plotted on Figure 3.

Figure 3 identifies a dwelling on State Highway 1 that is within Skywork's ownership and rented to tenants. For the purposes of this analysis, it has been assumed that this dwelling is a Skywork site and, under condition 25, is exempt from the noise rule.

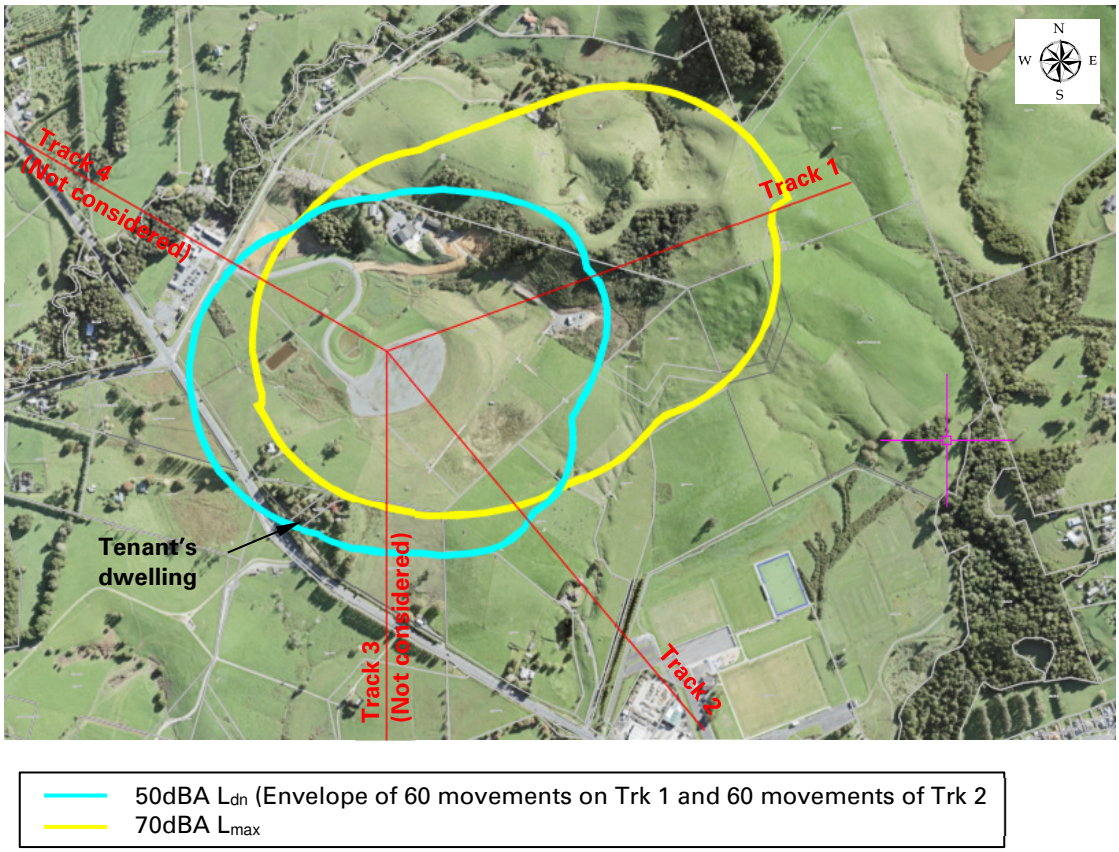

Figure 3. Noise Contours showing the Existing Limitations for Skywork

In terms of limitations posed on Skywork by the existing consent conditions, Figure 3 shows:

1. Skywork can operate all 60 permitted daily movements on Track 1 without limitations over and above those of the consent;

2. Skywork can operate all 60 permitted daily movements on Track 2 without limitations over and above those of the consent;

3. Skywork can operate night flights on Track 1.

Figure 3 also shows that when considered against the existing consent conditions, or those of the AUP or NZS 6807, there is scope for further growth by Skywork.

3.1. Helicopter Noise over PPC 40

Repeating the above analysis based on flight tracks extending out to allow helicopters to 1,000 feet elevation as they pass over PPC 40 results in the following:

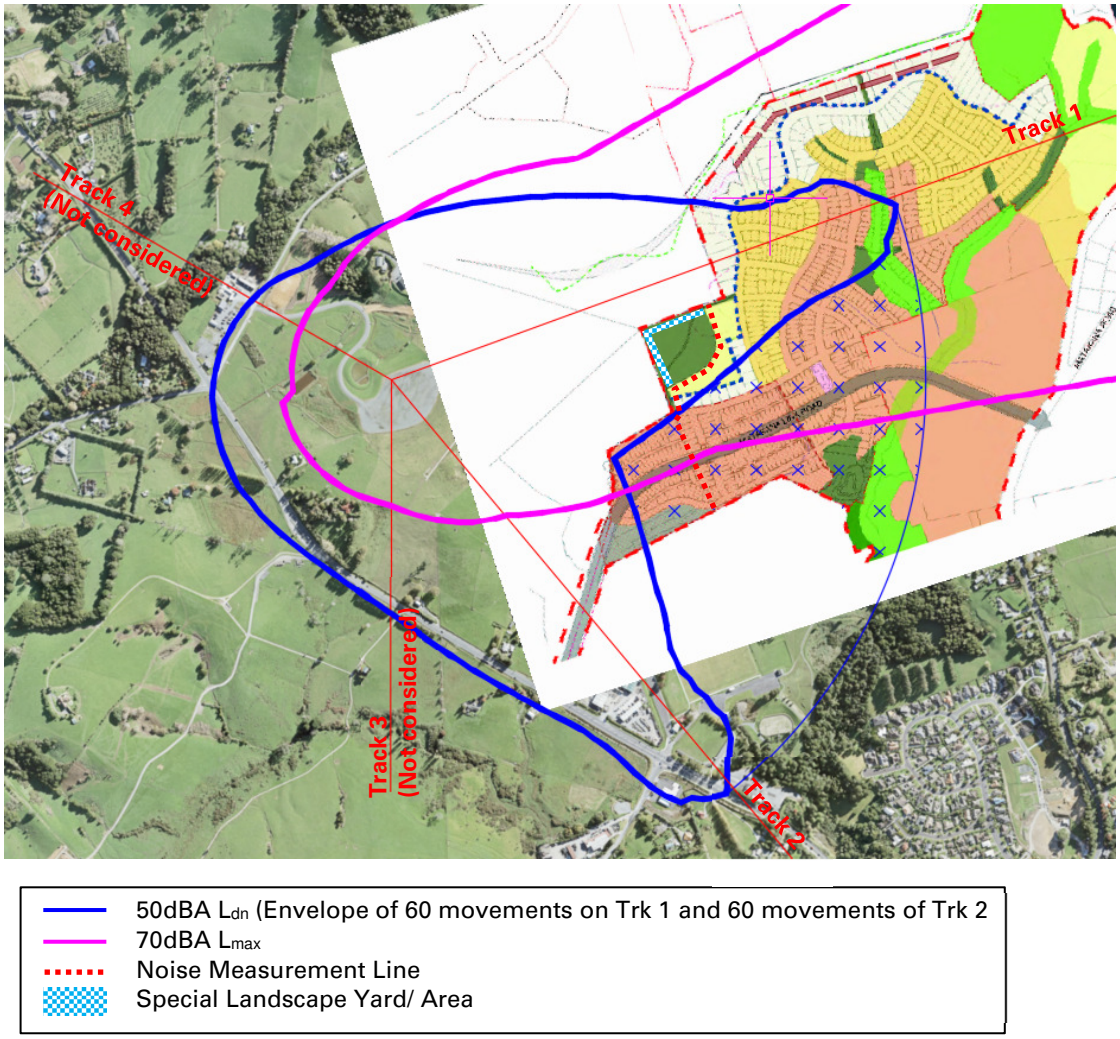

Figure 4. Noise Contours over PPC 40

Figure 4 shows that:

1. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} well into PPC 40;

2. Noise from helicopters continuing on Track 2 once they arrive at the PPC 40 boundary will exceed 50dBA L_{dn} over a small part of PPC 40;

3. Once the helicopters are at 1,000 feet, which will occur prior to PPC 40, they are free to turn to a course of their choosing. As such, it would be possible for the lobe of the contours to fall anywhere between those of Track 1 and Track 2. Considering all possible tracks within this range would result in an envelope of the 50dBA L_{dn} contour as described by the crossed hatching on Figure 4;

4. Noise from helicopters continuing on Track 1 once they arrive at the PPC 40 boundary will exceed 70dBA L_{max} over the majority of PPC 40; and

5. Should, having reached 1,000 feet, a single helicopter deviates from Track 1 in a southerly direction, Figure 4 shows that it would be possible to exceed the 70dBA L_{max} limit of the resource consent at any point within PPC 40.

5. ASSESSMENT OF NOISE EFFECTS

5.1. Effects on Residents of PPC 40

Figure 4 shows that the permitted level of movements to and from Skywork has the potential to result in levels of noise at 50dBA L_{dn} or above over an estimated 50% of PPC 40. While such levels are generally accepted to result in adverse effects, it is noted that these levels would only occur in situations where Skywork placed a majority of their movements on a single track that passes over PPC 40. No work has been undertaken to determine how probable this is noting that such work would be limited in its accuracy due to the inherent difficulties in predicting future use. Further, should some of those flights be night flights, they would be counted as 10 day time flights. By way of example, three night flights would account for half of the daily allowance of 60 movements.

While the effects described using the L_{dn} metric are related to the number of movements, those associated with the L_{max} metric are the result of a single flight. Figure 4 therefore shows that any flight passing over PPC 40 would result in such levels as to produce an adverse effect.

5.2. Reverse Sensitivity

Having established that the noise from helicopter movements will result in adverse effects to the residents of PPC 40, it remains to consider the potential reciprocal effects to Skywork, or reverse sensitivity.

Residents within the developed plan change would experience helicopter noise due to the proximity of Skywork and there are scenarios in which those levels could be considered unreasonable, such as all flights departing on either Tracks 1 or 2 and night flights on Track 1.

While the helicopters could be there as of right, this does nothing to address effects. This situation differs from typical helicopter over flights which, while resulting in the same level of annoyance, lack a focal point for residents' concerns. In this situation, those over flights would, rightly or wrongly, be attributable to Skywork.

In this situation, the potential reverse sensitivity effects resulting from PPC 40 would be local opposition to any future consents that Skywork may require and possible ongoing complaints to both Council and Skywork. It should be noted that such complaints may have merit, as the above analysis shows that Skywork activities could potentially result in noise levels across PPC 40 that NZS 6807 describes as exceeding the '*minimum acceptable degree of protection for public health and the environment*'

Essentially, the concern is that as the currently proposed residential activities are incompatible with the consented activities of Skywork, PPC 40 may ultimately lead to the curtailment of both Skywork's current activities and the reasonable operation of their business, including any future development.

5.3. Potential Mitigation Methods

The Tattico planning report for PPC 40 suggests three measures to address reverse sensitivity: A no- complaints covenant, a noise measurement line and a special landscape yard within the residentially zoned land within the precinct. Each is addressed in turn below.

NO-COMPLAINTS COVENANT

A no complaints covenant would not reduce, remedy or mitigate noise from helicopters and would therefore not address the reverse sensitivity issue. While it would prevent the future residents from complaining to Council about the consent activities of Skywork, it would not remove residents' ability to submit in opposition to any future Skywork's consent. In that respect, the no-complaints covenant does not offer Skywork anything that has not already been afforded them.

NOISE MEASUREMENT LINE

Paragraph 10.12(d) of the Tattico report explains the concept and purpose of the Noise Measurement Line as:

> *10.12(d) In terms of the noise measurement line, this will only be effective if there is a 127 variation of conditions consent to the helicopter landing facility granted. This consent would change the location of the noise measurement location for residential sites within the precinct from the nearest residential boundary to the noise measurement line shown on the precinct plan. WLC is the only affected landowner among the cooperating landowners and has given clear commitments to Goatley Holdings Limited that it will support and give its written consent to any such 127 application.*

The location of the noise measurement line is shown on Figure 4 above. The purpose of this line is not apparent as, without a noise limit referenced to it, it is unclear as to how it would contribute to any future consent application by Skywork. If it is intended that the 50dBA L_{dn} limit of the AUP applies at this line, Figure 4 indicates that this would likely have a significant effect on any future Skywork's consent application as, rather than offer flexibility it would require a reduction in the currently permitted movements over PPC 40. It should be noted that Figure 4 cannot be used directly to assess the noise from Skywork over PPC 40, as it includes helicopters after they have passed through 1,000 feet, and should therefore be excluded from the analysis. However, Figure 4 provides a strong indication that the 50dBA L_{dn} contour from the currently permitted movements would extend well past the Noise Measurement Line.

In this respect, the Noise Measurement Line could be considered as laying the foundation for any future reverse sensitivity effects on Skywork, as it forms the beginning of a rule to limit operations at Skywork in the vicinity of PPC 40 where no rule currently exists.

A future limitation of the Noise Measurement Line is that it starts and stops mid-height within PPC 40 and therefore provides no information as to where the measurement point is above and below it, or even if there is a measurement point for helicopter noise in these locations.

A final issue with this approach is that by definition the dwellings within PPC 40 that are to the west of the Noise Measurement Line would receive levels of helicopter noise that were above the yet to be determined limit. If this limit were to be set at an approximate level for residential amenity, the inference would be that those western residents would be exposed to levels that are unreasonable. Given that PPC 40 is essentially a greenfield application, it is difficult to justify such an approach. Lowering the limit at the Noise Measurement Line to protect the western residences makes the line redundant, as it offers nothing more than the approach adopted by the current conditions, the AUP or NZS 6807, other than complications.

SPECIAL LANDSCAPE YARD/ AREA

The Special Landscape Yard is identified on Figure 4. While its size is not defined, it appears too small to be of significance.

FAÇADE MITIGATION

Façade mitigation is not addressed by the Tattico report but is a practical and well recognised method of mitigating the adverse effects of helicopter noise. However, even this technique is limited in its efficacy as it does not address noise levels to the outdoor amenity area and only reduces internal levels of helicopter noise, rather than eliminating it. As such, façade mitigation can be considered to reduce, but not remove, the reverse sensitivity issue.

Façade mitigation could be implemented to the future dwellings of PPC 40 to ensure that reasonable internal levels of helicopter noise were maintained. While a detailed investigation has not been undertaken, preliminary analysis shows that reasonable

internal levels could be achieved simply by closing the windows of the future dwellings. For this to be a viable option, alternative ventilation, such as provided by mechanical plant, would be required to ensure the ventilation requirements of the Building Code were achieved at the same time the windows were closed.

In terms of the extent of this closed window requirement, Figure 4 and the subsequent discussion, shows that levels of 70dBA L_{max} or greater can be expected over PPC 40 in its entirety meaning the closed window requirement should do the same.

6. CONCLUSIONS

Analysis shows that the noise resulting from the consented operation of Skywork will result in levels of helicopter noise over the area covered by PPC 40 that are considered too high to be appropriate for residential amenity. As such, occupants in the subdivision PPC 40 seeks to enable would potentially have legitimate concerns over helicopter noise from the consented activities of Skywork, leading to reverse sensitivity.

For reverse sensitivity to occur, there must be an effect on Skywork. In this instance, the potential effects would be the curtailment of existing activities due to community pressure and/ or opposition to any future consents that Skywork may require to support reasonable growth.

It is noted that the applicant has proposed three measures to mitigate the potential reverse sensitivity issues, but none are considered to achieve that goal. Façade mitigation for the entire development would go some way to mitigate the current levels of helicopter noise. However, the façade mitigation itself would essentially result in a limit on Skywork as, once agreed, external levels of helicopter noise could not be further increased as the corresponding increase in internal levels wold presumably no longer comply with the agreed internal limit.

Essentially, for the noise sensitive residential activity envisaged by PPC 40 to coexist with Skywork Helicopters Ltd would require an engineering solution (such as façade mitigation) to enable the proposed planning solution. By its nature, an engineering

solution requires noise limits for both source and receiver, and it is these limits on the source that are termed reverse sensitivity.

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Attachment B:

I552 Warkworth Clayden Road Precinct

I552. Warkworth Clayden Road Precinct

I552.1. Precinct Description

The Warkworth Clayden Road Precinct assists in providing for growth within the Warkworth area. The land slopes up to the north to adjoin the Rural Urban Boundary. The ridgeline that demarks the northern extent of the precinct with the back drop of Dome Valley and the bush clad streams reaching up the slopes toward it, are valued as landscape and ecological features within the precinct. Development in accordance with the precinct provisions will create a range of housing types, respond to existing topography, and maximise urban landscape and environmental outcomes while balancing urban land use efficiency imperatives. The planned Matakana Link Road creates good connectivity to this part of Warkworth with direct connections to State Highway 1.

PC 78 (see Modifications)

The zoning of land within this Warkworth Clayden Road Precinct is Rural – Countryside Living, Residential - Large Lot, Residential - Single House, Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban, Business - Neighbourhood Centre and Open Space – Conservation zones.

A small portion of land within the Precinct will be retained as Business – Light Industry zoned land to enable a 3-metre buffer to the Business – Light Industry zoned land to the north west. This buffer, in conjunction with other controls, will manage potential reverse sensitivity and other effects on the light industrial land uses that may arise as a result of development within the precinct. Those adjacent land uses include a consented and operational heliport that can operate up to 60 flight movements a day.

The Precinct is also adjacent to the 26.8 hectare Warkworth Showgrounds which is zoned and used for a wide range of sport and active recreation activities. To manage any potential reverse sensitivity issues regarding noise and lighting issues associated with the Warkworth Showgrounds specific provisions apply to the identified noise and lighting sensitive areas to the north of the showgrounds.

PC 78 (see Modifications)

The Residential - Mixed Housing Urban zone applies to the more intensive residential opportunity created around the Matakana Link Road and the future public transport options this offers with direct access to and views across the Warkworth Showgrounds. Residential - Mixed Housing Suburban zone medium density housing is provided in the northern area of the Precinct. Low density Residential - Single House zoning is provided on the Rural Urban Boundary fringe with particular controls applying along the interface between the Countryside Living zone and the Residential - Single House zone and the Rural – Countryside Living zone, where rural character is to be maintained and lower levels of residential intensification enabled. A small area of land is zoned Residential - Large Lot and Rural - Countryside Living. These zones and controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.

Provision is made for a neighbourhood centre designed to provide services to the northern Warkworth community and yet be complementary to the Warkworth town centre.

Provision is made for a greenway network providing a network of tracks and walkways along streams and connecting to the broader network outside the precinct.

Special provision is made for the northern arena, a planned recreational facility.

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

I552.2. Objectives

(1) Provide for residential urban growth within the northern Warkworth area.

(2) Apply urban zoning efficiently to protect against future urban expansion into Warkworth's valued rural hinterland.

(3) Enhance the character of the rural – urban interface through limitations in key locations on housing density, building location, height and enhanced landscaping.

(4) Create an accessible residential development with safe and integrated vehicle, walking and cycleway connections while supporting the safety and efficiency of the surrounding transport network.

(5) Provide an appropriate interface and controls between the existing light industry zone and the new residential areas to manage adverse reverse sensitivity effects on industrial activity and heliport operations.

(6) Subdivision and development is coordinated with the delivery of the transport, infrastructure and services required to provide for development within the precinct and connect it to the wider transport network.

(7) Subdivision and development recognises and provides for Matakana Link Road and the strategic transport connection this makes through the Warkworth Clayden Road Precinct which support growth in the wider Warkworth area.

(8) Subdivision and development within the precinct occurs in a manner which remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.

(9) Subdivision and development within the precinct provides for the protection and enhancement of identified landscape features within the Warkworth Clayden Road Precinct.

(10) Provide amenity for, and manage effects from, operations within the industrial area to the north west of the Warkworth Clayden Road Precinct including heliport operations, on activities sensitive to noise within the area identified on the Precinct Plan I552.9.1.

(11) Protect and enhance the ecological values of streams, natural wetlands and areas of indigenous vegetation within the precinct as shown on Precinct Plan 2.

(12) Subdivision and development provide riparian yards and design stormwater management function to respect natural processes through best practicable options to protect the high ecological values and maintain good water quality and enhance degraded water quality present in the receiving environment.

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

I552.3. Policies

(1) Provide a range of diverse residential zones and therefore housing options to help meet community needs.

(2) Locate more intensive housing adjacent to Matakana Link Road and overlooking the Warkworth showgrounds and Mahurangi tributaries and supporting public transport.

(3) Create low density housing along the rural - urban boundary to form a transition from urban to rural uses.

(4) Create the opportunity for local shops to service the neighbourhood, by zoning a suitable area of land for a "neighbourhood centre".

(5) Create an intensively landscaped interface along the rural urban boundary.

(6) Protect landscape values by preventing building on the special landscape areas shown on Precinct Plan 1 and requiring planting of these landscape elements, and applying the height variation control to limit building heights in sensitive locations.

(7) Provide extensive active walking and cycling networks and futureproof key walkway/cycleway routes.

(8) Create the opportunity for a recreation facility adjacent to the Warkworth showgrounds.

(9) Create a 10 metre landscaped buffer and associated bund with a minimum height of 3 metres, where the topography allows; and require 'no complaints covenants' and mechanical ventilation on the properties adjacent to the industrial zoned land, so as to manage reverse sensitivity effects.

(10) Avoid direct vehicle access from individual sites on to Matakana Link Road, while allowing direct pedestrian and cycle access.

(11) Utilise riparian yard planting and at source hydrological mitigation of stormwater to prevent bank erosion and to protect and enhance in-stream and wetland water qualities.

(12) Require subdivision and development to provide transport infrastructure within the precinct and to provide connections to adjoining land in accordance with Precinct Plan 3.

(13) Mitigate the adverse effects of stormwater runoff from all impervious areas in the precinct through a treatment train approach which assists in maintaining high water quality and enhances poor water quality.

(14) Require subdivision and development to be co-ordinated with the provision of transport infrastructure and services identified in the precinct plan.

(15) Require subdivision and development to protect and enhance natural wetlands, permanent streams and intermittent streams identified on Precinct Plan 2.

(16) Enhance protected streams and natural wetlands identified on Precinct Plan 2 through native planted riparian yards.

(17) Protect and enhance intermittent stream reaches not identified on Precinct Plan 2 where those reached are confirmed for protection by a resource consent.

(18) Require subdivision and development to protect the landscape values of the ridgeline of the knoll adjacent to the north western boundary of the precinct.

(19) Require “no complaints covenants” on the properties adjacent to the Warkworth Show grounds so as to manage potential reverse sensitivity issues regarding noise and lighting.

(20) Create a special yard buffer on the properties adjacent to Tomlinsons Bush so as to manage the interface between the bush and adjacent residential land.

(21) Manage the design and construction of residential buildings within the area identified on the Precinct Plan I552.9.1. so as to mitigate the adverse potential noise effects and manage potential reverse sensitivity effects on operations within the industrial area to the north west of the Warkworth Clayden Road Precinct including heliport operations.

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

I552.4. Activity table

The provisions in any relevant overlays, Auckland-wide provisions and zones apply in this precinct, except the following:

(a) E.12.4.1: Activity Table relating to Land Disturbance – District: Activities (A6) and (A10)

Activity Table I552.4.1 – I552.4.7 specify the activity status of regional and district land use, development and subdivision in the Warkworth Clayden Road Precinct pursuant to sections 9(2), 9(3), 11 and 13 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

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

Note

Activities and standards apply to vegetation removal within SEA overlay as listed in Chapter E15 Vegetation management and biodiversity.

Table I552.4.1 All zones

Activity		Activity status
Use		
Development		
(A1)	New buildings and additions	
(A2)	New buildings and additions to buildings which meet Standards I552.6.8 High Contaminant Yield Material.	
(A3)	New buildings and additions to buildings which do not meet Standard I552.6.8 High Contaminant Yield Material	NC
(A4) [rp]	New reclamation or drainage, including filling over or piping of a stream shown as a High Value Protected Stream on Precinct Plan 2 I552.9.2.	NC
(A5) [rp/dp]	Removal of any native vegetation shown as covenanted bush or area of significant bush on Precinct Plan I552.9.2, not otherwise provided for except this shall not preclude: (i) removal of deceased or damaged limbs or trees that could create a fall hazard; (ii) clearing of bush up to 2m wide to create or maintain consented walking tracks.	NC
(A6)	Activities sensitive to noise within the area shown on Precinct Plan I552.9.1 as Noise Management Area, Noise Measurement Line and Covenant that comply with Standard I552.6.6 Noise Management Area, Noise Measurement Line and Covenants.	P
(A7)	Activities sensitive to noise within the area shown on Precinct Plan I552.9.1 as Noise Management Area, Noise Measurement Line and Covenant that do not comply with Standard I552.6.6 Noise Management Area, Noise Measurement Line and Covenants.	NC
(A8)	Earthworks for construction of an earth bund and associated landscaping in accordance with Standard I552.6.3 Special Yard: West.	C
(A9)	Any development of the land shown on Precinct Plan I552.9.1 that is not in accordance with Standard I552.6.3 Special Yard: West	NC
Subdivision		
(A10)	Subdivision involving parent sites of 1ha or greater complying with Standard E38.8.2.1 or E38.8.3.1, and Standards I552.6.5 Special Subdivision Control Area	RD

	in Single House Zone, I552.6.3 Special Yard: West, I552.6.6 Noise Management Area, Noise Measurement Line and Covenants, and generally in accordance with Precinct Plans I552.9.1, I552.9.2 and I552.9.3.	
(A11)	Subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.1 or E38.8.2.3 and Standards I552.6.5 Special Subdivision Control Area in Single House Zone, I552.6.3 Special Yard: West, I552.6.6 Noise Management Area, Noise Measurement Line and Covenants and generally in accordance with Precinct Plans I552.9.1, I552.9.2 and I552.9.3.	RD
(A12)	Subdivision that does not comply with either Standards I552.6.5 Special Subdivision Control Area in Single House Zone, I552.6.3 Special Yard: West, or I552.6.6 Noise Management Area, Noise Measurement Line and Covenants.	NC
(A13)	Subdivision or development that does not comply with the 'access points onto Matakana link Road', 'eastern access', and / or 'pedestrian and cycle connection to Matakana Link Road' as shown on Precinct Plan I552.9.3.	D
(A14)	Public walkways within a riparian yard.	RD
(A15)	Subdivision of the Special Subdivision Control area: South as shown on Precinct Plan 1	NC

Table I552.4.2 Rural – Countryside Living Zone

Activity		Activity status
Use		
Development		
(A1)	New buildings and additions to buildings within the Special Yard: North on Precinct Plan 1.	NC

Table I552.4.3 Residential – Large Lot Residential Zone

Activity		Activity status
Use		
Development		
(A1)	Integrated residential development.	
(A2)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.	
(A3)	New buildings and additions to buildings within the Special Landscape Area on Precinct Plan 1.	NC

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Table I552.4.4 Residential – Single House Zone

Activity		Activity status
Use		
Development		
(A1)	Integrated residential development.	
(A2)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.	
(A3)	New buildings and additions to buildings that do not comply with Standard I552.6.1 Special Height Limit.	D
(A4)	New buildings and additions to buildings on a site subject to the Special Yard: North on I552.9.1 Precinct Plan 1 that do not comply with Standards I552.6.2 Special Yard: North.	NC
Subdivision		
(A5)	Any subdivision in the “special subdivision control area” area shown in Precinct Plan 1 that does not meet the minimum net site size requirements in Standard I552.6.5 Special Subdivision Control Area.	NC

Table I552.4.5 Residential – Mixed Housing Urban Zone

Activity		Activity status
Use		
Community		
(A1)	Recreation Facility in the location shown on Precinct Plan 1 as Recreation Facility complying with Standard I552.6.9 Maximum Gross Floor Area.	RD
(A2)	Recreation Facility in the location shown on Precinct Plan 1 as Recreation Facility not complying with Standard I552.6.9 Maximum Gross Floor Area.	D
Development		
(A3)	Integrated residential development.	
(A4)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.	
(A5)	Development that does not comply with standard E27.6.4.1(3).	NC
(A6)	Construction of a road that does not comply with Standard 1552.6.4 Limited Access.	NC
(A7)	New buildings and additions to new buildings that do not comply with the Height Variation Control Standard I552.6.1A.	D
(A8)	Residential activity within the area shown on Precinct Plan 1 I552.9.1 as Noise and Lighting Sensitive Area that complies with Standard I552.6.7 Noise and Light Sensitive Areas.	P
(A9)	Residential activity within the area shown on Precinct Plan I552.9.1 as Noise and Lighting Sensitive Area that does not comply with Standard 1552.6.7 Noise and Light Sensitive Areas.	NC
(A10)	Residential activity on a site subject to Special Yard Tomlinsons Bush that complies with standard I552.6.3A.	P
(A11)	Residential activity on a site subject to Special Yard Tomlinsons Bush that does not comply with standard I552.6.3A.	D

Subdivision		
(A12)	Any subdivision not complying with standard I552.6.4 Limited Access.	D

Table I552.4.6 Business – Neighbourhood Centre

Activity		Activity status
Use		
Development		
(A1)	Development that does not comply with standard E27.6.4.1(3).	NC
(A2)	Construction of a road that does not comply with Standard I552.6.4 Limited Access.	NC
Subdivision		
(A3)	Any subdivision not complying with standard I552.6.4 Limited Access.	D

Table I552.4.7 Business – Light Industry Zone

Activity		Activity status
Use		
Development		
(A1)	New buildings and additions.	NC
(A2)	Earthworks and/or landscaping associated with any bund.	C

I552.5. Notification

(1) Any application for resource consent for a controlled activity listed under I552.4 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the Resource Management Act 1991;

(2) Any application for resource consent for a restricted discretionary, discretionary or non-complying activity listed in I552.4 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991; and particular regard will be given to the following;

(a) 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, in relation to Rules I552.6.3, I552.6.6 and I552.6.7 which manages reverse sensitivity effects, to any owner / operator of the adjacent industrial land and heliport which is protected by the rule from such effects.

(b) 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, in relation to Standard 1552.6.7 Noise and Lighting Sensitive Area which manages reverse sensitivity effects, to the operators/clubs of the Warkworth Showgrounds which is protected by the rule from such effects.

I552.6. Standards

(1) Unless specified in Standard 1552.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Tables I552.4.1 to I552.4.7 above.

(2) The following Auckland-wide and zone standards do not apply to the activities listed in activity tables below:

(a) Activity table 1552.4.1 All zones :

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- Activity (A11): E38.8.2.3 does not apply to subdivision in Single House Zone where land is subject to special subdivision control area shown on I552.9.1 Precinct Plan 1 and Standard I552.6. 5 applies

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- Activity (A10): E38.8.3.1(3)-(5) does not apply to subdivision in Single House Zone where land is subject to special subdivision control area shown on I552.9.1 Precinct Plan 1 and Standard I552.6. 5 applies

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(b) Activity Table I552.4.4 Residential – Single House Zone:

- Activity (A3): H3.6.6 Building height standard of 8 metres does not apply to that part of the site subject to the height variation control shown on the planning maps and where Standard I552.6.1 Special Height Limited applies
- Activities(A4): H3.6.8 Yards. The relevant yard in Table H3.6.8.1 Yards does not apply where
  - Standard I552.6.2 Special Yard : North applies
  - Standard I552.6.3 Special Yard : West applies

(c) Activity Table I552.4.5 Residential – Mixed House Urban Zone:

- Activity (A7) H5.6.4 Building height standard of 11 metres does not apply to that part of the site subject to the height variation control shown on the planning maps and where Standard I552.6.1A Height Variation Control applies

(3) Activities listed in Activity Tables I552.4.1 to I552.4.7 must comply with Standards I552.6

I552.6.1 Special Height Limit

Purpose: To reduce the height of buildings adjacent to the Rural Boundary interface.

PC 78 (see Modifications)

(1) The maximum height limit in the Single House zone in the area shown as "special height limit" on Precinct Plan 1 (I552.9.1) shall be 5m for any part of a building that is within 22m but further than 12m from the Rural Urban Boundary.

I552.6.1A Height Variation Control

Purpose: To reduce building height below the standard zone height, where the standard zone height would have adverse effects on the rural backdrop of Dome Valley

(1) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for that part of the site on the planning maps.

I552.6.1B Yard

Purpose:
- to increase the side and rear yard set back to a vested walkway adjoining or within a riparian yard.

(1) No building, or retaining wall greater than 1 m in height, shall be constructed within 2m of a vested public walkway adjoining or within a riparian yard.

I552.6.2 Special Yard: North

Purpose:
- to form a transition from urban to rural uses;
- to avoid buildings on the upper slopes of identified parts of the precinct which contribute to the landscape values and amenity of the Warkworth Clayden Road precinct

(1) A building or parts of a building on sites shown as subject to the Special Yard on I552.9.1 Precinct Plan 1 must be set back 12m from the boundary as shown on Precinct Plan 1.

(2) All land within the "special yard: north" shown on Precinct Plan 1 shall be landscaped. Fifty percent of the yard shall be planted in native trees that will attain a height of at least 5m when mature.

(3) The yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area and planting in perpetuity.

I552.6.3 Special Yard: West

Purpose:
- to provide a landscape buffer and manage reverse sensitivity effects;
- to maintain a reasonable standard of residential amenity for sites adjoining

business land; and

- to establish a landscape bund at the interface with industrial land on that part of the site with appropriate contour for an urban bund.

(1) A building or parts of a building must be set back from the precinct boundary by at least 30 m where sites are subject to the Special Yard: West on I552.9.1 Precinct Plan 1.

(2) For that part of the Special Yard: West within the Mixed Housing Urban zone, and that part within the Large Lot Residential zone with a slope less than 1 in 5, a 10m wide strip measured from the boundary of the precinct shall be planted with indigenous vegetation that will attain a height of at least 5m when mature, forming a planted visual buffer along the precinct boundary. The planting shall have attained a height of at least 1.5m prior to the construction of any dwelling within 100m of the Special Yard: West.

(3) The yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area and planting in perpetuity.

(4) On that part of the land within the mixed housing urban zone, and that part of the land within the large lot residential zone that has a slope of less than 1 in 5 a bund shall be constructed within the 10m planting strip of the Yard and shall have a minimum width at its base of 8m and a minimum height at its apex of 3m.

(5) The landscaping and bund shall be constructed at the time of any earthworks consents or other form of development on land within the area subject to this rule, or prior to the issue of any new title for development of the land within the Precinct; or construction of any dwelling, whichever occurs first.

I552.6.3A Special Yard Tomlinsons Bush

Purpose:
- to provide a buffer adjacent to Tomlinsons Bush.

(1) A building or parts of a building must be set back from the legal boundary with Tomlinsons Bush by 6m where sites are subject to the Special Yard Tomlinsons Bush on I552.9.1 Precinct Plan 1.

(2) A 3m wide strip of the Special Yard measured from the boundary of the Tomlinsons Bush site shall be planted with indigenous vegetation that attain a height of at least 5m when mature, except where a public walking track is constructed within the 3m yard.

(3) The 3m wide strip of the Special Yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area, the prevention of dumping of rubbish and garden waste, the management of noxious weeds, and a prohibition on the keeping of domestic cats.

I552.6.3B Special Landscape Area

Purpose:
- to provide landscaping features on two key upper portions of the precinct.

(1) Land identified on I552.9.1 Precinct Plan 1 as Special Landscape Area shall be landscaped in either indigenous vegetation or retained as grassed land.

(2) No buildings or part of the building shall be constructed within the identified Special Landscape Area.

I552.6.4 Limited Access

Purpose:
- to avoid direct vehicle access from individual sites onto Matakana Link Road; and
- to have safe and efficient operation of transport infrastructure.

(1) Road intersections with Matakana Link Road servicing the precinct, shall be located as identified as Access Points onto Matakana Link Road on I552.9.3 Warkworth Clayden Road: Precinct Plan 3 except:

(a) that the intersections from the north and south connecting with the easternmost access point identified on I552.9.3 Precinct Plan 3 shall be limited to a left turn in/left turn out intersection with Matakana Link Road only, and may be offset from each other by a maximum distance of 100m.

PC 78 (see Modifications)

I552.6.5 Special Subdivision Control Area in Single House Zone

Purpose: To create larger sites along a portion of the northern boundary of the precinct identified as a “Subdivision Control Area”.

(1) Proposed sites in the area shown as “Special Subdivision Control” on I552.9.1 Precinct Plan 1 must comply with the minimum net site area of 1,000m².

I552.6.5A Subdivision and development standard – Riparian yards for streams and natural wetlands

Purpose:
- To protect and enhance water quality and ecology of the streams and natural wetlands shown on Precinct Plan 2 while preventing erosion.

(1) The riparian yards of any permanent or intermittent stream must be planted at the time of subdivision or land development to a minimum width of 10m measured from the top of the stream bank or, where the stream edge cannot be identified by survey, from the centre line of the stream. This standard does not apply to that part of a riparian yard where a road or consented public walkway crosses over the stream and/or passes through or along the riparian yard.

(2) The riparian yards of any natural wetland shown on Precinct Plan 2 must be planted at the time of subdivision or land development to a minimum width of

10m measured from the wetland's fullest extent. This standard does not apply to that part of a riparian yard where a road or consented public walkway crosses over the wetland and associated riparian area, and/or generally passes across a stream and associated riparian area, or along the riparian yard.

(3) The planting must:
   (a) Use eco-sourced native vegetation;

   (b) Be consistent with local biodiversity; and

   (c) Be planted at a density of 10,000 plants per hectare.

(4) Planting must be undertaken in accordance with Standard I552.6.5(3) and Special Information Requirement I552.8.2

I552.6.6 Noise Management Area, Noise Measurement Line and Covenants

Purpose: To manage the reverse sensitivity effects on industrial activity in the Business: Light Industry zoned land located between Goatley Road and the precinct boundary and helicopter operations to and from the Warkworth Heliport at 38 Goatley Road by:

- Identifying a Noise Management Area within which mechanical ventilation is required.

- Identifying a Noise Measurement Line where noise levels from industrial activity are to be measured.

- Requiring a no complaints covenant in the Industrial Covenant Area related to industrial activity.

- Requiring a no complaints covenant throughout the entire precinct related to helicopter operations.

(1) Any residential building or part of a residential building within the Noise Measurement Area shown on I552.9.1 Precinct Plan 1 must provide ventilation and/or an air conditioning system(s) that satisfies the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.

(2) When determining whether any activity carried out in the Business: Light Industry zone complies with the noise limits in E25.6.19, noise levels are to be measured at the "Noise Measurement Line" and not at the closest residential boundary.

(3) A 'no complaints' covenant is registered against the certificate of title for every site in the Industrial Covenant-Area shown on I552.9.1 Precinct Plan 1 in favour of all sites within the Business: Light Industry zoned land located between Goatley Road and the precinct boundary. The requirement to register a covenant shall apply at the time of any landuse consent or 224C certification on any subdivision, or in the case where no landuse consent or subdivision is required, at the time of building consent for a dwelling or a noise sensitive use. Any landuse or subdivision consent that fails to comply with this rule is a non-complying activity. Where a building consent for a dwelling or a noise sensitive use is applied for and there is no

covenant on the title then the activity contravenes this rule and is a non-complying activity. The covenant must acknowledge and agree that:

- the site is adjacent to an industrial area that may operate 24 hours a day 365 days a year:
- the covenantor shall not, either personally or through another, either directly or indirectly:
    - complain to the Council about any activity;
    - make, support or encourage any enforcement action about any activity;
    - make any demands or bring any legal action;
    - do or permit to be done any act, matter or thing intended to restrict or inhibit any activity;

  provided the activity is meeting district plan standards, or operating lawfully in accordance with a resource consent.

(4) A 'no complaints' covenant is registered against the certificate of title for every site within the precinct in favour of the owner and operator of the Warkworth Heliport. The requirement to register a covenant shall apply at the time of any landuse consent or 224C certification on any subdivision, or in the case where no landuse consent or subdivision is required, at the time of building consent for a dwelling or a noise sensitive use. Any landuse or subdivision consent that fails to comply with this rule is a non-complying activity. Where a building consent for a dwelling or a noise sensitive use is applied for and there is no covenant on the title then the activity contravenes this rule and is a non-complying activity. The covenant must acknowledge and agree:

- the Heliport was established at 38 Goatley Road in 2010.
- The noise generated by the Heliport is measured at the notional boundary of the dwellings that existed or were under construction on 9 March 2010. The notional boundary is a line 20 metres from any side of those dwellings, or the legal boundary where that is closer than 20 metres.
- I552.9.4 Warkworth: Clayden Road Precinct Plan 4 identifying the dwellings that were existed or under construction on 9 March 2010 shall be attached to the covenant.
- The noise limit at the notional boundary of those dwellings is 50 dBA L_{dn} and a night time limit of 70 dBA L_{max} (10pm – 7am the following day). Noise generated by emergency flights and training for emergency flights are excluded from the measurements.
- The site may be closer to the Heliport than the dwellings existing or under construction on 9 March 2010, and may experience a higher level of noise.
- the covenantor shall not, either personally or through another, either directly or indirectly:

- complain about any heliport or any helicopter activity operating lawfully, or any helicopter operation at any time responding to an emergency flight including search and rescue or fire fighting, to Auckland Council or the Civil Aviation Authority;
- make, support or encourage any enforcement action about the Heliport;
- make any demands or bring any legal action in relation to the Heliport; or
- do or permit to be done any act, matter or thing intended to restrict or inhibit the Heliport;

provided the Heliport is operating lawfully in accordance with its resource consent, or

- lodge, support or encourage any submission, objection or appeal which has the effect of limiting, restricting or prohibiting the Heliport or amending the planning provisions applying to the Heliport provided that:
  - the noise generated by the Heliport is no greater than the levels above at the notional boundary of the dwellings that existed or were under construction on 9 March 2010; and
  - the Heliport has been operated lawfully;

Note: For the purpose of this standard, a no complaints covenant is defined as a restrictive covenant registered on the title to the property or a binding agreement to covenant by the landowner. Details of an agreed form of the covenant may be obtained from Goatley Holdings Limited.

I552.6.7 Noise and Lighting Sensitive Area

Purpose: To help manage potential reverse sensitivity issues regarding noise and lighting issues associated with the Warkworth Showgrounds by requiring a no complaints covenant and mechanical ventilation or air-conditioning.

(1) A no complaints covenant shall be registered against the certificate of title for the sites adjacent to the Warkworth Showgrounds at which active sports and recreation activities are carried out in the Noise and Lighting Sensitive Area on I552.9.1 Precinct Plan 1. The covenant shall acknowledge the site is adjacent to the Warkworth Showgrounds including existing and future active sports and recreation activities and that the residents will not complain about any permitted activity meeting district plan standards, or any sports activity or sporting event that is being lawfully operated or carried out.

(2) Any residential building or part of a residential building within the Noise and Lighting Sensitive Area shown on I552.9.1 Precinct Plan 1 that is within 80m of the boundary with the Warkworth Showgrounds must provide ventilation and/or air-conditioning systems that satisfy the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.

I552.6.8 New Buildings and additions - High Contaminant Yielding Materials

Purpose:

- to protect water quality in streams, and the Mahurangi East catchment, by limiting the release of contaminants from building materials.

(1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting buildings materials.

I552.6.9 Maximum Gross Floor Area Recreation Facility

Purpose:

- to indicate the size of recreation facility anticipated in Warkworth Clayden Road Precinct.

(1) The maximum gross floor area of any recreational facility in the location shown on Precinct Plan 1 shall be 2,000m² gross floor area.

I552.6.10 Greenways – Walking and cycling infrastructure

(1) Walkways and cycleways (where practicable) that are to be vested in the Council shall be provided within the greenways shown on Precinct Plan I552.9.1 and;

(a) Shall be constructed either to a walking track standard similar to that constructed in Regional Parks if not part of a vested formed road, or in the case where the greenway is part of a-vested formed road, constructed to normal footpath standards as appropriate;

(b) Shall provide connections to greenways on public or private land outside the land subject to resource consent, and are futureproofed by constructing track access to the boundary of the application site;

(c) The width of the track shall have a minimum width of 2m.

(d) Where the walkways and cycleways (where practicable) are adjacent to a stream for which an esplanade reserve is not required, but a 10m riparian yard is required by I552.6.5A, the walkway shall have a width of 2m and shall not be within the 10m riparian yard required by I552.6.5A unless a resource consent has been obtained that authorises that location.
Where the off-road greenway is not indicated on Precinct Plan 1 I552.9.1 to be adjacent to a stream and it is intended to be vested, the walkway and cycleway shall be a minimum width of 8m from the stream.

(2) Where the Council does not want or is unable to accept vesting of the walkway and associated riparian yard and stream bank, then there is no requirement to provide the walkway.

I552.6.11 Integrated residential development and supported residential care

(1) Transport infrastructure including walking and cycling as indicated in I552.9.3 shall be provided as part of the development.

I552.7 Assessment – controlled activities

I552.7.1 Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application, in addition to the matters specified for the relevant controlled activities in the overlay, Auckland wide or zone provisions:

(1) Landscaping in accordance with Standard I552.6.3.
   (a) Landscaping effects.

   (b) Reverse sensitivity on adjacent Light Industry zoned land.

(2) Earthworks and/or landscaping associated with any bund in the Business Light Industry zone
   (a) Erosion and sedimentation effects.

   (b) Land stability.

I552.7.2 Assessment criteria – Controlled Activities

The Council will consider the relevant assessment criteria identified below for controlled activities, in addition to the assessment criteria specified for assessment of the relevant controlled activities in the zone, Auckland wide or overlay provisions:

(1) Landscaping in accordance with Standard I552.6.3

   (a) The extent to which:

      (i) The landscaping and bund form a visual buffer between the industrial area to the west of the precinct and the housing within the Precinct.

      (ii) Plant species are suitable for the location, and will achieve 5m in height when mature and are planted at an appropriate density to achieve the screening function.

      (iii) The contour of the land is suitable for a bund.

      (iv) Any application proposes a condition of consent requiring the landscape planting to be maintained and replaced as necessary to ensure that it is well maintained in perpetuity.

I552.7A Assessment – restricted discretionary activities

I552.7A.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

(1) Subdivision

   (a) The matters of discretion listed at E38.12.1(7).

   (b) Landscaping.

(c) Transport including access, walking and~~,~~ cycling infrastructure, traffic generation and parking.

(d) The design and operation of any intersection with Matakana Link Road.

(e) Stormwater management.

(f) The extent to which greenway connections are provided.

(g) The extent to which riparian yards are provided adjacent to streams and natural wetlands.

(2) Recreation Facility in the location shown on I552.9.1 Warkworth Clayden Road: Precinct Plan 1:

(a) Building scale.

(b) Landscaping.

(c) Transport including access, parking and traffic generation.

(d) Interface with residential development.

(e) Interface with Warkworth Showgrounds.

I552.7A.2 Assessment criteria - Restricted Discretionary Activities

The Council will consider the relevant assessment criteria identified below for restricted discretionary activities, in addition to the assessment criteria specified for assessment of the relevant restricted discretionary activities in the zone, Auckland wide or overlay provisions:

(1) Subdivision

(a) Design and layout;

The extent to which:

(i) The proposal contributes to the implementation of policies and in particular I552.3(1)-(5).

(ii) Subdivision layout is consistent with Precinct Plans 2 and 3.

(iii) Subdivision layout is designed to meet the minimum lot sizes of Rule I552.6.5 (Special Subdivision Control) to retain a lower density at this rural urban interface and provide a transition from urban to rural land uses.

(iv) Subdivision layout is designed to ensure that no sites require vehicular access from Matakana Link Road. Sites shall be serviced from local roads, laneways JOAL's, or other suitable mechanisms.

(v) Public open space and greenway spaces consider the public street network to support legibility, ease of visual access, and CPTED principles.

(vi) Land is provided for a neighbourhood park in the location shown on Precinct Plan 1, or such other location that is suitable for a neighbourhood park and that public park site forms part of the land area of the application.

(vii) Subdivision complies with rules I552.6.3 and I552.6.6 so as to manage adverse reverse sensitivity effects on the owners and operators of the adjacent Business-Light Industry land and the heliport.

(viii) Any application proposes a condition of consent requiring the landscape planting to be maintained and replaced as necessary to ensure that it is well maintained in perpetuity.

(b) Streams, natural wetlands, stormwater, and walkways

The extent to which:

(i) Sites that include streams shown on Precinct Plan 2, have complying practical building platforms clear of identified stream areas.

(ii) Earthworks are managed in such a way as to provide high quality erosion and sediment control measures.

(iii) The erosion and sediment control measures shall provide for and include use of the stormwater management ponds shown in Precinct Plan 2, and establishment of the wetland(s).

(iv) The cumulative effect of the approach to stormwater management is in accordance with a Stormwater Management Plan approved by the network utility operator and achieves a 'treatment train' process based on a ten year attenuation standard which mitigates urban stormwater, quality issues and controls runoff from roads and other impervious surfaces.

(vi) Connections to greenways on public or private land outside the land subject to resource consent, are futureproofed by constructing track access to the boundary of the application site.

(vii) Any walkways are set back a minimum of 10m from any natural wetland.

(viii) Any walkway is set back a minimum of 5m from the top of the bank of any stream, except a walkway and bridge which crosses the stream.

(ix) Any walkway within a riparian yard successfully manages potential stream erosion and sedimentation effects and are planted in indigenous vegetation to the edge of the walkway.

(x) The treatment of walkway edges including retaining walls protects the ecology of the stream and does not unduly detract from the amenity of the stream and walkway.

(xi) The location and alignment of the walkway addresses any effects on the ecology of the immediate area and existing trees, land contour and the practicality of constructing the walkway and the amenity that would be provided to users of the walkway.

(c) Transport

The extent to which:

(i) The staging of any subdivision or development, including any residential or business zoned site, relying on access to Matakana Link Road is such that

completed homes or businesses are not occupied prior to Matakana Link Road becoming operational.

(ii) A walkway network, generally in accordance with Precinct Plan 3 I552.9.3 including roads and open space area, is created to ensure an interconnected neighbourhood. This includes connections to the footpaths, cycleways and known bus stops on Matakana Link Road.

(iii) Cycling facilities are provided on collector roads to integrate with cycling facilities on Matakana Link Road.

(iv) The intersection design of any road intersection with Matakana Link Road as shown on Precinct Play 3 is supported by a transport assessment and safety audit demonstrating the intersection will provide a safe, efficient and effective connection to service the expected subdivision and development. This includes safe and convenient provision for pedestrians and cyclists.

(v) The transport assessment and safety audit demonstrate the design and operation of the proposed intersection will not have adverse effects on the function of the surrounding transport network including Matakana Link Road.

(vi) The greenway network crossing of the Matakana Link Road occurs either at at-grade pedestrian crossing facilities at the access points on to the Matakana Link Road shown on Precinct Plan 3, or as a walking track underneath the Matakana Link Road bridge.

(vii) The location of walkways within or adjacent to a riparian yard manages the effects of the walkway on any stream, ecological area or riparian planting.

(d) Stormwater management

(i) Development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14).

(2) Recreation Facility

The extent to which:

(a) The recreation facility is located within the land area identified on Precinct Plan 1.

(b) The height of the building complies with height variation control.

(c) Landscaping, particularly front yard and the yard adjoining residential zoned land, provides a reasonable amenity to the neighbourhood.

(d) Traffic generation effects can be accommodated within the transport network, safe access is provided to the site, and sufficient well designed and well located parking is provided.

(e) The interface with the Warkworth Showgrounds provides a good built and landscaped amenity, and a degree of visual overlooking of the Showgrounds.

I552.8 Special information requirements

I552.8.1 Transport and safety

An application for subdivision and development that proposes an intersection with the Matakana Link Road must be accompanied by the following information as a minimum:

(1) A transport assessment and safety audit prepared by a suitably qualified person for any proposed intersection with the Matakana Link Road.

I552.8.2 Riparian planting plan

An application for any subdivision or development that requires the planting of a riparian yard under I552.5.B must be accompanied by the following information as a minimum:

(1) A planting plan prepared by a suitably qualified person

(a) The planting plan must;

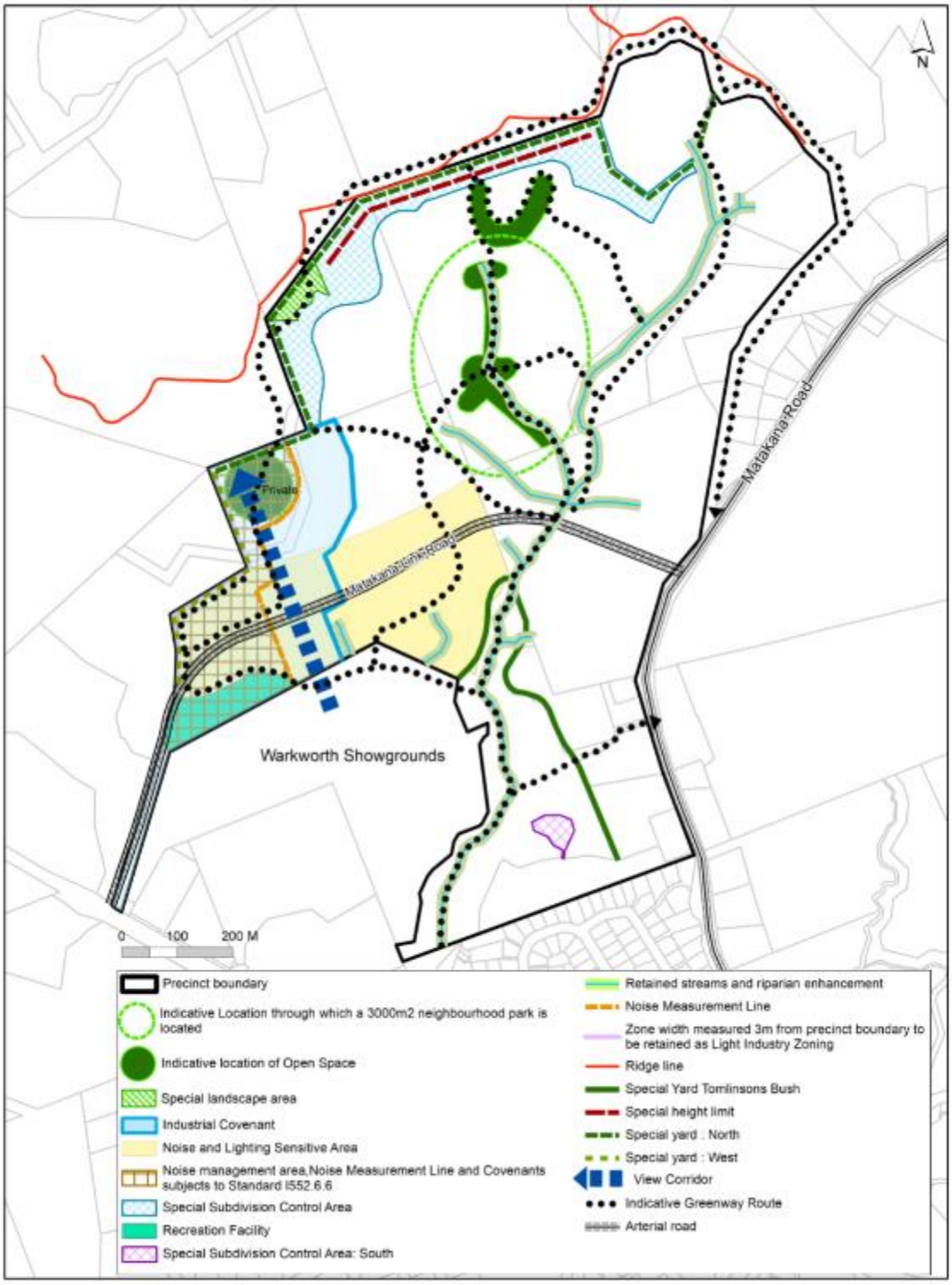
(i) Identify the location, species, planting bag size and density of the plants;

(ii) Confirm detail on the eco-sourcing proposed for the planting; and

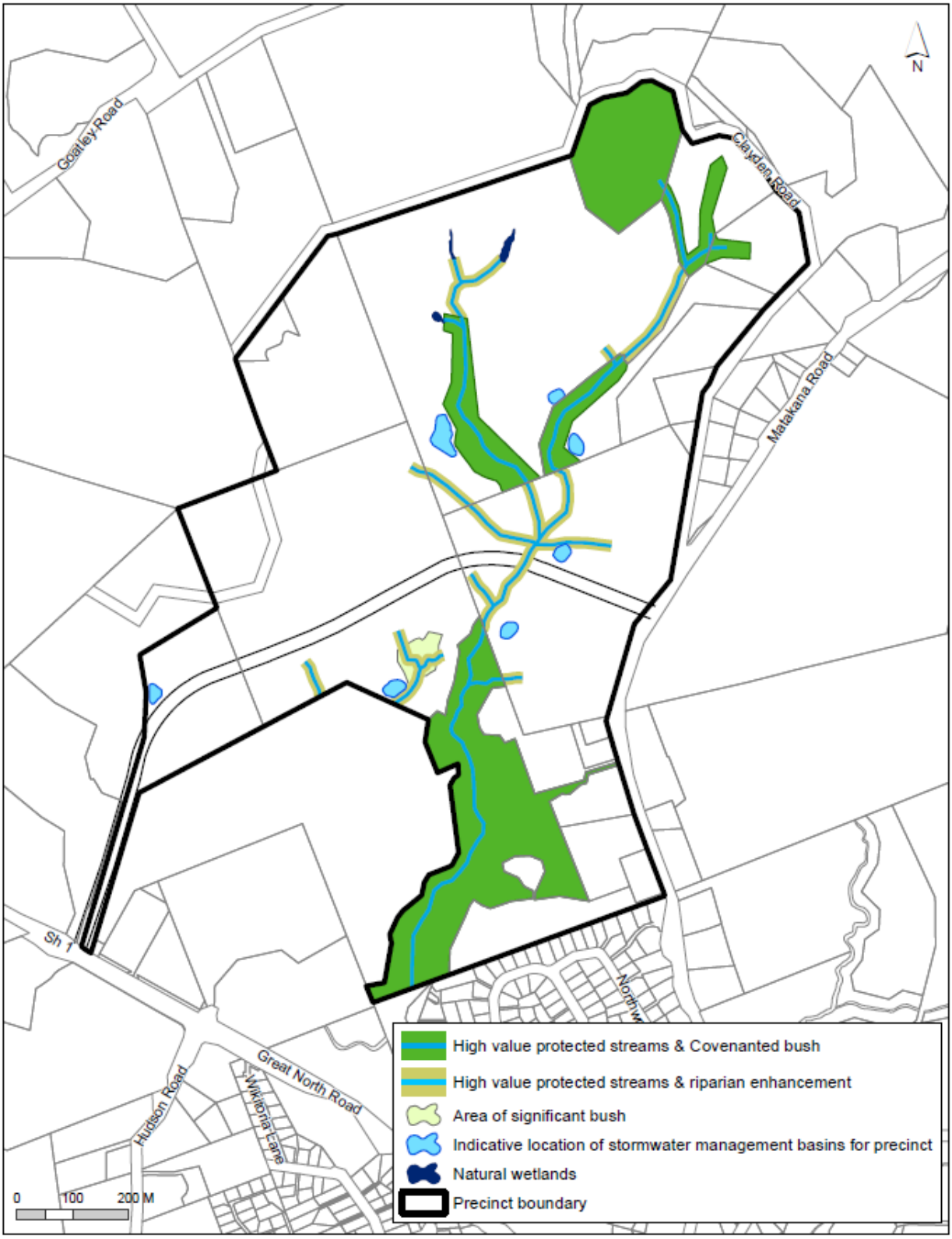
(iii) Take into consideration the local biodiversity and ecosystem extent.

I552.9. Precinct plans

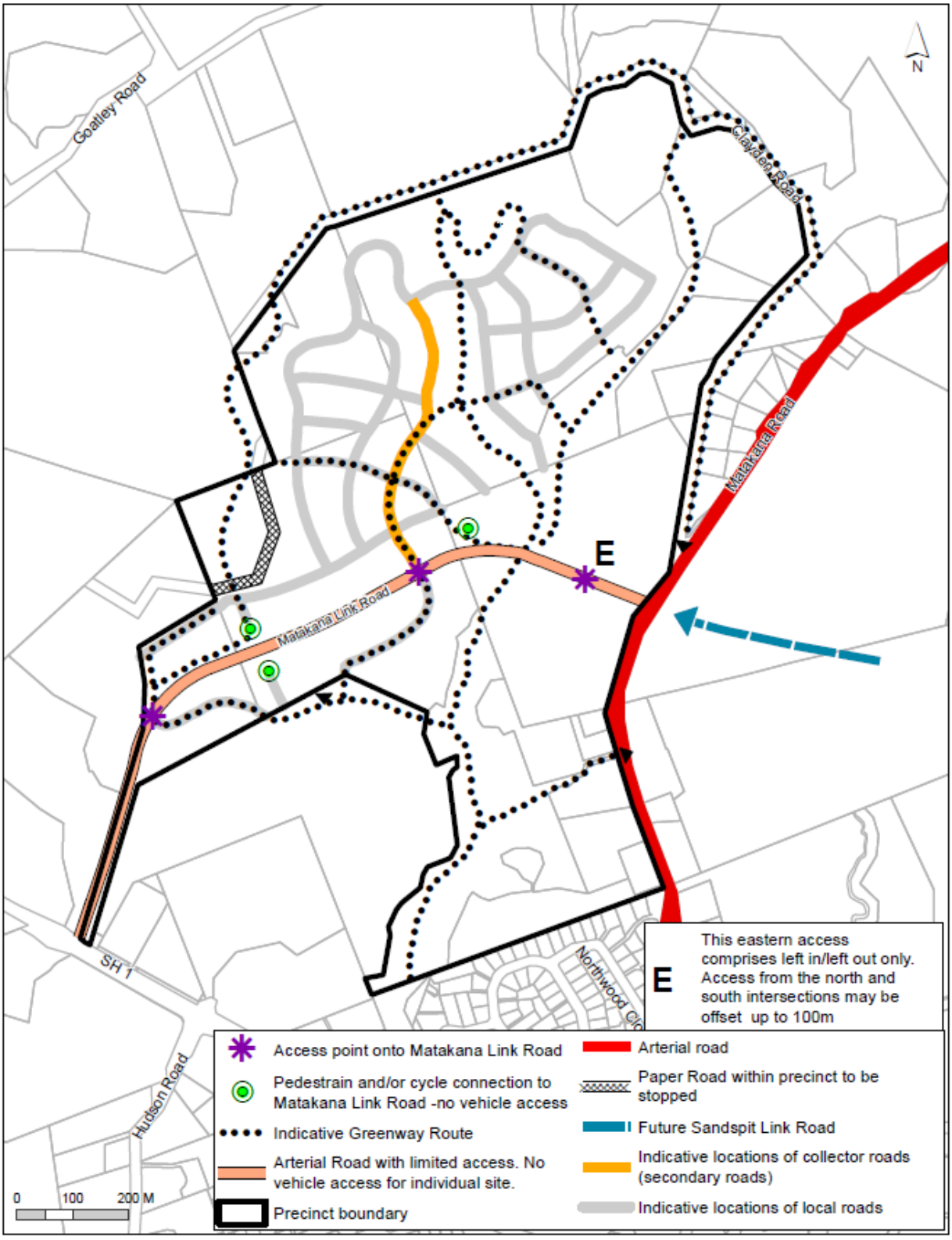
I552.9.1 Warkworth Clayden Road Precinct Plan 1 Spatial provisions



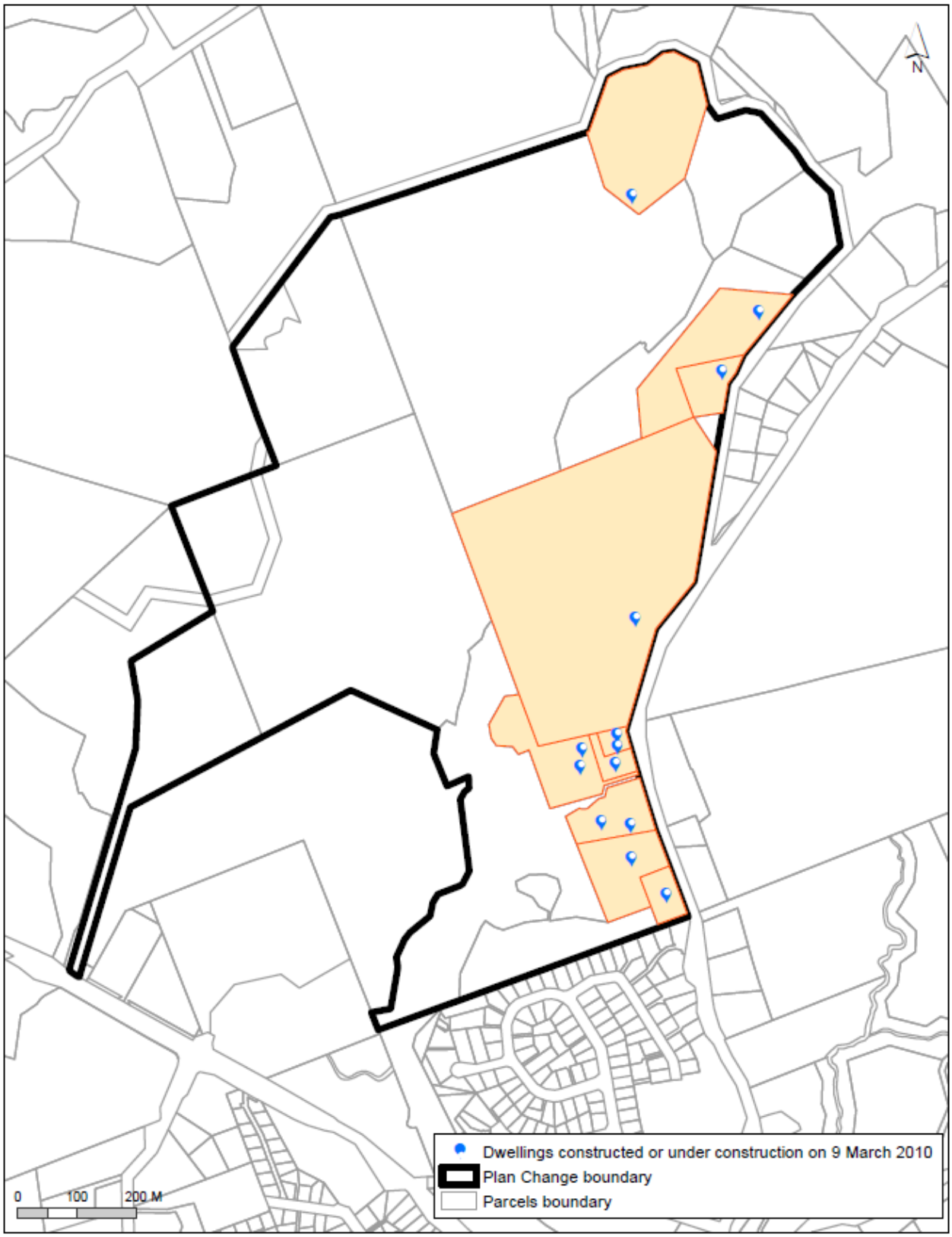
I552.9.2 Warkworth Clayden Road Precinct Plan 2 Environment



I552.9.3 Warkworth Clayden Road Precinct Plan 3 Transport

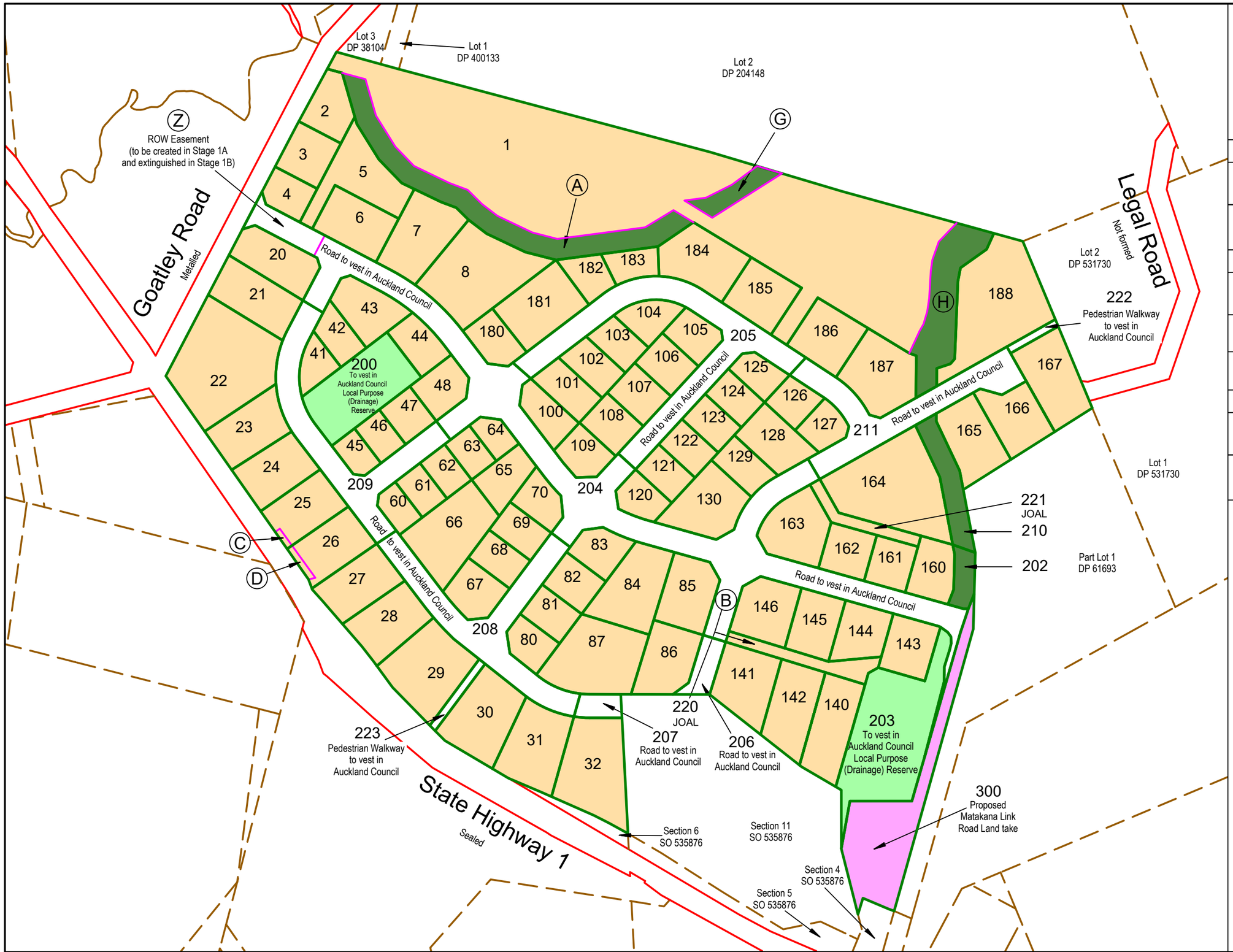


I552.9.4 Warkworth Clayden Road Precinct Plan 4 Dwellings constructed or under construction on 9 March 2010



Attachment C:

Approved 93 Industrial Lot Subdivision on GHL Land



PC 78 Sub #1078

Memorandum of Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way	Z	Lot 204 hereon	Lots 5 and 6 hereon

Schedule of Easements in Gross

Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
ROW	B	Lot 220 hereon	Auckland Council
Pedestrian ROW	B	Lot 220 hereon	Auckland Council

Schedule of Existing Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Creating Document Reference
Electricity	C & D	Lots 25 & 26 hereon	D693332.1

Notes:

- Areas and dimensions are approximate only
- Zone:
  Auckland Unitary Plan Operative in Part
  - Business Light Industry.
- This plan is for Resource Consent Purposes only.
- Area's A, G, H, Lot 202 & Lot 210 are to be subject to a Land Covenant (riparian planting).
- See Sheet 7 of 7 for legal descriptions.
- Area Z (ROW) will be extinguished upon the completion of Stage 1B.

Amalgamation. Conditions

1/ One record of title is to be issued to include Lots 1, 202 & 210 hereon
2/ Lot 220 is to be held in 7 undivided shares by the owners of Lots 140 - 146.
3/ Lot 221 is to be held in 5 undivided shares by the owners of Lots 160 - 164.

Scale 1:4000

40 0 40 80 120 160 200

buckton
consulting surveyors ltd
16 Mill Lane, P.O.Box 107, Warkworth 0941, 09 425 8950
www.buckton.co.nz, surveyors@buckton.co.nz

Prepared for:
Goatley Holdings Limited

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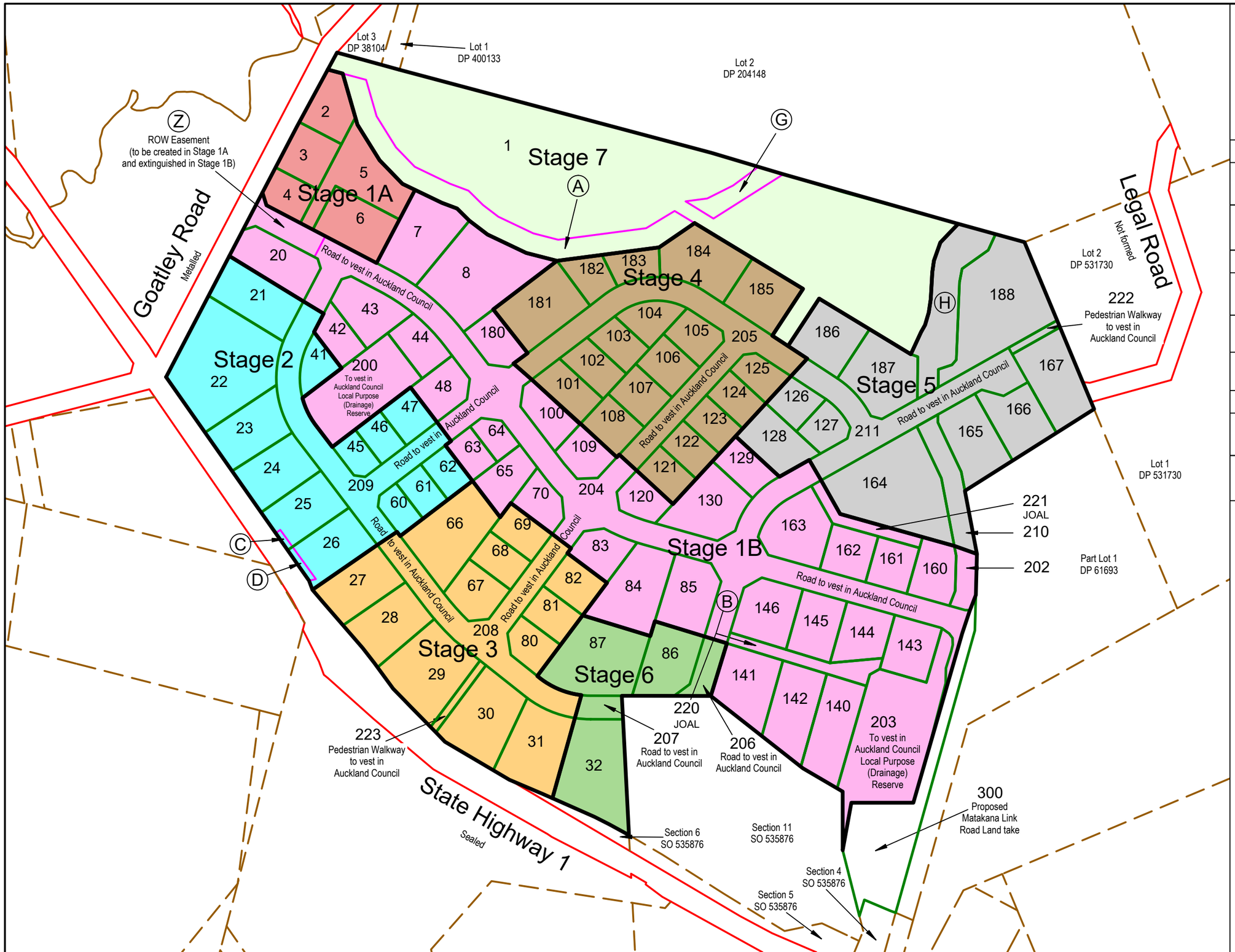
Proposed Goatley Holdings Limited Subdivision

Address: Goatley Road, Wakworth

Scale: 1:4000 (A3)

Job:	Date:	Drawn:	Reviewed:
8116	4/08/2022	GPH/SC	DC

Drawing: SP 03 Rev: Sheet: 1 of 7



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2/ Lot 220 is to be held in 7 undivided shares by the owners of Lots 140 - 146.
3/ Lot 221 is to be held in 5 undivided shares by the owners of Lots 160 - 164.

Scale 1:4000

40 0 40 80 120 160 200

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Prepared for:
Goatley Holdings Limited

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Proposed Goatley Holdings Limited Subdivision

Address: Goatley Road, Wakworth

Scale:			
1:4000 (A3)			
Job: 8116	Date: 4/08/2022	Drawn: GPH/SC	Reviewed: DC
Drawing: SP 03	Rev:	Sheet: 2 of 7	

PC 78 Sub #1078

Memorandum of Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way	Z	Lot 204 hereon	Lots 5 and 6 hereon

Schedule of Easements in Gross

Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
ROW	B	Lot 220 hereon	Auckland Council
Pedestrian ROW	B	Lot 220 hereon	Auckland Council

Schedule of Existing Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Creating Document Reference
Electricity	C & D	Lots 25 & 26 hereon	D693332.1

Notes:

- Areas and dimensions are approximate only
- Zone:
  Auckland Unitary Plan Operative in Part
  - Business Light Industry.
- This plan is for Resource Consent Purposes only.
- Area's A, G, H, Lot 202 & Lot 210 are to be subject to a Land Covenant (riparian planting).
- See Sheet 7 of 7 for legal descriptions.
- Area Z (ROW) will be extinguished upon the completion of Stage 1B.

Amalgamation. Conditions

1/ One record of title is to be issued to include Lots 1, 202 & 210 hereon
2/ Lot 220 is to be held in 7 undivided shares by the owners of Lots 140 - 146.
3/ Lot 221 is to be held in 5 undivided shares by the owners of Lots 160 - 164.

E38.9.1.1 (1) Site Shape Factor

Scale 1:2000

20 0 20 40 60 80 100

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Proposed Goatley Holdings Limited Subdivision

Address: Goatley Road, Wakworth

Scale:			
1:2000 (A3)			
Job: 8116	Date: 19/04/2022	Drawn: GPH/SC	Reviewed: DC
Drawing: SP 03	Rev:	Sheet: 3 of 7	

PC 78 Sub #1078

Lot 2
DP 204148

Legal Road
Not formed

Lot 2
DP 531730

Lot 1
DP 531730

222
Pedestrian Walkway
to vest in
Auckland Council
470m²

183
1710m²

184
4820m²

185
3650m²

186
3830m²

187
5070m²

188
1.02ha

205
1.30ha

211
0.92ha

104
2100m²

105
2150m²

106
2270m²

107
2270m²

103
1950m²

08
70m²

125
1790m²

124
1900m²

126
1880m²

123
1900m²

127
1840m²

122
1900m²

128
3370m²

121

129
2140m²

164

165
4320m²

166
3760m²

167
4970m²

Road to vest in Auckland Council

Road to vest in Auckland Council

Ⓖ

Ⓗ

Memorandum of Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way	Z	Lot 204 hereon	Lots 5 and 6 hereon

Schedule of Easements in Gross

Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
ROW	B	Lot 220 hereon	Auckland Council
Pedestrian ROW	B	Lot 220 hereon	Auckland Council

Schedule of Existing Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Creating Document Reference
Electricity	C & D	Lots 25 & 26 hereon	D693332.1

Notes:

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  - Business Light Industry.
- This plan is for Resource Consent Purposes only.
- Area's A, G, H, Lot 202 & Lot 210 are to be subject to a Land Covenant (riparian planting).
- See Sheet 7 of 7 for legal descriptions.
- Area Z (ROW) will be extinguished upon the completion of Stage 1B.

Amalgamation. Conditions

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3/ Lot 221 is to be held in 5 undivided shares by the owners of Lots 160 - 164.

E38.9.1.1 (1) Site Shape Factor

Scale 1:2000

20 0 20 40 60 80 100

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Proposed Goatley Holdings Limited Subdivision

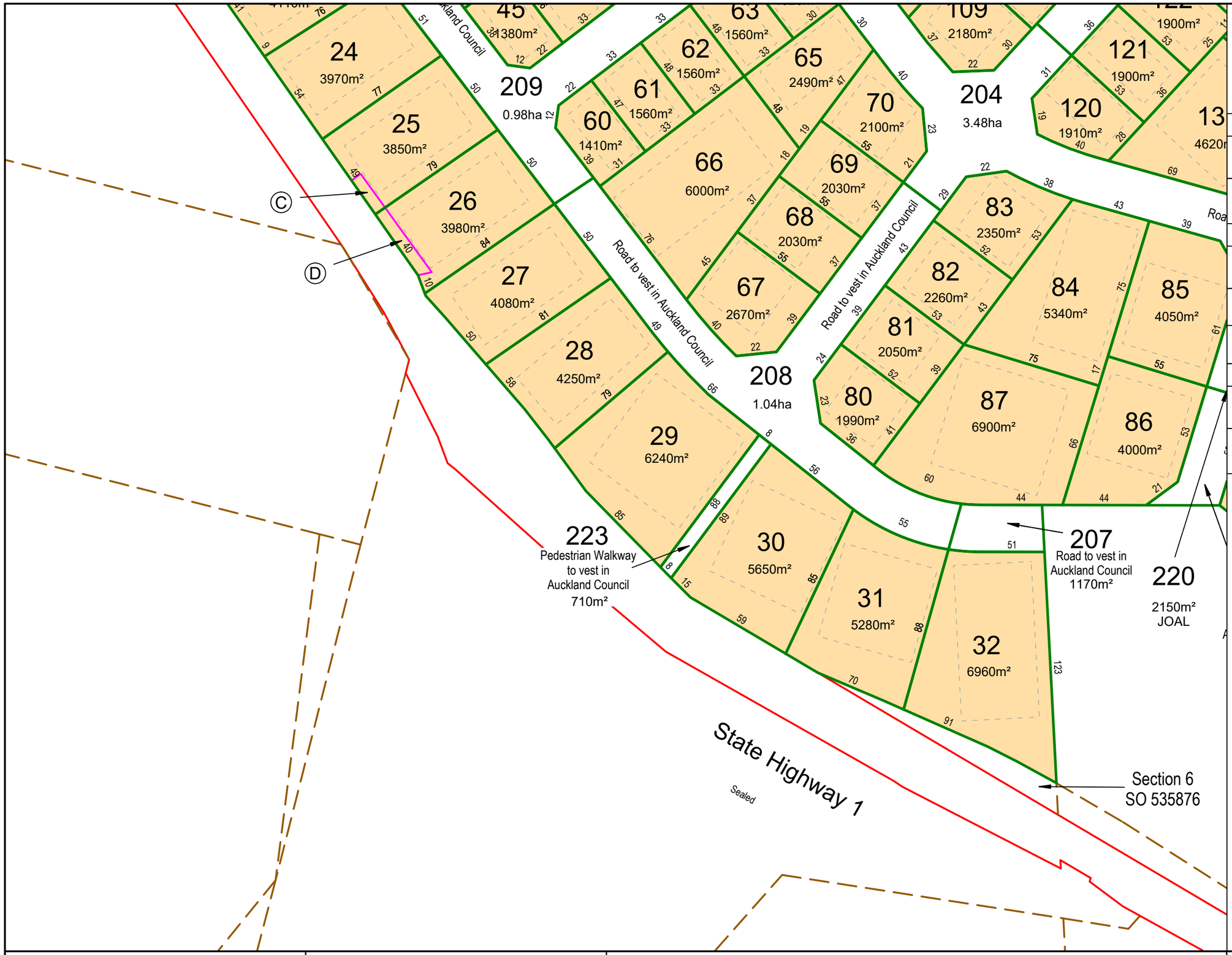
Address:
Goatley Road, Wakworth

Scale: 1:2000 (A3)

Job:	Date:	Drawn:	Reviewed:
8116	4/08/2022	GPH/SC	DC

Drawing: SP 03

Rev:



PC 78 Sub #1078

Memorandum of Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of way	Z	Lot 204 hereon	Lots 5 and 6 hereon

Schedule of Easements in Gross

Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
ROW	B	Lot 220 hereon	Auckland Council
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Schedule of Existing Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Creating Document Reference
Electricity	C & D	Lots 25 & 26 hereon	D693332.1

Notes:

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- Zone:
  Auckland Unitary Plan Operative in Part
  - Business Light Industry.
- This plan is for Resource Consent Purposes only.
- Area's A, G, H, Lot 202 & Lot 210 are to be subject to a Land Covenant (riparian planting).
- See Sheet 7 of 7 for legal descriptions.
- Area Z (ROW) will be extinguished upon the completion of Stage 1B.

Amalgamation. Conditions

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E38.9.1.1 (1) Site Shape Factor

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Proposed Goatley Holdings Limited Subdivision

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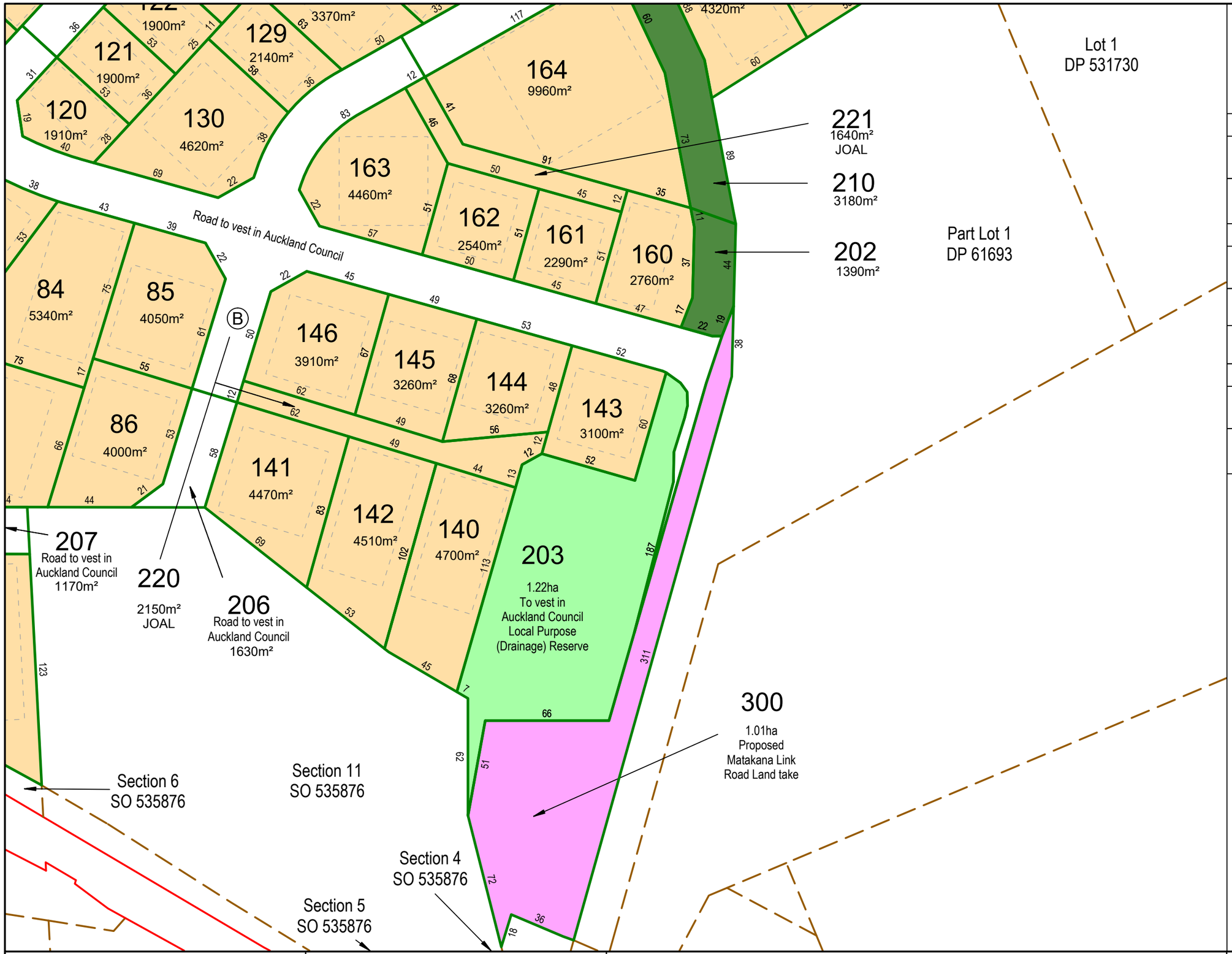
Scale: 1:2000 (A3)

Job:	Date:	Drawn:	Reviewed:
8116	4/08/2022	GPH/SC	DC

Drawing: SP 03 Rev: Sheet: 5 of 7



PC 78 Sub #1078

Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
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Schedule of Existing Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Creating Document Reference
Electricity	C & D	Lots 25 & 26 hereon	D693332.1

Notes:

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- Zone:
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- This plan is for Resource Consent Purposes only.
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Amalgamation. Conditions

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E38.9.1.1 (1) Site Shape Factor

Scale 1:2000

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Proposed Goatley Holdings Limited Subdivision

Address: Goatley Road, Wakworth

Scale: 1:2000 (A3)

Job:	Date:	Drawn:	Reviewed:
8116	4/08/2022	GPH/SC	DC

Drawing: SP 03 Rev: Sheet:

Record of Title (02/10/20)	Lot Appellation (02/10/20)	Ongoing Actions (02/10/20)	Lot Appellations from Ongoing Actions	Future Actions	Final Appellations prior to Subdivision
NA45D/306	Lot 1 DP 88298	-	-	-	Lot 1 DP 88298
NA45D/307	Lot 2 DP 88298	-	-	-	Lot 2 DP 88298
1055967	Pt Allot 95 PSH of Mahurangi	Road Taking on SO 535876	Section 12 SO 535876	-	Section 12 SO 535876
1055967	Pt Allot 95 PSH of Mahurangi	Road Taking on SO 535876	Section 13 SO 535876	-	Section 13 SO 535876
1055967	Section 1 SO 528805	-	-	-	Section 1 SO 528805
NA93A/74	Lot 2 DP 155679	Road Taking on SO 535876	Section 10 SO 535876	-	To Be Confirmed
1055968	Lot 3 DP 155675	Road Taking on SO 535876	Section 9 SO 535876	Matakana Link Road Land Acquisition	To Be Confirmed
1055968	Lot 3 DP 61693	-	-	Matakana Link Road Land Acquisition	Lot 3 DP 61693
1055968	Section 2 SO 528805	-	-	-	Section 2 SO 528805
-	Pt Allot 57 PSH of Mahurangi	Adverse Possession Claim shown on LT 525074	Lot 1 DP 525074	-	Lot 1 DP 525074

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Proposed
Goatley Holdings Limited
Subdivision

Address:
Goatley Road, Wakworth

Scale: 1:1000 (A3)

Job:	Date:	Drawn:	Reviewed:
8116	4/08/2022	GPH/SC	DC

Drawing: SP 03 | Rev: 3 | Sheet: 7 of 7

End of Report

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Miller Adams

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

The Coalition for More Homes

Address for service of Submitter

306/3 Rose Garden Lane

Albany, Auckland 0632

Telephone: 2102995016 Fax/Email: morehomesnz@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): All.

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

See submission attached.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

See submission attached.

I wish to be heard in support of my submission ☒

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

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

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

09/29/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

The Coalition for More Homes presents a submission to Auckland Council on Plan Change 78.

About us

The Coalition for More Homes is a non-partisan group of volunteers and organisations including think tanks, consultancies, incorporated societies, Community Housing Providers, unions and developers.

Our vision

We want to see Auckland make the most of the opportunity provided by the NPS-UD and MDRS.

Auckland is in a multi-generational housing crisis. Secure and affordable housing is out of reach for more Aucklanders than ever. Poor housing quality is also leading to poor health outcomes, especially for renters.

We also have a climate crisis. On the 11th of June 2019, Auckland Council declared a climate emergency. In Auckland, 43.6% of carbon emissions are from transport. With constrained housing choices in high demand areas, many people are forced to live far from work and family, and accept long, costly commutes.

Allowing more people to live closer to where they work, study, shop and socialise and where they can access other transport options can significantly reduce our transport emissions. To expand housing capacity and choice, and reduce our emissions, we need to enable greater intensification around our existing centres, the rapid transit network and frequent bus network. This is what Climate Responsive Urban Development looks like.

Plan Change 78 ("PC78") is a significant opportunity for Tāmaki Makaurau, now and for future generations, to:

- Enable more homes for Aucklanders
- Boost housing choice & quality
- Enable more convenient, liveable neighbourhoods with access to transport & amenities
- Reduce emissions from housing and transport
- Lower travel cost and demand.

We believe that everyone deserves a healthy and affordable home, and the opportunity to live in a convenient, liveable and resilient neighbourhood.

Our submission presents the following arguments, with supporting recommendations to achieve a "well-functioning urban environment" for Auckland:

1. The Auckland isthmus suburbs are the most critical areas for new housing
2. The walkable catchments around rapid transit stops and metropolitan centres comprise the second most critical area for new housing
3. The areas surrounding highly accessible Town and Local Centres are the third most critical for new housing
4. Enable higher density than proposed and perimeter block housing in the Terrace Housing and Apartment Buildings Zone (THAB)
5. Enable more intensification than proposed and better design outcomes In the Mixed Housing Urban Zone (MHU)
6. Recommendations on other matters.

For the avoidance of doubt, our submission defines "the isthmus" to mean the former Auckland City Council area, from Avondale and Blockhouse Bay in the west to Ōtāhuhu in the south.

1.0 The Auckland isthmus suburbs are the most critical areas for new housing.

1.1 We support the provision of more homes in Auckland's isthmus suburbs for several key reasons: 1079.1

1.1.1 It will improve affordability

a) **Grants more affordable housing choices.** Even if they are still above the regional median price, new medium and high density homes in isthmus suburbs will be cheaper than standalone homes in the same neighbourhoods. This provides relative affordability and entry to the accessibility and opportunity of those suburbs.

b) **Reduces housing costs throughout the city.** Restricting new homes in high-demand central suburbs pushes people out to the nearest suburb they can afford. This has flow-on effects right out to the outermost parts of Auckland, pushing up housing costs everywhere. It is also inherently inequitable, hurting those on low incomes the most and gentrifying areas which are relatively more affordable.

c) **Reduces transport costs.** Housing affordability must consider associated costs beyond rent or the capital cost of purchase. Transport costs are generally lower for those who live centrally, through having to travel shorter distances (regardless of the mode being used) to access jobs, education and daily needs.

d) **Reduces infrastructure costs.** Continuing to rely on greenfields and outer brownfields growth will push up the distances people must travel to access opportunities. This increases the cost of providing transport infrastructure. All growth requires infrastructure upgrades, but the costs are higher for greenfields (e.g. Drury where development contributions are now being proposed at $90,000 per home), or for dispersed/outer brownfields growth. Our central suburbs already have the best public transport, walking, and cycling infrastructure. They also have access to public facilities and amenities like open space, quality public parks, and playgrounds in neighbourhoods.

e) **Healthy and affordable homes to operate.** New-build homes are built to modern standards with better insulation and energy efficiency. While older homes, particularly those with special character protections, do not meet modern standards. The only way these old homes are brought up to modern standards is if they become even more unaffordable.

1.1.2. It's better for the climate

a) Aucklanders living in isthmus suburbs have more transport choices (cycling, walking, and public transport) than those in car-dependent outer suburbs. They also travel shorter distances by car. As a result, they have much lower transport emissions.

b) Enabling more homes in isthmus suburbs will make cycling, walking, and public transport more viable for many thousands of Aucklanders, and help cut transport emissions — a vital shift for our city.

c) Enabling more homes in isthmus suburbs will support the creation of 15 minute neighbourhoods, noting the significant provision of existing town and local centres in the Isthmus area.

d) Building homes in isthmus suburbs avoids converting productive horticultural and

agricultural soils, particularly in areas such around Pukekohe & Drury, which are under immense pressure from greenfields subdivision.

1.1.3. It will create a more equitable Auckland

a) Grants more Aucklanders access to the high quality jobs, services, and amenities that the isthmus suburbs can offer.

b) Equity lens — provides housing choice, responds to the housing crisis, reduces living costs (including travel cost), ensures the city provides for the needs of all.

c) Enabling development means new homes will be of higher quality than older housing.

d) Allows for ageing/living in place.

1.2 We recommend amendments to proposed standards and interpretations of NPS-UD Policy 3 in Plan Change 78 to enable more homes in the isthmus.

1.2.1 We support removal of the Special Character Overlay Residential and Business

1079.2
1079.3

a) Special character areas (SCAs) severely compromise the ability to deliver more homes close to the city centre, which is the largest employment centre and a major educational, cultural and social hub of Tāmaki Makaurau. They also limit the ability to provide homes close to a range of other jobs, services and amenities, in suburbs which are high-demand and highly accessible.

b) The Coalition for More Homes supports Historic Heritage areas protecting genuine areas of high heritage to our city. However, special character areas do not meet the specific threshold and criteria for historic heritage. Retention of these special character areas on 'amenity' grounds only is not a matter of national importance.

c) We submit that the identification of SCAs as qualifying matters does not meet the threshold or criterion of the NPS-UD requiring site-specific analysis. There are also a number of procedural flaws in Council's assessments, for example excluding rear lots from their calculations of whether the character area meets a particular 'threshold'.

d) If SCAs are retained, we submit that the criteria for determining Residential Special Character Areas should reflect the elements that give a whole street particular character rather than focussing on the character of individual houses. They should also have their underlying zoning changed, to reflect the zoning that would apply if the SCA overlays were not in place (and if other controls/overlays were not in place, e.g. water constraints).

1079.4

1.2.2 We support building heights above 6 storeys in Walkable Catchments

a) The maximum building height within walkable catchments should be extended beyond the proposed six storeys/21m. This is consistent with the existing approach to upzoning under the AUP, and NPS-UD direction which states six storeys as a minimum.

b) It is debatable whether a 21m height limit is generally enabling of six-storey buildings. This allows for an average floor-to-floor of 3.5m. This will be adequate for some buildings but potentially not all, for example those which have commercial space on the ground floor or which are seeking high-stud ceilings. We expect that a small increase in the height limit could be required. Our position is that a height limit

of at least 23m is required in order to enable a full range of six-storey buildings. 1079.5

c) We believe that greater building height should be enabled for walkable catchments in the isthmus area. We submit the following changes to building height limits in the walkable catchments:

i) Enable buildings of 10 storeys or greater through a height limit of <u>at least</u> 35m for all walkable catchments surrounding the Newmarket metropolitan centre, and surrounding all train stations in the isthmus (excluding Te Papapa and Onehunga). 1079.6 1079.7

ii) Enable 8 storeys or greater through a height limit of <u>at least</u> 29m for all other walkable catchments in the Isthmus area. 1079.8

d) We support height limits to enable at least 6-storey buildings in all other walkable catchments across Auckland. 1079.9

<u>1.2.3 We support the extension of defined walkable catchments</u>

a) We submit that all walkable catchments should be extended to allow for greater intensification.

b) Auckland Council Policy 3 s32 report has defined walkable catchments with GIS service area analysis using a distance parameter. We submit that this doesn't represent the impact of demand for access to "rapid transit services".

c) The Policy 3 s32 report defers to conservative MfE guidance on definition of walkable catchments around different centre types and rapid transit, rather than local research that reflects how people move about the city to access rapid transit.

d) Larger walkable catchments will enable more homes in areas highly accessible by public transport to jobs, centres and amenities. Auckland Council research shows that people are generally willing to walk further than 10 minutes for a "rapid transit service". A 20 minute walk reflects a <10 minute cycle in most locations and short time to walking and catching a local feeder bus route to the station.

e) Individuals are willing to walk further again for the density of shops and services that the city centre provides. This is reflected in high walking mode shares for the city fringe suburbs. In 2018 census 'travel to work' data, walking mode share is above 10% (and often much higher) for these suburbs. Notably, extended walkable catchments in the isthmus reflect the ability to access these destinations by multiple modes, e.g. cycling and micro-mobility, 'frequent' feeder buses etc.

f) Household Travel Survey data also shows that the median walking commute in Auckland takes around 22 minutes, compared with the median driving commute of 23 minutes. This data covers 2011-2014 and it is likely that driving commutes have lengthened since then, due to development in remote suburbs and greater congestion.

g) 800 metre walkable catchments should be treated as a minimum, and not reduced further due to topography or inadequate connections.

h) We submit our upzoning recommendations in Table 1:

Table 1. Upzoning Recommendations in Walkable Catchments

Walkable catchment	**Distance around centre of <u>at least</u>**	**Height Limits of <u>at least</u>**

Surrounding the City Centre zone	2,400m	10 storeys/ 35 metres
Surrounding the Newmarket metropolitan centre, and all train stations in the isthmus (excluding Te Papapa and Onehunga)	1,600m	10 storeys/ 35 metres
Surrounding 'rapid transit' bus stops in the isthmus (see section 2.1.4), and the Te Papapa and Onehunga train stations	1,600m	8 storeys/ 29 metres
All others outside isthmus	800m	6 storeys/ 23 metres

1079.10
1079.11

1.2.4 We support building heights of at least 6 storeys for all THAB properties in the isthmus, even where they are outside walkable catchments 1079.12

a) THAB-zoned properties in the isthmus which fall outside a walkable catchment should have their height limit increased to enable buildings of at least 6 storeys, i.e. 23 metres as per our point 1.2.2(b) above.

1.2.5 We support the retention of the Integrated Residential Developments activity within lower density Residential Zones 1079.13

a) Integrated Residential Developments (IRDs) should be retained as an activity in the lower density zones as they are an efficient use of larger sites. Many successful and well designed IRDs have been consented in the existing Single House Zone, such as 'Cohaus' in Grey Lynn and 'Selo' in Glen Eden.

1.3 We recommend amendments to standards and interpretations of NPS-UD Policy 3 in Plan Change 78 to enable high-quality intensification in Auckland 1079.14

1.3.1 We support zone standards that enable perimeter block housing forms 1079.15

a) Refer section 4.0 for THAB recommendations
b) Refer section 5.0 for MHU recommendations

1.3.2 We support standards that enable a mix of activities 1079.16 1079.17

a) Developments close to centres with a mixture of uses (not just commercial or residential) can enable growth of centres and more local living

b) Refer to section 2.2.2 for enabling mixed use development

1.3.3 We support the introduction of Statutory Design Guidance for apartments and medium density in Auckland. 1079.18

2.0 The walkable catchments around rapid transit stops and metropolitan centres comprise the second most critical areas for new housing.

2.1 We recommend amendments to proposed standards and interpretations of NPS-UD Policy 3 in Plan Change 78 to enable more homes around Rapid Transit stops and metropolitan centres

2.1.1 We support the removal of Special Character Areas - Residential and Business

a) Refer to section 1.2.1 above.

2.1.2 We support the extension of Walkable Catchments

a) We support extension of the walkable catchments from centres and rapid transit stations. Refer to section 1.2.3 for detail.

2.1.3 We support upzoning, as directed by the NPS-UD and MDRS, within the light rail corridors

a) Refer to section 6.4

2.1.4 We submit that the interpretation of what constitutes a "rapid transit service" should include "frequent bus" services as defined by Auckland Transport, where they have bus lanes or transit lanes along most of their route. 1079.19

a) The National Policy Statement on Urban Development states "rapid transit service means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic."

b) We submit that, for key bus corridors with frequent services and extensive bus priority included in the definition of "rapid transit services," the walkable catchments of these services should be upzoned to enable at least 6 storeys. 1079.20

c) Many of Auckland's best bus routes offer significantly better service and connectivity than the rail lines. Locating more housing along "frequent bus" routes with longer spans of service than the rail network will allow future residents to depend on public transport for every day trips.

d) We submit that arterial corridors within the isthmus with planned or existing bus priority are included in the definition of "rapid transit service", and apply walkable catchments to these corridors. 1079.21

e) We submit that at least the following bus corridors meet the definition of 'rapid transit service':

i) Great North Road (from Pt Chevalier to Ponsonby Road, served by the 18 Frequent Route and in future the 11 Frequent Route) 1079.22

ii) Sandringham Road (from Mt Albert Road to New North Road served by the 24 Frequent Route) 1079.23

iii) Dominion Road (from Denbigh Avenue to View Road, served by the 25 Frequent Route) 1079.24

iv) Mt Eden Road (from Mount Albert Road to Symonds Street, served by the 27 Frequent Route) 1079.25

v) Manukau Road (from Onehunga to Broadway, served by the 30 Frequent Route) 1079.26

vi) Great South Road (from Ellerslie Main Highway to Broadway, served by the 70 Frequent Route) 1079.27

vii) Remuera Road (from Broadway to McFarland St, served by the 75 Frequent Route) 1079.28

2.1.5 We submit that the Te Papapa and Ōnehunga train stations should be defined as rapid transit stops. 1079.29

2.1.6 We submit that the planned stations along the Ti Rakau Drive section of the Eastern Busway should be treated as planned rapid transit stops, and have their walkable catchments measured and upzoned. 1079.30 1079.31

a) The Burswood Station location is the only likely major change on the corridor between now and completion, so may be excluded in the interim until the final location is approved.

b) Allowing developers to apply for consent and start construction prior to completion of the busway in 2025, will allow more homes to be completed near the time of opening.

c) We note that the corridor is already incredibly well served. The #70 bus runs every 6 minutes at the peak and every 10 minutes all day, connecting to the rail network at Panmure and through to the major employment areas around Ellerslie and Newmarket, before reaching the city.

2.1.6 We submit that the zoning around Constellation Station should be changed to enable residential as a permitted activity. 1079.32

a) We request that Council investigates allowing residential dwellings within the 800m walkable catchment of Constellation Station, as this is a significant transport hub on the Northern Busway.

2.2 We submit the following amendments to standards that enable high-quality housing, by:

2.2.1 Enabling perimeter block housing forms

a) Refer section 4.0 for THAB recommendations
b) Refer section 5.0 for MHU recommendations

2.2.2 Enabling a mix of activities within walkable catchments to support the growth of centres and local living

a) The Mixed Use zone should be applied in the walkable catchments of rapid transit stations, particularly where there is little existing commercial activities. Locations such as Sunnyvale, Fruitvale Road and Meadowbank Stations currently lack convenient day to day retail opportunities. 1079.33

b) Low intensity commercial activities (such as dairies and cafes up to 100m^2 GFA) within the THAB zone should be permitted activities, as this will encourage more day to day amenities to be established within walking distance of higher density living. This will make these areas more attractive to live in and will discourage auto dependence. 1079.34

2.2.3 We support the introduction of Statutory Design Guidance for apartments and medium density in Auckland.

3.0 The areas surrounding highly accessible Town and Local Centres are the third most critical areas for new housing.

3.1 We submit the following recommendations to enable more homes in highly accessible Town and Local Centres

3.1.1 We support the removal of Special Character Areas - Residential and Business

a) Refer to section 1.2.1.

3.1.2 We support upzoning within Town Centres and Local Centres, and throughout an extended 'adjacent' area around them

b) Refer to Table 2 below.

1079.35
1079.36
1079.37
1079.38

3.1.3 We support upzoning, as directed by the NPS-UD and MDRS, within the light rail corridors

c) Refer to section 6.4

1079.39

3.1.4 We support increased height limits within highly accessible Town Centres, like those with a station on the rapid transit network.

1079.40

a) For example, Avondale is a highly accessible town centre, on the rapid transit network and with multiple frequent bus routes. It has a height limit of 32.5m under the AUP which enables development up to 10 storeys. This is delivering more homes already with nearly 1000 new apartments planned in the town centre over the next 3 to 4 years in both public and private developments.
b) Other town centres in the Isthmus on the rapid transit network should have the same zoning to enable similar increases in the number of homes. This includes
    i) Greenlane Town Centre
    ii) Mount Albert
    iii) Onehunga Town Centre

3.1.5 We submit that greater upzoning in and adjacent to Town Centres and Local Centres is required:

a) We submit our upzoning recommendations in Table 2. Note that these recommendations would apply within the centres themselves, as well as in the surrounding area:

Table 2. Upzoning Recommendations adjacent to Highly Accessible centres.

Town Centres	**Distance around centre of at least**	**Height Limits of at least**
All in isthmus	800m	6 storeys
All others outside isthmus that are 'large + high accessibility' as defined by Auckland Council	800m	6 storeys
All others outside isthmus that are 'small + high accessibility' as defined by Auckland Council	400m	5 storeys

Local centres		
All in isthmus	400m	6 storeys
All others outside isthmus that are 'large + high accessibility' as defined by Auckland Council	400m	5 storeys
Neighbourhood centres		
All	Not required	Not required

3.2 We support the following amendments to make sure enabled housing is high-quality:

3.2.1 Enable perimeter block housing

a) We submit that HIRTB planes be increased to at least 19m + 60 degrees HIRTB plane (within 21.5m of the site frontage) where we recommend height limits of at least 6 storeys; and at least 16m + 60 degrees (within 21.5m of the site frontage) where we recommend height limits of at least 5 storeys. 1079.41

b) These changes will suitably enable perimeter block housing in these areas.
c) Refer section 4.0 for THAB recommendations
d) Refer section 5.0 for MHU recommendations

3.2.2 Enable a mix of activities in walkable catchments to support the growth of centres and local living.

a) Refer to section 2.2.2 above

3.2.3 We support the introduction of Statutory Design Guidance for apartments and medium density in Auckland.

4.0 Enable Higher Density and Perimeter Block Housing in the Terrace Housing and Apartment Buildings Zone (THAB)

4.1 Overall, we support the intention of the changes to the Terrace Housing and Apartment Buildings (THAB) zone, which enable greater building height and density and encourage better design outcomes. 1079.42

4.2 In particular, we are supportive of the changes to the zone standards that will effectively enable perimeter block housing in the walkable catchments.

4.3 In terms of the proposed changes to the zone standards, we make the following comments:

4.3.1 We do not support inclusion of these new standards:

a) Standard H6.6.20 Deep soil area and canopy tree; 1079.43
b) Standard H6.6.21 Safety and privacy buffer from private pedestrian vehicle accessways; 1079.44

c) Standard H6.6.22 Residential waste management for up to three dwellings per site. 1079.45

as we consider these to be additional density standards that are not consistent with the intent of the MDRS.

4.3.2 We support the intent of the deep soil and canopy tree standard (Standard H6.6.20) for four or more dwellings per site, but the wording as currently proposed will be difficult to achieve without reducing the potential yield of a development; this will ultimately mean that less housing will get built as this standard will make a number of developments uneconomic. We would encourage more flexibility to be incorporated into this standard so that compliance can be achieved in various different ways. We request the following changes:

a) Not requiring the total 10% requirement to be provided in one contiguous area, such that compliance could be achieved by providing various 3m x 3m (minimum) deep soil tree areas throughout the site; and 1079.46

b) Changing the wording of (c) to state "deep soil areas may be provided within private or communal outdoor living spaces". 1079.47

4.3.3 We strongly support the inclusion of new HIRTB recession planes within walkable catchments, being at least 19m + 60 degrees within 21.5 metres of the site frontage. This change clearly enables perimeter block housing and will encourage development to be directly towards the street frontage of sites. This will also better enable development over three storeys in height, as the current alternative HIRTB standard largely restricts development to this height (especially on smaller or narrower sites). 1079.48

a) We encourage this HIRTB standard to be further increased within walkable catchments where the height limit already exceeds 21m/ six storeys (such as where the height limit is 27m or 32.5m), or where our submission supports greater heights (such as in the walkable catchments surrounding isthmus train stations). 1079.49 1079.50

b) The new 19m + 60 degrees HIRTB recession plane should also be applied to all sites zoned THAB in the isthmus, even where they fall outside walkable catchments, in order to enable 6 storeys across the isthmus. 1079.51

c) We recommend a HIRTB of at least 16m + 60 degrees for sites where we recommend a height limit of at least 5 storeys; and we recommend a HIRTB of at least 14m + 60 degrees for sites with a height limit of at least 4 storeys. 1079.52 1079.53

d) Refer to Table 1 of our submission for detail on where we propose height limits of at least 4, 5, 6 or more storeys. 1079.54

e) As can be observed in many developments under the existing THAB standards, the 8m + 60 degree recession plane significantly limits height for development, especially for single or narrow sites. If the existing standards are retained then 3-storey 'sausage' terrace dwellings will continue to be the primary typology developed in these areas. This typology directs outlook towards neighbouring properties and generates more shading effects than perimeter block housing, as demonstrated in Council's own internal modelling. We therefore believe increasing the HIRTB standards will lead to better design outcomes.

4.3.4 We do not support the existing THAB side yard standard within the walkable catchments. We would request that this be removed entirely within 21.5m of the site frontage to better support the creation of perimeter blocks and to ensure a cohesive and coherent streetscape. 1079.55

4.3.5 We support the new provision to provide communal outdoor living areas (Standard H6.6.15 (4)) as this will likely provide better urban design and internal amenity. 1079.56

4.3.6 We generally support the glazing to the street and private vehicle or pedestrian access requirements (Standard H6.6.19) but not for private vehicle or pedestrian access as we do not believe that this appropriately balances passive surveillance with internal privacy. We believe that the AUP needs to include a clear definition of how compliance with this glazing standard is achieved to support these desired amenity and safety outcomes (e.g. clear, at eye level where possible) and to ensure consistent interpretation within Council. 1079.57 1079.58

4.3.7 We generally support the safety and privacy buffer standard (Standard H6.6.21) but would request that the width requirement be reduced to 600mm, as this is sufficient to establish ground cover or shrub planting. Requiring 1m of width has the potential to generate perverse effects elsewhere in the site, such as reducing internal floor sizes for living areas or reducing the width of pedestrian accessways. 1079.59

4.3.8 We fully support the residential waste management standards (Standard H6.6.22) as these requirements are already best practice and will provide greater certainty. 1079.60

5.0 Enable More Intensification and Better Design In the Mixed Housing Urban Zone (MHU)

5.1 Overall, we support the intention of the changes to the Mixed Housing Urban (MHU) zone to enable more medium density housing and better design outcomes.

5.2 In terms of the proposed changes to the zone standards, we make the following comments:

5.2.1 We do not support inclusion of new standards (Standard H5.6.19 Deep soil area and canopy tree; Standard H5.6.20 Safety and privacy buffer from private pedestrian vehicle accessways; Standard H5.6.21 Residential waste management) for up to three dwellings per site as we consider these to be additional standards that are not consistent with the intent of the MDRS. 1079.61 1079.62 1079.63

5.2.2 Refer to section 4.3.2. That section references Standard H6.6.20, but we hold the same position on Standard H5.6.19. 1079.64 1079.65

5.2.3 Refer to section 4.3.7. That section references Standard H6.6.21, but we hold the same position on Standard H5.6.20. 1079.66

5.2.4 Refer to section 4.3.8. That section references Standard H6.6.22, but we hold the same position on Standard H5.6.21. 1079.67

5.3.5 We propose that the HIRTB standard for four or more dwellings per site within 21.5m of the site frontage is increased to 6m + 60 degrees to encourage development to address the street and discourage outlook to be directed to neighbouring properties. 1079.68

6.0 Recommendations on other matters

6.1 We generally oppose infrastructure constraints being used as qualifying matters within the Auckland urban area, as it is possible for developers to fund infrastructure to support growth.

6.1.1 We support upzoning to be provided in the first place, as this would provide sufficient certainty of development potential to fund infrastructure upgrades. This is the existing approach under the AUP and can be observed in large redevelopment areas such as Northcote, Owairaka and Māngere.

6.1.2 As such, we oppose the following qualifying matters:

- Combined Wastewater Network Control 1079.69
- Stormwater Disposal Constraints Control 1079.70
- Water and/or Wastewater Constraints Control 1079.71

6.1.2 If these qualifying matters are retained, the properties they cover should still have their underlying zoning 'upzoned', to reflect the zoning that would apply if the controls were not in place (and if other controls/overlays were not in place, e.g. special character). 1079.72

6.1.4 We generally support the following qualifying matters:

- D9 Significant Ecological Areas 1079.73
- D10 Outstanding Natural Features and Outstanding Natural Landscapes 1079.74
- D11 Outstanding Natural Character and High Natural Character 1079.75
- D12 Waitakere Ranges Heritage Area 1079.76
- D14 Maunga Viewshafts and Height Sensitive Building Areas 1079.77
- D17 Historic Heritage 1079.78
- D21 Sites and Places of significance to Mana Whenua 1079.79
- D8 Wetland Management Areas 1079.80
- City Centre character buildings and built form controls 1079.81
- Auckland War Memorial Museum Viewshaft Overlay 1079.82
- Beachlands Transport Constraints Control 1079.83
- Notable Trees (24 additions) 1079.84
- Māori Cultural Heritage - Pukekiwiriki Pā. 1079.85
- Māori Cultural Heritage - Pararēkau Island 1079.86

6.2 Notwithstanding this, we do not support the inclusion of additional rules for dwellings within existing overlay areas (such as the SEA and ONF overlays). Development in these areas is already restricted by rules within these overlays, so including additional rules will create duplication and confusion for practitioners. This is not considered best practice plan-making. 1079.87

6.3 We propose the following other recommendations regarding the City Centre Zone:

6.3.1 New provision H8.6.24A limits the east-west plan dimension of towers in a certain area to "ensure that high-rise buildings provide appropriate visual connections with, and visual permeability to, the Waitematā Harbour". We do not believe that this appropriately responds to a relevant qualifying matter. We would therefore request that this is deleted. 1079.88

6.3.2 We request that the formal definition of glazing is clarified to ensure that passive surveillance is enabled (e.g. clear glazing at eye level with no frosting). It should also be clarified whether glazing with external louvres would qualify towards the 20% requirements. 1079.89 1079.90

6.3.3 We support:

a) Removal of Floor Area Ratio Standards (removal of sections H8.6.10 through H8.6.20) 1079.91

b) The Queen Street Valley control, regarding frontage of older buildings on Queen Street 1079.92

c) Sunlight access to public open space controls including the Aotea Square control, for creating a quality city centre and because they have limited impacts on enablement of housing. 1079.93

6.3.4 We do not support the general height control of 72.5m across the city centre (section H8.6.2). This limits development capacity in the City Centre, and is contradictory to the intent of NPS-UD policy 3(a). 1079.94

6.4 Regarding the Auckland Light Rail Corridor we submit:

6.4.1 Upzoning, as required by the NPS-UD and MDRS, should be enabled in the Auckland Light Rail corridor through Plan Change 78.

6.4.2 We submit that Auckland Council's decision to "delay the implementation of the [NPS-UD and MDRS] in the Auckland Light Rail Corridor" undermines the intent of the planning reforms. We challenge the legal basis for excluding parts of the city from the Intensification Planning Instrument (IPI).

6.4.3 We propose that the hearings panel overrules it, and implements the Intensification Planning Instrument as if the light rail project is not going ahead. This includes NPS-UD requirements where appropriate (including, we argue, some frequent bus corridors to be treated as providing "rapid transit service") and MDRS elsewhere. 1079.95

6.4.4 Essentially, Plan Change 78 should start by establishing an upzoning 'baseline' as if the Auckland Light Rail project was not going ahead. Auckland Council can then lodge a variation to PC78 in 2023 if deemed appropriate.

The reasons for our position are:

1) Reversing the decision will allow for a more cohesive and holistic approach to the IPI process, and mean a legally compliant plan change.

2) Waiting until 2023 for a variation will put pressure on the deadline for implementing PC78.

3) The Auckland Light Rail (ALR) project does not meet the "rapid transit service" definition of the NPS-UD, and is highly unlikely to do so even in 2023. It is in the early

stages of design, does not have funding, and lacks bipartisan political support with a general election due in 2023. It should not have been given any weight in the notified version of PC78.

4) The scale of the corridor — at least 20 square kilometres in the isthmus and 11 in Māngere — makes it too important to defer. We estimate the corridor is twice as large as all the notified Special Character Areas combined.

5) The corridor (especially the isthmus portion) is vital for central, well-planned intensification. It already has excellent local and citywide access via many transport modes to services and destinations.

6) The corridor includes most of the southern fringe of the city centre, three train stations including Karanga a Hape and Maungawhau (with a fourth, Grafton also impacted), seven town centres and many local centres. These all create intensification requirements under the NPS-UD and it is inappropriate for ALR to take priority over them.

7) Council did not consult with the public or mana whenua over the decision to delay implementation.

8) Council made the decision based on insufficient evidence. Only three bullet points were provided to the public as a rationale for the 30 June resolution, offering very limited evidence for the thinking behind the Planning Committee's decision. Further, no section 32 assessment has been provided about the alternatives or costs of not upzoning the ALR corridor.

9) Council's decision is inconsistent with their approach to other future rapid transit projects which are further advanced than ALR, i.e. Eastern Busway stage 2 and Ngaakooroa train station.

10) Council's decision is inconsistent with their arguments against the 2021 housing bill, specifically the concern that the "MDRS will encourage a dispersed growth pattern in locations that are currently not well-served by public transport, and in some cases, will never be".

11) Council's decision is inconsistent with their key plans and strategies, from the Regional Land Transport Plan to the Auckland Plan 2050 to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which identify the ALR corridor as a key growth area and promote a compact, sustainable and equitable city that is resilient to the effects of climate change.

6.4.5 Overall, the light rail corridor is already highly accessible and highly desirable (i.e. a high-demand area). Council's decision to delay implementation reinforces the status quo, prolonging our housing crisis and worsening our climate crisis. It forces housing out to greenfields areas like Drury and Whenuapai, and scatters it across the city in places that will never be as well connected as Kingsland or Onehunga are today. This delay will contribute to higher emissions, infrastructure costs and a range of other negative outcomes.

6.4.6 Allowing more housing here will bring us closer to the goal of a quality compact city that can equitably slash its greenhouse gas emissions, and where people can afford secure housing. It will also lead to greater uptake of public and active transport, lowering transport emissions. This will mean lower transport costs for Aucklanders and lower infrastructure costs for Council.

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr Graham R. Falla and Prof Mick N. Clout

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

South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand

Address for service of Submitter

55 Wedgwood Avenue, Mangere East, Auckland 2024

Telephone: 92763092 Fax/Email: grfalla@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	Housing intensification across the Manurewa suburb of Hill Park
Or Property Address	
Or Map	

Or
Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

I wish to be heard in support of my submission ☒

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

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

Graham R. Falla Mick N. Clout

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

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

SUBMISSION to AUCKLAND COUNCIL on PLAN CHANGE 78

By the SOUTH AUCKLAND BRANCH, ROYAL FOREST and BIRD PROTECTION SOCIETY of NEW ZEALAND

INTRODUCTION

It is the view of Forest and Bird that the need for more intensive urban housing must be balanced against the need to protect natural values. This submission will take as an example the Manurewa suburb of Hillpark, only a small locality but illustrative of a global issue. We agree with the Secretary General of the United Nations, who this week has spoken of the urgent need to end "our suicidal war against nature."

FACTS ON HILLPARK'S FOREST REMNANTS

1. Formerly Extensive Ancient Forest

a) Hillpark's naturally occurring trees are a unique if fragmented remnant of a prehistoric forest ecosystem dating back many thousands of years, with genetic links to distant geological ages.

b) It is an example of podocarp/broadleaf forest containing specimens of totara, kahikatea, rimu, puriri and pukatea, aged up to and beyond 150 years.

c) Such trees have a prospective future life of many centuries, spanning multiple human generations.

d) Over the last eight centuries the forest was utilized but not removed by pre-European Maori.

e) Following European settlement in the mid-Nineteenth Century the forest was logged and partially cleared but not totally obliterated. Most major canopy species survived through natural regeneration that occurred before land use became intensive.

f) In these surviving fragments, especially in stream gullies, the forest structure has remained sufficiently intact to support a functioning ecological community of native plants, micro-organisms, invertebrates, fish, reptiles, birds and possibly bats. Its natural regeneration continues today.

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2. Twentieth Century Residential Development

a) By the 1950s farm livestock was being removed to make way for housing.

b) Careful planning provided not only for major bush reserves but also for a system of roading and subdivision that allowed a substantial amount of natural forest to remain on the rear of residents' properties.

c) In the 1960s the Manukau City Council District Plan recognized the significance of the major tree species by giving them general protection.

d) This general protection has since been cancelled, and numbers of mature trees in Hillpark have been felled.

e) The rate of replacement by natural regeneration and native planting is not sufficient to compensate for this loss.

PRESENT-DAY BENEFITS of PROTECTING HILLPARK'S REMAINING TREES

- The forest remnants are key elements of a unique ecosystem that has survived as an integral part of a modern residential suburb. Among the few Auckland suburbs containing natural forest, only Totara Heights and The Gardens feature forest of this particular type.

- Clusters of canopy-forming native trees create a habitat holding soil together, checking stormwater and silt runoff and harbouring soil organisms that support a large variety of native invertebrate life. Their shade enables endangered native aquatic life to thrive in the streams they shelter. They provide an ideal habitat for birdlife, especially the iconic native species including tui, kereru, ruru, silvereyes, fantails and warblers which thrive and breed in Hillpark, and mobile species such as kaka. (It should be noted that high buildings with large windows present a hazard for birds in flight.)

- These remnants and clusters are potentially vital 'stepping-stones' for wildlife, acting as an ecological corridor between the Waitakere and Hunua Ranges. Close by in the South Auckland region the concept of

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such corridors has been recognized in the establishment of the 'South-East Wildlink', which is supported by Forest and Bird. Such development gives substance to the vision that Auckland may in the future reclaim a lost part of its natural heritage.

- They form a reservoir of biodiversity within Auckland's urban limits, countering the decline of this essential quality that continues elsewhere in Auckland and throughout the world.

- Old trees provide emotional comfort to many of the people who live near them and love them.

- For some, trees of ancient lineage possess a spiritual element that makes them sacred.

- They supply life in otherwise sterile places.

CONCLUSION

There is no doubt that the construction of more intensive housing across Hillpark would be accompanied by catastrophic destruction of its trees.

The question of whether Hillpark will survive as a haven of biodiversity will depend on reforms to the Resource Management Act and how they are applied by Auckland Council. In the light of Council's currently restricted powers regarding trees a practical and effective system of tree protection is needed urgently before more destruction of irreplaceable natural heritage takes place.

We consider that the points put forward above are Qualifying Matters in the framework of the Plan Change. In addition, existing SEAs should be both strengthened and extended to cover all local forest remnants in the Hillpark Special Character zone that have to date been overlooked, including vegetation overlapping from reserves into private properties. We 1082.1 1082.2

recommend a detailed review of the status of such remnants in and near to Hillpark. Besides the currently provided Significant Ecological Areas Overlay, which is vulnerable to hostile resource consent applications, Plan Change 78 also offers overlays for High Natural Character, Notable Groups of Trees and Outstanding Natural Character. Whatever overlay is chosen as the most appropriate it should be extended to cover the entire Hillpark area to protect the significant natural environment, perhaps including some form of covenanting. 1082.3

Summing up, it is important that Hillpark should be provided with an overlay ('Special Character'?) acknowledging the abundance of trees and wildlife that makes it so special. The intention would be to protect the character of Hillpark and ensure any future development is in keeping with this and does not threaten the native trees and the varied wildlife that depends on them.

Signed: Graham R. Falla

Mick N. Clout (Emeritus Professor)

Date: 23 September, 2022

For the South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand

P.S. We wish to record that if others make a similar submission we will consider presenting a joint case with them at a hearing.

Ginny Taare

From: Veena Krishna on behalf of Regional Planning Helpdesk
Sent: Tuesday, 27 September 2022 4:58 pm
To: Unitary Plan
Subject: FW: Submission on Plan Change78
Attachments: pc-78-form-5-notification.pdf; Hillpark Submission MC.docx

Hello

Please see submission on PC 78

Kind regards

Veena

From: grfalla@xtra.co.nz <grfalla@xtra.co.nz>
Sent: Tuesday, 27 September 2022 4:19 pm
To: Res Wst Planning <Planning@aklc.govt.nz>
Subject: Submission on Plan Change78

Please accept the attached documents.

Kind regards
Graham Falla

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr Graham R. Falla and Prof Mick N. Clout

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

South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand

Address for service of Submitter

55 Wedgwood Avenue, Mangere East, Auckland 2024

Telephone: 92763092 Fax/Email: grfalla@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Housing intensification across the Manurewa suburb of Hill Park

Or
Property Address:

Or
Map:

Or
Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

I wish to be heard in support of my submission ☒

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

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

Graham R. Falla Mick N. Clout

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

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

SUBMISSION to AUCKLAND COUNCIL on PLAN CHANGE 78

By the SOUTH AUCKLAND BRANCH, ROYAL FOREST and BIRD PROTECTION SOCIETY of NEW ZEALAND

INTRODUCTION

It is the view of Forest and Bird that the need for more intensive urban housing must be balanced against the need to protect natural values. This submission will take as an example the Manurewa suburb of Hillpark, only a small locality but illustrative of a global issue. We agree with the Secretary General of the United Nations, who this week has spoken of the urgent need to end "our suicidal war against nature."

FACTS ON HILLPARK'S FOREST REMNANTS

1. Formerly Extensive Ancient Forest

a) Hillpark's naturally occurring trees are a unique if fragmented remnant of a prehistoric forest ecosystem dating back many thousands of years, with genetic links to distant geological ages.

b) It is an example of podocarp/broadleaf forest containing specimens of totara, kahikatea, rimu, puriri and pukatea, aged up to and beyond 150 years.

c) Such trees have a prospective future life of many centuries, spanning multiple human generations.

d) Over the last eight centuries the forest was utilized but not removed by pre-European Maori.

e) Following European settlement in the mid-Nineteenth Century the forest was logged and partially cleared but not totally obliterated. Most major canopy species survived through natural regeneration that occurred before land use became intensive.

f) In these surviving fragments, especially in stream gullies, the forest structure has remained sufficiently intact to support a functioning ecological community of native plants, micro-organisms, invertebrates, fish, birds and possibly bats. Its natural regeneration continues today.

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2. Twentieth Century Residential Development

a) By the 1950s farm livestock was being removed to make way for housing.

b) Careful planning provided not only for major bush reserves but also for a system of roading and subdivision that allowed a substantial amount of natural forest to remain on the rear of residents' properties.

c) In the 1960s the Manukau City Council District Plan recognized the significance of the major tree species by giving them general protection.

d) This general protection has since been cancelled, and numbers of mature trees in Hillpark have been felled.

e) The rate of replacement by natural regeneration and native planting is not sufficient to compensate for this loss.

PRESENT-DAY BENEFITS of PROTECTING HILLPARK'S REMAINING TREES

- The forest remnants are key elements of a unique ecosystem that has survived as an integral part of a modern residential suburb. Among the few Auckland suburbs containing natural forest, only Totara Heights and The Gardens feature forest of this particular type.

- Clusters of canopy-forming native trees create a habitat holding soil together, checking stormwater and silt runoff and harbouring soil organisms that support a large variety of native invertebrate life. Their shade enables endangered native aquatic life to thrive in the streams they shelter. They provide an ideal habitat for birdlife, especially the iconic native species including tui, kereru, ruru, silvereyes, fantails and warblers which thrive and breed in Hillpark, and mobile species such as kaka. (It should be noted that high buildings with large windows present a hazard for birds in flight.)

- These remnants and clusters are potentially vital 'stepping-stones' for wildlife, acting as an ecological corridor between the Waitakere and Hunua Ranges. Close by in the South Auckland region the concept of

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such corridors has been recognized in the establishment of the 'South-East Wildlink', which is supported by Forest and Bird. Such development gives substance to the vision that Auckland may in the future reclaim a lost part of its natural heritage.

- They form a reservoir of biodiversity within Auckland's urban limits, countering the decline of this essential quality that continues elsewhere in Auckland and throughout the world.

- Old trees provide emotional comfort to many of the people who live near them and love them.

- For some, trees of ancient lineage possess a spiritual element that makes them sacred.

- They supply life in otherwise sterile places.

CONCLUSION

There is no doubt that the construction of more intensive housing across Hillpark would be accompanied by catastrophic destruction of its trees.

The question of whether Hillpark will survive as a haven of biodiversity will depend on reforms to the Resource Management Act and how they are applied by Auckland Council. In the light of Council's currently restricted powers regarding trees a practical and effective system of tree protection is needed urgently before more destruction of irreplaceable natural heritage takes place.

We consider that the points put forward above are Qualifying Matters in the framework of the Plan Change. In addition, existing SEAs should be both strengthened and extended to cover all local forest remnants in the Hillpark Special Character zone that have to date been overlooked, including vegetation overlapping from reserves into private properties. We

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recommend a detailed review of the status of such remnants in and near to Hillpark. Besides the currently provided Significant Ecological Areas Overlay, which is vulnerable to hostile resource consent applications, Plan Change 78 also offers overlays for High Natural Character, Notable Groups of Trees and Outstanding Natural Character. Whatever overlay is chosen as the most appropriate it should be extended to cover the entire Hillpark area to protect the significant natural environment, perhaps including some form of covenanting.

Summing up, it is important that Hillpark should be provided with an overlay ('Special Character'?) acknowledging the abundance of trees and wildlife that makes it so special. The intention would be to protect the character of Hillpark and ensure any future development is in keeping with this and does not threaten the native trees and the varied wildlife that depends on them.

Signed: Graham R. Falla

Mick N. Clout (Emeritus Professor)

Date: 23 September, 2022

For the South Auckland Branch, Royal Forest and Bird Protection Society of New Zealand

BARNZ
VOICE OF THE AIRLINE INDUSTRY

Plan Change 78 (Intensification):

SUBMISSION

Introduction

1. The Board of Airline Representatives New Zealand Inc ("BARNZ") welcomes the opportunity to submit on Plan Change 78 ("PC78"), which amends the Auckland Unitary Plan ("AUP") to comply with the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, enabling intensification of housing in urban areas.
2. This submission relates to the specific provisions of PC78 as identified in the table attached as Annexure A. BARNZ supports or opposes the specific provisions of PC78 as identified in Annexure A.
3. BARNZ could not gain an advantage in trade competition through this submission.

Background to BARNZ

4. BARNZ is an incorporated society comprising 26 member airlines operating scheduled and code share international and domestic services and is the voice of airlines operating in New Zealand. It represents airlines carrying 99% of international passengers to and from New Zealand.
5. In addition to its work on airport pricing, airport capital expenditure and regulatory affairs, BARNZ has a direct interest in land use planning where it has the potential to affect the current and future operation of New Zealand's airports. It shares a common interest with airport operators, as the requiring authorities, in ensuring that those frameworks effectively and efficiently manage and provide for airport operations to meet the needs of Auckland and New Zealand.
6. Auckland Airport ("Airport") is New Zealand's largest and busiest airport. The Airport is a strategic infrastructure asset of local, regional and national importance and is a major contributor to the Auckland and New Zealand economies.
7. The Airport's aviation infrastructure and services support the movement of aircraft, passengers, and cargo, and act as a major transport hub for domestic and international travellers. Prior to the COVID-19 pandemic, more than 75% of international passengers arrived or departed New Zealand through the Airport, accounting for approximately 21 million passenger movements.[1] Despite the impacts of COVID-19 on the aviation sector globally, the Airport remains New Zealand's main gateway to the world.

[1] Auckland Airport – Annual Report 2022 at page 21.

Urban Development Around the Airport

8. PC78 addresses the issue of housing supply by enabling intensification in parts of Auckland. However, it is important that essential infrastructure that supports well-functioning urban areas, such as Auckland Airport, is not adversely impacted by new, intensified housing, and that future residents are located in appropriate living environments.

9. Residential developments built in proximity to large-scale infrastructure, such as airports, have the potential to give rise to reverse sensitivity effects. Reverse sensitivity is a well-established concept and an adverse effect for the purposes of the RMA. In the context of airports, reverse sensitivity arises where new activities sensitive to aircraft noise ("ASAN")[2] establish in proximity to the Airport's lawfully established infrastructure. The potential implications of reverse sensitivity on the existence and development of airports should not be understated. In circumstances where increasing numbers of people are exposed to levels of aircraft noise through intensification of existing residential areas, there are potential long-term implications for regional and national tourism and commerce. Such constraints may arise through complaints against aircraft operations or submissions on planning processes seeking limits on the Airport's operations. Potential restrictions would likely range from reduction in passenger and freight capacity and hours of operations through to higher passenger and freight charges and the possible stranding of airport assets as airlines seek to mitigate the effects of increased costs of operation.

10. The nature of aircraft operations means that noise effects cannot be fully internalised within Auckland Airport's landholdings. Any increase in development of ASAN around the Airport (both in numbers and density) means more people are receivers to adverse effects of airport activities. Together with Auckland Airport, BARNZ is focused on ensuring that good planning provisions continue to be implemented to ensure development around the Airport and in the air noise boundaries is appropriately managed. This means ensuring that the health and amenity effects on people in proximity to the Airport, as well as the risks of reverse sensitivity effects constraining the Airport's operations, are effectively mitigated.

11. It is vital that the social and economic benefits to communities that are provided by airports, are not overlooked or downplayed when planning for future urban intensification. To do so could result in compromising those benefits provided by airports to the wider economy and community that rely on such

[2] Defined in the AUP as "Any dwellings, boarding houses, marae, papakāinga, integrated residential development, retirement villages, supported residential care, care centres, education facilities, tertiary education facilities, hospitals, and healthcare facilities with an overnight stay facility."

infrastructure, as well as potentially imposing aircraft noise on greater numbers of residents.

Aircraft Noise Overlays

12. The Aircraft Noise Overlay for Auckland Airport has been developed with extensive technical modelling (based on forecast growth and demand at the Airport) and robust expert evidence. It has been in place over several iterations of planning documents, and was recently refined, carefully tested and determined through the full Auckland Unitary Plan process. Through that process, affected parties had the opportunity to submit on the controls and participate in mediation and hearings before the Independent Hearings Panel, who upheld the overlays.

13. The Aircraft Noise Overlay for Auckland Airport comprises three Aircraft Noise Areas:

    a. High Aircraft Noise Area ("HANA") – within the HANA, new ASAN (including residential) are prohibited from establishing within its coverage area, due to noise levels within this noise area exceeding 65 dB L_{dn}. This prohibited activity status is consistent with New Zealand Standard NZS6805:1992 "Airport Noise Management and Land Use Planning" ("NZS6805").

    b. Moderate Aircraft Noise Area ("MANA") – Within the MANA new sensitive activities in residential zones are managed through density controls intended to limit the total number of people living within the MANA, and through acoustic insulation and ventilation requirements. Where the requirements are not complied with, resource consent is required.

    c. Aircraft Noise Notification Area ("ANNA") – While the ANNA remains subject to notable levels of aircraft noise (between 55 – 60dB L_{dn}) and NZS6805 recommends that the ANNA includes the same controls that apply in the MANA, no land use controls are imposed on sensitive activities within this contour. This reflects a historical position under the previous planning regime and a pragmatic approach by Auckland Airport and BARNZ to urban development within the greater South Auckland region, given the large size of this notification area.

14. Section 77I of the RMA enables matters required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure to be recognised as a qualifying matter. Through PC78, the Council has appropriately recognised the Airport as nationally significant infrastructure, and has incorporated the Aircraft Noise Overlay for Auckland Airport as an existing qualifying matter.

15. For sites within the HANA and MANA, the Council proposes to retain the Overlay as drafted and apply them as qualifying matters. BARNZ strongly supports the recognition of the HANA and MANA as qualifying matters under PC78. These are important planning controls to ensure well-functioning urban environments are achieved by providing appropriate living environments for residents and other ASAN, as well as protecting the Airport and airlines from reverse sensitivity effects.

16. However, BARNZ is concerned that through PC78, the Council proposes to upzone some sites in the HANA and MANA to Terraced Housing and Apartment Building ("THAB") zoning and the updated Mixed Housing Urban ("MHU") zoning. This zoning creates a planning framework contrary to the intention, policy framework and controls of the Aircraft Noise Overlay, and risks sending "mixed messages", and encouraging incompatible development, in spite of the Overlay framework.

17. BARNZ's relief in Annexure A therefore focuses on the amendment of this zoning framework to align with the Overlay, including the application of the Low Density Residential ("LDR") zoning within the HANA and MANA.

Designation 1102

18. Section 77I of the Resource Management Act 1991 expressly recognises designations as a qualifying matter which allows territorial authorities to make the medium density residential standards, relevant building height or density requirements less enabling of development.[3]

19. Auckland Airport has three Designations in the Unitary Plan. Designation 1102 gives effect to civil aviation safety requirements under the Civil Aviation Act 1990 and provides for the Airport's Obstacle Limitation Surface ("OLS"). The OLS is a necessary planning control that imposes height restrictions on buildings near the Airport to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the Airport. The controls that apply under Designation 1102 are based on extensive technical input and expert evidence and were tested through a full public process for Auckland Airport's Notice of Requirement process for the Second Runway.

20. BARNZ supports the identification of Designation 1102 as a qualifying matter in PC78, as it makes it clear to parties and decision-makers what restrictions apply in relation to building heights for properties within the OLS.

[3] Resource Management Act 1991, s 77I(g).

General reasons for submission

21. For the provisions of PC78 that BARNZ supports in Annexure A, those provisions will:

    a. promote sustainable management of resources, achieve the purpose of the RMA, and are not contrary to Part 2 and other provisions of the RMA;

    b. provide and promote greater health and amenity outcomes, as well as preserve the operational and developmental capacity for nationally significant infrastructure (such as the Airport), consistent with section 77I of the RMA;

    c. enable the social, economic, and cultural wellbeing of the South Auckland and Manukau communities; and

    d. meet the reasonably foreseeable needs of future generations.

22. For those provisions of PC78 that BARNZ opposes in Annexure A, those provisions require amendment as sought by BARNZ as set out in Annexure A. This is because, without the necessary amendments, those provisions will not:

    a. promote or enable the social and economic wellbeing of the community in South Auckland or Manukau or reasonably meet the needs of future generations;

    b. promote or enable efficient use and development of Airport infrastructure and those activities that are dependent on, or benefit from, the operation of the Airport;

    c. promote sustainable management of resources, will not achieve the purpose of the RMA, and are contrary to Part 2 and other provisions of the RMA;

    d. adequately protect and provide for the Airport's and airlines' current and future operations; and

    e. provide positive health and amenity outcomes for people locating in the Aircraft Noise Overlay.

Relief sought

23. BARNZ seeks the following amendments from the Council on PC78:

    a. That the proposed provisions be retained, deleted, or amended as set out in BARNZ's submission (set out above and in the attached Annexure A).

    b. Such further or other consequential relief as may be necessary to fully give effect to the relief sought in this submission and Annexure A.

24. BARNZ wishes to be heard in support of this submission.

BOARD OF AIRLINE REPRESENTATIVES NEW ZEALAND INC:

Date: 29 September 2022

Cath O'Brien
Executive Director
BARNZ

Address for Service: P O Box 2779
Auckland 1140

Email: cath@barnz.org.nz
Cc: gillian@chappell.nz
Telephone: (09) 300 1259

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
CHAPTER A - INTRODUCTION					
1	Table A1.4.8.1 Qualifying matters in zones, overlays and Auckland-wide provisions	Support	BARNZ supports the identification as qualifying matters, those matters required for the safe and efficient operation of nationally significant infrastructure, particularly: • D24 Aircraft Noise Overlay; • Chapter K Designations 1100, 1101 and 1102 (Auckland Airport Designations); and • Chapter H Zones While BARNZ supports the retention of the Aircraft Noise Overlay provisions and the application of Auckland Airport's Designations as qualifying matters, with the proposed changes to the zoning around the Airport and the changes to the provisions within those zones, BARNZ is concerned that the Overlay provisions do not go far enough to appropriately protect the Airport from reverse sensitivity effects. BARNZ seeks to rezone the residential zones within the HANA and MANA where they are proposed to be upzoned to Terrace Housing and Apartment Buildings (THAB) or Mixed Housing Urban Zone (MHU), to be Low Density Residential (LDR) Zone. This is shown and discussed	Retain Table A1.4.8.1 as notified. However, amendments are sought to zoning maps to ensure the planning framework collectively ensures the ongoing safe and efficient operation of Auckland Airport (Rows 34-35 below).	1083.1

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
			further below in respect of the LDR Zone provisions and the zoning maps for the HANA and MANA.		
2	Table A1.4.8.1 Qualifying matters in precincts	Support	BARNZ supports the identification as qualifying matters the precincts of: • I404 Auckland Airport Precinct; and • I412 Flat Bush Precinct. These Precincts include specific objectives, policies and rules which recognise the ongoing operation of the Airport through density restrictions and appropriate controls on ASAN near the Airport, or provisions for airport activities within Auckland Airport's landholdings. It is appropriate that these qualifying matters are recognised.	Retain Table A1.4.8.1 as notified.	1083.2
CHAPTER C – GENERAL RULES					
3	C1.6A Overlay and precinct rules	Oppose	BARNZ opposes the addition of this wording to Chapter C, as clear direction on the application of overlays and precincts is already provided in C1.6 which clarifies that activities within overlays take precedence over precincts, and precincts over zones. C1.6A adds uncertainty to this hierarchy as it appears to restrict the hierarchy in circumstances where the overlay or precinct specifies that it replaces the precinct or zone rule respectively ie, providing that the Aircraft Noise	Remove C1.6A as notified.	1083.3

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			Overlay only overrules precincts and zones in respect of specified matters such as subdivision. This conflicts with the direction provided immediately prior in C1.6, creating confusion for the application of activity statuses / rules.	
CHAPTER D24 AIRCRAFT NOISE OVERLAY				
4	D24.1. Description	Support with amendment	BARNZ supports identification of the Aircraft Noise Overlay as a qualifying matter. However, BARNZ seeks amendment to the second sentence of the description explaining the precedence of the overlay, which suggests the Overlay only takes precedence with respect to subdivision and location of ASAN. This is misleading for plan users and should be removed. The current position of the AUP is that Overlays take precedence in their entirety over zones and rules, and (as currently drafted) is inconsistent with the position expressed in C1.6.	Retain with amendment: This overlay has been identified as a qualifying matter in accordance with sections 77I(e) and (g) and 77O(e) and (g) of the RMA. The provisions of this overlay take precedence over the provisions of the underlying zone and/or precinct ~~with respect to subdivision and location of activities sensitive to aircraft noise.~~

1083.4

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
5	D24.3(3)(b) Aircraft Noise Overlay Policies	Support with amendment	Through PC78, in order to give effect to the NPS-UD, additional development capacity is enabled through increased building heights in business centre zones. This is a significant policy shift since the Aircraft Noise Overlay was developed and has the potential to result in a greater number of people living in and or around business centre zones. BARNZ is concerned to ensure that where increased heights are enabled within the Aircraft Noise Overlay that this is appropriately managed. While the Aircraft Noise Overlay objectives and policies already clearly direct density of development to be considered, BARNZ considers more express reference is required to the need to manage the number of ASAN exposed to aircraft noise through reduced building heights as well as zoning and other controls.	Retain with amendment: (3) Avoid establishing residential and other activities sensitive to aircraft noise at: [...] (b) Auckland International Airport: within the area between the 60dB Ldn and 65dB Ldn contours, unless the effects can be adequately remedied or mitigated through restrictions on the numbers of people exposed to aircraft noise in the external environment through zoning, reduced building heights and density controls and through providing acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to aircraft noise; and [...]	1083.5
6	Table D24.4.3 Activity table for Auckland International Airport	Support	BARNZ supports identification of existing rules and activity statuses restricting development of new dwellings within the HANA and MANA as qualifying matters (and retaining them without amendment). These provisions were carefully developed and tested through the AUP process and it is appropriate that they are retained as notified.	Retain as notified.	1083.6

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
CHAPTER G2 - WALKABLE CATCHMENTS					
7	G2 – Walkable catchment description	Support with amendment	BARNZ generally supports the description and assumptions made by the Council in respect of walkable catchments. However, the description of walkable catchments fails to include reference to the Council's discretion to apply building heights of less than six storeys where qualifying matters apply as per section 77I and 77O of the RMA. An amendment is required to recognise this and give effect to Policy 4 of the NPS-UD.	Retain with amendment: Policy 3(c) of the National Policy Statement on Urban Development 2020, updated May 2022, requires regional policy statements and district plans in tier 1 urban environments to enable building heights of at least six storeys within at least a walkable catchment of the following: (i) existing and planned rapid transit stops (ii) the edge of city centre zones, and (iii) the edge of metropolitan centre zones, except where a relevant qualifying matter applies.	1083.7
CHAPTER H – ZONES – RESIDENTIAL					
8	H3A.1. Low Density Residential Zone description	Support in part with amendment	BARNZ generally supports the creation of the LDR Zone as an appropriate zone where reduced density is justified on the basis of the Aircraft Noise Overlay as a qualifying matter within the urban environment. As outlined at Rows 34-35, BARNZ considers it is appropriate for this zoning to be utilised for sites within the HANA and MANA, to ensure alignment between the zoning and the intent of the Aircraft Noise Overlay.	Add the following bullet point to the first paragraph of the description: - protect nationally significant infrastructure from reverse sensitivity effects in order to ensure its ongoing safe and efficient operation;	1083.8

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
			While the Aircraft Noise Overlay has been specifically recognised as a qualifying matter, given the Council's approach of also amending the relevant zoning provisions to make it clear where qualifying matters apply (for example, the LDR zoning applied to large parts of Ponsonby, Grey Lynn and Freemans Bay in reliance on historic heritage qualifying matters), BARNZ seeks an amendment to the description of LDR Zone to include consideration of nationally significant infrastructure as qualifying matters for the application of the zone to these areas.		
9	H3A.2. Low Density Residential Zone – Objectives (1), (2), (3), (4)	Support with amendment	BARNZ generally supports the General Objectives for the LDR Zone (Objectives (1)-(4)) as they apply to sites within the Aircraft Noise Overlay. These objectives recognise that lower density development can be appropriate where there are qualifying matters present, such as the Aircraft Noise Overlay. However, BARNZ seeks minor amendments to add reference to the purpose of a qualifying matter rather than just its values, as the "values" wording does not neatly apply to qualifying matters addressing infrastructure constraints or protections.	Retain with amendment: (1) Development maintains and is in keeping with the identified purpose and values of qualifying matters' ~~values~~ within the area and their lower intensity residential development, relative to development enabled by the MDRS, being limited to predominantly one to two storeys buildings. [...] (4) More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring that it does not detract from the purpose and values of qualifying matters' ~~values~~ accommodated by the zone's purpose.	1083.9

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
10	New H3A.2. Low Density Residential Zone – New Objective (11A)	Add	BARNZ seeks the addition of nationally significant infrastructure related objective to the "Specific Qualifying Matter Objectives" for the LDR Zone. This is to ensure alignment between the zoning with the Aircraft Noise Overlay.	Add new objective: (11A) Development does not adversely affect the ongoing operation and future development of nationally significant infrastructure.	1083.10
11	H3A.3. Low Density Residential Zone – Policy (7)	Support with amendment	BARNZ supports Policy (7) because it appropriately directs more intensive development including the MDRS only where that development would not detract from a qualifying matter. However, for the reasons outlined above, BARNZ seeks the addition of "purpose" to the policy to reflect the intent of infrastructure qualifying matters.	Retain with amendment: (7) Require more intensive residential development including Medium Density Residential development to be enabled only to the extent necessary, ensuring that it does not detract from the purpose or values of the identified qualifying matters~~' values~~.	1083.11
12	H3A.3. Low Density Residential Zone – New Policies (17 A/B)	Add	BARNZ seeks the addition of new policies to the "Specific Qualifying Matter Policies" for the LDR Zone. This is to ensure appropriate policy direction for utilisation of the LDR Zone within the HANA and MANA.	Add two new policies: • (17A) Protect nationally significant infrastructure from reverse sensitivity effects generated by the development of activities sensitive to noise within identified noise areas. • (17B) Avoid developments of medium and / or high density housing in areas subject to adverse effects from aircraft noise	1083.12
13	H3A.4. Low Density Residential Zone – Rules	Support	BARNZ supports the rules for the LDR Zone as appropriate to give effect to the objectives and policies of maintaining areas of low residential density where appropriate qualifying matters such as the Aircraft Noise Overlay apply.	Retain as notified	1083.13

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
14	H3A.5. Low Density Residential Zone – Notification	Support	BARNZ generally supports the notification provisions for the LDR Zone, particularly the reference at H3A.5(2) to Rule C.13(4) which includes appropriate reference to operators of activities protected by overlays for reverse sensitivity effects.	Retain as notified	1083.14
15	H3A.6. Low Density Residential Zone – Standards	Support	BARNZ supports the standards for the LDR Zone as appropriate to give effect to the objectives and policies of maintaining areas of low residential density where appropriate qualifying matters such as the Aircraft Noise Overlay apply, and to support the rules for the zone.	Retain as notified	1083.15
16	H3A.8. Low Density Residential Zone – Matters of Discretion	Support with amendment	BARNZ supports the matters of discretion for the zone, particularly MOD (3) which directs consideration of the adverse effects enabling development of multiple dwellings would have on qualifying matters. However, for the same reasons set out at row 11 above, BARNZ seeks the addition of the word "purpose" to the matter of discretion, reflecting that infrastructure qualifying matters do not have "values" in the same way amenity or ecological qualifying matters do.	(3) For two or more dwellings on a site [...] (b) The effects on the purpose or values of the qualifying matter including any reason for consent required under a qualifying matter rule.	1083.16
17	H3A.8.2. Low Density Residential Zone – Assessment criteria	Support with amendment	BARNZ supports the assessment criteria for the zone, particularly MOD (9)(f) which directs assessment of the effects of developments of two or more dwellings on a site on the values of the relevant qualifying matter (including	(9) For two or more dwellings on a site: [...]	1083.17

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
			whether the intensity of development is appropriate in the context of the qualifying matter). However, for the same reasons set out in row 11 and 16 above, BARNZ seeks the addition of the word "purpose" to the assessment criteria, reflecting that infrastructure qualifying matters do not have "values" in the same way amenity or ecological qualifying matters do.	(f) the extent to which built development will affect the purpose or values of the relevant qualifying matter on the site by: i. the intensity and location of built development relative to the qualifying matter. ii. increasing natural hazard risk. iii. compromising the integrity and quality of the qualifying matter.	1083.17
18	H5 Mixed Housing Urban Zone and H6 Terraced Housing and Apartment Building Zone – Objectives and Policies	Oppose	BARNZ opposes the current drafting of the objectives and policies of the MHU and THAB zones (insofar as these zones are proposed to apply in areas within the HANA and MANA) as these provisions do not adequately address the need for lower density development where qualifying matters apply, such as the Aircraft Noise Overlay. BARNZ seeks to address this through the removal of this zoning within the HANA and MANA and application of the LDR zoning.	Removal of MHU and THAB zoning sought within the HANA and MANA areas (see Rows 34 – 35 below).	1083.18
CHAPTER H – ZONES – BUSINESS					
19	H9.1 Metropolitan Centre Zone description	Support	Within the Aircraft Noise Overlay, there are areas zoned Metropolitan Centre Zone. The Aircraft Noise Overlay seeks to manage the number of people that are exposed to aircraft noise through density and zoning controls on	Retain as notified.	1083.19

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			ASAN. While BARNZ is not concerned with height of activities that are not ASAN (provided these do not conflict with the Airport's Obstacle Limitation Surface), it may be appropriate to reduce the height of buildings containing ASAN (such as residential activities) within metropolitan centres to manage the number of people exposed to aircraft noise. BARNZ supports the addition to the H9.1 Zone description which recognises increased density of form and building heights enabled by PC78 can be reduced where a qualifying matter applies.	
20	H9.3 Metropolitan Centre Zone Objectives	Support with amendment	BARNZ generally supports the amendments proposed to the objectives in H9.3 (in particular those objectives that recognise and provide for qualifying matters), but seeks amendment to objective (9) to reflect the application of qualifying matters in certain locations.	Seek amendment of Objective (9): Metropolitan centres enable building heights and density of urban form to reflect demand for housing and business use unless a qualifying matter applies which requires reduced height and / or density.
21	H9.4 Metropolitan Centre Zone Policies	Support with amendment	BARNZ supports new policy (12A) and amendments to policy (14) which recognise height limits may be lower where qualifying matters apply. BARNZ supports existing policy (2) which reflects reverse sensitivity concerns that may justify reduced development. BARNZ seeks an amendment to policy 13 and new policy (15A) to reflect any necessary qualifying matters which would justify lower heights or density within the zone.	Seek amendment of Policy (13): Enable greater building height than the standard height in locations identified within the Height Variation Control having regard to whether the greater height: ... (zaa) is consistent with a qualifying matter that modifies height or density.

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ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
				Seek amendment of policy (15A): Enable greater building heights and density of urban form in metropolitan centres, than in town, local or neighbourhood centres, to reinforce their role as regional focal points (unless a qualifying matter applies which requires reduced height and/or density).
22	H11.1 Business Local Centre Zone description	Support	Auckland Airport supports the addition to the H11.1 Zone description which recognises the increased building heights enabled by PC78 are not enabled if qualifying matters apply.	Retain as notified 1083.22
23	H11.2 Local Centre Zone description	Support	Auckland Airport supports the amendments to objectives (3), (4) and (9) which acknowledge the need to ensure development creates well-functioning urban environments and that qualifying matters may apply which justify not enabling building height of up to six storeys within walkable catchments.	Retain as notified 1083.23
24	H11.3 Business Local Centre Zone policies	Support with amendment	Auckland Airport seeks amendment to existing Policy (2) within the Local Centre Zone which encourages and increase in density of housing to reflect that increased density should not be enabled where relevant qualifying matters apply.	Retain with amendment: (2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while reflecting any qualifying matters and managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities. 1083.24

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			Auckland Airport supports the amendments to other policies (12A) and (14) which note the need to apply qualifying matters when enabling greater building heights.	
25	H12.1 Business Neighbourhood Centre Zone description	Support	Auckland Airport supports the addition to the H12.1 Zone description which recognises the increased building heights enabled by PC78 are not enabled if qualifying matters apply.	Retain as notified 1083.25
26	H12.2 Business Neighbourhood Centre Zone Objectives	Support	Auckland Airport supports the amendments to objectives (3), (4) and (8) which acknowledge the need to ensure development creates well-functioning urban environments and that qualifying matters may apply which justify not enabling building height of up to six storeys within walkable catchments.	Retain as notified 1083.26
27	H12.3 Business Neighbourhood Centre Zone Objectives	Support with amendment	Auckland Airport seeks amendment to existing Policy (2) within the Neighbourhood Centre Zone which encourages and increase in density of housing to reflect that increased density should not be enabled where relevant qualifying matters apply. Auckland Airport supports the amendments to other policies (12A) and (14) which note the need to apply qualifying matters when enabling greater building heights.	Retain with amendment: (2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while reflecting any qualifying matters and managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities. 1083.27

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~	
28	H13.1 Business Mixed Use Zone description	Support with amendment	BARNZ supports the addition to the H13.1 Zone description which recognises that increased building heights within walkable catchments are not enabled if qualifying matters apply.	Retain as notified.	1083.28
29	H13.2 Business Mixed Used Zone Objectives	Support	BARNZ supports the amendments to objectives (3), (4) and (10) which acknowledge the need to ensure development creates well-functioning urban environments and that qualifying matters may apply which justify not enabling building height of up to six storeys within walkable catchments.	Retain as notified	1083.29
30	H13.3 Business Mixed Used Zone Policies	Support with amendment	BARNZ supports new policy (12A) and amendments proposed to policy (14) which recognise height limits may be lower where qualifying matters apply. BARNZ supports existing policy (2) which reflects that reverse sensitivity effects justify reduced development in some cases. BARNZ seeks an amendment to this policy to include reference to qualifying matters as appropriate justification for not providing for an increase in density of housing.	Retain policies (12A), (14) with amendment to policy (2): (2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while reflecting any qualifying matters and managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.	1083.30

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

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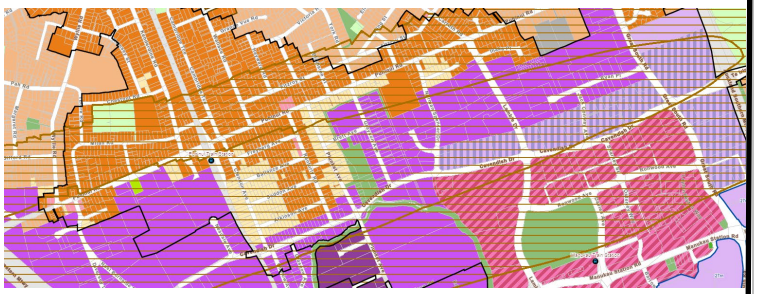
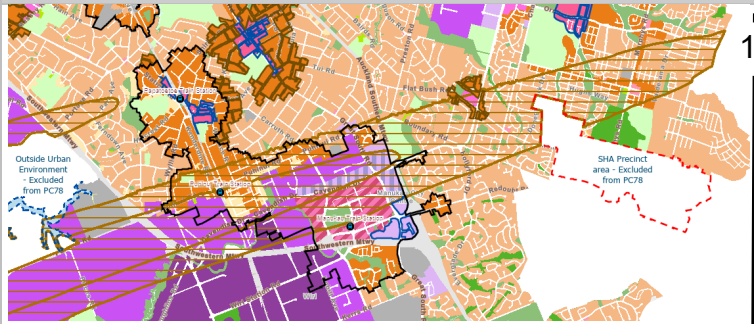
CHAPTER I - PRECINCTS					
31	Table I412.4.1 Activity status of land use, development and subdivision activities in the Flat Bush Precinct	Neutral	The activity table has been amended to remove the activity status in some of the sub-Precincts (some of which are located within the MANA) and replace them with "NA". While the changes are noted as being subject to a qualifying matter, the reason for this change is unclear. BARNZ is concerned to ensure the provisions are not amended in a way that undermines the previously tested and approved provisions in the Flat Bush Precinct that apply to ASAN in the MANA. It is also relevant to acknowledge the Flatbush Precinct rules were developed through a plan change process that occurred prior to the AUP and those provisions were carried through in the AUP. The specific provisions were developed in the context of a greenfields area but much of the Precinct has now been developed, rendering these bespoke provisions for this area less significant. BARNZ considers it is appropriate that the same LDR zoning apply within the MANA areas within Flatbush as other areas of the MANA (set out below at rows 34 onwards).	BARNZ seeks further clarification from the Council on the reasons for the changes.	1083.31
32	Table I412.6.1.1.1 Density requirements	Support	BARNZ strongly supports retention of maximum allowable density limits within the MANA for the Flatbush Precinct as	Retain as notified.	1083.32

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			these provisions were carefully developed and tested through earlier planning processes.	
33	Table I412.6.2.1.1 Minimum and average lot sizes Sub-Precinct	Support	BARNZ strongly supports retention of average site sizes within the MANA for Sub-Precinct A as these provisions were carefully developed and tested through earlier planning processes.	Retain as notified. 1083.33
ZONING MAPS				
34	Residential zoning of sites within HANA as THAB or MHU	Oppose	Under PC78, there are a large number of sites within the HANA that are proposed to be rezoned to THAB or MHU. BARNZ strongly opposes this. The most acute adverse effects relating to aircraft noise from aircraft operations occur within the HANA. In accordance with NZS6805, new dwellings (in any zone) are prohibited within the HANA. While much of the underlying zoning in the HANA is (appropriately) business or industrial zoning, there are some areas of existing residential zoning within the HANA (such as the area between Clendon Avenue, Cavendish Drive and Plunket Avenue) that, until PC78 was notified, were zoned Single House Zone.	Seek amendment of all THAB or MHU zoning in HANA to LDR  1083.34 1083.37

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			BARNZ opposes residential upzoning in the HANA as it creates an unclear and inconsistent planning framework for property owners in that the underlying zoning suggests intensification can occur though prohibited by the Aircraft Noise Overlay. BARNZ seeks all sites that are proposed to be upzoned to THAB and / or MHU zoning within the HANA are rezoned to LDR. The LDR Zone has been drafted to be applied to areas where lesser residential intensity is necessary or justified due to qualifying matters such as the Aircraft Noise Overlay. The policy and rule framework within the LDR Zone reflects this intention and aligns with the policy and rule framework of the Aircraft Noise Overlay which prohibits new residential development in areas exposed to high levels of aircraft noise.	
35	Residential zoning of sites within MANA as THAB or MHU	Oppose	BARNZ does not support the proposed upzoning to MHU and THAB on sites within the MANA. The MANA reflects the moderate aircraft noise area of 60-65dB Ldn, which is a high level of aircraft noise. In accordance with NZS6805 the MANA requires acoustic controls *and the minimisation of intensive housing development*, applying density restriction controls. The intention of these controls is to limit the overall number of people subject to aircraft noise because of the potential adverse health and amenity	Seek amendment of all THAB or MHU zoning in MANA to LDR Zone: 1083.35 1083.38

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			effects for those living in these areas and the potential for reverse sensitivity effects to arise. The MHU and THAB zone provisions promote the opposite outcome – enabling dwellings of greater height, height to boundary, site coverage, overall density of form and dwellings per site, significantly increasing the number of people within these zones exposed to aircraft noise. The MANA was previously largely zoned Mixed Housing Suburban, which applies significantly reduced height, height to boundary, site coverage, dwellings per site and other intensification than what is proposed for the MHU and THAB zones under PC78. The increased intensification encouraged by these zones would promote thousands of additional people living within this area of significant aircraft noise which BARNZ considers is inappropriate and contrary to NZS6805. By comparison, the LDR Zone has been drafted to be applied to areas where lesser residential intensity is necessary or justified due to qualifying matters. The policy and rule framework within the LDR Zone reflects this intention and aligns with the policy and rule framework of the Aircraft Noise Overlay which cautions against inappropriate residential development and density.	 1083.35

ANNEXURE A – BARNZ'S SUBMISSIONS AND RELIEF SOUGHT

ROW	PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	BARNZ's SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) Notified proposed changes underlined, deletions ~~strikethrough~~. Proposed submission changes underlined, deletions ~~strikethrough~~
			BARNZ therefore seeks that all THAB and MHU zoning within the MANA is rezoned to LDR Zone.	
33	Planning Maps – Aircraft Noise Overlay	Support with amendments	The planning maps for PC78 do not show the Aircraft Noise Notification Area (ANNA). It is assumed that this will be included in the updated plan, however for the avoidance of doubt BARNZ seeks that it be retained as it is important, for the management of reverse sensitivity effects, that people are alerted to the location of the higher aircraft noise environment.	Retain the ANNA on the planning maps. 1083.36

Submission on proposed plan changes

Clause 6 of Schedule 1, Resource Management Act 1991

Form 5

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

1. Submitter Details

Name of submitter: Te Ākitai Waiohua Waka Taua Incorporated Society(**Te Ākitai Waiohua**)

This is a submission on the following proposed plan changes to the Auckland Unitary Plan (Operative in Part):

- **Proposed Plan change 78**

Te Ākitai Waiohua could not gain advantage in trade competition through this submission. In any event, Te Ākitai Waiohua 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.

2. Introduction

Te Ākitai acknowledges that Auckland Council has been presented with a government mandate to incorporate the MDRS in relevant residential zones. The exercise of that mandate, having regard to how and where the MDRS applies, is of central concern. In that respect, it is noted that Section 77I of the RMA provides that 77I, in respect of qualifying matters, provides that the council may make the MDRS less enabling of development where, amongst other matters, there is a matter of national importance that decision makers are required to recognise and provide for under section 6.

Section 6(e) is clearly relevant. Objective 5 and Policy 9 of the NPS (UD) are also relevant. The Council "must", when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development.

The relief sought in this submission is considered to be consistent with this statutory context, noting (with concern) that, while Section 6(e) is relevant as a qualifying matter it is not generally referred to as a qualifying matter in the material accompanying the plan change.

3. Sites and Places of Significance to Te Ākitai

Submission

Te Ākitai supports Auckland Council's proposal to place a Residential - Low Density Zone on Pararēkau Island (in the Hingaia Islands). This site is of significant importance to Te Ākitai as the motu (islands) in the region represent a customary fishing area that is actually recognised in the official land deeds of the 19th Century. 1084.1

There are Sites and Places of Significance to Mana Whenua yet to be investigated for inclusion in the Unitary Plan. PC78 places pressure on many of these areas by, in the interim, enabling significantly enhanced intensification. It is now urgent that Auckland Council progress the Sites and Places of Significance work so as to introduce appropriate overlays / controls before it is too late.

Sites of particular concern to Te Ākitai include:

- Te Aparangi - a former kainga (village) of Te Ākitai Waiohua to the south of Pukekōiwiriki, a maunga (hill) and pā (settlement) site in Red Hill, Papakura. Te Aparangi was a māra kai (food garden) village close to the Kirikiri stream. It was also the place where Te Ākitai Waiohua chiefs Ihaka Takaanini and Pepene Te Tihi and other whanau (family) members were wrongfully accused of being rebels and arrested by the Crown during the Land Wars of 1863.

Area map of Te Aparangi (63,78,45,49,51,75,98,94,73,53,80C,93,71,100,65,79-85,67-69,80D,81,55,90,61,140,43,80,41A,80B,80D,95,53,110,80A Hunua Road, 280R,197 Dominion Road and 151 Boundary Road, Papakura.) Most of this area is zoned Heavy and Light Industrial with some Open Space Conservation, although northern sections are Residential Mixed Housing.

It is understood Council has had legal advice that it is not possible to downzone properties from their current zoning through the application of Qualifying Matters. If that is the case, then the appropriate interim response is to exclude the above areas from the plan change pending plan changes to introduce Sites and Places of Significance to Mana Whenua in those areas. This would be a similar technique as to what has been used to defer a large area of land pending light rail investigations.

A similar issue arises re the proposed height restriction in the area around Pukekiwiriki / Pukekiwiriki Pā which it is understood is intended to recognise the importance of maintaining a lower intensity of development within the important context of that site. That is a move in the right direction, however it is only a partial response to what is otherwise enabled under the MDRS, including greater ground coverage, less landscaping and greater height in relation to boundary allowances. Introduction of a Low Density (single house) Residential Zone would be a better response. However if that is not possible then an interim response for the same area covered by the proposed height control would be to exclude that area from the plan change pending a plan change to introduce a Site and Place of Significance to Mana Whenua in this area.

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Relief

For the areas as marked on the maps attached, which are Sites and Places of Significance to Te Ākitai:

1. Place these areas in the Low-Density Residential Zone, allowing for development not to exceed one dwelling, or (if this is not legally possible)
2. Delete these areas from PC78 pending a plan change to allocate an appropriate Site and Place of Significance to Mana Whenua overlay.

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4. Viewshafts

Submission

In respect of Volcanic Viewshafts and Height Sensitive Areas it is noted that all volcanic viewshafts are retained at current locations and heights. All height sensitive areas are retained in current locations. New density controls are introduced (coverage and landscape). This part of PC 78 is supported. Te Ākitai has particular concern about the Mangere Maunga, however supports protection of all maunga. The importance of the maunga to mana whenua is well-documented. PC 78, which involved significant intensification around the maunga makes it even more important that enhanced protections are put in place.

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The outstanding issue is further viewshafts that become threatened given the higher buildings PC 78 enables. These are not all viewshafts to the volcanic maunga, but even the volcanic maunga need further investigation to ascertain whether further viewshafts are necessary. Particular sites of concern to Te Ākitai Waiohua are:

- Mangere Maunga
- Pukekohe Hill

1084.15

Relief

For the areas as marked on the maps attached, which are Sites and Places of Significance to Te Ākitai, investigate and apply additional viewshafts with the same controls as apply to the current volcanic viewshafts.

5. Natural Resources Protection

Submission

It is understood PC 78 does not lessen the overlay mapping of and provisions relating to Significant Ecological Areas, Outstanding Natural Features, Outstanding Natural Landscapes, High Natural Character Areas, Ridgeline Protection Areas and Notable Trees, all as qualifying matters. It is further understood that a Low-Density Residential zone is applied in existing Single House zoned areas where there is a 30% threshold site coverage by the SEA-T and for all identified ONL and ONF sites. Where an SEA is located within a (new) Mixed Housing Urban or Terraced Housing and Apartment Building zone, additional building coverage rules apply to manage the extent of buildings and to provide for the protection and management of significant ecological areas.

There is a need to provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in order to recognise the role of Mana Whenua as kaitiaki

and the practical expression of kaitiakitanga. The "status quo" option for ONLs and ONFs rules does not adequately manage the cumulative effect of development on natural landscapes and natural features. The proposed changes in PC 78 go towards addressing this issue.

Relief

Te Ākitai Waiohua supports the proposed protection of the Significant Ecological Areas, Outstanding Natural Features, Outstanding Natural Landscapes, High Natural Character Areas, Ridgeline Protection Areas and Notable Trees as a minimum to recognise the cultural landscape. 1084.16 1084.17 1084.18 1084.19 1084.20

6. Significant Infrastructure Constraints

Submission

It is noted that PC 78 introduces new provisions in areas where residential sites are connected to a combined wastewater and stormwater network, and to residential sites with existing significant capacity constraints (mapped areas). A restricted discretionary activity resource consent application will need to be made for more than one dwelling per site and for subdivision in the mapped areas where there are water and/or wastewater constraints. Te Ākitai in principle supports these controls if they are to address cumulative effects on natural water, including via overflows.

Relief

Support the proposed need for assessment by way of resource consent of the adequacy of provision made for wastewater and / or stormwater disposal from new developments, 1084.21

7. Natural Hazards

Submission

It is understood that the to apply the Density Residential Zone is proposed to apply to existing Single House zoned sites that cannot achieve a suitable building platform outside of the floodplain, and/or cannot achieve safe egress during a flood event.

In respect of currently higher density development zones it is understood council's position is that it is not possible to apply density and height standards below the current AUP standards, and some residential properties will be addressed as part of a coastal hazards plan change which is planned for 2023.

The approach being taken appears to be, in summary, that the status quo will apply to areas currently zoned Single House, but, in higher density zones, the greater development possibilities available under the MDRS will apply, subject to the normal flooding rules.

It is further understood that the Low-Density Residential Zone will apply to all residential properties affected by coastal hazards.

Relief

Flooding. Te Ākitai's position is that zonings should be apply that limit development to no greater than that possible in the Low-Density Residential Zone, wherever (i.e., not just on sites currently zoned Single House) a suitable building platform cannot be achieved outside of the 1084.22

1084.23

floodplain. This would provide a consistent approach across all zones. If necessary, this can be an interim position pending the coastal hazards plan change which is planned for 2023.

Coastal Hazards. Te Ākitai Waiohua supports applying the new Residential – Low Density Residential zone over all residential zoned properties affected by a coastal hazard, however notes that the reasoning for this should include recognition of cultural values including the importance of maintaining a low density of development at the coastal edge and the risk of damaging important sites to mana whenua, which dominate win the coastal margin and may include koiwi.

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8. Walkable Catchments

Submission

It is understood that council's approach to Walkable Catchments is that it is a catchment for the average person's walking ability. Many whānau will not be capable of walking 800m to a shop or transport hub - less able-bodied people, large families with lots of kids and multiple jobs, etc. This raises issues of equity and well-being – people who cannot walk the distance will not get the benefits, but rather will be disadvantaged.

This is related to transport and a lack of parking and congestion making accessibility difficult, the subject of a submission by Te Ākitai Waiohua on Plan Change 79. An overall increase in congestion and diminished ability for whānau to move around are issues. There is a need for a more refined management approach to how people move from the more intensive developments now enabled to the placers they need to go.

Relief

See relief in the Plan Change 79 submission, but relevant to the extent of walkable catchments, i.e. if the relief in PC 79 is not accepted the walkable catchment areas should be reduced to 500m or less.

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9. Development Design

Submission

Māori design principles should be used to integrate mātauranga and tikanga into the design of new buildings, particularly where they are targeted at or may most likely to be occupied by Māori. This is not a matter of applying Te Aranga Design Principles (and eventually the Ngā Iwi Mana Whenua o Tāmaki Makaurau Design Principles) through processes including an urban design panel. It is a matter of applying Māori design principles as considered appropriate to tikanga by mana whenua.

Relief

That the provisions be amended by requiring, for developments in excess of 10 dwellings the developer to provide opportunity for provision of an addendum CVA/CIA if considered necessary by Mana Whenua to further inform the development.

1084.27

10. Special Purpose – Māori Purpose Zone

Submission

It is understood that the Māori Purpose Zone is not affected by the proposed mandates and has been specifically excluded from PC 78. Te Ākitai supports that zone not being changed.

Relief

Maintain the Special Purpose – Māori Purpose Zone as is proposed. | 1084.28

11. Special Character Areas

Submission

Special character areas are generally in central city locations, i.e. locations that are the focus of intensification objectives. The tension between retaining character and enabling intensification is noted. Te Ākitai is neutral on this matter, subject to expressing the view that if it is a balance to be achieved that balance should favour intensification as a means of best providing for resident populations close to nodal points and releasing pressure on areas that are of more significance to man whenua.

Relief

Neutral – raise no issue with what is currently proposed. Would be concerned about greater special character area inclusions and not concerned about less. | 1084.29

12.Address for Service

Te Ākitai Waiohua Waka Taua Incorporated Society

C/- Karen Wilson

85A Pukaki Road, Mangere

Auckland

Email: karen.a.wilson@xtra.co.nz

I seek that the plan change be amended.

I wish to be heard in support of my submission.

Date: 29 September 2022

The Tree Council
Tiakina Rākau • est 1986

Submission - on Plan Change 78 Intensification as it pertains to the application of Notable Trees (Schedule 10) as a Qualifying Matter
by The Tree Council

29th September 2022

The Tree Council
Sean Freeman, Chair
P.O.Box 60203
Titirangi
AUCKLAND 0642
info@thetreecouncil.org.nz

This submission is made by *The Tree Council,* a non-profit incorporated charitable society which has been serving the community since 1986 in the protection of trees and as advocates for the significant benefits and services that our trees and green spaces provide.

We wish to speak to our submission if that opportunity is provided.

Key points

1. **Existing Tree Protection**
   - **a.** Qualifying matters must include all current legal tree protection elements in the Unitary Plan so that these trees continue to require consent for removal / pruning under the new rules. 1085.1
   - **b.** This includes Schedule 10 (Notable Trees), Significant Ecological Areas (SEA) rules, Riparian Margin rules and rules that protect coastal Pohutukawa.

2. **Notable Trees**
   - **a.** The Tree Council supports the proposed option 3 within the Section 32 Report to apply Notable Trees as a qualifying matter in full, in other words the current 1085.2

Notable Tree Overlay provisions would continue to apply as operative – with the caveat regarding public notification of resource consent applications to remove notable trees detailed in points 5, 6, 7 and 8 below. 1085.3

b. Currently through the Auckland Unitary Plan Notable Trees are afforded legal protection to ensure their significant heritage, scientific, or intrinsic values are protected and retained. They make important contributions to a wide array of additional values, including amenity, ecological, environmental, biodiversity and ecosystem services including factors such as land stability, improving air quality, removing particulate pollution and intercepting rainfall to reduce peak flow or stormwater. Identifying and protecting notable trees contributes to Auckland's quality and character.

c. It should be noted that under the existing AUP overlay rules activities such as biosecurity tree works, emergency works, trimming or alteration are permitted, subject to standards, while activities likely to have a greater impact on the values of the Notable Tree/s, such as works within the protected root zone not otherwise provided for, require resource consent.

d. Under the existing AUP overlay rules the destruction and removal of a Notable Tree is a discretionary activity which also requires resource consent. The requirement for consent ensures that the Notable Tree values and significance of a place will be taken into account by both landowners and decision makers.

e. However, currently resource consent for the removal of a Notable Tree will be considered without public notification;
"An application for resource consent for a controlled activity listed in Table D13.4.1 (including tree removal) will be considered <u>without</u> public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991[1]"

f. The Tree Council has consistently advocated for the public notification of any resource consent hearing that considers an application to remove a Notable Tree. We consider it totally inappropriate that the destruction of such valuable public assets can be approved without canvassing the views of the public who benefit from the services and benefits provided by the tree.

g. Notable trees are public assets, not private property. Therefore critical and irrevocable decisions about their retention or destruction should be made via a public process. Public notification should therefore be the norm for such resource consents and non-notification should require detailed justification.

h. We consider that both the cost and impact of public notification of resource consents to destroy Notable Trees would be low given that The Notable Trees Overlay applies to scattered sites within only 0.7% per cent of property parcels in Auckland's urban environment. The limited constraints that public notification represents are entirely justified based on the very significant contribution Notable Trees make to creating and sustaining a well-functioning healthy urban environment.

3. Planning Rules for Developments

a. Planning rules relating to site coverage, boundary setback and yards need to allow for the creation of meaningful areas in which a "canopy tree" can be established to meet specified amenity and climate change outcomes. 1085.4

[1] AUP Notable Trees Overlay D13.5 Notification

SUBMISSION ON PROPOSED PLAN CHANGE 78 (PUBLIC)

THAT IS SUBJECT TO FULL NOTIFICATION

PLAN CHANGE 78 – INTENSIFICATION

To: Auckland Council

Attention: Principal Policy Planner

By email: unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Sonn Group ('**the Submitter**')

1. This is a submission on public Plan Change 78 (**PC78**) to the Auckland Unitary Plan – Operative in Part (**the Unitary Plan**) on behalf of Sonn Group. PC78 was publicly notified by Auckland Council (**Council**) on 18 August 2022.

2. Sonn Group could not gain an advantage in trade competition through this submission.

Wider statutory context

*NPS-UD and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**the RM Enabling Act**)*

3. The NPS-UD seeks to ensure councils better plan for growth and remove overly restrictive barriers to development to enable growth in locations that have good access to services, public transport networks and infrastructure. The associated intensification policies require councils to enable greater heights and residential densities in areas that are well-suited to growth, and specifically in and around urban centres and rapid transit stops.

4. The RM Enabling Act introduced the Intensification Streamlined Planning Process for tier 1 councils (which includes Auckland Council) as the mechanism by which to implement the NPS-UD intensification policies. It also introduced and required tier 1 councils to implement the Medium Density Residential Standards (**MDRS**).

5. The NPS-UD and RM Enabling Act collectively seek to ensure New Zealand's urban centres are well-functioning urban environments that support housing supply and affordability, accessibility to jobs and services, and the reduction of emissions.

Summary of Plan Change 78

6. PC78 seeks to:

   a. Change the allocation of residential zoning, and provisions within residential zones to enable:

      - More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops.
      - More intensive development in and around neighbourhood, local and town centres.
      - Incorporate MDRS that enable three storey housing in most residential areas.

   b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS.
   c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided.

7. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows:

   a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict development potential where there is a feature or value that should be protected or avoided.
   b. New Low Density Residential Zone applied across areas subject to specific qualifying matters.
   c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.

Background to this submission

8. This submission relates to land at the following properties:
   a. 11 Spring Garden Road, Massey

b. 31 Spring Garden Road, Massey

c. 41 Spring Garden Road, Massey

d. 1 Te Mara Road, Massey

e. 1 Spring Garden Road, Massey

f. 29 Fred Taylor Drive, Massey

9. These landholdings (outlined in black) and the surrounding environment are shown in the figure below. They are located in the Westgate Precinct, sub-precinct D. The primary purpose of the Westgate precinct is to develop a new metropolitan centre integrated with the existing Westgate Centre providing an integrated employment and business area, comprising a retail core surrounded by a mix of large format retail, compact mixed use, residential and open space activities. Sub-precinct D is zoned Residential Terrace House and Apartment Building (THAB).

Figure: Properties forming part of this submission are outlined in black.

10. The PC78 Maps outlining the underlying THAB zone (orange), walkable catchment (outlined in black) and the Precinct and Floodplain as Spatially Identified Qualifying Matters are shown in the figure below.

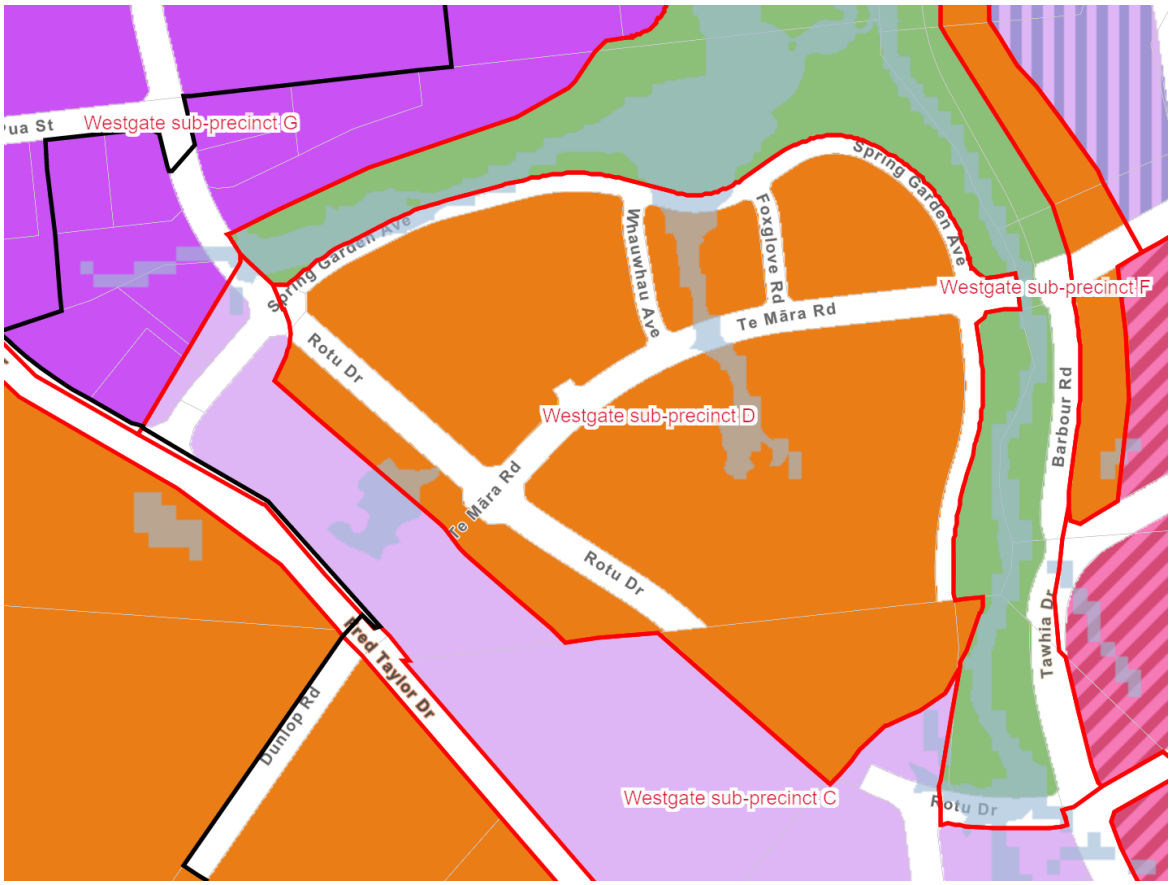

Figure: PC78 Map with Spatially Identified Qualifying Matters including the Westgate Precinct and floodplain

Scope of Submission

11. This submission relates to PC78 in its entirety.

The Submission is:

12. The submitter supports the zoning changes and provisions that seek to implement the NPS-UD and MDRS requirements for quality intensification in appropriate locations.

    a. Sonn Group supports the broad application of the Mixed Housing Urban (MHU) zone and considers this to be an appropriate mechanism by which to incorporate the MDRS and to give effect to the objectives and policies of the NPS-UD. | 1086.123

b. Sonn Group supports the enhanced application of the Terrace Housing and Apartment Buildings (THAB) within walkable catchments and considers this to be an appropriate mechanism by which to give effect to the objectives and policies of the NPS-UD. 1086.124

c. Sonn Group supports the removal of 'intensity' from the matters of discretion and assessment criteria within the MHU and THAB zones for the assessment of 'four plus dwellings'.

13. Notwithstanding the above, the submitter considers that amendments are required to provide a more effective planning framework that gives full effect to the directives of the legislation. The key overarching considerations and concerns are:

a. The proposed plan change is contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts.

b. Sonn Group opposes the introduction of those Council identified Qualifying Matters under sections 77I(j) of the RMA and the Council's approach to the relationship between Qualifying Matters and the underlying zoning. Qualifying Matters have been included within the zones, rather than the zoning being applied on the basis of location and other mechanisms such as Overlays, Precincts and/or Auckland-wide provisions being relied upon to achieve the outcomes sought by the Qualifying Matter. Rather than providing for a qualifying matter which forecloses the opportunity to impose the increased density the Council should rely on the existing provisions in the AUP that require assessment of the issues (such as natural hazards) or can be dealt with appropriately through other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria. The submitter seeks the deletion of those matters as Qualifying Matters from the land.

c. Sonn Group oppose the introduction of the extensive suite of amendments proposed to the descriptions, objectives, policies, rules, development standards, matters of discretion, assessment criteria and information requirements of the MHU and THAB zones. The submitter also opposes the introduction of Qualifying Matters into zones as these can be dealt with appropriately through other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria. The provisions are overly complicated and restrictive, and the changes proposed in additional to those strictly required to give effect to the NPS-UD and RM Enabling Act provisions combine to reduce development yield and increase costs of compliance, and in the process undermine the outcomes envisaged by the statutory documents. These provisions have not been sufficiently justified under Section 32 of the RMA. 1086.125

d. The level of detail required by the provisions is not appropriate in a district plan or necessary for a resource consent process and is more appropriately provided during detailed design for building consent / engineering plan approval.

14. The Submitter seeks to ensure that PC78 plan change provisions are amended so that they comply with the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act. Without limiting the generality of the above, the specific parts of the plan change that this submission relates to are set out in the main body of this submission and Attachment 1 and include the following:

a. Over complication of the structure of the Unitary Plan:

- There is a clear divergence in the drafting style of PC78 compared with the well-established approach to the operative Unitary Plan. The language is more negative and directive, assessment criteria can appear more like standards through the introduction of detailed requirements that do not exist elsewhere in the Plan, and a prescriptive 'one size fits all' approach has been taken through the introduction of significant new Special information Requirements.
- The clarity of zones has been compromised by the introduction of Qualifying Matters when they are (or can be) already dealt with via other mechanisms (i.e. Significant Ecological Areas are subject to Chapter D9 – Significant Ecological Area Overlay, but are now proposed to be addressed through zone provisions also).
- Qualifying Matters dealt with via Overlays, Precincts or Auckland-wide rules could (and in some cases already do) trump zone provisions, meaning a more intensive underlying zoning would be appropriately constrained by those mechanisms, where relevant. Accordingly, The Submitter considers that more intensive zoning should be applied in place of the LDR zone, with any applicable Qualifying Matters limiting development potential in specific response to that Qualifying Matter enabled through other Plan mechanisms where appropriate.

b. MHU and THAB Zones

- The extensive suite of changes proposed to the MHU and THAB zones go well beyond what is needed to give effect to the MDRS and the NPS-UD. The Submitter considers that the operative provisions are clear, efficient and effective, having been evaluated through the robust Unitary Plan hearings process. The proposed amendments adopt a

contrary drafting style and general approach that is far more prescriptive and creates inconsistency across the Unitary Plan.

- The proposed amendments to the MHU and THAB zones introduce far more prescriptive requirements for 'four plus dwellings' in the form of new and amended rules, development standards and assessment matters. The net result is a significant reduction in design flexibility, clear impacts on the development potential of land and the costs associated with obtaining and implementing resource consents. This sits in contrast to the current approach taken within the residential zones which requires compliance with those standards that seek to control the overall bulk and location of buildings (height, height in relation to boundary and yards), with all other standards referenced via assessment criteria as a means of guiding design while enabling flexibility.
- New standards are complex, detailed and will undermine the ability to achieve the intensification objectives of the NPS-UD.

c. Chapter E38 Subdivision – Urban

- Remove reference to qualifying matter.
- Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the plan to the extent proposed.
- Compliance with an approved land use consent should not require any broader assessment than consistency with the approved land use consent.
- Plan provisions (and maps) could become out of date very quickly in the event that infrastructure upgrades are undertaken.

15. The above-mentioned landholdings are located within the Westgate Precinct, and specifically Sub-Precinct D. The submitter opposes the inclusion of the Westgate Precinct as a qualifying matter in PC78 and the amendments to the precinct provisions for the following reasons: 1086.126

a. The submitter opposes the change to Activity Table I615.4.2 (A11) to exclude buildings in Sub-Precinct D. For activities where 4 or more dwellings are proposed, Sub-Precinct D is excluded, where the current rule specifies that new buildings in the Precinct require a consent for a Restricted Discretionary Activity. The submitter interprets this to suggest that for any form of development in Westgate Sub-Precinct D that does not relate to 3 dwellings per site, refers back to the underlying THAB zone standards, matters of discretion and assessment criteria which are more restrictive and less enabling than the enabling Precinct provisions. The submitter proposes amendments in Activity Table 1615.4.2 (A11A) and (A11B) to reflect the MDRS and activities relating to dwellings within the Precinct, refer to Attachment 1 for full details.

b. The submitter opposes the deletion of the Activity Thresholds requiring at least 60 dwellings to be provided pert net hectare across Westgate Sub-Precinct D. This is an appropriate standard enabling intensification and should be retained in its current form.

16. The submitter opposes the inclusion of the Floodplain as a qualifying matter in PC78 and the amendments to the precinct provisions for the following reasons:

a. This is not a credible reason to prevent intensification and duplicates current Unitary Plan provisions and standards. Rather than providing for a qualifying matter which forecloses the opportunity to impose the increased density the Council should rely on the existing provisions in the AUP that require assessment of the issues (such as natural hazards) or can be dealt with appropriately through other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria.

Decision Requested

17. The Submitter seeks the following decision from the Council on PC78:

a. Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will undermine the ability to achieve the purpose of NPS-UD or RM Enabling Act.
b. In the alternative to the primary relief of approving PC78, amend PC78 and retain provisions as set out in Attachment 1 to this submission; and
c. Any other alternative or consequential relief, including in relation to PC78's objectives, policies, rules, methods and maps, that reflects or responds to the reasons for this submission.

Reasons for relief sought

18. The reasons for the relief sought are to ensure that PC78:

a. will give effect to the objectives and policies of the NPS-UD
b. will contribute to well-functioning urban environments
c. is consistent with the sustainable management of natural and physical resources and the purpose and principles of the RMA
d. Will meet the reasonably foreseeable needs of future generations

e. Will satisfy the requirements of section 32 of the RMA; and

f. Is consistent with sound resource management practice.

Appearance at hearing

19. The Submitter wishes to be heard in support of its submission.

20. The Submitter will consider presenting a joint case with others making a similar submission.

DATED at this day of 29 September 2022

Mark Vinall

On behalf of Sonn Group

Electronic address for service of Submitter: Mark Vinall/Tom Morgan

c/- Tattico

PO Box 91562, Victoria Street, Auckland 1142

Contact person: Mark Vinall

Telephone: 0272808281

Email address: Mark.Vinall@Tattico.co.nz

Attachment 1 – Plan Change 78 submission table

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
Whole of Plan Change 78					
Whole of Plan Change 78	PC78 (Intensification) seeks to: a. Change the allocation of residential zoning, and provisions within residential zones to enable: ▪ More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops. ▪ More intensive development in and around neighbourhood, local and town centres. ▪ Incorporate MDRS that enable three storey housing in most residential areas b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS. c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows: a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict	Oppose	▪ The proposed changes are contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts. ▪ The provisions are overly complicated and restrictive and the additional non NPS-UD and RMA Enabling Act provisions reduce yield and increase costs of compliance while not meeting the outcomes envisaged by these documents. These provisions have not been justified under section 32 of the RMA.	Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act.	1086.1 1086.2

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	development potential where there is a feature or value that should be protected or avoided. b. New Low Density Residential Zone applied across areas subject to specific qualifying matters. c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.				
Mapping	Application of zones, overlays, spatially represented qualifying matters	Oppose	▪ The proposed zoning / application of overlays and / or qualifying matters undermine the national direction afforded the NPS-UD and RM Enabling Act	▪ Apply zoning appropriate to give effect to the NPS-UD and RM Enabling Act ▪ Remove overlays / qualifying matters that inappropriately restrict the implementation of the NPS-UD and RM Enabling Act	1086.3 1086.4
Chapter C: General rules					
New Rule C1.6A	1. Where an activity is subject to a rule in an overlay, the overlay may specific whether the overlay rule replaces a zone rule, a precinct rule or an Auckland-wide rule. 2. Where an activity is subject to a rule in a precinct, the precinct may specify whether the precinct rule replaces an overlay rule or a zone rule, or an Auckland-wide rule.	Support	▪ The proposed rule clarifies the relationship overlays / precincts and other parts of the Unitary Plan	Retain proposed rule C1.6A	1086.5
Chapter E – Auckland-wide					
Chapter E36: Natural Hazards and Flooding	▪ New statement inserted under heading E38. Natural hazards and flooding: *'The management of significant risks from natural hazards is a qualifying matter in accordance with sections 77I(a) and 77O(a) of the RMA.'*	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	1086.6

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.				
	▪ Amendment to E36.1. Background: The Plan has defined criteria to identify land which may be subject to natural hazards and in some cases has applied the Residential - Low Density Residential Zone to this land. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	1086.7
Chapter E38: Subdivision – Urban	▪ Amendment to E38.1. Introduction: This chapter incorporates Medium Density Residential Standards (MDRS). The subdivision outcomes anticipated by the RMA are provided for in this chapter except to the extent necessary to accommodate one or more qualifying matters.	Oppose	▪ Delete reference to Qualifying Matters. These are dealt with through out Plan mechanisms and do not need to be brought into the E38 Subdivision. This just creates duplication and unnecessary complexity ▪	▪ Remove reference to Qualifying Matters	1086.8
	▪ Amendments to E38.2. Objectives: - New addition of E38.2(10)(d) that subdivision is '*provided for where the sites can be serviced by the water supply, wastewater and stormwater networks*'; - and E38.2(10)(e) that subdivision '*avoids the creation of vacant sites not complying with the minimum site size in areas where transport qualifying matters apply*'. - New addition of '*Medium Density Residential Standards Objectives*': (11) '*Provide for subdivision which enables the level of development anticipated by the RMA, except in circumstances where one or more qualifying matters are relevant'*.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	1086.9 1086.10 1086.11

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to E38.3. Policies: (13) Require subdivision (except for subdivision around MDRS compliant development) to deliver sites that are of an appropriate size and shape for development intended by the zone by: *Subdivision in areas subject to the Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and/or Wastewater Constraints Control, Infrastructure – Stormwater Disposal Constraints Control as identified in the planning maps* (31) Avoid subdivision in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints unless proposed subdivisions can be serviced by infrastructure and there is sufficient capacity. *Subdivision in areas subject to the Infrastructure – Beachlands Transport Constraints Control as identified in the planning maps* (32) Avoid vacant site subdivision that does not comply with the minimum site size in areas identified on the planning maps as subject to transport infrastructure constraints. *Medium Density Residential Standards Policies* (33) Provide for subdivision as a controlled activity in zones where the Medium Density Residential Standards apply except where: (a) there is significant risk from natural hazards; (b) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision; (c) where a qualifying matter is relevant; or (d) where the proposed subdivision does not comply with any relevant subdivision standards. (34) Subdivision is enabled as required by the RMA except to the extent necessary to accommodate one or more qualifying matters. (35) Require subdivision around MDRS development to not compromise any qualifying matters located on the site.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	1086.12
	▪ Amendments to Table E38.4.2 Activity table - Subdivision in residential zones:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	1086.13

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Activity | **Activity status** **Subdivision for the purpose of the construction or use of dwellings, which are provided for as either permitted or restricted discretionary activities in the Residential - Low Density Residential Zone, Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone** Note 1 All applications for subdivision consent, including controlled activities A13A and A13B below, are subject to section 106 of the RMA (A13A) Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1 — C (A13B) Subdivision around existing buildings and development complying with Standard E38.8.1A.2. — C (A13C) Subdivision around buildings and development with existing use rights where sites created results in non-compliance with the relevant overlay, Auckland-wide and zone rules and is not accompanied by a land use consent. — RD (A13D) Subdivision in accordance with an approved land use resource consent not meeting Standard E38.8.1A.1 — RD (A13E) Subdivision around existing buildings and development not meeting the standards in E38.8.1A.2 — RD (A13F) Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2. — D (A13G) Any subdivision listed above not meeting General Standards E38.6.2 - E38.6.6 — D **All other types of subdivision in residential zones** (A29A) Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control. — RD (A29B) Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control and/or the Infrastructure – Water and Wastewater Constraints Control. — RD (A29C) Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control complying with Standard 38.8.2.9. — D (A29D) Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control not complying with Standard 38.8.2.9. — NC		▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ New addition of E38.8.1A. Standards – residential controlled activities: **E38.8.1A. Standards – residential controlled activities** Subdivision listed as a controlled activity in Table E38.4.2 Subdivision in residential zones must comply with standards E38.6.2 - E38.6.6 listed in E38.6 General standards for subdivisions, standard E38.8.1.1(1) and standard E38.8.1.2 in E38.8.1 General standards in residential zones and standards listed in E38.8.1A Standards – residential controlled activities as relevant. **E38.8.1A.1. Subdivision in accordance with an approved land use resource consent** (1) Any subdivision relating to an approved land use consent must comply with that land use consent. (2) No vacant sites are created. **E38.8.1A.2. Subdivision around existing buildings and development** (1) Prior to subdivision occurring, all development must meet one of the following: (a) comply with the relevant overlay, Auckland-wide and zone rules; or (b) be in accordance with an approved land use resource consent. (2) No vacant sites are created.	Support	▪ Appropriate provision that streamlines subdivision around consented development ▪ Specify that for subdivision around approved land use resource consent or around existing building and development, Standard E38.8.1.2(1) "A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites" does not apply. ▪ Apply to restricted discretionary activity resource consent around approved land use resource consent or around existing building and development also.	▪ Retain proposed provisions except that E38.8.1.2(1) does not apply ▪ Expand to apply to restricted discretionary activity applications around approved land use resource consent or around existing building and development also.	1086.14 1086.15
	▪ Amendments to E38.8.2. Standards – residential restricted discretionary activities: **E38.8.2.7. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control.** (1) An application must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that sufficient stormwater disposal capacity exists.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	1086.16

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control. (1) Applications must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that infrastructure and servicing can be achieved. **E38.8.2.9. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control.** (1) Proposed vacant sites identified in the Infrastructure – Beachlands Transport Constraints Control Overlay must comply with a minimum net site area of 600m².				
	▪ Amendments to E38.11.1. Matters of control: The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application: (1) all controlled activities in Table E38.4.1: (a) compliance with an approved resource consent except for boundary adjustment subdivision; (b) the effect of the site design, ~~size, shape~~, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; (c) the effects of infrastructure provision; and (d) the effects on historic heritage and cultural heritage items. (2) all controlled activities in Table E38.4.2: (a) compliance with an approved land use consent; (b) compliance with the relevant overlay, Auckland-wide and zone rules; and (c) the effects of infrastructure provision.	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	1086.17
	▪ Amendments to E38.11.2. Assessment criteria for controlled activities:	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	1086.18

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	(2) All controlled activities in Table E38.4.2: (a) compliance with an approved resource consent: (i) refer to Policy E38.3(6); (b) compliance with the relevant overlay, Auckland-wide and zone rules; (i) refer to Policy E38.3(1) and (6); (c) whether there is appropriate provision made for infrastructure including; (ii) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and (iii) Whether appropriate management of effects of stormwater has been provided; (iv) refer to Policies E38.3(1), (6), (19) to (23).				
	▪ Amendments to E38.12.1. Matters of discretion: (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) the ability to provide for stormwater disposal. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) the effect on the capacity of the existing public reticulated water supply and wastewater network; (b) the provision of access to water supplies for firefighting purposes; (c) the ability to provide for a connection between any dwelling(s) and a reticulated water supply and wastewater network in the future; and (d) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	1086.19
	▪ Amendments to E38.12.2. Assessment criteria:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints	▪ Delete proposed provisions	1086.20

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) Whether there is the ability to adequately dispose of stormwater via a connection to the public stormwater network to service the proposed subdivision. (b) Whether stormwater can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice to service the proposed subdivision. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and wastewater network to service the proposed subdivision. (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and/or wastewater network in the future. (d) If the site is an area subject to the Infrastructure – Combined Wastewater Network Control whether separation is in progress and whether the new site can connect to a separated stormwater pipe that is part of the public stormwater network.		▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	
Chapter H – Zones				
Chapter H3A: Residential – Low Density Residential Zone	▪ This is a new zone proposed to be inserted into the AUP. ▪ This new zone ensures the existing amenity of a low-density built environment is maintained where the Council has decided it would not be appropriate to provide more intensive residential development. ▪ This new zone is proposed to be applied to residential sites where a lower density of residential development is required to provide for the qualifying matters that applies to the site.	Oppose the zone in full	▪ The LDR zone is unnecessary. Its stated description acknowledges its application to areas impacted by certain Qualifying Matters that result in a lower intensity of development. Some qualifying matters are subject to overlay provisions which act to limit development potential, accordingly, meaning the underlying zoning could be higher	▪ Delete LDR zone in its entirety

1086.21

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	▪ Objectives and policies of the LDRZ (H3A.2 and H3A.3) seek the provision of lower intensity residential development limited to predominantly one to two storeys buildings that is in keeping with the identified qualifying matters' values within the area. ▪ Objectives and policies reference development that maintains the amenity value of established residential neighbourhoods and is in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood. ▪ Objectives and policies of the LDRZ place stronger restrictions on subdivision and development in order to manage effects on existing character and amenity. ▪ The protection and management of SEAs, natural hazards, and sites of significance to mana whenua is highlighted. ▪ References are made to the provision of high-quality amenity and a well-functioning urban environment. ▪ More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring development does not detract from qualifying matters' values accommodated by the purpose of the LDRZ.		intensity and still limited by the overlay. In such situations, the LDR zone is redundant. ▪ As an example to the above, the proposed Special Character Overlay rules explicitly states they replace the underlying zone in full. Therefore, LDR is redundant for sites subject to a Special Character QM. ▪ Other noted Qualifying Matters such as Infrastructure Constraints are self-policing. If there is not capacity to support intensive development, a developer will either need to provide upgrades to infrastructure, wait for it to be provided by Council / others. ▪ The limitation on development potential imposed should reflect the nature of the constraint, however that does not appear to be reflected in the LDR zone. If the constraint is infrastructural capacity, flooding, SEA, cultural values, etc then the zone provisions prescribing design outcomes are not actually related to the constraint and are therefore unnecessary. Rules prescribing activities that might be appropriate, standards limiting height, HiRB, yards, building coverage, etc, and assessment matters / criteria all fall into	

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			this category. It is difficult to see a justification for the LDR zone when the limitations on development prescribed do not relate to the qualifying matters that have led to the distribution of the zone.		
Chapter H5: Residential – Mixed Housing Urban Zone	▪ Mapping changes reflecting that the MHU zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply. ▪ The most widespread residential zone covering most of urban Auckland	Support Oppose	▪ General support for changes proposed to include additional sites within the zone outside walkable catchments. ▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	▪ Extend the mapped extent of the MHU zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	1086.22 1086.23. 1086.24 1086.25
	▪ Additional objectives inserted at H5.2: *(5) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks* *(6) Development contributes to a high-quality built environment that is resilient to the effects of climate change*	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of	▪ Delete proposed provisions	1086.26

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects *(8) Enable a safe street environment for pedestrians* *(9) Development is enabled on sites within SEAs where it provides for the protection and management of the significant ecological values* *(10) Intensification is avoided in areas with significant transport infrastructure constraints.*		broader constraints within overlays and Auckland-wide provisions	
	▪ Additional policies inserted at H5.3: *(6A) Require development to achieve a built form that contributes to high-quality built environment outcomes by:* *(a) Maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site* *(b) Providing for residents' safety and privacy while enabling passive surveillance on the street* *(c) Minimising visual dominance effects to adjoining sites* *(d) Maintaining a level of privacy, and sunlight and daylight access for adjoining sites* *(e) Minimising visual dominance effects of carparking and garage doors to streets and private accessways*	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (6A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways	▪ Delete proposed provisions

1086.27

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) Minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated *(g) Requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees* *(h) Designing practical, sufficient space for residential waste management; and* *(i) Designing practical, sufficient space for internal storage and living areas.* *(7) [deleted]* *(11) Require buildings to be setback from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards* *(12) Require dwellings to be provided with access to safe and reliable drinking water, wastewater and stormwater disposal services*		▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone. ▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job. ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, are provided with appropriate infrastructure *(14) Require development of four or more dwellings per site to contribute to a safe urban road environment for pedestrians through improvements to the adjacent road network* *(15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas* *(16) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints* *(17) Building height is restricted to respond to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga, where located adjacent to Pukekiwiriki Pā Historic Reserve, Red Hill.*			
	H5.4.1 Activity Table ▪ New clarifying statement: *'Applications for Activity (A2B) will be considered against objectives and policies in E15 Vegetation management and biodiversity in addition to the standards listed below and any other infringements.* ▪ New rules introduced:	Oppose	▪ Duplicates requirements of Chapter D9 (SEA Overlay) ▪ If they are retained, the rules should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't	▪ Delete proposed provisions

1086.28

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	- *(A2A), One dwelling per site subject to a SEA overlay which complies with Standards E15.4.2(A29) and E15.6.5* - *(A2B), Two or more dwellings per site subject to a SEA overlay (refer to Vegetation management and biodiversity E15.4.2(A43) and E15.6.5* - *(A14A), Two or more per site dwellings within the Infrastructure – Beachlands Constraints Control is a non-complying activity* - *(A14B), One dwelling per site in the Infrastructure – Water and Wastewater Constraints Control is a permitted activity* - *(A14C), Two or more dwellings per site in the Infrastructure – Water and Wastewater Constraints Control is a restricted discretionary activity* - *(A30A), Internal and external alterations to buildings for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A31A), Accessory buildings associated with development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32A), Additions to an existing dwelling for a development of four or more dwellings is a permitted activity where it complies with the listed standards*		restrict development potential on those parts of a site not impacted by the SEA.	

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	- *(A32B), New buildings and additions and alterations to buildings in a SEA which do not comply with H5.6.10(2) Building coverage is a discretionary activity* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA ▪ Introduction of extensive new 'standard to be complied with' against new and existing rules			
	▪ Deletion of existing notification provisions at H5.5(1) as they are inconsistent with the MDRS requirements. New H5.5(4) introduced to align with those requirements: *(1) Unless the Council decides that special circumstances existing under section 95A(9) of the RMA, public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2 or 3 dwellings that do not comply with 1 or more of the following:* *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards* *(iv) Standard H5.6.10 Building coverage* *(v) Standard H5.6.11(3) and (4) Landscape area* *(vi) Standard H5.6.12(A1) outlook space* *(vii) Standard H5.6.14(A1)-(B1) Outdoor living space; and*	Support	▪ Appropriate change	▪ Retain proposed provisions

1086.29

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(viii) Standard H5.6.18(1) Windows to street and private vehicle and pedestrian accessways *(2) Unless the Council decides that special circumstances exist under section 95A(9) of the RMA, public and limited notification of an application for resource consent is precluded if the application is for the construction and use of four or more dwellings that comply with the following standards:* *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards* *(iv) Standard H5.6.9 Maximum impervious area* *(v) Standard H5.6.10 Building coverage* *(vi) Standard H5.6.11(5), (6) and (7) Landscape area* *(vii) Standard H5.6.12(1)-(9) outlook space* *(viii) Standard H5.6.13 Daylight* *(ix) Standard H5.6.14(1)-(4) Outdoor living space;* *(x) Standard H5.6.15 Front, side and rear fences and walls* *(xi) Standard H5.6.16 Minimum dwelling size* *(xii) Standard H5.6.18(2) Windows to street and private vehicle and pedestrian accessways* *(xiii) Standard H5.6.19 Deep soil area and canopy tree*			

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(xiv) Standard H5.6.20 Safety and privacy buffer from private vehicle and pedestrian accessways; and *(xv) Standard H5.6.21 Residential waste management* *(3) Any application for resource consent which is listed in H5.5(4) or H5.5(5) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the RMA.*				
	▪ New standard H5.6.3A 'Number of dwellings per site' *(1) There must be no more than three dwellings per site.*	Support	▪ MDRS requirement	▪ Retain proposed provision	1086.30
	▪ New standard H5.6.3B 'Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps' *Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network* *(1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	1086.31

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ New standard H5.6.3C 'Dwellings within the Infrastructure – Stormwater Disposal Constraints Control' *Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site.* ▪ *A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage must either be able to connect to the public stormwater network or provide sufficient stormwater disposal by capacity on-site*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	1086.32
	▪ H5.6.5 HiRB amended to accord with MDRS ▪ Consequential amendments including deletion of AHiRB standard and HiRB adjoining lower intensity zone standard	Support	▪ MDRS requirement	▪ Retain MDRS provisions	1086.33
	▪ Amendments to H5.6.8 Yards to accord with MDRS requirements ▪ Table H5.6.8.2 (riparian / lakeside / coastal protection yard) identified as a qualifying matter under section 77I(b) of the RMA	Support	▪ MDRS requirement ▪ Oppose identification of QM	▪ Retain MDRS provisions ▪ Delete QM	1086.34 1086.35
	▪ Amendments to H5.6.10 Building coverage to incorporate MDRS requirement ▪ Additional requirements identified as qualifying matter under s77I(a) relating to management of development within SEAs:	Support	▪ MDRS requirement ▪ Oppose identification of QM. SEAs are dealt with elsewhere in the Plan, don't duplicate provisions within residential zones	▪ Retain MDRS provisions ▪ Delete QM / SEA requirements from the zone	1086.36 1086.37

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Purpose: …and to provide for the protection and management of SEAs *(2) On a site subject to a SEA overlay:* *(a) The maximum building coverage must not exceed 50% of the net site area* *(b) Building coverage must not be located in any areas within 3m of vegetation within a SEA including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3(A29) and E15.6.5; and* *(c) Other than provided for in H5.6.10(2)(b), building coverage must not be located within a SEA.*			
	▪ Amendments to H5.6.11 Landscaped area to incorporate MDRS requirements *Developments containing up to three dwellings must comply with the following:* *(3) A dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them* *(4) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling* ▪ Additional amendments:	Oppose	▪ Accept MDRS requirements ▪ Landscape provisions relating to four + dwellings are space hungry and reduce development potential	▪ Delete proposed provisions other than those required by MDRS

1086.38

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Development containing four or more dwellings and any other developments must comply with the following: *(5) The minimum landscaped area must be at least 20% of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch.* *(6) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m2 as shown below in Figure H5.6.19.1…* *(7) A minimum of 50% of the front yard must be landscaped*				
	▪ Standard H5.6.12 Outlook space amended to accord with MDRS requirements for up to three dwellings per site -	Support	▪ MDRS requirement	▪ Retain MDRS provision	1086.39
	▪ Existing H5.6.12 Outlook space standard otherwise amended to apply to four or more dwellings, with key amendments being: - Where the principal living room outlook is on the ground floor and defined by a boundary fence, outlook depth may be reduced to 5m - Outlook space is measured from the centreline of the façade with the largest window OR balcony edge, whichever is closest to the boundary or opposing building	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge ▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores	▪ Delete proposed provisions or otherwise amend to address reasons identified	1086.40

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	- Outlook space must align with private outdoor space except where of a public space or street		the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site		
	▪ Standard H5.6.14 Outdoor living space amended to give effect to MDRS requirements for up to three dwellings	Support	▪ MDRS requirement	▪ Retain MDRS provision	1086.41
	▪ Standard H5.6.14 Outdoor living space otherwise amended to achieve: - Purpose statement expanded to specify IRDs and that living space must be separated from vehicle access and manoeuvring areas - That private outdoor living spaces are directly accessible from main dwelling areas - Communal outdoor living spaces are conveniently accessible for all occupants ▪ Standard H5.6.14 amended to apply to four or more dwellings and specify that it applies to IRDs ▪ Standard H5.6.14 further expanded to include specific outdoor living requirement for 20+ dwellings including IRDs:	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79)	▪ Delete proposed provisions	1086.42

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(4) In addition to H5.6.14(1) and H5.6.14(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more dwellings, must provide a communal outdoor living space that: (a) is located in a communally accessible location; (b) is at least $10m^2$ for every five dwellings it serves; (c) is a minimum dimension of 4m; (d) free of buildings, parking spaces and servicing and manoeuvring areas; (e) for at least $20m^2$ of the communal living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; (f) has a gradient not exceeding 1 in 20; and (g) may be split into no more than two outdoor communal living spaces per development.			
	▪ New Standard H5.6.18 'Windows to street and private vehicle and pedestrian accessways *Purpose: To provide for passive surveillance while maintaining privacy for residents and users* *Development containing up to three dwellings must comply with the following:* *(1) Any dwelling facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.* [MDRS] *Development containing four or more dwellings and any other development must comply with the following:* *(2) Any dwelling, IRD, supported residential care, boarding house and visitor accommodation facing the street or private vehicle accessway or private pedestrian accessway, must have a minimum of 20% of the relevant*	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

1086.43

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	façade in glazing. This can be in the form of windows or doors.			
	▪ New standard H5.6.19 'Deep soil area and canopy tree' *Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater* *(1) Any site greater than 200m2 must provide a deep soil area that must comply with the following:* *(a) 10% of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions* *(b) Expect that sites 1,200m2 or greater may have more than 1 deep soil area provided that:* *(i) each deep soil area is a minimum of 60,2 with 3m dimension; and* *(ii) the combined total deep soil area is a minimum 10% of the site area* *(c) Deep soil areas must not be provided in private outdoor living spaces but can be provided as part of communal outdoor living spaces and landscaped areas as shown in Figure H5.6.19.1; and* *(d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements set out in Table H5.6.19.1; and*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed ▪ Deep soil area should form part of dedicated private outdoor living space areas.	▪ Delete proposed provisions

1086.44

<table>
<tr><th colspan="4">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>(2) Trees required by H5.69.19(1) can be existing canopy trees or new canopy trees in accordance with Table H5.6.19(3)
Table H5.6.19.1 Minimum requirements for canopy trees
<table><tr><th>Site Area (prior to development or re-development)</th><th>Minimum canopy tree requirements</th></tr><tr><td>200m² – 600m²</td><td>1 small canopy tree per 200m² of site</td></tr><tr><td>601m² – 1,500m²</td><td>1 medium canopy tree per 300m² of site</td></tr><tr><td>1,501m² or more</td><td>1 large canopy tree or 2 medium canopy trees per 500m² of site</td></tr></table></td><td></td><td></td><td></td></tr>
<tr><td></td><td>▪ New standard H5.6.20 ‘Safety and privacy buffer from private pedestrian and vehicle accessways’
Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways
(1) A minimum 1m buffer area must be provided between a dwelling and private pedestrian and / or vehicle accessways as shown in Figure H5.6.19.1
(2) The buffer area must be:
(a) Free of buildings, parking spaces, servicing and manoeuvring areas
(b) Planted with shrubs or ground cover</td><td>Oppose</td><td>▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79)</td><td>▪ Delete proposed provisions</td></tr>
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1086.45

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	▪ New standard H5.6.21 'Residential waste management' *Purpose: to provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions

1086.46

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m² per dwelling. ı Change 78 Intensification 38 H5 Residential – Mixed Housing Urban Zone (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H5.6.21(3) and either H5.6.21(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m² per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.			
	▪ New matters of control H5.7.1 relating to one dwelling per site in a SEA	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course	▪ Delete proposed provisions

1086.47

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: *(1) For one dwelling per site subject to a Significant Ecological Area Overlay:* *(a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area;* *(b) The location, bulk and scale of built development relative to the surrounding ecological values.* ▪ Associated assessment criteria introduced at H5.7.2(1) *(1) For one or more dwellings in a Significant Ecological Area Overlay:* *(a) Refer to Policy H5.3(15)*		▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	
	▪ Addition to matters of discretion for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.1(1) *(c) the effects of the development on the safe access for pedestrians on the adjacent road network.* ▪ Amendments to criteria for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.2(1)	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied	▪ Delete proposed provisions

1086.48

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(b) building ~~intensity,~~ scale, location, form and appearance: (i) whether the intensity and scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area. (c) traffic: (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads. (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and accessways are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or landscaping (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development. (e) noise, lighting and hours of operation:				
	▪ Substantial amendments to matters of discretion H5.8.1(2) relating to four or more dwellings per site: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and	Oppose	▪ Far too broad. ▪ Will be administered as a standard, where no standard exists. Assessment becomes subjective / uncertain. ▪ Criterion H5.8.2(2)(ad) – implies that development potential / built form may be impacted by the presence of a Special Character building across the street. Completely unreasonable. ▪ Support the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i)	▪ Retain the proposed the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i) ▪ Delete 'intensity' from matter of discretion H5.8.1(3)(a)(i) relating to Integrated Residential Developments ▪ Retain the proposed the deletion of 'intensity' from criterion H5.8.2(1)(b) ▪ Delete 'intensity and' from criterion H5.8.2(1)(b)(i) ▪ Delete matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment	1086.49 1086.50 1086.51 1086.52 1086.53 1086.54 1086.55

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area. (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between resident's privacy and opportunities for passive surveillance; D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management (ii) traffic; and (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided).		▪ Oppose matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) relating to the extent to which the adjacent road network provides for safe pedestrian movements	criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size~~ (c) ~~I~~ the effects on infrastructure and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria for four or more dwellings at H5.8.2(2):			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(2) for four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards identified in Table 5.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted]~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted]~~Standard H5.6.10 Building coverage;~~ (iii) [deleted]~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted]~~Standard H5.6.12 Outlook space;~~ (v) [deleted]~~Standard H5.6.13 Daylight;~~ (vi) [deleted]~~Standard H5.6.14 Outdoor living space;~~ (vii) [deleted]~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted]~~Standard H5.6.16 Minimum dwelling size.~~ (aa) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportions and arrangement of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii) locating deep soil areas and/or communal outdoor spaces around and between buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials.			

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies . (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets . (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance. (v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street. (b) [deleted]~~The extent to which the development contributes to a variety of housing types at higher densities in the zone and is in keeping with the neighbourhood's planned urban built character of predominantly three storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.~~ (c) [deleted]~~The extent to which development achieves attractive and safe streets and public open space by:~~ (i) ~~providing doors, windows and/or balconies facing the street and public open spaces~~ (ii) ~~minimising tall, visually impermeable fences~~ (iii) ~~designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.~~ (iv) ~~optimising front yard landscaping~~ (v) ~~providing safe pedestrian access to buildings from the street~~			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(vi) ~~minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings a viewed from streets or public open spaces~~ (d) [deleted]~~The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites;~~ (e) [deleted]~~The extent to which dwellings:~~ (i) ~~Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling~~ (ii) ~~Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space~~ (iii) ~~Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.~~ (iv) ~~Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screens from streets and public open spaces.~~ (f) [deleted]~~The extent to which outdoor living space:~~ (i) ~~Provides for access to sunlight~~ (ii) ~~Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.~~ (iii) ~~When provided at ground level, is located on generally flat land or otherwise functional~~ (fa) refer to Policy H5.3(A1); (fb) refer to Policy H5.3(C1); (fc) refer to Policy H5.3(D1); (fd) refer to Policy H5.3(E1); (fe) refer to Policy H5.3(6A) (g) [deleted]~~refer to Policy H5.3(7); and~~ (ga) refer to Policy H5.3(10); (gb) refer to Policy H5.3(11); (gc) refer to Policy H5.3(12); (gd) refer to Policy H5.3(14); and			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(h) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (i) The extent to which the adjacent road network enables safe pedestrian movements.				
	▪ Changes to matters of discretion H5.8.1(3) relating to Integrated Residential Developments:	Oppose	▪ Matter (a)(i) – buildings to be designed to 'minimise visual dominance effects'. Potentially problematic depending on how this is administered. ▪ Prescriptive transport items at criterion (l) written like a standard	▪ Delete proposed provisions	1086.60

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building intensity, scale, location, form and appearance including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. (b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size.~~ (c) Infrastructure and servicing (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria at H5.8.2(3) for IRDs:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(3) for integrated residential development: (a) the extent to which or whether the development achieves the purpose outlined in the ~~following~~ relevant standards and identified in Table H5.4.1 or what alternatives are provided that result in the same or a better outcome: (i) [deleted] ~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H5.6.10 Building coverage;~~ (iii) [deleted] ~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted] ~~Standard H5.6.12 Outlook space;~~ (v) [deleted] ~~Standard H5.6.13 Daylight;~~ (vi) [deleted] ~~Standard H5.6.14 Outdoor living space;~~ (vii)[deleted] ~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H5.6.16 Minimum dwelling size (excluding retirement villages).~~ (aa) refer to Policy H5.3(C1) (ab) refer to Policy H5.3(D1) (ac) refer to Policy H5.3(E1) (b) [deleted] ~~refer to Policy H5.3(1);~~ (c) [deleted] ~~refer to Policy H5.3(2);~~ (d) [deleted] ~~refer to Policy H5.3(3);~~ (e) [deleted] ~~refer to Policy H5.3(4);~~ (f) [deleted] ~~refer to Policy H5.3(5);~~ (g) refer to Policy H5.3(6A); (h) [deleted] ~~refer to Policy H5.3(7);~~			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(i) refer to Policy H5.3(8); (j) refer to Policy H5.3(9): ~~and~~ (ja) refer to Policy H5.3(11); (jb) refer to Policy H5.3(12); (jc) refer to Policy H5.3(14); and (k) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (l) The extent to which the adjacent road network enable safe pedestrian movements, including: i. Footpaths of at east 1.8m in width ii. Facilities to safely and conveniently cross the road including pram crossings, and tactile paving. iii. Narrowed pedestrian crossing distances of vehicle carriageways iv. Front berms to separate pedestrians from traffic.			
	▪ New matters of discretion at H5.8.1 relating to applications for more than one dwelling on sites subject to identified infrastructure constraints: *(6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control:* *(a) Infrastructure and servicing.*	Oppose	▪ Remove from zone, this is managed through other processes (i.e. securing permission to connect to reticulated infrastructure at detailed design phase)	▪ Delete proposed provisions from zone

1086.61

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: *(a) Stormwater disposal.*				
	▪ Amendments / significant additions to H5.8.2(4) 'for building height': (4) for building height: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1); (ca) refer to Policy H5.3(E1); (da) refer to Policy H5.3(6A); (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4).~~; and **Visual dominance** (c) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account: (i) the planned urban built character of the zone; and	Oppose	▪ Language too negative. Why is additional height viewed as a negative outcome? ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.62

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(ii) the location, orientation and design of development. (iii) the effect of the proposed height on the surrounding and neighbouring development. **Character and Visual Amenity** (d) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast (e) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Relationship of Maori and their culture and traditions** (f) The extent to which proposed building heights as viewed both from and to Pukekiwiriki Pā Historic Reserve maintain the culture and traditions of Māori on this site, taking into account: (i) The site's historic function as an observation and defensive site. (ii) The site's contemporary function as an educational site and site of cultural importance.			
	▪ Amendments / significant additions to criteria at H5.8.(6) 'for HiRB':	Support	▪ Generally considered appropriate for infringements to HiRB and note the precedent in the Plan already relating to reliance on the Alternative HiRB standard.	▪ Retain proposed provisions

1086.63

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(6) for height in relation to boundary: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(E1); (ba) refer to Policy H5.3(6A) and (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~ **Sunlight access** (d) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:			

1086.63

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September): (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H5.6.4: or (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H5.6.14. (e) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a): (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Overlooking and privacy** (g) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.				
	▪ Amendments to criteria at H5.8.2(9) 'for yards:	Oppose	▪ Very broad assessment opened up for what might be a small infringement.	▪ Delete proposed provisions	1086.64

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(9) for yards: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1) (ca) refer to Policy H5.3(C1); (dc) refer to Policy H5.3(6A); and (ec) refer to Policy H5.3(11). (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~		▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope		
	▪ Amendments to criteria at H5.8.2(10) 'for maximum impervious areas: (10) for maximum impervious areas: (aa) refer to Policy H5.3.(6A); (a) [deleted]~~refer to Policy H5.3(7);~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.65
	▪ Amendments to criteria at H5.8.2(11) 'for building coverage': (11) for building coverage: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); and (a) ~~refer to Policy H5.3(2); and~~ (b) ~~refer to Policy H5.3(4);~~ (c) whether the non-compliance is appropriate to the context taking into account:	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.66

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(i) Whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site.				
	▪ Amendments to criteria at H5.8.2(12) 'for landscaped area': (12) for landscaped area: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); (da) refer to Policy H5.3(10); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which existing trees are retained.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.67
	▪ Amendments to criteria at H5.8.2(13) 'for outlook space':	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.68

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(13) for outlook space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(D1); (da) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.				
	▪ Amendments to criteria at H5.8.2(14) 'for daylight: (14) for daylight: (aa) refer to Policy H5.3(D1); (ab) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.69
	▪ Amendments to criteria at H5.8.2(15) 'for outdoor living space':	Support	▪ Appropriate level of detail and targeted assessment required	▪ Retain proposed provisions	1086.70

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(15) for outdoor living space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(D1); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4);~~ (c) [deleted] ~~refer to Policy H5.3(5); and~~ (d) [deleted] ~~refer to Policy H5.3(6). and;~~ (e) The extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.				
	▪ New criteria at H5.8.2(15A) 'for windows to street and pedestrian accessways': (15A) For windows to street and private vehicle and pedestrian accessways (a) refer to Policy H5.3(C1) (b) refer to Policy H5.3(6A); and (c) The extent to which the glazing: (i) allows views to the street and/or accessways to ensure passive surveillance; and (ii) provides a good standard of privacy for occupants.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ (c) seems an appropriate assessment matter ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.71
	▪ Amendments to criteria at H5.8.2(16) 'for front, side and rear walls': (16) for front, side and rear fences and walls: (aa) refer to Policy H5.3(C1); (ba) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(3); and~~ (c) [deleted] ~~refer to Policy H5.3(4).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.72

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to criteria at H5.8.2(17) 'for minimum dwelling size': (17) For minimum dwelling size: (aa) refer to Policy H5.3(A1) (ba) refer to Policy H5.3(D1) (ca) refer to Policy H5.3(6A); and (da) The extent to which each dwelling is designed to: (i) Provide simple and convenient internal access and circulation (ii) Include adequate storage; and (iii) Be large enough to allow the use of typical furnishings that meet the needs of the intended occupants. (a) ~~Policy H5.3(5)~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	1086.73
	▪ New criteria at H5.8.2(18) 'for deep soil area and canopy': (18) for deep soil area and canopy tree (a) refer to Policy H5.3(6A); (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	1086.74
	▪ New criteria at H5.8.2(19) 'for safety and privacy buffer from private pedestrian and vehicle accessways': (19) for safety and privacy buffer from private pedestrian and vehicle accessways: (a) refer to Policy H5.3(6A); and (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; (ii) planted with suitable and low level plants.	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	1086.75
	▪ New criteria at H5.8.2(20) 'for residential waste':	Oppose	▪ Oppose standard in full, therefore specific criteria redundant ▪ Council's Solid Waste Calculator is overly conservative and overstates the space	▪ Delete proposed provisions	1086.76

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(20) For residential waste management: (a) refer to Policy H5.3(D1) (b) refer to Policy H5.3(6A); (c) refer to Policy H5.3(10); (d) The extent to which sufficient space is provided for residential waste management that is suitably located for ease of movement to collection points; (e) The extent to which the waste management area is designed to minimise visibility; (f) How the development intends to ensure the on-going management and maintenance of any communal residential waste management area; (g) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (h) Whether waste management vehicle can safely undertake collection.		needed to provide for waste storage and collection		
	▪ New criteria at H5.8.2(21) 'for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control': (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability to connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future.	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	1086.77
	▪ New criteria at H5.8.2(22) 'for more than one dwelling per site … subject to the Infrastructure – Stormwater Disposal Constraints Control':	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	1086.78

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control. (a) Whether stormwater can be disposed via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.				
	▪ New special information requirements at H5.9: **Landscape Plans as required by H5.6.11. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and	Oppose	▪ Far too prescriptive and treats all applications the same, regardless of scale ▪ Adds cost up front to proposals even before resource consent is secure ▪ In combination with other Council proposed changes, adds cost and impacts development yield	▪ Delete proposed provisions	1086.79

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>
<u>Deep Soil Area and Canopy Tree</u>
(2) <u>The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following:</u>
(a) <u>plant and tree species, number of each species to be planted and planting grades;</u>
(b) <u>location of existing trees to be retained;</u>
(c) <u>dimensions of individual mature tree canopy;</u>
(d) <u>any areas of grass; and</u>
(e) <u>Minimum tree canopy dimensions are specified in Table H5.9(3) below.</u>
<u>Table H5.9(3) Minimum tree canopy dimensions</u>
<table>
<tr><th></th><th>Minimum mature tree height</th><th>Minimum mature canopy diameter</th><th>Minimum tree height above ground when planted</th><th>Indicative tree planting grade</th></tr>
<tr><td>Small</td><td>8m</td><td>6m</td><td>2m</td><td>120L</td></tr>
<tr><td>Medium</td><td>10m</td><td>8m</td><td>2.5m</td><td>160L</td></tr>
<tr><td>Large</td><td>15m</td><td>12m</td><td>3m</td><td>200L</td></tr>
</table>
<u>Residential waste management</u>
(3) <u>Applications for where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H5.6.21(1)(b)).</u>
(4) <u>When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided at a minimum:</u>
a) <u>the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of;</u>
b) <u>the frequency, location, access and on-site route of waste collection or transportation; and</u>
c) <u>the method of waste collection, transportation or disposal.</u>
</td><td></td><td></td><td></td></tr>
<tr><td>Chapter H6 – THAB zone</td><td>▪ Mapping changes reflecting that the THAB zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply. The most widespread residential zone inside Walkable Catchments</td><td>Oppose</td><td>▪ General support for changes proposed to include additional sites within the zone inside walkable catchments.
▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to</td><td>▪ Extend the mapped extent of the THAB zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs</td></tr>
</table>

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PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
			include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	where otherwise appropriately located close to centres, transport options, etc. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	1086.83
	▪ Amendments to H6.1 Zone description: ... The zone provides for the greatest density, height and scale of development of all the residential zones. Within walkable catchments, as identified on the planning maps, development of at least six storeys is enabled unless qualifying matters apply. Outside the walkable catchments, Bbuildings are enabled up to at least five storeys ~~six or seven storeys in~~. In identified Height Variation Control areas buildings of seven or more storeys are enabled. Permitted height standards vary depending on the scale of the adjoining centre, to achieve a transition in height from the centre to adjoining ~~lower scale~~ residential zones. ~~This form of development will, o~~The zone anticipates the greater intensity of development will transition neighbourhoods ~~and over time~~, ~~result in a change~~ from a suburban character to urban built character with a corresponding ~~a high~~ degree of visual change. The zone enables a mix of housing types including three-storey attached and detached dwellings, terraced housing and apartment buildings and integrated residential developments such as retirement villages and papakāinga. The Residential – Terrace Housing and Apartment Buildings Zone is a relevant residential zone as defined in the RMA. The zone incorporates Medium Density Residential Standards (MDRS). The development outcomes anticipated by the RMA are enabled in the zone and are less enabling of development where one or more qualifying matters apply. ▪	Support	▪ Changes directly related to implementation of MDRS ▪ Enable at least six-storey development across the zone	▪ Retain MDRS provisions	1086.84
	▪ New / amendments to objectives at H6.2: (1A) Development of at least six storeys is enabled within walkable catchments, with seven or more storey buildings in identified areas, while also achieving a high-quality built environment. (2) Development outside walkable catchments is in keeping with the areas' changing planned urban built character of predominantly five storeys or six or seven storey buildings where specified in identified areas, in a variety of forms. (3) Development provides high-quality amenity: (a) on-site ~~residential amenity~~ for residents; (b) to adjoining sites; and (c) to the street.	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary.	▪ Delete proposed provisions	1086.85

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(5) Development contributes to a high-quality built environment that is resilient to the effects of climate change. (6) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not ~~nor~~ increase the impact from their potential natural hazard risks. (7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects. (8) Enable safer pedestrian movement within the immediate locality of higher density developments to ensure ease of pedestrian movement to ~~the~~ rapid transport stops. (9) Development is enabled on sites subject to significant ecological areas where it provides for the protection and management of the significant ecological values.		▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions ▪ Enable at least six-storey development across the zone	
	▪ New / amendments to policies at H6.3: (1) Enable a variety of housing types at high densities including terrace housing and low to mid-rise and higher rise apartments within walkable catchments and integrated residential development such as retirement villages. (2) Require the height, bulk, form and appearance of multi-unit development ~~and the provision of setbacks and landscaped areas~~ to achieve a high-quality built environment: (a) with a high-density urban built character of predominantly five, six or seven storey buildings in identified areas; and (b) through building and site design which locates bulk and mass towards the street and provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas. ~~, in a variety of forms.~~	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (4A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone.	▪ Delete proposed provisions

1086.86

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(A4) Require development to achieve a built form that contributes to high-quality built environment outcomes by: (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site; (b) providing for resident's' safety and privacy while enabling passive surveillance on the street; (c) minimising visual dominance effects on adjoining sites; (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites; (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways; (f) minimising the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated; (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees; and (h) designing practical, sufficient space for residential waste management; and (i) designing practical, sufficient space for internal storage and living areas. (4) In identified locations adjacent to centres, enable greater building height ~~through the~~ of five storey's outside walkable catchments, at least six storeys within walkable catchments and the application of the Height Variation Control where additional development potential is enabled and which: (7) ~~Encourage~~ Require accommodation to have useable and accessible outdoor living space (8) [Deleted]~~Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.~~ (11) Require buildings to be set back from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards. (12) Require dwellings to be provided with access to safe and reliable drinking water and wastewater services.		▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job. ▪ Enable at least six-storey development across the zone	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, to be provided with appropriate infrastructure. (14) Require development to contribute to safety improvements of the immediate urban road environment to achieve pedestrian connectivity to public transport. (15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.				
	▪ Significant additions to Activity Table H6.4.1 regarding standards to be complied with across the zone, within and outside walkable catchments. Changes include but are not limited to: - (A7) Integrated Residential Development - (A31) and (A31A) Internal and external alterations to buildings (up to three dwellings, and four + dwellings)	Oppose	▪ Unnecessarily restrictive given these sites will be comprehensively developed. ▪ Remove reference to infrastructure constraints ▪ Remove requirement to comply with numerous standards given the comprehensive nature of the design and development	▪ Delete proposed provisions	1086.87
	▪ New rules in Activity table H6.4.1: - H6.4.1(A2A), one dwelling per site subject to SEA which complied with standards E15.4.2(A29) an E15.6.5 – Controlled activity - H6.4.1(A2B), two or three dwellings per site where located in a SEA E15.4.2(A49) and E15.6.5 -	Oppose	▪ Remove all reference to SEA from the residential zones, Overlay D9 already addresses that constraint in a more efficient manner ▪ If retained, remove reference to limiting development on 'sites' subject to an SEA, and focus on managing works 'within' the SEA.	▪ Delete proposed provisions	1086.88
	▪ New rules in Activity table H6.4.1: - Duplication of rules / standards throughout A31/A31A/A32/A32A/A33/A33A	Oppose	▪ Way too complicated / too much duplication ▪ Don't make rules just for the sake of it. Look to streamline the Plan, not add complexity and volume to it.	▪ Delete proposed provisions	1086.89

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
			▪ Way too many standards listed as relevant to A31/ A31A relating to internal and external alterations		
	▪ New notification exclusion at H6.5(5) Public and limited notification for 4+ dwellings precluded if standards met	Support	▪ Appropriate change	▪ Retain proposed provisions	1086.90
	▪ New standards at H6.6 **H6.6.4B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps** Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network. (1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network. **H6.6.4C Dwellings within the Infrastructure - Stormwater Disposal Constraints Control** Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site. (1) A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage capacity must either be able to connect to the public stormwater network or provide sufficient stormwater disposal capacity on-site.	Oppose	▪ Unnecessary to bring these infrastructure constraints into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	1086.91
	▪ Amendment to standard H6.6.5 Height (1) Buildings must not exceed the height in metres specified in clauses H6.6.5.1(a) – H6.6.5.1(c) ~~16m in height~~ unless otherwise specified in the Height Variation Control on the planning maps: **Developments containing up to three dwellings must comply with the following standard:** (a) Buildings must not exceed 11m (3 storeys) in height, except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H6.6.5.1 below: ...	Oppose	▪ It is overly complex to have three different height limits apply in the zone (plus Height Variation Control, and any actual Qualifying Matters), particularly a separate lower limit for 'up to three dwellings' and where the achievable height is dependant on the activity status of an application. This undermines the integrity of the zone.	▪ Delete the MDRS standard for 'up to three dwellings' and replace it with the standard zone height limits proposed inside / outside walkable catchments ▪ Enable at least six-storey development across the zone	1086.92 1086.93

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Any other development: (b) Buildings outside a walkable catchment must not exceed 16m (5 storeys) in height unless otherwise specified in the Height Variaton Control on the planning maps. (c) Buildings in a walkable catchment must not exceed 21m (6 storeys) in height unless otherwise specified in the Height Variation Control on the planning maps (2) [deleted] ~~If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for the site on the planning maps.~~ (3) ~~Standard H5.6.4 Building height applies to the site at 16 Spring Street, Freemans Bay (Lot 1 DP 85829) within a 10m setback area along Spring Street, England Street and adjoining the reserve at 10 England Street (Lot 1 DP 85953) as indicated on the planning maps. Outside of the setback area Buildings must not exceed 16m in height.~~ [deleted]		▪ Enable at least six-storey development across the zone ▪ Support increased height inside walkable catchments ▪ There will be numerous examples of where applications for three dwellings exceed 11m height limit and trigger assessment, when an application for 4+ dwellings may be able to build 10m+ taller as of right (subject to a consent around design)	
	▪ Amendments to standard H6.6.6 Height in relation to boundary **H6.6.6. Height in relation to boundary** Purpose: • For buildings containing no more than three dwellings, to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels. • For buildings outside a walkable catchment, to enable 5 storeys, achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and managing the overall visual dominance of buildings on the rear parts of adjoining sites. • For buildings in a walkable catchment, to enable 6 storeys that locate bulk and mass towards the street and achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and reducing the overall visual dominance of buildings on the rear parts of adjoining sites. **Developments containing up to three dwellings must comply with the following:** (1) Buildings must not project beyond a ~~45~~60-degree recession plane measured from a point ~~34~~m vertically above ground level along the side and rear boundaries, as shown below in Figure H6.6.6.1 Height in relation to boundary for up to three dwellings.	Support	▪ These generous provisions will significantly aid the maximisation of development potential of appropriately located land	▪ Retain proposed provisions

1086.94

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	Developments containing four or more dwellings and any other development outside a walkable catchment must comply with the following: (1A) Buildings must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.2 below. **Developments containing four or more dwellings and any other development in a walkable catchment must comply with the following:** (1B) Buildings within 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below; and (1C) Buildings 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below. H6.6.6.(2b) – DELETED. H6.6.6.(5)-(6) – DELETED.				
	▪ Standard H6.6.7 Alternative height in relation to boundary – DELETED.	Support	▪ Support as long as proposed amendments to the HiRB standard H6.6.6 are retained	▪ Retain proposed provisions	1086.95
	▪ H6.6.8. Height in relation to boundary adjoining lower intensity zones. - Standard applies to development located outside walkable catchments.	Support	▪ Appropriate to attend to the amenity of lower intensity zoned land outside walkable catchments	▪ Retain proposed provisions	1086.96
	▪ Amendments to standard H6.6.11 Building coverage	Oppose	▪ Delete provisions relating to SEAs, these constraints are dealt with in Chapter D9 – SEA Overlay	▪ Delete proposed provisions	1086.97

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space and to provide for the protection and management of significant ecological areas. (1) The maximum building coverage must not exceed 50 per cent of the net site area. (2) On a site subject to a Significant Ecological Areas Overlay: (a) the maximum building coverage must not exceed 50 per cent of the net site area; and (b) building coverage must not be located in any area within 3m of vegetation within a significant ecological area, including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3.2(A29) and E15.6.5; and (c) other than provided for in H6.6.11(2)(b), building coverage must not be located within a significant ecological area.				
	▪ Amendments to standard H6.6.12 Landscaped area Purpose: • to provide for quality living environments consistent with the planned built character of buildings surrounded by ~~open space~~ vegetation; and • to create a ~~landscaped~~ vegetated urban streetscape character within the zone; **Developments containing four or more dwellings and any other development must comply with the following:** (1) The minimum landscaped area must be at least ~~30~~20 per cent of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch. (2) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m² as shown below in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (3) A minimum 50 per cent of the front yard must be a landscaped area.	Oppose	▪ Reference to Deep Soil area and Safety and privacy buffer standards is concerning. The relationship between those provisions is not clear across the zone ▪ Benefits of Deep Soil standard not proven	▪ Delete proposed provisions	1086.98
	▪ Amendments to standard H6.6.13 Outlook space	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge	▪ Delete proposed provisions	1086.99

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Development containing four or more dwellings and any other development must comply with the following: (1) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the face with the largest balcony or area of glazing. (2) The minimum dimensions for a required outlook space are as follows: (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space as shown in Figure H6.6.13.1 Required outlook space for four or more dwellings and any other development, with a minimum dimension of: i 6m in depth and 4m in width; ~~and~~ ii Except for buildings greater than 3 storeys where the minimum dimension is 8m depth and 4m in width and, or iii Where the principal living room outlook is on the ground floor and is defined by a boundary fence, outlook depth may be reduced to 5m. (4) The width of the outlook space is measured from: (a) the centre point of the largest window on the building face to which it applies where outlook depth is reduced to 5m as provided for under H5.6.13(2)(a)(iii) above; or (b) the centre line of the façade of the largest window or balcony edge whichever is closer to the boundary or opposing building. (9) Outlook spaces must: (a) be clear and unobstructed by buildings and servicing area; (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(6) above; ~~and~~ (c) not extend over an outlook spaces or outdoor living space required by another dwelling; and (d) must align with private outdoor living space, except for where the outlook space is over a public street or public open space as required in H6.6.13(6) above.		▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site	
	▪ Amendments to standard H6.6.15 Outdoor living space	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions

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PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Purpose: to provide dwellings, integrated residential development, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure: • private outdoor living spaces are ~~is~~ directly accessible from the principal living room, dining room or kitchen ~~and is separated from vehicle access and manoeuvring areas.~~; • communal outdoor living spaces are conveniently accessible for all occupants. **Developments containing four or more dwellings and any other development must comply with the following:** (1) A dwelling, integrated residential development, supported residential care or boarding house at ground floor level, must have ~~an~~ private outdoor living space that is at least 20m² that comprises ground floor, patio ~~and~~/or balcony/roof terrace space that: (2) A dwelling, integrated residential development, supported residential care or boarding house located above ground floor level must have ~~an~~ private outdoor living space in the form of a balcony, patio or roof terrace that: (4) In addition to H6.6.6.15 (1) and H6.6.6.15(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more, must provide a communal outdoor living space that: a) is located in a communally accessible location; b) is at least 10m² for every five dwellings it serves; c) has a minimum dimension of 4m; d) is free of buildings, parking spaces, and servicing and manoeuvring areas; e) for an area of at least 20m² of the total communal outdoor living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; and f) has a gradient not exceeding 1 in 20; and g) may be split into no more than two outdoor communal living spaces per development.		throughout the zone (and through Plan Change 79)	
	▪ Amendments to standard H6.6.19 Windows to street and private vehicle and pedestrian accessways	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

1086.101

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: To provide for passive surveillance while maintaining privacy for dwellings. **Development containing up to three dwellings must comply with the following:** (1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors. **Developments containing four or more dwellings and any other development must comply with the following:** (2) Any dwelling, integrated residential development, supported residential care, boarding house, and visitor accommodation facing the street or private vehicle or private pedestrian accessway, must have a minimum of 20 per cent of the relevant façade in glazing. This can be in the form of windows or doors.				
	▪ Amendments to standard H6.6.20 Deep soil area and canopy tree Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater. (1) Any sites greater than 200m² must provide a deep soil area that must comply with the following: (a) 10 per cent of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions; (b) Except that sites 1,200m² or greater may have more than 1 deep soil area provided that: (i) each deep soil area is a minimum of 60m² with 3m dimensions; and (ii) the combined total deep soil area is a minimum 10 per cent of the site area; (c) Deep soil areas must not be provided in private outdoor living spaces but can be provided in communal outdoor living spaces and landscaped areas as shown in Figure H6.6.20.1 Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer below; and (d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements as set out in Table H6.6.20.1 below; and (2) Trees required by H6.6.20(1) can be existing canopy trees or new canopy trees in accordance with Table H6.9(3).	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed	▪ Delete proposed provisions	1086.102
	▪ Amendments to standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	1086.103

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways. (1) A minimum 1m buffer must be provided between a dwelling and private pedestrian and/or vehicle accessways as shown above in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (2) The buffer area must be: (a) free of buildings, parking spaces, servicing and manoeuvring areas. (b) planted with shrubs or ground cover plants.		throughout the zone (and through Plan Change 79) ▪		
	▪ Amendments to standard H6.6.22 Residential waste management Purpose: To provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings.	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions	1086.104

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m^2 per dwelling (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H6.6.22(3) and either H6.6.22(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m^2 per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.			
	▪ Amendments to H6.7.1. Matters of control for controlled activities	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a	▪ Delete proposed provisions

1086.105

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	~~There are no controlled activities in this zone.~~ **H6.7.1 Matters of control** The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay: (a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area; (b) The location, bulk and scale of built development relative to the surrounding ecological values.		SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA. ▪		
	▪ Amendments to H6.7.2. Assessment criteria for controlled activities The Council will consider the assessment criteria below for controlled activities to the extent relevant to the proposal: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay (a) refer to Policy H6.3(15)	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions	1086.106
	▪ Amendments to H6.8.1. Matters of discretion for restricted discretionary activities	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints	▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints ▪ Retain assessment criteria relating to infrastructure capacity to serve a development supported if mapped	1086.107 1086.108

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: (i) ~~building intensity,~~ building scale, location, form and appearance; (ii) traffic; (iii) location and design of ~~parking and~~ access and parking (if provided); and (iv) noise, lighting and hours of operation. (c) the effects of the development on the safe access and walkability of the immediate urban road environment to frequent public transport stops. (2) for four or more dwellings per site:		▪ Assessment criteria relating to infrastructure capacity to serve a development supported if mapped Infrastructure Constraints removed from the Planning Maps and zones ▪ Oppose introduction of criterion H6.8.2(2)(ad) relating to the extent to which a building are designed to respect the prevailing character of an area or key historic heritage design when opposite or adjoining special character or historic heritage items ▪ Support the deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Oppose matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) relating to the effects of development on the safe access and walkability of the immediate urban road environment to frequent public transport stops	Infrastructure Constraints removed from the Planning Maps and zones ▪ Delete criterion H6.8.2(2)(ad) ▪ Retain the proposed deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Delete matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions	1086.109 1086.110 1086.111 1086.112 1086.113 1086.114

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area. (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between a reasonable standard of privacy and opportunities for passive surveillance, and D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management. (i) traffic; and (ii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided). H6.8.1(2b) – DELETED.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(c) the effects on infrastructure, and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access and walkability on the immediate urban road environment to frequent public transport stops. (3) for integrated residential development: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale, location, form and appearance~~:~~ including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. H6.8.1(3b) – DELETED. H6.8.1(5) – DELETED. (6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control. (a) Infrastructure and servicing. (7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Residential Single Dwelling and Subdivision Stormwater Disposal Constraints Control. (a) Stormwater disposal.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	▪ Amendments to H6.8.2. Assessment criteria for restricted discretionary activities (b) building ~~intensity,~~ scale, location, building form and appearance: (i) whether the ~~intensity and~~ scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area; (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and parking areas are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or vegetation. (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development.	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Infrastructure matter supported if Infrastructure Constraints mapping removed from the Planning Maps and zones ▪ Inappropriate to covertly include footpath upgrades within criteria – some of these are written like standards and come across as public infrastructure upgrade requirement. In many cases, including for smaller developments, this is what development contributions are for. Likely to lead to appalling piecemeal outcomes if incremental and uncoordinated upgrades are coerced through resource consents. ▪ The criteria relating to the above point are so broad that a small developer could have to upgrade hundred of meters of footpath, provide pram crossings, etc, only because they're the first cab off the rank. Council needs to use its Development Contributions for what they're intended. This smacks of double-dipping at developers' (and ultimately purchasers') expense	▪ Delete proposed provisions

1086.115

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) Safe access and walkability of routes to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development to the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (2) For four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards specified and identified in Table H6.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted] ~~Standard H6.6.10 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H6.6.11 Building coverage;~~ (iii) [deleted] ~~Standard H6.6.12 Landscaped area;~~ (iv) [deleted] ~~Standard H6.6.13 Outlook space;~~ (v) [deleted] ~~Standard H6.6.14 Daylight;~~ (vi) [deleted] ~~Standard H6.6.15 Outdoor living space; and~~ (vii)[deleted] ~~Standard H6.6.16 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H6.6.17 Minimum dwelling size~~ (aa) the extent to which the building location, scale, form and appearance is of a high-quality and compatible with the planned urban built character		▪ Criterion (2)(ad) - Inappropriate to limit the development potential of a site across the road from a Special Character building.	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportion and arrangements of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, balconies, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii)locating deep soil areas and/or communal outdoor spaces between the breaks in buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials. (ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontages contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies. (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings that directly front, align and orientate to public streets. (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible, attractive, safe and well-lit connections between dwellings and the street. (m) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (l) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. **Visual dominance** (f) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, ~~infringements~~ taking into account: (i) the planned urban built character of the zone; and			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Character and Visual Amenity (g) The extent to which the form and design of the building and any additional height ~~infringement~~ responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast. (h) The way in which buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Attractiveness and safety of the street** (g) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by: (i) providing doors, windows and balconies facing the street; (ii) optimising front yard landscaping; (iii) providing safe pedestrian access to buildings from the street; and (iv) minimising the visual dominance of garage doors as viewed from the street. **Overlooking and privacy** (h) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(11) for building coverage: (f) whether the non-compliance is appropriate to the context taking into account: (i) Whether the balance of private open space and buildings is high-quality and consistent with the planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site. (12) for landscaped area: (e) the extent to which existing trees are retained; and (13) for outlook space: (f) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be reasonably minimised through the placement and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design. (15) for outdoor living space:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) The extent to which residential units provide private open space and communal open space that is useable, accessible and attractive for occupants. (15A) For windows to street and private ways (a) refer to Policy H6.3(C1) (a) refer to Policy H6.3(A4); and (b) The extent to which the glazing: i. allows views to the street and/or accessways to ensure passive surveillance; and ii. provides a good standard of privacy for occupants. (17) For minimum dwelling size (d) The extent to which each residential unit is designed to: (i) provide simple and convenient access and circulation; (ii) include adequate storage; and (iii) be large enough to allow the use of typical furnishings that meet the needs of the intended number of occupants. (18) For deep soil area and canopy tree (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and (19) For safety and privacy buffer from private pedestrian and vehicle accessways: (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; and (ii) planted with suitable and low level plants. (20) For residential waste management			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(e) The extent to which the development provides sufficient space for residential waste management that is suitably located for ease of movement to collection points; (f) The extent to which the waste management area is designed to minimise visibility; (g) How the development intends to ensure the on-going management and maintenance of any communal waste management area; (h) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (i) Whether waste management vehicle can safely undertake collection. (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future. (22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Stormwater Disposal Constraints Control (a) Whether there is the ability to adequately dispose of stormwater from the site via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.				
	▪ Additions to H6.9. Special information requirements	Oppose	▪ Far too prescriptive and treats all applications the same, regardless of scale ▪ Adds cost up front to proposals even before resource consent is secure	▪ Delete proposed provisions	1086.116

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	~~There are no special information requirements in this zone.~~ **Landscape Plans for all other developments as required by H6.6.12. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and (d) Any paths included in landscaped area. **Deep Soil Area and Canopy Tree** (2) The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following: (a) plant and tree species, number of each species to be planted and planting grades; (b) location of existing trees to be retained; (c) dimensions of individual mature tree canopy; (d) any areas of grass; (e) Minimum tree canopy dimensions are specified in Table H6.9(3) below. **Residential waste management** (3) Applications where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H6.6.22(1)(b)). (4) When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided as a minimum: a) the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of; b) the frequency, location, access and on-site route of waste collection or transportation; and c) the method of waste collection, transportation or disposal.		▪ In combination with other Council proposed changes, adds cost and impacts development yield	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
Chapter J1 - Definitions				
	▪ Amended definition: Landscaped area **Landscaped area** In relation to any site, means an area that is in natural grass, plants or trees. The canopy of trees that are existing at the time of consent lodgement can be included in the landscaped area provided the trunks are surrounded by an area of grass, plants or mulch that extends to the diameter of the critical root zone. The critical root zone being a circular area extending from the base of the canopy tree with a diameter equal to twelve times the trunk diameter measured at 1.4m above ground level. Landscaped area can include pervious paths with a maximum width of 1.5m provided they do not make up more than 10 per cent of the landscaped area. Buildings, artificial grass, and structures including pools, paving (except for pervious paths), pergolas, decks and servicing area is excluded from the landscaped area. This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS.	Oppose	▪ The proposed changes to this definition erode the existing exclusions provided, and further limit the development potential of land	▪ Delete the proposed definition

1086.117

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Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	~~any part of that site not less than 5m² in area which is grassed and planted in trees, shrubs, or ground cover plants and may include:~~ (1) ~~One or more of the features in (a) (b) or (c) where the total land area occupied does not collectively cover more than 25 per cent of the landscaped area:~~ ~~(a) ornamental pools;~~ ~~(b) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one paver does not exceed 650mm;~~ ~~(c) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;~~ (2) ~~non permeable pathways not exceeding 1.5m in width;~~ (3) ~~permeable artificial lawn in the residential zones, except:~~ ~~(a) that permeable artificial lawn must not cover more than 50 per cent of the landscaped area of the front yard;~~ ~~(b) Permeable artificial lawn must:~~ ~~• be permeable;~~ ~~• resembles grass in colour including a mix of natural looking green tones;~~ ~~• have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;~~ ~~• is resistant to ultra violet degradation, weathering and ageing during its normal service life; and~~ ~~• is recyclable.~~ (4) ~~Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.~~ ~~Excludes any area which:~~ ~~• falls within the definition of building coverage;~~ ~~• is part of a non permeable pathway that is greater than 1.5m in width;~~ ~~• is used for the parking, manoeuvring or loading of motor vehicles.~~			
	▪ New definition: Service Area Relevant to outlook space requirements in MHU and THAB zones	Oppose	▪ In conjunction with how this definition is being used within the MHU and THAB zones, it has the potential to severely limit the development potential of land.	▪ Delete the proposed definition

1086.118

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Servicing area The area used to accommodate facilities necessary for the day to day needs of residential occupants, including: • Storage sheds • External hot water cylinders • Waste storage areas • Bicycle parking and storage • Heat pump or air conditioning external units • Washing lines (excludes where these can be fully retracted or folded down) • Rainwater tanks (excludes where the tank is entirely underground or otherwise permitted by the Plan) Servicing facilities excludes: • Letterboxes • Water meters • Freestanding lights • Solar Panel Batteries				
	▪ New definition: Urban Heat Island **Urban heat island** Heat islands are urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. In these areas where these structures are highly concentrated and greenery is limited, these become "islands" of higher temperatures relative to outlying areas.	Oppose	▪ In conjunction with how this definition is being used within the MHU and THAB zones, it has the potential to severely limit the development potential of land. ▪ There should be more science around this definition, as it is simply being broadly applied to development within residential areas.	▪ Delete the proposed definition	1086.119
Chapter 1615 Westgate Precinct					
▪ Amendment to I615.4. Activity table: The rules in Activity Tables I615.4.1 and Development Table I615.4.2 in I615 Westgate Precinct as they relate to the construction and use of up to 3 dwellings per site replace the rules in the underlying zones for the construction and use of up to 3 dwellings per site.		▪ Sonn Group supports the broad application of the MDRS to give effect to the objectives and policies of the NPS-UD.	▪ Retain 1615.4 Activity Table Pre-Amble		1086.120

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td></td><td></td><td>▪ The reference to the rules in the Precinct applying and taking precedence over the relevant rules in the underlying zone is also supported.</td><td></td></tr>
<tr><td></td><td>▪ Amendment to Table I615.4.2 Development - Sub-precincts A, B, C, D, E and F:
<table><tr><th colspan="2">Activity</th><th>Activity status</th></tr><tr><td colspan="3">Development</td></tr><tr><td>(A11)</td><td>Buildings except in Sub-precinct D</td><td>RD</td></tr><tr><td>(A12)</td><td>Any vehicle access to Fred Taylor Drive, other than through the strategic access points identified in precinct plan 2, or left in left out access points on Fred Taylor Drive.</td><td>D</td></tr><tr><td>(A13)</td><td>Earthworks greater than 2500m^2</td><td>RD</td></tr><tr><td>(A14)</td><td>Public open spaces</td><td>RD</td></tr><tr><td>(A15)</td><td>Roads and pedestrian linkages</td><td>RD</td></tr><tr><td>(A16)</td><td>Vehicle access ways</td><td>RD</td></tr><tr><td>(A17)</td><td>Stormwater controls in accordance with the integrated catchment management plan and relevant network discharge consents</td><td>RD</td></tr></table></td><td>Oppose</td><td>▪ The submitter opposes the change to Activity Table I615.4.2 (A11) to exclude buildings in Sub-Precinct D. For activities where 4 or more dwellings are proposed, Sub-Precinct D is excluded, where the current rule specifies that new buildings in the Precinct require a consent for a Restricted Discretionary Activity.
▪ The submitter interprets this to suggest that for any form of development in Westgate Sub-Precinct D that does not relate to 3 dwellings per site, refers back to the underlying THAB zone standards, matters of discretion and assessment criteria which are more restrictive and less enabling than the enabling Precinct provisions.
▪ It is appropriate to retain Rule (A11) and the Building reference given the various underlying business zones which apply across the Precinct.</td><td>▪ Delete the reference to ‘except in Sub-Precinct D’ The submitter seeks to retain the status quo for this rule, given the ambiguous relationship between Table I615.4.1 Activity Table Sub-Precincts A, B, C, D, E and Table I615.4.2: Development – Sub-Precincts, A, B, C, D, E and F and I615.6 Standards.
▪ In the current Unitary Plan provisions, Rule (A11) refers back to well considered Matters of Discretion (1615.8.1) and Assessment Criteria (I615.8.2) that are influential over the design, location and scale of built form (including dwellings) and the key masterplanned features of the Precinct, i.e. (infrastructure, vehicle access, roads and pedestrian linkages, public open space, stormwater management device).</td></tr>
</table>

1086.121

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
▪ Amendment to I615.6. Standards: **I615.6. Standards** The zone, Auckland-wide and overlay standards apply in this precinct unless otherwise specified below. The standards in I615.6 in I615 Westgate Precinct as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying Residential – Terrace Housing and Apartment Buildings Zone for the construction and use of up to 3 dwellings per site.			▪ Sonn Group supports the broad application of the MDRS to give effect to the objectives and policies of the NPS-UD. ▪ The reference to the Standards in the Precinct applying and taking precedence over the relevant Standards in the underlying THAB zone is also supported.	
▪ Deletion of I615.6.4. Activity thresholds Sub-precinct D ~~(1) At least 60 dwellings must be provided per ha (net) in Sub-precinct D.~~ ~~(2) Development that does not comply with I615.6.4(1) is a non-complying activity.~~ *[deleted]*	Oppose	▪ This is an appropriate standard enabling intensification and should be retained in its current form.	▪ Retain Standard in current form.	1086.122

SUBMISSION ON PLAN CHANGE 78: INTENSIFICATION TO THE AUCKLAND UNITARY PLAN – OPERATIVE IN PART

Clause 6 of Schedule 1 of the Resource Management Act 1991

Kiwi Property Group Limited
Submission 1 – Sylvia Park + LynnMall

To: Auckland Council
unitaryplan@aucklandcouncil.govt.nz

Kiwi Property Group Limited at the address for service set out below ("**the Submitter**") makes the following submission in relation to Plan Change 78: Intensification ("**PC 78**") to the Auckland Unitary Plan ("**Unitary Plan**").

1. The Submitter could not gain an advantage in trade competition through this submission.

2. This submission relates to the following aspects of PC 78:

   (a) The height standards within and adjacent to the Sylvia Park Metropolitan Centre.

   (b) The site intensity standards that apply to Sylvia Park Metropolitan Centre.

   (c) The extent and location of the walkable catchment identified around the Sylvia Park Metropolitan Centre.

   (d) The extent of Metropolitan Centre zoning in and around the Sylvia Park Metropolitan Centre.

   (e) The height standards within the block bordered by Great North Road, Veronica Street, Totara Avenue and Memorial Drive, New Lynn ("**the LynnMall Block**") which forms part of the New Lynn Metropolitan Centre.

3. The reasons for this submission are as follows:

   (a) Unless the relief sought in this submission is granted, PC 78 will:

      (i) Not give effect to the NPS – Urban Development 2020 ("**NPS-UD**");

(ii) Not comply with the Council's obligations under the Resource Management Act 1991 ("**RMA**") as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**Enabling Act**");

(iii) Not promote the sustainable management of natural and physical resources;

(iv) Not amount to and promote the efficient use and development of resources;

(v) Be otherwise inconsistent with the purpose and principles in Part 2 RMA; and

(vi) Be inappropriate in terms of section 32 RMA.

(b) To achieve the purpose of the RMA, comply with the content of the Enabling Act and give effect to the NPS-UD, PC 78 must maximise opportunities for development within the Precincts and in particular:

(i) Extend the Metropolitan Centre zoning in the vicinity of the Sylvia Park Metropolitan Centre;

(ii) Extend the walkable catchment identified around the Sylvia Park Metropolitan Centre;

(iii) Increase the height standards within and adjacent to the Sylvia Park Metropolitan Centre;

(iv) Remove the site intensity standards that apply to the Sylvia Park Metropolitan Centre; and

(v) Increase the height standards within the LynnMall Block.

In particular, but without derogating from the generality of the above:

(c) The Submitter is the owner of the fee simple interest in:

(i) Land comprising and in the immediate vicinity of Sylvia Park Metropolitan Centre; and

(ii) Most of the LynnMall Block.

(d) PC 78 has been notified to give effect to both the Enabling Act and the NPS-UD. Pursuant to section 62 (3) RMA, the Regional Policy Statement within the Unitary Plan must "*give effect to*" a national policy statement. Pursuant to section 75(3)(a) RMA, the Unitary Plan must "*give effect to*" any national policy statement.

(e) The NPS-UD represents a significant change in central government expectations with respect to the intensity of development in metropolitan centres. The NPS-UD requires the Council to enable intensification within the Metropolitan Centre zone including at Sylvia Park and in the LynnMall Block. Most notably, Policy 3 NPS-UD states, "*In relation to tier 1 urban environments, regional policy statements and district plans enable: … b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases buildings heights of at least 6 storeys".*

(f) PC 78 does not incorporate changes that enable sufficient intensification of development within Sylvia Park and New Lynn to "*reflect demand for housing and business use in those locations"*. The Council will comply with its statutory and regulatory obligations only if the relief proposed in this submission with respect to Sylvia Park and New Lynn is accepted. In the circumstances, PC 78 should be amended to increase development opportunities in and around Sylvia Park and within the LynnMall Block.

(g) With regard to Sylvia Park:

(i) The Sylvia Park Metropolitan Centre is served by and easily accessed from a wide range of public transport services including the railway and bus networks.

(ii) The Sylvia Park Metropolitan Centre includes the largest comprehensively designed and operated mixed use (retail, entertainment and office) centre in New Zealand. Intensive residential development is currently being undertaken and the centre is subject to increasing demand for housing and business use that warrants increases in the centre zoning and building envelope within and adjacent to the centre.

(iii) The existing height limits in the Sylvia Park Precinct (implemented through the Sylvia Park Precinct I336) and on immediately adjacent land are no longer appropriate or adequate in the context of the NPS-UD.

(iv) The Sylvia Park Metropolitan Centre is subject to site intensity controls set out in rules I336.4 and I336.6.1 (in the Sylvia Park Precinct). There is no justifiable basis for maintaining those rules in the context of the policy framework imposed through the NPS-UD and the Enabling Act. Nor will there be any adverse effects on other centres arising from development at Sylvia Park exceeding the site intensity controls, by virtue of the increased economic activity that will be generated as a consequence of increased residential intensity within the Sylvia Park catchment.

(v) The walkable catchment identified around the Sylvia Park Metropolitan Centre does not extend a sufficient distance to the east and fails to take account of Kiwi's intention to facilitate and make an equitable contribution towards construction an additional pedestrian route across the railway line, linking the centre to the Industrial, Mixed Use and Residential zones to the east.

(vi) The demand for commercial and residential activities in and around the Sylvia Park Metropolitan Centre is now sufficient to warrant extending the zoning of that centre across the railway line to the east to Carbine Road and Clemow Drive. That will enable more a more intensive and extensive centre to be established, served by the Sylvia Park railway station. That zoning change is appropriate and required if the NPS-UD is to be given effect at Sylvia Park.

(h) With regard to New Lynn:

(i) The New Lynn Metropolitan Centre is served by and easily accessed from a wide range of public transport services including the railway and bus networks.

(ii) The LynnMall Block is over 7 hectares in area and regular in shape. It is occupied by the LynnMall Shopping Centre which is the commercial and functional heart of the New Lynn Metropolitan Centre. Consent has

been granted for construction of an integrated mixed-use (retail, office and residential) development on the Submitter's land.

(iii) The New Lynn Metropolitan Centre is subject to increasing demand for housing and business use which warrants increases in the building envelope within the LynnMall Block.

4. The Submitter seeks the following relief with regard to PC 78:

(a) Deletion of the Unitary Plan provisions governing or constraining the height of development on sites in the Sylvia Park Precinct including: 1087.1

(i) Relevant parts of Rule I336.4 Activity Table;

(ii) Rule I336.6.2 Building Height; and

(iii) Precinct Plan I336.10.1: Height Areas

and their replacement with a maximum height standard across the whole of the Sylvia Park Precinct (i.e.: all of the current Sylvia Park sub-precincts A, B and C) of 100 m.

(b) Deletion of the Unitary Plan provisions governing or constraining the height of development on sites in the vicinity of the Sylvia Park Precinct and their replacement with the Height Variation Controls specified on the plan **attached** to this submission. 1087.2

(c) Deletion of the Unitary Plan provisions governing or constraining the height of development in the New Lynn Sub-Precinct C (the LynnMall Block) and their replacement with a maximum height standard across the whole of the New Lynn Sub-Precinct C of 100 m. 1087.3

(d) Deletion of the Unitary Plan provisions governing or constraining site intensity in respect of the Sylvia Park Precinct including: 1087.4

(i) Relevant parts of Rule I336.4 Activity Table; and

(ii) Rule I336.6.1 Site Intensity.

(e) Amendment of the walkable catchment identified around the Sylvia Park Metropolitan Centre as specified on the plan **attached** to this submission. 1087.5

(f) Replacement of the Light Industry and Mixed Use zoning on land to the east of the Sylvia Park Metropolitan Centre with the Metropolitan Centre zone as specified on the plan **attached**. 1087.6

(g) Any other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

5. The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at the hearing.

6. **Attached** to this submission is a map showing:

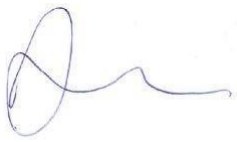
(a) The height standards proposed for land in the vicinity of the Sylvia Park Metropolitan Centre in accordance with the relief sought in paragraph 4(b) above.

(b) The walkable catchment proposed for land in the vicinity of the Sylvia Park Metropolitan Centre in accordance with the relief sought in paragraph 4(e) above.

(c) The zoning changes sought in the vicinity of the Sylvia Park Metropolitan Centre in accordance with the relief sought in paragraph 4(f) above.

DATED this 29th day of September 2022

Kiwi Property Group Limited by its solicitors and duly authorised agents, Ellis Gould



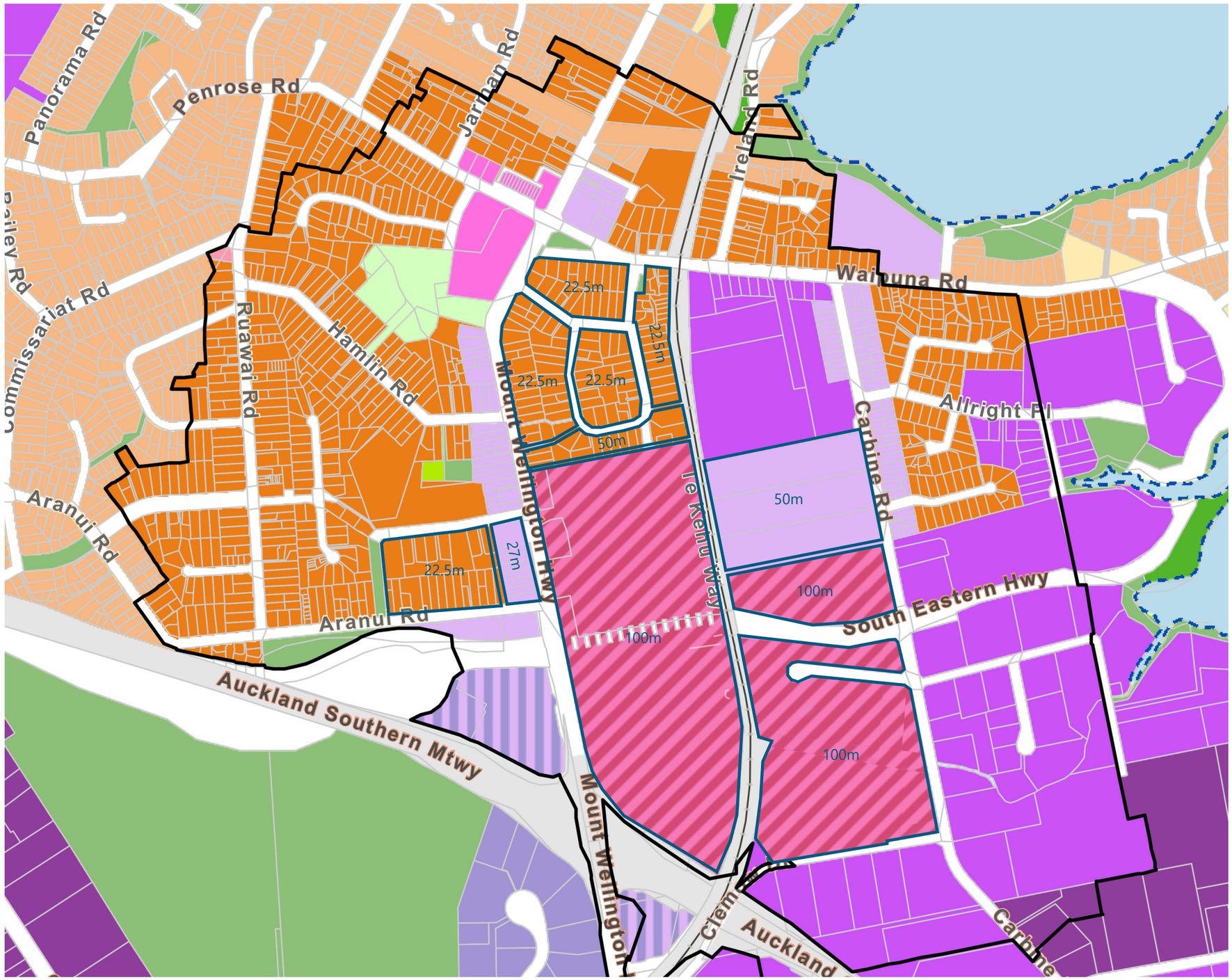
D A Allan / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention**: Douglas Allan (021 680 562) / Alex Devine (021 2468-950). Email: dallan@ellisgould.co.nz / adevine@ellisgould.co.nz

Attachment

Map showing the changes to the height standards, the walkable catchment and zonings proposed for land in the vicinity of the Sylvia Park Metropolitan Centre

Sylvia Park - PC 78



Legend

Proposed Walkable Catchment Boundary

Business - Metropolitan Centre Zone

Height Variation Control Boundary

Sylvia Park
Mount Wellington
Scale 1: 8000 at A3

B&A
Urban & Environmental

SUBMISSION ON PLAN CHANGE 78: INTENSIFICATION TO THE AUCKLAND UNITARY PLAN – OPERATIVE IN PART

Clause 6 of Schedule 1 of the Resource Management Act 1991

Kiwi Property Group Limited
Submission 2 - Infrastructure

To: Auckland Council
unitaryplan@aucklandcouncil.govt.nz

Kiwi Property Group Limited at the address for service set out below ("**the Submitter**") makes the following submission in relation to Plan Change 78: Intensification ("**PC 78**") to the Auckland Unitary Plan ("**Unitary Plan**").

1. The Submitter could not gain an advantage in trade competition through this submission.

2. The submission relates to the failure of PC 78 as notified to address adequately the implications for infrastructural capacity of the level and distribution of intensification proposed.

3. The reasons for the submission are as follows:

   (a) Unless the relief sought in this submission is granted, PC 78 will:

      (i) Not give effect to the NPS – Urban Development 2020 ("**NPS-UD**");

      (ii) Not comply with the Council's obligations under the Resource Management Act 1991 ("**RMA**") as amended by the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021 ("**Enabling Act**");

      (iii) Not promote the sustainable management of natural and physical resources;

      (iv) Not amount to and promote the efficient use and development of resources;

      (v) Be otherwise inconsistent with the purpose and principles in Part 2 RMA; and

(vi) Be inappropriate in terms of section 32 RMA.

(b) To achieve the purpose of the RMA, comply with the content of the Enabling Act and give effect to the NPS-UD, PC 78 must:

(i) Take appropriate account of the implications of existing limitations in infrastructure capacity in Auckland;

(ii) Incorporate those infrastructure capacity limitations as a qualifying matter; and

(iii) Place limitations on development that would consume existing infrastructure capacity in a manner that would compromise intensification in centres.

In particular, but without derogating from the generality of the above:

(c) Infrastructure services in Auckland (e.g.: water supply, wastewater reticulation, stormwater management measures and public open space) have insufficient capacity to cater for the level of intensification that is currently enabled under the Unitary Plan.

(d) PC 78 enables significant increases in development opportunities throughout Auckland. There is no realistic prospect that the existing infrastructure will have sufficient capacity to cater for that expanded level of intensification.

(e) PC 78 alters the locations within the city in which intensification is enabled and expected:

(i) The NPS-UD and the regional policy statement ("**RPS**") provisions in the Unitary Plan prioritise development in centres, consistent with the purpose and principles of the RMA.

(ii) The current RPS and district plan provisions in the Unitary Plan promote and enable intensification in and around centres and along corridors.

(iii) PC 78 appropriately provides for increases in height and intensity of development in and immediately adjacent to centres, particularly within walkable catchments.

(iv) In contrast, PC 78 promotes the dissipation of development throughout the urban areas of Auckland:

- PC 78 markedly increases the extent of THAB zoned land and thus enables intensification throughout extensive areas of land remote from centres.

- The Medium Density Residential Standards ("**MDRS**") introduced through the Enabling Act and PC 78 enable intensification, as of right, throughout most of the residential areas of the city including on the periphery of the urban areas.

(f) As a consequence, there is a mismatch between development expectations implied by the zonings proposed in PC 78 and the limited infrastructural capacity that will, in practice, prevent much of that zoned development occurring. Given that the Unitary Plan provisions are enabling, there is no ability to predict where such development will occur. That mismatch removes any realistic prospect that infrastructure providers will be able to fund or implement the improvements in capacity required throughout the city to enable the proposed THAB zonings and MDRS to be realised without constraining development in centres.

(g) The legislative and regulatory framework requires the coordination of growth and infrastructure provision:

(i) Section 75(3) requires the Unitary Plan to "*give effect to*" the NPS-UD and the RPS.

(ii) The NPS-UD (e.g.: Objective 6(a) and (b); Part 3.4(3); Part 3.5; Part 3.12; Part 3.13(b) and (c); and Part 3.14) requires the co-ordination of growth and infrastructure.

(iii) PC 78 does not provide for such co-ordination and thus fails to give effect to the NPS-UD.

(h) Infrastructure provision has been identified as a qualifying factor in PC 78 but only with respect to limited matters. Additional recognition of the implications of infrastructure capacity constraints is required:

(i) In the absence of adequate and appropriate recognition of existing infrastructure capacity constraints in PC 78, access to that existing capacity will be determined on a first-in first-served basis.

(ii) In the absence of provisions that prioritise development around centres and corridors, there is a risk that available infrastructural capacity will be taken up disproportionately by peripheral development (e.g.: MDRS development throughout the city or THAB development on the periphery of walkable catchments). That could severely compromise and constrain the ability for intensification in and immediately adjacent to centres and transport nodes, which would be contrary to the growth strategy in both the NPS-UD and the RPS.

4. The Submitter seeks the following relief with regard to PC 78:

(a) That infrastructure capacity constraints be recognised as a qualifying matter that constrains the extent to which intensification may occur outside existing City Centre, Metropolitan Centre, Town Centre and Local Centre zones, in order: 1087.7

(i) To prioritise development in centres in accordance with the NPS-UD and the RPS, to which the Unitary Plan must give effect; and

(ii) To address the issues raised in this submission.

(b) By way of example, but not by way of limitation, the relief sought in (a) above could be accomplished by:

(i) *Reducing the extent of land subject to the MDRS and to be zoned THAB* - Under this approach, additional development opportunities would be focused in and around centres. 1087.8

(ii) *Introducing conditional rezonings, whereby additional development opportunities will only be available once infrastructure is in place to provide the services necessary to cater for the additional demand that will be generated* - This approach would involve the identified zonings becoming operative in effect only once infrastructure necessary to cater for that growth is in place.

(iii) *Implementation of an additional standard regarding "Infrastructure Capacity" for areas outside City Centre, Metropolitan Centre, Town Centre and Local Centre zoned areas* - This standard would specify that on land that, prior to PC 78, was zoned Single House, Mixed Housing Suburban or Mixed Housing Urban, development may only occur in accordance with:

- Urban rezonings (e.g.: to Mixed Housing Urban or THAB); or
- The MDRS

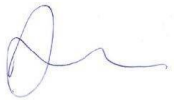
if the relevant infrastructure providers (e.g.: Watercare Services Limited and the Healthy Waters division of Council) certify that, with the proposed new development in place, sufficient infrastructural capacity will be retained to accommodate intensification in accordance with the maximum building envelope enabled in City Centre, Metropolitan Centre, Town Centre and Local Centre zoned areas that share that infrastructure capacity with the subject site.

(c) Any other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

5. The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at the hearing.

DATED this 29th day of September 2022

Kiwi Property Group Limited by its solicitors and duly authorised agents, Ellis Gould



D A Allan / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention**: Douglas Allan (021 680 562) / Alex Devine (021 2468-950). Email: dallan@ellisgould.co.nz / adevine@ellisgould.co.nz

SUBMISSION ON PLAN CHANGE 78: INTENSIFICATION TO THE AUCKLAND UNITARY PLAN – OPERATIVE IN PART

Clause 6 of Schedule 1 of the Resource Management Act 1991

Viaduct Harbour Holdings Limited
Submission 1 – City Centre zone, Viaduct Harbour Precinct and Wynyard Precinct

To: Auckland Council
unitaryplan@aucklandcouncil.govt.nz

Viaduct Harbour Holdings Limited at the address for service set out below ("**the Submitter**") makes the following submission in relation to Plan Change 78: Intensification ("**PC 78**") to the Auckland Unitary Plan ("**Unitary Plan**").

1. The Submitter could not gain an advantage in trade competition through this submission.

2. This submission relates to the following aspects of PC 78:

   (a) Proposed changes made to the City Centre zone in the Unitary Plan.

   (b) The extent to and manner in which PC 78 should apply to Part I211 – Viaduct Harbour Precinct of the Unitary Plan.

   (c) The extent to and manner in which PC 78 should apply to Part I214 – Wynyard Precinct of the Unitary Plan.

   (d) The proposed new Coastal Inundation information layer in the PC 78 map viewer.

3. The reasons for this submission are as follows:

   (a) Unless the relief sought in this submission is granted, PC 78 will:

      (i) Not give effect to the NPS – Urban Development 2020 ("**NPS-UD**");

      (ii) Not comply with the Council's obligations under the Resource Management Act 1991 ("**RMA**") as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**Enabling Act**");

(iii) Not promote the sustainable management of natural and physical resources;

(iv) Not amount to and promote the efficient use and development of resources;

(v) Be otherwise inconsistent with the purpose and principles in Part 2 RMA; and

(vi) Be inappropriate in terms of section 32 RMA.

(b) To achieve the purpose of the RMA, comply with the content of the Enabling Act and give effect to the NPS-UD, PC 78 must maximise opportunities for development within Viaduct Harbour Precinct and Wynyard Precinct (collectively, "**the Precincts**") and in particular:

(i) Significantly increase the height and building envelope within which development may occur;

(ii) Increase the range and extent of activities that may occupy that increased building envelope;

(iii) Remove any other constraints in the Precincts that would otherwise in practice limit development and compromise the realisation of the purpose of the Enabling Act and NPS-UD; and

(iv) Avoid incorporating into the Unitary Plan unnecessary and inappropriate controls including the proposed new non-statutory coastal inundation layer in the Unitary Plan Maps.

In particular, but without derogating from the generality of the above:

Background

(c) The Submitter is the owner of the fee simple interest in the land within the Precincts identified on **Attachment 1** to this submission. The Precincts are located within the City Centre zone in the Unitary Plan and form an integral part of the Auckland central business district.

(d) PC 78 has been notified to give effect to both the Enabling Act and the NPS-UD.

(e) Pursuant to section 62 (3) RMA, the Regional Policy Statement within the Unitary Plan must "*give effect to*" a national policy statement.

(f) Pursuant to section 75(3)(a) RMA, the Unitary Plan must "*give effect to*" any national policy statement.

(g) The NPS-UD requires the Council to enable intensification within the City Centre zone including in the Precincts. Most notably with respect to the Precincts, Policy 3 NPS-UD states, "*In relation to tier 1 urban environments, regional policy statements and district plans enable: a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification*…"

(h) PC 78 makes amendments to the underlying City Centre zone but, contrary to the Council's statutory and regulatory obligations, it does not incorporate changes that enable intensification of development within the Precincts, let alone, "*building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification*".

(i) The Council will comply with its statutory and regulatory obligations only if the relief proposed in this submission with respect to the Precincts is accepted.

Intensification of Built Form Bulk and Location

(j) The NPS-UD represents a significant change in central government expectations with respect to the intensity of development in centres including in particular the Auckland City Centre zone, which is one of the most intensively developed locations in New Zealand and is the key location in the Auckland public transport network.

(k) The NPS-UD imposes obligations on Council to maximise development capacity throughout the City Centre zone, including the Precincts. However, PC 78 makes no substantive changes to the Precinct provisions, as a result of which development capacity in the Precincts is limited to that which was considered appropriate approximately 15 years ago.

(l) The Precincts are located close to and are easily accessed from the core of the Auckland central business district, including by foot or cycle. The Precincts are served by and easily accessed from a wide range of public transport services including the Britomart railway station and bus routes.

(m) The Precincts contain a number of sites that are currently underdeveloped or undeveloped and that are ideally suited to intensification for residential or other purposes.

(n) PC 78 proposes to increase height standards in the City Centre zone (including to 72.5 m on land in the immediate vicinity of the Precincts) and to remove development intensity (FAR) controls. There is no basis for:

(i) Exempting the Precincts from those changes; or

(ii) Retaining restrictions on the overall scale of development (i.e.: maximum GFA controls).

(o) Council has identified special character as a qualifying matter in terms of the Enabling Act. In that regard, Business Special Character is, as a generality, significantly less beneficial and desirable to retain than is Residential Special Character and that is particularly the case in the City Centre zone:

(i) Centre zones are the areas that offer the most efficient location for intensification because of the ability to co-locate residential, commercial, employment and entertainment activities in locations that are typically well served by public transport.

(ii) The City Centre zone is the most important of those centres and the one with the greatest ability to accommodate intensification in an efficient way. That intensification should be encouraged, subject to recognition of those relatively rare sites in parts of the City Centre that accommodate historic buildings or features (as opposed to character buildings).

(iii) Commercial buildings in Auckland have historically been constructed from relatively basic materials and techniques and, as a generality, Auckland has had a lower proportion of high quality non-residential buildings than cities such as Wellington or Dunedin. In contrast, Auckland does have residential areas that make use of the natural environment (e.g.: locations on the coast or on the slopes of maunga) or that contain houses that collectively create a special residential character.

(iv) Accordingly, Council in order to comply with NPS-UD must justify the retention of any special character notations in the City Centre zone as a qualifying matter and as a constraint on development, rather than simply roll over existing Unitary Plan provisions.

(p) In the circumstances, PC 78 should be amended to:

(i) Increase height standards, remove development intensity controls, and remove restrictions on the overall scale of development in the Precincts; and

(ii) Delete all special character notations in the City Centre zone, and in the Precincts in particular, that are not assessed to be essential in the context of the NPS-UD and Enabling Act.

Related changes required to realise intensification

Changes required to Activity Tables

(q) The provisions governing the Precincts contain a series of constraints on development that reflect expectations held approximately 15-20 years ago by Auckland City Council regarding the development of what was then an industrial area close to the CBD. Those constraints include limits on the types of activities that may occur in the Precincts.

(r) The NPS-UD embodies different expectations regarding the appropriate intensity and form of development in such areas. Merely increasing the bulk and location of buildings that may be constructed on sites in the Precincts will not realise those expectations because the constraints inherent in the Unitary Plan provisions governing the Precincts will in practice prevent development being undertaken. For example, additional bulk and location will only be able to be realised if those structures can be occupied by activities suited to that location (e.g.: residential and commercial).

(s) Accordingly, the activity tables relating to the Precincts need to be amended to ensure that landowners and occupiers can realise the expectation set out in the NPS-UD. Those changes are inherent to Council's ability to give effect to the NPS UDP as required under RMA.

Sunlight Admission to Victoria Park

(t) PC 78 amends Appendix 11 Business – City Centre Zone Sunlight Admission into Public Places. Figure 10: Admission of Sunlight to Victoria Park is proposed to state, "*Apart from shadows from existing buildings and motorway viaduct, sunlight required on this area. All year. Time: all day*."

(u) That is an overly stringent, unreasonable, unnecessary and inappropriate constraint on development in the vicinity of Victoria Park.

(v) Victoria Park is a large public space in the core of the Auckland urban area with wide road reserves around its edges on all sides, as a consequence of which significant parts of the Park will be able to receive extensive sunlight during daylight hours regardless of whether buildings are constructed in accordance with the bulk and location provisions proposed by the Submitter.

(w) The proposed rule governing sunlight access to Victoria Park is contrary to and fails to give effect to the NPS-UD and in particular Policy 3.

Car-parking Ratios

(x) The Precincts both contain provisions that specify maximum car parking ratios for activities. Such standards serve a constructive and practical purpose for activities that provide employment and can generate commuter traffic (e.g.: offices). The Submitter considers that such provisions are unnecessary with respect to residential activities and can generate unintended adverse consequences, by effectively penalising potential residents who have their own vehicles and who would otherwise live in the City Centre, but instead will need to live in areas remote from the City Centre and, as a consequence, increase their private vehicular travel and contribute to traffic congestion.

(y) Traffic generation is not an inevitable consequence of vehicle ownership, including in particular multiple vehicle ownership. Potential residents of the Precincts may own private vehicles for specific purposes but otherwise make use of the transportation efficiency inherent in residing in the City Centre, given its proximity to employment, retail, commercial services, and entertainment.

(z) PC 78 should increase opportunities for residential accommodation in the Precincts but for that opportunity to be realised most efficiently, it must be available and attractive to all potential residents, and not artificially and unnecessarily discourage them.

Underlying City Centre zone provisions

(aa) PC 78 proposes significant changes to the provisions governing the City Centre zone, of which the Precincts form a part.

(bb) The Submitter supports those changes to the City Centre zone including in particular:

(i) The significant reduction in overall and site or area specific height standards; and

(ii) The deletion of site intensity (FAR) and bonus provisions.

Non-statutory coastal inundation layer

(cc) PC 78 incorporates into the PC 78 map viewer a notation in respect of a new Coastal Inundation information layer. The notation is not linked to any rule and is not required or enabled by either the NPS-UD or the Enabling Act.

(dd) The Council cannot lawfully introduce the coastal inundation layer to the Unitary Plan via PC 78 and accordingly will need to initiate a separate plan change under RMA in order to do so.

(ee) In any event, the proposed coastal inundation layer is unnecessary, undesirable and inappropriate:

(i) The layer implies that Council has concerns regarding the appropriateness of additional development across significant areas of the existing urban development (e.g.: the City Centre, along Tamaki Drive and in the East Coast Bays).

(ii) Given the existing intensity of development in those areas and the central location that they commonly occupy, it is likely that Council will manage (e.g.: through sea walls) the potential adverse effects of sea level rise and increased flooding in those areas rather than rely on techniques such as managed retreat.

(iii) PC 78 most notably enables increased building height. Provided new buildings are constructed appropriately at ground and basement level, additional height will not generate additional risk from inundation or flooding events. Accordingly, these are areas in which the social, economic and transportation benefits of additional intensification will outweigh the potential costs in respect of inundation.

4. The Submitter seeks the following relief with regard to PC 78:

(a) Deletion of all provisions governing or constraining the height of development on sites in the Precincts and their replacement with:

(i) A maximum height standard applicable across both Precincts of 72.5 m; 1088.1

(ii) Site-specific maximum height standards enabling taller, marker buildings on the sites and to the heights specified on the plan attached as **Attachment 2** to this submission; 1088.2

(iii) Changes to the Precinct rules to implement height standards in accordance with (i) and (ii) above; and

(iv) Complementary changes to the height standards on the parts of the Wynyard Precinct not addressed in **Attachment 2**, being the land on the northern part of the Precinct, to the extent that such changes are considered appropriate by Council and acceptable to the owners and occupiers of that land. 1088.3

(b) If the relief sought in (a) above is not granted, deletion of all provisions governing or constraining the height of development on sites in the Precincts and their replacement with: 1088.4

(i) The maximum height standards specified in the plan attached as **Attachment 3** to this submission; 1088.5

(ii) Changes to the Precinct rules to implement height standards in accordance with (i) above; and 1088.6

(iii) Complementary changes to the height standards on the parts of the Wynyard Precinct not addressed in **Attachment 3**, being the land on

the northern part of the Precinct, to the extent that such changes are considered appropriate by Council and acceptable to the owners and occupiers of that land.

(c) Deletion of all provisions governing or constraining the intensity of development on sites in the Precincts, including standards and requirements regarding maximum floor area ratios (FAR), related Precinct Plans, requirements for resource consent to exceed such standards, matters of discretion and criteria for assessment. By way of example, but not limitation, Standard I214.6.7 and related Precinct Plans in the Wynyard Precinct will require deletion. 1088.7 1088.8

(d) Deletion of all provisions governing or constraining the overall scale / extent of development within the Wynyard Precinct, including standards and requirements regarding maximum gross floor area (GFA), related Precinct Plans, requirements for resource consent to exceed such standards, matters of discretion and criteria for assessment. By way of example, but not limitation, Standard I214.6.2 and related Precinct Plans in the Wynyard Precinct will require deletion. 1088.9

(e) Replacement of item (A8) in Table I211.4.1 - Activity Table in the Viaduct Harbour Precinct, which currently reads (for land):

"*Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities on the ground floor of an existing building within Area A of Subprecinct C - RD*" 1088.10

with a new item (A8), reading:

"*Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities within Area A of Subprecinct C – P*"

(f) Amendments to Table 1214.4.1 - Activity Table in the Wynyard Precinct as follows:

(i) Provide for dwellings or visitor accommodation in Sub-precinct C as a permitted activity (in place of the current non-complying status – see item (A1)). 1088.11

(ii) Provide for all offices of any scale and total area throughout Sub-precincts A, B and C as a permitted activity (in place of the current mix of activity statuses – see, for example, items (A4), (A23), (A34)).

(iii) Provide for all food and beverage of any scale and total area throughout Sub-precincts A, B and C as a permitted activity (in place of the current mix of activity statuses – see, for example, items (A14), (A15)). 1088.11

(iv) Provide for marine and port activities throughout Sub-precincts A, B and C as a permitted activity (in place of the current mix of activity statuses – see item (A19)).

(v) Provide for all retail up to 1,000 m^2 gross floor area throughout Sub-precinct C as a permitted activity (in place of the current non-complying status – see item (A28)).

(vi) Provide for commercial services in Sub-precinct C as a permitted activity (in place of the current non-complying status – see item (A31)).

(g) Deletion of the proposed additional sunlight admission control over Victoria Park. 1088.12

(h) Deletion of the maximum car parking ratios:

(i) In the Viaduct Harbour Precinct, set out in Table I211.6.2.1 for dwellings (varying between .7 and 1.7 spaces per dwelling). 1088.13

(ii) In the Wynyard Precinct, set out in Table I214.6.1.1 for dwellings (one space per 80 m² GFA) and visitor accommodation (one space per 200 m² GFA). 1088.14

(i) With regard to the City Centre zone, the Submitter supports and seeks implementation of the proposed: 1088.15

(i) Increases to height standards; and

(ii) Deletions of site intensity (FAR) and bonus provisions. 1088.16

(j) Deletion of all special character notations in the City Centre zone, and in the Precincts in particular, that are not assessed to be essential in the context of the NPS-UD and Enabling Act. 1088.17 1088.18 1088.22

(k) Deletion from the Unitary Plan and maps in its entirety of the proposed new Coastal Inundation information layer. 1088.19 1088.20

(l) Any other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

5. The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at the hearing.

6. **Attached** to this submission are the following documents:

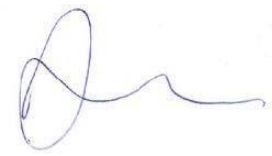
(a) **Attachment 1** – Map showing the Submitter's fee simple land holdings in the Viaduct Harbour Precinct and the Wynyard Precinct.

(b) **Attachment 2** – Map showing the locations and height standards applying to marker buildings in accordance with the relief sought in paragraph 4(a)(ii).

(c) **Attachment 3** – Map showing the height standards applying throughout the Precincts in accordance with the alternative relief sought in paragraph 4(b)(i) above.

DATED this 28th day of September 2022

Viaduct Harbour Holdings Limited by its solicitors and duly authorised agents, Ellis Gould

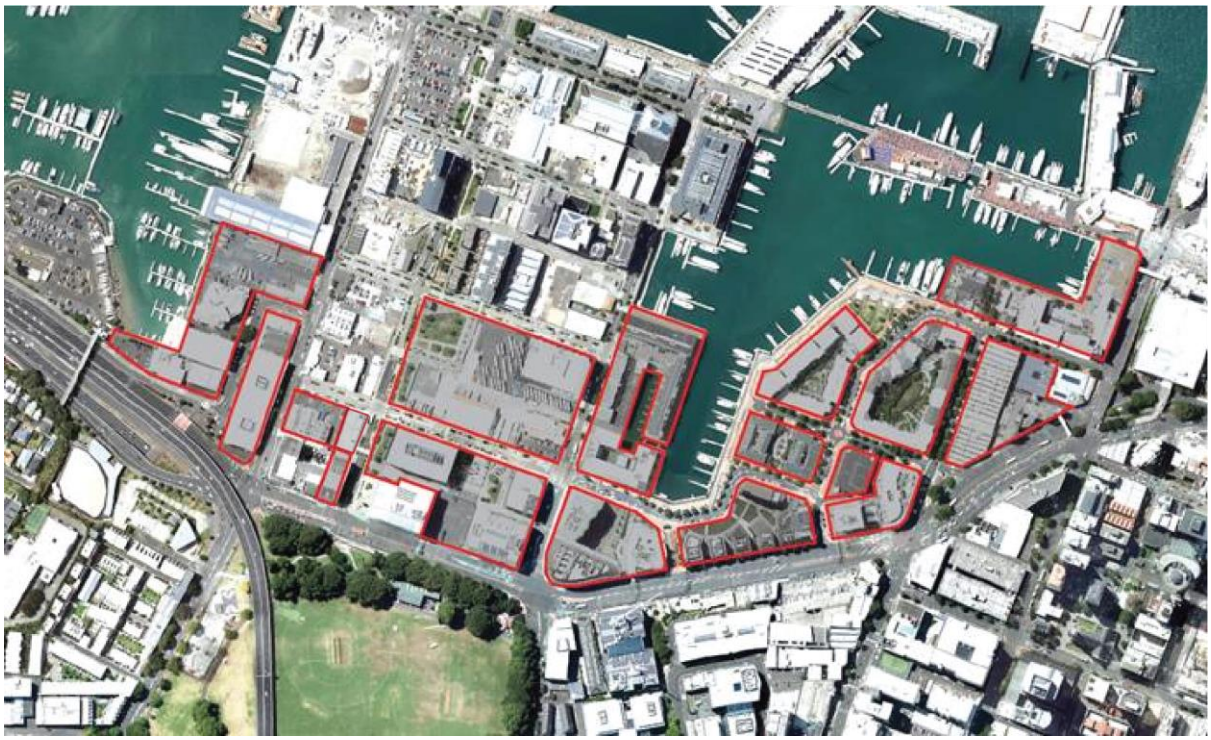


D A Allan / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention**: Douglas Allan (021 680 562) / Alex Devine (021 2468-950). Email: dallan@ellisgould.co.nz / adevine@ellisgould.co.nz

Attachment 1

Map showing the Submitter's fee simple land holdings in the Viaduct Harbour Precinct and the Wynyard Precinct



Attachment 2

Map showing the locations and height standards applying to marker buildings in accordance with the relief sought in paragraph 4(a)(ii).

Attachment 3

Map showing the height standards applying throughout the Precincts in accordance with the relief sought in paragraph 4(b)(i) above

SUBMISSION ON PLAN CHANGE 78: INTENSIFICATION TO THE AUCKLAND UNITARY PLAN – OPERATIVE IN PART

Clause 6 of Schedule 1 of the Resource Management Act 1991

Viaduct Harbour Holdings Limited
Submission 2 - Infrastructure

To: Auckland Council
unitaryplan@aucklandcouncil.govt.nz

Viaduct Harbour Holdings Limited at the address for service set out below ("**the Submitter**") makes the following submission in relation to Plan Change 78: Intensification ("**PC 78**") to the Auckland Unitary Plan ("**Unitary Plan**").

1. The Submitter could not gain an advantage in trade competition through this submission.

2. The submission relates to the failure of PC 78 as notified to address adequately the implications for infrastructural capacity of the level and distribution of intensification proposed.

3. The reasons for the submission are as follows:

   (a) Unless the relief sought in this submission is granted, PC 78 will:

      (i) Not give effect to the NPS – Urban Development 2020 ("**NPS-UD**");

      (ii) Not comply with the Council's obligations under the Resource Management Act 1991 ("**RMA**") as amended by the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021 ("**Enabling Act**");

      (iii) Not promote the sustainable management of natural and physical resources;

      (iv) Not amount to and promote the efficient use and development of resources;

      (v) Be otherwise inconsistent with the purpose and principles in Part 2 RMA; and

(vi) Be inappropriate in terms of section 32 RMA.

(b) To achieve the purpose of the RMA, comply with the content of the Enabling Act and give effect to the NPS-UD, PC 78 must:

(i) Take appropriate account of the implications of existing limitations in infrastructure capacity in Auckland;

(ii) Incorporate those infrastructure capacity limitations as a qualifying matter; and

(iii) Place limitations on development that would consume existing infrastructure capacity in a manner that would compromise intensification in centres.

In particular, but without derogating from the generality of the above:

(c) Infrastructure services in Auckland (e.g.: water supply, wastewater reticulation, stormwater management measures and public open space) have insufficient capacity to cater for the level of intensification that is currently enabled under the Unitary Plan.

(d) PC 78 enables significant increases in development opportunities throughout Auckland. There is no realistic prospect that the existing infrastructure will have sufficient capacity to cater for that expanded level of intensification.

(e) PC 78 alters the locations within the city in which intensification is enabled and expected:

(i) The NPS-UD and the regional policy statement ("**RPS**") provisions in the Unitary Plan prioritise development in centres, consistent with the purpose and principles of the RMA.

(ii) The current RPS and district plan provisions in the Unitary Plan promote and enable intensification in and around centres and along corridors.

(iii) PC 78 appropriately provides for increases in height and intensity of development in and immediately adjacent to centres, particularly within walkable catchments.

(iv) In contrast, PC 78 promotes the dissipation of development throughout the urban areas of Auckland:

- PC 78 markedly increases the extent of THAB zoned land and thus enables intensification throughout extensive areas of land remote from centres.

- The Medium Density Residential Standards ("**MDRS**") introduced through the Enabling Act and PC 78 enable intensification, as of right, throughout most of the residential areas of the city including on the periphery of the urban areas.

(f) As a consequence, there is a mismatch between development expectations implied by the zonings proposed in PC 78 and the limited infrastructural capacity that will, in practice, prevent much of that zoned development occurring. Given that the Unitary Plan provisions are enabling, there is no ability to predict where such development will occur. That mismatch removes any realistic prospect that infrastructure providers will be able to fund or implement the improvements in capacity required throughout the city to enable the proposed THAB zonings and MDRS to be realised without constraining development in centres.

(g) The legislative and regulatory framework requires the coordination of growth and infrastructure provision:

(i) Section 75(3) requires the Unitary Plan to "*give effect to*" the NPS-UD and the RPS.

(ii) The NPS-UD (e.g.: Objective 6(a) and (b); Part 3.4(3); Part 3.5; Part 3.12; Part 3.13(b) and (c); and Part 3.14) requires the co-ordination of growth and infrastructure.

(iii) PC 78 does not provide for such co-ordination and thus fails to give effect to the NPS-UD.

(h) Infrastructure provision has been identified as a qualifying factor in PC 78 but only with respect to limited matters. Additional recognition of the implications of infrastructure capacity constraints is required:

(i) In the absence of adequate and appropriate recognition of existing

infrastructure capacity constraints in PC 78, access to that existing capacity will be determined on a first-in first-served basis.

(ii) In the absence of provisions that prioritise development around centres and corridors, there is a risk that available infrastructural capacity will be taken up disproportionately by peripheral development (e.g.: MDRS development throughout the city or THAB development on the periphery of walkable catchments). That could severely compromise and constrain the ability for intensification in and immediately adjacent to centres and transport nodes, which would be contrary to the growth strategy in both the NPS-UD and the RPS.

4. The Submitter seeks the following relief with regard to PC 78:

(a) That infrastructure capacity constraints be recognised as a qualifying matter that constrains the extent to which intensification may occur outside existing City Centre, Metropolitan Centre, Town Centre and Local Centre zones, in order: 1088.21

(i) To prioritise development in centres in accordance with the NPS-UD and the RPS, to which the Unitary Plan must give effect; and

(ii) To address the issues raised in this submission.

(b) By way of example, but not by way of limitation, the relief sought in (a) above could be accomplished by:

(i) *Reducing the extent of land subject to the MDRS and to be zoned THAB* - Under this approach, additional development opportunities would be focused in and around centres.

(ii) *Introducing conditional rezonings, whereby additional development opportunities will only be available once infrastructure is in place to provide the services necessary to cater for the additional demand that will be generated* - This approach would involve the identified zonings becoming operative in effect only once infrastructure necessary to cater for that growth is in place.

(iii) *Implementation of an additional standard regarding "Infrastructure Capacity" for areas outside City Centre, Metropolitan Centre, Town*

Centre and Local Centre zoned areas - This standard would specify that on land that, prior to PC 78, was zoned Single House, Mixed Housing Suburban or Mixed Housing Urban, development may only occur in accordance with:

- Urban rezonings (e.g.: to Mixed Housing Urban or THAB); or
- The MDRS

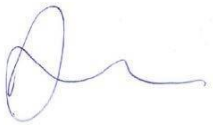
if the relevant infrastructure providers (e.g.: Watercare Services Limited and the Healthy Waters division of Council) certify that, with the proposed new development in place, sufficient infrastructural capacity will be retained to accommodate intensification in accordance with the maximum building envelope enabled in City Centre, Metropolitan Centre, Town Centre and Local Centre zoned areas that share that infrastructure capacity with the subject site.

(c) Any other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

5. The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at the hearing.

DATED this 28th day of September 2022

Viaduct Harbour Holdings Limited by its solicitors and duly authorised agents, Ellis Gould



D A Allan / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention**: Douglas Allan (021 680 562) / Alex Devine (021 2468-950). Email: dallan@ellisgould.co.nz / adevine@ellisgould.co.nz

George Bramer

From: Milan Covic <milan.covic@ckl.co.nz>
Sent: Thursday, 29 September 2022 2:08 pm
To: Unitary Plan
Subject: [#CKL A21412] PC78 Submission - 38 Aldred Road
Attachments: pc-78-form-5-notification.pdf; A21412-RC-LUC-PC78 Submission.pdf

Hi there,

Please find attached Form 5 for PC78, and a copy of our submission for 38 Aldred Road on behalf of Steven and Shirley Wang.

Regards,

Milan Covic
Intermediate Planner-MDHM BSc Assoc.NZPI
DDI +6472612085 | P 07 849 9921 | M 0278805436 | milan.covic@ckl.co.nz
58 Church Road, PO Box 171, Hamilton, 3240 | www.ckl.co.nz

Planning | Surveying | Engineering | Environmental

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Milan Covic - CKL NZ Ltd, on behalf of Steven & Shirley Wang

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

Address for service of Submitter

38 Aldred Road, Remuera, Auckland

Telephone: 278805436 Fax/Email: milan.covic@ckl.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Rules H5.4.1(A2A) & H5.4.1(A2B), Standards H5.6.3B & H5.6.10(2)

Or

Property Address:

Or

Map:

Or

Other *(specify)*

The introduction of Notable Trees, Flood Plains, Regionally Significant Maunga Viewshaft, Infrastructure - Combined Wastewater Network Control as Qualifying Matters

The introduction of Notable Trees, Flood Plains, Regionally Significant Maunga Viewshaft, Infrastructure - Combined Wastewater Network Control as Qualifying Matters

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:

The introduced qualifying matters do not give effect to Section 77I, and neither do Standards H5.6.3B & 10(2).

Refer to additional sheet for comment on Rules H5.4.1(A2A) & (A2B)

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation	☐
Accept the proposed plan change / variation with amendments as outlined below	☒
Decline the proposed plan change / variation	☐
If the proposed plan change / variation is not declined, then amend it as outlined below.	☐

I wish to be heard in support of my submission	☐
I do not wish to be heard in support of my submission	☐
If others make a similar submission, I will consider presenting a joint case with them at a hearing	☒

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

09/29/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Planning | Surveying | Engineering | Environmental

29 September 2022

CKL Job No: A21412

Auckland Council
Plans & Places Team

By email: unitaryplan@aucklandcouncil.govt.nz

Submission to Auckland Council's Plan Change 78: Intensification as it relates to 38 Aldred Road, Remuera, Auckland, 1050.

This is a submission prepared on behalf of Steven and Shirley Wang, the owners of the property at 38 Aldred Road, Remuera. It is requested to:

1. Delete Rule H5.4.1(A2A). | 1090.1
2. Delete Rule H5.4.1(A2B). | 1090.2
3. Delete Standard H5.6.10(2)(a). | 1090.3
4. Delete Standard H5.6.10(2)(b). | 1090.4
5. Delete Standard H5.6.10(2)(c). | 1090.5
6. Delete Standard H5.6.3B. | 1090.6
7. Remove the Regionally Significant Maunga Viewshaft height restrictions as a qualifying matter where they are above the relevant maximum height standard. | 1090.7
8. Remove the Notable Trees Overlay from the list of Qualifying Matters. | 1090.8
9. Remove the Flood Plain Overlay from the list of Qualifying Matters. | 1090.9

The property details are summarised as follows:

SITE LOCATION	38 Aldred Road, Remuera
LEGAL DESCRIPTION	Lot 6 DP 18117
SITE AREA	1,114m^2
EXISING DEVELOPMENT	Single dwelling and attached garage
EXISTING ZONING & OVERLAYS (UNITARY PLAN)	Residential – Single House Zone Macroinvertebrate Community Index Special Character Overlay – Residential Notable Tree Regionally Significant Volcanic Viewshafts Significant Ecological Areas Overlay (SEA) Flood Plain

PROPOSED ZONING, OVERLAYS AND QUALIFYING MATTERS (PC78)	Residential – Mixed Housing Urban Zone (MHU)
	Significant Ecological Areas Overlay Notable Trees Overlay Flood Plains Infrastructure – Combined Wastewater Network Control Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay

1. Introduction

The site subject to this submission is 38 Aldred Road, Remuera. The site currently contains a single dwelling and two vehicle accesses onto Aldred Road. The site has a levelled platform at the front of the site for the dwelling although the road itself has a steep slope. The site slopes downward from the dwelling where it contains a riparian margin to an unnamed stream to the south of the site. Large trees are present in this area. A reticulated wastewater pipe runs across the middle of the site while the reticulated water supply and stormwater networks are accessible from the reticulated water supply and stormwater networks are accessible from Aldred Road. The natural characteristics and constraints of the site will effectively inform what scale of development is appropriate.

Under the Auckland Unitary Plan (Operative in Part) (AUP(OiP) the site is in the Residential – Single House Zone with a Special Character Overlay – Residential (SCAR). Under Plan Change 78 (PC78), the character overlay has been removed and the zoning changed to Residential Mixed Housing Urban (MHU). Four existing policy overlays - Significant Ecological Area (SEA), Notable Tree, Flood Plain, and Regionally Significant Volcanic/Maunga Viewshaft - have been retained and elevated to Qualifying Matters with additional rules related to sites containing the SEA overlay. A new policy overlay, Infrastructure – Combined Wastewater Network Control, has also been introduced for the site as a Qualifying Matter.

While the upzoning to MHU and uplift of the SCAR Overlay is welcomed, the additional qualifying matters and associated restrictions do not give effect to Section 77I of the RMA. Chapter E15 (Vegetation management and biodiversity) already has a Controlled Activity status for vegetation clearance of an SEA for a dwelling, as well as a 300m^2 maximum restriction for associated vegetation clearance. PC78 duplicate these rules and introduces proposes additional density restrictions. The other qualifying matters and rules are inappropriately introduced in this plan change where they do not directly relate to the density standards of Schedule 3A (Density Standards) as instructed under Section 77I.

It is submitted that these are deleted in their entirety as they seek to either extend or duplicate existing provisions of the AUP(OiP) and are contrary to the intent of the government's intensification instruments.

2. Delete Rule H5.4.1(A2A)

Proposed Rule H5.4.1(A2A) imposes a Controlled Activity status for the construction of a dwelling on a site containing a SEA - even if no works take place within this overlay. Matters of Control relate to mitigating the adverse effects on ecological values for the SEA. This is contrary to the outcome sought by both the underlying zoning that would provide for at least one dwelling plus any minor dwellings or accessory buildings and the proposed zoning which should allow up to three dwellings as of right subject to compliance with relevant standards.

This rule also contains a provision requiring compliance with existing Rule E15.4.2(A29) and Standard E15.6.5 of the AUP(OiP) with no changes proposed under PC78. Failure to comply with these provisions means the activity is unable to comply with Rule H5.4.1(A2A) and is therefore Non-Complying Activity by default under H5.4.1(A1). This is in addition to the activity status (up to Restricted Discretionary Activity) imposed through Chapter E15 (Vegetation management and biodiversity) provisions.

The Section 32 analysis justifies this rule with the following:

> *Development is enabled on sites with significant ecological areas located within them where the development provides for the protection and management of the significant ecological values. The requirement is that all proposed buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.*
>
> *…*
>
> *Under E15.6.5. Vegetation alteration or removal within a significant ecological area provides as a controlled activity for up to per site up to 300 metres^2 for a building platform and access way for a dwelling. It is proposed this is retained in essence but change to a "single" building platform only. When also including assess, driveway and parking considerations this can be much more if the identified SEA-T is removed as part of the consent.*

The s32 analysis concludes that this restriction will result in 0.7% of MHU sites being affected.

It is considered that this rule imposes an unnecessary burden to development of the site outside of the SEA and we submit that it be deleted in its entirety accordingly. Rule H5.4.1(A2A) would extend development restrictions across the whole site without going through the same extensive process as in the Proposed Auckland Unitary Plan (PAUP) to accurately investigate and map out the areas of ecological significance and where ecological values would be vulnerable to inappropriate development.

These rules would introduce SEA restrictions based on property boundaries, which are arbitrary in an ecological context. This is considered an unreasonable approach given that these restrictions would not apply to sites such as 77-83 Portland Road and 28-30 Aldred Road, which have boundaries directly abutting the SEA and where dwelling(s) could be constructed close to an SEA without being subject to this rule as the sites themselves do not contain any part of this feature. This rule therefore results in an unfair restriction on sites containing an SEA that is not applied consistently to other activities also in close proximity to the SEA.

Chapter E15 already has robust restrictions in place to protect SEAs from inappropriate development. These appropriately went through the Schedule 1 process for the PAUP. This includes the construction of a dwelling as a Controlled Activity only where vegetation in the SEA is required to be cleared, and vegetation clearance over 300m^2 as a Restricted Discretionary Activity. The introduction of Rule H5.4.1(A2A) (as well as the requirement for compliance with Rule E15.4.2(A29) and Standard E15.6.5) unnecessarily goes over and above the outcomes sought within the existing rules of the AUP(OiP) without robust justification on ecological grounds. Failure to comply with Rule E15.4.2(A29) and Standard E15.6.5 would make the construction of a dwelling a Non-Complying Activity under H5.4.1(A1) despite these rules having no higher than Restricted Discretionary Activity status prescribed in Chapter E15 for failure to comply. This is in an inefficient administration to the district plan which has not been addressed in the plan change's Section 32 analysis and one which we suspect is not intended.

In summary, it is submitted that H5.4.1(A2A) is deleted in its entirety. This rule is an attempt to make development more stringent for activities near SEAs that only results in an inconsistent and inefficient administration of the AUP(OiP). It also goes beyond the scope of what's required of this plan change in terms of Governments intent as the provisions in Chapter E15 already provide suitable protections for SEAs from inappropriate development. The s32 analysis provides insufficient justification for how development outside of an SEA, but within the same site could compromise ecological values.

3. <u>Delete Rule H5.4.1(A2B)</u>

Rule H5.4.1(A2B) provides for two or more dwellings as a Discretionary Activity. There are no additional Chapter E15 rules to be complied with, although there is reference to Standards E15.4.2(A43) and E15.6.5.

The density standards brought about by the MDRS intend to provide three dwellings per site as permitted. As discussed above, this could be possible for sites such as 77-83 Portland Road and 28-30 Aldred Road, that contain no SEAs, but not for 38 Aldred Road even though in reality, due to site constraints, these would likely be built further away than existing and permitted development on these other sites. As with Rule H5.4.1(A2A), this rule extends development restrictions up to arbitrary site boundaries without a consistent justification and not supported by the s32 report.

The s32 analysis has no reference at all to this rule, making it unclear how it gives effect to Policy B7.2 of the Auckland Regional Policy Statement or Section 6(c) or the RMA. The Density Standards require the provision for construction of up to three dwellings to be enabled, and protections of this level of development from adverse ecological effects are sufficiently provided for in Chapter E15.

There is little clarification on how this level of building intensity outside of the SEA overlay, but within the same property would be an inappropriate use of land. The s32 analysis does not detail what adverse effects there are with more than one dwelling on the site outside of the SEA in comparison to two or three dwellings that are also outside the SEA but compliant with all other density standards. The s32 analysis offers no reasoning for assigning the Discretionary Activity status where the sole concern associated with this rule are the ecological effects. As Standards E15.4.2(A43) and E15.6.5

have adequate provisions in Chapter E15 with activity statuses, there is no value in referring to them here.

In summary, it is submitted that Rule H5.4.1(A2B) is deleted in its entirety. The Section 32 analysis does not justify introducing this rule, and there is insufficient reasoning to restrict up to three dwellings outside of a SEA as it relates to both built form and this intensity of development.

4. Delete Standard H5.6.10(2)(a)

Standard H5.6.10(2)(a) imposes a 50% maximum building coverage restriction across the entirety of sites containing an SEA overlay. This standard is effectively the same as H5.6.10(1) which imposes a 50% maximum building coverage restriction across the entire site regardless of whether or not they contain a SEA.

It is submitted that H5.6.10(2)(a) be deleted as it is a redundant and duplicated restriction on the site. A 50% site-wide coverage restriction is proposed in standard H5.6.10(1) which gives effect to the Density Standards.

5. Delete Standard H5.6.10(2)(b)

Standard H5.6.10(2)(b) is a restriction on building coverage within 3m of any vegetation within a SEA. Although listed under the building coverage section, this is effectively a setback/yard restriction as it specifies the minimum distance a building can be from an object rather than the ground cover it can occupy. This rule also effectively expands the size of SEAs without formally doing so. These were mapped out extensively through introducing Chapter E15 of the PAUP, including identifying areas near vegetation of ecological significance where it would be inappropriate for use and development to take place.

Section 77I provides for qualifying matters to be introduced where the extent of development provided for under the Density Standards would be inappropriate with respect to the qualifying matters referred to in that section. The Section 32 analysis of this rule does not provide a connection between this rule and the coverage density standard, particularly as it doesn't relate to the coverage of buildings. It is therefore inappropriate to introduce this Standard through PC78.

It is therefore submitted to delete Standard H5.6.10(2)(b) as it is not within the scope of rules enabled for qualifying matters under Section 77I. Sufficient controls on building in or near SEAs are provided for in Chapter E15, and any attempt to extend those restrictions should be through a Schedule 1 plan change rather than introduced as a qualifying matter.

6. Delete Standard H5.6.10(2)(c)

H5.6.10(2)(c) is a restriction on any building coverage within a SEA. This standard also does not refer directly to the site-wide building coverage density standard. For similar reasons as discussed above, it is submitted that this rule be deleted as it does not give effect to the intent of qualifying matters as specified in Section 77I. It does not relate to development enabled by the density standards, and the rules in Chapter E15 of the AUP(OiP) already included restrictions on the construction of dwellings and associated removal of vegetation with respect to SEAs.

7. Delete Standard H5.6.3B

Standard H5.6.3B is a new standard for this zone, and it requires dwellings to be connected to a separated local stormwater network where it could otherwise be served by the combined network. As this rule does not relate to making any of the Density Standards less enabling, it is not appropriate to be introduced as a qualifying matter through Section 77I. In addition, sufficient servicing for development is required as part of both building and resource consent processes. Council policies and bylaws are in place to ensure that dwellings have sufficient services for wastewater and stormwater including provisions to restrict inappropriately serviced development. For these reasons, it is submitted that this standard adds an unnecessary barrier to development and be deleted in its entirety as it does not give effect to Section 77I and otherwise prevents the density rules from having immediate legal effect.

8. Remove the Regionally Significant Maunga Viewshaft height restrictions as a qualifying matter where they are above the relevant maximum height standard

The site is subject to a Regionally Significant Maunga Viewshaft which is proposed as a Qualifying Matter. The existing height restriction of the viewshaft ranges from 61.5m to 72.5m above ground level of 38 Aldred Road. The building height Density Standard allows for up to 12m building height as permitted which is introduced in Standard H5.6.4(1). This is significantly below the Maunga Viewshaft's height restriction. Although Section 77I allows for additional height restrictions, these are only provided where they are less enabling than the maximum height density standard.

It is submitted that Regionally Significant Viewshafts be removed as a qualifying matter where they are above a site's 12m maximum height restriction as it does not give effect to Section 77I and otherwise prevents the density rules from having immediate legal effect. The standards of Chapter D14 of the AUP(OiP) otherwise offer sufficient height restrictions to preserve views of regionally significant maunga.

9. Remove Notable Trees as a Qualifying Matter

The site contains a Notable Tree that is subject to the Chapter D13 (Natural Heritage – Notable Trees) rules of the AUP(OiP). Notable Trees have been introduced as a Qualifying Matter through PC78. However, there have been no changes to the rules and standards for Notable trees - either as a qualifying matter, or to make the rules of the density standards less enabling.

It should also be noted that Auckland Council initially refrained from introducing notable trees as a qualifying matter in their preliminary response to the MDRS as the current rules were considered sufficient to protect these trees. As there are no new or changed rules for Notable Trees, it appears that council has retained this opinion while conflictingly considering them a qualifying matter.

It is therefore submitted to remove Notable Trees as a qualifying matter as it does not give effect to Section 77I and otherwise prevents the density rules from having immediate legal effect.

10. Remove Flood Plains as a Qualifying Matter

The site contains a Flood Plain that is subject to the Chapter E36 (Environmental Risk – Natural Hazards and Flooding) rules of the AUP(OiP). Flood Plains have been introduced as a Qualifying Matter through

Section 77I, however there have been no additional rules proposed that relate to the development enabled through Schedule 3A. It is submitted to remove Flood Plains as a qualifying matter as it does not give effect to Section 77I and otherwise prevents the density rules from having immediate legal effect.

11. Conclusion

While we appreciate the proactive steps that Auckland Council is taking to protect significant ecological areas and balance this with the requirements of the NPS-UD, the proposed changes to the Mixed Housing Urban Zone with respect to SEAs provide additional and unnecessary restrictions that demonstrate an inefficient administration of the unitary plan.

Sufficient provisions to protect SEAs from inappropriate use and development are provided for in Chapter E15 of the AUP(OiP), and it is not appropriate for the rules proposed in PC78 to go over and above these. This is especially true where there is insufficient s32 analysis to support this. In addition, the proposed rules and qualifying matters do not give effect to Section 77I of the RMA as they do not relate to the density standards introduced in Schedule 3A.

It is proposed to delete these rules where they unnecessarily restrict appropriate development. It is also proposed to delete rules that do not give effect to Section 77I.

We appreciate your careful consideration of the Council's approach and the implications on this site.

Yours sincerely,

Milan Covic
Intermediate Planner

Daniel Brown
Planning Manager

George Bramer

From: James Hook <James.Hook@envivo.nz>
Sent: Thursday, 29 September 2022 12:14 pm
To: Unitary Plan
Subject: PC78 Submission - Building Investments Limited
Attachments: FORM 5 - PC78 Submission - Building Investments Limited - Zoning .pdf

Good afternoon

Please find attached the submission of Building Investments Limited on PC78.

Kind regards

envivo

James Hook
Principal Planner
Director
BSurv MRRP(Dist) MNZPI

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FORM 5: SUBMISSION ON A NOTIFIED PROPOSED PLAN CHANGE UNDER CLAUSE 6 OF SCHEDULE 1 RESOURCE MANAGEMENT ACT 1991 (RMA)

AUCKLAND UNITARY PLAN
PROPOSED PLAN CHANGE 78 – INTENSIFICATION

TO: Auckland Council (unitaryplan@aucklandcouncil.govt.nz)

NAME OF SUBMITTER: Building Investments Limited

SUBMISSION ON: Proposed Plan Change 78 to the Auckland Unitary Plan (operative in part) Intensification Plan Change

Submitter Details:

Building Investments Limited
c/- James Hook, Planning Consultant, Envivo Limited
PO Box 109 207, Newmarket, Auckland
E: james.hook@envivo.nz
Ph: +64 9 638 2601/ +64 21 444313

The Submitter owns land at 22 Willow Avenue (733m², Lot 16 DP 50281) that is directly affected by the Plan Change 78 (PC78) via identification of the Submitter's land as being within a qualifying area (SEA - Terrestrial).

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

The specific provisions of PC78 that this submission relates to are:

a) The adoption and application of "SEA-Terrestrial" as a qualifying matter.
b) The application of "SEA-Terrestrial" as a qualifying matter in respect of the Council's decision on the zoning of land of properties in Glenwood Avenue, Mahara Avenue and Willow Avenue, Birkenhead.
c) The proposed zoning of the submitters' property at 22 Willow Avenue, Birkenhead.

The Submission is:

a) Application of "SEA-Terrestrial" as a qualifying matter

Areas identified as Significant Ecological Areas- Terrestrial (SEA-T) has been included in PC78 as a qualifying matter when determining the spatial allocation of zoning under PC78.

The zoning of land under PC78 has been determined by whether the specific property includes land subject to an SEA-T overlay as recorded in Auckland Council's GIS system. It is noted that the majority of SEA areas have been plotted from aerial photography and have not been verified by on ground ecological evaluation and spatial survey.

The approach of zoning to sites subject to an SEA-T has not been applied logically and consistently across the planning maps and is inconsistent with the approach under the Auckland Unitary Plan: Operative in Part (AUP:OP) which applies the SEA as an overlay (with specific provisions that apply within the overly) and is not determinant of the zoning of the subject land.

b) The application of "SEA-Terrestrial" as a qualifying matter in respect of the zoning applied to land adjoining SEA_T_8161 at Glenwood Avenue, Mahara Avenue and Willow Avenue, Birkenhead.

The Submitter supports the THAB zoning of land within the walkable catchment from the Centre zone. The area identified as a walkable catchment is close to and accessible from the Highbury shopping centre, is close to public transport and well serviced by stormwater, wastewater, and water infrastructure.

Land in within the walkable catchment that includes Glenwood Avenue, Mahara Avenue and Willow Avenue, Birkenhead has generally been rezoned to Terrace Housing and Apartment Building (THAB) zone from Mixed Housing Urban (MHU).

However, the THAB zone has been applied inconsistently along Willow Ave, Glenwood and Mahara Ave such that there is no clear logic or rationale as to which properties are rezoned from MHU to THAB by PC78. The THAB rezoning includes properties that:

a) front the road and have no SEA_T overlay
b) front the road and are subject to the SEA_T overlay (e.g. 10 Willow Ave and 20 Willow Ave)
c) are rear sites with no SEA_T overlay
d) are rear sites subject to an SEA_T overlay

Figure 1: Zoning of land – Willow Ave, Birkenhead

However, other properties with the same characteristics as listed in a) to d) above have been zoned MHU rather than THAB without any clear rationale or logic. Consequently, areas of land that would otherwise have been zoned THAB under PC78 have been retained as MHU zone e.g. 12, 14, 16, 18 Willow Ave, 24, 26, 28 Willow Ave and 15, 19, 21 and 23 Willow Ave.

The resultant zoning is a "patchwork", resulting in contrasting (and potentially conflicting) development rights on adjacent properties (as shown in Figure 1). The zoning allocation lacks coherence and is inconsistently applied within the same geographical area, resulting in a highly variable zoning of adjoining properties on the same street. That has the potential to result in an incompatible scale of development on adjoining properties – whereby development on a site zoned THAB is dominant over and adversely

affects the privacy, daylight, outlook and amenity of adjoining properties in the lower intensity MHU zone.

The approach is inconsistent with mapping under the AUP:OP, which generally applies a consistent zoning across a spatially defined area i.e. along the full extent of a road or across an entire urban block. The AUP:OP then applies a spatially defined overlay (i.e. SEA_T with associated planning controls) across that standardised zone. The use and development of any site subject to an overlay must consider both the zone and overlay provisions (where they apply).

The AUP appropriately confines the effects of a spatially defined overlay, which often results in supplementary planning controls being applied to a site that modify the underlying zone controls (either by restricting or enabling a greater level of development).

The Auckland Unitary Plan approach is preferred to the approach taken under PC78 (outlined above). That method applies a more targeted and equitable approach to the zoning of land, and the application of associated controls on the use and development of specific properties.

c) SEA at 22 Willow Avenue, Birkenhead

SEA is not accurately mapped and does not show the line of the native vegetation on the site.

The bush line and vegetation on the site has been surveyed by a registered surveyor and assessed by an arborist, which established that the land subject to the SEA is grass and exotic weeds.

The following photograph shows the rear of 22 Willow Ave (on the left side), which is a grassed rear lawn to the boundary fence. At ground level there is no SEA vegetation at 22 Willow Ave, apart from some canopy overhang from within the adjacent Scenic Reserve.

The right side of the photograph shows the rear of 20 Willow Ave, which has some SEA vegetation (and various weed species) that extend over the boundary.

Figure 2: Vegetation at rear of 20 and 22 Willow Ave

d) Zoning of 22 Willow Avenue, Birkenhead

PC78 applies SEA_T as a qualifying matter to 100% of the Submitters' property, even though the area identified in Council's GIS as SEA applies to only 10% (approx.) of the property at 22 Willow Ave, and that little of any of the site has SEA qualifying vegetation.

As there is no SEA_T on the majority of 22 Willow Ave, there should be no qualifying matter applied to that site. Accordingly, 22 Willow Ave should then be zoned THAB along with 20 Willow Ave (and adjacent properties).

However, if the SEA_T continues to apply as an overlay (with associated controls within that spatially defined area), there would no reason not to zone the properties subject to the SEA as THAB i.e. the same approach as at 20 Willow Avenue.

The first option would enable efficient utilisation for housing purposes of the entire site in accordance with a THAB zoning, the second option would enable efficient utilisation of approx. 650m² of the subject site that is not subject to the SEA_T overlay in accordance with Policy 3 of the National Policy Statement on Urban Development 2020.

The Submitters Seek the following decision from Council:

a) Apply THAB zoning to all properties in Willow Avenue, Glenwood Avenue and Mahara Avenue located within the walkable catchment from the Birkenhead Town/Local Centre zone (including all properties subject to an SEA_T annotation). 1094.1
or

b) If not already achieved by a) above apply the Terrace Housing and Apartment Building zone to Willow Avenue (733m², Lot 16 DP 50281). 1094.2
and

c) Remove the SEA_T as qualifying matter from 22 Willow Avenue (733m², Lot 16 DP 50281); 1094.3
or

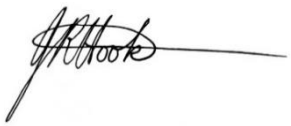
d) If not removed - retain the SEA_T as an Overlay only, subject to the existing provisions of the AUP:OP; 1094.4
and

e) Such consequential relief that is necessary to satisfy the concerns of the Submitter.

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

If others make a similar submission the Submitter would be prepared to consider presenting a joint case with them at any hearing.

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

Signature:  Date: 29 September 2022

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr Bernard Adrian Parker

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

Address for service of Submitter

40 Glenelg Road, Red Beach, 0932

Telephone: 276666963 Fax/Email: parkerb@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Qualifying Matters in regard to storm water, infrastucture and transport.

Or
Property Address:

Or
Map:

Or
Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

Please see attached submission.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Please see attached submission.

I wish to be heard in support of my submission ☒

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

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

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

09/28/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Submission of B A Parker Change Plan 78 Intensification

My submission relates to the impact of the plan on the Whangaparaoa Peninsula.

As a general comment the changes to intensification on the Peninsula are a result of a one size fits all imposition. This is not good planning and council should have pushed back against the rules.

My concerns in regard to the planned intensification are in three areas; storm water. transport and waste water.

1 Storm water.

I would like the plan to be amended to make storm water a qualifying matter in catchments where there are flood prone or flood plain areas. My own property at 40 Glenelg Road has an overland flow path that enters a sump and then travels underground. The sump and pipes are not of sufficient capacity and flooding occurs quite often. The immediate catchment is covered in bush and I am concerned that run off could increase if the bush is cleared for intensification. For this reason I believe that any property in the catchment should have to seek resource consent prior to any intensification. I have attached a map of the catchment. 1095.1

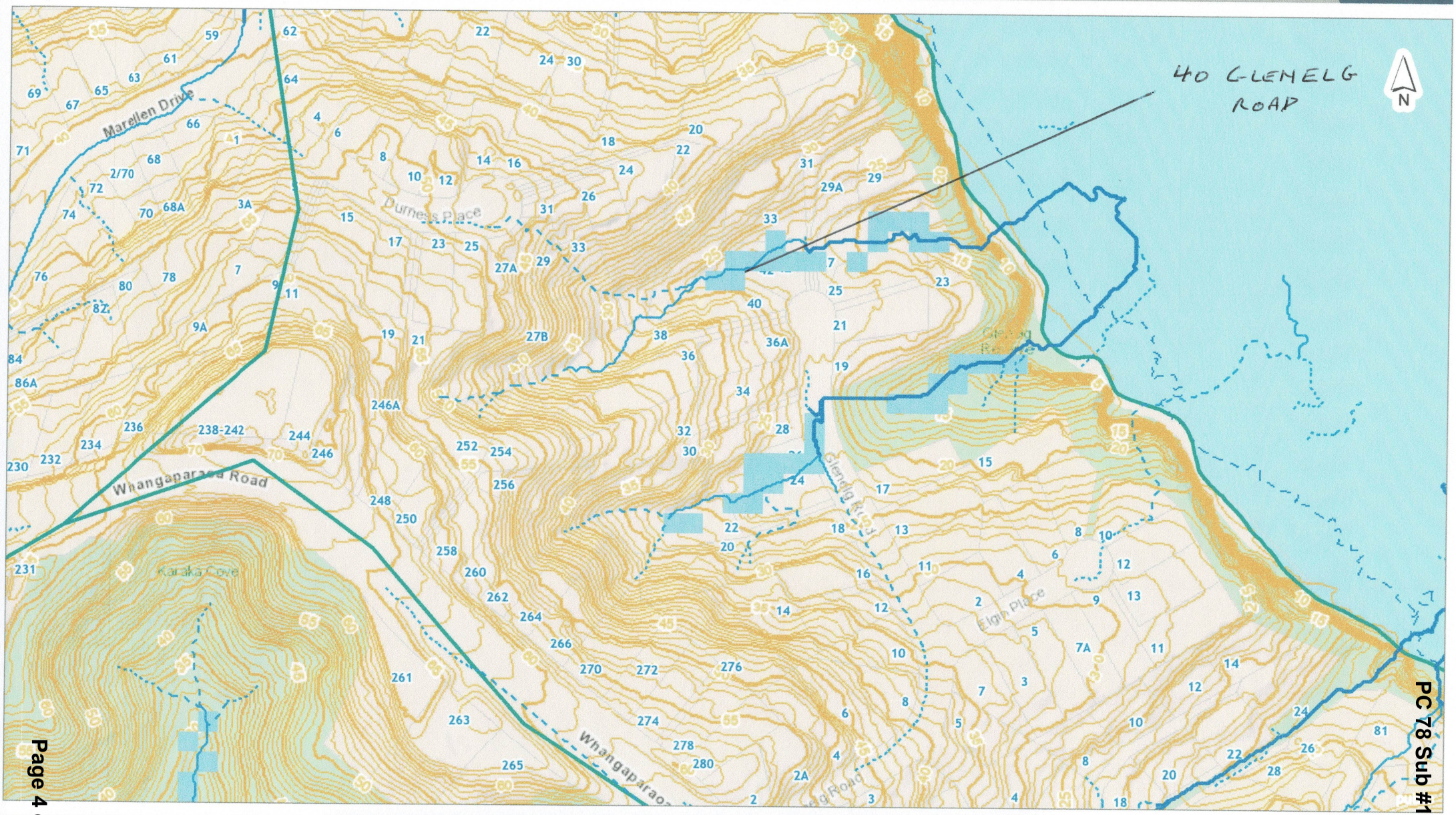
2 Transport.

The roading infrastructure is already under stress and more intensification will only make matters worse. Most of the peninsula is served by single lane roads and many are already clogged with parked cars. It makes no sense to allow intensification, without providing on site parking. The only result will be the roads becoming parking lots.
The peninsular is not suited to intensification as the majority of residents have to leave the peninsular for work. Intensification (without car parking) should be restricted to where people can access services within walking distance and have access to public transport. The only place that currently meets that criteria would be Whangaparaoa Town Centre. 1095.2

3 Waste Water.

Prior to allowing more intensification there needs to be some clarity as to the capacity of the current system and if the capacity is limited it would make sense to plan for development in the most appropriate places rather than having no control. 1095.3

Bernard Parker



PC 78 Sub #1095

Page 4 of 4

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0 10 20 30
Meters

Scale @ A4
= 1:2,500

Date Printed:
28/09/2022

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Ginny Taare

From: Vince Te Wano <Vince.TeWano@spark.co.nz>
Sent: Tuesday, 27 September 2022 4:28 pm
To: Unitary Plan
Subject: Submission - Plan Change / Variation Number: PC78 Intensification
Attachments: Submission Form.pdf; RPGC Submission.docx

Please see attached Submission Form and reasons for oppsition.
Ngā mihi,

Vince Te Wano
Product Modeller
Technology Change
Spark New Zealand

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Vince Te Wano

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

Address for service of Submitter
27 Amberley Ave, Te Atatu South

Telephone: 0274442290 Fax/Email: vince.tewano@spark.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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: 13 Knox Road, Swanson, Auckland 0653

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

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☒

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

1101.1

I wish to be heard in support of my submission ☒

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

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

V J Te Wano
Signature of Submitter
(or person authorised to sign on behalf of submitter)

27/09/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

- Redwood Park has been a Golf Club for over 50 years serving both the membership and community.We have over 800 members and over 7775 Green fees players have enjoyed our facilities in the last 9 months. The local schools also utilise the club for teaching their students the game of golf. The rezoning would affect a large portion of our land and with the increase in rates resulting from this rezoning we believe the financial impact would put the future of this club in jeopardy and a great facility would be lost to the community.

- The club is committed to ongoing investment in the golf club and therefore there is a very low, if any, likelihood for housing development in the next 30 years. Therefore, it is appropriate to apply a zone that reflects the use on the privately owned land for the foreseeable future. If at some future time the club decides to reduce the area of its site used for golfing purposes or dispose of the site in its entirety, then the appropriateness of the zoning of these areas can be revisited at that time.

- The Waitakere City Council in its time was happy to treat this land as a Community Facility in private ownership and when it was restructured to the current Auckland City Council, they in turn were happy to continue to treat the land in the same manner. We would ask that this continue going forward.

- This land is on an overland flood plain and is prone to flooding along the stream bank which in part has been due to poor maintenance of the stream. We lease the stream bank strip from the Council and have done so for years. There would need to be huge changes to the stream if the property was to be rezoned and we believe this will have a detrimental effect on the ecological area.

George Bramer

From: Cosette Saville <CosetteS@barker.co.nz>
Sent: Thursday, 29 September 2022 12:31 pm
To: Unitary Plan
Cc: Nick Roberts
Subject: Submission on Plan Change 78: Intensification on behalf of Wyborn Capital Limited
Attachments: PC78 Wyborn Capital Limited Submission.pdf

Kia ora,

Please find attached a submission on Plan Change 78: Intensification on behalf of Wyborn Capital Limited.

Please let me know if you have any questions or require anything further.

Ngā mihi | Kind regards

COSETTE SAVILLE
Senior Planner
021 250 5055
CosetteS@barker.co.nz

PO Box 1986,
Shortland Street, Auckland 1140
Level 4, Old South British Building,
3-13 Shortland Street, Auckland

Kerikeri, Whangārei, Auckland,
Hamilton, Cambridge, Napier, Wellington,
Christchurch, Queenstown, Wānaka

barker.co.nz

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Wyborn Capital Limited

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

Wyborn Capital Limited

Address for service of Submitter

Wyborn Capital Limited C/- Barker & Associates PO Box 1986 Shortland Street Auckland 1140 Attn: Nick Roberts

Telephone: 296668330 Fax/Email: nickr@barker.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Please refer to the submission attached.

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

Please refer to the submission attached.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Please refer to the submission attached.

I wish to be heard in support of my submission ☒

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

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

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

09/29/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Barker & Associates
Auckland

PO Box 1986, Shortland Street, Auckland 1140
Level 4, Old South British Building, 3-13 Shortland Street, Auckland

B&A
Urban & Environmental

29 September 2022

Auckland Council
Via email: unitaryplan@aucklandcouncil.govt.nz

Submission on Plan Change 78: Intensification

Introduction

This is a submission on the Plan Change 78 – Intensification to the Auckland Unitary Plan (PC78) on behalf of Wyborn Capital Limited (Wyborn). PC78 was notified by Auckland Council on 18 August 2022.

This submission relates to the provisions in PC78 for business / industrial development.

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

Background to Wyborn

PC78 is of particular interest to Wyborn, as Wyborn are a long-term investor across all major property markets. Wyborn play a major role as owning one of New Zealand's largest non-bank lender, who lend to residential land, apartment and townhouse developers.

Summary of Submission

Wyborn notes that the Council is required to prepare and notify an Intensification Planning Instrument (IPI) following the enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act). The Council is also required to give effect to The National Policy Statement Urban Development 2020 (NPSUD) that came into effect on 20 August 2020 and under which Auckland is classified as a Tier 1 Urban Environment.

Wyborn is supportive of PC78 and efforts to promote quality intensification throughout Auckland. Wyborn however, considers that amendments are required to provide a more effective planning framework which recognises the concerns around a lack of business zoned land supply and the need to provide for more intensive development within our urban areas.

In particular:

- Wyborn opposes the height limits proposed within the Business – Mixed Use, Light Industry and Heavy Industry zones identified within the walkable catchment.
- Wyborn opposes the Council's approach to application of the walkable catchment, particularly where adjacent properties are held in single ownership, and will form part of a wider strategic future development site.

- Wyborn supports the height limits proposed through PC78 to the Business – City Centre zone.
- Wyborn opposes the application of the proposed new non-statutory coastal inundation layer in the Unitary Plan Maps, in particular to the properties at 99-115 The Strand, Parnell and 259 James Fletcher Drive, Otahuhu.
- Wyborn opposes the ad-hoc application of the of the Residential – Mixed Housing Urban zone to the four properties at 1, 3, 17 and part of 19 Marine Parade, Herne Bay.
- Wyborn supports the retention of the Special Character Overlay and Residential – Low Density Residential zone along Awatea Road, Parnell, in particular the property at 7 Awatea Road, Parnell.
- Wyborn opposes the exclusion of properties from Proposed Plan Change 78 due to proximity to the Auckland Rail Corridor and is seeking that the Mixed Housing Urban zone be applied as an interim measure with higher density zones investigated and applied through a future variation.
- As an alternative to the above Wyborn submit that PC78 should be amended to include objectives and policies within the residential zones that apply within the Auckland Transport Light Rail Corridor to provide a consenting pathway to higher density development as an interim measure.

The specific provisions that are supported or opposed, and the amendments sought to the Proposed Plan are set out in the table attached as Appendix 1.

Height Limits that apply to Walkable Catchments within the Business Mixed Use, Light Industry and Heavy Industry zones

The NPSUD has introduced a new policy direction which has changed the approach to how Auckland Council must provide for height and development within the urban area. In particular the NPSUD requires that district plans:

- Enable more people to live in, and more businesses and community services to be located near a centre zone or employment opportunities, in areas well-serviced by existing or planned public transport and/or areas where there is high demand for housing or for business land (Objective 3);
- Provide for building heights of at least six stories within walkable catchments of city centre and metropolitan centre zones and existing and planned rapid transit stops (Policy 3A);
- Provide for building heights commensurate with the level of commercial activity and community services within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (Policy 3d);
- Modify the relevant building heights and density requirements under Policy 3 only to the extent necessary to accommodate a qualifying matter (Policy 4); and
- Recognise the planned urban built form may involve significant changes to an area, and those changes and that may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types (Policy 6).

In Wyborns's view this new policy directive requires the Council to set height limits which are broadly enabling of feasible high-density development within Business zoned land, which are within walkable catchments and also within other highly accessible areas. This will achieve the wider policy directives of the NPSUD including a well-functioning urban environment, enabling more people to access employment by public or active transport modes and recognise amenity values associated with accessibility.

In some circumstances a very enabling height limit may not be appropriate and in these areas, height may need to be lowered to manage particular values or constraints. This is anticipated by Policy 4 of the NPSUD and is managed through qualifying matters. Although this will need to be targeted and appropriately justified, having regard the clear priority and focus of the NPSUD to enable intensive development in accessible locations. Likewise, in other areas which are relatively unconstrained and are highly accessible it may be appropriate to be even more enabling of height.

In Wyborns's view the proposed PC78 height strategy has not efficiently or effectively implemented the collective NPSUD policy directive within the Mixed Use, Light Industry and Heavy Industry zones. Furthermore, the height limits proposed to apply within these zones have not been adequately evaluated in terms of section 32 and have not been informed by an evidential basis of Auckland's local circumstances. In particular:

- The six storey height limit within walkable catchments is the minimum height limit directed by Policy 3 of the NPSUD and the Council has not provided an evidential basis to support the appropriateness of this height limit within the Auckland context, nor have they evaluated alternative height limits[1].
- The operative height limits do not take into account the broader policy directives within the NPS-UD including what a well-functioning urban environment means within Auckland's context and the amenity values associated with accessibility (Policy 6).
- No consideration has been given to the feasibility of development and the role of building heights (and related standards) in improving feasibility, and ultimately the supply of more intensive forms of business land within the urban area.

The Council has acknowledged within the Section 32 evaluation report that the proposed height limits may not be efficient and effective at achieving the NPSUD policy directive:

> *"Due to the time constraints on the council in preparing PC78 (along with other related plan changes) no new areas within walkable catchments have been identified for additional height beyond six storeys. Existing Height Variation Controls that enable buildings beyond six storeys (i.e. 21m) remain unchanged. Further work is required to determine where heights of more than six storeys might be appropriate."*

PC78 proposes to apply a six-storey height limit within walkable catchments and retain the existing height limits outside of walkable catchments within Business – Mixed Use, Light Industry and Heavy Industry zones. Wyborn do not support this approach and are of the view that an enabling height limit should apply across the Business – Mixed Use and Light Industry and Heavy Industry zones within a walkable catchment to

[1]PC78 – Intensification Section 32 Implementation of Policy 3 of the NPSUD Evaluation Report Section 6.7

facilitate high density and integrated development given the walkable catchment has been applied to the most accessible land within Auckland in areas where the Council has sought to make efficient use of land and promote development.

The proposed height limits within the Business – Mixed Use, Light Industry and Heavy Industry zones are not efficient and effective at achieving the broader policy direction of the NPSUD which as discussed above in Wyborn's view should be enabling. At a minimum Wyborn submit that the proposed height strategy for Business zoned land should be informed by an evidential basis that considers market feasibility and a wider accessibility analysis. This would include evidence from developers and other large-scale operators working in the industrial development sector. This provides empirical real-world evidence on feasibility that can sit alongside more theoretical development capacity and feasibility analysis.

Wyborn support the application of a height limit that enables development up to 40m on Business zoned land within a walkable catchment, to support feasible high-density development within the Auckland context, acknowledging the limited supply of Business Zoned land in highly accessible locations.

PC78 Auckland Transport Light Rail Corridor

Wyborn notes that that no changes to zoning or chapter provisions are proposed at this time, and that Council expects to notify a variation to PC78 for the Auckland Light Rail (ARL) corridor in 2023. Wyborn opposes the exclusion of land within the Auckland Transport Light Rail Corridor from PC78 as this is some of the most accessible land within Auckland and its exclusion from PC78 could result in interim development which is not of the density that future infrastructure development in this area should support. Wyborn is seeking that the Mixed Housing Urban zone is applied as an interim measure within this corridor with higher density zones investigated and applied through a future variation. Alternatively Wyborn submit that PC78 should be amended to include objectives and policies within the residential zones that apply within the Auckland Transport Light Rail Corridor to provide a consenting pathway to higher density development as an interim measure.

Reasons for Relief Sought

The reasons for the relief sought is set out in Appendix 1. In addition to those specific reasons, the amendments sought are to ensure that PC78:

a) will give effect to the objectives and policies of the NPS UD;

b) will contribute to well-functioning urban environments;

c) is consistent with the sustainable management of physical resources and the purpose and principles of the RMA;

d) will meet the requirements to satisfy the criteria of section 32 of the RMA;

e) will meet the reasonably foreseeable needs of future generations; and

f) is consistent with sound resource management practice.

Decision Sought and Hearing

The relief sought by Wyborn is set out in Appendix 1. In addition to that specific relief, Wyborn seeks such other alternative or consequential relief to give effect to the matters raised in this submission.

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

Barker & Associates Limited

Nick Roberts
Director
029 666 8330 | nickr@barker.co.nz

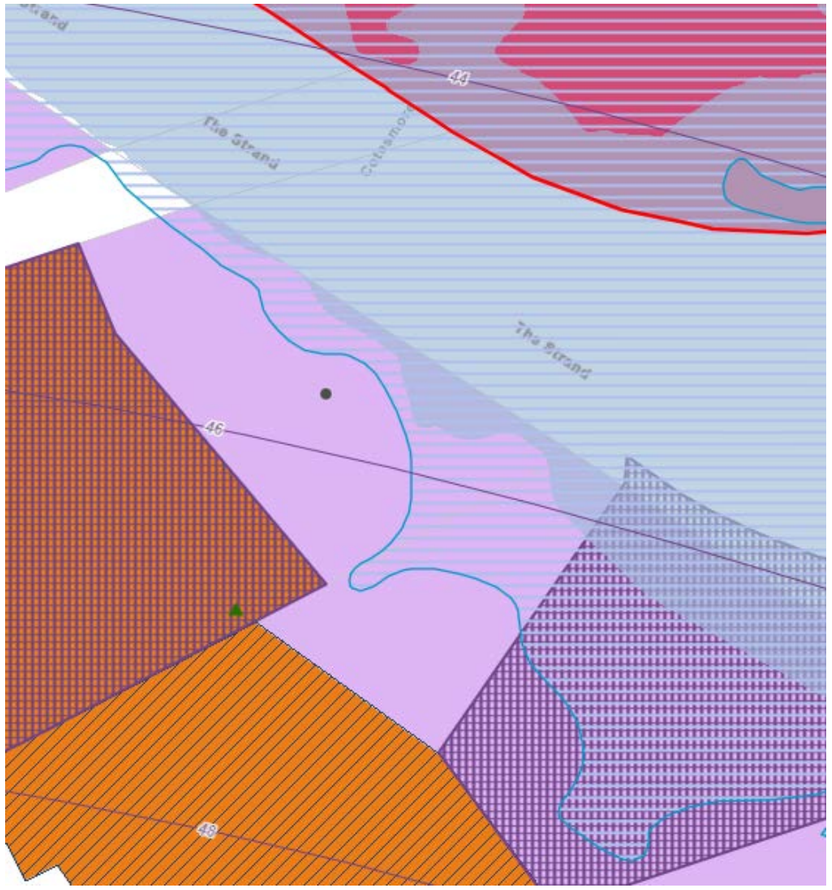
Address for Service

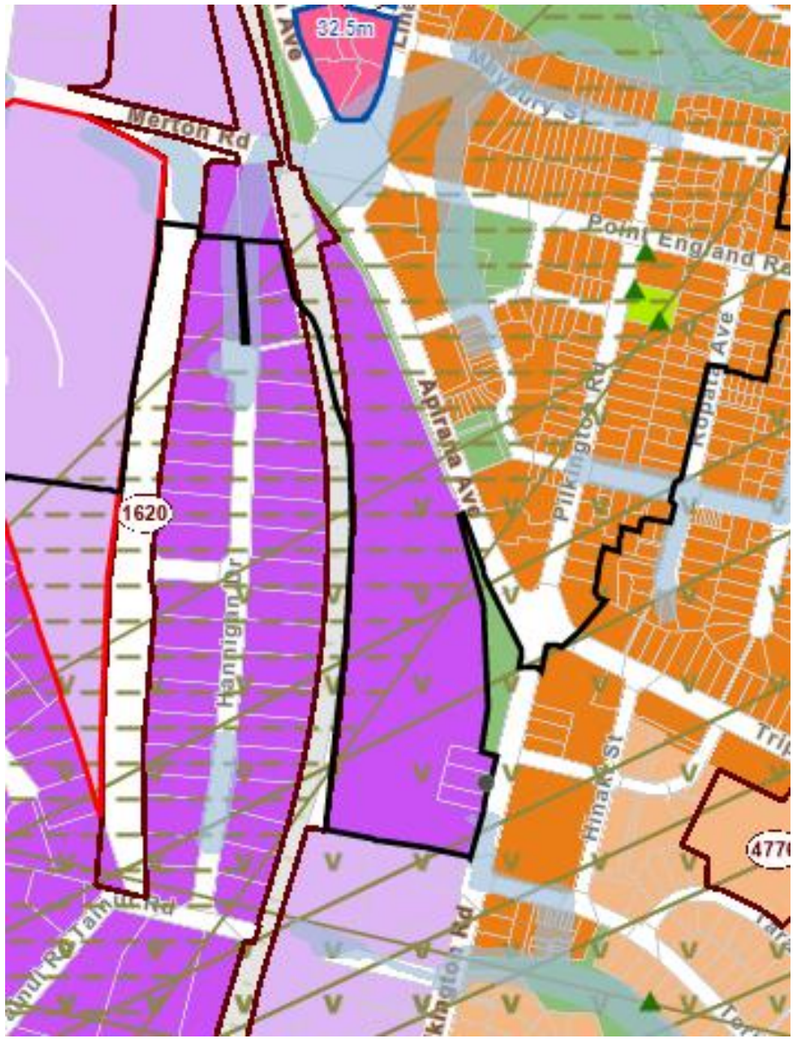
Wyborn Capital Limited
C/- Barker & Associates
PO Box 1986
Shortland Street
Auckland 1140
Attn: Nick Roberts

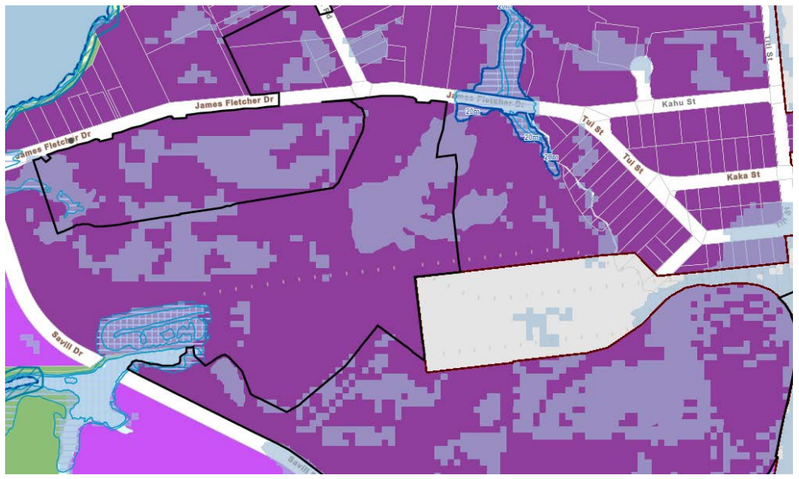
Email: nickr@barker.co.nz

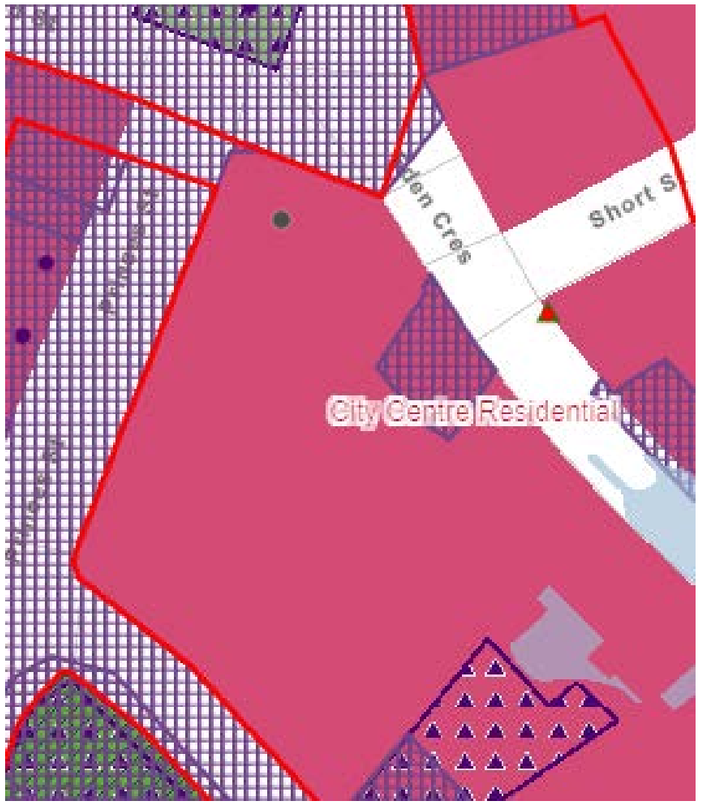
Phone: 029 666 8330

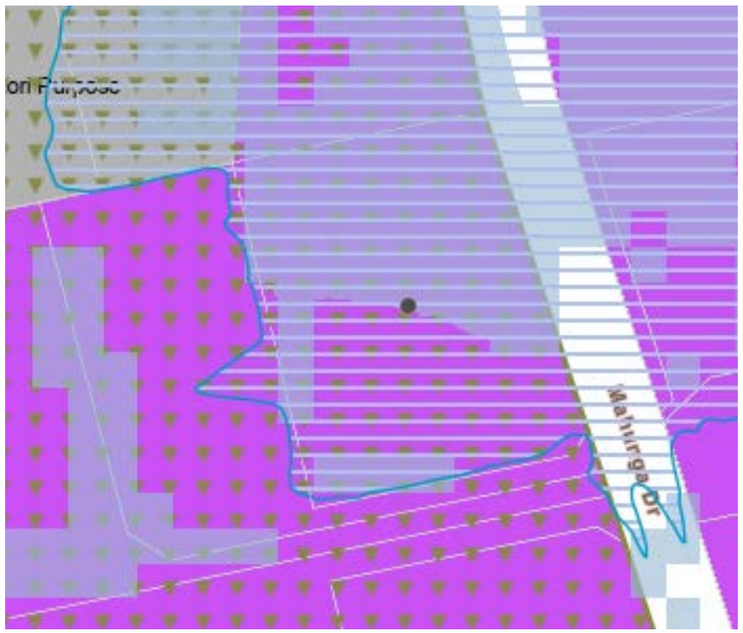
Appendix 1 - Wyborn Submission on Plan Change 78: Intensification

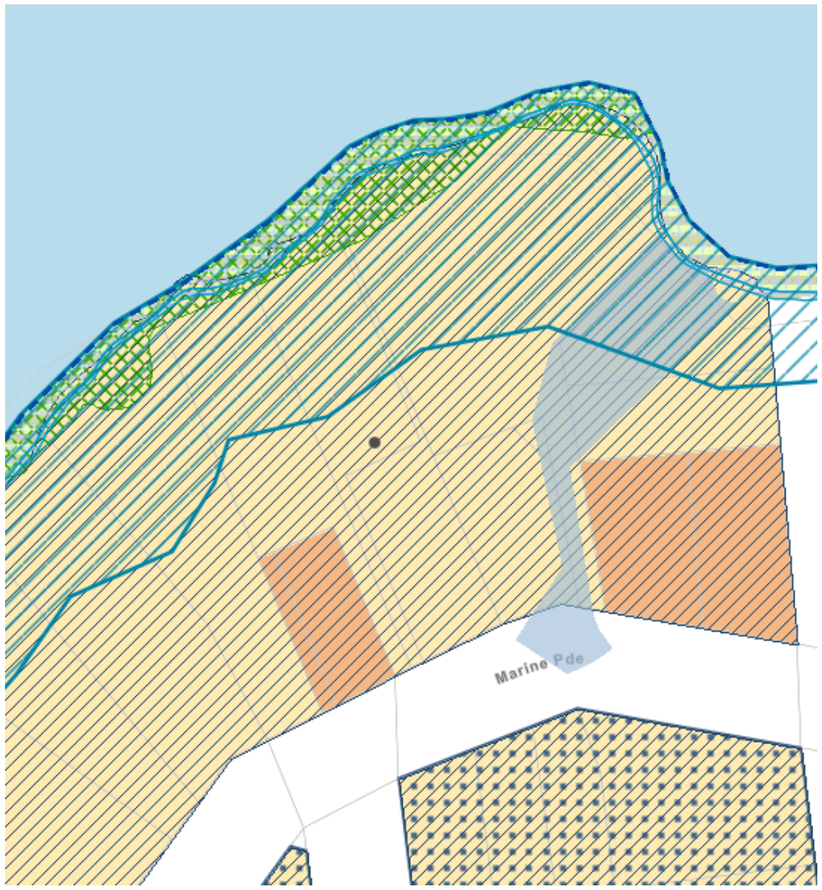
Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
99-115 The Strand, Parnell 	Support in Part	Wyborn are seeking that the property at 99-115 The Strand, Parnell be retained within the walkable catchment, and building height to be enabled up to the Auckland War Memorial Museum Viewshaft Overlay. Wyborn are seeking the Building Height standard H17.6.1 be uplifted within a walkable catchment, and development on the site be enabled up to the height of the Auckland War Memorial Museum Viewshaft Overlay. Wyborn are also seeking the proposed new non-statutory coastal inundation layer be removed from the property at 99-115 The Strand: • Policy 3(c) of the National Policy Statement on Urban development (**NPSUD**) requires Tier 1 authorities to enable a minimum of at least 6 storeys within walkable catchments from the edge of City Centres. Auckland Council has proposed a walkable catchment of 1200m from city centres subject to modifying factors. The site is located directly across The Strand from the edge of the City Centre zone, the site therefore has a high level of accessibility to the City Centre, as well as Parnell train station, an existing rapid transit stop and rapid transit service. • This approach is consistent with the approach to managing height within centres where sites are subject a more restrictive height limit under to D14 Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay such as Newmarket and the City Centre. • The Non-statutory coastal inundation layer is not linked to any rule and is not required or enabled by either the NPS-UD or the Enabling Act, this layer should be removed, and reinstated through a separate future plan change, which has been informed by accurate mapping of coastal inundation.	Relief sought: **1110.1** • Retain the walkable catchment applied to the property at 99-115 The Strand, Parnell. **1110.2** • Remove the proposed new non-statutory coastal inundation layer from 99-115 The Strand, Parnell. **1110.3** • Enable building height up to the Auckland War Memorial Museum Viewshaft Overlay. • In accordance with the Wyborn submission on H13 Business – Mixed Use zone, amend H13.6.1 to enable development up to 40m in height, where buildings are located in a walkable catchment. **1110.4**

Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
165-171 Pilkington Road, Point England 	Support in Part	Wyborn are seeking that the property at 65-171 Pilkington Road, Point England be retained within the walkable catchment, and building height to be enabled up to the Auckland War Memorial Museum Viewshaft Overlay. Wyborn are seeking the Building Height standard H17.6.1 be uplifted within a walkable catchment, and development on the site be enabled up to the height of the Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay. • Policy 3(c) of the National Policy Statement on Urban development (NPSUD) requires Tier 1 authorities to enable a minimum of at least 6 storeys within walkable catchments from existing and planned rapid transit stops. Auckland Council has proposed a walkable catchment of 800m from existing and planned rapid transit stops, subject to modifying factors. The site is located within 400m of Glen Innes train station and therefore enabling greater height within this locality is consistent with the NPSUD particularly Policy 3C • The site has a high level of accessibility to Glen Innes Train Station, an existing rapid transit stop and rapid transit service and properties zoned Business – Mixed Use zone and Business – Town Centre zone, which are also subject to Height Variation Controls. • This approach is consistent with the approach to managing height within centres where sites are subject a more restrictive height limit under to D14 Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay such as Newmarket and the City Centre. • The property forms a large landholding, and greater height can therefore be accommodated without significant effects on the surrounding locality.	Relief sought: **1110.5** • Retain the walkable catchment applied to the property at 165-171 Pilkington Road, Point England. **1110.6** • Enable building height up to the Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay. • Amend standard H17.6.1 to enable a maximum building height of up to 40m, where buildings are located in a walkable catchment. **1110.7**

Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
259 James Fletcher Drive, Otahuhu  	Support in Part	Wyborn are seeking that the property at 259 James Fletcher Drive, Otahuhu be retained within the walkable catchment, and building height to be enabled up to the Auckland War Memorial Museum Viewshaft Overlay. Wyborn are seeking the Building Height standard H16.6.1 be uplifted within a walkable catchment, and development on the site be enabled up to the height of the Auckland War Memorial Museum Viewshaft Overlay. • The site is within 600m of the Otahuhu Train Station, an existing rapid transit stop and rapid transit service and therefore enabling greater height within this locality will give effect to the NPSUD particularly Policy 3C. • This approach is consistent with the approach to managing height within centres where sites are subject a more restrictive height limit under to D14 Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay such as Newmarket and the City Centre. • The property forms a large landholding, and greater height can therefore be accommodated without significant effects on the surrounding locality.	Relief sought: **1110.8** • Retain the walkable catchment applied to the property at 259 James Fletcher Drive, Otahuhu. **1110.9** • Enable building height up to the Auckland War Memorial Museum Viewshaft Overlay. • Amend H16.6.1 to enable development up to 40m in height, where buildings are located in a walkable catchment. **1110.10**

Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
2 Princes Street, Auckland Central 	Support in Part	Wyborn are seeking that the additional height proposed to properties zoned City Centre zone, in particular the proposed 72.5m building height limit on the property at 2 Princes Street, Auckland Central is retained. However, Wyborn are also seeking the Historic Heritage Extent of Place Overlay that has been applied to a very small section of the northwest corner of the site be removed, and realigned with the street boundary, as this appears to have been applied to the property at 2 Princes Street as an error.	Relief sought: **1110.11** • Retain the proposed 72.5m building height limit proposed to apply to the Business – City Centre zone at 2 Prince Street, Auckland Central. • Amend the extent of the Historic Heritage Extent of Place Overlay, to align with the property and road boundary, and to be removed from the small north-western corner of 2 Princes Street property, where the overlay has currently been applied. **1110.12**

Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
1/5 Mahunga Drive, Mangere 	Oppose	Wyborn are seeking the proposed new non-statutory coastal inundation layer be removed from 1/5 Mahunga Drive, Mangere: • The Non-statutory coastal inundation layer is not linked to any rule and is not required or enabled by either the NPS-UD or the Enabling Act, this layer should be removed, and reinstated through a separate future plan change, which has been informed by accurate mapping of coastal inundation.	Relief sought: • Remove the proposed new non-statutory coastal inundation layer from 1/5 Mahunga Drive, Mangere. **1110.13**
133 Central Park Drive, Henderson 	Oppose	Wyborn are seeking the proposed new non-statutory coastal inundation layer be removed from 133 Central Park Drive, Henderson: • The Non-statutory coastal inundation layer is not linked to any rule and is not required or enabled by either the NPS-UD or the Enabling Act, this layer should be removed, and reinstated through a separate future plan change, which has been informed by accurate mapping of coastal inundation.	Relief sought: • Remove the proposed new non-statutory coastal inundation layer from 133 Central Park Drive, Henderson. **1110.14**

Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
13 Marine Parade, Herne Bay 	Oppose	Wyborn are seeking the proposed Residential – Mixed Housing Urban zone be removed from the properties at 1, 3, 17 and part of 19 Marine Parade, Herne Bay: • The application of the Residential – Mixed Housing Urban zone to the four properties at 1, 3, 17 and part of 19 Marine Parade, Herne Bay is ad-hoc and results in spot-zoning along Marine Parade. All adjacent properties along Marine Parade are zoned Residential – Low Density Residential zone which is considered the appropriate zoning in this location. • The Residential – Mixed Housing Urban zone has been applied only to the driveway on the property at 19 Marine Parade, Herne Bay, resulting in split-zoning on this property.	Relief sought: • Amend the zoning of the properties at 1, 3, 17 and part of 19 Marine Parade, Herne Bay from the proposed Residential – Mixed Housing Urban zone to Residential – Low Density Residential zone applied to all adjacent properties along Marine Parade.

1110.15

Wyborn Property / Address	Support / Oppose	Reasons for Submission	Relief Sought
Wyborn Properties			
7 Awatea Road, Parnell 	Support	Wyborn are seeking the Special Character Overlay and Residential – Low Density Residential zone be retained on the property at 7 Awatea Road, Parnell (along with the neighbouring and adjacent properties along Awatea Road, Parnell): • The retention of the Special Character Overlay and Residential – Low Density Residential zone along Awatea Road is supported, to ensure that the special character of this area is protected from future development resulting in demolition, removal or relocation of the buildings that contribute to the Special Character of this area.	Relief sought: Retain the Special Character Overlay and Residential – Low Density Residential zone proposed to properties along Awatea Road, Parnell, in particular the property at 7 Awatea Road, Parnell. **1110.16** **1110.17**
6-8 Taylors Road, St Lukes 15 Church Street, Onehunga 92 Beachcroft Avenue, Onehunga	Oppose	Wyborn are seeking that the proposed Plan Change 78 is amended to include properties that have been excluded due to their proximity within the Auckland Rail Corridor and apply the Mixed Housing Urban zone as an interim measure with higher density zones investigated and applied through a future variation: • The land within the Auckland Transport Light Rail Corridor is some of the most accessible land within Auckland and its exclusion from PC78 could result in interim development which is not of the density that future infrastructure development in this area should support.	Relief sought: • Amend Plan Change 78, to include properties that have been excluded within the Auckland Rail Corridor and apply the Mixed Housing Urban zone as an interim measure with higher density zones investigated and applied through a future variation. **1110.18**

George Bramer

From: diane.maloney@xtra.co.nz
Sent: Thursday, 29 September 2022 1:37 pm
To: Unitary Plan
Subject: Submission on PC 78 from Diane Maloney
Attachments: submission on PC 78 from Diane Maloney.pdf

Hello,

Please find attached my submission on PC 78. It contains all submitter details, a one page summary of the submission and two pages of supporting information.
In all, the PDF contains 5 pages.

Regards,
Diane Maloney.

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) MRS DIANE DOROTHY MALONEY

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

Address for service of Submitter

7 ABERCROMBIE ST, HOWICK, AUCKLAND. 2014

Telephone: 0274909758 Fax/Email: diane.maloney@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Plan Change 78

~~Or~~ and
Property Address: 73, 69 & 67 Cook St Howick

Or
Map: Proposed IPI - attachment D1 Watercare maps on capacity issues

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***)

attached as a summary and also with supporting information.

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

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

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

The reasons for my views are: I support proposed changes in Plan Change 78, but

(1) wish to add long-term economic costs as a qualifying matter

(2) Stormwater wastewater constraints must be included as a qualifying matter

(3) Improve transparency & consistency by including more specific details on all consents with stormwater/ wastewater issues - they must be notified.

(continue on a separate sheet if necessary)

continued in attached summary →

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

In attached summary -

I wish to be heard in support of my submission ☑

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

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

DDMaloney

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

29/9/22

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

SUMMARY of SUBMISSION on PC 78 – INTENSIFICATION

1. I support the proposed changes to date in Plan Change 78 and suggest the following amendments.

2. I request that stormwater and wastewater constraints as outlined in Watercare's maps be included as a qualifying matter. 1114.1 1114.2

3. I request that the Independent Hearings Panel should widen and strengthen qualifying matters to introduce long-term economic costs as a qualifying matter particularly to only enable developments in areas where there is sufficient infrastructure capacity such as the wastewater and stormwater constraints as outlined in Watercare's maps. 1114.3

4. There must be an improvement in the transparency and consistency of all these processes by including more specific specifications on all consent requirements. Any resource consent where there are issue of wastewater and stormwater constraints must be fully notified. Developers should not be able to "overtake" Watercare's planned infrastructure programme just because they can pay a premium for privately funded works. 1114.4

5. I support the listing of Howick township as a "qualifying matter within the special character areas overlay – Business." In view of its location and important heritage, Howick must remain a Local Centre. 1114.5 1114.6

6. I support the protection of the views from Stockade Hill, Howick. 1114.7

SUPPORTING INFORMATION FOR SUBMISSION FROM DIANE MALONEY

1. I support the proposed changes to date in Plan Change 78. However, Auckland Council must, like the Christchurch City Council be much more rigorous in opposing intensification. There should be very strict adherence to qualifying matters and, in some cases, they should be widened and strengthened.

2. I strongly support Auckland Council making the serious water, wastewater and stormwater constraints a qualifying matter, However, having wastewater and stormwater as a qualifying matter is only a partial step. There must be more safeguards, especially in the THAB zone in Howick, where the greater portion of dwellings are currently single residential family homes. Random infrastructure development is already happening such as the five, 5 storey apartment buildings which will surround my property on two sides. These will be located at 73, 69 and 67 Cook St Howick. This planned development of between 50 to 60 apartments over 3 sites is totally out of keeping with any other development in the Howick area. It is a complete destruction of the neighbouring properties capital value, and certainly does not match the character of the neighbourhood.

3. I strongly oppose the "one size fits all" approach to planning. The infrastructure capacity in Howick cannot support this level of development. It already has serious water/wastewater constraints in its THAB zone. In addition, it is at capacity for schools, medical facilities and has rising traffic congestion. The present infrastructure cannot cope with this increased growth, especially volume-driven maintenance on roads, footpaths etc. Developers should not be allowed to "just pay for additional stormwater/wastewater infrastructure to "overtake" the Watercare planned replacement programme. Just because they offer to pay a premium on a "first come, first served basis" they end up averting the properly planned infrastructure development.

4. Intensification sites, where stormwater and wastewater are inadequate, must be excluded from any further development until after the dates specified in the Water and Wastewater Constraints Control report. Residents of the THAB zone in Howick must have assurance that no further development will occur until the wastewater and stormwater upgrades have been completed in 2037 and 2040 respectively. Currently the THAB zone in Howick consists of one major townhouse development site, all the others are single/double storey units in individual sections.

5. I request the Independent Hearings Panel to urgently recommend to Council to re-assess those areas of Auckland which deserve more protection to be interpreted more liberally in order to retain not only the overall appearance of areas such as Howick but in those areas where stormwater and wastewater issues have been recognised as qualifying matters. The Governments proposed new medium density residential standards (MDRS) allowing three houses up to three storeys to be built on most sites in Howick, is an ill-thought out "one size fits all" plan. The existing Auckland Unitary Plan already enables enough capacity for new housing/development across Auckland. It has been reported there is no shortage of housing supply and there is definitely no shortage of housing in Howick. The focus needs to be on releasing un-occupied existing stock.

6. Parts of the city do have distinct characteristics – Howick is one such area with its unique and historic character. Howick township should be listed as a "Qualifying matter within the Special character areas overlay – Business. Howick needs to be a Local Centre.
New provisions in Plan Change 78 including the protection of the views from Stockade Hill in Howick are also very much supported.

7. Currently, Auckland Council Planners are saying "The proposed qualifying matters control does not automatically stop new developments in Howick. Rather this means that development for more than 1 dwelling per site in the THAB zone within the control will have to apply for a Resource Consent. At such time, the applicant may be able to demonstrate that they are "appropriately managing the infrastructure effects. If the development is consented before 2024 it can go ahead under "existing use rights". I strongly object to this happening when current LIM reports clearly say "no future development until stormwater/wastewater issues are resolved." At the very minimum, the Resource Consent should be notified. Very wealthy developers should not be able to "manage infrastructure effects" in a first-come, first served basis"

8. I strongly support the inclusion of the Water and Wastewater Servicing Constraints as a qualifying matter in the AUP as the best way to ensure the sustainable management of the natural and physical resources. They should not be able to be "appropriately managed or negated" in any way by current or future developers.

9. I request the Hearings Panel to recommend to Council that stormwater and wastewater qualifying matters be included for all development sites in the THAB zone in Howick – as already signalled by Watercare. All developments which increase the number of occupants per site should be halted from October 2022 while waiting for Watercare to complete the necessary upgrades in 2037 and 2040 respectively.

(5)

George Bramer

From: Trish Giles <Trish@fluker.co.nz>
Sent: Thursday, 29 September 2022 2:00 pm
To: Unitary Plan
Subject: Submission for Plan Change 78
Attachments: Completed Form PC78.pdf; Submission Attachment PC 78.pdf

Hi there
Please find attached by submission for Plan Change 78.

Many thanks
Trish Giles
Fluker Surveying Ltd
Registered Professional Surveyors
Land Development Planning & Engineering
184 Hibiscus Coast Highway, Orewa
P O Box 84, Red Beach 0945
Ph. 09 427 0003 Fax 09 426 8835
Mob 021 178 1665

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Patricia Giles

Organisation Name (if submission is made on behalf of Organisation)
Fluker Surveying Limited

Address for service of Submitter

PO Box 84

Red Beach Auckland 0945

Telephone: 021 178 1665 Fax/Email: trish@fluker.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	SEE ATTACHED
Or Property Address	
Or Map	

Or
Other *(specify)*

Submission

My submission is: *(Please indicate whether you support or oppose the specific provisions or wish to have them*

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 attachment

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

If found to be flawed, QM's need to be readdressed, as does Council's processing and use of MDRS rules.

I wish to be heard in support of my submission ☒

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

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

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

29/09/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

29/09/2022

To Auckland Council

By email - unitaryplan@aucklandcouncil.govt.nz

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

RE Submission on a notified proposal for policy statement or plan change or variation – PLAN CHANGE 78

Please see form attached.

The specific provisions that my submission relates to are:

- AC all or nothing approach for MDRS.
- Qualifying matters – extent - why is this allocated over whole site when some QM's only relate to part of the site.
- Why have servicing constraints controls have been used as a QM.

The reason for my views are:

- Some clarity over legality of use of Council's all or nothing approach is required, for both where proposal does not meet one rule under the MDRS, and where a QM is only across PART of a site. E.g., if a small corner of the site is subject to flooding/coastal hazard why would MDRS standards do not fall across the remainder of the site. If only rule of the MDRS is not met, why can't the development rely on the other rules. E.g., if you infringe a HIRTB rule, why does the 50% building coverage rule become unusable. — 1115.1, 1115.2

- Some clarity over legality of using QM's where these have been placed on site for matters which have current AUPOP standards are in place is required i.e., Flooding and coastal hazard issues are already addressed under Section 36 of the AUPOP. Development on sites close to Volcanic cones shafts are already restricted in terms of height limitations. — 1115.3

- Clarity over legality of use of servicing restraints as a QM is required. — 1115.4
- Clarity over legality of 150 yr. coastal hazard map used, and justification of that particular "line" being used. — 1115.5
- QM – these can and already are, in most cases provided for as existing standards, within the existing AUPOP rules.

Yours Sincerely
Fluker Surveying Ltd

Patricia Giles
BSurv
Trish Giles

Fluker Surveying Ltd

Registered Professional Surveyors

Land Development Planning & Engineering

184 Hibiscus Coast Highway, Orewa

P O Box 84, Red Beach 0945

Ph. 09 427 0003 Fax 09 426 8835

Mob 021 178 1665

From: Unitary Plan
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost
Date: Tuesday, 27 September 2022 9:45:24 PM

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name: Hillpark Residents Association

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 021 259 1599

Postal address:
16 Scenic Drive
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
We support the application of the Low Density Residential Zone to the Hillpark Special Character Overlay area

1126.1
1126.2

Property address: The suburb of Hillpark

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? No

The reason for my or our views are:
This is complimentary to the Special Character Area Overlay density / intensity and helps to preserve the recognised pattern of subdivison and balance of built and natural environments as identified in the Special Character Statement.

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 27 September 2022

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.

Can you change Auckland? You can.

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From: Unitary Plan
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost
Date: Tuesday, 27 September 2022 9:31:09 PM

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name: Hillpark Residents Association

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 021 259 1599

Postal address:
16 Scenic Drive
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
D18.8.1.1. - 1(d) the condition of the building, and the practicality and cost of any necessary rehabilitation, and the ability to achieve reasonable amenity for occupants and reasonable compliance with any requirement of the Building Act 2004;

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
I question the qualification / capability of Council staff to make an assessment based on the condition of the building, and the practicality and cost of any necessary rehabilitation, and the ability to achieve reasonable amenity for occupants and reasonable compliance with any requirement of the Building Act 2004;
I believe this is beyond well beyond their area of expertise and presents an area of undue risk / cost / uncertainty for applicants. Quite simply some buildings reach the end of their safe, useful life and also would not meet (even with significant investment) healthy home standards. It is entirely possible to maintain an area's character through careful, considered design of a new replacement building,

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

requested

Details of amendments: Remove the above identified provision

Submission date: 27 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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From: Unitary Plan
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost
Date: Tuesday, 27 September 2022 8:45:29 PM

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name: Hillpark Residents Association

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 021 259 1599

Postal address:
16 Scenic Drive
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Retention of the Hillpark Special Character Area Overlay as a Qualifying Matter

Property address: The suburb of Hillpark

Map or maps:

Other provisions:
We propose that Hillpark's Ecological value be recognised as a Qualifying Matter (SEA coverage, notable trees, streams, importance as part of wider ecological network and supporting wildlife). We note that there are areas of significant ecological value in Hillpark that are worthy of further investigation and recognition (ie further SEA-worthy areas, and unmapped or incorrectly mapped streams). 1126.4

We propose that Hillpark's Landscape Visual significance be recognised as a Qualifying Matter (and recognised with either an extension to the Special Character Statement, or by application of an appropriate Landscape-oriented overlay). We encourage Council to conduct Landscape Visual Assessments which we believe will identify the importance of Hillpark's significant tree cover both at an Urban fabric level within Hillpark, and as a notable, prominent landscape feature in the wider area. 1126.5

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? No

The reason for my or our views are:
The Hillpark Residents Association supports Auckland Council’s proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter. Our argument was successfully laid out in

the Auckland Unitary Plan submissions and hearings processes, and resulted in the addition of the Hillpark Special Character Area Overlay in the Unitary Plan (this built upon the former Heritage 8 zoning under the Manukau District Plan). The arguments in our submissions and evidence from that process is still relevant and applicable to this current Plan Change 78 discussion.
Of note Hillpark has been recently recognised by the New Zealand Geographic Board as a suburb in its own right - a significant factor being the areas unique special character.

To summarise importance of Hillpark's Special Character Area Overlay, and why it should be considered as a Qualifying Matter as proposed by Auckland Council:

- The Hillpark Special Character Area is one of the only Special Character Area's in the wider Sth Auckland area.
- The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of intact mid-century homes (many by prominent architects of the time).
- The Hillpark Special Character Area recognises the pattern of subdivision – the unique combination of natural and built environments. A subdivision designed around the trees.

Furthermore, Hillpark is very important from ecological and landscape visual perspectives:

- We propose that the wider Hillpark suburbs significant natural environment be recognised as a Qualifying Matter.
- Within Hillpark there is a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams. That said, the natural environment in Hillpark is under-recognised / under-protected, with significant stands of mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps.
- Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillparks bush include including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork) and Kaka are also seen from time to time.
- Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream and the South-East Wildlink Project (by Forest and Bird).
- Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.
- We suggest that Council undertake a thorough investigation of Hillpark's natural environment and apply additional protections where required, such as additional and / or extended Significant Ecological Area Overlays and improved identification and classification of streams

- We propose that Hillpark's significant landscape visual presence be recognised as a Qualifying Matter.
- While there are currently no landscape related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region.
- Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills.
- Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre.
- Arguably this landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. We suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.

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

Details of amendments: Inclusion of Hillpark's ecological and landscape visual values as Qualifying Matters, which compliment the Special Character Area Overlay already proposed as a Qualifying Matter

Submission date: 27 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name: Hillpark Residents Association

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 0224176419

Postal address:
021 259 1599
16 Scenic Drive Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Retention of the Hillpark Special Character Area Overlay as a Qualifying Matter

Property address: The suburb of Hillpark

Map or maps:

Other provisions:
We propose that Hillpark's Ecological value be recognised as a Qualifying Matter (SEA coverage, notable trees, streams, importance as part of wider ecological network and supporting wildlife). We note that there are areas of significant ecological value in Hillpark that are worthy of further investigation and recognition (ie further SEA-worthy areas, and unmapped or incorrectly mapped streams).
We propose that Hillpark's Landscape Visual significance be recognised as a Qualifying Matter (and recognised with either an extension to the Special Character Statement, or by application of an appropriate Landscape-oriented overlay). We encourage Council to conduct Landscape Visual Assessments which we believe will identify the importance of Hillpark's significant tree cover both at an Urban fabric level within Hillpark, and as a notable, prominent landscape feature in the wider area.

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? No

The reason for my or our views are:
The Hillpark Residents Association supports Auckland Council's proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter. Our argument was successfully laid out in the Auckland Unitary Plan submissions and hearings processes, and resulted in the addition of the Hillpark Special Character Area Overlay in the Unitary Plan (this built upon the former Heritage 8 zoning under the Manukau District Plan). The arguments in our submissions and evidence from that process is still relevant and applicable to this current Plan Change 78 discussion. Of note Hillpark has been recently recognised by the New Zealand Geographic Board as a suburb in its own right - a significant factor being the areas unique special character.

To summarise importance of Hillpark's Special Character Area Overlay, and why it should be considered as a Qualifying Matter as proposed by Auckland Council:

- The Hillpark Special Character Area is one of the only Special Character Area's in the wider Sth Auckland area.
- The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of intact mid-century homes (many by prominent architects of the time).
- The Hillpark Special Character Area recognises the pattern of subdivision – the unique combination of natural and built environments. A subdivision designed around the trees.

Furthermore, Hillpark is very important from ecological and landscape visual perspectives:

- We propose that the wider Hillpark suburbs significant natural environment be recognised as a Qualifying Matter.
- Within Hillpark there is a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams. That said, the natural environment in Hillpark is under-recognised / under-protected, with significant stands of mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps.
- Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillparks bush include including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork) and Kaka are also seen from time to time.
- Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream and the South-East Wildlink Project (by Forest and Bird).
- Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.
- We suggest that Council undertake a thorough investigation of Hillpark's natural environment and apply additional protections where required, such as additional and / or extended Significant Ecological Area Overlays and improved identification and classification of streams

- We propose that Hillpark's significant landscape visual presence be recognised as a Qualifying Matter.
- While there are currently no landscape related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region.
- Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills.
- Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre.
- Arguably this landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. We suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.

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

Details of amendments: Inclusion of Hillpark's ecological and landscape visual values as Qualifying Matters, which compliment the Special Character Area Overlay already proposed as a Qualifying Matter

Submission date: 28 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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From: Unitary Plan
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost
Date: Tuesday, 27 September 2022 10:00:26 PM

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name:

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 021 259 1599

Postal address:
16 Scenic Drive
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
We support the application of the Low Density Residential Zone to the Hillpark Special Character Overlay area

1127.1
1127.2

Property address: The suburb of Hillpark

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? No

The reason for my or our views are:
This is complimentary to the Special Character Area Overlay density / intensity and helps to preserve the recognised pattern of subdivison and balance of built and natural environments as identified in the Special Character Statement.

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 27 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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From: Unitary Plan
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost
Date: Tuesday, 27 September 2022 9:45:21 PM

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name:

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 021 259 1599

Postal address:
16 Scenic Drive
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
D18.8.1.1. - 1(d) the condition of the building, and the practicality and cost of any necessary rehabilitation, and the ability to achieve reasonable amenity for occupants and reasonable compliance with any requirement of the Building Act 2004;

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
I question the qualification / capability of Council staff to make an assessment based on the condition of the building, and the practicality and cost of any necessary rehabilitation, and the ability to achieve reasonable amenity for occupants and reasonable compliance with any requirement of the Building Act 2004;
I believe this is beyond well beyond their area of expertise and presents an area of undue risk / cost / uncertainty for applicants. Quite simply some buildings reach the end of their safe, useful life and also would not meet (even with significant investment) healthy home standards. It is entirely possible to maintain an area's character through careful, considered design of a new replacement building,

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

requested

Details of amendments: Remove the above identified provision

Submission date: 27 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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From: Unitary Plan
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Glen Anthony Frost
Date: Tuesday, 27 September 2022 9:00:33 PM

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Glen Anthony Frost

Organisation name:

Agent's full name:

Email address: glen.frost@gmail.com

Contact phone number: 021 259 1599

Postal address:
16 Scenic Drive
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Retention of the Hillpark Special Character Area Overlay as a Qualifying Matter

Property address: The suburb of Hillpark

Map or maps:

Other provisions:
We propose that Hillpark's Ecological value be recognised as a Qualifying Matter (SEA coverage, notable trees, streams, importance as part of wider ecological network and supporting wildlife). We note that there are areas of significant ecological value in Hillpark that are worthy of further investigation and recognition (ie further SEA-worthy areas, and unmapped or incorrectly mapped streams). 1127.4

We propose that Hillpark's Landscape Visual significance be recognised as a Qualifying Matter (and recognised with either an extension to the Special Character Statement, or by application of an appropriate Landscape-oriented overlay). We encourage Council to conduct Landscape Visual Assessments which we believe will identify the importance of Hillpark's significant tree cover both at an Urban fabric level within Hillpark, and as a notable, prominent landscape feature in the wider area. 1127.5

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? No

The reason for my or our views are:
The Hillpark Residents Association supports Auckland Council’s proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter. Our argument was successfully laid out in

the Auckland Unitary Plan submissions and hearings processes, and resulted in the addition of the Hillpark Special Character Area Overlay in the Unitary Plan (this built upon the former Heritage 8 zoning under the Manukau District Plan). The arguments in our submissions and evidence from that process is still relevant and applicable to this current Plan Change 78 discussion.
Of note Hillpark has been recently recognised by the New Zealand Geographic Board as a suburb in its own right - a significant factor being the areas unique special character.

To summarise importance of Hillpark's Special Character Area Overlay, and why it should be considered as a Qualifying Matter as proposed by Auckland Council:

- The Hillpark Special Character Area is one of the only Special Character Area's in the wider Sth Auckland area.
- The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of intact mid-century homes (many by prominent architects of the time).
- The Hillpark Special Character Area recognises the pattern of subdivision – the unique combination of natural and built environments. A subdivision designed around the trees.

Furthermore, Hillpark is very important from ecological and landscape visual perspectives:

- We propose that the wider Hillpark suburbs significant natural environment be recognised as a Qualifying Matter.
- Within Hillpark there is a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams. That said, the natural environment in Hillpark is under-recognised / under-protected, with significant stands of mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps.
- Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillparks bush include including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork) and Kaka are also seen from time to time.
- Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream and the South-East Wildlink Project (by Forest and Bird).
- Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.
- We suggest that Council undertake a thorough investigation of Hillpark's natural environment and apply additional protections where required, such as additional and / or extended Significant Ecological Area Overlays and improved identification and classification of streams

- We propose that Hillpark's significant landscape visual presence be recognised as a Qualifying Matter.
- While there are currently no landscape related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region.
- Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills.
- Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre.
- Arguably this landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. We suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.

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

Details of amendments: Inclusion of Hillpark's ecological and landscape visual values as Qualifying Matters, which compliment the Special Character Area Overlay already proposed as a Qualifying Matter

Submission date: 27 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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Therese Strickland

From: Unitary Plan
Sent: Wednesday, 28 September 2022 5:30 AM
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Michael Savage
Attachments: Submission on PC 78.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michael Savage

Organisation name:

Agent's full name:

Email address: michael.savage@parkchambers.co.nz

Contact phone number: 0274528255

Postal address:
2/19 Rattray Street
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D special character
Chapter H Residential Zones, including THAB and Single house 2 storey zones

Property address: Rattray Street and Devonport streets with SingleHouse/ SCAO but shown as THAB.

Map or maps: Devonport Map -SCAO/Residential Low Density Zone and the Policy 3 upzoning area

Other provisions:
Support the SCAO and Residential Low Density Zone at Devonport.

Oppose the Policy 3 up-zoning of residential streets around Devonport Town centre.

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 attached submission

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Remove the Policy 3 up-zoning of residential streets around the DevonportTC.

Submission date: 28 September 2022

Supporting documents
Submission on PC 78.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.

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Submitter details

1. My name is Michael Savage. I am a barrister practising in resource management and public law and live at Rattray Street, Devonport. My comment is made on a personal basis and has the support of all of the residents of Rattray Street with whom I've spoken.

2. The focus of my comments is on Devonport, and in particular the residential streets around the Devonport town centre apparently identified for intensive development. That up-zoning is unwarranted and should be deleted.

Legal and Planning Context

3. The Council's preliminary proposals directly affect Devonport in both positive and negative ways, which I address below.

4. I am not opposed to intensification in the City and support it as an important challenge for the City as it grows, for a raft of well-known reasons. Of course it is not the only important factor in building an attractive and liveable city. Of equal importance, both legally and practically speaking, is the principal of recognition and identification of heritage and special character that has evolved over the past century or more and weaving that into the fabric of the City going forward.

5. The Unitary Plan largely achieves these and other goals and gives effect to the relevant legislation.

6. In my opinion, the 2021 Amendment Act (and NPS: UD) while directing extensive intensification in Auckland city, deliberately retains the ability and the legal obligation of Council, to exclude the intensification requirements where the qualifying matters come into play.

7. In relation to relevant residential zones, the qualifying matters are listed in section 77I. There are 10 qualifying matters listed in that section. It is apparent from the wording of the section that the first nine matters essentially require Council to impose a lesser form of development in order to safeguard those listed matters. To illustrate this in relation to section 6 RMA, the wording of the qualifying matter provides:

> *A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant area only to the extent necessary to accommodate one or more of the following qualifying matters that* are *present:*
>
> *a) a matter of national importance that decision-makers are required to recognise and provide for under section 6:*

…..

8. Put differently, the Council obligation to make provision for the intensification mandated by Policy 3 and the introduction of MDRS, is qualified. It must still provide for the matters of national importance in section 6 RMA, although only to the extent necessary in order to facilitate their recognition.

9. The same applies to matters (b) to (i) of section 77I. The qualifying matters, understood correctly, are not matters which the Council can choose to ignore in its discretion. Rather the statutory obligation on Council in section 6 of the RMA (as the one example) to recognise and protect matters of national importance is unchanged by the 2021 Amendment Act. The 2021 Act is clear that the Council's statutory duty to recognise and protect matters of national importance and to address the other matters in section 77I (a) to (i), take precedence over the intensification obligations to the extent that it is necessary in order to protect the listed qualifying matter.

10. The limited exception to this is section 77I (j) which enables the Council to exclude the operation of the MDRS or policy 3 where it is inappropriate in the area, but only if the section 77L is satisfied. That section in turn obliges the Council to identify the specific characteristic that makes intensification inappropriate and requires a site-specific analysis and evaluation of alternative options for intensification.

11. The Importance of this relates to the apparent approach of Council to the special character areas in the city.

12. The Council has attempted to undertake a site-specific analysis of the existing Special Character Overlay areas in the AUP, presumably because of the reference to this in section 77L. However, that approach of Council appears to be based on an assumption that the special character areas can only be considered a qualifying matter relying on section 77I (j), *"any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate area, but only section 77L satisfied".*

13. However, that takes it very conservative approach to special character in the City and one that is legally doubtful. The special character areas in the AUP were established following a rigorous city-wide assessment against a range of criteria.

14. The consequence of the Council apparently treating special character as a section 77I (j) matter, is to exclude the operation of section 77K to existing special characters of areas.

15. Section 77K provides the alternative process for identifying **existing** qualifying matters and avoids completely the need for a site by site assessment of existing special character areas currently mapped in the AUP. Instead Council, when considering existing qualifying matters including existing special character area overlays, could have relied upon its SCAO maps in the AUP in order to include the existing special character areas, undiluted, in the Intensive Planning Instrument (IPI).

16. Importantly, the RMA includes a broad definition of historic heritage, being a section 6 (a) matter requiring recognition and protection. This definition arguably includes the AUP special character areas.

17. I acknowledge Council/AUP has maintained a distinction between identified heritage sites and special character areas. However, the definition of **"historic heritage**" in section 2 of the RMA is broad and bears comparison with the criteria used in the identification of SCAO'sin the AUP . It reads:

Historic Heritage

"(a**) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from any of the following qualities:**

(i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological; and

(b) **includes-**

(i**) historic sites, structures, places, and areas; ….."**

17. Given this definition would appear to extend to the special character areas of the City, section 6 (f) RMA applies with the result that SCAO's come under section 77I (a) and Council could have applied the alternative process for identification of existing qualifying matters under section 77K.

18. This assumes importance, given the significant limitations in Council's review of special character areas in formulating its IPI. Those limitations include the scale of the task across the City and the short time able to be devoted to it, that it was partially a desktop exercise, the limited range of criteria used, and the exclusion of rear sites.

19. The better and legally correct course would have been to include the existing SCAO's in the IPI, unchanged. There was no need to delete or reduce the SCAO's, and Council could properly have relied on the work undertaken as part of the identification and mapping of the SCAO's in the AUP.

Devonport

20. The proposals in PC 78 directly affect Devonport in both positive and negative ways. On the positive front, the Council has confirmed the existing special character area overlay across much of Devonport, although with some unnecessary exclusions. In conjunction with the application of the SCAO, PC 78 has also applied the new residential zone across most of Devonport, "Residential – Low density Residential Zone" that will trump the requirement to otherwise impose the MDRS. I strongly support the Council's decisions to introduce the new zone and continue the special character area overlay at Devonport.

21. However in contradiction of the SCAO/Low Density Residential zoning, the Planning map identifies the streets surrounding Devonport Town Centre for Policy 3d upzoning to THAB zone. The residential streets identified include Rattray Street, Buchanan Street, Kerr Street,

to the east of the centre, Wynyard Street, Anne Street/Garden Terrace, and the block between Clarence Street and Calliope Road to the west of the centre and and a small section of Victoria Street north of the town centre on the slopes of the Maunga.

22. The THAB zone if applied to these Devonport streets would be extremely destructive of the identified special character, diminish Devonport as a place to live, work and visit, and be contrary to law.

23. So far as Devonport is concerned, policy 3 of the NPS:UD the requires Council to amend the AUP to enable:

> "*Within and adjacent to… town centre zones, building heights and density of urban* ***form commensurate with the level of commercial activity and community services."***

24. Council has adopted a blanket policy in relation to town centre zones of applying a 200m or 400 m zoning, depending on the size of the centre. The policy been applied on the ground by identifying particular streets within the specified radius, regardless of other factors.

25. In addition and quite aside from any legal obligation, the identification of special character areas surrounding Devonport town centre for intensive residential zoning is flawed for a number of reasons. They include:

    (a) The nature and location of the Devonport town centre. As a small centre located at the end of a long peninsula it has very constrained access and a limited catchment. As a consequence, intensification of residential development around it is not warranted**. Put differently, the existing level of residential development is commensurate with the level of commercial activity and community services in the Devonport town centre, as referred in Policy 3;**

    (b) The AUP Chapter D 14 identifies a locally significant volcanic view shaft at Devonport of 9 m in height in order to protect local views of the maunga. Mount Victoria/Takarunga is of course now managed by the Maunga Authority and is of considerable Iwi significance as well as broader local value. The notion of tall intensive development on the lower slopes of the Maunga, including on Kerr and Victoria streets, is unacceptable and inconsistent with the Maunga's importance in the Devonport context. It is most likely inconsistent with the matters of national importance in section 6 (b) and (e) RMA;

    (c) The town centre itself has 9 m and 13m height limits (in the lower area) and the THAB zone (with a height of at least 15 m and subject to upward review) would be physically incongruous with the low rise heritage character of the centre;

    (d) The streets around the town centre selected for potential up zoning enjoy a particularly high special character (on Council's recent reassessment) and contain a significant number of heritage sites identified in the AUP. For example, applying the Councils character assessments of wider Devonport to the Kerr Street/Rattray Street/Buchanan Street, I calculate this area has a special character rating of at least

75%. Rattray Street alone has approximately 14 of 17 properties identified by Council as high special character, or 82% of the sites.

(e) The proximity of identified heritage sites makes intensive zoning in Rattray, Buchanan and Kerr Streets highly undesirable and unworkable. To illustrate this, there are approximately 61 properties with Street frontage in these 3 streets with 12 identified heritage sites, with another eight heritage sites adjacent to these 3 streets (in the town centre or Mays Street). Approximately 34 of the 61 sites identified in these 3 streets have a common boundary with the "Extent of Place" AUP identification for the Heritage sites (56%) and the construction of intensive residential development adjacent to those heritage sites would be particularly incongruous and damaging to the heritage values;

(f) The narrow streets are not suited to intensive THAB development. Already they are fully used for parking associated with visitors to Devonport, as well as residents and commuters;

(g) Devonport is a recognised destination for visitors from other parts of Auckland, New Zealand and overseas. It is normal to see those visitors walking along Rattray and Buchanan streets to view the houses and gardens as part of their experience of this largely intact character area. Replacement of the SCAO housing with THAB development would detract from that experience and ultimately deter many visitors from Devonport.

(h) The residential streets to the south of the town centre identified for intensification are identified in the AUP as coming within the Coastal Inundation 1 per cent AEP plus 1m. Locating additional intensive housing on these streets is not consistent with that status.

Relief sought

Retain the SCAO and "Residential Low Density" zone at Devonport. 1132.1

Remove the Policy 3 up-zoning from the residential streets surrounding the Town centre. 1132.2

Such further or other relief as the Panel sees fit. 1132.3 1132.4

Therese Strickland

From: Unitary Plan
Sent: Tuesday, 27 September 2022 9:30 PM
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Yuping Wang

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Yuping Wang

Organisation name:

Agent's full name:

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Half Moon Bay
Auckland 2012

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
quality matters - flood plain

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:
if the flood plain is only cover corner of land and will not be under building coverage, this rule should not be applied

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

Details of amendments: flood plain quality matters only apply if the land is most under flood plain or building coverage is under flood plain area, otherwise this matters will not apply.

1139.1

Submission date: 27 September 2022

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.

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Form 5

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

To	Auckland Council
Name of submitter	*James Fulton*
Address for service of Submitter	75 Matija Place, Red Beach, 0932
Telephone	021775241
Email	James_fulton@xtra.co.nz

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

Plan Change Number	PC 78
Plan Change Name	Intensification

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: Not applicable

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

(a) adversely affects the environment; and

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

The specific provisions of the proposal that my submission relates to are detailed in Appendix 1.

My submission is:

I **support** the specific provisions identified in Appendix 1

I **oppose** the specific provisions identified in Appendix 1

I wish to have the provisions identified in Appendix 1 **amended**

The reasons for my views are attached as Appendix 1

I seek the following decision by Council:

~~Accept the proposed plan change~~	~~☐~~
Accept the proposed plan change with amendments as outlined in Appendix 1	x
~~Decline the proposed plan change~~	~~☐~~

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

I wish to be heard in support of my submission	X
I do not wish to be heard in support of my submission	☐
If others make a similar submission, I will consider presenting a joint case with them at a hearing	☐

27/09/22

…… ……

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

Date

Appendix 1:

Plan Change 78

The specific provisions of the proposal that this submission relates to:

1.0

We consider that unless the relief sought in this submission is granted PPC78 and in particular the specific provisions challenged:

1. Will not promote the sustainable management of resources;
2. Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 ("RMA");
3. Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
4. Will not warrant confirmation in terms of section 32;
5. Will be contrary to relevant provisions in the National Policy Statements and National Environmental Standards; and
6. Will enable the generation of significant adverse effects on the environment that warrant being addressed through PPC78 provisions.

2.0 General Submission

2.1 Introduction of a Qualifying Matter (QM)- Matija Place, Red Beach

We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach. This road is a cul-de-sac off a no exit road (Jelas Road), with no entry from Hibiscus Coast Highway. The road is narrow, with footpath on one side only, and two- way vehicle movements are often blocked by parked vehicles. Trucks, such as rubbish or recycling trucks, cannot be passed on the road which blocks traffic, and sometimes cannot move up the road due to parked vehicles and the narrowness of the road. There is often none (or very little) on- street parking. The contour of the road impedes visibility of oncoming vehicles on Matija Place. 1141.1

A school is located at 100 Jelas Road, with its only vehicle access onto Jelas Road, opposite Matija Place. Access into and on Matija Place is often restricted by vehicles moving to and from the school, and parking associated with the school.

The area is not well serviced by public transport, being only buses (and these are not regular and could not be relied on as a car alternative).

Matija Place contains larger sites from historical subdivision. Under PC78 there is potential that these sites could be extensively subdivided, and a large number of dwellings constructed. The transportation infrastructure is insufficient to service this level of development. It is appropriate that development be limited to recognise this constraint, and that future resource consent applications be specifically required to take into account and address these infrastructure issues.

The introduction of a QM is consistent with higher leave planning documents, including because some of the high-level outcomes sought cannot be achieved given the transportation matters present. Relevant provisions include:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources noting this constraint,
c) Section 7c) RMA, the maintenance and enhancement of amenity values,

d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
   i. Objective 2.1(1):
   New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

   A QM and related impacts on development is consistent with this objective.

   ii. Objective 2.1(3) (emphasis added) "…the area is <u>well-serviced</u> by existing or planned public transport"

   This cannot be achieved. A QM is appropriate.

   iii.
   iv. Objective 2.1(6) (emphasis added):
   Local authority decisions on urban development that affect urban environments are:
   integrated with <u>infrastructure planning</u> and <u>funding</u> decisions;
   and strategic over the <u>medium term and long term</u>; and…

   This cannot be achieved. A QM is appropriate.

   v. Policy 2.2(1)
   Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
   …..
   (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

   This cannot be achieved. A QM is appropriate.

   vi. Policy 2.2(4)

f) The Auckland Unitary Plan, including (but not limited to):
   i. Objectives and policies of B2.2, including where a compact urban form is sought, that makes better use of existing infrastructure and efficient provision of new infrastructure, integrates land use and transport and supports a range of transport modes.
   ii. Objectives and policies of B2.3, which seek a quality, built environment. This includes (but is not limited to) development which maximises infrastructure efficiency, that provides good access and enables a range of travel options, achieves a high level of amenity and safety for pedestrians and cyclists, and meets the functional, and operational needs of the intended use.
   iii. Objective B3.3.1 and policies B3.3.2, including (but not limited to) where these provisions seek effective, efficient and safe transport. This includes integration with land uses and ensuring transport infrastructure is planned, funded and staged.

   This cannot be achieved. A QM is appropriate.

2.2 Zoning

The proposed rezoning of the majority of Auckland urban areas to Mixed Housing Urban is unnecessary and excessive. Auckland Council has indicated that with all the proposed Qualifying Matters in place, the enabled capacity via PC78 would be more than three times the total demand for housing in 2051. This creates a situation where residents, who have largely had no opportunity for involvement in the rezoning process (due to changes being required by central government), will be adversely affected by development when there is no demand for the related housing. The AUP(OP) as it standards, which has been through a full statutory process where people were able to make submissions in relation to zoning, has more than sufficient capacity to meet the housing demands in Auckland. The AUP(OP) already meets relevant objectives and policies of the NPS- US and RPS regarding residential capacity.

Red Beach and Silverdale are established, medium density residential areas. The area is currently zoned Single House Zone in the Auckland Unitary Plan (OP) and has had a similar zoning since at least the late 1990's. Land has been purchased and developed on this basis. Dwellings have been sited and designed based on existing development standards, as currently detailed in the AUP(OP). The MDRS now seeks to change this and the zoning, without the ability of affected parties to be involved. People have made significant investment decisions and now have little, if any, ability to be involved in changes that will affect them and, in some cases, significantly.

While we understand Auckland Council is largely obligated to make these zoning and MDRS standard changes, we record that we do not support the changes proposed in Red Beach, Orewa, Silverdale and the Hibiscus Coast, and in particular in Matija Place, Red Beach. Site owners will be significantly adversely affected by this zoning change and have had no ability to be involved in the rezoning process. We would support the retention of the Single House Zone (SHZ) in these areas if this was possible under the PC78 process. We do not support any "increase" in zoning of sites in Matija Place, Red Beach as shown in the notified version of PC78 (such as to THAB zone for example). 1141.2 1141.3

If the retention of SHZ is not possible, we seek strong objectives, policies, rules and criteria to ensure that potential effects on adjacent residential sites are avoided, remedied or mitigated and the owners/ occupiers of adjoining sites can become involved in resource consent applications. The relief sought includes (but is not limited to) that which would achieve the following:

a) Resource consent applications can be declined when there is insufficient servicing capacity, or servicing options are proposed that are suboptimal. Plan language must reflect this, and be sufficiently strong, in legal terms, to enable decline. 1141.4
b) That the density of development is appropriate for the site, including having regard to development on adjacent sites (including character and amenity effects experienced on adjacent sites) and infrastructure capacity. 1141.5
c) All residential developments must be required to have close regard to the interface with existing residential development on adjoining sites, including (but not limited to): 1141.6
    I. Building form that provides articulation including in roof and facades, to minimise the visual dominance of bult form when viewed from adjacent sites,
    II. The use of colours and variation of building materials to visually break up built form and reduce visual dominance when viewed from adjacent sites,

III. Minimising overlooking, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens, and minimising retaining (fill) on site boundaries where overlooking could occur into adjoining sites,
IV. Impacts on privacy on adjoining sites, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens,
V. Ensuring sufficient sunlight access is retained into adjoining residential dwellings and outdoor living areas,
VI. Managing amenity effects and providing privacy through boundary landscaping (capable of growing to a suitable height to provide privacy and softening of built form, such as 5m) and fencing.

d) The landscaping on- site is maximised, to improve amenity both on site and on those adjoining, 1141.7
e) Ensuring that applications, including those that do not provide a suitable interface with adjoining sites, can be notified and that affected parties can become involved in the resource consent process, 1141.8
f) Adequate areas are identified for waste and recycling storage and on- site collection, 1141.9
g) Waste and recycling areas are screened from adjoining sites and in larger development with communal waste storage areas, that waste is managed to control odour, 1141.10
h) Adequate areas are provided on- site for delivery vehicles, parking and visitors to remove or minimise the need for on- street parking, 1141.11
i) Providing for on- going management of communal areas (including access, parking and landscaped areas) and services on sites, such as a body corporate or similar. The ongoing management of these areas can easily be disregarded if a specific management regime is not put in place at the time of development. 1141.12
j) Requiring upgrading of infrastructure, including roads and footpaths, where the existing services are inadequate and further loading is proposed by a development. 1141.13

The relief sought above, is consistent with:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources,
c) Section 7c) RMA in that this would result in the maintenance and enhancement of amenity values,
d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
    i. Objective 2.1(1),
    ii. Policy 2.2(6)
f) The Auckland Unitary Plan, including (but not limited to):
    i. Objective B2.2.1(1), including refence to quality compact urban form,
    ii. Objective B2.3.1(1) and policies B2.3.2(1), including by creating a quality built environment that responds to the site and its setting,
    iii. Objective B4.2.1(1),
    iv. Policy B2.4.2(4),
    v. Policy B2.4.2(6), including that development is adequately serviced,
    vi. Policy B2.4.2(8), including recognising and providing for existing and planned neighbourhood character,
    vii. Policy B2.4.2(9) and (10).

For completeness it is noted that higher residential intensification in this location is not consistent with some provisions such as B2.2.2(5).

3.0 Submission on Specific PC78 Provisions

Without limiting the generality of the relief sought above, the following submission is made on specific PC78 provisions.

3.1 Maps

Maps		
Matter	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Qualifying Matter	Qualifying Matter- Infrastructure Water and/ or Wastewater Constraints Control as shown on Matija Place (including at 77 and 86 Matija Place) is supported	We understand that infrastructure in Matija Place and the wider Red Beach, Silverdale and Hibiscus Coast areas, has not been designed or established to service the level of development that the MDRS or NPS- UD will enable. There is frequently news of overflows at beaches in local media, including of raw sewerage. Local roads also flood to varying degrees, including at the intersection of Jelas Road and Matija Place. There are clear issues with capacity of existing stormwater and wastewater services in these areas. It is appropriate that a QM be utilised, to place restrictions and controls on development in these areas. This is consistent with higher order planning provisions and outcomes sought by the RPS (including objectives and policies of B3.2), NPS- UD and Part 2 RMA.
Qualifying Matter	We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach.	Please see reasons in 2.0 above.
Zoning- Matija Place	We seek the rezoning of Matija Place to Single House and if this is not possible Mixed Housing Suburban due to development constraints.	Please see reasons above relating to servicing and infrastructure, including transportation servicing.

1141.14

3.2 Auckland- Wide provisions (Chapter E)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons	
E36	The inclusion of natural hazards as a Qualifying Matter is **supported**.	This is consistent with Part 2 RMA	1141.15
Objective E38.2(10)(d)	**Reword** to "Avoid subdivision that cannot be appropriately serviced by the water supply, wastewater and stormwater networks".	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1141.16
Objective E38.2(10)(e)	**Support**	We support the objective and the terminology, specifically use of "avoid" in relation to under sized lots in areas affected by a Transportation Qualifying Matter.	1141.17
Objective E38.2(11)	**Support** reference to subdivision and density of development being controlled where a Qualifying Matter is present.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.18
Policy E38.3(13)	Seek **insertion** of reference to Qualifying Matter, to control density and site sizes. Insert the following, or words to like effect: (d) Taking into account a Qualifying Matter affecting the site, noting that this may result in larger sites or fewer sites (lower yield) than may otherwise be usually anticipated in that particular zone.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.19
Policy E38.3(31)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. The use of "avoid" is supported.	1141.20
Policy E38.3(32)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.21

Policy E38.3(33)(c)	**Support reference to QM**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.22
Policy E38.3(34)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.23
Policy E38.3(35)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.24
Activity Table			
Table E38.4.2(A29A)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate.	1141.25
Table E38.4.2(A29B)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate. To be consistent with higher level documents including the NPS- UD, NPS- FW and RMA (Part 2) it is critical that development be serviced in an appropriate way, and that Council has the ability to decline an application if this is not the case.	1141.26
E38.5- Notification			
E38.5 Notification (2A)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1141.27
E38.5 Notification (2B)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1141.28
E38.6- General Standards			
E38.6.3. Services	Seek that this Standard be **altered** to refer to appropriate services or words to that effect.	It is important that proposed servicing is appropriate, having regard to the location of the site, capacity of reticulated services and ongoing maintenance. PC78 should be clear that suboptimal servicing solutions are not appropriate and will not be accepted. The use of the word “provision” is not sufficient.	1141.29

E38.8 Standards for subdivision in residential zones			
E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control.	**Support** in part, subject to the following **amendment**: "The technical report must demonstrate: a) That infrastructure and servicing can be achieved. b) The method and capacity of water, wastewater and water servicing for the development; c) The durability and maintenance required for the proposed system/s; d) The appropriateness of the proposed servicing for the nature and scale of the development; e) The potential effects of the proposed servicing; f) Proposed long term management of the system/s."	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1141.30
E38.8.2.9	**Support**	Please see section 2 above, where a similar QM in Matija Place, Redd Beach is sought.	1141.31
E38.11 Assessment- Controlled Activities			
E38.11.1(2)	**Support**	Support reference to infrastructure	1141.32
E38.11.2(2)	**Support**	Support reference to infrastructure	1141.33
E38.12 Assessment- Restricted Discretionary Activities			
E38.12.1(10)	**Support**	Support assessment of stormwater matters being required.	1141.34
E38.12.1(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1141.35
E38.12.2(10)	**Support**	Support assessment of stormwater matters being required.	1141.36

E38.12.2(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined

1141.37

3.3- Zones (Residential)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Objective H5.2(A1)	**Support**	1141.38
Objective H5.2(B1)	**Reword** objective to the following or words to like effect: "…(b) The neighbourhoods planned urban built character, including 3- story buildings, unless the site is affected by a Qualifying Matter in which case the development density must take into account the related constraint."	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 1141.39
Objective H5.2(1)	**Reword** objective to the following or words to like effect: Land ~~near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network~~ is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport, unless it is affected by a Qualifying Matter in which case the development density must take into account the related constraint.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 1141.40
Objective H5.2(3)	**Supported**, in particular where it refers to high quality amenity in relation to adjacent sites and the street.	Please see "General Submission" above. 1141.41

Objective H5.2(5)	**Supported**	Inappropriate servicing can impact on water quality, and this requires control.	1141.42
Objective H5.2(6)	**Supported**		1141.43
Objective H5.2(7)	The following **rewording** is sought, or words to the same effect: "Development that cannot be appropriately serviced for water supply, wastewater or stormwater is **avoided**"	Wording in the Plan must be sufficiently strong to enable applications to be declined where the required outcome is not achieved, especially for fundamental matters such as servicing.	1141.44
Objective H5.2(8)	**Supported**		1141.45
Objective H5.2(10)	**Supported**	Please see "General Submission" above.	1141.46
Policy 5.3(B1)	**Support** "..except in circumstances where a qualifying matter is relevant"	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1141.47
Policy H5.3(C1)	**Reword** to the following or words to like effect: ~~"Encourage~~ Require development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance."	Wording in the Plan must be sufficiently strong to ensure the required outcome is achieved.	1141.48
Policy H5.3(E1)	**Reword** to the following or words to like effect: ~~Provide for developments not meeting permitted activity status, while encouraging high-quality developments~~ "Require developments to achieve a high-quality environment"	It is not necessary to have a policy that provides for activities which are not permitted, as the plan already provides for this. A "high quality development" should not be "encouraged"- this must be required, to be consistent with the RPS and the NPS- UD.	1141.49
Policy H5.3(6A)	**Support in part**, in particular references to adjacent sites. **Introduce** the following or words to like effect: (j) Establishing landscaping (vegetation) to create quality on- site amenity and soften the interface between the site and adjoining residential sites.	The policy is generally supported for the reasons set out in section 2 above , with amendments as required to address the issues raised in section 2 above.	1141.50
Policy H5.3(12)	**Support**	All development must be appropriately serviced.	1141.51
Policy H5.3(13)	**Support**	All development must be appropriately serviced. Qualifying Matters affect what type and scale of development is	1141.52

		appropriate on a site. This should be clearly reflected in objectives and policies.	
Policy H5.3(14)	**Support**	Please see section 2 above.	1141.53
Policy H5.3(16)	**Support**	Please see section 2 above.	1141.54
	Activity Table		
Table H5.4.1(A14B)	**Support** one dwelling on a site in the Water and/or Wastewater Constraints Control QM being a permitted activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, with permitted development limited.	1141.55
Table H5.4.1(A14B)	**Seek amendment** to table H5.4.1 to introduce "Standards to be complied with". This should include reference to Standards H5.6.3- H5.6.21 and the new Standard sought below.	The Plan must be clear about what Standards must be complied with to be a permitted activity.	1141.56
Table H5.4.1(A14C)	**Support** two or more dwelling on a site in the Water and/or Wastewater Constraints Control QM being at least a restricted discretionary activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, and consent required for more than one dwelling to enable site specific assessment.	1141.57
Table H5.4.1	**Insert new A14D with the following,** or words to a similar effect (to reflect the Qualifying Matter sought on Matija Place): "Two or more dwellings per site in the Matija Place Transportation Qualifying Matter Control"- Restricted Discretionary Activity.	To reflect the Qualifying Matter sought, as detailed above in section 2.	1141.58
	Notification		
H5.5(5) (Notification)	The preclusion of limited or full notification for a development of four or more dwellings, irrespective of meeting Standards, is **opposed**.	Applications of 4 or more dwellings have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1141.59
H5.5(6) (Notification)	**Support**	These applications should be subject to the normal tests for notification.	1141.60
	Standards		
H5.6.3A	**Seek introduction** of a specific Standard related to the Water and/or Wastewater Constraints Control to ensure that servicing is appropriate for the site, area and development proposed, and that there is sufficient capacity.	The Plan should be clear that servicing must be provided, and that this must be fit for purpose, able to be maintained in perpetuity and is suitable. Given the geographical extent of this QM it is likely that bespoke solutions will be suggested, that are not appropriate- the Plan must be strongly worded to make it clear	1141.61

		these outcomes will not be consented.
H5.6.5(4). Height in relation to boundary	**Oppose** the proposed HIRB plane and the removal of consideration of boundaries adjoining lower zones.	The proposed HIRB plane will create adverse shading and overlooking and reduce sunlight access, in relation to adjoining residential sites. Given the existing AUP zoning, some of these adjoining sites contain new development based on existing zoning (1-2 levels, greater yard setbacks and lower HIRB controls)- in these cases the adjoining sites are unlikely to be redeveloped in the medium terms and a higher degree of adverse effects will be created in the . We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 1141.62
H5.6.5(4)(4). Height in relation to boundary	**Oppose**. HIRB should apply from the site boundary, not right of way/ access lot boundaries.	1141.63
Table H5.6.8.1 Yards	**Oppose.** Given the increased level of density proposed, yards should be larger. The definition of "Yard" to be **amended** to reduce the length of eaves that can encroach into yard setbacks.	We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 1141.64 At present eves up to 750mm are excluded from the definition of yards. This could result in part of a building being only 250mm from a common boundary. This impacts on maintenance and amenity of adjoining sites. 1141.65
H5.11(5)- Landscaped Area	The minimum landscaped area of 20% **is opposed.** The following is sought, or words to similar effect: "<u>The minimum landscaped area must be at least 35 percent of the net site area".</u>	The landscaping present on a site makes an important contribution to on- site amenity and amenity on adjoining sites. 1141.66
H5.6.12- Outlook Space	Generally **supported**	The requirement to provide outlook space is supported, including that this space must be located within the development site. 1141.67
H5.6.14(4)- Communal Outdoor Living Space	Supported with the following **amendment** (or words of similar effect): <u>(h) Is managed and maintained by a body corporate or similar legal entity.</u>	The requirement for a communal outdoor living space for larger residential developments is supported. Appropriate maintenance and management of these areas is also required. 1141.68

H5.6.21 Residential waste management	Standard is generally **supported** with the following amendment requested: "H5.6.21(6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings, and this must include details of how odour will be controlled".	Where a site has limited road frontage, requiring waste collection on- site is supported. Sufficient space must be available on -site for a waste vehicle to park, collect the waste/ recycling, manoeuvre on-site and leave in a forward-facing direction. Waste and recycling storage areas can easily create odour, which impacts on amenity on site and on those adjoining, if not controlled.	1141.69
H5.8- Assessment – restricted discretionary activities			
H5.8.1. Matters of discretion 5.8.1(2) For four or more dwellings per site: (a)(i)	**Oppose** deletion of the word "intensity"- seek that "intensity" not be deleted. Reword to (or words to like effect): (i)building intensity, scale and location, including	Building intensity, not only scale, has the potential to impact on the success of an overall development, its appropriateness in a specific location, and the adverse effects created on people, in particular adjoining site owners. It is appropriate that Council retain the ability to assess this important aspect of a proposal.	1141.70
H5.8.1(2) (a)(i) (A)	**Support**	Support reference to "adjoining sites" for the reasons set out in section 2 above.	1141.71
H5.8.1(2) (a)(i) (B)	Seek **amendment** as follows, or words to like effect: "the extent to which the height, roof form and design of buildings respond to the local streetscape, adjacent sites, …"	Please see section 2 above.	1141.72
H5.8.1(2) (ai)	**Support**	Please see section 2 above.	1141.73
H5.8.1(2) (c)	**Support**	Please see comments above regarding infrastructure and servicing.	1141.74
H5.8.1(2) (d)	Seek **amendment** as follows, or words to like effect: "the effects of the development on the safe access for pedestrians and other transportation users on the adjacent road network"	Please see section 2 above. In some locations there is insufficient transportation infrastructure to service a development, and the traffic generated by a development may impact on other users off the site. Potential adverse effects in this regard should be assessed.	1141.75
H5.8.1(6)	**Supported**	Please see comments above regarding infrastructure and servicing.	1141.76
H5.8.2- Assessment Criteria			
H5.8.2(2)(ab)	**Amend** to include the following, or words to like effect:	Please see section 2 above.	1141.77

	(ix) Placing lower buildings adjacent to residential dwellings on adjoining sites.		
H5.8.2(2)(ac)	**Support**		1141.78
H5.8.2(2)(ae)	**Support**	Support the design outcomes achieved by buildings fronting public streets.	1141.79
H5.8.2(2)(af)	**Support**	Support the design outcomes achieved by buildings fronting public streets.	1141.80
H5.8.2	**Insert new** Assessment Criteria related to H.8.1(6) (More than one dwelling in Waste and Wastewater Constraints Control). Insert the following or words to same effect: I. The method and capacity of water, wastewater and water servicing for the development; II. The durability and maintenance required for the proposed system/s; III. The appropriateness of the proposed servicing for the nature and scale of the development; IV. The potential effects of the proposed servicing; V. Proposed long term management of the system/s.	PC78 notes the need for consent and provides Matters for Discretion. The inclusion of Assessment Criteria will provide further guidance on what is required.	1141.81

3.4 Definitions

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons	
Definition of "Landscaped Area"	**Support**	The changes proposed mean the landscaped area focuses more on vegetation, and excludes more hard landscaping than previous. This is supported as it will positively affect amenity on- site and on adjacent sites, as the density of development increases. This is consistent with the urban design outcomes sought by objectives and policies of the zone, and the RPS.	1141.82

4.0 Submission- Additional relief sought

In addition to the relief sought in sections 1, 2 and 3 above, we also seek:

(1) any additional changes which are required to the text and maps of the proposed plan to give effect to this submission.
(2) Any other consequential or alternative amendments arising from these changes.

Ginny Taare

From: Blair McLean <blair@civix.co.nz>
Sent: Tuesday, 27 September 2022 4:21 pm
To: Unitary Plan
Subject: Plan Change 78 - email submission - 153 Albany Highway, Unsworth Heights
Attachments: pc-78-form - 153 Albany Highway.pdf; Plan Change 78 - 153 Albany Highway.pdf

Kia ora,
Please see attached Plan Change 78 form and associated letter on behalf of my client, KVEST Investment Partners Group who own 153 Albany Highway, Unsworth Heights.
I note that there were technical issues when attempting to submit via the online platform so this could potentially be the third submission made regarding this property. Please disregard the online submissions.
Could you also please confirm receipt of this submission by email?
Many thanks for your assistance.
Ngā mihi,

Blair McLean
Planner

M +64 22 199 6609 | W www.civix.co.nz
A Level 8, 99 Albert Street, Auckland
P PO Box 5204 Victoria Street West, Auckland 1142

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Blair McLean

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

Civix Ltd

Address for service of Submitter

PO Box 5204 Victoria Street West, Auckland 1141

Telephone: 221996609 Fax/Email: blair@civix.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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: 153 Albany Highway, Unsworth Heights

Or

Map

Or

Other *(specify)*

Refer to attached submission document.

Refer to attached submission document.

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:

Remove SEA overlays as a qualifying matter and instead rely on the existing rules and proposed within the AUP to manage intensification in these areas;

Remove the SEA overlay from the site, as the vegetation protected by the SEA was lawfully removed and thererfore is no longer contained on the site.

Please refer to attached submission letter for further detail.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Remove SEA overlays as a qualifying matter and instead rely on the existing rules and proposed within the AUP to manage intensification in these areas;

Remove the SEA overlay from the site, as the vegetation protected by the SEA was lawfully removed and thererfore is no longer contained on the site.

Please refer to attached submission letter for further detail.

Please note: replace any online submissions received for this address and relief requested with this submission. A technical issue occurred on the online portal.

I wish to be heard in support of my submission ☒

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

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

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

09/27/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

+64 9 303 1113
www.civix.co.nz
Level 1, 87 Albert Street, Auckland
PO Box 5204 Wellesley St, Auckland 1141

Auckland Council
Attn: Plans and Policy

27 September 2022

Plan Change 78 Submission – 135 Albany Highway, Unsworth Heights 0632

To Whom it may concern,

On behalf of KVEST Investment Partners Group (KIPG), we have prepared feedback on Plan Change 78 – Intensification (PC78), which gives effect to requirements of the National Policy Statement on Urban Development (NPS-UD). The details of the subject site and any relevant changes are detailed in **Table 1** below.

Table 1: Site details

Site Address	153 Albany Highway, Unsworth Heights 0632
Legal Description	Lot 1 DP 487862
Current Zoning	Residential - Terrace Housing and Apartment Building ('**THAB**') Zone
Proposed Zoning under PC78	Residential - THAB Zone
Qualifying Matters under PC78	Significant Ecological Areas ('**SEA**') - Terrestrial
Summary of Relief Sought	Support in part, remove SEA overlay as a qualifying matter and instead rely on the existing rules within the AUP to manage intensification in this area.

An aerial image of the subject site and surrounds is shown below in **Figure 1**.

Figure 1: Aerial image of the site and surrounds from Council Geomaps

Our comments on the relevant provisions of PC78, as they affect the subject site, are detailed below.

THAB HIRTB Changes

We would like to provide strong support to the proposed amendments to the height in relation to boundary ('**HIRTB**') standard in the THAB zone, which applies to the subject site. The changes are as proposed:

- For developments up to three dwellings, a HIRTB standard of 4m + 60° to side and rear boundaries will be applied;
- For developments containing four or more dwellings outside a walkable catchment, a HIRTB of 8m + 60° to side and rear boundaries will be applied;
- For developments containing four or more dwellings and any other development within a walkable catchment, a HIRTB of 19m + 60° to side boundaries within 21.5m of the street frontage will be applied; and
- For developments containing four or more dwellings and any other development within a walkable catchment beyond 21.5m of the street frontage, a HIRTB standard of 8m + 60° to side and rear boundaries will be applied.

We believe that these changes are being proposed to allow for perimeter block style housing and to enable more sites to be able to achieve a building height of six storeys, as is being sought by the objectives and policies of the NPS-UD.

We are strongly supportive of this change, as it would significantly improve both the quantity and quality of medium and high-density housing in Auckland, especially within walking distance to town centres and rapid transit stations. Our experience of seeking consents for new dwellings in the THAB zone presently is that smaller sites (1,500m^2 or smaller on average) cannot typically achieve more than three or four storeys at most due to the restrictive HIRTB standard. Even when utilising the more

permissive alternative height in relation to boundary (AHIRTB) standard, it is difficult to achieve the permitted building height in the THAB zone on more narrow sites without significant infringements being incurred to the zone standards. This outcome therefore discourages many smaller sites from being developed to their full extent, reducing the supply of housing in the more appropriately located areas.

We also note that the current HIRTB and AHIRTB standards have the perverse outcome of spreading the building bulk throughout the site, which often directs outlook to side boundaries and can therefore generate overlooking and privacy concerns. This approach also reduces the potential for meaningful landscaping and the planting of larger specimen trees as it creates strips of landscaping around a building, which reduces neighbourhood amenity.

Allowing greater building height up to side boundaries will enable building bulk to be directed to the frontage of sites, which would conversely direct outlook towards the street and rear yards, thereby reducing the potential for overlooking. This would also provide far more useful rear yards, which can provide for better communal outdoor living areas and more room for planting trees; these are critical factors to ensuring higher density housing maintains good levels of amenity and liveability. Finally, we understand that based on Council's own internal analysis, shading effects on neighbouring properties are likely to be reduced if building bulk is concentrated to the front of sites, even if additional height is achieved.

Relief sought:

1158.1

- Include changes to the HIRTB standard in the THAB zone as currently notified;

<u>Qualifying Matter – SEA Overlay</u>

We do not support the retention of the SEA overlay on this site, noting that this vegetation has been legally removed as part of previous resource consent processed (refer to Figures 2 and 3 below).

Figure 2: Aerial image of the subject site (circa 2010), with the extent of SEA overlay visible

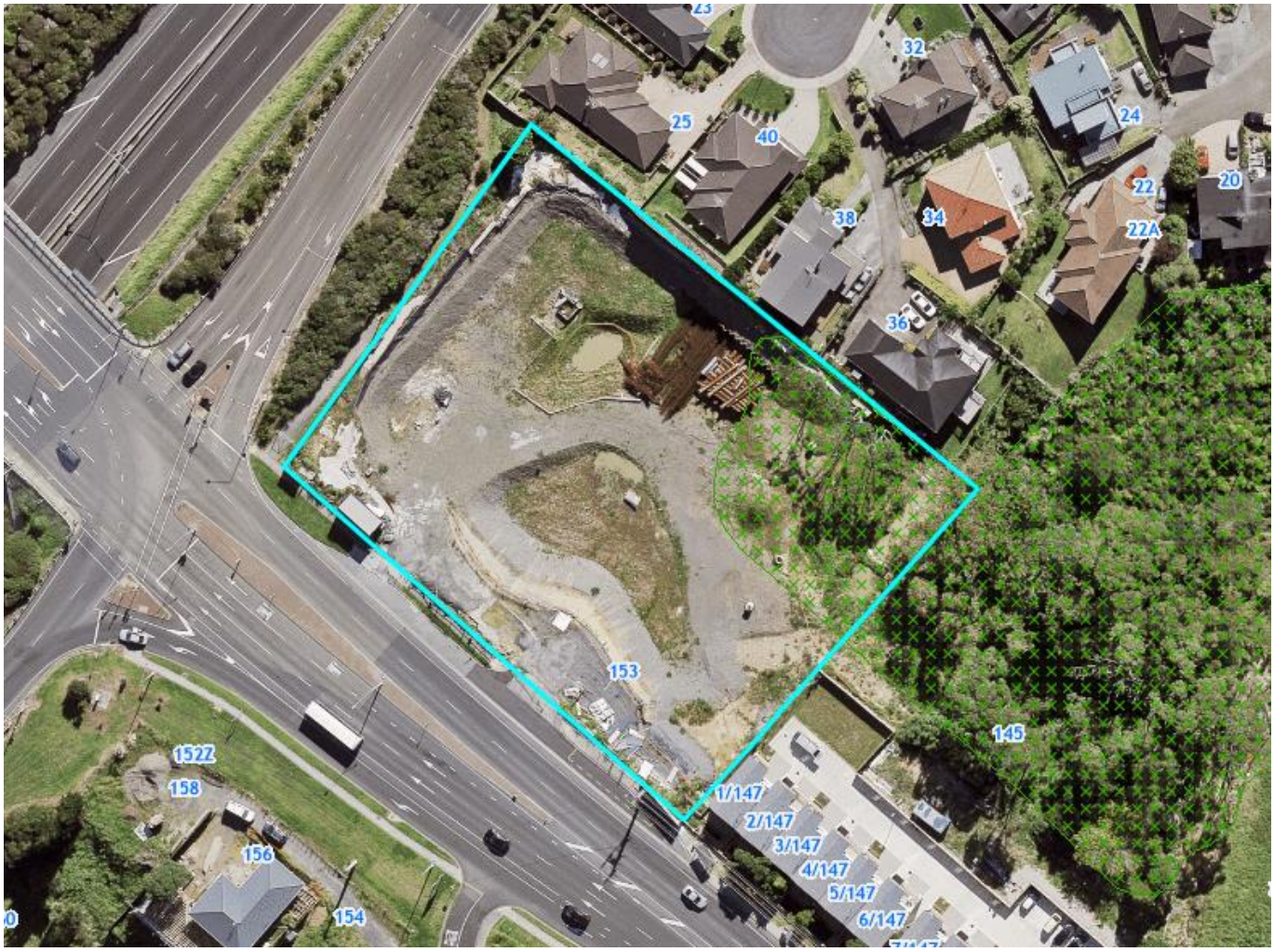

Figure 3: Aerial image of the site in circa 2017, with the previously protected vegetation now removed.

As noted above, resource consent has been granted which authorised earthworks and vegetation removal to facilitate a proposed apartment development on the site (reference LH2141150, attached as Appendix 1 and LUC60394927, attached as Appendix 2), effectively clearing all vegetation formerly protected by the SEA overlay. Subsequent resource consent has recently been obtained to undertake further earthworks and remove pest plant species that have reestablished themselves within the SEA since the original site works were undertaken. Ecological advice was sought to confirm the low quality of the vegetation in support of the proposed activity.

Therefore, any further restriction on development via the Qualifying Matter control, as proposed on the subject site, does not address any specific restrictions or respond to a qualifying matter. As such, it would be contrary to the NPS-UD legislation to preclude the ability to exercise the new THAB zone standards simply due to the site containing the SEA overlay present which no longer serves any purpose.

Relief sought:

- Remove SEA overlays as a qualifying matter and instead rely on the existing rules and proposed within the AUP to manage intensification in these areas; and 1158.2
- Remove the SEA overlay from the site, as this vegetation is no longer contained on the site. 1158.3

Kind Regards.

BLAIR MCLEAN - PLANNER

CIVIX PLANNING | ENGINEERING | SURVEYING

Appendices:

Appendix 1 - LH2141150 - Decision

Appendix 2 - LUC60394927 - Decision

Appendix 1: LH2141150 - Decision

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Decision on an Application for a Resource Consent under the Housing Accords and Special Housing Area Act 2013

Application Number(s):	LH-2141150 REG-2141160
Applicant's Name:	153 Holding Limited
Site Address:	153 Albany Highway, Unsworth Heights
Legal Description:	Lot 1 DP 487862
Proposal:	The proposal seeks land use consent for an apartment development comprising 120 units split over five main blocks. A large landscaped podium is designed for the centre of the site. A 75m^2 dairy has been proposed on the ground floor of Block B. Parking for the development (vehicular and cycle) is provided within the underground basement located under the landscaped podium and is accessed off Albany Highway. Associated site works include earthworks, installation of services, remediation, vegetation removal (including in an SEA), landscaping and formation of new vehicle access.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and make a decision under delegated authority on this application.

This requires resource consent for the following reasons:

Proposed Auckland Unitary Plan (PAUP) 2013

Regional Rules

Natural Resources:

- Chapter H, Rule 4.2 1.1Earthworks- Earthworks greater than 2500m^2 or 2500m^3 requires consent as a **Restricted Discretionary Activity** in a Residential Zone.
- Chapter H, Rule 4.14.2.1 Stormwater Management- Total impervious area on the site is greater than the impervious area threshold for the relevant zone in all areas requires consent as a **Restricted Discretionary Activity.**
- Chapter H, Rule 4.3.1.2 Vegetation Management- Any vegetation alteration or removal within a Significant Ecological Area requires consent as a **Discretionary Activity.**

District Rules

Natural Resources:

- Chapter H, Rule 4.2 1.2 Earthworks- Earthworks Greater than 1000m^2 and 1000m^3 in a Significant Ecological Area requires consent as a **Non- Complying Activity.**

Infrastructure:

- Chapter H, Rule 1.1.2.1 Traffic Generation (Transport) - any subdivision or development which exceeds the traffic generation threshold (30 dwellings) requires consent as a **Restricted Discretionary Activity.** A total 120 units are proposed.
- Chapter H, Rule 1.1.2.3.3 Parking Space Design (Transport) - Consent as a **Restricted Discretionary Activity** is required where the necessary dimensions/ design and manoeuvring space of a carparks are not met. 51 carparks infringe the manoeuvring and width controls.
- Chapter H, Rule 1.1.2.3.4 Access (Transport) - Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under clause 3.4.1.2 and 3.4.1.3 requires consent as a **Restricted Discretionary Activity.** The site is subject to the Vehicle Access Restriction – Motorway Interchange and use of the existing vehicle crossing is required.

Residential Zone- Land Use Control:

- Chapter I, Rule 1.1 Residential Zones- 5 or more dwellings per site within the Terrace Housing and Apartment Building Zone requires consent as a **Restricted Discretionary Activity.** 120 units are proposed.

- Chapter I, Rule 1.1 Residential Zones- Dairies up to 100m^2 GFA per site requires consent as a **Restricted Discretionary Activity.** A convenience store/ dairy with a floor area of 75m^2 is proposed within Block B.

Terrace Housing and Apartment Building Zone:

- Chapter I, Rule 1.9.1 Development Control Infringements- Buildings that infringe three or more of the specified development controls require consent as a **Discretionary Activity.**

  - Chapter I, Rule 1.9.2 Building Height- All blocks exceed the maximum building height in the THAB Zone.

Block:	**Maximum Height Permitted:**	**Maximum Height Proposed:**
A	14.5m	17.8m
B	13.5m	16.5m
C	14.5m	14.1m
D	13.5m	14.2m
E	13.5m	14.3m

  - Chapter I, Rule 1.9.4 Building Setbacks within the THAB zone - Blocks E & D infringe the required setback. Block D proposes a 750mm infringement from Ground to Level 3 and a 2750mm infringement for Level 4. Block E proposes a 2000mm infringement for Levels 2 to3 with Ground to level 1 complying.
  - Chapter I, Rule 1.9.5 Building Setbacks adjoining lower density zones. The northern boundary adjoins a Mixed Housing Suburban Zone. Block C infringes the required setback. The proposed balconies encroach the required setback on levels 3 and 4 by 290- 500mm.
  - Chapter I, Rule 1.9.7 Impervious Area- The proposed development exceeds the maximum Impervious Area of 60% within the THAB zone. 65.59% proposed.

- Chapter I, Rule 1.9.8 Building Coverage- The proposed development exceeds the maximum Building Coverage of 40% within the THAB zone. 42.8% proposed.
- Chapter I, Rule 1.9.10 Outlook Space- An outlook space must be provided with minimum dimensions for a principal living room of 6m in depth and 4m in width. Units E106, E206, E306, B104, B204 & B304 require consent as they infringe the minimum dimensions specified. The outlook space between these units is reduced to 4.180 instead of the 6m requirement.

- Chapter I, Rule 1.9.11 Separation of buildings – Block A and C as well as Blocks C and D infringe the required separation distance and therefore requires consent as a **Restricted Discretionary Activity**. A 7.6m separation distance between Blocks A and C has been provided (14m required). An 11m separation distance between Blocks C & D has been provided (requires 13.25m).

- Chapter I, Rule 1.9.12 Outdoor Living Space- 48 of the units infringe the above ground outdoor living space requirements which specifies a balcony of atleast 8m2 and minimum dimension of 2.4m. All ground floor outdoor living spaces comply with the PAUP requirements. Therefore consent is required as a **Restricted Discretionary Activity.** Table 2.1 below demonstrates the units which do not comply and level of non-compliance.

- Chapter I, Rule 1.9.13 Building Length- This control requires a recess in the façade of a building where it faces a side or rear boundary from the point at which the building exceeds a length of 16m. The recess must have a minimum depth of 2.0m for a length of atleast 4m. Where a building exceeds 30m a separation distance of atleast 5m along the same boundary to any other building is required. Block E exceeds 16m (40m in total) and does not provide the required recess. Block C provides a recess with a 2.0m depth and 3.4m length. Blocks C and E infringe the building length requirements and therefore consent is required as a **Restricted Discretionary Activity.**

- Chapter I, Rule 1.9.17 Daylight to Dwellings- Units A003, A005 and A308 do not meet the required threshold of glazing within the principle living room (40% of the floor area of that space). Consent is required as a **Restricted Discretionary Activity.**

Unit:	Glazing ratio provided:
A003	32.3%
A005	32.05%
A308	39.1%

- Chapter I, Rule 1.9.22 Minimum Floor to Floor/ Ceiling Height- The ground floor of a new building must have a minimum finished floor to floor height of 4m for a minimum depth of 10m where it adjoins an arterial road. A height of 3.2m is provided. Consent is required as a **Restricted Discretionary Activity.**

- Chapter I, Rule 1.9.23 Universal Access- The proposed development complies with all universal access design requirements with the exception of the provision of 1 accessible carparking space for the required universally accessible units. 24 universally accessible carparks are required and 3 have been proposed. Consent is required as a **Restricted Discretionary Activity.**

National Environmental Standard ("NES")

The proposal involves soil disturbance on a HAIL listed site which does not meet the Permitted Activity Standards under Rule 8(3).

The proposal involves the change of use of the site which does not meet the Permitted Activity Standards under Rule 8(4).

A Detailed Site Investigation has been provided which demonstrates the identified contaminants are below the NES soil contamination standards for residential landuse. Consent as a **Controlled Activity** is therefore required in terms of 9.1 and 9.3 of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulation 2011.

Overall the application is assessed as a Non- Complying Activity.

Acting under delegated authority, under section 37 of the Housing Accords and Special Housing Area Act 2013, this application is **GRANTED, SUBJECT TO CONDITIONS**.

Reasons

Under section 39 of the Housing Accords and Special Housing Area Act 2013 the reasons for this decision are:

- The proposal directly aligns with the purpose of the HASHAA, as the development seeks to enhance housing affordability by increasing housing supply whilst delivering an apartment typology which is considered to complement the current mix in the Albany area. The development will provide thirteen affordable dwellings providing a positive social benefit which is a core priority for Auckland to meet the needs of low to moderate-income households.

- It is considered that the proposal is consistent with Part 2 of the RMA as it will promote sustainable management of natural and physical resources. The development will provide new residential development in a well located and sought after area making efficient use of the site.

- An assessment of the proposal against the PAUP provisions and any actual and potential effects has been undertaken and the scheme was found to be appropriate because:

    i. There is capacity in all existing infrastructure systems to accommodate the proposed development.

    ii. All dwellings have been designed to meet the PAUP requirement of Homestar 6* ratings. This will ensure that the units will achieve a high standard of sustainability and will in turn improve the long-term affordability of the homes for occupiers in respect of energy and water use.

    iii. Earthworks effects can be contained to the site and erosion and sediment control measures will be in place prior to the commencement of all earthworks activity. On-going monitoring of the works will be undertaken to ensure the adverse effects of the earthworks on the environment will be less than minor.

iv. The proposed development will deliver on the quality compact city aspiration by focusing quality built form and residential intensification within close vicinity to existing public transport routes, education, community, business and healthcare facilities. This will assist in reducing the distances people need to travel and dependence on cars and provide opportunities for using more sustainable modes of transport.

v. The development offers a slight variation in building heights and breaks in building massing, on balance, the design, configuration and orientation of the proposed development has been done in such a way to avoid dominance, overshadowing and reduced access to sunlight where possible.

vi. The public courtyard as well as proposed fencing and landscaping have been introduced to provide amenity and to ensure a high level of internal amenity whilst providing an appropriate balance between public and private.

Conditions

Under section 37 of the Housing Accords and Special Housing Area Act 2013, this consent is subject to the following conditions:

General Conditions

1. The landuse activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the authorising agency as consent number LH-2141150.

    - Application Form, and Assessment of Effects prepared by Code Planning titled 153 Holdings Limited Proposed Development of 120 Residential Units, dated 30 April 2015 (revised 28 September 2015).

    -

Specialist Reports				
Specialist Report	Title	Prepared by	Rev	Date
Infrastructure Report	Infrastructure Report to support landuse application	Airey Consultants	A	April 2015

	for an apartment housing development at 153 Albany Highway.	Ltd		
Acoustic Report	153 Albany Highway - Stage 2 Resource Consent	Marshall Day Acoustics		30 January 2015
Contaminated Site Investigation and Remedial Action Plan	153 Albany Highway- Contaminated Site Investigation and Remedial Action Plan	Hazel Hewitt and Associates Ltd		January 2015
Geotechnical Investigation Report	Proposed Housing and Apartment Development- 153 Albany Highway Geotechnical Investigation	Engineering Geology Ltd		17 February 2014
Integrated Transport Assessment	Integrated Transport Assessment- Proposed Apartment Development. 153 Albany Highway, Unsworth Heights	Traffic Engineering and Management (TEAM) – E. R Hebner		12May 2015
Design Statement	153 Albany Highway, Phase 2	FORMiS		24 April 2015

	Drawings			
Drawing Ref. No.	Title	Architect / Author	Rev	Date
RC1000	Proposed Combined Site Plan	FORMiS	A	05/05/2015
RC1002	Lower Basement Plan	FORMiS	B	06/08/2015
RC1003	Upper Basement Plan	FORMiS	C	02/09/2015
RC1100	Site Plan- Phase 2	FORMiS	C	02/09/2015
RC1310	Block A, Ground Floor Plan	FORMiS	B	02/09/2015
RC1311	Block A, Level 01 Plan	FORMiS	B	02/09/2015
RC1313	Block A, Level 03 Plan	FORMiS	A	05/05/2015
RC1314	Block A, Level 04 Plan	FORMiS	A	05/05/2015
RC1320	Block B, Ground & Level 01 Plans	FORMiS	B	02/09/2015
RC1322	Block B, Level 03 & Level 04 Plans	FORMiS	B	02/09/2015

RC1330	Block C, Ground Floor Plan	FORMiS	B	02/09/2015
RC1331	Block C, Level 01 Plan	FORMiS	B	02/09/2015
RC1333	Block C, Level 03 Plan	FORMiS	A	05/05/2015
RC1340	Block D, Ground & Level 01 Plan	FORMiS	C	02/09/2015
RC1340	Block D, Ground & Level 01 Plan	FORMiS	C	02/09/2015
RC1341	Block D, Level 03 Plan	FORMiS	B	06/08/2015
RC1350	Block E, Ground Level Plan	FORMiS	C	02/09/2015
RC1351	Block E, Level 01 Plan	FORMiS	C	02/09/2015
RC1353	Block E, Level 03 Plan	FORMiS	C	02/09/2015
RC2000	Block E, Overall Elevations-01	FORMiS	A	05/05/2015
RC2001	Block E, Overall Elevations-02	FORMiS	C	02/09/2015
RC2010	Block A Elevations-01	FORMiS	B	02/09/2015
RC2011	Block A Elevations-02	FORMiS	C	02/09/2015
RC2012	Block A Elevations-03	FORMiS	B	02/09/2015
RC2020	Block B Elevations-01	FORMiS	C	02/09/2015
RC2021	Block B Elevations-02	FORMiS	C	02/09/2015
RC2030	Block C Elevations	FORMiS	A	05/05/2015
RC2040	Block D Elevations	FORMiS	C	02/09/2015
RC2050	Block E Elevations-01	FORMiS	C	02/09/2015
RC2051	Block E Elevations- 02	FORMiS	C	02/09/2015
RC2100	Site Sections 01	FORMiS	B	06/08/2015
RC2101	Site Sections 02	FORMiS	B	06/08/2015
RC2102	Site Section- Neighbour	FORMiS	C	02/09/2015
RC2103	Site Section- Neighbour	FORMiS	C	02/09/2015
RC6000	Landscaping- Masterplan	FORMiS	B	06/08/2015
RC6001	Landscaping- Bamboo Garden	FORMiS		
RC6002	Landscaping- Courtyard	FORMiS	B	06/08/2015
RC6003	Landscaping- Albany Highway Frontage	FORMiS		

RC6004	Landscaping- Referen	FORMiS	B	06/08/2015
11734-02 (1.1)	Earthworks Cut- Fill And Erosion & Sediment Control Plan	Airey Consultants Ltd	A	24/06/2015
11734-02 (1.2)	Proposed Drainage Plan	Airey Consultants		June 2015
11734-02 (1.3)	Proposed Wastewater Long Section	Airey Consultants		June 2015

Other Additional Information	
Reference	Date
Stormwater Response prepared by Airey Consultants (Mitchell Roberts)	
Design Compliance Statement prepared by FORMiS (Magdalena Sperska)	31/08/2105
Contaminated Site Investigation and Remedial Action Plan prepared by Hazel Hewitt and Associates Ltd rev 3	05/ 2015
Geotechnical Comment Proposed Phase 2 Development prepared by KGA Geotechnical	07/08/2015
Information Response	08/2015
Traffic Information Response prepared by Traffic Management and Management (TEAM) (Jason Hewson)	05/08/2015
Homestar Registration Letter	21/04/2105
Ecological Statement prepared by Wildlands (Melissa Marler)	05/03/2015

In the event of any inconsistency between the approved drawings and supplementary documentation, the approved drawings will prevail.

Charge

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:

a. All fixed charges relating to the receiving, processing and granting of this resource consent applied under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013;

b. All additional charges imposed under section 76 the HASHAA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge; and

c. All development contributions relating to the development authorised by this consent, unless the HPO Director has otherwise agreed in writing to a different payment timing or method.

3. The consent holder shall pay any subsequent further charges imposed under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 77 HASHAA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

Consent Duration

4. Consent REG-2141160 shall expire 5 years from the date it is granted unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

Lapse of Consent

5. Pursuant to sections 51 of the HASHAA and 125 of the RMA, this consent lapses one year after the date it is granted unless:

- The consent is given effect to; or
- The Council extends the period after which the consent lapses.

Monitoring

6. The consent holder shall pay the Council an initial consent compliance monitoring charge of $ 1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice Note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

General Landuse Conditions

ENGINEERING PLAN APPROVAL

Engineering Plan Requirements

7. Prior to the commencement of any construction work or prior to the lodgement of the survey plan pursuant to s45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, Housing Project Office for approval. Details of the registered engineer who shall act as the developer's representative for the duration of the development shall also be provided with the application for Engineering Plan Approval.

The engineering plans shall include but not be limited to the information regarding the following engineering works:

- Earthworks & any retaining walls in accordance with the Geotechnical Investigation Report and conditions of consent.
- Design of the vehicle crossings
- Details of any services to be laid including pipes and other ancillary equipment to be vested in Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision

- Details of any proposed upgrades of the existing water supply, stormwater and wastewater systems and approval from the relevant utility owner of the asset(s)
- Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision.
- Details of the hydrology mitigation measures in accordance with the following standards:
    - Provide detention (temporary storage) with a volume equal to the runoff volume from the 90th percentile, 24 hour rainfall event for the impervious areas; and
    - Provide retention (volume reduction) of an 8mm, 24 hour rainfall event for the impervious areas.

As part of the application for Engineering Plan Approval, a registered engineer shall:

- Certify that the proposed stormwater system or devices (detention tanks) proposed have been designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater
- Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited (WSL)

Advice Note

A minimum of 2 metres clearance from any stormwater and wastewater lines and manholes is necessary at all times other than for approved works which connect to these services. Where the minimum clearance cannot be provided, the consent holder shall contact Council's Stormwater Unit and Watercare Services Limited, a minimum 48 hours prior to the commencement of any work, to arrange a site inspection and obtain approval.

At Building consent stage a detailed design of the private stormwater system and proposed Retention/Detention tanks to comply with the requirements of SMAF 2 stormwater rmitigation.is to be supplied , as detailed in the Section 93 response from Aireys Consultants on the 29June 2015 from Mitchell Roberts.

The tanks will need to designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater

CONSTRUCTION CONDITIONS

Preparation of a Traffic Management Plan

8. Prior to the commencement of the earthworks and/or construction activity on the subject site, a finalised Traffic Management Plan (TMP) shall prepared in accordance with the Auckland Transport Code of Practice 2013 and shall address the control of the movement of earthmoving vehicles to and from the site. The TMP shall be submitted to the Senior Compliance Advisor, HPO and no earthworks and/or construction on the subject site shall commence until confirmation is provided from council that the TMP is satisfactory and any required measures referred to in that plan have been put in place.

Advice Note:

Due to the close proximity of the Upper Harbour Motorway on/ off ramps and Albany Highway a Traffic Management Plan is required for construction and earthmoving vehicles. It is the responsibility of the applicant to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review https://www.submitica.co.nz/ *before you begin works.*

To ensure all work on roads are as safe as possible for works, motorists, pedestrians and cyclists, anyone or any business planning to dig up part of an existing road, must obtain a Corridor Access Request (CAR) permit from Auckland Transport. A CAR permit is required for, but not limited to, the following activities:

- *Any activity that will alter or cause to be altered the surface of any part of the road reserve, including but not be limited to excavating, drilling and resurfacing*
- *The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve*
- *A new driveway.*

For any activity that varies the normal operating conditions of any part of the road reserve (boundary to boundary), a Traffic Management Plan and a site or layout plan shall be provided with the application for a CAR permit.

Reinstatement of Existing Road

9. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's SHA Consenting Manager.

10. An Engineering Completion Certificate certifying that the above condition has been met shall be provided prior to the occupation of any unit.

Advice Note:

Continuous Pedestrian Footpath

Where footpath intersects a new vehicle crossing, the overlapped area shall be designed and constructed to the same levels, using the same materials, kerbing, paving's, patterns and finish as the footpath, on each side of the crossing.

Noise during Construction

11. All construction and earthworks activities the subject of this consent shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise, at all times.

Hours of Construction

12. The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and/or earthworks activity on the subject site shall therefore be restricted to between the following hours to comply with this standard:

    - ⇨ Monday to Saturday: 7:30am - 6:00pm.
    - ⇨ Sundays or Public Holidays: no works

Advice Note:

Works may be undertaken outside these hours solely under the written approval of Council's SHA Consenting Manager. This will only be granted under special circumstances, for example in the event of urgent stabilisation works or in the event of inclement weather preventing work Monday to Saturday. Any work outside these hours will be subject to the approval of any neighbouring residents or other affected parties as may be identified by the Council's SHA Consenting Manager.

Construction Noise and Vibration Management Plan (CNVMP)

13. Prior to any works commencing, a Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person. The CNVMP shall be submitted to and approved by the Senior Compliance Advisor, SHA Consenting. At a minimum, the CNVMP shall address the measures in Annex E of NZS 6803:1999 "Acoustics - Construction Noise". The CNVMP shall be implemented and maintained throughout the construction phase of the Project.

Dust Control

14. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks and/or construction activity, that in the opinion of the Senior Compliance Advisor, HPO is noxious, offensive or objectionable. The consent holder shall ensure that dust management during the excavation works generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, MfE (2001).

No Deposition of Soil or Debris on the Road

15. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the construction and/or earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *appropriately sized and installed filter socks*

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.

It is recommended that you discuss any potential measures with the Senior Compliance Advisor, HPO who may be able to provide further guidance on the most appropriate approach to take.

Landuse Conditions

PRE-CONSTRUCTION CONDITIONS

Pre- Construction Meeting

16. Prior to the commencement of the construction and / or earthworks activity, the consent holder shall hold a pre-construction meeting that

    a. is located on the subject site,

    b. is scheduled not less than 5 days before the anticipated commencement of earthworks,

    c. includes Senior Compliance Advisor, SHA Consenting – HPO,

    d. includes the supervising Registered Engineer,

    e. includes representation from the contractors who will undertake the works.

The following information shall be made available at the pre-construction meeting: (include specific references to all relevant documentation, and consent conditions

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan
- Construction Management Plan required by the conditions of consent
-

A pre-construction meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.

Advice Note:

To arrange the pre-construction meeting please contact the Senior Compliance Advisor (HPO) on 373 6292 or email specialhousingarea@aucklandcouncil.govt.nz.

Construction Management Plan

17. Prior to the commencement of any earthworks activity, a Construction Management Plan (CMP) shall be submitted to the Senior Compliance Advisor, HPO for approval. No construction activity shall commence until written approval of the CMP has been obtained from the Senior Compliance Advisor, HPO and all measures identified in that plan as needing to be established prior to commencement of works have been.

The Construction Management Plan should contain sufficient detail to address the following matters:

- Vehicle parking requirements for site staff, contractors and sub-contractors;

- Material storage and stockpile containment measures;
- Measures proposed to manage the tracking of mud, dirt and debris on to surrounding roads and to keep roads clean and tidy;
- Construction waste management;
- Protection of any established streetscape planting or trees and grass berms during works;
- Measures to contain and remove contaminants such as concrete and masonry saw runoff to prevent it entering the stormwater system or streams;
- Management of roof rain-water during construction phase prior to connection to the public stormwater system for the prevention of erosion on site;
- Proposed Erosion and Sediment Control Plan for the building construction phase of the development.

All activities associated with earthworks and construction shall be in accordance with the approved Construction Management Plan (CMP).

EARTHWORKS CONDITIONS:

Compliance with Erosion and Sediment Control Plan

18. Prior to the commencement of any earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with the conditions of consent and the approved sediment and erosion control plan referenced in the approved plans above.

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. *Any amendments which affect the performance of the controls may require an application to be made in accordance with section 52 of the HASHAA (section 127 of the RMA). Any minor amendments should be provided to the Senior Compliance Advisor (Housing Project Office) on specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 prior to implementation to confirm that they are within the scope of this consent.*

Site Management and Erosion

19. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.

Advice Note:

In accordance with the conditions of consent earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

It is recommended that you discuss any potential measures with the Senior Compliance Advisor, HPO who may be able to provide further guidance on the most appropriate approach to take.

Removal of Erosion and Sediment Controls

20. Notice shall be provided to the Council's Senior Compliance Advisor, Housing Project Office, at least two (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent.

Stabilisation of the Site

21. Within 10 working days following the completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Senior Compliance Advisor, HPO.

Advice Note:

Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- *the use of mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

The on-going monitoring of these measures is the responsibility of the consent holder.

Advice Note:

In the event that any archaeological features are uncovered on the site, it is recommended that works cease and the Senior Compliance Advisor, HPO is notified immediately. Archaeological features' may in practice include shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains). Please note in the event of a discovery, contacting Heritage New Zealand on 09 307 9920, as well as the relevant local iwi is recommended.

Seasonal Restriction

22. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Senior Compliance Advisor (Housing Project Office), at least two weeks prior to 30 April of any year.

23. Re-vegetation / stabilisation is to be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Senior Compliance Advisor (Housing Project Office), at least two weeks before 30 April.

Geotechnical Completion Report

24. Within one (1) month of the completion of earthworks, a Geotechnical Completion Report in accordance with the "Auckland Council Code of Practice for Land Development and Subdivision Section 2.6" signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks and subsoil drains and a Statement of Professional Opinion on Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.

CONTAMINATION CONDITIONS

Unexpected Contamination

25. If evidence of contamination which has not been previously identified is discovered during earthworks the consent holder shall immediately cease the works and notify the Senior Compliance Advisor, HPO and provide a contamination report to the satisfaction of the Senior Compliance Advisor, HPO.

Advice Notes:

Should any potentially hazardous material or contamination not anticipated in the documentation supporting this consent, including soil containing levels of contaminants not envisaged by the application documentation, be discovered during works:

a) Works shall cease in the vicinity of the identified hazardous material or contamination;

b) The Senior Compliance Advisor, Housing Project Office shall be notified immediately;

c) The consent holder shall engage a suitably qualified and experienced Contaminated Land expert to advise on the appropriate course of action;

d) Any recommendations in relation to the handling, storage or disposal of the identified material are undertaken to the satisfaction of Council's Senior Compliance Advisor, Housing Project Office.

Removal of Contaminated Material or Soil

26. Any soil that is removed from the subject site shall be deposited at a disposal site that holds consent to accept the relevant level of contamination.

    Where it can be demonstrated that the soil or waste materials have been fully characterised in accordance with the Ministry for the Environment's 'A guide to the management of cleanfills (2002) and meets the definition of 'cleanfill', the removal to a consented disposal site is not required. In such circumstances, the Senior Compliance Advisor, HPO shall be advised prior to its removal from the subject site.

Advice Note:

If this material is required to be disposed of as part of the proposed works, the material may require PAH testing in order to determine whether it can be accepted as cleanfill/managed fill material.

Stockpile of Contaminated Material

27. To minimise the spread of contaminated material, all stockpiles of excavated potentially contaminated material shall be located on an impermeable surface within the catchment of erosion and sediment controls for the site. All stockpiles shall be covered with either polythene or an equivalent impermeable material when the site is not being worked and during periods of heavy rain.

Imported fill

28. All imported fill used shall:

- Comply with the definition for 'cleanfill' in the Ministry for the Environment publication '*A Guide to the Management of Cleanfills*' (2002)
- Be solid material of a stable, inert nature and
- Not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

GEOTECHNICAL CONDITIONS

29. The Consent Holder shall engage a suitably qualified engineer to design temporary works and supervise all excavations (especially close to boundaries), retaining and foundation construction. The supervising engineer's contact details shall be provided in writing to Senior Compliance Advisor, Housing Project Office.at least two weeks prior to earthworks commencing on site.

Geotechnical Certification

30. Prior to the commencement of any earthworks, Senior Compliance Advisor, HPO, shall be provided with written certification from a suitably qualified and registered engineering professional that all retaining walls, and building foundations have been designed in accordance with the conditions of consent. Written certification shall be in the form of a report or any other form acceptable to the Council.

Advice Note:

Earthworks, foundations and retaining wall construction shall follow the recommendations of KGA Geotechnical' s assessments and geotechnical report dated 18/09/2015 (or any superseding versions) as per the conditions of consent.

An "as built" drawing of the retaining walls recommended in KGA Geotechnical' s report dated 18/09/2015 (or any superseding versions) which is required for stability purposes shall be

provided to Senior Compliance Advisor, HPO. This shall be provided prior to any residential construction commencing.

Instability affecting neighbouring properties

31. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Senior Compliance Advisor, Housing Project Office.

Land Stability

32. Earthworks should predominantly comprise a cut with minimal filling to prevent surcharging the slope. Earthworks plans should be reviewed by a Geotechnical Engineer to ensure the design does not adversely affect the stability of the site. Fill placed as part of earthworks should be compacted in thin layers to an acceptable engineering standard under the supervision of a Chartered Professional Engineer.

Geotechnical Completion Report

33. A Geotechnical Completion Report in accordance with the "Auckland Council Code of Practice for Land Development and Subdivision Section 2.6" signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. This shall verify that the recommendations of the KGA Geotechnical Ltd report have been implemented on site. This shall be provided no later than two weeks after foundation/retaining construction has been completed.

    The Geotechnical Completion Report shall also include all associated as-built plans for earthworks and subsoil drains and a Statement of Professional Opinion on Earthworks and Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.

INFRASTRCUTURE CONDITIONS

34. Prior to the occupation of any of the units, each unit shall be connected to the public water supply system, wastewater system and stormwater system as approved in the engineering plans. Separated wastewater system and stormwater system/reticulation shall be provided to the site boundary.

Advice Note:

As the proposed development is for apartments on a single lot, the whole site is to be served by private reticulation to discharge at a single point in the public system in accordance with Watercare Services Limited Engineering Standards and the approved engineering drawings.

35. A stormwater detention tank shall be constructed in accordance Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater. A copy of the private drainage "as-built" plan from a registered drain layer showing the installed detention tank shall be provided to the Senior Compliance Advisor, SHA Consenting prior to occupation of any units pursuant to s46 of the HASHAA.

36. Wastewater

    The consent holder shall provide and install a complete public wastewater system to serve the development in accordance with the approved Engineering Plans required under the conditions of consent to the satisfaction of Council's SHA Consenting Manager.

    An Engineering Completion Certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision shall be provided prior to occupation of any unit pursuant to Section of the HASHAA.

    Video inspections of all public wastewater pipes as-built plans for all public and individual private wastewater lines shall be supplied prior to the occupation of any unit. The video inspections shall be carried out prior to occupation of any unit pursuant to Section of the HASHAA

    A certificate from Watercare Services Limited confirming that separate wastewater connections have been provided for the development prior to occupation of any unit pursuant to Section of the HASHAA

37. Water Supply

    The consent holder shall provide and install a complete water supply reticulation system to serve the development in accordance with the approved Engineering Plans required under the conditions of consent to the satisfaction of Council's SHA Consenting Manager.

The consent holder shall complete a successful pressure test for all new water mains prior to the connection to the existing public water supply reticulation system to the satisfaction of Watercare Services Limited. Evidence of undertaking a successful pressure test for new water mains in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision shall be supplied prior to occupation of any unit pursuant to Section of the HASHAA.

Individual private water connections to the proposed public water reticulation system for the development shall be provided in accordance with the approved Engineering Plans.

An Engineering Completion Certificate certifying that all public water pipes and individual water supply connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision shall be provided prior to occupation of any unit pursuant to Section of the HASHAA.

As-built plans for all public water supply lines and a certificate from Watercare Services Limited confirming that separate water supply connections have been provided for the development shall be supplied prior to occupation of any unit pursuant to Section of the HASHAA

Advice Note:

Detail of any foundation design, which is in close proximity to the public wastewater srain, is to be submitted with your building consent. A CCTV inspection of the drain is required to be ordered before any works are started on sit. A second CCTV inspection will be required after the footings are constructed, but prior to the continuation of construction: if (i) there are piles within 2m of the drain, or (ii) the vertical distance between the footing and the drain is less than 1m, or (iii) excavation has occurred within 1m of the drain. Contact Watercare at connections@water.co.nz to order the CCTV inspections or to discuss options.

ACOUSTIC CONDITIONS

38. Prior to the issuing of building consent the consent holder must provide a report prepared by a suitably qualified and experienced acoustics specialist demonstrating that sound from road-traffic will result in sound levels in bedrooms of the apartments no more than 35 dB LAeq(1 hour) and no more than 40 dB LAeq(1 hour) in other habitable spaces.

39. All habitable spaces which are required to have windows closed to comply with the conditions of consent must be served by a mechanical ventilation system of at least the following specification:

    a. Ventilation must be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this minimum requirement, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

    b. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time as meeting this requirement, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

    c. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C.

    d. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the ventilation system.

ACCESS, PARKING AND TRAFFIC CONDITIONS

Access

40. Any new access or modification of access to the road reserve carriageway requires a vehicle crossing permit. The footpath must retain consistency in grade, crossfall and colour across the vehicle crossing. The vehicle crossing should ensure a 6m 1:20 platform prior to the footpath.

Advice Note:

A Vehicle Crossing Permit is required to be obtained for these works. Please contact Auckland Transport for vehicle crossings on Phone (09) 353 3553 or refer to their website for standards and requirements: http://www.aucklandtransport.govt.nz/moving-around/delays-roadworks/WorkingOnTheRoad/Pages/Vehicle-Crossing-Applications.aspx#inspections.

Cycle Parking

41. One cycle parking space is to be provided per unit in addition to 6 cycle spaces available for visitor parking at convenient locations in accordance with the conditions of consent.

Accessible/ Visitor Parking

42. Prior to the occupation of any unit on the site the three dedicated 'accessible' carparks as approved under condition 1 are to be identified as visitor carparks and not allocated to any one unit. These carparks shall be clearly demarcated as 'accessible'.

Advice Note:

The term 'accessible' above requires the identified carparks to be in accordance with the universal access requirements as defined within the PAUP.

Dedicated Truck Turning Area

43. The truck turning area outside the lower basement level as identified on plan RC 1002 prepared by FORMiS, shall be clearly demarcated as a 'no parking at all times' area.

AFFORDABILITY AND PURCHASER ELIGILIBTY CONDITIONS

Affordable Dwellings

44. As allocated by the applicant, units A004, A104, A107, A204, A207, A303, A304, A307, A402, B102, B104, B302, C004 of the development shall be "Affordable Dwellings". The Affordable Dwellings shall meet the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland), Albany Highway, Albany Special Housing Area dated 29th October 2013. For the purposes of these conditions the definition of "Affordable Dwelling" includes the apartment principal unit, 1 x cycle park(for bicycle) and 1x carpark.

45. Before any dwelling in the development that are deemed to be affordable under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland), Albany Highway, Albany Special Housing Area dated 29th October 2013, is occupied, or title to that dwelling is transferred, the consent holder shall provide to the Senior Compliance Advisor, HPO a statutory declaration from the purchaser of the Affordable Dwelling that the purchaser meets all the following criteria

    (i) The purchaser's gross income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;

    (ii) The purchaser has paid a price for the Affordable Dwelling which is not more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and

Special Housing Areas (Auckland) Albany Highway, Albany Special Housing Area dated 29th October 2013, which is $461,250;

(iii) The purchaser has the legal right to and intends to own and occupy the Affordable Dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;

(iv) The purchaser is a first home buyer and has never owned any other real property; and

(v) The purchaser is a natural person and is purchasing the Affordable Dwelling in their own name and not in the name of any other person.

BUILDING

Design

46. A materials schedule and sample board that details the design details and elevation treatment of the building facades including all external finishes, colours and glazing shall be submitted to and approved by the Senior Compliance Advisor, SHA Consenting prior to commencement of any construction above basement level.

No High Contaminant Yielding Roofing or Cladding

47. The applicant shall use inert roofing, spouting and cladding materials, unless agreed otherwise in writing by the Manager, SHA Consenting.

Advice Note:

This condition is to ensure compliance with the Stormwater Rule of the Proposed Auckland Unitary Plan - Chapter H, Rule 4.14.3.1.

Plan of Management

48. Prior to the operation of the Convenience Store/ Dairy, a 'Plan of Management' shall be submitted to and approved by the Senior Compliance Advisor, SHA Consenting. The 'Plan of Management' shall contain the following information:

a. *Use* - Description of the use of the premises, any outdoor seating and extraction systems (if any).

b. *Hours of Operation*

c. *Noise and Amenity* - Procedures to be implemented to achieve compliance with the permitted noise limits set out in Auckland-wide 'Noise' rules with the Unitary Plan (H.6.2.1.1), details of how management will address complaints relating to noise and any other measures that will be undertaken to ensure that amenity impacts (signage) that may arise from the operation of the premises are addressed.

d. *Waste Management* - Location of waste storage areas, procedures for minimising and managing waste that is generated by the premises, disposal of boxes/ packaging, waste collection, etc.

Procedures within the approved 'Plan of Management' shall be implemented upon operation of the convenience store.

Building Height (Surveyors' certification)

49. For building blocks A- E no building works shall proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Senior Compliance Advisor, HPO that the works:

- have been completed in accordance with the approved plans as referred to in Condition 1 of this consent, or
- do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under this consent (Building Height and Building Setbacks).

Advice Note:

The purposes of certification at the roof framing stage of construction are to:

- *provide assurance that the building works, to that point, have been undertaken in accordance with the consent*
- *reduce the risk of non-compliance as the works continue.*

Written certification should include the following:

- *the finished ground level is clearly marked on the subject site*
- *the relevant consent reference number and site address*
- *levels, calculations, plans and drawings of the structure(s) that are the subject of certification*
- *the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

Written certification is to be provided directly to the officer specified in this condition.

Universal Access

50. Prior to the construction of the building, plans shall be submitted for approval by the Manager, SHA Consenting identifying the units that are designed and will be constructed in compliance with the Universal Access rules of the Proposed Auckland Unitary Plan 2013 - Part 3, Chapter I, Rule 1.7.22.

LANDSCAPING

51. Prior to occupation of any of the units, the landscaping shown on the approved landscaping plans shown on the approved landscaping plans under condition 1 above, shall be implemented in full and maintained thereafter, unless otherwise approved in writing by the Manager, SHA Consenting

Advice Note:

Should the consent holder identify the need to vary the landscape planting or fencing design in any way, it is recommended that revised plans and any supporting documentation are forwarded to the Manager, SHA Consenting for approval prior to those changes being implemented on site.

52. Final screening details for screening measures around the refuse area behind Building E shall be provided to Council for approval prior to the occupation of any of the units.

53. Prior to occupation of any of the units, internal fencing between the outdoor living space of the ground floor units is to be constructed and a minimum of 1.6m in height.

SUSTAINABILITY:

54. At building consent stage for each new dwelling, the consent holder shall provide for approval in writing of the Senior Compliance Advisor, SHA Consenting, copies of the design ratings demonstrating that the dwellings achieve the 6 Homestar requirement of H.6.4.2.1 of the Proposed Auckland Unitary Plan.

55. Prior to the occupation of the new dwellings or the issuing of Code of Compliance Certificate for the building (whichever comes first) the consent holder shall provide copies of all Homestar Certificates in order to demonstrate that each dwelling has been

constructed in accordance with the design ratings achieve the 6 Homestar requirement of the H.6.4.2.1 of the Proposed Auckland Unitary Plan, to the satisfaction of the Senior Compliance Advisor, SHA Consenting.

COVENANTS

Affordability

56. Pursuant to s108(2) of the RMA, prior to the occupation of any unit on the site a covenant shall be registered against the Certificate(s) of Title of Lot 1 DP 487862 to ensure that the following conditions are to be complied with on a continuing basis:

Units A004, A104, A107, A204, A207, A303, A304, A307, A402, B102, B104, B302, and C004 of the development shall be "Affordable Dwellings". The Affordable Dwellings shall meet the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland), Albany Highway, Albany Special Housing Area dated 29th October 2013. Before the Certificate of Title of this lot is transferred, the consent holder shall provide to the Council's Manager SHA Consenting a statutory declaration from the purchaser of the lot that the purchaser meets all the following criteria. In the event that this lot is first sold to a builder or a building company for the purposes of constructing a dwelling that is to be on sold and not occupied by that builder or building company, the statutory declaration shall be provided from the builder or building company when the Certificate of Title of that dwelling is transferred to the first occupier of the dwelling.

i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;

ii. The value of the finished dwelling and land shall not be more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Albany Highway, Albany special housing areas dated 29th October 2013.

iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;

iv. The purchaser is a first home buyer and has never owned any other real property;

v. The purchaser is a natural person and is purchasing the lot in their own name and not in the name of any other person.

The covenant shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser and occupier of the dwelling.

The Covenant shall be prepared by Council's solicitor at the cost of the consent holder.

Advice Note

Should the consent holder identify the need to vary the allocated 'affordable dwellings' in any way, it is recommended that the relevant information is forwarded to the Manager, SHA Consenting for approval prior to those changes being implemented on site. The development will be required to continue to provide 10% 'affordable dwellings' in accordance with Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Albany Highway, Albany special housing areas dated 29th October 2013

Stormwater Detention

57. Pursuant to s 108(2) of the RMA, prior to the occupation of any unit on the site a covenant shall be registered against the Certificate(s) of Title of Lot 1 DP 487862 to ensure that the following conditions are to be complied with on a continuing basis:

The continued effective operation and maintenance of this system is the responsibility of the property owner and the Council or other responsible Regulatory Authority may require works to be carried out to ensure the continued operation of this system.

The Covenant shall be prepared by Council's solicitor at the cost of the consent holder.

Delegated Decision Maker:

Name: Euan Williams

Title: Lead Project Planner, Housing Project Office

Signed:

Date: 03/11/2015

Appendix 2 - LUC60394927 - Decision

15 August 2022

Blair McLean
CIVIX Ltd

E-MAIL: blair@civix.co.nz

Dear Blair,

Resource consent application – Advice of decision

Application numbers:	LUC60394927
	DIS60398713
Applicant:	North Harbour Development Limited
Address:	153 Albany Highway
	Unsworth Heights
Proposed activity:	To import clean fill material onto site to fill in a pit and recontour the site to enable a future housing development, with a total earthworks volume of 20,117m^3 occurring over an area of 5,332m^2.

Following an assessment of your application under the Resource Management Act 1991 (the RMA), a decision has been made to grant your application, subject to conditions of consent.

Please take the time to read and understand the conditions of consent. Council officers will undertake inspections of your project to check compliance with this resource consent.

For your reference, a copy of the decision is attached. It outlines the basis for the decision and the conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us within 15 working days of receiving this decision. You can find further information about how to make an objection on our website at www.aucklandcouncil.govt.nz (select “Consents, building and renovation projects”, then “Resource consents”, then “Receive our decision on your resource consent application” and finally “Resource consent appeals and objections”).

You can also file an appeal with the Environment Court within 15 working days of receiving this decision.

Information on the appeal process can be found on the Environment Court website https://www.environmentcourt.govt.nz/.

In terms of processing fees incurred to date, these will be calculated taking into account your deposit and any interim invoices paid. Any additional fees generated from processing to date will be invoiced in due course.

Yours sincerely,

Ian Jefferis
Senior Planner
Resource Consents, North-West

Decision on an application for resource consent under the Resource Management Act 1991

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Discretionary activity

Application numbers:	LUC60394927
	DIS60398713
Applicant:	North Harbour Development Limited
Site address:	153 Albany Highway Unsworth Heights
Legal description:	Lot 1 DP 487862

Proposal:

To import cleanfill material onto site to fill in a pit and recontour the site to enable a future housing development, with a total earthworks volume of 20,117m^3 occurring over an area of 5,332m^2

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60394927

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Land Disturbance - District

- To undertake general earthworks of 5,332m^2 and 20,117m^3, as the earthworks are greater than 2,500m^2 and 2,500m^3 in a residential zone, is a restricted discretionary activity under rules E.12.4.1(A6) and (A10) respectively.

Natural hazards and flooding

- To diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path is a restricted discretionary activity under rule E36.4.1(A41).

Vegetation management and biodiversity

- Any vegetation alteration or removal not otherwise provided for is a discretionary activity under rule E15.4.2(A43). The vegetation within the SEA is a monoculture of gorse, with the exception of some other weedy species such as pampas and thistles around the edges. The exception however is one small native but common karamū (Copromsa robusta) sapling.

Regional land use (operative plan provisions)

Land Disturbance – Regional

- To undertake general earthworks of 4,461.9m^3, as the earthworks are greater than 5m^3 in the SEA overlay, is a restricted discretionary activity under rule E11.4.3(A30).

Discharge consent (s15) – DIS60398713

Cleanfills

- Where discharge from a cleanfill does not comply with standard E13.6.2.1, and the discharge is more than 250m^3 per year, consent is required as a restricted discretionary activity under rule E13.4.1(A3).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:

    a. The works proposed seek to fill in the existing void in the landscape, bringing the site up to a suitable gradient for development. The site will remain vacant, and no protected vegetation will be removed.

    b. The sensitivity of the receiving environment to the adverse effects of potential sediment discharges will not be compromised given the potential level of discharge, the application of suitable control technology and appropriate on site management techniques.

    c. The earthworks and construction phase will be temporary and will include noise, dust and traffic management controls to ensure that any adverse effects are appropriately mitigated.

    d. The importation of cleanfill will be managed in accordance with the procedures outlined in the Fill / Earthworks Specification report, including fill acceptance criteria, fill sampling undertaken by a Suitably Qualified and Experienced Practitioner (SQEP) and stormwater and sediment control procedures.

    e. The earthworks have been designed to safely maintain the conveyance function of the overland flow path and will not increase the risks of flood hazards to people or property.

    f. In terms of positive effects, the earthworks proposed will enable the site to be developed in a manner anticipated in the underlying residential zoning. The removal of pest plants across the site and protection of the three pohutukawa trees will have a positive environmental outcome.

    g. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.

2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the objectives and policies of the Auckland Unitary Plan (OP) and the National Policy Statement on Freshwater Management 2020, specifically, the sections set out below, for the following reasons:

    a. The proposal is consistent with the relevant objectives and policies of Chapter B, Regional Policy Statement which seek to achieve integrated management of the natural and physical resources of the whole region. In particular, those outlined in Chapter B2 – Urban Growth and B7 – Natural Resources. The development supports residential intensification, optimising the efficient use of urban land, while maintaining

the quality of the environment and ensuring adverse effects are adequately avoided or mitigated.

b. Chapter E11 and 12 Land Disturbance (Regional and District); Objectives E11.2(1) – (3) and Policies E11.3(1) – (7); and Assessment Criteria E11.7.2(1) and Objective E12.2(1) and Policies E12.3(1) – (6) and Assessment Criteria E12.8.2(1) which seek to manage the adverse effects of land disturbance. The sensitivity of the receiving environment to the adverse effects of potential sediment discharges will not be compromised given the potential level of discharge, the application of suitable control technologies and appropriate on-site management techniques.

   The earthworks and cleanfill placement would be undertaken in accordance with appropriate engineering methodologies and geotechnical recommendations, ensuring that adverse land stability issues are unlikely to result. All works will adhere to permitted construction controls in terms of vibration, dust, lighting and the temporary nature of site works will not result in an unsafe traffic environment. The land disturbance is necessary to facilitate the reasonable use and development of this residentially zoned land and will be undertaken in accordance with appropriate site management controls to ensure the natural qualities, stability, amenity and visual integrity of the receiving environment, along with Mana Whenua values are not adversely affected.

c. Chapter D9 Significant Ecological Areas Overlays; Objectives D9.2(1) – (3) and Policies D9.3(1) – (5) and Chapter E15 Vegetation Management and Biodiversity; Objectives E15.2(1) – (2) and E15.3(1) – (8) which set out the objectives and policies relating to the management of terrestrial and coastal vegetation and biodiversity values outside of scheduled significant ecological areas. The effects of earthworks on the indigenous biodiversity values of the SEA will be avoided as far as is practical, noting that the vegetation present on site contains a monoculture of gorse, with the exception of some other weedy species such as pampas and thistles around the edges. The exception to this is the removal of one small native but common karamu, sapling, the removal of which would have negligible ecological impact.

   In this case the vegetation removal within the site, including that within the SEA overlay will have less than minor adverse effects, and specifically no adverse effects upon indigenous biological diversity values. The three pohutukawa trees on the boundary will be retained, and in the context of the receiving environment, such is considered suitable mitigation for the earthworks proposed.

d. Chapter E13 Cleanfills: Objective E13.2(1) and (2). Policies E13.3(1) – (3) and Assessment Criteria E13.8.2(1) which reference that cleanfills involve the deposit of natural materials such as clay, gravel, sand, soil and rock which have been excavated for areas of land which do not contain contaminants at levels greater than background concentrations, and which have no adverse effects on the environment.

e. The sensitivity of the receiving environment to the adverse effects of the contaminant discharge will not be compromised given the level of the discharge, and appropriate on-site management techniques. Given the effective void on the site which needs to be filled, the cleanfill will be sited, designed and operated appropriately in accordance with a fill / earthworks specification plan, and relevant industry best practice, with no adverse land stability effects nor any adverse effects from the discharge of sediment and stormwater.

f. Chapter E36 Natural Hazards: Objective E36.2(2) and (5), Policies E36.3(2(9) and (30) and Assessment Criteria E36.8.2 (12). The proposed earthworks will maintain the function of the overland flow path through the site, safely conveying water runoff from the site to the receiving environment in a manner which will not alter the capacity of the flow path, having no adverse effects or damage to property or the environment.

3. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case there are no other relevant matters.

4. In the context of this restricted discretionary activity application for land use and contaminant discharge, where the relevant objectives and policies and other relevant provisions in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

5. Overall, the proposal will have acceptable actual and potential effects and is consistent with the relevant objectives, policies and assessment criteria in the relevant statutory document, being the AUP (OP). Resource consent is therefore granted, subject to conditions.

Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers LUC60394927 and DIS60398713;

    - Application Form and Assessment of Environmental Effects prepared by Blair McLean, Civix, dated 23/12/2021;
    - Response to Request for Further Information received from Blair McLean, Civix, dated 5 July 2022 and 8 August 2022;
    - Fill / Earthwork Specification, prepared by ENGEO Limited, project number #12776.000.000, dated 23/06/2022;
    - Site Memorandum prepared by ENGEO Limited, project number 12776.000.000, dated 2 June 2021;
    - Vegetation Assessment – 153 Albany Highway, prepared by Bioresearchers, reference 65335, dated 6 December 2021;
    - Earthworks Report, prepared by Civix, dated 23/12/2021;
    - Plans as follows:

Drawing No.	Title	Prepared by	Dated
11000	Finished Contour Plan	Civix	22/12/2021
20000	Cut Fill Plan	Civix	22/12/2021
20001	Cut Fill Plan	Civix	16/03/2022
22000	Earthworks Sections	Civix	22/12/2021
22001	Earthworks Sections	Civix	22/12/2021
22002	Earthworks Sections	Civix	22/12/2021
25000	Erosion and Sediment Control Plans	Civix	22/12/2021
26000	Sediment Pond Plan	Civix	22/12/2021
26001	Universal Soil Loss Equations	Civix	22/12/2021
28900	ESCP Standard Details	Civix	22/12/2021

28901	ESCP Standard Details	Civix	22/12/2021
28902	ESCP Standard Details	Civix	22/12/2021
28903	ESCP Standard Details	Civix	22/12/2021
28904	ESCP Standard Details	Civix	22/12/2021
28905	ESCP Standard Details	Civix	22/12/2021
50000	Wastewater Plan	Civix	22/12/2021
51000	Wastewater Sections	Civix	22/12/2021
51001	Wastewater Sections	Civix	22/12/2021

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

   a. The consent is given effect to; or

   b. The council extends the period after which the consent lapses.

3. The consent holder shall pay the council an initial consent compliance monitoring charge of $1,026.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Specific conditions – land use consent LUC60394927

4. The earthworks activity must be undertaken in accordance with the following application documents including all appendices, unless a higher standard is referred to through the conditions below, in which case this higher standard must apply:

   - *"153 Albany Highway Unsworth Heights 0632, Resource Consent Application & Assessment of Environmental Effects, LUC Land Disturbance & Cleanfill Discharge",* prepared by Civix Limited and dated December 2021.

   Advice Note:

   In the event that minor amendments to the ESCP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the ESCP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.

   Duration

5. Resource consent LUC60394927 (earthworks) must expire 5 years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

   Pre-start Meeting

6. Prior to the commencement of earthworks activities, the consent holder must hold a pre-start meeting that:

   - is located on the subject site;

- is scheduled not less than five days before the anticipated commencement of earthworks;
- includes Auckland Council compliance monitoring officer[s]; and
- includes representation from the contractors and the supervising engineers who will undertake the works.

The meeting must discuss the erosion and sediment control measures and earthworks methodology and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent. The following information must be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent;
- Name and contact details for key contractors and supervising engineers;
- Resource consent conditions;
- A Fill Material Approval Plan and Fill Specifications;
- Construction Noise and Vibration Management Plan;
- The Chemical Treatment Management Plan required by condition 7; and,
- The Erosion and Sediment Control Plan referred to through the document listed under condition 1 above.

A pre-start meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised 3.

Advice Note:

To arrange the pre-start meeting required by this Condition please contact the Council on monitoring@aucklandcouncilgovt.nz, *or 09 301 01 01. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

Chemical Treatment Management Plan

7. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (ChemTMP) must be prepared in general accordance with Auckland Council *'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region',* June 2016, Incorporating Amendment 1, (GD05) and submitted to the Council for certification. No earthwork activities must commence until certification is provided by the Council that the CTMP meets the requirements of GD05, and the measures referred to in that plan for the decanting earth bunds have been put in place. The plan must include as a minimum:

    a. Specific design details of a chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;

    b. Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);

    c. Details of optimum dosage (including assumptions made and details for the methodology used to evaluate optimum dosage);

    d. Results of the initial chemical treatment trial (bench testing in accordance with GD05);

    e. A spill contingency plan; and

f. Details of the person of bodies that will hold responsibility for operation and maintenance of the chemical treatment system and the organisation structure which will support this stem, throughout the duration of the consent.

8. The sediment retention pond and any other authorised impoundment devices must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChemTMP) required by condition 7. All measures required by the ChemTMP must be put in place prior to commencement of the earthworks activity and be maintained throughout its duration.

Construction Noise and Vibration Management Plan

9. The consent holder must submit to Council a Construction Noise and Vibration Management Plan (CNVMP) for certification prior to the commencement of earthworks. The objective of the CNVMP is to set out the Best Practicable Option for the management of noise and vibration effects. The CNVMP must be prepared with reference to Annex E, New Zealand Standard NZS6803:1999 Acoustics – Construction noise and must address the following matters: -

- Details for providing written advice of the works to neighbours;
- The construction noise and vibration limits for the project;
- The limitations on working days and hours to minimise nuisance effects on neighbours;
- Requirements and specifications for acoustically effective barriers on the site;
- A procedure for responding to any noise and vibration complaints;
- A procedure for any noise and vibration monitoring during the works and applying any corrective action that may be required;
- Details of practicable noise and vibration mitigation measures to be applied during the various stages of the construction period;
- Procedures for ensuring that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects as far as practicable on neighbouring sites; and
- How compliance will be achieved with the noise and vibration standards of the AUP.

The CNVMP shall be submitted to the Council for certification a minimum of ten working days prior to commencement of the works. Earthworks shall not commence until certification has been received in writing from the Council.

Construction Traffic Management Plan

10. Prior to commencement of any works on the site, the consent holder shall submit a Construction Traffic Management Plan (CTMP) for certification by the Council (Team Leader Compliance Monitoring – Northern in conjunction with Auckland Transport). The CTMP must be prepared in accordance with the Auckland Transport Code of Practice 2013 and shall address the control of the movement of earthmoving vehicles to and from the site.

No earthworks and/or construction on the subject site shall commence until confirmation is provided from council that the CTMP is satisfactory and any required measures referred to in that plan have been put in place.

The CTMP shall address the following aspects of the demolition and construction process:

- A parking management plan for earthworks traffic.
- Address the transportation and parking of oversize vehicles such as cranes.
- Provide appropriate loading / working areas to minimise disruption to traffic.
- Provide cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other excavated material from being dropped on the road.
- In the event that material is dropped on the road, resources should be on hand to clean-up as soon as possible.
- Provide traffic management plans in compliance with the latest edition of the NZTA "Code of Practice for Temporary Traffic Management" (COPTTM) document.
- The site access point shall be clearly signposted.
- Measures to be adopted to ensure that pedestrian access on the public footpaths in the vicinity of the site is safe during construction works.
- Proposed numbers and timing of truck movements throughout the day.
- Location of vehicle and construction machinery access during the period of site works;
- Storage and loading areas for materials and vehicles.
- Relevant Auckland Transport approval/certification.
- The certified CTMP shall be implemented and maintained throughout the entire period of works on site to the satisfaction of the Council.

Advice Note:

Due to the close proximity of the Upper Harbour Motorway on / off ramps and Albany Highway a Traffic Management Plan is required for construction and earthmoving vehicles. It is the responsibility of the consent holder to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review https://www.submitica.co.nz/ before you begin works.

To ensure all work on roads are as safe as possible for works, motorists, pedestrians and cyclists, anyone or any business planning to dig up part of an existing road, must obtain a Corridor Access Request (CAR) permit from Auckland Transport. A CAR permit is required for, but not limited to, the following activities:

- *Any activity that will alter or cause to be altered the surface of any part of the road reserve, including but not be limited to excavating, drilling and resurfacing.*
- *The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve.*
- *A new driveway for any activity that varies the normal operating conditions of any part of the road reserve (boundary to boundary), a Traffic Management Plan and a site or layout plan shall be provided with the application for a CAR permit. Reinstatement of Existing Road.*

Construction Management Plan

11. The Consent Holder shall provide a Construction Management Plan to the Council (Team Leader Compliance Monitoring – Northern) at least two weeks prior to any works commencing on site. The Construction Management Plan must specify construction timetable, construction methods, general site management of cleanfill site, site

reinstatement upon completion of works. The Construction Management Plan shall be to the satisfaction of the Council (Team Leader Compliance Monitoring – Northern).

Geotechnical

12. The Consent Holder's earthworks contractor must provide a work methodology for the earthworks to the geotechnical engineer for review and comment. Once confirmed, it must be provided by the consent holder to the Council (Team Leader Compliance Monitoring – Northern) for approval. The work method statement shall include filling methods, excavation time frames, temporary propping/weatherproofing and/or sequencing of works. This shall be required to ensure fills are suitably compacted and stability is maintained throughout the civil works stage of the development.

    The work method shall be provided in writing to the satisfaction of the Council (Team Leader Compliance Monitoring – Northern) at least two weeks prior to earthworks commencing on site. No works onsite are permitted prior to written approval that the contractor's work method has been reviewed and accepted by the Council (Team Leader Compliance Monitoring – Northern).

Earthworks Conditions

13. The site must be progressively stabilised against erosion throughout the earthworks phase of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified Erosion and Sediment Control Plan.

    Advice Note:

    Stabilisation measures may include:

    - *the use of waterproof covers, geotextiles, or mulching*
    - *top-soiling and grassing of otherwise bare areas of earth*
    - *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

    It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).

14. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by Erosion and Sediment Control Plan referred to through the document listed under condition 1, must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.

15. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

    Advice Note:

    In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent, or address discharges should they occur:

    - *provision of a stabilised entry and exit(s) point for vehicles*
    - *provision of wheel wash facilities*

- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweeper*
- *silt and sediment traps*
- *catchpit protection*

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).

16. Immediately upon completion or abandonment of earthworks on the subject site, all areas of bare earth associated with the works must be permanently stabilised against erosion to the satisfaction of the Council.

Advice Note:

Stabilisation Measures may include:

- *The use of mulching or natural fibre matting.*
- *Top-soiling, grassing and mulching of otherwise bare areas of earth.*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to Auckland Council, Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).

Seasonal Restriction

17. No earthworks on the subject site must be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval by the Council. All requests must be renewed prior to the approval expiring and no works must occur until written approval has been received from the Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder.

Damage of Assets

18. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's SHA Consenting Manager.

Stability Condition

19. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.

Tree Protection

20. The consent holder must ensure that the three semi-mature pōhutukawa (Metrosideros excelsa) on the north-eastern boundary are suitably protected, at all times, during the exercise of this consent to the satisfaction of council.

Works Completion

21. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to through the document listed under condition 1, and prior to the commencement of earthworks activity on the subject site, a suitably qualified and experienced person must provide written certification to the Council that the erosion and sediment control measures have been constructed and completed in accordance with the Erosion and Sediment Control Plan referred to through the document listed under condition 1. Written certification must be in the form of a report or any other form acceptable to the Council.

Advice Note:

Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05): Erosion and Sediment Control construction quality checklists.

Specific conditions – discharge consent DIS60398713

Works Notification

22. The Council must be informed in writing, at least ten working days prior to the start date of the works authorised by this consent.

Advice Note:

For the purpose of compliance with the conditions of consent, "the Council" refers to the council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.

Cleanfill Management Plan

23. At least ten working days prior to the importation of Cleanfill material onto the site, the Consent Holder must provide a Cleanfill Management Plan to the Council for certification. The Cleanfill Management Plan must be prepared by a suitably qualified and experienced practitioner (SQEP) and contain sufficient detail to address the following matters:

    a. Fill acceptance criteria

    b. Procedures for sourcing Cleanfill material, including the preapproval process (certification by a SQEP)

    c. Procedures for random fill sampling, the frequency of sampling and testing, and analysis suite for testing the imported fill to confirm compliance with the adopted fill acceptance criteria

    d. Disposal and stockpiling procedures

    e. Rejection procedures for any unacceptable fill being imported to the site

    f. Topsoil sampling/testing procedures

    g. Details on the content of a Site Closure Report

Advice Note:

The Council acknowledges that the Cleanfill Management Plan is intended to provide flexibility of the management of the works and associated discharge. Accordingly, the plan may need to be updated. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent.

24. Cleanfill material accepted at the site must meet the following acceptance criteria:

    a. No exceedances of metal concentrations above the naturally occurring levels in non-volcanic soils, as set out in Background Concentrations of Inorganic Elements in Soils from the Auckland Region, Technical Publication No.153, Auckland Regional Council, 2001

    b. No detection of Total Petroleum Hydrocarbons and Polycyclic Aromatic Hydrocarbons

    c. No detection of Organochlorine Pesticides

    d. No detectable asbestos

    e. Compliant with the definition of 'Cleanfill material', as set out in the AUP(OP)

25. Prior to the importation of Cleanfill material onto the site the contamination levels of the fill must be certified by a SQEP. The SQEP's certification must include verification that the fill material imported to site originates from:

    a. A site that has been determined by a SQEP to have had no known history of potentially contaminating activities, as detailed on the *Hazardous Activities and Industries List* (Ministry for the Environment, 2021); or

    b. A site that has been adequately investigated by a SQEP, in accordance with *Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils* (Ministry for the Environment, revised 2021) or any updates to this document, to meet the 'Cleanfill material' definition as prescribed in the AUP(OP); or

    c. A commercial quarry (sampling is not required for hardfill material sourced from a commercial quarry).

26. Cleanfill material must be randomly tested at the frequency of 1 sample per 500m^3, following importation into the site. Sampling and testing of the imported fill material must be overviewed by a SQEP. Sample analysis must be undertaken in accordance with the Cleanfill Management Plan, referenced in Condition 23.

27. The importation of Cleanfill material must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters.

28. Erosion and sediment control must be installed in accordance with the Auckland Council Guideline Document titled *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) (2016). The fill areas must be dampened during the day, where necessary, to suppress the generation of dust during the works. Stabilised exits must be established to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

    Advice Note:

    Discharge from the site includes the disposal of water (e.g. perched groundwater or collected stormwater) from excavations

29. Stockpiling of the imported material must be avoided, unless imported Cleanfill material is awaiting laboratory results confirming acceptance or rejection of the load. If required,

temporary stockpiles must be located within the catchment of erosion and sediment controls for the site. All stockpiles of imported Cleanfill awaiting laboratory results must be covered with an impermeable material when the site is not being worked on and during periods of heavy rain.

30. All fill loads must be inspected at the tipping point at the Cleanfill site. Load inspection and rejection procedures must be undertaken in accordance with the Cleanfill Management Plan, referenced in Condition 23.

31. If any imported fill that does not the meet the Cleanfill acceptance criteria outline in Condition 24 is received at the site, it must be removed to a suitably consented off-site disposal facility.

32. A Site Register is to be kept by the Consent Holder, and copies are to be made available upon request by the Council. The site register must include, but not be limited to, the following:

    a. Name of transporter

    b. Registration number of the vehicle

    c. Date and time of arrival at the site

    d. Source and address of Cleanfill material (including any known land use history and soil analytical results)

    e. Type of Cleanfill material, e.g., topsoil, clay, aggregate, concrete, and soil

    f. Copies, and a tabulated summary of laboratory results for random soil sampling undertaken at the site

33. All sampling and testing of imported fill must be overseen by a suitably qualified and experienced contaminated land professional. All sampling must be undertaken in accordance with Ministry for the Environment publication *Contaminated Land Management Guidelines*, No.5 – *Site Investigation and Analysis of Soils* (revised 2021)

    Advice Note:

    In accordance with sampling and testing required by this Condition, in order to comply with the Ministry for the Environment publication Contaminated Land Management Guidelines (revised 2021), all testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.

34. Within three (3) months of the completion of the importation of Cleanfill material on site, a Site Closure Report (SCR) must be provided to the Council for review. The SCR must be prepared by a suitably qualified and experienced contaminated land professional in accordance with the Ministry for the Environment publication *Contaminated Land Management Guidelines*, No.1: *Reporting on Contaminated Sites in New Zealand* (revised 2021). The SCR should contain sufficient detail to address the following matters:

    a. a summary of the works undertaken, including a surveyed plan of the finished level, the volume of Cleanfill material imported onto site, and a statement confirming whether the importation of Cleanfill material has been completed in accordance with the Cleanfill Management Plan, referenced in Condition 23.

    b. Summary of the pre-approved imported fill onto site certified by a SQEP.

    c. a summary of results of all random fill sampling and topsoil sampling undertaken, and interpretation of the results against the Cleanfill acceptance criteria.

d. the total volume of rejected fill material removed off site including disposal dockets.

35. Consent DIS60398713 must expire five years from the date of commencement unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

Advice Notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*

2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*

3. *For more information on the resource consent process with Auckland Council see the council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*

4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

6. *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.*

Delegated decision maker:

Name: Ian Jefferis

Title: Senior Planner, Resource Consents

Signed:

Date: 15 August 2022

Resource Consent Notice of Works Starting

Please email this form to **monitoring@aucklandcouncil.govt.nz at least *5* days prior to work starting** on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	**Auckland CBD☐**	**Auckland Isthmus☐**	**Hauraki Gulf Islands ☐**	**Waitakere ☐**
Manukau ☐	**Rodney ☐**	**North Shore ☐**	**Papakura ☐**	**Franklin ☐**

Resource consent number:	**Associated building consent:**
Expected start date of work:	**Expected duration of work:**

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	**Date:**

Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE $$$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 10:31 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Sky Cai
Attachments: Plan Change 78 - 153 Albany Highway_20220929102537.923.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Sky Cai

Organisation name: Kvest Investment Partners Group

Agent's full name: Blair McLean

Email address: blair@civix.co.nz

Contact phone number: 0221996609

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Refer to attached

Property address: 153 Albany Highway, Unsworth Heights

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:
Refer to attached

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

Details of amendments: Refer to attached

Submission date: 29 September 2022

Supporting documents
Plan Change 78 - 153 Albany Highway_20220929102537.923.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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

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www.civix.co.nz
Level 1, 87 Albert Street, Auckland
PO Box 5204 Wellesley St, Auckland 1141

Auckland Council
Attn: Plans and Policy

27 September 2022

Plan Change 78 Submission – 135 Albany Highway, Unsworth Heights 0632

To Whom it may concern,

On behalf of KVEST Investment Partners Group (KIPG), we have prepared feedback on Plan Change 78 – Intensification (PC78), which gives effect to requirements of the National Policy Statement on Urban Development (NPS-UD). The details of the subject site and any relevant changes are detailed in **Table 1** below.

Table 1: Site details

Site Address	153 Albany Highway, Unsworth Heights 0632
Legal Description	Lot 1 DP 487862
Current Zoning	Residential - Terrace Housing and Apartment Building ('**THAB**') Zone
Proposed Zoning under PC78	Residential - THAB Zone
Qualifying Matters under PC78	Significant Ecological Areas ('**SEA**') - Terrestrial
Summary of Relief Sought	Support in part, remove SEA overlay as a qualifying matter and instead rely on the existing rules within the AUP to manage intensification in this area.

An aerial image of the subject site and surrounds is shown below in **Figure 1**.

Figure 1: Aerial image of the site and surrounds from Council Geomaps

Our comments on the relevant provisions of PC78, as they affect the subject site, are detailed below.

THAB HIRTB Changes

We would like to provide strong support to the proposed amendments to the height in relation to boundary ('**HIRTB**') standard in the THAB zone, which applies to the subject site. The changes are as proposed:

- For developments up to three dwellings, a HIRTB standard of 4m + 60° to side and rear boundaries will be applied;
- For developments containing four or more dwellings outside a walkable catchment, a HIRTB of 8m + 60° to side and rear boundaries will be applied;
- For developments containing four or more dwellings and any other development within a walkable catchment, a HIRTB of 19m + 60° to side boundaries within 21.5m of the street frontage will be applied; and
- For developments containing four or more dwellings and any other development within a walkable catchment beyond 21.5m of the street frontage, a HIRTB standard of 8m + 60° to side and rear boundaries will be applied.

We believe that these changes are being proposed to allow for perimeter block style housing and to enable more sites to be able to achieve a building height of six storeys, as is being sought by the objectives and policies of the NPS-UD.

We are strongly supportive of this change, as it would significantly improve both the quantity and quality of medium and high-density housing in Auckland, especially within walking distance to town centres and rapid transit stations. Our experience of seeking consents for new dwellings in the THAB zone presently is that smaller sites (1,500m^2 or smaller on average) cannot typically achieve more than three or four storeys at most due to the restrictive HIRTB standard. Even when utilising the more

permissive alternative height in relation to boundary (AHIRTB) standard, it is difficult to achieve the permitted building height in the THAB zone on more narrow sites without significant infringements being incurred to the zone standards. This outcome therefore discourages many smaller sites from being developed to their full extent, reducing the supply of housing in the more appropriately located areas.

We also note that the current HIRTB and AHIRTB standards have the perverse outcome of spreading the building bulk throughout the site, which often directs outlook to side boundaries and can therefore generate overlooking and privacy concerns. This approach also reduces the potential for meaningful landscaping and the planting of larger specimen trees as it creates strips of landscaping around a building, which reduces neighbourhood amenity.

Allowing greater building height up to side boundaries will enable building bulk to be directed to the frontage of sites, which would conversely direct outlook towards the street and rear yards, thereby reducing the potential for overlooking. This would also provide far more useful rear yards, which can provide for better communal outdoor living areas and more room for planting trees; these are critical factors to ensuring higher density housing maintains good levels of amenity and liveability. Finally, we understand that based on Council's own internal analysis, shading effects on neighbouring properties are likely to be reduced if building bulk is concentrated to the front of sites, even if additional height is achieved.

Relief sought:

- Include changes to the HIRTB standard in the THAB zone as currently notified;

<u>Qualifying Matter – SEA Overlay</u>

We do not support the retention of the SEA overlay on this site, noting that this vegetation has been legally removed as part of previous resource consent processed (refer to Figures 2 and 3 below).

Figure 2: Aerial image of the subject site (circa 2010), with the extent of SEA overlay visible

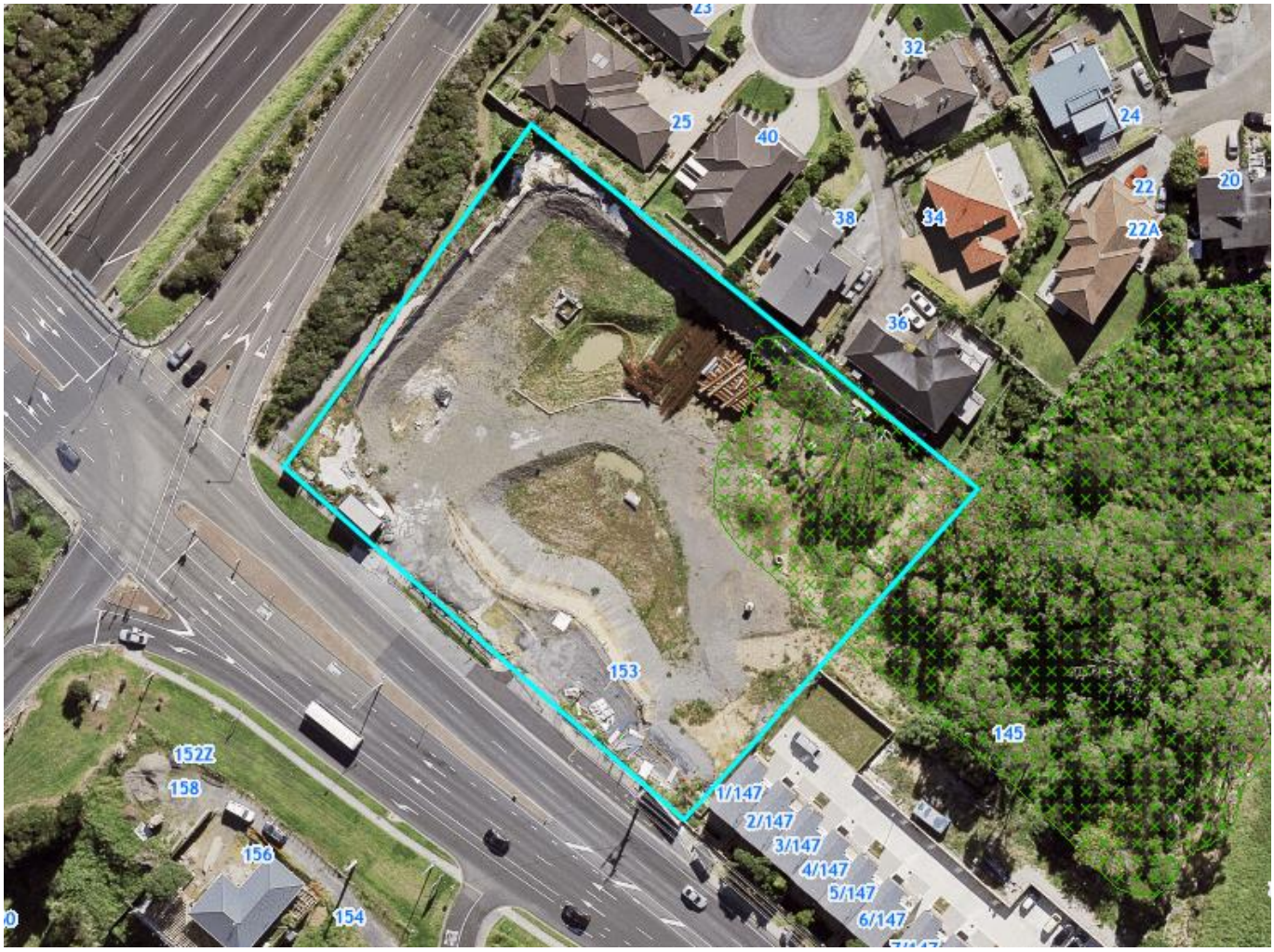

Figure 3: Aerial image of the site in circa 2017, with the previously protected vegetation now removed.

As noted above, resource consent has been granted which authorised earthworks and vegetation removal to facilitate a proposed apartment development on the site (reference LH2141150, attached as Appendix 1 and LUC60394927, attached as Appendix 2), effectively clearing all vegetation formerly protected by the SEA overlay. Subsequent resource consent has recently been obtained to undertake further earthworks and remove pest plant species that have reestablished themselves within the SEA since the original site works were undertaken. Ecological advice was sought to confirm the low quality of the vegetation in support of the proposed activity.

Therefore, any further restriction on development via the Qualifying Matter control, as proposed on the subject site, does not address any specific restrictions or respond to a qualifying matter. As such, it would be contrary to the NPS-UD legislation to preclude the ability to exercise the new THAB zone standards simply due to the site containing the SEA overlay present which no longer serves any purpose.

Relief sought:

- Remove SEA overlays as a qualifying matter and instead rely on the existing rules and proposed within the AUP to manage intensification in these areas; and
- Remove the SEA overlay from the site, as this vegetation is no longer contained on the site.

Kind Regards.

BLAIR MCLEAN - PLANNER

CIVIX PLANNING | ENGINEERING | SURVEYING

Appendices:

Appendix 1 - LH2141150 - Decision

Appendix 2 - LUC60394927 - Decision

Appendix 1: LH2141150 - Decision

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Decision on an Application for a Resource Consent under the Housing Accords and Special Housing Area Act 2013

Application Number(s):	LH-2141150 REG-2141160
Applicant's Name:	153 Holding Limited
Site Address:	153 Albany Highway, Unsworth Heights
Legal Description:	Lot 1 DP 487862
Proposal:	The proposal seeks land use consent for an apartment development comprising 120 units split over five main blocks. A large landscaped podium is designed for the centre of the site. A 75m^2 dairy has been proposed on the ground floor of Block B. Parking for the development (vehicular and cycle) is provided within the underground basement located under the landscaped podium and is accessed off Albany Highway. Associated site works include earthworks, installation of services, remediation, vegetation removal (including in an SEA), landscaping and formation of new vehicle access.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and make a decision under delegated authority on this application.

This requires resource consent for the following reasons:

Proposed Auckland Unitary Plan (PAUP) 2013

Regional Rules

Natural Resources:

- Chapter H, Rule 4.2 1.1Earthworks- Earthworks greater than 2500m^2 or 2500m^3 requires consent as a **Restricted Discretionary Activity** in a Residential Zone.
- Chapter H, Rule 4.14.2.1 Stormwater Management- Total impervious area on the site is greater than the impervious area threshold for the relevant zone in all areas requires consent as a **Restricted Discretionary Activity.**
- Chapter H, Rule 4.3.1.2 Vegetation Management- Any vegetation alteration or removal within a Significant Ecological Area requires consent as a **Discretionary Activity.**

District Rules

Natural Resources:

- Chapter H, Rule 4.2 1.2 Earthworks- Earthworks Greater than 1000m^2 and 1000m^3 in a Significant Ecological Area requires consent as a **Non- Complying Activity.**

Infrastructure:

- Chapter H, Rule 1.1.2.1 Traffic Generation (Transport) - any subdivision or development which exceeds the traffic generation threshold (30 dwellings) requires consent as a **Restricted Discretionary Activity.** A total 120 units are proposed.
- Chapter H, Rule 1.1.2.3.3 Parking Space Design (Transport) - Consent as a **Restricted Discretionary Activity** is required where the necessary dimensions/ design and manoeuvring space of a carparks are not met. 51 carparks infringe the manoeuvring and width controls.
- Chapter H, Rule 1.1.2.3.4 Access (Transport) - Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under clause 3.4.1.2 and 3.4.1.3 requires consent as a **Restricted Discretionary Activity.** The site is subject to the Vehicle Access Restriction – Motorway Interchange and use of the existing vehicle crossing is required.

Residential Zone- Land Use Control:

- Chapter I, Rule 1.1 Residential Zones- 5 or more dwellings per site within the Terrace Housing and Apartment Building Zone requires consent as a **Restricted Discretionary Activity.** 120 units are proposed.

- Chapter I, Rule 1.1 Residential Zones- Dairies up to 100m^2 GFA per site requires consent as a **Restricted Discretionary Activity.** A convenience store/ dairy with a floor area of 75m^2 is proposed within Block B.

Terrace Housing and Apartment Building Zone:

- Chapter I, Rule 1.9.1 Development Control Infringements- Buildings that infringe three or more of the specified development controls require consent as a **Discretionary Activity.**

  - Chapter I, Rule 1.9.2 Building Height- All blocks exceed the maximum building height in the THAB Zone.

Block:	**Maximum Height Permitted:**	**Maximum Height Proposed:**
A	14.5m	17.8m
B	13.5m	16.5m
C	14.5m	14.1m
D	13.5m	14.2m
E	13.5m	14.3m

  - Chapter I, Rule 1.9.4 Building Setbacks within the THAB zone - Blocks E & D infringe the required setback. Block D proposes a 750mm infringement from Ground to Level 3 and a 2750mm infringement for Level 4. Block E proposes a 2000mm infringement for Levels 2 to3 with Ground to level 1 complying.
  - Chapter I, Rule 1.9.5 Building Setbacks adjoining lower density zones. The northern boundary adjoins a Mixed Housing Suburban Zone. Block C infringes the required setback. The proposed balconies encroach the required setback on levels 3 and 4 by 290- 500mm.
  - Chapter I, Rule 1.9.7 Impervious Area- The proposed development exceeds the maximum Impervious Area of 60% within the THAB zone. 65.59% proposed.

- Chapter I, Rule 1.9.8 Building Coverage- The proposed development exceeds the maximum Building Coverage of 40% within the THAB zone. 42.8% proposed.
- Chapter I, Rule 1.9.10 Outlook Space- An outlook space must be provided with minimum dimensions for a principal living room of 6m in depth and 4m in width. Units E106, E206, E306, B104, B204 & B304 require consent as they infringe the minimum dimensions specified. The outlook space between these units is reduced to 4.180 instead of the 6m requirement.

- Chapter I, Rule 1.9.11 Separation of buildings – Block A and C as well as Blocks C and D infringe the required separation distance and therefore requires consent as a **Restricted Discretionary Activity**. A 7.6m separation distance between Blocks A and C has been provided (14m required). An 11m separation distance between Blocks C & D has been provided (requires 13.25m).

- Chapter I, Rule 1.9.12 Outdoor Living Space- 48 of the units infringe the above ground outdoor living space requirements which specifies a balcony of atleast 8m2 and minimum dimension of 2.4m. All ground floor outdoor living spaces comply with the PAUP requirements. Therefore consent is required as a **Restricted Discretionary Activity.** Table 2.1 below demonstrates the units which do not comply and level of non-compliance.

- Chapter I, Rule 1.9.13 Building Length- This control requires a recess in the façade of a building where it faces a side or rear boundary from the point at which the building exceeds a length of 16m. The recess must have a minimum depth of 2.0m for a length of atleast 4m. Where a building exceeds 30m a separation distance of atleast 5m along the same boundary to any other building is required. Block E exceeds 16m (40m in total) and does not provide the required recess. Block C provides a recess with a 2.0m depth and 3.4m length. Blocks C and E infringe the building length requirements and therefore consent is required as a **Restricted Discretionary Activity.**

- Chapter I, Rule 1.9.17 Daylight to Dwellings- Units A003, A005 and A308 do not meet the required threshold of glazing within the principle living room (40% of the floor area of that space). Consent is required as a **Restricted Discretionary Activity.**

Unit:	Glazing ratio provided:
A003	32.3%
A005	32.05%
A308	39.1%

- Chapter I, Rule 1.9.22 Minimum Floor to Floor/ Ceiling Height- The ground floor of a new building must have a minimum finished floor to floor height of 4m for a minimum depth of 10m where it adjoins an arterial road. A height of 3.2m is provided. Consent is required as a **Restricted Discretionary Activity.**

- Chapter I, Rule 1.9.23 Universal Access- The proposed development complies with all universal access design requirements with the exception of the provision of 1 accessible carparking space for the required universally accessible units. 24 universally accessible carparks are required and 3 have been proposed. Consent is required as a **Restricted Discretionary Activity.**

National Environmental Standard ("NES")

The proposal involves soil disturbance on a HAIL listed site which does not meet the Permitted Activity Standards under Rule 8(3).

The proposal involves the change of use of the site which does not meet the Permitted Activity Standards under Rule 8(4).

A Detailed Site Investigation has been provided which demonstrates the identified contaminants are below the NES soil contamination standards for residential landuse. Consent as a **Controlled Activity** is therefore required in terms of 9.1 and 9.3 of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulation 2011.

Overall the application is assessed as a Non- Complying Activity.

Acting under delegated authority, under section 37 of the Housing Accords and Special Housing Area Act 2013, this application is **GRANTED, SUBJECT TO CONDITIONS**.

Reasons

Under section 39 of the Housing Accords and Special Housing Area Act 2013 the reasons for this decision are:

- The proposal directly aligns with the purpose of the HASHAA, as the development seeks to enhance housing affordability by increasing housing supply whilst delivering an apartment typology which is considered to complement the current mix in the Albany area. The development will provide thirteen affordable dwellings providing a positive social benefit which is a core priority for Auckland to meet the needs of low to moderate-income households.

- It is considered that the proposal is consistent with Part 2 of the RMA as it will promote sustainable management of natural and physical resources. The development will provide new residential development in a well located and sought after area making efficient use of the site.

- An assessment of the proposal against the PAUP provisions and any actual and potential effects has been undertaken and the scheme was found to be appropriate because:

    i. There is capacity in all existing infrastructure systems to accommodate the proposed development.

    ii. All dwellings have been designed to meet the PAUP requirement of Homestar 6* ratings. This will ensure that the units will achieve a high standard of sustainability and will in turn improve the long-term affordability of the homes for occupiers in respect of energy and water use.

    iii. Earthworks effects can be contained to the site and erosion and sediment control measures will be in place prior to the commencement of all earthworks activity. On-going monitoring of the works will be undertaken to ensure the adverse effects of the earthworks on the environment will be less than minor.

iv. The proposed development will deliver on the quality compact city aspiration by focusing quality built form and residential intensification within close vicinity to existing public transport routes, education, community, business and healthcare facilities. This will assist in reducing the distances people need to travel and dependence on cars and provide opportunities for using more sustainable modes of transport.

v. The development offers a slight variation in building heights and breaks in building massing, on balance, the design, configuration and orientation of the proposed development has been done in such a way to avoid dominance, overshadowing and reduced access to sunlight where possible.

vi. The public courtyard as well as proposed fencing and landscaping have been introduced to provide amenity and to ensure a high level of internal amenity whilst providing an appropriate balance between public and private.

Conditions

Under section 37 of the Housing Accords and Special Housing Area Act 2013, this consent is subject to the following conditions:

General Conditions

1. The landuse activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the authorising agency as consent number LH-2141150.

    - Application Form, and Assessment of Effects prepared by Code Planning titled 153 Holdings Limited Proposed Development of 120 Residential Units, dated 30 April 2015 (revised 28 September 2015).

    -

Specialist Reports				
Specialist Report	Title	Prepared by	Rev	Date
Infrastructure Report	Infrastructure Report to support landuse application	Airey Consultants	A	April 2015

	for an apartment housing development at 153 Albany Highway.	Ltd		
Acoustic Report	153 Albany Highway - Stage 2 Resource Consent	Marshall Day Acoustics		30 January 2015
Contaminated Site Investigation and Remedial Action Plan	153 Albany Highway- Contaminated Site Investigation and Remedial Action Plan	Hazel Hewitt and Associates Ltd		January 2015
Geotechnical Investigation Report	Proposed Housing and Apartment Development- 153 Albany Highway Geotechnical Investigation	Engineering Geology Ltd		17 February 2014
Integrated Transport Assessment	Integrated Transport Assessment- Proposed Apartment Development. 153 Albany Highway, Unsworth Heights	Traffic Engineering and Management (TEAM) – E. R Hebner		12May 2015
Design Statement	153 Albany Highway, Phase 2	FORMiS		24 April 2015

	Drawings			
Drawing Ref. No.	Title	Architect / Author	Rev	Date
RC1000	Proposed Combined Site Plan	FORMiS	A	05/05/2015
RC1002	Lower Basement Plan	FORMiS	B	06/08/2015
RC1003	Upper Basement Plan	FORMiS	C	02/09/2015
RC1100	Site Plan- Phase 2	FORMiS	C	02/09/2015
RC1310	Block A, Ground Floor Plan	FORMiS	B	02/09/2015
RC1311	Block A, Level 01 Plan	FORMiS	B	02/09/2015
RC1313	Block A, Level 03 Plan	FORMiS	A	05/05/2015
RC1314	Block A, Level 04 Plan	FORMiS	A	05/05/2015
RC1320	Block B, Ground & Level 01 Plans	FORMiS	B	02/09/2015
RC1322	Block B, Level 03 & Level 04 Plans	FORMiS	B	02/09/2015

RC1330	Block C, Ground Floor Plan	FORMiS	B	02/09/2015
RC1331	Block C, Level 01 Plan	FORMiS	B	02/09/2015
RC1333	Block C, Level 03 Plan	FORMiS	A	05/05/2015
RC1340	Block D, Ground & Level 01 Plan	FORMiS	C	02/09/2015
RC1340	Block D, Ground & Level 01 Plan	FORMiS	C	02/09/2015
RC1341	Block D, Level 03 Plan	FORMiS	B	06/08/2015
RC1350	Block E, Ground Level Plan	FORMiS	C	02/09/2015
RC1351	Block E, Level 01 Plan	FORMiS	C	02/09/2015
RC1353	Block E, Level 03 Plan	FORMiS	C	02/09/2015
RC2000	Block E, Overall Elevations-01	FORMiS	A	05/05/2015
RC2001	Block E, Overall Elevations-02	FORMiS	C	02/09/2015
RC2010	Block A Elevations-01	FORMiS	B	02/09/2015
RC2011	Block A Elevations-02	FORMiS	C	02/09/2015
RC2012	Block A Elevations-03	FORMiS	B	02/09/2015
RC2020	Block B Elevations-01	FORMiS	C	02/09/2015
RC2021	Block B Elevations-02	FORMiS	C	02/09/2015
RC2030	Block C Elevations	FORMiS	A	05/05/2015
RC2040	Block D Elevations	FORMiS	C	02/09/2015
RC2050	Block E Elevations-01	FORMiS	C	02/09/2015
RC2051	Block E Elevations- 02	FORMiS	C	02/09/2015
RC2100	Site Sections 01	FORMiS	B	06/08/2015
RC2101	Site Sections 02	FORMiS	B	06/08/2015
RC2102	Site Section- Neighbour	FORMiS	C	02/09/2015
RC2103	Site Section- Neighbour	FORMiS	C	02/09/2015
RC6000	Landscaping- Masterplan	FORMiS	B	06/08/2015
RC6001	Landscaping- Bamboo Garden	FORMiS		
RC6002	Landscaping- Courtyard	FORMiS	B	06/08/2015
RC6003	Landscaping- Albany Highway Frontage	FORMiS		

RC6004	Landscaping- Referen	FORMiS	B	06/08/2015
11734-02 (1.1)	Earthworks Cut- Fill And Erosion & Sediment Control Plan	Airey Consultants Ltd	A	24/06/2015
11734-02 (1.2)	Proposed Drainage Plan	Airey Consultants		June 2015
11734-02 (1.3)	Proposed Wastewater Long Section	Airey Consultants		June 2015

Other Additional Information	
Reference	Date
Stormwater Response prepared by Airey Consultants (Mitchell Roberts)	
Design Compliance Statement prepared by FORMiS (Magdalena Sperska)	31/08/2105
Contaminated Site Investigation and Remedial Action Plan prepared by Hazel Hewitt and Associates Ltd rev 3	05/ 2015
Geotechnical Comment Proposed Phase 2 Development prepared by KGA Geotechnical	07/08/2015
Information Response	08/2015
Traffic Information Response prepared by Traffic Management and Management (TEAM) (Jason Hewson)	05/08/2015
Homestar Registration Letter	21/04/2105
Ecological Statement prepared by Wildlands (Melissa Marler)	05/03/2015

In the event of any inconsistency between the approved drawings and supplementary documentation, the approved drawings will prevail.

Charge

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:

a. All fixed charges relating to the receiving, processing and granting of this resource consent applied under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013;

b. All additional charges imposed under section 76 the HASHAA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge; and

c. All development contributions relating to the development authorised by this consent, unless the HPO Director has otherwise agreed in writing to a different payment timing or method.

3. The consent holder shall pay any subsequent further charges imposed under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 77 HASHAA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

Consent Duration

4. Consent REG-2141160 shall expire 5 years from the date it is granted unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

Lapse of Consent

5. Pursuant to sections 51 of the HASHAA and 125 of the RMA, this consent lapses one year after the date it is granted unless:

- The consent is given effect to; or
- The Council extends the period after which the consent lapses.

Monitoring

6. The consent holder shall pay the Council an initial consent compliance monitoring charge of $ 1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice Note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

General Landuse Conditions

ENGINEERING PLAN APPROVAL

Engineering Plan Requirements

7. Prior to the commencement of any construction work or prior to the lodgement of the survey plan pursuant to s45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, Housing Project Office for approval. Details of the registered engineer who shall act as the developer's representative for the duration of the development shall also be provided with the application for Engineering Plan Approval.

The engineering plans shall include but not be limited to the information regarding the following engineering works:

- Earthworks & any retaining walls in accordance with the Geotechnical Investigation Report and conditions of consent.
- Design of the vehicle crossings
- Details of any services to be laid including pipes and other ancillary equipment to be vested in Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision

- Details of any proposed upgrades of the existing water supply, stormwater and wastewater systems and approval from the relevant utility owner of the asset(s)
- Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision.
- Details of the hydrology mitigation measures in accordance with the following standards:
    - Provide detention (temporary storage) with a volume equal to the runoff volume from the 90th percentile, 24 hour rainfall event for the impervious areas; and
    - Provide retention (volume reduction) of an 8mm, 24 hour rainfall event for the impervious areas.

As part of the application for Engineering Plan Approval, a registered engineer shall:

- Certify that the proposed stormwater system or devices (detention tanks) proposed have been designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater
- Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited (WSL)

Advice Note

A minimum of 2 metres clearance from any stormwater and wastewater lines and manholes is necessary at all times other than for approved works which connect to these services. Where the minimum clearance cannot be provided, the consent holder shall contact Council's Stormwater Unit and Watercare Services Limited, a minimum 48 hours prior to the commencement of any work, to arrange a site inspection and obtain approval.

At Building consent stage a detailed design of the private stormwater system and proposed Retention/Detention tanks to comply with the requirements of SMAF 2 stormwater rmitigation.is to be supplied , as detailed in the Section 93 response from Aireys Consultants on the 29June 2015 from Mitchell Roberts.

The tanks will need to designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater

CONSTRUCTION CONDITIONS

Preparation of a Traffic Management Plan

8. Prior to the commencement of the earthworks and/or construction activity on the subject site, a finalised Traffic Management Plan (TMP) shall prepared in accordance with the Auckland Transport Code of Practice 2013 and shall address the control of the movement of earthmoving vehicles to and from the site. The TMP shall be submitted to the Senior Compliance Advisor, HPO and no earthworks and/or construction on the subject site shall commence until confirmation is provided from council that the TMP is satisfactory and any required measures referred to in that plan have been put in place.

Advice Note:

Due to the close proximity of the Upper Harbour Motorway on/ off ramps and Albany Highway a Traffic Management Plan is required for construction and earthmoving vehicles. It is the responsibility of the applicant to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review https://www.submitica.co.nz/ *before you begin works.*

To ensure all work on roads are as safe as possible for works, motorists, pedestrians and cyclists, anyone or any business planning to dig up part of an existing road, must obtain a Corridor Access Request (CAR) permit from Auckland Transport. A CAR permit is required for, but not limited to, the following activities:

- *Any activity that will alter or cause to be altered the surface of any part of the road reserve, including but not be limited to excavating, drilling and resurfacing*
- *The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve*
- *A new driveway.*

For any activity that varies the normal operating conditions of any part of the road reserve (boundary to boundary), a Traffic Management Plan and a site or layout plan shall be provided with the application for a CAR permit.

Reinstatement of Existing Road

9. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's SHA Consenting Manager.

10. An Engineering Completion Certificate certifying that the above condition has been met shall be provided prior to the occupation of any unit.

Advice Note:

Continuous Pedestrian Footpath

Where footpath intersects a new vehicle crossing, the overlapped area shall be designed and constructed to the same levels, using the same materials, kerbing, paving's, patterns and finish as the footpath, on each side of the crossing.

Noise during Construction

11. All construction and earthworks activities the subject of this consent shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise, at all times.

Hours of Construction

12. The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and/or earthworks activity on the subject site shall therefore be restricted to between the following hours to comply with this standard:

    - ⇨ Monday to Saturday: 7:30am - 6:00pm.
    - ⇨ Sundays or Public Holidays: no works

Advice Note:

Works may be undertaken outside these hours solely under the written approval of Council's SHA Consenting Manager. This will only be granted under special circumstances, for example in the event of urgent stabilisation works or in the event of inclement weather preventing work Monday to Saturday. Any work outside these hours will be subject to the approval of any neighbouring residents or other affected parties as may be identified by the Council's SHA Consenting Manager.

Construction Noise and Vibration Management Plan (CNVMP)

13. Prior to any works commencing, a Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person. The CNVMP shall be submitted to and approved by the Senior Compliance Advisor, SHA Consenting. At a minimum, the CNVMP shall address the measures in Annex E of NZS 6803:1999 "Acoustics - Construction Noise". The CNVMP shall be implemented and maintained throughout the construction phase of the Project.

Dust Control

14. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks and/or construction activity, that in the opinion of the Senior Compliance Advisor, HPO is noxious, offensive or objectionable. The consent holder shall ensure that dust management during the excavation works generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, MfE (2001).

No Deposition of Soil or Debris on the Road

15. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the construction and/or earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *appropriately sized and installed filter socks*

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.

It is recommended that you discuss any potential measures with the Senior Compliance Advisor, HPO who may be able to provide further guidance on the most appropriate approach to take.

Landuse Conditions

PRE-CONSTRUCTION CONDITIONS

Pre- Construction Meeting

16. Prior to the commencement of the construction and / or earthworks activity, the consent holder shall hold a pre-construction meeting that

    a. is located on the subject site,

    b. is scheduled not less than 5 days before the anticipated commencement of earthworks,

    c. includes Senior Compliance Advisor, SHA Consenting – HPO,

    d. includes the supervising Registered Engineer,

    e. includes representation from the contractors who will undertake the works.

The following information shall be made available at the pre-construction meeting: (include specific references to all relevant documentation, and consent conditions

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan
- Construction Management Plan required by the conditions of consent
-

A pre-construction meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.

Advice Note:

To arrange the pre-construction meeting please contact the Senior Compliance Advisor (HPO) on 373 6292 or email specialhousingarea@aucklandcouncil.govt.nz.

Construction Management Plan

17. Prior to the commencement of any earthworks activity, a Construction Management Plan (CMP) shall be submitted to the Senior Compliance Advisor, HPO for approval. No construction activity shall commence until written approval of the CMP has been obtained from the Senior Compliance Advisor, HPO and all measures identified in that plan as needing to be established prior to commencement of works have been.

The Construction Management Plan should contain sufficient detail to address the following matters:

- Vehicle parking requirements for site staff, contractors and sub-contractors;

- Material storage and stockpile containment measures;
- Measures proposed to manage the tracking of mud, dirt and debris on to surrounding roads and to keep roads clean and tidy;
- Construction waste management;
- Protection of any established streetscape planting or trees and grass berms during works;
- Measures to contain and remove contaminants such as concrete and masonry saw runoff to prevent it entering the stormwater system or streams;
- Management of roof rain-water during construction phase prior to connection to the public stormwater system for the prevention of erosion on site;
- Proposed Erosion and Sediment Control Plan for the building construction phase of the development.

All activities associated with earthworks and construction shall be in accordance with the approved Construction Management Plan (CMP).

EARTHWORKS CONDITIONS:

Compliance with Erosion and Sediment Control Plan

18. Prior to the commencement of any earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with the conditions of consent and the approved sediment and erosion control plan referenced in the approved plans above.

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. *Any amendments which affect the performance of the controls may require an application to be made in accordance with section 52 of the HASHAA (section 127 of the RMA). Any minor amendments should be provided to the Senior Compliance Advisor (Housing Project Office) on specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 prior to implementation to confirm that they are within the scope of this consent.*

Site Management and Erosion

19. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.

Advice Note:

In accordance with the conditions of consent earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

It is recommended that you discuss any potential measures with the Senior Compliance Advisor, HPO who may be able to provide further guidance on the most appropriate approach to take.

Removal of Erosion and Sediment Controls

20. Notice shall be provided to the Council's Senior Compliance Advisor, Housing Project Office, at least two (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent.

Stabilisation of the Site

21. Within 10 working days following the completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Senior Compliance Advisor, HPO.

Advice Note:

Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- *the use of mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

The on-going monitoring of these measures is the responsibility of the consent holder.

Advice Note:

In the event that any archaeological features are uncovered on the site, it is recommended that works cease and the Senior Compliance Advisor, HPO is notified immediately. Archaeological features' may in practice include shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains). Please note in the event of a discovery, contacting Heritage New Zealand on 09 307 9920, as well as the relevant local iwi is recommended.

Seasonal Restriction

22. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Senior Compliance Advisor (Housing Project Office), at least two weeks prior to 30 April of any year.

23. Re-vegetation / stabilisation is to be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Senior Compliance Advisor (Housing Project Office), at least two weeks before 30 April.

Geotechnical Completion Report

24. Within one (1) month of the completion of earthworks, a Geotechnical Completion Report in accordance with the "Auckland Council Code of Practice for Land Development and Subdivision Section 2.6" signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks and subsoil drains and a Statement of Professional Opinion on Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.

CONTAMINATION CONDITIONS

Unexpected Contamination

25. If evidence of contamination which has not been previously identified is discovered during earthworks the consent holder shall immediately cease the works and notify the Senior Compliance Advisor, HPO and provide a contamination report to the satisfaction of the Senior Compliance Advisor, HPO.

Advice Notes:

Should any potentially hazardous material or contamination not anticipated in the documentation supporting this consent, including soil containing levels of contaminants not envisaged by the application documentation, be discovered during works:

a) Works shall cease in the vicinity of the identified hazardous material or contamination;

b) The Senior Compliance Advisor, Housing Project Office shall be notified immediately;

c) The consent holder shall engage a suitably qualified and experienced Contaminated Land expert to advise on the appropriate course of action;

d) Any recommendations in relation to the handling, storage or disposal of the identified material are undertaken to the satisfaction of Council's Senior Compliance Advisor, Housing Project Office.

Removal of Contaminated Material or Soil

26. Any soil that is removed from the subject site shall be deposited at a disposal site that holds consent to accept the relevant level of contamination.

    Where it can be demonstrated that the soil or waste materials have been fully characterised in accordance with the Ministry for the Environment's 'A guide to the management of cleanfills (2002) and meets the definition of 'cleanfill', the removal to a consented disposal site is not required. In such circumstances, the Senior Compliance Advisor, HPO shall be advised prior to its removal from the subject site.

Advice Note:

If this material is required to be disposed of as part of the proposed works, the material may require PAH testing in order to determine whether it can be accepted as cleanfill/managed fill material.

Stockpile of Contaminated Material

27. To minimise the spread of contaminated material, all stockpiles of excavated potentially contaminated material shall be located on an impermeable surface within the catchment of erosion and sediment controls for the site. All stockpiles shall be covered with either polythene or an equivalent impermeable material when the site is not being worked and during periods of heavy rain.

Imported fill

28. All imported fill used shall:

- Comply with the definition for 'cleanfill' in the Ministry for the Environment publication '*A Guide to the Management of Cleanfills*' (2002)
- Be solid material of a stable, inert nature and
- Not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

GEOTECHNICAL CONDITIONS

29. The Consent Holder shall engage a suitably qualified engineer to design temporary works and supervise all excavations (especially close to boundaries), retaining and foundation construction. The supervising engineer's contact details shall be provided in writing to Senior Compliance Advisor, Housing Project Office.at least two weeks prior to earthworks commencing on site.

Geotechnical Certification

30. Prior to the commencement of any earthworks, Senior Compliance Advisor, HPO, shall be provided with written certification from a suitably qualified and registered engineering professional that all retaining walls, and building foundations have been designed in accordance with the conditions of consent. Written certification shall be in the form of a report or any other form acceptable to the Council.

Advice Note:

Earthworks, foundations and retaining wall construction shall follow the recommendations of KGA Geotechnical' s assessments and geotechnical report dated 18/09/2015 (or any superseding versions) as per the conditions of consent.

An "as built" drawing of the retaining walls recommended in KGA Geotechnical' s report dated 18/09/2015 (or any superseding versions) which is required for stability purposes shall be

provided to Senior Compliance Advisor, HPO. This shall be provided prior to any residential construction commencing.

Instability affecting neighbouring properties

31. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Senior Compliance Advisor, Housing Project Office.

Land Stability

32. Earthworks should predominantly comprise a cut with minimal filling to prevent surcharging the slope. Earthworks plans should be reviewed by a Geotechnical Engineer to ensure the design does not adversely affect the stability of the site. Fill placed as part of earthworks should be compacted in thin layers to an acceptable engineering standard under the supervision of a Chartered Professional Engineer.

Geotechnical Completion Report

33. A Geotechnical Completion Report in accordance with the "Auckland Council Code of Practice for Land Development and Subdivision Section 2.6" signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. This shall verify that the recommendations of the KGA Geotechnical Ltd report have been implemented on site. This shall be provided no later than two weeks after foundation/retaining construction has been completed.

    The Geotechnical Completion Report shall also include all associated as-built plans for earthworks and subsoil drains and a Statement of Professional Opinion on Earthworks and Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.

INFRASTRCUTURE CONDITIONS

34. Prior to the occupation of any of the units, each unit shall be connected to the public water supply system, wastewater system and stormwater system as approved in the engineering plans. Separated wastewater system and stormwater system/reticulation shall be provided to the site boundary.

Advice Note:

As the proposed development is for apartments on a single lot, the whole site is to be served by private reticulation to discharge at a single point in the public system in accordance with Watercare Services Limited Engineering Standards and the approved engineering drawings.

35. A stormwater detention tank shall be constructed in accordance Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater. A copy of the private drainage "as-built" plan from a registered drain layer showing the installed detention tank shall be provided to the Senior Compliance Advisor, SHA Consenting prior to occupation of any units pursuant to s46 of the HASHAA.

36. Wastewater

    The consent holder shall provide and install a complete public wastewater system to serve the development in accordance with the approved Engineering Plans required under the conditions of consent to the satisfaction of Council's SHA Consenting Manager.

    An Engineering Completion Certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision shall be provided prior to occupation of any unit pursuant to Section of the HASHAA.

    Video inspections of all public wastewater pipes as-built plans for all public and individual private wastewater lines shall be supplied prior to the occupation of any unit. The video inspections shall be carried out prior to occupation of any unit pursuant to Section of the HASHAA

    A certificate from Watercare Services Limited confirming that separate wastewater connections have been provided for the development prior to occupation of any unit pursuant to Section of the HASHAA

37. Water Supply

    The consent holder shall provide and install a complete water supply reticulation system to serve the development in accordance with the approved Engineering Plans required under the conditions of consent to the satisfaction of Council's SHA Consenting Manager.

The consent holder shall complete a successful pressure test for all new water mains prior to the connection to the existing public water supply reticulation system to the satisfaction of Watercare Services Limited. Evidence of undertaking a successful pressure test for new water mains in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision shall be supplied prior to occupation of any unit pursuant to Section of the HASHAA.

Individual private water connections to the proposed public water reticulation system for the development shall be provided in accordance with the approved Engineering Plans.

An Engineering Completion Certificate certifying that all public water pipes and individual water supply connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision shall be provided prior to occupation of any unit pursuant to Section of the HASHAA.

As-built plans for all public water supply lines and a certificate from Watercare Services Limited confirming that separate water supply connections have been provided for the development shall be supplied prior to occupation of any unit pursuant to Section of the HASHAA

Advice Note:

Detail of any foundation design, which is in close proximity to the public wastewater srain, is to be submitted with your building consent. A CCTV inspection of the drain is required to be ordered before any works are started on sit. A second CCTV inspection will be required after the footings are constructed, but prior to the continuation of construction: if (i) there are piles within 2m of the drain, or (ii) the vertical distance between the footing and the drain is less than 1m, or (iii) excavation has occurred within 1m of the drain. Contact Watercare at connections@water.co.nz to order the CCTV inspections or to discuss options.

ACOUSTIC CONDITIONS

38. Prior to the issuing of building consent the consent holder must provide a report prepared by a suitably qualified and experienced acoustics specialist demonstrating that sound from road-traffic will result in sound levels in bedrooms of the apartments no more than 35 dB LAeq(1 hour) and no more than 40 dB LAeq(1 hour) in other habitable spaces.

39. All habitable spaces which are required to have windows closed to comply with the conditions of consent must be served by a mechanical ventilation system of at least the following specification:

    a. Ventilation must be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this minimum requirement, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

    b. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time as meeting this requirement, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

    c. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C.

    d. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the ventilation system.

ACCESS, PARKING AND TRAFFIC CONDITIONS

Access

40. Any new access or modification of access to the road reserve carriageway requires a vehicle crossing permit. The footpath must retain consistency in grade, crossfall and colour across the vehicle crossing. The vehicle crossing should ensure a 6m 1:20 platform prior to the footpath.

Advice Note:

A Vehicle Crossing Permit is required to be obtained for these works. Please contact Auckland Transport for vehicle crossings on Phone (09) 353 3553 or refer to their website for standards and requirements: http://www.aucklandtransport.govt.nz/moving-around/delays-roadworks/WorkingOnTheRoad/Pages/Vehicle-Crossing-Applications.aspx#inspections.

Cycle Parking

41. One cycle parking space is to be provided per unit in addition to 6 cycle spaces available for visitor parking at convenient locations in accordance with the conditions of consent.

Accessible/ Visitor Parking

42. Prior to the occupation of any unit on the site the three dedicated 'accessible' carparks as approved under condition 1 are to be identified as visitor carparks and not allocated to any one unit. These carparks shall be clearly demarcated as 'accessible'.

Advice Note:

The term 'accessible' above requires the identified carparks to be in accordance with the universal access requirements as defined within the PAUP.

Dedicated Truck Turning Area

43. The truck turning area outside the lower basement level as identified on plan RC 1002 prepared by FORMiS, shall be clearly demarcated as a 'no parking at all times' area.

AFFORDABILITY AND PURCHASER ELIGILIBTY CONDITIONS

Affordable Dwellings

44. As allocated by the applicant, units A004, A104, A107, A204, A207, A303, A304, A307, A402, B102, B104, B302, C004 of the development shall be "Affordable Dwellings". The Affordable Dwellings shall meet the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland), Albany Highway, Albany Special Housing Area dated 29th October 2013. For the purposes of these conditions the definition of "Affordable Dwelling" includes the apartment principal unit, 1 x cycle park(for bicycle) and 1x carpark.

45. Before any dwelling in the development that are deemed to be affordable under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland), Albany Highway, Albany Special Housing Area dated 29th October 2013, is occupied, or title to that dwelling is transferred, the consent holder shall provide to the Senior Compliance Advisor, HPO a statutory declaration from the purchaser of the Affordable Dwelling that the purchaser meets all the following criteria

    (i) The purchaser's gross income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;

    (ii) The purchaser has paid a price for the Affordable Dwelling which is not more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and

Special Housing Areas (Auckland) Albany Highway, Albany Special Housing Area dated 29th October 2013, which is $461,250;

(iii) The purchaser has the legal right to and intends to own and occupy the Affordable Dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;

(iv) The purchaser is a first home buyer and has never owned any other real property; and

(v) The purchaser is a natural person and is purchasing the Affordable Dwelling in their own name and not in the name of any other person.

BUILDING

Design

46. A materials schedule and sample board that details the design details and elevation treatment of the building facades including all external finishes, colours and glazing shall be submitted to and approved by the Senior Compliance Advisor, SHA Consenting prior to commencement of any construction above basement level.

No High Contaminant Yielding Roofing or Cladding

47. The applicant shall use inert roofing, spouting and cladding materials, unless agreed otherwise in writing by the Manager, SHA Consenting.

Advice Note:

This condition is to ensure compliance with the Stormwater Rule of the Proposed Auckland Unitary Plan - Chapter H, Rule 4.14.3.1.

Plan of Management

48. Prior to the operation of the Convenience Store/ Dairy, a 'Plan of Management' shall be submitted to and approved by the Senior Compliance Advisor, SHA Consenting. The 'Plan of Management' shall contain the following information:

a. *Use* - Description of the use of the premises, any outdoor seating and extraction systems (if any).

b. *Hours of Operation*

c. *Noise and Amenity* - Procedures to be implemented to achieve compliance with the permitted noise limits set out in Auckland-wide 'Noise' rules with the Unitary Plan (H.6.2.1.1), details of how management will address complaints relating to noise and any other measures that will be undertaken to ensure that amenity impacts (signage) that may arise from the operation of the premises are addressed.

d. *Waste Management* - Location of waste storage areas, procedures for minimising and managing waste that is generated by the premises, disposal of boxes/ packaging, waste collection, etc.

Procedures within the approved 'Plan of Management' shall be implemented upon operation of the convenience store.

Building Height (Surveyors' certification)

49. For building blocks A- E no building works shall proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Senior Compliance Advisor, HPO that the works:

- have been completed in accordance with the approved plans as referred to in Condition 1 of this consent, or
- do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under this consent (Building Height and Building Setbacks).

Advice Note:

The purposes of certification at the roof framing stage of construction are to:

- *provide assurance that the building works, to that point, have been undertaken in accordance with the consent*
- *reduce the risk of non-compliance as the works continue.*

Written certification should include the following:

- *the finished ground level is clearly marked on the subject site*
- *the relevant consent reference number and site address*
- *levels, calculations, plans and drawings of the structure(s) that are the subject of certification*
- *the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

Written certification is to be provided directly to the officer specified in this condition.

Universal Access

50. Prior to the construction of the building, plans shall be submitted for approval by the Manager, SHA Consenting identifying the units that are designed and will be constructed in compliance with the Universal Access rules of the Proposed Auckland Unitary Plan 2013 - Part 3, Chapter I, Rule 1.7.22.

LANDSCAPING

51. Prior to occupation of any of the units, the landscaping shown on the approved landscaping plans shown on the approved landscaping plans under condition 1 above, shall be implemented in full and maintained thereafter, unless otherwise approved in writing by the Manager, SHA Consenting

Advice Note:

Should the consent holder identify the need to vary the landscape planting or fencing design in any way, it is recommended that revised plans and any supporting documentation are forwarded to the Manager, SHA Consenting for approval prior to those changes being implemented on site.

52. Final screening details for screening measures around the refuse area behind Building E shall be provided to Council for approval prior to the occupation of any of the units.

53. Prior to occupation of any of the units, internal fencing between the outdoor living space of the ground floor units is to be constructed and a minimum of 1.6m in height.

SUSTAINABILITY:

54. At building consent stage for each new dwelling, the consent holder shall provide for approval in writing of the Senior Compliance Advisor, SHA Consenting, copies of the design ratings demonstrating that the dwellings achieve the 6 Homestar requirement of H.6.4.2.1 of the Proposed Auckland Unitary Plan.

55. Prior to the occupation of the new dwellings or the issuing of Code of Compliance Certificate for the building (whichever comes first) the consent holder shall provide copies of all Homestar Certificates in order to demonstrate that each dwelling has been

constructed in accordance with the design ratings achieve the 6 Homestar requirement of the H.6.4.2.1 of the Proposed Auckland Unitary Plan, to the satisfaction of the Senior Compliance Advisor, SHA Consenting.

COVENANTS

Affordability

56. Pursuant to s108(2) of the RMA, prior to the occupation of any unit on the site a covenant shall be registered against the Certificate(s) of Title of Lot 1 DP 487862 to ensure that the following conditions are to be complied with on a continuing basis:

Units A004, A104, A107, A204, A207, A303, A304, A307, A402, B102, B104, B302, and C004 of the development shall be "Affordable Dwellings". The Affordable Dwellings shall meet the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland), Albany Highway, Albany Special Housing Area dated 29th October 2013. Before the Certificate of Title of this lot is transferred, the consent holder shall provide to the Council's Manager SHA Consenting a statutory declaration from the purchaser of the lot that the purchaser meets all the following criteria. In the event that this lot is first sold to a builder or a building company for the purposes of constructing a dwelling that is to be on sold and not occupied by that builder or building company, the statutory declaration shall be provided from the builder or building company when the Certificate of Title of that dwelling is transferred to the first occupier of the dwelling.

i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;

ii. The value of the finished dwelling and land shall not be more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Albany Highway, Albany special housing areas dated 29th October 2013.

iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;

iv. The purchaser is a first home buyer and has never owned any other real property;

v. The purchaser is a natural person and is purchasing the lot in their own name and not in the name of any other person.

The covenant shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser and occupier of the dwelling.

The Covenant shall be prepared by Council's solicitor at the cost of the consent holder.

Advice Note

Should the consent holder identify the need to vary the allocated 'affordable dwellings' in any way, it is recommended that the relevant information is forwarded to the Manager, SHA Consenting for approval prior to those changes being implemented on site. The development will be required to continue to provide 10% 'affordable dwellings' in accordance with Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Albany Highway, Albany special housing areas dated 29th October 2013

Stormwater Detention

57. Pursuant to s 108(2) of the RMA, prior to the occupation of any unit on the site a covenant shall be registered against the Certificate(s) of Title of Lot 1 DP 487862 to ensure that the following conditions are to be complied with on a continuing basis:

The continued effective operation and maintenance of this system is the responsibility of the property owner and the Council or other responsible Regulatory Authority may require works to be carried out to ensure the continued operation of this system.

The Covenant shall be prepared by Council's solicitor at the cost of the consent holder.

Delegated Decision Maker:

Name: Euan Williams

Title: Lead Project Planner, Housing Project Office

Signed:

Date: 03/11/2015

Appendix 2 - LUC60394927 - Decision

15 August 2022

Blair McLean
CIVIX Ltd

E-MAIL: blair@civix.co.nz

Dear Blair,

Resource consent application – Advice of decision

Application numbers:	LUC60394927
	DIS60398713
Applicant:	North Harbour Development Limited
Address:	153 Albany Highway
	Unsworth Heights
Proposed activity:	To import clean fill material onto site to fill in a pit and recontour the site to enable a future housing development, with a total earthworks volume of 20,117m^3 occurring over an area of 5,332m^2.

Following an assessment of your application under the Resource Management Act 1991 (the RMA), a decision has been made to grant your application, subject to conditions of consent.

Please take the time to read and understand the conditions of consent. Council officers will undertake inspections of your project to check compliance with this resource consent.

For your reference, a copy of the decision is attached. It outlines the basis for the decision and the conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us within 15 working days of receiving this decision. You can find further information about how to make an objection on our website at www.aucklandcouncil.govt.nz (select “Consents, building and renovation projects”, then “Resource consents”, then “Receive our decision on your resource consent application” and finally “Resource consent appeals and objections”).

You can also file an appeal with the Environment Court within 15 working days of receiving this decision.

Information on the appeal process can be found on the Environment Court website https://www.environmentcourt.govt.nz/.

In terms of processing fees incurred to date, these will be calculated taking into account your deposit and any interim invoices paid. Any additional fees generated from processing to date will be invoiced in due course.

Yours sincerely,

Ian Jefferis
Senior Planner
Resource Consents, North-West

Decision on an application for resource consent under the Resource Management Act 1991

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Discretionary activity

Application numbers:	LUC60394927
	DIS60398713
Applicant:	North Harbour Development Limited
Site address:	153 Albany Highway Unsworth Heights
Legal description:	Lot 1 DP 487862

Proposal:

To import cleanfill material onto site to fill in a pit and recontour the site to enable a future housing development, with a total earthworks volume of 20,117m^3 occurring over an area of 5,332m^2

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60394927

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Land Disturbance - District

- To undertake general earthworks of 5,332m^2 and 20,117m^3, as the earthworks are greater than 2,500m^2 and 2,500m^3 in a residential zone, is a restricted discretionary activity under rules E.12.4.1(A6) and (A10) respectively.

Natural hazards and flooding

- To diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path is a restricted discretionary activity under rule E36.4.1(A41).

Vegetation management and biodiversity

- Any vegetation alteration or removal not otherwise provided for is a discretionary activity under rule E15.4.2(A43). The vegetation within the SEA is a monoculture of gorse, with the exception of some other weedy species such as pampas and thistles around the edges. The exception however is one small native but common karamū (Copromsa robusta) sapling.

Regional land use (operative plan provisions)

Land Disturbance – Regional

- To undertake general earthworks of 4,461.9m^3, as the earthworks are greater than 5m^3 in the SEA overlay, is a restricted discretionary activity under rule E11.4.3(A30).

Discharge consent (s15) – DIS60398713

Cleanfills

- Where discharge from a cleanfill does not comply with standard E13.6.2.1, and the discharge is more than 250m^3 per year, consent is required as a restricted discretionary activity under rule E13.4.1(A3).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:

    a. The works proposed seek to fill in the existing void in the landscape, bringing the site up to a suitable gradient for development. The site will remain vacant, and no protected vegetation will be removed.

    b. The sensitivity of the receiving environment to the adverse effects of potential sediment discharges will not be compromised given the potential level of discharge, the application of suitable control technology and appropriate on site management techniques.

    c. The earthworks and construction phase will be temporary and will include noise, dust and traffic management controls to ensure that any adverse effects are appropriately mitigated.

    d. The importation of cleanfill will be managed in accordance with the procedures outlined in the Fill / Earthworks Specification report, including fill acceptance criteria, fill sampling undertaken by a Suitably Qualified and Experienced Practitioner (SQEP) and stormwater and sediment control procedures.

    e. The earthworks have been designed to safely maintain the conveyance function of the overland flow path and will not increase the risks of flood hazards to people or property.

    f. In terms of positive effects, the earthworks proposed will enable the site to be developed in a manner anticipated in the underlying residential zoning. The removal of pest plants across the site and protection of the three pohutukawa trees will have a positive environmental outcome.

    g. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.

2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the objectives and policies of the Auckland Unitary Plan (OP) and the National Policy Statement on Freshwater Management 2020, specifically, the sections set out below, for the following reasons:

    a. The proposal is consistent with the relevant objectives and policies of Chapter B, Regional Policy Statement which seek to achieve integrated management of the natural and physical resources of the whole region. In particular, those outlined in Chapter B2 – Urban Growth and B7 – Natural Resources. The development supports residential intensification, optimising the efficient use of urban land, while maintaining

the quality of the environment and ensuring adverse effects are adequately avoided or mitigated.

b. Chapter E11 and 12 Land Disturbance (Regional and District); Objectives E11.2(1) – (3) and Policies E11.3(1) – (7); and Assessment Criteria E11.7.2(1) and Objective E12.2(1) and Policies E12.3(1) – (6) and Assessment Criteria E12.8.2(1) which seek to manage the adverse effects of land disturbance. The sensitivity of the receiving environment to the adverse effects of potential sediment discharges will not be compromised given the potential level of discharge, the application of suitable control technologies and appropriate on-site management techniques.

   The earthworks and cleanfill placement would be undertaken in accordance with appropriate engineering methodologies and geotechnical recommendations, ensuring that adverse land stability issues are unlikely to result. All works will adhere to permitted construction controls in terms of vibration, dust, lighting and the temporary nature of site works will not result in an unsafe traffic environment. The land disturbance is necessary to facilitate the reasonable use and development of this residentially zoned land and will be undertaken in accordance with appropriate site management controls to ensure the natural qualities, stability, amenity and visual integrity of the receiving environment, along with Mana Whenua values are not adversely affected.

c. Chapter D9 Significant Ecological Areas Overlays; Objectives D9.2(1) – (3) and Policies D9.3(1) – (5) and Chapter E15 Vegetation Management and Biodiversity; Objectives E15.2(1) – (2) and E15.3(1) – (8) which set out the objectives and policies relating to the management of terrestrial and coastal vegetation and biodiversity values outside of scheduled significant ecological areas. The effects of earthworks on the indigenous biodiversity values of the SEA will be avoided as far as is practical, noting that the vegetation present on site contains a monoculture of gorse, with the exception of some other weedy species such as pampas and thistles around the edges. The exception to this is the removal of one small native but common karamu, sapling, the removal of which would have negligible ecological impact.

   In this case the vegetation removal within the site, including that within the SEA overlay will have less than minor adverse effects, and specifically no adverse effects upon indigenous biological diversity values. The three pohutukawa trees on the boundary will be retained, and in the context of the receiving environment, such is considered suitable mitigation for the earthworks proposed.

d. Chapter E13 Cleanfills: Objective E13.2(1) and (2). Policies E13.3(1) – (3) and Assessment Criteria E13.8.2(1) which reference that cleanfills involve the deposit of natural materials such as clay, gravel, sand, soil and rock which have been excavated for areas of land which do not contain contaminants at levels greater than background concentrations, and which have no adverse effects on the environment.

e. The sensitivity of the receiving environment to the adverse effects of the contaminant discharge will not be compromised given the level of the discharge, and appropriate on-site management techniques. Given the effective void on the site which needs to be filled, the cleanfill will be sited, designed and operated appropriately in accordance with a fill / earthworks specification plan, and relevant industry best practice, with no adverse land stability effects nor any adverse effects from the discharge of sediment and stormwater.

f. Chapter E36 Natural Hazards: Objective E36.2(2) and (5), Policies E36.3(2(9) and (30) and Assessment Criteria E36.8.2 (12). The proposed earthworks will maintain the function of the overland flow path through the site, safely conveying water runoff from the site to the receiving environment in a manner which will not alter the capacity of the flow path, having no adverse effects or damage to property or the environment.

3. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case there are no other relevant matters.

4. In the context of this restricted discretionary activity application for land use and contaminant discharge, where the relevant objectives and policies and other relevant provisions in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

5. Overall, the proposal will have acceptable actual and potential effects and is consistent with the relevant objectives, policies and assessment criteria in the relevant statutory document, being the AUP (OP). Resource consent is therefore granted, subject to conditions.

Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers LUC60394927 and DIS60398713;

    - Application Form and Assessment of Environmental Effects prepared by Blair McLean, Civix, dated 23/12/2021;
    - Response to Request for Further Information received from Blair McLean, Civix, dated 5 July 2022 and 8 August 2022;
    - Fill / Earthwork Specification, prepared by ENGEO Limited, project number #12776.000.000, dated 23/06/2022;
    - Site Memorandum prepared by ENGEO Limited, project number 12776.000.000, dated 2 June 2021;
    - Vegetation Assessment – 153 Albany Highway, prepared by Bioresearchers, reference 65335, dated 6 December 2021;
    - Earthworks Report, prepared by Civix, dated 23/12/2021;
    - Plans as follows:

Drawing No.	Title	Prepared by	Dated
11000	Finished Contour Plan	Civix	22/12/2021
20000	Cut Fill Plan	Civix	22/12/2021
20001	Cut Fill Plan	Civix	16/03/2022
22000	Earthworks Sections	Civix	22/12/2021
22001	Earthworks Sections	Civix	22/12/2021
22002	Earthworks Sections	Civix	22/12/2021
25000	Erosion and Sediment Control Plans	Civix	22/12/2021
26000	Sediment Pond Plan	Civix	22/12/2021
26001	Universal Soil Loss Equations	Civix	22/12/2021
28900	ESCP Standard Details	Civix	22/12/2021

28901	ESCP Standard Details	Civix	22/12/2021
28902	ESCP Standard Details	Civix	22/12/2021
28903	ESCP Standard Details	Civix	22/12/2021
28904	ESCP Standard Details	Civix	22/12/2021
28905	ESCP Standard Details	Civix	22/12/2021
50000	Wastewater Plan	Civix	22/12/2021
51000	Wastewater Sections	Civix	22/12/2021
51001	Wastewater Sections	Civix	22/12/2021

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

   a. The consent is given effect to; or

   b. The council extends the period after which the consent lapses.

3. The consent holder shall pay the council an initial consent compliance monitoring charge of $1,026.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Specific conditions – land use consent LUC60394927

4. The earthworks activity must be undertaken in accordance with the following application documents including all appendices, unless a higher standard is referred to through the conditions below, in which case this higher standard must apply:

   - *"153 Albany Highway Unsworth Heights 0632, Resource Consent Application & Assessment of Environmental Effects, LUC Land Disturbance & Cleanfill Discharge",* prepared by Civix Limited and dated December 2021.

   Advice Note:

   In the event that minor amendments to the ESCP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the ESCP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.

   Duration

5. Resource consent LUC60394927 (earthworks) must expire 5 years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

   Pre-start Meeting

6. Prior to the commencement of earthworks activities, the consent holder must hold a pre-start meeting that:

   - is located on the subject site;

- is scheduled not less than five days before the anticipated commencement of earthworks;
- includes Auckland Council compliance monitoring officer[s]; and
- includes representation from the contractors and the supervising engineers who will undertake the works.

The meeting must discuss the erosion and sediment control measures and earthworks methodology and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent. The following information must be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent;
- Name and contact details for key contractors and supervising engineers;
- Resource consent conditions;
- A Fill Material Approval Plan and Fill Specifications;
- Construction Noise and Vibration Management Plan;
- The Chemical Treatment Management Plan required by condition 7; and,
- The Erosion and Sediment Control Plan referred to through the document listed under condition 1 above.

A pre-start meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised 3.

Advice Note:

To arrange the pre-start meeting required by this Condition please contact the Council on monitoring@aucklandcouncilgovt.nz, *or 09 301 01 01. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

Chemical Treatment Management Plan

7. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (ChemTMP) must be prepared in general accordance with Auckland Council *'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region',* June 2016, Incorporating Amendment 1, (GD05) and submitted to the Council for certification. No earthwork activities must commence until certification is provided by the Council that the CTMP meets the requirements of GD05, and the measures referred to in that plan for the decanting earth bunds have been put in place. The plan must include as a minimum:

    a. Specific design details of a chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;

    b. Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);

    c. Details of optimum dosage (including assumptions made and details for the methodology used to evaluate optimum dosage);

    d. Results of the initial chemical treatment trial (bench testing in accordance with GD05);

    e. A spill contingency plan; and

f. Details of the person of bodies that will hold responsibility for operation and maintenance of the chemical treatment system and the organisation structure which will support this stem, throughout the duration of the consent.

8. The sediment retention pond and any other authorised impoundment devices must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChemTMP) required by condition 7. All measures required by the ChemTMP must be put in place prior to commencement of the earthworks activity and be maintained throughout its duration.

Construction Noise and Vibration Management Plan

9. The consent holder must submit to Council a Construction Noise and Vibration Management Plan (CNVMP) for certification prior to the commencement of earthworks. The objective of the CNVMP is to set out the Best Practicable Option for the management of noise and vibration effects. The CNVMP must be prepared with reference to Annex E, New Zealand Standard NZS6803:1999 Acoustics – Construction noise and must address the following matters: -

- Details for providing written advice of the works to neighbours;
- The construction noise and vibration limits for the project;
- The limitations on working days and hours to minimise nuisance effects on neighbours;
- Requirements and specifications for acoustically effective barriers on the site;
- A procedure for responding to any noise and vibration complaints;
- A procedure for any noise and vibration monitoring during the works and applying any corrective action that may be required;
- Details of practicable noise and vibration mitigation measures to be applied during the various stages of the construction period;
- Procedures for ensuring that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects as far as practicable on neighbouring sites; and
- How compliance will be achieved with the noise and vibration standards of the AUP.

The CNVMP shall be submitted to the Council for certification a minimum of ten working days prior to commencement of the works. Earthworks shall not commence until certification has been received in writing from the Council.

Construction Traffic Management Plan

10. Prior to commencement of any works on the site, the consent holder shall submit a Construction Traffic Management Plan (CTMP) for certification by the Council (Team Leader Compliance Monitoring – Northern in conjunction with Auckland Transport). The CTMP must be prepared in accordance with the Auckland Transport Code of Practice 2013 and shall address the control of the movement of earthmoving vehicles to and from the site.

No earthworks and/or construction on the subject site shall commence until confirmation is provided from council that the CTMP is satisfactory and any required measures referred to in that plan have been put in place.

The CTMP shall address the following aspects of the demolition and construction process:

- A parking management plan for earthworks traffic.
- Address the transportation and parking of oversize vehicles such as cranes.
- Provide appropriate loading / working areas to minimise disruption to traffic.
- Provide cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other excavated material from being dropped on the road.
- In the event that material is dropped on the road, resources should be on hand to clean-up as soon as possible.
- Provide traffic management plans in compliance with the latest edition of the NZTA "Code of Practice for Temporary Traffic Management" (COPTTM) document.
- The site access point shall be clearly signposted.
- Measures to be adopted to ensure that pedestrian access on the public footpaths in the vicinity of the site is safe during construction works.
- Proposed numbers and timing of truck movements throughout the day.
- Location of vehicle and construction machinery access during the period of site works;
- Storage and loading areas for materials and vehicles.
- Relevant Auckland Transport approval/certification.
- The certified CTMP shall be implemented and maintained throughout the entire period of works on site to the satisfaction of the Council.

Advice Note:

Due to the close proximity of the Upper Harbour Motorway on / off ramps and Albany Highway a Traffic Management Plan is required for construction and earthmoving vehicles. It is the responsibility of the consent holder to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review https://www.submitica.co.nz/ before you begin works.

To ensure all work on roads are as safe as possible for works, motorists, pedestrians and cyclists, anyone or any business planning to dig up part of an existing road, must obtain a Corridor Access Request (CAR) permit from Auckland Transport. A CAR permit is required for, but not limited to, the following activities:

- *Any activity that will alter or cause to be altered the surface of any part of the road reserve, including but not be limited to excavating, drilling and resurfacing.*
- *The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve.*
- *A new driveway for any activity that varies the normal operating conditions of any part of the road reserve (boundary to boundary), a Traffic Management Plan and a site or layout plan shall be provided with the application for a CAR permit. Reinstatement of Existing Road.*

Construction Management Plan

11. The Consent Holder shall provide a Construction Management Plan to the Council (Team Leader Compliance Monitoring – Northern) at least two weeks prior to any works commencing on site. The Construction Management Plan must specify construction timetable, construction methods, general site management of cleanfill site, site

reinstatement upon completion of works. The Construction Management Plan shall be to the satisfaction of the Council (Team Leader Compliance Monitoring – Northern).

Geotechnical

12. The Consent Holder's earthworks contractor must provide a work methodology for the earthworks to the geotechnical engineer for review and comment. Once confirmed, it must be provided by the consent holder to the Council (Team Leader Compliance Monitoring – Northern) for approval. The work method statement shall include filling methods, excavation time frames, temporary propping/weatherproofing and/or sequencing of works. This shall be required to ensure fills are suitably compacted and stability is maintained throughout the civil works stage of the development.

    The work method shall be provided in writing to the satisfaction of the Council (Team Leader Compliance Monitoring – Northern) at least two weeks prior to earthworks commencing on site. No works onsite are permitted prior to written approval that the contractor's work method has been reviewed and accepted by the Council (Team Leader Compliance Monitoring – Northern).

Earthworks Conditions

13. The site must be progressively stabilised against erosion throughout the earthworks phase of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified Erosion and Sediment Control Plan.

    Advice Note:

    Stabilisation measures may include:

    - *the use of waterproof covers, geotextiles, or mulching*
    - *top-soiling and grassing of otherwise bare areas of earth*
    - *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

    It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).

14. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by Erosion and Sediment Control Plan referred to through the document listed under condition 1, must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.

15. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

    Advice Note:

    In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent, or address discharges should they occur:

    - *provision of a stabilised entry and exit(s) point for vehicles*
    - *provision of wheel wash facilities*

- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweeper*
- *silt and sediment traps*
- *catchpit protection*

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).

16. Immediately upon completion or abandonment of earthworks on the subject site, all areas of bare earth associated with the works must be permanently stabilised against erosion to the satisfaction of the Council.

Advice Note:

Stabilisation Measures may include:

- *The use of mulching or natural fibre matting.*
- *Top-soiling, grassing and mulching of otherwise bare areas of earth.*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to Auckland Council, Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).

Seasonal Restriction

17. No earthworks on the subject site must be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval by the Council. All requests must be renewed prior to the approval expiring and no works must occur until written approval has been received from the Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder.

Damage of Assets

18. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's SHA Consenting Manager.

Stability Condition

19. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.

Tree Protection

20. The consent holder must ensure that the three semi-mature pōhutukawa (Metrosideros excelsa) on the north-eastern boundary are suitably protected, at all times, during the exercise of this consent to the satisfaction of council.

Works Completion

21. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to through the document listed under condition 1, and prior to the commencement of earthworks activity on the subject site, a suitably qualified and experienced person must provide written certification to the Council that the erosion and sediment control measures have been constructed and completed in accordance with the Erosion and Sediment Control Plan referred to through the document listed under condition 1. Written certification must be in the form of a report or any other form acceptable to the Council.

Advice Note:

Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05): Erosion and Sediment Control construction quality checklists.

Specific conditions – discharge consent DIS60398713

Works Notification

22. The Council must be informed in writing, at least ten working days prior to the start date of the works authorised by this consent.

Advice Note:

For the purpose of compliance with the conditions of consent, "the Council" refers to the council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.

Cleanfill Management Plan

23. At least ten working days prior to the importation of Cleanfill material onto the site, the Consent Holder must provide a Cleanfill Management Plan to the Council for certification. The Cleanfill Management Plan must be prepared by a suitably qualified and experienced practitioner (SQEP) and contain sufficient detail to address the following matters:

    a. Fill acceptance criteria

    b. Procedures for sourcing Cleanfill material, including the preapproval process (certification by a SQEP)

    c. Procedures for random fill sampling, the frequency of sampling and testing, and analysis suite for testing the imported fill to confirm compliance with the adopted fill acceptance criteria

    d. Disposal and stockpiling procedures

    e. Rejection procedures for any unacceptable fill being imported to the site

    f. Topsoil sampling/testing procedures

    g. Details on the content of a Site Closure Report

Advice Note:

The Council acknowledges that the Cleanfill Management Plan is intended to provide flexibility of the management of the works and associated discharge. Accordingly, the plan may need to be updated. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent.

24. Cleanfill material accepted at the site must meet the following acceptance criteria:

    a. No exceedances of metal concentrations above the naturally occurring levels in non-volcanic soils, as set out in Background Concentrations of Inorganic Elements in Soils from the Auckland Region, Technical Publication No.153, Auckland Regional Council, 2001

    b. No detection of Total Petroleum Hydrocarbons and Polycyclic Aromatic Hydrocarbons

    c. No detection of Organochlorine Pesticides

    d. No detectable asbestos

    e. Compliant with the definition of 'Cleanfill material', as set out in the AUP(OP)

25. Prior to the importation of Cleanfill material onto the site the contamination levels of the fill must be certified by a SQEP. The SQEP's certification must include verification that the fill material imported to site originates from:

    a. A site that has been determined by a SQEP to have had no known history of potentially contaminating activities, as detailed on the *Hazardous Activities and Industries List* (Ministry for the Environment, 2021); or

    b. A site that has been adequately investigated by a SQEP, in accordance with *Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils* (Ministry for the Environment, revised 2021) or any updates to this document, to meet the 'Cleanfill material' definition as prescribed in the AUP(OP); or

    c. A commercial quarry (sampling is not required for hardfill material sourced from a commercial quarry).

26. Cleanfill material must be randomly tested at the frequency of 1 sample per 500m^3, following importation into the site. Sampling and testing of the imported fill material must be overviewed by a SQEP. Sample analysis must be undertaken in accordance with the Cleanfill Management Plan, referenced in Condition 23.

27. The importation of Cleanfill material must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters.

28. Erosion and sediment control must be installed in accordance with the Auckland Council Guideline Document titled *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) (2016). The fill areas must be dampened during the day, where necessary, to suppress the generation of dust during the works. Stabilised exits must be established to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

    Advice Note:

    Discharge from the site includes the disposal of water (e.g. perched groundwater or collected stormwater) from excavations

29. Stockpiling of the imported material must be avoided, unless imported Cleanfill material is awaiting laboratory results confirming acceptance or rejection of the load. If required,

temporary stockpiles must be located within the catchment of erosion and sediment controls for the site. All stockpiles of imported Cleanfill awaiting laboratory results must be covered with an impermeable material when the site is not being worked on and during periods of heavy rain.

30. All fill loads must be inspected at the tipping point at the Cleanfill site. Load inspection and rejection procedures must be undertaken in accordance with the Cleanfill Management Plan, referenced in Condition 23.

31. If any imported fill that does not the meet the Cleanfill acceptance criteria outline in Condition 24 is received at the site, it must be removed to a suitably consented off-site disposal facility.

32. A Site Register is to be kept by the Consent Holder, and copies are to be made available upon request by the Council. The site register must include, but not be limited to, the following:

    a. Name of transporter

    b. Registration number of the vehicle

    c. Date and time of arrival at the site

    d. Source and address of Cleanfill material (including any known land use history and soil analytical results)

    e. Type of Cleanfill material, e.g., topsoil, clay, aggregate, concrete, and soil

    f. Copies, and a tabulated summary of laboratory results for random soil sampling undertaken at the site

33. All sampling and testing of imported fill must be overseen by a suitably qualified and experienced contaminated land professional. All sampling must be undertaken in accordance with Ministry for the Environment publication *Contaminated Land Management Guidelines*, No.5 – *Site Investigation and Analysis of Soils* (revised 2021)

    Advice Note:

    In accordance with sampling and testing required by this Condition, in order to comply with the Ministry for the Environment publication Contaminated Land Management Guidelines (revised 2021), all testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.

34. Within three (3) months of the completion of the importation of Cleanfill material on site, a Site Closure Report (SCR) must be provided to the Council for review. The SCR must be prepared by a suitably qualified and experienced contaminated land professional in accordance with the Ministry for the Environment publication *Contaminated Land Management Guidelines*, No.1: *Reporting on Contaminated Sites in New Zealand* (revised 2021). The SCR should contain sufficient detail to address the following matters:

    a. a summary of the works undertaken, including a surveyed plan of the finished level, the volume of Cleanfill material imported onto site, and a statement confirming whether the importation of Cleanfill material has been completed in accordance with the Cleanfill Management Plan, referenced in Condition 23.

    b. Summary of the pre-approved imported fill onto site certified by a SQEP.

    c. a summary of results of all random fill sampling and topsoil sampling undertaken, and interpretation of the results against the Cleanfill acceptance criteria.

d. the total volume of rejected fill material removed off site including disposal dockets.

35. Consent DIS60398713 must expire five years from the date of commencement unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

Advice Notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*

2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*

3. *For more information on the resource consent process with Auckland Council see the council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*

4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

6. *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.*

Delegated decision maker:

Name: Ian Jefferis

Title: Senior Planner, Resource Consents

Signed:

Date: 15 August 2022

Resource Consent Notice of Works Starting

Please email this form to **monitoring@aucklandcouncil.govt.nz at least *5* days prior to work starting** on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	**Auckland CBD☐**	**Auckland Isthmus☐**	**Hauraki Gulf Islands ☐**	**Waitakere ☐**
Manukau ☐	**Rodney ☐**	**North Shore ☐**	**Papakura ☐**	**Franklin ☐**

Resource consent number:	**Associated building consent:**
Expected start date of work:	**Expected duration of work:**

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	**Date:**

Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE $$$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

Ginny Taare

From: cameron.smythe@watereng.co.nz
Sent: Tuesday, 27 September 2022 1:53 pm
To: Unitary Plan
Cc: Bill Smythe
Subject: Submission - PC78 - Intensification - 18 Clarence Street, Devonport
Attachments: pc-78-form-5-notification - 18 Clarence Street, Devonport.pdf

Hi,

Please find attached submission for PC78 – Intensification with respect to 18 Clarence Street, Devonport.

Regards,
Cameron

Cameron J Smythe
BE (Civil), BSc (Geophysics), ME Mgt
CPEng, Int PE, MIPENZ
Snr Env Engineer / Partner
Mob: 021 325 356
Email: cameron.smythe@watereng.co.nz
https://www.linkedin.com/in/cameron-smythe-5a85867/

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) WILLIAM RUSSELL SMYTHE & DENISE SMYTHE

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

PENTAGON TRUST

Address for service of Submitter

2/2 TUPERIRI ROAD

EPSOM

Telephone: 274825035 Fax/Email: wrdsmythe@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Height Variation Control / Special Character Overlay / Regional Maunga Viewshafts & Height and Building Sensitive Areas Overlay

Or

Property Address: 18 CLARENCE STREET, DEVONPORT

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:

The special character overlay & height restrictions imposed on 18 Clarence St, Devonport are inappropriate given the location and type of property.

This location is a prime NPS-UD location for apartments due to close proximity to Devonport Wharf.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Increase height restrictions to greater than 13 metres to allow for development to support NPS-UD objectives through close proximity to Devonport Wharf and ferry infrastructure.

Remove special character overlay.

I wish to be heard in support of my submission ☒

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

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

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

27/09/2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

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

Plan Change / Variation Number: **PC78**
Plan Change/Variation Name: **Intensification**

Property Address: **18 Clarence Street, Devonport**

ADDITIONAL SUPPORTING INFORMATION

Our property is located 250 metres away from the Devonport Ferry Terminal (see GeoMaps extract below) – about 3 minutes' walk away!

As this site is in close proximity to a main public transport network (Auckland Ferry Service) we believe that Council should be encouraging the highest possible intensive development to allow for maximum use of this existing public infrastructure.

This is what the Labour Government stipulated in the NPS-UD, which Auckland Council are blatantly ignoring.

Auckland will be unable to provide housing and other development for our future generations with such excessive height restrictions on the development within the region.

The Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay assessments are too coarse an assessment and result in inconsistencies with the national Government objectives and statutory requirements of the NPS-UP.

Council should be looking to international cities such as Sydney (e.g. Manly), Hong Kong and New York to see how best to incorporate commute using ferries to CBD destinations.

This zoning change is very short sighted and creates no vision to make Auckland a truly international city.

Councillors are spending too much time listening to a vocal minority that wants to look to the past and not to the future!!

Our children and grandchildren need homes and this NIMBY attitude will not deliver homes to them in the areas that they are needed most!

We therefore request that Auckland Council remove all the HEIGHT restrictions from our property at 18 CLARENCE STREET, DEVONPORT. (BOTH HEIGHT VARIATION CONTROL & REGIONAL MAUNGA VIEWSHAFTS AND HEIGHT AND BUILDING SENSITIVE AREAS OVERLAY).

1163.1
1163.2

Our property was constructed in the 1990's and has no "Special Character" or Heritage value (see below for photo of existing development on-site).

The construction is concrete with conventional metal roof with carparking at front.

We cannot see any way in which this property can be described as "Special" or "Character"!

Placing blanket overlays on areas is a very lazy way of dealing with Heritage and captures a huge number of properties that should not be within this category.

1163.3

We also request that any SPECIAL CHARACTER AREAS / BUILDING SENSITIVE AREAS OVERLAY be removed from our property at 18 CLARENCE STREET, DEVONPORT.

We understand that Chris Darby has stated that the Auckland Council Ferry Infrastructure does **NOT** fall within the definition of a "Rapid Transit Service" – see below definition from NPS-UD.

> **rapid transit service** means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic
>
> **rapid transit stop** means a place where people can enter or exit a rapid transit service, whether existing or planned

How can this be, when the Auckland Council has recently spent $42 million upgrading the Auckland City Ferry Terminal and a number of million upgrading the Devonport Ferry Terminal.

We cannot imagine another method of transport that is further "separated from other traffic" than ferry services!

Surely these two costly facilities should be used to maximum advantage by focusing development within the contributing catchments for the ferry services.

We also understand that Council has also invested another $27 million upgrading and transforming the existing ferries with new electric versions.

Auckland City Ferry Terminal must have the capability of processing >15,000's of commuters per hour from around the Auckland region when fully utilised.

The Devonport Ferry Terminal has two berths and has ferries running to and from the City every 15 minutes during peak hours – this must also have the ability to cater for >2,500 commuters per hour.

The patronage from Devonport is only limited due to the lack of intensified development at present.

There is only a 15 to 25 minute commute from Devonport to Auckland CBD – why is this not a priority to enhance and improve the intensity of development to utilise this feature to the upmost?

It beggars belief why Council would invest such huge sums without this infrastructure being a core component of the transport infrastructure and a "Rapid Transit Service".

We therefore consider that the Devonport Wharf and associated ferry transportation infrastructure within the Auckland Region is consistent with the definitions of Rapid Transit Service and Rapid Transit Stop within the NPS-UD.

Our property is less than 2 minutes' walk from the Devonport Wharf, 15 to 25 minutes from the Auckland CBD and has ready access to the rest of the marine areas of Auckland through the ferry network and therefore extensive development should be proposed.

The current implementation of the NPS-UD by Auckland Council has ignored the national government mandatory requirements for intensification and fails to deliver both a World Class City and also homes for future generations in areas in which they need in favour of pandering to NIMBY activists.

Should you require any further information, please do not hesitate to contact Bill Smythe on 0274 825 035 or wrdsmythe@xtra.co.nz

Kind regards,
Bill & Denise Smythe
Trustees
Pentagon Trust

Ginny Taare

From: Daniel Kim <dkim103@LIVE.COM>
Sent: Tuesday, 27 September 2022 4:18 pm
To: Unitary Plan
Subject: Submission on Redwood Park Golf Club
Attachments: 27092022161555-0001.pdf

Attn: Planning Technician

Please find attached submission.

Thank you

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) In Cho Kim.

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

REDWOOD PARK GOLF CLUB

Address for service of Submitter

13 KNOX ROAD, SWANSON, AUCKLAND 0653

Telephone: Fax/Email: manager@redwoodparkgolf.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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: 13 KNOX ROAD, SWANSON, AUCKLAND 0653

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

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

EXCLUDE THE REDWOOD PARK GOLF CLUB LAND 1171.1

I wish to be heard in support of my submission

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

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

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

27/09/2022.
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

- Redwood Park has been a Golf Club for over 50 years serving both the membership and community.
  We have over 800 members and over 7775 Green fees players have enjoyed our facilities in the last 9 months. The local schools also utilise the club for teaching their students the game of golf. The rezoning would affect a large portion of our land and with the increase in rates resulting from this rezoning we believe the financial impact would put the future of this club in jeopardy and a great facility would be lost to the community. 1171.1

- The club is committed to ongoing investment in the golf club and therefore there is a very low, if any, likelihood for housing development in the next 30 years. Therefore, it is appropriate to apply a zone that reflects the use on the privately owned land for the foreseeable future. If at some future time the club decides to reduce the area of its site used for golfing purposes or dispose of the site in its entirety, then the appropriateness of the zoning of these areas can be revisited at that time.

- The Waitakere City Council in its time was happy to treat this land as a Community Facility in private ownership and when it was restructured to the current Auckland City Council, they in turn were happy to continue to treat the land in the same manner. We would ask that this continue going forward.

- This land is on an overland flood plain and is prone to flooding along the stream bank which in part has been due to poor maintenance of the stream. We lease the stream bank strip from the Council and have done so for years. There would need to be huge changes to the stream if the property was to be rezoned and we believe this will have a detrimental effect on the ecological area. 1171.2 1171.3

Ginny Taare

From: Unitary Plan
Sent: Tuesday, 27 September 2022 9:15 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Janette Campbell and Steve Bonnici and Barry Hare
Attachments: 87 Kings Road TOPO.pdf

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Janette Campbell and Steve Bonnici and Barry Hare

Organisation name: Mahoe Trust

Agent's full name: Janette Campbell

Email address: janette@campbell.legal

Contact phone number: 021446585

Postal address:
87 Kings Road
Panmure
Auckland 1072

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Coastal Erosion Hazard Area

Property address: 87 Kings Road, Panmure, Auckland 1072

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:
The mapping of the coastal erosion hazard area is too extensive on 87 KIngs Road. The property incorporates a

seawall dating since at least the 1950s (Council aerial photos on Geomaps do not show the wall in 1940 but the next photo in 1959 appears to show both the seawall and jetty on the property). The seawall is sound and approximately three metres in height. It currently prevents the property being subject to inundation or coastal erosion and will do so for a significant period of time. The coastal erosion hazard area is shown as running across the property at approximately 9 m above sea level. This is excessive. For 87 Kings Road, Panmure, these provisions are neither efficient nor effective in managing coastal erosion hazard in Auckland. The notation on 87 Kings Road should be deleted from the planning maps.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Remove the coastal hazard notation from 87 Kings Road, Panmure. Such other or further relief as effectively removes the restrictions of the coastal erosion hazard area from 87 Kings Road, Panmure. 1180.1

Submission date: 27 September 2022

Supporting documents
87 Kings Road TOPO.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.

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SURVEYED	CM	03/22
DRAWN	HB	03/22
DESIGNED		
CHECKED		

APPROVED

DATE

REVISION	CHANGES	CHECKED	DATE
0	ORIGINAL ISSUE	CM	10/03/22
1	AUP REMOVAL	HB	14/03/22

NOTES:

(1) COORDINATES AND BEARINGS ARE IN TERMS OF THE NEW ZEALAND GEODETIC 2000 DATUM BASED ON THE MT EDEN CIRCUIT.

(2) THE ORIGIN OF COORDINATES FOR THIS PROJECT IS:
RM 4603 SO 57576 LINZ CODE: CAD8
797457.08mN 408967.64mE

(3) LEVELS/HEIGHTS ARE IN TERMS OF THE LINZ DATUM "AUCKLAND VERTICAL DATUM 1946".

(4) THE ORIGIN OF LEVELS FOR THIS PROJECT IS:
RM 4603 SO 57576 LINZ CODE: CAD8 RL = 9.03m

(5) THE BOUNDARIES SHOWN WAS PLOTTED USING DATA FROM DP 392912

(6) STORM WATER, SANITARY SEWER AND WATER MAIN SERVICE LINE - DIRECTION AND DEPTHS TO BE CONFIRMED BY CONTRACTOR

(7) MANHOLE DEPTHS TO INVERT OBTAINED FROM COUNCIL RECORDS UNLESS SHOWN AS MEASURED

(8) CONTOUR INTERVAL
MAJOR: 1.00m
MINOR: 0.50m

(9) ALL MANHOLES ARE NOT TO BE USED AS DATUMS UNLESS STATED OTHERWISE

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LEGEND

- STORMWATER MANHOLE
- STORMWATER LINE
- SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- FENCE
- WM WATER METER
- WATER MAIN
- POWER
- TELECOM
- PP POWER POLE
- STREET LIGHT
- ROAD SIGN
- CLOTHESLINE
- TREE

TRIG CONSULTANTS
SURVEYORS AND PLANNERS
299 Hobsonville Road, Hobsonville, Auckland 0618 Ph: 09-416 4635

Mobile 021 801 505
Email: Stephen.Anderson@hotmail.co.nz

CLIENT

STEVE BONNICI
&
JANETTE CAMPBELL

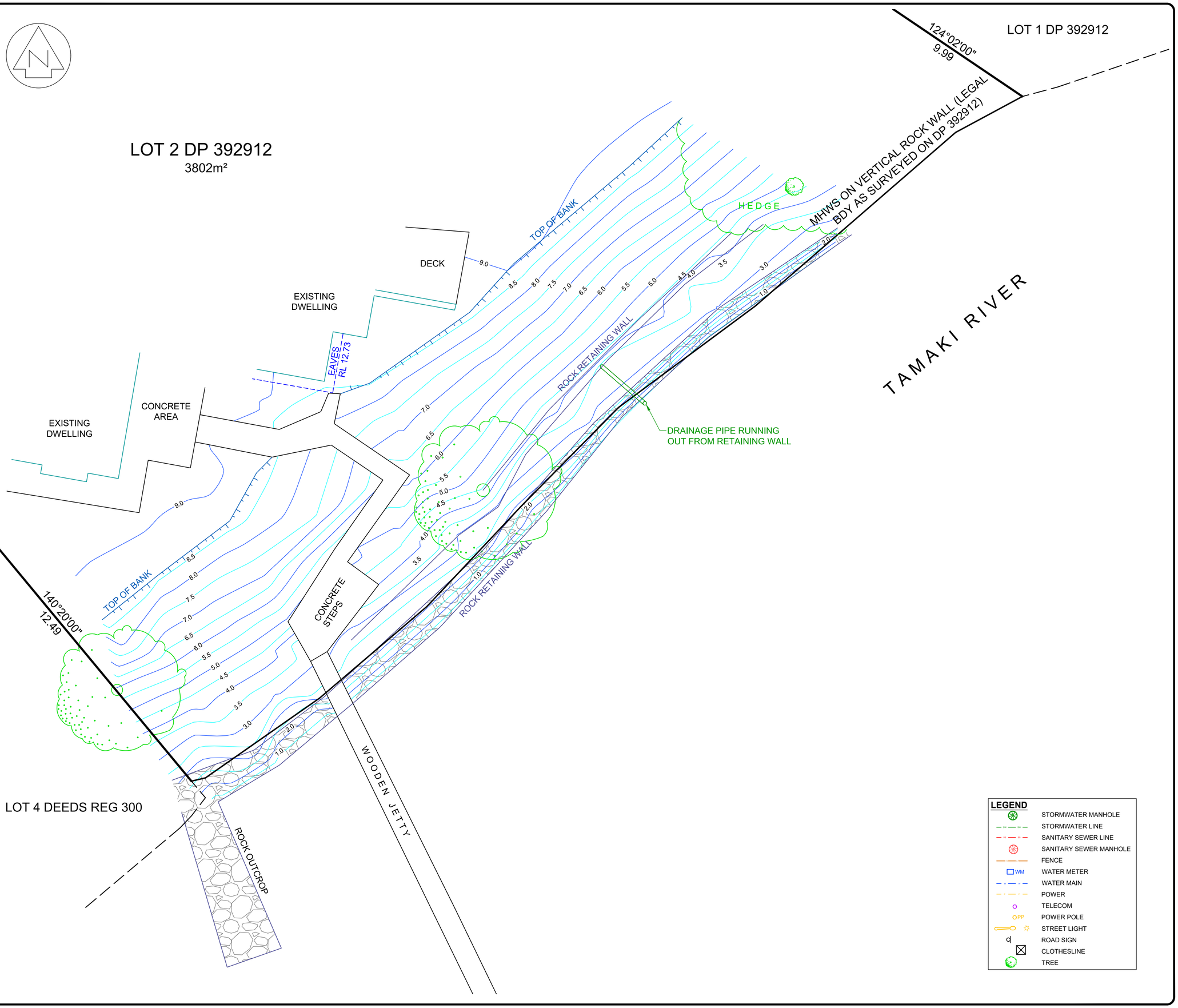
PROJECT

87 KINGS ROAD
PANMURE

TITLE

TOPOGRAPHICAL SURVEY
OF
LOT 2 DP 392912

SCALE	1:250 (A1)	1:500 (A3)	
DRAWING PATH	P:\JOBS\2022 JOBS\22081 - 87 KINGS RD, PANMURE. JANETTE CAMPBELL. TOPO\09. CAD DRAWINGS\87 KINGS ROAD, PANMURE TOPO JN22081 REV0.DWG		
DRAWING No	SHEET	REVISION	
22081	1 of 2	1	



SURVEYED	CM	03/22	
DRAWN	HB	03/22	
DESIGNED			
CHECKED			

APPROVED

DATE

REVISION	CHANGES	CHECKED	DATE
0	ORIGINAL ISSUE	CM	10/03/22
1	AUP REMOVAL	HB	14/03/22

NOTES:

(1) COORDINATES AND BEARINGS ARE IN TERMS OF THE NEW ZEALAND GEODETIC 2000 DATUM BASED ON THE MT EDEN CIRCUIT.

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RM 4603 SO 57576 LINZ CODE: CAD8 RL = 9.03m

(5) THE BOUNDARIES SHOWN WAS PLOTTED USING DATA FROM DP 392912

(6) STORM WATER, SANITARY SEWER AND WATER MAIN SERVICE LINE - DIRECTION AND DEPTHS TO BE CONFIRMED BY CONTRACTOR

(7) MANHOLE DEPTHS TO INVERT OBTAINED FROM COUNCIL RECORDS UNLESS SHOWN AS MEASURED

(8) CONTOUR INTERVAL
MAJOR: 1.00m
MINOR: 0.50m

(9) ALL MANHOLES ARE NOT TO BE USED AS DATUMS UNLESS STATED OTHERWISE

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LEGEND

- STORMWATER MANHOLE
- STORMWATER LINE
- SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- FENCE
- WM WATER METER
- WATER MAIN
- POWER
- TELECOM
- PP POWER POLE
- STREET LIGHT
- ROAD SIGN
- CLOTHESLINE
- TREE

TRIGCONSULTANTS
SURVEYORS AND PLANNERS
299 Hobsonville Road, Hobsonville, Auckland 0618 Ph: 09-416 4635
Mobile 021 801 505
Email: Stephen.Anderson@hotmail.co.nz

CLIENT

STEVE BONNICI
&
JANETTE CAMPBELL

PROJECT

87 KINGS ROAD
PANMURE

TITLE

TOPOGRAPHICAL SURVEY
OF
LOT 2 DP 392912

SCALE	1:100 (A1)	1:200 (A3)	
DRAWING PATH	P:\JOBS\2022 JOBS\22081 - 87 KINGS RD, PANMURE. JANETTE CAMPBELL. TOPO\09. CAD DRAWINGS\87 KINGS ROAD, PANMURE TOPO JN22081 REV0.DWG		
DRAWING No	SHEET	REVISION	
22081	2 of 2	1	

Ginny Taare

From: Unitary Plan
Sent: Tuesday, 27 September 2022 4:30 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Zhiping Sheng

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Zhiping Sheng

Organisation name:

Agent's full name:

Email address: js0875@gmail.com

Contact phone number: 0211791593

Postal address:
58 Rehia Road
Massey
Auckland 0614

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Zone/s - Residential - Low Density Residential Zone

Property address: 58 Rehia road, Massey

Map or maps: Zone/s - Residential - Low Density Residential Zone

Other provisions:
Residential - Mixed Housing Urban Zone

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

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

The reason for my or our views are:
I am the resident owner of 58 Rehia road, Massy. I'm writing regarding of the new plan 78 as it will affect my current property hugely in term of sunshine, privacy and future solar power coverage.

According to the new MDRS, We are at Two-Storey Single Dwelling Residential Area. However because it's sloppy area and we are at the end of lower point of slope, little bit like a basin, we are hugely relying on the sunshine from

our northern boundaries.

At moment, the new MDRS seems going to worsen the situation if the two of my close neighbours located in the northern boundary (with approximately 6 meters higher than us in contour already) are changed into the mixed housing urban zone with three storeys and 60。recession, 4 meters above. We will lose major sunshine in the winter time and plus potential huge privacy!

Yes we are checking the map of the plan change 78. At far back of our triangle section, there is flood plain. However it's relatively small stream passing by and it's almost beside our east southern boundary already. Please our street no. 54, 52, 50 and more in the neighbourhood are the same in this case and they are in MDRS zone.

And I am also comparing with the Neighbouring sites in MDRS at 80 and 82 Helena Street as we all have potential coastal inundation and flood plain i in qualify matters. However even we seem less affected as their contours show between 6- 14 meters in altitude and our one is between 16- 20 meters.

I've also contacted with solar power companies. They believe if there is no better solutions, then our current building site will have no potential for using solar power system and that will minimise living conditions in near future.

Similar issues will also arise because the specific slope situation in area and neighbour in MDRS. We will have no privacy at all, like in the middle of basin, with taller and denser houses surrounded. And it's not difficult to imagine. However I believe there should be solutions.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested 1186.1

Details of amendments: We are okay either to be part of the MDRS or reducing the negative impacts of heights from our two northern boundary by applying corresponding terms of qualified matters to any future new constructions. Thank you and look forward to hear from you. 1186.2

Submission date: 27 September 2022

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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

Ginny Taare

From: Raymond David <rayruthven@yahoo.com>
Sent: Wednesday, 28 September 2022 10:46 am
To: Unitary Plan
Subject: PC 78 submission Hillpark.
Attachments: pc-78-form-5-Hillpark SCA.pdf

Hi, please find attached a submission for PC 78 concerning the Hillpark area.

Regards,

Ray Ruthven

Raymond Ruthven E-mail, rayruthven@yahoo.com

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr. Raymond Ruthven

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

Address for service of Submitter

68 Grande Vue Road, Hillpark, Auckland 2102

Telephone: 212943405 Fax/Email: rayruthven@yahoo.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): The establishment of a Special Character Area Overlay for Hillpark.

Or
Property Address:

Or
Map:

Or
Other *(specify)*

Submission

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

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

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

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

1192.1

The reasons for my views are:

I support the retention of the Hillpark Special Character Area Overlay as a Qualifying Matter in regard to PC78. The suburb is a unique area with a special building style and layout as well as a considerable number of mature native trees that provide habitat for native, species, separation of areas and provisions for natural open areas. Retaining these features enhances the greater Auckland area.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☒

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

Decline the proposed plan change / variation ☐

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

I wish to be heard in support of my submission ☒

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

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

Ray Ruthven

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

09/27/2022

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Ginny Taare

From: Raymond David <rayruthven@yahoo.com>
Sent: Wednesday, 28 September 2022 10:48 am
To: Unitary Plan
Subject: PC 78 submission for Hillpark #2
Attachments: pc-78-form-5-Hillpark Wildlife.pdf

Hi, please find attached a second submission for PC 78 and the Hillpark area.

Regards,

Ray Ruthven

Raymond Ruthven E-mail, rayruthven@yahoo.com

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr. Raymond Ruthven

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

Address for service of Submitter

68 Grande Vue Road, Hillpark, Auckland 2102

Telephone: 212943405 Fax/Email: rayruthven@yahoo.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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)*

Consideration of natural wildlife passages in the Hillpark suburb as a qualifying matter for PC 78.
Consideration of natural wildlife passages in the Hillpark suburb as a qualifying matter for PC 78.

1192.2

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:

The Hillpark suburb has many areas of mature native trees, natural growth and parkland which is rare for this area of Auckland.

These areas provide habitat for a large variety of native species of birds, reptiles and insects as well as connection points for travel of these species. I support this subject as part of the Hillpark qualifying matters.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☒

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

Decline the proposed plan change / variation ☐

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

I wish to be heard in support of my submission ☒

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

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

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

09/27/2022
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.

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

(a) adversely affects the environment; and

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

Ginny Taare

From: Gerard Thompson <GerardT@barker.co.nz>
Sent: Wednesday, 28 September 2022 8:59 am
To: Unitary Plan
Cc: Oliver Guo; Matthew Thode
Subject: PC78 Submission - HSP Development Ltd
Attachments: PC78 HSP Submission.pdf

Please find attached a submission on behalf of HSP Development Ltd.

Ngā mihi | Kind regards

GERARD THOMPSON
Director
029 474 6660
Gerardt@barker.co.nz

PO Box 1986,
Shortland Street, Auckland 1140
Level 4, Old South British Building,
3-13 Shortland Street, Auckland

Kerikeri, Whangārei, Auckland,
Hamilton, Cambridge, Napier, Wellington,
Christchurch, Queenstown, Wānaka

barker.co.nz

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Barker & Associates
Auckland

PO Box 1986, Shortland Street, Auckland 1140
Level 4, Old South British Building, 3-13 Shortland Street, Auckland

Urban & Environmental

29 September 2022

Auckland Council
via email: unitaryplan@aucklandcouncil.govt.nz

Submission on Plan Change 78: HSP Development Limited

Introduction

This is a submission on the Plan Change 78 on behalf of HSP Development Limited (HSP). PC78 was notified by Auckland Council on 18 August 2022.

This submission relates to the provisions of PC78 in terms of height limits within the Ponsonby Town Centre and specifically the property located at 10-12 Jervois Road, Ponsonby.

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

Submission

HSP purchased the 851m^2 site located at 10-12 Jervois Road, Ponsonby in 2021 (see **Figure 1** below). The property currently contains the former Ponsonby Police Station, a single level building which is in a poor state of repair and past is useful economic life. HSP purchased the property with the intention to demolish the existing building and to replace it with a multi-storey mixed-use development.

Figure 1: 10-12 Jervois Road

The property is zoned Town Centre under the operative Unitary Plan and is subject to the Ponsonby Special Character Area Overlay with a 13m height limit.

Under proposed Plan Change 78, the property is identified as being within the Ponsonby Town Centre walkable catchment but the Ponsonby Special Character Overlay has been identified as a qualifying matter so Council has not proposed any changes to the provisions for the site. This includes the retention of the existing 13m height limit.

A 13m height limit imposes a significant constraint on the redevelopment of the property and, in HSP's view, the Plan Change provisions should be amended to facilitate a six-storey (21m) development on the site. In HSP's view, the property is particularly well-suited to being developed more intensively than the current provisions allow, for the following reasons:

- The property is well-located within the Ponsonby Town Centre and is less than 1km from the CBD. The site is well-served by public transport, including the Link bus services.
- The property's central location means that it is within close proximity to numerous amenities including Ponsonby Road, Victoria Park, Wynyard Quarter, and the Waitemata Harbour.
- The property is on the edge of the Ponsonby Special Character Overlay area and does not contain any Character Defining or Character Supporting buildings. HSP considers that a six-storey development could be carried out that is in sympathy with the wider Ponsonby character.
- The property is a prominent corner site and HSP consider that a building of scale could provide a landmark for this important intersection which would complement the surrounding smaller-scale buildings.
- Allowing additional height on this site will increase the chances of an economically feasible project being able to be undertaken. The current 13m height limit is a significant impediment to the redevelopment of the site.

Policy 3A of the NPS-UD requires that the Auckland Unitary Plan provide for building heights commensurate with the level of commercial activity and community services within and adjacent to town centre zones (Policy 3d). Relevant building heights and density requirements under Policy 3 should only be modified to the extent necessary to accommodate a qualifying matter (Policy 4).

In HSP's view the proposed PC78 provisions insofar as they relate to 10-12 Jervois Road have not efficiently or effectively implemented the direction set out in the NPS-UD.

Relief Sought by HSP

- Amend the provisions of PC78 to allow the development of six storeys (21m) on the property located at 10-12 Jervois Road, Ponsonby.

1193.1
1193.2

In addition to that specific relief, HSP seeks such other alternative or consequential relief to give effect to the matters raised in this submission.

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

Address for Service:
HSP Development Limited
C/- Barker & Associates Limited
Attn: Gerard Thompson
gerardt@barker.co.nz
029 4746660

Yours sincerely | Nāku noa, nā
Barker & Associates Limited

Gerard Thompson
Director

Ginny Taare

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:31 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - April Guo
Attachments: Attachment 1 - Demolition Consent.pdf; 2 Glenalmond Road Mount Eden - PC 78 Submission (FINAL).pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: April Guo

Organisation name: JGUO DEVELOPMENTS LIMITED

Agent's full name: Mark Weingarth

Email address: mark@planco.co.nz

Contact phone number: 0211671873

Postal address:
84 Birkenhead Avenue
Birkenhead
Auckland 0626

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Proposed Low Density Residential Zoning, Special Character QM, Combined Services QM and Volcanic Viewshaft QM

Property address: 2a and 2b Glenalmond Road, Mount Eden

Map or maps: Please refer to the attached

Other provisions:
Please refer to the attached

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:
Please refer to the attached

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

Details of amendments: Please refer to the attached

Submission date: 28 September 2022

Supporting documents
Attachment 1 - Demolition Consent.pdf
2 Glenalmond Road Mount Eden - PC 78 Submission (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.

Yes

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

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Decision for a certificate of compliance application under section 139 of the Resource Management Act 1991 (RMA)

Application description

Application number:	CER70014851
Applicant's name:	JGUO Developments Limited
Site address:	2A – 2B Glenalmond Road, Mount Eden, Auckland 1051
Legal description:	Lot 2 DP 18134
Site area:	882m^2
Operative plan:	Auckland Unitary Plan (Operative in Part)
Zoning and precinct:	Residential Single House
Overlays, controls, designations, special features, etc.:	Controls: Macroinvertebrate Community Index – Urban Natural Heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Area – H3, Mt Eden Viewshaft Historic Heritage and Special Character Area: Special Character Areas Overlay Residential and Business – Residential Isthmus B2 Schedule 15: Special Character Schedule Statements & Maps 15.1.7.3.1(2) Extent of Area (page 158) *SCAR Overlay – Residential: Isthmus B – Mount Eden/Epsom (Part B) Demolition Restrictions*

Proposal

This cross-lease site is located on the corner of Mount Eden and Glenalmond Roads. Currently, the site contains a standalone structure comprising two, semi-detached residential dwellings atop two attached basement garages, both single-car width. The site is located on a small rise and the structure's building platform is raised up from the public right of way by approximately 2.5m to accommodate the basement garages. This rise has been retained, allowing both garages to set into the hill with the garage roofline approximately following the site's natural ground level. This application is to demolish the roof and walls of the main residential structure, leaving the foundation, basement garages and retaining walls in situ. No excavation is proposed.

The site is located within a residential area. Under the Assessment of Environmental Effects, the applicant has submitted a site and neighbourhood description which I have reviewed and with which I concur.

The site is located within the Single House Zone and with the Special Character Area (SCAR): Residential Isthmus B (Mount Eden). The site is not shown to have demolition restrictions on SCAR Map 15.1.7.3.1(2) nor is the existing residential structure protected under Schedule 14 Historic Heritage of the Auckland Unitary Plan (Operative in Part). The

proposal will not impact the Mount Eden Volcanic Viewshaft nor will the remaining foundation, basement garages and retaining wall structures infringe any Unitary Plan standard.

Application documents (plans and reference documents)

The following information has been provided:

- Application form and Assessment of Effects on the Environment prepared by Emma Chandler of Sentinel Planning Limited dated March 2019.

I have read the application, supporting documents, and the report and recommendations on the application for certificate of compliance. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Reasons for the application

The activity is permitted under the relevant rules

Auckland Unitary Plan (Operative in Part)

- Demolition of a building in the Residential Single House Zone is a permitted activity (H3.4.1(A32)
- Demolition of a building in Special Character Area: Residential Isthmus B is a permitted activity where the site is not subject to demolition restrictions, as is the case for this site (D18.4.1(A3))

The proposal has been described in the application material outlined in the Assessment of Environmental Effects submitted with a certificate of compliance requested under s139 of the Resource Management Act 1991. The information submitted by the applicant is considered against the permitted activity standards of the Auckland Unitary Plan (Operative in Part). I agree with the analysis prepared by Emma Chandler of Sentinel Planning Limited dated March 2019.

Recommendation and Decision

Under s139 of the RMA, acting under delegated authority, I certify that the proposal described above and at the above locations can be done lawfully without resource consent as of March 21, 2019.

This report and recommendation prepared by:

Name: Angela Mason

Title: Intermediate Planner, Streamline Team, Resource Consents

Signed:

Date: 21/03/2018

Delegated decision maker:

Name: Lee Ah Ken

Title: Team Leader, Streamline Team, Resource Consents

Signed:

Date: 25/03/2019

Advice notes

1. *This certificate is deemed a resource consent under section 139(10) of the Resource Management Act 1991 (RMA) and is issued subject to on-going compliance with any conditions or performance standards specified in the relevant plans referred to above. It is issued without erasure or alteration.*

2. *Section 125 of the RMA applies to this deemed resource consent (refer section 139(12)). Accordingly, this consent will expire five years after the date of the commencement of this deemed consent unless, before the deemed consent lapses:*

   - *It is given effect to; or*
   - *An application is made to the council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations set out in section 125(1A)(b) of the RMA.*

3. *The activity must comply with all relevant council bylaws, the Building Act 2004 and any other relevant laws and regulations. This certificate does not constitute building consent approval. All necessary consents under other legislation must be obtained.*

SUBMISSION BY

JGUO DEVELOPMENTS LIMITED

27TH SEPTEMBER 2022

To: Auckland Council
Private Bag 92300
Auckland 1142
By email: unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: JGUO Developments Limited

Address for Service: c/- Plan Co.
84 Birkenhead Avenue
Birkenhead, Auckland 0626
Attention: Mark Weingarth
mark@planco.co.nz

2.0 SCOPE OF SUBMISSION

2.1 This submission is made following Auckland Council's notification of Plan Change 78 on 18th August 2022.

2.2 The submission addresses the following matters:

(a) The context of the 2a and 2b Glenalmond Road (subject site) and the urban nature of Mount Eden and how the NPS-UD applies to this urban environment.

(b) The proposed changes for the subject site.

(c) The relation of the Mount Eden Road arterial route to the NPS-UD.

(d) Reasons why Qualifying Matters are not applicable or require amendment.

(e) The outcomes sought by this submission.

(f) Concluding comments.

3.0 SUBMISSION

Mount Eden Urban Environment

3.1 The subject site comprises two residential lots and is located within the urban environment side of the Rural Urban Boundary (RUB) and is currently zoned Residential - Single House Zone. The site is also subject to the Regionally Significant Volcanic Viewshafts Overlay as well as the Historic Heritage and Special Character Overlay – Special Character Areas Overlay Residential and Business - Residential Isthmus B, although it can be noted demolition consent was granted for the dwellings in 2019 and remains in place therefore forming part of the receiving environment which requires consideration in relation to the re-zoning of land and implementation of qualifying matters (Appendix 1). The site has a downhill slope toward the southwestern boundary and is not identified by Auckland Council GIS as being subject to flood risk or containing overland flow paths.

3.2 Mount Eden is a well sought-after residential suburb, with strong connections to key Auckland settlements, including the CBD. It holds numerous community facilities, such as a strong commercial centre consisting of pubs and restaurants, as well as regionally significant landmarks such as Eden Park and Maungawhau/Mount Eden itself. There is strong provision for public transit, including public buses, and it is proximally located to rail that links southern Auckland with Britomart. The Council GIS viewer also identified large segments of Mount Eden as under investigation for a role in Auckland's proposed light rail link.

3.3 The site sits adjacent to Mount Eden Road on the west, which is a large arterial route in the central Auckland suburbs, linking with Balmoral Road approximately 305m to the north. This eventually connects with Dominion Road approximately 1.2km to the northwest of the site, which acts as a major connection and cultural hub in Auckland. Therefore, the local roading network consists of high vehicle and pedestrian traffic flows within a major catchment for residential, commercial, and cultural activity.

3.4 As a result of the numerous commercial uses in the vicinity of the subject site, the level of traffic experienced in the area is high. Whilst the residential environment is typified by single detached dwellings due to the area's Single House zoning, there are notable examples of higher density development. Examples include terrace housing at 1 Rahiri Road and 736 Mount Eden Road. There are further examples of newer medium density housing further afield, including 852, 856, 864, 955 Mount Eden Road, which lie approximately

921m to the southeast. It can be noted that when zoning permits higher density development along Mount Eden Road, this is generally taken advantage of.

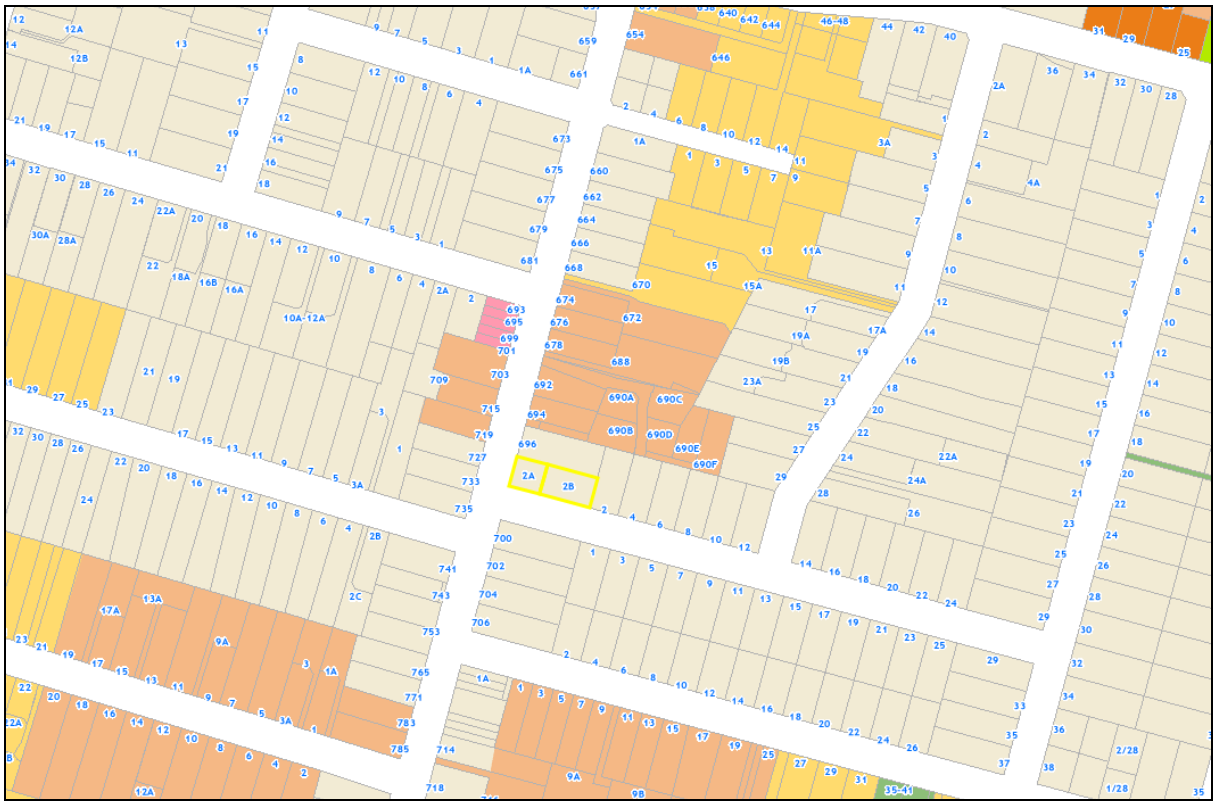

Figure 1: Local context (existing)

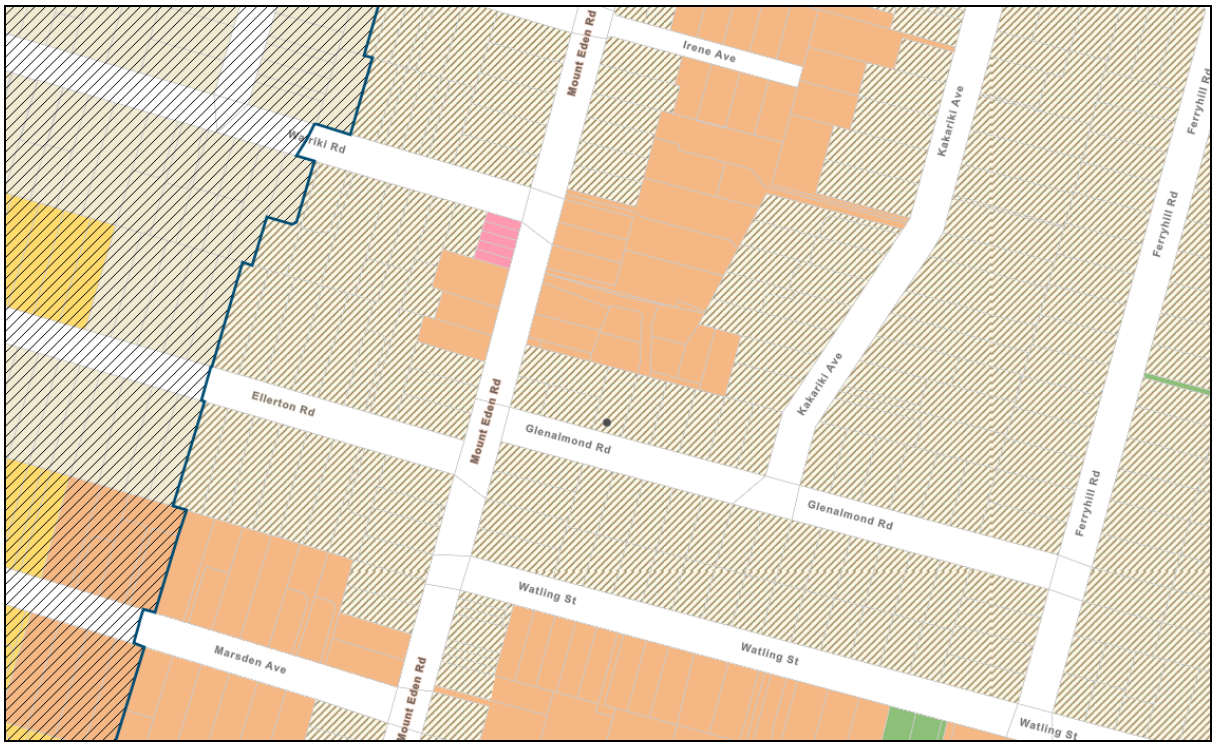

Figure 2: Local context (proposed)

3.5 The area description demonstrates that Mount Eden at a wider scale encompasses a sizeable urban environment with commercial, social, economic, and cultural services available to its growing population. Reticulated infrastructure is provided for the urban catchment, and it is understood that the population exceeds 14,000 persons (2018 figure). These factors, along with Mount Eden's central location and strong transport linkages, leads to the conclusion that this is an urban area suited for the purposes of the NPS-UD and subject to the changes in zoning explicitly required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (Enabling Act). This, however, has not been reflected in the notification of Plan Change 78 in which a significant part of the area surrounding the subject site retains its Single House zoning with Special Character and Volcanic Viewshaft Overlay, despite the previously granted consent to demolish the buildings on the subject site. Therefore, the exclusion of the site from the adoption of Medium Density Residential Standards (MDRS) directly contradicts the previous ruling of Auckland Council. The site's location along a major arterial route within a central Auckland suburb also suggests that a higher density zoning should be permitted for the proposed zoning to be consistent with the provisions established by the Central Government. The retention of Single House zoning under the Special Character Overlay is therefore inconsistent with the requirements for Auckland's evolving built character and wastes the development potential of the subject site and wider area.

Furthermore, as seen below, the site sits at the same elevation as neighbouring sites which are proposed to be zoned Residential - Mixed Housing Urban, showing that a high intensity zoning on the site would not obstruct the regionally significant viewshaft.

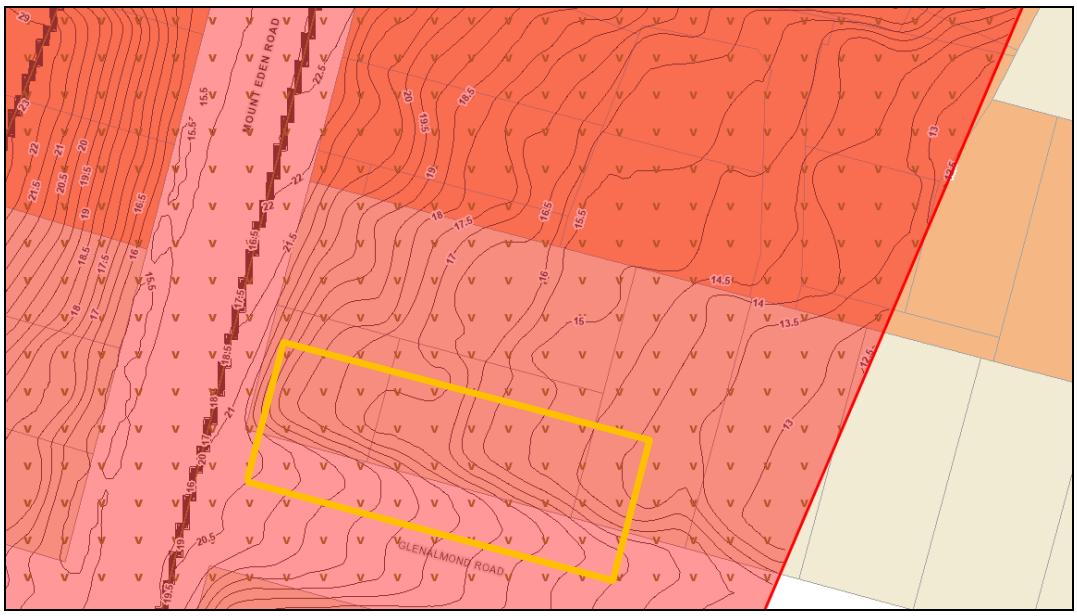

Figure 3: Volcanic viewshaft contour.

The proposed changes for the subject site

3.6 From a review of the Plan Change 78 Maps the following is proposed for the subject site:

- Change of zoning to Residential – Low Density Residential Zone
- Implementation of the following Qualifying Matters:
    - Combined Wastewater Network Control
    - Special Character Overlay – Sites subject to demolition, removal and relocation rules
    - Regional Manuga Viewshafts and Height and Building Sensitive Areas Overlay

The relation of the Mount Eden to the NPS-UD

3.7 It is clear that Council intends to include the site's previously removed Special Character subject to the overlay established under the Operative (in part) Auckland Unitary Plan as 'qualifying matters' that would exclude intensification under the Enable Act and therefore the use of the Medium Density Residential Standards (MDRS) in the future.

3.8 This is not an appropriate use of qualifying matters for the following reasons:

3.9 Qualifying matters are defined as:

(a) a matter of national importance that decision makers are required to recognise and provide for under section 6:

(b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:

(c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:

(d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:

(e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:

(f) open space provided for public use, but only in relation to land that is open space:

(g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:

(h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation:

(i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:

(j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77I is satisfied.
N.B – Section 77I requires an assessment of site-specific matters and characteristics tied back to matters of national significance and the objectives and policies of the NPS-UD in order to meet the threshold of being considered a qualifying matter.

3.10 Whilst the subject site is current subject to the Special Character overlay under the Operative (in part) Auckland Unitary Plan, this particular overlay encompasses a large part of the surrounding area, inhibiting much-needed development along major arterial routes in central Auckland. More importantly, however, is that fact that Auckland Council has approved a demolition consent for the existing dwellings, thus confirming the special character values of the site are negligible. The proposed zoning of the site and wider area is, therefore, directly inconsistent with the provisions of the UD-NPS. Whilst it is necessary to preserve Special Character in pertinent cases, the extent of the character area encompassed by the overlay leads to the conclusion that this overlay has been applied to a wider area without notable historical analysis or discretion. Whilst the subject site and immediate area holds a certain level of special character value, it cannot be determined that the preservation of these dwellings is more paramount than housing provision along key transport networks in central Auckland.

3.11 To reinforce the comments made above in section 3.9, this view is supported by the evident and recent intensification and commercial centres in other areas of Mount Eden along prominent transit routes. This emphasises the development potential of the area and can be seen at the following examples:

Figure 4: Corner of Mount Eden Road and Rahiri Road.

Figure 5: Commercial use on the corner of Mount Eden Road and Wairiki Road.

Figure 6: Corner of Kings Road and Dominion Road.

Figure 7: Corner of Selbourne Road and View Road.

Figure 8: Commercial development at the corner of View Road and Dominion Road

It can be determined that there has been an excessive and inattentive coverage of the subject area in a Special Character overlay, rather than an assessment of character of individual sites. Furthermore, the nature of this overlay hinders the overall development potential of Mount Eden as a suburb in Auckland's centre. The continuation of Single House zoning will worsen suburban sprawl within Auckland exacerbating the urban issues that the UD-NPS was introduced to manage.

3.12 In regard to the assessment of objectives and policies of the UD-NPS as required under s77I to support the use of qualifying matters it is noted that the objectives and policies strongly favour the development of well-functioning urban environments, that promote housing affordability and that result in liveable environments that adapt to the changing needs of the population over time. The objectives and policies do not seek to hinder the use of brownfield urban land and do not promote the protection of existing character or previous planning decisions on an area's zoning over the directive to intensify and make better use of existing urban environments. Therefore, at a high level, it is not considered that there are any other matters relevant or appropriate that would allow the Council to retain the area's low-density zoning, thereby excluding the subject site from future intensification consistent of the NPS-UD.

3.13 It is therefore concluded that there are no qualifying matters currently applicable to the subject site or able to be imposed as 'other matters'. Consequently, the subject site should be included in the wider planned re-zoning of the wider Mount Eden urban environment to Residential – Mixed Housing Urban (modified).

Reasons why the proposed Qualifying Matters are not applicable to the subject site:

3.14 For the reasons discussed below it is considered that there are no applicable Qualifying Matters applying to the site:

- The site is not subject to a matter of national importance. Although the site has been identified as holding Special Character, demolition consent has been previously granted by Auckland Council to remove the buildings on-site. Furthermore, this overlay was introduced under the AUP following a number of years of appeals relating to Plan Change 163 of former Auckland Council District Plan (Isthmus Section 1999) where the Environment Court determined that Special Character does not comprise nationally significant heritage character. As such, special character is not a matter of national importance being the threshold for the application of Qualifying Matters.

- The site is not subject to a heritage order, despite the special character overlay. Council has previously determined it acceptable for the buildings on site to be demolished, confirming that the buildings do not hold special character to an extent that is nationally significant. It can be determined that the subject site and the wider area have been completely encompassed in a special character overlay without careful consideration on a site-specific basis. Therefore, it is counter-intuitive for the heritage order qualifying matter to be implemented on the site in order to hinder future development opportunities. In order for the objectives of the AUP and UD-NPS to be met, the site needs to have its unnecessarily applied qualifying matters removed.

- The volcanic viewshafts are likely to meet the threshold for Qualifying Matters, however, where development is below the viewshaft height control there is no need to have a Qualifying Matter. As such, the Qualifying Matter should be amended to be a 3D plane that starts at the identified RL / height above the site.
  It also must be noted that many of the existing viewshaft controls cover business sites that have no coverage restrictions, with the only control being height. As such, the same approach as adopted by the AUP in relation to controlling development on sites subject to the volcanic viewshaft should be applied (i.e no restrictions over and above the zone rules and other applicable AUP chapters apply). Development

restrictions should only be instated when there is an infringement to the viewshaft height.

The volcanic viewshaft height restriction also exceeds the permitted zone height and MDRS height limit for new development in the MHU zone (noting the proximity of the sites to north zoned for MHU within the same elevation contour). This emphasises that there is no notable reasoning behind zoning in the immediate area, with there being no discernible difference between the subject site and MHU zoned sites such as 692 Mount Eden Road.

Figure 9: The subject site retains low density zoning

Figure 10: 692 Mount Eden Road is zoned for MHU

- The area as a whole has a high development potential, noting the sites location at an intersection of a key central Auckland arterial route that is

proximally located to strong public transit provisions. The area is one which is idealised for higher density development under the UD-NPS, noting that the site's potential has been hindered through the improper application of qualifying matters. As previously noted, the site has been previously determined to not hold nationally significant heritage value, nor will higher density development under the MHU controls obstruct viewshafts of Mount Eden.

As such, these qualifying matters have been applied in a blanket manner and are not considered applicable to the subject site.

The outcomes sought by this submission

3.15 The outcome sought by JGUO Developments Limited is that Mount Eden be included in the future plan change relating to the NPS-UD and Enabling Act as Residential – Mixed Housing Urban (modified) and in particular the subject site 2A and 2B Glenalmond Road. 1201.1 1201.2

To allow for future development, it is also sought to remove all qualifying matters from the subject site. If this is not supported, the modification of the volcanic viewshaft to clarify that development under the identified height restriction is not subject to the qualifying matter. 1201.3 1201.4 1201.5 1201.6

4.0 CONCLUSION

4.1 For the reasons discussed above it is my opinion that the subject site as well as the wider Mount Eden area meets the definition of urban environment by way of its location inside of the Rural Urban Boundary, the population of the Mount Eden suburb and due to the current zoning afforded to wider area by the Unitary Plan.

4.2 As part of the urban environment both the NPS-UD and Enabling Act apply to the subject site.

4.4 The subject site is located adjacent to areas that are experiencing considerable intensification due to their location along arterial routes in central Auckland. As such, the local and immediate environment of the subject site too should be one of change.

4.3 The subject site is not inhibited by any of the definitions of qualifying matters as set out in the Enabling Act and in particular there are no matters of national

importance associated with the subject site. Neither are there any out of the ordinary or unusual characteristics of the site that would suggest the application of 'other matters' (consistent with s77I of the Enabling Act) would apply in this case. As such, the proposed Qualifying Matters for this site are not applicable or need to be amended to allow for the intended intensification of such land.

4.4 Therefore, based on the above it is concluded that the subject site should be included in the Council's future plan change to re-zone the currently Residential – Single House zone to Residential – Mixed Housing Urban (modified) and proposed Qualifying Matters in relation special character and combined infrastructure services are not applicable to the site. Furthermore, the restriction on the intensification based on a volcanic viewshaft way in excess of the allowable MDRS and proposed zone height limit is not appropriate and this overlay should be amended to allow for future intensification.

Mark Weingarth

27th September 2022

Therese Strickland

From: Unitary Plan
Sent: Thursday, 29 September 2022 3:16 PM
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - April Guo
Attachments: 220929 PC78 Submission - 2A and 2B Glenalmond Street.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: April Guo

Organisation name: JGUO Developments Limited

Agent's full name: Sentinel Planning Limited - Emma Chandler

Email address: emma@sentinelplanning.co.nz

Contact phone number: 095516205

Postal address:
PO Box 33995
Takapuna
Auckland 0740

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
see attached submission

Property address: 2A and 2B Glenalmond Road, Mount Eden

Map or maps: see attached submission

Other provisions:
see attached 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:
see attached submission

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

Details of amendments: see attached submission

Submission date: 29 September 2022

Supporting documents
220929 PC78 Submission - 2A and 2B Glenalmond Street.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.

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SENTINEL PLANNING

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Level 1, 150 Hurstmere Road, Takapuna, Auckland
PO Box 33995, Takapuna, Auckland 0740

Submission on Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in Part)

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council

Name of submitter: JGUO Developments Limited

This is a submission on a change proposed to the following plan (the **Proposal**):

- Auckland Unitary Plan – Operative in Part (the **Unitary Plan**)
- Plan Change 78: Intensification (**PC 78**)

JGUO Developments Limited could not gain an advantage in trade competition through this submission.

The specific provisions of PC78 that this submission relates to are:

a) Zoning – Residential Low Density Residential Zone
b) Qualifying matter – Special Character Area Overlay
c) Qualifying matter – Combined Wastewater Network Control
d) Qualifying matter – Volcanic Viewshafts

The submission pertains to the sites at 2A and 2B Glenalmond Road, Mount Eden.

Our submission is:

[1] We **OPPOSE** the current proposed zoning and retention of the Special Character Area Overlay as a qualifying matter for the subject site at 2A and 2B Glenalmond Road, Mount Eden. We also **OPPOSE** the implementation of the Combined Wastewater Network Control qualifying matter on the subject site.

Context

[2] The Sites are situated on the corner of Glenalmond Road and Mount Eden Road, are zoned Residential – Single House Zone (SHZ) and affected by a Special Character Area (SCA) overlay (Residential Isthmus B). The surrounding environment accommodates a mix of SHZ, Residential -Mixed Housing Suburban (MHS) and Residential – Mixed Housing Urban (MHU) zoned land. The majority of the SHZ land within the surrounding area is affected by the SCAR Overlay, with a variety of different areas (primarily Isthmus Area B, Balmoral Tram Suburb East).

[3] The site is situated approximately 170m to the west of the Auckland Light Rail corridor – Zoning Under Investigation area identified on the council's Plan Change 78 Map Viewer. The viewer identifies that a large proportion of existing MHS zoned land, along with some of the existing Single House Zoned land within the surrounding environment will be up-zoned to MHU – as seen in Figures 1 and 2 below.

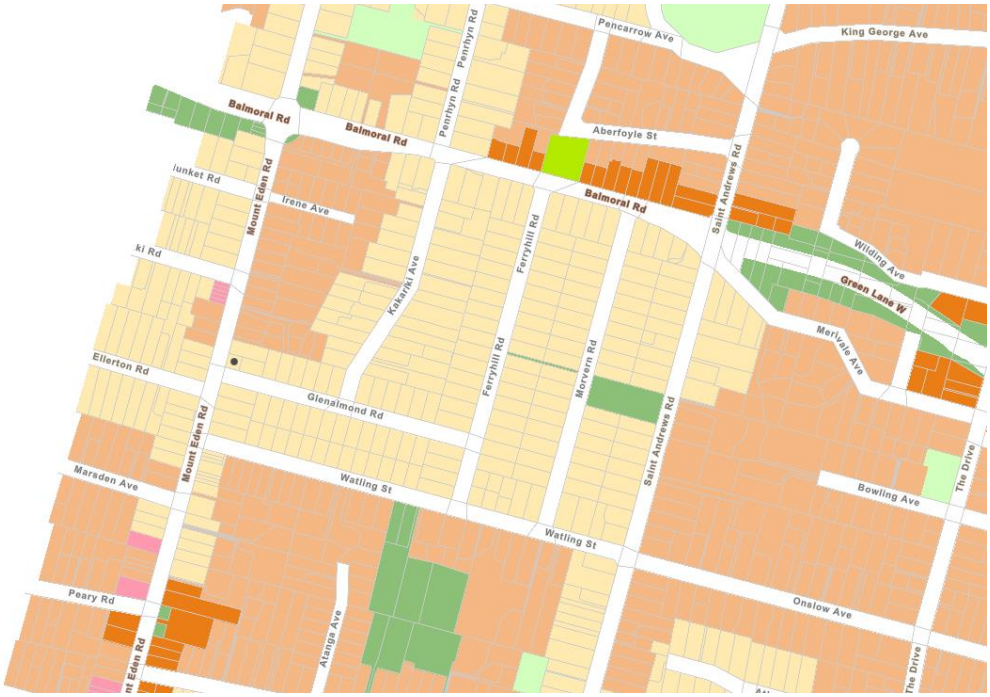
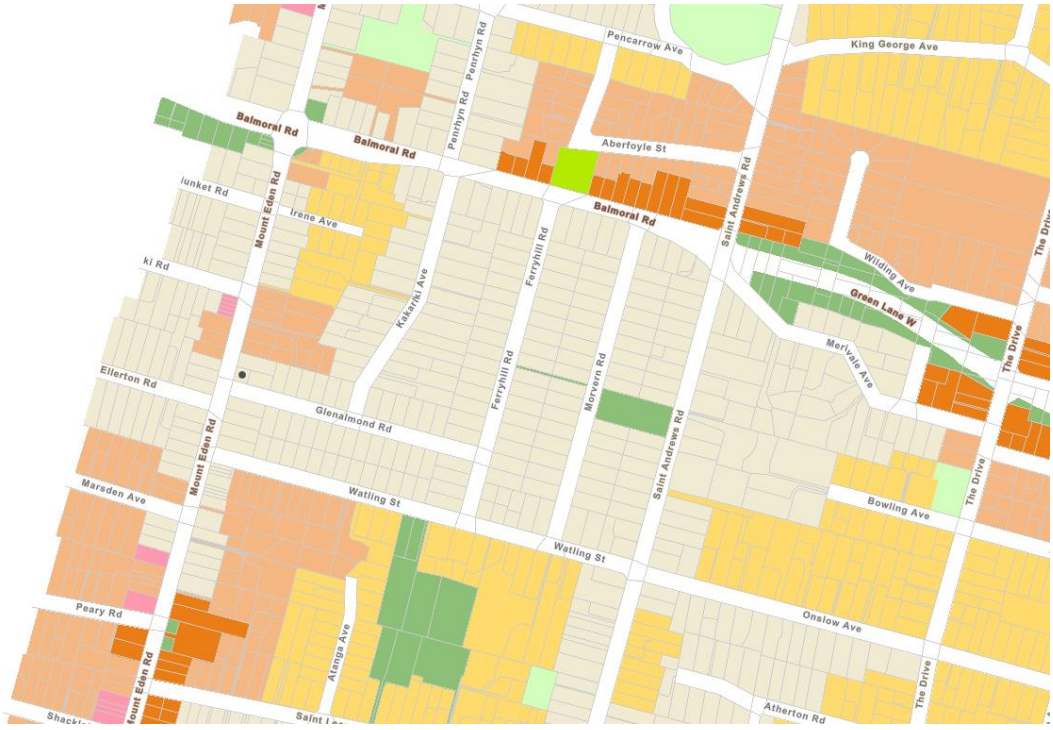


Figure 1: Planning Map showing proposed zoning of subject site and surrounding environment under PC78



resource consent | submissions to plans | subdivisions | land development feasibility studies | strategic planning

Figure 2: Planning Map showing existing zoning of subject site and surrounding environment under the AUP: OP.

[4] The council's Preliminary Response Map Viewer shows that the subject site is affected by three qualifying matters, being the Special Characters Area Overlay Residential and Business – Group J; the Wastewater Combined Network Overlay; and the Regionally Significant Viewshafts and Height Sensitive Areas Overlay. These are shown in Figures 3, 4 and 5 below.

Figure 3: SCAR Qualifying Matter

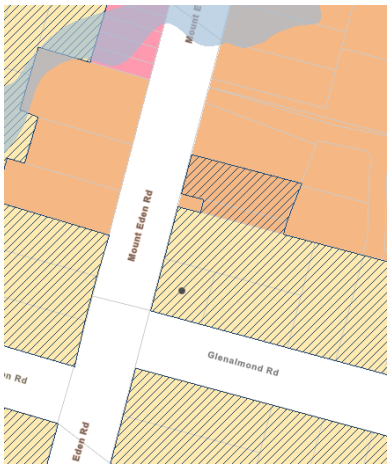


Figure 4: Wastewater Combined Network Qualifying Matter

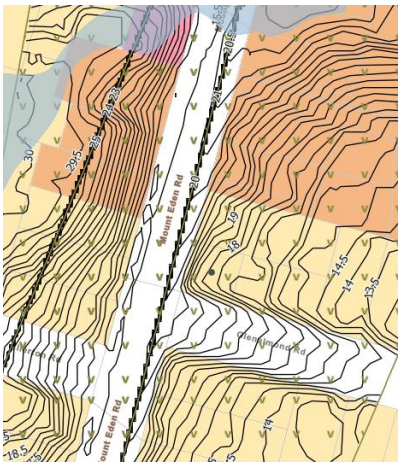


Figure 5: Volcanic Viewshafts Qualifying Matter

[5] The council therefore proposes that the Site be zoned Residential – Low Density Residential Zone.

<u>Qualifying Matter - Special Character Area Overlay, and Low Density Residential Zoning</u>

[6] The Section 32 Report identifies that Special Character Areas are a qualifying matter.

[7] It does not, however, identify by way of a site-specific analysis (in relation to 2A and 2B Glenalmond Road) how the site contributes to the Special Character Area in question is and why it is of sufficient value to warrant protection through the implementation of a qualifying matter in this case. It does not demonstrate how the intensity envisaged by the NPS: UD would be inappropriate.

[8] A review of the findings assessments prepared by Council (released May 2022) concludes that any SCA must have a high percentage of individual character-defining properties in order to justify the inclusion of a SCA as a qualifying matter. It is unclear how the Council has undertaken this assessment:

(a) There is no information around how the "character defining" property thresholds havebeen determined for within and outside Walkable Catchments.

(b) There is no information around the assessment criteria in defining a property as

"character defining." We would query how the property at 2A and 2B Glenalmond Road was determined to be "character defining" (rated 5), while 696 Mount Eden Road was not (rated 2) – particularly noting that under the AUP: OP it is a permitted activity to demolish the existing buildings at 2A and 2B Glenalmond, but not at 696 Mount Eden Road (a heavily modified villa).

(c) The council has applied sub-areas to wider SCAs that do not appear to have any justification. This contributes to achieving areas that meet the "character defining" thresholds, enabling them to be retained. This appears to be the equivalent of 'redrawing the playing field'.

(d) It does not appear as if the council's analysis has accommodated site visits to all individual properties, or undertaken detailed site-specific analyses, including with respect to underlying consents, certificates of compliance, or permitted activities under the Unitary Plan.

[9] Based on the information available, it appears that the council's assessment process has been designed to enable the greatest number of SCAs to be retained as qualifying matters without reasonable justification by detailed, site-specific analysis required by section 77L of the RMA. As such, we contend that the application of qualifying matters on the basis of these assessments do not adequately meet section 77I and are insufficiently robust to meet the associated requirementsof section 77L of the RMA.

[10] We additionally question the necessity of the Special Character Area provisions in relation to the subject site. In this regard:

(a) The Site is not subject to demolition controls under the Unitary Plan's SCA provisions, as shown in Figure 1 below. Indeed, a certificate of compliance has been issued by the councilfor the demolition of all existing buildings on the Site (council reference CER70014851).

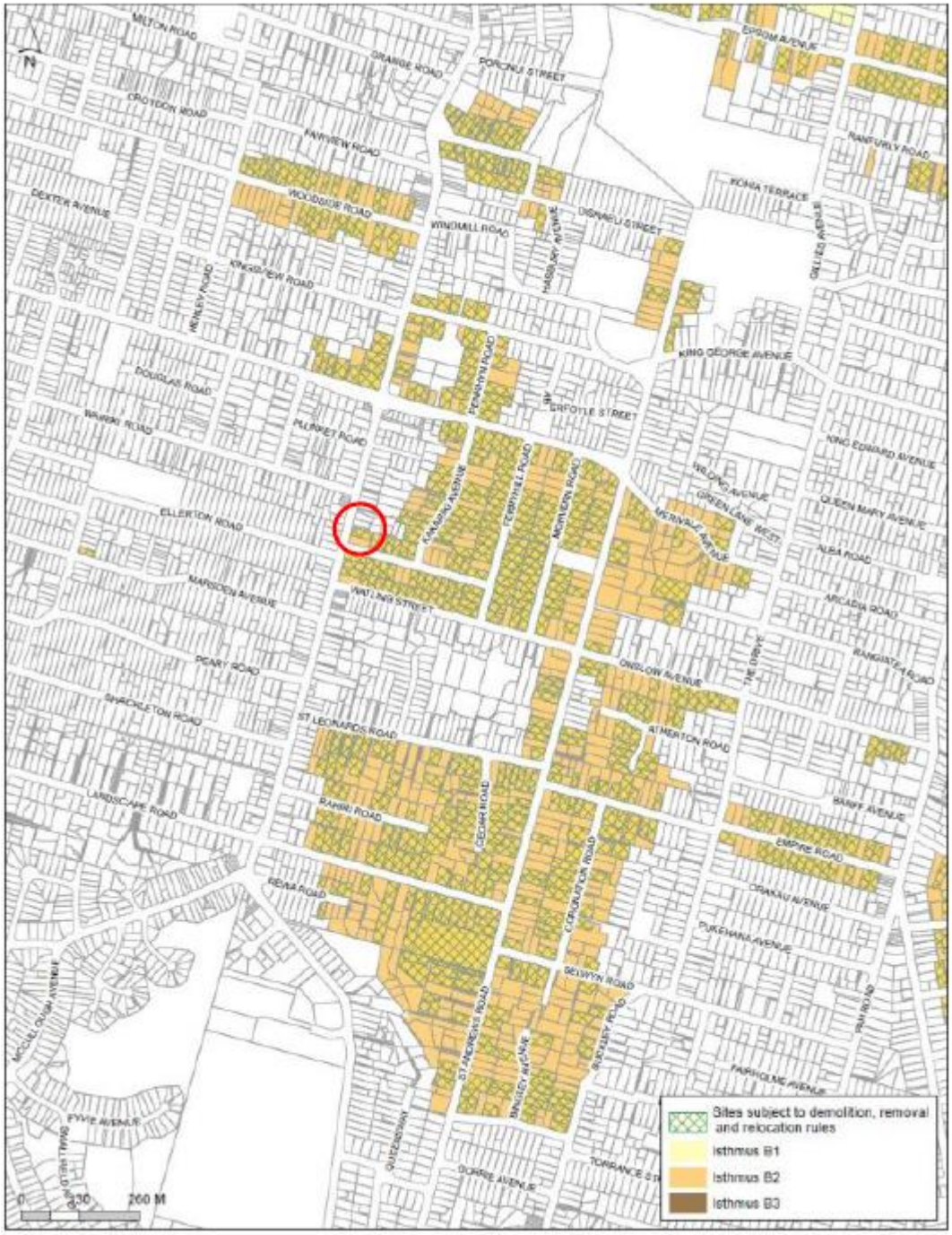


Figure 6: Residential Isthmus B – Mount Eden/Epsom (Part B) Planning Map, Schedule 15 AUP: OP (site circled in red).

(b) The existing development at the Site was constructed (based on aerial photography) sometime between 1940-1959 and reflects a brick-clad semi-detached typology. The description of the Epsom North Special Character Area in the Unitary Plan and the council's findings report for the area states that the "most prevalent architectural stylein the area are bungalows and English Cottages (1920's – 1930's), with a few villa and transitional villa style dwellings (1880's-1910's). The

existing buildings do not fit into this building typology or timeframe of construction.

(c) The SCA assessment for the Site is questionable because, in terms of the scoring criteria, the existing building is not of the relevant period, style or typology and has a limited connection to the street. It is also a permitted activity to remove, with a CoC having been approved confirming this (as discussed above). Yet it scored 5 out of 6.

(d) 696 Mount Eden Road has been identified by the council in their findings assessment as having a score of 2 (i.e.: low value). 696 Mount Eden Road has little interface with the wider Epsom North area of the Residential Isthmus B overlay, where 2A and 2B Glenalmond is the primary adjacent boundary.

(e) Beyond 696 Mount Eden Road, there is a block of properties along Mount Eden Road that are zoned MHU and not subject to a SCA overlay. The sites better fit with this block of properties along a main arterial route that have been identified to have no, or little special character value.

[11] As such, we do not consider that the application of the SCA overlay, and associated low-density zoning on this site as a qualifying matter to be appropriate. The application method appears to be contrary to section 77I of the RMA, which says that council's may make their plans less enabling of development only to the extent necessary to accommodate the qualifying matters.

Qualifying Matter – Combined Wastewater Network Control

[12] The Council has imposed an additional Qualifying Matter in the form of the Combined Wastewater Network Control on the subject site.

[13] The Section 32 Report identifies that Water and Wastewater constraints can be included as a qualifying matter. We agree with this assessment.

[14] However, we do not agree with the imposition of this on the subject site. The subject site is not served by a combined network. It has access to separate Stormwater and Wastewater networks within Mount Eden Road, with public wastewater networks extending into the subject site and public stormwater networks also available within Glenalmond Road. The imposition of this control on the subject site therefore appears to be erroneous.

Qualifying Matter – Volcanic Viewshafts

[15] Our review of the council's Plan Change 78 Viewer shows that there are a range of properties within the Regionally Significant Volcanic Viewshaft and Height Sensitive Areas overlaythat are zoned Residential – Terraced Housing and Apartment Buildings (THAB) Mixed Housing Urban (MHU) or Mixed Housing Suburban (MHS).

[16] This indicates that the council has not indicated an immediate concern with higher intensity residential use in accordance with the MDRS standards (and in the case of THAB, more permissive standards) in achieving the intended outcomes of this overlay.

[17] In this case, the viewshaft has a minimum height of 14.5m above ground level as it pertains to the subject site. Enabling a zoning of MHU in accordance with the NPS: UD and Resource Management: Enabling Housing Supply and Other Matters Amendment Act would permit a maximum height of 12m. This would be clear of the volcanic viewshaft. Development in accordance with this, and achieving the intensities sought after by the NPS: UD, would not affect the purpose of the viewshafts overlay.

[18] Limiting intensity in this manner because of the volcanic viewshafts is not considered necessary or appropriate.

JGUO Development Limited seeks the following decisions from Auckland Council:

A. The properties at 2A and 2B Glenalmond Road (and 696 Mount Eden Road) are zoned Mixed Housing Urban and the Special Character Area Overlay (qualifying matter) is removed;

B. The Wastewater Combined Network qualifying matter/overlay be removed;

C. The sites zoning and development potential not be limited by the Volcanic Viewshaft overlay through the imposition of this as a qualifying matter affecting the zoning of the site.

JGUO Development Limited wishes to be heard in support of this submission.

If others make a similar submission JGUO Development Limited will consider presenting a joint case with them at a hearing.

Sentinel Planning Limited

Address for service: PO Box 33995, Takapuna, Auckland 0740

Contact person: Emma Chandler

Telephone: 09 220 6346

Email: emma@sentinelplanning.co.nz

Ginny Taare

From: Unitary Plan
Sent: Wednesday, 28 September 2022 9:16 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Brad Allen

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Brad Allen

Organisation name:

Agent's full name:

Email address: bradjamesallen@gmail.com

Contact phone number:

Postal address:
bradjamesallen@gmail.com

Auckland 0932

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:
Plan Change 78

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:
Support
• Upzoning of Auckland to reduce consenting red tape. 1202.1
• Upzoning of the Hibiscus and Bays areas, and in particular the Whangaparaoa Peninsular. 1202.2
• To encourage development to undertaken around centres and transport nodes, greater development potential should be permitted in those areas via the walkable catchments and NPS:UD changes being extended further. 1202.3

Do not support:
• The extent of restrictions placed by Council on implementing the MDRS standards, and holding back areas based on some of the qualifying matters. In particular: 1202.4
o Implementing a ‘servicing’ qualifying matter in the Hibiscus and Bays area with no support from infrastructure providers for this. I support a requirement that servicing is confirmed as part of a development, however this should come at the building consent stage with the asset owner approval and capacity check (for the permitted 3 dwellings from a planning standpoint). Support a consent trigger for the 4+ consents to check infrastructure capacity. 1202.5 1202.6 1202.7 1202.8
o Downzoning areas based on inaccurate data that is continually refined and updated (ie flood modelling that is not site specific, and can be updated on a site by site basis with each consent, however the qualifying matter being applied at this stage has held back the zoning and would require a plan change to update the sites zone (and therefore development potential) at a later date despite in many cases an owner being able to provide a site specific report confirming the site is not affected by the hazard). 1202.9
o The level of detail and restriction proposed to be added for development, and the lack of clarity and poor wording around some of these new provisions (ie: deep soil, waste management, lighting requirements etc).
o Subdivision – don’t support the ‘avoid’ restriction on creating vacant sites where this may be a viable pathway for funding development.

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

Details of amendments: as above

Submission date: 28 September 2022

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.

Yes

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

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Ginny Taare

From: Unitary Plan
Sent: Wednesday, 28 September 2022 9:31 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Charissa Snijders
Attachments: CSNIJDERS submission PLAN CHANGE 78.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Charissa Snijders

Organisation name:

Agent's full name:

Email address: charissa@csaarchitect.co.nz

Contact phone number: 021 309593

Postal address:
84 The Terrace
Herald Island
Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Residential - Mixed Housing Urban Zone

Property address:

Map or maps:

Other provisions:
Auckland Council's response to
National Policy Statement on Urban Development - support in principle with amendments
and
MDRS - oppose

1205.1

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

1205.2
1205.3

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

The reason for my or our views are:
Please refer to attached submission

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

1205.4

Details of amendments: Please refer to attached submission

Submission date: 28 September 2022

Supporting documents
CSNIJDERS submission PLAN CHANGE 78.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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

SUBMISSION ON A NOTIFIED PROPOSAL FOR PLAN CHANGE 78: INTENSIFICATION

The specific provisions that my submission relates to are:

Residential: Mixed Housing Urban Zone properties throughout Auckland, and in particular outer suburbs in South and West Auckland

My submission is:
I **oppose** the rezoning of PC 78 of Residential - Single House Zone to Residential- Mixed Housing Urban Zone (MHUZ) 1205.5

The reasons for my views are:
1. Intensification dispersed away from transport hubs, especially suburbs that have no public transport – like Herald Island has significant negative climate impact.

"Auckland needs to reduce transport emission by 64% over the next eight years to support our goal of halving total emissions by 2030." Our Auckland July- August 2022.

Auckland will not be able to deliver on this if the MHUZ proceeds as is. Intensification should be predominantly happening to support the National Policy Statement on Urban Development and not with the blunt approach of the MDRS response which will predominantly rely on cars as the main mode of transport.
Auckland Council needs to control intensification to minimise carbon emissions otherwise we will not meet New Zealand's emission reduction target.
As a starting point, any suburb without access to public transport or limited public transport should revert back to Low Density Residential. 1205.6 1205.7

2. Allowed Building Coverage under MHUZ will result in significant urban tree loss
MHUZ allows 50% building coverage and reduced front yards will result in a significant loss of urban tree cover. With Auckland Council declaring a Climate Emergency this is such a backward response to an ever increasing threat, not only to bird habitat and biodiversity, but to creating heat sinks (trees can reduce temperatures by up to 8degC). As importantly, research has proven that trees are vital for mental health and well being. The result will be in a loss of biodiversity, an increase in air temperature and carbon dioxide emissions, further exacerbating negative climate change effects and impacting the health and wellbeing of our communities.

3. Blue – green spatial network plans
All suburbs across Auckland, particularly the ones with large areas of Future Urban Zone should within the next year have blue-green spatial network plans overlaid over the area. The need for blue-green spatial network plans is stated in Auckland Water Strategy and should be adopted before intensification not the other way around. Whenaupai is one such area where this is urgently needed to ensure both social well being in the community through connectivity and ability to access freshwater and urban trees and climate resilience for future generations. 1205.8

4. Impermeable surfaces – water quality input
Impermeable surfaces will increase in the MHUZ areas resulting in more contaminated stormwater at greater volumes entering the Waitemata Harbour. Already heavy rainfalls result in mud baths in the Upper Waitemata and heavy siltation at Christmas Beach. Greater intensifciation will only exacerbate this.

5. Transport infrastructure constraints are a qualifying matter
Recently, Auckland Council withdrew Plan Change 5 basing its reason on its inability to fund the necessary infrastructure – in particular – roading, wastewater and stormwater. 1205.9

Plus inability to fund open acquisition land for this area. Yet, PC 78 intensification of Herald Island, Whenuapai, Hobsonville, Greenhithe and Massey would exacerbate existing traffic congestation on Hobsonville Road and Brigham Creek Road due to roading infrastructure constraints. No new roading works has been allocated for this area until at a earliest 2031.
The quote below is Auckland Transport response to a Fast Tracking consent request in Whenuapai August 2022.
There is insufficient funding identified in the Regional Land Transport Plan (**RLTP**) (10-year plan for Auckland's' transport network for 2021-2031) to provide the required strategic network infrastructure needed to support such urbanisation in this location…(Whenuapai). The funding and financing of infrastructure needed to enable growth has not been addressed and so the necessary bulk infrastructure is not in place, nor is there any confirmation of timing for the provision of such. Development occurring ahead of appropriate infrastructure will lead to a car dominated development, contributing to carbon emissions, and poor land use outcomes, and the potential for network safety issues." P 5.
Why then is MDRS intensifcation allowed to happen?

6. Equity across suburbs

The Auckland Plan 2050 recognises widespeard inequity across the region. The MDRS works against Auckland Council's ability to address disparities and serve the communities with the greatest need. Suburbs in the West and the South, often with poor infrastructure – roading, stormwater, public transport etc will be impacted the most as land is generally cheaper. This proposal advantages the ad-hoc development/developer resulting in the lowest quality of design, materials and response to urban living.

Ginny Taare

From: Unitary Plan
Sent: Wednesday, 28 September 2022 11:01 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Daniel Graham Maier-Gant
Attachments: Supporting document.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Daniel Graham Maier-Gant

Organisation name:

Agent's full name:

Email address: dmaiergant@gmail.com

Contact phone number: 0272171719

Postal address:
44N Ngaoho Place
Parnell
Auckland City 1052

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Terraced House and Apartment Building Zone (Chapter H Residential Zones), Policy 3(b)
Mixed Housing Urban Zone (Chapter H Residential Zones), Policy 3(b)
Historic Heritage and Special Character (Chapter D Overlays)
Infrastructure (Chapter D Overlays)
City Centre (Chapter I Precincts)
Qualifying Matters, Policy 4
Chapter G – Rural Urban Boundary (RUB) and Walkable Catchments

Property address: 44N Ngaoho Place, Parnell, Auckland

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:
Auckland is squandering its potential by failing to adequately provide for dense, walkable, and modern housing.
Please see the supporting documents for a full perspective, as I do not support all provisions identified.

I or we seek the following decision by council: Approve the plan change with the amendments I requested | 1206.1

Details of amendments: Please see supporting documents.

Submission date: 28 September 2022

Supporting documents
Supporting document.pdf

Attend a hearing

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

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

Declaration

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

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

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

No

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

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Introduction

I am a young professional. I live in Parnell. I would like to live in a dense, walkable, and modern housing with my family, close to the city and suburbs that I love. It is outrageous that wealthy residents of the city think it is appropriate to refuse to make adequate provision for growth in their suburbs. Not only is dense housing in Parnell and Grey Lynn and Remuera essential for the continued vibrancy of those suburbs, but it is also the only way to ensure that the children of current residents have a future in those areas. That is their birthright, and it will be denied to them without urgent action.

I am also deeply concerned by the lack of trust the Auckland Council has shown in its residents. We should be able to make our own decisions about where and how we live. I am disappointed they would risk ratepayer money for a legal fight with the central government, in an effort that seems largely about catering to a tiny fraction of homeowners opposed to any change or minor inconvenience. Nevertheless, I am heartened by the recent reforms, and believe that a strong, diverse, and persistent coalition has been formed across the city to make it into a better place. I would be honoured to raise a family in Auckland if it chooses an inclusive future.

Terraced House and Apartment Building Zone (Chapter H Residential Zones), Policy 3(b) / Mixed Housing Urban Zone (Chapter H Residential Zones), Policy 3(b)

In the Mixed Housing Urban (three storey) Zone, I support the following amendments.

Standard number	Proposed/Existing	To enable perimeter blocks	Reasons why
H5.6.5. Height in relation to boundary	4m + 60°	• for four or more dwellings per site within 21.5m of the site frontage is increased to 6m + 60 degrees	To encourage development to front the street and discourage outlook to be directed to neighbouring properties.
H5.6.8.1 Yards	Front: 1.5m Side: 1m Rear: 1m	Front: 0m Side: 0m Rear: 1m	To enable development to build out the front of the site and leave more space at the rear.

1206.2

1206.3

In the Terraced House and Apartment Building (THAB) Zone (5 storey)(Outside of the walking catchments), I support the following amendments.

Standard number	Proposed/Existing	To enable perimeter blocks	Reasons why
H6.6.6. Height in relation to boundary	For up to 3 dwellings: 4m + 60° For 4 or more dwellings: 8m + 60°	14m + 60° within 21.5m of the front boundary of the site 8m + 60° beyond 21.5m of the front boundary of the site	The 8m + 60° plane is likely to see three storey walkup / terrace housing in a sausage formation continue to be the go to. 14m + 60° will better enable four and five storeys of building height

1206.4

H6.6.9. Yards	Front: 1.5m Side: 1m Rear: 1m	Front: 0m Side: 0m Rear: 1m	To enable development to build out the front of the site and leave more space at the rear.

1206.5

In the Terraced House and Apartment Building (THAB) Zone (Within the walking catchments) (6 storey), I support the following amendments.

Standard number	Proposed/Existing	To enable perimeter blocks	Reasons why
H6.6.6. Height in relation to boundary	For up to 3 dwellings: 4m + 60° For 4 or more dwellings: 19m + 60° within 21.5m of the front boundary of the site	Support	The 19m + 60° will support development to be concentrated at the front of the site with dwellings facing over the street and rear. To enable better designed homes and more per site.
H6.6.9. Yards	Front: 1.5m Side: 1m Rear: 1m	Front: 0m Side: 0m Rear: 1m	To enable development to build out the front of the site and leave more

1206.6

1206.7

I am in favour of perimeter blocks because they reflect a mature city that makes the best use of available space. I have lived in perimeter housing before and the shared backyards were wonderful, and I love walking around cities that have perimeter blocks like the suburbs of New York and London.

I also support allowing low intensity commercial activities (such as restaurants and dairies) within the THAB zone. I love being able to walk to the amenities I need.

1206.8

This is the housing from the movie Paddington, in London. It should be legal! Do it for your kids.

Historic Heritage and Special Character (Chapter D Overlays) / Qualifying Matters, Policy 4

1206.9

Special character should not be a qualifying matter. We have heritage designations for key buildings and no one is being forced to sell their villas. This is exclusion by stealth and has led to aggressive gentrification, as old villas are either flipped into multi-million dollar homes or left as low quality, cold, mouldy housing. Our restrictions are also exceptionally short sighted, as the children of current residents, or older residents downsizing, are forced to leave their increasingly expensive suburbs. I love these suburbs, and I want the heritage that I hand down to have grown, rather than slowly decayed.

The townhouses and apartments that have been built in these areas are so beautiful. I love seeing the new developments, but they are few and far between. I want to walk in a beautiful urban space, not a cookie cutter suburb for millionaires. Parnell could be our Brooklyn Heights, but we are terribly squandering its potential.

City Centre (Chapter I Precincts)

Living where I do in Parnell means I am right on the doorstep of the city. It is a 10 minute walk to my work in the Vero Centre. I would love to be able to live even closer to work, and to see the city centre thrive.

I support:

- Removal of Floor Area Ratio Standards (removal of sections H8.6.10 through H8.6.20) 1206.10
- The Queen Street Valley control, regarding frontage of older buildings on Queen Street 1206.11
- Sunlight access to public open space controls including the Aotea Square control, for creating quality city centre and has limited impact on enablement of housing. 1206.12

I do not support:

- The general height control of 72.5m across the city centre (section H8.6.2) 1206.13
    - This is contradictory to the intent of the NPS-UD [Policy 3A] which states “in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.”
    - This limits development capacity in the City Centre.

A good model is Tokyo or Toronto. Our city centre should aspire to be world-class.

Chapter G – Rural Urban Boundary (RUB) and Walkable Catchments

I strongly support increasing the size of the Walkable catchments to the sizes in the following table.

Centre Type / Location / Classification	Recommended Walking Distance to Upzone to	
Rapid Transit Station (e.g. Train or Northern Busway Station)		
All on the isthmus	1600m	1206.14
Other Rapid Transit Stations	800m	
City Centre		
	2400m	1206.15
Metropolitan Centres		
All on the isthmus (Newmarket, Sylvia Park)	1600m	1206.16
All others outside Isthmus	800	
Town Centres		
All outside Isthmus that are ‘small + high accessibility’	400m	1206.17
All in Isthmus	800m	
All that are ‘large + high accessibility’	800m	
Local centres		
All Isthmus	400m	1206.18
All that are ‘large + high accessibility’	400m	
Neighbourhood centres		
All	Not required	

I frequently walk from my home to the train station in Parnell, which is a 12 minute walk away. We are adults, and should be allowed to decide whether we want to live in an apartment with a slightly longer walk to the nearest train station.

I also often catch one of many buses to and from the suburb my girlfriend lives in. If a bus arrives every 15 minutes, if it can carry 70 or more people, and it is reliable, that should be considered “rapid transit”. It gets me to work on time, and I should be able to live along these routes. 1206.19

These routes should include:

- Great North Road (from Pt Chevalier to Ponsonby Road, served by the 18 Frequent Route and in future the 11 Frequent Route) **(this is the corridor I use every two days)**
- Sandringham Road (from Mt Albert Road to New North Road served by the 24 Frequent Route)
- Dominion Road (from Denbigh Avenue to View Road, served by the 25 Frequent Route)
- Mt Eden Road (from Mount Albert Road to Symonds Street, served by the 27 Frequent Route)
- Manukau Road (from Onehunga to Broadway, served by the 30 Frequent Route)
- Great South Road (from Ellerslie Main Highway to Broadway, served by the 70 Frequent Route)

1206.20

Ginny Taare

From: Unitary Plan
Sent: Wednesday, 28 September 2022 9:01 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Kelvin James Norgrove

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kelvin James Norgrove

Organisation name: na

Agent's full name: na

Email address: kelvin.norgrove@strategease.co.nz

Contact phone number: 021630288

Postal address:
kelvin.norgrove@strategease.co.nz
Mt. Eden
Auckland 1024

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
The maintaining of Residential -Single House Zone within walkable catchments in the city-fringe area; together with the residential special character "qualifying matter" and the omission of the "light rail area under investigation" on the Planning Maps. These provisions of the Plan Change mean it fails to "enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops".

Property address: na

Map or maps: various sections in the city-fringe area, particularly inside the defined walkable catchments

Other provisions:
The failure of the plan change to incorporate High Density as well as Medium Density Residential Standards that enable three storey housing in relevant residential zones due to giving excessive weight to the special character qualifying matter to reduce the height and density of development required by the RMA.

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

Ginny Taare

From: Kelvin Norgrove <kelvin.norgrove@strategease.co.nz>
Sent: Thursday, 29 September 2022 5:40 pm
To: Unitary Plan; Unitary Plan
Subject: Re: Unitary Plan Publicly Notified Submission - Plan Change 78 - Kelvin James Norgrove
Attachments: Supporting document to submission from Kelvin Norgrove 29.9.22.docx

Please add this supporting document to my submission form sent yesterday

On Wed, 28 Sept 2022 at 08:47, <UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz> wrote:

> Thank you for your submission.
>
> We will contact you within 10 working days to acknowledge your submission. Keep this email as your copy of your submission.
>
> Email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101 if you don't hear from us within 10 working days.
>
> ## Contact details
>
> Full name of submitter: Kelvin James Norgrove
>
> Organisation name: na
>
> Agent's full name: na
>
> Email address: kelvin.norgrove@strategease.co.nz
>
> Contact phone number: 021630288
>
> Postal address:
> kelvin.norgrove@strategease.co.nz
> Mt. Eden
> Auckland 1024
>
> ## Submission details
>
> **This is a submission to:**
>
> Plan change number: Plan Change 78
>
> Plan change name: PC 78: Intensification
>
> **My submission relates to**
>
> Rule or rules:
> The maintaining of Residential -Single House Zone within walkable catchments in the city-fringe area; together with the residential special character "qualifying matter" and the omission of the "light rail area under investigation" on the Planning Maps. These provisions of the Plan Change mean it fails to "enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops".
>
> Property address: na

Map or maps: various sections in the city-fringe area, particularly inside the defined walkable catchments

Other provisions:
The failure of the plan change to incorporate High Density as well as Medium Density Residential Standards that enable three storey housing in relevant residential zones due to giving excessive weight to the special character qualifying matter to reduce the height and density of development required by the RMA.

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:
Accompanying submission paper will be sent separately

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Upzone all residential special character sites within walkable catchments to either the High density (THAB Zone) or the Mixed Housing Urban Zone

Submission date: 28 September 2022

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.

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Submission on Plan Change 78

Kelvin Norgrove

24 Akiraho St.

Mt. Eden

28 September 2022

1. This is a submission on Plan Change 78: Intensification to the Auckland Unitary Plan (PC78).

Refer: D18. Special Character Areas Overlay – Residential and Business The Special Character Areas Overlay – Residential and Business is identified as a qualifying matter in accordance with sections 77I(j) and 77O(j) of the RMA.

I do not raise any concerns with specific amendments proposed to the D.18 provisions or other provisions of the Auckland Unitary Plan.

My submission is concerned with three main aspects of the proposed plan change:

1. the Special Character Overlay - Residential has been given undue weight as a qualifying matter by removing whole streets and neighbourhoods from potential intensification.
2. the macro impact on Auckland as a functioning urban environment as a result of Plan Change 78 (PC78) maintaining the Residential Single House Zone and Special Character Overlay to such a large extent, particularly within the defined walkable catchments around the city-fringe area and the associated town centres and rapid transit stop locations. Inadequate consideration has also been given to allowing for the economic and social costs of encouraging medium and high density housing development to be concentrated in Business or Mixed Use Zones within these locations (in the absence of options to utilise the Residential Zone).
3. no attempt has been made to consider the equity or fairness implications of the spatial distribution of plan enabled capacity.
4. the Light Rail Area under investigation should not be retained as the council has a sufficient mandate under the NPS-UD and the MDRS requirements to change the zoning of the areas concerned now, by applying a consistent approach as it should be doing in relation to walkable catchments around town centres, the city centre fringe and the CRL.

These points are outlined below.

Decisions sought:

1) All Residential Single House Zoned sites within the defined walkable catchments should be excluded from the Special Character Overlay - Residential and rezoned with the modified version of the existing THAB zone within the AUP (subject to the Hearings Panel decisions on any changes to that zone's provisions). If for whatever reason the THAB zone is not applied to these sites, the Mixed Housing Urban Zone should be applied instead (as modified by the Hearings Panel). 1210.1
2) Remove the Light Rail area under investigation from the planning maps and apply the THAB or Mixed Housing Zoning in a consistent way as they are applied to other walkable catchments and town centres and RTS locations, subject to the decisions made on those matters by the Hearings Panel. 1210.2

1. Special Character Overlay - Residential has been given undue weight

Special character was not identified by the government as a qualifying matter for good reason. Both the National Policy Statement on Urban Development 2020 (updated May 2022) and the MDRS deliberately seek to avoid whole streets or neighbourhoods being prohibited from increased density. The council's almost blanket approach to removing whole streets in the city- centre fringe and inner isthmus area undermines the purpose of the NPS-UD Policy 3 that requires district plans to enable at least six storeys in the walkable catchments of the City Centre, Metropolitan Centres and rapid transit stops.

These areas are market attractive for intensification with all the benefits that implies in terms of more people having access to amenities and public transport. It is interesting that the Executive Summary in one of the Council's s32 reports singles out the inner isthmus area above all other parts of the urban area by stating it "remains an area where benefits and costs may be more finely balanced between more housing choice and housing supply versus protection of valued features and resources", and while it states "application of qualifying matters will somewhat reduce benefits to urban efficiency and well-functioning urban environments…" it treats that outcome as almost trivial. The evaluation report essentially reveals a preference to maintain the status quo built form of the inner isthmus as much as possible suggesting that it is only hear that "the disbenefits of more intensity need to be offset by enhanced quality of the natural and built environment"[1].

I submit it is inappropriate and possibly outside the law to apply a qualifying matter in this way: to retain the majority of the Special Character Areas in the AUP rather than properly treating it as a basis for minority exception from the NPS-UD and MDRS requirements.

2. Macro impact on Auckland as a functioning urban environment

If the council had regard to the current urban form of the whole of each walkable catchment in the city-fringe area rather than just the Residential Single House zoned parcels, it would very likely have reached quite different conclusions about how they should be treated in PC78.

The built form in the walkable catchments in these areas (including Ponsonby, Eden Terrace, Mt. Eden, Grafton, Kingsland etc.) is typically a diverse mixture of density and form

[1] ReferProposed Plan Change 78 to the Auckland Unitary Plan (Operative in part) SECTION 32 OVERVIEW EVALUATION REPORT p7.

with many 1-2 storey residential and business sites as well as many multi-storey offices and apartments. Each walkable catchment area can be described as having an emporium of styles, reflecting incremental change in both residential and business building forms over many decades, rather than displaying a uniformity of style.

The high demand for apartments in the Newmarket, Grafton, Newton and Mt. Eden area is evidenced in the significant building of 4-6 storey and higher apartments over the past 30 years (starting in the 1990s), but they have almost exclusively occurred on Business or Mixed Use zoned sites. PC78 will perpetuate that scenario and undermine the role of the Business zones in the fringe area to provide jobs and services in close proximity to residents, which is a key attribute of well functioning urban environments. That is contrary to the objective of encouraging mixed uses around RTS's and town centres.

In terms of the NPS-UD Policy 3(d) to allow "building heights and density commensurate with the level of commercial activities and community services within and adjacent to neighbourhood, local and town centres", it has the potential perverse effect of subtracting from the current level of community and business activities in those centres by displacing existing businesses and reducing future capacity for new retail or commercial services floorspace in those locations.

Furthermore, it will prolong tight supply conditions for accommodating residential demand within the Residential Single House zone and will effectively be a "plan for unaffordability", by pushing demand into outer urban areas where relatively more affordable houses are generally located but will experience higher demand pressure and prices than they would have otherwise.

The residential zoned sites in the walkable catchments in the city-fringe and around main centres should be regarded as the most suitable to transition to higher density, even if a large share of sites still remain single storey, whether due to landowners preferences or smaller site areas/high capitalisation being less feasible to aggregate and/or redevelop in the foreseeable future.

The section 32 Evaluation report suggests that because it enables a significant increase in theoretical capacity (plan-enabled capacity) it has given effect to the NPS-UD requirements. But it also states: "It is also important to consider effects in specific locations, especially where the incidence and effects of QMs may be relatively high, in relation to the plan-enabled capacity"[2].

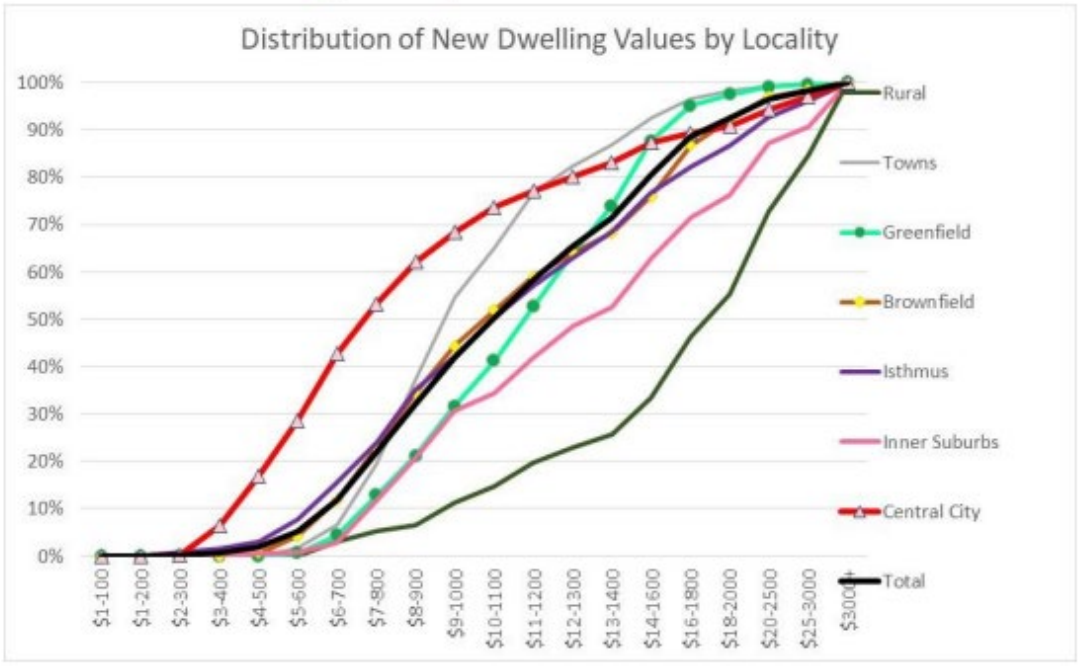
However, it does not proceed to adequately consider the benefits of removing the Special Character overlay from the walkable catchments on a ring-fenced basis, and instead makes the conclusion that the effect of the Special Character qualifying matter does not really matter because at an aggregate level, plan enabled capacity across the urban area exceeds projected demand by a significant margin.

While stand-alone houses and apartments are of a different typology that doesn't automatically mean they are separate sub-markets. Apartment developers in the city-fringe and close to town centres know many buyers and renters are attracted by the locational attributes and make a choice to forego a lower density house that they can afford because they would need to locate at greater distance from the centres.

[2] Refer Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in part) SECTION 32 EVALUATION REPORT (ECONOMY MATTERS) p9.

The graph below from the Council's Evaluation report is very telling but the implications are not acknowledged in that report.

Figure 3-5: Auckland New Dwelling Values by Location 2018-21



Source:Refer Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in part) SECTION 32 EVALUATION REPORT (ECONOMY MATTERS) p48.

Key points are;

1. The city centre provides the most lower priced dwellings out of all areas; with more than half at $800,000 or lower.
2. The inner suburbs (and rural areas with larger sites) are where higher priced dwellings are concentrated.

If the Council was serious about enabling better housing affordability and accessibility to employment, education and services it would seek to use its planning and regulatory levers to increase the share of dwelling values in the lower ranges - allowing more density in the inner suburbs would help to shift the 'pink curve' in this way, to be more aligned to the city centre where there is almost no constraint on capacity and the high incidence of apartments and smaller sized dwellings.

At present the dominance of high value detached houses in the Single House Zone stops that eventuating. Instead, PC 78 will perpetuate the above profile with a "missing middle" between the city centre and the inner suburbs, implying intensification and lower priced houses (below $1.1m in 2021 terms) outside the city centre will continue to rely on dispersed development in the 'brownfields', 'isthmus,' and 'towns' locations.

The evaluation report notes the consequences of the qualifying matters in the inner city area (p78):

The plan-enabled capacity in the Auckland inner city is summarised in Table 4-12, covering the CBD itself and the immediately adjacent suburbs. The assessment indicates capacity in residential zones for up to 64,000 dwellings with MDRS/NPSUD provisions applied, more than double that enabled under the Unitary Plan. With all QMs in place, the enabled capacity is in the order of 31,000 dwellings.

Table 4-12 : Plan-Enabled Housing Capacity (Residential Zone) Auckland Inner City by Location

Locality	AUP	MDRS - No QMs	MDRS - All QMs
Grey Lynn-Kingsland	7,700	21,400	10,100
Freemans-Ponsonby	8,700	25,100	11,300
Parnell-Grafton	7,000	17,500	9,600
Inner Suburbs	**23,400**	**64,000**	**31,000**

Source: Housing Enablement Model 2022

That means almost half of the potential capacity is sacrificed due to the QM's. Given current dwellings in these suburbs of 16,600 dwellings, it implies the potential to add almost double that number but not in a way that gives priority to capacity being within walkable catchments or close to RTS's.

The Council's planners should be aware of a report published in 2021: The effect of upzoning on house prices and redevelopment premiums in Auckland, New Zealand by Ryan Greenaway-McGrevy (University of Auckland) and others.

It examined the short-run effects of a large-scale upzoning on house prices and redevelopment premiums in Auckland (under the Unitary Plan) and showed that the economic potential for site redevelopment is fundamental to understanding the impact of changes in land use regulations on property values. The report identified that house price appreciation has been *decreasing* in distance to downtown and *increasing* in building age. It isn't too much of a stretch to say owners of older houses are reaping the gains from higher rates of house price increase because of their location and relative scarcity of such sites that can't be intensified.

By contrast, if greater capacity is plan enabled in the walkable catchments in the city-fringe area, it would mean less risk of the MDRS zoning leading to a scattergun approach of medium density development across the isthmus and in the outer suburban areas, as well as dampen the inequitable path of house price increases favouring home owners in the Single Housing/special character areas.

3. The equity or fairness implications of the spatial distribution of plan enabled capacity

In the evolving development of Auckland during the WW11 period, many older houses in the inner city and city-fringe were demolished to make way for factories etc, not to mention the loss of such houses when the motorways went in later. The so-called special character areas experienced the brunt of change over several decades, and while it may have adversely affected former residents' sense of place in those areas, on balance it was accepted as a necessary consequence of population and economic growth in the urban area.

Now many of the older houses have been assessed as high quality based on their street frontage yet many have been renovated/extended with modern additions to the side and rear, that have no villa type characteristics. What you have are hybrid villas at best. Overall this is a weak basis for minimising intensification by pretending that special character or heritage is being conserved. Now many of those same households will reap the benefits of the CRL and other investment in transport infrastructure which will be mostly paid for by the further out ratepayers.

The gentrification of the old villas in parts of Auckland since the 1980s was associated with displacement of many Māori and Pasifika renting households to suburbs in the south and the west. Now it is their descendants who will experience a lot of the intensification and quite possibly face another era of displacement. Ironically the suburbs with houses that were considered superior in terms of their structural and building materials standards (with better insulation and durability than the villas) are now seen as the best ones to make way for the next wave of Auckland's growth. This is a double standard of the worst kind. The council should more honestly consider the distributional impacts of its approach to the NPS-UD and MDRS on housing accessibility and home owner-ship across socioeconomic groups.

4. the Light Rail Area under investigation

The "Light Rail Area to be investigated" shown on the planning maps has been applied as a constraint on proposing any zoning changes at this time. There is sufficient certainty about the CRL opening in 2025 to suggest the council should make appropriate changes now to be zoning for greater density, at least for areas associated with CRL stations and walkable catchments around town centres and main bus corridors (e.g. Sandringham, Kingsland, Mt. Eden, Eden Terrace). When and if plans for a light rail system become clearer, the council could make further changes to zoning as a separate plan change exercise.

However, given the excessive application of the protection of Special Character areas the Council cannot credibly signal this is its intent for the Single House Zoned sites affected. Based on PC78 as notified it would similarly encourage intensification on Business Zoned sites and have similar outcomes as noted above of undermining the attributes of the centres that attracts people to live there in the first place.

The reason for my or our views are:
Accompanying submission paper will be sent separately

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Upzone all residential special character sites within walkable catchments to either the High density (THAB Zone) or the Mixed Housing Urban Zone

Submission date: 28 September 2022

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.

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Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 8:46 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Emma Dixon

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Emma Dixon

Organisation name:

Agent's full name:

Email address: cowie.ea@gmail.com

Contact phone number:

Postal address:

Auckland 0600

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Residential - Low Density Residential (LDR) Zone
Special character areas
Significant infrastructure constraints (Mount Eden)

Property address:

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

1223.1
1223.2

The reason for my or our views are:
Residential - Low Density Residential (LDR) Zone and special character areas: do not support - these provisions mean that wealthy inner suburbs will not be developed, leading to urban sprawl and worse climate and environmental outcomes, as well as continuing to lock people out of the housing market. The houses in these areas are not heritage, many of them are modernised or poor quality. I support more density in inner suburbs close to public transport to provide affordable homes that support low emissions lifestyles.

Significant infrastructure constraints - Mount Eden: do not support. This is a very large area with low density and low quality housing, and I do not believe that this entire area is subject to genuine stormwater constraints that could not be resolved, especially as other areas such as Drury and Kumeū have similar or worse constraints but have not been identified.

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 29 September 2022

Attend a hearing

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

Declaration

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

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

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

No

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

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Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 10:45 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Anna Jones

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Anna Jones

Organisation name:

Agent's full name:

Email address: annajones03@hotmail.com

Contact phone number:

Postal address:

Grey Lynn
Grey Lynn 1021

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Proposed Plan Change 78 as it affects the Auckland suburb of Grey Lynn

Property address:

Map or maps:

Other provisions:
I oppose the walkable catchment of 1200 metres from the edge of the City Centre zone.
I oppose the 400 metre area of intensification adjacent to the Ponsonby Town Centre.
I oppose the 200 metre area of intensification adjacent to the Grey Lynn Local Centre.
I oppose the removal of the special character overlay from the houses 73, 75, 77, 79, 81 and 83 Dryden Street, Grey Lynn

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:
In summary I seek the following decisions in amending Plan Change 78:
1. Reduce the City Centre walkable catchment to a maximum of 800 meters as walked, that is

1228.1

that this measurement is applied to actual walkways not applied as a blanket, with a graduated allowance that takes account of topography. 1228.1
2. Reduce the Ponsonby Road adjoining area for intensification to 200 meters measured from the edge of Ponsonby Road. 1228.2
3. Reclassify the Grey Lynn Local Centre as a small local centre. 1228.3
4. Delete the intensification within 200 meters of the Grey Lynn Local Centre. 1228.4
5. Reinstate the special character overlay over numbers 73, 75, 77, 79, 81 and 83 Dryden Street, Grey Lynn. 1228.5
6. Retain residential and business Special Character as a Qualifying Matter. 1228.6
7. We ask that Council commit to undertaking a survey and special character assessment of areas not already covered by the Special Character overlay and add qualifying areas to the special character overlay. 1228.7 1228.8
8. Retain infrastructural constraints as a qualifying matter. 1228.9

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

Submission date: 29 September 2022

Attend a hearing

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

Declaration

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

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

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

No

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

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Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 11:01 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Melia Development Ltd
Attachments: PC78 Submission - 20 Melia Place - Final.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Melia Development Ltd

Organisation name:

Agent's full name: Delilah McIntyre

Email address: delilah@civix.co.nz

Contact phone number: 0276502280

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Refer to attached

Property address: 20 Melia Place, Stanmore Bay

Map or maps:

Other provisions:
Refer to attached

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

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

Details of amendments: Refer to attached

Submission date: 29 September 2022

Supporting documents
PC78 Submission - 20 Melia Place - 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.

Yes

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

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Level 1, 87 Albert Street, Auckland
PO Box 5204 Wellesley St, Auckland 1141

Auckland Council
Attn: Plans and Policy

29 September 2022

Plan Change 78 Submission – 20 Melia Place, Stanmore Bay

To Whom it may concern,

On behalf of Melia Development Limited, we have prepared feedback on Plan Change 78 – Intensification (PC78), which gives effect to requirements of the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS). The details of the subject site and any relevant changes are detailed in **Table 1** below.

Table 1: Site details

Site Address	20 Melia Place Stanmore Bay 0932
Legal Description	LOT 2 DP 563936
Current Zoning	Residential - Single House Zone
Proposed Zoning under PC78	Residential - Mixed Housing Urban Zone
Qualifying Matters under PC78	Flood Plains Water and/or Wastewater Constraints Control
Summary of Relief Sought	Support the up-zoning, however do not support the natural hazards and infrastructure constraints to be included as Qualifying Matters.

An aerial image of the subject site and surrounds is shown below in **Figure 1**.

Figure 1: Aerial image of the site and surrounds from Council Geomaps

Our comments on the relevant provisions of PC78, as they affect the subject site, are detailed below.

MHU zoning and MDRS standards

We are supportive of the proposed MHU zoning, as this enables more intensive development in an area that is under-serviced in terms of variety of housing options, particularly terraced typologies. The intensity of built form the new MDRS standards allow for is also a more efficient use of land. 1230.1

Qualifying Matter – SEA Overlay and Hazards

The Unitary Plan provides for specific natural features or hazards to be mapped in applicable locations, and the associated rules implemented accordingly. Within the mapped extent of the flood plains there are already sufficient protection provisions included in the AUP, but outside of the extent there is no requirement to consider them (ie: there are no rules restricting activities adjacent to an overlay, only within it). The rules within Chapter E36 require hazard assessments to be provided for new structures and dwellings within hazard areas and these rules are applicable regardless of the underlying zoning. This ensures that Council must be satisfied that new development can occur in a manner that is safe and would not increase hazards to surrounding properties or the wider environment.

Therefore, the inclusion of flood plains as a qualifying matter, which means that any development cannot utilise the MDRS standards with immediate legal effect, is not necessary. As such, it would be contrary to the MDRS / NPS-UD legislation to not give immediate effect to the MDRS standards at this site.

Relief sought:

- Remove natural hazards, in particular flood plains, as qualifying matters and instead rely on the existing rules within the AUP to manage intensification in these areas. 1230.2

Qualifying Matter – Infrastructure Capacity

The site has been identified within the 'Infrastructure Capacity' control under PC78 due to water and/or wastewater infrastructure constraints. We disagree with infrastructure capacity being a qualifying matter.

While we acknowledge that areas of Auckland do have substandard infrastructure networks, this should not prevent upzoning and intensification. Typically, there are a number of different approaches for dealing with infrastructure constraints, including localised upgrades to more comprehensive infrastructure funding agreements, or on-site solutions such as soakage or mitigation tanks. It is also common for developers to fund infrastructure upgrades to enable development and this is frequently factored into budgets and decision making.

An example of a more suitable approach is the Mount Roskill / Owairaka area, which when initially developed in the 1960s / 1970s had a basic infrastructure network that was not suitable for intensification. Under the initial Unitary Plan development process, much of this area was upzoned to enable higher density housing, with Mixed Housing Urban (MHU) and Terrace Housing and Apartment Building (THAB) zoning being applied. Infrastructure in this area has been progressively upgraded to cope with the intensification and has been constructed by Piritahi, often in collaboration with private developers. In this process, the upzoning came first, which enabled certainty for infrastructure upgrades to be funded and constructed, and now the area is being progressively redeveloped with medium and higher density housing. We consider this to be a far more appropriate approach to the upzoning requirements of the MDRS and NPS-UD than is currently proposed.

Relief sought:

- Remove the Infrastructure Capacity control and enable the MDRS standards to have immediate legal effect. 1230.3

Kind Regards.

Delilah McIntyre
Civix Limited – Planning, Engineering and Surveying
027 650 2280
delilah@civix.co.nz

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 11:16 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Adrian Percival
Attachments: 97 Eversleigh Road - PC78 Submission.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Adrian Percival

Organisation name: Percival Family Trust

Agent's full name:

Email address: adrianpercival@gmail.com

Contact phone number: 021 229 4005

Postal address:
97 Eversleigh Road
Belmont
Auckland 0622

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Qualifying Matter - Coastal Erosion
Qualifying Matter - Coastal Inundation

1233.1
1233.2

Property address: 97 Eversleigh Rd, Belmont, Auckland

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 Attachment

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

1233.1

Details of amendments: Remove Qualifying Matters from this property.

1233.2

Submission date: 29 September 2022

Supporting documents
97 Eversleigh Road - PC78 Submission.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.

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Auckland Council
Attn: Plans and Policy

29 September 2022

Plan Change 78 Submission – 97 Eversleigh Rd, Belmont, 0622

To Whom it may concern,

On behalf of Percival Family Trust, the landowners of No. 97 Eversleigh Road, Belmont, we have prepared feedback on Plan Change 78 – Intensification (PC78), which gives effect to requirements of the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS). The details of the subject site and any relevant changes are detailed in **Table 1** below.

Table 1: Site details

Site Address	97 Eversleigh Road, Belmont, 0622
Legal Description	Lot 2 DP 60538
Proposed Zoning under PC78	Residential - Mixed Housing Urban Zone
Qualifying Matters under PC78	Coastal Erosion, Coastal Inundation
Summary of Relief Sought	Remove Identified Qualifying Matters

An aerial image of the subject site and surrounds is shown below in **Figure 1**.

Figure 1: Aerial image of the site and surrounds from Council Geomaps

Our comments on the relevant provisions of PC78, as they affect the subject site, are detailed below.

Qualifying Matter – Coastal Erosion and Coastal Inundation

We do not support the tagging of this site with qualifying matters due to the presence of the Coastal hazards, as this is not consistent with the existing approach under the Unitary Plan.

The Unitary Plan provides for specific natural hazards to be mapped in applicable locations, and the associated rules implemented accordingly. Within the mapped extent of the coastal erosion hazard areaz, there are already sufficient protection provisions included in the Auckland-wide provisions of the AUP, but outside of the extent there is no requirement to consider them (ie: there are no rules restricting activities adjacent to an overlay, only within it). The rules within Chapter E36 require specialist hazard assessments to undertaken where new structures and/or dwellings are proposed within hazard areas, and these rules are applicable regardless of the underlying zoning. This ensures that Council can fully assess the hazard, and must be satisfied that new development can occur in a manner that is safe and would not increase risk to surrounding properties or the wider environment.

Relief sought:

- Remove the coastal erosion hazard area as a qualifying matter and instead rely on the existing rules within Chapter E36 of the AUP to manage intensification on this site; and

Summary

Given the above, we do not consider that the coastal erosion or coastal inundation controls have been appropriately applied to No. 97 Eversleigh Road, Belmont.

Kind Regards.

ADRIAN PERCIVAL

TRUSTEE OF THE PERCIVAL FAMILY TRUST

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 10:46 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Simon William Pervan
Attachments: Submission re NPS-UD_20220929104217.681.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Simon William Pervan

Organisation name:

Agent's full name:

Email address: simonpervan@xtra.co.nz

Contact phone number:

Postal address:
4 Ferner Avenue
Mt Albert
Auckland 1025

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address: Ferner Avenue, Stillwell Rd, Summit Drive, Allendale Rd, Kitenui ave, Alberton ave

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:
I/We support the options/opinions in the the attached doc

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: See attached file - Submission re NPS-UD

Submission date: 29 September 2022

Supporting documents
Submission re NPS-UD_20220929104217.681.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.

Yes

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

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Submission on Plan Change 78

Simon William Pervan

Email: simonpervan@xtra.co.nz

Mob: 021 881 861

Introduction

This submission is in relation to the proposed walkable catchment surrounding the Mt Albert and Baldwin Ave train stations ("Mt Albert/Baldwin Ave walkable catchment"), and the re-zoning of most of that catchment as Residential – Terrace Housing and Apartment Building Zone. It also addresses the two special character areas caught within that catchment, being Special Character Area: Residential: Isthmus B – Mount Albert, and Special Character Area: Residential: Isthmus C – Mount Albert, referred to respectively as "Owairaka West" and "Owairaka" in the Council's documentation.

Carrington residential development

I want to begin by setting out the broader context in which the changes proposed by the Council in response to the NPS-UD are taking place, specifically in relation to the development of the Unitec site just across Carrington Road from the walkable catchment's western boundary.

On 5 March 2018 Cabinet resolved to purchase 29.3 hectares of Unitec's land for state housing purposes (see Cabinet Minute CAB-18-MIN-0077). A further minute of the Cabinet Economic Development Committee dated 20 March 2019 (DEV-19-MIN-0041) recorded that a Reference Plan had been jointly developed between the Crown and Nga Mana Whenua o Tamaki Makaurau, providing for the residential development of between 2,500 and 4000+ dwellings.

That document, *A Reference Masterplan and Strategic Framework* ("Reference Masterplan"), sets out in broad detail proposals for the development of the ex-Unitec site, which comprise, firstly, an AUP compliant scheme; secondly, an alternative scheme adding one further building and some areas of non-compliance with AUP height controls; and a third scheme incorporating a proposed purchase of the Taylor's laundry site from Norak Properties Limited and the purchase from Unitec of further land on the southern border of the land, identified as blocks F & B.

The Taylor's laundry site has since been transferred to the Crown, and the F & B blocks are fenced off with a "keep out" sign erected by John Fillmore Contracting, so it seems that both blocks have now been sold to the Crown and that the third plan applies.

The first plan provided for 2,504 housing units, the alternative plan (with some non-complying heights) would create 3,000+ housing units, and the third and apparently adopted plan, if incorporating the alternative plan, would create 4,500+ housing units, with a carparking total of (at least) 3,698 carparks.

Clearly, the Carrington residential development, as it is now referred to, will be one of the most ambitious residential developments ever seen in New Zealand, comprising over 60 buildings, most of them at least 8 storeys high. And it is now under way: demolition works have begun in the north of the site, as well as some apparent decommissioning of the Taylor's laundry site.

Carrington development's effect on roads

What does this mean for the Mt Albert /Baldwin Ave catchment area, the surrounding area generally, and most significantly, for both local transport and access to nearby motorways?

The Reference Masterplan talks a lot about buses, bikes and trains, but is noticeably silent when it comes to the effect of the Carrington development on motorised transport on the affected roads; in particular, the roads surrounding and crossing the walkable catchment, being Carrington Rd, Woodward Ave, St Lukes Road, New North Road, Mt Albert Road, and Richardson Road. These are all arterial roads essential to the movement of people and goods to, across, and away from the entire western side of the Auckland isthmus, as well as to and from the motorways serving and surrounding that area.

It is clear that just to build the planned Carrington development will involve hundreds of thousands (if not millions) of truck and other commercial vehicle movements, as earthworks contractors, builders, drainlayers, plumbers, electricians, and members of every other construction trade swarm across the site – for years on end. Following final completion, projected to be 15 years away, the members of a projected 4,500 plus households, many in their 3,698 cars, will be coming to and from this huge housing development – all via Carrington Road and then via the other roads referred to above.

If they can.

Traffic issues, productivity, and safety in emergency

I say "if they can", because the traffic situation in this area is already a serious threat to productivity, especially since Auckland Transport in their wisdom reduced both Carrington Rd and Mt Albert Rd at the New North Rd intersection from two lanes to one, in order to provide bike lanes. This intersection was already busy, as it forms part of a major east-west route, but by strangling it in this way AT has effectively rendered it non-functional – vehicles can wait through five or more traffic light sequences before getting through.

However, even if the two lanes each way were to be reinstated, it appears that this will be nowhere near enough to accommodate the motorised traffic to be expected from the Carrington residential development, in addition to existing local traffic and traffic from further afield looking to access the NW and SW motorways in particular.

If heading south from the Carrington development, the only alternatives to the Carrington Rd/New North Rd intersection are Woodward Ave (to the right), itself compromised by a level crossing (and the prospect of more frequent trains!), or a rat run to the left, through the side streets of the walkable catchment, which will eventually take you to St Lukes Road, either via Asquith Ave (over two level crossings) or Linwood Ave. But these manoeuvres are likely to be of no avail, as with the extra traffic generated by the Carrington development, it's likely that this whole area will become gridlocked.

On the other side of New North Rd, several streets, including Allendale Rd, Stilwell Rd, Summit Drive, Ferner Ave, Kitenui Ave and Alberton Ave are currently used as rat runs to avoid the snarl up at the New North Rd, Carrington Rd, Mt Albert Rd lights, and this will just get worse, radiating further and further from the source of the problem - being the traffic generated by the Carrington development. These streets are relatively narrow, and Kitenui Ave and Alberton Ave are seriously clogged before and after school, so, with cars parked on both sides, all these streets are reduced to one-way traffic, creating further build ups.

Apart from a greatly increased threat to productivity, the traffic which can be expected to be generated by the Carrington development is likely to put property and lives at risk, as emergency services struggle to find a route through gridlocked streets.

Relationship to the NPS-UD

What does all this mean for the NPS-UD?

What it means is that I believe the Council is in the position of being able to say that it is unable to comply with Policy 3(c) of the NPS-UD in relation to a notional Mt Albert/Baldwin Ave walkable catchment, because the Carrington development - instigated by central government - has swallowed up all the available transport infrastructure in the area, leaving none for any development under the NPS-UD. 1234.1

In fact, any further development would clearly exacerbate the problem, including increasing the danger of emergency services being unable to gain access.

Because of the transport issues affecting all of the land in the walkable catchment, there is insufficient "development capacity" to carry out the requirements of the NPS-UD (although there may well be sufficient development capacity for other parts of the city, including other walkable catchments).

Development capacity is defined in the NPS-UD as follows:

development capacity *means the capacity of land to be developed for housing or for business use, based on:*

(a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
(b) the provision of adequate development infrastructure to support the development of land for housing or business use

Development infrastructure in its turn is defined as follows:

development infrastructure *means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):*

(a) network infrastructure for water supply, wastewater, or stormwater

(b) land transport (as defined in section 5 of the Land Transport Management Act 2003)

By clause 3.2 of the NPS-UD the Council is required to provide at least sufficient development capacity in its region or district to meet the expected demand for housing, provided that in order to be "sufficient" the development capacity must, amongst other things, be "infrastructure ready".

Clause 3.4(3) clarifies the meaning of "infrastructure ready" (N.B. incorrect subclause numbering is in original):

*(3) Development capacity is **infrastructure-ready** if:*

(d) in relation to the short term, there is adequate existing development infrastructure to support the development of the land

(e) in relation to the medium term, either paragraph (a) applies, or funding for adequate development infrastructure to support development of the land is identified in a long-term plan

(f) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

Given the imminent effects of the Carrington development it does not appear that the Mt Albert/Baldwin Ave walkable catchment is infrastructure-ready, or ever can be, which means that the Council is unable to satisfy clause 3.5:

3.5 Availability of additional infrastructure

(1) Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

In addition, the objectives and policies in clauses 2.1 and 2.2 of the NPS-UD are relevant. Most fundamentally, it appears that because of the serious transport issues outlined above, the walkable catchment may not be a "well-functioning urban environment" in terms of Policy 1:

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

(a)

(b)

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;

Furthermore, due to the serious transport limitations faced by the Mt Albert/Baldwin Ave walkable catchment, and the consequent non-satisfaction of Policy 1, Objective 1 does not seem to be satisfied either, at least for this walkable catchment:

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

In fact, the importance of effectively functioning transport links is emphasised in an unrelated section of the NPS-UD dealing with plan changes (clause 3.8(2)), which provides (bold added):

(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:

(a) would contribute to a well-functioning urban environment; and

(b) ***is well-connected along transport corridors****; and*

(c) meets the criteria set under subclause (3).

In summary, Subpart 2 of the NPS-UD, and specifically clause 3.2 of that Subpart, requires the Council to provide sufficient development capacity for housing, which includes, pursuant to clause 3.4(3), "adequate existing development infrastructure to support the development of the land".

Development infrastructure includes council-controlled land transport, "land transport" being defined in section 5 of the Land Transport Management Act 2003 as meaning, so far as relevant:

"transport on land by any means" and "the infrastructure, goods, and services facilitating that transport".

It appears clear then that the Council is unable to provide such adequate land transport infrastructure, because if the Carrington residential development goes ahead (as seems certain) the Mt Albert/Baldwin Ave walkable catchment faces serious and apparently unsolvable transport difficulties. Rather ironically, it is central government that has created this problem (through the instigation of the Carrington residential development), and it is central government that now wants the Council to promote intensive development of the very land that the government has left with potentially unmanageable transport problems.

In summary, in my submission the Council is unable to comply with the objectives, policies, and specific requirements of the NPS-UD (including clauses 3.2(b) and 3.5) in relation to the Mt Albert/Baldwin Ave walkable catchment, on the basis that the Council cannot guarantee provision of the required development infrastructure (relating to transport) for the development of the land**.** The change in zoning affecting this area should therefore be rescinded and the Special Character overlays reinstated.

1234.2
1234.3

In relation to the inability of motorists to utilise the local roads effectively if the walkable catchment is subject to intensification, I believe the Council will need to treat this issue as a qualifying matter under Policy 4 and clause 3.32(1)(h) of the NPS-UD, which means that clause 3.33(3) will apply. However, in this case it is suggested that because <u>every</u> property in the walkable catchment will be affected by the same traffic disruption, the site specific analysis could simply identify all sites within that catchment.

As a further consideration, I have suggested above that access to the motorway system will be detrimentally affected by the Carrington development, and this would activate clause 3.32(1)(c) of the NPS-UD, which provides:

3.32 Qualifying matters

(1) In this National Policy Statement, qualifying matter means any of the following:

(a)

(b)

(c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure

As far as relevant:

nationally significant infrastructure *means all of the following:*

(a) State highways

So, on the basis that the efficient operation of the motorway system depends on traffic being able to access it without undue delays, the Council should be able to argue that the congestion expected to be caused to Mt Albert Rd and Carrington Rd (providing access to the NW motorway at Pt Chevalier); Woodward Rd and Richardson Rd (providing access to the SW motorway at Maioro St); and St Lukes Rd (providing access at Western Springs to the NW motorway, southern motorway and SW

motorway through the tunnel) will affect the efficient operation of the motorway system. In fact, the motorway on-ramps at Maioro St and Western Springs are already seriously congested on weekday mornings, with long wait times.

Because of the positive way clause 3.32(1)(c) is worded, the qualifying matter in this case would be something like "unhindered access to the motorway system", the lack of which could justify a reduction in, or even elimination of, intensification within the catchment. And because safe or efficient operation of the motorways is specifically noted in the NPS-UD as a qualifying matter, there would be no need to go through the clause 3.32(1)(h) site specific process to justify the identification of detrimental effects on the efficiency of the state highway system as effects which negate that qualifying matter. 1234.4

Such detrimental effects in my submission are likely to be serious enough to cause the Council to look carefully at any future proposals for intensification in the remainder of the catchment, and at the very least to justify the complete retention of the current Special Character Areas affecting properties both within and adjacent to the walkable catchment.

ADDENDUM

In researching the issues addressed in this submission I wanted to see the extent of intensive development already taking place in the Mt Albert/Baldwin Ave walkable catchment. I have set out my findings in the table below. (N.B. not having access to the sites, there is an element of conjecture in some of the findings).

The table shows that numerous multi-unit developments are and have been proceeding in the catchment, indicating that intensification is alive and well in the Mt Albert/Baldwin Ave walkable catchment - under the AUP.

Address	Type	Height	No of units	Comments
25 Lloyd Ave	Terrace houses	3 storey	10	Relatively new
Cnr Lloyd/New Nth	Apartments	6 storey	Multiple	Under construction
Cnr Asquith/New Nth	Apartments	6 storey?	Multiple	Under construction
Cnr Asquith/New Nth	Apartments	6 storey	Multiple	Recently completed
8 Knight Ave	Town houses	3 storey	7	
Cnr Burch/Asquith	Terrace houses	2 storey	Multiple	Large Kainga Ora development. First 2 stages completed
13-17 Martin Ave, Leone Tce, Margaret Ave	Terrace Houses	2-3 storey	20+	On former state house land
Cnr Seaview & Grant	Terrace Houses	3-storey	6	Recently completed
31 Fontenoy St	Houses	2-3 storey	8?	Under construction (Kainga Ora)
17-19 Segar Ave	Apartments	3 storey	18	
26 Rawalpindi	Houses	2 storey	8?	Under construction (Kainga Ora)
13-17 Rawalpindi	Apartments	3 storey	24	Kainga Ora
9 Rawalpindi	Apartments	-	10	"York Apartments" Completed but apparently unoccupied
5 Norrie Ave	Terrace houses	2 storey	8?	Under construction
10-12B Willcott St	Terrace Houses	3 storey	23	Newly constructed
Cnr Jersey Ave & Jennings St	Town houses	2 storey	12	
2-10 Laurel St				Large vacant lot ready for development
5-15 Renton Rd				Large development site, last state house currently being demolished
22 Mark Rd	Town houses	2 storey town houses	6?	Under construction
59 Woodward Ave	Apartments	4 storeys	24?	Under construction Kainga Ora

Address	Type	Height	No of units	Comments
Carrington Rd				Large construction site, slab currently being poured
1084-1096 New Nth				Very large construction site, nothing above ground yet
1118-1120 New Nth	Apartments	3-storey	12?	Under construction
1134 New Nth	Apartments	3-storey	6	Under construction
1129-1131	Apartments	3-storey	12	

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Graham Dick
ADDRESS OF SUBMITTER	870 Woodcocks Rd, Warkworth Auckland
TELEPHONE	021801155
EMAIL	graham_dick@xtra.co.nz

SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

The will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.

4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

a. It mainly has designer clothing stores, bars and restaurants.
b. Lacks employment opportunities.
c. Has very little in the way of community services.
d. Is really just a long block of neighbourhood shops.
e. Lacks the potential to grow because of the 13m height restriction.
f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.

h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones.

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments** - The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal** - The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings** - Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal** - The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA** - The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone** - Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required** - The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan** - The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice** - The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices** - Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative zone arrangements accepting that previous MHS zoned areas will become MHU zone.

11. **Road Network Constraints** - There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas** – PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure.

13. **Abandoning Amenity Controls in MHU Zone** - The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities.

14. **Minimum Lot Size in THAB Zone** – Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone.

15. **Summary** - Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1. Reduce the Central City Zone walkable catchment to 800 metres. 1243.1

2. Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission. 1243.2 1243.3

3. Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria. 1243.4

4. Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere. 1243.5

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 1243.6

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 1243.7

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter.....

Date: ...29 September 2022.....

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 2:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Martin Bryder Clark-Dow

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Martin Bryder Clark-Dow

Organisation name:

Agent's full name:

Email address: martybcd@gmail.com

Contact phone number:

Postal address:
3/7 Norrie Ave
Mt Albert
Auckland 1025

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:
General rezoning and loss of Special Character Areas

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

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

The reason for my or our views are:
I do not support the Auckland Unitary Plan changes in its vast reduction of Special Character Areas across Auckland as a whole. These important areas contribute strongly to the character and historical understanding of Auckland, and removing protection for entire neighbourhoods encourages developing over Auckland's already diminishing built history. For such developments within excluded Special Character Areas, a lack of engagement with Auckland Council (specifically their Heritage Team) will likely lead to careless, unsympathetic and rushed design that may have a detrimental impact on Auckland's remaining built character.

Having recently graduated from Auckland University's Architecture School I understand the desire and positive impact of higher density housing, however it must not come at the cost of Auckland's character or functionality.

I've lived in Auckland my whole life and have a great desire to see its future evolution taken care of by designers, not developers. To this end, there must be a level of design consultation within Auckland Council that ensures a continuity of the city's character. This doesn't necessarily apply to every proposed building, but areas we have currently designated as Special Character should be retained as much as possible. There needs to be an intermediate step between rezoning a Single House Zone with a Special Character Overlay to a Terrace and Apartment Zone, effectively losing all protection and affecting neighbouring SCA's around them.

As democratically elected officials, Auckland Council have a responsibility to Aucklanders to slow down this process of extreme change and ensure Auckland is ready for such vast developments (infrastructure, transport, environment, heritage all considered). Auckland Council have a responsibility to stand up to Central Government's instructions and say their plan cannot be applied across the board without specific consideration on a case-by-case basis.

Even an Australian architectural practice - in designing Eden Park - saw the advantage of taking the surrounding context of villa features as precedent for the stadium design. It may or may not have worked, but at least they tried.

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

1249.1
1249.2
1249.3

Submission date: 29 September 2022

Attend a hearing

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

Declaration

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

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

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

No

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

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Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Chris Arbuckle
Attachments: Submission on PC78 - Crown Mutual and State Advances.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Chris Arbuckle

Organisation name: Crown Mutual Limited and State Advances Corporation Limited

Agent's full name: Anthony Blomfield

Email address: ablomfield@bentley.co.nz

Contact phone number: 0211339309

Postal address:
PO Box 4492
Shortland Street
Auckland 1140

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Refer to submission

Property address: Refer to submission

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: Approve the plan change with the amendments I requested

Details of amendments: Refer to submission

Submission date: 29 September 2022

Supporting documents
Submission on PC78 - Crown Mutual and State Advances.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.

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SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

From: **Crown Mutual Limited and State Advances Corporation Limited**

Address: **C/- Bentley & Co Limited**
PO Box 4492,
Shortland Street
Auckland 1140
Attn: Anthony Blomfield

To: **Auckland Council**

Address: **Private Bag 92300, Auckland 1142**

Submission on: **Plan Change 78 – Intensification**

Introduction

1. Crown Mutual Limited and State Advances Corporation Limited (together, the "**Companies**") own the contiguous properties at 53, 55, 57-65, 67-73 and 77 Hurstmere Road, Takapuna (collectively referred to as "**the Properties**"). The Properties are identified in **Attachment 1**.

2. The Properties are a combination of single-frontage sites adjoining Hurstmere Road, and dual-frontage sites which extend east to The Strand. The Properties are occupied by commercial buildings, with a combination of ground-level retail activities fronting Hurstmere Road, and commercial activities above the ground level. At 67-73 and 77 Hurstmere Road, a single-level building with food and beverage activities is located at the frontage with The Strand. The Properties are otherwise occupied by connected at-grade parking areas.

3. The Companies could not gain an advantage in trade competition through this submission.

Scope of submission

4. This submission is made by the Companies on Plan Change 78 – Intensification ("**PC78**") to the Auckland Unitary Plan ("**AUP**").

5. The specific matters/provisions of PC78 that the Companies' submission relates to are:

   (a) I540.6.1. Building height; and

   (b) I540.6.5. Through-site lane for site in Sub-precinct A.

The operative framework

6. Under the AUP, the Properties are zoned Business – Metropolitan Centre ("**Metropolitan zone**"), and located within the Takapuna 1 Precinct – Sub-precinct A.

7. The Metropolitan zone applies to centres with sub-regional catchments, and are identified as second only to the City Centre in terms of the overall scale and intensity of development and land use anticipated. The Metropolitan zone enables built forms up to a height of 72.5m (subject to standards which manage the overall bulk and form of development), while managing all new development to contribute to the quality of the streetscape, public spaces, and pedestrian amenity and safety.

8. The Takapuna 1 Precinct applies to all the Metropolitan zoned land in Takapuna. The description of the Takapuna 1 Precinct identifies that Takapuna benefits from a coastal setting, and that the built environment responds to this with human-scale building frontages along main shopping streets, and large towers set away from the coast. The purpose of the Takapuna 1 Precinct is to enable development at a variety of scales to manage the relationship of the built and natural (coastal) environment, and to support a quality built environment and the revitalisation of the beachfront.

9. The Takapuna 1 Precinct comprises four sub-precincts (A to D) which enable development at a variety of scales, which generally increases in height from east to west to respect the 'amphitheatre like' landform and coastal setting of Takapuna. The Takapuna 1 Precinct also contains other standards which shape the form of development. In summary, the standards of the Takapuna 1 Precinct provide for:

    (a) A variety of building height controls which include:
        i. 12.5-24.5m at the beachfront;
        ii. 36.5m generally along Lake Road; and
        iii. unlimited height within Sub-precinct C which corresponds to land located south-west of Lake Road (excluding the properties which adjoin Lake Road).

    (b) A requirement for buildings to be built to the frontage of a site, and a minimum and maximum height of frontage-adjoining buildings to create a podium form. In Sub-precinct A, the frontage of a building must have a minimum height of 2 storeys, and a maximum height of 4 storeys, above which a building must be setback from the boundary by 4m.

    (c) A standard which encourages the provision of through-site lanes, and which prescribes the design of through-site lanes.

10. Within Sub-precinct A, Standard I540.6.5 encourages the provision of a through-site lane within the Properties, within the portion of the land identified within Precinct Plan 2 which corresponds to the Properties owned by the Companies. The mechanism by which the through-site lane is encouraged is by providing for an additional storey of development within the Properties in addition to the permitted 24.5m built height standard, as a Permitted activity. The height opportunity is available exclusively for the Properties, and does not apply to any other land within Sub-precinct A.

Plan Change 78 – Intensification

11. The overarching objective of PC 78, as explained in the Section 32 Overall Evaluation Report, is to incorporate the Medium Density Residential Standards (as prescribed by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021), and to implement Policies 3 and 4 of the National Policy Statement on Urban Development 2020 ("**NPS-UD**").

12. Policy 3 of the NPS-UD states:

> ***Policy 3:*** *In relation to tier 1 urban environments, regional policy statements and district plans enable:*
> - *(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
> - *(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
> - *(c) building heights of at least 6 storeys within at least a walkable catchment of the following:*
>   - *(i) existing and planned rapid transit stops*
>   - *(ii) the edge of city centre zones*
>   - *(iii) the edge of metropolitan centre zones; and*
> - *(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

13. As it relates to the Takapuna 1 Precinct and the Properties, PC78 does not propose any changes to the relevant provisions. The extent to which the Takapuna 1 Precinct has been subject to review by the Council as part of the development of PC78 is limited to the brief consideration of whether the built height standard that applies to Sub-precinct D (which is less than 6 storeys) should be increased (which the Council has determined it should not be).

General submission

14. As stated above, Standard I540.6.5 provides for a 'bonus' storey of development within the Properties in exchange for the provision of a through-site lane which connects Hurstmere Road and The Strand. This additional storey of development is provided for by way of a permitted activity, such that the resultant height (some 27m) is achievable without a resource consent process or an assessment of the effects of the consequential 'infringement' to the height limit which is otherwise set at 24.5m by Standard I540.6.1. In this regard, the bonus height standard serves to incentivise a public benefit (a through-site lane), and does not seek to manage the scale of development in any form.

15. By way of comparison, the 'Floor Area Ratio' standards of the Business – City Centre Zone also seek to incentivise the provision of public amenities in exchange for additional development capacity. This mechanism applies a base limit to the amount of floor area which can be achieved

within a site, and provides an opportunity to exceed this base limit (up to a specific maximum limit) where specified amenities are provided for within a development.

16. As part of PC78, Council has proposed to remove all of the existing FAR standards that apply in the Business – City Centre Zone. The Council's section 32 assessment for the City Centre Zone provides an assessment of the context in which the City Centre Zone's FAR standards are currently being applied (or not), and why the removal of these standards is necessary. The relevant text from the Section 32 analysis follows.[1]

> *One of the primary controls for built form in the City Centre Zone is floor area ratio (FAR). This includes basic, bonus and maximum FARs (standards H8.6.10. – H8.6.21.) The purpose of FAR is to manage the scale of development in the city centre, and the purpose of bonus FAR is to encourage developments to be designed, contain activities or provide features that provide a benefit to the public.*
>
> *The bonus FAR system was introduced in the City of Auckland District Scheme - Second Review (Operative 1981), under the Town and Country Planning Act 1977 and rolled over into the AUP. It has achieved some notable benefits in the city centre over the years, but it does not sit well within our current planning system. This is because the Resource Management Act 1991 (RMA) is based on the principle of sustainable management and focuses on considering the effects of activities on the environment rather than just regulating the activities themselves.*
>
> *Because of their origin, the bonus FAR controls are not explicitly linked to the effects of development and include 'transferring' of additional floor space between sites and buildings. Under an RMA effects-based system, the adverse effect of that additional floor space is considered on the subject site, whether it has been transferred from another development site, or not. This means the additional floor space and height can be granted without the need to achieve the bonus outcomes on the donor site.*
>
> *This is exactly what was discussed in a resource consent decision by independent commissioners on behalf of the council in 2020 (BUN60341835: 74-80 Wellesley Street, Attachment B) which granted consent for a development that exceeded the maximum total floor area ratio. The decision noted that the bonus FAR framework is used to determine consent outcomes based on financial transactions unrelated to the subject site and the effects of development, and that this is not an acceptable reason to decline a resource consent application when the effects of the proposal are otherwise acceptable. This decision confirms that the use of the bonus system to assign additional development capacity is not in line with effects-based planning under the RMA.*
>
> *On its own, removal of the bonus FAR system may not have been within scope for the IPI. However, assessment was also done of the basic FAR and maximum total FAR standards, which restrict development capacity within the city centre. The recommended option is to*

[1] Proposed Plan Change 78 (PC 78) to the Auckland Unitary Plan (Operative in part), Section 32, section 77P, section 77Q and section 77R DRAFT EVALUATION REPORT for the implementation of NPS UD Policy 3(a) and providing for qualifying matters in the city centre, Auckland Council, no date, pages 40-41

remove both these standards, which would then require removal of the bonus FAR standards as a consequential change. Due to the 2020 decision, this consequential change has a minimal cost (as the standards were no longer being used) and a high benefit (in terms of simplifying the City Centre Zone provisions). The potential cost of losing the ability to incentivise public benefits is not applicable due to the 2020 decision.

There is a concern that removing these standards could also result in the loss of existing public amenities which have been provided through the bonus FAR standards. For example, through-site links and heritage/character conservation. This could potentially be avoided by some consequential changes in the chapter to protect existing public amenities. A new policy (H8.3.(32A)) is proposed to address this issue and provide guidance for resource consenting decisions if applications are made to vary conditions and remove amenities.

(Emphasis added in underline)

17. The disjunct between the incentivisation of the City Centre FAR standards and the effects-based framework of the Resource Management Act also exists in respect of the height standard that applies to the Properties. In this regard, the bonus height that is achievable within the Properties is available as a permitted activity (where a through-site lane is provided), and as such, the effects of development at such a height/scale are inherently anticipated by the Takapuna 1 Precinct, and are deemed to be appropriate. In the context of the effects-based method prescribed by the RMA, there is no appropriate means of declining a resource consent for a proposed development at a scale of between 24.5m and 27m, purely on the basis that a through-site lane is not provided.

18. In respect of the preparation of PC78, the Council's Section 32 evaluation[2] includes a brief assessment of the demand for housing and business activity within the Metropolitan Centres, and the capacity of each of these centres to accommodate this forecast growth. The assessment models the available floorspace within the Metropolitan Centres by assessing site dimensions and building height constraints. As the assessment relates to Takapuna,[3] no mention is made of what height limits have been assessed, including whether the development capacity enabled within the Properties is limited to 24.5m or 27m, noting that for Sub-precinct A there is no floor area ratio standard to otherwise limit the intensity of development.

19. However, Policy 3(b) of the NPS-UD requires "…*in all cases building heights of at least 6 storeys*". This is a minimum requirement, and is not to be treated as the most appropriate outcome, or even the basis for giving no further consideration for additional height in appropriate areas. In respect of the interpretation of this policy, the Council's Section 32 evaluation states:[4]

---

2 Proposed Plan Change 78 - Intensification (PC78): PC78 to the Auckland Unitary Plan (Operative in part): Section 32 Implementation of Policy 3 of the National Policy Statement – Urban Development: Evaluation Report, Auckland Council, no date.

3 PC 78: Section 32: North Precincts, Auckland Council, no date.

4 Above n 2, [6.7.1.2].

Where Policy 3 refers to "at least" six storeys this means that a minimum of six storeys must be enabled, but six storeys is not necessarily the maximum height – it could be higher (but not lower) than six storeys.

The MfE guidance states that six storeys "is the minimum and not a target and, in many cases, local authorities should enable higher than six storeys, especially where there is evidence higher buildings would be appropriate." The guidance notes that "this will depend on local circumstances and evidence."[47]

As explained in the s32 on development capacity and demand, there is a large surplus of development capacity in Auckland. Therefore, simply based on capacity there is no need to identify areas of more than six storeys. However, that is not to say that additional height in some areas may be appropriate for other reasons.

Due to the time constraints on the council in preparing PC78 (along with other related plan changes) no new areas within walkable catchments have been identified for additional height beyond six storeys. Existing Height Variation Controls that enable buildings beyond six storeys (i.e. 21m) remain unchanged. Further work is required to determine where heights of more than six storeys might be appropriate.

20. In the Companies' submission, for the same reasons that the Council has assessed the necessity to delete the FAR standards of the Business – City Centre Zone, it is appropriate and necessary that the Takapuna 1 Precinct provisions be amended to remove the requirement/incentive for a through-site lane to be provided within the Properties in order to achieve an additional storey of development.

21. With regards to the most appropriate height limit to apply to the Properties (in the context of Policy 3 of the NPS-UD), the operative provisions of the Takapuna 1 Precinct already enable development up to 24.5m plus one storey (in effect 27m). This is achievable as a permitted activity (where a through-site lane is provided). Therefore, there is no need to undertake further work to determine whether or not a total of 27m/8 storeys is appropriate for the Properties, as such an outcome is already enabled by the Takapuna 1 Precinct. In the Companies' submission, it is appropriate to enable development to a height of 27m for the Properties.

Reasons for its submission

22. The Companies oppose the retention of 'Standard I540.6.5 Through-site lane for site in Sub-precinct A', as this standard will not:

    (a) effectively implement the requirements of Policy 3(b) of the NPS-UD to enable building heights and density of urban form to reflect demand for housing and business use in those locations;

    (b) promote the sustainable management of resources, or achieve the purpose of the Resource Management Act 1991;

(c) enable the efficient use and intensification of the physical land resource, in a manner that will effectively contribute to the use of land within Metropolitan Centres to provide for the housing and business needs of the community;

(d) enable the social, economic and cultural well-being of the community; and

(e) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

Relief sought

23. The Companies seek the following relief:

(a) 'Standard I540.6.5 Through-site lane for site in Sub-precinct A' is deleted in its entirety; 1251.1 1251.2

(b) 'Standard I540.6.1 Building height' is amended to enable development within the Properties up to 27m; and

(c) Such alternative relief that addresses the issues raised in this submission.

24. The Companies wish to be heard in support of this submission.

25. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

CROWN MUTUAL LIMITED AND STATE ADVANCES CORPORATION LIMITED
by their planning and resource management consultants and authorised agents Bentley & Co. Ltd.

Date: 29 September 2022

Signature:

Anthony Blomfield
Resource Management Consultant

Address for Service: Anthony Blomfield
Bentley & Co Ltd
PO 4492 Shortland St
AUCKLAND 1140

Telephone: (09) 3095367
Email: ablomfield@bentley.co.nz

ATTACHMENT 1

ZAC STREET
110
12-14
16-18
106-108
95
6/95
26
20-24
102-104
87-91
28-30
96-100
85
90-94
77
37
80-88
67-73
HURSTMERE ROAD
78
62-78
Takapuna Beach
57-65
72A
62-78
55
56-60
53
THE STRAND
14
46
40
42-44
51
51
12
40
38
47
34
16

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Grant and Judy Frost

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Grant and Judy Frost

Organisation name:

Agent's full name:

Email address: frost-e@xtra.co.nz

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Plan Change 78

Property address:

Map or maps:

Other provisions:
We recognise the special character of Hillpark as it is and there is not a lot of this type of character in the wider South Auckland area. We appreciate the special character of the trees/bush/gardens in the area, along with the high number of mid-century homes that also add a lot to the character of the area. We also recognise the unique combination of natural and built environment, designed around the trees.

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:
While supporting the retention of the Special Character area of Hillpark as a qualifying matter, we also encourage Council to consider/recognise the ecological and landscape value of Hillpark.

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

Details of amendments: Also recognise the ecological and landscape value of Hillpark.

1256.1
1256.2
1256.3

Submission date: 29 September 2022

Attend a hearing

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

Declaration

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

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

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

No

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

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Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Bobby Gong
Attachments: Submission - 42A Farwood Drive (Avant).pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Bobby Gong

Organisation name:

Agent's full name: Tara Chemis C/- Avant Planning and Urban Design Ltd

Email address: tara@avantplanning.co.nz

Contact phone number: 0277770481

Postal address:
42A Farwood Drive
Henderson
Auckland 0612

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Zoning and Qualifying Matters

Property address: 42A Farwood Drive, Henderson 0612

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:
The neighbouring site has been upzoned which shares the same shared driveway

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

Details of amendments: Proposed zone change is to be LDRZ. However, neighbouring lots proposed are MHU. Applicant wishes to be upzoned to MHU zoning as well. Proposes also to have the QM removed.

Submission date: 29 September 2022

Supporting documents
Submission - 42A Farwood Drive (Avant).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.

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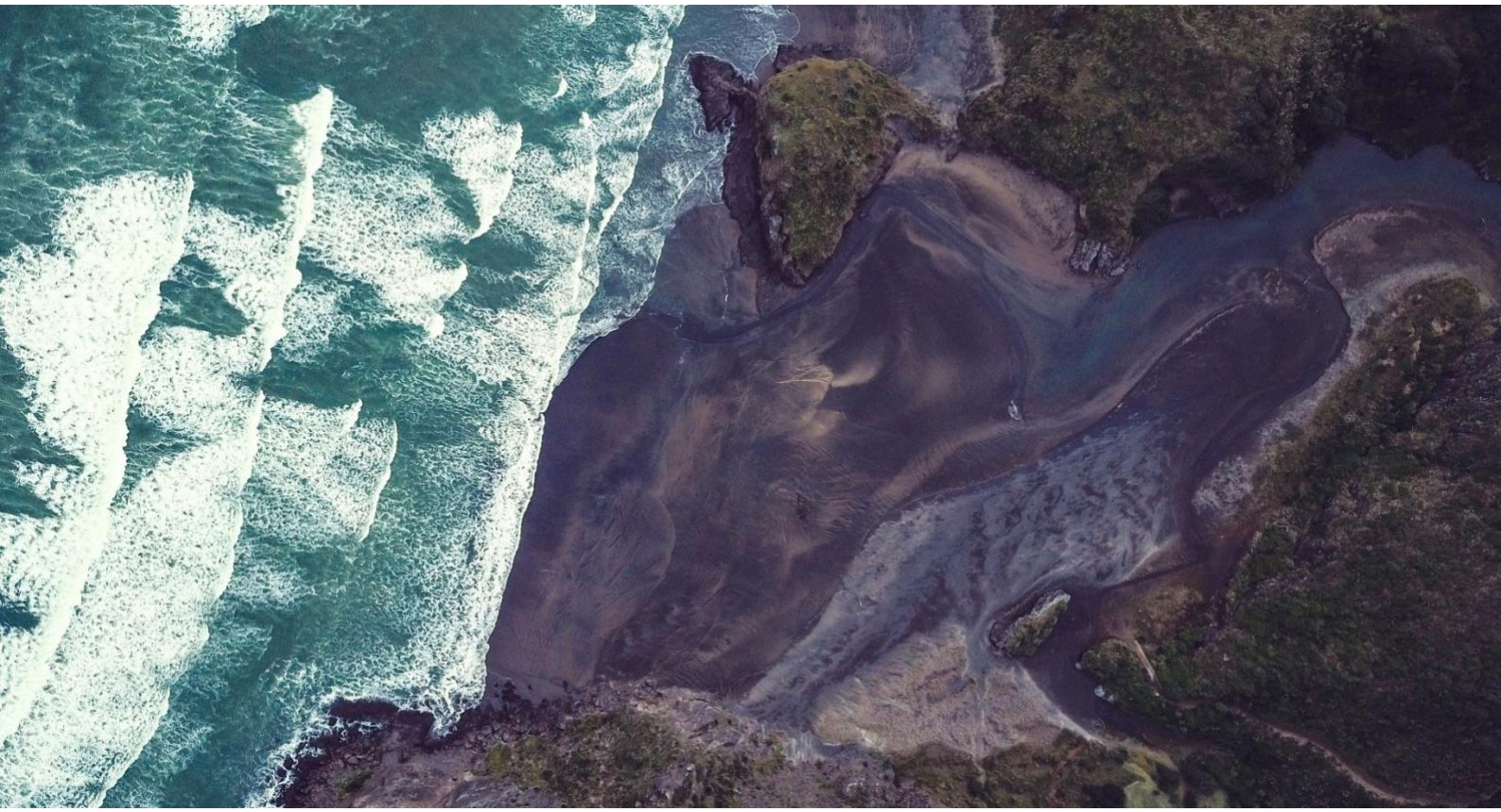
PLANNING | URBAN DESIGN

SUBMISSION IN RELATION TO Proposed Plan Change 78: Intensification



To: Auckland Council - Plans and Places
Private Bag 92300
Auckland 1142
Attention: Senior Policy Planner
Via email: unitaryplan@aucklandcouncil.govt.nz

Submitter: Bobby Gong

Address for Service: Avant Planning and Urban Design
224a Dominion Road
Mount Eden
Auckland 1024

Attention: Tara Chemis
Email: tara@avantplanning.co.nz

Date: **27 September 2022**

INTRODUCTION

1. The submitter is the owner of the 42A Farwood Drive, Henderson (subject site). This submission relates to this subject site.

Figure 1 - Aerial image of the subject site (Auckland Council Geomaps Viewer, September 2022).

2. The subject site is legally described as Lot 2 DP 403607 with a total site area of 625m².

3. The subject site is an irregular shaped site, located on the southern side of Farwood Drive

4. The site is located in an established residential neighbourhood.

5. The current zoning of this site under the Auckland Unitary Plan (Operative in part) ("AUP:OP") is Residential - Single House Zone.

6. The site is proposed to be rezoned Residential - Low Density Residential Zone ("LDRZ") under Proposed Plan Change 78: Intensification ("PC78").

7. Farwood Drive is a medium urban road under the AUP:OP.

8. The site is located near a range of Reserves, being zoned Open Space Informal Recreation and Sport and Active Zones. This includes; Bruce Mclaren Memorial Park, Landlow Reserve, Forest Hill Park, Corban Reserve, Starforth Reserve, and Henderson Valley Park.

9. The Sunnyvale train station is located within 1.5km. Public transport for the bus services are located along Forest Hill Road and Bruce McLaren Road (which are located at each end of Farwood Drive).

10. 600m to the north-east is Business zoning including Mixed Use and Light Industry along Bruce Mclaren Road, Railside Avenue and Henderson Valley Road.

11. The site is located outside a Walkable Catchment area.

12. The submitter opposes the specific provisions of PC78 listed below.

PLAN CHANGE 78 PROVISIONS

13. The specific provisions that this submission relates to are:

    a. Zoning of the site as Low Density Residential Zone.
    b. Water and/or Wastewater Constraints Control as a qualifying matter.

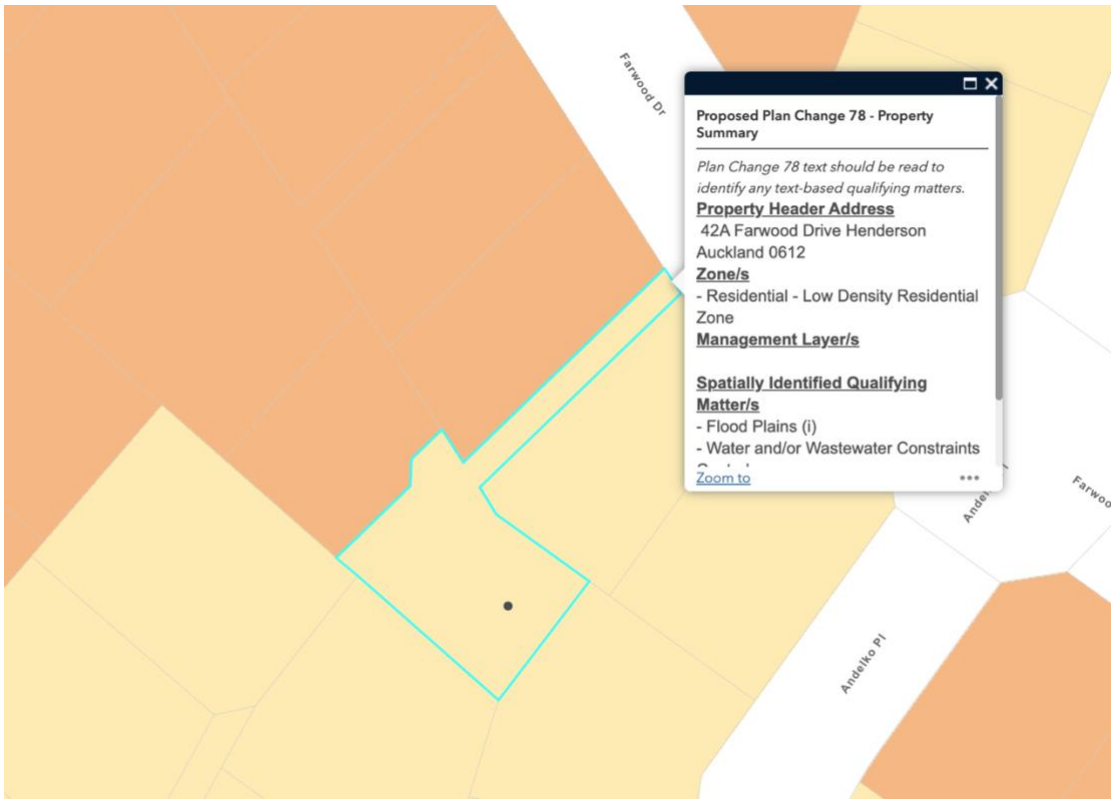


Figure 2 - The subject site is zoned Low Residential Density (Plan Change 78 map viewer, 18 August 2022)

REASONS FOR SUBMISSION

Zoning

14. The submitter opposes the subject site's proposed LDRZ.

15. Policy 4 of the National Policy Statement on Urban Development ("NPS-UD") 2020, updated May 2022, enables Tier 1 urban environments to modify the relevant building height or density requirements under Policy 3. Auckland is a Tier 1 urban environment.

16. However, this is only to the extent necessary to accommodate a qualifying matter in that area.

17. According to the S32 report for the management of significant risks from natural hazards – flooding includes the rezoning of specific identified sites based on access criterion.

18. This would modify the MDRS and Policy 3 requirements for specific sites based on ease of access during a flood event. This would focus on sites that cannot achieve safe egress during a flood event due to the presence of a floodplain at the site's access point or points.

19. In the case of this site there is a small flood plain (4000m^2 to 1ha), located through the site. The entrance of the vehicle crossing and driveway is located within a flood sensitive area. According to the current AUP definitions, this is not considered to be an overland flow path given its limited catchment.

20. The submitter queries the inconsistencies in the LDRZ approach and applying the LRZ to sites within the same suburb, especially for sites within the lowest points of the catchment with the greatest potential for flooding that have been upzoned.

21. Using the LDRZ to downzone properties with developable areas outside the flood plain unnecessarily reduces the housing capacity of the surrounding area and is not in keeping with the intensification outcomes of the NPS.

22. This approach is beyond the extent necessary to accommodate a qualifying matter in the area.

23. The suitability of a site's access during flood events should be included as a matter for consideration as part of an application for the redevelopment of the site, rather than the downzoning of a site and restricting the intensity of development that would otherwise be afforded to the site. This constraint can be addressed through engineering solutions, especially when there is no bearing on the built bulk and intensity of the associated residential activity.

24. The assessment of a site's accessibility during a flood event should be included as a matter of discretion/assessment criteria in the E36 rules rather than a reason for wholescale downzoning of properties where the developable areas of the sites are not actually subject to flooding.

25. It is noted the sites to the north of the subject site including no.42 Farwood, which shares the same driveway as no.42A Farwood have been upzoned to Residential - Mixed Housing Urban Zone ("MHUZ"). Thus, it should be assessed on a site specific basis.

26. This inconsistency in applying the LDRZ greatly reduces the ability for this part of Henderson to deliver in-demand housing, especially in an area with close proximity to business centres and employment areas.

27. This approach of restricting the development potential of a site based on a desktop-based assessment of its access is inappropriate and incongruous with the outcomes sought by the NPS-UD.

28. The upzoning of this site will enable more development and the ability to deliver more housing for the Auckland region.

Qualifying Matter

29. The Submitters oppose the Water and/or Wastewater Constraints Control as a qualifying matter.

30. Policy 4 of the National Policy Statement on Urban Development ("NPS-UD") 2020, updated May 2022, enables Tier 1 urban environments to modify the relevant building height or density requirements under Policy 3. Auckland is a Tier 1 urban environment.

31. However, this is only to the extent necessary to accommodate a qualifying matter in that area.

32. The council's preferred approach to this issue according to the S32 report for the management a constrained water supply or wastewater service is to retain and strengthen the qualifying matter.

33. The inclusion of this constraint as a qualifying matter restricts the development potential that can be realised on this site under the MDRS controls.

34. While the S32 report states that the *constraint is applied on a temporary basis and will be removed when the required infrastructure is available* it is noted in the constraints maps that a large majority of those infrastructure solutions will not be available until the early 2030s.

35. Given the delivery timeframes for these infrastructure solutions the use of planning instruments to constrain development is inappropriate. This does not in any way reduce the existing capacity shortfalls while waiting for the infrastructure solutions to be delivered. This precludes the further development of sites in the catchment while not providing measures to address existing capacity shortfalls.

36. Capacity constraints are a catchment-wide issue and should be addressed as such, rather than primarily focusing on precluding new development.

37. The submitters oppose the use of resource management/planning instruments to address capacity issues in a utility operator's network. This is ultra vires and does not address existing capacity shortfalls within the network.

38. The submitters oppose the use of resource management/planning instruments to address capacity issues in a utility operator's network. This is ultra vires and does not address existing capacity shortfalls within the network. Any concerns about existing network capacity should be addressed through measures applying across the catchment rather than curtailing any further development in the interim.

39. Any network capacity issues should be managed through catchment management operations. It is evident from the S32 report, and the mapping undertaken that the network utility operators are aware of the scale and extent of the capacity shortfalls within their network.

40. The individual network operators can easily address capacity burden for new development by requiring the installation of water-saving devices and features, as well as using technology and innovative solutions. This can easily be implemented on a catchment-by-catchment basis.

41. The network utility operators should focus on reducing existing network capacity issues with targeted measures. This will reduce inefficiencies within the network and free up additional capacity for development.

42. Any new development will be more water efficient through the use of newer, advanced building materials and the installation of more efficient devices.

43. It is highly unlikely that new development will create additional network burden that are disproportionately higher than any gains made through targeted measures for existing

development.

44. Constraining further development through planning instruments is an inappropriate mechanism and absolves network utility operators of their responsibilities for reducing existing network capacity burden. This is even more so when the network utility operators have a timeframe for when capacity will be increased within the network.

45. Any measures should be targeted and implemented for all users within the catchment rather than bluntly curtailing the development potential of sites, especially when new development will demonstrably be more water efficient.

46. This is incongruous with the outcomes sought by the NPS-UD.

47. This is also not in keeping with the sustainable management principle of the RMA.

RELIEF SOUGHT

48. Amend the zoning of the site to Residential - Mixed Housing Urban Zone. 1258.1

49. Amend the E36 provisions to include the assessment of a site's access point or points within a flood plain . 1258.2

50. Delete the Water and/or Wastewater Constraints Control as a qualifying matter. 1258.3

51. In addition to the specific relief sought above, the Submitter seeks any such alternative, consequential, or further relief that may be required to give effect to this submission.

CONCLUSION

52. The submitter wishes to be heard in relation to their submission. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

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

Signed on behalf of the Submitter

Tara Chemis
Planning Consultant

Ginny Taare

From: Mike Yu <mike@avantplanning.co.nz>
Sent: Thursday, 29 September 2022 1:25 pm
To: Unitary Plan
Cc: Tara Chemis; Gyanendra Datt; bobby.gong@cerry.co.nz
Subject: Submission - PC78: Intensification
Attachments: Submission - 42A Farwood Drive Avant.pdf

Good morning,

Please see the attached submission for the above plan change.

If you have any further queries please do not hesitate to contact me.

Thanks

Mike

Mike Yu

AVANT
PLANNING | URBAN DESIGN

M 022 340 2957 | E mike@avantplanning.co.nz

W www.avantplanning.co.nz

A 224a Dominion Road, Mount Eden, Auckland 1024

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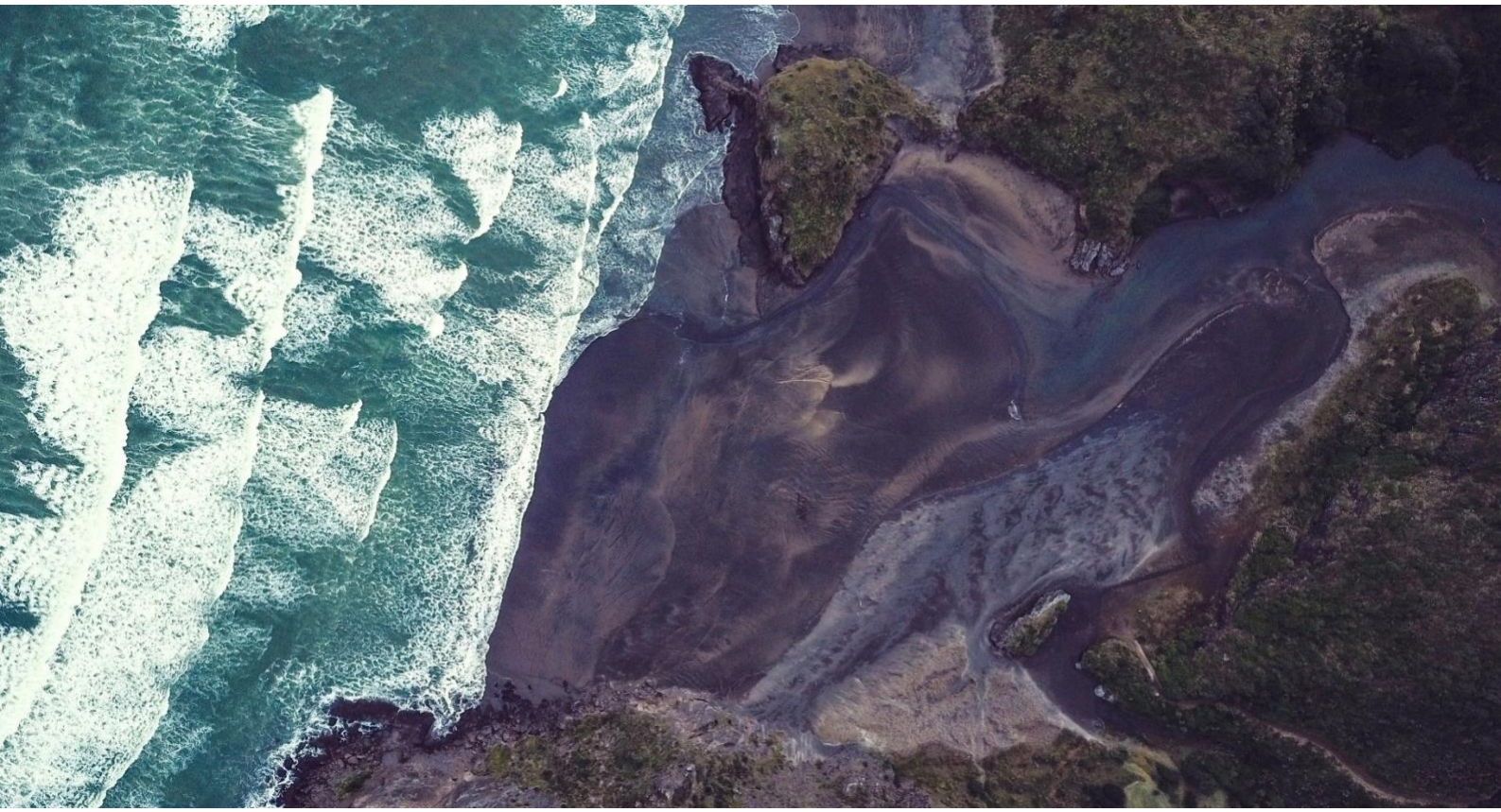
PLANNING | URBAN DESIGN

SUBMISSION IN RELATION TO Proposed Plan Change 78: Intensification



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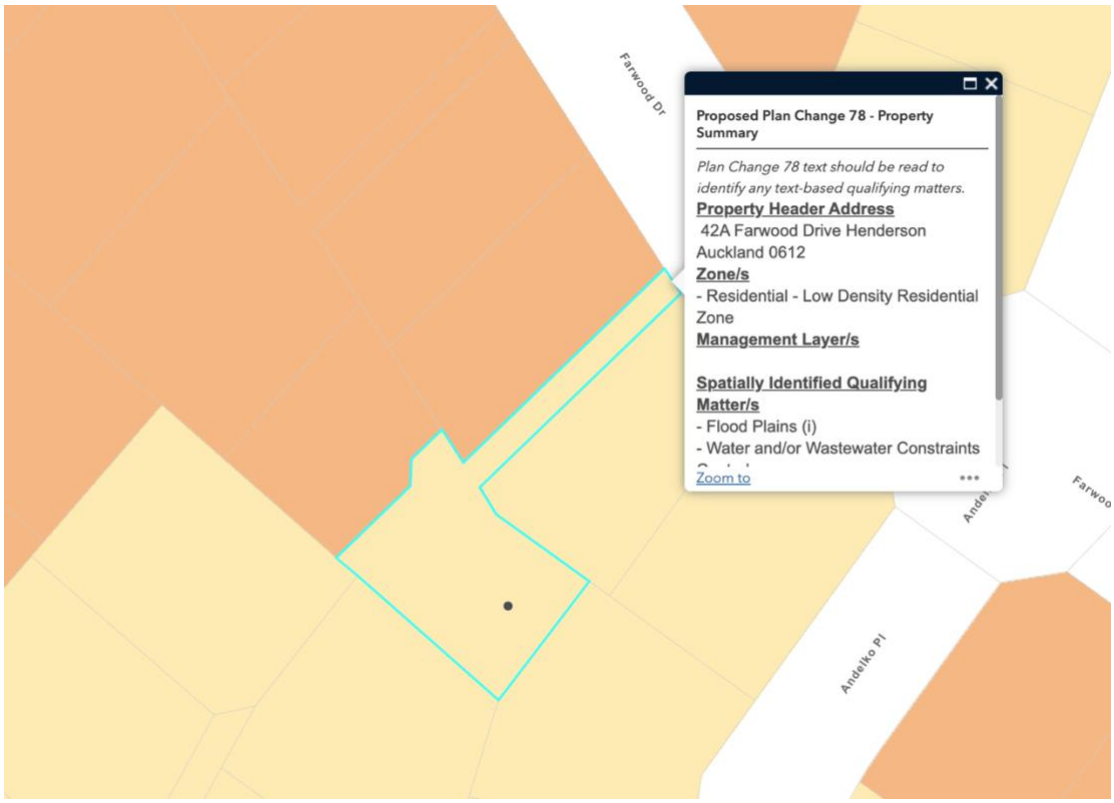

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Signed on behalf of the Submitter

Tara Chemis
Planning Consultant

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Janet Dickson
Attachments: Further Submission regarding but not limited to PC 78.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Janet Dickson

Organisation name: Howick Ratepayers and Residents Association, Chair

Agent's full name:

Email address: janet@dickson.co.nz

Contact phone number: 021765408

Postal address:
2/24 Selwyn Road
Cockle Bay
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Qualifying Matters, PC 78

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:
The reason for my views are contained in the attached pdf document

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

Details of amendments: Please see attached file

Submission date: 29 September 2022

Supporting documents
Further Submission regarding but not limited to PC 78.pdf

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

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

Declaration

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

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

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

Yes

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

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Further Submission part 1, regarding but not limited to PC 78:

1. Overall, I support Auckland Council's drive to protect Auckland City as a whole from the ravages of the current government's Intensification Act [the Act], as contained in but not limited to AC's Plan Changes 78.
2. In particular I support the pursuit of "Qualifying Matters" as it refers to the whole of East Auckland's universal and dangerous lack of Infrastructure and its underlying unstable land, naming and claiming as specific Qualifying Matters <u>all</u> of the following: 1260.1
   a. the huge number of flood-paths, streams and natural springs,
   b. the ebb and flow of ubiquitous tidal estuaries,
   c. the historic and factual absence of provision for stormwater, including tanking,
   d. the absence of provision likewise for wastewater management, and… 1260.2
   e. the absence of adequate provision for sewerage.
   f. Add to this the lack of absolute protection for streams and their flora and fauna, in particular their fish life, from ungoverned run-off, meddling and pollution,
   g. and the damage by all of the above to our tidal mudflats, shellfish beds, fish nurseries, mature fish stocks, wading and other sea birds, which has led to the deterioration of both Harbours and the Hauraki Gulf itself.
   h. I include the natural propensity for slippage towards, and therefore built retreat from, the coastal sandstone cliffs,
   i. the instability of its many coast-facing amphitheatre valleys and other slopes, 1260.3
   j. the constant movement of surface soils and retaining walls, and the cracking of underlying clays,
   k. and the damage and predicted damage from 5, 10, 50 and 100 year storms. 1260.4
   l. I also include the Special Character status of Howick Village itself as an obvious Qualifying Matter, to be retained <u>not removed</u>! 1260.5
   m. Finally, the permanent protection of the existing and unique 360 degree views to and from Stockade Hill, currently denied by Auckland Council, stands alone in the city as a Qualifying Matter of immense public significance, about which I will speak more, in part 2 of this submission. 1260.6
   n. Please note that engineering reports, eg Tonkin and Taylor 2020-21, also predict a sliding scale of significant land loss across the whole of

the city via sea level change and coastal erosion [* see link below and the GIS version],

o. and remember the salutary fact that all of the above has been known and recognised by Council since at least 2004, when a moratorium on subdivision [Heritage 7] was placed by Barry Curtis over much of the fragile Eastern area, which under the Unitary Plan was replaced by the wisdom of the Single House Zone and other mitigation - but is now lost at the stroke of this ignorant Intensification pen.

3. Members of the Hearings Panel: ***I beg you to note the role that this area is playing towards saving the rest of the city***: East Auckland is the canary in the coalmine, the warning that cannot be ignored, the object lesson to reveal this shameful, ideologically-driven Intensification Act as the destructive bull-dozer it is, and to shock you, the Hearings Panel, and Auckland Council into throwing it out lock stock and barrel. Under this Act nothing in East Auckland can be saved, nothing can be cobbled together, because there is zero foreseeable money and no plan to provide the missing infrastructure, let alone to shore up what we have now. Many busy wrongs won't magically make a right: random, dense, unaccountable and immediate infill housing will destroy this fragile city, not fix it, and our once beautiful environment will swiftly degenerate into an ugly, uninhabitable wreck. Already we have examples of this, and it's not pretty.
4. Therefore: wind back the clock. Pause the legislation indefinitely as it refers to Auckland, and let's look sensibly at the situation. In trampling over the provisions of the Unitary Plan the Act worships at the shrine of intensification as a slick-sounding yet incredibly clumsy end in itself; and that end justifies its deliberately destructive means. What in this cruel legislation is for the benefit of the people of Auckland City? Absolutely nothing. It's the Emperor's New Clothes. Show us you haven't fallen for it. Reject it. Throw it out completely. Call the government's bluff: they'll be gone by lunchtime anyway.

1260.7

*https://www.knowledgeauckland.org.nz/media/2432/tr2020-021-predicting-aucklands-exposure-to-coastal-instability-and-erosion.pdf

Further Submission part 2:

NOW: REGARDING STOCKADE HILL: QUALIFYING MATTER PAR EXCELLENCE.

A unique treasure of Auckland City, Stockade Hill is a major indicator of just how wrong in every possible way this obscenely inappropriate Intensification Act is.

This heritage site, alas, has been a victim of years of misjudgement and error on the part of Auckland Council itself, as evidenced in the decisions and actions of Plans and Places, all of which may have started in complete ignorance but could have been faced squarely and nipped in the bud.

Suffice to say, the public have fought for years to protect this fragile amenity, firstly as the Unitary Plan took shape, which initially, and I believe inadvertently, drew the first half of a noose of dense 12m high housing around the Hill. But the Hill itself rises only to maximum 8m above the surrounding carriageway! At first, the significance of this blunder was simply not understood or even noticed by any living soul, including myself. But the coup de grace followed in the "Blue Lines" of unconsulted scribble, illegally sketched into the AUP before Christmas 2015 - after the Plan had closed - by a host of ignorant junior planners, who had been roped in to find another 200,000 dwellings virtually overnight. ***Then it dawned on us: this iconic hill***, known and treasured since the first European settlement and before, whose unimpeded 360 degree views of the growing city, harbour to harbour and across the Hauraki Gulf, have been passionately loved as the area's heart and soul, ***was doomed***. Standing a mere 8m above the encircling roads, the Hill would be completely suffocated by a stranglehold of up to 12m high "Mixed Housing Urban Zone" dwellings, its breath-taking views gone forever. Insane.

Result: public outrage, 2 Court cases against Council, the second of which resulted in an agreed 2-part solution: 1. Stockade Hill would be placed in a special, protective "Chapter" in the Unitary Plan, along with only the Auckland Museum, and 2. Council Plans and Places would produce whatever Plan Changes were necessary to protect the 360-degree views for posterity. But the second part didn't happen. Council secretly reneged, yet publicly boasted they had saved the Hill forever, via a miserable 137-degree viewshaft: the fictitious "viewshaft" still allowed that small portion of the best sea views to be totally blocked by 8m high buildings – equal to the height of the Hill itself! Even on tip toe at the very top, you will see nothing. Nothing. And all the rest can be

obliterated by 12m high apartments. This heartless ruse was so successfully spun in the media and through Council channels that most people were deceived - and still are.

But now we have a chance: **Qualifying Matters**. And surely Council Plans and Places will seize upon this aspect to regain its credibility and restore the 360 degree views, by acknowledging that the land is unsafe to build anything more than exists now – because it is categorically unable to be developed.

Why? Because of all sections of part 1 above: There is no infrastructure, no provision for water management or anything else, and no prospect of it. The land is steep, compromised, on the move, and the provisions or lack of them in this miserable Act will be the death both of the surrounding terrain and of this historic Hill itself. No more Anzac Services, Christmas lights, vigils, meetings, marriages, walks, peace and soul food. No quiet, restorative views as far as the eye can see in all directions: that sense of the eternal, a meaningful part of one's day, the uplifting thoughts, the quiet reflections, the moments of inspiration. People take the children and the dog, their guests and their business contacts to the area's beating heart. And they take them easily to accessible, unrestricted and ever-changing prospects of this lovely city and its water and island vistas. 24/7.

That is a Qualifying Matter beyond measure.

Plans and Places: you are proposing some twiddles to extend the scope of view protection from the Hill; but actually, in those two ridiculously distant areas you have singled out as a token, you already know that the terrain is unlikely to be able to sustain the intensity of the Act – **see all sections of part 1 above**. So this is just a gesture. **BUT**: it has opened the gate**: it has set the precedent**: now is the time to do what you have refused to face for the last however many years, and resolve deliberately, thoughtfully, to protect all of Stockade Hill's existing views. After all these years of guilt, it will be such a relief.

It is the right and necessary thing to do, at last, for the public you are supposed to *serve*, not *thwart*. Now is the moment. We demand it. And we will help you.

Thank you, and I wish to be heard.

Janet Dickson
Chair, Howick Ratepayers and Residents Association

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Sarah Kember
Attachments: FBRA Housing Density Submission .pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Sarah Kember

Organisation name:

Agent's full name:

Email address: skember@xtra.co.nz

Contact phone number: 021800263

Postal address:
22 Arthur Street,
Freemans Bay
Auckland 1011

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
I oppose the Proposed Change 78 Auckland Unitary Plan - Intensification

Property address: 22 Arthur Street

Map or maps: Freemans Bay area

Other provisions:
- enabling of at least six story building within walkable catchments
- enabling of development (Medium Density Residential standards) 3 stories without council consent or notification

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:
The process is undemocratic, goes against the RM rules around what is good urban design.
No consideration has been factored for the tragic loss of our heritage suburbs.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Reinstate the exicting Unitary Plan that made good provision for intensity whilst protecting our heritage and special character precincts.

Submission date: 29 September 2022

Supporting documents
FBRA Housing Density Submission .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.

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To: unitaryplan@aucklandcouncil.govt.nz

Submitter: Sarah Kember

Full Name:Sarah Hamilton Kember
Address: 22 Arthur Street
Phone: 021800263
Email: skember@xtra.co.nz

I confirm I am directly affected by the matters referred to in this submission. I could not gain an advantage in trade through this submission.

Scope of submission - Freemans Bay

A. Background- Freemans Bay Historic Heritage Precinct and Community

1. Freemans Bay is a largely intact historic heritage precinct with European settlement commencing in the area from the 1840's. The cadastral layout of Freemans Bay is based on the workers cottages of the late 19th century.

2. The age of housing predominantly ranges from the period 1860 to 1930. For many years planning controls have required new buildings and alterations to be in keeping with the historic heritage nature of the area and as a consequence Freemans Bay has retained its status as an historic heritage precinct.

3. Freemans Bay is a successful tightly defined community with already existing mixed housing types and very significant existing intensification. Approximately 40 % of Freemans Bay is already zoned THAB (Terrace Housing and Apartment Zone) under the Auckland Unitary Plan.

4. Over many years Auckland City Council and Auckland Council have shown their commitment to protect Heritage and Character areas. Property owners acting on reliance of Auckland Councils commitment have progressively upgraded and continued to maintain the unique built character of the area.

B. Submission on proposed classifications for Freemans Bay (excluding existing THAB and mixed use zoned areas).

1. I support the proposed Special Character Areas (SCA) for Freemans Bay and the proposed Low Density Residential Zone (LDRZ) for Freemans Bay. 1262.1 1262.2

2. I do not support the shrinking of the Special Character overlay areas and request that the entire area covered by the AUP Overlay be retained. For clarity, this excludes the existing THAB and Business Mixed Use zoned areas. 1262.3

3. Freemans Bay as a whole is an historic heritage precinct and a partial re zoning
a) Undermines the integrity of the precinct,
b) Will adversely affect the individual properties within SCA adjacent to proposed intensified areas.
c) At the density enabled would generate construction effects and long term access and parking difficulties that would make the congestion at an extreme level.

4. I oppose the proposed rezoning of the existing Medium Urban Housing (MHU) cluster comprising 2-8 Ryle Street and 32-34 Wood Street. The existing zoning provides adequately for the use of pensioner/social housing and re zoning will have an adverse effect on the adjoining SCA individual properties and area. If the land is to be rezoned I request that the LDRZ be consistant with neighbouring sites and subject to SCA overlay. 1262.4 1262.5 1262.6

C. Submission opposing any further intensification in Freemans Bay (excluding existing THAB/MHU areas)

I oppose any intensification in Freemans Bay beyond the pre-existing provisions in the Auckland Unitary Plan on the following grounds:

1. Freemans Bay is a taonga comprising houses constructed of Kauri and other timbers being the mauri and wairua of the ancient forests of Aotearoa and should be protected from destruction.

2. Intensification will disrupt a successful, integrated community incorporating a full range of socio economic groups and housing types which instead should be a model for social and economic urban functioning in Auckland.

3. Intensification in Freemans Bay will not promote or provide affordable housing because of the cost of land and small section sizes. Previous attempts at intensification in Freemans Bay have failed due to these factors.

4. The proposed walking catchment of 1.2 km from the City Centre edge is not based on evidence and bears no relationship to the transport networks in Freemans Bay, Britomart, or the Queen Street/business centre, which is the focus of employment opportunities. 1262.7

5. The designation of the whole of Ponsonby Road as a " large town centre " is contrary to normal concepts of a town centre, and is also inconsistent with the proposed treatment of other areas in Auckland. 1262.8

6. Freemans Bay is comprised largely of small section sizes and as such individual properties will be disproportionately adversely affected by intensification.

7. The existing infrastructure including three waters, the roading network, car parking and open spaces will not support further development beyond that already permitted. The roading network is unable to support the emergency fire access required for six story plus apartments which is of a completely different risk management profile to the existing housing stock.

8. Freemans Bay has limited street parking. Auckland Transport introduced a Residents Exempt Parking Scheme to enable residents to park in their own suburb. Any intensification of 6 story plus apartments would multiply this issue tenfold and would create blocked streets and gridlock.

9. Freemans Bay has an economic value as a world class heritage site adjacent to the Auckland City Centre where the value in its existing form exceeds any potential gains from intensification.

10. No account has been taken in the proposals of the "Urban Heat Island Effect" or the role of Freemans Bay in providing cooling and amenity to the Auckland City Centre. Auckland

Council Planners Report to Plan Change 60 acknowledges that the Freemans Bay North area lacks open spaces/parks. Any further development without additional parks being created would run contrary to Auckland Council's Urban Ngahere Strategy and Climate Plan 2020

11. I do not support the numerical scoring system used by Council to individually rate each property in the Character Area overlay and request this to be reconsidered. The scoring applied is arbitrary, and the survey by its nature relies on the depth of knowledge and understanding of each reviewer. Council was given an impossible task in the timeframe set by the legislation.. Council officers have done their best, however they did not consult with the community in creating this methodology, and had the constraints of both time and the Covid restrictions to work with. There are errors as a result, and biases that are possibly unintended, but which have huge effect on the outcome of the survey given that these numbers have been used to 'rate' the character value of parts of the area overlay and this has resulted in splits and losses of parts of the overall area. 1262.9

12. The 66% and 75% thresholds are an arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The thresholds have been applied based on those percentages (which are set through the scoring system which I do not support) to determine whether parts of the SCAs that fall within 'walkable catchments' should retain the overlay. I do not support this methodology as it stands and request this to be reconsidered.

13. Generally no planning has been undertaken or controls proposed as to how intensification is to be successfully implemented to avoid or mitigate adverse effects. In relation to the THAB zone's no effective standards have been proposed to protect privacy and dighlight access to developments within and beyond the THAB zone. 1262.10

14. Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s32RMA and other sections of the RMA

D. I wish to add further submissions with specific reference to Arthur Street 1262.11

1. In the Council's initial response to Central Government, certain streets in Freemans Bay have retained a degree of heritage designation (under a totally arbitrary and questionable formula) and have been afforded significant protection whereas Arthur Street has been left unamended and therefore vulnerable to intense development to the maximum scale determined by the Government.
2. The reasons for Arthur Street (in its entirety) remaining designated for intense development are fundamentally flawed and the arbitrary formula and calculation giving rise to this outcome defies all practical and architectural logic.
3. Arthur St contains a variety of substantial older wooden homes in good condition and the creation of a recipe for future destruction defies all modern environmental principles and is legislatively irresponsible. Moreover, the evolution of these dwellings has, in virtually all cases, necessitated the obtaining of complicated and costly resource consents under the RMA (to recognise heritage and character) and it is incomprehensible that after all that effort and Council control and monitoring, a flick of a legislative pen will have made that process not only futile, but also an irresponsible waste of resources.
4. Like Wood Street below, Arthur St is a narrow thoroughfare running essentially north-south. The street and its dwellings are already suffering from unreasonable shading of their westerly aspect by intense development which is occurring on the east side of Ponsonby Road.

5. Intense boundary to boundary (north and south) development on both sides of Arthur St will be an architectural disaster and in total contravention of all accepted principles and rules of urban design. Such development on a narrow north/south street will deprive all Arthur Street properties of any possible northerly sun or aspect as well as westerly light and will create unhealthy homes in breach of all rules and regulations pertaining thereto. This will occur whether the development is sporadic or a continuum
6. A north-south wall of high buildings along Arthur Street will also have a detrimental effect on properties on streets below (especially Wood Street) in that given the contrasting street levels there will be no westerly sun after an early time of the day (summer or winter). This will be exacerbated by the narrowness of the street.
7. As has been alluded to, Arthur St with its narrow carriageway cannot cope with the extra traffic and parked vehicles which will be generated by intense development and there must be severe doubts as to the ability of current and future infrastructural services (storm and foul water) accommodating future development.
8. Of equal importance is a fundamental need to retain trees and other green scape. Given the topography and value of the land, there will be the inevitable desire to maximise development on all sites and that in turn will leave the neighbourhood bereft of any semblance of greenery. Nor are there any grass berms or any space for them.
9. In summary, development as contemplated under the NPS-UD legislation will produce an outcome which will provide an unpleasant environment in the form of a shady slum and will do nothing to help solve the affordable housing problem in NZ.

10. I do not wish to be heard in support of this submission.

11. **Signed (Submitter) :**

12. **Date :**

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Andrew Williams
Attachments: Submission on PC 78 - OneSixOne.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Andrew Williams

Organisation name: OneSixOne Medical Group Limited

Agent's full name: Anthony Blomfield

Email address: ablomfield@bentley.co.nz

Contact phone number: 0211339309

Postal address:
PO Box 4492
Shortland Street
Auckland 1140

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Refer to submission

Property address: Refer to submission

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: Approve the plan change with the amendments I requested

Details of amendments: Refer to submission

Submission date: 29 September 2022

Supporting documents
Submission on PC 78 - OneSixOne.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.

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SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

From: **OneSixOne Medical Group Limited**

Address: **C/- Bentley & Co Limited**
PO Box 4492,
Shortland Street
Auckland 1140
Attn: Anthony Blomfield

To: **Auckland Council**

Address: **Private Bag 92300, Auckland 1142**

Submission on: **Plan Change 78 – Intensification**

Introduction

1. OneSixOne Medical Group Limited ("**OMGL**") is a specialist healthcare provider, which is comprised of medical experts in the fields of urology, gynaecology and other specialisations.

2. OMGL owns and operates from the property at 161 Gillies Avenue, Epsom, which is occupied by a single-storey building located at the rear of the property which has been converted to a modern healthcare facility, with an at-grade parking area. The site contains several scheduled 'notable' trees located at the front of the property. OMGL also owns the property at 159 Gillies Avenue, which is a 'rear' site located to the west of 161 Gillies Avenue, and which is occupied by a detached, single storey dwelling.

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

Scope of submission

4. This submission is made by OMGL on Proposed Plan Change 78 – Intensification ("**PC78**") to the Auckland Unitary Plan ("**AUP**").

5. The specific matters/provisions of PC78 that OMGL's submission relates to are:

   (a) The zoning of OMGL's properties at 159 and 161 Gillies Avenue;

   (b) The application of the Special Character Areas – Residential Overlay ("**SCAR overlay**") as it relates OMGL's properties at 159 and 161 Gillies Avenue;

Background to submission

6. Under the operative AUP, OMGL's properties are zoned Residential – Single House, and are subject to the SCAR overlay. The property at 161 Gillies Avenue is subject to the 'demolition control' of the SCAR overlay, while the property at 159 Gillies Avenue is not, with reference to Special Character Statement in Schedule 15 of the AUP.

7. In April 2022, Auckland Council released a "Preliminary Response" to the National Policy Statement on Urban Development 2020 ("**NPS-UD**") and the Medium Density Residential Standards ("**MDRS**"). The Preliminary Response identified the Council's intention to delete the SCAR overlay from OMGL's properties and the neighbouring land, and to rezone these properties to Residential – Mixed Housing Urban, consistent with the requirements of the MDRS, as shown in **Figure 1**.

Figure 1. Auckland Council's 'Preliminary Response' maps illustrating 159 and 161 Gillies Avenue (yellow outline) and the extent of the SCAR overlay that was proposed to be deleted (red hatching)

8. The outcomes that were identified in the 'Preliminary Response' have not been incorporated into PC78. As notified, PC78 now proposes to retain the SCAR overlay, and to zone the properties as 'Low Density Residential'.

Summary of position

9. OMGL supports the purpose of PC78, being to enable reasonable intensification. OMGL also recognises the need to temper the provision for intensification in locations/circumstances where it is appropriate to do so; which, specifically for the SCAR overlay, requires careful consideration of those parts of the city which display a sufficiently suitable quality and collective coherence.

10. OMGL considers that PC78 represents an opportunity to update and align the AUP zoning and overlays with respect to the context and characteristics of sites, and with respect to the intensification directives of the NPS-UD and the MDRS.

11. The Council's section 32 report concerning the basis/extent of the properties included in the SCAR overlay (and the related provisions) states that:[1]

> *The Special Character Overlay is applied to older established areas, which may be whole settlements or parts of suburbs or a particular residential or commercial area. The overlay covers areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region…*
>
> *The specific characteristics of special character areas were analysed on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter. Data was collected in a survey to determine the level of contribution of individual properties to each special character area identified in Schedule 15. Where visible from the public realm, each property was scored using a six-point criteria scale. The data was aggregated and analysed to form a conclusion on the value of each special character area as a whole. A summary of findings report was prepared for each survey report area, explaining the specific characteristics of each area, the site-specific data collected, and a recommendation for the spatial extent of the area…*

12. The report explains the threshold for determining whether an area qualifies as a special character area, stating:[2]

> *The site-specific analysis of SCA Residential required the identification of thresholds to determine the geographic area where intensification needs to be compatible with the specific matter.*
>
> *Advice from special character experts is that the characteristics of the SCA Residential as a qualifying matter exist where at least two of every three properties contribute to*

---

1 Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in part) section 32 and section 77L / 77R process for 'other' qualifying matters Evaluation Report for qualifying matter under section 77I(j)/77O(j) : Special Character Areas Overlay – Residential and Business, Auckland Council, dated 10 August 2022, at pages 7 and 15.

2 Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in part) section 32 and section 77L / 77R process for 'other' qualifying matters Evaluation Report for qualifying matter under section 77I(j)/77O(j) : Special Character Areas Overlay – Residential and Business, Auckland Council, dated 10 August 2022, at pages 15 and 16.

the values of the area. In other words, SCA Residential is a qualifying matter where an area or sub-area contains at least 66% of properties that strongly contribute to the values of the area. Properties that strongly contribute were determined to be those that scored a 5 or 6 on the six-point scale in the site-specific analysis of the overlay.

The 66% threshold has been applied to SCA Residential areas where they are located outside Policy 3 areas. Within Policy 3 areas, the threshold for SCA Residential was considered further, due to the greater impact that the qualifying matter would have on the capacity to enable intensification in these areas. Within these areas, SCA Residential is identified as a qualifying matter where it is 'high-quality'. The threshold for high-quality special character is defined as areas where at least 75% of individual properties within an area strongly contribute (score 5 or 6) to the special character values of the area.

Special character areas that did not meet these thresholds were subject to a finer-grained analysis to determine if there were sub-areas within the wider survey report area that reach the thresholds. The methodology for survey and sub-areas can be viewed on Council's website.

The site-specific analysis has identified the specific characteristic of SCA Residential as a qualifying matter. Within the geographic area of this qualifying matter, there are individual properties that do not strongly contribute to special character values (individual properties that score 0, 1, 2, 3 or 4 on the six-point scale). However, these properties are identified as a qualifying matter, as they are part of the area that is identified as having the specific characteristics of the Special Character Overlay. Individual properties that have a lower contribution are subject to different rules for demolition, removal or relocation of buildings to recognise that there are different levels of contribution within an area in the Special Character Overlay and to be more enabling of development on these sites (see section 2.3.3 below).

13. OMGL's properties are not within a 'policy 3' area (which relevantly are those areas within a defined 'walkable catchment'). The methodology for the survey involves creating a score for each property based on a range of categories, which are determined either by a 'field survey' or a 'desk-top survey'.

14. The Council's assessment has scored 161 Gillies Avenue as '5'. The property at 159 Gillies Avenue has not been scored or assessed owing to the fact that it is a rear site and could not be viewed from the street. Regarding this matter, the Council's section 32 assessment explains:

The survey of the Special Character Overlay provided an individual score for each property that was visible from the public realm. However, some sites were not visible. These sites were identified in the survey as 'Rear lot'10 and 'Rear lot or vacant lot/Unable to be seen'.

Sites unable to be seen were mostly rear sites. Not all rear sites were unable to be seen, with some visible due to topography, particularly where slopes incline away from the street. This is particularly the case for certain SCA Residential areas, such as those in

Isthmus C, which are located on the slopes of some of Tāmaki Makaurau Auckland's maunga.

In general, rear sites in SCA Residential have been created via subdivision of lots, usually behind lots/dwellings from the period of significance of the special character area. Some rear sites are original lots and may contain buildings that contribute to or support the special character values of an area, even if they cannot be seen from the public realm.

In addition to rear sites, a limited number of sites were unable to be seen due to vegetation, tall fences or construction activity obscured views of the site.

For SCA Business, almost all properties were able to be seen.

For SCA Residential, a proportion of the sites surveyed within SCA Residential were unable to be seen or vacant. Of SCA Residential identified as a qualifying matter, some special character areas have very few rear sites, but other areas have a significant proportion (for example, Hill Park has 182 of 769 sites marked as 'rear/vacant', being 24% of the total area).

Sites that were unable to be seen were not individually assessed for their special character value. These sites were excluded from the percentage calculations in the findings reports that were used to determine whether each area of sub-area met the required thresholds for being identified as a qualifying matter.

It is unknown what level of contribution sites that were unable to be seen make to some of the values of a special character area, including their physical and visual qualities and style and period of development. However, the objectives and policies in D18 not only focus on built form including the design and architectural values of buildings, but also include consideration of streetscape, street layout and subdivision pattern, and the relationship of built form to landscape, topography, trees and open space.

Sites unable to be seen within the Special Character Overlay contribute to the subdivision pattern of an area, the density and pattern of development, and the visual coherence of a special character area. These sites may contribute to maintaining the vegetation and landscape characteristics of special character areas, as larger vegetation including trees is visible behind street-fronting dwellings and, within some special character areas, elevated rear sites provide views of trees and other landscape features in these areas.

Consideration was given to excluding sites unable to be seen within the Special Character Overlay as a qualifying matter, in response to Policy 3 and the MDRS. If this was the case, these sites would not be subject to the overlay and the underlying residential zoning would be applied as sought by the MDRS (Mixed Housing Urban zone) and Policy 3 (Terrace Housing and Buildings zone (THAB) within walkable catchments), unless another qualifying matter applies. This would enable development

of up to three or at least six storeys, in accordance with the MDRS and Policy 3, resulting in increases in intensification being enabled on these sites.

This intensification would be enabled via increased building coverage, in terms of bulk, height and location, along with subdivision as a controlled activity. Enabling this intensification will almost certainly usher in significant change to the subdivision patterns within SCA Residential areas. Development of buildings with greater height and coverage would result in new buildings being visible both behind and above the existing streetscape of special character areas (from additional building height being enabled) and also in between existing buildings (from changes to allow greater building coverage). Increased building coverage is likely to impact trees and vegetation within SCA Residential areas. Enabling this level of development will result in a considerable change to SCA Residential areas. Such development would be visibly dominant and not maintain and enhance the values of the areas.

The blanket removal of rear sites from SCA Residential and application of MDRS and Policy 3 would likely result in intensification of these sites to a degree that would impact on the remaining overlay areas and make it difficult to maintain and enhance the values of these areas. It is therefore not recommended that this site-specific option is pursued at this stage, although it is acknowledged that there may be opportunities to remove some rear lots within some SCA Residential areas if it could be demonstrated that the special character values of the remaining area can be maintained and enhanced.

(Emphasis added in underline)

15. The property at 161 Gillies Avenue, and other properties which front Gillies Avenue within the block between Brightside Road and Epsom Avenue, have over time become irregular and at odds with the legacy pattern and characteristics of the surrounding special character area. The sites are typically densely screened by vegetation, and have a 'tooth and gap' appearance when viewed from Gillies Avenue as a consequence of iterative subdivision and the presence of driveways to rear lots. The regularity of 'characteristic' buildings is interrupted by institutional buildings, such as at 187 Gillies Avenue, and other contemporary development, rather than being cohesive.

16. With respect to the Council's approach to the assessment of 'rear sites', it is evident that this is flawed with respect to the requirements of s77L of the Resource Management Act 1991, which requires an analysis that evaluates the specific characteristic (in this case SCAR) on a site-specific basis, and to evaluate a range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics that are sought to be protected/managed. The Council's approach is inadequate against this requirement, with no site-specific assessment having been undertaken of properties which have not been readily visible from the street. Even more concerning is that the Council's approach instead seeks to impose the onus on submitters to demonstrate that a property does not warrant the SCAR overlay imposed (i.e. "*areas if it could be demonstrated that the special character values of the remaining area can be maintained and enhanced*"). This is inappropriate, and is not a valid method that is available to the Council to demonstrate that a specific characteristic is to be incorporated as a 'qualifying matter' to the AUP.

17. Further to this, neighbouring sites are not the determining factor as to whether the SCAR should be retained for those sites which may not otherwise qualify (e.g. rear sites). Applying a 'blanket' retention of the SCAR overlay on rear sites, as opposed to undertaking a qualitative, site-specific assessment is inappropriate. It is evident that the rear properties in the block bound by Gillies Avenue, Brightside Road, Epsom Avenue and Shepherds Avenue, which 159 Gillies Avenue forms part of, are not 'original' lots, and contain built form and varying rather than cohesive characteristics.

Submission

18. OMGL considers that the SCAR overlay should be deleted from its properties at 159 and 161 Gillies Avenue, and that these properties should be zoned Residential – Mixed Housing Urban, as doing so would be consistent with the NPS-UD and the MDRS, and will contribute to a well-functioning urban environment which provides for development capacity to meet expected demand for housing over the short, medium and long term, and which is serviced by appropriate and efficiently operated community and healthcare services.

Relief sought

19. OMGL seeks the following relief:

    (a) That the SCAR overlay be deleted from the properties at 159 and 161 Gillies Avenue, and relative to their context and relationship, the SCAR overlay be deleted from the properties in the balance of the block fronting Gillies Avenue and the rear sites between Brightside Road and Epsom Avenue; 1269.1

    (b) That the Low Density Residential zoning of the 159 and 161 Gillies Avenue be deleted and replaced with the Residential – Mixed Housing Urban zone, and relative to their context and relationship, such a zone also apply to the properties in the balance of the block fronting Gillies Avenue and the rear sites between Brightside Road and Epsom Avenue; and 1269.2

    (c) Such further or other consequential relief as may be necessary to fully give effect to the relief sought in this submission.

20. OMGL wishes to be heard in support of this submission.

21. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

ONESIXONE MEDICAL GROUP LIMITED
by their planning and resource management consultants and authorised agents Bentley & Co. Ltd.

Date: 29 September 2022

Signature:

Anthony Blomfield
Resource Management Consultant

Address for Service: Anthony Blomfield
Bentley & Co Ltd
PO 4492 Shortland St
AUCKLAND 1140

Telephone: (09) 3095367
Email: ablomfield@bentley.co.nz

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Orewa Developments Ltd
Attachments: PC78 Submission - 289 West Hoe Heights.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Orewa Developments Ltd

Organisation name:

Agent's full name: Sarah Robson

Email address: sarah.robson@ckl.co.nz

Contact phone number: 0220708256

Postal address:
PO Box 99463
Newmarket
Auckland 1149

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
1. Qualifying Matter – Water and/or Wastewater Constraints Control
Remove control as it relates to the subject site
2. Chapter I530 – Orewa 2 Precinct
Remove the precinct as a qualifying matter
Delete Standards I530.6.1, I530.6.3, I530.6.4, I530.6.5, I530.6.6 and I530.6.7.
Amend wording in I530.4 Activity table, I530.6 Standards and I530.8.2.2 Assessment Criteria
3. Chapter H5 – Mixed Housing Urban Zone
Delete new activities H5.4.1(A2A) and (A2B) related to the presence of a significant ecological area (SEA)
Delete new standards H5.6.10(2)(a), (b) and (c) – Building coverage
4. Qualifying Matter – Flood Plains
Remove flooding as a qualifying matter

Property address: 289 West Hoe Heights, Orewa

Map or maps: N/A

Other provisions:
See attached 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:
See attached submission

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

Details of amendments: See attached submission

Submission date: 29 September 2022

Supporting documents
PC78 Submission - 289 West Hoe Heights.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.

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Planning | Surveying | Engineering | Environmental

29 September 2022

Auckland Council
Plans & Places Team

By email: unitaryplan@aucklandcouncil.govt.nz

CKL Job No: S3278

Submission to Auckland Council Proposed Plan Change 78: Intensification as it relates to 289 West Hoe Heights, Orewa

This submission is prepared on behalf of Orewa Developments, the owner of the property at 289 West Hoe Heights, Orewa.

The property details are summarised as follows:

SITE LOCATION	289 West Hoe Heights, Orewa
LEGAL DESCRIPTION	Lot 800 DP 528791
SITE AREA	13.9903 ha
EXISTING ZONING & OVERLAYS (UNITARY PLAN)	Residential – Single House Zone Orewa 2 sub-precinct A, Sub-precinct Flood Plain Macroinvertebrate Community Index – Exotic, Native & Rural Stormwater Management Area Control – Orewa River West, Flow 1 Orewa North West Primary school, Designations, Minister of Education – 4666
PROPOSED ZONING, OVERLAYS AND QUALIFYING MATTERS (PC78)	Residential – Mixed Housing Urban Zone Orewa 2 sub-precinct A, Sub-precinct Flood Plains Infrastructure – Water and/or Wastewater Constraints Control Macroinvertebrate Community Index – Exotic, Native & Rural Stormwater Management Area Control – Orewa River West, Flow 1 Orewa North West Primary school, Designations, Minister of Education – 4666

This submission relates to the following provisions of proposed Plan Change 78 (PC78):

1. Qualifying Matter – Water and/or Wastewater Constraints Control
    - Remove control as it relates to the subject site
2. Chapter I530 – Orewa 2 Precinct
    - Remove the precinct as a qualifying matter

- Delete Standards I530.6.1, I530.6.3, I530.6.4, I530.6.5, I530.6.6 and I530.6.7.
- Amend wording in I530.4 Activity table, I530.6 Standards and I530.8.2.2 Assessment Criteria

3. Chapter H5 – Mixed Housing Urban Zone
    - Delete new activities H5.4.1(A2A) and (A2B) related to the presence of a significant ecological area (SEA)
    - Delete new standards H5.6.10(2)(a), (b) and (c) – Building coverage
4. Qualifying Matter – Flood Plains
    - Remove flooding as a qualifying matter

Introduction

The site subject to this submission is 289 West Hoe Heights, Orewa. The site is the balance lot for a large residential subdivision currently being undertaken. The overall site was originally greenfield land, vacant of development and it contains a stream with a number of tributaries which runs through the centre of the site from the north to south. The topography naturally reflects the character of the stream, sloping towards to the southwest corner of the site with the riparian margins containing well-established native and exotic vegetation. Stormwater, wastewater, water, utilities and new roads have been constructed as part of the previously completed stages of the underlying development, ensuring future development is well serviced.

Under the Auckland Unitary Plan (Operative in Part) (AUP(OP)) the site is Zoned Residential – Single House Zone and is within Orewa 2 Precinct. Under Plan Change 78 (PC78), the site has been zoned Residential – Mixed Housing Urban and the existing provisions of the Orewa 2 Precinct are retained. In addition, the site is subject to the following qualifying matters: Flood Plains, and the newly introduced Waster and/or Wastewater Constraints Control.

The up zoning to Mixed Housing Urban is supported however the additional qualifying matters and associated restrictions do not give effect to Section 77I of the RMA. It is submitted that these are deleted in their entirety or amended as outlined in the sections below. The application of these qualifying matters and associated rules either extend or duplicate existing provisions of the AUP(OP) and are contrary to the intent of the government's intensification instruments.

As such, the following changes are submitted to align the proposed plan change with the provisions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) and National Policy Statement on Urban Design 2020 (NPS:UD).

1. Qualifying Matter – Water and/or Wastewater Constraints Control

Whilst there are upgrades to water and wastewater network proposed in the short-medium future, the Evaluation and Section 32 Report for Water and Wastewater Servicing Constraints states that "*[r]emoval of the constraint from all the identified sites is not expected to occur within the lifetime of the current AUP*" and "*the qualifying matter is appropriate given many projects needed to address constraints in areas of Auckland may not be completed within 10 years*".

However, as outlined on Page 2 of Attachment Two: Water and Wastewater Servicing Constraint Maps, the upgrades to the Orewa West Pump Station and associated network are to be delivered in

2025 and the Orewa Water Pumpstation upgrade is anticipated in 2023. These infrastructure upgrades are anticipated within the lifetime of the AUP. The report identifies that wider growth of large future urban zone areas is also a factor considered in applying the qualifying matter, specifically in the need for the delivery of the Orewa 3 Watermain from the North Shore to Harbour Bridge by 2030. Development and growth within the future urban zone is not anticipated within the life of the AUP(OP), therefore it should not be a factor considered to limit intensification is areas which are already suitably zoned or proposed to be.

It is submitted that the Water and/or Wastewater Constraints Control does not meet the requirements of Section 77I of the Amendment Act, not being "nationally significant infrastructure". Nor does the proposal satisfy Section 77L, specifically:

- The evaluation does not specify the characteristics on a site-specific basis where intensification needs to be compatible with the specific matter; and
- The range of options to achieve the greatest heights and densities permitted by the MDRS are not sufficient. The options are either removal the minimum net site area rule or upgrade the wastewater network. There is no consideration to a hybrid approach that enable intensification while managing the specific characteristics.

To summarise, it is submitted that the Water and/or Wastewater Constraints Control is removed from the subject site as qualifying matter. 1270.1

2. Chapter I530 – Orewa 2 Precinct

2.1 Remove the Precinct as a Qualifying Matter

Section 77I of the Amendment Act states a "*specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present*". Precincts are not explicitly listed under Section 77I, as such, Section 77L must be satisfied to ensure that the area/s are inappropriate for higher density development.

It is submitted that the precinct does not satisfy Section 77L, specifically the specific characteristics of the site. The Evaluation and Section 32 Report identifies the presence of the proposed "Water and Wastewater Constraints Control" and local landscape, natural features, amenity and open space network as the reasons for the precinct being imposed as a qualifying matter.

As outlined in the section above, it is considered inappropriate to apply the Water and Wastewater Constraints Control to the subject site as it does not satisfy either Section 77I or 77L.

Regarding local landscape, natural features, amenity and open space network, the Evaluation and Section 32 Report identifies the following reasons why the level of development enabled by the MDRS is inappropriate:

- *"Steepness and frequency of streams and gullies."*

The Orewa 2 Precinct area incorporates several natural, ecological and amenity values related to streams, native vegetation, and wetlands. The precinct already includes provisions to

provide for protection and enhancement, specifically a precinct plan that identifies areas of protected vegetation (which is extended further than any SEAs), physical limitations, proposed reserves and park edge collector roads.

Much of the site has been subject to recent development, including the creation of drainage and recreational reserves in line with the precinct plan, please see Figures 1 and 2 below.

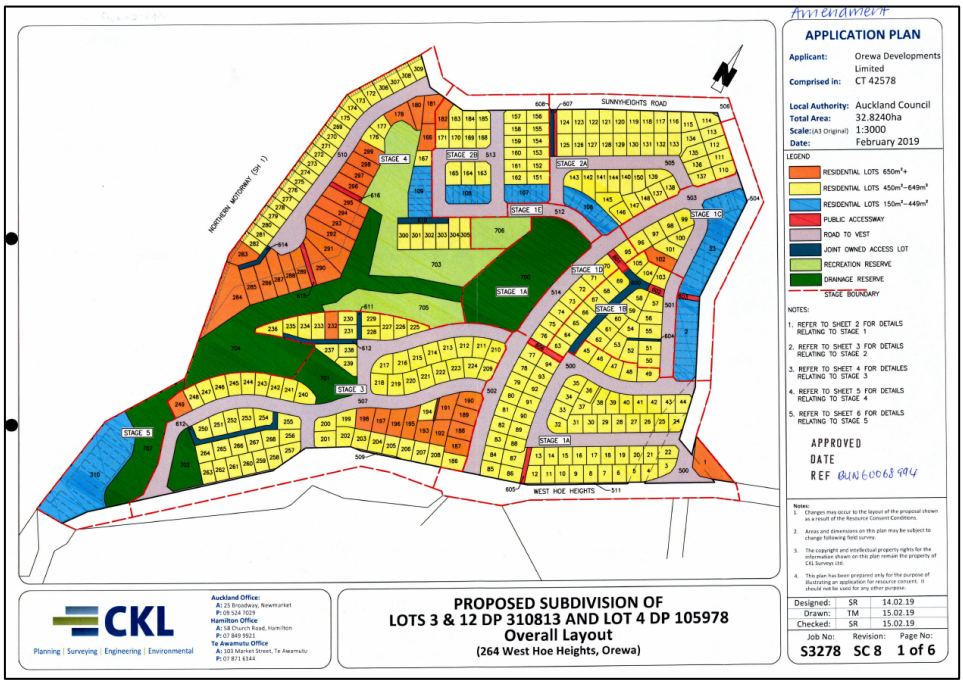

Figure 1: Approved Subdivision Consent BUN60068994

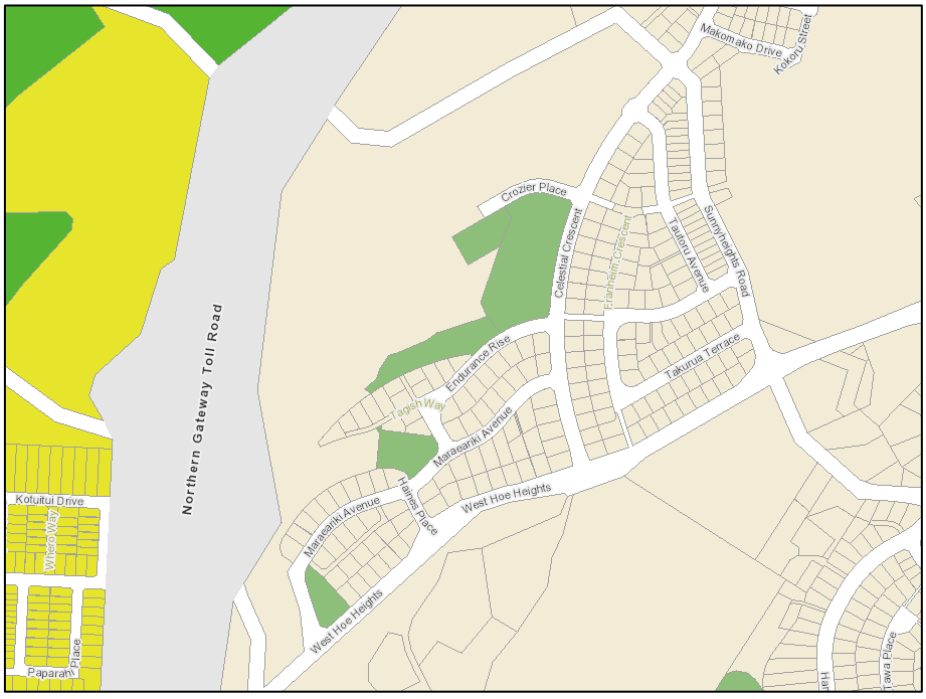

Figure 2: Current Site Layout, Council Geomaps 2022

It is further noted that part of the subject site has been designated as the future Orewa North West Primary school which supports further intensification of the area. In addition, residential intensification has already been approved over part of the site, specifically an 88-lot residential development and subdivision east of the designation granted in 2020 (being BUN60345910). This consent approved the creation of lots between 91m^2 and 451m^2, and included some three-storey elements, without degrading the local landscape, natural features, amenity, and open space network or adversely affecting the wastewater and water capacity of the area. Please see Figure 3 below.

Figure 3: Approved Resource Consent BUN60345910

The Evaluation and Section 32 Report does not provide sufficient justification for how intensification outside of those areas specifically identified and protected by the precinct plan will degrade the values which are already protected through the precinct plan and associated provisions.

Regarding the steepness of the site, Section 106 of the RMA enables Councils to refuse a subdivision consent if there is significant risk from natural hazards. Given the size of the subject site, any development will either be vacant lots (in which case Section 106 can be applied) or a development of more than three dwellings which would require resource consent as sufficient matters of discretion cover stability and natural hazards. Furthermore, the precinct plan identifies area with “Physical Limitations” which are subject to further scrutiny with regard to land stability and ground condition.

Given the current provisions within the Orewa 2 Precinct, applying the precinct as a qualifying matter is unnecessary to manage effects on the values outlined in the Evaluation and Section 32 Report and it does not satisfy Section 77L.

In summary, it is submitted that the Orewa 2 Precinct is removed as a qualifying matter and that the relevant provisions are amended to reflect this, as detailed in Section 2.2 and 2.3 below. 1270.2

2.2 Delete Standards I530.6.1. Minimum net site area for land not within a Physical Limitation Area, I530.6.3. Height, I530.6.4. Height in relation to boundary, I530.6.5. Yards, I530.6.6. Maximum impervious area and building coverage and I530.6.7. Building frontages

Further to the matters discussed in the sections above, the Evaluation and Section 32 Report for the Orewa 2 Precinct states that the minimum net site area provisions are to be retained to manage effects on:

- The coastal and stream environment
- SEA
- Steep and geotechnically difficult areas

The application of the precinct as a qualifying matter and retention of Standard I530.6.1 are proposed to achieve the following:

- Prevents development in coastal and stream margins
- Prevents development in the SEA
- Prevents development in steep areas

As discussed in sections above, the implementation of areas of protected vegetation (which is extended further than the SEA), physical limitations, proposed reserves and park edge collector roads under the existing provisions of the precinct will adequately manage the effects outlined above. In addition, standards related to coastal and riparian margins and SEA are imbedded into the AUP(OP) to further support the existing provision of the precinct. The retention of the Standards I530.6.9 Subdivision Layout, I530.6.2 minimum net site area for land within a Physical Limitation Area and I530.10.1 Precinct Plan 1 is supported to achieve the objectives and policies of the Precinct. However, outside of these matters, intensification can be facilitated. 1270.3

The use of the term "prevents" is also problematic, as this does not align with Amendment Act, which allows for the use of qualifying matters to "*make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary*". The qualifying matters are not to be imposed to "prevent" development.

In summary, it is submitted that Standards I530.6.1. Minimum net site area for land not within a Physical Limitation Area, I530.6.3. Height, I530.6.4. Height in relation to boundary, I530.6.5.

Yards, I530.6.6. Maximum impervious area and building coverage and I530.6.7. Building frontages be deleted entirely.

2.3 Amend I530.4. Activity table, I530.6. Standards, and I530.8.2.2. Two or more dwellings on a site

To align with the submitted changes outlined in the sections above, the following is also submitted. Words to be added are shown as underlined and words to be removed are shown as ~~struck through~~. 1270.4

I530.4. Activity table

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

~~The rules in Activity Table I530.4.1 in I530 Orewa 2 Precinct as they relate to the construction and use of up to 3 dwellings per site replace the rules in the underlying zones for the construction and use of up to 3 dwellings per site.~~

Table I530.4.1 Activity table specifies the activity status of land use, development and subdivision activities in the Orewa 2 Precinct pursuant to section 9(3) and section 11 of the Resource Management Act 1991 or any combination of these sections where relevant. A blank activity status cell in Table I530.4.1 Activity table means that the zone, Auckland-wide and overlays apply as relevant.

Table I530.4.1 Activity Table

Activity		***Activity Status***
Use		
(A1)	*Dwellings*	
(A2)	*Two or more dwellings on a site <u>within the Residential – Low Density Residential Zone</u>*	*RD*
(A3)	*Retirement villages*	*D*

…

I530.6. Standards

The overlay, Auckland-wide and zone standards apply in this precinct unless otherwise specified below.

~~The standards in I530.6 in I530 Orewa 2 Precinct as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying zones for the construction and use of up to 3 dwellings per site.~~

All activities permitted and restricted discretionary activities listed in Table I530.4.1 Activity table must comply with the following standards.

I530.8.2.2. Two or more dwellings on a site

(1) Development of two or more dwellings on a site will be assessed against the relevant assessment criteria in the underlying ~~Residential - Mixed Housing Suburban~~ Zone.

(2) The extent to which sites proposed for two or more dwellings on the site have sufficient street frontage to allow dwellings to face on to the street.

3. Chapter H5 – Mixed Housing Urban Zone

3.1 Delete Rule H5.4.1(A2A) – One dwelling per site subject to a Significant Ecological Area Overlay which complies with Standards E15.4.2(A29) and E15.6.5

Proposed Rule H5.4.1(A2A) imposes a Controlled Activity status for the construction of a dwelling on a site containing a SEA - even if no works take place within this overlay. Matters of Control relate to mitigating the adverse effects on ecological values for the SEA. This is contrary to the outcome sought by both the underlying zoning that would provide for at least one dwelling plus any minor dwellings or accessory buildings and the proposed zoning which should allow up to three dwellings as of right subject to compliance with relevant standards.

This rule also contains a provision requiring compliance with existing Rule E15.4.2(A29) and Standard E15.6.5 of the AUP(OP) with no changes proposed under PC78. Failure to comply with these provisions means the activity is unable to comply with Rule H5.4.1(A2A) and is therefore Non-Complying Activity by default under H5.4.1(A1). This is in addition to the activity status (up to Restricted Discretionary Activity) imposed through Chapter E15 (Vegetation management and biodiversity) provisions.

The Section 32 analysis justifies this rule with the following:

Development is enabled on sites with significant ecological areas located within them where the development provides for the protection and management of the significant ecological values. The requirement is that all proposed buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.

…

Under E15.6.5. Vegetation alteration or removal within a significant ecological area provides as a controlled activity for up to per site up to 300 metres^2 for a building platform and access way for a dwelling. It is proposed this is retained in essence but change to a "single" building platform only. When also including assess, driveway and parking considerations this can be much more if the identified SEA-T is removed as part of the consent.

The Evaluation and Section 32 Report concludes that this restriction will result in 0.7% of MHU sites being affected.

It is considered that this rule imposes an unnecessary burden to development of the site outside of the SEA and we submit that it be deleted in its entirety accordingly. Rule H5.4.1(A2A) would extend development restrictions across the whole site without going through the same extensive process as in the Proposed Auckland Unitary Plan (PAUP) to accurately investigate and map out the areas of

ecological significance and where ecological values would be vulnerable to inappropriate development.

These rules would introduce SEA restrictions based on property boundaries, which are arbitrary in an ecological context. Chapter E15 already has robust restrictions in place to protect SEAs from inappropriate development. These appropriately went through the Schedule 1 process for the PAUP. This includes the construction of a dwelling as a Controlled Activity only where vegetation in the SEA is required to be cleared, and vegetation clearance over 300m^2 as a Restricted Discretionary Activity. The introduction of Rule H5.4.1(A2A) (as well as the requirement for compliance with Rule E15.4.2(A29) and Standard E15.6.5) unnecessarily goes over and above the outcomes sought within the existing rules of the AUP(OP) without robust justification on ecological grounds. Failure to comply with Rule E15.4.2(A29) and Standard E15.6.5 would make the construction of a dwelling a Non-Complying Activity under H5.4.1(A1) despite these rules having no higher than Restricted Discretionary Activity status prescribed in Chapter E15 for failure to comply. This is in an inefficient administration to the unitary plan which has not been addressed in the plan change's Section 32 analysis and one which is unlikely intended.

In summary, it is submitted that H5.4.1(A2A) is deleted in its entirety. This rule is an attempt to make development more stringent for activities near SEAs that only results in an inconsistent and inefficient administration of the AUP(OP). It also goes beyond the scope of what's required of this plan change in terms of Governments intent as the provisions in Chapter E15 already provide suitable protections for SEAs from inappropriate development. The Evaluation and Section 32 Report provides insufficient justification for how development outside of an SEA, but within the same site could compromise ecological values.

1270.5

3.2 Delete Rule H5.4.1(A2B) – Two or more dwellings per site subject to a Significant Ecological Area Overlay

Rule H5.4.1(A2B) provides for two or more dwellings as a Discretionary Activity. There are no additional Chapter E15 rules to be complied with, although there is reference to Standards E15.4.2(A43) and E15.6.5.

The density standards brought about by the MDRS intend to provide three dwellings per site as permitted. As with Rule H5.4.1(A2A), this rule extends development restrictions up to arbitrary site boundaries without a consistent justification and not supported by the Evaluation and Section 32 Report.

The Evaluation and Section 32 Report has no reference at all to this rule, making it unclear how it gives effect to Policy B7.2 of the Auckland Regional Policy Statement or Section 6(c) or the RMA. The density standards of Schedule 3A require the provision for construction of up to three dwellings to be enabled, and protections of this level of development from adverse ecological effects are sufficiently provided for in Chapter E15.

There is little clarification on how this level of building intensity outside of the SEA overlay, but within the same property, would be an inappropriate use of land. The Evaluation and Section 32 Report does not detail what adverse effects there are with more than one dwelling on the site outside of the SEA in comparison to two or three dwellings that are also outside the SEA but compliant with all other

density standards. The Evaluation and Section 32 Report offers no reasoning for assigning the Discretionary Activity status where the sole concern associated with this rule are the ecological effects. As Standards E15.4.2(A43) and E15.6.5 have adequate provisions in Chapter E15 with activity statuses, there is no value in referring to them here.

In summary, it is submitted that Rule H5.4.1(A2B) is deleted in its entirety. The Section 32 analysis does not justify introducing this rule, and there is insufficient reasoning to restrict up to three dwellings outside of a SEA as it relates to both built form and this intensity of development. 1270.6

3.3 Delete Standard H5.6.10(2)(a) – Building coverage

Standard H5.6.10(2)(a) imposes a 50% maximum building coverage restriction across the entirety of sites containing an SEA overlay. This standard is effectively the same as H5.6.10(1) which imposes a 50% maximum building coverage restriction across the entire site, regardless of whether they contain a SEA.

It is submitted that H5.6.10(2)(a) be deleted as it is a redundant and duplicated restriction on the site. A 50% site-wide coverage restriction is proposed in standard H5.6.10(1) which gives effect to the Schedule 3A density standards. 1270.7

3.4 Delete Standard H5.6.10(2)(b) – Building coverage

Standard H5.6.10(2)(b) is a restriction on building coverage within 3m of any vegetation within a SEA. Although listed under the building coverage section, this is effectively a setback/yard restriction as it specifies the minimum distance a building can be from an object rather than the ground cover it can occupy. This rule also effectively expands the size of SEAs without formally doing so. These were mapped out extensively through introducing Chapter E15 of the PAUP, including identifying areas near vegetation of ecological significance where it would be inappropriate for use and development to take place.

Section 77I provides for qualifying matters to be introduced where the extent of development provided for under the Schedule 3A density standards would be inappropriate with respect to the qualifying matters referred to in that section. The Section 32 analysis of this rule does not provide a connection between this rule and the coverage density standard, particularly as it doesn't relate to the coverage of buildings. It is therefore inappropriate to introduce this Standard through PC78.

It is therefore submitted to delete Standard H5.6.10(2)(b) as it is not within the scope of rules enabled for qualifying matters under Section 77I. Sufficient controls on building in or near SEAs are provided for in Chapter E15, and any attempt to extend those restrictions should be through a Schedule 1 plan change rather than introduced as a qualifying matter. 1270.8

3.5 Delete Standard H5.6.10(2)(c) – Building coverage

Standards H5.6.10(2)(c) is a restriction on any building coverage within a SEA. This standard also does not refer directly to the site-wide building coverage density standard. For similar reasons as discussed above, it is submitted that this rule be deleted as it does not give effect to the intent of qualifying matters as specified in Section 77I. It does not relate to development enabled by the density standards, and the rules in Chapter E15 of the AUP(OP) already included restrictions on the construction of dwellings and associated removal of vegetation with respect to SEAs. 1270.9

4. Qualifying Matter – Flood Plains

The site partially contains a Flood Plain that is subject to the Chapter E36 (Environmental Risk – Natural Hazards and Flooding) of the AUP(OP). Floodplains have been introduced as a qualifying matter through Section 77I, however there have been no additional rules proposed that relate to the development enabled through Schedule 3A. It is submitted to remove Flood Plains as a qualifying matter as they do not give effect to Section 77I and the restrictions to density standards provided in this section. 1270.10

Hazards, specifically flooding, are not explicitly listed under Section 77I. As such, Section 77L must be satisfied to ensure that the area/s are inappropriate for higher density. Given the vast application of the 1% AEP floodplain throughout the Auckland Region, this clearly does not satisfy Section 77L, which requires site specific analysis.

5. Conclusion

The site at 289 West Hoe Height in Orewa is located within the Orewa 2 Precinct which already includes sufficient provisions to avoid adverse effects on the unique natural, ecological and amenity values of the area, as well as ensuring all natural hazards are thoroughly investigated before development occurs. Applying the proposed qualifying matters (precinct, wastewater and/or water constraints control and flood plains) duplicates or extends existing protection provided by the AUP(OP). Furthermore, the proposed plan change does not align with the provisions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and National Policy Statement on Urban Design 2020.

Sufficient provisions to protect vegetation, streams, open space networks, and amenity values already exist within the AUP(OP) and it is not appropriate for the rules proposed in PC78 to go over and above these. Any land outside of specified (and spatially delineated) areas in the precinct plan is suitable for intensification, this is especially true where there is insufficient Evaluation and Section 32 Report analysis to support the application of qualifying matters. In addition, the proposed rules and qualifying matters do not give effect to Section 77I or 77L of the RMA as they do not relate to the density standards introduced in Schedule 3A or make those standards less enabling.

We appreciate your careful consideration of the Council's approach and the implications on this site.

Yours sincerely,

Sarah Robson
Principal Planner

Daniel Brown
Planning Manager

Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Prasanthi

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Prasanthi

Organisation name:

Agent's full name:

Email address: prasanthi.cottingham@gmail.com

Contact phone number:

Postal address:

Mt Eden
Auckland 1024

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Special character areas, walkable catchments.

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
I feel that the special character areas which have been identified are almost exclusively high income areas close to the city centre and are therefore prime area for high density housing. When I walk around Mt Eden and Kingsland I see many houses which are not heritage housing, are highly modernised, and do not hold any 'special character'. This is the same for Remuera and Parnell which are majority modern housing. I do not think that high income individuals in the city should be able to preserve their preferred way of life and their property investments at the expense of all other residents in Auckland. In order to afford to buy a home in Auckland, my family of three have had to purchase a one bedroom apartment as that is all that we can afford. Frankly it will be an upgrade from our current two-bedroom home

in which mould grows on the roof during the winter months regardless of how much dehumidifying and cleaning we do (which is a significant health hazard to our one-year-old baby). I support specific houses and properties having designated heritage status, however I do not support special character areas as a blanket protection of high-income homes. This has the result of pushing more residents to the fringes of the city and increasing their transport footprint.

The walkable catchment should be increased to 20 minutes to all areas of high-frequency public transport and 30 minutes for the CBD. Research has shown that this a more realistic time that people are willing to walk to catch public transport or to their place of work.

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

Details of amendments: Remove special character areas and increase the walkable catchment area.

1271.1
1271.2
1271.3

Submission date: 29 September 2022

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.

Yes

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

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Maninder Kaur-Mehta (Manisha)

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Robin Shao
Attachments: 220928 PC78 Submission - Robin Shao 10 Waitapu Rd.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Robin Shao

Organisation name:

Agent's full name: Gerard McCarten, Sentinel Planning Ltd

Email address: gerard@sentinelplanning.co.nz

Contact phone number: 095516205

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
See attached

Property address: See attached

Map or maps: See attached

Other provisions:
See attached

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 attached

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

Details of amendments: See attached

Submission date: 29 September 2022

Supporting documents
220928 PC78 Submission - Robin Shao 10 Waitapu Rd.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.

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Submission on Proposed Plan Change 78 to the Auckland Unitary Plan (Operative in Part)

Clause 6 of Schedule 1, Resource Management Act 1991

To: Auckland Council

Name of submitter: Robin Shao

This is a submission on a change proposed to the following plan (the **Proposal**):

- Auckland Unitary Plan – Operative in Part (the **Unitary Plan**)
- Plan Change 78: Intensification (**PC78**)

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

The specific provisions of PC78 that this submission relates to are:

a) **Zoning:** Residential – Low Density Residential Zone
b) **Qualifying matter:** Flooding
c) **Chapter**: E36 Significant Natural Hazards and Flooding
d) **Chapter:** E38 Subdivision – Urban
e) **Chapter:** H3A Residential – Low Density Residential Zone

Their submission is:

The submitter **OPPOSES** the zoning of 10 Waitapu Road, One Tree Hill to Residential – Low Density Residential Zone

The submitter **OPPOSES** the above provisions and wishes to have them amended.

Context

The council proposes to apply the Residential – Low Density Residential Zone (**LDRZ**) to sites across Auckland, including those at 4, 6, 6A, 8 and 10 Waitapu Road, One Tree Hill in particular, on the basis that they are:

a) currently zoned Residential – Single House Zone (SHZ) in the Unitary Plan;
b) subject to the 1% AEP Floodplain qualifying matter (according to its non-statutory GIS map layer); and
c) subject to "significant constraints" (being unable to accommodate a building platform and/or cannot achieve safe access).

For clarity, the Submitter understand that these properties are also subject to the Local Maunga Viewshafts Overlay and Regional Maunga Viewshafts and Height and Building

Sensitive Areas Overlay but that these are not the reasons for the LDRZ being applied to sites. If this is not the case the Submitter reserves the right to present evidence on those aspects as well.

Reasons

A. The LDRZ is more than necessary to accommodate the flooding qualifying matter

[1] Section 77I of the RMA confirms the council may make the MDRS or Policy 3 less enabling to accommodate a qualifying matter. But that is allowed "only to the extent necessary".

[2] It is not necessary to make the provisions of the MDRS or policy 3 less enabling of development in order to accommodate the flooding qualifying matter.

[3] The use of the LDRZ to accommodate the qualifying matter is a blunt tool that goes beyond what is necessary to accommodate flood risk.

[4] It appears to treat all parts of the flooding qualifying matter layer as equally risky – without taking into account the depth, velocity or duration of flood waters anticipated in different locations and which are key factors in determining the level of risk.

[5] The existing provisions of Chapter E36 already adequately accommodate the flooding qualifying matter, in a manner that is consistent across the city – including sites that are subject to the flooding qualifying matter and are already zoned MHU or THAB.

[6] Numerous developments have been authorised through the Chapter E36 assessment framework since the Unitary Plan was notified, where residential activity has been successfully accommodated on sites subject to flooding, and where safe egress or refuge has been provided. This approach to managing development should be continued.

B. The council's Report does not demonstrate there is an issue to be addressed

[7] The Section 32/77K Report for flooding (the **Report**) identifies as an issue:

> *Flooding is incompatible with the intensification required by MDRS and Policy 3 as the level of development enabled by these requirements may pose increased flood risks to people, property, and the environment.*

[8] The Report does not explain how this is any different to intensification already enabled by the existing MHS, MHU and THAB zones and managed by Chapters E36 and E38. Nor does it explain how those provisions are not capable of managing the flood risks in relation to the MDRS or Policy 3.

[9] In this regard, the Report fails to meet the requirement of section 77K(3)(a): that it must demonstrate why the qualifying matter is incompatible with the level of development permitted by the MDRS or Policy 3.

[10] Later, when identifying options to address the supposed issue, the Report states:

> *Additional intensification, particularly in residential areas, that are subject to flooding increases the number of people and properties that are exposed to this hazard.*

[11] And when evaluating the three options proposed, the Report states:

> *The use of a zoning approach on sites subject to the greatest increase in development potential will assist in managing the number of people and property exposed to this risk, while the other amendments will strengthen the ability for flood risk to be considered and assessed.*

[12] Without identifying any specific deficiency in the existing Unitary Plan provisions the Report's fundamental basis for its position is flawed.

C. The council is going over old ground regarding the use of zoning and increasing the number of people and properties being exposed

[13] The council's position has already been subject to scrutiny during the creation of the Unitary Plan and was rejected.

[14] In the Proposed Unitary Plan, notified September 2013, the council proposed (among other things) a zone-based approach to flood risk management as a result of enabling additional dwellings and people within an area subject to flooding.

[15] The Independent Hearings Panel heard evidence on this matter, and the use of the SHZ to effectively down-zone sites from what might otherwise have been MHS, MHU or THAB sites. It rejected the council's approach:

> *It appeared in light of answers to questions from the Panel that witnesses for the Council regarded the nature of flood risk to existing developed areas in relatively constant terms – that is, if a site floods, then there is a flood risk. The Panel considers that the actual situation is more complex and involves assessments of how deep the flooding is and for how long the site is flooded. If an area is alongside a river which is known to cause flooding of more than 30cm for extended periods, that is a different type of risk to surface stormwater flooding of less than 30cm which drains within a few hours. A key difference in terms of land use planning for additional development in existing urban areas would be whether the flooding would cause people to have to leave their homes for their safety, or whether they could safely remain in their homes until the flooding*

> *recedes. Risks to pedestrians or motorists arising from venturing out into storms do not, in the Panel's view, provide the most appropriate basis for land use planning.*
>
> *On the evidence before it, the Panel is not satisfied that there are extensive areas of urban Auckland which face flooding risks that might lead to the evacuation of homes: from the evidence and the experience of Panel members, the likely risk faced by people and communities in Auckland is of surface flooding that can cause damage in low-lying or poorly drained areas. The Panel accepts that there are exceptions to this, but for the purposes of Auckland-wide rules, the Panel recommends that the rules address the effects of surface flooding and, in particular, the use and development of land in ways that may have adverse effects on overland flow paths.* [Emphasis added]

[16] It went on to recommend:

> *The Panel was also not convinced about the degree of restriction on use and development in existing built up areas under the natural hazard and flooding provisions. The Panel recommends that more consideration be given to enabling site-specific design-led solutions using controlled or restricted discretionary activity status, with appropriately limited matters of control or discretion, and clear and succinct assessment criteria that assist with giving effect to the objectives and policies for natural hazards and flooding.*

[17] The council decided to accept the recommendations of the IHP and we have Chapter E36 in its current form. But now the council appears to be going over the same ground again, with no evidence to demonstrate why the current provisions are inadequate, and in spite of their success.

[18] The basis for modifying MDRS and policy 3 to be less enabling, being necessary to accommodate the flooding qualifying matter, is a Strawman Fallacy. The Unitary Plan already accommodates flooding through the application of Chapters E36 and E38.

D. The council's proposed approach and application of the criteria is not consistent with the Unitary Plan's management of flood risk, which it is not proposing to change

[19] Other than inserting a sentence into Chapter E36 to state that it has applied the LDRZ to some land which is subject to natural hazards, the council does not propose any other changes to the chapter. The Submitter considers this is telling of how Chapter E36 already provides a comprehensive framework for assessment of flood risk for residential development within a floodplain: in particular it requires either safe evacuation or safe egress to be provided.

E. Applying the LDRZ to sites that are subject to flooding will create inconsistency within the Unitary Plan and undermine its integrity

[20] As outlined in point C above, the council already has an approach to managing flood risk, which was subject to much evidence and examination when the Unitary Plan was formed.

[21] It is not clear, nor is it explained in the Report, why some sites should be subject to a different approach compared to properties that are subject to the qualifying matter but will be zoned MHU and THAB.

[22] To apply to an additional and different approach to some site would create confusion and undermine the integrity of the Unitary Plan and the ability to apply the objectives and policies consistently.

[23] The property at 10 Waitapu Road is proposed to be zoned LDRZ yet the adjoining property at number 12 is proposed to be zoned MHU. This is despite both properties being subject to the flooding qualifying matter. Nearby properties on Campbell Road and Wheturangi Road are also subject to the flooding, but are proposed to be zoned MHU. The only difference appears to be that these sites are currently zoned MHS instead of SHZ.

[24] The council's (flawed) position is because the SHZ only permits one dwelling whereas the MHS already allows more. But it is difficult to see how the flood risk issues for a multi-unit development on a former MHS site are any different (better or worse) compared to the same development on a former SHZ site – especially when the provisions in Chapter E36 would apply equally.

[25] The two approaches will also create confusion in the general public's understanding of the plan and its fundamental approach: that the provisions of the zone are modified by the relevant overlays.

F. The LDRZ provisions related to flooding add nothing to the provisions in Chapter E36, and could result in farcical outcomes

[26] The LDRZ includes the following provisions, that refer to flooding or natural hazard risks (that could include flooding):

- Objectives H3A.2(5) and (9)
- Policies (11) and (14)
- Rule H3A.4.1(A38)
- Matter of discretion H3A.8.1(3)(b)
- Assessment criterion H3A.8.2(9)(f)

[27] To the extent that these are relevant to a development with the 1% AEP floodplain (as opposed to other hazards), it is not clear what any of these add to an assessment of a development that is not already addressed by the provisions in Chapter E36.

[28] The objectives and policies have no rationale beyond restricting development for the sake of restricting development. This approach has been rejected by the IHP and stands in contradiction to development in the MHU and THAB zones (and in remaining areas of SHZ and MHS outside the scope of PC78) where development in the floodplain is not restricted outright but is managed.

[29] Somewhat confusingly, any development within the LDRZ and a 1% AEP floodplain would still be subject to the provisions of Chapter E36. So, it could result in a farcical situation where a development of more than two dwellings in a LDRZ, which is a non-complying activity, satisfies the flood risk assessment provisions in Chapter E36, but is still contrary to the objective and policy of restricting development for the sake of it.

G. The LDRZ has no provisions that relate to overland flow paths and shouldn't be applies to sites containing OFPs

[30] It is understood that the application of the LDRZ zone also applies to sites that are subject to overland flow paths (**OFPs**). The definition is not proposed to be changed in PC78 and so presumably OFPs are qualifying matters only where they have a catchment of more than 4,000 m^2. Despite the council's Report saying the LDRZ should apply to selected sites that are subject to OFPs the provisions of the LDRZ contain no reference to OFPs. Like flooding, the application of the zone for this qualifying matter appears unnecessary – it is already addressed in Chapters E12 and E36.

H. The council does not appear to have applied its own criteria correctly

[31] The council's criteria for determining whether a site is subject to 'significant constraints' from flooding are whether the site can contain a 140 m^2 buildable area with minimum dimensions of 15 m x 8 m, and whether there is safe access outside the flood plain area.

[32] The property at 10 Waitapu Road is able to accommodate a 15 m x 8 m rectangle and a 140 m^2 building area that is clear of the flood plain, and also has access to flood-free areas of Waitapu Road and the adjoining Cornwall Park. It does not meet the council's criteria for downzoning, yet has been downzoned to LDRZ regardless.

I. The property at 10 Waitapu Road does not need to be zoned LDRZ to accommodate flooding

[33] The attached Flood Risk Report, prepared by Developed Consultants Ltd, confirms that 10 Waitapu Road has minimal flooding. Specifically:

(a) the extent of flooding covers only a small porting of the site; and

(b) the depth of flooding in a 1% AEP rainfall event would be between 0 cm and 28 cm, at a velocity of approximately 0.34 m/s, for less than 1 hour.

[34] The hazard vulnerability curve for the parameters identified in the Flood Risk Report is the lowest level possible: 'H1 – generally safe for people, vehicles and buildings'.

[35] The council has not identified any reason why the level of flooding on this site should warrant downzoning to LDRZ, or why Chapters E36 and E38 are incapable of addressing flooding on the site when it is developed.

[36] The situation is expected to the same for 4, 6, 6A, 8 Waitapu Road.

J. Unfair process and burden on property owners

[37] Broad application of the LDRZ due to the presence of flooding will create a high burden on landowners and artificially lock out sites from development potential by requiring a plan change process to re-zone sites from LDRZ to MHU or THAB.

[38] This could be necessary when a site-specific flood assessment confirms that a site is not subject to a flood plain, or that the site is not subject to the "significant constraints" that resulted in it being downzoned to LDRZ in the first place.

K. Downzoning to LDRZ will have a greater impact on housing capacity than indicated, due to SHZ zone sites tending to be larger

[39] The council's Report identifies that there are 10,930 parcels of land zoned SHZ and within a mapped floodplain, which represents 16.8% of all residential land parcels. While this is not the majority of land parcels in the city, many of these parcels will be in the central isthmus and close to centres or transit stops. Even more importantly, SHZ sites tend to be larger and so have a greater development to deliver more homes.

[40] The automatic downzoning of these properties to LDRZ, instead of applying a site-specific approach as per the rest of the Unitary Plan will have a greater impact on housing capacity that the 'low' 16.8% percentage might indicate.

Relief sought

The Submitter seeks the following decisions from Auckland Council:

1. That the properties at 4, 6, 6A, 8 and, in particular, 10 Waitapu Road are zoned Residential – Mixed Housing Urban | 1273.1

2. That the provisions of the MDRS and policy 3 are not made any less enabling for the properties at 4, 6, 6A, 8 and 10 Waitapu Road | 1273.2

3.	That the council does not apply the Low Density Residential Zone to properties in order to accommodate the flooding qualifying matter	1273.3
4.	That the council deletes refences to flooding from the provisions in Chapter H3A Residential – Low Density Residential Zone	1273.4

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

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

Address for service: PO Box 33995, Takapuna, Auckland 0740

Contact person: Gerard McCarten

Telephone: 09 551 6205

Email: gerard@sentinelplanning.co.nz

developed.

Land Development and Subdivision Specialists

FLOOD RISK REPORT

10 Waitapu Road, One Tree Hill, Auckland

Client:	Robin Shao
Project Number:	30150
Prepared By:	Terry Wu
Reviewed By:	David Miller
Approved By:	Anson Zhang
Date	15/09/2022
Revision:	0

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1. INTRODUCTION

Developed Consultants Ltd have been engaged by the client to provide a flood risk report. This report is intended to accompany a Resource Consent and/or Building Consent application for the proposed development at 10 Waitapu Road, One Tree Hill, Auckland.

This report will assess the flood risk hazard to the development site in accordance with Auckland Council requirements. Based on the assessment, relevant building controls will be provided for the proposed development.

2. EXISTING SITE DESCRIPTION

The proposed development site is located at 10 Waitapu Road, One Tree Hill, Auckland. The site is legally described as Lot 2 DP 36151 and has an area of 966m². Figure 1 below shows an aerial image of the site which has been retrieved from Auckland Council's Geomaps.

Figure 1: Aerial Image of Site (Geomaps)

3. PROPOSAL

At present there is no proposal for the subject site.

4. FLOOD RISK ASSESSMENT

A flood Risk Assessment has been undertaken to determine the potential flood risk hazard to the proposed development site. Based on the assessment, relevant building controls have been provided in accordance with Auckland Unitary Plan, Auckland Stormwater Code of Practice, and New Zealand Building Code.

5. DESKTOP ASSESSMENT

We have reviewed the overland flowpath and contour data available on Auckland Council's Geomaps. We have also reviewed the LINZ LiDAR data of the site and undertaken a visual assessment of the site and local catchment using Google Street View. The figure below is a screen shot from Geomaps showing potential overland flow paths in blue lines and potential flood plains in blue hatch.

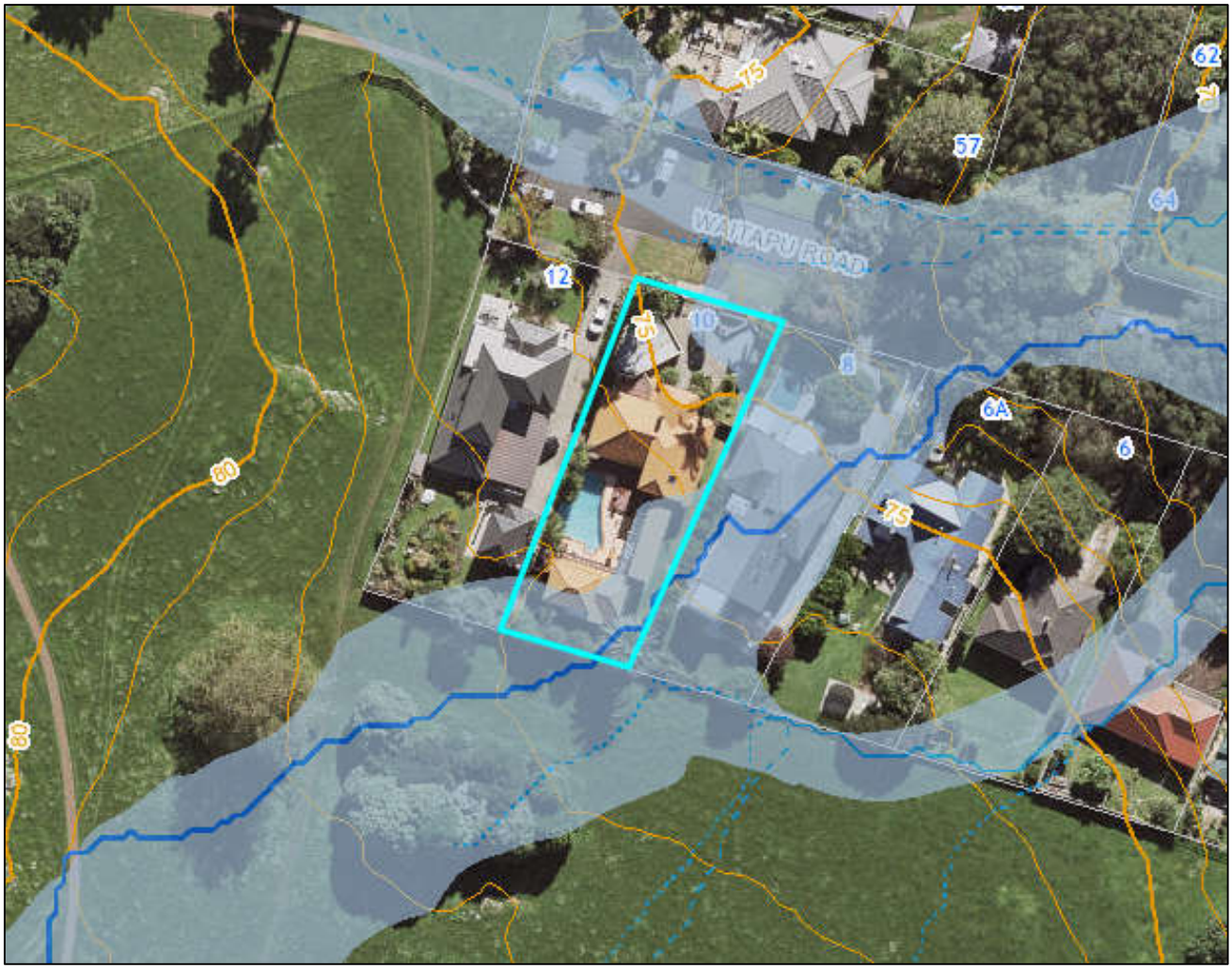


Figure 2: Screen shot from Geomaps showing potential overland flowpaths and flood plains (Geomaps)

Geomaps indicates a potential flowpath and an associated floodplain flowing from southwest to northeast toward Waitapu Road. Based on our desktop assessment, we believe the flows would generally follow the paths as indicated by Geomaps.

To get a better understanding of the flows expected along the flowpath and therefore better assess the potential risk to the proposed development site, we have undertaken hydrological and hydraulic assessments which are detailed below.

6. PROPOSED MODELLING STRATEGY

HEC-HMS and HEC-RAS have been used in combination. A 2D flow area has been built in HEC-RAS which includes the subject site as well as appropriate area's upstream and downstream as shown in figure 7. HEC-HMS has been used in accordance with TP108 to estimate the peak 100-year ARI flow at the upstream boundary of the 2D flow area. HEC-RAS has been used to build a 2D model using LiDAR terrain data retrieved from LINZ Data Service.

7. DATA SOURCES

As the first step of the Flood Risk Assessment a desktop assessment of the site was undertaken using all publicly available information. The following summarises the sources of data.

Attributes	Organisation/Detail
Contours/Surface definition	LINZ Data Service Auckland North LiDAR 1m DEM (2016-2018), 1m grid Coordinate system, Mount Eden Circuit 2000 Height datum, NZVD2016
Soil Parameters	New Zealand Geology Web Map https://data.gns.cri.nz/geology/ Basalt lava, scoria cones, volcanic breccia, ash, lapilli and lithic tuff.

8. ASSUMPTIONS

The following assumptions were made in the assessment:

- Runoff is allowed to enter the catchment unimpeded, through the upstream boundary, which is located 100m north of the subject site.
- Runoff is allowed to exit the catchment unimpeded, through the downstream boundary, which is located 100m south of the subject site
- A Manning's Roughness value of 0.10 was applied to the entire catchment.
- All pipe networks within the catchment are assumed to be fully blocked.

9. MODEL METHODOLOGY

The analysis was done using the following steps:

1. Delineate the upstream catchment,
2. Determine the peak flow rate and 24-hour flow hydrograph in HEC-HMS,
3. Create 2D flow area,
4. Build 2D terrain model in HEC-RAS,
5. Calculate flowpaths and peak water levels.

10. HYDROLOGICAL ASSESSMENT

Using the input data detailed in the tables below, HEC-HMS has been used in accordance with TP108 to estimate the peak 100-year ARI flow along the flowpath. The model uses climate change adjusted rainfall data from TP108. The contributing catchment has been delineated and has area of 17ha as shown in figure 4 below. A time of concentration for both pervious and impervious catchments has been calculated using the equal area method as per TP108, refer to the appendix for further details. An impervious coverage of the catchment is Open Space – Informal Recreation Zone, which has max impervious of 10% under the Auckland Unitary Plan. SCS curve numbers have been based on an assumed 'Group A' soil type in accordance with the Auckland Geology Map.

Catchment Delineation

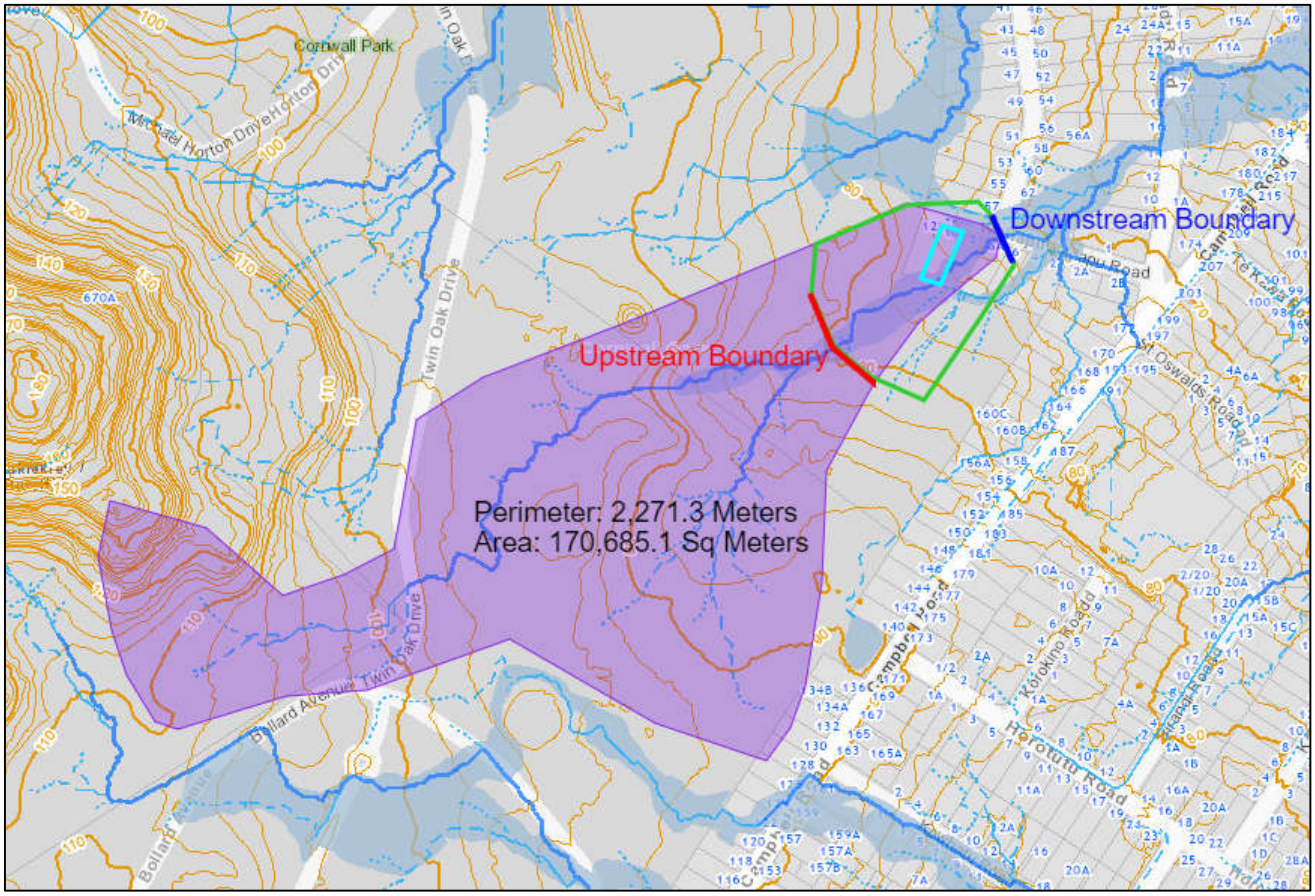


Figure 3: Catchment Delineation on Geomaps

Based on the catchment delineation in figure 4, the combined catchment area of the flowpaths is **17ha**.

Overland Flowpath

Overland Flow Paths - 3ha to 100ha (25,000)

Attribute	Value
Catchment Area (m2)	168288
Catchment Areas Group	3ha to 100ha
Line ID	3531355

Figure 4: Overland Flowpath Query Tool Results – Geomaps

Hydrological Model

The table below shows the input parameters used to estimate the peak 100-year ARI flow along the flowpath. Figure 6 below shows the HEC-HMS basin model used for the simulation. Figure 7 shows the HEC-HMS global summary detailing the flow results from the simulation. For further details, refer to the HEC-HMS results provided in the appendix.

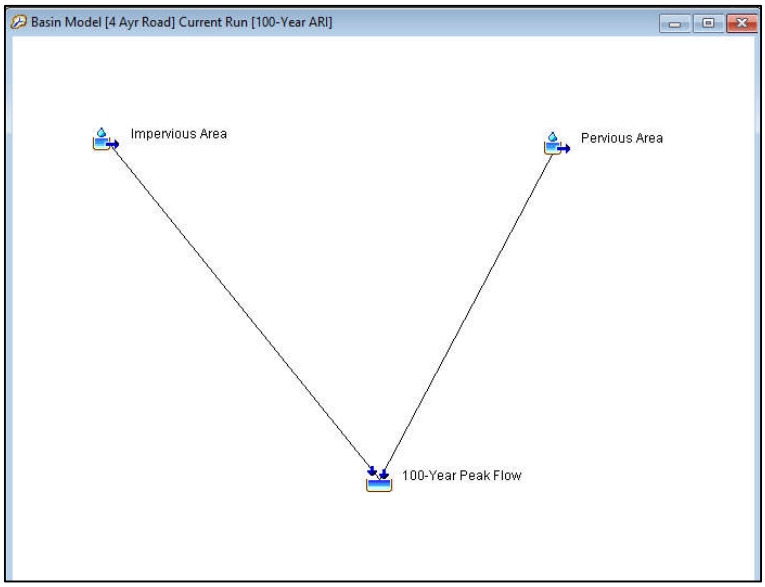


Figure 6: HEC-HMS Basin Model

Input	Value
100-year Rainfall Depth (mm/24hr) (TP108)	170
Climate Change Adjustment: TP108 x 1.168	198.56
Total Catchment Area (ha)	17
Impervious Catchment Area (ha)	17 x 10% = 1.7
Pervious Catchment Area (ha)	17 x 90% = 15.3
Impervious Time of Concentration (min)	20.7
Impervious Lag (min)	13.8
Pervious Time of Concentration (min)	44.1
Pervious Lag (min)	29.4
Impervious SCS Number	98
Impervious Initial Abstraction (mm)	0
Pervious SCS Number	39
Pervious Initial Abstraction (mm)	5

Table 1: HEC-HMS Input Data

Project: HEC-HMS Simulation Run: 100-Year ARI

Start of Run: 01Jan2000, 00:00 Basin Model: FP1
End of Run: 02Jan2000, 00:00 Meteorologic Model: 100 Year ARI
Compute Time: 15Sep2022, 09:34:58 Control Specifications: Control 1

Show Elements: All Elements Volume Units: (•) MM ( ) 1000 M3 Sorting: Hydrologic

Hydrologic Element	Drainage Area (KM2)	Peak Discharge (M3/S)	Time of Peak	Volume (MM)
Pervious Area	0.153	0.91046	01Jan2000, 12:30	62.25244
Impervious Area	0.017	0.41416	01Jan2000, 12:10	192.46384
100-Year Peak Flow	0.170	1.19856	01Jan2000, 12:20	75.27358

Figure 7: HEC-HMS Simulation Outputs

The estimated peak 100-Year ARI flow at upstream boundary of the 2D flow area is 1.2m³/s

The flow hydrography result will be utilised for the upstream boundary condition of the 2D model area.

10.1. 2D Flow Assessment

Rainfall Data

TP108 climate change adjusted rainfall was used in the assessment.

100-year ARI Rainfall Depth (mm/24hr) (TP108): **170 mm/24hr**

Climate change adjustment factor (Percentage Increase – SW CoP): 16.8%

Climate change adjusted rainfall used in model: **198.56 mm/24hr**

Catchment

The figure below shows the catchment terrain area modelled in HEC-RAS. An area downstream of the subject site has been included in the modelled catchment to ensure any backwater effects at the subject site are accounted for.

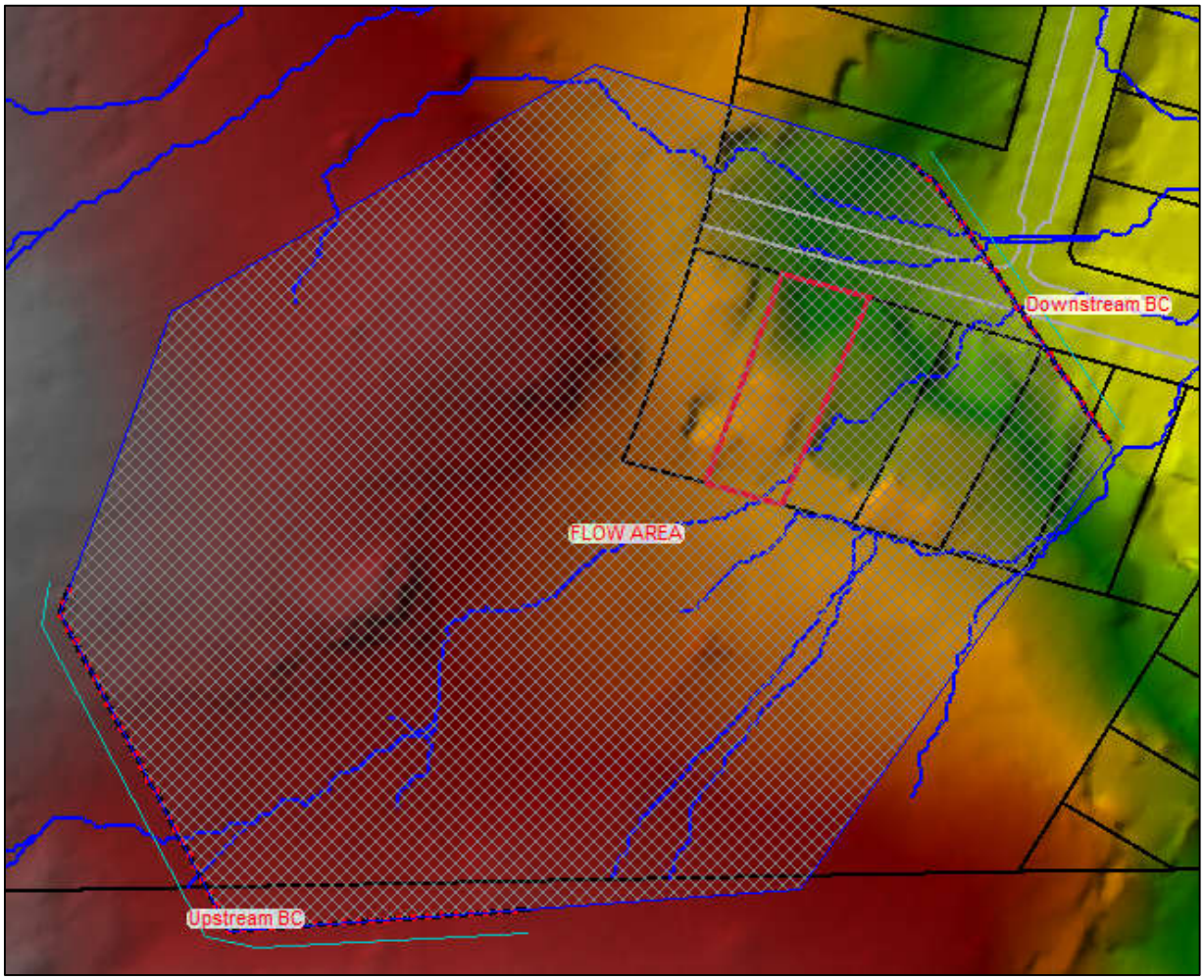


Figure 8: catchment area as defined in the HEC-RAS model

11. HYDRAULIC ASSESSMENT

11.1. Model Layout

HEC-RAS software was used in accordance with Auckland Council's TP108 to simulate runoff in the study area. The table below summaries the model inputs.

Geometric Data Attributes	Value/Comment
Contributing Catchment Area	17ha
Manning's Roughness	0.1 for entire catchment
Catchment area grid spacing	2m x 2m
Upstream boundary condition	The upstream boundary is located southwest of the subject site. The boundary allows runoff to enter the model
Downstream boundary condition	The downstream boundary located northeast of the subject site. The boundary allows runoff to exit the model

Unsteady Flow Attributes	Value/Comment
Upstream boundary normal depth	1% or 0.01
Upstream boundary peak discharge	1.2m³/s
Downstream boundary normal depth	1% or 0.01
Computation Interval	2 Second. Preliminary model outputs looking at the relationship between the velocity and length of the cells was assessed to ensure that the computational interval was adequate

11.2. Mapped Flood Extents

The figures below show the modelled flood map throughout the catchment and within the site.

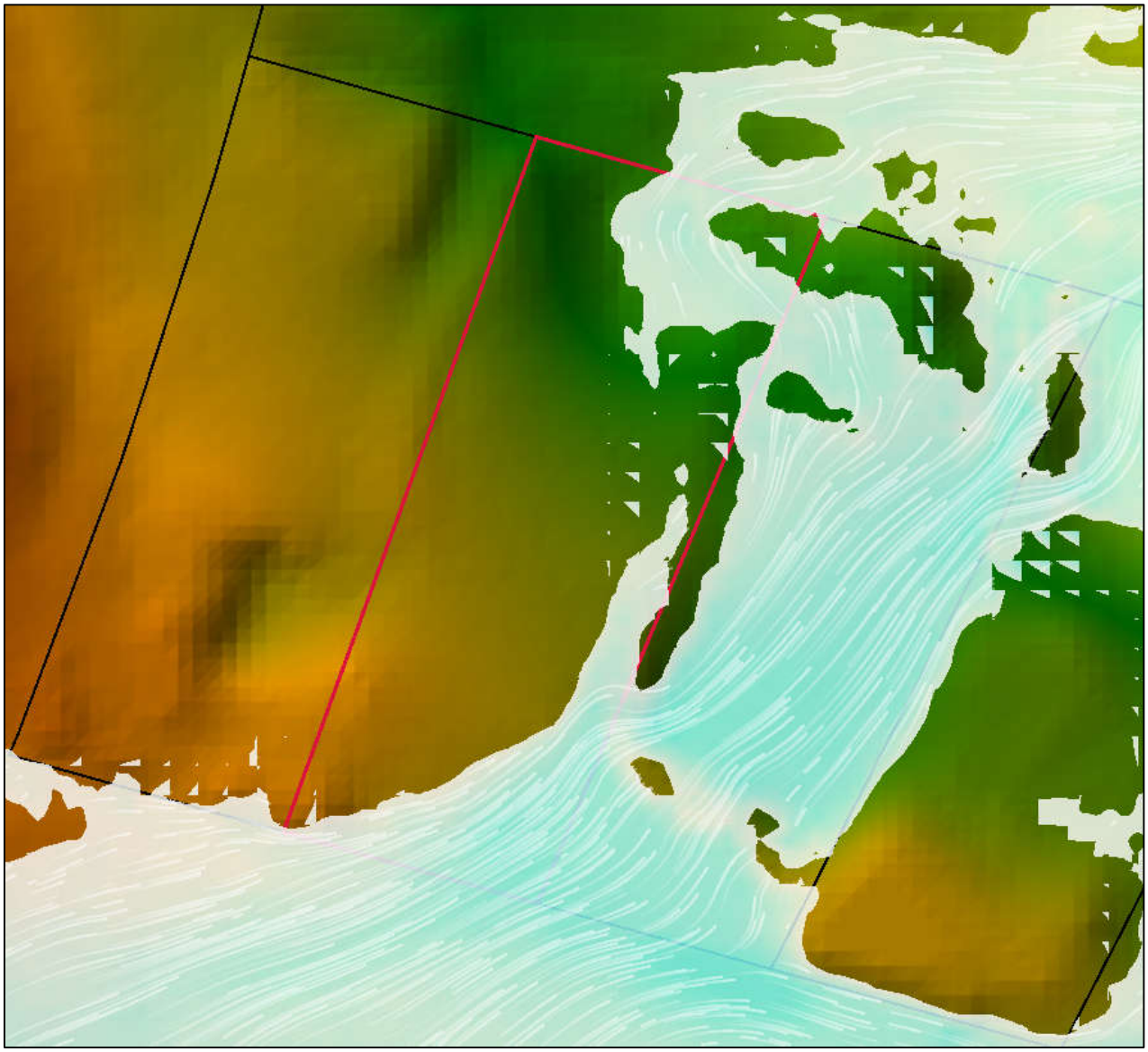


Figure 9: HEC-RAS flood model output with flow direction arrows, subject site center focus

12. FLOOD MODEL SUMMARY

Using HEC-RAS in combination with AutoCAD Civil 3D we have modelled the flood flow along the flowpath to estimate its extents and the associated flood levels within the development site. The estimated peak 100-year ARI overland flow path extents are shown on Developed drawing 70 which is attached in the appendix. For further details on the hydraulic assessment, refer to the attachments in the appendix.

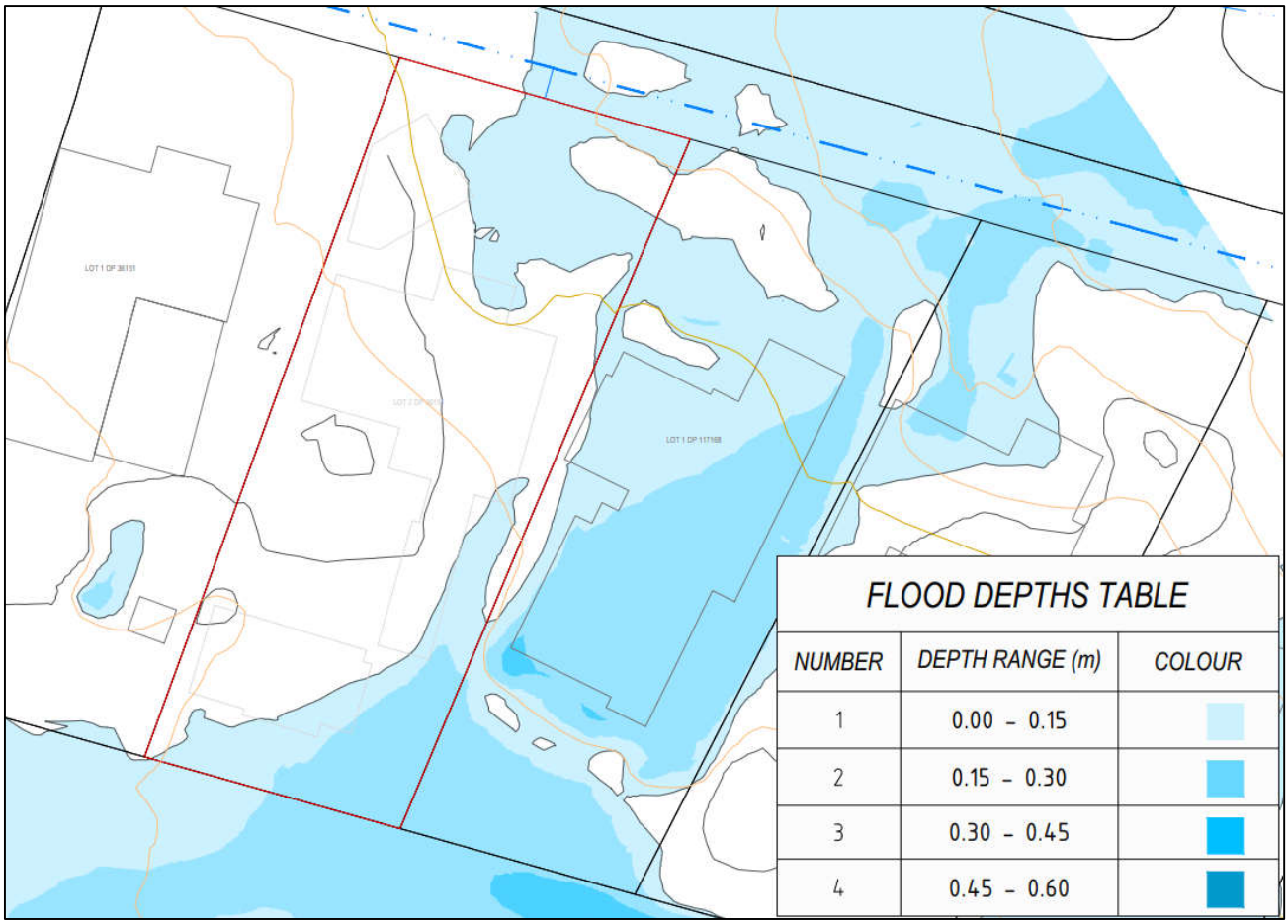


Figure 10: Screenshot of Flood Depths in AutoCAD

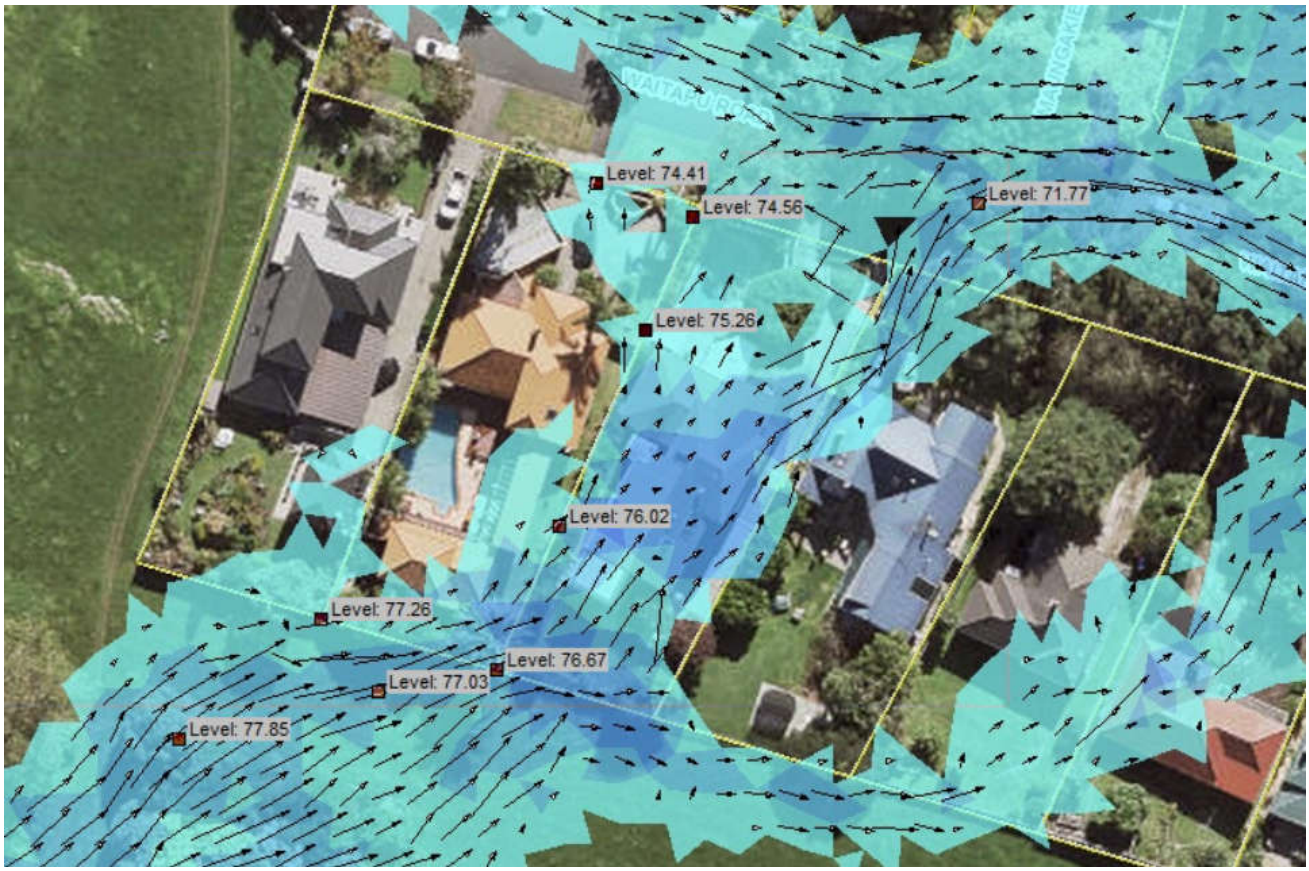
- Depths within the site range from 0m to 0.28m.
- The maximum 100-year ARI flow velocity measured within the site is approximately 0.34m/s.
- The maximum flood level measured within the site is 77.23m

13. HEALTHY WATERS CORRESPONDENCE

We have contacted Healthy Waters for comment on the flooding at the site and have attached email correspondence to this report.

"Please find below the flood information for the above property. If you need anything further, do let me know.

Please note that whilst due care has been taken in producing the floodplain map (using a climate change scenario of 2.1 °C temperature rise and 2013 LiDAR), Auckland Council gives no warranty as to the accuracy and completeness of the information provided here and accepts no liability of any error, omission and use of the information. The information provided does not preclude the need for an appropriate site-specific assessment and cannot be construed as an endorsement or approval of any development by Auckland Council."



Based on the estimated flood levels, we believe our assessment is in general accordance with Healthy Water's assessment.

14. FREEBOARD REQUIREMENTS

Auckland Council's Stormwater Code of Practice has the following requirements for freeboard:

Table 5: Freeboard requirements for the 1% AEP event flood plain and 1% AEP coastal storm inundation including 1 m sea-level rise

Scenario	Freeboard
More Vulnerable Activities* in floodplains	▪ 500 mm
Less Vulnerable Activities* in floodplains	▪ 300 mm
Overland flow paths where flow is less than $2m^3/s$	▪ 500 mm where surface water has a depth of 100 mm or more and extends from the building directly to a road or car park, other than a car park for a single dwelling ▪ 150 mm for all other cases
Overland flow paths, where flow is equal to or in excess of $2m^3/s$	▪ 500 mm for More Vulnerable Activities* ▪ 300 mm for Less Vulnerable Activities*
Coastal Storm Inundation Areas (1% AEP including 1m sea-level rise)	▪ 500 mm for dwellings and habitable rooms which are subject to wave action from the sea ▪ 150 mm for all other cases

* As defined in the AUP

Figure 11: Freeboard requirements - Stormwater code of practice

We recommend a minimum freeboard of 500mm above the peak 100-year ARI flood level for all new dwellings.

15. RECOMMENDATIONS

FINISHED FLOOR LEVELS:

We recommend minimum freeboard of 500mm above the peak 100-year ARI flood level measured adjacent to the up-stream edge of the proposed dwellings.

Specific finished floor levels will be provided once a scheme is proposed.

STRUCUTRES

All new structures located within the floodplain are to be raised on piles and have permeable subfloor cladding.

EARTHWORKS

Other than that recommended within the accompanying civil drawings, or if designed by a suitably qualified engineer, no significant fill is permitted within the 100-year ARI flood extents.

FENCES

New fences and walls within the 100-year flowpath must not obstruct the continuity of flows.

The following fence designs are recommended to comply with this requirement:
- Post and wire fences or wire mesh fences
- Railing type fences where at least 70% of the surface area of the fence is not solid
- Solid fences and walls with an opening of sufficient size at flood level that can convey the 1% AEP flood flow.

16. AUCKLAND UNITARY PLAN E36.9: HAZARD RISK ASSESSMENT

A hazard risk assessment has been undertaken in accordance with section E36.9 of the Operative Auckland Unitary Plan.

a) Type Frequency and Scale of the natural hazard and whether adverse effects on the development will be temporary or permanent

The effects to the development are limited to the duration of the rainfall event and are considered temporary.

b) Type of activity being undertaken and its vulnerability to natural hazard events

The proposed activity is defined as a vulnerable activity.

c) Consequences of a natural hazard event in relation to the proposed activity and the people likely to be involved in that activity

Provided the recommendations of this report are followed, the consequences from the overland flows are estimated to be less than minor.

d) Potential effects on public safety and other property

The proposed activity will have a negligible effect on public safety and other properties.

e) Any exacerbation of an existing natural hazard risk or creation of a new natural hazard risk

Not applicable.

f) Whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, coastal storm inundation or shoreline retreat

Not applicable.

g) The ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate the hazard, rather than hard engineering solutions or protection structures

Not applicable.

h) The design and construction of buildings and structures to mitigate the effects of natural hazards

The design incorporates adequate freeboard in order to protect against the risk of flooding during a 100-year ARI design storm.

***i) The effect of structures used to mitigate hazards on landscape values and public* access**

Not applicable

j) Site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event

It is not expected that site egress will be impeded for emergency vehicles in the event of a 100-year ARI storm.

k) The duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the effects of climate change

Not applicable.

l) Any measures and/ or plans proposed to mitigate the natural hazard or the effects of the natural hazard.

There are no plans to mitigate overland flows within the site

17. CONCLUSION

With respect to flood risk, subject to Auckland Council approval, we believe the site is suitable for development provided it complies with the recommendations contained within this report and the standard requirements of the New Zealand Building Code.

18. LIMITATIONS

This assessment has been prepared by Developed Consultants Limited using its professional judgement and acting in accordance with the standard of care and skill normally exercised by professional engineers providing similar services in similar circumstances.

Recommendations made within this report are subject to approval by Auckland Council. Developed Consultants Limited will not be liable for the use of recommendations contained within this report prior to its approval by Auckland Council.

19. APPENDIX

- Proposed Site Plan
- TP108 Rainfall Map
- Time of Concentration Worksheet
- Developed Drawings
- HEC-HMS Outputs
- Healthy Waters Correspondence

CATCHMENT TOC WORKSHEET

Address: ***10 Waitapu Road***
Date: ***12/09/2022***

Inputs	
Outputs	

Design calculations are in accordance with Auckland Councils TP108

Catchment Slope Using TP108's Equal Area method

Elevation (m)	h (m)	x (m)	x. change (m)	h. average (m)	Average Area (m2)
70.00	0	0	0	0.00	0.0
75.00	5.00	55	55	2.50	137.5
80.00	10.00	205	150	7.50	1125.0
85.00	15.00	315	110	12.50	1375.0
90.00	20.00	364	49	17.50	857.5
95.00	25.00	575	211	22.50	4747.5
100.00	30.00	703	128	27.50	3520.0
105.00	35.00	787	84	32.50	2730.0
110.00	40.00	864	77	37.50	2887.5
115.00	45.00	897	33	42.50	1402.5
120.00	50.00	906	9	47.50	427.5
125.00	55.00	924	18	52.50	945.0
130.00	60.00	930	6	57.50	345.0
135.00	65.00	938	8	62.50	500.0
140.00	70.00	960	22	67.50	1485.0
			960		22485.0

Slope: $S_c = 2A/L^2$ = 0.049 m/m

Catchment Properties

Landcover	Pervious	Impervious
Catchment Number (CN)	39	98
Channelisation Factor (C)	1.0	1.0

Pervious Catchment Time of Concentration

$t_{c(perv)} = 0.14*C_{(perv)}*L^{0.66}*(CN_{(perv)}/(200-CN_{(perv)}))^{-0.55}*Sc^{-0.30}$ = 0.735 hrs
44.1 min
SCS Lag for HEC-HMS... $2/3t_c$ = 29.4 min

Impervious Catchment Time of Concentration

$t_{c(imp)} = 0.14*C_{(imp)}*L^{0.66}*(CN_{(imp)}/(200-CN_{(imp)}))^{-0.55}*Sc^{-0.30}$ = 0.345 hrs
20.7 min
SCS Lag for HEC-HMS... $2/3t_c$ = 13.8 min

Project: HEC-HMS Simulation Run: 100-Year ARI

Start of Run: 01Jan2000, 00:00 Basin Model: FP1
End of Run: 02Jan2000, 00:00 Meteorologic Model: 100 Year ARI
Compute Time: 15Sep2022, 09:34:58 Control Specifications: Control 1

Hydrologic Element	Drainage Area (KM2)	Peak Discharge (M3/S)	Time of Peak	Volume (MM)
Pervious Area	0.153	0.91046	01Jan2000, 12:30	62.25244
Impervious Area	0.017	0.41416	01Jan2000, 12:10	192.46384
100-Year Peak Flow	0.170	1.19856	01Jan2000, 12:20	75.27358

N

WAITAPU ROAD

LOT 1 DP 36151

LOT 2 DP 36151

LOT 1 DP 117168

FLOOD DEPTHS TABLE

NUMBER	DEPTH RANGE (m)	COLOUR
1	0.00 - 0.15	
2	0.15 - 0.30	
3	0.30 - 0.45	
4	0.45 - 0.60	

DRAWINGS ARE INTENDED FOR RESOURCE CONSENT ONLY.

developed.
info@developed.co.nz | www.developed.co.nz

Drawing Title	PRE-DEVELOPMENT 100-YEAR ARI FLOOD EXTENTS PLAN
Project Address	10 WAITAPU ROAD, ONE TREE HILL, AUCKLAND
Client	ROBIN SHAO
Current Issue	RC

Project No.	30150
Sheet No.	70
Revision	0
Scale	1:300
Date	12/09/2022
Drawn	TW

Terry Wu

From: Preetika Singh (Infrastructure & Environmental Services) <preetika.singh@aucklandcouncil.govt.nz>
Sent: Wednesday, 7 September 2022 2:02 pm
To: Anson Zhang
Cc: HWDevelopment
Subject: RE: 10 WAITAPU ROAD ONE TREE HILL AUCKLAND 1051 - latest flood info

Hi,

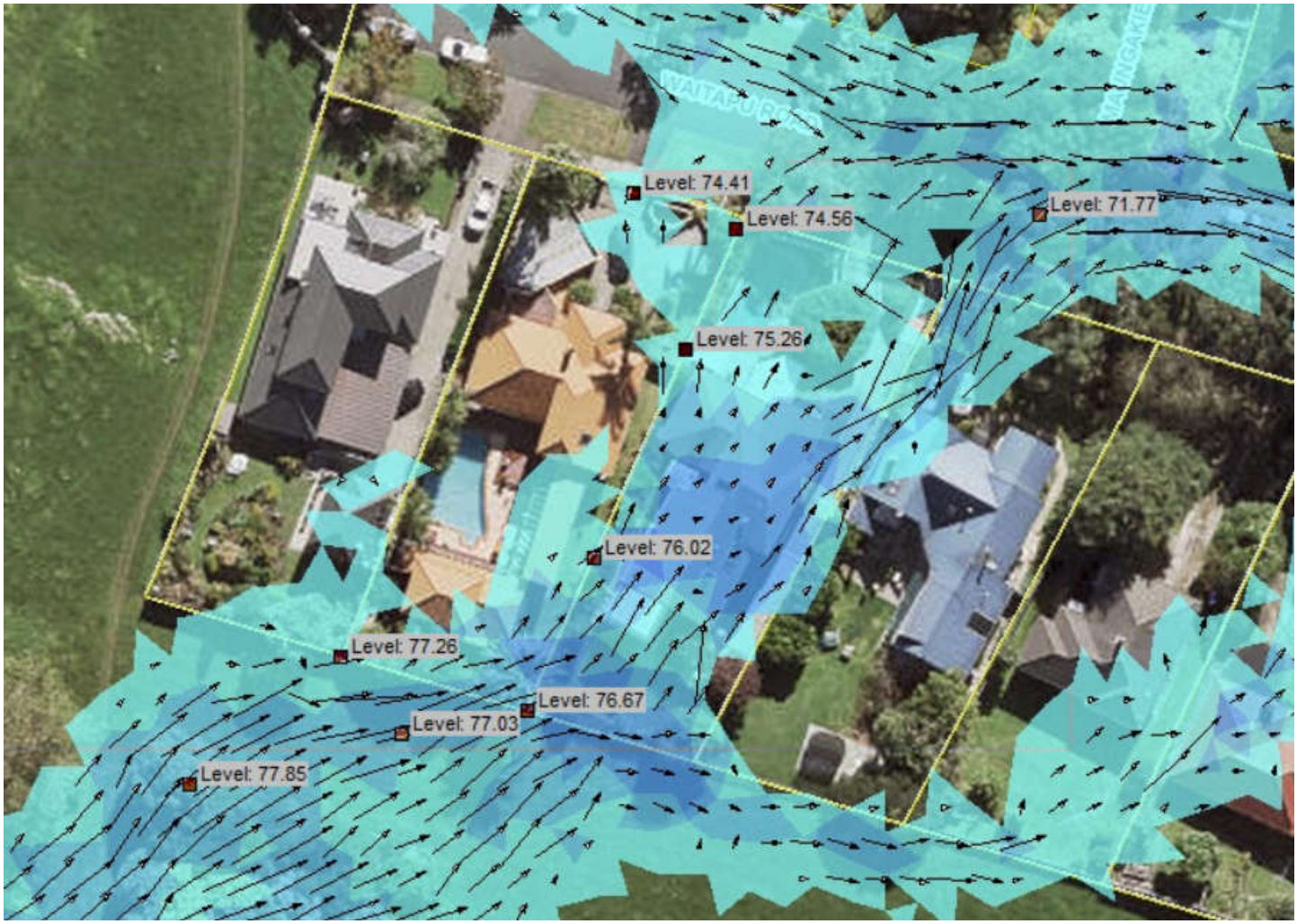
Apologies for the late email. I was away on sick leave.

Please find below the flood information for the above property. If you need anything further, do let me know.

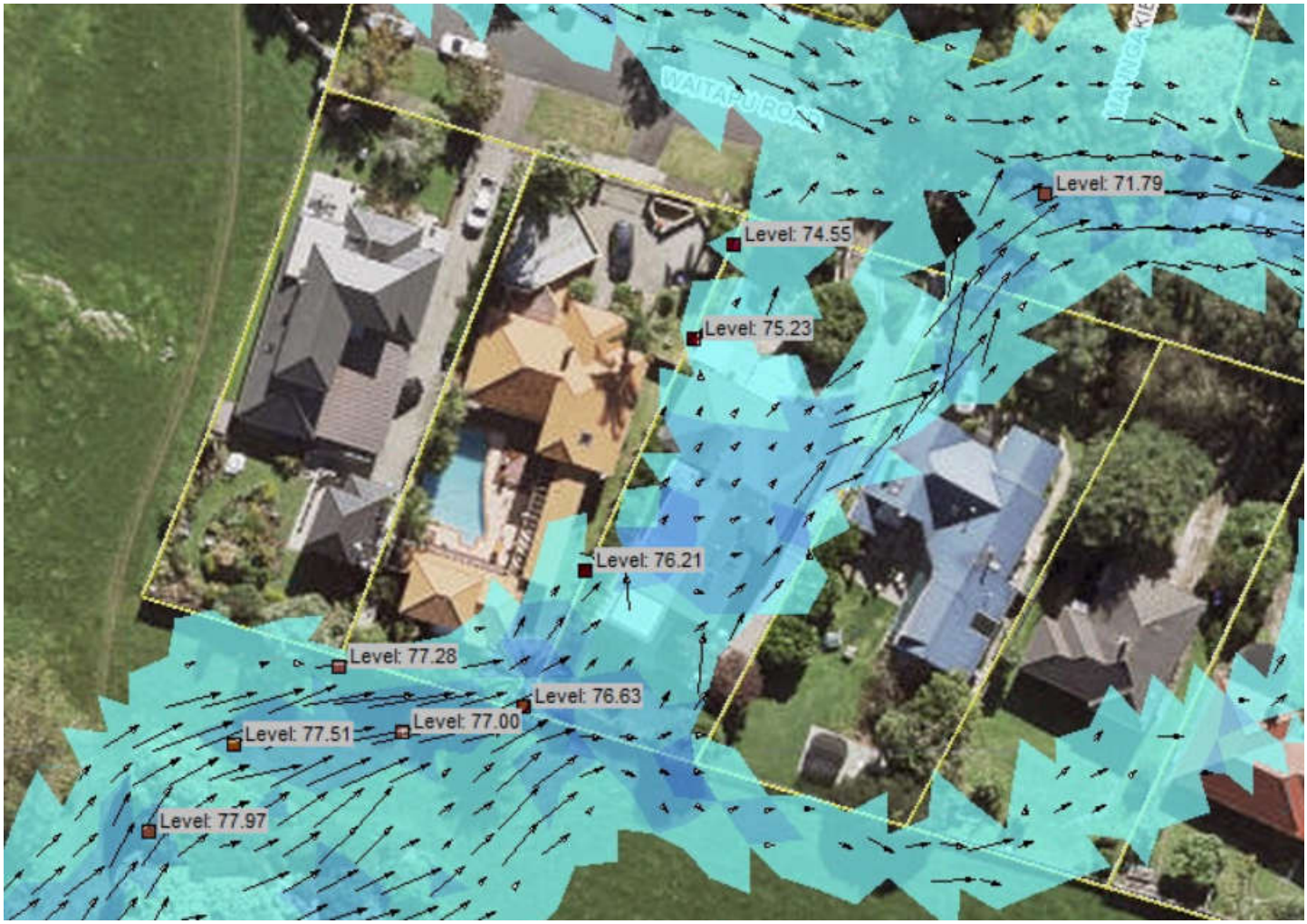
Kind regards,
Preetika

Please note that whilst due care has been taken in producing the floodplain map (using a climate change scenario of 2.1 °C temperature rise and 2013 LiDAR), Auckland Council gives no warranty as to the accuracy and completeness of the information provided here and accepts no liability of any error, omission and use of the information. The information provided does not preclude the need for an appropriate site-specific assessment and cannot be construed as an endorsement or approval of any development by Auckland Council.

100 year MPD flood levels



10 year MPD flood levels



From: Anson Zhang <Anson@developed.co.nz>
Sent: Monday, 29 August, 2022 7:28 PM
To: HWDevelopment <HWDevelopment@aucklandcouncil.govt.nz>
Subject: 10 WAITAPU ROAD ONE TREE HILL AUCKLAND 1051 - latest flood info

Hi HW,

Can I have the latest flood information for 10 Waitapu Road, One tree Hill?

Please advise the flow rate and 100 yr flood level on site.

Kind Regards,

Anson Zhang

Director | Civil Engineer | Surveyor| Project Manager
Bcom,Mcom, BEngTech(Civil)
CMEngNZ, CPEng, IntPE(NZ),APEC Engineer

Ginny Taare

From: Cliff Hill <Cliff.Hill@fonterra.com>
Sent: Wednesday, 28 September 2022 10:13 am
To: Unitary Plan
Subject: 179 Great South Road Drury Submission
Attachments: richmo10_28-09-2022_9-57-42.pdf

Please accept my submission to change qualifying matters for said property.

Thanks
Clifford Hill
021723777

DISCLAIMER
This email contains information that is confidential and which may be legally privileged. If you have received this email in error, you may not read, use, copy or disclose this email or its attachments in any way. In that event, please notify the sender immediately by reply email and delete the email from your system. While we use standard virus checking software, we accept no responsibility for viruses or anything similar in this email or any attachment after it leaves our information systems.

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Clifford + Fiona Hill

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

Address for service of Submitter

179 Great South Road
Drury

Telephone: 021 723 777 Fax/Email: fi.hill@hotmail.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number 78

Plan Change/Variation Name Intensification, multiple layers

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 179 Great South Road Drury 2113

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: Neighbouring properties able to build 6 stories high which has an impact on the future sale of the property at my Great South Road Drury

Please see attached sheet for further info :

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

To remove qualifying matter and changes to the same as neighbouring properties to be able build 6 stories high 1275.1 1275.2

I wish to be heard in support of my submission ☑

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

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

G.S. Mail

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

28/9/2022

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

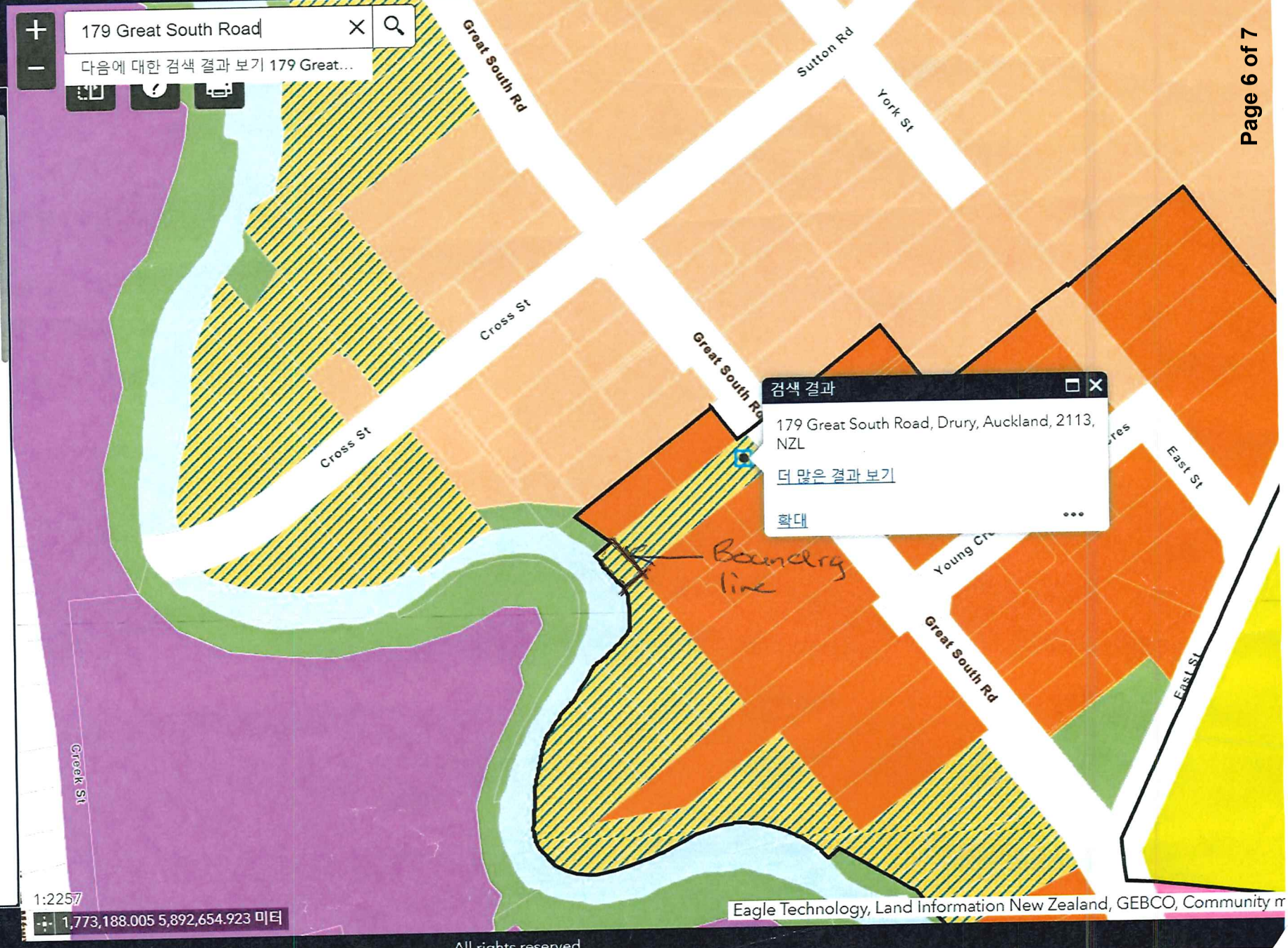
Plan shows 179 Great South Road, Drury goes to the water line, But it actually stops at the same creek Boundries as neighbouring properties so cannot understand why property at 179 great south road Drury has been identified with a Qualifing matter when neighbouring properties are in the Same flood zone and are lower lying than the property at 179 great South road, Drury.

response viewer for NPS-UD and MDRS

liminary response to NPS-UD

owing. We're fast approaching
another million expected in the
land Unitary Plan currently
er of additional homes to be
se to public transport and urban
numbers of higher-density
ng choices being delivered at

nment has taken a much
g for the growth of New
Last year the government
the Resource Management Act
enable more medium-density
storeys across most of
uburbs without a resource
ll be incorporating the
Density Residential Standards,
ential zones in urban Auckland,
es.
ddition to the requirements in
Policy Statement on Urban
) 2020 which requires: (a)
ensity to enable as much
as possible in the city centre; (b)
ensity to reflect demand for
use in metropolitan centres, and
ghts of at least 6 storeys; (c)
dings of six storeys or more
es to our city centre, ten large
d existing and planned rapid



Ginny Taare

From: Colin Hardacre <colin@hardacreplanning.co.nz>
Sent: Wednesday, 28 September 2022 3:33 pm
To: Unitary Plan
Cc: Nick D
Subject: PC 78 submission – D24 aircraft noise overlay and 8 Freiburg Avenue, Papatoetoe
Attachments: 8 Freyberg Avenue, Papatoetoe - PC 78 - D25 Aircraft Noise Overlay.pdf

Dear Sir or Madam
Please find attached my client's submission in opposition to the D24 aircraft noise overlay as it relates to their property.
Kind regards
Colin Hardacre
Hardacre Planning Ltd
Level 1, Accounting Chambers
642 Great South Road
Ellerslie
Auckland City 1051
P.O. Box 87 - 127
Meadowbank
Auckland 1742.
Mobile – 027-280-8409
Please consider the environment before printing this e-mail.

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If you have received it in error, you may not read, use, copy or disclose this email or its attachments. In that case, please let us know immediately by reply email and then delete this email from your system. While we use standard virus checking software, we accept no responsibility for viruses or anything similar in this email or any attachments. We also do not accept any responsibility for any changes to, or interception of, this email or any attachment after it leaves our information systems.

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

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

Exponential Properties Ltd

Address for service of Submitter

Hardacre Planning Ltd, Level 1, Accounting Chambers, 642 Great South Road, Ellerslie , AKL 10511

Telephone: 272808409 Fax/Email: colin@hardacreplanning.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	D24. Aircraft Noise Overlay
Or Property Address	8 Freyberg Avenue, Papaptoetoe
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)*

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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 HPL submission letter.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☒

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

See HPL submission letter

I wish to be heard in support of my submission ☒

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

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

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

Date 28 Sept. 2022

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Hardacre Planning LIMITED

Colin Hardacre
Director - B.R.P, N.Z.P.I
Phone 09 529 2417
Mob 027 280 8409
colin@hardacreplanning.co.nz
PO Box 87 127
Meadowbank
Auckland 1742

Getting you the planning go ahead to build

28 September 2022

Unitary Plan Submission Team
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

Dear Sir/Madam,

Information in support of a Submission to the Auckland Council's Proposed Plan Change 78 Intensification

Clause 6 of First Schedule, Resource Management Act 1991

D24. AIRCRAFT NOISE OVERLAY, HIGH AIRCRAFT NOISE AREA AND IN RELATION TO 8 FREYBERG AVENUE, PAPATOETOE, AUCKLAND 2104

SUBMITTER: EXPOTENTIAL PROPERTIES LTD

Please find attached my client's additional information in support of **their SUBMISSION IN OPPOSITION** to the Auckland Council's Proposed Plan Change 78.

1. The submitter is: Exponential Properties Ltd as owner of 8 Freyberg Avenue, Papatoetoe.

2. The site which is the subject of this submission is:

8 Freyberg Street, Papatoetoe being legally described as Lot 54, DP 18037, Certificate of Title 816/275, North Auckland Land Registration District which being 850 m².

3. The submission subject is:

The removal and deletion of the High Aircraft Noise (HANA) overlay and the D24 Noise Overlay and in particular Appendix 19 in its present form in relation to 8 Freiburg Street, Papatoetoe.

4. The submitter's reasons for this submission are:

1. The Council's proposed PC 78 zoning for the site is:

"Plan Change 78 text should be read to identify any text-based qualifying matters.

Property Header Address

8 Freyberg Avenue Papatoetoe Auckland 2104

Zone/s
Residential - Low Density Residential Zone

Management Layer/s
Walkable Catchment

Spatially Identified Qualifying Matter/s
Flood Plains (i) –

Aircraft Noise Overlay

Further Information (i)."

2. the Aircraft Noise Overlay and Appendix 19 are inappropriate in its current format because it does not take into account modern changes e.g. modern day jet engines such as the General Electric 9X, the noise reducing engine nacelle around Boeing 787 Dreamliner Engines and the like;

3. the D24 Aircraft noise overlay and appendix 19 need to be regularly updated;

4. in the light of that information, the submitter and land owners should be able to fully develop their property where they are prepared to pay for aircraft and general noise reduction measures within any new residential dwelling units at their own cost;

5. There needs to be a new appendix or similar detailing modern day acceptable noise reduction design methods for new residential developments within the D4 Aircraft Noise Overlay, the High Aircraft Noise Area and appendix 19;

6. Accordingly, under that scenario, the written approval of the Auckland International Airport Ltd or any subsequent owner operator shall not be required any resource consent or building consent obtained from the Council;

7. the D24 Aircraft noise overlay and appendix 19 appear to be contrary to the 2021 Resource Management (Housing Supply and Other Matters Amendment) Act and the Resource Management Act in that it may not allow the full residential development properties within the Airport Noise Overlay

and Appendix 19;

8. the D24 Aircraft noise overlay and appendix 19 will be contrary to the RMA (Housing Supply and Other Matters) Amendment Act, for example, but not limited to, Part 1 Urban Intensification policies and other matters;

9. the D24 Aircraft noise overlay and appendix 19 will not meet the purpose of the Resource Management Act 1991, in particular it:

   a. Will be contrary to Part II and other provisions of the Act;

   b. Will not meet the reasonably foreseeable needs of future generations;

   c. Will not enable social, economic and cultural wellbeing;

   d. Will be contrary to the purposes and provisions of the Act and other relevant planning documents; and

   e. Will be inappropriate and inconsistent with the purpose and principles of the Act; and

10. the D24 Aircraft noise overlay and appendix 19 will be contrary to the proposed 2022 Built Environment Act.

5. **Decision / Relief sought:**

I seek the following decision from the Auckland Council:

- the D24 Aircraft noise overlay and appendix 19 need to be regularly updated; 1284.1
- The removal of the D24 Aircraft noise overlay and appendix 19 from the subject site; or 1284.2
- Any other subsequent relief to give the same effect.

The submitter wishes to be heard in support of their submission.

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

Contact details / Address for Service – Hardacre Planning Ltd

Telephone: mobile 027-280-8409.

Email: colin@hardacreplanning.co.nz

Signature of Submitter: Colin Hardacre (agent)
(Or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

COLIN HARDACRE
Authorised agent
Director- Hardacre Planning Ltd
BRP (Massey University 1980), MNZPI (23 July 1986)

Date: 20 Sept. 2022.

Copy to: Exponential Properties Ltd
53 Favona Road
Favona
Auckland 2024.

Ginny Taare

From: Colin Hardacre <colin@hardacreplanning.co.nz>
Sent: Tuesday, 27 September 2022 5:18 pm
To: Unitary Plan
Cc: Nick D
Subject: PC 78 Submission - 8 Freyberg Avenue, Papatoetoe - zoning
Attachments: PC 78 Submission = 8 Freyberg Avenue, Papatoetoe.pdf

Dear Sir or Madam
Please find attached a submission in opposition to the Proposed Residential – Low-Density zoning of 8 Freyberg Avenue Papatoetoe on behalf my client.
Kind regards
Colin Hardacre
Hardacre Planning Ltd
Level 1, Accounting Chambers
642 Great South Road
Ellerslie
Auckland City 1051
P.O. Box 87 - 127
Meadowbank
Auckland 1742.
Mobile – 027-280-8409
Please consider the environment before printing this e-mail.

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If you have received it in error, you may not read, use, copy or disclose this email or its attachments. In that case, please let us know immediately by reply email and then delete this email from your system. While we use standard virus checking software, we accept no responsibility for viruses or anything similar in this email or any attachments. We also do not accept any responsibility for any changes to, or interception of, this email or any attachment after it leaves our information systems.

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

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

Exponential Properties Ltd

Address for service of Submitter

Hardacre Planning Ltd, Level 1, Accounting Chambers, 642 Great South Road, Ellerslie , AKL 10511

Telephone: 0272808409 Fax/Email: colin@hardacreplanning.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	Residential Low Density
Or Property Address	8 Freyberg Avenue, Papaptoetoe
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)*

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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 HPL submission letter.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☒

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

See HPL submission letter

I wish to be heard in support of my submission ☒

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

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

Colin Hardacre
Signature of ~~Submitter~~ Agent
(or person authorised to sign on behalf of submitter)

27 Sept 2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Hardacre Planning LIMITED

Colin Hardacre
Director - B.R.P, N.Z.P.I
Phone 09 529 2417
Mob 027 280 8409
colin@hardacreplanning.co.nz
PO Box 87 127
Meadowbank
Auckland 1742

Getting you the planning go ahead to build

26 September 2022

Unitary Plan Submission Team
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

Dear Sir/Madam,

Information in support of a Submission to the Auckland Council's Proposed Plan Change 78 Intensification

Clause 6 of First Schedule, Resource Management Act 1991

THE PROPOSED RESIDENTIAL – LOW DENSITY ZONING AT 8 FREYBERG AVENUE, PAPATOETOE, AUCKLAND 2104

SUBMITTER: EXPOTENTIAL PROPERTIES LTD

Please find attached my client's additional information in support of **their SUBMISSION IN OPPOSITION** to the Auckland Council's Proposed Plan Change 78.

1. The submitter is: Exquisite Properties Ltd as owner of 8 Freyberg Avenue, Papatoetoe.

2. The site which is the subject of this submission is:

8 Freyberg Street, Papatoetoe being legally described as Lot 54, DP 18037, Certificate of Title 816/275, North Auckland Land Registration District which being 850 m².

3. The submission subject is:

The proposed Zoning of Residential - Low Density Residential Zone.

4. The submitter's reasons for this submission are:

1. The Council's proposed PC 78 zoning for the site is:

"Plan Change 78 text should be read to identify any text-based qualifying matters.

Property Header Address

8	Freyberg	Avenue	Papatoetoe	Auckland	2104

Zone/s
Residential - Low Density Residential Zone

Management Layer/s
Walkable Catchment

Spatially Identified Qualifying Matter/s
Flood Plains (i) –

Aircraft Noise Overlay

Further Information (i)."

2. the proposed zoning will be contrary to the Zone Description, Objectives and Policies of the Residential Low-Density Zone;

3. the site does not have any environmental matters relating to significant ecological areas and outstanding natural features and landscapes and high natural landscapes, protect areas of distinct cultural, historic and natural heritage, protect areas subject to risks from natural hazards including coastal hazards, coastal erosion, overland flow paths and flood plains, and/or maintain and enhance special character residential areas and provide for low density residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one to two storey houses in the Zone Description;

4. the issue of any Overland flow path and floodplains on the subject site can be resolved by standard stormwater management infrastructure measures now days at the resource consent stage e.g. "Slimline" fence tanks of 1000 L – 2000 L per residential unit, inground water detention tanks up to 6000 L – 10,000 L, specific stormwater engineering design and the like;

5. to use the zoning and Overland flow path floodplain matter to inappropriately down zone the property where there are alternative modern day stormwater management solutions is not a wise use of resources e.g. a large front section close to a railway station which will be significantly upgraded in the near future and will be a Transit Hub for light rail or railway line and / or busses to the Auckland international and domestic airport;

6. the stormwater management and Overland flow path matter is more appropriately dealt with under the floodplain and E36 Natural hazards and flooding provisions of the operative AUP plan rather than a down zoning;

7. that approach is contrary to the 2021 Resource Management (Housing Supply and Other Matters Amendment) Act and the Resource Management Act;

8. it is submitted that the subject site should be new MDRS Residential - Terrace Housing and Apartment Building Zone as most of the adjacent and surrounding land is zoned this new zoning;

9. the proposed zoning based on an Overland flow path where there are modern-day stormwater management solutions will not be a wise use of resources;

10. the land across the Road also has this MDRS Residential Terraced House and Apartment Building zone;

11. there is no significant planning difference between these properties and the subject site to warrant this proposed zone;

12. the subject site and Freyberg Avenue are within a short walking distance of the Puhunui/ Papatoetoe railway station. That railway station and pedestrian over bridge are a very short walk from the subject site;

13. the subject site is appropriate for the post up zoning because of the proximity of the railway station which is well served by train services along the Southern Line;

14. the proposed Residential – Low Density zoning will be contrary to the "Walkable Catchment" management layers/overlay:

15. there are no relevant town planning and RMA reasons why the subject site should remain the proposed zoning and not rezoned to residential terraced house and apartment building zone;

16. the proposed Residential – Low Density zoning will be contrary to Plan Change 78 Intensification;

17. the proposed Residential – Low Density zoning will be contrary to the RMA (Housing Supply and Other Matters) Amendment Act, for example, but not limited to, Part 1 Urban Intensification policies and other matters;

18. The proposed Residential – Low Density zoning development standard will not meet the purpose of the Resource Management Act 1991, in particular it:

    a. Will be contrary to Part II and other provisions of the Act;

    b. Will not meet the reasonably foreseeable needs of future generations;

    c. Will not enable social, economic and cultural wellbeing;

d. Will be contrary to the purposes and provisions of the Act and other relevant planning documents; and

e. Will be inappropriate and inconsistent with the purpose and principles of the Act; and

19. The proposed Residential – Low Density zoning will be contrary to the proposed 2022 Built Environment Act.

5. **Decision / Relief sought:**

I seek the following decision from the Auckland Council:

- The site to be zoned the new MDRS Residential Terraced House and Apartment Building Zone; or 1284.3
- Any other subsequent relief to give the same effect.

The submitter wishes to be heard in support of their submission.

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

Contact details / Address for Service – Hardacre Planning Ltd

Telephone: mobile 027-280-8409.

Email: colin@hardacreplanning.co.nz

Signature of Submitter: Colin Hardacre
(Or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

COLIN HARDACRE
Authorised agent
Director- Hardacre Planning Ltd
BRP (Massey University 1980), MNZPI (23 July 1986)

Date: 27 Sept 2022.

Copy to: Exponential Properties Ltd
53 Favona Road
Favona
Auckland 2024.

Ginny Taare

From: johnwoodhall@xtra.co.nz
Sent: Wednesday, 28 September 2022 9:49 am
To: Unitary Plan
Subject: submission on intensification plan
Attachments: intensifyplan78.docx

Good morning, attached our submission on revised AUP.

We are John & Jocelyn Woodhall
1 Reydon Place
Cockle Bay
Phone 0276488814
johnwoodhall@xtra.co.nz

We support intensification and the proposed changes in Plan Change 78. Development however should be focused on localities where services and infrastructure allow for expansion and also having regard to heritage areas and topography. 1295.1

Ad hoc growth will create random increases in demand for infrastructure capacity and services such as schools and hospitals deserve certainty about where growth will occur. Medium to long term costs could be avoided by more structured planning and focus on development in areas where there is capacity to expand schools and medical facilities.

Regard should also allow for the growing incidences of heavy rainfall and flooding. In some areas such as Cockle Bay there is particular risk because of dependence on streams, soak pits and aged infrastructure. Increased development will reduce permeable areas and increase flows in streams and overland flow paths leading to erosion and flooding.

We request:

Stormwater to be included as a qualifying matter for all development sites with a wider area-based risk assessment based on the 100 - year flood scenario. No development be permitted adjacent to streams, flood plains and other locations with a risk of flooding. 1295.2

Qualifying matters be extended to include the Coastal Policy objective and that properties affected be identified. 1295.3

The correct policy/calculation for capacity of retention/detention tanks be resolved and included as part of the AUP and the Code of Practice. 1295.4

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Janette Jiayi Yan and Mark Robert Weingarth
Attachments: Plan Co PC 78 Submission Final.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Janette Jiayi Yan and Mark Robert Weingarth

Organisation name: Plan Co NZ Ltd

Agent's full name:

Email address: mark@planco.co.nz

Contact phone number: 0211671873

Postal address:
84 Birkenhead Avenue
Birkenhead Avenue
Auckland 0626

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Plan Change 78

Property address: N/A

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:
Please refer to the attached submission.

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

Details of amendments: Proposed provisions in Plan Change 78 that are not consistent with NPS-UD and undermine the intensification outcomes envisaged under NPS-UD and MDRS should be removed, amended or clarified.

Submission date: 29 September 2022

Supporting documents
Plan Co PC 78 Submission 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.

Yes

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

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IN THE MATTER	of the Resource Management Act 1991 ("**RMA**")
AND	
IN THE MATTER	of a submission in relation to Plan Change 78 in response to the National Policy Statement on Urban Development 2020 (NPS-UD)

SUBMISSION BY JANETTE JIAYI YAN AND MARK ROBERT WEINGARTH ON BEHALF OF

Plan Co NZ Ltd

29 September 2022

1.0 INTRODUCTION

1.1 This submission is made on behalf of Plan Co. NZ Limited ("Plan Co.")

2.0 SCOPE OF SUBMISSION

2.1 This submission is made following Auckland Council's notification of Plan Change 78 on 18th August 2022.

2.2 The submission addresses the following matters:

(a) The context of urban areas in Auckland and how the NPS-UD and Medium Density Residential Standards apply to this urban environment.

(b) The proposed changes for relevant provisions under Plan Change 78.

(c) The relation of proposed changes to Auckland Unitary Plan (AUP) under Plan Change 78 to the NPS-UD.

(d) The relation of proposed changes under Plan Change 78 and 79 to NPS-UD

(e) The outcomes sought by this submission.

(f) Concluding comments.

3.0 SUBMISSION

Context of NPS-UD and MDRS

3.1 The National Policy Statement for Urban Development (NPS-UD) 2020 is part of the urban planning focus of the Urban Growth Agenda. It directs councils to remove overly restrictive planning rules and plan for growth [1]. This document sets out the objectives and policies planning for well-functioning urban environments under the Resource Management Act 1991.

Auckland is identified as a Tier 1 urban environment, whereby Auckland Council is required to give effect to the provisions of NPS-UD particularly, Policy 3 and 4 in relation to intensification.

3.2 Subsequent to NPS-UD, Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS) is enacted to support the New Zealand Government's goals for urban development and its wider objectives for housing and resource management reform. The purpose of RMA-EHS is to "*increase housing supply in Aotearoa New Zealand's main urban areas by speeding up implementation of the National Policy Statement on Urban Development and enabling more medium-density homes through the Medium Density Residential Standards*" by removing barriers to development to allow for a wider variety of housing in cities including Auckland[2].

Context of Auckland

3.3 The following assessment takes into account of existing and planned urban characteristics from Auckland Plan 2050, official statistics and data available.

Auckland is the largest city in New Zealand with its urban area a home to over 90 per cent of its residents. In particular, the factors below illustrate the necessity and capacity of Auckland to enable great housing capacity as envisaged in Objectives and policies of NPS-UD:

a. Needs for intensification

[1] National Policy Statement on Urban Development https://www.hud.govt.nz/our-work/national-policy-statement-on-urban-development/#:~:text=The%20National%20Policy%20Statement%20on,needs%20of%20our%20diverse%20communities.

[2] Understanding the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 https://environment.govt.nz/assets/publications/Files/Understanding-the-RMA-EHS-General-overview-July-2022.pdf

i. Housing affordability crisis: As identified in Auckland Plan 2050, the city has one of the least affordable housing markets in the world. Auckland's housing supply has not kept pace with increases in population or met demand for investment, creating the current housing crisis. A growing number of Aucklanders cannot afford to buy a home and will therefore not benefit from the financial security that home ownership traditionally provides. Rents have also outstripped wage and salary growth, straining the budgets of many families and households. In the 2022 annual Demographia international housing affordability report Auckland is ranked as the eighth most unaffordable housing market in the world [3] This has resulted in increasing incidences of housing stress, and the numbers of people who find themselves homeless and without shelter have increased considerably.

ii. Suburban sprawl: Due to the reliance on motor vehicles in the post-war spatial development, low density suburbs, enabled by the motorway system and widespread car ownership, is still the dominant feature of Auckland's urban form to this day. Physical pinch points, particularly where the isthmus is at its narrowest, complicates development and the transport network. It also complicates the flow of goods and services, including to and from the port and airport, Auckland's two international gateways.

iii. Population growth: Around one third of New Zealand's population (33 per cent) lives in Auckland. This proportion is projected to increase to 39 per cent by 2043[4]. It is anticipated that Auckland likely have the highest average annual growth of New Zealand's 16 regions over the next 30 years and its population may have 2 million residents by early 2030s[5].

b. Plans and resources providing for intensification

i. Compact urban form and affordable housing: Developing a quality compact urban form to accommodate Auckland's growth is a key direction in the Auckland Plan 2050. Opportunities for more intensive living and working environments, and for more housing to be built around areas of activity and close to good transport option via the provision of new homes, including apartments and townhouses of different sizes are envisaged. It is noted that there has been positive take-up of terraced housing and apartments that are

[3] Auckland is eighth least affordable city for housing in new rankings https://www.stuff.co.nz/life-style/homed/real-estate/128027220/auckland-is-eighth-least-affordable-city-for-housing-in-new-rankings
[4] Auckland's population https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/about-the-auckland-plan/Pages/aucklands-population.aspx
[5] Auckland population may hit 2 million in early 2030s https://www.stats.govt.nz/news/auckland-population-may-hit-2-million-in-early-2030s

close to transport corridors and nodes in recent years [6]. Build to rent communities and alternative tenure models are also increasingly common in Auckland and across the country. These indicates the emergence of more diverse housing types and medium density developments are anticipated in Auckland.

ii. Integrated transport network: A big increase in transport investment has been observed over the last two decades relating to the motorway network and development of a public transport system. Over the last few years there has also been increased investment in cycle ways and pedestrian environment [7]. Specifically, Auckland Transport Alignment Project has guided the fundings for transport planning in Auckland to facilitate a transport system that provide different modal choice, addresses congestion, increases accessibility [8]. Improvements to the transport network in Auckland to plan for more accessible and convenient transport links across different parts of the region sees the potentials for intensification in areas being served or to be served by the public transport system.

iii. Infrastructure provisions: Strategic infrastructure networks have been identified in the Auckland Plan 2050 to expand or increase capacity of public infrastructure in order to keep up with the pace and scale of growth in the region. In addition, in response to current infrastructure assets that require maintenance, renewal and replacement, investment in renewing or upgrading existing infrastructure is expected to significantly increase in the next three decades [9]. Several wastewater and stormwater projects have been approved in Auckland Council's budget [10]

The relation of Auckland and Plan Change 78 to the NPS-UD

3.4 The above assessment demonstrates that Auckland encompasses a sizeable urban environment with commercial social, economic, and cultural services

[6] Develop a quality compact urban form to accommodate Auckland's growth https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/homes-places/Pages/direction-develop-quality-compact-urban-form-accommodate-auckland.aspx
Accelerate the construction of homes that meet Aucklanders' changing needs and preferences https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/homes-places/Pages/direction-accelerate-construction-homes-meet-aucklanders-needs.aspx
[7] Transport and Access explained https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/transport-access/Pages/transport-and-access-explained.aspx
[8] Auckland Transport Alignment Project https://www.transport.govt.nz/area-of-interest/auckland/auckland-transport-alignment-project/
[9] Auckland's infrastructure https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/development-strategy/Pages/aucklands-infrastructure.aspx
[10] 2020/2021 major projects in your area https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/budget-plans/emergency-budget-2020-2021/Pages/2020-2021-major-projects-in-your-area.aspx

available to its growing population, which demonstrate the capability and needs to provide for intensification as envisaged under NPS-UD. These factors lead to the conclusion that Auckland subject to the changes in zoning and planning rules explicitly required by RMA-EHS. This, however, has not been adequately or accurately reflected in the notification of Plan Change 78 in which proposed provisions are not consistent with the objectives and policies of NPS-UD.

Auckland's anticipated growth in future, and development capacity that support urban intensification, and its recent improvements to public transport networks posits that the following amendments to Plan Change 78 should be made to be consistent with the provisions established by the Central Government.

a. Qualifying matters

3.5 As discussed above, the purpose of NPS-UD is to remove overly restrictive planning rules and provide for intensification by enabling greater height and density, particularly in areas of high demand and access. Also noted that Policy 4 of NPS-UD requires that regional policy statements and district plans applying to tier 1 urban environments shall modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Qualifying matters are defined as:

(a) a matter of national importance that decision makers are required to recognise and provide for under section 6:
(b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:
(c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:
(d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:
(e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:
(f) open space provided for public use, but only in relation to land that is open space:
(g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:
(h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation:

(i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:

(j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77I is satisfied.

N.B – Section 77I requires an assessment of site-specific matters and characteristics tied back to matters of national significance and the objectives and policies of the NPS-UD in order to meet the threshold of being considered a qualifying matter.

3.6 It is clear that Council intends to limit the extent of the development at areas subject to qualifying matters under Plan Change 78 and exclude intensification under the Enabling Act and therefore the use of the Medium Density Residential Standards (MDRS) in the future. However, I do not consider such approach for the qualifying matters, specifically those outlined below, and the associated changes to Auckland Unitary Plan (AUP) proposed in Plan Change 78 to be an appropriate application of the provisions of NPS-UD and nor are these consistent with the purpose of NPS-UD:

3.7 I consider the overlays below that do not meet the criteria to be included as qualifying matters and additional restrictions proposed to be incorporated in these overlays contradict the objectives of NPS-UD:

i. D14 Volcanic Viewshafts and Height Sensitive Areas Overlay – As described in this chapter of AUP(OP) this overlay protects regional and locally significant views to the Auckland maunga. Acknowledging the maunga are scheduled Outstanding Natural Features (ONFs) the volcanic viewshafts are likely to meet the threshold for Qualifying Matters, however, where development is below the viewshaft height control there is no need to have a Qualifying Matter. As such, the Qualifying Matter should be amended to be a 3D plane that starts at the same identified RL / height above the site as identified by the current operative viewshaft controls. 1304.1

The proposed provisions in the Plan Change in relation to built form within the overlay areas do not align with the original intent of the overlay which seek to manage views of the Maunga via building height controls. Development at the maunga being an ONF are managed in Chapter D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay of AUP(OP) provisions to protect the maunga. Chapter D10 has been included as a qualifying matter and we do not seek amendment to any proposed changes to this overlay in this regard.

To give effect to NPS-UD, MDRS shall not be excluded from these sites unless a proposal infringes the height limits introduced to the recession plane indicating potential obstructions of the viewshaft. Changes to this overlay shall be made to an extent necessary and consistent with the purpose of the RMA and NPS-UD. In addition, where sites within the urban environment have been excluded from up-zoning due to this control as a qualifying matter, they should also be up zoned to MHU. Therefore, further refinement and clarity is sought. 1304.2 1304.3

ii. D15 Ridgeline Protection Overlay – As outlined in the overlay description in AUP(OP), the ridgelines are features contributing to the scenic character and amenity of the region. The ridgelines are not Outstanding Natural Landscapes (ONLs) or ONFs and the overlay only relates to regional or local matter, but not a matter of national importance. Hence, the overlay does not meet the definition of qualifying matter under NPS-UD. In addition, where a proposal is not a permitted activity under this overlay the provisions of Chapter D15 of the AUP already require a site-specific assessment, as part of an application for consent, of any development or building proposal that is over 1m in height. Therefore, provided specific assessment to confirm the landscape amenity values of the ridgeline is maintained, further development at the subject site meeting the purpose of the RMA, NPS-UD and MDRS is plausible. 1304.4

iii. Other qualifying matters: (i) water and wastewater constraints, (ii) stormwater and disposal constraints, (iii) transport constraints in Beachlands (iv) sites connected to combined waste and stormwater networks - Council has also identified these additional qualifying matters. We consider exclusion of MDRS from the areas subject to these qualifying matter layers are in conflict of the provision of NPS-UD for the following reasons: 1304.5 1304.6 1304.7 1304.8

- These constraints refer to local limitations and do not meet the criteria to be included as qualifying matters. Notably, Section 77I requires an assessment of site-specific matters and characteristics tied back to matters of national importance and the objectives and policies of the NPS-UD in order to meet the threshold of being considered a qualifying matter. These layers have been applied to a wider area without site specific analysis or discretion.

- A key emphasis of the NPS-UD is the importance of strategic planning, where the Government requires Councils to work together to produce Future Development Strategies (FDS), which set out the long-term

strategic vision for accommodating urban growth [11]. Sub-part 4 of the NPS-UD requires Tier 1 and 2 local authorities to prepare a Future Development Strategy to spatially identify the development infrastructure and additional infrastructure required to support or service that development capacity, along with the general location of the corridors and other sites required to provide it. Therefore, rather than avoiding development in areas subject to these qualifying matters layers, the development constraints in these areas shall be addressed via the preparation and implementation of the FDS so as to satisfy the housing demand in Auckland and ensuring a well-functioning urban environment by sufficient provision of infrastructure to accommodate intensification. The draft provisions of these qualifying matters that seek to avoid development instead of allocating funding to upgrade the infrastructure and transport network are against the objectives and policies of NPS-UD.

iv. E36 Natural hazards - Flooding, coastal inundation, coastal erosion, flooding and land instability; D9 Significant Ecological Areas: It is acknowledged that management of significant risks from natural hazards identified under Chapter E36 (AUP) and Part of the Act 2, and the protection of areas of significant indigenous vegetation in scheduled SEAs under Chapter D9 of the AUP are both a matter of national importance under Part 2, Section 6 of the RMA.

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The current approach to these qualifying matter layers and exclusion of MDRS density standards from the areas under these layers are inconsistent with the provisions of the NPS-UD due to the reasons below:

- Accuracy of the qualifying matter layers: The GIS extents of these natural hazard areas are mapped on a regional-wide scale without undertaking site-specific assessment. It cannot automatically be determined that excluding the subject site from the use of MDRS for the sole reason of this regional scale qualifying matter layer imposed in the area is consistent with the purpose of the RMA.

  There are examples of sites subject to current overlays under AUP(OP) and proposed Qualifying Matter layers that are found to be invalid

[11] National Policy Statement on Urban Development https://www.hud.govt.nz/our-work/national-policy-statement-on-urban-development/#:~:text=The%20National%20Policy%20Statement%20on,needs%20of%20our%20diverse%20communities.

following site-specific evidence obtained demonstrating the subject site is not prone to hazard risks.

Hence, it cannot automatically be determined that excluding the sites under these qualifying matter overlays from the use of MDRS for the sole reason of this regional scale qualifying matter layer imposed in the area is consistent with the objectives of the NZCPS and the purpose of the RMA.

- Existing AUP(OP) provisions: Furthermore, the provisions of Chapter E36 of the AUP(OP) have already addressed the management of effects of these natural hazards, which are considered sufficient to ensure that the associated risks of residential development in these hazard areas are managed in accordance with the purpose of the RMA.

  For 1% AEP flood plain, the management of flood risks concerns mainly with the passage of flood water, typically via the provision of elevated floor levels on buildings and does not affect the built form. It is further noted a more generous building height and height in relation to boundary is enabled under MDRS and this provides for greater allowance for mitigation measures and freeboard heights to minimise flooding effects that could generate from new residential development. Additionally, the flood layer on the GIS is a non-statutory, dynamic layer which is being updated on a regular basis, therefore this may result in further inaccuracies to sites or scenarios where a site is not subject to flooding therefore the MRS applies, yet come building consent the flood layer has been updated and a flood plain is newly appliable to the site which would then rule out the use of the MDRS on that site. This makes it difficult to administer and therefore it is desirable to maintain the current approach with flood hazards being managed under chapter E36.

  For SEAs, the relevant provisions in Chapter D9, E3, E11, E15 and E26 of the AUP(OP) seeks to protect identified terrestrial and coastal marine areas that contribute to indigenous biodiversity by managing vegetation, land disturbance/physical works within these scheduled areas. These provisions have already given effect to RMA. Where a development does not the affect the overlay areas, the proposal is a permitted activity under the AUP(OP). Therefore, the current provisions in AUP(OP) relevant to SEAs provide Council with the ability and discretion to assess the effects of development within the SEAs, which has already gone through legal testing to ensure that the provisions meet the purpose of the RMA.

Exclusion of MDRS density standards from sites subject to the SEAs is entirely inconsistent with the objectives of NPS-UD.

In addition, with regards to subdivision, AUP(OP) also has specific requirements to protect land and development against natural hazards and SEAs from inappropriate subdivision therefore the presence of the esplanade reserves in accordance with s231 of the RMA affords the protection of these areas of concerns at a national level and no further or greater degree of development restriction need to be imposed.

- Implication of the exclusion of MDRS standards: The nature of these qualifying matters overlays hinders the overall development potential of Auckland for future growth and development. Further restriction of development via the application of additional qualifying matters and low-density zoning will worsen suburban sprawl within the suburb, undermines the efficient use of land resources within the urban environment, and hinder the area's potential of supporting, great housing capacity, competitive land and development market to improve housing affordability, which the NPS-UD was introduced to achieve.

  In general, we support the use of qualifying matters in accordance with the MDRS stipulations and where relating to genuine matters of national importance. However, taking a pure planning approach to the high order planning legislation and policy in conjunction with consideration of existing AUP(OP) provisions, many of the sites subject to the proposed qualifying matters are already afforded sufficient protection by the AUP(OP). Given that a vast number of the sites in Auckland are already affected by genuine qualifying matters or have controls over them under the AUP(OP) that allow development multiple (subject to satisfying information requirements and demonstrating that the effects are acceptable), it is considered the adoption of more onerous rules restricting more generous built form and efficient use of land are not necessary.

v. Special character Area overlays

It is clear that Council intends to include a number of sites currently subject to the Special Character overlay established under the Operative (in part) Auckland Unitary Plan as 'qualifying matters' that would exclude intensification under the Enabling Act and therefore the use of the Medium Density Residential Standards (MDRS) in the future. This is not an appropriate use of qualifying matters for the following reasons:

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- This particular overlay has been applied in a blanket manner and encompasses a large part of established residential areas in Auckland, inhibiting much-needed development along major arterial routes in the region. Whilst it is necessary to preserve Special Character in pertinent cases, the extent of the character area encompassed as proposed Qualifying Matters leads to the conclusion that this overlay has been applied to a wider area without notable historical analysis or discretion. Whilst some sites under this overlay holds a certain level of special character value, it cannot be automatically determined that the preservation of these dwellings is more paramount than housing provision along key transport networks in central Auckland. 1304.14

- It is also worth noting that this overlay was introduced under the AUP following a number of years of appeals relating to Plan Change 163 of former Auckland Council District Plan (Isthmus Section 1999) where the Environment Court determined that Special Character does not comprise nationally significant heritage. As such, special character by itself is not a matter of national importance being the threshold for the application of Qualifying Matters.

- Instead, it is suggested that specific assessment of areas, roads or sites is undertaken and where special character is prevalent it is determined whether these environments can be assessed and upgraded to historic extents of place similar to conservation areas. This will be provided elevated protection of such area and ensure their long term preservation and enhancement thereby better reflecting and securing the historic development of Auckland's suburbs compared to a special character Qualifying Matter. Furthermore, historic extents of place relate to heritage matters thereby meeting the definition of qualifying matter. 1304.15

- Therefore, exclusion of MDRS density standards from sites within the special character overlay is inconsistent with NPS-UD unless thorough analysis to confirm specific areas or sites carries nationally significant heritage values.

3.8 In regard to the assessment of objectives and policies of the UD-NPS as required under s77I to support the use of qualifying matters, it is noted that the objectives and policies strongly favour the development of well-functioning urban environments, that promote housing affordability and that result in liveable environments that adapt to the changing needs of the population over time. The objectives and policies do not seek to hinder the use of brownfield urban land and do not promote the protection of existing character or previous

planning decisions on an area's zoning over the directive to intensify and make better use of existing urban environments. Therefore, at a high level, it is not considered that the above overlays being applied as a qualifying matter, thereby entirely excluding suitable sites in urban environments from future intensification is consistent of the NPS-UD.

b. Mixed Housing Urban (MHU) and Terrace Housing and Apartment (THAB) Zones

3.9 The proposed amendments to the provisions in MHU and THAB zones under Plan Change 78 are overly prescriptive and/or impose barriers to achieve the goals of NPS-UD with the proposed changes to the AUP. Which is in contrary to the objectives of NPS-UD. The following provisions in relation to NP-UD are assessed.

NB: Where there are other AUP provisions not discussed below but are relevant to this submission, further refinement or clarification is sought to ensure all amended provisions are consistent with objectives of NPS-UD.

i. Built form, character and streetscape amenity

H5 Residential – Mixed Housing Urban Zone	**H6 Residential – Terrace Housing and Apartment Zone**	**Comments**	
H5.3 Policy (6A)(e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;	H6.3 Policy (A4)(e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;	Avoiding garage doors from private accessways is inherently not feasible, particularly for development that provides garages for residential dwellings. This amendment lacks flexibility to provide for a variety of housing options to cater for the diverse needs of different communities and thus contradicts Objective 1 and 4 of NPS-UD to create a	1304.16 1304.17

		well-functioning urban environment that enable **all people and communities** to provide for their social, economic and cultural wellbeing.	
H5.6.5 Height in relation to boundary	H6.6.6. Height in relation to boundary	The exemption for Open Space Zone should be kept providing for greater passive surveillance to the public realm, and quality outlooks for residents etc. This exemption will give effect to Policy 3 and 4 of the MDRS policies required in RMA-EHS.	1304.18 1304.19
H5.8.1. Matters of discretion H5.8.2 Assessment Criteria – remove details	H6.8.1. Matters of discretion H6.8.2 Assessment Criteria	Based on the assessment above, these sections of the Plan Change 78 should be refined further to ensure the provision of AUP is consistent with NPS-UD and MDRS. Particularly, consideration has been given to the matters of discretions and assessment criteria below. • The provisions for assessing built form and appearance are	1304.20 1304.21

		excessively prescriptive as specific design consideration are outlined without recognising contexts that are unique to every site. • Assessment criteria for buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place (H5.8.2(2)(ad), H5.8.2(2)(ad)) should be removed or modified. The provisions require design to respect the prevailing character of the area or key historic heritage design and location elements of that place which do not form part of the current Unitary Plan assessment for similar sites. The proposed changes will likely create inconsistencies in	1304.22 1304.23 1304.24 1304.25

		terms of assessing consent applications across the residential, special character and historic heritage overlays chapters. Where a site is not located within the special character or historic heritage overlay, a consent is not required under AUP(OP), which has already provided sufficient protection to these areas. Additionally, three or less dwellings are not required to take into account of these overlays.

ii. Climate change and urban heat island effects

H5 Residential – Mixed Housing Urban Zone	**H6 Residential – Terrace Housing and Apartment Zone**	**Comments**
Objective (6) Development contributes to a high-quality built environment that is resilient to the effects of climate change.	Objective (6) Development contributes to a high-quality built environment that is resilient to the effects of climate change.	This objective is unnecessary. MDRS objective 1 has included "*a well-functioning urban environment that enables all people and communities to provide for their social,*

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		economic, and cultural wellbeing, and for their health and safety, ***now and into the future****."*, which has regard to climate change resilience under Policy 1 of NPS-UD.	
H5.3 Policy (6A)(g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;	H6.3 Policy (A4)(g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;	• Reduction of urban heat island effects is not a required policy under both NPS-UD and MDRS. • Requiring development to reduce urban heat island effect via the provision of deep soil areas curtails the potential of higher density development and thus goes against the required intensification to give effect to NPS-UD. • The wording of the objective and policy to reduce heat island effects is not considered practicable. As intensification of a site will always tend to result in an increase of	1304.28 1304.29
H5.6.19 Deep Soil Area and canopy tree	H6.6.20. Deep soil area and canopy tree		1304.30 1304.31
H5.8.1. Matters of discretion H5.8.2 Assessment Criteria	H6.8.1. Matters of discretion H6.8.2 Assessment Criteria		1304.32 1304.33

		impermeable surfaces which makes the objective and policy difficult to implement and achieve. Instead of reducing effects it may be more appropriate to consider the use of 'mitigating the effects of heat island effects resulting from a proposed development'. This wording is more appropriate and consistent with the purpose of sustainable management in the RMA and at the same time less ambiguous in interpretation. • Planting canopy trees are not the sole method to alleviate urban heat island effects. Other tools including building materials, green roofs and living walls, cool roofs and pavement treatments can be

		adopted at a developer's discretion. Other tools to be implemented at individual sites, mitigation and adaptation planning at community and regional scale, through programmes and project led by public bodies play a key role in reducing the impacts of urban heat island.

iii. Onsite amenity and access

H5 Residential – Mixed Housing Urban Zone	**H6 Residential – Terrace Housing and Apartment Zone**	**Comments**
H5.3 Policy (6A) (i) designing practical, sufficient space for internal storage and living areas.	H6.3 Policy (A4)(i) designing practical, sufficient space for internal storage and living areas.	Current standards under AUP(OP) for minimum dwelling size has taken into account onsite amenity. In terms of internal living space, the building code regulates the internal circulation space to ensure the usability of internal floor layout in buildings.

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		Additional restrictions beyond MDRS standards in this respect are in contrary to the objectives and policies of NPS-UD and RMA-EHS, which requires urban development to provide an environment that accommodates the diverse and changing needs of all communities and people. In reality, the use of storage and living areas are highly dependent on the actual occupancy rate of a dwelling. In the context of Auckland, smaller household sizes are prominent in Auckland and across New Zealand. It is noted that the average household size in Auckland is 3 people according to 2018 Census[12]. In the meantime, it is acknowledged that there is a certain level of housing demand for

[12] https://www.stats.govt.nz/news/new-data-shows-1-in-9-children-under-the-age-of-five-lives-in-a-multi-family-household#:~:text=Household%20size%20varying%20across%20the,has%20remained%20unchanged%20since%202006.

		multi-generational households. Therefore, provisions of AUP should be responsive and flexible to accommodate to different living needs across all types of households so as to give effect to the NPS-UD.	
MHU H5.3 Policy (14) - Require development of four or more dwellings per site to contribute to a safe urban road environment for pedestrians through improvements to the adjacent road network.	THAB H6.3 Policy (14) Require development to contribute to safety improvements of the immediate urban road environment to achieve pedestrian connectivity to public transport.	Apply this to MHU as improvements to the adjacent road network can be interpretated to mean physical works which a developer has no right to undertake.	1304.36
H5.6.12. Outlook space for four or more dwellings	H6.6.13. Outlook space	Additional rules beyond the required MDRS density standards are inconsistent with the intent of the NPS-UD as these proposed provisions will hinder the efficient use of land resources, including areas that has high demand for housing and capable of intensification. The cumulative outcomes	1304.37 1304.38
H5.6.14 Outdoor living space	H6.6.15. Outdoor living space		1304.39 1304.40
H5.6.20 Safety and privacy buffer from private pedestrian and vehicle accessways	H6.6.21. Safety and privacy buffer to private pedestrian and vehicle accessways		1304.41 1304.42

		of the additional development standards limit site layouts and will be a significant barrier for Auckland to achieve urban intensification and supply sufficient housing to improve housing affordability and also meet the needs of different households. These amendments are in conflict with objectives 1 and 2 of NPS-UD to support competitive land and development markets, enable more people to live in urban environments. Notwithstanding, to encourage development to adopt best practice in delivering greater residential amenity as well as enabling a variety of homes as stipulated in Policy 1 of NPS-UD, incentives for meeting higher amenity standards should be be considered. i.e allow for more leniency with the application of some appropriate standards where a higher degree of on-

		site amenity is provided. Additionally, it should be clarified that for outdoor living space, where **principal living areas** are at the ground floor, 20m^2 outdoor living space is required. Where **principal living areas** are above ground floor, an outdoor area in the form of a balcony, patio or roof terrace that […].	1304.43 1304.44
H5.6.21 Residential waste management H5.9(3), (4) Residential waste management	H6.6.22. Residential waste management H6.9(3), (4) Residential waste management	Waste management, including but not limited to location, access and collection of waste are regulated by Building code and Waste Management and Minimisation Bylaw 2019. For large scale development (e.g. more than 10 dwellings), a waste management plan will be able to address the relevant requirements and ensure sufficient spaces and accessibility for domestic waste is provided. A one-size fits all approach, proposed in	1304.45 1304.46 1304.47 1304.48

		this Plan Change is considered inconsistent with the objectives of NPS-UD due to the lack of flexibility to accommodate the needs of different development typologies as well as meeting day-tod-day needs of residents.	
H5.8.1. Matters of discretion H5.8.2 Assessment Criteria	H6.8.1. Matters of discretion H6.8.2 Assessment Criteria	Based on the assessment above, these sections of the Plan Change 78 should be refined further to ensure the provision of AUP is consistent with NPS-UD and MDRS. Particularly, the assessment criteria for internal layout and minimum dwelling sizes should also be amended: • The proposed requirements for considering internal storage should be removed or amended for the reasons outlined earlier in this table. • The assessment criteria requiring consideration of	1304.49 1304.50

		living areas for "likely occupancy level" and the use of "typical furnishings" are ambiguous. Moreover, these provisions do not acknowledge the diverse populations in Auckland that consists of varying household types and sizes. It is inherently not practical to define a certain occupancy level or typical furnishing noting that the actual use of dwellings also depends on the needs of people and communities. These proposed provisions are therefore inconsistent with the objective of NPS-UD.

iv. Natural hazards

H5 Residential – Mixed Housing Urban Zone	**H6 Residential – Terrace Housing and Apartment Zone**	**Comments**
Objective (5) Development does not	Objective (6) Development does not	The management of effects associated

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adversely affect the environmental values of adjoining waterbodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks.	adversely affect the environmental values of adjoining waterbodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks.	with natural hazards are governed under Chapter E36 of AUP(OP), which already provide relevant objectives and policies in these respects. Where consents are required, Council has the discretion to assess the hazard risk effects under Chapter E36.
(11) Require buildings to be setback from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards.	(11) Require buildings to be set back from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards.	

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v. <u>Significant Ecological Area</u>

H5 Residential – Mixed Housing Urban Zone	**H6 Residential – Terrace Housing and Apartment Zone**	**Comments**
Objective (9) Development is enabled on sites within significant ecological areas where it provides for the protection and management of the	Objective (9) Development is enabled on sites within significant ecological areas where it provides for the protection and management of the	Similar to natural hazards, Chapter D9, E3, E11, E15 and E26 of the AUP(OP) has specific objectives, policies and rules to manage the ecological values in

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significant ecological values.	significant ecological values.	SEAs. Where consents are required, Council has the discretion to assess the ecological effects under these chapters.	1304.57 1304.58
Policy (15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.	(15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.		
Table H5.4.1 Activity table	Table H6.4.1 Activity table	As discussed in the earlier section of this submission, the purpose of the SEAs is to protect identified areas that contribute to indigenous biodiversity. The proposed restrictions on the number of dwellings and building coverage relates to the built form rather than management of the vegetation or natural features within SEAs. Taking into account of the overlay being a qualifying matter, a certain level of setback is considered more appropriate to locate a reasonable distance from SEA and protect the ecological values of these areas.	1304.59 1304.60
H5.6.10(2) Building coverage on a site subject to a Significant Ecological Areas Overlay	H6.6.11.(2) Building coverage on a site subject to a Significant Ecological Areas Overlay		1304.61 1304.62
H5.8.1. Matters of discretion H5.8.2 Assessment Criteria	H6.8.1. Matters of discretion H6.8.2 Assessment Criteria		1304.63 1304.64
Special Information Requirement H5.9(2) Deep Soil Area and Canopy Tree	Special Information Requirement H6.9(2) Deep Soil Area and Canopy Tree		1304.65 1304.66

vi. Infrastructure

H5 Residential – Mixed Housing Urban Zone	H6 Residential – Terrace Housing and Apartment Zone	Comments	
Objective (7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects.	Objective (7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects.	As referred to the assessment provided in the earlier sections of this submission, the proposed provisions of the qualifying matters for infrastructure constraints are against the objectives and policies of NPS-UD by avoiding development instead of allocating funding to upgrade the infrastructure and transport network. Therefore, proposed amendments incorporated into the AUP are not consistent with the intent of NPS-UD to enable intensification and more people to live in urban environments.	1304.67 1304.68
Objective (10) Intensification is avoided in areas with significant transport infrastructure constraints.	N/A		1304.69
(12) Require dwellings to be provided with access to safe and reliable drinking water, wastewater and stormwater disposal service	Policy (12) Require dwellings to be provided with access to safe and reliable drinking water and wastewater services.		1304.70 1304.71
(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, to be	(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, to be		1304.72 1304.73

provided with appropriate infrastructure.	provided with appropriate infrastructure.		
Policy (16) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints.	N/A		1304.74
H5.4 Activity table	H6.4. Activity table		1304.75
Standard H5.6.3B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps, H5.6.3C	H6.6.4B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps, H6.6.4C Dwellings within the Infrastructure - Stormwater Disposal Constraints Control		1304.76 1304.77 1304.78 1304.79 1304.80
H5.8.1. Matters of discretion H5.8.2 Assessment Criteria	H6.8.1. Matters of discretion H6.8.2 Assessment Criteria		1304.81 1304.82

Plan Change 78 and Plan Change 79 in relation to NPS-UD

3.10 Noting that Plan change 79 proposed in conjunction with PC78 comprises changes to the transport and subdivision chapters in AUP in terms of parking, loading, electric vehicles and access, it is evident that if the proposed provisions in both plan changes became operative, the available space for development on

each site would be significantly limited and insufficient for residential dwellings, particularly to provide quality, high amenity buildings and spaces.

For instance, in a scenario a typical site zoned for MHU where no qualifying matters apply, other than the MDRS standards, the compliance with the following rules would be required when designed for 4 or more dwellings being:

- 6m x 4m living outlook from the glazing or from the edge of the balcony, which must align with outdoor living spaces, and not over a JOAL or servicing area
- $20m^2$ private living spaces of a dimension of no less than 4m
- 10% of the site being set aside for deep soil canopy area (cannot be within private outdoor living spaces)
- A 1m safety and privacy buffer area between a dwelling and pedestrian and/or vehicle accessway
- a 5.5m formed access and 6.5m legal width access
- a separate pedestrian access at 1.35m – 1.8m

This requires 6m outlook from the building façade assuming on one side of the building with a 6.5m access on the other side given outlook cannot be over the JOAL. These provisions alone remove 12.5m of area from being developable. This leaves 3.5m in length for a building on a 16m wide site or 7.5m length on a 20m site.

It is acknowledged testing was conducted in the section 32 report of Plan Change 78 for residential and business zones. However, the testing results are not adequately reflecting the realities of spatial contexts and outcomes enabled by the proposed plan changes. In terms of the number of units, the testing in the section 32 report concluded that yield arising from proposed standards applying to four or more dwellings in MHU zone in a "*typical site*" (with an area of $801m^2$ that is 18m wide and 44.5m long), a "*large site*" (with an area of $1600m^2$) and a small site (with an area of $300m^2$) is either the same or very minimal increase when compared to the AUP(OP):

Terraced Housing

Table 20: Summary comparison of yield arising from operative and proposed standards (RD 4+ Dwellings) modelling - MHU

	VEHICLE AND PEDESTRIAN ACCESSWAY			V & P ACCESWAYS (GROUPED PARKING)			PEDESTRIAN ONLY ACCESS		
	TYPICAL SITE	LARGE SITE	SMALL SITE	TYPICAL SITE	LARGE SITE	SMALL SITE	TYPICAL SITE	LARGE SITE	SMALL SITE
UNIT INCREASE	2 (50%)	0%	0%	0%	0%	1 (100%)	0%	0%	1 (100%)
GFA INCREASE	50%	0%	0%	21.4%	6.2%	150%	44.4%	0%	200%
OCCUPANCY INCREASE	53.3%	0%	0%	16.7%	7.5%	100%	43.4%	0%	166%

Figure 1: Table 20: Summary comparison of yield arising from operative and proposed standards (RD 4+ Dwellings) modelling – MHU, retrieved from Residential and Business Zones SECTION 32 EVALUATION REPORT for Plan Change 78

Meanwhile, it is worth noting that Auckland's median section size is 647m^2 in 2019 [13], which is smaller than the "*typical site*" Council adopted in the testing. In addition, based on the information provided in the Section 32 report, proposed standards in Plan Change 79, which will likely affect development layout of a site to a notable extent, were not included in the modelling[14]. Further, other variables, including but not limited to shapes and orientation of different sites, will affect the actual outcomes of future development on a site. Based on these reasons, it is in our view that in consideration of both plan changes and their cumulative outcomes brought by the whole series of plan changes proposed by the Council in response to NPS-UD, it can be determined that the proposed provisions will unlikely increase the density and deliver quality development to provide for a well-functioning urban environment in Auckland, which will result in outcomes that are contrary to the directives of the NPS which directs the removal of overly restrictive barriers to development and encourages higher intensities of development within urban areas.

The outcomes sought by this submission

3.11 The outcome sought by Plan Co NZ Ltd is that plan change 78 relating to the NPS-UD and RMA-EHS is to be amended as outlined above.

[13] The toughest place to find a quarter acre plot in NZ https://www.oneroof.co.nz/news/the-toughest-place-to-find-a-quarter-acre-plot-in-nz-36317

[14] See Section 6.4 Information Used in the section 32 report https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/10-pc-78-section-32-residential-and-business-zones.pdf

4.0 CONCLUSION

4.1 For the reasons discussed above it is our strong view that Auckland faces a pressing need for urban intensification in light of housing affordability issues, adverse impacts brough by historical suburban sprawl and population growth envisaged in future. Also, the region comprises urban environments that is capable of residential development in a greater scale and intensity.

4.4 The proposed changes to AUP hinders the ability of residential sites in Auckland to provide for urban intensification, worsens suburban sprawl, undermines the efficient use of land resources within the urban environment, and Auckland's potential of supporting, great housing capacity, competitive land and development market to improve housing affordability, which the NPS-UD was introduced to achieve.

4.3 In regard to the assessment of objectives and policies of the NPS-UD as required under s77I to support the use of qualifying matters it is noted that the objectives and policies strongly favour the development of well-functioning urban environments, that promote housing affordability and that result in liveable environments that adapt to the changing needs of the population over time. The objectives and policies do not seek to hinder the use of brownfield urban land and do not promote the protection of existing character or previous planning decisions on an area's zoning over the directive to intensify and make better use of existing urban environments. Therefore, at a high level, it is any matters relevant or appropriate that would allow the Council to impose the any other protective overlay as a qualifying matter should only be incorporated to a level that is necessary without limiting future intensification consistent with the NPS-UD.

4.4 As such, based on the above it is concluded that proposed provisions in Plan Change 78 that are not consistent with NPS-UD and undermine the intensification outcomes envisaged under NPS-UD and MDRS should be removed, amended or clarified.

Plan Co. cannot gain an advantage in trade competition though this submission.

Janette Yan and Mark Weingarth
Plan Co. NZ Ltd
For and on behalf of **Plan Co. NZ Limited**
29 September 2022

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 1:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Lambert Hoogeveen

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lambert Hoogeveen

Organisation name:

Agent's full name:

Email address: lamberth@mail.com

Contact phone number:

Postal address:

Mt Eden
Auckland 1024

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Oppose all rule changes proposed in the plan.

Property address: Whole of Auckland, not a specific area.

Map or maps: Whole of Auckland, not a specific area.

Other provisions:
No further detail.

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:
The reasons concern the whole of Auckland, not one specific area of it.

While Council has correctly included Special Character Areas as a qualifying matter, it has not carried forward all the Special Character Areas that are currently contained in the Unitary Plan.
Council has:
1. Wrongly set a threshold of “high quality” in deciding which Special Character Areas to carry

forward.
2. Wrongly concluded that a Special Character Area is only of “high quality” if 75% or 66% (depending on whether the area is within a walkable catchment) of the properties within it have scored 5 or 6 on its scale.
3. Applied an incorrect and/or inadequate methodology in assessing the value of properties within Special Character Areas.
4. Wrongly applied its own methodology in scoring a number of properties in those Special Character Areas it has excluded.
5. Wrongly applied its own methodology in determining what is an area for inclusion as a Special Character Area.
This means that a number of areas that should be protected from insensitive and inappropriate development are unprotected.

The failure of the proposed Plan Change to include and protect these areas:
1. Is contrary to the purpose of the Resource Management Act 1991 as set out in Section 5 and Part II.
2. Does not recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development as required by S6 (f) of the Act.

I seek the following decision by Council:
1. The inclusion of all the Special Character Areas currently in the Unitary Plan as character and heritage areas in the Proposed Plan.
2. In particular, the inclusion of the following areas:
(here insert particular areas you want included)
3. Any other or further changes to the Proposed Plan Change which are required to give effect to those changes.

1315.1
1315.2

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

Submission date: 29 September 2022

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.

Yes

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

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Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 12:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Sarah Jane Langstone-Ross

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Sarah Jane Langstone-Ross

Organisation name:

Agent's full name:

Email address: sarahlangstone@gmail.com

Contact phone number: 0212885196

Postal address:
13 Reydon Place
Cockle Bay
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
1.) Cockle Bay restrictions / intensification classification
2.) Water issues / stormwater - Include stormwater infrastructure as a qualifying matter
3.) Coastal policy

Property address: 13 Reydon Place, Cockle Bay 2014

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:
1.) The Auckland Plan Change defines Cockle Bay as Mixed House Urban Zone, meaning the medium density residential standards will apply with immediate effect, allowing up to 3 dwellings of up to 3 storeys height (12 metres including the roof) to be constructed on individual sections. Cockle Bay has previously been defined as a Heritage Zone, with parts also classified as single house zone. It has many characteristics which should mean there is a ban on intensification in this area. 1324.1

2.) For Cockle Bay, there are some safeguards in terms of water and wastewater constraints, but no recognition of risks associated with stormwater, despite the dependence on streams and soak pits for drainage in parts of the area, and past flooding history. We want to protect or local streams, the wildlife that live in them and the eco systems that they support. Cockle Bay has areas of local bush which will potentially be destroyed if intensification takes place. We already have considerable problems with storm water and flooding with heavy rain, and there is no infrastructure in place to prevent these issues from getting worse.

The plan change includes reference to combined wastewater and stormwater infrastructure as a qualifying matter. It makes no provision for areas such as Cockle Bay where stormwater is not fully accommodated within fixed infrastructure. In these locations streams, flow paths and soak pits are important elements of the stormwater systems. Allowing intensification on sections currently serviced by soak pits reduces permeable areas and opportunities for natural absorption of stormwater. It increases the risk of increased flows in streams and overland flow paths, and flooding.

Unplanned intensification introduces a high risk of stream erosion and increased flooding. Indirect costs are likely to be incurred by property owners because of increased stream maintenance. This risk is already demonstrated in other parts of the country and globally. It can be avoided by excluding areas from intensification where stormwater infrastructure is inadequate and there is a track record of flooding.

We request the Hearings Panel to recommend to Council: (i) that stormwater be included as a qualifying matter for all development sites; (ii) that no intensification be permitted adjacent to streams, flow paths, flood plains and other locations with a risk of flooding in the future; (iii) the correct basis for calculating capacity of retention / detention tanks; (iv) a requirement to follow all required codes of practice in particular in all areas defined as being subject to a stormwater qualifying matter constraint. 1324.2

3.). We request that the statement of qualifying matters (Information Sheets 7 and 8, Parts 1 and 2) be expanded to include the Coastal Policy objectives and policies which must be complied with, and that properties effected be identified on the maps. Properties must be identified based on the risk and effects related to the Coastal policy – for instance whether they effect, or are likely to effect water quality and marine ecosystems through increased sedimentation or cumulative effects. 1324.3

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: See above

Submission date: 29 September 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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

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Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 12:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Varun Pushp Shandil
Attachments: 29 09 2022 - Subs.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Varun Pushp Shandil

Organisation name:

Agent's full name:

Email address: varunshandil@gmail.com

Contact phone number: 0212886579

Postal address:
16 Reydon Place
Cockle Bay
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
PC 78: Intensification

Property address:

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 attachment.

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

Details of amendments: See attached

Submission date: 29 September 2022

Supporting documents
29 09 2022 - Subs.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.

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I support the proposed changes to date in Plan Change 78.

I ask the Independent Hearings Panel to introduce long term economic costs as a qualifying matter. A Plan Change can introduce a time bound, location based, intensification plan that meets the objectives of the legislation, whilst also focussing infrastructure investments within predetermined priority areas. This will have the benefit of (i) enabling Auckland Council to channel developments to areas where there is sufficient infrastructure capacity; (ii) getting maximum value for money from infrastructure investments; (iii) achieving better planned maintenance to be targeted to areas of higher population density, rather than being dispersed across the city; (iv) enabling other providers, such as Ministries of Education and Health, and power and telecommunications companies, to plan their investments to reflect planned population growth. 1329.1

Because of the growing incidences of heavy rainfall and flooding, I request stormwater to be included as a qualifying matter, with a wider area-based risk assessment, based on the 100 year flood scenario. Without this, I believe that an increasing risk of flooding, stream erosion and even difficulties obtaining affordable insurance cover will occur. (Cockle Bay is at particular risk because of dependence on streams, soak pits and aged infrastructure). 1329.2

I want it to include immediately all relevant safeguards set out in the New Zealand Coastal Policy statement 2010. 1329.3

These will improve transparency and consistency by including more specific specifications on all consent requirements.

I ask to be heard by the Panel on these summary points.

Varun Shandil
16 Reydon Place
varunshandil@gmail.com
021 288 6579

Ginny Taare

From: Garyn Hayes <garyn@splash.co.nz>
Sent: Thursday, 29 September 2022 1:55 pm
To: Unitary Plan
Subject: Intensification Plan Change 78
Attachments: 20220929135206070.pdf

To Whom It may concern,

Please find attached our signed opposition to this plan going ahead!

Kind Regards,
Garyn.

Garyn Hayes
Director
50a Anzac Road, Browns Bay
PO Box 26468
Epsom, Auckland 1344.
021 962 558
(09) 475 0071
splash.co.nz

Begin forwarded message:

From: admin@splash.co.nz
Subject: Message from "prn-ricoh"
Date: 29 September 2022 at 1:52:06 PM NZDT
To: "Scan to Garyn" <garyn@splash.co.nz>

This E-mail was sent from "prn-ricoh" (MP C3004ex).

Scan Date: 09.29.2022 13:52:05 (+1300)
Queries to: admin@splash.co.nz

Submission

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

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

For office Use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) GARYN HAYES.

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

Address for service of

Submitter 60 Seaview Road, Remuera.

Telephone: 021-962558

Fax/Email: garyn@splash.co.nz

Contact Person: (Name and designation, if applicable).....

Scope of submission

These submissions are on Plan Change 78 Intensification

The following 4 submissions relate to Seaview Road, Remuera.

Submission 1.
Proposed Plan Provisions: Planning Maps as Amended by Plan Change 78

Support:

- Seaview Road being zoned "Low Density residential zone" including properties:

- Even numbers 10, 12, 16 to 56A Seaview Road inclusive and

- Odd numbers 1-83 and 111-115 inclusive as shown on the Maps

- Qualifying matters in the Maps

  Refer also to submission 2 below requesting the zoning the entire street as Low Density Residential Zone.

Reasons

- For over 40 years, Seaview Road Residents have advocated for and supported the Council and reporting heritage/special character professional advisors, in the provision of the appropriate zone, policy and rules to protect the special character, high quality architectural and natural form of the street and its high amenity value.
- The Plan Change 78 zoning Map as it relates to the above-mentioned properties, supports the retention of the special character overlay, and coherence of the architectural, natural form and the high amenity values that are a feature of Seaview Road. Continuity supports and protects the special distinctive character and amenity values and history of this unique street that is representative of early Auckland development, with a special character overlay as a qualifying matter.
- The low-density zone is appropriate due to the "Infrastructure Combined Waste Water Network Control", the constraints of which extend over the entire street.
- Retention of this zone is essential to prevent any increase in overflows into Hobson Bay, that is already heavily polluted. Provisions for increased density would add further to local coastal pollution. The evidence below should enable a qualifying matter to be applied over the entirety of Seaview Road.
-

  https://www.rnz.co.nz/news/national/460551/water-quality-issues-at-auckland-s-hobson-bay-may-take-decade-to-fix

- Watercare discharge consent appears to apply to the present density only. Compliances are questionable.
  https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=3574

  Ref: Watercare Memorandum to Orakei Local Board 31 August 2022

Watercare

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Memorandum

31 August 2022

To:	Ōrākei Local Board, Waitematā Local Board, Ōrākei Ward Councillor, Waitematā and Gulf Ward Councillor
CC:	Ngāti Whātua Ōrākei, Hapua Thrive, Babs Lake - Principal Advisor Environment, Trina Thompson – Local Area Manager, Suzanne Weld – Senior Local Board Advisor, Ali Keiller – Local Board Advisor, Caroline Teh – Senior Local Board Advisor, Nick Palmisano – Local Board Advisor, Jamie Penwarden – Councillor Support Advisor, Maryke Fouche – Councillor Support Advisor
Subject:	**Regular update on dry weather water quality issues for Newmarket and Hobson Bay**
From:	Nick Vigar – Head of Planning, Healthy Waters David Moore – Manager Network Improvement Programme, Watercare
Contact information:	Nicola Perry - Relationship Advisor, Infrastructure and Environmental Services (nicola.perry@aucklandcouncil.govt.nz)

Purpose

1. To provide an update on results of water quality sampling in the Newmarket and Hobson Bay catchments and details about ongoing investigations to resolve identified water quality issues.

Summary

2. There are significant water quality issues in the streams that discharge into Hobson Bay.
3. Water quality sampling has identified high levels of faecal indicator bacteria, including E. coli and enterococci outside of rainfall events. Concentrations exceeding the contact recreational guidelines are known as a high risk (red alert) level in Auckland Council's Safeswim programme.
4. Temporary health risk signs have been erected at public access points where the red alert levels have been identified.
5. Staff are testing water quality to better understand these issues and to support drainage investigations to find and eliminate cross-connections that result in wastewater entering the receiving environment.
6. This memo outlines the progress of investigations conducted to identify and fix issues that affect water quality, particularly issues that are occurring in dry weather.
7. Since January 2020, 76 significant public and private network issues that affect water quality during dry weather have been identified. A total of 52 of these issues have been resolved.
8. Remedying water quality issues related to wet weather overflows will require a significant programme of capital investment. Therefore, current investigations are focussed on improving water quality of receiving streams in dry weather conditions.
9. Significant rainfall over the months of June to August has resulted in little dry weather monitoring data from streams. Staff sick leave have delayed some investigations since the last update.

Decision Requested:

Confirmation of the proposed Low Density Residential zoning of

- even numbered properties 10, 12 and 16 to 56A Seaview Road inclusive, and
- odd numbered properties 1-83 and 111-115 Seaview Road, inclusive, as shown on the Maps with any consequential amendments. 1334.1
- That where infrastructure - Combined Wastewater Network Control is identified in the Maps, that this is applied as a qualifying matter for a low density residential zone such as Seaview Road. 1334.2

Submission 2
Proposed Plan Provisions: Planning Maps as Amended by Plan Change 78

Oppose:
The re-zoning of

- even numbered properties 2-8, 12A, 14, 14A, 58-72 Seaview Road; and

- odd numbered properties 85-109 Seaview Road from a Single Dwelling zone to a Mixed Density Residential housing zone; and
  The zoning of 61A, 117-119 Seaview Road as Mixed Density Residential.
- Qualifying matters in the Maps

Reasons:
- Contrary to Sections 5,6,7 of the Resource Management Act 1991
- These properties are presently single-family spacious quality homes that support and contribute to the built architectural and natural form and coherence of the whole street and including at the entry/exit points in the street.
- Retention of a low-density zone is suited to these properties.
- The proposed zone would permit without a resource consent, three houses on a site each up to three storeys – This bulk and form and intensity of development would significantly erode the integrity of the special character of the street as a whole.
- This juxtaposition of diverse zones would undermine the purpose and principles of the special character overlay.
- 61A Seaview Road is better suited to a low-density zone for consistency with the zoning of adjoining properties with a Special Character Overlay and should be a qualifying matter
- The properties at 117-119 Seaview Road have historic social value as former 'state' houses in Seaview Road.
- On-street parking in Seaview Road is already an issue that will be exacerbated by increased demand due to poor onsite parking provision of the higher density zone.
- Auckland needs to grow and to maintain a diversity of residential areas as a point of difference and attractiveness. The big picture of change here, has not been addressed. Those global cities that are most enjoyable to live in and to visit,

retain their high-quality residential character areas, such as Seaview Road, as part of a tapestry and diversity of living.

- Retaining the present zoning of these properties meets the goals of sustainable development. Less waste would go from the demolition of high-quality housing, to landfills, and with less consequent carbon release.
  Each of the above identified properties in Seaview Road are in a catchment that is not adequately served by the combined system for stormwater/wastewater/sewage, that is identified in the zoning maps as the Combined Wastewater Network Control and as a "Spatially Identified Qualifying Matter." The combined system overflows both after rain and leaks in dry periods into Hobson Bay – a bay that is heavily polluted. This should be a qualifying matter.
  https://www.rnz.co.nz/news/national/460551/water-quality-issues-at-auckland-s-hobson-bay-may-take-decade-to-fix
  Ref: Watercare Memorandum to Orakei Local Board 31 August 2022

- The proposed rezoning to a significantly higher intensity zone is not consistent with Council's environment or climate change policies.
- The proposed zone would enable development without a resource consent that could be contrary to the New Zealand Coastal Policy Statement 2010 and the Hauraki Gulf Marine Park Act 2000.
- Retention of a low-density zone is appropriate in that it provides for greater consistency with the relevant environmental and coastal statute and national policy statement.
- Retention of the operative low-density zone would provide for greater compliance with the 35 year Watercare Discharge consent.
  https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=3574
- For the above reasons Seaview Road, as a whole, is best suited to a low density zone and should be zoned as such as other areas of Auckland with similar constraints have been granted.
  https://www.nzherald.co.nz/nz/sewage-overflows-disrupt-government-edict-for-greater-intensification-in-auckland/SZQIBWYITA3FUSJVU3ECQDVKOU/
- The increased density of these properties will not give effect to the intent of the new housing legislation, ie the provision of more affordable housing.
- The retention of the operative low density provisions of the above properties is requested, as they are better suited to the Low-Density Residential zone as outline above.

Decision requested:

1334.3

- That the proposed re-zone of even numbers 2-8, 12A, 14 14A, 58-72; and odd numbers 61A, 85-109 and 117-119 Seaview Road be declined.
- That properties at even numbers 2-8, 12A, 14, 14A, 56-72,
- And odd numbers 61A, 85-109 and 117-119 Seaview Road Remuera, be rezoned to a Low-Density Residential Zone, for the above reasons.
- That where infrastructure - Combined Wastewater Network Control is identified in the Maps, that this is applied as a qualifying matter for a low density residential zone such as Seaview Road.

-

Submission 3
Proposed Planning Provisions: Proposed Planning Maps for Plan Change 78

Support:
Special Character Overlay for all properties in Seaview Road as identified in the Zoning Maps,
- Even numbers 10, 12,16 to 56A Seaview Road inclusive
- Odd numbers 1-85 Seaview Road, inclusive

Reasons:
- Continuation of the Special Character Overlay is supported on the above properties that have been zoned for decades to protect the special character of the built and natural form of the street.
- Seaview Road Residents have been actively engaged for over 40 years to ensure that the provision of zoning policy and rules protects the street from development that would undermine its long-established special character.
- Council through the years has undertaken studies that have confirmed the architectural and natural values of the Seaview Road which have informed zoning and policy. There are few streets with the architectural built form and natural spaciousness remaining in Remuera and indeed across the city.
- Seaview Road meets the Overlay criteria in the proposed change.

Decision requested: the confirmation of the Special Character overlay for the Seaview Road properties,
- Even numbers 10, 12, 16 to 56A Seaview Road inclusive
- Odd numbers 1-85 Seaview Road, inclusive.

1334.4

Submission 4
Proposed Planning Provision - Plan Change 78 Maps

Special Character Overlay - extension to include all Seaview Road Remuera

Request that the Special Character overlay be added to additional properties in Seaview Road so that the overlay, as a qualifying matter, covers the whole street. The additional properties include:
- Even numbers 2-8, 12A, 14, 14A, and 58-72 and
- Odd numbers 61A, 85 to 119 Seaview Road.

Reasons:

- Extension of the Special Character Overlay will support the character of the existing established properties that carry the overlay. Many of the houses in question, are of high architectural merit, set in a high-quality natural treed landscape form and environment. They have distinctive character and contribute to greater amenity values in Seaview Road. The street has coherence and is distinctive. The above properties have intrinsic qualities that warrant inclusion in the special character overlay of the street in a low-density residential zone.
- It is sound planning practice that the zoning and overlays of adjoining/adjacent properties that demonstrate special character features support each other and a coherent special character outcome. Only a special character overlay would provide for the retention of these distinctive qualities, both now and over the passage of time to protect a unique Auckland Street.
- The methodology and scoring system for determining special character overlay as a qualifying matter is challenged.

Decision requested: To extend the Special Character Overlay to the following Seaview Road properties including

- Even numbers 2-8. 12A, 14, 14A, and 58-72 and
- Odd numbers 61A, and 85 to 119 Seaview Road for visual coherence and protection across the entire length of this distinctive street.

1334.5

I wish to be heard in support of my submission -------

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

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

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

29/09/22
Date

We moved into this property 2021 and have made plans to do a major renovation to improve this signal dwelling to keep with the character of the street.

Ginny Taare

From: Tabitha Bushell <TBushell@eqc.govt.nz>
Sent: Thursday, 29 September 2022 1:35 pm
To: Unitary Plan
Subject: EQC submission on Plan Change 78
Attachments: EQC submission on AUP change 78 sep 2022.pdf

Kia ora Koutou,
Attached is Toka Tū Ake EQC's submission on the Auckland City Council's Proposed Unitary Plan Change 78, which I am sending on behalf of Jo Horrocks, Chief Resilience & Research Officer.
Please do not hesitate to contact us regarding this submission, but please direct all emails to resilience@eqc.govt.nz.
Warm regards,

Tabitha Bushell
Advisor, Risk Reduction & Resilience | Kaitohutohu Whakaiti Mōrea me te Manahau
Toka Tū Ake | EQC
Mob: +64 27 275 4902
EQC's Resilience Strategy for Natural Hazard Risk Reduction
EQC Resilience and Research Programme

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****

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Dr Jo Horrocks

Organisation Name (if submission is made on behalf of Organisation) Toka Tū Ake EQC

Address for service of Submitter: PO Box 311, Wellington 6140

Telephone: Fax/Email: resilience@eqc.govt.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provisions	E36 – Natural Hazards E36.3 E36.3.13 E38 (33)
Maps	Natural Hazard Overlays Terraced Housing and Apartments Overlay Residential – Mixed Housing Urban

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:

Provision E36 – Natural hazards, and Natural Hazard Map Overlays

Auckland is at risk from multiple natural hazards. The proposed unitary plan change includes provisions which account for flooding, coastal erosion and inundation, land instability, and wildfires, but notes that the risks from low probability but high impact hazards such as tsunami and volcanic activity cannot be addressed through land use planning. Because of the variable and unpredictable nature of the Auckland Volcanic Zone, land use planning is not likely to be able to affect the risks associated with volcanic activity, but it is the position of Toka Tū Ake that land use planning can be effective in minimizing the risks from earthquake and tsunami.

Tsunami

Tsunami are a low probability, but very high impact hazard which rely on rapid and effective evacuation of coastal areas to avoid loss of life. Auckland has multiple recent and historical records of tsunami[1], on both the east and west coast. Paleotsunami deposits have also been found on the Manukau Heads and islands of the Hauraki Gulf from tsunami of up to 10 m run-up height[2].

The risk of tsunami to Auckland can come from distant, regional or local sources. Regional sources such as earthquakes on the Kermadec and Puyseger subduction zones create the largest tsunami in models, of 2 – 4 m[3]. These tsunami may take as little as three hours to reach the coast, and may not be preceded by strong earthquake shaking (which can be a natural trigger for evacuation). Local source tsunami will have even less warning time, and sources can include offshore volcanic activity, fault rupture and submarine landslides.

Research into evacuation rates in Aotearoa New Zealand[4] found that in 2015 around one third of people did not intend to evacuate or evacuate fast enough, and a similar response occurred in Kaikoura in 2016. This could lead to many deaths and injuries if a major tsunami were to occur. While relying on warnings is one aspect of managing the tsunami risk, it should not be the only option due to:

- the lack of official warnings if a locally sourced event occurs;
- the amount of education, planning and exercising required with communities, so they understand when and how to evacuate;
- the expected rate of evacuations i.e., ~30% may not self-evacuate; and
- the time it may take some communities to evacuate to a safe area.

Land use planning can be effective in limiting the number of people who live in areas which require evacuation in the event of a tsunami, limiting Building Importance Category (BIC) structures of 3 or above[5] in tsunami evacuation zones, and ensuring that there are sufficient evacuation routes. Currently, Proposed Plan Change 78 contains areas in Takapuna and Pakuranga which have been zoned for Terrace Housing and Apartments and are within the orange and yellow tsunami evacuation zones.

To minimize the risk to Auckland residents from tsunami Toka Tū Ake requests that the Auckland Unitary Council

- **Add tsunami hazard zones to planning maps; and** 1336.1
- **Implement rules restricting intensification within tsunami evacuation zones, OR** 1336.2
- **Ensure that areas of coastal intensification have adequate evacuation routes, which are safeguarded by controls to ensure their integrity for evacuation.** 1336.3

[1] https://data.gns.cri.nz/tsunami/wms.html
[2] https://ptdb.niwa.co.nz/#!/db?out=map&map=control&colorby=validity&view=-36.9054|175.0589|10||1420|849
[3] Power WL, Burbidge DR, Gusman AR. 2022. The 2021 update to New Zealand's National Tsunami Hazard Model. Lower Hutt (NZ): GNS Science. 63 p. (GNS Science report; 2022/06). Doi.:10.21420/X2XQ-HT52.
[4] Dhellemmes et al, 2021. Tsunami awareness and preparedness in Aotearoa New Zealand: The evolution of community understanding. International Journal of Disaster Risk Reduction 65
[5] BIC 3 includes structures that, as a whole, may contain people in crowds or contents of high value to the community or pose risks to people in crowds. These include emergency medical and healthcare facilities, educational facilities, buildings where more than 300 people can congregate in one area, airport terminals, principal railway stations, facilities containing hazardous materials, power generating, water treatment and wastewater facilities, and structures with an occupancy load greater than 5000.

Policy E36.3, and Standard E36.6.1.11. – Land Instability

Policy E36.3 (1) in proposed Plan Change 78 states that land which may be subject to natural hazards, taking into account the likely effects of climate change, is to be identified, including (c) land instability, with the intention of (4) controlling subdivision, use and development of land subject to natural hazards. Policies E36.3 (31), (32), and (33) again specify that land which may be subject to land instability is to be identified, and adverse effects of land instability hazards controlled by avoiding subdivision, use and development in these areas. However, the district plan does not include any land instability hazard overlay in the planning maps, or guidance on which areas may be at higher risk of land instability. It is unclear whether the Council requires a geotechnical report on any land to determine the level of land instability risk before subdivision, use or development occurs.

Land instability and the risk of landslides varies considerably with differing geology, ground water, slope and prior human use. Much of Auckland region is underlain by weak geological units such as the Waitemata Group which can be prone to failure in slopes as low as 20˚, and the Northland Allochthon which can be prone to failure in slopes as low as 10˚[6]. Plan Change 78 has rezoned land underlain by Waitemata Group in West Auckland and the North Shore as Residential – Mixed Housing Urban, and some areas as Terraced Housing and Apartments. The Warkworth and Silverdale areas are underlain by the very unstable Northland Allochthon and have been rezoned as Residential – Mixed Housing Urban. Intensification in these areas puts more people and property at risk from the effects of land instability. Without a regulatory, regional land-instability overlay, land instability risk may be inconsistently determined across the region, which may result in inappropriate development in high-risk areas.

To minimize the risk to Auckland residents from land instability, Toka Tū Ake requests that the Auckland Unitary Council:

- **Include a regulatory land-instability hazard overlay in the natural hazard maps.** 1336.4

Provision E36.3 (13) – Flooding

Flooding is one of the most frequently experienced natural hazards in Auckland.

In our understanding of Proposed Plan Change 78, provisions to control development in flood-prone areas include:

- buildings in the former Residential – Single House zone, which cannot achieve a suitable building platform outside the floodplain and/or cannot achieve safe egress during a flood event, are rezoned as low density residential, and;
- In existing urban areas new buildings are designed to accommodate more vulnerable activities to be located:

  a) outside of the 1 per cent annual exceedance probability (AEP) floodplain;

  b) or within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.

Therefore, vulnerable activities are currently allowed in areas at risk from flood hazard, as long as a safe evacuation route is present.

In our opinion this approach does not sufficiently reduce the risk from flooding to these areas and their residents.

Flood hazard risk is predicted to increase in the near future due to rising sea-levels, associated rising ground-water levels, and more frequent and intense rain events. Flooding does not pose high risk to life or to the structural integrity of buildings, but frequent, repeated flood events can have a severe effect on the wellbeing of residents and incur a high financial cost to businesses and residents due to loss of business, loss of access to buildings, damage to property and furnishings, and clean-up costs (including removing contaminated silt from under houses which can become a health hazard).

Controls on subdivision, use and development within the Flood Plain Overlay in Plan Change 78 are scattered between chapters, making it difficult to interpret. Some appear to contradict each other (e.g., E38.8.1.1. (2) states that "*all vacant sites must … contain a rectangle of 15 metres by 20 metres, to accommodate a building that ... is located outside the 1 per cent annual exceedance probability floodplain*", while E36.6.1.9 requires that "*the structure or building is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 300mm above ground level"*). Public engagement with the Auckland Unitary Plan is essential for correct implementation, and it is important that rules and standards do not contradict each other and are accessible to an average reader.

The Auckland Unitary Plan hazard maps do not differentiate between the hazard posed within floodplains or ponding areas where flood waters have low depth and low flow rate, and stream corridors or overland flow paths. Flood waters in overland flow paths are typically deeper and stronger flowing than in ponding areas, and the associated risk to life and property is higher in the event of a flood. Identifying these higher flow areas is important to ensure that

[6] Edbrooke, S. W., Mazengarb, C., & Stephenson, W. (2003). Geology and geological hazards of the Auckland urban area, New Zealand. *Quaternary International*, *103*(1), 3-21.

intensification is not unnecessarily occurring within flow paths and the risks residents are exposed to ae minimized.

Currently, Proposed Plan Change 78 includes the rezoning of many areas within the flood plain as Residential – Mixed Housing Urban, and some areas as Terraced Housing and Apartments (Figure 1). High density development such as this exposes many more people than necessary to the risk of repeated flooding.

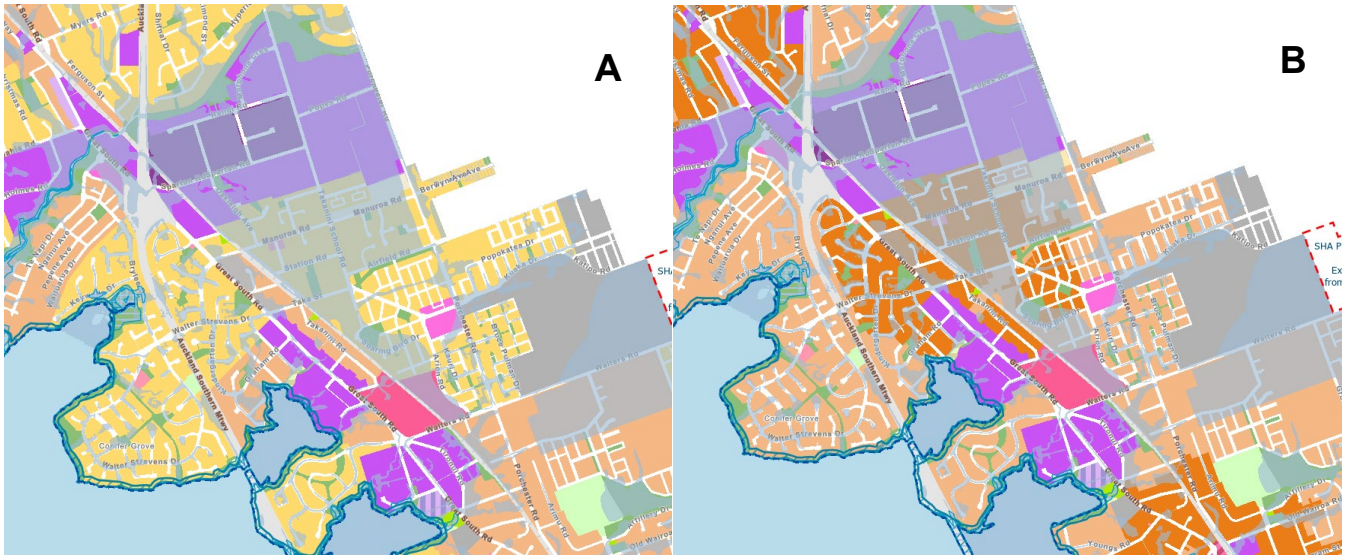

Figure 1: A) Current Auckland Unitary Plan zoning map of Takanini, with Flood Plain Overlay (light blue transparency). B) Proposed Plan Change 78 zoning map of Takanini showing area within the Flood Plain Overlay which has been rezoned as Terraced Housing and Apartments (orange).

To minimize the risk to Auckland residents from flooding Toka Tū Ake requests that the Auckland Unitary Council:

- **Restrict more vulnerable activities within the Flood Plain Overlay.** 1336.5
- **Avoid high density development (Terrace Housing and Apartment zone) within the Flood Plain Overlay** 1336.6
- **Identify stream corridoors and overland flow paths within flood zones and add these to the regulatory natural hazard maps.** 1336.7
- **Restrict medium and high density development within stream corridoors and overland flow paths.** 1336.8
- **Consolidate policies and rules controlling subdivision, use and development within the Flood Plain Overlay to one chapter, and eliminate contradicting rules and standards.** 1336.9

Coastal Erosion Hazard Overlay

Proposed Plan Change 78 includes rezoning of properties within the Coastal Erosion Hazard Zone to Low-Density Residential, meaning only one structure is allowed, covering no more than 30% of the property. Toka Tū Ake EQC support this use of qualifying matters to avoid intensification in areas at risk from natural hazard. However, this rezoning only applies to properties currently zoned Residential – Single House, meaning that many properties within the Coastal Erosion Hazard Zone are now zoned as Residential – Mixed Housing Urban. If, as described in the section 32 report for this plan change, the best way of reducing risk from coastal erosion is to zone properties within the Coastal Hazard Erosion Zone as Low-Density Residential, we strongly recommend the consistent application of this zone over all residential properties within the hazard area.

It is not clear in the plan or in the section 32 report why it is not appropriate to rezone properties in the former Residential – Mixed Housing Suburban Zone to Low-Density Residential. If inappropriate development has already occurred in these areas, then rezoning will prevent further intensification from putting more people and property at risk from coastal erosion.

To minimize the risk to Auckland residents from coastal erosion Toka Tū Ake requests that the Auckland Unitary Council:

- **Rezone all properties within the coastal erosion hazard zone to low-density residential** 1336.10

Policy E38 (33) – Medium Density Residential Standard Policies

E38(33) Medium Density Residential Standards Policies Provide for subdivision as a controlled activity in zones

where the Medium Density Residential Standards apply except where:

a) there is significant risk from natural hazards

"Significant" levels of natural hazards are not defined in the Plan and the term is therefore open to individual interpretation and inconsistent application.

Toka Tū Ake requests that **the level of risk at which Medium- and High-Density development is deemed inappropriate by the Council is determined by risk tolerance analysis and specified in the Plan.** 1336.11

Objective H5.2 and H6.2 (Support)

(5) Development does not adversely affect the environmental values of adjoining waterbodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks.

(6) Development contributes to a high-quality built environment that is resilient to the effects of climate change.

Toka Tū Ake supports the development of high and medium density urban residential zones which do not increase the risks to residents and property from natural hazards. We support development of development which is resilient to the effects of climate change and the associated increase in risk from natural hazards.

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

- **Add tsunami hazard zones to planning maps and implement rules restricting intensification within tsunami evacuation zones.**
- **Include a regulatory land-instability hazard overlay in the natural hazard maps.**
- **Restrict more vulnerable activities within the Flood Plain Overlay.**
- **Avoid high density development (Terrace Housing and Apartment zone) within the Flood Plain Overlay.**
- **Identify stream corridoors and overland flow paths within flood zones and add these to the regulatory natural hazard maps.**
- **Restrict medium and high density development within stream corridoors and overland flow paths.**
- **Rezone all properties within the coastal erosion hazard zone to low-density residential.**
- **The level of risk at which Medium- and High-Density development is deemed inappropriate by the Council is determined by risk tolerance analysis and specified in the Plan.**

I wish to be heard in support of my submission

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

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

	29/09/2022
Signature of Submitter *(or person authorised to sign on behalf of submitter)*	Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Ginny Taare

From: Gyanendra Datt <g.datt@avantplanning.co.nz>
Sent: Thursday, 29 September 2022 1:33 pm
To: Unitary Plan
Cc: Sunny Kan; ben.mak@architecturo.co.nz
Subject: Submission - PC 78: Intensification
Attachments: PC-78-form-5-notification_5 Cedar Road.pdf; PC78 submission_5 Cedar Road- Avant.pdf

Good afternoon,

Please see the attached submission for the above plan change.

If you have any further queries please do not hesitate to contact me.

Kind regards,

--

Gyanendra Datt

Consultant Planner

AVANT
PLANNING | URBAN DESIGN

E g.datt@avantplanning.co.nz | M 021 106 4274

A 224a Dominion Road, Mount Eden, Auckland 1024

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) See attached submission

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

Address for service of Submitter

C/- Avant Planning and Urban Design - 224a Dominion Road

Mount Eden Auckland 1024

Telephone: Fax/Email: g.datt@avantplanning.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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: See attached submission.

Or

Map

Or

Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

See attached submission.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

See attached submission.

I wish to be heard in support of my submission ☒

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

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

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

09/28/2022
Date

Notes to person making submission:

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

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

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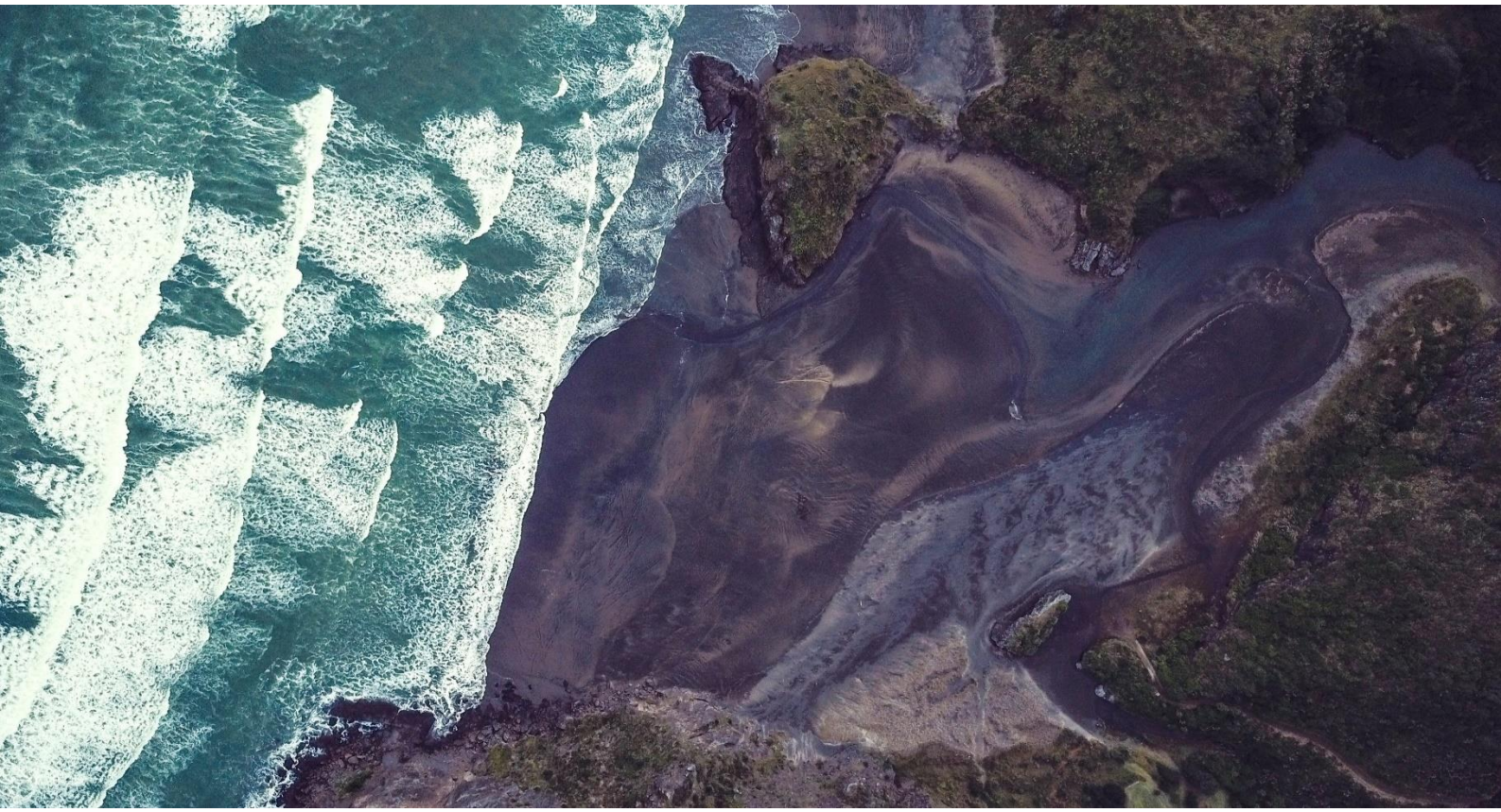
I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

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

SUBMISSION IN RELATION TO Proposed Plan Change 78: Intensification



To: Auckland Council - Plans and Places
Private Bag 92300
Auckland 1142
Attention: Senior Policy Planner
Via email: unitaryplan@aucklandcouncil.govt.nz

Submitters: D Bow & AP Bow & J Bow Tribow & Jelly Bean Trusts; Rui Wang and Shengyan Lu; Penelope Chow Ping Yeung & Chit Ki Lam & The C P Trust; Yonghong Li; Lijuan Shan and Wei Liu

Address for Service: Avant Planning and Urban Design
224a Dominion Road
Mount Eden
Auckland 1024

Attention: Gyanendra Datt
Email: g.datt@avantplanning.co.nz

INTRODUCTION

1. The above submitters are the owners of No.'s 3B, 3C, 5, 7, and 7A Cedar Road, Epsom respectively (subject site). This submission relates to these subject sites.

Figure 1 - Aerial image of the subject site (Auckland Council Geomaps Viewer, September 2022).

2. The subject sites are legally described as Lots 1, 2 3 DP 210055, and Lots 1 and 2 DP 208572 respectively.

3. The subject sites are located on the western side of Cedar Road.

4. The sites are located in an established residential neighbourhood.

5. The current zoning of this site under the Auckland Unitary Plan (Operative in part) ("AUP:OP") is Residential - Single House Zone.

6. The site is proposed to be rezoned Residential - Low Density Residential Zone ("LDRZ") under Proposed Plan Change 78: Intensification ("PC78").

7. Cedar Road is a local road under the AUP:OP.

8. The site is located approximately between two business areas, including the business areas along Manukau Road.

9. The site is also in close proximity to key north-south transport links along Mount Eden and Manukau Roads.

10. The site is located outside a Walkable Catchment area.

11. The submitter opposes the specific provisions of PC78 listed below.

PLAN CHANGE 78 PROVISIONS

12. The specific provisions that this submission relates to are:

    a. Zoning of the site as Low Density Residential Zone.
    b. Special Character Area overlay.
    c. Water and/or Wastewater Constraints Control as a qualifying matter.

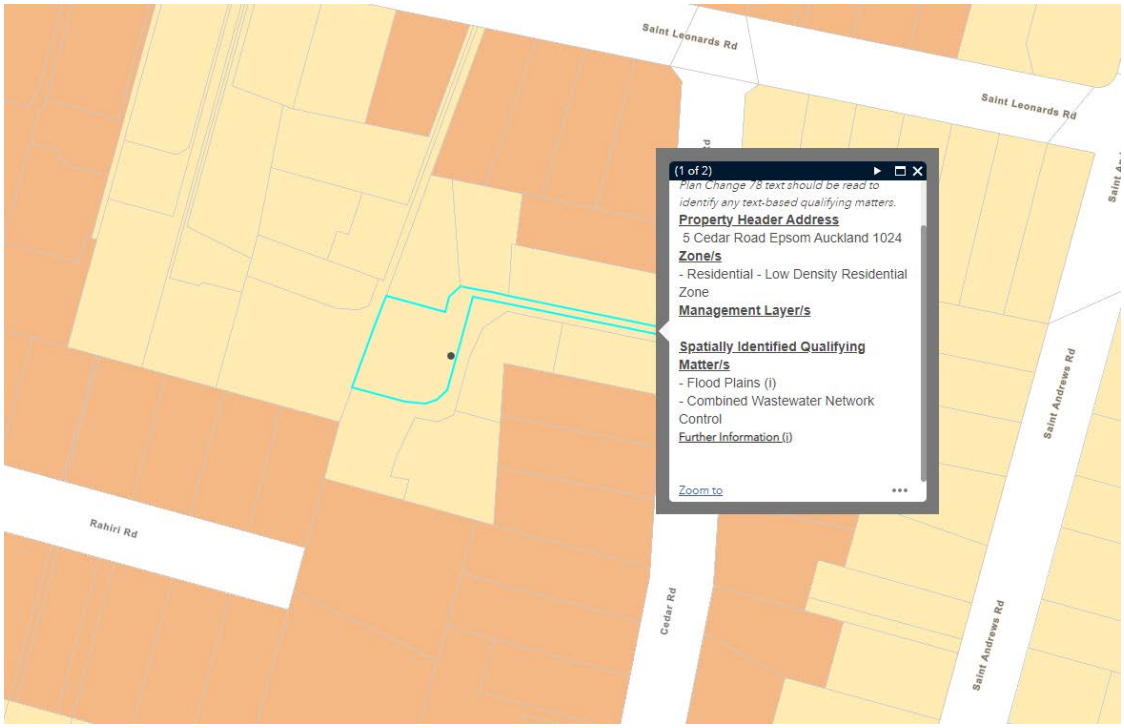


Figure 2 - The subject site is zoned Low Residential Density (Plan Change 78 map viewer, 18 August 2022)

REASONS FOR SUBMISSION

Zoning

13. The Submitters support the removal of the Special Character Area overlay.

14. The Submitters oppose the subject sites' proposed LDRZ.

15. Policy 4 of the National Policy Statement on Urban Development ("NPS-UD") 2020, updated May 2022, enables Tier 1 urban environments to modify the relevant building height or density requirements under Policy 3. Auckland is a Tier 1 urban environment.

16. However, this is only to the extent necessary to accommodate a qualifying matter in that area.

17. According to the S32 report for the management of significant risks from natural hazards – flooding includes the rezoning of specific identified sites based on access criterion.

18. This would modify the MDRS and Policy 3 requirements for specific sites based on ease of access during a flood event. This focuses on sites that cannot achieve safe egress during a flood event due to the presence of a floodplain at the site's access point or points.

19. In the case of this site the developable area of the site is not subject to any flooding hazards. It is only the shared driveway within the panhandle that is subject to flooding.

20. The Submitters question the inconsistencies in the LDRZ approach and applying the LRZ to sites within the same suburb, especially for sites within the lowest points of the catchment with the greatest potential for flooding that have been upzoned. It is noted that the sites surrounding Watling Reserve have been upzoned to Residential - Mixed Housing Urban Zone ("MHUZ") despite being located in the lower parts of the catchment.

21. Using the LDRZ to downzone properties with developable areas outside the flood plain unnecessarily reduces the housing capacity of the surrounding area and is not in keeping with the intensification outcomes of the NPS.

22. This approach is beyond the extent necessary to accommodate a qualifying matter in the area.

23. The suitability of a site's access during flood events should be included as a matter for consideration as part of an application for the redevelopment of the site, rather than the downzoning of a site and restricting the intensity of development that would otherwise be afforded to the site. This constraint can be addressed through engineering solutions, especially when there is no bearing on the built bulk and intensity of the associated residential activity.

24. The assessment of a site's access during a flood event should be included as a matter of discretion/assessment criteria in the E36 rules rather than a reason for wholescale downzoning of properties where the developable areas of the sites are not actually subject to flooding.

25. This will better enable intensification of the subject sites. This will ensure the potential density of development is not unnecessarily reduced where it can be adequately demonstrated that safe and suitable access to the dwellings can be provided.

26. It is noted the sites to the north of Saint Leonards Road that have been upzoned to Residential - Mixed Housing Urban Zone ("MHUZ"). This includes a number of sites at the lower parts of the catchment where the potential for flooding/ponding is greatest.

27. This inconsistency in applying the LDRZ greatly reduces the ability for this part of Epsom to deliver in-demand housing, especially in an area with close proximity to business centres.

28. This approach of restricting the development potential of a site based on a desktop-based assessment of its access is inappropriate and incongruous with the outcomes sought by the NPS-UD.

29. The upzoning of this site will enable more development and the ability to deliver more housing for the Auckland region.

Qualifying matter

30. The Submitters oppose the Water and/or Wastewater Constraints Control as a qualifying matter.

31. Policy 4 of the National Policy Statement on Urban Development ("NPS-UD") 2020, updated May 2022, enables Tier 1 urban environments to modify the relevant building height or density requirements under Policy 3. Auckland is a Tier 1 urban environment.

32. However, this is only to the extent necessary to accommodate a qualifying matter in that area.

33. The council's preferred approach to this issue according to the S32 report for the management a constrained water supply or wastewater service is to retain and strengthen the qualifying matter.

34. The inclusion of this constraint as a qualifying matter restricts the development potential that can be realised on this site under the MDRS controls.

35. While the S32 report states that the *constraint is applied on a temporary basis and will be removed when the required infrastructure is available* it is noted in the constraints maps that a large majority of those infrastructure solutions will not be available until later in the decade.

36. Given the delivery timeframes for these infrastructure solutions the use of planning instruments to constrain development is inappropriate. This does not in any way reduce the existing capacity shortfalls while waiting for the infrastructure solutions to be delivered. This precludes the further development of sites in the catchment while not providing measures to address existing capacity shortfalls.

37. Capacity constraints are a catchment-wide issue and should be addressed as such, rather than primarily focusing on precluding new development.

38. The submitters oppose the use of resource management/planning instruments to address capacity issues in a utility operator's network. This is ultra vires and does not address existing capacity shortfalls within the network. Any concerns about existing network capacity should be addressed through measures applying across the catchment rather than curtailing any further development in the interim.

39. Any network capacity issues should be managed through catchment management operations. It is evident from the S32 report, and the mapping undertaken that the network utility operators are aware of the scale and extent of the capacity shortfalls within their network.

40. The individual network operators can easily address capacity burden for new development by requiring the installation of water-saving devices and features, as well as using technology and innovative solutions. This can easily be implemented on a catchment-by-catchment basis.

41. The network utility operators should focus on reducing existing network capacity issues with targeted measures. This will reduce inefficiencies within the network and free up additional capacity for development.

42. Any new development will be more water efficient through the use of newer, advanced building materials and the installation of more efficient devices.

43. It is highly unlikely that new development will create additional network burden that are disproportionately higher than any gains made through targeted measures for existing development.

44. Constraining further development through planning instruments is an inappropriate mechanism and absolves network utility operators of their responsibilities for reducing existing network capacity burden. This is even more so when the network utility operators have a timeframe for when capacity will be increased within the network.

45. Any measures should be targeted and implemented for all users within the catchment rather

than bluntly curtailing the development potential of sites, especially when new development will demonstrably be more water efficient.

46. This is incongruous with the outcomes sought by the NPS-UD.

47. This is also not in keeping with the sustainable management principle of the RMA.

RELIEF SOUGHT

48. Amend the zoning of the site to Residential - Mixed Housing Urban Zone. 1338.1

49. Amend the E36 provisions to include the assessment of a site's access point or points within a flood plain (where the developable areas of the site are not subject to any flooding). 1338.2

50. Delete the Water and/or Wastewater Constraints Control as a qualifying matter. 1338.3

51. In addition to the specific relief sought above, the Submitters seek any such alternative, consequential, or further relief that may be required to give effect to this submission.

CONCLUSION

52. The Submitters wish to be heard in relation to their submission. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

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

Signed on behalf of the Submitters

Gyanendra Datt
Planning Consultant

Ginny Taare

From: steph@wotmail.co.nz on behalf of Info@stheliers.org.nz
Sent: Thursday, 29 September 2022 1:15 pm
To: Unitary Plan
Cc: Kiri Barfoot
Subject: Submission Plan change 78
Attachments: Submission_on_Plan_Change_78docx.pdf

Hi
Please find attached the submission from the St Heliers and Glendowie Residents Association regarding our views on plan change 78.
Kind regards
Stephanie Watson
Secretary - SHGRA

ST HELIERS & GLENDOWIE
RESIDENTS ASSOCIATION

Submitter Details

Organisation Name (if submission is made on behalf of an organisation):
St Heliers & Glendowie Residents Association

Address for service of submitter:

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Scope of Submission

This is a submission on the following proposed **Plan Change 78 – Intensification**

The specific provisions that our submission relates to are:

1. **Support THAB Zone shown on Plan Change Map Viewer, 18th August 2022.**

2. **Do not support up zoning of properties currently zoned Residential - Single House Zone, and Residential – Mixed Housing Suburban Zone within the suburbs of St Heliers and Glendowie to the new Medium Density Residential Standards (MDRS), and Residential – Mixed Housing Urban Zone.**

3. **Apply Qualifying Matter of Coastal Hazard/Protection Area, to properties along the coastal fringe (setback from Queens Chain), along the St Heliers and Glendowie coast line.**

Enable more intensive development in and around neighbourhood, local and town centres.

1. Support THAB Zone shown on Plan Change Map Viewer, 18th August 2022. 1343.1

The St Heliers & Glendowie Residents Association support the zoning for St Heliers, as outlined under Plan Change 78 Map Viewer, 18th August 2022, that is zoned Residential - Terraced Housing and Apartment Building Zone (THAB).

Provided that the THAB area as shown on Plan Change 78 Map Viewer, 18th August 2022 is not extended or changed.

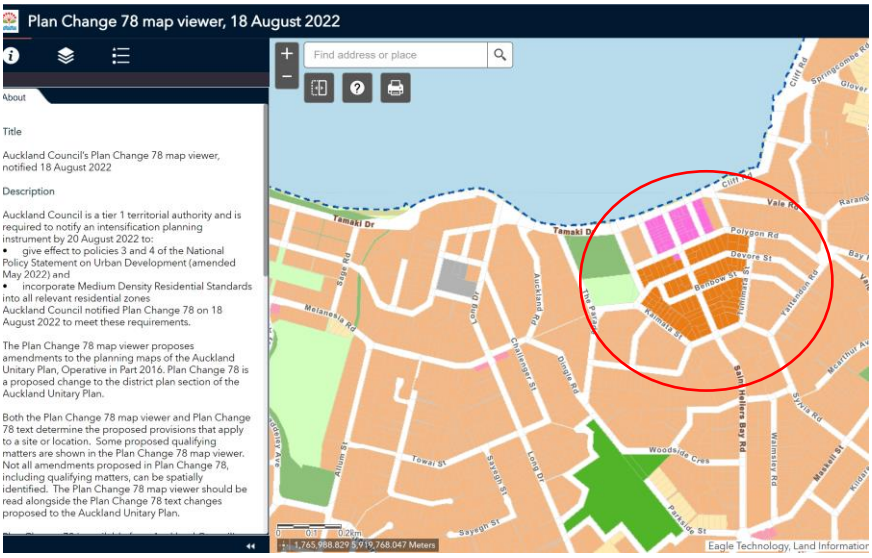

Figure 1. Plan Change 78 Map Viewer, 18 August 2022

Noted, no change to the existing area of THAB within St Heliers.

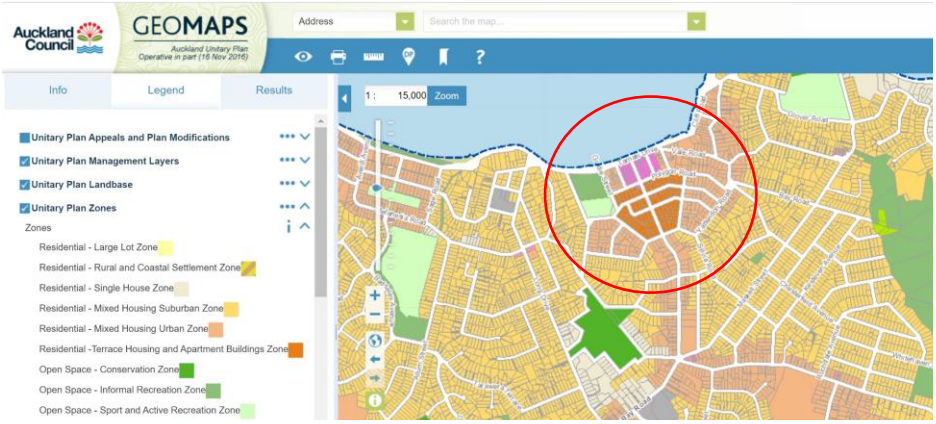

Figure 2. GeoMaps Auckland Unitary Plan 2016.

Incorporate Medium Density Residential Standards that enable three-storey housing in most residential areas.

2. *Do not support up zoning of properties currently zoned Residential - Single House Zone, and Residential – Mixed Housing Suburban Zone within the suburbs of St Heliers and Glendowie to the new Medium Density Residential Standards (MDRS), and Residential – Mixed Housing Urban Zone.*

1343.2

The St Heliers & Glendowie Residents Association would like it to be stated for the record as a community they <u>do not</u> support the proposed Medium Density Residential Standards and up zoning of sites from Residential – Single House Zone and Residential – Mixed Housing Suburban to Residential Mixed Housing Urban.

It is noted that all sites within St Heliers and Glendowie currently zoned Residential - Mixed Housing Suburban Zone are to be up zoned to Residential - Mixed Housing Urban as shown in the following *Figures 3. GeoMaps Auckland Unitary Plan 2016* and *4. Plan Change Map Viewer, 18 August 2022.*

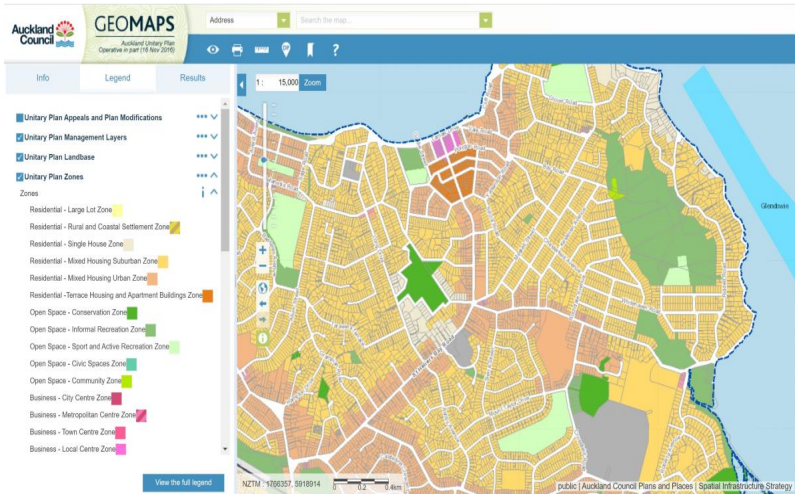

Figure 3. GeoMaps Auckland Unitary Plan 2016

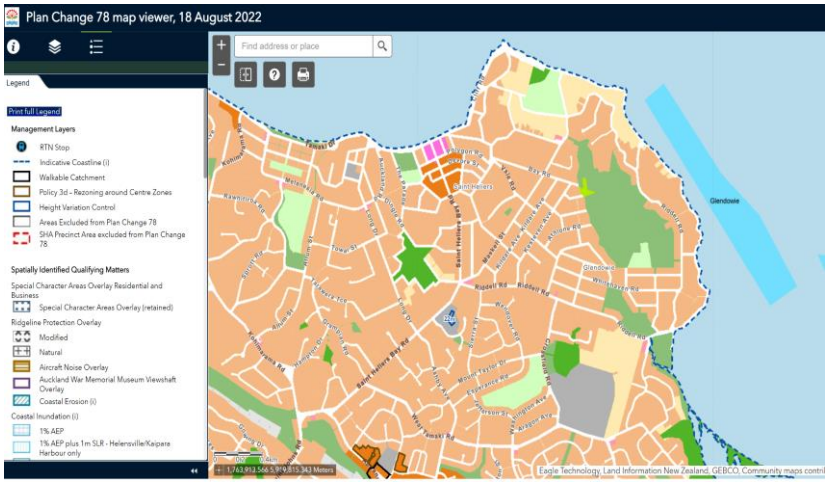

Figure 4. Plan Change 78 Map Viewer August 2022

There are also a select number of sites currently zoned Residential – Single House Zone that are also to be up zoned to Residential - Mixed Housing Urban. As shown in the following *Figures 3 GeoMaps, Auckland Unitary Plan 2016 and 4. Plan Change Map Viewer, August 2022.*

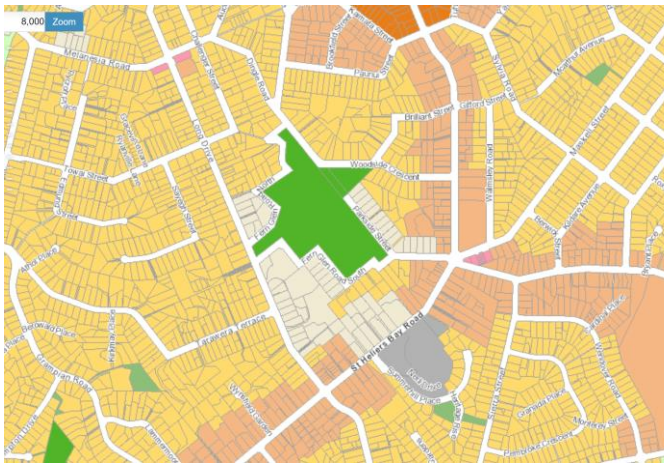

Figure 5. GeoMaps, Auckland Unitary Plan 2016

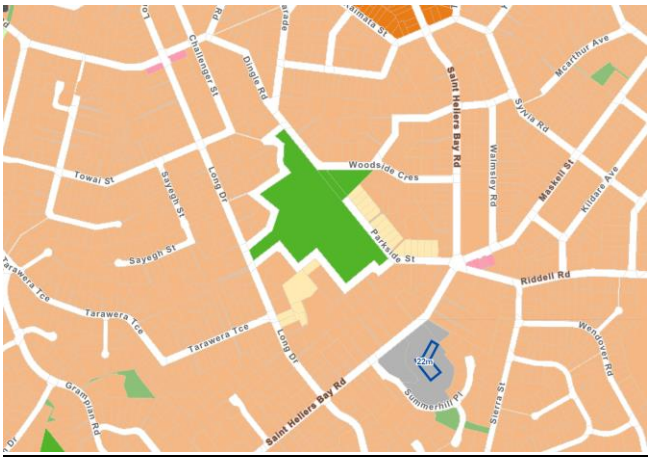

Figure 6. Plan Change Map Viewer, August 2022

The St Heliers & Glendowie Residents Association <u>do not</u> support the up zoning of these properties to Residential – Mixed Housing Urban Zone.

<u>Special Character – Residential</u>

The following is proposed by the St Heliers & Glendowie Residents Association:

1. The St Heliers & Glendowie Residents Association requests that the following special character located within the suburb of St Heliers be reassessed. We are of the opinion that this entire special character residential area should be retained, based on the

1343.3

overall special attributes that make up the entire character of the area that includes i.e. openness; mature vegetation; stone walls; large sites; birdlife; existing built form etc.

Area details

Name	**Parkside Street, St Heliers**
SCA Overlay	Isthmus B
Survey Area Number(s)	55

2. Request that Auckland Council uses a 4/6 as threshold score for assessing percentage of properties, to determine SCA overlay (rather than requiring 5/6). 1343.4

3. Lower the percentage threshold for SCA (eg 50% of properties instead of 66%). 1343.5

4. Auckland Council should identify groupings of 10 properties (or across road, around the block etc) in rough cluster, not just next door. 1343.6

5. Landscape values should also be incorporated, within the assessment and not just the architectural attributes of the property. 1343.7

We do not support Council's proposed residential special character areas. We think there are more areas that should be identified as a qualifying matter ie, all special character areas, not just a subset. These areas have been identified as contributing to the existing character that makes specific suburbs unique and attractive. 1343.8

Up Zoning of Areas to Residential – Mixed Housing Urban Zone

It is noted in the Zone description for **Residential – Mixed Housing Urban Zone** is defined as follows:

Over time, the appearance of neighbourhoods within this zone will change, with development of typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments.

The St Heliers & Glendowie Residents Association do not support the up zoning of any of these properties.

The current provisions of the Auckland Unitary Plan 2016 (AUP), already provide for 3 dwellings per site within the Residential – Mixed Housing Suburban Zone, the new Medium Density Residential Standards proposed will create significant adverse effects on these properties in terms of loss of sunlight, privacy and attributes that are currently enjoyed by our residential community that lives within suburban sites.

It is understood that there are no density limits within these zones (and as it currently stands under the AUP), if one applies for a resource consent. Therefore, by obtaining a resource consent, more than 3 dwellings can be built on a site, subject to a number of standards that don't necessarily have to be met. These resource consents generally fall into the category of a restricted discretionary activity, whereby Council will restrict its matter of discretion to only those matters that the activity requires consent on.

It is the St Heliers and Glendowie Residents Associations view, that Building 4 or more dwellings on a site zoned previously Residential - Mixed Housing Suburban, and in some cases Residential - Single House Zone, should be required to be publicaly notifiable and obtain resource consent as a **discretionary** activity whereby all effects of the activity on the environment should be considered. 1343.9

It is the Associations View, that the activity status of allowing more than 4 houses on a site zoned previously suburban and single house zone, should be given a full discretionary status.

There are significant adverse effects that have not been considered with these new standards.

The Medium Density Residential Standards that are being enforced on our suburban areas of St Heliers and Glendowie, will have significant adverse effects in terms of loss of sunlight and loss of privacy, on adjoining properties. Furthermore, with no density provisions enforced in the AUP now, there is no limit to the number of dwellings that can be built on a site with a resource consent. This will have considerable social implications on adjoining property owners and the broader community. Council needs to provide stricter controls/standards/rules when multiple (**more than 3**), units are being built on sites, in terms of height, side and yard controls, height and landscaping requirements. 1343.10

Here is an example of a three-storied development granted resource consent 25th January 2018, at 285 West Tamaki Road, Glendowie.

285 West Tamaki Road, Glendowie

Council Ref: LUC60310539 and SUB603105370, 285 West Tamaki Road BUN60310538

Site is zoned**: Residential - Mixed Housing Suburban.**

Development was granted for a Non-Complying Resource Consent, non-notified.

Consent was granted subject to a landscaping plan submitted. As evident in the photo, as the landscaping condition has been signed off, Auckland Council considered "grass" to be landscaping and a sufficient mitigation measure of potential adverse effects from the development.

Photo 1. 285 West Tamaki Road, Glendowie

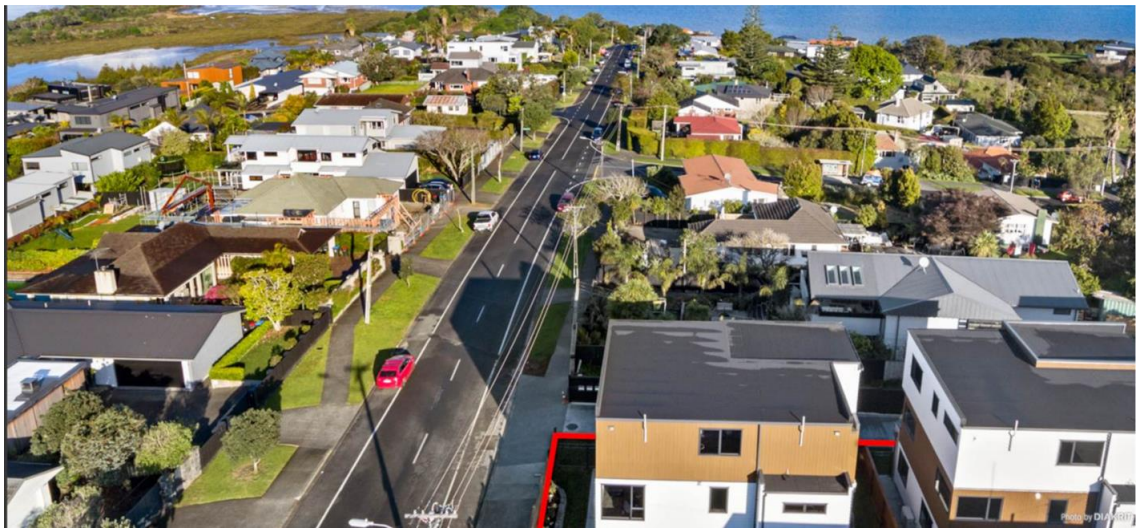

Photo 2. 285 West Tamaki Road, Glendowie

Due to the topography of the site, the adjoining property owner to the south-east (289 West Tamaki Road, Glendowie), is now overlooked, has loss of privacy, and during the winter months, the property is shaded from 1pm onwards.

The St Heliers & Glendowie Residents Association, do not support this boxed type of development, which was over the permitted height standards at the time, with little to no landscaping being undertaken.

If this is the type of development Council is proposing going forward to be built in our suburbs, it will decimate the amenity and attributes of what the residents of this community currently enjoy and have moved their families to the area for.

Qualifying Matters – PART 1.

3. *Apply Qualifying Matter of Coastal Hazard/Protection Area, to properties along the coastal fringe (setback from Queens Chain), along the St Heliers and Glendowie coast line.*

The St Heliers & Glendowie Residents Association **do not** support the Plan Change Map Viewer, 18 August 2022, for the suburbs of St Heliers and Glendowie, only identifying a small portion of properties on the coastal fringe being zoned Residential – Low Density Residential Zone. 1343.11

Council has identified that these properties highlighted in red, *Figure 7.* along the coastal fringe of Glendowie, be up-zoned to **Residential – Mixed Housing Urban Zone**, which the St Heliers & Glendowie Residents Association do not support.

The Coastal areas of St Heliers and Glendowie should be protected from over-development of these sites, and protected from Coastal Inundation, Erosion and Land Instability as required under the New Zealand Coastal Policy Statement 2010. 1343.12

The St Heliers & Glendowie Residents Association propose that an Environmental Impact Assessment (EIA) be undertaken on all those other properties (at least one-two sections back from the Coast, or Queens Chain delineation) on the coastal fringe of both St Heliers and Glendowie, as highlighted in red on the following Figure 1. Drawing – Coastal Area Identified in Glendowie (*Source: Plan Change 78 Map Viewer, 18 August 2022*). 1343.13

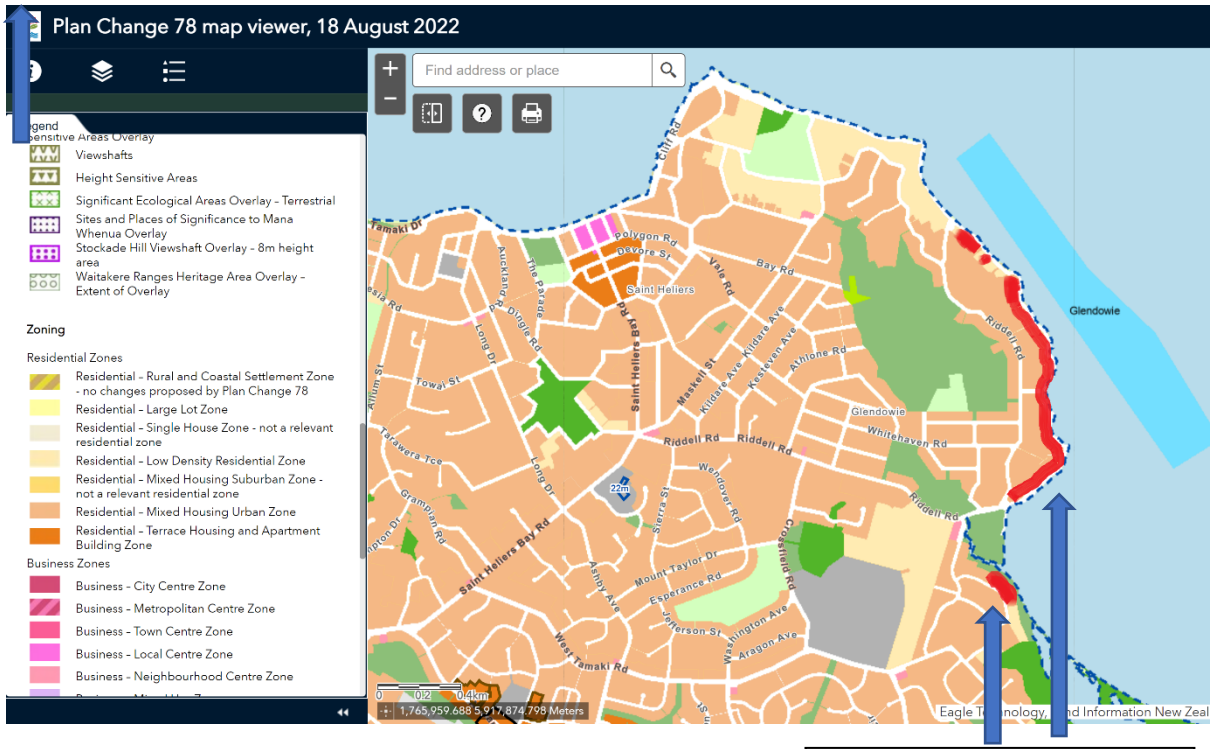

Figure 7. Coastal Area Identified Glendowie

EIA should be undertaken on following red highlighted areas.

Areas that warrant further investigation – Coastal Hazard Qualifying Matter should apply

GLENDOWIE ROAD, Glendowie

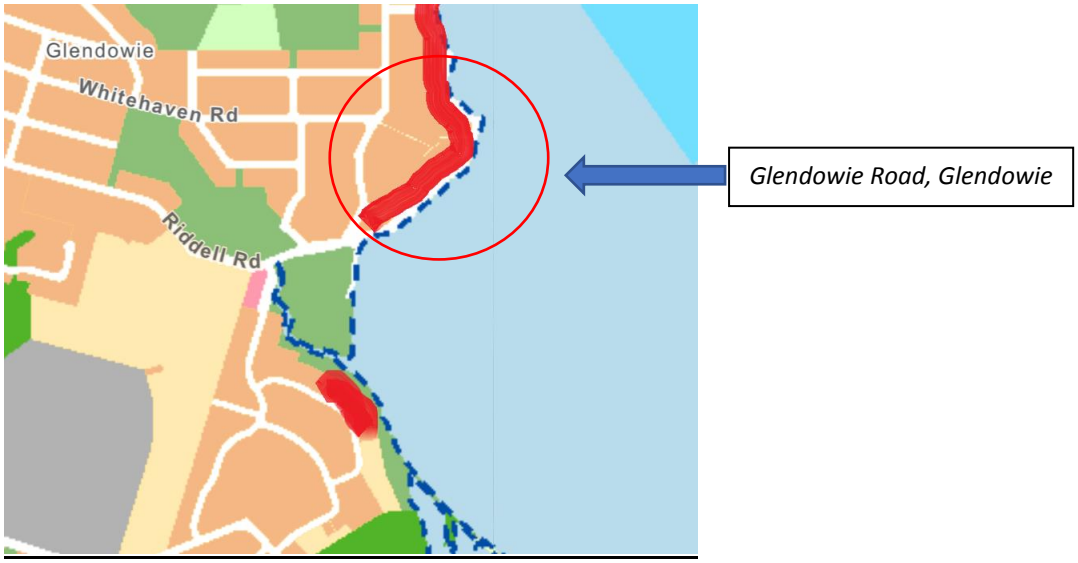

Figure 8. Map showing location of Glendowie Road, Glendowie

Photo 3. Coastal evidence of erosion, bottom end Glendowie Road, adjacent Churchill Club

Photo 4. Coastal evidence of erosion, top end Glendowie Road, near Glendowie Boating (Sailing) Club

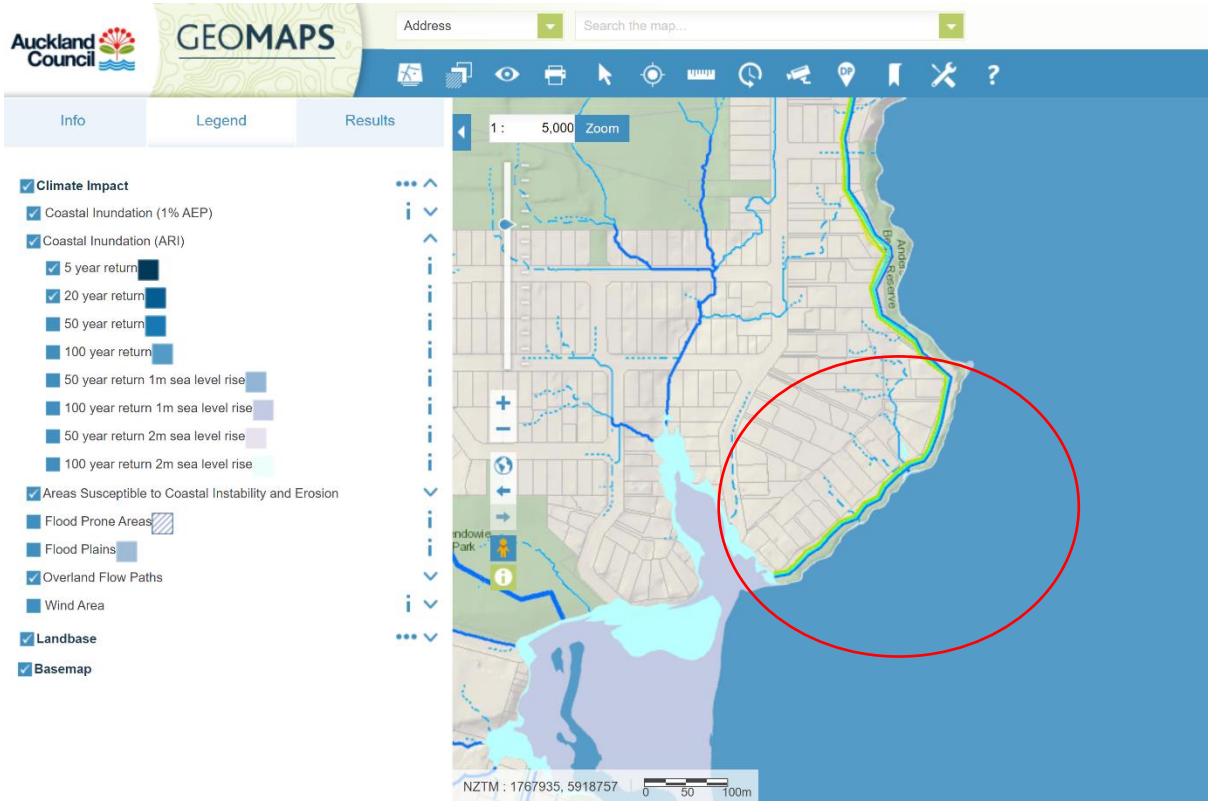

Figure 9. GeoMaps Auckland Council Coastal Inundation Area – Glendowie Road

Road access to these sites along Glendowie Road and the Glendowie Boating (Sailing) Club, will not be possible, if the erosion of this coastline continues, unless this area is protected from further intensified development.

This area should be rezoned (those sites that have immediate access to Glendowie Road) to **Residential - Low Density Residential Zone** as shown in following Figure 10. Areas hatched yellow**.**

1343.14

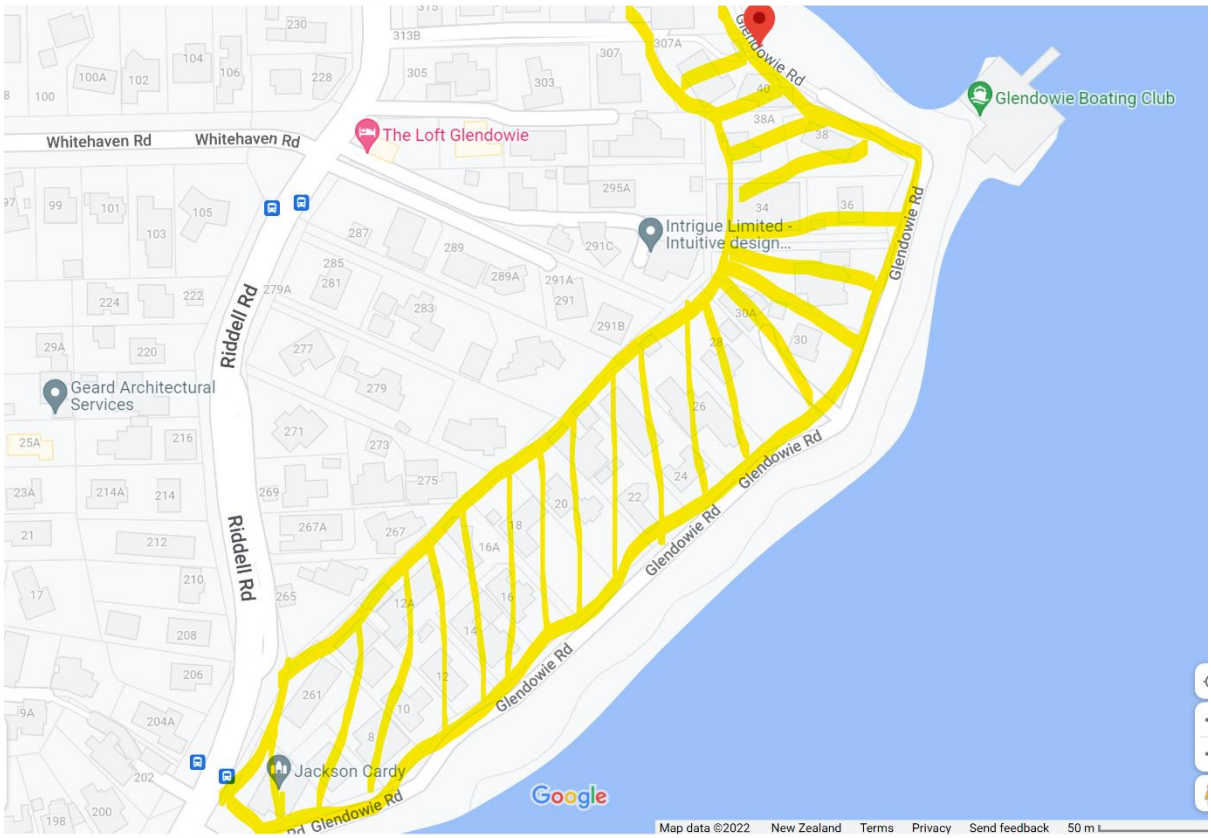

Figure 10. Areas to be rezoned Residential – Low Density Residential Zone – Qualifying Matter to be applied – Coastal Hazard / Protection Area.

VISTA CRESCENT, Glendowie

There is current evidence of road subsidence in front of residential properties on Vista Crescent, 16-18 Vista Crescent, Glendowie. Auckland Council's GeoMaps also show a number of properties, highlighted in the red area *Figure 11. & 12. Coastal Area Identified Glendowie*, to be within the coastal inundation area.

This area should be reassessed and an EIA undertaken, and consideration should be given to rezone these properties to **Residential - Low Density Residential Zone**, and a Qualifying Matter be applied Coastal Hazard/Protection Area. As required under The New Zealand Coastal Policy Statement 2010. 1343.15 1343.16

Figure 11. Coastal Area subject to erosion/subsidence

Photo 1. Road subsidence Vista Crescent, 23.09.22.

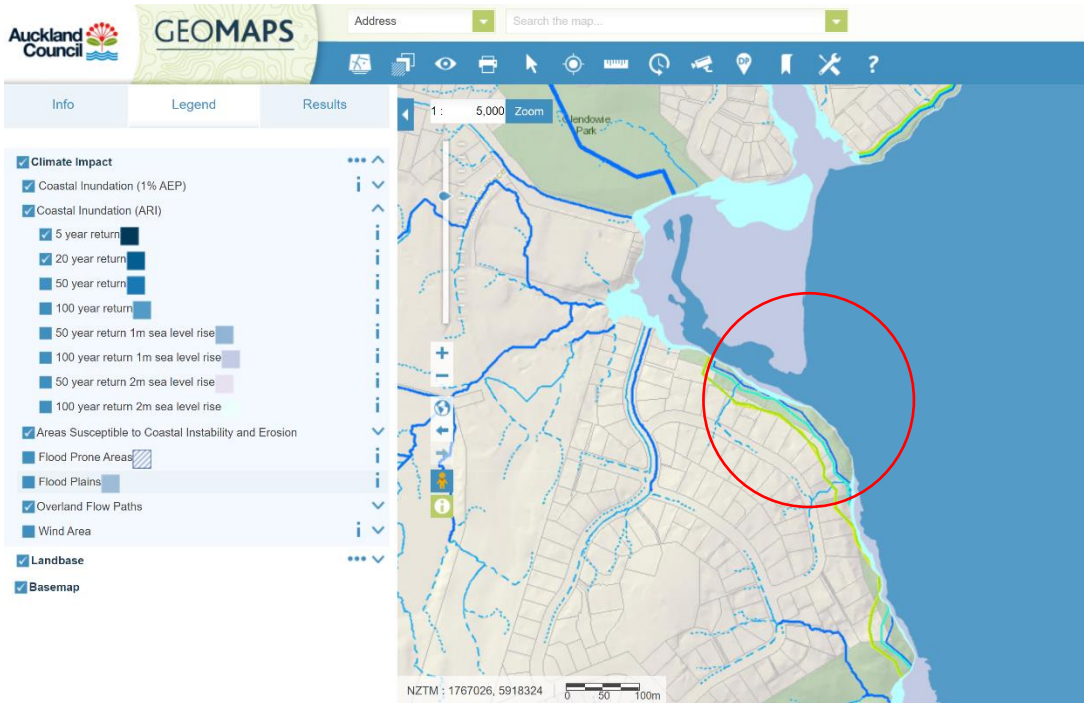

Figure 12. GeoMaps Auckland Council Coastal Inundation Area – Vista Crescent

Figure 13. Areas to be rezoned ***Residential – Low Density Residential Zone – Qualifying Matter*** *to be applied –* ***Coastal Hazard / Protection Area.***

Qualifying matters are characteristics about some properties or within some areas that may allow the council to modify, or reduce, required building heights or density. Qualifying matters include sites of cultural, historic, or ecological significance or requirements to avoid development in areas with natural hazards. Many of them are shown as overlays in the AUP that protect or recognise the feature or value that is being identified.

The government also allows councils to identify other qualifying matters that are relevant for places and communities.

The Council should also undertake an EIA on the remaining area of St Heliers and Glendowie's Coast, as shown in Figure 7. Below, to ensure that the Qualifying Matter of Coastal Hazard / Protection Area should also be applied, and the area rezoned to Residential – Low Density Residential Zone.

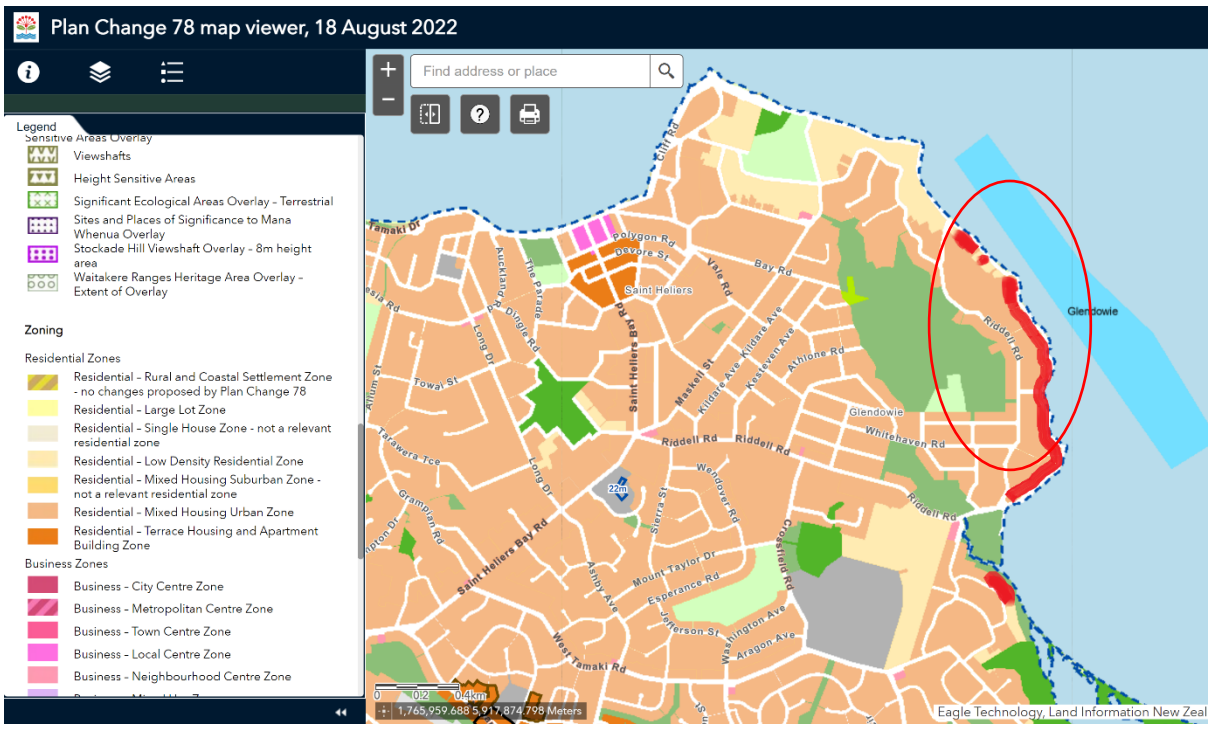

Figure 14. Further area to be investigated EIA - Areas to be rezoned ***Residential – Low Density Residential Zone – Qualifying Matter*** *to be applied –* ***Coastal Hazard / Protection Area.***

The St Heliers & Glendowie Residents Association understands that applying a qualifying matter doesn't prevent development from happening in that area. It only reduces development enough to ensure that what is being protected or managed isn't compromised by that development.

The St Heliers & Glendowie Residents Association are of the view, that the coastline of both St Heliers and Glendowie should be protected for future generations to come, from Coastal Inundation, erosion and instability, as required under The New Zealand Coastal Policy Statement 2010.

29 September 2022

Kiri Barfoot

Kiri Barfoot

Chair

St Heliers Glendowie Residents Association

Address for Service: c/- 57 Mt Taylor Drive, Glendowie, Auckland 1071

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

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Trevor Purkis
ADDRESS OF SUBMITTER	10 Melford St Saint Marys Bay, 1011
TELEPHONE	021920617
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SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

The will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.

4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

   a. It mainly has designer clothing stores, bars and restaurants.
   b. Lacks employment opportunities.
   c. Has very little in the way of community services.
   d. Is really just a long block of neighbourhood shops.
   e. Lacks the potential to grow because of the 13m height restriction.
   f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
   g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.
h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones.

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments** - The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal** - The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings** - Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal** - The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA** - The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone** - Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required** - The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan** - The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice** - The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices** - Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative zone arrangements accepting that previous MHS zoned areas will become MHU zone.

11. **Road Network Constraints** - There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas** – PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure.

13. **Abandoning Amenity Controls in MHU Zone** - The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities.

14. **Minimum Lot Size in THAB Zone** – Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone.

15. **Summary** - Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1.	Reduce the Central City Zone walkable catchment to 800 metres.	1346.1
2.	Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission.	1346.2 1346.3
3.	Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria.	1346.4
4.	Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere.	1346.5

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 1346.6

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 1346.7

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter.....

Date: ...29 September 2022.....

Ginny Taare

From: Bianca Markham <biancamarkham@tnp.co.nz>
Sent: Thursday, 29 September 2022 2:18 pm
To: Unitary Plan
Cc: Shane Hartley
Subject: PC 78 Submission - CHL
Attachments: pc-78-form-5-notification - CHL.pdf

Hello,

Please find attached a submission to PC78 on behalf of CHL (Carriss Holdings Limited).

Kind regards,
Bianca Markham

t. 09 426 7007
f. 09 426 7001
P O Box 466, Orewa 0946
www.tnp.co.nz

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) CHL (Carriss Holdings Limited)

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

Address for service of Submitter

c/o Terra Nova Planning Ltd (PO Box 466 Orewa 0946) - contact person Shane Hartley

Telephone: 4267007 Fax/Email: tnp@tnp.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Qualifying Matters (QM)

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

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

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

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

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

The reasons for my views are:

QM should modify the level of intensification only to the extent necessary. PC78 takes a too liberal approach and does not comply with the NPSUD, in particular Policy 4 and sub-part 6.

In particular, where QM are proposed as a matter under section 6(h) of the RMA they are required to relate to the management of "signficant risks" from natural hazards.

The information used in PC78 for QMs of coastal hazards (erosion and inundation) is "new" information that has not been part of a Schedule 1 process and does not comply with the AUP provisions (e.g. E36.3(9))

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Apply QM (particularly those relating to natural hazards) only to the extent necessary and in accordance with s6 of the RMA and the AUP 1351.1

I wish to be heard in support of my submission ☒

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

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

29/09/2022

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

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) CHL (Carriss Holdings Ltd)

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

Address for service of Submitter

c/o Terra Nova Planning (PO Box 466 Orewa 0946) - contact person Shane Hartley

Telephone: 4267007 Fax/Email: tnp@tnp.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Walkable Catchments

Or

Property Address: 42 St Marys Road, St Marys Bay and surrounding areas

Or

Map:

Or

Other *(specify)*

I support the inclusion of the property and surrounding area within the Walkable Catchment as is currently proposed.
I support the inclusion of the property and surrounding area within the Walkable Catchment as is currently proposed.

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:

The Walkable Catchment is appropriately applied to the site and surrounding area. 1351.2

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☒

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

Decline the proposed plan change / variation ☐

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

I wish to be heard in support of my submission ☒

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

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

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

09/22/2022
Date

Notes to person making submission:

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

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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:

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Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) CHL (Carriss Holdings Ltd)

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

Address for service of Submitter c/- Terra Nova Planning Ltd
PO Box 466, Orewa

Telephone: 094267007 Fax/Email: tnp@tnp.co.nz

Contact Person: (Name and designation, if applicable) Shane Hartley

Scope of submission

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

Plan Change/Variation Number PC 78

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) THAB Zone

Or

Property Address 41 Shelly Beach Road, St Marys Bay 1011 and other areas (Refer Attachment A)

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:

Refer Attachment A

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Refer Attachment A

I wish to be heard in support of my submission ☒

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

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

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

29 September 2022
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.

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

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

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

(a) adversely affects the environment; and

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

Attachment A - to Submission by CHL to Auckland Council Plan Change 78.

A. Reasons

The Terrace Housing and Apartments Building Zone (THAB) proposed for parts of St Marys Bay, Herne Bay and Ponsonby (including at 41 Shelly Beach Road, St Marys Bay and surrounding areas) is supported subject to amendments to the provisions as outlined below.

These THAB zoned areas are ideally located for the highest intensity of development, being highly accessible by existing active modes (walking and cycling) and existing frequent public transport services (including both the Inner and Outer Link bus routes and other bus routes) to a wide range of commercial activities and community services. These commercial activities and community services include, for example: supermarkets (New World Victoria Park and Countdown Metro Herne Bay); commercial areas providing jobs and shops, restaurants/cafes, banks, pharmacies, doctors, dentists in both the Three Lamps Ponsonby and Herne Bay (Jervois Road) shopping areas; the Ponsonby Public Library; several churches; primary and intermediate schools; and the Ponsonby Community Centre; etc.

These THAB zoned areas are also close to and readily accessible to the edge of the city centre. They could be described as being within the walkable catchment.

These THAB zoned areas are also areas where the level of demand for housing is high. This is confirmed by factors including: the very high land prices; close proximity to a wide range of commercial/business activities, community services and recreation opportunities; good transport opportunities; close proximity to key services including schools and supermarkets; and being locations with good views, outlook and amenity.

For all of the above reasons, the evidence indicates that it is appropriate to enable the maximum building heights and density of urban form commensurate with both the high demand and the high level of accessibility. The same high level of development enabled in THAB zoned walkable catchments is appropriate also for these areas. These areas are the most suitable to accommodate intensification.

The amended THAB zone provisions sought by this submission seek to enable an appropriate level of intensification. In particular, through the amended building height and height in relation to boundary controls, and also through a simplified set of provisions (a package) that apply to all buildings and any number of dwellings. There is no justification for the complexity of controls proposed in the notified version of the plan change THAB zone.

In summary, the relief and amendments sought by this submission are appropriate as they:

- Provide a simplified set of provisions applying to all buildings and any number of dwellings
- Enable better development of all sites through a high level of intensification
- Better give effect to Policy 3(c) and Policy 3(d) of NPSUD
- Better give effect to the NPSUD and MDRS.

B. Summary of relief sought – key points

Support the THAB zoning of 41 Shelly Beach Road, St Marys Bay, Auckland (1011) and surrounding areas, and also of similar areas in St Marys Bay, Herne Bay and Ponsonby, subject to amendments to the provisions, including: 1351.3

1. H6.6.5. Building height of 21.5 m
2. H6.6.6. Height in relation to boundary of 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries
3. A simplified set of provisions applying to all buildings and any number of dwellings
4. Consequential or alternative amendments to give effect to the relief sought.

See section C. below for further details of the amendments and deletions sought.

C. Relief Sought: Retain THAB zoning subject to the following amendments and deletions to the provisions:

H6. Residential – Terrace Housing and Apartment Buildings Zone

H6.1. Zone Description 1351.4

Amend as follows:

…

The zone provides for the greatest density, height and scale of development of all the residential zones. ~~Within walkable catchments, as identifies on the planning maps, development of at least six storeys is enabled unless qualifying matters apply. Outside the walkable catchments, buildings are enabled up to at least five storeys.~~ …

Delete all references to "three-storey"

H6.2. Objectives

Support - (A1), (B1), (1) 1351.5

Amend - (1A) Development of at least six storeys is enabled ~~within walkable catchments, with seven or more storey buildings in identified areas,~~ while also achieving a high-quality built environment. 1351.6

Delete - (2)

H6.3. Policies

Amend - (A1) Enable a variety of housing typologies with a mix of densities within the zone ~~including three-story attached and detached dwellings, and low-rise apartments~~. 1351.7

Amend - (1) Enable a variety of housing types at high densities including terrace housing ~~and low to mid-rise~~ and higher apartments ~~within walkable catchments~~ and integrated residential development such as retirement villages. 1351.8

Amend - (2) Require the height, bulk, form and appearance of ~~multi-unit~~ development to achieve a high quality built environment: 1351.9

(a) With a high-density urban built character ~~of predominantly five, six or seven storey buildings in identified areas~~; and
(b) Through building and site design which ~~locates bulk and mass towards the street and~~ provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas.

Amend - (4) In ~~identified~~ locations adjacent to centres, enable greater building height ~~of five storeys outside walkable catchments, at least six storeys within walkable catchments~~ and the application of the Height Variation Control where additional development potential is enabled and which: … 1351.10

H6.6 Standards 1351.11

Delete heading - **H6.6.4A. Number of dwellings per site**

Delete – (1)

H6.6.5. Building Height

Amend – Purpose: to manage the height of buildings to provide for dwellings, terrace housing and apartments and achieve ~~an~~ the planned urban built character ~~of predominantly five storeys or six or seven storeys in identified locations adjacent to centres.~~ 1351.12

Amend – (1)Buildings must not exceed 21m in height ~~the height in metres specified in clauses H6.6.5.1~~ unless otherwise specified in the Height Variation Control on the planning maps. 1351.13

Delete heading – Developments containing up to three dwellings must comply with the following standard:

Delete (a) … and delete Figure H6.6.5.1

Delete heading – Any other development:

Delete (b) …
Delete (c) …

H6.6.6. Height in relation to boundary 1351.14

Amend – Purpose:

Delete - first two bullet points

Amend – third bullet point – ~~For buildings in a walkable catchment, to~~ To enable at least 6 storeys ~~that locate bulk and mass towards the street~~ and achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (ie dominance and shading) to acceptable levels ~~and reducing the overall visual dominance of buildings on the rear parts of adjoining sites.~~

Delete heading – Developments containing up to three dwellings must comply with the following: 1351.15

Delete - (1) … and delete Figure H6.6.6.1

Delete heading – Developments containing four or more dwellings and any other development outside a walkable catchment must comply with the following:

Delete – (1)(A) … and delete Figure H6.6.6.1A

Delete heading – Developments containing four or more dwellings and any other development in a walkable catchment must comply with the following:

Amend - (1B) Buildings ~~within 21.5m from the frontage~~ must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries as shown in Figure H6.6.6.~~3~~ 1B Height in relation to boundary. ~~for four or more dwellings and any other development within walkable catchments below; and~~ 1351.16

Delete – (1C)

Amend - Figure H6.6.6.1B to reflect the amended text in para (1B) above.

H6.6.12. Landscaped area

Delete heading – Developments containing up to three dwellings must comply with the following: 1351.17

Delete – (A1) and (A2)

Delete heading – Developments containing four or more dwellings and any other developments must comply with the following:

H6.6.13. Outlook space

Delete heading – Development containing up to three dwellings must comply with the following: 1351.18

Delete – (A1) and Figure H6.6.13.A1

Delete heading – Development containing four or more dwellings and any other development must comply with:

Amend- (2)(a) by deleting the words "for four or more dwellings and any other development" and amend Figure H6.6.13.1 Required outlook space ~~for four or more dwellings and any other development~~ 1351.19

H6.6.15. Outdoor living space

Delete heading – Development containing up to three dwellings must comply with the following: 1351.20

Delete – (A1) and (B1)

Delete heading – Developments containing four or more dwellings and any other development must comply with the following:

H6.6.19 Windows to street and private vehicle and pedestrian accessways

Delete heading – Development containing up to three dwellings must comply with the following: 1351.21

Delete - (1)

Delete heading – Developments containing four or more dwellings and any other development must comply with:

H6.8. Assessment – restricted discretionary activities

H6.8.1 Matters of discretion

Amend - (2)(a)(i)B. – the extent to which the height, roof form and design of buildings respond to ~~the local streetscape and~~ the planned urban built character of the surrounding area. 1351.22

Amend – (4)(d) – the effects on the planned urban built character of the zone;

H6.8.2. Assessment criteria

Amend - (2)(ab) – the extent to which buildings are designed to manage building ~~length and~~ bulk and visual dominance by: 1351.23 1351.24

Delete – (2)(ab)(i)

Amend - (2)(ab)(iv) – using the proportion and arrangements of windows and doors to provide relief to building ~~length and~~ bulk;

Delete - (2)(ab)(vi)

Delete – (6) Visual dominance (f)

Delete – (6) Overlooking and privacy (h)

Delete – (13)(f)

In relation to all provisions:

Make any consequential or alternative amendments to the provisions (including to H6.4.Activity table) to give effect to, and be consistent with, the relief sought above.

Ginny Taare

From: Kathy Wardlaw <graphics@tnp.co.nz>
Sent: Thursday, 29 September 2022 3:26 pm
To: Unitary Plan
Cc: Shane Hartley
Subject: PC78 submission - CHL 43 Esplanade, Manly, Whangaparaoa
Attachments: PC 78 submission CHL - 43 The Esplanade Manly Whangaparaoa.pdf

Hello,

Please find attached a submission to PC78 on behalf of CHL (Carriss Holdings Ltd)

Kind regards,

Kathy Wardlaw

terra nova PLANNING
t. 09 426 7007
P O Box 466, Orewa 0946
www.tnp.co.nz

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

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Auckland Council
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For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) CHL (Carriss Holdings Ltd)

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

Address for service of Submitter

c/- Terra Nova Planning Ltd

PO Box 466, Orewa, 0946

Telephone: 094267007 Fax/Email: tnp@tnp.co.nz

Contact Person: (Name and designation, if applicable) Shane Hartley

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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)*

The proposed Low Density Residential Zone (LDR) and/or Zone Rules applying to 43 The Esplanade, Manly, Whangaparaoa and the Manly area.
The proposed Low Density Residential Zone(LDR) and/or Zone rules applying to 43 The Esplanade, Manly, Whangaparaoa and the Manly area

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:

Refer Attachment A

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation	☐
Accept the proposed plan change / variation with amendments as outlined below	☒
Decline the proposed plan change / variation	☐
If the proposed plan change / variation is not declined, then amend it as outlined below.	☐

Refer Attachment A

I wish to be heard in support of my submission	☒
I do not wish to be heard in support of my submission	☐
If others make a similar submission, I will consider presenting a joint case with them at a hearing	☒

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

29 Septemeber 2022
Date

Notes to person making submission:

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

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

ATTACHMENT A TO SUBMISSION BY CHL TO AUCKLAND COUNCIL PC78

A. REASONS

The proposed application of a Low density Residential Zone (LDRZ) to 43 The Esplanade, Manly and other sites with this proposed zone at Manly does not give appropriate effect to the statutory MDRS requirements as the identified qualifying matters can be addressed by the Mixed Housing Urban Zone (MHUZ) with qualifying matters applied.

The relevant qualifying matters applying to the site and other sites in Manly with a proposed LDRZ are identified as; Coastal Erosion, Flood Plains, Water and / or Wastewater Constraints Control and Coastal Inundation (see plan below). Existing / established character and amenity etc. are therefore not relevant.

None of the identified Qualifying matters require the application of an LDRZ to the subject site and other sites with the same or similar characteristics and constraints at Manly, for the following reasons:

1) The water and or wastewater constraints control is applicable to many areas of Manly, the Hibiscus Coast, and wider Auckland, much of which is proposed as MHUZ. Clearly, the LDRZ is not required to be applied to address this qualifying matter.

2) In respect of the remaining identified qualifying matters - coastal erosion, flood plains, and coastal inundation - Chapter E36 Natural Hazards and Flooding of the AUP already provides sufficient and appropriate provision for the assessment of actual or potential effects arising from development.

3) Significantly, Chapter E36 does not include objectives, policies or rules which unnecessarily limit *dwelling density and building height, bulk and location* which the LDRZ attempts to do. The approach and measures proposed in the LDRZ are or may be unrelated to the actual and potential natural hazards effects, and potentially limit design solutions that achieve the objectives and policies of Chapter E36. The potential for two, three or more dwellings on such sites can cumulatively have fewer bedrooms and occupants than a single larger dwelling, and potentially as good, if not better, construction and safety methodologies that address the policies for natural hazards.

4) The AUP provisions have been developed and adopted under the same RMA natural hazards matters identified as applying to, and being the basis for, the LDRZ. In this regard the intent of the LDRZ is already achieved by these provisions and would be equally applicable and appropriate to the MHUZ, with the proposed identified qualifying matters.

5) The provisions of Chapter E36 comprehensively address the subdivision and development considerations of risks of adverse effects from natural hazards (to people, buildings, infrastructure and the environment). This includes the following matters:

    - Risks are not increased overall and where practicable are reduced.
    - Managed to safely maintain the conveyance function of floodplains and overland flow paths.
    - Natural features and buffers are used in preference to hard protection structures (where appropriate).

- Exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location.
- Whether any building, structure or activity can be relocated.
- Design and construction of buildings and structures.
- Site layout and management to avoid or mitigate, including access and exit.
- Exposing vulnerable activities or creating a risk to human life.
- Habitable areas of new buildings and substantial additions, alterations, modifications or extensions to existing buildings located in floodplain and coastal storm inundation areas to be above the 1 per cent annual exceedance probability (AEP) including an additional sea level rise of 1m.

6) The activity rules in Chapter E36 apply either a permitted (with standards) or restricted discretionary (RD) activity status for extensions to buildings, or new buildings, including dwellings where they are in an identified natural hazard area. The RD matters of discretion and assessment criteria (E36.8.1 and 36.8.2) addressing natural hazard mitigation and avoidance are extensive and comprehensive and apply to all buildings irrespective of dwelling density or building height, bulk and location.

B. RELIEF SOUGHT / AMENDMENTS REQUESTED

a) DELETE the Low Density Residential Zone and apply the Mixed Housing Urban Zone (MHUZ) on the subject site and other sites at Manly with the same proposed zoning and the same or lesser qualifying matters.

Or if the relief sought in a) is not accepted:

b) AMEND the proposed Low Density Residential Zone as follows (with amendments struck out and underlined where applicable):

H3A Residential – Low Density Residential Zone

H3A.1.Zone description

DELETE references to "one to two storeys" and "suburban scale" and references to existing character etc (or similar and consequential wording changes).

H3A.2. Objectives

AMEND the LDRZ objectives as follows:

(1) Development ~~maintains and is in keeping with the identified~~ recognises relevant qualifying matters' values within the area ~~and their low intensity residential development,~~ relative to development enabled by MDRS~~, being limited to predominantly one to two storeys buildings~~."

…

(4) More intensive residential development including medium density residential development is enabled ~~only to the extent necessary, ensuring~~ provided that it ~~does not detract from~~ recognises relevant qualifying matters' values ~~accommodated by the zone's purpose~~.

…

~~(6) Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character.~~

RETAIN Objectives (12) and (13) relating to MDRS.

H3A.3. Policies

AMEND or DELETE the following LDRZ policies as follows:

General Policies for the Residential – Low Density Residential Zone

~~(1) Require development to be in keeping with neighbourhoods' identified values and lower intensity development being limited to predominantly one to two storey dwellings~~

(2) ~~Require development to:~~

~~(a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or~~

~~(b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.~~

…

~~(5) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.~~

(7) Require more intensive development including Medium Density Residential development to be enabled ~~only to the extent necessary,~~ while ~~ensuring that it does not detract from the identified~~ recognising relevant qualifying matters' values.

Specific Qualifying Matters Policies

~~(8) Require development to be in keeping with the lower intensity neighbourhoods' identified qualifying matters' values including special character.~~

…

(14) Manage ~~Restrict~~ development in areas identified on the planning maps as subject to coastal inundation, coastal erosion and flooding hazards to avoid or mitigate significant adverse effects.

INSERT Policies (A1) to (6A) and (8) to (16) of the proposed H5, Mixed Housing Urban Zone.

SUPPORT the following Policies: (18), (19), (20), (21) and (22) – relating to MDRS

Rules

Activity Table H3A.4.1:

AMEND the activity rules to:

(a) Provide the same activity status for new buildings, additions to buildings and alterations to buildings for activities (A34), (A35) and (A38) as apply under Chapter E36 Natural Hazards and Flooding.

(b) Alter Activity Rules (A2) and (A3) for dwellings to mirror (A3) and (A4) in Activity Table H5.4.1 of the MHUZ.

H3:A.6.7. Building Height

DELETE proposed rules and replace with those proposed in Rule H5.6.4 of the Mixed Housing Urban Zone.

H3A.6.8 Height in relation to boundary

DELETE proposed rules and replace with those proposed in Rule H5.6.5 of the Mixed Housing Urban Zone.

H3A.6.10 Maximum impervious area

DELETE proposed rules and replace with those proposed in Rule H5.6.9 of the Mixed Housing Urban Zone.

H3A.6.11. Building Coverage

DELETE proposed rules and replace with those proposed in Rule H5.6.10 of the Mixed Housing Urban Zone.

H3A.8. Assessment – restricted discretionary activities

…

H3A.8.1 Matters of Discretion and H3A.8.2 Assessment criteria

AMEND the matters of discretion and assessment criteria in H3A.8. to include the relevant matters and assessment criteria from H5.8 MHUZ for the amended dwelling activity rules sought for Activity Table H3A.4.1 including any consequential changes required to give effect to the relief sought.

In relation to all provisions:

Make any consequential or alternative amendments to the provisions to give effect to, and be consistent with, the relief sought above.

Ginny Taare

From: Kathy Wardlaw <graphics@tnp.co.nz>
Sent: Thursday, 29 September 2022 5:01 pm
To: Unitary Plan
Cc: Shane Hartley
Subject: PC 78 submission - CHL - 43 The Esplanade, Manly, Whangaparaoa
Attachments: PC 78 submission CHL - 43 The Esplanade Manly Whangaparaoa.pdf

Hi there,

Please find attached a submission to PC78 on behalf of CHL (Carriss Holdings Ltd).

Can you please disgard the earlier, emailed submission (sent at approx 3.26pm this afternoon) for the above submitter.

Kind regards,

Kathy Wardlaw

terra nova PLANNING
t. 09 426 7007
P O Box 466, Orewa 0946
www.tnp.co.nz

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) CHL (Carriss Holdings Ltd)

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

Address for service of Submitter

c/- Terra Nova Planning Ltd

PO Box 466, Orewa, 0946

Telephone: 94267007 Fax/Email: tnp@tnp.co.nz

Contact Person: (Name and designation, if applicable) Shane Hartley

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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)*

The proposed Low Density Residential Zone (LDR) and/or Zone Rules applying to 43 The Esplanade, Manly, Whangaparaoa and the Manly area.

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:

Refer Attachment A

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

Refer Attachment A

I wish to be heard in support of my submission ☐

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

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

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

29 September 2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

ATTACHMENT A TO SUBMISSION BY CHL TO AUCKLAND COUNCIL PC78

A. REASONS

The proposed application of a Low density Residential Zone (LDRZ) to 43 The Esplanade, Manly and other sites with this proposed zone at Manly does not give appropriate effect to the statutory MDRS requirements as the identified qualifying matters can be addressed by the Mixed Housing Urban Zone (MHUZ) with qualifying matters applied.

The relevant qualifying matters applying to the site and other sites in Manly with a proposed LDRZ are identified as; Coastal Erosion, Flood Plains, Water and / or Wastewater Constraints Control and Coastal Inundation. Existing / established character and amenity etc. are therefore not relevant.

None of the identified Qualifying matters require the application of an LDRZ to the subject site and other sites with the same or similar characteristics and constraints at Manly, for the following reasons:

1) The water and or wastewater constraints control is applicable to many areas of Manly, the Hibiscus Coast, and wider Auckland, much of which is proposed as MHUZ. Clearly, the LDRZ is not required to be applied to address this qualifying matter.

2) In respect of the remaining identified qualifying matters - coastal erosion, flood plains, and coastal inundation - Chapter E36 Natural Hazards and Flooding of the AUP already provides sufficient and appropriate provision for the assessment of actual or potential effects arising from development.

3) Significantly, Chapter E36 does not include objectives, policies or rules which unnecessarily limit *dwelling density and building height, bulk and location* which the LDRZ attempts to do. The approach and measures proposed in the LDRZ are or may be unrelated to the actual and potential natural hazards effects, and potentially limit design solutions that achieve the objectives and policies of Chapter E36. The potential for two, three or more dwellings on such sites can cumulatively have fewer bedrooms and occupants than a single larger dwelling, and potentially as good, if not better, construction and safety methodologies that address the policies for natural hazards.

4) The AUP provisions have been developed and adopted under the same RMA natural hazards matters identified as applying to, and being the basis for, the LDRZ. In this regard the intent of the LDRZ is already achieved by these provisions and would be equally applicable and appropriate to the MHUZ, with the proposed identified qualifying matters.

5) The provisions of Chapter E36 comprehensively address the subdivision and development considerations of risks of adverse effects from natural hazards (to people, buildings, infrastructure and the environment). This includes the following matters:

   - Risks are not increased overall and where practicable are reduced.
   - Managed to safely maintain the conveyance function of floodplains and overland flow paths.
   - Natural features and buffers are used in preference to hard protection structures (where appropriate).

- Exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location.
- Whether any building, structure or activity can be relocated.
- Design and construction of buildings and structures.
- Site layout and management to avoid or mitigate, including access and exit.
- Exposing vulnerable activities or creating a risk to human life.
- Habitable areas of new buildings and substantial additions, alterations, modifications or extensions to existing buildings located in floodplain and coastal storm inundation areas to be above the 1 per cent annual exceedance probability (AEP) including an additional sea level rise of 1m.

6) The activity rules in Chapter E36 apply either a permitted (with standards) or restricted discretionary (RD) activity status for extensions to buildings, or new buildings, including dwellings where they are in an identified natural hazard area. The RD matters of discretion and assessment criteria (E36.8.1 and 36.8.2) addressing natural hazard mitigation and avoidance are extensive and comprehensive and apply to all buildings irrespective of dwelling density or building height, bulk and location.

B. RELIEF SOUGHT / AMENDMENTS REQUESTED

1351.25

a) DELETE the Low Density Residential Zone and apply the Mixed Housing Urban Zone (MHUZ) on the subject site and other sites at Manly with the same proposed zoning and the same or lesser qualifying matters.

Or if the relief sought in a) is not accepted:

b) AMEND the proposed Low Density Residential Zone as follows (with amendments struck out and underlined where applicable):

H3A Residential – Low Density Residential Zone

H3A.1.Zone description

DELETE references to "one to two storeys" and "suburban scale" and references to existing character etc (or similar and consequential wording changes).

1351.26

H3A.2. Objectives

AMEND the LDRZ objectives as follows:

1351.27

(1) Development ~~maintains and is in keeping with the identified~~ recognises relevant qualifying matters' values within the area ~~and their low intensity residential development,~~ relative to development enabled by MDRS~~, being limited to predominantly one to two storeys buildings~~."

…

(4) More intensive residential development including medium density residential development is enabled ~~only to the extent necessary, ensuring~~ provided that it ~~does not detract from~~ recognises relevant qualifying matters' values ~~accommodated by the zone's purpose~~. 1351.28

…

~~(6) Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character.~~ 1351.29

RETAIN Objectives (12) and (13) relating to MDRS. 1351.30

H3A.3. Policies

AMEND or DELETE the following LDRZ policies as follows:

General Policies for the Residential – Low Density Residential Zone 1351.31

~~(1) Require development to be in keeping with neighbourhoods' identified values and lower intensity development being limited to predominantly one to two storey dwellings~~

(2) ~~Require development to:~~

~~(a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or~~

~~(b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.~~

…

~~(5) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.~~

(7) Require more intensive development including Medium Density Residential development to be enabled ~~only to the extent necessary,~~ while ~~ensuring that it does not detract from the identified~~ recognising relevant qualifying matters' values. 1351.32

Specific Qualifying Matters Policies

~~(8) Require development to be in keeping with the lower intensity neighbourhoods' identified qualifying matters' values including special character.~~ 1351.33

…

(14) Manage ~~Restrict~~ development in areas identified on the planning maps as subject to coastal inundation, coastal erosion and flooding hazards to avoid or mitigate significant adverse effects. 1351.34

INSERT Policies (A1) to (6A) and (8) to (16) of the proposed H5, Mixed Housing Urban Zone. 1351.35

SUPPORT the following Policies: (18), (19), (20), (21) and (22) – relating to MDRS 1351.36

Rules

Activity Table H3A.4.1:

AMEND the activity rules to:

(a) Provide the same activity status for new buildings, additions to buildings and alterations to buildings for activities (A34), (A35) and (A38) as apply under Chapter E36 Natural Hazards and Flooding. 1351.37

(b) Alter Activity Rules (A2) and (A3) for dwellings to mirror (A3) and (A4) in Activity Table H5.4.1 of the MHUZ. 1351.38

H3:A.6.7. Building Height

DELETE proposed rules and replace with those proposed in Rule H5.6.4 of the Mixed Housing Urban Zone. 1351.39

H3A.6.8 Height in relation to boundary

DELETE proposed rules and replace with those proposed in Rule H5.6.5 of the Mixed Housing Urban Zone. 1351.40

H3A.6.10 Maximum impervious area

DELETE proposed rules and replace with those proposed in Rule H5.6.9 of the Mixed Housing Urban Zone. 1351.41

H3A.6.11. Building Coverage

DELETE proposed rules and replace with those proposed in Rule H5.6.10 of the Mixed Housing Urban Zone. 1351.42

H3A.8. Assessment – restricted discretionary activities

…

H3A.8.1 Matters of Discretion and H3A.8.2 Assessment criteria

AMEND the matters of discretion and assessment criteria in H3A.8. to include the relevant matters and assessment criteria from H5.8 MHUZ for the amended dwelling activity rules sought for Activity Table H3A.4.1 including any consequential changes required to give effect to the relief sought. 1351.43

In relation to all provisions:

Make any consequential or alternative amendments to the provisions to give effect to, and be consistent with, the relief sought above.

Ginny Taare

From: Trevor Purkis <trevor@penroseretail.co.nz>
Sent: Thursday, 29 September 2022 2:22 pm
To: Unitary Plan
Subject: Sub
Attachments: Sub Sept22 Roma.pdf

Hi

Attached is my sub

Regards

Roma Bertasius

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Roma Bertasius
ADDRESS OF SUBMITTER	870 Woodcocks Rd, Warkworth Auckland
TELEPHONE	021759991
EMAIL	roma.b@xtra.co.nz

SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

The will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.
4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

   a. It mainly has designer clothing stores, bars and restaurants.
   b. Lacks employment opportunities.
   c. Has very little in the way of community services.
   d. Is really just a long block of neighbourhood shops.
   e. Lacks the potential to grow because of the 13m height restriction.
   f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
   g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.
h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones.

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments -** The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal -** The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings -** Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal -** The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA -** The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone -** Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required -** The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan -** The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice -** The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices -** Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative zone arrangements accepting that previous MHS zoned areas will become MHU zone.

11. **Road Network Constraints** - There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas** – PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure.

13. **Abandoning Amenity Controls in MHU Zone** - The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities.

14. **Minimum Lot Size in THAB Zone** – Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone.

15. **Summary** - Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1.	Reduce the Central City Zone walkable catchment to 800 metres.	1352.1
2.	Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission.	1352.2 1352.3
3.	Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria.	1352.4
4.	Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere.	1352.5

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 1352.6

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 1352.7

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter.....

Date: ...29 September 2022.....

Ginny Taare

From: Aaron Grey <Aaron@civilplan.co.nz>
Sent: Thursday, 29 September 2022 2:22 pm
To: Unitary Plan
Cc: Pat Gavaghan; Emma Bayly
Subject: Submission on Plan Change 78 by Hugh Green Limited
Attachments: SUB007v3- HGL-PC78-merge.pdf

Good afternoon,

Please attached the submission of Hugh Green Limited on Plan Change 78 to the Auckland Unitary Plan.

Regards

CIVILPLAN CONSULTANTS

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CIVILPLAN CONSULTANTS

Submission on the Proposed Plan Change 78 – Intensification

To: Auckland Council

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Manukau City
Auckland 2241

Attn: Emma Bayly

Telephone: (09) 222 2445

Email: emma@civilplan.co.nz

This is a submission on Proposed Plan Change 78 Intensification ("the proposal").

1. The Submitter (Background)

Hugh Green Limited ('HGL') is a long-established management company of the Hugh Green Group, which holds a substantial portfolio of land for farming and development purposes, as well as a number of commercial and industrial property assets within the Auckland and Waikato Regions. Combined, the companies which fall under the Hugh Green Group umbrella conduct a range of businesses on their landholdings, including developing residential property for sale, developing and managing commercial / industrial buildings for lease plus farming operations on rural zoned properties. The portfolio includes sizeable landholdings strategically located to meet the needs of Auckland's population growth.

HGL is actively working on enabling growth around Auckland, through residential subdivision within various landholdings such as those in Hingaia, Redhills, and Flat Bush, as well as having interest in other locations within Auckland. Therefore, in addition to policy-specific feedback provided in section 3, below, section 4, below, provides feedback grouped by area of relevance to HGL's landholdings.

2. Scope of Submission

This submission addresses the following aspects of PC78:

- Qualifying matters;
- General zoning approach where qualifying matters apply, including the Low Density zone;
- Definition of 'floodplain';
- Residential zone standards H5.6.14(4), H5.6.19, H5.6.20, H5.6.21, H6.6.15(4), H6.6.20, H6.6.21, H5.6.22;
- Subdivision standards Tables E38.8.2.3.1, E38.8.3.1.1 and Table E38.4.2;

- Industrial zone standards H16.6.1 and H17.6.1;
- Notification standards E12.5 and E27.5(1);
- Zoning and walkable catchment for Onehunga Town Centre;
- Flat Bush Sub-precinct C;
- I612 Redhills Precinct and associated walkable catchments and zoning;
- I449 Hingaia 1 Precinct;
- Strategic Transport Corridor zone standard H22.6.4; and
- Pinehill zoning.

3. General Submissions

3.1 Qualifying Matters

3.1.1 Submission Points

a) HGL generally supports retaining existing tested provisions within the AUP to accommodate/address qualifying matters.

b) In particular, HGL supports:

i) the retention of the National Grid Corridor Overlay provisions in D26 without change. 1359.1

ii) the retention of the Natural Hazard provisions in E36 without change. 1359.2

c) HGL opposes the inclusion of specific standards to address qualifying matters within residential zone chapters, especially where standards are applied to the full extent of a site when the qualifying matter only applies to part of the site. This approach is considered to be inconsistent with the requirements under section 77I and 77O of the RMA to provide for less-enabling provisions "only to the extent necessary" to accommodate one or more qualifying matters.

d) In order to clearly identify which less enabling provisions are proposed to accommodate a qualifying matter, as well as to 'declutter' the zone provisions, HGL suggests that the overlay and area-specific provisions proposed to address qualifying matters within the zone provisions be relocated to their respective overlay or precinct sections of the plan.

3.1.2 Relief Sought

In relation to these matters, the following relief is sought:

i) That no further changes are made to existing provisions of the AUP that accommodate qualifying matters that would create new restrictions to development, including (but not limited to) the provisions in sections D26 and E36. 1359.3

ii) That all proposed zone provisions designed to accommodate qualifying matters be relocated to the relevant existing or new overlay, Auckland-wide or precinct provisions, including (but not limited to): 1359.4

i) relocating all new rules related to Significant Ecological Areas to section D9; and 1359.5

ii) inserting a new overlay section for Infrastructure Constraints. 1359.6

3.2 Zoning Approach Where Qualifying Matters Apply

3.2.1 Submission Points

a) As mentioned above, HGL opposes the approach taken of applying a lower-density zone due to the presence of a qualifying matter on a site (even if the qualifying matter does not apply across all of the site). In this regard, HGL does not support the proposed Low Density Residential Zone in its entirety. This approach is contrary to the direction of the NPS-UD and the requirements under section 77I and 77O of the RMA, given that it bluntly restricts development capacity beyond the extent necessary to accommodate the given qualifying matter.

b) Instead, HGL prefers that the MHU zone (or, within walkable catchments or adjacent to centres, the THAB zone) is applied to these affected sites, subject to additional overlay, Auckland-wide or precinct provisions specifically related to the applicable qualifying matter.

c) HGL also opposes the rezoning of land which has recently been vested in Auckland Council as reserve to Mixed Housing Urban, where it is more appropriate that it should be rezoned Open Space. As provision of open space is a qualifying matter in the RMA, s77I(f), the rezoning approach proposed by PC78 is not appropriate. HGL points to the land at 6F Hughs Way, Flat Bush, as an example of this approach.

3.2.2 Relief Sought

In relation to these matters, the following relief is sought:

i) That the proposed Low Density Residential Zone is deleted in full. 1359.7

ii) That all sites proposed to be within the Low Density Residential Zone instead be within the Mixed Housing Urban Zone (subject to overlays or precincts to accommodate qualifying matters beyond those in the Auckland-wide provisions). 1359.8

iii) That all sites proposed to be within the Mixed Housing Urban Zone that are within walkable catchments of Policy 3(d) areas instead be within the Terrace Housing and Apartment Buildings Zone (subject to overlays or precincts to accommodate qualifying matters beyond those in the Auckland-wide provisions). 1359.9

iv) That all vested reserves proposed to be within a residential zone instead be within the appropriate Open Space zone. 1359.10

3.3 Definitions

3.3.1 Submission Points

a) HGL does not support the proposed changes to the definition of 'floodplain' in Chapter J, which would enable Council to consider potential floodplains that are not shown on Auckland Council's GIS maps. This will remove confidence for plan users as to the relevance of Auckland-wide provisions related to flooding and essentially removes responsibility for Council to maintain this aspect of the publicly accessible resource. With this change, Council would have the ability to request a site-specific technical report for all land use proposals on any site.

3.3.2 Relief Sought

In relation to this matter, the following relief is sought:

i) That the phrase "*although Council accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain*" within the definition of 'floodplain' is not deleted. 1359.11

3.4 Residential Zone Standards

3.4.1 Submission Points

a) HGL opposes the application of additional residential standards (such as deep soil areas, Safety and privacy buffer from private pedestrian vehicle accessways, and waste management) to the activity of up to three dwellings per site. This is inconsistent with the MDRS expectations, as it places additional onerous requirements on small-scale development. In particular, the deep soil, canopy tree and privacy buffer standards are standards setting out requirements for landscaped area that is more restrictive that the requirement in Schedule 3A of the RMA (therefore being inconsistent with clause 2(2) of Schedule 3A) and no qualifying matters are proposed to justify the restriction of development in this manner.

b) HGL opposes the limitation in Standards H5.6.19(1)(c) and H6.6.20(1)(c) that prevents deep soil areas from being located within private outdoor living spaces. As the stated purposes of the deep soil area and outdoor living space standards can still be achieved when these areas overlap, the restriction is considered to unduly compromise the ability for superlots to provide for residential development capacity.

c) HGL also requests that (if they are to be retained) Standards H5.6.14(4), H5.6.19, H6.6.15(4) and H6.6.20, related to communal outdoor living spaces and deep soil areas, enable the use of existing commonly owned land (including land owned by incorporated societies) to satisfy these requirements. This will incentivise creation of these areas at subdivision stage, where their location may be more appropriately determined, to then be relied on by development of superlots.

3.4.2 Relief Sought

In relation to this matter, the following relief is sought:

i) That the following standards be removed from the standards to be complied with for up to three dwellings per site in the Mixed Housing Urban Zone (and all related activities): 1359.12

- Standard H5.6.19 Deep soil area and canopy tree
- Standard H5.6.20 Safety and privacy buffer from private pedestrian vehicle accessways
- Standard H5.6.21 Residential waste management.

ii) That the following standards be removed from the standards to be complied with for up to three dwellings per site in the Terrace Housing and Apartment Buildings Zone (and all related activities): 1359.13

- Standard H6.6.20 Deep soil area and canopy tree
- Standard H6.6.21 Safety and privacy buffer from private pedestrian vehicle accessways
- Standard H5.6.22 Residential waste management.

1359.14

iii) That Standards H5.6.19(1)(c) and H6.6.20(1)(c) be deleted or amended to clarify that deep soil areas may be located within private outdoor living spaces. 1359.15 1359.16 1359.17

iv) That Standard H5.6.14(4), H5.6.19, H6.6.15(4), H6.6.20 be amended as necessary (alongside any necessary consequential changes to E38) to allow for communal outdoor living spaces and deep soil areas required by the proposed dwellings to be provided for within communal land related to the development site (for example communal land created as part of the subdivision that created the development site), including land owned by an incorporated society that the owner of a development site is required to be a member of. 1359.18 1359.19 1359.20 1359.21 1359.22

3.5 Subdivision Standards

3.5.1 Submission Points

a) If the proposed Low Density Residential Zone is to be retained, then HGL opposes the 600m² minimum lot size subdivision requirement proposed under Standard E38.8.2.3 (Table E38.8.2.3.1) and the 600m² minimum average lot size subdivision requirement proposed under Standard E38.8.3.1 (Table E38.8.3.1.1). In a number of instances where land is being rezoned from Mixed Housing Suburban to Low Density Residential, this is more restrictive that the existing provisions. The necessity for this lot size requirement is not justified in the Section 32 reports for PC78 and therefore lacks evidence-based justification.

b) If Low Density Residential Zone is to be retained, then HGL requests the same minimum and minimum average lot sizes that apply in the Mixed Housing Urban zone also apply to this zone, and that the required lot size would be determined through compliance with Standard E38.8.1.1(2), which requires that shape factors are clear of the applicable qualifying matters. This would ensure that development is restricted only to the extent necessary to accommodate the applicable qualifying matters.

c) Similarly, HGL opposes retaining the THAB minimum lot size of 1,200 m², as this is inconsistent with the requirement under clause 7 of Schedule 3A of the RMA for subdivision provisions to be consistent with the level of development permitted under the other clauses in Schedule 3A. As the permitted activity allowances in the THAB zone are the same as the MHU zone, the same lot size requirements should apply in both zones (300 m²).

d) HGL submits that vacant site subdivisions should be provided for as a controlled activity within the MHU and THAB zones in order to be consistent with the requirement under clause 7 of Schedule 3A of the RMA ("*Any subdivision provisions must … provide for subdivision applications as a controlled activity*"), which is not achieved by the existing restricted discretionary and discretionary activity status for vacant sites subdivisions under Table E38.4.2.

3.5.2 Relief Sought

In relation to these matters, the following relief is sought:

i) That the site size requirements under Tables E38.8.2.3.1 and E38.8.3.1.1 be amended so that the requirements for the Low Density Residential Zone (if retained) and the Terrace Housing and Apartment Buildings Zone match the requirements for the Mixed Housing Urban zone. 1359.23

ii) That Table E38.4.2 be amended to provide for vacant sites subdivision within the Low Density Residential Zone (if retained), Mixed Housing Urban zone and Terrace Housing and Apartment Buildings Zone as a controlled activity, regardless of the size of the parent site, subject to compliance with all of the relevant standards. 1359.24

3.6 Industrial Zone Standards

3.6.1 Submission Points

a) HGL considers that a separate height limit for industrial zones (Standards H17.6.1 and H16.6.1) within walkable catchments is unnecessary given that it is only 1 m different from the height limited for industrial zones outside of walkable catchments. HGL suggest that a consistent height limit be used in order to simplify the zone provisions.

3.6.2 Relief Sought

In relation to this matter, the following relief is sought:

i) That Standards H16.6.1 and H17.6.1 are amended to apply a maximum height of 21m (unless otherwise specified in the Height Variation Control), regardless of whether the sites are located within or outside of a walkable catchment. 1359.25 1359.26

3.7 Notification Standards

3.7.1 Submission Points

a) In order to ensure that the MDRS notification exemption rules are effective, HGL considers it necessary for similar rules for notification apply to activities associated with the construction and use of residential activities (such as earthworks). This is considered necessary given that sections 95 to 95F of the RMA do not enable effects of an activity to which a rule precludes notification to be considered when accessory activities that require resource consent form part of the application.

b) This circumstance has been evident in the AUP to date, whereby the construction of four or more dwellings is an activity identified as not requiring notification if the 'standards to be complied with' are all met. However, our experience is that typically a development of that scale triggers resource consent under E12 for earthworks, and oftentimes also triggers a resource consent under E27 for a parking or access standard infringement. These other activities render the non-notification clause for the construction of dwellings effectively void, as there are not corresponding non-notification clauses in E12 and E27, even though we have never experienced a Council determination that notification is necessary for these activities.

3.7.2 Relief Sought

In relation to this matter, the following relief is sought:

i) That the following be inserted in section E12.5 (or similar):

1359.27

"Any application for resource consent for an activity listed in Table H12.4.1 Activity table as a restricted discretionary activity that meets the following requirements will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:

(a) the activity is required for the construction or use of dwellings;

(b) the activity is within the Residential – Mixed Housing Urban zone or Residential – Terrace Housing and Apartment Buildings Zone; and

(c) the activity complies with all of the relevant standards in section E12.6 below."

ii) That the following be inserted in section E27.5(1) (or similar):

1359.28

"(c) (A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access, subject to the following requirements:

(i) the activity is accessory to the construction or use of dwellings; and

(ii) the activity is within the Residential – Mixed Housing Urban zone or Residential – Terrace Housing and Apartment Buildings Zone."

4. Site-Specific Submissions

4.1 Onehunga Town Centre

4.1.1 Submission Points

a) HGL opposes with the exclusion of the 'Light Rail Corridor' from PC78, effectively treating it as a qualifying matter. At Onehunga, this nullifies consideration of appropriate intensification around the existing town centre and train station, both of which currently, and will still, exist regardless of the final decisions on light rail station locations.

b) HGL opposes the omission of the Onehunga Town Centre and adjacent residential zoned land from PC78, and submits that a walkable catchment should be identified for the Onehunga Town Centre, and the affected land zoned accordingly. Given that the centre is served by an affordable, traffic-separated train service operating at 30 minute intervals, the train service is consistent with NPS: UD's definition of 'rapid transit'. The Onehunga town centre is exceptionally walkable and nearby to large employment opportunities, alongside social and community infrastructure.

c) The decision by Council to not provide a walkable catchment for the Onehunga train station is inconsistent with Objective 6 of the NPS: UD, which requires "*local authority decisions on urban development that affect urban environments [to be] … responsive, particularly in relation to proposals that would supply significant development capacity*". Excluding Onehunga is an urban development decision which is unresponsive to the suitability of this neighbourhood for increased development capacity, further subjecting it to disinvestment and a missed opportunity to provide additional housing opportunities near employment centres.

d) HGL notes that without changes to the existing height variation controls currently in place in Onehunga, there is a disconnect between the height limit for the existing town centre and the immediately adjacent Mixed Use and THAB zones. This is considered to be inconsistent with the requirement under Policy 3(d) of the NPS-UD for buildings heights to be commensurate with the level of commercial activity and community services within the Onehunga town centre.

4.1.2 Relief Sought

In relation to this matter, the following relief is sought:

i) That those areas of the Light Rail Corridor that adjacent to existing town centres or within walkable catchments of existing train stations be included as part of the plan change and that all corresponding zoning changes (i.e. applying the THAB zone) and height variation control changes are undertaken. 1359.29

ii) That a walkable catchment is provided around the Onehunga train station, including within the land identified as part of the light rail corridor, and that all corresponding zoning changes (i.e. applying the THAB zone) and height variation control changes are undertaken. 1359.30 1359.31

iii) Apply a 27m height variation control for Mixed Use and THAB sites within 400m of the Onehunga town centre to match the height limit of the town centre. 1359.32

4.2 Flat Bush

4.2.1 Submission Points

e) HGL opposes the exclusion of Flat Bush sub-precinct C from PC78, and therefore the MDRS. No clear reasoning has been provided by Council for this omission, although HGL understands that this relates to the precinct being determined under the Housing Accords and Special Housing Areas Act 2013 ('HASHAA') and containing references within the precinct text to the Proposed Auckland Unitary Plan Notified Version. However, Flat Bush sub-precinct C is operative and forms part of the operative Auckland Unitary Plan, despite being determined before it and being formatted differently – it is not a proposed plan, which the IPI cannot change. Given that Auckland Council has recently approved a plan change to another HASHAA precinct (Plan Change 67), there is considered to be no legal justification for not being able to undertake a plan change to a HASHAA precinct.

4.2.2 Relief Sought

In relation to these matters, the following relief is sought:

1359.33
1359.34

i) That the MDRS be applied to Flat Bush Sub-precinct C (and all other relevant HASHAA precincts).

4.3 Redhills Precinct

4.3.1 Submission Points

a) HGL supports the application of the Mixed Housing Urban zone to land within the Redhills precinct currently zoned Mixed Housing Suburban and Single House Zone, as it will enable greater flexibility for development of this land to support the efficient use of urban land and a quality compact urban form.

b) HGL supports the application of a walkable catchment and corresponding zoning adjacent to the Westgate metropolitan centre. However, HGL opposes the current extent of the Westgate metropolitan centre walkable catchment, submitting that this should be extended along Fred Taylor Drive to include land at 1 Dunlop Road and 76-78 Fred Taylor Drive. This land is generally within, or just over, 800m from the extent of the Metropolitan Centre zone, and is just as walkable from the centre as land included in the walkable catchment along Northside Drive.

c) HGL has an approved subdivision consent to develop the land at 1 Dunlop Road and 76-78 Fred Taylor Drive, which will establish mega lots for development adjacent to Fred Taylor Drive, and includes a new intersection on Fred Taylor Drive that will enhance connectivity of this land to the metropolitan centre, intersecting with Spring Garden Avenue. It is also noted that the Redhills Precinct currently includes an additional height overlay along the Fred Taylor Drive frontage of the site. Applying the walkable catchment provisions to this land will achieve a similar outcome to this additional height overlay, but enable additional height to be realised

over a greater area, increasing the residential capacity of land within walking distance of the metropolitan centre.

d) HGL supports the change to Policy I610.3(2)(a), which enables areas of high intensification within the walkable catchment of the Redhills Local Centre.

e) HGL opposes the absence of the identification of a walkable catchment for the Redhills Local Centre, which is inconsistent with the proposed change to Policy I610.3(2)(a). Whilst this centre is yet to be developed, the zone extent is large for a Local Centre, being 8ha, and is comparable in size and scale to other Local Centres that have a walkable catchment proposed. There is also planning in progress with Council Parks regarding the establishment of a sports park adjacent to the Local Centre. Furthermore, Auckland Transport has identified the proposed arterial road shown on the Redhills Precinct Plan that is an extension of Dunlop Road through to the Redhills Local Centre, as a priority public transport route for connection between the Redhills Local Centre and Westgate (and the northwest rapid transit route). These factors combined support the application of a walkable catchment to the Redhills Local Centre and accordingly the application of the THAB zone to a 200m radius from the Local Centre zone extent (except where land form such as streams provides a natural zone boundary) as indicated on the plan in Appendix 1.

f) HGL opposes the proposed additional text under I610.4 Activity table stating "*The rules in Activity Table I610.4.1 in I610 Redhills Precinct as they relate to the construction and use of up to 3 dwellings per site replaces the rules in the underlying zones for the construction and use of up to 3 dwellings per site*". This text is poorly drafted and ambiguous, and therefore is inconsistent with section 18A(b)(ii) of the RMA. This text should be deleted or rephrased to clarify which rules in the Redhills Precinct 'replace' those in the underlying zones, if any, noting that there are not comparable activities provided for. It is suggested that the Precinct rules should apply in addition to the zone rules where they address qualifying matters, rather than replacing the zone rules, as they are not comparable rules. This application would then be the same for 'up to three dwellings' and 'four or more dwellings' in the zone provisions.

g) HGL supports the removal of the Ridgeline Protection overlay along Redhills Road.

h) HGL acknowledges that Standard I610.6.4.1 Riparian Margins is identified as a qualifying matter. As currently drafted, this standard is ambiguous as it makes reference to "riparian margins identified on the Redhills Precinct: Precinct Plan 1". However, there are no riparian margins identified on the Redhills Precinct: Precinct Plan 1. Standards I610.6.4.1(1) and I610.6.4.1(2) should be amended accordingly to delete reference to the precinct plan in order to avoid confusion and to remain consistent with section 18A(b)(i) of the RMA.

i) The transport triggers in Standard I610.6.1 have been identified as a qualifying matter. HGL notes that since being incorporated in the AUP, Auckland Transport has reviewed the transport thresholds set out in Table I610.6.1.1 and Table I610.6.2.1. Attached (Appendix 2) is a copy of the memo issued by Auckland Transport in 2019 that sets out amended/updated transport triggers. These triggers are referenced informally as part of the resource consent process for development within the precinct, and should be formally included in the precinct to minimise ambiguity for consenting remove unnecessary limitations to development within the precinct, particularly the 1 dwelling threshold which currently renders all development

within the precinct either restricted discretionary or non-complying (typically the latter as the works are planned and no alternatives are appropriate).

4.3.2 Relief Sought

In relation to this matter, the following relief is sought:

i) Zone the existing Single House and Mixed Housing Suburban land within Redhills Precinct as Mixed Housing Urban zone (as is proposed). 1359.35

ii) Adjust the walkable catchment boundary of Westgate Metropolitan Centre so that it extends over the THAB zone extent of 1 Dunlop Road (Lot 1 DP537938) and 76-78 Fred Taylor Drive (Lot 1 DP44747), being within a walkable distance of the Westgate Metropolitan Centre zone. 1359.36

iii) Apply the THAB zone to a walkable catchment generally within 200m of the Local Centre zone in the centre of the Redhills Precinct, as indicated on the attached plan (Appendix 1) and identify this land as the walkable catchment of the Redhills Local Centre. 1359.37 1359.38

   a. This relief is sought on the basis that the minimum vacant lot size requirements in the THAB zone is changed to match that applying in the MHU zone.

iv) Rephrase proposed text under I610.4 to specify which rules in the Redhills Precinct replace (or need to be considered in addition to) those in the underlying zones for the activity of up to three dwellings and make it clear what rules take precedence for the activity of four or more dwellings. It is suggested that the Precinct rules should be considered in addition to the zone activity rules, in which case the same approach could apply to both 'up to three' and 'four or more' dwellings. 1359.39

v) Remove the ridgeline protection overlay along Redhills Road. 1359.40

vi) Amend standards I610.6.4(1) and I610.6.4(2) to remove reference to Redhills Precinct: Precinct Plan 1. 1359.41

vii) That the transport triggers set out in Table I610.6.1.1 and I610.6.1.2 are updated consistent with the memo attached as Appendix 2. 1359.42

4.4 Park Green (Hingaia 1 Precinct)

4.4.1 Submission Points

a) HGL supports the removal of various provisions in the Hingaia 1 Precinct in order to give effect to the MDRS, noting that the incorporation of the MDRS into the Hingaia 1 Precinct was the primary position of HGL during the hearing for PC67.

b) In particular, HGL supports removal on the density limitation for sites adjoining the coast or esplanade reserves, in line with its position at the hearing for PC67.

c) HGL submits that additional changes should be made to simplify the precinct further. This will ensure that the provisions are consistent with Council's requirements under section 18A(9)(i) and (ii) of the RMA. The requested changes have been applied into an updated version of the precinct text, which has been attached separately as Appendix 3.

d) HGL supports the changes to the noise attenuation standards within the Strategic Transport Corridor zone (such as the more permissive HiRB recession plane). However, HGL considers that further changes are needed to clarify that other more restrictive standards in this zone (H22.6.1 Yards and H22.6.2 Height in relation to boundary) do not apply to noise attenuation walls. 1359.43

4.4.2 Relief Sought

In regards to these matters, the following relief is sought:

i) That changes be made to the Hingaia 1 Precinct as outlined in Appendix 3. This includes:

- Deleting the "zone and precinct standards to be complied with" column, given that the underlying zone provisions are now heavily relied on. 1359.44
- Deleting activities (A7) and (A9) ("four or more dwellings" and "integrated residential development") and associated provisions given that full reliance can now be made on the underlying zone provisions. 1359.45
- Deleting Standard I449.6.2.2, given that these requirements are now no different from the Auckland-wide standards. 1359.46

ii) That an additional provision be inserted into Standard H22.6.4, specifying that Standard H22.6.1 and H22.6.2 do not apply to noise attenuation walls or fences. 1359.47

4.5 Pinehill

4.5.1 Submission Points

a) HGL supports the THAB zoning of sites immediately adjoining the Pinehill Local Centre, including 3 and 5 Ballymore Drive. 1359.48

b) HGL opposes the application of the height in relation to boundary standard within business zones to internal boundaries, noting that this is not a requirement in residential zones. Where the same landowner owns adjacent land within business and residential zones and intends to apply for development across both sites, compliance with height in relation to boundary controls along the internal zone boundary results in an unjustified reduction of development capacity for the site.

4.5.2 Relief Sought

In regards to these matters, the following relief is sought:

a) That the following be inserted into the height in relation to boundary standards for business zones (e.g. H11.6.2), or similar: 1359.49

"The height in relation to boundary standard does not apply to internal zone boundaries within a site or group of sites."

5. Relief Sought

HGL seeks the following relief from Auckland Council:

a) All relief specified above in relation to each submission point;

b) Such other alternative or consequential relief as is necessary to achieve consistency with the above; and

c) Such other alternative relief to satisfy the concerns of the submitter.

HGL requests to be heard in support of its submission.

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

Signature: .....

Emma Bayly, CivilPlan Associate
CivilPlan Consultants Ltd
on behalf of HUGH GREEN LIMITED

Aaron Grey, Senior Planner

Date: 29 September 2022

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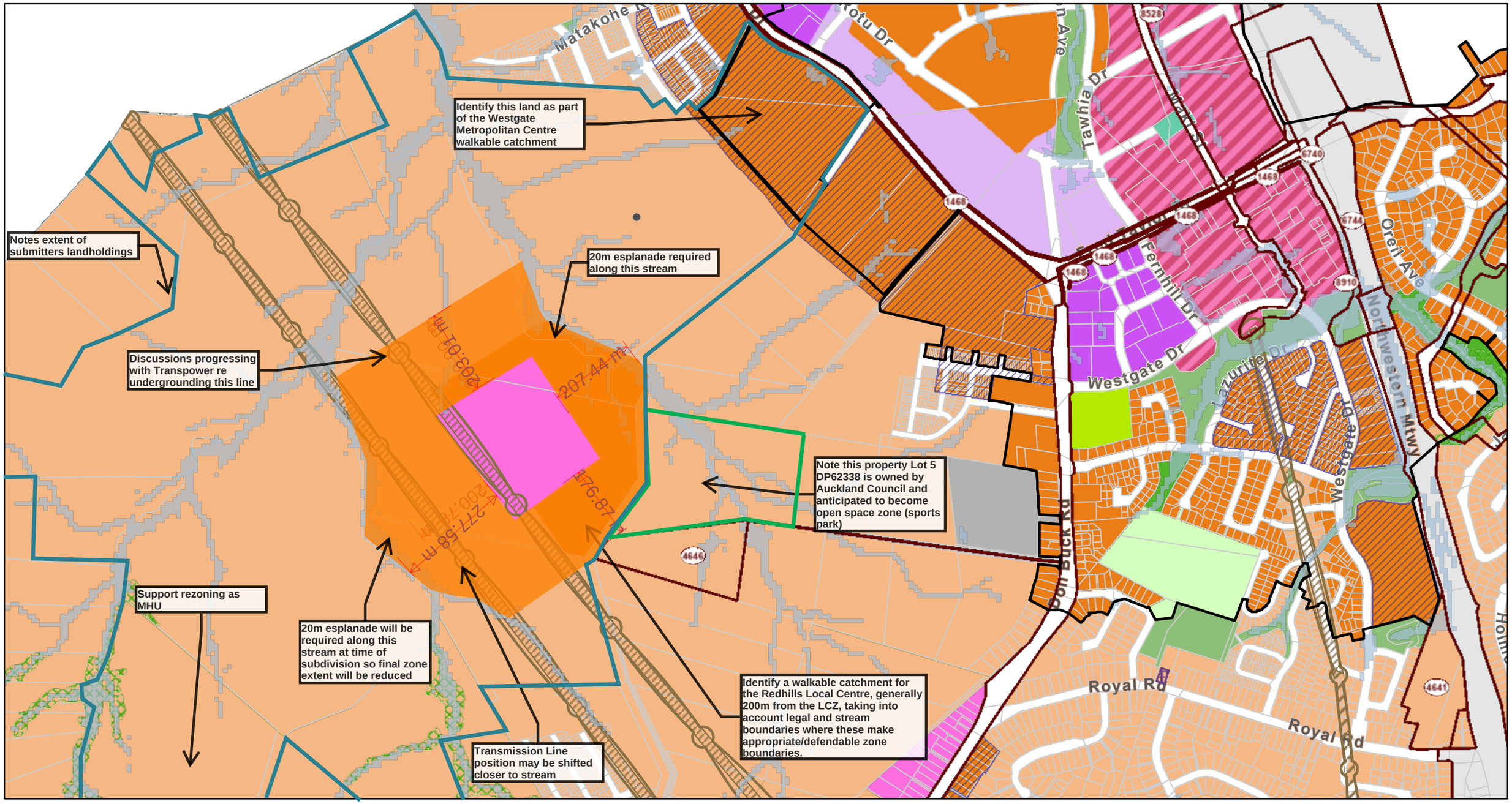
APPENDIX 1

Redhills Requested Changes

PC 78 Sub #1359



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- High Natural Character Overlay
- Infrastructure - Beachlands Transport Constraints Control
- Outstanding Natural Character Overlay
- Outstanding Natural Features Overlay
- Outstanding Natural Landscapes Overlay
- Ridgeline Protection Overlay
- Modified
- Natural
- Terrestrial [rp/dp]
- Sites And Places Of Significance To Mana Whenua Overlay
- City Centre
- Walkable Catchment

Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Plans and Places, Chief Planning Office

Memorandum

Auckland Transport
An Auckland Council Organisation

To:	Fennel Mason – Premium Resource Consents
From:	Jarette Wickham – Principal Planner, Auckland Transport
Date:	4 November 2019
Subject:	Review of the Redhills Transport Triggers

Flow Transportation Specialists have reviewed the Redhills transport triggers and key intersections in I610.6.1 of the Redhills Precinct. The full report is attached.

The report assessed the upgrades required at the following key intersections and made comments on revised triggers:

- Don Buck/Westgate Drive (1 dwelling)
- Don Buck/ Fred Taylor Drive (3,600 dwellings)
- Don Buck/ Triangle Road (1 dwelling)

This memo and the attached report will not change the triggers in the Redhills Precinct. It has identified some errors and the modelling has indicated potential changes in the triggers based on the latest information.

AT will work with Council and applicants as part of the normal consenting process in line with the updated triggers report and the trigger table in this memo.

The outcomes of the report are explained in more detail below. The review indicates that the in I610.6.1 and I610.6.2 could be amended as follows:

Table I610.6.1.1 Threshold for Development - Transport

Dwelling threshold	Infrastructure work required to exceed the dwelling threshold
~~1~~	~~Provision of signals at Don Buck Road/Westgate Drive intersection~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
	~~Upgrade to Don Buck Road/Triangle Road intersection~~ *Moved to be reviewed at 3,600 dwellings below.*
1,800	Widening of Don Buck Road ~~between Fred Taylor Drive and~~ Westgate Drive: - 2 ~~exit~~ through southbound lanes ~~from Fred Taylor/~~ at Don Buck/Westgate Drive intersection ~~in southbound direction~~ reducing to one lane, south of the intersection; and - 2 ~~exit~~ through northbound lanes ~~from Fred Taylor/~~ at Don Buck/ Westgate Drive intersection ~~in northbound direction reducing to one~~ ,extending through to the existing two lane section on approach to Fred Taylor Drive

	~~Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
	~~Link from Redhills Centre to Redhills Road~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
3,600	Upgrade to Fred Taylor Drive/Don Buck Road intersection to signalised layout (with full pedestrian/cycle crossing facilities)
	Widening of Don Buck Road ~~between Fred Taylor Drive and Westgate Drive~~: - 2 southbound lanes from Fred Taylor Drive to Westgate Drive ~~and~~, if there are two turning lanes into Don Buck Road at the Fred Taylor Drive intersection - ~~2~~ 3 northbound lanes ~~between Westgate Drive and~~ approaching Fred Taylor Drive (signalised) ~~increasing to 3 approach lanes at the~~ intersection ~~in northbound direction~~
	Review the needed upgrade to Don Buck Road/Triangle Road intersection, based on operational, safety and accessibility
5,400	North-western busway and bus station at Massey North
	Widening of full length of Fred Taylor Drive from Brigham Creek Road to Don Buck Road to two lanes in each direction with widening at intersections
	Widening of Don Buck Road from Royal Road to Redhills Road to two lanes in each direction
	Northside Drive East overbridge

Table I610.6.2.1 Trigger for Development – Transport

Trigger	Infrastructure Upgrade
In advance of development adjacent to Don Buck Road/Westgate Drive intersection and when a fourth arm to Westgate Drive is provided	Signalise Don Buck Road/Westgate Drive/Westgate Drive extenstion intersection
In advance of development adjacent to the link from Redhills Centre to Redhills Road	Provide the link from Redhills Centre to Redhills Road as per the precinct
As development proceeds adjoining Fred Taylor Drive between Northside Drive and Don Buck Road (upgrade frontage)	Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)

Memorandum

In advance of development accessing the Northside Drive intersection	Fourth arm at Fred Taylor Drive/Northside Drive signalised intersection
When fourth arm to Dunlop Road is provided	Signalise Fred Taylor Drive/Dunlop Road intersection
In advance of development accessing Baker Lane	Upgrade to Fred Taylor Drive/Baker Lane intersection
In advance of development in the area adjacent to Henwood Road extension / Fred Taylor Drive intersection	Upgrade Fred Taylor Drive/Kakano Road/Henwood Road signalised intersection to incorporate fourth arm into signals

A summary of the assessment in the triggers report for each intersection is as follows:

Don Buck/Westgate Drive Intersection

- The current trigger for this upgrade is 1 dwelling. Currently it is a three-legged roundabout. Development adjacent to this intersection and the extension of Westgate Drive would result in a four-legged intersection.
- One and two-lane roundabout options were looked at. One-lane was preferred. In saying this, a roundabout has limitations for pedestrian and cycle connectivity and in dealing with the offset of the Westgate Drive Extension.
- A signalised intersection would reduce these issues. The report considers that a one lane signalised intersection would work as an interim measure to 2026, but a larger two lane signalised will be required at a later stage.
- The trigger has therefore been amended from 1 dwelling to a requirement that a signalised intersection will be required when development adjacent to Westgate Drive/Don Buck Road is carried out. This would necessitate the Westgate Drive extension for access in line with the precinct plan.

Errors in the 1,800 dwelling triggers

- The current 1,800 dwelling trigger which requires two lanes on Don Buck Road on the exit from the Fred Taylor Drive roundabout is an error, as it should instead refer to the Don Buck Road/Westgate Drive intersection, where two exit lanes are recommended. This would be required at 1,800 dwellings which is approximately 2026. A cost share for the final design of Don Buck Road/Westgate Drive two-lane signalised intersection and associated widening with AT may be an option.

Don Buck/ Triangle Road Intersection

- The current trigger for this upgrade is 1 dwelling. This was informed by previous work to support the precinct which considered the northbound capacity would be reached by 2020 and two through lanes would be required. This intersection is a three-leg roundabout. No additional accesses are proposed.
- This intersection in its current form is still predicted to operate satisfactorily in 2026 and at 3,200 dwellings. In fact, the traffic flows are likely to decrease between now

Memorandum

and 2026, likely due to the completion of widening works along SH16 between Lincoln and Westgate. This may not have been anticipated by the previous work to support the precinct.

- The provision of two through lanes, with traffic then merging immediately north of the roundabout, would appear to increase vehicle conflicts, indicating that the upgrade may result in safety implications. On this basis the trigger has been amended to 3,600 dwellings where the operation and safety of the intersection should be reviewed.

Don Buck/ Fred Taylor Drive/ Te Oranui Way Intersection

- The current trigger for this upgrade is 3,600 dwellings.
- The intersection is a four-leg roundabout. This was proposed to be amended to five to accommodate an east west arterial. The Bunnings appeal resulted in this shifting north meaning it will remain four-legs.
- For vehicles the roundabout is predicted to have spare capacity at 3,200 dwellings and will be over capacity by 6,500 dwellings.
- In saying this, the roundabout does not currently provide well for pedestrian and cyclists and the layout is skewed in a way which may result in vehicle conflicts. A signalised intersection would address these issues.
- On this basis pedestrian/cycle improvements should be implemented as early as possible and a signalised intersection should still be required at 3,600 dwellings. There is no change proposed for this trigger.

Some other changes have been suggested to the triggers for consistency that were not included in the triggers report. These include:

- **The link from Redhills Road to the Redhills Centre** is required when 1,800 dwellings are constructed. This link may be needed sooner or later than 1,800 dwellings depending on how they are distributed across the precinct. This upgrade would be required when development adjacent to the link is carried out. This would mean each developer would construct this link as per the layout shown in the precinct plan. This trigger has been moved to *Table I610.6.2.1 Trigger for Development – Transport*.
- **Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road.** As each developer develops the frontage of their site it should be upgraded to an urban standard to achieve this as opposed to being tied to a trigger of 1,800 dwellings. Auckland Transport will provide a cross section of this portion of Fred Taylor Drive so it can be added as a consent condition to resource consents.

Attachment A: Flow Report: Redhills Precinct Review of Transport Infrastructure Triggers dated October 2019.

Attachment B: Clean copy of triggers table.

Memorandum

Attachment B: Clean copy of triggers table

Table I610.6.1.1 Threshold for Development - Transport

Dwelling threshold	Infrastructure work required to exceed the dwelling threshold
1,800	Widening of Don Buck Road: - 2 through southbound lanes at Don Buck/Westgate Drive intersection reducing to one lane, south of the intersection; and - 2 through northbound lanes at Don Buck/ Westgate Drive intersection extending through to the existing two lane section on approach to Fred Taylor Drive
3,600	Upgrade to Fred Taylor Drive/Don Buck Road intersection to signalised layout (with full pedestrian/cycle crossing facilities)
	Widening of Don Buck Road: - 2 southbound lanes from Fred Taylor Drive to Westgate Drive, if there are two turning lanes into Don Buck Road at the Fred Taylor Drive intersection - 3 northbound lanes approaching Fred Taylor Drive (signalised)
	Review the needed upgrade to Don Buck Road/Triangle Road intersection, based on operational, safety and accessibility
5,400	North-western busway and bus station at Massey North
	Widening of full length of Fred Taylor Drive from Brigham Creek Road to Don Buck Road to two lanes in each direction with widening at intersections
	Widening of Don Buck Road from Royal Road to Redhills Road to two lanes in each direction
	Northside Drive East overbridge

Table I610.6.2.1 Trigger for Development – Transport

Trigger	**Infrastructure Upgrade**
In advance of development adjacent to Don Buck Road/Westgate Drive intersection and when a fourth arm to Westgate Drive is provided	Signalise Don Buck Road/Westgate Drive/Westgate Drive extenstion intersection
In advance of development adjacent to the link from Redhills Centre to Redhills Road	Provide the link from Redhills Centre to Redhills Road as per the precinct
As development proceeds adjoining Fred Taylor Drive between Northside Drive and Don Buck Road (upgrade frontage)	Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)
In advance of development accessing the Northside Drive intersection	Fourth arm at Fred Taylor Drive/Northside Drive signalised intersection
When fourth arm to Dunlop Road is provided	Signalise Fred Taylor Drive/Dunlop Road intersection
In advance of development accessing Baker Lane	Upgrade to Fred Taylor Drive/Baker Lane intersection
In advance of development in the area adjacent to Henwood Road extension / Fred Taylor Drive intersection	Upgrade Fred Taylor Drive/Kakano Road/Henwood Road signalised intersection to incorporate fourth arm into signals

I449. Hingaia 1

I449.1. Precinct Description

The Hingaia 1 precinct is located approximately 2.4km west of Papakura and is located in the southern part of the Hingaia Peninsula, to the south of the existing 'Karaka Lakes' residential subdivision.

The whole of the Hingaia Peninsula was structure planned for growth in 2000-2002. However, only Stage 1A was re-zoned at that time. This precinct is to be developed to provide for a logical extension of the existing Hingaia urban area, and development in the precinct will be guided by the Hingaia 1 precinct plan.

The purpose of the Hingaia 1 precinct is to provide for comprehensive and integrated residential development on the Hingaia Peninsula, to increase the supply of housing, to facilitate the efficient use of land, and to co-ordinate the provision of infrastructure.

It is envisaged that future land use, development and subdivision consents will give effect to the key elements of the precinct plan and provide opportunities for pedestrian and roading connections into future development areas.

The zoning of land within this precinct is predominantly ~~Residential – Mixed Housing Suburban,~~ Residential – Mixed Housing Urban and Business – Neighbourhood Centre.

Commented [AG1]: Recognises that some land is in open space zone and future reserves will be in open space zone

1359.50

The following overlays apply to parts of the land within this precinct:

- D9 Significant Ecological Areas Overlay
- D13 Notable Trees Overlay
- D17 Historic Heritage Overlay
- D26 National Grid Corridor Overlay

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

I449.2. Objectives

(1) Subdivision and development occurs in a co-ordinated way that implements the Hingaia 1 precinct plan, provides a logical extension to the existing urban environment, and provides for connections to future development on adjoining land.

(2) Development achieves a high standard of amenity while ensuring there is a choice of living environments and affordability options.

(3) The existing stream network as illustrated on the Hingaia 1 precinct plan is retained and enhanced.

(4) Subdivision and development occurs in a manner that achieves the co-ordinated and timely delivery of infrastructure, including transport, wastewater, and water services either prior to or at the same time as development.

(5) The safety of users of shared paths and dedicated cycleways is prioritised over vehicle access.

(6) Significant adverse effects of stormwater run-off on communities, the marine receiving environment and freshwater systems are avoided to the extent practical, or otherwise mitigated using water sensitive design principles.

(7) Subdivision and development adjoining the coast provides for enhanced amenity and avoids risks of adverse effects arising from coastal erosion.

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

I449.3. Policies

(1) Require the structural elements of the Hingaia 1 precinct plan to be incorporated into all subdivision and development that results in urbanisation of the land.

(2) Require the construction of new roads, as generally indicated on the Hingaia 1 precinct plan, to achieve integration with the existing urban area and to enable future connections to link into adjoining sites to ensure that an interconnected movement network can be achieved on the Hingaia Peninsula.

(3A) Manage the adverse traffic effects of subdivision and development on the following parts of the transport network:

(a) The intersection of Great South Road and Park Estate Road;

(b) The intersection of Park Estate Road and Goodwin Drive, unless the full construction of Hinau Road and/or Ngakoro Road to collector road standard between Wawatai Drive and Park Estate Road has been completed; and

(c) The intersection of Park Estate Road, Clover Road and a future fourth leg.

(3B) Avoid subdivision and development that results in an average density of more than 40 dwellings per net ha (excluding roads and open space) or a total of 2,300 dwellings south of Park Estate Road, unless all adverse effects on the transport network resulting from this density are avoided, remedied or mitigated, including through the delivery of any necessary upgrades to the transport network.

(3) Ensure that a range of lot sizes, housing typologies and densities is enabled throughout the precinct to reflect a choice of living environments and affordability~~, including by enabling greater development potential for higher density residential developments and integrated residential development~~.

Commented [AG2]: This relates to residential land use provisions that are being deleted

1359.51

(4) Enable a range of residential living opportunities (including a range of lot sizes) with more intensive housing encouraged in locations with close proximity to the neighbourhood centre, public transport routes or areas with high amenity (e.g. locations close to public open space).

(5) Ensure subdivision and development, including road design, achieves a high standard of amenity, pedestrian safety and convenience, and contributes to a positive sense of place and identity.

(6) Require subdivision and development to be staged to align with the co-ordinated provision of infrastructure, including transport, water and wastewater.

(7) Require subdivision and development to use water sensitive design principles as the core development approach to manage stormwater run-off, water quality, and flooding and mimic the natural hydrological regime and provide baseflow to streams.

(8) Require subdivision and development to restore and to enhance the stream network, as illustrated on the Hingaia 1 precinct plan, to achieve a natural appearance with appropriate native species and encourage restoration and enhancement of wetland areas.

(9) Encourage walkways along stream corridors and within and around wetland areas. Where possible, walkways should integrate with existing open space areas and enable future connections to adjoining undeveloped sites.

(10) Require the design of stormwater retention devices in public areas to be integrated with the surrounding area and to contribute to multi-use benefits for public areas. Where appropriate, the devices should be natural in appearance.

(11) Enhance the natural character of the coast and avoid adverse effects from further coastal erosion by ~~restricting residential density on sites directly adjacent to the coast and~~ encouraging restoration planting with eco-sourced plants where subdivision vests esplanade reserve in Council.

(12) Promote the development and enhancement of a high amenity urban coastal character by:

(a) managing the interface between open space and private allotments to minimise visual dominance effects from buildings, fences and retaining walls; and

(b) providing for viewshafts out to the coast along roads and open space (and from the esplanade reserve back into the development).

(13) Restrict or manage vehicle access to and from sites adjacent to shared paths or dedicated cycleways so that:

(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of users of the shared path or dedicated cycleway; and

(b) any adverse effect on the effective, efficient and safe operation of the shared paths or dedicated cycleways arising from vehicle access across these facilities is avoided or mitigated.

(14) Encourage subdivision and development to contribute to a positive sense of place and identity through in-street landscape elements, including retaining existing landscape features, and maximising coastal vistas.

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

I449.4. Activity Table

All relevant overlay activity tables apply unless otherwise specified below.

All other relevant Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I449.4.1 below or Activity Table I449.4.2 below.

Table I449.4.1 specifies the activity status of land use and development activities in the Hingaia 1 Precinct pursuant to sections 9 (2) and 9(3) of the Resource Management Act 1991.

Table I449.4.2 specifies the activity status of subdivision activities in the Hingaia 1 Precinct pursuant to section 11 of the Resource Management Act 1991.

A blank cell in the activity status means that the activity status (and any relevant matters of control or discretion) in the relevant overlay, Auckland-wide or zone provisions applies.

Table I449.4.1 Activity Table – Land use activities

Activity		Activity Status	~~Zone and Precinct Standards to be complied with~~
Transport			
(A1)	Construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities	RD	
(deleted) ~~**Residential**~~			
(A2)	*(deleted)* ~~Residential activities (including dwellings) not provided for below~~		~~The underlying zone standards applying to that activity; I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A2A)	*(deleted)* ~~Two or three dwellings on sites that adjoin the coast and/or esplanade reserve~~	~~RD~~	~~The underlying zone standards applying to that activity; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A3)	*(deleted)* ~~Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area~~	~~RD~~	~~Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A4)	*(deleted)* ~~Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone~~	~~RD~~	~~Standard H4.6.4 Building height; Standard; H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A4A)	*(deleted)* ~~Four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone~~	~~RD~~	~~Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~

Commented [AG3]: This column is no longer necessary following deletion of all residential activities and additional text in I499.6.1 below.

Commented [AG4]: This is no longer necessary following deletion of all residential activities

Commented [AG5]: This is no longer necessary given the removal of the "zone and precinct standards to be complied with" column and additional text in I499.6.1 below. The underlying zone activity table will instead apply.

1359.52

(A5)	*(deleted)* One dwelling on a front site less than 400 m² in area in the Residential – Mixed Housing Urban zone	P	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls; Standard H5.6.16 Minimum dwelling size; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.2. Building coverage for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A6)	*(deleted)* Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A7)	*(deleted)* Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A7A)	*(deleted)* Four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; The underlying zone standards applying to that activity; I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A8)	*(deleted)* Integrated Residential Development in the Residential – Mixed Housing Suburban zone	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A9)	*(deleted)* Integrated Residential Development in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone

Commented [AG6]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for four or more dwellings will instead apply.

Commented [AG7]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for integrated residential development will instead apply.

Commerce			
(A10)	Show homes in a residential zone	P	~~Standard I449.6.1.6 Show homes~~
Development			
(A11)	~~*(deleted)* Internal and external alterations to buildings in residential zones the Residential -Mixed Housing Urban zone~~	~~The same activity status and standards as applies to the land use activity that the building is designed to accommodate~~	
(A12)	~~*(deleted)* Accessory buildings in the residential zones Residential -Mixed Housing Urban zone~~	~~The same activity status and standards as applies to the land use activity that the building is accessory to~~	
~~(A14)~~	~~*(deleted)* New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard H5.6.5 Height in relation to boundary but comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone~~	~~P~~	~~Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone Note: Compliance with Standard H5.6.5 Height in relation to boundary is not required.~~
(A15)	~~*(deleted)* New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary~~	~~RD~~	~~H5.6.6 Alternative height in relation to boundary Note: Compliance with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone is not required.~~
(A16)	~~*(deleted)* New buildings and additions to buildings in the residential zones Residential -Mixed Housing Urban zone~~	~~The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate~~	
~~(A17)~~	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Suburban zone that are accessory to a residential activity listed as permitted or restricted discretionary activity in this activity table~~	~~P~~	~~Standard H4.6.14 Front, side and rear fences and walls; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining reserves~~
~~(A18)~~	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Suburban zone not otherwise provided for~~	~~P~~	~~Standard H4.6.8 Maximum impervious areas; Standard H4.6.10 Landscaped area; Standard H4.6.14 Front, side and rear fences and walls; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A19)	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Urban zone that are accessory to a show home or a residential activity listed as permitted or restricted discretionary activity in this activity table~~	~~P~~	~~Standard H5.6.15 Front, side and rear fences and walls; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining reserves~~

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Commented [AG8]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for internal and external alterations will instead apply.

Commented [AG9]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for accessory buildings will instead apply.

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Commented [AG10]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for new buildings will instead apply.

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Commented [AG11]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The activty status under the amended (A20) will instead apply.

(A20)	Structures not defined as buildings under Chapter J ~~in the Residential – Mixed Housing Urban zone not otherwise provided for~~	P	~~Standard H5.6.9 Maximum impervious areas; Standard H5.6.11 Landscaped area; Standard H5.6.15 Front, side and rear fences and walls; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A21)	~~*(deleted)* Structures not defined as buildings under Chapter J in the Business – Neighbourhood Centre zone~~	~~P~~	~~Standard H12.6.11 Landscaping; Standard H12.6.6. Maximum impervious area in the riparian yard; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A21A) [rp]	Development of new or redevelopment of existing impervious areas greater than 50 m² within Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1	P	

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Commented [AG12]: This is no longer necessary following the deletion of activities (A19) and (A20) and deletion of the column "Zone and Precinct Standards to Be Complied With"

Commented [AG13]: This is no longer necessary due to additional text in I499.6.1 below.

Commented [AG14]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS), which had required a different approach to be taken for the residential zones (different standards applied).

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Table I449.4.2 Activity Table – Subdivision activities

Subdivision Activity		Activity Status
(A22)	~~*(deleted)* Subdivision that is listed as a restricted discretionary activity in Table E38.4.1, E38.4.2, E38.4.3 or E38.4.4 and not otherwise provided for below~~	~~RD~~
(A23)	Vacant sites subdivision in ~~a residential zone~~ the Residential -Mixed Housing Urban zone involving parent sites of 1ha or greater complying with Standard E38.8.3.1	RD
(A24)	Any subdivision ~~listed in this activity table~~ that does not comply with any of the relevant standards in I449.6.2 Subdivision standards	D

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Commented [AG15]: This is no longer necessary due to additional text in I499.6.1 below. Recognises that some subdivision for residential development is to be provided for in E38 as a controlled activity instead.

Commented [AG16]: Consequential amendment in order to facilitate the deletion of Standard I449.6.2.2 and retain RD activity status. For parent sites less than 1ha, E38.4.2(A16) applies instead.

Commented [AG17]: Consequential amendments due to the deletion of I449.4.2(A24). Activity now applies to any subdivision provided for in E38 that does not comply with precinct standards.

Commented [AG18]: This is no longer necessary following the deletion of (e)

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I449.5. Notification

~~(1A) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties:~~

(a) ~~Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

(b) ~~Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

(c) ~~Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

(d) ~~Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(e) Integrated Residential Development in the Residential – Mixed Housing Urban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(f) Integrated Residential Development in the Residential – Mixed Housing Suburban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities; and~~

~~(g) New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary.~~

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Commented [AG19]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone notification rules will instead apply.

(1) Any application for resource consent for an activity listed in Table I449.4.1 or Table I449.4.2 ~~and which is not listed in I449.5(1A) above~~ will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991 ~~unless there are specific notification rules for that activity in the zone in which case those rules will apply~~.

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Commented [AG20]: This is no longer necessary following the deletion of I449.5(1A).

Commented [AG21]: This is not necessary as the activities listed in Tables I449.4.1 and I449.4.2 (as amended) are not subject to any notification rules in the zone. In any case, notification rules in the zone would only apply to activities in the zone's activity table, which precinct activity tables replace.

(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).

I449.6. Standards

I449.6.1. Land use standards

(1) All relevant overlay, ~~and~~ Auckland-wide and zone standards apply in this precinct ~~to the activities listed in Table I449.4.1~~, unless specified in I449.6.1(3) below. ~~except that in the Residential - Mixed Housing Urban zone the impervious area standard is replaced by I449.6.1.1~~

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Commented [AG22]: This is necessary following the deletion of I449.6.1(2)

Commented [AG23]: Amendments clarify that these standards apply to all land use activities, not just those specified in Table I449.4.1.

Commented [AG24]: Exemption to zone impervious area provided for in a separate subclause.

Commented [AG25]: This is no longer necessary following the deletion of the column "Zone and Precinct Standards to Be Complied With"

(2) ~~*(deleted)* Land use activities listed in Table I449.4.1 Activity Table – Land use activities must comply with the standards listed in the column in Table I449.4.1 called Standards to be complied with, including the relevant zone standards.~~

(3) The following zone standards do not apply in the Residential – Mixed Housing Urban Zone:

(a) Standard H5.6.9. Maximum impervious area.

Commented [AG26]: Replaces proposed addition of "except that in the Residential - Mixed Housing Urban zone the impervious standard is replaced by I449.6.1.1" in (1) above

(4) All land use activities must also comply with Standards I449.6.1.1 to I449.6.1.7, as relevant.

I449.6.1.1. Maximum impervious area~~s for higher density development~~ in the Residential – Mixed Housing Urban zone

Commented [AG27]: Inserted to clarify that the remaining precinct standards apply to all land use activities. Alongside amendments to (1) above, enables the column Zone and Precinct Standards to Be Complied With" to be deleted.

Commented [AG28]: Given this standard now applies to all land use activities, provision needs to be specified to only apply to MHU zone area.

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risk;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards;
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood; and
- To provide for flexibility of built form for higher density development

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(1) The maximum impervious area must not exceed 70 per cent of the site area.

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

~~**I449.6.1.2.** *(deleted)* **Building coverage for higher density development**~~

~~Purpose:~~
- ~~in the Residential – Mixed Housing Suburban zone, to manage the extent of buildings on a site to achieve the planned suburban built character of buildings;~~
- ~~in the Residential – Mixed Housing Urban zone, to manage the extent of buildings on a site to achieve the planned urban built character of buildings; and~~
- ~~to provide for flexibility of built form for higher density residential development.~~

~~(1) The maximum building coverage must not exceed 50 per cent of the net site area.~~

~~**I449.6.1.3.** *(deleted)* **Landscaped area for higher density development**~~

~~Purpose:~~
- ~~in the Residential – Mixed Housing Suburban zone, to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting;~~
- ~~in the Residential – Mixed Housing Urban zone, to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space;~~
- ~~to maintain the landscaped character of the streetscape within the zone; and~~
- ~~to provide for flexibility of built form for higher density residential development.~~

~~(1) The minimum landscaped area must be at least 30 per cent of the net site area.~~

~~(2) The front yard must comprise landscaped area of at least 40 per cent of the front yard.~~

I449.6.1.4. Fences and walls adjoining public places other than roads

Purpose: to enable fences and walls to be constructed on or adjacent to a site boundary adjoining a public place (other than roads) to be a sufficient height to:
- provide privacy for dwellings while enabling opportunities for passive surveillance of the adjoining public place; and
- minimise visual dominance effects to the adjoining public place;

(1) Where a site has a boundary that adjoins either the marginal strip legally described as Allotment 435 Parish of Opaheke or a site that is vested in Council as a local purpose (esplanade) reserve and is adjacent to the coastal marine area, then:

   (a) no fences or walls shall be constructed on or within 1.0 m of that boundary;

   (b) no retaining walls shall be constructed within 1.5 m of that boundary;

   (c) within 1.5 m of that boundary, any fences must not exceed a height, measured from the ground level at the boundary, of either:

      (i) 1.2 m; or

      (ii) 1.6 m, if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary;

   (d) within 1.5 m of that boundary, any fences must be a dark, recessive colour; and

(e) if any fence is constructed within 1.5 m of that boundary, then the area between the fence and that boundary shall be fully planted with shrubs that are maintained at a height of at least 1.0 m, except that:

(i) where a fence contains a gate, no planting is required between that gate and the boundary for a maximum width of 2 m.

(2) Where a site has a boundary that adjoins a public place other than a road that Standard I449.6.1.4(1) does not apply to, then:

(a) on or within 1.0 m of that boundary, fences or walls or any combination of these structures (whether separate or joined together) must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.4 m;

(ii) 1.8 m for no more than 50 per cent of the length of the boundary and 1.4 m for the remainder; or

(iii) 1.8 m if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary.

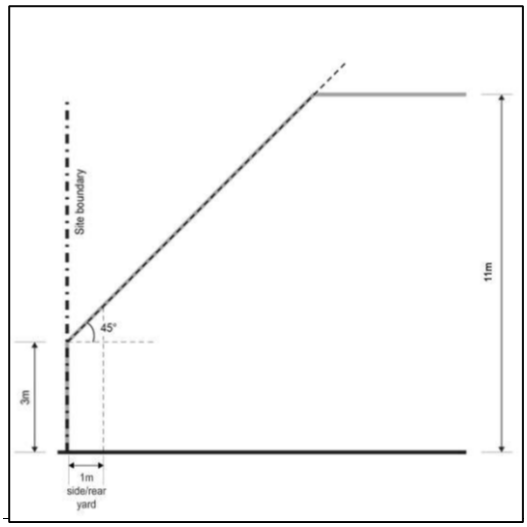
~~**I449.6.1.5.** *(deleted)*~~ **~~Height in relation to boundary in the Residential – Mixed Housing Urban Zone~~**

~~Purpose:~~

- ~~to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours; and~~
- ~~to enable the efficient use of the site by providing design flexibility at upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours~~

~~(1) Unless otherwise specified below, buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along side and rear boundaries, as shown in Figure I449.6.1.5.1 Height in relation to boundary below.~~

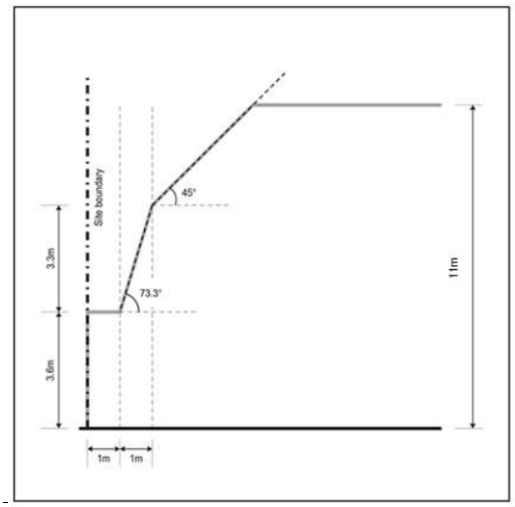
Figure I449.6.1.5.1 Height in relation to boundary



(2) Standard I449.6.1.5(1) does not apply to any buildings or parts of buildings that comply with Standards I449.6.1.5(3) and I449.6.1.5(4) below.

(3) Any buildings or parts of buildings on front sites within 20 m of the site frontage and more than 6 m from any rear boundary must not exceed a height of 3.6 m measured vertically above ground level at side boundaries. Thereafter, buildings must be set back 1 m and then 0.3 m for every additional metre in height (73.3 degrees) up to 6.9 m and then 1 m for every additional metre in height (45 degrees) as shown in Figure I449.6.1.5.2 Alternative Height in relation to boundary, below.

Figure I449.6.1.5.2 Alternative Height in relation to boundary



(4) Standard I449.6.1.5(3) above only applies to buildings that comply with the following:

(a) Where the site that adjoins the side boundary that the recession plane under Standard I449.6.1.5(3) is taken from contains an existing dwelling (or a dwelling that has obtained building consent), then shading caused by those parts of the building that would not comply with Standard I449.6.1.5(1) shall not result in less than four hours of sunlight between the hours of 9am and 4 pm during the equinox (22 September) over an area of at least:

(i) 75% of that existing dwelling's outdoor living space, if the outdoor living space has a total area of 20 m² or greater; or

(ii) 100% of that existing dwelling's outdoor living space, if the outdoor living space has a total area of less than 20 m².

(b) The front façade of each building must contain glazing that is cumulatively at least 20 percent of the area of the front façade (excluding any garage door).

(c) The front yard must comprise landscaped area of at least 50 per cent of the front yard.

(d) The proposed building shall provide a main entrance door that is visible from the street.

(e) Pedestrian access between the main entrance door of the building and the street must not cross any areas for the parking or manoeuvring of vehicles.

(f) Any garage doors facing the street must:

(i) Be set back at least 5 m from the front boundary; and

(ii) Must not project forward of the front façade of the building.

(g) Any balconies, decks or any similar outdoor living spaces above ground floor level must not be visible from any side boundary (when viewing perpendicular to that boundary), unless the structure (including any balustrades) does not intrude the recession planes specified in Standard I449.6.1.5(1).

(h) Those parts of the building that would not comply with Standard I449.6.1.5(1) must not include any glazing that faces a side boundary unless at least one of the following applies:

(i) The glazing is opaque; or

(ii) The window sill height is at least 1.6 m above the room's floor level.

(5) Standards I449.6.1.5(1) and I449.6.1.5(3) above do not apply to a boundary or part of a boundary adjoining any of the following:

(a) a Business – Neighbourhood Centre Zone;

(b) sites within the Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Open Space – Sports and Active Recreation Zone, Open Space – Civic Spaces Zone or the Open Space – Community Zone, sites vested in Council as reserve, or sites held by Council as a park pursuant to section 138 of the Local Government Act 2002:

(i) that are greater than 2,000 m² in area;

(ii) where that part of the site in (i) is greater than 20 metres in width when measured perpendicular to the shared boundary;

(iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone may be treated as a single site for the purpose of applying this standard; and

(iv) where multiple reserves adjoin each other, the combined reserves may be treated as a single site for the purpose of applying this standard.

(6) Unless otherwise specified below, buildings must not project beyond a 45 degree recession plane measured from a point 2.5 m vertically above ground level along any boundary adjoining any of the following sites:

(a) Any site in the Residential – Mixed Housing Suburban Zone; or

(b) Any site within the Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Open Space – Sports and Active Recreation Zone, Open Space – Civic Spaces Zone or the Open Space – Community Zone not covered by Standard I449.6.1.5(5)(b) above.

(7) Standards I449.6.1.5(1), I449.6.1.5(3) and I449.6.1.5(6) do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

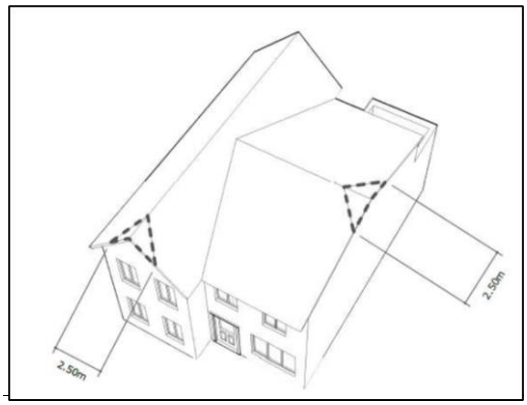
(8) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the applicable recession plane in Standard I449.6.1.5(1), I449.6.1.5(3) or I449.6.1.5(6) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(9) A gable end, dormer or roof may project beyond the applicable recession plane in Standard I449.6.1.5(1), I449.6.1.5(3) or I449.6.1.5(6) where that portion beyond the recession plane is:

(a) no greater than 1.5 m^2 in area and no greater than 1 m in height; and

(b) no greater than 2.5 m cumulatively in length measured along the edge of the roof as shown in I449.6.1.5.3 Exceptions for gable ends, dormers and roof projections and dormers below

~~**Figure I449.6.1.5.3 Exceptions for gable ends, dormers and roof projections and dormers**~~



~~(10) No more than two gable end, dormer or roof projections enabled under I449.6.1.5(9) above are allowed for every 6 m length of site boundary.~~

~~(11) The recession planes in Standards I449.6.1.5(1), I449.6.1.5(3) and I449.6.1.5(6) do not apply to existing or proposed internal boundaries within a site.~~

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I449.6.1.6. Show homes in a residential zone

Commented [AG29]: Given this standard now applies to all land use activities, provision needs to be specified to only apply to MHU zone area. Title also matches wording of activity I449.4.1(A10)

Purpose: to avoid, remedy and mitigate adverse effects on residential amenity resulting from show homes, including in relation to noise and traffic.

(1) The show home shall comply with all standards that are applicable to a dwelling on the site.

(2) The show home shall not operate outside the hours of 9:00 am and 5:00 pm on any day.

(3) The show home shall cease to operate five years after approval of code compliance certificate for that show home. From that date, the show home shall be deemed to be a dwelling.

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I449.6.1.7. Vehicle access restrictions – Cycle facilities ~~(This rule applies to all development in Precinct)~~

Commented [AG30]: This is not necessary following the insertion of I449.6.1(4).

(1) In addition to the requirements of Standard E27.6.4.1, new vehicle crossings must not be constructed or used to provide vehicle access across that part of a site boundary which has frontage to an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan. For the avoidance of doubt, this relates only to allotments fronting that side of the road where the shared path or dedicated cycle way exists or is proposed.

(2) Standard I449.6.1.7(1) above applies in any of the following circumstances:

(a) a new vehicle crossing is proposed;

(b) a new activity is established on a site;

(c) there is a change of type of activity; or

(d) a building(s) is constructed, or additions to buildings that are not permitted activities in Table H12.4.1 Activity table, except that this does not apply in the case of a dwelling where the reconstruction, alteration or addition does not increase the number of dwellings on a site.

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(3) Standards I449.6.1.7(1) and I449.6.1.7(2) above do not apply to:

(a) the use of a vehicle crossing that exists on ~~*[legal effect date]*~~ 12 August 2022 that serves no more than one dwelling per site; and

Commented [AG31]: Correcting an error.

(b) the construction or use of a vehicle crossing that has been shown on the plans of an approved subdivision consent that will serve no more than one dwelling per existing or approved site.

I449.6.2. Subdivision ~~controls~~ standards

Commented [AG32]: Correcting an error.

(1) All relevant overlay, Auckland-wide and zone standards apply in this precinct ~~to the activities listed in Table I449.4.1~~.

(2) ~~Activities listed in Table I449.4.2~~ All subdivision activities must also comply with ~~the~~ Standards I449.6.2.1 to I449.6.2.3, as relevant.

Commented [AG33]: Amendments clarify that these standards apply to all subdivision activities, not just those specified in Table I449.4.2.

I449.6.2.1. Precinct Plan

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(1) Vacant sites subdivision shall provide for the following structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, unless they are shown on the precinct plan to be within any proposed allotment 4 ha or greater in area:

(a) Collector roads;

(b) Shared paths or dedicated cycle ways (excluding the shared path along the Southern Motorway);

(c) Parks, in the locations shown on the precinct plan.

(2) Where the structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan are required within any proposed allotment that is 4 ha or greater in area, it shall be demonstrated that the proposed subdivision does not preclude the provision of these elements under future subdivisions of that allotment.

I449.6.2.2. *(deleted)* ~~**Vacant Sites Subdivision in Residential Zones**~~

Commented [AG34]: Deleted as no longer necessary following removal of MHS zone. Standards E38.8.2.3 and E38.8.3.1 are instead relied on. These standards are no longer more restrictive than I449.6.2.2.

~~(1) Where subdivision is of a parent site less than 1 ha, each vacant site must comply with the minimum net site area of 300 m².~~

Commented [AG35]: Already provided for under Standard E38.8.2.3(2).

~~(2) Where subdivision is of a parent site 1 ha or greater in area:~~

~~(a) Each vacant site within a residential zone the Residential -Mixed Housing Urban zone must comply with the minimum net site area in Table I449.6.2.3.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater above.~~

Commented [AG36]: Already provided for under Standard E38.8.3.1(3).

~~**Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater**~~

~~Zone~~	~~Minimum Net Site Area~~	~~Minimum Average Net Site Area~~	~~Maximum Average Net Site Area~~
~~Residential – Mixed Housing Suburban Zone~~	~~240m²~~	~~300m²~~	~~480m²~~
~~Residential – Mixed Housing Urban Zone~~	~~240m²~~	~~300m²~~	~~360m²~~

~~(b) The minimum average net site area calculated over the total of all sites created must comply with Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater above.~~

~~When calculating the minimum average net site area for the purpose of this standard, any proposed site with a net site area greater than the maximum average net site area specified for the applicable zone in Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.~~

~~(3) Where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.~~

Commented [AG37]: Already provided for under Standard E38.8.3.1(4).

Commented [AG38]: Already provided for under Standard E38.8.3.1(5).

Commented [AG39]: Already provided for under Standard E38.8.3.1(6).

I449.6.2.3. Riparian Margins

(1) Where a permanent or intermittent stream is shown on Figure I449.10.1. Hingaia 1 - Precinct Plan within or adjoining a road or an allotment less than 4 ha in area riparian margins shall be established either side of the banks of the stream (or on one side where the opposite side adjoins an allotment 4 ha or more in area) to a minimum width of 10m measured from the bank of the stream, where the location of the bank can be physically identified by ground survey, or from the centreline of the stream where the bank cannot be physically identified by ground survey. Those margins shall be planted in native vegetation and shall be offered to Council for vesting as local purpose (drainage) reserves.

I449.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I449.8. Assessment of Restricted Discretionary Activities

I449.8.1. Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application.

~~(1A)~~ *(deleted)* ~~for two or three dwellings on sites that adjoin the coast and/or esplanade reserve:~~

~~(a) effects on the natural character of the coast; and~~

~~(b) risks from coastal erosion.~~

(1) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone:

(aa) for sites that adjoin the coast and/or esplanade reserve:

(i) effects on the natural character of the coast; and

(ii) risks from coastal erosion;

(a) the matters listed in H4.8.1(2)(a) and H4.8.1(2)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size.

(2) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone:

(aa) for sites that adjoin the coast and/or esplanade reserve:

(i) effects on the natural character of the coast; and

(ii) risks from coastal erosion;

(a) the matters listed in H5.8.1(2)(a) and H5.8.1(2)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

1359.76

Commented [AG40]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's maximum impervious area standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(iv) Standard H5.6.12 Outlook space;

(v) Standard H5.6.13 Daylight;

(vi) Standard H5.6.14 Outdoor living space;

(vii) Standard H5.6.15 Front, side and rear fences and walls; and

(viii) Standard H5.6.16 Minimum dwelling size.fo

Commented [AG41]: This is no longer necessary following the deletion of I449.4.1(A7A). The underlying zone matters of discretion for four or more dwellings will apply instead.

(3) *(deleted)* for Integrated Residential Development in the Residential – Mixed Housing Suburban zone:

(a) the matters listed in H4.8.1(3)(a) and H4.8.1(3)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H4.6.11 Outlook space;

(vi) Standard H4.6.12 Daylight;

(vii) Standard H4.6.13 Outdoor living space;

(viii) Standard H4.6.14 Front, side and rear fences and walls; and

(ix) Standard H4.6.15 Minimum dwelling size.

1359.77

(4) *(deleted)* for Integrated Residential Development in the Residential – Mixed Housing Urban zone in addition to the matters set out in the zone:

(a) The matters listed in H5.8.1(3)(a) and H5.8.1(3)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

Commented [AG42]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's maximum impervious area standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

Commented [AG43]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's fences and walls standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(v) Standard H5.6.12 Outlook space;

(vi) Standard H5.6.13 Daylight;

(vii) Standard H5.6.14 Outdoor living space;

(viii) Standard H5.6.15 Front, side and rear fences and walls; and

~~(ix) Standard H5.6.16 Minimum dwelling size.~~

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious area~~s~~ in the Residential – Mixed Housing Urban zone ~~for higher density development~~; ~~Standard I449.6.1.2 Building coverage for higher density development; Standard I449.6.1.3 Landscaped area for higher density development;~~ Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.6 Show homes:

Commented [AG44]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone matters of discretion for four or more dwellings will apply instead.

Commented [AG45]: To ensure consistency with amended standard title.

1359.78

(a) any precinct or zone policy which is relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

~~(d) *(deleted)* in the Residential – Mixed Housing Suburban zone, the effects on the suburban built character of the zone;~~

(e) ~~in the Residential – Mixed Housing Urban zone,~~ the effects on the urban built character of the zone;

(f) the effects on the amenity of neighbouring sites;

(g) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(h) the characteristics of the development;

(i) any other matters specifically listed for the standard; and

(j) where more than one standard will be infringed (including standards in the underlying zone), the effects of all infringements.

(6) ~~*(deleted)* for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary:~~

~~(a) the matters listed in H5.8.1(5).~~

(7) ~~*(deleted)* for new buildings and additions to buildings that do not comply with the applicable standards in the zone in the Residential – Mixed Housing Urban zone that does not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone where Standard H5.6.6 Alternative height in relation to boundary is either not applicable or infringed:~~

1359.79

~~(a) the matters in H5.8.1(4)any precinct or zone policy which is relevant to the standard;~~

~~(b) the purpose of the standard;~~

~~(c) the effects of the infringement of the standard;~~

~~(d) the effects on the urban built character of the zone;~~

~~(e) the effects on the amenity of neighbouring sites;~~

~~(f) the effects of any special or unusual characteristic of the site which is relevant to the standard;~~

~~(g) the characteristics of the development;~~

~~(h) any other matters specifically listed for the standard; and~~

~~(i) where other standards will be infringed (including standards in the underlying zone), the effects of all infringements.~~

Commented [AG46]: This amended provision is redundant. The underlying zone matters of discretion for infringing standards will apply, without any need to give consideration to this provision.

(8) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the matters listed in E27.8.1(12); and

(b) effects on cyclist safety and amenity.

(9) for subdivision ~~listed~~ as a restricted discretionary activity ~~in Activity Table I449.4.2~~:

Commented [AG47]: Consequential change following changes to Table I449.4.2

1359.80

(a) the relevant matters listed in section E38.12.1;

(b) the subdivision's consistency with Figure I449.10.1. Hingaia 1 - Precinct Plan;

(c) consistency with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities for any proposed or future vehicle crossings required to access proposed or existing allotments;

(cc) effects on the transport network

(d) any applicable on-site stormwater management requirements for lots less than 4 ha in area; and

(e) the management of effects of stormwater from any proposed roads; and

(f) enabling viewshafts out to the coast.

I449.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities from the list below.

(1A) *(deleted)* ~~for two or three dwellings on sites that adjoin the coast and/or esplanade reserve:~~

~~(a) refer to Policy I449.3(11).~~

(1) *(deleted)* ~~for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone:~~

~~(aa) for sites that adjoin the coast and/or esplanade reserve, refer to Policy I449.3(11):~~

~~(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:~~

~~(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;~~

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size.

(b) the criteria listed in H4.8.2(2)(b) to H4.8.2(2)(i).

(2) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone in addition to the matters set out in the zone:

1359.81

(aa) for sites that adjoin the coast and/or esplanade reserve, refer to Policy I449.3(11);

Commented [AG48]: This is no longer relevant following amendments to Policy I449.3(11).

(a) the extent to which or whether the development achieves the purpose outlined in the following relevant standards identified in Table I449.4.1 Activity Table – Land use activities or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2. Building coverage for higher density development;

(iii) Standard I449.6.1.3. Landscaped area for higher density development;

(iv) Standard H5.6.12. Outlook space;

(v) Standard H5.6.13. Daylight;

(vi) Standard H5.6.14. Outdoor living space;

(vii) Standard H5.6.15. Front, side and rear fences and walls; and

(viii) Standard H5.6.16. Minimum dwelling size.

(b) the criteria listed in H5.8.2(2)(baa) to H5.8.2(2)(afh), H5.8.2(2)(fa) to H5.8.2(2)(fe) and H5.8.2(2)(ga) to 5.8.2(2)(h).

Commented [AG49]: This is no longer necessary following the deletion of I449.4.1(A7A). The underlying zone assessment criteria for four or more dwellings will apply instead.

(3) *(deleted)* for integrated residential development in the Residential – Mixed Housing Suburban zone:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H4.6.11 Outlook space;

(vi) Standard H4.6.12 Daylight;

(vii) Standard H4.6.13 Outdoor living space;

(viii) Standard H4.6.14 Front, side and rear fences and walls; and

(ix) Standard H4.6.15 Minimum dwelling size.

(b) the criteria listed in H4.8.2(3)(b) to H4.8.2(3)(k).

(4) *(deleted)* for integrated residential development in the Residential – Mixed Housing Urban zone:

1359.82

(a) the extent to which or whether the development achieves the purpose outlined in the following standards identified in Table I449.4.1 Activity Table – Land use activities or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2. Building coverage for higher density development;

(iii) Standard I449.6.1.3. Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H5.6.12. Outlook space;

(vi) Standard H5.6.13. Daylight;

(vii) Standard H5.6.14. Outdoor living space;

(viii) Standard H5.6.15. Front, side and rear fences and walls; and

(ix) Standard H5.6.16. Minimum dwelling size.

(b) the criteria listed in H5.8.2(3)(baa) to H5.8.2(3)(kac), H5.8.2(3)(q), and H5.8.2(3)(i) to (j).

Commented [AG50]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's fences and walls area standard. If infringed, the assessment criteria in I449.8.2(8) will instead apply.

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious areas in the Residential – Mixed Housing Urban zone for higher density development:

Commented [AG51]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone assessment criteria for four or more dwellings will apply instead.

Commented [AG52]: To ensure consistency with amended standard title.

(a) refer Policies I449.3(3) and I449.3(4).

(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(9).

(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(10).

Commented [AG53]: Redundant text

(6) *(deleted)* for buildings that do not comply with Standard I449.6.1.2 Building coverage for higher density development:

1359.83
1359.84

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(10).~~

~~(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(11).~~

~~(7) *(deleted)* for development that does not comply with Standard I449.6.1.3 Landscaped area for higher density development:~~

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(11).~~

~~(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(12).~~

(8) for development that does not comply with Standard I449.6.1.4 Fences and walls adjoining public places other than roads:

(a) refer Policies I449.3(5) and I449.3(12).

(9) *(deleted)* ~~for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary:~~

~~(a) the criteria listed in H5.8.2(5).~~

(10) *(deleted)* ~~for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone that does not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone where Standard H5.6.6 Alternative height in relation to boundary is either not applicable or infringed:~~

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) the criteria listed in H5.8.2(6) and H5.8.2(7).~~

(11) for development that does not comply with Standard I449.6.1.6 Show homes:

(a) refer Policy H5.8.2(8).

(12) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the criteria listed in E27.8.2(11); and

(b) refer to Policy I449.3(13).

(13) for subdivision ~~listed~~ as a restricted discretionary activity ~~in Activity Table I449.4.2~~:

(a) the relevant criteria listed in section E38.12.2.

(b) whether the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan (including roads and stream corridors) are incorporated into the subdivision design (other than where proposed sites are 4 ha or greater in area);

(ba) the extent to which any roads are designed in accordance with the road construction guidelines in Appendix 1.

Commented [AG54]: Consequential change following changes to Table I449.4.2

1359.85

(c) whether the proposed staging of development promotes efficient development of the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan.

(cc) Whether there is a need for any of the following transport upgrades:

(i) The signalisation of the intersection of Great South Road and Park Estate Road;

(ii) If Hinau Road or Ngakoro Road is not yet constructed to collector road standard between Wawatai Drive and Park Estate Road, any upgrades to the intersection of Park Estate Road and Goodwin Drive;

(iii) The installation of a roundabout at the intersection of Park Estate Road and Clover Road when the northern fourth leg is constructed; or

(iv) If the development will provide for an average density of 40 dwellings per net ha (excluding roads and open space) across all of the Hingaia 1 Precinct south of Park Estate Road, any other transport upgrades to the road network resulting from this density.

(d) whether the subdivision is consistent with the Hingaia 1 precinct objectives and policies.

(e) whether lots adjoining an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, are provided with access from an alternative road so that infringement of Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities (including future infringements by land use activities on the proposed allotments) can be avoided or minimised.

(f) whether on-going compliance with the on-site stormwater management requirements contained in any relevant approved Stormwater Management Plan will be achieved.

(g) whether the management of stormwater runoff from any proposed road is consistent with the requirements of any relevant Stormwater Management Plan.

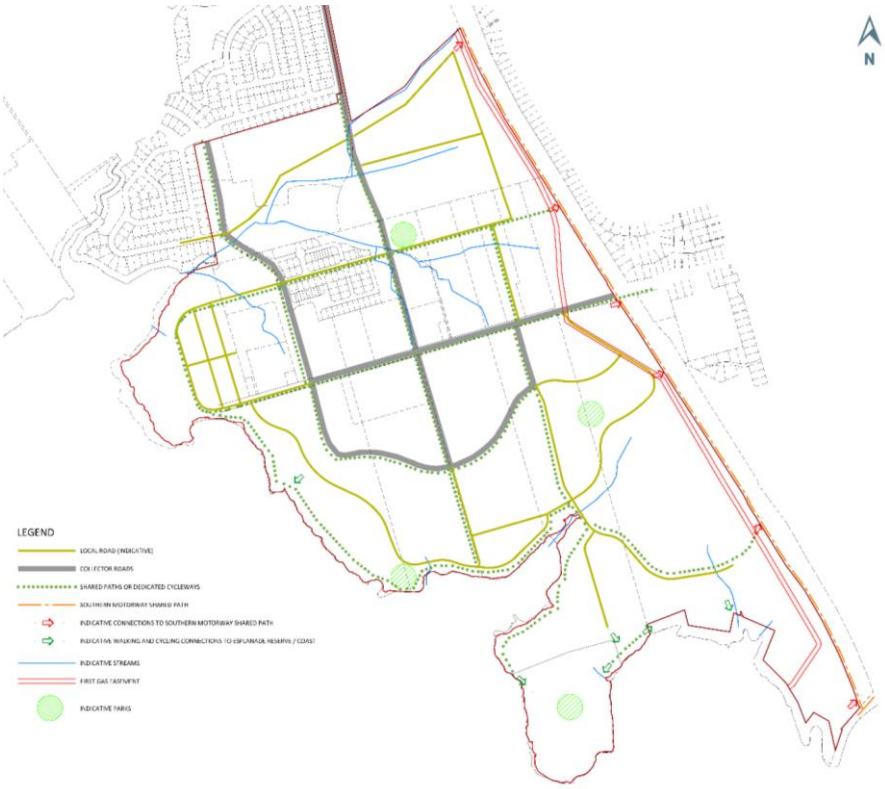
(h) the extent to which viewshafts from roads and open spaces out to the coast are provided for.

I449.9. Special Information Requirements

There are no special information requirements in this section.

I449.10. Precinct Plan

Figure I449.10.1. Hingaia 1 - Precinct Plan



I449.11. Hingaia 1 Precinct – Appendix 1

This appendix sets out the guidelines for the construction of roads in the precinct but is not intended to represent the only design solution.

Table I449.11.1 Hingaia 1 Precinct road construction guidelines

Road Type/Function	Minimum* Road Reserve Width	Total Number of Lanes	Design Speed	Cycle Provisions	Pedestrian Provision	Access Restrictions	Bus Provision
Park Estate Road, Hinau Road or Ngakoro Road (Collector)	21m	2	50 km/h	Yes	Both sides	Where cycle provision is made, in accordance with Standard I449.6.1.7.	Yes
Other Collector Road	21m	2	30 km/h	Yes	Both sides		Yes
Local Road	16m	2	30 km/h	If shown on Figure I449.10.1. Hingaia 1 - Precinct Plan	Both sides		No
Park Edge Local Road	12m	2	30 km/h		Both sides, but can be provided within park rather than the road		No

* Typical minimum cross section which may need to be varied in specific locations where required to accommodate batters, structures, intersection design, significant constraints or other localised design requirements.

Ginny Taare

From: Trevor Purkis <trevor@penroseretail.co.nz>
Sent: Thursday, 29 September 2022 2:10 pm
To: Unitary Plan
Subject: Submission Sept 22
Attachments: sub Sept 22 Dawn.pdf

Hi

Attached is my submission for NPS plan

Rregards
Dawn Bertasius

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Dawn Bertasius
ADDRESS OF SUBMITTER	10 Melford St Saint Marys Bay, 1011
TELEPHONE	0212224449
EMAIL	dawn.bertasius@gmail.com

SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

The will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.

4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

   a. It mainly has designer clothing stores, bars and restaurants.
   b. Lacks employment opportunities.
   c. Has very little in the way of community services.
   d. Is really just a long block of neighbourhood shops.
   e. Lacks the potential to grow because of the 13m height restriction.
   f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
   g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.
h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones.

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments** - The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal** - The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings** - Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal** - The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA -** The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone -** Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required -** The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan -** The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice -** The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices -** Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative zone arrangements accepting that previous MHS zoned areas will become MHU zone.

11. **Road Network Constraints** - There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas** – PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure.

13. **Abandoning Amenity Controls in MHU Zone** - The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities.

14. **Minimum Lot Size in THAB Zone** – Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone.

15. **Summary** - Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1.	Reduce the Central City Zone walkable catchment to 800 metres.	1360.1
2.	Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission.	1360.2 1360.3
3.	Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria.	1360.4
4.	Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere.	1360.5

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 1360.6

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 1360.7

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter.....

Date: ...29 September 2022.....

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Leo van Veenendaal & Frances Rood

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

Address for service of Submitter

51 Church Street Devonport AKL 0624

Telephone: 021 775522 Fax/Email: leov@vrla.co.nz51 Church Street Devonport

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Chapter D18 Special Character Overlay Residential as the overlay relates to Devonport

Or

Property Address: 51 Church Street Devonport AKL 0624

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:

Please see attached letter

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation	☐
Accept the proposed plan change / variation with amendments as outlined below	☒
Decline the proposed plan change / variation	☐
If the proposed plan change / variation is not declined, then amend it as outlined below.	☐

I wish to be heard in support of my submission	☐
I do not wish to be heard in support of my submission	☒
If others make a similar submission, I will consider presenting a joint case with them at a hearing	☒

Leo van Kesteren.

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

28 September 2022

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

28 September 2022.

Appendix to Submission to Plan Change 78

By Leo van Veenendaal & Frances Rood

51 Church Street Devonport Auckland 0624

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

Re Plan Change 78

I write to you in two capacities. Firstly as an architect who has worked for many years in many of the heritage zones in Auckland, and secondly as an individual who has intimate experience of living life to date within the heritage suburbs of Ponsonby, St Marys Bay and now Devonport.

We are not a city with large swathes of historic building fabric that provide character and depth, and we have lost more than enough in the last fifty years.
Our resource in this regard is very limited, and one that must not be squandered by the introduction of further inappropriate and out of scale development for the sake of intensification.

It is critical that we value the treasure we have in these areas, not just for local residents, but the many who visit these parts of the city for the very character they provide.

Places like Devonport Village and its surrounding streets, Cheltenham and other local beaches, along with the Maunga are visited by Aucklanders from far and wide, as well as many from other parts of New Zealand, and the world.

People come to enjoy and gain a sense of a reasonably intact early Auckland, experiencing the fine grain scale and detail this mainly Victorian building stock provides. Like other heritage places in New Zealand (for example Napier, or Arrowtown) it helps New Zealanders in general reference their past, and the roots of our culture.

Our Australian neighbours, who had far more heritage building stock in place to draw on, fortunately recognised the historical value in time (mostly), when they had to intensify their cities. As one example, Sydney recognised suburbs such as Paddington as of 'Outstanding *National* Heritage Significance'.

We understand it is the Government that has passed this blunt legislation to intensify Auckland's housing, largely ignoring the consultative process of Auckland Council in arriving at the Unitary Plan, and Council is tasked with dealing with this imperative. This legislation is one of the crudest methods of development control I have seen, trying to be imposed.

In relation to our particular maritime suburb, we believe that the panel should retain the Special Character overlay to the whole of Devonport, delete the Mixed Housing Urban zone, and add to the character of the area by creating an Historic Heritage Area, and remove Policy 3d frome the residential areas in Devonport.

1362.1
1362.2
1362.3
1362.4
1362.5

We implore you to understand, and stand up for, what Aucklanders have at stake in the loss of even the tiniest amounts heritage. Once our built heritage is lost, and particularly at the scale that this legislation proposes, these suburbs will be wrecked, and no longer provide the respite from what will ultimately be a much intensified Auckland.

Yours Sincerely

Leo van Veenendaal & Frances Rood.

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

George Bramer

From: Yu Yi <yu.yi@synergyplanningassociates.com>
Sent: Wednesday, 28 September 2022 2:09 pm
To: Unitary Plan
Subject: PC78 Submission 2 Anglesea St Freemans Bay
Attachments: PC78 Submission 2 anglesea st Freemans Bay.pdf; form-5-2 anglease st.pdf

Hello there

Please find the attached

1. written submission re PC78 and
2. form 5 as required

Let me know if any further information is required

Kind regards

Yu Yi
M.Arch. M.PlanPrac. B.Arch. MNZPI
Principal

SYNERGY PLANNING
Master Planning-Urban Design-Resource Consent

P.O.Box 9287, Newmarket 1149, Auckland
022 061 9788
yu.yi@synergyplanningassociates.com
www.synergyplanningassociates.com

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

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

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Yu Yi

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

Synergy planning

Address for service of Submitter

P.O.Box 9287, Newmarket 1149, Auckland

Telephone: 220619788 Fax/Email: yu.yi@synergyplanningassociates.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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: 2 Anglesea Street Freemans Bay, Auckland 1011

Or

Map

Or

Other *(specify)*

- Spatially identified qualified matters- SCA, Combined Wastewater Network Control , and LDRZ

- Spatially identified qualified matters- SCA, Combined Wastewater Network Control , and LDRZ

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 written submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

a. remove the qulifying matter SCA overlay from the property 2 Anglesea Street Freemans Bay 1380.1

b. remove the qulifying matter " Combined Wastewater Network Control " 1380.2

c. rezone the property from LDRZ and provide with MDRS 1380.3

I wish to be heard in support of my submission ☒

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

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

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

09/28/2022
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.

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

(a) adversely affects the environment; and

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

Plan Change 78: Intensification Submission

Re:

2 Anglesea Street Freemans Bay, Auckland 1011

Legal Description: PT DP6724

Contact:
Yu Yi, MNZPI
Synergy Planning Associates Ltd
P.O.Box 9287, Newmarket 1149, Auckland
022 061 9788
yu.yi@synergyplanningassociates.com

Via email: unitaryplan@aucklandcouncil.govt.nz
28 Sept 2022

Scope of the Submission

A. The subject property, Legal Description: PT DP6724, at 2 Anglesea Street Freemans Bay Auckland 1011, is applied with "Spatially identified qualified matters- Special Character Area (or "SCA")Overlay- Sites subject to demolition, removal and relocation rules" and "Spatially identified qualified matters- Combined Wastewater Network Control". It is zoned as "Low Density Residential Zone" (or "LDRZ") in the Proposed Plan Change 78 (or "PC78").

B. The property owner, MMBB Family Trust, **opposes** provisions for the subject site:
   - Spatially identified qualified matters- Special Character Area Overlay- Sites subject to demolition, removal and relocation rules ;
   - Spatially identified qualified matters- Combined Wastewater Network Control ; and
   - "Low Density Residential Zone"

C. The submitter wishes to **have above provisions amended** and seeks the following decision from the Council and/or Independent Hearing Panel y that:
   - Spatially identified qualified matters- Special Character Area Overlay- Sites subject to demolition, removal and relocation rules be removed from the subject site;
   - Spatially identified qualified matters- Combined Wastewater Network Control be deleted;
   - The proposed LDRZ to the subject site be amended to appropriate MDRS zone.

D. The submitter wishes to **be heard** in support this written submission.

Reasons for objections are provided below:

Both SCA and "Combined Wastewater Network Control" subject to S77L test

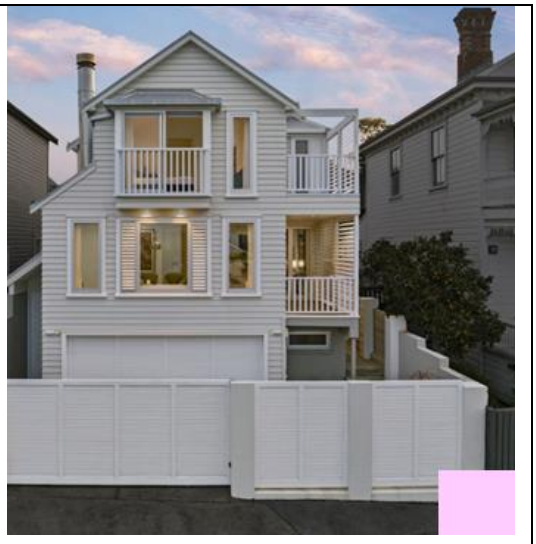
1. Both "Special Character Overlay" and "combined Wastewater Network Control" are new "qualifying matters" proposed by the council. As required by s77I(J)) of the Resource Management Act ("RMA"), any exclusion from Medium Density Residential Standards ("MDRS") needs to satisfy s77L:
    a) *identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and*
    b) *justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and*
    c) *includes a site-specific analysis that—*
        i. *identifies the site to which the matter relates; and*
        ii. *evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and*
        iii. *evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.*

2. As required above, this submission will discuss the areas characters first, argue why intensification is compatible with these identified characteristics, then address site specific analysis.

"Special Characters" of Freemans Bay: Building Height

2. Freemans Bay South area is featured with many existing three storey or higher dwellings, in contrast to max. 9m and two -storey height provisions in LDRZ. As demonstrated below, all these five dwellings are evidently three storeys and over 9m in height.

3+ storey: *12 and 14 Paget Street, Freemans Bay*	***3 storey***: 8 Paget Street, Freemans Bay

	
3 storey: 28 Picton Street, Freemans Bay	***3 storey***: 6 Paget Street, Freemans Bay

3. Some of these dwellings even score 6, the highest score (as shown in the deep purple colour) in the council's "special Character" Survey. This includes dwellings at 8, 12 and 14 Paget Street and the dwelling at 28 Picton Street. Given the highest survey scores for these 4 houses, the Council effectively confirms that three -storey height is appropriate for the area's "special character".

4. As a result, the assumption of "two storey" for historic character in Freemans Bay and subsequently application of "two-storey" building height restriction through LDRZ is not warranted.

"Special Characters" of Freemans Bay: Building Density / Building Coverage

5. In contrast to the Max 35% building coverage provision within LDRZ which is applied to the area, many of the existing sites are not just over 35% but also well over 50%, even higher than that of provision for MDRS /MHU, as evidenced by the examples below:

Building Coverage over 50%: *12 and 14 Paget Street, Freemans Bay*	***Building Coverage 50% and over****: 2A, 2B, 4 and 6 Collingwood Street, Freemans Bay*

6. Yet many of these dwellings score 6, the highest score in the council's "special Character" Survey. Through high survey scores for these houses, the Council really endorses that higher building coverage is part of the "special character" and appropriate for the area.

7. As such, any assumption of "low building coverage" for historic character and subsequently application of "max. 35% building coverage" in LDRZ for the area and the subject site is considered groundless.

"Special Character" of Freemans Bay: Setback from Street

8. It should be noted that above Collingwood Street houses are all have 1m to 1.5m setback from the street, significantly less than that of minimum 3m front yard requirement with LDRZ proposed for the area. In fact many existing houses in the area have no setback from the street at all. None of these four houses along Anglesea Street, as shown in picture below, sets back from the street more than one metre.

***0 to 1m front-yard setback**: 4x houses along Anglesea Street, Freemans Bay*

9. Nevertheless, these houses sore 5 to 6 (out of 6) in council's "special Character" Survey. By providing high survey scores, the Council's heritage expert, again, actually agrees that near zero street setback is a part of the "special character" and appropriate for this area.

10. Requiring a "minimum 3m setback from street" in LDRZ, as provided in PC78 for the area, therefore is inconsistent with tradition characteristics of the neighbourhood and is considered unjustified.

Demolition, removal and relocation controls

11. It is not reasonable or necessary to control demolition, removal and relocation of a house unless it is a listed heritage building.

12. Council provides 6 criteria to assess "Special Character" including:
    - ***Scale***
    - ***relationship to street***
    - period of development,
    - ***typology***
    - ***architectural style***
    - level physical integrity

However, 4 of these 6 criteria, as highlighted, are general design principles and are not exclusive to special historical characteristics.

13. As such, these design principles can be addressed through a new building regardless of its zoning, either LDRZ, or MHU or THAB. All residential zones have restrictions on building height and density, i.e. scale. All these zones require that buildings set back a certain distance from street and to have positive relationship with street. None of the zones excludes any housing typology or architectural style.

14. Many old dwellings were built 100 years ago without modern amenities. Significant upgrades are constantly needed in order to cater for today's life. Resource consent for any project exceeding 30 per cent or more, by area, of wall, elevations and roof areas will increase unnecessary cost and discourage proper upgrade of buildings into healthy homes.

15. Any traditional architectural style should allow modern interpretation and innovation in material and design. Demolition removal and relocation controls prevent such architectural innovation.

S77L test: Combined Wastewater Network Control

16. Most of the dwellings in Auckland were built when no reticulate stormwater exists. Many houses are still connected with combined wastewater /storm network. Watercare has been gradually upgrading infrastructure across the city. According to council's PC78-Section 32 Water and Wastewater Servicing Constraints- Watercare & Attachment, the issue is temporary one and the Freemans Bay area upgrade will be delivered by 2024 as shown below:

17. Such a short-term (2-year) constraint does not fit the purpose of "qualifying matter" which will provide long term limit to housing supply objective set in the NPS-UD.

18. Evidence indicates that sites applied with "Combined Wastewater Network Control" can be developed with great density and building height. And they can be zoned as Terrace Housing and Apartment as those pockets of sites in the Proposed PC78 as shown below. Through this zoning exercise, Council effectively accepts that such a utility control does not determine the zoning of a site. Any suggestion of "combined wasterwater control" incompatible with MDRS provisions is therefore groundless.

Sites marked with "combined Wastewater network control" but zoned as THAB

19. The council states its intention of such a control, in its information Sheet #8- Qualifying Matters Part 2 as the additional requirement for RD consent. In most cases, new buildings are required to provide stormwater detention or retention tank or both to prevent storm water run-off. Such a matter is more EPA (engineering plans approval) matter than a "qualifying matter". It can be addressed through "additional standards", like max. impervious area , day light etc. It should be removed from "qualifying matters".

What is the appropriate "site" to undertake S77L(c) analysis

20. S77L(c) requires a "site-specific" analysis. Freemans Bay South is treated as a loosely bundled site in the council's SCA survey. However, a property based or a block based "site specific" analysis is considered more appropriate given that elements of "one allotment", "contiguous" and "held together" are essential in the definition of "site" in Chapter J of AUP (p116):

    …

    ***Site**:*

    Any area of land which meets one of the descriptions set out below:

    a) an area of land which is comprised of one allotment in one certificate of title, or two or more contiguous allotments… or contained in a single lot...or

    b) an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles …or

    c) partly made up of land which complies with clauses (a) or (b) above; and partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjacent and are held together in such a way that they cannot be dealt with separately….

A block formed by contiguous lots and bounded by streets is considered more appropriate for a "site specific" anaylsis	Freemans Bay South Area bundled as a "site"

21. Both block- based s77L site analysis and property- based s77L site analysis are therefore provided as follows in this context.

SCA application: block based S77L(c) site analysis

22. A threshold for inclusion of special character qualifying area is provided by the council: 75% or more of individual properties in walkable catchments area would be qualified to be included into a SCA. However the block bounded by Colingwood Street, Anglesea Street and Heke Street does not meet such a threshold.

23. As shown below and as in the council's survey result, only 10 out 21 properties, i.e. 48% of them core 5 or 6 within the block, significantly below the 75% threshold. This block does not meet the council's inclusion requirement, therefore, should be removed from the proposed SCA overlay.

Block bounded by Colingwood Street, Anglesea Street and Heke Street

24. S77L(c) (iii) requires to provide "*an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics"*. However, no such options have been found in council's PC78 s32 report – Special Character. The options in the council's s32 report contain only macro objectives, in what extent to apply qualifying matters and broad social economic costs. In fact, at least two MDRS options are available in AUP context: MHU zone and THAB zone.

25. MHU provisions are considered appropriate and compatible for the level of residential development in the neighbourhood, given the area is traditionally a city fringe suburban with high intensity development, as demonstrated earlier in this submission. Development standards in MHU zone are more appropriate in Freemans Bay area than those in LDRZ:
    - Up to 12m building height,
    - Max 50% building coverage and
    - Min 1.5 street setback

26. MHU provisions align with the provisions for the adjoining Business- Town Centre ("TC") zone along Ponsonby Road. The adjoining Business-TC zone has a height variation of 13m, unlimited

building coverage and no street setback requirement.

27. THAB zoning application is also considered appropriate, as evidenced by such a zoning for the block adjoining Business-TC zone and bounded by Pember Reeves St., Arthur St., and Franklin Road in Freemans Bay North Area in the PC78. This block is approximately 100m away in the same suburb.

SCA application: Property -based S77L(c) site analysis

28. The house is not considered high in architectural value or historic heritage value although it is scored 6 in the council's SCA survey. The house is an unsophisticated mixture and an architectural mismatch of Spanish mission style with Californian bungalow. The stucco external walls, instead of pairing with arch windows, tile roof and iron balustrade /fencing, are now provided with corrugated iron roof, bay window front and white picket fencing as shown in the picture.

An unattractive and architectural mismatch of Spanish mission style with Californian bungalow

29. The proportion of the building is less than ideal. The street appeal is not desirable. The

architectural value is below an average Auckland house built during the same period. It was probably a solid home at the time and anything but master piece or typical design style.

30. Given its unattractive outlook and the architectural styles mismatch, it would be difficult to justify why any demolish/ removal / relocation control is required for this site. One would argue that a properly designed new dwelling on the site would have much higher architectural value and better tribute to the amenity value of the immediate community. As discussed earlier, four out of six council's criteria for the special characters assessment are general design principles and could be addressed in the design of new building(s).

31. The house was built with little room for either wall or floor insulation. Only ceiling insulation is currently provided. Consequently, it is highly inefficient and expensive to keep the house warm and dry. It would be costly to upgrade given significant structural modification and demolition involved. Regulatory demolition control just adds an extra expense and disincentive to such an upgrade.

32. The property abuts commercial buildings zoned as Business- TC. Residents of the property have been affected by noise, privacy and visual dominance of these buildings. The building height and density difference between Business TC zone (Max 13m height and unlimited building coverage) and LDRZ (max. 9m height and max 35% building coverage) would amplify the effects.

33. MDRS are considered more compatible, than that of LDRZ provisions, with the adjoining Business –TC zone where dwellings are permitted activity, building height can go up to 13m and unlimited building coverage and impervious area. The existing commercial buildings have no setback from the street at all.

34. MDRS are also considered more compatible with the adjoining residential properties than that of LDRZ provisions. As shown in the picture, the existing house at adjoining 4 Anglesea Street is three- storey high, with over 50% building coverage and less than 1m of street setback.

Adjoining residential property: 3- storey high, over 50% building coverage
And less than 1m street setback

Conclusion

35. Based on the discussions above, it is concluded that
    a) There is no correlation between LDRZ and the "Combined Wastewater Network Control". The infrastructure constraint in Freemans Bay area is temporary one and will be addressed by 2024. Such a control does not fit the purpose as "qualifying matter. It is more of EPA (engineering plans approval) matter and can be addressed through council's "additional standards". *"Combined Wastewater Network Control"* should be removed as qualifying matter from PC78;
    b) Evidence indicates that Freemans Bay South Area is characterised with high building intensity, including 3-Storey Building height, minimum building setback (often less than 1m) from street and high building coverage which often exceeds 50%. Blanket application of the LDRS provisions such as max 2 storey high, min 3m setback and max.35% building coverage to the area is groundless and unjustified.
    c) A block based or a property based "site specific" analysis, as required by s77L(c)(iii), is considered more appropriate than that of bundling together as "Freemans Bay South" area, given the "site" definition in the AUP;
    d) Application of LDRZ cannot satisfy S77L, based on the site specific analysis of either the neighbourhood block bounded by Colingwood Street, Anglesea Street and Heke Street or the subject property. MDRS provisions are more appropriate than those in LDRZ for the site with little impact to the neighbouring buildings. Therefore this block, including the subject property, should be rezoned and be provided with MDRS, i.e. either MHU zone or THAB zone in the PC78.

36. It is therefore requested that the Independent Hearing Panel and the council remove the SCA overlay from the property 2 Anglesea Street Freemans Bay, Auckland 1011, (Legal Description PT DP6724), revise the zoning and provide MDRS for the property in PC78, given that:
    i. There is no correlation between LDRZ and the "Combined Wastewater Network Control". Such a control should have no impact to the zoning even if the IDHP and the council decide to keep such a control;
    ii. The property is located within the block bounded by Colingwood Street, Anglesea Street and Heke Street. The block is below the 75% qualifying threshold to be included into SCA area. In addition the subject building is low in architectural and historic value.
    iii. There is not any other "qualifying matter" applied to the subject property;
    iv. The property abuts commercial buildings zoned as Business- TC. Property occupiers have been affected by noise, privacy and visual dominance of these buildings. The building height and density difference between the Business TC zone and LDRZ would amplify the effects;
    v. MDRS would have minimum impact to adjoining properties on side boundaries. They are either already 3- storey high, over 50% in their building coverage, less than 1m setback from street or allowed to do so under the zoning provisions in PC78.

Form 5

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

To	Auckland Council
Name of submitter	*Grant and Linda Knox*
Address for service of Submitter	*69 Matija place, Red Beach, Auckland*
Telephone	*0210 666 116*
Email	*Grant.knox@me.com*

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

Plan Change Number	PC 78
Plan Change Name	Intensification

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: Not applicable

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

(a) adversely affects the environment; and

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

The specific provisions of the proposal that my submission relates to are detailed in Appendix 1.

My submission is:

I **support** the specific provisions identified in Appendix 1

I **oppose** the specific provisions identified in Appendix 1

I wish to have the provisions identified in Appendix 1 **amended**

The reasons for my views are attached as Appendix 1

I seek the following decision by Council:

~~Accept the proposed plan change~~	~~☐~~
Accept the proposed plan change with amendments as outlined in Appendix 1	x
~~Decline the proposed plan change~~	~~☐~~

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

I wish to be heard in support of my submission	x
I do not wish to be heard in support of my submission	☐
If others make a similar submission, I will consider presenting a joint case with them at a hearing	☐

Insert signature etc here

…

……

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

Insert date here

…28-9-2022……

Date

Appendix 1:

Plan Change 78

The specific provisions of the proposal that this submission relates to:

1.0

We consider that unless the relief sought in this submission is granted PPC78 and in particular the specific provisions challenged:

1. Will not promote the sustainable management of resources;
2. Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 ("RMA");
3. Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
4. Will not warrant confirmation in terms of section 32;
5. Will be contrary to relevant provisions in the National Policy Statements and National Environmental Standards; and
6. Will enable the generation of significant adverse effects on the environment that warrant being addressed through PPC78 provisions.

2.0 General Submission

2.1 Introduction of a Qualifying Matter (QM)- Matija Place, Red Beach

We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach. This road is a cul-de-sac off a no exit road (Jelas Road), with no entry from Hibiscus Coast Highway. The road is narrow, with footpath on one side only, and two- way vehicle movements are often blocked by parked vehicles. Trucks, such as rubbish or recycling trucks, cannot be passed on the road which blocks traffic, and sometimes cannot move up the road due to parked vehicles and the narrowness of the road. There is often none (or very little) on- street parking. The contour of the road impedes visibility of oncoming vehicles on Matija Place.

A school is located at 100 Jelas Road, with its only vehicle access onto Jelas Road, opposite Matija Place. Access into and on Matija Place is often restricted by vehicles moving to and from the school, and parking associated with the school.

The area is not well serviced by public transport, being only buses (and these are not regular and could not be relied on as a car alternative).

Matija Place contains larger sites from historical subdivision. Under PC78 there is potential that these sites could be extensively subdivided, and a large number of dwellings constructed. The transportation infrastructure is insufficient to service this level of development. It is appropriate that development be limited to recognise this constraint, and that future resource consent applications be specifically required to take into account and address these infrastructure issues.

The introduction of a QM is consistent with higher leave planning documents, including because some of the high-level outcomes sought cannot be achieved given the transportation matters present. Relevant provisions include:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources noting this constraint,
c) Section 7c) RMA, the maintenance and enhancement of amenity values,

d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
   i. Objective 2.1(1):
   New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

   A QM and related impacts on development is consistent with this objective.

   ii. Objective 2.1(3) (emphasis added) "…the area is <u>well-serviced</u> by existing or planned public transport"

   This cannot be achieved. A QM is appropriate.

   iii.
   iv. Objective 2.1(6) (emphasis added):
   Local authority decisions on urban development that affect urban environments are:
   integrated with <u>infrastructure planning</u> and <u>funding</u> decisions;
   and strategic over the <u>medium term and long term</u>; and…

   This cannot be achieved. A QM is appropriate.

   v. Policy 2.2(1)
   Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
   …..
   (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

   This cannot be achieved. A QM is appropriate.

   vi. Policy 2.2(4)

f) The Auckland Unitary Plan, including (but not limited to):
   i. Objectives and policies of B2.2, including where a compact urban form is sought, that makes better use of existing infrastructure and efficient provision of new infrastructure, integrates land use and transport and supports a range of transport modes.
   ii. Objectives and policies of B2.3, which seek a quality, built environment. This includes (but is not limited to) development which maximises infrastructure efficiency, that provides good access and enables a range of travel options, achieves a high level of amenity and safety for pedestrians and cyclists, and meets the functional, and operational needs of the intended use.
   iii. Objective B3.3.1 and policies B3.3.2, including (but not limited to) where these provisions seek effective, efficient and safe transport. This includes integration with land uses and ensuring transport infrastructure is planned, funded and staged.

   This cannot be achieved. A QM is appropriate.

2.2 Zoning

The proposed rezoning of the majority of Auckland urban areas to Mixed Housing Urban is unnecessary and excessive. Auckland Council has indicated that with all the proposed Qualifying Matters in place, the enabled capacity via PC78 would be more than three times the total demand for housing in 2051. This creates a situation where residents, who have largely had no opportunity for involvement in the rezoning process (due to changes being required by central government), will be adversely affected by development when there is no demand for the related housing. The AUP(OP) as it standards, which has been through a full statutory process where people were able to make submissions in relation to zoning, has more than sufficient capacity to meet the housing demands in Auckland. The AUP(OP) already meets relevant objectives and policies of the NPS- US and RPS regarding residential capacity.

Red Beach and Silverdale are established, medium density residential areas. The area is currently zoned Single House Zone in the Auckland Unitary Plan (OP) and has had a similar zoning since at least the late 1990's. Land has been purchased and developed on this basis. Dwellings have been sited and designed based on existing development standards, as currently detailed in the AUP(OP). The MDRS now seeks to change this and the zoning, without the ability of affected parties to be involved. People have made significant investment decisions and now have little, if any, ability to be involved in changes that will affect them and, in some cases, significantly.

While we understand Auckland Council is largely obligated to make these zoning and MDRS standard changes, we record that we do not support the changes proposed in Red Beach, Orewa, Silverdale and the Hibiscus Coast, and in particular in Matija Place, Red Beach. Site owners will be significantly adversely affected by this zoning change and have had no ability to be involved in the rezoning process. We would support the retention of the Single House Zone (SHZ) in these areas if this was possible under the PC78 process. We do not support any "increase" in zoning of sites in Matija Place, Red Beach as shown in the notified version of PC78 (such as to THAB zone for example). 1382.2 1382.3

If the retention of SHZ is not possible, we seek strong objectives, policies, rules and criteria to ensure that potential effects on adjacent residential sites are avoided, remedied or mitigated and the owners/ occupiers of adjoining sites can become involved in resource consent applications. The relief sought includes (but is not limited to) that which would achieve the following:

a) Resource consent applications can be declined when there is insufficient servicing capacity, or servicing options are proposed that are suboptimal. Plan language must reflect this, and be sufficiently strong, in legal terms, to enable decline. 1382.4
b) That the density of development is appropriate for the site, including having regard to development on adjacent sites (including character and amenity effects experienced on adjacent sites) and infrastructure capacity. 1382.5
c) All residential developments must be required to have close regard to the interface with existing residential development on adjoining sites, including (but not limited to):
    I. Building form that provides articulation including in roof and facades, to minimise the visual dominance of bult form when viewed from adjacent sites, 1382.6
    II. The use of colours and variation of building materials to visually break up built form and reduce visual dominance when viewed from adjacent sites,

III. Minimising overlooking, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens, and minimising retaining (fill) on site boundaries where overlooking could occur into adjoining sites,
IV. Impacts on privacy on adjoining sites, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens,
V. Ensuring sufficient sunlight access is retained into adjoining residential dwellings and outdoor living areas,
VI. Managing amenity effects and providing privacy through boundary landscaping (capable of growing to a suitable height to provide privacy and softening of built form, such as 5m) and fencing.

d) The landscaping on- site is maximised, to improve amenity both on site and on those adjoining, 1382.7
e) Ensuring that applications, including those that do not provide a suitable interface with adjoining sites, can be notified and that affected parties can become involved in the resource consent process, 1382.8
f) Adequate areas are identified for waste and recycling storage and on- site collection, 1382.9
g) Waste and recycling areas are screened from adjoining sites and in larger development with communal waste storage areas, that waste is managed to control odour, 1382.10
h) Adequate areas are provided on- site for delivery vehicles, parking and visitors to remove or minimise the need for on- street parking, 1382.11
i) Providing for on- going management of communal areas (including access, parking and landscaped areas) and services on sites, such as a body corporate or similar. The ongoing management of these areas can easily be disregarded if a specific management regime is not put in place at the time of development. 1382.12
j) Requiring upgrading of infrastructure, including roads and footpaths, where the existing services are inadequate and further loading is proposed by a development. 1382.13

The relief sought above, is consistent with:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources,
c) Section 7c) RMA in that this would result in the maintenance and enhancement of amenity values,
d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
    i. Objective 2.1(1),
    ii. Policy 2.2(6)
f) The Auckland Unitary Plan, including (but not limited to):
    i. Objective B2.2.1(1), including refence to quality compact urban form,
    ii. Objective B2.3.1(1) and policies B2.3.2(1), including by creating a quality built environment that responds to the site and its setting,
    iii. Objective B4.2.1(1),
    iv. Policy B2.4.2(4),
    v. Policy B2.4.2(6), including that development is adequately serviced,
    vi. Policy B2.4.2(8), including recognising and providing for existing and planned neighbourhood character,
    vii. Policy B2.4.2(9) and (10).

For completeness it is noted that higher residential intensification in this location is not consistent with some provisions such as B2.2.2(5).

3.0 Submission on Specific PC78 Provisions

Without limiting the generality of the relief sought above, the following submission is made on specific PC78 provisions.

3.1 Maps

Maps		
Matter	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Qualifying Matter	Qualifying Matter- Infrastructure Water and/ or Wastewater Constraints Control as shown on Matija Place (including at 77 and 86 Matija Place) is supported	We understand that infrastructure in Matija Place and the wider Red Beach, Silverdale and Hibiscus Coast areas, has not been designed or established to service the level of development that the MDRS or NPS- UD will enable. There is frequently news of overflows at beaches in local media, including of raw sewerage. Local roads also flood to varying degrees, including at the intersection of Jelas Road and Matija Place. There are clear issues with capacity of existing stormwater and wastewater services in these areas. It is appropriate that a QM be utilised, to place restrictions and controls on development in these areas. This is consistent with higher order planning provisions and outcomes sought by the RPS (including objectives and policies of B3.2), NPS- UD and Part 2 RMA.
Qualifying Matter	We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach.	Please see reasons in 2.0 above.
Zoning- Matija Place	We seek the rezoning of Matija Place to Single House and if this is not possible Mixed Housing Suburban due to development constraints.	Please see reasons above relating to servicing and infrastructure, including transportation servicing.

3.2 Auckland- Wide provisions (Chapter E)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons	
E36	The inclusion of natural hazards as a Qualifying Matter is **supported**.	This is consistent with Part 2 RMA.	1382.15
Objective E38.2(10)(d)	**Reword** to "Avoid subdivision that cannot be appropriately serviced by the water supply, wastewater and stormwater networks".	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1382.16
Objective E38.2(10)(e)	**Support**	We support the objective and the terminology, specifically use of "avoid" in relation to under sized lots in areas affected by a Transportation Qualifying Matter.	1382.17
Objective E38.2(11)	**Support** reference to subdivision and density of development being controlled where a Qualifying Matter is present.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.18
Policy E38.3(13)	Seek **insertion** of reference to Qualifying Matter, to control density and site sizes. Insert the following, or words to like effect: (d) Taking into account a Qualifying Matter affecting the site, noting that this may result in larger sites or fewer sites (lower yield) than may otherwise be usually anticipated in that particular zone.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.19
Policy E38.3(31)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. The use of "avoid" is supported.	1382.20
Policy E38.3(32)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.21

Policy E38.3(33)(c)	**Support reference to QM**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.22
Policy E38.3(34)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.23
Policy E38.3(35)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.24
Activity Table			
Table E38.4.2(A29A)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate.	1382.25
Table E38.4.2(A29B)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate. To be consistent with higher level documents including the NPS- UD, NPS- FW and RMA (Part 2) it is critical that development be serviced in an appropriate way, and that Council has the ability to decline an application if this is not the case.	1382.26
E38.5- Notification			
E38.5 Notification (2A)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1382.27
E38.5 Notification (2B)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1382.28
E38.6- General Standards			
E38.6.3. Services	Seek that this Standard be **altered** to refer to appropriate services or words to that effect.	It is important that proposed servicing is appropriate, having regard to the location of the site, capacity of reticulated services and ongoing maintenance. PC78 should be clear that suboptimal servicing solutions are not appropriate and will not be accepted. The use of the word “provision” is not sufficient.	1382.29

E38.8 Standards for subdivision in residential zones			
E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control.	**Support** in part, subject to the following **amendment**: "The technical report must demonstrate: a) That infrastructure and servicing can be achieved. b) The method and capacity of water, wastewater and water servicing for the development; c) The durability and maintenance required for the proposed system/s; d) The appropriateness of the proposed servicing for the nature and scale of the development; e) The potential effects of the proposed servicing; f) Proposed long term management of the system/s."	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1382.30
E38.8.2.9	**Support**	Please see section 2 above, where a similar QM in Matija Place, Redd Beach is sought.	1382.31
E38.11 Assessment- Controlled Activities			
E38.11.1(2)	**Support**	Support reference to infrastructure	1382.32
E38.11.2(2)	**Support**	Support reference to infrastructure	1382.33
E38.12 Assessment- Restricted Discretionary Activities			
E38.12.1(10)	**Support**	Support assessment of stormwater matters being required.	1382.34
E38.12.1(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	1382.35
E38.12.2(10)	**Support**	Support assessment of stormwater matters being required.	1382.36

E38.12.2(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined

1382.37

3.3- Zones (Residential)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Objective H5.2(A1)	**Support**	
Objective H5.2(B1)	**Reword** objective to the following or words to like effect: "…(b) The neighbourhoods planned urban built character, including 3- story buildings, unless the site is affected by a Qualifying Matter in which case the development density must take into account the related constraint."	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.
Objective H5.2(1)	**Reword** objective to the following or words to like effect: Land ~~near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network~~ is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport, unless it is affected by a Qualifying Matter in which case the development density must take into account the related constraint.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.
Objective H5.2(3)	**Supported**, in particular where it refers to high quality amenity in relation to adjacent sites and the street.	Please see "General Submission" above.

1382.38
1382.39
1382.40
1382.41

Objective H5.2(5)	**Supported**	Inappropriate servicing can impact on water quality, and this requires control.	1382.42
Objective H5.2(6)	**Supported**		1382.43
Objective H5.2(7)	The following **rewording** is sought, or words to the same effect: "Development that cannot be appropriately serviced for water supply, wastewater or stormwater is **avoided**"	Wording in the Plan must be sufficiently strong to enable applications to be declined where the required outcome is not achieved, especially for fundamental matters such as servicing.	1382.44
Objective H5.2(8)	**Supported**		1382.45
Objective H5.2(10)	**Supported**	Please see "General Submission" above.	1382.46
Policy 5.3(B1)	**Support** "..except in circumstances where a qualifying matter is relevant"	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	1382.47
Policy H5.3(C1)	**Reword** to the following or words to like effect: ~~"Encourage~~ Require development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance."	Wording in the Plan must be sufficiently strong to ensure the required outcome is achieved.	1382.48
Policy H5.3(E1)	**Reword** to the following or words to like effect: ~~Provide for developments not meeting permitted activity status, while encouraging high-quality developments~~ "Require developments to achieve a high-quality environment"	It is not necessary to have a policy that provides for activities which are not permitted, as the plan already provides for this. A "high quality development" should not be "encouraged"- this must be required, to be consistent with the RPS and the NPS- UD.	1382.49
Policy H5.3(6A)	**Support in part**, in particular references to adjacent sites. **Introduce** the following or words to like effect: (j) Establishing landscaping (vegetation) to create quality on- site amenity and soften the interface between the site and adjoining residential sites.	The policy is generally supported for the reasons set out in section 2 above , with amendments as required to address the issues raised in section 2 above.	1382.50
Policy H5.3(12)	**Support**	All development must be appropriately serviced.	1382.51
Policy H5.3(13)	**Support**	All development must be appropriately serviced. Qualifying Matters affect what type and scale of development is	1382.52

		appropriate on a site. This should be clearly reflected in objectives and policies.	
Policy H5.3(14)	**Support**	Please see section 2 above.	1382.53
Policy H5.3(16)	**Support**	Please see section 2 above.	1382.54
	Activity Table		
Table H5.4.1(A14B)	**Support** one dwelling on a site in the Water and/or Wastewater Constraints Control QM being a permitted activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, with permitted development limited.	1382.55
Table H5.4.1(A14B)	**Seek amendment** to table H5.4.1 to introduce "Standards to be complied with". This should include reference to Standards H5.6.3- H5.6.21 and the new Standard sought below.	The Plan must be clear about what Standards must be complied with to be a permitted activity.	1382.56
Table H5.4.1(A14C)	**Support** two or more dwelling on a site in the Water and/or Wastewater Constraints Control QM being at least a restricted discretionary activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, and consent required for more than one dwelling to enable site specific assessment.	1382.57
Table H5.4.1	**Insert new A14D with the following,** or words to a similar effect (to reflect the Qualifying Matter sought on Matija Place): "Two or more dwellings per site in the Matija Place Transportation Qualifying Matter Control"- Restricted Discretionary Activity.	To reflect the Qualifying Matter sought, as detailed above in section 2.	1382.58
	Notification		
H5.5(5) (Notification)	The preclusion of limited or full notification for a development of four or more dwellings, irrespective of meeting Standards, is **opposed**.	Applications of 4 or more dwellings have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	1382.59
H5.5(6) (Notification)	**Support**	These applications should be subject to the normal tests for notification.	1382.60
	Standards		
H5.6.3A	**Seek introduction** of a specific Standard related to the Water and/or Wastewater Constraints Control to ensure that servicing is appropriate for the site, area and development proposed, and that there is sufficient capacity.	The Plan should be clear that servicing must be provided, and that this must be fit for purpose, able to be maintained in perpetuity and is suitable. Given the geographical extent of this QM it is likely that bespoke solutions will be suggested, that are not appropriate- the Plan must be strongly worded to make it clear	1382.61

		these outcomes will not be consented.
H5.6.5(4). Height in relation to boundary	**Oppose** the proposed HIRB plane and the removal of consideration of boundaries adjoining lower zones.	The proposed HIRB plane will create adverse shading and overlooking and reduce sunlight access, in relation to adjoining residential sites. Given the existing AUP zoning, some of these adjoining sites contain new development based on existing zoning (1-2 levels, greater yard setbacks and lower HIRB controls)- in these cases the adjoining sites are unlikely to be redeveloped in the medium terms and a higher degree of adverse effects will be created in the . We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 1382.62
H5.6.5(4)(4). Height in relation to boundary	**Oppose**. HIRB should apply from the site boundary, not right of way/ access lot boundaries.	1382.63
Table H5.6.8.1 Yards	**Oppose.** Given the increased level of density proposed, yards should be larger. The definition of "Yard" to be **amended** to reduce the length of eaves that can encroach into yard setbacks.	We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 1382.64 At present eves up to 750mm are excluded from the definition of yards. This could result in part of a building being only 250mm from a common boundary. This impacts on maintenance and amenity of adjoining sites. 1382.65
H5.11(5)- Landscaped Area	The minimum landscaped area of 20% **is opposed.** The following is sought, or words to similar effect: "<u>The minimum landscaped area must be at least 35 percent of the net site area".</u>	The landscaping present on a site makes an important contribution to on- site amenity and amenity on adjoining sites. 1382.66
H5.6.12- Outlook Space	Generally **supported**	1382.67 The requirement to provide outlook space is supported, including that this space must be located within the development site.
H5.6.14(4)- Communal Outdoor Living Space	Supported with the following **amendment** (or words of similar effect): <u>(h) Is managed and maintained by a body corporate or similar legal entity.</u>	The requirement for a communal outdoor living space for larger residential developments is supported. Appropriate maintenance and management of these areas is also required. 1382.68

H5.6.21 Residential waste management	Standard is generally **supported** with the following amendment requested: "H5.6.21(6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings, and this must include details of how odour will be controlled".	Where a site has limited road frontage, requiring waste collection on- site is supported. Sufficient space must be available on -site for a waste vehicle to park, collect the waste/ recycling, manoeuvre on-site and leave in a forward-facing direction. Waste and recycling storage areas can easily create odour, which impacts on amenity on site and on those adjoining, if not controlled.	1382.69
H5.8- Assessment – restricted discretionary activities			
H5.8.1. Matters of discretion 5.8.1(2) For four or more dwellings per site: (a)(i)	**Oppose** deletion of the word "intensity"- seek that "intensity" not be deleted. Reword to (or words to like effect): (i)building intensity, scale and location, including	Building intensity, not only scale, has the potential to impact on the success of an overall development, its appropriateness in a specific location, and the adverse effects created on people, in particular adjoining site owners. It is appropriate that Council retain the ability to assess this important aspect of a proposal.	1382.70
H5.8.1(2) (a)(i) (A)	**Support**	Support reference to "adjoining sites" for the reasons set out in section 2 above.	1382.71
H5.8.1(2) (a)(i) (B)	Seek **amendment** as follows, or words to like effect: "the extent to which the height, roof form and design of buildings respond to the local streetscape, adjacent sites, …"	Please see section 2 above.	1382.72
H5.8.1(2) (ai)	**Support**	Please see section 2 above.	1382.73
H5.8.1(2) (c)	**Support**	Please see comments above regarding infrastructure and servicing.	1382.74
H5.8.1(2) (d)	Seek **amendment** as follows, or words to like effect: "the effects of the development on the safe access for pedestrians and other transportation users on the adjacent road network"	Please see section 2 above. In some locations there is insufficient transportation infrastructure to service a development, and the traffic generated by a development may impact on other users off the site. Potential adverse effects in this regard should be assessed.	1382.75
H5.8.1(6)	**Supported**	Please see comments above regarding infrastructure and servicing.	1382.76
H5.8.2- Assessment Criteria			
H5.8.2(2)(ab)	**Amend** to include the following, or words to like effect:	Please see section 2 above.	1382.77

	(ix) Placing lower buildings adjacent to residential dwellings on adjoining sites.		
H5.8.2(2)(ac)	**Support**		1382.78
H5.8.2(2)(ae)	**Support**	Support the design outcomes achieved by buildings fronting public streets.	1382.79
H5.8.2(2)(af)	**Support**	Support the design outcomes achieved by buildings fronting public streets.	1382.80
H5.8.2	**Insert new** Assessment Criteria related to H.8.1(6) (More than one dwelling in Waste and Wastewater Constraints Control). Insert the following or words to same effect: I. The method and capacity of water, wastewater and water servicing for the development; II. The durability and maintenance required for the proposed system/s; III. The appropriateness of the proposed servicing for the nature and scale of the development; IV. The potential effects of the proposed servicing; V. Proposed long term management of the system/s.	PC78 notes the need for consent and provides Matters for Discretion. The inclusion of Assessment Criteria will provide further guidance on what is required.	1382.81

3.4 Definitions

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons	
Definition of "Landscaped Area"	**Support**	The changes proposed mean the landscaped area focuses more on vegetation, and excludes more hard landscaping than previous. This is supported as it will positively affect amenity on- site and on adjacent sites, as the density of development increases. This is consistent with the urban design outcomes sought by objectives and policies of the zone, and the RPS.	1382.82

4.0 Submission- Additional relief sought

In addition to the relief sought in sections 1, 2 and 3 above, we also seek:

(1) any additional changes which are required to the text and maps of the proposed plan to give effect to this submission.
(2) Any other consequential or alternative amendments arising from these changes.

George Bramer

From: Sally Jacobson <sally.jacobson@xtra.co.nz>
Sent: Wednesday, 28 September 2022 2:18 pm
To: Unitary Plan
Subject: Submissions re 37 Arney Cres and 56 Arney Road, Remuera
Attachments: 220928 Form 5 submissions re 37 Arney Cres and 56 Arney Rd Remuera.pdf; 220928 Submissions re 37 Arney Cres, Remuera.pdf; 220928 Submissions re 56 Arney Road, Remuera.pdf

Dear Council

Please find attached my form 5 submissions in respect of 37 Arney Cres and 56 Arney Road. I have attached the separate submission reach property to one form 5. I also attach the separate submissions separately.
Please note that I would like to be heard at any hearing in relation to these two properties, both of which I own.
Please advise by return if these submissions are not acceptable in any way, so that I can remedy this.

Kind regards
Sally

Sally Helen Jacobson

M: 0274 78 0277 E: sally.jacobson@xtra.co.nz
Postal address: 56 Arney Road, Remuera, Auckland

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Sally Helen Jacobson

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

Address for service of Submitter

56 Arney Road, Remuera, Auckland

Telephone: 274780277 Fax/Email: sally.jacobson@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

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: 37 Arney Crescent and 56 Arney Road, Remuera

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 separate submissions- one for 37 Arney Cres, Remuera and one for 56 Arney Road, Remuera

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

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

Decline the proposed plan change / variation ☐

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

For each of 37 Arney Cres and 56 Arney Road (see separate submissions):- 1387.1

1. remove the SCO, and 1387.2

2. Change the zoning from Single dwelling to Mixed Housing Suburban 1387.3

1387.4

I wish to be heard in support of my submission ☒

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

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

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

28 September 2022
Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Submissions re 37 Arney Crescent, Remuera

By: Sally Jacobson, owner

Date 28 Sept 2022

1. These submissions relate to 37 Arney Crescent, Remuera, which has been made subject to a SCO so that the MDRS rules do not apply to it. I am the owner of this property and have been for the last 33 years. I object: -
   a. to a special character overlay (SCO) being defined as a qualifying matter under the RMA and Plan Change 78, and 1387.5
   b. to 37 Arney Cres being given a SCO, and
   c. to the present zoning of 37 Arney Crescent as Low Density Residential

2. I seek that: -
   a. the SCO be removed from 37 Arney Cres, so that the MDRS apply to it, and
   b. 37 Arney Crescent is rezoned Mixed Housing Urban Zone.

3. I would like to be heard at any future hearing to determine this matter.

4. The Auckland City Council ('Council') has been compulsorily required by central Government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 now incorporated in the Resource Management Act ('RMA') to put into effect the changes stipulated in that amendment and of relevance in these submissions, the Medium Density Residential Standards (MDRS). The Council may only act under the authority delegated to it and also in terms of the RMA and if it does not, it would be acting ultra vires and unlawfully.

5. Application of the MDRS rules to 37 Arney Cres, like others, is the default position under the amended RMA. The Council can only modify these MDRS if the need to make something a qualifying matter in terms of S77I(j) RMA can be proved and the proper procedure is followed.

6. By the council's own admission[1], the Government in s77I (a)- (i) of the RMA has not identified 'special character overlay' (SCO) as a qualifying matter but rather the Council is relying on being able to prove that this is a factor which warrants being included as a qualifying matter under subsection S77I(j) RMA.

7. Section 77I(j) states that a qualifying matter includes: -
   "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied."

[1] Ryan Bradley in Webinar 3 Transcript 27/04/2022 "Unfortunately, the government has not included special character as a qualifying matter. So, this is a Council initiated qualifying matter."

8. To satisfy section 77L, the Council must meet the requirements of section 77L which states: -

"Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and

(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

9. My submission is that the council has far from satisfied these requirements. The writer has been able to view no evaluation report that even remotely satisfies the requirements of s32 nor the additional requirements of s77L. The Council has failed to show why the level of development contemplated by the MDRS rules is inappropriate for the specific site at 37 Arney Cres.

10. I will set out further reasons for my objections to this SCO being defined as a qualifying matter under s77I and the application of it to 37 Arney Cres separately.

Special Character Overlay (SCO)

11. The SCO (i) should not be a qualifying matter and also (ii) if qualifying, not be applied to 37 Arney Cres for the following reasons: -

(i) SCO should not be a qualifying matter

12. To rename the present 'Heritage and Special Character Overlay' as 'Special Character Overlay' is simply to defeat the Government's intentions to only protect 'designated or heritage order' properties and then only to the extent of their actual land, as set out in s77I(g) RMA. The Council may only act on power delegated to it and arguably in so acting to defeat Parliament's intentions, the Council is acting ultra vires.

13. It is also clear that in reality 'special character' does not exist on its own without a heritage element. That is proven to be the case by examining the criteria by which the Council has deemed properties to be 'special' and therefore subject to SCO. The council's survey heavily relies on architectural styles and the age of the buildings, that is, heritage. The council's own survey to determine character (entitled "SUMMARY OF

AREA FINDINGS SPECIAL CHARACTER AREAS: RESIDENTIAL" for SC Overlay : Isthmus B and Survey Area Numbers 6 and part 56- (Summary of Area Findings)) comments about the Arney Road area:- "The most prevalent architectural styles in this area are bungalows and English Cottages (1920s-1930s) and there are also examples of villas and transitional villas (1880s-1910s)". It relied on heritage.

14. And the presence of these buildings is in fact true of many many areas, so one wonders how 'special' these aged buildings can be.

15. And others of the criteria the Council used to determine their six point grading and therefore whether properties had 'special character' are equally dubious. One is whether the property relates to the street. A property cannot be 'special' because it relates to the street (or not be because it has trees or hedges in front) because all areas have houses that relate in some way to the street, and many have trees- especially council planted verge trees. Another factor is 'typology', which is, I am informed, how typical of the area the property is. That is a chicken and egg argument. If it is similar to its surrounding, for example non-special buildings, that cannot make it special, or even contribute to such a rating. It cannot be special because it sits on a ridge- this is not an official criteria but it is listed in the description of the area. Many properties sit on ridges. And none of these factors come anywhere near to being of the same degree of national importance as enabling the housing supply to our increasing population. 1387.6

16. It is also relevant that the Council had its heritage department undertake the surveys to determine 'Special Character'. The Council have simply redefined 'heritage' as 'special character' and this is not available to the Council which only acts under delegated power.

17. It is clear that the items described by the Government as qualifying matters in s77 I(a) to (i), prior to the last 'other' subsection, (j), relate to matters of national importance. s77L(b) reiterates that any matter identified by the Council as a qualifying matter under s77I(j) should similarly be of such national importance so as to outweigh the need to house the country's population. Local matters of minor importance won't cut it.

18. Furthermore, it is flawed to not rate leg in or rear properties, ignore them for the purpose of determining whether a so called 'area' meets the 66% 'threshold' for that area being designated 'special' and then proceed to include them in those areas designated 'special character'. This is unfair and arguably does not satisfy the statutory requirement of a site specific assessment, and one which identifies the 'special character ' of that particular site. 1387.7

19. In summary, it is clear the process by which the Council determined certain 'areas' were special character was highly flawed, arbitrary, not site specific and therefore did

not satisfy s77(j) nor s32 RMA. The council's actions following therefore were ultra vires.

(ii) 37 Arney Cres should not be subject to SCO

20. Firstly, Council's survey undertaken based on its own set criteria to establish whether the Arney/Bassett Road area is to be subject to SCO (refer to the Council's Summary of Area Findings) found the area does **not** meet the criteria for a qualifying matter. It concluded that only 43% of the 256 properties surveyed were rated 5 or 6 which did not meet the required 66% or more before being deemed SCO.

21. Yet the draft proposed map includes the SCO on 37 Arney Crescent as a qualifying matter.

22. However, the writer was informed by a Council staff member that when these results came back it decided to undertake a second level of survey which broke the area down into 'sub-areas' to which they reapplied the same criteria. Apparently (but no evidence) this netted a different result for the Arney Road/Cres 'sub-area' which is the crescent shape forming off Arney Road and partially straddling Arney Crescent. With respect, this is a false survey, undertaken by the Council's own Heritage department, with the parameters changing (perhaps) depending on a pre- determined outcome in mind.

23. Secondly, it is flawed that the Council's criteria dictated that rear sections or unable to be seen properties were not rated and yet their land was included in the Arney Road/Cres 'sub-area' and designated SCO. In this Arney Road/Cres 'sub-area' a large portion of the land is in fact rear sections as can be seen just by eye-balling it in the map in the Council's Summary of Findings. This must have skewed the results and rendered them flawed.

24. Thirdly, if 'sub-areas' are to be the deciding factor, they should be sensibly established, designated by outlooks/mini communities, not by roads alone. Arbitrarily picking and choosing sub-areas using roads as boundaries has resulted in substantial anomalies.

    a. **Crucially, 37 Arney Crescent should not be included in the Arney Road/Cres 'sub-area'** but rather should be included in the 'sub-area' that is Arney Crescent. This is because this property, which is a bare section, faces out onto/relates to Arney Crescent, not Arney Road. Its only road frontage is onto Arney Crescent. It is not a rear or unable to be seen site. It can be clearly seen from Arney Crescent, as there is nothing but a fence between it. Yet 37 Arney Cres was not even rated. This is a major error in the application of the Council's own criteria even.

    b. (Another example of such an anomaly is the fact the left-hand side of Arney Road above the Arney Cres southern intersection is deemed non qualifying but the right-hand side is. How is applying MDRS to the left-hand side going to preserve the 'sub area' of the right-hand side? The absurdity is that several grand old homes down

the left-hand side of Arney Road (Numbers 20 and 28 spring to mind) do not have a SCO and yet the bare section at 37 Arney Crescent does?)

25. Fourthly, the MDRS should apply **all the way along Arney Cres, including 37 Arney Crescent and 56 Arney Road**. There is no sensible reason why it should not. At present it inextricably stops at 33 Arney Crescent as does the Mixed Housing Suburban zoming. 1387.8

26. As 37 Arney Cres is a bare section with no building on it, there can be no possibility that the section itself has any special character. If the Council say it sits in an area of 'special character' I can only say that they have erroneously defined the area that this bare section sits in. The section itself in no way relates to Arney Road. It does not 'sit in' or even relate to the semi-circular area the Council has designated is 'special character'.

27. The section cannot be viewed from Arney Road. The land slopes away downward to the East of Arney Road, so it sits much lower than Arney Road. The section opens out on its North side to Arney Crescent and can only be said to relate to and be part of the 'area' that is Arney Crescent, which does not have a special character overlay.

28. It is appropriate to examine more closely the properties that surround the bare section at 37 Arney Cres, so as to get a better feel of its true 'area'. The houses which in fact form the 'area' in which 37 Arney Cres sits are as follows:-

29. 68 Arney Road/aka 58 Arney Cres

This is a modern home built around 2000. The old villa which originally stood on the site was removed so this could be built. This building has no 'special character' whatsoever. The Council did not designate it with a SCO.

30. 66 Arney Crescent

This was a bungalow which was renovated in the 1990s so as to take on a more modern appearance. As can be seen from the photo above, any bungalow features it had were irradicated at that time and so it can not be said to have an special character. The Council did not designate it with a SCO.

31. 64 Arney Cres

This house sits directly across from the bare section at 37 Arney Crescent. This house was built sometime before 1989, probably in the 1980s. It sits down away from the road. It has no special character and the Council did not designate it so.

32. **35 Arney Crescent**

This house was built (it is estimated) in the 1960s. Being in the same 'area' as 37 Arney Cres (right next door in fact), it too erroneously has a SCO. It is certainly not representative of the houses the Council report has said feature in this area and which give rise, it says (denied), to the area's 'special character'.

Further to justify the existence of the SCOs, the Council have prepared a report outlining the design features of houses throughout the ages – right up to the 1960s. My submission is that this is ridiculous. Every building once built is immediately 'historic' in the sense that it immediately takes on the characteristics of the period in which it is built, even if built last week. That does not make it 'special'. This house at 35 Arney Road is not special and neither does it fall in a 'special' area', including for the same reasons 37 Arney Cres does not- it faces out to Arney Cres and all the houses on the other side of Arney Cres do not have a SCO.

33. 56 Arney Road

This villa sits some distance from the easterly boundary of 37 Arney Cres and is hidden from Arney Road by large trees. The house was built in the 1910s and is not in fact characteristic of the Arney Road area, being a villa, much smaller and simpler and of a style to be found throughout Auckland. The Council has erroneously given this house a SCO. It should be removed (this submitter also owns this property and has made separate submissions seeking the removal of the SCO from this property).

34. 52A Arney Road

This house abuts the southern boundary of 37 Arney Crescent and is not of any particular age or style but, being a rear property its rating was not even counted under

the Council flawed criteria for deciding whether it should have a SCO. It also has an erroneously been given a SCO. This house certainly does not contribute to 37 Arney Crescent sitting in an area of special character.

35. In summary under point 4, the properties which surround 37 Arney Crescent are predominantly built in the 1980s to 2000s and none have any special character. Most do not have a SCO presently.

36. Fifthly, what has actually resulted from these proposed changes is that the view of Auckland Harbour presently enjoyed from 37 Arney Crescent (and 56 Arney Road) runs the risk being blocked by 3 storied buildings across the road, whilst 56 Arney Road and 37 Arney Crescent are prevented from building to the same height.

37. Sixth - what the writer unfortunately sees by the proposed changes, is arbitrariness. It is like the council has gone around saying you can build to 3 stories, you cannot, you can, you cannot etc… Any law that is arbitrary is inherently unfair.

38. Seventh and finally, the writer has become aware of very negative feedback as regards the way the present heritage and special character overlay works, namely that architects have advised people not to do renovations on such designated properties because it is expensive, time consuming and a very lengthy process to get the necessary consents from the Council, yet one can do the same type of renovations/development in non-such designated areas. This means this overlay simply acts like a ball and chain around the neck of property owners in special character areas, to no effect. This is unfair and not efficient.

39. For the above reasons, the writer respectfully asks that: -
    a. the SCO be removed from 37 Arney Cres, so that the MDRS apply to it, and
    b. 37 Arney Crescent is rezoned Mixed Housing Urban Zone.

Submissions re 56 Arney Road, Remuera

By: Sally Jacobson, owner

Date 28 Sept 2022

1. These submissions relate to 56 Arney Road, Remuera, which has been made subject to a SCO so that the MDRS rules do not apply to it. I am the owner of this property and have been for the last 33 years. I object: -
   a. to a special character overlay (SCO) being defined as a qualifying matter under the RMA and Plan Change 78, and
   b. to 56 Arney Road being given a SCO, and
   c. to the present zoning of 56 Arney Road as Low Density Residential

2. I seek that: -
   a. the SCO be removed from 56 Arney Road, so that the MDRS apply to it, and
   b. 56 Arney Road is rezoned Mixed Housing Urban Zone.

3. I would like to be heard at any future hearing to determine this matter.

4. The Auckland City Council ('Council') has been compulsorily required by central Government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 now incorporated in the Resource Management Act ('RMA') to put into effect the changes stipulated in that amendment and of relevance in these submissions, the Medium Density Residential Standards (MDRS). The Council may only act under the authority delegated to it and also in terms of the RMA and if it does not, it would be acting ultra vires and unlawfully.

5. Application of the MDRS rules to 56 Arney Road, like others, is the default position under the amended RMA. The Council can only modify these MDRS if the need to make something a qualifying matter in terms of S77I(j) RMA can be proved and the proper procedure is followed.

6. By the council's own admission[1], the Government in s77I (a)- (i) of the RMA has not identified 'special character overlay' (SCO) as a qualifying matter but rather the Council is relying on being able to prove that this is a factor which warrants being included as a qualifying matter under subsection S77I(j) RMA.

7. Section 77I(j) states that a qualifying matter includes: -
   "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied."

[1] Ryan Bradley in Webinar 3 Transcript 27/04/2022 "Unfortunately, the government has not included special character as a qualifying matter. So, this is a Council initiated qualifying matter."

8. To satisfy section 77L, the Council must meet the requirements of section 77L which states: -

"Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and

(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

9. My submission is that the council has far from satisfied these requirements. The writer has been able to view no evaluation report that even remotely satisfies the requirements of s32 nor the additional requirements of s77L. The Council has failed to show why the level of development contemplated by the MDRS rules is inappropriate for the specific site at 56 Arney Road.

10. I will set out further reasons for my objections to this SCO being defined as a qualifying matter under s77I and the application of it to 56 Arney Road separately.

Special Character Overlay (SCO)

11. The SCO (i) should not be a qualifying matter and also (ii) if qualifying, not be applied to 56 Arney Road for the following reasons: -

(i) SCO should not be a qualifying matter

12. To rename the present 'Heritage and Special Character Overlay' as 'Special Character Overlay' is simply to defeat the Government's intentions to only protect 'designated or heritage order' properties and then only to the extent of their actual land, as set out in s77I(g) RMA. The Council may only act on power delegated to it and arguably in so acting to defeat Parliament's intentions, the Council is acting ultra vires.

13. It is also clear that in reality 'special character' does not exist on its own without a heritage element. That is proven to be the case by examining the criteria by which the Council has deemed properties to be 'special' and therefore subject to SCO. The council's survey heavily relies on architectural styles and the age of the buildings, that is, heritage. The council's own survey to determine character (entitled "SUMMARY OF

AREA FINDINGS SPECIAL CHARACTER AREAS: RESIDENTIAL" for SC Overlay : Isthmus B and Survey Area Numbers 6 and part 56- (Summary of Area Findings)) comments about the Arney Road area:- "The most prevalent architectural styles in this area are bungalows and English Cottages (1920s-1930s) and there are also examples of villas and transitional villas (1880s-1910s)". It relied on heritage related matters.

14. And the presence of these buildings is in fact true of many many areas, so one wonders how 'special' these aged buildings can be.

15. And others of the criteria the Council used to determine their six point grading and therefore whether properties had 'special character' are equally dubious. One is whether the property relates to the street. A property cannot be 'special' because it relates to the street (or not be because it has trees or hedges in front) because all areas have houses that relate in some way to the street, and many have trees- especially council planted verge trees. Another factor is 'typology', which is, I am informed, how typical of the area the property is. That is a chicken and egg argument. If it is similar to its surrounding, for example non-special buildings, that cannot make it special, or even contribute to such a rating. It cannot be special because it sits on a ridge- this is not an official criteria but it is listed in the description of the area. Many properties sit on ridges. And none of these factors come anywhere near to being of the same degree of national importance as enabling the housing supply to our increasing population.

16. It is also relevant that the Council had its heritage department undertake the surveys to determine 'Special Character'. The Council have simply redefined 'heritage' as 'special character' and this is not available to the Council which only acts under delegated power.

17. It is clear that the items described by the Government as qualifying matters in s77 I(a) to (i), prior to the last 'other' subsection, (j), relate to matters of national importance. s77L(b) reiterates that any matter identified by the Council as a qualifying matter under s77I(j) should similarly be of such national importance so as to outweigh the need to house the country's population. Local matters of minor importance won't cut it.

18. Furthermore, it is flawed to not rate rear properties, ignore them for the purpose of determining whether a so called 'area' meets the 66% 'threshold' for that area being designated 'special character' and then proceed to include them in those areas designated 'special character'. This is unfair and arguably does not satisfy the statutory requirement of a site specific assessment, and one which identifies the 'special character ' of that particular site.

19. In summary, it is clear the process by which the Council determined certain 'areas' were special character was highly flawed, arbitrary, not site specific and therefore

does not satisfy s77(j) nor s32 RMA. The council's actions following therefore were ultra vires.

(ii) 56 Arney Road should not be subject to SCO

20. Firstly, Council's survey undertaken based on its own set criteria to establish whether the Arney/Bassett Road area is to be subject to SCO (refer to the Council's Summary of Area Findings) found the area does **not** meet the criteria for a qualifying matter. It concluded that only 43% of the 256 properties surveyed were rated 5 or 6 which did not meet the required 66% or more before being deemed SCO.

21. Yet the draft proposed map includes the SCO on 56 Arney Road as a qualifying matter.

22. However, the writer was informed by a Council staff member that when these results came back it decided to undertake a second level of survey which broke the area down into 'sub-areas' to which they reapplied the same criteria. Apparently (but no evidence) this netted a different result for the Arney Road/Cres 'sub-area' which is the crescent shape forming off Arney Road and partially straddling Arney Crescent. With respect, this is a false survey, undertaken by the Council's own Heritage department, with the parameters changing (perhaps) depending on a pre- determined outcome in mind.

23. Secondly, if 'sub-areas' are to be the deciding factor, they should be sensibly established, designated by outlooks/mini communities, not by roads alone. Arbitrarily picking and choosing sub-areas using roads as boundaries has resulted in substantial anomalies.

    a. **Crucially, 56 Arney Road should not be included in the Arney Road/Cres 'sub-area'** but rather should be included in the 'sub-area' that is Arney Crescent. 56 Arney Road sits on the corner of Arney Road and Arney Crescent but it cannot be seen from Arney Road as it sits behind large trees and a hedge which mostly obscures it. Its land slopes away downward to the east of Arney Road, so it sits much lower than Arney Road. Further it faces out onto/relates to Arney Crescent, not Arney Road and the side and front of the building on it can be clearly seen only from Arney Crescent.

    b. (Another example of such an anomaly is the fact the left-hand side of Arney Road above the Arney Cres southern intersection is deemed non qualifying but the right-hand side is. How is applying MDRS to the left-hand side going to preserve the 'sub area' of the right-hand side? The absurdity is that several grand old homes down the left-hand side of Arney Road (Numbers 20 and 28 spring to mind) do not have a SCO and yet the bare section at 37 Arney Crescent does?)

24. Thirdly, the MDRS should apply **all the way along Arney Cres, including 37 Arney Crescent and 56 Arney Road**. There is no sensible reason why it should not. At present MDRS inextricably stops at 33 Arney Crescent as does the Mixed House Zoning.

25. Fourthly, it is appropriate to examine more closely the properties that 56 Arney Road does relate to, so as to get a better feel of its true 'area'. The houses which in fact form the 'area' in which 56 Arney Road sits are as follows:-

26. 68 Arney Road/aka 58 Arney Cres

This is a modern home built around 2000 which sits on the Northernmost corner of Arney Road and Arney Crescent. The old villa which originally stood on the site was removed so this could be built. This building has no 'special character' whatsoever. The Council did not designate it with a SCO.

27. 66 Arney Crescent

This was a bungalow which was renovated in the 1990s so as to take on a more modern appearance. As can be seen from the photo above, any bungalow features it had were irradicated at that time and so it can not be said to have an special character. The Council did not designate it with a SCO.

28. 64 Arney Cres

This house sits diagonally across from 56 Arney Road, directly across from 37 Arney Crescent. This house was built sometime before 1989, probably in the 1980s. It sits down away from the road. It has no special character and the Council did not designate it so.

29. 37 Arney Crescent

This is a bare section with no building on it, which sits directly across from the above paragraph pictured 64 Arney Cres (no SCO), but which section has a SCO, I can only say erroneously. There can no possibility that this section has any special character, or contributes to any special character in the area, nor indeed could anything that will inevitably be built on it. (NB. the writer also owns this section and has made separate submissions objecting to its SCO and single dwelling zoning). The section itself in no way relates to Arney Road. It does not 'sit in' or even relate to the semi-circular area the Council has designated is 'special character'. It relates only to and faces out to Arney Crescent.

30. **35 Arney Crescent**

This house was built (it is estimated) in the 1960s. Being in the same Council determined 'area' as 37 Arney Cres (right next door in fact), it too erroneously has a SCO. It is certainly not representative of the houses the Council report has said feature in this area and which give rise, it says (denied), to the area's 'special character'.

Further to justify the existence of the SCOs, the Council have prepared a report outlining the design features of houses throughout the ages – right up to the 1960s. My submission is that this is ridiculous. Every building once built is immediately

'historic' in the sense that it immediately takes on the characteristics of the period in which it is built, even if built last week. That does not make it 'special'. This house at 35 Arney Road is not special and neither does it fall in a 'special' area', including for the same reasons 37 Arney Cres does not- it faces out to Arney Cres and all the houses on the other side of Arney Cres do not have a SCO.

31. 56 Arney Road

This is the property the subject of this submission. It is a villa which sits some distance from the easterly boundary of 37 Arney Cres and is hidden from Arney Road by large trees. The house was built in the 1910s and is not in fact characteristic of the Arney Road area, being a villa, much smaller and simpler and of a style to be commonly found throughout Auckland. The Council has erroneously given this house a SCO. It should be removed and zoned mixed housing suburban the same as (most of) the rest of Arney Crescent.

32. 52A Arney Road

This house abuts the southern boundary of 37 Arney Crescent and is not of any particular age or style but, being a rear property its rating was not even counted under the Council flawed criteria for deciding whether it should have a SCO. It also has an erroneously been given a SCO. This house certainly does not contribute to 37 Arney Crescent sitting in an area of special character.

33. In summary under the writer's fourth point, these are the properties which form part of the 'area' which 56 Arney Road relates to. They are predominantly built in the 1980s to 2000s and none have any special character. Most do not have a SCO presently.

34. Fifthly, what has actually resulted from these proposed changes is that the view of Auckland Harbour presently enjoyed from 37 Arney Crescent (and 56 Arney Road) runs the risk being blocked by 3 storied buildings across the road, whilst 56 Arney Road and 37 Arney Crescent are prevented from building to the same height.

35. The following is a picture showing the harbour views that presently can be seen from 56 Arney Road. (37 Arney Cres would have similar views when built upon). They are not expansive, but they exist and they are very much appreciated and valued and have been for the last 33 years. These would be potentially compromised if the sites across the road are subject to MDRS rules and Mixed Housing Zoning but 56 Arney Road and 37 Arney Cres are not.

36. The house to the south of 56 Arney Road, 54 Arney Road, does not have harbour views, so nothing that could be compromised if 56 Arney Road was rezoned.

37. Sixth - what the writer unfortunately sees by the proposed changes, is arbitrariness. It is like the council has gone around saying you can build to 3 stories, you cannot, you can, you cannot etc… Any law that is arbitrary is inherently unfair.

38. Seventh and finally, the writer has become aware of very negative feedback as regards the way the present heritage and special character overlay works, namely that architects have advised people not to do renovations on such designated properties because it is expensive, time consuming and a very lengthy process to get the necessary consents from the Council, yet one can do the same type of renovations/development in non-such designated areas. This means this overlay simply acts like a ball and chain around the neck of property owners in special character areas, to no effect. This is unfair and not efficient.

39. For the above reasons, the writer respectfully asks that: -
    a. the SCO be removed from 56 Arney Road, so that the MDRS apply to it, and
    b. 56 Arney Road is rezoned Mixed Housing Urban Zone.

Submissions re 37 Arney Crescent, Remuera

By: Sally Jacobson, owner

Date 28 Sept 2022

1. These submissions relate to 37 Arney Crescent, Remuera, which has been made subject to a SCO so that the MDRS rules do not apply to it. I am the owner of this property and have been for the last 33 years. I object: -
   a. to a special character overlay (SCO) being defined as a qualifying matter under the RMA and Plan Change 78, and
   b. to 37 Arney Cres being given a SCO, and
   c. to the present zoning of 37 Arney Crescent as Low Density Residential

2. I seek that: -
   a. the SCO be removed from 37 Arney Cres, so that the MDRS apply to it, and
   b. 37 Arney Crescent is rezoned Mixed Housing Urban Zone.

3. I would like to be heard at any future hearing to determine this matter.

4. The Auckland City Council ('Council') has been compulsorily required by central Government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 now incorporated in the Resource Management Act ('RMA') to put into effect the changes stipulated in that amendment and of relevance in these submissions, the Medium Density Residential Standards (MDRS). The Council may only act under the authority delegated to it and also in terms of the RMA and if it does not, it would be acting ultra vires and unlawfully.

5. Application of the MDRS rules to 37 Arney Cres, like others, is the default position under the amended RMA. The Council can only modify these MDRS if the need to make something a qualifying matter in terms of S77I(j) RMA can be proved and the proper procedure is followed.

6. By the council's own admission[1], the Government in s77I (a)- (i) of the RMA has not identified 'special character overlay' (SCO) as a qualifying matter but rather the Council is relying on being able to prove that this is a factor which warrants being included as a qualifying matter under subsection S77I(j) RMA.

7. Section 77I(j) states that a qualifying matter includes: -
   "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied."

[1] Ryan Bradley in Webinar 3 Transcript 27/04/2022 "Unfortunately, the government has not included special character as a qualifying matter. So, this is a Council initiated qualifying matter."

8. To satisfy section 77L, the Council must meet the requirements of section 77L which states: -

"Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and

(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

9. My submission is that the council has far from satisfied these requirements. The writer has been able to view no evaluation report that even remotely satisfies the requirements of s32 nor the additional requirements of s77L. The Council has failed to show why the level of development contemplated by the MDRS rules is inappropriate for the specific site at 37 Arney Cres.

10. I will set out further reasons for my objections to this SCO being defined as a qualifying matter under s77I and the application of it to 37 Arney Cres separately.

Special Character Overlay (SCO)

11. The SCO (i) should not be a qualifying matter and also (ii) if qualifying, not be applied to 37 Arney Cres for the following reasons: -

(i) SCO should not be a qualifying matter

12. To rename the present 'Heritage and Special Character Overlay' as 'Special Character Overlay' is simply to defeat the Government's intentions to only protect 'designated or heritage order' properties and then only to the extent of their actual land, as set out in s77I(g) RMA. The Council may only act on power delegated to it and arguably in so acting to defeat Parliament's intentions, the Council is acting ultra vires.

13. It is also clear that in reality 'special character' does not exist on its own without a heritage element. That is proven to be the case by examining the criteria by which the Council has deemed properties to be 'special' and therefore subject to SCO. The council's survey heavily relies on architectural styles and the age of the buildings, that is, heritage. The council's own survey to determine character (entitled "SUMMARY OF

AREA FINDINGS SPECIAL CHARACTER AREAS: RESIDENTIAL" for SC Overlay : Isthmus B and Survey Area Numbers 6 and part 56- (Summary of Area Findings)) comments about the Arney Road area:- "The most prevalent architectural styles in this area are bungalows and English Cottages (1920s-1930s) and there are also examples of villas and transitional villas (1880s-1910s)". It relied on heritage.

14. And the presence of these buildings is in fact true of many many areas, so one wonders how 'special' these aged buildings can be.

15. And others of the criteria the Council used to determine their six point grading and therefore whether properties had 'special character' are equally dubious. One is whether the property relates to the street. A property cannot be 'special' because it relates to the street (or not be because it has trees or hedges in front) because all areas have houses that relate in some way to the street, and many have trees- especially council planted verge trees. Another factor is 'typology', which is, I am informed, how typical of the area the property is. That is a chicken and egg argument. If it is similar to its surrounding, for example non-special buildings, that cannot make it special, or even contribute to such a rating. It cannot be special because it sits on a ridge- this is not an official criteria but it is listed in the description of the area. Many properties sit on ridges. And none of these factors come anywhere near to being of the same degree of national importance as enabling the housing supply to our increasing population.

16. It is also relevant that the Council had its heritage department undertake the surveys to determine 'Special Character'. The Council have simply redefined 'heritage' as 'special character' and this is not available to the Council which only acts under delegated power.

17. It is clear that the items described by the Government as qualifying matters in s77 I(a) to (i), prior to the last 'other' subsection, (j), relate to matters of national importance. s77L(b) reiterates that any matter identified by the Council as a qualifying matter under s77I(j) should similarly be of such national importance so as to outweigh the need to house the country's population. Local matters of minor importance won't cut it.

18. Furthermore, it is flawed to not rate leg in or rear properties, ignore them for the purpose of determining whether a so called 'area' meets the 66% 'threshold' for that area being designated 'special' and then proceed to include them in those areas designated 'special character'. This is unfair and arguably does not satisfy the statutory requirement of a site specific assessment, and one which identifies the 'special character ' of that particular site.

19. In summary, it is clear the process by which the Council determined certain 'areas' were special character was highly flawed, arbitrary, not site specific and therefore did

not satisfy s77(j) nor s32 RMA. The council's actions following therefore were ultra vires.

(ii) 37 Arney Cres should not be subject to SCO

20. Firstly, Council's survey undertaken based on its own set criteria to establish whether the Arney/Bassett Road area is to be subject to SCO (refer to the Council's Summary of Area Findings) found the area does **not** meet the criteria for a qualifying matter. It concluded that only 43% of the 256 properties surveyed were rated 5 or 6 which did not meet the required 66% or more before being deemed SCO.

21. Yet the draft proposed map includes the SCO on 37 Arney Crescent as a qualifying matter.

22. However, the writer was informed by a Council staff member that when these results came back it decided to undertake a second level of survey which broke the area down into 'sub-areas' to which they reapplied the same criteria. Apparently (but no evidence) this netted a different result for the Arney Road/Cres 'sub-area' which is the crescent shape forming off Arney Road and partially straddling Arney Crescent. With respect, this is a false survey, undertaken by the Council's own Heritage department, with the parameters changing (perhaps) depending on a pre- determined outcome in mind.

23. Secondly, it is flawed that the Council's criteria dictated that rear sections or unable to be seen properties were not rated and yet their land was included in the Arney Road/Cres 'sub-area' and designated SCO. In this Arney Road/Cres 'sub-area' a large portion of the land is in fact rear sections as can be seen just by eye-balling it in the map in the Council's Summary of Findings. This must have skewed the results and rendered them flawed.

24. Thirdly, if 'sub-areas' are to be the deciding factor, they should be sensibly established, designated by outlooks/mini communities, not by roads alone. Arbitrarily picking and choosing sub-areas using roads as boundaries has resulted in substantial anomalies.

    a. **Crucially, 37 Arney Crescent should not be included in the Arney Road/Cres 'sub-area'** but rather should be included in the 'sub-area' that is Arney Crescent. This is because this property, which is a bare section, faces out onto/relates to Arney Crescent, not Arney Road. Its only road frontage is onto Arney Crescent. It is not a rear or unable to be seen site. It can be clearly seen from Arney Crescent, as there is nothing but a fence between it. Yet 37 Arney Cres was not even rated. This is a major error in the application of the Council's own criteria even.

    b. (Another example of such an anomaly is the fact the left-hand side of Arney Road above the Arney Cres southern intersection is deemed non qualifying but the right-hand side is. How is applying MDRS to the left-hand side going to preserve the 'sub area' of the right-hand side? The absurdity is that several grand old homes down

the left-hand side of Arney Road (Numbers 20 and 28 spring to mind) do not have a SCO and yet the bare section at 37 Arney Crescent does?)

25. Fourthly, the MDRS should apply **all the way along Arney Cres, including 37 Arney Crescent and 56 Arney Road**. There is no sensible reason why it should not. At present it inextricably stops at 33 Arney Crescent as does the Mixed Housing Suburban zoming.

26. As 37 Arney Cres is a bare section with no building on it, there can be no possibility that the section itself has any special character. If the Council say it sits in an area of 'special character' I can only say that they have erroneously defined the area that this bare section sits in. The section itself in no way relates to Arney Road. It does not 'sit in' or even relate to the semi-circular area the Council has designated is 'special character'.

27. The section cannot be viewed from Arney Road. The land slopes away downward to the East of Arney Road, so it sits much lower than Arney Road. The section opens out on its North side to Arney Crescent and can only be said to relate to and be part of the 'area' that is Arney Crescent, which does not have a special character overlay.

28. It is appropriate to examine more closely the properties that surround the bare section at 37 Arney Cres, so as to get a better feel of its true 'area'. The houses which in fact form the 'area' in which 37 Arney Cres sits are as follows:-

29. 68 Arney Road/aka 58 Arney Cres

This is a modern home built around 2000. The old villa which originally stood on the site was removed so this could be built. This building has no 'special character' whatsoever. The Council did not designate it with a SCO.

30. 66 Arney Crescent

This was a bungalow which was renovated in the 1990s so as to take on a more modern appearance. As can be seen from the photo above, any bungalow features it had were irradicated at that time and so it can not be said to have an special character. The Council did not designate it with a SCO.

31. 64 Arney Cres

This house sits directly across from the bare section at 37 Arney Crescent. This house was built sometime before 1989, probably in the 1980s. It sits down away from the road. It has no special character and the Council did not designate it so.

32. **35 Arney Crescent**

This house was built (it is estimated) in the 1960s. Being in the same 'area' as 37 Arney Cres (right next door in fact), it too erroneously has a SCO. It is certainly not representative of the houses the Council report has said feature in this area and which give rise, it says (denied), to the area's 'special character'.

Further to justify the existence of the SCOs, the Council have prepared a report outlining the design features of houses throughout the ages – right up to the 1960s. My submission is that this is ridiculous. Every building once built is immediately 'historic' in the sense that it immediately takes on the characteristics of the period in which it is built, even if built last week. That does not make it 'special'. This house at 35 Arney Road is not special and neither does it fall in a 'special' area', including for the same reasons 37 Arney Cres does not- it faces out to Arney Cres and all the houses on the other side of Arney Cres do not have a SCO.

33. 56 Arney Road

This villa sits some distance from the easterly boundary of 37 Arney Cres and is hidden from Arney Road by large trees. The house was built in the 1910s and is not in fact characteristic of the Arney Road area, being a villa, much smaller and simpler and of a style to be found throughout Auckland. The Council has erroneously given this house a SCO. It should be removed (this submitter also owns this property and has made separate submissions seeking the removal of the SCO from this property).

34. 52A Arney Road

This house abuts the southern boundary of 37 Arney Crescent and is not of any particular age or style but, being a rear property its rating was not even counted under

the Council flawed criteria for deciding whether it should have a SCO. It also has an erroneously been given a SCO. This house certainly does not contribute to 37 Arney Crescent sitting in an area of special character.

35. In summary under point 4, the properties which surround 37 Arney Crescent are predominantly built in the 1980s to 2000s and none have any special character. Most do not have a SCO presently.

36. Fifthly, what has actually resulted from these proposed changes is that the view of Auckland Harbour presently enjoyed from 37 Arney Crescent (and 56 Arney Road) runs the risk being blocked by 3 storied buildings across the road, whilst 56 Arney Road and 37 Arney Crescent are prevented from building to the same height.

37. Sixth - what the writer unfortunately sees by the proposed changes, is arbitrariness. It is like the council has gone around saying you can build to 3 stories, you cannot, you can, you cannot etc… Any law that is arbitrary is inherently unfair.

38. Seventh and finally, the writer has become aware of very negative feedback as regards the way the present heritage and special character overlay works, namely that architects have advised people not to do renovations on such designated properties because it is expensive, time consuming and a very lengthy process to get the necessary consents from the Council, yet one can do the same type of renovations/development in non-such designated areas. This means this overlay simply acts like a ball and chain around the neck of property owners in special character areas, to no effect. This is unfair and not efficient.

39. For the above reasons, the writer respectfully asks that: -
    a. the SCO be removed from 37 Arney Cres, so that the MDRS apply to it, and
    b. 37 Arney Crescent is rezoned Mixed Housing Urban Zone.

Submissions re 56 Arney Road, Remuera

By: Sally Jacobson, owner

Date 28 Sept 2022

1. These submissions relate to 56 Arney Road, Remuera, which has been made subject to a SCO so that the MDRS rules do not apply to it. I am the owner of this property and have been for the last 33 years. I object: -
   a. to a special character overlay (SCO) being defined as a qualifying matter under the RMA and Plan Change 78, and
   b. to 56 Arney Road being given a SCO, and
   c. to the present zoning of 56 Arney Road as Low Density Residential

2. I seek that: -
   a. the SCO be removed from 56 Arney Road, so that the MDRS apply to it, and
   b. 56 Arney Road is rezoned Mixed Housing Urban Zone.

3. I would like to be heard at any future hearing to determine this matter.

4. The Auckland City Council ('Council') has been compulsorily required by central Government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 now incorporated in the Resource Management Act ('RMA') to put into effect the changes stipulated in that amendment and of relevance in these submissions, the Medium Density Residential Standards (MDRS). The Council may only act under the authority delegated to it and also in terms of the RMA and if it does not, it would be acting ultra vires and unlawfully.

5. Application of the MDRS rules to 56 Arney Road, like others, is the default position under the amended RMA. The Council can only modify these MDRS if the need to make something a qualifying matter in terms of S77I(j) RMA can be proved and the proper procedure is followed.

6. By the council's own admission[1], the Government in s77I (a)- (i) of the RMA has not identified 'special character overlay' (SCO) as a qualifying matter but rather the Council is relying on being able to prove that this is a factor which warrants being included as a qualifying matter under subsection S77I(j) RMA.

7. Section 77I(j) states that a qualifying matter includes: -
   "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied."

[1] Ryan Bradley in Webinar 3 Transcript 27/04/2022 "Unfortunately, the government has not included special character as a qualifying matter. So, this is a Council initiated qualifying matter."

8. To satisfy section 77L, the Council must meet the requirements of section 77L which states: -

"Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and

(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

9. My submission is that the council has far from satisfied these requirements. The writer has been able to view no evaluation report that even remotely satisfies the requirements of s32 nor the additional requirements of s77L. The Council has failed to show why the level of development contemplated by the MDRS rules is inappropriate for the specific site at 56 Arney Road.

10. I will set out further reasons for my objections to this SCO being defined as a qualifying matter under s77I and the application of it to 56 Arney Road separately.

Special Character Overlay (SCO)

11. The SCO (i) should not be a qualifying matter and also (ii) if qualifying, not be applied to 56 Arney Road for the following reasons: -

(i) SCO should not be a qualifying matter

12. To rename the present 'Heritage and Special Character Overlay' as 'Special Character Overlay' is simply to defeat the Government's intentions to only protect 'designated or heritage order' properties and then only to the extent of their actual land, as set out in s77I(g) RMA. The Council may only act on power delegated to it and arguably in so acting to defeat Parliament's intentions, the Council is acting ultra vires.

13. It is also clear that in reality 'special character' does not exist on its own without a heritage element. That is proven to be the case by examining the criteria by which the Council has deemed properties to be 'special' and therefore subject to SCO. The council's survey heavily relies on architectural styles and the age of the buildings, that is, heritage. The council's own survey to determine character (entitled "SUMMARY OF

AREA FINDINGS SPECIAL CHARACTER AREAS: RESIDENTIAL" for SC Overlay : Isthmus B and Survey Area Numbers 6 and part 56- (Summary of Area Findings)) comments about the Arney Road area:- "The most prevalent architectural styles in this area are bungalows and English Cottages (1920s-1930s) and there are also examples of villas and transitional villas (1880s-1910s)". It relied on heritage related matters.

14. And the presence of these buildings is in fact true of many many areas, so one wonders how 'special' these aged buildings can be.

15. And others of the criteria the Council used to determine their six point grading and therefore whether properties had 'special character' are equally dubious. One is whether the property relates to the street. A property cannot be 'special' because it relates to the street (or not be because it has trees or hedges in front) because all areas have houses that relate in some way to the street, and many have trees- especially council planted verge trees. Another factor is 'typology', which is, I am informed, how typical of the area the property is. That is a chicken and egg argument. If it is similar to its surrounding, for example non-special buildings, that cannot make it special, or even contribute to such a rating. It cannot be special because it sits on a ridge- this is not an official criteria but it is listed in the description of the area. Many properties sit on ridges. And none of these factors come anywhere near to being of the same degree of national importance as enabling the housing supply to our increasing population.

16. It is also relevant that the Council had its heritage department undertake the surveys to determine 'Special Character'. The Council have simply redefined 'heritage' as 'special character' and this is not available to the Council which only acts under delegated power.

17. It is clear that the items described by the Government as qualifying matters in s77 I(a) to (i), prior to the last 'other' subsection, (j), relate to matters of national importance. s77L(b) reiterates that any matter identified by the Council as a qualifying matter under s77I(j) should similarly be of such national importance so as to outweigh the need to house the country's population. Local matters of minor importance won't cut it.

18. Furthermore, it is flawed to not rate rear properties, ignore them for the purpose of determining whether a so called 'area' meets the 66% 'threshold' for that area being designated 'special character' and then proceed to include them in those areas designated 'special character'. This is unfair and arguably does not satisfy the statutory requirement of a site specific assessment, and one which identifies the 'special character ' of that particular site.

19. In summary, it is clear the process by which the Council determined certain 'areas' were special character was highly flawed, arbitrary, not site specific and therefore

does not satisfy s77(j) nor s32 RMA. The council's actions following therefore were ultra vires.

(ii) 56 Arney Road should not be subject to SCO

20. Firstly, Council's survey undertaken based on its own set criteria to establish whether the Arney/Bassett Road area is to be subject to SCO (refer to the Council's Summary of Area Findings) found the area does **not** meet the criteria for a qualifying matter. It concluded that only 43% of the 256 properties surveyed were rated 5 or 6 which did not meet the required 66% or more before being deemed SCO.

21. Yet the draft proposed map includes the SCO on 56 Arney Road as a qualifying matter.

22. However, the writer was informed by a Council staff member that when these results came back it decided to undertake a second level of survey which broke the area down into 'sub-areas' to which they reapplied the same criteria. Apparently (but no evidence) this netted a different result for the Arney Road/Cres 'sub-area' which is the crescent shape forming off Arney Road and partially straddling Arney Crescent. With respect, this is a false survey, undertaken by the Council's own Heritage department, with the parameters changing (perhaps) depending on a pre- determined outcome in mind.

23. Secondly, if 'sub-areas' are to be the deciding factor, they should be sensibly established, designated by outlooks/mini communities, not by roads alone. Arbitrarily picking and choosing sub-areas using roads as boundaries has resulted in substantial anomalies.

    a. **Crucially, 56 Arney Road should not be included in the Arney Road/Cres 'sub-area'** but rather should be included in the 'sub-area' that is Arney Crescent. 56 Arney Road sits on the corner of Arney Road and Arney Crescent but it cannot be seen from Arney Road as it sits behind large trees and a hedge which mostly obscures it. Its land slopes away downward to the east of Arney Road, so it sits much lower than Arney Road. Further it faces out onto/relates to Arney Crescent, not Arney Road and the side and front of the building on it can be clearly seen only from Arney Crescent.

    b. (Another example of such an anomaly is the fact the left-hand side of Arney Road above the Arney Cres southern intersection is deemed non qualifying but the right-hand side is. How is applying MDRS to the left-hand side going to preserve the 'sub area' of the right-hand side? The absurdity is that several grand old homes down the left-hand side of Arney Road (Numbers 20 and 28 spring to mind) do not have a SCO and yet the bare section at 37 Arney Crescent does?)

24. Thirdly, the MDRS should apply **all the way along Arney Cres, including 37 Arney Crescent and 56 Arney Road**. There is no sensible reason why it should not. At present MDRS inextricably stops at 33 Arney Crescent as does the Mixed House Zoning.

25. Fourthly, it is appropriate to examine more closely the properties that 56 Arney Road does relate to, so as to get a better feel of its true 'area'. The houses which in fact form the 'area' in which 56 Arney Road sits are as follows:-

26. 68 Arney Road/aka 58 Arney Cres

This is a modern home built around 2000 which sits on the Northernmost corner of Arney Road and Arney Crescent. The old villa which originally stood on the site was removed so this could be built. This building has no 'special character' whatsoever. The Council did not designate it with a SCO.

27. 66 Arney Crescent

This was a bungalow which was renovated in the 1990s so as to take on a more modern appearance. As can be seen from the photo above, any bungalow features it had were irradicated at that time and so it can not be said to have an special character. The Council did not designate it with a SCO.

28. 64 Arney Cres

This house sits diagonally across from 56 Arney Road, directly across from 37 Arney Crescent. This house was built sometime before 1989, probably in the 1980s. It sits down away from the road. It has no special character and the Council did not designate it so.

29. 37 Arney Crescent

This is a bare section with no building on it, which sits directly across from the above paragraph pictured 64 Arney Cres (no SCO), but which section has a SCO, I can only say erroneously. There can no possibility that this section has any special character, or contributes to any special character in the area, nor indeed could anything that will inevitably be built on it. (NB. the writer also owns this section and has made separate submissions objecting to its SCO and single dwelling zoning). The section itself in no way relates to Arney Road. It does not 'sit in' or even relate to the semi-circular area the Council has designated is 'special character'. It relates only to and faces out to Arney Crescent.

30. **35 Arney Crescent**

This house was built (it is estimated) in the 1960s. Being in the same Council determined 'area' as 37 Arney Cres (right next door in fact), it too erroneously has a SCO. It is certainly not representative of the houses the Council report has said feature in this area and which give rise, it says (denied), to the area's 'special character'.

Further to justify the existence of the SCOs, the Council have prepared a report outlining the design features of houses throughout the ages – right up to the 1960s. My submission is that this is ridiculous. Every building once built is immediately

'historic' in the sense that it immediately takes on the characteristics of the period in which it is built, even if built last week. That does not make it 'special'. This house at 35 Arney Road is not special and neither does it fall in a 'special' area', including for the same reasons 37 Arney Cres does not- it faces out to Arney Cres and all the houses on the other side of Arney Cres do not have a SCO.

31. 56 Arney Road

This is the property the subject of this submission. It is a villa which sits some distance from the easterly boundary of 37 Arney Cres and is hidden from Arney Road by large trees. The house was built in the 1910s and is not in fact characteristic of the Arney Road area, being a villa, much smaller and simpler and of a style to be commonly found throughout Auckland. The Council has erroneously given this house a SCO. It should be removed and zoned mixed housing suburban the same as (most of) the rest of Arney Crescent.

32. 52A Arney Road

This house abuts the southern boundary of 37 Arney Crescent and is not of any particular age or style but, being a rear property its rating was not even counted under the Council flawed criteria for deciding whether it should have a SCO. It also has an erroneously been given a SCO. This house certainly does not contribute to 37 Arney Crescent sitting in an area of special character.

33. In summary under the writer's fourth point, these are the properties which form part of the 'area' which 56 Arney Road relates to. They are predominantly built in the 1980s to 2000s and none have any special character. Most do not have a SCO presently.

34. Fifthly, what has actually resulted from these proposed changes is that the view of Auckland Harbour presently enjoyed from 37 Arney Crescent (and 56 Arney Road) runs the risk being blocked by 3 storied buildings across the road, whilst 56 Arney Road and 37 Arney Crescent are prevented from building to the same height.

35. The following is a picture showing the harbour views that presently can be seen from 56 Arney Road. (37 Arney Cres would have similar views when built upon). They are not expansive, but they exist and they are very much appreciated and valued and have been for the last 33 years. These would be potentially compromised if the sites across the road are subject to MDRS rules and Mixed Housing Zoning but 56 Arney Road and 37 Arney Cres are not.

36. The house to the south of 56 Arney Road, 54 Arney Road, does not have harbour views, so nothing that could be compromised if 56 Arney Road was rezoned.

37. Sixth - what the writer unfortunately sees by the proposed changes, is arbitrariness. It is like the council has gone around saying you can build to 3 stories, you cannot, you can, you cannot etc… Any law that is arbitrary is inherently unfair.

38. Seventh and finally, the writer has become aware of very negative feedback as regards the way the present heritage and special character overlay works, namely that architects have advised people not to do renovations on such designated properties because it is expensive, time consuming and a very lengthy process to get the necessary consents from the Council, yet one can do the same type of renovations/development in non-such designated areas. This means this overlay simply acts like a ball and chain around the neck of property owners in special character areas, to no effect. This is unfair and not efficient.

39. For the above reasons, the writer respectfully asks that: -
    a. the SCO be removed from 56 Arney Road, so that the MDRS apply to it, and
    b. 56 Arney Road is rezoned Mixed Housing Urban Zone.

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

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

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Stephen Roger Goodman

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

Address for service of Submitter

40 Glanville Terrace, Parnell, Auckland 1052

Telephone: 21599549 Fax/Email: 093097498 / stephen@goodman.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Intensification as applied to the eastern part of Parnell

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

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

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

See atached

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☒

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Signature of Submitter
(or person authorised to sign on behalf of submitter)

25 September 2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

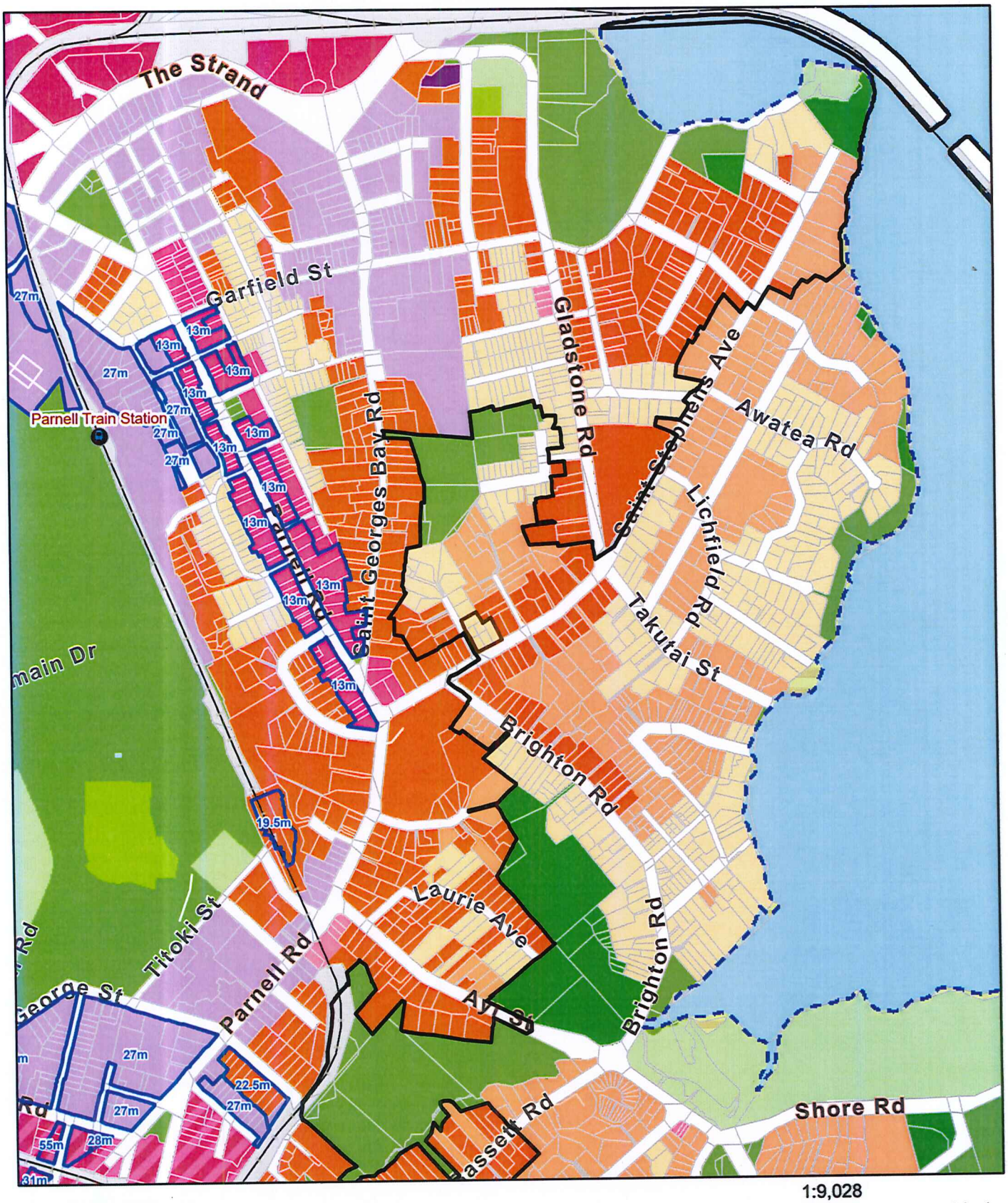
If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Parnell



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RTN Stops

Walkable Catchment

Policy 3d - Rezoning around Centre zones

Height Variation Control

Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Plans and Places, Chief Planning Office

Stephen Goodman

40 Glanville Terrace Parnell Auckland 1052 New Zealand
Telephone: +64-9-309 7426 Facsimile: +64-9-309 7498 Mobile: +64-21-599 549 E-mail: stephen@goodman.co.nz

Submission on notified proposal for plan change.

PCV 78 – Intensification

1. **Introduction:**
   a. I wish to make the following submission opposing the imposition of PC 78 as it affects the suburb of Parnell.
   b. In addition to this written submission, I wish to speak in support of it.

2. **Background**
   a. Parnell was the first suburb created in Auckland and New Zealand. It was laid out in September 1841 just a year after Auckland was established.
   b. Parnell existed as a separate borough council until 1913 when it was, I believe, the first of the surrounding bodies to merge with Auckland City.
   c. Parnell developed its own character defined in part due to the geography:
      i. Waipapa stream to the west.
      ii. The ridge of Parnell Road.
      iii. The St Georges Bay Road valley.
      iv. St Stephen Avenue ridge.
      v. Hobson Bay to the East.
      vi. Harbour edge to the North.
   d. Significant and historic Church and related activity influence:
      i. St Mary's on the North (Domain) side of Parnell Road.
      ii. St Stephens Chapel on Point Resolution.
      iii. Church of England facilities such as; Neligan House, Deanery, Selwyn Library and the Bishop's residence
      iv. Knox Presbyterian Church, Birdwood Crescent.
      v. St John the Baptist Catholic Church, Parnell Road.
      vi. St Barnabas Church, later relocated to Mount Eden.
   e. Public Transport corridors also had a great impact:
      i. Rail in the valley to the east and central station on the North Eastern boundary.
      ii. Trams down Parnell Road and later buses which also served St Stephens Avenue and Gladstone Road.
      iii. Harbour access to the north and then Tamaki Drive.
   f. Commercial development was varied:
      i. Shipping near the water's edge.
      ii. Ship building at the bottom of Parnell Rise.
      iii. Warehouses on The Strand, Stanley Street and lower St Georges Bay Road.
      iv. Rope works in Waipapa Valley.
      v. Freight such as JJ Craig in lower St Georges Bay Road.
      vi. Full range of retail shops, hotels and bars to support the population.
      vii. Picture theatre, Parnell Road.
      viii. Blind foundation, Upper Parnell Road.
      ix. Church of England school Ayr Street.
      x. Parnell Primary School in Fraser Park then Gladstone Road.
      xi. Queen Victoria School in Glanville Terrace.

g. Initial residential development was extremely varied:
   i. Worker's cottages in the valleys.
   ii. Dilworth Terrace houses on the northern cliff edge.
   iii. Stone Houses such a Kinder House, Head Masters Residence for the Church of England School.
   iv. Hulme Cottage, used for a short-time after 1840 for Parliamentary sessions.
   v. Larger homes on the northern and eastern slopes.
   vi. Senior Judges in Judges Bay.
   vii. *John Logan Campbell's "Kirkbride*" sited north of the current Rose Gardens.

3. Current housing status

a. Redevelopment on the west side of Parnell Road and the northern end has generally been higher intensity houses and apartment blocks.
b. On the Eastern side of Parnell is an eclectic mix:
   i. Older houses (generally renovated most retaining the original character though modernised and enlarged.)
   ii. Heritage listed buildings.
   iii. Some apartment blocks.
   iv. New Houses (some of which have character period design and others unashamedly modern.)
c. Auckland Council's "special character area" designation, as it is now, is difficult to apply to Parnell housing as it requires 75% of the properties in the area to be similar. For Parnell it is variety that gives it its "special character" with its stylish mixture of ages and architecture, old and new adjacent to each other, classic designs of today opposite a renovated worker's cottage. Parnell should be classified as such.

4. Discussion – Plan Change 78

a. Walkable Catchment area is set at 1,200m from train stations and metro centres to be appropriate for Medium Density development. Due to Parnell's ridges and valleys plus the indirect walking routes I would consider the pedestrian catchment for the railway station to be closer to 400-600m from a station.
b. Much of the residential area to the west of Parnell Road has already been converted to apartments. Apartments are regarded as the best proposition for the expensive land.
c. The price of land in Parnell is high and unlikely to decrease significantly in the near future. A developer would only aim at the upper end of the market and not address the fundamental issues of supply and demand. Bringing in the Plan Change in Parnell would likely create a number of high-rise/low density apartments.
d. Applying the new high intensity planning rules to such a large portion of Parnell would destroy the amenity value created by the different styles age period that currently exists as a result of the varied housing which currently gives Parnell its "special character". The new will be more monochrome and likely to be all of this current age and style.
e. The story of Parnell as we know it will end and its history destroyed.

5. Recommendation

My submission would be satisfied by:

a. Excluding Parnell from the provisions of PC 78. 1392.1
b. Leaving current zoning for the area to the west of Parnell Road. 1392.2
c. Leaving current zoning for the area to the north cliff of Parnell. 1392.3
d. Declaring the rest of Parnell as "special character area". 1392.4 1392.5

George Bramer

From: Pam Wyse <msjresidents@gmail.com>
Sent: Wednesday, 28 September 2022 5:45 pm
To: Unitary Plan
Subject: Proposed Plan Change 78 - Intensification
Attachments: pc-78-form-5-Mt St John Res Gp Inc.pdf; Mount St John Res Group Inc sub Sept 2022.pdf; Salmond Reed report re Mt St John.pdf

Dear Sirs

I write on behalf of the Mount St John Residents Group Incorporated and attach the following for your consideration:

1. Form 5
2. Our submission
3. A supporting document from Salmond Reed Architects.

Regards
Pam Wyse
Secretary
Mount St John Residents Group Inc

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mrs Pamela Wyse

Organisation Name (if submission is made on behalf of Organisation)

Mount St John Residents Group Incorporated

Address for service of Submitter

2 Belvedere Street, Epsom, Auckland 1051

Telephone: 274927456 Fax/Email: msjresidents@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): 79-83

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

See attached submission and additional document (2 documents attached)

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Amendments as outlined in attached submission.

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☐

Pamela Wyse
Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/28/2022
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.

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I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Mount St John Residents Group Incorporated

27 September 2022

Registered Office: C/- 2 Belvedere Street, Epsom, Auckland 1051
msjresidents@gmail.com

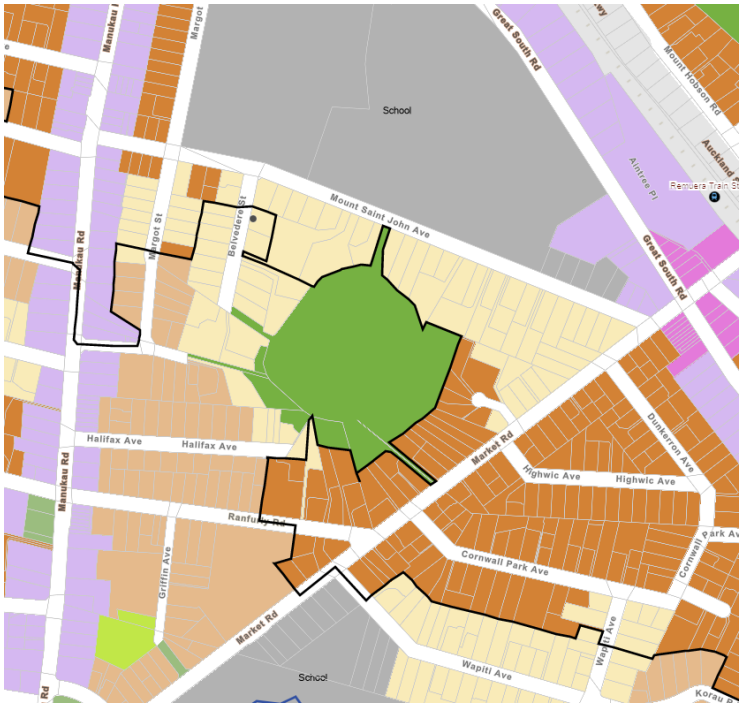
Chair: Mr Aaron Beer
Secretary: Mrs Pamela Wyse, 027 492 7456

This submission sets out the **Mt St John Resident's Group Inc**. response to proposed Plan Change 78 – Intensification; and to proposed plan changes 79-83.

Those plan changes in turn are a response to the National Policy Statement on Urban Development 2020 and the Medium Density Residential Standards.

Our chief concerns centre around the Mount St John Titi Kōpuke (Epsom) area, and the intensification and changes in that area (see below illustration – which illustrates our area of focus).

Plan Changes Proposed for the Mount St John Area (snipped from the actual maps).



About the Mount St John Residents Group Inc:

Our group was formed in 1999 (prior to the establishment of the Tūpuna Maunga Authority) specifically to protect Titi Kōpuke (Mount St John) and its environs from development, so that the views to the puke (maunga) might be maintained unobstructed, clear and local; and this important taonga for mana whenua might be conserved with cultural importance intact. We have consistently and repeatedly defended the puke and sacrificed the opportunity of subdivision (which would have brought with it increased land price) in order to conserve this maunga, one of the smallest in Auckland's continuous volcanic field.

1. Prohibition of Intensification under proposed plan changes: 1395.1

1.1 We support the Council's current response to protecting the maunga (Mount St John Titi Kōpuke) by prohibiting intensification along Mount St John Avenue, Belvedere Street, the end of Warborough Avenue, some of Margot Street and at the end of Halifax Avenue (as shown in the figure above as light yellow). We support Council's recognition of those areas as special character. 1395.2

2. Supporting Tūpuna Maunga as a Qualifying Matter

2.1 We support Auckland Council's position that the Tupuna Maunga are a qualifying matter under the National Policy Statement on Urban Development and under Section 6 of the Resource Management Act (1991), and therefore that Auckland's volcanic field must be protected. 1395.3

3. Protection of Auckland's Volcanic Field Needed within this Plan Change

3.1 Tamaki Makaurau's volcanic field is of international, national and regional significance. They are taonga to the mana whenua of the area, and as such demand every effort of preservation and conservation. They should not be obliterated by intensification. Culturally, the maunga are revered by mana whenua both collectively and individually.

3.2 To Aucklanders and New Zealanders, the volcanoes are iconic. They have been placed on UNESCO's tentative list of world Heritage sites. They are outstanding natural features of Auckland's landscape because of their number and juxtaposition within the urban environment. The Auckland Regional Policy Statement (and other documents and policies) recognised this for decades. Through these statements, policies and other documents, Council after Council and Governments recognised that the importance of Mount St John Titi Kōpuke is not just individual nor local; it is regional, national and must be seen in the context of all other volcanoes in Auckland's volcanic field – as they are seen by mana whenua.

3.3 Auckland's volcanoes are also unique geologically. In his 1976 report on the volcanoes of Auckland, Roy Turner said that they are geologically unique "*firstly because of the very large number of individual cones set in so small an area, and secondly for the small size of the individual cones….The isthmus of Auckland is one of the most remarkable volcanic districts on earth*."

3.4 Therefore Auckland Council **must continue to apply building height restrictions all around the maunga via the overlays to be found in the Auckland Unitary Plan. Put simply: Auckland Council must continue to apply the Volcanic Viewshafts and Height Sensitive Areas Overlay to this area, right around Mount St John Titi Kōpuke.** 1395.4

3.5 Auckland Council must also **continue to ensure that the outstanding natural features and landscapes represented by the maunga, including Mount St John Titi Kōpuke, are protected from subdivision, use and development**. 1395.5

3.6 Because of the importance of the maunga to mana whenua, the importance to Aucklanders, the importance of the geological field, and the importance of the field individually and collectively internationally, **Auckland Council should also include more**

properties that abut Mount St John Titi Kōpuke and surround it, in its prohibition of intensification in a ring around the puke, including all those suggested by Salmond Reed architects in their latest, revised submission (see below 4.6 and 4.7). 1395.6

4. Character Housing – Qualifying Matter and Overlay

4.1 We support the Council's position that housing character is a qualifying matter under the National Policy Statement on Urban Development. 1395.7

4.2 We strongly support the special character overlay on Mount St John Avenue, Belvedere Street, parts of Halifax Avenue (end closest to mountain); and parts of Warborough Avenue (end closest to the maunga). These are all the areas that are currently on the plan change proposal (seen above/on the maps in light yellow)

4.3 Character housing has historically helped protect the maunga of Auckland from visual obliteration, <u>especially</u> Mount St John because of the puke's low height. Character housing is typically lower in height, tends to mimic the form of the maunga, and is lesser in scale and mass. All of those attributes of character housing help preserve the visual character, form and cultural value of Titi Kōpuke.

4.4 In our original submission during the pre-submission period, we argued that Council had used an assessment tool for housing 'character and quality' and applied it in a manner that had yielded inconsistent results and is mathematically capricious. We proposed that the application of special character areas should be to the current B1 & C2a zoning in its entirety. We demonstrated the capricious application of the zoning in the original Council proposal, and how it could better be accurately applied to the entire ring around Mount St John (the B1 & C2a zoning) using the Council's own methodologies and calculations.

4.5 Salmond Reed Architects supported our concerns, and (on our commission) Salmond Reed provided a submission sent to Council on our behalf which showed that if some areas of Market Road and Margot Street were included, Council's scoring for that would still be 86% - and easily meet the threshold proposed by Council for preservation of character housing.

4.6 Salmond Reed have now revised their submission regarding Mt St John, and we attach it. **It extends the area covered by Special Character considerably around the maunga and advocates that some of Market Road, all of Mount St John Avenue and some of Margot Street are included. Jeremy Salmond shows that the new, recommended area (Option 1 in his re-submission) satisfies the Council policy of 75%, and in fact scores 76%.** 1395.8

4.7 We attach the new Salmond Reed submission.

5.0 Pepper-Potting or Inconsistencies in Zoning

5.1 We note with concern the Council's current proposed zoning on the proposed plan includes some pepper-potting of individual or small groups of properties zoned for intensification in Margot Street and at the Manukau Road end of Mount St John Avenue.

5.2 Rational zoning and consistency of zoning are fundamental principles of good urban planning. These principles seem to have been abandoned with the decision not to zone contiguous properties the same. Inconsistency of zoning leads to inconsistency of decision making. **We urge Council to revise its view and bring the 'inconsistent outliers' back into a consistent zoning framework, with the same zoning as their neighbours currently have on this proposed plan (refer figure below).**

1395.9

Inconsistent outliers (snipped from the actual maps).

Margot Ave – Mt St John Ave – Market Rd

Jeremy Salmond has assessed SCAs using google streetview and in some cases area visits.

For this area Council tables from the Findings Report have been used and are summarised on the following page.

While the 3 areas are Isthmus A, B and C, with respect to special character they can be analysed as a group. A sub-area has been identified which satisfies the 5s6s-75% criterion using Council scores.

JS has re-assessed several properties and overall the new scores provide a stronger indication of Special Character. Only one up-score elevates a property (85 Market Road) to the 5s6s group, but the SCA recommended is not dependent on this. JS supports the identification and retention of a larger SCA here.

The preferred SCA is as shown as Option 1. It is achieved using Council 5s6s scores.

A brief report from Jeremy for each SCA will be available when he is back at work. In the meantime this work has been produced using his input and assessments and is being forwarded now given timeframes available.

JS Map and scores (wip)

JS has re-scored one property from the lower group into the 5s6s group, 85 Market Road.

Other re-assessments have strengthened the SCA but not change individual property scores

Calculations (using Finding Report tables)

Using the sub-area identified on the following map, 76% is achieved using Council scores. This is a 'good pass' noting that part of the area is outside the walkable catchments.
(Note: one of the removed properties could be added back and the level would still be above 75%).

Re-scoring of 85 Market Road from 4 to 5 increases the result to 77% but does not change the recommended area.
(Note: although it does allow another removed property to be added back).

Council Score	Margot	Mt St John	Market	Total	
6	12	16	6	34	
5	5	16	7	28	
4	3	10	2	15	
3	7	5	2	14	
2	2	3	0	5	
1	0	0	0	0	
0	0	0	0	0	
A = R/V	3	18	7	28	
B = No. of Properties	32	68	24	124	
C = 5s and 6s	17	32	13	62	
D = Scored properties	29	50	17	96	
5s6s %age	**59%**	**64%**	**76%**	**65%**	Using Council 5s6s
Identify sub-area with fewer properties					
E = removed scored properties	6	7	1	14	See map
F = D -E New denominator	23	43	16	82	
New 5s6s %age	74%	74%	81%	**76%**	Using Council 5s6s
JS re-scores which elevated properties into the 5s6s group					
G = JS Re-scores in 5s6s	0	0	1	1	
H = C + G New 5s6s	17	32	14	63	
New 5s6s %age	74%	74%	88%	**77%**	Using 1 JS re-score

Note
The 74% results for Margot and Mt St John on their own do not apply given that the three areas are taken collectively, but the (unnecessary) removal of one more property from these areas would change the score to above 75%.

PC 78 Sub #1395

Recommended sub-area

The recommended sub-area shown satisfies the 5s6s-75% Council policy. It scores 76%.
Adding the JS re-score for 85 Market Road lifts the result to 77%.

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Adam Muncey
Attachments: Adam Muncey and Family Submission Plan Change 78 Sep 2022.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Adam Muncey

Organisation name:

Agent's full name:

Email address: adammuncey@hotmail.com

Contact phone number: 0221392420

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:
Qualifying matters

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:
Believe additions to qualifying matters are required to effectively/efficiently meet objectives of plan change.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: As per PDF

Submission date: 28 September 2022

Supporting documents
Adam Muncey and Family Submission Plan Change 78 Sep 2022.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.

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Adam Muncey - Family Submission on Plan Change 78 28/09/2022

Our submission is summarised by the following general numbered points, with further local (Cockle Bay) specific details and examples indented:

1. **Introduce long term economic costs as a qualifying matter**. A Plan Change can introduce a time bound, location based, intensification plan that meets the objectives of the legislation, whilst also focussing infrastructure investments within predetermined priority areas. 1396.1

   Ad-hoc short-term 'patchwork quilt' upgrades to suit local specific developments can surely not be the best approach to meet the objectives here. If particular areas are desirable for development despite lacking such planned or cost effective infrastructure upgrade options, further emphasis could be placed on the cost being covered by the development.

   a. Wastewater - we live in Cockle Bay with much of the infrastructure dating back decades – the network has to be regularly serviced to avoid dry and wet weather overflows **(including the council main raw sewage overflow in our garden**).

      Dislodged/cracked asbestos cement pipes with tree root intrusion (it's located in a rainforest creek) result in a network at the limit. To upgrade such areas of the network would clearly be at a huge cost in time, money and disruption to the community – these pipes exist in inaccessible areas in steep creeks. Hence a qualifying matter ensuring suitable targeting of infrastructure investment would surely **allow budgets to go further in the right places.**

   b. The 'Stormwater Network' in this area, for example, consists of original soak pits and the local stream leading to the beach – an area which is enjoyed by a growing number of people as the population increases. Development impact on stormwater flow is clearly a challenging area to model, given the disagreement between experts in the provisions required – any change will have impact. Any 'upgrades' to such stream networks would likely result in further damage to the natural environment (piping) and again at a high cost given the challenging terrain and access. Hence a qualifying matter ensuring suitable targeting of infrastructure investment would surely **allow budgets to go further in the right places**. I am sure there would be many examples of similar scenarios across Auckland/NZ and other scenarios where investment can be more wisely applied.

2. Because of the growing incidences of heavy rainfall and flooding, **request stormwater to be included as a qualifying matter**, with a wider area-based risk assessment, based on the 100 year flood scenario. Without this, we believe that an increasing risk of flooding, stream erosion and even difficulties obtaining affordable insurance cover will occur. (Cockle Bay is at particular risk because of dependence on streams, soak pits and aged infrastructure). 1396.2

   a. Our family home has part of the shared 'stormwater network' running though it – in the form of a natural stream. While this is currently in OK shape – children can see eels etc, it is at the mercy of any development upstream - directly impacting us as the discharge flows through our garden through to the beach. Indeed during heavy rains the stream has a high volume of water particularly as the clay surroundings offer little absorption to the large volumes arriving from impermeable areas.

   b. The area is particularly sensitive to flooring – indeed the groundwater level is often very high with **flooding inside the house** up through the ground (hydrostatic

pressure). The heavy clay nature of the area results in damaging ground expansion/contraction during such extreme events.

c. These matters already cause damage and therefore must be carefully considered for any future development. **Considering stormwater as a qualifying matter may reduce occurrence of future damage.**

3. Include immediately all relevant safeguards set out in the New Zealand Coastal Policy statement 2010. (At the moment there are references only to areas of coastal erosion and inundation. The Enabling Act requires the Coastal Policy to be considered. 1396.3

4. Improve transparency and consistency by including more specific specifications on all consent requirements.

   a. If points 1-3 above are considered as qualifying matters, less emphasis can perhaps be placed on precision/specifics of estimates/modelling during consent stages. E.g. if a development is proposed in an area where infrastructure investment is already predetermined, minor errors can perhaps be catered for in the spare upgraded network capacity for e.g. water.

   b. However, if points 1-3 are not qualifying matters for consideration, then I believe **further standardisation/specific methods should be stated against technical calculations for consent, given the high risk inaccuracies can have on a sensitive environments.** 1396.4

   c. For example, I have been involved in proceedings and hearings that have often demonstrated inconsistency, lack of clarity, technical disagreement and errors e.g. water calculations. Indeed calculation errors I have highlighted have been acknowledged. Other examples have included developer driven oversimplified models (e.g. capacity of a 60 year old damaged pipe modelled as a new pipe of matching diameter) leading to a high risk conservative estimates.

      If such conservative estimates are accepted and later proved inadequate, in an area not prioritised for wider infrastructure upgrades, the impact could have a large cost with a challenge to recover from the development given acceptance of calculations at earlier stages. Standardisation, clarity and consistency is surely the key for all involved parties here?

5. Character of areas:

   a. While I understand specific sites are considered for heritage protection, other areas perhaps do not have sufficient character consideration. **What will differentiate one area from another in the future if they mostly have the same planned character of 'mixed housing areas'?** It is surely desirable for different areas to have different character – different attractions and qualities that appeal to different individuals? 1396.5

   b. Character retention of some areas would perhaps result as a 'side effect' if the qualifying matters proposed under points 1-5 above are considered in a rounded fashion – e.g. two birds with one stone.

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 8:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Alison Clarke

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Alison Clarke

Organisation name: Clarke family

Agent's full name: N/A

Email address: a.clarke@ensid.com

Contact phone number: 0274779252

Postal address:
131A Vauxhall Road
Narrow Neck
Devonport 0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special Character Overlay as it relates to Devonport

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:
We have lived in Devonport for 49 years. Like all residents here we treasure the unique character of the suburb - there is nothing like it anywhere else in Auckland, as the many tourists who visit here testify to. Intensive development will destroy this unique place and its heritage value. ONCE IT IS GONE YOU CAN NEVER GET IT BACK! Don't make a short sighted decision in the interests of $$$$ to destroy this national asset. Please!

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Retain the special character overlay over Devonport

1400.1
1400.2

Submission date: 28 September 2022

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.

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George Bramer

From: Unitary Plan
Sent: Thursday, 29 September 2022 12:31 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Angela Joy Goodwin
Attachments: Plan Change 78 Submission.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Angela Joy Goodwin

Organisation name:

Agent's full name:

Email address: angela@potentialis.co.nz

Contact phone number: 021844374

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
• H5.8.1(1), H5.8.1(2), H5.8.2(2). H3.2, H3.3, H5.6.12, H5.6.13, H5.6.19, H6.6.20, H6.6.14, H6.8.2(2), H6.8.3.
• Changes to E36.
• Definition – Canopy Tree
• Qualifying matters: Flood plains, overland flowpaths, designations, volcanic viewshafts.

See attached

Property address:

Map or maps: Qualify matters - spatial layers

Other provisions:
See attached

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:
Please see attached. I do not support nor oppose (there is not option to select this option). However, I seek changes for the reasons set out in the attached document.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: See attached

Submission date: 29 September 2022

Supporting documents
Plan Change 78 Submission.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.

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Angela Goodwin, Potentialis Limited Submission on Plan Change 78 to Auckland Unitary Plan Operative in part 2016.

Introduction
I am a planner with over 18 years experience. I have been the director and principal planner of Potentialis Limited since 2011. I presented evidence during Unitary Plan hearings and since 2016 have prepared or overseen the preparation over 400 consents for residential infill and redevelopment, primarily in South Auckland. During this time I have also researched some issues relevant to infill and intensification, including internal living area size and development in flood plains.

I have a bachelor of planning, master of planning, postgraduate diploma in business and administration, majoring in economics. I am certified to act as an Independent Commissioner. I have previously been employed as a property analyst in the private sector, policy analyst for Central Government and Senior Policy Planner.

My submission relates to the following provisions:
- H5.8.1(1), H5.8.1(2), H5.8.2(2). H3.2, H3.3, H5.6.12, H5.6.13, H5.6.19, H6.6.20, H6.6.14, H6.8.2(2), H6.8.3.
- Changes to E36.
- Definition – Canopy Tree
- Qualifying matters: Flood plains, overland flowpaths, designations, volcanic viewshafts.

I neither support or oppose the provisions but seek changes for the reasons set out below.

For the sake of effectiveness I have grouped my submission and relief sought into the topics below.

Achieving density
The matters of discretion, policies and assessment criteria seek to discourage redevelopment of individual residential lots and so called “sausage flats”. In most parts of South Auckland, redevelopment of existing urban sites is common. These sites were created when Auckland was going through a period of sprawl. The layout of the lots at that time was not undertaken with future terraced house and duplex development in mind. These sites are constrained. They can’t be re-shaped or re-oriented to meet best practice design. We are now seeing more, smaller houses on sites in South Auckland (generally) and this has been correlated to an increase in land values. These houses tend to be less unaffordable than larger houses. On some sites, outcomes achieved are average, they offer an acceptable level of amenity, but it is not high quality. Whilst often these developments do not meet best practice urban design they do have a place, as long as they meet minimum standards.

The houses provide choice to the market and are suitable to meet demand from a segment of the market, particularly those that have comparatively less to spend on housing The rules the plan change tinker around the edges to try and get better outcomes. The intent of this is good but the risk is that in practice it may make this form of development unviable. There needs to be an acknowledgement that due to the constraints, this form for development “is what it is”. The changes risk meaning that to comply with all standards on an average site, only three houses would be viable. This takes into account the need to accommodate a canopy tree and have appropriate clearance from tree roots to foundations/ buildings. On most sites, the reason we see applications for multiple sites is because developing just three houses is not viable. If it is, the houses that are developed have a higher selling point (because they are generally larger) and this moves further away from overall national policy for affordable housing. The changes, particularly objectives and policies for more than 3 houses risk decreasing the opportunity for density in Mixed Housing Zones below what is currently occurring. In turn this risks a city with low density and medium – high density in walkable catchments, with nothing in between.

If this is the outcome sought, then Council need to through Plan Change 78 make this clear. Council also need to then make other forms of density less restrictive. If the redevelopment lever is turned off, greenfield development is not provided for due to high costs and effects, the only other two levers available are requiring a minimum density in walkable catchments or redevelopment of entire urban blocks. Failing to pull on of the latter two levers, if the redevelopment lever is effectively turned off fails to meet National Policy Direction, that is very clearly set.

Relief Sought

1. Change the policy framework to acknowledge that the redevelopment of existing urban sites does have a place, if managed. 1401.1
2. If the provisions are not amended, require a minimum density in walkable catchment and in terraced houses and apartment building zones. 1401.2
3. Provide more incentives for the development of whole urban blocks. Additional policies could be added to encourage this. Policies that are restrictive to this form of development should be amended to clarify they do not apply. This is logical because redevelopment of whole blocks is less constrained and this means better outcomes and best practice urban design can be more easily achieved and in many cases will be achieved by default because the development canvas is larger. 1401.3
4. Provide more alternatives to the canopy tree/ deep soil area standard as set out further below.

Internal living space – assessment criteria

With intensification, internal living area spaces have got smaller. Internal living area size was a topic determined through the Unitary Plan hearings. Provisions regarding minimum internal living space were removed during the hearings process. The reason for this is that the RMA is concerned with external effects, not effects on people within their own residence.

I have undertaken further research on internal living area size and whether there is a need for it to be regulated beyond the Housing Improvement Regulations. Research shows that

- -on average there is 10m2 of living area for each bedroom (e.g. a 3 bedroom houses has on average 30m2 of kitchen/ dining and living space).
- The way that people use houses is often different to the way they are designed. For example, a bedroom may be used to watch media and content, for an office, prayer room or second living area. People will use spaces within a house for a use that gives them the most amenity. For this reason, any attempt to regulate internal living space, should focus on total area of habitable rooms, not the area of the kitchen, dining and living area.
- Currently, some planners attempt to assess internal living area size and some do not. This leads to inconsistent decision making.
- There are cultural preferences for different sized areas within a house.
- Having outdoor living space directly accessed from living areas adds to overall amenity.

The policy refers to “Sufficient space”. The issue with this is that it is very subjective. We have a diverse range of clients and what some consider “sufficient” is different to what others do. The same is true of Council processing officers. The Auckland Design Manual is not a statutory document and shouldn’t be used for the purpose of determining what is sufficient without a public consultation process being undertaken.

Relief sought

1. Remove policy 1401.4
2. If not removed, Change the wording of the policy to refer to total habitable space and remove subjectivity. 1401.5

Deep soil area and climate change response

I support the intent of the plan change to respond to climate change by reducing the impact of heat islands. I support more trees being planted in urban areas. However, I am concerned with

the practicality of the provision and implications for achieving the direction set by national legislation.

- The standard is difficult to interpret.
- The canopy tree requirement is difficult to meet and achieve density – keeping in mind that the whole canopy needs to have clearance from buildings and roots from foundations. If the provisions
- It doesn't encourage native planting.
- Most of all, it does not incentivize other approaches that would assist to better respond to climate change. For example, recessive coloured roofs, light coloured concrete (no asphalt), or green roofs and living buildings.
- A key part of responding to current climate change challenges is increasing biodiversity. As drafted, the provision doesn't do this. There seem to be very few trees that meet the requirements. This doesn't encourage biodiversity.
- Another method is to allow people to pay compensation to allow planting in Council reserves and areas covenanted or planted to achieve carbon credits. The compensation could be set so that it allows multiple trees to be planted. Planting larger areas has greater benefits for carbon sequestration.
- The rule doesn't encourage planting fruit trees. Whilst these trees might not be of a size to mitigate heat island effects, they still have value in increasing biodiversity, and resilience by providing food.

It is recognized that fruit trees, some natives, green roofs, living buildings, and light coloured surfaces may not have the same effect at reducing heat islands, they do have benefit in the overall response to climate change, with the added benefit that they are compatible with density for some sites where the canopy tree requirement makes intensification not viable.

Relief sought

1. Expand the standard to allow other methods to contribute to climate change so designers can choose the most appropriate method for the site. The standard should be reworded, to allow applicants to choose from multiple methods, not just a deep soil area/ canopy tree. | 1401.6 1401.7
2. If the standard is not reworded or revised to incorporate other methods, the list of acceptable trees should be provided, or a tree meeting the stated dimensions. | 1401.8 1401.9
3. If not changed the diagrams need to be clarified. | 1401.10 1401.11

Flood Plains and Overland flowpahts – qualifying matter

The outcome of Unitary Plan hearings was that density should not be restricted if there is a flood plain on site. The reason is that the effects and risk of developing in a flood plain can be mitigated and assessed on a case by case basis. The unitary Plan requires consideration of risk to occupants and displacement of floodwaters. In almost all the consents we have applied for where there have been flood plains, effects have always been able to be adequately managed.

The RMA is an effects based legislation. It is inconsistent and impacts on the integrity of the Unitary Plan if the position is reversed now. That said, I do have concerns about development in significant flood plains where water is more than 1m or has a fast flow and do think there needs to be more restrictive provisions in the Unitary Plan where there are flood plains. This issue is more appropriately addressed through the Natural Hazard Chapter. Plan change 78 is not the correct vehicle to restrict development in flood plains.

In my interpretation of the RMA, including the flood plain as a qualifying matter gives it the same status as an overlay. An overlay can only be changed through the plan change process. The flood plains shown on GIS (and carried over to Plan Change 78 maps) are often inaccurate. We have applied for consents for many sites where expert reports demonstrated the flood plain and / or overland flowpath shown on GIS did not exist in reality. The way Plan Change 78 is drafted it seems that the flood plain is triggered as a qualifying matter simply by virtue of being shown on the maps (because it becomes a statutory overlay). This is illogical in those cases where it does

not exist. As a statutory overlay, even if an applicant provided an expert report to show it didn't exist in reality, it would remain as a qualifying matte as it is shown on the maps.

Further, GIS shows all floodplains, even those that do not meet the definition of "flood plain". As the flood plain layer, as a qualifying matter has statutory weight it seems that it would capture all flood plains, not just those meeting the definition. Even if this is not the case, the status to flood plains as a qualifying matter is ambiguous.

Relief sought

1. Delete flood plains and overland flowpaths as a qualifying matter — 1401.12
2. If flood plains are not removed as a qualifying matter, change the matter to a text qualifying matter only that should be "flood plan meeting the definition of flood plain in the Unitary Plan." I seek the same approach be taken to overland flowpaths. — 1401.13, 1401.14

Qualifying matter: Designations

Council has been treating all designations, including the airspace designation as a qualifying matter. Designations have their own framework under the RMA and are generally for a specific purpose. In the case of the airspace designation, rules that control development in these areas are the MANA and HANA overlays. The airspace designation (outside of the approach path) does not currently restrict development at the permitted height limit. The designation covers much of South Auckland. Adopting this as a qualifying matter does not meet the tests in the underlying legislation and is also illogical as a policy approach.

Relief sought

Delete designations as a qualifying matter — 1401.15

If designations are not deleted, clarify in the provisions that Designation X the airspace designation is not included. — 1401.16

Daylight Standard

Council's approach is that the daylight standard continues to have legal weight. In my interpretation this is incorrect. The daylight standard should have been replaced by the MDRS being a "more restrictive density standard". The daylight standard is inconsistent with the other MDRS.

Relief sought:

- Delete daylight standard in entirety to give effect to the Housing Supply Amendment Act. — 1401.17

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - April Jolly

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: April Jolly

Organisation name:

Agent's full name:

Email address: april@amarchitects.co.nz

Contact phone number: 0223563785

Postal address:
47 Kervil Ave
Te Atatu Peninsula
Auckland 0610

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Qualifying Matter - Notable Trees

Property address: 47 Kervil Ave, Te Atatu Peninsula

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:
To have a qualifying matter on the site for Notable Trees is unnecessary. The tree on site is already listed as notable tree under the Auckland Unitary Plan and as such the tree and land around it is protected from development. Any development within the vicinity of the notable tree is limited by the notable trees overlay, there is no reason development of the remainder of the site should not be allowed under the MDRS rules.
Note neighbouring sites in close proximity to the tree do not have a Qualifying Matter for Notable Trees and as such higher density development in close proximity to the notable tree could occur anyway.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Removal of Qualifying Matter - Notable Trees from 47 Kervil Avenue, Te Atatu Peninsula | 1403.1

Submission date: 28 September 2022

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.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 6:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Ashton Goatley
Attachments: BRA submission on Plan Change 78 - 28 September 2022.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ashton Goatley

Organisation name: Birkenhead Residents Association

Agent's full name:

Email address: akgoatley@gmail.com

Contact phone number: 0211062929

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special Character Areas Overlay – Residential and
Business; Chapter S32 Water and Wastewater Servicing Constraints

Property address:

Map or maps: Birkenhead and Northcote Points

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:
See accompanying letter of submissions.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Expansion of the SCA overlay - see accompanying letter of submissions.

Submission date: 28 September 2022

Supporting documents
BRA submission on Plan Change 78 - 28 September 2022.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.

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P.O.Box 340 374
Birkenhead, Auckland 0746
T +64 274 992 667
E info@bra.org.nz

28 September 2022

Auckland Council
By email: unitaryplan@aucklandcouncil.govt.nz

Consultation on proposed Plan Change 78

1. The Birkenhead Residents Association (**BRA**) welcomes this opportunity to provide submissions on Auckland Council's proposed Plan Change 78 *Intensification* (**PC78**), which responds to the National Policy Statement – Urban Development and the Medium Density Residential Standards.

2. Our submission primarily relates to Chapter D18 Special Character Areas Overlay – Residential and Business (**SCA Overlay**) in Birkenhead and Birkenhead Point (together referred to in this submission as **Birkenhead**). We also comment on Chapter S32 Water and Wastewater Servicing Constraints.

The SCA Overlay in PC87 should be expanded as a qualifying matter in Birkenhead

3. We support the retention of the SCA Overlay as a qualifying matter in PC78. However, we are concerned that PC78 does not go far enough in protecting Special Character Areas. In our view the thresholds proposed by Council (that 66% of properties outside a walkable catchment must score 5 or 6) are too restrictive. Details of our proposed amendments to the SCA Overlay in PC78 are set out at paragraph 10 below. 1404.1

4. While we appreciate that approximately 65% of the land area within the existing SCA Overlay (across Auckland as a whole) will retain that status, the impact of the 35% loss falls heavily on Birkenhead relative to other suburbs. In our view this is because the nature of Birkenhead's historical development, combined with the methodology used by Council to formulate the proposed SCA Overlay changes, has led to Birkenhead being disadvantaged in PC78 relative to other suburbs of equivalent special character value. 1404.2

5. Birkenhead is one of the three earliest coastal suburbs to develop in Auckland, and has a large number of properties of high character value, spanning the period from the 1890s to 1940s. These properties visually connect the suburb to its history and heritage, and together create a distinctive character feel and historical connection for the area's visitors and residents.

6. As acknowledged in the Auckland Unitary Plan,[1] Birkenhead historically developed first along the ridgelines, meaning that its character buildings tend to lie in bands along those ridgelines rather than in larger blocks (as was the case in many other character suburbs, which under PC78 would retain the AUP Special Character Area overlay). "*Residential subdivisions were promoted from the 1860s; however, the area was initially developed for small farms, market gardens and orchards and became well- known for fruit growing.*"[2] As a result, later development led to more recent, but still sympathetic, buildings being interspersed with the earlier character buildings as density increased.

[1] Auckland Unitary Plan, Schedule 15 *Special Character Schedule, Statements and Maps*.
[2] Ibid.

7. Using Council's methodology, even character-supporting[3] interspersed properties can drag down the average and cause an area to lose the SCA Overlay, even though they have positive character value and are not detrimental to the overall impression of special historical character created by the properties of high character value.

8. The relatively narrow extent of the SCA Overlay in Birkenhead means that:

   (a) many individual properties scored by Council as having high character value will lose the protection of the SCA Overlay and may be replaced with non-character buildings (with limited design controls to protect the local amenity) – this will erode the area's connection to its distinctive built heritage; and

   (b) even in areas of Birkenhead that under PC78 would retain the SCA Overlay, these areas are surrounded by areas of only slightly lesser special character but that are proposed to lose the SCA Overlay. This means that properties that are actively detrimental to the area's special character may be built in close proximity to properties of high character value.

9. Our particular concern is that these factors create a bias towards further erosion of the SCA Overlay, by:

   (a) undermining the SCA Overlay, even in areas where PC78 currently leaves it intact; and

   (b) authorising the destruction of properties of high character value, where PC78 removes the SCA Overlay.

1404.3

10. Those two impacts would be a great loss to the city, but with only a minimal effect on overall housing capacity. We seek an amendment to PC78 that modifies the application of Council's scoring system for identifying where to retain the SCA Overlay. Our proposal is that a 50% threshold (still a majority of character-supporting buildings) should be sufficient, with properties scoring 4, 5 or 6 counting towards this percentage. Council's own materials refer to properties scoring 4 as "character-supporting" – such properties should count towards inclusion in the SCA Overlay, not towards removal.

1404.4
1404.5

11. This approach would result in materially greater coverage of Birkenhead as a Special Character Area, which we believe is an accurate reflection of the area's distinctive character value and heritage.

Infrastructure constraints as a qualifying matter

12. We support the inclusion of infrastructure constraints relating to water and wastewater as a qualifying matter in PC78. Our particular concern in relation to water and wastewater is that Wai Manawa / Little Shoal Bay and Le Roys Bush are already badly affected by freshwater flooding and sewage overflows after heavy rainfall. Increased intensification will only make that worse, because more building site coverage means more stormwater runoff. The area does not have the stormwater infrastructure to manage that – it is a sensitive ecological area that would be badly harmed by increased silting and runoff.

1404.6

13. Council is already responding to these issues through its work on a Mini Shoreline Adaptation Plan for Wai Manawa / Little Shoal Bay. It would be counterproductive to allow increased intensification in the hydrological catchment of Wai Manawa at the same time as Council is already trying to mitigate the effects of existing stormwater runoff in the same area.

1404.7

[3] Specifically, properties scored 4 in Council's scoring system.

Other comments

1404.8
1404.9

14. We also support the inclusion of Significant Ecological Areas (**SEAs**), coastal erosion and coastal inundation as qualifying matters. In the case of SEAs, we ask Council to consider increasing the amount of land included as a buffer zone around the core of the SEAs in Birkenhead. We say this because: 1404.10

    (a) large parts of Le Roy's Bush are on private land and rely on SEA status for protection; and

    (b) any intensification of the area will also increase the need for a buffer to mitigate the impacts of that intensification on the values of the SEA – eg to preserve the experience of being in nature, ensure usable wildlinks for native birds in the area, and mitigate any increased noise or visual pollution resulting from intensification.

Next steps

15. We would welcome the opportunity to present on these matters in person (together with other submitters with similar views).

16. Please feel free to contact either of the individuals named below if you have any questions on this submission or would like further details of any of the matters covered in it.

Gillian Taylor	Ashton Goatley
Chair, BRA	Committee Member, BRA
m: 027 499 2667	m: 021 106 2929

Yours faithfully

Birkenhead Residents Association

Gillian Taylor
Chair

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 9:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Chante Parker

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Chante Parker

Organisation name:

Agent's full name:

Email address: chanteparker@hotmail.co.nz

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Retention of the Hillpark Special Character Area Overlay as a Qualifying Matter 1408.1

Property address: The Suburb of Hillpark

Map or maps:

Other provisions:
We propose that Hillpark's Ecological value be recognised as a Qualifying Matter (SEA coverage, notable trees, streams, importance as part of wider ecological network and supporting wildlife). We note that there are areas of significant ecological value in Hillpark that are worthy of further investigation and recognition (ie further SEA-worthy areas, and unmapped or incorrectly mapped streams). 1408.2

We propose that Hillpark's Landscape Visual significance be recognised as a Qualifying Matter (and recognised with either an extension to the Special Character Statement, or by application of an appropriate Landscape-oriented overlay). We encourage Council to conduct Landscape Visual Assessments which we believe will identify the importance of Hillpark's significant tree cover both at an Urban fabric level within Hillpark, and as a notable, prominent landscape feature in the wider area. 1408.3

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? No

The reason for my or our views are:
The Hillpark Residents Association supports Auckland Council's proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter. Our argument was successfully laid out in the Auckland Unitary Plan submissions and hearings processes, and resulted in the addition of the Hillpark Special Character Area Overlay in the Unitary Plan (this built upon the former Heritage 8 zoning under the Manukau District Plan). The arguments in our submissions and evidence from that process is still relevant and applicable to this current Plan Change 78 discussion. Of note Hillpark has been recently recognised by the New Zealand Geographic Board as a suburb in its own right - a significant factor being the areas unique special character.

To summarise importance of Hillpark's Special Character Area Overlay, and why it should be considered as a Qualifying Matter as proposed by Auckland Council:

- The Hillpark Special Character Area is one of the only Special Character Area's in the wider Sth Auckland area.
- The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of intact mid-century homes (many by prominent architects of the time).
- The Hillpark Special Character Area recognises the pattern of subdivision – the unique combination of natural and built environments. A subdivision designed around the trees.

Furthermore, Hillpark is very important from ecological and landscape visual perspectives:

- We propose that the wider Hillpark suburbs significant natural environment be recognised as a Qualifying Matter.
- Within Hillpark there is a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams. That said, the natural environment in Hillpark is under-recognised / under-protected, with significant stands of mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps.
- Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillparks bush include including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork) and Kaka are also seen from time to time.
- Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream and the South-East Wildlink Project (by Forest and Bird).
- Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.
- We suggest that Council undertake a thorough investigation of Hillpark's natural environment and apply additional protections where required, such as additional and / or extended Significant Ecological Area Overlays and improved identification and classification of streams 1408.4

- We propose that Hillpark's significant landscape visual presence be recognised as a Qualifying Matter.
- While there are currently no landscape related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region.
- Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills.
- Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre.
- Arguably this landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. We suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Inclusion of Hillpark's ecological and landscape visual values as Qualifying Matters, which compliment the Special Character Area Overlay already proposed as a Qualifying Matter

Submission date: 28 September 2022

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.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Thursday, 29 September 2022 4:46 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - David James Watton

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David James Watton

Organisation name:

Agent's full name:

Email address: david.watton@hotmail.com

Contact phone number:

Postal address:
75 Sylvan Avenue
Northcote
Auckland 0627

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
My submission relates to the proposed new Residential – Low Density Residential (LDR) Zone, which effectively replaces the Residential – Single House Zone in urban areas where properties are subject to Qualifying Matter Overlays.

The key objectives of the government's National Policy Statement on Urban Development (NPS-UD) and the introduction of new Medium Density Residential Standards (MDRS) is to increase housing supply in relevant residential zones with good transport links within and around Auckland's city centre.

I am broadly supportive of the Council's approach to Qualifying Matter Overlays and the Special Character Area Overlays contained in Proposed Plan Change 78, the unquestionable need to retain Auckland's heritage buildings and to restrict building heights and density in heritage areas.

I am however somewhat concerned with the one size fits all approach taken by Council with the proposed introduction of the new LDR Zone standards for both properties subject to the Special Character Area Overlays and properties that have other Qualifying Matter Overlays (not Special Character Area Overlays) in the Auckland Unitary Plan (AUP).

In particular, I believe there should be separate Residential Zones and Standards established for both properties with Special Character Area Overlays (heritage) and properties with other Qualifying Matter Overlays (non-heritage) in the AUP. 1416.1

I support the proposed re-zoning of all properties with Qualifying Matter Overlays on the Onepoto Explosion Crater and cliff top on the east side of Sylvan Avenue, Northcote to the LDR Zone, as this is an area of outstanding natural

beauty that needs to be protected as a matter of national importance under Section 6 of the Resource Management Act 1991 (RMA). I do not however fully support the LDR Zone standards proposed by Council. 1416.2

The new LDR Zone standards proposed by Council require a Resource Consent for any new house to be built on sites with outstanding natural features, outstanding natural landscapes and high natural character, which will result in significant additional costs, compliance and time being incurred by homeowners wanting to develop their properties.

Development potential of properties in Sylvan Avenue, Northcote is already significantly restricted through natural building constraints/protections afforded to the Qualifying Matter Overlays (Notable Grove of Trees, Significant Ecological Areas – Terrestrial and Outstanding Natural Features Overlays) themselves under the RMA. These natural building constraints/protections combined with reduced MDRS standards proposed for the LDR Zone (building height and coverage), and any applicable land covenants, already provide sufficient development restrictions for homeowners, and therefore a Building Consent should only be required.

The new LDR Zone standards proposed by Council permitting one residential unit per site (two or more require resource consent) is consistent with the former Residential – Single House Zone standards. However, it is not consistent with the government's objectives of increasing housing supply in residential areas with good transport links to Auckland's city centre (e.g. Sylvan Avenue, Northcote). The proposed LDR Zone standards also appear to make no provision for Minor Dwellings (H.3.6.4 Residential – Single House Zone standards), which would appear to further limit potential additional housing supply in this area. 1416.3

The proposed LDR Zone standards should be amended to provide minimum site area requirements for Building Consent purposes (e.g. 800sqm for 2 dwellings / 1200sqm for 3 dwellings) to restrict density, and reinstate/include the previous Minor Dwelling rights homeowners had under the former Residential – Single House Zone standards. 1416.4

Building height restrictions should also be increased from 9 metres (2 storeys) up to 12 metres (3 storeys) to accommodate high quality designed townhouses and duplexes, as the number of residential units per site, building coverage and height in relation to boundary LDR Zone standards are all currently proposed to be lower than the MDRS. 1416.5

Maximum building coverage should also be increased from 35% to 40% of the net site area. 1416.6

Property address: 75 Sylvan Avenue, Northcote, Auckland 0627

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 above.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: See above.

Submission date: 29 September 2022

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

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 7:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Emily Davies

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Emily Davies

Organisation name:

Agent's full name:

Email address: xoxemilycd@gmail.com

Contact phone number: 021362725

Postal address:

Devonport
0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special Character Overlay as it relates to Devonport

Property address: Oxford Terrace

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:
Devonport's heritage is vitally important both now & for the future. It is one of the few places in New Zealand that protects a large amount of heritage & as a community we all pull together & do our part to protect it because we respect and appreciate its importance to Devonport. It is a unique community and popular tourist attraction BECAUSE of its heritage. If you force these changes, it will destroy the cohesive aesthetic & if you are honest with yourselves, you know that based on the land value alone, developers won't be making 'affordable housing' to help fix the 'housing problem'. The only people benefitting from this change will be the developers. Our infrastructure can't handle it. This is a change that cannot be reversed. Please don't proceed with this, you will be destroying so much, to gain so little.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

1423.1
1423.2
1423.3
1423.4
1423.5

Details of amendments: Delete the Mixed Housing Urban zone altogether or in particular areas, retain the special character overlay over the whole of Devonport, remove policy 3d from residential areas & make the Victoria Road shops a heritage area.

Submission date: 28 September 2022

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.

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George Bramer

From: Unitary Plan
Sent: Thursday, 29 September 2022 12:16 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Hanno Willers

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Hanno Willers

Organisation name:

Agent's full name: Hanno Willers

Email address: hwillers@gmail.com

Contact phone number:

Postal address:
0616
Hobsonville
Auckland 0616

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Terraced House and Apartment Building Zone (Chapter H Residential Zones), Policy 3(b)
Mixed Housing Urban Zone (Chapter H Residential Zones), Policy 3(b)
Historic Heritage and Special Character (Chapter D Overlays)
Infrastructure (Chapter D Overlays)
City Centre (Chapter I Precincts)
Qualifying Matters, Policy 4
Chapter G – Rural Urban Boundary (RUB) and Walkable Catchments

Property address:

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:
If we want Auckland to develop as a compact, climate resilient city, we need more housing in central areas - most

importantly in the central isthmus. The current proposed change tries to block development in the places it make the most sense. This is counter-productive and will ensure development happens in the far flung fringes of Auckland instead of where there are existing public transport and infrastructure.

I or we seek the following decision by council: Approve the plan change with the amendments I requested 1430.1

Details of amendments: Increase walking catchments, drastically reduce the special character areas (or better yet, eliminate them), enable and encourage perimeter block development. 1430.2

Submission date: 29 September 2022 1430.3

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 6:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Hinepawhero Afeaki

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Hinepawhero Afeaki

Organisation name:

Agent's full name:

Email address: info@hineafeakiformanukau.com

Contact phone number: 0212748422

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Section 77I Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones

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:
Submission Point 1 – Support for changes to date
1. I support the PC 78 with its provisions for Council to consider in determining resource consenting in new housing developments.

Plan Change 78 contains a number of plan changes giving effect to the legislative requirements. Because these may be challenged by other submitters there is a small risk that they could be removed or reduced in their scope. The main point of our subsequent submission points is to secure further improvements, as indicated in subsequent submission points.

Submission Point 2 – Channelling growth to locations with capacity to absorb it.

2. In order to avoid the risk of avoidable costs in the medium to long term, we ask the Independent Hearings Panel to advocate a medium to long term approach that focusses development in areas where there is adequate spare infrastructure capacity to cater for population growth. This is to include non-Council infrastructure such as, schools and medical facilities and green space 1433.1

Effectively this means including medium to long term economic and opportunity costs (or risks) as a qualifying matter. Consideration must be given to water supply and sewerage systems, including combined wastewater and stormwater stormwater infrastructure capacity; the long term economic life of infrastructure and planned replacement programmes; road and transport network capacity; and social infrastructure available such as schools, medical facilities, energy supplies, telecommunications networks and green space.

Submission Point 3 - Include stormwater infrastructure as a qualifying matter

3. The plan change rightly includes reference to combined wastewater and stormwater infrastructure as a qualifying matter. It makes no provision for areas such as Mangere Bridge, Mangere, Otahuhu, Otara and Papatoetoe (and other parts of Auckland) where stormwater is not fully accommodated within fixed infrastructure.

In these locations streams, flow paths and soak pits are important elements of the stormwater systems. Allowing intensification on sections currently serviced by soak pits reduces permeable areas and opportunities for natural absorption of stormwater. It increases the risk of increased flows in streams and overland flow paths, and flooding. As with the previous submission point, unplanned intensification introduces a high risk of avoidable medium to long term economic costs in terms of stream erosion and increased flooding. Indirect costs are likely to be incurred by property owners because of increased stream maintenance and insurance premiums – if in fact they are able to obtain insurance in locations with a record of flooding and erosion. This risk is already demonstrated in other parts of the country and globally. It can be avoided by excluding areas from intensification where stormwater infrastructure is inadequate and there is a track record of flooding.

An example of this is the Te Ararata stream in Mangere. This creek is in an area considered a flood zone. With high rainfall it does fill up and with intensification already well underway in this area, the water level in the creek frequently rises. If further stormwater is channelled there then this will become a flood hazard area.

We request the Hearings Panel to recommend to Council: (i) that stormwater be included as a qualifying matter for all development sites; (ii) that no intensification be permitted adjacent to streams, flow paths, flood plains and other locations with a risk of flooding in the future; (iii) the correct basis for calculating capacity of retention / detention tanks; (iv) a requirement to follow all required codes of practice, in particular in all areas defined as being subject to a stormwater constraint. 1433.2

Submission Point 4 - Include areas subject to compliance with Coastal Policy Statement as a qualifying matter.

4. Include Mangere, Mangere Bridge and Ihumatao adjacent to the Manukau harbour to safeguard the coastal environment and ecosystem including migratory birds and retain open space, use and enjoyment for all along kiwi esplanade and the Manukau harbour coastline. 1433.3

Three to six storey buildings here within 10mins walk of Mangere Bridge for example would affect the enjoyment of views to the coast from Mangere mountain environs and towards the mountain from the coast.

While the Auckland Light rail link route and stops have not been notified, council has discussed the route along the Mangere State Highway 20 for the rail. The conflict between retaining Mangere Bridge coastal and suburban character is further compounded with the Light rail link.

Submission Point 5 – In order to secure full transparency and consistency, the plan change be more prescriptive within the new planning rules on what requirements must be met.

5. Improve transparency and consistency by including specific specifications on all consent requirements. 1433.4

In the Environment court there are different interpretations on the application of climate change projections relating to rainfall projections and calculations, and applicability to new consent applications for multiple dwellings, compared to applications that are compliant with existing rules. After expert consultation, Council has already had to require revised calculation for stormwater retention and detention tanks once, but the revised calculations remain in dispute. The mere fact that experts can disagree on the interpretation means that the rules lack clarity. This needs to be formally resolved with a consistent interpretation.

Submission Point 6 – Special Character areas

6. It is my belief that parts of the city do have distinct characteristics that give the area a unique character. These risk being destroyed under the revised plan change, which has been driven by the legislation. We ask the Independent Hearings Panel to urgently recommend to Council that the criteria used to assess which areas of the city deserve protection be interpreted more liberally in order to retain the overall appearance of larger areas of the city, the associated heritage, and local character.

I request that Mangere Bridge be included as special character area. 1433.5

I request Impact Environment assessments and feasibility studies be carried out in Mangere, Otahuhu, Papatoetoe and Otara to assess local character, cultural history, infrastructure, ecological and natural hazards to determine whether these meet the special character area criteria and can therefore be included as special character areas.

Mangere Bridge and Mangere for example has a rich cultural and historical history with Te Puea marae and Makaurau marae, Ihumatao pa, Mangere mountain(Te Pane o Mataaoho), lava fields, Ambury farm, Otuataua stonefields, Puketutu island and its Californian bungalows.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Section 77I Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones

Submission date: 28 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 9:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Jamie London Dally

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jamie London Dally

Organisation name:

Agent's full name:

Email address: jld3261@gmail.com

Contact phone number: 0272506705

Postal address:
2102
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Retention of the Hillpark Special Character Area Overlay as a Qualifying Matter

1437.1

Property address: The Suburb of Hillpark

Map or maps:

Other provisions:
We propose that Hillpark's Ecological value be recognised as a Qualifying Matter (SEA coverage, notable trees, streams, importance as part of wider ecological network and supporting wildlife). We note that there are areas of significant ecological value in Hillpark that are worthy of further investigation and recognition (ie further SEA-worthy areas, and unmapped or incorrectly mapped streams).
We propose that Hillpark's Landscape Visual significance be recognised as a Qualifying Matter (and recognised with either an extension to the Special Character Statement, or by application of an appropriate Landscape-oriented overlay). We encourage Council to conduct Landscape Visual Assessments which we believe will identify the importance of Hillpark's significant tree cover both at an Urban fabric level within Hillpark, and as a notable, prominent landscape feature in the wider area.

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? No

The reason for my or our views are:
The Hillpark Residents Association supports Auckland Council's proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter. Our argument was successfully laid out in the Auckland Unitary Plan submissions and hearings processes, and resulted in the addition of the Hillpark Special Character Area Overlay in the Unitary Plan (this built upon the former Heritage 8 zoning under the Manukau District Plan). The arguments in our submissions and evidence from that process is still relevant and applicable to this current Plan Change 78 discussion. Of note Hillpark has been recently recognised by the New Zealand Geographic Board as a suburb in its own right - a significant factor being the areas unique special character.

To summarise importance of Hillpark's Special Character Area Overlay, and why it should be considered as a Qualifying Matter as proposed by Auckland Council:

- The Hillpark Special Character Area is one of the only Special Character Area's in the wider Sth Auckland area.
- The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of intact mid-century homes (many by prominent architects of the time).
- The Hillpark Special Character Area recognises the pattern of subdivision – the unique combination of natural and built environments. A subdivision designed around the trees.

Furthermore, Hillpark is very important from ecological and landscape visual perspectives:

- We propose that the wider Hillpark suburbs significant natural environment be recognised as a Qualifying Matter.
- Within Hillpark there is a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams. That said, the natural environment in Hillpark is under-recognised / under-protected, with significant stands of mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps.
- Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillparks bush include including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork) and Kaka are also seen from time to time.
- Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream and the South-East Wildlink Project (by Forest and Bird).
- Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.
- We suggest that Council undertake a thorough investigation of Hillpark's natural environment and apply additional protections where required, such as additional and / or extended Significant Ecological Area Overlays and improved identification and classification of streams

- We propose that Hillpark's significant landscape visual presence be recognised as a Qualifying Matter.
- While there are currently no landscape related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region.
- Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills.
- Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre.
- Arguably this landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. We suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Inclusion of Hillpark's ecological and landscape visual values as Qualifying Matters, which compliment the Special Character Area Overlay already proposed as a Qualifying Matter

1437.2

Submission date: 28 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Jeffrey Lane Fearon
Attachments: PC 78 Submission to Auckland Council September 22.pdf; PC 78 Attachment A_Subject Area 2022-09-28 09_03_35.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jeffrey Lane Fearon

Organisation name:

Agent's full name: Jeff Fearon

Email address: jeff@fearonhay.com

Contact phone number: 021373303

Postal address:
55 Wood St
Freemans Bay
Auckland 1011

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
H6 Residential - THAB Zone
H13 Business - Mixed Use Zone

Property address:

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:
Please see attached supporting documents.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Please see supporting documents

Submission date: 28 September 2022

Supporting documents
PC 78 Submission to Auckland Council September 22.pdf
PC 78 Attachment A_Subject Area 2022-09-28 09_03_35.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.

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SUBMISSION ON PROPOSED PLAN CHANGE 78 'INTENSIFICATION'
J L FEARON
29.09.2022

1. My name is Jeffrey Lane Fearon, aged 50 at time of this submission. I am a registered architect, a practising member of the NZIA and a director of the architectural practice Fearon Hay Architects, established in 1998.

2. I reside with my family at 55 Wood St, Freemans Bay. We have resided together in Freemans Bay since 2006, and at 55 Wood St since 2009.

3. I have been reading and following the published reports and proposals for significant change in the Auckland city fringe since the issuing of the NPS-UD and MDRS policy statements during and the formulation of the Auckland Council responses to these directives.

4. I am in support of the intensification of Auckland to accommodate increasing population and limiting further occupation of outlying areas with stand alone single unit housing in new suburban subdivisions.

5. I do not support the proposed PC78 intensification measures in their current form.

6. I make the following submission as a proposal of amendments to and reconsideration of the current proposal.

7. I submit that the existing Unitary Plan has significant approved capacity already in place for this intensification and that further opportunities exist for increasing this capacity without the removal of the historic city fringe built environment.

8. This submission refers to a defined subject area of the proposed Plan Change 78 by way of illustrating proposed points. This is attached and labelled 'Attachment A'.

9. I am aware of submissions and discussions around the issues of: walkable catchments, special character as a qualifying matter, heritage vs special character and the limitations of the recent studies to identify areas that may continue to be defined as special character.

10. I consider the above points to be subjective and as such this submission will briefly address these(Submission A), however I wish to submit primarily on points that sit outside these issues and may be objectively assessed (Submission B): firstly, 'Capacity for Intensification'; and secondly, 'Ability to deliver quality of habitable outcome'.

Submission A

11. Walkable Catchments: I support that this mechanism can be used to determine areas for intensification. I do not agree with the generic use of a nominal distance and submit that the specific topography and possible walkable connections can be specifically mapped for the wider Auckland demographic over a 24 hour/seven day a week timeframe and that this requires a detailed assessment to determine a realistic and relevant extent of this designation. 1441.1

12. I agree that Special Character should be considered a qualifying matter. Definition of special character and the differences to Heritage, preserved historical fabric and the cohesiveness of a built environment requires detailed analysis to provide effective means of managing change and development within and around areas of special character. 1441.2

13. I do not agree with the current methodology of defining areas to be retained as Special Character. Specifically:

    a. Using a walking streetscape assessment to assess individual property contribution to special character ignores issues other than that of visual appearance to the street and is a highly subjective categorisation.
    b. The nomination of percentage thresholds and the calculation method of aggregating the individual scores of a property are highly sensitive to individual interpretation and can yield significant variations to results based on interpretation and method of calculation. (This is evident in the reclassification of Wood St during the course of the various assessments and proposed extent of special area to be rezoned as THAB or retained as SCA single house.)

    1441.3

Submission B

14. I agree that Infrastructure should be considered as a qualifying matter, however I submit that the current assessment of Infrastructure is limited to below ground services, ecological or ground conditions and that this qualifying matter should be extended to understand the appropriateness of potential areas for intensification to deliver high quality, sustainable and affordable housing. 1441.4

15. I submit that further detailed investigation is required to arrive at an appropriate strategy for balancing intensification, change and preservation within the Auckland city fringe.

Capacity for Intensification.

16. Much of the subject area that could be defined as within a walkable catchment has underlying and overlying issues that create challenges for successful intensification. These are objectively quantifiable and sit outside the subjective assessments of Special Character.

17. I submit that the following matters be further extended and adopted by Council as qualifying matters:

    a. Infrastructure (both above and below ground)
    b. Development potential.

    1441.5
    1441.6

18. Infrastructure (below ground). Significant work has been undertaken and is ongoing with upgrading of below ground infrastructure of stormwater and wastewater management. Additionally, electrical power supply and potable water are frequently challenged as they are delivered or managed through historic infrastructure.

19. Intensification to 6 level multi-residential occupation will place further demand on these key features of sustainable future development. Increasingly, new development is required to rely on private infrastructure on the subject development site to partially or fully provide the necessary utilities. This requires spatial occupation of the available envelope by elements such as transformers, water tanks, pump rooms.

20. Within the subject area, the individual lot size is often less than 500sq.m. I submit that the capacity of each site to manage its own infrastructure issues is limited, if at all possible.

21. Infrastructure (above ground). The pattern of occupation that exists within the subject area of walkable catchments is characterised by small lots, narrow streets and often steep topography. Current surface occupation, while reasonably dense, includes a meaningful proportion of vegetated green space, both in the form of street trees and private garden space with deep soil permeability.

22. Intensification to 6 level multi-residential occupation will demand increased activity and access from the limited capacity of the street network, with management of pedestrian, cycle and vehicle usage challenging access widths, turning circles and pedestrian/cycle safety.

23. Gradients of the street frontages and the level changes across the small format private lots create challenging interfaces between proposed 6 level neighbouring structures and requirements of access to sunlight and air. The sloping topography leads to complex solutions for massing buildings within the proposed allowable envelope.

24. Development of the individual lots within the subject area to provide 6 level structures will require solutions occupying large percentages of their lower level floor areas to manage issues such as seismic structural components, private infrastructure and fire egress requirements. These all encroach on the available habitable space.

25. The above indicates that intensification of areas with small lots, narrow street networks and sloping topography within the Auckland city fringe will be a highly inefficient development opportunity. Development within these physical constraints is not likely to yield affordable housing and will be costly to achieve a 'high quality built environment' as set out in the proposed H6 Residential THAB Zone.

Alternative opportunities.

26. I submit that alternative capacity for more efficient intensification is available within the existing Unitary Plan provision, and further that enhancement of appropriate opportunities within the existing Plan can be sought with specific assessment.

27. I submit that the existing H13 Business - Mixed Use Zone areas identified in the existing Unitary Plan have better capacity to provide efficient provision of additional housing capacity. This is identified in 'Attachment A' and labelled 'Intensify'. This is currently proposed to enable 6 level development in line with the directed policy statements.

28. I submit that an additional two levels across this zone (8 level development with a minimum percentage of residential use) can provide sustainable, affordable and high quality housing. Further height/occupiable levels created within this zone and an application of a minimum residential component will allow efficient and sustainable proposed development. 1441.7

29. This zone already anticipates intensification and is usually located proximate to retail or business activities, often with road networks and open space provisions that are more generous than the narrow existing residential streets within the subject area being considered.

Quality of Habitable outcome.

30. I submit that the proposed intensification measures when applied to the subject area will result in sub-standard habitable space on the lower levels of adjacent developments due to lack of access to sunlight and natural ventilation. This will result in a low quality housing provision that will have great difficulty meeting the objectives of sustainable development, and the stated objectives of the 'high quality built environment' set out in the proposed H6 Residential THAB zone.

31. I do not support the proposal to introduce the proposed H6 Residential THAB zoning as an intensification measure in fragmented parcels amongst single housing areas. (refer Attachment A – Subject Area). 1441.8

32. Management of built outcomes for habitable spaces with regard to overlooking/privacy and access to sunlight are inadequately catered for in both the existing and proposed modified THAB development controls.

33. I submit that it will be extremely difficult to apply the proposed controls in H6 Residential THAB Zone for visual dominance, outlook & privacy, private open space, access to daylight, height in relation to boundary and setbacks on the typical small format sloping lot within the subject area. The resulting complying development configuration is likely to be complex, costly and inefficient in terms of the habitable spaces yielded.

34. The proposed controls for configuring the relationship between 4-6 level structures and single level existing structures in adjacent zones are unclear and are subject to the various interpretations of planning officers within the Resource Consent process. The proposed modifications do not improve on this position and make no viable proposals of how this will be managed between 6 level structures and single level housing where the sites are often limited to dimensions of 12m width or 25m length.

35. I therefore submit that positioning of zone boundaries can be undertaken with more consideration of interaction between built form and with a view to creating a more successful interaction between the built-out envelopes envisaged. Road carriageways or open space reserves positioned between zones provide more opportunity for a successful step between different density levels, as opposed to zoning changes running through the internal common boundaries of a single block. (Refer Attachment A – 'Remove Fragmented Areas') 1441.9

Concluding statements

36. I support intensification of Auckland City Fringe

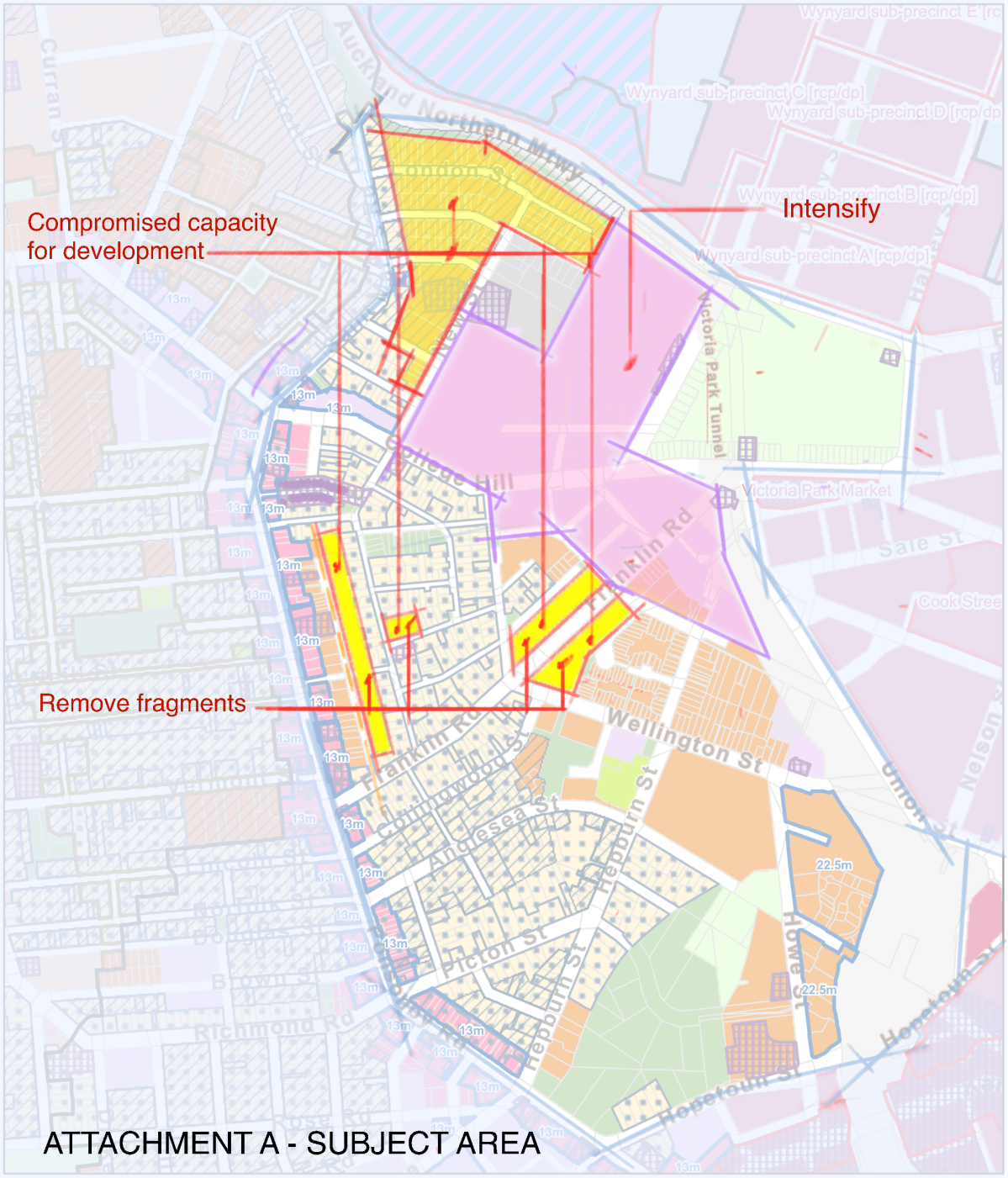
37. I submit that detailed analysis is required of the development potential using objective metrics to identify areas that can deliver efficient, affordable and sustainable intensification.

38. I submit that infrastructure capacity (above and below ground) and effective development potential should be included as qualifying matters.

39. I submit that intensification of the subject area identified will primarily result in low quality, inefficient, unaffordable and unsustainable outcomes.

40. I do not support the proposed Plan Change 78 (Intensification) and submit that this requires amendments to address the points above.

J L Fearon.



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City Centre

Walkable Catchment

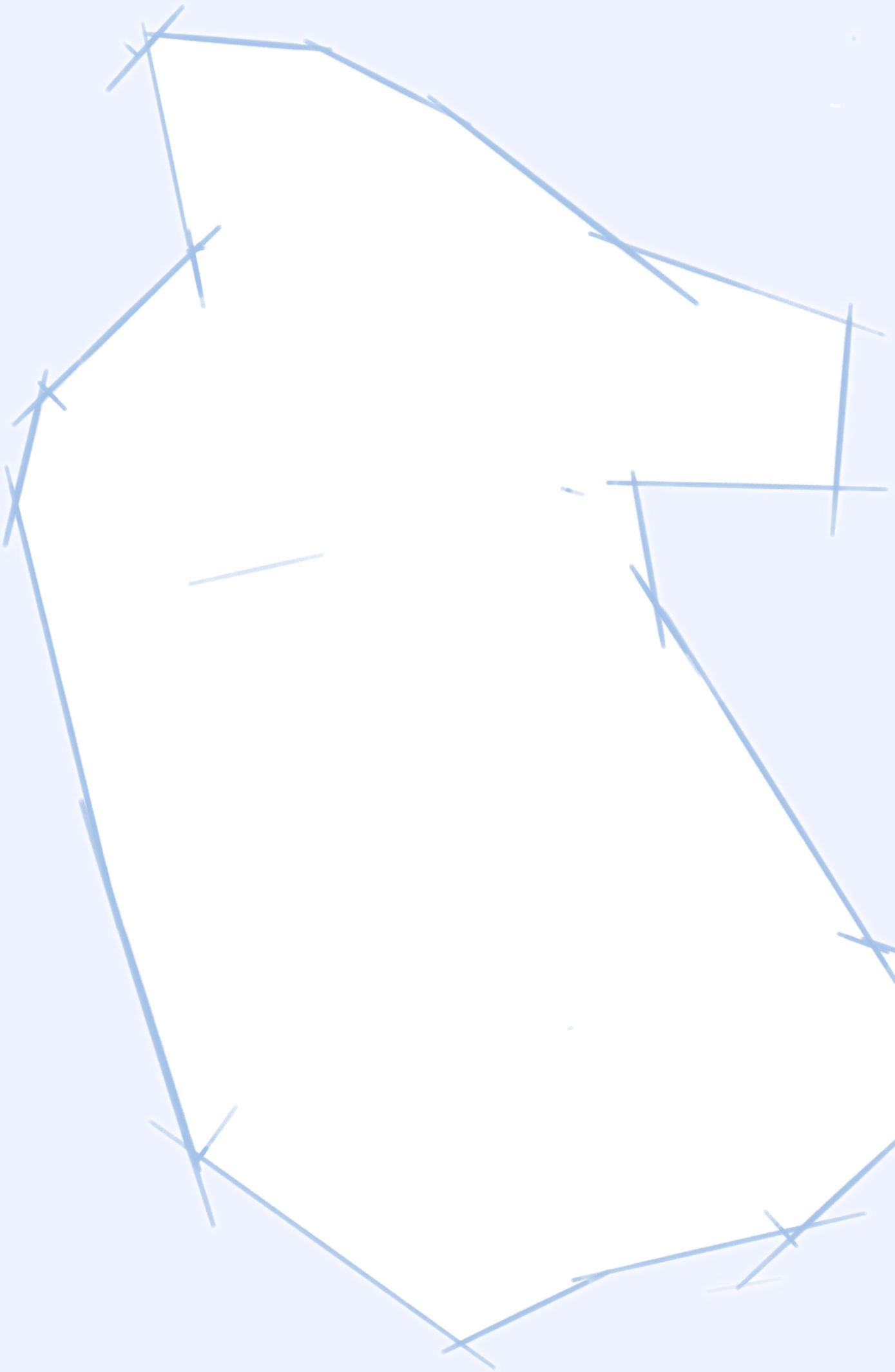
Policy 3d - Rezoning around Centre zones

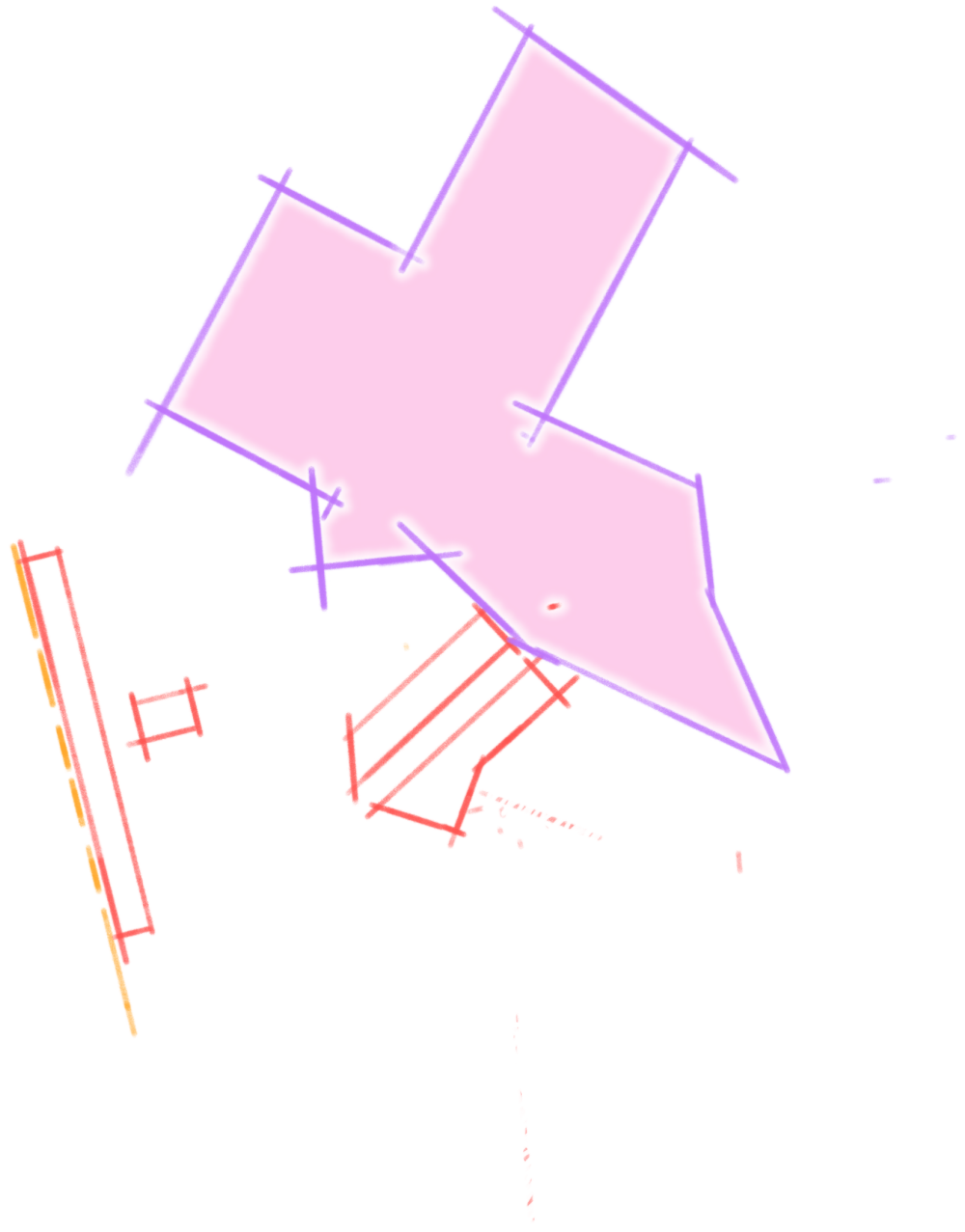
Height Variation Control

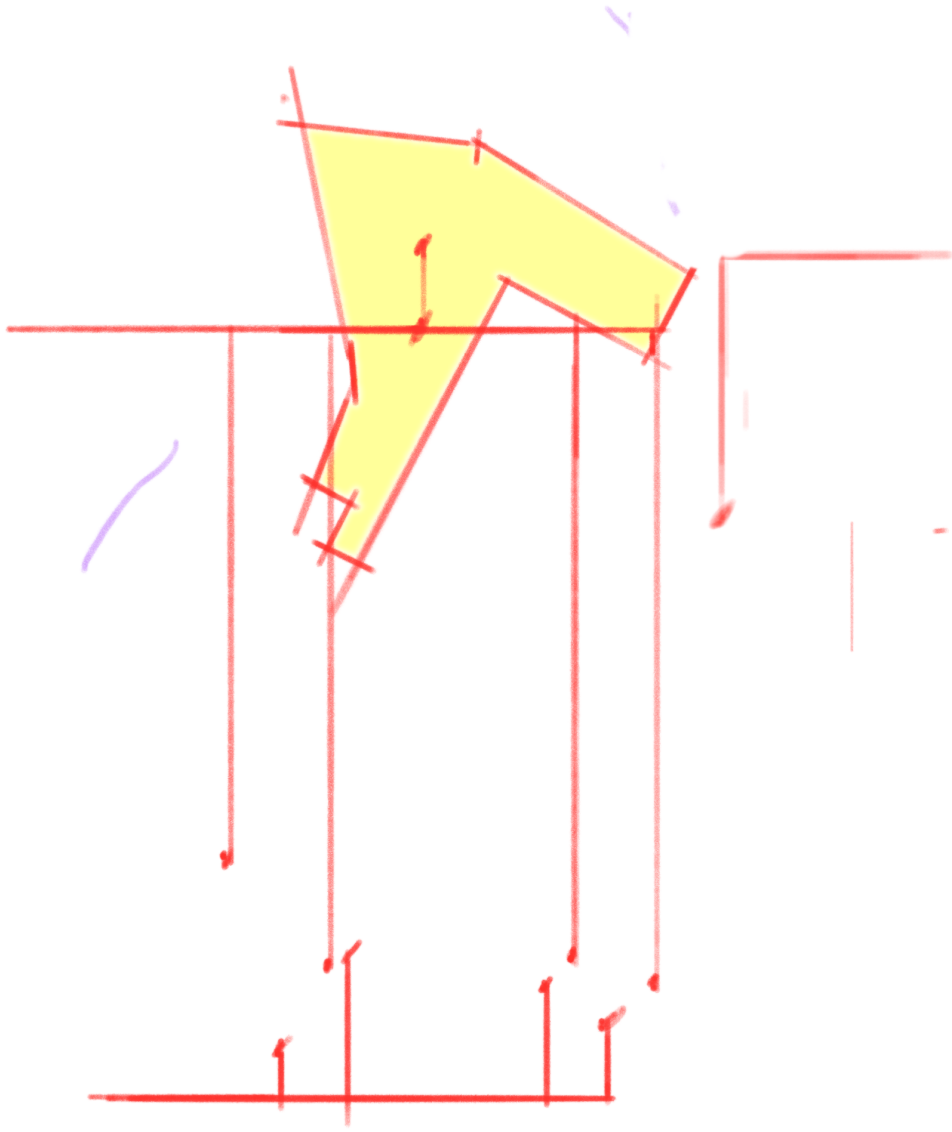
Historic Heritage Place Overlay

Precincts

Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Plans and Places, Chief Planning Office







George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Jeremy Christian Hansen

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jeremy Christian Hansen

Organisation name:

Agent's full name:

Email address: jeremy@jeremyhansen.co.nz

Contact phone number:

Postal address:
7/58 Wellington Street
Freemans Bay
Auckland 1011

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Special Character Areas (Residential) being included as a qualifying matter

Property address:

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:
Special Character provisions are unjustified on character grounds, and they limit increased housing density in the areas where it is most beneficial. I live in a three-storey 1960s 'Star Flat' in Freemans Bay - a very successful and convivial housing model that would, under these rules, never be permitted. The villas the Special Character provisions purport to protect are often either substandard in quality or renovated in such a way that their actual character is completely superficial, and limited to a few features (verandah, bay window, and decorative elements) facing the street. Heritage protection already exists in the Unitary Plan - Special Character is a flimsy construct that amounts to

a protection order being placed over the city's most expensive real estate. Housing prices in these areas are already beyond the reach of the vast majority of Aucklanders and will remain so if this protection is allowed to stand. Barring future development of these areas also pushes development further away from the city centre, increasing carbon emissions and decreasing accessibility. Considering the government specifically ruled out Special Character as a qualifying matter, I am dismayed that the council planning team devoted so much of its time towards mounting an argument in favour of it rather than focusing on the many other areas in which it could have directed its attention to improve outcomes for the city as a whole. 1442.1 1442.2

I or we seek the following decision by council: Decline the plan change

Submission date: 28 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 8:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Julie Mitchell

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Julie Mitchell

Organisation name:

Agent's full name:

Email address: JulieM82@xtra.co.nz

Contact phone number: 0274731268

Postal address:
82 Sandspit Road
Shelly Park
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Qualifying matters, GD01 Stormwater Management, Relevant sections of the Auckland Unitary Plan, NZ Coastal Policy, Regional Policy Statement

Property address:

Map or maps:

Other provisions:
Development should take a long term approach with a focus on area where there is adequate spare infrastructure capacity to cater for population growth. This is to include non-Council infrastructure such as schools, medical facilities and green space . This means medium to long term economic and opportunity costs (or Risks) should be considered and included as a qualifying matter. 1450.1

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:
It is incredible that the two major political parties, both claiming to have the credentials to make wise decisions on economic management, have failed to consider the costs, both medium and long term, to a "one size fits all"

approach to planning. It assumes all areas of a city are homogeneous, with similar characteristics across all areas. This also assumes there is a uniform city-wide infrastructure capacity and age, uniform access to water supply, stormwater drainage, and wastewater treatment and networks: that all areas have equal access to schools, hospitals and medical facilities, that all areas are serviced by financially sustainable transport services, with no undue traffic congestion. The legislation assumes that infrastructure has the capacity to "cope" with ad hoc growth across all areas of the city. The new catch phrase "unintended consequences" is the lazy way of addressing the lack of in depth consideration that has been given to this bill by both our political parties.

The Cockle Bay area, in which I live, has some safeguards in terms of water and wastewater constraints, but no recognition of risks associated with storm water, despite the dependence on streams and soak pits for drainage in parts of the are, and past flooding history. Only properties flooded by the 100 year (Average Recurrence Interval) floods have "floodplains" as a qualifying matter. Water from ridge lines, predominate in this area, will naturally flow to the coastal catchment and in doing so will flow over other property. The receiving environment as a whole, ie from the ridge line to the coastal area should be considered a qualifying matter. 1450.2

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Coastal policy objectives and policies must be complied with, Stormwater insfrastructure to be included as a qualifying matter. 1450.3

Submission date: 28 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 6:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Kathleen I Kennedy

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kathleen I Kennedy

Organisation name:

Agent's full name: Kathleen I Kennedy

Email address: kennedy9@slingshot.co.nz

Contact phone number:

Postal address:
30 Judkins Crescent
Cockle Bay
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Channeling growth to locations with capacity to absorb it.	1452.1
Include stormwater infrastructure as a qualifying matter	1452.2
Include areas subject to compliance with Coastal Policy Statement as a qualifying matter.	1452.3
In order to secure full transparency the plan change be more prescriptive within the new planning rules on what requirements must be	1452.4

Property address: Cockle Bay

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? No

The reason for my or our views are:
I believe that while we need more housing a one size fits all approach to intensification will never work. Each area has different infrastructure and this is insufficient to allow greater intensification in Cockle Bay. The cost of upgrading existing infrastructure would be prohibitive

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: See submission attached

Submission date: 28 September 2022

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

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Loren Kendal Koefoed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Loren Kendal Koefoed

Organisation name:

Agent's full name:

Email address: loren.koefoed@gmail.com

Contact phone number: 021574981

Postal address:
121 John Street
Ponsonby
Auckland 1011

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
The council has chosen to identify coherent areas of residential and business special character value as a qualifying matter to ensure these areas and their values are protected.

Property address: 121 John Street, Ponsonby, Auckland

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? No

The reason for my or our views are:
Maintain our housing heritage, critical for Auckland's history to retain our special character areas for future generations. As recommended by Auckland Council.

1462.1

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 28 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 10:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Lydia MacLennan

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lydia MacLennan

Organisation name:

Agent's full name:

Email address: info@safesan.co.nz

Contact phone number: 02102247063

Postal address:
4 Dennis Avenue
Hillpark
Manukau 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Application of Special Character area as a qualifying matter and the application of low density residential zoning to Hillpark

Property address: 4 Dennis Avenue, Hillpark, Manukau, 2102

Map or maps: Hillpark Special Character Layer

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? No

The reason for my or our views are:
I have lived in Hillpark since 1973 and love the area due to its unique nature of low density housing in amongst many native bush areas. Going back to the 1960's when Hillpark was designed and built, this natural character was the intention of the Manurewa Borough Council and the residents of Hillpark work hard to keep their neighbourhood true to the way it was designed to be.
A Special Character overlay is simply that - it is a place with Special Character that needs to be kept as it is. As recently as 2016, the Independent Hearing Panel accepted that Hillpark is a place of Special Character that warranted

the overlay.
Another reason for retaining the overlay is the fact that many residents grow their own food. Intensification to the area would be disastrous for these residents and their neighbours that they share and swap their produce with.
I also think a Significant Ecological Area (SEA) assessment should be performed and this, along with the Special Character overlay, would safeguard the area and its unique properties.

1464.1.
1464.2

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 28 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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George Bramer

From: Unitary Plan
Sent: Thursday, 29 September 2022 3:16 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Maheeka Ariyapperuma

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Maheeka Ariyapperuma

Organisation name:

Agent's full name:

Email address: mpga29@gmail.com

Contact phone number:

Postal address:
9 Kalgan Place
Burswood
East Tamaki.
East Tamaki
Auckland 2013

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Qualifying matters identified on certain sites, to be maintained and approved.
For example:
1. Heritage listed buildings to be preserved. These must be left for the future generations to know the history of our country. 1465.1
2.Sites with coastal erosion identified, to be maintained thus, so that further development does not take place. Intensifying such lands can have a dangerous repercussion in the future. 1465.2
3. Sites with flood zones identified should not be permitted to be developed, until a proper stormwater system is introduced. 1465.3
4. Notable trees overlay = maintaining foliage serves so many purposes. As it is, the tree protection rules have been relaxed to a frightening extent. If this rule is taken off, all the trees that are left too, will be gone in the near future, thus leaving a concrete jungle around. 1465.4
5. Special character areas = these areas have been noted thus due to the heritage value and the unique nature of the architectural design of the buildings. Any city should have a variety, and buildings which have a history spanning over 100 years, is unique and something which must be preserved. 1465.5
6. Aircraft noise areas = these should be included in the plan for the protection of health purposes. 1465.6

In addition, I will suggest in amending the HIRB rules in the MDRS rules. A recession plane of 4m + 60 degrees will be a hindrance to daylight, along with a height of 11m. Reduction of the site coverage of 50%, is also suggested. 1465.7 1465.8 1465.9

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? No

The reason for my or our views are:
The above mentioned rules have been imposed on certain properties after careful consideration for the benefit and the protection of these lands. By removing them, the lands will be exposed to adhoc development, which will have absolute negative repercussions in the near future.

As it is, we can see the deplorable type of development taking place with no density rules, no parking requirements and the relaxation of basic development controls, which are steadily converting this once beautiful city into a highly inappropriate high rise city like in Hong Kong or even Calcutta. We who have lived in this beautiful city for long, can see the massive change taking place for the worst.

This is why we want the mentioned rules to stay on, so that even the little that is left of this beautiful city is preserved for the future generations.

NZ is a country which has sprawling lands. Thus, this kind of intensification is totally unnecessary. Identifying the crux of the problem is what is required right now, rather than building houses all over Auckland in this ad-hoc manner and converting it into a slum.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Qualifying matters I have mentioned, to remain. The site coverage, height limit and HIRB in the MDRS rules, to be amended to the rules which exist in the ' mixed housing suburban zone' rules.

Submission date: 29 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

George Bramer

From: Unitary Plan
Sent: Wednesday, 28 September 2022 11:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Oratia Foothills Ltd
Attachments: 491 West Coast Road - Submission to Plan Change 78.pdf; Appendix A - Arborist Assessment 491 West Coast Road.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Oratia Foothills Ltd

Organisation name:

Agent's full name: Nicola Woodhead

Email address: nicola.woodhead@tcec.co.nz

Contact phone number: 0272506519

Postal address:
PO Box 121393
Henderson
Auckland 0650

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address: 491 West Coast Road, Oratia

Map or maps:

Other provisions:
• We support the zoning of the site (491 West Coast Road, Oratia) as Residential – Mixed Housing Urban;
• We object to the qualifying matters identified for the site (notable trees, and water and / or wastewater constraints) and request that these are removed.
Details of this submission are set out in the attached documents

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:
Full details are provided in the attached statement and appendices

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Remove the qualifying matters for the site (notable trees and water and /or wastewater constraints)

Submission date: 28 September 2022

Supporting documents
491 West Coast Road - Submission to Plan Change 78.pdf
Appendix A - Arborist Assessment 491 West Coast 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.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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thomas consultants	**PLAN CHANGE 78 SUBMISSION**
	491 WEST COAST ROAD, ORATIA

Applicant: Oratia Foothills Ltd

Site Address: 491 West Coast Road, Oratia

Legal Description: Lot 10 DP 135638

Date: 27th September 2022

Key matter being supported:

- The proposed zoning of the site to Residential – Mixed Housing Urban

Key matters being objected to:

- The qualifying matters applicable to the site. These being water and/or wastewater Constraints Control and the Notable Trees Overlay

Discussion

(a) Description of the site

The subject site is a piece of land 3800m^2 in area which currently contains a two storey residential dwelling with attached garage and associated swimming pool and sleepout located to the rear of the site.

(b) Proposed Zoning of the site

We support the proposed zoning change of the site to Residential – Mixed Housing Urban. It is our submission that this area can accommodate the levels of residential density anticipated within this zone. An example of this is the housing development currently under construction opposite the subject site known as the Nola Estate. Consent was granted in October 2021 for 236 residential terraced units, single storey commercial units and a café, on the site located on the corner of West Coast Road, Parrs Cross Road, and extends as far as Glengarry Road to the west. The location of this development is indicated in figure 1 below:

Figure 1 – Site Location as taken from the Nola Estate Decision dated 1st October 2021

This development is currently under construction and provides a more intensive residential character to the area.

(c) Qualifying matter – Notable Trees

A Qualifying Matter which has been applied to the site in the form of the notable trees overlay. The 8 trees which are specified as notable trees or groups of trees on the site have been rolled over from historic tree protection measures and we do not believe to be worthy of notable tree status and should not be specified as a qualifying matter for the site.

An Arborist Assessment of the trees on the site has prepared by Arbor Connect (dated 18 August 2021 and is attached as Appendix A) which has assessed each of the notable trees on the site which has been evaluated using the current notable tree evaluation used by the Council. It is noted that it does not appear that the Council used this scoring system when the trees were first included as notable trees within the AUP(OP).

With the current system, to be considered eligible for inclusion in the schedule, a tree or group of trees must score 20 or more in the tree specific criteria or meet one of the special factors. A summary of the notable tree scores as contained in the Arborist Assessment is as follows:

Tree Number	Tree-specific factor score				
	Age and Health	Character and form	Size	Visual Contribution	Total Score
1	4	0	0	10	14
2	2	5	10	5	22
3	4	0	5	10	19
4	4	5	5	10	24
5	4	0	0	2	6
6	6	0	5	2	13
7	2	0	0	2	4
8	4	5	5	2	16

Only two of the trees have scores above 20, and none of the trees were identified as having special factors. Tree 2 is a Camellia sasanqua cultivar and had a score of 22, and tree 4 is a Liquidamber which had a score of 24.

Given that both of these trees are exotic and are average specimens of these trees which are found in many other gardens across the city, it is not considered that they are worthy of their notable tree status. Furthermore, the liquidamber is prone to falling branches and is a risk to the safety of future residents on this part of the site.

It is our submission that given the nature of these trees, they should not be classified as a qualifying matter which would restrict the development potential for future residential development on the site, as envisaged by the Residential – Mixed Housing Urban zoning.

(d) Qualifying matter – Water and /or Wastewater Constraints

The assets in the road berm include a power pole at the western corner, and water meters at the eastern corner of the site. The site is connected to networks for water supply, wastewater, power and telecommunications. The development site is not currently connected to the public stormwater network. However for any future residential development, a new public manhole could be installed on an existing 300mm diameter public stormwater line (ID: 2000479651) in the adjacent site 121-123 Parrs Cross Road (which is in the same ownership as this site), then extend a new public stormwater line into the subject site. Therefore, the stormwater from a higher density future development could be accommodated within the existing network.

There are no overland flow paths or flood plains located within the subject site.

Therefore, it is our submission that there are no water, wastewater or other infrastructure constraints that would restrict the development potential of the site. Therefore this qualifying matter is not relevant to this site.

Decision Sought

- The zoning of the site remains Residential – Mixed Housing Urban as proposed;
- The qualifying matters identified for the site are removed.

1467.1
1467.2
1467.3

Oratia Foothills Ltd wishes to be heard in support of this submission and reserves the right to provide specialist evidence to support this submission in advance of the hearing.

Arboricultural Assessment Report

Client:	**Thomas Consultants**
Site Address:	**491 West Coast Road, Oratia, Auckland**
Proposal:	**Subdivision of the site, including access.**
Compiled By:	**Stuart Barton**
Date of Report:	**18 August 2021 – Final Ver2 Changes to visual contribution.**

Arbor Connect Ltd.
PO Box 34 703, Birkenhead, Auckland 0746, New Zealand. Ph: 021 920 301; email: stuart@arborconnect.co.nz

1.0 Introduction

1.1 Our company received instruction from Tom Chi, Planner from Thomas Consultants, on behalf of the owners of 491 West Coast Road (the site) to assess the impacts of the physical works necessary to subdivide the site on eight notable trees.

1.2 This report has been commissioned to assess how the proposal will impact the subject trees and provide suitable recommendations to mitigate any adverse effects.

1.3 As part of my assessment for this report, I had an initial site walk over with Tom Chi on 14 January 2021 and had an additional site meeting with planners and engineers from Thomas Consultants on 3 February 2021. I also collected data on the trees at this visit. Around July 2021, the shelterbelt on the front boundary was removed. This report was updated in August 2021 to account for this change. This report is based upon the findings of those visits and the conditions found.

1.4 The details of the trees are specified in Appendix A of this report. The approximate location of the trees has been indicated on a location plan attached as Appendix B. The documentation supplied, and upon which I have based this assessment, are attached as Appendix C.

1.5 All assessments were made from ground level. While the tree dimensions were measured, they should be viewed as approximate only.

2.0 Site Description

2.1 The site is legally described as Lot 10 DP 135638. It is zoned Residential – Single House in the Auckland Unitary Plan Operative in Part (AUP OiP) under which this proposal is to be assessed.

2.2 The site is flat with an existing house and auxiliary buildings towards the rear of the site. There is a horseshoe driveway from West Coast Road located towards the western and eastern boundaries.

2.3 There are many semi-mature and mature, mostly exotic trees on the site. The notable trees in this report are located on the southern side of the house. The large shelterbelt on the front boundary, which screened the property, including most of the trees, from West Coast road, was removed around July 2021.

3.0 Tree Protection Rules

3.1 The tree rules that apply to 491 West Coast Road are in the AUP OiP D13 - Notable trees Overlay.

3.2 The trees identification number is 2008 in the AUP OiP Schedule 10 of notable trees schedule.

3.3 This proposal implicates no other protected trees.

4.0 The Proposal

4.1 It is proposed that the site is to be subdivided. The site will have four residential lots and an access lot. This access lot will also allow access to 121-123 Parrs Cross Road for future development purposes.

4.2 The access lot will run along the western boundary of the site. All underground services will be installed within the road reserve or outside the protected root zone of the notable trees to remain.

5.0 Arboricultural Assessment

5.1 There are eight notable trees on the site consisting of seven individual trees and a row of Japanese cedar trees. It is proposed that three of the individual trees, English oak (Tree 1), pūriri (Tree 6) and evergreen magnolia (Tree 7) and the row of Japanese cedar (Tree 5), are to be removed.

5.2 Each tree has been evaluated using the current notable tree evaluation used by the council. Although this scoring system was not used for assessing these notable trees when they were scheduled, it is useful to understand how they may compare with the current evaluation system. With the current system, to be considered eligible for inclusion in the schedule, a tree or group of trees must score 20 or more in the tree-specific criteria or meet one of the special factors. A summary of the notable tree scores is attached as Appendix D.

5.3 The Auckland Council heritage pack for the trees on the site shows the notable trees' location, and each one is photographed. There is no information on why the trees are listed in the notable tree schedule other than one STEM evaluation (Standard Tree Evaluation Method) for an unnamed tree.

Tree 1 – English Oak

5.4 This English oak is located in the southwest corner of the site, within the proposed access lot's footprint, so it will require removal.

5.5 It is on a lean and has been pruned to clear the overhead lines. The foliage is thinning, and there is dieback throughout the canopy. It has been assessed as being in poor condition.

5.6 Under the current notable tree evaluation, I scored it 14 for tree-specific factors, and it has no special factors.

Tree 2 – Camellia sasanqua cv

5.7 This tree is located at the southwest end of proposed Lot 1. It is a small multi-stemmed tree in good condition. It has been topped at least once in the past, which may account for the many stems that originate from the tree's base.

5.8 It is possible to develop the site while retaining this tree as long as there is an appropriate tree protection methodology in place.

5.9 The works for the construction of the access lot is outside of the root zone of this tree. There will be no excavation within the root zone of this tree for the preparation of the subdivision.

5.10 Under the current notable tree evaluation, I scored it as 22 for tree-specific factors and has no special factors.

Tree 3 – Lebanon Cedar

5.11 This tree is located in Lot 1 and sits behind Trees 2 and 3. It is in fair condition, with a large amount of deadwood in the lower canopy.

5.12 It is possible to develop the site while retaining the tree as long as there is an appropriate tree protection methodology in place.

5.13 The works for the construction of the access lot is outside of the root zone of this tree. There will be no excavation within the root zone of this tree for the preparation of the subdivision.

5.14 Under the current notable tree evaluation, I scored it 19 for tree-specific factors, and it has no special factors.

Tree 4 - Liquidambar

5.15 This tree is located in Lot 1 towards the southeast corner. It is in fair condition. There is dead bark at the base of the tree, possibly due to bleeding canker. It does not appear to have affected the health of the tree. The foliage is almost to the ground in places.

5.16 It is possible to develop the site while retaining the tree as long as there is an appropriate tree protection methodology in place.

5.17 The works for the construction of the access lot is outside of the root zone of this tree. There will be no excavation within the root zone of this tree for the preparation of the subdivision.

5.18 Under the current notable tree evaluation, I scored it 24 for tree-specific factors, and it has no special factors.

Tree 5 – Japanese Cedar

5.19 These eleven trees are planted along the western boundary. They appear to be a remnant of a shelterbelt with gaps in the line where there have been deaths or the tree has been removed.

5.20 The trees vary from being in irreversible decline to fair health. Some have poor form.

5.21 The group of trees will require removal for the construction of the road access.

5.22 Under the current notable tree evaluation, I scored it 6 for tree-specific factors, and it has no special factors.

Tree 6 - Pūriri

5.23 This pūriri is located in a raised planter approximately halfway down the western boundary. It is in fair condition. There has been some indiscriminate pruning of the canopy in the past. It has poor form, but this is not untypical for pūriri trees.

5.24 The tree requires removal for the construction of the access lot.

5.25 Alternative options were considered for the layout of the site access design in an endeavour to retain this tree. The first option was to narrow the access width so that

there were no excavations within 4.0 m of the trunk. Auckland Transport was not supportive of this approach.

5.26 The other option was to locate the accessway on the eastern side of the site and to the north of the pūriri. This would allow the retention of the English oak, Japanese cedar shelterbelt and the pūriri (Trees 1, 5 and 6). However, it would require removing the liquidambar, evergreen magnolia and the deodar cedar (Trees 4, 7 and 8). The combined value of the liquidambar and deodar cedar is greater than the combined value of the English oak, Japanese cedar shelterbelt and pūriri. The evergreen magnolia requires removal under the proposed layout and this second option.

5.27 Under the current notable tree evaluation, I scored it 13 for tree-specific factors, and it has no special factors.

Tree 7 – Evergreen Magnolioa

5.28 This tree is located almost in the centre of proposed Lot 2. The trees' condition is fair, but it lacks vigour. It is low branching with significant branches at 1.5 m from the ground.

5.29 Due to the tree's location within the lot, it will be necessary to remove the tree to create sufficient room for the building platform. The trees poor health and lack of stature mean it is not sensible to make significant changes to the subdivision layout to retain the tree.

5.30 Under the current notable tree evaluation, I scored it 4 for tree-specific factors, and it has no special factors.

Tree 8 – Deodar Cedar

5.31 This tree is towards the eastern boundary of the site and will be on the southern boundary of proposed Lot 3. Although there has been some recent indiscriminate pruning and English ivy is growing up the trunk, the tree overall is in good condition.

5.32 It is possible to develop the site while retaining this tree as long as there is an appropriate tree protection methodology in place.

5.33 The works for the construction of the access lot is outside of the root zone of this tree. There will be no excavation within the root zone of this tree for the preparation of the subdivision.

5.34 Under the current notable tree evaluation, I scored it 16 for tree specific factors, and it has no special factors.

6.0 Resource Consent Matters

6.1 The notable trees in this report have been assessed under the AUP OiP, specifically D13 Notable Trees Overlay – Table D13.4.1 Activity Table.

6.2 Resource consent will be required for the following:

Activity		**Activity Status**	**Trees Affected**
(A7)	Tree removal	Discretionary	Trees 1, 5, 6 and 7

6.3 The AUP OiP does not include assessment criteria for discretionary activities. However, the assessment criteria for restricted discretionary activities can provide some guidance.

a) The extent to which alternative methods that could result in avoiding alteration of the tree or trees have been considered.	• Alternative layouts of the site access design were considered to retain the pūriri (Tree 6). They were dismissed as outlined in paragraphs 5.25 and 5.26. • The proposed layout of the lots is the best use of the site for the development. Making significant changes to the lots' orientation or reducing the number of lots to retain the evergreen magnolia (Tree 7) is not considered viable due to its poor health.
b) The specific values of the tree or trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards.	• There will be some effect of these values mainly to the removal of habitats for birds. This can be mitigated by removing the trees between March and June to avoid bird breeding season and planting trees as part of the subdivision.
c) The extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised.	• Not applicable as the trees are to be removed.
d) The extent to which any impact on the immediate or long-term health and stability of the tree or trees is able to be minimised or avoided	• Not applicable as the trees are to be removed.
e) The loss of any amenity values that the tree or trees provided.	• The loss of amenity values will be negligible. The English oak (Tree 1) is the only tree seen from the road and it has poor form. The other trees are screened from the road by surrounding houses or trees that are to remain., so the viewing audience is low.
f) The risk of actual damage to people and property from the tree or trees, including the extent to which adverse effects on the health and safety of people have been addressed.	• N/A

g) The degree to which any proposed mitigation adequately responds to the effects on the tree or trees.	• The trees' removal will be mitigated by planting 13 trees on the street berms that the subdivision will create. • An additional tree is to be planted in Lot 2 as further mitigation for the removal of the evergreen magnolia (Tree 7)
h) The degree to which the proposal is consistent with best arboricultural practice guidelines for tree management.	• Best arboricultural practise would not advocate the removal of trees.
i) Methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and safe disposal of plant material.	• There are no kauri on the site • There are trees on site from the Myrtaceae family that are susceptible to myrtle rust. These trees are not protected and will be removed. Standard myrtle rust protocols will be followed if myrtle rust is detected. • There is an elm tree at the northern end of the site that has dutch elm disease. Auckland Council has been notified. The trees removal will need to follow standard operating procedures for elm removals. These trees are not protected.
j) The provision of a tree works plan, to address: i) The effects on the tree or trees ii) The proposed methods to be used iii) The extent to which the proposed works are consistent with best arboricultural practice iv) For tree alteration, the methods proposed to reduce any adverse effects and the extent of the alteration of the tree or trees v) For works within the protected root zone, the methods proposed to reduce any adverse effects on the tree or trees, including the depth of the works, and the extent of area of the protected root zone or zones that is affected	• It is intended that this report will act as the tree works plan.
k) The need for the direction and supervision of a qualified arborist while the works are being carried out.	• Qualified arborists will undertake the removal of the trees following best arboricultural practise.

l) The function and operational requirements of infrastructure.	• N/A
m) The benefits derived from infrastructure.	• N/A

6.4 The notable trees to remain (Trees 2, 3, 4 and 8) will not require resource consent as no works are proposed within their protected root zone. To ensure that the trees are retained successfully during the subdivision construction, a tree protection methodology has been specified in Section 8.0.

7.0 Proposed Mitigation

7.1 In meeting the requirements of the Resource Management Act 1991 and the AUP OiP, it is proposed that in mitigation for the notable trees removed, 14 160 ltr grade trees are to be planted as part of the development, including one tree located within Lot 2.

8.0 Tree Protection Methodology

8.1 The following recommendations are considered appropriate to ensure the physical works do not encroach into the protected root zone of the notable trees to be retained.

8.2 No excavation should occur within the protected root zone of the notable trees. The protected root zones are shown in the tree survey data attached as Appendix A.:

8.3 Before any works occurring, including the vegetation removal, temporary protective fencing should be installed around the protected root zone of the notable trees to be retained. Although temporary, the fences shall be constructed to be a minimum of 1.8 m high and not easily moved. Signage (minimum size 420 mm x 290 mm) shall be attached to the fence, stating that it is a tree protection area and that there should be no unauthorised entry. The fencing should remain in place until the completion of the subdivision works.

8.4 The area within the temporary protective fencing is to be considered a total exclusion zone as follows:

- No storage of diesel, cement, building materials, site huts, spoil etc. within the delineated area.
- No spillages of substances likely to be harmful to tree health within seepage distance of the delineated area.
- No alteration to the dimensions of the delineated area without the prior approval of the nominated arborist.
- No access into or works within the delineated area without the prior approval of the nominated arborist.

8.5 The condition, repair and location of the temporary protective fencing should be regularly inspected as part of the routine tree-monitoring programme.

9.0 Conclusion

9.1 This proposal will require resource consent to remove three individual notable trees and one group of notable trees as part of the site's subdivision. Four other notable

trees on the site will be retained, and the proposed works will be outside of their protected root zones, so resource consent will not be required for them.

9.2 The removal of the notable trees will be mitigated by the planting of 14 160 ltr grade trees.

9.3 A tree protection methodology has been prescribed in Section 8.0 of this report to ensure that works remain outside of the protected root zone of the four notable trees to be retained.

9.4 From an arboricultural perspective, I can support this application if the recommendations specified in Section 8.0 of this report are adhered to and the mitigation planting is undertaken.

I trust this is of assistance. Please do not hesitate to contact me if you require further information.

For **Arbor Connect Ltd**

Stuart Barton
Consultant Arborist - Principal
Cert. in Arboriculture, Dip. Hort.,
Dip.P&G. Tech., NCH (Amenity)

Attached
Appendix A – Survey Data
Appendix B – Tree Location Plan
Appendix C - Document List
Appendix D – Notable Tree Score Summary

APPENDIX A **SURVEY DATA**

Tree number	Species	Height (m)	Canopy Spread (m)	Trunk Girth @ 1.4m (m)	Condition	Protected	Comments
1	English oak	8.6	14.4	1.29	Poor	Yes - scheduled tree	Tree on lean. Has been pruned for overhead lines. Foliage thinning with dieback throughout the canopy.
2	Camellia sasanqua cultivar	6.6	8.0	3.37 (11 stems)	Good	Yes - scheduled tree	Multi stem from base. Probably historically topped at around 1.8 m.
3	Lebanon cedar	8.2	9.2	1.5	Fair	Yes - scheduled tree	The lower canopy has a lot of deadwood.
4	Liquidambar	11.1	16.0	2.39	Fair	Yes - scheduled tree	Dead bark at the base does not appear to be affecting the health of the tree. Good form, no evidence of branch failure. Canopy close to the ground.
5	Japanese cedar x 11	7.2-11.4	34 x 10	0.65-1.78	Poor - Fair	Yes - scheduled tree	Tree health ranges from dead/dying to fair. Tree form ranges from poor to fair. Gaps in the shelterbelt, so some trees have died in the past.
6	Pūriri	11.0	12.0	6.62 (8 stems)	Fair	Yes - scheduled tree	Has had indiscriminate pruning. Poor form.
7	Evergreen magnolia	8.0	10.2	2.39 (3 Stems)	Fair	Yes - scheduled tree	Thinning canopy. Poor health. Foliage about 1.5m from the ground.

Tree number	Species	Height (m)	Canopy Spread (m)	Trunk Girth @ 1.4m (m)	Condition	Protected	Comments
8	Deodar cedar	12.7	12.6	2.18 (including ivy)	Good	Yes - scheduled tree	Has had indiscriminate pruning. English ivy growing over the trunk.

Table Definitions

Canopy Spread: Calculated as the greatest radial spread of the canopy from the trunk x 2. This distance is also the protected root zone

Condition: Good: A healthy specimen with good vigour, form, long life expectancy and no significant defects.

Fair: Tree of average vigour and form. Minor defects may be present but not significant structural stability.

Poor: Tree with low vigour or poor form, significant defects and possible limited life expectancy.

APPENDIX B **TREE LOCATION PLAN**

APPENDIX C **DOCUMENTATION LIST**

Drawing	Title	Dated	Revision
RC100 - 103	Subdivision Scheme Plan Set 121-123 Parrs Cross Road &491 West Coast Road Glen Eden by Thomas Consultants	17/03/2021	-

APPENDIX D **NOTABLE TREE SCORE SUMMARY**

Tree Number	Tree-specific factor score				
	Age and Health	Character and form	Size	Visual Contribution	Total Score
1	4	0	0	10	14
2	2	5	10	5	22
3	4	0	5	10	19
4	4	5	5	10	24
5	4	0	0	2	6
6	6	0	5	2	13
7	2	0	0	2	4
8	4	5	5	2	16

Additional information on notable tree information can be found here - https://www.aucklandcouncil.govt.nz/building-and-consents/working-on-around-trees/Pages/what-is-notable-tree.aspx

Scoring of tree specific factors

These scoring systems are to be used when evaluating a tree against the tree-specific factors in Section 6 (see page 10).

Age and health

Vigour and vitality	High	3	5	6	8	10
	↑	2	4	6	8	8
		2	4	6	6	7
		2	4	4	5	5
	Low	2	2	2	3	3
	Age in Years	<40	41-60	61-80	81-100	>100

This scoring system should be used when assessing the age and health of a tree. It allows for trees that are old and healthy to score much more highly than trees that are either unhealthy or young. The degree of vigour and vitality for any tree is assessed given the age of the tree. Therefore, a tree that is over 100 years old and showing high vigour and vitality, for a tree that age, will score a 10.

Character or form

Not exceptional	0
Exceptional example locally	5
Exceptional example in Auckland	10

This scoring system should be used when assessing the character or form of a tree. It allows for trees that are exceptional examples at two spatial scales (from local to Auckland-wide) to score more highly than trees that are regarded as normal.

Size

Average size for the species in this location	0
Greater than average size (up to 25% larger)	5
Substantially greater than average size (>25% larger)	10

This scoring system should be used when assessing the size of a tree (including height, girth and lateral spread). It allows for trees that are larger than would be expected (on average) for a particular location to be scored more highly than trees that are at, or close to (or below), their average height.

Visual contribution

In backyard or gully	2	e.g. fewer than 100 people see the tree daily
Local park/community/ beside minor road or feeder road/catchment	5	e.g. between 100 and 5000 people see the tree daily
Main Road/motorway or higly visible landform	10	e.g. more than 5000 people see the tree daily

This scoring system should be used when assessing the visual contribution of a tree. It allows for trees that are seen by more people on a daily basis to score more highly than trees that are rarely seen.

George Bramer

From: Unitary Plan
Sent: Thursday, 29 September 2022 6:16 am
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Oratia Foothills Ltd
Attachments: 121-123 Parrs Cross Road - Submission to Plan Change 78_20220929060914.718.pdf; Appendix B - 121-123 Parrs Cross Road LVA Memo_20220929060959.632.pdf; Appendix C - 121-123 Parrs Cross Road - Engineering Assessment_20220929061023.255.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Oratia Foothills Ltd

Organisation name:

Agent's full name: Nicola Woodhead

Email address: nicola.woodhead@tcec.co.nz

Contact phone number: 0272506519

Postal address:
PO Box 121393
Henderson
Auckland 0650

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
H3A.4 (A7) Two or more dwellings per site in the Waitakere Ranges Heritage Area Overlay being a non complying activity.

Property address: 121-123 Parrs Cross Road, Oratia

Map or maps:

Other provisions:
• We object to the proposed zoning of the site (Residential - Low Density Residential Zone). The zoning should be consistent with that of the adjacent residential properties (Residential – Mixed Housing Urban);

• We object to the qualifying matters applicable to the site. These being the Waitakere Ranges Heritage Area Overlay, Floor Plains, Water and/or Wastewater Constraints Control;

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:
Please refer to the attached statement for details

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: The zoning of the site be changed to Residential-Mixed Housing Urban and the qualifying matters for the site being removed.

Submission date: 29 September 2022

Supporting documents
121-123 Parrs Cross Road - Submission to Plan Change 78_20220929060914.718.pdf
Appendix B - 121-123 Parrs Cross Road LVA Memo_20220929060959.632.pdf
Appendix C - 121-123 Parrs Cross Road - Engineering Assessment_20220929061023.255.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.

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thomas consultants	**PLAN CHANGE 78 SUBMISSION: OBJECTION TO PROPOSED ZONING OF THE SITE AND QUALIFYING MATTERS**
	121-123 PARRS CROSS ROAD, ORATIA

Applicant: Oratia Foothills Ltd

Site Address: 121-123 Parrs Cross Road, Oratia

Legal Description: Lot 4 DP402587

Date: 28th September 2022

Key Matters being objected to:

- **The proposed zoning of the site (Residential - Low Density Residential Zone).** The zoning should be consistent with that of the adjacent residential properties (Residential – Mixed Housing Urban);

- **The qualifying matters applicable to the site**. These being the Waitakere Ranges Heritage Area Overlay, Floor Plains, Water and/or Wastewater Constraints Control;

- **H3A.4 (A7) Two or more dwellings per site in the Waitakere Ranges Heritage Area Overlay being a non complying activity.** Our submission is that some sites within the Waitakere Ranges Heritage Area Overlay could potentially accommodate more than two dwellings, and that the threshold for this activity status being a non-complying activity, is too restrictive. Rather this should be a restricted discretionary or discretionary activity.

The reasons for these objections

Site and Locality Description

The site is a large site 1.66 ha in size, which currently has legal access to Parrs Cross Road via a right of way connecting from the north eastern corner of the site. Currently the site is vacant and is in open pasture and does not contain any residential dwellings. At the north western corner of the site is a stream is located, and several overland flow paths are identified on Auckland Council as connecting to this.

Auckland Unitary Plan (Operative in Part)

The site is currently zoned Residential – Single House Zone (SHZ) within the Auckland Unitary Plan (Operative in Part) (AUP(OP). As identified in figure 1 below, the properties to the south and east of the site are also zoned SHZ.

As identified on the AUP(OP) GIS, the site is also subject to overlays as follows:

- Natural Heritage: Waitakere Ranges Heritage Area Overlay - WRHA_01, Subdivision Schedule
- Natural Heritage: Waitakere Ranges Heritage Area Overlay - Extent of Overlay

The properties to the west and north of the site are also subject to the Waitakere Heritage Area Overlay. However, these neighbouring properties are zoned Rural - Waitakere Foothills Zone within the AUP(OP).

As identified in the Auckland Unitary Plan (Operative in Part) the subject site is located within the rural / urban boundary (RUB). This is indicated within the extract from the Auckland Council GIS below.

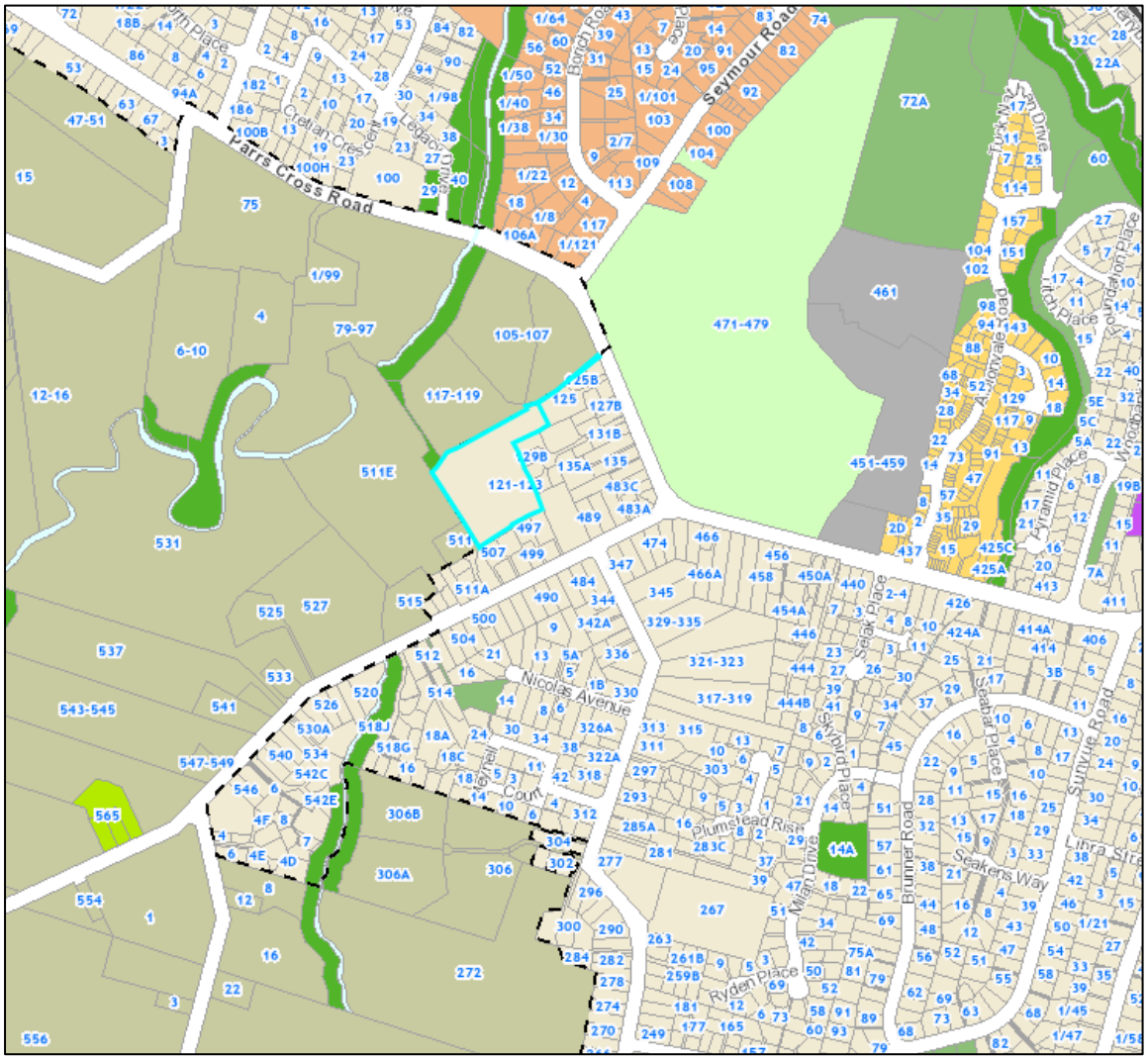

Figure 1 – The subject site as identified in the AUP(OP) showing the zones of the surrounding sites and the location of the RUB

Proposed Plan Change 78 – Key concerns raised

- **The proposed zoning of the site**

The proposed zoning of the site of Plan Change 78 is Residential - Low Density Residential Zone (LDR). As identified on the extract from the Plan Change 78 map viewer, the subject site is the only site within this location that is proposed to have this zoning. All of the neighbouring properties to the south and east are proposed to be zoned Residential – Mixed Housing Urban. The properties to the west and north (which are located outside the RUB) are excluded from Plan Change 78 given that they are outside of the urban environment.

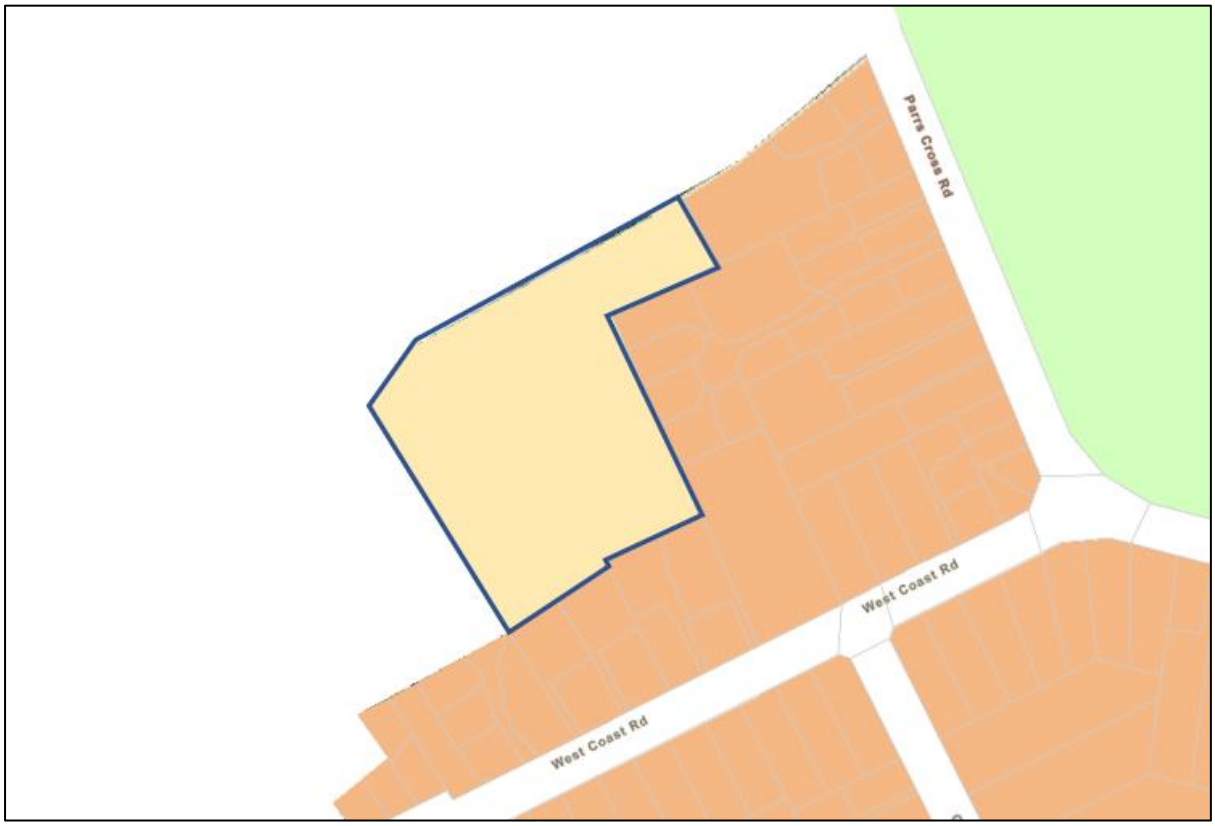

Figure 2 – The subject site as identified in the Plan Change 78 map viewer, 18 August 2002, showing the zones of the surrounding sites and identifying the zoning of the subject site (outlined in blue)

It is understood that the purpose of the LDR zone is to reduce the level of development enabled by the medium density residential standards (MDRS) to accommodate the values of certain qualifying matters.

As advised in PC78, the LDR zone will apply within the urban environment where the relevant qualifying matters have resulted in a lower intensity of development. Limiting levels of re-development is necessary to accommodate one or more qualifying matters while enabling residential development. The zone applies to:

- the Waitakere Ranges Heritage Area;
- neighbourhoods with special character based on past development patterns;

- a coastal setting;
- sites containing cultural values or substantial proportions of significant ecological areas;
- sites that are subject to high natural character, outstanding natural features or landscapes; or,
- other factors such as natural hazards risks in the coastal environment and from flooding

It is our submission that these identified factors should not apply to the subject site, and each of the matters are considered in turn below:

1. The Waitakere Ranges Heritage Area

It is noted that the subject site is identified as being subject to the Waitakere Ranges Heritage Area overlay in the AUP(OP). However, in a recent resource consent decision issued by Auckland Council on 21st May 2021 for a subdivision of the site to create two additional residential lots from the existing title, creation of a commonly owned access lot (COAL) and a reserve to vest to Council as esplanade as detailed below (BUN60303697, LUC60303800 and SUB60303801), the following was stated in the Officers report:

> *Waitakere Ranges Heritage Area Overlay / Oratia Structure Plan*
>
> *The site at 121-123 Parrs Cross Road is subject to the Waitakere Ranges Heritage Area Overlay (Section D12) which references Figure 12.10.1 Overlay Subdivision Plan 1 – Oratia (Foothills) which is the previous Oratia Structure Plan (OSP) . As part of the PAUP the subject site was illustrated as being outside of the MUL and had a recommended zone of Rural – Waitakere Foothills Zone which aligned with the underlying zoning of Foothills Environment in the Waitakere District Plan.*
>
> *The recommendations and decisions version of the plan has moved the RUB such that the subject site is inside of this urban area and hence a single house zoning was provided. Auckland Council's Unitary Plan team have confirmed that the Waitakere Ranges Heritage Area Overlay (Section D12) which references Figure 12.10.1 Overlay Subdivision Plan 1 – Oratia (Foothills) rules do not apply to this site and the matter relates to an error whereby the Overlay Subdivision Plan 1 – Oratia (Foothills) (being based on the OSP) was not updated to reflect the zoning provided for in the Decisions Version of the Auckland Unitary Plan.*
>
> *As such the following consent will not trigger consent under the Waitakere Ranges Heritage Area Overlay (Section D12) of the Auckland Unitary Plan or make assessment in the regard.*

A copy of this decision and approved drawings are attached as Appendix A.

On this basis, it is our submission that the subject site should not be identified as being located within the Waitakere Ranges Heritage Overlay, its inclusion in this area was a mapping error as identified by the Council Planner in this resource consent decision. Therefore, this qualifying matter should not apply to the subject site.

Furthermore, it is important to note, in 2015/16 under the Auckland Unitary Plan Hearings process there were 15 sites within the Countryside and Foothills environment that were seeking to rezone to an urban classification that were also covered by the Waitakere Ranges Heritage Projection Layer. Of these sites the Waitakere Ranges Protection Society objected to them all being rezoned, except this

site at 121 Parrs Cross Rd. They did not object to this site being rezoned because it had urban development on 2 ½ sides, no native vegetation only shelter belts, and there were no landscape, visual, environmental or archaeological reasons to oppose the rezoning.

2. Neighbourhoods with special character based on past development patterns;

It appears that the local neighbourhood has evolved over time with residential development intensifying within the urban boundary. A key example of recent residential intensification is very near to the site. Consent was approved in October 2021 for 236 residential terraced units, single storey commercial units and a café, as part of the Nola Estate located on the corner of West Coast Road, Parrs Cross Road, and extends as far as Glengarry Road to the west. The location of this development is indicated in figure 3 below:

Figure 3 – Site Location as taken from the Nola Estate Decision dated 1st October 2021

These dwellings are currently under construction and will result in a more urban, intensified appearance to this area.

As identified earlier, the northern and western boundaries of the subject site are located on the boundary of the RUB, with the site wholly contained within the identified urban area. Therefore the integrity of the rural / urban interface will be retained if the subject site were to be developed in accordance with the MHU zoning.

Therefore, this matter does not apply to the subject site.

3. A coastal setting

This does not apply to the subject site.

4. Sites containing cultural values or substantial proportions of significant ecological areas

There is very little in the way of native vegetation on the site that needs to be protected, the site has been used in the past for horticultural uses. No part of the site is subject to the SEA or any overlays intended to protect cultural values. A Landscape and Visual Effects Assessment Memo has been prepared which confirms this lack of vegetation on the site, and is attached as Appendix B. Therefore, this matter is not relevant to the subject site.

5. Sites that are subject to high natural character, outstanding natural features or landscapes

The subject site is not subject to any special character overlays which would indicate that the site has any significance in this regard. This is also confirmed in the Landscape and Visual Effects Assessment Memo attached as Appendix B.

6. Other factors such as natural hazards risks in the coastal environment and from flooding

The Plan Change 78 map viewer identifies Floor Plains, Water and/or Wastewater Constraints Control as spatially identified qualifying matters for this site.

An Engineering Assessment summarising development potential and constraints has been prepared and is attached as Appendix C. The following points are identified :

(a) Flooding - The Auckland Council GeoMaps indicate that the North-Western corner of the site, approximately 46m^2 in area, is subject to inundation to about RL 21.00m. This flooding results from the Oratia Stream tributary located to the west of the site. The approved resource consent for the site referenced in Appendix A already provides a 276m^2 esplanade reserve for this stream and associated riparian margin. It identified in the Council Decision creating this that the proposed esplanade reserve area contains the 1% AEP flood area and therefore ensures that the future development of the balance lot of the site is not affected by the floodplain of the stream. The flooding within the site is very limited in its extent and can be accommodated within the future MHU design of the site. Given the very small nature of this area of flood plain and that it has already been accommodated for in a previously approved consent, our submission is that flooding should not form a qualifying matter for the site, and should not limit the development potential of future residential development on the site.

(b) Stormwater - The subject site has a 1.1ha Overland Flow Path (OLFP) running from the North-Western corner of the site and bifurcating into smaller OLFPs, with catchments of 4200 m2 and 2700 m2, respectively. These flow paths can be easily accommodated with any proposed development. There are also sufficient public stormwater assets within the site to allow extensions for future development. Therefore it is considered that there are no issues of capacity relating to stormwater which would restrict future development of the site. It is

considered that a development with an intensity anticipated within the MHU is achievable on the site.

(c) Wastewater - The site is currently serviced by a 150mm diameter Asbestos-Cement (AC) Wastewater (WW) pipeline, which enters at the North-East and South-East boundaries, before adjoining and traversing along the Northern boundary of the site and discharging into WW manhole 439419. These pipes ultimately lead to a 50,000m^3 storage tank in The Concourse Henderson and therefore no capacity issues are considered detrimental to any proposed development. It is considered that there are no issues of capacity relating to wastewater that might detrimentally affect the development and extensions to the existing network can adequately service future development which is consistent with a density anticipated within the MHU zone.

(d) Water supply - The site is currently serviced by a 25mm diameter Polyethylene (PE) Water Supply (WS) connection(located on the North-Eastern corner of the subject site) from a 50mm diameter PE watermain that runs along the shared driveway. There is also a 100mm diameter PE pipeline crossing onto a 225mm diameter uPVC watermain on Parrs Cross Road and a 250mm diameter AC watermain located South of the site in West Coast Road, which would provide adequate coverage for development within the site. In light of the above, there are no impediments from a water supply viewpoint to a development consistent with MHU standards.

Other matters addressed in this submission

As proposed in the activity table, H3A.4 (A7) *two or more dwellings per site in the Waitakere Ranges Heritage Area Overlay being a non complying activity*. Our submission is that some sites within the Waitakere Ranges Heritage Area Overlay could potentially accommodate more than two dwellings, and that the threshold for this activity status being a non complying activity, is too restrictive. Rather this should be a restricted discretionary or discretionary activity.

Conclusion

Our submission is that the site is capable of accommodating the level of development anticipated in the MHU zone, similar to all the neighbouring properties to the east and south of the site. The integrity and rural character of the land to the west and north of the site which is located outside of the RUB will be maintained. The boundary between rural and urban will be respected and retained as intended by the AUP(OP).

Decision Sought

- The zoning of the site being changed to Residential – Mixed Housing Urban;

1467.4

- The qualifying matters identified for the site being removed; 1467.5 1467.6 1467.7
- H3A.4 (A7) *two or more dwellings per site in the Waitakere Ranges Heritage Area Overlay* is changed to a restricted discretionary or discretionary activity. 1468.8

Oratia Foothills Ltd wishes to be heard in support of this submission, and reserves the right to provide specialist evidence to support this submission in advance of the hearing.

Auckland Council
Te Kaunihera o Tāmaki Makaurau

MINOR CORRECTIONS TO RESOURCE CONSENT (s133A)

Resource Consent Number	BUN60303697 / LUC60303800 / SUB60303801
Granted Date	23 March 2021
Date of Request (also specify number of working days)	23 April 2021
Who initiated request	Neeta Deo Thomas Consultants
Nature of Request	The agent advised of an error where the superseded infrastructure plans were stamped and a fire hydrant requirement condition remained in the consent. Details of the required amendments are as follows: <u>Plan updates:</u> • Remove RC472, dated 01/06/2017 – 100-YR ARI Flood Plain Plan shows outdated 8 lot layout. • Remove RC413 - Water Supply Layout Plan, dated 01/06/2017 as was replaced by RC412-Rev C , dated 06/05/2020 – Drainage and Water Supply Layout Pan provided during processing. <u>Update Condition 1 on both LUC60303800 / SUB60303801 to reflect the above changes to plans and reference the Rev1 December 2020 version of the Infrastructure report.</u> <u>Remove Condition 11 of SUB60303801</u> Provide a 100mm diameter fire main upgrade and fire hydrant to public standards and provide an easement in gross in favour of Auckland Council of the main where located in a private right of way a. Provide a fire main in general accordance with the requirements of Watercare Services Ltd's peer review approval *#67027.* *<u>Advice Notes</u>* *a) Public grade water extensions, diversions, connections and disconnections require Engineering*

	Plan Approval and network extension approval from Watercare Services Ltd. All proposed works require designs supported by Watercare Compliance Certificates. *b) Plans approved under Resource Consent do not constitute an Engineering Plan Approval and <u>should not be used</u> for the purposes of constructing public reticulation works in the absence of that approval.* <u>Add Condition 23 to SUB60303801</u>: <u>Consent Notice – Firefighting water supply</u> Pursuant to Section 221 a Consent Notice is required on Lot 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis. • *"No building shall be erected onsite without* complying *firefighting water supply in accordance with Watercare and NZ Fire services standard being installed onsite."*
Request Approved / Rejected	Approved
Was Section 37 Utilised	Yes
Date of Re-Issue	21 May 2021

Section 133A Corrections prepared by:	
Brogan McQuoid Team Leader North West Resource Consents	B.S. McQuoid Dated:21 May 2021
Section 133A Corrections authorised by:	
Mimouk Hannan Senior Planner North West Resource Consents	Dated:21 May 2021

Report for applications for resource consents under the Resource Management Act 1991

Restricted discretionary activity

Discretionary activity for a subdivision consent

1. Application description

Application numbers:	BUN60303697 (Council Reference) LUC60303800 (s9 land use consent) SUB60303801 (s11 subdivision consent)
Applicant:	Oratia Foothills Limited
Site address:	121-123 Parrs Cross Road, Oratia
Legal description:	Lot 4 DP 402587
Site area:	16,667m²
Auckland Unitary Plan (Operative in part)	
Zoning:	Residential – Single House zone
Precinct:	Non- applicable
Overlays:	Natural Heritage: Waitakere Ranges Heritage Area Overlay – WRHA_01, Subdivision Schedule
Controls:	Macroinvertebrate Community Index [rcp/dp] – Urban Macroinvertebrate Community Index [rcp/dp] – Rural
Designations:	None applicable
Special Features:	Site is located within the Waitakere Ranges Heritage Area Act 2008 Statutory acknowledgement area

2. Locality Plan

Figure 1 – Site Location diagram

3. The proposal, site and locality description

Proposal

Proposal

The proposal involves the subdivision of the site to create two (2) additional residential lots from the existing title, creation of a commonly owned access lot (COAL) and a reserve to vest to Council as esplanade as detailed below:

Lot	Area (m²)	Purpose
1	600	Residential
2	600	Residential
3	234	Jointly-Owned-Access-Lot
4	14,954	Balance Lot

4	276	Reserve to vest to Council (Esplanade Reserve)

The following works are also proposed:

- Removal of the existing buildings on the site
- Extend the existing Commonly Owned Access Lot (COAL) to serve the new lots
- Provide services to the new lots
- Remediation of soil contamination on site

Site and surrounding environment description

Pam Unkovich of Thomas Consultants has provided a description of the proposal and subject site on pages 7 - 9 of the Assessment of Environmental Effects (AEE) titled: *Amended Three Lot Subdivision Assessment of Environmental Effects dated 8 June 2020.*

Having undertaken a site visit on 18 July 2017, I concur with that description of the proposal and the site and makes the following comments:

Site Description

- The site is accessed via a right of way which is shared with two other rural residential sites, one of which uses a separate, individual access at 105 Parrs Cross Road. The vehicle crossing is also shared with the car park for a fruit and vegetable shop, bakery and cafe and a dwelling at 109-111 Parrs Cross Road.
- The site has a total area of 16,667m² (approximately 1.67ha) and currently contains a shed on the north eastern part of the property. The land has been used historically for horticultural purposes and contains a large corrugated iron shed. Shelter belt planting along internal fence lines also reflects the historic horticultural activity on the site.
- The site slopes gently to the northwest. The highest elevation is a 40.5-metre contour in the south east, falling to a 20-metre contour in the north west corner.
- The Kaurimu Stream traverses over the north west corner of the site and is a tributary of the Oratia Stream.
- Vegetation on the property includes two rows of Casuarina (She Oaks) that were used in the past as shelterbelts of approximately 16 to 20 metres in height. Other mature vegetation growing along the western boundary comprises Macrocarpa along the access boundary and parts of the southern boundary along with Poplar trees, Cabbage trees and a specimen Liquidambar. A few Casuarina are also growing in the open areas.
- The site is mostly in grass which is long and overgrown.

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following specialists:

- Pritesh Jayswal – Development Engineer
- Sam Shumane – Transport Specialist
- Fiona Rudsits, Contamination Specialist
- Tommo Cooper-Cuthbert – Parks

Processing of the Resource Consent

The application as initially lodged involved the subdivision of the site to create six (6) residential lots of approximately 600m² in size. Due to the fact that this necessitated the upgrading of the driveway the application was re-lodged and amended to create an additional (2) residential lots and avoid the need or the driveway to be upgraded.

Waitakere Ranges Heritage Area Overlay / Oratia Structure Plan

The site at 121-123 Parrs Cross Road is subject to the Waitakere Ranges Heritage Area Overlay (Section D12) which references Figure 12.10.1 Overlay Subdivision Plan 1 – Oratia (Foothills) which is the previous Oratia Structure Plan (OSP) . As part of the PAUP the subject site was illustrated as being outside of the MUL and had a recommended zone of Rural – Waitakere Foothills Zone which aligned with the underlying zoning of Foothills Environment in the Waitakere District Plan.

The recommendations and decisions version of the plan has moved the RUB such that the subject site is inside of this urban area and hence a single house zoning was provided. Auckland Council's Unitary Plan team have confirmed that the Waitakere Ranges Heritage Area Overlay (Section D12) which references Figure 12.10.1 Overlay Subdivision Plan 1 – Oratia (Foothills) rules do not apply to this site and the matter relates to an error whereby the Overlay Subdivision Plan 1 – Oratia (Foothills) (being based on the OSP) was not updated to reflect the zoning provided for in the Decisions Version of the Auckland Unitary Plan.

As such the following consent will not trigger consent under the Waitakere Ranges Heritage Area Overlay (Section D12) of the Auckland Unitary Plan or make assessment in the regard.

5. Reasons for the applications

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60303800

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

E27 Transport

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a *restricted discretionary activity* under rule E27.4.1(A2).
    - The proposed passing bay does not comply with Table E27.6.4.3.1(T148) where 7.0m is required and 6.07m is proposed. A restricted discretionary activity consent is required pursuant to rule E27.4.1(A2).
- *Restricted discretionary consent* for the use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(3) as the site is accessed from an arterial road pursuant to rule E27.4.1(A5).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- Consent is required for the remediation and disturbance of soil on a site which has been historically used for horticultural purpose and is considered to be a HAIL activity. This requires *restricted discretionary activity* consent pursuant to Regulation 10 of the NES.

Subdivision consent (s11) – SUB60303801

Auckland Unitary Plan (Operative in part)

Subdivision (operative plan provisions)

- *Restricted Discretionary consent* for the subdivision of land establishing an esplanade reserve pursuant to E38.4.1(A8).
- *Restricted Discretionary consent* for the subdivision of land within a one per cent AEP floodplain natural hazard area pursuant to E38.4.1(A11).
- *Discretionary Activity* consent for vacant subdivision, involving a parent site of 1ha or

greater complying with standard E38.8.3.1 pursuant to E38.4.2(A18).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- Consent is required for the subdivision of a site which has been historically used for horticultural purpose and is considered to be a HAIL activity. This requires *restricted discretionary activity* consent pursuant to Regulation 10 of the NES.

6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

For the purposes of the s95 recommendation, as the implementation of one resource consent will affect the other, the land use and subdivision components of the applications will be bundled. As such, the notification decision is considered as a discretionary activity overall.

For the purposes of the s104 decision, the decision is considered sequentially, with a decision on the land use consent first under s9 of the RMA, and then the subdivision consent under s11 of the RMA in light of the approved resource consent. As such, the application decisions are overall considered as follows:

- Land use (s9): restricted discretionary activity
- Subdivision (s11): discretionary activity
- NES: restricted discretionary activity

7. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the applications are publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and

- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

Public notification of a resource consent application exclusively involving a residential activity (as defined by s95A(6)) or the subdivision of land is precluded where the activity status for the application is restricted discretionary or discretionary (ss95A(4) and 95A(5)(b)(ii)).

The application is primarily a subdivision which is a Discretionary activity but triggers the need for land use consent for the up of the driveway. The physical works required to upgrade the driveway are not considered to be a residential activity therefore due to the bundled nature of the resource consent application public notification is not precluded in this instance.

Step 3: if not precluded by step 2, public notification required in certain circumstances

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

The consultant has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This can be found on pages 25 – 29 of the AEE.

The AEE concludes that the effects of the proposed subdivision would be less than minor. I concur with this assessment and make the following comments:

<u>Character and Amenity Effects</u>

The subject site has a zoning of Residential – Single House zone within the Auckland Unitary Plan (AUP: OP) and is located inside of but adjoining the Metropolitan Urban Boundary on the sites northern and western boundaries.

The proposal involves the creation of two (2) additional residential lots which are both 600m² in site area, complying with the minimum vacant lot size within this zone and consistent with existing residential development to the east and south of the site, which are also located within the single house zone.

The application has demonstrated that each proposed site has a complying shape factor within the lot.

The proposal provides for residential activity at an anticipated intensity thereby ensuring existing and planned character for this neighbourhood is not unduly compromised.

Based on the above, any character and amenity effects resulting from the proposal would be less than minor.

Vehicular Access

The existing driveway will be retained to serve the new allotments, with a small extension to the end of the driveway to provide access to Lot 2.

The consultant notes that the existing driveway is in good repair and provides two passing bays along its length, located at the start of the access and at a distance of 50m. The passing bay located at chainage 60 does not comply with the relevant standards whereby a minimum length of 7m is required and 6.07 is provided.

The access has a formed width which narrows down from 5.5m to 2.89m, within a clear corridor of minimum 6m. The driveway will provide access to a total of five (5) sites subsequent to this proposed subdivision, with an assumed number of car parks of 8, being two (2) per site (discounting the balance lot created).

No formed access has been provided for the balance lot (Lot 4), however a right of way easement has been provided to ensure legal access is available from the existing driveway, should future development of the site utilise this access.

The application has been reviewed by Councils Specialist Transport Engineer – Sam Shumane and memo prepared dated 29 September 2020. It is noted that a Traffic Report has been prepared by Traffic Design Group (TDG) dated 15 June 2017 but noting that the density of the proposed subdivision has reduced from that lodged, is only relevant in respect of the access arrangement. Mr Shumane considers that the traffic effects are acceptable for the following reasons:

- The narrow-formed width of 2.89m is only for a short distance and Chapter 27 (Transportation) actually allows for 2.5m widths provided a clear corridor is available.

- It is considered that the existing access strip (combined panhandle) is sufficient to cater for two additional lots on the basis of a single dwelling being located on each lot.

- It is noted that the existing driveway for the most part is in good condition. The area which is not in good condition is within the carpark that is shared with the fruit shop and bakery. It is considered that the condition of this area is acceptable at this time.

- The existing vehicle crossing can still accommodate the additional movements from the proposed development.

Mr Shumane does raise concern in respect to the vehicle access of the site which is not in good condition but notes that the upgrading of this vehicle access is problematic given it is shared by other retail uses, including a vegetable shop and bakery. The use of this vehicle crossing from existing and future residential properties would be negligible in comparison to its daily use from the other activities. It is noted that a vehicle access restriction (VAR) applies to the use of this existing vehicle crossing by way of it adjoining Parrs Cross Road which is identified as being an arterial road. The use of this vehicle crossing is existing and the small increase in users from a future single residential dwelling constructed within vacant Lots 1 and 2, is considered acceptable. Mr Shumane notes that any future development on this site may be required to upgrade this vehicle crossing.

Mr Shumane does not raise any specific concerns in respect of the passing bay not meeting the required dimensions and it is considered that the existing situation can continue to operate efficiently.

Overall, it is considered that any effects in respect to vehicular access would be less than minor.

Geotechnical

A geotechnical investigation of the site has been undertaken by Geoconsult Geotechnical Consultants Ltd and dated 6th December 2016 which notes that specific geotechnical consideration for the design, including foundations for future buildings may be considered. Consent notices are recommended to advise future owners of this requirement. Overall, it is concluded that the sites are suitable for residential development and any effects in respect to geotechnical stability would be less than minor.

Infrastructure

In respect to stormwater, there is an existing concrete public stormwater line that traverses the northern portion of the site, with three existing manholes along this line. It is proposed to connect to this line to serve proposed Lots 1 and 2. The site is located within a stormwater management area (SMAF) therefore detention is required to be provided for each future dwelling. This requirement forms part of a consent notice informing future owners of this requirement.

In respect of wastewater, there is an existing public wastewater line crossing through the site. Due to the alignment of the pipe, which crosses proposed Lots 1 and 2, and due to the existing network condition, it is proposed to realign the existing line to run along the boundaries of the proposed lots. New connections to the newly realigned wastewater pipe are proposed to individually serve Lots 1,2 and 4.

In respect of water supply, it has been demonstrated there is capacity in the existing public line to provide further individual connections and water meters to serve the development. The development is located outside the fire coverage range of a fire hydrant. Fire hydrants require a 100mm diameter service line, so it is not possible to install a fire hydrant to serve the site on the existing 65mm water main. It is proposed to upgrade the 65mm line to a 100mm diameter line, provide a fire hydrant and connections to serve the development.

The development is located within an established utility services reticulated locality, including telecommunications and power.

The application has been reviewed by Councils Development Engineer Pritesh Jayswal who confirms that the site can be adequately serviced by public reticulation with capacity available within the respective networks.

Overall, it is considered that any effects in respect to infrastructural capacity would be less than minor.

Esplanade Reserve

The agent notes that the Kaurimu Stream does not traverse the subject site and is wholly located on the adjacent site at 511D West Coast Road (Lot 2 DP 330361) but an area of 276m² of the north western corner of the site is proposed to be subdivided from the site as Lot 5 and vested to Council as an esplanade reserve to top up potential future esplanade reserves in respect of the stream.

It is also noted that this area of proposed esplanade reserve also contains the 1%AEP flood area and therefore ensures that future development on the balance lot (Lot 4) is not affected by the floodplain associated with the stream.

The policies and objectives relating to esplanade reserves seek to ensure that esplanade reserves provide public access, and the conservation of riverbank ecological values, natural values, geological features and landscape features. The proposed esplanade reserve has been accepted by Councils Community Facilities Department (memo produced by Tommo Cooper-Cuthbert dated 01/07/2020) and is considered to achieve the objectives relating to the provision of esplanade reserves.

Soil Contamination

The subject site has previously been utilised for horticultural purposes and a Detailed Site Investigation (DSI) has been prepared by Thomas Consultants, dated April 2017 and accompanies the application. The report has been peer reviewed by Councils consultant specialist Brett Mongillo and memo produced 30 August 2017. The DSI confirmed that elevated concentrations of lead, arsenic, zinc and PAHs were evident on site. The application was considered to be a restricted discretionary activity under the NES.

A Remedial Action Plan (RAP) has been prepared by Thomas Consultants dated August 2017 which proposes to remove contaminated material and dispose of it to a certified land fill to avoid any adverse effects of contaminants on human health. This was also reviewed by Mr Mongillo

who has suggested conditions of consent which reflect the recommendations of the RAP and subject to adherence to these conditions, Mr Mongillo considers that the effects of any soil contamination can safely be remediated. The conditions of consent have been agreed by the applicant.

Overall, it is considered that the effects of potential soil contamination of the receiving environment and on human health would be less than minor.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the applications, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under Step 3 public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the applications being publicly notified.

It is therefore recommended that these applications be processed without public notification.

8. Limited notification assessment (sections 95B, 95E-95G)

If the applications are not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the applications. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal will occur adjacent to land that is subject to a statutory acknowledgement, namely Te Kawerau a Maki, however the proposal will not result in adversely affected persons in this regard as the proposal will continue to maintain the cultural, spiritual and historic values associated with the Kaurimu Stream. As the proposal is to create vacant lots and as such a consent notice be registered on the records of title for the newly created lots to ensure that stormwater mitigation measures be implemented to manage the quality and quantity of stormwater generated, this will ensure that the additional stormwater runoff generated by the development will be adequately managed and therefore will have less than minor adverse effects.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The applications are not precluded from limited notification as:

- the applications are not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the applications are not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As these applications are not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the applications are required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

Adversely affected persons assessment (sections 95B(8) and 95E)

The consultant has provided in accordance with schedule 4 of the RMA, an assessment of adversely affected persons in such detail as corresponds with the scale and significance of the effects that the activities may have on persons in the surrounding environment. This is located on pages 22 – 24 of the AEE.

The consultant has correctly identified all the adjacent properties in section 9.2.4 on page 22 of the AEE.

The AEE concludes that no persons are adversely affected by the proposed subdivision. Overall, I agree with the AEE and make the following comments:

- The proposed density of subdivision will result in lots sizes which are consistent with existing residential development on adjoining properties and complies with the minimum site size in this Single House zone. The density of development is therefore anticipated for this site.
- The existing access would continue to facilitate access to all existing users. The small increase in traffic generation that results from the additional lots can be accommodated by this driveway due to its width, standard and the fact that passing bays are provided along its length.
- The sites can be effectively serviced in respect to infrastructure and any disruptions to adjoining properties that may result from the upgrading of infrastructure would be temporary and are anticipated effects.
- The site would be remediated of contamination prior to development occurring and a remediation action plan has been developed to ensure that this happens efficiently and without impacting on adjoining properties.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the applications that warrant them being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;

- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the applications, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the applications are for activities other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activities will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the applications being limited notified to any other persons.

It is therefore recommended that these applications be processed without limited notification.

9. Notification recommendation

Non-notification

For the above reasons under section 95A these applications may be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that these applications are processed non-notified.

Steven McKenzie
Consultant Planner
Resource Consents

Date: 1 March 2021

10. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA these applications shall be processed non-notified.

Brogan McQuoid
Team Leader
Resource Consents

Date: 23 March 2021

Decision on an application for resource consents under the Resource Management Act 1991

Decision one – restricted discretionary activity

Application numbers:	BUN60303697 (Council Reference) LUC60303800 (s9 land use consent)
Applicant:	Oratia Foothills Limited
Site address:	121-123 Parrs Cross Road, Oratia
Legal description:	Lot 4 DP 402587

Proposal:

The proposal would involve infringements to E27 Transport rules due to the fact that the existing vehicle crossing that serves the proposed lots is subject to a vehicle access restriction (VAR) and one of the passing bays along the length of the driveway does not comply with the permitted dimensions.

It is also proposed to remediate soil contamination from the site.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60303800

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

E27 Transport

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a *restricted discretionary activity* under rule E27.4.1(A2).

    - The proposed passing bay does not comply with Table E27.6.4.3.1(T148) where 7m is required and 6.07m is proposed. A *restricted discretionary activity* consent is required pursuant to rule E27.4.1(A2).

- *Restricted discretionary consent* for the use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(3) as the site is accessed from an arterial road pursuant to rule E27.4.1(A5).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- Consent is required for the remediation and disturbance of soil on a site which has been historically used for horticultural purpose and is considered to be a HAIL activity. This requires *restricted discretionary activity* consent pursuant to Regulation 10 of the NES.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

   (9) any activity or development which infringes the standards for design of parking and loading areas or access under Standards E27.6.3, E27.6.4.2, E27.6.4.3 and E27.6.4.4:

   (a) adequacy for the site and the proposal;

   (b) design of parking, loading and access;

   (c) effects on pedestrian and streetscape amenity; and

   (d) effects on the transport network.

   (12) construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(2) and Standard E27.6.4.1(3):

   (a) adequacy for the site and the proposal;

   (b) design and location of access;

   (c) effects on pedestrian and streetscape amenity; and

   (d) effects on the transport network.

2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be acceptable as:

   (a) The existing driveway is in good repair and provides two (2) passing bays along the length, located at the start of the access and at a distance of 50m. The passing bay located at chainage 60 does not comply with the relevant standards whereby a minimum length of 7m is required and 6.07m is provided however it remains usable for vehicles and would successfully perform its intended function.

   (b) It is considered that the existing access strip (combined panhandle) is sufficient to cater for two additional lots on the basis of a single dwelling being located on each lot.

   (c) The increase in use of the existing vehicle crossing that results from the proposed development would be negligible when compared with the daily use from the other non-residential uses that share the same vehicle crossing. The use of this vehicle crossing is an existing situation and the small increase in users from the future dwellings constructed within the proposed lots in the future, are acceptable on the basis of these being single units.

   (d) The soil contamination which has been identified as being within the site due to its previous horticultural use will be remediated in accordance with the Remedial Action Plan (RAP) which has been prepared for the site. Overall, it is considered that the effects of potential soil contamination of the receiving environment and on human health would be successfully managed and mitigated.

   (e) With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular the proposal is consistent with the relevant policies and objectives of the AUP: OP for the following reasons:

   <u>E27 Transport</u>

   The relevant policies and objectives are noted as the following:

   - Objective – E27.2 (3) and (4);

   - Policies – E11.3 (1), (3), (8), (17), (18) and (20),

   The relevant policies and objectives seek to integrate and use transport to mitigate any effects on the transport network and provide safe access and parking to support urban growth and quality compact urban form. It is considered that the proposal would be consistent with the relevant policies and objectives for the following reasons:

- The increase in traffic that would occur from an additional two (2) residential lots would be negligible and able to be accommodated within the receiving roading network.

- The proposed subdivision complies with the permitted density within the single house zone and therefore any effects in respect to traffic generation are therefore anticipated within this zone.

- The proposed use of the existing vehicle crossing I acceptable and would not result any specific traffic effects on the receiving transport network. Safe access is therefore provided to the future dwellings constructed on the proposed lots.

- The proposed lots are sufficiently sized to ensure that on site manoeuvring will be achievable within the lots such that any vehicles will exit the site in a forward direction.

- Safe and efficient access from the road to the lots is provided by way of an existing formed access which has passing bays and excellent visibility along its length.

The NESCS

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) sets up standards and management controls to prevent or mitigate any adverse effects of certain activities proposed on a piece of land which has been (potentially) impacted by previous and/or current activities identified on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL).

A Detailed Site Investigation (DSI) has been submitted with the application and reviewed by Councils Environmental Health Specialist Brett Mongillo. Mr Mongillo considers that the DSI appropriately investigated the impact from the historical horticultural activity carried on the site and the Remediation Action Plan (RAP) appropriately demonstrates that the contamination on site can be remediated. Overall, subject to conditions which have been accepted by the applicant it is considered that any contamination can be safely managed on the site so that the purpose of the NESCS is achieved.

4. In accordance with an assessment under s104(1)(c) of the RMA there are no other matters are considered relevant.

5. In the context of this restricted discretionary activity application for land use consent where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

6. Overall, the proposal supports the proposed subdivision and provides safe and vehicle access to these lots and to future dwellings within these lots and facilities the remediation of soil contamination.

Conditions

Under sections 108 and 108AA of the RMA this consent is subject to the following conditions:

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers BUN60303697 / LUC60303800

    - Application Form and Assessment of Environmental Effects prepared by Jessica Parulian of Thomas Consultants, dated 21/06/2017 and amended AEE prepared by Pam Unkovich dated 08/06/2020.

Report title and reference	Author	Rev	Dated
Detailed Site Investigation	Thomas Consultants		April 2017
Geotechnical Investigation Report	Geoconsult		12 December 2016
Infrastructure Report	Thomas Consultants	1	December 2020
Revised Remedial Action Plan	Thomas Consultants		August 2017
Transportation Assessment	TDG		15 June 2017

Drawing title and reference	Author	Rev	Dated
Engineering Plans			
Driveway Plan 2 of 2	Thomas Consultants	E	30/01/2020
Drainage and Water Supply Plan - Overall	Thomas Consultants	C	06/05/2020
Drainage and Water Supply Layout Plan	Thomas Consultants	C	06/05/2020

2. Under section 125 of the RMA this consent lapses five years after the date it is granted unless:

    a. The consent is given effect to; or

    b. The council extends the period after which the consent lapses.

3. The consent holder shall pay the council an initial consent compliance monitoring charge of $1020 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Earthworks

4. Prior to the commencement of earthworks associated with the construction activity, all proposed erosion and sediment control measures on the subject site must be constructed and carried out in accordance with GD05. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately, and the discharge shall be mitigated and/or rectified to the satisfaction of Council.

5. The construction of buildings foundations, retaining structures and all associated subsurface drainage behind all retaining structuresmust be connected to the appropriate stormwater disposal system.

Contamination

6. The consent holder must inform Council, in writing, at least ten working days prior to the start date of the works authorised by this consent.

7. Remedial works must be undertaken in accordance with the *Revised Remedial Action Plan, 121 – 123 Parrs Cross Road, Glen Eden*, prepared by Thomas Consultants Limited dated, August 2017 ('the RAP'). Any variations to this RAP shall be submitted to Council for certification.

8. The consent holder must ensure all earthworks are undertaken in accordance with the RAP, required by Condition (7). Any variations to the RAP shall be submitted to Council for review and certification.

9. The consent holder must ensure that whilst earthworks are being undertaken on site, all necessary action must be taken to prevent dust generation and sufficient water must be available to dampen exposed soil, and/or other dust suppressing measures shall be available to avoid dust formation. The consent holder must ensure that dust management during the excavation works generally complies with the *Good Practice Guide for Assessing and Managing Dust* (Ministry for the Environment, 2016).

10. In the event of the accidental discovery of contamination during earthworks which has not been previously identified (including asbestos containing materials), the consent holder must immediately cease the works in the vicinity of the contamination hotspot and notify the Council and engage a SQEP to assess the situation (including possible sampling and testing) and advise the best option for managing the material in accordance with the RAP.

11. Excavated material that is not re-used on site must be disposed of at an appropriate facility authorised to accept the levels of identified contamination.

12. The consent holder must ensure that the contamination level of any soil imported to the site complies with the definition of 'Cleanfill material', as set out in the AUP(OP).

13. All sampling and testing of contamination on the site must be overseen by a SQEP and must be undertaken in accordance with the *Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils* (Ministry for the Environment, 2011).

14. Within three months following the completion of the remediation earthworks and prior to issuing 224C for the subdivision of the site, a Site Validation Report (SVR) must be submitted to the Council for certification. The SVR must be prepared by a SQEP in accordance with the RAP and the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, 2011) and contain sufficient detail to address the following matters:

    a. A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated;

    b. Details and results of any testing, including validation testing, undertaken and interpretation of the results in the context of the NES:CS and the AUP(OP);

    c. Records/evidence of the appropriate disposal for any material removed from the site;

    d. Records of any unexpected contamination encountered during the works and response actions, if applicable;

    e. Conditions of the final site ground surface and details of any validation sampling undertaken on materials re-used on site or imported to site;

    f. Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and

    g. A statement certifying that all works have been carried out in accordance with the requirements of the RAP and consent, otherwise providing details of relevant breaches, if applicable.

    Advice Note: Site Validation Report

    The SVR shall enable the Team Leader to update the property file information relating to soil contamination. Until an SVR is submitted and certified by the Team Leader, the Land Information Memorandum for the property shall not be updated to reflect any soil contamination remediation work undertaken.

    Advice Note: Asbestos Containing Materials

    If you are demolishing any building that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*

- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*

- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*

- *Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.*

If ACM is found on site following the demolition or removal of the existing buildings, you may be required to further remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance, a further consent application may be required.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*

2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*

3. *For more information on the resource consent process with Auckland Council see the council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*

4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

Delegated decision maker:

Name: Brogan McQuoid

Title: Team Leader, Resource Consents

Signed:

Date: 23 March 2021

Decision on an application for resource consents under the Resource Management Act 1991

Decision two –discretionary activity for a subdivision consent

Application numbers: BUN60303697 (Council Reference)
SUB60303801 (s11 subdivision consent)
Applicant: Oratia Foothills Limited
Site address: 121-123 Parrs Cross Road, Oratia
Legal description: Lot 4 DP 402587
Proposal:

Proposal

The proposal involves the subdivision of the site to create two (2) additional residential lots from the existing title, creation of a commonly owned access lot (COAL) and a reserve to vest to Council as esplanade as detailed below:

Lot	Area (m²)	Purpose
1	600	Residential
2	600	Residential
3	234	Jointly-Owned-Access-Lot
4	14,954	Balance Lot
4	276	Reserve to vest to Council (Esplanade Reserve)

Resource consent is required for the following reasons:

Subdivision consent (s11) – SUB60303801

Auckland Unitary Plan (Operative in part)

Subdivision (operative plan provisions)

- *Restricted Discretionary consent* for the subdivision of land establishing an esplanade reserve pursuant to E38.4.1(A8).

- *Restricted Discretionary consent* for the subdivision of land within a one per cent AEP floodplain natural hazard area pursuant to E38.4.1(A11).

- *Discretionary Activity* consent for vacant subdivision, involving a parent site of 1ha or greater complying with standard E38.8.3.1 pursuant to E38.4.2(A18).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- Consent is required for the subdivision of a site which has been historically used for horticultural purpose and is considered to be a HAIL activity. This requires *restricted discretionary activity* consent pursuant to Regulation 10 of the NES.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, 106 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be acceptable as:

    (a) It has been demonstrated that a shape factor of 8m x 15m can be accommodated within the two proposed residential Lots (proposed Lots 1 and 2) which demonstrates that adequate developable land area is available to accommodate a dwelling with appropriate onsite amenity space, access, parking and manoeuvring area whilst being sufficiently separated from boundaries.

    (b) The proposed lots would comply with the permitted lot size within the residential - Single House Zone and is consistent with the existing layout and pattern of development to the east and south of the site.

    (c) Access to the public roading network is provided via the existing shared driveway and proposed COAL.

    (d) An esplanade reserve of 276m² (Lot 5) would be vested to Council to top up potential future esplanade reserves in respect of the stream.

    (e) The proposed lots can be effectively serviced by infrastructure and is within the capacity of the public network to accommodate.

(f) In respect to natural hazards, it has been demonstrated the soil stability of each proposed lot is suitable to accommodate a future dwelling, subject to specific geotechnical investigation.

(g) In terms of positive effects, the proposed subdivision creates two (2) additional residential lots which will provide future housing to support Auckland's housing supply.

(h) With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion

2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular the proposal is consistent with the relevant policies and objectives of the AUP: OP for the following reasons:

E38. Subdivision - Urban

The objectives and policies for urban subdivision are contained in sections E38.2 and E38.3 of the AUP: OP and seek to ensure that subdivision achieves the objectives of the applicable zone, provides for long-term needs, is serviced by infrastructure, and avoids adverse effects on infrastructure, historic/Maori heritage, natural features and landscapes, and indigenous vegetation. It is considered that the proposed subdivision is consistent with the relevant policies and objectives for the following reasons:

- The proposed subdivision to create two (2) freehold residential lots would achieve the objectives of the Residential – Single House Zone as each site can accommodate appropriately designed residential dwellings (Objective E38.2(1) and Policy E38.3(1));
- The site has been subdivided in a manner which provides for the long-term needs of the community and minimises adverse effects on the environment. (Objective E38.2(2));
- The site can be effectively serviced in respect of existing public infrastructure which is being provided in a planned, integrated, and comprehensive manner (Objective E38.2(5) and Policy E38.3(19)). Connections are available to the public wastewater, stormwater and potable water supplies (Policy E38.3(20);
- All sites can be effectively accessed by vehicles and pedestrians in a way which is safe and efficient (Objective E38.2(6));
- The proposed subdivision does not increase the risk to any person, property or to any infrastructure from natural hazards. (Objective E38.2(10)(a) – (c) and Policy E38.3(2));

H3 Residential – Single House Zone

The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.

The proposed development would be consistent with the relevant policies and objectives listed above for the following reasons:

- The proposed site sizes of lots 1 and 2 would comply with the permitted vacant lot size (600m²) therefore are considered to be suitably sized to accommodate a dwelling that complies with the relevant development standards and provide a high level of onsite amenity.

The NESCS

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) sets up standards and management controls to prevent or mitigate any adverse effects of certain activities proposed on a piece of land which has been (potentially) impacted by previous and/or current activities identified on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL).

A Detailed Site Investigation (DSI) has been submitted with the application and reviewed by Councils Environmental Health Specialist Brett Mongillo. Mr Mongillo considers that the DSI appropriately investigated the impact from the historical horticultural activity carried on the site and the Remediation Action Plan (RAP) appropriately demonstrates that the contamination on site can be remediated. Overall, subject to conditions which have been accepted by the applicant it is considered that any contamination can be safely managed on the site so that the purpose of the NESCS is achieved.

3. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions below.

4. In the context of this discretionary activity subdivision, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond the relevant provisions of the planning documents and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

5. Overall, the proposal represents an appropriate subdivision which is envisaged within this single house zone.

Conditions

Under sections 108, 108AA and 220 of the RMA this consent is subject to the following conditions:

General conditions

1. This 5 lot (3 residential lots, 1 COAL, 1 esplanade reserve) subdivision consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number SUB60303801.

    - Application Form and Assessment of Environmental Effects prepared by Jessica Parulian of Thomas Consultants, dated 21/06/2017 and updated AEE prepared by Pam Unkovich dated 08/06/2020.

Report title and reference	Author	Rev	Dated
Detailed Site Investigation	Thomas Consultants		April 2017
Geotechnical Investigation Report	Geoconsult		12 December 2016
Infrastructure Report	Thomas Consultants	1	December 2020
Revised Remedial Action Plan	Thomas Consultants		August 2017
Transportation Assessment	TDG		15 June 2017

Drawing title and reference	Author	Rev	Dated
Engineering Plans			
RC302 Driveway Plan 2 of 2	Thomas Consultants	E	30/01/2020
RC411 Drainage and Water Supply Plan - Overall	Thomas Consultants	C	06/05/2020
RC412 Drainage and Water Supply Layout Plan	Thomas Consultants	C	06/05/2020
Scheme Plan			
RC101 Scheme Plan – Stage 1	Thomas Consultants	E	30/01/2020

Advice Notes:

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*

- *Details and specifications for the provision of infrastructure (e.g. public/ private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
- *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g. detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent or a new consent.*
- *Similarly, should the detailed design stage demonstrate that additional reasons for consent under the AUP are triggered (e.g. after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

   a. A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or

   b. An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

Survey plan approval (s223) conditions

3. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plans titled '*Scheme Plan: Stage 1*', reference RC101 prepared by Thomas Consultants dated 30/01/2020. The survey plan must show all lots to vest or dedicate to Council (including reserves), all easements, any amalgamation conditions required by this subdivision consent.

   a. The reserve must be shown as Local Purpose (Esplanade) Reserve;

   b. The location of the bank of the stream is clearly defined and located by recent survey.

4. The right(s)-of-way and any services easements and easements in gross over parts of Lots 1 to 4 must be included in a memorandum of easements endorsed on the survey plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant computer registers (records of title).

a. The survey plan must be updated to include proposed Lot 4 as a Dominant Tenement for Right of Way Easement E in the Memorandum of Easements.

Amalgamation condition (COAL)

5. Pursuant to section 220(1)(b)(iv), the COAL must be shown on the survey plan as to be held as two (2) undivided one sixth (1/6th) shares by the owners of lots 1 and 2 as tenants in common in the said shares and individual computer registers (records of title) must be issued.

Amalgamation condition

6. Pursuant to section 220(1)(b)(ii), Lot 4 and Lot 10 DP135638 must be endorsed on the survey plan to be held together, and one record of title must be issued to include both parcels.

Reserves to vest

7. Proposed Lot 5 must vest in the council as local purpose (esplanade) reserve.

Section 224(c) compliance conditions

Advice Note:

A certificate pursuant to section 224(c) of the Resource Management Act will not be issued until all conditions in the decision have been met to the satisfaction of the Council and at the consent holder's expense.

8. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with, and that in respect of those conditions that have not been complied with

    a. a consent notice will be issued in relation to any conditions to which section 221 applies; and

Wastewater

9. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lots 1, 2 and 4 in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice Note:

Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.

Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.

Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.

*Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

10. The existing redundant private wastewater drainage serving the existing building(s) must be removed or grout filled. Provide an as- built plan approved by a Council Inspector and CCC for the same.

Advice Note: Construction/removal of private drainage requires building consent. 224c will not be issued until code of Compliance Certificate (CCC) is issue by council.

Water

11. The consent holder must design and construct connections to the public water reticulation network to serve Lots1, 2 and 4 in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under the section 224(c) of the RMA.

Advice Note:

Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.

Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/ Veolia as part of the Engineering Plan Approval Process.

Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.

Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.

Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval

Stormwater

12. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lots 1 and 2 in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have

been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice Note:

Acceptable forms of evidence include Engineering Approval Completion Certificates.

Stormwater utility provider is Auckland Council Healthy Waters.

Public connections are to be constructed in accordance with the Stormwater Code of Practice.

Alterations to the public stormwater reticulation network require Engineering Plan Approval.

*Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

Geotechnical

13. All development on Lots 1, 2 and 4 must be carried out under the supervision of a suitably qualified and experienced Geo-professional familiar with the site and all covenants and notices on the title of the property and in general accordance with the recommendations contained in the Geoconsult Geotechnical Consultants Ltd Geoconsult Geotechnical Consultants Ltd. [GEOTECHNICAL INVESTIGATION REPORT PROPOSED 5 LOT SUBDIVISION 121 PARRS CROSS ROAD, GLEN EDEN; ORATIA FOOTHILLS LIMITED Reference: GH1913; Prepared: 6th December 2016; Issued to: Oratia Foothills Limited C/- Thomas Consultants; Issued on: 12th December 2016], subsequent site and proposal specific geotechnical investigation reports and to the satisfaction of Auckland Council."

Esplanade Reserve

14. The consent holder must vest Lot 5 in Auckland Council as Local Purpose (Esplanade) Reserve pursuant to section 239 of the RMA 1991 in accordance with "Scheme Plan Stage 1", Dwg RC101, revision E, prepared by Thomas Consultants, dated 30/01/2020. The esplanade reserve must vest in the Council free of all easements, structures, pipes, and other infrastructure assets.

Advice Note: An application pursuant to section 243e will need to be made to Council to formally remove any easements.

15. Prior to the vesting of the esplanade reserve (Lot 5), the consent holder must undertake the following works to the satisfaction of Council (in consultation with the Parks Planner):

    a. Removal of all organic and inorganic rubbish;
    b. Be free of possible health and safety hazards such as large holes, dangerous trees, unstable retaining walls etc.
    c. Removal of all invasive weed species as listed in the Regional Pest Management Strategy (Auckland Regional Council) which are located in the boundary of lot 5 (may trigger replanting and maintenance obligations – approved plans to be provided prior

to 224C, uncompleted works bonds, maintenance bonds etc.)

Consent Notice - Fencing

16. Pursuant to Section 221 a Consent Notice is required on Lot 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    - Any fencing, hedging or planting along boundaries or within 2 metres of boundaries of the esplanade reserve (Lot 5) must be either low height (maximum of 1.2m) or at least 50% visually permeable (to a maximum height of 1.8m). Landscape planting may be implemented on either side of the fence and must be maintained to ensure 50% visual permeability. The council is exempt from sharing costs for this.

    Advice Note

    *The above condition (17) **does not** require fencing to be constructed if none already exists on the boundary of the esplanade reserve.*

Consent Notice – Retaining Walls

17. Pursuant to Section 221 a Consent Notice is required on Lot 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    - Any retaining wall within 5m of the esplanade reserve area shall be no higher than 1m above existing ground level. If there are to be any retaining walls built on lots adjoining the esplanade reserve, a certificate from a licensed cadastral surveyor shall be provided certifying any proposed retaining walls will achieve compliance with this requirement at the lodgement of the survey plan for approval.

    Advice Notes:

    1. *The applicants will need to contact the Council's Land Advisory team to obtain Land Owner Approval for any physical works constructed within the esplanade reserve, including any proposed stormwater works.*
    2. *The Parks Planning team strongly advocates for the dwellings/buildings on the newly created lots to be oriented in a way that maximizes casual surveillance of esplanade reserves.*

Consent Notice – Geotechnical

18. Pursuant to Section 221 a Consent Notice is required on Lots 1, 2 and 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    - All development on the Lot must be carried out under the supervision of a suitably qualified and experienced Geo-professional familiar with the site and all covenants and notices on the title of the property

    - All development on the Lot must be carried out in general accordance with the recommendations contained in the Geoconsult Geotechnical Consultants Ltd

Geoconsult Geotechnical Consultants Ltd. [GEOTECHNICAL INVESTIGATION REPORT PROPOSED 5 LOT SUBDIVISION 121 PARRS CROSS ROAD, GLEN EDEN; ORATIA FOOTHILLS LIMITED Reference: GH1913; Prepared: 6th December 2016; Issued to: Oratia Foothills Limited C/- Thomas Consultants; Issued on: 12th December 2016]. Confirmation must be provided to Council in the form of specific geotechnical investigation reports and must be carried out to the satisfaction of Auckland Council."

Consent Notice – Overland Flow and Flooding

19. Pursuant to Section 221 a Consent Notice is required on Lots 1, 2 and 4to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    a. Finished Floor Levels for dwellings on Lots 1-2 must be a minimum of 150mm above the surrounding ground level.
    b. Finished Floor Levels for Lot 4 must be a minimum RL 21.6m.

Advice Note: Future development of Lots 1, 2 and 4, specific flood risk assessment and mitigation measures will be required if earthworks or the proposed permanent structures will alter the flow regime through the site.

Consent Notice – Stormwater Management

20. Pursuant to Section 221 a Consent Notice is required on Lots 1,2 and 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    To mitigate downstream stormwater capacity issues, maintain stormwater runoff flows, volumes, and timing for 10% AEP rainfall event(s) to pre-development level.

    - There are onsite stormwater management systems on the affected Lot and in the shared driveway (JOAL).
    - The owner must operate, monitor and maintain the stormwater management system (stormwater detention and retention tank) accordance with best practice for the device or system.
    - Regular maintenance (as specified in the Operation and Maintenance Manual) of the stormwater management system shall be carried out by the owner as required to ensure efficient operation.
    - Details of all inspections and maintenance for the stormwater management system, for the preceding three years, shall be retained by the consent holder. These records shall be provided to the Regulatory Engineering Team Leader – North-West on request.
    - Auckland Council may at any time upon prior written notice by its officers, employees, agents or contractors enter the property; to inspect or test the stormwater management system and; to inspect the owner's records in relation to the operation, monitoring and maintenance of the system.

- Auckland Council may, by notice in writing, instruct the owner to carry out any actions or works in relation to the operation, monitoring and maintenance of the stormwater management system. If the owner fails to carry out those actions or works within 7 working days of receiving Auckland Council's Notice, Auckland Council may carry out said work itself and enter the property to execute the work. Council may recover all costs of carrying out said work from the owner.
- The owner must not modify or remove the stormwater management system without express written permission of Auckland Council.

Consent Notice – Driveway Upgrading

21. Pursuant to Section 221 a Consent Notice is required on Lots 1,2 and 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    - The creation of any additional household units or subdivision to create any additional lots beyond that consented under SUB60303801 may not be permitted to use the combined panhandle driveway without creating an alternative vehicle crossing arrangement.

Consent Notice – Vehicle Access Restriction

22. Pursuant to Section 221 a Consent Notice is required on Lots 1 and 2 to be entered into, in favour of Council, to record and advice any future owners of following:

    - No further resource consent is required pursuant to E27.4.1(A5) for a future single dwelling constructed within both Lots 1 and 2 as the effects of using the existing vehicle crossing has been assessed as part of LUC60303800 and considered acceptable.

Consent Notice – Firefighting water supply

23. Pursuant to Section 221 a Consent Notice is required on Lot 4 to be entered into, in favour of Council, to record and advice any future owners of the need to comply with this condition on an on-going basis.

    - *"No building shall be erected onsite without* complying *firefighting water supply in accordance with Watercare and NZ Fire services standard being installed onsite."*

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*

2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*

3. *For more information on the resource consent process with Auckland Council see the council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*

4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

Delegated decision maker:

Name: Brogan McQuoid

Title: Team Leader, Resource Consents

Signed:

Date: 23 March 2021

Resource Consent Notice of Works Starting

Please email this form to **monitoring@aucklandcouncil.govt.nz at least *5* days prior to work starting** on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	**Auckland CBD ☐**	**Auckland Isthmus☐**	**Hauraki Gulf Islands ☐**	**Waitakere ☐**
Manukau ☐	**Rodney ☐**	**North Shore ☐**	**Papakura ☐**	**Franklin ☐**

Resource consent number:	**Associated building consent:**
Expected start date of work:	**Expected duration of work:**

Primary contact	**Name**	**Mobile / Landline**	**Address**	**Email address**
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	**Date:**

Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE $$$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

LANDSCAPE & VISUAL EFFECTS ASSESSMENT MEMO

121-123 Parrs Cross Road, Oratia

28.09.2022 Revision A

Disclaimer: Thomas Consultants Ltd (TCL) has prepared this report for the use of Resource Consent in accordance with the usual care and thoroughness of the consulting profession. It is prepared in accordance with the scope of work and for the purpose outlined in the scope of works. This report is based on the information obtained and conditions encountered at that time. TCL disclaims responsibility for any changes that may have occurred after this time. This report should be read in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties. This report does not purport to give legal advice. Legal advice can only be given by qualified legal practitioners.

Report Information

Client: Oratia Foothills Ltd.
Project: 121-123 Parrs Cross Road, Oratia
Document name: Landscape & Visual Effects Assessment Memo
Document status: Revision A
Date: 28.09.2022
Prepared by: Charlotte Grieve
NZILA registered landscape architect
Thomas Consultants Ltd.

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1. INTRODUCTION

This Assessment of Landscape and Visual Effects Memo has been prepared by Thomas Consultants Ltd on behalf of Oratia Foothills Ltd., the applicant and owner of 121-123 Parrs Cross Road Oratia to include and be read as a part of a submission to the proposed zoning changes by Auckland Council (AC). A brief summary of the site is as follows:

- It is currently vacant.
- It is surrounded by urban development on the eastern, southern, and western boundaries.
- The property is gently sloping to the north-west to the margins of a stream, a tributary to the larger Oratia Stream.
- The property is currently accessed via a shared driveway.
- With the exception of two casuarina (she oak) shelter belts in the centre of the property the only additional vegetation is located around the peripheries and includes a combination of weed species.

1.1 Location

The site is located approximately 2km west of Glen Eden centre and shops, it's nearest centre, and approximately 13km from the Auckland City Centre. The site comprises approximately 17,000sq m in total.

Figure 1. Aerial map showing the site's location within the wider Waitakere area.

Figure 2. Aerial map showing the site boundary and immediate surrounds.

2. THE PLANNING FRAMEWORK & LANDSCAPE MATTERS

2.1 Auckland Unitary Plan (AUP) (Operative-In-Part)

A brief summary of the relevant planning controls in relation to the site is given below:

- The property sits outside the 'Rural- Waitakere Foothills Zone'.
- The property sits inside the zone of 'Residential- Single House Zone'.
- The property sits on the urban side of the Rural Urban Boundary (RUB) boundary.
- Under the AUP Natural Heritage Overlay the property sits within the Waitakere Ranges Heritage Area Overlay- Subdivision Schedule, as governed by the Waitakere Ranges Heritage Area Act.
- Under AUP Plan Change 78 the property remains in Zone 'Residential- Single House Zone', whereas the properties surrounding it to the east and south have been re-zoned as 'Residential- Mixed Housing Urban Zone'.

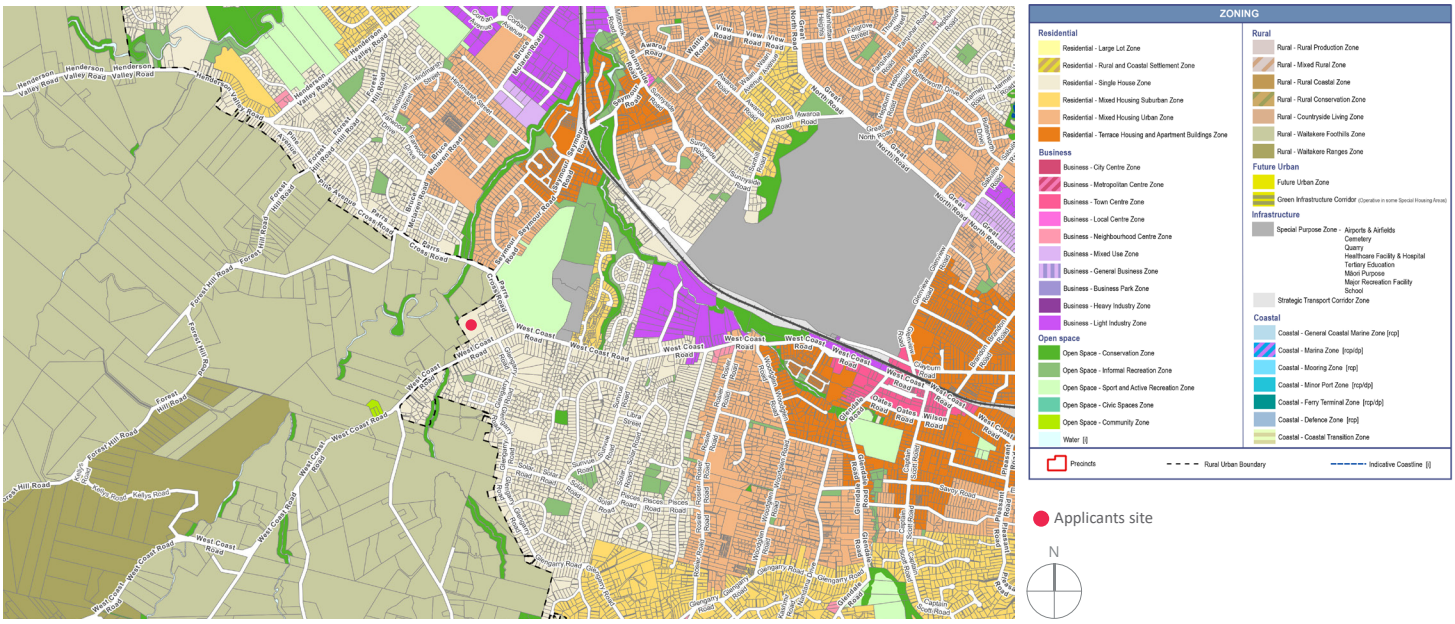


Figure 3. The site as it sits within the AUP zoning and outside the Rural Urban Boundary (RUB).

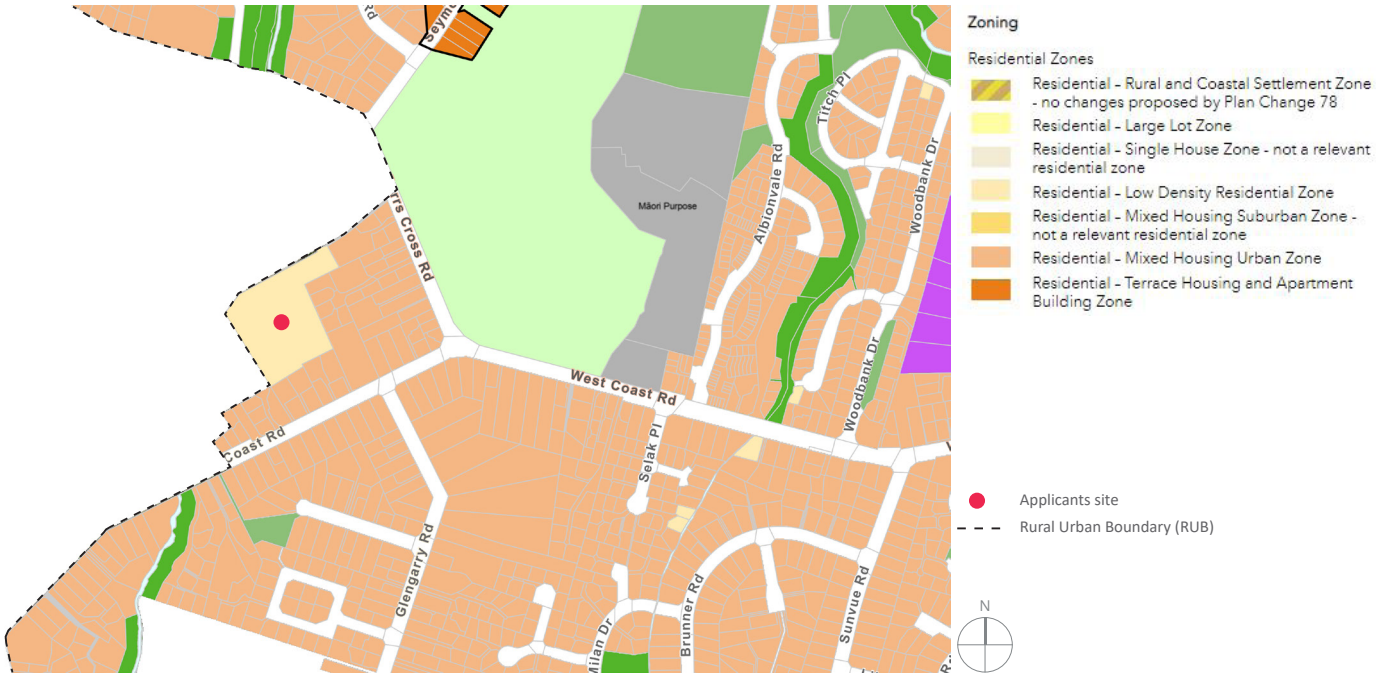


Figure 4. The site as it sits within the proposed Plan Change 78.

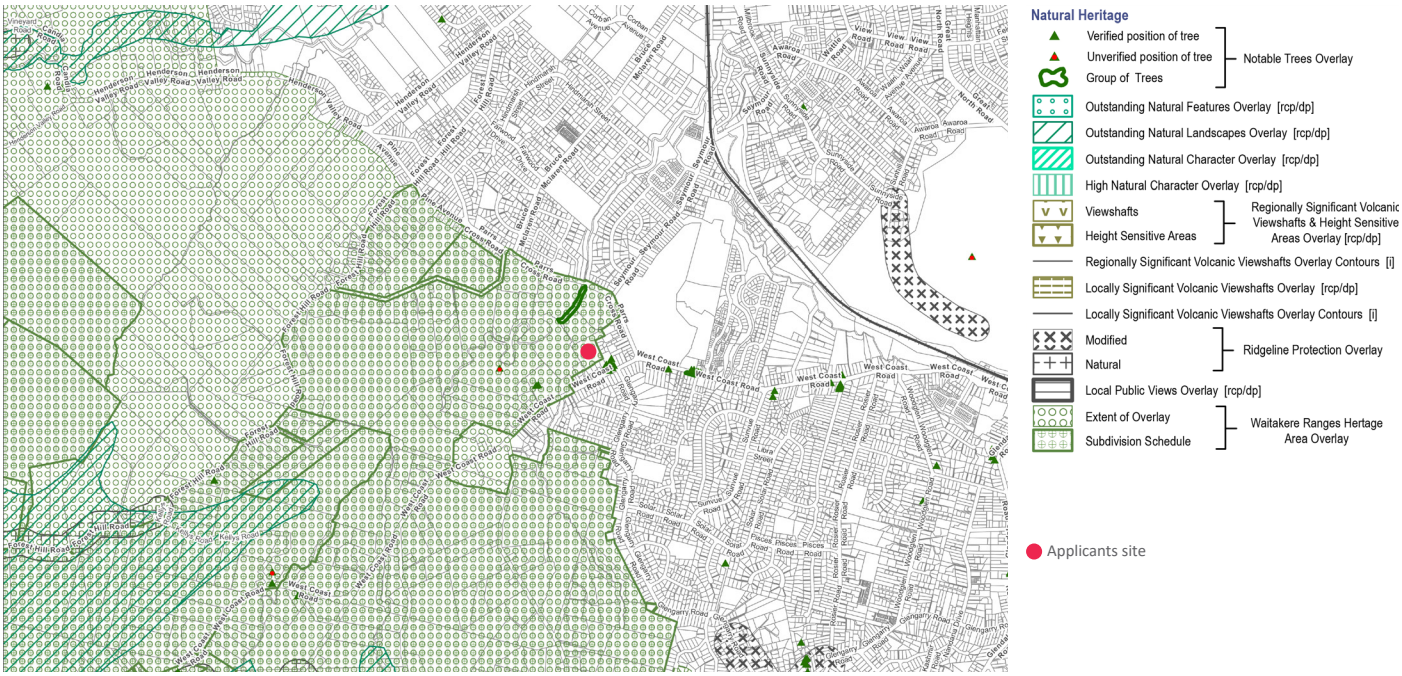


Figure 5. The site as it sits within the AUP Natural Heritage overlay.

2.2 The Oratia Local Area Plan & Site Character

The Oratia Local Area Plan (OLAP) seeks to identify Oratia's unique rural character and seeks to protect this, under the Waitakere Ranges Heritage Area Act 2008. It highlights Oratia's role as the buffer between the urban edge and the natural bush character of the Waitakere's.

3. THE PROPOSED SUBMISSION

3.1 The Proposal Description

The proposal seeks to re-zone the applicants site as 'Residential- Mixed Housing Urban Zone' from 'Residential- Single House Zone' under the AUP, as the site sits outside the Rural Urban Boundary (RUB).

4. SITE DESCRIPTION & PHOTOGRAPHS

4.1 Background & Site Context

The site is currently accessed via Parrs Cross Road down a long shared access driveway. The site slopes gently to the north-west, down toward a tributary of the Oratia Stream. In recent times the site was used partially as a strawberry orchard, but only the shelter belt trees remain today. The only other vegetation on site is around the perimeter, and it is predominately exotic and weed species. On the northern edge of the driveway looking out onto Parrs Cross Road is a local fruit and vegetable store with a carpark. Across the road from the site entry is Parrs Park, a large park servicing the Oratia area and beyond. It includes a destination playground and other recreational facilities.

Figure 6. The site in it's immediate surrounds. Note that this aerial is taken from AC GIS and is outdated due to recent development.

4.2 General Landscape Character of the Area

The site sits outside the Rural Urban Boundary (RUB). It is partly characterised by the original open rural and productive landscape; orchards, shelter belts, and roads with no footpaths, looking west to the bush and the Waitakere Ranges. It is on the other hand also characterised by subdivisions and residential developments from different decades, including brand new subdivisions and new streets and roads with footpaths and all of the modern amenities and functions.

The immediate area to the north and to the west is characterised by mostly small rural lifestyle lots. There are some remaining orchards and lifestyle blocks in operation and in production. The immediate area to the south and to the east is characterised by intensive development, units and houses from past decades and the open expanse of Parrs Park beyond that. The area is densifying, with the Nola Estate on West Coast Road currently under construction. Depending on what side of the road you are standing and what direction you are looking at the views and feeling of the area change. The Oratia Stream and it's tributaries run to the north-west of the property. These are the elements that define the Rural Urban Boundary of West Auckland.

4.3 Landform & Contour

The site is gently sloping to the north-west toward the Oratia Stream. The contours slope from 20m at the lowest point in the north-west corner to 40m at the highest point in the south-eats corner, across the whole site.

4.4 Existing Vegetation

The most defining vegetation on the site are the shelter belt trees left over from the strawberry orchard, located at the centre of the site. These sit is a 'T' formation and are dense to the point of blocking all views through them. All other vegetation sits on the perimeter of the site and is mostly exotic weed species. The site is generally overgrown with long grass and bumpy uneven ground from the strawberry mounds.

4.5 Photographs of the Site & Surrounds

Below are photographs taken at a site visit on the 15th September 2022 and show the existing site and vegetation. Figure 7 shows the location from where each photograph was taken.

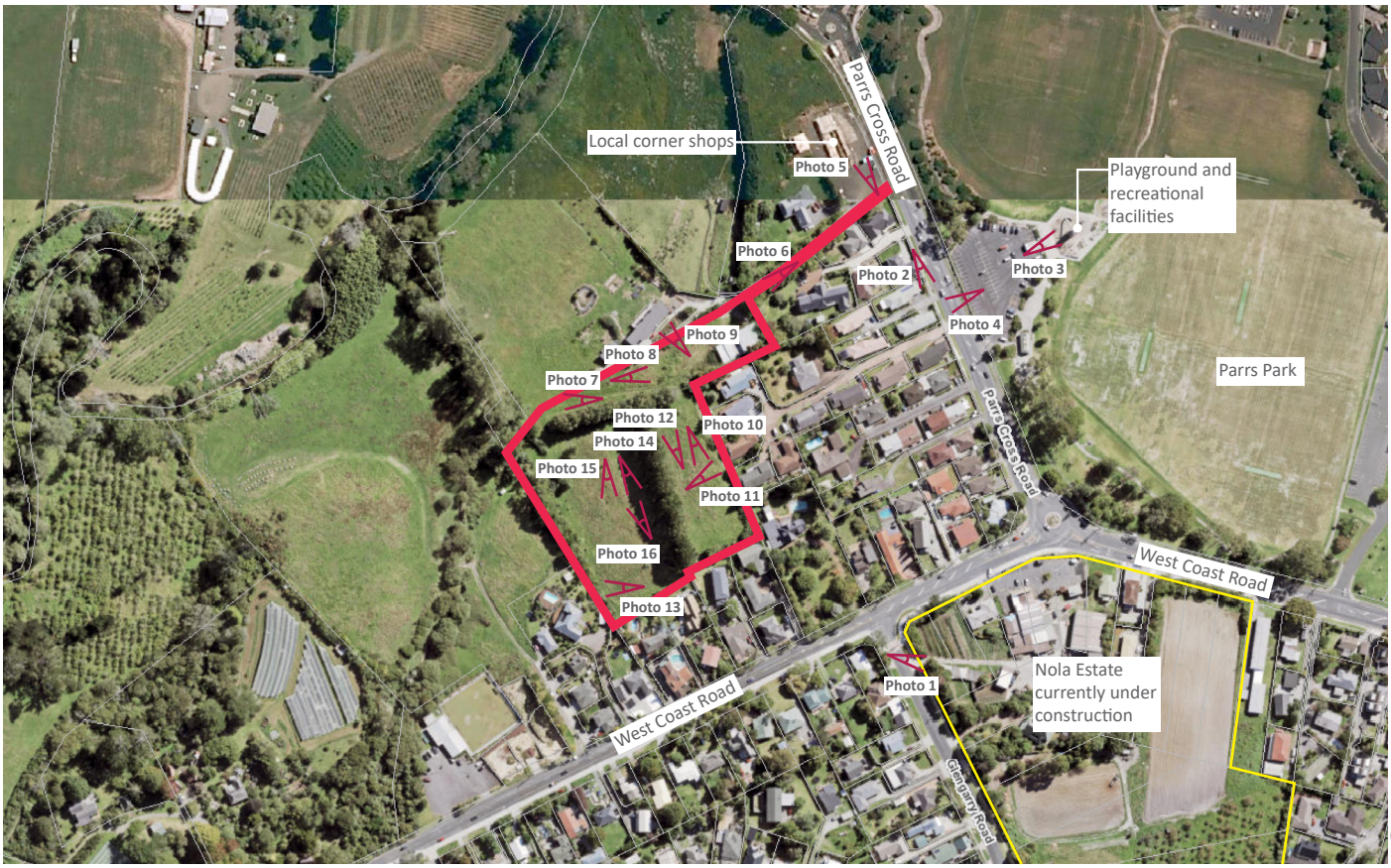


Figure 7. Map showing where the photographs are taken from.

Photo 1: Photo from Glengarry Road looking east toward the Nola Estate under construction.

Photo 2: Photo from Parrs Cross Road looking south-east toward the crossing over to Parrs Park.

Photo 3: Photo from Parrs Park carpark looking east toward the destination playground.

Photo 4: Photo from Parrs Park carpark looking west toward Parrs Cross Road and the applicants property in the background. You can see the shelter belt trees on the property in the background, and behind that the Waitakere Ranges.

Photo 5: Photo from the entry of the applicants shared driveway looking north toward the neighbouring local shops on Parrs Cross Road.

Photo 6: Photo from the applicant's shared driveway looking toward the west end of the applicant's property. Pedestrians using the shared driveway to access a neighbouring property.

Photo 7: Photo from the bottom of the applicant's property, looking west out toward the Oratia Stream, the wider Oratia landscape and the Waitakere Ranges in the background.

Photo 8: Photo from the lower part of the applicant's property, looking east up the slope toward Parrs Cross Road.

Photo 9: Photo from the lower part of the applicant's property, looking north toward the Oratia Stream, and over the wider Oratia landscape.

Photo 10: Photo from the lower part of the applicant's property, looking south up the hill toward West Coast Road. The shelter belt trees can be seen to the right, and exotic weed species around the perimeter of the property.

Photo 11: Photo from the middle part of the property, looking east towards Parrs Cross Road, and the neighbouring units along the boundary of the property.

Photo 12: Photo from the lower part of the applicant's property, looking south up the hill toward West Coast Road. The shelter belt trees can be seen to the right, and exotic weed species around the perimeter of the property.

Photo 13: Photo from the top part of the property, looking west with elevated views toward the wider Oratia landscape and the Waitakere Ranges in the background.

Photo 14: Photo from the middle part of the property, to the west of the shelter belt trees, looking south up the hill toward West Coast Road. The houses bordering the property can be seen at the top of the hill, as well as the long grass occupying most of the site.

Photo 15: Photo from the middle part of the property, looking toward the south-west and the neighbouring houses. Exotic weeds species can be seen around the perimeter of the property, and an exotic tree in the foreground.

Photo 16: Photo from the middle part of the property to the west of the shelter belt trees and looking north down the slope. Not much can be seen in terms of views from here because of the perpendicular shelter belt trees and other exotic trees lining the border.

5. CONCLUSIONS & RECOMMENDATIONS

5.1 Conclusions

The rationale for the property remaining subject to the Waitakere Ranges Heritage Area Overlay (as shown in figure 5) and the associated Oratia Local Area Plan (OLAP), is at odds with it's current zone of 'Residential- Single House' and the fact that the property sits on the urban side the AUP Rural Urban Boundary Line. After observing the property and it's associated views, there is little rural character or landscape amenity value.

The rationale to keep the property as 'Residential- Low Density Residential Zone' under the AUP Plan Change 78 is not in keeping with changing the surrounding properties to 'Residential- Mixed Housing Urban Zone'. After visiting the site and assessing it's associated character and views, there is no reason to not change the applicants site to 'Residential- Mixed Housing Urban Zone' under Plan Change 78.

The site is not currently in productive use as an orchard, farm or any other rural economic activity possessing the rural character sought to be protected by the OLAP. Nor does it have particular landscape features, buildings, or trees of note, that might warrant protection by the OLAP or under Plan Change 78. The site mostly consists of exotic weed species, over grown grass and bumpy uneven terrain. The existing shelter belt trees block any views out to the wider Oratia landscape and the Waitakere Ranges from the site itself and from neighbouring properties. The shelter belt trees also break up any feeling of open space associated with the site, and break it down to make it feel like three sites rather than one whole one.

From adjacent roads the property is also not highly visible to the public being a sloped site, set back and separated from Parrs Cross Road behind existing houses. From the rural properties to the west of the property, intervening vegetation associated with the nearby streams and private gardens almost completely obscures views to the property. In fact, the stream would serve as a more appropriate boundary to the OLAP and Plan Change 78 rural urban boundary, being a natural feature that currently better demarcates the urban rural boundary.

There are intensive developments in very close proximity to the applicant's property, such as the Nola Development, see figure 8. Re-zoning the applicants property to 'Residential- Mixed Housing Urban Zone' would be an extension of this type of development and would be a seamless transition of housing types across the road. The neighbouring properties to the applicants property are zoned 'Residential- Mixed Housing Urban Zone' under Plan Change 78 and this will further provide a seamless transition into the applicants site.

The Oratia area and Parrs Cross Road in particular can service this kind of density well. There is an existing train line and two nearby train stations that go directly into the city centre. The roads are well established and maintained, and Parrs Park across the road from the applicant's property is a large destination sized park with good recreational facilities that can service a large area. There is a local fruit and vegetable shop with a large carpark neighbouring the applicant's property that could be re-developed to service this corner. Glen Eden and Henderson are the main local shopping centres for the area.

Because Parrs Park is a large open space and the wider Waitakere and Oratia area is protected, this feeling of open space would be well retained, even with intensified development at this corner of Parrs Cross Road.

The property offers no real landscape character or amenity due to the reasons stated above. Alternatively there is great opportunity to intensify this property to be part of the wider Parrs Cross Road corner development and hook into the local amenities and infrastructure on offer.

5.2 Recommendations

It is recommended that the property is included in the AUP Plan Change 78 to be zoned as 'Residential- Mixed Housing Urban Zone'.

6. APPENDICIES

Figure 8. The Nola Development located on the corner of West Coast Road and Glengarry Road. Taken from epa.govt.nz.

28/09/2022

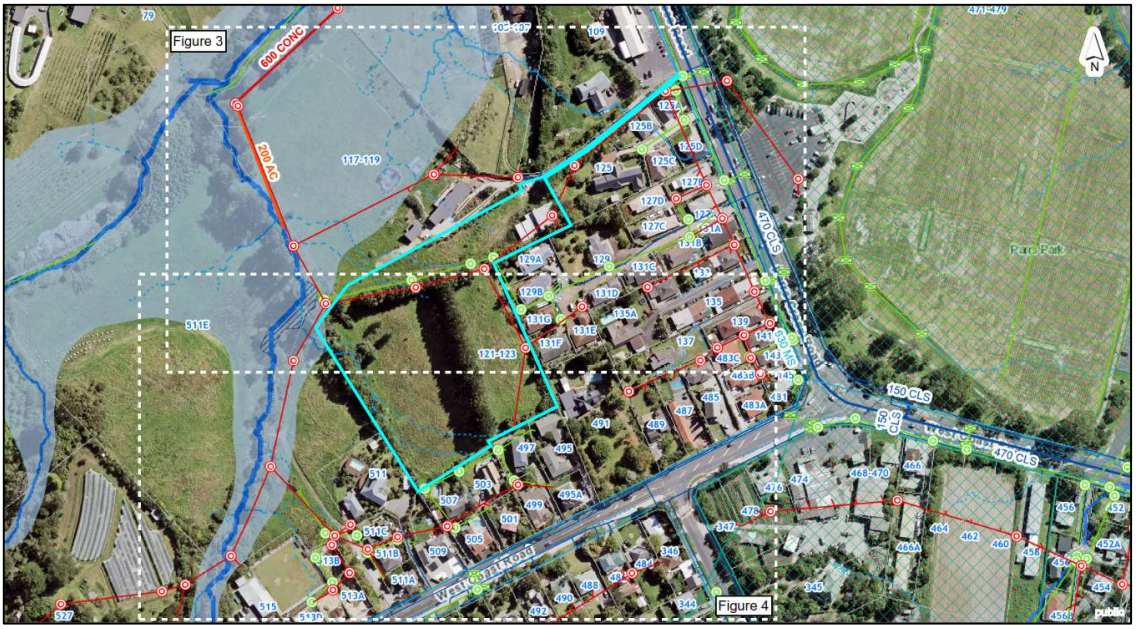
Oratia Foothills Limited

Engineering Services Assessment: 121-123 Parrs Cross Road, Glen Eden

Thomas Consultants Limited (TCL) carried out a high-level desktop assessment of the existing public engineering infrastructure within and in the vicinity of **121-123 Parrs Cross Road, Glen Eden** to determine their suitability of servicing a potential development of the site in accordance with the residential density levels anticipated under the Residential – Mixed Housing Urban Zone (MHU). A summary of the key findings and constraints are presented in the table below.

Site Description	The development site of **121-123 Parrs Cross Road, Glen Eden** is legally described as Lot 4 DP 402587 and covers a total area of 1.67ha. The existing site is currently vacant and has been historical uses, with vehicular access onto Parrs Cross Road to the North-East of the subject site. The existing accessway is shared with 105-107 and 117-119 Parrs Cross Road. As indicated by the Auckland Council GeoMaps data, the site slopes in a North-Westerly direction, with an average slope of 12.71%. Under the Auckland Unitary Plan (AUP) Operative-in-Part, the site is zoned as Residential – Single House Zone and is not located within a Stormwater Management Area Flow (SMAF) zone. The existing site layout and topography in the vicinity of the subject site is depicted in ***Figure 1*** below. *Figure 1 - Site layout information and Topography (GeoMaps)*

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz

Access	The existing dwelling on-site is accessed via a driveway from Parrs Cross Road and shared between 105-107, 117-119, and 121-123 Parrs Cross Road. The existing shared right of way has been observed to be constructed of 150mm concrete pavement of variable carriageway width ranging between 2.75m to 2.90m. An existing passing bay was also observed to be situated at chainage 50m (from the road). Generally, the existing driveway appears to be in good condition and can be retained for access for future development. As part of a separate consent, it is proposed to develop 491 West Coast Road (BUN60386132/LUC60386133/SUB60386134), which seeks to establish a new public road along its western site boundary. This proposal will allow for an alternative access route to 121-123 Parrs Cross Road. Refer to ***Appendix A*** for details pertaining to the proposed roading layout for the development of the adjacent property, namely 491 West Coast Road.
Engineering Services - Overview	A review of the Auckland Council GeoMaps suggest that the subject site is currently traversed by a 225mm and 300mm diameter stormwater (SW) pipeline, 100mm and 150mm diameter wastewater (WW) pipeline, as well as a 20mm, 25mm and 50mm diameter water supply (WS) pipeline. An overview of the existing infrastructure in the vicinity of the subject site is depicted in ***Figure 2*** below, with ***Figure 3*** and ***Figure 4*** providing further details pertaining to the existing infrastructure.  *Figure 2 – Overview of Existing Infrastructure (GeoMaps)*
Engineering Services - Stormwater	The following outlines the details pertaining to the existing stormwater infrastructure, together with the flood assessment of the site: **Existing Infrastructure** A 225mm diameter concrete SW pipeline enters the site at a position situated North-East of the subject site and traverses towards the North-Western boundary, with the pipeline increasing to 300mm diameter before exiting the site, as illustrated in ***Figure 3*** below.

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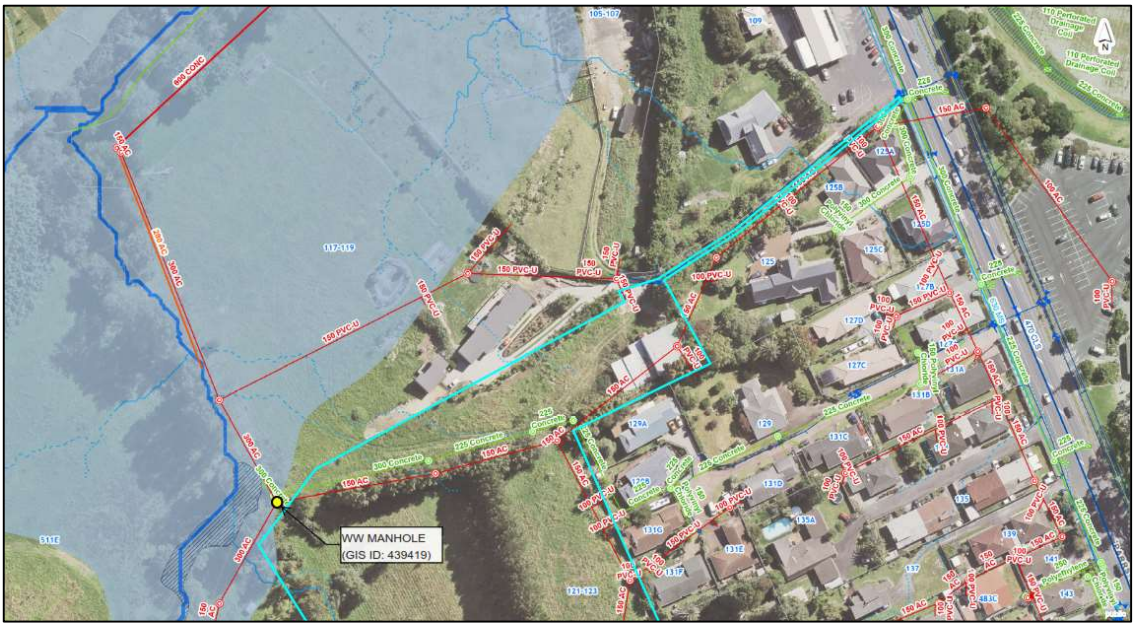

Figure 3 – Existing Infrastructure (GeoMaps)

Refer to ***Appendix B*** for details pertaining to the proposed stormwater and wastewater layout for the development of the adjacent property, namely 491 West Coast Road, as well as the associated stormwater catchment area in ***Appendix C***.

Flood Assessment

The Auckland Council GeoMaps indicate that the North-Western corner of the site, approximately 46m2 in area, is subject to inundation to about RL 21.00m.

The Oratia Stream tributary located immediately to the West of the site, refer to ***Figure 4*** below, has an upstream catchment of 400ha.

Figure 4 – Existing Infrastructure (GeoMaps)

The subject site has a 1.1ha Overland Flow Path (OLFP) running from the North-Western corner of the site and bifurcating into smaller OLFPs, with catchments of 4200 m^2 and 2700 m^2, respectively. These flow paths are easily accommodated with any proposed development.

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	Conclusion The majority of the site is not considered to be flood prone or within the 1% Annual Exceedance Probability (AEP) flood plain. Any existing overland flows within the site can be redirected as part of any future development. There are also sufficient public stormwater assets within the site to allow extensions for future development. Therefore, it is considered that there are no issues of capacity relating to stormwater which would restrict future development of the site. It is considered that a development with an intensity anticipated within the MHU is achievable on the site. The flooding within the site is very limited in it's extent and can be accommodated within the future MHU design of the site.
Engineering Services - Wastewater	The following outlines the details pertaining to the existing wastewater infrastructure of the site: **Existing Infrastructure** The site is currently serviced by a 150mm diameter Asbestos-Cement (AC) Wastewater (WW) pipeline, which enters at the North-East and South-East boundaries, before adjoining and traversing along the Northern boundary of the site and discharging into WW manhole 439419, as illustrated in ***Figure 3*** above. Upon exiting the site, this line immediately runs towards the North in a 300mm diameter AC pipeline for a distance of 138m before connecting to a 600mm diameter concrete pipeline which links to the Henderson Interceptor. The pipeline serves a catchment extending just into Shaw Road to the West and across to Glengarry Road to the east. There is a 50,000m^3 storage tank in The Concourse Henderson and therefore no capacity issues are considered detrimental to any proposed development. The recent major development at the Nola site located at 460 – 470 West Coast Road discharges to the East towards View Road, Henderson, and does not contribute to the above mentioned 600mm diameter pipeline. **Conclusion** It is considered that there are no issues of capacity relating to wastewater which might detrimentally affect the development and extensions to the existing network can adequately service future development, which is consistent with a density anticipated within the MHU zone.
Engineering Services – Water Supply	The following outlines the details pertaining to the existing water supply infrastructure of the site: **Existing Infrastructure** The site is currently serviced by a 25mm diameter Polyethylene (PE) Water Supply (WS) connection (located on the North-Eastern corner of the subject site) from a 50mm diameter PE watermain that runs along the shared driveway. There is also a 100mm diameter PE pipeline crossing onto a 225mm diameter uPVC watermain on Parrs Cross Road and a 250mm diameter AC watermain located South of the site in West Coast Road, which would provide adequate coverage for a development within the site. The development of 491 West Coast Road (BUN60386132/LUC60386133/SUB60386134) and a new public road as part of that proposal will also provide an alternative source of extension from the existing 250mm diameter asbestos concrete watermain, if required. Refer to ***Appendix D*** for details pertaining to the proposed water supply layout for the development of the adjacent property, namely 491 West Coast Road. **Conclusion** In light of the above, there are no impediments from a water supply viewpoint to the development.

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz

To conclude, the site located at **121-123 Parrs Cross Road, Glen Eden** has no major constraints which would detrimentally affect the future development of the site to a level of density anticipated within the MHU zone.

Prepared by:

Anver Seconds

Senior Civil Engineer

Reviewed by:

Peter Kovacevich

Senior Engineer

Appendices

- Appendix A: 491 West Coast Road, Glen Eden – Roading Layout Plans
- Appendix B: 491 West Coast Road, Glen Eden – Stormwater and Wastewater Layout Plans
- Appendix C: 491 West Coast Road, Glen Eden – Stormwater Catchment Area Layout Plan
- Appendix D: 491 West Coast Road, Glen Eden – Water Supply Layout Plan

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz

APPENDIX A:

491 WEST COAST ROAD, GLEN EDEN – ROADING LAYOUT PLANS

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz

ABBREVIATION:

EX = EXISTING	MH = MAHNOLE
PROP = PROPOSED	CP = CATCHPIT
PVT = PRIVATE	SV = SLUICE VALVE
PUB = PUBLIC	FH = FIRE HYDRANT
BDY = BLOUNDARY	SW = STORMWATER
RW = RETAINING WALL	WW = WASTEWATER
CONC = CONCRETE	WS = WATER SUPPLY
GL = GROUND LEVEL	DT = DETENTION TANK
RL = REDUCED LEVEL	CONN = CONNECTION
FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	

LEGEND:

- EX. PROPERTY BOUNDARY
- PROPOSED BOUNDARY
- PROP. CONTOUR — 41.0
- PROP. CONCRETE FOOTPATH
- PROP. ASPHALT / PUBLIC ROAD CARRIAGEWAY
- PROP. SWCP
- EX. PUB. SWCP
- PROP. STREET LIGHT

NOTES:

1. LEVELS IN TERMS OF AUCKLAND DATUM 1946 (M.S.L)
2. ALL UNITS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
3. PROPOSED GROUND LEVELS SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE.
4. THE POSITION AND DEPTH OF THE UNDERGROUND SERVICES AND UTILITIES SHOWN ON THIS PLAN ARE INDICATIVE ONLY. THE CONTRACTOR MUST LOCATE THE EXACT POSITION OF ALL SUCH SERVICES AND UTILITIES BEFORE COMMENCING CONSTRUCTION.
5. ALL PROPOSED STORMWATER CATCHPITS WITHIN ROAD RESERVE ARE PUBLIC, AND ARE 675X450mm UNLESS OTHERWISE SPECIFIED.
6. ALL PROPOSED STORMWATER CATCHPITS ON PRIVATEWAYS ARE PRIVATE, AND ARE 675X450mm UNLESS OTHERWISE SPECIFIED.
7. ALL NEW VEHICLE CROSSINGS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH AUCKLAND TRANSPORT COP STANDARD.

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FOR RESOURCE CONSENT

REVISION SUMMARY				
DESIGNED BY:		REV	DATE	DESCRIPTION:
SL	05/08/22	-	27/05/21	RESOURCE CONSENT ISSUE
DRAWN BY:		A	29/08/22	s92 RFI RESPONSE
SL	29/08/22	-	-	-
CHECKED BY:		-	-	-
JZ	29/08/22	-	-	-
APPROVED BY:		-	-	-
JZ	29/08/22	-	-	-

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4 Henderson Valley Road
PO Box 12-1393
Henderson
Auckland
Phone: 09-836-1804
Fax: 09-836-1805
Email: info@tcec.co.nz

CLIENT : ORATIA FOOTHILLS LTD

PROJECT ADDRESS : 491 WEST COAST ROAD GLEN EDEN

DRAWING TITLE : ROADING LAYOUT PLAN - OVERALL

SCALE:	1:500 @A3	DWG NO.:	RC300
JOB NO.:	2020127		
DATE ISSUED:	29/08/22	REVISION NO.:	A

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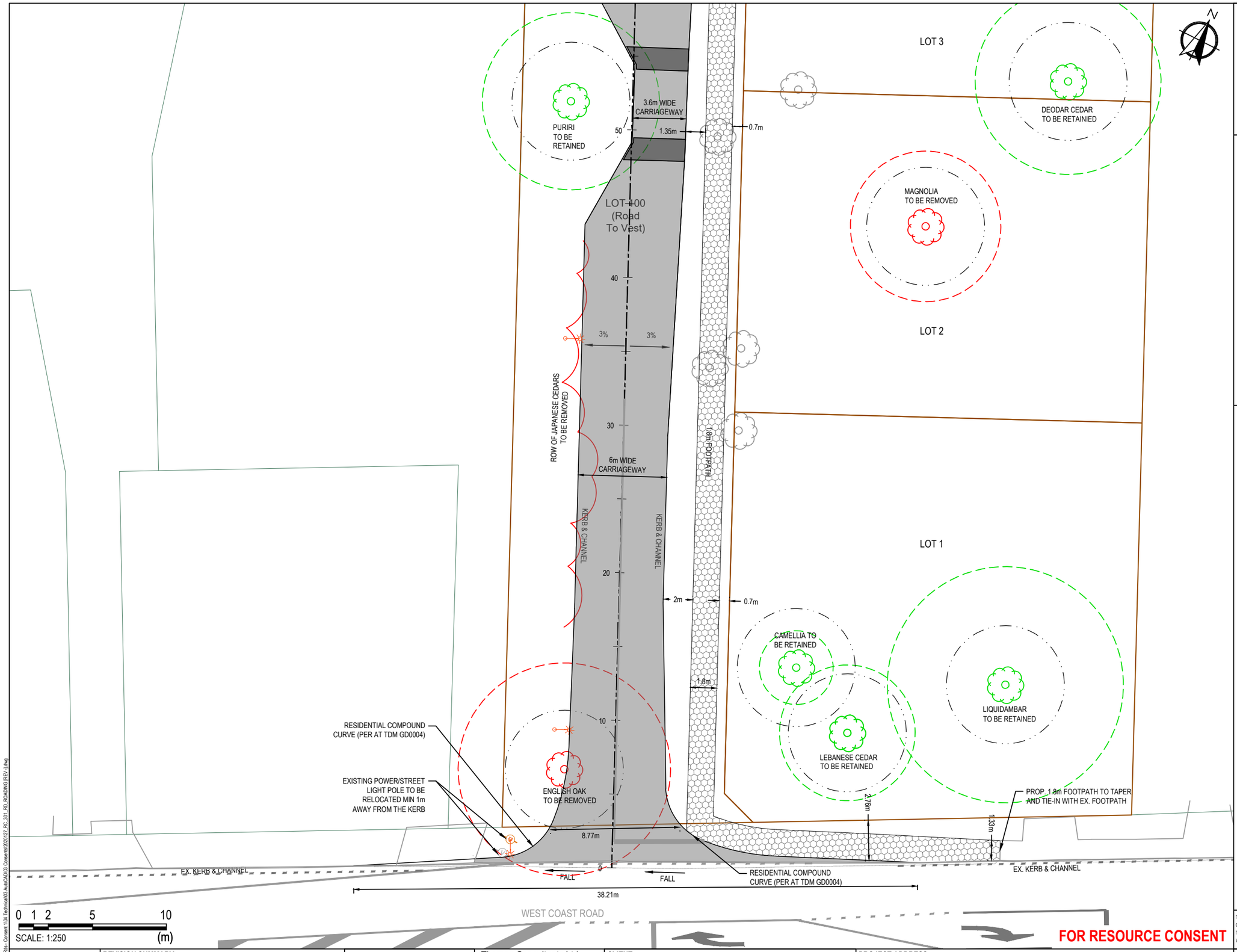

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FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	

LEGEND:

EX. PROPERTY BOUNDARY

PROPOSED BOUNDARY

PROP. CONTOUR — 41.0

PROP. CONCRETE FOOTPATH

PROP. ASPHALT / PUBLIC ROAD CARRIAGEWAY

PROP. SWCP — EX. PUB. SWCP

PROP. STREET LIGHT

CANOPY OF TREE

4m RADIUS FROM CENTRE OF TREE

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JZ	29/08/22	-	-	-

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Fax: 09-836-1805
Email: info@tcec.co.nz

CLIENT : ORATIA FOOTHILLS LTD

PROJECT ADDRESS : 491 WEST COAST ROAD GLEN EDEN

DRAWING TITLE : ROADING LAYOUT PLAN SHEET 1 OF 2

SCALE:	1:250 @ A3	DWG NO.:	RC301
JOB NO.:	2020127		
DATE ISSUED:	29/08/22	REVISION NO.:	A

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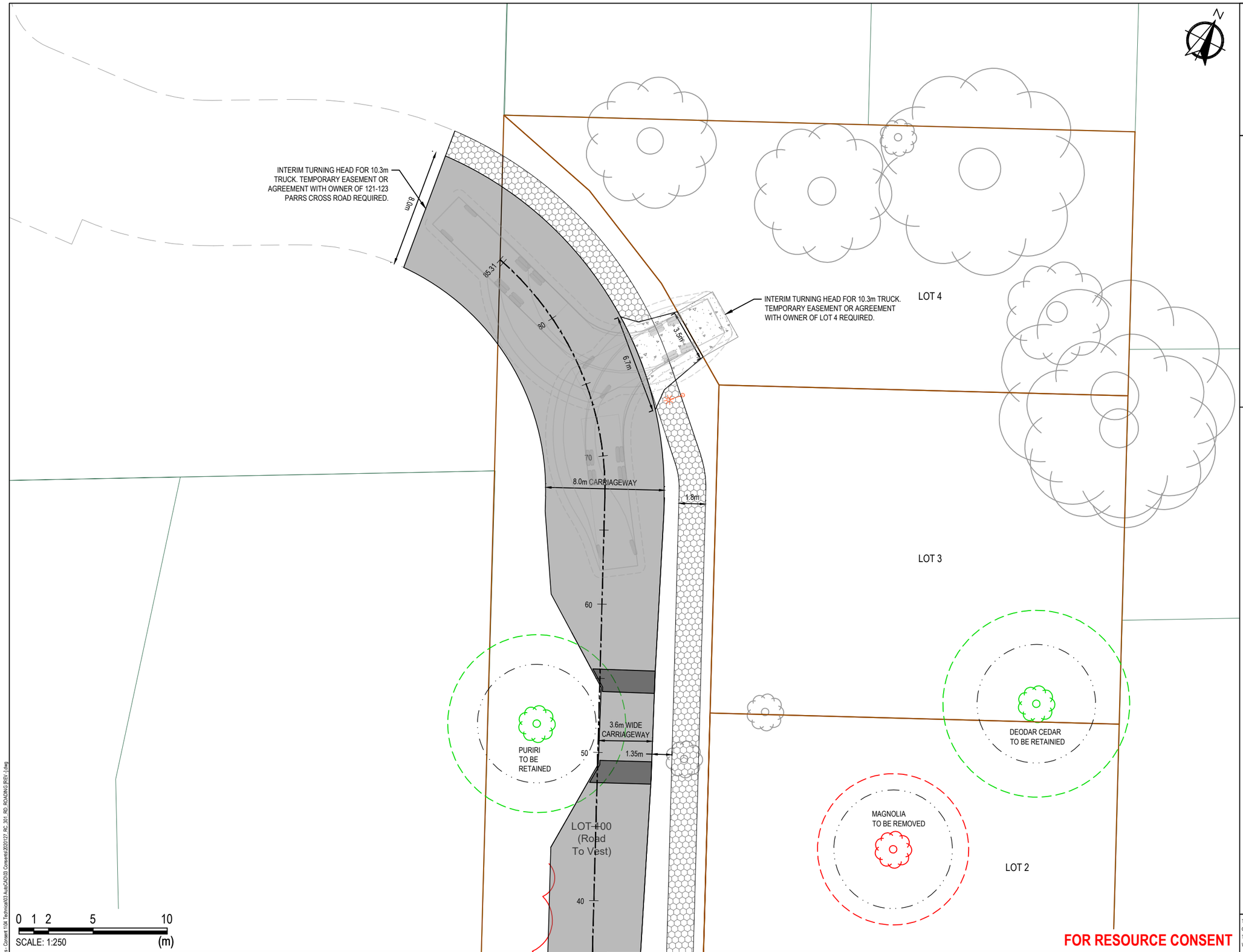

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SCALE: 1:250 (m)

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LEGEND:

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PROPOSED BOUNDARY
PROP. CONTOUR 41.0
PROP. CONCRETE FOOTPATH
PROP. ASPHALT / PUBLIC ROAD CARRIAGEWAY
PROP. SWCP EX. PUB. SWCP
PROP. STREET LIGHT
CANOPY OF TREE
4m RADIUS FROM CENTRE OF TREE

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JZ	29/08/22	-	-	-
APPROVED BY:		-	-	-
JZ	29/08/22	-	-	-

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Email: info@tcec.co.nz

CLIENT : ORATIA FOOTHILLS LTD

PROJECT ADDRESS : 491 WEST COAST ROAD GLEN EDEN

DRAWING TITLE : ROADING LAYOUT PLAN SHEET 2 OF 2

SCALE:	1:250 @A3	DWG NO.:	RC302
JOB NO.:	2020127		
DATE ISSUED:	29/08/22	REVISION NO.:	A

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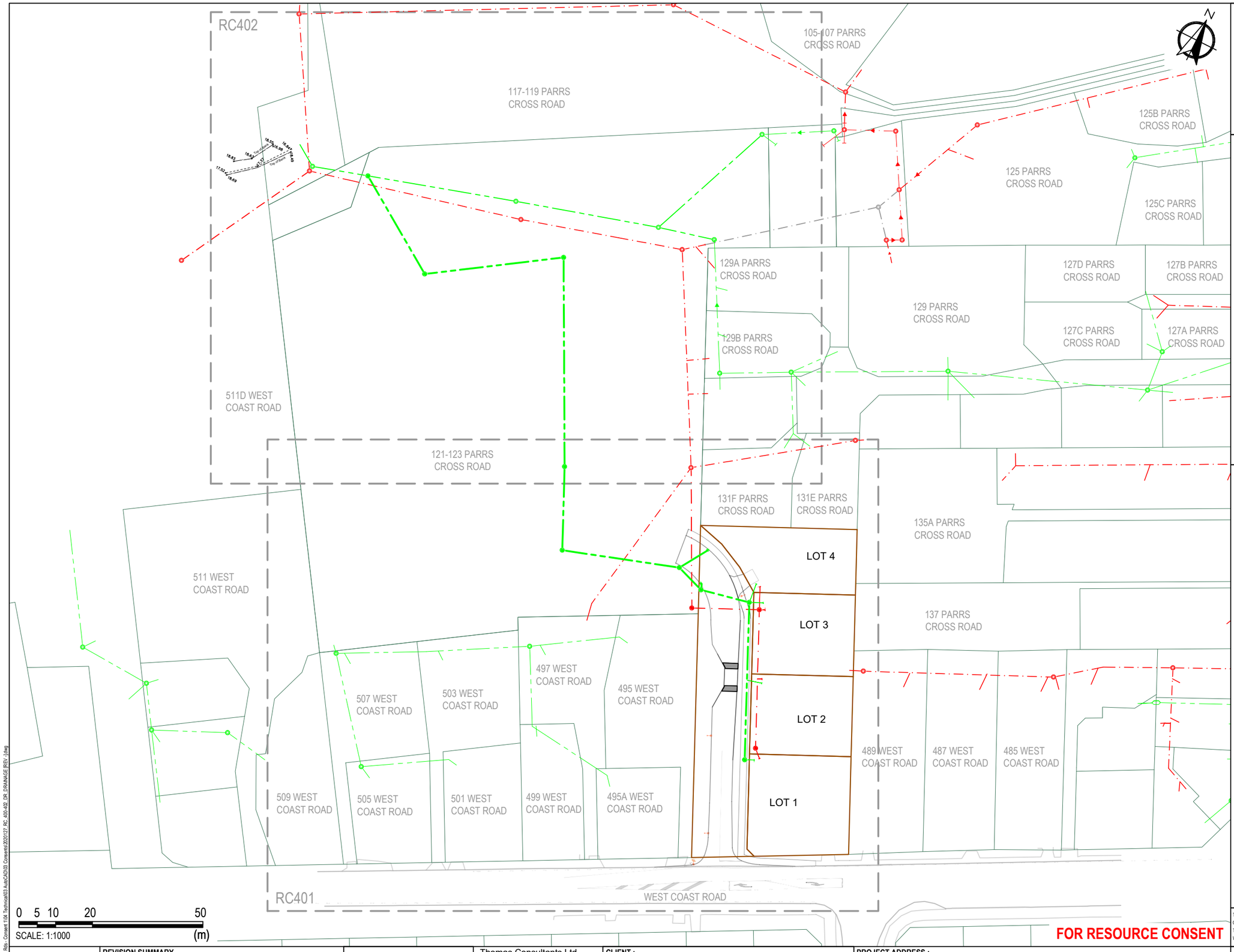
APPENDIX B:

491 WEST COAST ROAD, GLEN EDEN – STORMWATER AND WASTEWATER LAYOUT PLANS

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz



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GL = GROUND LEVEL	DT = DETENTION TANK
RL = REDUCED LEVEL	CONN = CONNECTION
FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	

LEGEND:

- EX. PROPERTY BOUNDARY
- PROP. PROPERTY BOUNDARY
- EX. PUB. WW LINE
- EX. PUB. SW LINE
- PROP. PUB. SW LINE
- PROP. PUB. WW LINE
- PROP. PVT. SW LINE
- PROP. PVT. WW LINE
- PROP. WW CONN
- PROP. SW CONN
- PROP. PUB. SWMH
- EX. PUB. SWMH
- PROP. PVT. SWCP
- EX. PUB. SWCP
- EX. PUB. WWMH
- PROP. PUB. WWMH
- EX. OVERLAND FLOW DRAIN

NOTES:

1. LEVELS ARE IN TERMS OF AUCKLAND DATUM 1946 (M.S.L)
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6. ALL NEW DRAINAGE MANHOLES ARE 1050mm IN DIAMETER UNLESS OTHERWISE SPECIFIED.
7. ALL PROPOSED PUBLIC WASTEWATER PIPES ARE uPVC SN16 UNLESS OTHERWISE STATED.
8. ALL PROPOSED HOUSE CONNECTIONS ARE INDICATIVE ONLY AND TO BE 100mmØ uPVC SN16 UNLESS OTHERWISE SPECIFIED.
9. ALL PROPOSED STORMWATER CATCHPITS IN THE COMMON ACCESS LOT(COAL) ARE PRIVATE WITH 100mmØ uPVC SN16 LEAD UNLESS OTHERWISE STATED.
10. ALL PROPOSED PIPES TO BE HARDFILL BACKFILLED IN THE TRAFFIC AREAS.
11. ALL PIPE LINES TO BE LAID ON H2 TYPE BEDDING UNLESS OTHERWISE SPECIFIED AND ARE TO BE CONSTRUCTED IN ACCORDANCE WITH AUCKLAND COUNCIL'S CODE OF PRACTICE DWG NO. SW03 REV2.
12. ALL STORMWATER MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH AUCKLAND COUNCIL'S CODE OF PRACTICE DWG NO. SW05 REV2.
13. ALL WASTEWATER PIPE AND MANHOLE CONSTRUCTION CLEARANCE ARE TO BE IN ACCORDANCE WITH WATERCARE'S DWG NO.2010070.044B.
14. ALL SERVICES CONNECTIONS TO REMAIN PUBLIC UNTIL INDICATED LOT BOUNDARY.

FOR RESOURCE CONSENT

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SL	30/08/22	-	-	-
CHECKED BY:		-	-	-
JZ	30/08/22	-	-	-
APPROVED BY:		-	-	-
JZ	30/08/22	-	-	-

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Email: info@tcec.co.nz

CLIENT :
ORATIA FOOTHILLS LTD

PROJECT ADDRESS :
491 WEST COAST ROAD
GLEN EDEN

DRAWING TITLE :
STORMWATER AND WASTEWATER
OVERALL LAYOUT PLAN

SCALE:	1:1000 @ A3	DWG NO.:	RC400
JOB NO.:	2020127		
DATE ISSUED:	30/08/22	REVISION NO.:	A

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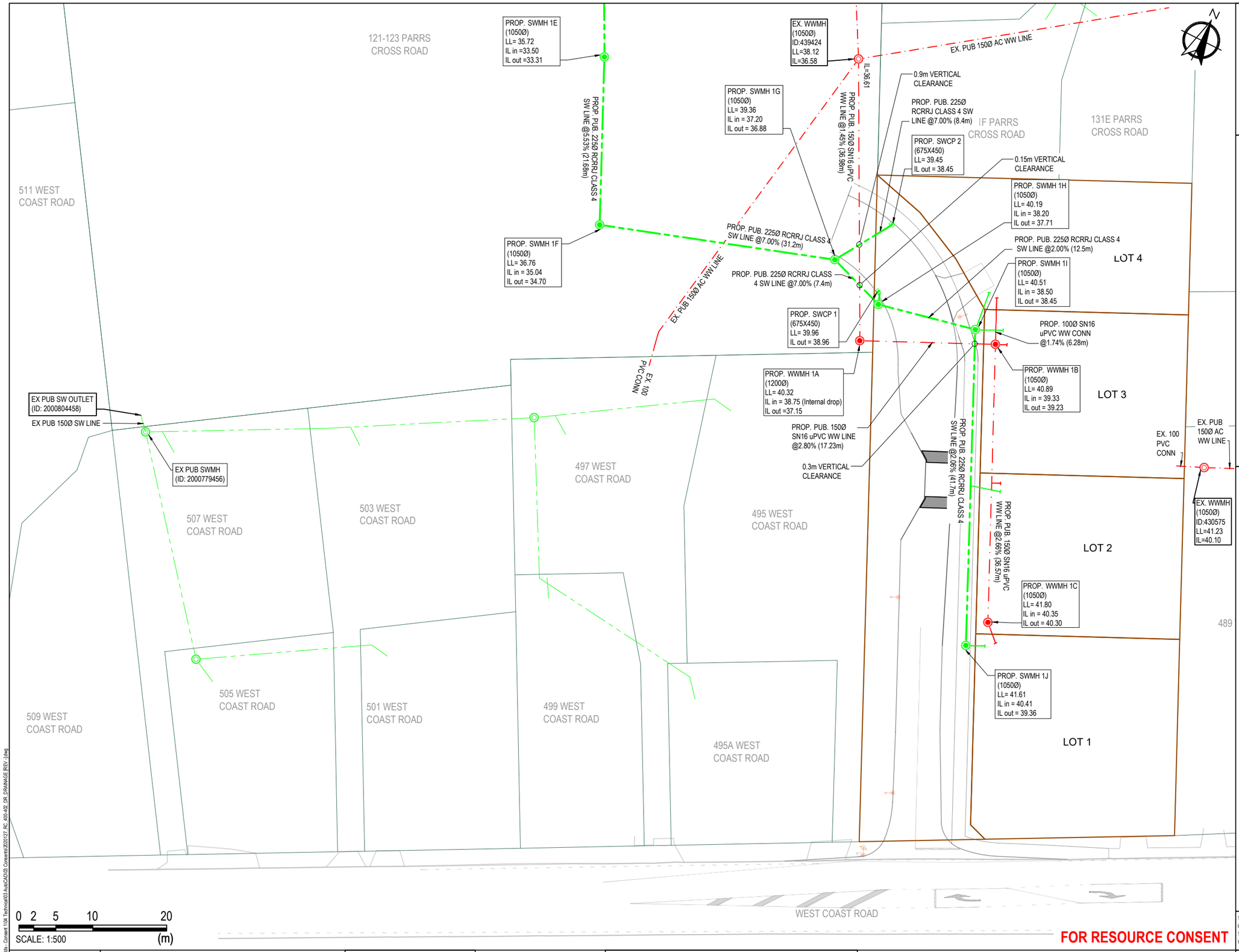

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SCALE: 1:500 (m)

ABBREVIATION:

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RL = REDUCED LEVEL	CONN = CONNECTION
FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	

LEGEND:

- EX. PROPERTY BOUNDARY
- PROP. PROPERTY BOUNDARY
- EX. PUB. WW LINE
- EX. PUB. SW LINE
- PROP. PUB. SW LINE
- PROP. PUB. WW LINE
- PROP. PVT. SW LINE
- PROP. PVT. WW LINE
- PROP. WW CONN
- PROP. SW CONN
- PROP. PUB. SWMH
- EX. PUB. SWMH
- PROP. PVT. SWCP
- EX. PUB. SWCP
- EX. PUB. WWMH
- PROP. PUB. WWMH
- EX. OVERLAND FLOW DRAIN

NOTES:

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12. ALL STORMWATER MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH AUCKLAND COUNCIL'S CODE OF PRACTICE DWG NO. SW05 REV2.
13. ALL WASTEWATER PIPE AND MANHOLE CONSTRUCTION CLEARANCE ARE TO BE IN ACCORDANCE WITH WATERCARE'S DWG NO.2010070.044B.
14. ALL SERVICES CONNECTIONS TO REMAIN PUBLIC UNTIL INDICATED LOT BOUNDARY.

FOR RESOURCE CONSENT

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JZ	30/08/22	-	-	-
APPROVED BY:		-	-	-
JZ	30/08/22	-	-	-

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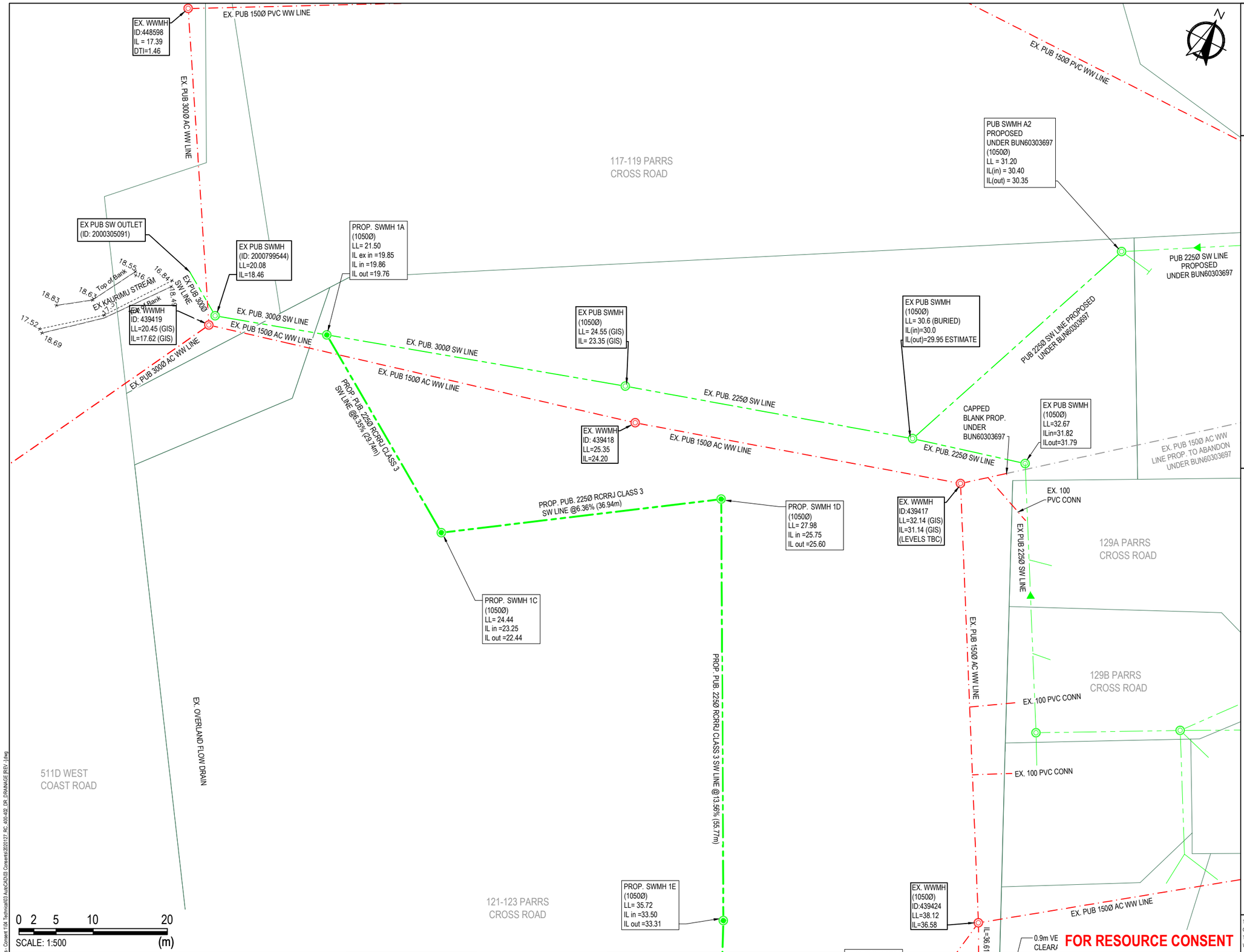
CLIENT :
ORATIA FOOTHILLS LTD

PROJECT ADDRESS :
491 WEST COAST ROAD
GLEN EDEN

DRAWING TITLE :
STORMWATER AND WASTEWATER LAYOUT PLAN
SHEET 1 OF 2

SCALE:	1:500 @ A3	DWG NO.:	RC401
JOB NO.:	2020127		
DATE ISSUED:	30/08/22	REVISION NO.:	A

J:\jobs\wwp\P-2020\127 Parrs Cross & West Coast Rds - Consent 1\04 Technical\03 Auth\CAD\03 Consents\2020127 RC_400-402_DR_DRAINAGE [REV:].dwg



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LEGEND:

- EX. PROPERTY BOUNDARY
- PROP. PROPERTY BOUNDARY
- EX. PUB. WW LINE
- EX. PUB. SW LINE
- PROP. PUB. SW LINE
- PROP. PUB. WW LINE
- PROP. PVT. SW LINE (SW)
- PROP. PVT. WW LINE (SS)
- PROP. WW CONN
- PROP. SW CONN
- PROP. PUB. SWMH
- EX. PUB. SWMH
- PROP. PVT. SWCP
- EX. PUB. SWCP
- EX. PUB. WWMH
- PROP. PUB. WWMH
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NOTES:

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SL	30/08/22	-	-	-
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JZ	30/08/22	-	-	-
APPROVED BY:		-	-	-
JZ	30/08/22	-	-	-

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ORATIA FOOTHILLS LTD

PROJECT ADDRESS :
491 WEST COAST ROAD
GLEN EDEN

DRAWING TITLE :
STORMWATER AND WASTEWATER LAYOUT PLAN
SHEET 2 OF 2

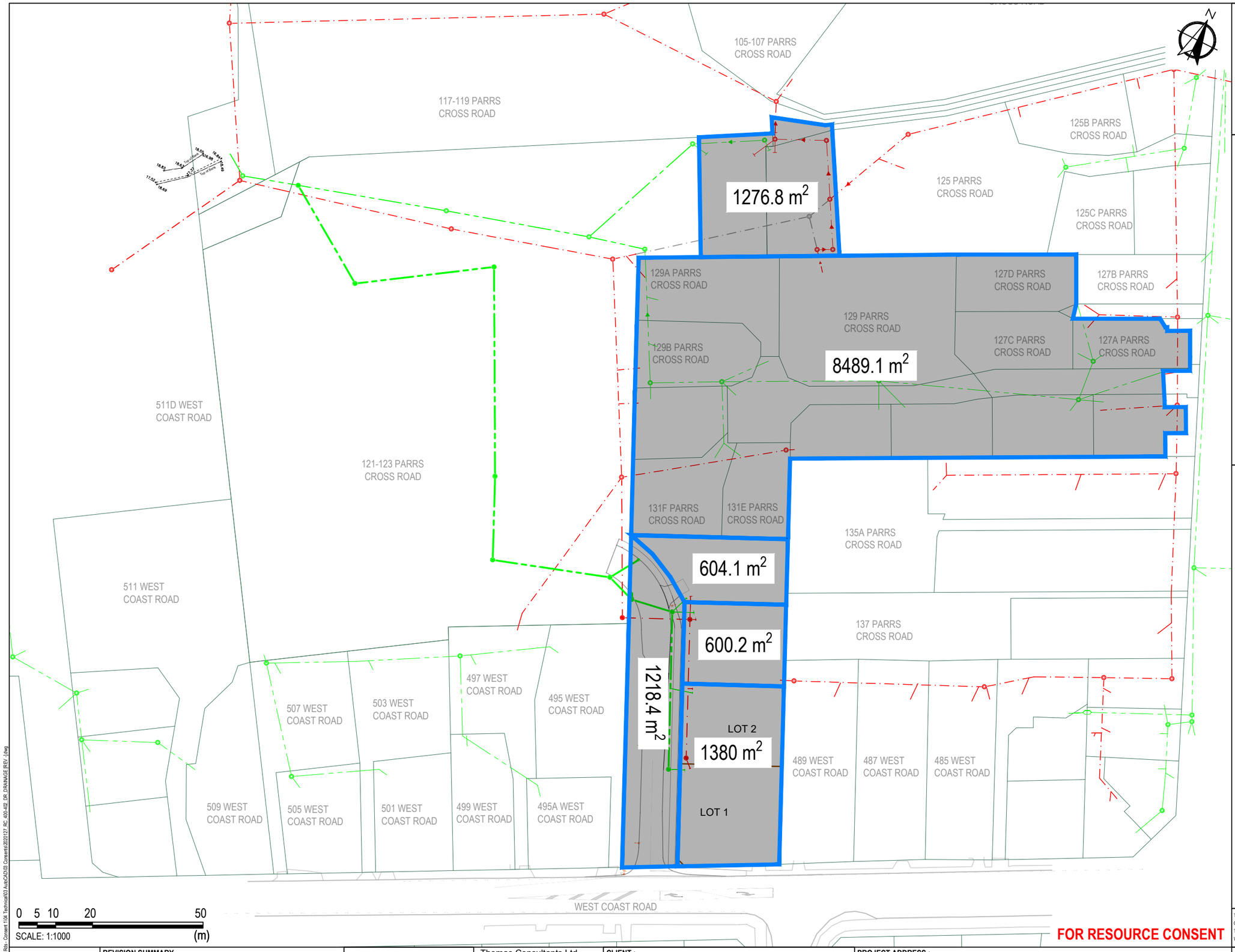
SCALE:	1:500 @ A3	DWG NO.:	RC402
JOB NO.:	2020127		
DATE ISSUED:	30/08/22	REVISION NO.:	A

ryan.hwang P:\2020\127 Parn Cross & West Coast Rds - Consent 1\04 Technical\03 Auth\CAD\03 Consents\2020127 RC_400-402_DR_DRAINAGE.IREV: J.dwg

APPENDIX C:

491 WEST COAST ROAD, GLEN EDEN – STORMWATER CATCHMENT AREA LAYOUT PLAN

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz



ABBREVIATION:

EX = EXISTING	MH = MAHNOLE
PROP = PROPOSED	CP = CATCHPIT
PVT = PRIVATE	SV = SLUICE VALVE
PUB = PUBLIC	FH = FIRE HYDRANT
BDY = BLOUNDARY	SW = STORMWATER
RW = RETAINING WALL	WW = WASTEWATER
CONC = CONCRETE	WS = WATER SUPPLY
GL = GROUND LEVEL	DT = DETENTION TANK
RL = REDUCED LEVEL	CONN = CONNECTION
FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	

LEGEND:

- EX. PROPERTY BOUNDARY
- PROP. PROPERTY BOUNDARY
- EX. PUB. WW LINE
- EX. PUB. SW LINE
- PROP. PUB. SW LINE
- PROP. PUB. WW LINE
- PROP. PVT. SW LINE
- PROP. PVT. WW LINE
- PROP. WW CONN
- PROP. SW CONN
- PROP. PUB. SWMH
- EX. PUB. SWMH
- PROP. PVT. SWCP
- EX. PUB. SWCP
- EX. PUB. WWMH
- PROP. PUB. WWMH
- EX. OVERLAND FLOW DRAIN

NOTES:

1. LEVELS ARE IN TERMS OF AUCKLAND DATUM 1946 (M.S.L)
2. ALL UNITS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
3. PROPOSED GROUND LEVELS SHOWN ARE INDICATIVE ONLY AND AREA SUBJECT TO CHANGE.
4. THE POSITION AND DEPTH OF THE UNDERGROUND SERVICES AND UTILITIES SHOWN IN THIS PLAN ARE INDICATIVE ONLY. THE CONTRACTOR MUST LOCATE THE EXACT POSITION OF ALL SUCH SERVICES AND UTILITIES BEFORE COMMENCING CONSTRUCTION.
5. ALL PUBLIC DRAINAGE SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH AUCKLAND COUNCIL'S CODE OF PRACTICE 2015 AND WATERCARE'S WATER AND WASTEWATER CODE OF PRACTICE 2018 RESPECTIVELY.
6. ALL NEW DRAINAGE MANHOLES ARE 1050mm IN DIAMETER UNLESS OTHERWISE SPECIFIED.
7. ALL PROPOSED PUBLIC WASTEWATER PIPES ARE uPVC SN16 UNLESS OTHERWISE STATED.
8. ALL PROPOSED HOUSE CONNECTIONS ARE INDICATIVE ONLY AND TO BE 100mmØ uPVC SN16 UNLESS OTHERWISE SPECIFIED.
9. ALL PROPOSED STORMWATER CATCHPITS IN THE COMMON ACCESS LOT(COAL) ARE PRIVATE WITH 100mmØ uPVC SN16 LEAD UNLESS OTHERWISE STATED.
10. ALL PROPOSED PIPES TO BE HARDFILL BACKFILLED IN THE TRAFFIC AREAS.
11. ALL PIPE LINES TO BE LAID ON H2 TYPE BEDDING UNLESS OTHERWISE SPECIFIED AND ARE TO BE CONSTRUCTED IN ACCORDANCE WITH AUCKLAND COUNCIL'S CODE OF PRACTICE DWG NO. SW03 REV2.
12. ALL STORMWATER MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH AUCKLAND COUNCIL'S CODE OF PRACTICE DWG NO. SW05 REV2.
13. ALL WASTEWATER PIPE AND MANHOLE CONSTRUCTION CLEARANCE ARE TO BE IN ACCORDANCE WITH WATERCARE'S DWG NO.2010070.044B.
14. ALL SERVICES CONNECTIONS TO REMAIN PUBLIC UNTIL INDICATED LOT BOUNDARY.

FOR RESOURCE CONSENT

THIS DRAWING IS PREPARED FOR THE PURPOSE OF OBTAINING A RESOURCE CONSENT OR BUILDING CONSENT ONLY AND FOR NO OTHER PURPOSE.
THIS DRAWING REMAINS THE PROPERTY OF THOMAS CONSULTANTS LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMAS CONSULTANTS LTD.

		REVISION SUMMARY		
DESIGNED BY:		REV	DATE	DESCRIPTION:
SL	30/08/22	-	30/08/22	s92 RFI RESPONSE
DRAWN BY:		-	-	-
SL	30/08/22	-	-	-
CHECKED BY:		-	-	-
JZ	30/08/22	-	-	-
APPROVED BY:		-	-	-
JZ	30/08/22	-	-	-

thomas consultants
Thomas Consultants Ltd
Central One Building
4 Henderson Valley Road
PO Box 12-1393
Henderson
Auckland
Phone: 09-836-1804
Fax: 09-836-1805
Email: info@tcec.co.nz

CLIENT :
ORATIA FOOTHILLS LTD

PROJECT ADDRESS :
491 WEST COAST ROAD
GLEN EDEN

DRAWING TITLE :
STORMWATER CATCHMENT AREA
LAYOUT PLAN

SCALE:	1:1000 @ A3	DWG NO.:	RC403
JOB NO.:	2020127		
DATE ISSUED:	30/08/22	REVISION NO.:	-

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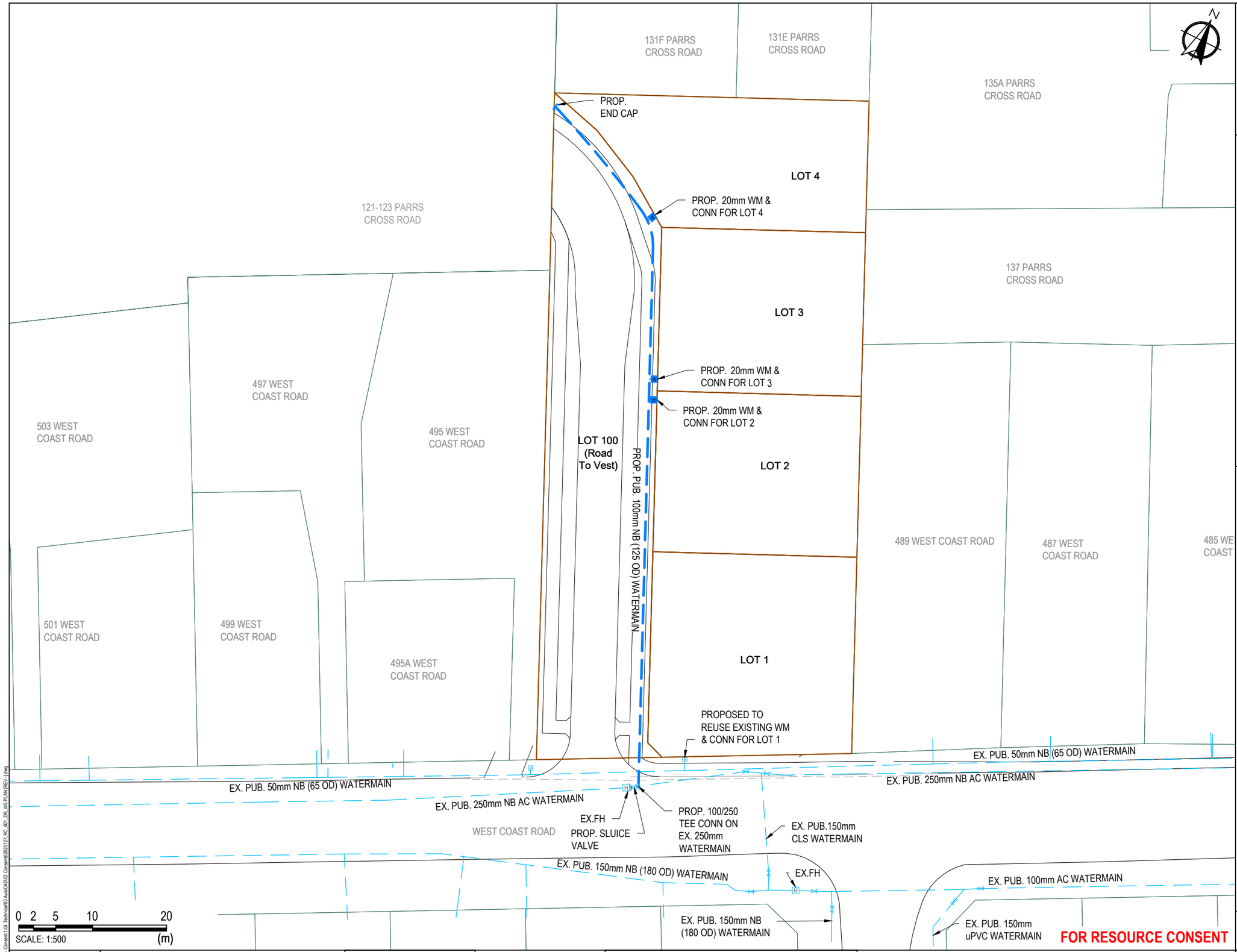
APPENDIX D:

491 WEST COAST ROAD, GLEN EDEN – WATER SUPPLY LAYOUT PLAN

4 Henderson Valley Rd, Henderson 0612 | 3 Osterley Way, Manukau 2104 | PO Box 12-1393 Henderson 0650, Auckland | 09 836 1804 | info@tcec.co.nz | thomasconsultants.co.nz



FOR RESOURCE CONSENT

ABBREVIATION:

EX = EXISTING
PROP = PROPOSED
PVT = PRIVATE
PUB = PUBLIC
BDY = BLOUNDARY
RW = RETAINING WALL
CONC = CONCRETE
GL = GROUND LEVEL
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FFL = FINISHED FLOOR LEVEL
WM = WATER METER
MH = MAHNOLE
CP = CATCHPIT
SV = SLUICE VALVE
FH = FIRE HYDRANT
SW = STORMWATER
WW = WASTEWATER
WS = WATER SUPPLY
DT = DETENTION TANK
CONN = CONNECTION
PS = PUMP STATION

LEGEND:

EX. PROPERTY BOUNDARY
PROP. PROPERTY BOUNDARY
EX. PUB. WS LINE
PROP. PUB. WS LINE
PROP. WATER METER
EX. WATER METER
PROP. SLUICE VALVE
PROP. PEET VALVE
EX. VALVE
PROP. FIRE HYDRANT
EX. FIRE HYDRANT
PROP. END CAP

NOTES:

1. LEVELS ARE IN TERMS OF AUCKLAND DATUM 1946 (M.S.L)
2. ALL UNITS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
3. PROPOSED GROUND LEVELS SHOWN ARE INDICATIVE ONLY AND AREA SUBJECT TO CHANGE.
4. THE POSITION AND DEPTH OF THE UNDERGROUND SERVICES AND UTILITIES SHOWN IN THIS PLAN ARE INDICATIVE ONLY. THE CONTRACTOR MUST LOCATE THE EXACT POSITION OF ALL SUCH SERVICES AND UTILITIES BEFORE COMMENCING CONSTRUCTION.
5. ALL PUBLIC WATER SUPPLY RETICULATION SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH WATERCARE'S WATER AND WASTEWATER CODE OF PRACTICE 2018 RESPECTIVELY.
6. ALL PROPOSED WATER CONNECTIONS ARE 20mmØ PE.

THIS DRAWING IS PREPARED FOR THE PURPOSE OF OBTAINING A RESOURCE CONSENT OR BUILDING CONSENT ONLY AND FOR NO OTHER PURPOSE.
THIS DRAWING REMAINS THE PROPERTY OF THOMAS CONSULTANTS LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMAS CONSULTANTS LTD.

		REVISION SUMMARY		
DESIGNED BY:		REV	DATE	DESCRIPTION:
SL	12/05/21	-	27/05/21	RESOURCE CONSENT ISSUE
DRAWN BY:		-	-	-
SL	27/05/21	-	-	-
CHECKED BY:		-	-	-
JZ	27/05/21	-	-	-
APPROVED BY:		-	-	-
JZ	27/05/21	-	-	-

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Henderson
Auckland
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Fax: 09-836-1805
Email: info@tcec.co.nz

CLIENT : ORATIA FOOTHILLS LTD

PROJECT ADDRESS : 491 WEST COAST ROAD GLEN EDEN

DRAWING TITLE : WATER SUPPLY LAYOUT PLAN

SCALE:	1:500 @ A3	DWG NO.:	RC601
JOB NO.:	2020127		
DATE ISSUED:	27/05/2021	REVISION NO.:	-

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 2:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Andrew and Gwyneth Bedford
Attachments: A20220-RC-SUB-PC78 Submission.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Andrew and Gwyneth Bedford

Organisation name: Bedford Properties Ltd

Agent's full name: Kelsie Tuck

Email address: kelsie.tuck@ckl.co.nz

Contact phone number: 0278804574

Postal address:
Level 2
25 Broadway
PO Box 99463
Newmarket
Auckland 1149
Newmarket
Auckland 1149

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
1. Re-zone the subject site to Mixed Housing Urban.
2. Remove Coastal Inundation from the list of Qualifying Matters.
3. Remove the Combined Wastewater Network Control from the list of Qualifying Matters.

Property address: 30 West End Road, Herne Bay

Map or maps:

Other provisions:
Refer to attached 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: Approve the plan change with the amendments I requested

Details of amendments: Refer to attached submission.

Submission date: 29 September 2022

Supporting documents
A20220-RC-SUB-PC78 Submission.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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

Planning | Surveying | Engineering | Environmental

29 September 2022

CKL Job No: A20220

Auckland Council
Plans & Places Team

By email: unitaryplan@aucklandcouncil.govt.nz

Submission to Auckland Council's Plan Change 78: Intensification as it relates to 30 West End Road, Herne Bay, Auckland 1022

Please see the below submission prepared on behalf of Bedford Properties Ltd (Andrew & Gwyneth Bedford) the owners of the property at 30 West End Road, Herne Bay requesting to:

1. Re-zone the subject site to Mixed Housing Urban. 1469.1
2. Remove Coastal Inundation from the list of Qualifying Matters. 1469.2
3. Remove the Combined Wastewater Network Control from the list of Qualifying Matters. 1469.3

The property details are summarised as follows:

SITE LOCATION	30 West End Road, Herne Bay
LEGAL DESCRIPTION	Lot 7 DP 9227
SITE AREA	1,403m^2
EXISING DEVELOPMENT	Single dwelling
EXISTING ZONING & CONTROLS (OPERATIVE UNITARY PLAN)	Residential – Single House Zone Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise Macroinvertebrate Community Index – Native Macroinvertebrate Community Index – Urban
PROPOSED ZONING AND QUALIFYING MATTERS (PC78)	Residential – Low Density Residential Zone (LDRZ) Combined Wastewater Network Control Coastal Inundation

Introduction

The subject site, 30 West End Road, Herne Bay, is currently a residential site containing a single dwelling located within the northern portion of the site along West End Road. The site sharply slopes downward from the dwelling to an estuary that leads to the coast. Any future development of the site will require careful consideration and design to overcome the natural constraints, and the consenting triggers already exist to manage this.

Under the Auckland Unitary Plan (Operative in Part) (AUP(OP) the site is in the Residential – Single House Zone with three controls (Coastal Inundation 1 per cent AEP Plus 1m Control – 1m area level rise, Macroinvertebrate Community Index – Native & Macroinvertebrate Community Index – Urban). Under Plan Change 78 (PC78), the zoning is proposed to be changed to Residential – Low Density Residential Zone (LDRZ). The Coastal Inundation control has been retained and elevated to a qualifying matter, along with the addition of the Combined Wastewater Network Control qualifying matter.

The surrounding environment is predominantly residential to the north, east and west with open space to the south in the form of Cox's Bay reserve. All sites in the immediate vicinity on either side of West End Road are proposed to be Mixed Housing Urban Zone (MHU), except the subject site.

It is submitted that 30 West End Road become MHU to align with the surrounding sites and enable higher intensity development on the site in line with the density standards sought in Schedule 3A of the RMA and specifically policies 1, 2 and 5. This can be achieved by removing the coastal inundation and combined wastewater network controls as qualifying matter from PC78 as these matters are already adequately managed by the RMA, AUP and relevant Engineering Standards.

As such, the following changes are submitted to align the proposed plan change with the provisions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) and National Policy Statement on Urban Design 2020 (NPS:UD).

1. <u>Up Zone the site to MHU in line with the surrounding sites</u>

When viewed on the PC78 AC GIS, it is noticeable that the subject site is to be rezoned to LDRZ when all the surrounding sites to the north, east and west are to be up zoned to MHU. Sites 20, 22-24, 26 and 26A West End Road have the Combined Wastewater Network Control as a qualifying matter but yet have been up zoned to MHU from the SHZ, and sites 32, 36 and 40 West End Road have Coastal Inundation as a qualifying matter but yet have been up zoned from MHU but from MHS. Therefore, it does not seem reasonable or consistent that the subject site is to be rezoned LDRZ, when the neighbouring sites have the exact same qualifying matters and are to be up zoned to MHU. Objective 2 of Schedule 3A of the RMA states "a variety of housing types and sizes that respond to the neighbourhood's planned urban built character." Based on the surrounding up zoning to MHU, the neighbourhoods planned urban character is to be medium intensity, three storey dwellings in line with the MDRS, which this subject site will not be able to achieve if it is rezoned to LDRZ.

Reviewing the s32 report "QM Significant Natural Hazards – Coastal Inundation August 2022" it appears the only logical reason the subject site has been rezoned to LDRZ is due to the past zoning of the site being Single House Zone under the AUP(OP), not because the risk of coastal inundation to more intensive development on the subject site is higher than the neighbouring properties which are also subject to this natural hazard.

Section 32 states:

"Seeks the application of the new low-density zone over all residential properties…. within the coastal inundation hazard area. However, the low-density zone represents a reduction in density below the current standards for the Residential – MHS, Residential – MHU and the Residential – THAB zones of

the AUP and is unable to be recommended over these as part of PC78. Instead, the zone is recommended to be applied to only those properties currently zoned Residential – SHZ. The application of a low-density residential zone over all residential properties within the hazard area will be considered further in the Coastal Hazards Plan Change."

Therefore, site specific assessment has not been undertaken for any of the properties to inform this plan change. It is therefore inconsistent and unjust to restrict more intensive development only on the subject site, purely based on previous zoning. The adjacent sites in the surrounding area are to be rezoned to MHU and have similar qualifying matters to the subject site; therefore, it does not seem logical to have one site in the middle of this MHU environment to be zoned for lower intensity development.

In the context of the subject site being located adjacent to Cox Reserve, it is important to note that under E38.7.3.2, if subdivision of the subject site is to occur, then the creation of a 20m esplanade reserve would be required. Based on the PC78 AC GIS, the coastal hazard area does not extend further than 20m into the site and therefore the entirety of the coastal hazard area would be included within the esplanade reserve, not the subject site. It is therefore considered a reasonable decision to ignore the coastal inundation hazard area for the site as it is likely to not be applicable to the subject site in the future should the site be developed and subdivided well outside of the coastal hazard area. This would further remove the need for the subject site to be zoned LDRZ as it would no longer be subject to the coastal inundation qualifying matter. In light of the above we request that the subject site become MHU.

2. <u>Remove Coastal Inundation from the list of Qualifying Matters</u>

It is requested that Coastal Inundation should be removed as a qualifying matter from PC78. Coastal Inundation is already robustly covered under E36. Natural Hazards and Flooding and E38. Subdivision, and therefore does not warrant being a QM that restricts immediate development under the MDRS. The relevant standards in the AUP already appropriately manage these constraints and naturally inform what level of development is appropriate for the site, without the need to limit development from the outset.

The s32 report states *"significant risk from coastal inundation within the rural urban boundary is currently managed by the provisions in chapter E36 and E38 of the AUP(OP)."* Therefore, it does not seem reasonable to put in place further restrictions on immediate development when Council clearly states that the current standards are managing these constraints already.

I note that hazards, specifically coastal inundation, are explicitly listed under Section 77I, as such, Section 77I must be satisfied to ensure that the area/s are inappropriate for higher density. Although, given the vast application of the coastal hazard area across the Auckland Region, this clearly does not satisfy Section 77L which requires site specific analysis.

3. <u>Remove Combined Wastewater Network Control as a Qualifying Matter</u>

It is considered that the Combined Wastewater Network Control should be removed as a QM from PC 78. This QM restricts development for sites where separate engineering services could be constructed.

By considering this as a QM, there is no opportunity for services to be designed and upgraded through the development process and outrightly restricts the site from being intensively development immediately.

It is also noted that the Combined Wastewater Network does not meet the requirements of Section 77I of the Amendment Act, not being "nationally significant infrastructure." Nor does the proposal satisfy Section 77L, specifically:

- The evaluation does not present a site-specific analysis that identifies the site to which the matters relate;
- The evaluation does not specify the characteristics on a site-specific basis where intensification needs to be compatible with the specific matter;
- The range of options to achieve the greatest heights and densities permitted by the MDRS are not sufficient. The options are either removal of the minimum net site area rule or upgrade the wastewater network. There is no consideration to a hybrid approach that enables intensification while managing the specific characteristics.

It is considered that matters associated with combined wastewater and stormwater networks have already been addressed in the AUP(OP) under E6, E8 and E26 and therefore do not need to be included as a QM that restricts immediate development under the MDRS. These standards can appropriately manage any constraints from a combined wastewater network and this QM should be removed.

4. Conclusion

Under Plan Change 78, the subject site is to be rezoned to Low Density Residential when the adjacent sites which have the same QM's are to be up zoned to Mixed Housing Urban. If subdivision is to take place on the subject site, then an esplanade reserve would need to be created which would remove the entire coastal hazard area from the subject site itself. Therefore, this QM would no longer apply and subsequently, the site should be up zoned to MHU in line with the neighbouring properties.

It is also requested that both the coastal inundation and combined wastewater network control are removed as QM's as these constraints are already adequately managed and addressed under existing provisions within the AUP(OP) and they do not meet the requirements of Section 77I of the RMA.

We appreciate your careful consideration of the Council's approach and the implications on this site.

If you have any further questions in relation to this submission, please contact the undersigned otherwise we look forward to hearing from you.

Yours sincerely,

Kelsie Tuck
Planner

Daniel Brown
Planning Manager

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 2:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Apec Equity Ltd
Attachments: PC78 Submission - 52 Sunnyheights Road.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Apec Equity Ltd

Organisation name:

Agent's full name: Sarah Robson

Email address: sarah.robson@ckl.co.nz

Contact phone number: 0220708256

Postal address:
PO Box 99463
Newmarket
Auckland 1149

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
1. Qualifying Matter – Water and/or Wastewater Constraints Control
Remove control as it relates to the subject site
2. Chapter I530 – Orewa 2 Precinct
Remove the precinct as a qualifying matter
Delete Standards I530.6.1, I530.6.3, I530.6.4, I530.6.5, I530.6.6 and I530.6.7.
Amend wording in I530.4 Activity table, I530.6 Standards and I530.8.2.2 Assessment Criteria
3. Chapter H5 – Mixed Housing Urban Zone
Delete new activities H5.4.1(A2A) and (A2B) related to the presence of a significant ecological area (SEA)
Delete new standards H5.6.10(2)(a), (b) and (c) – Building coverage
4. Qualifying Matter – Flooding
Remove flooding as a qualifying matter

Property address: 52 Sunnyheights Road, Orewa

Map or maps: N/A

Other provisions:
Refer to attached 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: Approve the plan change with the amendments I requested

Details of amendments: Refer to attached submission

Submission date: 29 September 2022

Supporting documents
PC78 Submission - 52 Sunnyheights 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.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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Planning | Surveying | Engineering | Environmental

29 September 2022

Auckland Council
Plans & Places Team

By email: unitaryplan@aucklandcouncil.govt.nz

CKL Job No: S3279

Submission to Auckland Council Proposed Plan Change 78: Intensification as it relates to 52 Sunnyheights Road, Orewa

This submission is prepared on behalf of Apec Equity Ltd, the owner of the property at 52 Sunnyheights Road, Orewa.

The property details are summarised as follows:

SITE LOCATION	52 Sunnyheights Road, Orewa
LEGAL DESCRIPTION	Pt Lot 3 DP 203050
SITE AREA	11.4129 ha
EXISTING ZONING & OVERLAYS (UNITARY PLAN)	Residential – Single House Zone Orewa 2 sub-precinct H, Sub-precinct Significant Ecological Areas Overlay - SEA_T_6652b, Terrestrial Flood Plain Macroinvertebrate Community Index – Native & Rural Stormwater Management Area Control – Orewa River West, Flow 1 Stormwater Management Area Control - Nukumea, Flow 1
PROPOSED ZONING, OVERLAYS AND QUALIFYING MATTERS (PC78)	Residential – Mixed Housing Urban Zone Orewa 2 sub-precinct H, Sub-precinct Significant Ecological Areas Overlay - SEA_T_6652b, Terrestrial Flood Plains Infrastructure – Water and/or Wastewater Constraints Control Macroinvertebrate Community Index – Native & Rural Stormwater Management Area Control – Orewa River West, Flow 1 Stormwater Management Area Control - Nukumea, Flow 1

This submission relates to the following provisions of proposed Plan Change 78 (PC78):

1. Qualifying Matter – Water and/or Wastewater Constraints Control
    - Remove control as it relates to the subject site
2. Chapter I530 – Orewa 2 Precinct
    - Remove the precinct as a qualifying matter

1470.1

1470.2

- Delete Standards I530.6.1, I530.6.3, I530.6.4, I530.6.5, I530.6.6 and I530.6.7. 1470.3
- Amend wording in I530.4 Activity table, I530.6 Standards and I530.8.2.2 Assessment Criteria 1470.4

3. Chapter H5 – Mixed Housing Urban Zone 1470.5
   - Delete new activities H5.4.1(A2A) and (A2B) related to the presence of a significant ecological area (SEA) 1470.6 1470.7
   - Delete new standards H5.6.10(2)(a), (b) and (c) – Building coverage 1470.8
4. Qualifying Matter – Flooding
   - Remove flooding as a qualifying matter 1470.9

Introduction

The site subject to this submission is 52 Sunnyheights Road, Orewa. The site is a large residential lot containing a single dwelling with a stream running along the northern boundary. The site is relatively steep, slope down towards the stream, with a number of gullies with well-established native and exotic vegetation. Stormwater, wastewater, water, utilities and new roads have been constructed as part of the development at 289 West Hoe Heights (south of the subject site) and along Pacific Heights Road (east of the subject site) ensuring any future development has ease of access to services.

Under the Auckland Unitary Plan (Operative in Part) (AUP(OP)) the site is Zoned Residential – Single House Zone and is within Orewa 2 Precinct. Under Plan Change 78 (PC78), the site has been zoned Residential – Mixed Housing Urban and the existing provision of the Orewa 2 Precinct are retained. In addition, the site is subject to the following qualifying matters: Flood Plains, and the newly introduced Waster and/or Wastewater Constraints Control.

The up zoning to Mixed Housing Urban is supported however the additional qualifying matters and associated restrictions do not give effect to Section 77I of the RMA. It is submitted that these are deleted in their entirety or amended as outlined in the sections below. The application of these qualifying matters and associated rules either extend or duplicate existing provisions of the AUP(OP) and are contrary to the intent of the government's intensification instruments. 1470.10

As such, the following changes are submitted to align the proposed plan change with the provisions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) and National Policy Statement on Urban Design 2020 (NPS:UD).

1. Qualifying Matter – Water and/or Wastewater Constraints Control

Whilst there are upgrades to water and wastewater network proposed in the short-medium future, the Evaluation and Section 32 Report for Water and Wastewater Servicing Constraints states that "*[r]emoval of the constraint from all the identified sites is not expected to occur within the lifetime of the current AUP*" and "*the qualifying matter is appropriate given many projects needed to address constraints in areas of Auckland may not be completed within 10 years*".

However, as outlined on Page 2 of Attachment Two: Water and Wastewater Servicing Constraint Maps, the upgrades to the Orewa West Pump Station and associated network are to be delivered in 2025 and the Orewa Water Pumpstation upgrade is anticipated in 2023. These infrastructure upgrades are anticipated within the lifetime of the AUP. The report identifies that wider growth of large future

urban zone areas is also a factor considered in applying the qualifying matter, specifically in the need for the delivery of the Orewa 3 Watermain from the North Shore to Harbour Bridge by 2030. Development and growth within the future urban zone is not anticipated within the life of the AUP and therefore should not be a factor considered to limit intensification is areas which are already suitably zoned or proposed to be.

It is submitted that the Water and/or Wastewater Constraints Control does not meet the requirements of Section 77I of the Amendment Act, not being "nationally significant infrastructure". Nor does the proposal satisfy Section 77L, specifically:

- The evaluation does not specify the characteristics on a site-specific basis where intensification needs to be compatible with the specific matter; and
- The range of options to achieve the greatest heights and densities permitted by the MDRS are not sufficient. The options are either removal the minimum net site area rule or upgrade the wastewater network. There is no consideration to a hybrid approach that enable intensification while managing the specific characteristics.

To summarise, it is submitted that the Water and/or Wastewater Constraints Control is removed from the subject site as qualifying matter.

2. Chapter I530 – Orewa 2 Precinct

2.1 Remove the Precinct as a Qualifying Matter

Section 77I of the Amendment Act states a "*specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present*". Precincts are not explicitly listed under Section 77I, as such, Section 77L must be satisfied to ensure that the area/s are inappropriate for higher density development.

It is submitted that the precinct does not satisfy Section 77L, specifically the specific characteristics of the site. The Evaluation and Section 32 Report identifies the presence of the proposed "Water and Wastewater Constraints Control" and local landscape, natural features, amenity and open space network as the reasons for the precinct being imposed as a qualifying matter.

As outlined in the section above, it is considered inappropriate to apply the Water and Wastewater Constraints Control to the subject site as it does not satisfy either Section 77I or 77L.

Regarding local landscape, natural features, amenity and open space network, the Evaluation and Section 32 Report identifies the following reasons why the level of development enabled by the MDRS is inappropriate:

- *"Steepness and frequency of streams and gullies."*

The Orewa 2 Precinct area incorporates several natural, ecological and amenity values related to streams, native vegetation, and wetlands. The precinct already includes provisions to provide for protection and enhancement, specifically a precinct plan that identifies areas of

protected vegetation (which is extended further than any SEAs), physical limitations, proposed reserves and park edge collector roads.

The Evaluation and Section 32 Report does not provide sufficient justification for how intensification outside of those areas specifically identified and protected by the precinct plan will degrade the values which are already protected through the precinct plan and associated provisions.

Regarding the steepness of the site, Section 106 of the RMA enables Councils to refuse a subdivision consent if there is significant risk from natural hazards. Given the size of the subject site, any development will either be vacant lots (in which case Section 106 can be applied) or a development of more than three dwellings which would require resource consent as sufficient matters of discretion cover stability and natural hazards. Furthermore, the precinct plan identifies area with "Physical Limitations" which are subject to further scrutiny with regard to land stability and ground condition.

Given the current provisions within the Orewa 2 Precinct, applying the precinct as a qualifying matter is unnecessary to manage effects on the values outlined in the Evaluation and Section 32 Report and it does not satisfy Section 77L.

In summary, it is submitted that the Orewa 2 Precinct is removed as a qualifying matter and that the relevant provisions are amended to reflect this, as detailed in Section 2.2 and 2.3 below.

2.2 Delete Standard I530.6.1. Minimum net site area for land not within a Physical Limitation Area, Standards I530.6.3. Height, I530.6.4. Height in relation to boundary, I530.6.5. Yards, I530.6.6. Maximum impervious area and building coverage and I530.6.7. Building frontages

Further to the matters discussed in the sections above, the Evaluation and Section 32 Report for the Orewa 2 Precinct states that the minimum net site area provisions are to be retained to manage effects on:

- The coastal and stream environment
- SEA
- Steep and geotechnically difficult areas

The application of the precinct as a qualifying matter and retention of Standard I530.6.1 are proposed to achieve the following:

- Prevents development in coastal and stream margins
- Prevents development in the SEA
- Prevents development in steep areas

As discussed in sections above, the implementation of areas of protected vegetation (which is extended further than the SEA), physical limitations, proposed reserves and park edge collector roads under the existing provisions of the precinct will adequately manage the

effects outlined above. In addition, standards related to coastal and riparian margins and SEA are imbedded into the AUP(OP) to further support the existing provisions of the precinct. The retention of the Standards I530.6.9 Subdivision Layout, I530.6.2 minimum net site area for land within a Physical Limitation Area and I530.10.1 Precinct Plan 1 is supported to achieve the objectives and policies of the Precinct. However, outside of these matters, intensification can be facilitated.

The use of the term "prevents" is also problematic, as this does not align with the Amendment Act, which allows for the use of qualifying matters to "*make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary*". The qualifying matters are not to be imposed to "prevent" development.

In summary, it is submitted that Standards I530.6.1. Minimum net site area for land not within a Physical Limitation Area, I530.6.3. Height, I530.6.4. Height in relation to boundary, I530.6.5. Yards, I530.6.6. Maximum impervious area and building coverage and I530.6.7. Building frontages be deleted entirely.

2.3 Amend I530.4. Activity table, I530.6. Standards, and I530.8.2.2. Two or more dwellings on a site

To align with the submitted changes outlined in the sections above, the following is also submitted. Words to be added are shown as underlined and words to be removed are shown as ~~struck through~~.

I530.4. Activity table

The provisions in any relevant overlays, Auckland-wide provisions and the zone apply in this precinct unless otherwise specified below.

~~*The rules in Activity Table I530.4.1 in I530 Orewa 2 Precinct as they relate to the construction and use of up to 3 dwellings per site replace the rules in the underlying zones for the construction and use of up to 3 dwellings per site.*~~

Table I530.4.1 Activity table specifies the activity status of land use, development and subdivision activities in the Orewa 2 Precinct pursuant to section 9(3) and section 11 of the Resource Management Act 1991 or any combination of these sections where relevant. A blank activity status cell in Table I530.4.1 Activity table means that the zone, Auckland-wide and overlays apply as relevant.

Table I530.4.1 Activity Table

Activity		***Activity Status***
Use		
(A1)	*Dwellings*	

(A2)	*Two or more dwellings on a site <u>within the Residential – Low Density Residential Zone</u>*	*RD*
(A3)	*Retirement villages*	*D*

…

I530.6. Standards

The overlay, Auckland-wide and zone standards apply in this precinct unless otherwise specified below.

~~The standards in I530.6 in I530 Orewa 2 Precinct as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying zones for the construction and use of up to 3 dwellings per site.~~

All activities permitted and restricted discretionary activities listed in Table I530.4.1 Activity table must comply with the following standards.

I530.8.2.2. Two or more dwellings on a site

(1) Development of two or more dwellings on a site will be assessed against the relevant assessment criteria in the underlying ~~Residential - Mixed Housing Suburban~~ Zone.

(2) The extent to which sites proposed for two or more dwellings on the site have sufficient street frontage to allow dwellings to face on to the street.

3. <u>Chapter H5 – Mixed Housing Urban Zone</u>

3.1 Delete Rule H5.4.1(A2A) – One dwelling per site subject to a Significant Ecological Area Overlay which complies with Standards E15.4.2(A29) and E15.6.5

Proposed Rule H5.4.1(A2A) imposes a Controlled Activity status for the construction of a dwelling on a site containing a SEA - even if no works take place within this overlay. Matters of Control relate to mitigating the adverse effects on ecological values for the SEA. This is contrary to the outcome sought by both the underlying zoning that would provide for at least one dwelling plus any minor dwellings or accessory buildings and the proposed zoning which should allow up to three dwellings as of right subject to compliance with relevant standards.

This rule also contains a provision requiring compliance with existing Rule E15.4.2(A29) and Standard E15.6.5 of the AUP(OP) with no changes proposed under PC78. Failure to comply with these provisions means the activity is unable to comply with Rule H5.4.1(A2A) and is therefore Non-Complying Activity by default under H5.4.1(A1). This is in addition to the activity status (up to Restricted Discretionary Activity) imposed through Chapter E15 (Vegetation management and biodiversity) provisions.

The Section 32 analysis justifies this rule with the following:

> *Development is enabled on sites with significant ecological areas located within them where the development provides for the protection and management of the significant ecological values. The requirement is that all proposed buildings on sites subject to*

> *significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.*
>
> *…*
>
> *Under E15.6.5. Vegetation alteration or removal within a significant ecological area provides as a controlled activity for up to per site up to 300 metres^2 for a building platform and access way for a dwelling. It is proposed this is retained in essence but change to a "single" building platform only. When also including assess, driveway and parking considerations this can be much more if the identified SEA-T is removed as part of the consent.*

The Evaluation and Section 32 Report concludes that this restriction will result in 0.7% of MHU sites being affected.

It is considered that this rule imposes an unnecessary burden to development of the site outside of the SEA and we submit that it be deleted in its entirety accordingly. Rule H5.4.1(A2A) would extend development restrictions across the whole site without going through the same extensive process as in the Proposed Auckland Unitary Plan (PAUP) to accurately investigate and map out the areas of ecological significance and where ecological values would be vulnerable to inappropriate development.

These rules would introduce SEA restrictions based on property boundaries, which are arbitrary in an ecological context. Chapter E15 already has robust restrictions in place to protect SEAs from inappropriate development. These appropriately went through the Schedule 1 process for the PAUP. This includes the construction of a dwelling as a Controlled Activity only where vegetation in the SEA is required to be cleared, and vegetation clearance over 300m^2 as a Restricted Discretionary Activity. The introduction of Rule H5.4.1(A2A) (as well as the requirement for compliance with Rule E15.4.2(A29) and Standard E15.6.5) unnecessarily goes over and above the outcomes sought within the existing rules of the AUP(OP) without robust justification on ecological grounds. Failure to comply with Rule E15.4.2(A29) and Standard E15.6.5 would make the construction of a dwelling a Non-Complying Activity under H5.4.1(A1) despite these rules having no higher than Restricted Discretionary Activity status prescribed in Chapter E15 for failure to comply. This is in an inefficient administration to the unitary plan which has not been addressed in the plan change's Section 32 analysis and one which is unlikely intended.

In summary, it is submitted that H5.4.1(A2A) is deleted in its entirety. This rule is an attempt to make development more stringent for activities near SEAs that only results in an inconsistent and inefficient administration of the AUP(OP). It also goes beyond the scope of what's required of this plan change in terms of Governments intent as the provisions in Chapter E15 already provide suitable protections for SEAs from inappropriate development. The Evaluation and Section 32 Report provides insufficient justification for how development outside of an SEA, but within the same site could compromise ecological values.

3.2 Delete Rule H5.4.1(A2B) – Two or more dwellings per site subject to a Significant Ecological Area Overlay

Rule H5.4.1(A2B) provides for two or more dwellings as a Discretionary Activity. There are no additional Chapter E15 rules to be complied with, although there is reference to Standards E15.4.2(A43) and E15.6.5.

The density standards brought about by the MDRS intend to provide three dwellings per site as permitted. As with Rule H5.4.1(A2A), this rule extends development restrictions up to arbitrary site boundaries without a consistent justification and not supported by the Evaluation and Section 32 Report.

The Evaluation and Section 32 Report has no reference at all to this rule, making it unclear how it gives effect to Policy B7.2 of the Auckland Regional Policy Statement or Section 6(c) or the RMA. The density standards of Schedule 3A require the provision for construction of up to three dwellings to be enabled, and protections of this level of development from adverse ecological effects are sufficiently provided for in Chapter E15.

There is little clarification on how this level of building intensity outside of the SEA overlay, but within the same property, would be an inappropriate use of land. The Evaluation and Section 32 Report does not detail what adverse effects there are with more than one dwelling on the site outside of the SEA in comparison to two or three dwellings that are also outside the SEA but compliant with all other density standards. The Evaluation and Section 32 Report offers no reasoning for assigning the Discretionary Activity status where the sole concern associated with this rule are the ecological effects. As Standards E15.4.2(A43) and E15.6.5 have adequate provisions in Chapter E15 with activity statuses, there is no value in referring to them here.

In summary, it is submitted that Rule H5.4.1(A2B) is deleted in its entirety. The Section 32 analysis does not justify introducing this rule, and there is insufficient reasoning to restrict up to three dwellings outside of a SEA as it relates to both built form and this intensity of development.

3.3 Delete Standard H5.6.10(2)(a) – Building coverage

Standard H5.6.10(2)(a) imposes a 50% maximum building coverage restriction across the entirety of sites containing an SEA overlay. This standard is effectively the same as H5.6.10(1) which imposes a 50% maximum building coverage restriction across the entire site, regardless of whether they contain a SEA.

It is submitted that H5.6.10(2)(a) be deleted as it is a redundant and duplicated restriction on the site. A 50% site-wide coverage restriction is proposed in standard H5.6.10(1) which gives effect to the Schedule 3A density standards.

3.4 Delete Standard H5.6.10(2)(b) – Building coverage

Standard H5.6.10(2)(b) is a restriction on building coverage within 3m of any vegetation within a SEA. Although listed under the building coverage section, this is effectively a setback/yard restriction as it specifies the minimum distance a building can be from an object rather than the ground cover it can occupy. This rule also effectively expands the size of SEAs without formally doing so. These were mapped out extensively through introducing Chapter E15 of the PAUP, including identifying areas near vegetation of ecological significance where it would be inappropriate for use and development to take place.

Section 77I provides for qualifying matters to be introduced where the extent of development provided for under the Schedule 3A density standards would be inappropriate with respect to the qualifying matters referred to in that section. The Section 32 analysis of this rule does not provide a connection between this rule and the coverage density standard, particularly as it doesn't relate to the coverage of buildings. It is therefore inappropriate to introduce this Standard through PC78.

It is therefore submitted to delete Standard H5.6.10(2)(b) as it is not within the scope of rules enabled for qualifying matters under Section 77I. Sufficient controls on building in or near SEAs are provided for in Chapter E15, and any attempt to extend those restrictions should be through a Schedule 1 plan change rather than introduced as a qualifying matter.

3.5 Delete Standard H5.6.10(2)(c) – Building coverage

Standards H5.6.10(2)(c) is a restriction on any building coverage within a SEA. This standard also does not refer directly to the site-wide building coverage density standard. For similar reasons as discussed above, it is submitted that this rule be deleted as it does not give effect to the intent of qualifying matters as specified in Section 77I. It does not relate to development enabled by the density standards, and the rules in Chapter E15 of the AUP(OP) already included restrictions on the construction of dwellings and associated removal of vegetation with respect to SEAs.

4. Qualifying Matter – Flood Plains

The site partially contains a Flood Plain that is subject to the Chapter E36 (Environmental Risk – Natural Hazards and Flooding) of the AUP(OP). Floodplains have been introduced as a qualifying matter through Section 77I, however there have been no additional rules proposed that relate to the development enabled through Schedule 3A. It is submitted to remove Flood Plains as a qualifying matter as they do not give effect to Section 77I and the restrictions to density standards provided in this section.

Hazards, specifically flooding, are not explicitly listed under Section 77I. As such, Section 77L must be satisfied to ensure that the area/s are inappropriate for higher density. Given the vast application of the 1% AEP floodplain throughout the Auckland Region, this clearly does not satisfy Section 77L, which requires site specific analysis.

Conclusion

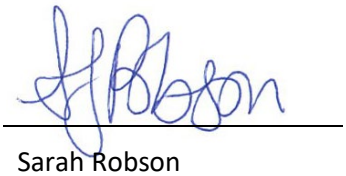
The site at 52 Sunnyheights Road in Orewa is located within the Orewa 2 Precinct which already includes sufficient provisions to avoid adverse effects on the unique natural, ecological and amenity values of the area, as well as ensuring all natural hazards are thoroughly investigated before development occurs. Applying the proposed qualifying matters (precinct, wastewater and/or water constraints control and flood plains) duplicates or extends existing protection provided by the AUP(OP). Furthermore, the proposed plan change does not align with the provisions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and National Policy Statement on Urban Design 2020.

Sufficient provisions to protect vegetation, streams, open space networks, and amenity values already exist within the AUP(OP) and it is not appropriate for the rules proposed in PC78 to go over and above these. Any land outside of specified (and spatially delineated) areas in the precinct plan is suitable for intensification, this is especially true where there is insufficient Evaluation and Section 32 Report

analysis to support the application of qualifying matters. In addition, the proposed rules and qualifying matters do not give effect to Section 77I or 77L of the RMA as they do not relate to the density standards introduced in Schedule 3A or make those standards less enabling.

We appreciate your careful consideration of the Council's approach and the implications on this site.

Yours sincerely,



Sarah Robson
Principal Planner

Daniel Brown
Planning Manager

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 2:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Dame Lesley Max

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dame Lesley Max

Organisation name:

Agent's full name:

Email address: lesley.max@greatpotentials.org.nz

Contact phone number:

Postal address:

Remuera
Auckland 1050

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
I object to the planned overturning of considerations of character and heritage.

Property address:

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:
An essential asset of Auckland for its residents and its visitors is the extent of special character areas, with a preponderance of timber dwellings, unique in the world. I particularly urge the protection of pre-1945 housing, as well as business streetscapes, such as in Ponsonby and Parnell, where terraces of ornately finished buildings provide grace and heritage value. Plan 78 would result in despoliation of character residential and business locations. The non-notified three dwellings of three storeys provision will have a negative effect on residents and streetscapes. I support intensification alongside arterial roads etc. 1475.1 1475.2 1475.3

I or we seek the following decision by council: Decline the plan change

Submission date: 29 September 2022

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.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 2:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Dharmesh Chhima

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Dharmesh Chhima

Organisation name:

Agent's full name:

Email address: Dharmesh@subdivision.co.nz

Contact phone number: 092389991

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address: Thompson Street, Mangere East

Map or maps:

Other provisions:
Support retention of Mixed Housing Urban Zone for all properties located on the northern side of Thompson Street, Mangere East. 1476.1
Support Terrace Housing and Apartment Building Zone for 5A Thompson Street, Mangere East. 1476.2
Oppose identification of a flood plain at 4 Thompson Street and 5A Thompson Street, Mangere East.

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:
There is no flood plain affecting the properties at 4 Thompson Street and 5A Thompson Street, Mangere East.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Remove identification of any flood plain from 4 Thompson Street and 5A Thompson Street, Mangere East. 1476.3

Submission date: 29 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 3:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Fresher Future Ltd
Attachments: 2 Lemonwood Engineering Technical Memo.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Fresher Future Ltd

Organisation name:

Agent's full name: Cath Heppelthwaite

Email address: cath@eclipseplanning.co.nz

Contact phone number: 0212122495

Postal address:
PO Box 5164
Victoria Street West
Auckland 1142

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Qualifying matter.

Property address: 2 Lemonwood Place, The Gardens, Auckland

Map or maps: Zoning of the site to Mixed House Urban and associated qualifying matter.

Other provisions:
We support the proposed Mixed House Urban zone but seek deletion of the qualifying matter.
Engineering assessment supporting removal of qualifying matter (flood plain) due to inadequate base data attached.

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:
We support the proposed Mixed House Urban zone but seek deletion of the qualifying matter.
Engineering assessment supporting removal of qualifying matter (flood plain) due to inadequate base data attached.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Confirm Mixed House Urban zone; delete qualifying matter.

1480.1
1480.2

Submission date: 29 September 2022

Supporting documents
2 Lemonwood Engineering Technical Memo.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.

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Project Technical Memo

Date: 28 September, 2022

To: HUE - Client

Prepared by: Steven Rankin - Director / Chartered Professional Engineer

Subject: Flood Risk – 2 Lemonwood Place, The Gardens, Auckland

1. Introduction

Chester Consultants Ltd (Chester) has been requested by HUE to review and comment on if the site located at 2 Lemonwood Place, The Gardens, Auckland is affected or unaffected by flooding. If the site is found to be unaffected, then a submission will be made on PC78 stating that the site is considered to be unaffected; with the submission being supported by this document.

2. Auckland Council Data

The current Auckland Council GIS data indicates a number of flooding features in close proximity to the boundary; specifically

1. Overland Flow Paths located in both Lemonwood Place and Charles Prevost Drive;
2. Flood Prone Areas located in Larkspur Court;

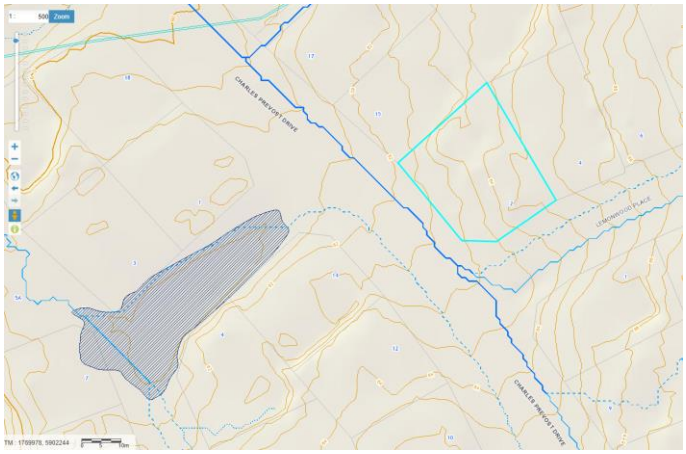


Figure 1: OLF and Flood Prone Areas (AC GIS Accessed 28.09.2022)

In addition to those features shown in close proximity, the Flood Plain layer of the Auckland Council GIS is showing flood waters entering the property in the southwestern corner.

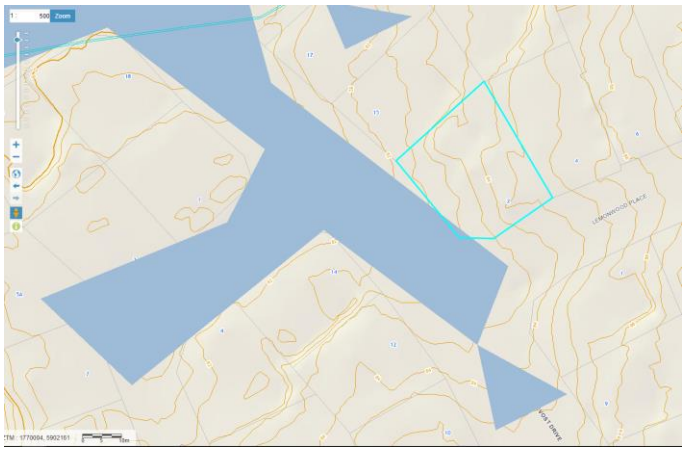


Figure 2: Flood Plains (AC GIS Accessed 28.09.2022)

Further information is available when this flood plain is queried with the GIS layer linked to the ARC DHI Flood Study; this study has informed the layer shown on GIS. The Flood study can be found here: https://www.aucklandcouncil.govt.nz/Pages/flood-plain.aspx?FloodPlainID=4

3. Flood Assessment

Based on the combination of the GIS review and a visual assessment using Google Street View we agree that the site would have OLF within the road carriageway travelling past the site as well as the likely ponding area in Larkspur Court.

The road reserve formation is typically of suburban Auckland with a crowned and fully sealed carriageway with a kerb and channel transitioning into a higher footpath before sloping in this instance up into the site. This formation is intentional as it contains surface water within the carriageway formation in extreme events and in our experience the constructed road formation should contain the OLF.

The road formation and transition into the site is shown below in Figure 3.

Figure 3: Subject site and indicative OLFP (AC GIS Accessed 28.09.2022)

In respect to the flood plain the, base reference data is not suitable for the purpose it is being applied in this instance and a full technical assessment is not warranted to disprove inaccurate and inappropriate base data. We provide the following extracts from the reference data around its suitability which qualifies that it is was not intended for how it is being applied currently.

EXECUTIVE SUMMARY

DHI were engaged by the Auckland Regional Council to undertake the production of flood hazard maps to be used by the Auckland Regional Council for strategic planning purposes and prioritisation of detailed flood studies.

The rapid flood hazard mapping has been carried out for the following catchments: Auckland City; Great Barrier Island; Waitakere City; Manukau City; Franklin District; Rodney District; and Papukura District. A total of area of 4,600 km^2 has been mapped.

The flood hazard maps were produced by simulating the application of spatially distributed design rainfall time series data on to a digital elevation model derived from LiDAR ground survey data sets. The simulations were carried out using the DHI MIKE 21 computer modelling software. The software represents the digital elevation model as a rectangular grid (raster data set) with a resolution of 10 m x 10 m and 20 m x 20 m for urban and rural catchments respectively. Rainfall is translated in to flood water on the catchment with hydrological losses being accounted for (10 mm initial and 2.5 mm/h continuous). The software simulates the movement of the flood water over the surface by applying the 2 dimensional, depth averaged, continuity and momentum equations for fluid flow. The outputs from the model simulations are a rectangular grid (raster data set) of flood depths varying as a function of time.

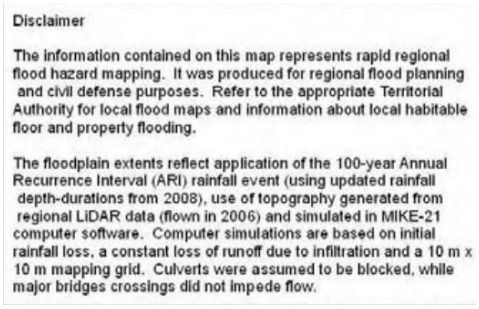
The maximum flood depths at each grid point have been mapped in GIS providing spatial coverage of the flood depth at a horizontal spatial resolution of 10 m x 10 m for urban areas and 20 m x 20 m for rural areas.

The flood maps produced are suitable for use in: strategic planning studies; identification of areas at potential risk of flooding; and prioritisation of scheduling of more detailed catchment flood studies. A qualitative validation of the flood maps and consideration of the limitations in the modelling approach are recommended when analysing the results of the study.

The project was completed over the course of a year with the project starting on the 1st of May 2008 and finishing on the 30th of June 2009.

Figure 4: Extract Executive Summary from the ARC DHI 2009 – Flood Hazard Mapping of the Auckland Region

We believe that the flood plain has been taken from drawing M4 if the ARC DHI Flood Study, the issued drawing contains limitation in Figure 5 which reinforces the purpose of the data and that it is not suitable for a Flood Map.



Disclaimer

The information contained on this map represents rapid regional flood hazard mapping. It was produced for regional flood planning and civil defense purposes. Refer to the appropriate Territorial Authority for local flood maps and information about local habitable floor and property flooding.

The floodplain extents reflect application of the 100-year Annual Recurrence Interval (ARI) rainfall event (using updated rainfall depth-durations from 2008), use of topography generated from regional LiDAR data (flown in 2006) and simulated in MIKE-21 computer software. Computer simulations are based on initial rainfall loss, a constant loss of runoff due to infiltration and a 10 m x 10 m mapping grid. Culverts were assumed to be blocked, while major bridges crossings did not impede flow.

Figure 5: Extracted Disclaimer from Drawing M4 of the ARC DHI 2009 – Flood Hazard Mapping of the Auckland Region

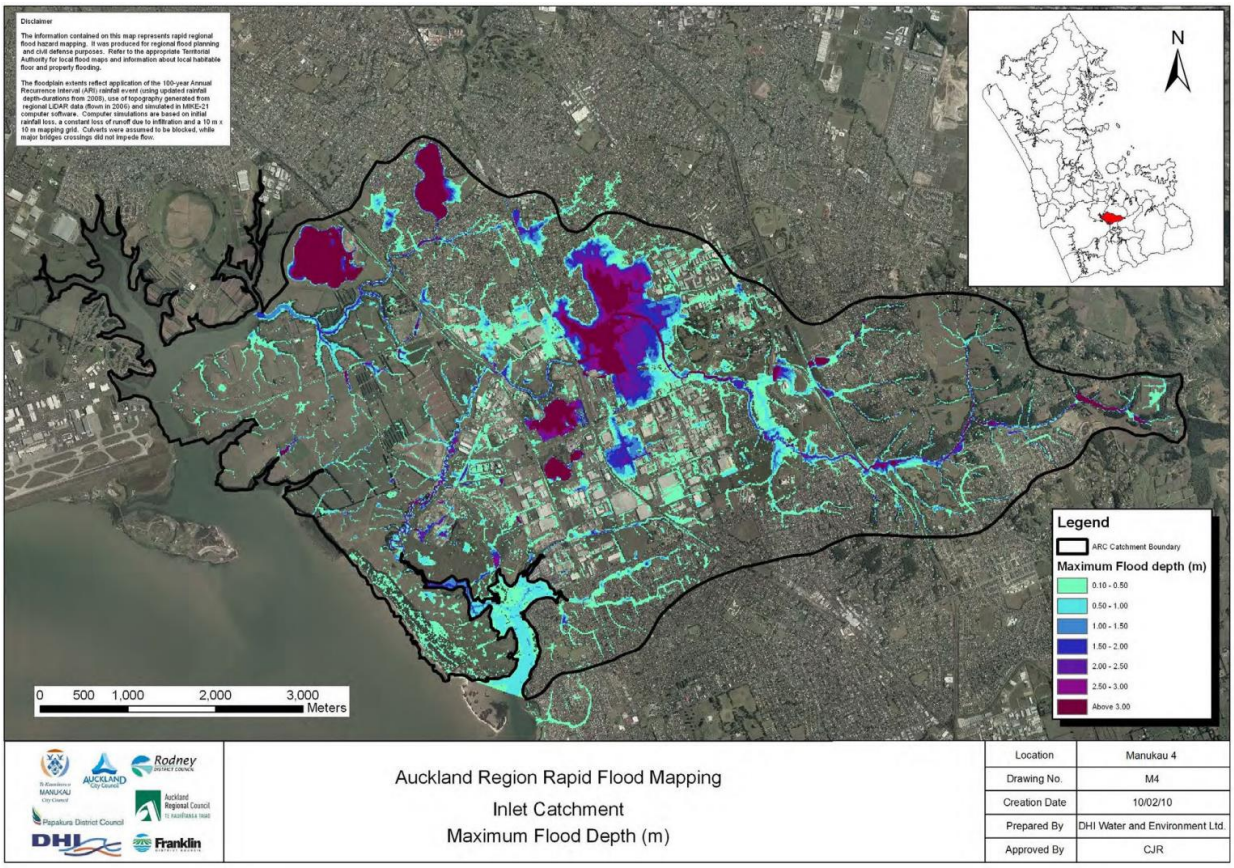


Figure 6: Extracted Drawing M4 of the ARC DHI 2009 – Flood Hazard Mapping of the Auckland Region

4. Conclusions

In our opinion the application of the ARC DHI Flood Study to say that the site is potentially affected by a Flood Plain is inappropriate and without merit or engineering basis. The need to produce an accurate flood assessment to disprove something that is being relied beyond its intended use is not warranted.

In our opinion the subject site should be considered to be unaffected by flooding

Yours Sincerely,
Steven Rankin

Director
BE (Env) CPEng CMEngNZ IntPE(NZ) MFIE(Fiji)
M +64 (0) 21 808 593
steven@chester.co.nz

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 2:46 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - James Brown
Attachments: PC78 Submission 606 - 620 Great North Road.pdf; Appendix 1 - Bulk and Location Study.pdf; Appendix 2 - Heritage Memo.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: James Brown

Organisation name: Henla Limited

Agent's full name: Nick Mattison

Email address: Nick@civix.co.nz

Contact phone number: 021733232

Postal address:
PO Box 5204 Victoria Street West
Auckland
Auckland 1141

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Height Variation Control (13m)

Property address: 606 - 612 and 620 Great North Road, Grey Lynn

Map or maps:

Other provisions:
Qualifying Matter - Special Character

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 and appendices attached.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Remove 13m Height Variation Control and replace with a 21m Height Variation Control, Remove Special Character Qualifying Matter

1482.1
1482.2

Submission date: 29 September 2022

Supporting documents
PC78 Submission 606 - 620 Great North Road.pdf
Appendix 1 - Bulk and Location Study.pdf
Appendix 2 - Heritage Memo.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.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

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Auckland Council
Attn: Plans and Policy

29 September 2022

Plan Change 78 Submission – 606 – 620 Great North Road, Grey Lynn

To Whom it may concern,

On behalf of Henla Limited, the landowners of Nos. 606 – 612 and 620 Great North Road, Grey Lynn, we have prepared feedback on Auckland Council's proposed Plan Change 78 – Intensification ('PC78'). This submission relates to the retention of the existing restrictive Special Character overlay and height variation control on these properties. The details of the subject site and any relevant changes are detailed in **Table 1** below.

Table 1: Site details

Site Address	606 – 612 Great North Road, 620 Great North Road, Grey Lynn
Legal Description	Lot 37 DP 20423, Lot 36 DP 20423, Lot 4 DP 162476
Current Zoning	Business – Local Centre
Proposed Zoning under PC78	Business – Local Centre
Qualifying Matters under PC78	Special Character Overlay
Summary of Relief Sought	• Remove Special Character Overlay as a Qualifying Matter; and • Change the underlying height variation control to 21m

An aerial image of the subject sites is shown below as **Figure 1**.

Figure 1: Aerial image of the subject sites

Qualifying Matters – Special Character Overlay

Under PC78, the site has been identified as being subject to a Qualifying Matter due to the underlying *Special Character Area – Business* overlay.

As shown in **Figure 2** below, sourced from the Council assessment of the Grey Lynn *Special Character Area – Business* ("SCAB"), No. 606 – 612 is vacant, while No. 620 contains a more modern building that does not contribute to the character of the streetscape. This is further confirmed as part of Council's site surveys shown below in **Figures 2 - 4**.

Figure 2: Council SCAB assessment map for Grey Lynn Local Centre

Given that Nos. 606 – 612 and 620 Great North Road are located at the edge of the Special Character area, and are confirmed as being vacant or containing "non-contributing buildings" there appears to be no justification to identify a Qualifying Matter on these sites. As per Section 77O of the Enabling Housing Act (and as now incorporated into the RMA), territorial authorities may modify the intensification requirements of a business zone to be less enabling of development *only to the extent necessary* to accommodate a qualifying matter[1]. As the sites do not contribute to the Special Character overlay, we do not believe that it is appropriate for a qualifying matter to be applied, acknowledging that there are no existing heritage or special character features that would otherwise have an extent needing to be accommodated.

[1] See also Policy 4 of the NPS-UD, which states *"Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3* ***only to the extent necessary*** *(as specified in subpart 6) to accommodate a qualifying matter in that area."*

Figure 3: View of No. 606 - 612 Great North Road from streetview

Figure 4: View of No. 620 Great North Road from streetview

As such, we believe it would be logical to reduce the extent of the Special Character qualifying matter to the property boundary of No. 604 Great North Road, and remove Nos. 606 – 612 and 620, along with Nos. 2, 26 and 28 Surrey Crescent and No. 623 Great North Road, all of which are located to the north of the subject sites. This would allow the existing sites that contribute to the Grey Lynn Special Character Area to be accommodated as a qualifying matter, while also allowing for intensification on the

sites that do not currently present any characteristics consistent with this matter.

Relief Sought:

- Remove Special Character Overlay as a Qualifying Matter on the subject sites.

Height Variation Control

In terms of the height variation control, we note that the properties to the immediate east are outside of the height variation control, meaning that buildings up to 18m are provided for, subject to resource consent approval. Further to the west, the Terrace Housing and Apartment Building (THAB) zoning currently provides for buildings up to 16m in height; refer to the AUP zoning map below (**Figure 5**). If developments were undertaken to the maximum permitted extents, this would give rise to an illogical development pattern, whereby buildings in the Grey Lynn Centre are the lowest in the surrounds, and built height visibly increases away from the centre.

Figure 5: Zoning Map of the AUP, showing the sites within the height variation control

In addition, Policy 3 (d) of the NPS-UD states the following:

"within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services."

As shown on the planning maps, a number of properties within a 200m walking catchment of the Grey Lynn Local Centre have been upzoned to the THAB Zone. We believe that this 200m catchment should be considered a 'walkable catchment', with a 21m height limit applied, which would enable six storeys of development. This is considered appropriate for this location as:

- Grey Lynn Local Centre is also highly accessible to day-to-day services, employment opportunities and the public transport network. This centre is within a 2km walk or cycle of the Auckland City Centre, the largest employment area in New Zealand and is in close proximity to a range of retail units and commercial services within the local centre area and nearby Ponsonby Town Centre.
- Great North Road is served by the frequent '18' bus service, which provides a direct link between New Lynn and the City Centre every six minutes in peak, along with the 110, 129, 132, 133, 134 and 195 services, which provide links to a range of destination throughout Auckland. Great North Road also contains long stretches of bus priority lanes, ensuring that that bus services and frequent, reliable and higher capacity.
- The area is also well served by public open space, including Western Springs Park, Arch Hill Scenic Reserve, Grey Lynn Park and Fowlds Park.

A bulk and location study has been prepared and is attached as **Appendix 1**. This plan shows the built form impacts of retaining the 13m building height control on the site, noting that this control does not apply to the adjacent sites at 634 – 636 Great North Road and 3 – 5 Tuarangi Road.

The difference between a 21m height applied to the neighbouring properties to the west and a 13m height limit for the subject site is shown below in **Figure 6**, which shows a significant difference in bulk. Overall, we would consider this resultant urban form to disjointed and inconsistent with the intent of the NPS-UD.

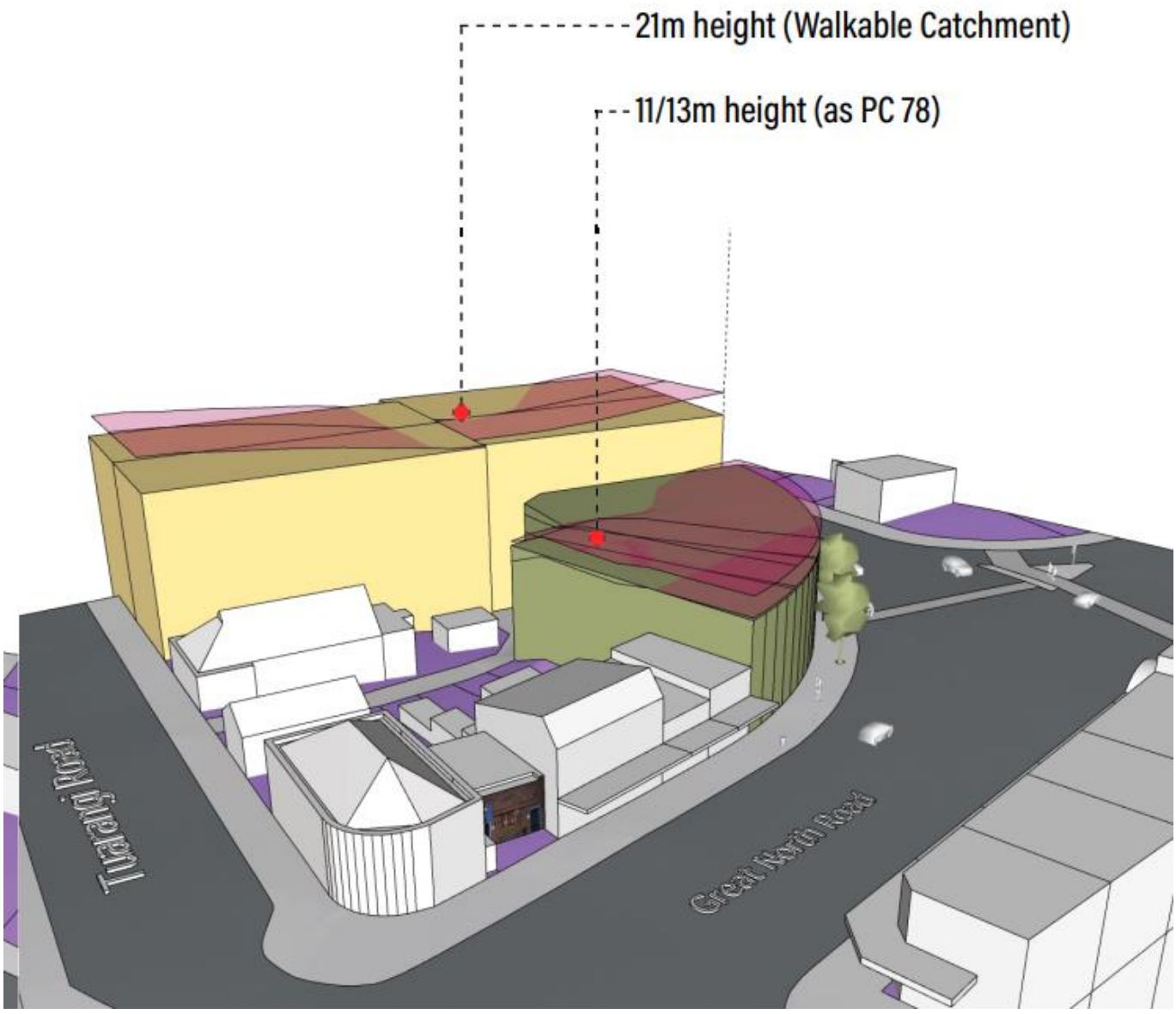


Figure 6: Bulk and location study with 13m height limit applied to subject site

Conversely, a 21m height limit applied to the subject site would present a far more coherent urban form, with a building that far more appropriately addresses the prominent corner location, as shown in Figure 7 below.

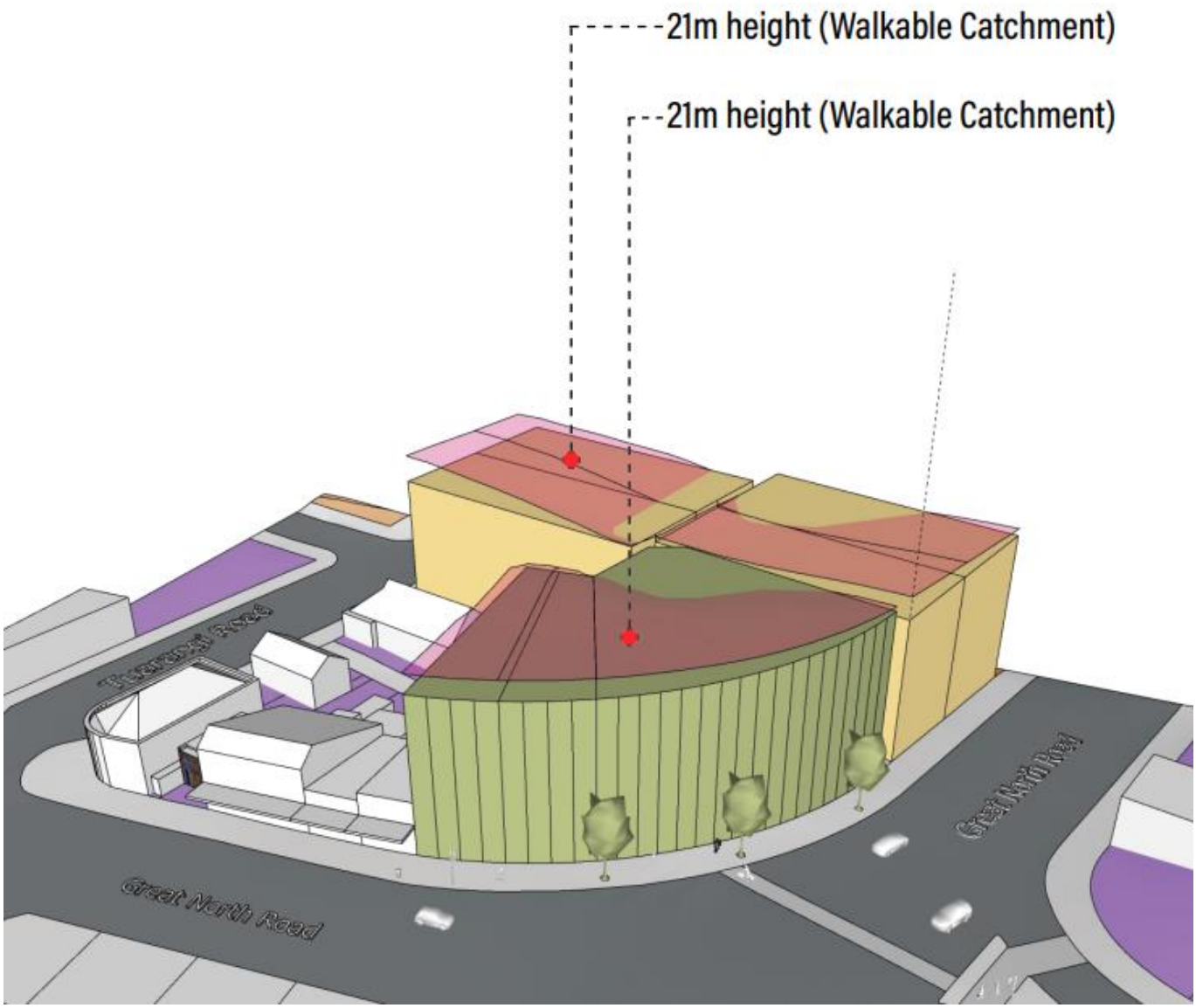


Figure 7: Bulk and location study with 21m height limit applied to subject site

Collectively, the two sites are over 1,000m^2 in size and have a dual outlook to the street, noting their position on a prominent corner site. These characteristics enable a 'statement' building to be achieved on these sites, with dual aspects for residential or office uses (above ground) to the north and south, as provided for in the underlying zoning. As such, the sites are considered to be highly suitable for higher levels of intensification, consistent with the overarching intent of the Auckland Unitary Plan and every aspect of the key objectives from the NPS:

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) the area is in or near a centre zone or other area with many employment opportunities

(b) the area is well-serviced by existing or planned public transport

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

An assessment of the requested increase in building height and its effects on the special character values has been prepared by Archifact and is attached as **Appendix 2**. Their assessment notes the following:

> *"Policies introduced through the plan change are intended to strengthen urban design outcomes. These design considerations include a greater focus on architectural form and detail and these qualities should have, I believe, a local context. This is to ensure that density can be seen to be 'done well'. That being said, an increase in potential building height should not be seen as being in conflict with the distinctive character values recognised in the SCAB overlay for this particular area and notably the subject site does not contain any buildings on it despite the excellent location. Indeed, even greater height could be considered positive and appropriately responsive to the special character values of the SCAB.*
>
> *I am not convinced that removing the SCAB overlay in its entirety is necessarily required if the change sought to the height control from 13m to 21m can be achieved. Notably, the subject site is one identified in the AUP as containing no identified character defining or character supporting buildings. Considering the D18.3 Policies (8-12), I don't consider the SCAB overlay is necessarily a constraint to the development proposed, while equally I do not consider extra height in the SCAB overlay necessarily would lead to a level of density any less well "done" in terms of quality urban design outcomes and positive qualities of architectural form and detail derived from a local context.*
>
> *Spatially, and in a placemaking sense, the desire for intensification should be not to compress the height of town centres but to lift them as markers of local centres."*

Given the above, we request that the Special Character qualifying matter and 13m Height Variation Control on the properties at Nos. 606 – 612 and 620 Great North Road are removed as part of the PC78 process and a 21m building height limit applied.

Relief sought:

- 13m height variation control removed from the subject sites;
- A 21m height limit is applied to the sites, as encouraged by Policy 3 of the NPS-UD.

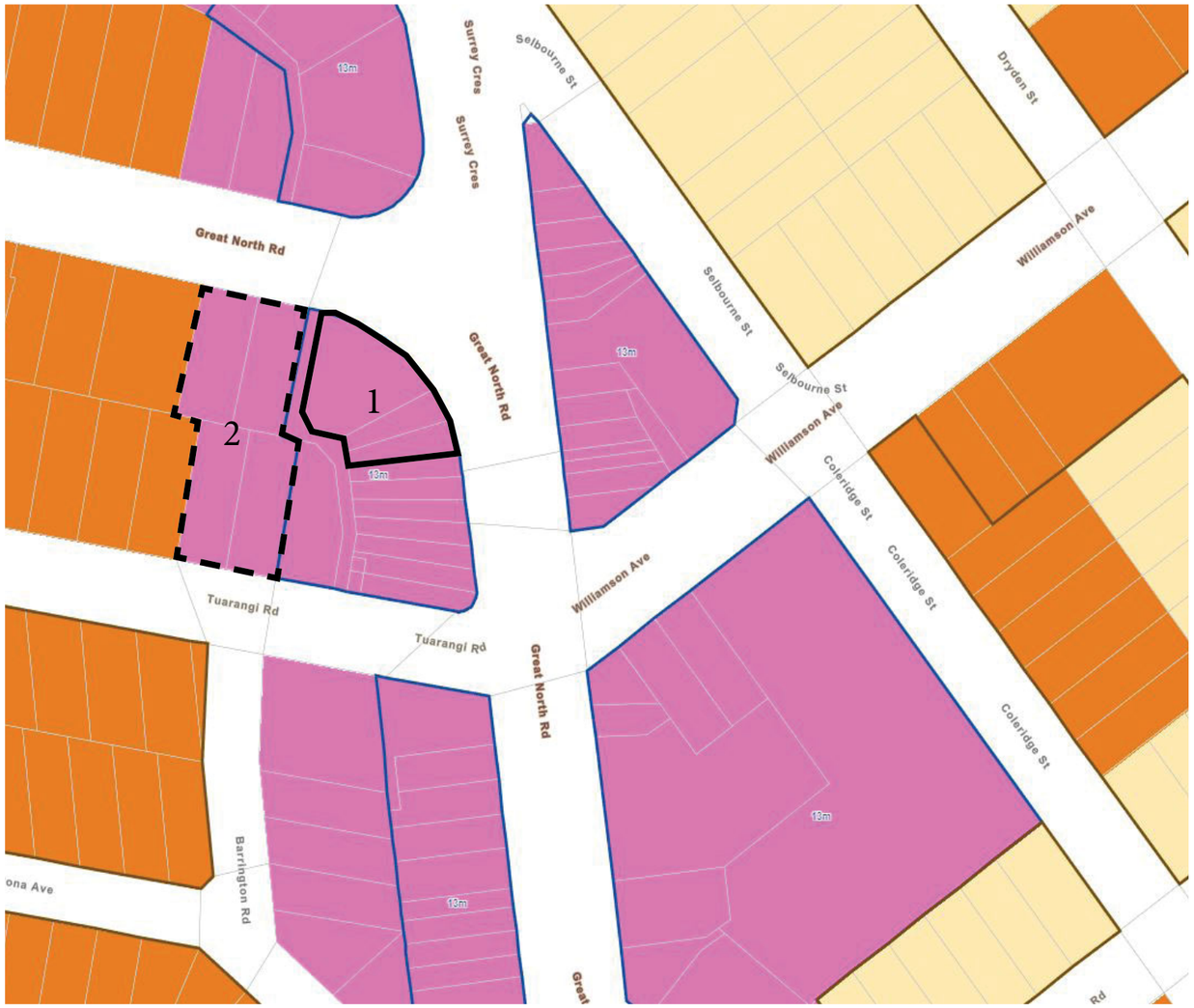
Should you have any questions in relation to any of the above, please feel free to contact the undersigned.

Kind Regards,

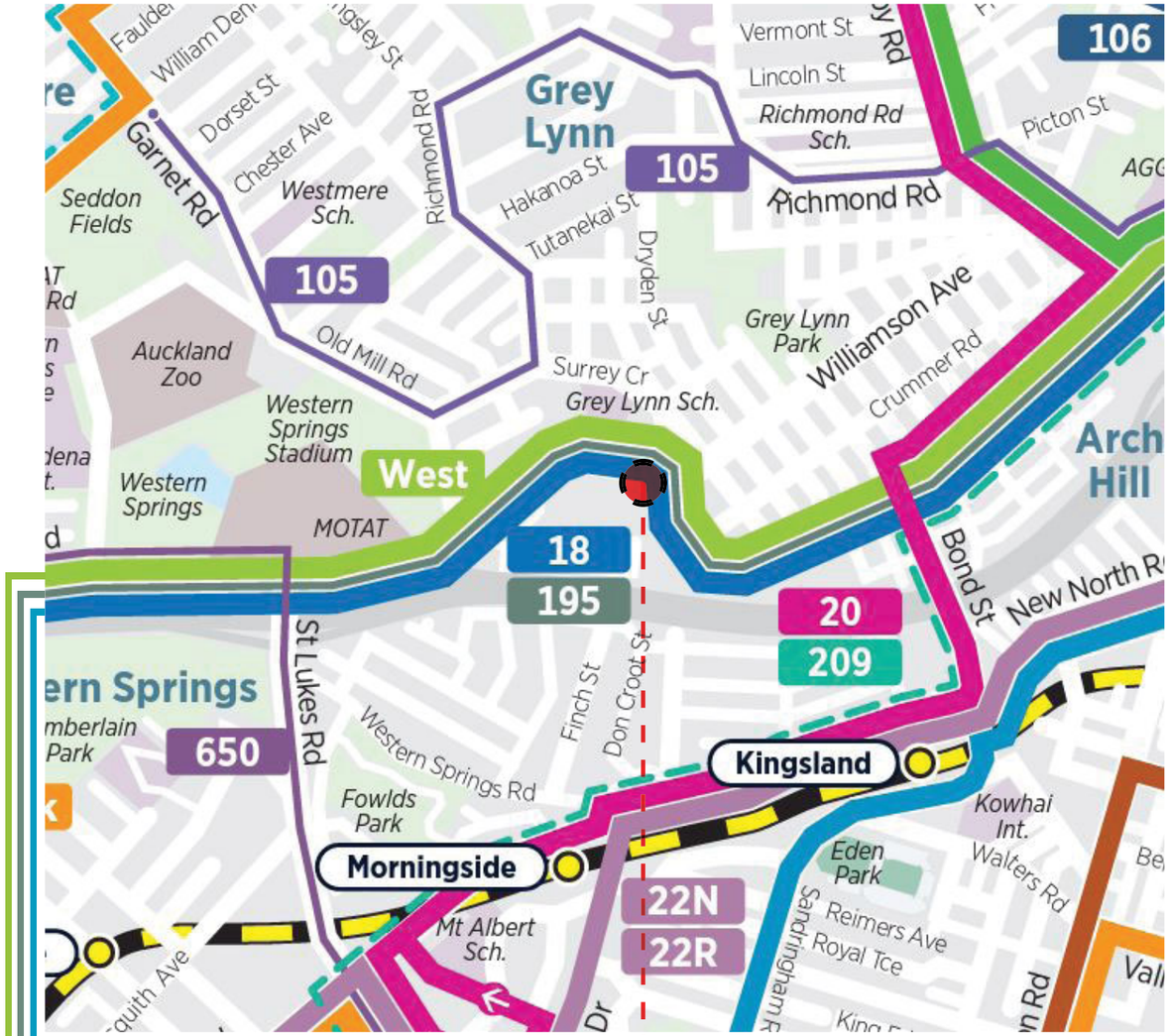
Written By:

Harrison Fernandes-Burnard
Intermediate Planner
021 213 7745
harrison@civix.co.nz

CIVIX LIMITED



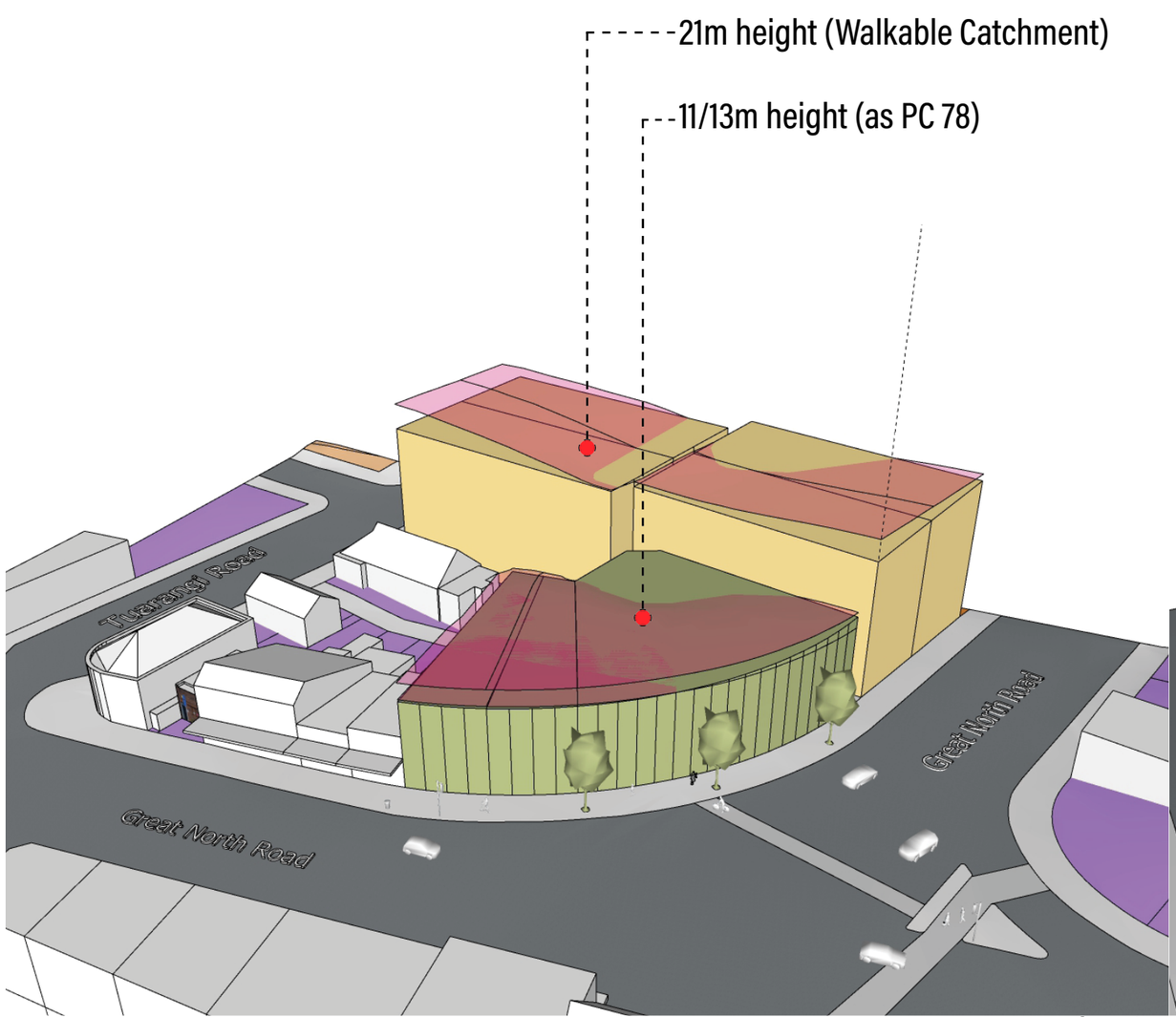
1 - Subject site - 606 Great North Road
2 - Local centre zone with no height control



Bus routes travel pass the site

Subject site

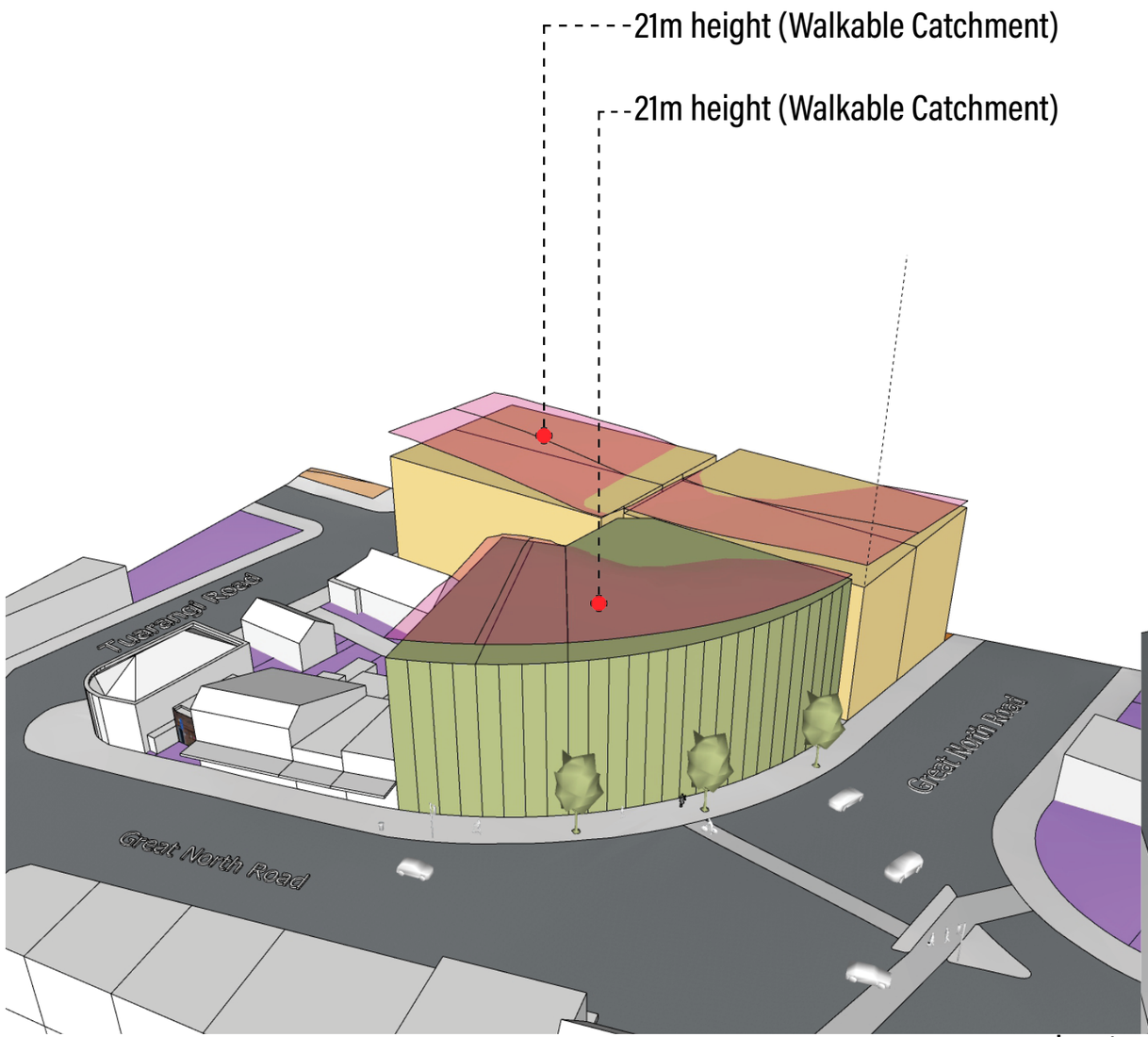
Leuschke
Group Architects


21m height (Walkable Catchment)
11/13m height (as PC 78)
Tuarangi Road
Great North Road
Great North Road

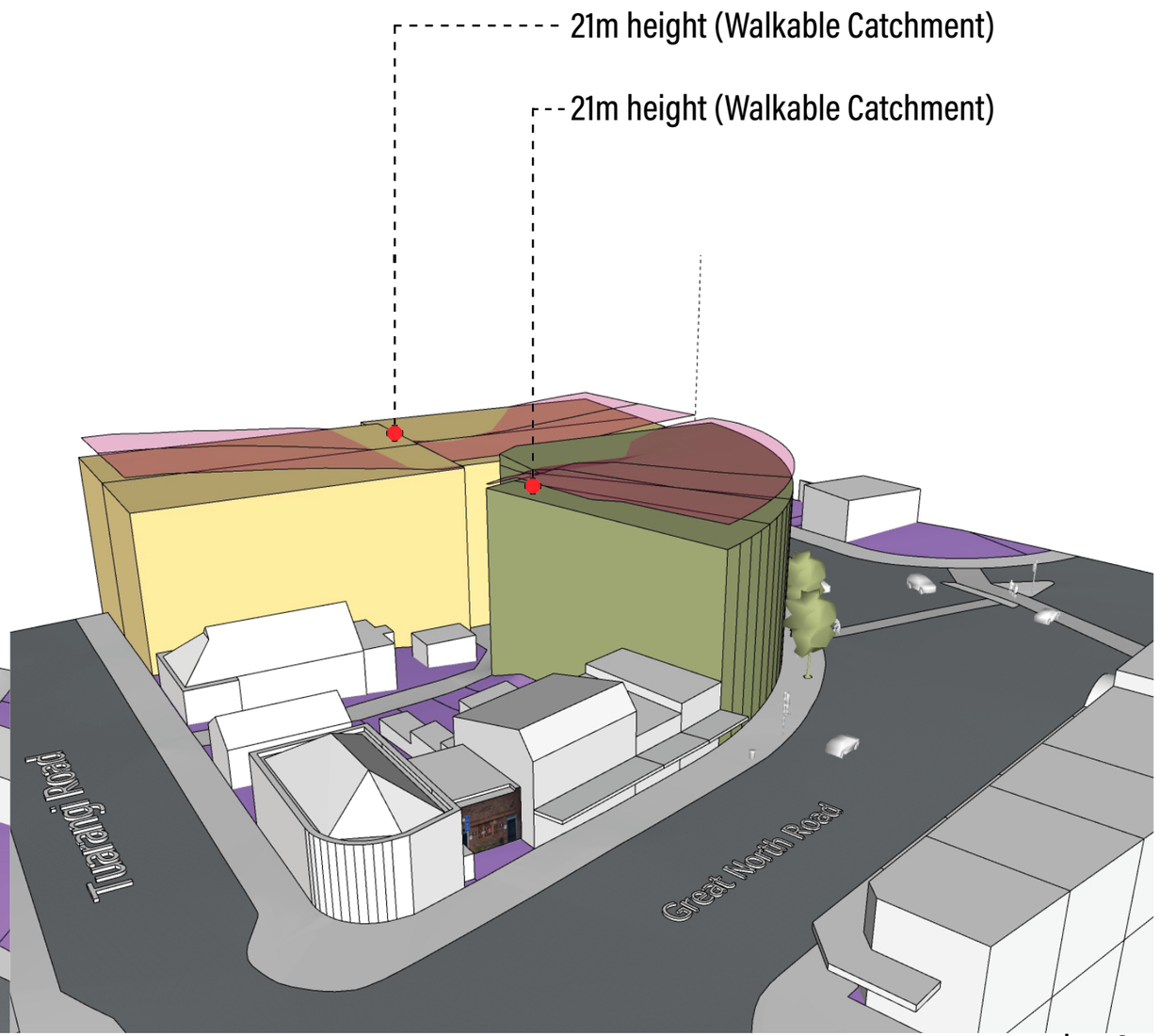
view 1

21m height (Walkable Catchment)
11/13m height (as PC 78)
Tuarangi Road
Great North Road

view 2


21m height (Walkable Catchment)
21m height (Walkable Catchment)
Tuarangi Road
Great North Road
Great North Road

view 1


21m height (Walkable Catchment)
21m height (Walkable Catchment)
Tuarangi Road
Great North Road

view 2

memorandum

archifact
architecture & conservation
limited

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po box 8334
symonds street
auckland 1150
new zealand
p 09. 966 6940
info@archifact.co.nz

for: Civix

attn: Nick Mattison

from: archifact – architecture & conservation ltd (archifact)

date: 29 September 2022

re: 606-620 great north road
pc78

1. introduction

In response to plan change 78 (**PC 78**), the Auckland Council is proposing to retain the 13m height limit on the subject site at 606-620 Great North Road and its surrounding Business Local Centre Zone which is also covered by the Special Character Area – Business (**SCAB**) overlay. However, the Grey Lynn local centre has been identified for intensification and up-zoning under Policy 3(d) of the NPS-UD. As such, I believe that the maximum permitted height of the properties outside of the 13m height variation control area will be increased under PC78, potentially allowing buildings up to 21m in height to be established.

The special character values of the SCAB will not, in my opinion, be adversely affected by an increase in height in response to the NPS-UD and its associated Medium Density Residential Standards (MDRS) as interpreted by the Auckland Council. The NPS-UD requires Auckland Council to enable buildings of six storeys or more within walking distances (walkable catchments) from the city centre, the 10 large metropolitan centres, and around rapid transit stops, including Auckland's train and busway stations. These changes are significant to Auckland's planning landscape.

While the density rules apply to most properties in residential zones that are not subject to a 'qualifying matter', or exemption to limit building heights and density in some areas, the SCAB represents a 'qualifying matter' as interpreted by the Auckland Council. However, a qualifying matter can only apply if there is strong evidence provided to justify an exemption. The subject site is surrounded by a context recognised in PC78 that warrants greater development opportunity because of its location within a recognised walkable catchment.

Policies introduced through the plan change are intended to strengthen urban design outcomes. These design considerations include a greater focus on architectural form and detail and these qualities should have, I believe, a local context. This is to ensure that density can be seen to be 'done well'. That being said, an increase in potential building height should not be seen as being in conflict with the distinctive character values recognised in the SCAB overlay for this particular area and notably the subject site does not contain any buildings on it despite the excellent location. Indeed even

greater height could be considered positive and appropriately responsive to the special character values of the SCAB.

I am not convinced that removing the SCAB overlay in its entirety is necessarily required if the change sought to the height control from 13m to 21m can be achieved. Notably, the subject site is one identified in the AUP as containing no identified character defining or character supporting buildings. Considering the D18.3 *Policies (8-12)* I don't consider the SCAB overlay is necessarily a constraint to the development proposed, while equally I do not consider extra height in the SCAB overlay necessarily would lead to a level of density any less well "done" in terms of quality urban design outcomes and positive qualities of architectural form and detail derived from a local context.

I have included, as Appendix 1, an exercise in modelling the various heights discussed in this memorandum on the subject site and the proposed heights anticipated on the surrounding adjacent zones prepared by Leuschke Group Architects. This exercise helpfully demonstrates how height can reinforce the locally distinctive character established by the combination of the topography, the roading network, and the SCAB.

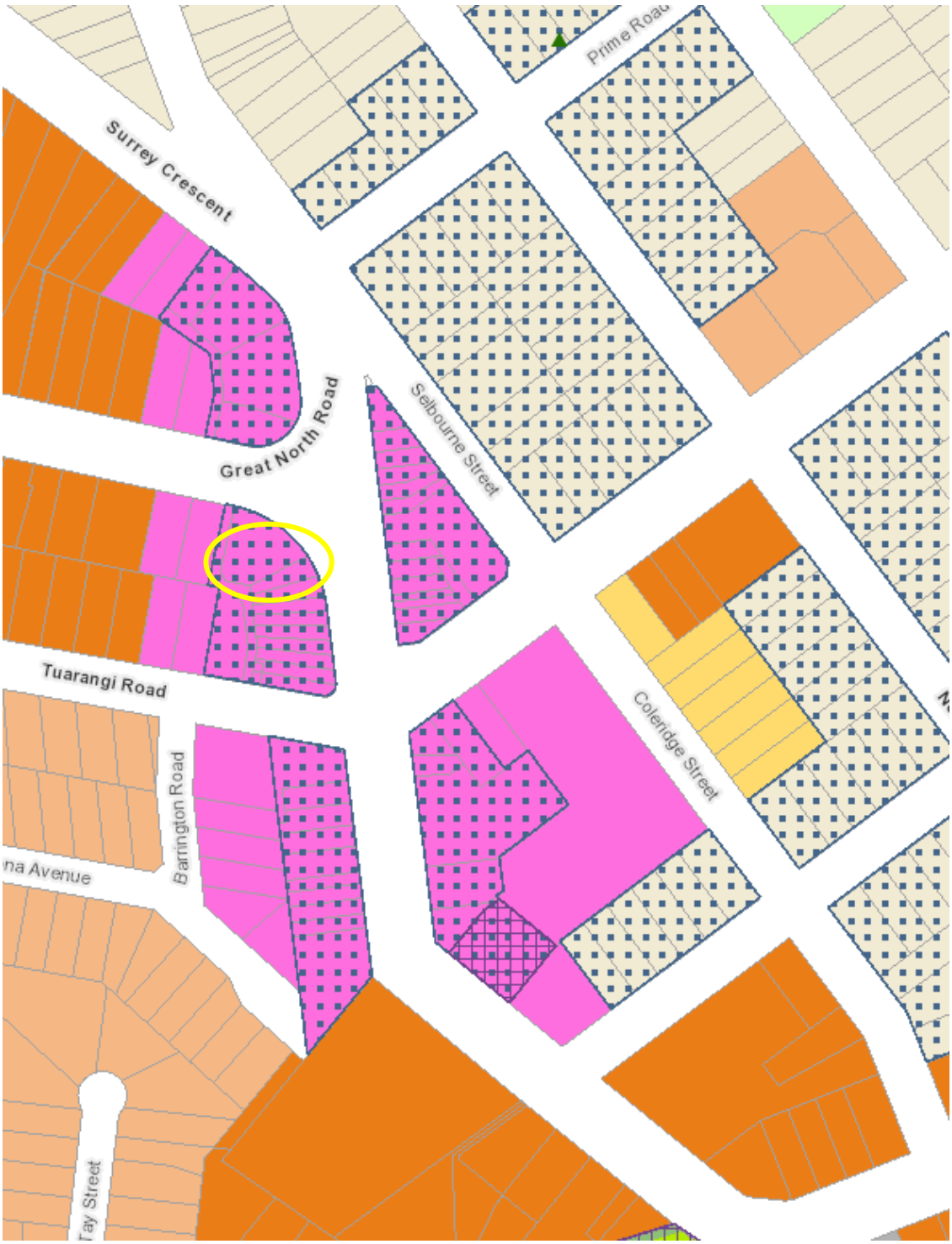


Figure 1 AUP Operative-in-Part 606-620 GREAT NORTH ROAD GREY LYNN AUCKLAND 1021
Subject site circled

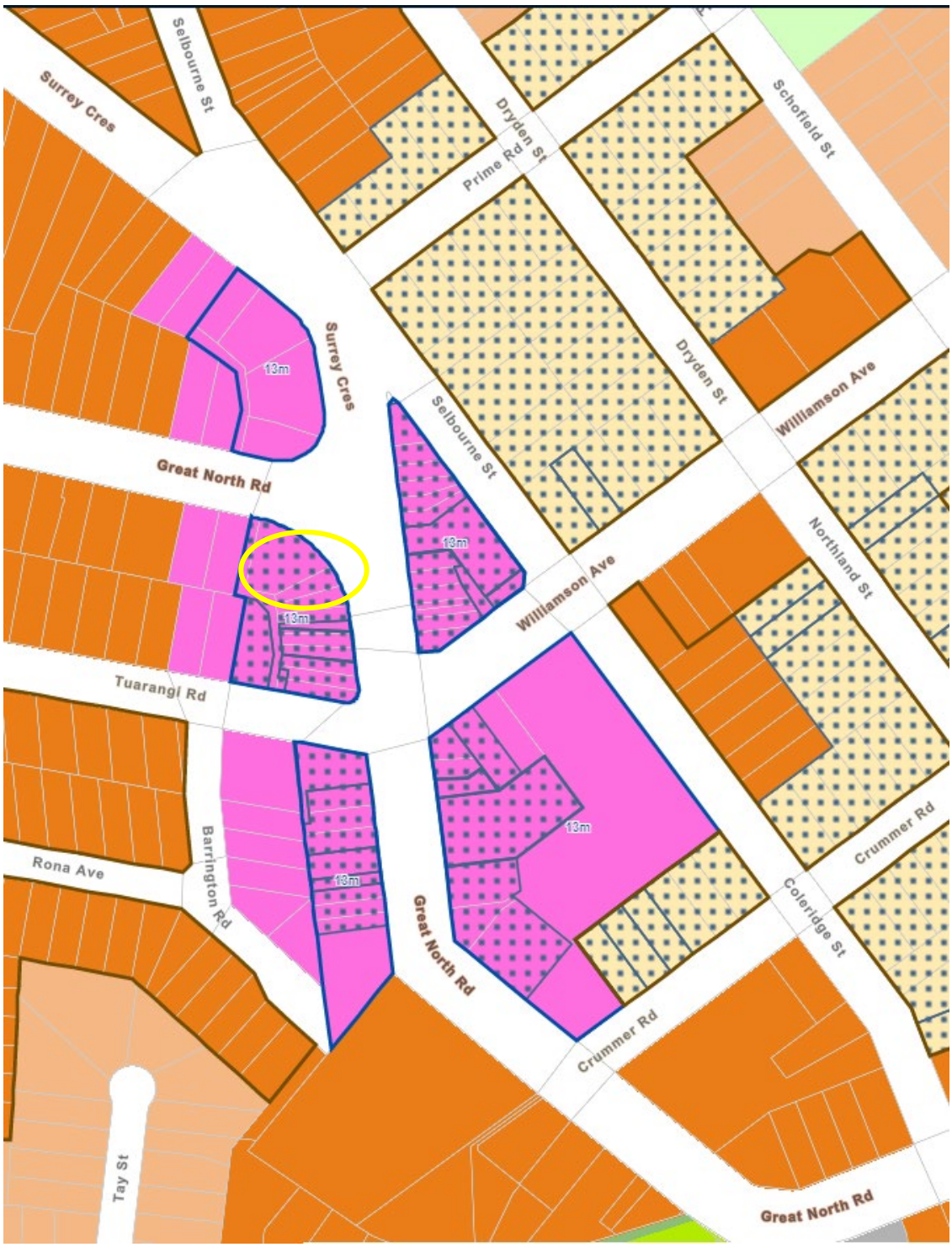


Figure 2 AUP Plan Change 78 606-620 GREAT NORTH ROAD GREY LYNN AUCKLAND 1021
Subject site circled

2. site and context analysis

2.1 grey lynn area overlay

The Auckland Unitary Plan – Operative in Part (**AUP)** recognises Grey Lynn as an early rural village established in the 1880s around the junction of Great North Rd and Williamson Ave. As a relatively early Auckland suburb, it is an important example of a village centre containing commercial and retail developments that emerged during Auckland's formative years. Although the centre originates in the late 19th Century, its surviving building stock better represents the early 20th Century to Interwar period. It is now an area of diverse activities spanning residential, commercial, retail, and restaurant trade and incorporates an eclectic mix of buildings of particular character value through to buildings of modern vintage. These qualities and characteristics are recognised in the *Business: Grey Lynn Overlay – Description* and *Summary of Special Character Values*.[1]

The Business: Grey Lynn special character area is formed around a commercial centre of relatively consistent character (period, built scale, materiality) along its 255m length (refer to section 2.2 of this report for a map defining the special character area boundary). The area is dominated by commercial properties which are largely two-storey in height and built hard up against the public footpath – typical for retail/commercial centres. The area generally lacks planting, with only a handful of street trees located around the junction between Great North Rd and Williamson Ave, as well as at the southern end of the area where it transitions to residential character. The building stock throughout the Business: Grey Lynn special character area is predominantly of historical ('historical' meaning *older vintage* and not meaning *of heritage value*) vintage (that being late 19th – early to inter-War 20th Century examples). Examples of more contemporary architecture are found within the study area, and these are mainly located around the periphery of the study area. Some lots are vacant, providing carparking on grade.

The AUP has identified and adopted a series of controls which recognise the distinct variety of sites, buildings, and character therein, and recognises that *character areas are dealt with differently from significant historic heritage identified and protected in terms of the separate policy framework for identifying and protecting Historic Heritage in B5.2*.[2] A key element of those controls incorporates identification of *character-defining* buildings and *character-supporting* buildings. The AUP Built Heritage and Character Objectives seek to ensure that:

> *"The character and amenity values of identified special character areas are maintained and enhanced."*

The AUP seeks to achieve this by:

> *"supporting appropriate ongoing use and adaptive re-use to enable effective functioning and vitality of the areas"*[3] .

It is important to note that AUP sections B5 and D18 are not a veto to development, rather they recognise that *appropriate* development in recognised special character areas is anticipated and can be supported and encouraged.

[1] AUP Section 15.1.6.6.2 *Summary of Special Character Values* – p.57-61
[2] AUP Section B5.4. *Explanation and principal reasons for adoption* – p.5
[3] AUP Section B5.4. *Explanation and principal reasons for adoption*

2.2 grey lynn special character area boundary

15.1.6.6. Special Character Areas Overlay – Business: Grey Lynn

15.1.6.6.1. Extent of area

Special Character Area Map:

Fig. 1. AUP – Grey Lynn Special Character Area Map – SCA boundary outlined in thick solid line. Subject property indicated by an arrow and outlined in a thick dashed line. Nearby historic heritage place is indicated with a star. **(Auckland Council, 2021)**

2.3 analysis of the grey lynn village streetscape

- The subject property lies within AUP *Business - Local Centre Zone.*
- The property is subject to the criteria set out in the AUP *Section D18 Special Character Areas Overlay*.
- Part of the subject property [606-612] is recognised in the Grey Lynn Special Character Areas Map as *Character Supporting Buildings*. NOTE: this site does not contain a building.
- The Grey Lynn Special Character Area contains a total of 50 separate sites;
- The Grey Lynn Special Character Area contains a total of 67 buildings on these sites;
- There are 25 *Sites with Character Defining Buildings* identified within the boundaries of the Grey Lynn Special Character Area;

- There are 17 *Sites with Character Supporting Buildings* identified within the boundaries of the Grey Lynn Special Character Area;
- There are 11 Sites within the boundaries of the Grey Lynn Special Character Area which are defined as neither *Character Defining* nor *Character Supporting*;
- There is a block of five buildings identified within the boundaries of the Grey Lynn Special Character Area which is included in *Schedule 14.1 Schedule of Historic Heritage – Table 1: Places* in the AUP (*item ID: 01677 – Terrace Houses*, 495-503 Great North Rd);
- The subject place contained within the Grey Lynn Special Character Area is entirely included in the *Business – Local Centre Zone*;
- The section of Great North Rd which proceeds west from the intersection with Surrey Cres is not included within the Grey Lynn SCA, and is zoned as *Residential – Terrace Housing and Apartment Buildings Zone.*

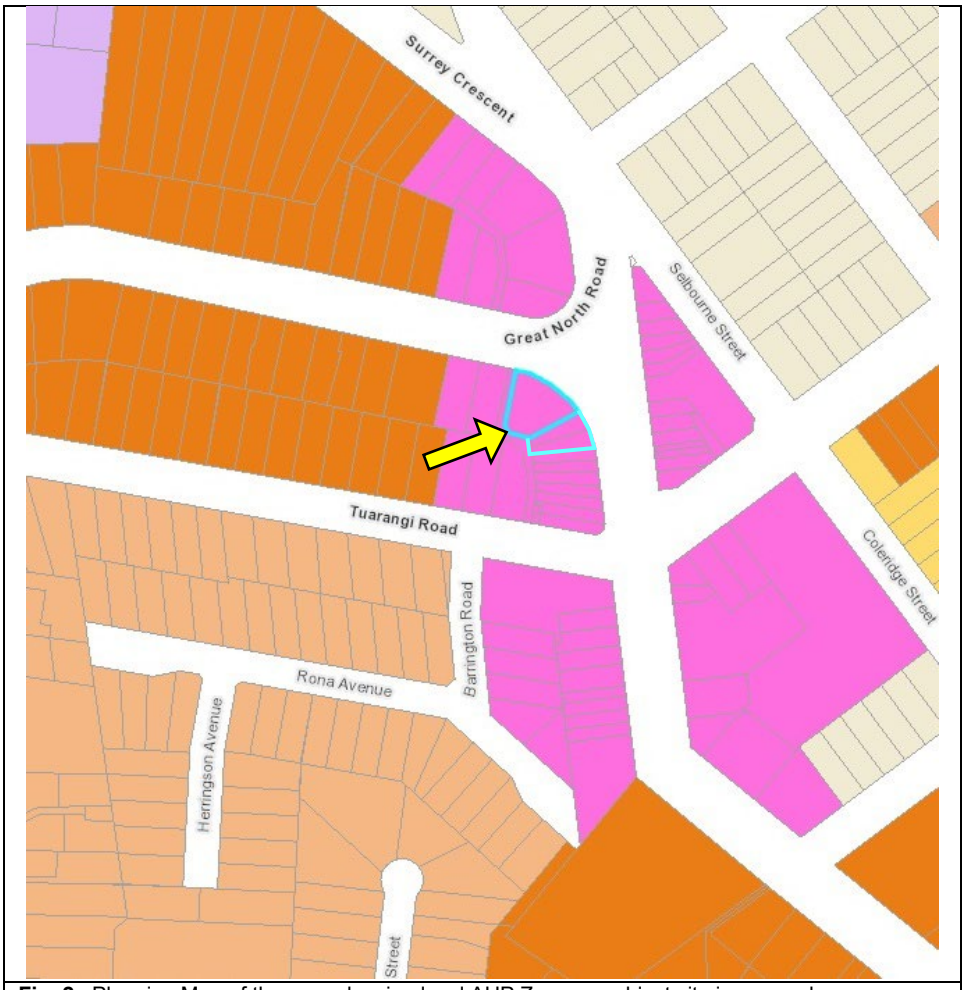


Fig. 2. Planning Map of the area showing local AUP Zones – subject site is arrowed **(Auckland Council, 2021)**

2.4 immediate area building analysis (restricted to a defined portion of the grey lynn special character area and adjacent THAB zone)

Fig. 3. Aerial photo of the surrounding defined context. The Grey Lynn streetscape area under consideration is defined by the thick dashed line. The subject site is indicated with an arrow. Nearby historic heritage place is indicated with a star.
(Source: Auckland Council GIS – accessed 08.11.2021)

The following information quantifies the streetscape character which directly relates to the streetscape study of the **Grey Lynn** special character area – business. Due to the subject site's corner location, the study area includes sections of Great North Rd as well as Surrey Cres:

- The sections of Great North Rd and Surrey Cres which pass through the subject streetscape study area are both defined in the AUP as *Primary Arterial Road*;
- The subject streetscape study area contains a total of 63 separate sites;
- The subject streetscape study area contains a total of 80 buildings on these sites (not including ancillary structures such as garages or sheds);
- There are 22 *Sites with Character Defining Buildings* identified within the subject streetscape study area;
    - 10 of these sites are on the west side of Great North Rd;
    - 12 of these sites are on the east side of Great North Rd;
- Inclusive of the subject place, there are 15 *Sites with Character Supporting Buildings* identified within the subject streetscape study area;
    - 7 of these sites are on the west side of Great North Rd;
    - 8 of these sites are on the east side of Great North Rd;
- The remaining 6 sites within the subject SCA streetscape study area contain neither *Character Defining* nor *Character Supporting* buildings;

    - 5 of these sites are the west side of Great North Rd;
    - 1 of these sites is on the east side of Great North Rd;
- There is a block of five buildings identified within the subject streetscape study area which are included in *Schedule 14.1 Schedule of Historic Heritage – Table 1: Places* in the AUP;
- Outside the Special Character Area overlay study area there are 20 sites, all located along the western stretch of Great North Rd:
    - 11 of these sites are on the north side of Great North Rd;
    - 9 of these sites are on the south side of Great North Rd;
- The western and southern side of Great North Rd contains 24 buildings:
    - 14 single-storey buildings
    - 9 two-storey buildings
    - 1 three-storey building
- The eastern and northern side of Great North Rd contains 56 buildings:
    - 22 single-storey buildings
    - 33 two-storey buildings (inclusive of the subject place)
    - 1 three-storey building (Te Rae O Kawharu – Grey Lynn School)
- The subject defined streetscape contains a total of:
    - 26 buildings which are primarily for residential use (including a three-storey multi-unit residential building);
    - 1 building which is in use for medical activities;
    - 1 building complex which is in use for academic activites;
    - 52 buildings which are used for retail or commercial activities (although we note that many of these buildings are two-storeys in height and may contain residential accommodation on the upper floor – but this aspect has not been measured);
- Of these 52 commercial buildings, a total of 37 feature a veranda that covers the entire width of each building frontage to the street;
- The verandas present a variety of form, construction method, alignment and angle to the footpath below;
- There are five timber clad buildings;
- There are three buildings finished with glazed panels and/or monolithic modern cladding.
- There are ten buildings constructed from concrete/brick masonry (this is partially bagged & painted);
- There are 58 buildings finished with plastered render (the majority are over masonry but some may possibly be over timber frame).
- There are four buildings finished with corrugated metal cladding.

2.5 great north road

Great North Rd is defined in the AUP as a *Primary Arterial Road*, which runs through a dozen Auckland suburbs, terminating at each end in the suburbs of Newton (east) and Henderson (west). The full length of Great North Rd measures approximately 16.9km in length, running in a generally east-west direction, and covers multiple activity zones along its length. It is very heavily trafficked throughout the day, and is a main commuter route for many local workers journeying to and from the CBD, as well as high volumes of daytime work and leisure traffic.

The streetscape area under consideration is the length of Great North Rd from its northern junction with Surrey Cres to a point approximately 260m to the south, where it turns to travel east (near its junction with Crummer Rd). Also included is a section of Great North Rd proceeding west from its junction with Surrey Cres, for approximately 170m.

The following description is strictly limited to the stretch of Great North Rd and Surrey Cres which is specifically subject to the analysis of this report.

Great North Rd as it travels north-south (through the commercial area) is a flat road changing only 1m vertically, and both sides of the street are level with the main roadway. In this area of Auckland, Great North Rd generally follows a natural ridge line meaning that whilst it is quite flat, adjoining roads slope away from it. There are very few street trees or street planting within the study area of Great North Rd, and little planting present on the few private residential sites. The subject site (no. 606-620 Great North Rd) is located on the west side of the street. This area is entirely *Business – Local Centre* Zoned.

This condition changes markedly at its junction with Surrey Cres, where Great North Rd turns west and proceeds downhill towards Western Springs. The slope of the road produces a fall of approximately 10m over 170m length (dropping a further 23m down to its lowest point around Western Springs to the west). There is also a significant cross fall across Great North Rd along this section, meaning that properties along the north side are elevated above the road, while properties to the south drop below the road level. This area is entirely *Residential – Terrace Housing and Apartment Buildings* Zoned.

This local condition results in a marked change of character between the business SCAR portion of Great North Rd south of Surrey Cres, which changes to a predominantly residential character to the west of Surrey Cres. This transition in character occurs immediately adjacent to the subject site.

The road is a consistent 18.5m width, is sealed in asphalt and is in good condition. It is bounded on both sides by a 4m wide footpath (a mixture of concrete, asphalt and pavers), and does not include a verdant strip. Power and telecoms are underground and the street edge is populated by regularly spaced modern lamp posts. The street presents a light and airy feel, due in part to the reasonably wide roadway. As the road turns west past its junction with Surrey Cres, the road narrows slightly to 17.2m, providing five lanes for car traffic as well as a dedicated bus lane. Immediately adjacent to the subject site a very large road intersection, controlled by traffic lights, connects Surrey Cres to Great North Rd.

Fig. 4. Looking west along Great North Rd into the residential character – note the more verdant setting and sense of spaciousness.

Fig. 5 Looking north along Great North Rd into the commercial character – note the more enclosed and hard-edged streetscape.

Great North Rd is bordered on both sides by basalt stone kerbs and the footpath which is generally unbroken by driveway access points within the commercial area. The retail/commercial properties finish hard up against the pavement with no front

boundary treatment. This condition changes in the western residential section which is regularly interrupted by driveway access for houses, and dwellings set back from the road offering landscaped front gardens.

Fig. 3. Typical retail property fronting the pavement

Fig. 4. Residential property elevated above the road level with fenced front yard

The plots very greatly in scale and proportion, plot depth varies between 25-65m, width between 3-37m, and most sites are differently shaped showing little consistency in the subdivision pattern. Both sides of the street offer some time-limited parking as well as stretches of bus lane in both directions, at the time of the site visit most of the street parking was occupied and the traffic was constant and light. Along the western residential section of Great North Rd, a dedicated bus lane is offered only in the westerly direction. Foot traffic observed at the time of the site visit was also fairly light. This situation is likely due to COVID level 3 lockdown restrictions.

The relatively flat topography in the business area enables properties on both side of the street to remain at street level. All retail/commercial properties have no street setback, and most buildings offer a projecting veranda over the public footpath.

Fig. 6. View looking south along Great North Rd from the northern end of the study area – the subject site is located to the right of the image (arrowed)

Fig. 7. View looking north along Great North Rd from the southern end of the study area.

Fig. 8. View looking west (downhill) along Great North Rd near the junction with Surrey Cres

Fig. 9. View looking east (uphill) along Great North Rd from the western end of the study area.

Fig. 10. View of the subject site taken from the north side of Great North Rd

2.5.1 great north road – east side street analysis

The immediate perception of this east side of the street is that it is commercial and retail in use, with only its southern end transitioning over to residential activity. The properties along this side of the street are 1-2 storeys in height and predominantly retail/commercial activity. This area is very clearly defined by its commercial properties, with residential dwellings only being found at the southernmost end. The

study area displays a consistent vintage of mainly early-mid 20th Century buildings. This condition aligns with the AUP Special Character statement which describes:

> *… the town centre that developed largely in the early decades of the 20th century and incorporates a significant grouping of commercial and community buildings from this period as well as an example of 1920s terraced houses.*[4]

Properties along this side of the road face towards the west and directly address Great North Rd with no instances of 'rear sites' created by subdivision. This means that the buildings directly address the road, with no places presenting a side wall to the street. In general, the topography is flat across and along the street. Boundary treatments within the study area are almost non-existent, as most properties are commercial and therefore the buildings open directly onto the street, and are located hard up against the footpath. The existing subdivision pattern generally conforms to its original layout. This is consistent with the AUP description which states:

> *Building widths reflect the relatively narrow lot widths created by the early subdivision pattern. Buildings built up to the street edge create a high density pattern of development along Great North Road.*[5]

The residential houses at the southern end face the street with timber picket fencing framed by plastered masonry walls – small gardens are located behind the walls. One of the houses contains a full width carpad that accesses Great North Rd. There are few street trees within the study area, being found only around the junction with Williamson Ave and in front of the southern houses. Street trees increase in frequency as the feeder roads proceed into the adjacent residential areas.

The following images describe the east side of the subject area of Great North Rd from the northern junction with Surrey Cres moving south near the junction with Crummer Rd.

Fig. 11. 571 Great North Rd – Contemporary multi-unit development with retail at the lower storey and residential accommodation above.

Fig. 12. 563-565 Great North Rd – pre-1940 single storey commercial building

[4] AUP Section 15.1.6.6.2 *Summary of Special Character Values* – p.57
[5] Ibid – p.59

Fig. 13. 557-551 Great North Rd – pre-1940 two-storey commercial buildings

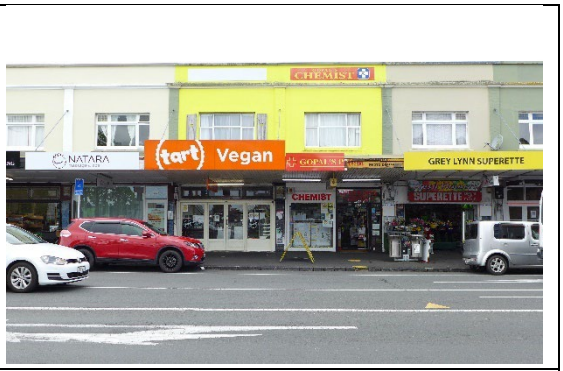


Fig. 14. 557-551 Great North Rd – pre-1940 two-storey commercial buildings

Fig. 15. 563-571 Great North Rd – pre-1940 two-storey commercial building

Fig. 16. View looking east along Williamson Ave

Fig. 17. 537 Great North Rd – pre-1940 two-storey commercial building

Fig. 18. 533 Great North Rd – pre-1940 two-storey commercial building

Fig. 19. 531 Great North Rd – pre-1940 single storey commercial building

Fig. 20. 529-521 Great North Rd – pre-1940 two-storey commercial terraced buildings

Fig. 21. 519-515 Great North Rd – pre-1940 single storey commercial buildings

Fig. 22. 515-507 Great North Rd – pre-1940 single storey commercial buildings

Fig. 23. 509-505 Great North Rd – pre-1940 single storey commercial buildings

Fig. 24. 503-495 Great North Rd – pre-1940 single storey terrace houses **(also scheduled historic heritage)**

2.5.2 great north rd – west side street analysis

The immediate perception of this west side of the street is that it is commercial and retail in use, with only its southern end transitioning over to residential activity. The properties along this side of the street are 1-3 storeys in height and predominantly retail/commercial activity. The northern junction of Great North Rd with Surrey Cres is marked by large, open yard (the **subject site**) with a single storey retail unit set back towards the rear of the site. The large (3-storey) modern multi-unit development at the south end signifies the transition from commercial to residential activity along Great North Rd. The study area displays a consistent vintage of mainly early-mid 20th Century buildings.

Properties along this side of the road face towards the east and directly address Great North Rd with no instances of 'rear sites' created by subdivision. This means that the buildings directly address the road, with no places presenting a side wall to the street. The topography is flat across and along the street. Boundary treatments within the study area are almost non-existent, as most properties are commercial and therefore the buildings open directly onto the street, and are located hard up against the footpath. The only exceptions to this are the properties at 606 and 594 Great North Rd which feature vertical metal railing fences. There are few street trees within the study area, being found only around the junction with Tuarangi Rd and at the north and south ends of the study area. Street trees increase in frequency as the roads proceed into the adjacent residential areas.

The following images describe the west side of the subject area of Great North Rd from the northern junction with Surrey Cres moving south near the junction with Crummer Rd.

Fig. 25. View looking north along Surrey Cres into the more residential character area

Fig. 26. View looking west along Great North Rd at the large junction with Surrey Cres – subject site arrowed

Fig. 27. 606-620 Great North Rd **(subject site)** – modern single storey commercial building with open yard facing the street

Fig. 28. 602-604 Great North Rd – pre-1940 single storey commercial buildings

Fig. 29. 596-600 Great North Rd – pre-1940 two-storey commercial buildings

Fig. 30. 594 Great North Rd – 1945 single storey brick public toilet block

Fig. 31. 592 Great North Rd – pre-1940 single storey (former bank) commercial building

Fig. 32. View looking west along Tuarangi Rd

Fig. 33. 584 Great North Rd – pre-1940 two- storey commercial building (modified)

Fig. 34. 576-582 Great North Rd – pre-1940 two-storey commercial buildings

Fig. 35. 572-576 Great North Rd – pre-1940 two-storey commercial buildings

Fig. 36. 566-570 Great North Rd – pre-1940 single storey commercial buildings

Fig. 37. 562-566 Great North Rd – pre-1940 single and two storey commercial buildings

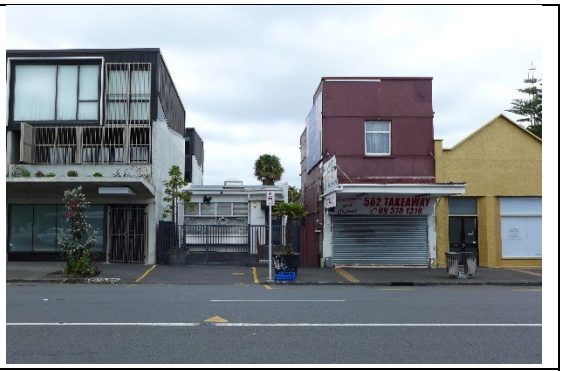


Fig. 38. 560-562 Great North Rd – a pre-1940 two storey commercial building and a single-storey residential building with front yard carparking

Fig. 39. 558 Great North Rd – 3-storey contemporary development with retail at ground level and residential accommodation above and to the rear

2.5.3 great north rd – south side street analysis

The immediate perception of this southern side of the street is that it is residential in use. The properties along this side of the street are single storey high and display a consistent typology of mid 20th Century NZ State Houses.

Properties along this side of the road face towards the north and directly address Great North Rd with no instances of 'rear sites' created by subdivision. This means that the buildings directly address the road, with no places presenting a side wall to the street. Great North Rd itself slopes downhill in this area, and the topography also drops away from the road towards the north – resulting in all of the properties sitting below street level. Boundary treatments within the study area are mixed, with some places offering low, open chain-link fences, while others are enclosed by solid and tall fences. This, added to the low house positions leaves them partially concealed from the public road. There are no instances of street trees, with the only visible planting being related to private residential gardens.

The following images describe the south side of the subject area of Great North Rd from the eastern junction with Surrey Cres moving west in the direction of Western Springs.

Fig. 40. 634 Great North Rd – a mid 20th Century State House

Fig. 41. 636 Great North Rd – a mid 20th Century State House

Fig. 42. 638-640 Great North Rd – a mid-20th Century State House duplex

Fig. 43. 642 Great North Rd – a mid-20th Century State House

Fig. 44. 644-646 Great North Rd – a mid 20th Century State House duplex

Fig. 45. 648 Great North Rd – a mid 20th Century State House

Fig. 46. 650-652 Great North Rd – a mid 20th Century State House duplex

Fig. 47. View looking west along Great North Rd

2.5.4 great north rd – north side street analysis

The immediate perception of this northern side of the street is that it is predominantly residential in use, with the exception being Grey Lynn School to the west, and two commercial/retail properties to the east. A wider search (beyond the specific study area) reveals that this area contains primarily residential dwellings. The properties along this side of the street are 1-2 storeys high and display a mixed typology of mid 20th Century NZ State Houses, contemporary private dwellings, a single Art Deco styled house and retail/commercial buildings.

Properties along this side of the road face towards the south and directly address Great North Rd with four instances of 'rear sites' created by subdivision. In addition to this, the very large, three-storey tall Grey Lynn School complex offers a significant built element to this area. Most buildings directly address the road, with no places presenting a side wall to the street, rear sites can be glimpsed along their respective driveways. Great North Rd itself slopes downhill in this area, and the topography rises steeply up from the road towards the north – resulting in all of the properties sitting above street level, giving them a visually dominant aspect. This condition flattens out at the east end (around the junction with Surrey Cres) where the character simultaneously transitions to commercial activity. Boundary treatments are typically low and open giving good visual access to the properties behind. There are no instances of street trees, with the only visible planting being related to private residential gardens.

The following images describe the north side of the subject area of Great North Rd from the eastern junction with Surrey Cres moving west in the direction of Western Springs.

Fig. 48. View looking northwest along Surrey Cres

Fig. 49. View of the large road intersection between Surrey Cres and Great North Rd

Fig. 50. Front (east) elevation of the single storey commercial property at 2 Surrey Cres

Fig. 51. Side (south) elevation of the single storey commercial property at 2 Surrey Cres with carparking in the foreground

Fig. 52. 623 Great North Rd – single storey commercial building

Fig. 53. Driveway access to a rear site

Fig. 54. 625 Great North Rd – a mid 20th Century State House

Fig. 55. 627 Great North Rd – a mid 20th Century brick bungalow

Fig. 56. 629 Great North Rd – a mid 20th Century State House

Fig. 57. 631 Great North Rd – a mid 20th Century State House

Fig. 58. 633 Great North Rd – a mid 20th Century State House

Fig. 59. 635 Great North Rd – Art Deco style house

Fig. 60. 637 Great North Rd – a mid 20th Century State House duplex

Fig. 61. Part site of Grey Lynn School

Fig. 62. Grey Lynn School

Fig. 63. View looking east along Great North Rd

3. description and physical condition of the subject site

Fig. 64. 606-620 Great North Rd – the subject site viewed from Surrey Cres – to the left is the Business SCA overlay area – to the right of the site Residential THAB Zone

Fig. 65. Open asphalt carpark at the southeast end of the site is used by the occupant's business to display sheds for sale

Fig. 66. Existing commercial building on the site

Fig. 67. Existing *Character Defining* commercial building which abuts the site to the south

Fig. 68. Existing site fence

606-620 Great North Rd is a single site combining three Lots. It is open on all sides, apart from its southern edge which abuts an existing *Character Defining* commercial building at 604 Great North Rd.. The site is located on the east side of Great North Rd, where the road turns in a westerly direction, near its junction with Surrey Cres. This junction is a large road intersection, feeding five lanes of traffic. The site contains a single modern commercial unit situated at its eastern end. The remainder of the site is an open asphalt yard on grade, enclosed with a metal railing fence. A narrow lane

runs around the east and south sides of the site. Due to the local topography the east end of the site is relatively flat, but slopes increasingly down to the west.

The Schedule 15: *Special Character Schedule, Statements and Maps* Chapter 15.1.6.6.1. *Extent of Area* map identifies part of the subject site [606-612] as a *site with character supporting buildings*. However, this site is bare and does not contain any buildings. We have assumed that this is a mapping error that has not been identified in the various revisions to the AUP.

Fig. 5. Aerial photograph of the subject site

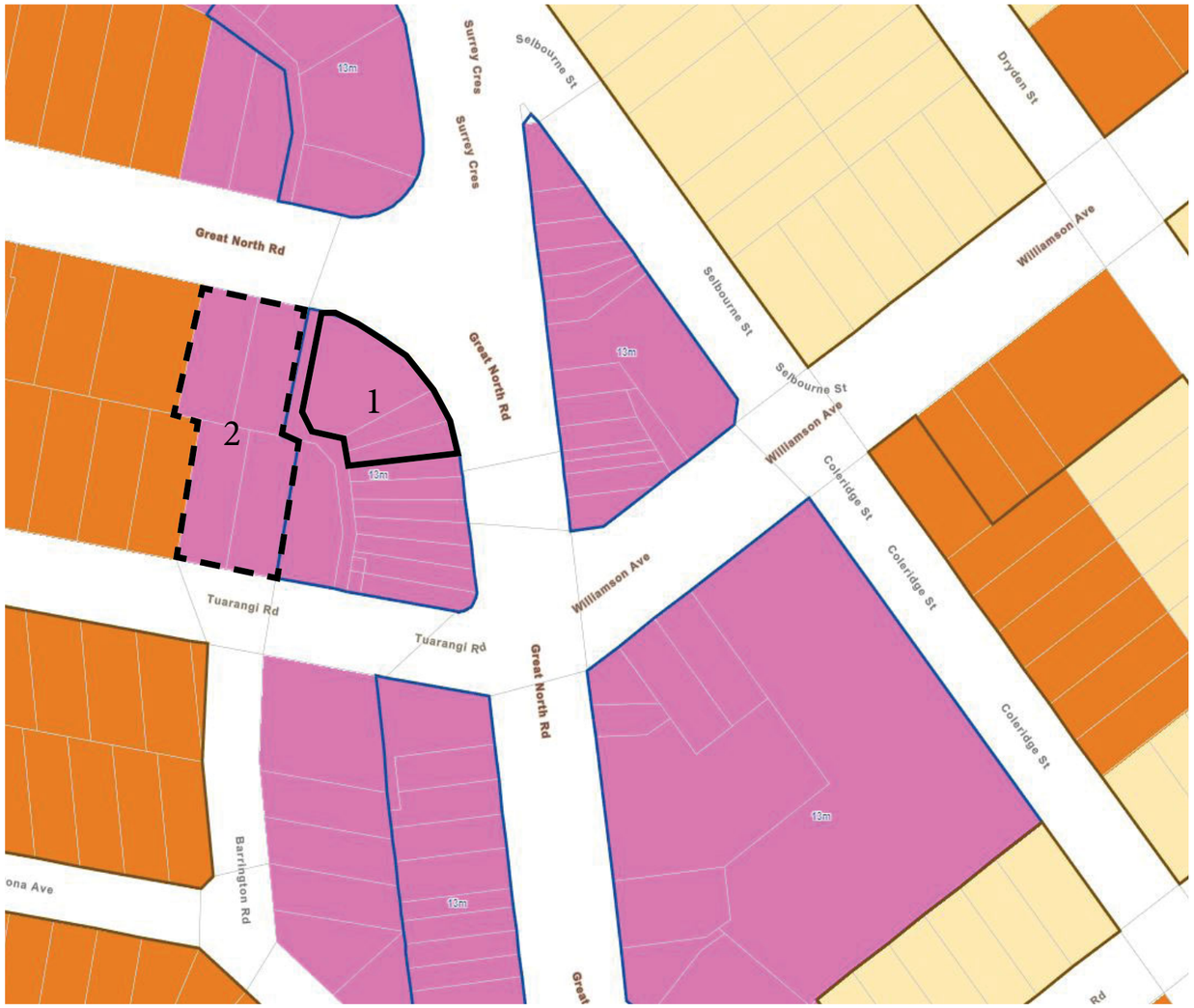
3. conclusion

The local character condition results in a marked change of character between the business SCAR portion of Great North Rd south of Surrey Cres and the predominantly residential character to the west of Surrey Cres. This transition in character occurs immediately adjacent to the subject site.

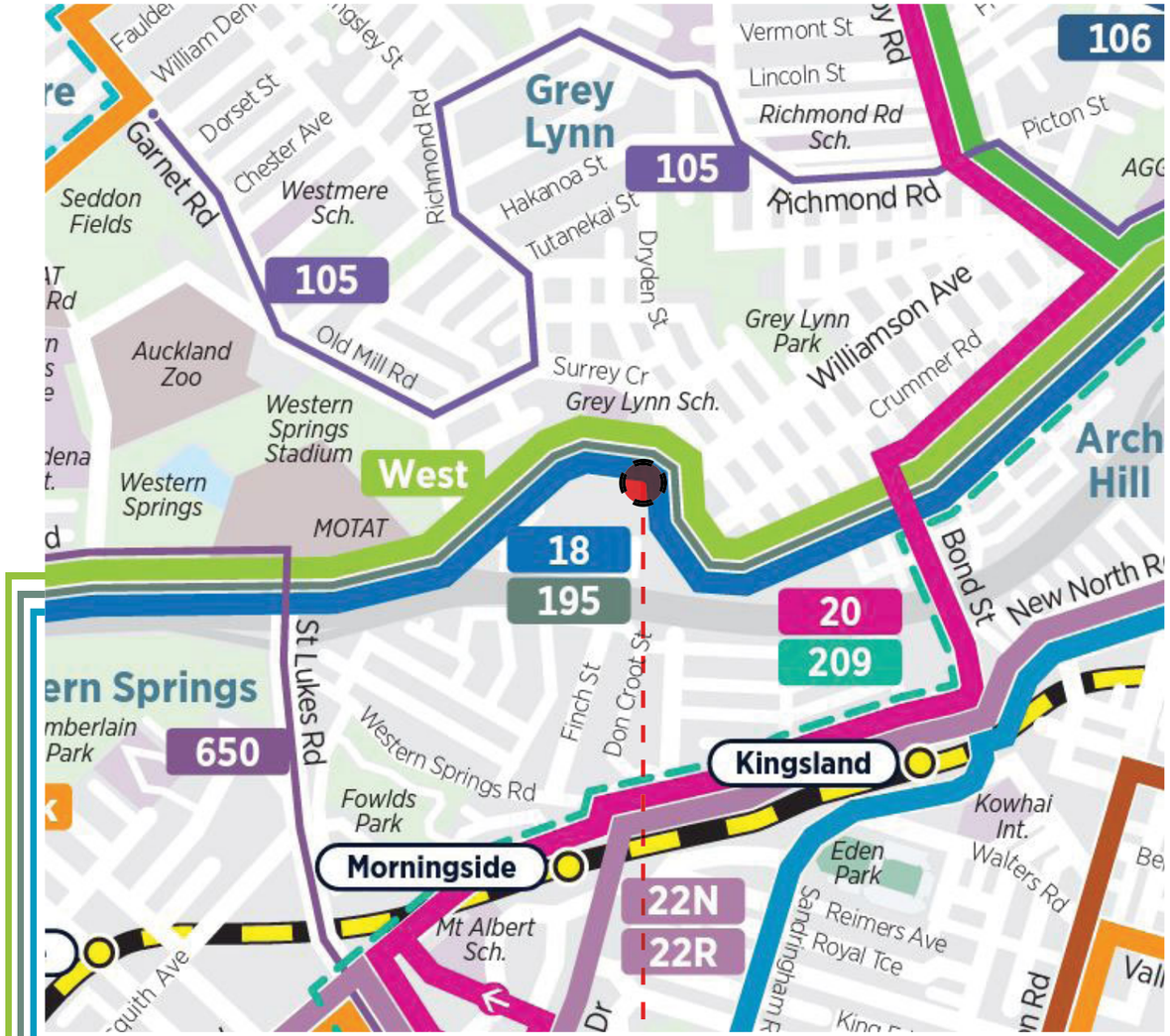
I am not convinced that removing the SCAB overlay in its entirety is necessarily required if the change sought to the height control from 13m to 21m can be achieved. Notably, the subject site is one identified in the AUP as containing no identified character defining or character supporting buildings. Considering the D18.3 *Policies (8-12)* I don't consider the SCAB overlay is necessarily a constraint to the development proposed, while equally I do not consider extra height in the SCAB overlay necessarily would lead to a level of density any less well "done" in terms of quality urban design outcomes and positive qualities of architectural form and detail derived from a local context. Spatially, and in a placemaking sense, the desire for intensification should be not to compress the height of town centres but to lift them as markers of local centres.

appendix 1

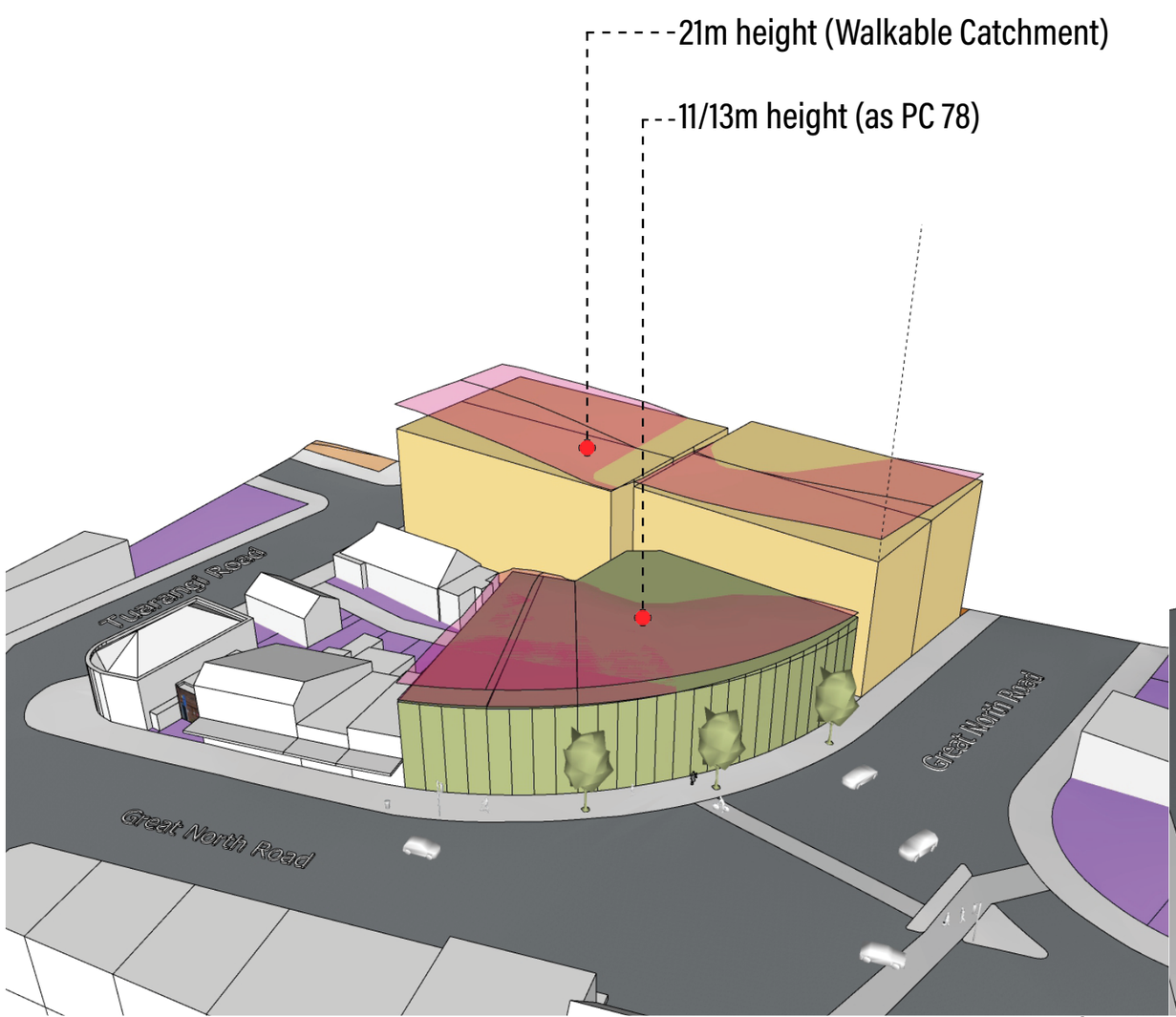
Leuschke Group Architects modelling of 606-620 Greta North Road showing various maximum height limits in the context of surrounding anticipated maximum heights on adjacent zones.



1 - Subject site - 606 Great North Road
2 - Local centre zone with no height control



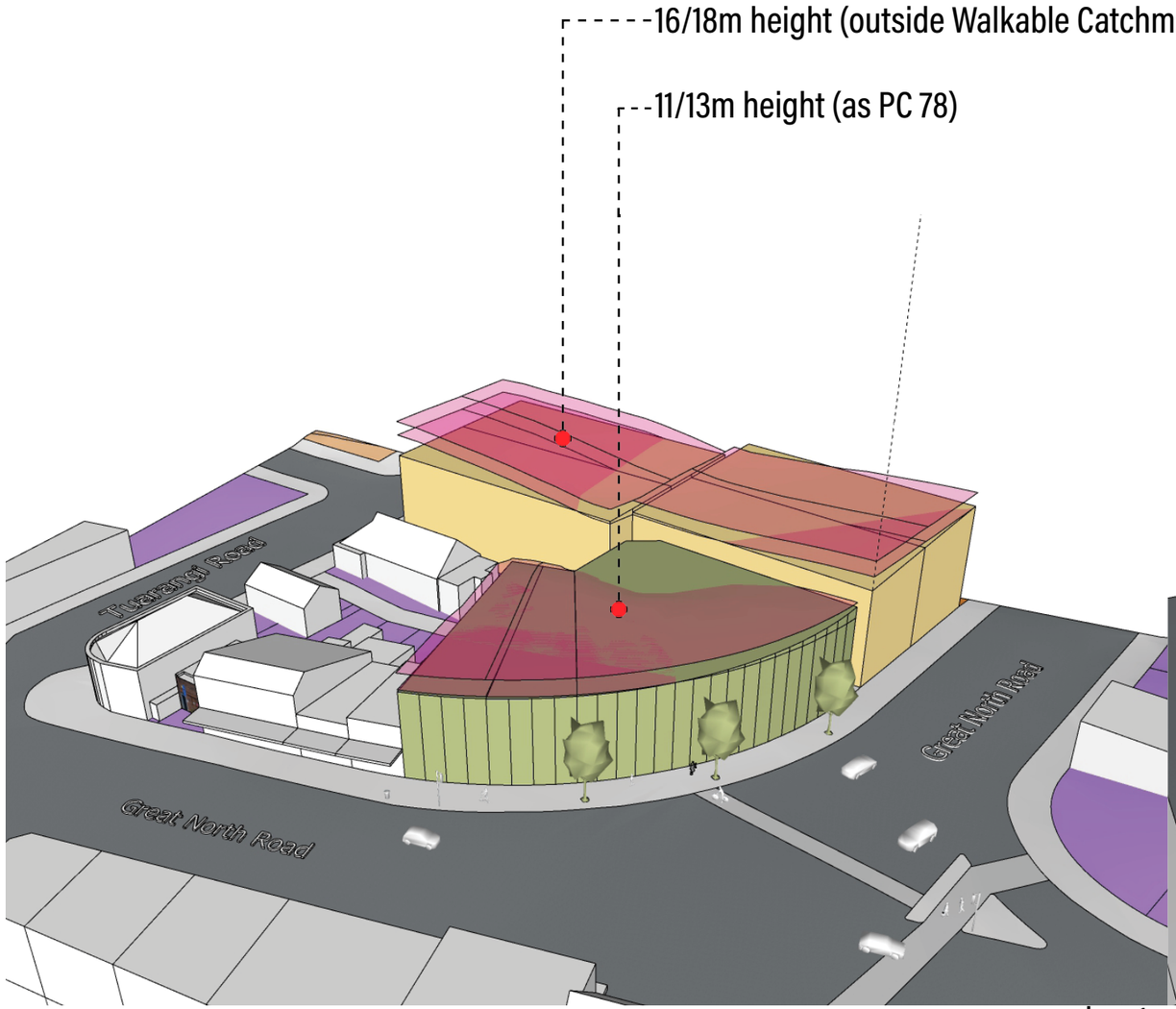
Leuschke
Group Architects


21m height (Walkable Catchment)
11/13m height (as PC 78)
Tuarangi Road
Great North Road
Great North Road

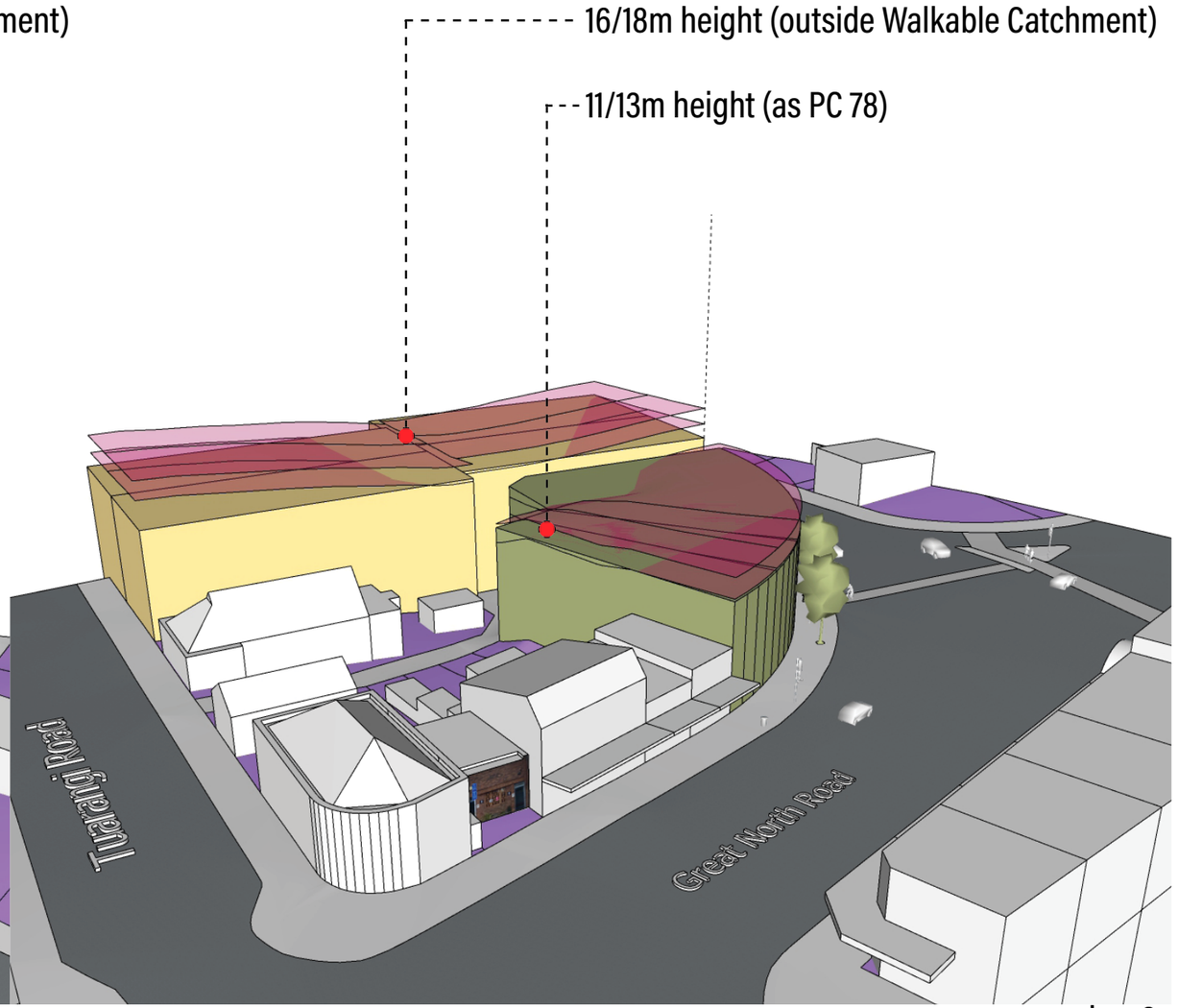
view 1

21m height (Walkable Catchment)
11/13m height (as PC 78)
Tuarangi Road
Great North Road

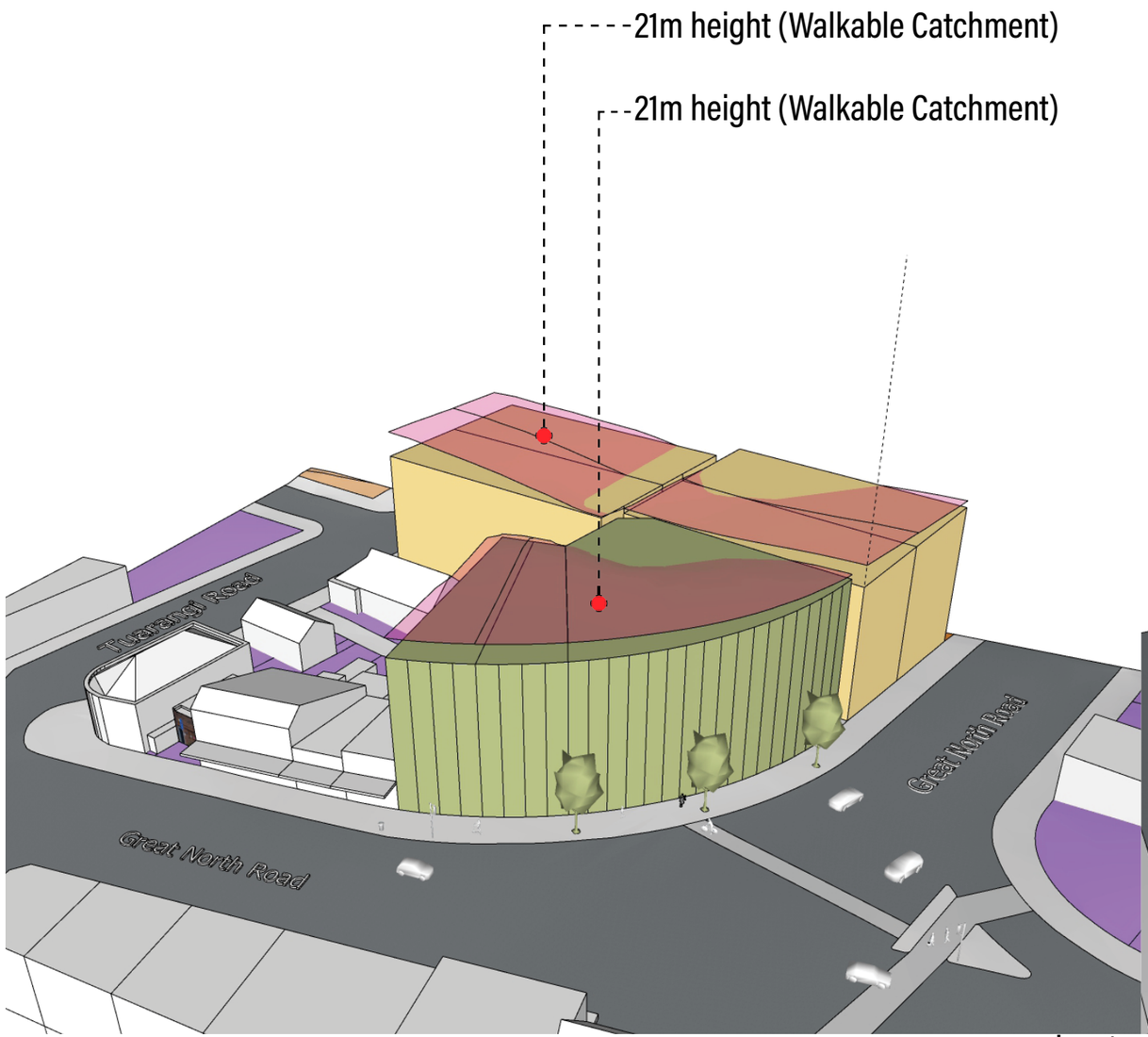
view 2


16/18m height (outside Walkable Catchment)
11/13m height (as PC 78)
Great North Road
Great North Road

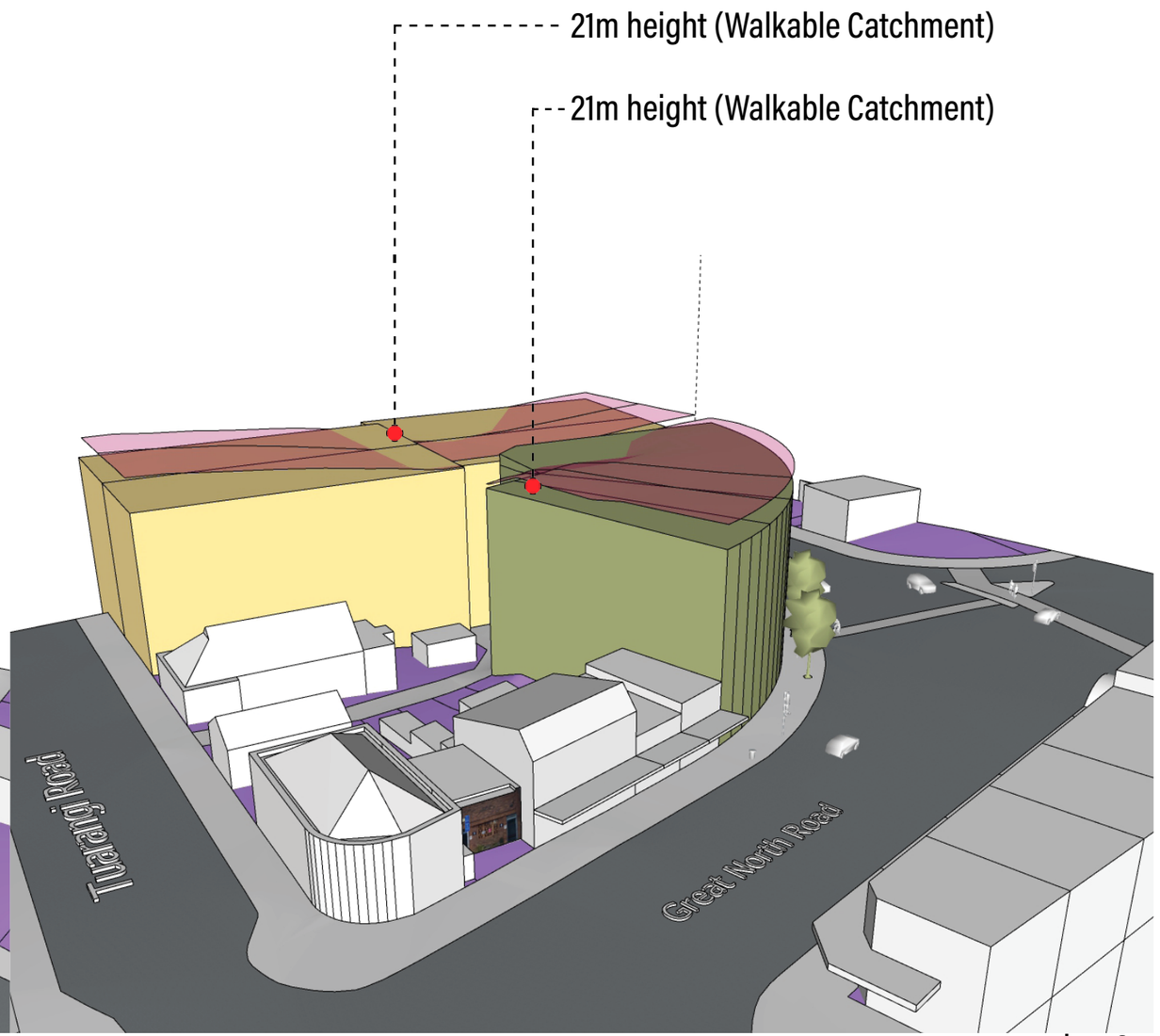
view 1


16/18m height (outside Walkable Catchment)
11/13m height (as PC 78)
Great North Road

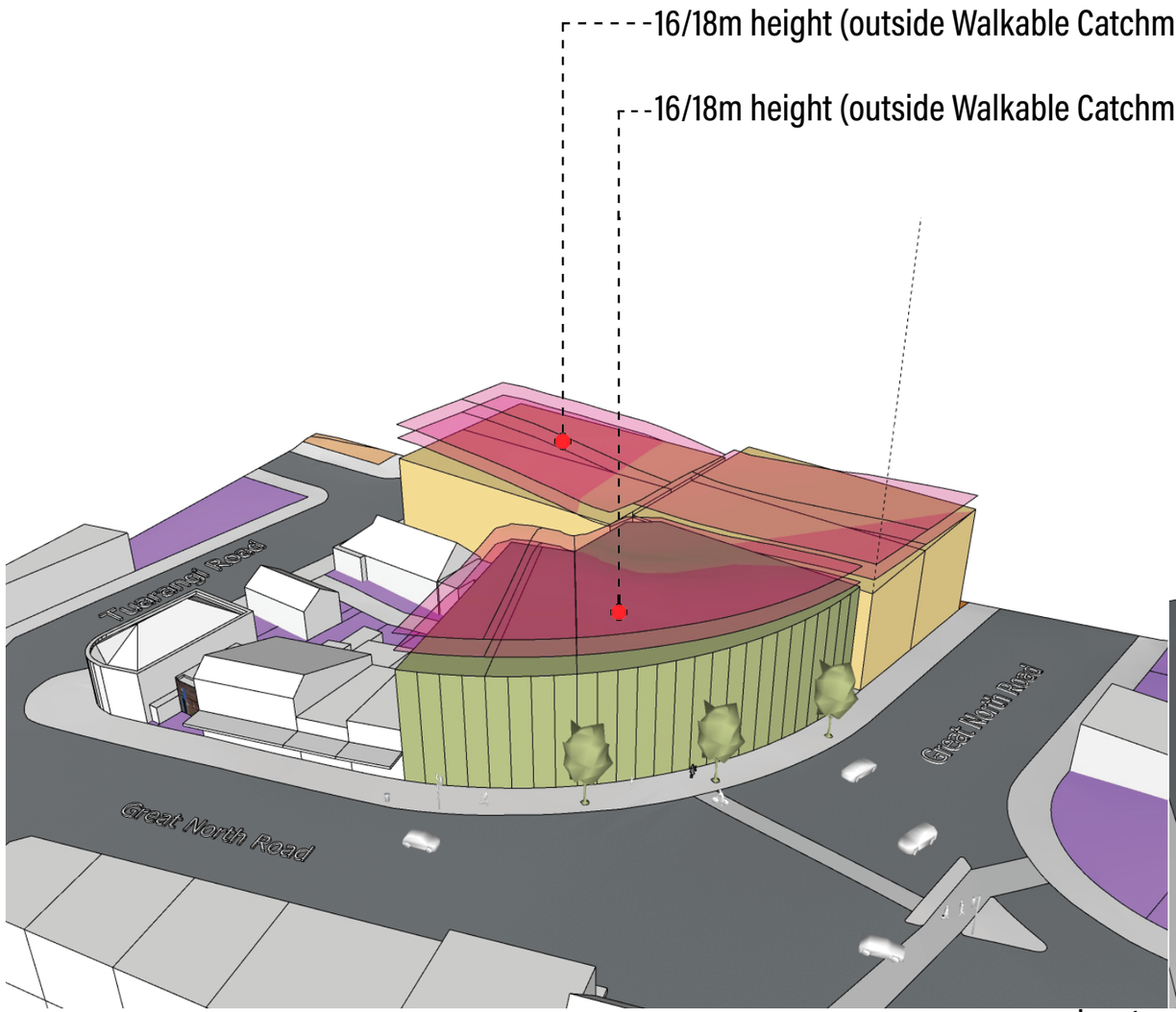
view 2


21m height (Walkable Catchment)
21m height (Walkable Catchment)
Tuarangi Road
Great North Road
Great North Road

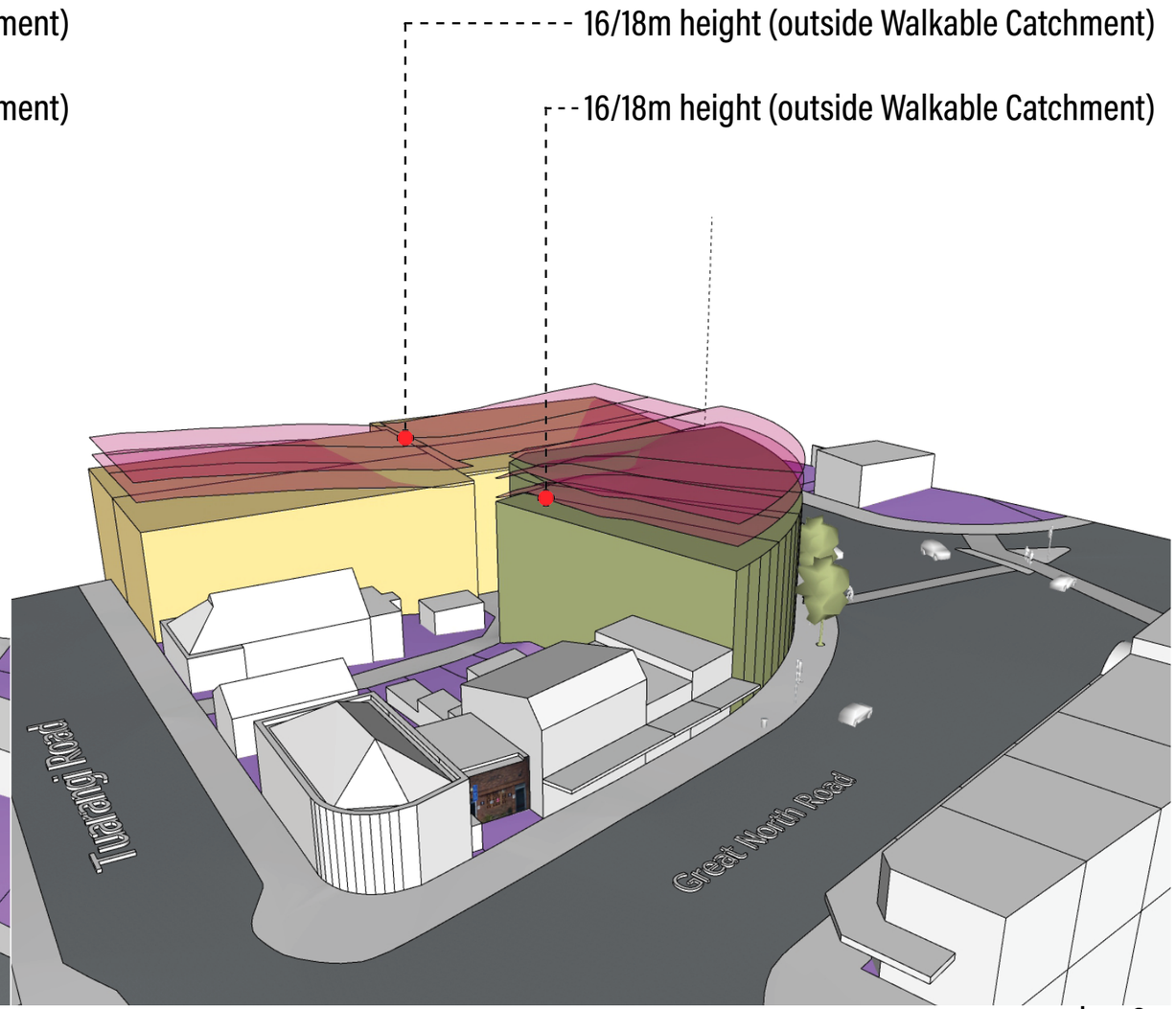
view 1


21m height (Walkable Catchment)
21m height (Walkable Catchment)
Tuarangi Road
Great North Road

view 2


16/18m height (outside Walkable Catchment)
16/18m height (outside Walkable Catchment)
Great North Road
Great North Road

view 1


16/18m height (outside Walkable Catchment)
16/18m height (outside Walkable Catchment)
Great North Road

view 2

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 3:01 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Michelle Morrison
Attachments: Takapuna Residents Association Submission on Housing Intensification Plan Change 78.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Michelle Morrison

Organisation name: Takapuna Residents Association

Agent's full name:

Email address: takapunaresidentsassoc@gmail.com

Contact phone number: 0212924908

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Plan Change 78: Housing Intensification

Property address: Takapuna

Map or maps: Takapuna

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:
Takapuna Residents Association represents residents who are very concerned about the lack of Town Planning, lack of design and controls in our building construction, lack of care of our environment, lack of respect for the rights of existing residents, and the long term consequences of the decisions being made regarding Housing Intensification.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: As per attached document.

Submission date: 29 September 2022

Supporting documents
Takapuna Residents Association Submission on Housing Intensification Plan Change 78.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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Submission on Housing Intensification Plan Change 78

29 September 2022

Feedback and views of the Takapuna Residents Association on Housing Intensification Plan Change 78.

Introduction

As a Residents Association we are not against housing intensification. However, we are very concerned about the lack of Town Planning, lack of design and controls in our building construction, lack of care of our environment, lack of respect for the rights of existing residents, and the long term consequences of the decisions being made. Town Planning is a fundamental and core role of local government. We also note that aspects of the Housing Intensification plans do not meet a number of Auckland Council's Climate Actions and Targets. As such, we are extremely concerned about the effects on our neighbourhood and community. Housing intensification should be accompanied by good town planning that ensures all residents are treated fairly, that there should be an associated increase in the provision of facilities and public spaces to cater for the associated increase in population, and that existing public spaces remain open and sunny.

Takapuna's Unique Coastal and Lake Environment: Auckland is unique in the fact that it has a natural lake as part of our city environment. As such, Lake Pupuke and the Takapuna coastline are important natural geographical assets for our area that need to be protected for the enjoyment of everyone, now and in the future.

The 'one size fits all' approach is not appropriate for Takapuna. The very location, with central Takapuna being constrained between a lake, the sea and the harbour, sets it apart from other metropolitan areas and requires sensitive management and a tailored approach. Measurements of 800m and 1200m from central Takapuna are not appropriate to our situation, when those distances along Hurstmere Road take in part of an important environment corridor and it is only 350m to Takapuna Beach, and we want to achieve stepped back building heights.

Takapuna does not have adequate infrastructure to cater for the amount of housing intensification indicated. In particular, problems with wastewater and stormwater are already well known as they result in overflows directly onto our beaches!

The unique natural land forms of the coastal and lakeside environment of Takapuna are areas of special character, and as such should be regarded as qualifying matters that places limits on building heights and density to ensure the character values of these areas are retained. Therefore, much of the area around Takapuna will require implementation of qualifying matters that reduce the required height and density of development because there are features that should be protected.

Shading of Public Areas:

The Residents Association requests that the Metropolitan Centre zoning and height controls currently in place not to be exceeded. Height controls should manage the dominance of the buildings to avoid the effects of shadowing on Takapuna Beach and Takapuna Beach Reserve in particular, and public spaces in general, through a series of stepped building heights.

1487.1
1487.2
1487.3

We do not want to end up with a 'Gold Coast scenario' where the beaches and coastline are spoiled by lack of sun due to the shadows by high rise buildings. Long term plans for Takapuna need to avoid shading of Takapuna Beach because it is our greatest asset!

A priority for the Takapuna area is that buildings need to be set back far enough to ensure that public spaces, reserves and parks, coastline and lakeside are not shaded by manmade structures, with sun angles and levels calculated to ideally ensure year-round sun for these natural areas, taking into consideration the changes in summer and winter as well as the impact of the land contours (not just distance from coastline).

Notably:

1. Kitchener & Hurstmere Roads – lake side, in particular 2-12 Kitchener Road and 320-312 Hurstmere Road, should not be Terrace Housing and Apartment Building Zone, otherwise Henderson Park will lose the morning sun. Other lake side public reserve lands should likewise be protected. 1487.4
2. Hurstmere Road – seaward side, should not be Terrace Housing and Apartment Building Zone as the coastline will lose more of the afternoon sun, particularly the beach at Thorne Bay. All the side streets lead down to the coastline, so should ideally have Mixed Housing Urban to Low Density Residential Zone in order to protect the natural environment, particularly the existing tree canopy cover and birdlife. 1487.5
3. We note the recent High Court ruling in favour of reducing the 'The Promenade block' back to Mixed Housing Suburban zone level as per the Consent Orders, not higher. 1487.6
4. Alison Avenue, as part of 'The Promenade block' Court ruling was also returned Mixed Housing Suburban zone, but ideally Low Density Residential Zone, otherwise the Open Space, Informal Recreation Zone which is currently the Takapuna Campground will lose the afternoon sun. 1487.7
5. The height of Metropolitan areas of Takapuna already has a detrimental effect on Takapuna Beach, Takapuna Beach Reserve and the Sacred Grove of Pohutukawa trees due to loss of afternoon sun.
6. The eastern side of Lake Road - We note the recent High Court ruling that 'the Lake Rd block from Blomfield Spa south to Park Avenue' be returned back to Mixed Housing Suburban in the residential streets, and to Business Mixed Use on Lake Rd. Continuing along to Hauraki corner the seaside area has a special character with well-established coastal residences and Low Density Residential Zone would avoid afternoon shading of Takapuna Beach. It is not just about distance from the beach but land contours which impact this (i.e. it is not appropriate to have a high rise on the top of the 'rise' in land). 1487.8
7. The western side of Lake Road - all the side streets lead down to the estuary coastline. We note that other areas of Auckland have Mixed Housing Urban Zone dropping to Low Density Residential Zone adjacent to their estuary coastline. This is important for protection of the natural environment, and for retaining the existing tree canopy cover and birdlife. There is also a park at the end of Northcroft Street. 1487.9
8. The Open Spaces (Informal Recreation Zone, Sport and Active Recreation Zone, Conservation Zone) at the end of Como Street, which include the Croquet Club, Takapuna Playcentre and other community facilities, should not be overshadowed by a Terrace Housing and Apartment Building Zone. For the health and wellbeing of users it is important these facilities are not 'shut in'.
9. The Takapuna Tennis Club (Open Space, Sport and Active Recreation Zone) in Bracken Avenue – as per comment above.

10. 48 Esmonde Road – under consultation for change of zoning, but needs to be aligned with the points identified in this document. We note conservation issues are being raised. 1487.10
11. Karaka Street, Puriri Street and Dominion Streets would be more suitable for Terrace Housing and Apartment Building Zone because they are close to transportation routes (Taharoto Road is a regular bus route), employment centres and schools. 1487.11

Plans for housing intensification that allow high rise buildings in Takapuna, particularly on the seaward side of Lake Road and Hurstmere Road, will shade the coastline, reserves and Takapuna Beach, which are constantly used by the local residents, as well as the broader Auckland community, and would irreversibly impact Takapuna's image and functionality as a 'sunny seaside environment'.

Shading of Existing Residential Homes: We need to choose, as a community, what value we place on our styles of accommodation, and if it is to foster health and well-being then access to natural sunlight is fundamental. To date, the Council has had height-to-boundary rules in place that ensure access to sunlight in a fair and equitable manner, but the housing intensification planned will be to the detriment of neighbouring properties and residents. Why should we live with the fear that a 6-storey apartment block could be built close to the boundary - taking our sun and perhaps taking our view? Why should the rights of developers and newcomers take priority over the rights of existing members of our community?

The Iconic Image of Takapuna and our 'Notable' trees: Legal protection of existing significant trees needs to be in place BEFORE any intensification is allowed – that includes protection of the canopy and the root structure - which may straddle two boundaries. The 'iconic' Pohutukawa trees, which are the 'image of Takapuna' and our lifestyle, are unarguably fundamental assets to the area. At present most of these trees are merely "Notable", despite being hundreds of years old - not just decades, as well as being on private land, so the community is reliant on the 'goodwill' of residents to care for these assets, which are currently not protected by any ruling. With the opportunity for housing intensification these trees will be at risk – because there isn't space for both! Any destruction of these assets is detrimental and substantially erodes the quality of the natural and existing residential environment, and works against the Council's own Actions and Targets regarding tree canopy cover. 1487.12

Loss of Tree Canopy Cover: Any intensification of properties will inevitably result in loss of existing trees and vegetation - developers are renowned for completely clearing sites. With the ability to build closer to boundaries there is no space, or very little worthwhile space, for plant life. Takapuna is very reliant on property owners having gardens and trees to beautify our city environs, and to not damage or remove existing vegetation. There has been notable loss of trees in recent years - in April 2021 a resident made a presentation to the Devonport-Takapuna Local Board documenting the loss of 9 significant trees within 750 metres on what is supposed to be 'Takapuna's Golden Mile', noting that this loss, due to redevelopment of sites, was "a huge loss, not only for the aesthetic and environmental value but . . . [they] were also of historic importance and irreplaceable." The Council needs to facilitate the retention of as much tree cover as possible in order to maintain the existing levels of tree canopy cover. 1487.13

Bird Life: In terms of the natural environment, the land area between Takapuna and Milford is a unique natural form which provides a significant environmental corridor for birdlife. This corridor is already under pressure, and further intensification will dramatically impact, if not

destroy, this important natural bird habitat. It would be irresponsible and short-sighted to allow housing intensification on this narrow isthmus of land to proceed. Native birds, including Kereru and Tui, even Ruru, are known to frequent and breed in this area and they are reliant of the few remaining magnificent trees and general planting for natural cover and food sources. 1487.14

Impact on Water Quality (both fresh water and sea water): Housing intensification will have a significant environmental impact on both Lake Pupuke and our beaches, which are already under threat for water quality. Intensification will not only impact the quality of the water of Lake Pupuke, due to continued accumulation of silt and run-off containing pollutants, but there will be an impact on the actual water table. The level of Lake Pupuke varies markedly, sometimes submerging jetties, and seepage underground through volcanic rock is the only natural outlet for water from the lake to the sea. There are already many drainage pipes and seepage areas going into the lake and the sea that are not monitored and cannot be measured – discharges include not only storm water run-off, but pollutants such as heavy metals, particles of rubber and fuel from vehicles and driveways, chemicals from house and vehicle washing, house paints/stains etc due inappropriate disposal of waste. Residents were previously encouraged to wash their cars on their lawns so that chemicals do not run off into the lake or sea. The health of Lake Pupuke has been in decline for a long period of time and intensive development around its catchment would place the lake at further risk. 1487.15

Increase in Impermeable Surfaces and Surface Run-off: Maintaining adequate and appropriate permeable surface areas of land is essential for our coastal and lakeside environments. If water flow is not dealt with correctly there is a higher chance of inundation, surface flooding, undermining of foundations, flooded basements, damage to neighbouring properties and natural areas. The increase in impermeable surfaces will impact our environment markedly, through run-off, through lack of space for gardens, and with hard services contributing to climate warming. 1487.16

The Earth Beneath Our Feet: We think about the natural environment as the things we see, but we also need to think about what is under the ground. In terms of earthquake protection, ‘the higher you go, the deeper you go’, so the more we are impacting on the natural earth environment – with unknown consequences. With the underground water table and seepage between Lake Pupuke and the volcanic coastline, we don’t know what harm is being done!

Traffic congestion: The fact that Takapuna is located in quite a small area, bordered by lake, sea, and harbour estuary, with major arterial roads linking towards Devonport, East Coast Bays and north, and access to the motorway, with only one main road on the seaward side of the lake, means that vehicle congestion will always be an issue. An increase in housing intensity, irrespective of public transport, will lead to an associated increase in the number of vehicles in the area and consequent increase in traffic congestion and pollution.

Environmental Changes: It is well recognised that placing high rise buildings into existing areas of low rise buildings results in creation of wind funnels. That is already notable on the western side of Takapuna with The Sentinel and Spencer On Byron buildings. City areas of high rise buildings can become unpleasantly cold, shady and draughty. Plans for housing intensification need to make the best choices to avoid and/or minimise this impact.

Impact of Housing Intensification on Neighbouring Properties: One aspect that seems to have been ignored is the impact on existing residents of a 6-storey building on a neighbouring residential property. Impacts include:

1. The lack of requirement for notification of an impending high rise intensification is unfair to existing residents.
2. Loss of sun - needed for healthy living, as well as potential consequent damage to existing structures due to lack of sunlight (e.g. rotting wooden decking).
3. Surface run-off – water from the impermeable surfaces of new developments draining onto neighbouring properties - surface ground water is obvious, but run-off that goes underground may cause problems that are not immediately evident.
4. Loss of privacy - already felt by those who have a 2 or 3-storey building on a subdivided neighbouring property that also now allows dwellings to be built closer to the boundaries.
5. Excavation along boundaries can create a problem - the development at the end of Burns Avenue is a prime example.
6. Loss of value of an existing home and property due to negative impacts of a neighbouring high rise building which has taken the sun, taken the view, taken the privacy, and potentially caused water and/or subsidence issues.
7. Creation of wind funnels in the environment.

What is a community? There is also the philosophical argument, fundamentally - what is a community? A community needs to play together, meet together, engage with each other, and we need a 'place' to do so. The market, in an organic way, is a classic example as this has been one of the places where we meet, greet, develop relationships and build a community. 1487.17 1487.18

Adequate Open Level Spaces for Public to Congregate: If there is to be housing intensification, then there needs to be increased and adequate space for the anticipated increase in population to congregate in the outdoors in level, open and sunny areas. Where is the associated creation of additional open spaces and services for the anticipated additional population? 1487.19

1. A community meeting place in the new town square will be too small for the anticipated increase in population. The Council will need to revise the plans for the 'Takapuna carpark' area (could improve the shape and align with the Unitary Plan).
2. We are already struggling to find a suitable place/space for an ANZAC Memorial and be able to hold the Service in a comfortable manner for this special event.
3. Takapuna only has 'small pocket reserves', it does not have a large flat grass area on which people can congregate and socialise - Potters Park is small, Hurstmere Green is small and sloping, Takapuna Beach Reserve is sloping, and Killarney Park is mostly sloping.
4. Existing open grass spaces become even more important for people to use. Care will need to be taken that the Council does not 'fill these spaces' in the effort to plant trees.
5. Where will children be able to run around and play for half an hour near their home?
6. Where will teenagers be able to congregate to socialise in a constructive manner?

Facilities: The choice of areas for intensification should also take into consideration the available local amenities to cater for an increased population – Takapuna's amenities are actually quite limited per head of population.

It is noted with great disappointment that Auckland Council, via Panuku, recently sold the Takapuna Carpark and land on Fred Thomas Drive. This was unfortunate and short-sighted as both would have been ideal sites for developing community facilities suitable for meeting the needs of a growing population.

To conclude:
Takapuna currently has a reasonably sunny, warm and spaciousness feeling as a city. Most residential and business buildings are low rise, the vast space of the 'Takapuna carpark area' is currently very open, with Hurstmere Green and Potters Park providing small central green areas. We have the benefit of a wonderful coastline and there is a good link to Takapuna Beach Reserve with the associated views of the Hauraki Gulf. Just over the hill is Killarney Park with the open expanse of Lake Pupuke. Surrounding residential homes and gardens contribute to our green image.

The planned Housing Intensification will change that feeling of openness. We do not want to risk destroying qualities of our environment that we most value, so we ask Auckland Council to make the best choices possible that enable our community to retain our 'special character' and continue to care for our unique environment. New Zealand needs to look at the good examples of international cities who have had to intensify, while still creating those spaces for new ways of living. In evolving, the point of Town Planning is to make up for those spaces you are trading off on. Some decisions are irreversible, so it is REALLY IMPORTANT that we get this right! If Los Angeles and Toronto can retain their quality leafy residential suburbs adjacent to their metropolitan areas, surely we can too! 1487.20

Ginny Taare

From: Maria Pendigrast
Sent: Wednesday, 28 September 2022 2:28 pm
To: Unitary Plan
Subject: FW: Submission Application
Attachments: scan_pendigm_2022-09-28-14-06-57.pdf

Kia ora

Please see Submission application for Heather Sylvia Dixon.

Handed in to Bledisloe Service Centre 28.09.2022

14 Anne street , Devonport

Have sent the hard copy to Albert street

Kind Regards

Maria Pendigrast

RECEIVED
Auckland Council
28 SEP 2022

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Heather Sylvia Dixon

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

14 Anne Street Devonport

Telephone: 021075 9061 Fax/Email: heather.dixon2@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 78

Plan Change/Variation Name Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Chapter D18 Special character overlay as it relates to Devonport

Or
Property Address

Or
Map

Or
Other *(specify)*

Submission – see attached.

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have 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:

as attached.

Delete MHU zone altogether

Retain special character overlay over all of Devonport

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☑

as attached 1492.1

Delete MHU zone altogether. 1492.2

Retain special character overlay for Devonport 1492.3

I wish to be heard in support of my submission ☑

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☑

H O Dunn

Signature of Submitter
(or person authorised to sign on behalf of submitter)

28.09.22.

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☐ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Special Character Areas

I support the preservation of Special Character Areas in Devonport and oppose the instigation of PC 78.

Historical

Auckland over the last 30 years has lost many of its original and iconic buildings such as the Victoria Arcade and His Majesty's Arcade, buildings in Shortland Street, Star Hotel (1884) , Te Kiteroa in Takapuna .

Buildings are part of the fabric of a Country's social history. They demonstrate the past through their placement, design and materials.

Devonport was an initial area of colonial settlement, the land being purchased in 1841 by Governor Hobson. Today many examples of building styles dating from the 1840s through to the 1900s are retained throughout Devonport

From 1844 with the initial setting up of the Borough of Flagstaff to the formation of the Borough of Devonport gazetted on May 6th 1886 Devonport has maintained its identity though its housing.

Its Streets bear the names of the original settlers or those who ranked later in the community.

Anne Street and Wynyard Streets are named after Lady Anne Wynyard the wife of Col. Wynyard,

Once Acting -Governor of New Zealand as well as Commandant of the Forces.

New Zealand Herald Editorial February 5th 1868 stated –" Devonport, such is or should be the recognised appellation of one of the most beautiful important and progressive suburbs in the city of Auckland".

Cultural and Social

As an example of the recognition of early settlement in Devonport, and the need to protect existing buildings of historic worth, in 1975 the then Devonport Borough Council, supported by their planner Warwick Blackburn, local residents and Council members restored Anne Street to residential status from its then Industrial Zoning. Wynyard Street by this date had begun to lose most of its original cottages to a hotch-potch of non-descript and uninspiring buildings housing commercial or semi-industrial operations.

Anne Street was originally settled by craftsmen building and living in small workmen's cottages close to the village centre. The majority of these remain intact today.

These cottages were crafted from native timbers, mainly kauri, which as a building material is no-longer available today. Later these cottages became homes for a variety of workers and trades people such as hairdressers, butchers and members of the constabulary demonstrating the social change within the community.

H.S.Dixon September 2022

Height and Visual

The Village of Devonport, benefits from the retention of the main shopping area. The street architecture of the 1870s and 1900s help promote the special character and attract visitors. The Esplanade Hotel is a drawcard for overseas tourists, as are the remaining, more grand examples of the historic dwellings along the waterfront.

Any proposed height changes to the main shopping frontage, e.g increased height behind the frontages would overpower the street scape and destroy its visual integrity.

John Fields and John Stackpole in their photographic study of "Victorian Auckland" 1973- State that Devonport " **would be diminished without the ornate shop frontages."**

They also state that every effort should be made to preserve groups of good buildings where they occur, each one adding to the value of the neighbours and the whole giving value and contrast to the City environment.

Devonport's main street should be classified as an Historic Heritage Area. 1492.4

Removing any dwellings on a pepper pot basis in parts of Devonport will detract from its current character. The addition of multi-dwellings varying in height and density with no rules or regulations as to design will ultimately degrade the current landscape of Devonport as being out of scale to the rest.

Habitat

If 113 dwellings are removed throughout Devonport for MHU, this will ultimately lead to the loss of plants and mature trees. Council is anticipating the need to plant more trees in the Borough to meet the cost of Climate change. Any loss of green space no matter how limited is a loss to the Community, and its native animal, insect and bird life.

MHUs, with up to three units on a small site will also involve the loss of permeable surfaces.

Infrastructure

Current infra-structure cannot support more housing. This type of development will not assist with current housing needs and appears as a "knee jerk" reaction to perceived housing shortages. 1492.5

Comments

The Guardian newspaper on 19th April 2022 reviewed Andres Rubio's book "Espana Fea". Here he laments the destruction of Spain's culture through the loss of many of their traditional buildings.

Spain has long been driven by speculators and developers rather than thinkers and artists. The situation has been compounded by politicians refusing to have any kind of national conversations on how to grow cities and villages in a way that protects the country's stories past.

H.S.Dixon September 2022

" **jarring block of apartment buildings**" have been built to the detriment of the Country's social fabric and loss of heritage. He views the loss as –"**unprecedented cultural catastrophe**". He sees the historical centres as giving way to peripheries, **pockmarked by discordant blocks of housing**"

His final comment –**" If you destroy a landscape you end up destroying part of the memory"**

Special Character Areas are not found only in Devonport but across the City in the early areas of settlement and should also be considered as needing protection. 1492.6

It is vital that we preserve and value our heritage through not only the initial discovery of the Country, but through the development of early settlement demonstrated through the houses, which are themselves the physical embodiment of our Colonial History.

The Auckland City Council needs to liaise with current and future political decision makers in Wellington to establish and maintain areas of Special Character throughout Auckland.

H.S.Dixon September 2022