

16 September 2016

The Registrar,
Environment Court,
Level 2, 41 Federal Street,
Auckland

Dear Sir/Madam:

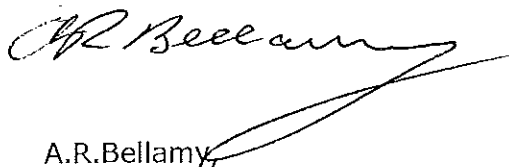
Notice of Appeal under the provisions of the Local Government (Auckland Transitional Provisions) Act 2010

Enclosed for filing is a Notice of Appeal and a copy of the relevant parts of the decision appealed against.

Details of our instructing Solicitor and our Counsel are included in the Appeal.

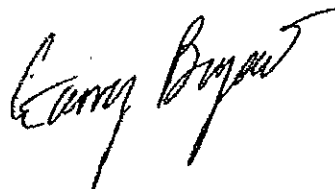
Also enclosed are the original submissions lodged by our two Societies, further submissions that were lodged and a copy of an Appeal lodged by one of us (SEPG) to the High Court. The relevant sections of the Auckland Council decision on Topic 080 and 081 are also attached.

Yours faithfully,



A.R. Bellamy,

President,
South Epsom Planning Group
6 Landscape Rd, Mt Eden
Auckland 1024



G R. Bryant,

President,
Three Kings United Group (Inc)
43B Peary Rd, Mt Eden,
Auckland 1024

Before the Environment Court

ENV-2016-AKL-

In the Matter

of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) and the Resource Management Act 1991 (RMA)

And

In the Matter

of an appeal under section 156 of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (Hearings Panel) on the proposed Auckland Unitary Plan (the Unitary Plan)

Between

South Epsom Planning Group Inc and Three Kings United Inc

Appellants

And

Auckland Council

Respondent

Notice of Appeal

Dated 16 September 2016

Rob Enright
Barrister
Northern Steamship
Level 1, 122 Quay Street
Britomart
Auckland 1010
e: rob@publiclaw9.com
m: 021 276 5787

To: the Registrar
Environment Court
Auckland

- 1 South Epsom Planning Group Inc and Three Kings United Group Inc (**Societies**) appeal against a decision of the Auckland Council (**Council**) on provisions of the proposed Auckland Unitary Plan.
- 2 The Societies appeal the Council's decision under section 156(3) of the LGATPA. The Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) recommended approval of the Three Kings precinct as being within scope. The Hearings Panel was wrong and there was no scope in relation to:
 - (A) Maximum building height;
 - (B) Excavation and quarrying of Council owned land;
 - (C) Location of buildings on Fletcher and Council land (building footprints).
- 3 Council adopted that recommendation. It therefore made a decision beyond the scope of any submission to the Proposed Plan on provisions identified above. The Council's decision resulted in precinct provisions being included in the proposed plan different from those in the notified version. The Societies are unduly prejudiced by the precinct decision.
- 4 The Societies provide further details of the reasons for appeal below.
- 5 The Societies are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.
- 6 The Societies received notice of the decision on 19 August 2016.
- 7 The decision that the Societies are appealing is the recommendation to include the Three Kings Precinct in the decisions version of the proposed plan:

333 Three Kings Precinct

1. Summary of recommendations

The Panel recommends that the Three Kings Precinct is included in the Unitary Plan as largely agreed between the Council and the

predominant land owner, Fletcher Construction Developments Limited (Fletcher).

The Panel also recommends that the Three Kings Residential Design Guide is included in the Unitary Plan.

This precinct was heard in Topic 081.

- 8 This appeal relates to the recommendations in the Hearings Panel "Report to Auckland Council Hearing Topics 016, 017; Changes to the Rural Urban Boundary; 080, 081 Rezoning and precincts" at pp 64-73 (**precinct decision/Three Kings precinct**). Council adopted without alteration the precinct decision. Accordingly, reasons given by the Hearings Panel are also reasons of Council as decision-maker.
- 9 Recommendations made by the Hearings Panel are to be read as an integrated whole, meaning that other recommendations (and Council's decision adopting same) may have some relevance to the appeal (such as Topic 080). Also relevant is the Hearings Panel's "Overview of Recommendations" (in particular "Scope", which outlines case law, methodology and approach to scope).
- 10 The reasons for the appeal are as follows (*references to Unitary Plan provisions are to the decisions version unless otherwise stated*):
- 11 Scope is defined by reference to the plan provisions as notified, relief sought in submissions made on the proposed plan, consequential amendment, and the test as to scope identified in High Court authority including the "Clearwater" tests. Relevant case law was referred to and adopted by the Hearings Panel at [4.2] of its "Overview of Recommendations."
- 12 In rezoning the Three Kings precinct, the Hearings Panel acted outside s144(5) LGATPA and the High Court authority it cited. Decisions on scope have material consequences. There is "potential for adversely affected persons to be disenfranchised and unable to ascertain that their interests

have been appropriately addressed.”¹ Maximum building height exceeded relief sought by all relevant submitters. Building footprint affects density of development. Blasting “has potential adverse effects which cannot readily be identified and are peculiar to the circumstances of the Site.” Quarrying “..was completed some years ago. Therefore any renewal of that activity will need rigorous assessment..”²

13 Provisions of the Three Kings Precinct in relation Maximum building height, Excavation and quarrying of Council owned land, Location of buildings on Fletcher and Council land (building footprints):

- (A) Are outside the scope of relief of the notified plan and primary / further submissions on the Three Kings Precinct;
- (B) Were not the subject of any s32AA RMA or statutory analysis;
- (C) Are not in accordance with the purpose of the RMA, relevant statutory provisions, and does not have regard to relevant provisions of Part 2 RMA, in sections 5, 6(b) and 7 RMA.

14 We seek the following relief:

- Deletion of the out of scope provisions and replacement with provisions identified in the primary and further submissions of the Appellants;
- a merits hearing on same;
- costs.

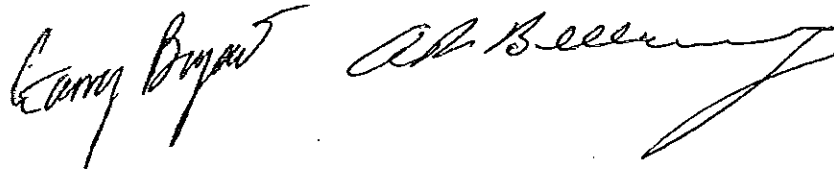
15 An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. *

¹ [2016] NZEnvC 140 Ngati Te Ata Waiohua & Ngati Tamaoho Trust v Auckland Council at [211]

² Ibid at [211]

16 We attach the following documents to this notice:

Dated this 15th day of September 2016



Authorised representative for Societies

This Notice of Appeal is filed by Colin Lucas, Solicitor for the Appellants, of the firm Sellar Bone. Documents for service on the Appellant may be served by courier, post or email at the following address, with copy by email to Counsel:

Solicitors:

Sellar Bone
3 Owens Road (Ground Floor)
Epsom
Auckland 1023
t: 09 623 7541
m: 0274 479-921
e: colinl@sellarbone.co.nz
Attention: Colin Lucas

Counsel:

Rob Enright on email at rob@publiclaw9.com

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

25 FEB 2014

#2359

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Monday, 24 February 2014 4:31 p.m.
To: Unitary Plan
Cc: d.bellamy@auckland.ac.nz
Subject: Proposed Auckland Unitary Plan Submission - Alfred Richard Bellamy
Attachments: SEPG Unitary Plan submission 24.2.14.pdf; SEPG Attachments 1&2.pdf; Condition 77 cont.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Alfred Richard Bellamy
Organisation: South Epsom Planning Group (Inc)
Postal address: c/o 6 Landscape Rd., Mt Eden, Auckland 1024
Email address: d.bellamy@auckland.ac.nz
Post code: 1024
Local board: Puketapapa local board
Contact Person: Emeritas Professor A R Bellamy
Date of submission: 24-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

(1) Residential zoning in Sth Epsom (St Andrews Rd 'hill' area) (2) Three Kings Precinct area that adjoins Sth Epsom (3) Quarry zone at Three Kings (4) Single house zone at Three Kings (5) Council administered reserve land at Three Kings (6) DOC administered reserve land at Three Kings

Property address:

Refer attached maps

Map:

Refer Attached maps

Other:**Submission**

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

#2359

I support the specific provisions identified above

I wish to have the provisions identified above amended:
Yes

The reasons for my views are:

The bulk of the provisions are supported but please refer to the detailed submission attached which identifies those provisions that are supported and those for which amendments are sought.

I seek the following decision by Council:

Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:

See detailed reasons and relief sought in the 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: (021) 869148

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 not gain an advantage in trade competition through this submission

PROPOSED AUCKLAND UNITARY PLAN

Submission by the South Epsom Planning Group (Inc) concerning the Unitary Plan (as notified 30 September 2013)

1. Brief background information concerning the submitter

The South Epsom Planning Group (Inc) is composed of local residents that reside on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. Residential zoning that applies to our area of South Epsom has been a focus of interest for the Society dating from the creation of the South Epsom Planning Zone as part of the District Scheme of the former Mt Roskill Borough Council. Following a favourable decision of the (then) Town and Country Planning Appeal Board, the "hill" area received a separate residential zoning as the South Epsom Zone. The South Epsom Area, together with bulk of the rules specified for the zone were incorporated into Residential 2B zone of the former Auckland City Council when amalgamation of Auckland City and the Mt Roskill Borough Council occurred.

Part of our membership overlooks the Three Kings Precinct, an area which is defined by the tuff ring of the Three Kings volcanic explosion crater; many members visit this area for recreation, shopping and interaction with city and government agencies.

The Society was involved in the original Mt Roskill Borough Council hearings concerning the rezoning of the area known as the Gordon Hunter Quarry. The land is now zoned both commercial and residential at the Northern boundary of the current quarry land. With hindsight it is now clear that a number of inappropriate uses and final landform outcomes were permitted for this land

A more recent involvement of the Society concerned detailed submissions made before the Environment Court hearing of the RMA consent sought by Fletcher Buildings Ltd to commence filling the Three Kings Quarry. Filling of the quarry land is now underway under the conditions approved by the Environment Court in 2011 (as recorded in their decision NZEnvC 130).

The Society's submission on the Unitary Plan notified by Council in September 2013 focuses on two issues, namely:-

- The Single House Residential zone controls and associated overlays
- The zoning applied to the area known as the Three Kings Precinct - the area that lies to the west of our neighbourhood. These two areas are defined in the Planning Map (Attachment 1)

2. Submission concerning the Single House residential zone applying to Epsom as notified in the Unitary plan (Part 3; Regional and District Rules; Chapter H; 2.3.1. Residential Zones)

2.1 The Society supports the proposed zoning of our neighbourhood (the area identified in Attachment 1) as Residential Single House. This area corresponds largely to the North-facing slopes of the St Andrews Road "hill" area.

| 1

2.2 The Society also supports the associated rules and heritage and other overlays. Of particular concern to the Society is retention of the minimum subdivisible area in the Single House zone as 600 sq metres (as specified in Table 1 of 2.3.1 Residential zones). The Society also supports the provisions of the pre-1944 heritage overlay as it applies to the area we have identified in Attachment 1, as well as the many notable trees identified for listing in the Plan, particularly those listed on the Tongan High Commission and Royal residence (marked T in Attachment 1)

| 4
| 5
| 6

2.3 Grounds on which the Society supports the Single House Residential Zone applying to South Epsom are:-

2.3.1. The application of the Single House Residential Zone (SHRZ) is appropriate to the area given that many of the controls are closely aligned with those that have applied for many years under the residential 2B zone of the current Operative Plan of the (former) Auckland City Council. The SHRZ zoning will ensure the continued stability of the neighbourhood.

2.3.2. The minimum area for any new site able to be created by subdivision in the SHRZ is 600 square metres (Table 1 of Section 2.3.1). This area is the minimum required for the current streetscape and ambiance of Epsom to be maintained; the extent of the drip-line of trees, site coverage and other factors require a minimum lot of this size for the presence of large trees to be maintained. Detailed evidence was provided before the (former) Town and Country Planning Appeal Board supporting this contention when the South Epsom residential zone was first approved.

2.3.4. The application of the SHRZ zone to the area of South Epsom identified in Attachment 1, together with the associated additional controls identified in the Plan is consistent with sound planning principles and in accordance with the provisions of the Resource Management Act.

2.4. The Society's submissions on Residential Zoning would be met by:-

Retention of the Single House Residential zone for the area identified in Attachment 1- including all associated rules and controls that apply to that zone.

3. Submission concerning the Three Kings Precinct and the zoning of properties identified within that Precinct

- 3.1** The Society has a long standing interest and involvement in the future of Council administered reserve land and that land administered by the Crown which is commonly referred to as the Big King Reserve. The Society also has been involved for many years in discussions involving the future use of the quarried land that is known as the Three Kings Quarry; this land is currently owned by Fletcher Building Ltd (the area is marked Q on Attachment 1)
- 3.2** The Society is represented on the Reference Group established by the Puketapapa Local Board to provide feedback on matters involved in the Three Kings Precinct Planning exercise. The membership of this group largely reflects the stakeholders whose land falls within the Precinct boundary, these parties controlling land in the ratio of approximately 1:1:1:1:1; Council: DOC/IWI: Commercial owners: Housing New Zealand: local residents
- 3.3** The current Precinct Planning exercise was initiated in 2013 but is yet to be completed. The Precinct has been defined by Council as being that land that falls within the tuff ring of the Three Kings explosion crater. Within that area lie significant areas of land zoned reserve, these being administered either by Council or by the Crown. Future administration of the Crown land will soon fall within the joint management of the Crown and IWI once the relevant Bill which currently is before Parliament is enacted.
- 3.4** The society supports the Precinct Planning approach currently being undertaken by Council to identify and guide future development of the land within the Three Kings Precinct (identified by the bounding red line in Attachment 2).
- 3.5** The Society supports the proposed zoning by Council of the land identified in Attachments 1 & 2, namely :-
- 3.5.1** Area A: as Quarry Zone
 - 3.5.2** Area B1,B2,B3: as Council- administered reserve land
 - 3.5.3** Area C: as Crown- administered Reserve land
 - 3.5.4** Area D: as land zoned as Single Dwelling and owned by either private owners or more generally by Housing New Zealand
 - 3.5.5** Area E: as land zoned for commercial purposes and owned by Antipodean Properties Ltd.

3.6 Grounds upon which the Society bases its support for the zoning applied in the notified Unitary Plan to areas identified in Attachment 2 as areas A through E:-

- 3.6.1 The zonings currently applied in the Unitary Plan (as notified) are appropriate because they correspond to the current use to which the land is being put.
- 3.6.2 It is appropriate that the zoning of land not yet restored, this land being largely quarry and reserve land, should correspond to current uses because Council has yet to complete the investigations current underway (February 2014) as part of the Precinct Planning process. This work will provide information upon which any future desired changes to the zoning of land might be based once it is restored to an appropriate contour.
- 3.6.3 The Three Kings Precinct contains many different classes of land of very difficult current contour, as well as site boundaries likely to require adjustment. A comprehensive Plan Change initiated by a single party (viz: Council itself) represents a sound planning approach, because this will enable changes to the zoning of the land to be coordinated.

3.7 The Society's submissions on Zoning within the Three Kings Precinct would be met by:-

- 3.7.1 Retaining the zoning of areas A-D (Identified in Attachments 1& 2) that have been incorporated into the Unitary Plan | 2
- 3.7.2 Incorporating into the Unitary Plan a Three Kings Precinct, including a Description of the Precinct, Objectives and Policies and Rules. | 3
- 3.7.3 Including (under Part 2 Regional and District Objectives and Policies; Chapter F: Precinct objectives and policies; 2 Central; 2.1 Three Kings) the following objectives and policy statements for the Three Kings Precinct, or similar and consequential relief:

The future end uses of the land within the large area of undeveloped land located within the Three Kings Precinct will be guided by the preparation by Council of a Plan Change following consultation with local stakeholders. The criteria by which any future development will be assessed shall also apply to any Private Plan Change which any individual party may propose. These criteria are:-

- 1. All future proposed developments must be consistent with the objective for the mixed use of the Precinct for residential, commercial and reserve purposes and proposals must be consistent with both sound planning principles and the overall objectives of the Unitary Plan.

2. *The ratio of reserve land to commercial and residential land shall not be reduced below that currently applying and desirably should increase significantly the overall area of reserve land accessible to the public. Within this requirement, where rationalization of reserve boundaries through land exchanges is considered to be in the public interest, the affected areas shall be identified and be the subject of public notification and the preparation of a new Reserve Management Plan under the provisions of the Reserves Act.*
3. *Subject to the availability of financial resources, a primary Council objective will be to increase the combined area of accessible land zoned reserve in the Precinct beyond that identified in the Proposed Unitary Plan notified on 30 September 2013 (refer Attachment 1) and to ensure the area is more useable and efficient.*
4. *For all land previously quarried, no Plan Change shall be initiated by Council and no Private Plan Change considered by Council until a finished Contour and Landscaping Plan is submitted not less than 24 months prior to the cessation of fill operations, or not less than 6 months prior to the consultation with the parties identified in conditions #76 and #77 of the Fill Consent approved by the Environment Court dated May 18th, 2011. (refer decision NZEnvC 130 – part of which is recorded in Attachment 3).*
5. *For both land currently zoned for Quarry purposes and Reserve previously quarried, the Contour and Landscaping Plan must identify the desired sequencing of restoration of land and its subsequent development. In particular, the desirability of developing an integrated final landform and a more useable and efficient open space network surrounding development sites must be addressed to the satisfaction of Council.*
6. *Development proposals must have regard to Council's objective of promoting the harmonious relation of any development proposed to the surrounding overall topography and land form, in particular Big King reserve, the former Hunters Quarry and Council-administered reserve land.*
7. *Restoration or redevelopment of the private land known as the Three Kings Quarry (refer to the area marked A in Attachment 2) which abuts on the Council-administered reserve land previously subjected to quarrying (identified as areas B1, B2 and B3 in Attachment 2), shall not create an overall slope that exceeds 12 degrees where it joins the external boundary of the reserve land, and no local slope of the restored or rezoned land may exceed an average of 12 degrees when measured over a horizontal distance of 5 metres.*
8. *Restoration or redevelopment of Council-administered reserve land,, (areas B1, B2 and B3 of Attachment 2), where it abuts either private land or land administered by Government agencies (viz Housing Corporation of New Zealand (areas D and E of Attachment 2), shall be to an overall and local slope of no more than 12 degrees determined in the manner specified in rule 7 above.*
9. *Any land which abuts on the slopes of the remaining Maunga, (Te Tātua-a-Riukiuta -Big King) which currently is administered by the Crown (area C of Attachment 2), shall be restored to an overall and local slope based on the natural angle of repose of the scoria deposited following the eruption which formed the Southern and Northern slopes of the Big King reserve (that average slope being approximately 23 degrees), this slope being determined as described in rule 7 above.*
10. *Proposals for land development must indicate how practicable public access to reserve land will be facilitated within the Precinct and how walking access will be achieved to both Council reserve land and that*

land administered by the Crown. Development proposals must also provide for access and movement within and across the overall precinct and to public roads in a manner that is both feasible and suitable for adults and children as well as for the elderly and infirm.

11. All proposed developments must demonstrate how servicing requirements including traffic, storm water and sewage disposal can be accommodated within the capacity of existing roads, drains and sewers and where this capacity may not currently be available, how additional capacity will be provided contemporaneously with the sequence of any new development that may be proposed.

12. Compliance is required for all proposed developments that fall within current volcanic sight lines specified in the relevant overlay of the Unitary Plan (as notified September 30, 2013).

13. All proposed developments must demonstrate compliance with the resource consent granted in Environment Court decision *Envirowaste Services Limited v Auckland Council* [2011] NZEnvC 214, including compliance with Drawing 122314 – FIG-002 dated 29/ 8/8 prepared by Harrison Grlerson Consultations.

3

3.7.4 Including (under Part 3 Regional and District Rules, Chapter K Precinct Rules, 2 Central 2.1 Three Kings) the following rules for the Three Kings Precinct, or by similar and consequential relief:

Activity	Activity Status
Any land use or development complying with an approved framework plan	P
Any land use or development prior to the approval of a framework plan or not complying with an approved framework plan	NC
A framework plan or replacement framework plan complying with the objectives and policies above	D
A framework plan, amendments to an approved framework plan or a replacement framework plan, not complying with the objectives and policies above	NC
Amendments to an approved framework plan complying with the objectives and policies above	RD
Rehabilitation of former Quarry Land	RD

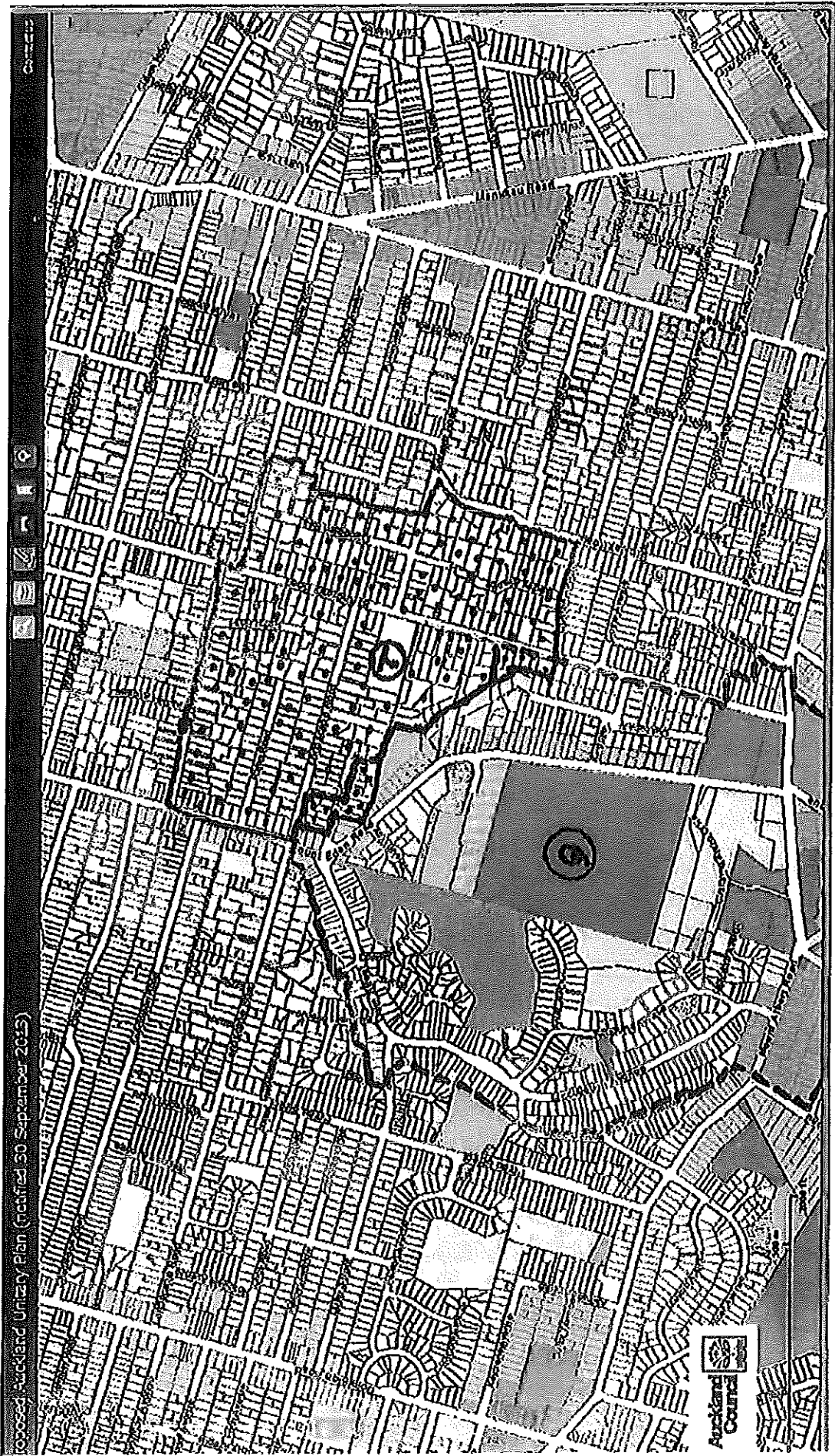
In addition to the relief sought above, the Society seeks any similar and consequential relief necessary to give effect to this submission.

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

Address for service:

The Secretary,
South Epsom Planning Group (Inc)
6 Landscape Rd,
Mt Eden,
Auckland, 1024

SEPG - Attachment 1



Approved Auckland Unitary Plan (Notified 30 September 2015)




- South Epsom Planning Group (Inc)
- Quarry (Three Kings Precinct East)
- Tongariro High Commission (Single House Zone supported by SEPG)

SEPG - Attachment 2



This mapplan is illustrative only and all information should be independently verified on site before taking any action. Copyright Auckland Council. Boundary information from LINZ (Crown Copyright Reserved). Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this mapplan and accepts no liability for any error, omission or use of the information. High resolution Auckland 1043.

Three Kings Precinct Extent

-  A (Three Kings Quarry)
-  B (Council Admin. Reserve)
-  C (DOC Reserve)



Auckland Council
Whakarauwhiri i te Taumata Rau

Created Tuesday, 11 February 2014, 10:51:11 p.m.

Scale @ A3 1:15000

For the avoidance of doubt, once a final fill contour plan is approved for the site (either through a plan change process or further resource consent), then the identification of the upper 5m of fill (and the obligations and restrictions imposed by this consent in respect of that upper 5m) shall be by reference to that approved final fill contour plan.

Within 3 months of the completion of the fill works the consent holder shall submit to the Manager an as-built contour plan of the site a qualified surveyor shall certify that the finished contour levels match those set out in the finished contour plan and, should the site is to remain vacant with no further building or earthworks to be conducted on the site in the following 3 month period (following the completion of fill), then the site shall be hydroseeded or otherwise sown with appropriate ground cover to the satisfaction of the Manager. [Replaces Land Use Condition 33]

PART D: ADVICE NOTES APPLYING TO ALL CONSENTS

1. The consent holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of this consent. [Discharge Advice Note 1 and Land Use Advice Note 12]
2. The consent holder is referred to Section 124 of the Resource Management Act 1991, which provides for the exercising of a consent while applying for a new consent for the same activity. [Discharge Advice Note 2 and Land Use Advice Note 14]
3. This consent does not absolve the grantee from obtaining all other necessary consents or permits that may be required for the activity. The applicant needs to obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. It is further noted that this consent does not constitute building consent approval. Please check as to whether or not a building consent is required under the Building Act 2004. If a building consent application is already lodged with Council or has already been obtained, you are advised that, unless otherwise stated, the use shall not commence until conditions of this resource consent have been met. Furthermore, if this consent and its conditions alter or affect a previously approved building consent for the same project, you are advised that a new building consent may need to be applied for. If the tree/s to which this consent relates are not located on land owned by the consent holder, the approval of the tree owner/s or an order to be made by the court under Section 129C of the Property Law Amendment Act 1952 may need to be obtained to give effect to the consent. [Discharge Advice Note 3 and Land Use Advice Notes 3 and 15]
4. The consent holder shall ensure that there are adequate provisions on site to prevent possible fuel spillage. [Discharge Advice Note 4 and Land Use Advice Note 16]
6. The purpose of the Fill Management Plan is to ensure that the consent holder implements, and complies with, the conditions of the consents. [Discharge Advice Note 5]



FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN

SUBMITTER DETAILS

22 JUL 2014

Full name: South Epsom Planning Group (Inc)

Original Submission number: 5716

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Further submission:

1 This is a further submission in support of a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.
- Grounds include:

INTEREST IN THE SUBMISSION

The South Epsom Planning Group (Inc) is composed of members who are local residents that reside on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Of specific interest and concern to the Society is the potential impact on social and cultural wellbeing and amenity values of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater- of which the 'Landscape Rd hill' forms the northern rim.

Some of our members overlook the quarried land; many visit the Three Kings Precinct. Its future redevelopment will impact on our adjoining neighbourhood. The quarry is currently being filled (refer NZ EnvC 130) and both the SEPG and the local community generally have a strong interest in the appropriate restoration of the unique volcanic landscape and its surrounds (for further details, please refer to our SEPG submission #2359).

General reasons:

The reasons for my support are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG supports Auckland 2040's submission. In relation to the identified submission points, the relief sought by Auckland 2040:

- (a) Achieves the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Protects and enhances social, cultural wellbeing and amenity values as matters of national importance under Part 2 RMA;
- (c) Sequencing of development with infrastructure is an essential planning tool. Allowing ad hoc development that is not matched with infrastructure will result in significant actual and potential adverse effects.

A central issue involved in the restoration and rezoning of the quarried land in the Three Kings precinct area, is the need for provision of appropriate infrastructure. Specifically, the combined storm water and sewage underground infrastructure is known currently to be at or near capacity. Any major additional loading of the system triggered by extensive intensification of the site will require a major new storm water and sewer connection (probably to the proposed but yet to be built Central Interceptor currently being planned by Watercare Ltd).

Restoration of the land currently zoned for quarry purposes followed by rezoning through the Plan Change process will eventually lead to major increased net volumes of wastewater. It follows that out of sequence rezoning or infrastructure provision should both specifically be avoided. Indeed our submission #5716 supports Council's current zoning of the quarry land (viz: for Quarry purposes) for that reason. The site is currently 30 metres deep, is being filled at a slow rate and is at a location where there are current major constraints on the provision of underground infrastructure. Either out of sequence rezoning or infrastructure provision (or both together) would be contrary to sound resource management practice.

This is reflected in Policy 4(b) of the notified version of the PAUP:

4. Stage the structure planning and rezoning of future urban zoned land and the provision of infrastructure within the RUB, in accordance with the following principles:

- a. land should be rezoned following the approval of a structure plan prepared by either the council, the private sector, or public private sector partnership in accordance with Appendix 1.1
- b. rezoning and infrastructure provision should be done in a logical sequence, and out of sequence infrastructure provision should be specifically avoided

REQUEST TO BE HEARD

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

FURTHER SUBMISSION**FURTHER SUBMISSION**

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Auckland Council	5716	Support	9	Urban Growth B.2.3 of PAUP (Development capacity & supply of land for urban development) requires amendment to ensure that rezoning or infrastructure provision should be done in a logical sequence and out of sequence <u>rezoning</u> or infrastructure provision should be specifically avolded.	Allow

FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

22 JUL 2014

Full name: South Epsom Planning Group (Inc)*Original Submission number:* 5716*Address for service:* c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024*Email address:* d.bellamy@auckland.ac.nz*Telephone number:* (021) 869148**Further submission:**

1 This is a further submission in support of a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.
- Grounds include:

INTEREST IN THE SUBMISSION

The South Epsom Planning Group (Inc) is composed of members who are local residents that reside on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Of specific interest and concern to the Society is the potential impact on social and cultural wellbeing and amenity values of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater- of which the 'Landscape Rd hill' forms the northern rim.

Some of our members overlook the quarried land; many visit the Three Kings Precinct. Its future redevelopment will impact on our adjoining neighbourhood. The quarry is currently being filled (refer NZ EnvC 130) and both the SEPG and the local community generally have a strong interest in the appropriate restoration of the unique volcanic landscape and its surrounds (for further details, please refer to our SEPG submission #2359).

General reasons:

The reasons for my support are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG supports Auckland 2040's submission. In relation to the identified submission points, the relief sought by Auckland 2040:

- (a) Achieves the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Protects and enhances social, cultural wellbeing and amenity values as matters of national importance under Part 2 RMA;
- (c) Sequencing of development with infrastructure is an essential planning tool. Allowing ad hoc development that is not matched with infrastructure will result in significant actual and potential adverse effects.

A central issue involved in the restoration and rezoning of the quarried land in the Three Kings precinct area, is the need for provision of appropriate infrastructure. Specifically, the combined storm water and sewage underground infrastructure is known currently to be at or near capacity. Any major additional loading of the system triggered by extensive intensification of the site will require a major new storm water and sewer connection (probably to the proposed but yet to be built Central Interceptor currently being planned by Watercare Ltd).

Restoration of the land currently zoned for quarry purposes followed by rezoning through the Plan Change process will eventually lead to major increased net volumes of wastewater. It follows that out of sequence rezoning or infrastructure provision should both specifically be avoided. Indeed our submission #5716 supports Council's current zoning of the quarry land (viz: for Quarry purposes) for that reason. The site is currently 30 metres deep, is being filled at a slow rate and is at a location where there are current major constraints on the provision of underground infrastructure. Either out of sequence rezoning or infrastructure provision (or both together) would be contrary to sound resource management practice.

This is reflected in Policy 4(b) of the notified version of the PAUP:

4. Stage the structure planning and rezoning of future urban zoned land and the provision of infrastructure within the RUB, in accordance with the following principles:

- a. land should be rezoned following the approval of a structure plan prepared by either the council, the private sector, or public private sector partnership in accordance with Appendix 1.1
- b. rezoning and infrastructure provision should be done in a logical sequence, and out of sequence infrastructure provision should be specifically avoided

REQUEST TO BE HEARD

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

FURTHER SUBMISSION**FURTHER SUBMISSION**

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Auckland Council	5716	Support	9	Urban Growth B.2.3 of PAUP (Development capacity & supply of land for urban development) requires amendment to ensure that rezoning or Infrastructure provision should be done in a logical sequence and out of sequence <u>rezoning or</u> infrastructure provision should be specifically avoided.	Allow

FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

Full name: South Epsom Planning Group (Inc)

Original Submission number: 2359

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Further submission:

1 This is a further submission in opposition to a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.

Grounds in support are:**INTEREST IN THE SUBMISSION**

The South Epsom Planning Group (Inc) is composed of members who are local residents residing on elevated land that lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area is elevated, and is highest residential area of the central isthmus. The landform has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Social and cultural wellbeing, and amenity values in our area are impacted by the form of Residential zoning that applies to South Epsom; these values have been a focus of interest for the Society over many years. Also of interest and concern to the Society is the potential impact of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater- of which the 'Landscape Rd hill' forms the northern rim.

Recently, the SEPG area of Epsom (refer submission 2359) has been impacted upon by increased aircraft noise that has resulted from a flight path trial implemented by Auckland Airport Ltd, Airways Corporation and the Board of Airline Representatives New Zealand (Inc).

The Society is aware that there are a set of rules that apply nationally to aircraft noise generated by approach and departure paths. With this knowledge, the Society submitted in July on the Draft Report of that trial (SMART Flight Path Trial: Draft Report, 54pp, 2014). This Trial – and other changes in flights paths indirectly associated with it - indicated to the Society, *inter alia*, that there is a clear need for a much better statement of Policy and Objectives required for the management of aircraft noise associated with approach paths for take-offs and landings at Auckland International Airport Ltd. These matters need to be addressed so that airport operations do not impact upon activities sensitive to aircraft noise (ASAN) unless those impacts can be adequately avoided as a first response; alternatively remedied or mitigated. It is the view of the Society that the current provisions of the Draft Unitary Plan are inadequate.

General reasons:

The reasons for my opposition are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG opposes and opposes in part the Auckland International Airport Ltd submission. In relation to the identified submission points, the relief sought by Auckland International Airport Ltd does not:

- (a) Achieve the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Protection and enhancement of social, cultural wellbeing and amenity values are matters of national importance under Part 2 RMA;
- (c) Reverse sensitivity effects are relevant impacts as Auckland International Airport Ltd has elected to alter existing flight paths. This has adverse character, intensity and scale impacts on a different section of the Auckland residential community.

REQUEST TO BE HEARD

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

FURTHER SUBMISSION

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Auckland International Airport Ltd	5294	Oppose	5294-159	Reverse sensitivity effects can impact upon airport business operations when noise exceeds acceptable limits. However the objective has been crafted based on current operational protocols which are in the process of undergoing substantial change driven by the application of new GPS technologies. The technology enables approach paths to be significantly	Disallow, and redefine the objective

				<p>shortened to achieve better fuel economy. These changes ('smart approaches') render the current objective 1 inadequate in addressing reverse sensitivity issues.</p>	
		Oppose	5294-160	<p>Objective 3 is based on laudable goals, but is based on remedying impacts located within current overlay areas. However these overlays will almost certainly change within the Planning Period; currently they do not adequately reflect the impacts likely to be generated by radically different flight approach paths that are now under investigation. This objective therefore requires refinement rather than deletion. It needs to better reflect the new geographic areas where reverse sensitivity is likely to be generated in a time frame likely to fall well within the planning period.</p>	Disallow, and redefine the objective
		Oppose in part	5294-161	<p>The proposed new policy stated here is unsatisfactory because it appears to be based on the notion that flight paths will remain as currently defined which appears to be very unlikely. A better approach would be to define a new policy that is cognisant of impacts of the new approach paths that will be generated in response to new guidance technologies. If new approach paths are located over greenfield areas or waterways, then the suggested amendment could be appropriate. However if they are to be located over existing urbanised areas on the central Isthmus (as is proposed), a completely different policy will be required. In this circumstance there is the need for a new policy requiring a more comprehensive noise management plan to be developed for incorporation into the AUP.</p>	Disallow, and develop new policy
		Oppose in part	5294-162	<p>New policy is required, but that suggested here is entirely inadequate. A comprehensive review of noise controls and a more detailed Noise Management Plan (NMP) is required. Such a plan needs to be broad enough to cover changes likely to occur within the forthcoming planning period, and to cover existing as well as new residential areas.</p>	Disallow, and develop new policy
		Oppose	5294-163	<p>The proposed new sub-policy does not adequately reflect the future major changes foreshadowed for flight approach paths to Auckland Airport (refer SMART Flight Path Trial Draft</p>	Disallow

		<p>Oppose</p>	<p>5294-164</p>	<p>Report 2014; Airways , Auckland Airport and BARNZ, 54pp, 2014).</p> <p>It is agreed that airport operations should not impact upon ASAN unless impacts can as a priority be avoided or adequately remedied or mitigated. However this is best achieved by inserting a new policy into the AUP under E1.1 (Airport Approach Paths) requiring a comprehensive NMP to be prepared prior to approval of any new flight approach paths, with the NMP to assess adverse effects on residential neighbourhoods and sensitive activities. Studies as part of development of the NMP should include a baseline evaluation to assess current background noise levels so that impacts can be assessed comprehensively when trials are undertaken; this should be done well prior to changes being implemented.</p> <p>The feasibility of relocating current and new paths over greenfield rural areas to the south, or the Manukau Harbour (as opposed to established residential areas) should also be investigated in a transparent manner. As part of the development of a NMP for Auckland airport, reference should be made to the situation at other airports which have such a NMP.</p> <p>The new policy statement proposed here is entirely inadequate. Refer reasons stated above.</p>	<p>Disallow</p>
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FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

Full name: South Epsom Planning Group (Inc)

Original Submission number: 2359

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Further submission:

1 This is a further submission in support of a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.
- Grounds include:

INTEREST IN THE SUBMISSION

The South Epsom Planning Group (Inc) is composed of members who are local residents that reside on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Social and cultural wellbeing and amenity values in our area are impacted by the form of Residential zoning that applies to South Epsom; these values have been a focus of interest for the Society over many years. The current zoning of our area (refer SEPG submission #2359) is Residential 2B under the Operative Plan of the (former) Auckland City Council. The minimum lot size of 600sq metres is a key provision of that Plan and has been central to the preservation of the amenity of the area over many years dating from the South Epsom Zone first implemented in the District Plan of the (former) Mt Roskill Borough Council; this followed a successful appeal by SEPG to the (then) Town and Country Planning Appeal Board.

The Society does not necessarily oppose some greater level of flexibility in minimum lot size in the Single House zone where amenity values (particularly the treed ambience) are not always at stake.

However the Society is concerned that at a minimum, premium residential areas, where heritage values are almost invariably also involved, and where there also is a green and more spacious ambiance, protection is afforded by the minimum 600sq metres specified in Table 1 of 2.3.1 of the proposed AUP Single House Residential zone. Key additional provisions are the site coverage and streetscape protection and other controls specified in #1473. For further details refer our submissions in #2359-1 through to #2359- 4.

REQUEST TO BE HEARD

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

FURTHER SUBMISSION

General reasons:

The reasons for my support are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG supports Auckland 2040's submission. In relation to the identified submission points, the relief sought by Auckland 2040:

- (a) Achieves the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Protects and enhances social, cultural wellbeing and amenity values as matters of national importance under Part 2 RMA;
- (c) Is of a character, intensity and scale that is appropriate for the location.

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Auckland 2040	#1473	Support	39	Refer our submission #2359	Allow
		Support	40	Streetscape and character of the zone merits protection	Allow
		Support	41	Proposed added text will improve transparency of the decision making process and avoid "spill-over" issues	Allow
		Support	44	#2359 specifies the importance of the treed ambiance of the central isthmus suburbs currently zoned R2b under the ACC Operative Plan	Allow

		Support	45	Useful clarification of text	Allow
		Support	76	The current 35% site coverage of ACC Operative Plan is already enabling out of scale development, particularly given that the footprint area does not include building eaves. The proposed increase in site coverage taken together with other site coverage permitted in the PAUP will cumulatively impact negatively upon residential amenity and on the ability to provide for specimen trees and adequate green landscaping of the site in the Single House and other residential zones. Refer our submission #2359).	Allow

FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

Full name: South Epsom Planning Group (Inc)

Original Submission number: 2359

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Additional Contact:

Legal Counsel, Rob Enright, Barrister

rob@publiclaw9.com

Ph: (021)2765787

Further submission:

1 This is a further submission in opposition to a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.
- Grounds include:

INTEREST IN THE SUBMISSION

The South Epsom Planning Group (Inc) is composed of members who are local residents residing on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Social and cultural wellbeing and amenity values in our area are impacted by the form of Residential zoning that applies to South Epsom; these values have been a focus of interest for the Society over many years. The current zoning of our area (refer SEPG submission #2359) is Residential 2B under the Operative Plan of the (former) Auckland City Council. The minimum lot size of 600sq metres is a key provision of that Plan and has been central to the preservation of the amenity of the area over many years dating from the South Epsom Zone first implemented in the District Plan of the (former) Mt Roskill Borough Council; this followed a successful appeal by SEPG to the (then) Town and Country Planning Appeal Board.

General reasons:

The reasons for my opposition are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG opposes Fletcher Residential Ltd's submission. In relation to the identified submission points, the relief sought by Fletcher Residential:

- (a) Does not achieve the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Fails to protect and enhance social, cultural wellbeing, historic heritage and amenity values as matters of national importance under Part 2 RMA.

The Society does not necessarily oppose some greater level of flexibility in minimum lot size in the Single House zone where amenity values (particularly the treed ambience) are not always at stake. However the Society is concerned that at a minimum, premium or established residential areas, where heritage values are almost invariably also involved, receive the protection afforded by the minimum 600sq metres specified in Table 1 of 2.3.1 of the proposed AUP Single House Residential zone. For further details refer our submissions in #2359-1 through to #2359- 4.

Also of interest and concern to the Society is the potential impact of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater of which the 'Landscape Rd hill' forms the northern feature. The Three Kings Precinct is currently the subject of work undertaken to develop a Three Kings Plan, this work being undertaken by Council staff on behalf of the Puketapapa Local Board.

Many of our members visit the Three Kings Precinct and its future redevelopment will impact on our adjoining neighbourhood. The quarry is currently being filled (refer NZ EnvC 130) and both the SEPG and the local community generally have a strong interest in the appropriate restoration of the unique volcanic landscape and its surrounds. For further details, please refer to our submission #2359-5, 2359-6 and 2359-7. In this area preservation and restoration of volcanic landforms and

sight lines, as well as other heritage values are involved, particularly for restored land that subjected to shading by the remaining Maunga and by the topography of the filled land.

REQUEST TO BE HEARD

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

FURTHER SUBMISSION

FURTHER SUBMISSION

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Fletcher Residential Ltd	1731	Oppose	56	Added clause weakens the proposed control; topographical factors are relevant but extreme examples that will result in excessive shading likely need to be discouraged	Disallow
		Oppose	61	Reduction to 450 sq metres would adversely affect heritage, social wellbeing and amenity values in areas where 600sq metres has applied over many years. See SEPG submission 2359 for further details.	Disallow
		Oppose	67	Provision of maximum access to sunlight becomes more important the greater the density. In the urban setting, road alignment is a major controlling factor, particularly if site contours are an issue	Disallow

FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

Full name: South Epsom Planning Group (Inc)

Original Submission number: 2359

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Further submission:

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Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
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- Grounds include:

INTEREST IN THE SUBMISSION

The South Epsom Planning Group (Inc) is composed of members who are local residents that reside on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Social and cultural wellbeing and amenity values in our area are impacted by the form of Residential zoning that applies to South Epsom; these values have been a focus of interest for the Society over many years. Also of interest and concern to the Society is the potential impact of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater- of which the 'Landscape Rd hill' forms the northern rim.

Many of our members visit the Three Kings Precinct and its future redevelopment will impact on our adjoining neighbourhood. The quarry is currently being filled (refer NZ EnvC 130) and both the SEPG and the local community generally have a strong interest in the appropriate restoration of the unique volcanic landscape and its surrounds. Of prime importance for amenity and the landscape form will be the final contour of the land, the slope and the (partial) restoration of unique volcanic features, of which the remaining Maunga is the most (but not sole) important feature.

For further details on restoration, please refer to our submission #2359.

General reasons:

The reasons for my support are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG supports Geoscience Society of New Zealand's submission. In relation to the identified submission points, the relief sought by Geoscience:

- (a) Achieves the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Protects and enhances social, cultural wellbeing and amenity values as matters of national importance under Part 2 RMA;
- (c) Identifies for protection volcanic cone and viewshafts that are a matter of national importance and merit priority treatment in the PAUP. This creates spiritual and cultural wellbeing and protects viewshafts for future generations. Inter-generational equity requires that these be protected.

REQUEST TO BE HEARD

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

FURTHER SUBMISSION

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Geoscience Society of New Zealand	93	Support	93-2 (Three Kings)	Scheduling part or whole for restoration	Allow
		Support	93-20	Protection of significant views between Maunga	Allow
		Support	93-54	Expand Three Kings mapped area (paragraph 222)	Allow
		Support	93-82	Addition of Three Kings SE tuff ring and remnant lava lake rim ring and remnant lava lake rim to Schedule	Allow
		Support	93-149	Need to schedule volcanic features not within reserves in a consistent way	Allow
		Support	93-163	Addition to height sensitive	Allow

		Support	93-174	areas around Three Kings (paragraph at Pg 14 and 15) Rules 4.4.6.3.1.1 is inadequate. Buildings should not be able to penetrate the floor of the view shaft. Such penetration should not be a restricted discretionary activity; replace that with Prohibited Status.	Allow
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FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

Full name: South Epsom Planning Group (Inc)

Original Submission number: 2359

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Further submission:

1 This is a further submission in opposition to a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.

Grounds in support are:**INTEREST IN THE SUBMISSION**

The South Epsom Planning Group (Inc) is composed of members who are local residents that reside on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic crater.

Social and cultural wellbeing, and amenity values in our area are impacted by the form of Residential zoning that applies to South Epsom; these values have been a focus of interest for the Society over many years. Also of interest and concern to the Society is the potential impact of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater of which the 'Landscape Rd hill' forms the northern rim. The Three Kings Precinct is currently the subject of work undertaken to develop a Three Kings Plan, this work being undertaken by Council staff on behalf of the Puketapapa Local Board.

Many of our members visit the Three Kings Precinct and its future redevelopment will impact on our

adjoining neighbourhood. The quarry is currently being filled (refer NZ EnvC 130) and both the SEPG and the local community generally have a strong interest in the appropriate restoration of the unique volcanic landscape and its surrounds. For further details, please refer to our submission #2359.

Of key importance in restoration of the areas quarried is the preservation of sightlines to the remaining Maunga and other volcanic features. These sightlines cover land owned by Housing New Zealand which is on the Western side of the Precinct. The volcanic tuff ring extends to Housing New Zealand land- which abuts in the Western sector onto the quarried land that requires restoration.

REQUEST TO BE HEARD

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

FURTHER SUBMISSION

General reasons:

The reasons for my opposition are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG opposes and opposes in part the Housing NZ submission. In relation to the identified submission points, the relief sought by Housing NZ does not:

- (a) Achieve the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments;
- (b) Protection and enhancement of Volcanic cones is a matter of national importance under Part 2 RMA and Volcanic Cones legislation;
- (c) Identify for protection volcanic cone and viewshafts that are a matter of national importance and merit priority treatment in the PAUP. This creates spiritual and cultural wellbeing and protects viewshafts for future generations. Inter-generational equity requires that these be protected.
- (d) Public notification and involvement in social housing and intensive housing use is appropriate and reflects the public participatory ethic of the RMA.

Submitter Name	Submission Number	Support/Oppose	Provision Number	Reasons	Allow/Disallow
Housing New Zealand	839	Oppose in the main and support in part	10290	The deletions sought would have the effect of removing any significant level of protection from what is one of the most important volcanic sites on the Isthmus. Such a comprehensive review is supported but should include also the wider area of the cones bounded by	Disallow deletions; allow comprehensive analysis and review of Three Kings height sensitive areas

	839	Oppose	10291	<p>their tuff ring; much of the western portion of this feature is located on Housing New Zealand land.</p> <p>PAUP Rule 2 providing for notification is entirely reasonable for developments having the potential to impact adversely on what is arguably the most unique feature of the Auckland Isthmus region. The international status of the Auckland field is reinforced by consideration for listing as a World Heritage site. Removal of controls to the extent sought would undermine the policies and objectives of the AUP, and would impact particularly negatively on the unique Three Kings volcanic area and associated amenity values.</p>	Oppose
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FURTHER SUBMISSION CONCERNING THE AUCKLAND CITY UNITARY PLAN**SUBMITTER DETAILS**

Full name: South Epsom Planning Group (Inc)

Original Submission number: 2359

Address for service: c/o, Professor A.R. Bellamy, 6 Landscape Rd, Mt Eden, Auckland 1024

Email address: d.bellamy@auckland.ac.nz

Telephone number: (021) 869148

Additional Contact:

Legal Counsel, Rob Enright, Barrister

rob@publiclaw9.com

Ph: (021)2765787

Further submission:

1 This is a further submission in opposition to a submission on the proposed Auckland Unitary Plan.

Standing:

2 The South Epsom Planning Group (Inc) is:

- a person representing a relevant aspect of the public interest; and
- a person who has an interest in the proposal that is greater than the interest the general public has.
- Grounds include:

INTEREST IN THE SUBMISSION

The South Epsom Planning Group (Inc) is composed of members who are local residents residing on elevated land which lies within both the Eden Albert and Puketapapa Local Board areas. This neighbourhood comprises the high land and surrounds centred on the intersection of St Andrews Rd and Landscape Rd, Mt Eden/Epsom. The overall landscape in this area has been shaped by volcanic deposits derived from the Three Kings volcanic explosion crater and associated volcanic cones.

Social and cultural wellbeing and amenity values in our area are impacted by the form of Residential zoning that applies to South Epsom; these values have been a focus of interest for the Society over many years. Also of interest and concern to the Society is the potential impact upon the Precinct

and surrounds of the future development of the Three Kings Precinct, an area which is defined overall by the extensive tuff ring of the Three Kings volcanic explosion crater- of which the 'Landscape Rd hill' forms the northern rim.

Many of our members visit the Three Kings Precinct and its future redevelopment will impact on our adjoining neighbourhood. The quarry is currently being filled (refer NZ EnvC 130) and both the SEPG and the local community generally have a strong interest in the appropriate restoration of the unique volcanic landscape and its surrounds. For further details, please refer to our detailed submission #2359.

REQUEST TO BE HEARD

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

FURTHER SUBMISSION

General reasons:

The reasons for SEPG opposition are:

- (1) General reasons are outlined below;
- (2) Specific reasons are also provided in relation to specific submission points. The specific reasons do not limit the general reasons which are adopted in relation to all of the submission points.

SEPG opposes, and opposes in part, the Fletcher Construction Developments submission. In relation to the identified submission points, the relief sought by Fletcher Construction Developments Ltd does not:

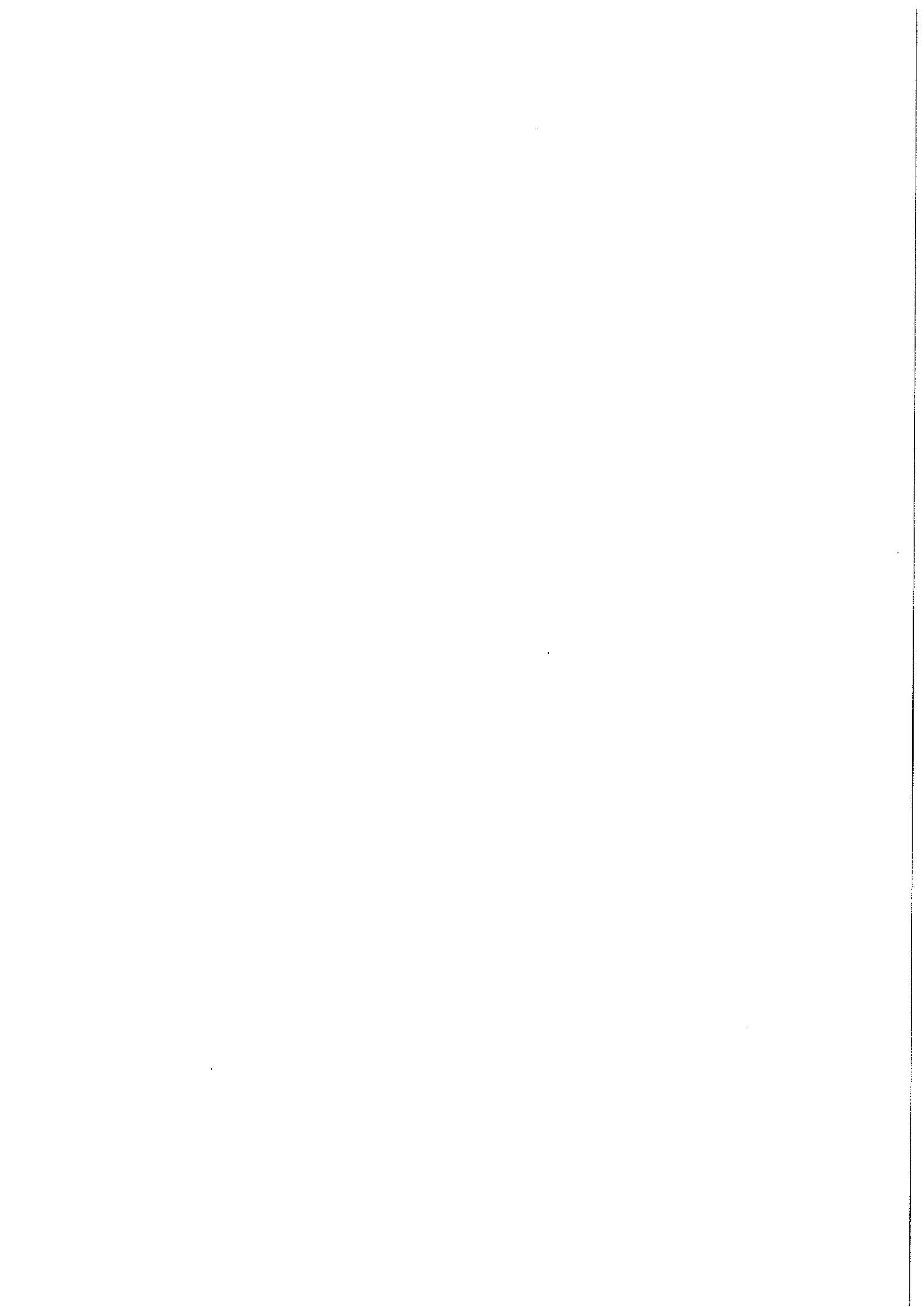
- (a) Achieve the purpose of the Act, and the statutory imperatives in sections 30, 31, 32, Part V RMA, relevant provisions of Schedule 1 and relevant national planning instruments.
- (b) Protect and enhance social, cultural wellbeing and amenity values as matters of national importance under Part 2 RMA.
- (c) Provide for restoration of a character, intensity and scale that is appropriate for the location, including its recognitions as a significant volcanic feature that has been partially quarried; nor are the recreational, social and cultural attributes of the site recognised.
- (d) Provide adequate open space areas within its own site, without reliance on Council owned public space.
- (e) Provide for appropriate site restoration. Rather, a development is promoted for private commercial gain that should not rely on Council land swapping; there should be a net gain of public space particularly in light of community disturbance from quarrying activities;
- (f) Reflect legitimate public expectations for restoration and development arising from the history of the site, including planning litigation.
- (g) Enhance environmental outcomes appropriately and does not achieve adequate avoidance of adverse impacts.
- (h) Identify for protection the remaining volcanic cone and its viewshafts, these being matters of national importance which merit priority treatment in the PAUP. Inter-generational equity also requires that these features, which create spiritual and cultural wellbeing, be protected for future generations.

Submitter Name	Submission Number	Support/Oppose	Provision number	Reasons	Allow/Disallow
Fletcher Construction Developments	2606	Oppose	2606-1	<p>(a) Proposed zoning is appropriate and reflects current uses for a site still 30 metres deep and unlikely to be available for redevelopment within the current planning period</p> <p>(b) Current zoning of public reserve land is appropriate; proposed change of status is inappropriate</p>	Disallow
		Oppose	2606-2 and 3	Replacement of overlays inappropriate given reasons stated above and those in our own SEPG submission (#2359)	Disallow
		Oppose	2606-4	<p>Objectives and Policies proposed are inappropriate and in conflict with community aspirations as stated in the Three Kings Plan soon to be finalised. Contrary to sound planning principles and sound Resource management practice.</p> <p>Proposed Three Kings Precinct objectives and policies are inappropriate and also in conflict with landform restoration as specified in NZEnvC 130</p>	Disallow
		Oppose	2606-5	Precinct rules are inappropriate and premature given site restoration is at a very early stage. Development based on inappropriate requisitioning or acquisition of public reserve land. Activity Table 1 is largely, but not entirely in conflict with the Activity Table proposed in Submission in SEPG 2359. Current zoning and SEPG Activity Table is more appropriate for this site which is yet to be filled and currently is still 30 metres deep. Refer also to reasons stated below for opposing 2606-9	Disallow except for P status of development that is in accord with a Framework Plan- once approved (table 1)
		Oppose	2606-6	Refer 2606-1 above	Disallow

		Oppose	2606-7	As for 2606-1 (see above)	Disallow
		Oppose	2606-8	Overlay inappropriate for this option B- as is the case for 2606-2 and 2606-3 (option A). Access and other slope issues make this option even more inappropriate	Disallow
		Oppose Oppose all except P status for development in accord with Framework Plan	2606-9	Objectives and policies proposed are inappropriate. Refer for reasons also provided under 2606-1 above and SEPG submission #2359. This proposal largely, but not entirely conflicts with the Activity Table proposed in SEPG# 2359, which specifies rules we consider more appropriate for this as yet to be filled and undeveloped site- which is currently still 30 metres deep. RD for rehabilitation is in conflict with NZEnvC130, which already specifies other protocols for rehabilitation of former quarry land and also fixes different final contours. Height measurements and limits (specified in 6.1 at 14/21) and justified at 3.13 of 20/21 are inappropriate. They will create a terraced landform in conflict with rehabilitated contours set in EnvC 130; differential levels in Figure at Pg 15/21 also conflict with approved fill consent and would result in inappropriate final landform and contours.	Disallow all except for P status of development Disallow all except for P status of development that is in accord with a Framework Plan- once approved
		Oppose	2606-10 and 11	Proposed changes weaken controls in an unacceptable manner given the well- known major adverse actual and potential environmental effects generated when sediments are introduced into waterways and aquifers	Disallow
		Oppose	2606-15	Provision of maximum access to sunlight becomes more important the greater the density. In the urban setting, road alignment is a major controlling factor and appropriate restoration will enable this requirement to be met.	Disallow
		Oppose	2606-18	Current heights proposed in D.1.7 are inappropriate. Different controls proposed for Three Kings quarry	Disallow

				would not be consistent with good planning practice and may interfere with volcanic sight lines. Proposed restoration to 15 metres below surrounding land is inappropriate and also is inconsistent with EnvC 130 guidelines concerning final contour.	
		Oppose	2606-22	Suggested wording significantly weakens controls envisaged for Framework Plans. Those potentially affected need better certainty than the entirely discretionary approach envisaged in this aspect of the submission. Inappropriate for Framework Plan to override UP provisions. Non-compliance with controls envisaged at Three Kings and detailed in 2606-22 cannot reasonably be considered to be "no more than minor" and instead results in potentially significant adverse impacts.	Disallow
		Oppose	2606-25	Changes envisaged in 2606 (options A and B) appropriately should be deemed non-complying status with controls proposed. UP should not be modified to facilitate inappropriate development by but one owner of one site in a Precinct. Use of the word "should" is appropriate in this situation.	Disallow
		Oppose	2606-26	What is proposed in the wording of this UP provision is not a requirement for detailed design. Rather it merely reflects the need for block elevations to be studied to ensure that the higher densities now proposed in some zones and reflected in Precinct Plans do not have unacceptable impacts on amenity values	Disallow
		Oppose	2606-35	P status (as opposed to RD) for the scale of earth movement envisaged is inappropriate and unreasonable, particularly for areas already settled and zoned residential. The scale of an activity is an important criterion for the management of earthworks. The current phraseology in the AUP is appropriately more directive because the design phase of works is generally well separated in time from implementation. Seasonal influences are covered by current AUP criteria, but would not be covered by those proposed here.	Disallow

		Oppose	2606-54 to 57	<p>The majority of residential land in the inner isthmus currently zoned R2B under the operative ACC Plan, has lot sizes of the order of 1050 sq metres or less (equivalent to a quarter acre). Reduction from the proposed 600 sq metre minimum to 450 for the single house zone would trigger sub-division on a major scale (refer to our submission #2359-1 through 4). The suggested change would have wide ranging adverse impacts on social and cultural wellbeing and amenity and be negative for established central isthmus suburbs, including Epsom, where amenity values need to be protected by current proposed AUP controls that require a minimum site area of 600sq metres.</p> <p>Proposed changes also unacceptable given the centrality of Table 2.3.1 to the protection of the single house residential zone and the protection of amenity values in area identified by SEPG in 2359-1</p>	Disallow
--	--	--------	---------------	--	----------



Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Wednesday, 26 February 2014 6:18 p.m.
To: Unitary Plan
Cc: gbryant@xtra.co.nz
Subject: Proposed Auckland Unitary Plan Submission - Garry Bryant
Attachments: TKUG Unitary Plan submission.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Garry Bryant
Organisation: Three Kings United Group Inc
Postal address: PO Box 29115, Greenwoods Corner, Auckland 1347
Email address: gbryant@xtra.co.nz
Post code: 1347
Local board: Albert-Eden local board
Contact Person: Garry Bryant
Date of submission: 26-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Property address:

Map:

Other:
As attached

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I wish to have the provisions identified above amended:

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV 2016

UNDER

s158 of the Local Government (Auckland Transitional Provisions) Act 2010

AND IN THE MATTER

of an appeal under s299 of the Resource Management Act 1991

BETWEEN

SOUTH EPSOM PLANNING GROUP INCORPORATED an incorporated society with its registered office at 6 Landscape Rd, Mt Eden, Auckland 1024

Appellant

AND

AUCKLAND COUNCIL a local authority constituted pursuant to the provisions of the Local Government (Auckland Council) Act 2009 having its principal office at 135 Albert Street, Auckland

Respondent

NOTICE OF APPEAL

15 September 2016

Solicitor Acting
Sellar Bone; Attention: Colin Lucas

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TAKE NOTICE that the Appellant hereby appeals to the High Court against a decision of the Respondent (Council) publicly notified on 19 August 2016 UPON THE GROUNDS that the decision is wrong in law.

DECISION APPEALED

- 1 This appeal is against a decision made by Council on a provision or matter relating to the Proposed Auckland Unitary Plan (proposed plan). The provision or matter:
 - (A) Was the subject of primary and further submissions by the Appellant on the proposed plan;
 - (B) Council accepted a recommendation of the Auckland Unitary Plan Independent Hearings Panel (Hearings Panel) which resulted in the provision or matter being included in the proposed plan. As Council accepted the recommendations of the Hearings Panel, references to the findings and reasoning of the Hearings Panel in this appeal are to be read as references to the Council decision.

- 2 The provision or matter was the recommendation to include the Three Kings Precinct in the decisions version of the proposed plan:

333 Three Kings Precinct

 1. Summary of recommendations

The Panel recommends that the Three Kings Precinct is included in the Unitary Plan as largely agreed between the Council and the predominant land owner, Fletcher Construction Developments Limited (Fletcher).

The Panel also recommends that the Three Kings Residential Design Guide is included in the Unitary Plan.

This precinct was heard in Topic 081.

- 3 This appeal relates to the recommendations in the Hearings Panel "Report to Auckland Council Hearing Topics 016, 017; Changes to the Rural Urban Boundary; 080, 081 Rezoning and precincts" at pp 64-73 (precinct decision/Three Kings precinct). Council adopted without alteration the precinct decision. Accordingly, reasons given by the Hearings Panel are also reasons of Council as decision-maker.

- 4 Recommendations made by the Hearings Panel are to be read as an integrated whole, meaning that other recommendations (and Council's decision adopting same) may have some

relevance to the appeal (such as Topic 080). Also relevant is the Hearings Panel's "Overview of Recommendations" (in particular "Scope", which outlines case law, methodology and approach to scope).

- 5 At [4.4] the Panel noted parallel proceedings in the Environment Court, relating to Private Plan Change 372 (PC372):

The Panel was advised about, and received submissions and evidence on, a parallel planning process under the Auckland Council District Plan - Operative Auckland City - Isthmus Section that is now subject to appeals to the Environment Court (*Ngati Te Ata v AC* (ENV-2015-AKL-000158) and *South Epsom Planning Group Inc v AC* (ENV-2016-AKL-000001)). It is understood that these appeals have been heard in the Environment Court.

- 6 The Panel acknowledged that issues in both sets of proceedings were similar. The higher level policy frameworks were different:

The Panel acknowledges that the issues raised in both sets of proceedings may be similar but the higher level policy frameworks of the operative Auckland Council Regional Policy Statement and the Unitary Plan regional policy statement section are different. The Panel's recommendations on the Three Kings Precinct are based on the statutory planning framework, the submissions and the evidence that it has heard.

- 7 Because issues were similar, the appellant says that any decision by the Environment Court issued prior to release of the decisions version of the proposed plan would be relevant to Council's decision-making process.

- 8 The Hearings Panel issued recommendations on 22 July 2016. An interim Environment Court decision was released to all parties (including Council, the appellant, and the landowner, Fletcher Residential Limited (Fletcher)) on 29 July 2016. Because of its public importance, and involvement of the Minister for Environment, this was a Full Court decision: [2016] NZEnvC 140 (EC decision). Council released the decisions version of the proposed plan on 19 August 2016. Accordingly, the EC decision was released after issue of the Hearings Panel recommendations but prior to Council making a decision on the Three Kings precinct.

ERRORS OF LAW

- 9 The EC decision was relevant to Council's deliberations on the Three Kings precinct. Council failed to consider or address impacts of the EC decision for the Three Kings precinct. This was unlawful (first error). The errors of law were:

- (A) The EC decision was disregarded despite being relevant. This was failure to consider relevant matter.
 - (B) The EC decision addressed similar issues to the precinct decision. It was wrong legal test or breach of doctrine of precedent for Council to disregard a relevant decision of a superior Court.
 - (C) The EC decision was not "submission or evidence" and it was wrong legal test to disregard the EC decision in reliance on s148(2) Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA).
 - (D) Council acted unreasonably or irrationally in not having regard to the EC decision.
- 10 Council failed to consider a factual finding by the Environment Court that Fletcher breached condition 77 of the resource consent granted in [2011] NZEnvC 214 (condition 77). Given Fletcher's breach of condition 77, there was consequential error by Council in its assessment of the consented and receiving environment for the Three Kings precinct (second error).
- 11 The Hearings Panel recommended the Three Kings precinct as being within scope. The Hearings Panel was wrong and there was no scope in relation to:
- (A) Maximum building height;
 - (B) Excavation and quarrying of Council owned land;
 - (C) Location of buildings on Fletcher and Council land (building footprints).
- Council adopted that recommendation. It therefore acted unlawfully (third error).
- 12 The Hearings Panel was wrong that it had no power to impose a contour level higher than that offered by Fletcher.¹ Council adopted this error (fourth error). This was error of law, due to:
- (A) It was within jurisdiction to do so, demonstrated by the EC decision which imposed a higher contour than offered by Fletcher;
 - (B) wrong legal test;
 - (C) error in interpretation of condition 77.

QUESTIONS OF LAW TO BE RESOLVED

¹ 4.1(iii) "The Panel is not in a position to compel Fletcher to, for example, fill the quarry floor to a higher level or to arrange development in a manner that the Societies propose. The Panel heard evidence that to fill to the level proposed by the Societies would take many years and significantly delay development." IHP Report at pp69

- 13 Whether Council failed to consider or address the EC decision for the Three Kings precinct, prior to release of the decisions version of the proposed plan. If so, whether this was unlawful on the basis of:
- (A) failure to consider relevant matter;
 - (B) wrong legal test or breach of doctrine of precedent for Council to disregard a relevant decision of a superior Court;
 - (C) wrong legal test to disregard the EC decision in reliance on s148(2) Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA).
 - (D) Council acting unreasonably or irrationally. (first question)
- 14 Whether Council failed to consider a relevant matter, thereby acting unlawfully (factual finding in the EC decision of breach of condition 77); whether, in light of the breach of condition 77, there was consequential error by Council in assessment of consented and receiving environment. (second question)
- 15 Whether Council wrongly decided that there was scope, and thereby acted unlawfully in relation to:
- (A) Maximum building height;
 - (B) Excavation and quarrying of Council owned land;
 - (C) Location of buildings on Fletcher and Council land (building footprints).
- (third question)
- 16 Whether Council was wrong that it had no power to impose a contour level higher than that offered by Fletcher. If so, whether this was unlawful on the basis of:
- (A) It was within jurisdiction to do so, demonstrated by the EC decision which imposed a higher contour than offered by Fletcher;
 - (B) wrong legal test;
 - (C) error in interpretation of condition 77.
- (fourth question)

GROUNDS OF APPEAL

- 17 General grounds for the 4 errors of law are:
- (A) Each error is a material error of law;

- (B) The errors of law adversely impact matters of national importance and matters under s7 RMA in relation to the Three Kings environment;
- (C) The scope finding (third question of law) means that there is no merits-based appeal available to the Environment Court. If wrongly decided, the Appellant is impaired or prevented from bringing an appeal on the merits;
- (D) Relevant case law and statutory provisions support the alleged errors of law, including statutory purpose in the LGATPA and Resource Management Act.

18 Specific grounds for the 4 errors of law are:

19 As to the first error, issues before the Hearings Panel and Environment Court were similar. There was factual, evidential and legal overlap:

- (A) Commonality of witnesses and evidence;
- (B) Planning framework (legacy planning instruments were relevant to the proposed plan process);
- (C) Contour levels ("..the single most significant decision to be made concerning PC372 was the extent of filling that was to take place in the quarry.."²);
- (D) Condition 77;³
- (E) Volcanic features and s6(b) RMA considerations;
- (F) Super-lot G;
- (G) Adequacy of reserve/open space proposals;
- (H) Design, location and footprints of buildings;
- (I) Scope in relation to maximum building height and excavation/quarrying of Council owned land.

20 Fletcher made concessions to the Environment Court, relevant to Council's decision on the proposed plan:

- (A) A higher contour for the quarry floor was appropriate (RL63-64, not RL60);⁴
- (B) Remnant cone in north-western corner required protection;⁵

² EC decision at [57]; also [91]-[92]

³ Ibid at [58], [61]-[62]; "The issue of fill levels has been a live issue at least since the issue of [2011] NZEnvC 214, which had imposed a condition negotiated by the parties (Condition 77). This established a consultation process for preparation of a final contour plan, which was to form part of any plan change or resource consent application for development in the quarry at the cessation of clean fill operations."

⁴ Ibid at [90], [185], [193]

⁵ Ibid at [107], [119]

- (C) Fyvie and Barrister exposures were of significance so as to warrant retention as open space and not have structures against them;⁶
- (D) Reduced height of buildings;⁷
- (E) Intended number of units for construction (800-1200);⁸
- (F) Deletion of Superlot G located on Western Park (“..In his closing submissions Mr Loutit indicated that Fletchers was prepared to abandon its proposal for Superlot G but sought a ruling from the Court in that regard.”⁹);
- (G) Staging rules to address delivery of sports fields for public use.¹⁰

21 Evidence and submissions before the Hearings Panel referred to the pending EC decision and the Hearings Panel noted in its recommendations that there were parallel proceedings, dealing with similar issues. Council was aware of the EC decision and had sufficient time to have regard to it prior to release of the decisions version of the proposed plan. Council disregarded the EC decision in breach of Hearings Panel Guidelines for consideration of recent Environment Court decisions on legacy plan provisions.

22 As to the second error, Fletcher breached condition 77.¹¹ It did not consult with the Appellant (and 3rd parties) to prepare a final contour plan prior to seeking changed zone for the Fletcher land. Council failed to consider this breach of consent condition in relation to precinct provisions, and failed to consider how this impacted the consented and receiving environment. Condition 77 was relevant to:

“An integrated landform;
Relationship to the Council reserve sites;
Whether the contour should rise to Big King in the north, and if so how.”¹²

23 As to the third error, scope is defined by reference to the plan provisions as notified, relief sought in submissions made on the proposed plan, consequential amendment, and the test as to scope identified in High Court authority including the “Clearwater” tests. Relevant case law was referred to and adopted by the Hearings Panel at [4.2] of its “Overview of Recommendations.” In rezoning the Three Kings precinct, the Hearings Panel acted outside

⁶ Ibid at [119], [120]

⁷ Ibid at [140]

⁸ Ibid at [144]

⁹ Ibid at [147]

¹⁰ Ibid at [166]

¹¹ Ibid at [60]-[62]

¹² Ibid at [61]

s144(5) LGATPA and the High Court authority it cited. Decisions on scope have material consequences. There is "potential for adversely affected persons to be disenfranchised and unable to ascertain that their interests have been appropriately addressed."¹³ Maximum building height exceeded relief sought by all relevant submitters. Building footprint affects density of development. Blasting "has potential adverse effects which cannot readily be identified and are peculiar to the circumstances of the Site." Quarrying "..was completed some years ago. Therefore any renewal of that activity will need rigorous assessment..¹⁴

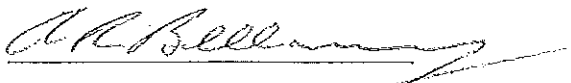
24 As to the fourth error, Council was wrong for reasons stated at [12] above.

RELIEF

25 The appellant seeks the following relief:

- (A) That the appeal be allowed and the decisions on the Three Kings precinct be quashed (in whole or in part);
- (B) That Council (or the Hearings Panel, prior to consideration by Council) be directed to rehear and reconsider the Three Kings precinct provisions, along with such other matters as this Court determines necessary or appropriate having regard to its findings on the legal issues raised by the appeal;
- (C) Where the finding is that provisions of the Three Kings precinct are outside the scope of any submission, that the matter be referred to the Environment Court for a hearing on the merits under s156 LGATPA;
- (D) Consequential relief;
- (E) Costs.

Dated this 15th day of September 2016


A.R Bellamy, President, South Epsom Planning Group (Inc)

¹³ Ibid at [211]

¹⁴ Ibid at [211]

This Notice of Appeal is filed by Colin Lucas, Solicitor for the Appellants, of the firm Sellar Bone. Documents for service on the Appellant may be served by courier, post or email at the following address, with copy by email to Counsel:

Solicitors:

Sellar Bone

3 Owens Road (Ground Floor)

Epsom

Auckland 1023

t: 09 623 7541

m: 0274 479-921

e: colinl@sellarbone.co.nz

Attention: Colin Lucas

Counsel:

Rob Enright on email at rob@publiclaw9.com

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Wednesday, 26 February 2014 6:18 p.m.
To: Unitary Plan
Cc: gbryant@xtra.co.nz
Subject: Proposed Auckland Unitary Plan Submission - Garry Bryant
Attachments: TKUG Unitary Plan submission.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Garry Bryant
Organisation: Three Kings United Group Inc
Postal address: PO Box 29115, Greenwoods Corner, Auckland 1347
Email address: gbryant@xtra.co.nz
Post code: 1347
Local board: Albert-Eden local board
Contact Person: Garry Bryant
Date of submission: 26-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Property address:

Map:

Other:
As attached

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I wish to have the provisions identified above amended:

#2736

The reasons for my views are:

I seek the following decision by Council:

If the Proposed Plan is not declined, then amend it as outlined below:

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: 021 998 305

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.

#2736

PROPOSED AUCKLAND CITY UNITARY PLAN

Submission by the Three Kings United Group Inc. (TKUG) concerning the Unitary Plan (as notified 30 September 2013)

1. Brief background information concerning the submitter

The TKUG was incorporated in 1996 and our membership is made up of local residents who reside around the Three Kings Precinct within both the Eden Albert and Puketapapa Local Board areas. Many of our members use this area for recreation, shopping and interaction with local and national government agencies.

TKUG has been involved in many submissions over the operation of Winstone Three Kings Quarry for many years. The most recent was submissions to the Environment Court hearing of the RMA consent sought by Fletcher Concrete and Infrastructure Ltd via their division Winstone Aggregates to commence filling the Three Kings Quarry. Filling of the quarry land is now operational under the conditions approved by the Environment Court in 2011 (as recorded in their decision NZEnvC 130).

The TKUG's submission on the Unitary Plan notified by Council in September 2013 focuses on :

- The zoning applied to the area known as the Three Kings Precinct as shown on Attachment 1 – Extent of Three Kings Precinct.

2. Submission concerning the Three Kings Precinct and the zoning of properties identified within that Precinct

- TKUG has a long standing interest and involvement in the future of Council administered reserve land and that land administered by the Crown which is commonly referred to as the Big King Reserve (Te Tātua-a-Riukiuta). TKUG has been involved for many years, in discussions involving the future use of the land which has been quarried that is known as the Winstone's Three Kings Quarry, this land being currently owned by Fletcher Concrete and Infrastructure Ltd (the area marked Q on Attachment 1 – Extent of Three Kings Precinct)
- TKUG is represented on the Reference Group established by the Puketapapa Local Board to provide feedback on matters involved in the Three Kings Precinct planning exercise (a copy of the Discussion Document Three Kings

3/11

#2736

Precinct May 2013 – (we call Stage 1) is attached for your information). The membership of this group largely reflects the stakeholders whose land falls within the Precinct boundary, namely; Auckland Council including Local Board Member, Department of Conservation (DOC), Iwi, Antipodean Properties Ltd the commercial owners of the Three Kings Plaza and surrounding carpark,; Housing Corporation of New Zealand and local residents representatives.

- The current Precinct Planning exercise was initiated in 2013 but is yet to be completed. The Precinct has been defined by Council as being that land that falls within the tuff ring of the Three Kings explosion crater. Within that area lie significant areas of land zoned reserve, these being administered either by Council or by the Crown (DOC). Administration of the Crown land will soon fall within the joint management of the Auckland Council and Iwi once the relevant Bill currently before Parliament is enacted.

- TKUG supports the Precinct Planning approach currently being undertaken by Council to identify and guide future development of the land within the Three Kings Precinct (identified by the bounding black dotted line in Attachment 1).

- TKUG **supports** the following proposed zoning by Council of the land identified in Attachment 2 :
 - Area A: as Quarry Zone
 - Area B1,B2,B3: as Council- administered reserve land
 - Area C: as Crown- administered Reserve land
 - Area D: as Land zoned as Single dwelling and owned by either private owners or more generally by Housing New Zealand
 - Area E: as Land zoned for commercial purposes and owned by Antipodean Properties Ltd and the Auckland Council (Fickling Centre and Library).

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Grounds upon which TKUG bases its support for the zoning applied in the notified Unitary Plan to areas identified in Attachment 2 as areas A through E :

- The zonings currently applied in the Unitary Plan (as notified) are appropriate because they correspond to the current use to which the land is being put.
- It is appropriate that the zoning of land not yet restored, this land being largely quarry and Reserve land, should correspond to current uses because Council has yet to complete the investigations currently underway (February 2014) as part of the Three Kings Precinct Planning process. This work will provide information upon which any future desired changes to the zoning of land might be based once it is restored to an appropriate contour.
- The Three Kings Precinct contains many different classes of land of very difficult current contour, as well as site boundaries likely to require adjustment. A comprehensive Plan Change initiated by a single party (viz: Auckland Council itself) represents a sound planning approach, because this will enable changes to the zoning of the land to be coordinated.

TKUG's submissions on Zoning within the Three Kings Precinct would be met by :

- Retaining the zonings for areas A to D (identified in Attachment 2) that have been incorporated into the Unitary Plan | 1
- Incorporating into the Unitary Plan (under Part 2 Regional and District Objectives and Policies; Chapter F: Precinct objectives and policies; 2 Central; 2.1 Three Kings) the following additional objectives and policy statements for the Three Kings Precinct : | 2

The future end uses of the land within the large area of undeveloped land located within the Three Kings Precinct will be guided by the preparation by Council of a Plan Change following consultation with local stakeholders (as described above). The criteria by which any future development will be assessed shall also apply to any Private Plan Change which any individual party may propose. These criteria are :

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1. *All future proposed developments must be consistent with the objective for the mixed use of the Precinct for residential, commercial and reserve purposes and proposals must be consistent with both sound planning principles and the overall objectives of the Unitary Plan.*
2. *The ratio of reserve land to commercial and residential land shall not be reduced below that currently applying and desirably should increase significantly the overall area of reserve land accessible to the public. Within this requirement, where rationalization of reserve boundaries through land exchanges is considered to be in the public interest, the affected areas shall be identified and be the subject of public notification and the preparation of a new Reserve Management Plan under the provisions of the Reserves Act.*
3. *Subject to the availability of financial resources, a primary Council objective will be to increase the combined area of accessible land zoned reserve in the Precinct beyond that identified in the Proposed Unitary Plan notified on 30 September 2013 (refer Attachment 1).*
4. *For all land previously quarried, no Plan Change shall be initiated by Council and no Private Plan Change considered by Council until a finished Contour and Landscaping Plan is submitted not less than 24 months prior to the cessation of fill operations, or not less than 6 months prior to the consultation with the parties identified in conditions #76 and #77 of the Fill Consent approved by the Environment Court dated May 18th, 2011. (refer decision NZEnvC 130 – Attachment 3).*
5. *For both land currently zoned for Quarry purposes and Reserve previously quarried, the Contour and Landscaping Plan must identify the desired sequencing of restoration of land and its subsequent development. In particular, the desirability of developing an integrated final landform and a more useable and efficient open space network surrounding development sites must be addressed to the satisfaction of Council.*
6. *Development proposals must have regard to Council's objective of promoting the harmonious relation of any development proposed to the surrounding overall topography and land form, in particular Big*

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King reserve, the former Hunters Quarry and Council-administered reserve land.

- 7. Restoration or redevelopment of the private land known as the Winstone Three Kings Quarry (refer to the area marked A in Attachment 2) which abuts on the Council-administered reserve land previously subjected to quarrying (**identified as areas B1, B2 and B3 in Attachment 2**), shall not create an overall slope that exceeds 12 degrees where it joins the external boundary of the reserve land, and no local slope of the restored or rezoned land may exceed an average of 12 degrees when measured over a horizontal distance of 5 metres.*
- 8. Restoration or redevelopment of Council-administered reserve land,, (**areas B1, B2 and B3 of Attachment 2**) where it abuts either private land or land administered by Government agencies (viz Housing Corporation of New Zealand (**areas D and E of Attachment 2**)) shall be to an overall and local slope of no more than 12 degrees determined in the manner specified in rule 7 above.*
- 9. Any land which abuts on the slopes of the remaining Maunga, (Te Tātua-a-Riukiuta -Big King) which currently is administered by the Crown (**area C of Attachment 2**), shall be restored to an overall and local slope based on the natural angle of repose of the scoria deposited following the eruption which formed the Southern and Northern slopes of the Big King reserve (that average slope being approximately 23 degrees), this slope being determined as described in rule 7 above and as required under Part 5 – Restrictions on quarrying operations on volcanic hills in the Auckland Provincial District of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915.*
- 10 Proposals for land development must indicate how practicable public access to reserve land will be facilitated within the Precinct and how walking access will be achieved to both Council reserve land and that land administered by the Crown. Development proposals must also provide for safe access and movement within and across the overall precinct and to public roads in a manner that is feasible, safe and suitable for adults and children as well as for the elderly and infirm.*

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11. All proposed developments must demonstrate how servicing requirements including traffic, storm water and sewage disposal can be accommodated within the capacity of existing roads, drains and sewers and where this capacity may not be available, how additional capacity will be provided at the same time within the sequence of any new development that may be proposed.

12. Compliance is required for all proposed developments that fall within current volcanic sight lines specified in the relevant overlay of the Unitary Plan (as notified September 30, 2013).

Three Kings United Group Inc wishes to be heard in support of this submission

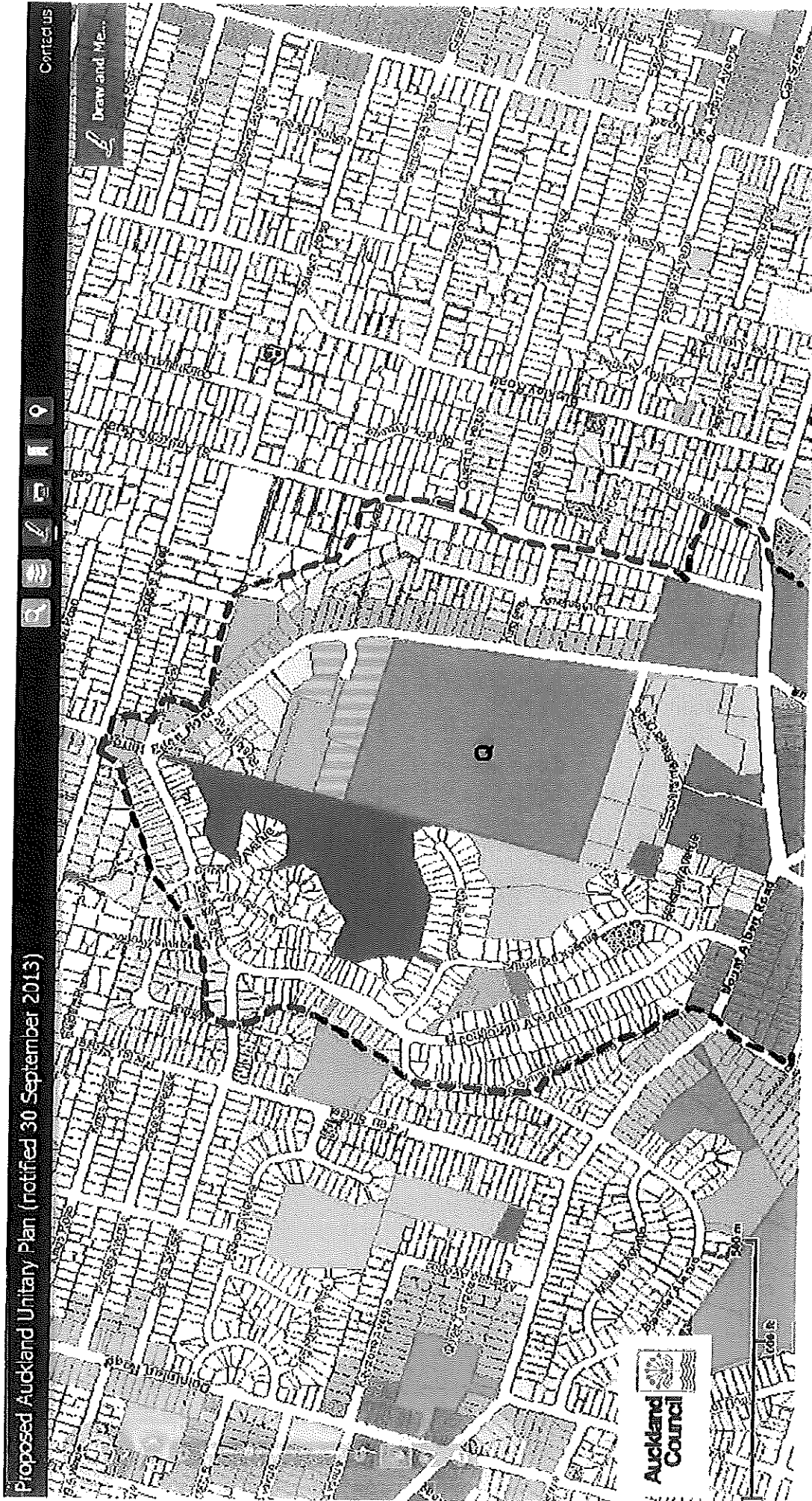
Address for service concerning this submission is :

The Secretary,
Three Kings United Group Inc
PO Box 29115
Greenwoods Corner
Auckland 1347

Attachments x 3

8/11

Attachment 1 – Extent of Three Kings Precinct

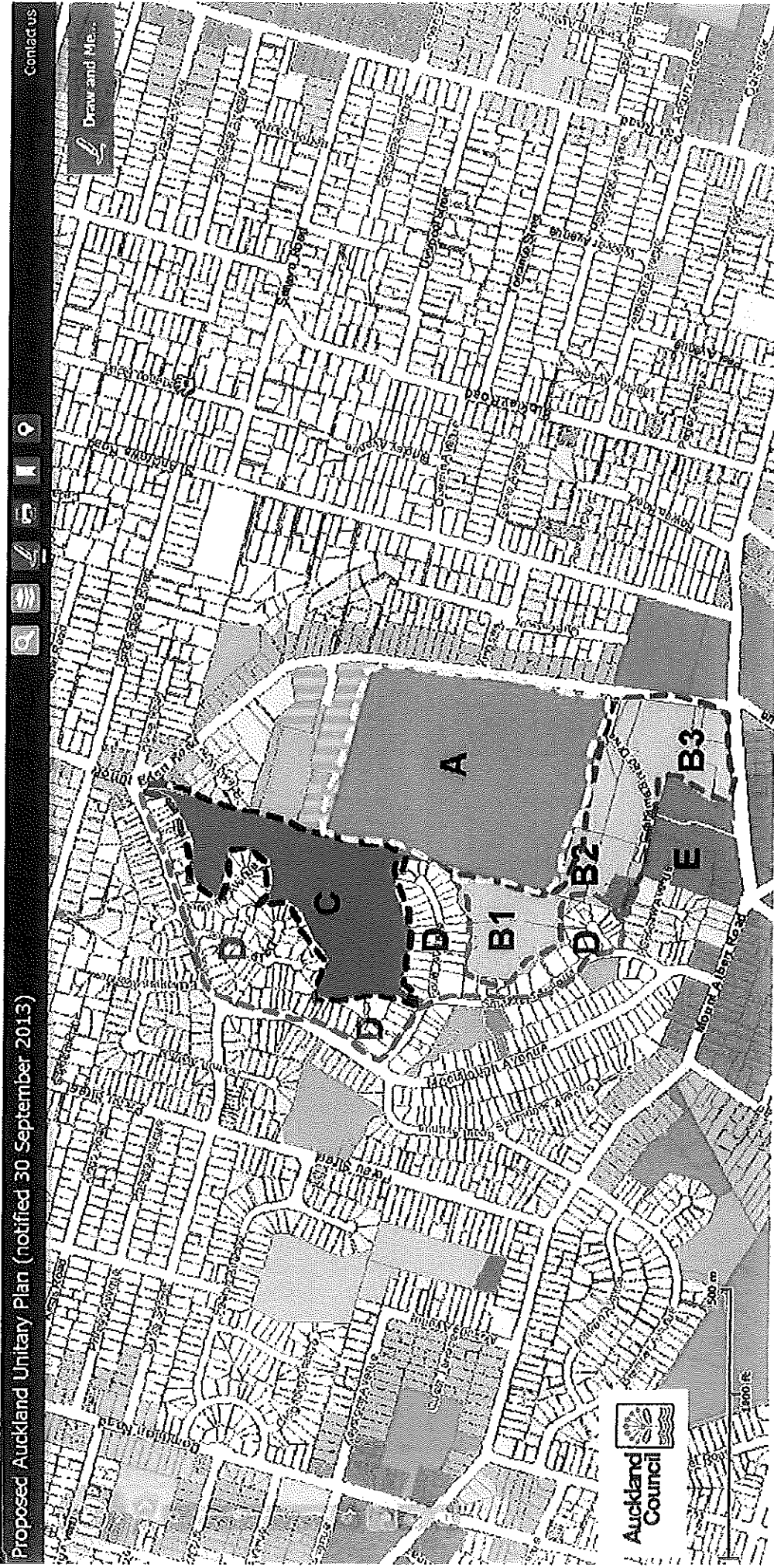


----- Three Kings Precinct Boundary Q Quarry

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Attachment 2 – Ownership or Administrators of land in the Three Kings Precinct



- A Quarry
- C DOC Reserve
- B1 – B3 Auckland Council Adminstrated Reserve Council (Fickling Centre and Library)
- D Housing Corporation NZ
- E Antipodean Properties and Auckland

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Harrison Griferson Plan 122314 Fig 002, so as to ensure that the provisions of Conditions 9, 10 and 77 are able to be met.

(9)(g) Where site closure is proposed in the following 12 months, the Plan should also address the following matters;

- i. Proposals for stabilisation of the site; and
- ii. Proposals for the ongoing treatment of any discharges from the site;
- iii. Provision of the final contour plan following the consultation set out in Condition 77;
- iv. A survey of the current fill levels from where the engineered filling is to begin; and
- v. Provision of a plan that quantifies the difference between the levels shown on Harrison Griferson plan 122314 FIG 002 and any additional filling sought to meet the considerations expressed in the consultation required by Condition 77.

The Annual Management Plan commencing 31 May 2011, shall be submitted by 30 June every year, for the period ending 31 May of that year, for the Manager's review, prior to the commencement of works proposed in the Annual Management Plan. [Replaces Land Use Condition 48 with an amendment as per Decision at paragraph 95]

Finished Contour Plan and Landscaping

80-77. Not less than 24 months prior to the cessation of fill operations, or not less than 9 months prior to the consent holder submitting any Plan Change or resource consent application in respect of the end use of the site, or not less than 1 month following the notification of any Council plan change applying to the site (whichever of those is the earlier), the consent holder shall consult with relevant stakeholders (including South Epsom Planning Group, Three Kings United Group, Auckland Council, Iwi and the Auckland Volcanic Cones Society) in respect of a proposed Final Contour Plan.

The consultation process shall involve consideration of the following:

- The desirability of an integrated final landform, and a more usable and efficient open space network surrounding the site,
- How the landform might best relate to the surrounding topography, in particular Big King Reserve, Hunters Quarry, and the Council Sites,
- Whether the contour should rise toward Big King Reserve on the northern part of the site, and if so how this rising contour is to be provided

The Final Contour Plan produced by the consent holder, after having had regard to the feedback obtained through the stakeholder consultation, shall be submitted to the Manager and shall form part of any Plan Change or resource consent application sought by the consent holder in respect of the site, or in the event of a Council Plan Change shall be promoted by the consent holder through the submission process.



Environment Court

25/07/2011 12:28 p.m. 120072011-1102-01-0002044

11/11

#2736
Vol 2

Astrid Caldwell

From: Garry Bryant <gbryant@xtra.co.nz>
Sent: Thursday, 27 February 2014 4:37 p.m.
To: Unitary Plan
Subject: Re: Unitary Plan submission additional attachment
Attachments: three kings precinct plan discussion doc.pdf

Hi Team

Please find attached document Three Kings Precinct Plan Discussion Document - May 2013.

Can you please attach this to the Three kings United Group Inc. Unitary Plan submission sent yesterday.

Thanks

Garry Bryant

From: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
To: Garry Bryant <gbryant@xtra.co.nz>
Cc: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Sent: Wednesday, 26 February 2014 7:07 PM
Subject: RE: Unitary Plan submission question

Hi Garry

You can also send submissions through to this email address.

As long as we can open the document it will be accepted.

Nāku noa nā | Regards

Rereata Hardman-Miller
Unitary Plan Customer Response Team
Auckland Council
Ph 09 3653786
www.aucklandcouncil.govt.nz/unitaryplan

From: Garry Bryant [<mailto:gbryant@xtra.co.nz>]
Sent: Wednesday, 26 February 2014 6:22 p.m.
To: Unitary Plan
Subject: Unitary Plan submission question

Hi Team

I am wanting to include a document that is larger than 5MB with my submission (which has been sent). Can I send it to you for inclusion?

Regards

Garry Bryant
Three Kings United Group Inc

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**Auckland
Council**



Te Kaitiaki o Tāmaki Makaurau

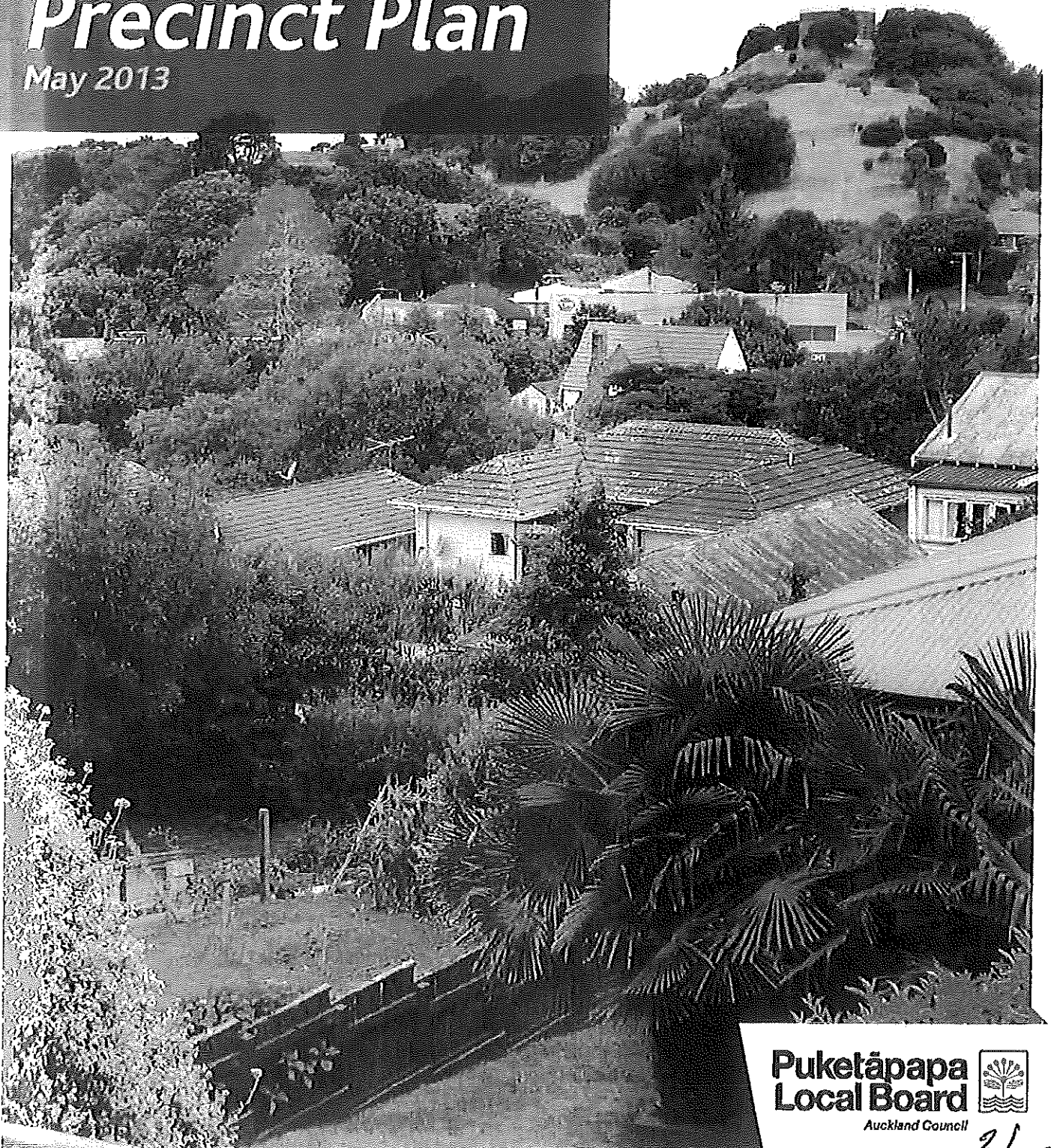
CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please 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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#2736

Discussion Document - Three Kings Precinct Plan

May 2013



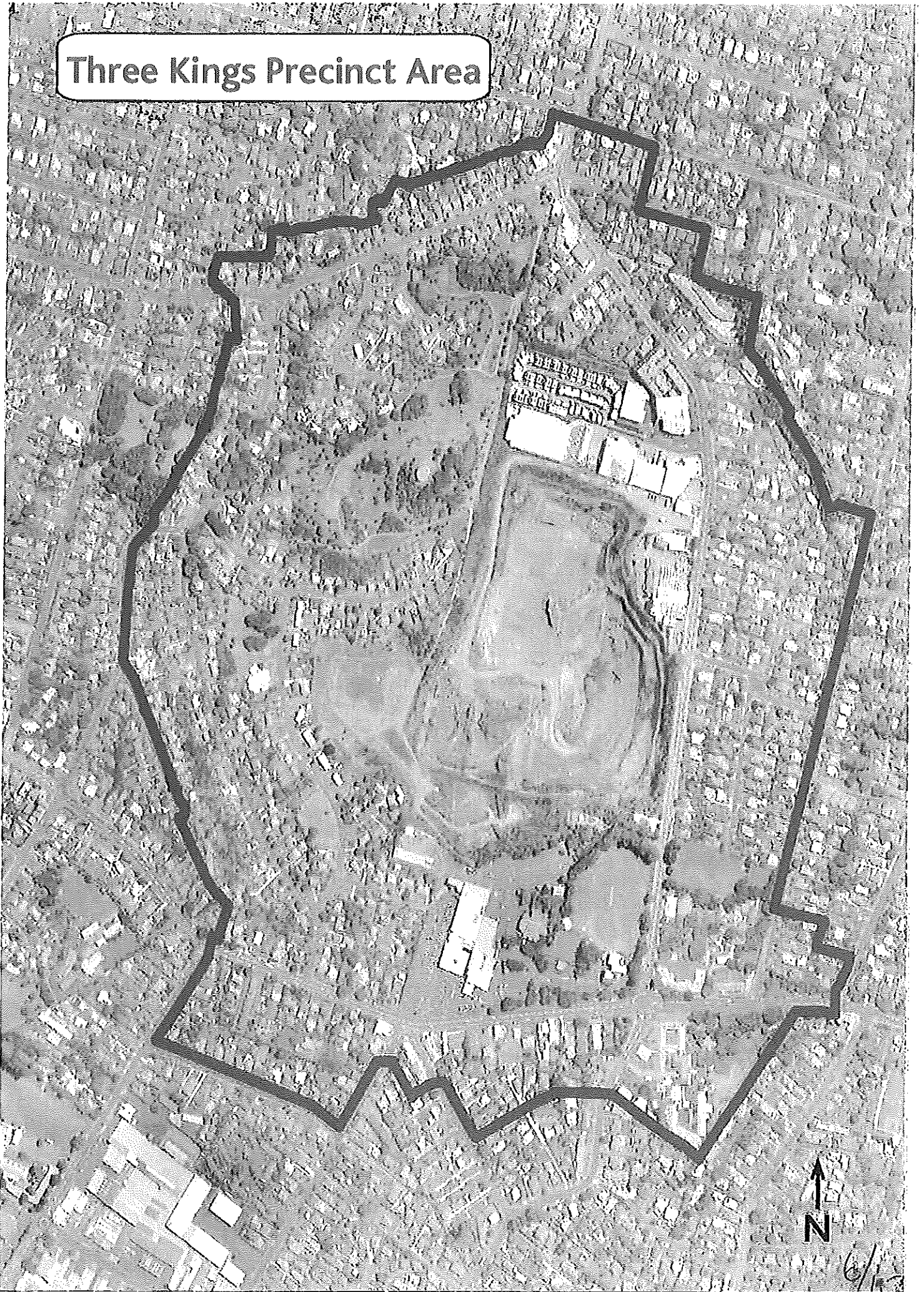
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Three Kings Precinct Area



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Three Kings Precinct Plan - Process

The Three Kings Precinct Plan (the Precinct Plan) will outline how the Three Kings area is envisaged to change over the next 30 years.

Precinct Plans are a key tool in Auckland Council's strategic planning framework that show how the Auckland Plan will be put in place at a local neighbourhood level.

The precinct plan will illustrate a 'place-making' spatial framework for the future form of Three Kings as well as identifying outcomes, actions and projects that could be undertaken to achieve the council's vision of making Auckland the world's most liveable city.

The Precinct Plan will incorporate and build upon the aspirations and goals of the community, key partners, developers and Mana Whenua, while also addressing the potential for change set out in the Auckland Plan and draft Unitary Plan.

The delivery of the Precinct Plan will require a collaborative approach with all of these stakeholders and key delivery partners including Council Controlled Organisations (CCO's such as Auckland Transport, Watercare, Auckland Council Properties Ltd), Government Agencies and private landowners.

Preparing the Precinct Plan

Preparation of the Three Kings Precinct Plan is being undertaken in two stages, to enable feedback from the Local Board into both the Draft Unitary Plan in May 2013 and the notified Unitary Plan due out later in 2013.

Stage 1 focuses on the wider strategic issues for the Three Kings area, with a particular focus on the role and redevelopment of the Winstones Quarry (the Quarry), and where and how residential development could be managed.

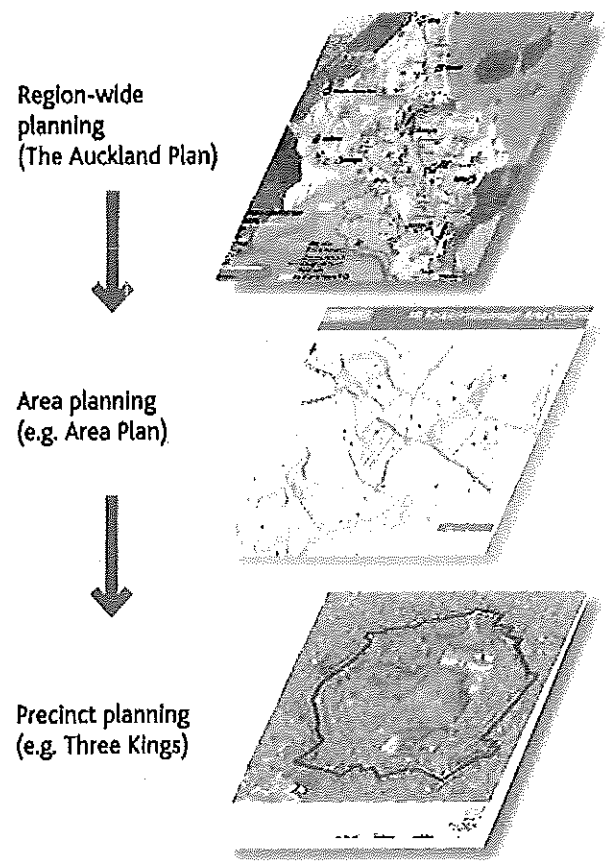


Figure 1: Three levels of planning

Stage 2 will focus on the Three Kings Town Centre (the Town Centre) in greater detail and bring together all of the issues for a final Precinct Plan, due for completion in November 2013.

Stakeholder engagement on the first stage of the Plan has been ongoing through March and April. Feedback on the ideas set out in this document and at public open days will be considered by the Puketapapa Local Board later in May 2013. This will allow the Board to make informed feedback on the draft Unitary Plan, and into the final Precinct Plan.

The Strategic Context

The Auckland region is forecast to grow by one million people and 400,000 new households by 2040. The Auckland Plan is the council's high-level development strategy that sets out how the region will accommodate this growth through a quality, compact urban form consisting of well connected, well designed towns, villages and neighbourhoods. This will help to maximise the efficient use of existing land, infrastructure and services for urban development while preventing excessive expansion into the productive rural hinterland.

In striving to achieve Auckland's vision of becoming "the world's most liveable city", the Auckland Plan outlines the following six 'transformational shifts'¹ needed to achieve the vision:

- Dramatically accelerate the prospects of Auckland's children and young people
- Strongly commit to environmental action and green growth
- Move to outstanding public transport within one network
- Radically improve the quality of urban living
- Substantially raise living standards for all Aucklanders and focus on those most in need
- Significantly lift Māori social and economic well-being.

These six transformational shifts are key drivers for the Three Kings Precinct Plan and, along with the 13 'directives'² and Development Strategy of the Auckland Plan, form the basis of how Waterview and Auckland will grow and change in terms of its social, cultural, economic, environmental and physical dimensions.

The Auckland Plan Development Strategy identifies the expected level of change and growth across Auckland over the next 30 years, and where we expect to see that growth. A key focus of the Strategy is to achieve a compact city by focussing on existing urban areas.³



What does the Auckland Plan Development Strategy mean for Three Kings?

Under the Auckland Plan, Three Kings centre is classified as an "emergent town centre" expected to undergo a moderate level of change. As a town centre it will act as a local hub for communities, providing a wide range of retail and business services and facilities, and community facilities.

It is intended that it will be accessible by frequent public transport services, and provide a range of living options, including mixed-use and higher-density residential options.

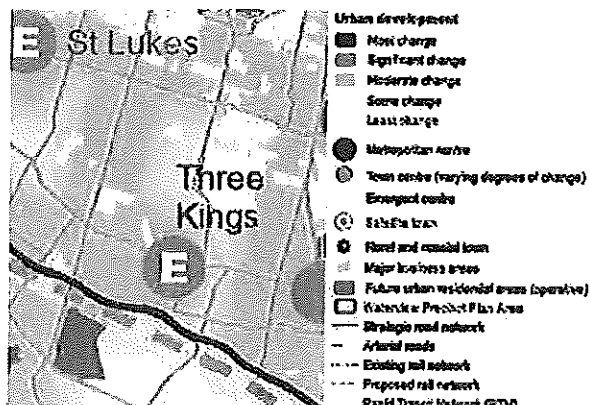
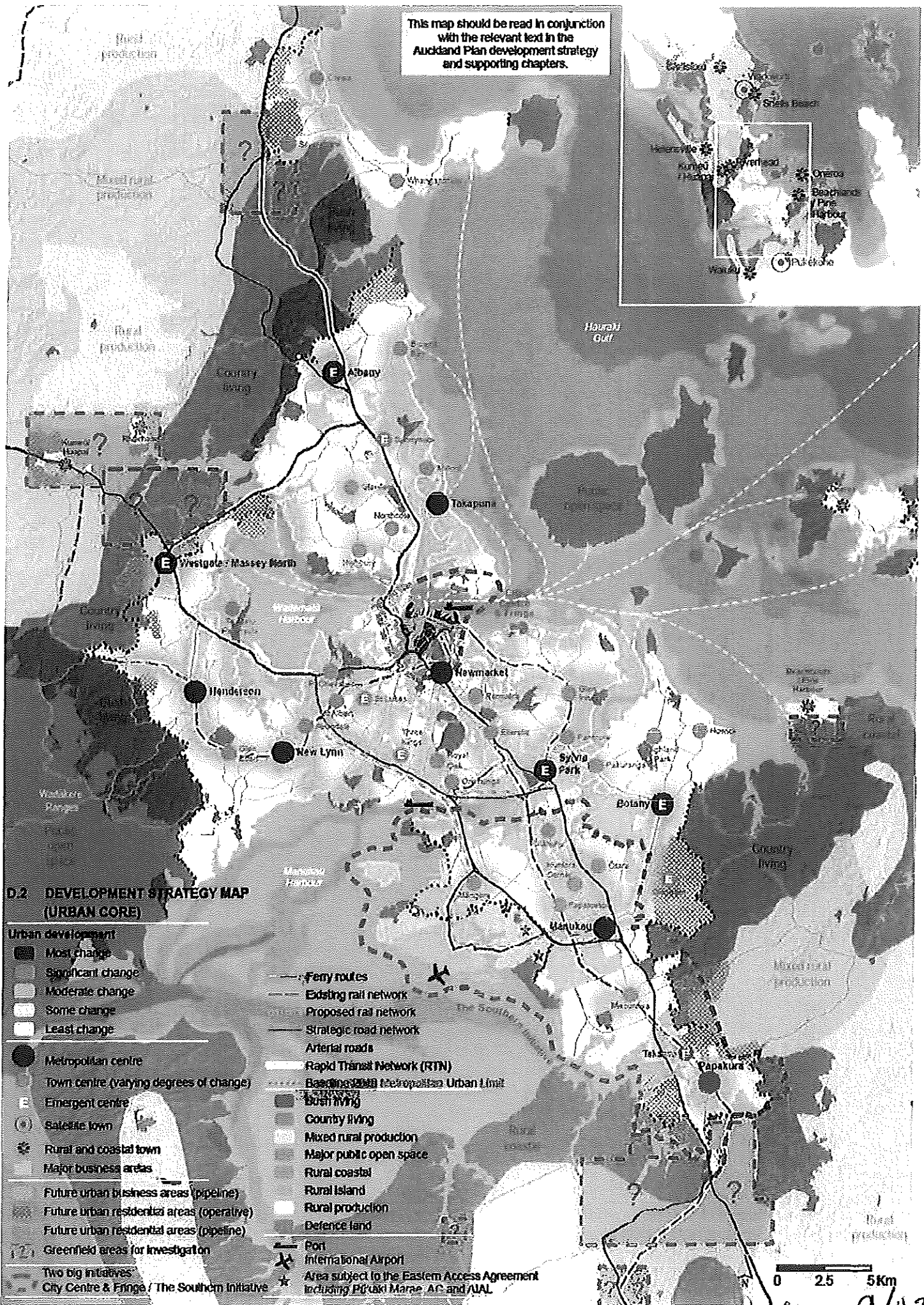
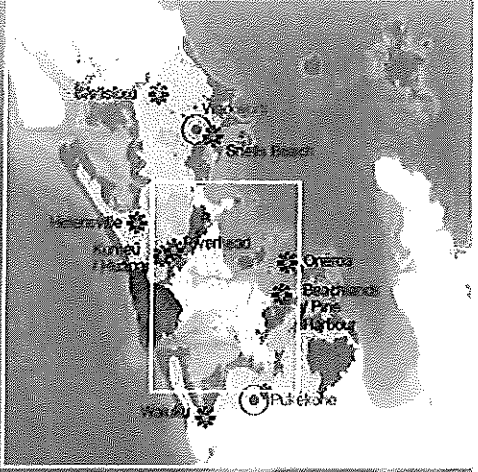


Figure 2: Three Kings area on the Auckland Plan Development Strategy Map, p.55.

1 For a more detailed explanation, see pages 33-34 of the Auckland Plan 2012
 2 For a more detailed explanation, see pages 31-65 of the Auckland Plan 2012
 3 For a more detailed explanation, see pages 36-65 of the Auckland Plan 2012

This map should be read in conjunction with the relevant text in the Auckland Plan development strategy and supporting chapters.



D.2 DEVELOPMENT STRATEGY MAP (URBAN CORE)

- Urban development**
- Most change
 - Significant change
 - Moderate change
 - Some change
 - Least change
- Metropolitan centre
- Town centre (varying degrees of change)
- E Emergent centre
- ⊙ Satellite town
- ⊛ Rural and coastal town
- Major business areas
- Future urban business areas (pipeline)
 - Future urban residential areas (operative)
 - Future urban residential areas (pipeline)
 - Greenfield areas for investigation
 - Two big initiatives
 - City Centre & Fringe / The Southern Initiative

- Ferry routes
- Existing rail network
- Proposed rail network
- Strategic road network
- Arterial roads
- Rapid Transit Network (RTN)
- Basins of Auckland Metropolitan Urban Limit
- Urban living
- Country living
- Mixed rural production
- Major public open space
- Rural coastal
- Rural Island
- Rural production
- Defence land
- Port
- International Airport
- Area subject to the Eastern Access Agreement including Pūkaki Marine, AC and AIAL

The Local Context

Place

The Three Kings centre is located near the intersection of Mt Albert and Mt Eden Roads, at the southern extent of the original tuff ring formed from the eruption of Three Kings. It is surrounded by generally low density residential to the east, west and south and located between the centres of Mt Roskill to the west and Royal Oak centre to the east.

The centre is located on the outer east-west corridor of the Auckland Isthmus, in which Mt Albert Road acts as a major transport corridor. When SH20 is completed through to Waterview this will become a key transport connection to supplement this. Beyond 2030 the Avondale Southdown Railway is planned to connect along a similar route to provide rail access.

The Three Kings Plaza is a prominent land use within the centre and surrounding this is an area of smaller retail and commercial uses located along the southern side of Mt Albert Road.

There are also significant community facilities located within the centre, with the Puketapapa Local Board currently housed in the Fickling Center. This building also houses the Three Kings Library and is located near significant open space facilities.

To the north of the centre is located the Three Kings Quarry, which is currently being filled. After filling is complete the owner (Fletcher Developments Ltd) is seeking redevelopment and the options for redevelopment of this land will be a major focus of the Precinct Plan.

Further to the south is located the Carr Road business area, which is an area of light industrial activity located near SH20 Mt Roskill.



Figure 3: Location of Three Kings Precinct Plan area

Three Kings Contextual Map

Te Tatua a Riukiuta - Big King

Three Kings Quarry

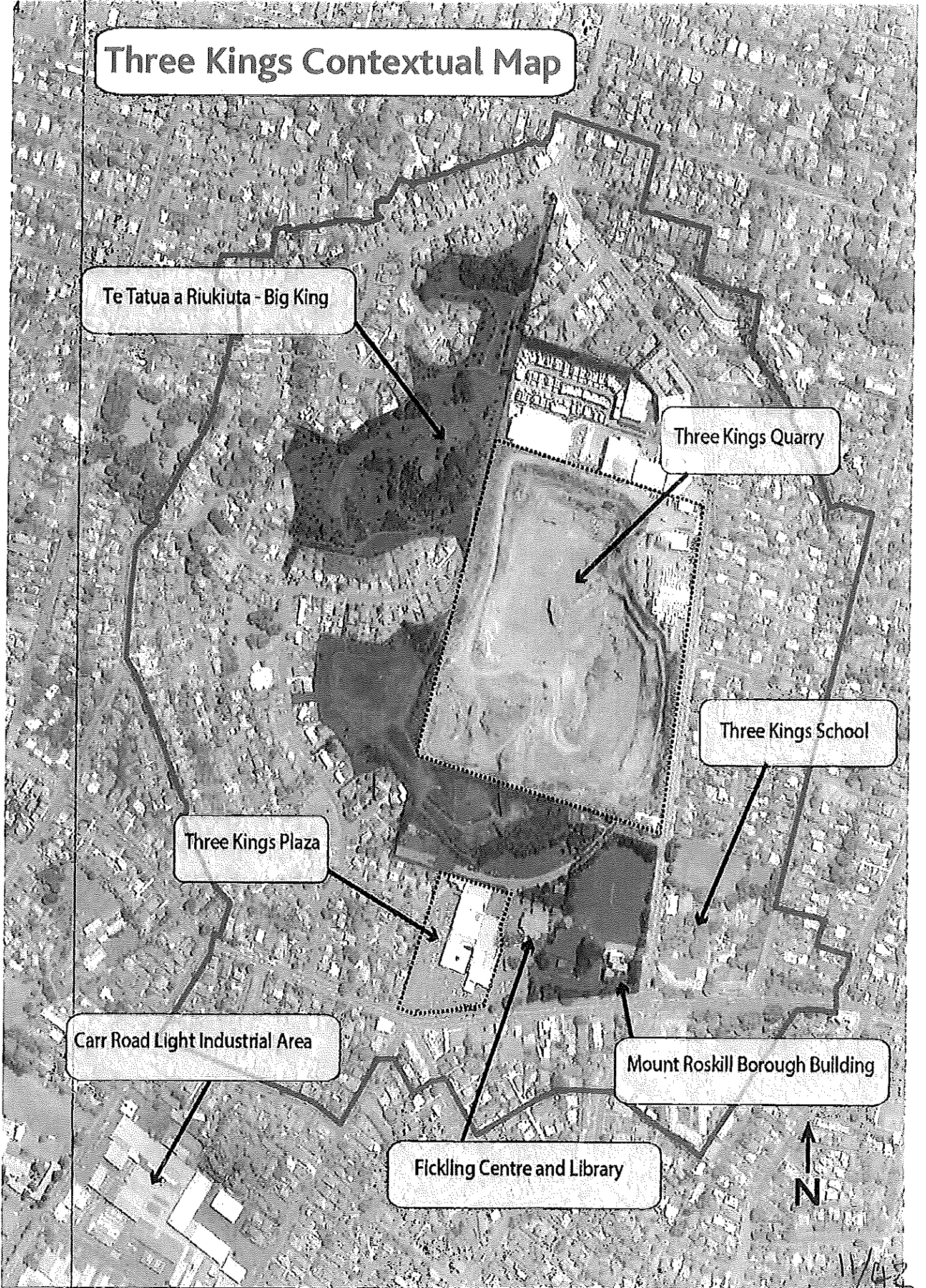
Three Kings School

Three Kings Plaza

Carr Road Light Industrial Area

Mount Roskill Borough Building

Fickling Centre and Library

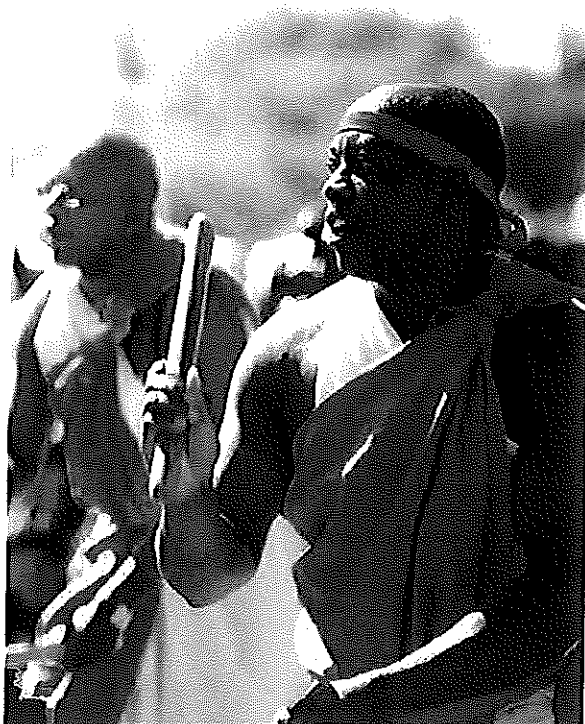
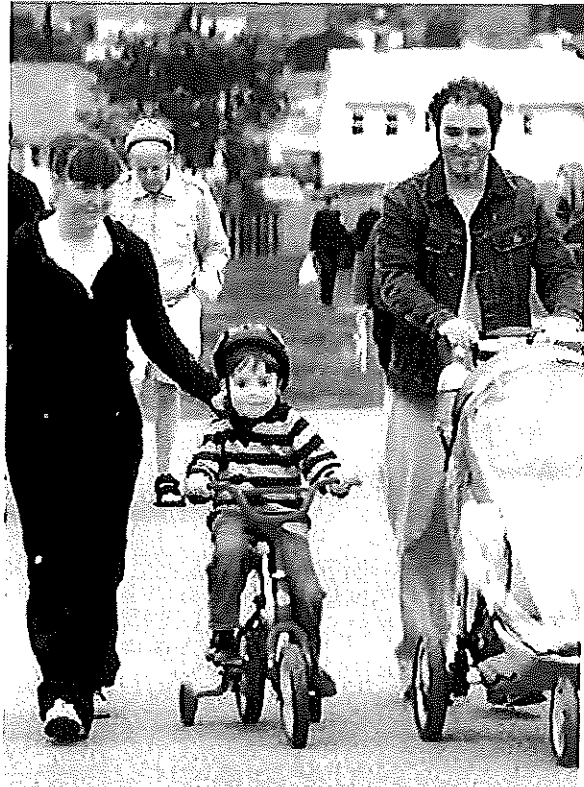


The Local Context

People

The current 2006 census information available for the Puketapapa Local Board area indicates that there are approximately 53,900 residents. These figures will be updated when the latest census information is made available, which is estimated by Statistics New Zealand to be from December 2013.

There were 3,714 businesses and 10,001 employees within this area in 2006. Updated figures from 2012 indicate these have subsequently changed to 4,061 businesses and 9,874 employees by 2012.



Population projections

Statistics New Zealand has prepared a series of population projections for the Puketapapa Local Board area. These indicate that the estimated population of Puketapapa will likely grow to 66,700 by 2031.

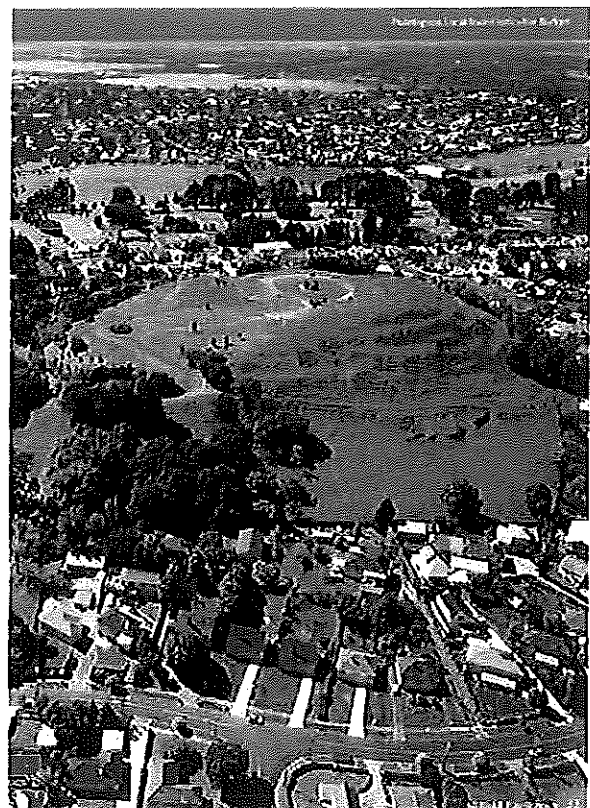
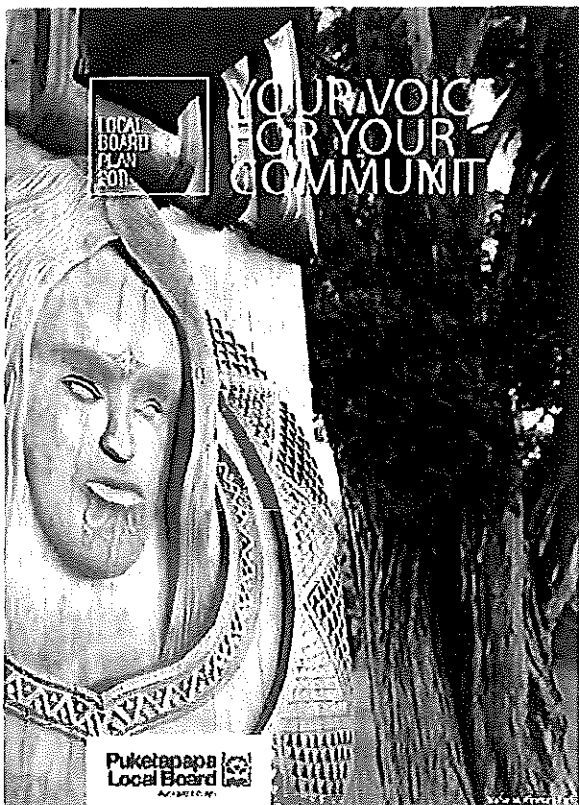
This is a total change of 12,800 people and a percentage change of 24%. These figures are based on a medium projection, assuming moderate levels of mortality, birth and migration and will be updated when new census information is released.

Puketapapa Local Board Plan 2011

The Local Board Plan outlines the direction and projects to be undertaken in the Puketapapa Board area in the short, medium and long term. This document includes coverage of issues related to Three Kings and the redevelopment of the Quarry.

Key messages in relation to redevelopment of the Quarry include:

- | |
|---|
| - Recognition of its roles as a key site for development, which presents significant opportunities for redeveloping the surrounding Three Kings area. |
| - Increase open space in the area to address the low level of open space in the neighbouring Albert-Eden Local Board area directly to the north of Three Kings. |
| - Be guided by a design-led process to identify desired future end-use options for the quarry site and the surrounding area. |
| - Maximise the level of public open space and protect and enhance the volcanic landscape and views to and from Te Tatu a Riukiuta. |
| - Improve connections to and between Te Tatu a Riukiuta, other existing open spaces, Three Kings town centre, surrounding housing and the quarry site. |
| - Seek to incorporate surrounding land uses into the redevelopment of the quarry to ensure the best possible outcome for the community. |
| - Be preceded by filling and contouring practices that do not constrain the final end use of the quarry site and the surrounding area. |



Draft Unitary Plan

This plan, released for public feedback in March 2013, is the land use planning document that will help to deliver the Auckland Plan. It is the 'rulebook' that details how we design and develop the city.

The draft Unitary Plan applies a Town Centre zone to some areas of Three Kings that provides for development up to 32.5m or 8 storeys in height.

responding to the local character, environment and community.

The centre already contains significant community facilities and the intention of the Precinct Plan is to build upon these resources and put in place a strategy to improve the viability of the town centre and the surrounding neighbourhood.

In the area around the Town Centre and along transport corridors such as Mt Eden Road the draft Unitary Plan proposes higher density residential development. This will typically be low rise apartments and terrace houses of up to 16.5m or 4 storeys, except where close to the Town Centre where in some places development of up to 21.5m or 6 storeys may be allowed.

The aim is to attract ongoing investment that lead to improvements to public transport, roads, infrastructure, parks and reserves while

What shape will Auckland take as it grows?

The Auckland Plan has set our vision to become the world's most livable city. To deliver this, we need one rulebook – the Auckland Unitary Plan – to ensure that Auckland becomes an even better place to live as it grows over the next 30 years.

The Auckland Unitary Plan will shape the way we grow, improving where we live and work while looking after the places we value.

That's why we want your views on the draft Auckland Unitary Plan.

Visit www.shapeauckland.co.nz for more information.












Have your say:

- ▲ www.shapeauckland.co.nz
- ✉ unitaryplan@aucklandcouncil.govt.nz
- www.facebook.com/aucklandcouncil
- ☎ Auckland Council, Private Bag 92300 Auckland 1142
- 📞 For more information, phone 09 301 0101

Auckland Council



Draft Unitary Plan Zoning

 Single house	 Public open space - Sport and active recreation	 Town centre
 Mixed housing	 Public open space - Civic and community	 Mixed Use
 Terraced housing & apartment buildings	 General business	
 Public open space - Conservation	 Special use zone	
 Public Open Space - Informal recreation		




Auckland Council
Whiriwhiri e Te Whanganui-a-Tara
 Printed on 05 March 2013

15/03

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Draft Principles to Guide the Precinct Plan

In order to guide the Precinct Plan process a series of draft principles (the Principles) have been developed. These have drawn on the planning processes outlined in Appendix 1 and were drafted in collaboration with Local Board members and endorsed on 28 February 2013. They have been used to develop the Principles Map facing.

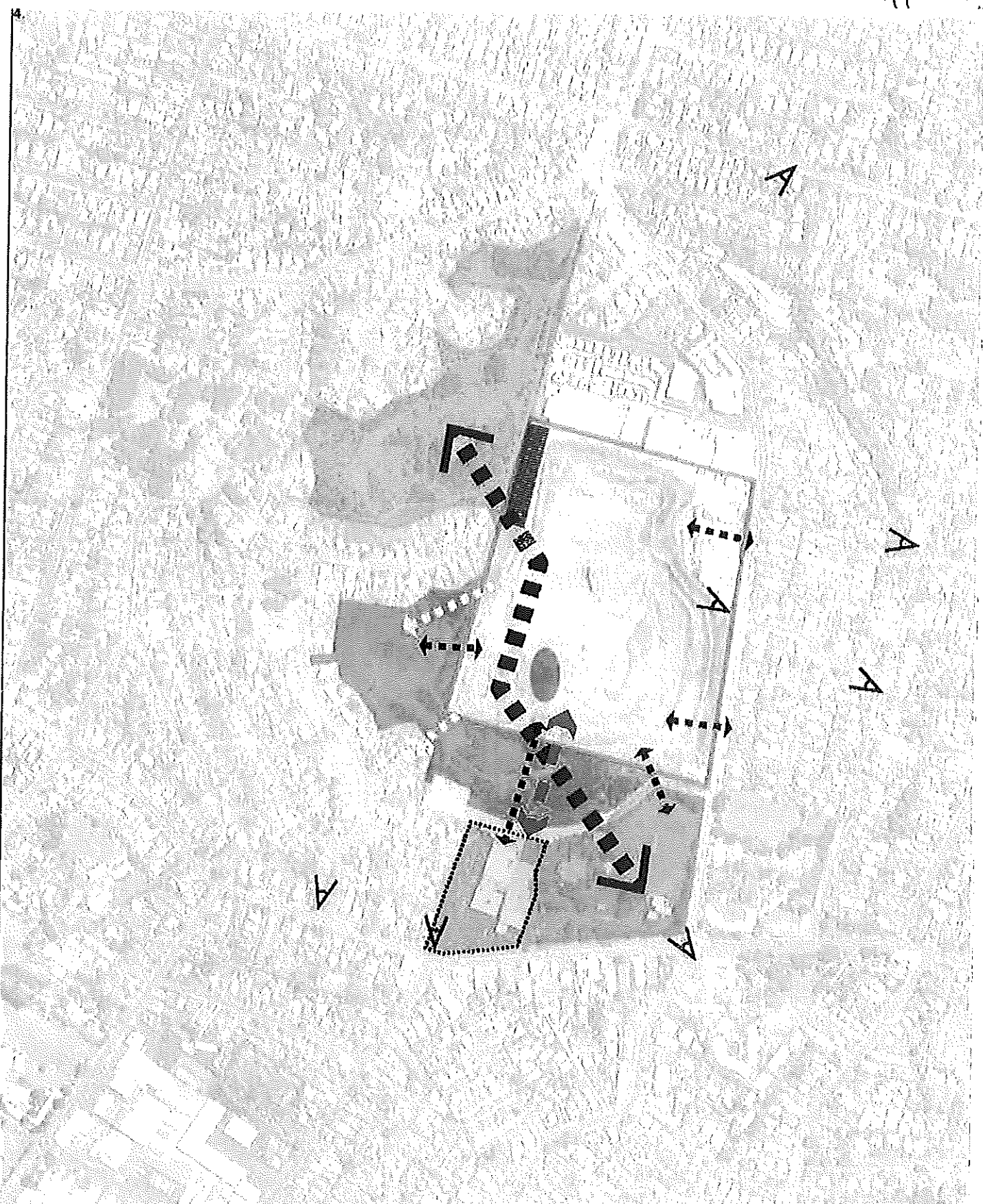
Public feedback on these Principles and map is sought to ensure they continue to guide the Precinct Plan, including any redevelopment of the Quarry.

Note: There is a wider range of Principles for the whole Precinct, for space those below focus on those related to any redevelopment of the Quarry.












Future development of the Quarry should

- Maximise the level of public open space (including the provision of additional playing fields), protect and enhance the volcanic landscape and views to and from Te Tatua a Riukiuta.
- Improve connections between Te Tatua a Riukiuta and surrounding land uses and create more obvious access to the mountain, particularly from the north and east.
- Ensure that open space acts as a high quality network with a range of functions that contribute towards open space outcomes for the city and the area.
- Enable options such as reconfiguration, filling and exchange of reserve land to improve the open space network, but not reduce the existing amount of open space land.
- Provide an outlet for the original spring /aquifer within the quarry development.
- Recognise and enhance Te Tatua a Riukiuta through its design and land use, including connections and the provision of open space.
- Ensure that the views to and from Te Tatua a Riukiuta and other volcanic cones are protected and that design and structure of any development be underpinned by Te Tatua a Riukiuta as a fundamental feature and landmark.
- Design and locate open space to be compatible with surrounding land uses and arranged for logical and coherent use.
- Avoid separation between the Quarry and the surrounding urban environment, to create an integrated addition to the centre.
- Incorporate best practice Urban Design at all levels of development and planning, with high quality design principles built in to the structure and applied through rigorous Urban Design codes and Guides.
- Promote a diversity of land uses that are compatible with the town centre. This should promote a variety of built form responses and diversity at the scales of the site, street and block.
- Sustainably deal with infrastructure constraints of the area, including but not limited to stormwater and wastewater issues.
- Provide a height and density of development on the site consistent with wider growth objectives but that recognises site constraints.
- Provide a pattern of built form and open space that creates safety and surveillance.
- Provide reference to the history of the quarry site and the original volcanic forms, through design within the development.
- Provide direct well designed local pedestrian/cycle linkages that connect surrounding land uses.
- Develop another access from the Western side of Three Kings via the Winstones site to Mount Eden Road, from for example Fyvie, Smallfield or Barrister Avenues.
- Integrate open space with the Greenways project and assist in creating a network of city wide cycle / pedestrian linkages.
- Plan with Auckland Transport for strong connections to proposed Public Transport linkages and Travel Demand Management (TDM) features to manage local traffic issues.
- Ensure any new road structure creates a permeable and legible network that integrates well with the local area and provides for a high quality street environment.
- Seek opportunities to redevelop in association with adjoining landowners to ensure that all opportunities are explored in a coherent way.
- Contribute to the viability of the existing centre and provide development that is compatible and not competing.

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Principles for the Development of the Three Kings Quarry

-  Connected to Northern Centre
-  Big King Buffer
-  Redeveloped Shopping Centre
-  Potential Open Space Reconfiguration
-  Potential Western Access
-  Quarry
-  Big King as Focal Point for Design
-  Ensure Connectivity
-  Feature Aquifer (Indicative Position)
-  Protect Views to Big King
-  Potential Greenways Connection





Auckland Council
Te Kaitiaki Take Kōwhiri
 Printed on 05 March 2013

T/1/13

#2736

Three Kings Precinct Plan – Community Stakeholder Workshops 2013

A particular focus of Stage 1 of the Precinct Plan and of this discussion document is the relationship between the major structural elements of the:

- Winstones Quarry
- Three Kings Town Centre
- Open Space resources and Big King

These areas have great potential to shape the future of the Three Kings area. Of particular interest is how these areas could grow and develop and how this can be guided to produce high quality outcomes that can support the wider Three Kings area.

As part of the initial engagement on the Three Kings Precinct Plan two workshops were held on 21 March and 9 April 2013 to discuss the implications of redeveloping the Quarry and of the draft Unitary Plan.

These workshops have helped to refine the options for redevelopment of the Quarry, including how it integrates with the Town Centre and surrounding open spaces and other issues of importance to stakeholders. This has enabled development of options, including some that would include land swaps.

In addition to these workshops a number of meetings have been held with other key stakeholders, for example Winstones/Fletchers, Antipodean, Housing New Zealand, Auckland Transport and internal stakeholders within council. These meetings have enabled the project team to understand the various issues and aspirations related to the Three Kings area.



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Issues Raised at Community Stakeholder Workshops

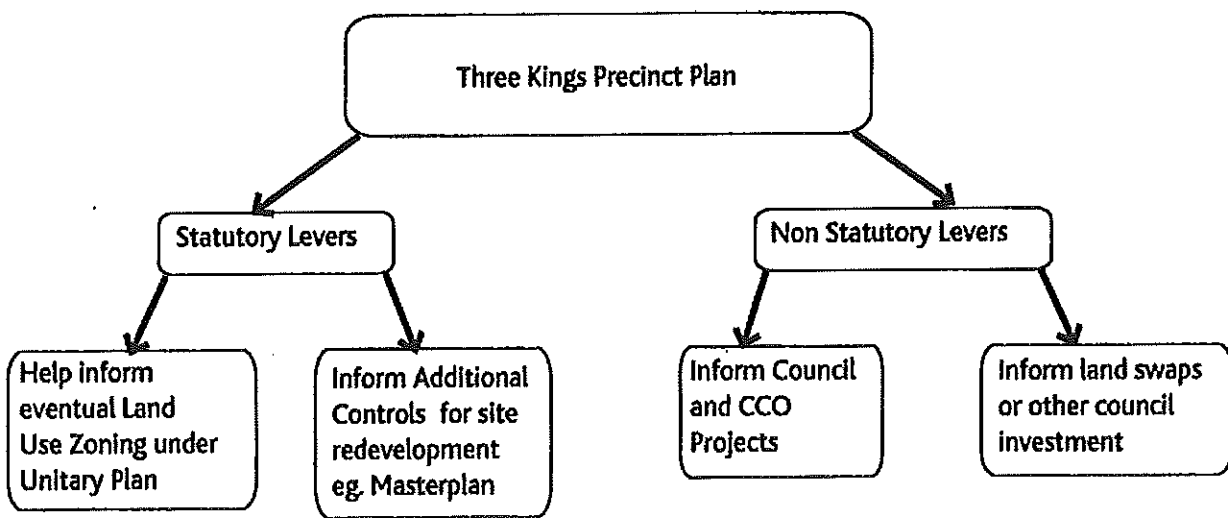
A wide variety of opinions about redevelopment of the Quarry were expressed at the two workshops. Some of the key issues raised include the following conclusions.

1)	Any redevelopment of the Quarry for residential use will need to be high quality, utilising best practice urban design
2)	Redevelopment should achieve good levels and quality of open space that connect important land uses
3)	The Quarry site should not be looked at in isolation and all options for reconfiguration of adjoining land, including open space, should be explored
4)	The Quarry could be intensively redeveloped to support the Three Kings town centre and provide residential capacity provided it
a.	Is linked well to the Three Kings town centre
b.	Is placed appropriately to frame and protect views to the cone of Big King. Quarry redevelopment should treat this as a major design feature
c.	Relates well to adjacent open space

Future Planning Processes

Any redevelopment of the Quarry will require both a rezoning of the Quarry site and a more detailed planning process for development of the site e.g. a masterplan. Once endorsed by the Local Board the Precinct Plan can be used to guide any future planning process for the redevelopment of the site. The statutory lever of zoning control and more detailed planning processes under the Unitary Plan, is one way the Council can influence Quarry redevelopment.

The other way Council can influence the outcome is by project investment and planning decisions it makes over the medium and long term, for example the potential for reconfiguration of Council owned property in Three Kings.



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Development Options Raised at Community Stakeholder Workshops 2013

Residential development has the potential to provide additional open space as part of any redevelopment. It could also help maximise use of existing open spaces and provide better open space outcomes along with provision of additional land for housing.

Given that the Quarry will remain in private ownership, some form of housing development is most likely (and is signaled by its current owners), with the opportunity for new open spaces to be added. Accordingly the options suggested for feedback in this document focus on residential development of the Quarry site with various open space configurations.

Other options for development suggested by some stakeholders during the various engagement processes, include the use of the site as a large, park-like open space or as a business park.

Open Space Zoning

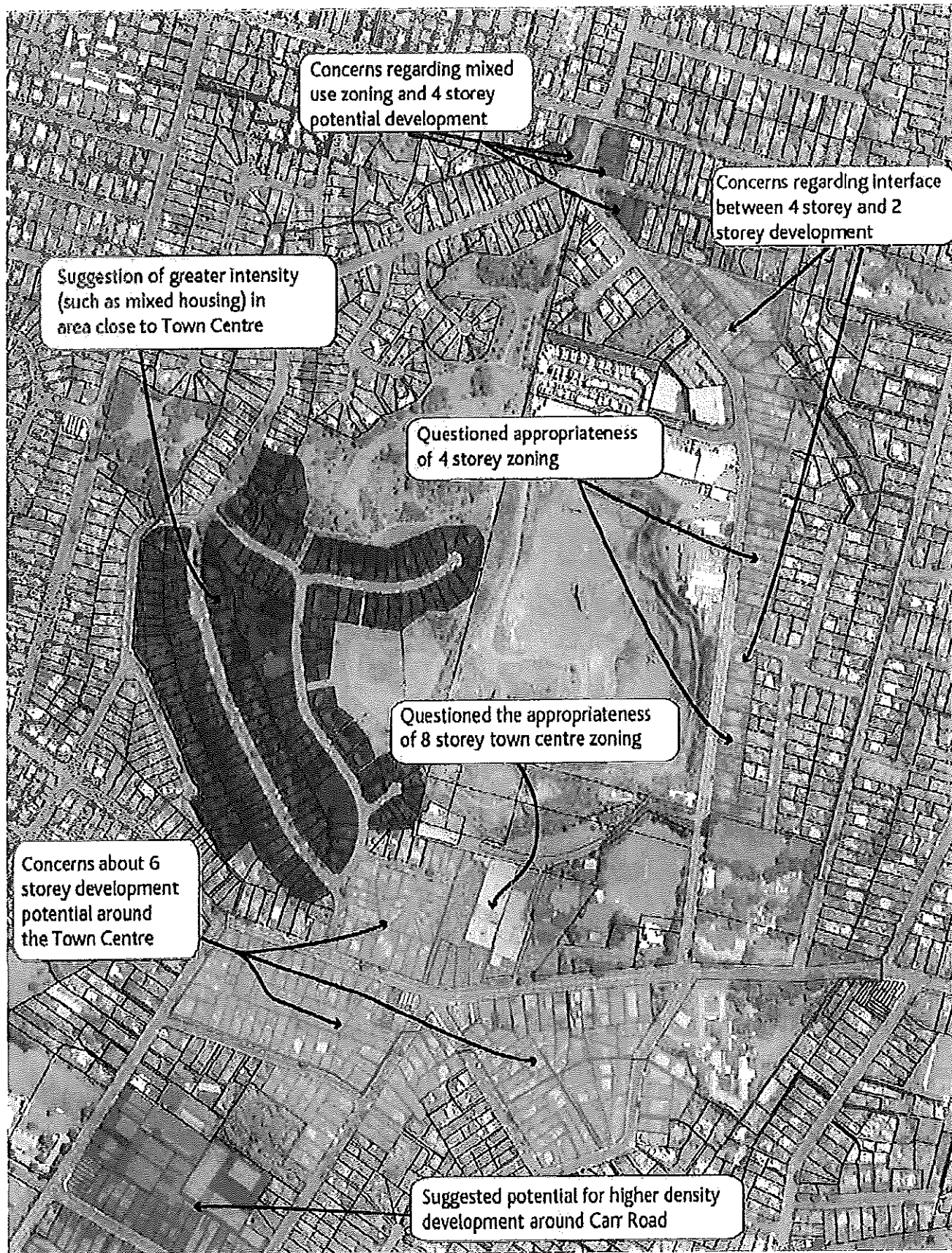
Development solely as open space is unlikely as it would require council to spend a considerable amount of money purchasing and developing the site. In addition there are a number of large open spaces that already exist in close proximity, such as Big King, Monte Cecilia Park and One Tree Hill.

Business Zoning

Likewise a large-scale business redevelopment on the Quarry site would not be in keeping with the established residential nature of the wider area. This would create a considerable change in character and could potentially undermine the economic viability of the Three Kings Town Centre.

Unitary Plan Feedback Raised at the Community Stakeholder Workshops

With the parallel timeframes of these two projects significant interest and comment on the Unitary Plan was also expressed at these meetings. The diagram overleaf has been prepared to graphically display some of the key issues raised by the attendees.



Unitary Plan Feedback from Precinct Plan Workshops



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— Three Kings Precinct Area



Printed on 27 April 2013

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Residential Development

The make up of Auckland is changing. In 20 years time, there will be more people overall and the number of retired households will be much greater. Having a unit close to shops and transport in the area where they have lived for a long time will be important.

Likewise younger families and households need more affordable housing choices if Auckland is to retain its workforce, close to open spaces and local shops and cafes. There will be more single and couple only households.

The draft Unitary Plan provides for four residential zones within an urban context. These include the Single Housing, Mixed Housing, Terraced and Apartment Housing and Large Lot zones. A variety of overlays can apply to particular sites that modify the zoning controls, such as flood plains or volcanic cone sightlines.

The draft Unitary Plan maps show a mixture of single house, mixed housing and terrace and apartment zoning in the Precinct Plan area.

The Large Lot Zoning is not considered suitable as this zone is designed to provide larger lot housing where significant environmental constraints limit any greater density, which is not the case in the filled Quarry, or surrounding suburbs.

These other proposed residential zones are described in Appendix 2, with the implications of applying these zones to any redevelopment of the Quarry examined on the following page.

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Residential Development (Ammended)

Infrastructure

During the engagement phase questions were raised about whether the infrastructure can cope with more people and housing. Infrastructure will need to be expanded and upgraded and in some cases older infrastructure in the area will need to be replaced no matter what growth occurs. Greater population can help spread the costs of this.

In other cases more infrastructure will be needed and adding to existing services is often more efficient than building new elsewhere. For example more people is often seen to lead to more traffic congestion. Putting people elsewhere will not lessen traffic congestion, only move it. Instead allowing growth in an area that can support more bus services and better facilities for buses (eg bus priority on roads) allows greater travel choice and can reduce congestion.

Indicative Quarry Redevelopment Yields

Applying development efficiencies and estimated densities to the area of the Quarry, for the different proposed zones from Appendix 2, gives some indicative development yields. An average of 2.8 persons per dwelling is used to estimate the level of population that may be provided by development.

Assumptions: 60-70% of the quarry area (15.2ha) can be used for housing with 30-40% for open space and roads. A development area of 60% equates to 9.12ha and 70% to 10.64ha, with the remainder used for open space and roads.

Note: it is assumed that any zoning would provide a variety of housing types. A strictly uniform approach to the provision of residential housing is not desirable and is not supported by the Unitary Plan or Urban Design best practice.

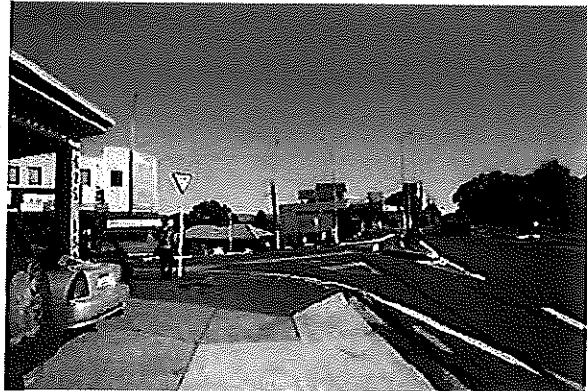
Zone	Yield: Indicative Dwellings	Yield: Indicative Population
Single Housing (1/500m ²)	180-210	504-588
Mixed Housing (1/300m ² or 1/200m ² -1/300m ² for Comprehensive Redevelopment)	300-450 (depending on level of intensity)	840-1260
Terrace Housing and Apartment Building (1/125m ² land area - Terrace and Low Rise Apartment) (1/83m ² land area - Medium Rise Apartment)	700-1050 (depending on level of intensity and number of apartments)	1960-2940
Terrace Housing and Apartment Building (1/60-80m ² land area - Medium Rise Apartment)	1200-1800 (depending on level of intensity and number of apartments)	3360 - 5040



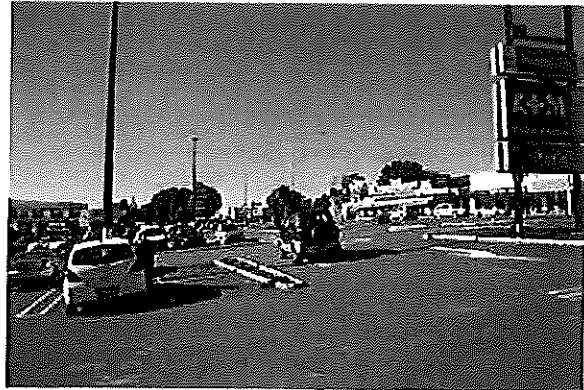
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Town Centre Growth

The Three Kings town centre will grow in the future as the population of the catchment builds. More local shops and services will reduce the need to travel out of the area and support more local community interaction. It is important to ensure that any expansion of the town centre occurs in a way that can improve its viability in the short and long term.



Two major options are available to allow for expansion of the town centre itself. The town centre could expand eastwards along Mt Albert road, or alternatively It could grow towards the north, off Mt Albert road towards any redeveloped Quarry.



Encouraging the centre to grow towards the north will require council investment in new streets and public space. The land that the council controls could be partly used to help incentivise the mall owner to redevelop to the north. Both of these options have been explored in the section below.

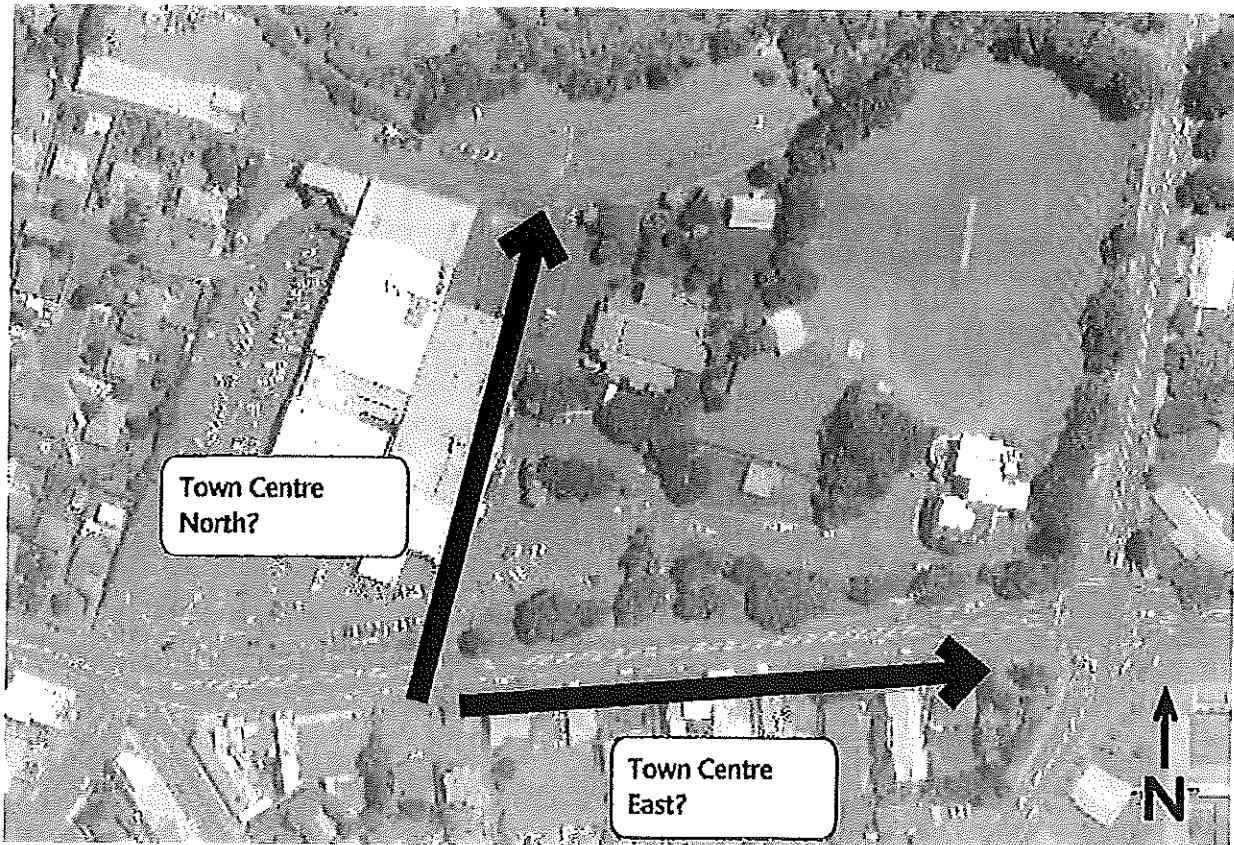


Figure 4: Town Centre Growth Options

Possible Options for Land Swaps and Reconfiguration

The Council owns or controls land between the Three Kings town centre and the quarry. This includes the playing fields to the west and the land north of Grahame Breed Drive (see diagram below).

There is the potential for this land to be rearranged to improve outcomes and overall configuration. Under the legislation that the council works with a land swap of equal area is more achievable than any other process.

A land swap could also be seen as a form of land banking. Council may have to find money to upgrade and improve land that it swaps.

There have been a variety of options for more open spaces and these ideas influence what type of space is needed. These include:

- Space for more sportsfields to serve the wider area
- Passive recreation space (eg lawns, landscaping, play areas possibly incorporating a water feature) to help offset the effects of more people and housing in the area
- Space to help improve the visual appeal and landscape and heritage integrity of Big King
- Space for more walkways and cycleways around the base of the cone, in a north-south direction, and in an east-west direction



Figure 5: Potential Area for Land Swaps or Reconfiguration

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Broad Development Options

Set out on the following pages are 5 broad development options for the quarry and the town centre. They look at both the major structuring elements of any redevelopment eg. roads and open space, but more importantly at what Auckland Council could do to facilitate good quality redevelopment of the Quarry. For example reconfiguration of Auckland Council owned land or land swaps. They sit alongside the Draft Principles, which deal with both the large structuring elements and also more detailed aspects of design of any redeveloped Quarry.

The Local Board does not yet have a view on which is the best option. It is possible that other options could be developed and the final Precinct Plan could well be an amalgam of a number of options. These options have been developed to help generate feedback on their advantages and disadvantages.

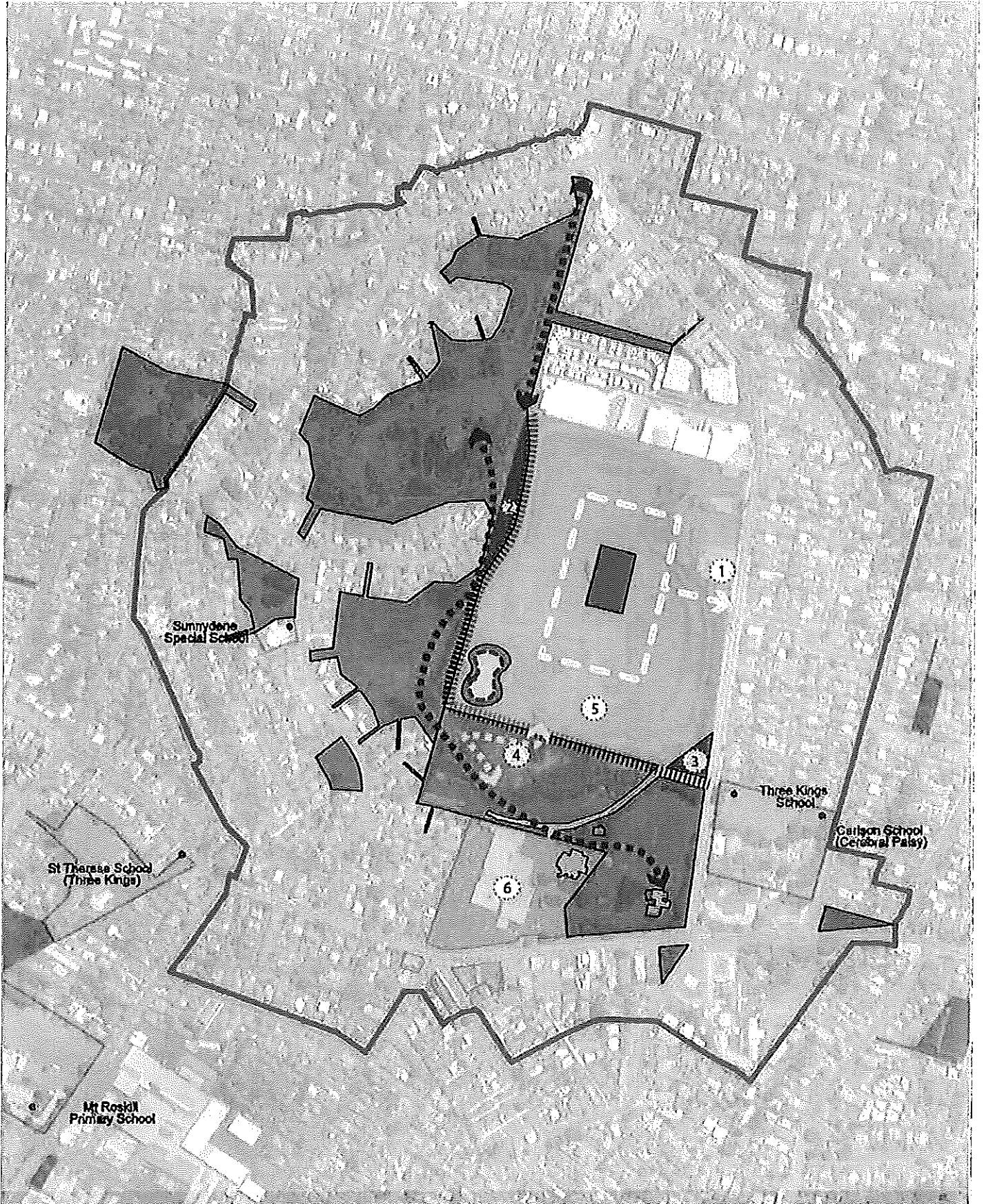
Option 1- Do Minimum

The numbers in each of the Options relates to the map on the facing page.











1.	Access to site provided from Mt Eden Rd only
2.	Small open space buffer area adjacent to Big King
3.	Historic pumphouse included in or near open space
4.	New pedestrian and cycle connections created between the town centre and redeveloped quarry site
5.	Limited or no filling of the council controlled land north of the town centre, with filling of the Quarry in line with current consent conditions
6.	Three Kings Plaza remains as it is

Theme	Positive Aspects	Negative Aspects
Land configuration	<ul style="list-style-type: none"> Relatively straightforward process to realise outcome 	<ul style="list-style-type: none"> Existing open space assets not able to be utilised to their full potential Little/no integration between major components of urban form i.e. town centre, open space, residential development
Open space	<ul style="list-style-type: none"> Limited improvement to connections between existing open space assets 	<ul style="list-style-type: none"> Usability of open space areas not significantly improved
Town centre and quarry development	<ul style="list-style-type: none"> Potential for increased height for residential development in quarry without affecting views to Big King 	<ul style="list-style-type: none"> Insular / inward looking residential development in quarry site No significant improvement to existing issues in Three Kings town centre
Connections	<ul style="list-style-type: none"> Small increase in open space Limited improvement to connections between existing open spaces 	<ul style="list-style-type: none"> Significant grade changes between quarry development and town centre reduces the ability for easy pedestrian and cycle connections Limited connections between redeveloped quarry and surrounding environment Car orientated as no direct access to Three Kings Town Centre

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Option 1 - Do Minimum

-  Three Kings precinct boundary
-  Grade changes
-  Indicative water feature/ stormwater pond
-  New open space linkage
-  Town centre
-  Existing open space
-  New open space
-  New street connections
-  New residential development
-  Potential pedestrian/cycle connection to redeveloped quarry



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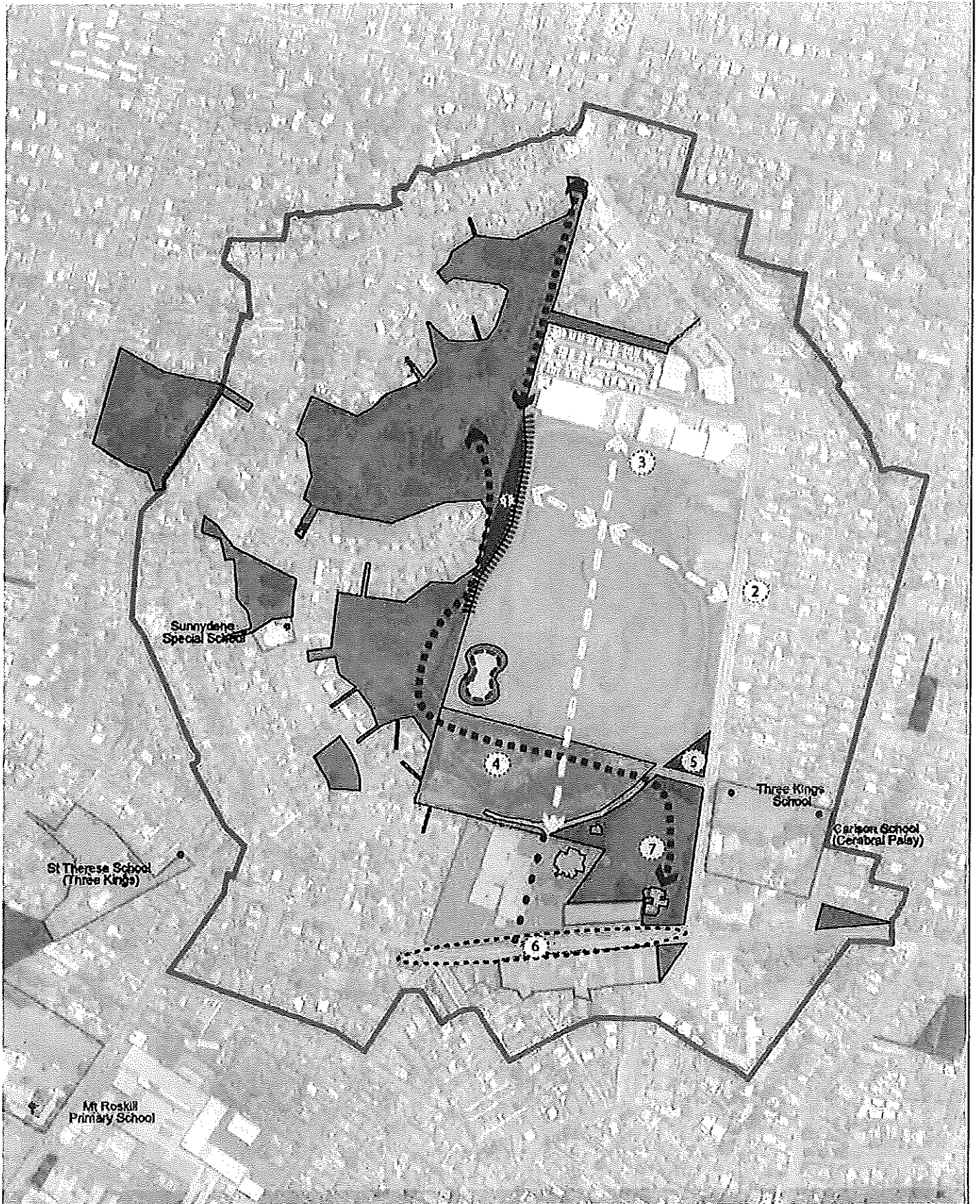
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Option 2: Open Space Filling by Auckland Council and Eastward Extension of Town Centre

1.	Addition of a small open space buffer area adjacent to Big King
2.	Views to Big King protected by street layout and orientation
3.	North/south connection between possible 'shared space' in town centre and local road network in redeveloped quarry site
4.	Existing open space filled to 70m contour level by Auckland Council allowing connection between town centre and redeveloped quarry site
5.	Historic pumphouse building included in or near open space
6.	Extended mainstreet along both sides of Mt Albert Rd with potential streetscape upgrade. Proposed 2-3 storeys along mainstreet with buildings set back at upper levels.
7.	Addition of an open space link between Three Kings town centre, Three Kings Reserve and Big King

Theme	Positive Aspects	Negative Aspects
Land configuration	<ul style="list-style-type: none"> Relatively straightforward process to realise outcomes Filling of existing open space north of the town centre will allow for better connections and utilisation 	<ul style="list-style-type: none"> Low level of integration between major components of urban form i.e. town centre, open space, residential development
Open space	<ul style="list-style-type: none"> Significant improvement to usability of existing open space area north of town centre Improved connection between existing open space areas 	<ul style="list-style-type: none"> The council may incur cost to fill existing open space area north of town centre
Town centre and quarry development	<ul style="list-style-type: none"> Opportunity to alleviate many of the existing issues identified in the Three Kings town centre through reconfiguration and redevelopment Potential for mainstreet expansion to provide additional commercial tenants and improve economic viability of centre 	<ul style="list-style-type: none"> Insular / inward looking residential development in quarry site Small, fragmented and topographically constrained sites on southern side of Mt Albert Rd hinder comprehensive town centre development
Connections	<ul style="list-style-type: none"> Low/moderate grade changes between quarry development and town centre allow for improved transport connections Views to Big King protected by the structure of roads 	<ul style="list-style-type: none"> Open space configuration limits ability to connect the western portion of the precinct plan area with the eastern part

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Option 2 - Open Space Filling by Auckland Council and Eastward Extension of Town Centre



Scale @ A3 1:5000
0m 100m 200m 300m 400m 500m
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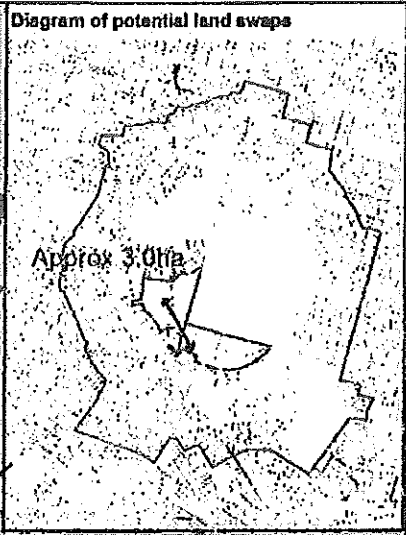
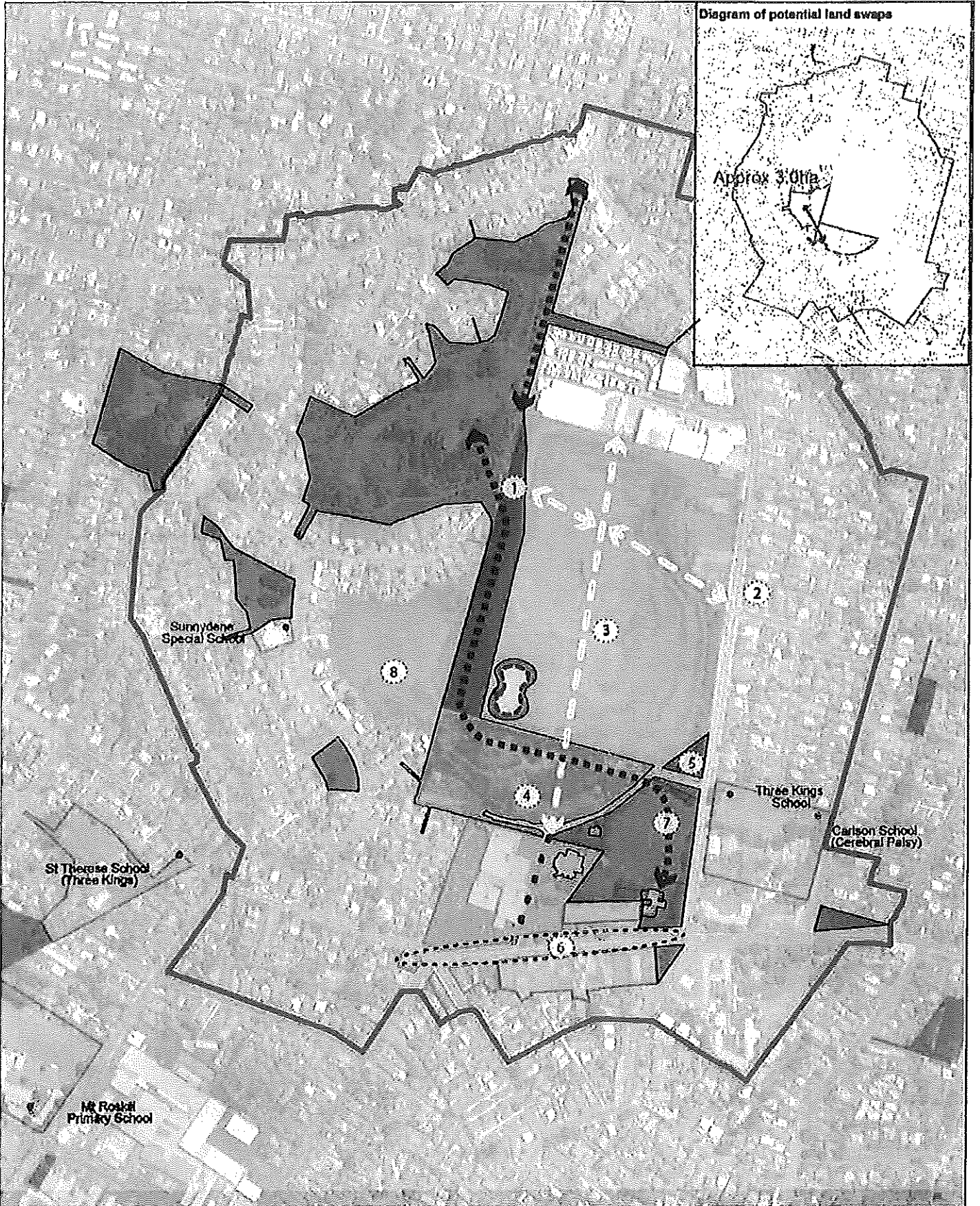
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Option 3: Open Space Filling by Fletchers Development and Eastward Extension of Town Centre

1. Addition of a larger open space buffer area and link to Big King
2. Views to Big King protected by street layout, orientation and open space configuration
3. North/south connection between possible 'shared space' in town centre and local road network in redeveloped quarry site
4. Existing open space filled to 70m contour level by Fletcher Developments to create an open space link with capacity for sports fields
5. Historic pumphouse included in or near open space
6. Extended mainstreet along both sides of Mt Albert Rd with potential streetscape upgrade. Proposed 2-3 storeys along mainstreet with buildings set back at upper levels.
7. Addition of an open space link between Three Kings town centre, Three Kings Reserve and Big King
8. Land 'swapped' with Fletcher Development in return for fill and development of the council's open space land (ref 4 on Map 3), providing an open space buffer and link to Big King (ref 1 on Map 3) and an upgrade to Three Kings Reserve

Theme	Positive Aspects	Negative Aspects
Land configuration	<ul style="list-style-type: none"> • Open space areas upgraded to improve usability and connection 	<ul style="list-style-type: none"> • Total area of council owned open space decreased
Open space	<ul style="list-style-type: none"> • Council owned open space land to the north of town centre developed at little/no cost to the council and ratepayers • Significant improvement to usability of existing open space area north of town centre • Significant improvement to existing Three Kings Reserve • Improved connection between existing open space areas • Views to Big King protected by the structure of open space 	<ul style="list-style-type: none"> • Total area of open space is decreased
Town centre and quarry development	<ul style="list-style-type: none"> • Opportunity to alleviate many of the existing issues identified in the Three Kings town centre through reconfiguration and redevelopment • Potential for mainstreet expansion to provide additional commercial tenants and improve economic viability of centre 	<ul style="list-style-type: none"> • Some integration between town centre and redeveloped quarry site • Small, fragmented and topographically constrained sites on southern side of Mt Albert Rd hinder comprehensive town centre development
Connections	<ul style="list-style-type: none"> • Views to Big King protected by the structure of roads • Stronger connection between all open space components • Low/moderate grade changes between quarry development and town centre allow for improved transport connections 	<ul style="list-style-type: none"> • Open space configuration limits ability to connect the western portion of the precinct plan area with the eastern part

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Option 3 - Open Space Filling by Fletcher Developments and Eastward Extension of Town Centre

Three Kings precinct boundary	Town centre	New residential development
New open space linkage	Existing open space	Mainstreet upgrade
New street connections	New open space	
Indicative water feature/ stormwater pond	Filled open space	
Shared pedestrian / vehicle space	Potential town centre expansion	



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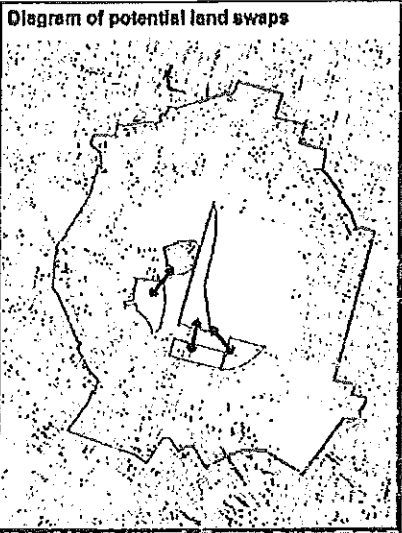
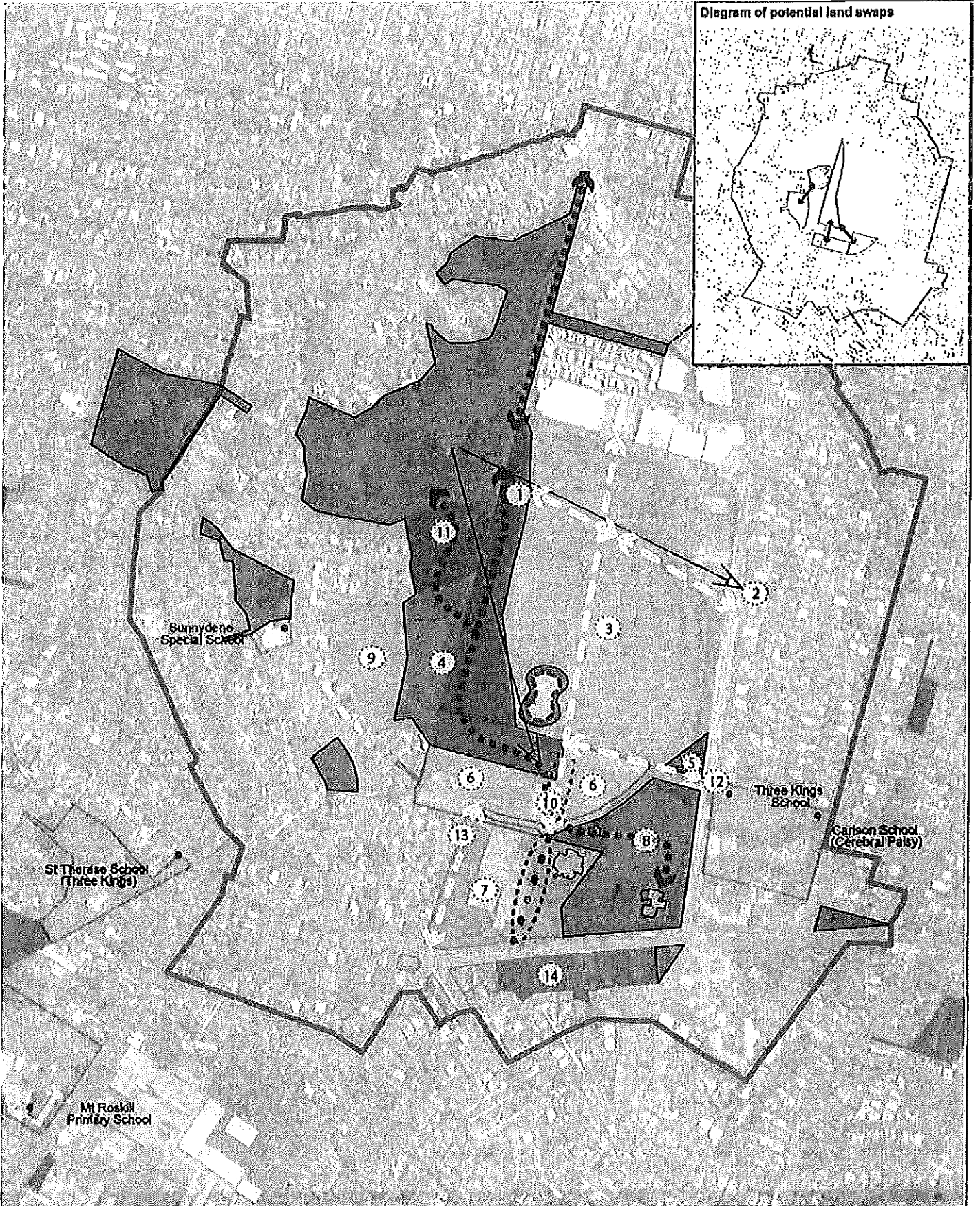
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Option 4: Western Open Space Provision and Northern Extension of the Town Centre

Facilitated Through Fletchers Development and Housing New Zealand Land Swap Description

1.	Addition of a larger open space buffer area and link to Big King
2.	Views to Big King protected by street layout, orientation and open space configuration
3.	North/south connection between possible 'mainstreet' in town centre and local road network in redeveloped quarry site. Proposed 2-3 storeys along mainstreet with buildings set back at upper levels.
4.	Sports fields repositioned
5.	Historic pumphouse included in or near open space
6.	Town centre expands in a northerly direction with mix of town centre and residential activity at northern edge
7.	Redevelopment of Three Kings Plaza site
8.	New open space link between Three Kings Reserve, the town centre and Big King
9.	Possible land swap with Housing New Zealand
10.	New civic space created in the heart of the redeveloped town centre providing connections between surrounding open space.
11.	New connection to Big King created through possible land swap with Housing New Zealand
12.	Grahame Breed Drive reconfigured
13.	Additional access to Mt Albert Rd from redeveloped Three Kings Plaza
14.	Southern extension of town centre activities along Mt Albert Rd

Theme	Positive Aspects	Negative Aspects
Land configuration	<ul style="list-style-type: none"> Stronger integration between major components of urban form i.e. town centre, open space, residential development 	<ul style="list-style-type: none"> Potentially lengthy and complicated process to reach desired outcome Landowners only likely to be interested in land swaps on a like value for like value basis Housing New Zealand likely to seek more development potential on sportsfield site to compensate for loss of land in Fyvie Avenue
Open space	<ul style="list-style-type: none"> Reconfiguration of open space would provide an opportunity for redevelopment to improve usability and connection of all open space areas Views to Big King protected by the structure of open space Enlarged open space area could be used for sportsfields or passive activities 	<ul style="list-style-type: none"> New civic space required to provide connection between Three Kings Reserve and other open space components Open space configuration limits ability to connect the western portion of the precinct plan area with the eastern part
Town Centre and Quarry development	<ul style="list-style-type: none"> Stronger integration between the town centre and the redeveloped quarry site Opportunity to alleviate many of the town centre issues through reconfiguration and redevelopment Potential for redevelopment of Three Kings Plaza to provide additional commercial tenants and improve economic viability of centre 	
Connections	<ul style="list-style-type: none"> Opportunity to better integrate town centre with residential area to the west Views to Big King protected by the structure of roads Stronger connection between western open space areas Low/moderate grade changes between quarry development and town centre allow for improved transport connections 	<ul style="list-style-type: none"> Open space configuration limits ability to connect the western portion of the precinct plan area with the eastern part



Option 4 - Western Open Space Provision and Northern Extension of Town Centre

- Three Kings precinct boundary
- ▨ Mixed use
- ⋯ New street connections
- ▨ Indicative water feature/ stormwater pond
- Shared pedestrian / vehicle space
- ▨ Potential town centre expansion
- ▨ Town centre
- ▨ Existing open space
- ▨ New open space
- ▨ Filled open space
- ▨ New mainstreet
- ▨ New residential development
- ◀ Potential views
- ▨ Public space or square
- ◀▶ New open space linkage



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Option 5: Eastern Open Space Provision and Northern Extension of the Town Centre

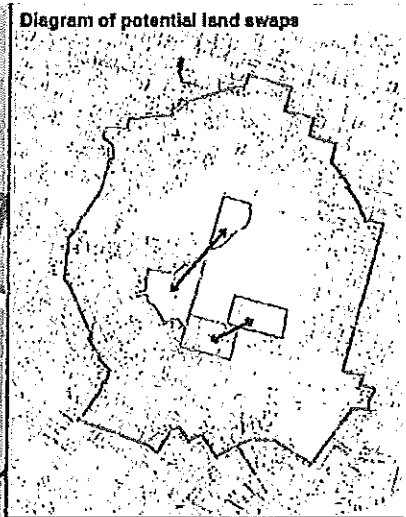
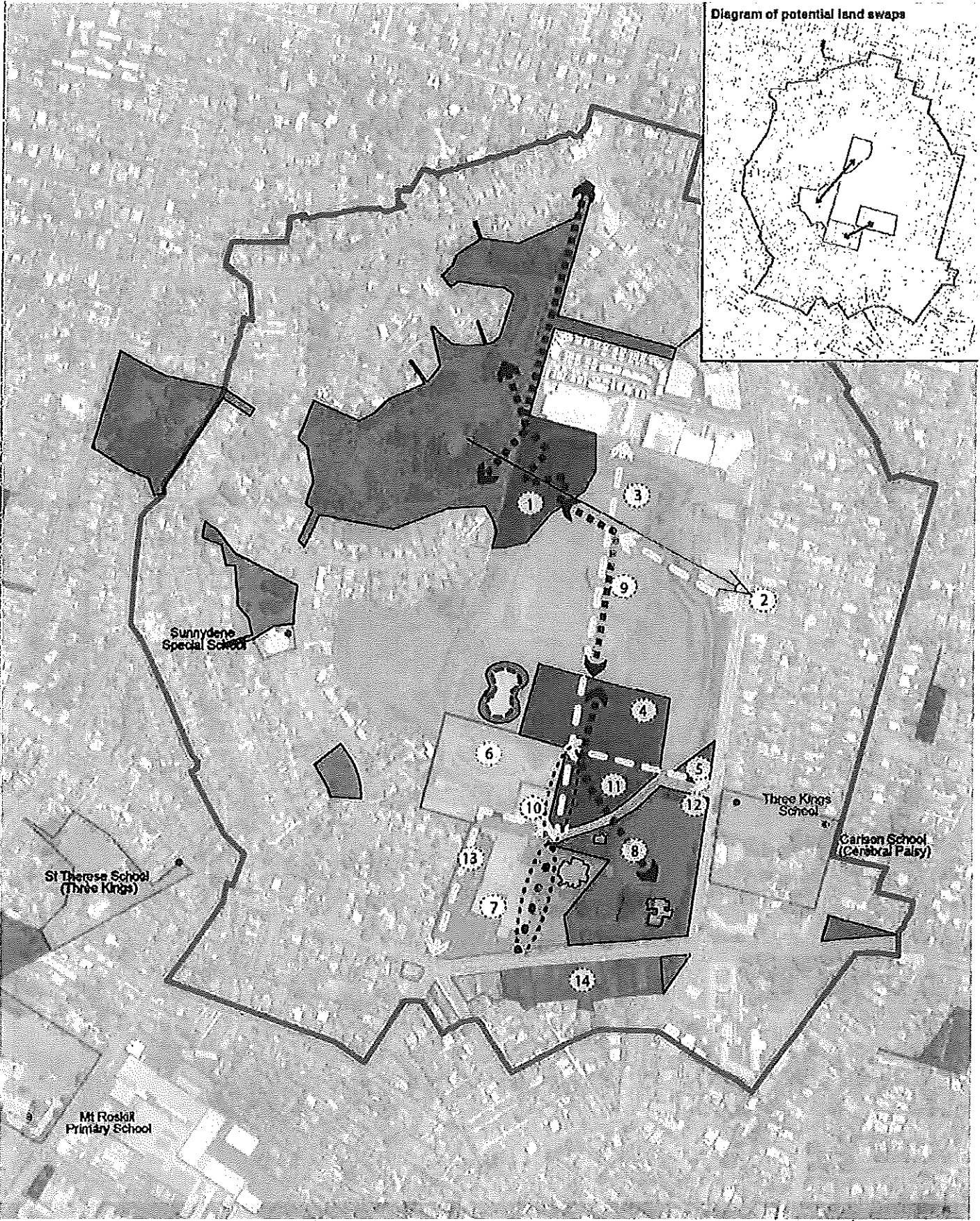
Facilitated through Fletcher Developments Ltd Land Swap Description

1.	Addition of large open space buffer area adjacent to Big King
2.	Views to Big King protected by street layout and orientation
3.	North/south connection between possible 'mainstreet' in town centre and local road network in redeveloped quarry site. Proposed 2-3 storeys along mainstreet with buildings set back at upper levels.
4.	New open space/playing fields adjoining Three Kings reserve
5.	Historic pumphouse included in or near open space
6.	Town centre expands in a northerly direction with mix of town centre and residential activity at northern edge
7.	Redevelopment of Three Kings Plaza site.
8.	New open space link between Three Kings Reserve, the town centre and Big King
9.	Well treed street connection with pedestrian and cycle facilities between open spaces (references 4, 11 & 1 on Map 5)
10.	New civic space created in the heart of the redeveloped town centre
11.	New open space adjoining Three Kings Reserve and new open space/sports fields (4)
12.	Grahame Breed Drive reconfigured
13.	Additional access to Mt Albert Rd from redeveloped Three Kings Plaza
14.	Southern extension of town centre activities along Mt Albert Rd

Theme	Positive Aspects	Negative Aspects
Land configuration	<ul style="list-style-type: none"> Stronger integration between major components of urban form i.e. town centre, open space, residential development 	<ul style="list-style-type: none"> Potentially lengthy and complicated process to reach desired outcome Fletcher Developments Ltd may not be willing to sell the land beside Mt Eden Road
Open space	<ul style="list-style-type: none"> Agglomeration of sports facilities adjacent to existing Three Kings reserve could potentially enhance usability of all open space Open space buffer area in north west part of quarry site may allow for integration between Big King and surrounding land use 	<ul style="list-style-type: none"> Loss of existing open space to west of quarry development (sports field) and north of town centre
Town centre and quarry development	<ul style="list-style-type: none"> Stronger integration between the town centre and the redeveloped quarry site Opportunity to alleviate many of the town centre issues through reconfiguration and redevelopment Potential for redevelopment of Three Kings Plaza to provide additional commercial tenants on the northern side of Mt Albert Road and improve economic viability of centre 	
Connections	<ul style="list-style-type: none"> Opportunity to better integrate town centre with residential area to the west Opportunity to create east/west road connection between redeveloped quarry and residential area to the west of the site Views to Big King protected by the structure of roads Low/moderate grade changes between quarry development and town centre allow for improved transport connections 	

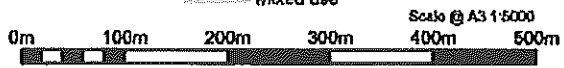
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Option 5 - Eastern Open Space Provision and North Expansion of Town Centre

- Three Kings precinct boundary
- ◀ → New open space linkage
- ▭ Potential town centre expansion
- ▭ Town centre
- ⋯ New street connections
- ▭ Existing open space
- ⋯ Indicative water feature/ stormwater pond
- ▭ New open space
- • Shared pedestrian / vehicle space
- ▭ Mainstreet upgrade
- ▭ New residential development
- △ Potential views
- ▭ Public space or square
- ▭ Mixed use



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Appendix 1: Planning Context

A significant number of planning processes have been undertaken in recent years for the Three Kings area. These include:

- The Future Planning Framework (2010)
- Community Workshops to look at redevelopment options for the Quarry (2008)

Future Planning Framework

Evaluation of the Three Kings area was undertaken in 2008/2009 as part of analysis of the Mt Roskill / Hillsborough area. This included evaluation of the issues and opportunities within the area which recognised that Three Kings has an important role to play within the Mt Roskill – Hillsborough area. This evaluation identified that:

- The Three Kings town centre located on key public transport routes (Mt Albert and Mt Eden Roads) should accommodate growth and more intensive development within and around it.
- Carr Road, located to the south of the centre, can facilitate a new business node to support a future Avondale Southdown rail link and Three Kings centre.
- Te Tātua a Rukluta – Big King is a significant feature of the area and is important for its geological, ecological and cultural heritage values.
- The Winstones Quarry site is identified as a key site to support the town centre.
- The Quarry is identified for intensive residential development of up to 8 storeys as long as it is linked to the Three Kings town centre, is placed appropriately to frame and protect views to the cone of Big King and relates well to adjacent open space.

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Community Workshops 2008

A series of community workshops were held in November 2008, which were well attended by Three Kings stakeholders. From these a series of broad principles were established to guide any future masterplanning of the site.

The workshops evaluated redevelopment of the Quarry and a series of agreed principles were developed to guide how this would take place, along with a map that illustrated these spatially. These principles were endorsed by the City Development Committee in February 2009 and have been subsequently included in the draft principles developed to guide the Precinct Plan.

(i) Open Space issues (recreation, reserves and historical areas) and reconfiguration

Open space within the quarry site and surrounding area will be planned to act collectively as a network of quality parks providing a range of functions (heritage, active and passive recreation). The master plan will ensure redevelopment of the site contributes towards open space outcomes for the city, with a strong emphasis on protection and enhancement of the volcanic landscape and the provision of additional sports fields. Planning for this open space may include reconfiguration, filling and exchange of reserve land to improve the quality, functionality and connectivity of the open space network, while not reducing the existing amount of open space land. Reserve management plans are to be developed in the future or reviewed to reflect the final characteristics of the new and existing open spaces, once these have been determined.

(ii) Creating Connections

Provide direct local pedestrian linkages with views (safe, well laid out green corridors) between Big King Reserve, existing open space, town centre and the quarry site. Explore opportunities for including the adjacent open space site up to Grahame Breed Drive. Develop another access from the Western side (from, for example Fyvie, Smallfield, Barrister Avenues) of Three Kings via the Winstones site to Mount Eden Road. Advocate that Auckland Regional Transport Authority (ARTA) take a lead role in providing for better transport initiatives for the site and surrounding area.

(iii) Redevelopment options

The site be developed as a mixed-use zone with commercial (including adjacent to the town centre), residential and open space adjacent to Big King. Any proposal should seek to sustainably deal with infrastructure and natural feature constraints of the area, being stormwater, wastewater, traffic management and local views to Big King. The master plan may make recommendations regarding adjacent land use, connections and interface opportunities for adjacent land parcels where appropriate; and seek opportunities to redevelop in association with other major adjoining landowners. Master planning of the quarry should also apply a development height and density, which utilises the valuable land resource in a manner consistent with the wider city and regional growth objectives.

(iv) Quality of Built Form and Views

The existing quarry site has the potential to become a quality legacy development. Recognise views to and from Big King and between Big King and other volcanic cones. Urban development (bulk, height, location, form, orientation and landscaping) that is underpinned by Big King as a fundamental design feature. An opportunity exists for the town centre to also front onto the Winstones site to improve services for the whole area. Promote built form and open space for safety and surveillance. Consider setting development back from Big King.

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Appendix 2 - Unitary Plan Zones

Housing Typologies - Single Housing

This zone is characterised by detached, low rise one to two storey dwellings surrounded by areas of open space for landscaping and leisure activities.

Maximum permitted height: 8m (2 storeys)

Impervious Coverage: 60%

Density: 1 dwelling for every 500m² of land





Hobsville Point, Hobsville
© Jay Fareworth/ARCMASS

Mixed Housing

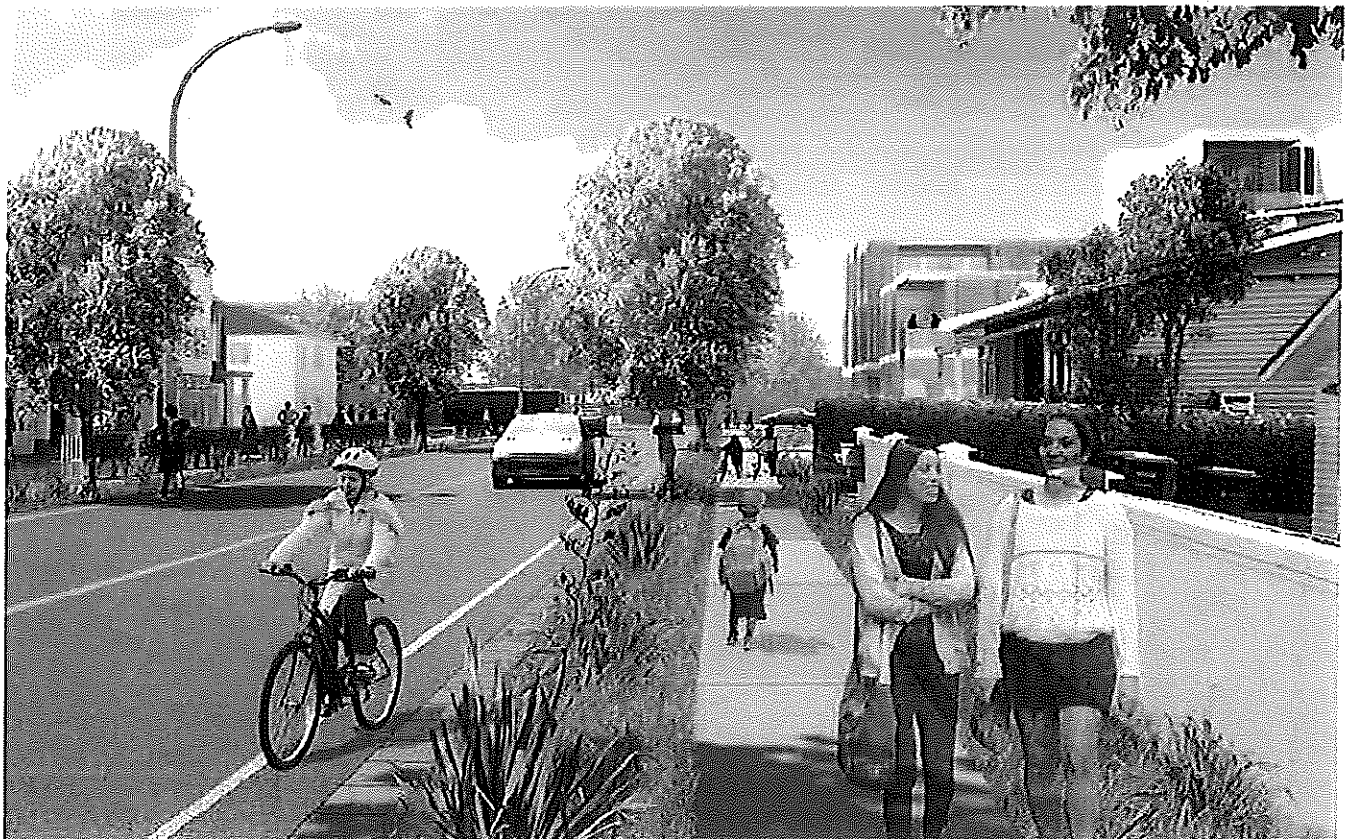
This zone enables two storey housing in a variety of sizes and forms including detached, semi-detached, town houses terraced housing and low-rise apartments. The objective is to encourage new development patterns by providing increased housing densities on comprehensively developed large sites with wide road frontages.

Maximum permitted height: 8m (2 storeys)

Impervious Coverage: 60%

Density: 1 dwelling for every 300m² of land for 1-4 dwelling.

If the site is 1200m² or greater and has a minimum frontage of 20m then no density limits apply but the height and coverage limits still remain.





Terrace Housing and Apartment Zone

The zone enables the efficient use of land and infrastructure, increases the supply of housing and allows urban residential living in the form of terrace housing and apartments. This zone advocates for mid-rise multi unit residential living of 4 storeys (or 6 storeys within 250m of Three Kings, being a large town centre), and discourages low density developments.

Height: Generally 14.5m (4 storeys), with allowance for 6 storeys within 250m of a large town centre,

Impervious Coverage: 70%

Density: Not applicable but a minimum frontage and site width of 20m for up to 4 storeys and 25m for more than 4 storeys



Town Centre Growth

Town Centre Zone

The draft Unitary Plan applies this zone to suburban centres throughout Auckland, typically located on main arterial roads to provide good public transport access. It allows a wide range of business, leisure, residential and community services.

It provides for buildings 4-8 storeys high, depending on the characteristics of the centre. Increased height within the centres will facilitate increased residential living opportunities at upper floors.

Maximum permitted height: 32.5m or 8 storeys

Impervious Coverage:

Front Yard: 6m

Side Yard: 3m where it adjoins residential



An example of Mixed Use type buildings

Mixed Use Zone

The draft Unitary Plan applies this zone normally around centres, along transport corridors and where there is a need for a compatible mix of residential and employment activities. It acts as a transition area between residential areas and the centre zones.

It provides for residential and smaller scale business activity that does not cumulatively affect the viability of centres. It does not require a mix of uses on individual sites or within areas, but buildings should be adaptable so that uses can change over time.

Maximum permitted height: 16.5m or 4 storeys (or 20.5m and 5 storeys where adjacent to a Town Centre)

Impervious Coverage:

Front Yard: 6m

Side Yard: 3m where it adjoins residential



An example of Town Centre type buildings

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