
I hereby give notice that a hearing by commissioners will be held on:

Date: Tuesday 29 and Wednesday 30 August 2023
Time: 9.30am
Meeting room: Henderson Council Chamber
Venue: Level 2, Civic Building
3 Smythe Road, Henderson, Auckland

PRIVATE PLAN CHANGE 86
HEARING REPORT
41-43 BRIGHAM CREEK ROAD, WHENUAPAI
41-43 BRIGHAM CREEK JV

COMMISSIONERS

Chairperson Janine Bell (Chairperson)
Commissioners Nigel Mark-Brown
James Whetu

Julie McKee
KAIWHAKAHAERE WHAKAWĀTANGA
HEARINGS MANAGER

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Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY 41-43 BRIGHAM CREEK JV

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Reporting officer, Todd Elder, Planner

Reporting on proposed Private Plan Change 86 to rezone 5.2 Hectares of land at 41 -43 Brigham Creek Road, Whenuapai from Future Urban Zone (FUZ) to Residential Mixed Housing Urban (MHU) with a Stormwater Management Area Flow 1 control (SMAF1) applicable to the site.

APPLICANT: 41-43 BRIGHAM CREEK JV

SUBMITTERS:	
Page 147	Ka Ming C Chiu
Page 149	Kingsley Seol
Page 151	David George Allen

Page 156	Linda Irene Norman
Page 159	Royal Forest and Bird protection Society of New Zealand Inc.
Page 166	Jeffery Spearman
Page 170	Auckland Council
Page 176	Woolley Trusts Partnership
Page 179	Christine Lin
Page 181	The New Zealand Transport Agency (Waka Kotahi)
Page 190	Living Whenuapai
Page 197	Thomas Starr
Page 199	Harker Family Trust No. 1
Page 200	Woolworths New Zealand Limited
Page 203	New Zealand Defence Force
Page 207	Upper Waitemata Waterways Collective (UWWC)
Page 220	Auckland Transport
Page 234	Chin-Yi Lin
Page 236	Cabra Development Limited ("Cabra")
Page 240	Feng Tan
Page 246	Watercare Services Limited
Page 251	Kyle Tseng
Page 253	Hans Tseng

FURTHER SUBMITTERS:

Page 255	New Zealand Defence Force
Page 258	Waka Kotahi NZ Transport Agency (Waka Kotahi)
Page 262	Auckland Transport
Page 267	Upper Waitemata Waterways Collective
Page 269	41-43 Brigham Creek Joint Venture ("BCJV")
Page 285	Living Whenuapai



Hearing Report for

Proposed Private Plan Change 86:

41-43 Brigham Creek Road

to the

Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to: Hearing Commissioners

Hearing Date/s:

File No:

File Reference

Report Author Todd Elder Senior Policy Planner
Regional, North, West and Islands Planning, Plans and Places

Report Approver Eryn Shields Team Leader
Regional, North, West and Islands Planning, Plans and Places

Report produced 30 June 2023

Summary of Proposed Plan Change 86: 41-43 Brigham Creek Road to the Auckland Unitary Plan (Operative in part)

Plan subject to change	Auckland Unitary Plan (Operative in part), 2016
Number and name of change	Proposed Plan Change 86 – 41-43 Brigham Creek Road, to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Private Plan Change
Clause 25 decision outcome	Accept
Parts of the Auckland Unitary Plan affected by the proposed plan change	Chapter I Precincts Auckland Unitary Plan GIS Viewer
Was clause 4A complete	Yes
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	22 September 2022
Submissions received (excluding withdrawals)	23
Date summary of submissions notified	24 November 2022
Number of further submissions received (numbers)	6
Legal Effect at Notification	Not applicable
Main issues or topics emerging from all submissions	Planning, Urban Design, Open Space, Storm water, Waste water, Transport

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Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PC78	Proposed Plan Change 78 Intensification
PPC 86	Proposed Private Plan Change 86
RMA	Resource Management Act 1991
S32	Section 32 of the Resource Management Act 1991
MDRS	Medium Density Residential Standards
AEE	Assessment of Environmental Effects
NPSUD	National Policy Statement on Urban Development
NPS-FM	National Policy Statement Fresh Water
NES-FM	National Environmental Standard for Freshwater
UHLBP 2020	Upper Harbour Local Board Plan 2020
UHGWP	Upper Harbour Greenways Plan 2019
FULSS	Future Urban Land Supply Strategy 2017
AUP	Auckland Unitary Plan (Operative in Part)
RPS	Auckland Unitary Plan Regional Policy Statement
FUZ	Future Urban Zone
MHU	Mixed Housing Urban Zone
SMAF1	Stormwater Management Area Flow 1 Control
NoRs	Notice of Requirements
SGA	Supporting Growth Alliance
Waka Kotahi	Waka Kotahi NZ Transport Agency
NZDF	New Zealand Defence Force
ITA	Integrated Transport Assessment
VKT	Vehicle Kilometres Travelled
EAR	Ecological Assessment Report
WR	Wetland Report

SMP	Storm Water Management Plan
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Attachments

Attachments	
Appendix 1	Plan Change 86 – As lodged with Auckland Council
Appendix 2	Information provided by the applicant to support PPC 86
Appendix 3	Auckland Council Specialist reports
Appendix 4	Submissions and Further Submissions
Appendix 5	Recommended Changes
Appendix 6	Supporting Growth Alliance Notice of Requirements
Appendix 7	Local Board Views
Appendix 8	Supporting Growth Alliance Noise Contours

Executive Summary

1. Proposed Private Plan Change 86 (PPC 86 to the Auckland Unitary Plan (Operative in Part (AUP) seeks to rezone 5.2 Hectares of land at 41 -43 Brigham Creek Road, Whenuapai from Future Urban Zone (“FUZ”) to Residential Mixed Housing Urban (“MHU”) with a Stormwater Management Area Flow 1 control (“SMAF1”) to the site.
2. The private plan change process as set out in Part 2 of Schedule 1 of the Resource Management Act 1991 (‘RMA’) was adhered to in developing PPC 86.
3. Following receipt of all further information, PPC 86 was accepted by Auckland Council for processing under Clause 25 of Schedule 1 of the RMA on 1 September 2022.
4. PPC 86 was publicly notified on 22 September 2022 and closed for submissions on 21 October 2022. The summary of submissions was notified on 24 November 2022 and closed for further submissions on 8 December 2022.
5. 23 submissions were received; and 6 further submissions.
6. In preparing for hearings on PPC 86, this hearing report has been prepared in accordance with section 42A of the RMA.
7. This report considers PPC 86, the applicant’s section 32 analysis, technical reporting that supports the applicant’s section 32, the Council’s review of the section 32 and the technical reporting and the issues raised by submissions and further submissions on PPC86. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC 86. The recommendations contained within this report are not the decision(s) of the Hearing Commissioners.
8. This report also forms part of council’s ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PPC 86.
9. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the applicant in support of PPC 86 (including the s32 report and an Assessment of Environmental Effects) is attached in Appendix 1.
10. In accordance with the evaluation of the material lodged by the applicant, the Council’s technical reviewers and the matters raised in submissions , I consider that the provisions proposed by PPC 86 are not the most appropriate way of achieving the objectives of the AUP and the purpose of the RMA.
11. It is recommended that PPC 86 be approved with modification for the reasons set out in section 14 of this report. I do not recommend PPC 86 as notified to be approved.
12. It should be noted that under Direction 1, para 12(a) the Panel requests the S42A reporting planner to consider revised provisions (attached to a memorandum provided by the Applicant’s Legal Counsel dated 24 April 2023) are within scope of the decisions sought in the submissions received on PPC 86. My recommendations include the Whenuapai 3 Precinct which is a revised version of

the Applicant's Precinct provided as part of its further submission, and the revised version provided on 24 April 2023. The recommended precinct responds to those two versions, and the matters raised in technical assessments and matters raised in other submissions.

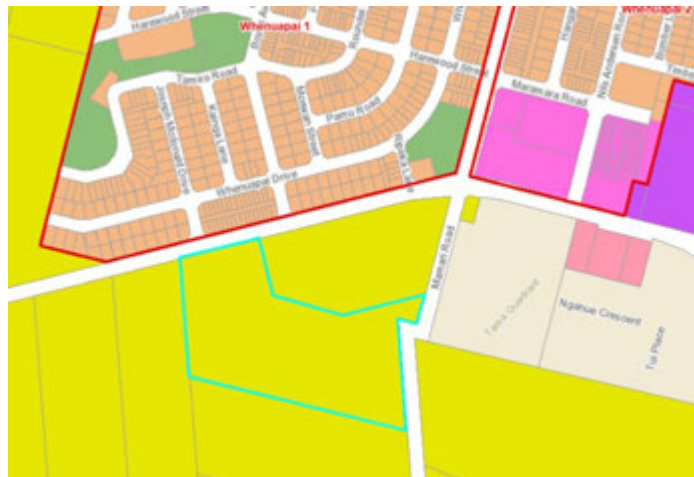
13. In Direction 1, para 12(e) the Panel enables the S42A reporting planner to provide an updated set of plan provisions (track changes) as an addendum to the Section 42A report by midday, Monday 7 August 2023, with any supporting commentary or rebuttal evidence as needed. The Council welcomes this opportunity.

1. Purpose of the proposed private plan change

14. The private plan change request was lodged by 41-43 Brigham Creek Joint Venture on 01 December 2021, and the related documents are provided in Appendix 1. The proposed private plan change seeks to rezone the land located at 41 – 43 Brigham Creek Road, from FUZ to MHU with a SMAF 1 applied to the site.
15. The purpose of PPC 86 is set out in section 1.3 of ‘*Appendix 3 – Section 32 Evaluation*’ of the plan change request. The purpose of PPC 86 is stated by the Applicant as:
“The purpose of the PPC Request is to enable the transition of semi-rural land uses to the urban residential development in a comprehensive and integrated manner.”¹
16. The legal description for the site is Lot 2 DP 538562.
17. The request seeks to enable and facilitate substantial new residential growth in the Whenuapai area. This cannot be achieved within the current AUP FUZ zoning and the operative zone provisions that manage land use and development on the site.

2. Site description and background

18. The private plan change applies to 41 – 43 Brigham Creek Road. The land is currently zoned Future Urban Zone as shown below in Figure 1 (blue highlighted site).



19. Section 2.2² of the section 32 evaluation report provides context on the location and description of the PPC 86 area. I agree with and adopt the description as provided by the Applicant.

3. Existing Plan Provisions

20. The Site is located within the Rural Urban Boundary and is zoned as FUZ. The FUZ has been applied to greenfield land that has been identified as suitable for urbanisation and is considered to be rural in terms of activities enabled until it makes a transition to an urban zone via a plan change. The FUZ may be used for a range of general rural activities, but as outlined by the zone description, cannot be used for urban activities until the site is re-zoned for urban purposes.

¹ Section 1.3 of Page 2 of ‘*Appendix 3 – Section 32 Evaluation*’ of the Plan Change request

² Section 2.2 of PPC 86 request

21. The site contains a number of overland flow paths traversing the site and a small section of flood plain on the north-western portion of the site. The site is affected by the following AUP provisions:

- Overlays:
- *Natural Resources: High-Use Aquifer Management Areas Overlay [rp] – Kumeu Waitemata Aquifer*
 - *Infrastructure: Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA)*
- Controls:
- *Macroinvertebrate Community Index – Rural*

- Designations:
- *Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence (entire site)*

4. Proposed Plan Change Provisions

22. As stated above, PPC 86 seeks to rezone the land from FUZ to MHU, and to apply SMAF 1 to the site. The MHU zone is a reasonably high-intensity residential zone enabling a greater intensity of development than what has previously been provided for.
23. SMAF 1 are the provisions in the AUP that manage stormwater. SMAF 1 is applied to catchments which discharge to sensitive or high value streams that have relatively low levels of existing impervious areas.
24. The PPC 86 request, when received on the 1 December 2022 was not accompanied by precinct provisions. Where a Private Plan Change request does not incorporate the MDRS, the Council has a discretion available to it under clause 35(2) of Schedule 12 of the RMA to accept/adopt the request. However, this discretion is only available to the Council if the Private Plan Change request meets the requirements of clause 35(1) of schedule 12 of the RMA. The discretion available to the Council under clause 35(2) of Schedule 12 is not available here, as the Private Plan Change request does not comply with clause 35(1) of Schedule 12 because the proposal that was part of the request, did not incorporate all of the MDRS provisions.
25. Regarding the technical assessments supporting PPC 86, these are outlined in Table 1 below:
26. Table 1: Technical Information provided by the requestor for the private plan change

Document title	Specialist	Date
Private plan change request report and Section 32 Evaluation Report	The Property Group Limited	10 August 2022
Urban Design Assessment	Richard Knott Limited	2 September 2021
Integrated Transport Assessment	Traffic Planning Consultants Limited	November 2021
Geotechnical Investigation	ENGEO Limited	17 June 2021
Combined Preliminary and Detailed Site Investigation	ENGEO Limited	9 August 2021
Infrastructure Report	Maven Auckland Limited	3 November 2021
Stormwater Management Plan	Maven Auckland Limited	June 2022

Ecological Effects Assessment for resource consents	RMA Ecology Limited	August 2021
41 – 43 Brigham Creek Rezoning Noise Assessment	Marshall Day	13 September 2021
Consultation Material (Emails)	The Property Group Limited	August 2021
Preliminary review of reporting submitted in advance of an application for a Proposed Plan Change at 41-43 Brigham Creek Road, Whenuapai	Auckland Council	August 2021

5. Analysis of the section 32 report and any other information provided by the applicant

27. In accordance with s42A(1) of the RMA this report is prepared in reliance on information provided on any matter by the applicant. In accordance with s42A(1A) this report does not need to repeat information included in the applicant's application, and instead under s42A(1B) may—
- adopt all of the information; or
 - adopt any part of the information by referring to the part adopted
28. The applicant's s32 assessment is contained in Appendix 3 of the plan change request. Generally, Appendix 3 contained the level of detail required to enable the PPC 86 to be publicly notified.
29. However, the information received in submissions and further submissions, plus the analysis by the Council's experts has led to the development of an amended Precinct that I recommend be approved alongside the application of the MHU. This precinct was not included in the plan change as notified, but has been sought by submitters and further submitters (including the applicant in Further Submission 05).
30. The applicant lodged a further submission that included a precinct (responding to original submissions that sought the application of a precinct to the PPC 86 area). This further submission by the applicant did not include an assessment under s 32AA of the RMA that supported the precinct sought in the further submission.
31. The information provided by the applicant, alongside the technical analysis provided by Council experts and the matters raised in submissions and further submissions is sufficient to meet clause 22 of Schedule 1 of the RMA, enabling the Hearing Panel to make a decision on PPC 86.
32. Regarding s32(1)(a), I do not consider that the Applicant has appropriately considered the extent to which the objective of the plan change is the most appropriate way to achieve the purpose of the RMA.
33. Section 32(1)(a) reads:
- (1) An evaluation report required under this Act-*
- a. Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.*
34. In my view, the Applicant has assessed the AUP provisions in achieving the purpose of the RMA, and not the objective and/or purpose of PPC 86 in achieving the purpose of the RMA. Therefore, I consider the s32 evaluation incomplete. I have provided a s32AA assessment in section 12 of this report to address this gap in the applicant's section 32 analysis.

35. Regarding the 32(2)(b) I consider the Applicant has identified practicable options for the proposal. I do not go to the extent of adopting the Applicant's assessment. I do not adopt the assessment as I consider a more substantive set of provisions is required (and is contained in the recommended precinct) to manage the environmental effects associated with residential development in the PPC 86 area. As I outline below in greater detail, I do not support PPC 86 as notified as it is not consistent with the:
- a. Regional Policy Statement of the AUP; and
 - b. The National Policy Statement on Urban Development 2020.
36. This assessment is provided below section 7.4), and I outline that PPC 86 should be amended to meet the requirements of the AUP RPS and the NPSUD.
37. I have read the assessment of s32(1)(b) provided by the requestor and in particular the options set out in section 3.1 of Appendix 3 of the plan change request. Considering the potential options for the planning approach for the PPC 86 site, the requestor has considered:

Option 1 Do nothing/retain the status quo – retain Future Urban zone for the site

Option 2 Rezone site from Future Urban Zone to Mixed Housing Urban (MHU) zone with Stormwater Management Area Flow 1 (SMAF1) Control

Option 3 Rezone site to MHU zone with Stormwater Management Area Flow 1 (SMAF1) Control and apply a site-specific precinct to manage aspects of the development

38. The applicant concludes that Option 2 is the appropriate option for PPC 86. I do consider that Applicant has considered reasonably practicable options. However, as set out in my s32AA analysis, my recommendation is Option 3 (modified by my recommended amendments to the Whenuapai 3 Precinct). I provide my views on why this modified Option 3 is the preferred option in section 12 of this report.
39. Turning to section 32(1)(b), it is my view that the proposed MHU zone (with my recommendation of a new Whenuapai 3 Precinct) is the most appropriate way to achieve the objective of PPC 86. I consider that the MHU can appropriately provide for intensive residential uses on the site while at the same the revised Whenuapai 3 Precinct that I recommend enables the staging of development at the appropriate time.
40. Section 3.1 of the Applicants s32 assessment also ruled out the following zones as an option for PPC 86, these were:
- Residential – Terrace Housing and Apartment Building zone
 - Residential – Mixed Housing Suburban zone
 - Residential – Single House Zone
 - Business – Centres zones
 - Business – Mixed Use
 - Business – Industrial zones.
41. The Applicant has not stated why these options were not chosen, but states they were removed "*through a process of elimination*". The Applicant considers that a MHU zone would be the most appropriate for the site under Option 2 as it would be entirely consistent with the WSP.
42. As previously stated, I do not agree with the Applicant's conclusion and I am of the view that a modified Option 3 to be the appropriate policy and rule framework to apply to the site. I have provided a s32AA in Section 12 below supporting my recommendation.

43. I consider that a residential zone in conjunction with Whenuapai 3 Precinct is the best method to meet the purpose of the plan change.

6. Hearings and decision-making considerations

44. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on private plan changes.
45. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. Hearing Commissioners will not be recommending a decision to the council, but will be issuing the decision
46. In accordance with s42A(1), this report considers the information provided by the applicant and summarises and discusses submissions received on PPC 86. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission and further submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions and further submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC 86. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
47. The Hearing Commissioners will consider all the information submitted in support of the proposed plan change, information in this report, and the information in submissions and further submissions, together with evidence presented at the hearing.
48. This report has been prepared by the following author(s) and draws on technical advice provided by the following technical experts:

Table 2: Specialist input into s42A report

Area of expertise	Authors
Planning	Todd Elder Senior Policy Planner
Stormwater	Amber Tsang, Senior Associate Planner, Jacobs
Transport	Reza Khorasani, Technical Lead Transport, Harrison Grierson Limited
Ecology	Matt Conley, Environmental Scientist, Morphum
Urban Design	Jennifer Esterman, Senior Urban Designer, Mein Urban Design + Planning
Parks Planning	Daniel Kinnoch, Resource Management Planner, CoLab Planning

49. The technical reports provided by the above experts are attached in Appendix 3 of this report.

7. Statutory and policy framework

50. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.

51. Clause 29(1) of Schedule 1 of the RMA provides “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.
52. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
53. The following summarises the statutory and policy framework, relevant to PPC 86.

7.1. Resource Management Act 1991 – Regional and district plans

Plan change matters – regional and district plans

54. In the development of a proposed plan change to a regional and/ or district plan, the RMA sets out mandatory requirements in the preparation and processing of the proposed plan change. Table 3 below summarises matters for plan changes to regional and district plan matters.

Table 3: Plan change matters relevant to regional and district plans

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a ‘combined’ regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

55. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include sections 31-32 and 72-76 of the RMA.
56. The tests are the extent to which the objective of PPC 86 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:
 - accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
 - accord with Part 2 of the RMA (s 74(1)(b));
 - give effect to the AUP regional policy statement (s 75(3)(c));
 - give effect to any national policy statement (s 75(3)(a));
 - have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i));
 - have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));

- are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:
- identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - i. economic growth that are anticipated to be provided or reduced (s 32(2)(a)(i)); and
 - ii. employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
- if practicable, quantifying the benefits and costs (s 32(2)(b)); and
- assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s 32(2)(c)).

57. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s 32 (s 74(1)(e)).

7.2. Resource Management Act 1991 – Regional Matters

58. There are mandatory considerations in the development of a proposed plan change to regional matters. Table 2 below summarises regional matters under the RMA, that are relevant to PPC 86.

Table 4: Plan change – regional matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 30	Functions of regional councils in giving effect to the RMA
Resource Management Act 1991	Section 59	Sets out the purpose of a regional policy statement in giving effect to the RMA
Resource Management Act 1991	Section 69	Sets out matters to be considered for rules relating to water quality
Resource Management Act 1991	Section 70	Sets out matters to be considered for rules relating to discharges

7.3. Resource Management Act 1991 – District matters

59. There are mandatory considerations in the development of a proposed plan change to district plans and rules. Table 3 below summarises district plan matters under the RMA, relevant to PPC 86.

Table 5: Plan change – District plan matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991

Resource Management Act 1991	Section 32	Requirements of an evaluation report to make a change to a District Plan.
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment.
Resource Management Act 1991	Section 77J	Requirements in relation to evaluation reports relating to Qualifying Matters

7.4. National Policy Statements

60. Pursuant to Sections 74(1)(ea) and 75 RMA, the relevant national policy statements (NPS) must be given effect to in the preparation of the proposed plan change, and in considering submissions.

National Policy Statement on Urban Development 2020 (NPSUD)

61. The NPSUD came into force on 20 August 2020, which was before the lodgement of the plan change request. The Applicant provided an assessment of the PC86 against the NPSUD in section 8.3 of the plan change request report, and the summary is as follows:

“It is considered that the PPC is consistent in particular with the above Policies as it will:

Contribute to well-functioning urban environments;

Enable a variety of dwelling typologies;

Contribute to affordability;

Be accessible;

Support competitive land and development markets; and

Enable additional development capacity to be realised.

More broadly, the proposed plan change is consistent with the objectives and policies contained within the NPS-UD for the following reasons:

The proposed rezoning achieves the purpose of the NPS-UD as it allows for the efficient development of the subject site in an ‘up’ and ‘out’ matter and this will provide more housing supply to the Auckland Region.

The proposed development will not be out of sequence with the planned land release of the Whenuapai Structure Plan as the proposed infrastructure can be achieved on the site, therefore it is ready for development. Acceptance of the plan change will not set a precedent of ‘out of sequence development’ in the area as this is a unique situation where the infrastructure will be available to support a medium density residential development.

The proposal seeks to increase the supply of housing by rezoning the 5.19ha site that will enable a well-functioning urban environment. In addition, while the site is within the ‘Stage 2’ development area of the Whenuapai Structure Plan, it is noted that the level of development of the ‘Stage 1’ development areas are behind schedule. As such, the proposal represents the efficient use of Future Urban zoned land that will assist in the redevelopment of land within the WSP.

In making a resource consent application under the FUZ, the MHU principles have been applied which gives Council certainty of future development of the site and will help make up for the shortfall in housing provision to achieve WSP outcomes.

NPS-UD objectives and policies will also be met as the proposal provides for housing in an area that is within close proximity to the Whenuapai Town Centre, various transport networks, and an area that has a high demand for housing and business land. The proposed rezoning is consistent with the Whenuapai Structure Plan and the changing needs of the community.”

62. The Applicant has also identified in their assessment the [2021] ENV-2020-AKL-079 Eden Epsom Residential Protection Society v Auckland Council Environment Court decision. The Applicant states:

“The Environment Court’s recent decision in Epsom Residential Protection Society Incorporated v Auckland Council [2021] NZEnvC 082 concluded that the Court was not required to give effect to objectives and policies of the NPS-UD which do not require “planning decisions” when determining private plan changes. The Court had concluded that its decision on an application for private plan change was a planning decision for the purposes of the NPS-UD.

The objective and policies applying to planning decisions under the NPS-UD are Objectives 2, 5 and 7 and Policies 2, 6 and 8. Of particular relevance to this decision are Policies 2, 6 and 8.”

63. The Applicant considers in Section 8.3 of the s32 report that PPC 86 is consistent with the objectives and policies contained within the NPS-UD.
64. I do not agree with the Applicant that the notified version of PPC 86 is consistent with the objectives and policies of the NPSUD.
65. I am of the view that PPC 86 as notified is not consistent with the following NPS-UD objectives and policies:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 3(b): Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

...

(b) the area is well-serviced by existing or planned public transport

Objective 6: Local authority decisions on urban development that affect urban environments are:

(a) integrated with infrastructure planning and funding decisions; and

(b) strategic over the medium term and long term; and

(c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 8(a) New Zealand’s urban environments:

(a) support reductions in greenhouse gas emissions; and

(b) are resilient to the current and future effects of climate change.

Policy 1(c) Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

...

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

66. I have two concerns relating to the notified version of PPC 86, being:
 - a. Integration with Infrastructure; and
 - b. The standard of accessibility between the site and the Whenuapai Neighbourhood Centre.

67. PPC 86 as notified, as identified by Mr Khorasani in his review of the applicant's ITA identifies that the site has:
 - a. Poor accessibility and has a low-public transport service;
 - b. Requires infrastructure upgrades in the direct area to form an urban environment, as it is currently considered rural;
 - c. Does not integrate infrastructure upgrades with funding decisions.
68. NPSUD Policy 1 sets out the minimum requirements for a well-functioning urban environment, and in my view, is an 'and' policy, meaning that all sub-policies are required to be met to meet a well-functioning urban environment. Currently the PPC 86 site does not have an active mode connection between the site and the Whenuapai Neighbourhood Centre. There are also parcels of land not owned by the Applicant which would be required to be developed for a complete formed connection to be made.
69. The current state of these connections is rural and requires upgrades to achieve a well-functioning urban environment. I am of the view that development on the PPC86 site should not proceed prior to this infrastructure upgrade. I expand on this matter in the review of the technical documents.
70. The roading upgrades required, as identified by Mr Khorasani, are not currently funded by the Council nor has the Applicant indicated how the upgrades will be funded. In my view, the notified version of PPC 86 is therefore inconsistent with Objective 6, as it is not integrated with funding decisions. However, I do consider that the inclusion of infrastructure triggers to stage development when infrastructure is built could address this matter, which is a similar approach to that taken by the operative PC 69 which is located near by.
71. The 114 bus service, which is currently the only public transport service for the PPC 86 site, runs at a frequency of 40 minutes. Mr Khorasani's view is that this is considered to be a 'low frequency service' and will not discourage private car usage. Currently there are no plans to increase this service by Auckland Transport, but this is likely to occur in response to development rather than be provided prior. I therefore consider that PPC 86 is inconsistent with Objective 3(b).
72. In summary, I consider amendments are required to PPC 86 to meet the objectives and policies of the NPSUD.

National Policy Statement on Freshwater Management 2020

73. The National Policy for Freshwater Management (NPS-FM) sets out the statutory framework for the management of freshwater. It requires that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
74. Ms Tsang is acting on behalf of the Healthy Waters Department (see Table 2 above). Ms Tsang has outlined in her review of the PPC 86 application material that as notified, PPC 86 does not meet the NPSFM or the RPS AUP. Ms Tsang has recommended amendments to PPC86 to address her concerns. This is covered in greater detail under the technical assessment review of the PPC 86 (see Appendix 3).
75. The NPS-FM is assessed in section 8.3 of the Applicant's plan change request. I generally agree with aspects of that assessment, however I also agree with Ms Tsang's assessment, and this is expanded upon later in this report in section 8.3.

7.5. National environmental standards or regulations

76. Under section 44A of the RMA, local authorities must apply national environmental standards in its district/ region. No rule or provision may be duplicated or be in conflict with a national environmental standard or regulation. NES are addressed under section 8.0 in the Applicants Plan Change Request
77. Relevant NESs to PPC 86 are:
 - a) NES for Freshwater (NES-FM)
 - b) NES for assessment and managing contaminants into soil to protect human health (NES-CS)
78. The NES-FM applies to development regardless of operative plan provisions. These standards will be applied at the resource consent/development stage of an application. In my view, there is nothing in PPC 86 as notified that requires amendments that would generate a conflict with the NES-FM.
79. The NES-CS is mentioned in section 7.10 of the Applicant's Plan Change Request. The Applicant has identified that initial soil testing has exceeded the permitted threshold under the NES-CS, and the Applicant has provided these results in Appendix 7 of the Plan Change Request.
80. Appendix 7, titled 'ENGEO Combined Preliminary and Detailed Site Investigation' (ENGEO Report) provides a useful summary and recommendation about the recorded soil contamination. Under section 11 the ENGEO Report states:

"Due to the presence of arsenic concentrations above the adopted human health criterion at three discrete locations, remediation of soils in these areas is required for the site to be suitable for the proposed redevelopment. The details of recommended remedial works are discussed further in Section 12. Future land development is likely to be considered a restricted discretionary activity under Regulation 10 of the NES."
81. Under section 12 of the ENGEO Report, recommendations are made which relate to management of the contaminated land at the resource consent stage. Specifically under Chapter E30 Contaminated Land of the AUP. I am satisfied that these matters would be subject to and appropriately managed at the time of resource consent application assessment, addressing requirements under the NES and Chapter E30 of the AUP at time of subdivision, earthworks or development.
82. Should PPC 86 be approved, future detailed investigations and resource consents may be required under the NES-CS and no proposed plan provisions in PPC 86 duplicate or are in conflict with the NES.

7.6. Auckland Unitary Plan

Regional Policy Statement (AUP-RPS)

83. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement (RPS). The Applicant mentions the AUP RPS in sections 3.2 and 8.2 of the Plan Change Request, with the main assessment being contained in section 8.2.
84. The Applicants assessment covers the following chapters and parts of the AUP-RPS:
 - a. B2.2. Urban growth and form
 - b. B3.2. Infrastructure
 - c. B3.3. Transport

- d. B10.2. Natural hazards and climate change
- e. B10.4. Land – contaminated

85. Regarding the Applicants assessment against the RPS-AUP, I consider that the assessment is generally sound. However I do not go as far as adopting it, as there are issues/deficiencies that in my opinion require further attention. I will address these matters below.

B2.2 Urban growth and form assessment

- 86. In summary, the Applicant’s assessment considers that the location of PPC 86 site has convenient access to the SH16 and SH18 on ramps, is located in close proximity to centres for employment opportunities, and has access to public transport. The assessment also concludes that the development will be enabled access to the transport network of the wider area. Further, the applicant considers social and cultural vitality and productivity of the area will be improved with the development of PPC 86 in the area.
- 87. My concerns are that this is a simplistic level assessment without providing appropriate analysis or referencing to specialist reports to support the assessment or its conclusions. The Applicant has not provided an economic assessment nor an analysis of the job market in the area. When considered with the current public transport network, which Mr Khorasani considers as low frequency service, I am concerned that if PPC 86 proceeds without modification then the future residents will have a high personal car dependency.
- 88. I have concerns that RPS Policy B2.2.2(7)(c) in my view has not been addressed, which reads:

*RPS Policy
B2.2.2(7)(c)*

*Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:
(c) integrate with the provision of infrastructure; and*

- 89. PPC 86 as notified does not have infrastructure provisions integrated within it, and would rely upon the Chapter E27 Transport. Appendix 4 of the WSP identifies certain infrastructure projects that should be addressed prior to the urbanisation of the wider Whenuapai area, and these have not been integrated where appropriate by PPC 86.
- 90. I also have not seen evidence of social and cultural benefits attached to the section 32 assessment.

B3 Infrastructure, transport and energy assessment

- 91. The assessment by the Applicant outlines that the proposed re-zoning will result in existing infrastructure being upgraded, and the PPC 86 includes the provisions required to manage the upgrading of the infrastructure on the site, as required by the provisions on the AUP. The assessment then outlines connections that will be provided and traffic calming measures and pedestrian enhancements. This assessment is based on the objectives of Chapter B3, and does not comment on the B3 Policies.
- 92. The PPC 86 analysis of the RPS-AUP, and in particular Chapter B3 only addresses infrastructure on the site, but does not identify the wider transport network. My view, which I will expand further below, is that PPC 86 is premature, as key infrastructure is not being provided and there is no certainty of infrastructure being delivered in a reasonable timeframe. For example, key access routes for active transport modes will need to be constructed on both Brigham Creek Road and Māmari Road, which are not currently built to an urban standard. The areas that need upgrading are not owned by the Applicant and so it is unclear who will construct the upgrades, and when they will occur.

93. Regarding the B3 Policies, I have concerns that the notified version of PPC 86 conflicts with several key policies. These policies are:

B3.3.2

Policies:

- B3.3.2(1) Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.*
- B3.3.2(2) Enable the movement of people, goods and services and ensure accessibility to sites.*
-
- B3.3.2(5) Improve the integration of land use and transport by:*
- B3.3.2(5)(a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth;*
- B3.3.2(5)(b) encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods;*
- B3.3.2(5)(c) locating high trip-generating activities so that they can be efficiently served by key public transport services and routes and complement surrounding activities by supporting accessibility to a range of transport modes;*

94. It is my understanding that may be possible for PPC 86 to integrate into the existing infrastructure, provided that at the resource consent stage there is proven capacity on the transportation network and therefore the development has the ability to meet Policy B3.3.2(2). However, PPC 86 as notified does not integrate the required upgrades of Brigham Creek Road and Māmari Road to provide:

- a. suitable accessibility to the PPC 86 site, and
- b. development would proceed prior to funding being available for these upgrades.

95. The required transportation upgrades are in their early stages, as they relate to the recently notified Notice of Requirements prepared by the Supporting Growth Alliance (“SGA”), specifically:

- a. upgrade of Brigham Creek Road corridor with separate footpath and cycle lane; and
- b. upgrade of Māmari Road corridor to an urban arterial corridor with bus priority lanes and separate footpath and cycle lane.

96. In my view, PPC 86 is therefore not staged in conjunction with these upgrades nor are these upgrades funded, and therefore PPC 86 is inconsistent with Policy B3.3.2(5)(a) because the development is not integrated with infrastructure upgrades. Further, as outlined by Mr Khorasani, the public transport service is at a low frequency with poor accessibility to the site, and therefore PPC 86 is inconsistent with B3.3.2(5)(b) and B3.3.2(5)(c).

97. I do consider these issues can be managed with modifications to PPC 86 to be consistent with the B3 RPS-AUP policies. A number of recent plan changes (PC 69 Spedding Block for example) in the region have introduced triggers to limit development

until infrastructure can be implemented. I consider this approach is appropriate to apply to PPC 86. I address this matter further below in response to submissions.

B10 Environmental Risk

98. The Applicant considers that if PPC 86 is approved, matters relating to environmental risk where land is contaminated can be managed through existing AUP provisions. I agree and adopt this statement.

7.6.1. District Plan (AUP-DP)

99. The key AUP provisions relating to PPC 86 are:
- E1 Water Quality and integrated management
 - E2 Water quantity, allocation and use
 - E3 Lakes, rivers and wetlands
 - E8 Stormwater – Discharge and diversion
 - E25 Noise and Vibration
 - E26 Infrastructure
 - E27 Transport
 - E38 (urban subdivision)
 - E30 Contaminated Land
 - E36 Natural hazards and flooding, and
 - H5 Residential Mixed Housing Urban.
100. In respect of the MHU Zone in particular, these provisions have been amended with the introduction of the mandated MDRS provisions. It is my understanding the Applicant is adopting all MHU provisions of the AUP.
101. It should be noted that the MHU provisions are subject to proposed amendments by PC 78. PPC 78 is yet to be made operative and any amendments approved through PPC 78 will automatically apply to PPC 86 if approved.
102. The AUP district plan provisions listed above will be applicable to PPC 86 if it is approved and made operative.

7.7. Any relevant management plans and strategies prepared under any other act

7.7.1. The Auckland Plan

103. The Auckland Plan 2050 is the Council's spatial plan, as required under the Local Government (Auckland Council) Act 2009. The Auckland Plan 2050 is the Council's key strategic document which sets out how the Council will address challenges relating to high population growth, shared prosperity, and environmental degradation.
104. A key component of the Auckland Plan 2050 is the Development Strategy that sets out how future growth will be accommodated over the next 30 years. The Development Strategy builds on the quality compact urban form approach identified in the previous Auckland Plan 2012. The plan focuses on a multi-nodal model within the existing urban footprint with Albany, Westgate and Manukau being key nodes. It recognises Westgate as the centre for future urban development for Red Hills, Whenuapai and Kumeu-Huapai.

105. Section 3.1 of the Plan Change Request provides an assessment of the proposal against the AP 2050. The section 32 assessment has identified that the plan change request is consistent with the following directions of the AP 2050:
- *Enable a quality compact urban form to accommodate population growth by rezoning the 5.2ha site to accommodate residential activity.*
 - *Enable housing choice and provide housing capacity providing secure and affordable homes by proposing a high-medium density zone that enables a variety of housing typology.*
 - *Enable active modes transport by enabling urban development close to Centres and along public transport routes now and in the future.*
 - *Ensure Auckland's growth and development will protect and enhance the natural environment by requiring stormwater management to protect downstream water quality.*
106. In my view, PPC 86 requires modification to address transport and wastewater infrastructure. Amendments are also required to manage the effects of stormwater and flooding. Therefore, for these reasons, I do not agree with the Applicant that as notified PPC 86 is consistent with the AP2050. I do consider that the modifications to PPC 86 with the use of Whenuapai Precinct 3 means PPC 86 can be consistent with the AP2050 as the recommended modifications allow PPC 86 to meet the points listed above.

7.7.2. Future Urban Land Supply Strategy 2017

107. The Future Urban Land Supply Strategy (FULSS) informs the Council's infrastructure funding priorities and feeds directly into the Council's long-term plans, annual plans, and other strategic documents. It implements the Auckland Plan and contributes to giving effect to the NPSUD. The Strategy identifies a programme to sequence the enablement of future urban land supply over 30 years. The strategy only relates to greenfield land, and plans for 20 years of land supply for housing at all times. It also seeks to provide a seven-year average of unconstrained and development-ready land supply. Development-ready means land with an operative urban zoning that has infrastructure in place (such as transport and water infrastructure).
108. The sequencing and timing of development for the future urban areas have been incorporated into the Auckland Plan 2050.
109. As mentioned above, the land subject to the plan change application is within an area identified as being "development ready" between 2028 and 2032. In terms of the steps required for development, it is noted that the land already has Future Urban zoning under the AUP and the Whenuapai Structure Plan (WSP) has been completed. However, most bulk infrastructure is not planned for nor funded and financed at this time.
110. I consider PPC 86 does not need to be tied to the timing of the FULSS to become live-zoned, provided bulk infrastructure is provided prior to development occurring. I do not consider PPC 86 should proceed without wastewater and transport infrastructure being upgraded to an urban standard.
111. I respond to this matter further in section 11 when considering submissions on PPC 86. PPC 86 does have regard to the FULSS in terms of achieving anticipated outcomes of urbanisation.

7.7.3. Whenuapai Structure Plan 2016

112. The Whenuapai Structure plan 2016 (WSP) is a plan that provides developers, landowners and current communities with Auckland Council's intention for the development of the Future Urban zoned areas in Whenuapai. The WSP is a strategic document that considers the constraints and opportunities in the Whenuapai area such as land use and activities, natural environment, heritage, infrastructure requirements and transport.
113. The WSP anticipates that the structure plan area will provide somewhere between 8,100 to 10,700 dwellings (depending on the density of development), 8,600 jobs and over 300 hectares of new business land over the next 10 to 20 years. The zoning proposed in PPC 86 is largely consistent with the land use pattern set out in the WSP.
114. The WSP identifies the PPC 86 site as "medium density housing" ready for development in Stage 2. Stage 2 identifies land that is to be ready for development after 2027, as that land that requires further investment in new infrastructure beyond the next decade (2016-26). The WSP identifies a number of transport projects and roads that may be constructed or upgraded in the Whenuapai area (Appendix 4 of the WSP). These include, but are not limited to³:
- Capacity improvements at the SH16 / Brigham Creek Road roundabout comprising signalling and increasing the number of lanes on all approaches and around the roundabout.
 - FTN bus routes to service Whenuapai Structure Plan area.
 - Additional fourth leg at signalised intersection at Brigham Creek Road / Spedding Road Extension / Kennedys Road link intersection.
 - Extend / widen Māmari Road to provide access to industrial area.
 - Upgrade existing sections of Spedding Road and Māmari Road and their intersections to be suitable for industrial traffic including footpaths and cyclist facilities.
 - Capacity improvements at the Brigham Creek Road / Totara Road / Māmari Road intersection
 - Māmari Road extension to Northside Drive plus traffic signals at the Māmari Road / Northside Drive intersection and the Māmari Road / Spedding Road intersection
115. I consider the proposed zoning pattern (land-use) of PPC 86 to be consistent with the WSP. However, the inconsistency is generated by PPC 86 becoming development ready prior to the identified staging in the WSP. As discussed in greater detail below, PPC 86 is premature in terms of the provision of infrastructure projects that the WSP indicates are appropriate and are required to support the WSP development scenario. I consider that this inconsistency can be managed through the addition of triggers to the recommended PPC 86 Precinct.
116. I consider PPC 86 does have regard to the WSPs but does require amendments to manage development to be staged to align with the timing of infrastructure projects.

7.7.4. Supporting Growth Alliance (Te Tupu Ngātahi Supporting Growth) ("SGA")

117. Te Tupu Ngātahi Supporting Growth programme is being delivered by Auckland Transport and Waka Kotahi NZ Transport Agency (Waka Kotahi). The programme involves planning the new transport networks needed over the next 30 years to support

³ WSP Reference

future urban growth in Warkworth, North Auckland, North West Auckland and South Auckland.

118. The SGA programme is planning ahead and protecting the land required for future transport projects. The construction of these projects is not intended to commence for another 10 to 20 years. The network in the northwest will provide the current community with transport improvements while preserving the rural character of the area until the land is released for development through plan change processes.
119. On 19 December 2022 SGA lodged 19 Notices of Requirement (“NoRs”) with Council in three packages. Appendix 6 contains the full list of NoRs, I have only identified the NoRs that are relevant to PPC 86:

Notice	Project	Description	Requiring Authority
W1	Trig Road	Upgrade of Trig Road corridor to an urban arterial with separated active mode facilities	Auckland Transport
W2	Māmari Road	Extension and upgrade of Māmari Road corridor to an urban arterial corridor, including the provision of bus priority lanes and separated active mode facilities	
W3	Brigham Creek Road	Upgrade of Brigham Creek Road corridor with separated active mode facilities	
W4	Spedding Road	Upgrade of the existing Spedding Road corridor and new east and west extensions with separated active mode facilities	

120. NoRs W2 and W3 apply to the PPC 86 site and have interim effect under s178 of the RMA. The 19 NoRs were publicly notified on 23 March 2023 and the hearings are expected to take place late 2023.
121. In the further submission by the Applicant drafting of a precinct was provided. This precinct provides development controls on the site to avoid buildings and structures being established in the potential designation sites – as a method to protect the designation route.
122. In my view, provided the designations have been lodged and have interim effect these routes are protected. However, I consider these controls included in the further submission by the applicant should remain in the recommended precinct until these transportation projects have completed their statutory process and are confirmed.
123. I have recommended amendments to these controls included in the applicant’s further submission to simplify the approach as we now know where these designations apply, which was not known at the time the further submission was received.

7.7.5. Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan

124. The Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan was adopted by council in 2020. It is a roadmap to zero-emissions, and a resilient and healthier region. The core goals are:

- To reduce greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050
 - To adapt to the impacts of climate change by ensuring we plan for the changes we face under our current emissions pathway.
125. Carbon dioxide emitted by road transport modes is identified as the primary greenhouse gas (GHG) impacting the Auckland Region. Carbon dioxide is a long-lived GHG, meaning it accumulates and has long-lasting implications for climate. The plan points out that integrating land use and transport planning is vital to reduce the need for private vehicle travel and to ensure housing and employment growth areas are connected to efficient, low carbon transport systems. The plan seeks a 12 per cent reduction in total private vehicle kilometres travelled (VKT) by 2030 against a ‘business-as-usual’ scenario through actions such as remote working and reduced trip lengths.
126. I consider matters such as remote working and reduced trip lengths are at the discretion of the future landowner – provided they have access to the infrastructure necessary to be able to make such choices. There is also a potential for a reduction in carbon through other means such as change in vehicle type (e.g. replacing petrol vehicles with electric vehicles).
127. I consider PPC 86 is not inconsistent with the Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan for the same reasons I have highlighted elsewhere in this report in relation to the provision and staging of integration with infrastructure, in this case transport-related infrastructure.

7.7.6. Upper Harbour Local Board

128. The Upper-Harbour Local Board has documents relevant to the plan change site. The Upper-Harbour Local Board Plan 2020 (UHLBP 2020) became operative in October 2020.
129. Plan Change Request has not recognised the UHLBP 2020 . I consider the Applicant should provide a response regarding the UHLBP 2020 and a response in regards to the Local Boards resolution that is attached as Appendix 7.

Upper-Harbour Greenways Plan 2019 (UHGWP)

130. PPC 86 does not recognise the UHGWP in its section 32 assessment or Plan Change request.
131. Whenuapai is identified in the UHGWP as “Focus Area 5 Whenuapai and Herald Island”. I consider that PPC 86 does need to give regard to the UHGWP and that the Applicant should provide this analysis.

8. Assessment of effects on the environment

132. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the plan change, taking into account clause 6 and 7 of the Fourth Schedule of the RMA.
133. An assessment of actual and potential effects on the environment (“AEE”) is included in the report titled “Application for Private Plan Change 41 – 43 Brigham Creek Road Whenuapai” prepared by the Property Group and dated August 2022.
134. The assessment and conclusions of the AEE appears to follow the language used in resource consent application assessments, as follows:

“Overall and considered as a whole, the effects of the rezoning will have less than minor adverse effects on the environment and can be supported.”⁴

135. The submitted AEE identifies and evaluates the following actual and potential effects:
- Positive effects
 - Urban design effects
 - Subdivision effects
 - Transport effects
 - Stormwater management
 - Natural hazards
 - Ecological effects
 - Acoustic effects
 - Contamination effects
136. In my view, the applicants AEE covers many of the positive and adverse effects. Where I agree with the discussion and conclusions contained in the AEE, I will state so and not repeat the assessment. There are effects where I disagree with the conclusions of the AEE and I will give reasons why. There are also additional effects which, in my opinion, need consideration.
137. The matters where I agree are Positive Effects, Subdivision Effects, Natural Hazards, Acoustic Effects and Contamination Effects. The absence of a park as part of the precinct is a matter not addressed by the AEE, however I have included discussion of this.

8.1. Urban Design Effects

138. Urban Design effects are addressed in Section 7.2 of the Plan Change Request and in the Urban Design Assessment Report (UDA) dated 2 September 2021 prepared by Richard Knott Limited. Urban design effects have been reviewed on behalf of Council by Ms Esterman of Mein Urban Design and Planning Limited, and this review is attached in Appendix 3 to this report.
139. To manage the urban design effects enabled through PPC 86, the Applicant is proposing to rely upon Chapter H5 Residential – Mixed Housing Urban Zone of the AUP.

Peer Review

140. Ms Esterman’s peer review covers two general topics, as follows:
- a. Overall zoning response
 - b. Fixed intersection locations
141. Ms Esterman’s view is the UDA is prepared in a manner that is for both a resource consent application and a plan change, and considers it would be useful to separate out the relevant matters that apply to each these two assessments. In Ms Esterman view, much of this assessment is not relevant to the section 32 requirements of PPC 86 that the applicant must meet. The assessment does test PPC 86 at a resource consent concept level, and demonstrates the land appears capable of being developed consistently with the WSP .
142. I agree with Ms Esterman that the detail included in the assessment that relates to resource consent matters is not relevant to PPC 86 at this point in time.

Assessment

143. In her review of the UDA assessment, Ms Esterman agrees with the Applicant that MHU is an appropriate way to achieve the aspirations of the WSP. However Ms Esterman notes that the UDA does not reference the precinct provisions provided by the applicant in its further submission. The Applicant may wish to address this matter in their evidence as the recommendation of this report includes a precinct that differs to that provided in the further submission.
144. Ms Esterman does consider that the methodology used in the UDA is sufficiently robust to reach its conclusion. I agree and adopt Ms Esterman's view as my own.
145. I also agree with Ms Esterman that further rationale for placement of a pedestrian throughfare, which goes through 45 Brigham Creek Road, land that is not owned by the applicant, is required. However, Woolworths New Zealand Limited (Submitter 14) has raised concerns about this throughfare, that I have agreed with and address this in section 11. Ultimately, I recommend that the pedestrian connections are provided in the future road corridor on both Brigham Creek Road and Māmari Road.
146. Overall, Ms Esterman considers urban design effects have been properly considered and supports the residential zoning of the site of MHU.

Submissions:

147. Ms Esterman has reviewed the submissions relating to urban design. I have integrated Ms Esterman's views into section 10 below. Ms Esterman supports my view that the inclusion of a precinct to address infrastructure matters is required.

8.2. Transport effects

148. Transport and traffic effects are addressed in Section 7.4 of the Plan Change Request and in the Integrated Transportation Assessment Report (ITA) dated 26 November 2021 prepared by Traffic Planning Consultants Limited.
149. Transport and traffic have been reviewed on behalf of Council by Mr Khorasani of Harrison and Grierson New Zealand Limited, and this review is attached in Appendix 3 to this report. Observations by Mr Khorasani about the ITA provided by the applicant are manage the transport effects enabled through PPC 86, is the Applicant is proposing to rely upon Chapter E27 Transport of the AUP.

Peer Review

150. Mr Khorasani peer review covers three general topics, of which are as follows:
 - a. Assessment methodology
 - b. Trip generation and distribution
 - c. Modelling

Assessment Methodology

151. In summary, Mr Khorasani considers that the existing roading network adjoining the PPC 86 site is currently maintained at a rural standard. I agree and adopt Mr Khorasani position as my own.
152. Mr Khorasani holds the view that it is not clear if the PPC 86 ITA has considered a 'wider transport' boundary, but in his view, the ITA should consider the broader transport conditions in the Whenuapai area. Mr Khorasani considers the ITA has adopted an isolated intersection modelling in SIDRA, rather than the wider SIDRA network or other 'traffic simulation' packages that Mr Khorasani considers should be used to identify the wider effects on the transport network.

Trip Generation and Distribution

153. Mr Khorasani does not agree with the ITA trip generation daily and peak trip rates that are used, as in his view, the site has poor access to public transport and poor accessibility and this could lead to a higher daily and peak traffic rate. The current state of the transport network does not support this level of trip generation until Brigham Creek Road and Marmari Road upgrades are implemented .
154. Mr Khorasani has also identified some concerns regarding trip generation and how they were configured, the Applicant may wish to address and clarify this in evidence.

Modelling

155. Mr Khorasani makes comment of having several issues with the modelling methodology adopted by the Applicant.
156. Specifically, he has raised concerns that the roading network is a rural standard, and that the methodology of the Applicant has considered the roading network as being already upgraded and not in it's current state. Mr Khorasani has stated:

“It is not clear if the transport assessment considers that the PPC 86 would rely on the wider road network as part of WSP however, the partial and full upgrade and extension of Māmari Road from Northside Drive to Spedding Road and then Brigham Creek Road should have been considered as different scenarios in modelling.”
157. Mr Khorasani also raises his concerns that the ITA only considers the intersections in the direct area and considers a wider assessment is required. I agree with Mr Khorasani's and consider the Applicant should provide these assessments.

Assessment

158. In summary, Mr Khorasani considers PPC 86 zoning is in advance of the transport infrastructure required to service the site to an urban standard, with infrastructure required that is currently not funded by the Council. The upgrades outlined by Mr Khorasani are not currently in the Councils RLTP and therefore not funded by the Council.
159. Mr Khorasani's view is that *“The plan change will enable development to proceed before planning has been completed for the strategic transport network, noting that the development will contribute traffic and other transport demand to the wider strategic network identified to support growth in this area.”* He also identifies at this current point in time, a future resource consent will not be assessed under Chapter E27 as the roads being identified as 'arterial roads' are not mapped in the AUP as arterial.
160. As stated above, Mr Khorasani considers further assessment is required to assess the effects on Māmari Road. In particular Mr Khorasani queries how the development proposal would mitigate the adverse effects on the adjacent signalised intersection of Māmari and Brigham Creek Roads and the vehicle crossings onto these roads.
161. Mr Khorasani's concluding views on the assessment is *“In order to meet the requirements of the RPS and the objective to achieve a well-functioning urban environment, good accessibility and travel choice needs to be provided, which includes access to safe active mode and public transport infrastructure and services. Considering the current status of the infrastructure around the site, inadequate provision for active modes will combine to result in a dependence on private motor vehicles resulting in development that has high total vehicle kilometres (VKT) and greenhouse gas emissions.”*
162. I agree and adopt Mr Khorasani opinion as my own. I consider the matters raised by Mr Khorasani can be addressed, in a similar approach to PC69, where transport triggers

were integrated into the plan change via a precinct. This is addressed in greater detail below relating to submissions on transport and infrastructure.

Submissions:

163. Mr Khorasani has reviewed the submissions relating to transport. I have integrated Mr Khorasani views in the assessment against submission in section 10 below.

8.3. Stormwater Effects

164. Stormwater effects are addressed in Section 7.6 of the Plan Change Request and in the Stormwater Management Plan (SMP) dated June 2022 prepared by Maven Limited. Stormwater effects have been reviewed on behalf of Council by Ms Amber Tsang of Jacobs New Zealand Limited, and this review is attached in Appendix 3 to this report.
165. To manage the stormwater effects enabled through PPC 86, the Applicant is proposing to apply Chapter E10 Stormwater management area – Flow 1 (SMAF1) to the PPC 86 site.
166. Ms Tsang’s assessment has identified four key stormwater issues associated to the Plan Change Request, which are:
- a. *Water quality* - the upper Waitematā Harbour is a low energy environment and is considered to be degraded. Downstream of the land included in PPC 86, discharges are directed into the Sinton Stream which then flows into Totara Creek. Totara Creek is identified as a Significant Ecological Area (SEA) under the AUP. MS Tsang considers that appropriate treatment of stormwater is therefore required onsite prior to its discharge into the natural watercourse in order to avoid and/or mitigate water quality effects.
 - b. *Hydrology* - development increases imperviousness and will therefore increase the rate and volume of runoff into the stream network unless mitigated. Ms Tsang considers an equivalent of the Stormwater Management Area Flow 1 (SMAF1) hydrology mitigation is required to reduce the risk of erosion in the downstream watercourses.
 - c. *Flood risk*- Flood risks associated with increased runoff being discharged from the PPC 86 area onto the downstream property.
 - d. *Absence of precinct provisions* - shall be included in the recommended precinct to ensure the implementation of the proposed SMP and mitigation measures.

Peer Review

Stormwater Water Quality Treatment

167. Mr Tsang has peer reviewed the SMP of which sets out the proposed stormwater management proposed by PPC 86. The SMP covers the relevant criteria of the Healthy Waters Network Discharge Consent (NDC). Ms Tsang notes that there appears to be discrepancies between the stormwater management principles set out in Section 6.1.1 of the SMP and the proposed stormwater management for the development set out in Section 6.2.1. Primarily, this is around the application of reuse tanks.
168. Ms Tsang outlines that the Applicant proposed the following stormwater treatment:

- *JOALs are to receive treatment through the use of proprietary devices and raingardens. This will achieve and equivalent of 75% Total Suspended Solids removal.*
- *Public roads are to receive GD01 levels of treatment through raingardens within the road reserve. A total of nine raingardens are proposed, only one of these meet the minimum surface area required in the Auckland Transport, Transport Design Manual (TDM) – Engineering Design Code (also refer to comments in response to submissions in Section 7 below).*
- *For private impervious areas (i.e., driveways), the Applicant proposes permeable paving. However, GD01 specifies that permeable paving does not provide for water quality treatment when connected to the piped network.*
- *Building materials of the roofs are to be inert and connected to a tank. However, it is not clear whether the tank will include reuse functions. The use of inert material on its own is not considered an appropriate method of treatment, particularly in a greenfield area where roofing will present a new surface and source of contaminants that has not existed before.*

169. Ms Tsang's review indicates that there is some appropriate storm water treatment, however, Ms Tsang has indicated that there is limited information regarding the nature of treatment methods for roofs and private impervious areas.

Hydrology Mitigation – Stormwater Detention and Retention

170. Ms Tsang has identified that the Applicant proposes to use SMAF1 provisions for hydrological mitigation. Ms Tsang considers that there is uncertainty with the proposed piping of storm water into Māmari Road as this is not constructed yet. She identifies that it is not clear if the pipes will only drain the PPC 86 site or the wider area. Ms Tsang is also unsure if the implementation of the SMAF 1 provisions aligns with the road upgrades planned for the area.
171. Ms Tsang has also stated “*A high-level assessment of flooding on adjacent properties has been undertaken in accordance with E36 of the AUP(OP). However, the assessment is qualitative as opposed to quantitative. The impacts on the floodplain downstream of the PPC 86 area has not been assessed by the Applicant and therefore the effects of development are not well defined.*”
172. Ms Tsang has stated that there could be flooding effects down stream on 5 Māmari Road. The Applicant has not demonstrated in its assessments that Chapter E36 does contain sufficient provisions to manage the stormwater outcomes along Māmari Road, prior to development in the PPC 86 area. It is Ms Tsang view that additional flooding provisions are required in the recommended precinct to manage catchment flooding effects due to the limited connections on the surrounding sites. The current design has stormwater pipes ending at the site boundary. The additional connections will allow for water to be fully drained and not result in standing water. I agree with Ms Tsang.
173. The Applicant may wish provide detail to address these concerns regarding the discharge to neighboring sites.

Assessment

174. Mr Tsang's peer review has provided a useful summary, of which is as follows:
- *Water quality – the stormwater management proposed in the Applicant's SMP will provide an appropriate level of stormwater treatment for the proposed public roads and JOALs, but not for the roofs and private impervious areas. In order for PPC 86 to avoid or mitigate any actual and potential water quality effects on the sensitive receiving environment (i.e. Totara Creek being an SEA) and to give effects to the*

National Policy Statement for Freshwater Management – Amended 2020 (NPS-FM), the Regional Policy Statement (RPS) provisions for water quality and integrated management objectives and policies in Chapter E1 of the AUP(OP), precinct provisions as recommended and outlined in Attachment A (as a minimum) should be required...

- *Hydrology – the introduction of the SMAF1 overlay for the plan change area will provide appropriate hydrology mitigation.*
 - *Flood risks – flooding and potential stormwater runoff effects on the neighbouring property (i.e., 5 Māmari Road) could be significant. This is because the construction timing of the proposed public pipe network within Māmari Road is unclear and the SMP provided limited assessment of the increased flows onto 5 Māmari Road. It is considered that the potential impacts on the 5 Māmari Road need to have more details applied to ensure that access to the property via the existing paper road is maintained and that potential effects of the frequency, duration and extent of flooding as a result of future developments enabled by the plan change are identified and mitigated as necessary.*
175. Ms Tsang considers precinct provisions are required for PPC 86 to manage stormwater to ensure discharges are of a quality that meets the requirements of the NPSFM and AUP RPS. I agree with and adopt Ms Tsang’s conclusion.
176. Ms Tsang also identifies that due to the lack of public stormwater devices present on Māmari Road, development should be staged to occur at the time of the construction of this road. I adopt this position as my own. In my view, it is important that flood risk is managed and doesn’t compromise the future intensification of neighboring land.

Network Discharge Consent (NDC)

177. Auckland Council Healthy Waters holds a region wide NDC for stormwater which commenced on 30 October 2019. In summary, if a SMP is adopted into the NDC then a discharge consent is not required. Ms Tsang as usefully summarised “*If an SMP is to be adopted following the approval of a notified plan change, the SMP must have been prepared to support the notified plan change and the plan change must be consistent with the SMP. The requirement that the plan change must be consistent with the SMP is to ensure that the precinct provisions are adequate to implement the management methods and mitigation measures set out in the SMP.*”.
178. It is my understanding that there is no RMA requirement to meet the requirements of the NDC and private discharge consent(s) can be sought. However, if the Applicant seeks to comply with the NDC requirements, additional precinct provisions are required to ensure that the management methods are implemented. Ms Tsang has made recommendations that have been included in Appendix 5.

Submissions:

179. Ms Tsang has also reviewed the submissions relating to stormwater matters. I have integrated Ms Tsang and Mr Conley’s views in the assessment against relevant submissions in section 10 below.

8.4. Ecological effects

180. Ecological effects are addressed in Section 7.8 of the Plan Change Request and in the Ecological Assessment Report (EAR) and Wetland Report (WR) dated August 2021 prepared by RMA Ecology Limited.

181. Ecological effects have been reviewed on behalf of Council by Mr Conley of Morphum Limited, and this review is attached in Appendix 3 to this report. Mr Conley identifies that:
- a. There are no outstanding ecological matters
 - b. The likelihood of native lizards being present within vegetation on site is considered low.
 - c. There is a potential wetland within 100m of the site on the neighbouring property.
182. To manage the ecological effects enabled through PPC 86, the Applicant is proposing to rely upon existing provisions of the AUP, which are identified as, but not limited to:
- Chapter E10 Stormwater Management are – Flow 1 and Flow 2
 - Chapter E15 Vegetation management and biodiversity

Peer Review

183. Mr Conley has peer reviewed the Applicants EAR and WR and states that he considers the assessment and methodology aligns with best current best practice.
184. Mr Conley has identified various matters in the assessment and has concluded:
- a. Two native birds species were observed on site, being Pukeko and Spue Wing Plover of which are common and not threatened
 - b. There was no suitable bat habitat on site
 - c. No lizards were observed on site during the field assessment, and no records of native lizards within 4 kilometres of the site were identified
 - d. The report does identify a potential habitat for lizards and recommends undertaking lizard salvage prior to vegetation clearance within these areas
 - e. The EAR determines there are no streams or wetlands on the site, but identifies a 'wet area' towards the south-eastern corner of the site which is considered artificial
 - f. There is a wetland with 100m of the site, but does not meet the definition as a 'natural wetland'.
185. Mr Conley identifies that the wetland does not meet the definition of 'natural inland wetland' in the NPSFM, and therefore is not subject to the provisions of the NESFM. I agree with Mr Conley.
186. Mr Conley concurs with the assessment in the EAR and WR report, I agree and adopt Mr Conley's positions as my own.

Assessment

187. The review of the EAR and PPC 86 by Mr Conley has stated that the Applicant's assessment recognises the potential effects of PPC 86 and notes that the effects identified can be managed through appropriate design and mitigation.
188. Specifically, Mr Conley considers the AUP provisions are sufficient to ensure that any activities within the PPC 86 area are managed in accordance with the best practice environmental management at the time of resource consenting. Further Mr Conley has stated:
- 4.3 Due to the assessed low risk of native lizard presence on site, it is not considered specific conditions for lizard management would be warranted as part of the plan change. All native lizards are protected under the Wildlife Act, and it is considered that the Wildlife Act would be the primary mechanism for protection of any potential native lizards on site. If native species*

were identified, a permit would be required under the act to remove or otherwise disturb them.

4.4 If consent was required under E15 of the AUP, regardless of the rule, the matters of control/discretion allow for lizard management conditions, in addition to the provisions of the Wildlife Act.

4.5 Likewise, it is considered that there are sufficient existing provisions within the AUP to address any impacts on RMA-wetlands at the time of resource consenting.

189. I agree with Mr Conley and adopt the position that the AUP will appropriately address matters at the resource consent stage.
190. Regarding the SEA (SEA-M2-57b) which is down stream of the PPC 86 site, Mr Conley considers the Applicant has provided sufficient information and has considered the ecological effects of PPC 86 on the receiving environment, which is negligible.
191. Mr Conley concludes, based on the information provided, the existing AUP provisions are sufficient to ensure that any ecological effects created by the development enabled by PPC 86 are negligible. I agree with Mr Conley.

Submissions:

192. Mr Conley has reviewed the submissions relating to ecology matters. I have integrated Mr Conley's views in the assessment against submission in section 10 below.

9. Consultation

193. The following consultation was undertaken for PPC 86.

9.1. Mana Whenua

194. The Applicant provided records (Attachment 12 of PPC 86) that they have attempted to contact iwi once on 01 March 2021 in relation to the plan change application. The correspondence was provided to the Council officers, and from the Applicants record no iwi have provided a response.
195. The following iwi were contact by the Applicants representatives:
- Ngāti Paoa Iwi Trust
 - Kaitiaki, Ngāti Pāoa Trust Board
 - Ngāti Te Ata
 - Ngāti Whātua Ōrākei
 - Te Ākitai Waiohua Iwi Authority
 - Te Kawerau a Maki
 - Ngāti Manuhiri, Manuhiri Kaitiaki Charitable Trust
 - Ngāti Maru Rūnanga Trust
 - Te Rūnanga o Ngāti Whātua
 - Ngāti Whātua o Kaipara
196. No submissions were received from any mana whenua following the notification of the plan change.

9.2. Local Board

197. The UHLB were provided a report and presentation by Council staff on 23 February 2023, following the close of further submissions. At that workshop I outlined the nature of submissions and the main themes in contention. The Upper Harbour Local Board passed a resolution which is Appendix 7 to this report.

9.3. New Zealand Defence Force

198. The Applicant has attempted to consult with the New Zealand Defence Force (NZDF). The NZDF did make a submission on PPC 86 raising concerns relating to reserve sensitivity effects arising from residential development on the Whenuapai Air base.

199. Section 12 below addresses these matters and provides recommendations.

10. Notification and Submissions

10.1. Notification details

200. Details of the notification timeframes and number of submissions received is outlined below:

Date of public notification for submissions	22 September 2022
Closing date for submissions	21 October 2022
Number of submissions received	23
Date of public notification for further submissions	24 November 2022
Closing date for further submissions	8 October 2022
Number of further submissions received	6

201. All submissions were received on time. There are no late submissions. Copies of the submissions are attached as Appendix 4 to this report.

11. Analysis of submission and further submissions

202. The following sections address the submissions received on PPC 86. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners.

203. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:

- Submissions supporting PPC 86 in its entirety
- Submissions opposing PPC 86 in its entirety
- Submissions on Open Space
- Submissions on Transport and Water Infrastructure
- Submissions regarding Whenuapai Airbase

- Submissions on Stormwater Matters
- Submissions on Ecology Matters
- Submissions relating to Planning Matters
- Submissions on Other Matters

11.1. Submissions supporting PPC 86 in its entirety

Discussion

204. No submissions were received that supporting PPC 86 in its entirety.

11.2. Submissions opposing PPC 86 in its entirety

Table 11.1 Submissions opposing PPC 86 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
5.1	charissa@csaarchitect.co.nz	Seeks for PC 86 to consider cumulative environmental effects.	FS05 – Oppose	Accept
7.1	Auckland Council	Opposes PC 86 in its entirety	FS05 – Oppose	Reject
7.4	Auckland Council	Seeks for amendments to be made to address the Council's concerns	FS05 – Oppose	Accept in part
7.5	Auckland Council	Seeks such further, other, or consequential relief, including in relation to PC 86's that reflects or responds to the reasons for this submission	FS05 – Oppose	Accept in part
9.1	Christine Lin	Opposes PC 86 in its entirety	FS05 – Oppose	Reject
10.1	The New Zealand Transport Agency (Waka Kotahi)	Decline PC 86 unless additional information is provided to satisfy Waka Kotahi's concerns about transport effects, provisions of infrastructure and appropriate planning provisions to ensure transport land use integration and mitigation of effects	FS05 – Oppose	Accept in part
16.5	Upper Waitemata Waterways Collective (UWWC)	If PC 86 is not declined, seek for 'this Plan' to form part of the conditions of consent and adopt all recommendations as stated in the Upper Harbour Open Space Network Plan.		Accept in part
17.1	Auckland Transport	Decline the plan change unless the matters set out in this submission, as outlined in the main body of this submission and in this table, are addressed	FS05 – Oppose	Accept in part

		and resolved to Auckland Transport's satisfaction.		
19.2	Cabra Development Limited ("Cabra")	Seeks that PC 86 is approved, subject to resolution of the matters outlined in this submission.	FS05 – Oppose in part	Accept in part

Discussion

205. The following submissions have been grouped as they generally oppose PPC 86 as notified, and have sought that their relief sought be accepted.
- a. **Submission 5.1** seeks for PC 86 to consider cumulative environmental effects.
 - b. **Submission 7.1** opposes PPC 86 in its entirety and
 - c. **Submission 7.4** seeks for amendments to be made to address the Council's concerns.
 - d. **Submission 7.5** seeks such further, other, or consequential relief, including in relation to PC 86's that reflects or responds to the reasons for this submission.
 - e. **Submission 9.1** opposes PC 86 in its entirety.
 - f. **Submission 10.1** seeks PPC 86 is declined unless additional information is provided to satisfy Waka Kotahi's concerns about transport effects, provisions of infrastructure and appropriate planning provisions to ensure transport land use integration and mitigation of effects.
 - g. **Submission 16.5** seeks if PCC 86 is not declined, seek for 'this Plan' to form part of the conditions of consent and adopt all recommendations as stated in the Upper Harbour Open Space Network Plan.
 - h. **Submission 17.1** Decline the plan change unless the matters set out in this submission, as outlined in the main body of this submission and in this table, are addressed and resolved to Auckland Transport's satisfaction.
 - i. **Submission 19.1** Seeks that PC 86 is approved, subject to resolution of the matters outlined in this submission.
206. All submitters above have sought PPC86 to be declined. Regarding submission 5.1, I agree with the submitter that the cumulative effects of PPC 86 need to be addressed. My section 32 analysis and the review of the AEE under sections 5 and 8 of this report outlines that I consider amendments are necessary for PPC 86 to proceed. Without the inclusion of Whenuapai 3 Precinct, I do not consider that the cumulative effects of PPC 86 have been addressed. Further reasons for the additional provisions are detailed below and in section 8 above under the specialist review.
207. I recommend to accept submission 5.1.
208. Regarding submissions 7.1 and 9.1, that oppose PPC 86 in its entirety, as stated above, I consider the inclusion of Whenuapai 3 Precinct means PPC 86 can be approved with amendments. I therefore do not support these submissions.
209. I recommend to reject submissions 7.1 and 9.1.
210. Regarding submissions 7.4, 7.5, 10.1, 16.5, 17.1 and 19.1, I address the other relief sought by these submitters below. I recommend a mix of reject and accept for these submissions.

211. I agree with the submitters that amendments are required to PPC 86. But as I recommend to reject a number of submission points raised by these submitters and not recommendation acceptance of all of their relief sought, I can only recommend to accept these submission in part.

212. I recommend to accept in part submissions 7.4, 7.5, 10.1, 16.5, 17.1 and 19.1.

Recommendations on submissions

213. That submission 5.1 be accepted for the following reasons:

- As cumulative effects of PPC 86 should be considered

214. That submission 7.1 and 6.1 be rejected for the following reasons:

- As PPC 86 can be modified to be approved

215. That submission 7.4, 7.5, 10.1, 16.5, 17.1, 19.2 be accepted in part for the following reasons:

- As I do not agree to all amendments sought by the submitters.

216. There are no amendments associated with this recommendation.

11.3.Submissions on Open Space

Table 11.2 Submissions on Open Space

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
1.2	Ka Ming C Chiu	Opposes PC 86 until recreation grounds are established		Reject
3.1	David George Allen	Opposes PC 86 as the Plan Change does not address recreation and well-being of the population	FS05 – Oppose	Reject
4.1	Linda Irene Norman	Opposes PC 86 as the Plan Change does not address recreation and well-being of the population	FS05 – Oppose	Reject
11.2	Living Whenuapai	Opposes PC 86 as it does not address community Open Space	FS05 – Oppose	Reject

Discussion

217. Table 11.2 above contains the submissions that relate to open space. In my view, these submissions can be categorised as:

- Opposing PPC 86 until open space is provided (established)
- Oppose PPC 86 as it does not address or include open space provisions which will adversely affect the well-being of the future resident population.

Open Space requirement

218. **Submissions 1.2, 3.1, 4.1 and 11.2** all oppose PPC 86 as the plan change does not provide any open space or that PPC 86 does not address open space requirements that would enable it to proceed.

219. FS05 – Opposes submissions 3.1 and 4.1 and 11.2 and considers PPC 86 warrants approval for the reasons set out in its private plan change request and considers that these matters are beyond the control of the Applicant.
220. Mr Daniel Kinnoch, with input from the Council Parks Department ,has provided input in this section, and his memo is attached in Appendix 3.
221. Mr Kinnoch in his memo states:
- Mr. McKellar noted that there are currently no neighbourhood reserves proposed on the Southern side of Brigham Creek Road in the vicinity of this site. He acknowledged that higher density developments will lead to the expectation of a greater number of neighbourhood reserves and associated parks services needed in the area as it develops. He advocated for consideration to be given to the provision of a neighbourhood reserve of at least 3000m² in any future development adjacent to the subject site.*
222. From the statement above, there does not seem to be a requirement for a neighbourhood reserve to be provided on the PPC 86 site, but one is required in a future development adjacent to the site. Mr Kinnoch also concludes that inclusion of Open Space in the vicinity is warranted, but not suited for the PPC 86 site itself. I agree with Mr Kinnoch.
223. In direct response to the submissions seeking open space, Mr Kinnoch assessment is as follows:
15. *In response, it's essential to recognise that requiring every plan change to include open space is not feasible. This would result in an inefficient use of land for residential and other developments, which is particularly important in a future growth area like Whenuapai where land use should be optimised. The plan change site's nearness to Whenuapai Town Park ensures that future residents within the plan change site will have adequate access to open space. Though as Mr. McKellar has noted in his memo, consideration should be given to the provision of a neighbourhood reserve of at least 3000m² in any future development adjacent to the plan change site.*
16. *Addressing the concern of crossing a busy road to access Whenuapai Town Park, I understand that this is a significant point concerning safety and accessibility. However, these road safety and transport issues fall under the expertise of traffic engineers and road safety specialists either within or consulting to the council. I defer to their expertise on this matter. I note that I would not be opposed to any infrastructure enhancements that may create a safe crossing point on Brigham Creek Road, thus improving north-south pedestrian connectivity for future residents in the plan change site.*
- ...
18. *The Whenuapai Structure Plan anticipates the provision of open space through plan changes as the Future Urban Zone evolves into Residential and other appropriate zones. The plan envisions around 14 neighbourhood parks of 0.3 to 0.5 hectares for passive recreation, accessible to most residents within a 400m walk. PPC86 falls within an area designated for Residential zoning. As both Mr. Barwell and Mr. McKellar have assessed and agreed, there is a need for a neighbourhood park, but it is not best suited on the PPC86 site itself. Instead, positioning it slightly westward in future development adjacent to the plan change site would offer the greatest benefits to both future PPC86 residents and the wider community.*
- ...
19. *Having considered the specialist input from Mr. McKellar, as well as Mr. Barwell's assessment and the relevant submissions on PPC86, I conclude that the plan change site is not the optimal location for new open space, particularly a neighbourhood park. There is a*

consensus that a more appropriate location for open space would be in proximity to the west of the subject site or within future development adjacent to it. The existing open spaces, including Whenuapai Town Park, are within a short walking distance of the plan change site. With the anticipation that additional open spaces will emerge as the land to the south and west undergoes rezoning or development, it is reasonable to expect that the recreational needs of future residents will be adequately met.

224. I agree with Mr Kinnoch assessment and consider open space is not required to be provided by PPC 86. I recommend to reject submissions 1.2, 3.1 4.1 and 11.2.

Recommendations on Submissions

225. That submission 1.2, 3.1, 4.1 and 11.2 be rejected for the following reasons:

- The PPC 86 area is not suitable for Open Space;
- Open Space is required in the vicinity of PPC 86 and that can be addressed in a future process; and
- There is existing open space a short walk from the PPC 86 site.

11.4. Submissions on Transport and Water Infrastructure

Table 11.3 Submissions on transport and Water Infrastructure

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
1.1	Ka Ming C Chiu	Opposes PC 86 as the current traffic system includes existing public transport provision hours. Future Public Transport Accessibility is unclear at this stage	FS05 – Oppose	
2.1	Kingsley Seol	Opposes PC 86 as the transport infrastructure is not adequate to facilitate more houses and cars.	FS05 – Oppose	Accept
2.2	Kingsley Seol	Opposes PC 86 as the utility infrastructure is not adequate to facilitate more houses. Seeks for infrastructure to be provided prior to development occurring	FS05 – Oppose FS06 – Support	Accept
2.3	Kingsley Seol	Opposes PC 86 as there are concerns with transport/traffic congestion and road safety on the surrounding roads. Seeks for transport infrastructure be provided prior to development occurring.	FS05 – Oppose	Accept
2.4	Kingsley Seol	Seeks for Brigham Creek Bridge to be fixed, connection between state highway 16/18 and state highway 16 to be extended to Waimauku prior to development occurring.	FS05 – Oppose	Accept
6.2	Jeffery Spearman	Seeks for infrastructure to be provided prior to development	FS04 – Support	Accept

			FS05 – Oppose	
6.3	Jeffery Spearman	Opposes PC 86 as the Transport effects have not been fully considered	FS05 – Oppose	Accept
7.3	<u>Auckland Council</u>	Seeks for PC 86 to be declined in its entirety unless an appropriate funding and financing solution to contribute to the cost of strategic transport infrastructure in the Northwest is determined.	FS04 – Support FS05 – Oppose	Accept
8.1	Woolley Trusts Partnership	Opposes PC 86 due to the lack of transport infrastructure, development prior to infrastructure being provided is considered to be not in accordance to the Auckland Unitary Plan Regional Policy Statement	FS05 – Oppose	Accept
10.1	The New Zealand Transport Agency (Waka Kotahi)	Decline PC 86 unless additional information is provided to satisfy Waka Kotahi's concerns about transport effects, provisions of infrastructure and appropriate planning provisions to ensure transport land use integration and mitigation of effects	FS04 – Support FS05 – Oppose	?
10.2	The New Zealand Transport Agency (Waka Kotahi)	Decline the plan change unless additional information and clarity is provided to satisfy Waka Kotahi's concerns about transport effects, provision of infrastructure and appropriate planning provisions (including objectives, policies and rules) to ensure transport land use integration and mitigation of adverse effects.	FS01 – Support FS05 – Oppose	Accept in part
10.3	The New Zealand Transport Agency (Waka Kotahi)	Decline PC 86 until certainty can be provided on the timing and funding of necessary transport infrastructure and services		Accept in part
10.4	The New Zealand Transport Agency (Waka Kotahi)	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Māmari Road as part of the strategic transport network required to support growth in the north-west. This is likely to require precinct provisions.		Accept
10.5	<u>The New Zealand Transport Agency (Waka Kotahi)</u>	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Māmari Road as part of the strategic transport network required to support growth in the north-west. This is likely to require precinct provisions.	FS05 – Oppose	Accept

10.6	The New Zealand Transport Agency (Waka Kotahi)	Seeks amendments to PC 86 to include specific planning provisions to require Māmari Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of these works should be future-proofed to avoid the unnecessary rework.	FS05 – Oppose	Accept
10.7	The New Zealand Transport Agency (Waka Kotahi)	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to avoid direct vehicle access onto Māmari Road.	FS05 – Oppose	Accept in part
10.8	The New Zealand Transport Agency (Waka Kotahi)	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Brigham Creek Road as part of the strategic transport network required to support growth in the north-west.	FS05 – Oppose	Accept
10.9	The New Zealand Transport Agency (Waka Kotahi)	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Brigham Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of this works should be future-proofed to avoid the unnecessary rework	FS05 – Oppose	Accept
10.10	The New Zealand Transport Agency (Waka Kotahi)	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to adjacent sites, and connections through to Brigham Creek Road (particularly for active modes).	FS05 – Oppose	Accept
10.11	The New Zealand Transport Agency (Waka Kotahi)	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to the existing footpath network and safe pedestrian crossings on Brigham Creek Road and Māmari Road.	FS05 – Oppose	Accept

12.1	Thomas Starr	Seeks that roads, public transport and power infrastructure to be provided prior to development.	FS05 – Oppose	Accept
14.3	Woolworths New Zealand Limited	Opposes the pedestrian thoroughfare identified on Appendix 2 Plan Change Rezoning Plan	FS02 and FS03 - Oppose FS05 - Support in part Oppose in part	Accept
14.4	Woolworths New Zealand Limited	Opposes the proposed road widening identified on Appendix 2 Plan Change Rezoning Plan	FS02 and FS03 – Opposes in part FS05 - Support in part Oppose in part	Accepted in part
16.8	Upper Waitemata Waterways Collective (UWWC)	Seeks for Marmari Road and Brigham Creek Road to be upgraded to meet the impacts of PC 86.	FS05 – Oppose	Accept
16.9	Upper Waitemata Waterways Collective (UWWC)	Seeks for the developer to provide a Whenuapai Master Plan to ensure a well-connected transport network is provided.	FS04 – Support FS05 – Oppose	Accept
<u>17.2</u>	<u>Auckland Transport</u>	Decline the plan change unless additional information is provided to satisfy Auckland Transport’s concerns about transport effects and planning provisions (including objectives, policies and rules) are included in the plan change to ensure transport land use integration and mitigation of adverse effects.	FS01 – Support FS05 – Oppose	Accept in part
<u>17.3</u>	<u>Auckland Transport</u>	Decline the plan change unless a robust implementation plan can be provided that addresses the required wider strategic network to support the development enabled by the plan change, including funding and financing concerns. Without this there is no certainty about delivery of the strategic transport network to mitigate adverse effects and achieve a well-functioning urban environment.	FS05 – Oppose	Accept in part
17.5	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Māmari Road as part of the strategic transport network required to support growth in the North-West. This is likely to require precinct provisions.	FS05 – Oppose	Accept

17.6	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Māmari Road frontage to be upgraded to an urban standard that accommodates the future widening of the corridor, with separated walking and cycling facilities in conjunction with subdivision and development of the site. This is likely to require precinct provisions. The design and location of these works needs to be specified to ensure they are in the right location and unnecessary rework is avoided.	FS05 – Oppose	Accept
17.7	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to avoid direct vehicle access onto Māmari Road. This may require precinct provisions. Amend the AUP planning maps to show Māmari Road as an arterial road.	FS05 – Oppose	Accept
17.8	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Brigham Creek Road as part of the strategic transport network required to support growth in the North-West. This is likely to require precinct provisions.	FS05 – Oppose	Accept
17.9	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Brigham Road frontage to be upgraded to an urban standard that accommodates the future widening of the corridor, with separated walking and cycling facilities in conjunction with subdivision and development of the site. This is likely to require precinct provisions. The design and location of these works needs to be specified to ensure they are in the right location and unnecessary rework is avoided.	FS05 – Oppose	Accept
17.10	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to adjacent sites, and connections through to Brigham Creek Road (particularly for active	FS05 – Oppose	Accept

		modes). This is expected to require precinct provisions.		
17.11	Auckland Transport	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to the existing footpath network and safe pedestrian crossings on Brigham Creek Road and Māmari Road and to consider all active mode connections.	FS05 – Oppose	Accept
17.12	Auckland Transport	Amend the plan change by including precinct provisions (objectives, policies and rules) to require that future residential developments and alterations to existing buildings mitigate potential road traffic noise effects on activities sensitive to noise from the future upgraded Brigham Creek Road arterial and new Māmari Road arterial.	FS05 – Oppose	Accept
19.1	Cabra Development Limited ("Cabra")	Seeks for a resolution of the extensive transport network upgrades required to facilitate residential intensification and more generally, urban development integrated with infrastructure provision in Whenuapai given the rural standard of roads across the Whenuapai Structure Plan area that are not funded.	FS05 – Oppose in part	Accept
20.1	Feng Tan	If PC 86 will result in infrastructure implications for the submitter's site, the submitter opposes the Plan Change and requests changes are made to ensure that the proposed Plan Change will not result in adverse effects on the environment.	FS05 support and opposes in part	Accept
20.2	Feng Tan	Support PC 86, provided the infrastructure capacity and requirements for 'Stage 2' area of the Whenuapai Structure Plan 2016 being taken into consideration in an assessment of the effects of PC 86 to confirm there will be no adverse effects for neighbouring properties.	FS05 support and opposes in part	Accept
21.1	Watercare Services Limited	Concerns for wastewater servicing on the basis that connecting PC86 to Watercare's wastewater network is not feasible until the Slaughterhouse pump station is operational (anticipated late 2025). The Application currently proposes a solution that is not supported by Watercare due to operational risk and inadequate sizing of the proposed pump station	FS04 – Support FS06 – Support	Accept

21.2	Watercare Services Limited	Watercare considers the wastewater servicing can be achieved through modification of the proposed solution and appropriate provisions are included within the Plan Change to address timing to connect to the proposed Whenuapai WW Scheme (Slaughterhouse Pump Station).		Accept
22.1	Kyle Tseng	Opposes PC 86 due to the uncertainty with regard to transport infrastructure provision and funding not being addressed.	FS05 – Oppose	Reject
23.1	Hans Tseng	Opposes PC 86 due to the uncertainty with regard to transport infrastructure provision and funding not being addressed.		Reject

Discussion

226. Table 11.3 above are submissions that relate to infrastructure, which include both transport infrastructure and water-related infrastructure. In my view, these submissions can be themed as follows:
- a. Oppose PPC 86 due to the transport effects and lack of transport infrastructure, including public transport services
 - b. Oppose PPC 86 until transport infrastructure is provided
 - c. Oppose PPC 86 and the provisions relating to widening of Brigham Creek Road
 - d. Oppose PPC 86 due to funding and financing not available for the transport upgrades
 - e. Oppose PPC 86 due to the proposed throughfare through 45 Brigham Creek Road
 - f. Oppose PPC as transport effects have not been appropriately considered.
 - g. Submissions relating to wastewater servicing.

Submissions relating to Transport Effects being appropriately considered.

227. **Submission 6.3** Opposes PC 86 as the Transport effects have not been fully considered.
228. As outlined above in section 8, Mr Khorasani disagrees with the methodology undertaken by the Applicants ITA.
229. Section 8 above outlines that Mr Khorasani and I, including a number of submitters consider amendments to PPC 86 are required to address the transport effects. In summary, it is considered that transport effects have not been fully considered.
230. I therefore recommend to accept submission 6.3.

Submissions relating to Whenuapai Master Plan to ensure a well-connected transport network

231. **Submission 16.9** seeks for the developer to provide a Whenuapai Master Plan to ensure a well-connected transport network is provided.
232. RPS Policy B2.2.2(3) reads:

RPS Policy B2.2.2(3) Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.

233. The PPC 86 site is included within the WSP, and Appendix 4 of the WSP outlines the transport infrastructure projects to enable urbanisation of the WSP area. My interpretation of AUP RPS Policy B2.2.2(3) is that a developer is not required to provide a Master Plan nor a structure plan, provided WSP is still the relevant strategic document. If no structure plan was present, I would concur with the submitter..
234. I do not consider the Applicant is required to provide a Master Plan as it is not a requirement of the AUP RPS. I consider RPS Policy B2.2.2(3) to be satisfied by the WSP.
235. I recommend to reject submission 16.9.

Submission relating to funding and financing of infrastructure

236. **Submission 7.3, 10.3 and 23.1** oppose PPC 86 due to the lack of funding available for the infrastructure projects.
237. FS04 supports submission 7.3. FS05 – Opposes submissions 10.3 and 23.1, the Applicant considers PPC 86 warrants approval based on the reasons given in the plan change request. The Applicant is also of the view that funding to support any necessary wider upgrades, it is neither necessary nor appropriate for PPC 86 to be indefinitely deferred until such time as these matters are resolved.
238. Auckland Council (Submitter 7) has stated:
- ...PC 86 is that it does not provide for the timing and funding of strategic infrastructure to be aligned with the land use. In particular, the council is concerned that the premature urbanisation to be enabled by PC 86 without the adequate infrastructure will:*
- h. contribute to cumulative effects on the existing transport network in the Northwest,*
 - i. not make a fair contribution to the cost of strategic infrastructure required to mitigate these effects,*
 - j. lock in car dependency,*
 - k. increase greenhouse gas emissions and VKT.*
239. Further, the Council considers PPC 86 to be out-of-sequence as PPC 86 proposes to urbanise the site ahead of sequencing set in:
- Future Urban Land Supply Strategy 2017 (FULSS) - (the subject site sits within an area described within the FULSS as being development ready in 2028-2032)
 - Whenuapai Structure Plan (prepared under the Local Government Act) (Stage 2 2028 – 2032);
 - Auckland Councils Long Term Plan
 - Auckland Regional Land Transport Plan 2021-2031
240. I have raised concerns about car dependency in section 8 above. I am of the view that a plan change can proceed ahead of the Council times frames provided the plan change gives appropriate regard to Council strategies as required under section 74 of the RMA. I consider that the Applicant is required to provide further analysis against the UHLBP 2020 and UHGWP 2019.
241. However, the wider transport infrastructure upgrades that PPC 86 relies on is dependent on funding becoming available, and so requires additional provisions to stage the

development enabled on the site. Therefore, development can proceed and be staged at the time that infrastructure is being delivered and integrated.

242. It is important to note that the Applicant did propose a precinct to manage the integration prior to notification. This precinct did not proceed past the CI25 of Schedule 1 as to include a precinct would not adopt all of the MDRS provisions in full. Schedule 12 of the RMA requires plan change requests to adopt all relevant residential provisions, and if a request does not, the Council cannot accept or adopt the request for processing. This precinct was provided in the Applicants further submission.

243. I have reviewed the precinct provided as part of the applicants further submission and I recommend amendments to it, as I consider my recommended amendments are more effective and efficient for PPC86 to meet:

- The purpose of the RMA
- The AUP RPS Objectives and Policies
- The FULSS
- The purpose and objective of PPC 86.

244. I consider that the documents listed by the Council in its submission are important to have regard to, but excluding the timing of infrastructure, PPC 86 is not inconsistent with these documents .

245. It is my understanding that the Council's submission is linked to funding of infrastructure and that infrastructure will need to proceed prior to housing being built. I consider that infrastructure needs to be built prior to or in conjunction with development occurring. Regarding funding, the Council considers PPC 86 is inconsistent with RPS Policy B2.4.2(6), which reads:

<i>RPS Policy B.2.4.2(6)</i>	<i>Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.</i>
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246. In my view, the PPC 86 site currently has infrastructure that is not of an urban standard nor, if not upgraded, will it achieve a well-functioning urban environment as required by Objective 1 of the NPSUD. If development was to proceed prior to infrastructure, this could also affect the level of service of the transport network and the ability for other developers to proceed with their developments following the completion of development on the PPC 86 site.

247. The second part of Policy B2.4.2(6) states that infrastructure is provided prior to or at the same time as intensification. In my view, if precinct provisions are not included as a result of PPC 86, Policy B2.4.2(6) cannot be achieved. I consider that with precinct provisions staging development this will ensure that a well-functioning urban environment is achieved, and so PPC 86 can proceed with amendments. Regarding funding, RPS Policy B3.3.2(5)(a) is relevant, which reads:

<i>RPS Policy B3.3.2(5)(a)</i>	<i>Improve the integration of land use and transport by:</i> <i>(a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth;</i>
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248. In my view, with the integration of triggers relating to infrastructure upgrades, as recommended in the Whenuapai 3 Precinct attached to this report, this means that transport infrastructure is planned and can be staged with urban development.

249. RPS Policy B3.3.2(5)(a) does not specifically state who is required to fund the infrastructure. In my view, I consider that staging of development with infrastructure upgrades will be dependent on future funding becoming available. On this basis I consider that the site can be zoned to an urban zone prior infrastructure being delivered. The Applicant may wish to respond to this matter, as it may mean a delay in the approval of future resource consents until funding becomes available.
250. Therefore, I do not completely support these submissions and recommend that submission 7.3, 10.3 and 23.1 be accepted in part to the extent that the recommended Whenuapai Precinct 3 includes development triggers.

Submissions relating to Transport Effects and transport infrastructure integration

251. The following submissions all relate to transport effects, but oppose PPC 86 for different reasons. I address these matters separately, but in my view they are related.
252. **Submission 1.1** opposes PPC 86 due to poor access to public transport.
253. **Submissions 2.1, 2.2, 2.3, 2.4, 6.2, 8.1, 10.2, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11, 12.1, 16.8, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 17.13, 19.1, 20.1, 20.2, and 22.1** either oppose PPC 86 due to the lack of infrastructure and/or seek for amendments to PPC 86 to include infrastructure provisions.
254. FS04 – Supports submissions 6.2 and 10.1 but only clarifies that submission 16.9 is to seek greater clarity regarding the Council creating a blue green network prior to agreeing to plan changes.
255. FS06 – Supports submission 2.2 as Whenuapai is congested now and that the roads are not adequate for the level of population planned in Whenuapai.
256. FS05 – Opposes submissions 1.1, 2.1, 2.2, 2.3, 2.4,,6.2, 7.3, 8.1, 10.2, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11, 12.1, 16.8, 16.9, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11 and 22.1. The Applicant considers in its section 32 report that the local infrastructure network upgrades support walking, cycling and access to public transport and can be detailed at the resource consent stage. FS05 – Opposes in part submissions 19.1, 20.1 and 20.2 for the reasons given in the plan change request.
257. A number of submitters have sought specific amendments to PPC 86 to include transport project upgrades. These upgrades include:
- a. Amend the PPC 86 to include specific provisions (including objectives, policies and rules) to :
 - i. Provide for future upgrades of Māmari Road and Brigham Creek Road, as these areas are required for the Supporting Growth Alliance transportation projects
 - ii. Amend PPC 86 to include specific provisions to require subdivision and development to avoid direct access onto Māmari Road
 - iii. Amend PPC 86 to require the upgrade of Brigham Creek to an urban standard, with separate active mode transport facilities
 - iv. Amend PPC 86 to provide connections to adjacent sites
 - v. Amend PPC 86 to require subdivision and development to provide connections to the existing network, including walking and cycling provisions
 - vi. Amend PPC 86 to provide the infrastructure upgrades required to facilitate development.

258. I consider that these submissions and amendments are seeking additional provisions to require PPC 86 to provide the required infrastructure to an urban standard prior to development proceeding. Further, the submitters seek amendments to PPC 86 to address the effects on the surrounding transport network.
259. PPC 86 as notified, did not contain any infrastructure upgrades external to the PPC86 site. The applicant considers that Chapter E27 would be solely relied upon, and (as stated in my assessment under the NPSUD and RPS sections of this report), PPC 86 does not appropriately integrate infrastructure.
260. As stated in section 8.2 above, Mr Khorasani and I outline that there are concerns that the current transportation network supporting PPC 86 is of a rural standard. In summary, it is considered that these infrastructure upgrades should be integrated into PPC 86 to be provided prior to subdivision and development. Therefore, Mr Khorasani and I agree with these submission points.
261. Attachment 5, of which is 'Whenuapai 3 Precinct' has been included as a recommendation to address this matter and are part of my recommended amendments to PPC 86.
262. I consider the following RPS Objectives and Policies support the inclusion of the new Whenuapai 3 Precinct. These RPS provisions are:
- | | |
|------------------------------------|---|
| <i>RPS Objective
B2.2.1(5)</i> | <i>The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.</i> |
| <i>RPS Objective
B3.2.1(5)</i> | <i>Infrastructure planning and land use planning are integrated to service growth efficiently.</i> |
| <i>RPS Objective
B3.2.1(8)</i> | <i>The adverse effects of infrastructure are avoided, remedied or mitigated.</i> |
| <i>RPS Policy B2.4.2(3)</i> | <i>Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space.</i> |
| <i>RPS Policy B2.4.2(6)</i> | <i>Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.</i> |
| <i>RPS Policy B3.3.2(1)</i> | <i>Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.</i> |
| <i>RPS Policy B3.3.2(2)</i> | <i>Enable the movement of people, goods and services and ensure accessibility to sites.</i> |
| <i>RPS Policy
B3.3.2(5)(a)</i> | <i>Improve the integration of land use and transport by:
(a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth;</i> |
263. The recommended Whenuapai Precinct 3 activity table proposes to include activities (A2) and (A4) for subdivision and development, which is a Non-Complying activity. These activities reads:

Activity		Activity status
Use and Development		
(A2)	Use and development that does not comply with Standard IX.6.3	NC
Subdivision		
(A4)	Subdivision that does not comply with Standard IX.6.3	NC

264. Any subdivision or development that is lodged prior to the infrastructure projects listed in Standard IX.6.3 triggers this non-complying activity. The non-complying activity is the activity status for the same activity under the FUZ, of which is considered appropriate as the supporting infrastructure is not yet constructed. This would lead to a similar resource consent application to urban development in the FYZ, but removes the objectives and policies of FUZ being considered, as these seek for a plan change to occur prior to urbanisation.
265. This means that a non-complying assessment would be assessed against, but not limited to, the relevant RPS and Whenuapai 3 Precinct objectives and policies. There are likely to be other AUP infrastructure provisions that would be required to be assessed that I have not listed.
266. The recommended Whenuapai 3 Precinct, in my view, will ensure the appropriate level of infrastructure is delivered and integrated to support the greenfields urban development proposed by PPC 86 at the time it happens. The precinct will also ensure that walking and cycling to the Whenuapai Neighbourhood Centre will be integrated. Therefore making PPC 86 consistent with Objectives B2.2.1(5), B3.2.1(5) and B3.2.1(8). It also requires infrastructure to be delivered prior to development and ensure that that infrastructure is adequate to service the proposed development. In my view, this means PPC 86 as amended, will be consistent with Policies B2.4.2(3), B2.4.2(6), B3.2.2(1), B3.2.2(2) and B.3.3.2(5)(a).
267. In my view, the recommended Whenuapai 3 Precinct will effectively and efficiently meet the RPS objectives and policies listed above.
268. I am also of the view that enabling the appropriate timing of development to occur on the PPC 86 site, to enable residential development in a comprehensive and integrated manner will meet the objective of the PPC 86.
269. I therefore I recommend submissions 1.1, 2.1, 2.2, 2.3, 2.4, 6.2, 8.1, 10.2, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11, 12.1,16.8, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 17.13, 19.1, 20.1, 20.2, and 22.1 be accepted in part to the extent that they seek PPC 86 to be amended to include transport infrastructure.

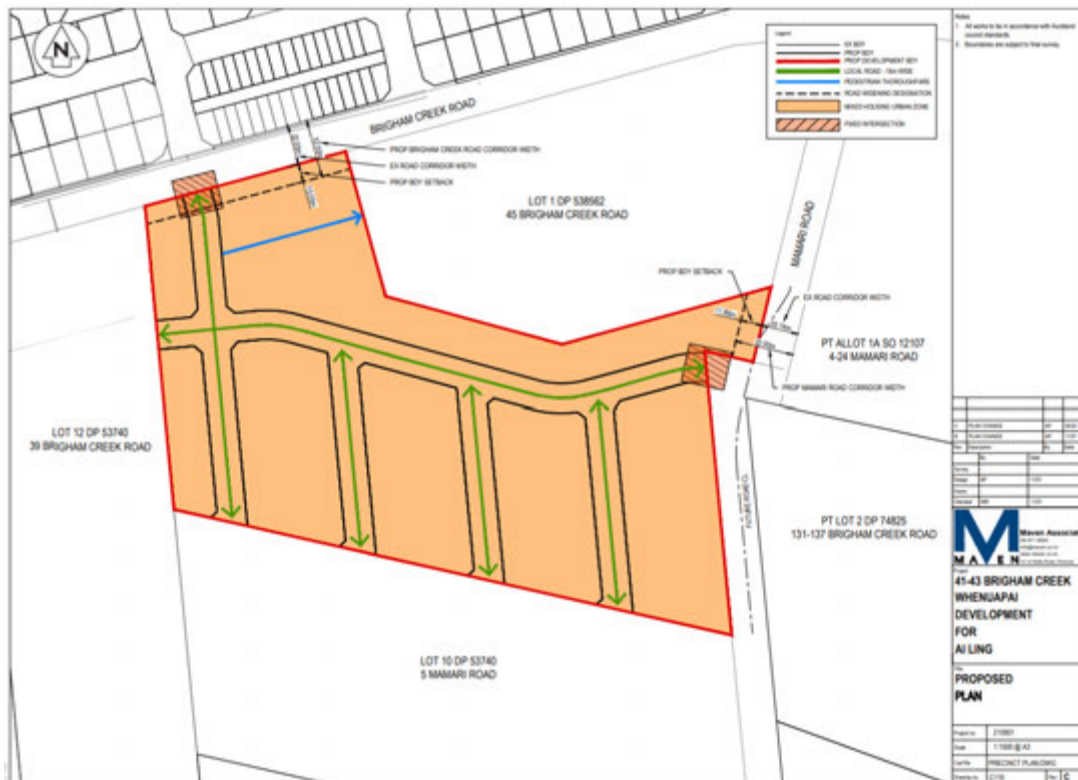
Noise effects from Brigham Creek Road

270. **Submission 17.2 and 17.12** seek amendments to PPC 86 to mitigate potential noise effects on activities sensitive to noise from future the upgrade of Brigham Creek Road and Māmari Road. As noted earlier, the SGA NoRs for Brigham Creek Road and Marmari Road were received by council on the 19 December 2022, and at that time they had immediate legal effect. At the time of writing this report, a hearing report has yet to be produced by the Council in response to these SGA NoRs.
271. FS-05 opposes 17.2 and 17.12 the opposition is to the submission as a whole and does not comment on the relief sought regarding noise matters. FS-01 Supports submission 17.2 in part.

272. Noise contour maps were notified with these SGA NoRs, which I have attached as Appendix 7 to this report. There are now parts of PPC 86 that are subject to future noise contours. The timing of PPC 86 and the SGA NoRs does raise uncertainties in relation to who should manage the noise effects from these roads. In my view it is more suitable to be managed through the SGA NoR process.
273. The Applicant did provide a 'Rezoning Noise Assessment' that was completed prior to the SGA NoRs being notified. The Applicant may wish to provide comment on this matter.
274. With that said, there are parts of the PPC 86 site that will expose residential activities that are sensitive to road noise when the road upgrades that the SGA NoRs enable are constructed. These will be noise levels ranging from 70dB – 55dB.
275. In my view, the SGA NoRs are generating the noise. I consider that this matter is more appropriately addressed through that process.
276. I recommend to reject submissions 17.2 and 17.12.

Proposed Thoroughfare Path

277. **Submission 14.3** and **14.4** opposes PPC 86 due to the proposed thoroughfare through 45 Brigham Creek Road and the proposed road widening as depicted on Appendix 2 of the plan change request.
278. FS02 opposes submission 14.3 and 14.4 and the further submitter considers it is important that transport connections are made to adjacent sites, and that relying on Brigham Creek Road does not make sufficient provision for connections between 41 to 45 Brigham Creek Road.
279. The thoroughfare is illustrated by a blue line below:



280. The submitter has stated that it is not necessary, and for full pedestrian facilities to be delivered on Brigham Creek Road.
281. Currently, there is no footpath on the southern side of Brigham Creek Road. There is a footpath and cycleway on the northern side of the road. There is also no agreement between the landowners for a through path to be placed in this location and would in my view require a private agreement if it this was to proceed in PPC 86. I do have concerns if this was included that the delivery of the through path would depend on a private agreement.
282. Walking and cycling infrastructure is more appropriate to be provided within the road corridor or within an open space. As stated above, and in the assessment under Section 8.2 above an active mode transport route is required to facilitate PPC 86 being developed. This is proposed in the future upgrade of Brigham Creek Road by SGA in its NoR.
283. Therefore, I agree with the submitter that the throughfare is not necessary in this location, however, I do consider walking and cycling provisions are required. This matter has been addressed above regarding staging of infrastructure.
284. I recommend that submissions 14.3 and 14.4 be accepted in part.

Infrastructure – Wastewater and other infrastructure

285. **Submission 12.1** seeks that road, public transport, and power infrastructure is provided prior to development.
286. **Submissions 21.1** and **21.2** raise concerns regarding wastewater connections but considers that this can be addressed through amendments to PPC 86.
287. FS04 supports submissions 21.1. FS05 is neutral on submissions points 21.1 and 21.2 and states the Applicant can provide water provisions to the site and also considers development can occur without implications for development of the submitters site.
288. Submitter 21 (Watercare Services Limited) have indicated that the PPC 86 site can be connected to the existing public water supply. The Applicant has indicated that regarding wastewater, a connection will be available at the completion of the 'Slaughterhouse Pump Station'. Watercare has indicated in their submission that the Slaughterhouse Pump Station is expected to be completed in late 2025. Further, Watercare state that there is a lack of information regarding a 'technical feasible solution' of wastewater reticulation connections within the PPC 86 area and timing of the delivery of wastewater services must be addressed.
289. I agree with Submitter 21 that this is required to be addressed. The Applicant may wish to address this in evidence.
290. I consider that this matter does not need to stop PPC 86 from proceeding, provided a solution is expected to be delivered in 2025. Similar to my approach with transport infrastructure, additional provisions can be included in PPC 86 to limit development, until a connection can be made and sufficient services are available.
291. A trigger has been implemented under Activity (A2) and (A5) in recommended Table IX.4.1 Activity Table of Whenuapai 3 Precinct for subdivision and development.
292. These activities are to be assessed as non-complying if the Slaughterhouse Pump Station is not built and not available for connection exists. I consider that this will limit development until wastewater can be serviced.
293. Therefore I recommend that submission 21 be accepted.
294. Regarding transport-related matters raised by Submitter 12, I consider that they have been addressed above. Regarding other infrastructure that is usually provided at the

time of subdivision, PPC 86 did not receive submissions on those matters from the utility operators.

295. These other utility services can be installed at the resource consent stage as they are a typical requirement of a subdivision consent.

296. I therefore recommend submission 12.1 be accepted in part.

Recommendations on Submissions

297. That submissions 6.11, 7.3, 10.3, 17.2, 17.12 and 23.1 be rejected for the following reasons:

- As PPC 86 can proceed without infrastructure funding, provided development cannot proceed prior to infrastructure being developed.
- PPC 86 is not required to provide a Master Plan as it is not a requirement of the RPS AUP
- Noise generated by the SGA NoRs should be addressed through the Notice of Requirement process

298. That submission 1.1, 2.1, 2.2, 2.3, 2.4, 6.2, 8.1, 10.2, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11, 12.1, 14.3, 14.4, 16.8, 16.9, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 17.13, 19.1, 20.1, 20.2, 21.2, 21.2 and 22.1 be accepted in part for the following reasons:

- PPC 86 can be modified to include Whenuapai 3 Precinct to address the various submitter concerns;
- The recommended Whenuapai 3 Precinct will ensure the appropriate level of infrastructure is delivered and integrated at the time of development
- Walking and cycling provisions are more appropriately addressed in the roading corridor
- Provision of wastewater services is not available, and so it is appropriate to restrict development until connections are available, and this has been included in the recommended Whenuapai 3 Precinct

299. That submission 12.1 be accepted in part for the following reasons:

- Utilities not relating to transport and water infrastructure can be adequately addressed at the resource consent stage of development.

300. The amendments arising from these recommendations are set out in **Appendix 5** to this report and discussed below in section 14 of this report.

11.5. Submissions regarding Whenuapai Airbase

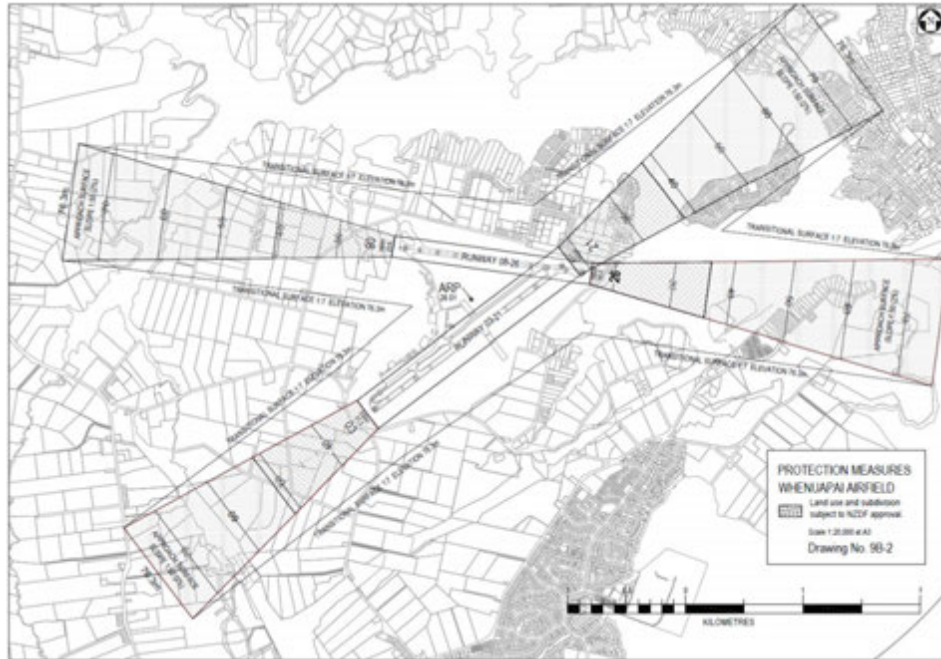
Table 11.4 Submissions regarding Whenuapai Airbase

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
3.2	David George Allen	Opposes PC 86 as the application is inappropriate in regards to aircraft noise	FS05 – Oppose	Reject
15.1	New Zealand Defence Force	Seeks to protect RNZAF Base Auckland from adverse effects of reverse sensitivity.	FS05 – Oppose	Accept in part

15.2	New Zealand Defence Force	Seeks for the inclusion of a non-complaints covenant to be applied in a precinct to the whole of PC 86	FS05 – Oppose	Reject
15.3	New Zealand Defence Force	Seeks the inclusion of provisions to avoid or minimise the potential of residential development attracting birds to avoid or mitigate the potential of bird strike.	FS05 – Oppose	Accept
15.4	New Zealand Defence Force	Seeks the inclusion of provisions to avoid or minimise the effects of lighting and glare to avoid distracting pilots approaching	FS05 – Oppose	Accept
15.5	New Zealand Defence Force	Seeks provisions on roading layout to avoid mimicking Whenuapai Airbase runway pattern	FS05 – Oppose	Accept
15.6	New Zealand Defence Force	Seeks the inclusion of provisions to protect the Obstacle Limitation Surface and require notification to the NZDF prior to crane use should be applied to any resource consent for the development	FS05 – Oppose	Accept

Discussion

301. Submissions in Table 11.4 above relate to effects on the Whenuapai Air Base, and the majority of the submissions are from the NZDF. These submissions can be themed as follows:
- a. Opposes PPC 86 as the application is inappropriate in regards to the Airbase
 - b. Seeks amendments to PPC 86 to address reverse sensitivity on the Airbase which include:
 - i. Non-compliant covenants
 - ii. Planting to avoid bird strike
 - iii. Effects of light on the airbase
 - iv. Inclusion of provisions to recognise the Obstacle Limitation Surface.
302. Whenuapai Airbase is a NZDF air base located approximately 550 meters to the North East of PPC 86. This Airbase is considered to be nationally strategic. The Airbase's longest runway, which runs from north east to south west, has aircraft approaching from the south of the PPC 86 site. This approach is identified and managed in the AUP through Designation 4311 (and not in Chapters D23 Aircraft Approach Surface Overlay).
303. The approach diagram in Designation 4311 can be seen below:



304. The PPC 86 site is outside of the aircraft approach path, but NZDF have raised concerns that the urbanisation of the area could affect aircraft coming to land and could lead to reverse sensitivity effects.
305. As stated by Submitter 14 (NZDF), “Ensuring that this facility can continue to operate to meet Defence obligations under the Defence Act 1990 is critical.”
306. I agree with this statement. In the NZDF submission, NZDF recognises that there is need for additional residential development, but has highlighted key AUP RPS Objectives and Policies and have identified concerns about the lack of precinct provisions to manage reverse sensitivity. The RPS provisions stated by NZDF are:

RPS Objective B3.2.1(6) (6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.

RPS Policies B3.2.2(4) and (5) (4) Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on infrastructure.

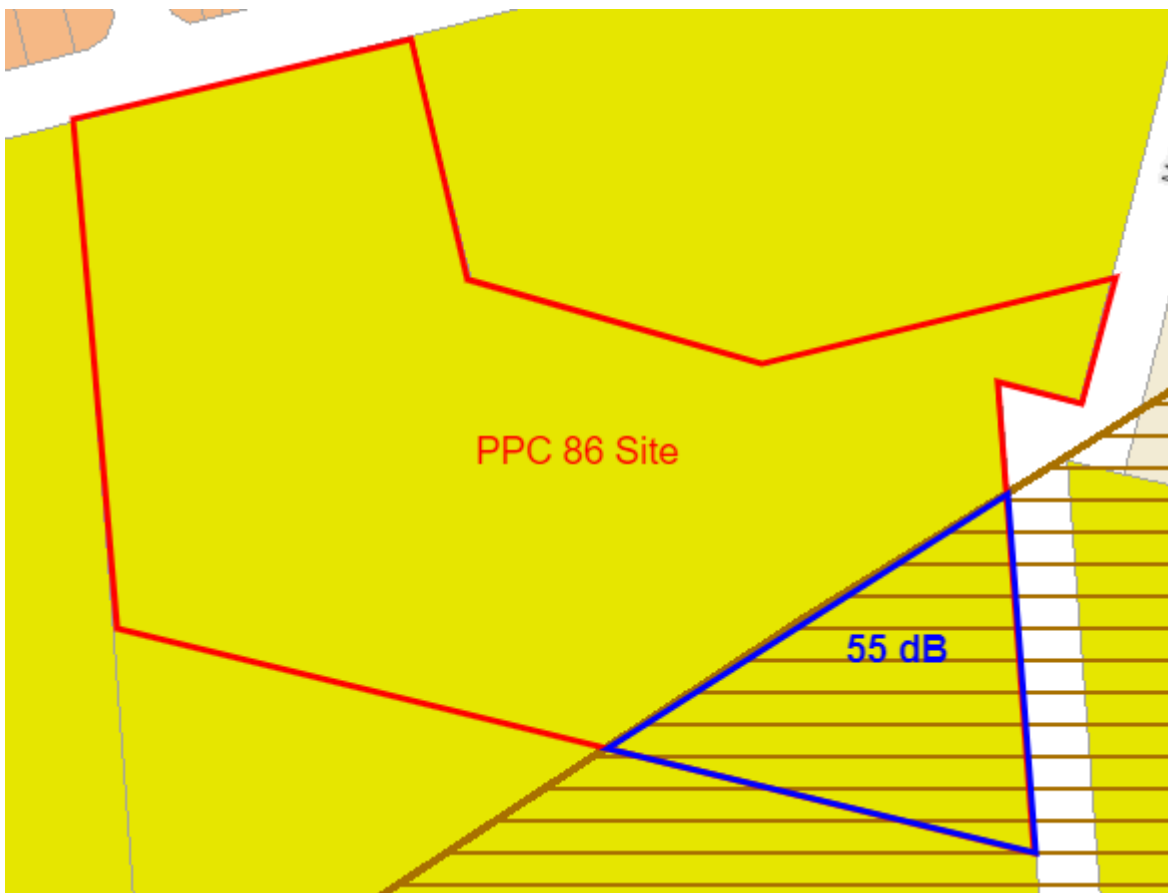
(5) Ensure subdivision, use and development do not occur in a location or form that constrains the development, operation, maintenance and upgrading of existing and planned infrastructure.

307. I agree with NZDF that the RPS Objective and Policies above are relevant.

Submissions on reverse sensitivity on Whenuapai Air Base

308. **Submission 3.2** opposes PPC 86 as the application is inappropriate in regards to aircraft noise.
309. **Submissions 15.1, 15.2, 15.3, 15.4, 15.5 and 15.6** are submissions from NZDF that relate to reverse sensitivity effects on the Whenuapai Airbase.

310. FS05 – Opposes submissions 3.2, 15.1, 15.2, 15.3, 15.4, 15.5 and 15.6. Regarding submission 3.2, the Applicant considers PPC 86 warrants approval for the reasons set out in the plan change request. Regarding the NZDF submission, the Applicant considers that the requested amendments could result in the imposition of additional, inappropriate and unnecessarily onerous requirements on future subdivision and development. The Applicant considers the relief sought by the submitter is inappropriate in section 32 terms, and would be inefficient and ineffective in achieving the objectives of the AUP, higher order planning instruments and the purpose of the RMA.
311. Regarding noise effects from the Whenuapai Airbase, Chapter D24 Aircraft Noise Overlay of the AUP contains a management framework to address noise effects on activities sensitive to noise. Specifically, Table D24.4.1 contains subdivision and development activities to address these effects. Seen below the Chapter D24 Aircraft Noise Overlay in the AUP GIS maps.:



312. The area in blue hatching above is the part of the PPC 86 site that falls within the 55 dBA noise contour.
313. PPC 86 is outside of what is considered high noise, and Activity (A7) of Chapter D24 of the AUP, which prohibits activities to be established in these areas affected by noise, will not apply. For residential activities sensitive to noise, it is my understanding that parts of the PPC 86 site will be applicable to 55db – 65db noise contours and this part of the site is subject to Chapter D24 (A8) which is a non-complying activity. I consider the current AUP provisions address this effect.
314. Chapter D24 anticipates some residential activities are able to be established under the Chapter D24 Aircraft Noise Overlay. For example, Policy D26.3.(3)(a) reads (my emphasis):

Avoid establishing residential and other activities sensitive to aircraft noise at:

(a) airports/airfields except for Auckland International Airport: within the area between the 55dB Ldn and 65dB Ldn noise contours, unless the effects can be adequately remedied or mitigated through restrictions on the numbers of people to be accommodated through zoning and density mechanisms and the acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to aircraft noise excluding land designated for defence purposes; [emphasis added]

315. Activity (A8) of Table D24.4.1 for the North Shore Airport, Kaipara Flats Airfield and Whenuapai Airbase states that it is a non-complying activity for subdivision of land for activities sensitive to aircraft noise to create a new site between the 55dB Ldn and 65dB Ldn noise boundaries.
316. I do not consider that additional noise controls are required or the proposed zoning in PPC 86 to conflict with Chapter D24. In my view, effects from aircraft noise associated with take off and landing can be addressed at the resource consent stage by AUP Chapter D24. A future resource consent will be required to demonstrate that noise effects on the activities sensitive to noise have been adequately remedied or mitigated.
317. I recommend that submission 3.2 be rejected.
318. Regarding the request by NZDF for the inclusion of additional controls. I address this below.
319. **Submission 15.1** is a general submission, that seeks to protect the operations of the Airbase. This is generally accepted, subject to my recommendations on the other submission points made by the NZDF.
320. **Submission 15.2** seeks for a non-complaint noise covenant to be applied to new land titles during subdivision to the whole of the PPC 86 site, noting that only the southern section of the site is affected by the D24 noise contour. NZDF has stated:
- “10 No-complaints covenants put potential new landowners, who may be unfamiliar with the area and the operation of the Base Auckland ‘on notice’ about effects from the Airbase and place the responsibility of accepting the presence of Base Auckland, and effects (including noise) associated with its lawful operation on new landowners. This is particularly important for potential purchasers of properties outside of the Aircraft Noise overlay who, as outlined above, may not expect to experience aircraft noise.”⁵*
321. In my view, this would be an agreement between NZDF and a future resource consent applicant. I do not consider that a covenant will manage reverse sensitivity or address noise effects but will only reduce the ability of a person to register a complaint.
322. Noise is already managed by AUP Chapter D24 and includes the requirement for mechanical ventilation to assist in mitigating noise effects. Further, the Objectives and Policies of D24 seek zoning to avoid incompatibility with the Airbase. I do not consider MHU to be incompatible with the Airbase given the requirements of D24 to manage noise through mechanical ventilation.
323. I do not consider that a non complaint covenant is needed to be included into the recommended precinct.
324. I recommend to accept in part submission 15.1, and reject submission 15.2
325. Regarding **Submissions 15.3, 15.4 and 15.5, these submissions:**

⁵ Para 10 Submission 15 by the New Zealand Defence Force

- a. Seeks the inclusion of provisions to avoid or minimise the potential of residential development attracting birds to avoid or mitigate the potential of bird strike
 - b. Seeks the inclusion of provisions to avoid or minimise the effects of lighting and glare to avoid distracting pilots approaching; and
 - c. Seeks provisions on roading layout to avoid mimicking Whenuapai Airbase runway pattern
326. The above amendments sought are not matters already managed by the AUP in this area of Whenuapai. It is my understanding that the above controls are sought to avoid an air-crash and/or confusion to the pilots approaching the Whenuapai airbase that can result in air traffic accidents.
327. In my view, additional provisions are required to ensure reverse sensitivity effects on the air base are included in Whenuapai 3 Precinct. These are included as part of my recommended Whenuapai 3 precinct. These controls were previously proposed through the (now withdrawn) Plan Change 5 and are similar to those made operative in PC 69.
328. The Whenuapai 3 Precinct controls that I recommend will ensure reverse sensitivity effects are effectively managed and allow the Whenuapai Airbase to operate safely. I consider that these additional provisions provide a method by which residential development in the PPC 86 area will be able to occur with these reverse sensitivity effects being managed and therefore, allowing PPC 86 to meet its objective.
329. I recommend to accept submissions 15.3, 15.4 and 15.5.
330. **Submission 15.6** seeks the inclusion of provisions to recognise the Obstacle Limitation Surface. This directly relates to Designation 4311, and NZDF are the Requiring Authority in this matter. NZDF has stated that, prior to crane use, any resource consent should be notified to NZDF.
331. It is my understanding that for the construction of any building 9 metres in height or above is required to have NZDF approval, as required by Conditions 1 and 2 of Designation 4311. Conditions 1 and 2 read as follows:
- Restrictions Relating to Approach Paths*
1. *The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the areas of the designation shown on the planning maps as 'land use and subdivision subject to NZDF approval'. These areas are generally within 1,000 metres of the runways.*
2. *No obstacle shall penetrate the approach and departure path obstacle limitation surfaces shown on the planning maps and explained by the text "Explanation of Protection Surfaces Whenuapai Airfield" and Diagram MD1A below without the prior approval in writing of the New Zealand Defence Force. This restriction shall not apply to any building being erected which has a height of not more than 9.0 metres above natural ground level.*
332. Therefore, I recommend the inclusion of an additional standard about temporary structures being erected in a location that could cause the Whenuapai Airbase to close. This has been included as standard I1.6.6 in the Whenuapai 3 Precinct.
333. I recommend to accept submission 15.6.

Recommendations on Submissions

334. That submissions 3.2 and 15.2 be rejected for the following reasons:

- As PPC 86 is not inappropriate in regards to the Whenuapai Airbase, and noise effects can be managed
- I do not consider that a noise complaint covenant can be managed by the Council
- Covenants are able to be an agreement between the landowner and the NZDF
- Noise effects are managed by Chapter D24 of the AUP.

335. That submission 15.3, 15.4 and 15.6 be accepted for the following reasons:

- They address effects on the Whenuapai Airbase that are not currently managed by the AUP, but can be via the recommended Whenuapai 3 Precinct
- Are required to address reverse sensitivity matters on the Whenuapai Airbase as required by RPS AUP Objective B3.2.1(6) and Policies B3.2.2(4) and (5)

336. That submission 15.1 be accepted in part for the following reasons:

- As I do not recommend to agree to all other relief sought by the NZDF for the reasons discussed above.

337. These amendments are set out in **Appendix 5** to this report and discussed below in section 14 of this report.

11.6. Submissions on Stormwater Matters

Table 11.5 Submissions on Stormwater Matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
<u>6.1</u>	<u>Jeffery Spearman</u>	Seeks for the risk of flooding to be fully avoided or remedied by PC 86	FS04 – Support FS05 – Oppose	Accept
<u>11.5</u>	<u>Living Whenuapai</u>	Seeks for riparian planting around streams that feed into a Significant Ecological Area	FS05 – Oppose	Reject
<u>11.6</u>	<u>Living Whenuapai</u>	Seeks for rainwater retention tanks to be used within the building and streets to limit stormwater outflow into the Significant Ecological Area	FS05 – Oppose	Reject
<u>16.6</u>	<u>Upper Waitemata Waterways Collective (UWWC)</u>	Seek for rain gardens to be a condition of consent.	FS04 – Support FS05 – Oppose FS06 – Support	Reject

Discussion

338. The submissions in Table 15.6 above relate to water matters that are not related to wastewater. These are themed as:

- a. Seeks PPC 86 to address flooding
- b. Seeks riparian planting around streams that feed into the Significant Ecological Area (located down stream of the PPC 86 site)

c. Seeks rainwater detention devices to be provided on-site.

339. PPC 86 seeks to apply SMAF 1 to the site to manage storm water effects. PPC 86 will also apply the MHU zone that will trigger the 'urban' controls of which are contained in the AUP. This means a number of AUP Chapters E must be considered at the time of consent.

340. An assessment has been provided above under section 8.3 regarding stormwater management.

Submissions relating to flooding effects

341. **Submission 6.1** seeks that PPC 86 avoids or remediates flooding effects.

342. FS04 supports submission 6.1 in its entirety.

343. FS05 – Opposes submission 6.1, and considers the matters of stormwater runoff have been addressed as part of the plan change request.

344. Regarding flood risk that may be present on site currently, there is a flood plain located in the north section of the site, on the boundary that runs contiguous with Brigham Creek Road. This flood plain is illustrated below:



345. PPC 86 proposes to apply AUP Chapter E36 Natural Hazards, which manages flooding on site, and the effects on sites up and downstream in the catchments. These controls will apply if PPC 86 is approved. Ms Tsang's review of PPC 86 considers that development should be staged until Māmari Road is built to avoid any potential effects on 5 Māmari Road. These additional controls are required as Ms Tsang identifies that until stormwater infrastructure is provided, stormwater is not being appropriately treated. Further flooding controls are required to manage flood risk at a catchment level as discussed under section 8.3.

346. I recommend to accept submission 6.1 to ensure that flooding effects are appropriately managed by the PPC 86.

Submissions on stormwater management devices

347. **Submissions 11.5** seeks for riparian planting to manage effects on the SEA. **Submission 11.6** seeks for rain water detention tanks to manage effects on the SEA that is downstream of the PPC 86 site. As stated previously, PPC 86 proposes to have its SMP adopted under the Council NDC and for SMAF 1 to apply. Mr Conley has stated in his assessment of PPC 86 that ecological effects on the SEA are negligible.
348. FS04 – supports submission 16.6 so that development complies with the permeable surface area per the stormwater report. The further submitter considers that rain gardens in developments are considered best practice to manage increasing rainfall in housing developments and to mitigate climate change.
349. FS05 – Oppose submissions 11.5 and 11.6 as the reduction in development yield arising from the methods suggested to manage stormwater in the PPC 86 site is inappropriate in terms of section 32. The Applicant considers that setting aside land for community “urban canopy” purposes are onerous, unnecessary and inappropriate in terms of section 32 of the RMA.
350. FS06 – Supports submission 16.6 in terms of requiring rain gardens to mitigate environmental effects.
351. I note that there are no rivers or streams identified on the PPC 86 site and therefore riparian planting is not required.
352. **Submission 16.6** also seeks for rainwater retention tanks to be used within the building and streets to limit stormwater outflow into the SEA. The matter of SEA has been addressed above. The second part of Submission 11.6 seeks for rain gardens to be a condition of resource consent.
353. The relief sought for stormwater detention devices is either considered as part of the SMP to meet the requirements of the NDC, or will also be a matter for storm water treatment to be considered by the provisions that relate to SMAF 1.
354. Ms Tsang, as part of her review, has identified that additional treatment is required for greenfield development and has proposed a number of provisions to address these effects. Rainwater devices fall under a future resource consent as an option for managing stormwater.
355. This may be required as a condition of consent to include such devices, but this requires the level of detail that is associated with a resource consent application. In my view, this matter is more appropriately addressed at the resource consent processing stage and to enable this to occur a specific standard in PPC 86 for these devices is included in the recommended Whenuapai 3 Precinct. I do not consider PPC86 needs to specifically mention the devices required to meet SMAF1 or the NDC. However I consider that the matters raised by the submitters have been addressed in the Whenuapai 3 Precinct. I recommend to reject submissions 11.5 and 11.6 .
356. **Submission 17.3** seeks to amend the plan change to include provisions which consider the whole of life costs and effectiveness of the treatment of publicly vested stormwater assets.
357. It is my understanding that future stormwater assessments that are publicly vested are maintained by the authority that will own the asset. If the assets is in the road corridor, this is typically owned and maintained by Auckland Transport.

358. In my view, 'the whole life costs' relates to the final design that will be addressed at the resource consent stage. I therefore recommend to reject submission 17.3.

Recommendations on Submissions

359. That submission 6.1 be accepted for the following reasons:

- As PPC 86 is required to ensure flooding effects are adequately managed

360. That submission 11.5, 11.6, 16.6 and 17.3 be rejected for the following reasons:'

- The relief sought for stormwater detention devices is either considered as part of the SMP to meet the requirements of the NDC and will also be a matter for stormwater treatment to be considered by the provisions that relate to SMAF 1.
- Conditions of consent are more appropriately to be considered at the consenting phase of development
- The final design of stormwater devices can occur at the development stage of the PPC 86 site

361. These amendments are set out in **Appendix 5** to this report and discussed below in section 14 of this report.

11.7. Submissions on Ecology matters

Table 11.6 Submission on Ecology Matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
5.2	Royal Forest and Bird protection Society of New Zealand Inc. (Forest & Bird)	Seeks for PC 86 to include provisions which place a ban on domestic cats, and for other pest species should also be controlled.	FS05 – Oppose	Reject
5.3	Royal Forest and Bird protection Society of New Zealand Inc. (Forest & Bird)	Seeks for provisions to ensure the felling of mature trees and other existing vegetation is offset with the introduction of native trees.	FS04 – Support FS05 – Oppose FS06 – Support	Reject
5.4	Royal Forest and Bird protection Society of New Zealand Inc. (Forest & Bird)	PC provisions are included to ban domestic cats to avoid the adverse effects on native species.	FS05 – Oppose	Reject
5.5	Royal Forest and Bird protection Society of New Zealand Inc. (Forest & Bird)	Seeks that the developer is made aware of the NWW and gives effect to its objectives, in turn, benefiting the natural ecosystem, the potential future residents of the site and the sustainability of urbanization	FS04 – support FS05 – Oppose FS06 – Support	Reject
11.4	Living Whenuapai	Seeks for PC 86 to include provisions to include land for passive recreation and ecological corridor	FS05 – Oppose	Reject
11.7	Living Whenuapai	Seeks for land to be set aside to grow biodiversity and support future communities	FS05 – Oppose	Reject

11.8	Living Whenuapai	Seeks for the development to include its own facilities to give it a sense of community and include native tree planting to enhance and restore native habitat	FS05 – Oppose	Reject
11.9	Living Whenuapai	Seeks for a Blue-Green Spatial plan is done for the whole of Whenuapai before development in the area proceeds.	FS05 – Oppose	Reject
16.3	Upper Waitemata Waterways Collective (UWWC)	Seeks Auckland Council to identify the streams and rivers that are qualifying water bodies with 20m esplanade strips for environmental and recreational benefits.	FS04 – Support FS05 – Oppose FS06 – Support	Reject
16.10	Upper Waitemata Waterways Collective (UWWC)	Seeks for the 'Ecological Connectivity Strategy' prepared by the Upper harbour Local Board be adopted for Whenuapai.	FS04 – Support FS05 – Oppose	Reject
16.11	Upper Waitemata Waterways Collective (UWWC)	Seeks Auckland Council to decline this Private Plan Change and others until these steps are taken towards transformational change and as a first step endorse a blue-green spatial network plan for the Future Urban Zone.	FS04 – Support FS05 – Oppose FS06 – Support	Reject

Discussion

362. Submissions in Table 11.6 above relate to ecology matters raised in submissions. I summarise these submissions as:
- a. Seek amendments to PPC 86 to include provisions which place a ban on domestic cats, and for other pest species should also be controlled.
 - b. Seek amendments to PPC 86 to include provisions to ensure the felling of mature trees and other existing vegetation is offset with the introduction of native trees.
 - c. Seek that the developer is made aware of the NWW and gives effect to its objectives, in turn, benefiting the natural ecosystem, the potential future residents of the site and the sustainability of urbanization
 - d. Seek for PPC 86 to include provisions to include land for passive recreation and ecological corridor
 - e. Seek for the development to include its own facilities to give it a sense of community and include native tree planting to enhance and restore native habitat
 - f. Seek for a Blue-Green Spatial plan is done for the whole of Whenuapai before development in the area proceeds.

- g. Seek Auckland Council to identify the streams and rivers that are qualifying water bodies with 20m esplanade strips for environmental and recreational benefits.

Submissions on the ban of domestic animals and pest species

363. **Submissions 5.2 and 5.4** seek for additional controls to be included to ban domestic cats and that other pest species be controlled.
364. FS05 – Opposes submissions 5.2, 5.4 and 16.3 and considers that PPC86 warrants approval for the reasons set out in its private plan change request. The Applicant considers PPC 86 is consistent with the WSP and will contribute to the housing supply in the area in a manner that achieves the objectives of the AUP, higher order planning instruments and achieves the purpose of the RMA.
365. In my view, including a ban on domestic cats is not a control that should be introduced through a plan change. For example, it does not seem to relate to matters of development and subdivision that are activities that enable residential land use, particularly in an area that does not have special ecological attributes. Further, if this was introduced, it does not seem to be an appropriate matter for Council to be monitoring or enforcing. Such a requirement would, in my view, more appropriately be included on the land title as a covenant to limit what domestic pets a landowner could have on their land.
366. Therefore, I do not support the inclusion of these controls in Whenuapai Precinct 3. I recommend to reject submissions 5.2 and 5.4.

Submissions on Trees

367. **Submission 5.3 and 11.8** seeks for provisions to ensure the felling of mature trees and other existing vegetation is offset with the introduction of native trees.
368. Trees are managed through the following AUP controls:
 - a. Chapter D9 Significant Ecological Area Overlay
 - b. Chapter D13 Notable Tree Overlay
 - c. Chapter E15 Vegetation management and biodiversity
369. FS-04 and FS-06 supports submission 5.3 and considers that no mature trees should be felled as this goes against the Council's climate emergency declaration to mitigate climate change. FS-06 supports the protection of all waterways through riparian planting.
370. FS-05 – Oppose submissions 5.3 and 11.8, and neither supports nor opposes this submitter's request to offset the removal of mature trees with native trees. The Applicant considers that PPC 86 is consistent with the WSP and will contribute to the housing supply in the area in a manner that achieves the objectives of the AUP, higher order planning instruments and achieves the purpose of the RMA.
371. Submitter 5.3 seeks additional controls over and above those that are already operative in the AUP. In their submission, they have outlined that there are numerous benefits of the inclusion of trees in urban environments. Specifically, they state their concerns about the removal of 9 mature macrocarpa and eucalyptus trees and that these should be replaced by native species trees.
372. Mr Conley has address this submission, and has stated he is supportive of the submission, however, states "*It is considered that any plantings undertaken during development associated with PC86 should be native, including sourcing from the same ecological district. Current provisions of the AUP (appendix 16) are considered adequate for management and alteration of vegetation.*"

373. The zoning choice by the Applicant is Residential - Mixed-Housing Urban Zone. This requires 35% of the net site area to be landscaped under Standard H5.6.11 Landscaped area. There is not a specific requirement in this zone to include native planting.
374. It is my understanding that AUP Chapter D9 does require offsetting when a development directly affects a Significant Ecological Area (SEA). Further, there are tree requirements for trees of a certain size, and species specific in Chapter E15. I note that there are no notable trees on the PPC 86 site, and therefore Chapter D13 does not apply.
375. I consider that tree management is already appropriately managed by Chapter E15 and Appendix 16 of the AUP. The additional controls sought by the submitter could be more restrictive than what exists in the AUP. Further, I am cognisant that the NZDF has raised concerns relating to bird strike, that I agree with. As outlined in the section that relates to effects on the Whenuapai Airbase, tree planting on the PPC 86 site needs to minimise the risk of bird strike for aircraft.
376. I consider that trees on the PPC 86 site are appropriately managed by the existing AUP controls, I do not consider additional controls to be required. I recommend submission 5.3 and 11.8 be rejected.
377. **Submission 5.5** seeks that the developer is made aware of the North-West Wildlink (NWW) and gives effect to its objectives, in turn, benefiting the natural ecosystem, the potential future residents of the site, and the sustainability of the urbanisation of the site.
378. FS-04 and FS-06 Supports submission 5.5. FS-05 opposes submission 5.5 in general.
379. The submitter has only requested that this document be highlighted to the Applicant. I recommend the submission is accepted, and the Applicant may wish to acknowledge the NWW in their evidence.

Submissions on a green network for bio-diversity

380. **Submissions 11.4, 11.7, 11.9, 16.3, 16.10 and 16.11:**
- a. Seeks for PPC 86 to include provisions to include land for passive recreation and ecological corridor
 - b. Seeks land to be set aside to grow biodiversity and support future communities
 - c. Seeks for a Blue-Green Spatial plan is done for the whole of Whenuapai before development in the area proceeds.
 - d. Seeks Auckland Council to identify the streams and rivers that are qualifying water bodies with 20m esplanade strips for environmental and recreational benefits.
381. FS04 – Support submission 16.3 and 16.11 as the protection of all waterways through riparian planting is imperative to restore and prevent further waterway degradation. The further submitter also supports the requirement of a blue-green network.
382. FS05 – Oppose submissions 11.4, 11.7, 11.9 and 16.11 and considers the reduction in yield in the PPC 86 site is inappropriate in section 32 terms and would be inefficient and ineffective in achieving the objectives of the AUP and the purpose of the RMA.
383. FS06 – Supports submission 16.11 and supports PPC 86 site to be landscaped appropriate to support the Whenuapai area in general.
384. I have combined these submissions as they essentially seek a similar or the same environmental outcome. Regarding points 'a' and 'b' above, these submissions seek to include an area for open space and ecological protection wider than the PPC 86 site. In my view, there is no scope to apply this network to the surrounding sites.
385. Regarding this requirement, there is no strategic Council document that outlines this requirement or is included specifically in the WSP. This seems to relate to a community' desire to establish a blue-blue green network.

386. In my view, for the addition of such a requirement to be included in a plan change, this matter should go through the Structure Plan or a similar process. This would obtain the community support that is associated with this process. The submitter may wish to provide evidence on this matter, but I consider there is no scope to include what is sought.
387. Regarding the requirement for esplanade strips in submission 16.3, this is a requirement under the RMA, which is generally managed at the resource consent stage. The minimum width of an esplanade strip is generally 10 meters and not 20 meters. I am aware that there are circumstances where a wider esplanade strip has been included in planning provisions.
388. I have reviewed the technical documents supporting PPC 86, and the WSP appendices on streams. From my understanding, there are no streams running through the PPC 86 site and therefore there is no requirement to include an esplanade strip. Greater detail at the resource consent stage will address this matter if needed.
389. I recommend submissions 11.4, 11.7, 11.9, 16.3, 16.10 and 16.11 be rejected.

Recommendations on submissions

390. Submission 5.5 be accepted for the following reason:
- The PPC 86 I made aware of the NWW
391. That submission 5.2, 5.3, 5.4, 5.5, 11.4, 11.7, 11.8, 11.9, 16.3, 16.10 and 16.11 be rejected for the following reasons:
- The inclusion of a ban on domestic cats or pest control should not be introduced through a plan change;
 - Trees are adequately managed by existing AUP provisions
 - There is no scope for PPC 86 to be required to consider the blue-green network
 - No streams run through the PPC 86 site and therefore a esplanade strip is not required
392. There are no amendments associated with this recommendation.

11.8. Submissions relating to Planning

Table 11.7 Submissions relating to Planning

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
6.4	Jeffery Spearman	Seeks PC 86 to be developed as identified by the Whenuapai Structure Plan 2016	FS05 – Oppose	Accept in part
6.5	Jeffery Spearman	Seeks PC 86 to be developed as identified by the Whenuapai Structure Plan 2016	FS05 – Oppose	Accept in part
7.2	Auckland Council	Seeks for PC 86, under s.74(2)(b)(i) of the Resource Management Act 1991 to have regard to Te hau mārohi ki anamata Towards a productive, sustainable	FS05 – Oppose	Accept

		and inclusive economy: Aotearoa New Zealand's first emissions reduction plan.		
10.4	The New Zealand Transport Agency (Waka Kotahi)	When appropriate to rezone PC 86, retain the proposed zoning of Residential - Mixed Housing Urban zone	FS05 – Oppose	Accept
11.1	Living Whenuapai	Opposes PC 86 as it does not meet the design principle or Whenuapai Structure Plan 2016	FS05 – Oppose	Accept in part
11.3	Living Whenuapai	Opposes PC 86 as it does not mitigate climate change	FS05 – Oppose	Reject
14.1	Woolworths New Zealand Limited	PC 86 is occurring out of sequence without a comprehensive Whenuapai wide approach	FS02 and FS03 – Support FS05 - Support in part Oppose in part	Accept
14.2	Woolworths New Zealand Limited	Seeks for consideration to be given to measures to address the potential reverse sensitivity effects in the vicinity of the shared boundary	FS02 and FS03 – Oppose in part FS05 - Support in part Oppose in part	Reject
14.5	Woolworths New Zealand Limited	Seeks that, subject to any amendments that may be required to address the matters noted in this submission, PC86 be confirmed.	FS02 and FS03 – Opposes in part FS05 - Support in part Oppose in part	Accept in part
16.1	Upper Waitemata Waterways Collective (UWWC)	Seek for Auckland Council to implement its own strategies to balance the intensification with the climate crisis	FS04 – Support FS05 – Oppose FS06 – Support	Accept
16.2	Upper Waitemata Waterways Collective (UWWC)	Seeks for the '3-30-300' rule to applied to ensure a well-designed, sustainable community with a strong sense of place and to help with resilience both for people and biodiversity, mitigate temperature rise and climate impact.	FS04 – Support FS05 – Oppose FS06 – Support	Reject
16.7	Upper Waitemata Waterways Collective (UWWC)	Seek for a covenant is placed on each title to ensure they will not be concreted in the future.	FS04 – Support FS05 – Oppose FS06 – Support	Reject
17.4	Auckland Transport	Retain the proposed zoning of Residential - Mixed Housing Urban in the plan change.	FS05 – Oppose	Accept

Discussion

393. Table 11.7 above list the submissions that relate to planning matters. These submissions have been themed as follows:
- a. Seeks for PC 86 to include provisions to include specific covenants relating to additional impervious area control
 - b. Seeks for provisions to ensure the felling of mature trees and other existing vegetation is offset with the introduction of native trees.
 - c. Seeks PPC 86 to be developed as identified by the WSP and other Council strategies
 - d. Seeks for PPC 86 to address climate change matters
 - e. Seeks PPC 86 to address matters raised in submissions to give effect to the submission
 - f. Matters relating to zoning
 - g. Seeks for a location of school to be identified prior to PPC 86 be made operative

Submissions on impervious area controls

394. **Submission 16.7** seeks that a covenant to be placed on each title to ensure the sites will not be fully concreted.
395. FS04 and FS06 – Support submission 16.7 and support the reducing of impermeable surfaces is important to reduce water run-off and sedimentation of the Upper Harbour.
396. FS05 – Opposes submission FS06 and considers matters relating to stormwater runoff have been addressed as part of the plan change request.
397. PPC 86 proposes the site to zoned MHU, of which contains Standard H5.6.5 Maximum impervious area. The purpose of this standard is as follows:
- a. to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
 - b. to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
 - c. to reinforce the building coverage and landscaped area standards; and
 - d. to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.
398. Standard H5.6.5 also states the impervious area of a site must not exceed 60 per cent of the site area. If a resource consent does not comply with this standard, it is a Restricted Discretionary Activity under rule C1.9 of Chapter C of the AUP.
399. In my view, applying such an additional land constraint or requiring PPC 86 to include a covenant would lock the total impervious area 'in time' and may limit future owners from reasonable use of their land. I consider that impervious coverage is managed appropriately by existing AUP provisions and amendments to PPC 86 are not required.
400. I recommend to reject submission 16.7.

Submissions on Whenuapai Structure Plan 2016

401. **Submission 6.4, 6.5 and 11.1** seeks for PPC 86 to be developed as identified by the WSP. As previously stated, I do consider PPC 86 to be consistent with the WSP.
402. The WSP identifies the site for residential purposes. PPC 86 proposes MHU to be applied. PPC 86 does propose to live to zone the land in advance of FULSS timings which are 2028-32.
403. I understand that this timing identified by the FULSS relates to the delivery of infrastructure. I have addressed the matter of PPC 86 proceeding prior to the timings of the infrastructure and in summary, I consider with amendments PPC 86 can proceed prior to the identified timeframes provided that PPC 86 is staged with infrastructure. For clarity, I consider PPC 86 can proceed with the inclusion of the recommended Whenuapai 3 Precinct, that contains infrastructure provisions for staging of development.
404. I agree with the submitter that PPC 86 should be developed in a consistent way aligned to the WSP, but with the assumption that the submitter is seeking for the timings being aligned I can only recommend to accept submission in in part.
405. I recommend to accept submission 6.4, 6.5 and 11.1 in part.

Submissions relating to climate change

406. The following submissions relate to climate change matters:
- a. **Submission 7.2** seeks for PPC 86 to give regard to Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy: Aotearoa New Zealand's first emissions reduction plan.
 - b. **Submission 16.1** seeks for council to implement its own strategies to balance the intensification with climate crisis.
 - c. **Submission 16.2** seeks for the '3-30-300' rule to applied to ensure a well-designed, sustainable community with a strong sense of place and to help with resilience both for people and biodiversity, mitigate temperature rise and climate impact.
 - d. **Submission 11.3** opposes PPC 86 as it does not mitigate climate change.
407. FS05 – Opposes submissions 7.2, 11.3, 16.1 and 16.2. The Applicant states PPC 86 is suitable for rezoning for the reasons given in the plan change request. The Applicant also considers PPC 86 is consistent with the WSP and will contribute to the housing supply in the area in a manner that achieves the objective of the AUP and high order planning instruments and thereby achieves the purpose of the RMA.
408. FS06 – Supports submission 16.1 as there is no evidence that the Council has planned for any strategies to mitigate effects of intensification in Whenuapai with the climate crisis.
409. Regarding the Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy: Aotearoa New Zealand's first emissions reduction plan. It is my understanding that PPC 86 is required to have regard to this plan under section 74 of the RMA as it is a national document. PPC 86 has yet to have regard to this document.
410. This document has recently been adopted by central government and the understanding of the implications of this document and how a plan change gives regard is in its early stages. In my view, this document may be relevant in encouraging the reduction of private car usage that emit green house gasses. However, this does seem dependent on a landowners choice on vehicle and usage. I consider that the focus for implementing or having regard to this plan should focus on the RPS Policy B3.3.2(5)(b) and relate to not encouraging dependency on cars.

RPS Policy B3.3.2(5)(b) (5) Improve the integration of land use and transport by:

...

(b) encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods;

411. I consider that there a future changes to the Council strategies and the AUP that might be required to implement this document. However I do not consider that it is appropriate to hold up PPC 86 to wait for these potential changes.

412. In terms of mitigating climate change, I consider it is for the Council to implement amendments to the AUP in general to address this matter. I do not consider there is a specific reason to include further provisions in PPC 86 to mitigate climate change.

413. The following NPSUD and AUP objectives speak to climate change, they read:

AUP RPS Objective B2.3.1(1)(f) (1) A quality built environment where subdivision, use and development do all of the following:

...

(f) respond and adapt to the effects of climate change.

NPS Objective 8 (a) & Objective 8: New Zealand urban environments:

(b)

(a) support reductions in greenhouse gas emissions; and

(b) are resilient to the current and future effects of climate change

414. I do not consider PPC 86 with the recommended Whenuapai 3 Precinct is inconsistent with RPS Objective B2.3.1(1)(f) and NPSUD Objective 8(a)&(b) , noting the NPSUD amendments are currently being implemented through PC 78. I consider this wider approach to climate change is a more appropriate planning process than a site specific location such as PPC 86 to implement. However, the recommended Whenuapai 3 Precinct will ensure development in the PPC 86 site is timed to coincide with roading infrastructure that is available for people to use.

415. I recommend that submission 7.2 is accepted as it is a requirement under s.74 of the RMA, the applicant may wish to address this in evidence.

416. Regarding submission 16.1, PPC 86 is not inconsistent with the Council strategies and I have commented on this previous regarding the WSP. I recommend to accept submission 16.2. I recommend to reject submission 11.3.

417. **Submission 16.2** seeks for the '3-30-300' rule to applied to ensure a well-designed, sustainable community with a strong sense of place and to help with resilience both for people and biodiversity, mitigate temperature rise and climate change.

418. FS-04 and FS-06 supports submission 16.2 as the housing development shows little evidence of creating a resilient community with a strong sense of well-being or that improves natural biodiversity.

419. The submitter considers the 3-30-300 is an evidence-based rule proposed by Cecil Konijnendijk which requires at least 3 trees per home, 30% tree canopy in each neighbourhood and 300 metres should be the maximum distance to open space.

420. As previously stated, this response to climate change should happen by a wider plan change to the AUP. The 3-30-300 rule would be an additional landscaping requirement to PPC 86 which is not applied in the wider region.

421. I do not consider that PPC 86 is required to implement development in this manner as there is a wider approach to the Council strategies, with a community buy-in, that should implement the wider approach.

422. I recommend to reject submission 16.2.

Submissions relating to 45 Brigham Creek Road

423. It is my understanding that Submitter 14 (Woolworths New Zealand Limited) is the landowner of 45 Brigham Creek Road. The submitter seeks:

- a. **Submission 14.1** seeks PPC 86 is occurring out of sequence without a comprehensive Whenuapai wide approach
- b. **Submission 14.2** seeks for consideration to be given to measures to address the potential reverse sensitivity effects in the vicinity of the shared boundary
- c. **Submission 14.5** seeks that, subject to any amendments that may be required to address the matters noted in this submission, PC86 be confirmed.

424. FS-02 and FS-03 Supports submission 14.1 due to and raises their concerns regarding the out of sequence nature of PPC 86. The further submitters consider that there is uncertainties with the future use of 45 Brigham Creek Road and do not support the intersection.

425. FS-02 and FS-03 Opposes in part submission 14.2 note that there is no resource consents granted for 45 Brigham Creek Road and currently the site is zoned FUZ. There are concerns it may be premature to address potential reverse sensitivity matters on this site.

426. FS-02 and FS-03 Opposes in part submission 14.5 and the further submitters note the extent of road required for road widening has not yet been confirmed by the SGA NoR for a designation. The further submitters consider protection of the future widening of Brigham Creek Road is necessary.

427. FS-05 Oppose in part submission 14.1, 14.2 and 14.5, the Applicant considers PPC 86 does not consider future development of PPC 86 area will give rise to reverse sensitivity matters or incompatibility issues with respect to the future development of the submitters land.

428. I agree with submission 14.1 and this matter is addressed more specifically in the infrastructure section of this report. I consider that the recommended Whenuapai Precinct 3 provides this wider integration. In addition I have stated that I consider PPC 86 to be consistent with the land use and zoning included in the approved WSP.

429. In terms of submission 14.2, the submitter has stated that the site should be treated in a manner that it is a commercial site. The surrounding sites to PPC 86 are currently zoned as FUZ and are not zoned a AUP Business zone. 45 Brigham Creek Road under the WSP is identified for residential purposes. I do not consider that there is a statutory obligation of the PPC 86 applicant to assume that this site will be used for commercial purposes. The applicant may wish to enter in a agreement to address the submitters concerns and provide a response in evidence.

430. I do not accept that at this point in time that reverse sensitivity matters are required to be addressed. This site will go through its own Schedule 1 at some time in the future to establish its future land use. I recommend to reject submission 14.2.

431. Provided that I do not recommend accepting all relief sought by submitter 14, I recommend to accept in part submission 14.5.

Submissions relating to zoning

432. **Submissions 10.4, 17.4** seek for MHU to be retained.

433. PPC 86 has considered other zones in its section 32 assessment, but the Applicant has stated that other zones were discounted through the “process of elimination”. Ms Esterman has addressed the appropriateness of the zoning, and she has determined that MHU is appropriate for the PPC 86 site. I agree with Ms Esterman.

434. I recommend to accept submissions 10.4 and 17.4.

Recommendations on Submissions

435. That submission 11.3, 14.2, 16.2, 16.7 be rejected for the following reasons:

- With transport infrastructure becoming available in the future, PPC86 can contribute to a reduction in private car usage.
- A covenant is not required to codify the total impervious area total and may limit future owners’ reasonable use;
- PPC 86 is not required to address reverse sensitivity effects on 45 Brigham Creek Road
- The “3-30-300 rule” would be an additional landscaping requirement for PPC 86 which is not applied in the wider region

436. That submissions 7.2, 10.4, 14.1, 16.1 and 17.4 be accepted for the following reasons:

- MHU is an appropriate zone for the PPC 86 site
- As PPC 86 (as modified by the recommended Whenuapai 3 Precinct) is not inconsistent with the WSP, and the Auckland Plan 2050
- It is a requirement under s74 of the RMA to have regard to Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy: Aotearoa New Zealand's
- The inclusion of the recommended Whenuapai 3 Precinct provides integration with infrastructure and is consistent with the WSP.

437. That submission 6.4, 6.5, 11.1 and 14.5 be accepted in part for the following reasons:

- PPC 86 is required to have regard to the Councils strategic documents under s74 of the RMA
- As I have not accepted all relief sought by Submitter 14.

438. These amendments are set out in **Appendix 5** to this report and discussed below in section 14 of this report.

11.9. Submissions Other Matters

Table 11.8 are Submissions on ‘Other Matters’

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendations
3.3	David George Allen	Opposes PC 86, seeks the developer be required to install a public toilet facility at the existing play ground area	FS05 – Oppose	Reject
4.2	Linda Irene Norman	Opposes PC 86, seeks the developer to be required to install a public toilet facility at the existing play ground area	FS05 – Oppose	Reject
13.1	Harker Family Trust No. 1	Oppose PC 86 and require additional time to file a detailed submission		Reject

16.4	Upper Waitemata Waterways Collective (UWWC)	Seeks for Auckland Council to identify future school locations.	FS04 – Support FS05 – Oppose FS06 – Support	Reject
18.1	Chin-Yi Lin	Opposes PC 86 and seeks for PC 86 to not affect 7 and 9 Spedding Road	FS05 – Oppose	Reject

Discussion

439. Table 11.8 above relate to matters not specifically 'on' PPC 86. These submissions raise the following matters:

- a. Oppose PPC 86 and seeks the developer to install a public toilet
- b. Oppose PPC 86 and request time to file a detailed submission
- c. Seek Auckland Council to identify a future school location
- d. Seeks PPC 86 not to affect 7 and 9 Spedding Road

Submission on Public Toilets

440. **Submissions 3.3 and 4.2** request for PPC 86 to provide public toilets. These submissions outline that currently there are limited to no public toilets in the Whenuapai area.
441. FS-05 oppose submissions 3.3 and 4.2 and the Applicant considers that PPC 86 warrants approval for the reasons set out in its private plan change request.
442. In my view, public toilets and other similar public facilities are the responsibility of the Local Authority to provide. I do not consider that providing these public facilities can be required from the PPC 86 applicant without an agreement with the Council which covers the responsibility of the ownership and maintenance of this asset. I do acknowledge that there could be limited access in the area to these public assets at this point in time.
443. I am also of the view that PPC 86 is not required to provide a public toilet, and this level of detail is more appropriately addressed at the resource consent stage of the development. The Applicant may wish to address this in evidence.
444. For these reasons, I recommend to reject submission 3.3 and 4.4.

Submission on PPC 86 time to make a submission

445. **Submission 13.1** seeks for additional time to provide a detailed submission. PPC 86 was publicly notified for 20 working days as required by the RMA. In my view, the appropriate process has been undertaken to provide sufficient time for a submission to be made.
446. It is my understanding that no late submission has been provided since submissions and further submissions closed for the Panel to consider. The submitter may wish to address their concerns in evidence or at the hearing. Therefore, I consider this submitter has an opportunity to partake in PPC 86.
447. I recommend submission 13.1 be rejected.

Submission on school locations

448. **Submission 16.4** seeks for Auckland Council to identify a future location for a school.
449. FS-04 and FS-06 supports submission 16.4 and considers that additional houses will have significant effect on the local primary school.
450. The Ministry of Education has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing.
451. In my view, I do not consider it appropriate for an education facility to be provided by requestor of PPC86. This is a matter for the Ministry of Education to determine, based on their assessments of the school pupil catchments and school roll management. The appropriate means for a school to be provided is via a Notice of Requirement provided by the Ministry of Education.
452. I note that Designation 4667 has been approved at 13 Trig Road, which is an education facility. It is my understanding that this facility is under construction.
453. I recommend submission 16.4 be rejected.

Recommendations on Submissions

454. That submission 3.2, 4.2, 13.1 and 16.4 be rejected for the following reasons:
- PPC 86 is not required to provide the provision for a public toilet
 - The appropriate processes for public notification have been undertaken
 - The responsibility for providing education facilities lies with the Ministry of Education
455. There are no amendments associated with this recommendation.

12. Section 32AA Analysis of Recommended Changes

456. Section 32 of the RMA requires further evaluation for any changes to a proposal in the initial s32 report.
457. The changes recommended above require an additional assessment in accordance with S32AA of the RMA. I consider the level of detail provided in this report, including analysis against submissions, and also including an assessment of the Whenuapai Precinct 3 to be of the level required to address S32AA for the specific recommendations identified above. However, for completeness, I have provided a s32AA assessment on my recommendation to approving PPC 86 with amendments.
458. The objective of PPC 86 is as follows:

The purpose of the PPC Request is to enable the transition of semi-rural land uses to the urban residential development in a comprehensive and integrated manner⁶

The Applicant's 32(1)(a) Assessment

459. Regarding s32(1)(a), the assessment by the Applicant is in my view needs to be expanded. An assessment on why a plan change is the preferred method when compared to not completing a plan change, helps confirm the purpose of PPC 86 can achieve the purpose of the RMA. Options available I have considered include the following:
- Option A:** Status Quo – no plan change
- Option B:** Plan Change
460. In my view, Option A is not appropriate for achieving the purpose of the RMA. It would require an applicant to apply for a non-complying resource consent under the FUZ, as an activity not provided for. The FUZ provisions, specifically Objective H18.2(4) which reads “Urbanisation on sites zoned Future Urban Zone is avoided until the site have been rezoned for urban purposes”, This objective sets out that prior to urbanisation, a structure plan and a plan change should occur.
461. To retain the FUZ and require resource consents is an ineffective and inefficient method for urban development of the PPC 86 site and would not achieve the purpose of the RMA.
462. Option B for PPC 86 provides the process to apply an existing urban zone to the PPC 86 site. It provides the opportunity for public participation for the community to raise any concerns. It also provides an opportunity for local effects to be considered, such as transport infrastructure, to be integrated to enable development at the appropriate time. In my view, Option B enables the urbanisation of the site for residential purposes but will require an additional method in the AUP that is a new precinct to integrate development into the wider area, particularly for infrastructure.
463. Option B can achieve the purpose of the RMA.

The Applicant's 32(1)(b)(i)-(iii) Assessment

464. The options considered by the Applicant were:
- Option 1:** Do nothing/retain the status quo – retain Future Urban zone for the site.
- Option 2:** Rezone site from Future Urban Zone to Mixed Housing Urban (MHU) zone with Stormwater Management Area Flow 1 (SMAF1) Control.

⁶ Section 1.2 Scope and Purpose of Appendix 3 of PPC 86 Request.

Option 3: Rezone site to MHU zone with Stormwater Management Area Flow 1 (SMAF1) Control and site-specific precinct.

465. My assessment under 32(1)(a) sets out my views on Option 1. I do not consider that Option 1 is an effective or efficient method for achieving the objective of the plan change due to a future resource consent application in the FUZ zone being repugnant to the RPS policies that apply to the FUZ.
466. As stated previously, Option 2 (the Applicants options at the time of notification) is not consistent with the NPSUD or the RPS AUP. I am not repeating this assessment here as it is outlined above in sections 7.2 and 7.4 above. Option 2 would enable urban development prior to infrastructure being delivered.
467. Option 3 provides for the site's development whilst staging resource consents with the construction of infrastructure required to service the site. As stated throughout this report, additional provisions are required to be included in the AUP as a Precinct to be applied alongside the existing AUP provisions, to enable the development of land in PPC 86 to be integrated with:
- a. Transport infrastructure
 - b. Wastewater infrastructure
 - c. Reverse sensitivity controls on Whenuapai airbase.
468. I agree with submitters that a precinct is required, to enable the integration of residential development in the PPC 86 area into the wider Whenuapai area. I do not consider that the Applicants Option 2 is comprehensive enough for managing the environmental effects that the development of PPC 86 would generate. The level of detail supporting my views has been integrated into my assessment of submissions.
469. Option 3 compared to Option 1 and 2 could mean that the developer of PPC 86 faces greater cost by:
- a. Provision of infrastructure; and
 - b. Delaying the timing of development.
470. The cost to the developer may occur as funding for infrastructure is confirmed.
471. Therefore, Option 3 is the most effective and efficient method to achieve the objective of PPC 86. This further evaluation (s32AA) is only made in respect of the changes I have proposed in Appendix 5 to this report and discussed above. It is at a level of detail which, in my opinion, corresponds to the scale and significance of the proposed changes.

S77I/77J of the RMA

472. A specified territorial authority may make the MDRS and the relevant building height or density requirements under NPSUD Policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate the qualifying matter.
473. In my view, the recommended Whenuapai 3 Precinct does not affect building height or density requirements under Policy 3 of the NPSUD. The recommended precinct is less enabling until infrastructure is provided. The extent to which PPC 86 might need to accommodate a qualifying matter is associated with the Supporting Growth Alliance NoRs, however, these NoRs now have interim effect and approval for development in the land that these Nors apply to is required from the Requiring Authority.
474. The following provisions could be a Qualifying Matter (QM) and I have identified which type of QM they might be:

Qualifying Matter	Qualifies as a Qualifying Matter
Table I1.4.1 Activities (A1), (A2), (A3), (A4)	All listed Qualifying Matters will not provide for 3 permitted dwellings per site, therefore restricting development as intended by the MDRS.
I1.6.Standards:	
I1.6.1 Subdivision	
I1.6.2 Stormwater Management	
I1.6.3 Infrastructure upgrade thresholds	
I1.6.4 Building Setback and Connectivity	
I1.6.5 Lighting	
I1.6.6 Temporary activities and construction	

475. Regarding 77J(3)(a), I consider the detail in this report is appropriate as to why these recommended precinct provisions are necessary to achieve the objective of the plan change, and the purpose of the Act and demonstrate:
- a. The areas subject to the QM
 - b. That development is not appropriate until transport and wastewater infrastructure is delivered.
476. Regarding 77J(3)(b), there is limited to no impact on development capacity from the implementation of the recommended Whenuapai 3 Precinct.
477. The costs of these QM are evaluated above and I consider that this meets 77J(3)(c).
478. I do not consider that s77J(4) of the RMA applies, as this relates to implementing the MDRS through PC78. But to avoid doubt, I consider that PPC 86 does not limit the implementation of the MDRS by not affecting potential building height and intensity, but only via restrictions on development proceeding prior to infrastructure availability.

13. Conclusions

479. Submissions have been received in support and in opposition to PPC86. 23 submissions were received. 6 further submissions were received. The submissions seek the following outcomes:
- 0 submissions were neutral
 - 0 submissions support or support in part the plan change
 - 34 submissions seek the plan change to be declined
 - 60 submissions seek either to approve subject to amendments, or alternative relief should the plan change not be declined
480. Based on the technical reviews and analysis of submissions, PPC 86 raises number of potential conflicts with the AUP RPS. While many of the issues considered can be addressed through the inclusion of the recommended Whenuapai 3 Precinct provisions and existing AUP provisions, I consider the key to be the transport and traffic effects associated with transport infrastructure and wastewater infrastructure from the enabled growth of PPC 86.
481. Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions, I recommend that PPC 86 should be

approved, subject to the amendments to the text/planning maps of the Auckland Unitary Plan as set out in Appendix 5 to this report.

482. PPC 86, with its recommended amendments will:

- assist the council in achieving the purpose of the Resource Management Act 1991
- give effect to the NPS UD
- be consistent with the Auckland Unitary Plan Regional Policy Statement
- be consistent with the Auckland Plan.

483. If the Hearing Panel do not consider that it is appropriate to include the recommendation of Whenuapai 3 Precinct, I would recommend PPC 86 to be declined as notified.

14. Recommendations

484. That, the Hearing Commissioners Reject Private Plan Change 86 if they are not supportive of it being implemented by the addition of Precinct provisions


Or

485. Accept, accept in part, or reject the submissions (and associated further submissions) to Private Plan Change 86 as outlined in this report, if the Commissioners are supportive of it being implemented by the addition of Precinct provisions to be included in the Auckland Unitary Plan and

486. That, as a result of the accepting, accepting in part or rejecting the recommendations on the submissions, the Auckland Unitary Plan be amended by:

- a. PPC 86 site being zoned Residential Mixed Housing Urban
- b. SMAF 1 provisions be applied to the site
- c. The amended Whenuapai 3 Precinct be applied to the site as set out in **Appendix 5** to this report.

15. Signatories

Name and title of signatories	
Authors	 <p>Todd Elder Senior Policy Planner Regional, North, West and Islands Unit Plans and Places</p>
Reviewer / Approved for release	 <p>Eryn Shields Team Leader Regional, North, West and Islands Unit Plans and Places</p>

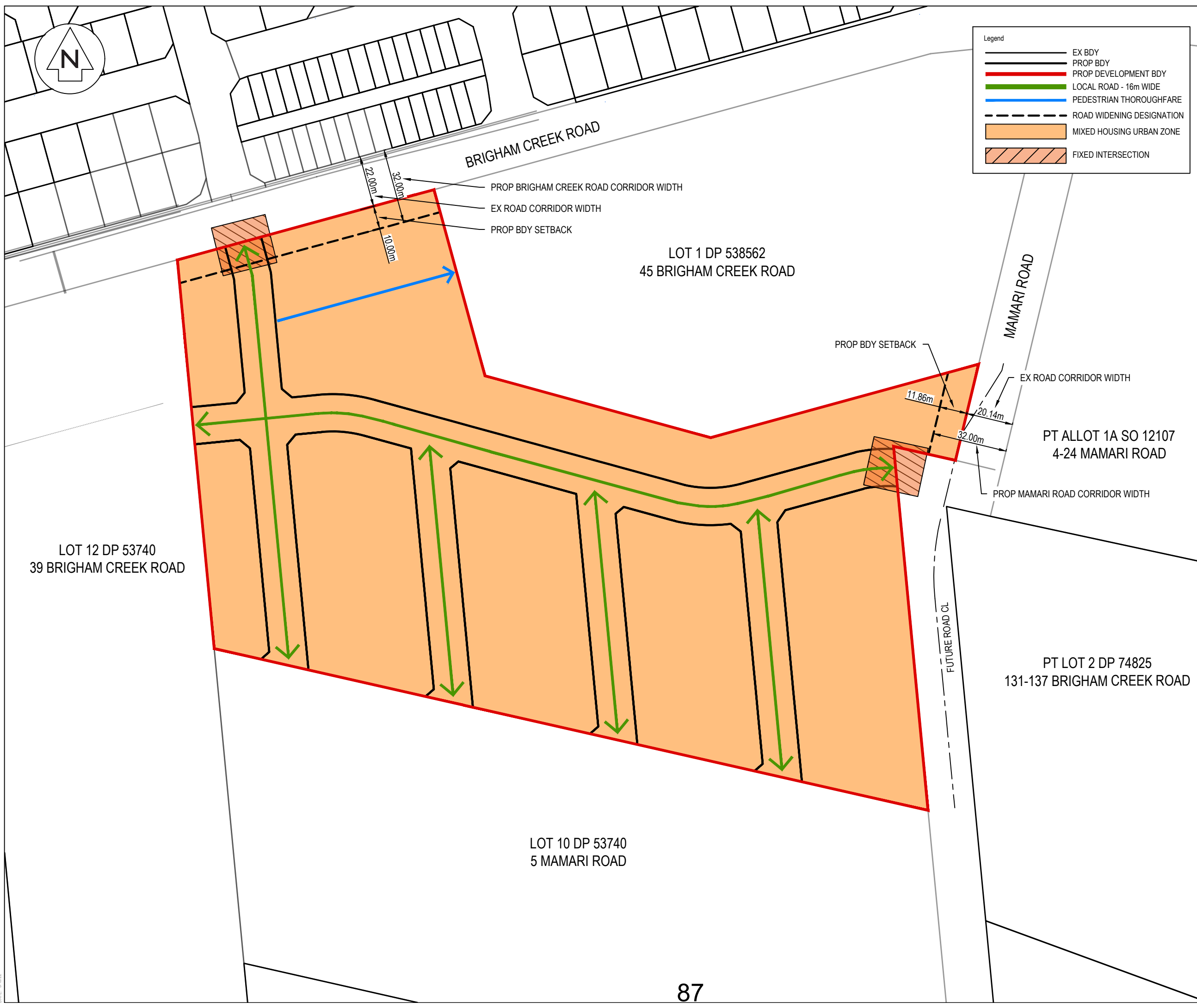
APPENDIX 1

PLAN CHANGE 86 – AS LODGED WITH AUCKLAND COUNCIL



Legend	
	EX BDY
	PROP BDY
	PROP DEVELOPMENT BDY
	LOCAL ROAD - 16m WIDE
	PEDESTRIAN THOROUGHFARE
	ROAD WIDENING DESIGNATION
	MIXED HOUSING URBAN ZONE
	FIXED INTERSECTION

- Notes
1. All works to be in accordance with Auckland council standards.
 2. Boundaries are subject to final survey.



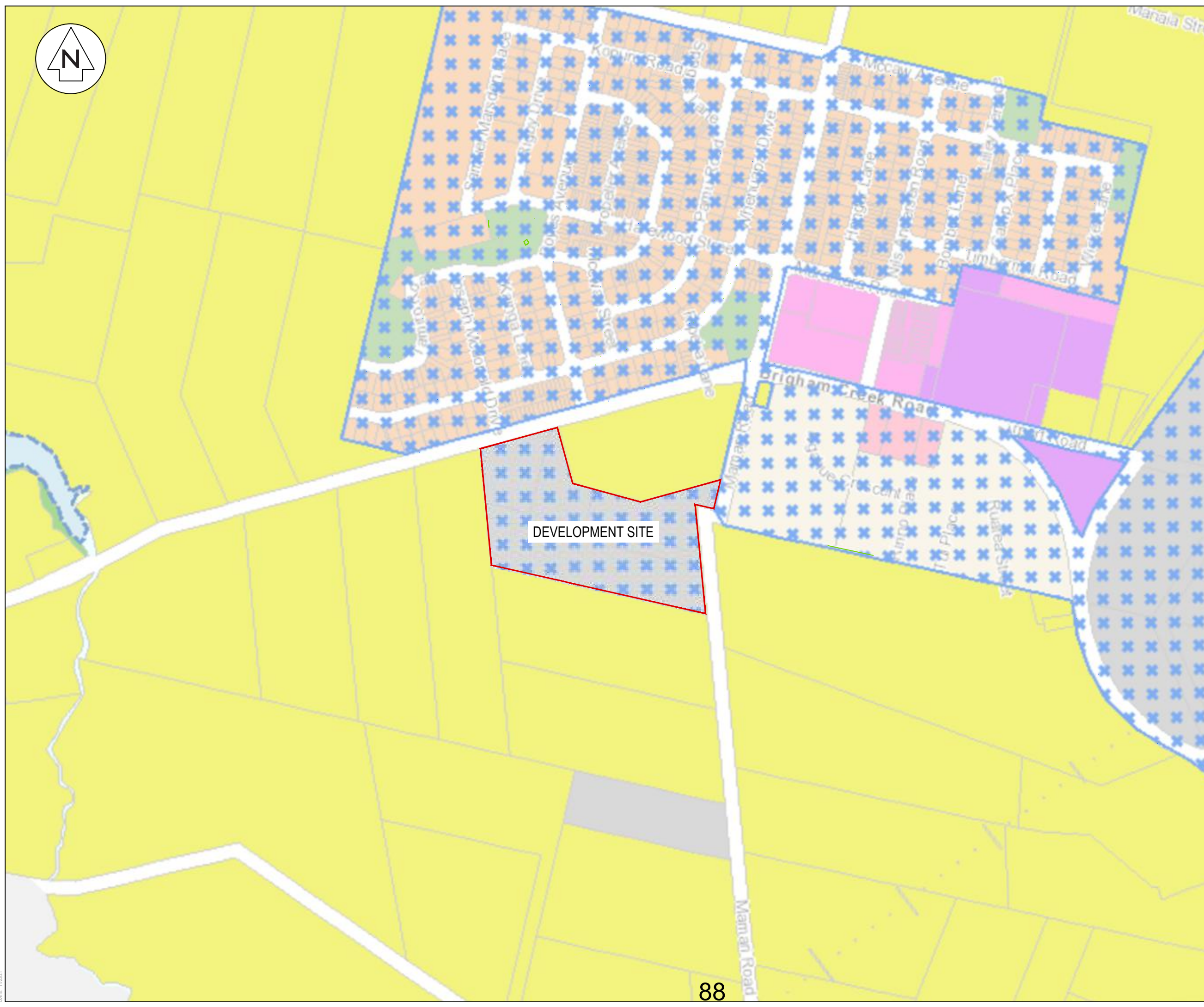
Rev	Description	By	Date
C	PLAN CHANGE	AP	05/22
B	PLAN CHANGE	AP	11/21
Survey	-	-	-
Design	AP	11/21	
Drawn	-	-	-
Checked	WM	11/21	

M **Maven Associates**
 09 571 0050
 info@maven.co.nz
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 12-14 Walls Road, Penrose

Project
**41-43 BRIGHAM CREEK
 WHENUAPAI
 DEVELOPMENT
 FOR
 AI LING**

Title
**PROPOSED
 PLAN**

Project no.	210001
Scale	1:1500 @ A3
Cad file	PRECINCT PLAN.DWG
Drawing no.	C110
Rev	C



Legend

 PROP DEVELOPMENT BDY

 SMAF 1 ZONE

Rev	Description	By	Date
A	PLAN CHANGE	AP	11/21
Survey	-	-	-
Design	AP	11/21	
Drawn	-	-	
Checked	WM	11/21	

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Project
**41-43 BRIGHAM CREEK
 WHENUAPAI
 DEVELOPMENT
 FOR
 AI LING**

Title
**UNITARY PLAN
 SMAF ZONES
 PLAN**

Project no.	210001
Scale	1:5000 @ A3
Cad file	PRECINCT PLAN.DWG
Drawing no.	C111
Rev	A

APPENDIX 2

INFORMATION PROVIDED BY THE APPLICANT TO SUPPORT PPC 86

APPENDIX 3

AUCKLAND COUNCIL SPECILIST REPORTS



Memo: Technical specialist report to contribute towards Council's section 42A hearing report

31 May 2023

To: Todd Elder
Senior Planner
Plans and Places
Auckland Council

From: Jennifer Esterman
Senior Urban Designer on behalf of the Tamaki Makaurau Design Ope
Plans and Places
Auckland Council

Subject: Private Plan Change 86 for 41 – 43 Brigham Creek Road, Urban Design Review

1.0 Introduction

- 1.1 This review addresses the urban design effects of the above proposed private plan change by 41-43 Brigham Creek JV (the applicant) to rezone approximately 5.2ha of land located at 41-43 Brigham Creek Road, Whenuapai from Future Urban (**FUZ**) to Residential-Mixed Housing Urban (**MHU**) and to introduce a new precinct within the Auckland Unitary Plan- Operative in Part (**AUP-OP**). This review does not address the resource consent application that was submitted concurrently.
- 1.2 I hold the qualifications of Bachelor of Planning (2009) and Master of Urban Design (2014) from the University of Auckland. I am an intermediate member of Te Kokiringa Taumata - the New Zealand Planning Institute and a member of the Urban Design Forum Aotearoa.
- 1.3 I have some 13 years' experience as an urban designer and planner in New Zealand. Prior to working for Mein Urban Design and Planning Limited, I worked as an urban designer for Auckland Council for 7 years and at Palmerston North City Council for 2 years.
- 1.4 Recent relevance experience includes the following:
- Auckland Council, Private Plan Change 69**
Urban design review of Proposed Private Plan Change 69 to the AUP-OP to rezone approximately 52ha of land from Future Urban Zone to Business- Light Industry Zone and introduce a new precinct. Review of submissions and preparation of material for the s42A report.
- 1.5 When the request for the private plan change was first lodged, I reviewed the material and contributed to a request for further information in accordance with the expectations of Schedule 1, Clause 23 of the RMA. In particular, an addendum to the urban design assessment was requested as the urban design assessment submitted with the PPC application assesses what would be included in a future land use consent application, opposed to purely the plan change. A partial response to this request was provided.
- 1.6 In writing this memo, I have reviewed the following documents:
- Application for Private Plan Change prepared by The Property Group, dated 1 December 2021
 - Proposed Plan Change Plans, prepared by Maven Associates, dated November 2021
 - Urban Design Assessment, prepared by Richard Knott Limited, dated 02 September 2021

- Integrated Transport Assessment, prepared by Traffic Planning Consultants Ltd, dated 26 November 2021
- Pre-Application Feedback, provided by Auckland Council, dated 18 August 2021
- Responses to the RFI, including:
 - Urban Design Memo, prepared by Richard Knott Limited, dated 3 June 2022
 - Revised Application for Private Plan Change, prepared by The Property Group, dated 26 May 2021
 - Draft 41-43 Brigham Creek Precinct, dated May 2022
- Submissions to the private plan change
- Draft Whenuapai 3 Precinct Provisions, prepared by Auckland Council, undated.

2.0 Background

The Plan Change area was rezoned through the development of the AUP from Countryside Human Environment under the legacy Waitakere District Plan to Future Urban. The FUZ is applied to greenfield land that has been identified as suitable for urbanisation. In order for this land to be used for urban activities it is required to be rezoned. The process requires preparation of a structure plan and plan change.

- 2.1 Auckland Council, with input from landowners, prepared a Structure Plan for the Whenuapai area. Whenuapai is part of a larger north-west growth area that includes Scott Point, Red Hills, Kumeu-Huapai, Riverhead and Helensville. The Structure Plan applies to 1500 hectares of predominantly rural land. It was adopted in 2016.
- 2.2 Auckland Councils Future Urban Land Supply Strategy (**FULSS**) anticipates Whenuapai supply 1,800 dwellings between 2017 and 2021 and in the 30 years to 2041, Whenuapai is anticipated to have between 8,100 to 9,600 dwellings and approximately 8,600 jobs.

The FULSS identifies the subject site as within Stage 2 of the Whenuapai development area. This is anticipated to be ready for development between 2028 – 2032¹. Development ready means that urban zoning and bulk infrastructure is provided.

- 2.3 The plan change area is outlined in Figure 1. It is located opposite existing residential housing within Stage 1 of the Whenuapai development area. The subject site is identified for medium density residential development within the Whenuapai Structure Plan (**WSP**).



Figure 1: Aerial photo to show area subject to private plan change.
Source: Auckland Council GIS, 09 01 2023

¹ Auckland Council, Auckland Future Urban Land Supply Strategy, P18

3.0 Overall zoning response

- 3.1 A plan change to the AUP for the subject site is required to give effect to the WSP. The proposed zoning is consistent with the direction of the WSP.
- 3.2 When the PPC was first lodged, it was not proposed to create a precinct. As set out in Direction 1 from the Hearing Panel, the applicant's legal counsel outlined that some of the submitter's concerns could be addressed through the adoption of a 'precinct' mechanism and confirmed that the applicant was willing to use such a mechanism². A draft precinct (**41-43 Brigham Creek Precinct**) was subsequently prepared that includes site specific provisions for the plan change area³. An amended version of this draft precinct has also been provided for review, the latter prepared by Auckland Council. This amended version is titled **Whenuapai 3 Precinct**⁴ and contains suggested amendments to the precinct. This memo will discuss both versions of the draft precinct.
- 3.3 The provisions within both the draft precincts seek to ensure suitable transport and wastewater infrastructure is provided before development can occur and that the plan change area is developed for residential use in a comprehensive and integrated manner. It is my view that the inclusion of a precinct for the plan change area is appropriate to ensure the necessary infrastructure is in place before development commences.
- 3.4 Following rezoning, a new precinct overlay would apply with an underlying zoning of MHU. Any subsequent resource consents would be assessed against those provisions and any other relevant provisions within the AUP. Figure 2 shows the anticipated land use pattern under the WSP.
- 3.5 The timing for the plan change, and its likely development, is earlier than anticipated by the WSP and FULSS, as noted in the private plan change request documentation. The extent to which this is an urban design issue relates primarily to proximity of the land to existing services and amenities, and to the transport network. The subject site is within walking distance to Whenuapai local centre, and the playground /park and café located at the intersection of Totara Road and Brigham Creek Road. The existing local centre contains small scale shops including dairy, cafes, butcher, and petrol station. The WSP retains the current centre.
- 3.6 Active mode facilities (e.g. formed footpaths) currently exist on the northern side of Brigham Creek Road but not on the southern side. It is acknowledged that two Notices of Requirement (W2 and W3) from Te Tupu Ngātahi -Supporting Growth⁵ have been lodged. These NoRs seek route protection along both Brigham Creek Road and Māmari Road and envision active mode facilities along these roads. Thus, in the long term the subject site will be well connected to the local centre. The PPC will support this existing centre ensuring it remains viable in the long term.
- 3.7 The Integrated Transport Assessment identifies both current public transport networks and the future anticipated networks. One bus route (route 114) currently operates in Whenuapai. A bus stop is available from Totara Road, some 400m from the subject site. This provides a link between Whenuapai, Hobsonville and Westgate. From Westgate there are connections into the city centre. The lodged NoRs, W2 and W3, outline that in the future Māmari Road will provide an important Frequent Transit Network (**FTN**) bus link to connect commuters from Whenuapai to the future rapid transit station at Westgate (via Northside Drive). Brigham Creek Road also provides for bus lanes as well as active transit modes.
- 3.8 I note the timing of the plan change may affect infrastructure provision, in particular transport and wastewater. These issues are addressed through the inclusion of a precinct. I support this approach. From an urban design perspective, the key matter to be resolved through the precinct is the connection from the plan change land to existing amenities and the local centre.
- 3.9 In summary, there are no significant urban design issues for the private plan change as the zoning proposed is consistent with the land use outcomes anticipated within the WSP and the inclusion of

² Hearing Panel, Hearing Direction 1, Para 3

³ Hearing Panel, Hearing Direction 1, *41-43 Brigham Creek Precinct*, dated May 2022

⁴ Auckland Council, Draft Whenuapai 3 Precinct

⁵ Te Tupu Ngātahi – Supporting Growth (2022) North West Local Arterials Assessment of Effects on the Environment Volume 2

a precinct plan will ensure suitable walking and cycling connections are provided to the existing amenities and local services for residents.



Figure 2: WSP Map, site identified as medium density, Source: Auckland Council Whenuapai Structure Plan 2016

4.0 Applicant's assessment

- 4.1 An Urban Design Assessment was prepared by Richard Knott Limited, that forms Appendix 4, of the proposed private plan change material. This sets out the neighbourhood context and an analysis of the proposed zoning against the WSP. I note the Urban Design assessment is for both the proposed plan change application and a resource consent application for the residential development of the land. The applicant's urban designer acknowledges in the clause 23 response that the intent was to concurrently submit both applications.
- 4.2 It is my opinion that the correct methodology would have been to provide a separate urban design assessment for both the plan change request and the resource consent application to avoid confusion. The PPC should be assessed on its merits, to determine if the proposed land use zone and movement structure are appropriate to the site and context. The proposed layout for the resource consent could have been included within the proposed plan change material merely to test concepts and demonstrate the land is capable of being development consistent with the aspirations of the structure plan and the provisions of the MHU.
- 4.3 As the urban design assessment references the material for the resource consent, a number of submitters have raised matters that relate to the more detailed aspects of the design, shown in the urban design assessment. As discussed above, these matters are not relevant to the plan change process. For the purposes of this assessment, the more detailed design aspects will not be considered, only the details shown on the plans in Appendix 2. This plan is shown in Figure 3.
- 4.4 The applicant's urban design assessment relies on the WSP. No additional assessment is provided in terms of the rationale for the block shape/size, roading structure, zone proposed and connections back into the Whenuapai neighbourhood. The clause 23 response highlights that the process for developing a structure plan involves the detailed examination of the opportunities and constraints of the land in question, including its suitability for various activities. Further to this, the structure plan follows the requirements of Appendix 1 of the AUP(OP) and is a product of analysis from technical experts from various Council departments, infrastructure providers and community

feedback received. The Unitary Plan became operative in part in November 2016, approximately 2 months after the WSP. I agree that it is appropriate to rely on the analysis that sits behind the WSP, especially given it was produced just two months after the AUP(OP) but I consider greater clarity could have been provided in the urban design assessment around the proposed block size/shape and connectivity to adjoining neighbours to the south, west and north.

- 4.5 As outlined above, the zone proposed is MHU. I concur with the applicants' urban design assessment that this zone is appropriate given the underlying Structure Plan. No urban design assessment has been provided by Richard Knott Limited in relation to the Whenuapai 3 Precinct provisions given the initial PPC material did not include a precinct.
- 4.6 The fixed intersections at Māmari Road and Brigham Creek Road define the roading structure. The urban design assessment asserts that the grid network will create a simple, legible movement network within the site and anticipates the needs of future development sites to the south and west by allowing these to link through to the site. The blocks to the south of the proposed east-west road are approximately 100m x 50m, this is considered a standard block size within the wider Whenuapai neighbourhood. The area to the north of this new road, adjoining 45 Brigham Creek Road, creates a long shallow block where it adjoins the southern boundary of 45 Brigham Creek Road. Then it opens out at the western end to create a large block with a pedestrian walkway. The rationale given for the pedestrian thoroughfare in the urban design assessment is to allow for rear lanes. It is my opinion that the location of the pedestrian thoroughfare (shown with a blue arrow in Figure 3) requires further consideration, especially given the submission from the owners of 45 Brigham Creek Road (discussed in section 5).
- 4.7 In my opinion, the proposed process has used a fairly robust urban design methodology to reach a conclusion that is consistent with the intent of the WSP. However, as discussed above, some additional rationale for the placement of the pedestrian thoroughfare is required.



Figure 3: Plan to show proposed zoning, road layout, intersection points and designated area
Source: Appendix 2 of Private Plan change request documentation

5.0 Submissions

- 5.1 A total of 23 submissions were received in response to the proposed private plan change.
- 5.2 7 of the submissions are in support (in whole or in part) and 16 are in opposition.
- 5.3 Submissions in support are generally citing consistency with the purposes and provisions of the relevant statutory planning instruments, including the AUP. No submissions are fully in support of the PPC, all are requesting amendments.
- 5.4 Submissions in opposition cite existing infrastructure constraints, including roading, public transport, wastewater and electricity, this includes submissions by Auckland Transport, Waka Kotahi and Watercare. Submissions in opposition also refer to concerns around social infrastructure including lack of provision for additional open space and public toilets and environmental concerns, specifically the need for low impact design features, space for trees, Sinton Stream SEA and providing for biodiversity. Specific submissions of relevance from an urban design perspective include:
- 5.5 Submission 11: This is a submission by Living Whenuapai. The submitter raises concerns around the lack of new open spaces, tree planting and canopy cover and design to mitigate the effects of climate change. This submission specifically references the urban design assessment and the diagrams within it¹. These diagrams show a three-dimensional view and layout of the proposed development, in line with the resource consent application.

In my opinion matters to do with the detailed design of dwellings and individual lot sizes are best addressed through the resource consent process. In terms of the lack of new green open spaces within the subject site, the submitters' view is that a development of this size should provide passive recreation space without residents having to cross a busy and dangerous road like Brigham Creek Road and that the subject site should have its own facilities to give it a sense of community. I note the WSP identifies locations for new green spaces, all which are outside the subject site. It is my opinion that any additional green space other than those identified through the WSP are best addressed through the resource consent process as there may be scope to provide some communal space for residents within the development. I assume that Auckland Councils Parks department will also provide comment on this submission point.

- 5.6 Submission 14: The submitter is the owner of the adjacent site at 45 Brigham Creek Road which shares direct boundaries with the PC86 site. This adjacent site is intended to be developed for commercial use, including a supermarket. The submitter seeks the applicant accounts for the intended commercial use of its site and requests mitigation measures be provided on the applicant's site to address the potential for reverse sensitivity effects in the vicinity of the shared boundary. The proposed pedestrian throughfare shown connecting to the submitters' property is not considered necessary.

As discussed earlier, it is my opinion that further information is required as to why this pedestrian throughfare is in the proposed location. While I support pedestrian connectivity, this needs to be in the right location. In this regard I support the submitters' view. It is suggested the applicant discuss the location of this pedestrian thoroughfare with the submitter to identify a suitable location.

- 5.7 Submission 16: This is a submission by Upper Waitemata Waterways Collective. The submitter raises concerns with the more detailed design shown in the applications urban design assessment and raised matters around social infrastructure. The matters around lot size, outdoor living space, placement of dwellings on a site and passive design do not impact on the plan change as no specific provisions are proposed other than those within the MHU. In my opinion the matters raised within the submission are best addressed through the resource consent process. The other matters raised, the need for a blue-green network plan and social infrastructure, specifically the need to identify future school sites, green pathways and identify community open spaces are beyond the

¹ Richard Knott (2021) Urban Design Assessment, Figure 3 P6

scope of this plan change. The Whenuapai Structure Plan identifies the same information that would be included in a blue-green network plan such as an indicative coastal edge walkway/cycleway all permanent and intermittent streams, existing and proposed parks, wetlands and significant ecological areas.²

6.0 Precinct Provisions

- 6.1 As discussed in paragraph 3.2 and in response to the issues raised by submitters, the applicant seeks the inclusion of a Precinct Plan.
- 6.2 As discussed earlier in this memo, I support the inclusion of a precinct. Two versions of the precinct have been provided. It is my view that the amended version, Whenuapai 3 Precinct, is the most appropriate as the wording suggested in this version will effectively achieve the urban design outcomes sought in terms of connectivity via active modes to the existing local centre and ensure suitable interface conditions with Brigham Creek Road and Māmari Road. I recommended further amendments to the Whenuapai 3 Precinct, specifically in relation to Precinct Plan 1. This is discussed in detail below.

Whenuapai 3 Precinct

- 6.3 I support the precinct description. This states that development of this precinct is directed by Whenuapai 3 Precinct Plan 1 and clearly states that no development can occur until the plan change land is connected to wastewater and transport infrastructure.
- 6.4 I support the provisions specifying transport infrastructure being provided before residential development (Objective I1.2(5-7), Policy I1.3(5-6), Standard I1.6.1 Subdivision, Matters of discretion I1.8.1 (1)(a & b) and Assessment criteria I1.8.2(1)(2). A key urban design concern relates to the current active mode connections from the subject site to the existing amenities and local centre given no footpath is provided on the southern side of Brigham Creek Road. It is my opinion that assessment criteria I1.8.2(2) addresses this concern. This assessment criteria states:

(2) Safe and efficient operation of the current and future transport network

(a) Whether the frontage along Brigham Creek Road is designed and constructed to an urban standard achieving a well-functioning urban environment, including at a minimum footpath and cycle lane, and connectivity to the footpath network.

(b) Whether the frontage along Mamari Road is designed and constructed to an urban standard achieving a well-functioning urban environment, including at a minimum footpath and cycle lane, and connectivity to the footpath and cycle network

This assessment criteria applies to the restricted discretionary activities outlined in Activity Table H13.4.1 in MHU zone.

- 6.5 The Whenuapai 3 Precinct Plan shows a pedestrian throughfare. As discussed earlier, although I support pedestrian connectivity, I am unclear why this pedestrian link is in the location shown. I also refer to submission 14 and the view expressed by the submitter that this connection is not necessary given full pedestrian facilities will be delivered on Brigham Creek Road. No precinct provisions are included that reference this pedestrian throughfare. It is therefore recommended that this graphic be removed from precinct plan 1.
- 6.6 The precinct plan also indicates local roads and where these are intended to be located. It is my opinion that if local roads are included on the Precinct Plan, they should be indicative only to allow more flexibility at detailed design phase. In my experience, where roads are shown in precinct plans, there are corresponding cross sections. No cross sections have been provided in this instance.
- 6.7 Assessment criteria I1.8.2(2)(c) refers to enabling a road connection between Brigham Creek Road and Māmari Road through the design and layout of subdivision. I support this provision as it ensures a through site link is provided. In my opinion this road should be indicative only, for the reasons

² Auckland Council (2016) Whenuapai Structure Plan, P 40, 41 44 and 45

outlined in paragraph 6.6 above. The remaining local roads shown on the precinct plan, adjoining 5 Māmari Road, are not referenced in the precinct provisions. Although I generally support the block structure these local roads create, I also consider that the alignment of these roads could be managed at resource consent phase therefore am of the opinion that no specific provisions are required in relation to these local roads.

- 6.8 Subject to the recommended amendments outlined above, I support the precinct provisions and Precinct Plan 1.

41-43 Brigham Creek Precinct

- 6.9 I support the intent of the precinct description but am of the opinion that the wording suggested within Whenuapai 3 Precinct is clearer and more effective. The precinct description (I1.1) refers to realising the vision within the Whenuapai Structure Plan 2016 as opposed to clearly stating the objective itself. This would result in an external document needing to be referenced and a vision statement interpreted. The description states that the purpose of the precinct is “*to enable a transition from semi-rural land uses to the redevelopment of a residential area in an integrated and comprehensive manner*”. It is my opinion that the wording within Whenuapai 3 Precinct which says that the purpose is for the area to be “*developed as a liveable, compact and accessible community with high quality residential development*” is more directive as the precinct is about ensuring infrastructure is in place to support a new community. The transition from a semi-rural land use is not of relevance as this is a given. The description also specifies a density anticipated. This is not needed as no density limits apply to the MHU zone nor are they included within the precinct provisions. The MHU zone anticipates a variety of housing typologies, which will affect the overall density of the plan change area. Both precinct descriptions highlight that infrastructure needs to be in place to enable development. It is my opinion that the wording within the Whenuapai 3 Precinct is more directive therefore is supported.
- 6.10 I support the provisions related to transport infrastructure being provided before residential development (Objective I1.2 (5), Policy I1.3 (1)(5) but prefer the wording of Objective I1.2(6) within Whenuapai 3 Precinct because it specifically states that transport infrastructure is required to service development by providing walking and cycling connections and is coordinated with subdivision and development whereas objective I1.2(5) within the Brigham Creek Precinct uses more generic terminology. In terms of Policy I1.3(1) and (5), I support the intent but consider that reference to Precinct Plan 1 is more effective as it visually demonstrates the transport connections sought.
- 6.11 It is my opinion that residential activity (A3 and A4) does not need to be included in table I1.4.1. This is because within the MHU zone four or more dwellings per site require resource consent as a restricted discretionary activity. As noted earlier, there are no density standards within the MHU zone or proposed within the precinct therefore there is no need to specify a different activity status beyond a certain number of dwellings.
- 6.12 Standard I16.2 Building Setback and Connectivity is not considered necessary as this setback is clearly shown on the precinct plan. It is more efficient to refer to precinct plan 1, as is the approach within the Whenuapai 3 Precinct. In relation to the minimum front yard setback, this is already provided for under standard H5.6.8 (Yards) within the MHU zone and does not need to be repeated.
- 6.13 The matters of discretion specified within the Whenuapai 3 Precinct are clear and concise therefore I prefer these. As outlined in paragraph 6.11 above, no specific matters of discretion or assessment criteria are required in relation to residential activities as the MHU zone already has matters of discretion and assessment criteria. I note that I1.8.1(2) and I1.8.2 refers to matters of discretion - H5.8.1(2) and assessment criteria H5.8.2(2) in the MHU zone.
- 6.14 The assessment criteria specified within the Whenuapai 3 Precinct is preferred, specifically in relation to the safe and efficient operation of current and future transport networks. The wording in both draft precincts is similar but the wording in Whenuapai 3 Precinct includes reference to ‘a well-functioning urban environment’ and requires cycleways as well as footpaths whereas the Brigham Creek Precinct only requires footpath connections. This wording is more in line with the NPS:UD. The inclusion of cycleways is supported as it is consistent with the intent of the relevant NoRs being sought within Whenuapai.

6.15 The amendments outlined in paragraphs 6.5 and 6.6 are relevant to the Brigham Creek Precinct as the precinct plan diagram is the same for both versions of the draft precinct and no reference is made to the pedestrian throughfare or north-south roads.

7.0 Conclusions and recommendations

7.1 Overall PC86 has properly considered the urban design impacts of the development on the existing and intended future environment of the Whenuapai area. I support the approach to residential zoning of the site, which is consistent with the WSP, the direction and framework of the AUP and gives effect to the RPS (in particular Chapter B2). In my opinion this will also support the direction of the NPS-UD, while acknowledging hearings on the proposed plan changes to the AUP to give effect to the NPS-UD are still forthcoming. I also support the inclusion of a new precinct to address transport and wastewater infrastructure matters. Suggested amendments to the Whenuapai 3 Precinct are included within this memo.

A handwritten signature in black ink, appearing to read "Jennifer Esterman". The signature is written in a cursive, flowing style.

Jennifer Esterman
MUrbDes(Hon), BPlan(Hon)

Memo (technical specialist report to contribute towards council's section 42A hearing report)

15th May 2023

To: Todd Elder - Senior Planner, Auckland Council
From: Gary Black Technical Director – Transportation, Harrison Grierson
Reza Khorasani – Technical Lead Transportation, Harrison Grierson

Subject: Private Plan Change 86 – 41 – 43 Brigham Creek Road – Transport Assessment

1.0 Introduction

- 1.1 I have undertaken a review of the private plan change on behalf of Auckland Council in relation to transport-related effects.
- 1.2 My full name is Reza Khorasani. I am a Technical Lead Transport at Harrison Grierson Consultants in Auckland. I hold a Master degree in Highway and Transportation Engineering from the University of Putra Malaysia (UPM), Bachelor of Civil Engineering degree from Semnan University in Iran and completing my PhD in Transport Engineering at the University of Canterbury.
- 1.3 I have 14 years of experience as a specialist traffic engineer, transport planner, and research gained through 7 years of working in New Zealand and approximately 7 years of working and research in Iran and Malaysia.
- 1.4 I have experience in transportation and traffic engineering matters associated with resource management, including impact assessment for resource consents, plan changes and structure plans. I frequently advise private and public-sector clients on a wide range of traffic engineering and transportation planning matters. I also have experience in the design of traffic infrastructure and facilities, road safety engineering, speed limit review, traffic calming, urban design, subdivision design, and traffic modelling.
- 1.5 Although not required for this hearing, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014). I have complied with it in the preparation of this evidence and will follow the Code when presenting this evidence. I also confirm that the matters addressed in this statement of evidence are within my area of expertise, except where I rely on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.6 I have no commercial or other interest in the outcome of this application nor any conflict of interest of any kind.
- 1.7 In writing this memo, I have reviewed the following documents:
- Infrastructure Report (for Plan Change) prepared by Maven Associates, dated 3rd November 2021.
 - Section 32 Evaluation Report prepared by the Property Group, dated 9th August 2022.
 - Urban Design Assessment report prepared by Richard Knott Limited, dated 2nd September 2021.
 - Integrated Transport Assessment report prepared by Traffic Planning Consultant Ltd (TPC), dated November 2021.
 - Plan Change Rezoning plan prepared by Maven Associates, dated November 2021.
 - Feedback from Auckland Council dated 18th August 2021.
 - Further Information Request letter prepared by Auckland Council, dated 18th February 2022.

- Response to transport-related inquiries provided by Traffic Planning Consultant Ltd (TPC), dated 20th April 2022.
- Response to transport-related inquiries provided by Traffic Planning Consultant Ltd (TPC), dated 2nd May 2022.
- Further Information Request letter prepared by Auckland Council, dated 6th July 2022.
- Applicant's Response to Transport-related inquiries, dated 9th August 2022.
- Summary of Decision Requested document prepared by Auckland Council (AC).

1.8 I am familiar with the application site and the surrounding locality. I have read the relevant parts of the application, the Integrated Transport Assessment ("ITA") report prepared by Traffic Planning Consultant Ltd (TPC) and submissions on the application that raise concerns relating to my area of expertise.

2.0 Key Transport Issues

Assessment Methodology

2.1 This section provides a summary of the key transport issues with PPC 86, and Section 3.0 of this report describes the issues with the assessment in detail.

2.2 Cumulative adverse effects on the transport network can result from multiple developments that may individually have minor effects but which, in combination, can result in significant effects. Over time it is expected that other future urban land holdings in the Whenuapai area will seek rezoning or fast-track consents to enable further incremental urbanisation. As part of the assessment of the transport effects of Private Plan Change (PPC 86), it is important to consider the broader transport context in the Whenuapai area and the combined transport infrastructure implications arising from PPC 86 and other proposed private plan change like Spedding Block Plan Change (PPC 69) which has been scheduled for a hearing. PPC 69 seeks to rezone Future Urban Zone (FUZ) within the Whenuapai Structure Plan area to Business – Light Industry that will potentially commence development at around the same time.

2.3 Generally, the relationship between PPC 86 and PPC 69 is that they will contribute to demand on Brigham Creek Road. The traffic modelling assesses that PPC 96 will add nearly 702 vph and 770 vph in AM and PM peak trips onto Brigham Creek Road by 2028. This traffic will need to be addressed at some point and taken into account in modelling by way of additional traffic on Brigham Creek Road.

2.4 It is necessary to assess the traffic impact on the wider road network as well as the future development and connectivity required to support the proposed development. The transport assessment in the TIA report investigated the impact merely on the existing signalised intersection of Brigham Creek Road with Totara Road/Māmari Road and the future priority intersections of access roads from Brigham Creek Road and Māmari Road.

2.5 Brigham Creek Road is an existing arterial road that extends from the intersection with the SH16 in the west to the intersection with Hobsonville Road to the east. The stretch of Brigham Creek Road in front of the site is bi-directional, with a single lane in each direction and a flush median which provides right-turning bays mainly for the side roads to the residential area on the northern side of Brigham Creek Road. In terms of the walking and cycling facilities, this stretch of Brigham Creek Road could be divided into two sections from its intersection with Māmari Road/Totara Road to the east and west. The section to the west of the signalised intersection has a footpath and cycle lane on the northern side, while there are no footpath and cycle facilities available on the southern side.

2.6 Given the matters explained above, it is concluded that the current standard of this road network is considered to be rural standard. As part of the Northwest Local Arterial Network Notices of Requirement (NoR)¹, it is proposed to upgrade Brigham Creek Road, including widening the current two-lane carriageway from an approximately 20m width to a 30m wide four-lane arterial cross-section with walking and cycling facilities on both sides. This also includes upgrading the

¹ <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/10-w3-assessment-of-transport-effects-whenuapai.pdf>

intersections of Brigham Creek Road with Totara Road/Māmari Road, Trig Road, and Kauri Road.

- 2.7 Māmari Road is a dead-end semi-rural road that runs from its intersection with Brigham Creek Road and Totara Road in the north and terminates after 200m in the south. The section of Māmari Road in front of the subject site is bi-directional, with one lane in each direction. The area on the eastern side of Māmari Road has been developed where a narrow strip of footpath is available on this side, while no footpath is available on the west side of the road. Similar to Brigham Creek Road, the current standard of Māmari Road is considered to be in rural standard.
- 2.8 Between Brigham Creek Road and Spedding Road, this involves the upgrade of the existing two-lane local road on the northern portion, a new corridor through a greenfield portion in the middle and the upgrade of a gravel road on the southern portion. Between Spedding Road and a future four-arm intersection with Northside Drive Extension, this involves a new greenfield corridor.
- 2.9 The Māmari Road Upgrade will provide an important Frequent Transit Network (FTN) bus link with public transport priority lanes to connect commuters from Whenuapai to the future City Centre to Westgate (CC2W) rapid transit station at Westgate. The intersection of Māmari Road and Brigham Creek Road is proposed to remain as a signalised intersection, and the intersection of Māmari Road and Spedding Road is proposed to be a roundabout.
- 2.10 In terms of the accessibility to public transport, at the moment, bus line #114² is the only service in the vicinity of the site, which runs between Hobsonville Point and Westgate Shopping Centre. There are two bus stops on Totara Road (Stop 5929 and 5928) located about 440m from the site access on Brigham Creek Road and Māmari Rd. The average frequency of bus line #114 in the morning and afternoon peak is every 40min which is considered low-frequency service. Therefore, considering the lack of footpath on the section of Brigham Creek Road and Māmari Road in front of the site and the accessibility to just one low-frequency service, the public transport accessibility of the site is considered poor and not safe for the future residents of the site.
- 2.11 The applicant identifies that the infrastructure upgrades on Brigham Creek Road and Māmari Road are critical to ensure the transport demand from the proposed plan change can be met. However, this does not appear to mitigate the effects of the development being significantly ahead of sequence (relative to the staging anticipated by the WSP) and instead appears to rely on future works being undertaken by NZTA and AT (combined as the Supporting Growth Alliance) “to address the transport network issues in the north-west region.
- 2.12 It is unclear when these works are programmed to occur, whether they are fully funded, and whether they are required to mitigate the effects of out-of-sequence development in the FUZ, which is perhaps a matter separate from (and required over and above) mitigation associated with the traffic generation effects directly arising from the proposal. i.e., should the applicant be contributing to wider transport upgrades itself (commensurate with the demand it will generate beyond the immediate vicinity), given it is significantly ahead of earlier planned development, rather than relying on the Supporting Growth Alliance to undertake these wider network upgrades.
- 2.13 The use of outdated data to calculate the trip generation rate (Section 3.3 Mode Trip Generation). The rate should be updated and reflected in intersection modelling.
- 2.14 The lack of validation (e.g., by use of Census data for the Whenuapai area) of the assumed 50/50 split of vehicles travelling to/from the site going west or east (4.3 Traffic Generation Effect (Intersection Performance))
- 2.15 The lack of calibration of the SIDRA model and considering different scenarios reflecting the current operation of the road network, such as the impact on the road network before the completion of the infrastructure upgrade, and the operation of the road network after the completion of the upgrade.

² <https://at.govt.nz/media/1989049/westgate-timetable-may-2022.pdf>

- 2.16 The location and design of the proposed priority-controlled intersection between the internal road and Brigham Creek Road. Safety effects have not been appropriately assessed, and the potential effects on trip distribution from other intersection designs have not been considered (4.3.1 Brigham Creek Road - Priority Controlled Intersection)
- 2.17 The need to assess a higher proportion of vehicle trips travelling via the Brigham Creek Road / Māmari Road intersection (4.3.1 Brigham Creek Road - Priority Controlled Intersection).
- 2.18 The safety impact on the vulnerable road users during the interim time and before the infrastructure upgrade and provision of appropriate walking and cycling facilities and accessible public transport.

41-43 Brigham Creek Precinct

- 2.19 The purpose of 41-43 Brigham Creek Precinct is to enable the transition from semi-rural land uses to the redevelopment of a residential area in an integrated and comprehensive manner. Additionally, the precinct will ensure subdivision and development provide for the necessary transport infrastructure, including urban standard of frontages along Brigham Creek Road and Māmari Road and connectivity through the precinct.
- 2.20 Under the objectives of 41-43 Brigham Creek Precinct, Clause (5), it is stated that “*Subdivision and development that provides for the safe and efficient operation of the current and future transport network for all modes.*”.
- 2.21 Also, under the transport-related policies in this precinct, it has been defined to require subdivision and development to:
- a. *Provide for Brigham Creek Road and Māmari Road to be widened in the future for the planned frequent public transport and active transport network.*
 - b. *Deliver an urban standard of frontage to Brigham Creek Road and Māmari Road, including at a minimum, footpaths, and pedestrian connectivity.*
 - c. *Provide for connectivity through the development between Māmari Road and Brigham Creek Road.*
- 2.22 Auckland Transport (Submitter 17), in its submission, raises several matters which require an amendment to the precinct as below:
- The future hierarchy of Māmari Road will be an arterial road; therefore, amendment of the Precinct is required for subdivision and development to avoid direct vehicle access onto Māmari Road. I agree with this comment.
 - An amendment is required for the plan change to include specific planning provisions (including objectives, policies, and rules) to protect and provide for the future upgrade of Māmari Road and Brigham Creek Road as part of the strategic transport network required to support growth in the North-West.
 - An amendment is required for the plan change to include specific planning provisions (including objectives, policies, and rules) to require the Māmari Road and Brigham Creek Road frontage to be upgraded to an urban standard that accommodates the future widening of the corridor, with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of these works need to be specified to ensure they are in the right location and unnecessary rework is avoided.
 - An amendment is required for the plan change to include specific planning provisions (including objectives, policies, and rules) to require subdivision and development to provide connections to adjacent sites and connections through to Brigham Creek Road (particularly for active modes).

Provision of Required Infrastructure

- 2.23 As well as considering the transport infrastructure needed to service the proposal and address its immediate effects, consideration needs to be given to the implications of PC 86 on the implementation of the wider strategic transport network that will be required to service the North-West growth area. There will be adverse effects on the transport network if development proceeds without appropriate planning for and delivery of the wider strategic network requirements. The plan change needs to address such effects, noting that the development enabled by PC 86 will benefit from that network and will also contribute to traffic and other transport demands to it. Delivery uncertainty of supporting infrastructure will also affect the ability for growth to achieve a well-functioning urban environment.
- 2.24 Auckland Transport (Submitter 17) raises its concern about the effect of the proposed out-of-sequence rezoning on the cost of some projects. The land is required from the site for two projects - the upgrade of Brigham Creek Road and the upgrade and extension of Māmari Road from Northside Drive to Brigham Creek Road. Once the land is rezoned for urban development, land acquisition costs will increase significantly, making it more difficult for the transport infrastructure to be provided.
- 2.25 There are extensive transport network upgrades required to facilitate residential intensification and, more generally, urban development integrated with infrastructure provision in Whenuapai given the rural standard of roads across the WSP area, the majority of which are not currently funded by Auckland Council, Auckland Transport (“AT”) nor the New Zealand Transport Agency (“NZTA” or “Waka Kotahi”).

National Policy Statement on Urban Development 2020 (NPS-UD)

- 2.26 The need to coordinate urban development with infrastructure planning and funding decisions is highlighted in the objectives of the National Policy Statement on Urban Development 2020 (NPS-UD). Those objectives are quoted below:

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) The area is in or near a centre zone or other area with many employment opportunities.
- (b) The area is well-serviced by existing or planned public transport.
- (c) There is high demand for housing or for business land in the area, relative to other areas within the urban environment.’

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) Integrated with infrastructure planning and funding decisions; and
- (b) Strategic over the medium term and long term; and
- (c) Responsive, particularly in relation to proposals that would supply significant development capacity.’

The PPC 86 has poor public transport accessibility, which is not consistent with Clause (b) in Objective 3, and there is uncertainty in the infrastructure plan and funding decisions which make this plan change inconsistent with Clause (a) in Objective 6.

Government Policy Statement on Land Transport (GPS)

- 2.27 The Government Policy Statement on Land Transport (GPS) is required under the LTMA and outlines the Government’s strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure, and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating

both pressures and opportunities for investment in transport infrastructure and services or for demand management. The proposed change in zoning enabled by private plan change 86 is inconsistent with the GPS priorities as it will result in the introduction of a community dependent on private vehicles and would adversely affect the safety and efficiency of the transport system.

Auckland Plan 2050

- 2.28 The Auckland Plan 2050³ (Auckland Plan) is a 30-year plan for the Auckland region outlining the long-term strategy for Auckland's growth and development, including social, economic, environmental, and cultural goals. The Auckland Plan is a statutory spatial plan required under section 79 of the Local Government (Auckland Council) Act 2009. The Auckland Plan provides for between 60 and 70 per cent of total new dwellings to be built within the existing urban footprint. Consequently, between 30 and 40 per cent of new dwellings are anticipated to be in new greenfield developments, satellite towns, and rural and coastal towns. The Auckland Plan also recognises that the demand for business land and floorspace is an important consideration in planning for growth. Employment is currently concentrated in some parts of Auckland but is under-represented in the eastern and western parts of the urban area.
- 2.29 The transport outcomes identified in the Auckland Plan 2050 to enable this growth include providing better connections, increasing travel choices, and maximising safety. To achieve these outcomes, focus areas outlined in the Auckland Plan include targeting new transport investment to the most significant challenges; making walking, cycling, and public transport preferred choices for many more Aucklanders; and better integrating land use and transport. The high-level direction contained in the Auckland Plan informs the strategic transport priorities to support growth and manage the effects associated with this plan change. The proposed PPC 86 will be developed in advance of the completion of the infrastructure upgrade in the Whenuapai area therefore, considering the uncertainty in road network capacity to accommodate the future traffic from the site, poor accessibility to public transport, and lack of safe and standard public footpath on Brigham Creek Road and Māmari Road, it is concluded that the proposed PPC 86 is inconsistent with Auckland Plan 2050.

Regional Land Transport Plan (RLTP)

- 2.30 The Regional Land Transport Plan (RLTP) sets out the 10-year programme of transport infrastructure investment required to support the transport network, including planned and enabled growth in the Auckland region. The RLTP is aligned with the council's priority areas and spending proposed within the council's 10-Year Budget for 2021-2031. Within the RLTP, there is some funding for route protection for the upgrade of Trig Road South, not delivery. There is no funding for any other Te Tupu Ngātahi projects at Whenuapai.

Regional Policy Statement (RPS)

- 2.31 The Regional Policy Statement (RPS)⁴ objectives and policies in the AUP(OP) place a similar clear emphasis on the efficient provision of infrastructure and on the integration of land use and development with infrastructure, including transport infrastructure. Refer, for instance, to Objectives B2.2.1(1)(c) and (5) and B3.3.1(1)(b), and Policies B2.2.2(7)(c) and B3.3.2(5)(a). For example, Policy B3.3.2(5)(a) is to: 'Improve the integration of land use and transport by... ensuring transport infrastructure is planned, funded and staged to integrate with urban growth'. The alignment of infrastructure to support growth is essential to achieving a well-functioning urban environment. The PPC 86 is inconsistent with RPS as there is uncertainty in the planning and funding of infrastructure upgrades to integrate with the plan change.

Auckland Unitary Plan (AUP)

- 2.32 The high-level spatial pattern of future development is represented at a regional level in the Auckland Plan and by the Future Urban Zone in the AUP(OP). It is further defined through sub-regional level planning, including the Whenuapai Structure Plan, to then be enabled through appropriate plan change processes. Development in the greenfield areas contributes to the

³ auckland-plan-2050-print-document.pdf (aucklandcouncil.govt.nz)

⁴ Auckland Regional Policy Statement - Chapter 4: Transport (aucklandcity.govt.nz)

overall growth in transport demands in parallel with the ongoing smaller-scale incremental growth that is enabled through the AUP(OP).

2.33 Wide-scale growth across the region places greater pressure on the available and limited transport resources that are required to support the movement of additional people, goods, and services. In order to align the growth enabled by the AUP(OP) and plan changes with the provision of transport infrastructure and services, there needs to be a high level of certainty about the funding, financing, and delivery of the required infrastructure and services. Without this certainty, there will continue to be a significant deficiency in the transport network in terms of providing and coordinating transport responses to the dispersed growth across the region. This will result in poor transport outcomes, including lack of travel choice and car dependency, as there will not be the transport infrastructure and services in place to support growth and the demands of development.

2.34 According to Section E27⁵ of AUP(OP), the transport objectives are defined as below:

- 1) *Land use and all modes of transport are integrated in a manner that enables:*
 - (a) *the benefits of an integrated transport network to be realised; and*
 - (b) *the adverse effects of traffic generation on the transport network to be managed.*
- 2) *An integrated transport network including public transport, walking, cycling, private vehicles, and freight, is provided for.*
- 3) *Parking and loading support urban growth and the quality compact urban form.*
- 4) *The provision of safe and efficient parking, loading and access is commensurate with the character, scale, and intensity of the zone.*
- 5) *Pedestrian safety and amenity along public footpaths are prioritised.*
- 6) *Road/rail crossings operate safely with neighbouring land use and development.*

2.35 The PPC 86 is proposed to be developed in advance of the completion of infrastructure in the Whenuapai area, and the level of traffic impact on the operation of the surrounding road network and adjacent intersections has not been fully addressed. In addition, the current road network in the vicinity of the site is rural therefore, it cannot accommodate the future traffic generation from the site. Also, the existing walking and cycling facilities around the site are poor in quality, and public transport accessibility is low. In addition, there are uncertainties in the time, finding, and financing of the infrastructure upgrades in the Whenuapai area, and it is not clear how the adverse effects would be managed in the interim time before the completion of infrastructure upgrades. Therefore, considering the matters above, the proposed PPC 86 is not consistent with the transport objectives of AUP(OP) defined in Section E27.

2.36 According to Section E27 of AUP(OP), the transport policies for subdivision are defined below:

- 1) *Require subdivision, use and development which:*
 - (a) *generate trips resulting in potentially more than minor adverse effects on the safe, efficient, and effective operation of the transport network.*
 - (b) *are proposed outside of the following zones:*
 - i. *the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone.*
 - ii. *Residential – Terrace Housing and Apartment Buildings Zone.*
 - iii. *the Centre Fringe Office Control as shown on the planning maps; or*
 - (c) *do not already require an integrated transport assessment or have been approved based on an integrated transport assessment.*

⁵ E27 Transport.pdf (aucklandcouncil.govt.nz)

to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development, or undertaking improvements to the local transport network.

2) Require major proposals for discretionary consent to prepare an integrated transport assessment including provision for pedestrians, cyclists, public transport users, freight, and motorists.

2.37 The proposed PPC 86 intends to establish approximately 260 dwellings on the site and considering the current poor public transport accessibility and lack of adequate walking and cycling infrastructure around the site, a high dependency on private vehicles is expected for the future residents on this site, therefore, the PPC 86 would be considered as a high trip generator site while the level of traffic impact on the road network has not been fully investigated and addressed. The transport assessment in the TIA report has not proposed any measures to mitigate the adverse effect on the current and future infrastructure, and no staging development has been considered to manage the adverse effect before the completion of infrastructure upgrades therefore, the PPC 86 is considered inconsistent with the transport policies in AUP (OP).

20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective, and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.

21) Restrict or manage vehicle access to and from sites adjacent to intersections, adjacent motorway interchanges, and on arterial roads, so that:

(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and

(b) any adverse effect on the effective, efficient, and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied, or mitigated.

22) Restrict vehicle access across the Vehicle Access Restriction – General Control as shown on the planning maps within the Business – City Centre Zone to:

(c) give high priority to pedestrian movement, safety, and amenity along the main pedestrian streets in the Business – City Centre Zone; and

(d) provide for continuity of building frontage and associated activities at street level.

2.38 There are two vehicle crossings proposed from Brigham Creek Road and Māmari Road for PPC 86. After the completion of infrastructure upgrades, both of these roads will be classified as arterial roads therefore, the access restriction will be applied. There are two existing priority intersections between the future priority intersections between the Site Access Road from Brigham Creek Roads and the adjacent signalised intersection. The extent of transport assessment provided in the TIA is based on the current road layout and not the upgraded road network with a new layout, and it is limited to the impact assessment on the future priority intersection of the Site Access Road and adjacent signalised intersection while the impact on the wider road network and the existing priority intersections in the vicinity of the site has been overlooked.

2.39 In addition, considering that the current standard of the road network is rural, the poor footpath quality in the vicinity of the site, and low accessibility to public transport, safety issues are expected with the vulnerable road user movements around the site. The TIA reports provide treatments and how to manage the safety issues however, the treatments could be implemented during the infrastructure upgrade, which requires upgrades to the road layout on Brigham Creek Road and Māmari Road. The assessment in the TIA report has not determined how the adverse effect would be managed in the interim time and what would be the types and location of treatments and how they would affect the proposed layout and operation of these roads after the upgrade. Therefore, the PPC 86 is considered inconsistent with these policies in section E27.

2.40 According to Section E26⁶ of AUP(OP), the transport objectives are defined as below:

- 1) *The benefits of infrastructure are recognised.*
- 2) *The value of investment in infrastructure is recognised.*
- 3) *Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.*
- 4) *Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.*
- 5) *The resilience of infrastructure is improved, and continuity of service is enabled.*
- 6) *Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.*
- 7) *The national significance of the National Grid is recognised and provided for, and its effective development, operation, maintenance, repairs, upgrading and removal is enabled.*
- 8) *The use and development of renewable electricity generation is enabled.*
- 9) *The adverse effects of infrastructure are avoided, remedied or mitigated.*

2.41 The existing infrastructure in the vicinity of the site is at rural standard, and the upgrades will be implemented according to WSP to provide a safe, efficient, and secure infrastructure for the Future Urban Zone in Whenuapai Area. The PPC 86 is proposed to be developed in advance of the infrastructure upgrade as described earlier, the site has poor access to public transport, and the existing infrastructure in the vicinity of the site does not provide safe and efficient access for the future residence in the site to the public transport services.

2.42 Although upgrades on Brigham Creek Road and Māmari Road have already been planned to improve the hierarchy of these roads to arterial, during the design process, the number and location of the proposed vehicle crossings, which are supposed to operate as priority intersections, the PPC 68 has not taken into account the future hierarchy and layout of these two roads. The transport assessment in the TIA report has taken into account the current layout of the frontage roads, while the impact on the safety and operation of the infrastructure after the upgrades has been overlooked. Considering these matters, the proposed PPC 86 is considered to be inconsistent with policies outlined in Section E26 of AUP (OP).

2.43 According to Section E26 of AUP(OP), the transport policies for subdivision are defined as below:

14) *Require road network activities to:*

- (a) *avoid, remedy or mitigate adverse effects on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions.*
- (b) *avoid, remedy or mitigate adverse effects on amenity values of adjoining properties and the streetscape; and*
- (c) *maintain or enhance the safety and efficiency of the transport network.*

15) *Ensure roads are designed, located and constructed to:*

- (a) *provide for the needs of all road users and modes of transport.*
- (b) *avoid, remedy or mitigate adverse effects on amenity values of adjoining properties.*
- (c) *avoid, remedy or mitigate adverse construction effects including effects of vibration, noise, and dust.*
- (d) *avoid, remedy or mitigate adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions.*
- (e) *minimise severance effects and changes to drainage patterns; and*
- (f) *maintain or enhance the safety and efficiency of the transport network.*

⁶ E26 Infrastructure.pdf (aucklandcouncil.govt.nz)

- 2.44 There is no information on how the adverse effect of the construction operation on Brigham Creek Road and Māmari Road on the residents will be managed. Also, the existing infrastructure requires an upgrade and standard public footpaths on both frontage roads are required to provide safe accessibility to public transport. In addition, during the site layout design and determining the location of vehicular access points, the future road layouts of frontage roads have not been considered therefore, the future impact on the infrastructure is uncertain.
- 2.45 Furthermore, considering the poor accessibility to public transport and inadequate walking and cycling facilities in the vicinity of the site, then the infrastructure does not serve the needs of all modes of transport. Therefore, it is concluded that the proposed PPC 86 is not consistent with the objectives outlined in Section E26 of AUP (OP).

The Future Urban Land Supply Strategy 2017 (FULSS)

- 2.46 The Future Urban Land Supply Strategy 2017 (FULSS) provides guidance on the sequencing and timing of future urban land identified in the Auckland Plan (i.e., 'unzoned' greenfield areas of development). This guidance was incorporated into the updated Auckland Plan in 2018. The FULSS sets out the anticipated timeframes for 'development ready' areas over a 30-year period. The FULSS helps to inform infrastructure asset planning and funding priorities and to support development capacity to ideally be provided in a coordinated and cost-efficient way via the release of 'development ready' land.
- 2.47 The site is identified in the FULSS as part of Whenuapai Stage 2, which is intended to be 'development ready' between 2028 and 2032. The land is considered development ready once the following four steps are complete:
- Future urban zoned land in the Unitary Plan
 - Structure planning completed.
 - Land rezoned for urban uses.
 - Bulk infrastructure provided.
- 2.48 The proposed PPC 86 is inconsistent with FULSS as it will be developed in advance of Whenuapai Stage 2. In addition, Auckland Transport notes that the provision of bulk transport infrastructure is an issue for other lands at Whenuapai identified in the FULSS as part of Whenuapai Stage 1, which was intended to be development ready between 2018 and 2022. This was one of the reasons that the Council's Planning Committee withdrew the council-initiated Plan Change 5 - Whenuapai in early June 2022.
- 2.49 Auckland Transport (Submitter 17), in its submission, states that plan changes that propose to allow future urban land to be urbanised before the wider staging and delivery of planned transport infrastructure and services has occurred need to be carefully considered. Any misalignment between the timing for providing infrastructure and services and the urbanisation of greenfield areas brings into question whether the proposed development area is 'development ready'. The matters that need to be carefully considered include:
- Whether the plan change provides mechanisms requiring applicants to mitigate the transport effects associated with their development and to provide the transport infrastructure needed to service or meet the demands of their development
 - Whether the development means that the strategic transport infrastructure is planned to service the wider growth area identified in the FULSS needs to be provided earlier
 - Whether the development impacts the ability to provide the strategic transport infrastructure identified to service the wider growth area, e.g., will it foreclose route options or hinder future upgrades of existing strategic network infrastructure.
- 2.50 Adverse effects arise when development occurs before the required transport network improvements and services have been provided. This cannot be addressed without addressing the implementation of the network, including funding and financing. Implementation planning needs to ensure funding is available to support the planning, design, consenting and construction of the transport infrastructure and services, including improvements. There is a need to assess and clearly define the responsibilities for the required infrastructure and the

potential range of funding and delivery mechanisms. This includes considering the role of applicants/developers and taking into account the financially constrained environment that the Council and Auckland Transport operate within. There is a need for the Council and Auckland Transport to be able to plan and prioritise at a regional level.

3.0 Applicant's Assessment

Assessment Methodology

- 3.1 I have reviewed the assessment of the adverse effect of the future traffic generation from PPC 86 on the surrounding road network. The TIA adopted the SIDRA modelling method to assess the impact on the adjacent isolated signalised intersection of Brigham Creek Road with Totara Road/Māmari Road and two future priority intersections of the Site Access Roads on Brigham Creek Road and Māmari Road. I have identified several issues in relation to the modelling methodology adopted for this plan change and how the model has been developed.
- 3.2 As stated before, the PPC 86 is identified in the FULSS as part of Whenuapai Stage 2, which is intended to be 'development ready' between 2028 and 2032, and the land could be considered development ready once the structure planning and the bulk infrastructure in WSP are complete. The existing roads adjoining PPC 86 are only built to a rural standard, and there is a need for them to be upgraded to an appropriate urban standard at the time of subdivision or development of the adjoining land. Considering these matters, the assessment methodology should also have considered the impact of PPC 86 on the upgraded road network rather than just the current transport network.
- 3.3 It is not clear if the transport assessment considers that the PPC 86 would rely on the wider road network as part of WSP however, the partial and full upgrade and extension of Māmari Road from Northside Drive to Spedding Road and then Brigham Creek Road should have been considered as different scenarios in modelling.
- 3.4 As stated earlier, the current road network in Whenuapai is rural, and there is a need for them to be upgraded to an appropriate urban standard at the time of subdivision or development of the adjoining land. In addition, for such a scale development, it is necessary to assess the impact on the wider networks and consequently identify the required upgrades. The transport assessment undertaken for PPC 86 merely investigated the impact on the stretch of Brigham Road and Māmari Road in front of the site and the adjacent signalised intersection located in close proximity to the site. This assessment does not appear to be based on any logical transport planning boundary, as impact should be considered in a broader transport context in the Whenuapai area.
- 3.5 The transport impact assessment on Brigham Creek Road was undertaken on the signalised intersection of Brigham Creek Road with Totara Road/Māmari Road and the priority intersection of Brigham Creek Road with Site Access Roads/Joseph McDonald Drive. However, there are two existing priority intersections within this extent, Brigham Creek Road/Boyes Ave and Brigham Creek Road/Ripeka Ln, and the impact on them has been overlooked in the assessment. There is a potential for further development on the area located on the north of Brigham Creek Road connecting to Ripeka Ln and Boyes Ave therefore, further traffic is expected to and from these roads. Considering the close proximity of these intersections to the adjacent signalised and priority intersections and the potential additional traffic on the side roads, the assessment should have considered the two priority intersections to assess the impact of turning movements to and from these intersections on the operations of Brigham Creek Road and also on the operation of adjacent intersections.
- 3.6 In terms of the type of modelling, considering the close proximity of the intersections mentioned above, it is important to assess the impact of the backward spread of congestion on each intersection, as queues on downstream lanes may block upstream lanes. In addition, the assessment should have investigated the impact of the capacity constraint of oversaturated upstream lanes on determining exit flow rates, thus limiting the flows entering downstream lanes. These two elements are highly interactive with opposing effects for this intersection, and a network-wide assessment should have been used to investigate and find solutions that balance these opposing effects. The transport assessment adopted isolated intersection modelling in SIDRA, which could not appropriately assess these, and instead, SIDRA Network or other traffic simulation packages should have been used to identify the impact.

Trip Generation and Distribution

- 3.7 I disagree with the daily and peak hour trip rates of 6.5 vpd and 0.65 vph used in the estimation of future traffic generation, as these rates were obtained from the WSP TIA. Currently, the subject site is zoned as FUZ and as mentioned earlier, the PPC 86 is identified in the FULSS as part of Whenuapai Stage 2, which is intended to be 'development ready' between 2028 and 2032, and the land could be considered development ready once the structure planning and the bulk infrastructure in WSP are complete. Considering the matters above and given the poor public transport accessibility in the vicinity of the site, higher daily and peak traffic rates should have been used in future trip estimation.
- 3.8 In Section 3.4 of TIA, a 20 per cent reduction was applied to the estimated peak trip generation, saying, "*As is typical with most residential activities, flow to and from the site is tidal with most vehicle movements in the AM peak leaving the site and then returning in the PM peak, thus reducing the potential of any two-way conflicts when vehicles are entering or leaving the site. For this assessment, it is assumed that 80% of vehicles exiting the site and 20% of vehicles entering the site in the AM peak hours and vice versa in the PM peak.*". The logic for applying this deduction on estimated trip generation is not clear and not supported.
- 3.9 In Section 3.4 of TIA, it is stated that "*For the purposes of this assessment, it has been assumed that 50% of site-related vehicle trips will be to and from the west and 50% of traffic will be to and from the east*". This assumption would directly impact the input data and, consequently, the result of the SIDRA model; however, no validation has been provided (e.g., by use of Census data for the Whenuapai area) for the assumption, which is not supported.
- 3.10 In addition, the image on Page 15 of TIA shows the turning movement to and from the site in the morning and afternoon. There are two issues with the value of turning movements and directional traffic flow on Brigham Creek Road. It was mentioned that an assumption was made that the generated traffic from the site would be split 50-50 to and from the east and west of Brigham Creek Road; however, it is not clear how this assumption was applied to the trip distribution and turning movements. Also, it is not clear where or how the directional traffic flow on Brigham Creek Road was obtained.

Modelling

- 3.11 In the development of the SIDRA model for the intersections, the traffic flow for Brigham Creek Road was obtained from Auckland Transport traffic count data. This traffic flow was counted in 2019 between SH16 and Brigham Creek Road, which is about 500m west of the site. In traffic modelling, it is important to use accurate and updated data as it may result in inaccurate results or a costly network treatment.
- 3.12 The location of traffic flow counted on Brigham Creek Road used in the model was significantly far from the subject site. Also, for the purpose of the model, it was assumed that the traffic flow on eastern and western approaches is equal. In addition, there is no explanation in the TIA report on how the turning movements data used on the model have been calculated. Based on my knowledge, assumptions should be made when there is no available data; therefore, the traffic data used in the model are not acceptable when SCATS data is available and could be requested from ATOC. Considering that Māmari Road is currently a dead-end road, using the turning data, the traffic flow on each approach and turning movements could be calculated from SCATS data without the need for any assumption.
- 3.13 There is an issue with how the SIDRA model was developed based on the current layout of Brigham Creek Road and the adjacent signalised intersection. In the SIDRA model developed for the signalised intersection of Brigham Creek Road and Māmari Road/Totara Road (shown on Page 34 of Pdf, Attachment 1 of TIA report), the length of the right-turn and left-turn lanes are longer than the actual length, which could affect the performance of the intersection.
- 3.14 In addition, according to the site layout of the SIDRA model developed for the access road from Brigham Creek Road (shown on Page 31 of Pdf, Attachment 1 of TIA report), both right turn lanes on the western and eastern approaches are modelled as full lane rather than short lane which means the model considers a default length of 500m for these turning lanes. This issue would significantly affect the results of the model and the performance of the priority intersection.

- 3.15 In response to the s92 inquiries regarding the assumptions and methodology of the base model provided in the ITA., the applicant responded that in developing the SIDRA model, assumptions and factory setting were adopted, which means no calibration on the critical gap, follow-up headway, and queue length was done for the signalised and priority intersections.
- 3.16 The SIDRA modelling in the TIA report investigated the traffic impact on the current layout of Brigham Creek Road and Māmari Road. However, both of these roads will be upgraded, including road widening to provide additional traffic lanes in each direction, raised median on Brigham Creek Road, and an extension of Māmari Road connecting to Spedding Road. The TIA should have investigated the traffic impact both on the current and future road layout surrounding the site.
- 3.17 Figure 1 and Figure 2 below demonstrate the performance of the signalised intersection of Brigham Creek Road and Totara Road/Māmari Road resulted from the SIDRA model developed in the TIA report. As can be seen, the traffic flows used for Mamari Road, compared to the traffic flow on other approaches, are noticeably low. This is because the model is developed for the current condition of Mamari Road, which is a dead-end road with a few existing dwellings on its east side. Although the traffic volumes of Mamari Road used in the model are reasonably low, the model resulted in an overall LOS C on this approach.
- 3.18 The proposed upgrades on Mamari Road will extend it towards the south and will connect it to Spedding Road, therefore, a higher traffic volume is expected on this road and, consequently, a different level of service at its intersection with Brigham Creek Road. The results from the current SIDRA model are not sufficient to determine the future impact on the infrastructure, and it is considered unacceptable.

Vehicle Movement Performance										
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE	
		[Total veh/h	HV] %	[Total veh/h	HV] %				[Veh. veh	Dist] m
South: Mamari Road South										
1	L2	20	0.0	21	0.0	0.038	26.0	LOS C	0.6	4.1
2	T1	2	0.0	2	0.0	*0.147	32.8	LOS C	1.4	10.1
3	R2	37	0.0	39	0.0	0.147	37.4	LOS D	1.4	10.1
Approach		59	0.0	62	0.0	0.147	33.3	LOS C	1.4	10.1
East: Brigham Creek Road East										
4	L2	8	0.0	8	0.0	0.275	26.3	LOS C	5.0	35.7
5	T1	520	3.0	547	3.0	0.619	24.0	LOS C	12.9	92.5
6	R2	16	0.0	17	0.0	*0.121	44.0	LOS D	0.7	4.6
Approach		544	2.9	573	2.9	0.619	24.7	LOS C	12.9	92.5
North: Totara Road North										
7	L2	35	0.0	37	0.0	0.088	19.0	LOS B	0.7	5.0
8	T1	1	0.0	1	0.0	*0.552	35.5	LOS D	5.8	40.7
9	R2	145	0.0	153	0.0	0.552	40.1	LOS D	5.8	40.7
Approach		181	0.0	191	0.0	0.552	36.0	LOS D	5.8	40.7
West: Brigham Creek Road West										
10	L2	35	0.0	37	0.0	0.061	24.5	LOS C	1.0	6.9
11	T1	441	3.0	464	3.0	*0.749	27.9	LOS C	17.1	122.6
12	R2	3	0.0	3	0.0	0.023	43.0	LOS D	0.1	0.8
Approach		479	2.8	504	2.8	0.749	27.8	LOS C	17.1	122.6
All Vehicles		1263	2.3	1329	2.3	0.749	27.9	LOS C	17.1	122.6

FIGURE 1: SIDRA RESULTS - AM PEAK HOUR

Vehicle Movement Performance										
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE	
		[Total veh/h]	[HV] %	[Total veh/h]	[HV] %				[Veh.]	[Dist] m
South: Māmari Road South										
1	L2	5	0.0	5	0.0	0.010	32.9	LOS C	0.2	1.3
2	T1	1	0.0	1	0.0	0.038	39.4	LOS D	0.4	3.1
3	R2	9	0.0	9	0.0	0.038	44.0	LOS D	0.4	3.1
Approach		15	0.0	16	0.0	0.038	40.0	LOS D	0.4	3.1
East: Brigham Creek Road East										
4	L2	29	0.0	31	0.0	0.148	25.0	LOS C	3.5	24.7
5	T1	320	3.0	337	3.0	0.333	21.8	LOS C	8.6	61.5
6	R2	35	0.0	37	0.0	0.331	56.6	LOS E	1.8	12.9
Approach		364	2.5	404	2.5	0.333	25.2	LOS C	8.6	61.5
North: Totara Road North										
7	L2	11	0.0	12	0.0	0.030	23.5	LOS C	0.3	2.1
8	T1	1	0.0	1	0.0	0.249	41.4	LOS D	3.1	21.5
9	R2	65	0.0	68	0.0	0.249	46.0	LOS D	3.1	21.5
Approach		77	0.0	81	0.0	0.249	42.7	LOS D	3.1	21.5
West: Brigham Creek Road West										
10	L2	155	0.0	163	0.0	0.220	25.7	LOS C	5.2	36.4
11	T1	621	3.0	654	3.0	0.867	37.8	LOS D	33.4	240.1
12	R2	15	0.0	16	0.0	0.142	55.4	LOS E	0.8	5.4
Approach		791	2.4	833	2.4	0.867	35.7	LOS D	33.4	240.1
All Vehicles		1267	2.2	1334	2.2	0.867	33.0	LOS C	33.4	240.1

FIGURE 2: SIDRA RESULTS - PM PEAK HOUR

4.0 Assessment of Transport Effects and Management Methods

- 4.1 The TIA assessment is limited to the effects of the future traffic generated from the site on the existing signalised intersection of Brigham Creek Road with Totara Road/Māmari Road and also on the future priority intersections of two access roads from Brigham Creek Road and Māmari Road. However, the assessment should consider the traffic impact on a wider road network as it is proposed to be developed in advance of the infrastructure upgrade.
- 4.2 Section 7.0 of the TIA reports states, “*The potential residential development for the site is feasible in terms of a transportation perspective, and this has been anticipated for in the future planning for the Whenuapai Structure Plan.*” Although I confirm the correctness of this statement, it should be noted that WSP clearly describes that the residential development will be feasible once the infrastructure upgrade in the Whenuapai area is completed.
- 4.3 Section 7.0 of the TIA reports states, “*The estimated traffic generated by the proposal can be accommodated on the nearby road network with minimal upgrades to existing infrastructure.*”. The TIA did not provide an assessment of the current performance condition of the existing intersections and road network in the vicinity of the site, and it is not clear how the plan change would affect the current performance condition and what are the minimal upgrades and how they could improve it in future. To assess the level of impact on adjacent intersections and identify adequate to manage the adverse effect, further modelling scenarios are required to assess the level of impact on the current and future road network.
- 4.4 Section 7.0 of the TIA reports states, “*The infrastructure upgrades identified in this ITA on Brigham Creek Road and Māmari Road are considered critical to ensure the transport demands of the proposed zoning can be met. These are set out as follows:*
- *Developers will be required to vest additional land to create new intersections on Brigham Creek Road and Māmari Road and provide the necessary turning lanes and supporting infrastructure to connect to the site.*
 - *Extension of Māmari Road as a local road to connect with the site frontage; and,*
 - *Upgrade of the Brigham Creek Road frontage to include walking facilities across the site frontage and connect to the existing public footpath network.”.*

This statement is contrary to the previous statement concluded in the TIA report as these upgrades on the road network are not considered minimal to accommodate the generated traffic; therefore, adequate upgrade on the road network is required to accommodate the traffic generated from the subject site while the timing and funding have not been considered and investigated in TIA report.

- 4.5 Section 7.0 of the TIA reports states, “*Following the completion of the upgrades of Brigham Creek Road and Māmari Road, the site is considered to have a high level of accessibility to public transportation, walking, and cycling and the effects of private car travel from the development area will likely be reduced.*”. This statement can be interpreted as the current accessibility to public transport and walking and cycling infrastructure is low; therefore, a higher dependency on private vehicles is required until the completion of infrastructure upgrades and provision of accessible public transport and walking and cycling facility. However, the transport assessment in the TIA report has not considered these two situations and how the adverse effect would be mitigated during the interim time before the completion of the infrastructure upgrade and provision of public transport, cycling, and walking facilities.
- 4.6 The proposed plan change would rezone the subject site in advance of an infrastructure implementation solution (including funding and financing) being developed to deliver the North-West strategic transport network as it relates to the Whenuapai area. The plan change will enable development to proceed before planning has been completed for the strategic transport network, noting that the development will contribute traffic and other transport demand to the wider strategic network identified to support growth in this area. The cost, funding and financing approach for that network has not yet been determined, and delivery of the network is uncertain. The development will also benefit in the future from that network without contributing a fair and equitable portion of those costs. In addition, rezoning will increase the cost of infrastructure where land needs to be acquired from the developer.
- 4.7 The proposal seeks to rezone the land from Future Urban to enable development before planning and route protection are completed by Te Tupu Ngātahi and Auckland Transport to provide for the upgrade required to Māmari Road to support growth in the North-West. In the future, Māmari Road will form part of the arterial road network, and it will be desirable to restrict direct vehicle access onto the road, particularly as it is identified as a future Frequent Transit route. At present, Māmari Road is not identified as an arterial road in the controls layer of the AUP(OP) map viewer. This means development is not subject to the vehicle access restrictions applied in E27 of the AUP(OP) to arterial roads identified on the planning maps. Therefore, further assessment is required to assess the impact on Māmari Road and how the proposal would mitigate the adverse effect of this non-compliance on the adjacent signalised intersection and the vehicle crossing under related assessment matter criteria.
- 4.8 The proposal seeks to rezone the subject site from Future Urban to enable development before planning and route protection are completed by Te Tupu Ngātahi and Auckland Transport to provide for the upgrade required to Brigham Creek Road to support growth in the North-West. Allowing the rezoning without providing for the Brigham Creek Road project will compromise future urban development and inhibit the efficient provision of infrastructure. In addition, the existing footpath has inadequate quality with limited accessibility to the wider footpath within a 500m radius around the site. Therefore, there is uncertainty about the provision of an off-site safe and appropriate cycle network.
- 4.9 The proposal will enable the urban development of a small site with no certainty that a road network will be provided within site in a manner that enables connections to adjacent sites for future development. In addition, there is no certainty that all development within the site will be provided with good pedestrian access through Brigham Creek Road in order to access public transport services.
- 4.10 In order to meet the requirements of the RPS and the objective to achieve a well-functioning urban environment, good accessibility and travel choice needs to be provided, which includes access to safe active mode and public transport infrastructure and services. Considering the current status of the infrastructure around the site, inadequate provision for active modes will combine to result in a dependence on private motor vehicles resulting in development that has high total vehicle kilometres (VKT) and greenhouse gas emissions.

5.0 Submissions

- 5.1 I have reviewed the submissions and provided my response to the transport-related issues raised by submissions.

Assessment of Transport Effects

- 5.2 Jeffery Spearman (Submitter 6) raised his concern regarding the transport effects have not been fully considered, and the Waka Kotahi NZ Transport Agency (Submitter 10) suggests declining the PPC 86 unless additional information and clarity is provided to satisfy Waka Kotahi's concerns about transport effects, provision of infrastructure and appropriate planning provisions (including objectives, policies, and rules) to ensure transport land use integration and mitigation of adverse effects. As I described earlier, there are concerns regarding the identified transport effects and how to manage them, which I described earlier; therefore, I agree with the concern of this submitter.
- 5.3 Auckland Transport (Submitter 17) suggests declining the PPC 86 unless additional information is provided to satisfy Auckland Transport's concerns about transport effects and planning provisions (including objectives, policies, and rules) are included in the plan change to ensure transport land use integration and mitigation of adverse effects. Also, AT suggests declining the plan change unless a robust implementation plan can be provided that addresses the required wider strategic network to support the development enabled by the plan change, including funding and financing concerns. I agree with this as there is no certainty about the delivery of the strategic transport network to mitigate adverse effects and achieve a well-functioning urban environment.

Infrastructure Upgrade

- 5.4 I agree with the Waka Kotahi NZ Transport Agency (Submitter 10) suggestion on the amendment of the plan change to include specific planning provisions, including objectives, policies, and rules to protect and provide for the future upgrade of Brigham Creek Road and Māmari Road as part of the strategic transport network required to support growth in the north-west. Also, Waka Kotahi NZ Transport Agency (Submitter 10) proposes. If the plan change is to progress, an amendment to the plan change is required to include specific planning provisions (including objectives, policies, and rules) to protect and provide for the future upgrade of Māmari Road as part of the strategic transport network required to support growth in the north-west.
- 5.5 There are concerns raised by submitters regarding the adequacy of the current infrastructure network to accommodate the future traffic from PPC 86 and the alignment of the development with the Whenuapai Structure Plan 2016. Kingsley Seol (Submitter 2) raises concerns about inadequate infrastructure to facilitate additional traffic generated and also road safety. Also Seeks for Brigham Creek Bridge to be fixed and the connection between State Highway 16/18 and State Highway 16 to be extended to Waimauku prior to development occurring. I agree with this identified concern.
- 5.6 Thomas Starr (Submitter 12), Woolley Trusts Partnership (Submitter 8), and Jeffery Spearman (Submitter 6) seek for infrastructure to be provided prior to development, and Jeffery Spearman (Submitter 6) seeks PC 86 seek the PPC 86 to be developed as identified by the Whenuapai Structure Plan 2016. I agree with this identified concern.
- 5.7 Living Whenuapai (Submitter 11) opposes PC 86 as it does not meet the design principle of the Whenuapai Structure Plan 2016. Also Seeks for a Blue-Green Spatial plan is done for the whole of Whenuapai before development in the area proceeds. I agree with this identified concern.
- 5.8 Woolworths New Zealand Limited (Submitter 11) PC 86 is occurring out of sequence without a comprehensive Whenuapai wide approach and also the proposed road widening identified in Appendix 2 Plan Change Rezoning Plan. I agree with this identified concern.
- 5.9 Upper Waitemata Waterways Collective (UWWC) (Submitter 16) seeks for the developer to provide a Whenuapai Master Plan to ensure a well-connected transport network is provided.

Also, seeks for Marmari Road and Brigham Creek Road to be upgraded to meet the impacts of PC 86. I agree with this identified concern.

- 5.10 Cabra Development Limited (“Cabra”) (Submitter 19) seeks a resolution of the extensive transport network upgrades required to facilitate residential intensification and, more generally, urban development integrated with infrastructure provision in Whenuapai given the rural standard of roads across the Whenuapai Structure Plan area that are not funded. I agree with this identified concern.
- 5.11 The Waka Kotahi NZ Transport Agency (Submitter 10) suggests if the plan change is to progress, amend the plan change to include specific planning provisions, including objectives, policies, and rules to require subdivision and development to avoid direct vehicle access onto Māmari Road. I agree with this identified concern.

Walking and Cycling

- 5.12 I agree with the Auckland Transport (Submitter 17) suggestion to amend the plan change to include specific planning provisions (including objectives, policies, and rules) to require subdivision and development to provide connections to the existing footpath network and safe pedestrian crossings on Brigham Creek Road and Māmari Road and to consider all active mode connections.
- 5.13 The Waka Kotahi NZ Transport Agency (Submitter 10) suggests amending the plan change to include specific planning provisions, including objectives, policies, and rules to require subdivision and development to provide connections to adjacent sites and connections through to Brigham Creek Road (particularly for active modes). I agree with this identified concern.
- 5.14 The Waka Kotahi NZ Transport Agency (Submitter 10) suggests amending the plan change to include specific planning provisions, including objectives, policies, and rules to require the Brigham Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of this work should be future-proofed to avoid unnecessary rework. I agree with this identified concern based on the safety concerns for vulnerable road users as described earlier.
- 5.15 The Waka Kotahi NZ Transport Agency (Submitter 10) suggests amending the plan change to include specific planning provisions, including objectives, policies, and rules to require the Māmari Road frontage to be upgraded to an urban standard that accommodates the future widening of the corridor, with separated walking and cycling facilities in conjunction with subdivision and development of the site. This is likely to require precinct provisions. The design and location of these works need to be specified to ensure they are in the right location and unnecessary rework is avoided. I agree with this suggestion.
- 5.16 The Waka Kotahi NZ Transport Agency (Submitter 10) suggests amendments to PPC 86 to include specific planning provisions to require Māmari Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of these works should be future-proofed to avoid unnecessary rework. I agree with this suggestion.
- 5.17 The Waka Kotahi NZ Transport Agency (Submitter 10) suggests amending the plan change to include specific planning provisions, including objectives, policies, and rules to require subdivision and development to provide connections to the existing footpath network and safe pedestrian crossings on Brigham Creek Road and Māmari Road. I agree with this suggestion.
- 5.18 Woolworths New Zealand Limited (Submitter 14) opposes the pedestrian thoroughfare and proposed road widening identified in Appendix 2 Plan Change Rezoning Plan. I agree with this identified concern.
- 5.19 Thomas Starr (Submitter 12) and Ka Ming C Chiu (Submitter 1) oppose the plan change and seek public transport provision and accessibility before the plan change. I agree with this identified concern, as it has not been addressed in the TIA report.

6.0 Conclusions and Recommendations

- 6.1 The PPC 86 is proposed to be developed in advance of the completion of infrastructure in the Whenuapai area, which makes it inconsistent with the objective and policies in Section E27 of AUP(OP) and other strategic plans described in Section 2.0 of this report.
- 6.2 The transport assessment in the TIA report did not consider the impact of PPC 86 on the wider road network and its integration with the future layout and hierarchy of Brigham Creek Road and Māmari Road.
- 6.3 There are several issues in the ITA in relation to the assessment methodology, identified impacts on the road network, and required measures to mitigate adverse effects in interim time and uncertainties on the time, funding, and financing approach for the future network upgrade.
- 6.4 There are several issues with the SIDRA modelling, the method of estimated traffic generation from the site, current traffic flow on Brigham Creek Road and Māmari Road, developing the model layout, and calibration, which have not been clarified.
- 6.5 The current road network in the vicinity of the site has poor walking and cycling facilities and accessibility to public transport, and the development of the site before the completion of infrastructure upgrades would result in safety issues for pedestrians and cyclists and the tendency of the residents to use private vehicles and subsequent issues.
- 6.6 There is no information on how traffic impact on the road network and the safety issue for pedestrians and cyclists would be mitigated during the interim time and before the completion of the infrastructure upgrade in the Whenuapai area.
- 6.7 The 41-43 Brigham Creek Precinct should be updated to include specific planning provisions (including objectives, policies, and rules) to protect and provide for the future upgrade of Māmari Road and Brigham Creek Road as part of the strategic transport network required to support growth in the North-West. Also, the precinct should be updated to avoid direct vehicle access onto Māmari Road, which will be upgraded to an arterial road.
- 6.8 In conclusion, considering the substantial issues with the transport assessment methodology and modelling, lack of measures to mitigate the traffic and safety impacts of PPC 86 on the existing road network in interim time, and uncertainty in time, fund, and financing of the plan change, I cannot support the proposed Private Plan Change 86 unless the following matters to be clarified.
- The assessment should be undertaken on a wider road network around the site.
 - The impact on the road network should be determined via traffic modelling in three different scenarios of the current road network before the development of PPC 86, the current road network after the development of PPC 86, and the future road network after the completion of upgrades as part of WSP.
 - The trip generation and distribution should be updated.
 - Accurate current and future traffic on road networks should be obtained from SCATS data, Auckland Forecast Centre, and other reliable resources.
 - Instead of modelling isolated intersection, SIDRA Network or other traffic simulation packages should be used to assess the effects of adjacent intersections on each other.
 - The base model should be calibrated and validated using valid data.
 - The existing footpath in the vicinity of the site should be upgraded to the required standard to provide safe and efficient pedestrian accessibility around the site and to public transport.
 - To determine the number and location of access points, the effect of traffic generated from the site on the adjacent intersection and the safety impact on the traffic and vulnerable road users should be considered.
 - The traffic impact in the interim time before upgrading the road network should be assessed, and mitigation measures should be determined to manage the adverse effect.
 - The proposal should be consistent with the policy and strategic documents.

Memo (technical specialist report to contribute towards Council’s section 42A hearing report)

12 June 2023

To: Todd Elder – Senior Planner, Auckland Council
From: Amber Tsang – Consultant Planner (on behalf of Auckland Council Healthy Waters)
Danny Curtis – Principal Catchment Manager, Auckland Council Healthy Waters

Subject: Private Plan Change (PPC) 86 – 41-43 Brigham Creek Road, Whenuapai – Stormwater Assessment

1.0 Introduction

I have assessed the Stormwater Management Plan (SMP) submitted as part of PPC 86, on behalf of Auckland Council Healthy Waters, in relation to stormwater effects against the plan change requirements. Comments have also been provided in relation to the Auckland Council Healthy Waters’ Regionwide Network Discharge Consent (NDC).

I am a Senior Associate Planner at Jacobs. I have worked as a consultant planner for Healthy Waters since 2016. I have a Bachelor of Planning (Hons) degree from the University of Auckland and have been a full member of the New Zealand Planning Institute since 2012.

This memo has been written between myself and Danny Curtis, Principal Catchment Management at Auckland Council Healthy Waters. Danny has held this position for four years and has over 25 years stormwater experience in New Zealand, United Kingdom, India and the Middle East. He graduated from Cardiff University (UK) in 1999 with an honours degree in Civil Engineering and is a certified Project Management Professional (PMP) through the Project Management Institute (Reg: 1828274).

In writing this memo, we have reviewed the following documents:

- Stormwater Management Plan (Revision E), 41-43 Brigham Creek Road, Whenuapai, by Maven Ltd dated June 2022.
- The Applicant’s Request for Information response dated 9 August 2022.
- Submissions received raising stormwater related issues.

The following sub-sections are provided to assist the reporting planner’s consideration of the plan change proposal in terms of stormwater effects. The Healthy Waters’ NDC authorisation and SMP adoption process will also be discussed.

2.0 Key Stormwater Issues

PPC 86 seeks to rezone 41-43 Brigham Creek Road, Whenuapai from Future Urban Zone under the Auckland Unitary Plan – Operative in Part 2016 (AUP(OP)) to Residential - Mixed Housing Urban Zone for greenfield development. This will enable 230 residential lots, associated Jointly Owned Access Lots (JOALs) and future public roads. The 5.1921-hectare site currently contains some residential buildings, as well as pastoral farmland.

PPC 86 will result in new stormwater discharges and diversion of existing stormwater flows. The primary stormwater management issues associated with PPC 86 are:

- Water Quality – the upper Waitemata Harbour is a low energy environment and is considered degraded. Downstream of the land encompassed by PPC 86 discharges are into the Sinton Stream which then flows into Totara Creek. Totara Creek is identified as a Significant Ecological Area (SEA) under the (AUP(OP)). Appropriate treatment of stormwater is therefore

required onsite prior to its discharge into the natural watercourse in order to avoid and/or mitigate water quality effects.

- Hydrology – development increases imperviousness and will therefore increase the rate and volume of runoff into the stream network unless mitigated. An equivalent of the Stormwater Management Area Flow 1 (SMAF1) hydrology mitigation is required to reduce the risk of erosion in the downstream watercourses.
- Flood risks associated with increased runoff being discharged from the PPC 86 area onto the downstream property.
- Precinct provisions shall be included to ensure the implementation of the proposed SMP and mitigation measures.

3.0 Applicant's Assessment

Table 2 of the SMP sets out the proposed stormwater management proposed by the Applicant, covering the relevant criteria in the NDC. It is noted that there appears to be discrepancies between the stormwater management principles set out in Section 6.1.1 of the SMP and the proposed stormwater management for the development set out in Section 6.2.1. Primarily, this is around the application of reuse tanks.

Stormwater Water Quality Treatment

The SMP (Rev E prepared by Maven) proposed the following water quality management:

- JOALs are to receive treatment through the use of proprietary devices and raingardens. This will achieve and equivalent of 75% Total Suspended Solids removal.
- Public roads are to receive GD01¹ levels of treatment through raingardens within the road reserve. A total of nine raingardens are proposed, only one of these meet the minimum surface area required in the Auckland Transport, Transport Design Manual (TDM) – Engineering Design Code² (also refer to comments in response to submissions in Section 7 below).
- For private impervious areas (i.e., driveways), the Applicant proposes permeable paving. However, GD01 specifies that permeable paving does not provide for water quality treatment when connected to the piped network.
- Building materials of the roofs are to be inert and connected to a tank. However, it is not clear whether the tank will include reuse functions. The use of inert material on its own is not considered an appropriate method of treatment, particularly in a greenfield area where roofing will present a new surface and source of contaminants that has not existed before.

It is considered that the proposed public roads and JOALs will receive an appropriate level of treatment. However, limited information is proposed on how treatment for roofs and private impervious areas will be provided. Therefore, it is unclear how the proposed stormwater management will avoid or mitigate any actual and potential water quality effects from these areas.

It should also be noted that section 4.3.6.1 of the Auckland Council Stormwater Code of Practice states that the use of proprietary devices (e.g. filter units) shall not be permitted for public vesting for greenfield developments.

Hydrology Mitigation – Stormwater Detention and Retention

¹ Stormwater Management Devices in The Auckland Region – Guidance Document 01; Auckland Council; 2017 – <https://knowledgeauckland.org.nz/media/1703/gd2017-001-stormwater-management-devices-in-the-auckland-region.pdf>.

² Transport Design Manual (TDM); Auckland Transport – <https://at.govt.nz/media/1985460/5794-tdm-engineering-design-code-road-drainage-and-surface-water-control-version-1.pdf>.

The Applicant proposes to provide the equivalent of SMAF1 hydrology mitigation (i.e., E10 of the AUP(OP) by way of introducing the SMAF1 overlay for the plan change area). This comprises retention (5mm runoff to be removed from the discharge through reuse and/or infiltration) and detention (discharge of the 95th percentile rainfall event over a 24-hour period).

Flooding, Overland Flow Paths and Proposed Stormwater Networks

The SMP proposed the following methodology for the conveyance of stormwater:

- The SMP considered the conveyance of the 10% AEP event through a comprehensive pipe network and flow paths within the proposed road reserves.
- Section 6.2.4 of the SMP talked about a public pipe network within Māmari Road. However, timing of construction is not confirmed. In addition, it is not clear whether the proposed pipe network in Māmari Road considers drainage of any other area other than the plan change area or whether it aligns with Auckland Transport's plans for the area.
- A high-level assessment of flooding on adjacent properties has been undertaken in accordance with E36 of the AUP(OP). However, the assessment is qualitative as opposed to quantitative. The impacts on the floodplain downstream of the PPC 86 area has not been assessed by the Applicant and therefore the effects of development are not well defined.
- The primary network will consist of a series of public stormwater pipes that terminate at the bubble ups and scruffy domes along the southern boundary of the plan change area (i.e. the common boundary with 5 Māmari Road). They will transfer network flows from the pipe network to the surface of 5 Māmari Road. It was stated in the SMP that there will be an increase in the pre to post 1% AEP stormwater flows from the plan change area onto 5 Māmari Road. In particular, one of the overland flow paths from the plan change area onto 5 Māmari Road will have an 11% increase in the post development scenario. However, the impacts of these increased flows onto 5 Māmari Road do not appear to have been assessed in detail and it is unclear how any potential flooding and stormwater runoff effects on 5 Māmari Road will be avoided or mitigated. It is of concern that the proposed end-of-pipe arrangement along the common boundary has the potential to increase the frequency of flows onto 5 Māmari Road. In addition, concentrated flows at the discharge location may result in erosion of the existing ground. Unless able to fully drain down, the resulting standing water in the network will reduce the capacity of the pipes and may lead to nuisance smell and mosquitos.

4.0 Assessment of Stormwater Effects

Based on the discussion in Section 4 above, the assessment of stormwater effects of PPC 86 are summarised as follows:

- Water quality – the stormwater management proposed in the Applicant’s SMP will provide an appropriate level of stormwater treatment for the proposed public roads and JOALs, but not for the roofs and private impervious areas. In order for PPC 86 to avoid or mitigate any actual and potential water quality effects on the sensitive receiving environment (i.e. Totara Creek being an SEA) and to give effects to the National Policy Statement for Freshwater Management – Amended 2020 (NPS-FM), the Regional Policy Statement (RPS) provisions for water quality³ and integrated management objectives and policies in Chapter E1 of the AUP(OP), precinct provisions as recommended and outlined in Attachment A (as a minimum) should be required. More discussion on the need for precinct provisions are provided in Section 6 below.
- Hydrology – the introduction of the SMAF1 overlay for the plan change area will provide appropriate hydrology mitigation.
- Flood risks – flooding and potential stormwater runoff effects on the neighbouring property (i.e., 5 Māmari Road) could be significant. This is because the construction timing of the proposed public pipe network within Māmari Road is unclear and the SMP provided limited assessment of the increased flows onto 5 Māmari Road. It is considered that the potential impacts on the 5 Māmari Road need to have more details applied to ensure that access to the property via the existing paper road is maintained and that potential effects of the frequency, duration and extent of flooding as a result of future developments enabled by the plan change are identified and mitigated as necessary.

5.0 Network Discharge Consent and Stormwater Management Plan

Auckland Council Healthy Waters holds a region wide NDC for stormwater which commenced on 30 October 2019. Diversions and discharges of stormwater through the public network are permitted by the NDC provided that the discharges and network are authorised by a SMP, and impervious area is lawfully established. This includes a privately built network that wants to connect.

The NDC authorisation applies through the adoption of SMPs into Schedule 10 of the NDC. If a SMP is adopted, then no other discharge consent is needed. If no SMP is adopted or Healthy Waters does not accept developer-built stormwater devices for vesting in Council, then a private discharge consent is required. Necessary approvals to connect to the public stormwater network are still covered by the Stormwater Bylaw 2015 and infrastructure must meet the Stormwater Code of Practice.

The PPC 86 Applicant has indicated that it wishes its stormwater discharges to be covered by the NDC and intends to vest stormwater assets with Auckland Council.

For greenfield developments discharging to a SEA, including PPC 86, it is a requirement of the NDC that a SMP is notified with the plan change documents and meets the NDC’s requirements.

The SMP must be consistent with the NDC’s Schedule 2 (which set out the NDC’s strategic objectives, outcomes, and targets) and Schedule 4 (the performance requirements).

If an SMP is to be adopted following the approval of a notified plan change, the SMP must have been prepared to support the notified plan change and the plan change must be consistent with the SMP. The requirement that the plan change must be consistent with the SMP is to ensure that the precinct provisions are adequate to implement the management methods and mitigation measures set out in the SMP.

³ Chapters B7.3 and B7.4 of the AUP(OP).

6.0 Need For Precinct Provisions

The NDC is a discharge consent and cannot, on its own, require the implementation of necessary measures identified in a SMP. While SMPs are useful to inform the land development process, they cannot be enforced on their own as they are neither a rule nor a regulation. In addition, the suite of AUP(OP) Auckland-wide rules that relate to stormwater management are not by themselves sufficient for new greenfield development. For example, the only rules in the AUP(OP) relating to water quality are in Chapter E9 – Stormwater Quality – High contaminant generating car parks and high use roads.

Therefore, appropriate precinct plan provisions are necessary to ensure the SMP is implemented to manage stormwater discharges and associated effects (including water quality effects) in subsequent land development processes. The Applicant's SMP proposes a number of stormwater management measures (including stormwater quality treatment) which need to be supported by precinct plan provisions.

Based on the above, a suite of objective, policy, rule, standards and associated assessment criteria (with recommended amendments to the Applicant's proposed provisions), as outlined in Attachment A, is considered necessary to be included as precinct provisions within PPC 86. This is to ensure the implementation of the Applicant's SMP and mitigation of stormwater effects on the receiving environment, as well as to achieve the NDC's outcomes via appropriate land development controls.

7.0 Submissions

The submissions received on PPC 86 which raised stormwater related issues are summarised in the table below. Discussion on the matters (in *italic*) is also included in the table.

Sub. No.	Name of Submitter	Relevant Stormwater Issues Raised by the Submitter
6.1	Jeffery Spearman	<p>5 Māmari Road lies to the south of the proposed plan change and on sloping grazing pasture down to Sinton Stream. Currently, there are overground flows already occurring from 41-43 Brigham Creek Road due to the slope of the land. The south-eastern boundary of 41-43 Brigham Creek Road where it adjoins 5 Māmari Road can become very wet in winter due to this overground flow.</p> <p>I note that site visits undertaken to inform the ecology reports occurred on March and December 2021 and May 2022. It does not appear that any site visits occurred during the winter season (July – November) of any given year to assess the full impact of the run-off from 41-43 Brigham Creek Road as it currently occurs. It is my opinion that this is required to fully understand the existing flows.</p> <p>Sinton Stream (which I understand stormwater from the proposed development will discharge to) flows in and out of our southern boundary. I am concerned about the potential for erosion of the stream (not just at the outfall but also downstream of the outfall), due to increased volumes of water discharging into it from 41-43 Brigham Creek Road.</p> <p>The applicant's technical data states it estimates the same overland flows to the southern catchment compared to pre-development. However, it also states that there will be individual discharges to the south at multiple points, with flow rates post-development slightly increased. I am concerned about the potential impacts, risk of flooding and the possibility of increased maintenance (as a result of the two former points) to 5 Māmari Road as a result of this. I think that this impact should be fully avoided or remedied by any proposed plan change or development.</p> <p><u>Discussion</u></p> <p><i>Water Quality – currently in line with the NDC requirements for trafficked areas (public roads and private access lots) and aims to provide 75% TSS removal through proprietary devices (filter units) and green infrastructure (raingardens). Within the lot areas the SMP is not clear on whether water quality will be provided beyond inert building materials. Tanks are proposed, but it is not clear whether these will include reuse, which would provide an acceptable alternative to GD01 treatment, or simply a detention purpose, which will not provide GD01 treatment. The use of permeable paving for private drives also does not provide treatment (as stated in GD01).</i></p> <p><i>Water Quantity – Management of 10% and 1% AEP flows is considered from the perspective of land and risk inside the PPC area. Only qualitative assessments have been considered outside, which is not considered sufficient to assess the impacts on neighbouring properties. More detailed analysis is required to identify and assess the impacts of the proposed changes to runoff.</i></p> <p><i>Recommend submission to be accepted.</i></p>

Sub. No.	Name of Submitter	Relevant Stormwater Issues Raised by the Submitter
11.5	Living Whenuapai	<p>We note that all stormwater is being piped into the nearby Sinton Stream. According to the Stormwater Management Plan – Biodiversity (pg. 10), the Sinton Stream, being the receiving environment, is a Significant Ecological Area (SEA), in which case piping stormwater into it is not considered best practice in modern urban developments.</p> <p><u>Discussion</u></p> <p><i>The proposed development utilises a combination of proprietary and green infrastructure to provide at-source water quality and hydrology mitigation. Whilst it would be advantageous for a greenfield development to utilise green infrastructure for conveyance (i.e., swales) within the urban environment, with its small size lots and number of driveway crossings this means that often these are impractical to apply. Water quality of 75% TSS removal will be undertaken at source prior to discharges to the Sinton Stream.</i></p> <p><i>Recommend submission to be rejected.</i></p>
11.6	Living Whenuapai	<p>Houses need to have rainwater retention tanks and used within the builds and streets should have rain gardens to limit stormwater outflows.</p> <p><u>Discussion</u></p> <p><i>Whilst the application of reuse tanks is encouraged by Healthy Waters to provide both water quality and hydrology mitigation, there is no mechanism to enforce this. An overarching approach as per the draft Whenuapai SMP produced by Council⁴ recommends the application of reuse tanks and green infrastructure at the lot level, however, it is not clear from the plan change SMP whether reuse is being considered.</i></p> <p><i>Recommend submission to be accepted.</i></p>
16.6	Upper Waitemata Waterways Collective	<p>Maven Associates confirm that the proposed design for the public roads for the plan change will have rain gardens as this is the best form for bioretention. If Council does not decline this submission, we request that the rain gardens are a condition of consent.</p> <p><u>Discussion</u></p> <p><i>This will require agreement with Auckland Transport as they will become the asset owners for public raingardens servicing the public roads.</i></p> <p><i>Recommend submission to be rejected.</i></p>

⁴ Whenuapai Stormwater Management Plan (SMP) Update – Final. Prepared for Healthy Waters by AECOM New Zealand Ltd (dated 10 July 2017).

Sub. No.	Name of Submitter	Relevant Stormwater Issues Raised by the Submitter
16.7	Upper Waitemata Waterways Collective	<p>Maven Associates also note in their report that the paving for house lot driveways are permeable paving. We ask if that a caveat of covenant is placed on each title to ensure they will not be concreted in the future.</p> <p><u>Discussion</u></p> <p><i>The application of permeable paving appears to be for water quality; however, GD01 specifies that permeable paving does not provide for water quality treatment when connected to the pipe network.</i></p> <p><i>Recommend submission to be rejected.</i></p> <hr/> <p>Without knowing the percentage of impermeable surface for this proposed development one would assume that the permeable paving is the reason it complies with the already high allowance for impermeable surfaces. As mentioned in principle 1, the proposal does not include water sensitive design practice.</p> <p>The rainwater is not used for each house lot, nor are green roofs incorporated into the design or ecological gardens (apart from public roads). Small streams appear to be piped and the floodplain to the north is ignored in the design. This is of particular concern considering the cumulative impact of the loss of permeable land in this area.</p> <p><u>Discussion</u></p> <p><i>Water sensitive design applications are provided for at source management in the proposed development.</i></p> <p><i>Recommend submission to be rejected.</i></p>

Sub. No.	Name of Submitter	Relevant Stormwater Issues Raised by the Submitter
17.13	Auckland Transport	<p>A stormwater management plan (SMP) has been provided to support the plan change. The SMP considers that the rezoning will enable a 230-lot residential development with associated joint owned access lots and five new public roads to be vested. Auckland Transport has concerns about the methodology used and is not satisfied that the best practicable / most cost-effective stormwater management solution has been identified.</p> <p>Auckland Transport has particular concerns about the proposed raingardens within the public road reserve and the public stormwater network within Māmari Road.</p> <p>Auckland Transport seeks stormwater management provisions which require the following to be considered for publicly vested stormwater assets:</p> <ul style="list-style-type: none"> • whole of life costs • long-term effectiveness • the use of communal devices to treat road runoff. <p>Amend the plan change to include provisions which consider the whole of life costs and effectiveness of the treatment of publicly vested stormwater assets.</p> <p><u>Discussion</u></p> <p><i>The lifecycle costing section added to the SMP (within Section 6.2.1) is very high-level in nature and supporting tables relate to hydrology mitigation and HCGA treatment as opposed to wider stormwater management (water quality, conveyance and flooding). It is not clear from the supplied information, whether the existing ground conditions are suitable for the necessary infiltration rates to enable retention. As such the devices will need to be designed to provide detention until such time as further data is available.</i></p> <p><i>The BPO assessment has tried to balance the natural drainage pattern of runoff from the PPC area, together with achieving the necessary water quality treatment. It may have been beneficial to consider a communal device that would convey flows along Māmari Road Extension to Sinton Stream and provide stormwater management for the development area as a whole, as this would have reduced the flows that affect 5 Māmari Road.</i></p> <p><i>Recommend submission to be accepted.</i></p>

8.0 SMP Adoption under the Regionwide NDC

The SMP submitted and notified with PPC86 does not adequately demonstrate how the actual and potential flood effects will be avoided or mitigated and how the NDC's outcomes and performance requirements will be met. On this basis, the SMP as currently drafted is not suitable for adoption in accordance with Healthy Waters' NDC authorisation. Key areas of concern are:

- There is no quantitative assessment of the effects of not treating the turning heads of the public roads. These areas represent a high contaminant generating risk areas due to slow vehicle movements, hard braking and harsh acceleration. Deferring the

stormwater management of these areas until such time as future development may occur is not acceptable considering the sensitive nature of the Upper Waitemata receiving environment.

- The proposed public stormwater pipe infrastructure within the plan change area is to be located within private JOALs and will present considerable difficulty for ongoing operation and maintenance by Auckland Council and potentially promote uneconomic network solutions.
- There does not appear to have been any engagement with the owners / occupiers of 5 Mamari Road on the potential impacts of the plan change and wider works.

9.0 Conclusions and Recommendations

The Applicant's proposed precinct provisions, **subject to the recommended amendments as outlined in Attachment A**, will ensure that future developments enabled by PPC 86 will avoid or mitigate any actual and potential water quality effects on the sensitive receiving environment and that there will be sufficient stormwater infrastructure capacity in place at the time of development.

More detailed assessment is required to ensure that the frequency, duration and extent of flooding on 5 Māmari Road as a result of future developments enabled by PPC 86 are identified and that any potential flooding and stormwater runoff effects will be avoided or mitigated. Until such assessment is provided, we do not support PPC 86 from a stormwater and flooding perspective.

Attachment A – Recommended Precinct Provisions:

Objective

Stormwater quality and quantity is managed to maintain the health and well-being of the receiving environment where it is excellent or good, and is enhanced over time in degraded areas.

Policy

Require subdivision and development to be consistent with any approved stormwater management plan including in particular:

- (a) Requiring management of runoff from all impervious surfaces to enhance water quality and protect the health of the receiving environment;*
- (b) Promotion of the treatment train approach to achieve water quality and hydrology mitigation;*
- (c) Requiring appropriate design and location of stormwater outfalls; and*
- (d) Timing of subdivision and development shall align with the provision of stormwater infrastructure along Mamari Road.*

Standard

(1) Infrastructure Capacity

Purpose: To ensure that there is sufficient infrastructure capacity in place at the time of development and that flooding risks are not exacerbated further downstream.

- (a) Discharge of stormwater runoff from subdivision and development cannot occur until the necessary stormwater infrastructure in Mamari Road is in place or until appropriate mitigation exists.*

(2) Water Quality

- (a) Stormwater runoff from all impervious areas other than roofs must be either:
 - i. treated at-source by a stormwater management device or system that is sized and designed in accordance with ‘Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)’ or ‘Stormwater treatment Devices Design Guideline Manual (TP10)’; or*
 - ii. treated by a communal stormwater management device or system that is sized and designed in accordance with ‘Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)’ that is designed and authorised to accommodate and treat stormwater from the site.**
- (b) Stormwater runoff from roofs must be:
 - i. Constructed of inert building materials and directed to an approved stormwater management device.**

Matters of Discretion

Stormwater and Flooding

Servicing

Matters of discretion E9.8.1(1) apply.

Assessment Criteria

Stormwater and Flooding

- (a) Whether development and/or subdivision is in accordance with an approved Stormwater Management Plan and policies E1.3(1) – (14).*

- (b) The design and efficiency of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, whole lifecycle costs, ease of access and operation and integration with the built and natural environment.*
- (e) Whether the proposal for development and/or subdivision provides sufficient floodplain storage, including attenuation storage, within the precinct to avoid increasing flood risk within the receiving environment.*
- (f) Whether there is sufficient infrastructure capacity to provide for flood conveyance and protect land and infrastructure.*

Servicing

- (a) Whether there is sufficient capacity in the existing or proposed stormwater network to service the proposed development.*
- (b) Where adequate network capacity is not available, whether adequate mitigation or staging is proposed being consistent with an integrated stormwater management approach.*

Assessment criteria E9.8.2(1) apply.

14 June 2023

To: Todd Elder - Senior Planner, Auckland Council
From: Matt Conley, Consultant Ecologist, Morphum Environmental

Subject: Private Plan Change 86 – 41 – 43 Brigham Creek Road – Ecology Assessment

1. Introduction

- 1.1. Morphum Environmental Limited (Morphum) has been engaged by Auckland Council to provide a review of the freshwater and terrestrial ecological effects in relation to a proposed private plan change, hereon **PC86**.
- 1.2. PC86 seeks rezoning of 5.2 ha of land at 41-43 Brigham Creek Road, Whenuapai (the site) from Future Urban to Residential – Mixed Housing Urban.
- 1.3. This review provides an assessment of the notified application material, as well as the submissions that have been received as they relate to ecological matters.
- 1.4. This review was commenced by my colleague, Mark Lowe, who reviewed the information up to notification stage. Post-notification, including this report, the assessment has been completed by myself (Matt Conley).
- 1.5. I (Matt Conley) hold the qualifications of BSc from Otago University and Post-Graduate Diploma from Massey University.
- 1.6. I have over eight years of professional experience in environmental monitoring and compliance, including peer-reviews of technical reports and resource consent applications.
- 1.7. In writing this memo, I have reviewed the following documents:
 - *Application for Private Plan Change 41-43 Brigham Creek Road Whenuapai*, report prepared by The Property Group, dated 1 December 2021. (Herein referred to as the '**Planning Report**')
 - *41-43 Brigham Creek Road, Auckland Ecological Effects Assessment for Resource Consent*, report prepared by RMA Ecology, dated August 2021. (Herein referred to as the '**Ecology Report**').
 - *41-43 Brigham Creek Road, Auckland: Assessment of Wetlands and Streams*, memo prepared by RMA Ecology, dated 14 April 2021 (Herein referred to as the '**Watercourse Assessment**').
 - *Infrastructure Report (for Plan Change)*, report prepared by Maven Associates, dated 3 November 2021.
 - *41-43 Brigham Creek Road: Plan Change*, report prepared by RMA Ecology, dated 15 March 2022 (Herein referred to as the '**Wetland Report**').
 - *41-43 Brigham Creek Road: Plan Change: information request regarding ecological effects*, report prepared by RMA Ecology, dated 15 March 2022
 - *Stormwater Management Plan (for Plan Change – Revision C)*, plan prepared by Maven Associates, dated April 2022.
- 1.8. I have also reviewed the Whenuapai Structure Plan prepared by Auckland Council, dated September 2016.
- 1.9. The applicant has also applied for resource consent to undertake the residential development.

2. Key Ecological Themes

- 2.1. There are no outstanding ecological matters.
- 2.2. The key ecological themes highlighted in the application material are summarised below, these are discussed further in section's 3 and 4.

- 2.2.1. Removal of vegetation that is representative of potential native lizard habitat.
- 2.2.2. Presence of potential wetland habitat onsite, and within 100 m of the site on neighbouring properties.

3. Applicant's assessment

- 3.1. The Ecology Report describes the environment and ecological values associated with the site. This assessment involved a desktop review of relevant fauna databases for herpetofauna, bats, and birds, as well as a field assessment.
- 3.2. I agree with the level of effort expended and methodologies used to assess ecological values of the site, which are considered to align with best practice.
- 3.3. The Ecology Report used the Environmental Institute of Australia and New Zealand (EIANZ) Ecological Impact Assessment Guidelines (2018) to assess the site to be of negligible to low ecological value, reflective of a highly modified rural environment. No Significant Ecological Areas (SEA's) are present onsite.
- 3.4. Vegetation is largely comprised of pasture grass species, with mature exotic trees utilised as shelter belts around the perimeter of the property as well as ornamental gardens situated around the single existing dwelling.
- 3.5. Two native birds were observed on site; pukeko (*Porphyrio porphyrio* subsp. *melanotus*) and spur wing plover (*Vanellus miles*), neither species is classified as threatened and both are commonly observed in rural areas. Remaining observed birds were all exotic species.
- 3.6. Suitable bat habitat was deemed to be absent from the site and bat presence was assessed as unlikely.
- 3.7. No lizards were observed during the field assessment, and no records of native lizards within 4 km of the site were identified. The Ecology Report states that areas of rank grass and scrubby wetland vegetation on the site represent potential habitat for native copper skinks (*Oligosoma aeneum*; 'At Risk – Declining'). Subsequently, the Ecology Report recommends undertaking lizard salvage prior to vegetation clearance within these areas.
- 3.8. In terms of freshwater ecology, the Watercourse Assessment determined there are no streams or wetlands on the site, a wet area towards the south-eastern corner of the site was assessed as an artificial pond.
- 3.9. In the Wetland Report, an area within 100 m the subject site (on the property to the south), identified as the 'western wet area', was identified as a wetland by definition within the Resource Management Act (RMA), as the soils indicate it is at least intermittently wet, and the vegetation present is adapted to wet conditions (facultative wetland vegetation).
- 3.10. The Wetland Report determined the western wet area did not meet the definition of a 'natural inland wetland' in the National Policy Statement for Freshwater Management (NPS:FM), and therefore, would not be subject to the provisions of the National Environmental Standards for Freshwater (NES:F), as:
 - It was within an area of pasture used for grazing, and
 - It was dominated by Yorkshire Fog (*Holcus lanatus* L.) which is listed as a pasture species in Appendix 1 of the Ministry for the Environment Pasture Exclusion Assessment Methodology, and
 - It does not provide habitat for any threatened species.
- 3.11. Furthermore, partial, or complete drainage of this wetland is not anticipated from the private plan change (or any enabled activities).
- 3.12. I concur with the assessments presented in the Watercourse Assessment, as well as the Ecology and Wetland reports, and am supportive of the determination of site ecological values and watercourse assessments.

4. Specialist assessment of ecological effects and management methods

- 4.1. The ecological assessment recognises the potential effects of the proposed plan change and associated development, however, also notes that these effects can be managed through appropriate design and mitigation.
- 4.2. It is considered the applicant has identified all the potential effects relevant to this assessment and has provided sufficient information to ensure these can be managed appropriately. Furthermore, it is considered the existing Auckland Unitary Plan (**AUP**) provisions are sufficient to ensure that any activities within the PC86 area are managed in accordance with best practice environmental management at the time of resource consenting.
- 4.3. Due to the assessed low risk of native lizard presence on site, it is not considered specific conditions for lizard management would be warranted as part of the plan change. All native lizards are protected under the Wildlife Act, and it is considered that the Wildlife Act would be the primary mechanism for protection of any potential native lizards on site. If native species were identified, a permit would be required under the act to remove or otherwise disturb them.
- 4.4. If consent was required under E15 of the AUP, regardless of the rule, the matters of control/discretion allow for lizard management conditions, in addition to the provisions of the Wildlife Act.
- 4.5. Likewise, it is considered that there are sufficient existing provisions within the AUP to address any impacts on RMA-wetlands at the time of resource consenting.
- 4.6. The site receiving environment, Sinton Stream, discharges into Brigham Creek. Brigham Creek is classified as an SEA (SEA-M2-57b); noted for the ecological services of the mangrove-lined inlets, and the connection provided between marine and freshwater environments. This area would likely be considered of high ecological value. It is considered that sufficient information has been provided by the applicant to determine that ecological effects of PC86 in the receiving environment will be negligible.
- 4.7. Based on the information provided, it is considered that existing AUP provisions are sufficient to ensure that any ecological effects of PC86 are negligible.
- 4.8. No adjustments to current plan provisions are recommended to better manage effects relative to the matters considered in this review.

5. Submissions

- 5.1. PC86 was publicly notified. Twenty-three submissions were received.
- 5.2. Three submissions are relevant to the matters considered within this review.
- 5.3. An assessment of the identified issues within the scope of this review are summarised and assessed in the table below.
- 5.4. The plan change was notified for further submissions. No further submissions have been received at the time of drafting this review.

Submitter No.	Submitter Name	Submission Point	Specialist assessment
5	Forest & Bird	<p>5.2 and 5.4 All cats, domestic and feral, pose a significant direct risk to native and endemic birds, lizards, and insects throughout New Zealand, as a key predator of these species.</p> <p>Other pest species which might become more prevalent with increased human occupation, such as rats, mice and stoats, should also be controlled.</p> <p>Relief Sought: Seeks PC86 to include provisions banning ownership of domestic cats, as well as implementing pest control</p>	<p>Neutral on submissions 5.2 and 5.4</p> <p>There is no existing requirement for this in the AUP and based on the current ecological values of the site, I consider there to be no reason to go above AUP.</p>
		<p>5.3 Urban trees provide numerous ecological services and other environmental benefits. The development associated with PC86 will likely result in the removal of all mature trees on the site.</p> <p>Relief Sought: Seeks for provisions to ensure the felling of mature trees and other existing vegetation is offset with the introduction of native trees.</p>	<p>Supportive in part of submission 5.3</p> <p>It is considered that any plantings undertaken during development associated with PC86 should be native, including sourcing from the same ecological district. Current provisions of the AUP (appendix 16) are considered adequate for management and alteration of vegetation.</p>
		<p>5.5 The area of PC86, and subsequent development is within the 'habitat creation focus area' of the North-West Wildlink (NWW)</p> <p>Relief Sought: Seeks that the developer is made aware of the NWW and gives effect to its objectives</p>	<p>Neutral on submission 5.5</p> <p>The NWW was considered during development of the Whenuapai Structure Plan (WSP). This plan change gives effect to the WSP and so gives effect to this provision.</p>
11	Living Whenuapai	<p>11.4 and 11.7 With our increased awareness of the need for urban canopy cover and biodiversity in our urban environments surely each development should have land set aside to grow our biodiversity and support future communities to once again thrive there.</p> <p>Relief Sought: Seeks for PC86 to include provisions, and set aside land, for biodiversity growth, passive recreation, and ecological corridor</p>	<p>Neutral on submissions 11.4 and 11.7</p> <p>Greenspace locations have been identified in the Whenuapai Structure Plan and are not located within the PC86 site.</p>
		<p>11.5 We note that all stormwater is being piped into the nearby Sinton Stream. According to the Stormwater Management Plan – Biodiversity (pg. 10), the Sinton Stream, being the receiving environment, is a Significant Ecological Area (SEA), in which case piping stormwater into it is not considered best practice in modern urban developments.</p> <p>Relief Sought: Seeks for riparian planting around streams that feed into an Significant Ecological Area</p>	<p>Neutral on submission 11.5</p> <p>This direction is not considered relevant to this specific application, as per the above review, there are no qualifying waterbodies within the site. The Sinton Stream is not identified as an SEA in the AUP; the downstream receiving environment of Brigham Creek is an SEA.</p>

		<p>11.8 PC86 relies on the Whenuapai Structure plan to provide community facilities, including reserves and parks. With a development of this size there should be adequate provision to provide a considerable amount of passive recreation space for residents.</p> <p>Relief Sought: Seeks for the development to include its own facilities to give it a sense of community and include native tree planting to enhance and restore native habitat</p>	<p>Supportive in part of submission 11.8</p> <p>It is considered that any plantings undertaken during development associated with PC86 should be native, including sourcing from the same ecological district. Current provisions of the AUP (appendix 16) are considered adequate for management and alteration of vegetation.</p>
16	Upper Waitemata Waterways Collective	<p>16.3 Requests Council to adopt the strategy outlined in the Auckland Water Strategy 2022 and implement a blue-green spatial network plan.</p> <p>Relief Sought: Seeks Auckland Council to identify the streams and rivers that are qualifying water bodies with 20m esplanade strips for environmental and recreational benefits.</p>	<p>Do not support submission 16.3</p> <p>This direction is not considered relevant to this specific application, as per the above review, there are no qualifying waterbodies within the site.</p>
		<p>16.10 The greenways proposed for the Upper Harbour region show little or no actioned greenways for Whenuapai.</p> <p>Relief Sought: Seeks for the 'Ecological Connectivity Strategy' prepared by the Upper Harbour Local Board be adopted for Whenuapai.</p>	<p>Neutral on submission 16.10</p> <p>Greenspace locations have been identified in the Whenuapai Structure Plan and are not located within the PC86 site.</p>

6. Conclusions and recommendations

- 6.1. The applicant's ecological assessments are appropriate for the nature of the ecological values of the subject sites. The findings of the assessments are considered accurate and enable an assessment of the ecological values and effects of the proposed plan change to be made on an informed basis.
- 6.2. Industry best practice methodologies have been utilised to assess ecological impacts associated with the proposed plan change.
- 6.3. It is considered that the existing ecological values of the subject sites are negligible to low. Similarly, any adverse ecological effects of the proposed plan change are considered to be negligible.
- 6.4. It is also considered that current provisions of the AUP are sufficient to address any potential future effects.
- 6.5. Overall, I am able to support the proposed plan change without any modifications or recommendations.

Parks Planning Memo

23/06/2023

To: Todd Elder - Senior Policy Planner, Regional, North, West, Islands, Plans and Places
cc: Hester Gerber – Parks Planning Team Leader
From: Daniel Kinnoch - Consultant Parks Planner, CoLab Planning

Subject: **Parks Planning Memo for Private Plan Change 86 (“PPC86”) to the Auckland Unitary Plan (Operative in Part)**
Address: 41- 43 Brigham Creek Road, Whenuapai, Auckland

Dear Todd,

Introduction

1. I write in response to your request dated 15.06.2023 which sought parks planning advice on submissions received on the above Private Plan Change application.
2. I have not visited the site, but I have read the relevant submissions and notified plan change documents as uploaded to the Auckland Council website.¹
3. Overall, I find that the plan change site is not the most appropriate location for public open space. While there is an identified need for a neighbourhood park on the southern side of Brigham Creek Road, this should be provided for to the west of the PPC86 area.

Proposal

4. The proposal is for a private plan change to rezone the site at 41-43 Brigham Creek Road, Whenuapai (Lot 2 DP 538562) from Future Urban Zone to Residential – Mixed Housing Urban (“the plan change site”). PPC86 prepares the site for a proposed development of 230 dwellings. It also seeks to apply the Stormwater Management Area Flow 1 (SMAF1) overlay to the site. Of note to this parks planning assessment, no open space zoning, reserves, etc. are proposed.
5. The plan change site is 5.19ha in area and an irregular shape with frontages to both Brigham Creek Road and Mamari Road. The existing site contains a single dwelling and land for agricultural activities.

Specialist Input

6. As part of my technical review, I have consulted with, or reviewed input from, the following technical specialists:
 - 6.1. Ezra Barwell – Senior Policy Advisor, Community Investment
 - 6.2. John McKellar – Parks and Places Specialist

¹ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=158>

Mr. McKellar provided a brief memo in support of Mr. Barwell's assessment, dated 22 June 2023 (see Appendix 1).

Main issues / discussion

7. Technical input has been received from Ezra Barwell and John McKellar. Both experts have reviewed the PPC86 and provided their insights regarding public open space need in this location.
8. Mr. Barwell conducted a spatial assessment using GIS mapping, which shows that the plan change site is within a 600m walking distance to Whenuapai Town Park. He referenced the council's Open Space Provision Policy 2016 metrics and concluded that there isn't a necessity for additional open space within the plan change site. However, he highlighted that if further plan changes suggest a need for a neighbourhood park in this area, the Open Space Provision Policy 2016 metrics would support locating it to the west of the plan change site. Mr. Barwell has depicted this potential location with a red-rimmed green disc (Figure 1). Furthermore, he used a 300m radius blue circle as a proxy for the 400m walking catchment area that an indicative 3000m² park would serve.

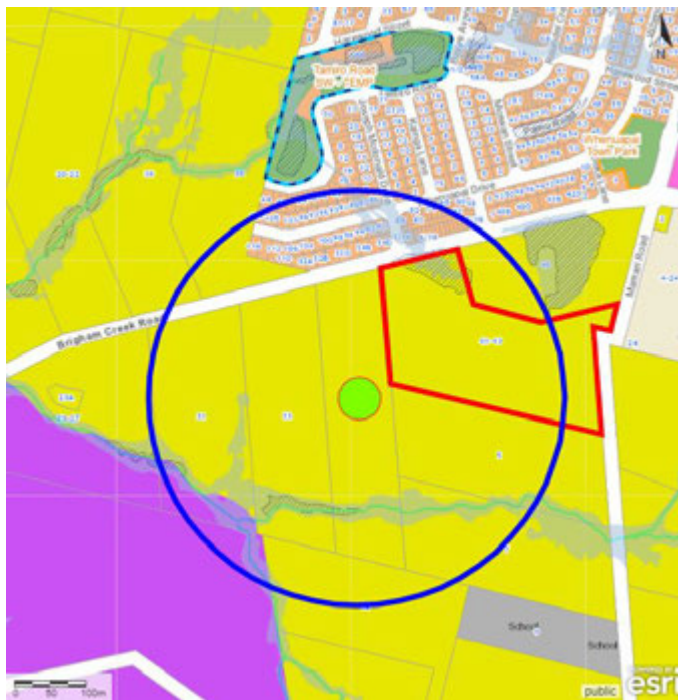


Figure 1 - Potential open space location (neighbourhood park)

9. In his memo dated 22 June 2023, Mr. McKellar accepted Mr. Barwell's findings and concurred that no open space provision is supported on the subject site based on the Open Space Provision Policy metrics. Mr. McKellar noted that there are currently no neighbourhood reserves proposed on the Southern side of Brigham Creek Road in the vicinity of this site. He acknowledged that higher density developments will lead to the expectation of a greater number of neighbourhood reserves and associated parks services needed in the area as it develops. He advocated for consideration to be given to the provision of a neighbourhood reserve of at least 3000m² in any future development adjacent to the subject site.

10. Based on the technical input provided, it can be concluded that both experts agree that the PPC86 site is not the best location for new open space.
- 10.1. The area west of the site will benefit from future open space provision, and placing open space within the plan change site is not necessary given its proximity to existing reserves.
- 10.2. Future private plan changes to the south and west should be capable of incorporating open space in more ideal locations than the current plan change site.
- 10.3. The option for the provision of a neighbourhood reserve of at least 3000m² adjacent to the subject site in future development should be considered to fulfil any potential service provision shortfalls, as suggested by Mr. McKellar. This would also be consistent with the identified open space and recreation needs in the Whenuapai Structure Plan.²
11. Overall, while the inclusion of open space in the vicinity is considered warranted, it is not best suited on the PPC86 site itself.

Submissions

12. A total of 22 submissions were received for PPC86. The four submissions in Table 1 relate to parks and open space and are all opposed to the PPC in whole or part due to a lack of open space provision. These submissions were all read in full and considered in the context of the PPC and statutory framework.

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions
1.2	Ka Ming C Chiu	Opposes PC 86 until recreation grounds are established	-
3.1	David George Allen	Opposes PC 86 as the Plan Change does not address recreation and well-being of the population	-
4.1	Linda Irene Norman	Opposes PC 86 as the Plan Change does not address recreation and well-being of the population	-
11.2	Living Whenuapai	Opposes PC 86 as it does not address community Open Space	-

Table 1 - Relevant Submissions

Submission Assessment

13. The concerned submissions primarily oppose PPC86 due to insufficient proposed open space.
14. Submissions 3, 4, and 11 refer to the Whenuapai Structure Plan, highlighting expectations for open space provision in upcoming private plan changes. Though Whenuapai Town Park is nearby, it lacks toilet facilities, which leads to a request for the applicant to enhance the reserve. While it is acknowledged that the plan change site is in close proximity to the park, accessing it requires crossing a busy road.
15. In response, it's essential to recognise that requiring every plan change to include open space is not feasible. This would result in an inefficient use of land for residential and other developments, which is particularly important in a future growth area like Whenuapai where

² Figure 15: Open Space and Recreation map, pages 86 and 87

land use should be optimised. The plan change site's nearness to Whenuapai Town Park ensures that future residents within the plan change site will have adequate access to open space. Though as Mr. McKellar has noted in his memo, consideration should be given to the provision of a neighbourhood reserve of at least 3000m² in any future development adjacent to the plan change site.

16. Addressing the concern of crossing a busy road to access Whenuapai Town Park, I understand that this is a significant point concerning safety and accessibility. However, these road safety and transport issues fall under the expertise of traffic engineers and road safety specialists either within or consulting to the council. I defer to their expertise on this matter. I note that I would not be opposed to any infrastructure enhancements that may create a safe crossing point on Brigham Creek Road, thus improving north-south pedestrian connectivity for future residents in the plan change site.
17. With respect to the toilet facilities at Whenuapai Town Park, I do not consider that it is the applicant's responsibility to upgrade the existing park. The park serves the broader neighbourhood and not just future PPC86 residents. There are other channels through which residents can seek improvements to existing open space facilities if there is an identified need.
18. The Whenuapai Structure Plan anticipates the provision of open space through plan changes as the Future Urban Zone evolves into Residential and other appropriate zones. The plan envisions around 14 neighbourhood parks of 0.3 to 0.5 hectares for passive recreation, accessible to most residents within a 400m walk. PPC86 falls within an area designated for Residential zoning. As both Mr. Barwell and Mr. McKellar have assessed and agreed, there is a need for a neighbourhood park, but it is not best suited on the PPC86 site itself. Instead, positioning it slightly westward in future development adjacent to the plan change site would offer the greatest benefits to both future PPC86 residents and the wider community.

Conclusion

19. Having considered the specialist input from Mr. McKellar, as well as Mr. Barwell's assessment and the relevant submissions on PPC86, I conclude that the plan change site is not the optimal location for new open space, particularly a neighbourhood park. There is a consensus that a more appropriate location for open space would be in proximity to the west of the subject site or within future development adjacent to it. The existing open spaces, including Whenuapai Town Park, are within a short walking distance of the plan change site. With the anticipation that additional open spaces will emerge as the land to the south and west undergoes rezoning or development, it is reasonable to expect that the recreational needs of future residents will be adequately met.

Should you have any questions relating to this memo feel free to contact me.

Regards,



Daniel Kinnoch
Consultant Parks Planner
022 091 7233
daniel.kinnoch@colabplanning.co.nz

Appendix 1 – Parks & Places Specialist Memo

Memo

22/06/2023

To: Daniel Kinnoch – Consultant Parks Planner – CoLab Planning
cc: Hester Gerber, Team Leader Parks Planning
From: John McKellar
Parks and Places Specialist
Parks and Community Facilities
Auckland Council

Subject: PPC86 - 41 – 43 Brigham Creek Road. Whenuapai.

I accept the findings of the spatial assessment completed by the Senior Policy Advisor from the Community Investment team which determined that no open space provision is supported on the subject site based on the open space provision metrics identified in the council's Open Space Provision Policy. Specifically, that no open space provision is supported on that basis that the subject site is entirely within a 600m walk of Whenuapai Town Park.

However, it is noted that there are currently no neighbourhood reserves proposed on the Southern side of Brigham Creek Road in the vicinity of this site and that higher density developments will lead to the expectation of a greater number of neighbourhood reserves and associated parks services needed in the area as it develops.

For that reason, I would advocate for consideration to be given to the provision of a neighbourhood reserves of at least 3000M2 in any future development adjacent to the subject site. This is proposed to fulfil any possible service provision shortfalls that could be felt towards the western side of the proposed development where the distance to the existing Whenuapai Town Park is nearing the upper threshold of the Open Space Provision Policy walking distance metrics.

Signature:



John McKellar
Parks and Places Specialist

APPENDIX 4

SUBMISSIONS AND FURTHER SUBMISSIONS

Sarah El Karamany

From: Unitary Plan
Sent: Saturday, 24 September 2022 4:00 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Ka Ming C CHIU

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ka Ming C CHIU

Organisation name:

Agent's full name:

Email address: cateddie@gmail.com

Contact phone number:

Postal address:

0618

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:
PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:
Current traffic system, includes existing public transport provision, in this Whenuapai area is not good, especially peak hours.

Future Public Transport Accessibility is unclear at this stage as I observed and experienced.

1.1

None recreation ground is available for the newly developed Whenuapai residential area.

Don't think there should be more housing plans till the above are sorted.

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

Details of amendments: Future Public Transport Accessibility are happening, and Recreation ground are established. | 1.2

Submission date: 24 September 2022

Attend a hearing

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

Declaration

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

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

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

Yes

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



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From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Kingsley Seol
Date: Monday, 26 September 2022 11:15:44 am

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kingsley Seol

Organisation name:

Agent's full name:

Email address: king_seol@hotmail.com

Contact phone number:

Postal address:

45 Kopuru Road

Whenuapai

Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

Proposed plan change 86 (private)

Property address: 41-43 Brighams Creek Road, Whenuapai, Auckland

Map or maps: N/A

Other provisions:

N/A

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

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

The reason for my or our views are:

I would like to DECLINE this proposal for more zoning of housing in the Whenuapai area, and specifically the re-zoning of 41-43 Brighams Creek Road.

The reason being is that the infrastructure in the area is not adequate enough to house more people and more cars. You should address the following first before diving head first into building more homes in the area.

2.1

Firstly, the issue with electricity. The area FREQUENTLY experiences power cuts. I can attest to this as a resident in the area working from home. The amount of times I have experiences a power cut due to bad weather in the area is the most I have experiences in my lifetime living in Auckland. This needs to be addressed first.

2.2

Secondly, and most importantly, its the road and infrastructure in the area. This needs to be address first before packing more people into this area.

Road issue number 1: Brighams Creek Road Bridge - this narrow bridge which people drive at 80 km per hour is a hazard. People have died already driving through here and this is still yet to be addressed. More people using this bridge at 80 km speed limit will result in more injuries or death. You need to address this bridge first.

Second road issue - huge volume of traffic on brighams creek road. The road is used by many people - and this is not just the Defence Force personel all leaving work at the same time (which clogs the road in and out of Brighams Creek Road) but its also the residence who have to deal with this congestion. On top of that, the people who must drive from Kumeu to North shore or the other way around add to this congestion. There is no alternative route and its causing congestion and traffic in on this specific road. I invite you to come and see this traffic for your self. You should build the bypass for Brighams Creek Road first before you start building more homes and houses in the area. I'm referring to the state highway 16/18 connection <https://www.nzta.govt.nz/projects/sh16-18-connections/>

2.3

Lastly and most importantly is the congestion experiences at the big round about where the motorway ends for statehighway 16. This is the worst part of the road of them all. The congestion experiences here for people trying to get off the motorway and enter Brighams Creek Road is just an absolute mess. This is exasperated by the fact that the infrastructure has not kept up with the huge development in the Kumeu and Huapai area. You need to fix this to ease congestion first before you start building more homes.

To summarise, the roads to get in and out of Brighams Creek Road is terrible and a safety hazard. You need to fix this first and get your priorities straight before building more homes.

Maybe if Auckland Council freed up more land in the inner city suburbs (such as the protected "Heritage" homes in places such as Ponsonby) then we could have more homes in more suitable areas where people can access town more easily than freeing up more land and building out in the middle of nowhere where you have basically the most crap infrastructure with literally one public transport option in the area.

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

Details of amendments: Fix Brighams Creek Road Bridge, Make the Statehighway 16/18 connection first, and extend the motorway for statehighway 16 to Waimauku instead of just building more homes in the area and then playing catch-up on infrastructure 20 years down the line.

2.4

Submission date: 26 September 2022

Attend a hearing

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

Declaration

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

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

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

No

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

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - David George Allen
Date: Saturday, 1 October 2022 3:00:25 pm
Attachments: [Allen - submission 2022-10-01.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David George Allen

Organisation name:

Agent's full name: Dave Allen

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

Contact phone number: 0272888371

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

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

There is no mention of rules in the documentation The on-line form is a "one size fits all" concept and does not suit this situation

Property address:

Map or maps:

Other provisions:

There is no mention of provisions in the documentation The on-line form is a "one size fits all" concept and does not suit this situation

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

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

The reason for my or our views are:
Please refer to the attachment.

I WISH TO SPEAK AT A HEARING

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

Details of amendments: Please refer to the attachment

Submission date: 1 October 2022

Supporting documents
Allen - submission 2022-10-01.pdf

Attend a hearing

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

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

Declaration

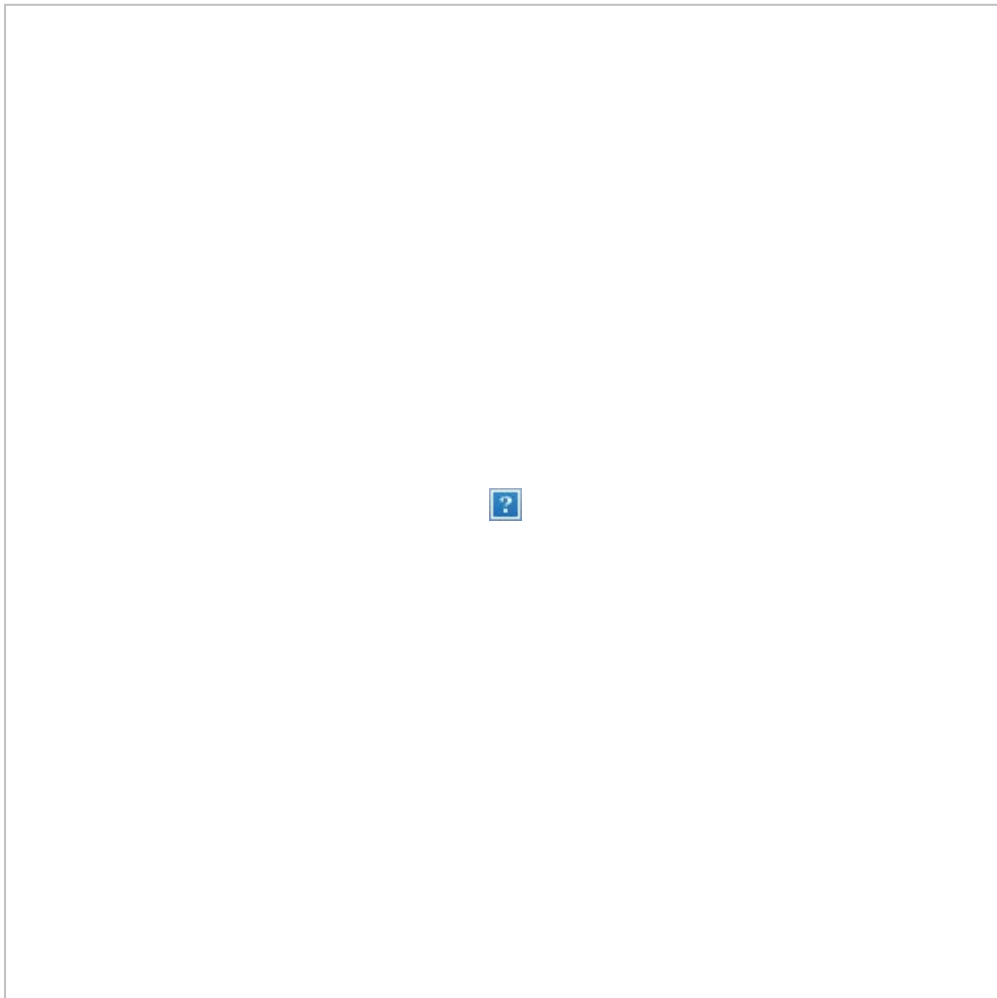
Could you gain an advantage in trade competition through this submission? No

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

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

No

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



CAUTION: This email message and any attachments contain information that may be confidential and may be

Kindly note that the automatic page numbering in the document “pc-86-private-plan-change-request” is confusing (it seems to include the appendices, but also “jumps” from page 3 back to page 2 etc), so the last page of 52 is labelled as 26/52, and the numbering starts again as number 1, after page 26.

Accordingly the page numbers used below, for your best reference, are those written on the document.

1) It is notable that this 52-page document never addresses the recreation and well-being of the population, nor is there any mention of parks, green spaces or trees. On the contrary- see below | 3.1

2) And regarding noise the application is inappropriate – see below. | 3.2

General/background

Application Page 4/52 section 1

This zoning indicates that the site has been identified as suitable for urbanisation subject to a Plan Change process to ensure that development of the site is undertaken in an integrated manner.

And

230-unit residential development and subdivision of the site

Application Page 11/52, section 4

The MHU provides for a reasonably high-intensity zone for developments up to three storeys in a variety of sizes and forms.

Application Page 12/52, section 4.1

Overall, the purpose of the rezoning is to enable the transition from semi-rural land uses to the redevelopment of a residential area in an integrated and comprehensive manner.

The on-line submission form seems to be a “one size fits all“ and it is difficult to make this submission fit with the available “fields” in the form of “Rules” and “Provisions”.

It is a big stretch to ask the layman to understand the concepts of Precincts, FUZ, MHU, SMAF1, MDRS, IPI etc

Recreation and green space

The Whenuapai structure plan 2016 states on page 54

With an additional 8,100 to 9,600 houses anticipated within the structure plan area, approximately 26 hectares of additional open space will be required to meet the recreational needs of the population

And

. . In addition to the existing open spaces, a network of approximately 14 neighbourhood parks of around 0.3 to 0.5 hectares will be required to meet the council's open space provision guidelines. **The proposed parks should be accessible by most residents within a 400 metre walk.**

While it is true that most of the houses in this proposed development will be about 400m from the small reserve at the corner of Brigham Creek Road & Totara Road, there are no toilets anywhere in the vicinity and this shortfall needs to be addressed - currently the many users of the playground at the reserve have to impose on the goodwill of the local café for toilet facilities.

3.3

The writer proposes that in recognition of the Whenuapai structure plan 2016, **the developer be required to install a public toilet facility at the existing playground area**, known by the Council as "Whenuapai Town Reserve"

Noise

Application Page 18/52, section 4.6

Between the 55 dB Ldn and 65 dB Ldn boundaries, new residential and other activities sensitive to aircraft noise should be avoided unless the effects can be adequately remedied.....

and:-

.....standard provisions are considered appropriate to manage effects of urban development of the site -.....

Appendix 11, Marshall Day report Page 4/14, section 3.1

E25.6.15 From Future Urban sites to Residential sites (assessment position is anywhere within the residential boundary) Monday to Saturday 7am-10pm and Sunday 9am-6pm All other times 55dB LAeq 45 dB LAeq 75 dB LAFmax

Appendix 11, Marshall Day report Page 4/14, section 3.2

The south-east corner of the site is within the Whenuapai Airbase Aircraft 55 dB Ldn – 65 dB Ldn Noise Overlay.

BUT..... **45** dB Ldn is noted by WHO and other recognised international authorities as the limit for houses. 55 is only inside a building with suitable soundproofing. People outside such a building cannot be subjected to higher than 45 dB.

. Absolutely zero mention is made of this critical issue, and it means that even if suitable noise measure are made inside the buildings, the outside environment is unacceptable,.

Application Page 2/52, section 6.1 part 2

enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety.

Application Page 4/52 section 6.1 part 2

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

Application Page 33/52 (13/52?), section 7.3 notes”

subdivisions must enable a liveable, walkable and connected neighbourhood.

Application Page 17/52 , section 7.9 notes

Buildings constructed within the Aircraft Noise Overlay will be subject to internal noise level requirements.

and:-

Internal noise environment must provide satisfactorily levels of health and amenity values to the occupants.

and:-

The proposed rezoning is consistent with the Whenuapai Structure Plan and the changing needs of the community.

Application Page 23/52, section 8.6 notes

B3.2. Infrastructure B3.2.1. Objectives

.....

(d) providing for public health, safety and the well-being of people and communities;

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Linda Irene Norman
Date: Tuesday, 4 October 2022 11:01:07 am
Attachments: [PC 86 Linda Norman.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Linda Irene Norman

Organisation name:

Agent's full name: Linda Norman

Email address: lindairenenorman@gmail.com

Contact phone number:

Postal address:
11 Waimarie Road
Whenuapai
Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

There are no "rules" mentioned in the application - see my attachment

Property address:

Map or maps:

Other provisions:

There are no "provisions" mentioned in the application - see my attachment

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

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

The reason for my or our views are:

There are neither "rules" nor "provisions" mentioned in the application , This is very confusing .
- see my attachment

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

Details of amendments: see my attachment

Submission date: 4 October 2022

Supporting documents
PC 86 Linda Norman.pdf

Attend a hearing

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

Declaration

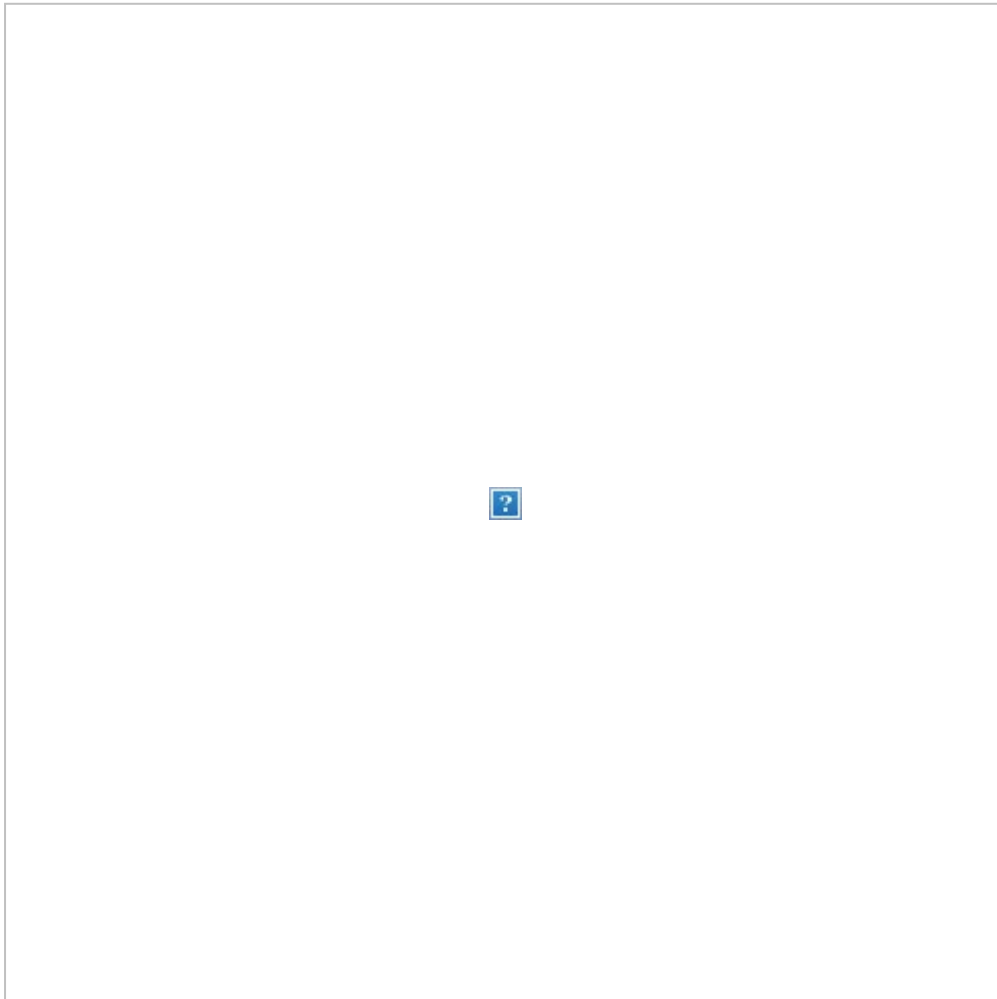
Could you gain an advantage in trade competition through this submission? No

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

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

No

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



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It is notable that this 52-page application never addresses the **recreation and well-being of the population**, nor is there any mention of parks, green spaces or trees. On the contrary- see below

4.1

Background

Application Page 4/52 section 1

This zoning indicates that the site has been identified as suitable for urbanisation subject to a Plan Change process to ensure that development of the site is undertaken in an integrated manner.

And

230-unit residential development and subdivision of the site.

Application Page 2/52, section 6.1 part 2

enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety.

Application Page 4/52 section 6.1 part 2

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

Application Page 17/52, section 7.9 notes

The proposed rezoning is consistent with the Whenuapai Structure Plan and the changing needs of the community.

Application Page 33/52 (13/52?), section 7.3 notes"

subdivisions must enable a liveable, walkable and connected neighbourhood.

Application Page 23/52, section 8.6 notes

B3.2. Infrastructure B3.2.1. Objectives

(d) providing for public health, safety and the well-being of people and communities;

Recreation and green space

The Whenuapai structure plan 2016 states on page 54

With an additional 8,100 to 9,600 houses anticipated within the structure plan area, approximately 26 hectares of additional open space will be required to meet the recreational needs of the population

And

. . . In addition to the existing open spaces, a network of approximately 14 neighbourhood parks of around 0.3 to 0.5 hectares will be required to meet the council's open space provision guidelines. **The proposed parks should be accessible by most residents within a 400 metre walk.**

While it is true that most of the houses in this proposed development will be about 400m from the small reserve at the corner of Brigham Creek Road & Totara Road, there are no toilets anywhere in the vicinity and this shortfall needs to be addressed - currently the many users of the playground at the reserve have to impose on the goodwill of the local café "the Parkhouse" for toilet facilities.

The writer proposes that in recognition of the Whenuapai structure plan 2016, **the developer be required to install a public toilet facility at the existing playground area**, known by the Council as "Whenuapai Town Reserve"

4.2

Submission on PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai.

14 October 2022

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

➤ Submitted via email to: unitaryplan@aucklandcouncil.govt.nz

1. Submitter details

Royal Forest and Bird protection Society of New Zealand Inc. (Forest & Bird)
34A Charlotte Street, Eden Terrace
Auckland 1021

Contact Name: Carl Morgan
Contact Email: c.morgan@forestandbird.org.nz
Contact Phone: 027 250 9777

2. Trade competition declaration

Forest & Bird would not gain an advantage in trade competition through this submission.

3. Hearing options

We wish to be heard in support of this submission.

We would consider presenting a joint case with others making a similar submission.

4. Submission details

4.1 The Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) is Aotearoa New Zealand's largest and oldest non-government conservation organisation. For almost

one hundred years, Forest & Bird has been giving a voice to nature on land, in freshwater and at sea, on behalf of its many members and supporters. Volunteers in fifty Forest & Bird branches throughout Aotearoa New Zealand carry out conservation and biosecurity projects in their communities including weed control, restoration and pest trapping.

4.2 Forest & Bird has for many years expressed a strong interest in the Auckland region, particularly with regard to the protection and maintenance of indigenous biodiversity. This has included advocating for greater protection of indigenous species through direction in planning and resource consents.

4.3 Forest & Bird are not opposed to the application, but have concerns about the potential cumulative environmental effects and believe the project presents a great opportunity to better the urban-scape of Tāmaki Makaurau Auckland.

5.1

5. Introduction

5.1 Tāmaki Makaurau Auckland is in a period of intense and fast-paced urbanization. While we understand the current need for new housing, this must be met in conjunction with the protection and enhancement of the natural world and its biodiversity.

5.2 Aotearoa New Zealand is currently facing a biodiversity crisis. Four-thousand of our species are threatened or at risk of extinction. This is largely due to increasing pressures from invasive pests, land use, and climate change¹. There are many benefits, known as ‘ecosystem services’ provided by indigenous biodiversity². Ecosystem services are a great way to relate the presence and health of biodiversity to our built environments and the people which inhabit them. Auckland’s Indigenous Biodiversity Strategy sets out nine objectives³, majority of which can be achieved in this plan change (PC) and proposed land use. The Auckland Plan 2050 also sets out numerous focus areas and direction under the Environment and Cultural Heritage outcome. Most directly related to improving biodiversity being Focus Area 2 & 3⁴.

¹ <https://www.doc.govt.nz/globalassets/documents/conservation/biodiversity/anzbs-2020.pdf>

² <https://www.aucklandcouncil.govt.nz/environment/what-we-do-to-help-environment/Documents/indigenous-biodiversity-strategy.pdf> Pg16

³ <https://www.aucklandcouncil.govt.nz/environment/what-we-do-to-help-environment/Documents/indigenous-biodiversity-strategy.pdf>

⁴ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/environment-cultural-heritage/Pages/focus-area-focus-restoring-environments-auckland-grows.aspx> & <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/environment-cultural-heritage/Pages/focus-area-account-fully-past-future-impacts-growth.aspx>

As well as Directions 1 & 3⁵, which can again be achieved in the scope of the PC and proposed land use.

5.2 Aligning with the goals of Central Government (Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy) and Auckland Council (Auckland Plan 2050 - Environment and Cultural Heritage) is the concept of the North-West Wildlink (NWW). Forest & Bird is a founding member of the North-West Wildlink Alliance (the Alliance). The Alliance is comprised of a dozen member organisations, including two Auckland Council departments and several community groups and NGO's. The vision of the Alliance is to 'connect nature and community so the NWW overflows with native wildlife'. This vision will be achieved by working towards three primary goals, these being;

1. Increase ecological health and connectivity of native habitat throughout the area
2. Increased meaningful participation in environmental care
3. Increase collaboration and communication between agencies, groups and individuals and increase their capacity

5.3 The area of this proposed PC and relating consent for a 230-unit residential development and subdivision of the site is within the 'habitat creation focus area' of the NWW (Appendix A).

5.4 This submission is aimed at advocating the implementation of the goals of the NWW so that Aotearoa New Zealand's biodiversity is enabled to thrive for future generations.

Specifically, the submission will address;

- Urban trees
- Pest management

6. Urban Trees

6.1 There are numerous benefits to the inclusion of trees (and other vegetation) in urban environments (Appendix B). Urban trees can provide positive effects to both nature and society, including, but not limited to;

⁵ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/environment-cultural-heritage/Pages/direction-ensure-aucklands-environment-ecosystems-valued.aspx> & <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/environment-cultural-heritage/Pages/direction-use-growth-development-protect-enhance.aspx>

- Habitat creation
- Improved mental and physical wellbeing
- Filtration of pollutants and carbon sequestration
- Mitigation of the urban heat island effect⁶

6.2 In the RMA Ecology Ltd report titled *41-43 Brigham Creek Road: Plan Change*, it is mentioned that the PC proposes to re-zone this area for housing, with the possibility that all vegetation could be removed from across the site. If this is to be true, it would mean the removal of nine mature macrocarpa and eucalyptus trees and numerous other smaller trees.

6.3 We ask that there are PC provisions introduced to ensure the removal of these trees are offset with the introduction of native trees. Not only will the offset the negative effect of removing the currently present trees, but it will also provide the numerous benefits discussed above.

7. Pest Management

7.1 All cats, domestic and feral (including feral colonies), pose a significant direct risk to native and endemic birds, lizards, and insects throughout New Zealand, as a key predator of these species⁷.

7.2 While the presence of native birds, lizards, and insects in these areas is limited at this stage, they are valuable natural assets, particularly for the native plant species present. The intrinsic value of our native species is unquantifiable, and the amount of time, energy, and money that Forest & Bird members, local community groups, and DOC and Council staff invest in protecting these species is significant; \$246m being contributed by Auckland rate payers between 2020-2030⁸.

7.3 The consent relating to this application seeks to create 230 residential units where we understand there is currently one. It is likely that many new residents will bring, or want to have, domestic pets at their residencies – particularly cats. These pets can do significant damage to the ecosystem present in the surrounding areas. While there are domestic pets in

⁶ <https://www.epa.gov/green-infrastructure/reduce-urban-heat-island-effect#:~:text=%22Urban%20heat%20islands%22%20occur%20when,heat%2Drelated%20illness%20and%20mortality.>

⁷ <https://predatorfreenz.org/toolkits/know-your-target-predators/cat/>

⁸ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/environmental-plans-strategies/docsregionalpestmanagementstrategy/auckland-regional-pest-management-plan-2020-2030.pdf>

houses nearby, limiting the number of predators in the area is important, and the start of changing attitudes to protecting native wildlife in Aotearoa.

7.4 We seek that the PC includes provisions which place a ban on domestic cats. 5.2

7.5 Other pest species should also be controlled, such as rats and mice, which might become more prevalent with increased human occupation, and the stoats that might come to prey on those species.

8. Summary of Relief Sought

8.1 PC provisions ensure the felling of mature trees and other existing vegetation is offset with the introduction of native trees. 5.3

8.2 PC provisions are included to ban domestic cats to avoid the adverse effects on native species. 5.4

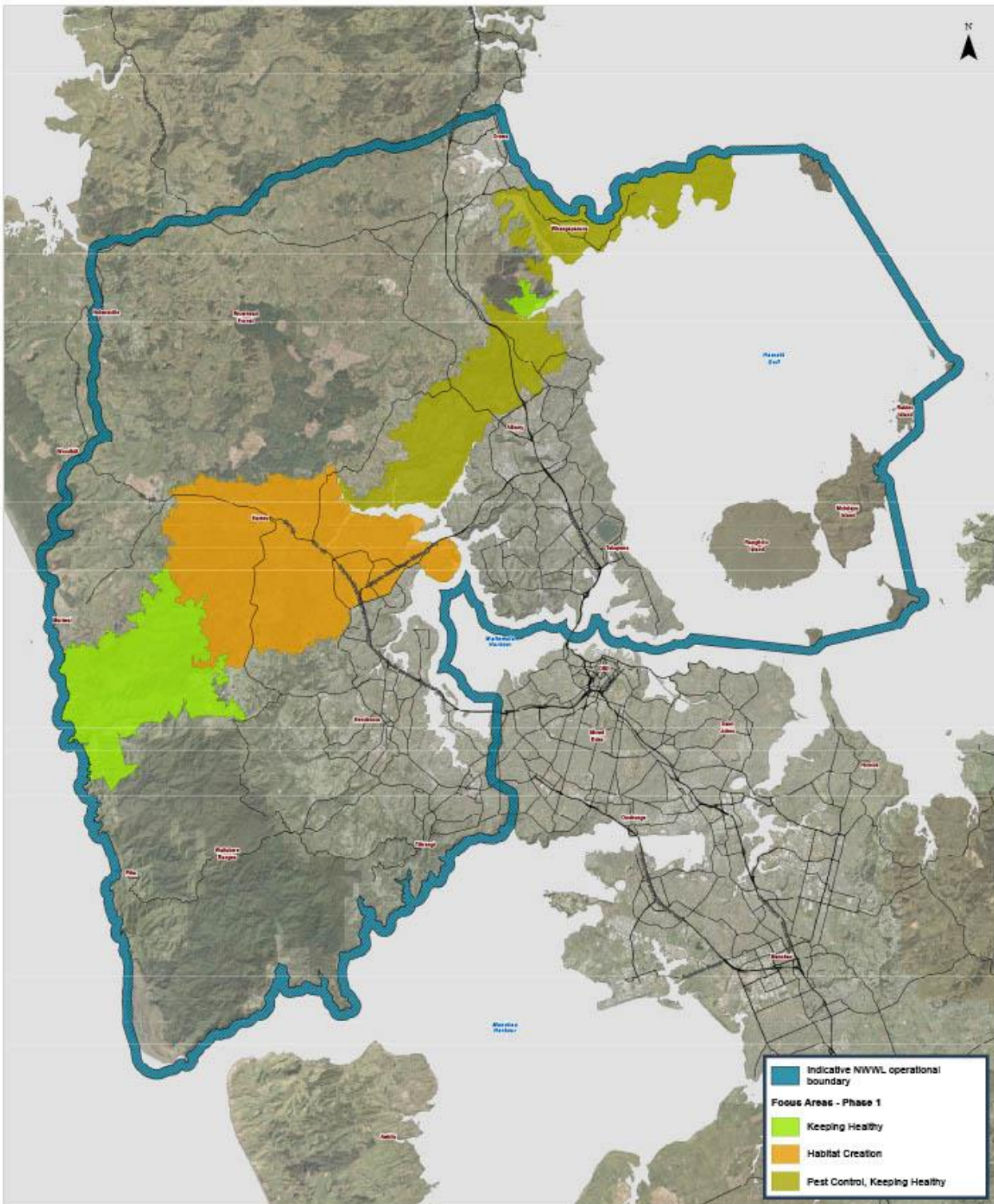
8.3 The developer is made aware of the NWW and gives effect to its objectives, in turn, benefiting the natural ecosystem, the potential future residents of the site and the sustainability of urbanization. 5.5

Thank you for considering this submission.

Carl Morgan.

Regional Conservation Manager - Tāmaki Makaurau Auckland

Appendix A: Operational Boundaries – Focus Areas



DISCLAIMER:
This map/plan is illustrative only and all information should be independently verified on site before taking any action. Copyright Auckland Council. Land Parcel Boundary information from LINZ (Crown Copyright Reserved). Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any errors, omissions or use of the information. Height datum: Auckland 1948.

FOCUS AREAS - PHASE 1 NWW WORKSHOP

0 1,700 3,400 5,100
Meters

Scale @ A2
= 1:135,000

Date Printed:
11/12/2015



Auckland Council
Te Kaitiaki o Te Atahi Mahara Kōwhiri

Appendix B: Benefits of Urban Trees Infographic

BENEFITS OF URBAN TREES

Strategic placement of trees in urban areas can **cool the air** by between 2 °C and 8 °C.

Large urban trees are excellent **filters for urban pollutants** and fine particulates.

Mature trees **regulate water flow** and **improve water quality**.

A tree can absorb up to 150 kg of CO₂ per year, sequester carbon and consequently **mitigate climate change**.

Wood can be used for **cooking and heating**.

Spending time near trees **improves physical and mental health** by increasing energy level and speed of recovery, while decreasing blood pressure and stress.

Trees can **provide food**, such as fruits, nuts and leaves.

Trees provide habitat, food and protection to plants and animals, **increasing urban biodiversity**.

Landscaping, especially with trees, can **increase property values** by 20%.

World urban population is growing fast...

Urban	Rural	
		Today
		By 2050

...planting trees today is essential for future generations!

Food and Agriculture Organization of the United Nations

fao.org/forestry/urbanforestry

©FAO 2016
C0024e1/03156

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Jeffery Spearman
Date: Monday, 17 October 2022 8:31:01 am
Attachments: [Plan change submission_JS.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jeffery Spearman

Organisation name:

Agent's full name:

Email address: jeff@spearman.co.nz

Contact phone number: 0274734481

Postal address:

5 Mamari Road

Whenuapai

Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

Whole Plan Change, please refer to attached document.

Property address:

Map or maps:

Other provisions:

Please refer to attached document.

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

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

The reason for my or our views are:

Please refer to attached submission.

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

Submission date: 17 October 2022

Supporting documents

Plan change submission_JS.pdf

Attend a hearing

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

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

Declaration

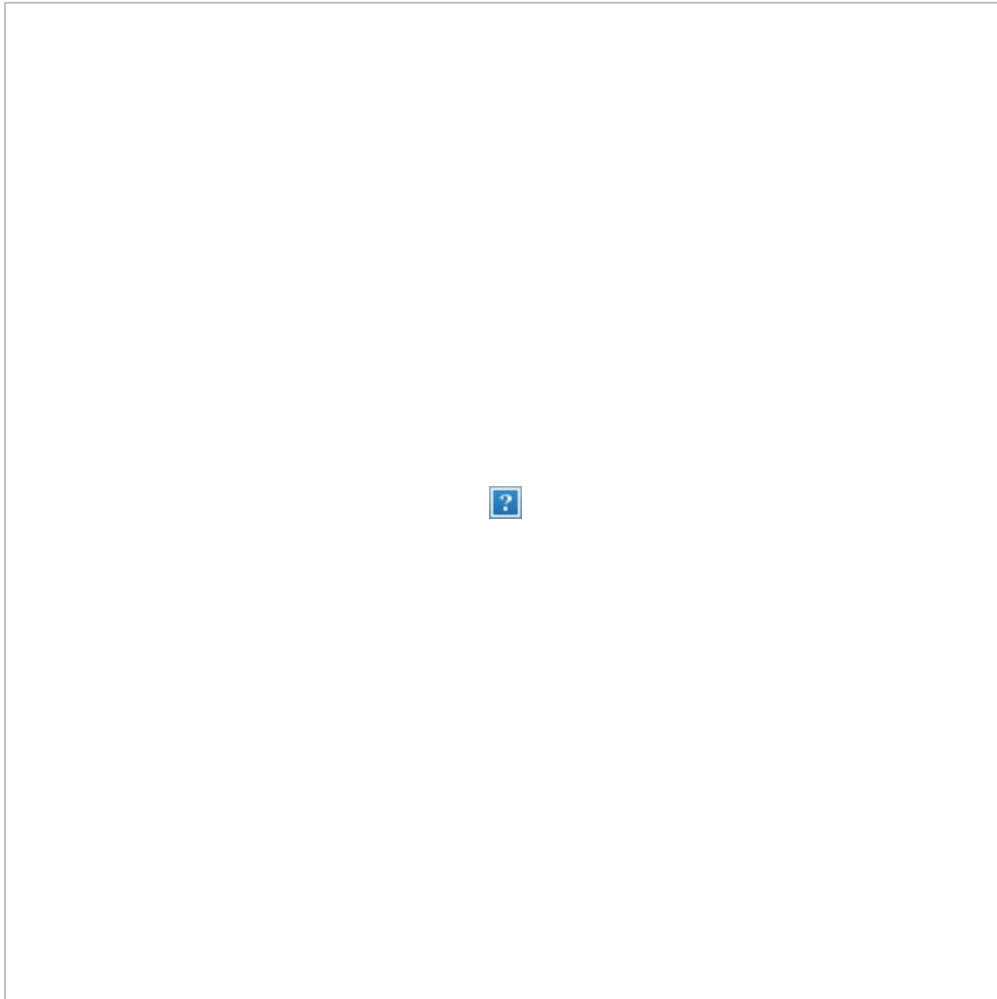
Could you gain an advantage in trade competition through this submission? No

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

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

Yes

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



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.

I am a local Pharmacist and business owner who has lived at 5 Mamari Road for over 20 years and worked in the area for over 30 years. My property at 5 Mamari Road is a direct neighbour to the proposed plan change area and is potentially the most directly impacted neighbour. I am providing this submission both based on my knowledge of the area and as an impacted party.

I understand that as part of the Whenuapai Structure Plan over the coming decade and beyond, we realise that there will be infrastructure and housing development in our future urban zoned area. We accept and understand that as a future urban zoned area, development will happen and we do not oppose this. However, we have concerns relating to the potential impact to our property and the surrounding environment as well as the current lack of infrastructure required to support a development of this size.

My main concerns about the proposed plan change, relate to the following points which I will cover in more detail below:

1. Stormwater run-off to the south and Sinton Stream
2. Timing of development and the associated lack of infrastructure (e.g. Northern Interceptor / Brigham Creek Road pump station and transport)
3. Traffic impacts on Brigham Creek Road and the surrounding area.

Stormwater

5 Mamari Road lies to the south of the proposed plan change and on sloping grazing pasture down to Sinton Stream. Currently, there are overground flows already occurring from 41-43 Brigham Creek Road due to the slope of the land. The south-eastern boundary of 41-43 Brigham Creek Road where it adjoins 5 Mamari Road can become very wet in winter due to this overground flow.

I note that site visits undertaken to inform the ecology reports occurred on March and December 2021 and May 2022. It does not appear that any site visits occurred during the winter season (July – November) of any given year to assess the full impact of the run-off from 41-43 Brigham Creek Road as it currently occurs. It is my opinion that this is required to fully understand the existing flows.

Sinton Stream (which I understand stormwater from the proposed development will discharge to) flows in and out of our Southern boundary. I am concerned about the potential for erosion of the stream (not just at the outfall but also downstream of the outfall) due to increased volumes of water discharging into it from 41-43 Brigham Creek Road.

The applicant's technical data states it estimates the same overland flows to the southern catchment compared to pre-development. However, it also states that there will be individual discharges to the south at multiple points, with flow rates post-development slightly increased. I am concerned about the potential impacts, risk of flooding and the possibility of increased maintenance (as a result of the two former points) to 5 Mamari Road as a result of this. I think that this impact should be fully avoided or remedied by any proposed plan change or development.

6.1

Timing of development and the associated lack of infrastructure

The site is within stage 2 of the Whenuapai Structure Plan. The Auckland Future Urban Land Supply Strategy (Auckland Council, July 2017) states that Whenuapai Stage 2 is expected to be development ready by 2028-2032.

Given the above, I question the proposed timing of the plan change. In particular, key infrastructure won't yet be in place in time to support the proposed plan change. This includes the Northern Interceptor and transport infrastructure outlined in the Supporting Growth Strategy which I understand aren't planned to be built until the later part of this decade.

With regard to transport, without the planned Supporting Growth Strategy infrastructure in place, I don't believe the surrounding road network would be able to accommodate the proposed plan change and subsequent development. The upgrade of Brigham Creek Road, particularly the narrow bridge near 18 Brigham Creek Road, along with footpaths and cycleways, is necessary before the proposed development should happen.

While I appreciate this plan change does not include a proposal to build 230 dwellings, it obviously is the first step towards this and therefore is relevant to consider given the current infrastructure constraints. I don't believe this plan change should proceed prior to the necessary infrastructure being in place as without it the impact to the surrounding area will be significant.

6.2

Traffic impacts on Brigham Creek Road and the surrounding area

As someone who has lived in the area for over 20 years, I have seen the traffic issues along Brigham Creek Road develop over this time. Currently, on many weekdays around peak hour, afternoon / evening traffic can back-up from the Northwestern Motorway Interchange, along Brigham Creek Road, right back to the Totara Road / Mamari Road intersection. There can also be traffic issues during weekends at various times.

As noted above, the levels of development that this plan change will enable, will surely only make this traffic problem worse. I don't believe this has been sufficiently addressed in the plan change application and remain concerned about the potential traffic impacts.

6.3

In conclusion:

- The necessary infrastructure to support the proposed plan change and the subsequent development of the land which would follow, is not yet in place.
- The Auckland Future Urban Land Supply Strategy (Auckland Council, July 2017) shows on Map 3, that 41-43 Brigham Creek Road is within Stage 2 of the structure plan. It makes more sense for this area of land to be developed as part of the wider Stage 2 as that is when the necessary supporting infrastructure will be in place.
- In addition, Whenuapai Stage 1 is not complete, therefore there will be further development in the area resulting in additional impact on current infrastructure.
- I have concerns regarding the stormwater impact to 5 Mamari Road and Sintons Stream as well as on traffic in the area.

6.4

Given the above, I do not consider that the plan change should be approved. Instead, it should come forward as part of the wider Whenuapai Stage 2 Structure Plan. I therefore request that Auckland Council decline the proposed plan change.

6.5

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

AND

IN THE MATTER of a submission under clause 6 of the First Schedule to the RMA on Plan Change 86 – 41-43 Brigham Creek Road, Whenuapai

SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 86 – 41 – 43 Brigham Creek Road (PC 86)

To: Auckland Council
Name of Submitter: **Auckland Council**
Address: 35 Albert Street
Private Bag 92300
Auckland 1142

INTRODUCTION

1. This is a submission on the following proposed private plan change by Taste Business Investment Trust Limited (**the applicant**):
Plan Change 86 – 41-43 Brigham Creek Road, Whenuapai.
2. Auckland Council (**the council**) could not gain an advantage in trade competition through this submission.
3. The council opposes PC 86.

7.1

GENERAL REASONS FOR THE SUBMISSION

4. Future urban areas, such as the PC 86 land, play an important role in Auckland's future growth. The council supports the future urbanisation of land in the area, but subject to there being adequate infrastructure to support that urbanisation.
5. However, the council has concerns with PC 86 in its entirety because critical elements of infrastructure necessary to create a well-functioning environment in the Whenuapai Future Urban Zone do not exist and are not funded.
6. The infrastructure that is not available includes bulk water and wastewater infrastructure and transport infrastructure. The remainder of this submission addresses the general issue of inadequate strategic transport infrastructure and the funding and timing of that infrastructure.
7. The council is also concerned that premature development of the area without access to high-frequency public transport will lock in car dependency resulting in high greenhouse gas emissions and vehicle kilometres travelled (**VKT**), which is not consistent with a well-functioning urban environment.

PC 86 NOT ALIGNED WITH INFRASTRUCTURE FUNDING AND TIMING INCLUDING CUMULATIVE EFFECTS

Funding and timing

8. The council's primary concern with PC 86 is that it does not provide for the timing and funding of strategic infrastructure to be aligned with the land use. In particular, the council is concerned that the premature urbanisation to be enabled by PC 86 without the adequate infrastructure will:
 - contribute to cumulative effects on the existing transport network in the Northwest,
 - not make a fair contribution to the cost of strategic infrastructure required to mitigate these effects,
 - lock in car dependency,
 - increase greenhouse gas emissions and VKT.
9. PC 86 proposes to urbanise land ahead of the sequencing set out in the:
 - Future Urban Land Supply Strategy 2017 (**FULSS**) - (the subject site sits within an area described within the FULSS as being development ready in 2028-2032)
 - Whenuapai Structure Plan (prepared under the Local Government Act)

- 10-year Budget 2021-2031 (**Long term plan**)
 - Auckland Regional Land Transport Plan 2021-2031 (**ARLTP**)
 - Supporting Growth – Northwest Auckland which assumes sequencing in accordance with the above.
10. The strategic transport infrastructure required is outlined in the Whenuapai Structure Plan <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/place-based-plans/Documents/whenuapai-structure-plan-september-2016.pdf> This was updated and refined through the work of the Supporting Growth Alliance (SGA) (refer: <http://www.supportinggrowth.govt.nz/growth-areas/north-west-auckland/>).
 11. The SGA have identified a range of long-term transport projects for north-western growth. In the long-term, some would be funded by Waka Kotahi, some by Auckland Transport and some part funded by both agencies. It is understood that neither agency has funding for construction of these projects beyond the notice of requirement stage and a small proportion for a minor amount of land acquisition in current 10-year and longer budgets.
 12. The following projects are particularly critical for the PC 86 area:
 - the Brigham Creek Road Upgrade
 - the Mamari Road Upgrade
 - active mode upgrades.
 13. PC 86 development does not propose to contribute to the delivery of the wider network. The council cannot currently collect development contributions against these projects to ensure that PC 86 pays its fair share of growth costs. It has also not completed the investigations to determine what these costs should be. Allowing PC 86 to proceed now potentially results in these costs being redistributed inequitably to later developers or to ratepayers.
 14. Without a funding mechanism or alternative solution to this issue in place, the wider transport infrastructure in Whenuapai and the Northwest will not be sufficient to accommodate premature cumulative growth enabled by PC 86 and any other future plan changes and fast track proposals in the area. This is likely to result in adverse effects on the safe and efficient operation to the transport network, by adding to existing levels of congestion, delaying travel times and by exacerbating existing road safety issues.

INCONSISTENCY WITH STRATEGIC AND RMA PLANNING DOCUMENTS

15. PC 86 is considered to be inconsistent with the strategic planning documents that seek integration between decision-making on land use and infrastructure timing being the:
 - Auckland Plan 2050 (the **Auckland Plan**)
 - FULSS
 - Long-term plan
 - the ARLTP
 - the Whenuapai Structure Plan.
16. These documents should be had regard to under section 74(2)(b)(i) of the RMA.
17. From the 1 December 2022, RMA decision makers will have the discretion to consider the effects of greenhouse gas emissions when considering zoning changes. This should include having regard to Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy: Aotearoa New Zealand's first emissions reduction plan. The targets (page 30), emission budgets (page 31), transport targets (page 172). Transport Focus area 1 and target 1 (page 175), Action 10.1.1 (page 177), Action 10.1.2 (page 178) are relevant in the context of a land use planning decision on PC86. These should be had regard to under section 74(2)(b)(i) of the RMA.
18. PC86 is also considered to be inconsistent with parts of the following RMA statutory documents:
 - National Policy Statement on Urban Development 2022 (NPS-UD)
 - Auckland Unitary Plan Operative in Part (AUP).
19. Regarding the NPS-UD, the recent decision [2022] NZEnvC 162 Middle Hill Limited v Auckland Council determined that only Objectives 2, 5 and 7 and Policies 1 and 6 apply to private plan changes. This decision is pending a decision from a High Court appeal. In that context:

- Objective 2 is relevant because the council's Proposed PC 78 Intensification plan change provides vastly more plan enabled and commercially feasible housing capacity that is required to meet NPS-UD requirements, all of which is in existing urban areas. PC 86 is not necessary or appropriate to give effect to the NPS-UD capacity or affordability requirements.
- Objectives 5 and 7 are not relevant to the particular concerns raised in the council's submission.
- PC86 does not give effect to Policy 1(c) and (e) or Policy 6(c).

20. PC 86 does not give effect to AUP Regional Policy Statement Provisions:

- Objective B2.2.1(1) (c) and (d)
- Objective B2.2.1(5)
- Policy B2.2.2(7)(c)
- Objective B2.3.1(1)(d)
- Policy B2.4.2(6)
- Objective B3.2.1(5)
- Objective B3.3.1(1)(b)
- Policy B3.3.2(5)(a), (b), and (c).

21. The AUP Regional Policy Statement focus in the policy above is mostly on the general concepts of integration and efficiency of provision of infrastructure with urban development. One exception is Policy B2.4.2(6) which applies to residential intensification and requires specifically that infrastructure be provided prior to or at the same time as intensification.

22. The council considers that PC 86 does not achieve the integration of land use and transport, as the wider transport infrastructure required to provide for cumulative growth is not funded and PC 86 is significantly out of sequence with the likely future provision of that infrastructure even if it was funded at some point in the future.

RELIEF SOUGHT

23. Auckland Council seeks the following relief:

- Decline PC 86 in its entirety unless an appropriate funding and financing solution to contribute to the cost of strategic transport infrastructure in the Northwest is determined. | 7.3
- In the alternative, make amendments to address the council's concerns; and | 7.4
- Such further, other, or consequential relief, including in relation to PC 86's that reflects or responds to the reasons for this submission. | 7.5

24. The council wishes to be heard in support of its submission.

25. If others make a similar submission, the council would be prepared to consider presenting a joint case with them at any hearing.

On behalf of Auckland Council:



Celia Davison

Manager Central South
Plans and Places Department

DATED 18 October 2022

George Bramer

From: Unitary Plan
Sent: Tuesday, 18 October 2022 6:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Lyndal Woolley

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lyndal Woolley

Organisation name: Woolley Trusts Partnership

Agent's full name:

Email address: lyndalwoolley@yahoo.com

Contact phone number: 0212750971

Postal address:
21Kennedys Road
Whenuapai
Auckland 0814

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

I object to the whole premise of the Plan Change 86 in that I do not think any land in Whenuapai should be rezoned to allow immediate redevelopment without significant transport infrastructure upgrades.

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

I object to the PPC 86 because it will add to the already serious congestion issues in the Northwest/Whenuapai area. Significant further roading infrastructure in this area is required before any further development is permitted that would create additional traffic. If PPC 86 is made operative, the council will not be acting in accordance with the following sections from the Regional Policy Statements of the the

8.1

Auckland Unitary Plan.

Section B3.2.1

(5) Infrastructure planning and land use planning should be integrated to service growth efficiently.

(6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.

Section B 2.1

Growth needs to be provided for in a way that does all of the following: (1) enhances the quality of life for individuals and communities;

(2) supports integrated planning of land use, infrastructure and development;

(5) enables provision and use of infrastructure in a way that is efficient, effective and timely;

The PPC is not consistent with the vision of the Whenuapai Structure Plan (WSP) 2016 in the following areas:

1. The transport infrastructure outlined in the WPS has not been provided and is not included in the PPC.

Reasons

For the above reasons I strongly object to the PPC69 proceeding prior to significant changes to the roading infrastructure including but not limited to improved connections to the State Highway and Motorway networks.

The BCR roundabout is the gateway to the north west region from Auckland city and it already cannot cope with the traffic it experiences, there is no way additional traffic should be directed to this intersection.

It is for this reason that if the PPC is approved traffic should be directed towards either the Trig Road on ramps to SH18, BRC interchange (with SH18) or Westgate/Hobsonville Road interchange (SH 16). Traffic lights could be installed at the intersection of Trig Road and Hobsonville Road and city facing on and off ramps could be constructed at Trig Road onto SH18.

I have lived in this area for nearly 40 years. I consider myself pro development and realise that Auckland must expand to accommodate a growing population and the economic growth of the country. However, over the last ten years with the significant development that has occurred in Whenuapai, Riverhead, Kumeu and Huapai, the traffic at the Brighams Creek Roundabout, Brighams Creek Road and State Highway 16 has become intolerable and increasingly unsafe. This is undeniably due to the fact that almost no improvement or additional capacity has been added to the existing roading infrastructure in this area to for this new development over the past decades.

The roading infrastructure to be constructed by the developer outlined under PPC86 are in my view woefully inadequate. In my view PPC86 relies too heavily on the widening of SH 16 that is planned under the Safer Roads initiative and as a result severely underestimates the adverse effects that this plan change will have on traffic congestion not only in Whenuapai but also the wider Northwest area as serviced by SH16 via the BCR roundabout. Further to the above, I note that commencement of the Safer Roads project is already well overdue; the Waka Kotahi website states that construction of the Brighams Creek to Kumeu section was scheduled to start in February 2019 and due to be completed in February 2021. This was stage two of the overall project and construction has not yet commenced on either stage. This type of delay is typical for infrastructural projects in West Auckland and at the time of writing it is not clear when this project will begin, be completed and the effect it will have on existing congestion problems. It is likely that due to the continued development over recent years (and increased traffic numbers) that this project will only accommodate the traffic created by currently consented development in the North West area and will not create additional capacity to cope with the PCA traffic.

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

Submission date: 18 October 2022

Attend a hearing

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

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

Declaration

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

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

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

Yes

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



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

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



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

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

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full
Name) _____

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

Address for service of Submitter

Telephone:

Fax/Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number

PC 86

Plan Change/Variation Name

41-43 Brigham Creek Road, Whenuapai

The specific provisions that my submission relates to are:

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

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

I wish to be heard in support of my submission

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

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



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

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

Form 5

Submission from Waka Kotahi on Proposed Private Plan Change 86: 41 – 43 Brigham Creek Road, Whenuapai under Schedule 1 of the Resource Management Act

21 October 2022

Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142
Attn: Planning Technician

Email: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: The New Zealand Transport Agency (Waka Kotahi)

This is a submission from Waka Kotahi on a private plan change request from the applicant “41-43 Brigham Creek JV’ to the Auckland Unitary Plan (Operative in Part) from 41-43 Brigham Creek under Schedule 1 of the Resource Management Act 1991 (RMA). The plan change proposes to rezone approximately 5.19 hectares of land at Whenuapai from Future Urban to Residential – Mixed Housing Urban Zone.

Waka Kotahi wishes to be heard in support of this submission.

If others make a similar submission, Waka Kotahi may consider submitting a joint case.

Waka Kotahi does not gain a trade advantage through this submission.

Waka Kotahi role and responsibilities

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (LTMA). The objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi roles and responsibilities include:

- Managing the state highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

Waka Kotahi interest in this plan change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.
- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the state highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

Government Policy Statement on Land Transport

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (GPS). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management.

The proposed change in zoning enabled by private plan change 86 is inconsistent with the GPS priorities as it will result in the introduction of a community dependent on private vehicles and would adversely effect the safety and efficiency transport system.

Te Tupu Ngātahi Supporting Growth Alliance

Waka Kotahi is part of the Te Tupu Ngātahi Supporting Growth Alliance (**Te Tupu Ngātahi**) which is a collaboration between Auckland Transport and Waka Kotahi to plan and route protect the preferred transport network in future growth areas such as the North West, including Whenuapai.

The Indicative Strategic Transport Network identified by Te Tupu Ngātahi to support growth in the North West includes projects relevant to this plan change. The site will be directly affected by two projects, but development enabled by the plan change will also benefit from other projects. The two projects which most directly relate to the site (and will affect site frontages) are:

- Upgrade and extension of Māmari Road from Northside Drive to Brigham Creek Road; and
- Upgrade Brigham Creek Road.

The North-West Detailed Business Case prepared by Te Tupu Ngātahi has been approved by the boards of Waka Kotahi and Auckland Transport. Projects confirmed as needed for a fit-for-purpose transport network are being progressed to route protection in late 2022 - early 2023. Cost estimates have been updated as part of this process, but further design and refinement will be needed to produce sufficiently accurate estimates for the purposes of collecting development contributions by Auckland Council. This will take some time and may not be available for the hearing on this plan change.

Financing and funding

To align growth with the provision of transport infrastructure and services, there needs to be a high level of certainty about the financing, funding and delivery of the required infrastructure and services. Adverse effects arise when development occurs before the required transport network improvements and services have been provided cannot be addressed without addressing financing, funding, and implementation of the network.

There is a need to assess and clearly define the responsibilities for the required infrastructure and the potential range of funding and delivery mechanisms. This includes considering the role of applicants / developers and taking into account the financially constrained environment that the Council, Waka Kotahi and Auckland Transport operate within.

Waka Kotahi view on the Proposal

Waka Kotahi is concerned that proposed private plan change 86 is ahead of the Future Land Supply Staging and allows future urban land to be urbanised before the wider staging and delivery of planned transport infrastructure and services. This will result in an isolated community with a low level of accessibility to active and public transport, a reliance on private vehicles which in turn adversely effects the safety and efficiency of the transport system. The proposal also has the potential to result in cumulative adverse effects as responding to piecemeal development makes it difficult to secure an integrated transport network.

Therefore, Waka Kotahi opposes proposed Private Plan change 86 as it is inconsistent with the National Policy Statement Urban Development and the objectives and policies of the Regional Policy Statement..

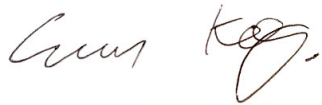
It is noted that Auckland Council is undertaking its Future Development Strategy at present and is also preparing for the review of the Unitary Plan in 2026. These processes will provide an opportunity for a

more comprehensive review of the development capacity and staging of the whole region including the Whenuapai area in the near future. As there is significant development capacity within the existing urban areas (with future development capacity being enabled under Plan change 78) and this location is not well served by current or planned high quality public transport, it should not be prioritised for out of sequence urbanisation.

Decision Sought

Waka Kotahi opposes the zoning sought by the plan change and requests that it be declined. Further detail and information is contained in Attachment 1.

Yours faithfully



Evan Keating
Principal Planner, Waka Kotahi

Address for service:

NZ Transport Agency (Waka Kotahi)
Attention: Kim Harris Cottle
Email: EnvironmentalPlanning@nzta.govt.nz

Attachment 1 – Waka Kotahi Submission points on Auckland Unitary Plan, Proposed Private Plan Change 86: 41 – 43 Brigham Creek Road, Whenuapai

Point #	Issue	Support/ Oppose	Reason for Comment	Decision requested
1	Entire Plan Change	Oppose	<p>Waka Kotahi supports the benefits of compact urban form and coordinated infrastructure provision and is concerned that this plan change will not achieve those outcomes. Therefore, Waka Kotahi opposes Proposed Private Plan Change 86 in its entirety for the following reasons:</p> <ul style="list-style-type: none"> • The timing of the development is ahead of the staging in the Future Urban Land Supply Strategy 2017 (FULSS), now incorporated into the Auckland Plan. This site is part of Whenuapai Stage 2 which is intended to be ‘development ready’ between 2028 and 2032. This means transport infrastructure and services needed for the development of this site as a well-functioning urban environment will not be available. • The Auckland Unitary Plan already enables adequate capacity for housing growth across Auckland’s urban area which will be further enhanced through the introduction of Medium Density Residential Standards through plan change 78 (PC78). • Based on the significant amount of development capacity within the urban area enabled by PC78, the need for and timing of the future urban zoned land as whole should be re-considered as part of the Future Development Strategy (FDS). The FDS may confirm that land such as this is not required for growth projections and remote from existing rapid transit networks and therefore not a priority for development 	Decline the plan change unless additional information and clarity is provided to satisfy Waka Kotahi’s concerns about transport effects, provision of infrastructure and appropriate planning provisions (including objectives, policies and rules) to ensure transport land use integration and mitigation of adverse effects.

10.1

			<ul style="list-style-type: none"> • The proposed development of this site ahead of the necessary wider transport infrastructure is inconsistent with the National Policy Statement Urban Development (NPS UD) as it will not provide a well-functioning urban environment, not support a reduction in greenhouse gas emissions and does not provide an integrated approach to land use and infrastructure planning. • The proposed private plan change does not align with the objectives and policies of the RPS that require an integrated inclusive transport system and that is planned, funded and staged to integrate with urban growth. • Further detailed design and funding is required to support the planning, design, consenting and construction of the transport infrastructure and services to enable this proposal. There is a need to assess and clearly define the responsibilities for the required infrastructure and the potential range of funding and delivery mechanisms. • Funding of bulk transport infrastructure is an issue for land at Whenuapai identified as part of Whenuapai Stage 1 which was intended to be development ready between 2018 and 2022 in the FULSS. Therefore, Waka Kotahi is concerned with the effects of rezoning of additional Stage 2 land that is reliant on transport infrastructure that is yet to be funded or go through detailed design. 	
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2	Integrated Transport Assessment	Oppose	<p>Waka Kotahi has concerns that this plan change will result in a significant effect on the safety and efficiency of the transport system and has concerns with assessment of effects, assumptions, and proposed mitigation measures in the Integrated Transport Assessment (ITA).</p> <p>The existing environment does not support active or public transport with no connected footpaths or crossings and the detailed design and timing for necessary transport infrastructure upgrades is currently unknown. Whilst planning for appropriate infrastructure is underway, the timing and funding for Stage 2 is expected to be post 2028 (based on the FULSS). However, it is noted that there are already issues with funding and delivery of infrastructure in Stage 1.</p> <p>Waka Kotahi does not agree with the ITA assumptions relating to the proportion of trips using public transport with the existing transport infrastructure. For example, in the existing environment residents would need to walk a significant distance (approximately 1.7km) for the numbers 122, 125 and 125X bus routes along a narrow carriageway with no footpath. Introducing and encouraging people to walk within corridors and provide with no pedestrian facilities is unlikely to be attractive to residents therefore increasing reliance of private vehicles.</p> <p>The ITA identifies 'critical' infrastructure upgrades for Brigham Creek Road and Māmari Road and the benefits of the upgrades but the plan change does not provide a mechanism to require these works to be undertaken in conjunction with subdivision and development.</p>	<p>Decline the plan change unless additional information and clarity is provided to satisfy Waka Kotahi's concerns about transport effects, provision of infrastructure and appropriate planning provisions (including objectives, policies and rules) to ensure transport land use integration and mitigation of adverse effects.</p>
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10.2

			Therefore, Waka Kotahi does not support the introduction of a new community in this area without detailed design or certainty of timing of appropriate transport infrastructure and services.		
3	Cumulative effects / wider transport network / financing and funding	Oppose	Waka Kotahi does not support this plan change to rezone land in advance of an infrastructure financing and funding solution being developed for the North West strategic transport network as it relates to Whenuapai. The plan change will enable development to proceed before planning has been completed for the strategic transport network. The cost, financing and funding approach for this part of the transport network has not yet been determined.	Decline the plan change until certainty can be provided on the timing and funding of necessary transport infrastructure and services.	10.3
4	Residential - Mixed Housing Urban	Support	Should the site be rezoned in the future, Waka Kotahi supports the application of a medium density residential zoning as this is consistent with the Whenuapai Structure Plan 2016.	When appropriate to rezone this plan change, retain the proposed zoning of Residential - Mixed Housing Urban.	10.4
5	Māmari Road corridor	Oppose	The proposal seeks to rezone land to enable development before planning and route protection is completed by Te Tupu Ngātahi and the upgrade required to Māmari Road to support growth in the north-west. This will provide for a Frequent Transit Network. Allowing the rezoning without providing for the Māmari Road project will compromise future urban development and inhibit the efficient provision of infrastructure.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Māmari Road as part of the strategic transport network required to support growth in the north-west. This is likely to require precinct provisions.	10.5
6	Māmari Road - frontage upgrade	Oppose	In conjunction with subdivision and development of this site, the Māmari Road frontage needs to be upgraded to an urban standard with separated walking and cycling facilities. This upgrade needs to be undertaken in a manner that is consistent with the Te Tupu Ngātahi indicative designs so as to avoid additional costs and unnecessary rework where possible.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Māmari Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and	10.6

				location of this works should be future-proofed to avoid the unnecessary rework.	10.6
7	Māmari Road - vehicle access	Oppose	The proposal seeks to rezone land to enable development before planning and route protection is completed by Te Tupu Ngātahi to provide for the upgrade required to Māmari Road and support growth in the north-west. In the future Māmari Road will form part of the arterial road network and it will be desirable to restrict direct vehicle access on the road, particularly as it is future Frequent Transit route. At present, Māmari Road is not identified as an arterial road in the controls layer of the AUP(OP) map viewer. This means development is not subject to the vehicle access restrictions applying in E27 of the AUP(OP) to arterial roads identified on the planning maps.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to avoid direct vehicle access onto Māmari Road.	10.7
8	Brigham Creek Road corridor	Oppose	The proposal seeks to rezone land to enable development before it is identified in the FULLSS and therefore before planning and route protection is completed by Te Tupu Ngātahi to provide for the upgrade required to Brigham Creek Road and support growth in the north-west. Allowing the rezoning without providing for the Brigham Creek Road project will compromise future urban development and inhibit the efficient provision of infrastructure.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Brigham Creek Road as part of the strategic transport network required to support growth in the north-west. .	10.8
9	Brigham Creek Road - frontage upgrade	Oppose	In conjunction with subdivision and development of this site, the Brigham Creek Road frontage needs to be upgraded to an urban standard with separated walking and cycling facilities. This upgrade needs to be undertaken in a manner that is consistent with the Te Tupu Ngātahi indicative designs so as to avoid additional costs and unnecessary rework where possible.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Brigham Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of this works should be future-proofed to avoid the unnecessary rework.	10.9

10	Internal transport network	Oppose	The proposal will enable urban development of a small site with no certainty that a road network will be provided within the site in a manner that enables connections to adjacent sites for future development. In addition, there is no certainty that all development within the site will be provided with good pedestrian access through to Brigham Creek Road in order to access public transport services.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to adjacent sites, and connections through to Brigham Creek Road (particularly for active modes).	
11	Pedestrian connections beyond the site	Oppose	Additional footpath connections are needed to connect development on the site to the existing footpath network. In addition to frontage upgrades (addressed in other submission points) other footpath connections are required (e.g. outside #45 Brigham Creek Road) along with safe road crossings of Brigham Creek Road and Māmari Road.	If the plan change is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to the existing footpath network and safe pedestrian crossings on Brigham Creek Road and Māmari Road.	

10.10

10.11

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

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



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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Annette Mitchell

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

Living Whenuapai

Address for service of Submitter

38 Waimarie Road, Whenuapai

Telephone:

272942601

Fax/Email:

anniem1401@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number PC 86

Plan Change/Variation Name 41-43 Brigham Creek Road, Whenuapai

The specific provisions that my submission relates to are:

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

Plan provision(s)

Urban Design Assessment where PC86 does not meet the design principle or the Whenuapai Structure Plan

11.1

Or

Property Address

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

The development does not address issues of community open space, tree planting and canopy cover and design that would mitigate the effects of climate change.

11.2

11.3

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

Reduce the number of houses and used the developers contribution funds to buy a large piece of this land for passive recreation and for an ecological corridor.

11.4

I wish to be heard in support of my submission

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

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

A. Mitchell

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

Date

20/10/2022

Notes to person making submission:

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

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

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

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

(a) adversely affects the environment; and

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

20th October 2022

Submission on Proposed Private Plan Change 86, 41 – 43 Brigham Creek Road

This submission is being done on behalf of Living Whenuapai. We are an environmental group in the Whenuapai area who have undertaken a number of restoration projects on Whenuapai reserves to restore them to native vegetation. We also have an extensive predator control program in the wider Whenuapai landscape. Living Whenuapai is a member of the Upper Waitemata Ecology Network and we receive annual funding from the Upper Harbour Local Board. All our work is carried out by volunteers from the local community and our Kaupapa (purpose, mission) is to restore the native habitat of considerable areas of the Whenuapai, both existing reserves and private land that has been cleared for agriculture purposes. Our work is underpinned by three Auckland Council Strategy documents. They are:

- **Auckland Urban Ngahere Strategy**
- **The North West Wildlink**
- **Upper Harbour Connectivity Strategy**

Living Whenuapai has concerns about the nature and intensity of Plan Change 86 and how it fails to comply with a number of principal and policies of the **Whenuapai Structure Plan 2016**.

The Whenuapai Structure plan sets out seven key objectives. They are:

1. Sustainable urban development
2. A quality built urban environment
3. A well-connected Whenuapai
4. The national significance of the Whenuapai Airbase
5. The provision of infrastructure
6. **An enhanced natural environment and protection of heritage**
7. **And the provision of quality open spaces.**

No where in this plan change in question is there any evidence of it achieving objectives 6 and 7.

As per the diagrams of the development below there is merely blocks of houses on very small sites with no amenities to enhance or contribute to the well being of either people or the natural environment.

3. The Proposed Development



Brigham Creek
© Brigham Creek Road, Whenuapai
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T E A M ®

Figure 3: Extracts from proposed plans

In reviewing the Urban Design documents of Plan Change 86 there are numerous areas of the Whenuapai Structure Plan that this Plan Change does not address the design principles satisfactorily, as follows: (numbered as per the assessment document)

1. **Create a well designed, sustainable quality compact form with a strong sense of place.**

Response from developers consultant:

*“As illustrated by the proposed layout and plans prepared for the resource consent, the rezoning of the land as Residential – Mixed Housing Urban would encourage the development of the land in a medium density compact form, **which through careful design will create a strong sense of place”.***

Submitters question: How does such an intense housing development with no shared community spaces or open spaces create “a sense of place”? This development does not meet this standard.

13. **Protect waterways and enable the improvement of water quality and restoration of vegetation and habitat.**

Response from developers consultant:

“Water quality matters are addressed by others”

Submitters response: We note that all stormwater is being piped into the nearby Sinton Stream. According to the Stormwater Management Plan – Biodiversity (pg 10), the Sinton Stream, being the receiving environment, is a Significant Ecological Area (SEA), in which case piping stormwater into it is not considered best practice in modern urban developments. Houses need to have rainwater retention tanks and used within the builds and streets should have rain gardens to limit stormwater outflows. Also riparian planting around any streams that feed into an SEA.

11.5

11.6

21. **Provide for the sustainable management of taonga (e.g. the importance of protecting the mauri of waterways, recognition of mana whenua culture, traditions, tikanga, place names, artefacts, wāhi tapu and historic places and areas) and how these elements can be incorporated into the structure plan and future plan change process as advanced by Te Kawerau ā Maki and Ngāti Whātua o Kaipara.**

Response from developers consultant:

“There are no cultural features identified on the site. The Private Plan Change and associated Resource Consent will not impact on the ability to achieve this”.

Submitters response: How is this development of 230 houses plus roads and footpaths protecting and enhancing the mauri of waterways and tikanga and management of taonga – ie the native forest that once occupied this whenua? It is very convenient for developers to attempt to develop unused farmland – land which was once covered in native forest and biodiversity and our indigenous communities thrived there – before occupation by European culture. Surely we should make some attempt to restore some of this land to its original state, as recognition of mana whenua culture and traditions. With our increased awareness of the need for urban canopy cover and biodiversity in our urban environments surely each development should have land set aside to grow our biodiversity and support future communities to once again thrive there.

11.7

Please advise what Te Kawerau a Ma ki and Ngaati Whatua o Kaipara's response to this has been during consultation with iwi?

Urban design matters raised by Auckland Council:

Item 19 a.i.

A robust assessment of the immediate context as well as the wider context. Reliance on the Whenuapai Structure Plan is not considered adequate for a plan change of this scale. Please consider aspects such as walking / cycling connections to key amenities such as schools, local reserves, playgrounds, shops, public transport stops (and other key everyday facilities). Please provide details of how safe and direct access can be provided across Brigham Creek Road.

Response from Developers consultant:

Key existing local reserves, and planned reserves identified on the structure plan, are all to the north of Brigham Creek Road. The zoned Business Local Centre Zoned land is also to the north of Brigham Creek Road; see Figure 1 and Figure 2 of my original report. There is currently a controlled pedestrian crossing at the traffic lights at the intersection of Brigham Creek Road with Totara Road and Mamari Road. Whilst this currently provides a safe crossing from the south to north side of Brigham Creek Road, which would allow future residents to access the reserve in the north-west corner of this intersection (with adjacent coffee shop), Local Centre zoned land in the north-east quadrant of the intersection and other local facilities to the north of the road, there are currently no footpaths along Mamari Road or the south side of Brigham Creek Road linking to the site".

Submitters response:

Living Whenuapai agree with the Auckland Council assessment of this plan in that it relies too heavily on the Whenuapai Structure plan to provide all community facilities, including reserves and parks. With a development of this size there should be adequate provision by developers to provide a considerable amount of passive recreation space without residents having to cross a busy and dangerous road like Brigham Creek road. This development needs to have its own facilities to give it a sense of community and to include native tree planting to enhance and restore native habitat for its residents to enjoy.

11.8

Conclusion:

Living Whenuapai oppose the provisions of Plan Change 86 as its singular objective is to build as many houses on the site as possibly to apparently "help alleviate Aucklands housing crisis". However it does nothing to address this cities other crisis, such as:

- Loss of biodiversity and canopy cover throughout the city
- The impending issues that will come with climate change and subsequent higher rainfall and increased average temperatures. In fact a housing development such as this adds to a heating climate by providing an intense heat sink.
- Lack of open space and natural elements that are recognised as necessary for both the physical and mental well being of communities.
- Lack of recreational facilities.

The strategic documents that this development does not address are those mentioned at the beginning of this submission:

- **Auckland Urban Ngahere Strategy**
- **The North West Wildlink**
- **Upper Harbour Connectivity Strategy**

We do not understand why this development, or any other development in Whenuapai should be exempt from contributing to the identified needs highlighted in the above strategy documents.

We oppose this development and recommend that a Blue-Green Spatial plan is done for the whole of Whenuapai before any further such developments proceed to ensure all aspects of urban developments are addressed properly and at landscape scale.

11.9

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Thomas Starr
Date: Thursday, 20 October 2022 11:31:00 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Thomas Starr

Organisation name:

Agent's full name:

Email address: tom@starrandstarr.co.nz

Contact phone number: 021878959

Postal address:
9 Whenuapai Drive
Whenuapai
Whenuapai 0618

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

Property address: 9 Whenuapai Drive

Map or maps:

Other provisions:

1. I would like to better understand the plan for power provisioning to the area. Currently, the greater new build area of Whenuapai has lines managed by Oyster, rather than Vector. These lines are fed by a single Vector substation, which frequently receives power outages. If a further 200+ homes are to be added to the network that the same substation supplies, what is going to be done by Vector and/or Oyster to ensure ensure that the current infrastructure provisioned is not further overwhelmed?

2. The Brigham Creek Road is, particularly the small bridge which is traversed over on the way to the roundabout to Huapai, is inadequate for the current level of traffic in Whenuapai and the through traffic that travel it between the North Shore to the Huapai direction. Before further developments/cars are added to this current infrastructure, I believe that we need some commitment from AT to upgrade the road before Whenuapai becomes further developed.

12.1

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

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

The reason for my or our views are:

The current infrastructure in Whenuapai, (roads, public transport and power), and already inadequate for the existing residents volumes. Before greater volumes of residential dwellings are approved, the infrastructure in the area (not just waster water) needs upgrade, or at least a solid

commitment from council that it'll be attended to ahead of new builds on this site commencing.

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

Submission date: 20 October 2022

Attend a hearing

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

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

Declaration

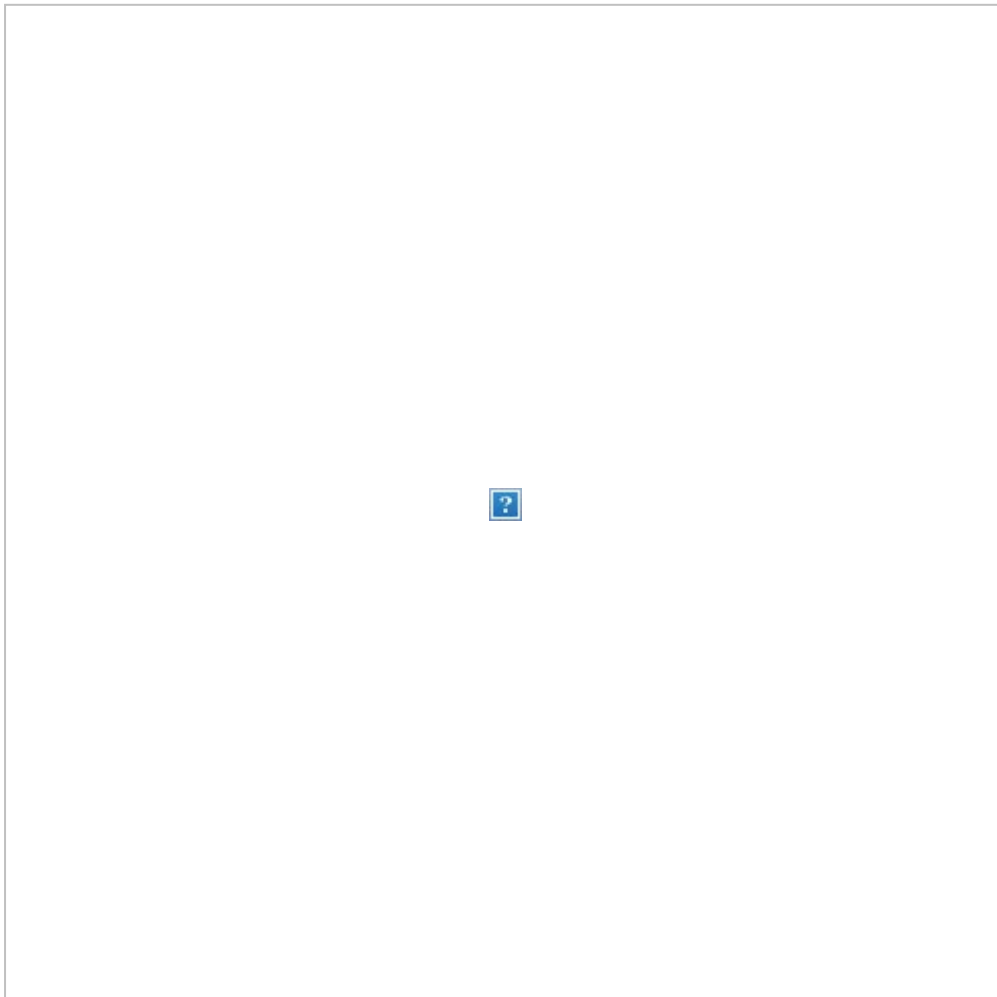
Could you gain an advantage in trade competition through this submission? No

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

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

Yes

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



From: [Louise Morron](#)
To: [Unitary Plan](#)
Cc: stee@mortontee.co.nz; [Brendon](#)
Subject: Proposed Plan Change 41-43 Brigham Creek Rd, Whenuapai
Date: Thursday, 20 October 2022 5:03:03 pm

Affected property: 74 Trig Road
Harker Family Trust No. 1

We object to this proposal and require additional time to file a detailed submission.

13.1

Thank you
Louise Morron

SUBMISSION ON PROPOSED PLAN CHANGE 86 – 41-43 Brigham Creek Road Auckland Unitary Plan (Operative in Part)

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

Name of Submitter: Woolworths New Zealand Limited

Woolworths New Zealand Limited provides this submission on proposed Plan Change 86 (“**PC86**”) to the Auckland Unitary Plan (Operative in Part).

PC86 is a privately initiated plan change that seeks to re-identify the land at 41-43 Brigham Creek Road from Future Urban Zone to Mixed Housing Urban Zone.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

The Submitter is the owner of the adjacent site at 45 Brigham Creek Road and shares direct boundaries with the PC86 site.

The submission relates to the proposed amendments to the Auckland Unitary Plan (Operative in Part) as set out in PC86. In particular, the Submitter **supports** in principle the proposed rezoning of the land to Mixed Housing Urban Zone, subject to the following matters being addressed:

- This plan change is occurring out of sequence without a comprehensive Whenuapai wide approach. 14.1
- It is the future intention of the Submitter to seek to develop 45 Brigham Creek Road for commercial uses, including a supermarket. The Submitter considers that the proposed rezoning should take account of the intended use of its site for commercial purposes. In particular, consideration should be given to whether any measures are required to address the potential for reverse sensitivity effects in the vicinity of the shared boundary, where an interface between commercial and residential activities is likely to exist in the future. 14.2

- The document titled 'Appendix 2 – Plan Change Rezoning Plan' identifies a pedestrian throughfare that appears to provide a connection onto 45 Brigham Creek Road (refer **Figure 1**). This is not considered necessary, with full pedestrian facilities to be delivered on Brigham Creek Road.

14.3

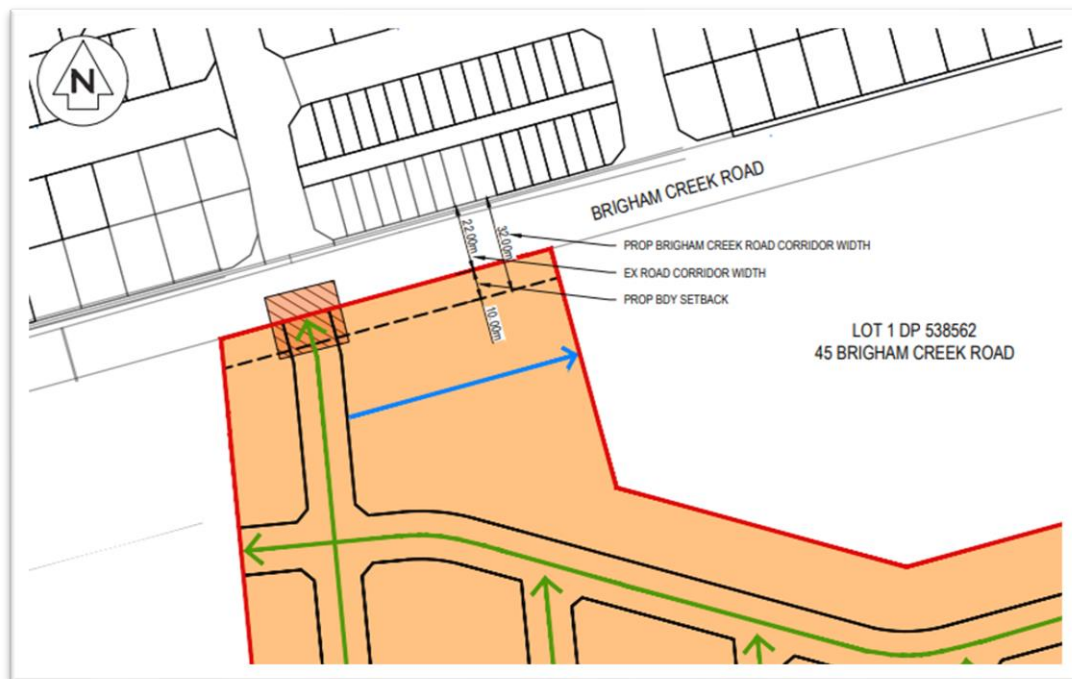


Figure 1: Plan from PC86 documentation showing pedestrian connection (blue arrow)

- The same document identifies road widening along both Brigham Creek Road and Mamari Road. The extent of land required for road widening has not been finalised with the Submitter as discussions are ongoing, and the proposed road widening has also not been formalised via a Notice of Requirement process by Auckland Transport.

14.4

Relief sought

The Submitter seeks the following decision from Auckland Council in respect of PC86:

- That, subject to any amendments that may be required to address the matters noted in this submission, PC86 be confirmed.

14.5

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.



Philip Brown
Campbell Brown Planning Limited
For and on behalf of Woolworths New Zealand Limited as its duly authorised agent.

21 October 2022

Address for service of submitter:

C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Attention: Philip Brown

Telephone: (09) 394 1694
Mobile: 021845327
Email: philip@campbellbrown.co.nz

Submission on Proposed Plan Change 86 Auckland Unitary Plan (Operative in Part)

Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
Address: Attn: Planning Technician
Private Bag 92300
Auckland 1142
Email: unitaryplan@aucklandcouncil.govt.nz

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

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 5271
Victoria Street West
Auckland 1142
Attention: Wendy Macdonald

Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz / wmacdonald@tonkintaylor.co.nz

Background

- 1 This is a submission on Proposed Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai to the Auckland Unitary Plan – Operative in Part (“PPC86”). PPC86 proposes to rezone 41-43 Brigham Creek Road (“the site”) from Future Urban to Residential Mixed Housing Urban (MHU) to provide for 230 residential lots.
- 2 The New Zealand Defence Force (“NZDF”) operates the RNZAF Base Auckland at Whenuapai, located immediately to the east of the PPC86 area. Base Auckland is a significant Defence facility, of strategic importance regionally, nationally and internationally. Ensuring that this facility can continue to operate to meet Defence obligations under the Defence Act 1990 is critical. These obligations include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required. RNZAF Base Auckland is essential in achieving these obligations.
- 3 NZDF seeks to protect RNZAF Base Auckland from the adverse effects of reverse sensitivity. While NZDF recognises the need to provide additional housing in Auckland, it must be appropriately located and designed in relation to established infrastructure. This approach is consistent with NZDF’s approach nationally to proposed development around other military camps and bases, for example in Selwyn District (Burnham Military

15.1

Camp) and Upper Hutt City (Trentham Military Camp), and also other plan changes in the vicinity of Base Auckland at Whenuapai.

- 4 Providing for residential development that does not consider effects on significant infrastructure, such as the RNZAF Base Auckland, would contradict the policy framework in the Auckland Unitary Plan – Operative in Part (“AUP-OIP”). Specifically, this includes Objective B3.2.1 (6) and Policies B3.2.2 (4) and (5) of the Regional Policy Statement (RPS) which aim to protect significant infrastructure, including defence facilities, from reverse sensitivity effects. The plan change is required to **give effect** to this policy direction. The location of the PPC86 site is near the approach/departure path for the main runway and close to runway lighting, so it is very important that potential risks to NZDF aircraft and Base operations are avoided. The south-eastern corner of the development site is also within the 55dB Ldn noise contour for Whenuapai aircraft noise. The site is also in close proximity to the NZDF housing area on the opposite side of Mamari Road.
- 5 NZDF has previously provided feedback directly to the applicant in 2021 on draft precinct provisions that would help to protect Base Auckland from reverse sensitivity effects caused by development in the PPC86 site, including requesting no-complaints covenants on all new titles created. However, NZDF is concerned that PPC86 as notified does not include a precinct, meaning there are no additional protections for Base Auckland other than the Aircraft Noise Overlay and the provisions of Designation 4311.
- 6 NZDF does not accept the applicant’s proposition at pages 11 and 19 of the Plan Change Request that the standard provisions of the AUP-OIP are adequate to manage reverse sensitivity effects on Base Auckland. The nearby Whenuapai Precincts 1 and 2, for example, include appropriate controls (including a requirement for no-complaints covenants) specifically to manage reverse sensitivity effects and to protect Base Auckland.
- 7 The aircraft noise contours from which the Aircraft Noise overlay is derived are based on a 90-day average aircraft noise level. There are peak noise levels outside of this average, which means that residents outside, as well as inside, the Aircraft Noise overlay will periodically experience noise which may cause annoyance (day and night). This may result in complaints against the Base. People living outside of the Aircraft Noise overlay may have a false expectation that they will not experience aircraft noise, which makes no-complaints covenants even more important for those areas. The benefits of no-complaints covenants are described in further detail below.
- 8 Potential reverse sensitivity effects include effects relating to an increased risk of bird strike, effects on aircraft safety through lighting and glare, potential for development (including temporarily during construction) to infringe the Obstacle Limitation Surface (OLS) and the potential for wider reverse sensitivity effects (such as noise) on the Base. NZDF is not confident therefore that the proposed development will avoid adverse effects on Base Auckland, and there is potential for it to undermine the Base’s operation as a strategically important Defence facility.

If the plan change is accepted and development proceeds, NZDF requests that:

- 9 The applicant at pages 11, 17 and 19 of the Plan Change Request has offered no-complaints covenants to be applied only to development within the portion of the site subject to the Aircraft Noise Overlay – a small corner in the southeast of the site. However, NZDF requests no-complaints covenants be applied to the whole PPC86 site. The purpose of no-complaints covenants is to protect RNZAF Base Auckland from

15.2

reverse sensitivity effects, not to protect residents from adverse effects of noise as the applicant states on page 19 of the Plan Change Request.

- 10 No-complaints covenants put potential new landowners, who may be unfamiliar with the area and the operation of the Base Auckland 'on notice' about effects from the Airbase and place the responsibility of accepting the presence of Base Auckland, and effects (including noise) associated with its lawful operation on new landowners. This is particularly important for potential purchasers of properties outside of the Aircraft Noise overlay who, as outlined above, may not expect to experience aircraft noise.
- 11 In these respects, no-complaints covenants are a simple, low cost and effective method of managing and avoiding reverse sensitivity effects. They have been successfully applied to the Whenuapai Precinct 1 and Precinct 2 developments near the PPC86 site. Furthermore, no-complaints covenants do not constrain development in any way and would have no effect on the outcomes sought by the National Policy Statement for Urban Development or by rezoning the land to MHU zone.
- 12 The Stormwater Management Plan and stormwater management outcomes and devices for the site should be planned, designed and implemented to avoid or mitigate potential effects of bird strike on the RNZAF Base Auckland. The Stormwater Management Plan submitted with the PPC86 application does not mention reverse sensitivity effects such as bird strike. Stormwater management devices should not include open water or new habitats for birds, to limit a potential increase in birds in the area in close proximity to the end of the main runway.
- 13 Conditions should be applied to any resource consent for the development that would avoid or minimise the potential for attracting birds to the site, including: 15.3
- Waste/rubbish must be appropriately managed on site to avoid attracting birds to the site.
 - Earthworks must be managed to avoid attracting birds to the site (areas of bare earth in winter are a particular problem as birds are attracted to feed).
 - Landscaping and plantings must avoid attracting birds to the site and NZDF needs to be consulted in the preparation of any landscaping/planting plans.
 - Roof gradients must be over 15 degrees (e.g. a saw-tooth roof profile would be appropriate). If that isn't feasible, spikes or netting on any structure with a roof under 15 degrees gradient are required.
- 14 Conditions on lighting should be applied to any resource consent for the development to avoid distracting pilots and replicating runway lighting, including: 15.4
- Searchlights or floodlights must not be used between 11pm and 6am.
 - There shall be no outside illumination of any structure or feature by floodlight that shines above the horizontal plane.
 - Street lighting must not be aligned so as to mimic runway lighting.
- 15 Conditions on reflectivity of building cladding and roofing should be applied to any resource consent for the development. Potential for reflection from roofing and cladding materials to create a sunstrike effect on pilots approaching or taking off from the Base Auckland runway should be avoided. External cladding of buildings and roofs need to be of low reflectivity materials (less than 20% specular reflectance) to avoid this sunstrike effect. 15.4
- 16 Conditions on roading layout should be applied to any resource consent for the development to avoid mimicking the runway pattern causing potential for pilot confusion. 15.5

17 Conditions to protect the OLS and require notification to the NZDF prior to crane use should be applied to any resource consent for the development. Although NZDF's prior written approval would be required for any buildings or structures that penetrate the OLS, there is potential for the requirements of the OLS to be overlooked particularly where a structure is compliant with maximum height standards but infringes the OLS. Due to the proximity of ground level to the OLS in some parts of the PPC86 area, it is important for developers to be aware of this constraint to proposed buildings and structures. This includes obstacles penetrating the OLS that do not require building or resource consent, such as construction cranes and trees. Such obstacles present a significant safety risk for the operation of aircraft at Base Auckland. For example, there have been recent incidents where NZDF has not been notified prior to the operation of cranes within the OLS and this has forced the closure of the main runway. Incorporating specific provisions into a resource consent for the development will increase visibility and awareness of OLS requirements.

15.6

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

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

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



21/10/2022

Date _____

 Person authorised to sign
 on behalf of New Zealand Defence Force

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Charissa Snijders
Date: Friday, 21 October 2022 10:01:24 am
Attachments: [UWEN PPC86 submission Oct 22.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Charissa Snijders

Organisation name: Upper Waitemata Waterways Collective (UWWC)

Agent's full name: Charissa Snijders

Email address: charissa@csaarchitect.co.nz

Contact phone number: 021309593

Postal address:
84 The Terrace
Herald Island
Auckland 0618

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:
Private Plan Change 86

Property address: 41-43 Brigham Creek Road, Whenuapai

Map or maps:

Other provisions:
Please refer to attached document

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

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

The reason for my or our views are:
Please refer to the attached document

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

Submission date: 21 October 2022

Supporting documents
[UWEN PPC86 submission Oct 22.pdf](#)

Attend a hearing

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

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

Declaration

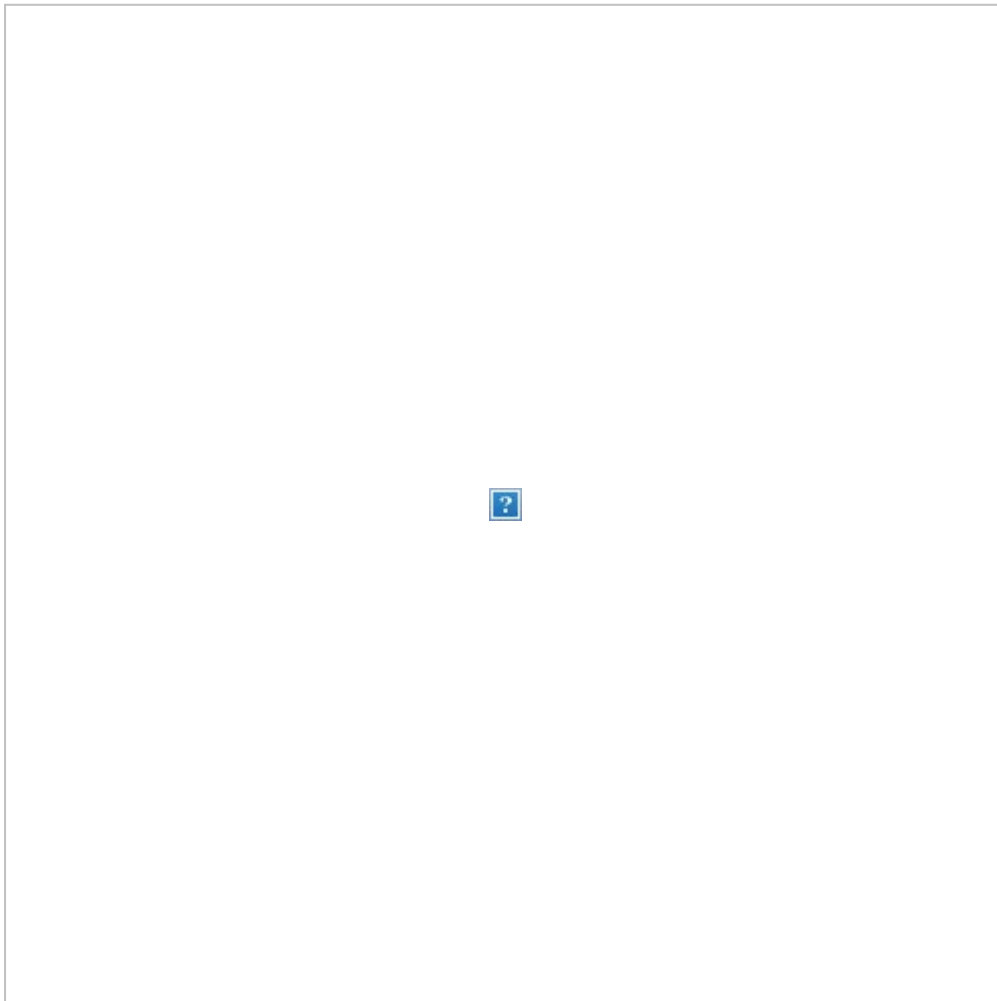
Could you gain an advantage in trade competition through this submission? No

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

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

Yes

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



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Upper Waitemata Ecology Network

SUBMISSION ON A NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 86 20 Oct 2022
41-43 Brigham Creek Road, Whenuapai

This submission is being done on behalf of the Waterways collective of the Upper Waitemata Ecology Network (UWEN). UWEN is a group of volunteer based organisations operating in the Upper Waitemata Harbour in Auckland. Areas of focus include Albany, Greenhithe, Pāremoremo, Hobsonville Point, Herald Island and Whenuapai. Threats to indigenous biodiversity as a result of intense development pressure is felt very keenly throughout this area. With funding support from Auckland Council, member groups undertake environmental restoration, animal pest trapping, education and monitoring. The Upper Waitemata Waterways Collective (UWWC) is an informal subcommittee of UWEN with a specific focus on waterways protection and environmental connectivity across a wide range of ecosystems. Our work is underpinned by Auckland Council's strategy documents, including but not limited to the following:

- o Auckland Water Strategy and implementation plan
- o Auckland Urban Ngahere Strategy
- o Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan
- o The North-West Wildlink
- o The Upper Harbour Ecological Connectivity Strategy
- o The Upper Harbour Open Space Network Plan

In assessing the request for the Private Plan Change, we have utilised The Whenuapai Structure Plan 8.1 Development and Design Principles to assess urban design and environmental matters associated with the Private Plan Change with particular emphasis on whether this proposal supports Auckland Council's stand on climate emergency and how this will help Whenuapai's long term ability to be resilient to climate change, restore and enhance the mauri of the environment which in turn will help the hauora of the people.

Our comments will also address the broader impact of allowing any Private Plan Changes and COVID fast track recovery submissions to be approved within Whenuapai's Future Urban Zone (FUZ), without the necessary infrastructure and updated structure plan necessary to realise a resilient, well-designed and liveable outcome for our community.

We wish to be clear that we are not against intensification, but ask that the Council implements their own strategies to balance the impact of intensification with the climate crisis we face. Regenerative foundational action needs to be in place prior to intensification if we are to have any chance of being climate resilient. We cannot keep doing the same thing and expect a different result.

16.1

We ask that Council decline the proposed private plan change for the following reasons outlined below. (the numbering below is as per the Urban Design assessment document – and answers only those that are relevant to UWWC's submission).

WHENUAPAI STRUCTURE PLAN 8.1 DEVELOPMENT AND DESIGN PRINCIPLES

1. Create a well-designed, sustainable quality compact form with a strong sense of place.

We do not believe this will be realised under this Private Plan Change development proposal.

Allowing Private Plan Changes scattered across the FUZ without an integrated and updated structure plan is ensuring that the developments will be ad-hoc and not connected either ecologically or socially. This will not ensure a well-designed, sustainable built form or a strong sense of community.

3. The Proposed Development

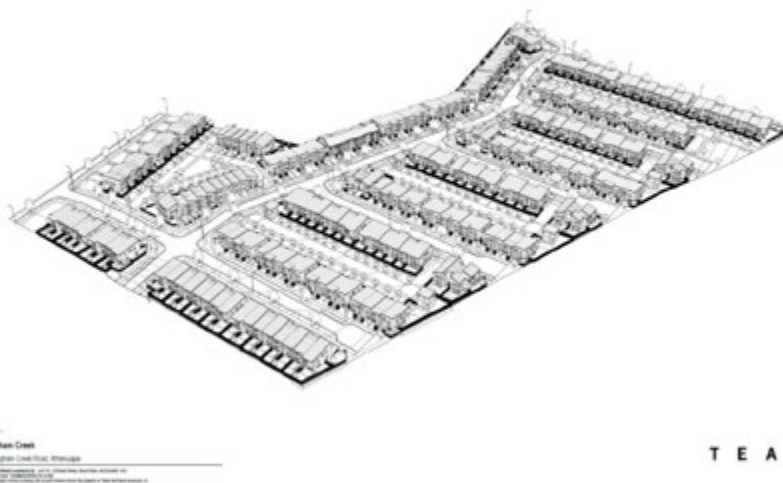


Figure 3: Extracts from proposed plans

Refer to the image above which shows the overall plan and 3D image of the proposed development if the Private Plan Change is accepted. In this particular design there is very little sustainable outcomes. The rainwater is not collected for house-use as is done in Hobsonville Point, nor are there solar panels or green roofs. What is shown below will only add to the heat sinks already starting to happen with the current intensification. Of note, the outdoor spaces look so small that no trees could be planted in these areas, which in turn will create further heat sinks and loss of biodiversity. In addition, passive design is not considered and the design shows houses with outdoor areas facing east and west, meaning the living spaces will often be in shade. The community have no open space to which they are a part

of. The buffer area to Brigham Creek is shown in green – implying a green zone – but this is a temporary measure and is set aside for the future Brigham Creek roading upgrade.

To ensure a well-designed, sustainable community with a strong sense of place and to help with resilience both for people and biodiversity, mitigate temperature rise and climate impact the 3-30-300 rule needs to be applied. The '3-30-300 rule' is an evidence-based rule proposed by Cecil Konijnendijk, which stipulates that everyone should be able to see at least 3 trees from their home; there should be 30% tree canopy cover in each neighbourhood; and 300 metres should be the maximum distance to the nearest high-quality public green space. This needs to be done not only for this Private Plan Change but for the whole of the FUZ of Whenuapai.

16.2

Council needs to step up and adopt the strategy outlined in Auckland Water Strategy 2022 and make water the central principle in land management and land planning. To achieve this Council needs to identify the streams and rivers that are qualifying water bodies with 20m esplanade strips for environmental and recreational benefits. We recommend a blue-green spatial network plan be implemented for this area prior to any Private Plan Changes being approved. It is our understanding the Sinton Stream is a Significant Ecological Area (SEA). How can water from this development be allowed to be piped into this stream? Does Sinton Stream have riparian margins? Is there a connectivity plan in place identifying the significant water bodies in Whenuapai – and if not, why not? Has Council identified the land that needs to be acquired to achieve riparian margins along these waterways?

16.3

Overall, what this Private Plan Change highlights, is the significant area of Whenuapai that is under Future Urban Zone. If Council accepts each Private Plan Change then Whenuapai is under threat. It is vulnerable to ad-hoc Private Plan Changes and the Covid Fast Track Consenting process. Only if Council acts now can we truly realise a sustainable and well-designed community.

4. Capitalise on the existing coastline, waterways, landscape, amenity, to create a strong green and coastal public open space.

Without an overall blue-green spatial network plan for Whenuapai it is difficult for any developer to understand the connectivity required for a well thought out intensified urban area. This is a key way to capitalise on the existing coastline, waterways, necessary ecological areas, in order to create a strong green and coast public open space. Without governance and leadership from Council there is no chance that Whenuapai can have the connectivity it deserves. Whenuapai FUZ is particularly at risk, as it is typically made up of greenfield sites that were historically farming and or horticulture. This means it has no remnant forests or significant ecological areas. Each Private Plan Change applicant can state that they have no SEA's to take into consideration in their proposals, without looking holistically at the whole area. It is up to Council, working with iwi and other specialists to identify key areas and ensure they are protected for future generations pre any further intensification.

6. Improve existing community facilities and new community facilities in centres

N/a to our submission. Apart from a note about the need for green pathways connecting schools, parks, community centres and sports facilities. Green pathways are best done pre any intensification and not adhoc. Individual private plan changes do not address green pathways to ensure choice in transport modes. Ones that are safe for school children, elderly, cyclists, and all people living and working in the community to be able to walk and cycle to these facilities. Currently all green pathways for Whenuapai are aspirational and have not been actioned and included in the budget.

7. Identify existing land owned by the Ministry of Education and private schools currently in operation while expecting that future schools within the proposed residential areas will be needed in future

Auckland Council should clearly identify future school locations. Population projection growth for this area is the greatest for the whole of the Upper Harbour. Project growth by 2046 is nearly six times what it was in 2018.

The recent Totara Road Covid Recovery Fast Tracking submission proposed a future school as an option in their development – is this really the way Auckland Council delivers a well thought through Structure plan?

16.4

11. Provide the foundation for the future residential block structure and site orientation to maximise solar gain

Due to the size of the plan submitted in the Urban Design Report it is difficult to get a complete understanding of the proposed development should the Plan Change be approved, but it does indicate that the outdoor areas are north, east and west for the houses. Looking at the overall plan the majority of the development houses' outdoor spaces are east and west. This will mean that they will often be in shade. Why was it mandatory for Auckland Council for so long to have outdoor spaces only facing north or northwest, northeast with living rooms facing the outdoor area? Especially now with a climate emergency and the need for good passive design outcomes. The proposed development does not orientate the houses to maximise solar gain.

13. Protect waterways and enable the improvement of water quality and restoration of vegetation and habitat.

Maven Associates, p 7 of their Stormwater Management report, Appendix 9 show the flooding and flowpaths associated with this Private Plan Change. Of concern is the flood plans to the northern part of the site and to the eastern part of the site. With ongoing development of this area this has the potential for future flooding if not addressed with water sensitive design. We are concerned that the floodpath to the north of the site has housing on it.

Stormwater Management Plan (PC)
41-43 Brigham Creek Road, Whenuapai

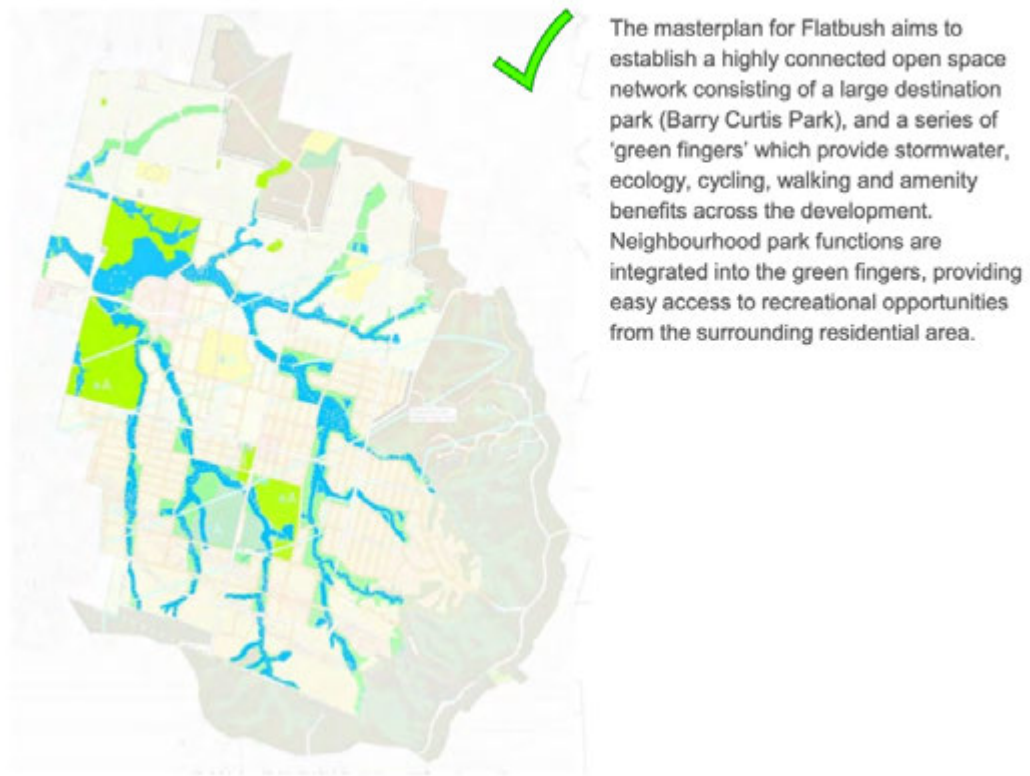
1.6 FLOODING AND FLOWPATHS



Figure 4: Existing 100-yr Catchment



In addition Figure 4 shows Sinton Stream where the water from the development is being piped into. This stream is a Significant Ecological Area. How is this stream protected from this development and future development? Will this be an ecological corridor as part of a blue-green spatial network plan? We request that Council does a blue-green spatial network plan for the whole of Whenuapai, in particular the FUZ before any private plan changes are approved. Below is an example that was done for Flatbush.



We request that if Council does not decline this Plan that as part of the conditions of consent they adopt all the recommendations as stated in The Upper Harbour Open Space Network Plan – see image below

16.5

Actions to improve water quality and biodiversity

- **Support actions that increase tree cover within the local board area**
 - Support the development of the Urban Forest Strategy.
 - Undertake a study of tree cover in parks and open spaces that considers the following:
 - size and condition of trees
 - goals for minimum tree cover
 - identification of areas for new tree planting in parks and open spaces.
- **Support actions that protect, restore and enhance the natural environment (Taiao)**
 - Re-establish local biodiversity.
 - Create and connect ecological corridors.
 - Plant appropriate indigenous flora in public places.
 - Select plant and tree species as seasonal markers and attractors of native bird life.
 - Establish and manage traditional food and cultural resource areas that allow for active guardianship (kaitiakitanga).
 - Support actions that address kauri dieback management.
- **Support environmental outcomes that benefit the North-West Wildlink**
 - Undertake a pest-free strategy for the local board area to enhance the North-West Wildlink.
 - Undertake ecological planting of parks and open space that are located within the North-West Wildlink.
- **Support actions that protect, maintain and enhance environmental health (Mauri Tu)**
 - Daylight and restore waterways where there are identified opportunities.
 - Remediate contaminated areas of soil.
 - Explore opportunities for rainwater collection systems, grey-water recycling systems and passive solar design in the design process.
 - Explore options for hard landscaping and building materials which are locally sourced and of high cultural value to mana whenua as part of the design process.
 - Support volunteer groups who work on environmental improvement initiatives.
 - Enhance and protect planted areas within the

priority catchments identified in the Lucas Creek catchment report 2018.

- Undertake investigations into appropriate and effective tools and methods to protect the freshwater ecology of Te Wharau Creek.



Kell Park Albany - kayak launching jetty on Lucas Creek

14. Promote water sensitive design throughout the structure plan area, from site specific features to infrastructure in the public realm

Maven Associates confirm that the proposed design for the public roads for the plan change will have rain gardens as this is the best form for bioretention. If Council does not decline this submission, we request that the rain gardens are a condition of consent.

16.6

Maven Associates also note in their report that the paving for house lot driveways are permeable paving. We ask if that a caveat of covenant is placed on each title to ensure they will not be concreted in the future. Without knowing the percentage of impermeable surface for this proposed development one would assume that the permeable paving is the reason it complies with the already high allowance for impermeable surfaces. As mentioned

16.7

in principle 1, the proposal does not include water sensitive design practice. The rainwater is not used for each house lot, nor are green roofs incorporated into the design or ecological gardens (apart from public roads). Small streams appear to be piped and the floodplain to the north is ignored in the design. This is of particular concern considering the cumulative impact of the loss of permeable land in this area.

15. Allow for the efficient provision of infrastructure on a staged basis.

As stated clearly in the Auckland Council's memorandum – Appendix 13 *“the proposal is out of sequence with the Future Urban Land Supply Strategy 2017, as it is within Stage 2 of the Whenuapai Structure Plan and there is currently no provision for funding the full costs of transport infrastructure required. Stage 2 is not anticipated to be delivered until at least 2028”*

At the time of Auckland Council writing the feedback Plan Change 5 was still being proposed but as of this year, this Plan Change was withdrawn due to insufficient funding for the infrastructure. This implies that the timeline is even further out to provide the necessary infrastructure then what was anticipated at that time.

We ask solely for this reason alone this Private Plan change should be declined.

16.8

If Council decides against its own objections to accept this Private Plan change then at the very least we ask that Mamari Road and Brigham Creek Road be upgraded to meet the impact of the intensification. See image below from Waka Kotahi's 'Improving transport connections in Whenuapai' (to support the projected growth).

What Brigham Creek Road could look like

Key features of Mamari Road

- Four lanes to enable dedicated bus lanes.
- A bus every 3–4 minutes in peak times
- Walking and cycling facilities on both sides of the road
- 50kph speed limit

Benefits

- Easier east – west connections through Whenuapai
- Entry via a proposed new interchange at the western end of Brigham Creek Road to a new alternative state highway corridor to west of Huapai
- Slower speeds along the full length of the road to enhance safety
- Walking and cycling facilities will improve safety for pedestrians and cyclists and provide transport choice.

Benefits

- Provide a high-quality north-south connection to Westgate for buses
- Provide access between residential development in the northern areas of Whenuapai and the employment opportunities in the southern areas of Whenuapai
- Walking and cycling facilities will improve safety for pedestrians and cyclists and provide transport choice.

Mamari Road

What we're proposing

We're proposing widening and extending Mamari Road to accommodate walking, cycling and high frequency public transport. Mamari Road will become an important north-south corridor providing access within Whenuapai and from Whenuapai to Westgate and other destinations.

The extension of Mamari Road will connect with Northside Drive, which will be extended to the west including a bridge over SH16. South-facing ramps onto SH16 from the new eastern section of Northside Drive are being investigated by Waka Kotahi. Mamari Road would become a key access point to the Northside Drive southern ramps.

Trig Road

What we're proposing

Trig Road will be upgraded between Brigham Creek Road and Hobsonville Road to accommodate walking, cycling and public transport. A key north-south connection within Whenuapai, it will play an important role connecting the future Whenuapai business area to the state highway network via Trig Road's east-facing ramps to SH18. New walking and cycling facilities over SH18 will enhance travel choices to access Westgate, the Whenuapai business area and ferry services.

Benefits

- Provides an improved north-south connection within Whenuapai
- Better access to a range of transport choices

What Mamari Road, and some sections of Hobsonville Road could look like

Benefits

- Provides an improved north-south connection within Whenuapai
- Better access to a range of transport choices

WAKA KOTAHİ
New Zealand Government

We support Auckland Councils conclusion in their feedback to the Developer Appendix 13, where they state that “Specialist review of this submitted documentation has revealed that the proposed infrastructure provisioning (wastewater stormwater & transportation) is inadequate to meet the requirements of the Resource Management Act 1991”. How can development be allowed in this area without the necessary infrastructure to support it. This is fundamental and basic consideration to any future growth in this area.

16. Develop and maintain a well-connected transport network within Whenuapai and to the wider transport network.

The Private Plan Change again does not address the wider area, it does not have cycle ways or small private lanes to link into public spaces. The plan does not show any connectivity apart from public roading to each individual site. To ensure a well-connected transport network happens within Whenuapai a masterplan needs to be done so that each developer can work with this rather than this ad-hoc approach which prevents connectivity.

16.9

The greenways proposed for the Upper Harbour region so little or no actioned greenways for Whenuapai. Why is this when this is the largest growing intensifying area for the Upper Harbour? It is cheaper and will create a better outcome if Council plans the appropriate greenways which link into community facilities, parks and sports facilities now then try and do this once the intensification has happened. When will we learn?

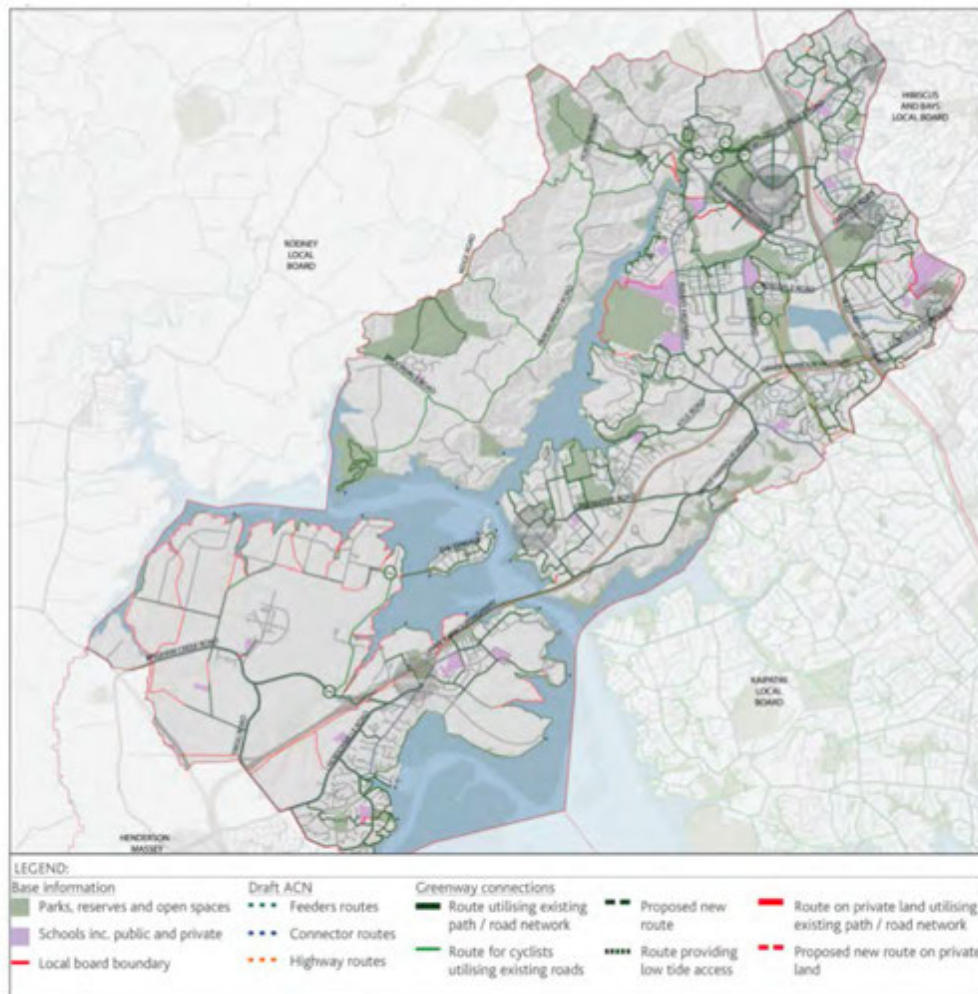


Fig. 3. Upper Harbour Greenway Plan with Auckland Cycle Network. From the Upper Harbour OpenSpace Network Plan (Auckland Council, 2018).

We also ask that The 'Ecological Connectivity Strategy' prepared by the Upper Harbour Local Board be adopted for Whenuapai. One example they suggest is utilising transport infrastructure as ecological corridors. This is quoted below:

"Transport infrastructure is among the largest barriers to movement for most terrestrial species. However, with environmentally friendly planning, roads, walkways, and railways all have potential to become corridors that both facilitate movement of native wildlife between core habitats and provide potential habitat.

Recommendations to transform transport infrastructure into effective ecological corridors include:

- *Strips of planting that are as wide as possible, ideally on both sides of the transport route.*
- *Include 'nodes' of larger habitat patches along the corridor, and connect larger habitat patches that*

exist adjacent or near the route (i.e. corridors that 'go' somewhere).

- *Planting a diverse range of native plant species, selected, and planted with the purpose of providing for movement of particular native species (e.g. kererū and fantail/ piwakawaka).*

Plant

species should achieve a range of mature sizes and structures (e.g. trees and bushes), infilled as

appropriate. Species that also provide food sources for birds such as kererū and tui (i.e. both frugivores and nectar-feeders) should also be considered.

- *Seek specific ecological advice for appropriate and effective planting plans for each corridor, based*

on its particular location and surrounding habitat." Page 36

17. Create a safe and well-connected network of open space and reserves.



Image from the Upper Harbour Open Space Network Plan

As shown in this image, Whenuapai due to its historic land use has little reserves or SEA. Active steps need to be taken by Council to address this prior to Private Plan changes being approved.

The Whenuapai area requires at least 11 new neighbourhood parks, two neighbourhood/civic spaces, two suburb parks and a sports park to meet the open space demands for the new community. In addition it is sited in the Upper Harbour Open Space Network plan that 20m ecological corridors need to be acquired, particularly along esplanade reserves along all qualifying water bodies. As noted in the Auckland Urban Ngahere Forest Strategy 30% needs to be forested to enable a sustainable outcome. Preparing a blue green spatial network plan for Whenuapai will ensure that the ecological connectivity is improved to enable climate resilience.

Figure 5 Auckland Regional Transport population data projections

Area	Population projection		
	2018	2028	2046
Albany	5,911	10,585	19,797
Hobsonville corridor	416	3,604	6,709
Hobsonville Point	4,971	12,031	11,100
Scott Point	575	4,797	6,956
West Harbour	8,458	9,884	11,001
Whenuapai	4,759	9,445	28,210
Unsworth Heights/Cuthill	6,391	6,349	5,941
Oteha	5,295	5,303	5,328
Schnapper Rock	4,570	4,629	4,632
Greenhithe	3,672	3,710	3,448
Fairview Heights	3,611	3,856	4,203
Rosedale	3,209	3,322	3,441

Upper Harbour Open Space Network Plan 8

21. Provide for the sustainable management of taonga (e.g. the importance of protecting the mauri of waterways, recognition of mana whenua culture, traditions, tikanga, place names, artefacts, wāhi tapu and historic places and areas) how these elements can be incorporated into the structure plan and future plan change process as advanced by Te Kawerau ā Maki and Ngāti Whātua o Kaipara.

In the Urban design Assessment report they noted that “There are no cultural features identified on the site. The Private Plan Change and associated Resource Consent will not impact on the ability to achieve this”.

Our response to this is how is this development of 230 houses plus roads and footpaths protecting and enhancing the mauri of waterways and tikanga and management of taonga – ie the native forest that once occupied this whenua? It is very convenient for developers to attempt to develop unused farmland – land which was once covered in native forest and biodiversity and our indigenous communities thrived there – before occupation by European culture. Surely we should make some attempt to restore some of this land to its original state, as recognition of mana whenua culture and traditions. With our increased awareness of the need for urban canopy cover and biodiversity in our urban environments surely each development should have land set aside to grow our biodiversity and support future communities to once again thrive there.

Please advise what Te Kawerau a Maki and Ngaati Whatua o Kaipara's response to this has been during consultation with iwi?

Conclusion

The UWWC oppose the provisions of Private Plan Change 86 as its singular objective is to build as many houses on the site. Whilst this helps to alleviate Auckland's housing crisis it does nothing to address the climate emergency that Auckland Council has identified.

We ask for Auckland Council to act on their own strategies and actively participate in the transformational shift that has been identified by Auckland Council. How can we keep continuing to intensify without addressing the need to regenerate at the same time?

A significant portion of land has yet to be developed within Whenuapai. We ask Auckland Council to decline this Private Plan Change and others until these steps are taken towards transformational change and as a first step endorse a blue-green spatial network plan for the Future Urban Zone.

16.11

If this land is intensified without this being integrated into the plan then we can never get this opportunity again. Let's work together towards a future that has a chance of being climate resilient and also beneficial for mental, physical and emotional well-being of our community.

21 October 2022

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attn: Planning Technician

Email: unitaryplan@aucklandcouncil.govt.nz

Proposed Private Plan Change 86 – 41-43 Brigham Creek Road, Whenuapai

Please find attached Auckland Transport's submission on Proposed Private Plan Change 86 41-43 Brigham Creek Road, Whenuapai. The applicant is Taste Business Investment Trust Limited.

If you have any queries in relation to this submission, please contact me at katherine.dorofaeff@at.govt.nz or on 021 932 722.

Yours sincerely



Katherine Dorofaeff
Principal Planner, Land Use Policy and Planning North / West

cc:
Natasha Rivai, The Property Group, Planning Manager
by email nrivai@propertygroup.co.nz

Submission by Auckland Transport on Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai

To: Auckland Council
Private Bag 92300
Auckland 1142

Submission on: Proposed Private Plan Change 86 from Taste Business Investment Trust Limited for land at Brigham Creek Road, Whenuapai

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

- 1.1 Taste Business Investment Trust Limited (**the applicant**) is applying for a private plan change (**PC 86** or **the plan change**) to the Auckland Unitary Plan – Operative in Part (**AUP(OP)**) to rezone approximately 5.19 hectares of land at Whenuapai from Future Urban to Residential - Mixed Housing Urban. PC 86 also applies a Stormwater Management Area Flow 1 overlay across the plan change area (**the site**).
- 1.2 Auckland Transport is a Council-Controlled Organisation of Auckland Council (**the Council**) and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.¹ In fulfilling this role, Auckland Transport is responsible for the following:
- a. The planning and funding of most public transport
 - b. Promoting alternative modes of transport (i.e. alternatives to the private motor vehicle)
 - c. Operating the roading network
 - d. Developing and enhancing the local road, public transport, walking and cycling networks.
- 1.3 Urban development on greenfield land not previously developed for urban purposes generates transport effects and the need for robust implementation investment plans in transport infrastructure and services to support construction, land use activities and the communities that will live and work in these areas. Auckland Transport's submission seeks to ensure that the transport related matters raised by PC 86 are appropriately considered and addressed.
- 1.4 Auckland Transport is part of the Te Tupu Ngātahi Supporting Growth Alliance (**Te Tupu Ngātahi**) which is a collaboration between Auckland Transport and Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) to plan and route protect

¹ Local Government (Auckland Council) Act 2009, section 39.

where appropriate the preferred transport network in future growth areas such as the North-West, including Whenuapai.

1.5 The Indicative Strategic Transport Network identified by Te Tupu Ngātahi to support growth in the North-West includes projects relevant to this plan change. The site is identified with two projects, but development enabled by the plan change will also benefit from these and other projects. The two projects which will most directly relate to the site are:

1. Upgrade and extension of Māmari Road from Northside Drive to Brigham Creek Road
2. Upgrade Brigham Creek Road.

1.6 The projects identify upgrade requirements for the site frontages along Māmari Road and Brigham Creek Road.

1.7 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

2. Strategic context

2.1 The key overarching considerations and concerns for Auckland Transport are described below.

Auckland Plan 2050

2.2 The Auckland Plan 2050 (**Auckland Plan**) is a 30-year plan for the Auckland region outlining the long-term strategy for Auckland's growth and development, including social, economic, environmental and cultural goals. The Auckland Plan is a statutory spatial plan required under section 79 of the Local Government (Auckland Council) Act 2009. The Auckland Plan provides for between 60 and 70 per cent of total new dwellings to be built within the existing urban footprint. Consequently, between 30 and 40 per cent of new dwellings are anticipated to be in new greenfield developments, satellite towns, and rural and coastal towns. The Auckland Plan also recognises that the demand for business land and floorspace is an important consideration in planning for growth. Employment is currently concentrated in some parts of Auckland but is under-represented in the eastern and western parts of the urban area.

2.3 The transport outcomes identified in the Auckland Plan to enable this growth includes providing better connections, increasing travel choices and maximising safety. To achieve these outcomes, focus areas outlined in the Auckland Plan include targeting new transport investment to the most significant challenges; making walking, cycling and public transport preferred choices for many more Aucklanders; and better integrating land use and transport. The high-level direction contained in the Auckland Plan informs the strategic transport priorities to support growth and manage the effects associated with this plan change.

Managing Auckland-wide growth and rezoning

2.4 The high-level spatial pattern of future development is represented at a regional level in the Auckland Plan and by the Future Urban zone in the AUP(OP). It is further defined through sub-regional level planning, including the Whenuapai Structure Plan, to then be enabled through appropriate plan change processes. Development in the greenfield areas contributes to the overall growth in transport

demands in parallel with the on-going smaller scale incremental growth that is enabled through the AUP(OP).

- 2.5 Wide scale growth across the region places greater pressure on the available and limited transport resources that are required to support the movement of additional people, goods and services. In order to align the growth enabled by the AUP(OP) and plan changes with the provision of transport infrastructure and services, there needs to be a high level of certainty about the funding, financing, and delivery of the required infrastructure and services. Without this certainty, there will continue to be a significant deficiency in the transport network in terms of providing and co-ordinating transport responses to the dispersed growth across the region. This will result in poor transport outcomes including lack of travel choice and car dependency as there will not be the transport infrastructure and services in place to support growth and the demands from development.

Sequencing growth and aligning with the provision of transport infrastructure and services

- 2.6 The Future Urban Land Supply Strategy 2017 (**FULSS**) provides guidance on the sequencing and timing of future urban land identified in the Auckland Plan (i.e. 'unzoned' greenfield areas of development). This guidance was incorporated into the updated Auckland Plan in 2018. The FULSS sets out the anticipated timeframes for 'development ready' areas over a 30-year period. The FULSS helps to inform infrastructure asset planning and funding priorities, and to support development capacity to ideally be provided in a coordinated and cost-efficient way via the release of 'development ready' land.
- 2.7 The site is identified in the FULSS as part of Whenuapai Stage 2 which is intended to be 'development ready' between 2028 and 2032. Land is considered development ready once the following four steps are complete:
- Future urban zoned land in the Unitary Plan
 - Structure planning completed
 - Land rezoned for urban uses
 - Bulk infrastructure provided.
- 2.8 Auckland Transport notes that provision of bulk transport infrastructure is an issue for other land at Whenuapai identified in the FULSS as part of Whenuapai Stage 1 which was intended to be development ready between 2018 and 2022. This was one of the reasons that the Council's Planning Committee withdrew the council-initiated Plan Change 5 - Whenuapai in early June 2022.
- 2.9 Plan changes which propose to allow future urban land to be urbanised before the wider staging and delivery of planned transport infrastructure and services has occurred need to be carefully considered. Any misalignment between the timing for providing infrastructure and services and the urbanisation of greenfield areas brings into question whether the proposed development area is 'development ready'. The matters that need to be carefully considered include:
- Whether the plan change provides mechanisms requiring applicants to mitigate the transport effects associated with their development and to provide the transport infrastructure needed to service or meet the demands from their development

- Whether the development means that the strategic transport infrastructure being planned to service the wider growth area identified in the FULSS needs to be provided earlier
- Whether the development impacts the ability to provide the strategic transport infrastructure identified to service the wider growth area e.g. will it foreclose route options or hinder future upgrades of existing strategic network infrastructure.

2.10 Adverse effects arise when development occurs before the required transport network improvements and services have been provided. This cannot be addressed without addressing implementation of the network, including funding and financing. Implementation planning needs to ensure funding is available to support the planning, design, consenting and construction of the transport infrastructure and services including improvements. There is a need to assess and clearly define the responsibilities for the required infrastructure and the potential range of funding and delivery mechanisms. This includes considering the role of applicants / developers, and taking into account the financially constrained environment that the Council and Auckland Transport operate within. There is a need for the Council and Auckland Transport to be able to plan and prioritise at a regional level.

2.11 The need to coordinate urban development with infrastructure planning and funding decisions is highlighted in the objectives of the National Policy Statement on Urban Development 2020 (**NPS-UD**). Those objectives are quoted below (with emphasis in bold):

'Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) **the area is well-serviced by existing or planned public transport**
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.'

'Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) **integrated with infrastructure planning and funding decisions**; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.'

2.12 The Regional Policy Statement (**RPS**) objectives and policies in the AUP(OP) place similar clear emphasis on the efficient provision of infrastructure and on the integration of land use and development with infrastructure, including transport infrastructure. Refer, for instance, to Objectives B2.2.1(1)(c) and (5) and B3.3.1(1)(b), and Policies B2.2.2(7)(c) and B3.3.2(5)(a). For example, Policy B3.3.2(5)(a) is to: '*Improve the integration of land use and transport by... ensuring transport infrastructure is planned, funded and staged to integrate with urban growth*'). The alignment of infrastructure to support growth is essential to achieving a well-functioning urban environment.

Cumulative effects

2.13 Cumulative adverse effects on the transport network can result from multiple developments that may individually have minor effects but which in combination can

result in significant effects. Over time it is expected that other future urban land holdings in the Whenuapai area will seek rezoning or fast track consents to enable further incremental urbanisation. From the transport viewpoint, this approach of responding to the piecemeal development of non-contiguous and fragmented landholdings makes it difficult to plan for and secure an integrated transport network. Leaving cumulative effects to be addressed at a later resource consent process, rather than at plan change stage, is not effective as the effects are further fragmented with incremental developments and planning applications which lack a comprehensive approach.

Provision of required infrastructure

- 2.14 As well as considering the transport infrastructure needed to service the proposal and address its immediate effects, consideration needs to be given to the implications of PC 86 on the implementation of the wider strategic transport network that will be required to service the North-West growth area. There will be adverse effects on the transport network if development proceeds without appropriate planning for and delivery of the wider strategic network requirements. The plan change needs to address such effects, noting that the development enabled by PC 86 will benefit from that network, and will also contribute traffic and other transport demands to it. Delivery uncertainty of supporting infrastructure will also affect the ability for growth to achieve a well-functioning urban environment.
- 2.15 The Regional Land Transport Plan (**RLTP**) sets out the 10 year programme of transport infrastructure investment required to support the transport network including planned and enabled growth in the Auckland region. The RLTP is aligned with the Council's priority areas and spend proposed within the Council's 10 Year Budget 2021-2031. Within the RLTP there is some funding for route protection for the upgrade of Trig Road South, not delivery. There is no funding for any other Te Tupu Ngātahi projects at Whenuapai.
- 2.16 The North West Detailed Business Case prepared by Te Tupu Ngātahi has been approved by the Boards of Waka Kotahi and Auckland Transport. Projects confirmed as needed for a fit-for-purpose transport network are being progressed to route protection in late 2022 - early 2023. Cost estimates have been updated as part of this process, but further design and refinement will be needed to produce sufficiently accurate estimates for the purposes of progressing any funding and financing considerations including for collecting development contributions. This will take some time and may not be available for the hearing on this plan change
- 2.17 Furthermore, as Auckland Transport understands:
- The infrastructure costs associated with the strategic transport network are not included in the Council's Long Term Plan (LTP), and are unlikely to be determined until the end of 2023
 - There is a lack of funding available for the transport infrastructure required to support development in the Whenuapai area
 - Work is being done at a network level for the North-West, and Auckland Transport and Auckland Council are not in a position to identify and attribute fair costs to each applicant or developer.
- 2.18 Achieving more accurate cost estimates will not resolve the wider issue that there is no mechanism currently available for Council to collect contributions so that out of sequence developments pay their fair share towards growth costs. Every development should pay a proportionate share of the total transport network cost,

otherwise 'someone else' has to pay for the share that should be paid by the beneficiaries of the infrastructure.

- 2.19 In addition to seeking a fair contribution to the strategic transport network from this development, Auckland Transport is also concerned about the effect of the proposed out of sequence rezoning on the cost of some projects. Land is required from the site for two projects - the upgrade of Brigham Creek Road, and the upgrade and extension of Māmari Road from Northside Drive to Brigham Creek Road. Once the land is rezoned for urban development, land acquisition costs will increase significantly, making it more difficult for the transport infrastructure to be provided.

3. Specific parts of the plan change that this submission relates to

- 3.1 The specific parts of the plan change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport and transport assets, including integration between transport and land use. Issues raised include:
- Adequacy of the Integrated Transport Assessment in assessing the effects of the proposal
 - Cumulative effects and implementation (including funding and financing) of the wider strategic transport network
 - The need for specific planning provisions, including a precinct plan, to address matters raised in this submission
 - Implications for Brigham Creek Road and Māmari Road including:
 - upgrades for the strategic transport network
 - frontage upgrades in conjunction with enabled subdivision and development
 - vehicle access restrictions
 - potential impact of road noise on sensitive activities
 - Providing active modes including connections to existing network
 - Ensuring an effective and future-proofed internal transport network which provides connections to future development on adjacent sites
 - Considering whole of life costs and effectiveness of public vested assets (including for public roads and stormwater assets).
- 3.2 Auckland Transport **opposes** the plan change unless the matters raised in **Attachment 1** are satisfactorily addressed by the applicant.
- 3.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant. In particular, Auckland Transport notes that precinct provisions previously provided by the applicant in response to clause 25 request from the Council were removed from the final application put forward for notification. This removal was in response to advice from the Council that including the precinct provisions had the effect of amending the provisions of the proposed Mixed Housing Urban zone and resulted in clause 25(4A) of Schedule 1 of the Resource Management Act applying in relation to the Medium Density Residential Standards. Auckland Transport notes that precinct provisions that were previously provided by the applicant provide a good starting point for addressing many of the concerns set out in this submission.

4. Decisions sought

- 4.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**.
- 4.2 In all cases where amendments to the plan change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

5. Appearance at the hearing

- 5.1 Auckland Transport wishes to be heard in support of this submission.
- 5.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature:



Kelly Seekup
Manager Land Use Policy and Planning North / West

Date: 21 October 2022

Contact person: Katherine Dorofaeff
Principal Planner: Land Use Policy and Planning North / West

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: 021 932 722

Email: katherine.dorofaeff@at.govt.nz

Attachment 1

Issue	Support / oppose	Reasons for submission	Decision requested	
Overall	Oppose	<p>Amendments are needed to the plan change to address concerns raised by Auckland Transport about transport matters. These matters need to be addressed before Auckland Transport can be satisfied that appropriate provision has been made to ensure that the transport needs of the precinct can be met and that future strategic transport infrastructure is provided for and protected.</p> <p>It is essential to ensure the plan change addresses how the infrastructure to support the planned growth, mitigate adverse transport effects and a well-functioning urban environment will be achieved.</p>	Decline the plan change unless the matters set out in this submission, as outlined in the main body of this submission and in this table, are addressed and resolved to Auckland Transport's satisfaction.	17.1
Overall	Oppose	<p>Auckland Transport has reviewed the Integrated Transport Assessment (ITA) provided with the application, and the responses to transport related Clause 23 requests. Auckland Transport is not satisfied that the ITA and Clause 23 responses have addressed the effects of the proposal. Particular matters of concern are:</p> <ul style="list-style-type: none"> • The use of outdated data to calculate the trip generation rate (3.3 Mode Trip Generation). The rate should be updated, and reflected in intersection modelling. • The lack of validation (e.g. by use of Census data for the Whenuapai area) of the assumed 50/50 split of vehicles travelling to / from the site going west or east (4.3 Traffic Generation Effect (Intersection Performance)) • The location and design of the proposed priority controlled intersection between the internal road and Brigham Creek Road. Safety effects have not been appropriately assessed and the potential effects on trip distribution from other intersection designs have not been considered (4.3.1 Brigham Creek Road - Priority Controlled Intersection) • The need to assess a higher proportion of vehicle trips travelling via the Brigham Creek Road / Māmari Road intersection (4.3.1 Brigham Creek Road - Priority Controlled Intersection) 	Decline the plan change unless additional information is provided to satisfy Auckland Transport's concerns about transport effects and planning provisions (including objectives, policies and rules) are included in the plan change to ensure transport land use integration and mitigation of adverse effects.	17.2

Issue	Support / oppose	Reasons for submission	Decision requested
		<ul style="list-style-type: none"> The modelling indicates that the Brigham Creek Road / Māmari Road intersection is approaching capacity with the plan change traffic. The ITA does not outline the current operation of the intersection to establish the overall effect of the plan change traffic. This needs to take into account the points raised above about the potential for higher trip generation and additional trips using this intersection (4.3.2 Brigham Creek Road - Signalised Intersection) <p>In addition the ITA identifies infrastructure upgrades for Brigham Creek Road and Māmari Road but the plan change does not provide a mechanism which requires these works to be undertaken in conjunction with subdivision and development.</p>	
Cumulative effects / wider transport network requirements and implementation	Oppose	Auckland Transport does not support this plan change to rezone land in advance of an infrastructure implementation solution (including funding and financing) being developed to deliver the North-West strategic transport network as it relates to Whenuapai. The plan change will enable development to proceed before planning has been completed for the strategic transport network, noting that the development will contribute traffic and other transport demand to the wider strategic network identified to support growth in this area. The cost and funding and financing approach for that network has not yet been determined and delivery of the network is uncertain. The development will also benefit in the future from that network without contributing a fair and equitable portion of those costs. In addition, rezoning will increase the cost of infrastructure where land needs to be acquired from the developer.	Decline the plan change unless a robust implementation plan can be provided that addresses the required wider strategic network to support the development enabled by the plan change, including funding and financing concerns. Without this there is no certainty about delivery of the strategic transport network to mitigate adverse effects and achieve a well-functioning urban environment.
Residential - Mixed Housing Urban	Support	If the site is to be rezoned, Auckland Transport supports the application of a medium density residential zoning as this is consistent with the Whenuapai Structure Plan 2016.	Retain the proposed zoning of Residential - Mixed Housing Urban in the plan change.
Māmari Road corridor	Oppose	The proposal seeks to rezone land from Future Urban to enable development before planning and route protection is completed by Te Tupu Ngātahi and Auckland Transport to provide for the upgrade required to Māmari Road to support growth in the North-West. This will provide for a Frequent Transit Network.	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Māmari Road as part of the strategic transport network required to

17.3

17.4

17.5

Issue	Support / oppose	Reasons for submission	Decision requested
		<p>Allowing the rezoning without providing for the Māmari Road project will compromise future urban development and inhibit the efficient provision of infrastructure for which this plan change will benefit from.</p>	<p>support growth in the North-West. This is likely to require precinct provisions.</p>
Māmari Road - frontage upgrade	Oppose	<p>The existing roads adjoining the Plan Change area are only built to a rural standard and there is a need for them to be upgraded to an appropriate urban standard at the time of subdivision or development of the adjoining land. Required upgrades could include, without limitation, provision of footpath, cycle paths, kerbs and channels, earthworks to integrate with development levels, streetlights, undergrounding of overhead lines, berm and street trees, and stormwater treatment and conveyance.</p> <p>Auckland Transport seeks that the frontage of the Plan Change area along Māmari Road is upgraded as development occurs to an urban standard, consistent with future road widening, with separated walking and cycling facilities. This upgrade needs to be undertaken in a manner that is consistent with the Te Tupu Ngātahi indicative designs so as to avoid additional costs and unnecessary rework where possible.</p> <p>PPC 86 does not include any frontage upgrade provisions as it doesn't include a precinct plan and relies on the resource consent process which Auckland Transport does not consider appropriate to ensure the outcomes required to support growth, mitigate adverse transport effects and a well-functioning urban environment.</p>	<p>Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Māmari Road frontage to be upgraded to an urban standard that accommodates the future widening of the corridor, with separated walking and cycling facilities in conjunction with subdivision and development of the site. This is likely to require precinct provisions. The design and location of these works needs to be specified to ensure they are in the right location and unnecessary rework is avoided.</p>
Māmari Road - vehicle access	Oppose	<p>The proposal seeks to rezone land from Future Urban to enable development before planning and route protection is completed by Te Tupu Ngātahi and Auckland Transport to provide for the upgrade required to Māmari Road to support growth in the North-West. In the future Māmari Road will form part of the arterial road network and it will be desirable to restrict direct vehicle access onto the road, particularly as it is identified as a future Frequent Transit route. At present, Māmari Road is not identified as an arterial road in the controls layer of the AUP(OP) map viewer. This means development is not subject to the</p>	<p>Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to avoid direct vehicle access onto Māmari Road. This may require precinct provisions.</p> <p>Amend the AUP planning maps to show Māmari Road as an arterial road.</p>

17.6

17.7

Issue	Support / oppose	Reasons for submission	Decision requested
		vehicle access restrictions applying in E27 of the AUP(OP) to arterial roads identified on the planning maps.	
Brigham Creek Road corridor	Oppose	The proposal seeks to rezone land from Future Urban to enable development before planning and route protection is completed by Te Tupu Ngātahi and Auckland Transport to provide for the upgrade required to Brigham Creek Road to support growth in the North-West. Allowing the rezoning without providing for the Brigham Creek Road project will compromise future urban development and inhibit the efficient provision of infrastructure.	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to protect and provide for the future upgrade of Brigham Creek Road as part of the strategic transport network required to support growth in the North-West. This is likely to require precinct provisions.
Brigham Creek Road - frontage upgrade	Oppose	<p>The existing roads adjoining the Plan Change area are only built to a rural standard and there is a need for them to be upgraded to an appropriate urban standard at the time of subdivision or development of the adjoining land. Required upgrades could include, without limitation, provision of footpath, cycle paths, kerbs and channels, earthworks to integrate with development levels, streetlights, undergrounding of overhead lines, berm and street trees, and stormwater treatment and conveyance.</p> <p>Auckland Transport seeks that the frontage of the Plan Change area along Brigham Creek Road is upgraded as development occurs to an urban standard, consistent with future road widening, with separated walking and cycling facilities. This upgrade needs to be undertaken in a manner that is consistent with the Te Tupu Ngātahi indicative designs so as to avoid additional costs and unnecessary rework where possible.</p> <p>PPC 86 does not include any frontage upgrade provisions as it doesn't include a precinct plan and relies on the resource consent process which Auckland Transport does not consider appropriate to ensure the outcomes required to support growth, mitigate adverse transport effects and a well-functioning urban environment.</p>	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Brigham Road frontage to be upgraded to an urban standard that accommodates the future widening of the corridor, with separated walking and cycling facilities in conjunction with subdivision and development of the site. This is likely to require precinct provisions. The design and location of these works needs to be specified to ensure they are in the right location and unnecessary rework is avoided.
Internal transport network	Oppose	The proposal will enable urban development of a small site with no certainty that a road network will be provided within the site in a manner that enables connections to adjacent sites for future development. In addition there is no certainty that all development within the site will be provided with good	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to adjacent sites, and connections through to Brigham Creek Road (particularly for active modes). This is expected to require precinct provisions.

17.8

17.9

17.10

Issue	Support / oppose	Reasons for submission	Decision requested
		pedestrian access through to Brigham Creek Road in order to access public transport services.	
Pedestrian/active mode connections beyond the site	Oppose	<p>In order to meet the requirements of the RPS and the objective to achieve a well-functioning urban environment, good accessibility and travel choice needs to be provided, which includes access to safe active mode and public transport infrastructure and services. Inadequate provision for active modes will combine to result in a dependence on private motor vehicles resulting in development that has a high total vehicle kilometres (VKT) and greenhouse gas emissions.</p> <p>Additional footpath connections are needed to connect development on the site to the existing footpath network. In addition to frontage upgrades (addressed in other submission points) other footpath connections are required (e.g. outside #45 Brigham Creek Road), along with safe road crossings of Brigham Creek Road and Māmari Road.</p>	Amend the plan change to include specific planning provisions (including objectives, policies and rules) to require subdivision and development to provide connections to the existing footpath network and safe pedestrian crossings on Brigham Creek Road and Māmari Road and to consider all active mode connections.
Traffic noise		<p>The proposal will enable residential development adjacent to an existing arterial road (Brigham Creek Road) and a future arterial road (Māmari Road). Residential activity is sensitive to noise and development should be designed to protect people's health and residential amenity while they are indoors. This is not currently adequately addressed by existing AUP(OP) provisions. Relevant objectives, policies and rules should be provided.</p> <p>It is noted that the noise assessment undertaken for the applicant by Marshall Day Acoustics (dated 11 May 2021) considered road traffic noise from Brigham Creek Road and recommended that the first row of buildings facing Brigham Creek Road be designed to meet an internal noise environment of 40 dB L_{Aeq(24h)}. This matter has not been provided for in the plan change.</p>	Amend the plan change by including precinct provisions (objectives, policies and rules) to require that future residential developments and alterations to existing buildings mitigate potential road traffic noise effects on activities sensitive to noise from the future upgraded Brigham Creek Road arterial and new Māmari Road arterial.
Stormwater management		A stormwater management plan (SMP) has been provided to support the plan change. The SMP considers that the rezoning will enable a 230 lot residential development with associated joint owned access lots and five new public roads to be vested. Auckland Transport has concerns about the methodology used and is not satisfied that the best practicable / most cost-effective	Amend the plan change to include provisions which consider the whole of life costs and effectiveness of the treatment of publicly vested stormwater assets.

17.11

17.12

17.13

Issue	Support / oppose	Reasons for submission	Decision requested
		<p>stormwater management solution has been identified. Auckland Transport has particular concerns about the proposed raingardens within the public road reserve and the public stormwater network within Māmari Road.</p> <p>Auckland Transport seeks stormwater management provisions which require the following to be considered for publicly vested stormwater assets:</p> <ul style="list-style-type: none"> • whole of life costs • long-term effectiveness • the use of communal devices to treat road runoff. 	

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

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



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

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

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full
Name)

Chin-Yi Lin

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

Address for service of Submitter

7 Spedding Road, Whenuapai, Auckland

Telephone:

Fax/Email:

gordon0931@hotmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number

PC 86

Plan Change/Variation Name

41-43 Brigham Creek Road, Whenuapai

The specific provisions that my submission relates to are:

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

Plan provision(s)

Or

Property Address

7 and 9 Spedding Road, Whenuapai, Auckland

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

When we purchased 9 Spedding Road, we were not aware of council having any plan to acquire our land. We have a house on the property on both 7 and 9 Spedding. We do not want any changes that will affect our family home on 7 Spedding and house on 9 Spedding. We would like the provisions amended back to the original plan in which the road did not affect our houses in this way.

18.1

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

I wish to be heard in support of my submission

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

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

10/20/2022

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

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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

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

CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991

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

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

Introduction

1. This is a submission on an application for a Private Plan Change 86 ("**PC86**") to the Auckland Unitary Plan (Operative in Part) ("**AUP**") by 41-43 Brigham Creek JV ("**Applicant**").
2. The Applicant proposes to rezone approximately 5.19ha of land within Whenuapai from Future Urban zone to Residential – Mixed Housing Urban zone, as well as to apply the Stormwater Management Area – Flow 1 control to the plan change area.
3. Cabra is a land development company established in 1987. Cabra specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra owns various properties in Whenuapai including the site at 90 Trig Road, Whenuapai ("**Cabra Site**"), which is located to the south of the plan change area.
4. Cabra is not a trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") and in any event is directly affected by an effect of the proposal.

Scope and Reasons for Submission

5. Cabra **supports** the Application, subject to matters raised in this submission, on the basis that, if the matters in this submission are addressed, the Application:
 - a) will promote the sustainable management of resources and therefore will achieve the purpose and principles of the RMA;
 - b) is generally consistent with Part 2 and other provisions of the RMA;
 - c) will meet the reasonably foreseeable needs of the future generations;
 - d) will enable social, economic and cultural wellbeing;

- e) is generally consistent with the purposes and provisions of the relevant statutory planning instruments, including the Unitary Plan;
 - f) will avoid, remedy or mitigate adverse environmental effects, including on the surrounding road network and the Cabra Site.
6. The following comments are made in particular without derogating from the generality of the above.
7. The following provides relevant background to and sets out Cabra's submission accordingly.

Submission

8. The Applicant has acknowledged the site is located within Stage 2 of the Whenuapai Structure Plan (“**WSP**”), which includes a comprehensive suite of transport infrastructure upgrades at Appendix 4 which are necessary to mitigate the effects of residential intensification within the Structure Plan area.
9. Prior to its withdrawal, Plan Change 5: Whenuapai (“**PC5**”) sought to rezone Stages 1A-E of the WSP land, to the south of the Whenuapai Air Base. PC5 was notified in September 2017 and hearings occurred in 2018. Auckland Council prepared and undertook public consultation on a variation to PC5 however prior to notification, Auckland Council withdrew the plan change in June 2022 for the following reasons, namely the funding and financing of transport upgrades:
- i. There is no funding budgeted in the lifetime of the Auckland Unitary Plan (ten years) for the upgrading of the wider transport networks to address the anticipated adverse effects from increased traffic generated by the development of land in Proposed Plan Change 5;*
 - ii. progressing Proposed Plan Change 5 (and any variation) through to a decision by independent hearing commissioners will not provide sound resource management outcomes in terms of managing adverse effects on the wider transport network;*
 - iii. progressing Plan Change 5 will not result in the rezoning of land within the Rural Urban Boundary that is integrated with the provision of infrastructure;*
 - iv. progressing Plan Change 5 creates a risk of the council having to provide infrastructure that is currently unfunded, or having to divert funding from other locations for which funding is required and exists.*

10. Plainly, there are extensive transport network upgrades required to facilitate residential intensification and more generally, urban development integrated with infrastructure provision in Whenuapai given the rural standard of roads across the WSP area, the majority of which are not currently funded by Auckland Council, Auckland Transport ("AT") nor the New Zealand Transport Agency ("NZTA" or "Waka Kotahi"). 19.1
11. The Applicant proposes to signalize the intersection of Brigham Creek Road and Mamari Road, which they consider sufficient to mitigate the direct traffic generation effects of the proposal. However, this does not appear to mitigate the effects of the development being significantly ahead of sequence (relative to the staging anticipated by the WSP), and instead appears to rely on future works being undertaken by NZTA and AT (combined as the Supporting Growth Alliance) "to address the transport network issues in the north-west region:
- *Direct State Highway connection between SH16-SH18, new shared paths and interchange upgrades. This will redirect users from existing local roads to the state highway and support arterial roads to better serve local communities;*
 - *Upgrades to Northside Drive east. This will allow for provision of the SH16 south facing ramps, improving the connection between Westgate and Whenuapai; and*
 - *Upper harbour rapid transit between Westgate and Hobsonville.*"¹
12. It is unclear when these works are programmed to occur, whether they are fully funded, and whether they are required to mitigate the effects of out-of-sequence development in the FUZ, which is perhaps a matter separate to (and required over and above) mitigation associated with the traffic generation effects directly arising from the proposal. I.e. should the Applicant be contributing to wider transport upgrades itself (commensurate with the demand it will generate beyond the immediate vicinity) given it is significantly ahead of earlier planned development, rather than relying on the Supporting Growth Alliance to undertake these wider network upgrades.
13. Cabra has long been involved with PC5 and wider structure planning in Whenuapai. As part of those discussions, Auckland Council has confirmed that the necessary wider network upgrades are not allocated to be funded under the Long-Term Plan and therefore the Applicant cannot rely on development contributions to deliver wider network mitigation.

¹ Integrated Transport Assessment; TPC; Nov 2021; Page 6.

14. Resolution of the above matters is necessary in order for the Applicant to demonstrate it will not adversely affect the safety and operation of the Cabra Site, nor the road network that serves the Cabra Site.

Relief Sought

15. Cabra seeks that the Plan Change is approved, subject to resolution of the matters outlined in this submission. | 19.2

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

17. Cabra would consider presenting a joint case with others at the hearing.

DATED at Auckland this 21st day of **October 2022**

Signature:



Duncan Unsworth
General Manager
Cabra Developments Limited

Address for Service:

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

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Feng Tan
Date: Friday, 21 October 2022 2:00:25 pm
Attachments: [L001v1-P2213248-Submission-FINAL_20221021135601.136.pdf](#)
[pc-86-form-5_20221021135601.605.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Feng Tan

Organisation name:

Agent's full name: Shirley Pang

Email address: s.pang@harrisingrierson.com

Contact phone number:

Postal address:

Level 4

96 st Georges Bay Road

Parnell

Auckland 1052

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:

Property address: 2 Riverlea Road, Whenuapai

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

The submitter supports the Plan Change on the basis that the infrastructure implications are resolved for the site and wider sites within the Future Urban zone identified as 'Stage 2' in the Whenuapai Structure Plan will not be adversely affected.

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

Details of amendments: If the Plan Change will result in infrastructure implications for the submitter's site, the submitter opposes the Plan Change and requests changes are made to ensure that the proposed Plan Change will not result in adverse effects on the environment.

20.1

Submission date: 21 October 2022

Supporting documents
L001v1-P2213248-Submission-FINAL_20221021135601.136.pdf
pc-86-form-5_20221021135601.605.pdf

Attend a hearing

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

Declaration

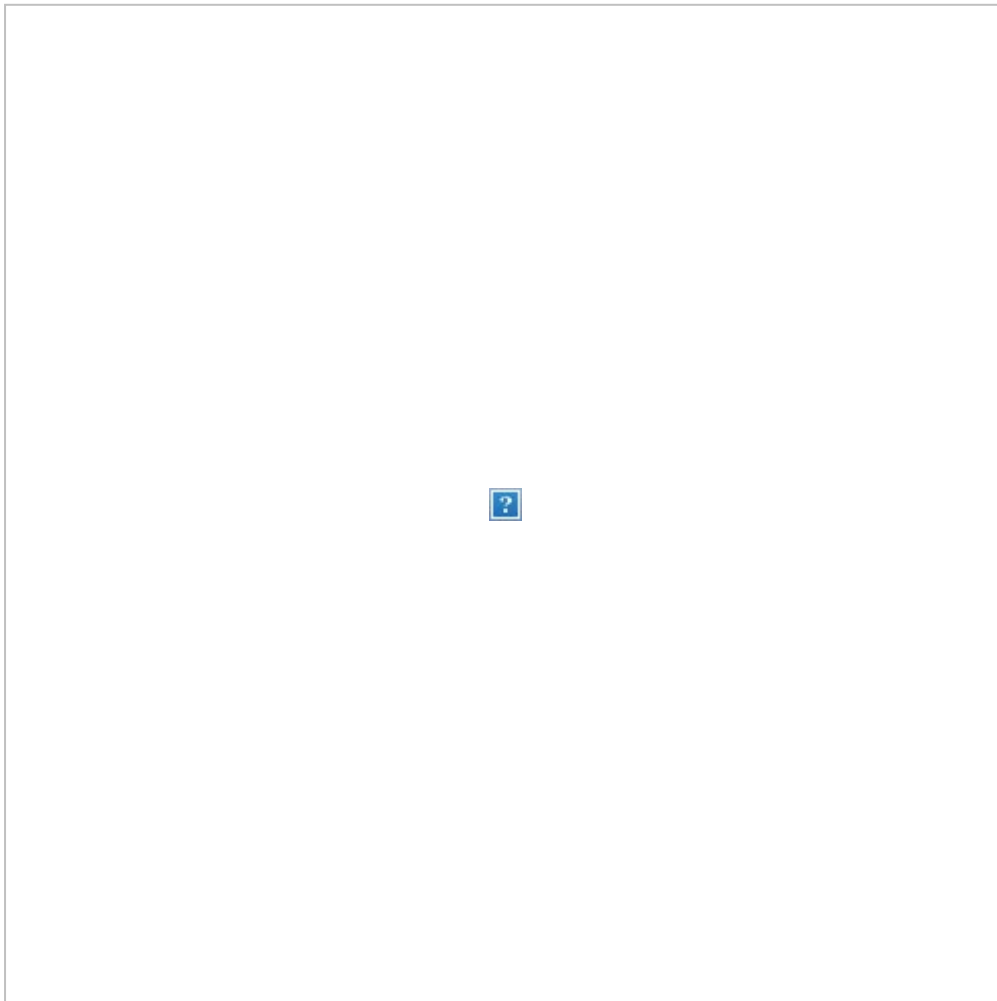
Could you gain an advantage in trade competition through this submission? No

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

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

Yes

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



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

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



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

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

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Feng Tan

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

Address for service of Submitter

2 Riverlea Road, Whenuapai

Telephone:

021 2607758

Fax/Email:

fengtan@2010.gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

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

Plan Change/Variation Number

PC 86

Plan Change/Variation Name

41-43 Brigham Creek Road, Whenuapai

The specific provisions that my submission relates to are:

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

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

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

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Please see the attached submission letter for more detail

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

I wish to be heard in support of my submission

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

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



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

21/10/2022

Date

Notes to person making submission:

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

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

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

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

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

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

(a) adversely affects the environment; and

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



2 Riverlea Road, Whenuapai
Linda Ni and Feng Tan

TO: Auckland Council
FROM: Shirley Pang and Clare Covington

HG PROJECT NO: P2213248.00
DATE: 21 October 2022

To: Auckland Council
Submission on: Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai ('the Proposal')
Name of Submitters: Feng Tan

The submitters could not gain an advantage in trade competition through this submission.
This is a submission made by Feng Tan on Private Plan Change 86, notified 22 September 2022.

SUBMISSION TO SUPPORT IN PART/OPOSE IN PART

1.0 THE SUBMISSION IS:

The submitters, Feng Tan, owns the property at 2 Riverlea Road, which is in close proximity to the Plan Change site at 41 -43 Brigham Creek Road, Whenuapai. The submitter's site is located approximately 700m northwest of the Plan Change site and comprises a vacant land parcel with an area of 2.27ha.

Under the Auckland Unitary Plan Operative in Part (AUP.OP) the site is zoned Future Urban Zone (being the same as the current zoning of the Plan Change site), and the site is also subject to overland flow paths and floodplain natural hazards.

It is understood that PC86 proposes to rezone the 5.2-hectare site from Future Urban Zone to a Residential Mixed Housing Urban zone with a Stormwater Management Area Flow 1 control (SMAF1). In addition, it is understood that a land use and subdivision resource consent are being sought concurrently for a Residential Mixed Housing Urban residential development.

The submitter is concerned that the proposed rezoning will adversely affect their property as it is proposed ahead of infrastructure upgrades planned for the wider Future Urban zoned land surrounding the plan change site. The Plan change site is identified in the Whenuapai Structure Plan as part of an area that requires "further investment in new infrastructure beyond the next decade (2017-2027)" and it is understood that the likelihood of this investment has delayed beyond these dates. The Plan Change may therefore have implications for the capacity of services and roading in the vicinity of the submitter's site until these infrastructure upgrades have been completed.

The submitter supports the Plan Change on the basis that the infrastructure implications are resolved for the site and wider sites within the Future Urban zone identified as 'Stage 2' in the Whenuapai Structure Plan will not be adversely affected.

If the Plan Change will result in infrastructure implications for the submitter's site, the submitter opposes the Plan Change and requests changes are made to ensure that the proposed Plan Change will not result in adverse effects on the environment.

2.0 I SEEK THE FOLLOWING DECISION FROM THE LOCAL AUTHORITY:

That the Plan Change is approved, subject to the infrastructure capacity and requirements for the 'Stage 2' area of the Whenuapai Structure Plan being taken into consideration in an assessment of the effects of the Proposed Plan Change to confirm there will be no adverse effects for neighbouring properties.

20.2

3.0 I DO NOT WISH TO BE HEARD IN SUPPORT OF MY SUBMISSION

4.0 IF OTHERS MAKE A SIMILAR SUBMISSION, I WILL NOT CONSIDER PRESENTING A JOINT CASE WITH THEM AT THE HEARING.



Signature:
Shirley Pang

(person authorised to sign on behalf of submitters)

Date: 21 October 2022

Address for Service Submitter:
Feng Tan
c/- Harrison Grierson Consultants Limited

Contact person: Shirley Pang
Phone: 09 2124541
Email: s.pang@harrisingrierson.com

Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Attn.: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

TO: Auckland Council
SUBMISSION ON: Plan Change 86 (Private): 41-43 Brigham Creek Road,
Whenuapai
FROM: Watercare Services Limited
ADDRESS FOR SERVICE: Mark.Iszard@water.co.nz
DATE: 21 October 2022

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

1. INTRODUCTION

1.1. Watercare's purpose and mission

Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council ("**Council**").

Watercare provides integrated water and wastewater services to approximately 1.6 million people in Auckland. Watercare collects, treats, and distributes drinking water from 11 dams, 26 bores and springs, and four river sources. A total of 330 million litres of water is treated each day at 15 water treatment plants and distributed via 89 reservoirs and 90 pump stations to 450,000 households, hospitals, schools, commercial and industrial properties.

Watercare’s water distribution network includes more than 9,000 km of pipes. The wastewater network collects, treats and disposes of wastewater at 18 treatment plants and includes 7,900 km of sewers.

Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets. Watercare must also give effect to relevant aspects of the Council’s Long Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan (Operative in Part) and the Auckland Future Urban Land Supply Strategy.¹

2. SUBMISSION

2.1. General

This is a submission on a change proposed by 41-43 Brigham Creek JV (“**Applicant**”) to the Auckland Unitary Plan (Operative in Part) that was publicly notified on 22 September 2022 (“**Plan Change**”).

The Applicant proposes to rezone 5.2 hectares of land at 41 – 43 Brigham Creek Road, Whenuapai from Future Urban Zone (FUZ) to Residential – Mixed Housing Urban (MHU).

The purpose of this submission is to address the technical feasibility of the proposed water and wastewater servicing arrangement to ensure that the effects on Watercare’s existing and planned water and wastewater network are appropriately considered and managed in accordance with the Resource Management Act 1991.

In making its submission, Watercare has considered the relevant provisions of the Auckland Plan 2050, Te Tahua Taungahuru Te Mahere Taungahuru 2018 – 2028/The 10-year Budget Long-term Plan 2018 – 2028, the Auckland Future Urban Land Supply Strategy 2015 and 2017, the Water Supply and Wastewater Network Bylaw 2015, the Water and Wastewater Code of Practice for Land Development and Subdivision and the Watercare Asset Management Plan 2022 - 2042. It has also considered the relevant RMA documents including the Auckland Unitary Plan (Operative in Part) and the National Policy Statement on Urban Development 2020 which (among other matters) requires local authorities to ensure that at any one time there is sufficient housing and business development capacity which:

- (a) in the short term, is feasible, zoned and has adequate existing development infrastructure (including water and wastewater);
- (b) in the medium term, is feasible, zoned and either:
 - (i) serviced with development infrastructure, or

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

- (ii) the funding for the development infrastructure required to service that development capacity must be identified in a long term plan required under s93 of the Local Government Act 2002; and
- (c) in the long term, is feasible, identified in relevant plans and strategies by the local authority for future urban use or urban intensification, and the development infrastructure required to service it is identified in the relevant authority's infrastructure strategy required under the Local Government Act 2002.²

2.2. Specific parts of the Plan Change

The specific parts of the Plan Change that this submission relates to are:

- (a) the effects of the Plan Change on Watercare's Whenuapai Wastewater Servicing Scheme; and
- (b) the proposed water and wastewater servicing arrangements.

2.2.1 Watercare has reviewed the Plan Change and considers that:

- (a) the proposed water and wastewater capacity and servicing requirements have been assessed as part of the Proposal.
- (b) Water supply can be serviced to PC86 from the existing Watercare network and technically feasible solutions have been presented in the Application.
- (c) Wastewater cannot be serviced until Watercare completes the construction of a new pump station 'Slaughterhouse Pump Station' (estimated late 2025). The Application has not presented a technically feasible solution for the reasons stated in this Submission. In addition to the technical feasibility of the wastewater network reticulation within the Plan Change area, the Applicant must address timing of the development to connect to the Slaughterhouse Pump Station, anticipated to be completed in 2025.
- (d) The matters raised by Watercare in this submission must be addressed to ensure any adverse effects of the Proposal on Watercare's existing and planned wastewater infrastructure network will be appropriately managed.

2.3. Whenuapai Wastewater Scheme

Watercare is required to design and construct the Whenuapai Wastewater Servicing Scheme to meet the wastewater requirements of the wider Whenuapai Area and meet Auckland Council's timing obligations under the HIF agreement with the Government. Coordinating the delivery of the Watercare infrastructure with the delivery of the Applicant's infrastructure will enable the efficient and more cost-effective delivery of infrastructure overall.

² National Policy Statement on Urban Development 2020, subpart 1, 3.2 to 3.4.

Watercare's wastewater servicing strategy for the wider Whenuapai area includes a new interim Slaughterhouse pump station at 23-27 Brigham Creek Road and rising main in Spedding Road to discharge into the Massey Connector and then to the Northern Interceptor. This work is currently in the design phase and is planned for delivery in 2025. The Plan Change will be required to connect to the Slaughterhouse Pump Station once complete.

2.4. Water and Wastewater Servicing for the Plan Change Area

2.4.1. Water supply servicing for the Plan Change Area

The Plan Change Area is not currently serviced by a reticulated water supply.

The Applicant has identified a technically feasible solution to service the Plan Change area and defined this in the Application (as notified). Watercare agree with the Applicants proposal for water supply servicing and will continue to work with the Applicant to confirm the final design.

2.4.2. Wastewater

The Plan Change Area is not currently serviced by a wastewater network.

The Application states that the wastewater network will be serviced via the Brigham Creek Pump Station (16 Brigham Creek Road).

Watercare has revised the wastewater servicing strategy for Whenuapai and will require the Plan Change area to connect to the Slaughterhouse Pump Station (23-37 Brigham Creek Road). The Slaughterhouse Pump Station is likely to be constructed and operational in late 2025.

The Application includes an option that is not technically supported by Watercare for the following reasons:

- a. A pumped rising main is proposed from a new pump station in the south-east corner of the development (41-43 Brigham Creek Road) to Slaughterhouse Pump Station (23-27 Brigham). Watercare do not support a pumped rising main down Brigham Creek Road due to the high operational risks.
- b. A gravity main will be required in Brigham Creek Road to connect the Plan Change to the Slaughterhouse Pump Station. The gravity main should be sized for catchment flow, which may include land north of Whenuapai Village.

Watercare's Code of Practice requires network infrastructure that is installed ahead of future development, and will service that future development within the catchment, must be appropriately sized to do so. This requirement is applicable to the proposed pump station at 41-43 Brigham Creek Road, located within the Plan Change area. The additional land that requires incorporation into the sizing of the pump station may include 131-137 Brigham Creek

Road and 28a Mamari Road. The Applicant has not addressed the potential future flows in their Application and Watercare has noted this matter previously in a review letter included in the Application (titled 'WSL Review Letter').

Watercare consider a wastewater servicing solution can be technically achieved with modifications to the proposed network connections and sizing (as detailed above). It is not feasible to service development in PC86 until there is an available wastewater connection to the Watercare network at the Slaughterhouse Pump Station. Development triggers and staging is necessary to considered.

2.3 DECISION SOUGHT

Watercare considers there are no water reasons to decline the Plan Change.

Watercare have concerns for wastewater servicing on the basis that connecting PC86 to Watercare's wastewater network is not feasible until the Slaughterhouse pump station is operational (anticipated late 2025). The Application currently proposes a solution that is not supported by Watercare due to operational risk and inadequate sizing of the proposed pump station.

21.1

Watercare considers the wastewater servicing can be achieved through modification of the proposed solution and appropriate provisions are included within the Plan Change to address timing to connect to the proposed Whenuapai WW Scheme (Slaughterhouse Pump Station).

21.2

3. HEARING

Watercare wishes to be heard in support of its submission.

21 October 2022

Mark Iszard
Head of Major Developments
Watercare Services Limited

Address for Service:
Mark Iszard
Head of Major Developments
Watercare Services Limited
Private Bag 92 521
Wellesley Street
Auckland 1141
Phone: +64 21 913 296
Email: mark.iszard@water.co.n

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Kyle Tseng
Date: Friday, 21 October 2022 9:15:08 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kyle Tseng

Organisation name:

Agent's full name:

Email address: kyletseng@hotmail.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:
Transport Infrastructure

Property address: 41-43 Brigham Creek Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

The uncertainty with regard to the transport infrastructure provision is not being addressed by the submitter as the property in question is in Stage 2 of the Whenuapai Structure Plan while Stage 1 of the Whenuapai Structure (PC5) has been withdrawn by the Council due to the uncertainty with regard to the transport Infrastructure. It would not make any sense for a property to be able to be zoned while transport infrastructure is still lacking in Stage 1.

22.1

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

Submission date: 21 October 2022

Attend a hearing

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

Declaration

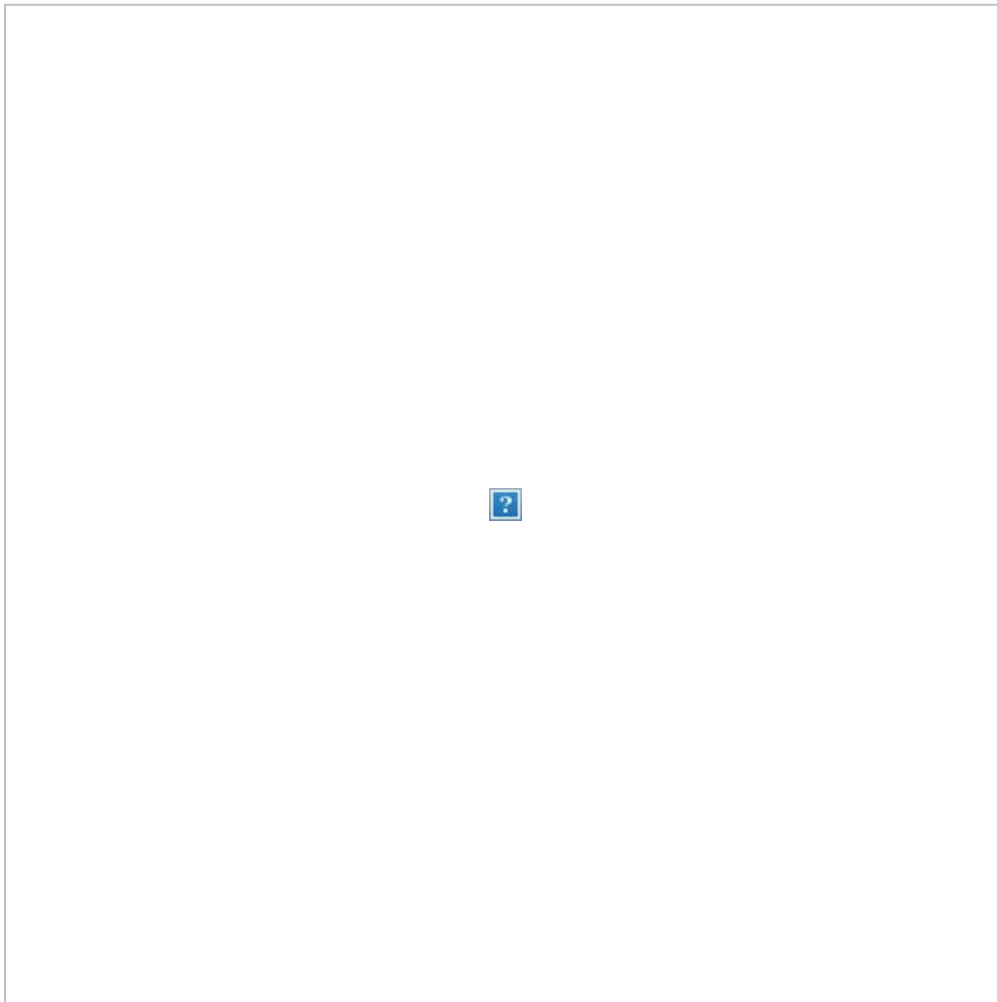
Could you gain an advantage in trade competition through this submission? No

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

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

No

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



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From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 86 - Hans Tseng
Date: Friday, 21 October 2022 9:30:08 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Hans Tseng
Organisation name:
Agent's full name:
Email address: tsenghans@gmail.com
Contact phone number:
Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 86
Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

My submission relates to

Rule or rules:
Property address:
Map or maps: 41-43 Brigham Creek Road
Other provisions:

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

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

The reason for my or our views are:
Auckland Council withdrew Plan Change 5 as it was unsatisfied with the foreseeable provision of the required infrastructure to support the zoning. The reason provided by Auckland Council was the lack of funding. It would be unfeasible, illogical, and irresponsible to zone land identified in Stage 2 Whenuapai prior to Stage 1.

23.1

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

Submission date: 21 October 2022

Attend a hearing

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

Declaration

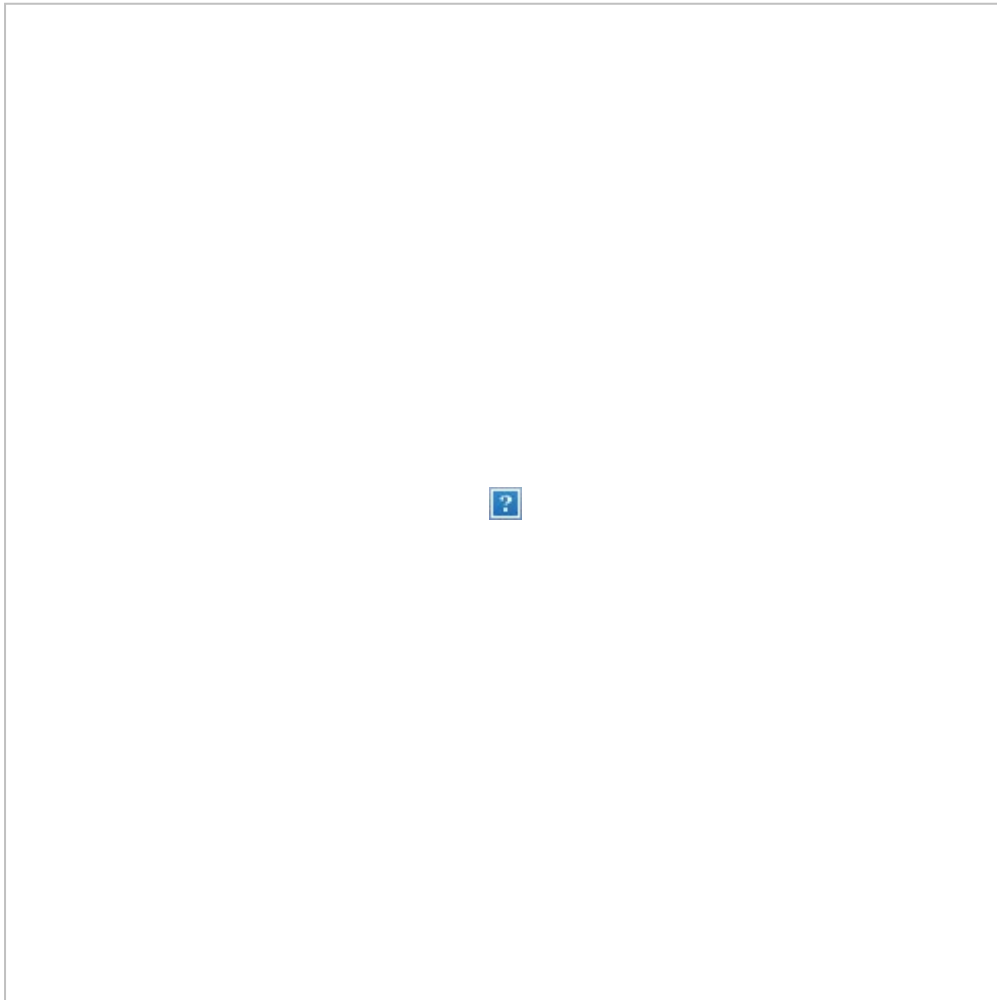
Could you gain an advantage in trade competition through this submission? No

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

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

No

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



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Further Submission on Proposed Plan Change 86

Auckland Unitary Plan (Operative in Part)

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

To: Auckland Council, Attn: Planning Technician
Address: Private Bag 92300, Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

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

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 5271, Victoria Street West,
Auckland 1142
Attention: Wendy Macdonald

Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz / wmacdonald@tonkintaylor.co.nz

This is a further submission on Proposed Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai to the Auckland Unitary Plan – Operative in Part (“PPC86”). A detailed further submission is attached.

The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest¹. The Proposed Plan Change area is located adjacent to the RNZAF Base Auckland at Whenuapai and has the potential to impact on NZDF operations. NZDF therefore has an interest in PPC86 that is greater than the interest of the general public.

NZDF **does** wish to be heard in support of its further submission.

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

A copy of this further submission has been sent to each person who made the original submission.



Date: 06/12/2022

Person authorised to sign
on behalf of New Zealand Defence Force

¹ Set out in section 5 of the Defence Act 1990

Original Submitter's Name and Address	Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
Waka Kotahi NZ Transport Agency environmentalplanning@nzta.govt.nz	10.2	Support in part (i.e. require additional information about transport effects and provision of infrastructure).	Submitter has sought that PC 86 is declined unless additional information is provided about transport effects and provision of infrastructure.	The New Zealand Defence Force ("NZDF") operates the RNZAF Base Auckland at Whenuapai, located immediately to the east of the PPC86 area. Base Auckland is a significant Defence facility, of strategic importance regionally, nationally and internationally. Ensuring that this facility can continue to operate to meet Defence obligations under the Defence Act 1990 is critical. While NZDF recognises the need to provide additional housing in Auckland, it must be appropriately located and designed in relation to established infrastructure. Increased traffic congestion resulting from the proposed PPC86 development has the potential to cause adverse effects on transport access to and from Base Auckland and the safe and efficient operation of the transport network in the area. NZDF wishes to ensure that safe routine and emergency access to Base Auckland is not compromised, including to the existing NZDF housing area. NZDF requests that if the submitter's relief is accepted and additional information is requested and provided then it should include an assessment of the impact on safe and efficient access to Base Auckland.	Accept submitter's relief of requiring additional information and ensure that any additional information includes an assessment of the impact on safe and efficient access to Base Auckland.
Auckland Transport Katherine Dorofaeff Katherine.dorofaeff@at.govt.nz	17.2	Support in part (i.e. require additional information about transport effects and provision of	Submitter has sought that PC 86 is declined unless additional information is provided about transport effects	Refer above.	Accept submitter's relief of requiring additional information on transport effects and ensure that any additional information

Original Submitter's Name and Address	Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
		infrastructure).			includes an assessment of the impact on safe and efficient access to Base Auckland.

Further Submission - RMA Form 6

Further submission on Auckland Council Proposed Private Change 86: 41-43 Brigham Creek Road, Whenuapai to the Auckland Unitary Plan (in accordance with Clause 8 of the First Schedule, Resource Management Act 1991)

To: Auckland Council
Email to: unitaryplan@aucklandcouncil.govt.nz
Subject: Auckland Council Proposed Private Change 86: 41-43 Brigham Creek Road, Whenuapai to the Auckland Unitary Plan
Post: Plans and Places, Auckland Council, Private Bag 92300, Auckland 1142

Further Submitter Contact Details			
Full Name	<i>Last Name</i>		<i>First Name</i>
	McCall		Sonya
Company/Organisation Name (if applicable)	Waka Kotahi NZ Transport Agency (Waka Kotahi)		
Contact Person	Kim Cottle		
Email Address for Service	Kim Cottle: Kim.Harris-Cottle@nzta.govt.nz & Environmental Planning: environmentalplanning@nzta.govt.nz		
Address	Level 5, AON Building Customs Street West Private Bag 106602 Auckland 1143		
Mail Address for Service (if different)	New Zealand Transport Agency Environmental Planning Team Private Bag 106602 Auckland 1143		
Phone	<i>Mobile</i>	<i>Home</i>	<i>Work</i>
Attendance and wish to be heard at the hearing:			
Waka Kotahi does wish to be heard in support of my further submission			
Waka Kotahi will consider presenting a joint case with other submitters, who make a similar further submission, at a hearing.			

Relevance:

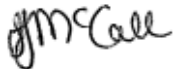
I am a person who has an interest in the proposal that is greater than an interest the general public has.

Explain/specify the grounds for saying that you come within this category (you must fill this in):

Waka Kotahi NZ Transport Agency is a Crown Entity with statutory obligations of ensuring an integrated, safe and sustainable transport system.

Signature of person making further submission
(or person authorised to sign on behalf of person making further submission)

Sonya McCall –Team Lead Environmental Planning (Auckland/Northland)



7 December 2022

#	Submitter	Summary of submission	Support or oppose	Reasons	Decision sought
14.1	Woolworths New Zealand Limited philip@campbellbrown.co.nz	PC86 is occurring out of sequence without a comprehensive Whenuapai wide approach	Support	Waka Kotahi supports the concern raised about the out of sequence nature of the PC86, and the lack of a comprehensive approach. One result of this is a risk that the PC86 site will be developed with an internal transport network and access points that will make it difficult to connect adjacent sites in the future. This is particularly the case for the Woolworth property at #45 given its location on the corner of Brigham Creek Road and Māmari Road, and uncertainties about its future use. Waka Kotahi notes that the future use of #45 for commercial purposes (as intended by Woolworths) is not currently enabled through zoning or resource consent. Given this uncertainty, it is not clear how this site should best be accessed and serviced.	Accept
14.2	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Seeks for consideration to be given to measures to address the potential reverse sensitivity effects in the vicinity of the shared boundary	Oppose in part	Waka Kotahi notes that the future use of the adjacent site at #45 Brigham Creek Road, for commercial purposes (as intended by Woolworths) is not currently enabled through zoning or resource consent. For this reason, it may be premature to address potential reverse sensitivity effects. Waka Kotahi is particularly concerned if consideration of reverse sensitivity effects compromises potential transport connections which would be desirable between the sites, if #45 was developed for residential purposes.	Reject in part
14.3	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Opposes the pedestrian thoroughfare identified on Appendix 2 Plan Change Rezoning Plan	Oppose	If the proposal proceeds, it is important that it provides for transport connections to adjacent sites, particularly for active modes. Relying only on pedestrian facilities on Brigham Creek Road as suggested by the submitter does not make sufficient provision for connections between 41 to 43 Brigham Creek Road and 45 Brigham Creek Road.	Reject
14.4	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Opposes the proposed road widening identified on Appendix 2 Plan Change Rezoning Plan	Oppose in part	Waka Kotahi notes that the extent of the land required for road widening has not yet been confirmed by designation since the rezoning is proposed before the planning for the wider strategic transport network has been completed. However, if the proposal proceeds it is critical that it protects and provides for the future upgrade of Brigham Creek Road and Māmari Road as part of the strategic transport network required to support growth in the North-West.	Reject in part

#	Submitter	Summary of submission	Support or oppose	Reasons	Decision sought
14.5	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Seeks that, subject to any amendments that may be required to address the matters noted in this submission, PC86 be confirmed.	Oppose in part	Woolworths New Zealand Ltd has indicated a future intention to develop 45 Brigham Creek Road for commercial purposes. #45 is currently zoned Future Urban and is identified in the Council's Whenuapai Structure Plan as suitable for residential rather than commercial land use. The likely future use of #45 is uncertain and requires a plan change and / or resource consent.	Reject in part

8 December 2022

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

Re: Proposed Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai

Please find attached Auckland Transport's further submission to the submissions lodged on Proposed Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai. The applicant is Taste Business Investment Trust Limited.

If you have any queries in relation to this further submission, please contact me at katherine.dorofaeff@at.govt.nz or on 021 932 722.

Yours sincerely



Katherine Dorofaeff
Principal Planner, Land Use Policy and Planning North / West

Further submission by Auckland Transport on Proposed Private Plan Change 86: 41-43 Brigham Creek Road, Whenuapai

To: Auckland Council
Private Bag 92300
Auckland 1142

Further submission on: Submissions to Proposed Private Plan Change 86 from Taste Business Investment Trust Limited for land at Brigham Creek Road, Whenuapai

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

- 1.1 Auckland Transport represents a relevant aspect of the public interest and also has an interest in the proposal that is greater than the interest that the general public has. Auckland Transport's grounds for specifying this are that it is a Council-Controlled Organisation of Auckland Council ('the Council') and Road Controlling Authority for the Auckland region.
- 1.2 Auckland Transport's legislated purpose is "to contribute to an effective, efficient and safe Auckland land transport system in the public interest."¹

2. Scope of further submission

- 2.1 The specific parts of the submissions supported or opposed, and the reasons for that support or opposition, are set out in **Attachment 1**.
- 2.2 The decisions which Auckland Transport seeks from the Council in terms of allowing or disallowing submissions are also set out in **Attachment 1**.

3. Appearance at the hearing

- 3.1 Auckland Transport wishes to be heard in support of this further submission.
- 3.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature:



Kelly Seekup
Manager Land Use Policy and Planning North / West

¹ Local Government (Auckland Council) Act 2009, section 39

Date: 8 December 2022

Contact person: Katherine Dorofaeff
Principal Planner: Land Use Policy and Planning North / West

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: 021 932 722

Email: katherine.dorofaeff@at.govt.nz

Attachment 1

#	Submitter	Summary of submission	Support or oppose	Reasons	Decision sought
14.1	Woolworths New Zealand Limited philip@campbellbrown.co.nz	PC86 is occurring out of sequence without a comprehensive Whenuapai wide approach	Support	Auckland Transport supports the concern raised about the out of sequence nature of the PC86, and the lack of a comprehensive approach. One result of this is a risk that the PC86 site will be developed with access points and an internal transport network that will make it difficult to serve adjacent sites in the future. This is particularly the case for the Woolworths New Zealand Limited property at #45 given its location on the corner of Brigham Creek Road and Māmari Road, and uncertainties about its future use. Auckland Transport notes that the future use of #45 for commercial purposes (as intended by Woolworths) is not currently enabled through zoning or resource consent. Given this uncertainty, it is not clear how this site should best be accessed and serviced.	Accept
14.2	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Seeks for consideration to be given to measures to address the potential reverse sensitivity effects in the vicinity of the shared boundary	Oppose in part	Auckland Transport notes that the future use of the adjacent site at #45 Brigham Creek Road, for commercial purposes (as intended by Woolworths New Zealand Limited) is not currently enabled through zoning or resource consent. For this reason, it may be premature to address potential reverse sensitivity effects. Auckland Transport is particularly concerned if consideration of reverse sensitivity effects compromises potential transport connections which would be desirable between the sites, if #45 was developed for residential purposes.	Reject in part
14.3	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Opposes the pedestrian thoroughfare identified on Appendix 2 Plan Change Rezoning Plan	Oppose	If the proposal proceeds, it is important that it provides for transport connections to adjacent sites, particularly for active modes. Relying only on pedestrian facilities on Brigham Creek Road as suggested by the submitter does not make sufficient provision for connections between 41	Reject

#	Submitter	Summary of submission	Support or oppose	Reasons	Decision sought
				to 43 Brigham Creek Road and 45 Brigham Creek Road.	
14.4	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Opposes the proposed road widening identified on Appendix 2 Plan Change Rezoning Plan	Oppose in part	Auckland Transport agrees that the extent of the land required for road widening has not yet been confirmed by designation since the rezoning is proposed before the planning for the wider strategic transport network has been completed. However, if the proposal proceeds it is critical that it protect and provide for the future upgrade of Brigham Creek Road and Māmari Road as part of the strategic transport network required to support growth in the North-West.	Reject in part
14.5	Woolworths New Zealand Limited philip@campbellbrown.co.nz	Seeks that, subject to any amendments that may be required to address the matters noted in this submission, PC86 be confirmed.	Oppose in part	Auckland Transport is concerned if any amendments sought by the submitter compromise potential transport connections or upgrades. The likely future use of #45 (the Woolworths New Zealand Limited property) is uncertain and requires a plan change and / or resource consent. The frontages of #45 along Brigham Creek Road and Māmari Road are affected by future upgrades of the strategic transport network.	Reject in part

From: UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan further submission - Plan Change 86 - Charissa Snijders
Date: Thursday, 8 December 2022 1:46:05 pm
Attachments: [pc-86-UWWC further submission 8 12 22.pdf](#)

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Charissa Snijders

Organisation name: Upper Waitemata Waterways Collective

Full name of your agent: as above

Email address: charissa@csaarchitect.co.nz

Contact phone number: 021309593

Postal address:
84 The Terrace
Herald Island
Auckland 0618

Submission details

This is a further submission to:

Plan change number: Plan Change 86

Plan change name: PC 86 (Private): 41-43 Brigham Creek Road, Whenuapai

Original submission details

Original submitters name and address:

This is a further submission in support to various original submissions on Private Plan Change 86

Submission number: 2,5,6,7,10,100,16,21

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number Please refer to supporting document attached below

The reasons for my or our support or opposition are:

Please refer to supporting document attached below

I or we want Auckland council to make a decision to: Allow part of original submission

Specify the parts of the original submission you want to allow or disallow:

refer to attached document below

Submission date: 8 December 2022

Supporting documents

[pc-86-UWWC further submission 8 12 22.pdf](#)

Attend a hearing

I or we wish to be heard in support of this submission: Yes

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

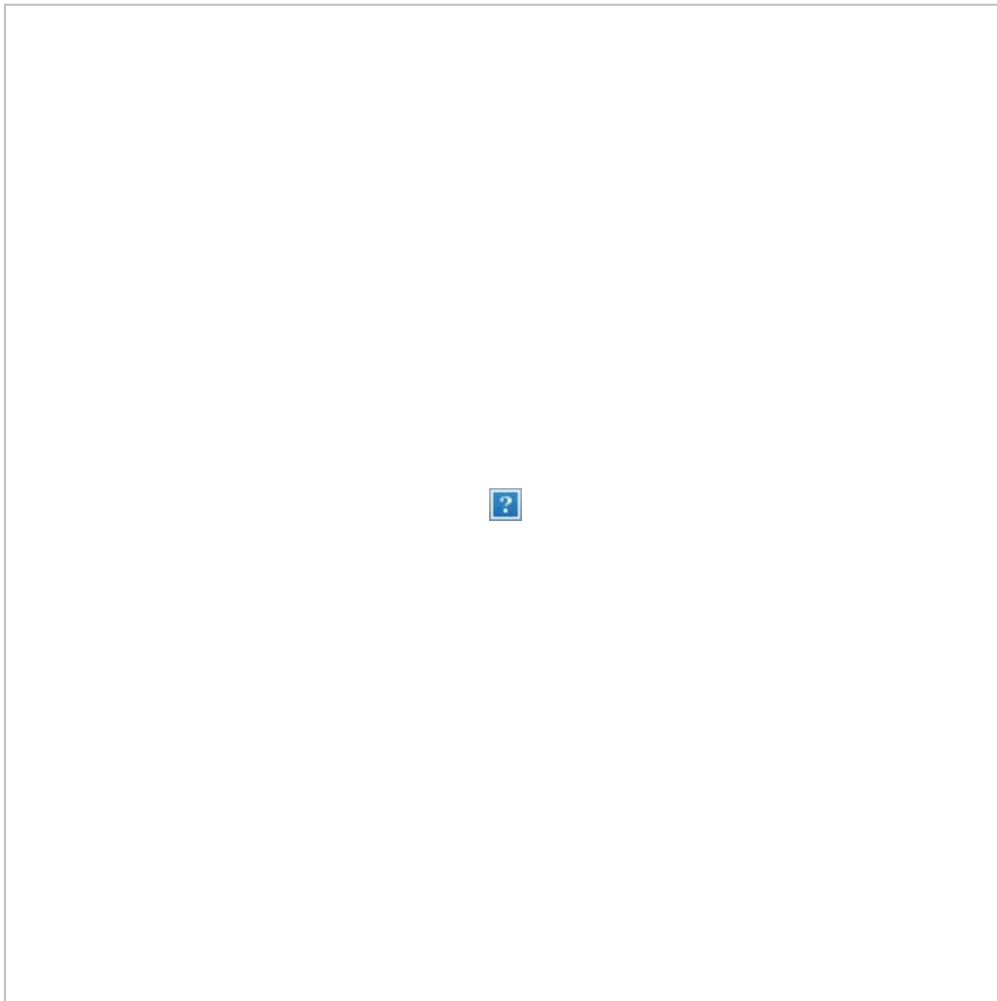
Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:
I am representing the Upper Waitemata Waterways Collective

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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**FURTHER SUBMISSION IN SUPPORT OF, OR OPPOSITION TO, SUBMISSIONS ON
PRIVATE PLAN CHANGE 86 TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

1. Name of Further Submitter:

41-43 Brigham Creek Joint Venture (“**BCJV**”).

2. Further Submission:

- 2.1 This is a further submission in support and/or opposition to various original submissions (“**Original Submissions**”) on Private Plan Change 86 to the Auckland Unitary Plan (Operative in Part) (“**PC86**”).

3. Status of Further Submitter:

- 3.1 BCJV has an interest in PC86 that is greater than the interest the general public has because it is the applicant for private plan change and has an interest in the land at 41-43 Brigham Creek, Whenuapai, legally described as Lot 2 DP 538562 (“**PC86 area**”) which is proposed to be rezoned through PC86 to Residential – Mixed Housing Urban (MHU) and Stormwater Management Area Flow 1 (SMAF1) Control by PC86.
- 3.2 Its property interests and the future planned development of the PC86 area is directly affected by relief sought in the identified Original Submissions.

4. Reasons for this Further Submission:

- 4.1 The reasons set out in BCJV’s request for PC86.
- 4.2 The relief sought in the Original Submissions supported:
- a) Promotes the sustainable management of natural and physical resource and are consistent with the purpose and principles of the Resource Management Act 1991 (“**RMA**”);
 - b) Is most appropriate in terms of section 32 of the RMA; and
 - c) If granted, will more fully serve the statutory purposes than would rejecting that relief;
- 4.3 The relief sought in the Original Submissions opposed:
- a) Does not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the RMA;
 - b) Is inappropriate in terms of section 32 of the RMA; and
 - c) If rejected would more fully serve the statutory purposes than would implementing that relief;

- 4.4 Such additional reasons (if any) in respect of each of the Original Submissions supported or opposed as are set out in the **Annexure B**.
5. **Original Submissions that this Further Submission relates to:**
- 5.1 **Annexure A** to this submission comprises a schedule of the names and addresses of the original submitters and the associated submission number for the original submissions that this further submission relates to.
6. **Particular parts of the Original Submissions that BCJV supports or opposes:**
- 6.1 **Annexure B** to this submission comprises a schedule summarising which parts of the original submissions on PC86 that BCJV opposes, including its reasons for opposition, and the decision sought in relation to each submission point.
- 6.2 **Annexure C** comprises a set of draft precinct provisions and precinct plan which is referred to in Annexure B, and may address some matters raised in Original Submissions supported and/or opposed by BCJV.
7. **BCJV could not gain an advantage in trade competition through these further submissions.**
8. **BCJV wishes to be heard in support of its further submission:**
- 8.1 If others make a similar submission, would be prepared to consider presenting a joint case with them at any hearing.

41-43 Bringham Creek Joint Venture by its solicitors and duly authorised agents, Ellis Gould

Date: 8 December 2022



Signature: **DJ Sadlier**
Address for service: c/- Ellis Gould
PO Box 1509,
Level 31, Vero Centre
48 Shortland Street
Auckland 1140

Email: dsadlier@ellisgould.co.nz

Attention: Daniel Sadlier

ANNEXURE A – NAMES AND ADDRESSES OF SUBMITTERS

No.	Submitter Name	Contact Name	Address for Service
1	Ka Ming C Chiu		cateddie@gmail.com
2	Kingsley Seol		king_seol@hotmail.com
3	George Allen		Dave.allen@outlook.co.nz
4	Linda Norman		lindairenenorman@gmail.com
5	Royal Forest and Bird	Carl Morgan	c.morgan@forestandbird.org.nz
6	Jeffery Spearman		jeff@spearman.co.nz
7	Auckland Council	Celia Davison	Celia.Davison@aucklandcouncil.govt.nz
8	Woolleys Trusts	Lyndal Woolley	lyndalwoolley@yahoo.com
9	Christine Lin		yu_ting_lin@hotmail.com
10	Waka Kotahi	Kim Harris Cottle	Kim.Harris-Cottle@nzta.govt.nz
11	Living Whenuapai	Annette Mitchell	Anniem1401@gmail.com
12	Thomas Starr		tom@starrandstarr.co.nz
13	Harker Family	Louise Morron	Teresa.george@at.govt.nz
14	Woolworths NZ Ltd	Philip Brown	philip@campbellbrown.co.nz
15	New Zealand Defence Force	Rebecca Davies	rebecca.davies@nzdf.mil.nz
16	Upper Waitemata Waterways	Charissa Snijders	charissa@csaarchitect.co.nz
17	Auckland Transport	Katherine Dorofaeff	Katherine.Dorofaeff@at.govt.nz
18	Chin Yi Lin		gordon0931@hotmail.com
19	Cabra Developments	Duncan Unsworth	duncan@cabra.co.nz
20	Feng Tan	Shirley Pang	s.pang@harrisingrierson.com
21	Watercare Services	Mark Iszard	Mark.Iszard@water.co.nz
22	Kyle Tseng		kyletseng@hotmail.com
23	Hans Tseng		tsenghans@gmail.com

ANNEXURE B – FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY BCJV

No.	Submitter Name	Support/ Oppose	Particular Part of Submission BCJV Supports/Opposes	Reason for BCJV's Support/Opposition	Decision sought by BCJV
1	Ka Ming C Chiu	Oppose	Submission in its entirety.	BCJV considers that PC86 warrants approval for the reasons set out in its private plan change request, irrespective of the provision of additional public transport accessibility or recreation grounds which are beyond the control of BCJV.	Disallow the original submission.
2	Kingsley Seol	Oppose	Submission in its entirety.	BCJV considers that PC86 warrants approval for the reasons set out in its private plan change request, irrespective of the provision of additional provision of electricity infrastructure, or broader transportation network improvements which are beyond the control of BCJV and/or are not required as a direct consequence of PC86.	Disallow the original submission.
12	Thomas Starr	Oppose	Submission in its entirety.		
3	George Allen	Oppose	Submission in its entirety.	BCJV considers that PC86 warrants approval for the reasons set out in its private plan change request. The need or otherwise for public toilet facilities at an existing playground is not related to PC86.	Disallow the original submission.
4	Linda Norman	Oppose			
5	Royal Forest and Bird	Oppose in part	BCJV opposes the request to place a ban on domestic cats. BCJV acknowledges this submitters' request to offset the removal of mature trees with native trees, however opposes the request to place a ban on domestic cats.	BCJV acknowledges, and at this stage neither support nor opposes, this submitter's request to offset the removal of mature trees with native trees. BCJV opposes the request to place a ban on domestic cats, and considers this impractical, onerous and inappropriate in the context of an urban zone within the Whenuapai Structure Plan area which is proposed to be fully urbanised over time.	Disallow the original submission.
6	Jeffery Spearman	Oppose	Submission in its entirety.	Matters with respect to stormwater runoff have been addressed as part of the private plan change request. BCJV supports the need for a Northern Interceptor being commissioned prior to proposed development.	Disallow the original submission.
7	Auckland Council	Oppose	Submission in its entirety.	The PC86 area is suitable for rezoning for the reasons given in the Applicant's request for the private plan change. The concerns expressed in the original submission relating to infrastructure funding and delivery are not good reasons to decline the PC86 private plan change request. Such concerns can be appropriately addressed in advance of the grant of any subdivision or development consents that will be necessary in order for PC86 area to be urbanised.	Disallow the original submission.
8	Woolleys Trusts	Oppose	Submission in its entirety.	BCJV considers the matters raised in relation to congestion, connections to the State Highway networks, and Brigham Creek roundabout are wider network issues that the Applicant has assessed in their ITA, and which do not preclude the approval of PC86.	Disallow the original submission.

No.	Submitter Name	Support/ Oppose	Particular Part of Submission BCJV Supports/Opposes	Reason for BCJV's Support/Opposition	Decision sought by BCJV
10	Waka Kotahi	Oppose	Submission in its entirety.	<p>BCJV considers that the local network infrastructure upgrades to support walking, cycling and access to public transport can be detailed at resource consent stage, which will ensure that development addresses transport landuse integration.</p> <p>In terms of details of and funding to support any necessary wider network upgrades, it is neither necessary nor appropriate for PC86 to be indefinitely deferred until such time as these matters are resolved. BCJV remains nonetheless willing to continue discussions with the submitters in relation to these matters.</p> <p>BCJV considers the PPC86 area is suitable for rezoning for the reasons given in the applicant's request for the private plan change. Further:</p> <ul style="list-style-type: none"> - The information provided in support of PC86 is sufficient to understand the effects of the rezoning of land sought; - Funding concerns raised do not comprise a resource management reason to decline PC86, and do not render PC86 inconsistent with higher level planning instruments; - The need for and particulars of future network upgrades that may be required to support development of PC86 can be addressed appropriately and contemporaneously with rezoning and subdivision or development consents to be sought; 	Disallow the original submissions
17	Auckland Transport	Oppose		<p>On the whole, the original submissions purport to require a level of detail in relation to transport and other matters that is unnecessary, inappropriate and onerous at the private plan change stage, and which can readily be addressed prior to development occurring.</p> <p>The submitters have suggested that adopting a "precinct" mechanism for the PC86 area may assist to provide further clarity. While a precinct is not necessary for the reasons set out in BCJV's request for the private plan change, it is open to considering the use of precinct provisions and a precinct plan if that comprises an efficient and effective method to address resource management matters arising from submissions. A set of draft precinct provisions and precinct plan are attached to this further submission for purposes of transparency. BCJV is willing to engage further with these and any other interested submitters to explore whether the use of the precinct mechanism could be supported in section 32 terms, and could resolve issues raised in submissions.</p>	

No.	Submitter Name	Support/ Oppose	Particular Part of Submission BCJV Supports/Opposes	Reason for BCJV's Support/Opposition	Decision sought by BCJV
11	Living Whenuapai	Oppose	Submission in its entirety.	Reduction in development yield in the PC86 area is inappropriate in section 32 terms and would be inefficient and ineffective in achieving the objectives of the Unitary Plan and purpose of the RMA. Various requests for setting aside of land for community or "urban canopy" purposes are onerous, unnecessary and inappropriate in terms of section 32 of the RMA.	Disallow the original submission.
14	Woolworths NZ Ltd	Support in part Oppose in part	Submission in its entirety.	<p>PC86 is consistent with the Whenuapai Structure Plan, and does not preclude or undermine any future broader plan change process for the urbanisation of the Whenuapai Structure Plan area.</p> <p>BCJV does not consider that future development of the PC86 area will give rise to any reverse sensitivity or incompatibility issues with respect to the future development of the submitter's land. Interface between supermarket and residential activities is common within the urban area.</p> <p>BCJV supports clarification of matters relating to pedestrian connectivity and road widening matters, insofar as this ensures integration with development of the submitter's land.</p>	<p>Allow the original submission in so far as it supports PC86.</p> <p>Disallow the submission insofar as it seeks amendments that are unnecessary or inappropriate for the reasons given in this further submission and/or the request for private plan change.</p>
15	New Zealand Defence Force		Submission in its entirety.	<p>The relief sought in the original submission could result in the imposition of additional inappropriate and unnecessarily onerous requirements on future subdivision and development.</p> <p>The relief sought by the submitter is inappropriate in section 32 terms, and would be inefficient and ineffective in achieving the objectives of the Unitary Plan, higher order planning instruments and the purpose of the RMA</p>	Disallow the original submission.
16	Upper Waitemata Waterways	Oppose	Submission in its entirety.	PC86 is consistent with the Whenuapai Structure Plan and will contribute to housing supply in the area in a manner that achieves the objectives of the Unitary Plan, higher order planning instruments and achieves the purpose of the RMA. PC86 warrants approval in terms of section 32.	Disallow the original submission.
19	Cabra Developments	Oppose in part	BCJV opposes this submission insofar as they seek that the plan change be approved subject to BCJV contribution to the wider network upgrade.	For the reasons given in the request for private plan change, wider network mitigation is not required in order for PC86 to be approved. While BCJV does not, in principle, oppose making a proportionate contribution towards Council's future growth-related capital expenditure, no appropriate mechanism is available at this time. It would be inappropriate for PC86 to be indefinitely deferred until such time as final details and funding mechanisms for wider network upgrades necessary to support a much broader rezoning proposal have been finalised.	<p>Allow the submission insofar as it seeks approval of PC86</p> <p>Disallow the original submission insofar as it would preclude the amendments sought in the BCJV Submission.</p>

No.	Submitter Name	Support/ Oppose	Particular Part of Submission BCJV Supports/Opposes	Reason for BCJV's Support/Opposition	Decision sought by BCJV
20	Feng Tan	Supports in part Opposes in Part	Submission in its entirety.	For the reasons given in the request for private plan change, development of the PC86 area can be supported by appropriate infrastructure provision. Development of the PC86 area can occur without implications for development of the submitter's site.	Allow the original submission in so far as it supports PC86 subject to modifications of the proposed infrastructure solutions. Disallow the submission insofar as it seeks PC86 is declined due to perceived implications for development of the submitter's site
21	Watercare Services	Neutral	BCJV supports this submission in so far as it has no water reasons to decline the PC.	BCJV can provide water provision to the site. BCJV is amenable to a modification of the wastewater servicing to support the development.	Allow the original submission insofar as it supports PC86 subject to modifications of the proposed solution for wastewater servicing, and subject to such modifications being acceptable to the Council in its capacity as regulator and decision-maker.
9	Christine Lin	Oppose	Submissions in their entirety.	The withdrawal by Council of Plan Change 5 does not preclude the approval of PC86. PC86 warrants approval for the reasons given in BCJV's request for the plan change.	Disallow the original submissions.
18	Chin Yi Lin	Oppose			
22	Kyle Tseng	Oppose			
23	Hans Tseng	Oppose			

ANNEXURE C – Draft Precinct for consideration

I1. 41-43 Brigham Creek Precinct

I1.1. Precinct Description

The 41-43 Brigham Creek Precinct applies to 5.1921ha of land in Whenuapai. 41-43 Brigham Creek precinct seeks to realise the vision stated within the Whenuapai Structure Plan 2016.

The purpose of this precinct is to enable the transition from semi-rural land uses to the redevelopment of a residential area in an integrated and comprehensive manner. The precinct will rely on the underlying provisions of the Stormwater Management Area Flow 1, Subdivision – Urban, Residential – Mixed Housing Urban zone chapters of the AUP OP. Development is anticipated to accommodate up to 230 dwellings/residential lots.

No development can occur until the land within the Precinct is able to be connected to the new wastewater pump station on Brigham Creek Road as part of the Northern Interceptor upgrade.

Additionally, the precinct will ensure subdivision and development provides for the necessary transport infrastructure, including urban standard of frontages along Brigham Creek Road and Mamari Road, and connectivity through the Precinct.

The zoning of land within this precinct is Residential – Mixed Housing Urban Zone with a SMAF1 overlay.

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

I1.2. Objectives [dp]

(1) The Precinct is developed for urban residential activities in a comprehensive and integrated way.

Three Waters Infrastructure

(2) Establish the infrastructure necessary to service development within the Precinct in a coordinated and timely way.

(3) Development shall be coordinated with the upgrading of the Northern Interceptor and Wastewater Pump Station on Brigham Creek Road in a manner that avoids adverse effects on the environment.

(4) Stormwater quality is managed to avoid, as far as practicable, or otherwise minimise or mitigate adverse effects on the receiving environment.

Transport

(5) Subdivision and development that provides for the safe and efficient operation of the current and future transport network for all modes.

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

I1.3. Policies [dp]

General

(1) 41-43 Brigham Creek precinct is developed in a comprehensive and integrated way to ensure development is appropriately serviced and will not result in adverse environmental effects that cannot be avoided or mitigated.

Three Waters Infrastructure

- (2) Subdivision and development shall be sequenced to ensure new titles are not issued prior to water infrastructure being in place.
- (3) Avoid subdivision, use and development that does not align with the upgrading and provision of wastewater services, particularly the Northern Interceptor and Brigham Creek Rd pump station.
- (4) Require subdivision and development to achieve stormwater quality treatment of stormwater runoff from contaminant-generating impervious areas within the precinct to be consistent with the treatment train approach outlined in the Stormwater Management Plan including:
 - a. The use of inert building materials to eliminate or minimise the generation and discharge of contaminants; and
 - b. Treat runoff from public road carriageways and carparks at or near source by a water quality device designed in accordance with GD01.

Transport

- (5) Require subdivision and development to:
 - a. Provide for Brigham Creek Road and Mamari Road to be widened in the future for the planned frequent public transport and active transport network;
 - b. Deliver an urban standard of frontage to Brigham Creek Road and Mamari Road, including at a minimum, footpaths and pedestrian connectivity;
 - c. Provide for connectivity through the development between Mamari Road and Brigham Creek Road.

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

I1.4. Activity table [dp]

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table IX1.4.1 below.

Table IX.4.1 specifies the activity status of land use and subdivision activities in the 41-43 Brigham Creek Precinct pursuant to sections 9(3) and section 11 of the Resource Management Act 1991.

Table I0.4.1 Activity table

Activity		Activity status
Development		
(A1)	Subdivision or development prior to the Northern Interceptor Wastewater pump station becoming operational.	NC
(A2)	Subdivision and development not meeting Precinct standards undertaken following completion of the Northern Interceptor Wastewater pump station.	RD
Residential Activity		
(A3)	4 - 230 dwellings within the Precinct.	RD
(A4)	231 or more dwellings.	D

I1.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table IX.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I1.6. Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table IX.4.1 unless otherwise specified below.

All activities listed in Activity Table IX.4.1 must also comply with Standards IX.6.1 – IX.6.3.

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

I1.6.1. Stormwater Management

Purpose:

- To ensure
 - (1) Hydrological Mitigation
 - a. All new or redeveloped impervious surfaces (including roads) which discharge to the southern catchments must provide:
 - i. Retention (volume reduction) of at least 5mm runoff depth for the impervious area for which hydrology mitigation is required; and
 - ii. Detention (temporary storage) and a drain down period of 24 hours for the difference between the predevelopment and post-development

runoff volumes from the 95th percentile, 24-hour rainfall event minus the 5mm retention volume or any greater retention volume that is achieved, over the impervious area for which hydrology mitigation is required.

- b. Clause (a) does not apply where:
- i. A suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there is no area on the site of sufficient size to accommodate all required infiltration that is free of geotechnical limitations (including slope, setback from infrastructure, building structures or boundaries and water table depth); and
 - ii. Rainwater reuse is not available because:
 1. The quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden/crop irrigation or toilet flushing); or
 2. There are no activities occurring on the site that can re-use the full 5mm retention volume of water.
- c. If at the time of subdivision, a communal device has been constructed to provide for the above requirements for multiple allotments, a condition and consent notice are required for the provision of the connection and ongoing maintenance of the communal device..

(2) Water Quality

- a. Runoff from impervious surfaces associated with surface car parking areas and vehicle access shall provide water quality treatment, including
- i. Provision of a device(s) or system appropriately sized in accordance with GD01; or
 - ii. Where alternative devices are proposed, it must be demonstrated that such devices are designed to achieve an equivalent level of contaminant or sediment removal performance to that of GD01; and
 - iii. Be in accordance with an approved Stormwater Management Plan.

I1.6.2. Building Setback and Connectivity

Purpose:

- To enable for the future required widening of Brigham Creek Road and Mamari Road
- (1) A 10-m wide building setback must be provided along the entire frontage of the land adjoining Brigham Creek Road measured from the legal road boundary that existed at the year of 2022. No buildings, structure or part of a building shall be constructed within this 10-m setback.
- (2) A 11.86-m wide building setback must be provided along the frontage of the land adjoining Mamari Road measured from the legal road boundary that

existed at the year of 2022. No buildings, structure or part of a building shall be constructed within this 11.86-m setback.

(3) A minimum 2.5m front yard setback shall be measured from the building setback in (1) and (2) above.

(4) Provision for a road connection between Mamari Road and Brigham Creek.

I1.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I1.8. Assessment – restricted discretionary activities

I1.8.1. Matters of discretion

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

(1) Subdivision and development

- a. The effects of development on wastewater infrastructure timing and capacities.
- b. Infrastructure and servicing.
- c. Any staging of subdivision.
- d. Alignment with the MHU zone subdivision provisions.
- e. The matters of discretion listed in E38.12.1(7)

(2) Between 4 and 230 dwellings per site

- a. The matters of discretion listed in H5.8.1(2)

(3) Non-compliance with Standard I1.6.1(1) – Stormwater Management

- a. The matters of discretion listed in E10.8.1(1).
- b. Any approved Stormwater Management Plan.

(4) Non-compliance with Standard I1.6.1(2) – Stormwater Management

- a. The matters of discretion listed in E9.8.1(1).
- b. Any approved Stormwater Management Plan.

(5) Transport infrastructure

- a. The effects of the proposal on the future ability to construct the road corridors and connection shown in Precinct Plan.
- b. Whether the proposal will enable the safe and efficient functioning of the current and future transport network.

I1.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

- (1) Subdivision and development that is consistent with:
 - a. The objectives and policies of the precinct or achieves the equivalent or better outcome;
 - b. The assessment criteria listed in E38.12.2(7).
- (2) For four - 230 dwellings per site:
 - a. The assessment criteria listed in H5.8.2(2).
- (3) Non-compliance with Standard I1.6.1(1) – Stormwater Management
 - a. The assessment criteria listed in E10.8.2(1).
 - b. Consistency of the proposed stormwater management devices with any approved Stormwater Management Plan.
- (4) Non-compliance with Standard I1.6.1(2) – Stormwater Management
 - a. The assessment criteria listed in E9.8.2(1).
 - b. Consistency of the proposed stormwater management devices with any approved Stormwater Management Plan.
- (5) Safe and efficient operation of the current and future transport network
 - i. Whether the frontage along Brigham Creek Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network.
 - ii. Whether the frontage along Mamari Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network.
 - iii. Whether a road connection between Brigham Creek Road and Mamari Road is enabled through the design and layout of the subdivision.

I1.9. Special information requirements

There are no special information requirements in this precinct.

I1.10. Precinct plan

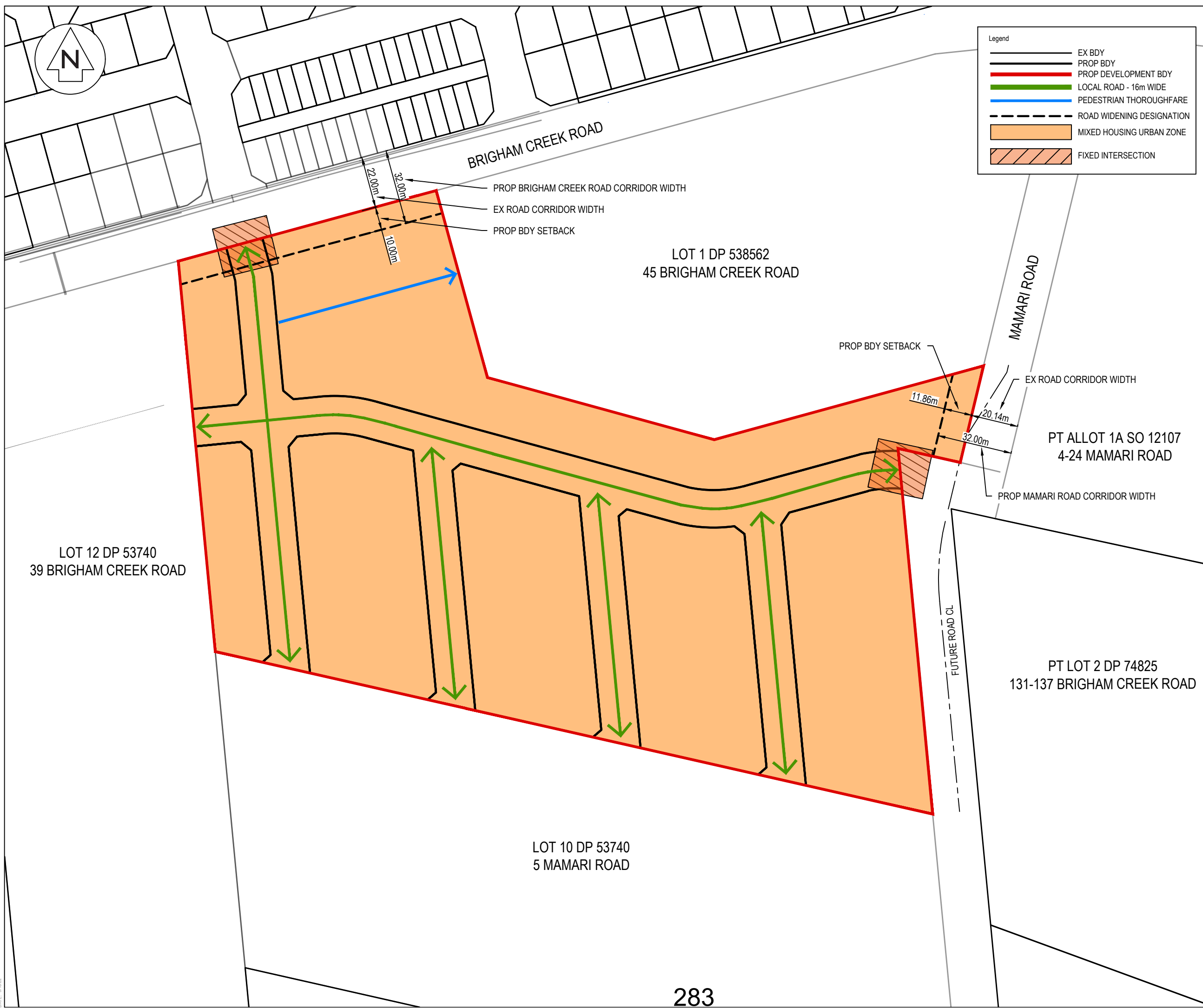
There is a Precinct Plan for this Precinct – refer to attached.



Legend

- EX BDY
- PROP BDY
- PROP DEVELOPMENT BDY
- LOCAL ROAD - 16m WIDE
- PEDESTRIAN THOROUGHFARE
- ROAD WIDENING DESIGNATION
- MIXED HOUSING URBAN ZONE
- FIXED INTERSECTION

- Notes
1. All works to be in accordance with Auckland council standards.
 2. Boundaries are subject to final survey.



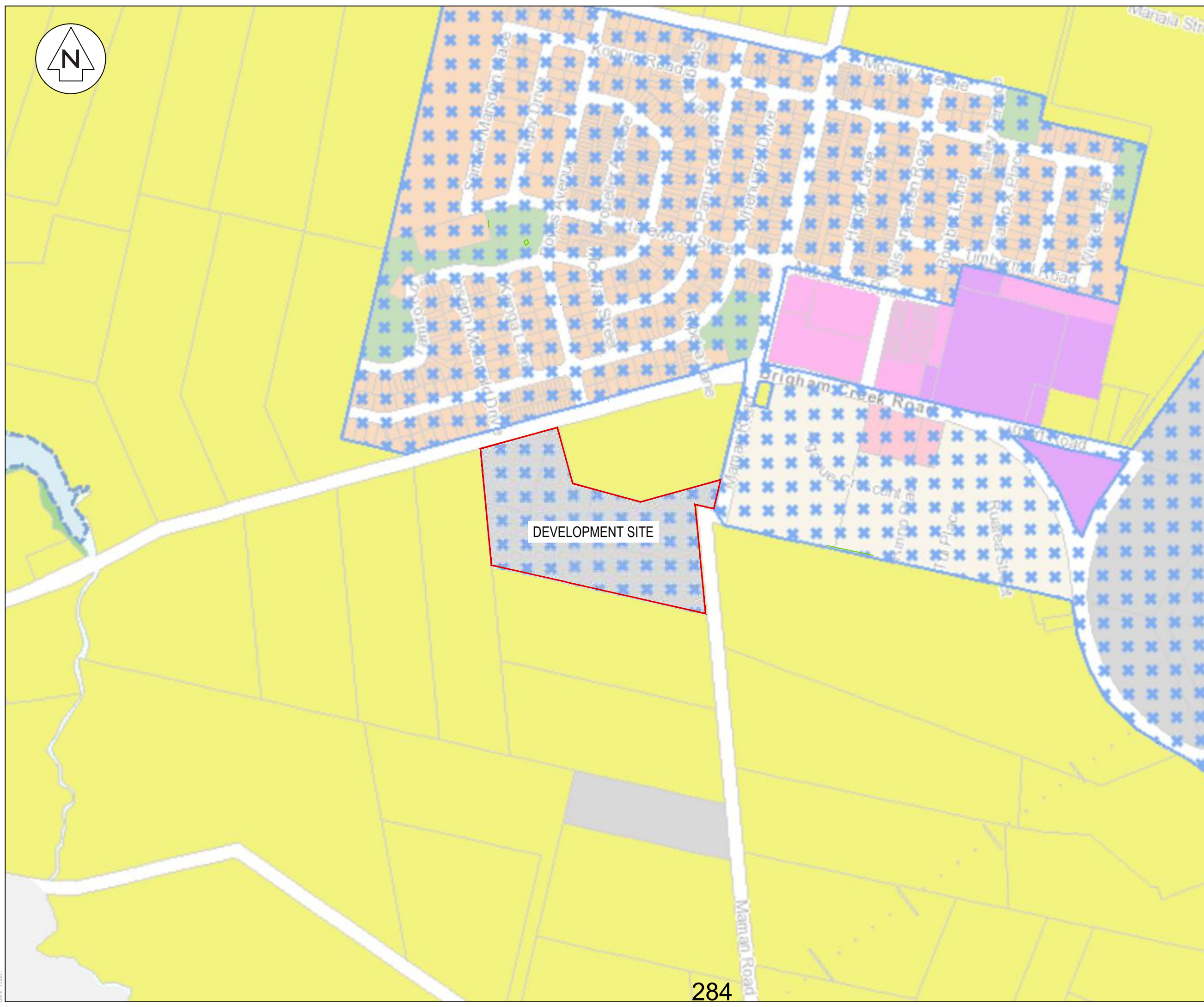
Rev	Description	By	Date
C	PLAN CHANGE	AP	05/22
B	PLAN CHANGE	AP	11/21
Survey	-	-	-
Design	AP	11/21	
Drawn	-	-	-
Checked	WM	11/21	

M **Maven Associates**
 09 571 0050
 info@maven.co.nz
 www.maven.co.nz
 12-14 Walls Road, Penrose

Project
**41-43 BRIGHAM CREEK
 WHENUAPAI
 DEVELOPMENT
 FOR
 AI LING**

Title
**PROPOSED
 PRECINCT
 PLAN**

Project no.	210001
Scale	1:1500 @ A3
Cad file	PRECINCT PLAN.DWG
Drawing no.	C110
Rev	C



Legend

 PROP DEVELOPMENT BDY

 SMAF 1 ZONE

Rev	Description	By	Date
A	PLAN CHANGE	AP	11/21
Survey	-	-	-
Design	AP	11/21	
Drawn	-	-	
Checked	WM	11/21	

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Project
**41-43 BRIGHAM CREEK
 WHENUAPAI
 DEVELOPMENT
 FOR
 AI LING**

Title
**UNITARY PLAN
 SMAF ZONES
 PLAN**

Project no.	210001
Scale	1:5000 @ A3
Cad file	PRECINCT PLAN.DWG
Drawing no.	C111
Rev	A

From: [Todd Elder](#)
To: [Unitary Plan](#)
Subject: FW: Response to PC86
Date: Thursday, 8 December 2022 1:26:07 pm
Attachments: [pc-86-summary-of-decisions-requested.docx](#)

From: Annette Mitchell <anniem1401@gmail.com>
Sent: Thursday, 8 December 2022 12:52 pm
To: Todd Elder <todd.elder@aucklandcouncil.govt.nz>
Subject: Response to PC86

As a submitter to Plan Change 86 please find attached responses from Living Whenuapai to some of the other submissions to this Plan Change.

Basically Living Whenuapai oppose to this Plan Change proceeding until there is an overall plan done for the whole development of Whenuapai that would do the following:

- Restore and enhance biodiversity in the region by providing additional native planting and green spaces to improve the canopy cover in Whenuapai to 30%
- Establish the integrated infrastructure so that walking and cycling paths are accessible throughout the development, linking schools, recreation areas and natural environment spaces.
- Improve waterways through min 20 metre riparian planting and minimise impermeable surfaces
- Provide sufficient recreational and nature spaces for this growing community.

Annette Mitchell
On behalf of

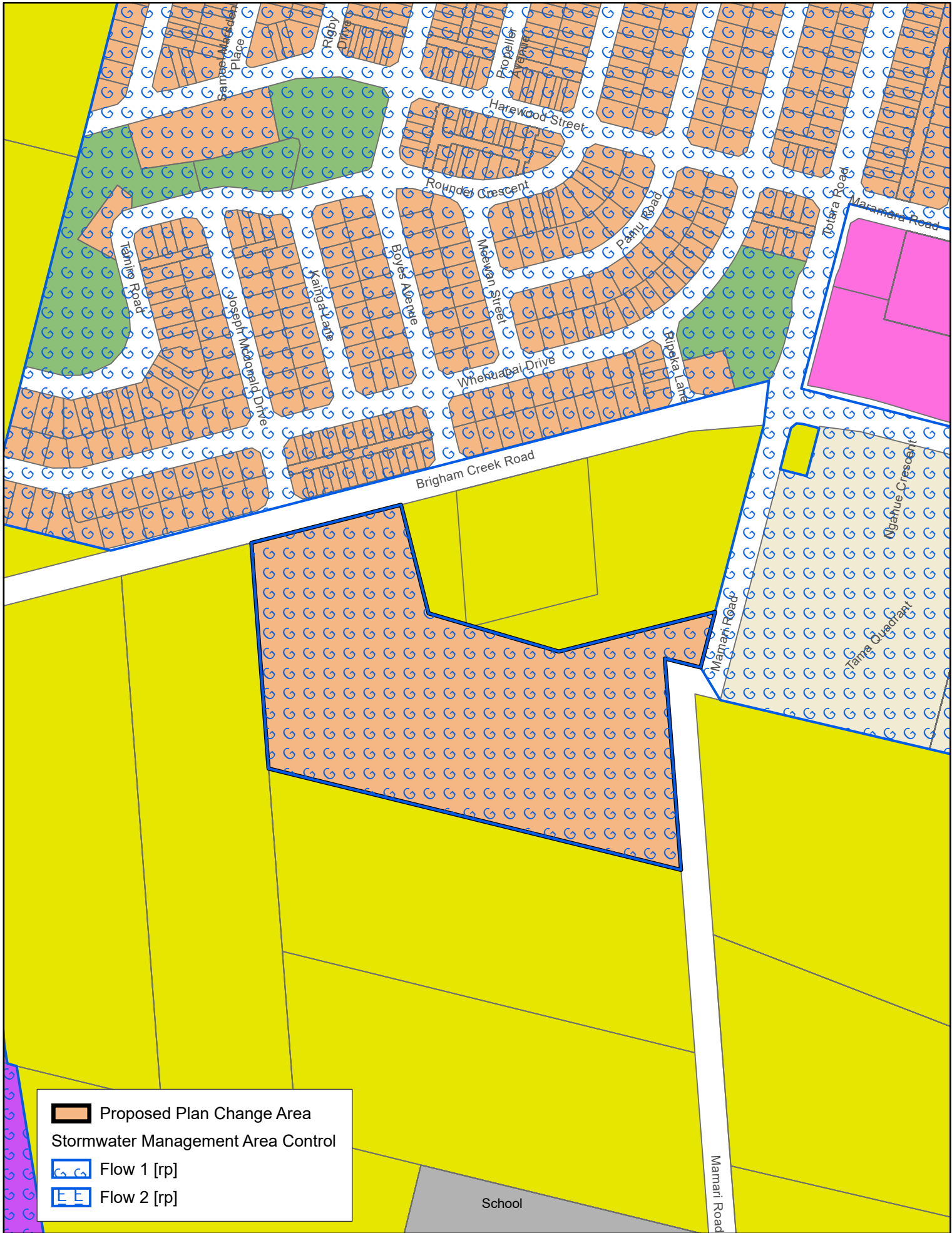
E: info@livingwhenuapai.org.nz



Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 08/12/2022
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

APPENDIX 5
RECOMMENDED CHANGES



Proposed Private Plan Change 86 41-43 Brigham Creek Road, Whenuapai



Plans and Places

I1. Whenuapai 3 Precinct

I1.1. Precinct Description

The Whenuapai 3 Precinct applies to 5.2 ha of land in Whenuapai. Development in the Whenuapai 3 Precinct will enable an increase in housing capacity through the efficient use of land and infrastructure.

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

Development of this precinct is directed by Whenuapai 3 Precinct Plan 1.

Whenuapai 3 Precinct Plan 1 shows the transportation infrastructure requirements required to enable the development. No development can occur until land within Whenuapai Precinct 3 is able to be:

- Connected to the new wastewater pump station on Brigham Creek Road (9377 North Harbour No. 2 Watermain/Northern Interceptor Shared Corridor); and
- Transportation projects listed in Table IX.6.3.1 infrastructure upgrade thresholds are built to provide for a well-functioning urban environment.

Reverse Sensitivity Effects on Whenuapai Airbase

The Whenuapai Airbase is located east of the Whenuapai 3 Precinct boundary. While the airbase is outside of the precinct boundary it contributes to the precinct's existing environment and character. The airbase is a defence facility of national and strategic importance. Operations at the airbase include maritime patrol, search and rescue, and transport of personnel and equipment within New Zealand and on overseas deployments.

Most of the flying activity conducted from the airbase is for training purposes and includes night flying and repetitive activity. The precinct manages lighting to ensure safety risks and reverse sensitivity effects on the operation and activities of the airbase are avoided, remedied or mitigated. All subdivision, use and development within the precinct will need to occur in a way that does not adversely effect on the ongoing operation of the airbase.

The zoning of land within this precinct is Residential – Mixed Housing Urban Zone with a SMAF1 overlay.

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

I1.2. Objectives [rcp/rp/dp]

- (1) Whenuapai 3 Precinct is developed in a comprehensive and integrated way to facilitate the development of a residential area.

Infrastructure

- (2) Establish all the infrastructure necessary to service development within the Precinct in a coordinated and timely way.
- (3) Development shall be coordinated with the upgrading of the 9377 North Harbour No. 2 Watermain/Northern Interceptor Shared Corridor in a manner that avoids adverse effects on the environment.
- (4) Stormwater quality and quantity is managed to maintain the health and well-being of the receiving environment and is enhanced over time in degraded areas.

Transport Infrastructure

- (5) Subdivision and development provides for the safe and efficient operation of the current and future transport network for all modes.
- (6) Transport infrastructure that is required to service development within the precinct:
 - a. Provides for walking and cycling connections
 - b. Mitigates transport effects on the wider road network; and
 - c. Is co-ordinated with subdivision and development.
- (7) The construction of Brigham Creek Road and Mamari Road is enabled
- (8) Existing and future strategic transport links that would enhance the precinct's integration with the wider Whenuapai area and support growth beyond the precinct are protected.

Effects on Whenuapai Airbase

- (9) The effects of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided, as far as practicable or otherwise remedied or mitigated.

I1.3. Policies [rcp/rp/dp]

- (1) Whenuapai 3 Precinct is developed in general accordance with Precinct Plan 1
- (2) Subdivision and development shall be sequenced to ensure new titles are not issued prior to water supply and wastewater infrastructure being constructed and commissioned.
- (3) Avoid subdivision, use and development that does not align with the timing of the upgrading and provision of wastewater services, particularly the Brigham Creek Road Pump Station at 23-27 Brigham Creek Road

Stormwater Management

- (4) Require subdivision and development to be consistent with any approved stormwater management plan including in particular:
 - (a) Requiring management of runoff from all impervious surfaces to enhance the water quality and protect the health of the receiving environment;

- (b) Promotion of the treatment train approach to achieve water quality and hydrology mitigation;
- (c) Requiring appropriate design and location of all stormwater outfalls; and
- (d) Timing of subdivision and development shall align with the provision of stormwater infrastructure along Mamari Road.

Transport infrastructure

- (5) Require subdivision and development of a transport network so that it implements the elements and connections identified on Whenuapai 3 Precinct Plan 1 and is in accordance with Table I.6.3
- (6) Ensure that subdivision and development provides for the future road corridors and connections as shown in Precinct Plan 1.

Effects on Whenuapai Airbase

- (7) Require subdivision, use and development within the Whenuapai 3 Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects and safety risks relating to lighting, glare and reflection, on the operation and activities of Whenuapai Airbase.
- (8) Require the design of roads and their associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.

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

I1.4. Activity table [rcp/rp/dp]

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table IX1.4.1 below.

A blank in the activity status column means that the activity status in the relevant Auckland-wide or zone provision applies in addition to any standards listed.

In addition to the provisions of IX.4 Precinct, reference should also be had to the planning maps (GIS Viewer) which shows the extent of all designations, overlays and controls applying to land within the Whenuapai 3 Precinct. These may apply additional restrictions.

Development in the precinct may be subject to height restrictions under Designation 4311. Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps

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

Table I1.4.1 Activity table

Activity		Activity status
Use and Development		
(A1)	Activities listed as permitted or restricted discretionary activities in Table H5.4.1 Activity Table in the Residential – Mixed Housing Urban Zone	
(A2)	Use and development that does not comply with Standard IX.6.3	NC
Subdivision		
(A4)	Subdivision listed in Chapter E38 Subdivision	
(A5)	Subdivision that does not comply with Standard IX.6.3	NC

I1.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table IX.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991, the Council will give specific consideration to those persons listed in Rule C1.13(4).

I1.6. Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table IX.4.1 unless otherwise specified below. All activities listed in Activity Table I1.4.1 must also comply with Standards I1.6.

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

I1.6.1. Subdivision

- (1) Prior to consent being granted, all transport infrastructure listed in table I.6.3.1 must be constructed.
- (2) Prior to the Council issuing a section 224(c) certificate for subdivision other than infrastructure, the transport infrastructure listed in Table I6.3.1 must have been constructed.

I1.6.2. Stormwater Management

- (1) Stormwater Infrastructure Capacity:

Purpose:

- To ensure that there is sufficient stormwater infrastructure capacity in place at the time of development and that flooding risks within the precinct and further downstream are not exacerbated by development within the precinct

- (a) Discharge of stormwater runoff from subdivision and development cannot occur until the necessary stormwater infrastructure in Mamari Road is in place or until appropriate mitigation exists.

(2) Water quality

- (a) Stormwater runoff from all impervious areas other than roofs must be either:
 - i. treated at-source by a stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' or 'Stormwater treatment Devices Design Guideline Manual (TP10)'; or
 - ii. treated by a communal stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' that is designed and authorised to accommodate and treat stormwater from the site.
- (b) Stormwater runoff from roofs must be:
 - i. Constructed of inert building materials and directed to an approved stormwater management device.

I1.6.3. Infrastructure upgrade thresholds

Purpose:

- To ensure that the Whenuapai 3 Precinct responds to the anticipated growth within the precinct and in the wider Whenuapai area, while also ensuring the safe and efficient operation of the transport network.

(1) Any application that:

- a) involves residential activity as defined by Table J1.3.5 Residential of Chapter J of the Auckland Unitary Plan, and
- b) will result in a cumulative number of dwellings within the precinct (either constructed or consented) that exceed the thresholds specified in table IX.6.3.1 transport assessment and upgrade thresholds; shall meet the following requirements:

Table IX.6.3.1 infrastructure upgrade thresholds

Threshold	Requirement to exceed the threshold
1 dwelling	<ul style="list-style-type: none"> - Completion of the upgrade of Brigham Creek Road corridor with separate footpath and cycle lane, as identified on Whenuapai 3 Precinct Plan 1 - Completion of Māmari Road extension and upgrade of Māmari Road corridor to an urban arterial corridor with bus priority lanes and separate footpath and cycle lane as identified on the Whenuapai 3 Precinct Plan 1 - Completion of intersection improvements at the intersection of Brigham Creek Road and Mamari Road for safe pedestrian access to Whenuapai Neighbourhood Centre. - Completion of the construction and commissioning of the Pump Station at 23-27 Brigham Creek Road for wastewater servicing all development within the precinct.

I1.6.4. Building Setback and Connectivity

Purpose:

- To enable for the future required widening of Brigham Creek Road and Mamari Road.
- (1) A 10 metre wide building setback must be provided along the entire frontage of the land adjoining Brigham Creek Road measured from the legal road boundary that existed at 22 September 2022. No buildings, structures or parts of a building shall be constructed within this setback.
 - (2) A 11.86 metre wide building setback must be provided along the frontage of the land adjoining Mamari Road measured from the legal road boundary. No buildings, structure or part of a building shall be constructed within this 11.86 metre setback.
 - (3) A minimum 2.5 metre front yard setback shall be measured from the building setbacks in (1) and (2) above.
 - (4) Provision for a road connection between Mamari Road and Brigham Creek.

I1.6.5. Lighting

Purpose:

- to avoid reverse sensitivity effects on the Whenuapai Airbase
 - to avoid or minimise lighting issues for aircraft descending to land at the Whenuapai Airbase.
- (1) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that lighting:

- (a) avoids simulating approach and departure path runway lighting;
- (b) ensures that clear visibility of approach and departure path runway lighting is maintained; and
- (c) avoids glare or light spill that could affect aircraft operations.

I1.6.6. Temporary activities and construction

Purpose:

- to avoid reverse sensitivity effects on the Whenuapai Airbase.
- (1) Any application for subdivision and development that requires the use of a temporary structure being erected must inform the New Zealand Deference Force of:
- (a) The nature of the works;
 - (b) The structure being erected; and
 - (c) Duration of the works being erected.

I1.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I1.8. Assessment – restricted discretionary activities

I1.8.1. Matters of discretion

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

- (1) Matters of discretion for all restricted discretionary activities (including otherwise permitted activities that infringe a permitted standard)
 - (a) Whether the infrastructure required to service any development is provided
 - (b) Whether the proposal will provide for safe and efficient functioning of the current and future transport network;
 - (c) Whether stormwater and flooding are managed appropriately; and
 - (d) The location, orientation and spill from lighting associated with development, structures, infrastructure and construction activities.

I1.8.2. Assessment criteria

The Council will consider the assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the

relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

(1) For subdivision and development

- (a) Whether the proposed subdivision includes the construction of transport infrastructure identified on table IX.6.3.1 infrastructure upgrade thresholds;
- (b) Whether the proposed road corridors and transport connections will service the precinct in a safe and efficient manner; and
- (c) Whether the proposed subdivision enables development that would require road infrastructure upgrades to be provided.

(2) For the safe and efficient operation of the current and future transport network:

- (a) Whether the frontage along Brigham Creek Road is designed and constructed to an urban standard, achieving a well-functioning urban environment, including (as a minimum) footpath and cycle lanes, and connectivity to the wider footpath network;
- (b) Whether a road connection between Brigham Creek Road and Mamari Road is enabled through the design and layout of subdivision within the precinct.

(3) For Stormwater management not complying with Standard Ix.6.3 infrastructure upgrade thresholds:

(a) Stormwater and Flooding

- i. Whether development and/or subdivision is in accordance with any approved Stormwater Management Plan and Policies E1.3(1) – (14);
- ii. The design and efficiency of stormwater infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, whole lifecycle costs, ease of access, operation and integration with the surrounding environment;
- iii. Whether the proposal for development and/or subdivision provides sufficient floodplain storage, including attenuation storage, within the precinct to avoid increasing flood risk within the receiving environment; and
- iv. Whether there is sufficient infrastructure capacity to provide for flood conveyance and protect land and infrastructure.

(b) Servicing

- i. Whether there is sufficient capacity in the existing or proposed stormwater network to service the proposed development that is enabled by the precinct and
- ii. Where adequate network capacity is not available, whether adequate mitigation is proposed being consistent with an integrated stormwater management approach.

(c) Assessment criteria E9.8.2(1) apply.

(2) Lighting associated with development, structures, infrastructure and construction:

- (a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:
 - i) avoids simulating approach and departure path runway lighting;
 - ii) ensures that clear visibility of the approach and departure path runway lighting is maintained; and
 - iii) avoids glare or light spill that could affect aircraft operations.




I1.9. Special information requirements

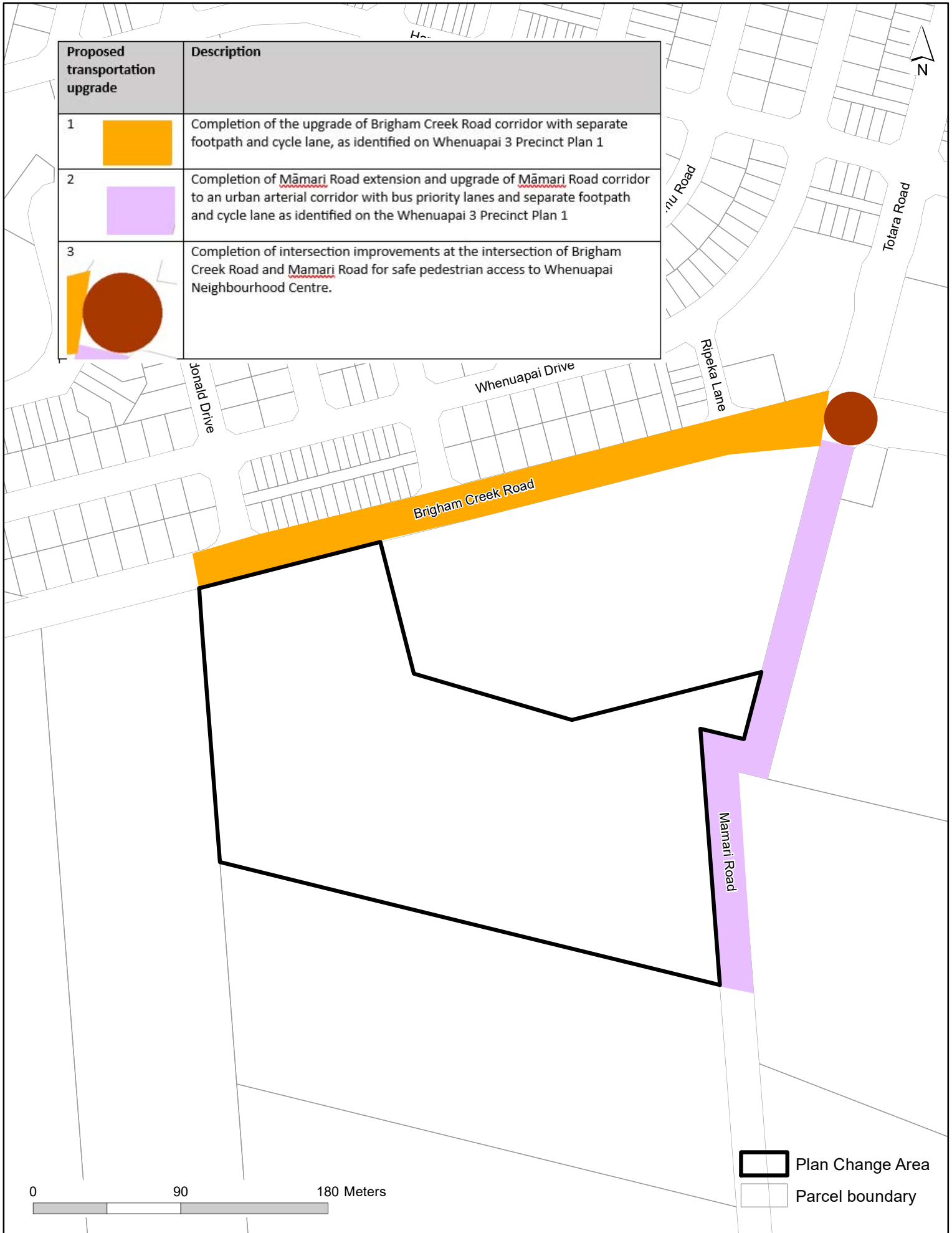
(1) Stormwater management:



- a. All applications for development and subdivision must include a plan demonstrating how stormwater management requirements will be met including:
 - i) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;
 - ii) the type and location of all public stormwater network assets that are proposed to be vested in council;
 - iii) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct.

I1.10. Precinct plans

I1.10.1 1 Whenuapai Precinct Plan 1

Proposed transportation upgrade	Description
1 	Completion of the upgrade of Brigham Creek Road corridor with separate footpath and cycle lane, as identified on Whenuapai 3 Precinct Plan 1
2 	Completion of Māmari Road extension and upgrade of Māmari Road corridor to an urban arterial corridor with bus priority lanes and separate footpath and cycle lane as identified on the Whenuapai 3 Precinct Plan 1
3 	Completion of intersection improvements at the intersection of Brigham Creek Road and Māmari Road for safe pedestrian access to Whenuapai Neighbourhood Centre.



 Plan Change Area
 Parcel boundary

0 90 180 Meters

APPENDIX 6

SUPPORTING GROWTH ALLIANCE NOTICE OF REQUIREMENT

North West Strategic	<p>The North West Strategic are six individual transport projects in Auckland located in Whenuapai, Kumeū, Huapai and Red Hills. Supporting Growth has lodged six destinations to Auckland Council for route protection. These projects include an Alternative State Highway, an upgrade to the current State Highway 16, and a new Rapid Transit Corridor with two new Rapid transit Stations. Access Road is also being upgraded.</p> <p>For further detail on their location, please refer to the map and use the notice's key to identify the location.</p>			
Notice	Project	Description	Requiring Authority	Reporting Planner
S1	Alternative State Highway	A new dual carriageway highway and the upgrade of Brigham Creek Interchange	Waka Kotahi	Robert Scott
S2	SH16 Main Road	Alteration of the existing SH16 designation 6766 to provide for the upgrade of the corridor, including provision of active mode facilities and realignment of Station Road intersection with SH16	Waka Kotahi	
S3	Rapid Transit Corridor	New Rapid Transit Corridor and active mode corridor	Waka Kotahi	
KS	Kumeū Rapid Transit Station	New rapid transit station, including transport interchange facilities and accessway	Waka Kotahi	
HS	Huapai Rapid Transit Station	New rapid transit station, including transport interchange facilities, park and ride and accessway	Waka Kotahi	
S4	Access Road	Upgrade of Access Road with separated active mode facilities	Auckland Transport	
North West Local	<p>The North West Local are 8 upgrades to existing roads in Whenuapai and Red Hills. Supporting Growth has lodged six designation to Auckland Council for route protection and to be constructed in a future date.</p> <p>For further detail on their location, please refer to the map and use the notice's key to identify the location.</p>			
Notice	Project	Description	Requiring Authority	Reporting Planner
W1	Trig Road	Upgrade of Trig Road corridor to an urban arterial with separated active mode facilities	Auckland Transport	Jo Hart
W2	Māmari Road	Extension and upgrade of Māmari Road corridor to an urban arterial corridor, including the provision of bus priority lanes and separated active mode facilities	Auckland Transport	
W3	Brigham Creek Road	Upgrade of Brigham Creek Road corridor with separated active mode facilities	Auckland Transport	
W4	Spedding Road	Upgrade of the existing Spedding Road corridor and new east and west extensions with separated active mode facilities	Auckland Transport	
W5	Hobsonville Road	Alteration of the existing Hobsonville Road designation 1437 to provide for the widening of the Hobsonville Road corridor between Oriel Avenue and Memorial Park Lane, including provision of separated active mode facilities	Auckland Transport	
RE1	Don Buck Road	Upgrade of Don Buck Road corridor including provision for bus priority lanes and separated active mode facilities	Auckland Transport	
RE2	Fred Taylor Drive	Alteration of the existing Fred Taylor Drive designation 1433 to provide for the upgrade of the Fred Taylor Drive corridor, including provision for bus priority lanes and separated active mode facilities	Auckland Transport	
R1	Coatesville – Riverhead Highway	Upgrading the southern section of the Coatesville – Riverhead Highway corridor to a rural arterial with active mode facilities, and upgrading the northern section of the corridor to an urban arterial with active mode facilities.	Auckland Transport	Ben Willis

North West HIF - Redhills	The North West Housing Infrastructure Fund (HIF) are roading upgrades in the Red Hill area that has funding from Central Government. These projects will create new arterial roads, upgrade to arterial roads and upgrades to intersections in the Red Hills area.			
	For further detail on their location, please refer to the map and use the notice's key to identify the location.			
Notice	Project	Description	Requiring Authority	Reporting Planner
NoR1	Redhills North-South Arterial Transport Corridor	New urban arterial transport corridor and upgrade of Don Buck and Royal Road intersections.	Auckland Transport	Jess Romhany
NoR2a	Redhills East-West Arterial Transport Corridor – Dunlop Road	New urban arterial transport corridor that intersects with Fred Taylor Drive and connects to the remaining East-West connection (NoR2c) at the intersection with the Redhills North-South arterial corridor.	Auckland Transport	
NoR2b	Redhills East-West Arterial Transport Corridor – Baker Lane	New urban arterial transport corridor that intersects with Fred Taylor Drive and connects to the intersection of the remaining East-West connection and Dunlop Road (NoR2a).	Auckland Transport	
NoR2c	Redhills East-West Arterial Transport Corridor – Nixon Road Connection	New urban arterial transport corridor that intersects with the Redhills East West Arterial Corridor – Dunlop Road. This includes the upgrade of the existing Red Hills Road / Nelson Road / Nixon Road intersection, and the existing Nixon Road / Henwood Road intersection.	Auckland Transport	
North West HIF – Trig Road	The North West Housing Infrastructure Fund (HIF) is to upgrade the section of Trig Road in Whenuapai between State Highway 18 and Hobsonville Road. This will turn Trig Road into a Arterial Road and upgrade parts of Hobsonville Road, Luckens Road and Trig Road intersections.			
Notice	Project	Description	Requiring Authority	Reporting Planner
TRHIF	Trig Road Corridor Upgrade	An upgrade of Trig Road, Whenuapai, to an urban arterial corridor. This includes the upgrade of the existing Hobsonville Road / Trig Road and Luckens Road / Trig Road intersections.	Auckland Transport	Jess Romhany

APPENDIX 7
LOCAL BOARD VIEWS

For Action

MEMO TO: Eryn Shields - Team Leader Regional, North West and Islands

COPY TO:

FROM: Max Wilde - Democracy Advisor (Upper Harbour Local Board)

DATE: 27 February 2023

MEETING: Upper Harbour Local Board Meeting of 23/02/2023

Please note for your action / information the following decision arising from the meeting named above:

UH/2023/12 **Private Plan Change 86 (41-43 Brigham Creek Road) - Local Board Views**

FILE REF CP2023/00088

AGENDA ITEM NO. 12

12 **Private Plan Change 86 (41-43 Brigham Creek Road) - Local Board Views**

Resolution number UH/2023/12

MOVED by Chairperson A Atkinson, seconded by Member K Parker:

That the Upper Harbour Local Board:

- a) **provide the following local board views on private plan change 86 applied for by Taste Business Investments Trust Limited for 41-43 Brigham Creek Road, Whenuapai:**
 - i) **recommend the decline of plan change 86 for the following reasons:**
 - A) **express serious concerns about out of sequence development and the need for supporting infrastructure and to avoid any potential adverse effects on the environment as the proposal is out of sequence with the Future Urban Land Supply Strategy 2017**
 - B) **note there is currently no provision for funding the full costs of transport and other infrastructure required and stage 2 of the Whenuapai Structure Plan 2017 is not anticipated to be delivered until at least 2028.**
 - C) **endorse and share the concerns raised by Auckland Transport and Waka Kotahi the New Zealand Transport Agency that:**
 - 1) **there is no immediate funding solution to respond to the cumulative effects of increased traffic on the wider north western transport system**
 - 2) **there is no likelihood of being able to agree on funding amounts, until the work by the Supporting Growth Alliance in the North West is completed**

- 3) protection of future local road upgrades needs to be planned for
- D) endorse Watercare’s concerns that there is currently no way to service the private plan change 86 area until infrastructure upgrades are completed
- E) consider the financial concerns identified in paragraphs 34 and 35 of the Private Plan Change 86 (41-43 Brigham Creek Road) – Local Board views report:
- 1) *plan change 86 could have a financial implication for the local board. The applicant has proposed to fund infrastructure to mitigate the immediate local effects (particularly traffic) of the proposed development that would be enabled by plan change 86. The council does not have enough information to accurately assign a fair proportion of future transport costs to the proposed development.*
 - 2) *full costs of the infrastructure for the wider network are unable to be determined at this time and are likely to take some time to be calculated. The shortfall in funding of the infrastructure costs is not provided for in the Long-Term Plan 2021-2031. Therefore, the council is unable to recover the costs of future infrastructure via either the Development Contributions Policy or by having another funding mechanism in place. Should the development go ahead without these matters being resolved, this could put pressure on funding identified for other development areas. Impacts on infrastructure arising from plan change 86, including any financing and funding issues, will be addressed in the hearing report.*
- F) consider that the connections in The Upper Harbour Greenway Plan 2019 should be provided prior to or during development and approval of plan change 86 . The Upper Harbour Greenway Plan 2019 shows Brigham Creek Road as a “Key Route” and Mamari Road as a “Key Connector”
- G) note this proposal will add even more pressure on an area already underserved for play and recreation spaces. The Upper Harbour Strategic Play Provision Assessment 2018 states in the Whenuapai section “As more of the Future Urban Areas are developed, community playspaces with provision for informal recreation, fitness and teen play should be included. More neighbourhood play spaces focused on younger age groups, for new families in the area, should also be provided for.” These play and recreation spaces have not been provided or created and this proposal would further exacerbate the problem of high density living with a lack of recreation spaces. Local residents in Whenuapai regularly request more play and recreation areas than the local board are able to provide
- H) note the Upper Harbour Local Board Plan 2020 identifies Whenuapai as a key gap in our network of sports and play provisions and this out of sequence plan change would allow more people to live in an area with significant shortfalls of

sports and recreation provision

- I) express concern regarding the discharge of stormwater into Sinton Stream, as it may not give effect to Te Mana o te Wai (the first priority must be to ensure the life-supporting capacity of freshwater), and request that any discharges improves the current state of the stream.
 - J) express concern that this development may result in the removal of mature trees as the adopted Urban Ngahere 10 year action plan shows that Whenuapai currently has less than 10% tree cover, whereas the goal for each local board area is 30%.
 - K) express concern that the poor bus service experienced by local residents in Whenuapai and lack of cycle lanes would mean residents of the new development are more likely to drive. The 114 bus currently has only 4 buses between and including 7:06 am and 9:06 am and during the day the buses are hourly
- ii) request that if consent is given the following amendments to plan change 86 are required:
- A) address the concerns of Auckland Council (including Auckland Transport, Watercare and the local board)
 - B) address the following concerns raised by Waka Kotahi - New Zealand Transport Agency:
 - 1) request the Supporting Growth Work and development of Brigham Creek Road and Mamari Road occurs without significant re-work
 - 2) if the plan change 86 is to progress, amend the plan change to include specific planning provisions (including objectives, policies and rules) to require the Brigham Road frontage to be upgraded to an urban standard with separated walking and cycling facilities in conjunction with subdivision and development of the site. The design and location of these works should be future-proofed to avoid the future unnecessary rework
 - C) improve tree cover to 30% through planting, including with large street trees
 - D) request riparian planting around affected waterways and streams
 - E) request that in light of recent flood events the stormwater design is re-assessed
 - F) require rainwater detention tanks for every dwelling.
- b) request Infrastructure and Environmental Services staff identify the streams and rivers within Whenuapai that would qualify as water bodies with esplanade reserves/strips for environmental and recreational benefits and request staff report back to the local board.
- c) appoint Chairperson A Atkinson to speak to the local board views at a hearing on private plan change 86.
- d) delegate authority to the Chairperson of the Upper Harbour Local Board to make a replacement appointment in the event the local board member appointed in resolution c) is unable to attend the private plan change

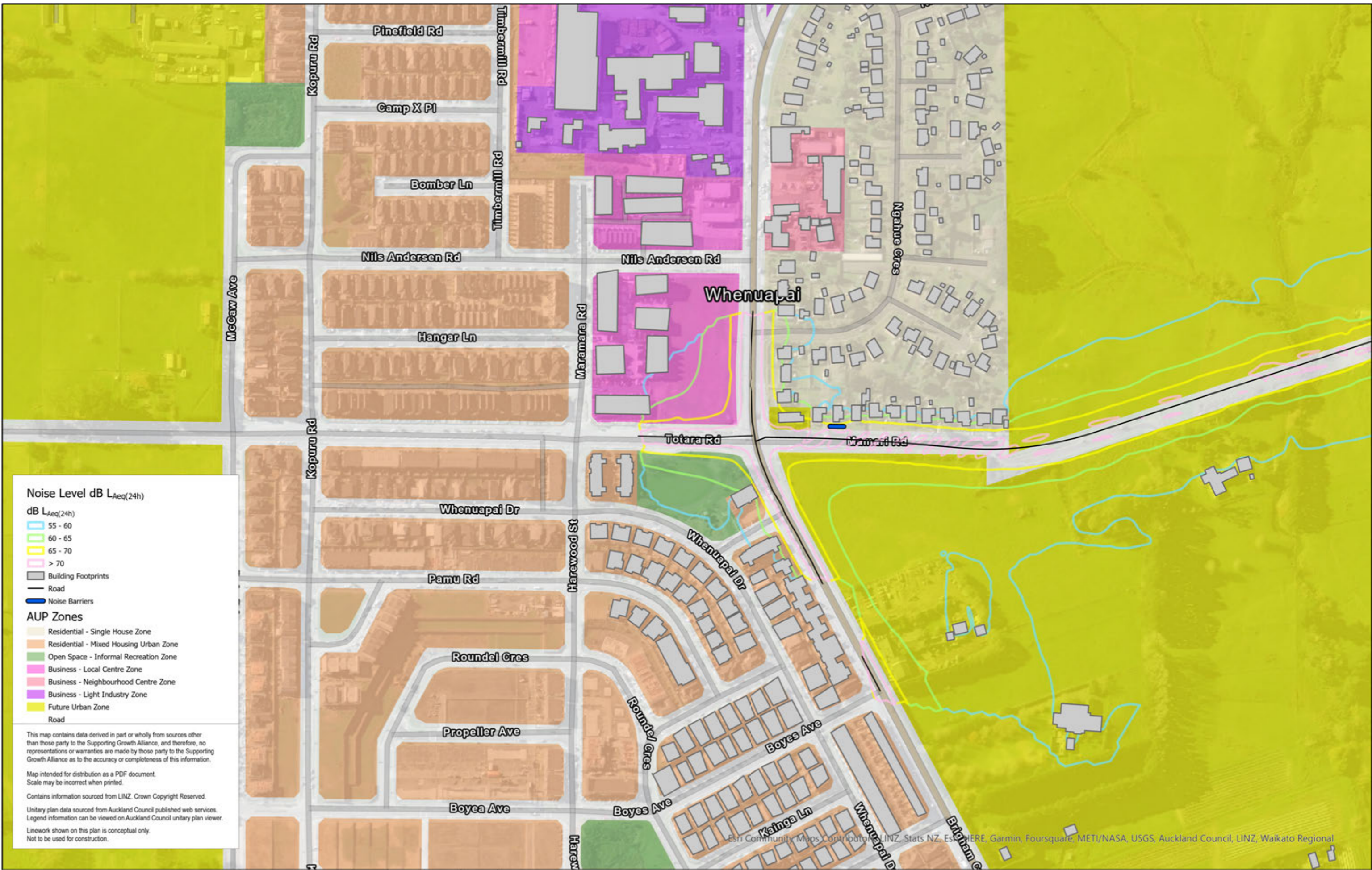
hearing.

CARRIED

SPECIFIC ACTIONS REQUIRED:

APPENDIX 8

SUPPORTING GROWTH ALLIANCE NOISE CONTOURS



Noise Level dB L_{Aeq}(24h)

- dB L_{Aeq}(24h)**
- 55 - 60
 - 60 - 65
 - 65 - 70
 - > 70

- Building Footprints
- Road
- Noise Barriers

AUP Zones

- Residential - Single House Zone
- Residential - Mixed Housing Urban Zone
- Open Space - Informal Recreation Zone
- Business - Local Centre Zone
- Business - Neighbourhood Centre Zone
- Business - Light Industry Zone
- Future Urban Zone
- Road

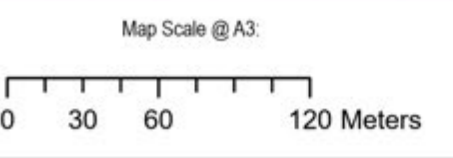
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Revision	Author	Verified	Approved	Date	Title

Supporting Growth
 NoR W2 - Mitigated Road Traffic Noise with AUP Zones
 313

Client: Supporting Growth
 Project: North West Package



Discipline: GIS
 Drawing No: SGA-NOR-W2-000

ESRI Community Maps Contributor: LINZ, Stats NZ, Esri, HERE, Garmin, Foursquare, METI/NASA, USGS, Auckland Council, LINZ, Waikato Regional



Noise Level dB LAeq(24h)

- dB LAeq(24h)**
- 55 - 60
 - 60 - 65
 - 65 - 70
 - > 70
 - Building Footprints
 - Road
 - Noise Barriers

AUP Zones

- Residential - Single House Zone
- Residential - Mixed Housing Urban Zone
- Business - Neighbourhood Centre Zone
- Future Urban Zone
- Special Purpose Zone
- Road

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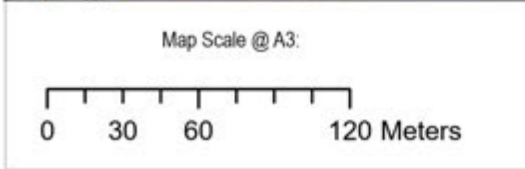
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Revision	Author	Verified	Approved	Date	Title:

Supporting Growth
 NoR W2 - Mitigated Road Traffic Noise with AUP Zones

Client: **Supporting Growth**

Project: **North West Package**



Discipline: **GIS**

Drawing No: **SGA-NOR-W2-000**



Noise Level dB $L_{Aeq}(24h)$

dB $L_{Aeq}(24h)$

- ▭ 55 - 60
- ▭ 60 - 65
- ▭ 65 - 70
- ▭ > 70

- ▭ Building Footprints
- Road
- ▬ Noise Barriers

AUP Zones

- ▭ Open Space - Informal Recreation Zone
- ▭ Business - General Business Zone
- ▭ Future Urban Zone
- ▭ Strategic Transport Corridor Zone
- Road

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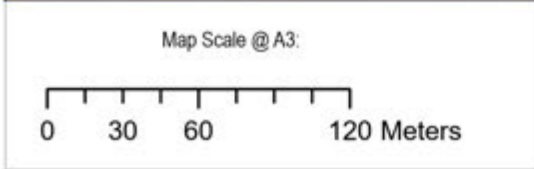
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Revision	Author	Verified	Approved	Date	Title:

Supporting Growth

NoR W2 - Mitigated Road Traffic Noise with AUP Zones

315

Client: **Supporting Growth**

Project: **North West Package**

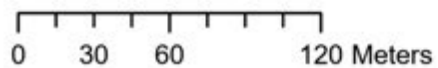


Discipline: **GIS**

Drawing No: **SGA-NOR-W2-000**



Map Scale @ A3:



Revision	Author	Verified	Approved	Date

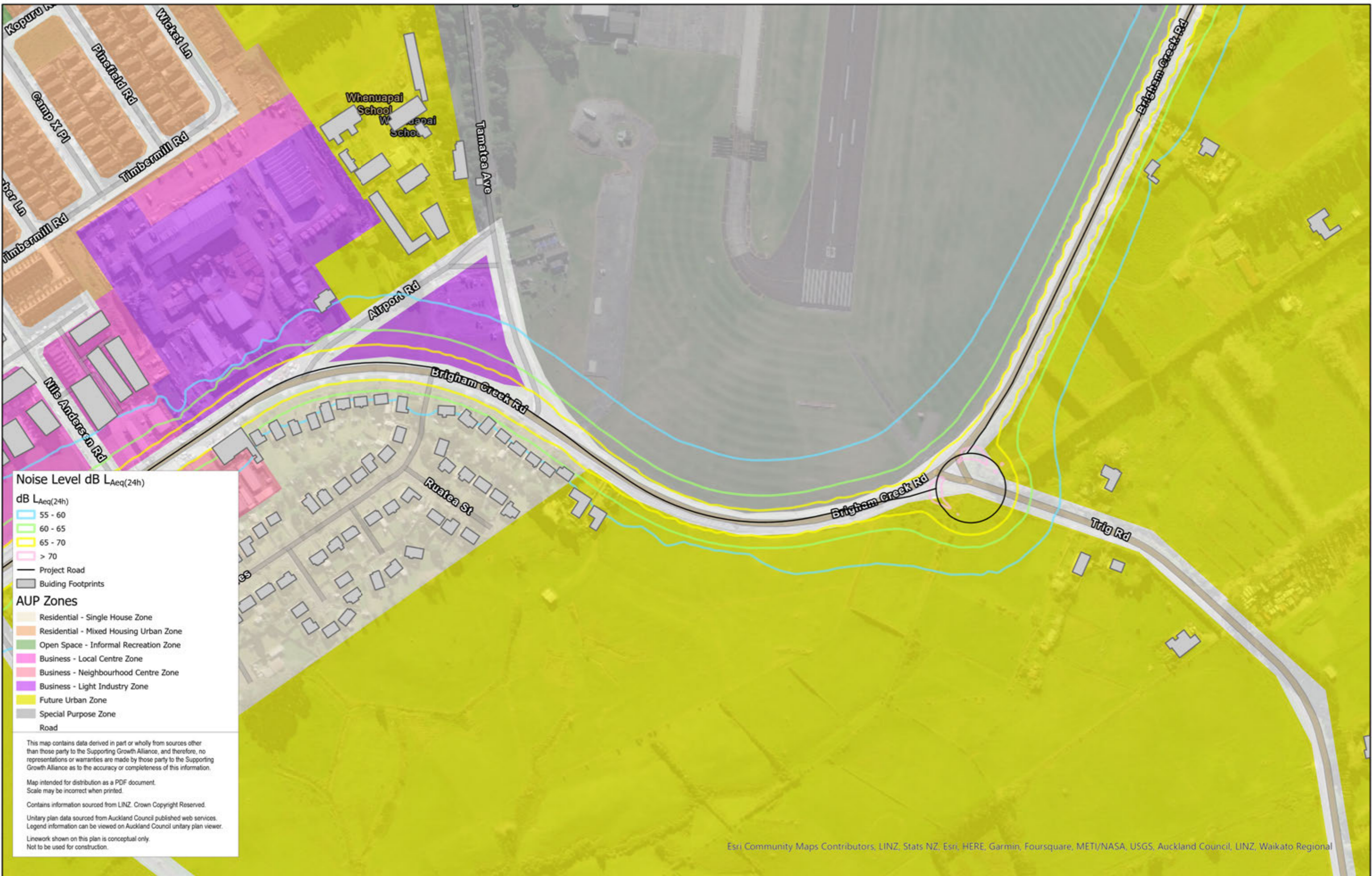
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NoR W3 - Mitigated Road Traffic Noise with AUP Zones

316

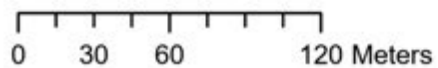
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Project: **North West Package**



Discipline: **GIS**
Drawing No: **SGA-NOR-W3-000**



Map Scale @ A3:



Revision	Author	Verified	Approved	Date

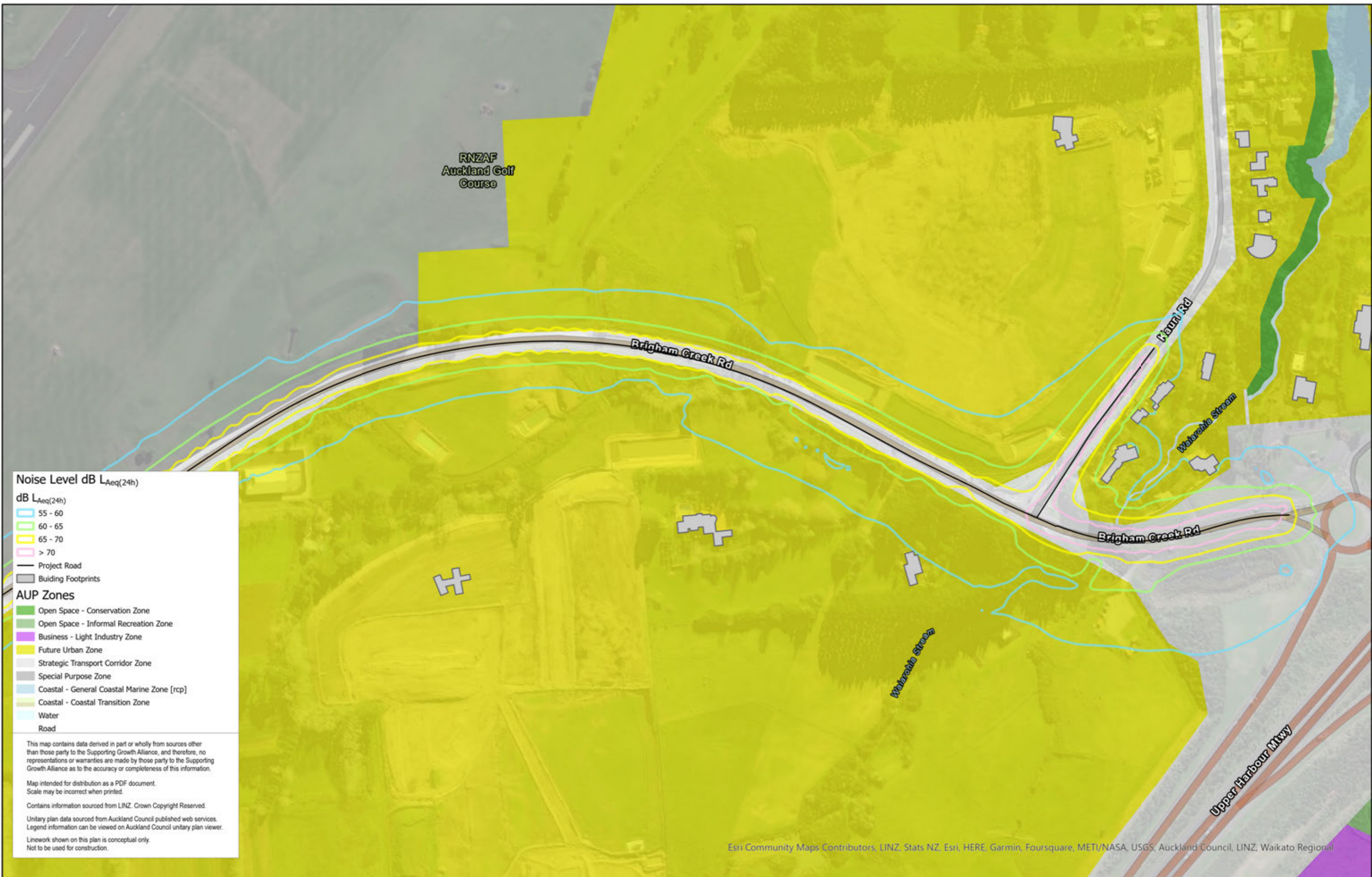
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 NoR W3 - Mitigated Road Traffic Noise with AUP Zones

317

Client:	Supporting Growth
Project:	North West Package



Discipline:	GIS
Drawing No:	SGA-NOR-W3-000



Map Scale @ A3:



Revision	Author	Verified	Approved	Date

Title: **Supporting Growth**
NoR W3 - Mitigated Road Traffic Noise with AUP Zones

318

Client: **Supporting Growth**

Project: **North West Package**



Discipline: **GIS**

Drawing No: **SGA-NOR-W3-000**